



# NOTICE OF DEVELOPMENT CODE AMENDMENTS

---

An ordinance was recently adopted by the Board of Supervisors amending Title 8 of the San Bernardino County Code (Development Code). Ordinance 4043 was effective on February 28, 2008. For those individuals or companies with a printed copy of the Development Code, replacement pages reflecting the changes made by this ordinance can be printed out by clicking on the link below. Please remove all old pages and replace them with the new ones as indicated on the following list:

## REMOVE

## REPLACE/ADD

<u>REMOVE</u>		<u>REPLACE/ADD</u>	
Cover sheet	Cover sheet		
i	- xxxvi	i	- xxxvi
2-1	- 2-4	2-1	- 2-4
2-21	- 2-22	2-21	- 2-22
2-29	- 2-32	2-29	- 2-32
2-35	- 2-36	2-35	- 2-36
2-39	- 2-42	2-39	- 2-42
2-51	- 2-60	2-51	- 2-60
2-89	- 2-106	2-89	- 2-106
3-1	- 3-4	3-1	- 3-4
3-27	- 3-34	3-27	- 3-34
3-55	- 3-56	3-55	- 3-56
3-63	- 3-64	3-63	- 3-64.2
3-73	- 3-76	3-73	- 3-76
3-83	- 3-84	3-83	- 3-84
3-87	- 3-88	3-87	- 3-88
3-97	- 3-100	3-97	- 3-100
3-103	- 3-106	3-103	- 3-106
3-111	- 3-122	3-111	- 3-122
3-133	- 3-136	3-133	- 3-136
3-141	- 3-144	3-141	- 3-144
3-155	- 3-158	3-155	- 3-158
3-165	- 3-168	3-165	- 3-168
4-1	- 4-4	4-1	- 4-4
4-7	- 4-8	4-7	- 4-8
4-17	- 4-32	4-17	- 4-32
4-41	- 4-44	4-41	- 4-44
4-69	- 4-94	4-69	- 4-94

<u>REMOVE</u>		<u>REPLACE/ADD</u>	
4-97	- 4-102	4-97	- 4-102
4-111	- 4-112	4-111	- 4-112
4-117	- 4-120	4-117	- 4-120
4-127	- 4-128	4-127	- 4-128
4-131	- 4-132	4-131	- 4-132
4-141	- 4-142	4-141	- 4-142
4-151	- 4-154	4-152	- 4-154
5-1	- 5-4	5-1	- 5-4
5-29	- 5-30	5-29	- 5-30
5-39	- 5-40	5-39	- 5-40
5-47	- 5-48	5-47	- 5-48
5-81	- 5-84	5-81	- 5-84
6-1	- 6-4	6-1	- 6-4
6-23	- 6-26	6-23	- 6-26
6-35	- 6-46	6-35	- 6-46.8
6-69	- 6-70	6-69	- 6-70
8-1	- 8-2	8-1	- 8-2
8-13	- 8-14	8-13	- 8-14
8-23	- 8-24	8-23	- 8-24
10-1	- 10-2	10-1	- 10-2
10-5	- 10-6	10-5	- 10-6
10-13	- 10-14	10-13	- 10-14
10-21	- 10-26	10-21	- 10-26
10-33	- 10-36	10-33	- 10-36
10-67	- 10-70	10-67	- 10-70
10-81	- 10-88	10-81	- 10-88
10-101	- 10-102	10-101	- 10-102
10-107	- 10-108	10-107	- 10-108

[Click here](#) to view and print replacement pages.



# COUNTY OF SAN BERNARDINO

## 2007 DEVELOPMENT CODE

*Prepared for:*

County of San Bernardino  
Land Use Services Division  
385 North Arrowhead Avenue, 1st Floor  
San Bernardino, CA 92415-0182

Adopted March 13, 2007  
Effective April 12, 2007  
Amended February 28, 2008



### **Acknowledgements**

The following individuals contributed to preparation of the  
San Bernardino County General Plan

#### **Board of Supervisors**

Brad Mitzelfelt, First District Supervisor  
Paul Biane, Second District Supervisor, Chairman  
Dennis Hansberger, Third District Supervisor  
Gary Ovitt, Fourth District Supervisor, Vice Chairman  
Josie Gonzales, Fifth District Supervisor

#### **Planning Commission**

Ken Anderson, First District  
Michael Cramer, Second District  
Bill Collazo, Third District  
Mark Dowling, Fourth District, Vice Chairman  
Audrey Mathews, Fifth District, Chair

#### **General Plan Advisory Committee (GPAC)**

Mark Bulot, Redlands  
Ted Dutton, Lake Arrowhead  
Scott Frier, Helendale  
Matt Jordan, Redlands  
Michael Kreeger, Chino Hills  
Jornal K. Miller, Muscoy  
Ken Morrison, Yucca Valley  
Kathy Murphy, Fawnskin  
Mark Nuaimi, Fontana  
Marvin Shaw, Lake Arrowhead  
Doug Shumway, Apple Valley  
Jean Stanton, Bloomington  
Eric Swanson, Hesperia

#### **County Staff**

Julie Rynerson Rock, AICP, Director, Land Use Services Department  
Randy Scott, AICP, Deputy Director, Advance Planning  
Jim Squire, AICP, Supervising Planner  
Carrie Hyke, AICP, Supervising Planner  
Dave Prusch, AICP, Senior Associate Planner  
Ron Matyas, Senior Associate Planner  
Matt Slowik, REHS, Senior Associate Planner



## **Consultants to the County**

### **URS Corporation**

Frank Wein, DPDS, FAICP, Project Director  
Jeff Rice, AICP, Assistant Project Manager  
Dennis Papillion, Principal in Charge  
Brian Smith, AICP, Environmental Manager  
Kavita Mehta, AICP, Urban and Environmental Planner  
Bob Rusby, AICP, Senior Planner  
Cynthia Gabaldon, Senior Engineer  
Darryl Taylor, Environmental Planner  
Christopher Chavez, Urban and Environmental Planner  
Veronica Seyde, Senior Scientist  
Tom Herzog, Senior Biologist  
Leonard Malo, Natural Resource Manager  
Diane Douglas, Senior Archaeologist  
Paul Nguyen, Senior Air Quality Scientist  
Chris Goetz, Senior Project Geologist  
Jerry Zimmerle, Principal Engineer  
Joe Devoy, GIS Specialist  
Matt Eimers, GIS Analyst  
Vaidas Sekas, GIS Analyst  
Kristin Hammond, Word Processor  
Wayne Lim, Senior Graphic Designer

### **Hogle-Ireland, Inc.**

Paul Ireland, Partner  
Mike Thiele, AICP, Principal  
Kimiko Lizardi, Project Manager  
Ron Pflugrath, AICP

### **Jacobson and Wack**

Bruce Jacobson, AICP, Principal

### **RBF Consulting**

Laura Stearns, Planner

### **Stanley R. Hoffman Associates, Inc.**

Stanley R. Hoffman, FAICP, President  
Debbie L. Lawrence, AICP, Project Manager  
Bravishwar Mallavarapu, Planner



---

**ISMS, Inc.**

Doug Mende, Vice President

**Economics Politics, Inc.**

John Husing, Vice President

**Meyer, Mohaddes Associates**

Viggen Davidian, P.E, Project Manager

Matthew Simons, T.E., Senior Transportation Engineer

Adolfo Ozaeta, Project Engineer

Stephen Greene, Transportation Engineer

Yim Tse, Graphics Technician

**Psomas**

Dan McCroskey, PLS, Project Manager

Duane Haselfeld

Sergio Sanchez

**Moore, Iacofano & Goltzman (MIG)**

Pat McLaughlin, Office Manager

Esmeralda Garcia, Project Associate

**Crawford, Multari and Clark**

Paul Crawford

**Special Acknowledgements**

Bill Postmus, Past First District Supervisor and Chairman of the Board

Theresa Kwappenberg, Past Third District Planning Commissioner

Michael E. Hays, AICP, Past Director, Land Use Services Department

Sam Gennawey, Past Project Manager for MIG

Chuck Bell, Past GPAC Member

# **DIVISION 1 DEVELOPMENT CODE AUTHORITY AND APPLICABILITY**

---

<b>Chapter 81.01</b>	<b>Purpose and Effect of Development Code .....</b>	<b>1-3</b>
81.01.010	Title .....	1-3
81.01.020	Purpose and Intent of Development Code.....	1-3
81.01.030	Authority for Regulating Land Uses .....	1-4
81.01.040	Responsibility for Administration .....	1-4
81.01.050	Applicability of Development Code.....	1-5
81.01.060	Partial Invalidation of Development Code .....	1-6
81.01.070	Legal Defense Fee Responsibility .....	1-6
81.01.080	Use of Headings .....	1-7
81.01.090	Effect of General Plan Adoption or Development Code Changes on Projects in Progress....	1-7
<b>Chapter 81.02</b>	<b>Interpretation of Regulations.....</b>	<b>1-11</b>
81.02.010	Purpose of Chapter .....	1-11
81.02.020	Rules of Interpretation.....	1-11

## DIVISION 2

# LAND USE ZONING DISTRICTS AND ALLOWED LAND USES

---

<b>Chapter 82.01</b>	<b>Land Use Plan, Land Use Zoning Districts, and Overlays.....</b>	<b>2-5</b>
82.01.010	Purpose .....	2-5
82.01.020	Land Use Plan and Land Use Zoning Districts .....	2-5
82.01.030	Overlays .....	2-9
<b>Chapter 82.02</b>	<b>Allowed Land Uses and Development.....</b>	<b>2-11</b>
82.02.010	Purpose .....	2-11
82.02.020	General Requirements for Development and New Land Uses.....	2-11
82.02.030	Allowed Land Uses and Planning Permit Requirements.....	2-12
82.02.040	Exemptions from Planning Permit Requirements .....	2-14
82.02.050	Special Developments .....	2-16
82.02.060	Temporary Uses .....	2-16
<b>Chapter 82.03</b>	<b>Agricultural and Resource Management Land Use Zoning Districts... </b>	<b>2-17</b>
82.03.010	Purpose.....	2-17
82.03.020	Purposes and Location of the Agricultural and Resource Management Land Use Zoning Districts .....	2-17
82.03.030	Minimum Area for Designation .....	2-17
82.03.040	Agricultural and Resource Management Land Use Zoning District Allowed Uses and Permit Requirements.....	2-18
82.03.050	Agricultural and Resource Management Land Use Zoning District Subdivision Standards.....	2-22
82.03.060	Agricultural and Resource Management Land Use Zoning District Site Planning and Building Standards .....	2-23
82.03.070	FW Land Use Zoning District Additional Standards .....	2-26
<b>Chapter 82.04</b>	<b>Residential Land Use Zoning Districts .....</b>	<b>2-27</b>
82.04.010	Purpose .....	2-27
82.04.020	Purposes and Location of the Residential Land Use Zoning Districts .....	2-27
82.04.030	Minimum Area for Designation .....	2-27
82.04.040	Residential Land Use Zoning District Allowed Uses and Permit Requirements .....	2-28
82.04.050	Residential Land Use Zoning District Subdivision Standards .....	2-32
82.04.060	Residential Land Use Zoning District Site Planning and Building Standards .....	2-34
<b>Chapter 82.05</b>	<b>Commercial Land Use Zoning Districts .....</b>	<b>2-37</b>
82.05.010	Purpose.....	2-37
82.05.020	Purposes and Location of the Commercial Land Use Zoning Districts .....	2-37
82.05.030	Minimum Area for Designation .....	2-37
82.05.040	Commercial Land Use Zoning District Allowed Uses and Permit Requirements .....	2-38
82.05.050	Commercial Land Use Zoning District Subdivision Standards.....	2-43
82.05.060	Commercial Land Use Zoning District Site Planning and Building Standards.....	2-45



Table of Contents

---

**Chapter 82.06 Industrial and Special Purpose Land Use Zoning Districts..... 2-51**  
82.06.010 Purpose .....2-51  
82.06.020 Purposes and Location of the Industrial and Special Purpose Land Use Zoning Districts ..2-51  
82.06.030 Minimum Area for Designation .....2-51  
82.06.040 Industrial and Special Purpose Land Use Zoning District Allowed Uses and Permit Requirements.....2-52  
82.06.050 Industrial and Special Purpose Land Use Zoning District Subdivision Standards.....2-57  
82.06.060 Industrial and Special Purpose Land Use Zoning District Site Planning and Building Standards .....2-59  
82.06.070 Adopted Planned Development Applications .....2-66

**Chapter 82.07 Additional Agriculture (AA) Overlay ..... 2-67**  
82.07.010 Purpose .....2-67  
82.07.020 Location Requirements.....2-67  
82.07.030 Development Standards.....2-67  
82.07.040 Land Use Limitations .....2-67

**Chapter 82.08 Agricultural Preserve (AP) Overlay..... 2-69**  
82.08.010 Purpose .....2-69  
82.08.020 Location Requirements.....2-69  
82.08.030 Development Standards.....2-69  
82.08.040 Land Use Limitations .....2-70

**Chapter 82.09 Airport Safety (AR) Overlay..... 2-73**  
82.09.010 Purpose .....2-73  
82.09.020 Location Requirements.....2-73  
82.09.030 Airport Safety Review Areas .....2-73  
82.09.040 Applicable Airport Comprehensive Land Use Plans.....2-74  
82.09.050 Review Procedures .....2-75  
82.09.060 Development Standards.....2-76

**Chapter 82.10 Alternate Housing (AH) Overlay..... 2-79**  
82.10.010 Purpose .....2-79  
82.10.020 Location Requirements.....2-79  
82.10.030 Development Standards.....2-79

**Chapter 82.11 Biotic Resources (BR) Overlay ..... 2-81**  
82.11.010 Purpose .....2-81  
82.11.020 Location Requirements.....2-81  
82.11.030 Application Requirements .....2-81  
82.11.040 Development Standards.....2-82  
82.11.050 Professional Qualifications.....2-82

**Chapter 82.12 Cultural Resources Preservation (CP) Overlay ..... 2-83**  
82.12.010 Purpose .....2-83  
82.12.020 Location Requirements.....2-83  
82.12.030 Application Requirements .....2-83  
82.12.040 Development Standards.....2-84  
82.12.050 Native American Monitor .....2-84

Table of Contents

---

**Chapter 82.13 Fire Safety (FS) Overlay..... 2-85**  
82.13.010 Purpose ..... 2-85  
82.13.020 Location Requirements..... 2-85  
82.13.030 Fire Safety Areas ..... 2-85  
82.13.040 Application Requirements ..... 2-86  
82.13.050 General Development Standards ..... 2-88  
82.13.060 FS1, FS2, and FS3 Development Standards..... 2-89  
82.13.070 FS1 Additional Development Standards ..... 2-98  
82.13.080 Soil Erosion and Sediment Control Plans/Permits ..... 2-98  
82.13.090 Alternate Hazard Protection Measures ..... 2-104

**Chapter 82.14 Flood Plain Safety (FP) Overlay ..... 2-107**  
82.14.010 Purpose ..... 2-107  
82.14.020 Location Requirements..... 2-107  
82.14.030 Applicability ..... 2-107  
82.14.040 Review Area Procedures and Standards..... 2-108  
82.14.050 Development Standards..... 2-110  
82.14.060 Exceptions and Modifications ..... 2-113  
82.14.070 Boundary Changes ..... 2-114

**Chapter 82.15 Geologic Hazard (GH) Overlay ..... 2-115**  
82.15.010 Purpose ..... 2-115  
82.15.020 Location Requirements..... 2-115  
82.15.030 Professional Reports..... 2-115  
82.15.040 Development Standards..... 2-117

**Chapter 82.16 Hazardous Waste (HW) Overlay ..... 2-119**  
82.16.010 Purpose ..... 2-119  
82.16.020 Location Requirements..... 2-119  
82.16.030 Development Standards..... 2-120

**Chapter 82.17 Mineral Resources (MR) Overlay ..... 2-123**  
82.17.010 Purpose ..... 2-123  
82.17.020 Location Requirements..... 2-124  
82.17.030 Application Requirements ..... 2-124  
82.17.040 Development Standards..... 2-124

**Chapter 82.18 Noise Hazard (NH) Overlay ..... 2-125**  
82.18.010 Purpose ..... 2-125  
82.18.020 Location Requirements..... 2-125  
82.18.030 Development Standards..... 2-125

**Chapter 82.19 Open Space (OS) Overlay ..... 2-127**  
82.19.010 Purpose ..... 2-127  
82.19.020 Location Requirements..... 2-127  
82.19.030 Special Requirements for Natural Resources ..... 2-128  
82.19.040 Development Standards within Scenic Areas..... 2-128  
82.19.050 Development Standards for Trails..... 2-130

Table of Contents

---

<b>Chapter 82.20</b>	<b>Paleontologic Resources (PR) Overlay.....</b>	<b>2-135</b>
82.20.010	Purpose.....	2-135
82.20.020	Location Requirements.....	2-135
82.20.030	Development Standards.....	2-135
82.20.040	Paleontologist Qualifications .....	2-137
<b>Chapter 82.21</b>	<b>Sign Control (SC) Overlay .....</b>	<b>2-139</b>
82.21.010	Purpose.....	2-139
82.21.020	Location Requirements.....	2-139
82.21.030	Development Standards.....	2-139
<b>Chapter 82.22</b>	<b>Sphere Standards (SS) Overlay .....</b>	<b>2-141</b>
82.22.010	Purpose.....	2-141
82.22.020	Location Requirements.....	2-141
82.22.030	Sphere Standards .....	2-142
<b>Chapter 82.23</b>	<b>Community Plans, Specific Plans and Area Plans.....</b>	<b>2-143</b>
82.23.010	Purpose.....	2-143
82.23.020	Adopted Community Plans .....	2-143
82.23.030	Adopted Specific Plans .....	2-144
82.23.040	Adopted Area Plans.....	2-145

---

# DIVISION 3 COUNTYWIDE DEVELOPMENT STANDARDS

---

<b>Chapter 83.01</b>	<b>General Performance Standards</b>	<b>3-5</b>
83.01.010	Purpose	3-5
83.01.020	Applicability	3-5
83.01.030	Modification of Standards	3-6
83.01.040	Air Quality	3-6
83.01.050	Electrical Disturbances	3-6
83.01.060	Fire Hazards	3-7
83.01.070	Heat	3-10
83.01.080	Noise	3-11
83.01.090	Vibration	3-14
83.01.100	Waste Disposal	3-15
<b>Chapter 83.02</b>	<b>General Development and Use Standards</b>	<b>3-17</b>
83.02.010	Purpose	3-17
83.02.020	Applicability	3-17
83.02.030	Clear Sight Triangles	3-17
83.02.040	Height Measurement and Height Limit Exceptions	3-19
83.02.050	Parcel Area Measurements and Exceptions	3-21
83.02.060	Screening and Buffering	3-23
83.02.070	Setback Regulations and Exceptions	3-26
83.02.080	Allowed Projections/Structures Within Setbacks	3-30
<b>Chapter 83.03</b>	<b>Affordable Housing Incentives - Density Bonus</b>	<b>3-35</b>
83.03.010	Purpose	3-35
83.03.020	Eligibility for Bonus, Incentives, or Concessions	3-35
83.03.030	Allowed Density Bonuses	3-36
83.03.040	Allowed Incentives or Concessions	3-41
83.03.050	Parking Requirements in Density Bonus Projects	3-42
83.03.060	Bonus and Incentives for Housing with Child Care Facilities	3-43
83.03.070	Continued Availability	3-44
83.03.080	Location and Type of Designated Units	3-45
83.03.090	Processing of Bonus Requests	3-46
83.03.100	Density Bonus Agreement	3-46
83.03.110	Control of Resale	3-49
83.03.120	Judicial Relief, Waiver of Standards	3-50
<b>Chapter 83.04</b>	<b>Conditional Grading Compliance</b>	<b>3-51</b>
83.04.010	Purpose	3-51
83.04.020	Applicability	3-51
83.04.030	Quality Control Engineer's Role and Responsibilities	3-52
83.04.040	Developer's Deposit	3-53
83.04.050	Building Official Authority	3-53
83.04.060	Authority to Contract	3-53

Table of Contents

---

83.04.070 Enforcement ..... 3-53

83.04.080 Compliance with Dust Control Regulations ..... 3-54

**Chapter 83.05 Dedications and Installations of Street and Trail Improvements ..... 3-55**

83.05.010 Purpose ..... 3-55

83.05.020 Applicability ..... 3-55

83.06.030 Dedication of Street and/or Highway Right-of-Way ..... 3-55

83.05.040 Dedication and Installation of Trail Right-of-Way ..... 3-56

83.05.050 Installation of Street Improvements ..... 3-57

83.05.060 Delayed Improvements ..... 3-57

83.05.070 Waiver of Public Works Requirements ..... 3-58

83.05.080 Building Official Determination ..... 3-58

**Chapter 83.06 Fences, Hedges, and Walls ..... 3-61**

83.06.010 Purpose ..... 3-61

83.06.020 Applicability ..... 3-61

83.06.030 General Height Limitations ..... 3-61

83.06.040 Measurement of Fence or Wall Height ..... 3-62

83.06.050 Walls Required Between Different Land Use Zoning Districts ..... 3-63

83.06.060 Special Wall and Fencing Requirements ..... 3-64

83.06.070 Prohibited Fence Materials ..... 3-64

**Chapter 83.07 Glare and Outdoor Lighting ..... 3-65**

83.07.010 Purpose ..... 3-65

83.07.020 Applicability ..... 3-65

83.07.030 Glare and Outdoor Lighting - Valley Region ..... 3-65

83.07.040 Glare and Outdoor Lighting - Mountain and Desert Regions ..... 3-66

**Chapter 83.08 Hillside Grading Standards ..... 3-73**

83.08.010 Purpose ..... 3-73

83.08.020 Applicability ..... 3-73

83.08.030 Hillside Grading Review ..... 3-74

83.08.040 Hillside Grading Standards ..... 3-76

**Chapter 83.09 Infrastructure Improvement Standards ..... 3-89**

83.09.010 Purpose ..... 3-89

83.09.020 Applicability ..... 3-89

83.09.030 Infrastructure Improvement Standards - Valley Region ..... 3-90

83.09.040 Infrastructure Improvement Standards - Mountain Region ..... 3-91

83.09.050 Infrastructure Improvement Standards - Desert Region ..... 3-92

83.09.060 Infrastructure Improvement Standards - Countywide ..... 3-93

**Chapter 83.10 Landscaping Standards ..... 3-95**

83.10.010 Purpose ..... 3-95

83.10.020 Applicability ..... 3-95

83.10.030 Exemptions from Landscaping Requirements ..... 3-96

83.10.040 Waiver or Modification of Landscaping Requirements ..... 3-97

83.10.050 Landscape Plans ..... 3-97

83.10.060 Landscape Area Requirements ..... 3-98

83.10.070 Landscape Standards ..... 3-99

83.10.080 Regional Landscaping Requirements ..... 3-103

Table of Contents

---

83.10.090 Landscaping Guidelines .....3-106  
83.10.100 Maintenance Required.....3-107

**Chapter 83.11 Parking And Loading Standards..... 3-109**

83.11.010 Purpose .....3-109  
83.11.020 Applicability .....3-109  
83.11.030 General Parking Provisions .....3-109  
83.11.040 Number of Parking Spaces Required .....3-110  
83.11.050 Adjustments to Parking Requirements .....3-113  
83.11.060 Disabled Parking Requirements .....3-114  
83.11.070 Development Standards.....3-116  
83.11.080 Landscape Requirements for Parking Areas .....3-119  
83.11.090 Parking and Loading Development Standards .....3-121  
83.11.100 Commercial Vehicle Parking in Residential Areas .....3-122

**Chapter 83.12 Road System Design Standards ..... 3-127**

83.12.010 Purpose .....3-127  
83.12.020 Applicability .....3-127  
83.12.030 Road System Design Standards.....3-128

**Chapter 83.13 Sign Regulations..... 3-129**

83.13.010 Purpose .....3-129  
83.13.020 Applicability .....3-130  
83.13.030 Sign Permits and Exemptions.....3-130  
83.13.040 Prohibited Signs .....3-131  
83.13.050 On-Site Signs.....3-131  
83.13.060 Off-Site Signs .....3-143  
83.13.070 Temporary Signs .....3-148  
83.13.080 Standards for All Types of Signs .....3-152  
83.13.090 Standards for Specific Types of Signs.....3-155  
83.13.100 Sign Standards for Specific Uses .....3-157  
83.13.110 Enforcement .....3-158  
83.13.120 Nonconforming Signs.....3-159  
83.13.130 Abandoned Signs.....3-161

**Chapter 83.14 Transportation Control Measures..... 3-163**

83.14.010 Purpose .....3-163  
83.14.020 Applicability .....3-163  
83.14.030 Transportation Control Measures Development Standards.....3-163

**Chapter 83.15 Conditional Compliance for Water Quality Management PlansError! Bookmark not defined**

83.15.010 Purpose .....Error! Bookmark not defined.  
83.15.020 Applicability .....Error! Bookmark not defined.  
83.15.030 Quality Control Engineer’s Role and Responsibilities.....Error! Bookmark not defined.  
83.15.040 Developer’s Deposit .....Error! Bookmark not defined.  
83.15.050 Land Development Engineering Division Authority.....Error! Bookmark not defined.  
83.15.060 Authority to Contract.....Error! Bookmark not defined.  
83.15.070 Enforcement .....Error! Bookmark not defined.

---

# DIVISION 4 STANDARDS FOR SPECIFIC LAND USES AND ACTIVITIES

---

<b>Chapter 84.01</b>	<b>Accessory Structures and Uses .....</b>	<b>4-5</b>
84.01.010	Purpose .....	4-5
84.01.020	General Development Standards .....	4-5
84.01.030	Agricultural Accessory Structures and Uses .....	4-6
84.01.040	Commercial and Industrial Accessory Structures and Uses .....	4-6
84.01.050	Residential Accessory Structures and Uses.....	4-7
<b>Chapter 84.02</b>	<b>Adult Oriented Businesses .....</b>	<b>4-9</b>
84.02.010	Purpose .....	4-9
84.02.020	Applicability .....	4-9
84.02.030	Location and Design Standards .....	4-9
84.02.040	Establishment of an Adult Oriented Business .....	4-10
<b>Chapter 84.03</b>	<b>Agritourism Enterprises.....</b>	<b>4-11</b>
84.03.010	Purpose .....	4-11
84.03.020	Applicability .....	4-11
84.03.030	Permit Requirements and Development Standards .....	4-11
<b>Chapter 84.04</b>	<b>Animal Keeping.....</b>	<b>4-15</b>
84.04.010	Purpose .....	4-15
84.04.020	Applicability .....	4-15
84.04.030	General Development Standards .....	4-15
84.04.040	Exotic Animals .....	4-16
84.04.050	Commercial Kennels and/or Catteries .....	4-16
84.04.060	Private Kennels and/or Catteries .....	4-21
84.04.070	Animal Keeping Allowed as Primary Use .....	4-22
84.04.080	Animal Keeping Allowed with Conditional Use Permit.....	4-24
84.04.090	Animal Keeping Allowed as Accessory Use.....	4-25
<b>Chapter 84.05</b>	<b>Bed and Breakfast Uses .....</b>	<b>4-31</b>
84.05.010	Purpose .....	4-31
84.05.020	Applicability .....	4-31
84.05.030	Types of Bed and Breakfast Uses.....	4-31
84.05.040	Permit and Tax Requirements .....	4-31
84.05.050	Development Standards.....	4-32
84.05.060	Additional Standards for Bed and Breakfast Inns/Lodges .....	4-35
<b>Chapter 84.06</b>	<b>Cemeteries .....</b>	<b>4-37</b>
84.06.010	Purpose .....	4-37
84.06.020	Applicability .....	4-37
84.06.030	Permit Requirements .....	4-37
84.06.040	Development Standards.....	4-37

Table of Contents

---

**Chapter 84.07 Commercial and Industrial Transitional Uses..... 4-39**  
84.07.010 Purpose ..... 4-39  
84.07.020 Applicability ..... 4-39  
84.07.030 Development Standards..... 4-39

**Chapter 84.08 Dependent Housing..... 4-41**  
84.08.010 Purpose ..... 4-41  
84.08.020 Applicability ..... 4-41  
84.08.030 Permit Requirements ..... 4-41  
84.08.040 Development Standards..... 4-41

**Chapter 84.09 Firewood Storage ..... 4-45**  
84.09.010 Purpose ..... 4-45  
84.09.020 Applicability ..... 4-45  
84.09.030 Development Standards - Nonresidential Land Use Zoning Districts ..... 4-45  
84.09.040 Development Standards - Residential Land Use Zoning Districts ..... 4-46

**Chapter 84.10 Garage Sales ..... 4-47**  
84.10.010 Purpose ..... 4-47  
84.10.020 Applicability ..... 4-47  
84.10.030 Standards ..... 4-47

**Chapter 84.11 Hazardous Waste Facilities..... 4-49**  
84.11.010 Purpose ..... 4-49  
84.11.020 Applicability ..... 4-49  
84.11.030 Permit Requirements ..... 4-49

**Chapter 84.12 Home Occupations ..... 4-51**  
84.12.010 Purpose ..... 4-51  
84.12.020 Applicability ..... 4-51  
84.12.030 Classes of Home Occupations Described..... 4-51  
84.12.040 Allowed Land Use Zoning Districts and Permit Requirements ..... 4-52  
84.12.050 Prohibited Home Occupations..... 4-53  
84.12.060 Allowed Home Occupations in Desert Region ..... 4-53  
84.12.070 Development Standards Applicable to all Classes ..... 4-54  
84.12.080 Class I Home Occupation Standards ..... 4-55  
84.12.090 Class II Home Occupation Standards..... 4-56  
84.12.100 Class III Home Occupation Standards ..... 4-56  
84.12.110 Other Restrictions on Home Occupations ..... 4-57  
84.12.120 Nonconforming Home Occupations..... 4-57

**Chapter 84.13 Massage Services..... 4-59**  
84.13.010 Purpose ..... 4-59  
84.13.020 Applicability ..... 4-59  
84.13.030 Development Standards..... 4-59

**Chapter 84.14 Mobile Home Parks ..... 4-61**  
84.14.010 Purpose ..... 4-61  
84.14.020 Applicability ..... 4-61  
84.14.030 Enforcement Authority..... 4-61



Table of Contents

84.14.040	Definitions .....	4-62
84.14.050	Development Standards.....	4-62
84.14.060	Health Permit Requirements .....	4-65
84.14.070	Bonds to Guarantee Improvements .....	4-66
84.14.080	Mobile Home Park Subdivisions.....	4-66
<b>Chapter 84.15 (Reserved) .....</b>		<b>4-67</b>
<b>Chapter 84.16 Multi-Family Residential Development Standards.....</b>		<b>4-69</b>
84.16.010	Purpose .....	4-Error! Bookmark not defined.
84.16.020	Applicability .....	4-Error! Bookmark not defined.
84.16.030	Processing.....	4-Error! Bookmark not defined.
84.16.040	Development Standards Applicable to All Multi-Family Projects.....	4-Error! Bookmark not defined.
84.16.050	Development Standards Applicable for Multi-Family Projects – Four to 19 Units.....	4-Error! Bookmark not defined.
84.16.060	Development Standards for Multi-Family Projects – 20 or More Units.....	4-Error! Bookmark not defined.
84.16.070	Common Amenities and Facilities – Four or More Units ....	4-Error! Bookmark not defined.
84.16.080	Design Guidelines for Multi-Family Projects – 20 or More Units.....	4-Error! Bookmark not defined.
<b>Chapter 84.17 Nonconforming Uses and Structures .....</b>		<b>4-95</b>
84.17.010	Purpose .....	4-95
84.17.020	Applicability .....	4-95
84.17.030	Continuation of Nonconforming Uses and Structures.....	4-95
84.17.040	Termination of Nonconforming Use .....	4-96
84.17.050	Removal or Alterations of Nonconforming Uses .....	4-96
84.17.060	Nonconforming Commercial Chicken Ranch .....	4-97
84.17.070	Other Nonconforming Uses.....	4-97
84.17.080	Alteration of Nonconforming Uses .....	4-98
<b>Chapter 84.18 Planned Development Standards.....</b>		<b>4-99</b>
84.18.010	Purpose .....	4-99
84.18.020	Applicability .....	4-99
84.18.030	Development Standards.....	4-99
84.18.040	Design Standards.....	4-102
<b>Chapter 84.19 Recycling Facilities.....</b>		<b>4-107</b>
84.19.010	Purpose .....	4-107
84.19.020	Applicability .....	4-107
84.19.030	Modification of Standards .....	4-107
84.19.040	Permit Requirements .....	4-107
84.19.050	Site Clean-Up Required.....	4-108
84.19.060	Standards for Small Collection Facilities .....	4-108
84.19.070	Standards for Large Collection Facilities .....	4-110
84.19.080	Light Processing Facilities .....	4-112
84.19.090	Heavy Processing Facilities.....	4-112
<b>Chapter 84.20 Service Stations .....</b>		<b>4-115</b>
84.20.010	Purpose .....	4-115
84.20.020	Applicability .....	4-115
84.20.030	Development Standards.....	4-115

Table of Contents

---

**Chapter 84.21 Single-Family Residential Dwellings..... 4-117**  
84.21.010 Purpose .....4-117  
84.21.020 Applicability .....4-117  
84.21.030 Minimum Residential Construction Standards.....4-117

**Chapter 84.22 Small Lot Residential Development ..... 4-121**  
84.22.010 Purpose .....4-121  
84.22.020 Applicability .....4-121  
84.22.030 Development Requirements .....4-121

**Chapter 84.23 Social Care Facilities..... 4-125**  
84.23.010 Purpose .....4-125  
84.23.020 Applicability .....4-125  
84.23.030 Development Standards.....4-125

**Chapter 84.24 Solid Waste/Recyclable Materials Storage ..... 4-127**  
84.24.010 Purpose .....4-127  
84.24.020 Applicability .....4-127  
84.24.030 Storage Areas for Multi-Family Uses.....4-127  
84.24.040 Storage Areas for Nonresidential Uses.....4-128  
84.24.050 Location Standards .....4-129  
84.24.060 Design and Construction Standards.....4-130

**Chapter 84.25 Temporary Structures and Uses..... 4-131**  
84.25.010 Purpose .....4-131  
84.25.020 Applicability .....4-131  
84.25.030 Exempt Temporary Structures and Uses .....4-131  
84.25.040 Structures and Uses Allowed with Temporary Use Permit.....4-132  
84.25.050 Additional Development Standards.....4-140  
84.25.060 Interim Operation of Activities Requiring a Conditional Use Permit .....4-141

**Chapter 84.26 Wind Energy Systems..... 4-143**  
84.26.010 Purpose .....4-143  
84.26.020 Applicability .....4-143  
84.26.030 Development Standards.....4-143

**Chapter 84.27 Wireless Telecommunications Facilities ..... 4-147**  
84.27.010 Purpose .....4-147  
84.27.020 Applicability .....4-148  
84.27.030 Structure Height .....4-148  
84.27.040 Separation from Residences .....4-150  
84.27.050 Minimizing Impacts .....4-150  
84.27.060 Review Procedures .....4-152  
84.27.070 Project Notices .....4-153  
84.27.080 Review Factors .....4-153  
84.27.090 Abandoned Sites.....4-154  
84.27.100 Elevation of Approvals.....4-154  
84.27.110 Interjurisdictional Review .....4-155

*Table of Contents*

---

**Chapter 84.28 Short-Term Private Home Rentals..... 4-157**  
84.28.010 Purpose .....4-157  
84.28.020 Applicability .....4-157  
84.28.030 Special Use Permit Requirements .....4-157  
84.28.040 Development Standards.....4-158  
84.28.050 Conditions of Operation .....4-159

# DIVISION 5 PERMIT APPLICATION AND REVIEW PROCEDURES

---

<b>Chapter 85.01</b>	<b>Permit Application Filing and Processing</b> .....	<b>5-5</b>
85.01.010	Purpose of Division.....	5-5
85.01.020	Organization.....	5-5
85.01.030	Authority for Land Use and Zoning Decisions.....	5-8
<b>Chapter 85.02</b>	<b>Basic Review Procedures</b> .....	<b>5-11</b>
85.02.010	Purpose.....	5-11
85.02.020	Public Hearing.....	5-11
85.02.030	Staff Review with Notice.....	5-11
85.02.040	Staff Review without Notice.....	5-12
85.02.050	Alternate Review Procedures.....	5-12
<b>Chapter 85.03</b>	<b>Application Procedures</b> .....	<b>5-15</b>
85.03.010	Purpose.....	5-15
85.03.020	Applications for Land Use Decisions.....	5-15
85.03.030	Development Review Committee.....	5-15
85.03.040	Environmental Review.....	5-16
85.03.050	Concurrent Applications.....	5-16
85.03.060	Application Forms and Information Packets.....	5-16
85.03.070	Pre-application Review.....	5-16
85.03.080	Notice of Pending Land Use Decisions.....	5-16
85.03.090	Conditions of Approval.....	5-18
85.03.100	Automatic Conditions.....	5-18
85.03.110	Post Decision Notice.....	5-19
<b>Chapter 85.04</b>	<b>ABC Licensing</b> .....	<b>5-21</b>
85.04.010	Purpose.....	5-21
85.04.020	ABC Licensing.....	5-21
85.04.030	Procedures.....	5-21
<b>Chapter 85.05</b>	<b>Certificate of Land Use Compliance</b> .....	<b>5-23</b>
85.05.010	Purpose.....	5-23
85.05.020	Procedures.....	5-23
<b>Chapter 85.06</b>	<b>Conditional Use Permit/Minor Use Permit</b> .....	<b>5-25</b>
85.06.010	Purpose.....	5-25
85.06.020	Applicability.....	5-25
85.06.030	Procedures.....	5-25
85.06.040	Findings Required.....	5-26
85.06.050	Projects That Do Not Qualify for a Minor Use Permit.....	5-27
85.06.060	DRC Consideration.....	5-29
85.06.070	Agricultural Support Services.....	5-29
85.06.080	Alteration to Nonconforming Uses.....	5-30

Table of Contents

---

85.06.090	Hazardous Waste Facilities .....	5-31
85.06.100	Surface Mining and Reclamation Plan Applications.....	5-31
85.06.110	Post Decision Procedures .....	5-31
<b>Chapter 85.07</b>	<b>Flood Hazard Development Review .....</b>	<b>5-33</b>
85.07.010	Purpose .....	5-33
85.07.020	Procedures .....	5-33
<b>Chapter 85.08</b>	<b>Site Plan Permits.....</b>	<b>5-35</b>
85.08.010	Purpose .....	5-35
85.08.020	Applicability .....	5-35
85.08.030	Procedures .....	5-36
<b>Chapter 85.09</b>	<b>Tenant Review.....</b>	<b>5-39</b>
85.09.010	Purpose .....	5-39
85.09.020	Applicability .....	5-39
85.09.030	Procedures .....	5-39
<b>Chapter 85.10</b>	<b>Planned Development Permits.....</b>	<b>5-41</b>
85.10.010	Purpose .....	5-41
85.10.020	Applicability .....	5-41
85.10.030	Procedures .....	5-42
85.10.040	Review Authority .....	5-42
85.10.050	Findings.....	5-43
85.10.060	Concurrent Subdivision Applications.....	5-44
85.10.070	Development Plans.....	5-44
85.10.080	Time Limits and Expiration .....	5-48
85.10.090	Planned Development Permit Amendments.....	5-48
85.10.100	Post Decision Procedures .....	5-49
<b>Chapter 85.11</b>	<b>Pre-construction Inspection.....</b>	<b>5-51</b>
85.11.010	Purpose .....	5-51
85.11.020	Inspection Required.....	5-51
<b>Chapter 85.12</b>	<b>Revisions to an Approved Action .....</b>	<b>5-53</b>
85.12.010	Purpose .....	5-53
85.12.020	Procedures .....	5-53
<b>Chapter 85.13</b>	<b>Sign Location Plans.....</b>	<b>5-55</b>
85.13.010	Purpose .....	5-55
85.13.020	Procedures .....	5-55
<b>Chapter 85.14</b>	<b>Special Use Permits.....</b>	<b>5-57</b>
85.14.010	Purpose .....	5-57
85.14.020	Types of Special Use Permits and Review Authorities.....	5-57
85.14.030	Procedures .....	5-58
85.14.040	General Provisions .....	5-58
85.14.050	Special Uses .....	5-58
85.14.060	Findings for Specific Special Uses.....	5-59

Table of Contents

---

**Chapter 85.15 Temporary Use Permits ..... 5-61**  
85.15.010 Purpose ..... 5-61  
85.15.020 Types of Temporary Use Permits and Review Authorities ..... 5-61  
85.15.030 Minor Short-Term Activities ..... 5-62  
85.15.040 Temporary Use Permit Required ..... 5-62  
85.15.050 Procedures ..... 5-62  
85.15.060 Review Authority ..... 5-62  
85.15.070 Exempt Short-Term Activities ..... 5-63  
85.15.080 Allowed Short-Term Activities ..... 5-64  
85.15.090 Development Standards ..... 5-66  
85.15.100 Application Requirements ..... 5-67  
85.15.110 Findings and Decision ..... 5-67  
85.15.120 Post Decision Procedures ..... 5-67

**Chapter 85.16 Temporary Special Event Permits ..... 5-69**  
85.16.010 Purpose ..... 5-69  
85.16.020 Review Authority and Procedure ..... 5-69  
85.16.030 Procedures ..... 5-69  
85.16.040 Post Decision Procedures ..... 5-79

**Chapter 85.17 Variances ..... 5-81**  
85.17.010 Purpose ..... 5-81  
85.17.020 Applicability ..... 5-81  
85.17.030 Procedures ..... 5-81  
85.17.040 Minor Variances ..... 5-82  
85.17.050 Application Requirements ..... 5-83  
85.17.060 Findings and Decision ..... 5-83  
85.17.070 Conditions of Approval ..... 5-84  
85.17.080 Post Decision Procedures ..... 5-84

**Chapter 85.18 Wind Energy System Permit ..... 5-85**  
85.18.010 Purpose ..... 5-85  
85.18.020 Applicability ..... 5-85  
85.18.030 Procedures ..... 5-85  
85.18.040 Abandonment ..... 5-87

# DIVISION 6 DEVELOPMENT CODE ADMINISTRATION

---

<b>Chapter 86.01</b>	<b>Planning Agency.....</b>	<b>6-5</b>
86.01.010	Establishment of Planning Agency .....	6-5
86.01.020	Functions of Planning Agency .....	6-6
86.01.030	Procedures .....	6-8
<b>Chapter 86.02</b>	<b>Development Review Committee.....</b>	<b>6-9</b>
86.02.010	Establishment .....	6-9
86.02.020	Membership.....	6-9
86.02.030	Duties of the DRC .....	6-10
86.02.040	Findings.....	6-10
86.02.050	Meeting Dates and Procedures .....	6-11
<b>Chapter 86.03</b>	<b>Environmental Review Committee .....</b>	<b>6-13</b>
86.03.010	Establishment .....	6-13
86.03.020	Membership.....	6-13
86.03.030	Stipend and Expenses .....	6-13
86.03.040	Duties of the ERC.....	6-14
86.03.050	Meeting Dates and Procedures .....	6-14
<b>Chapter 86.04</b>	<b>Flood Plain Management Administrator.....</b>	<b>6-15</b>
86.04.010	Responsibilities of Flood Plain Management Administrator .....	6-15
<b>Chapter 86.05</b>	<b>Decisions by the Review Authority.....</b>	<b>6-17</b>
86.05.010	Referral to Next Succeeding Review Authority .....	6-17
<b>Chapter 86.06</b>	<b>Time Limitations.....</b>	<b>6-19</b>
86.06.010	Purpose .....	6-19
86.06.020	Effective Date of Permits .....	6-19
86.06.030	Applications Deemed Approved .....	6-19
86.06.040	Permits to Run with the Land.....	6-20
86.06.050	Performance Guarantees.....	6-20
86.06.060	Time Limits and Extensions.....	6-21
86.06.070	Changes to an Approved Project.....	6-23
86.06.080	Resubmittals .....	6-24
86.06.090	Covenants of Easements.....	6-24
<b>Chapter 86.07</b>	<b>Public Hearings .....</b>	<b>6-27</b>
86.07.010	Purpose .....	6-27
86.07.020	Notice of Hearing .....	6-27
86.07.030	Scheduling of Hearing.....	6-28
86.07.040	Hearing Procedure.....	6-29
86.07.050	Recommendation by Commission.....	6-29

Table of Contents

---

86.07.060 Post-Decision Notice ..... 6-29  
86.07.070 Effective Date of Decision ..... 6-29

**Chapter 86.08 Appeals..... 6-31**

86.08.010 Appeal of a Land Use Decision..... 6-31  
86.08.020 Application for the Appeal of a Land Use Decision ..... 6-32  
86.08.030 Time for Filing an Appeal ..... 6-33  
86.08.040 Notice of Appeal ..... 6-33  
86.08.050 Authority of Appeal Body ..... 6-33  
86.08.060 Withdrawal of Appeal ..... 6-33  
86.08.070 Judicial Review ..... 6-34

**Chapter 86.09 Enforcement ..... 6-35**

86.09.010 Purpose ..... **Error! Bookmark not defined.**  
86.09.020 Permits and Licenses ..... **Error! Bookmark not defined.**  
86.09.030 Authority for Enforcement ..... **Error! Bookmark not defined.**  
86.09.040 Unlawful to Violate Development Code Provisions ..... **Error! Bookmark not defined.**  
86.09.050 Violations of Development Code Declared Public Nuisance... **Error! Bookmark not defined.**  
86.09.060 Unlawful to Refuse or Fail to Comply With a Condition of Land Use Approval **Error! Bookmark not defined.**  
86.09.070 Property Not in Compliance With a Condition of Land Use Approval Declared Public Nuisance **Error! Bookmark not defined.**  
86.09.080 Enforcement ..... **Error! Bookmark not defined.**  
86.09.090 Criminal Actions ..... **Error! Bookmark not defined.**  
86.09.100 Civil Actions ..... **Error! Bookmark not defined.**  
86.09.110 Administrative Actions..... **Error! Bookmark not defined.**  
86.09.120 Filing of a Notice of Pendency ..... **Error! Bookmark not defined.**  
86.09.130 Filing Notice of Action..... **Error! Bookmark not defined.**  
86.09.140 Initial Investigation Procedures ..... **Error! Bookmark not defined.**  
86.09.150 Inspections..... 46. **Error! Bookmark not defined.**  
86.09.160 Stop Work Orders..... 46. **Error! Bookmark not defined.**  
86.09.170 Revocation or Modification of Permits or Approvals ..... 46. **Error! Bookmark not defined.**  
86.09.180 Recovery of Costs ..... 46. **Error! Bookmark not defined.**  
86.09.190 Additional Permit Processing Fees..... 46. **Error! Bookmark not defined.**  
86.09.200 Reinspection Fees..... 46. **Error! Bookmark not defined.**  
86.09.210 Documentation ..... 46. **Error! Bookmark not defined.**

**Chapter 86.10 Agricultural Preserves/Land Conservation Contract Actions ..... 6-47**

86.10.010 Purpose ..... 6-47  
86.10.020 Procedures ..... 6-47

**Chapter 86.11 Airport Comprehensive Land Use Plans ..... 6-49**

86.11.010 Purpose ..... 6-49  
86.11.020 Procedures ..... 6-49  
86.11.030 Findings ..... 6-50  
86.11.040 Consistency with the Plan ..... 6-50

**Chapter 86.12 Amendments..... 6-51**

86.12.010 Purpose ..... 6-51  
86.12.020 Initiation of Amendment ..... 6-51  
86.12.030 Processing, Notice, and Hearings ..... 6-51  
86.12.040 Commission Action on Amendment ..... 6-52  
86.12.050 Board Action on Amendment..... 6-53



Table of Contents

---

86.12.060 Findings and Decision .....6-53  
86.12.070 Effective Dates .....6-54

**Chapter 86.13 Development Agreement Adoption and Amendment..... 6-55**

86.13.010 Purpose .....6-55  
86.13.020 Applications .....6-55  
86.13.030 Procedures .....6-57  
86.13.040 Action by the Commission and Board.....6-57  
86.13.050 Amendment or Cancellation.....6-58  
86.13.060 Recordation .....6-59  
86.13.070 Agreement Review .....6-59  
86.13.080 Modification or Termination .....6-59

**Chapter 86.14 Specific Plan Adoption and Amendment..... 6-61**

86.14.010 Purpose .....6-61  
86.14.020 Intent.....6-61  
86.14.030 Applicability .....6-61  
86.14.040 Initiation and Presubmittal Requirements .....6-62  
86.14.050 Preparation and Content .....6-62  
86.14.060 Application Filing, Processing, and Review .....6-62  
86.14.070 Adoption of Specific Plan .....6-63  
86.14.080 Implementation and Amendments.....6-64  
86.14.090 Adopted Specific Plans .....6-65

**Chapter 86.15 Post-Disaster Rebuilding..... 6-67**

86.15.010 Purpose .....6-67  
86.15.020 Applicability of Provisions.....6-67  
86.15.030 Definitions .....6-67  
86.15.040 General Provisions .....6-68  
86.15.050 Modifications of the Provisions of this Development Code.....6-68  
86.15.060 Permits and Procedures .....6-70  
86.15.070 CEQA Exemption.....6-71  
86.15.080 Appeals.....6-71

---

# DIVISION 7

## SUBDIVISIONS

---

<b>Chapter 87.01</b>	<b>Subdivision Ordinance Applicability and Administration .....</b>	<b>7-3</b>
87.01.010	Purpose .....	7-3
87.01.020	Authority .....	7-3
87.01.030	Applicability .....	7-3
87.01.040	Definitions .....	7-4
87.01.050	Responsibility for Administration .....	7-4
87.01.060	Advisory Agency.....	7-4
87.01.070	Authority for Subdivision Decisions .....	7-5
87.01.080	Type of Subdivision Approval Required.....	7-6
87.01.090	Applications Deemed Approved .....	7-7
87.01.100	Exceptions to Subdivision Standards .....	7-7
87.01.110	Appeals.....	7-8
87.01.120	Enforcement of Subdivision Regulations.....	7-8
<b>Chapter 87.02</b>	<b>Tentative Map Filing and Processing.....</b>	<b>7-11</b>
87.02.010	Purpose .....	7-11
87.02.020	Tentative Map Preparation, Application Contents .....	7-11
87.02.030	Tentative Map Filing, Initial Processing .....	7-12
87.02.040	Evaluation of Application .....	7-13
87.02.050	Review and Decision.....	7-14
87.02.060	Tentative Map Approval or Disapproval.....	7-15
87.02.070	Conditions of Approval.....	7-19
87.02.080	Effective Date of Tentative Map Approval .....	7-21
87.02.090	Changes to Approved Tentative Map or Conditions .....	7-21
87.02.100	Effect of Tentative Map Approval, Completion of Subdivision Process .....	7-22
87.02.110	Vesting Tentative Maps.....	7-23
87.02.120	Tentative Map Time Limits and Expiration .....	7-27
87.02.130	Extensions of Time for Tentative Maps .....	7-27
<b>Chapter 87.03</b>	<b>Parcel Maps and Final Maps .....</b>	<b>7-29</b>
87.03.010	Purpose .....	7-29
87.03.020	Parcel Maps .....	7-29
87.03.030	Waiver of Parcel Map.....	7-29
87.03.040	Parcel Map Form and Content.....	7-30
87.03.050	Filing and Processing of Parcel Maps .....	7-30
87.03.060	Parcel Map Approval.....	7-31
87.03.070	Final Maps.....	7-31
87.03.080	Final Map Form and Content .....	7-32
87.03.090	Filing and Processing of Final Maps .....	7-32
87.03.100	Final Map Approval .....	7-34
87.03.110	Composite Development Plans .....	7-35

Table of Contents

---

87.03.120 Amendments to Recorded Parcel or Final Maps ..... 7-36

**Chapter 87.04 Additional Subdivision Procedures ..... 7-39**

87.04.010 Purpose ..... 7-39

87.04.020 Certificates of Compliance ..... 7-39

87.04.030 Condominiums and Condominium Conversions..... 7-40

87.04.040 Lot Line Adjustment ..... 7-43

87.04.050 Official Maps..... 7-43

87.04.060 Parcel Merger ..... 7-44

87.04.070 Reversion to Acreage ..... 7-46

87.04.080 Resident Initiated Mobile Home Park Conversion..... 7-47

**Chapter 87.05 Dedications and Exactions ..... 7-53**

87.05.010 Purpose ..... 7-53

87.05.020 Applicability ..... 7-53

87.05.030 Dedications ..... 7-53

87.05.040 Acceptance of Dedications ..... 7-54

**Chapter 87.06 Subdivision Design and Improvement Requirements ..... 7-55**

87.06.010 Purpose ..... 7-55

87.06.020 Applicability of Design and Improvement Standards ..... 7-55

87.06.030 Subdivision Design Standards ..... 7-56

87.06.040 Site Preparation and Grading for Subdivision Construction ..... 7-60

87.06.050 Subdivision Improvement Requirements ..... 7-62

**Chapter 87.07 Improvement Plans, Installation, and Security..... 7-67**

87.07.010 Purpose ..... 7-67

87.07.020 Improvement Plans..... 7-67

87.07.030 Installation of Improvements..... 7-68

87.07.040 Improvement Agreements and Security ..... 7-70

**Chapter 87.08 Soils Reports ..... 7-75**

87.08.010 Purpose ..... 7-75

87.08.020 Preliminary Soils Report ..... 7-75

87.08.030 Final Soils Report..... 7-76

87.08.040 Geologic Investigation and Report..... 7-76

# DIVISION 8 RESOURCE MANAGEMENT AND CONSERVATION

---

<b>Chapter 88.01</b>	<b>Plant Protection and Management.....</b>	<b>8-3</b>
88.01.010	Purpose .....	8-3
88.01.020	Applicability .....	8-4
88.01.030	Exempt Activities .....	8-4
88.01.040	Regulated Trees and Plants and General Permit .....	8-6
88.01.050	Tree or Plant Removal Permits .....	8-7
88.01.060	Desert Native Plant Protection .....	8-14
88.01.070	Mountain Forest and Valley Tree Conservation.....	8-15
88.01.080	Riparian Plant Conservation.....	8-16
88.01.090	Tree Protection from Insects and Disease .....	8-17
<b>Chapter 88.02</b>	<b>Soil and Water Conservation.....</b>	<b>8-21</b>
88.02.010	Purpose .....	8-21
88.02.020	Applicability .....	8-21
88.02.030	Exempt Activities .....	8-21
88.02.040	Dust Control - Desert Region .....	8-23
88.02.050	Wind-Borne Soil Erosion .....	8-23
<b>Chapter 88.03</b>	<b>Surface Mining and Land Reclamation.....</b>	<b>8-33</b>
88.03.010	Purpose .....	8-33
88.03.020	Incorporation of SMARA and State Regulations .....	8-34
88.03.030	Applicability .....	8-34
88.03.040	Permit, Plan, And Financial Assurance Requirements.....	8-34
88.03.050	Vested Rights .....	8-37
88.03.060	Application Filing, Processing, and Review .....	8-37
88.03.070	Additional Conditions of Approval .....	8-41
88.03.080	Financial Assurances .....	8-42
88.03.090	Reclamation Standards .....	8-45
88.03.100	Interim Management Plans.....	8-46
88.03.110	Annual Report .....	8-47
88.03.120	Inspections.....	8-47
88.03.130	Violations and Penalties .....	8-48
88.03.140	Post-Approval Procedures .....	8-48

## **DIVISION 9 PUBLIC FACILITIES FINANCING**

---

<b>Chapter 89.01</b>	<b>Drainage Facilities Financing .....</b>	<b>9-3</b>
89.01.010	Purpose .....	9-3
89.01.020	Establishment of Area Drainage Plans .....	9-3
89.01.030	Fee Collection and Accounting .....	9-4
89.01.040	Drainage Fee Calculation .....	9-5
89.01.050	Credit and Exceptions .....	9-6
89.01.060	Surplus and Refunds.....	9-7
89.01.070	Subject Areas.....	9-8
<b>Chapter 89.02</b>	<b>Recreational Facilities Financing .....</b>	<b>9-9</b>
89.02.010	Purpose and General Provisions.....	9-9
89.02.020	Jurisdiction Limitations.....	9-9
89.02.030	Requirements.....	9-9
89.02.040	Procedure.....	9-11
89.02.050	Exemptions.....	9-13
<b>Chapter 89.03</b>	<b>Transportation Facilities Financing.....</b>	<b>9-15</b>
89.03.010	Purpose .....	9-15
89.03.020	Establishment of Local Area Transportation Facilities Plans .....	9-15
89.03.030	Fee Payment .....	9-17
89.03.040	Local Transportation Facilities.....	9-17
89.03.050	Fee Calculation.....	9-18
89.03.060	Agreements between the County and a Developer.....	9-18
89.03.070	Exclusions .....	9-19
89.03.080	Refunds.....	9-21
89.03.090	Subject Areas.....	9-21

## DIVISION 10

---

<b>Chapter 810.01</b>	<b>Definitions.....</b>	<b>10-3</b>
810.01.010	Purpose .....	10-3
810.01.020	Definitions of Specialized Terms and Phrases .....	10-4
810.01.030	Definitions, "A" .....	10-4
810.01.040	Definitions, "B" .....	10-15
810.01.050	Definitions, "C." .....	10-18
810.01.060	Definitions, "D." .....	10-27
810.01.070	Definitions, "E." .....	10-33
810.01.080	Definitions, "F." .....	10-36
810.01.090	Definitions, "G." .....	10-45
810.01.100	Definitions, "H." .....	10-48
810.01.110	Definitions, "I." .....	10-52
810.01.120	Definitions, "J." .....	10-53
810.01.130	Definitions, "K." .....	10-54
810.01.140	Definitions, "L." .....	10-55
810.01.150	Definitions, "M." .....	10-62
810.01.160	Definitions, "N." .....	10-71
810.01.170	Definitions, "O." .....	10-72
810.01.180	Definitions, "P." .....	10-74
810.01.190	Definitions, "Q." .....	10-80
810.01.200	Definitions, "R." .....	10-81
810.01.210	Definitions, "S." .....	10-88
810.01.220	Definitions, "T." .....	10-102
810.01.230	Definitions, "U." .....	10-106
810.01.240	Definitions, "V." .....	10-107
810.01.250	Definitions, "W." .....	10-109
810.01.260	Definitions, "X." .....	10-113
810.01.270	Definitions, "Y." .....	10-114
810.01.280	Definitions, "Z." .....	10-115

# FIGURES

Figure 82-1 Trails - Low Use and Natural Areas/Urban #1.....	2-131
Figure 82-2 Trails - Low Use and Natural Areas.....	2-132
Figure 82-3 Trails - Urban .....	2-133
Figure 82-4 Trails - Low Use and Natural Areas/Urban #2.....	2-134
Figure 83-1 Clear Sight Triangles.....	3-19
Figure 83-2 Screening and Buffering.....	3-24
Figure 83-3 Location and Measurement of Setbacks.....	3-26
Figure 83-4 Rear Setbacks on Irregularly Shaped Parcels.....	3-30
Figure 83-5 Allowed Fence Height in Residential Land Use Zoning Districts .....	3-62
Figure 83-6 Development Follows Natural Topography .....	3-76
Figure 83-7 Characteristics of Manufactured Slopes.....	3-77
Figure 83-8 Patterns of Landscaping .....	3-78
Figure 83-9 Variations in Cut and/or Fill Slopes.....	3-80
Figure 83-10 Manufactured Slopes Located at Rear of Lot.....	3-81
Figure 83-11 Retaining Walls for Side Setbacks .....	3-82
Figure 83-12 Drains Follow Topography .....	3-83
Figure 83-13 Retaining Walls Along Streets and in Setbacks .....	3-84
Figure 83-14 Streets and Lots Follow Contours .....	3-85
Figure 83-15 Preserve Natural Features.....	3-86
Figure 83-16 Off-Street Parking Dimensions .....	3-117
Figure 84-1 Siting of Multi-Family Structure(s) Parallel to Public Rights-of-Way .....	4-71
Figure 84-2 Minimum Separation Between Multi-Family Structures .....	4-73
Figure 84-3 Design Elements Establish Hierarchy of Space .....	4-74
Figure 84-4 Laundry Room Location and Features .....	4-82
Figure 84-5 Management Office in Central Location.....	4-84
Figure 84-6 Dwelling Unit Oriented to Street .....	4-86
Figure 84-7 Clustering of Multi-Family Dwelling Units.....	4-87
Figure 84-8 “Eyes of the Street” .....	4-87
Figure 84-9 Access to Open Space .....	4-88
Figure 84-10 Connected Open Spaces.....	4-89
Figure 84-11 Play Areas for Different Ages.....	4-89
Figure 84-12 Height Transition.....	4-90
Figure 84-13 Examples of Window Styles .....	4-91
Figure 84-14 Typical Roof Types.....	4-91
Figure 84-15 Mailboxes .....	4-91
Figure 810-1 Lot Types .....	10-59
Figure 810-2 Setbacks.....	10-90

# TABLES

Table 82-1	Land Use Zoning Districts .....	2-8
Table 82-2	Overlays .....	2-10
Table 82-3	Minimum Area For Agricultural and Resource Management Land Use Zoning District Designation .....	2-18
Table 82-4	Allowed Land Uses and Permit Requirements for Agricultural and Resource Management Land Use Zoning Districts .....	2-19
Table 82-4	(continued) Allowed Land Uses and Permit Requirements for Agricultural and Resource Management Land Use Zoning Districts .....	2-20
Table 82-4	(continued) Allowed Land Uses and Permit Requirements for Agricultural and Resource Management Land Use Zoning Districts .....	2-21
Table 82-4A	Agricultural and Resource Management Land Use Zoning District Minimum Lot Size Valley Region .....	2-22
Table 82-4B	Agricultural and Resource Management Land Use Zoning District Minimum Lot Size Mountain Region .....	2-23
Table 82-4C	Agricultural and Resource Management Land Use Zoning District Minimum Lot Size Desert Region .....	2-23
Table 82-5A	Agricultural and Resource Management Land Use Zoning District Development Standards Valley Region .....	2-24
Table 82-5B	Agricultural and Resource Management Land Use Zoning District Development Standards Mountain Region.....	2-25
Table 82-5C	Agricultural and Resource Management Land Use Zoning District Development Standards Desert Region.....	2-26
Table 82-6	Minimum Area For Residential Land Use Zoning District Designation .....	2-27
Table 82-7	Allowed Land Uses and Permit Requirements for Residential Land Use Zoning Districts . .....	2-29
Table 82-7	(continued) Allowed Land Uses and Permit Requirements for Residential Land Use Zoning Districts .....	2-30
Table 82-7	(continued) Allowed Land Uses and Permit Requirements for Residential Land Use Zoning Districts .....	2-31
Table 82-8A	Residential Land Use Zoning District Minimum Lot Size Valley Region .....	2-32
Table 82-8B	Residential Land Use Zoning District Minimum Lot Size Mountain Region .....	2-33
Table 82-8C	Residential Land Use Zoning District Minimum Lot Size Desert Region .....	2-33
Table 82-9A	Residential Land Use Zoning District Development Standards Valley Region .....	2-34
Table 82-9B	Residential Land Use Zoning District Development Standards Mountain Region .....	2-35
Table 82-9C	Residential Land Use Zoning District Development Standards Desert Region .....	2-36
Table 82-10	Minimum Area for Commercial Land Use Zoning District Designation .....	2-37
Table 82-11	Allowed Land Uses and Permit Requirements for Commercial Land Use Zoning Districts .....	2-39
Table 82-11	Allowed Land Uses and Permit Requirements for Commercial Land Use Zoning Districts (continued).....	2-40
Table 82-11	Allowed Land Uses and Permit Requirements for Commercial Land Use Zoning Districts (continued).....	2-41
Table 82-11	Allowed Land Uses and Permit Requirements for Commercial Land Use Zoning Districts (continued).....	2-42
Table 82-12A	Commercial Land Use Zoning District Minimum Lot Size Valley Region .....	2-43
Table 82-12B	Commercial Land Use Zoning District Minimum Lot Size Mountain Region .....	2-44
Table 82-12C	Commercial Land Use Zoning District Minimum Lot Size Desert Region.....	2-44



***Table of Contents***

---

Table 82-13A	CR, CN, and CO Land Use Zoning District Development Standards Valley Region ..	2-45
Table 82-13B	CG, CS, AND CH Land Use Zoning District Development Standards Valley Region.	2-46
Table 82-14A	CR, CN, AND CO Land Use Zoning District Development Standards Mountain Region .....	2-47
Table 82-14B	CG, CS, AND CH Land Use Zoning District Development Standards Mountain Region .....	2-48
Table 82-15A	CR, CN, AND CO Land Use Zoning District Development Standards Desert Region	2-49
Table 82-15B	CG, CS, AND CH Land Use Zoning District Development Standards Desert Region.	2-50
Table 82-16	Minimum Area For Industrial and Special Use Land Use Zoning District Designation .....	2-52
Table 82-17	Allowed Land Uses and Permit Requirements for Industrial and Special Purpose Land Use Zoning Districts .....	2-53
Table 82-17	Allowed Land Uses and Permit Requirements for Industrial and Special Purpose Land Use Zoning Districts (continued).....	2-54
Table 82-17	Allowed Land Uses and Permit Requirements for Industrial and Special Purpose Land Use Zoning Districts (continued).....	2-55
Table 82-17	Allowed Land Uses and Permit Requirements for Industrial and Special Purpose Land Use Zoning Districts (continued).....	2-56
Table 82-18A	Industrial and Special Purpose Land Use Zoning District Minimum Lot Size Valley Region.....	2-57
Table 82-18B	Industrial and Special Purpose District Minimum Lot Size Mountain Region .....	2-58
Table 82-18C	Industrial and Special Purpose District Minimum Lot Size Desert Region.....	2-59
Table 82-19A	IC and IR Land Use Zoning District Development Standards Valley Region .....	2-60
Table 82-19B	IN and SD Land Use Zoning District Development Standards Valley Region .....	2-61
Table 82-20A	IC and IR Land Use Zoning District Development Standards Mountain Region.....	2-62
Table 82-20B	IN and SD Land Use Zoning District Development Standards Mountain Region .....	2-63
Table 82-21A	IC and IR Land Use Zoning District Development Standards Desert Region.....	2-64
Table 82-21B	IN and SD Land Use Zoning District Development Standards Desert Region .....	2-65
Table 82-22	Animals Allowed in AA (Additional Agricultural) Overlay .....	2-68
Table 82-23	Urban Standards (Maximum Accessibility).....	2-130
Table 82-24	Low Use and Natural Area Standards.....	2-130
Table 82-25	Sphere Standards Overlays .....	2-142
Table 83-1	Storage Standards for Flammable Liquids and Gases .....	3-8
Table 83-2	Noise Standards for Stationary Noise Sources .....	3-12
Table 83-3	Noise Standards for Adjacent Mobile Noise Sources.....	3-13
Table 83-4	Noise Standards for Other Structures .....	3-14
Table 83-5	Allowed Projections into Setbacks .....	3-32
Table 83-6	Maximum Height of Fences, Hedges, and Walls Within Setbacks .....	3-62
Table 83-7	Shielding Requirements For Outdoor Lighting In the Mountain Region and Desert Region.....	3-67
Table 83-8	Slope Categories .....	3-79
Table 83-9	Infrastructure Improvement Standards Valley Region .....	3-90
Table 83-10	Infrastructure Improvement Standards Mountain Region .....	3-91
Table 83-11	Infrastructure Improvement Standards Desert Region.....	3-92
Table 83-12	Minimum Landscaped Area.....	3-98
Table 83-13	Minimum Quantities of Plant Materials .....	3-102
Table 83-14	Minimum Plant Sizes.....	3-102
Table 83-15	Parking Requirements by Land Use .....	3-111
Table 83-16	Transportation Control Measures .....	3-114
Table 83-17	Required Number of Parking Spaces for Disabled .....	3-115
Table 83-18	Minimum Off-Street Parking Dimensions.....	3-116

Table of Contents

---

Table 83-19	Minimum Aisles .....	3-118
Table 83-20	Road System Design Standards .....	3-128
Table 83-21	On-Site Signs in Office Commercial (CO) Land Use Zoning District .....	3-133
Table 83-22	On-Site Signs in Neighborhood Commercial (CN) Land Use Zoning District .....	3-134
Table 83-23	On-Site Signs in Rural Commercial (CR) Land Use Zoning District.....	3-135
Table 83-24	On-Site Signs in Highway Commercial (CH) Land Use Zoning District.....	3-136
Table 83-25	On-Site Signs in General Commercial (CG) Land Use Zoning District.....	3-137
Table 83-26	On-Site Signs in Service Commercial (CS) Land Use Zoning District.....	3-138
Table 83-27	On-Site Signs in Community Industrial (IC) Land Use Zoning District .....	3-139
Table 83-28	On-Site Signs in Regional Industrial (IR) Land Use Zoning District.....	3-140
Table 83-29	On-Site Signs in Institutional (IN) Land Use Zoning District .....	3-141
Table 83-30	On-Site Signs in Special Development (SD) Land Use Zoning District .....	3-142
Table 84-1	Permit Requirements and Development Standards for Agritourism Enterprises.....	4-12
Table 84-2	Minimum Parcel Sizes for Commercial Kennels and/or Catteries .....	4-17
Table 84-3	Animal Keeping Allowed as Primary Use.....	4-24
Table 84-4	Animal Keeping Allowed with Conditional Use Permit .....	4-25
Table 84-5	Animal Keeping Allowed as Accessory Use .....	4-28
Table 84-6	Standards for Bed and Breakfast Uses.....	4-33
Table 84-7	Allowed Land use zoning districts and Permit Requirements for Home Occupations..	4-52
Table 84-8	Parcel Size and Density Standards for Mobile Home Parks .....	4-62
Table 84-9	Minimum Separation Between Multi-Family Structures.....	4-72
Table 84-10	Minimum Setbacks for Multi-Family Structures .....	4-74
Table 84-11	Minimum Dwelling Unit Sizes in Multi-Family Development .....	4-75
Table 84-12	Multi-Family Development Minimum Common Storage Areas Required.....	4-128
Table 84-13	Nonresidential Structures Minimum Storage Areas Required (SQ. FT) .....	4-129
Table 84-14	Maximum Tower Heights for Accessory Wind Energy Systems .....	4-144
Table 84-15	Maximum Heights of Wireless Telecommunications Towers.....	4-146
Table 85-1	Review Authority.....	5-8
Table 85-2	Distance Requirements for Noticing Purposes .....	5-17
Table 85-3	Special Use Permits .....	5-57
Table 85-4	Temporary Use Permits .....	5-61
Table 85-5	Types of Minor Variances Allowed.....	5-82
Table 87-1	Subdivision Review Authority.....	7-5

