



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 4057 was effective on October 23, 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:

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COUNTY OF SAN BERNARDINO

2007 DEVELOPMENT CODE

Prepared for:

County of San Bernardino
Land Use Services Division
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San Bernardino, CA 92415-0182

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82.01.030 Overlays

- (a) **Purpose.** The overlays established by Section 82.01.020 (Land Use Plan and Land Use Zoning Districts), and detailed in Chapters 82.13 through 82.19 are intended to guide development within the overlays by providing standards that apply to proposed development in addition to the standards and regulations of the primary land use zoning district, where important community, site, environmental, safety, compatibility, or design issues require particular attention in project planning. The overlays are shown in Table 82-2.
- (b) **Purpose of individual overlays.** The purpose of each overlay is described in Chapters 82.07 through 82.22.
- (c) **Mapping of overlays.** The applicability of one or more overlays to a specific site is shown by the overlay district symbol established by Chapter 82.01 (Land Use Plan, Land Use Zoning Districts, and Overlays), being appended as a suffix to the symbol for the primary land use zoning district on the Land Use Plan. Overlays are applied to property through the amendment process in Chapter 86.12 (Amendments).
- (d) **Allowed land uses, permit requirements, development standards.** Except as may be otherwise provided by this Division for a specific overlay:
 - (1) Any land use normally allowed in the primary land use zoning district by this Division may be allowed within a overlay, subject to any additional requirements of the overlay;
 - (2) Development and new land uses within a overlay shall obtain the planning approvals required by this Division for the primary land use zoning district; and
 - (3) Development and new land uses within an overlay shall comply with all applicable development standards of the primary land use zoning district, the standards established for the specific overlay by Chapters 82.13 through 82.19, and all other applicable provisions of this Development Code (e.g., Division 3 - Site Planning and General Development Standards). In the event of any conflict between an overlay requirement and a primary land use zoning district requirement, the most restrictive shall control.

**Table 82-2
Overlays**

Overlay Symbol	Overlay Name	Applicable Development Code Chapter/Section
Overlays		
AA ¹	Additional Agriculture	82.07
AP ¹	Agricultural Preserve	82.08
AR ²	Airport Safety	82.09
AH ²	Alternate Housing	82.10
BR ²	Biotic Resources	82.11
CP ²	Cultural Resources Preservation	82.12
EN	Energy Facilities	82.24
FS ²	Fire Safety	82.13
FP ²	Flood Plain Safety	82.14
GH ²	Geologic Hazard	82.15
HW ²	Hazardous Waste	82.16
MR ²	Mineral Resources	82.17
NH ²	Noise Hazard	82.18
OS ²	Open Space	82.23
PR ²	Paleontologic Resources	82.19
SR ²	Scenic Resources	82.20
SC ¹	Sign Control	82.21
SS ³	Sphere Standards	82.22

Notes:

- (1) Included as a suffix to the land use designation on the Land Use Zoning District Maps.
- (2) Not included on the Land Use Zoning District Map, but a separate map.
- (3) Only applied to the city sphere of influence area designated in Chapter 82.22.

Adopted Ordinance 4011 (2007); Amended Ordinance 4057 (2008)

**Table 82-4
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	
AGRICULTURAL, RESOURCE & OPEN SPACE USES					
Agricultural support services	M/C	M/C	CUP	—	
Animal keeping	S	S	S	—	84.04
Crop production, horticulture, orchard, vineyard	A	A	A	—	
Livestock operations	S	S	S	—	84.04
Natural resources development (mining)	CUP	CUP	CUP	—	88.03
Nature preserve (accessory uses)	P ⁽¹⁾	P ⁽¹⁾	P ⁽¹⁾	P ⁽¹⁾	
Lake, reservoir	M/C	M/C	M/C	M/C	
Pond	A	A	A	A	
Winery	M/C	M/C	—	—	
INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING					
Composting operations	CUP	CUP	—	—	
Hazardous waste facilities	CUP	CUP	—	—	84.11
Industrial use requiring extensive buffering	CUP	CUP	—	—	
Recycling facilities	S	S	—	—	84.19
RECREATION, EDUCATION & PUBLIC ASSEMBLY					
Agritourism enterprises	S	S	—	—	84.03
Campgrounds	M/C	M/C	—	—	
Commercial entertainment - Indoor	—	—	—	—	
Conference/convention facility	CUP	CUP	—	—	
Equestrian facility	M/C	M/C	—	—	
Fitness/health facility	M/C	—	—	—	
Golf course	—	—	—	—	
Library, museum, art gallery, outdoor exhibit	M/C	M/C	—	—	
Meeting facility, public or private	CUP	CUP	—	—	
Park, playground	M/C	M/C	—	—	
Places of worship	CUP	CUP	—	—	
Recreational vehicle park	CUP ⁽²⁾	—	—	—	
Rural sports and recreation	CUP	CUP	—	—	
School - College or university	— ⁽³⁾	— ⁽³⁾	—	—	
School - Private	— ⁽³⁾	— ⁽³⁾	—	—	
School - Specialized education/training	CUP	CUP	—	—	
Sports or entertainment assembly	—	—	—	—	

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) Density of the recreational vehicles in a Recreational Vehicle Park shall be limited to 4 per acre.
- (3) Requires a General Plan Amendment to Institutional (IN) Land Use Zoning District.

**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	
RESIDENTIAL					
Accessory use or structure - Residential	A ⁽¹⁾	A ⁽¹⁾	—	—	84.01
Accessory dwelling (labor quarters, etc.)	P ⁽²⁾	P ⁽²⁾	—	—	84.01
Dependent housing	SUP	SUP	—	—	84.08
Guest housing	A ⁽¹⁾	A ⁽¹⁾	—	—	84.01
Home occupation	SUP	SUP	—	—	84.12
Homeless shelter	—	CUP	—	—	
Second dwelling unit	A ⁽⁵⁾	A ⁽⁵⁾	—	—	84.01
Single dwelling	A	A	—	—	
RETAIL					
Produce stands (200 sq ft or less on lots that are 10,000 sq. ft. or greater)	A ⁽⁴⁾	A	—	—	84.03
SERVICES - BUSINESS & PROFESSIONAL					
Medical services - Hospital	M/C ⁽⁶⁾	M/C ⁽⁶⁾	—	—	
Medical services - Rehabilitation centers	M/C	M/C	—	—	
Office - Accessory	P ⁽⁵⁾	P ⁽⁵⁾	—	—	
Office - Government	M/C ⁽⁶⁾	M/C ⁽⁶⁾	—	—	
SERVICES					
Cemetery, including pet cemeteries	CUP	CUP	—	—	
Commercial Kennels and Catteries - min lot 2.5 acres	M/C	M/C	—	—	
Correctional institution ⁽⁶⁾	—	—	—	—	
Lodging - Bed and breakfast inn (B&B)	SUP	SUP	—	—	
Public safety facility	M/C ⁽⁶⁾	M/C ⁽⁶⁾	—	—	
Social Care Facility - 6 or fewer clients	A	A	—	—	
Social Care Facility - 7 or more clients	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) Use allowed as an accessory use only, on the same site as a residential use allowed by this table.
- (2) Use allowed as an accessory use only, on the same site as an agricultural use allowed by this table. **Requires a Special Use Permit when recreational vehicles are used for seasonal operations.**
- (3) 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).
- (4) In Phelan/Pinon Hills Community Plan area, a maximum 6 sq. ft. advertising sign shall be allowed.
- (5) Use allowed as an accessory use only with standards, 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.
- (6) Requires a General Plan Amendment to Institutional (IN) Land Use Zoning District.