**San Bernardino County Development Code**

**List of Effective Pages**

<i>Page Number</i>	<i>Effective Date</i>	<i>Page Number</i>	<i>Effective Date</i>
i - xxxiv	4-12-2007	3-156	2-28-2008
1-1 - 1-14	4-12-2007	3-157 - 3-164	4-12-2007
2-1 - 2-20	4-12-2007	3-165 - 3-168	2-28-2008
2-21	2-28-2008	4-1 - 4-6	4-12-2007
2-22 - 2-29	4-12-2007	4-7	2-28-2008
2-30 - 2-31	2-28-2008	4-8 - 4-17	4-12-2007
2-32 - 2-34	4-12-2007	4-18	2-28-2008
2-35	2-28-2008	4-19	4-12-2007
2-36 - 2-38	4-12-2007	4-20	2-28-2008
2-39	2-28-2008	4-21	4-12-2007
2-40	4-12-2007	4-22 - 4-26	2-28-2008
2-41 - 2-42	2-28-2008	4-27 - 4-30	4-12-2007
2-43 - 2-51	4-12-2007	4-31	2-28-2008
2-52 - 2-59	2-28-2008	4-32 - 4-41	4-12-2007
2-60 - 2-88	4-12-2007	4-42	2-28-2008
2-89 - 2-95	2-28-2008	4-43 - 4-68	4-12-2007
2-96 - 2-97	4-12-2007	4-69 - 4-94	2-28-2008
2-98	2-28-2008	4-95 - 4-97	4-12-2007
2-99 - 2-100	4-12-2007	4-98	2-28-2008
2-101	2-28-2008	4-99	4-12-2207
2-102 - 2-146	4-12-2007	4-100	2-28-2008
3-1 - 3-26	4-12-2007	4-101 - 4-111	4-12-2007
3-27	2-28-2008	4-112	2-28-2008
3-28 - 3-31	4-12-2007	4-113 - 4-116	4-12-2007
3-32	2-28-2008	4-117 - 4-118	2-28-2008
3-33	4-12-2007	4-119 - 4-127	4-12-2007
3-34	2-28-2008	4-128	2-28-2008
3-35 - 3-62	4-12-2007	4-129 - 4-130	4-12-2007
3-63 - 3-64.2	2-28-2008	4-131	2-28-2008
3-65 - 3-72	4-12-2007	4-132 - 4-140	4-12-2007
3-73 - 3-74	2-28-2008	4-141 - 4-142	2-28-2008
3-75	4-12-2007	4-143 - 4-151	4-12-2007
3-76	2-28-2008	4-152	2-28-2008
3-77 - 3-83	4-12-2007	4-153 - 4-160	4-12-2007
3-84	2-28-2008	5-1 - 5-29	4-12-2007
3-85 - 3-97	4-12-2007	5-30	2-28-2008
3-98	2-28-2008	5-31 - 5-38	4-12-2007
3-99 - 3-102	4-12-2007	5-39 - 5-40	2-28-2008
3-103 - 3-105	2-28-2008	5-41 - 5-46	4-12-2007
3-106 - 3-111	4-12-2007	5-47 - 5-48	2-28-2008
3-112 - 3-113	2-28-2008	5-49 - 5-81	4-12-2007
3-114 - 3-115	4-12-2007	5-82	2-28-2008
3-116	2-28-2008	5-83 - 5-88	4-12-2007
3-117	4-12-2007	6-1 - 6-22	4-12-2007
3-118	2-28-2008	6-23	2-28-2008
3-119	4-12-2007	6-24 - 6-34	4-12-2007
3-120	2-28-2008	6-38 - 6-46.8	2-28-2008
3-121 - 3-133	4-12-2007	6-47 - 6-68	4-12-2007
3-134 - 3-135	2-28-2008	6-69	2-28-2008
3-136 - 3-141	4-12-2007	6-70 - 6-72	4-12-2007
3-142	2-28-2008	7-1 - 7-76	4-12-2007
3-143 - 3-155	4-12-2007	8-1 - 8-12	4-12-2007

*San Bernardino County Development Code*

**List of Effective Pages**

<i>Page Number</i>	<i>Effective Date</i>	<i>Page Number</i>	<i>Effective Date</i>
8-13			2-28-2008
8-14 - 8-22			4-12-2007
8-23			2-28-2008
8-24 - 8-48			4-12-2007
9-1 - 9-22			4-12-2007
10-1 - 10-5			4-12-2007
10-6			2-28-2008
10-7 - 10-21			4-12-2007
10-22 - 10-26			2-28-2008
10-27 - 10-32			4-12-2007
10-33 - 10-35.2			2-28-2008
10-36 - 10-67			4-12-2007
10-68			2-28-2008
10-69 - 10-81			4-12-2007
10-82 - 10-88			2-28-2008
10-89 - 10-106			4-12-2008
10-107			2-28-2008
10-108 - 10-116			4-12-2007

*San Bernardino County Development Code*

*List of Ordinances Amending the Development Code*

---

**List of Ordinances Amending the Development Code**

Ordinance Number	Date of Adoption	Effective Date	Ordinance Number	Date of Adoption	Effective Date
4011	3-13-2007	4-12-2007			
4043	1-29-2008	2-28-2008			

*San Bernardino County Development Code*

*List of Ordinances Amending the Development Code*

---

**THIS SPACE INTENTIONALLY LEFT BLANK.**

*Ordinance Disposition Table*

**Ordinance Disposition Table**

<b>Ordinance</b>	<b>Disposition</b>	<b>Ordinance</b>	<b>Disposition</b>
4011	Entire Title 8		
4043	82.03.040(b); 82.04.040(b); 82.05.040(b); 82306.030; 82.06.030; 82.06.040(b); 82.06.050(c); 82.13.060(a); 82.13.060(b)(3); 82.13.060(b)(7)(C); 82.13.060(b)(11), (12), (13); 82.13.060(c) and (d)(1); 82.13.060(d)(8); 82.13.070; 82.13.080(e)(3); 83.02.070(b)(1); 83.02.080; 83.06.040(b); 83.06.070(a); 83.08.020; 83.08.040(a)(1); 83.08.040(c)(3); 83.10.060(a)(4); 83.10.070(e)(2)(A); 83.10.080(a)(4); 83.10.080(b)(5); 83.10.080(c)(2); 83.11.040(c)(5); 83.11.070(a)(1); 83.11.070.(h)(4); 83.11.080(h)(1)(A); 83.13.050(c)(7); 83.13.050(c)(8); 73.13.050(e); 83.13.090(c)(1); Chapter 83.15; 84.01.050(b); 84.04.050(d)(8); 84.04.050(e)(8); 84.04.060(c)(4); 84.04.070(e); 84.04.070(f); 84.04.090(B09!); 84.04.090(h); 84.05.030(b); 84.08.040(e); Chapter 84.16; 84.17.080(a); 84.18.030(b); 84.19.080; 84.21.030(d); 84.21.030(f); 84.24.030(a); 84.25.010; 84.25.070; 84.27.060; 85.06.080; Chapter 85.09; 85.10.070(b)(3)(C)(II) and (III); 85.10.070(e); 85.17.040(a); 86.06.060(b); Chapter 86.09; 86.15.050(a)(2)(B)(II); 88.01.050(i)(8); 88.02.040(c); 810.01.030(g); 810.01.050(nn) – (xxx); 810.01.070(i) – (x); 810.01.150(yy); 810.01.200(j) – (zz); 810.01.210(a); 810.01.240(d)		

*Cross Index – Section to Ordinance*

---

**Cross Index – Section to Ordinance**

<b>Section</b>	<b>Ordinance</b>	<b>Section</b>	<b>Ordinance</b>
81.01.010 - 81.01.090	4011	84.02.010 - 84.02.040	4011
81.02.010 - 81.02.020	4011	84.03.010 - 84.03.030	4011
82.01.010 - 82.01.030	4011	84.04.010 - 84.04.090	4011, 4043
82.02.010 - 82.02.060	4011	84.05.010 - 84.05.060	4011, 4043
82.03.010 - 82.03.070	4011, 4043	84.06.010 - 84.06.040	4011
82.04.010 - 82.04.060	4011, 4043	84.07.010 - 84.07.030	4011
82.05.010 - 82.05.060	4011, 4043	84.08.010 - 84.08.040	4011, 4043
82.06.010 - 82.06.070	4011, 4043	84.09.010 - 84.09.060	4011
82.07.010 - 82.07.040	4011	84.10.010 - 84.10.030	4011
82.08.010 - 82.08.040	4011	84.11.010 - 84.11.030	4011
82.09.010 - 82.09.060	4011	84.12.010 - 84.12.120	4011
82.10.010 - 82.10.030	4011	84.13.010 - 84.13.030	4011
82.11.010 - 82.11.050	4011	84.14.010 - 84.14.080	4011
82.12.010 - 82.12.050	4011	84.15	4011
82.13.010 - 82.13.090	4011, 4043	84.16.010 - 84.16.080	4011, 4043
82.14.010 - 82.14.070	4011	84.17.010 - 84.17.080	4011, 4043
82.15.010 - 82.15.040	4011	84.18.010 - 84.18.040	4011, 4043
82.16.010 - 82.16.030	4011	84.19.010 - 84.19.090	4011, 4043
82.17.010 - 82.17.040	4011	84.20.010 - 84.20.030	4011
82.18.010 - 82.18.030	4011	84.21.010 - 84.21.030	4011, 4043
82.19.010 - 82.19.050	4011	84.22.010 - 84.22.030	4011
82.20.010 - 82.20.040	4011	84.23.010 - 84.23.030	4011
82.21.010 - 82.21.030	4011	84.24.010 - 84.24.060	4011, 4043
82.22.010 - 82.22.030	4011	84.25.010 - 84.25.060	4011, 4043
82.23.010 - 82.23.040	4011	84.26.010 - 84.26.030	4011
83.01.010 - 83.01.100	4011	84.27.010 - 84.27.110	4011, 4043
83.02.010 - 83.02.080	4011, 4043	84.28.010 - 84.28.050	4011
83.03.010 - 83.03.120	4011	85.01.010 - 85.01.030	4011
83.04.010 - 83.04.080	4011	85.02.010 - 85.02.050	4011
83.05.010 - 83.05.080	4011	85.03.010 - 85.03.110	4011
83.06.010 - 83.06.070	4011, 4043	85.04.010 - 85.04.030	4011
83.07.010 - 83.07.040	4011	85.05.010 - 85.05.020	4011
83.08.010 - 83.08.040	4011, 4043	85.06.010 - 85.06.110	4011, 4043
83.09.010 - 83.09.060	4011	85.07.010 - 85.07.020	4011
83.10.010 - 83.10.100	4011, 4043	85.08.010 - 85.08.030	4011
83.11.010 - 83.11.100	4011, 4043	85.09.010 - 85.09.030	4011, 4043
83.12.010 - 83.12.030	4011	85.10.010 - 85.10.100	4011, 4043
83.13.010 - 83.13.130	4011, 4043	85.11.010 - 85.11.020	4011
83.14.010 - 83.14.030	4011	85.12.010 - 85.12.020	4011
83.15.010 - 83.15.070	4043	85.13.010 - 85.13.020	4011
84.01.010 - 84.01.050	4011, 4043	85.14.010 - 85.14.060	4011
		85.15.010 - 85.15.120	4011
		85.16.010 - 85.16.040	4011



*San Bernardino County Development Code*

*Cross Index – Section to Ordinance*

---

85.17.010 - 85.17.080	4011, 4043	87.01.010 - 87.01.120	4011
85.18.010 - 85.18.040	4011	87.02.010 - 87.02.130	4011
		87.03.010 - 87.03.120	4011
86.01.010 - 86.01.030	4011	87.04.010 - 87.04.080	4011
86.02.010 - 86.02.050	4011	87.05.010 - 87.05.040	4011
86.03.010 - 86.03.050	4011	87.06.010 - 87.06.050	4011
86.04.010	4011	87.07.010 - 87.07.040	4011
86.05.010	4011	87.08.010 - 87.08.040	4011
86.06.010 - 86.06.090	4011, 4043		
86.07.010 - 86.07.070	4011	88.01.010 - 88.01.090	4011, 4043
86.08.010 - 86.08.070	4011	88.02.010 - 88.02.050	4011, 4043
86.09.010 - 86.09.210	4011, 4043	88.03.010 - 88.03.140	4011
86.10.010 - 86.10.020	4011		
86.11.010 - 86.11.040	4011	89.01.010 - 89.01.070	4011
86.12.010 - 86.12.070	4011	89.02.010 - 89.02.050	4011
86.13.010 - 86.13.080	4011	89.03.010 - 89.03.090	4011
86.14.010 - 86.14.090	4011		
86.15.010 - 86.15.080	4011, 4043	810.01.010 - 810.01.280	4011, 4043

**THIS SPACE INTENTIONALLY LEFT BLANK.**

## DIVISION 2

# LAND USE ZONING DISTRICTS AND ALLOWED LAND USES

---

<b>Chapter 82.01</b>	<b>Land Use Plan, Land Use Zoning Districts, and Overlays.....</b>	<b>5</b>
82.01.010	Purpose.....	5
82.01.020	Land Use Plan and Land Use Zoning Districts.....	5
82.01.030	Overlays.....	9
<b>Chapter 82.02</b>	<b>Allowed Land Uses and Development.....</b>	<b>11</b>
82.02.010	Purpose.....	11
82.02.020	General Requirements for Development and New Land Uses.....	11
82.02.030	Allowed Land Uses and Planning Permit Requirements.....	12
82.02.040	Exemptions from Planning Permit Requirements.....	14
82.02.050	Special Developments.....	16
82.02.060	Temporary Uses.....	16
<b>Chapter 82.03</b>	<b>Agricultural and Resource Management Land Use Zoning Districts....</b>	<b>17</b>
82.03.010	Purpose.....	17
82.03.020	Purposes and Location of the Agricultural and Resource Management Land Use Zoning Districts.....	17
82.03.030	Minimum Area for Designation.....	17
82.03.040	Agricultural and Resource Management Land Use Zoning District Allowed Uses and Permit Requirements.....	18
82.03.050	Agricultural and Resource Management Land Use Zoning District Subdivision Standards.....	22
82.03.060	Agricultural and Resource Management Land Use Zoning District Site Planning and Building Standards.....	23
82.03.070	FW Land Use Zoning District Additional Standards.....	26
<b>Chapter 82.04</b>	<b>Residential Land Use Zoning Districts .....</b>	<b>27</b>
82.04.010	Purpose.....	27
82.04.020	Purposes and Location of the Residential Land Use Zoning Districts.....	27
82.04.030	Minimum Area for Designation.....	27
82.04.040	Residential Land Use Zoning District Allowed Uses and Permit Requirements ..	28
82.04.050	Residential Land Use Zoning District Subdivision Standards.....	32
82.04.060	Residential Land Use Zoning District Site Planning and Building Standards.....	34
<b>Chapter 82.05</b>	<b>Commercial Land Use Zoning Districts .....</b>	<b>37</b>
82.05.010	Purpose.....	37
82.05.020	Purposes and Location of the Commercial Land Use Zoning Districts.....	37
82.05.030	Minimum Area for Designation.....	37
82.05.040	Commercial Land Use Zoning District Allowed Uses and Permit Requirements.....	38
82.05.050	Commercial Land Use Zoning District Subdivision Standards.....	43
82.05.060	Commercial Land Use Zoning District Site Planning and Building Standards.....	45
<b>Chapter 82.06</b>	<b>Industrial and Special Purpose Land Use Zoning Districts.....</b>	<b>51</b>
82.06.010	Purpose.....	51

82.06.020	Purposes and Location of the Industrial and Special Purpose Land Use Zoning Districts.....	51
82.06.030	Minimum Area for Designation.....	51
82.06.040	Industrial and Special Purpose Land Use Zoning District Allowed Uses and Permit Requirements .....	52
82.06.050	Industrial and Special Purpose Land Use Zoning District Subdivision Standards	57
82.06.060	Industrial and Special Purpose Land Use Zoning District Site Planning and Building Standards.....	59
82.06.070	Adopted Planned Development Applications.....	66
	<b>Chapter 82.07 Additional Agriculture (AA) Overlay .....</b>	<b>67</b>
82.07.010	Purpose.....	67
82.07.020	Location Requirements .....	67
82.07.030	Development Standards .....	67
82.07.040	Land Use Limitations.....	67
	<b>Chapter 82.08 Agricultural Preserve (AP) Overlay.....</b>	<b>69</b>
82.08.010	Purpose.....	69
82.08.020	Location Requirements .....	69
82.08.030	Development Standards .....	69
82.08.040	Land Use Limitations.....	70
	<b>Chapter 82.09 Airport Safety (AR) Overlay.....</b>	<b>73</b>
82.09.010	Purpose.....	73
82.09.020	Location Requirements .....	73
82.09.030	Airport Safety Review Areas.....	73
82.09.040	Applicable Airport Comprehensive Land Use Plans .....	74
82.09.050	Review Procedures.....	75
82.09.060	Development Standards .....	76
	<b>Chapter 82.10 Alternate Housing (AH) Overlay.....</b>	<b>79</b>
82.10.010	Purpose.....	79
82.10.020	Location Requirements .....	79
82.10.030	Development Standards .....	79
	<b>Chapter 82.11 Biotic Resources (BR) Overlay .....</b>	<b>81</b>
82.11.010	Purpose.....	81
82.11.020	Location Requirements .....	81
82.11.030	Application Requirements .....	81
82.11.040	Conditions of Approval.....	82
82.11.050	Professional Qualifications .....	82
	<b>Chapter 82.12 Cultural Resources Preservation (CP) Overlay .....</b>	<b>83</b>
82.12.010	Purpose.....	83
82.12.020	Location Requirements .....	83
82.12.030	Application Requirements .....	83
82.12.040	Development Standards .....	84
82.12.050	Native American Monitor .....	84
	<b>Chapter 82.13 Fire Safety (FS) Overlay.....</b>	<b>85</b>
82.13.010	Purpose.....	85
82.13.020	Location Requirements .....	85
82.13.030	Fire Safety Areas.....	85
82.13.040	Application Requirements .....	86
82.13.050	General Development Standards.....	88

82.13.060	FS1, FS2, and FS3 Development Standards .....	89
82.13.070	FS1 Additional Development Standards.....	98
82.13.080	Soil Erosion and Sediment Control Plans/Permits.....	98
82.13.090	Alternate Hazard Protection Measures .....	104
<b>Chapter 82.14</b>	<b>Flood Plain Safety (FP) Overlay .....</b>	<b>107</b>
82.14.010	Purpose.....	107
82.14.020	Location Requirements .....	107
82.14.030	Applicability .....	107
82.14.040	Review Area Procedures and Standards .....	108
82.14.050	Development Standards .....	110
82.14.060	Exceptions and Modifications.....	113
82.14.070	Boundary Changes .....	114
<b>Chapter 82.15</b>	<b>Geologic Hazard (GH) Overlay .....</b>	<b>115</b>
82.15.010	Purpose.....	115
82.15.020	Location Requirements .....	115
82.15.030	Professional Reports .....	115
82.15.040	Development Standards .....	117
<b>Chapter 82.16</b>	<b>Hazardous Waste (HW) Overlay.....</b>	<b>119</b>
82.16.010	Purpose.....	119
82.16.020	Location Requirements .....	119
82.16.030	Development Standards .....	120
<b>Chapter 82.17</b>	<b>Mineral Resources (MR) Overlay .....</b>	<b>123</b>
82.17.010	Purpose.....	123
82.17.020	Location Requirements .....	124
82.17.030	Application Requirements .....	124
82.17.040	Development Standards .....	124
<b>Chapter 82.18</b>	<b>Noise Hazard (NH) Overlay .....</b>	<b>125</b>
82.18.010	Purpose.....	125
82.18.020	Location Requirements .....	125
82.18.030	Development Standards .....	125
<b>Chapter 82.19</b>	<b>Open Space (OS) Overlay .....</b>	<b>127</b>
82.19.010	Purpose.....	127
82.19.020	Location Requirements .....	127
82.19.030	Special Requirements for Natural Resources .....	128
82.19.040	Development Criteria within Scenic Areas.....	128
82.19.050	Development Standards for Trails .....	130
<b>Chapter 82.20</b>	<b>Paleontologic Resources (PR) Overlay.....</b>	<b>135</b>
82.20.010	Purpose.....	135
82.20.020	Location Requirements .....	135
82.20.030	Criteria for Site Evaluation for Paleontologic Resources.....	135
82.20.040	Paleontologist Qualifications .....	137
<b>Chapter 82.21</b>	<b>Sign Control (SC) Overlay .....</b>	<b>139</b>
82.21.010	Purpose.....	139
82.21.020	Location Requirements .....	139
82.21.030	Development Standards .....	139
<b>Chapter 82.22</b>	<b>Sphere Standards (SS) Overlay .....</b>	<b>141</b>
82.22.010	Purpose.....	141
82.22.020	Location Requirements .....	141

82.22.030 Sphere Standards.....142  
**Chapter 82.23 Community Plans, Specific Plans and Area Plans.....143**  
82.23.010 Purpose.....143  
82.23.020 Adopted Community Plans .....143  
82.23.030 Adopted Specific Plans .....144  
82.23.040 Adopted Area Plans .....145

**Table 82-4 (continued)  
Allowed Land Uses and Permit Requirements  
for Agricultural and Resource Management Land Use Zoning Districts**

LAND USE <i>See Division 10 (Definitions) for land use definitions</i>	PERMIT REQUIRED BY DISTRICT				Specific Use Regulations
	RC	AG	FW	OS	

**TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE**

Broadcasting antennae and towers	M/C	M/C	—	—	
Electrical power generation <sup>(2)</sup>	—	—	—	—	
Pipelines, transmission lines, and control stations <sup>(1)</sup>	(1)	(1)	(1)	(1)	
Sewage treatment and disposal facility <sup>(2)</sup>	—	—	—	—	
Solid waste disposal <sup>(2)</sup>	—	—	—	—	
Transportation facility	CUP	CUP	—	—	
Utility facility	CUP	CUP	CUP	—	
Wind energy system, accessory	S	S	S	—	84.26
Wireless telecommunications facility	S	S	S	—	84.27

**OTHER**

Accessory structures and uses	A	A	A	A	84.01
Temporary special events	TSP	TSP	TSP	TSP	85.16
Temporary structures and uses	TUP	TUP	TUP	TUP	84.25

**KEY**

A	Allowed use (no planning permit required)	PD	Planned Development Permit required (Chapter 85.10)
P	Permitted Use; Site Plan Permit required (Chapter 85.08)	SUP	Special Use Permit required (Chapter 85.14)
M/C	Minor Use Permit required; unless a Conditional Use Permit required in compliance with Section 85.06.050 (Projects That Do Not Qualify for a Minor Use Permit)	S	Permit requirement set by Specific Use Regulations (Division 4)
		TSP	Temporary Special Events Permit required (Chapter 85.16)
CUP	Conditional Use Permit required (Chapter 85.06)	TUP	Temporary Use Permit required (Chapter 85.15)
MUP	Minor Use Permit required (Chapter 85.06)	—	Use not allowed

**Notes:**

- (1) Pipelines, transmission lines, and control station uses are regulated and approved by the Public Utilities Commission. See alternate review procedures in Section 85.02.050 (Alternate Review Procedures)
- (2) Requires a General Plan Amendment to Institutional (IN) Land Use Zoning District.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

**82.03.050 Agricultural and Resource Management Land Use Zoning District Subdivision Standards**

- (a) Each subdivision shall comply with the minimum parcel size requirements shown in Tables 82-4A, 82-4B and 82-4C for the applicable land use zoning district.
- (b) The minimum parcel size requirements for a specific subdivision are determined by the review authority as part of subdivision approval. The review authority may require one or more parcels within a specific subdivision to be larger than the minimums required by these tables based on potential environmental impacts, the physical characteristics of the site or surrounding parcels, and/or other factors.
- (c) See also the standards in Sections 83.02.050 (Parcel Area Measurements and Exceptions).

**Table 82-4A  
Agricultural and Resource Management Land Use Zoning District Minimum Lot Size  
Valley Region**

Land Use Zoning District	Minimum Lot Area	Lot Dimensions			
		Minimum Frontage Width	Minimum Width	Minimum Depth	Maximum Width to Depth Ratio
AG	10 acres <sup>(1)</sup>	N.A.	300 ft	300 ft	1:4
RC	40 acres	150 feet	300 ft	300 ft	1:4
FW	10 acres	N.A.	60 ft	100 ft	1:4
OS	No requirement	No requirement	No requirement	No requirement	No requirement

**Notes:**

- (1) Except where modified by map suffix. The various designations within the AG Land Use Zoning District shall be limited to AG, AG-20, AG-40, AG-80 and AG-160.



**Table 82-7  
Allowed Land Uses and Permit Requirements for Residential Land Use Zoning Districts**

LAND USE <i>See Division 10 (Definitions) for land use definitions</i>	PERMIT REQUIRED BY DISTRICT			Specific Use Regulations
	RL	RS	RM	
<b>AGRICULTURAL, RESOURCE &amp; OPEN SPACE USES</b>				
Accessory crop production	A <sup>(1)</sup>	A <sup>(1)</sup>	A <sup>(1)</sup>	84.01
Agricultural accessory structure - 1,000 sf max.	A	A	A	
Agricultural accessory structure - up to 10,000 sf max. on 5 ac. or less	A	—	—	
Agricultural accessory structure greater than 10,000 sf. on 5 ac. or less	M/C	—	—	
Agricultural support services	CUP	—	—	
Animal keeping	S	S	S	84.04
Crop production, horticulture, orchard, vineyard, nurseries	A	—	—	
Livestock operations	CUP	—	—	84.04
Natural resources development (mining)	CUP	—	—	88.03
Nature preserve (accessory uses)	M/C	—	—	
Lake	M/C	CUP	—	
Pond	A	A	M/C	
<b>INDUSTRY, MANUFACTURING &amp; PROCESSING, WHOLESALING</b>				
Composting operations	CUP	—	—	
Recycling facilities	S	—	—	84.19
<b>RECREATION, EDUCATION &amp; PUBLIC ASSEMBLY USES</b>				
Agritourism enterprises	S	—	—	84.03
Campgrounds	CUP	—	—	
Commercial entertainment - Indoor	—	—	—	
Conference/convention facility	CUP	—	—	
Equestrian facility	M/C	S <sup>(2)</sup>	—	
Fitness/health facility	—	—	—	
Golf course	CUP	—	—	
Library, museum, art gallery, outdoor exhibit	M/C	M/C	M/C	
Meeting facility, public or private	CUP	CUP	CUP	
Park, playground	P	P	P	
Places of worship	CUP	CUP	CUP	
Rural sports and recreation	M/C	—	—	
School - College or university	— <sup>(3)</sup>	—	—	
School - Private	— <sup>(3)</sup>	— <sup>(3)</sup>	—	
School - Specialized education/training	CUP	—	—	
Sports or entertainment assembly	CUP	—	—	

**KEY**

A	Allowed use (no planning permit required)	PD	Planned Development Permit required (Chapter 85.10)
P	Permitted Use; Site Plan Permit required (Chapter 85.08)	SUP	Special Use Permit required (Chapter 85.14)
M/C	Minor Use Permit required; unless a Conditional Use Permit required in compliance with Section 85.06.050 (Projects That Do Not Qualify for a Minor Use Permit)	S	Permit requirement set by Specific Use Regulations (Division 4)
		TSP	Temporary Special Events Permit required (Chapter 85.16)
CUP	Conditional Use Permit required (Chapter 85.06)	TUP	Temporary Use Permit required (Chapter 85.15)
MUP	Minor Use Permit required (Chapter 85.06)	—	Use not allowed

- Notes: (1) Use allowed as an accessory use only with standards, on the same site as a residential use allowed by this table.  
 (2) A boarding facility only with a Home Occupation Permit.  
 (3) Requires a General Plan Amendment to Institutional (IN) Land Use Zoning District.

**Table 82-7 (continued)**  
**Allowed Land Uses and Permit Requirements for Residential Land Use Zoning Districts**

LAND USE <i>See Division 10 (Definitions) for land use definitions</i>	PERMIT REQUIRED BY DISTRICT			Specific Use Regulations
	RL	RS	RM	
<b>RESIDENTIAL USES</b>				
Accessory structures and uses - Residential	A <sup>(1)</sup>	A <sup>(1)</sup>	A <sup>(1)</sup>	84.01
Caretaker housing	M/C <sup>(7)</sup>	M/C	M/C	84.01
Dependent housing	SUP	SUP	SUP	84.08
Guest housing	A	A	A	84.01
Home occupation	SUP	SUP	SUP	84.12
Homeless shelter	CUP	CUP	CUP	
Mobile home park/manufactured home land-lease community	CUP	CUP	CUP	84.14
Multiple dwelling, 2 to 3 units, attached or detached	—	—	A	84.16
Multiple dwelling, 4 to 19 units, attached or detached	—	—	A	84.16
Multiple dwelling, 20 to 49 units, attached or detached	—	—	MUP	84.16
Multiple dwelling, 50 or more units, attached or detached	—	—	CUP	84.16
Organizational house (sorority, fraternity, etc.)	CUP	CUP	M/C	
Rooming or boarding, 2 or fewer persons	—	—	P <sup>(1)</sup>	84.01
Secondary dwelling	A <sup>(1)</sup>	A <sup>(1)</sup>	—	84.01
Single dwelling	A	A	— <sup>(6)</sup>	
Short-Term Private Home Rental	SUP	SUP	SUP	85.28
<b>RETAIL</b>				
Produce stand	A <sup>(2)</sup>	A <sup>(2)</sup>	A <sup>(2)</sup>	
<b>SERVICES - BUSINESS &amp; PROFESSIONAL</b>				
Medical services - Hospital	M/C <sup>(4)</sup>	M/C <sup>(4)</sup>	M/C <sup>(4)</sup>	
Medical services - Rehabilitation centers	M/C	M/C	M/C	
Office - Accessory	A <sup>(1)</sup>	A <sup>(1)</sup>	A <sup>(1)</sup>	
Office - Government	— <sup>(4)</sup>	— <sup>(4)</sup>	— <sup>(4)</sup>	
<b>SERVICES</b>				
Cemetery, including pet cemeteries	CUP	CUP	—	84.06
Child care - Small family day care home	A	A	A	
Child care - Large family day care home	MUP	MUP	MUP	
Child care - Day care center	M/C	M/C	M/C	
Commercial Kennels and Catteries - min lot 2.5 acres (over 15 animals)	M/C/S	—	—	84.04
Correctional institution <sup>(4)</sup>	— <sup>(0)</sup>	—	—	
Lodging - Bed and breakfast inn (B&B)	SUP <sup>(3)</sup>	SUP <sup>(3)</sup>	SUP <sup>(3)</sup>	84.05
Public safety facility	M/C	M/C	M/C	
Social care facility - 6 or fewer clients	A	A	A	84.23
Social care facility - 7 or more clients	M/C	CUP	CUP	84.23

**KEY**

A	Allowed use (no planning permit required)	PD	Planned Development Permit required (Chapter 85.10)
P	Permitted Use; Site Plan Permit required (Chapter 85.08)	SUP	Special Use Permit required (Chapter 85.14)
M/C	Minor Use Permit required; unless a Conditional Use Permit required in compliance with Section 85.06.050 (Projects That Do Not Qualify for a Minor Use Permit)	S	Permit requirement set by Specific Use Regulations (Division 4)
		TSP	Temporary Special Events Permit required (Chapter 85.16)
CUP	Conditional Use Permit required (Chapter 85.06)	TUP	Temporary Use Permit required (Chapter 85.15)
MUP	Minor Use Permit required (Chapter 85.06)	—	Use not allowed

- Notes:
- (1) Use allowed as an accessory use only, on the same site as a residential use allowed by this table provided that the parcel is twice the minimum lot size required by the land use zoning district.
  - (2) In the Phelan/Pinon Hills Community Plan area on lots greater than 10,000 sq. ft. with a maximum 200 sq ft structure for storage and sales and a maximum 6 sq ft advertising sign; in RS and RM, can only operate for 72 hours per month.
  - (3) A CUP shall be required for three or more rooms.
  - (4) Requires a General Plan Amendment to Institutional (IN) Land Use Zoning District
  - (5) For parcels that are 10 acres or greater, a Site Plan Permit is all that is needed.

- (6) Single dwellings will only be allowed within an RM Land Use Zoning District when it is part of a Planned Residential Development that has been designed to meet the goals and densities of the RM zone.

**Table 82-7 (continued)**  
**Allowed Land Uses and Permit Requirements for Residential Land Use Zoning Districts**

LAND USE <i>See Division 10 (Definitions) for land use definitions.</i>	PERMIT REQUIRED BY DISTRICT			Specific Use Regulations
	RL	RS	RM	
<b>TRANSPORTATION, COMMUNICATIONS &amp; INFRASTRUCTURE</b>				
Broadcasting antennae and towers	M/C	—	—	
Electrical power generation <sup>(2)</sup>	—	—	—	
Pipelines, transmission lines, and control stations <sup>(1)</sup>	(1)	(1)	(1)	
Sewage treatment and disposal facility <sup>(2)</sup>	—	—	—	
Solid waste disposal <sup>(2)</sup>	—	—	—	
Telecommunications facility	S	S	S	84.27
Transportation facility	M/C	M/C	M/C	
Utility facility	CUP	CUP	CUP	
Wind energy accessory	S	S	S	84.26
Wireless telecommunications facility	S	S	S	84.27
<b>OTHER</b>				
Accessory structures and uses	A	A	A	84.01
Temporary special events	TSP	TSP	TSP	84.25
Temporary structures and uses	TUP	TUP	TUP	84.25

**KEY**

A	Allowed use (no planning permit required)	PD	Planned Development Permit required (Chapter 85.10)
P	Permitted Use; Site Plan Permit required (Chapter 85.08)	SUP	Special Use Permit required (Chapter 85.14)
M/C	Minor Use Permit required; unless a Conditional Use Permit required in compliance with Section 85.06.050 (Projects That Do Not Qualify for a Minor Use Permit)	S	Permit requirement set by Specific Use Regulations (Division 4)
		TSP	Temporary Special Events Permit required (Chapter 85.16)
CUP	Conditional Use Permit required (Chapter 85.06)	TUP	Temporary Use Permit required (Chapter 85.15)
MUP	Minor Use Permit required (Chapter 85.06)	—	Use not allowed

- Notes:** (1) These uses are regulated and approved by the Public Utilities Commission. See alternate review procedures in Chapter 85.02.  
 (2) Requires a General Plan Amendment to Institutional (IN) Land Use Zoning District.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

**82.04.050 Residential Land Use Zoning District Subdivision Standards**

- (a) Each subdivision shall comply with the minimum parcel size requirements shown in Tables 82-8A, 82-8B and 82-8C for the applicable land use zoning district.
- (b) The minimum parcel size requirements for a specific subdivision are determined by the review authority as part of subdivision approval. The review authority may require one or more parcels within a specific subdivision to be larger than the minimums required by these tables based on potential environmental impacts, the physical characteristics of the site or surrounding parcels, and/or other factors.
- (c) See also the standards in Sections 83.02.050 (Parcel Area Measurements and Exceptions).

**Table 82-8A  
Residential Land Use Zoning District Minimum Lot Size  
Valley Region**

Land Use Zoning District	Minimum Lot Area	Minimum Lot Dimensions		
		Minimum Width	Minimum Depth	Maximum Width to Depth Ratio
RL	2.5 acres <sup>(1)</sup>	150 ft	150 ft	1:3 for less than 10 acres; 1:4 for 10 or more acres.
RS	7,200 sf <sup>(1)</sup>	60 ft for less than 1 acre; 150 ft for 1 acre or more.	100 ft for less than 1 acre; 150 ft for 1 acre or more.	1:3 for less than 10 acres; 1:4 for 10 or more acres.
RM	10,000 sf	60 ft	100 ft	1:3

**Notes:**

- (1) Except where modified by map suffix. The various designations within the RL Land Use Zoning District shall be limited to RL, RL-5, RL-10, RL-20 and RL-40. The various designations within the RS Land Use Zoning District shall be limited to RS, RS-10M, RS-14M, RS-20M and RS-1.

**Table 82-9B  
Residential Land Use Zoning District Development Standards  
Mountain Region**

Development Feature	Requirement by Land Use Zoning District		
	RL Rural Living	RS Single Residential	RM Multiple Residential
<b>Density</b>	<i>Maximum housing density. The actual number of units allowed will be determined by the County through subdivision or planning permit approval, as applicable.</i>		
Maximum density	1 unit per 2.5 acres <sup>(1)</sup> Accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)	4 units per acre <sup>(1)</sup> Accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)	20 units per acre Accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)
<b>Setbacks</b>	<i>Minimum setbacks required. See Chapters 83.02 for exceptions, reductions, and encroachments. See Division 5 for any setback requirements applicable to specific land uses.</i>		
Front	25 ft	Lot less than 14,000 sf =15 ft Lots 14,000 sf or larger=25 ft.	Lot less than 14,000 sf =15 ft Lots 14,000 sf or larger=25
Side - Street side	25 ft	15 ft	15 ft
Side - Interior (each)	20 ft	20% of lot width, need not exceed 15 ft <sup>(2)</sup>	20% of lot width, need not exceed 15 ft <sup>(2)</sup>
Rear	20 ft	15 ft	15 ft
Accessory structures	See Chapter 84.01 (Accessory Structures and Uses)		
<b>Lot coverage</b>	<i>Maximum percentage of the total lot area that may be covered by structures and impervious surfaces.</i>		
Maximum coverage	20%	40%	60%
<b>Height limit</b>	<i>Maximum allowed height of structures. See Chapter 83.02 for height measurement requirements, and height limit exceptions.</i>		
Maximum height	35 ft	35 ft	45 ft
<b>Accessory structures</b>	See Chapter 84.01 (Accessory Structures and Uses).		
<b>Infrastructure</b>	See Chapter 83.09 (Infrastructure Improvement Standards)		
<b>Parking</b>	See Chapter 83.11 (Parking Regulations).		
<b>Signs</b>	See Chapter 83.13 (Sign Regulations)		

**Notes:**

- (1) Map suffix may modify.
- (2) The side yard setback standards in the Fire Safety Overlay (Chapter 82.13) shall prevail. The setback provisions of the small lot development standards (Chapter 84.22) shall not apply.

**Table 82-9C  
Residential Land Use Zoning District Development Standards  
Desert Region**

Development Feature	Requirement by Land Use Zoning District		
	RL Rural Living	RS Single Residential	RM Multiple Residential
<b>Density</b>	<i>Maximum housing density. The actual number of units allowed will be determined by the County through subdivision or planning permit approval, as applicable.</i>		
Maximum density	1 unit per 2.5 acres <sup>(1)</sup> Accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)	4 units per acre <sup>(1)</sup> Accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)	20 units per acre Accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)
<b>Setbacks</b>	<i>Minimum setbacks required. See Chapters 83.02 for exceptions, reductions, and encroachments. See Division 5 for any setback requirements applicable to specific land uses.</i>		
Front	25 ft	25 ft <sup>(2)</sup>	25 ft <sup>(2)</sup>
Side - Street side	25 ft	Local street - 15 ft <sup>(3)</sup> Collector or wider - 25 ft	Local street - 15 ft Collector or wider - 25 ft
Side - Interior (each)	Lot 75 wide or less - 5 ft on one side, 10 ft on other; Other lots - 15 ft	5 ft on one side, 10 ft on other <sup>(4)</sup>	5 ft on one side, 10 ft on other
Rear	15 ft	15 ft	15 ft
Accessory structures	See Chapter 84.01 (Accessory Structures and Uses)		
<b>Lot coverage</b>	<i>Maximum percentage of the total lot area that may be covered by structures and impervious surfaces.</i>		
Maximum coverage	20%	Lot less than 20,000 sf - Entire building envelope <sup>(5)</sup> Lot of 20,000 sf or larger - 40%	60%
<b>Height limit</b>	<i>Maximum allowed height of structures. See Chapter 83.02 for height measurement requirements, and height limit exceptions.</i>		
Maximum height	35 ft	35 ft	45 ft
<b>Accessory structures</b>	See Chapter 84.01 (Accessory Structures and Uses).		
<b>Infrastructure</b>	See Chapter 83.09 (Infrastructure Improvement Standards)		
<b>Parking</b>	See Chapter 83.11 (Parking Regulations).		
<b>Signs</b>	See Chapter 83.13 (Sign Regulations)		

**Notes:**

- (1) Map suffix may modify.
- (2) A Final Map or Parcel Map may establish front yard setbacks of no less than 22 feet, provided that the average setback of all parcels in the subdivision is 25 feet.
- (3) This setback shall be 25 feet in the Phelan-Pinon Hills Community Plan area.
- (4) This setback shall be 10 feet on both sides in the Phelan-Pinon Hills Community Plan area.
- (5) Setback, Building Code, and Composite Development Plan requirements still apply.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

**Table 82-11  
Allowed Land Uses and Permit Requirements for Commercial Land Use Zoning Districts**

LAND USE <i>See Division 10 (Definitions) for land use definitions</i>	PERMIT REQUIRED BY DISTRICT						Specific Use Regulations
	CR	CN	CO	CG	CS	CH	
<b>AGRICULTURAL, RESOURCE &amp; OPEN SPACE USES</b>							
Accessory crop production	—	—	—	—	—	—	
Agriculture support services	P <sup>(2)</sup>	—	—	P <sup>(1,2)</sup>	P <sup>(2)</sup>	—	
Crop production, horticulture, orchard, vineyard	—	—	—	—	—	—	
Natural resources development (Mining)	—	—	—	—	—	—	88.03
Nature preserve (accessory uses)	—	—	—	—	—	—	
<b>INDUSTRY, MANUFACTURING &amp; PROCESSING, WHOLESALING</b>							
Construction contractor storage yard	M/C	—	—	—	M/C	—	
Firewood contractor	P <sup>(2)</sup>	—	—	—	P <sup>(2)</sup>	—	84.09
Hazardous waste operations	—	—	—	—	—	—	84.11
Manufacturing Operations I	M/C <sup>(3)</sup>	—	—	—	P <sup>(2)</sup>	—	
Motor vehicle storage/Impound facility	CUP	—	—	—	CUP	CUP	
Recycling facilities - Small collection facility	SUP	SUP	SUP	SUP	SUP	SUP	84.19
Recycling facilities - Large collection facility	CUP	—	CUP	CUP	CUP	CUP	84.19
Recycling facilities - Light processing facility	CUP	—	—	CUP	CUP	—	84.19
Recycling facilities - Heavy processing facility	—	—	—	—	—	—	84.19
Recycling facilities, reverse vending machine	A	A	A	A	A	A	84.19
Salvage operations - within enclosed structures	M/C <sup>(5)</sup>	—	—	—	M/C	—	
Storage - Personal storage (mini-storage)	M/C	—	—	—	P <sup>(2)</sup>	—	
Storage - <b>Recreational vehicles</b>	CUP	—	—	—	CUP	CUP	
Storage - Warehouse, Indoor Storage	M/C	—	—	—	—	—	
Wholesaling and distribution	M/C <sup>(5)</sup>	—	—	P <sup>(1,2)</sup>	P <sup>(2)</sup>	—	
<b>RECREATION, EDUCATION &amp; PUBLIC ASSEMBLY</b>							
Adult-oriented business	—	—	—	CUP	—	—	84.02
Campgrounds	—	—	—	—	—	—	
Commercial entertainment - Indoor	P <sup>(2)</sup>	P <sup>(2)</sup>	—	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	
Commercial entertainment - Outdoor	P <sup>(2)</sup>	—	—	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	
Conference/convention facility (5, 6)	M/C	—	M/C	M/C	M/C	M/C	
Equestrian facility	M/C	—	M/C	M/C	M/C	M/C	
Fitness/health facility (6)	P <sup>(2)</sup>	P <sup>(2)</sup>	—	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	
Golf course	M/C	—	—	—	M/C	M/C	
Library, museum, art gallery, outdoor exhibit (6)	M/C	—	—	M/C	M/C	M/C	

**KEY**

A	Allowed use (no planning permit required)	PD	Planned Development Permit required (Chapter 85.10)
P	Permitted Use; Site Plan Permit required (Chapter 85.08)	SUP	Special Use Permit required (Chapter 85.14)
M/C	Minor Use Permit required; unless a Conditional Use Permit required in compliance with Section 85.06.050 (Projects That Do Not Qualify for a Minor Use Permit)	S	Permit requirement set by Specific Use Regulations (Division 4)
		TSP	Temporary Special Events Permit required (Chapter 85.16)
CUP	Conditional Use Permit required (Chapter 85.06)	TUP	Temporary Use Permit required (Chapter 85.15)
MUP	Minor Use Permit required (Chapter 85.06)	—	Use not allowed

**Notes:**

- (1) Not allowed in the Phelan planning area.
- (2) CUP required if maximum building coverage exceeds 10,000 sq. ft., the use will have more than 20 employees per shift, or if not exempt from CEQA; may qualify for a MUP in compliance with Section 85.06.020 (Applicability).
- (3) The use shall be allowed in Lucerne Valley with a Site Plan Permit.
- (4) Use allowed as an accessory use only, on the same site as a retail, service, or industrial use allowed by this table.
- (5) The use is allowed in Lucerne Valley with a MUP.
- (6) A MUP shall not be allowed if the use requires more than 200 parking spaces.

**Table 82-11  
Allowed Land Uses and Permit Requirements  
for Commercial Land Use Zoning Districts (continued)**

LAND USE <i>See Division 10 (Definitions) for land use definitions</i>	PERMIT REQUIRED BY DISTRICT						Specific Use Regulations
	CR	CN	CO	CG	CS	CH	
<b>RECREATION, EDUCATION &amp; PUBLIC ASSEMBLY (continued)</b>							
Meeting facility, public or private <sup>(4)</sup>	CUP	CUP	CUP	CUP	CUP	CUP	
Park, playground	M/C	—	—	—	—	—	
Places of worship	CUP	CUP	CUP	CUP	CUP	CUP	
Recreational vehicle park	M/C	—	—	—	M/C	M/C	
Rural sports and recreation	CUP	—	—	—	CUP	CUP	
School - College or university <sup>(4, 5)</sup>	M/C	—	M/C	M/C	M/C	M/C	
School - Private <sup>(4, 5)</sup>	M/C	—	M/C	M/C	M/C	M/C	
School - Specialized education/training <sup>(4)</sup>	M/C	—	M/C	M/C	M/C	M/C	
Sports or entertainment assembly	CUP	—	—	CUP	CUP	CUP	
Theater <sup>(4)</sup>	M/C	—	—	M/C	M/C	M/C	
<b>RESIDENTIAL</b>							
Accessory dwelling (caretakers residence, etc.)	P <sup>(3)</sup>	P <sup>(3)</sup>	P <sup>(3)</sup>	P <sup>(3)</sup>	P <sup>(3)</sup>	P <sup>(3)</sup>	84.01
Accessory use or structure - Residential (conforming and non-conforming uses)	A	P <sup>(2, 3)</sup>	P <sup>(2, 3)</sup>	P <sup>(2, 3)</sup>	P <sup>(2, 3)</sup>	P <sup>(2, 3)</sup>	84.01
Guest housing	P <sup>(2)</sup>	—	—	—	—	—	84.01
Home occupation	SUP	SUP	SUP	SUP	SUP	SUP	84.12
Homeless shelter	CUP	CUP	CUP	CUP	CUP	CUP	
Live/work unit	M/C	M/C	M/C	M/C	M/C	M/C	
Mobile home park/manufactured home land-lease community	CUP	—	—	—	—	—	84.14
Multiple dwelling, up to 19 units, attached or detached	A	—	—	—	—	—	84.16
Multiple dwelling, 20 or more units	CUP	—	—	—	—	—	84.16
Residential use only as part of a mixed use project	PD	—	PD	PD	PD	PD	84.16
Secondary dwelling unit	A	—	—	—	—	—	84.01
Single dwelling	A	—	—	—	—	—	

**KEY**

A	Allowed use (no planning permit required)	PD	Planned Development Permit required (Chapter 85.10)
P	Permitted Use; Site Plan Permit required (Chapter 85.08)	SUP	Special Use Permit required (Chapter 85.14)
M/C	Minor Use Permit required; unless a Conditional Use Permit required in compliance with Section 85.06.050 (Projects That Do Not Qualify for a Minor Use Permit)	S	Permit requirement set by Specific Use Regulations (Division 4)
CUP	Conditional Use Permit required (Chapter 85.06)	TSP	Temporary Special Events Permit required (Chapter 85.16)
MUP	Minor Use Permit required (Chapter 85.06)	TUP	Temporary Use Permit required (Chapter 85.15)
		—	Use not allowed

**Notes:**

- (1) A MUP shall be required for projects in Lucerne Valley.
- (2) Use allowed as an accessory use only, on the same site as a residential use allowed by this table.
- (3) Use allowed as an accessory use only, on the same site as a retail, service, or industrial use allowed by this table.
- (4) A MUP shall not be allowed if the use requires more than 200 parking spaces.
- (5) May require a General Plan Amendment to Institutional (IN) Land Use Zoning District.



**Table 82-11  
Allowed Land Uses and Permit Requirements  
for Commercial Land Use Zoning Districts (continued)**

LAND USE <i>See Division 10 (Definitions) for land use definitions</i>	PERMIT REQUIRED BY DISTRICT						Specific Use Regulations
	CR	CN	CO	CG	CS	CH	
<b>RETAIL</b>							
Auto and vehicle sales and rental	P <sup>(1)</sup>	—	—	P <sup>(1)</sup>	P <sup>(1)</sup>	—	
Bar, tavern, night club	P <sup>(1)</sup>	M/C	—	P <sup>(1)</sup>	P <sup>(1)</sup>	—	
Building and landscape materials sales - Indoor	M/C	—	—	M/C	M/C	—	
Building and landscape materials sales - Outdoor	M/C	—	—	M/C	M/C	—	
Construction and heavy equipment sales and rental	M/C	—	—	—	M/C	—	
Convenience store	P <sup>(1)</sup>	P <sup>(1)</sup>	P <sup>(1)</sup>	P <sup>(1)</sup>	P <sup>(1)</sup>	P <sup>(1)</sup>	
Fuel dealer (propane for home and farm use, etc.)	M/C	—	—	—	M/C	—	
General retail	M/C	—	—	P <sup>(1)</sup>	P <sup>(1)</sup>	—	
Groceries, specialty foods	M/C	M/C	—	P <sup>(1)</sup>	P <sup>(1)</sup>	—	
Manufactured home, boat, or RV sales	P <sup>(1)</sup>	—	—	M/C	M/C	—	
Night club	P <sup>(1)</sup>	M/C	—	M/C	P <sup>(1)</sup>	—	
Restaurant, café, coffee shop	P <sup>(1)</sup>	P <sup>(1)</sup>	P <sup>(1)</sup>	P <sup>(1)</sup>	P <sup>(1)</sup>	P <sup>(1)</sup>	
Service station	M/C	M/C	—	M/C	M/C	M/C	
Second hand stores, pawnshops	P	—	—	P	P	—	
Shopping center	M/C	M/C	—	M/C	M/C	M/C	
Swap meet, outdoor market, auction yard	M/C	—	—	M/C	M/C	—	
Warehouse retail	P <sup>(1)</sup>	—	—	P <sup>(1)</sup>	P <sup>(1)</sup>	—	
<b>SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL</b>							
Medical services - Hospital <sup>(4)</sup>	—	—	CUP <sup>(3)</sup>	—	—	—	
Medical services - Rehabilitation center	—	—	CUP	—	—	—	
Office - Accessory	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	
Professional services	P <sup>(1)</sup>	P <sup>(1)</sup>	P	P <sup>(1)</sup>	P <sup>(1)</sup>	—	
<b>SERVICES - GENERAL</b>							
Bail bond service within 1 mile of correctional institution	P	—	P	P	P	P	
Cemetery, including pet cemeteries	CUP	CUP	CUP	CUP	CUP	CUP	84.06
Child care - Day care center	M/C	M/C	M/C	M/C	M/C	—	
Correctional institution <sup>(4)</sup>	—	—	—	—	—	—	
Convenience and support services	P <sup>(1)</sup>	P <sup>(1)</sup>	—	P <sup>(1)</sup>	P <sup>(1)</sup>	P <sup>(1)</sup>	
Equipment rental	P <sup>(1)</sup>	—	—	P <sup>(1)</sup>	P <sup>(1)</sup>	—	

**KEY**

A	Allowed use (no planning permit required)	PD	Planned Development Permit required (Chapter 85.10)
P	Permitted Use; Site Plan Permit required (Chapter 85.08)	SUP	Special Use Permit required (Chapter 85.14)
M/C	Minor Use Permit required; unless a Conditional Use Permit required in compliance with Section 85.06.050 (Projects That Do Not Qualify for a Minor Use Permit)	S	Permit requirement set by Specific Use Regulations (Division 4)
		TSP	Temporary Special Events Permit required (Chapter 85.16)
CUP	Conditional Use Permit required (Chapter 85.06)	TUP	Temporary Use Permit required (Chapter 85.15)
MUP	Minor Use Permit required (Chapter 85.06)	—	Use not allowed

**Notes:**

- (1) CUP required if maximum building coverage exceeds 10,000 sq. ft., the use will have more than 20 employees per shift, or if not exempt from CEQA; may qualify for a MUP in compliance with Section 85.06.020 (Applicability).
- (2) Use allowed as an accessory use only, on the same site as a retail, service, or industrial use allowed by this table.
- (3) A MUP shall not be allowed if the use requires more than 200 parking spaces.
- (4) Requires a General Plan Amendment to Institutional (IN) Land Use Zoning District.

**Table 82-11  
Allowed Land Uses and Permit Requirements  
for Commercial Land Use Zoning Districts (continued)**

LAND USE <i>See Division 10 (Definitions) for land use definitions</i>	PERMIT REQUIRED BY DISTRICT						Specific Use Regulations
	CR	CN	CO	CG	CS	CH	
<b>SERVICES GENERAL (Continued)</b>							
Kennel or cattery - 2.5-acre minimum lot area (over 15 animals)	MUP/S	—	—	—	MUP/S	—	84.04
Lodging - Bed and breakfast inn (B&B)	SUP	—	—	—	—	—	84.05
Lodging - Hotel or motel - 20 or fewer guest rooms	P <sup>(2)</sup>	—	—	P <sup>(1,2)</sup>	P <sup>(1,2)</sup>	P <sup>(2)</sup>	
Lodging - Hotel or motel - More than 20 guest rooms	M/C	—	—	M/C	M/C	M/C	
Personal services	P <sup>(2)</sup>	P <sup>(2)</sup>	—	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	
Public safety facility	M/C	M/C	—	—	M/C	M/C	
Social Care Facility - 7 or more clients	M/C	M/C	M/C	M/C	M/C	M/C	
Vehicle services - Major repair/body work	M/C	—	—	—	M/C	M/C	
Vehicle services - Minor maintenance/repair	P <sup>(2)</sup>	—	—	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	
Veterinary clinic, animal hospital	M/C	—	—	M/C	M/C	—	
<b>TRANSPORTATION, COMMUNICATIONS &amp; INFRASTRUCTURE</b>							
Ambulance, taxi, or limousine dispatch facility	P <sup>(2)</sup>	—	—	—	P <sup>(2)</sup>	P <sup>(2)</sup>	
Broadcasting antennae and towers	M/C	—	—	M/C	M/C	—	
Broadcasting studio	P <sup>(2)</sup>	—	—	P <sup>(2)</sup>	P <sup>(2)</sup>	—	
Electrical power generation <sup>(4)</sup>	—	—	—	—	—	—	
Parking lots and structures, accessory	P <sup>(3)</sup>	P <sup>(3)</sup>	P <sup>(3)</sup>	P <sup>(3)</sup>	P <sup>(3)</sup>	P <sup>(3)</sup>	
Pipelines, transmission lines, and control stations <sup>(5)</sup>	<sup>(5)</sup>	<sup>(5)</sup>	<sup>(5)</sup>	<sup>(5)</sup>	<sup>(5)</sup>	<sup>(5)</sup>	
Sewage treatment and disposal facility <sup>(4)</sup>	—	—	—	—	—	—	
Solid waste disposal <sup>(4)</sup>	—	—	—	—	—	—	
Transportation facility	M/C	M/C	M/C	M/C	M/C	M/C	
Truck Stop	M/C	—	—	—	M/C	M/C	
Truck Terminal	—	—	—	—	M/C	—	
Utility facility	CUP	—	—	—	CUP	—	
Wind energy system, accessory	S	S	S	S	S	S	84.26
Wireless telecommunications facility	S	S	S	S	S	S	84.27
<b>OTHER</b>							
Accessory structures and uses	P	P	P	P	P	P	84.01
Off-Site Signs	—	—	—	CUP	—	CUP	83.13.060
Off-Site Signs (Freeway Oriented)	—	—	—	CUP	—	CUP	83.13.060
Temporary special events	TSP	TSP	TSP	TSP	TSP	TSP	84.25
Temporary uses and activities	TUP	TUP	TUP	TUP	TUP	TUP	84.25

**KEY**

A	Allowed use (no planning permit required)	PD	Planned Development Permit required (Chapter 85.10)
P	Permitted Use; Site Plan Permit required (Chapter 85.08)	SUP	Special Use Permit required (Chapter 85.14)
M/C	Minor Use Permit required; unless a Conditional Use Permit required in compliance with Section 85.06.050 (Projects That Do Not Qualify for a Minor Use Permit)	S	Permit requirement set by Specific Use Regulations (Division 4)
		TSP	Temporary Special Events Permit required (Chapter 85.16)
CUP	Conditional Use Permit required (Chapter 85.06)	TUP	Temporary Use Permit required (Chapter 85.15)
MUP	Minor Use Permit required (Chapter 85.06)	—	Use not allowed

**Notes:**

- (1) A CUP shall be required for this use in the Phelan planning area.
- (2) CUP required if maximum building coverage exceeds 10,000 sq. ft., the use will have more than 20 employees per shift, or if not exempt from CEQA; may qualify for a MUP in compliance with Section 85.06.020 (Applicability)..
- (3) Use allowed as an accessory use only, on the same site as a retail, service, or industrial use allowed by this table.
- (4) Requires a General Plan Amendment to Institutional (IN) Land Use Zoning District.
- (5) These uses are regulated and approved by the Public Utilities Commission. See alternate review procedures in Section 85.02.050

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

---

## **CHAPTER 82.06 INDUSTRIAL AND SPECIAL PURPOSE LAND USE ZONING DISTRICTS**

---

### **Sections:**

- 82.06.010 Purpose
- 82.06.020 Purposes and Location of the Industrial and Special Purpose Land Use Zoning Districts
- 82.06.030 Minimum Area for Designation
- 82.06.040 Industrial and Special Purpose Land Use Zoning District Allowed Uses and Permit Requirements
- 82.06.050 Industrial and Special Purpose Land Use Zoning District Subdivision Standards
- 82.06.060 Industrial and Special Purpose Land Use Zoning District Site Planning and Building Standards

### **82.06.010 Purpose**

This Chapter lists the land uses that may be allowed within the industrial and special purpose land use zoning districts established by the General Plan and listed in Chapter 82.01 (Land Use Plan, Land Use Zoning Districts, and Overlays), determines the type of planning permit/approval required for each use, and provides basic standards for site layout and building size.

Adopted Ordinance 4011 (2007)

### **82.06.020 Purposes and Location of the Industrial and Special Purpose Land Use Zoning Districts**

The purposes of the individual Industrial and special purpose land use zoning districts and the locations where they are applied are as specified in the General Plan and as described in Chapter 82.01 (Land Use Plan, Land Use Zoning Districts, and Overlays).

Adopted Ordinance 4011 (2007)

### **82.06.030 Minimum Area for Designation**

The Industrial and special purpose land use zoning districts shall be applied through the General Plan amendment process (Chapter 86.12) only to sites with the minimum areas indicated in Table 82-16.

**Table 82-16  
Minimum Area for Industrial and Special Use  
Land Use Zoning District Designation**

Land Use Zoning District	Minimum Area for Designation
IC (Community Industrial)	5 acres
IR (Regional Industrial)	30 acres
IN (Institutional)	None required
SD (Special Development)	20 acres
SP (Specific Plan)	As specified by General Plan

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

**82.06.040 Industrial and Special Purpose Land Use Zoning District Allowed Uses and Permit Requirements**

- (a) **General permit requirements.** Table 82-17 identifies the uses of land allowed by this Development Code in each Industrial and special purpose land use zoning district established by Chapter 82.01 (Land Use Plan, Land Use Zoning Districts, Overlays), in compliance with Section 82.02.030 (Allowed Land Uses and Planning Permit Requirements).
- (b) **Requirements for certain specific land uses.** Where the last column in Table 82-17 ("Specific Use Regulations") includes a section number, the referenced section may affect whether the use requires Site Plan Permit, or Conditional Use Permit or Minor Use Permit, Planned Development Permit, or other County approval, and/or may establish other requirements and standards applicable to the use.
- (c) **Allowed land uses in the SD land use zoning district.** A special development may allow intermixing of residential, commercial and industrial uses, provided that the review authority determines that there is a specific need for the special development standards. The Special Development Land Use Zoning District may have a suffix to indicate the focus of a particular SD zone. A "RES" suffix indicates that the focus is on residential Planned Development projects. A "COM" suffix indicates that the focus is on commercial Planned Development projects. An "IND" suffix indicates that the focus is on industrial Planned Development projects. However, all can still have mixed uses within these zones.

**Table 82-17  
Allowed Land Uses and Permit Requirements  
for Industrial and Special Purpose Land Use Zoning Districts**

LAND USE <i>See Division 10 (Definitions) for land use definitions</i>	PERMIT REQUIRED BY DISTRICT						Specific Use Regulations
	IC	IR	IN	SD-RES <sup>(6)</sup>	SD-COM <sup>(6)</sup>	SD-IND <sup>(6)</sup>	
<b>AGRICULTURAL, RESOURCE &amp; OPEN SPACE USES</b>							
Agriculture Support Services	P <sup>(2)</sup>	P <sup>(2)</sup>	—	M/C	M/C	M/C	
Animal Keeping	—	—	—	S	—	—	84.04
Crop production, horticulture, orchard, vineyard	—	—	—	A	—	—	
Livestock operations/sales	—	—	—	—	—	—	
Natural resources development (mining)	CUP	CUP	—	CUP	CUP	CUP	
Nature preserve (accessory uses)	—	—	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	
<b>INDUSTRY, MANUFACTURING &amp; PROCESSING, WHOLESALING</b>							
Construction contractor storage yard	M/C	P <sup>(2)</sup>	—	M/C	M/C <sup>(7)</sup>	M/C	
Hazardous waste operation	—	CUP	—	—	—	—	
Firewood contractor	P	P	—	—	—	M/C	84.09
Manufacturing Operations I	P <sup>(2)</sup>	P <sup>(2)</sup>	—	CUP <sup>(4)</sup>	CUP <sup>(4)</sup>	CUP <sup>(4)</sup>	
Manufacturing Operations II	— <sup>(1)(5)</sup>	M/C	—	—	—	CUP <sup>(4)</sup>	
<b>Motor vehicle storage/Impound facility</b>	<b>M/C</b>	<b>M/C</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>M/C</b>	
Recycling facilities - Small collection facility	SUP	SUP	—	—	MUP	MUP	84.19
Recycling facilities - Large collection facility	CUP	CUP	—	—	CUP <sup>(7)</sup>	CUP	84.19
Recycling facilities - Light processing facility	CUP	CUP	—	—	CUP <sup>(7)</sup>	CUP	84.19
Recycling facilities - Heavy processing facility	CUP	CUP	—	—	—	CUP	84.19
Recycling facilities, reverse vending machines	A	A	—	A	A	S	84.19
Salvage operations - Within an enclosed structure	CUP	M/C	—	—	CUP	M/C	
Salvage operations - General	—	CUP	—	—	—	—	
Storage - Personal storage (mini-storage)	P <sup>(2)</sup>	P <sup>(2)</sup>	—	M/C	M/C	M/C	
Storage - <b>Recreational vehicles</b>	M/C	M/C	—	M/C	M/C	M/C	
Storage - Warehouse, indoor storage	M/C	M/C	—	—	M/C	M/C	
Wholesaling and distribution	M/C	M/C	—	—	M/C	M/C	

**Key**

A	Allowed use (no planning permit required)	PD	Planned Development Permit required (Chapter 85.10)
P	Permitted Use; Site Plan Permit required (Chapter 85.08)	SUP	Special Use Permit required (Chapter 85.14)
M/C	Minor Use Permit required; unless a Conditional Use Permit required in compliance with Section 85.06.050 (Projects That Do Not Qualify for a Minor Use Permit)	S	Permit requirement set by Specific Use Regulations (Division 4)
CUP	Conditional Use Permit required (Chapter 85.06)	TSP	Temporary Special Events Permit required (Chapter 85.16)
MUP	Minor Use Permit required (Chapter 85.06)	TUP	Temporary Use Permit required (Chapter 85.15)
		—	Use not allowed

**Notes:**

- Concrete batch plants in the Phelan planning area may be allowed subject to a CUP.
- CUP required if maximum building coverage exceeds 10,000 sq. ft., the use will have more than 20 employees per shift, or if not exempt from CEQA; may qualify for a MUP in compliance with Section 85.06.020 (Applicability).
- Use allowed as an accessory use only, on the same site as a retail, service, or industrial use allowed by this table.
- PD Permit required if total floor area or use area exceeds 10,000 sq. ft.
- Pallet manufacturing, reconditioning, and storage yards in the unincorporated area in Fontana bounded by the I-10 on the north, Almond Ave. on the east, 660 ft. south of Santa Ana Ave. on the south, and Mulberry Ave. on the west that is zoned IC may be allowed subject to a CUP.
- The Special Development Land Use Zoning District may have a suffix to indicate the focus of a particular SD zone. A “RES” suffix indicates that the focus is on residential Planned Development projects. A “COM” suffix indicates that the focus is on commercial Planned Development projects. An “IND” suffix indicates that the focus is on industrial Planned Development projects. However, all can still have mixed uses within these zones.
- This use shall be located completely within an enclosed structure.**

**Table 82-17  
Allowed Land Uses and Permit Requirements  
for Industrial and Special Purpose Land Use Zoning Districts (continued)**

LAND USE <i>See Division 10 (Definitions) for land use definitions</i>	PERMIT REQUIRED BY DISTRICT						Specific Use Regulations
	IC	IR	IN	SD-RES <sup>(6)</sup>	SD-COM <sup>(6)</sup>	SD-IND <sup>(6)</sup>	
<b>RECREATION, EDUCATION &amp; PUBLIC ASSEMBLY</b>							
Campgrounds	—	—	—	—	—	—	
Commercial entertainment - Indoor	M/C	—	—	M/C	M/C	M/C	
Conference/convention facility	—	—	—	CUP <sup>(3)</sup>	CUP <sup>(3)</sup>	CUP <sup>(3)</sup>	
Equestrian facility	—	—	—	M/C	M/C	M/C	
Fitness/health facility	P <sup>(5)</sup>	P <sup>(5)</sup>	—	M/C	M/C	M/C	
Golf course	—	—	—	CUP <sup>(3)</sup>	CUP <sup>(3)</sup>	CUP <sup>(3)</sup>	
Library, museum, art gallery, outdoor exhibit	—	—	—	M/C	M/C	M/C	
Meeting facility, public or private	CUP	—	—	CUP	CUP	CUP	
Park, playground	—	—	P	P	P	P	
Places of worship	CUP	CUP	CUP	CUP	CUP	CUP	
Rural sports and recreation	—	—	—	CUP	CUP	CUP	
School - College or university	M/C <sup>(4)</sup>	M/C <sup>(4)</sup>	M/C <sup>(4)</sup>	M/C <sup>(4)</sup>	M/C <sup>(4)</sup>	M/C <sup>(4)</sup>	
School - Private	M/C <sup>(4)</sup>	M/C <sup>(4)</sup>	M/C <sup>(4)</sup>	M/C <sup>(4)</sup>	M/C <sup>(4)</sup>	M/C <sup>(4)</sup>	
School - Specialized education/training	M/C	M/C	M/C	M/C	M/C	M/C	
<b>RESIDENTIAL</b>							
Accessory dwelling (labor quarters, etc.)	P <sup>(1)</sup>	P <sup>(1)</sup>	P <sup>(1)</sup>	P <sup>(1)</sup>	P <sup>(1)</sup>	P <sup>(1)</sup>	84.01
Accessory structures and uses - Residential (conforming and non-conforming uses)	P <sup>(1,2)</sup>	P <sup>(1,2)</sup>	P <sup>(1,2)</sup>	P <sup>(1)</sup>	P <sup>(1)</sup>	P <sup>(1)</sup>	84.01
Dependent housing	—	—	—	SUP	—	—	84.08
Guest housing	—	—	—	P <sup>(2)</sup>	—	—	84.01
Home occupation	SUP	SUP	SUP	SUP	SUP	SUP	84.12
Homeless shelter	CUP	—	—	CUP	CUP	CUP	
Live/work unit	M/C	—	—	M/C	M/C	—	
Mobile home park/manufactured home land-lease community	—	—	—	CUP	CUP	—	
Multiple residential use	—	—	—	PD	PD	PD	
Residential use with retail, service, or industrial use	—	—	—	PD	PD	PD	
Second dwelling unit	—	—	—	S	—	—	84.01
Single dwelling	—	—	—	A	—	—	

**KEY**

A	Allowed use (no planning permit required)	PD	Planned Development Permit required (Chapter 85.10)
P	Permitted Use; Site Plan Permit required (Chapter 85.08)	SUP	Special Use Permit required (Chapter 85.14)
M/C	Minor Use Permit required; unless a Conditional Use Permit required in compliance with Section 85.06.050 (Projects That Do Not Qualify for a Minor Use Permit)	S	Permit requirement set by Specific Use Regulations (Division 4)
		TSP	Temporary Special Events Permit required (Chapter 85.16)
CUP	Conditional Use Permit required (Chapter 85.06)	TUP	Temporary Use Permit required (Chapter 85.15)
MUP	Minor Use Permit required (Chapter 85.06)	—	Use not allowed

**Notes:**

- (1) Use allowed as an accessory use only, on the same site as a retail, service, or industrial use allowed by this table.
- (2) Use allowed as an accessory use only, on the same site as a residential use allowed by this table.
- (3) PD permit required if total floor area of all structures or use area exceeds 10,000 sf.
- (4) May require a General Plan Amendment to Institutional (IN) Land Use Zoning District.
- (5) CUP required if maximum building coverage exceeds 10,000 sq. ft., the use will have more than 20 employees per shift, or if not exempt from CEQA; may qualify for a MUP in compliance with Section 85.06.020 (Applicability).
- (6) The Special Development Land Use Zoning District may have a suffix to indicate the focus of a particular SD zone. A “RES” suffix indicates that the focus is on residential Planned Development projects. A “COM” suffix indicates that the focus is on commercial Planned Development projects. An “IND” suffix indicates that the focus is on industrial Planned Development projects. However, all can still have mixed uses within these zones.

**Table 82-17  
Allowed Land Uses and Permit Requirements  
for Industrial and Special Purpose Land Use Zoning Districts (continued)**

LAND USE <i>See Division 10 (Definitions) for land use definitions</i>	PERMIT REQUIRED BY DISTRICT						Specific Use Regulations
	IC	IR	IN	SD-RES <sup>(6)</sup>	SD-COM <sup>(6)</sup>	SD-IND <sup>(6)</sup>	
<b>RETAIL</b>							
Auto and vehicle sales and rental	P <sup>(1)</sup>	P <sup>(1)</sup>	—	M/C	M/C	M/C	
Bar, tavern	—	—	—	M/C	M/C	M/C	
Building and landscape materials sales - Indoor	P <sup>(1)</sup>	P <sup>(1)</sup>	—	M/C	M/C	M/C	
Building and landscape materials sales - Outdoor	M/C	M/C	—	—	CUP	CUP	
Construction and heavy equipment sales and rental	M/C	M/C	—	—	CUP	CUP	
Convenience store	P <sup>(1)</sup>	P <sup>(1)</sup>	—	M/C	M/C	M/C	
Fuel dealer (propane for home and farm use, etc.)	CUP	CUP	—	CUP	CUP	CUP	
General retail - 10,000 sf or less, with or without residential unit	—	—	—	M/C	M/C	M/C	
General retail - More than 10,000 sf, with or without residential unit	—	—	—	PD	PD	PD	
Manufactured home or RV sales	M/C	M/C	—	—	M/C	M/C	
Night Club	—	—	—	M/C	M/C	M/C	
Restaurant, café, coffee shop	P <sup>(1)</sup>	P <sup>(1)</sup>	—	M/C	M/C	M/C	
Second hand stores, pawnshops	P <sup>(1)</sup>	—	—	M/C	M/C	M/C	
Service station	P <sup>(1)</sup>	P <sup>(1)</sup>	—	M/C	M/C	M/C	
Swap meet, outdoor market, auction yard	M/C	M/C	—	—	—	M/C	
Warehouse retail	P <sup>(1)</sup>	P <sup>(1)</sup>	—	—	CUP	CUP	
<b>SERVICES – BUSINESS, FINANCIAL, PROFESSIONAL</b>							
Medical services - Hospital <sup>(4)</sup>	M/C	M/C	M/C	M/C	M/C	M/C	
Medical services - Rehabilitation center	M/C	M/C	M/C	M/C	M/C	M/C	
Office - Accessory	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	
Professional Services	P <sup>(1)</sup>	—	—	M/C	M/C	M/C	
<b>SERVICES – GENERAL</b>							
Bail bond service within 1 mile of correctional institution	P	P	P	—	P	P	
Cemetery, including pet cemeteries	—	—	—	CUP	CUP	CUP	84.06
Correctional institution	— <sup>(4)</sup>	— <sup>(4)</sup>	CUP	— <sup>(4)</sup>	— <sup>(4)</sup>	— <sup>(4)</sup>	
Equipment rental	P <sup>(1)</sup>	P <sup>(1)</sup>	—	—	M/C	M/C	
Kennel or cattery	M/C	—	—	—	—	M/C	84.04
Lodging – Bed and breakfast inn (B&B)	—	—	—	SUP <sup>(6)</sup>	SUP <sup>(6)</sup>	—	
Lodging – Hotel or motel – 20 or fewer guest rooms	—	—	—	M/C	M/C	—	
Lodging – Hotel or motel – More than 20 guest rooms	—	—	—	M/C	M/C	—	

**KEY**

A	Allowed use (no planning permit required)	PD	Planned Development Permit required (Chapter 85.10)
P	Permitted Use; Site Plan Permit required (Chapter 85.08)	SUP	Special Use Permit required (Chapter 85.14)
M/C	Minor Use Permit required; unless a Conditional Use Permit required in compliance with Section 85.06.050 (Projects That Do Not Qualify for a Minor Use Permit)	S	Permit requirement set by Specific Use Regulations (Division 4)
CUP	Conditional Use Permit required (Chapter 85.06)	TSP	Temporary Special Events Permit required (Chapter 85.16)
MUP	Minor Use Permit required (Chapter 85.06)	TUP	Temporary Use Permit required (Chapter 85.15)
		—	Use not allowed

**Notes:**

- (1) CUP required if maximum building coverage exceeds 10,000 sq. ft., the use will have more than 20 employees per shift, or if not exempt from CEQA; may qualify for a MUP in compliance with Section 85.06.020 (Applicability)..
- (2) Use allowed as an accessory use only, on the same site as a residential use permitted by this table.
- (3) PD permit required, if total floor area or use area exceeds 10,000 sq. ft.
- (4) Requires a General Plan Amendment to Institutional (IN) Land Use Zoning District.
- (5) The Special Development Land Use Zoning District may have a suffix to indicate the focus of a particular SD zone. A “RES” suffix indicates that the focus is on residential Planned Development projects. A “COM” suffix indicates that the focus is on commercial Planned Development projects. An “IND” suffix indicates that the focus is on industrial Planned Development projects. However, all can still have mixed uses within these zones.
- (6) A CUP shall be required for three or more rooms.

**Table 82-17  
Allowed Land Uses and Permit Requirements  
for Industrial and Special Purpose Land Use Zoning Districts (continued)**

LAND USE <i>See Division 10 (Definitions) for land use definitions</i>	PERMIT REQUIRED BY DISTRICT						Specific Use Regulations
	IC	IR	IN	SD-RES <sup>(6)</sup>	SD-COM <sup>(6)</sup>	SD-IND <sup>(6)</sup>	
<b>SERVICES - GENERAL (Continued)</b>							
Personal services	P <sup>(1)</sup>	—	—	M/C	M/C	M/C	
Public safety facility <sup>(6)</sup>	—	—	—	—	—	—	
Social care facility - 7 or more clients	—	—	M/C	CUP	CUP	CUP	
Vehicle services - Major repair/body work	P <sup>(1)</sup>	P <sup>(1)</sup>	—	—	M/C <sup>(7)</sup>	M/C	
Vehicle services - Minor maintenance/repair	P <sup>(1)</sup>	P <sup>(1)</sup>	—	—	M/C <sup>(7)</sup>	M/C	
Veterinary clinic, animal hospital	M/C	—	—	—	M/C	M/C	
<b>TRANSPORTATION, COMMUNICATIONS &amp; INFRASTRUCTURE</b>							
Ambulance, taxi, or limousine dispatch facility	M/C	M/C	M/C	M/C	M/C	M/C	
Broadcasting antennae and towers	M/C	M/C	M/C	CUP	CUP	CUP	
Broadcasting studio	M/C	M/C	M/C	CUP <sup>(3)</sup>	CUP <sup>(3)</sup>	CUP <sup>(3)</sup>	
Communication contractor	M/C	M/C	M/C	M/C <sup>(7)</sup>	M/C <sup>(7)</sup>	M/C <sup>(7)</sup>	
Electrical power generation <sup>(6)</sup>	—	—	CUP	—	—	—	
Parking lots, accessory	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	
Parking structures	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	M/C	M/C	M/C	
Pipelines, transmission lines, and control stations <sup>(4)</sup>	(4)	(4)	(4)	(4)	(4)	(4)	
Sewage treatment and disposal facility <sup>(6)</sup>	—	—	CUP	—	—	—	
Solid waste disposal <sup>(6)</sup>	—	—	CUP	—	—	—	
Transportation facility	M/C	M/C	M/C	M/C	M/C	M/C	
Truck Stop	M/C	M/C	—	—	—	M/C	
Truck Terminal	M/C	M/C	—	—	—	M/C	
Utility facility	CUP	CUP	CUP	CUP	CUP	CUP	
Water treatment plants and storage tanks	—	CUP	—	—	CUP	CUP	
Wireless telecommunications facility	S	S	S	S	S	S	84.27
<b>OTHER</b>							
Accessory structures and uses	P	P	P	P	P	P	84.01
Temporary special events	TSP	TSP	TSP	TSP	TSP	TSP	84.25
Temporary structures and uses	TUP	TUP	TUP	TUP	TUP	TUP	84.25

**KEY**

A	Allowed use (no planning permit required)	PD	Planned Development Permit required (Chapter 85.10)
P	Permitted Use; Site Plan Permit required (Chapter 85.08)	SUP	Special Use Permit required (Chapter 85.14)
M/C	Minor Use Permit required; unless a Conditional Use Permit required in compliance with Section 85.06.050 (Projects That Do Not Qualify for a Minor Use Permit)	S	Permit requirement set by Specific Use Regulations (Division 4)
CUP	Conditional Use Permit required (Chapter 85.06)	TSP	Temporary Special Events Permit required (Chapter 85.16)
MUP	Minor Use Permit required (Chapter 85.06)	TUP	Temporary Use Permit required (Chapter 85.15)
		—	Use not allowed

**Notes:**

- (1) CUP required if maximum building coverage exceeds 10,000 sq. ft., the use will have more than 20 employees per shift, or if not exempt from CEQA; may qualify for a MUP in compliance with Section 85.06.020 (Applicability)..
- (2) Use allowed as an accessory use only, on the same site as a retail, service, or industrial use permitted by this table.
- (3) PD permit required if total floor area or use area exceeds 10,000 sq. ft.
- (4) These uses are regulated and approved by the Public Utilities Commission. See alternate review procedures in Section 85.02.050.
- (5) The Special Development Land Use Zoning District may have a suffix to indicate the focus of a particular SD zone. A “RES” suffix indicates that the focus is on residential Planned Development projects. A “COM” suffix indicates that the focus is on commercial Planned Development projects. An “IND” suffix indicates that the focus is on industrial Planned Development projects. However, all can still have mixed uses within these zones.
- (6) Requires a General Plan Amendment to Institutional (IN) Land Use Zoning District.
- (7) This use shall be located completely within an enclosed structure with no exterior overnight storage of vehicles.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)



**82.06.050 Industrial and Special Purpose Land Use Zoning District Subdivision Standards**

- (a) Each subdivision shall comply with the minimum parcel size requirements shown in Tables 82-18A, 82-18B and 82-18C for the applicable land use zoning district.
- (b) The minimum parcel size requirements for a specific subdivision are determined by the review authority as part of subdivision approval. The review authority may require one or more parcels within a specific subdivision to be larger than the minimums required by these tables based on potential environmental impacts, the physical characteristics of the site or surrounding parcels, and/or other factors.
- (c) See also the standards in Section 83.02.050 (Parcel Area Measurements and Exceptions).

**Table 82-18A  
Industrial and Special Purpose Land Use Zoning District Minimum Lot Size  
Valley Region**

Land Use Zoning District	Minimum Lot Area	Minimum Lot Dimensions		
		Minimum Width	Minimum Depth	Maximum Width to Depth Ratio
IC	5 acres <sup>(1)</sup>	60 ft	100 ft	1:3
IR	5 acres <sup>(1)</sup>	60 ft	100 ft	1:3
IN	None required	60 ft	100 ft	1:4
SD	20 acres <sup>(2)(3)(4)</sup>	60 ft	100 ft	Lot of less than 10 acres - 1:3 Lot of 10 acres or more - 1:4

**Notes:**

- (1) Minimum lot area may be less than specified if the subdivision application is filed concurrently with a Planned Development or Conditional Use Permit application.
- (2) Except where modified by map suffix.
- (3) A suffix may be added to a Special Development Land Use Zoning District to emphasize the focus of a specific SD zone. A “RES” suffix would indicate that the focus of the zone is on residential development while still allowing commercial uses. A “COM” suffix would indicate that the focus of the zone is on commercial development while still allowing some residential uses. A “IND” suffix would indicate that the focus of the zone is on industrial development while still allowing other mixed uses. Also, a map suffix may allow minimum lot area to be less than 40 acres (e.g., SD-5 = Special Development with a five-acre minimum lot area). A map suffix may also indicate maximum dwelling units per acre (e.g., SD-3/1 = Special Development with a maximum density of three dwelling units per acre).
- (4) A Final Development Plan may approve lot sizes smaller than those specified by the land use zoning district. The combination of open spaces and concentrations of smaller lot areas shall be compatible with the land uses on surrounding properties.

**Table 82-18B  
Industrial and Special Purpose District Minimum Lot Size  
Mountain Region**

Land Use Zoning District	Minimum Lot Area	Minimum Lot Dimensions		
		Minimum Width	Minimum Depth	Maximum Width to Depth Ratio
IC	5 acres <sup>(1)</sup>	60 ft for interior lot 70 ft for corner lot	100 ft	1:3
IR	5 acres <sup>(1)</sup>	60 ft for interior lot 70 ft for corner lot	100 ft	1:3
IN	None required	60 ft for interior lot 70 ft for corner lot	100 ft	1:3
SD	20 acres <sup>(2) (3) (4)</sup>	60 ft	100 ft	Lot of less than 10 acres - 1:3 Lot of 10 acres or more - 1:4

**Notes:**

- (1) Minimum lot area may be less than specified if the subdivision application is filed concurrently with a Planned Development or Conditional Use Permit application.
- (2) Except where modified by map suffix.
- (3) A suffix may be added to a Special Development Land Use Zoning District to emphasize the focus of a specific SD zone. A “RES” suffix would indicate that the focus of the zone is on residential development while still allowing commercial uses. A “COM” suffix would indicate that the focus of the zone is on commercial development while still allowing some residential uses. A “IND” suffix would indicate that the focus of the zone is on industrial development while still allowing other mixed uses. Also, a map suffix may allow minimum lot area to be less than 40 acres (e.g., SD-5 = Special Development with a five-acre minimum lot area). A map suffix may also indicate maximum dwelling units per acre (e.g., SD-3/1 = Special Development with a maximum density of three dwelling units per acre).
- (4) A Final Development Plan may approve lot sizes smaller than those specified by the land use zoning district. The combination of open spaces and concentrations of smaller lot areas shall be compatible with the land uses on surrounding properties.

**Table 82-18C  
Industrial and Special Purpose District Minimum Lot Size  
Desert Region**

Land Use Zoning District	Minimum Lot Area	Minimum Lot Dimensions		
		Minimum Width	Minimum Depth	Maximum Width to Depth Ratio
IC	5 acres <sup>(1)</sup>	60 ft	100 ft	1:3
IR	5 acres <sup>(1)</sup>	60 ft	100 ft	1:3
IN	None required	60 ft	100 ft	1:3
SD	20 acres <sup>(2) (3) (4)</sup>	60 ft	100 ft	Lot of less than 10 acres - 1:3 Lot of 10 acres or more - 1:4

**Notes:**

- (1) Minimum lot area may be less than specified if the subdivision application is filed concurrently with a Planned Development or Conditional Use Permit application.
- (2) Except where modified by map suffix.
- (3) A suffix may be added to a Special Development Land Use Zoning District to emphasize the focus of a specific SD zone. A “RES” suffix would indicate that the focus of the zone is on residential development while still allowing commercial uses. A “COM” suffix would indicate that the focus of the zone is on commercial development while still allowing some residential uses. A “IND” suffix would indicate that the focus of the zone is on industrial development while still allowing other mixed uses. Also, a map suffix may allow minimum lot area to be less than 40 acres (e.g., SD-5 = Special Development with a five-acre minimum lot area). A map suffix may also indicate maximum dwelling units per acre (e.g., SD-3/1 = Special Development with a maximum density of three dwelling units per acre).
- (4) A Final Development Plan may approve lot sizes smaller than those specified by the land use zoning district. The combination of open spaces and concentrations of smaller lot areas shall be compatible with the land uses on surrounding properties.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

**82.06.060 Industrial and Special Purpose Land Use Zoning District Site Planning and Building Standards**

- (a) **Site layout and building standards.** Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and established in compliance with the requirements in Tables, 82-19A and B, 82-20A and B, 82-21A and B, in addition to the applicable standards (e.g., landscaping, parking and loading, etc.) in Division 3 (Countywide Development Standards), and Division 4 (Standards for Specific Land Uses and Activities).

**Table 82-19A**  
**IC and IR Land Use Zoning District Development Standards**  
**Valley Region**

Development Feature	Requirement by Land Use Zoning District	
	IC Community Industrial	IR Regional Industrial
<b><u>Density</u></b>	<i>Maximum housing density. The actual number of units allowed will be determined by the County through subdivision or planning permit approval, as applicable.</i>	
Maximum density	Accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses).	
<b>Setbacks</b>	<i>Minimum setbacks required. See Chapter 83.02 for exceptions, reductions, and encroachments. See Division 5 for any setback requirements applicable to specific land uses.</i>	
Front	25 ft	25 ft
Side - Street side	25 ft	25 ft
Side - Interior (each)	10 ft <sup>(1)</sup>	10 ft <sup>(1)</sup>
Rear	10 ft <sup>(2)</sup>	10 ft <sup>(2)</sup>
<b>Floor area ratio (FAR)</b>	<i>Maximum floor area ratio (FAR) allowed.</i>	
Maximum FAR	.45:1	.55:1
<b>Lot coverage</b>	<i>Maximum percentage of the total lot area that may be covered by structures and impervious surfaces.</i>	
Maximum coverage	85%	85%
<b>Height limit</b>	<i>Maximum allowed height of structures. See Section 83.02 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.</i>	
Maximum height	75 ft	150 ft
<b>Accessory structures</b>	See Chapter 84.01 (Accessory Structures and Uses).	
<b>Infrastructure</b>	See Chapter 83.09 (Infrastructure Improvement Standards)	
<b>Landscaping</b>	See Chapter 83.10 (Landscaping Standards)	
<b>Parking</b>	See Chapter 83.11 (Parking Regulations).	
<b>Signs</b>	See Chapter 83.13 (Sign Regulations)	

**Notes:**

- (1) Only one side yard setback is required to provide for emergency access. If the adjacent lot is not designated commercial or industrial, a side yard shall be required along that side of the lot.
- (2) A rear yard setback is required only when the adjacent property is not designated commercial or industrial

- (d) **Additions, alterations, enlargements, or reconstructions.** Any addition, alteration, enlargement or reconstruction of a structure shall comply with the provisions of this Chapter. When an addition, alteration, enlargement or reconstruction of a structure equals or exceeds 50 percent of the existing structure, or 25 percent of the roof for roofing requirements only, the provisions of Section 82.13.060(c) (FS1, FS2, and FS3 Development Standards - Building separation standards), Section 82.13.060(d) (FS1, FS2, and FS3 Development Standards - Building construction requirements), and Section 82.13.070 (FS1 Additional Development Standards) regarding construction requirements shall apply to the entire structure and/or the whole roof as applicable. The structures and/or roofs shall be entirely retrofitted to comply with the requirements of this Chapter.

Adopted Ordinance 4011 (2007)

### 82.13.060 FS1, FS2, and FS3 Development Standards

Development proposed in the FS1, FS2, or FS3 Overlays shall comply with all applicable requirements of this Section. Development proposed in the FS1 Overlay shall also comply with the requirements of Section 82.13.070 (FS1 Additional Development Standards).

- (a) **Residential density.** In order to reduce fire hazards, prevent erosion, and to preserve the existing vegetation and visual quality, the density of development for any Tentative Parcel Map or Tentative Tract Map (with the exception of one-lot subdivisions) in sloping hillside areas shall be in compliance with the following criteria:
- (1) One to four dwelling units per gross acre on slopes of zero to less than fifteen percent (0-<15%);
  - (2) Two dwelling units per gross acre on slopes of 15 to less than 30 percent (15-<30%);
  - (3) One dwelling unit per three gross acres on slopes of greater than 30 to less than 40 percent gradient;
  - (4) One dwelling unit per ten gross acres on slopes of 40 percent or greater gradient;
  - (5) In the Rancho Cucamonga Sphere of Influence, zero density is allowed for any portion of a proposed Tentative Parcel Map or Tentative Tract Map on slopes of greater than 30 percent gradient.
- (b) **Site development requirements.**
- (1) **Site and emergency access.** Each development project and each development project phase, except for a development project located exclusively on a cul-de-sac, shall have a minimum of two points of vehicular ingress and egress, designed to County road standards, with a minimum width of 26 feet of all-weather surface as defined in the Uniform Fire Code, from existing and surrounding streets. The

Department may authorize one point of vehicular access to be an emergency access route with an all-weather surface if the Department first makes each of the following findings:

- (A) Two points of nonemergency access are physically infeasible;
  - (B) Provisions have been made to reasonably ensure that the emergency access will be maintained; and
  - (C) Based on the review and consideration of the Fire Authority's recommendation, the emergency access route will provide adequate vehicular ingress and egress during emergencies.
- (2) **Private driveways or access roadways.** Private driveways or access roadways for residential units shall not exceed 150 feet in length, unless approved by the Fire Authority in compliance with Section 10.207 of the Uniform Fire Code.
- (3) **Fences.**
- (A) Where wood or vinyl fencing is used, there shall be a minimum five-foot separation between the wood or vinyl fencing and the wall of the nearest structure except on those properties where previous construction occurred in compliance with a previous code. Fencing within the five-foot separation area shall be of noncombustible material or modified one-hour fire-resistance-rated construction.
  - (B) Fences or walls required adjacent to fuel modification areas or wildland areas as conditions of approval for a development project shall be constructed of noncombustible materials as defined in the California Building Code. All other fences, including those on the interior of a development project, are not subject to this requirement, except as required in subparagraph a, above.
  - (C) Where side and rear yards are enclosed by fencing, gates shall be provided on both side yards for emergency access to the rear yard.
- (4) **Water supply.** Each development project shall provide six-inch or larger circulating (loop) water mains as required by the Uniform Fire Code, proper hydrant location and spacing, and have sufficient water storage capacity to provide the minimum fire flow duration requirements [gallons per minute (GPM) for a minimum number of hours or portions thereof] as specified by the minimum system standards established by the Fire Authority. Circulating (loop) mains are not required for cul-de-sacs and are not required for subdivisions that exclusively take all access from cul-de-sacs. In areas not served by water purveyors, on-site fire flow and water storage requirements shall be as specified by the Uniform Fire Code.
- (5) **Access to water supplies.** There shall be vehicular access, at least 12 feet in width, to within at least 10 feet of each static water source, including ponds, lakes,

swimming pools, reservoirs and water storage tanks. Access shall be either to a plumbed outlet with two-and-one-half-inch National Hose Thread Fitting, or directly to the source. This requirement shall be waived if the Fire Authority determines that the water source is sufficiently below the elevation of existing or proposed roads or driveways to make drafting of water from the source through a plumbed outlet infeasible, and that direct vehicular access to the water source would require an impractical extension of a road or driveway.

**(6) Fuel modification areas.**

(A) A permanent fuel modification area shall be required around a development project or portions thereof that are adjacent or exposed to hazardous fire areas for the purpose of fire protection. In no case shall this area be less than 100 feet in width as measured from the development perimeter. Where feasible, the area shall be designated as common open space rather than private open space. The recommended width of the fuel modification area shall be determined based on a fuel modification plan filed in compliance with Subsection 82.13.040(f)(3) (Application Requirements – Fuel modification plans), above.

(B) When a development project is phased, individual phases may be required to provide temporary fuel modification areas, where the development perimeter of a phase is contiguous to a subsequent phase of a project, which in its undeveloped state is a hazardous fire area. The need for a temporary fuel modification area shall be determined by the responsible Fire Authority in conjunction with the County Fire Marshall and shall be based upon the same considerations described in Subparagraph a, above, for permanent fuel modification areas and the factors addressed in the required fuel modification plan.

**(7) Setback requirements.** Each proposed structure shall comply with the following setback requirements as applicable, in addition to the setbacks required by the applicable primary land use zoning district, and the building separation requirements in Subsection C. (Building separation), below.

(A) **Firewood or flammable materials storage.** Each area used for the storage of firewood, or other flammable materials, shall either be located at least 30 feet away from all structures, or wholly enclosed within a structure.

(B) **Fuel tanks.** Fuel tanks (e.g., liquefied petroleum tanks) shall be located at least 10 feet away from any structure and shall be in compliance with the standards in the Uniform Fire Code, Section 83.02.080 (Allowed Projections into Setbacks), and Section 83.01.060 (Fire Hazards). The tanks shall be secured to the ground.

(C) **National Forest boundary.** Each structure on a lot that was created on or after April 12, 2007 and abuts a boundary of the San Bernardino National Forest shall be set back at least 100 feet from the boundary. **Each structure on a lot**

that was created between March 9, 1988 and April 11, 2007 and abuts a boundary of the San Bernardino National Forest shall be set back at least 30 feet from the boundary.

- (D) **Sloping site setbacks or fuel modification.** Each structure proposed in an area with slopes exceeding 30 percent and 30 feet in height shall comply with the following requirements:
- (I) Where a structure is proposed or within 200 feet of a slope that is greater than 30 percent before grading and where the slope is at least 30 feet in height, the vegetation on the slopes shall be treated in a manner so that it becomes a fuel modified area. The fuel-modified area shall be maintained for either the entire slope, or 100 feet, or to the property line, whichever distance is less for existing parcels or the distance prescribed by a fuel modification plan for new development.
  - (II) Where grading is utilized that does not conform to the natural slope and the graded area is adjacent to natural ungraded slopes that are greater than 30 percent in gradient and greater than 30 feet in height, each structure shall be set back at least 30 feet from the edges of the graded area adjacent to the natural ungraded slopes.
- (8) **Street name signs.** All public or private streets within or bordering a development project shall have noncombustible and reflective street name signs designed to County standards and visible at all street intersections.
- (9) **Fire hydrant identification.** Each fire hydrant shall be identified by a method specified by the Fire Authority.
- (10) **Erosion and sediment control.** Each development project, building permit, grading and any other significant land disturbing activity shall include the installation of erosion control measures in compliance with this Development Code.
- (11) **Concealed spaces.** Unenclosed or projecting assemblies (e.g., cantilevered floors, bay windows, etc.) that contain concealed space shall be protected on the exposed surface with materials approved for the modified one-hour construction.
- (12) **Decks.** Cantilevered or standard type decks shall be:
- (A) Constructed with a minimum of at least one-and-one-half-inch wood decking; and/or
  - (B) Protected on the underside with materials approved for one hour fire resistive construction; and/or
  - (C) Composed of noncombustible materials, as defined in the California Building Code, or other materials approved by the responsible Fire Authority.



**(13) Exposed piping.** Exposed piping, except for plumbing vents above the roof, shall be noncombustible as defined in the California Building Code.

(c) **Building separation standards.** The intent of the following exterior wall separation standards is to reduce the exposure and risk from adjacent structural fires and to reduce the potential spread of fire from structure to structure.

(1) Building separation standards in FS1 and FS2 areas. In FS1 and FS2 areas, the following shall apply:

(A) Each building on a parcel shall have exterior wall separations of at least 30 feet **except as modified by Subsection (C) below.**

(B) Residential structures shall have interior side yard setbacks of 20 percent of the lot width, provided that these interior side yards shall not be less than five feet and need not exceed 15 feet. In no case shall exterior wall separations be less than 10 feet for all buildings, including those on adjoining parcels. Eaves shall be permitted to project into the required setback no more than two feet. No other projections shall be allowed **less than five feet to side or rear property lines.**

(C) When the exterior walls of residential and accessory buildings or portions thereof are within 15 feet of interior side or rear lot lines, or the exterior wall separation is less than 30 feet, the outside of each exterior wall or portion thereof shall be constructed with **exterior wall coverings that are constructed of noncombustible materials or provide the one-hour fire-resistance-rated construction on the exterior side.** Modified one-hour construction shall be defined by the Building Official. Where building separations are less than 10 feet, additional mitigation measures may be required by the responsible Fire Authority;

(D) In compliance with Section 82.13.090 (Alternate Hazard Protection Measures), and dependent upon site specific conditions, the following measures or combinations of measures may be substituted for the exterior wall separation requirements for all structures in FS1 and FS2 areas:

(I) The expansion of fuel modified areas around the perimeter of the development project beyond that required by this Section or other requirement of the County Code.

(II) A substantial transfer of density from steeper slopes, including areas with slopes less than 30 percent if they exist on-site, to less steep areas within the development project.

(III) Clustering of structures away from the development perimeter and away from fire hazard areas.

(IV) Other alternate measures (e.g., sprinklers, etc.) if approved by the Department in compliance with Section 82.13.090 (Alternate Hazard Protection Measures).

- (2) **Building separation standards in FS3 areas.** In FS3 areas, exterior wall coverings shall be constructed of noncombustible materials or shall provide the equivalent one-hour fire-resistance-rated construction on the exterior side. Interior side yards shall not be less than five feet in width. Within the Mountain Region, building separation and side yard setbacks shall be as described in Paragraph 1, above.

**(d) Building construction requirements.**

**(1) Eaves.**

(A) In FS 1 and FS2 areas, eaves shall be boxed in perpendicular to the adjoining wall and shall be constructed of noncombustible materials or provide the one-hour fire-resistance-rated construction. Fascia shall be two inches nominal solid wood or stucco or equivalent protection.

(B) In FS3 areas, eaves shall be enclosed with a minimum seven-eighth inch stucco or equivalent protection. Fascia shall be two inches nominal solid wood or stucco or equivalent protection.

- (2) **Exterior doors.** All exterior doors made of wood or wood portions shall be solid core wood. For exterior doors with inset windows, refer to Subparagraph 3.(A), below.

- (3) **Exterior glazing.** Exterior glazing shall comply with the provisions of the California Building Code and with the following additional requirements:

(A) Exterior windows, window walls and glazed doors, and windows within exterior doors, shall be multi-layered glass panels (dual- or triple-paned), tempered glass, or other assemblies approved by the Building Official.

(B) Vinyl window frame assemblies shall be prohibited, except when they have all of the following characteristics:

(I) Frame and sash are comprised of vinyl material with welded corners;

(II) Metal reinforcement in the interlock area;

(III) Glazed with insulated glass or tempered;

(IV) Frame and sash profiles are certified in American Architectural Manufacturing Association (AAMA) Lineal Certification Program

(verified with either an AAMA product label or Certified Products Directory); and

- (V) Certified and labeled in compliance with American National Standards Institute (ANSI)/AAMA/National Wood Window and Door Association (NWWDA) structural requirements.
- (4) **Insulation.** Paper-faced insulation shall be allowed in attics or ventilated spaces only if the paper is not exposed to the attic open space. Cellulose insulation is required to be fire retardant.
- (5) **Roof coverings.** Roof coverings shall be either noncombustible or shall be fire retardant material not composed of organic fiber with a minimum Class A rating, as defined in the California Building Code. The tile shall be tight-fitting and the open ends of high-profile tile shall be capped with non-ignitable material to prevent birds' nests or other combustible material from accumulating. Gutters and downspouts shall be constructed of noncombustible material.
- (6) **Spark arresters.** Each chimney used in conjunction with a fireplace, or other heating appliance in which solid or liquid fuel is used, shall be maintained with a spark arrester. An approved spark arrester shall mean a device constructed of stainless steel, copper or brass, woven galvanized wire mesh, 12 gauge minimum of three-eighths inch minimum to one-half inch maximum openings, mounted in or over all outside flue openings in a vertical and near vertical position, adequately supported to prevent movement and visible from the ground.
- (7) **Street address numbers.** Each non-accessory building shall have internally illuminated non-combustible building address numbers legible from the street in compliance with the Uniform Fire Code.
- (8) **Vents and openings.** Louvers, ventilators, or openings in walls, roofs, attics, and underfloor areas having headroom less than four feet in height that are not fitted with sash or doors, shall be covered with wire screen. The screen covering the openings shall be corrosion-resistant metal or other approved material that offers equivalent protection and shall have a maximum mesh of one-eighth inch. Eave vents and roof-mounted turbine vents are prohibited.
- (9) **Water faucets.** A minimum of two, three-quarter-inch faucets with hose connections each served by a three-quarter-inch waterline and installed before any pressure-reducing device shall be available per habitable structure separated by at least one-third of the perimeter of the structure. The faucets shall be on the sides of a structure facing fire hazardous areas whenever possible.

- (e) **Perimeter access to fuel modified and fire hazard areas.** Fire fighting vehicles shall have adequate access into areas between fire hazardous areas or fuel modified areas and the development perimeter, so that a wildland fire can be contained at the development perimeter and prevented from spreading to structures. Each development project shall provide adequate vehicular access for fire fighting vehicles to the development perimeter of the project along the portion of the development perimeter that is adjacent to either an existing or proposed fuel modified area, or a fire hazard area. Provisions shall be made and shall be required, where necessary, through conditions of approval for the development project for the continual maintenance of the areas intended to provide the access. Perimeter access shall be provided, through either of the following measures or through alternate measures in compliance with Section 82.13.090 (Alternate Hazard Protection Measures).
- (1) The provision of an existing or proposed road along the development perimeter, or portion thereof that is exposed to a fire hazard or fuel modified area, and which is accessible to fire fighting equipment. The road shall be capable of supporting fire-fighting equipment, shall be at least 20 feet in width, and shall not exceed a grade of 14 percent. The conditions of approval for the development project shall require provisions to ensure that the roadway will be maintained, if it is not within the publicly maintained road system.
  - (2) Development projects shall provide access ways, at least 12 feet in width, with a grade not to exceed 14 percent, and capable of supporting fire fighting vehicles, between the development perimeter and proposed or existing streets. Access ways shall be spaced at intervals of no more than an average of 350 feet along each street. The conditions of approval for the development project shall require specific provisions to ensure that access ways will remain unobstructed and will be maintained. Where feasible, access ways may not be paved and shall be designed so as not to detract from the visual quality of the project.
- (f) **Length of cul-de-sacs.** Cul-de-sacs shall not exceed 350 feet in length, except that they may be extended as allowed by this Subsection.
- (1) **Exception for parcels of less than five acres.** A cul-de-sac may exceed 350 feet in length but shall not exceed 600 feet in length, if parcels that take access from the cul-de-sac are less than five acres, and:
    - (A) Alternate measures are utilized in compliance with Section 82.13.090 (Alternate Hazard Protection Measures); or
    - (B) Based upon consideration of the recommendation of the Fire Authority, the Department determines that the cul-de-sac is situated and designed so that each parcel taking access from it is not contiguous to or exposed to either undeveloped fuel modified areas along the development perimeter of the project or to fire hazard areas, and that the extension of the cul-de-sac will not increase the exposure of buildings to wildland fires.

- 
- (2) **Exception for parcels larger than five acres.** A cul-de-sac may exceed 600 feet in length if all parcels that take access from the cul-de-sac are five acres or greater in area and:
- (A) The proposed cul-de-sac is not within or adjacent to areas that are zoned for or subdivided to parcels of five acres or less.
  - (B) Alternate measures are utilized in compliance with Section 82.13.090 (Alternate Hazard Protection Measures).
- (3) **Alternate measures.** In compliance with Section 82.13.090 (Alternate Hazard Protection Measures) and dependent upon site specific conditions, one of the following measures or combination of measures may be used to mitigate the effect of creating cul-de-sacs up to 600 feet in length with parcels less than five acres in area:
- (A) Limitation of the total number of dwelling units with access to the cul-de-sac to no more than 15, and restriction of further subdivision of parcels and construction of additional independent residential units which have access to the cul-de-sac. These restrictions shall be imposed through conditions of approval of the development project.
  - (B) A continuous perimeter access road at least 20 feet in width is provided along the portion of the cul-de-sac exposed to fire hazard or fuel modified areas such that it is drivable under normal conditions by fire fighting vehicles, provides adequate maneuvering space for the vehicles, and is designed so that at least one point of access to the perimeter access road is taken from roads other than the subject cul-de-sac.
  - (C) The cul-de-sac road will have a paved width of at least 40 feet with posted no parking for its entire length, and there is at least one area approximately at the midpoint of the cul-de-sac that serves the same function of a cul-de-sac bulb in allowing fire fighting vehicles adequate room to turn around. This measure may only be utilized if the expansion of the road width will not contribute to slope stability hazards either on-site or off-site.
  - (D) Other alternate measures approved by the Department in compliance with Section 82.13.090 (Alternate Hazard Protection Measures).
- (g) **Additional requirements.** Dependent upon specific site conditions (e.g., building separation, fire flow, road conditions, slope, vegetation, etc.) or a combination of conditions, the responsible Fire Authority may require structures to meet more stringent construction standards (e.g., full perimeter exterior walls to be constructed to the modified or full one-hour construction standards, sprinklers, soffitted eaves, etc.) as additional mitigation to the fire threat.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

**82.13.070 (Reserved)**

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

**82.13.080 Soil Erosion and Sediment Control Plans/Permits**

This Section provides regulations and procedures for project planning, preparation of Soil Erosion and Sediment Control Plans, runoff control, land clearing, and winter operations in order to control existing and potential conditions of human induced accelerated erosion.

- (a) **Applicability.** The regulations in this Section apply to all areas within Fire Safety (FS) Overlays, except for ministerial projects within the FS2 and FS3 Areas that are located on parcels that are less than one acre and have a slope of less than 10 percent.
- (b) **Soil Erosion and Sediment Control Plans/Permits.**
  - (1) **Compliance of land clearing or grading activities with approved Plan.** Land clearing or grading activities in Fire Safety (FS) Overlays shall comply with the provisions of an approved Soil Erosion and Sediment Control Plan, unless exempt as follows:
    - (A) Exempt in compliance with Section 88.02.030 (Exempt Activities); or
    - (B) Exempt as determined by the Building Official.
  - (2) **Approval of Plan before issuance of permits.** A Soil Erosion and Sediment Control Plan shall be submitted and approved before the issuance of the following:
    - (A) Building Permits.
    - (B) Grading Permits.
    - (C) Soil Erosion and Sediment Control Permits.
    - (D) Other permits where, in the opinion of the Building Official, erosion can reasonably be expected to occur.
  - (3) **Plan contents.** A Soil Erosion and Sediment Control Plan shall:
    - (A) Include the applicable measures required by this Chapter and other measures or modifications of proposed measures required by the Building Official.
    - (B) Identify building and access construction envelopes and identify areas that will not be disturbed by construction activity in order to minimize disturbance of erodible areas of a proposed development site.

- (C) Preserve existing streams and drainage courses in their natural condition in order to retain their ability to accommodate runoff and water drainage with a minimum of erosion.
- (4) **Permit application requirements.** The Building Official shall specify the following application requirements for Soil Erosion and Sediment Control Permits:
- (A) Requirements for the submittal of plans and supporting data to accompany applications for Soil Erosion and Sediment Control Plans and Soil Erosion and Sediment Control Permits.
- (B) Licensing and/or certification requirements for those preparing Soil Erosion and Sediment Control Plan and Permit submittals.
- (C) The incorporation and coordination of Soil Erosion Control Plans and Permits with other plan requirements.
- (D) Other data/materials identified by the Building Official.
- (5) **Additional permit requirements.** For additional permit requirements, see Subsection 88.02.050(f)(2) (Winter operation measures Additional permit requirements).
- (c) **General erosion control requirements.**
- (1) **Conditions causing accelerated erosion prohibited.** No person shall cause, or allow the continued existence of, a condition on a site that is causing or is likely to cause accelerated erosion as determined by the Building Official.
- (2) **Notification to control erosion.** Upon notification by the Building Official, the responsible person shall take appropriate measures to control erosion on the site within a reasonable period of time as determined by the Building Official.
- (3) **Plan/Permit approval.** The Building Official may require that a property owner, whose property has been cited in compliance with Subsection (2) (Notification to control erosion), above, file and obtain approval of a Soil Erosion and Sediment Control Plan and Soil Erosion and Sediment Control Permit in compliance with Subsection (b) (Soil Erosion and Sediment Control Plans/Permits), above.
- (4) **Cessation of activities due to inclement weather.** The Building Official may direct that a particular operation, process, or construction be stopped during periods of inclement weather if the Building Official determines that erosion problems are not adequately being controlled.
- (5) **Applicable laws and regulations.** Land clearing and grading activities that comply with this Section shall also comply with all other applicable local, state, and Federal laws and regulations. Where there is a conflict with other preexisting County

regulations, the conflict shall be resolved by using the least restrictive standard and shall be accomplished before the project is allowed to proceed.

- (6) **Appeals.** A property owner, an aggrieved person, or a person whose interests are adversely affected by an action or determination of the Building Official may appeal the action or determination in compliance with Chapter 86.08 (Appeals).
  - (7) **Variances.** The Director may approve, conditionally approve, or deny a variance from the provisions of this Section, the permit conditions, or the plan specifications in compliance with Chapter 85.17 (Minor Variances). The Director may refer a variance request to the Commission in compliance with Section 85.17 (Variances).
- (d) **Runoff control measures.** Activities subject to a development permit (e.g. Conditional Use Permit, Grading Permit, Planned Development Permit, Site Plan Permit, Temporary Use Permit, etc.) shall implement measures to control runoff in order to prevent erosion. Measures shall be adequate to control runoff from a 10-year storm.
- (1) **Prevention of sediment discharge.** Erosion control and surface flow containment facilities shall be constructed and maintained to prevent discharge of sediment to surface waters or storm drainage systems.
  - (2) **Permeability rate.**
    - (A) **More than two inches per hour.** Where soils have a permeability rate of more than two inches per hour, runoff in excess of predevelopment levels shall be retained on the site by methods and in quantities approved by the Building Official. This may be accomplished through the use of infiltration basins, percolation pits or trenches, or other suitable means. This requirement may be waived where the Building Official determines that high groundwater, slope stability problems, etc., would inhibit or be aggravated by onsite retention, or where retention will provide no benefits for groundwater recharge or erosion control.
    - (B) **Two inches per hour or less.** Where soils have a permeability rate of two inches per hour or less and onsite percolation is not feasible, runoff shall be detained or dispersed over nonerodible vegetated surfaces so that the runoff rate does not exceed the predevelopment level. When the runoff rate must exceed the predevelopment level, the runoff water shall be discharged over nonerodible surfaces or at a velocity that will not erode. The Building Official shall require onsite detention unless the applicant shows that the runoff will not contribute to downstream erosion, flooding, or sedimentation.
  - (3) **Onsite percolation devices.** Concentrated runoff that cannot be effectively dispersed over nonerodible channels or conduits to the nearest drainage course shall be contained within onsite percolation devices.



- (4) **Energy dissipaters at point of discharge.** Where water will be discharged to natural ground or channels, appropriate energy dissipaters shall be installed to prevent erosion at the point of discharge.
  - (5) **Detention or filtration mechanisms.** Runoff from disturbed areas shall be detained or filtered by berms, vegetated filter strips, catch basins, or other means necessary to prevent the escape of sediment from the disturbed area.
  - (6) **Deposition of earth or materials prohibited.** No earth, organic, or construction material shall be deposited in or placed where it may be directly carried into a stream, lake, marsh, slough, lagoon, or body of water.
  - (7) **Buffer zone along land/water margin.** Where land disturbing activities are in proximity to lakes or natural watercourses, a buffer zone shall be required along the land/water margin of sufficient width to confine visible siltation within 25 percent of the buffer zone nearest the land disturbing activities.
- (e) **Land clearing measures.** Activities subject to a development permit (e.g. Conditional Use Permit, Grading Permit, Planned Development Permit, Site Plan Permit, Temporary Use Permit, etc.) shall provide the following land clearing measures:
- (1) **Approval of Plan/Permit required before commencement of activities.** No land clearing activities, except as otherwise allowed by this Section, shall take place before approval of the Soil Erosion and Sediment Control Plan and/or Permit.
  - (2) **Limitations on land clearing and vegetation removal.** Land clearing shall be kept to a minimum. Vegetation removal shall be limited to that amount necessary for building, access, fire protection and construction as shown on the approved Soil Erosion and Sediment Control Plan or as allowed by the Building Official through a Soil Erosion and Sediment Control Permit.
  - (3) **Establishment of vegetation.** Disturbed surfaces shall be prepared and maintained to control erosion and to establish vegetative growth compatible with the area. This control shall consist of any one or a combination of the following:
    - (A) Effective temporary planting (e.g., rye grass, fast germinating native seed, etc.) and/or mulching with straw, pine needles, chippings, or other slope stabilization material.
    - (B) Permanent planting of compatible drought resistant species of ground cover, shrubs, trees, or other vegetation.
    - (C) Mulching, fertilizing, watering, or other methods necessary to establish new vegetation.

- (4) **Installation and maintenance of protection.** The protection required by this Section shall be installed before calling for final approval of the project and at all times between October 15 and April 15. The protection shall be maintained for at least one year or until permanent protection is established.
- (5) **Vegetation removal between October 15 and April 15.** Vegetation removal between October 15 and April 15 shall not precede subsequent grading or construction activities by more than 15 days. During this period, erosion and sediment control measures shall be in place.

(f) **Winter operation measures.**

- (1) **Winter operation erosion control measures.** Land clearing and grading activities during the winter months (i.e., activities between October 15 and April 15) that are subject to a development permit (e.g. Conditional Use Permit, Grading Permit, Planned Development Permit, Site Plan Permit, Temporary Use Permit, etc.) shall implement the following winter operation measures to prevent accelerated erosion. The Building Official may require additional measures when determined to be necessary by field inspection.
  - (A) The Building Official shall authorize the following activities between October 15 and April 15 only if the Building Official determines that the activities comply with the provisions of, and are consistent with the purposes of, this Section:
    - (I) Contiguous land clearing operations involving greater than one acre in a one-year period of time.
    - (II) Major grading operations (greater than 100 cubic yards).
  - (B) Between October 15 and April 15, disturbed surfaces not involved in the immediate operation shall be protected by mulching or other effective means of soil protection.
  - (C) Roads and driveways shall have drainage facilities sufficient to prevent erosion on or adjacent to the roadway or on downhill properties. Erosion-resistant surfacing may include, but is not limited to, slag, crushed rock or natural soil when compacted to 90 percent of maximum density.
  - (D) Runoff from a site shall be detained or filtered by berms, vegetated filter strips, or catch basins to prevent the escape of sediment from the site. These drainage controls shall be maintained by the permittee or property owner as necessary to achieve their purpose throughout the life of the project.
  - (E) Erosion control measures shall be in place at the end of each day's work.
- (2) **Additional permit requirements.** In addition to the requirements in Section 82.13.080, the following shall also apply:

- (A) When construction will be delayed due to the limitation on winter operations, the date for expiration of the permit shall be extended by that amount of time that work is delayed by the requirements of this Section.
- (B) The Building Official shall stamp or attach the following statement to all development permits and plans issued for projects subject to the provisions of this Section.

NOTICE: IF THE CONSTRUCTION ACTIVITY WILL EXTEND INTO THE WINTER OPERATIONS PERIOD (OCTOBER 15 THROUGH APRIL 15), ADDITIONAL SOIL EROSION AND SEDIMENT CONTROL MEASURES MAY BE REQUIRED.

ANY DEVELOPMENT PROJECT WHICH IS REQUIRED TO IMPLEMENT AN APPROVED SOIL EROSION AND SEDIMENT CONTROL PLAN SHALL HAVE THE APPROVED PLAN AMENDED IF IT DOES NOT COMPLY WITH SUBSECTION 82.13.080 (f) (Winter Operation Measures) OF THE SAN BERNARDINO COUNTY DEVELOPMENT CODE. ALL REQUIRED WINTER OPERATION EROSION CONTROL DEVICES SHALL BE INSTALLED BEFORE OCTOBER 15 FOR ONGOING CONSTRUCTION PROJECTS AND BEFORE ANY CONSTRUCTION ACTIVITY FOR THOSE DEVELOPMENT PROJECTS COMMENCING BETWEEN OCTOBER 15 AND APRIL 15.

**(g) Inspections.**

- (1) **Types of inspections.** The Building Official may perform the following inspections to ensure compliance with this Section:
  - (A) **Pre-construction inspection.** A pre-construction inspection to determine the potential for erosion resulting from the proposed project.
  - (B). **Progress inspections.** Periodic progress inspections to determine ongoing compliance with the Soil Erosion and Sediment Control Plan.
  - (C) **Final inspection.** A final inspection to determine compliance with the Soil Erosion and Sediment Control Plan and with other approved plans and specifications.
- (2) **Notification.** The permittee shall provide the Building Official at least:
  - (A) **Commencement of work.** Twenty-four hours' advance notice before the commencement of authorized work.
  - (B) **Inspection request.** Nine business hours' advance notice of an inspection request.
- (3) **Right of entry.** Filing an application for a development permit (e.g. Conditional Use Permit, Grading Permit, Planned Development Permit, Site Plan Permit, Temporary Use Permit, etc.) constitutes a grant of permission for the County to enter the permit area for the purpose of administering this Section from the date of the application filing to the termination of the erosion control maintenance period.

- (h) **Continued responsibility.** The property owner and the permittee shall be responsible for ensuring that accelerated erosion does not occur from an activity during and after project construction. Additional measures, beyond those specified in an approved Soil Erosion and Sediment Control Plan, may be required by the Building Official as deemed necessary to control erosion after project completion.
- (i) **Post-approval procedures.** The procedures and requirements in Division 6 (Development Code Administration), related to permit implementation, time limits, extensions, appeals, and revocations, shall apply following the decisions on Soil Erosion and Sediment Control Plans and Soil Erosion and Sediment Control Permits.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

### 82.13.090 **Alternate Hazard Protection Measures**

- (a) **Purpose.** This Section allows greater design flexibility than would otherwise be permitted to more efficiently and effectively achieve the purposes of the FS Overlay. Design flexibility is provided by allowing the substitution of alternate measures for otherwise applicable requirements if it is found that they provide the same or a greater level of protection from wildland fires and other natural hazards, and that they will fulfill the same purpose as the established standard or requirement.
- (b) **Applicability.**
  - (1) The provisions of this Section following shall apply only to the standards and requirements of:
    - (A) Subsection 82.13.060(c)2. (Building separation standards in FS1 and FS1 areas);
    - (B) Subsection 82.13.060(e) (Perimeter access to fuel modified and fire hazard areas); and
    - (C) Subsection 82.13.060(f) (Length of cul-de-sacs).
  - (2) Since these alternative measures apply to the standards and requirements that pertain to these three specific design elements, they are intended to be applied to development projects only and not to individual parcel conditions. Therefore, they do not apply to the determination of setbacks for residential construction on individual lots.
- (c) **Substitution of alternative measures for standards and requirements.**
  - (1) If alternative measures are proposed, the Fire Authority shall determine, with specific consideration of the effect of the proposed alternative measures, whether the

proposed development project has adequate provisions for fuel modification and management, including the ongoing maintenance of fuel modified areas.

- (2) If the Fire Authority makes a positive determination in compliance with Paragraph 1, above, alternate measures may be substituted for the established standards and requirements if the Department, with consideration of the recommendation of the Fire Authority, finds and justifies all of the following:
  - (A) The approved alternative measures meet the intent of, and serve the same purpose as, the established standard or requirement.
  - (B) The approved alternative measures provide the same or a greater level of protection or are as effective as the established standard or requirement.
  - (C) There are clear and substantial reasons for utilizing the alternative measures because they provide for a more efficient and economic use of the site, or provide for a superior physical design, and are consistent with the intent of the FS Overlay.

Adopted Ordinance 4011 (2007)

**THIS SPACE INTENTIONALLY LEFT BLANK.**

# DIVISION 3 COUNTYWIDE DEVELOPMENT STANDARDS

---

<b>Chapter 83.01</b>	<b>General Performance Standards.....</b>	<b>5</b>
83.01.010	Purpose .....	5
83.01.020	Applicability .....	5
83.01.030	Modification of Standards .....	6
83.01.040	Air Quality .....	6
83.01.050	Electrical Disturbances .....	6
83.01.060	Fire Hazards.....	7
83.01.070	Heat.....	10
83.01.080	Noise.....	11
83.01.090	Vibration.....	14
83.01.100	Waste Disposal .....	15
<b>Chapter 83.02</b>	<b>General Development and Use Standards.....</b>	<b>17</b>
83.02.010	Purpose .....	17
83.02.020	Applicability .....	17
83.02.030	Clear Sight Triangles .....	17
83.02.040	Height Measurement and Height Limit Exceptions .....	19
83.02.050	Parcel Area Measurements and Exceptions.....	21
83.02.060	Screening and Buffering.....	23
83.02.070	Setback Regulations and Exceptions.....	26
83.02.080	Allowed Projections/Structures Within Setbacks.....	30
<b>Chapter 83.03</b>	<b>Affordable Housing Incentives - Density Bonus .....</b>	<b>35</b>
83.03.010	Purpose .....	35
83.03.020	Eligibility for Bonus, Incentives, or Concessions .....	35
83.03.030	Allowed Density Bonuses .....	36
83.03.040	Allowed Incentives or Concessions.....	41
83.03.050	Parking Requirements in Density Bonus Projects.....	42
83.03.060	Bonus and Incentives for Housing with Child Care Facilities .....	43
83.03.070	Continued Availability .....	44
83.03.080	Location and Type of Designated Units .....	45
83.03.090	Processing of Bonus Requests.....	46
83.03.100	Density Bonus Agreement.....	46
83.03.110	Control of Resale.....	49
83.03.120	Judicial Relief, Waiver of Standards .....	50
<b>Chapter 83.04</b>	<b>Conditional Grading Compliance .....</b>	<b>51</b>
83.04.010	Purpose .....	51
83.04.020	Applicability .....	51
83.04.030	Quality Control Engineer's Role and Responsibilities.....	52
83.04.040	Developer's Deposit .....	53
83.04.050	Building Official Authority .....	53
83.04.060	Authority to Contract.....	53
83.04.070	Enforcement.....	53
83.04.080	Compliance with Dust Control Regulations.....	54

<b>Chapter 83.05</b>	<b>Dedications and Installations of Street and Trail Improvements .....</b>	<b>55</b>
83.05.010	Purpose .....	55
83.05.020	Applicability .....	55
83.05.030	Dedication of Street and/or Highway Right-of-Way.....	55
83.05.040	Dedication and Installation of Trail Right-of-Way .....	56
83.05.050	Installation of Street Improvements .....	57
83.05.060	Delayed Improvements.....	57
83.05.070	Waiver of Public Works Requirements .....	58
83.05.080	Building Official Determination.....	58
<b>Chapter 83.06</b>	<b>Fences, Hedges, and Walls .....</b>	<b>61</b>
83.06.010	Purpose .....	61
83.06.020	Applicability .....	61
83.06.030	General Height Limitations .....	61
83.06.040	Measurement of Fence or Wall Height.....	62
83.06.050	Walls Required Between Different Land Use Zoning Districts .....	63
83.06.060	Special Wall and Fencing Requirements.....	64
83.06.070	Prohibited Fence Materials.....	64
<b>Chapter 83.07</b>	<b>Glare and Outdoor Lighting.....</b>	<b>65</b>
83.07.010	Purpose .....	65
83.07.020	Applicability .....	65
83.07.030	Glare and Outdoor Lighting - Valley Region.....	65
83.07.040	Glare and Outdoor Lighting - Mountain and Desert Regions .....	66
<b>Chapter 83.08</b>	<b>Hillside Grading Standards .....</b>	<b>73</b>
83.08.010	Purpose .....	73
83.08.020	Applicability .....	73
83.08.030	Hillside Grading Review .....	74
83.08.040	Hillside Grading Standards.....	76
<b>Chapter 83.09</b>	<b>Infrastructure Improvement Standards.....</b>	<b>89</b>
83.09.010	Purpose .....	89
83.09.020	Applicability .....	89
83.09.030	Infrastructure Improvement Standards - Valley Region.....	90
83.09.040	Infrastructure Improvement Standards - Mountain Region.....	91
83.09.050	Infrastructure Improvement Standards - Desert Region.....	92
83.09.060	Infrastructure Improvement Standards - Desert Region.....	93
<b>Chapter 83.10</b>	<b>Landscaping Standards.....</b>	<b>95</b>
83.10.010	Purpose .....	95
83.10.020	Applicability .....	95
83.10.030	Exemptions from Landscaping Requirements.....	96
83.10.040	Waiver or Modification of Landscaping Requirements .....	97
83.10.050	Landscape Plans .....	97
83.10.060	Landscape Area Requirements .....	98
83.10.070	Landscape Standards .....	99
83.10.080	Regional Landscaping Requirements .....	103
83.10.090	Landscaping Guidelines .....	106
83.10.100	Maintenance Required.....	107
<b>Chapter 83.11</b>	<b>Parking And Loading Standards .....</b>	<b>109</b>
83.11.010	Purpose .....	109
83.11.020	Applicability .....	109



83.11.030	General Parking Provisions .....	109
83.11.040	Number of Parking Spaces Required.....	110
83.11.050	Adjustments to Parking Requirements .....	113
83.11.060	Disabled Parking Requirements .....	114
83.11.070	Development Standards.....	116
83.11.080	Landscape Requirements for Parking Areas .....	119
83.11.090	Parking and Loading Development Standards .....	121
83.11.100	Commercial Vehicle Parking in Residential Areas .....	122
<b>Chapter 83.12</b>	<b>Road System Design Standards.....</b>	<b>127</b>
83.12.010	Purpose .....	127
83.12.020	Applicability .....	127
83.12.030	Road System Design Standards.....	128
<b>Chapter 83.13</b>	<b>Sign Regulations.....</b>	<b>129</b>
83.13.010	Purpose .....	129
83.13.020	Applicability .....	130
83.13.030	Sign Permits and Exemptions.....	130
83.13.040	Prohibited Signs.....	131
83.13.050	On-Site Signs.....	131
83.13.060	Off-Site Signs .....	143
83.13.070	Temporary Signs.....	148
83.13.080	Standards for All Types of Signs.....	152
83.13.090	Standards for Specific Types of Signs.....	155
83.13.100	Sign Standards for Specific Uses.....	157
83.13.110	Enforcement.....	158
83.13.120	Nonconforming Signs.....	159
83.13.130	Abandoned Signs.....	161
<b>Chapter 83.14</b>	<b>Transportation Control Measures .....</b>	<b>163</b>
83.14.010	Purpose .....	163
83.14.020	Applicability .....	163
83.14.030	Transportation Control Measures Development Standards.....	163
<b>Chapter 83.15</b>	<b>Conditional Compliance for Water Quality Management Plans .....</b>	<b>165</b>
83.15.010	Purpose .....	165
83.15.020	Applicability .....	165
83.15.030	Quality Control Engineer's Role and Responsibilities.....	165
83.15.040	Developer's Deposit .....	166
83.15.050	Land Development Engineering Division Authority.....	166
83.15.060	Authority to Contract.....	166
83.15.070	Enforcement.....	167

**THIS SPACE INTENTIONALLY LEFT BLANK.**

(3) **Rights-of-way and easements.**

- (A) **Future right-of-way.** If any future right of way line has been established by an ordinance, specific plan, or similar document, the measurement of the setback shall be made from the future right-of-way or future property line.
- (B) **Street setbacks.** Street setbacks shall provide a minimum half width of 30 feet for a right-of-way in the Valley or Desert Regions and 20 feet for a right-of-way in the Mountain Region unless otherwise specified by an ordinance, specific plan, or similar document.
- (C) **Private road easements.** The minimum front, side, and rear setbacks from private road easements shall be 15 feet in the Mountain Region and 25 feet in the Valley and Desert Regions from the recognized easement line. This rear setback requirement shall apply only when the easement is used to access two or more parcels.

(4) **Front setbacks.**

- (A) Front setback lines shall be established so that, wherever possible, the yard width at the setback line is at least the minimum width specified by the applicable land use zoning district, unless otherwise allowed by this Development Code.
- (B) On through lots, front setbacks shall be provided on all street frontages.

(5) **Street side setbacks for corner parcels.** Side yards on the street sides of corner parcels shall require the same setback as front yards unless otherwise specified within the provisions of a land use zoning district, ordinance, specific plan or similar regulation.

(b) **Exemptions from setback requirements.**

- (1) The minimum setback requirements of this Development Code shall apply to all uses except for the following:
- (A) Fences or walls constructed within the height limitations of Chapter 83.06 (Fences, Hedges, and Walls).
- (B) Retaining walls less than three feet in height above finished grade **not to exceed four such walls within the setback.**

- (2) Street setback lines, as delineated on all Final Maps, Parcel Maps and Records of Survey maps recorded in the County between March 1, 1948 and January 1, 1987, or on Composite Development Plans on file with the Division of Building and Safety shall be the street and yard setback distances required on the property within the Final Maps, Parcel Maps, Records of Survey or Composite Development Plans, unless additional road dedication is required as a condition of development. When additional road dedication is required, or in the case of Final Maps, Parcel Maps and Records of Survey maps recorded prior to March 1, 1948, the greater setback distance of either the property development standards in the applicable land use zoning district based on the ultimate right of way width or the setback distance as shown on the approved map shall prevail. Notwithstanding any other provisions of the Development Code, any request to modify or deviate from a building setback line designated on a recorded map or final map shall be made in compliance with the provisions of Chapter 85.17 (Variances).

(c) **Measurement of setbacks.** Setbacks shall be measured as follows:

(1) **Front setbacks.**

- (A) **General.** The front yard setback shall be measured at right angles from the nearest point on the front property line of the parcel to the nearest point of the structure envelope, except for corner parcels, below.
- (B) **Corner parcels.** The measurement for corner parcels shall be taken from the nearest point of the structure envelope to the nearest point of the property line adjoining the street to which the property is addressed or the street from which access to the property is taken, as determined by the Director. If the corner is sniped, measurements shall be from the projection of the intersecting property lines. Whenever a future street right-of-way line is officially established, required yards shall be measured from the established line(s).

(2) **Side setbacks.**

- (A) The side yard setback shall be measured at right angles from the nearest point on the side property line of the parcel to the nearest line of the structure envelope, establishing a setback line parallel with the side property line that extends between the front and rear yards.
- (B) For the purposes of calculating side setbacks, the following dwellings with common party walls shall be considered as one structure occupying one parcel:
  - (I) Semi detached two and four family dwellings.
  - (II) Row dwellings.

(III) Group dwellings.

(IV) Court apartments.

(3) **Street side yard setbacks.** The side yard setback on the street side of a corner parcel shall be measured from the nearest point of the side property line adjoining the street.

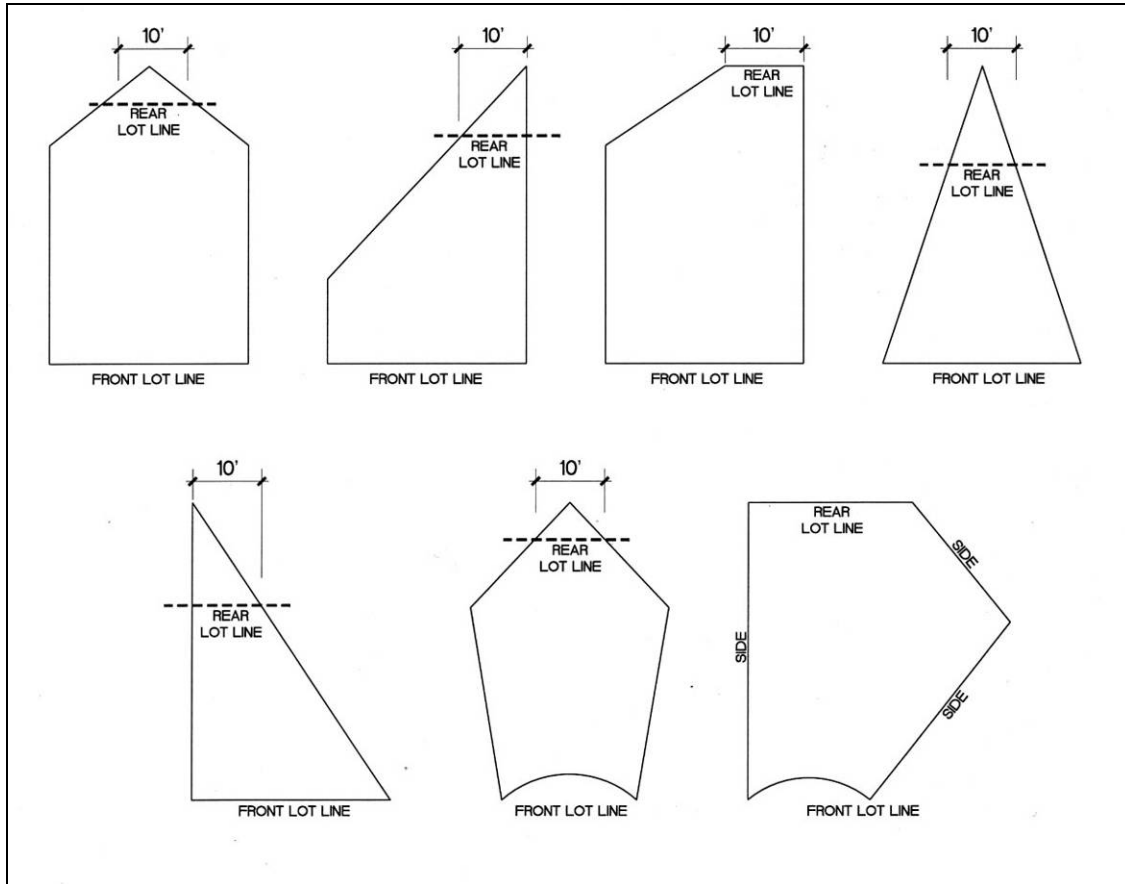
(4) **Rear yard setbacks.**

(A) The rear yard setback shall be measured at right angles from the nearest point on the rear property line of the parcel to the nearest line of the structure envelope, establishing a setback line parallel with the rear property line that extends between the side yards, except:

(I) If an access easement or street right-of-way line extends into or through a rear yard, the measurement shall be taken from the nearest point of the access easement or right-of-way line; and

(II) When the side property lines converge to a point at the rear of the parcel, or to a rear property line narrower than 10 feet, for setback purposes the rear property line shall be considered to be a line parallel to the front property line measuring 10 feet between the two side property lines. The rear yard depth shall be measured from the 10-foot line to the nearest part of the primary structure on the parcel.

(B) In computing the depth of a rear setback where the yard opens into an alley, one half the width of the alley may be assumed to be a portion of the required rear setback.



**Figure 83-4**  
**Rear Setbacks on Irregularly Shaped Parcels**

- (d) **Allowed projections into setbacks.** See Section 83.02.080 (Allowed Projections into Setbacks).
- (e) **Construction across property lines prohibited.** A structure shall not be constructed across the property line(s) of two or more contiguous parcels. If the placement of a proposed structure would otherwise cross the property line of two or more contiguous parcels held by the same owner, before the issuance of a Building Permit, the property owner shall apply for and receive an approved voluntary lot merger, lot line adjustment, or parcel map to move or eliminate the property line in question. The lot line adjustment process may be used if the parcels will still meet the development standards of the land use zoning district in which the parcels are located.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

### **83.02.080 Allowed Projections/Structures Within Setbacks**

This Section provides standards for allowed projections into required setbacks. Nothing in this Section is intended to prevent the construction of an allowed primary or accessory structure within the building envelope that is in the parcel area not included in any required setback area.

- (a) **Open and unobstructed.** Each setback area shall be open and unobstructed from finished grade, or other specified level at which the setback area is required, to the sky except as provided in Table 83-5 (Allowed Projections/Structures Within Setbacks).
- (b) **Projections attached to primary structure.** The architectural projections identified in the table shall be attached to the primary structure allowed on the parcel.
- (c) **Required clear areas.** The projections listed in Table 83-5 (Allowed Projections/Structures Within Setbacks) may not, in any event, encroach on or into the following:
  - (1) The Clear Sight Triangle required at traffic intersections.
  - (2) Within three feet of any parcel line, dividing parcels not in common ownership, except as noted in the Table.
- (d) **Table 83-5 (Allowed Projections into Setbacks).** Table 83-5 (Allowed Projections/Structures Within Setbacks) lists the equipment and architectural features typically related to a structure that may extend into front, side, and rear yard setbacks.

**Table 83-5  
Allowed Projections/Structures Within Setbacks**

Projections	Front and Street Side Setbacks	Interior Side Setbacks	Rear Setbacks
Awnings, canopies, louvers and similar shading devices	4 ft.	2 ft.	4 ft.
Eaves, cornices, sills, planting boxes; skylights, fireplaces, flues and chimneys, and similar architectural features	4 ft.	2 ft.	4 ft.
Evaporative coolers, air conditioner compressors, and pool equipment	4 ft. When screened from view	2 ft.	4 ft.
Water tanks, propane tanks sited per California Fire Code and maintained in compliance with standards specified by Section 83.01.060 (Fire Hazards)	Not allowed	Not allowed	4 ft.
Freestanding photovoltaic or solar panels	Not allowed	Not allowed	10 ft. Minimum 5 ft. separation from rear parcel line
Attached patio roofs and similar residential structures having open, unwallled sides along not less than 50% of their perimeters, including top deck (decks with height greater than 4 ft. above grade)	4 ft.	Not allowed	15 ft. Minimum 5 ft. separation from rear parcel line
Cantilevered portion of primary structure more than 8 ft. above grade limited to 50% of length of one wall on any 1 story	4 ft.	4 ft.	4 ft.
Open-sided stairways, landings, and required fire escapes	5 ft.	4 ft.	10 ft.
Uncovered porches, platforms, or decks (up to 4 ft. in height)	4 ft.	4 ft.	10 ft.
Open storage of boats, recreational vehicles, trailers and similar vehicles	Not Allowed	Allowed	Allowed
Temporary trash storage in appropriate containers	Not Allowed	Allowed	Allowed
Slides, clotheslines and similar equipment	Not allowed	Not allowed	Allowed
Radio or television masts or antennas, satellite dishes	Not allowed	Not allowed	Allowed



**Table 83-5  
Allowed Projections/Structures Within Setbacks**

Projections	Front and Street Side Setbacks	Interior Side Setbacks	Rear Setbacks									
Garages, carports, sheds and other similar detached, enclosed accessory structures that: <ul style="list-style-type: none"> <li>• Occupy no more than 25% of yard</li> <li>• Limited to 1 story in height</li> </ul>	Not allowed	Not allowed	Allowed									
Garages and carports in Mountain Region only that: <ul style="list-style-type: none"> <li>• Do not project beyond property line</li> <li>• Limited to 1 story in height</li> <li>• Meet Administrative Criteria of Building Official</li> </ul>	Allowed. 10 ft. minimum from existing edge of roadway pavement.	Not allowed	Allowed									
Unroofed parking, parking decks, and loading areas	As specified by the Chapter 83.11 (Parking Regulations)	Allowed	Allowed									
Covered, underground or partially excavated structures (e.g., basements, fallout shelters, garages, public utility or telephone/cable TV vaults, wine cellars, etc.)	Allowed in all setback areas, provided that the facilities do not extend more than 30 inches above the adjoining average finished grade level.											
Fences, screening, safety guardrails, walls along property lines <ul style="list-style-type: none"> <li>• Industrial land use zoning districts</li> <li>• Commercial land use zoning districts</li> <li>• All other land use zoning districts.</li> </ul>	Allowed in compliance with Section 83.06.030 (General Height Limitations). <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; text-align: center;">6 ft. max. height</td> <td style="width: 33%; text-align: center;">10 ft. max height</td> <td style="width: 33%; text-align: center;">10 ft. max. height</td> </tr> <tr> <td style="text-align: center;">4 ft. max. height</td> <td style="text-align: center;">10 ft. max height</td> <td style="text-align: center;">10 ft. max height</td> </tr> <tr> <td style="text-align: center;">4 ft. max. height</td> <td style="text-align: center;">6 ft. max. height</td> <td style="text-align: center;">6 ft. max. height</td> </tr> </table> ----- Fence heights in excess of these standards may be allowed by an approved Use Permit, Variance, Tract or Parcel Map or when required by the County for reasons of the health and safety of the general public. In the RC and RL land use zoning districts, open fences may go up to a maximum of 5 feet in the front yard and street side yards.			6 ft. max. height	10 ft. max height	10 ft. max. height	4 ft. max. height	10 ft. max height	10 ft. max height	4 ft. max. height	6 ft. max. height	6 ft. max. height
6 ft. max. height	10 ft. max height	10 ft. max. height										
4 ft. max. height	10 ft. max height	10 ft. max height										
4 ft. max. height	6 ft. max. height	6 ft. max. height										

<b>Table 83-5 Allowed Projections/Structures Within Setbacks</b>			
Projections	Front and Street Side Setbacks	Interior Side Setbacks	Rear Setbacks
<ul style="list-style-type: none"> <li>• Flagpoles</li> <li>• Sculpture and similar decorations</li> <li>• Trees, shrubs, and landscaping with a screening effect</li> <li>• Utility poles and lines located along property lines no closer than 1 foot from side property line</li> <li>• Walkways<sup>(1)</sup></li> <li>• Unroofed paving and driveways outside the ultimate road right-of-way. Unroofed paving and driveways within the ultimate road right-of-way shall be a minimum of 3 feet from the side property line<sup>(1)</sup></li> </ul>	Allowed	Allowed	Allowed
Signs	Allowed in all setback areas subject to Chapter 83.13 (Signs)		
Swimming pools and spas <b>no</b> closer than 5 ft. to any property line	Not allowed	Not allowed	Allowed

<sup>(1)</sup> Walkways necessary for access to the building, parking areas and driveways may be supported on masonry construction in the Mountain Region.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

## CHAPTER 83.05 DEDICATIONS AND INSTALLATIONS OF STREET AND TRAIL IMPROVEMENTS

---

### Sections:

- 83.05.010 Purpose
- 83.05.020 Applicability
- 83.05.030 Dedication of Street and/or Highway Right-of-Way
- 83.05.040 Dedication and Installation of Trail Right-of-Way
- 83.05.050 Installation of Street Improvements
- 83.05.060 Delayed Improvements
- 83.05.070 Waiver of Public Works Requirements
- 83.05.080 Building Official Determination

### 83.05.010 Purpose

This Chapter regulates and controls dedications and the installation of street improvements and trails. The regulations are intended to preserve the public health, safety, and general welfare; to promote orderly growth and development; and to ensure the provision of adequate traffic circulation, utilities, and services.