**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 ⁽²⁾	CUP	CUP	—	—	
Pipelines, transmission lines, and control stations ⁽¹⁾	(1)	(1)	(1)	(1)	
Sewage treatment and disposal facility ⁽²⁾	—	—	—	—	
Solid waste disposal ⁽²⁾	—	—	—	—	
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 **apply the Energy Facilities (EN) Overlay**.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008); Amended Ordinance 4057 (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 ⁽¹⁾	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 82-4B
Agricultural and Resource Management Land Use Zoning District Minimum Lot Size
Mountain Region

Land Use Zoning District	Minimum Lot Area	Lot Dimensions			
		Minimum Frontage Width	Minimum Width	Minimum Depth	Maximum Width to Depth Ratio
AG ⁽¹⁾	10 acres ⁽²⁾	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	1:3
OS	No requirement	No requirement	No requirement	No requirement	No requirement

Notes:

- (1) Limited to the Oak Glen Community Plan area only.
- (2) 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 82-4C
Agricultural and Resource Management Land Use Zoning District Minimum Lot Size
Desert 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 ⁽¹⁾	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.

Adopted Ordinance 4011 (2007)

82.03.060 Agricultural and Resource Management Land Use Zoning District Site Planning 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-A, 82-B, and 82-C, 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 82-5A
Agricultural and Resource Management Land Use Zoning District Development Standards
Valley Region**

Valley Region Development Feature	Requirement by Land Use Zoning District			
	AG Agriculture	RC Resource Conservation	FW Floodway	OS Open Space
Density	<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 10 acres Accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)	1 unit per 40 acres Accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)	Residential Not Allowed	Residential Not Allowed
Setbacks	<i>Minimum setbacks required. See Chapter 83.02 for exceptions, reductions, and encroachments. See Division 4 for any setback requirements applicable to specific land uses.</i>			
Front	25 ft	25 ft	75 ft	25 ft
Side - Street side	25 ft	25 ft	25 ft	25 ft
Side - Interior (each)	15 ft.	15 ft	15 ft	15 ft
Rear	15 ft	15 ft	15 ft	15 ft
Lot coverage	<i>Maximum percentage of the total lot area that may be covered by structures and impervious surfaces.</i>			
Maximum coverage	N.A.	N.A.	N.A.	N.A.
Height limit	<i>Maximum allowed height of structures. See Section 83.02.040 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.</i>			
Maximum height	35 ft	35 ft	35 ft	35 ft
Accessory structures	See Chapter 84.01 (Accessory Structures and Uses).			
Infrastructure	See Chapter 83.09 (Infrastructure Improvement Standards)			
Parking	See Chapter 83.11 (Parking Regulations).			
Signs	See Chapter 83.13 (Sign Regulations)			

Table 82-5B
 Agricultural and Resource Management Land Use Zoning District Development Standards
Mountain Region

Mountain Region Development Feature	Requirement by Land Use Zoning District			
	AG ⁽¹⁾ Agriculture	RC Resource Conservation	FW Floodway	OS Open Space
Density	<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 10 acres Accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)	1 unit per 40 acres Accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)	Residential Not Allowed	Residential Not Allowed
Setbacks	<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	35 ft	25 ft	25 ft	25 ft
Side - Street side	30 ft	25 ft	25 ft	25 ft
Side - Interior (each)	30 ft.	15 ft	15 ft	15 ft
Rear	35 ft	15 ft	15 ft	15 ft
Lot coverage	<i>Maximum percentage of the total lot area that may be covered by structures and impervious surfaces.</i>			
Maximum coverage	N.A.	N.A.	N.A.	N.A.
Height limit	<i>Maximum allowed height of structures. See Section 83.02.040 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.</i>			
Maximum height	35 ft	35 ft	25 ft	35 ft
Accessory structures	See Chapter 84.01 (Accessory Structures and Uses).			
Infrastructure	See Chapter 83.09 (Infrastructure Improvement Standards)			
Parking	See Chapter 83.11 (Parking Regulations).			
Signs	See Chapter 83.13 (Sign Regulations)			

Notes:

- (1) Limited to the Oak Glen Community Plan area only.

Table 82-5C
Agricultural and Resource Management Land Use Zoning District Development Standards
Desert Region

Desert Region Development Feature	Requirement by Land Use Zoning District			
	AG Agriculture	RC Resource Conservation	FW Floodway	OS Open Space
Density	<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 10 acres Accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)	1 unit per 40 acres Accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)	Residential Not Allowed	Residential Not Allowed
Setbacks	<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	75 ft	25 ft
Side - Street side	25 ft	25 ft	25 ft	25 ft
Side - Interior (each)	15 ft.	15 ft	15 ft	15 ft
Rear	15 ft	15 ft	15 ft	15 ft
Lot coverage	<i>Maximum percentage of the total lot area that may be covered by structures and impervious surfaces.</i>			
Maximum coverage	N.A.	N.A.	N.A.	N.A.
Height limit	<i>Maximum allowed height of structures. See Section 83.02.040 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.</i>			
Maximum height	35 ft	35 ft	35 ft	35 ft
Accessory structures	See Chapter 84.01 (Accessory Structures and Uses).			
Infrastructure	See Chapter 83.09 (Infrastructure Improvement Standards)			
Parking	See Chapter 83.11 (Parking Regulations).			
Signs	See Chapter 83.13 (Sign Regulations)			

Adopted Ordinance 4011 (2007); Amended Ordinance 4057 (2008)

82.03.070 FW Land Use Zoning District Additional Standards

- (a) No structure or use shall be constructed, located or substantially improved and no land shall be graded or developed in the area designated as floodway, except upon approval of a plan which provides that the proposed development will not result in any increase in flood levels during the occurrence of the base flood discharge.
- (b) Proposed land use permits within the FW district shall comply with all of the requirements necessary for the approval of a permit in the Floodplain Overlay.