Adopted Ordinance 4011 (2007)

### 83.05.020 Applicability

The requirements of this Chapter shall apply to all subdivision and single-parcel development.

Adopted Ordinance 4011 (2007)

### 83.05.030 Dedication of Street and/or Highway Right-of-Way

- (a) **Dedications required by approved plans or ordinances.** Before final inspection of structures, the dedication of additional street and/or highway right-of-way may, at the discretion of the Director of Public Works, be required to comply with the General Plan, an adopted specific plan, a Local Area Transportation Facilities Plan, or the provisions of any specific ordinance which has established a future right-of-way line.
- (b) **Dedications required in absence of approved plans or ordinances.** Where approved plans or ordinances do not exist, the required dedications shall be as follows:
  - (1) **Desert Region.** In the Desert Region, a 44-foot half width on section lines and quarter section lines and a 30-foot half width on sixteenth section lines shall be required.

- (2) **Mountain Region.** In the Mountain Region, a 20-foot half width from centerline shall be required; however, whenever the Director of Public Works waives this dedication requirement, a 10-foot half width shall be the absolute minimum required.
- (3) **Valley Region.** In the Valley Region, additional right-of-way shall be required in compliance with road widths established by the General Plan after review by the Director of Public Works.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

### **83.05.040 Dedication and Installation of Trail Right-of-Way**

- (a) **Dedications required by approved plans or ordinances.** Before final inspection of structures, the dedication of a trail right-of-way may, at the discretion of the Director, be required to comply with the General Plan, an adopted specific plan, or the provisions of any specific ordinance that has established a future right-of-way line.
- (b) **Dedications required in absence of approved plans or ordinances.** Where approved plans or ordinances do not exist, the required dedications may be required for specific plans and planned development projects and shall be as follows:
  - (1) Proposed development adjacent to trail systems may be required to dedicate land for trail access points, as determined by the Director.
  - (2) The dedication or offers of dedication of trail easements where appropriate may be required for establishing a planned trails system alignment or where an established trail is jeopardized by impending development.
- (c) **Development standards.**
  - (1) To ensure application of uniform design standards and to promote the safety of trail users and their enjoyment of the trails system, the Director shall apply the *County Trail Use and Design Guidelines*. These standards are intended to serve as a general guide, and may at times be superseded by standards of managing agencies other than San Bernardino County (e.g., U.S. Forest Service standards). Standards may vary depending on the proposed use and operation of the trail; more detailed standards for specific trails may be developed at the time specific siting and planning for a trail link is completed.
  - (2) The scenic corridor on either side of a proposed trail route, measured from the outside edge of the right-of-way, trail, or path shall be identified. Development along the scenic corridor shall be compatible with existing scenic qualities.
  - (3) Signage shall indicate approved off-highway vehicle (OHV) trails or access areas and shall notify where OHV use is prohibited.

- (b) Where there is a difference in the ground level between two adjacent parcels, the height of a fence or wall constructed along the property line shall be determined by using the finish grade of the **lowest** contiguous parcel.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

### **83.06.050 Walls Required Between Different Land Use Zoning Districts**

Walls shall be provided and maintained between different land use zoning districts in the following manner:

- (a) **Nonresidential or multi-family.** Where a nonresidential land use district abuts property in any residential land use zoning district or a Multiple Residential Land Use Zoning District abuts property in a Single Residential Land Use Zoning District, a solid masonry wall shall be constructed on the land use zoning district boundary line consistent with the height limitations contained in Table 83-6. If a public right-of-way separates a nonresidential district from any residential district or multi-family residential district from a Single Residential Land Use Zoning District, this wall requirement may not apply. Also, this requirement shall not apply to the Rural Commercial (CR) Land Use Zoning District in the Desert Region.
- (b) **Industrial.** Where an industrial land use zoning district abuts property in a non-industrial land use zoning district, a solid masonry wall, a minimum of 6 feet in height, shall be constructed on the land use zoning district boundary line.
- (c) **Design and construction.** Walls shall be of solid masonry construction and shall be of a decorative design when in view of public rights-of-way subject to the approval of the Director.
- (d) **Modification of requirements.** The Director may waive or modify requirements for walls between different land use zoning districts where a solid masonry wall already exists on the abutting property if the following findings can be made in a positive manner:
- (1) The existing wall meets, or would be modified to conform to, the intent of this Chapter.
  - (2) Suitable landscaping would be installed adjacent to the existing wall to supplement and enhance the desired physical separation.
  - (3) The existing wall would be protected to prevent vehicle damage, if necessary.
  - (4) Concurrence of the abutting property owner(s) would be obtained, to modify the existing wall to meet the requirements of this Chapter.

Adopted Ordinance 4011 (2007)

**83.06.060 Special Wall and Fencing Requirements**

- (a) **Swimming pools, spas, and similar features.** Swimming pools, spas, and other similar features shall be fenced in compliance with the California Building Code.
- (b) **Outdoor equipment, storage, and work areas.** Screening of outdoor uses and equipment and activities shall be provided in compliance with Section 83.02.060 (Screening and Buffering).
- (c) **Temporary fencing.** Temporary fencing may be necessary to protect archaeological or historic resources and/or trees during site preparation and construction. Temporary fencing for these purposes shall be subject to the approval of the Director.
- (d) **Walls along rights-of-way.**
  - (1) Walls shall be constructed of decorative concrete or masonry materials up to six feet in height.
  - (2) Aesthetic appeal as well as structural integrity shall be considered when designing the wall;
  - (3) The design shall include an appropriate mix of materials and landscaping subject to the approval of the Director.

Adopted Ordinance 4011 (2007)

**83.06.070 Prohibited Fence Materials**

- (a) **Chain link fencing.** Permanent chain link fencing or similar materials (chicken wire, hog fencing, etc.) is prohibited in residential land use zoning districts in **the Valley Region**, except in those cases where it is not visible from the public right-of-way or **where the fence does not extend in front of the primary structure and is camouflaged to the greatest extent possible with plantings or similar shrouding, and except in those cases where the use is adjacent to public rights-of-way in commercial and industrial zoning districts.** Chain link fencing shall be allowed for temporary uses. **In the Mountain Region, chain link fencing will be allowed when used in conjunction with other fencing materials (i.e., split-rail fencing) and when camouflaged to the greatest extent possible. In the Desert Region, the prohibition against chain link fencing will not apply.**
- (b) **Barbed wire/razor wire fencing.** Barbed wire and razor wire fencing shall be prohibited in residential land use zoning districts or adjacent to public rights-of-way in commercial and industrial zoning districts. Barbed wire, razor wire, or other sharp pointed material may only be used in the construction of a fence if it is at least six feet above ground level.
- (c) **Tarp fencing.** Tarp fencing shall be prohibited in all land use zoning districts.

- (d) **Electrified fencing.** The use of electrified fencing or wires in conjunction with any fence, wall, roof, hedge, or by itself along the property lines of a parcel within any land use zoning district is prohibited unless required by the law or a regulation of the City, the County, the State, Federal Government, agency, or as a condition of approval. The fencing may be allowed within the interior of a parcel if buffered from other properties by a separate barrier.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

**THIS SPACE INTENTIONALLY LEFT BLANK.**



## CHAPTER 83.08 HILLSIDE GRADING STANDARDS

---

### Sections:

- 83.08.010 Purpose
- 83.08.020 Applicability
- 83.08.030 Hillside Grading Review
- 83.08.040 Hillside Grading Standards

### 83.08.010 Purpose

This Chapter establishes regulations for development within hillside areas to:

- (a) Facilitate appropriate hillside development through standards and guidelines for hillside areas.
- (b) Ensure that development in the hillside areas is designed to fit the existing landform.
- (c) Preserve significant features of the natural topography, including swales, canyons, streams, knolls, ridgelines, and rock outcrops.
- (d) Provide a safe means of ingress, egress and traffic flow for all forms of permissible traffic within hillside areas.
- (e) Provide alternative approaches to conventional grading practices by achieving development intensities that are consistent with the natural characteristics of hillside areas (e.g., land form, scenic quality, slopes, and vegetation).
- (f) Encourage the planning, design, and development of sites that provide maximum safety with respect to fire hazards, exposure to geological hazards, drainage, erosion and siltation, and materials of construction; provide the best use of natural terrain; and to discourage development that will create or disproportionately increase fire, flood, slide, or other safety hazards to public health, welfare, and safety.

Adopted Ordinance 4011 (2007)

### 83.08.020 Applicability

- (a) **Slope gradient of 15 percent or greater.** The standards contained in this Chapter apply to all uses and structures within areas having a natural slope gradient of 15 percent or greater over the area being graded and requiring a Grading Permit. For the purpose of this Chapter, slope shall be computed as set forth in Section 83.08.040(b) for the area being graded before grading is commenced.

- (b) **Site conditions requiring Hillside Grading Review.** If the slope gradient is 15 percent or greater and if any one of the following thresholds applies on a particular site meeting the criteria set forth in subsection (a) above, a full analysis and compliance with this Chapter shall be required and a Hillside Grading Review shall be conducted in compliance with Section 83.08.030 (Hillside Grading Review):
- (1) The volume of proposed grading is more than 500 cubic yards per lot or more than a total of 2,000 cubic yards for the total project.
  - (2) If retaining walls or the proposed cut or fill slopes greater than 15 feet in height will be visible and exposed to permanent public view or will be adjacent to designated open space or public lands.
  - (3) The width of proposed cut or fill slopes is greater than 75 feet in the Valley and Mountain Regions and 150 feet in the Desert Region as measured at the widest point of the slope.
  - (4) The area of proposed disturbance is more than 50 percent of the site area, or the proposed disturbed area exceeds 10,000 square feet, whichever is less.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

### **83.08.030 Hillside Grading Review**

A subdivision, land use permit, or Building Permit application for a site or development that meets or exceeds the thresholds in Section 83.08.020 (Applicability) shall require a Hillside Grading Review.

- (a) **Procedure.** The review shall be conducted concurrently with any required discretionary review or in conjunction with an application for a Grading Permit for any project that meets or exceeds the thresholds listed in Section 83.08.020 (Applicability).
- (b) **Submittal requirements.** An application for a Hillside Grading Review shall require the following documents, reports, maps and such others as determined appropriate by the Director. Exceptions to the filing requirements shall require a written justification supported by factual information submitted to the Director for consideration. Some of the required submittals listed below may be displayed on a single map or plan.
  - (1) **Natural features map.** A natural features map shall identify all existing slope banks, ridgelines, canyons, natural drainage courses, Federally recognized blue line streams, rock outcroppings, and existing vegetation. When a geology report is required, landslides and other existing geologic hazards shall also be depicted.
  - (2) **Grading plan.** A conceptual grading plan shall include the following items:

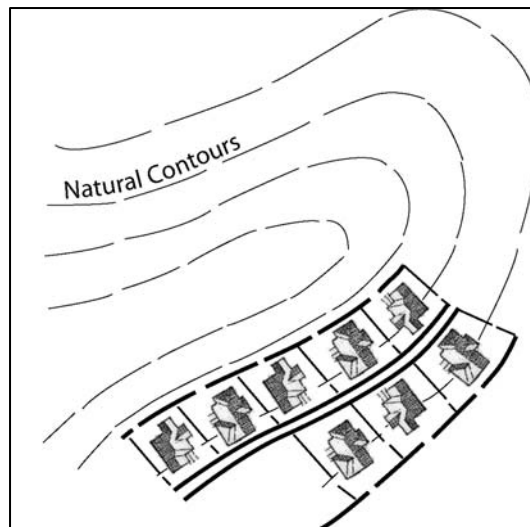
- (A) A legend with appropriate symbols shall include the following items: change in direction of drainage, elevation of regulated trees subject to the provisions of Section 88.01.070(b) (Regulated trees), estimated volumes proposed to be cut and/or filled, finished floor elevations, high point, low point, pad elevations, spot elevations, top of curb, and top of wall.
  - (B) A separate map, with proposed fill areas colored in green and cut areas colored in red, with areas where cut and/or fill exceed depths established in compliance with this Chapter. If custom foundations are proposed, this shall be noted on the map. Additionally, the area of cut and/or fill, calculated as a percentage of the total surface area of the site, shall be included on the plan; and
  - (C) Contours for existing and natural land conditions and proposed work. Existing contours shall be depicted with a dashed line with every fifth contour line darker; and proposed contours shall be depicted similarly with solid lines. Contours shall be shown at maximum five-foot intervals above 20 percent slope.
- (3) **Drainage map.** A conceptual drainage and flood control facilities map describing planned drainage improvements.
- (4) **Slope analysis map.** A slope analysis map for the purpose of determining the amount and location of land as it exists in its natural state falling into each slope category as specified in this subparagraph. This map shall be prepared and signed by a registered civil engineer or licensed land surveyor, and shall have a scale of not less than one inch to 100 feet and a contour interval of not more than two feet, provided that the contour interval may be five feet when the slope is more than 20 percent. A scale of not less than one inch to 200 feet may be used for developments greater than 100 acres in size. This map shall show the closest structures on all contiguous properties. It shall delineate slope bands in the range of zero to less than 15 percent, 15 to less than 30 percent, 30 percent to less than 40 percent, and 40 percent or greater. Also included shall be a tabulation of the land/area in each slope category specified in acres.
- (5) **Slope profiles.** A sufficient number of slope profiles shall be provided as required by the Director to clearly illustrate the extent of the proposed grading. The slope profiles shall:
- (A) Be drawn at the same scale and indexed, or keyed, to the grading plan, and project site map.
  - (B) Show existing and proposed topography, structures, and infrastructure. Proposed topography, structures, and infrastructure shall be drawn with a solid, heavy line. Existing topography and features shall be drawn with a thin or dashed line.

- (C) The slope profile shall extend far enough from the project site boundary to clearly show impact on adjacent property, within at least 150 feet.
- (D) The profiles shall be drawn along those locations of the project site where:
  - (I) The greatest alteration of existing topography is proposed;
  - (II) The most intense or dense development is proposed;
  - (III) The site that is most visible from surrounding land uses; and
  - (IV) At all site boundaries illustrating maximum and minimum conditions.
- (E) At least two of the slope profiles shall be roughly parallel to each other and roughly perpendicular to existing contour lines. At least one other slope profile shall be roughly at a 45-degree angle to the other slope profiles and existing contour lines.

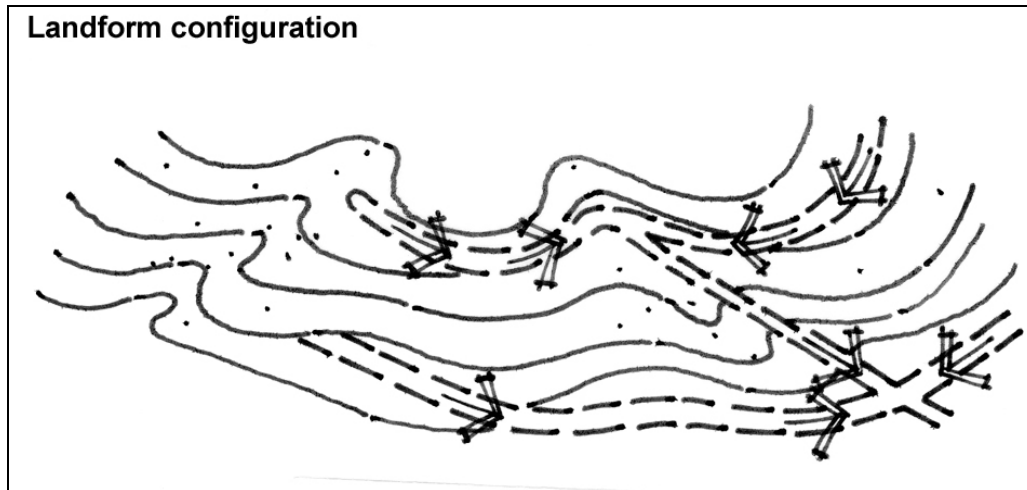
Adopted Ordinance 4011 (2007)

#### 83.08.040 Hillside Grading Standards

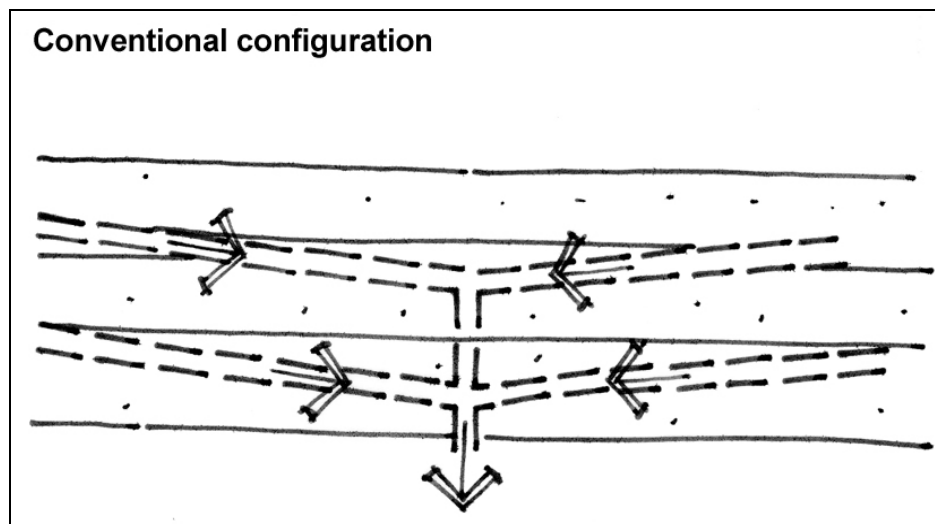
- (a) **Landform grading and revegetation standards.** Incorporation of the basic principles of the landform grading and revegetation concept in the design and construction of hillside development projects shall be required so that they will be in harmony with the natural topography and reflect existing plant distribution patterns. The general principles of landform grading and revegetation include the following elements:
  - (1) The basic land plan flows with the natural topography rather than against it. This means that street patterns and building pad configurations follow the underlying topographic features rather than cutting across them. See Figure 83-6.



**Figure 83-6**  
**Development Follows Natural Topography**



**This**



**Not This**

**Figure 83-12  
Drains Follow Topography**

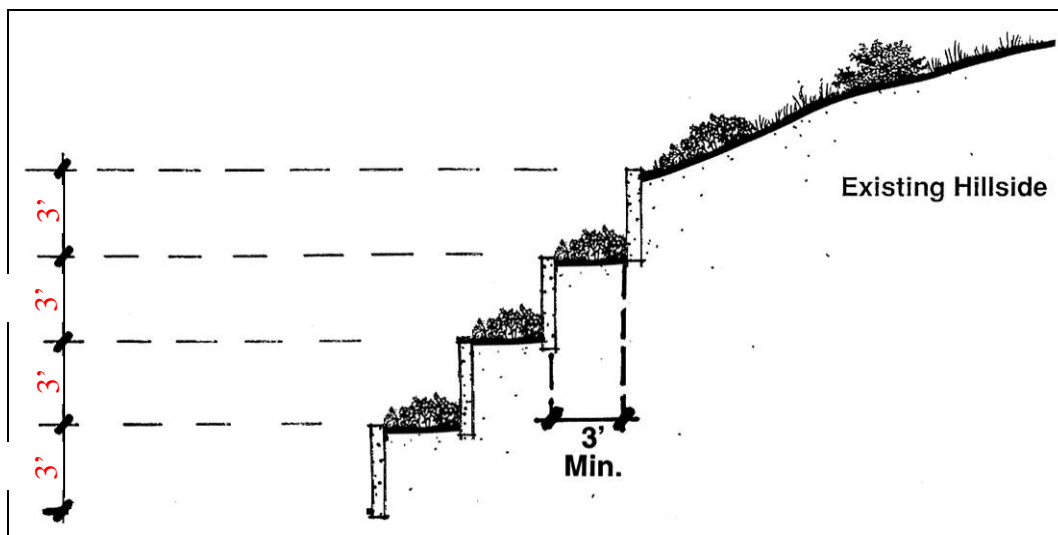
- (C) Building Permits and Grading Permits shall not be issued for construction on any site without an approved location for disposal of runoff waters, (i.e., a drainage channel, public street or alley, or private drainage easement).
- (D) The use of cross lot drainage shall be subject to the Director's review and may be approved after demonstration that this method will not adversely affect the proposed parcels or adjacent properties, and that it is absolutely required in order to minimize the amount of grading that would result with conventional drainage practices. Where cross lot drainage is utilized, the following shall apply:
  - (I) One parcel may drain across another parcel if an easement is provided either within an improved, open V-swale gutter that has a naturalized appearance or within a closed drainage pipe that should be a minimum

12 inches in diameter. This drainage shall be conveyed to either a public street or to a drainage easement. The easement width shall be determined on an individual basis and shall be dependent on appropriate hydrologic studies and access requirements.

- (II) On-site drainage shall be conveyed in an improved, open V-swale gutter that has a naturalized appearance, or within an underground pipe as determined on an individual basis and shall be dependent on appropriate hydrologic studies and access requirements.
- (E) Slope drainage on graded slopes should be regulated per the California Building Code.
- (F) Natural drainage courses shall be preserved and enhanced to the extent feasible. Rather than filling them in, drainage features shall be incorporated as an integral part of the project design.

**(3) Access, trails, and roadway standards.**

- (A) Driveway grades up to a maximum of 20 percent shall be allowed and shall be aligned with the natural contours of the land. Proper design considerations shall be employed (i.e., vertical curbs and parking landings). Parking landings shall be utilized on all driveways over 10 percent in grade.
- (B) Where retaining walls are necessary adjacent to roadways or within street setbacks, they shall be limited to three feet in height where they will be visible from the street in order to avoid obstruction of motorists' and pedestrians' field of view and to create an aesthetically pleasing streetscape. No more than four terraced or stepped retaining walls shall be utilized. Walls shall be separated by a minimum of three feet and include appropriate landscaping.



**Figure 83-13**  
**Retaining Walls Along Streets and in Setbacks**

efficient. Reclaimed water need be used only in situations where it is available at the site.

- (D) Landscaping shall be used to screen views of downslope building elevations. When the structure height exceeds 20 feet from finished grade on a downslope, additional landscaping shall be required and a landscaping plan shall be submitted for review with the submittal package.
- (E) Slopes with required planting shall be planted with informal clusters of trees and shrubs to soften and vary the slope plane. Where required by the County, jute netting or similar material shall be used to help stabilize planting and minimize soil erosion.
- (F) Native vegetation shall be retained and supplemented within undeveloped canyons and along natural drainage courses as allowed by State and Federal resource agencies (e.g., State Department of Fish & Game, U.S. Fish and Wildlife, U.S. Army Corps of Engineers, etc.).
- (G) Landscaping shall become a "revegetation" process and be applied in patterns that occur in nature: Trees and shrubs shall be concentrated largely in concave areas, while convex portions shall be planted mainly with groundcovers.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

**THIS SPACE INTENTIONALLY LEFT BLANK.**



- (1) Tenant improvements.
- (2) An addition that is less than 25 percent of the existing floor area.
- (3) Maintenance, repair, and/or replacement of building elements.
- (4) Electronic security systems.
- (5) Fire and life safety devices and/or systems.
- (6) Emergency or hazardous conditions that must be corrected in the interest of public health, safety, and welfare.
- (7) Other conditions that the Director determines to be immaterial.

Adopted Ordinance 4011 (2007)

#### **83.10.040 Waiver or Modification of Landscaping Requirements**

- (a) **Director approval.** The Director may approve waivers from, or modifications to, the requirements of this Chapter. The waivers or modifications shall be limited to the following:
  - (1) Minor modifications to approved landscaping or irrigation plans that comply with the spirit and intent of these regulations, including, but not limited to, revising or substituting plant varieties, container sizes, plant locations, irrigation specifications, hardscape components, berm heights, berm locations, slope features, and similar changes.
  - (2) Modifications of planting, installation, and/or soil preparation details.
  - (3) Occupancy of structures before installation of landscaping due to exceptional and unforeseen circumstances when a bond or other surety is provided in compliance with Section 83.10.050(d) (Statement of surety), below.
- (b) **Conditions imposed in connection with waivers.** In granting a waiver, the Director may impose conditions as deemed necessary to comply with the spirit and intent of these regulations.

Adopted Ordinance 4011 (2007)

#### **83.10.050 Landscape Plans**

- (a) **Landscape plans required.** Landscape plans shall be submitted to the Department for projects specified in Section 83.10.020 (Applicability), above.
- (b) **Content.** Landscape plans shall contain information as specified in the instructions for preparing landscape plans provided by the Department.

- (c) **Review and approval.** After initial application, the Director shall review each landscape plan to verify its compliance with the provisions of this Chapter.
- (d) **Statement of surety.** When required by the Director, a statement of surety in the form of cash, performance bond, letter of credit, or certificate of deposit in an amount equal to 120 percent of the total value of all plant materials, irrigation, installation, and maintenance shall be posted with the County for a two-year period. The Director may require statements of surety for phased development projects, a legitimate delay in landscape installation due to seasonal requirements (including adverse weather conditions) and similar circumstances where it may not be advisable or desirable to install all of a project’s landscaping before occupancy of a site.

Adopted Ordinance 4011 (2007)

**83.10.060 Landscape Area Requirements**

**(a) General requirements.**

- (1) **Setbacks.** Setback and open space areas required by this Development Code shall be landscaped, except where a required setback is occupied by a sidewalk or driveway or where a required setback is screened from public view.
- (2) **Unused areas.** Areas of a project site not intended for a specific use shall be landscaped, unless exempt in compliance with Section 83.10.030 (Exemptions from Landscaping Requirements).
- (3) **Parking areas.** Parking areas shall be landscaped in compliance with Chapter 83.11 (Off-Street Parking and Loading). Parking lot area shall not be counted as part of the total lot area when computing the minimum landscaped area in compliance with Table 83-12 nor shall the parking lot landscaping be counted as part of the minimum landscaping required.
- (4) **Minimum area.** Projects specified in Section 83.10.020 (Applicability) shall provide and maintain landscaped areas in compliance with Table 83-12 (Minimum Landscaped Area). No landscaped area having a width of less than five feet shall be considered in the minimum landscaping requirement.

<b>Table 83-12 Minimum Landscaped Area</b>		
Land Use	Minimum Landscape Area	
	The factor resulting in the larger landscaped area shall be used.	
	As a % of Lot Area	Area in Sq. Ft.
<b>Residential</b>		
Single-Family	Front and street side setbacks	900
Multi-Family (4 or more units)	35%	N/A
<b>Nonresidential</b>		
Industrial/Warehouse	15%	1,000
Insitutional	15%	500
Office	20%	1,000
Retail	20%	1,000

- (b) **Area increase in lieu of parking spaces.** In addition to required landscaping areas, landscaping may be provided in lieu of 10 percent of the total number of parking spaces required, provided the landscaping is arranged so that parking may be installed at a later date if a demand arises, and further provided, that the owner agrees to provide parking at the request of the reviewing agency.
- (c) **Variation of area coverage in planned developments.** Variation of landscape coverage may be allowed for individual parcels within planned developments established in compliance with Chapter 85.10 (Planned Development Permits) when the development as a whole meets the required coverage and the landscape plan is consistent with the purpose of this Chapter.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

### 83.10.070 Landscape Standards

Landscaping shall be designed, installed, and maintained as provided in this Section.

- (a) **General design standards.** The design of landscaped areas shall incorporate the following features:
  - (1) **Coordinated planting design.** Planting design shall coordinate new plant materials and their growth requirements with the climate, soil, orientation, water courses, existing vegetation, fire prevention needs, related natural resources and man-made facilities. Landscaping shall be an integral part of the overall project design and not simply located in excess space after parking areas and structures have been planned.
  - (2) **Minimal maintenance intensive landscaping.** Maintenance intensive landscaping shall be minimal and shall be located near primary use areas.
  - (3) **Plants and materials.** Landscaping may include lawn, ground cover, trees, shrubs, and other live plant materials. Landscaping may also include small amounts of accessory decorative outdoor landscape elements (e.g., ponds, fountains, sculpture, and paved or decorated surfaces), excluding driveways, parking, and storage areas.
  - (4) **Sidewalks.** Sidewalks providing pedestrian access shall be considered in the design of all landscaped areas, including the need to locate plants so as not to interfere with the ability of pedestrians to have an adequate view of paths and surrounding areas to ensure their safety.
  - (5) **Maximum height in clear sight triangles.** Landscaping over 30 inches in height shall not be allowed within a clear sight triangle formed by the intersection of public rights-of-way, parking lot entrances and exits, pedestrian rights-of-way, driveways, or alleys as described in Section 83.02.030 (Clear Sight Triangles).

- (6) **Screening.** Landscaping shall be required to screen storage areas, trash enclosures, and parking areas (except residential driveways). Above ground public utilities, such as, but not limited to electrical substations, water storage facilities and treatment plants, shall also be provided with perimeter landscape screening to the extent possible. Freeway and state highway rights-of-way shall also be provided with landscape screening to minimize their aesthetic impacts on adjacent uses. See Section 83.02.060 (Screening and Buffering).
  - (7) **Phased development.** Graded areas proposed for development in a later phase shall be planted with annual grasses and shall be maintained in a weed-free condition until development occurs, if the later phase will not begin construction within six months of completion of the previous phase.
- (b) **Plant materials.** Plant materials shall be selected and installed to comply with the following requirements:
- (1) **Considerations when selecting plant materials.** Attention shall be given to appearance, height, spread, growth rate, moisture requirements, potential root damage, disease, pest susceptibility, climate adaptability, soil type, slope, function, and decreased maintenance.
  - (2) **Existing plant materials.** Healthy, existing plant materials shall be used to meet landscape requirements wherever possible. Existing trees and plants shall be retained on site, unless otherwise approved in writing by the Director or the proper removal permit is granted in compliance with Division 6 (Plant Protection and Management).
  - (3) **Mix of plant materials.** A mix of plant materials shall be provided in a variety of container sizes. The mix of plant materials shall include trees, shrubs and attractive erosion preventing ground cover. Use of one predominant species shall be avoided to prevent spread of disease.
  - (4) **Location and spacing.** Plant materials shall be located in areas appropriate to their known climatic and environmental requirements and spaced to allow mature growth. Trees and shrubs shall be planted so that at maturity they do not interfere with service lines and clear sight triangles.
  - (5) **Native and drought-tolerant plant materials.** Native plant materials or locally adaptable drought-tolerant plantings capable of surviving the prevailing climatic and soil conditions with a minimum of supplemental water shall be emphasized.
  - (6) **Trees.** Trees planted near public sidewalks or curbs shall be of a species and installed in a manner that prevents physical damage to sidewalks, curbs, gutters, and other public improvements. Trees shall be planted in areas of public view adjacent to structures, either individually or in grove effect, at the equivalent of one tree per 30 linear feet of building area. Additional trees shall be provided in compliance with Table 83-13 (Minimum Landscape Requirements).

system(s) coordinated to meet the needs of various planting areas and in compliance with the following standards:

- (1) **Runoff and overspray.** Soil types and infiltration rate shall be considered when designing irrigation systems. Irrigation systems shall be designed to avoid runoff, low head drainage, overspray, or other similar conditions where water flows onto adjacent property, nonirrigated areas, walks, roadways, or structures. Proper irrigation equipment and schedules, including repeat cycles, shall be used to closely match application rates to infiltration rates to minimize runoff.
- (2) **Equipment.**
  - (A) **Meters.** For irrigated landscape areas in excess of 5,000 square feet, separate water meters shall be installed for landscaping. **(This shall not apply to single-family residential connections.)**
  - (B) **Controllers.** Automatic control systems shall be required for all projects and shall be able to accommodate all aspects of the design.
  - (C) **Valves.** Plants that require different amounts of water shall be irrigated by separate valves. If one valve is used for a given area, only plants with similar water use shall be used in that area. Antidrain (check) valves shall be installed at strategic points to minimize or prevent low-spot drainage, runoff, and subsequent erosion from low elevation sprinkler heads.
  - (D) **Sprinkler heads.** Heads and emitters shall have consistent application rates within each control valve circuit. Sprinkler heads shall be selected for proper area coverage, application rate, operating pressure, adjustment capability, and ease of maintenance.
  - (E) **Miscellaneous devices.** All systems shall conform to local backflow and cross connection codes. Rain sensing override devices are required on all irrigation systems for irrigated landscaped areas. Moisture sensing devices shall be required where appropriate.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

### **83.10.080 Regional Landscaping Requirements**

- (a) **Valley Region.** In the Valley Region the following additional landscaping standards shall apply:
  - (1) Existing trees that are removed to accommodate development shall be replaced at the rate of 2:1. Fruit or nut bearing trees planted in groves shall be exempt from this provision. Replacement trees shall be a minimum 15-gallon size.
  - (2) Recommended plant materials include, but are not limited to, deciduous and evergreen varieties that are drought-tolerant or native. A list of recommended

plant materials for the Valley Region is available at the Department to assist developers in preparing their landscaping plans.

- (3) Existing native trees with a six-inch or greater stem diameter or 19 inches in circumference measured at 4½ feet above the average ground level of the tree base shall not be removed without a removal permit issued in compliance with Division 6 (Plant Protection and Management). For the Valley Region, native trees are defined as three or more palm trees in linear plantings that are 50 feet or greater in height in established windrows, or parkway plantings are considered heritage trees.
  - (4) A minimum of 15 feet of the front yard and street side yard setback areas of a parcel shall be landscaped, except for sites where no disturbance of the natural terrain within a setback is proposed or the natural terrain precludes setback landscaping (i.e., mountainsides or hillsides).
  - (5) Slopes with a 5:1 ratio or greater; cut slopes with a five-foot vertical height or greater; and fill slopes with a three-foot vertical height or greater shall be protected against damage from erosion. Groundcover requiring minimal or no irrigation and any type of hardscape may be used in any combination. Trees and shrubs shall be provided on slopes with a 15-foot vertical height or greater, shall be spaced sufficiently to allow adequate growth, and shall be planted in visually attractive groupings.
  - (6) Irrigation shall be kept to the minimum level necessary to maintain plant materials in a healthy state. Irrigation shall be provided by drip, mister, or other non-aerial water serving method or system.
- (b) **Mountain Region.** In the Mountain Region the following additional landscaping standards shall apply:
- (1) Any landscaping proposed shall be in conjunction with a forest conservation plan and insect infestation prevention program, prepared by a Registered Professional Forester (RPF), and submitted by the developer. The plan shall include guidelines for tree preservation, both during and after construction.
  - (2) Existing trees that are removed to accommodate development shall be replaced according to recommendations of a forest conservation plan submitted by the developer.
  - (3) Wherever possible, preservation of existing trees and shrubs shall be used to meet site landscaping requirements.

- (4) Recommended plant materials include, but are not limited to, native, drought and infestation tolerant, fire-resistant and wherever applicable, deciduous evergreen varieties. The use of turf shall be minimized. Existing native trees with a six inch or greater stem diameter or 19 inches in circumference measured at 4½ feet above the average ground level of the tree base shall not be removed without a removal permit issued in compliance with Division 6 (Plant Protection and Management), except as provided for in this Subsection. A list of recommended plant materials for the Mountain Region is available at the Department to assist developers in preparing their landscaping plans.
  - (5) A minimum of 15 feet of the front yard and street side yard setback areas shall be landscaped except for sites where no disturbance of the natural terrain within that fifteen-foot area is proposed.
  - (6) Slopes with a 5:1 ratio or greater, cut slopes with a five-foot vertical height or greater, and fill slopes with a three-foot vertical height or greater shall be protected against damage from erosion. Groundcover requiring minimal or no irrigation and any type of hardscape may be used in any combination.
- (c) **Desert Region.** In the Desert Region the following additional landscaping standards shall apply:
- (1) Existing desert native plants, or any part thereof except the fruit, shall not be removed without a removal permit issued in compliance with Division 6 (Plant Protection and Management). In addition, replacement of desert native plants shall be in compliance with Division 6 (Plant Protection and Management), except as provided for in this Subsection.
    - (A) Recommended plant materials include, but are not limited to, native, succulent, drought- and infestation-tolerant deciduous and evergreen varieties. The use of turf shall be minimized. A list of recommended plant materials for the Desert Region is available at the Department to assist developers in preparing their landscaping plans.
    - (B) Joshua trees shall be relocated on site, unless otherwise specifically allowed in writing by the Director.
  - (2) A minimum of 15 feet of the front yard and street side yard setback areas of a parcel shall be landscaped using xeriscape type landscaping and hardscape materials in any combination. For sites where no disturbance of land within setbacks is proposed, landscaping shall not be required.
  - (3) Unpaved parking lots shall not be required to be landscaped. Only those parking lots required to be paved shall be landscaped in compliance in Section 83.11.080 (Landscape Requirements for Parking Areas).

- (4) Slopes with a 5:1 ratio or greater; cut slopes with a five-foot vertical height or greater; and fill slopes with a three-foot vertical height or greater shall be protected against damage from erosion. Plant, hardscape, and other materials approved by the Director may be used in any combination.
- (5) Irrigation shall be kept to the minimum level necessary to maintain plant materials in a healthy state. Irrigation shall be provided by drip, mister, or other non-aerial water serving method or system.
- (6) Grading shall be conducted in the Desert Region in compliance with the provisions of Section 88.02.040.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

### **83.10.090 Landscaping Guidelines**

These landscape guidelines are intended to enhance and preserve existing sites, to minimize the adverse visual and environmental impacts of large structures and paved areas, to promote the conservation of water, and to provide microclimate control for energy conservation where possible.

- (a) **Overall design concept.** Landscape plans should exhibit an overall design concept. Plant materials should be used in a logical, orderly manner, helping to define spaces and complement adjacent architecture.
- (b) **Coordinated themes.** Landscape designs should be coordinated between the areas of a development. However, all areas within a project need not be identical. Different landscape themes may be utilized in larger developments to distinguish spaces from one another, yet these themes should be consistent with a unifying concept that establishes a cohesive design throughout the project.
- (c) **Site furnishings and features.** In addition to the selection and distribution of plant materials, landscape plans should incorporate various site furnishings and features. Lighting, seating, paving, fountains, etc., should be considered integral components of the landscape plan and included in the overall landscape concept.
- (d) **Scale.** The scale and character of the landscape materials to be selected should be appropriate to the site and/or architecture. Large-scale structures or projects require large-scale landscaping treatments.
- (e) **Trees.** Mature trees should be incorporated into landscape plans. As specimen trees or groupings of existing trees can provide a new development with immediate character, they should be considered as design elements.
- (f) **Arbors, planters, and trellises.** Landscaping incorporated into a structure's architectural design (e.g., arbors, planters, trellises, atriums, etc.) is encouraged.



(c) **Area calculations.** The minimum required number of parking spaces for the following uses shall be determined based upon the indicated area calculations:

- (1) Food establishments: Gross leasable area (GLA).
- (2) General retail uses: Gross leasable area (GLA).
- (3) Industrial uses: Gross floor area (GFA).
- (4) Personal services: Gross leasable area (GLA).
- (5) Professional offices: Gross leasable area (GLA).

<b>Table 83-15 Parking Requirements by Land Use</b>	
<b>Uses</b>	<b>Number of Spaces Required</b>
<b>Industry, Manufacturing &amp; Processing, Wholesaling<sup>(4)</sup></b>	
Industrial uses of all types, including warehouses or structures used exclusively for storage purposes, wholesale houses and distributors and public utility facilities including, but not limited to, electric, gas, water, telephone, and telegraph facilities not having business offices on the premises	<ul style="list-style-type: none"> <li>▪ 1 for each 1,000 s.f. of the first 40,000 s.f. of GFA; and</li> <li>▪ 1 for each 4,000 s.f. of GFA for the portion over 40,000 s.f.; and</li> <li>▪ 1 for each facility vehicle</li> </ul>
Storage Mini storage facilities	<ul style="list-style-type: none"> <li>▪ Mini-storage office 1 for each 250 sq. ft. of office area with 4 minimum</li> <li>▪ Additional requirements:                             <ul style="list-style-type: none"> <li>▪ A parking lane shall be provided adjacent to the storage structure's openings that is a minimum of 9 feet in width and outlined (painted). The parking lane is for temporary parking only (30 minutes maximum) and this time restriction shall be clearly marked with signs.</li> <li>▪ Driveways adjacent to the parking lane shall be a minimum width of 15 feet for one-way and 24 feet for two-way.)</li> </ul> </li> </ul>
<b>Recreation, Education &amp; Public Assembly Uses<sup>(4)</sup></b>	
Amusement enterprises	<ul style="list-style-type: none"> <li>▪ 1 for each 4 persons of the facility's allowed maximum attendance</li> </ul>
Bowling alleys and billiard halls	<ul style="list-style-type: none"> <li>▪ 5 for each bowling lane; and</li> <li>▪ 2 for each billiard table</li> </ul>
Churches, synagogues, temples, mosques and other places of worship <sup>(1)</sup>	<ul style="list-style-type: none"> <li>▪ 1 for each 3 fixed seats; and</li> <li>▪ 1 for every 25 s.f. of seating area where there are no fixed seats; and</li> <li>▪ 1 for each 400 s.f. of floor area outside the main assembly area</li> </ul>
Commercial recreation and similar uses (e.g., shooting ranges, race tracks, miniature golf course, pitch and putt courses, parks, and zoos)	<ul style="list-style-type: none"> <li>▪ 1 for each 4 persons of the facility's allowed maximum attendance</li> </ul>
Commercial swimming pools and swimming schools	<ul style="list-style-type: none"> <li>▪ 1 for each 500 s.f. of water surface area</li> <li>▪ 10 minimum</li> </ul>
Dance halls	<ul style="list-style-type: none"> <li>▪ 1 for each 20 s.f. of dance floor area; and</li> <li>▪ 1 for each 3 fixed seats and for each 20 s.f. of seating area where there are no fixed seats</li> </ul>

<b>Table 83-15</b>	
<b>Parking Requirements by Land Use</b>	
<b>Uses</b>	<b>Number of Spaces Required</b>
Golf courses and driving ranges, but not to include miniature golf courses	<ul style="list-style-type: none"> <li>▪ 4 for each hole on all golf courses; and</li> <li>▪ 1 for each tee for driving ranges</li> </ul>
Organizational camps	<ul style="list-style-type: none"> <li>▪ 1 bus parking space per 20 campers</li> <li>▪ 2 for each resident staff</li> <li>▪ 1 for each nonresident staff on the largest shift</li> <li>▪ 1 for each facility vehicle</li> </ul>
Meeting facilities - Theaters, auditoriums, stadiums, sport arenas, gymnasiums and similar places of public assembly	<ul style="list-style-type: none"> <li>▪ 1 for each 3 fixed seats or for every 25 s.f. of seating area within the main auditorium where there are no fixed seats <sup>(1)</sup></li> </ul>
Schools general curriculum Kindergarten through Grade 9	<ul style="list-style-type: none"> <li>▪ 1 for each staff member, faculty member, and employee</li> <li>▪ 1 for each facility vehicle</li> </ul>
Schools general curriculum Grade 10 through 12, colleges and universities, business and professional schools	<ul style="list-style-type: none"> <li>▪ 1 for each 4 students; and</li> <li>▪ 1 for each staff member, faculty member and employee; and</li> <li>▪ 1 for each facility vehicle</li> </ul>
Schools special schools or trade schools	<ul style="list-style-type: none"> <li>▪ 1 for each 3 students; and</li> <li>▪ 1 for each staff member, faculty member, and employee</li> <li>▪ 1 for each facility vehicle</li> </ul>
Skating rinks, ice or roller	<ul style="list-style-type: none"> <li>▪ 1 for each 3 fixed seats and for each 20 s.f. of seating area where there are no fixed seats; and <sup>(1)</sup></li> <li>▪ 1 for each 250 s.f. of skating area</li> </ul>
<b>Residential Uses</b>	
Caretaker housing	<ul style="list-style-type: none"> <li>▪ 2, with one covered</li> </ul>
Clubs, conference centers, fraternity and sorority houses, rooming and boarding houses, and similar structures having guest rooms <sup>(3)</sup>	<ul style="list-style-type: none"> <li>▪ 1 for each 3 guest rooms <sup>(3)</sup></li> </ul>
Dependent housing	<ul style="list-style-type: none"> <li>▪ 2 for each unit</li> </ul>
Mobile home parks	<ul style="list-style-type: none"> <li>▪ 2; one covered on each mobile home parcel (may be in tandem); and</li> <li>▪ 1 guest space for each 10 spaces, or fraction thereof</li> </ul>
Motels, hotels, and boarding house	<ul style="list-style-type: none"> <li>▪ 1 for each unit/room</li> </ul>
Multi-family dwelling	<ul style="list-style-type: none"> <li>▪ 2.5 for projects of 4 or more units, one shall be covered for each dwelling unit on the project site to accommodate resident and visitor parking <sup>(2)</sup></li> <li>▪ 2.0 for projects of 2 or 3 units, one shall be covered for each dwelling unit <sup>(2)</sup></li> </ul>
Second dwelling unit	<ul style="list-style-type: none"> <li>▪ 2, one shall be covered <sup>(2)</sup></li> </ul>
Single-family dwelling	<ul style="list-style-type: none"> <li>▪ 2, one shall be covered on the same site with the primary structure <sup>(2)</sup></li> </ul>
Short-Term Private Home Rental	<ul style="list-style-type: none"> <li>▪ 1 for each bedroom</li> </ul>
<b>Retail Trade</b>	
Automobile repair and service stations	<ul style="list-style-type: none"> <li>▪ 3 for each service bay (service bays do not count as spaces); and</li> <li>▪ 1 for each facility vehicle</li> </ul>
Automobile sales, boat sales, mobile home sales, retail nurseries, and other open uses not in a structure	<ul style="list-style-type: none"> <li>▪ 1 for each 2,000 s.f., or portion thereof, for open area devoted to display or sales; for the first 10,000 s.f.; and</li> <li>▪ 1 for each 5,000 s.f., or portion thereof, over 10,000 s.f.; and</li> <li>▪ 1 for each facility vehicle</li> </ul>

<b>Table 83-15</b>	
<b>Parking Requirements by Land Use</b>	
<b>Uses</b>	<b>Number of Spaces Required</b>
Food establishments with take-out provisions only	<ul style="list-style-type: none"> <li>▪ 1 for each 200 s.f. of GLA; and</li> <li>▪ 1 for each facility vehicle</li> <li>▪ 4 minimum</li> </ul>
General retail	<ul style="list-style-type: none"> <li>▪ 1 for each 250 s.f. of GLA</li> <li>▪ 4 minimum</li> </ul>
Restaurants, including drive-ins, cafes, night clubs, taverns, and other similar places where food or refreshment are dispensed	<p>The greater of the following:</p> <ul style="list-style-type: none"> <li>▪ 1 for each 100 s.f. of GLA; or</li> <li>▪ 1 for each 3 fixed seats and/or 1 for every 50 s.f. of floor area where seats may be placed; or</li> <li>▪ 10 minimum</li> </ul>
Shopping centers (projects over 200,000 s.f. of floor area)	<ul style="list-style-type: none"> <li>▪ 1 for each 200 s.f. of GLA up to 100,000 sf; and</li> <li>▪ 1 for each 250 s.f. of GLA for square footage above 100,000 s.f.</li> </ul>
Wholesale commercial nurseries	<ul style="list-style-type: none"> <li>▪ 1 for each 500 s.f. of display area</li> </ul>
<b>Services General</b>	
Beauty and nail salons	<ul style="list-style-type: none"> <li>▪ 2 for each station</li> </ul>
Child care centers	<ul style="list-style-type: none"> <li>▪ 1 for each 5 children that the facility is designed to accommodate</li> </ul>
Hospital	<ul style="list-style-type: none"> <li>▪ 1 for each 2 patient beds</li> </ul>
Medical offices, clinics, veterinary hospital	<ul style="list-style-type: none"> <li>▪ 1 for each 250 s.f. of GLA</li> </ul>
Offices, general, financial, business and professional uses	<ul style="list-style-type: none"> <li>▪ 1 for each 250 s.f. of GLA</li> </ul>
Personal services	<ul style="list-style-type: none"> <li>▪ 1 for each 250 sq. ft. of GLA</li> </ul>
Social care facilities	<ul style="list-style-type: none"> <li>▪ 1 for each 3 residents of the maximum licensed resident capacity</li> </ul>
<b>Other Uses</b>	
Bed and breakfast	<ul style="list-style-type: none"> <li>▪ 1 for each guest room</li> </ul>
Home occupations	<ul style="list-style-type: none"> <li>▪ 1 for each nonresident employee in addition to residential requirements</li> </ul>
On-Your-Lot builder model home/sales office	<ul style="list-style-type: none"> <li>▪ 2 per office</li> <li>▪ 2 for visitors</li> </ul>
<p>(1) Twenty-four (24") linear inches of bench or pew shall be considered a fixed seat.</p> <p>(2) Residential parking spaces shall be located to the rear of the front setback line, except that in the Mountain Region, the parking spaces may be located within the setback areas. Tandem parking is not allowed except in the Mountain Region. Areas outside the driveway in front of the primary structure, whether outside the front yard setback or not, shall not be used for parking. <b>In the Valley and Desert Regions, the covered parking requirement only applies to the RS and RM Land Use Zoning Districts.</b></p> <p>(3) In dormitories, each 100 square feet shall be considered equivalent to a guest room.</p> <p>(4) Nonresidential uses shall provide a minimum of four spaces with an additional parking space for each facility vehicle, except where otherwise noted.</p>	

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

### 83.11.050 Adjustments to Parking Requirements

- (a) **Shared parking reduction.** Where two or more adjacent nonresidential uses have distinct and differing peak parking usage periods, (e.g. a theater and a bank), a reduction in the required number of parking spaces may be approved by the Commission based on the findings and recommendations of a parking study prepared by a qualified parking or traffic consultant. The amount of reduction may be up to the number of spaces required for the least intensive of the uses sharing the parking.

- (b) **Transportation control measures.** Parking requirements may be adjusted in compliance with the provisions of Chapter 83.14 (Transportation Control Measures). An approved Conditional Use Permit/Minor Use Permit (Chapter 85.06) may authorize adjustments to parking requirement not to exceed individually or cumulatively 10 percent of the total required parking spaces, as depicted in Table 83-16.

<b>Table 83-16</b>	
<b>Transportation Control Measures</b>	
<b>Transportation Control Measure</b>	<b>Parking Credit</b> (Cumulative Maximum Credit = 10% of Required Parking Spaces)
Car pool space (9' x 19')	1 car pool space = 2 spaces
Bus ridership	2 riders = 1 space <sup>(1)</sup>
Motorcycle spaces (4'x 8')	2 motorcycle spaces = 1 space <sup>(2)</sup>
Boat slips on waterfront	1 slip = 1 space
(1) Bus stop shall be within 1,320 feet of the proposed use with a path of travel from the bus stop to the facility that complies with disabled access requirements.	
(2) Motorcycle stalls shall be on concrete and have a permanent tie-down ring.	

- (c) **Landscaping in lieu of parking spaces.** In compliance with Section 83.10.060 (Landscape Area Requirements), landscaping may be provided in lieu of 10 percent of the total number of parking spaces required, provided the landscaping is arranged so that parking may be installed at a later date if a demand arises, and further provided, that the owner agrees to provide parking at the request of the reviewing agency.
- (d) **Variance.** Other than changes to parking requirements provided for in this Section, a Minor Variance or a Variance in compliance with Chapter 85.17 (Variances) shall be required for any change to a parking requirement.

Adopted Ordinance 4011 (2007)

### **83.11.060 Disabled Parking Requirements**

- (a) **Required number of disabled parking spaces.** For multi-family residential, commercial, industrial, institutional, and public uses, State law establishes the required number of disabled parking spaces, which are reflected in Table 83-17.

<b>Table 83-17</b>	
<b>Required Number of Parking Spaces for Disabled</b>	
<b>Total Number of Parking Spaces</b>	<b># of Parking Spaces for the Disabled</b>
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1000	2 percent of total
1001 and over	20 plus 1 for each 100 or fraction, over 1001

**(b) Size of parking space for the disabled.**

- (1) **Dimensions.** Except as provided below, each parking space for the disabled shall be 14 feet wide and outlined to provide a nine foot parking area and a five foot loading/unloading area on the passenger side. When more than one space is provided, two spaces may be provided within a 23-foot wide area lined to provide a nine foot parking area on each side of a five foot loading and unloading area in the center. The minimum length of each parking space shall be 19 feet.
  - (2) **Van accessibility.** One in every eight parking spaces for the disabled, but not less than one, shall be served by an access aisle 96 inches wide and shall be designated van accessible. This means that when only one space is required, it shall be 17 feet wide and outlined to provide a nine-foot parking area and an eight-foot loading/unloading area on the passenger side. When only two spaces are required, they may be provided within a 26-foot wide area lined to provide a nine-foot parking area on each side of an eight-foot loading/unloading area in the center. These spaces may be grouped on one level of a parking structure.
  - (3) **Less than five spaces.** When only four parking spaces are required for a specific project, the parking space for the disabled shall be 17 feet wide, but does not need to be marked or reserved exclusively for the disabled.
- (c) Arrangement and identification.** The arrangement and design of these spaces shall be subject to Chapter 2-71 of Title 24 of the California Code of Regulations, and they shall be identified as required in Vehicle Code Section 22511.8.
- (d) Additional spaces based on actual or anticipated usage.** Additional spaces shall be provided where usage indicates a greater need, or where a higher than normal percentage of disabled persons is anticipated to use the parking facility.

- (e) **Location of spaces.** Parking spaces for the disabled shall be located as near as practical to a primary entrance to a single structure, or shall be located to provide for safety and optimum proximity to the entrances of the greatest incidence of use when more than one structure is served by the parking lot. The spaces shall be located to ensure that a disabled individual is not compelled to wheel or walk behind parked cars other than their own.
- (f) **Walkways and ramps.** Pedestrian walkways that are accessible to the physically disabled shall be provided from each disabled parking space to related facilities, including curb cuts or ramps as needed. Ramps shall not encroach into parking spaces.

Adopted Ordinance 4011 (2007)

### 83.11.070 Development Standards

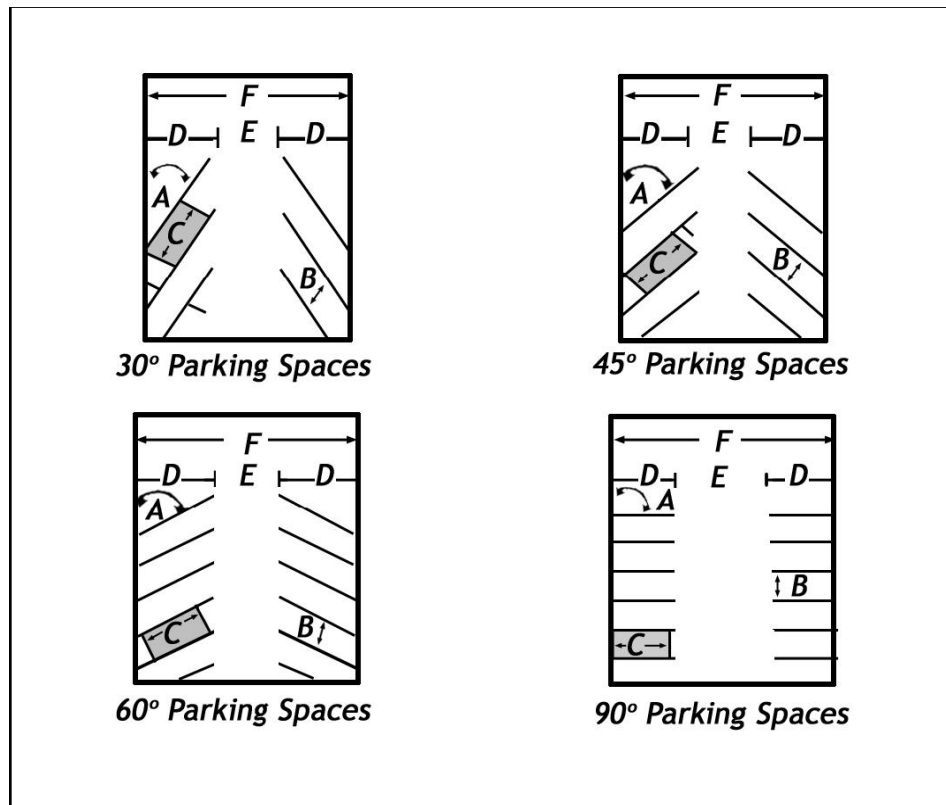
(a) **Minimum parking space sizes and lot dimensions.**

- (1) Each required parking space shall be at least nine feet wide by 19 feet long, with adequate provisions for ingress and egress by a standard full size passenger vehicle. This standard shall apply to all uses, including single-family residential, except where noted in Subsections 2, 3, 4 and 5 below. Parking spaces in parking lots shall comply with the minimum dimension requirements in Table 83-18 (Minimum Off-Street Parking Dimensions) and as illustrated in Figure 83-16 (Off-Street Parking Dimensions). The Director shall not reduce these requirements.

**Table 83-18 Minimum Off-Street Parking Dimensions**

Angle of Parking (in degrees) (A)	Space Width (in feet) (B)	Space Length (per vehicle) (C)	Space Depth (from curb) (D)	Driveway Width (in feet) (E) <sup>(1)</sup>
Parallel (0°)	9 ft	19 ft	9 ft	12 ft
45°	9 ft	19 ft	20 ft	14 ft
60°	9 ft	19 ft	21 ft	19 ft
90°	9 ft	19 ft	19 ft	24 ft

(1) Also, see Subsection 83.11.070(h)(3) for additional requirements relative to fire access aisles.



**Figure 83-16**  
**Off-Street Parking Dimensions**

- (2) If wheel stops or curb with overhang area are installed in parking spaces, the distance from the end of the space to the rear of the wheel stop/curb shall not exceed two feet. For parallel parking spaces (i.e., spaces where vehicles park in a line, front to rear, next to a curb or side of a road), each space shall be separated from the next space by a distance of four feet.
  - (3) Enclosed parking spaces (i.e., residential garages) shall be 10 feet in width and 20 feet in length.
  - (4) Mobile home parking spaces shall be at least 10 feet wide by 20 feet long, with adequate provisions for ingress and egress by a standard full size passenger vehicle.
  - (5) Tractor trailer parking spaces shall be at least 12 feet wide by 50 feet long.
- (b) **Circulation requirements.** The parking area shall be designed so that a car entering the parking area shall not be required to enter a public street to move from one location to any other location within the parking area or premises.
- (c) **Forward entry into right-of-way.** Parking and maneuvering areas shall be arranged so that vehicles entering a vehicular right-of-way can do so traveling in a forward direction only.

- (d) **Head-in parking.** Where curbs and gutters do not exist and where barriers do not restrict vehicular access to the private property, head-in parking shall not be allowed.
- (e) **Driveway access.** Off-street parking facilities shall be designed to limit access to private property from streets and highways to a minimum number of standard driveways in compliance with the Department of Public Works specifications.
- (f) **Lighting.** Parking area lighting and glare shall reflect away from public thoroughfares and adjacent residences and shall comply with Chapter 83.07 (Glare and Outdoor Lighting).
- (g) **Maintenance.** Individual parking stalls shall be clearly striped and permanently maintained with double or hairpin lines on the surface of the parking facility, with the two lines being located an equal nine inches on either side of the stall sidelines. Arrows shall be painted on paving to indicate direction of traffic flows.
- (h) **Minimum aisle widths.**
- (1) **One-way traffic.** One-way access driveways leading to aisles within a parking area shall be a minimum width of 12 feet, and driveways within the parking aisles shall be as shown in Table 83-19 (Minimum Aisles):

<b>Parking Stall Angle</b>	<b>Minimum Aisle Width (feet)</b>
Parallel (0°)	12
1° - 45°	14
46° - 60°	17
61° - 90°	24

- (2) **Two-way traffic.** The aisles and the two-way access drives leading to aisles within a parking area shall be a minimum width of 24 feet.
- (3) **Fire access aisles.** The aisles adjacent to nonresidential structures shall be a minimum width of 26 feet to accommodate fire emergency vehicles and shall be located so that the vehicles can park within 150 feet of all sides of the structures. Aisles adjacent to structures that are greater than two stories in height shall be a minimum width of 30 feet.
- (4) **Truck aisles.** Access aisles for multiple-axle trucks in commercial and industrial projects shall be a minimum width of 40 feet for projects with a gross floor area of 10,000 square feet or greater or where the design of the project includes a loading dock. Truck movement templates (i.e., turning radii elements including wheel paths, which define the needed width of pavement, and the front overhang, which is the zone beyond the pavement edge that must be clear of obstructions above curb height) shall be included on the site plan design to indicate turning conditions.



Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

### **83.11.080 Landscape Requirements for Parking Areas**

**(a) Applicability.**

- (1) Unpaved parking areas in the Desert Region.** For sites in the Desert Region where parking area paving is not required, landscaping shall not be required.
- (2) Countywide paved parking areas.** Landscaping for paved parking areas Countywide shall be provided as outlined in Subsections (b) through (I), below.
- (3) Parking garages and structures.** The landscaping standards in this Section shall not apply to parking garages or other parking structures.

**(b) Landscape and irrigation plan required.** A comprehensive landscape and irrigation plan shall be submitted to the Director for approval in compliance with Chapter 83.10 (Landscaping Standards).

**(c) Landscape materials.** Landscaping materials shall be provided throughout the parking lot area using a combination of trees, shrubs, and vegetative ground cover. Water conserving landscape plant materials shall be emphasized.

**(d) Curbing.** Areas containing plant materials shall be bordered by a concrete curb at least six inches high and six inches wide. Alternative barrier designs may be approved by the Director.

**(e) Irrigation.** Except where xeriscaping is specifically designed and intended not be irrigated, an automatic irrigation system, including drip systems, bubblers, and soakers, shall be provided for landscaped areas, including tree wells, planters, and planting islands.

**(f) Location of landscaping.** Parking lot landscaping shall be located so that pedestrians are not required to cross through landscaped areas to reach building entrances from parked cars.

**(g) Bumper overhang areas.** A maximum of two feet of the parking stall depth may be landscaped with low-growth, hearty materials in lieu of paving, allowing a two-foot bumper overhang while maintaining the required parking dimensions. Bumper overhang areas shall not encroach into required walkways or rights-of-way.

**(h) Perimeter parking lot landscaping.**

- (1) Adjacent to streets.** Parking areas adjoining a public street shall be designed to provide a landscaped planting strip between the street right-of-way and parking area.

- (A) Parking areas adjoining a public street shall be designed to provide a minimum 15-foot-wide landscaped planting strip between the street right-of-way and parking area. The Director may grant an exception to this requirement if existing structures or substandard parcels preclude its implementation. In this case, the maximum planting strip area shall be provided based on site conditions.
  - (B) The landscaping, other than trees, shall be designed and maintained to screen cars from view from the street and shall be approximately three feet in height.
  - (C) Screening materials may include a combination of plant materials, earth berms, raised planters, or other screening devices that meet the intent of this requirement and have been approved by the Director.
  - (D) Plant materials, walls, or structures within a clear sight triangle of a driveway shall not exceed 30 inches in height in compliance with Section 83.02.030 (Clear Sight Triangles).
- (2) **Adjacent to residential use.** Parking areas for nonresidential uses adjoining residential uses shall provide a landscaped buffer yard with a minimum 10-foot width between the parking area and the common property line bordering the residential use. A solid masonry wall in compliance with Section 83.06.050 (Walls Required Between Different Land Use Districts) and landscaping shall be provided along the property line. Trees shall be provided at a rate of one for each 30 feet of landscaped area and shall be a minimum 15-gallon container stock with a caliper size, at time of planting, which is appropriate for a normal, healthy example of the specified tree variety and no less than  $\frac{3}{4}$  inches in diameter.
- (3) **Larger projects.** Parking lots with more than 100 spaces shall provide an appropriate entry feature consisting of a concentration of landscape elements at primary entrances, including specimen trees, flowering plants, enhanced paving, and project identification.
- (i) **Interior parking lot landscaping.** Multi-family residential uses and nonresidential uses shall provide landscaping consistent with the following requirements.
- (1) **Trees required.**
    - (A) **Number and location.** Trees shall be evenly spaced throughout the interior parking area at a rate of one tree for every 10 parking spaces. The required number of trees shall not include trees required around the perimeter of the parking area. In the Valley Region, parking lot planters shall provide a minimum of one 15 gallon, multi-branched tree, unless healthy existing trees are used in the planters.

- (B) **Size.** Trees within the parking area shall be a minimum 15-gallon container stock with a caliper size, at time of planting, that is appropriate for a normal, healthy example of the specified tree variety and no less than 3/4-inch in diameter.
- (2) **Planting areas.** Trees shall be located in planting areas that are designed and constructed throughout the parking area. In order to be considered within the parking area, trees shall be located in planters that are bounded on at least three sides by parking area paving. Planters shall have a minimum interior dimension of six feet. Ends of parking lanes shall have landscaped islands.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

### 83.11.090 Parking and Loading Development Standards

Every parcel of land used or maintained for residential parking, public parking, private parking, new car sales lots, used car sales lots, mobile home, camper or trailer sales lots, boat sales lots or other uses of a similar nature, shall be improved as follows, including loading spaces and access drives:

- (a) **Loading spaces.** Every institutional, commercial, industrial, or special use established or erected on land that abuts a street or an alley shall have one permanently maintained loading space of not less than 10 feet in width, 20 feet in length, and 14 feet clear in height, for each 5,000 square feet of structure floor area provided. However, not more than four loading spaces shall be required for each use. An approved Use Permit may allow adjoining uses to share loading areas where appropriate.
- (b) **Surface requirements in Desert Region.** In the Desert Region, where the parcel abuts a paved street or road, the required off-street parking and loading areas and access drives shall be surfaced with a minimum of two inches of asphaltic concrete paving except as follows:
- (1) For residential uses on parcels of 18,000 square feet or larger, the required off-street parking, loading areas and access drives shall be dust-proofed with materials that may include slag, gravel, or other similar materials, or fully paved.
- (2) For commercial, industrial, or institutional uses with less than 4,000 square feet of structure area in rural areas, the required off-street access driveway parking for the disabled and loading area(s) shall be surfaced with a minimum of two inches of asphaltic concrete paving. The remaining parking may be either asphaltic concrete paving or dustproofed with materials that may include slag, gravel, or other similar materials. Areas that are dustproofed shall be required to be maintained with periodic dustproofing as necessary to minimize the creation of airborne dust. The non-paved area(s) of the parking shall have a positive barrier to prevent direct access onto the adjacent paved road.

- (c) **Surface requirements in Mountain Region.** In the Mountain Region, where the parcel abuts a paved street or road, the required off-street parking and loading areas and access drives shall be surfaced with a minimum of two inches of asphaltic concrete or road-mixed surfacing, in compliance with County Department of Public Works Specification No. 38.
- (d) **Surface requirements in Valley Region.** In the Valley Region, the required off-street parking and loading areas and access drives shall be surfaced with a minimum of two inches of asphaltic concrete paving or plant-mix surfacing, in compliance with County Department of Public Works Specification No. 38.
- (e) **Dust-proofing.** Truck terminals or yards and motor vehicle storage/impound facilities shall be provided with a dust-proofed surface of slag, crushed rock, or an equivalent measure.
- (f) **Parking areas for nonresidential uses abutting residential uses.** Nonresidential parking areas that abut residential land use zoning districts shall be separated and buffered by a six-foot high solid fence or masonry wall. The solid fence or masonry wall shall be four feet in height within the required residential setback for residential uses.
- (g) **Parking areas abutting streets.** Where a boundary of a parking area abuts a street, a suitable concrete curb or barrier not less than six inches in height shall be securely installed and maintained where there is no solid fence or masonry wall.
- (h) **Hours of operation.** Except as otherwise provided by this Code, the required parking area shall not be used for a purpose other than the temporary parking of motor vehicles, during the operating hours of the supporting primary land use.
- (i) **Parking area notices.** Parking area signs may be located in all land use zoning districts at the entrance or exit of a parking area, but shall not exceed six square feet in area and five feet in height. The signs may contain the name of the owner or occupant of the property and a combination of the following words and symbols only: "Parking," "Park Here," "Entrance," "Exit," "Do Not Enter," "Stop," "Private Parking," "Public Parking," "Customers Only," "Handicap Parking," no parking directional arrow, and "Tow Away" notice.

Adopted Ordinance 4011 (2007)

### **83.11.100 Commercial Vehicle Parking in Residential Areas**

#### **(a) Applicability.**

##### **(1) Residential land use zoning districts.**

- (A) The provisions of this Section shall apply only to the Single Residential (RS), Multiple Residential (RM), Rural Living (RL), and Special

- (5) One roof or one projecting sign shall be allowed when the Building Official finds that an allowed on-site freestanding sign does not provide sufficient opportunity for adequate viewing.
- (6) **On-site signs in Office Commercial (CO) land use zoning district.** Table 83-21 indicates the types of signs allowed in the Office Commercial (CO) land use zoning district and the standards applicable to those signs.

<b>Table 83-21</b>			
<b>On-Site Signs in Office Commercial (CO) Land Use Zoning District</b>			
<b>Type of Sign</b>	<b>Individual Business/Structure Not a Part of a Complex</b>	<b>Multi-Tenant Complex</b>	<b>Occupant within a Multi-Tenant Complex</b>
<b>Freestanding</b>			
Pole or Pylon	25 ft. maximum height 100 sq. ft. maximum area	25 ft. maximum height 100 sq. ft. maximum area	Sign not allowed
Monument	4 ft. maximum height 36 sq. ft. maximum area	4 ft. maximum height 36 sq. ft. maximum area	Sign not allowed
<b>Attached</b>			
Projecting	25 ft. maximum height 100 sq. ft. maximum area 8 ft. minimum clearance from underlying walkway or thoroughfare	25 ft. maximum height 100 sq. ft. maximum area 8 ft. minimum clearance from underlying walkway or thoroughfare	Sign not allowed
Roof	1:1 (bldg. frontage to sign area ratio) 50 sq. ft. maximum area	Sign not allowed	1:1 (bldg. frontage to sign area ratio) 50 sq. ft. maximum area
Wall	1:1 (bldg. frontage to sign area ratio) 50 sq. ft. maximum area	Sign not allowed	1:1 (bldg. frontage to sign area ratio) 50 sq. ft. maximum area
Total area sq. ft.	150	100	50
Total number	1 Freestanding 1 Attached	1 per frontage	1

- (7) **On-site signs in Neighborhood Commercial (CN) land use zoning district.** Table 83-22 indicates the types of signs allowed in the Neighborhood Commercial (CN) land use zoning district and the standards applicable to those signs.

<b>Table 83-22</b>			
<b>On-Site Signs in Neighborhood Commercial (CN) Land Use Zoning District</b>			
<b>Type of Sign</b>	<b>Individual Business/Structure Not a Part of a Complex</b>	<b>Multi-Tenant Complex</b>	<b>Occupant within a Multi-Tenant Complex</b>
<b>Freestanding</b>			
Pole or Pylon	25 ft. maximum height 100 sq. ft. maximum area	25 ft. maximum height 100 sq. ft. maximum area	Sign not allowed
Monument	4 ft. maximum height 36 sq. ft. maximum area	4 ft. maximum height 36 sq. ft. maximum area	Sign not allowed
<b>Attached</b>			
Projecting	25 ft. maximum height 100 sq. ft. maximum area 8 ft. minimum clearance from underlying walkway or thoroughfare	25 ft. maximum height 100 sq. ft. maximum area 8 ft. minimum clearance from underlying walkway or thoroughfare	Sign not allowed
Roof	1:2 (bldg. frontage to sign area ratio) 50 sq. ft. maximum area	Sign not allowed	1:2 (bldg. frontage to sign area ratio) 50 sq. ft. maximum area
Wall	1:2 (bldg. frontage to sign area ratio) 50 sq. ft. maximum area	Sign not allowed	1:2 (bldg. frontage to sign area ratio) 50 sq. ft. maximum area
Total area sq. ft.	150	100	50
Total number	1 Freestanding 1 Attached per Frontage	1 <b>per frontage</b>	1

- (8) **On-site signs in Rural Commercial (CR) land use zoning district.** Table 83-23 indicates the types of signs allowed in the Rural Commercial (CR) land use zoning district and the standards applicable to those signs.

<b>Table 83-23 On-Site Signs in Rural Commercial (CR) Land Use Zoning District</b>			
Type of Sign	Individual Business/Structure Not a Part of a Complex	Multi-Tenant Complex	Occupant within a Multi-Tenant Complex
<b>Freestanding</b>			
Pole or Pylon	25 ft. maximum height 100 sq. ft. maximum area	25 ft. maximum height 100 sq. ft. maximum area	Sign not allowed
Monument	4 ft. maximum height 36 sq. ft. maximum area	4 ft. maximum height 36 sq. ft. maximum area	Sign not allowed
<b>Attached</b>			
Projecting	25 ft. maximum height 50 sq. ft. maximum area 8 ft. minimum clearance from underlying walkway or thoroughfare	25 ft. maximum height 50 sq. ft. maximum area 8 ft. minimum clearance from underlying walkway or thoroughfare	Sign not allowed
Roof	1:2 (bldg. frontage to sign area ratio) 50 sq. ft. maximum area	Sign not allowed	1:2 (bldg. frontage to sign area ratio) 50 sq. ft. maximum area
Wall	1:2 (bldg. frontage to sign area ratio) 50 sq. ft. maximum area	Sign not allowed	1:2 (bldg. frontage to sign area ratio) 50 sq. ft. maximum area
Total area sq. ft.	150	100	50
Total number	1 Freestanding 1 Attached per Frontage	1 per frontage	1

- (9) **On-site signs in Highway Commercial (CH) land use zoning district.** Table 83-24 indicates the types of signs allowed in the Neighborhood Commercial (CN) land use zoning district and the standards applicable to those signs.

<b>Table 83-24</b>			
<b>On-Site Signs in Highway Commercial (CH) Land Use Zoning District</b>			
<b>Type of Sign</b>	<b>Individual Business/Structure Not a Part of a Complex</b>	<b>Multi-Tenant Complex</b>	<b>Occupant within a Multi-Tenant Complex</b>
<b>Freestanding</b>			
Pole or Pylon	25 ft. maximum height 200 sq. ft. maximum area	25 ft. maximum height 200 sq. ft. maximum area	Sign not allowed
Monument	4 ft. maximum height 50 sq. ft. maximum area	4 ft. maximum height 50 sq. ft. maximum area	Sign not allowed
<b>Attached</b>			
Projecting	35 ft. maximum height 200 sq. ft. maximum area 8 ft. minimum clearance from underlying walkway or thoroughfare	35 ft. maximum height 200 sq. ft. maximum area 8 ft. minimum clearance from underlying walkway or thoroughfare	Sign not allowed
Roof	1:3 (bldg. frontage to sign area ratio) 50 sq. ft. maximum area	Sign not allowed	1:2 (bldg. frontage to sign area ratio) 50 sq. ft. maximum area
Wall	1:3 (bldg. frontage to sign area ratio) 200 sq. ft. maximum area	Sign not allowed	1:2 (bldg. frontage to sign area ratio) 50 sq. ft. maximum area
Total area sq. ft.	300	200	100
Total number	1 Freestanding 2 Attached	1 per frontage	1



- (d) **On-site signs in Institutional (IN) land use zoning district.** Table 83-29 indicates the types of signs allowed in the Institutional (IN) land use zoning district and the standards applicable to those signs.

<b>Table 83-29 On-Site Signs in Institutional (IN) Land Use Zoning District</b>			
Type of Sign	Individual Business/Structure Not a Part of a Complex	Multi-Tenant Complex	Occupant within a Multi-Tenant Complex
<b>Freestanding</b>			
Pole or Pylon	25 ft. maximum height 48 sq. ft. maximum area	Sign not allowed	Sign not allowed
Monument	6 ft. maximum height 48 sq. ft. maximum area	Sign not allowed	Sign not allowed
<b>Attached</b>			
Projecting	15 ft. maximum height 48 sq. ft. maximum area 8 ft. minimum clearance from underlying walkway or thoroughfare	Sign not allowed	Sign not allowed
Roof	1:1 (bldg. frontage to sign area ratio) 100 sq. ft. maximum area	Sign not allowed	Sign not allowed
Wall	1:1 (bldg. frontage to sign area ratio) 100 sq. ft. maximum area	Sign not allowed	Sign not allowed
Total area sq. ft.	150		
Total number	1 Freestanding 2 Attached		

- (e) **On-site signs in Special Development (SD) land use zoning district.** Table 83-30 indicates the types of signs allowed in the Special Development (SD) land use zoning district and the standards applicable to those signs.

<b>Table 83-30 On-Site Signs in Special Development (SD) Land Use Zoning District</b>			
Type of Sign	Individual Business/Structure Not a Part of a Complex	Multi-Tenant Complex	Occupant within a Multi-Tenant Complex
<b>Freestanding</b>			
Pole or Pylon	25 ft. maximum height 100 sq. ft. maximum area	25 ft. maximum height 100 sq. ft. maximum area	Sign not allowed
Monument	4 ft. maximum height 36 sq. ft. maximum area	4 ft. maximum height 36 sq. ft. maximum area	Sign not allowed
<b>Attached</b>			
Projecting	25 ft. maximum height 100 sq. ft. maximum area 8 ft. minimum clearance from underlying walkway or thoroughfare	25 ft. maximum height 100 sq. ft. maximum area 8 ft. minimum clearance from underlying walkway or thoroughfare	Sign not allowed
Roof	1:2 (bldg. frontage to sign area ratio) 50 sq. ft. maximum area	Sign not allowed	1:2 (bldg. frontage to sign area ratio) 50 sq. ft. maximum area
Wall	1:2 (bldg. frontage to sign area ratio) 50 sq. ft. maximum area	Sign not allowed	1:2 (bldg. frontage to sign area ratio) 50 sq. ft. maximum area
Total area sq. ft.	150	100	50
Total number	1 Freestanding 2 Attached per frontage	1 <b>per frontage</b>	1

- (f) **On-site civic signs.** On-site civic signs are signs that give notice of the name or service, or other function or operation, of a publicly owned land use type on the same parcel, or that gives notice of the address or conditions of use of a parking area or other facility serving the activity. On-site civic signs are allowed in all land use zoning districts subject to the following limitations:

- (1) In land use zoning districts where on-site business signs are not allowed, on-site civic signs with a maximum area of 32 square feet and a maximum height of 12 feet are allowed.
- (2) In land use zoning districts where on-site business signs are allowed, the maximum height and area for on-site civic signs shall be the same as that allowed for on-site business signs.

(g) **Freeway oriented on-site signs.**

- (1) Freeway oriented signs shall be located within 200 feet of the structure or use to which the sign is an on-site use.
- (2) A maximum of two steel support poles shall be required for a freestanding freeway oriented on-site sign that has an area of 18 square feet or greater.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

**83.13.060 Off-Site Signs**

(a) **General regulations for off-site signs.** Unless otherwise specified in this Section, the following standards shall be applicable to off-site signs:

(1) **Allowability of Off-Site signs.**

- (A) **Where allowed.** Off-site signs shall be allowed in the CG (General Commercial) and CH (Highway Commercial) land use zoning districts subject to a Conditional Use Permit.
- (B) **Where prohibited.** Off-site signs shall be prohibited in the Phelan Planning Area.

(2) **Dimensions and area.**

- (A) **Overall height.** The maximum height of an off-site freestanding sign shall be 35 feet. The maximum height of an off-site freestanding sign whose leading edge is not within 500 feet of a freeway right-of-way nor located within 50 feet of a railroad line shall be 25 feet.
- (B) **Height of sign face.** The maximum vertical height of the face of an off-site sign shall be 25 feet.
- (C) **Width of sign face.** The maximum horizontal width of the face of an off-site sign shall be 50 feet.
- (D) **Area.** The maximum area of the face of an off-site sign shall be 500 square feet. The maximum area of the face of an off-site sign whose leading edge is not within 500 feet of a freeway right-of-way shall be 300 square feet. The area and height of a freestanding sign may be expanded by no more than 10 percent for the addition of temporary embellishments, cut-outs, and other add-ons. The embellishments shall not exceed 50 square feet in area, nor add more than five feet in additional height.

- (3) **Construction standards.** A maximum of two steel support poles shall be allowed for an off-site freestanding sign. Steel support poles shall be required for

the construction of an off-site freestanding sign required in this Chapter to have a Building Permit.

- (4) **Access.** Off-site signs shall not obstruct an access route, including setback areas needed for emergency vehicle or personnel access.
- (5) **Designated scenic route.** No off-site freestanding signs greater than 18 square feet in area shall be oriented toward a State or County Highway that has been designated as a Scenic Route by the Federal, State, or a local jurisdiction.
- (6) **Visibility from freeway when sign not oriented towards freeway.** Where off-site signs are oriented towards thoroughfares other than freeways, the message displayed on the signs may be visible to the operators of vehicles from on-and-off ramps, but the message shall not be designed to be viewed by the operators of vehicles being driven on the main traveled way of the freeway.
- (7) **Double-faced, back-to-back signs allowed.** Provisions of this Section shall not prevent the erection of double-faced, back-to-back off-site signs or V-shaped signs erected in compliance with Subsection 1.d (Area), above.
- (8) **Minimum spacing.** Off-site signs shall maintain the following minimum spacing between the leading edge of each sign on the same side of the same street or freeway. Measurements shall be calculated from the leading edge or footing of the sign nearest to the planned right-of-way.

Sign Area	Minimum Spacing
<b>(A) Freeway Oriented Off-site Signs</b>	
0 - 500 square feet	750 feet
500.01 square feet and over	Not allowed
<b>(B) All other Off-site Signs</b>	
0 - 50 square feet	50 feet
50.01 - 100 square feet	150 feet
100.01 - 300 square feet	500 feet
300.01 square feet and over	Not allowed

- (9) **Setback.** The leading edge of off-site signs shall maintain the following minimum setback from the planned right-of-way:

Sign Height	Setback
<b>(A) Freeway oriented off-site signs</b>	
Any height	3 feet
<b>(B) All other off-site signs</b>	
0 - 16 feet	3 feet
16.01 - 25 feet	5 feet
25.01 feet and over	Not allowed

- (C) When a freestanding sign is located within a clear sight triangle, the lower edge of the sign face shall be at least eight feet above grade.
- (4) A sign shall not be attached to or painted on a public utility pole or streetlight.
- (5) Where it is determined that vegetation will obstruct the visibility of more than 10 percent of the face of a proposed sign, as viewed from the edge of the abutting paved roadway for 10 percent of the distance up to 750 feet away from the proposed sign face, the following shall be submitted before issuance of a Building Permit:
  - (A) The sign owner shall submit a statement indicating what vegetation will be cut, trimmed, and/or left undisturbed.
  - (B) The sign owner shall submit a letter from an affected agency or property owner, where trees are proposed to be cut or trimmed, authorizing the removal or trimming operation.
  - (C) Where vegetation is authorized to be removed to accommodate visibility of a sign on a publicly owned right-of-way, then the remaining vegetation shall be enhanced by the planting of one specimen tree or plant of the same or similar species for each tree or plant removed. This shall be accomplished before the final Building Permit inspection for the proposed sign. The specimen plants shall be planted along the same roadway as close as botanically sound, but not in a manner that obstructs the proposed sign during the life of the tree or plant. The applicant shall obtain permission from the responsible agency or property owner for the plantings before the issuance of the Building Permit and shall maintain the vegetation after planting for a period of six months or until the plant is self-sustaining, whichever is longer. This requirement shall be modified or waived by the Building Official where it is determined that an alternate mitigation measure is acceptable or where compliance is not practicable.
- (6) A sign shall not be attached to or painted on natural features (e.g., trees, shrubs, rocks, etc.).

Adopted Ordinance 4011 (2007)

### **83.13.090 Standards for Specific Types of Signs**

- (a) **Accessory signs.** An accessory sign, as allowed by this Code, may be mounted on the same sign structure as a permanent freestanding sign, provided that the accessory sign shall have a maximum area that is no more than 50 percent of the area of the off-site sign face on the same sign structure, and provided that the maximum total area and height allowed within a land use zoning district is not exceeded.

- (b) **Complex occupant signs.** Complex occupant signs shall be allowed in conjunction with individual occupants within a shopping center, business, or other complex. The complex occupant sign shall also include the use of one five square foot pedestrian walkway sign for each occupant within the complex in addition to other sign configurations and sign area allowed by the land use zoning district.
- (c) **Freestanding signs - general.**
- (1) Unless otherwise specified by this Chapter or a land use zoning district, a maximum of one freestanding sign shall be allowed on each parcel, **per** frontage. A portion of a new freestanding sign structure, erected after November 1987, shall not be closer than 10 feet to an existing sign.
  - (2) Freestanding signs that have an area 18 square feet or greater and/or a height of six feet or greater shall require a Building Permit before construction.
  - (3) No part of a freestanding sign, including the footing, shall be located closer than one foot away from an interior property line and from the right-of-way of a street or highway adjoining the parcel on which the sign is located. Provided, however, that when a freestanding sign is within a front or street side setback, the sign shall be constructed to provide an open space of at least eight feet in height measured from grade.
  - (4) When a freestanding sign is located within a street front or side setback area, the sign face shall be at least eight feet above grade.
- (d) **Freestanding signs - monument signs.**
- (1) A monument sign may be substituted for a freestanding sign allowed by the provisions of this Code or an applicable plan, provided the monument sign complies with the provisions of this Chapter.
  - (2) The maximum height of a monument sign located in a setback area shall be the height of an allowed wall or fence in the same setback area.
  - (3) Monument signs shall not interfere with a driver's line of sight and shall not be closer than one foot from the right-of-way and shall not have a height greater than that allowed for a wall or fence, unless otherwise specified in an applicable land use zoning district.
- (e) **Projecting signs.** A projecting sign shall not:
- (1) Exceed the height of the structure to which it is attached.
  - (2) Project more than five feet from the supporting wall.
  - (3) Be less than eight feet from grade or any underlying walkway or thoroughfare.

- (f) **Roof signs.** Roof signs shall be mounted on the roof parallel to the ridge of the roof and shall not project above a ridge line or top of the parapet, whichever is greater, nor project beyond the end of the structure wall or edge of the roof.
- (g) **Wall signs.** Wall signs shall be attached flat against a wall of the structure. These signs shall not project more than 18 inches from the wall, and shall not project above the roof line or extend over a public sidewalk or right-of-way.
- (h) **Window display signs.** Display signs shall not exceed 25 percent of the window area on which the sign is placed.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

### 83.13.100 Sign Standards for Specific Uses

The following signs shall comply with the requirements of this Development Code or applicable specific plans:

- (a) **Service station signs.** The following regulations shall apply to service stations, in addition to all other provisions of this Chapter.
  - (1) **Monument.**
    - (A) **Number.** One per street frontage.
    - (B) **Area.** Not to exceed 36 square feet.
    - (C) **Height.** Not to exceed 4 feet.
    - (D) **Additional regulations.** Ground signs shall be located in a landscaped planter with a minimum area equal to two times the area of the sign.
  - (2) **Wall signs.**
    - (A) **Number.** One per building frontage facing a street.
    - (B) **Area.** The area of a wall sign shall not exceed two square feet for each lineal foot of building frontage.
  - (3) **Canopy signs.**
    - (A) **Number.** Two canopy signs per canopy.
    - (B) **Area.** The area of a canopy sign shall not exceed 8 square feet.
    - (C) **Additional regulations.** Canopy signs shall not extend beyond the gable or fascia board of the canopy.

- (4) **Service island signs.** One sign, not exceeding 4 square feet, shall be allowed on or in front of each end of a service island to identify methods of sale (i.e., self-serve or full-serve).
- (5) **Window signs.**
  - (A) **Number.** One per window.
  - (B) **Area.** Window signs shall not cover more than 25 percent of the window area.
- (b) **Drive-in restaurant menu board.** Drive-in restaurant menu boards, including those with speakers, shall be allowed provided each sign does not exceed 50 square feet. More than two of these signs shall not be allowed on each site.
- (c) **Garage sales signs.** Temporary signs for garage sales shall be allowed in compliance with Chapter 84.10 (Garage Sales).

Adopted Ordinance 4011 (2007)

### **83.13.110 Enforcement**

- (a) In addition to the following provisions, violations of this Chapter shall be enforced in compliance with the provisions of Section 93.13.110 (Enforcement).
- (b) The following signs are hereby declared to be public nuisances:
  - (1) A sign or advertising structure, including flags, unlawfully constructed, placed on or unlawfully projecting over land owned in fee simple by a governmental entity, or unlawfully on or over a public right-of-way without an Encroachment Permit as provided in the County Code.
  - (2) A sign declared to be hazardous or unsafe by the Director, Building Official, or Fire Chief.
  - (3) Illegal signs.
- (c) A County Enforcement Officer may, without notice, move, remove, and/or dispose of a sign or advertising structure that has been declared a public nuisance in compliance with Subsection B. above. In addition, an Enforcement Officer may authorize work required to correct a hazardous or unsafe condition.
- (d) A County Enforcement Officer shall charge the cost of moving, removing, disposing, correcting, storing, repairing, or working on a sign or sign structure to any one or all of the following, each of which shall be jointly and individually liable for the expense:
  - (1) The permittee.
  - (2) The owner of the sign.



## CHAPTER 83.15 CONDITIONAL COMPLIANCE FOR WATER QUALITY MANAGEMENT PLANS

---

### Sections:

- 83.15.010 Purpose
- 83.15.020 Applicability
- 83.15.030 Quality Control Engineer's Role and Responsibilities
- 83.15.040 Developer's Deposit
- 83.15.050 Land Development Engineering Authority
- 83.15.060 Authority to Contract
- 83.15.070 Enforcement

### 83.15.010 Purpose

The purpose of this Chapter is to ensure compliance with conditions of approval on projects involving Water Quality Management Plan features.

Adopted Ordinance 4043 (2008)

### 83.15.020 Applicability

The provisions of this Chapter apply to projects when a Water Quality Management Plan is required.

Adopted Ordinance 4043 (2008)

### 83.15.030 Quality Control Engineer's Role and Responsibilities

- (a) **Independent.** The quality control engineer shall not be employed by, have any relationship to, or interest in the developer, or any contracting, engineering, or geotechnical companies performing work on or providing services to the project being inspected.
- (b) **Duties and responsibilities.** The quality control engineer shall
  - (1) Inspect the work in progress to ensure compliance with the conditions of approval for Water Quality Management Plan's site design, source control and treatment control features.
  - (2) Set provisions regarding Water Quality Management Plan compliance.
  - (3) Report to and file reports with the Department of Public Works, Land Development Engineering Division Chief relative to Water Quality Management Plan compliance.

Adopted Ordinance 4043 (2008)

#### **83.15.040 Developer's Deposit**

- (a) **Deposit required for services of quality control engineer.** Before the issuance of building permits and where a Water Quality Management Plan is required, the developer shall post a deposit with Department of Public Works, Land Development Engineering Division in the amount and in the form specified by that Division. The deposit funds held in trust shall be dispersed to the quality control engineer by the Land Development Division under the terms of the agreement between the County and the quality control engineer to pay for the services of the quality control engineer.
- (b) **Additional deposits required.** The Land Development Engineering Division shall notify the developer if and when it becomes apparent that the deposit will be exhausted and the developer shall make the additional deposit as is required by the Land Development Division.
- (c) **Suspension or revocation of grading permit.** If the developer fails to submit the additional deposit by the date specified by the Land Development Engineering Division, the Land Development Division shall suspend or revoke the development permit, in compliance with the provisions of this code and order that work on the project be ceased.
- (d) **Refunds.** Upon completion of the work, unused funds shall be returned to the developer within 60 days following the quality control inspection approvals.

Adopted Ordinance 4043 (2008)

#### **83.15.050 Land Development Engineering Division Authority**

The Land Development Engineering Division shall have authority to adopt reasonable rules and regulations to clarify, interpret, and enforce the provisions of this Chapter. The Land Development Engineering Division may approve variations when the variations are not detrimental to the life, health, safety or welfare of the public and are necessary because of particular or peculiar circumstances, and will achieve the same level of protection as the original condition.

Adopted Ordinance 4043 (2008)

#### **83.15.060 Authority to Contract**

For the purpose of the Chapter, the Land Development Engineering Division may retain, on behalf of the County, independent engineers to serve as the quality control engineer on projects regulated by this Chapter using a standard form contract approved by the Board of Supervisors.

Adopted Ordinance 4043 (2008)

**83.15.070 Enforcement**

- (a) **Authority to enforce.** The Land Development Engineering Division shall have the authority to enforce the provisions of this Chapter and may use any legal means to accomplish enforcement, including
  - (1) Suspending and/or revoking any permits that have been issued by the Building Official for the project, and
  - (2) Withholding issuance of any permits on the project for which applications have been filed.
- (b) **Authority to expend deposited funds.** The Land Development Engineering Division shall have the authority to expend any remaining funds in the developer's deposit to obtain compliance with this Chapter.

Adopted Ordinance 4043 (2008)

**THIS SPACE INTENTIONALLY LEFT BLANK.**

# DIVISION 4 STANDARDS FOR SPECIFIC LAND USES AND ACTIVITIES

---

<b>Chapter 84.01</b>	<b>Accessory Structures and Uses</b> .....	<b>5</b>
84.01.010	Purpose .....	5
84.01.020	General Development Standards .....	5
84.01.030	Agricultural Accessory Structures and Uses .....	6
84.01.040	Commercial and Industrial Accessory Structures and Uses .....	6
84.01.050	Residential Accessory Structures and Uses .....	7
<b>Chapter 84.02</b>	<b>Adult Oriented Businesses</b> .....	<b>9</b>
84.02.010	Purpose .....	9
84.02.020	Applicability .....	9
84.02.030	Location and Design Standards .....	9
84.02.040	Establishment of an Adult Oriented Business .....	10
<b>Chapter 84.03</b>	<b>Agritourism Enterprises</b> .....	<b>11</b>
84.03.010	Purpose .....	11
84.03.020	Applicability .....	11
84.03.030	Permit Requirements and Development Standards .....	11
<b>Chapter 84.04</b>	<b>Animal Keeping</b> .....	<b>15</b>
84.04.010	Purpose .....	15
84.04.020	Applicability .....	15
84.04.030	General Development Standards .....	15
84.04.040	Exotic Animals .....	16
84.04.050	Commercial Kennels and/or Catteries .....	16
84.04.060	Private Kennels and/or Catteries .....	21
84.04.070	Animal Keeping Allowed as Primary Use .....	23
84.04.080	Animal Keeping Allowed with Conditional Use Permit .....	24
84.04.090	Animal Keeping Allowed as Accessory Use .....	25
<b>Chapter 84.05</b>	<b>Bed and Breakfast Uses</b> .....	<b>31</b>
84.05.010	Purpose .....	31
84.05.020	Applicability .....	31
84.05.030	Types of Bed and Breakfast Uses .....	31
84.05.040	Permit and Tax Requirements .....	31
84.05.050	Development Standards .....	32
84.05.060	Additional Standards for Bed and Breakfast Inns/Lodges .....	35
<b>Chapter 84.06</b>	<b>Cemeteries</b> .....	<b>37</b>
84.06.010	Purpose .....	37
84.06.020	Applicability .....	37
84.06.030	Permit Requirements .....	37
84.06.040	Development Standards .....	37
<b>Chapter 84.07</b>	<b>Commercial and Industrial Transitional Uses</b> .....	<b>39</b>
84.07.010	Purpose .....	39
84.07.020	Applicability .....	39
84.07.030	Development Standards .....	39
<b>Chapter 84.08</b>	<b>Dependent Housing</b> .....	<b>41</b>

84.08.010	Purpose .....	41
84.08.020	Applicability .....	41
84.08.030	Permit Requirements .....	41
84.08.040	Development Standards .....	41
<b>Chapter 84.09</b>	<b>Firewood Storage .....</b>	<b>45</b>
84.09.010	Purpose .....	45
84.09.020	Applicability .....	45
84.09.030	Development Standards - Nonresidential Land Use Zoning Districts .....	45
84.09.040	Development Standards - Residential Land Use Zoning Districts .....	46
<b>Chapter 84.10</b>	<b>Garage Sales .....</b>	<b>47</b>
84.10.010	Purpose .....	47
84.10.020	Applicability .....	47
84.10.030	Standards .....	47
<b>Chapter 84.11</b>	<b>Hazardous Waste Facilities .....</b>	<b>49</b>
84.11.010	Purpose .....	49
84.11.020	Applicability .....	49
84.11.030	Permit Requirements .....	49
<b>Chapter 84.12</b>	<b>Home Occupations .....</b>	<b>51</b>
84.12.010	Purpose .....	51
84.12.020	Applicability .....	51
84.12.030	Classes of Home Occupations Described .....	51
84.12.040	Allowed Land Use Zoning Districts and Permit Requirements .....	52
84.12.050	Prohibited Home Occupations .....	53
84.12.060	Allowed Home Occupations in Desert Region .....	53
84.12.070	Development Standards Applicable to all Classes .....	54
84.12.080	Class I Home Occupation Standards .....	55
84.12.090	Class II Home Occupation Standards .....	56
84.12.100	Class III Home Occupation Standards .....	56
84.12.110	Other Restrictions on Home Occupations .....	57
84.12.120	Nonconforming Home Occupations .....	57
<b>Chapter 84.13</b>	<b>Massage Services .....</b>	<b>59</b>
84.13.010	Purpose .....	59
84.13.020	Applicability .....	59
84.13.030	Development Standards .....	59
<b>Chapter 84.14</b>	<b>Mobile Home Parks .....</b>	<b>61</b>
84.14.010	Purpose .....	61
84.14.020	Applicability .....	61
84.14.030	Enforcement Authority .....	61
84.14.040	Definitions .....	62
84.14.050	Development Standards .....	62
84.14.060	Health Permit Requirements .....	65
84.14.070	Bonds to Guarantee Improvements .....	66
84.14.080	Mobile Home Park Subdivisions .....	66
<b>Chapter 84.15</b>	<b>(Reserved) .....</b>	<b>67</b>
<b>Chapter 84.16</b>	<b>Multi-Family Residential Development Standards .....</b>	<b>69</b>
84.16.010	Purpose .....	69
84.16.020	Applicability .....	69
84.16.030	Processing .....	70

84.16.040	Development Standards Applicable to All Multi-Family Projects.....	70
84.16.050	Development Standards Applicable for Multi-Family Projects – Four to 19 Units....	75
84.16.060	Development Standards for Multi-Family Projects – 20 or More Units .....	79
84.16.070	Common Amenities and Facilities – Four or More Units .....	81
84.16.080	Design Guidelines for Multi-Family Projects – 20 or More Units.....	84
<b>Chapter 84.17</b>	<b>Nonconforming Uses and Structures .....</b>	<b>95</b>
84.17.010	Purpose .....	95
84.17.020	Applicability .....	95
84.17.030	Continuation of Nonconforming Uses and Structures.....	95
84.17.040	Termination of Nonconforming Use .....	96
84.17.050	Removal or Alterations of Nonconforming Uses .....	96
84.17.060	Nonconforming Commercial Chicken Ranch .....	97
84.17.070	Other Nonconforming Uses.....	97
84.17.080	Alteration of Nonconforming Uses .....	98
<b>Chapter 84.18</b>	<b>Planned Development Standards .....</b>	<b>99</b>
84.18.010	Purpose .....	99
84.18.020	Applicability .....	99
84.18.030	Development Standards.....	99
84.18.040	Design Standards .....	102
<b>Chapter 84.19</b>	<b>Recycling Facilities .....</b>	<b>107</b>
84.19.010	Purpose .....	107
84.19.020	Applicability .....	107
84.19.030	Modification of Standards .....	107
84.19.040	Permit Requirements .....	107
84.19.050	Site Clean-Up Required.....	108
84.19.060	Standards for Small Collection Facilities .....	108
84.19.070	Standards for Large Collection Facilities .....	110
84.19.080	Light Processing Facilities.....	112
84.19.090	Heavy Processing Facilities.....	112
<b>Chapter 84.20</b>	<b>Service Stations .....</b>	<b>115</b>
84.20.010	Purpose .....	115
84.20.020	Applicability .....	115
84.20.030	Development Standards.....	115
<b>Chapter 84.21</b>	<b>Single-Family Residential Dwellings.....</b>	<b>117</b>
84.21.010	Purpose .....	117
84.21.020	Applicability .....	117
84.21.030	Minimum Residential Construction Standards.....	117
<b>Chapter 84.22</b>	<b>Small Lot Standards.....</b>	<b>121</b>
84.22.010	Purpose .....	121
84.22.020	Applicability .....	121
84.22.030	Development Requirements .....	121
<b>Chapter 84.23</b>	<b>Social Care Facilities .....</b>	<b>125</b>
84.23.010	Purpose .....	125
84.23.020	Applicability .....	125
84.23.030	Development Standards.....	125
<b>Chapter 84.24</b>	<b>Solid Waste/Recyclable Materials Storage.....</b>	<b>127</b>
84.24.010	Purpose .....	127
84.24.020	Applicability .....	127

84.24.030	Storage Areas for Multi-Family Uses.....	127
84.24.040	Storage Areas for Nonresidential Uses.....	128
84.24.050	Location Standards .....	129
84.24.060	Design and Construction Standards.....	130
<b>Chapter 84.25</b>	<b>Temporary Structures and Uses.....</b>	<b>131</b>
84.25.010	Purpose .....	131
84.25.020	Applicability .....	131
84.25.030	Exempt Temporary Structures and Uses .....	131
84.25.040	Structures and Uses Allowed with Temporary Use Permit.....	132
84.25.050	Additional Development Standards.....	140
84.25.060	Interim Operation of Activities Requiring a Conditional Use Permit.....	141
84.25.070	Camping or Occupancy of Temporary Structure Prohibited.....	141
<b>Chapter 84.26</b>	<b>Wind Energy Systems.....</b>	<b>143</b>
84.26.010	Purpose .....	143
84.26.020	Applicability .....	143
84.26.030	Development Standards.....	143
<b>Chapter 84.27</b>	<b>Wireless Telecommunications Facilities .....</b>	<b>147</b>
84.27.010	Purpose .....	147
84.27.020	Applicability .....	148
84.27.030	Structure Height.....	148
84.27.040	Separation from Residences .....	150
84.27.050	Minimizing Impacts.....	150
84.27.060	Review Procedures .....	152
84.27.070	Project Notices.....	153
84.27.080	Review Factors .....	153
84.27.090	Abandoned Sites.....	154
84.27.100	Elevation of Approvals.....	154
84.27.110	Interjurisdictional Review .....	155
<b>Chapter 84.28</b>	<b>Short-Term Private Home Rentals .....</b>	<b>157</b>
84.28.010	Purpose .....	157
84.28.020	Applicability .....	157
84.28.030	Special Use Permit Requirements .....	157
84.28.040	Development Standards.....	158
84.28.050	Conditions of Operation .....	159



Adopted Ordinance 4011 (2007)

#### **84.01.050 Residential Accessory Structures and Uses**

This Section provides standards for Accessory Structures and Uses that are customarily related to residential single-family dwelling units (e.g., play yards, pools, storage sheds, etc.) or that are residential in nature (e.g., caretaker housing, guest housing, second dwelling units, etc).

- (a) **Number of accessory residential uses.** In addition to a single-family dwelling unit, only one of the following uses shall be allowed on parcels less than five acres in size:
- (1) A second dwelling unit shall be allowed provided that the parcel area is at least two times the minimum lot size specified by the land use zoning district for the subject property. If a parcel with a second dwelling unit is subsequently subdivided, the County may require the second dwelling unit be moved if proper setbacks and other development standards cannot be met.
  - (2) Dependent housing.
  - (3) Caretaker housing. The caretaker dwelling unit shall be a minimum 600 square feet in area and a maximum 1,200 square feet in area. The unit shall be limited to two bedrooms, and its architectural design shall be compatible with the neighborhood. In the Single Residential (RS) or the Multiple Residential (RM) land use zoning districts on parcels less than 2.5 acres in size, the caretaker dwelling unit shall not extend in front of the primary structure. Recreational vehicles shall not be used for caretaker housing.
- (b) **Guest housing.** Guest housing shall be located on the same parcel as the primary dwelling unit and shall be separated from it by at least 10 feet. Guest housing shall be for use by temporary guests of the occupants of the primary dwelling unit and shall not be rented or otherwise used as a separate dwelling. **Only one guest house shall be allowed.** In the Single Residential (RS) or the Multiple Residential (RM) land use zoning districts on parcels less than 2.5 acres in size, the guest housing unit shall not extend in front of the primary structure.
- (c) **Parking.** Parking for accessory residential dwelling units shall comply with Chapter 83.11 (Parking and Loading Standards).
- (d) **Carport and/or garage.** Detached carports or garages shall be limited to 1,200 square feet when located on parcels that are less than 20,000 square feet in size.
- (e) **Other residential accessory structures and uses.** Structures and uses such as cabanas, play yards, tennis courts, porches, ramadas, awnings, patio slabs, water towers and wells, swimming pools, storage buildings shall not extend into the existing front setback of the primary structure where the primary structure faces a street right-of-way. See Section 83.02.080 (Allowed Projections into Setbacks).

- (f) **Detached storage structures.** Parcels that are one acre or less in size shall be limited to only one detached storage structure that exceeds 120 square feet and the storage structure shall not exceed 1,000 square feet. Detached storage structures shall not extend in front of the primary structure where the primary structure faces a right-of-way.
- (g) **Prohibited accessory structures and uses.** Freight containers, railroad cars, intermodal containers, and other similar storage-type structures shall not be allowed as accessory structures in the RS (Single Residential), RM (Multiple Residential), Agriculture (AG) or Rural Living (RL) land use zoning districts unless they are altered to appear to be similar to, and compatible with, the appearance of the on-site primary structure and the surrounding neighborhood, subject to the satisfaction of the Director.
- (h) **Animal keeping.** Accessory animal keeping shall be conducted as specified in Chapter 84.04(Animal Keeping).
- (i) **Exterior storage.** Exterior storage shall be fully and solidly screened and kept below the level of the fence or other screening mechanism. Exterior storage shall comply with Title 3 (Health and Sanitation and Animal Regulations) of the County Code. Screening of exterior storage shall comply with Section 83.02.060 (Screening and Buffering).
- (j) **Residential crop production.** Accessory crop production shall be allowed on parcels of 10,000 square feet or more, with a temporary sales facility for plant or animal products grown on the subject property. The sales facility shall not be larger than 200 square feet in area and shall display produce for sale for no longer than 72 hours in any calendar month. Standards for produce stands are provided in Chapter 84.03 (Agritourism Enterprises). This does not include wholesale or retail nurseries.
- (k) **Private office.** A private office shall be for the sole use of the dwelling unit occupants within a primary structure and shall have no external advertising or signs.
- (l) **Compatibility.** In the RS (Single Residential) and RM (Multiple Residential) land use zoning districts, the appearance of an accessory structure shall be similar to, and compatible with, the appearance of the primary structure and the surrounding neighborhood.
- (m) **Storage of firewood.** The storage of firewood shall comply with Chapter 84.09 (Firewood Storage).

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

- (a) **Compliance with health regulations.** The commercial kennel shall comply with the provisions of Chapter 3 (Commercial Kennels) in Division 2 (Animals), Title 3 (Health and Sanitation and Animal Regulations), of the County Code. The commercial cattery shall comply with the provisions of Chapter 12 (Catteries) in Division 2 (Animals), Title 3 (Health and Sanitation and Animal Regulations), of the County Code.
- (b) **Permit requirements.** A commercial kennel and/or a cattery shall require a Special Use Permit in compliance with Chapter 85.14 (Special Use Permits). If the establishment has both dogs and cats, only one Special Use Permit shall be required. A Special Use Permit shall not be effective until the Code Enforcement Division receives written evidence that the applicant has applied for and obtained required permits from the County Public Health Department.
- (c) **Minimum parcel size.** Table 84-2 indicates the minimum parcel sizes required for commercial kennels and/or catteries in the land use zoning districts indicated.

Minimum Parcel Size	Land Use Zoning Districts or Overlay
1 acre minimum	RS (Single Residential) in the AA (Additional Agriculture) Overlay Community Industrial (IC) in Phelan Community Planning Area (PH/IC)
2.5 acre minimum	Resource Conservation (RC) Commercial Rural (CR) Rural Living (RL) Agriculture (AG) Service Commercial (CS) Community Industrial (IC)

- (d) **Standards and permit requirements for breeding operations within RC, AG or RL Land Use Zoning Districts.** In addition to conditions imposed by the review authority for the Special Use Permit, commercial kennels and catteries for breeding operations located within a Resource Conservation, Agriculture or Rural Living Land Use Zoning Districts shall comply with the following standards and permit requirements:
- (1) Accessory residential use. A commercial kennel and/or cattery that involves breeding shall be an accessory use to a single-family dwelling unit.
  - (2) Permit requirements. A commercial kennel and/or cattery for up to 15 animals shall require a Special Use Permit in compliance with Chapter 85.14 (Special Use Permits). If the establishment has both dogs and cats, only one Special Use Permit shall be required. A commercial kennel and/or cattery for more than 15 animals shall require a Special Use Permit in compliance with Chapter 85.14

(Special Use Permits) and a Minor Use Permit in compliance with Chapter 85.06 (Conditional Use Permit/Minor Use Permit).

- (3) A Special Use Permit shall not be effective until the Code Enforcement Division receives written evidence that the applicant has applied for and obtained required permits from the County Public Health Department.
- (4) Compliance with health regulations. The commercial kennel shall comply with the provisions of Chapter 3 (Commercial Kennels) in Division 2 (Animals), Title 3 (Health and Sanitation and Animal Regulations), of the County Code. The commercial cattery shall comply with the provisions of Chapter 12 (Catteries) in Division 2 (Animals), Title 3 (Health and Sanitation and Animal Regulations), of the County Code.
- (5) Compliance with land use zoning district development standards. The keeping of dogs and cats shall comply with all County Code requirements, including setbacks from property lines and other dwellings as specified in Division 2 (Land Use Zoning Districts and Allowed Land Uses). In the event there is a conflict between a provision in this Section and a provision in Chapter 3 (Commercial Kennels), in Division 2, Title 3, of the County Code, the stricter standard shall apply.
- (6) Minimum parcel size. A minimum parcel size of two and one half acres shall be required.
- (7) Density of animals and maximum number of animals. Animal densities shall be as follows:

Acreage	Number of Animals	Additional Animals
0 to less than 2.5 acres	As allowed by Section 84.04.090	0
2.5 to less than 5 acres	15	0
5 acres	16 to 30	0
Each additional acre above 5 acres		6 per acre

A maximum of 50 dogs and/or cats shall be allowed regardless of the size of the parcel(s).

- (8) Setbacks. Setbacks. All animals shall be maintained at least 70 feet, measured in a straight line, away from any structure or area used for human habitation or public assembly (e.g. parks, churches, etc.) on adjoining property. The area of human habitation shall not include cabanas, patios, attached or detached private garages or storage buildings.

- 
- (9) Housing. All dogs shall be housed in the indoor portion of the kennel from 9 p.m. to 7 a.m. The kennel shall be a solid, four-walled structure with a solid roof. Appropriate exercise areas shall be provided and shall be sheltered from the elements and be secure. Adequate heating, cooling, lighting, ventilation and bedding must be provided as required to the individual needs of the animals.
  - (10) Inspections. Commercial kennels and/or catteries shall be inspected by the County Public Health Department annually. The County Public Health Department and the Code Enforcement Division shall conduct an inspection jointly when necessary.
  - (11) Noise. Noise shall be attenuated to 55 dB(A) from the property line.
  - (12) Light and glare. Direct and indirect glare from the source shall not cause glare upon adjacent property owners in compliance with Chapter 83.07 (Glare and Outdoor Lighting).
  - (13) Fencing. Fencing shall comply with Chapter 3 (Commercial Kennels) in Division 2 (Animals), Title 3 (Health and Sanitation and Animal Regulations), of the County Code.
  - (14) Screening. The Special Use Permit may require the use to be fully screened from adjacent properties.
  - (15) Sign. One sign, not to exceed 12 square feet in area stating "Private Kennel" with a 24-hour emergency phone number, shall be posted at all entries to the parcel.
  - (16) Compliance with State laws. The commercial kennel and/or cattery shall comply with the State laws regarding the Sale of Dogs by Breeders.
- (e) **Standards and permit requirements for breeding operations within commercial or industrial districts.** In addition to conditions imposed by the review authority for the Special Use Permit, commercial kennels and catteries for breeding operations located within commercial or industrial land use zoning districts shall comply with the following standards and permit requirements:
- (1) Caretaker' residence. If a commercial kennel and/or cattery that involves breeding is located within a commercial or industrial land use zoning district, a caretaker's residence shall be located on-site or the use shall have employees on-site 24-hour per day.
  - (2) Permit requirements. A commercial kennel and/or cattery shall require a Special Use Permit in compliance with Chapter 85.14 (Special Use Permits) and a Minor Use Permit in compliance with Chapter 85.06 (Conditional Use Permit/Minor Use Permit).

- (3) A Special Use Permit shall not be effective until the Code Enforcement Division receives written evidence that the applicant has applied for and obtained required permits from the County Public Health Department.
- (4) Compliance with health regulations. The commercial kennel shall comply with the provisions of Chapter 3 (Commercial Kennels) in Division 2 (Animals), Title 3 (Health and Sanitation and Animal Regulations), of the County Code. The commercial cattery shall comply with the provisions of Chapter 12 (Catteries) in Division 2 (Animals), Title 3 (Health and Sanitation and Animal Regulations), of the County Code.
- (5) Compliance with land use zoning district development standards. The keeping of dogs and cats shall comply with all County Code requirements, including setbacks from property lines and other dwellings as specified in Division 2 (Land Use Zoning Districts and Allowed Land Uses). In the event there is a conflict between a provision in this Section and a provision in Chapter 3 (Commercial Kennels), in Division 2, Title 3, of the County Code, the stricter standard shall apply.
- (6) Minimum parcel size. A minimum parcel size of two and one half acres shall be required.
- (7) Density of animals and maximum number of animals. Animal densities shall be as follows:

Acreage	Number of Animals	Additional Animals
0 to less than 2.5 acres	As allowed by Section 84.04.090	0
2.5 to less than 5 acres	15	0
5 acres	16 to 30	0
Each additional acre above 5 acres		6 per acre

A maximum of 200 dogs and/or cats shall be allowed regardless of the size of the parcel(s).

- (8) Setbacks. All animals shall be maintained at least 70 feet, measured in a straight line, away from any structure or area used for human habitation or public assembly (e.g. parks, churches, etc.) on adjoining property. The area of human habitation shall not include cabanas, patios, attached or detached private garages or storage buildings.
- (9) Housing. All dogs shall be housed in the indoor portion of the kennel from 9 p.m. to 7 a.m. The kennel shall be a solid, four-walled structure with a solid roof. Appropriate exercise areas shall be provided and shall be sheltered from the elements and be secure. Adequate heating, cooling, lighting, ventilation and bedding must be provided as required to the individual needs of the animals.

- (10) Inspections. Commercial kennels and/or catteries shall be inspected by the County Public Health Department annually. The County Public Health Department and the Code Enforcement Division shall conduct an inspection jointly when necessary.
- (11) Noise. Noise shall be attenuated to 55 dB(A) from the property line.
- (12) Light and glare. Direct and indirect glare from the source shall not cause glare upon adjacent property owners in compliance with Chapter 83.07 (Glare and Outdoor Lighting).
- (13) Fencing. Fencing shall comply with Chapter 3 (Commercial Kennels) in Division 2 (Animals), Title 3 (Health and Sanitation and Animal Regulations), of the County Code.
- (14) Screening. The Special Use Permit may require the use to be fully screened from adjacent properties.
- (15) Sign. One sign, not to exceed 12 square feet in area stating "Private Kennel" with a 24-hour emergency phone number, shall be posted at all entries to the parcel.
- (16) Compliance with State laws. The commercial kennel and/or cattery shall comply with the State laws regarding the Sale of Dogs by Breeders.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

#### **84.04.060 Private Kennels and/or Catteries**

Private kennels and/or catteries shall be subject to the regulations in this Section.

- (a) **Accessory residential use.** A private kennel and/or cattery shall be an accessory use to a single-family dwelling unit.
- (b) **Permit requirements.** A private kennel and/or cattery shall require a Special Use Permit in compliance with Chapter 85.14 (Special Use Permits). If the establishment has both dogs and cats, only one Special Use Permit shall be required. A Special Use Permit shall not be effective until the Code Enforcement Division receives written evidence that the applicant has applied for and obtained required permits from the County Public Health Department.
- (c) **Standards.** In addition to conditions imposed by the review authority for the Special Use Permit, private kennels and catteries shall comply with the following standards:
  - (1) Compliance with health regulations. The private kennel shall comply with the provisions of Chapter 3 (Commercial Kennels) in Division 2 (Animals), Title 3 (Health and Sanitation and Animal Regulations), of the County Code. The commercial cattery shall comply with the provisions of Chapter 12 (Catteries) in

Division 2 (Animals), Title 3 (Health and Sanitation and Animal Regulations), of the County Code.

- (2) Compliance with land use zoning district development standards. The keeping of dogs and cats shall only be allowed within a Resources Conservation (RC), Agriculture (AG) or Rural Living (RL) Land Use Zoning District and shall comply with all County Code requirements, including setbacks from property lines and other dwellings as specified in Division 2 (Land Use Zoning Districts and Allowed Land Uses). In the event there is a conflict between a provision in this Section and a provision in Chapter 3 (Commercial Kennels), or Chapter 12 (Catteries), in Division 2, Title 3, of the County Code, the stricter standard shall apply.
- (3) Minimum parcel size. A minimum parcel size of two and one half acres shall be required.
- (4) Setbacks. All animals shall be maintained at least 70 feet, measured in a straight line, away from any structure or area used for human habitation or public assembly (e.g. parks, churches, etc.) on adjoining property. The area of human habitation shall not include cabanas, patios, attached or detached private garages or storage buildings.
- (5) Maximum number of animals. A maximum of 15 dogs and/or cats per parcel shall be allowed.
- (6) Housing. Unless all dogs or cats are kept in the house or garage at night, all dogs or cats shall be housed in the indoor portion of the kennel from 9 p.m. to 7 a.m. The kennel shall be a solid, four-walled structure with a solid roof. Appropriate exercise areas shall be provided and shall be sheltered from the elements and be secure. Adequate heating, cooling, lighting, ventilation and bedding must be provided as required to the individual needs of the animals.
- (7) Inspections. Private kennels and/or catteries shall be inspected by the County Public Health Department annually. The County Public Health Department and the Code Enforcement Division shall conduct an inspection jointly when necessary.
- (8) Noise. Noise shall be attenuated to 55 dB(A) from the property line.
- (9) Light and glare. Direct and indirect glare from the source shall not cause glare upon adjacent property owners in compliance with Chapter 83.07 (Glare and Outdoor Lighting).
- (10) Fencing. Fencing shall comply with Chapter 3 (Commercial Kennels) in Division 2 (Animals), Title 3 (Health and Sanitation and Animal Regulations), of the County Code.
- (11) Screening. The Special Use Permit may require the use to be fully screened from adjacent properties.



- (12) Sign. One sign, not to exceed 12 square feet in area stating "Private Kennel" with a 24-hour emergency phone number, shall be posted at all entries to the parcel.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

#### **84.04.070 Animal Keeping Allowed as Primary Use**

Animal keeping allowed as a primary use shall be subject to the regulations in this Section.

- (a) **Compliance with land use zoning district development standards.** The keeping of animals shall comply with all County Code requirements, including setbacks from property lines and other dwellings as specified in Division 2 (Land Use Zoning Districts and Allowed Land Uses).
- (b) **Minimum parcel size.** The following minimum parcel sizes shall be required for animal keeping as a primary use of the property.
- (1) Two acres minimum shall be required in the Agricultural (AG), Special Development (SD), Resource Conservation (RC), and Rural Living (RL) Land Use Zoning Districts, unless otherwise noted in Table 84-3 (Animal Keeping Allowed as Primary Use).
- (2) One-half acre minimum shall be required in the Floodway (FW) Land Use Zoning District.
- (c) **Parcel area for qualifying number or density of animal type.** Parcel area used to qualify one animal type shall not be reused to qualify another animal type.
- (d) **Manure management.** Proper manure management shall be carried out in compliance with Title 3 (Health and Sanitation and Animal Regulations) of the County Code.
- (e) **Standards.** The standards in Table 84-3 (Animal Keeping Allowed as Primary Use) shall apply to all animal keeping allowed as a primary use. **Densities shall be based upon the total area of the subject property regardless of structures on-site or setback requirements.**
- (f) **Conditional Use Permit requirement for different densities and animal types.** Primary animal keeping of densities greater than, or of animal types different from, those listed in Table 84-3 (Animal Keeping Allowed as Primary Use) shall be subject to a Conditional Use Permit.

**Table 84-3  
Animal Keeping Allowed as Primary Use**

Animal Type	Animal Density Per Square Foot		
	Land Use Zoning Districts and Overlay		
	RC RL	FW SD	AG
Animal keeping as accessory use	See Table 84-5		See Table 84-5
Aviary, apiary, or similar small animal farms	1 acre minimum (RC) ½ acre minimum (RL, FW, SD)		½ acre minimum
Cattle or buffalo	1/10,000		1/6,000
Fish raising	1 pond/acre Maximum pond size = ½ surface acre in area Maximum 4 ponds per parcel		
Horses	1/10,000		1/6,000
Hogs (9 maximum)	1/20,000		1/12,000
Sheep, female goats, and similar livestock	1/4,000		1/3,000
Male adult goats (4 maximum) Parcel less than 10 acres 10 acres and above	1 1/5 acres		1 1/5 acres
Rabbits and chinchillas (200 maximum) (Minimum parcel = ½ acre)	50/10,000		
Poultry (Minimum parcel = ½ acre)			
Female	Less than 1 acre 1 to less than 10 acres 10 acres and above	25 99 99/10 acres	If parcel less than 5 acres, then 99. If 5 acres and above, then 99/5 acres
Male (9 maximum) (Roosters, drakes, ganders, etc.)	Less than 10 acres 10 acres and above	2/genus/parcel 2/genus/5 acres	2/genus/parcel 2/genus/5 acres
Ostriches and emus	1/4,000		1/4,000
Alpacas and llamas	1/4,000		1/4,000

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

#### **84.04.080 Animal Keeping Allowed with Conditional Use Permit**

Animal keeping allowed with a Conditional Use Permit shall be subject to the regulations in this Section and conditions imposed by the review authority in compliance with Chapter 85.06 (Conditional Use Permit/Minor Conditional Use Permit).

Table 84-4 Animal Keeping Allowed with Conditional Use Permit		
Animal Type	Minimum Parcel Size	Land Use Zoning Districts and Overlay
Commercial poultry ranches	10 acres	RC RL FW SD
Cow and goat dairies	10 acres	AG FW
Calf-growing ranches Hog ranches	5 acres	AG FW

Adopted Ordinance 4011 (2007)

#### 84.04.090 Animal Keeping Allowed as Accessory Use

Animal keeping allowed as an accessory use to primary residential uses shall be subject to the regulations in this Section.

- (a) **Structures for animal maintenance and care.** Each animal keeping land use shall include all structures necessary to maintain and care for the animals (e.g., barn, coops, corral, pens, stables, etc.). The structures shall comply with the development standards identified in Division 2 (Land Use Zoning Districts and Allowed Land Uses) and in this Section.
- (b) **Setbacks.**
- (1) **Distance from structures for human habitation or assembly.** All animals, other than cats, dogs, canaries or birds of the *psitacinae* family, shall be maintained at least 70 feet, measured in a straight line, away from any **structure or area used for human habitation or public assembly (e.g. parks, churches, etc.) on adjoining property. The area of human habitation shall not include cabanas, patios, attached or detached private garages or storage buildings.**
  - (2) **Distance from property lines and rights-of-way.** Animals shall be maintained at least five feet away from interior side and rear property lines, and 15 feet away from side street rights-of-way, excepting an alley or bridle path, unless they comply with the Subsection (3) (Enclosure), below.
  - (3) **Enclosure.** Animals may be maintained by a fence at least five feet high and made of either chain link, wood with horizontal members no less than 6 inches apart, solid masonry or other appropriate solid screening and confining materials.

- (4) **Distance from water well.** Animals shall be kept at least 100 feet away from any domestic water well.
- (c) **Newborn animal exception.** Offspring of animals maintained on the same property in compliance with applicable laws and regulations that are less than four months old or that have not been weaned, whichever is longer, shall not be subject to the maximum density or number limitations established by this Chapter.
- (d) **Parcel area for qualifying number or density of animal type.** Parcel area used to qualify one animal type shall not be reused to qualify another animal type.
- (e) **Manure management.** Proper manure management shall be carried out in compliance with Title 3 (Health and Sanitation and Animal Regulations) of the County Code.
- (f) **Compliance with health regulations.** Animal keeping land uses shall comply with public health laws regarding proper care and maximum number of animals.
- (g) **Conditional Use Permit requirement for different densities and animal types.** Accessory animal keeping of densities greater than, or of animal types different from, those listed in Table 84-5 (Animal Keeping Allowed as Accessory Use) shall be subject to a Conditional Use Permit (e.g., educational animal projects, temporary grazing operations, etc.).
- (h) **Standards.** The standards in Table 84-5 (Animal Keeping Allowed as Accessory Use) shall apply to all animal keeping allowed as an accessory use. **Densities shall be based upon the total area of the subject property regardless of structures on-site or setback requirements.**
- (i) **Additional standards for animal keeping as accessory use to primary single-family dwelling unit.** In addition to the requirements in this Section, the following provisions shall apply for animal keeping as an accessory use to a primary single-family dwelling unit only:
- (1) **Combinations of animal types.** Combinations of the animal types shall be allowed, provided:
- (A) The total number of animals in each category is not exceeded.
- (B) Where a density ratio of animals per parcel area is specified, the parcel area is allocated only once, to either a primary or accessory animal keeping use. Parcel area used to qualify one animal type shall not be reused to allow another animal type.
- (C) Animal types that are limited only by a maximum number per parcel are allowed in addition to any other accessory or primary animal keeping use.

(D) Parcels with multi-family residential structures shall be limited to the following animals for lots less than 7,200 square feet in size:

(I) Any combination of two dogs, cats, and/or pot-bellied pigs (under 50 pounds) shall be allowed per unit.

(II) Any combination of two chickens (or similar fowl—hens only) or rabbits or other similar small animals.

**(2) Confined animals.**

(A) Animals that are normally maintained in aquariums, terrariums, vivariums, birdcages, or similar devices shall be allowed as an accessory animal keeping use, provided that the structure or device in which animals are kept shall be:

(I) A maximum of 50 cubic feet; and

(II) Maintained within an enclosed building.

(B) The maximum number or density limitations for these confined animal types shall comply with public health regulations.

**(j) Additional Agriculture (AA) Overlay.** See Chapter 82.07 Additional Agriculture (AA) Overlay for additional animal keeping regulations.

**Table 84-5  
Animal Keeping Allowed as Accessory Use**

Animal Type	All single-family dwelling units	
	Minimum Parcel Area (Sq. Ft.)	Maximum Density or Number
A combination of dogs and/or cats	Less than 7,200 7,200 9,999 10,000 19,999 20,000 or more	2/parcel or unit 3/parcel 4/parcel 5/parcel <sup>(1)</sup>
Pot bellied pigs (under 200 lbs.)	Less than 7,200 7,200 9,999 10,000 19,999 20,000 or more	2/parcel or unit 3/parcel 4/parcel 5/parcel <sup>(1)</sup>
Aviary, apiary, or similar small animal farms	20,000 or more	Not allowed
Fish raising	20,000 or more	Not allowed
Poultry Female	Less than 7,200 7,200 9,999 10,000 19,999 20,000 or more	2/parcel or unit 3/parcel 4/parcel 1/2,000 sq. ft. Maximum 9 of each genus/parcel
Poultry Male	1 acre	Maximum 9 per parcel but no more than 2 of any genus
Rabbits and chinchillas	Less than 7,200 7,200 9,999 10,000 19,999 20,000 or more	2/parcel or unit 3/parcel 4/parcel 1/2,000 sq. ft. Maximum 9 of each genus/parcel
Sheep, female goats, and other similar small livestock	Less than 7,200 7,200 19,999 20,000 or more	Not allowed 1/5,000 sq. ft. 1/5,000 sq. ft. Cumulative total of sheep and goats = 9 per parcel

**Table 84-5  
Animal Keeping Allowed as Accessory Use**

Animal Type	All single-family dwelling units	
	Minimum Parcel Area (Sq. Ft.)	Maximum Density or Number
Male adult goats	20,000 or more	1 parcel
Cattle, buffalo, or similar large domesticated animals	20,000 sq. ft. with 60 foot minimum frontage	1/10,000 sq. ft. Cumulative total of all large domesticated animals = 9 per parcel
Horses	20,000 sq. ft. with 60 foot minimum frontage	1/10,000 sq. ft. Cumulative total of all large domesticated animals = 9 per parcel
Hogs	Not allowed	Not allowed
Emus Ostriches	1 acre	1/10,000 sq. ft. Maximum of 9 animals
Alpacas Llamas	Less than 7,200 7,200 19,999 20,000 or more	Not allowed 1/5,000 sq. ft. 1/5,000 sq. ft. Cumulative total of alpacas and llamas = 9 per parcel

## Notes:

- (1) Five or more dogs and/or cats constitute a private kennel or cattery, which is subject to regulations in Section 84.04.060 (Private Kennels and/or Catteries).
- (2) Lot area used to qualify one animal type shall not be reused to allow another animal type.
- (3) Animal types that are limited only by a maximum number per lot are allowed in addition to any other accessory or primary animal keeping use.
- (4) For the purposes of this section, lots with attached multiple residential structures shall be limited to a combination of dogs and/or cats, pot bellied pigs, poultry, rabbits and chinchillas.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

**THIS SPACE INTENTIONALLY LEFT BLANK.**



## CHAPTER 84.05 BED AND BREAKFAST USES

---

### Sections:

- 84.05.010 Purpose
- 84.05.020 Applicability
- 84.05.030 Types of Bed and Breakfast Uses
- 84.05.040 Permit and Tax Requirements
- 84.05.050 Development Standards
- 84.05.060 Additional Standards for Bed and Breakfast Inns/Lodges

#### 84.05.010 Purpose

The purpose of this Chapter is to regulate the establishment and operation of bed and breakfast facilities in order to maintain and preserve the residential character, integrity, and property values of surrounding areas within which these facilities are located and maintained.

Adopted Ordinance 4011 (2007)

#### 84.05.020 Applicability

The standards of this Chapter apply to bed and breakfast uses where allowed in compliance with Division 2 (Land Use Zoning Districts and Allowed Land Uses).

Adopted Ordinance 4011 (2007)

#### 84.05.030 Types of Bed and Breakfast Uses

(a) **Classification of types.** Bed and breakfast uses shall be classified into three types.

- (1) Host Home.
- (2) Bed and Breakfast Home.
- (3) Bed and Breakfast Inn/Lodge.

(b) **Characteristics of types of bed and breakfast uses.** See Table 84-6 (Standards for Bed and Breakfast Uses) in Subsection 84.05.050(h) (Development Standards—Design standards), below.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

#### 84.05.040 Permit and Tax Requirements

In addition to the land use permit required in Division 2 (Land Use Zoning Districts and Allowed Land Uses), the following shall also be required for bed and breakfast uses:

- (a) **Special Use Permit.** A Special Use Permit shall be required in compliance with Chapter 85.14 (Special Use Permits) and shall be renewed annually. The review authority may void a Special Use Permit for a bed and breakfast use for noncompliance with the conditions outlined in the approved permit and shall notify the permittee of its action in compliance with Chapter 86.09 (Enforcement)
- (b) **Health Permit.** A Health Permit shall be required in compliance with Title 3 (Health and Sanitation and Animal Regulations) of the County Code and shall be renewed annually.
- (c) **Transit Occupancy Tax (bed tax) requirements.** Bed and breakfast uses shall be subject to the Transient Occupancy Tax (“bed tax”) in compliance with Title 1 (Government and Administration) of the County Code.
- (d) **Certificate of Land Use Compliance.** Where deemed appropriate by the Code Enforcement Division, owners/operators of bed and breakfast uses shall be required to sign and record a Certificate of Land Use Compliance and abide by its provisions in compliance with Chapter 85.05 (Certificates of Land Use Compliance).

Adopted Ordinance 4011 (2007)

#### **84.05.050 Development Standards**

- (a) **Land use zoning district requirements.** Bed and breakfast uses shall be subject to the development standards for the land use zoning district in which they are located as identified in Division 2 (Land Use Zoning Districts and Allowed Land Uses) and the development standards in this Chapter.
- (b) **Single-family dwelling structure only.** Only a single-family dwelling structure, including related habitable accessory structures (e.g., guest house, second dwelling units, etc.) shall be considered for bed and breakfast uses.
- (c) **Accessory to residential use.** The bed and breakfast use shall be conducted as an accessory residential use only.
- (d) **Owner residency requirement.** The residential structure shall serve as the primary residence of the owner of the bed and breakfast use. If a corporation is the owner, a majority shareholder of the corporation shall reside in the residential structure where the bed and breakfast use is operated.
- (e) **Code and State law requirements.**
  - (1) Dwelling units proposed for bed and breakfast use shall comply with standards and specifications of the California Building Code.
  - (2) Each guest room shall be equipped with a fire extinguisher and a smoke detector that conform to the California Building Code Standards (CBC No. 43-6).

## **CHAPTER 84.08 DEPENDENT HOUSING**

---

### **Sections:**

- 84.08.010 Purpose
- 84.08.020 Applicability
- 84.08.030 Permit Requirements
- 84.08.040 Development Standards

### **84.08.010 Purpose**

The purpose of this Chapter is to provide standards for the location, occupation, and removal of dependent housing. These standards are intended to allow residents to provide adequate housing on a temporary basis for adult family members who are dependent for financial or health reasons and to ensure the removal of the unit upon cessation of the housing need.

Adopted Ordinance 4011 (2007)

### **84.08.020 Applicability**

The standards in this Chapter shall apply to dependent housing where allowed as a temporary accessory use to an allowed single dwelling unit in the land use zoning districts identified in Division 2 (Land Use Zoning Districts and Allowed Land Uses)

Adopted Ordinance 4011 (2007)

### **84.08.030 Permit Requirements**

The Special Use Permit for a dependent housing unit issued in compliance with Chapter 85.14 (Special Use Permits) shall be approved for a period not to exceed 24 months and may be renewed for additional 24 month periods subject to the provisions of this Chapter.

Adopted Ordinance 4011 (2007)

### **84.08.040 Development Standards**

- (a) **Allowed structural types.** The following types of structures shall be allowed for use as dependent housing units:
- (1) Units constructed to meet California Building Code Standards, including panelized structures or other structural types that may be affixed to a foundation but disassembled at a later date; or
  - (2) Units constructed to meet the standards of the National Manufactured Home Construction and Safety Standards Act of 1974 subject to the issuance of a Mobile Home Permit.

- (b) **Number of units allowed per parcel.** One detached dependent housing unit per parcel may be allowed as a temporary accessory use; provided, however, that only one single-family dwelling unit occupies the parcel.
- (c) **Minimum parcel area.** A dependent housing unit shall not be allowed on a parcel that is less than 7,200 square feet in area.
- (d) **Ownership and occupancy requirements.**
- (1) The property owner shall occupy at least one of the dwelling units on the premises.
  - (2) The property owner shall own the dependent housing unit.
  - (3) The property owner shall submit written notification to the Building and Safety Division of any change of residency in the dependent housing unit.
- (e) **Floor area.**
- (1) **Units on parcels less than 2½ acres in area.** A dependent housing unit shall have a maximum floor area of 840 square feet and a minimum floor area of 400 square feet when located on a parcel in a land use zoning district that requires parcels that are less than 2 and one-half acres in area.
  - (2) **Units on parcels 2½ acres in area or greater.** A dependent housing unit shall have a maximum floor area of 1,600 square feet and a minimum floor area of 400 square feet when located on a parcel in a land use zoning district that requires parcels that are 2 and one-half acres in area or greater.
- (f) **Design standards.** The appearance of a temporary dependent housing unit shall be similar to, or compatible with, the appearance of the primary residence.
- (g) **Subordinate to primary use.** The dependent housing unit shall be clearly subordinate in size, location, and appearance to the primary dwelling unit.
- (h) **Parking.** Additional parking for the dependent housing unit shall not be required if the existing off-street parking complies with Chapter 83.11 (Parking and Loading Standards), or if the resident(s) of the dependent housing unit are incapable of operating a motor vehicle.
- (i) **Projection into front setback prohibited.** The dependent housing unit shall not extend beyond the front of the primary dwelling unit where the primary unit faces a right-of-way.
- (j) **Removability of unit.** The dependent housing unit shall be erected, constructed, or installed so that it can be removed.

- (k) **Certificate of Land Use Compliance describing removal of unit.** As a condition of approval of the Special Use Permit, the property owner shall sign a Certificate of Land Use Compliance, which shall be recorded and which places the responsibility upon the property owner to comply with the provisions of this Section, describing the method of removal of the dependent housing unit, and acknowledging that the property owner shall bear the cost of removal of the unit.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

**THIS SPACE INTENTIONALLY LEFT BLANK.**

## CHAPTER 84.16 MULTI-FAMILY RESIDENTIAL DEVELOPMENT STANDARDS

### Sections:

- 84.16.010 Purpose
- 84.16.020 Applicability
- 84.16.030 Processing
- 84.16.040 Development Standards Applicable to All Multi-Family Projects
- 84.16.050 Development Standards for Multi-Family Projects - Four To 19 Units
- 84.16.060 Development Standards for Multi-Family Projects - 20 or More Units
- 84.16.070 Common Amenities and Facilities - Four or More Units
- 84.16.080 Design Guidelines for Multi-Family Projects - 20 or More Units

### 84.16.010 Purpose

The purpose of this Chapter is to provide development standards for the establishment of new multi-family residential projects. The standards are intended to:

- (a) Enhance the quality of housing for County residents by regulating a residential environment within a high-density context;
- (b) Protect surrounding properties and their values by requiring proper design and maintenance of the multi-family project; and
- (c) Ensure compatibility with other development in the immediate area through the use of complementary building arrangements, buffers, and avoidance of overwhelming building scale and visual obstructions.

Adopted Ordinance 4011 (2007)

### 84.16.020 Applicability

The development standards in this Chapter shall apply to multi-family residential projects in land use zoning districts where they are allowed in compliance with Division 2 (Land Use Zoning Districts and Allowed Land Uses). Multi-family residential projects shall include projects in which two or more attached or detached dwelling units are located. Multi-family residential projects may include apartments or condominiums.

Adopted Ordinance 4011 (2007)

**84.16.030 Processing**

- (a) **Multi-family projects - 19 units or fewer.** A Building Permit for a proposed multi-family development of 19 units or fewer shall be issued by the Building Official with an approved building plan if the project complies with the requirements in this Chapter. Upon receipt of an application for a proposed multi-family development of 19 units or fewer, the Building Official may refer the application to the Director for review. If referred, the Director shall review each application to verify compliance with the applicable standards in this Chapter.
- (b) **Multi-family projects - 20 to 49 units.** An application for a Minor Use Permit for a multi-family development of 20 to 49 units may be approved in compliance with Chapter 85.06 (Conditional Use Permit/Minor Use Permit) in the following instances:
- (1) If a finding can be made that the proposed development complies with the standards in this Chapter; or
  - (2) If a Variance has been approved in compliance with Chapter 85.17 (Variances).
- (c) **Multi-family projects - 50 units or more.** An application for a Conditional Use Permit for a multi-family development of 50 units or more may be approved in compliance with Chapter 85.06 (Conditional Use Permit/Minor Use Permit) in the following instances:
- (1) If a finding can be made that the proposed development complies with the standards in this Chapter; or
  - (2) If a Variance has been approved in compliance with Chapter 85.17 (Variances).
- (d) **Pre-application conference.** An applicant may request a pre-application conference with the Director to determine the consistency of a proposed multi-family project with the requirements of this Chapter.