Adopted Ordinance 4011 (2007)

- (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	
TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE				
Broadcasting antennae and towers	M/C	—	—	
Electrical power generation ⁽²⁾	CUP	—	—	
Pipelines, transmission lines, and control stations ⁽¹⁾	(1)	(1)	(1)	
Sewage treatment and disposal facility ⁽²⁾	—	—	—	
Solid waste disposal ⁽²⁾	—	—	—	
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
OTHER				
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 **apply the Energy Facilities (EN) Overlay**.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008); Amended Ordinance 4057 (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 ⁽¹⁾	150 ft	150 ft	1:3 for less than 10 acres; 1:4 for 10 or more acres.
RS	7,200 sf ⁽¹⁾	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 82-8B
Residential Land Use Zoning 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
RL	2.5 acres ⁽¹⁾	150 ft	150 ft	1:3 for less than 10 acres; 1:4 for 10 or more acres.
RS	7,200 sf ⁽¹⁾	60 ft for interior lot 70 ft for corner lot	100 ft	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 82-8C
Residential Land Use Zoning 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
RL	2.5 acres ⁽¹⁾	150 ft	150 ft	1:3 for less than 10 acres; 1:4 for 10 or more acres.
RS	7,200 sf ⁽¹⁾⁽²⁾	60 ft for less than 1 acre; 140 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.
- (2) The minimum residential lot size in the RS Land Use Zoning District in the Phelan-Pinon Hills Community Plan area shall be one acre.

Adopted Ordinance 4011 (2007)

82.04.060 Residential Land Use Zoning District Site Planning 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 82-9A, 82-9B and 82-9C, 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 82-9A
Residential Land Use Zoning District Development Standards
Valley Region**

Development Feature	Requirement by Land Use Zoning District		
	RL Rural Living	RS Single Residential	RM Multiple Residential
Density	<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 ⁽¹⁾ Accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)	4 units per acre ⁽¹⁾ 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)
Setbacks	<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 ⁽²⁾	25 ft ⁽²⁾
Side - Street side	Local street - 15 ft Collector or wider - 25 ft	Local street - 15 ft 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	5 ft on one side, 10 ft on other
Rear	15 ft	15 ft	15 ft
Lot coverage	<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 ⁽³⁾ Lot of 20,000 sf or larger - 40%	60%
Height limit	<i>Maximum allowed height of structures. See Section 83.02.040 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.</i>		
Maximum height	35 ft	35 ft	45 ft
Accessory structures	See Chapter 84.01 (Accessory Structures and Uses).		
Infrastructure	See Chapter 83.09 (Infrastructure Improvement Standards)		
Parking	See Chapter 83.11 (Parking Regulations).		
Signs	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) Setback, Building Code, and Composite Development Plan requirements still apply.

**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
Density	<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 ⁽¹⁾ Accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)	4 units per acre ⁽¹⁾ 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)
Setbacks	<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 ⁽²⁾	20% of lot width, need not exceed 15 ft ⁽²⁾
Rear	20 ft	15 ft	15 ft
Accessory structures	See Chapter 84.01 (Accessory Structures and Uses)		
Lot coverage	<i>Maximum percentage of the total lot area that may be covered by structures and impervious surfaces.</i>		
Maximum coverage	20%	40%	60%
Height limit	<i>Maximum allowed height of structures. See Section 83.02.040 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.</i>		
Maximum height	35 ft	35 ft	45 ft
Accessory structures	See Chapter 84.01 (Accessory Structures and Uses).		
Infrastructure	See Chapter 83.09 (Infrastructure Improvement Standards)		
Parking	See Chapter 83.11 (Parking Regulations).		
Signs	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
Density	<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 ⁽¹⁾ Accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)	4 units per acre ⁽¹⁾ 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)
Setbacks	<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 ⁽²⁾	25 ft ⁽²⁾
Side - Street side	25 ft	Local street - 15 ft ⁽³⁾ 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 ⁽⁴⁾	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)		
Lot coverage	<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 ⁽⁵⁾ Lot of 20,000 sf or larger - 40%	60%
Height limit	<i>Maximum allowed height of structures. See Section 83.02.040 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.</i>		
Maximum height	35 ft	35 ft	45 ft
Accessory structures	See Chapter 84.01 (Accessory Structures and Uses).		
Infrastructure	See Chapter 83.09 (Infrastructure Improvement Standards)		
Parking	See Chapter 83.11 (Parking Regulations).		
Signs	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); Amended Ordinance 4057 (2008)

82.05.060 Commercial Land Use Zoning District Site Planning 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 82-13A and B, 8-14A and B, 82-15A 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 82-13A
CR, CN, and CO Land Use Zoning District Development Standards
Valley Region**

Development Feature	Requirement by Land Use Zoning District		
	CR Rural Commercial	CN Neighborhood Commercial	CO Office Commercial
Density	<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	2 units per acre; 4 units per acre in mobile home park/manufactured home land-lease community. Accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)	Accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)	Accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)
Setbacks	<i>Minimum setbacks required. See Chapter 83.05 for exceptions, reductions, and encroachments. See Division 5 for any setback requirements applicable to specific land uses.</i>		
Front	25 ft	25 ft	25 ft
Side - Street side	25 ft	25 ft	15 ft
Side - Interior (each)	10 ft ⁽¹⁾	10 ft ⁽¹⁾	10 ft ⁽¹⁾
Rear	10 ft ⁽²⁾	10 ft ⁽²⁾	10 ft ⁽²⁾
Floor Area Ratio (FAR)	<i>Maximum allowed floor area ratio (FAR).</i>		
Maximum FAR	.3:1	.3:1	.75:1
Lot coverage	<i>Maximum percentage of the total lot area that may be covered by structures and impervious surfaces.</i>		
Maximum coverage	80%	80%	80%
Height limit	<i>Maximum allowed height of structures. See Section 83.02.040 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.</i>		
Maximum height	35 ft	35 ft	60 ft
Accessory structures	See Chapter 84.01 (Accessory Structures and Uses).		
Landscaping	See Chapter 83.09 (Infrastructure Improvement Standards)		
Infrastructure	See Chapter 83.10 (Landscaping Standards)		
Parking	See Chapter 83.11 (Parking Regulations).		
Signs	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.

Table 82-13B
CG, CS, AND CH Land Use Zoning District Development Standards
Valley Region

Development Feature	Requirement by Land Use Zoning District		
	CG General Commercial	CS Service Commercial	CH Highway Commercial
Density	<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)		
Setbacks	<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	25 ft
Side - Street side	15 ft	15 ft	15 ft
Side - Interior (each)	10 ft ⁽¹⁾	10 ft ⁽¹⁾	10 ft ⁽¹⁾
Rear	10 ft ⁽²⁾	10 ft ⁽²⁾	10 ft ⁽²⁾
Floor Area Ratio (FAR)	<i>Maximum allowed floor area ratio (FAR).</i>		
Maximum FAR	.5:1	.5:1	.5:10
Lot coverage	<i>Maximum percentage of the total lot area that may be covered by structures and impervious surfaces.</i>		
Maximum coverage	80%	80%	80%
Height limit	<i>Maximum allowed height of structures. See Section 83.02.040 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.</i>		
Maximum height	60 ft	60 ft	60 ft
Accessory structures	See Chapter 84.01 (Accessory Structures and Uses).		
Infrastructure	See Chapter 83.09 (Infrastructure Improvement Standards)		
Landscaping	See Chapter 83.10 (Landscaping Standards)		
Parking	See Chapter 83.11 (Parking Regulations).		
Signs	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.

**Table 82-14A
CR, CN, AND CO Land Use Zoning District Development Standards
Mountain Region**

Development Feature	Requirement by Land Use Zoning District		
	CR Rural Commercial	CN Neighborhood Commercial	CO Office Commercial
Density	<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	2 units per acre; 4 units per acre in mobile home park/ manufactured home land-lease community. Accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)	Accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)	Accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)
Setbacks	<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	15 ft	15 ft	15 ft
Side - Street side	15 ft	15 ft	15 ft
Side - Interior (each)	10 ft ⁽¹⁾	10 ft ⁽¹⁾	10 ft ⁽¹⁾
Rear	10 ft ⁽²⁾	10 ft ⁽²⁾	10 ft ⁽²⁾
Floor Area Ratio (FAR)	<i>Maximum allowed floor area ratio (FAR).</i>		
Maximum FAR	.25:1	.25:1	.5:1
Lot coverage	<i>Maximum percentage of the total lot area that may be covered by structures and impervious surfaces.</i>		
Maximum coverage	80%	80%	80%
Height limit	<i>Maximum allowed height of structures. See Section 83.02.040 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.</i>		
Maximum height	35 ft	35 ft	35 ft
Accessory structures	See Chapter 84.01 (Accessory Structures and Uses).		
Infrastructure	See Chapter 83.09 (Infrastructure Improvement Standards)		
Landscaping	See Chapter 83.10 (Landscaping Standards)		
Parking	See Chapter 83.11 (Parking Regulations).		
Signs	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.

**Table 82-14B
CG, CS, AND CH Land Use Zoning District Development Standards
Mountain Region**

Development Feature	Requirement by Land Use Zoning District		
	CG General Commercial	CS Service Commercial	CH Highway Commercial
Density	<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).		
Setbacks	<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	15 ft	15 ft	15 ft
Side - Street side	15 ft	15 ft	15 ft
Side - Interior (each)	10 ft ⁽¹⁾	10 ft ⁽¹⁾	10 ft ⁽¹⁾
Rear	10 ft ⁽²⁾	10 ft ⁽²⁾	10 ft ⁽²⁾
Floor Area Ratio (FAR)	<i>Maximum allowed floor area ratio (FAR).</i>		
Maximum FAR	.5:1	.4:1	.3:1
Lot coverage	<i>Maximum percentage of the total lot area that may be covered by structures and impervious surfaces.</i>		
Maximum coverage	80%	80%	80%
Height limit	<i>Maximum allowed height of structures. See Section 83.02.040 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.</i>		
Maximum height	35 ft	35 ft	35 ft
Accessory structures	See Chapter 84.01 (Accessory Structures and Uses).		
Infrastructure	See Chapter 83.09 (Infrastructure Improvement Standards)		
Landscaping	See Chapter 83.10 (Landscaping Standards).		
Parking	See Chapter 83.11 (Parking Regulations)		
Signs	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.

Table 82-15A
CR, CN, AND CO Land Use Zoning District Development Standards
Desert Region

Development Feature	Requirement by Land Use Zoning District		
	CR Rural Commercial	CN Neighborhood Commercial	CO Office Commercial
Density	<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	2 units per acre; 4 units per acre in mobile home park/ manufactured home land-lease community. Accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)	Accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)	Accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)
Setbacks	<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	25 ft
Side - Street side	25 ft	25 ft	25 ft
Side - Interior (each)	10 ft ⁽¹⁾	10 ft ⁽¹⁾	10 ft ⁽¹⁾
Rear	10 ft ⁽²⁾	10 ft ⁽²⁾	10 ft ⁽²⁾
Floor Area Ratio (FAR)	<i>Maximum allowed floor area ratio (FAR).</i>		
Maximum FAR	.3:1	.25:1	.5:1
Lot coverage	<i>Maximum percentage of the total lot area that may be covered by structures and impervious surfaces.</i>		
Maximum coverage	80%	80%	80%
Height limit	<i>Maximum allowed height of structures. See Section 83.02.040 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.</i>		
Maximum height	35 ft	35 ft	35 ft
Accessory structures	See Chapter 84.01 (Accessory Structures and Uses).		
Infrastructure	See Chapter 83.09 (Infrastructure Improvement Standards)		
Landscaping	See Chapter 83.10 (Landscaping Standards)		
Parking	See Chapter 83.11 (Parking Regulations).		
Signs	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.

**Table 82-15B
CG, CS, AND CH Land Use Zoning District Development Standards
Desert Region**

Development Feature	Requirement by Land Use Zoning District		
	CG General Commercial	CS Service Commercial	CH Highway Commercial
Density	<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).		
Setbacks	<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	25 ft
Side - Street side	25 ft	25 ft	25 ft
Side - Interior (each)	10 ft ⁽¹⁾	10 ft ⁽¹⁾	10 ft ⁽¹⁾
Rear	10 ft ⁽²⁾	10 ft ⁽²⁾	10 ft ⁽²⁾
Floor Area Ratio (FAR)	<i>Maximum allowed floor area ratio (FAR).</i>		
Maximum FAR	.5:1	.3:1	.3:1
Lot coverage	<i>Maximum percentage of the total lot area that may be covered by structures and impervious surfaces s.</i>		
Maximum coverage	80%	80%	80%
Height limit	<i>Maximum allowed height of structures. See Section 83.02.040 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.</i>		
Maximum height	35 ft	35 ft	60 ft ⁽³⁾
Accessory structures	See Chapter 84.01 (Accessory Structures and Uses).		
Infrastructure	See Chapter 83.09 (Infrastructure Improvement Standards)		
Landscaping	See Chapter 83.10 (Landscaping Standards)		
Parking	See Chapter 83.11 (Parking Regulations).		
Signs	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.
- (3) In the Phelan/Pinon Hills Community Plan area, the maximum height is 35 ft.