Adopted Ordinance 4011 (2007)

**84.16.040 Development Standards Applicable to All Multi-Family Projects**

The standards in this Section shall apply to all multi-family development projects.

**(a) Site planning standards.****(1) Location of structures.** All multi-family structures shall be oriented so that:

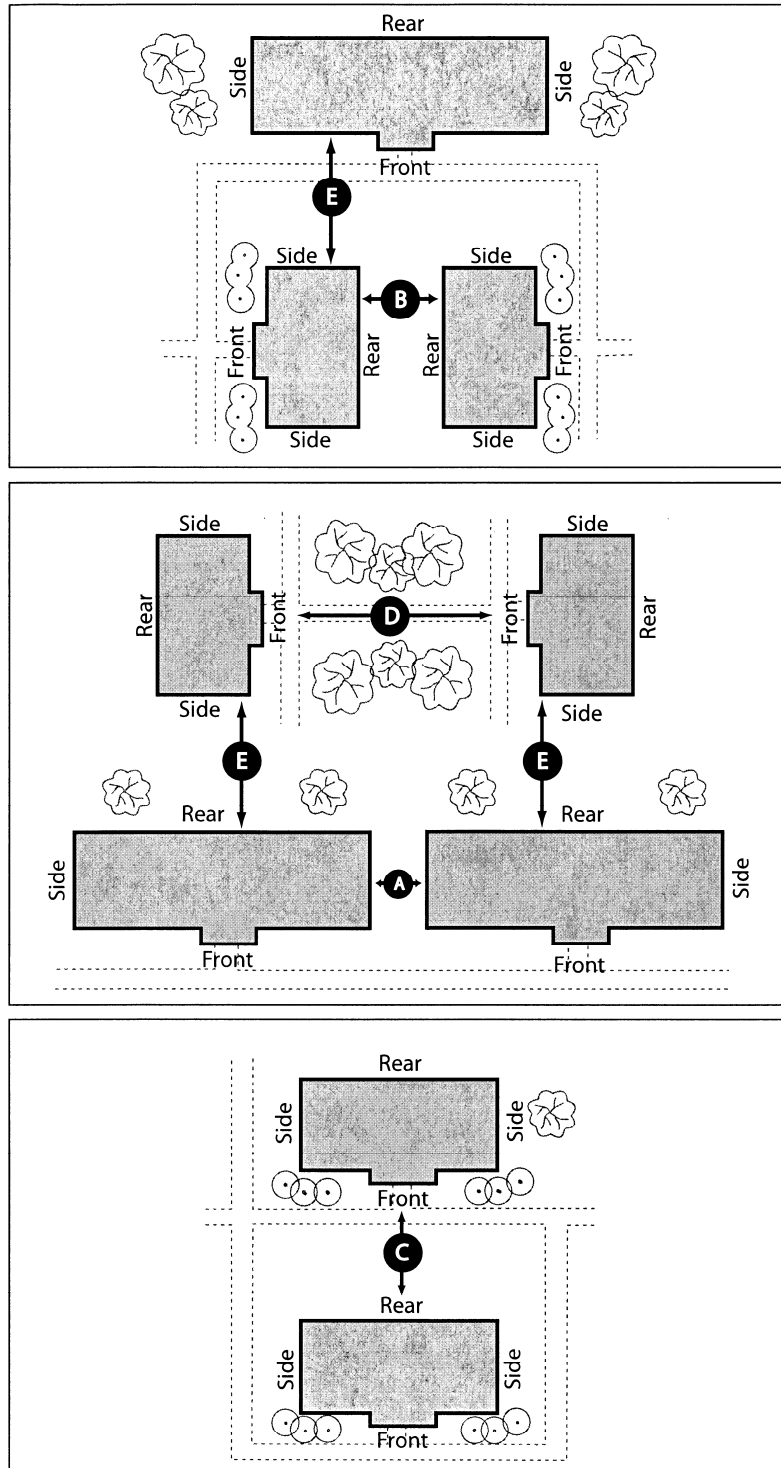
- (A) The structure and open space areas take advantage of the site's topography and natural features.
- (B) Natural amenities (e.g., views, mature trees, creeks, riparian corridors, etc.) are preserved.



- (2) **Location of accessory structures.** Accessory structures or uses (e.g., swimming pools, improved recreational/open spaces, storage structures, etc.) shall not be located between an adjacent public right-of-way and a multi-family structure, or between a property line abutting a single-family land use zone and a multi-family structure. The accessory structures and uses shall be located within the interior of the site, screened from view by the multi-family structure(s), unless adjacent to parcels zoned for multi-family or non-residential uses.
- (3) **Minimum separation between structures.** The separation distances identified in Table 84-9 (Minimum Separation Between Multi-Family Structures) shall apply to parcels containing two or more dwelling units that are in separate detached structures. The separation shall be between opposite exterior walls. Walls shall be considered opposite if a perpendicular line drawn in a horizontal plane from one structure intersects another structure's wall. The front side of a unit is the side containing the primary entrance to the dwelling unit. See Figure 84-2 (Minimum Separation Between Multi-Family Structures).

**Table 84.9**  
**Minimum Separation Between Multi-Family Structures**

Structure Orientation	Minimum Separation (ft.)	Figure Symbol
Side-to-Side	10	Ⓐ
Rear-to-Rear	15	Ⓑ
Front-to-Rear	20	Ⓒ
Front-to-Front or Interior Court Space	25	Ⓓ
All Others	20	Ⓔ



**Figure 84-2**  
**Minimum Separation Between Multi-Family Structures**

- (4) **Setbacks.** Setbacks shall be as provided in Division 2 (Land Use Zoning Districts and Allowed Land Uses), except as modified by the minimum setback standards in Table 84-10 (Minimum Setbacks for Multi-Family Structures):

**Table 84-10**  
**Minimum Setbacks for Multi-Family Structures**

<b>Location of Multi-Family Structure</b>	<b>Minimum Side and Rear Setback of Multi-Family Structure</b>
Adjacent to parcel in single-family land use zoning district	One foot setback for each one foot of multi-family structure height
Adjacent to a IR (Regional Industrial) land use zoning district, AG (Agriculture) land use zoning district, or mining operations	75 foot setback

(b) **Design.**

- (1) **Entries.** Building entrances and individual dwelling unit entries shall be accentuated by architectural elements, lighting, and/or landscaping to further emphasize their private nature.
- (2) **Disabled accessibility.** Where appropriate, handicapped accessibility shall be integrated into the design concept.
- (3) **Length/width of structure.** A multi-family structure shall not exceed 100 feet in length/width.
- (4) **Visibility.** Open spaces, courtyards, circulation corridors, and individual dwelling unit entrances shall be visible from as many dwelling units as possible.

- (c) **Typical dwelling unit sizes.** Dwelling units shall be the minimum sizes indicated in Table 84-11 (Minimum Dwelling Unit Sizes in Multi-Family Development):

**Table 84-11**  
**Minimum Dwelling Unit Sizes in Multi-Family Development**

<b>Dwelling Unit Type</b>	<b>Minimum Size Gross Floor Area in Square Feet</b>
Efficiency	450
1 bedroom	650
2 bedroom	850
3 bedroom	1050
4+ bedroom	1200

- (d) **Density and unit type mix.** A variety of unit types is encouraged (i.e., efficiency, one-bedroom, two bedroom, etc.) to provide a range of options for owners or renters in different income, age, and family structure categories.

- (e) **Fencing.** A solid six-foot high fence of wood and/or masonry shall be installed along the property lines but shall not encroach into the front or street side setbacks. Additional fencing in compliance with Chapter 83.06 (Fences, Hedges, and Walls) may be installed.
- (f) **Landscaping.** Landscaping shall comply with the provisions of Chapter 83.10 (Landscaping Standards). In addition, **the property owner shall maintain all landscaping in a sustained healthy condition.**
- (g) **Lighting.** Lighting shall comply with the provisions of Chapter 83.07 (Glare and Outdoor Lighting).
- (h) **Parking.** Parking areas, parking stalls, and driveways shall comply with the provisions of Chapter 83.11 (Parking and Loading Standards). Storage of boats, campers, trailers and other recreational vehicles shall be prohibited on-site unless oversize parking areas are provided and designated. These areas shall be screened from adjacent streets and residences. Recreational vehicle parking may not be used to meet the standard parking requirements.
- (i) **Infrastructure requirements.** A Building Permit shall not be issued for the construction of multi-family residential dwelling(s) unless all of the following infrastructure requirements are satisfied for an existing lot of record:
- (1) Proof of legal and physical access.
  - (2) Infrastructure as determined by the Land Development Engineering Section of the Public Works Department depending on the location of the parcel to be developed. This may include, but not limited to, any of the following: paved access, curbs and gutters, sidewalk, streetlights, and/or appropriate drainage improvements.
  - (3) Water.
    - (A) Water purveyor. Required when in the service area of a water purveyor and the purveyor can supply the water.
    - (B) Substantiated well water. If the subject parcel is not within the service area of a water purveyor, well water may be allowed if all required setbacks are met.
  - (4) Sanitation:
    - (A) Sewer. Required when in the service area of a sewer provider and the subject parcel is within 200 feet of the sewer line.
    - (B) Septic systems/holding tanks. Allowed in compliance with the local Regional Water Quality Control Board regulations.

- (5) Fireflow. Adequate fireflow in compliance the Uniform Fire Code and with Section 23.018 (Amendments to the Uniform Fire Code) of the County Code.

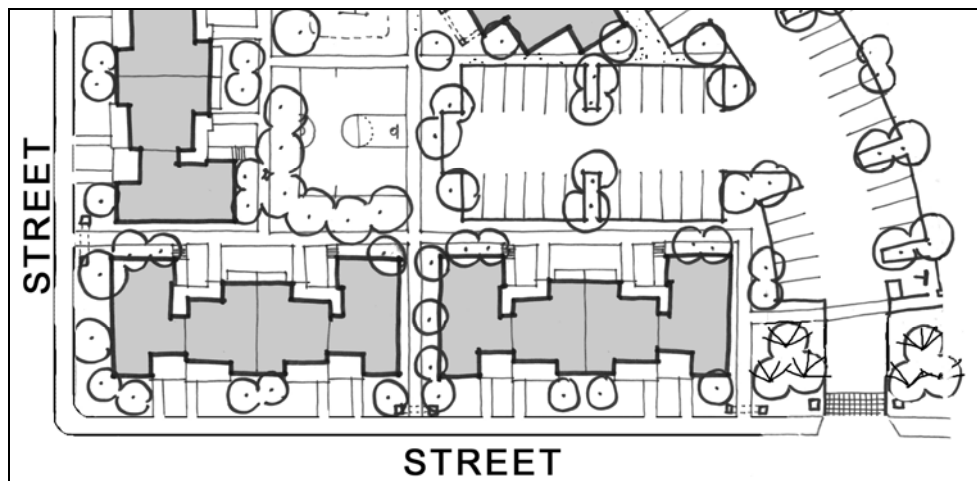
Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

#### **84.16.050 Development Standards Applicable for Multi-Family Projects – Four to 19 Units**

The standards in this Section apply to all multi-family development projects that contain between four and 19 dwelling units. The units may be either attached or detached. These standards are in addition to the standards in Section 84.16.040 (Development Standards Applicable to All Multi-Family Projects) and Section 84.16.070 (Common Amenities and Facilities – Four or More Units), below.

**(a) Location of structures.** All multi-family structures shall be oriented so that:

- (1) The front facade is generally parallel to the street with varying setbacks to provide visual interest and varying shadow patterns. On corner parcels, both street-facing facades are generally parallel to the intersecting streets. See Figure 84-1 (Siting of Multi-Family Structure(s) Parallel to Public Right-of-Way). On curvilinear streets, the front facade of a structure is generally parallel to the tangent of the midpoint of the arc of the street.
- (2) Living spaces do not face the living spaces of another multi-family structure.
- (3) Courtyards and open space areas are immediately adjacent to all the surrounding units.
- (4) Sight lines from windows and entries maximize natural surveillance of the site and the parking areas.



**Figure 84-1**  
**Siting of Multi-Family Structure(s) Parallel to Public Right-of-Way**

- (b) **Hierarchy of space.** Development design shall use a “hierarchy of space” to define territory for public space (e.g., streets), community space (e.g., common open space, play areas, communal laundry, community center, etc.), and private space (e.g., individual units and private open space). The use of design elements to define the public/private edge (e.g., special paving, change in building materials, grade separations, etc.) or physical barriers (e.g., landscaping, fences, low retaining walls, walls, screens, building enclosures, etc.) are encouraged. See Figure 84-3 (Design Elements Establish Hierarchy of Space).



**Figure 84-3**  
**Design Elements Establish Hierarchy of Space**

- (c) **Lighting.** Lighting shall comply with the provisions of Chapter 83.07 (Glare and Outdoor Lighting).
- (1) **Security.** Lighting levels shall vary depending on the specific use and conditions, but the overall consideration shall be to provide lighting levels sufficient that intruders cannot lurk in shadows, steps and other grade changes are apparent, residents can easily unlock their door or identify visitors on their doorstep, and opportunities for theft and vandalism are reduced or eliminated.
  - (2) **Street lighting.** Street lighting shall be installed along the internal circulation streets. Lighting shall be designed to shine downward and eliminate skyward glare in compliance with Chapter 83.07 (Glare and Outdoor Lighting). Light standards shall be residential/pedestrian in scale and be spaced appropriately for the fixture, type of illumination, and pole height.
  - (3) **Parking area lighting.** Lighting in parking areas shall be arranged to prevent direct glare into adjacent dwelling units and onto neighboring uses/properties in compliance with Chapter 83.07 (Glare and Outdoor Lighting).
  - (4) **Pedestrian lighting.** Pedestrian-scaled lighting shall be located along all walkways within the development. Light standards shall be a maximum of 12 feet in height to allow proper illumination, discourage vandalism, and have a pedestrian scale.

(5) **Site lighting.** Site lighting may be located on a multi-family structure to illuminate site areas not covered by individual light standards.

**(d) Parking.**

(1) **Parking standards.** Parking areas, parking stalls, and driveways shall comply with the provisions of Chapter 83.11 (Parking and Loading Standards).

(2) **Distance between parking area and dwelling units.** Parking areas shall be located no further than 200 feet from the dwelling units to be served as measured from the midpoint of the parking areas to the closest entrance doors of the dwelling unit to be served.

(3) **Pedestrian accessway.** Parking areas shall be designed so that an unobstructed pedestrian accessway at least four feet in width is provided between the public right-of-way and the parking area.

(4) **Carports and/or garages.** At least one of the parking spaces required for each dwelling unit in Table 83-15 (Parking Required by Land Use) shall be covered (i.e., carport or garage)

**(A) Design.**

(I) Detached carports and garages shall be designed to reflect the architecture of the dwelling units by using similar forms, scale, colors, materials, and roof pitches.

(II) Roofs composed of rock material shall be prohibited.

(III) The side of a detached garage that faces a street shall have a pitched roof with windows or other architectural details that mimic the features of the multi-family structure(s).

**(B) Distribution and location.**

(I) Carports and/or garages shall be distributed evenly throughout the project in groupings of no more than six covered spaces.

(II) Carport and garage entries shall not be located between a multi-family structure and a required street frontage, but shall instead be located in groups on the interior of a parcel so that they are not visible from adjacent streets.

(III) No more than six garage doors shall appear on any elevation of a multi-family structure. The plane of each garage door shall be offset at least two feet from the plane of the garage door adjacent to it.

(C) **Storage.** Carports and garages shall be utilized for vehicle parking and not for household storage. Storage shall be provided as required by Subsection (g) (Storage), below.

(e) **Security.**

(1) **Doors to community facilities.** Doors to community facilities (e.g., communal laundry, community center, etc.) shall contain some transparency and be key-controlled by residents. Courtyard gates and shared building entrances that access individual units shall automatically lock when closed.

(2) **Doors for dwelling units.** Front doors for individual dwelling units shall have a peephole or other feature to allow residents to see who is at the door before opening it. To prevent break-ins, doorknobs shall be at least 40 inches from any windowpane. Single cylinder dead bolt locks shall be installed on the exterior doors of all individual dwelling units. Sliding glass doors shall have one permanent door on the outside and the inside moving door shall have a locking device and a pin.

(f) **Solid waste/recyclable material storage areas.** Solid waste/recyclable material storage areas shall be clearly designated on the plot plan. The areas shall be clearly accessible for pickup and shall be effectively screened from public view in compliance with Chapter 84.24 (Solid Waste/Recyclable Materials Storage). Waste disposal pickup bins (dumpsters) shall not occupy required parking spaces nor intrude into required access driveways.

(g) **Storage.**

(1) **Private storage space.** Each dwelling unit shall be provided a minimum of 150 cubic feet of private enclosed storage space in addition to the parking area located within the garage, if provided, or immediately adjacent to the dwelling unit. Private enclosed storage space shall be prohibited in carports.

(2) **Bicycle/motorcycle storage area.** All multi-family projects shall provide covered, enclosed, and secure storage areas for bicycles and motorcycles. Motorcycle spaces shall be at least four feet by eight feet.

(3) **Design.** Storage and other accessory structures shall be designed with materials and/or architectural elements that are similar to the multi-family structure(s).

(h) **Open space - common.**

(1) **Minimum size and dimensions.** A minimum 900 square feet of usable common open space shall be provided for active or passive outdoor activity. For every dwelling unit above nine, an additional 100 square feet of usable common open space shall be provided. Usable common open space is defined as an open area or recreational amenity or facility that is designed and intended to be used for outdoor living and/or recreation. Usable open space shall have a minimum



dimension of 30 feet in any direction. A multi-family development shall not be located adjacent to an IR (Regional Industrial) land use zoning district, AG (Agriculture) land use zoning district, or mining operations unless the common open space constitutes 60 percent or more of the parcel and is designed to buffer the industrial, agricultural or mining uses.

- (2) **Calculation of area.** Required front, rear, and side setback areas along streets, driveways, parking areas, and walkways shall not be used to satisfy any part of the common open space requirement.
- (3) **Amenities.** The common open space area shall include amenities indicated in Section 84.16.050 (Common Amenities and Facilities).
  - (i) **Open space - private.** A minimum of 100 square feet of private open space (e.g., patios, balcony, decks, etc.), a minimum of six feet in width, shall be provided for each dwelling unit. Required private open space areas shall not be used to satisfy any part of the common open space requirement. Enclosure of private open space shall not prevent common open space surveillance by the residents.
  - (j) **On-site manager.** A full-time resident manager shall be required for multi-family projects with 15 or more dwelling units.
  - (k) **Common amenities and facilities.** Common open space amenities and laundry facilities shall be provided in compliance with Section 84.16.050 (Common Amenities and Facilities).

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

#### **84.16.060 Development Standards for Multi-Family Projects – 20 or More Units**

The standards in this Section apply to multi-family development projects that contain 20 or more dwelling units. These standards are in addition to the standards in Section 84.16.040 (Development Standards Applicable to All Multi-Family Projects) and the guidelines in Section 84.16.080 (Design Guidelines for Multi-Family Projects - 20 or More Units).

- (a) **Open space - common.**
  - (1) **Minimum size and dimensions.** In lieu of the provisions of Subsection 84.16.050(h)(1), the following shall apply for common open space for multi-family projects with 20 or more units: A minimum 900 square feet of usable common open space shall be provided for active or passive outdoor activity. For every dwelling unit above seven, an additional 125 square feet of usable common open space shall be provided. Usable common open space is defined as an open area or recreational amenity or facility that is designed and intended to be used for outdoor living and/or recreation. Usable open space shall have a minimum dimension of 30 feet in any direction. A multi-family development shall not be located adjacent to an IR (Regional Industrial) land use zoning district, AG (Agriculture) land use zoning district, or mining operations unless the common

open space constitutes 60 percent or more of the parcel and is designed to buffer the industrial, agricultural or mining uses.

- (2) **Calculation of area.** Required front, rear, and side setback areas along streets, driveways, parking areas, and walkways shall not be used to satisfy any part of the common open space requirement.
- (3) **Amenities.** The common open space area shall include amenities indicated in Section 84.16.050 (Common Amenities and Facilities).
- (b) **Open space - private.** A minimum of 125 square feet of private open space (e.g., patios, balcony, decks, etc.), a minimum of six feet in width, shall be provided for each dwelling unit. Required private open space areas shall not be used to satisfy any part of the common open space requirement. Enclosure of private open space shall not prevent common open space surveillance by the residents.
- (c) **On-site manager.** A full-time resident manager shall be required for all multi-family projects with 20 or more dwelling units.
- (d) **Management office.** A separate management office shall be required for all multi-family projects of 20 or more dwelling units. If applicable, the management office shall be located in a central, visible location. See Figure 84-5 (Management Office in Central Location).



**Figure 84-5**  
**Management Office in Central Location**

- (e) **Signs.**
  - (1) Clear legible entry signs shall be provided to identify the development. Internal circulation signs and visitor parking areas shall also be clearly indicated. A directory that shows the location of structures and individual dwelling units within the development shall be provided. Professionally designed, creative signs are strongly encouraged
  - (2) Structure numbers and individual unit numbers shall be readily visible, in a consistent location, well lit at night, and compatible with the overall design of the residential project.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

**84.16.070 Common Amenities and Facilities – Four or More Units**

- (a) **Types of required amenities.** All multi-family projects shall provide the amenities indicated in Table 84-12 (On-Site Recreation Amenities for Multi-Family Projects). The developer shall select the amenities to be provided. Recreational amenities shall be designed to serve the anticipated inhabitants of the residential project.
- (b) **Minimum type/number of amenities.** The required minimum type and/or number of recreational amenities shall be based on the total number of dwelling units within a multi-family project as follows and in compliance with Table 84-12 (Minimum On-Site Recreation Amenities for Multi-Family Projects):
- (1) **Five to nine units: A minimum of two amenity points** from any category.
  - (2) **Ten to 19 dwelling units: A minimum of three amenity points** from any category, with a maximum of one amenity allowed from the one-point category.
  - (3) **Twenty to 49 dwelling units: A minimum of five amenity points** from any category, with a maximum of one amenity allowed from the one-point category.
  - (4) **Fifty to 99 dwelling units: A minimum of seven amenity points, including at least one amenity from the** four-point category.
  - (5) **One hundred or more dwelling units: A minimum of ten amenity points, including at least two amenities from the four-point category,** plus one additional amenity from the two-point, three-point, or four-point categories for each 50 dwelling units beyond 100.

<b>Table 84-12 Minimum On-Site Recreation Amenities for Multi-Family Projects</b>	
<b>Amenity Point Category</b>	<b>Type of Amenity</b>
One-Point Amenities	Bowling green Cabana or Shade trellis area Open space turf areas Passive water feature (e.g. fountain) Picnic/barbeque area Shuffleboard Tot lots (2-5 year olds; <b>1 or 2 activities minimum</b> ) Tree Grove <b>Passive recreation area and/or gardens</b>
Two-Point Amenities	Bridle paths Children’s playground (Combined for age group 2-5 and age group 5-12) 1/2 court basketball (one hoop)** Community garden plots with water service Outdoor racquetball/handball tilt-up wall Putting Green Sauna Volleyball court Water feature (pond, creek area)
Three-Point Amenities	1/2 scale Soccer Field Basketball Court (2 hoops)** Child wading pool Restroom area Sports Court Tot lots (age appropriate play equipment/ 3 activities minimum)
Four-Point Amenities	Child care facility Exercise room Indoor racquet sports court Par 3 course and/or pitch and putt golf course Recreation hall/ <b>club house</b> Softball Field Swimming pool Tennis court**

\*\* Solid impervious surface shall be required.

- (c) **Thresholds for allowable densities.** The maximum density of a multi-family project shall be calculated based upon the total number of points accumulated for the amenities provided as indicated in Table 84-13 (On-Site Recreational Amenities - Thresholds for Allowable Densities):

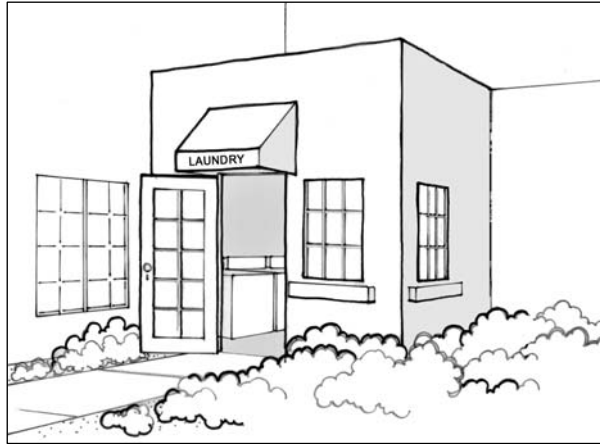
<b>On-Site Recreational Amenities</b>	<b>Thresholds for Allowable Densities</b>
<b>Total Amenity Points (Based on Table 84-12, above)</b>	<b>Percent of Maximum Allowed Density (Based on 20 dwelling units/acre)</b>
2 points	75%
4 points	85%
8 points	100%

- (d) **Location of amenities.** Common open space amenities shall be provided immediately adjacent to the dwelling units for purposes of enjoyment and security.
- (e) **Community room or structure.** A multi-family project shall provide a community room or structure in compliance with Table 84-14 (Minimum Size of Community Room or Structure).

<b>Minimum Size of Community Room or Structure</b>	
<b>Number of Dwelling Units</b>	<b>Minimum Size (Sq. Ft.)</b>
2 to 12	None required
13 to 19	800
20 to 29	1,200
50+	1,500

- (f) **Similar amenities.** The applicable review authority (i.e., Building Official or Commission, as applicable) may approve a proposed amenity not listed in Table 84-12 (Minimum On-Site Recreation Amenities for Multi-Family Projects) if the proposed amenity meets the needs of the project residents at a similar level.
- (g) **Common laundry room facilities.**
- (1) **Laundry room facility required.** All multi-family projects shall provide a common laundry room facility equipped with washers and dryers at the ratio of one washer and one dryer for every five dwelling units. The fractional/decimal results of calculations of the required number of washers and dryers shall be rounded up to the next highest whole number.
  - (2) **Reduction in number of required washers and dryers.** If a multi-family project provides washer and dryer hook-ups within one or more dwelling units, the total number of required washers and dryers in a common laundry facility shall be reduced. The amount of the reduction shall be calculated at the ratio of one washer and one dryer for every five dwelling units that are equipped with their own washer and dryer hook-ups.

- (3) **Location and features.** A common laundry room facility shall be located adjacent to a children's play area to facilitate supervision. Doors and walls shall have windows to allow natural surveillance both into the laundry room and outside to the surrounding area. See Figure 84-4 (Laundry Room Location and Features).



**Figure 84-4**  
**Laundry Room Location and Features**

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

#### **84.16.080 Design Guidelines for Multi-Family Projects – 20 or More Units**

- (a) **Purpose.** Appropriate design of multi-family residential structures and outdoor spaces can contribute to a dynamic, visually rich environment that promotes social interaction, fosters community pride, and instills feelings of safety and security. These design guidelines are intended to achieve the following objectives:
- (1) Establish multi-family residential architectural designs that complement various neighborhood characteristics and that support high quality development.
  - (2) Identify landscape materials and designs that enhance the appearance of multi-family residential developments and contribute to the overall quality of the community.
  - (3) Provide for amenities appropriate to the demographics of multi-family residential projects within an area.
  - (4) Apply the principles of Crime Prevention Through Environmental Design (CPTED) to enhance safety and security within multi-family residential development projects.
  - (5) Establish criteria to ensure quality property management.
- (b) **Site planning.**

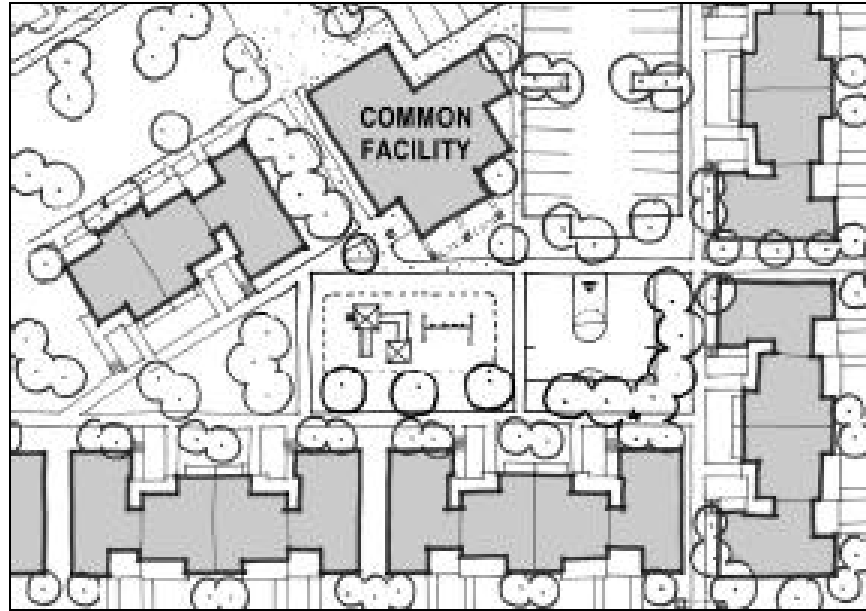
- (1) **Context.** Multi-family residential development successfully contributes to the overall community when relationships with the existing and planned land uses, development patterns, and context are considered.
- (A) New multi-family projects should respect the context of the existing neighborhood, reflect its best design features, and generally be compatible with the character of existing high quality development while still fulfilling the intent of the standards identified within this Chapter.
  - (B) Existing site amenities (e.g., views, mature trees, and similar natural features unique to the site) should be preserved and incorporated into residential projects whenever possible.
  - (C) New multi-family residential projects should be compatible with residential development in the immediate area through the use of complementary structure arrangements, buffers, and avoidance of overwhelming structure scale and visual obstructions.
  - (D) Where appropriate, new landscaping should complement existing landscape materials, location, and massing on adjacent developments.
  - (E) Developments should relate directly to the adjacent street, present an attractive and interesting facade to passersby, and appear inviting. Developments that ignore the street and create an isolated enclave are strongly discouraged. See Figure 84-6 (Dwelling Unit Oriented to Street).



**Figure 84-6**  
**Dwelling Unit Oriented to Street**

- (2) **Siting.** Appropriate structure siting can reduce the perceived density of multi-family projects, maximize open space areas, provide “eyes on the street” surveillance, and enhance neighborliness by creating community gathering spaces.
- (A) A multi-family structure **should** be oriented to a street in compliance with Subsection 84.16.060(a)(1)(A) (Site planning standards).

- (B) In addition to a street orientation, the clustering of multi-family dwelling units **should** be a consistent site planning element of the plan. Whenever possible, structures should be configured around courtyards, gathering areas, and open spaces. See Figure 84-7 (Clustering of Multi-Family Dwelling Units).



**Figure 84-7**  
**Clustering of Multi-Family Dwelling Units**

- (C) Portions of the project that are not oriented to the street **should** be well integrated into the project's overall site design. As with the street-oriented area of the project, the same design considerations **should** be given to siting, appearance, circulation, landscaping, and safety issues.
- (D) Structures should be oriented to provide some privacy yet still relate to the street and the existing community. Doors **should** be visible from the street and windows should allow residents to have "eyes on the street" for natural surveillance. See Figure 84-8 ("Eyes on the Street").



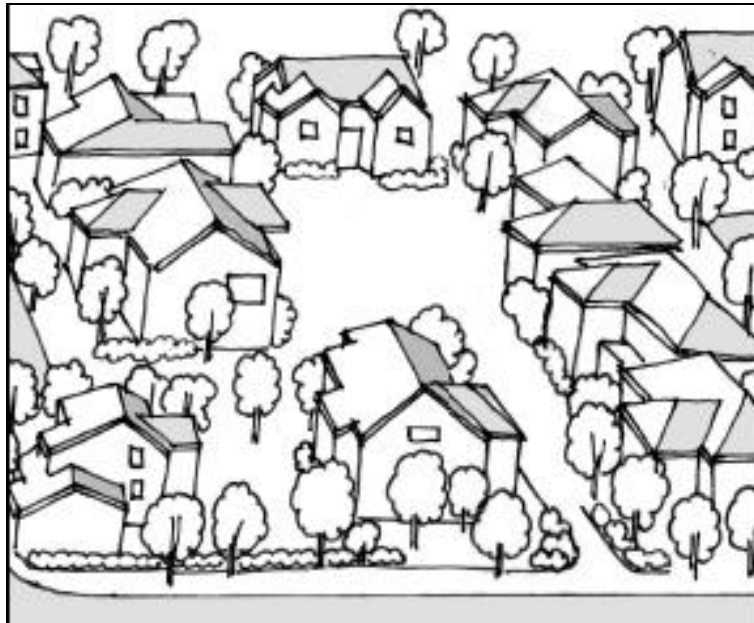


**Figure 84-8**  
**“Eyes on the Street”**

- (E) Energy efficiency and energy conservation should be considered in structure siting. Structures should be oriented to take advantage of prevailing breezes for cross ventilation of individual dwelling units, reduce the need for mechanical air conditioning, and to enhance the functionality of ceiling fans.

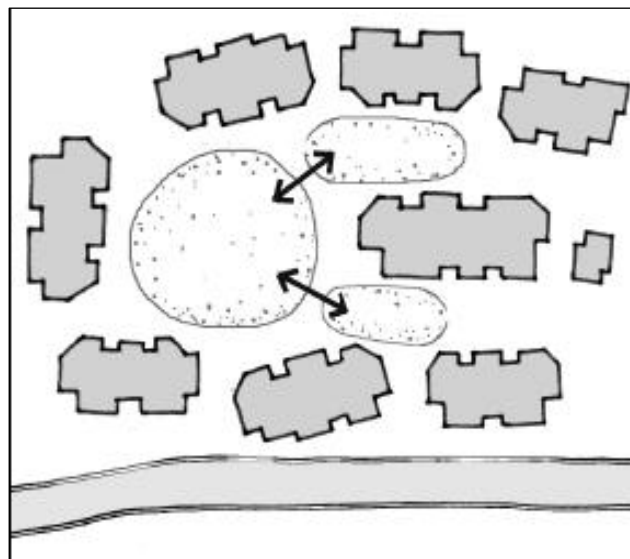
**(3) Open space.**

- (A) Residents **should** have access to useable open space for recreation and social activities. Open spaces **should** be conveniently located. See Figure 84-9 (“Access to Open Space”)



**Figure 84-9**  
**Access to Open Space**

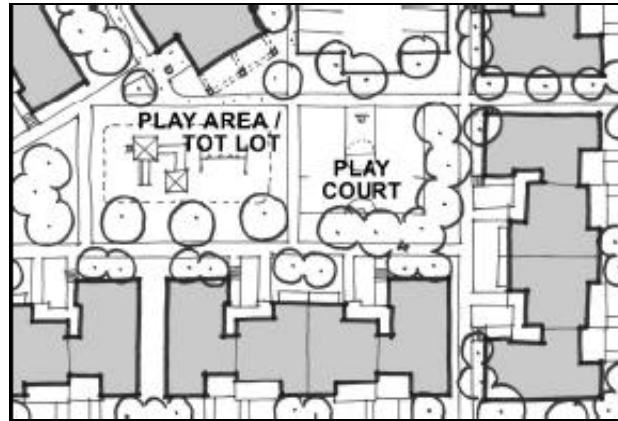
- (B) Open space areas **should** be sheltered from the noise and traffic of adjacent streets or other incompatible uses. Open space siting should take advantage of prevailing breezes and sun orientation in order to provide a comfortable environment.
- (C) Open space areas should have well-defined edges (e.g., walkways, structures, or landscaping).
- (D) A series of connected open space areas of varying shape, appearance, and usage are encouraged. Smaller areas may directly relate to a cluster of units, while the larger areas may serve several clusters as common open space. See Figure 84-10 (Connected Open Spaces).



**Figure 84-10**  
**Connected Open Spaces**

**(4) Outdoor play areas.**

- (A) Hard surface areas for activities (e.g., bicycle riding, skating, rope jumping, hopscotch, etc.) should be provided. These active play areas **should** be safely separated from vehicular use areas.
- (B) The physical capabilities and play behavior of various age groups (i.e., tots, older children, and teens) are different. In large developments, separate, but not necessarily segregated, play areas or informal outdoor spaces should be provided for each group for safety reasons. Small developments may combine these play areas (i.e., tot lot incorporated into the larger activity area for older children). See Figure 84-11 (Play Areas for Different Ages).



**Figure 84-11**  
**Play Areas for Different Ages**

- (C) Seating areas should be provided where adults can supervise children’s play and also where school-age children can sit. Seating location should consider comfort factors (e.g., sun orientation, shade, wind, etc.).

**(c) Architecture.**

**(1) Overall character**

- (A) Where the neighborhood has a recognizable architectural theme, style, or character, it **should** be considered for incorporation into the project’s design.
- (B) To create a unified appearance, all support structures in the project (e.g., laundry facilities, recreation structures, carports, garages, and the management office) **should** be compatible in architectural design with the rest of the development.

**(2) Structure scale and height.**

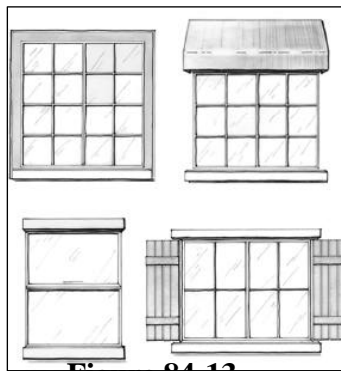
- (A) Structures **should** incorporate smaller-scale architectural forms (e.g., bays, recessed or projecting balconies, and dormers) in order to visually reduce the height and scale of the structure and emphasize the definition of individual units. Architectural elements (e.g., bay windows, porches, projecting eaves, awnings, and similar elements) that add visual interest to the development are strongly encouraged.
- (B) In order to “scale down” facades that face the street, common open space, and adjacent residential structures, it may be desirable to set back portions of the upper floors of new multi-family residential structures.
- (C) Varied structure heights are encouraged, both to provide visual interest and give the appearance of a collection of smaller structures. Structure heights at the development’s edge should be considered within the context of the project’s surroundings, the adjacent uses, and the distance from adjacent structures. The development’s structure height should create a transition

from the heights of adjacent existing residential development, rather than form abrupt height changes. See Figure 84-12 (Height Transition).



**Figure 84-12**  
**Height Transition**

- (3) **Facade modulation.** Boxy and monotonous facades that lack human scale dimensions and have large expanses of flat wall planes **should** be prohibited. Architectural treatments (e.g., recessed windows, moldings, decorative trim, and wood frames) **should** be used to add visual interest to the facade. Windows of varied shape, size, and placement are strongly encouraged. See Figure 84-13 (Examples of Window Styles).

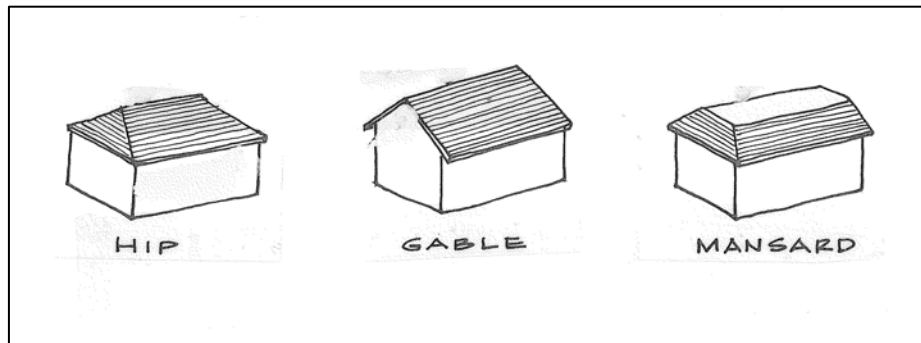


**Figure 84-13**  
**Examples of Window Styles**

(4) **Roofs.**

- (A) Roof pitches and materials **should** appear residential in character and **should** consider the prevailing roof types in the neighborhood (e.g., hipped roofs, gabled roofs, mansard roofs etc.). The roof pitch for a porch may be slightly lower than the roof pitch of the main structure. See Figure 84-14 (Typical Roof Types).
- (B) Roof lines **should** be broken up and varied within the overall horizontal plane. Combinations of roof heights that create variation and visual interest are strongly encouraged.

- (C) Carport roofs visible from structures **should** incorporate the roof pitch and materials of adjacent structures.



**Figure 84-14**  
**Typical Roof Types**

**(5) Mechanical equipment and vents.**

- (A) Roof-mounted mechanical equipment visible from structures or a public street **should** be screened in a manner consistent with the appearance of the structure, including materials and color.
- (B) Mechanical equipment on the ground **should** be screened from view. Utility meters and equipment **should** be placed in locations that are not exposed to view from the street or they **should** be suitably screened, including the use of landscape materials. Screening devices **should** be compatible with the architecture and color of the adjacent structures.
- (C) Roof flashing and vents exposed to public view **should** be painted to match adjacent surfaces or concealed in a manner consistent with the structure's appearance.
- (D) Screening of mechanical equipment **should** comply with Section 83.020.060 (Screening and Buffering).

**(d) Site elements.**

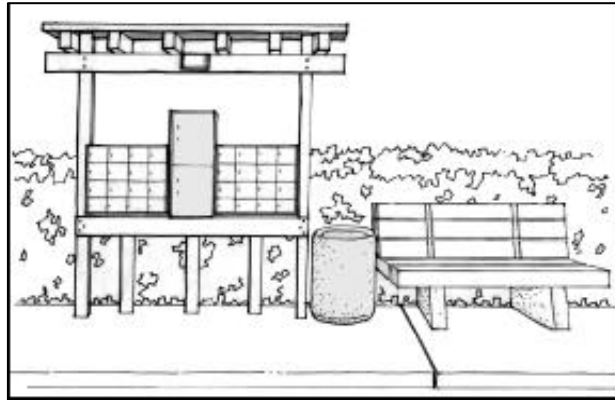
**(1) Site furniture.**

- (A) The design, selection, and placement of site furnishings (e.g., tables, benches, and solid waste receptacles) **should** be compatible with the overall site design and architectural character of the residential project.
- (B) Seating opportunities **should** be provided in both sunny and shaded areas. Seating in areas that offer opportunities for social interaction and informal surveillance (e.g., a bench near the mail box area or benches near tot lot areas and laundry rooms) are strongly encouraged. A variety of sitting area designs, from formal arrangements (e.g., benches) to informal arrangements

(e.g., low walls or steps) is strongly encouraged. In general, benches should be located in areas that have some provision for shade.

**(2) Mailboxes.**

- (A) Mailboxes **should** be located in highly visible, heavy use areas for convenience, to allow for casual social interaction, and to promote safety. A bench or seating area in close proximity to the mailbox location is strongly encouraged, and a solid waste receptacle(s) **should** be located adjacent to the mailboxes. See Figure 84-15 (Mailboxes).
- (B) Incorporation of design features (e.g., built frame consistent with the project's architectural style) is strongly encouraged.



**Figure 84-15  
Mailboxes**

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

in Division 2 (Land Use Zoning Districts and Allowed Land Uses), including the Alternate Housing Standards (AH) Overlay.

Adopted Ordinance 4011 (2007)

#### **84.17.060 Nonconforming Commercial Chicken Ranch**

- (a) **Continuation of ranch after change to residential land use zoning district.** A commercial chicken ranch legally existing at the time of a zone change to a residential land use zoning district may continue to operate to the full limit and extent of chicken houses, cages, brooders, and similar accessory structures existing on the premises at the time of the zone change, provided that a Certificate of Land Use Compliance is recorded in compliance with Chapter 85.05 (Certificate of Land Use Compliance) before the effective date of the zone change.
- (b) **Conditional Use Permit required for expansion of use.** In the event a commercial chicken ranch desires the addition of chicken houses, cages, brooders, or similar accessory structures beyond those existing at the time of the zone change, an approved Conditional Use Permit shall be required in compliance with Chapter 85.06 (Conditional Use Permit/Minor Use Permit), including findings for alteration of a nonconforming use in Section 84.17.080 (Alteration to Nonconforming Uses).

Adopted Ordinance 4011 (2007)

#### **84.17.070 Other Nonconforming Uses**

- (a) **Nonconforming use of land with no structures.** The legal nonconforming use of land, where structure(s) do not exist on the effective date of this Development Code, may continue for a period of not more than 10 years, provided:
  - (1) The nonconforming use of land shall not in any way be expanded or extended, either on the same or adjoining property.
  - (2) The nonconforming use of land existed on the effective date of this Development Code. If the nonconforming use is subsequently discontinued or changed, it shall not be reestablished and any future use of the land shall comply with the provisions of this Development Code.
- (b) **On-site and off-site signs.** Legal nonconforming commercial on-site or off-site signs existing on the effective date of this Development Code may be continued, although the use does not conform with the provisions of this Development Code; provided, however, that the nonconforming signs and their supporting members shall be completely removed by their owners no later than five years from the effective date of this Development Code.
- (c) **Reclassification of land use zoning districts.** The provisions in this Section shall also apply to structures and land and uses that become nonconforming due to a reclassification of land use zoning districts under this Development Code.

Adopted Ordinance 4011 (2007)

#### **84.17.080 Alteration of Nonconforming Uses**

- (a) **Conditional Use Permit requirement.** A legal nonconforming use shall only be altered after review and approval of a Conditional Use Permit in compliance with Chapter 85.06 (Conditional Use Permit/Minor Use Permit), including the findings for alteration of a nonconforming use in Section 85.06.080 (Alteration to Nonconforming Uses).
- (b) **Exempt governmental or court actions.** Alterations required by governmental or court action shall be exempt from these conditions.
- (c) **Ownership changes.** Restrictions and conditions affecting a nonconforming use shall apply to the existing use, land, and structures and shall not be affected by ownership changes.
- (d) **Additions within setback areas.** In addition to the provisions regarding Conditional Use Permits or Variances, the Building Official may allow the construction of an additional modification to a legally existing structure within a current setback area, as established by an applicable residential land use zoning district, when the legally existing structure is within the setback area, and provided the additional modification does not exceed the projection of the existing structure into the current setback area and does not come closer than three feet to a property line. In the Fire Safety Overlay, the additional modification shall not come closer than five feet to any property line.
- (e) **Exemptions from Conditional Use Permit requirements.**
  - (1) **Nonconforming residential uses.** The requirement for a Conditional Use Permit shall not apply to nonconforming residential uses, where the uses are being modified or expanded up to a maximum of 2,000 square feet of floor space or by no more than 25 percent of the floor space or ground area existing at the time the use became a nonconforming use, whichever is greater.
  - (2) **Bringing structure or use into compliance.** The requirement for a Conditional Use Permit shall not apply to a nonconforming use or structure that is being expanded, altered, or modified to more closely approximate or exceed the standards of this Development Code with which it does not currently conform.
  - (3) **Routine Maintenance.** Routine maintenance and repair of the non-conforming structure.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)



---

## CHAPTER 84.18 PLANNED DEVELOPMENT STANDARDS

---

### Sections:

- 84.18.010 Purpose
- 84.18.020 Applicability
- 84.18.030 Development Standards
- 84.18.040 Design Standards

### 84.18.010 Purpose

The purpose of this Chapter is to provide standards for applicants that desire to develop under the provisions of Planned Development Permits (Chapter 85.10). The standards in this Chapter are intended to promote a more efficient use of the land and to create a more desirable and affordable living environment by providing greater design flexibility than would be possible through the strict application of standard development regulations required by a land use zoning district.

Adopted Ordinance 4011 (2007)

### 84.18.020 Applicability

The provisions in this Chapter apply to development in any land use zoning district in compliance with the application requirements identified in Chapter 85.10 (Planned Development Permit). Strict compliance with the purpose and intent of the General Plan shall be required. Only uses allowed in the land use zoning district for which the planned development is proposed shall be allowed.

Adopted Ordinance 4011 (2007)

### 84.18.030 Development Standards

- (a) **Size.** A minimum site of five acres shall be required for a residential, commercial, industrial, and/or mixed-use development.
- (b) **Density.** The total density of a planned development shall be determined by the land use zoning district applicable to the subject property. Increased densities may be granted by the review authority through the bonus density or transfer of density authorized by the General Plan and implemented by this Development Code under the Housing Incentives Plan in Chapter 83.03 (Affordable Housing Incentives - Density Bonus), or a Specific Plan. However, density increases shall not be granted for that portion of a planned development for which only a Preliminary Development Plan has been approved. Parcel sizes smaller than those required by the land use zoning district may be approved for a Planned Development provided the overall parcel density is not exceeded, except as otherwise allowed by this Development Code and/or the General Plan. The maximum unit allowable dwelling densities shall be as follows:

Maximum Unit Allowable Dwelling Density*	Average Slope
4.0 Dwelling Units/Acre	0% - less than 15%
2.0 Dwelling Units/Acre	15% - less than 30%
1.0 Dwelling Units/3 Acres	30% - <b>less than 40%</b>
<b>1.0 Dwelling Units/10 Acres</b>	<b>40% or greater</b>
*The density shall not be more than the maximum allowed by the land use zoning district.	

- (1) **Transfer of density.** A 100 percent transfer of the density indicated on the General Plan official land use zoning district shall be allowed within a planned development project, provided all other performance criteria are met. The maximum allowable density transfers shall be determined by the table above. This transfer of density may include a transfer of density from adjacent property for which development restrictions in favor of the planned development project have been obtained.
- (A) To be eligible for density transfer, adjacent private lands shall meet the following criteria:
- (I) Private lands from which the density is being transferred shall be free of hazards or other physical constraints that prohibit the construction of residential dwellings.
- (II) Private lands from which the density is being transferred shall be shown on the General Plan as developable for residential dwellings.
- (B) Open space within the project that has been created as a result of a density transfer shall be common open space. However, in those circumstances when it is infeasible or impracticable for a private organization to adequately maintain and preserve the land as open space, the land may be dedicated to the public for open space purposes.
- (C) Transferable density on slopes in within a Fire Safety Overlay shall be determined by the formulas in Section 82.13.060 (FS1, FS2, and FS3 Development Standards).
- (2) **Bonus density.**
- (A) An additional bonus in dwelling-unit density, up to 10 percent above that indicated in the General Plan Land Use Zoning District for the area, may be granted by the review authority provided one of the following criteria is met:

- (I) A publicly valuable resource is provided, preserved, or enhanced that would otherwise require the expenditure of public monies.
  - (II) A public or quasi-public feature is provided above and beyond the normal expectations.
  - (III) An amenity, convenience, or excellence in design is provided above and beyond normal expectations.
  - (B) The granting of density bonuses shall further the purpose and intent of the planned development provisions of this Development Code and the General Plan.
- (c) **Accessory uses in planned residential developments (PRD's).**
- (1) Accessory uses allowed in the RS (Single-Family Residential) land use zoning district shall be allowed in a planned residential development, provided that the accessory uses are compatible with the approved PRD development plan.
  - (2) When the underlying land use zoning district allows the keeping of horses, and where the density of a planned residential development project does not exceed four dwelling units per acre, horses shall be allowed in a PRD project as follows:
    - (A) On parcels 20,000 square feet or greater subject to the regulations of the RS (Single-Family Residential) land use zoning district.
    - (B) Where parcels are less than 20,000 square feet, horses shall be allowed subject to the following conditions:
      - (I) Horses shall be clustered onto common parcels.
      - (II) The maximum density of horses shall not exceed four horses per gross acre of common parcel area.
      - (III) Standards and regulations of the Environmental Health Services Division shall apply.
      - (IV) Maintenance and management of the clustered facilities shall be provided by the property owners' association.
- (d) **Phased development.** In a phased development, safeguards shall be required in the form of easements or bonds or other commitments for open space requirements that will protect the integrity of the total project.
- (e) **Subdivision.** When a tentative subdivision map is filed with a planned development project, before recordation of the final subdivision map, the following items shall be filed with the appropriate agency:

- (1) Documentation of easements, covenants, deeds, and Property Owner Association by-laws, restrictions, and articles of incorporation.
- (2) Sureties and performance bonds covering open space areas, dedicated public improvements, and other items as determined by the review authority. The amount of the performance bonds shall be reviewed annually by the appropriate agency.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

**84.18.040 Design Standards**

(a) **Authority of Commission to alter standards.** Unless specifically changed within this Section, adopted County ordinances, standards, and polices shall apply to a planned development project, including those identified in this Development Code and the General Plan. The Commission may alter adopted standards, where, in the Commission's opinion, the altered standards would more adequately serve the purposes and intent of the planned development provisions of this Development Code.

(b) **Circulation and parking.**

- (1) **Vehicular circulation pattern.** The vehicular circulation pattern shall be designed to:
  - (A) Provide adequate vehicular access to and within the project, in compliance with adopted County standards.
  - (B) Coordinate with external transportation networks in terms of location and loads.
  - (C) Integrate with the natural landscape and, where possible, parallel the natural drainage system.
  - (D) The noise levels from vehicular traffic shall comply with the standards outlined in Section 83.01.080 (Noise).
  - (E) The planned development project, and each phase of the project, shall have two points of vehicular ingress and egress from surrounding streets, one of which may be emergency only. Where the applicant can show that this is a physical impossibility, the appropriate fire authority may modify this requirement.
  - (F) Private streets are acceptable if they are built to County standards and are inspected by the County. However, rights-of-way shall not be accepted by the County nor shall private streets be accepted as part of the County maintained road system.

- (e) **Outdoor storage.** Exterior storage of material shall be in sturdy containers that are covered, secured, and maintained in good condition, or may be baled or placed on pallets. Storage containers for flammable material shall be constructed of non-flammable material. Oil storage shall be in containers approved by the County Fire Department. No storage, excluding truck trailers and overseas containers, shall be visible above the height of the fencing, screening, or landscaping.
- (f) **Daily cleaning and maintenance.** The site shall be maintained free of litter, dust, flies, and any other undesirable materials, and shall be cleaned of loose debris on a daily basis.
- (g) **Parking.**
- (1) Space shall be provided on site for six vehicles or the anticipated peak customer load, whichever is higher, to circulate and to deposit recyclable materials, except where the review authority determines that allowing overflow traffic above six vehicles is compatible with surrounding businesses and public safety.
  - (2) One parking space shall be provided for each commercial vehicle operated by the recycling facility. Parking requirements for customers shall be as provided for in the land use zoning district in which the facility is located, except that parking requirements for employees may be reduced when it can be shown that parking spaces are not necessary such as when employees are transported in a company vehicle to a work facility.
- (h) **Noise.** Noise levels shall not exceed 65 dB(A) as measured at the property line of residentially zoned or occupied property, and shall not exceed 70 dB(A) at any point.
- (i) **Hours of operation.** If the facility is located within 500 feet of property zoned, planned, or occupied for residential use, it shall not be in operation between 7:00 p.m. and 7:00 a.m.
- (j) **Containers for after-hours donations.** Containers or enclosures provided for after-hours donation of recyclable materials shall be:
- (1) Located at least 50 feet from any property zoned, planned, or occupied for residential use.
  - (2) Constructed of sturdy, rustproof material.
  - (3) Of sufficient capacity to accommodate materials collected.
  - (4) Secured from unauthorized entry or removal of materials.
- (k) **Donation areas.** Donation areas shall be kept free of litter and any other undesirable material and the containers shall be clearly marked to identify the type of material that may be deposited. A large collection facility shall display a notice stating that no material shall be left outside the recycling containers.

- (l) **Signs.** A large collection facility shall be clearly marked with the name and phone number of the facility operator and the hours of operation. Identification and informational signs shall meet the standards of the land use zoning district in which the facility is located. Directional signs may be installed with the approval of the Director, if necessary, to facilitate traffic circulation or if the facility is not visible from the public right-of-way.
- (m) **Power-driven processing.** Power-driven processing (e.g., aluminum foil and can compacting, baling, plastic shredding, light processing activities necessary for efficient temporary storage and shipment of material, etc.) may be approved at the discretion of the Commission if noise restrictions and other conditions are met.

Adopted Ordinance 4011 (2007)

#### 84.19.080 Light Processing Facilities

- (a) **Maximum size.** A light processing facility shall be no larger than 45,000 square feet.
- (b) **Truck traffic.** No more than an average of two outbound truck shipments of material per day shall be allowed.
- (c) **Allowed materials.** A light processing facility may not shred, compact, or bale ferrous metals other than food and beverage containers.
- (d) **Compliance with other standards.** A light processing facility shall comply with the standards in Section 84.19.090 (Heavy Processing Facilities).

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

#### 84.19.090 Heavy Processing Facilities

The standards in this Section shall apply to heavy recyclable materials processing facilities.

- (a) **Setback from residential use.** A processing facility shall be located at least 150 feet from property planned, zoned, or occupied for residential use and operations shall take place within a fully enclosed building or within an area enclosed by a solid wood or masonry fence at least six feet in height.
- (b) **Setbacks and landscaping.** Setbacks from property lines shall be those provided for the land use zoning district in which the facility is located. If the setback is less than 25 feet, the facility shall be buffered by a landscape strip at least 10 feet wide along each property line;
- (c) **Hours of operation.** If the processing facility is located within 500 feet of property zoned, planned, or occupied for residential use, it shall not operate between 7:00 P.M. and 7:00 A.M.

---

## CHAPTER 84.21 SINGLE-FAMILY RESIDENTIAL DWELLINGS

---

### Sections:

- 84.21.010 Purpose
- 84.21.020 Applicability
- 84.21.030 Minimum Residential Construction Standards

#### 84.21.010 Purpose

The purpose of this Chapter is to provide standards for the installation of single-family dwellings.

Adopted Ordinance 4011 (2007)

#### 84.21.020 Applicability

The standards in this Chapter apply to the construction or installation of detached single-family residential structures where allowed in compliance with Division 2 (Land Use Zoning Districts and Allowed Land Uses). However, nothing in this Chapter shall be construed to allow housing designs or construction standards that do not meet the standards of a historic district or of a historic landmark.

Adopted Ordinance 4011 (2007)

#### 84.21.030 Minimum Residential Construction Standards

- (a) **Manufactured home foundation systems.** Manufactured home foundation systems shall comply with either Health and Safety Code Section 18551 or Title 25, Chapter 2, Sections 1333 and 1334 of the California Code of Regulations, and shall include tie down, clip, or anchoring systems approved by an engineer to resist lateral forces for the subject manufactured home.
- (b) **Siding.** Siding material shall consist of stucco, wood, brick, stone, or decorative concrete block. Synthetic products of a similar appearance and equivalent durability shall be allowed. Metal siding, if utilized, shall be nonreflective. The exterior covering material shall extend to a point at or near grade, except if an approved solid wood, metal, concrete, or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation.
- (c) **Roofing material.** The roofing material shall be tile, composite shingles, wood shakes, and shingles (if allowed by the Fire Safety (FS) overlay or other applicable overlay(s) , or other material customarily used in the surrounding community.
- (d) **Entries and exits.** Entries and exits shall be completed in compliance with Chapter 10 of the California Building Code.

- (e) **Parcels greater than 30 feet in width and 5,000 square feet in area.** Residential structures located on parcels greater than 30 feet in width and greater than 5,000 square feet in area shall comply with the provisions in Subsections A through D, above, and the following:
- (1) Minimum floor area shall be 725 square feet measured from the exterior of the structure.
  - (2) Minimum floor width and depth shall each average 20 feet measured from the exterior of the structure, excluding garages, porches, patios, eaves, cabanas, and popouts.
  - (3) In the Valley Region and Desert Region, residential structures located in a Single Residential (RS) land use zoning district, except for those parcels that are located in the AH (Alternate Housing Standards) overlay, shall have an enclosed garage or carport with minimum interior dimensions of 10 feet by 20 feet constructed in compliance with the California Building Code. In compliance with Section 83.11.040 (Number of Parking Spaces Required), a second parking space shall be provided that may be uncovered and with the minimum dimensions of nine by 19 feet.
  - (4) Utility hookups and an area suitable to accommodate the installation of a clothes washer and dryer shall be provided within the primary structure or within an enclosed accessory structure.
- (f) **Parcels less than 30 feet in width or 5,000 square feet in area.** Residential structures located on parcels of 30 feet or less in width or 5,000 square feet or less in area shall comply with the provisions as specified in Subsections A through D, above, and the following:
- (1) Minimum floor area shall be 600 square feet measured from the exterior of the structure.
  - (2) Minimum floor width shall be 15 feet measured from the exterior of the structure.
- (g) **Compliance with AH (Alternate Housing Standards) overlay requirements.** A home installed on a parcel located in an AH (Alternate Housing Standards) overlay shall comply with the provisions in Section 82.10.030 (Development Standards).
- (h) **Where manufactured homes allowed.** Manufactured homes installed or constructed in compliance with this Section shall be allowed in land use zoning districts where detached single-family residential structures are allowed.



- (i) **Certification tag or label required.** A permit from the Building and Safety Division for the installation of a manufactured home not within an approved and properly licensed mobile home park shall not be issued, if more than ten years have elapsed between the date of manufacture and the date of the application for the issuance of the permit to install such manufactured home. Also, the manufacturer shall permanently affix a label or tag to the manufactured home certifying that the manufactured home complies with Federal construction and safety standards applicable to the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401, et. Seq., Section 5415).
- (j) **Infrastructure requirements.** A building permit shall not be issued for the construction of single-family residential dwelling unless all of the following infrastructure requirements are satisfied for an existing lot of record:
- (1) Proof of legal and physical access.
  - (2) Infrastructure as determined by the Land Development Engineering Section of the Public Works Department depending on the location of the parcel to be developed. This may include, but not limited to, any of the following: paved access, curbs and gutters, sidewalk, streetlights, and/or appropriate drainage improvements.
  - (3) Water.
    - (A) Water purveyor. Required when in the service area of a water purveyor and the purveyor can supply the water.
    - (B) Substantiated well water. If the subject parcel is not within the service area of a water purveyor, well water may be allowed if all required setbacks are met.
    - (C) Hauled water. No hauled water will be allowed without approval from the Division of Environmental Health Services.
  - (4) Sanitation.
    - (A) Sewer. Required when in the service area of a sewer provider and the subject parcel is within 200 feet of the sewer line.
    - (B) Septic systems/holding tanks: Allowed in compliance with the local Regional Water Quality Control Board regulations.
  - (5) Fireflow. Adequate fireflow in compliance the Uniform Fire Code and with Section 23.018 (Amendments to the Uniform Fire Code) of the County Code.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

**THIS SPACE INTENTIONALLY LEFT BLANK.**

---

## CHAPTER 84.24 SOLID WASTE/RECYCLABLE MATERIALS STORAGE

---

### Sections:

- 84.24.010 Purpose
- 84.24.020 Applicability
- 84.24.030 Storage Areas for Multi-Family Uses
- 84.24.040 Storage Areas for Nonresidential Uses
- 84.24.050 Location Standards
- 84.24.060 Design and Construction Standards

### **84.24.010 Purpose**

This Chapter provides standards for the provision of solid waste (refuse) and recyclable material storage areas in compliance with State law.

Adopted Ordinance 4011 (2007)

### **84.24.020 Applicability**

The standards in this Chapter apply to residential multi-family uses and nonresidential uses where allowed in compliance with Division 2 (Land Use Zoning Districts and Allowed Land Uses).

Adopted Ordinance 4011 (2007)

### **84.24.030 Storage Areas for Multi-Family Uses**

- (a) **Multi-family uses.** Table 84-10 indicates the minimum requirements for common refuse and recyclable material storage areas for multi-family developments with five or more units. Storage areas may be located indoors or outdoors as long as they are readily accessible to residents. Areas are measured in square feet.

**TABLE 84-12**  
**MULTI-FAMILY DEVELOPMENT**  
**MINIMUM COMMON STORAGE AREAS REQUIRED**  
**(SQ. FT.)**

<b>Dwellings</b>	<b>Refuse</b>	<b>Recycling</b>	<b>Total Area</b>
4 or more	12	12	24
10-15	24	24	48
16-25	48	48	96
26-50	96	96	192
51-75	144	144	288
76-100	192	192	384
101-125	240	240	480
126-150	288	288	576
151-175	316	316	672
176-200	384	384	768
201+	Every additional 25 dwellings shall require an additional 100 sq. ft. for solid waste and 100 sq. ft. for recyclables.		

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

#### **84.24.040 Storage Areas for Nonresidential Uses**

Nonresidential uses shall provide refuse and recyclable material storage areas in compliance with the following requirements. Requirements apply to each individual structure. Areas are measured in square feet.

## CHAPTER 84.25 TEMPORARY STRUCTURES AND USES

---

### Sections:

- 84.25.010 Purpose
- 84.25.020 Applicability
- 84.25.030 Exempt Temporary Structures and Uses
- 84.25.040 Structures and Uses Allowed with Temporary Use Permit
- 84.25.050 Additional Development Standards
- 84.25.060 Interim Operation of Activities Requiring a Conditional Use Permit
- 84.25.070 **Camping or Occupancy of Temporary Structure Prohibited**

### 84.25.010 Purpose

This purpose of this Chapter is to provide development and use standards for temporary structures and uses that might not meet the normal development or use standards of the applicable land use zoning district, but may otherwise be acceptable because of their temporary nature, **and to prohibit the use of vehicles as substitutes for structures unless otherwise allowed, permitted, or exempted.** The intent of these standards is to minimize the potential incompatibility of a temporary structure or use **or use of a vehicle in lieu of such structures** and to regulate the location, operation, and/or duration to protect the public convenience, health, interest, safety, and general welfare.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

### 84.25.020 Applicability

This Chapter provides development and use standards for structures and uses that fall within the categories in Section 85.15.020 (Types of Temporary Use Permits and Review Authorities). Regulations for temporary special events are provided in Chapter 84.25 (Temporary Structures and Uses).

Adopted Ordinance 4011 (2007)

### 84.25.030 Exempt Temporary Structures and Uses

The temporary structures and uses listed in this Section shall be exempt from obtaining a Temporary Use Permit. Temporary structures and uses that do not fall within the following categories shall comply with Section 85.15.020 (Types of Temporary Use Permits and Review Authorities)

- (a) **Construction yards - On-site.** On-site contractors' construction yards, for an approved construction project. The construction yard shall be removed immediately upon completion of the construction project, or the expiration of the Building Permit authorizing the construction project, whichever first occurs.

- (b) **Emergency facilities.** Emergency public health and safety needs/land use activities, as determined by the Board.
- (c) **Events on sites approved for public assembly.** An event on the site of, or within, a golf course, meeting hall, religious facility, school, theater, or other similar facility designed, and approved by the County for public assembly.
- (d) **Fund-raising car washes.**
  - (1) Car washes on property within a commercial, industrial, or institutional land use zoning district, limited to a maximum of two days per month for each sponsoring organization.
  - (2) Sponsorship shall be limited to educational, fraternal, religious, or service organizations directly engaged in civic or charitable efforts, or to tax exempt organizations in compliance with 501(c) of the Federal Revenue and Taxation Code.
  - (3) Even though fund-raising car washes are exempt from obtaining a Temporary Use Permit, they shall still be conducted in compliance with applicable stormwater regulations to minimize potential water quality impacts.
- (e) **Garage sales.** Garage sales, not to exceed four per year, each of which may not exceed three consecutive days. For multi-family dwellings, a maximum of two garage sales per calendar year per legal dwelling unit shall be allowed. All other provisions of Chapter 84.10 shall apply.
- (f) **Location filming.** The temporary use of a specific site for the location filming of commercials, movies, videos, etc., for the time specified by the Director. Even though this use is exempt from a Temporary Use Permit, it does require a Film Permit issued by the Inland Empire Film Commission and processed in compliance with County Code Section 41.2201 et seq. (Issuance of Filming Permits and Fees).
- (g) **Public property or public right-of-way.** Construction and maintenance activities conducted on public properties that are authorized by an Encroachment Permit issued by the Department of Public Works.

Adopted Ordinance 4011 (2007)

#### **84.25.040 Structures and Uses Allowed with Temporary Use Permit**

The temporary structures and uses identified in this Section shall be allowed in any land use zoning district subject to the standards in this Section and a Temporary Use Permit issued in compliance with Section 85.15 (Temporary Use Permits).

- (a) **Batch Plants.** Batch plants necessary for the construction of major public infrastructure improvements provided proper review in compliance with the California Environmental Quality Act (CEQA) is completed.

- (b) **Display of permit and approvals.** A valid Temporary Use Permit shall be prominently displayed so that it is visible at all times from the exterior of the permitted structure or use and available for inspection. A permitted temporary structure shall provide evidence of approval by the State Department of Housing and Community Development as required by the Health and Safety Code or the U.S. Department of Housing and Urban Development, where applicable.
- (c) **Other regulations.** Installation of a permitted structure or use shall comply with the requirements and regulations of the Department and the following:
- (1) Development Code.
  - (2) Building and Safety Division.
  - (3) Fire Department.
  - (4) Environmental Health Services Division.
  - (5) Applicable State and Federal regulations.

Adopted Ordinance 4011 (2007)

#### **84.25.060 Interim Operation of Activities Requiring a Conditional Use Permit**

- (a) **Interim operation of activities requiring a Conditional Use Permit.** A Temporary Use Permit may be issued for the interim operation of any use requiring a Conditional Use Permit for a period of time not to exceed 12 months, provided the Temporary Use Permit does not authorize the construction or establishment of new permanent structures and the review authority makes the findings required for approval of a Conditional Use Permit in compliance with Chapter 85.06 (Conditional Use Permit/Minor Use Permit).
- (b) **Concurrent application filing.** The Temporary Use Permit application shall be filed concurrently with an application for Conditional Use Permit, where appropriate.

Adopted Ordinance 4011 (2007)

#### **84.25.070 Camping or Occupancy of Temporary Structure Prohibited**

- (a) **Prohibited use.** It shall be unlawful to place, install, build, maintain, use, or occupy any temporary structure on any parcel of real property subject to the provisions of this Development Code for the purpose of camping, dwelling, maintaining or establishing temporary or permanent residency unless such placement, installation, construction, maintenance, use, or occupancy is first authorized by a Temporary Use Permit, Special Event Permit, or other land use approval required by this Development Code.
- (b) **Applicability.** This section shall apply to the following temporary structure:
- (1) Any tent, lean-to, box, or other make-shift building or enclosure constructed of any material for which no building permit has been issued and no Temporary Use Permit, Special Use Permit, or other land use approval has been granted;

- (2) Any vacant building, temporary or permanent, deemed substandard pursuant to Health and Safety Code Section 17920.3 and Sections 63.063 or 63.064 of Title 6 of the San Bernardino County Code; and
  - (3) Any building under construction and unfinished, regardless of whether or not building, (plumbing, etc.) permits have been issued.
- (c) **Camping in Vehicle Prohibited.** It shall be unlawful to place, maintain, use, or occupy any vehicle on any parcel of real property for the purpose of camping, dwelling, or maintaining, or establishing a temporary or permanent residency unless such placement, maintenance, use, or occupancy is authorized pursuant to this chapter.
- (d) **Vehicle applicability.** This subsection shall apply to the following vehicles:
- (1) All recreational motor vehicles;
  - (2) Recreational towed vehicles;
  - (3) Mobile homes;
  - (4) Commercial coaches;
  - (5) Office trailers;
  - (6) Park trailers;
  - (7) Passenger vehicles;
  - (8) Trailers;
  - (9) Campers; and
  - (10) Commercial vehicles.
- (e) **Notice to Abate**
- (1) The Director may issue to any person occupying any structure or vehicle prohibited in violation of this Section a notice, including an order to vacate the structure or vehicle after 30 days of the date of the notice.
  - (2) If deemed necessary by the Director to prevent or remedy an immediate threat to health and safety of the public or occupants of the structure, the Director may issue any person occupying any structure or vehicle prohibited in violation of this Section an order to vacate the structure or vehicle with less than 30 days notice; or institute any appropriate action or proceeding to prevent, restrain, correct, or abate the violation or nuisance.