Adopted Ordinance 4011 (2007); Amended Ordinance 4057 (2008)

**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 ⁽⁶⁾	SD-COM ⁽⁶⁾	SD-IND ⁽⁶⁾	
AGRICULTURAL, RESOURCE & OPEN SPACE USES							
Agriculture Support Services	P ⁽²⁾	P ⁽²⁾	—	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 ⁽²⁾	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	
INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING							
Construction contractor storage yard	M/C	P ⁽²⁾	—	M/C	M/C ⁽⁷⁾	M/C	
Hazardous waste operation	—	CUP	—	—	—	—	
Firewood contractor	P	P	—	—	—	M/C	84.09
Manufacturing Operations I	P ⁽²⁾	P ⁽²⁾	—	CUP ⁽⁴⁾	CUP ⁽⁴⁾	CUP ⁽⁴⁾	
Manufacturing Operations II	— ⁽¹⁾⁽⁵⁾	M/C	—	—	—	CUP ⁽⁴⁾	
Motor vehicle storage/Impound facility	M/C	M/C	—	—	—	M/C	
Recycling facilities - Small collection facility	SUP	SUP	—	—	MUP	MUP	84.19
Recycling facilities - Large collection facility	CUP	CUP	—	—	CUP ⁽⁷⁾	CUP	84.19
Recycling facilities - Light processing facility	CUP	CUP	—	—	CUP ⁽⁷⁾	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 ⁽²⁾	P ⁽²⁾	—	M/C	M/C	M/C	
Storage - Recreational vehicles	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 ⁽⁶⁾	SD-COM ⁽⁶⁾	SD-IND ⁽⁶⁾	
RECREATION, EDUCATION & PUBLIC ASSEMBLY							
Campgrounds	—	—	—	—	—	—	
Commercial entertainment - Indoor	M/C	—	—	M/C	M/C	M/C	
Conference/convention facility	—	—	—	CUP ⁽³⁾	CUP ⁽³⁾	CUP ⁽³⁾	
Equestrian facility	—	—	—	M/C	M/C	M/C	
Fitness/health facility	P ⁽⁵⁾	P ⁽⁵⁾	—	M/C	M/C	M/C	
Golf course	—	—	—	CUP ⁽³⁾	CUP ⁽³⁾	CUP ⁽³⁾	
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 ⁽⁴⁾	M/C ⁽⁴⁾	M/C ⁽⁴⁾	M/C ⁽⁴⁾	M/C ⁽⁴⁾	M/C ⁽⁴⁾	
School - Private	M/C ⁽⁴⁾	M/C ⁽⁴⁾	M/C ⁽⁴⁾	M/C ⁽⁴⁾	M/C ⁽⁴⁾	M/C ⁽⁴⁾	
School - Specialized education/training	M/C	M/C	M/C	M/C	M/C	M/C	
RESIDENTIAL							
Accessory dwelling (labor quarters, etc.)	P ⁽¹⁾	P ⁽¹⁾	P ⁽¹⁾	P ⁽¹⁾	P ⁽¹⁾	P ⁽¹⁾	84.01
Accessory structures and uses - Residential (conforming and non-conforming uses)	P ^(1,2)	P ^(1,2)	P ^(1,2)	P ⁽¹⁾	P ⁽¹⁾	P ⁽¹⁾	84.01
Dependent housing	—	—	—	SUP	—	—	84.08
Guest housing	—	—	—	P ⁽²⁾	—	—	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. **Requires a Special Use Permit when recreational vehicles are used for seasonal operations.**
- (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 ⁽⁶⁾	SD-COM ⁽⁶⁾	SD-IND ⁽⁶⁾	
RETAIL							
Auto and vehicle sales and rental	P ⁽¹⁾	P ⁽¹⁾	—	M/C	M/C	M/C	
Bar, tavern	—	—	—	M/C	M/C	M/C	
Building and landscape materials sales - Indoor	P ⁽¹⁾	P ⁽¹⁾	—	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 ⁽¹⁾	P ⁽¹⁾	—	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 ⁽¹⁾	P ⁽¹⁾	—	M/C	M/C	M/C	
Second hand stores, pawnshops	P ⁽¹⁾	—	—	M/C	M/C	M/C	
Service station	P ⁽¹⁾	P ⁽¹⁾	—	M/C	M/C	M/C	
Swap meet, outdoor market, auction yard	M/C	M/C	—	—	—	M/C	
Warehouse retail	P ⁽¹⁾	P ⁽¹⁾	—	—	CUP	CUP	
SERVICES – BUSINESS, FINANCIAL, PROFESSIONAL							
Medical services - Hospital ⁽⁴⁾	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 ⁽²⁾	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	
Professional Services	P ⁽¹⁾	—	—	M/C	M/C	M/C	
SERVICES – GENERAL							
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	— ⁽⁴⁾	— ⁽⁴⁾	CUP	— ⁽⁴⁾	— ⁽⁴⁾	— ⁽⁴⁾	
Equipment rental	P ⁽¹⁾	P ⁽¹⁾	—	—	M/C	M/C	
Kennel or cattery	M/C	—	—	—	—	M/C	84.04
Lodging – Bed and breakfast inn (B&B)	—	—	—	SUP ⁽⁶⁾	SUP ⁽⁶⁾	—	
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 ⁽⁶⁾	SD-COM ⁽⁶⁾	SD-IND ⁽⁶⁾	
SERVICES - GENERAL (Continued)							
Personal services	P ⁽¹⁾	—	—	M/C	M/C	M/C	
Public safety facility ⁽⁶⁾	—	—	CUP	—	—	—	
Social care facility - 7 or more clients	—	—	M/C	CUP	CUP	CUP	
Vehicle services - Major repair/body work	P ⁽¹⁾	P ⁽¹⁾	—	—	M/C ⁽⁷⁾	M/C	
Vehicle services - Minor maintenance/repair	P ⁽¹⁾	P ⁽¹⁾	CUP ⁽⁸⁾	—	M/C ⁽⁷⁾	M/C	
Veterinary clinic, animal hospital	M/C	—	—	—	M/C	M/C	
TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE							
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 ⁽³⁾	CUP ⁽³⁾	CUP ⁽³⁾	
Communication contractor	M/C	M/C	M/C	M/C ⁽⁷⁾	M/C ⁽⁷⁾	M/C ⁽⁷⁾	
Electrical power generation ⁽⁶⁾	CUP	CUP	CUP	—	—	—	
Parking lots, accessory	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	
Parking structures	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	M/C	M/C	M/C	
Pipelines, transmission lines, and control stations ⁽⁴⁾	(4)	(4)	(4)	(4)	(4)	(4)	
Sewage treatment and disposal facility ⁽⁶⁾	—	—	CUP	—	—	—	
Solid waste disposal ⁽⁶⁾	—	—	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	CUP	
Wireless telecommunications facility	S	S	S	S	S	S	84.27
OTHER							
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) **May** require 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.
- (8) **When associated with an institutional use.**

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008); Amended Ordinance 4057 (2008)