Adopted Ordinance 4043 (2008)



- (2) To avoid excessive heights of towers that are associated with co-location of antenna arrays, co-location is not required in the Mountain Region.
  - (3) Towers that are designed to accommodate the co-location of additional providers in the future shall be initially constructed to the lowest possible height. When additional providers are ready to be installed, the additional height needed to accommodate the extra antenna array(s) shall be constructed at that time.
- (b) **Separation from existing facility.** No telecommunication facility or antenna that is visible to the general public from off of the applicant's property shall be installed closer than 2000 feet from another visible telecommunication facility or antenna without a variance, unless it is a co-location or joint location facility. This provision shall not apply to situations where either the existing or the proposed telecommunication facility or antenna within 2000 feet uses a camouflage or stealth design approved by the County. Antennas proposed to be mounted on existing utility towers, utility streetlights and utility poles, or their substantially similar replacements shall also be exempt from this requirement.
- (c) **Ridgeline sites.** Telecommunication facilities in areas of high visibility within sensitive viewsheds shall be sited below the ridgeline as viewed from a distance and designed to minimize their profile (e.g., screened, depressed, or located behind berms, trees, etc.)
- (d) **Non-reflective colors.** Structures, poles, towers, antenna supports, antennas and other components of each telecommunication site shall be treated with non-reflective colors to provide concealment of the facilities.
- (e) **Camouflaging.** For facilities that are not stealthed, telecommunication facilities and antennas and ground equipment shall blend with the predominant viewing background to the maximum extent practical, except when the treatment does not comply with Federal Aviation Authority (FAA) requirements.
- (f) **Support facilities.**
- (1) Freestanding aboveground telecommunication support facilities (i.e., equipment shelters) shall be no taller than one story in height and shall be constructed to look like a structure or facility typically found in the area.
  - (2) Where there are no structures in the immediate vicinity or for projects where a cabinet is proposed, the support facilities shall be designed and constructed to blend with the predominant viewing background or screened from view by landscaping or other method to the maximum extent practical.
- (g) **Parking.** Parking for service vehicles may be allowed on site. Paving or other surfacing shall be required in compliance with Chapter 83.11 (Parking and Loading Standards). Screening shall be required where appropriate.

- (h) **Lighting.** Tower structure lighting shall be prohibited unless required by the FAA, FCC or the California Building Code (CBC). External structure and area lighting shall be allowed only where the lighting is activated and controlled by motion sensors.
- (i) **Outside storage.** No outdoor storage of equipment, materials or supplies shall be allowed.
- (j) **Area disturbance.** The applicant shall avoid or minimize disturbance to the natural landscape. Applicant shall repair disturbed areas immediately following construction and shall regularly check to ensure that disturbances to the natural landscape do not occur or are promptly repaired.
- (k) **Power and communication lines.** No aboveground power or communication lines shall be extended to the site, unless clear and convincing evidence demonstrates that undergrounding these lines would result in substantial environmental impacts. Underground utilities shall be installed in a manner to minimize the disturbance of existing vegetation and wildlife habitats.

Adopted Ordinance 4011 (2007)

#### 84.27.060 Review Procedures

- (a) **Conditional Use Permit/Minor Use Permit required.** All wireless telecommunications facility projects shall be subject to a Conditional Use Permit/Minor Use Permit in compliance with Chapter 85.06 (Conditional Use Permit/Minor Use Permit), with controversial projects requiring a public hearing before the Commission. Projects shall not be considered controversial solely on the basis of radio frequency emissions.
- (b) **Projects exempt from Conditional Use Permit requirement.** The following projects shall be exempt from the Conditional Use Permit/Minor Use Permit requirement and shall be subject to a Site Plan Permit in compliance with Chapter 85.05 (Certificate of Land Use Compliance) provided they do not require a Variance. **The limitations of Subsection 85.08.020(b) shall not apply for projects that include any of the following:**
  - (1) Any building or roof mounted antenna that does not extend above the top of the parapet wall by more than 12 feet and painted to match the structure, or that is completely screened from public view.
  - (2) Antennas mounted on or contained within other existing or proposed structures (e.g., appurtenances to existing structure, penthouses, elevator structures, parapets, steeples, signs, water tanks, pump stations, utility towers and poles, utility streetlights, ball field lighting, etc.) so as not to be readily identifiable as a wireless communication facility. This may include the replacement of an existing structure to accommodate a wireless telecommunications facility.
  - (3) The co-location of a new antenna to an existing approved support structure, or the replacement of an existing approved support structure in order to co-locate a new antenna, without an increase in height.

- (4) Change of antennas or microwave dishes of similar construction, size, and shape on any existing facility provided that the change of antenna(s) does not result in substantial increased visibility of the structure.
- (c) **Screening required.** Utility or accessory equipment described in Subsection B (Projects exempt from Conditional Use Permit requirement), above, shall be screened from view from any residence or State or County maintained road in a manner that achieves compatibility with the surrounding setting.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

#### **84.27.070 Project Notices**

- (a) **Project requiring Conditional Use Permit approval.** Notice of an application for approval of a wireless telecommunications facility shall be provided to the Municipal Advisory Council (MAC) for the area, and to all property owners within cities and the unincorporated area of the County within the following parameters:
  - (1) **Urban areas:** 300 feet of the external boundaries of the parcel of the proposed site.
  - (2) **Rural areas:** 1,000 feet of the external boundaries of the parcel of the proposed site or to the property owners of up to 20 separate surrounding parcels, whichever is more, up to one quarter mile (1,320 ft).
  - (3) **Notification Timing:** Notification shall be accomplished upon application acceptance.
- (b) **Project requiring Land Use Permit approval.** Only the surrounding property owners within 300 feet of the external boundaries of the parcel of the proposed site shall be notified of the application for a Land Use Permit. This notification shall be accomplished upon application acceptance.

Adopted Ordinance 4011 (2007)

#### **84.27.080 Review Factors**

- (a) **Factors for consideration of review authority.** The review authority shall consider the following aesthetic, health, safety, and economic factors in determining whether to issue a Conditional Use Permit for a wireless telecommunications facility:
  - (1) Height of the proposed tower or antenna structure.
  - (2) Proximity of the tower to residential structures and residential district boundaries.
  - (3) Nature of uses on adjacent and nearby properties.
  - (4) Surrounding tree coverage and foliage or other existing structures.

- (5) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
  - (6) Proposed ingress and egress.
  - (7) Availability of suitable existing towers and other structures.
  - (8) Identification of signal coverage area.
  - (9) Comments from other agencies and parties in compliance with Section 85.27.110 (Interjurisdictional Review).
  - (10) Compliance with State and Federal rules (e.g., radio-frequency emission safety rules etc.).
- (b) **Findings required for Conditional Use Permit approvals.** In addition to the consideration of the factors listed in Subsection (a), above, before approving an application for a Conditional Use Permit, the review authority shall find and justify that all of the findings required in Section 85.06.040 (Findings Required) are true.

Adopted Ordinance 4011 (2007)

#### **84.27.090 Abandoned Sites**

- (a) **Abandonment.** A wireless telecommunication facility that is not operated for a continuous period of 12 months shall be considered abandoned.
- (b) **Removal of structures after abandonment.** The owners of an abandoned facility shall remove all structures within 90 days of receipt of notice from the County notifying the owner of the abandonment. The owner shall return the site to its approximate natural condition. If an abandoned facility is not removed within the 90 day time period, the County may remove all such structures at the owner's expense.
- (c) **Posting and continuous maintenance of bond required for all users.** A bond to ensure the removal of the abandoned facility and the rehabilitation of the site shall be required with the original project approval. If there are two or more users of a single tower, then the provision concerning abandonment shall not become effective until all users cease using the tower. However, the bond or a cash equivalent shall remain in force at all times and failure to maintain a bond or cash equivalent shall result in an immediate closure of the site with liability for rehabilitation placed upon the original permit holder and all subsequent users and permit holders.

Adopted Ordinance 4011 (2007)

#### **84.27.100 Elevation of Approvals**

Notwithstanding the provisions of Subsection 84.27.060 (b) (Projects exempt from Conditional Use Permit requirement) above, any project that may be controversial and/or involves important

# DIVISION 5 PERMIT APPLICATION AND REVIEW PROCEDURES

---

<b>Chapter 85.01</b>	<b>Permit Application Filing and Processing.....</b>	<b>5</b>
85.01.010	Purpose of Division.....	5
85.01.020	Organization.....	5
85.01.030	Authority for Land Use and Zoning Decisions.....	8
<b>Chapter 85.02</b>	<b>Basic Review Procedures .....</b>	<b>11</b>
85.02.010	Purpose.....	11
85.02.020	Public Hearing .....	11
85.02.030	Staff Review with Notice.....	11
85.02.040	Staff Review without Notice.....	12
85.02.050	Alternate Review Procedures.....	12
<b>Chapter 85.03</b>	<b>Application Procedures.....</b>	<b>15</b>
85.03.010	Purpose.....	15
85.03.020	Applications for Land Use Decisions .....	15
85.03.030	Development Review Committee .....	15
85.03.040	Environmental Review.....	16
85.03.050	Concurrent Applications .....	16
85.03.060	Application Forms and Information Packets .....	16
85.03.070	Pre-application Review .....	16
85.03.080	Notice of Pending Land Use Decisions .....	16
85.03.090	Conditions of Approval.....	18
85.03.100	Automatic Conditions .....	18
85.03.110	Post-Decision Notice .....	19
<b>Chapter 85.04</b>	<b>ABC Licensing .....</b>	<b>21</b>
85.04.010	Purpose.....	21
85.04.020	ABC Licensing.....	21
85.04.030	Procedures.....	21
<b>Chapter 85.05</b>	<b>Certificate of Land Use Compliance.....</b>	<b>23</b>
85.05.010	Purpose.....	23
85.05.020	Procedures.....	23
<b>Chapter 85.06</b>	<b>Conditional Use Permit/Minor Use Permit .....</b>	<b>25</b>
85.06.010	Purpose.....	25
85.06.020	Applicability .....	25
85.06.030	Procedures.....	25
85.06.040	Findings Required.....	26
85.06.050	Projects That Do Not Qualify for a Minor Use Permit.....	27
85.06.060	DRC Consideration.....	29
85.06.070	Agricultural Support Services.....	29
85.06.080	Alteration to Nonconforming Uses.....	30
85.06.090	Hazardous Waste Facilities.....	31
85.06.100	Surface Mining and Reclamation Plan Applications .....	31
85.06.110	Post Decision Procedures.....	31
<b>Chapter 85.07</b>	<b>Flood Hazard Development Review.....</b>	<b>33</b>

85.07.010	Purpose.....	33
85.07.020	Procedures.....	33
<b>Chapter 85.08</b>	<b>Site Plan Permits.....</b>	<b>35</b>
85.08.010	Purpose.....	35
85.08.020	Applicability .....	35
85.08.030	Procedures.....	36
<b>Chapter 85.09</b>	<b>Tenant Review.....</b>	<b>39</b>
85.09.010	Purpose.....	39
85.09.020	Applicability .....	39
85.09.030	Procedures.....	39
<b>Chapter 85.10</b>	<b>Planned Development Permits.....</b>	<b>41</b>
85.10.010	Purpose.....	41
85.10.020	Applicability .....	41
85.10.030	Procedures.....	42
85.10.040	Review Authority.....	42
85.10.050	Findings.....	43
85.10.060	Concurrent Subdivision Applications.....	44
85.10.070	Development Plans .....	44
85.10.080	Time Limits and Expiration.....	48
85.10.090	Planned Development Permit Amendments.....	48
85.10.100	Post Decision Procedures.....	49
<b>Chapter 85.11</b>	<b>Pre-construction Flood Hazard Inspection .....</b>	<b>51</b>
85.11.010	Purpose.....	51
85.11.020	Inspection Required .....	51
<b>Chapter 85.12</b>	<b>Revisions to an Approved Action.....</b>	<b>53</b>
85.12.010	Purpose.....	53
85.12.020	Procedures.....	53
<b>Chapter 85.13</b>	<b>Sign Location Plans .....</b>	<b>55</b>
85.13.010	Purpose.....	55
85.13.020	Procedures.....	55
<b>Chapter 85.14</b>	<b>Special Use Permits.....</b>	<b>57</b>
85.14.010	Purpose.....	57
85.14.020	Types of Special Use Permits and Review Authorities .....	57
85.14.030	Procedures.....	58
85.14.040	General Provisions.....	58
85.14.050	Special Uses.....	58
85.14.060	Findings for Specific Special Uses .....	59
<b>Chapter 85.15</b>	<b>Temporary Use Permits .....</b>	<b>61</b>
85.15.010	Purpose.....	61
85.15.020	Types of Temporary Use Permits and Review Authorities .....	61
85.15.030	Minor Short-Term Activities .....	62
85.15.040	Temporary Use Permit Required .....	62
85.15.050	Procedures.....	62
85.15.060	Review Authority.....	62
85.15.070	Exempt Short-Term Activities.....	63
85.15.080	Allowed Short-Term Activities.....	64
85.15.090	Development Standards .....	66
85.15.100	Application Requirements .....	67

85.15.110	Findings and Decision.....	67
85.15.120	Post Decision Procedures.....	67
<b>Chapter 85.16</b>	<b>Temporary Special Event Permits .....</b>	<b>69</b>
85.16.010	Purpose.....	69
85.16.020	Review Authority and Procedure.....	69
85.16.030	Procedures.....	69
85.16.040	Post Decision Procedures.....	79
<b>Chapter 85.17</b>	<b>Variances .....</b>	<b>81</b>
85.17.010	Purpose.....	81
85.17.020	Applicability .....	81
85.17.030	Procedures.....	81
85.17.040	Minor Variances.....	82
85.17.050	Application Requirements .....	83
85.17.060	Findings and Decision.....	83
85.17.070	Conditions of Approval.....	84
85.17.080	Post Decision Procedures.....	84
<b>Chapter 85.18</b>	<b>Wind Energy System Permit .....</b>	<b>85</b>
85.18.010	Purpose.....	85
85.18.020	Applicability .....	85
85.18.030	Procedures.....	85
85.18.040	Abandonment.....	87

**THIS SPACE INTENTIONALLY LEFT BLANK.**



over time exceeds the following thresholds, all new projects in that area shall always require approval of a Conditional Use Permit:

- (1) Thresholds for number of required parking spaces for uses indicated by “M/C” in Tables 82-4, 82-7, 82-11, and 82-17 in Division 2 (Land Use Districts and Allowed Land Uses); or
- (2) Thresholds (e.g., square footage of structure area, etc.) indicated in Subsection (a) (Types of projects), above.

Adopted Ordinance 4011 (2007)

#### **85.06.060 DRC Consideration**

Any Conditional Use Permit submittal that is determined by the Director to warrant more detailed review shall be forwarded to the DRC for review and recommendation before action by the applicable review authority.

Adopted Ordinance 4011 (2007)

#### **85.06.070 Agricultural Support Services**

- (a) **Review authority’s action.** The review authority may approve, approve with conditions, or disapprove a Conditional Use Permit for agricultural support services, and shall record the decision and the findings upon which the decision is based.
- (b) **Additional required findings.** In addition to the findings required in Section 85.060.040 (Findings Required) above, when agricultural support services are allowed subject to a Conditional Use Permit, the review authority shall also find and justify that all of the following are true before approving the Conditional Use Permit application.
  - (1) The proposed use is of an appropriate scale and size that will not create a conflict with existing or planned uses of adjacent properties.
  - (2) The proposed use is incidental and subordinate to existing agricultural uses located within the general vicinity.
  - (3) The methods of operation are compatible with existing and planned uses of adjacent properties.
  - (4) The methods of sewage, solid waste, and wastewater disposal are practical, safe, and will not adversely affect surrounding properties and underground water supplies.
  - (5) The approval of the proposed use will not serve to detract from the agricultural character of the area.

- (6) The proposed use will not have a substantial adverse effect on the service support capacity of the area's infrastructure including groundwater supply.

Adopted Ordinance 4011 (2007)

**85.06.080 Alteration to Nonconforming Uses**

- (a) **Accommodation of new structures or accessory uses.** An existing nonconforming use may be altered to accommodate a new structure or accessory use, except where it is an existing nonconforming use of land and contains no structures, in which case the alteration may not be approved.
- (b) **Additional required findings.** In addition to the findings required in Section 85.060.040 (Findings Required) above, before any alteration/modification of a nonconforming use may be granted, the review authority shall also find and justify that all of the following are true before approving the Conditional Use Permit application.
  - (1) The remaining normal life of the existing nonconforming use is determined to be in compliance with provisions specified in this Development Code before consideration of the proposed alteration if located in a residential land use zoning district.
  - (2) The proposed alteration shall not prolong the normal life of the existing nonconforming use.
  - (3) The alteration of the existing nonconforming use shall not be detrimental to, nor prevent the attainment of, general land uses, objectives, policies, and programs specified in the General Plan or any applicable community or specific plan.
  - (4) The granting of permission to alter the nonconforming use shall not be substantially detrimental to the public health, safety, or general welfare, or injurious to the property or improvements in the vicinity and land use zoning district in which the use is located.
  - (5) The alteration shall not change the primary use of the land nor increase the intensity of the use unless such change brings the use into greater compliance with current zoning regulations.
  - (6) The existing nonconforming use shall comply with all other existing County regulations, including those applicable to and enforced by the Director, and County Sheriff's Department.
- (c) **Governmental or court actions exemption.** Any alteration required by governmental or court action shall be exempt from compliance with the above listed findings.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

---

**CHAPTER 85.09 TENANT REVIEW**

---

**Sections:**

- 85.09.010 Purpose
- 85.09.020 Applicability
- 85.09.030 Procedures

**85.09.010 Purpose**

It is the purpose of this Chapter to provide an expedited process for the County review and authorization of allowed uses and **changes to existing structures** to accommodate the same or a different use. Adjustment of the existing tenant space may be allowed, but not a change in the existing structure footprint **or floor area. It is intended that a Tenant Review shall meet all standards of this Code without the necessity of discretionary processes, environmental review or public hearings.**

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

**85.09.020 Applicability**

- (a) A **Tenant Review** is required for the first use of a structure that was constructed when the occupant was undetermined or when remodeling an existing structure to meet the needs of a new or existing tenant. However, a Tenant Review shall not be required for an existing structure when all of the following criteria are true:
  - (1) An approved plot plan is on file in the Land Use Services Department.
  - (2) The proposed use is consistent with the current land use zoning district regulations.
  - (3) Parking and design standards are not affected.
  - (4) Planning approval is not required for the proposed use nor has the project been conditioned to require a Tenant Review.
- (b) The addition of an on-site sign to an approved project may also be approved with a Tenant Review.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

**85.09.030 Procedures**

- (a) **Procedure.** Staff review without notice.
- (b) **Review Authority.** Building Official.

(c) **Compliance with criteria.** The project shall meet one or more of the following criteria:

- (1) An application shall be reviewed and approved prior to issuance of building permits for any improvements that require building permits.
- (2) The structure and use shall conform to an approved plot plan on file in the Land Use Services Department, or if an approved plot plan is not on file, the criteria for acceptance of all Tenant Review applications shall be as determined by the Director.
- (3) Interior or exterior alterations (e.g., electrical conveyances, interior partitions, or plumbing) shall not result in an increase in the square footage of the structure.

Tenant Review applications that do not meet the criteria of this Section shall be referred to the Current Planning Division for the appropriate action.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

would develop in a form generally allowed in the area. Planned Residential Developments shall be so located with respect to parks, schools, and other public services and facilities required as to have access in the same degree as would develop in a form generally allowed in the area.

- (II) Planned Residential Developments not meeting the above criteria shall **not** be processed under the regulations of this Chapter. Exception, however, residential projects greater than 500 units may be processed as a Planned Residential Development when the Development Review Committee (DRC) determines at the pre-application conference meeting that the project though greater in number of units:
  - (i) Is compatible with, and not a significant departure from, surrounding land uses;
  - (ii) Will not require public capital expenditures for the public utility systems greater than that required for the type of development generally allowed in the area;
  - (iii) Has reasonable access to parks, schools, and other public services and facilities in the same degree as would the type of development generally allowed in the area; and
  - (iv) Otherwise complies with the provisions of this Chapter.
- (III) The records of the pre-application conference shall specify those findings determining the above criteria have been **met**.
- (IV) The provisions of this Chapter shall modify the development standards of any land use zoning district designated for residential uses subject to the review and approval a Planned Residential Development application, in compliance with this Chapter.
- (V) All land uses within a Planned Residential Development shall conform to the allowed uses of the underlying land use zoning district, except as follows:
  - (i) Residential dwelling units, as defined in Division 12 may be attached or detached.
  - (ii) Certain internally oriented, incidental service uses including civic, community or country clubs, conference centers, or convenience shops designed and intended to provide goods and services to residents of the Planned Residential Development project may be allowed. These incidental service uses shall not be located on the periphery of the project, nor shall the use encompass more than 10 percent of the total project area.

(VI) The conditions of approval of a Planned Residential Development project shall specifically designate those uses, including types of dwelling units, allowed within the project.

- (d) **Application procedures for staged developments.** An application for a Preliminary Development Plan (PDP) shall encompass all of the land included within the Planned Development Permit. A Final Development Plan (FDP) may be for a portion of the land included within the Planned Development Permit or a phase of the Permit; provided:
- (1) Each phase shall function as a complete and separate development from the remaining phases; and
  - (2) Any densities proposed or open space areas provided within the subject phase shall not result from a transfer of density from adjoining phases.
- (e) **Pre-application conference.** A pre-application conference shall be required for all Planned Development Permit applications. This pre-application conference will acquaint the applicant with the procedural requirements of the Planned Development Permit provisions of this Development Code and the general acceptability of the plan and its compatibility with applicable policies, issues, and development regulations. **The conference may be with the Development Review Committee or with selected staff based upon the complexity of the project.**
- (f) **Conformance of plans.** Each Final Development Plan (FDP) shall substantially conform to the approved Preliminary Development Plan (PDP).

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

#### **85.10.080 Time Limits and Expiration**

The time limit and expiration of Planned Development Permit applications shall be in compliance with Section 86.06.060 (Time Limits and Extensions).

Adopted Ordinance 4011 (2007)

#### **85.10.090 Planned Development Permit Amendments**

- (a) **Review authority action on requested changes.** Any requested change in the Planned Development Permit, other than those allowed by Subsection (c), below, shall be submitted to the review authority that originally approved the permit for review and approval following the same review notice and hearing procedures as required for the original approval.
- (b) **Added conditions.** The review authority may, as a condition of approval, impose added changes or conditions to the Planned Development Permit amendment as it deems reasonable and necessary to carry out the purpose and intent of the original Planned Development Permit and this Chapter.

---

## CHAPTER 85.17 VARIANCES

---

### Sections:

- 85.17.010 Purpose
- 85.17.020 Applicability
- 85.17.030 Procedures
- 85.17.040 Minor Variances
- 85.17.050 Application Requirements
- 85.17.060 Findings and Decision
- 85.17.070 Conditions of Approval
- 85.17.080 Post Decision Procedures

#### 85.17.010 Purpose

A Variance (either Major or Minor) provides a process for County consideration of requests to modify certain standards of this Development Code when, because of special circumstances applicable to the property, including location, shape, size, surroundings, topography, or other physical features, the strict application of the development standards otherwise applicable to the property denies the property owner privileges enjoyed by other property owners in the vicinity and in the same land use zoning district.

Adopted Ordinance 4011 (2007)

#### 85.17.020 Applicability

A Variance may be granted to modify any requirement of this Development Code except: allowed land uses; residential density; specific prohibitions (for example, prohibited signs), or procedural requirements.

Adopted Ordinance 4011 (2007)

#### 85.17.030 Procedures

Each application shall be reviewed by the Director to ensure that the proposal complies with this Chapter, and all other applicable requirements of this Development Code.

- (a) **Procedure.** Staff review with notice
- (b) **Review Authority.** Director
- (c) **Notice.** Before a decision on a Variance, the County shall provide notice in compliance with Section 85.03.080 (Notice of Pending Land Use Decisions).
  - (1) **Notice.** The notice shall state that the Director will decide whether to approve or disapprove the Variance application on a date specified in the notice, and that a

public hearing will be held only if requested in writing by any interested person before the specified date for the decision. The request for a hearing shall be based on issues of significance directly related to the application (e.g., provision of evidence that the request cannot meet one or more of the findings identified in Section 85.17.060 [Findings and Decision], below).

- (2) **If hearing is requested.** If a public hearing is requested, the Director shall schedule the hearing, which shall be noticed and conducted in compliance with Chapter 86.07 (Public Hearings).
- (3) **If no hearing is requested.** If no public hearing is requested, the Director shall render a decision on the date specified in the notice referred to in Subsection (c). (1) above.

Adopted Ordinance 4011 (2007)

### 85.17.040 Minor Variances

- (a) **Types of Minor Variances allowed.** The Director may grant a Minor Variance to reduce any of the following requirements of this Development Code up to the maximum specified in the Table 85-5 (Types of Minor Variances Allowed), below.

**Table 85-5  
Types of Minor Variances Allowed**

Types of Minor Variances Allowed*		Maximum Variance
1	<b>Area requirements.</b> Excluding parcel area requirements.	30%
2	<b>Distance between structures.</b> Up to 40 percent, but no closer than 6 feet.	40%
3	<b>Fence or wall heights.</b> Up to 30 percent, but no higher than 6 feet in the front or street side yard setback.	30%
4	<b>Floor width requirements.</b> Of the single-family residential design standards.	20%
5	<b>Gross floor area requirements.</b>	50%
6	<b>Height requirements.</b> Except that any height adjustment not exceeding two feet in total height shall also be considered a Minor Variance.	30%
7	<b>Off-street parking requirements.</b> Parking and loading space requirements, not to exceed two spaces. Parking area/lot improvements.	30%
8	<b>Overlay District requirements.</b> Of the standards identified in the overlay districts.	30%
9	<b>Setback requirements.</b> a. Front setbacks. But no closer to the nearest property line than 15 feet in the valley and desert areas and 10 feet in the mountain region. b. Side setbacks. But no closer than three feet from the nearest property line, except in a Fire Safety Overlay District in which case no closer than five feet. c. Rear setbacks. But no closer than 10 feet from the nearest property line.	40% 40% 30%
10	<b>Sign requirements.</b> a. Sign area limitations. b. Sign height and setback limitations.. c. Sign number limitations: Not to exceed four signs.	10% 30% 100%



**Notes.**

(\*) Administrative criteria for Minor Variances for these structures shall be established by the Building Official. Those proposals that do not meet the criteria shall be submitted to the Department of Public Works, with the appropriate fee, for road safety evaluation. Architectural design and construction materials shall be compatible with the visual setting of the surrounding area. Variances to the requirements of Section 83.02.030 regarding “clear sight triangles” shall not be evaluated with a Minor Variances.

- (b) **Major Variances.** Any request for a Variance, other than a Minor Variance, shall be termed a Major Variance.
- (c) **Referral to the Commission.** The Director may choose to refer any Variance application to the Commission for hearing and final action.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

**85.17.050 Application Requirements**

An application for a Variance (Major or Minor) shall be prepared, filed, and processed in compliance with Chapter 85.03 (Application Procedures). The application shall include the information and materials specified in the Department handout for Variances. It is the responsibility of the applicant to provide evidence in support of the findings required by Section 85.17.060 (Findings and Decision), below.

Adopted Ordinance 4011 (2007)

**85.17.060 Findings and Decision**

- (a) **General findings.** The review authority may approve a Variance (Major or Minor) only after first finding all of the following:
  - (1) The granting of the Variance will not be materially detrimental to other properties or land uses in the area and will not substantially interfere with the present or future ability to use solar energy systems;
  - (2) There are exceptional or extraordinary circumstances or conditions applicable to the subject property or to the intended use that do not apply to other properties in the same vicinity and land use zoning district;
  - (3) The strict application of the land use zoning district deprives the subject property of privileges enjoyed by other properties in the vicinity or in the same land use zoning district; and
  - (4) The granting of the Variance is compatible with the maps, objectives, policies, programs, and general land uses specified in the General Plan and any applicable specific plan.
- (b) **Findings for off-site parking Variance.** The approval of a Variance to allow some or all of the parking spaces required for a nonresidential project to be located off-site, or to allow in-lieu fees or facilities instead of the required on-site parking spaces, shall require that the review authority first make both of the following findings in

compliance with Government Code Section 65906.5, instead of those required by Subsection (a), above.

- (1) The Variance will be an incentive to, and a benefit for, the nonresidential development; and
- (2) The Variance will facilitate access to the nonresidential development by patrons of public transit facilities.

Adopted Ordinance 4011 (2007)

**85.17.070 Conditions of Approval**

In approving a Variance (Major or Minor), the review authority may impose any conditions deemed reasonable and necessary to ensure that the approval will comply with the findings required by Section 85.17.060 (Findings and Decision), above. The violation of any required condition shall constitute a violation of this Chapter and may constitute grounds for revocation or modification of the Variance in compliance with Section 86.09.070 (Revocation or Modification).

Adopted Ordinance 4011 (2007)

**85.17.080 Post Decision Procedures**

The procedures and requirements in Chapter 6 (Time Limitations), and those related to appeals and revocation in Division 11 (Development Code Administration), shall apply following a decision on an application for a Variance.

Adopted Ordinance 4011 (2007)

# DIVISION 6 DEVELOPMENT CODE ADMINISTRATION

---

<b>Chapter 86.01</b>	<b>Planning Agency .....</b>	<b>5</b>
86.01.010	Establishment of Planning Agency.....	5
86.01.020	Functions of Planning Agency.....	6
86.01.030	Procedures.....	8
<b>Chapter 86.02</b>	<b>Development Review Committee.....</b>	<b>9</b>
86.02.010	Establishment.....	9
86.02.020	Membership .....	9
86.02.030	Duties of the DRC.....	10
86.02.040	Findings.....	10
86.02.050	Meeting Dates and Procedures.....	11
<b>Chapter 86.03</b>	<b>Environmental Review Committee .....</b>	<b>13</b>
86.03.010	Establishment.....	13
86.03.020	Membership .....	13
86.03.030	Stipend and Expenses .....	13
86.03.040	Duties of the ERC .....	14
86.03.050	Meeting Dates and Procedures.....	14
<b>Chapter 86.04</b>	<b>Flood Plain Management Administrator.....</b>	<b>15</b>
86.04.010	Responsibilities of Flood Plain Management Administrator.....	15
<b>Chapter 86.05</b>	<b>Decisions by the Review Authority .....</b>	<b>17</b>
86.05.010	Referral to Next Succeeding Review Authority .....	17
<b>Chapter 86.06</b>	<b>Time Limitations.....</b>	<b>19</b>
86.06.010	Purpose.....	19
86.06.020	Effective Date of Permits.....	19
86.06.030	Applications Deemed Approved.....	19
86.06.040	Permits to Run with the Land .....	20
86.06.050	Performance Guarantees .....	20
86.06.060	Time Limits and Extensions .....	21
86.06.070	Changes to an Approved Project.....	24
86.06.080	Resubmittals.....	24
86.06.090	Covenants of Easements .....	25
<b>Chapter 86.07</b>	<b>Public Hearings.....</b>	<b>27</b>
86.07.010	Purpose.....	27
86.07.020	Notice of Hearing.....	27
86.07.030	Scheduling of Hearing .....	28
86.07.040	Hearing Procedure .....	29
86.07.050	Recommendation by Commission .....	29
86.07.060	Post-Decision Notice .....	29
86.07.070	Effective Date of Decision.....	29
<b>Chapter 86.08</b>	<b>Appeals.....</b>	<b>31</b>
86.08.010	Appeal of a Land Use Decision .....	31
86.08.020	Application for the Appeal of a Land Use Decision.....	32
86.08.030	Time for Filing an Appeal.....	33

86.08.040	Notice of Appeal.....	33
86.08.050	Authority of Appeal Body .....	33
86.08.060	Withdrawal of Appeal.....	33
86.08.070	Judicial Review .....	34
<b>Chapter 86.09</b>	<b>Enforcement .....</b>	<b>35</b>
86.09.010	Purpose.....	35
86.09.020	Permits and Licenses.....	35
86.09.030	Authority for Enforcement.....	36
86.09.040	Unlawful to Violate Development Code Provisions.....	37
86.09.050	Violations of Development Code Declared Public Nuisance .....	37
86.09.060	Unlawful to Refuse or Fail to Comply With a Condition of Land Use Approval.....	37
86.09.070	Property Not in Compliance With a Condition of Land Use Approval Declared Public Nuisance ..	38
86.09.080	Enforcement.....	38
86.09.090	Criminal Actions.....	38
86.09.100	Civil Actions .....	39
86.09.110	Administrative Actions .....	40
86.09.120	Filing of a Notice of Pendency .....	45
86.09.130	Filing Notice of Action .....	46
86.09.140	Initial Investigation Procedures .....	46
86.09.150	Inspections .....	1
86.09.160	Stop Work Orders .....	2
86.09.170	Revocation or Modification of Permits or Approvals.....	2
86.09.180	Recovery of Costs .....	4
86.09.190	Additional Permit Processing Fees .....	6
86.09.200	Reinspection Fees .....	6
86.09.210	Documentation.....	7
<b>Chapter 86.10</b>	<b>Agricultural Preserves/Land Conservation Contract Actions .....</b>	<b>47</b>
86.10.010	Purpose.....	47
86.10.020	Procedures.....	47
<b>Chapter 86.11</b>	<b>Airport Comprehensive Land Use Plans.....</b>	<b>49</b>
86.11.010	Purpose.....	49
86.11.020	Procedures.....	49
86.11.030	Findings.....	50
86.11.040	Consistency with the Plan.....	50
<b>Chapter 86.12</b>	<b>Amendments.....</b>	<b>51</b>
86.12.010	Purpose.....	51
86.12.020	Initiation of Amendment.....	51
86.12.030	Processing, Notice, and Hearings .....	51
86.12.040	Commission Action on Amendment.....	52
86.12.050	Board Action on Amendment .....	53
86.12.060	Findings and Decision.....	53
86.12.070	Effective Dates.....	54
<b>Chapter 86.13</b>	<b>Development Agreement Adoption and Amendment .....</b>	<b>55</b>
86.13.010	Purpose.....	55
86.13.020	Applications .....	55
86.13.030	Procedures.....	57
86.13.040	Action by the Commission and Board.....	57
86.13.050	Amendment or Cancellation .....	58

86.13.060	Recordation.....	59
86.13.070	Agreement Review.....	59
86.13.080	Modification or Termination.....	59
<b>Chapter 86.14</b>	<b>Specific Plan Adoption and Amendment.....</b>	<b>61</b>
86.14.010	Purpose.....	61
86.14.020	Intent .....	61
86.14.030	Applicability .....	61
86.14.040	Initiation and Presubmittal Requirements.....	62
86.14.050	Preparation and Content.....	62
86.14.060	Application Filing, Processing, and Review.....	62
86.14.070	Adoption of Specific Plan.....	63
86.14.080	Implementation and Amendments .....	64
86.14.090	Adopted Specific Plans .....	65
<b>Chapter 86.15</b>	<b>Post- Disaster Rebuilding.....</b>	<b>67</b>
86.15.010	Purpose.....	67
86.15.020	Applicability of Provisions .....	67
86.15.030	Definitions.....	67
86.15.040	General Provisions .....	68
86.15.050	Modifications of the Provisions of this Development Code.....	68
86.15.060	Permits and Procedures.....	70
86.15.070	CEQA Exemption .....	71
86.15.080	Appeals .....	71

**THIS SPACE INTENTIONALLY LEFT BLANK.**

- (C) **Time limits for appeals.** Upon the filing of an appeal in compliance with Chapter 86.08 (Appeals), the Commission or the Board shall render its decision on the appeal within 60 days.
- (b) **Extensions of time.** Upon written request by the applicant, the County may extend the time for a planning permit or authorization to be exercised.
- (1) **Time for filing of request.** The applicant shall file a written request for an extension of time with the Director at least 30 days before the expiration of the permit or authorization, together with the filing fee required in compliance with the County Fee Ordinance.
- (2) **Action on extension request.** A permit or authorization may be extended as follows for no more than a total of 36 months for those applications listed in Subsection 86.06.060(a)(1) and (2) above, except as noted below, beyond the expiration of the original approval.
- (A) **Evidence to be provided.** The Director shall determine whether the applicant has made a good faith effort to exercise the permit or authorization. The burden of proof is on the applicant to establish, with substantial evidence, that circumstances beyond the control of the applicant (e.g., demonstrated problems with completing the acquisition of the parcel, poor weather during periods of planned construction, etc.) have prevented exercising the permit or authorization.
- (B) **Recommendations for Denial and Revocations.** Recommendations for denial of a request for extension, and revocations of permits, shall be referred to the Zoning Administrator or the Planning Commission for public hearing and determination.
- (C) **Exceptional or Extraordinary Circumstances.** Under exceptional or extraordinary circumstances, one or more extensions may be granted in addition to that provided in Section 86.06.060(b)(2). In addition to the existence of exceptional or extraordinary circumstances, the applicant must show that unreasonable delay to the project, if any, was not caused by the applicant.
- (D) **Findings.** Requests for extensions shall only be granted if findings can be made that the project is consistent with the provisions of the General Plan and the San Bernardino County Code in effect at the time the extension request is considered.
- (E) **Phased Projects.** This subsection shall not be applied to extend the time limits provided in Subsection 86.06.060(a)(5)(B), above.
- (3) **Action on extension of a project subject to the Subdivision Map Act.** The expiration date of a Tentative Map may only be extended in compliance with the Map Act Section 66452.6.

- (c) **Effect of expiration.** After the expiration of a planning permit or authorization in compliance with Subsection 86.06.060(a)(1), above, no further work shall be done on the site until a new planning permit or authorization and any required Building Permit or other County permits are first obtained.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

#### **86.06.070 Changes to an Approved Project**

Development of a new land use authorized through a planning permit or authorization granted in compliance with this Development Code shall be established only as approved by the review authority, and in compliance with any conditions of approval, except where a change to the project is approved in compliance with Chapter 85.12 (Revisions to an Approved Action).

Adopted Ordinance 4011 (2007)

#### **86.06.080 Resubmittals**

(a) **Resubmittal after disapproval with prejudice.**

- (1) The review authority may disapprove an application for a discretionary planning permit or amendment, on the grounds that two or more similar applications for the same parcel have been disapproved in the past two years (e.g., disapproval with prejudice), or that another cause exists for limiting the refiling of the application.
- (2) For a period of 12 months following the date of the disapproval with prejudice of a discretionary planning permit or amendment, no application for the same or substantially similar planning permit or amendment shall be filed for the same site, or any portion of the site, except where the Director determines that substantial new evidence or proof of changed circumstances warrants further consideration.

(b) **Resubmittal after disapproval without prejudice.** There shall be no limitation on subsequent applications for a site where a project was disapproved without prejudice.

(c) **Director's determination, appeal.** The Director shall determine whether a new application is for a planning permit or amendment that is the same or substantially similar to a previously approved or disapproved permit or amendment, and shall either process or reject the application in compliance with this Section. The Director's determination may be appealed to the Commission in compliance with Chapter 86.08 (Appeals).

Adopted Ordinance 4011 (2007)



**86.06.090 Covenants of Easements**

- (a) **Applicability.** When necessary to achieve the land use goals of the County, the County may require a property owner holding property in common ownership to execute and record a Covenant of Easement in favor of the County, in compliance with Government Code Section 65870 et seq. A Covenant of Easement may be:
- (1) Required to provide for emergency access, ingress and egress, landscaping, light and air access, open space, parking, or for solar access; and
  - (2) Imposed as a condition of approval by the review authority.
- (b) **Form of covenant.** The form of the Covenant shall be approved by the County Counsel, and the Covenant of Easement shall:
- (1) Describe the real property subject to the easement and the real property to be benefited by the easement;
  - (2) Identify the County approval or planning permit granted that relied on or required the Covenant; and
  - (3) Identify the purposes of the easement.
- (c) **Recordation.** A Covenant of Easement shall be recorded in the County Recorder's Office.
- (d) **Effect of covenant.**
- (1) From and after the time of its recordation, a Covenant of Easement shall:
    - (A) Act as an easement in compliance with Civil Code Section 801 et seq., except that it shall not merge into any other interest in the real property. Civil Code Section 1104 shall be applicable to the conveyance of the affected real property; and
    - (B) Impart notice to all persons to the extent afforded by the recording laws of the State.
  - (2) Upon recordation, the burdens of the Covenant shall be binding on, and the Covenant shall benefit all successors-in-interest to the real property.
- (e) **Enforceability.** A Covenant of Easement shall be enforceable by the successors-in-interest to the real property benefited by the Covenant and the County. Nothing in this Section creates standing in any person, other than the County, and any owner of the real property burdened or benefited by the Covenant, to enforce or to challenge the Covenant or any requested amendment or release.

- (f) **Release of covenant.** A Covenant of Easement may be released by the Director, or by another appropriate review authority in the event of an appeal, at the request of any person, including the County, or an affected property owner.
  - (1) **Process for release.** The release of a Covenant of Easement shall require that the review authority first:
    - (A) Conduct a noticed public hearing in compliance with Chapter 86.07 (Public Hearings); and
    - (B) Find that the Covenant on the site is no longer necessary to achieve the land use goals of the County.
  - (2) **Recordation.** A notice of the release of the Covenant of Easement shall be recorded by the Director in the County Recorder's Office.
  - (3) **Fees.** The applicant for a release of a Covenant of Easement shall pay the fee for the processing of the release in compliance with the Planning Fee Schedule.

Adopted Ordinance 4011 (2007)

## CHAPTER 86.09 ENFORCEMENT

### Sections:

- 86.09.010 Purpose
- 86.09.020 Permits and Licenses
- 86.09.030 Authority for Enforcement
- 86.09.040 Unlawful to Violate Development Code Provisions
- 86.09.050 Violations of the Development Code Declared Public Nuisance
- 86.09.060 Unlawful to Refuse or Fail to Comply with Conditions of Land Use Approval
- 86.09.070 Property Not in Compliance with Conditions of Land Use Approval Declared a Public Nuisance
- 86.09.080 Enforcement
- 86.09.090 Criminal Actions
- 86.09.100 Civil Actions
- 86.09.110 Administrative Action
- 86.09.120 Filing a Notice of Pendency
- 86.09.130 Filing a Notice of Action
- 86.09.140 Initial Investigation Procedures
- 86.09.150 Inspections
- 86.09.160 Stop Work Orders
- 86.09.170 Revocation or Modification of Permits or Approvals
- 86.09.180 Recovery of Costs
- 86.09.190 Additional Permit Processing Fees
- 86.09.200 Reinspection Fees
- 86.09.210 Documentation

### 86.09.010 Purpose

This Chapter establishes provisions that are intended to ensure compliance with the requirements of this Development Code and any conditions of planning permit approval, to promote the County's planning efforts, and for the protection of the public health, safety, and welfare of the County.

Adopted Ordinance 4011 (2007)

### 86.09.020 Permits and Licenses

All departments, officials, and public employees of the County who are assigned the authority or duty to issue authorizations, certificates, licenses, or permits shall comply with the provisions of this Development Code.

- (a) **Permits in conflict with Development Code.** Authorizations, certificates, licenses, or permits for uses or structures that would be in conflict with the provisions of this Development Code shall not be issued.

- (b) **Permits deemed void.** Any authorization, certificate, license, or permit issued in conflict with the provisions of this Development Code shall be void and of no effect.

Adopted Ordinance 4011 (2007)

**86.09.030 Authority for Enforcement**

- (a) **Responsibility of Director.** The Director, the Deputy Director of the Code Enforcement Division, and their designated employees and representatives shall have the authority to enforce the provisions of this Development Code.

- (b) **Responsibility of additional, authorized County representatives.** The Director shall be aided in this enforcement responsibility by the officers and authorized representatives of the County agencies, departments, and offices charged with the responsibility of administering, implementing, and ensuring compliance with the provisions of this Development Code. Among these are the following designated enforcement officers:

- (1) Assistant Administrative Officer for Public and Support Services Group.
- (2) Chief, County Fire Department.
- (3) Chief Engineer of the San Bernardino County Flood Control District.
- (4) Chief of Environmental Health Services Division.
- (5) County Agricultural Commissioner.
- (6) County Surveyor.
- (7) Director of Airports Department.
- (8) Director of County Museums.
- (9) Director of Public Works.
- (10) Director of Special Districts Department.
- (11) Flood Plain Management Administrator.

- (c) **Responsibility of Other Authorities.** The authorities responsible for the enforcement shall be the same as the review authorities responsible for permit approvals as specified in this Development Code.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

**86.09.040 Unlawful to Violate Development Code Provisions**

- (a) It is unlawful for any person to violate or to cause or to allow a violation of any provision of this Development Code. Any act or omission constituting a violation of the Development Code includes the aiding, abetting, allowing, or causing that act or omission.
- (b) Each and every day, and during any portion of which, any violation of this Development Code, or of the provisions of any code adopted and incorporated by reference by this Development Code, is committed, continued, or allowed, is a new and separate offense.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

**86.09.050 Violations of Development Code Declared Public Nuisance**

- (a) **Use of land.** Any use of land not permitted by this Development Code is hereby declared unlawful and a public nuisance.
- (b) **Structure.** Any structure which is altered, constructed, converted, demolished, enlarged, established, erected, maintained, moved or operated contrary to the provisions of this Development Code is hereby declared unlawful and a public nuisance.
- (c) **Use or occupancy of structure.** Any structure used or occupied in a manner not permitted by this Development Code is hereby declared unlawful and a public nuisance.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

**86.09.060 Unlawful to Refuse or Fail to Comply With a Condition of Land Use Approval**

- (a) It is unlawful for the owner, the owner's agent or representative, or other person in whose favor or for whose benefit, a land use approval of any kind has been granted for the parcel of real property at issue, to refuse or to fail to comply with the condition of approval or the conditions of approval, either individually or collectively in any number.
- (b) Each and every day, and during any portion of which, any failure or refusal to comply with the condition or conditions of approval imposed on any land use approval, authorization, permit, or variance, is committed, continued, or allowed, is a new and separate offense.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

**86.09.070 Property Not in Compliance With a Condition of Land Use Approval Declared Public Nuisance**

Any property not in compliance with an applicable condition of approval imposed upon any land use approval, authorization, permit, or variance is hereby declared to be unlawful and a public nuisance.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

**86.09.080 Enforcement**

- (a) **Notices, orders, and citations.** This Development Code may be enforced through the issuance of various notices and orders pertaining to any land use; or to any addition, alteration, construction, conversion, enlargement, installation, moving, reconstruction, rehabilitation of any structure; or to any use of any structure; that is contrary to any provision of this Development Code as provided herein, or as otherwise provided under various provisions of the other Titles of the San Bernardino County Code. Such notices may include, without limitation, notice of violation, notice to correct, notice to vacate, and stop work orders. This Development Code may also be enforced through the use of administrative citations issued pursuant to Government Code Section 53069.4 and the provisions of the San Bernardino County Code adopted pursuant to the authority conferred by Government Code Section 53069.4; or through the use of criminal citations issued pursuant to Penal Code Section 836.5 and in the manner specified by the San Bernardino County Code, Title 1, Division 1, Chapter 2, Section 11.024.
- (b) **Enforcement remedies are cumulative and discretionary, not exclusive.** All remedies contained in this Development Code for the handling of violations or enforcement of the provisions of this Development Code shall be discretionary and cumulative, and not exclusive of any other applicable provisions of the San Bernardino County Code or other applicable State law. The County, at its sole discretion and acting through the officials designated in this Chapter and in consultation with the Office of County Counsel, may enforce this Development Code through the application of criminal, civil, and administrative remedies as set forth in this Chapter. In the exercise of such discretion in selecting an appropriate code enforcement remedy, the County shall not be required to institute available code enforcement remedies in any particular order, or to prefer the application of one remedy to another.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

**86.09.090 Criminal Actions**

- (a) Notwithstanding any other provision of the San Bernardino County Code, each person violating, causing, or allowing a violation of any provision of this Development Code or any permit or condition of approval granted pursuant thereto, shall be guilty of an infraction, unless the violation is specifically declared to be a misdemeanor.

- (b) An infraction shall be punished by (1) a fine not exceeding one hundred dollars (\$100.00) for a first violation; (2) a fine not exceeding two hundred dollars (\$200.00) for a second violation of the same code section or permit (or any of the conditions of approval) occurring on the same property and committed by the same person; and (3) a fine not exceeding two hundred fifty dollars (\$250.00) for each additional violation of the same code section or permit (or any of the conditions of approval) occurring on the same property and committed by the same person. Notwithstanding the above, a first or subsequent offense may, in the discretion of the County Counsel, be charged and prosecuted as a misdemeanor.
- (c) A misdemeanor shall be punished by a fine of not more than five hundred dollars (\$500.00) or imprisonment in the County jail for a period of not more than six (6) months or by both such fine and imprisonment. Notwithstanding any provision of this Development Code that specifies the violation of that section is a misdemeanor, the County Counsel may, in the exercise of its discretion, charge and prosecute the violation as an infraction.
- (d) The conviction and punishment of any person of an offense as described in this Section or the payment of a criminal fine by or on behalf of the person convicted, shall not relieve that person from the responsibility for correcting, removing, or abating the violation that resulted in the conviction; nor prevent the enforced correction, removal or abatement thereof by the County.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

#### **86.09.100 Civil Actions**

- (a) **Injunctive relief and abatement.** At the request of any person authorized to enforce this Development Code, the County Counsel or District Attorney may commence proceedings for the abatement, removal, correction and enjoinder of any act or omission that constitutes or will constitute a violation of this Development Code or any permit or land use approval granted pursuant thereto, and an order requiring the violator(s) to pay civil penalties and/or abatement costs. Where multiple violators are involved, they shall be jointly and severally liable for the civil penalties and/or abatement costs.
- (b) **Civil Remedies and Penalties.** Any person, whether acting as principal, agent, employee, owner, lessor, lessee, tenant, occupant, operator, contractor, or otherwise, who violates any provision of this Development Code or any permit or any condition of land use approval granted pursuant thereto, shall be liable for a civil penalty not to exceed one thousand dollars (\$1,000.00) per violation for each day or any portion thereof, that the violation continues to exist. In determining the amount of civil penalty to be imposed, both as to the daily rate and the subsequent total amount for any given violation, the court shall consider all relevant circumstances, including, but not limited to, the extent of the harm caused by the conduct constituting the violation, the nature and persistence of such conduct, the length of time over which the conduct occurred or was repeated, the assets, liabilities, and net worth of the violator, whether a corporate entity or an individual, and any corrective action taken by the violator.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

### **86.09.110 Administrative Actions**

- (a) **Application.** All violations of any provision of this Development Code or any permit or land use approval granted pursuant thereto are subject to enforcement through the use of administrative citations in accordance with Government Code Section 53069.4 and this Section. The following procedures shall govern the imposition, enforcement, collection, administrative, and judicial review of administrative citations and penalties.
- (b) **Content of Citation.** The administrative citation shall be issued on a form approved by the County Administrative Officer in consultation with County Counsel. The administrative citation form may be tailored to the specific needs of the issuing department as approved by the County Administrative Officer, however, all administrative citations regardless of the issuing department shall contain the following information:
- (1) The administrative citation shall refer to the date and location of the violation and the approximate time, if applicable, that the violation was observed.
  - (2) The administrative citation shall identify each violation by the applicable section number of this code and by either the section's title or a brief descriptive caption; or by reference to the applicable permit or land use approval and describing the condition violated.
  - (3) The administrative citation shall describe the action required to correct the violations.
  - (4) The administrative citation shall require the responsible party to immediately correct the violation and shall explain the consequences of failure to correct the violation.
  - (5) The administrative citation shall state the amount of the penalty imposed for the violation. Multiple violations may be listed on the same citation form. In the event of multiple violations, the administrative citation shall list the penalty amount for each violation and the total amount of all of the penalties.
  - (6) The administrative citation shall contain a notation box for the enforcement officer to indicate whether or not the citation is issued as a "warning only" and without penalty. The administrative citation shall also include a notation box for the enforcement officer to indicate that the penalty will be waived if the violation is corrected by the compliance deadline date indicated on the citation form.
  - (7) The administrative citation shall explain how the penalties shall be paid and the time period by which it shall be paid, and the consequences of failure to pay the penalty within this time period.



- (8) The administrative citation shall identify all appeal rights and instructions on how to appeal the citation.
- (9) The administrative citation shall contain the printed name and the signature of the enforcement officer and the signature of the responsible party, if he/she can be located, as set forth in subsection (d) below.

**(c) Service of Citation.**

- (1) If the responsible party is present at the scene of the violation, the enforcement officer shall attempt to obtain their signature on the administrative citation and shall deliver a copy of the administrative citation to them.
- (2) If the responsible party is a business, and the business owner is on the premises, the enforcement officer shall attempt to deliver the administrative citation to them. If the enforcement officer is unable to serve the business owner on the premises and the enforcement officer can only locate the manager or on-site supervisor, the administrative citation may be issued in the name of the business and a copy given to the manager or on-site supervisor. A copy of the administrative citation shall also be mailed to the business owner by certified mail, return receipt requested and by first class mail. If a copy of the administrative citation that is sent by certified mail is returned by the United States Postal Service unsigned or marked “unclaimed” and/or “refused”, then service by first class mail shall be deemed effective provided it is not returned by the United States Postal Service.
- (3) If no one can be located at the property, then a copy of the administrative citation shall be posted in a conspicuous place on or near that property and a copy mailed by certified mail, return receipt requested and by first class mail, to each responsible party at their last known addresses as they appear on the last County equalized assessment role, or other available public records related to title or ownership of the property that is the subject of the administrative citation. If the copy of the administrative citation sent by certified mail to a responsible party is returned by the United States Postal Service with the mail receipt unsigned, or marked “unclaimed” and/or “refused”, then service by first class mail shall be deemed effective provided it is also not returned by the United States Postal Service.
- (4) The failure of any responsible party to receive a copy of the administrative citation shall not affect the validity of the proceedings.

**(d) Administrative Penalties.**

- (1) Unless otherwise provided in this code, the amount of penalty to be imposed for a violation of this code and assessed by means of an administrative citation shall be one hundred dollars (\$100.00) for the first occurrence of a violation; two hundred dollars (\$200.00) for the second occurrence of the same violation occurring on the same property; and five hundred dollars (\$500.00) for the third

and each subsequent occurrence of the same violation occurring on the same property. Notwithstanding this paragraph, the amount of penalty to be assessed by means of an administrative citation may be established by resolution of the Board of Supervisors.

- (2) If the violation is not corrected, additional administrative citations may be issued for the same violation. The amount of the penalty shall increase at the rate specified above.
  - (A) Payment of the penalty shall not excuse failure to correct the violation nor shall it bar further enforcement action by the County.
  - (B) The penalties assessed shall be payable to the County within 30 calendar days from the date the administrative citation is issued.
  - (C) Except as provided below, any person who fails to pay to the County any penalty imposed pursuant to the provisions of this Chapter on or before the date that the penalty is due shall also be liable for the payment of any applicable late payment charges as established by the Board.
  - (D) The County may collect any past due administrative citation penalty or late payment charge by use of any available legal means. The County may also recover its collection costs.
  - (E) The County may also recover administrative costs for defending the citation at the appeal hearing.

**(e) Appeal of Administrative Citation.**

- (1) **Notice of Appeal.** A responsible party may appeal the administrative citation by filing a written notice of appeal with the department that issued the administrative citation. The written notice of appeal must be filed within 20 calendar days of the date the administrative citation was served in a manner set forth in subsection (d) of this Section. Failure to file a written notice of appeal within this time period shall constitute a waiver of the right to appeal the administrative citation. The notice of appeal shall be submitted on County forms and shall contain the following information:
  - (A) A brief statement setting forth the appealing responsible party's (hereinafter appellant) interest in the proceedings;
  - (B) A brief statement of the material facts, which the appellant claims supports their contention that no administrative penalties should be imposed or that an administrative penalty of a different amount is warranted under the circumstances;

- (C) An address at which the appellant agrees that notice of any additional proceeding, or an order relating to the imposition of an administrative citation penalty, shall be received by the appellant by mail;
  - (D) The notice of appeal must be signed by the appellant.
- (2) **Administrative Hearing.** Upon a timely, written notice of appeal by the appellant, an administrative hearing shall be held as follows:
- (A) **Hearing Date.** The date of the hearing shall be set for a date that is no later than 60 days from the date of the violation.
  - (B) **Notice of Hearing.** Notice of the administrative hearing shall be given at least 10 calendar days before the hearing to the appellant. The notice may be delivered to the appellant or mailed by first class mail to the address listed in the notice of appeal.
  - (C) **Hearing Officer.** The administrative hearing shall be held before the director of the issuing agency or his/her designee. The hearing officer shall not be the enforcement officer who issued the administrative citation or their immediate supervisor. The director of the issuing agency may contract with a qualified provider to conduct administrative hearings and process administrative citations including the collection of payment of administrative citation penalties and processes.
  - (D) **Conduct of the Hearing.**
    - (I) The enforcement officer who issued the administrative citation shall not be required to participate in the administrative hearing. The contents of the enforcement officer's file in the case shall be admitted as prima facie evidence of the facts stated therein. The hearing officer shall not be limited by the technical rules of evidence. The issuing department shall bear the burden of proof at the administrative hearing to establish the existence of a violation of this code by a preponderance of the evidence.
    - (II) If the appellant requesting the review fails to appear at the administrative hearing, the hearing officer shall make their determination based on the information contained in the enforcement officer's file in the case and the appellant's notice of appeal.
    - (III) The only evidence that shall be permitted at the administrative hearing and considered by the administrative hearing officer in reaching a decision, is that evidence which is relevant to the proof or disproof of:
      - (i) Ownership of the subject property, when applicable;

- (ii) Whether a person noticed by the issuing department as a responsible party is, in fact, a responsible party;
- (iii) Whether a violation of this code occurred and/or continues to occur on the date or dates specified in the administrative citation;
- (iv) Whether the responsible party has committed, caused, maintained, or permitted a violation of this code on the date or dates specified on the administrative citation.

**(f) Hearing Officer's Decision.**

- (1) After considering all the testimony and evidence submitted at the hearing, the hearing officer shall promptly issue a written decision ("Administrative Citation Appeal Ruling") to uphold or cancel the administrative citation and shall list in the decision the reasons for that decision.
- (2) If the hearing officer determines that the administrative citation should be upheld, then the amount of the penalties set forth in the citation shall not be reduced or waived for any reason. This subsection shall not apply to "warning only" administrative citations or to any administrative citation that indicates on its face that the penalty will be waived if the violation is corrected by the deadline compliance date and the violation is so corrected.
- (3) If the administrative citation has been upheld, the hearing officer may allow payment of the administrative penalty in installments, if the appellant has provided evidence satisfactory to the hearing officer of an inability to pay the penalty in full.
- (4) If the hearing officer denies the administrative citation, then no penalty shall be assessed and any penalty otherwise deposited with the issuing department shall be promptly refunded to the appellant.
- (5) The appellant shall be served with a copy of the hearing officer's written decision either at the conclusion of the hearing or sent by first class mail. The hearing officer's written decision shall become final on the date of the hearing unless mailed; otherwise it shall become final on the date of mailing.
- (6) The hearing officer's written decision shall contain instructions for obtaining judicial review of the decision pursuant to California Government Code Section 53069.4, as that section may be from time to time amended, or the successor provision thereto.
- (7) If the administrative citation is upheld, the Hearing Officer shall award the costs of the County's enforcement costs and costs in defense of the citation to the county as outlined in full in an itemized summary of costs presented at the hearing, including cost of the actual time spent to conduct the hearing.

**(g) Judicial Review of Administrative Hearing Officer's Decision.**

- (1) Notice of Appeal.** Within 20 calendar days of the date of the delivery or mailing of the hearing officer's decision to the appellant, the appellant (hereafter "contestant") may contest that decision by filing an appeal to be heard by the Superior Court, and paying the filing fee set forth at Government Code Section 53069.4, or the successor provision thereto. The failure to file the written appeal and to pay the filing fee within this period shall constitute a waiver of the right to an appeal and the decision shall be deemed confirmed. The contestant shall serve a copy of the notice of appeal in person or by first class mail upon the county department that had issued the original administrative citation.
- (2) Conduct. The Superior Court Appeal Hearing.** The conduct of the appeal before the superior court is a subordinate judicial duty and may be performed by traffic trial commissioners and other subordinate judicial officers at the direction of the presiding judge at the superior court. The appeal shall be heard de novo, except that the contents of the issuing department's file in the case shall be received in evidence. A copy of the document or instrument of the issuing agency providing notice of the violation and imposition of the administrative penalty (i.e., the administrative citation) shall be admitted into evidence as prima facie evidence of the facts stated therein. The court shall request that the issuing department's file in the case be forwarded to the court, to be received within 15 calendar days of the request.
- (3) Judgment.** The court shall retain the filing fee regardless of the outcome of the appeal. If the court finds in favor of the contestant, the amount of the fee shall be reimbursed to the contestant by the issuing department. Any deposit of the administrative penalty shall be refunded by the issuing department in accordance with the judgment of the court. If the administrative penalty has not been deposited and the decision of the court is against the contestant and in favor of the issuing department, the issuing department may proceed to collect the penalty pursuant to the procedures set forth in this Chapter, or in any other manner provided by law.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

**86.09.120 Filing of a Notice of Pendency**

Whenever the County institutes a judicial action or proceeding to enforce the Development Code, a Notice of Pendency of the action or proceeding may be filed with the County Recorder's Office. The notice shall be filed at the time of the commencement of the action or proceeding, and upon recordation of the notice as provided in this Section, shall have the same effect as a notice recorded in compliance with Section 409 of the State Code of Civil Procedure.

- (a)** The County Recorder shall record and index the Notice of Pendency of action or proceeding in the Grantor/Grantee Index.

- (b) Any Notice of Pendency of action or proceeding filed in compliance with this Section may, upon motion of a party to the action or proceeding, be vacated upon an appropriate showing of need therefore by an order of a judge of the court in which the action or proceeding is pending.
- (1) A certified copy of the “Order to Vacate Notice of Pendency” may be recorded with the County Recorder’s Office, and upon the recordation, the Notice of Pendency of the action or proceeding shall not constitute constructive notice of any of the matters contained therein nor create any duty of inquiry in any person thereafter dealing with the property described therein.
  - (2) An “Order to Vacate Notice of Pendency” shall not be appealable, but the party aggrieved by the order may, within 20 days after service of written notice of the order, or within additional time not exceeding 20 days as the court may, within the original 20 days allow, but in no event later than 60 days after entry of the order, petition the proper reviewing court to review the order by Writ of Mandate.
  - (3) No “Order to Vacate Notice of Pendency” shall be effective, nor shall it be recorded with the County Recorder’s Office, until the time within which a petition for the filing of a Writ of Mandate has expired in compliance with this Section.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

#### **86.09.130 Filing Notice of Action**

Whenever an enforcement action is initiated and prior to filing a Notice of Pendency, the Code Enforcement Division or other County department initiating the action, may pursuant to Government Code Section 27280, file with the County Recorder’s Office a notice of action identifying the enforcement action taken for violation of the Development Code or other applicable law.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

#### **86.09.140 Initial Investigation Procedures**

This Section describes the procedures for initiating enforcement action in cases where the Director has determined that real property within the unincorporated area of the County is being used, maintained, or allowed to exist in violation of the provisions of this Development Code. It is the objective of these provisions to encourage the voluntary cooperation of responsible parties in the prompt correction of violations, so that the other enforcement measures provided by this Chapter may be avoided.

- (a) **Notice.** Subject to Subsection (c) of this Section upon investigation and a determination that a violation of any of the provisions of this Development Code or any condition(s) imposed on any approval, authorization, permit, or variance is found to exist, the Director shall notify the record owner or any person having possession or

control of the property by mail, of the existence of the violation(s), the Department's intent to charge the property owner for all administrative costs associated with enforcement, and of the owner's right to a hearing on any objections they may have. The notice shall be in a form approved by the County Counsel.

**(b) Notice of Violation.** The Director shall provide the record owner of the subject site and/or any person in possession or control of the site with a written Notice of Violation, which shall include the following information:

- (1) A description of each violation, and citations of applicable Development Code provisions being violated;
- (2) A time limit for correcting the violation(s) in compliance with Subsection (c), below;
- (3) A statement that the County intends to charge the property owner for all administrative costs associated with the abatement of the violation(s) in compliance with Section 86.09.180 (Recovery of Costs), and/or initiate legal action as described in Section 86.09.080 (Enforcement).

**(c) Time limit for correction.**

- (1) The Notice of Violation shall state that the violation(s) shall be corrected within 30 days from the date of the notice to avoid further enforcement action by the County, unless the responsible party contacts the Code Enforcement Division within that time to arrange for a longer period for correction.
- (2) The 30-day time limit may be extended by the Director upon a showing of good cause.
- (3) The Director may also require through the Notice of Violation that the correction occur within less than 30 days if the Director determines that the violation(s) constitutes a hazard to public health or safety.

**(d) Use of other enforcement procedures.** The enforcement procedures of Section 86.09.080 (Enforcement), may be employed by the Director after or instead of the provisions of this Section where the Director determines that this Section would be ineffective in securing the correction of the violation(s) within a reasonable time.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

### **86.09.150 Inspections**

**(a) Pre-approval inspections.** Every applicant seeking an authorization, permit, or any other action in compliance with this Development Code shall allow the County officials handling the application access to any premises or property which is the subject of the application.

- (b) **Post approval inspections.** If the authorization, permit, or other action in compliance with this Development Code is approved, the owner or applicant shall allow appropriate County officials access to the premises in order to determine continued compliance with the approved authorization or permit and/or any conditions of approval imposed on the approval, authorization, permit, or Variance.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

#### **86.09.160 Stop Work Orders**

- (a) Any construction in violation of this Development Code or any conditions imposed on any approval, authorization, permit, or Variance shall be subject to the issuance of a "Stop Work Order."
- (b) Any violation of a Stop Work Order shall constitute a misdemeanor and a public nuisance, and shall be subject to the remedies and penalties established by the County Code and this Chapter.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

#### **86.09.170 Revocation or Modification of Permits or Approvals**

- (a) **Purpose.** Discretionary permits or approvals issued in compliance with this Development Code may be revoked or modified in compliance with this Section.
- (b) **Procedures.** This Section provides procedures for securing revocation or punitive modification of previously approved permits or approvals.
- (c) **Revocations.** The County's action to revoke a permit or approval shall have the effect of terminating the permit and denying the privileges granted by the original approval.
- (d) **Modifications.** County modification of a permit or approval instead of revocation may include any operational aspect of the project, including buffers, duration of the permit or entitlement, hours of operation, landscaping and maintenance, lighting, parking, performance guarantees, property maintenance, signs, surfacing, traffic circulation, or any other aspect/condition determined to be reasonable and necessary to ensure that the permit is operated in a manner consistent with the original findings for approval.
- (e) **Hearings and notice.**
- (1) The appropriate review authority shall hold a public hearing to revoke or modify a permit or approval granted in compliance with the provisions of this Development Code.
  - (2) At least ten days before the public hearing, notice shall be "delivered" in writing to the applicant for the permit or approval being considered for revocation, and/or owner of the property for which the permit was granted. The only



exception to the 10-day notice provision shall be for Temporary Use Permits which, because of their short term nature, shall only require a 24-hour notice.

- (3) Notice shall be deemed “delivered” two days after being mailed, certified and first class, through the United States Postal Service, postage paid, to the owner as shown on the County's current equalized assessment roll and to the project applicant, if not the owner of the subject property.

**(f) Action by Reviewing Authority.**

- (1) **Permits.** A Conditional Use Permit, Minor Use Permit, or other County planning permit or approval (except a Variance, see Subsection (f)(2), below) may be revoked or modified by the reviewing authority (e.g., Director, Commission, or Board) that originally approved the permit, if the reviewing authority first makes any one of the following findings:

- (A) Circumstances under which the permit or approval was granted have been changed by the applicant to an extent that one or more of the findings that justified the original approval can no longer be made, and the public health, safety, and welfare require the revocation or modification;
- (B) The permit or other approval was granted, in whole or in part, on the basis of a misrepresentation or omission of a material statement in the application, or in the applicant's testimony presented during the public hearing, for the permit or approval;
- (C) One or more of the conditions of the original permit or approval have not been substantially fulfilled or have been violated;
- (D) The approved use or structure has ceased to exist or has been suspended for at least 12 months;
- (E) An improvement authorized in compliance with the permit is in violation of any applicable code, law, ordinance, regulation, or statute; or
- (F) The improvement/use allowed by the permit has become detrimental to the public health, safety, or welfare or the manner of operation constitutes or is creating a nuisance.

- (2) **Variances.** A Major or Minor Variance may be revoked or modified by the review authority which originally approved the Major or Minor Variance, if the review authority first makes any one of the following findings, in addition to any one of the findings in Subsection (f)(1), above:

- (A) Circumstances under which the original approval was granted have been changed by the applicant to a degree that one or more of the findings contained in the original approval can no longer be made in a positive

manner, and the grantee has not substantially exercised the rights granted by the Major or Minor Variance; or

- (B) One or more of the conditions of the Major or Minor Variance have not been met, or have been violated, and the grantee has not substantially exercised the rights granted by the Major or Minor Variance.
- (g) **Amortization.** If a revocation is ordered, the Commission may provide for a reasonable period of time to amortize any lawful existing uses on the site. Extensions of this time period may be granted for good cause shown on an application to the applicable review authority by any affected person.
- (h) **Action is appealable.** The revocation or modification of a permit or Variance is appealable in compliance with Chapter 86.08 (Appeals).
- (i) **Enforcement.** The County department or agency that issues the permit shall have the primary responsibility for enforcing compliance with the permit.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

#### **86.09.180 Recovery of Costs**

This Section establishes procedures for the recovery of administrative costs, including staff and County Counsel time expended on the enforcement of the provisions of this Development Code, other than administrative citation cases, to correct a violation. The intent of this Section is to recover County administrative costs reasonably related to enforcement.

- (a) **Record of costs.**
  - (1) The Department shall maintain records of all administrative costs incurred by responsible County departments, associated with the processing of violations and enforcement of this Development Code, and shall recover the costs from the property owner in compliance with this Section.
  - (2) Staff time shall be calculated at an hourly rate as established and revised from time to time by the Board.
- (b) **Summary of costs and notice.**
  - (1) At the conclusion of the case, the Director shall send a summary of costs associated with enforcement to the owner and/or person having possession or control of the property by certified and first class mail.
  - (2) The summary shall include a notice in a form approved by the County Counsel, advising the responsible party of their right to request a hearing on the charges for County cost recovery within 10 days of the date of the notice, and that if no request for hearing is filed, the responsible party will be liable for the charges.

- (3) In the event that no request for hearing is timely filed or, after a hearing the Director affirms the validity of the costs, the property owner or person in control shall be liable to the County in the amount stated in the summary or any lesser amount as determined by the Director.
  - (4) The costs shall be recoverable in a civil action in the name of the County, in any court of competent jurisdiction, or by tax assessment, or by a lien on the property, at the County's election.
- (c) **Attorney's fees.** In any action or administrative proceeding to abate a nuisance, the prevailing party in the action or proceeding shall be entitled to recover reasonable attorney's fees; however, the amount of attorney's fees awarded to a prevailing party shall not exceed the amount of attorney's fees incurred by the County in the action or proceeding. Further, an award of attorney's fees in compliance with this Section shall only be allowed where the County elects, at the initiation of the action or proceeding, to seek recovery of its own attorney's fees.
- (d) **Request for hearing on costs.** Any property owner, or other person having possession and control of the subject property, who receives a summary of costs shall have the right to a hearing before the Director on their objections to the proposed costs.
- (1) A written request for hearing shall be filed with the Department within 10 days of the service by mail of the Department's summary of costs, on a form provided by the Department.
  - (2) Within 30 days of the filing of the request, and on 10 days written notice to the owner, the Director shall hold a hearing on the owner's objections, and determine their validity.
  - (3) In determining the validity of the costs, the Director shall consider whether total costs are reasonable in the circumstances of the case. Factors to be considered include:
    - (A) Whether the present owner created the violation(s);
    - (B) Whether there is a present ability to correct the violation(s);
    - (C) Whether the owner promptly corrected the violation(s);
    - (D) The degree of cooperation provided by the owner; and
    - (E) Whether reasonable minds can differ as to whether a violation(s) exists.
  - (4) The Director's decision shall be appealable as provided by Chapter 86.08 (Appeals).

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

**86.09.190 Additional Permit Processing Fees**

Any person who establishes a land use, or alters, constructs, demolishes, enlarges, erects, maintains, or moves any structure without first obtaining any authorization or permit required by this Development Code, shall pay the additional permit processing fees in compliance with the County Fee Ordinance for the correction of the violations, before being granted an authorization or permit for a use or structure on the site.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

**86.09.200 Reinspection Fees****(a) Amount and applicability of reinspection fee.**

- (1) A reinspection fee shall be imposed on each person who receives a Notice of Violation, notice and order, or letter of correction of any provision of this Development Code or the County Code, adopted Building Code, or State law.
  - (A) The fee amount shall be established in compliance with the current Fee Ordinance.
  - (B) The fee may be assessed for each inspection conducted when the particular violation, for which a Notice of Violation, notice and order, or letter of correction was issued, was not fully abated or corrected as directed by, and within the time and manner specified in, the notice or letter.
- (2) The fee shall not apply to the original verification inspection to document the violations and shall apply to the first compliance inspection made after the issuance of a notice or letter, unless the correction has been made.

**(b) Continuation of the original case.**

- (1) If a notice or letter has been previously issued for the same violation and the property has been in compliance with the provisions of this Development Code or the County Code for less than 90 days, the violation shall be deemed a continuation of the original case, and all inspections or reinspections, including the first inspection for the repeated offense, shall be charged a reinspection fee.
- (2) This fee is intended to compensate for administrative costs for unnecessary County inspections, and is not a penalty for violating this Development Code or the County Code.
- (3) Any reinspection fees imposed shall be separate and apart from any fines or penalties imposed for violation of this Development Code or the County Code, or costs incurred by the County for the abatement of a public nuisance.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

**86.09.210 Documentation**

It is highly recommended that the property owner initiate a Certificate of Land Use Compliance application to document any existing use where an application was not processed but determined to be a legal use and where the zoning or land use designation has changed and where a court decision determined a use to be legally established. This process records a document with the County Recorders Office and is readily available to future property owners, the public and agencies. It is also recommended that the property owner initiate a General Plan and Development Code Interpretation application whenever it is unclear to the owner, or may be to a future owner, what a specific use is determined to be considered under the Development Code.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

**THIS SPACE INTENTIONALLY LEFT BLANK.**

that the damage to the structure was the result of the disaster may also be required.

**(2) Conforming structures and uses.**

- (A) Conforming single-family residential, duplex, triplex, and agricultural structures may be reconstructed in-kind after the issuance of applicable permits. Conforming single-family structures may be altered and expanded so long as they meet all applicable Development Code requirements.
- (B) Conforming structures and uses subject to a Conditional Use Permit, Minor Use Permit, or Site Plan Permit.
  - (I) Conforming structures, occupied by conforming uses which are subject to a Conditional Use Permit, Minor Use Permit, or Site Plan Permit, and for which approved plot plans are available for review, may be reconstructed or repaired in-kind after the issuance of applicable permits.
  - (II) Conforming structures, occupied by conforming uses which are subject to a Conditional Use Permit, Minor Use Permit, Site Plan Permit, **and** where no approved plot plans are available for review, may be reconstructed or repaired in-kind after the issuance of a Site Plan Permit and all other applicable permits.

**(3) Nonconforming uses and structures.**

- (A) Single-family residential, duplex, and triplex structures located in residential land use zoning districts not in compliance with the provisions of this Development Code may be reconstructed or repaired in-kind after the issuance of applicable permits.
  - (B) Nonconforming multi-family residential structures located in residential land use zoning districts may be reconstructed or repaired in-kind after the issuance of a Site Plan Permit (as modified by the provisions of Subsection 86.15.xx A., below) and all other applicable permits.
  - (C) Nonconforming commercial, industrial, and institutional structures located in nonresidential land use zoning districts may be reconstructed or repaired in-kind after the issuance of a Site Plan Permit (as modified by the provisions of Subsection 86.15.060(a), below) and all other applicable permits.
  - (D) Except as listed above, all other provisions of this Development Code shall apply.
- (b) New construction.** All new construction shall be in compliance with the provisions of this Development Code.

(c) **Temporary uses.**

(1) **Residential.**

(A) **On-site.** Temporary residential quarters are allowed on the site of residential unit(s) made uninhabitable by the disaster. The unit(s) may only substitute for the unit(s) previously on the property and may be placed after issuance of a Temporary Use Permit in compliance with Chapter 85.15. Under these circumstances, the Temporary Use Permit may be issued before the issuance of a permit to reconstruct the permanent unit(s), but a Building Permit shall be applied for within 180 days after issuance of the Temporary Use Permit. Individual mobile units require individual approved Setdown Permits.

(B) **Other sites.** Temporary mobile housing may be allowed on sites in any zoning/land use district with a Temporary Use Permit approved by the Building Official and subject to the special findings for a Temporary Use Permit identified in Subsection 86.15.060(b), below). Individual mobile units require individual approved Setdown Permits.

(2) **Commercial, commercial agricultural, industrial, institutional uses.** Temporary nonresidential structures for commercial, commercial agricultural, industrial, or institutional uses, either singly or in groups, shall be allowed in any land use zoning district except residential, on the same site or on a different site than the original structure, with a Temporary Use Permit approved by the Building Official and subject to the special findings for a Temporary Use Permit identified in Subsection 86.15.060(b), below). Individual mobile units require individual approved Setdown Permits.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

**86.15.060 Permits and Procedures**

(a) **Site Plan Permits Post-Disaster.**

- (1) Site Plan Permit process may be modified. Processing of a Site Plan Permit may be modified under the provisions of this Chapter to allow the proposed reconstruction or repair to comply as nearly as possible with the applicable development standards of this Development Code.
- (2) Finding. Issuance of a Site Plan Permit under post-disaster circumstances shall include the finding that the site plan has been designed to meet the current requirements of this Development Code as closely as feasible, including access, landscaping, loading, open space, parking, setbacks, and walls.

(b) **Temporary Use Permit Post-Disaster.**



---

# DIVISION 8 RESOURCE MANAGEMENT AND CONSERVATION

---

<b>Chapter 88.01</b>	<b>Plant Protection and Management.....</b>	<b>3</b>
88.01.010	Purpose .....	3
88.01.020	Applicability .....	4
88.01.030	Exempt Activities .....	4
88.01.040	Regulated Trees and Plants and General Permit .....	6
88.01.050	Tree or Plant Removal Permits.....	7
88.01.060	Desert Native Plant Protection .....	14
88.01.070	Mountain Forest and Valley Tree Conservation.....	16
88.01.080	Riparian Plant Conservation.....	17
88.01.090	Tree Protection from Insects and Disease .....	18
<b>Chapter 88.02</b>	<b>Soil and Water Conservation.....</b>	<b>21</b>
88.02.010	Purpose .....	21
88.02.020	Applicability .....	21
88.02.030	Exempt Activities .....	21
88.02.040	Dust Control - Desert Region .....	23
88.02.050	Wind-Borne Soil Erosion .....	23
<b>Chapter 88.03</b>	<b>Surface Mining and Land Reclamation.....</b>	<b>33</b>
88.03.010	Purpose .....	33
88.03.020	Incorporation of SMARA and State Regulations .....	34
88.03.030	Applicability .....	34
88.03.040	Permit, Plan, And Financial Assurance Requirements.....	34
88.03.050	Vested Rights.....	37
88.03.060	Application Filing, Processing, and Review .....	37
88.03.070	Additional Conditions of Approval .....	41
88.03.080	Financial Assurances .....	42
88.03.090	Reclamation Standards .....	45
88.03.100	Interim Management Plans .....	46
88.03.110	Annual Report.....	47
88.03.120	Inspections .....	47
88.03.130	Violations and Penalties .....	48
88.03.140	Post-Approval Procedures .....	48

**THIS SPACE INTENTIONALLY LEFT BLANK.**

(7) **Permit available for display and inspection.** No person, except as provided in this Chapter, shall harvest, offer for sale, destroy, dig up or mutilate, or have in his or her possession a regulated plant or tree, or the living or dead parts of them, unless the plant or tree was harvested under a valid permit and, where applicable, a valid wood receipt on his or her person. A person shall exhibit the permit, wood receipt, tags and/or seals upon request for inspection by an authorized County enforcement officer or any peace officer. No wood receipt or tag and seal shall be valid unless it is issued with a valid permit and the permit bears the wood receipt number or tag number on its face. Required tags and seals shall be attached securely to a regulated desert native plant.

(8) **Land Disturbance.** No person, except as provided in this Chapter, shall commence with a disturbance of land (e.g., grading or land clearing) without first obtaining approval to assure that said disturbance will not result in the removal of any regulated native trees or plants. Said approval may be in the form of a development permit or a Tree or Plant Removal Permit issued by the appropriate authority.

(j) **Penalties.** Penalties shall be those specified in Chapter 86.09 (Enforcement) and shall include the following and any other penalties specified by individual Sections of this Chapter.

(1) **Fine for illegal removal.**

- (A) In addition to other penalties and fees imposed by this Development Code or other law, a person, firm, or corporation convicted of a violation of the provisions of this Chapter shall be guilty of a misdemeanor upon conviction.
- (B) When one or more plants or trees are removed in violation of the provisions of this Chapter, the removal of each separate plant or tree shall be a new and separate offense.
- (C) The penalty for the offense shall be a fine of not less than \$500 nor more than \$1,000, or six months in jail, or both.
- (D) Payment of a penalty shall not relieve a person, firm, or corporation from the responsibility of correcting the condition resulting from the violation.

**(2) Replacement program for illegal removal.**

- (A) In addition to other penalties imposed by this Development Code or other law, a person, firm, or corporation convicted of violating the provisions of this Chapter regarding improper removal of regulated native trees or plants shall be required to retain, as appropriate, a Tree Expert or Desert Native Plant Expert to develop and implement a replacement program.
- (B) The expert shall determine the appropriate number, size, species, location, and planting conditions for replacement plants or trees in sufficient quantities to revegetate the illegally disturbed area.
- (C) If it is inappropriate to revegetate the illegally disturbed area, another appropriate location (e.g., public parks) may be substituted at the direction of the court.
- (D) The violator shall post a bond in an amount sufficient to remove and reinstall plant/tree materials that were planted as a part of a replacement program and failed within two years.

**(3) Revocation of permits.**

- (A) Upon conviction of a violation of this Chapter, all Tree or Plant Removal Permits issued to the convicted person, firm, or corporation shall be revoked.
- (B) No new or additional Tree or Plant Removal Permits shall be issued to the permittee for a period of one year from the date of conviction.
- (C) Additionally, in the Desert Region the permittee shall be required to surrender unused wood receipts or tags and seals to the Director.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

**88.01.060 Desert Native Plant Protection**

This Section provides regulations for the removal or harvesting of specified desert native plants in order to preserve and protect the plants and to provide for the conservation and wise use of desert resources. The provisions are intended to augment and coordinate with the Desert Native Plants Act (Food and Agricultural Code Section 80001 et seq.) and the efforts of the State Department of Food and Agriculture to implement and enforce the Act.

Z'berg-Nejedly Forest Practice Act of 1973 (Public Resources Code Section 4526 et seq.).

Adopted Ordinance 4011 (2007)

#### **88.02.040 Dust Control - Desert Region**

This Section provides regulations for disturbances to fragile desert soils in order to reduce the amount of fugitive dust that may (for long periods of time) adversely affect those who own; possess, control; or use residential parcels of land; and those who are located downwind of a residential parcel of land whose surface is being disturbed.

- (a) **Applicability.** The provisions in this Section apply to parcels in the Desert Region that are one acre or greater in size and are utilized for residential purposes.
- (b) **Permit requirements.** A land use permit shall not be required for grading, land clearing, or vegetation removal activities that comply with Subsection (c) (Dust control standards Desert Region), below. If more extensive grading, land clearing, or vegetation removal activities are proposed than allowed in Subsection (c), the activities shall be require approval of a Site Plan Permit in compliance with Chapter 85.08 (Site Plan Permit).
- (c) **Dust control standards Desert Region.** Land shall be cleared or natural vegetation shall be removed only in order to provide for the installation of building pads, driveways, landscaping, agriculture, or some other structure or allowed use normally related or accessory to residential uses. **No person, except as provided in this Chapter, shall commence with a disturbance of land (e.g., grading or land clearing) without first obtaining approval to assure that said disturbance will not result in a significant increase of fugitive dust. Said approval may be in the form of a development permit.**

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

#### **88.02.050 Wind-Borne Soil Erosion**

This Section provides regulations to conserve soil resources and to minimize the injurious effects of dust storms.

- (a) **Statement of hazardous wind erosion conditions.** The Board finds and determines that:
  - (1) **Existence of hazardous wind erosion conditions.** Serious and hazardous wind erosion problems exist within portions of the County creating conditions that adversely affect the health, safety, welfare, and property of residents of the County.

- 
- (2) **Reasons for hazardous wind erosion conditions.** These conditions exist because of:
- (A) Improper and untimely disturbance of the surface or subsurface of land, the soil of which is coarse textured and of a sandy nature; and
  - (B) The character and the presence of strong prevailing winds, seasonal and otherwise, that progressively erode land and blow soil in substantial quantity onto public and private property.
- (3) **Public nuisance.** The hazardous wind erosion conditions constitute a public nuisance.
- (4) **Areas of hazardous wind erosion conditions.** Hazardous wind erosion conditions are prevalent and in need of immediate correction within the boundaries of property described in Subsection (b) (Applicability), below.
- (b) **Applicability.** The following areas of the County shall be subject to the provisions of this Section:
- (1) **Unincorporated area near Rancho Cucamonga in the Valley Region.**  
Beginning at the north quarter corner of Section 26, Township 1 north, Range 7 west, San Bernardino Meridian, said corner being also the centerline intersection of Hermosa and Wilson Avenues;  
Thence north along said centerline of Hermosa Avenue and its prolongation to the southerly boundary of the San Bernardino National Forest;  
Thence easterly along said southerly boundary, following all of its various courses to the centerline of Interstate 15;  
Thence southwesterly along said centerline to the centerline of East End Avenue;  
Thence south along said centerline of East End Avenue and its prolongation to the boundary of San Bernardino County;  
Thence west along said County boundary and continuing along said County boundary, following all of its various courses to the centerline of State Highway 71;  
Thence northerly along said centerline of State Highway 71 to the centerline of Euclid Ave.;  
Thence northerly along said centerline of Euclid Ave. to the north quarter corner of Section 30, Township 1 north, Range 7 west, said corner being also the centerline intersection of Euclid Ave. and 24th Street;  
Thence easterly along said centerline of 24th street to the point of beginning.

# DIVISION 10

## DEFINITIONS

<b>Chapter 810.01</b>	<b>Definitions.....</b>	<b>3</b>
810.01.010	Purpose .....	3
810.01.020	Definitions of Specialized Terms and Phrases .....	4
810.01.030	Definitions, “A” .....	4
810.01.040	Definitions, “B” .....	15
810.01.050	Definitions, “C.” .....	18
810.01.060	Definitions, “D.” .....	27
810.01.070	Definitions, “E.” .....	33
810.01.080	Definitions, “F.” .....	36
810.01.090	Definitions, “G.” .....	45
810.01.100	Definitions, “H.” .....	48
810.01.110	Definitions, “I.” .....	52
810.01.120	Definitions, “J.” .....	53
810.01.130	Definitions, “K.” .....	54
810.01.140	Definitions, “L.” .....	55
810.01.150	Definitions, “M.” .....	62
810.01.160	Definitions, “N.” .....	71
810.01.170	Definitions, “O.” .....	72
810.01.180	Definitions, “P.” .....	74
810.01.190	Definitions, “Q.” .....	80
810.01.200	Definitions, “R.” .....	81
810.01.210	Definitions, “S.” .....	88
810.01.220	Definitions, “T.” .....	102
810.01.230	Definitions, “U.” .....	106
810.01.240	Definitions, “V.” .....	107
810.01.250	Definitions, “W.” .....	109
810.01.260	Definitions, “X.” .....	113
810.01.270	Definitions, “Y.” .....	114
810.01.280	Definitions, “Z.” .....	115

**THIS SPACE INTENTIONALLY LEFT BLANK.**



- 
- (7) **Vehicular Access Rights.** The right of access of owners or occupants of abutting lands to a public road or way, other than as pedestrians.
- (b) **Accessibility for the Disabled.** Accessible services, structure or facilities are those that may be entered and used by individuals despite handicapping conditions. Accessibility also includes responding to the needs of people with sight or hearing disabilities, in addition to those with developmental, activity, manual or mobility impairments, so that they may enjoy the full and free use of those services, structures or facilities.
- (c) **Accessory Building Sign.** See “Sign.”
- (d) **Accessory Crop Production (see Land Use Tables).** One or more of the activities included in the definition of “Crop Production, Horticulture, Orchard, Vineyard” occurring incidental to a primary residential use on the same site. This does not include wholesale or retail nurseries.
- (e) **Accessory Dwelling (see Land Use Tables).** A dwelling unit that is accessory and incidental to a primary agricultural, residential, commercial, industrial or institutional land use on the same site, and is for the purpose of providing a residence for one or more people needed to maintain, operate and/or secure the primary non-residential land use on the property. Accessory dwellings include:
- (1) **Caretaker Housing.** The residential occupancy of a dwelling unit by the owners, operators or caretaker employed to guard or operate part or all of the site where the caretaker dwelling is located as an accessory use. The caretaker unit may be located either above the first floor or behind a primary commercial use.
- (2) **Labor Quarters.** Residential occupancy of single or multiple dwelling units with individual, shared or no kitchen facilities to provide housing for the employees and their families of agricultural, mining, logging, major construction, scientific exploration or other remote land uses.
- (f) **Accessory Office.** See “Office.”

- (g) **Accessory Structure.** A subordinate structure, the use of which is incidental to that of the main structure on, or main use of, the land. The use of an accessory structure may be for either a primary or an accessory use allowed by the appropriate land use zoning district.
- (1) **Agricultural Accessory Structure (see Land Use Tables).** A structure for sheltering animals, or agricultural equipment (e.g., tools, supplies, hay, feed, etc.). Examples of these structures include barns, non-commercial greenhouses, coops, corrals, and pens. Does not include pasture fencing, which requires no County approval when in compliance with Chapter 83.06 (Fences, Hedges, and Walls).
- (2) **Residential Accessory Use or Structure (see Land Use Tables).** Any use and/or structure that is customarily a part of, and clearly incidental and secondary to a residence, and does not change the character of the residential use. This definition includes the following detached accessory structures, and other similar structures normally associated with a residential use of property. See also “Agricultural Accessory Structure.”
- garages
  - gazebos
  - greenhouses (non-commercial)
  - spas and hot tubs
  - storage sheds
  - studios
  - swimming pools
  - tennis and other on-site sports courts
  - workshops
- Also includes the indoor storage of automobiles, personal recreational vehicles and other personal property, accessory to a residential use.
- (h) **Accessory Use (see Land Use Tables).** A subordinate use, which may be permanent or temporary. The use is incidental and supported by the primary use. Example: A carport or garage for a single-family dwelling.
- (i) **Accessory Wind Energy System.** See “Wind Energy System.”
- (j) **Action.** The decision made by the Director on a land use application coupled together with the appropriate findings, environmental determination and conditions of approval.
- (k) **Active Thermal System.** See “Thermal System, Active.”

- (2) **Endangered.** An animal species that has been diminished in quantities sufficiently large enough to raise questions regarding the future propagation of the species.
- (oo) **Animal Hospital.** See “Veterinary Clinic, Animal Hospital (see Land Use Tables).”
- (pp) **Animal-Proofed.** Resistant to animals (such as dogs, coyotes, raccoons) opening, tipping over or otherwise gaining access to trash thereby causing trash to be scattered.
- (qq) **Antenna.** See “Wireless Telecommunication Facility.”
- (rr) **Apparel and Other Finished Products.** See “Manufacturing Operation I and II.”
- (ss) **Apex.** See “Flood Hazard.”
- (tt) **Apartment.** A room, or suite of rooms that when combined constitute a single dwelling unit in a multiple dwelling structure and that are designed for, intended for, suitable as a residence for, and/or occupied by one family.
- (uu) **Applicant.** The property owner(s), or authorized agent of the owner(s) who is legally authorized to act for the owner(s) of record.
- (vv) **Approved Access.**
- (1) A dedicated right of way to the County of San Bernardino, an easement for public road, County Highway and public utility purposes, of a width as established by the Circulation Element of the County General Plan. The road constructed thereon shall not be brought into the County maintained road system until an unless the Board of Supervisors of the County of San Bernardino, by appropriate resolution, has caused the road to be accepted into the County Road System.
  - (2) An existing traveled way where a prescriptive right by user has been established for public use by a Court decree.
  - (3) A traveled way that was in existence before 1967, as determined by the County Surveyor. The traveled way must connect to a publicly maintained roadway and must meet each of the following criteria:
    - (A) Have all-weather capability for normal passenger car use.
    - (B) Be of adequate width to provide two-way vehicular access.
    - (C) Be improved and maintained by the use of hand or power machinery or tools in order to allow relatively regular and continuous use. A traveled way maintained solely by the passage of vehicles does not constitute “Approved Access.”

(4) Approved Access shall not be approved by the County Surveyor unless the access:

(A) Substantially conforms to the alignment shown in the Circulation Element of the County General Plan or Community Plan where applicable; and

(B) May practically and feasibly be applied to road use. The approved access provisions apply to divisions of land resulting in lots of 20 acres or more.

(ww) **Approved Structure.** See “Structure, Approved.”

(xx) **Architectural Lighting.** See “Lighting, Outdoor.”

(yy) **Area of Regional Significance.** See “Surface Mining Operations.”

(zz) **Area of Shallow Flooding.** See “Flood Hazard.”

(aaa) **Area of Special Flood Hazard.** See “Flood Hazard.”

(bbb) **Area of Statewide Significance.** See “Surface Mining Operations.”

(ccc) **Art Gallery.** See “Library.”

(ddd) **Attached Lighting.** See “Lighting, Outdoor.”

(eee) **Auction Yard.** See “Swap Meet, Outdoor Market, Auction Yard.”

(fff) **Auto and Vehicle Sales and Rental (see Land Use Tables).** A retail or wholesale establishment selling and/or renting automobiles, trucks and vans, trailers, motorcycles, and bicycles (bicycle sales are also included under “General Retail”). Vehicles for sale may be displayed outdoors or indoors, as authorized by the required Conditional Use Permit.

May also include repair shops and the sales of parts and accessories, incidental to vehicle dealerships. Does not include: the sale of auto parts/accessories separate from a vehicle dealership; mobile home, recreational vehicle, or watercraft sales (see “Mobile Home, RV and Boat Sales”); tire recapping establishments; businesses dealing exclusively in used parts, (see “Recycling - Scrap and Dismantling Yards”); or “Service Stations,” which are separately defined.

(ggg) **Automobile Parking Space.** See “Parking Space, Automobile.”

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

- (gg) **Commission.** The Planning Commission of the County of San Bernardino.
- (hh) **Common Carrier.** Any corporation or business that performs a service for, or delivers a commodity to the public or any portion thereof via a pipeline or other transmission line or device for which any compensation or payment whatsoever is received and is subject to the Federal Mineral Leasing Act of 1920, as amended by Public Law 93-153.
- (ii) **Common Interest Development.** A real property development that consists of, or will consist of, separately owned lots, parcels, areas, or spaces with either or both of the following features:
- (1) One or more additional contiguous or noncontiguous lots, parcels, areas, or spaces owned in common by the owners of the separately owned lots, parcels, areas, or spaces.
  - (2) Mutual, common, or reciprocal interests in, or restrictions upon, all or a portion of these separately owned lots, parcels, areas, or spaces, or both and, in which the owners of the separately owned lots, parcels, areas, or spaces have rights, directly or indirectly, to the beneficial use and enjoyment of all or a portion of the lots, parcels, areas, or spaces.
- The estate in a separately or commonly owned lot, parcel, area, or space may be an estate of inheritance or perpetual estate, an estate for life, an estate for years, or any combination of the foregoing.
- Either common ownership of the additional contiguous or noncontiguous lots, parcels, or areas or the enjoyment of the mutual, common, or reciprocal interests in, or restrictions upon, the separately owned lots, parcels, areas or spaces or both, may be through ownership of shares of stock or membership in an association or otherwise. Shares of stock, if any exist, shall be deemed to be interests in a common interest development and real estate development for purposes of Corporations Code Section 25100(f).
- (jj) **Common Open Space.** See “Open Space, Common”
- (kk) **Community Apartment Project.** A common interest development in which an undivided interest in land is coupled with the right of exclusive occupancy of any apartment located thereon. This use includes apartment complexes that were converted to allow for individual ownership of units that were not constructed to condominium building standards.
- (ll) **Community Celebration.** Those public affairs sponsored by chambers of commerce or community service groups in unincorporated communities for the promotion of community spirit by public parades, carnivals, and other outdoor activities.
- (mm) **Community Noise Equivalency Level (CNEL).** The CNEL is a measure of the cumulative noise exposure level in the community. It results from a summation of

average noise levels based on the average energy level of the sound over a 24-hour period, with an increased weighing factor applied to the evening and night time period.

- (nn) **Community room.** A small facility (up to 1,500 sq. ft.), in a multiple-family project furnished more as a large living room, and may not have a kitchen or may only have a sink and counter for small meetings and other get-togethers.
- (oo) **Compatible.** When used in relation to a structure, indicates that the structure is built so that its appearance is similar to that of the principal unit to which the structure is accessory or to the general character of the neighborhood with regards to color, materials, construction, lighting, signs, or the emission of sounds, noises and vibrations.
- (pp) **Compatible Land Uses.** See “Surface Mining Operations.”
- (qq) **Compliance Investigation.** Any building permit inspection, mobile home setdown inspection, Code compliance investigation, or any review by any County Agency, Department or office, or their designee to determine compliance with rules, regulations, standards and conditions of approval established either by or to implement the provisions of the San Bernardino County Code.
- (rr) **Composite Development Plan.** A map or plan on file with the Building and Safety Division that reflects additional information related to the development of lots created by a Final or Parcel Map recorded after March 1, 1986. Notes on this plan or map are for informational purposes and indicate conditions and criteria that exist on the property that were known and identified as of the date of the recordation of the Final or Parcel Map. Authority for this plan is derived from California Government Code Section 66434.2.
- (ss) **Complex Sign.** See “Sign.”
- (tt) **Complex Occupant Sign.** See “Sign.”
- (uu) **Composting.** Processing waste in a controlled environment to produce a stable product by microbiologically degrading organic matter under aerobic conditions.
- (vv) **Composting operations.** A facility where organic matter that is derived primarily from off-site is to be processed by composting and/or is processed for commercial purposes. Activities of a composting facility may include management, collection, transportation, staging, composting, curing, storage, marketing, or use of compost.
- (ww) **Compressed Gas.** Any mixture or material having in the container either an absolute pressure exceeding 40 pounds per square inch at 70°F, or an absolute pressure exceeding 104 pounds per square inch at 130°F, or both; or any liquid flammable material having a vapor pressure as defined in Section 5415 in Title 8 (Industrial Relations) of the California Code of Regulations..

(xx) **Condominium.** A condominium consists of an undivided interest in common in a portion of real property coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded condominium plan in sufficient detail to locate all boundaries thereof. The area within these boundaries may be filled with air, earth, or water, or any combination thereof, and need not be physically attached to land except by easements for access and, if necessary, support.

(1) The description of the unit may refer to:

(A) Boundaries described in the recorded condominium plan;

(B) Physical boundaries, either in existence, or to be constructed, such as walls, floors, and ceilings of a structure or any portion thereof;

(C) An entire structure containing one or more units; or

(D) Any combination thereof.

(2) An individual condominium within a condominium project may also include a separate interest in other portions of the real property. A condominium is an estate in real property. The estate may, with respect to the duration of its enjoyment, be either:

(A) An estate of inheritance or perpetual estate;

(B) An estate for life;

(C) An estate for years (i.e., leasehold or subleasehold); or

(D) Any combination of the foregoing.

(yy) **Condominium Plan.** A plan consisting of:

(1) A description or survey map of a condominium project, which shall refer to or show monumentation on the ground;

(2) A three dimensional description of a condominium project, one or more dimensions of which may extend for an indefinite distance upwards or downwards, in sufficient detail to identify the common areas and each separate interest; and

(3) A certificate consenting to the recordation of the condominium plan in compliance with this Development Code and signed and acknowledged by the following:

(A) Record owner of fee title to the property included in the condominium project;

- (B) All lessors and lessees of the estate for years in the case of a condominium project that will terminate upon the termination of an estate for years;
- (C) All life tenants and remainder interests in the case of a condominium project subject to a life estate;
- (D) Either the trustee or the beneficiary of each recorded deed of trust;
- (E) Mortgagee of each recorded mortgage encumbering the property.

Owners of mineral rights, easements, rights of way, and other nonpossessory interests do not need to sign the condominium plan. A condominium plan may be amended or revoked by a subsequently acknowledged recorded instrument executed by all the persons whose signatures would be required to record a condominium plan in compliance with Subsection 3, above.

- (zz) **Condominium Project.** A common interest development consisting of condominiums.
- (aaa) **Conference/Convention Facility (see Land Use Tables).** One or more structures accommodating multiple assembly, meeting, and/or exhibit rooms, and related support facilities (e.g., kitchens, offices, etc.).
- (bbb) **Conservation.** The planned management, protection and use of natural resources in order to prevent the wasteful exploitation, destruction or neglect of these resources. Implicit in conservation is the concept of wise use as distinguished from nonuse or preservation.
- (ccc) **Consistency.** A review to ensure that all plans and actions conform to guidelines set forth in the General Plan and any applicable or Specific Plans.
- (ddd) **Construction and Heavy Equipment Sales and Rental (see Land Use Tables).** Retail establishments selling or renting construction, farm, or other heavy equipment. Examples include cranes, earth moving equipment, tractors, combines, heavy trucks, etc.
- (eee) **Construction Contractor (see Land Use Tables).** Office, and indoor and/or outdoor storage facilities operated by, or on behalf of a contractor licensed by the State of California for storage of large equipment, vehicles, and/or other materials commonly used in the individual contractor's type of business; storage of scrap materials used for repair and maintenance of contractor's own equipment; and buildings or structures for uses such as repair facilities.
- (fff) **Construction Projects.** A construction activity that is subject to approval of either a County ministered permit, or approval of a discretionary decision on a land use application.



- (**ggg**) **Contiguous or Contiguous Property.** In actual close contact; touching; bounded or traversed by. “Contiguous property” shall be those properties that touch property lines of any parcel including those properties that touch the property lines of a subject parcel when the lines are projected across public or private rights of way, easements, roads, streets, or railroad rights of way.
- (**hhh**) **Convenience and Support Services (see Land Use Tables).** Establishments that provide convenience or support services to people in employment locations or to the traveling public in locations away from developed commercial centers. These limited services include food, beverage, gasoline, retail services and minor automobile service.
- (**iii**) **Convenience Store (see Land Use Tables).** A retail store of 3,500 square feet or less in gross floor area that carries a range of merchandise oriented to convenience and/or travelers' shopping needs.
- (**jjj**) **Cooling Opportunities, Passive or Natural.** The ability to orient or site a structure, including a dwelling on its lot in order to take optimum advantage of prevailing breezes for cooling purposes.
- (**kkk**) **Corner Lot.** See “Lot.”
- (**lll**) **Correctional Institution (see Land Use Tables).** An incarceration facility owned and operated by a Federal, State, local government or private entity.
- (**mmm**) **Corrosive Soils.** See “Soil.”
- (**nnn**) **County.** The County of San Bernardino, State of California.
- (**ooo**) **County Code.** County of San Bernardino Code.
- (**ppp**) **County Fire Department.** See “Fire Department.”
- (**qqq**) **County Procedures.** Any policies or procedures that have been adopted by the Board of Supervisors, and are described, delineated and on file for use and examination by the public in the Office of Clerk of the Board of Supervisors.
- (**rrr**) **County Standards.** Any current improvement standards or design standards that have been adopted by the Board of Supervisors, and are described, delineated and on file for use and examination by the public in the Office of the Clerk of the Board of Supervisors.
- (**sss**) **County Surveyor.** The County Surveyor of San Bernardino County, or authorized designee.
- (**ttt**) **County Veterinarian.** Any veterinarian of the County designated by the Department of Public Health

| **(uuu) Court.** An open, unoccupied space, other than a yard, that is bounded on two or more sides by a building or buildings and is created by the required separation of the buildings.

| **(vvv) Crop Production, Horticulture, Orchard, Vineyard (see Land Use Tables).** Commercial agricultural production field and orchard uses, including the production of the following, primarily in the soil on the site and not in containers, other than for initial propagation before planting in the soil on the site, and/or in containers occupying one acre or less:

- field crops
- flowers and seeds
- fruits
- grains
- melons
- ornamental crops
- tree nuts
- trees and sod
- vegetables
- wine grapes and table grapes

Also includes associated crop preparation services and harvesting activities, such as mechanical soil preparation, irrigation system construction, spraying, crop processing and retail sales in the field, not including sales sheds.

| **(www) Cultural Resource Damage.** Any destruction or harm done to or inflicted upon any paleontological, archaeological or historical remains that could contribute to the study and interpretation of biological and cultural development.

| **(xxx) Curb Cut.** The lowering of a curb to permit access by vehicles, wheelchairs, carts and pedestrians.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

**810.01.070 Definitions, “E.”**

- (a) **Earth Material.** Rock, natural soil or combination thereof.
- (b) **Easement.** A grant of one or more property rights by the property owner to and/or for the use by the public, a corporation, or another entity, including:
  - (1) **Road Easement.** Any property that is reserved for or in general use for road purposes to provide access for the public to otherwise inaccessible parcels of land, provided that the easements are not included in the definition herein of “street”.
  - (2) **Road Easement, Private.** Any property that is reserved for road purposes to provide access for property owners to their private property, provided that the easements are not included in the definition of “street” herein.
- (c) **Educational Animal Project.** An animal husbandry project under the supervision of an educationally oriented youth program or organization connected to a school or non-profit organization (e.g., 4-H, Future Farmers of America, etc.)
- (d) **Educational Institutions.** See “Schools.”
- (e) **Electrical Power Generation (see Land Use Tables).** A facility that generates and distributes electrical energy for sale. The electricity may be generated from oil, gas, coal or fuels or from “alternate” sources including water, wind, the sun, bio gas, municipal or agricultural wastes. This includes “cogeneration,” which means the sequential use of energy for the production of electrical and useful thermal energy. The sequence can be thermal use followed by electric power production or the reverse. See also “Wind Energy System.”
- (f) **Emergency Access Route.** See “Road System.”
- (g) **Endangered Animals.** See “Animals.”
- (h) **Endangered Species.** See “Rare or Endangered Species.”
- (i) **Enforcement.** For the purposes of this code, certain words relative to enforcement are defined as follows:
  - (1) “Abatement costs” means any and all costs or expenses reasonably related to the abatement or removal of conditions which violate any provision of this code or any permit or any condition of land use approval granted pursuant thereto or the correction of such violation, and shall include, but not be limited to, enforcement, investigation, collection, and administrative costs; and attorney’s fees.
  - (2) “Administrative costs” means all costs incurred by or on behalf of the County from the first discovery of the violation of the this Development Code or any permit or condition of land use approval granted pursuant thereto through the

- appeal process and until compliance is achieved, including but not limited to, staff time in investigating the violation, inspecting the property where the violation occurred, preparing investigation reports, sending notices, preparing for and attending any appeal hearing, telephone contacts, and correspondence.
- (3) “Codified Ordinances of the County of San Bernardino,” and “San Bernardino County Code,” and “this code” shall mean the San Bernardino County Development Code (Title 8 of the San Bernardino County Code), including all pertinent provisions of state codes as adopted therein, enacted by the Board of Supervisors of the County of San Bernardino acting pursuant to authority granted under the County Charter, California Government Code Sections 25126, 25127, and 25128; or other applicable law.
- (4) “Enforcement Officer” shall mean any County employee or agent of the County with the authority to enforce any provision of the Development Code, specifically:
- (A) The Deputy Director, each Code Enforcement Supervisor, and each Code Enforcement Officer or other designated employee of the Code Enforcement Division of the Land Use Services Department;
  - (B) The Fire Chief/Fire Warden, each Deputy Chief, each Assistant Chief, each Division Chief, the Fire Marshal, Assistant Fire Marshal, each Fire Prevention Supervisor, and each Fire Prevention Officer or other designated employees of the County Fire Department;
  - (C) The Director and each Inspector or other designated employees of the Environmental Health Services Division of the Department of Public Health;
  - (D) The Program Manager and each Animal Control Officer or other designated employees of the Animal Care and Control Program of the Environmental Health Division of the Department of Public Health;
  - (E) The Sheriff-Coroner and each Deputy Sheriff (all ranks) or other designated employee of the Department of the Sheriff-Coroner;
  - (F) Any other Director and other designated employee of a county department as designated by the County Administrative Officer.
- (5) “Person” shall mean any natural person, firm, association, club, organization, corporation, partnership, business trust, company or other entity, which is recognized by law as the subject of rights or duties.
- (6) “Responsible party,” for the purpose of this Chapter shall mean each person committing or allowing the violation or causing a condition on a parcel of real property located within the unincorporated area of the County of San Bernardino to violate any provision of this Development Code or any permit or any condition

of land use approval granted pursuant thereto; each person who has an ownership interest in that property; and each person who, although not an owner, nevertheless has a legal right or legal obligation to exercise possession and control over that property. In the event the person who commits the violation or causes the violating condition is a minor, then the minor's parents or legal guardian shall be deemed the responsible party for that violation. In the event the violation or violating condition is most reasonably attributable to a business and not to an employee, then that business, to the extent it is a legal entity such that it can sue and be sued in its own name, and each person who is an owner of that business shall be deemed responsible parties.

- (j) **Enhanced Specialized Mobile Radio Service.** See “Wireless Telecommunication Facility.”
- (k) **Entertainment Assembly.** See “Sports or Entertainment Assembly.”
- (l) **Entertainment Services.** See “Recreation and Entertainment Services.”
- (m) **Environmental Constraints.** Environmental factors that limit or inhibit the potential for land development, including, but not limited to, flood hazards, seismic hazards, air quality and water supply.
- (n) **Environmental Impact.** Projected long-term or short-term effects (adverse or beneficial) that a development project or plan may have on the natural and built environment if the project is carried out.
- (o) **Environmental Impact Report (EIR).** An environmental impact report (EIR) is the public document used by a governmental agency to analyze the significant environmental effects of a proposed project, to identify alternatives, and to disclose possible ways to reduce or avoid possible environmental damage.
- (p) **Environmental Review Guidelines.** Written procedures adopted by the Board of Supervisors for the purpose of implementing the requirements of the California Environmental Quality Act (CEQA).
- (q) **Equestrian Facility (see Land Use Tables).** A commercial facility for horses, donkeys, and/or mules. Examples include horse ranches, boarding stables, riding schools and academies, horse exhibition facilities (for shows or other competitive events), and barns, stables, corrals and paddocks accessory and incidental to these uses. Does not include the simple pasturing of horses, donkeys, and/or mules, which is instead included in “Animal Keeping.” Does not include rodeo arenas, which are under “Rural Sports and Recreation.”
- (r) **Equipment Rental.** A service establishment that may offer a wide variety of household and business equipment, furniture, and materials for rental. Does not include construction equipment rental, which is separately defined.

- (s) **Erosion.** The wearing away of the ground surface as a result of the movement of wind or water or machine.
- (t) **Erosion, Accelerated.** Erosion caused by a human induced alteration of the vegetation, land surface, topography or runoff pattern. Evidence of accelerated erosion is often indicated by exposed soils, gullies, rills, sediment deposits or slope failures caused by human activities.
- (u) **Erosion Hazard.** The susceptibility of a site to erode based on condition of slope, rock type, soil and other site factors. Hazard may be determined based on a site-specific investigation and the soil disturbance may be caused by wind, water or machine.
- (v) **Exotic Animal.** Any warm-blooded or cold-blooded animal of the biological kingdom *Animalia* generally considered as wild, exotic, dangerous, venomous or not normally domesticated and as determined by County veterinarian. Includes genetically engineered animals.
- (w) **Expansive Soils.** See “Soil.”
- (x) **Exploration or Prospecting.** The search for minerals by geological, geophysical, geochemical, or other techniques. These include but are not limited to, sampling, assaying, drilling, or any surface or underground works needed to determine the type, extent, or quantity of mineral present.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

**THIS SPACE INTENTIONALLY LEFT BLANK.**

**810.01.080 Definitions, “F.”**

- (a) **Fabricated Metal Products Manufacturing.** See “Manufacturing Operations I and II.”
- (b) **Factory-built housing (modular unit).** A residential building, dwelling unit, or an individual dwelling room or combination of rooms thereof, or building component, assembly, or system manufactured in such a manner that all concealed parts or processes of manufacture cannot be inspected before installation at the building site without disassembly, damage, or destruction of the part, including units designed for use as a part of an institution for resident or patient care, that is either wholly manufactured or is in substantial part manufactured at an offsite location to be wholly or partially assembled onsite in accordance with building standards published in the California Building Standards Code and other regulations adopted by the commission pursuant to section 19990. Factory-built housing does not include a mobile home, as defined in Section 18008, a recreational vehicle, as defined in Section 18010.5, or a commercial modular, as defined in Section 18012.5 of the California Health and Safety Code (CHSC).
- (c) **Family.** A person or persons living together as a single housekeeping unit in a dwelling unit.
- (d) **Family Day Care Home.** See “Day Care, Child.”
- (e) **Farm.** See “Ranch/Farm.”
- (f) **Farm Visit.** The activity of visiting a farm for short periods of time for the purpose of participating in or enjoying farm activities and/or other attractions offered.
- (g) **Fee Schedule.** A schedule of fees established by the Board of Supervisors in compliance with Division 6 (County Fees) or Title 1 (Government and Administration) of the San Bernardino County Code.
- (h) **FEMA.** The Federal Emergency Management Agency.
- (i) **Festival, Outdoor.** See “Outdoor Festival.”
- (j) **Final Map.** See the California Government Code, Title 7, Division 2 definition.
- (k) **Findings.** A set of conclusions that are required before specified permits, land use applications, deviations, ordinance changes or other entitlements may be granted.
- (l) **Fire Authority.** The San Bernardino County Fire Marshall, State Forest Ranger in charge of the California Department of Forestry, U.S. Forest Supervisor, or if within the jurisdiction of a Fire Protection District, the Board of Directors of the district.
- (m) **Fire Authority, Local.** The fire department or agency serving a subject area as specified by County Code Subsection 23.015(h).



- (kk) **Mixed Land Use.** The unspecified mixture of compatible land uses within one building or within a section or sections of a community.
- (ll) **Mobile Home, Boat, or RV Sales (see Land Use Tables).** Retail establishments selling both mobile home dwelling units, and/or various vehicles and watercraft for recreational uses. Includes the sales of boats, campers and camper shells, jet skis, mobile homes, motor homes, and travel trailers.
- (mm) **Mobile Home, Dependent.** A mobile home or travel trailer coach not equipped with a toilet for sewage disposal.
- (nn) **Mobile Home** A structure that was constructed prior to June 15, 1976, is transportable in one or more sections, which in the traveling mode, is eight body feet or more in width, or 40 feet or more in length, or, when erected on site, is 320 or more square feet, and designed to be used as a dwelling unit with or without a permanent foundation when connected to utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein; except that such term will include any structure which meets all the requirements of this paragraph and complies with the state standards in effect at the time of construction. "Mobile home does not include commercial modulars, as defined in Section 18001.8, factory-built housing, as defined in Section 19971, a manufactured home, as defined in Section 18007, or a recreational vehicle, as defined in Section 18010 of the California Health and Safety Code (CHSC).
- (oo) **Mobile Home Park/manufactured home land-lease community (see Land Use Tables).** An area or tract of land designed as a single unit where spaces for two or more mobile homes used for human habitation are rented or leased on a monthly or greater basis, or owned separately.
- (pp) **Mobile Home Park Lot.** A portion of a mobile home park designated or used for the occupancy of one trailer coach or camping party.
- (qq) **Mobile Home, Self-Contained.** A mobile home or trailer equipped with a toilet, water storage tank for potable water and a sewage holding tank.
- (rr) **Mobile Recycling Unit.** See "Recycling Facility."
- (ss) **Modular unit (Factory-built housing).** A residential building, dwelling unit, or an individual dwelling room or combination of rooms thereof, or building component, assembly, or system manufactured in such a manner that all concealed parts or processes of manufacture cannot be inspected before installation at the building site without disassembly, damage, or destruction of the part, including units designed for use as a part of an institution for resident or patient care, that is either wholly manufactured or is in substantial part manufactured at an offsite location to be wholly or partially assembled onsite in accordance with building standards published in the California Building Standards Code and other regulations adopted by the commission pursuant to section 19990. Factory-built housing does not include a mobile home, as defined in Section 18008, a recreational vehicle, as defined in Section 18010.5, or a

commercial modular, as defined in Section 18012.5 of the California Health and Safety Code (CHSC).

(tt) **Monopole.** See “Wireless Telecommunication Facility.”

(uu) **Monument Sign.** See “Sign.”

(vv) **Moratorium.** See “Development Moratorium.”

(ww) **Motel.** A building or group of two or more detached, semi detached or attached buildings containing guest rooms designed, used and intended, wholly or in part, for the accommodation of transients for compensation on a daily or weekly basis. These establishments provide lodging and parking for automobile travelers and the rooms are usually accessible from outdoor parking area. These establishments may include guest rooms with food preparation areas (kitchenettes) and are designed, intended or used primarily for the accommodation of automobile travelers. Included are lodging establishments designated as cabins, motor courts, and similar designations; not including those facilities defined in social care facilities or any jail, hospital, asylum, sanitarium, orphanage, prison or other building in which human beings are housed and detained under legal restraint.

(xx) **Motor Vehicle.** A self-propelled device by which persons or property may be moved upon a highway, excepting a device moved by human power or used exclusively upon stationary rails or tracks.

(yy) **Motor Vehicle Dismantling Facility (see Land Use Tables).** Any premises used for the dismantling of wrecking of vehicles required to be registered under the Vehicle Code of the State of California. Activities may include the buying, selling or dealing in vehicles, their integral parts, or component materials thereof, and the storage, sale or dumping of dismantled, partially dismantled, wrecked or inoperative vehicles. See also “Recycling Facilities – Scrap and Dismantling Yard.”

(zz) **Motor Vehicle Storage/Impound Facility (see Land Use Tables).** Any lot, lot area, or parcel of land used, designed, or maintained for the specific purpose of storing, impounding, or keeping motor vehicles, but not including dismantling or wrecking activities.

(aaa) **Mountain Major Highway.** See “Road System.”

(bbb) **Mountain Region.** Areas within the following described boundary: Beginning at the intersection of the boundary line between San Bernardino and Los Angeles Counties and the north line of Section 31 Township 4 North, Range 7 West, SBB&M, thence generally easterly and southerly along the National Forest boundary to its intersection with the boundary line between San Bernardino and Riverside Counties; thence westerly along the County line to the southwest corner of Township 1 South, Range 1 East; thence generally northerly and westerly following the National Forest boundary to the intersection of north boundary of Section 24, Township 1 North, Range 8 West,

SBB&M and the boundary line between San Bernardino and Los Angeles Counties; thence northerly along the County line to the point of beginning.

- (ccc) **Mountain Secondary Highway.** See “Road System.”
- (ddd) **Mudslide.** The flow of mud and debris in a downslope direction due to slope failure, caused by poor structural and water retention properties of the soil. They are generally experienced after heavy precipitation, fast snowpack melt, an earthquake or any combination thereof.
- (eee) **Multi-Family Residential Projects.** Development project in which two or more attached or detached units are located, including apartments or condominiums.
- (fff) **Multiple Dwelling Unit (see Land Use Tables).** A multiple dwelling unit is a series or combination of dwelling units, either attached or detached, designed to house more than one family with individual, shared or no kitchen privileges (e.g. apartments, condominiums, boarding houses, residential hotels). See also “Dwelling, Multiple Family.”
- (ggg) **“Multi-unit manufactured housing”** Pursuant to California Health and Safety Code (CHSC) Section 18008.7, multi-unit manufactured housing means either of the following:
- (1) A structure transportable under permit in one or more sections designed and equipped to contain not more than two dwelling units, a dormitory, or an efficiency unit as defined in Section 17958.1, to be used with a support system pursuant to Section 18613 or a foundation system pursuant to Section 18551.
  - (2) A structure transportable under permit in one or more sections, designed to be used with a foundation system for either of the following purposes:
    - (A) Three or more dwelling units, as defined in Section 18003.3.
    - (B) A residential hotel, as defined by paragraph (1) of subdivision (b) of Section 50519.

“Multi-dwelling unit manufactured housing” shall be constructed in compliance with all applicable department regulations. The egress and fire separation requirements of Title 24 of the California Code of Regulations (CCR) applicable to dormitories, hotels, apartment houses, and structures that contain two dwelling units shall also be applicable to all multi-dwelling manufactured housing constructed for those purposes. The accessibility and adaptability requirements of Title 24 of the CCR applicable to dormitories, hotels and apartment homes shall also be applicable to multi-dwelling unit manufactured housing containing three or more dwelling units.

Notwithstanding any other provision of law, all provisions of law that apply to manufactured homes shall apply to equally to multi-dwelling unit manufactured housing. For purposes of this section:

(1) “Dormitory” means a room or rooms inhabited for the purposes of temporary residence by two or more persons

(2) “Efficiency unit” has the same meaning as defined in Section 17958.1.

**(hhh) Multi-use Center.** An area of service, retail or publicly oriented facilities that are centrally located along collector streets or major arterials and serve the local residents.

**(iii) Museum.** See “Library, Museum, Art Gallery, Outdoor Exhibit.”

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

**810.01.200 Definitions, "R."**

- (a) **Raised Sleeping Beds.** A piece of furniture on, or in, which to lie and sleep and which is elevated off of the floor at least two feet. For the purposes of this definition, a single (or twin) bed will accommodate one person, while a double, queen or king bed will each accommodate two persons.
- (b) **Ranch/Farm.** An establishment primarily engaged in growing crops and raising animals. A ranch/farm may consist of a single tract of land or a number of separate tracts that may be held under different tenures (i.e., the ranch/farm operator may own one tract and rent another). A ranch/farm may be operated by the owner alone or with the assistance of members of the household or hired employees. See also "Agriculture," "Agricultural Use," and "Agritourism." Does not include "Agricultural Support Service."
- (c) **Rare or Endangered Species.** As used in the Development Code or the San Bernardino County Environmental Review Guidelines, shall be as defined in Section 15380 of the California Environmental Quality Act (CEQA) Guidelines.
- (d) **Rear Lot Line.** See "Lot."
- (e) **Rear Yard.** See "Yard."
- (f) **Reclamation.** See "Surface Mining Operations."
- (g) **Recreational and Entertainment Services.** Establishments that provide leisure time activities and services that involve many people in a public assembly use where people either participate individually or are entertained by an activity. See also "Rural Sports and Recreation."
- (h) **Recreational Use.** Public use of land for walking, hiking, skiing, riding, driving, picnicking, camping, swimming, boating, fishing, hunting or other outdoor games or sports for which land or facilities are provided for public participation.
- (i) **Recreational Vehicle (RV).** A motor home, travel trailer, truck camper or camping trailer, with or without self-propelled motive power, designed for human habitation for recreational or emergency occupation, and that may be moved upon a public highway without a special permit or chauffeur's license or both without violating any provision of the California Vehicle Code. A "Self Contained Recreational Vehicle" shall be a recreational vehicle with a kitchen sink, cooking appliance, refrigeration facilities, and a separate bathroom containing a water closet with a flush toilet, lavatory and bathtub or shower. A self-contained recreational vehicle shall have adequate provisions for the sleeping, bathing, sanitation, food preparation and eating by the number of people occupying the self contained recreational vehicle.

- (j) **Recreation Hall.** A relatively large room or hall (over 3,000 sq. ft.) within a multiple-family project with a kitchen for hosting fairly large events and concerts (60-80+ people) and may have an area set up, more or less permanently, for indoor games (e.g. ping pong tables, pool tables, foosball tables, etc.), for a library, for small gatherings, or for use as a mini cinema.
- (k) **Recreational Vehicle Park (RVP).** An area or tract of land, within an area where the land use zoning district allows recreational uses and where one or more lots are rented or leased or held out for rent, or lease to owners or users of recreational vehicles for temporary occupancy.
- (l) **Recyclable Material.** Reusable material including but not limited to metals, glass, plastic and paper, which are intended for reuse, remanufacture, or reconstitution for the purpose of using the altered form. Recyclable material does not include refuse or hazardous material. Recyclable material may include used motor oil collected and transported in compliance with Health and Safety Code Sections 25250.11 and 25143.2(b)(4).
- (m) **Recycling Facility (see Land Use Tables).** A center for the collection and/or processing of recyclable materials. A “Certified Recycling Facility” or “Certified Processor” is a recycling facility certified by the California Department of Conservation as meeting the requirements of the California Beverage Container recycling and Litter Reduction Act of 1986. A recycling facility does not include storage containers or processing activity located on the premises of a residential, commercial, or manufacturing use and used solely for the recycling of material generated by that residential property, business or manufacturer. Recycling facilities may include the following:
- (1) **Collection Facility.** A center for the acceptance, by donation, redemption, or purchase, of recyclable materials from the public. The facility does not use power-driven processing equipment except as provided by this Title. Collection facilities may include the following:
- (A) **Reverse Vending Machine(s).** As defined below.
- (B) **Small Collection Facility.** Occupies an area of not more than 500 square feet and may include:
- (I) A mobile unit;
- (II) Bulk reverse vending machines or a grouping of reverse vending machines occupying more than 50 square feet;
- (III) Kiosk type units, which may include permanent structures;
- (IV) Unattended containers placed for the donation of recyclable materials.

- (C) **Large Collection Facility.** May occupy an area of more than 500 square feet and may include permanent structures.
- (2) **Processing Facility.** A building or enclosed space used for the collection and processing of recyclable material. Processing means the preparation of material for efficient shipment, or to an end-user's specifications, by means such as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing. Processing facilities include the following:
- (A) **Light Processing Facility.** Occupies an area of under 45,000 square feet of gross collection, processing, and storage area and has up to an average of two outbound truck shipments per day. Light Processing Facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting of source-separated recyclable materials and repairing of reusable materials sufficient to qualify as a Certified Processing Facility. A Light Processing Facility shall not shred, compact, or bale ferrous metals other than food and beverage containers.
- (B) **Heavy Processing Facility.** Any processing facility other than a Light Processing Facility.
- (3) **Reverse Vending Machine.** An automated mechanical device that accepts at least one or more types of empty beverage containers, including, but not limited to aluminum cans, glass and plastic bottles, and cartons, and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value as determined by the State. A Reverse Vending Machine may sort and process containers mechanically provided that the entire process is enclosed within the machine. In order to accept and temporarily store all three container types in a proportion commensurate with their relative redemption rates, and to meet the requirements of certification as a recycling facility, multiple grouping of Reverse Vending Machines may be necessary. A "Bulk Reverse Vending Machine" is a reverse vending machine that is larger than 50 square feet; is designed to accept more than one container at a time; and will pay by weight instead of by container.
- (4) **Mobile Recycling Unit.** An automobile, truck, trailer or van, licensed by the Department of Motor Vehicles, which is used for the collection of recyclable materials. A Mobile Recycling Center also means the bins, boxes or containers transported by trucks, vans, or trailers, and used for the collection of recyclable materials.
- (5) **Scrap and Dismantling Yard.** Outdoor establishments primarily engaged in assembling, breaking up, sorting, and the temporary storage and distribution of recyclable or reusable scrap and waste materials, including auto wreckers engaged in dismantling automobiles for scrap, and the incidental wholesale or retail sales of parts from those vehicles. Includes light and heavy processing facilities for recycling (see the definitions above). Does not include: pawn shops,

and other secondhand stores; the sale of operative used cars; or landfills or other waste disposal sites. See also “Motor Vehicle Dismantling Facility” and “Salvage Operations.”

- (n) **Recycling Facility, Accessory (see Land Use Tables).** A recycling facility as defined above, that is incidental to a primary industrial or commercial use.
- (o) **Regulatory Floodway.** See “Flood Hazard.”
- (p) **Rehabilitation.** The restoration of deteriorated structures, neighborhoods and public facilities. It may involve repair, renovation, conversion, expansion, remodeling, reconstruction or any combination thereof.
- (q) **Rehabilitation Center.** See “Medical Services Rehabilitation Center.”
- (r) **Related Land Use.** A land use that is supportive of the predominant land use of an area. For example, a neighborhood commercial center is a supportive use in the residential land use category.
- (s) **Religious Assembly Facility.** See “Meeting Facility, Public or Private” and “Places of Worship.”
- (t) **Remainder Parcel.** See “Parcel, Remainder.”
- (u) **Remote Unit.** See “Wireless Telecommunication Facilities.”
- (v) **Repair Services.** Establishments engaged in the provision of repair services to individuals, households and firms.
- (w) **Reserve Parcel.** See “Parcel, Reserve.”
- (x) **Reservoir.** A naturally occurring or artificially created body of water (impounded above or below surface level) with a designated holding capacity of at least one acre-foot of water. Does not include “Pond.” See also “Lake.”
- (y) **Residential Accessory Use or Structure (see Land Use Tables).** See “Accessory Structure.”
- (z) **Residential Development.** A project containing one or more residential dwelling units, including mobile homes, or a subdivision of land for the purpose of constructing one or more residential dwelling units.
- (aa) **Residential Hotel.** See “Hotel, Residential.”
- (bb) **Residential Use.** One or more of the dwelling unit types listed in the tables Division 2 (Land Use Zoning Districts and Allowed Land Uses) under the heading of “Residential.”



- (cc) **Residuals Depository.** See “Hazardous Waste.”
- (dd) **Responsible Person.** Any person who creates a condition that may lead to accelerated erosion. If a specific person cannot be identified, the owner of the land where the condition exists shall be considered the responsible person.
- (ee) **Restaurant, Café, Coffee Shop (see Land Use Tables).** A retail business selling ready-to-eat food and/or beverages for on- or off-premise consumption. These include eating establishments where customers are served from a walk-up ordering counter for either on- or off-premise consumption (“counter service”); and establishments where customers are served food at their tables for on-premise consumption (“table service”), that may also provide food for take-out.
- (ff) **Retail, General.** See “General Retail.”
- (gg) **Retail Sale.** A sale of commodities or goods for personal household or farm consumption directly to the ultimate consumer. Sales are normally in small quantities and may include the rendering of services incidental to and supportive of the sale of the merchandise.
- (hh) **Reversed Corner Lot.** See “Lot.”
- (ii) **Reverse Vending Machine.** See “Recycling Facility.”
- (jj) **Reversion to Acreage.** The process by which subdivided real property may be reverted to acreage.
- (kk) **Review Authority.** Person, body or agency authorized to render land use decisions or provide technical recommendations to the Planning Agency.
- (ll) **Right-of-way.** Any strip or area of land, including surface, overhead, or underground, granted by easement, for construction and maintenance according to a designated use, such as drainage canals and ditches, electric power and telephone lines, gas, oil, water, and other pipelines, highways and roads and/or flowage or impoundment of surface waters.
- (mm) **Right-of-Way, Transportation.** See “Transportation Right-of-Way.”
- (nn) **Riparian habitat.** A natural plant community located along, and dependent upon, a water body or water course (e.g., sides of canyon bottoms, creeks, streams, rivers, etc.)
- (oo) **Road or Roadway.** An open way for vehicular traffic.
- (pp) **Road Easement.** See “Easement.”
- (qq) **Road Easement, Private.** See “Easement.”

- (rr) **Road System.** The classification of streets and highways by their diverse functions and design. The following is the commonly used hierarchy of streets and highways for planning purposes:
- (1) **Local Street.** A roadway allowing access to abutting land, serving local traffic only.
  - (2) **Collector.** A street used by traffic to travel from local streets to secondary or major highways; usually it allows direct access to abutting properties.
  - (3) **Emergency Access Route.** A two-lane street of high standards, designed, constructed and specifically identified as an emergency access route to serve as a collector or distributor of neighborhood traffic and as an alternative access route in an emergency situation.
  - (4) **Mountain Secondary Highway.** A controlled access, moderate speed, two-lane highway, designed and constructed to accommodate high volumes of intercommunity traffic.
  - (5) **Mountain Major Highway.** A limited access, high speed, four-lane highway, designed and constructed to accommodate large volumes of intercommunity traffic. The mountain expressway connects intensely developed areas and points of interest. It is a four-lane highway with intersections at grade. It is striped for two lanes with shoulders in each direction. Turn lanes at intersections when necessary will require additional rights-of-way and roadway widths.
  - (6) **Secondary Highway.** A street serving traffic from collector streets and major highways that provides for traffic movement to and from traffic generators and attractors; the street is subject to controlled access from the properties fronting on the right of way; intersecting streets are subject to appropriate spacing. It is a four-lane highway with intersections at grade. It is striped for two lanes with shoulders in each direction. Turn lanes at intersections when necessary will require additional rights-of-way and roadway widths.
  - (7) **Major Highway.** A street or thoroughfare that serves through traffic movement across urban areas or to major traffic generators and attractors; it is subject to controlled access from properties fronting on the right of way; intersecting streets are subject to appropriate spacing. It is a four-lane highway with intersections at grade. It is striped for two lanes with shoulders in each direction with turn lanes at intersections. Additional rights-of-way and roadway widths may be necessary for turn lanes.
  - (8) **Major Divided Highway.** A road or thoroughfare that that serves through traffic movement across urban areas, subject to controlled access from properties fronting on the right of way; intersecting streets are subject to appropriate spacing. It is a divided four-lane road with intersection at grade. It is striped for two lanes with shoulders in each direction with a raised median and turn lanes. Additional rights-of-way and roadway widths may be necessary for turn lanes.

(9) **Major Arterial Highway.** A road or thoroughfare that serves through traffic movement across urban areas, subject to controlled access from properties fronting on the right of way; intersecting streets are subject to appropriate spacing. It is a six-lane highway that may have grade separations at intersections. It is striped for three lanes with shoulders in each direction with turn lanes at intersections. Additional rights-of-way and roadway widths may be necessary for turn lanes.

(10) **Freeway.** A multilane highway with full grade separation (i.e., intersections are separated by under or overpasses), median strips and fencing or landscaping strips along the sides. It basically services intercity and interstate traffic. See also “Freeway.”

(ss) **Rockfall.** Failure and rapid downhill movement of rocks as a result of gravity, which can be initiated by earthquake shaking.

(tt) **Roof Sign.** See “Sign.”

(uu) **Rooming or Boarding (see Land Use Tables).** Residential occupancy of a building with no more than five bedrooms and no more than one person per room, where lodging is provided for compensation on a weekly or greater basis; but not including facilities defined as social care facilities.

(vv) **Rubber Manufacturing.** See “Manufacturing Operations I and II.”

(ww) **Rumpus Room.** See “Recreation Room.”

(xx) **Runoff.** The movement of water over the ground surface.

(yy) **Rural Sports and Recreation (see Land Use Tables).** Facilities for sports and recreational activities requiring large sites and/or remote locations, including hunting and fishing clubs, off-road vehicle parks, and shooting (rifle, pistol, and archery) ranges, ski resorts. See also “Recreational Use.”

(zz) **RV Sales.** See “Mobile Home, Boat or RV Sales.”

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

**810.01.210 Definitions, “S.”**

- (a) **Salvage Operations (see Land Use Tables).** Establishments involved in the storage, sale, wholesale and processing of salvage materials. This land use classification does not include **any of the sub-classifications of** recycling collection facilities (“Recycling Collection Facilities) **except “Scrap and Dismantling Yard.”** See also “Junk and Salvage Facility.”
- (1) **Contained.** These uses are conducted entirely within enclosed structures and provide environmentally sound practices in collecting and recycling oils and other toxic materials. No outside storage of parts occurs, and establishments are monitored annually to ensure they are maintained appropriately.
- (2) **General.** These uses create major environmental disruption even when carefully regulated. Dust, dirt, noise and unsightly conditions often prevail with these operations.
- (b) **Scenic Corridor.** The area outside a highway or an adopted trail right-of-way that is generally visible to persons traveling on the highway or trail.
- (c) **School (see Land Use Tables).** A public or private academic educational institution that offers instruction in the several branches of learning and study required to be taught in the public schools by the Education Code of the State of California. Schools types include:
- boarding school
  - elementary, middle, and junior high schools
  - community college, college, or university
  - high school
  - military academy

Also includes schools providing specialized education/training. Examples include the following:

- art school
- establishments providing courses by mail
- ballet and other dance school
- language school
- business, secretarial, and vocational school
- martial arts
- computers and electronics school
- music school
- drama school
- professional school (law, medicine, etc.)
- driver education school
- seminaries/religious ministry training facility

Also includes facilities, institutions and conference centers that offer specialized programs in personal growth and development, such as fitness, environmental awareness, arts, communications, and management. Does not include pre-school and child day care facilities (see also “Day Care Facility”).

- (d) **Scientific Goods Manufacturing.** See “Manufacturing Operations I.”

**(pppp) System Height.** See “Wind Energy System.”

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

**810.01.220 Definitions, “T.”**

- (a) **Tag.** A paper or cloth label issued in compliance with the California Desert Native Plants Act (Food and Agricultural Code Section 80001 et seq.) by the Agricultural Commissioner that can be attached to a native plant or a commercial load by means of a string and a Seal. A Tag specifies a serial number, type of plant, fee required, location of origin, date of removal, witnessing authority, applicant, destination, and proposed use (e.g., commercial processing, commercial landscaping, etc.).
- (b) **Telecommunication Facility, Wireless.** See “Wireless Telecommunication Facility.”
- (c) **Temporary Sign.** See “Sign.”
- (d) **Temporary Special Events.** See “Special Events, Temporary.”
- (e) **Tentative Map.** A map made for the purpose of showing the design and improvements of the proposed subdivision, to include the street pattern, lot layout, easements that are to remain, and existing and proposed subdivision. The Tentative Map need not be based upon an accurate or detailed final survey of the property. See also “Vesting Tentative Map.”
- (f) **Ten Year Storm.** A storm of an intensity that would be exceeded on the average only once every 10 years. The intensity for the storm shall be determined according to San Bernardino County Hydrology Manual. The duration of the storm used in runoff calculation shall be equivalent to the concentration time for the area that drains through the project.
- (g) **Terminals, Truck.** See “Truck Terminals.”
- (h) **Textile Mill Products.** See “Manufacturing Operations I and II.”
- (i) **Theater.** An indoor facility for public assembly and group entertainment, other than sporting events. Examples include:
- civic theaters, and facilities for “live” theater and concerts
  - movie theaters
  - similar public assembly facilities
- See also “Meeting Facility, Public or Private,” and “Sports and Entertainment Assembly.”
- (j) **Thermal System, Active.** A system that utilizes solar devices thermally isolated from the living space to provide for collection, storage, and distribution of solar energy for heating or cooling.
- (k) **Thermal System, Passive.** A system that utilizes the structural elements of the building, and is not augmented by mechanical components, to provide for collection, storage, and distribution of solar energy for heating or cooling.

**810.01.240 Definitions, “V.”**

- (a) **Valley Region.** The unincorporated area of the southwest portion of San Bernardino County lying south and west of the Mountain Region as herein defined.
- (b) **Variance.** A process for County consideration of requests to modify certain standards of this Development Code when, because of special circumstances applicable to the property, including location, shape, size, surroundings, topography, or other physical features, the strict application of the development standards otherwise applicable to the property denies the property owner privileges enjoyed by other property owners in the vicinity and in the same land use zoning district.
- (c) **Vehicle, Motor.** See “Motor Vehicle.”
- (d) **Vehicle Services (see Land Use Tables).** The repair, servicing, alteration, restoration, towing, painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This use includes the following categories.
- (1) **Major Repair/Body Work.** These establishments include towing, collision repair, other body work, and painting services; tire recapping; truck maintenance.
- (2) **Minor Maintenance/Repair.** Minor facilities providing limited repair and maintenance services. Examples include: minor auto repair with no exterior overnight storage of vehicles; muffler and radiator shops; quick-lube services; tire and battery sales and installation (not including recapping).
- Does not include automobile parking (see “Parking Facilities”), repair shops that are part of a vehicle dealership on the same site (see “Auto and Vehicle Sales and Rental,” and “Mobile Home, RV, and Boat Sales and Rental”); gas stations, which are separately defined; or dismantling yards, which are included under “Recycling - Scrap and Dismantling Yards.”
- (e) **Vehicular Access Rights.** See “Access.”
- (f) **Vehicles, Operative.** A new or used vehicle that is self propelled or capable of being self-propelled with the installation of minor parts (e.g. batteries, tires, plugs).
- (g) **Vested Right (Mining and Reclamation).** See “Surface Mining Operations.”
- (h) **Vesting Tentative Map.** A “tentative map” for a residential subdivision, as defined in the County Code, that shall have printed conspicuously on its face the words “Vesting Tentative Map.”
- (i) **Veterinarian, County.** See “County Veterinarian.”

- (j) **Veterinary Clinic, Animal Hospital (see Land Use Tables).** Office and indoor medical treatment facilities used by veterinarians, including large and small animal veterinary clinics, and animal hospitals. See also “Kennel.”

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)