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 ⁽¹⁾	60 ft	100 ft	1:3
IR	5 acres ⁽¹⁾	60 ft	100 ft	1:3
IN	None required	60 ft	100 ft	1:3
SD	20 acres ^{(2) (3) (4)}	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
Density	<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).	
Setbacks	<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 ⁽¹⁾	10 ft ⁽¹⁾
Rear	10 ft ⁽²⁾	10 ft ⁽²⁾
Floor area ratio (FAR)	<i>Maximum floor area ratio (FAR) allowed.</i>	
Maximum FAR	.45:1	.55:1
Lot coverage	<i>Maximum percentage of the total lot area that may be covered by structures and impervious surfaces.</i>	
Maximum coverage	85%	85%
Height limit	<i>Maximum allowed height of structures. See Section 83.02.040 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.</i>	
Maximum height	75 ft	150 ft
Accessory structures	See Chapter 84.01 (Accessory Structures and Uses).	
Infrastructure	See Chapter 83.09 (Infrastructure Improvement Standards)	
Landscaping	See Chapter 83.10 (Landscaping Standards)	
Parking	See Chapter 83.11 (Parking Regulations).	
Signs	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

Table 82-19B
IN and SD Land Use Zoning District Development Standards
Valley Region

Development Feature	Requirement by Land Use Zoning District	
	IN Institutional	SD Special Development
Density	<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)	1 unit per 40 acres ⁽¹⁾ Accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)
Setbacks	<i>Minimum setbacks required. See Chapters 83.05 and 83.06 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	10 ft
Rear	10 ft	10 ft
Floor area ratio (FAR)	<i>Maximum floor area ratio (FAR) allowed.</i>	
Maximum FAR	.75:1	.5:1
Lot coverage	<i>Maximum percentage of the total lot area that may be covered by structures and impervious surfaces.</i>	
Maximum coverage	80%	80%
Height limit	<i>Maximum allowed height of structures. See Section 83.02.040 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.</i>	
Maximum height	150 ft	50 ft
Accessory structures	See Chapter 84.01 (Accessory Structures and Uses).	
Infrastructure	See Chapter 83.09 (Infrastructure Improvement Standards)	
Landscaping	See Chapter 83.10 (Landscaping Standards)	
Parking	See Chapter 83.11 (Parking Regulations).	
Signs	See Chapter 83.13 (Sign Regulations)	

Notes:

(1) Except where modified by a map suffix or when a Planned Development application has been approved establishing a different density.

(b) **Industrial land use zoning district additional standards.** Performance standards establishing acceptable levels of noise, vibration, air pollution, glare, and other possible pollutants are in Chapter 83.01 (General Performance Standards).

(c) **SD district additional standards.**

(1) **Performance standards.** Performance standards establishing acceptable levels of noise, vibration, air pollution, glare, and other possible pollutants are in 83.01 (General Performance Standards).

(2) **Alternate standards.** A Final Development Plan may establish different design standards including accessory sign standards.

- (3) **Development Plan standards.** Development Plan standards shall apply in lieu of conflicting standards in this Development Code. All standards established by this Development Code that do not conflict with the Development Plan standards shall apply to the project.

**Table 82-20A
IC and IR Land Use Zoning District Development Standards
Mountain Region**

Development Feature	Requirement by Land Use Zoning District	
	IC Community Industrial	IR Regional Industrial
Density	<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).	
Setbacks	<i>Minimum setbacks required. See Chapters 83.05 and 83.06 for exceptions, reductions, and encroachments. See Division 5 for any setback requirements applicable to specific land uses.</i>	
Front	15 ft	15 ft
Side - Street side	15 ft	15 ft
Side - Interior (each)	10 ft ⁽¹⁾	10 ft ⁽¹⁾
Rear	10 ft ⁽²⁾	10 ft ⁽²⁾
Floor area ratio (FAR)	<i>Maximum floor area ratio (FAR) allowed.</i>	
Maximum FAR	.4:1	.4:1
Lot coverage	<i>Maximum percentage of the total lot area that may be covered by structures and impervious surfaces.</i>	
Maximum coverage	85%	85%
Height limit	<i>Maximum allowed height of structures. See Section 83.02.040 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.</i>	
Maximum height	45 ft	45 ft
Accessory structures	See Chapter 84.01 (Accessory Structures and Uses).	
Infrastructure	See Chapter 83.09 (Infrastructure Improvement Standards)	
Landscaping	See Chapter 83.10 (Landscaping Standards)	
Parking	See Chapter 83.11 (Parking Regulations).	
Signs	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.

**Table 82-20B
IN and SD Land Use Zoning District Development Standards
Mountain Region**

Development Feature	Requirement by Land Use Zoning District	
	IN Institutional	SD Special Development
Density	<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).	1 unit per 40 acres ⁽¹⁾ Accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)
Setbacks	<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	15 ft	15 ft
Side - Street side	15 ft	15 ft
Side - Interior (each)	10 ft	10 ft
Rear	10 ft	10 ft
Floor area ratio (FAR)	<i>Maximum floor area ratio (FAR) allowed.</i>	
Maximum FAR	.5:1	.3:1
Lot coverage	<i>Maximum percentage of the total lot area that may be covered by structures and impervious surfaces.</i>	
Maximum coverage	80%	80%
Height limit	<i>Maximum allowed height of structures. See Section 83.02.040 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.</i>	
Maximum height	30 ft	35 ft
Accessory structures	See Chapter 84.01 (Accessory Structures and Uses).	
Infrastructure	See Chapter 83.09 (Infrastructure Improvement Standards)	
Landscaping	See Chapter 83.10 (Landscaping Standards)	
Parking	See Chapter 83.11 (Parking Regulations).	
Signs	See Chapter 83.13 (Sign Regulations)	

Notes:

- (1) Except where modified by a map suffix or when a Planned Development application has been approved establishing a different density.
- (b) **Industrial land use zoning district additional standards.** Performance standards establishing acceptable levels of noise, vibration, air pollution, glare, and other possible pollutants are in Chapter 83.01 (General Performance Standards).
- (c) **SD land use zoning district additional standards.**
 - (1) **Performance standards.** Performance standards establishing acceptable levels of noise, vibration, air pollution, glare, and other possible pollutants are in Chapter 83.01 (General Performance Standards).
 - (2) **Alternate standards.** A Final Development Plan may establish different design standards including accessory sign standards.

- (3) **Development Plan standards.** Development Plan standards shall apply in lieu of conflicting standards in this Development Code. All standards established by this Development Code that do not conflict with the Development Plan standards shall apply to the project.

Table 82-21A
IC and IR Land Use Zoning District Development Standards
Desert Region

Development Feature	Requirement by Land Use Zoning District	
	IC Community Industrial	IR Regional Industrial
Density	<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)	
Setbacks	<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
Side - Street side	25 ft	25 ft
Side - Interior (each)	10 ft ⁽¹⁾	10 ft ⁽¹⁾
Rear	10 ft ⁽²⁾	10 ft ⁽²⁾
Floor area ratio (FAR)	<i>Maximum floor area ratio (FAR) allowed.</i>	
Maximum FAR	.4:1	.6:1
Lot coverage	<i>Maximum percentage of the total lot area that may be covered by structures and impervious surfaces.</i>	
Maximum coverage	85%	85%
Height limit	<i>Maximum allowed height of structures. See Section 83.02.040 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.</i>	
Maximum height	50 ft ⁽³⁾	75 ft
Accessory structures	See Chapter 84.01 (Accessory Structures and Uses).	
Infrastructure	See Chapter 83.09 (Infrastructure Improvement Standards)	
Landscaping	See Chapter 83.10 (Landscaping Standards)	
Parking	See Chapter 83.11 (Parking Regulations).	
Signs	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.
- (3) In the Phelan/Pinon Hills Community Plan area, the maximum height is 35 ft.

**Table 82-21B
IN and SD Land Use Zoning District Development Standards
Desert Region**

Development Feature	Requirement by Land Use Zoning District	
	IN Institutional	SD Special Development
Density	<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).	1 unit per 40 acres ⁽¹⁾ Accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)
Setbacks	<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
Side - Street side	25 ft	25 ft
Side - Interior (each)	10 ft	10 ft
Rear	10 ft	10 ft
Floor area ratio (FAR)	<i>Maximum floor area ratio (FAR) allowed.</i>	
Maximum FAR	.5:1	.3:1
Lot coverage	<i>Maximum percentage of the total lot area that may be covered by structures and impervious surfaces.</i>	
Maximum coverage	80%	80%
Height limit	<i>Maximum allowed height of structures. See Section 83.02.040 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.</i>	
Maximum height	50 ft	35 ft
Accessory structures	See Chapter 84.01 (Accessory Structures and Uses).	
Infrastructure	See Chapter 83.09 (Infrastructure Improvement Standards)	
Landscaping	See Chapter 83.10 (Landscaping Standards)	
Parking	See Chapter 83.11 (Parking Regulations).	
Signs	See Chapter 83.13 (Sign Regulations)	

Notes:

- (1) Except where modified by a map suffix or when a Planned Development application has been approved establishing a different density.
- (b) Industrial land use zoning district additional standards.** Performance standards establishing acceptable levels of noise, vibration, air pollution, glare, and other possible pollutants are in Chapter 83.01 (General Performance Standards).
- (c) SD land use zoning district additional standards.**
 - (1) Performance standards.** Performance standards establishing acceptable levels of noise, vibration, air pollution, glare, and other possible pollutants are in Chapter 83.01 (General Performance Standards).
 - (2) Alternate standards.** A Final Development Plan may establish different design standards including accessory sign standards.

- (3) **Development Plan standards.** Development Plan standards shall apply in lieu of conflicting standards in this Development Code. All standards established by this Development Code that do not conflict with the Development Plan standards shall apply to the project.

Adopted Ordinance 4011 (2007); Amended Ordinance 4057 (2008)

82.06.070 Adopted Planned Development Applications

Whenever a Planned Development application is processed and adopted by the Board of Supervisors, a General Plan Amendment will be processed and adopted concurrently. The General Plan Amendment will indicate that there has been some type of change to the development standards or allowed uses within the area included within the boundaries of the Planned Development application. This General Plan Amendment will be annotated on the Land Use Zoning District Maps as a suffix to the Special Development District. The suffix will include the letters “PD” and the year of adoption and the sequence number of the specific Planned Development application that had been approved for that specific year [e.g. (PD-2006-01)].

Adopted Ordinance 4011 (2007)

CHAPTER 82.10 ALTERNATE HOUSING (AH) OVERLAY

Sections:

- 82.10.010 Purpose
- 82.10.020 Location Requirements
- 82.10.030 Development Standards

82.10.010 Purpose

The Alternate Housing (AH) Overlay established by Sections 82.01.020 (Land Use Plan and Land Use Zoning Districts) and 82.01.030 (Overlays) is intended to provide an alternative to the residential standards otherwise required by this Development Code.

Adopted Ordinance 4011 (2007)

82.10.020 Location Requirements

The AH Overlay may be applied to any site within a rural area of the County with a primary land use zoning district that allows single dwellings, and that is a minimum of 40 acres.

Adopted Ordinance 4011 (2007)

82.10.030 Development Standards

A single dwelling installed within an AH Overlay shall comply with the construction standards specified by **Subsections 84.21.030 (a),(b),(c),(d),(i) and (j)** (Single Family Residential Dwellings) and the following standards:

- (a) Minimum floor area shall be 725 square feet measured from the exterior of the structure.
- (b) Minimum floor width shall be 14 feet, measured from the exterior of the structure.

Adopted Ordinance 4011 (2007); Amended Ordinance 4057 (2008)

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- (1) **Slope analysis.** Each project application shall include a slope analysis. The slope analysis shall include the following information:
 - (A) A topographic map of the proposed project area and all adjoining properties within 150 feet at a scale of not less than one-inch to 200 feet. The contour interval shall not be more than two feet except that the contour interval may be five feet if the general natural ungraded slope is more than 10 percent. Contour lines shall be obtained by aerial or field survey, done under the supervision of a licensed Land Surveyor or Registered Engineer.
 - (B) The natural, ungraded, slope categories to be computed are zero percent to less than 15 percent, 15 percent to less than 30 percent, and 30 percent or greater. The minimum area (polygon) used for slope calculation shall be 5,000 square feet.
 - (C) The area, in acres, shall be tabulated for each category.
- (2) **Preliminary grading plan.** Each project application shall include a preliminary grading plan, except that preliminary grading plan requirements may be waived by the Director if it is determined through the required preapplication conference that this requirement is unnecessary due to site specific soils, topographic or other physical conditions, or due to the specific design of the project. The preliminary grading plan shall include the following information.
 - (A) A topographic map of the proposed project area and all adjoining properties within 150 feet at a scale of not less than one inch to 200 feet. The contour interval shall not be more than two feet except that the contour interval may be five feet if the natural ungraded slope is more than 10 percent. Contour lines shall be obtained by aerial or field survey, done under the supervision of a licensed Land Surveyor or Registered Engineer.
 - (B) Contours of the finished graded slope shown at intervals similar to that on the topographic base map.
 - (C) Street grades, slope ratios, flow lines, pad elevations, maximum elevation of top and minimum elevation of toe of finished slopes over five feet in vertical height, the maximum heights of those slopes and approximate total cubic yards of cut and fill shown on the preliminary grading plan.
 - (D) Compliance with the current edition of the California Building Code, as adopted by the County, is required.
 - (E) In the event no grading is proposed, a statement to that effect shall be placed on the required topographic map described in Subsection (f)1.a, above, and the map shall delineate the boundary of an adequately sized building pad, driveway and septic system (if proposed) for each proposed parcel.

- (3) **Fuel modification plan.** Each project application shall include a fuel modification plan describing the fuel modification area required in Subsection 82.15.060(b) 6, below. The plan may be submitted as a preliminary and final plan. A preliminary and/or final plan shall be submitted concurrently with the development application to the Department for review in conjunction with the project design review. Final plans shall be reviewed and approved by the responsible Fire Authority in conjunction with the County Fire Marshall. The fuel modification plan shall address the standards in Subsection 82.13.060(b)(6), below, and the following factors:
- (A) The natural ungraded slope of the land within the project and in the areas adjacent to the project;
 - (B) Fuel loading;
 - (C) Access to the project and access directly to the fuel modified area;
 - (D) The on-site availability of water that can be used for fire fighting purposes;
 - (E) The continual maintenance of the fuel modified areas;
 - (F) The soil erosion and sediment control measures to alleviate permanent scarring and accelerated erosion; and
 - (G) A list of recommended landscape plant materials that are fire resistant.

Adopted Ordinance 4011 (2007)

82.13.050 General Development Standards

Each proposed development shall comply with all applicable requirements of this Chapter, as follows.

- (a) **All phases.** The requirements of this Chapter shall apply to all phases of a development project.
- (b) **Fire Authority standards.** All proposed development shall comply with all other applicable standards required by the responsible Fire Authority. **This shall include the standards and provisions of the California Building Code (CBC) Chapter 7A (Materials and Construction Methods for Exterior Wildfire Exposure) which is included in this code by reference.**
- (c) **Applicability of land use zoning district standards and overlay standards.** The development standards established by a land use zoning district and any applicable overlay shall apply, except as modified by this Chapter.

- (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); Amended Ordinance 4057 (2008)

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,

- (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) (Building separation standards in FS1 and 2 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); Amended Ordinance 4057 (2008)

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CHAPTER 82.24 ENERGY FACILITIES (EN) OVERLAY

Sections:

- 82.24.010 Purpose
- 82.24.020 Location Requirements
- 82.24.030 Development Standards

82.24.010 Purpose

- (a) **Purpose.** The Energy Facility (EN) Overlay established by Sections 82.01.020 (Land Use Plan and Land Use Zoning Districts) and 82.01.030 (Overlays) is created to establish standards for commercial energy generation and transmission facilities within specified zoning districts identified in this Chapter.
- (b) **Intent.** The intent is to ensure that the need for energy generation and transmission capacity is balanced with the health, safety and welfare of the public. Further, that the development of such facilities provides a harmonious balance between the suitability of a project site with existing area land use and physical surroundings.
- (c) **Limitations.** This Chapter shall apply only to facilities under the County's land use authority. Certain types of generation and transmission facilities are regulated by state and federal agencies.

Adopted Ordinance 4057 (2008)

82.24.020 Location Requirements

The Energy Facility Overlay shall only be applied to following zoning districts:

- RC (Resource Conservation)
- AG (Agriculture)
- FW (Floodway)
- RL-40 (Rural Living, 40-acre minimum parcel size)
- IR (Regional Industrial)

The uses allowed and the regulations required in the EN Overlay shall be in addition to the regulations of the zoning district with which the overlay is combined. The EN Overlay may not be adopted as a single land use designation.

Adopted Ordinance 4057 (2008)

82.24.030 Development Standards

The Energy Facility Overlay development standards are applicable dependent upon type of facility, as described in each standard.

(a) **Height limits.** Wind generator machine and associated meteorological tower overall height shall not exceed 500 feet. For the purposes of this chapter, machine height shall be measured as follows:

- (1) Overall machine height of horizontal axis machines shall be measured from grade to the top of the structure, including the uppermost extension of any blades.
- (2) Machine height of vertical axis or other machine designs shall be measured from grade to the highest point of the structure. Further restrictions may apply to ensure aviation safety.

(b) **Setbacks and Spacing.** Wind generator setbacks shall be as follows:

- (1) **Setback Where Adjacent Parcels Contain Less Than 40 Acres.** A minimum wind generator setback of two times the overall machine height (measured from grade to the top of the structure, including the uppermost extension of any blades) or 500 feet, whichever is less, shall be maintained from exterior project boundaries where the project site is adjacent to existing parcels of record that contain less than 40 acres and are not zoned as any of the compatible districts, which are as follows.

RC (Resource Conservation)

AG (Agriculture)

FW (Floodway)

RL-40 (Rural Living, 40-acre minimum parcel size)

IR (Regional Industrial)

The Director may allow a reduction in this setback, not to exceed a minimum setback of one times the overall machine height (measured from grade to the top of the structure, including the uppermost extension of any blades) if a letter of consent from the owner(s) of record of adjacent parcels is filed with the County Advance Planning Division.

- (2) **Setback Where Adjacent Parcels Contain 40 Acres or More.** A minimum wind generator setback of one and one-half times the overall machine height (measured from grade to the top of the structure, including the uppermost extension of any blades) or 500 feet, whichever is less, shall be maintained from all exterior project boundaries. The Director may allow a reduction or waiver of this setback requirement in accordance with both of the following provisions:

- (A) The project exterior boundary is a common property line between two (2) or more approved wind energy projects or both properties are located within compatible districts as listed above; and
 - (B) The property owner of each affected property has filed a letter of consent to the proposed setback reduction with the Director.
- (3) **Setback from Off-site Residence(s) On Adjacent Parcels.** In all cases, regardless of parcel area, a minimum wind generator setback of one and one-half times the overall machine height (measured from grade to the top of the structure, including the uppermost extension of any blades) or 1,500 feet, whichever is greater, shall be maintained from any off-site residence. The Director may allow a reduction in this setback, not to exceed a minimum setback of one times the overall machine height, if a letter of consent from the owner(s) of record of the adjacent parcel is filed with the Director.
- (4) **Setback from On-site Residences and Accessory Structures Designed for Human Occupancy.** A minimum wind generator setback of one times the overall machine height (measured from grade to the top of the structure, including the uppermost extension of any blade) shall be maintained from any on-site residence or accessory structure designed for human occupancy.
- (5) **Setback from Public Highways and Streets, Public Access Easements, Public Trails, and Railroads.** A minimum wind generator setback of one and one-half times the overall machine height (measured from grade to the top of the structure, including the uppermost extension of any blade) shall be maintained from any publicly maintained public highway or street. A minimum wind generator setback of one times the overall machine height shall be maintained from any public access easement or railroad right-of-way. A minimum wind generator setback of 150 feet shall be maintained from the outermost extension of any blade to any public trail, pedestrian easement, or equestrian easement.
- (6) **Project Interior Wind Generator Spacing.** Wind generator spacing within the project boundary shall be in accordance with accepted industry practices pertaining to the subject machine.

Adopted Ordinance 4057 (2008)

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(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.** 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. Refer to Subsection 810.01.014(oo)(1) for the definition of front lot line.
- (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.

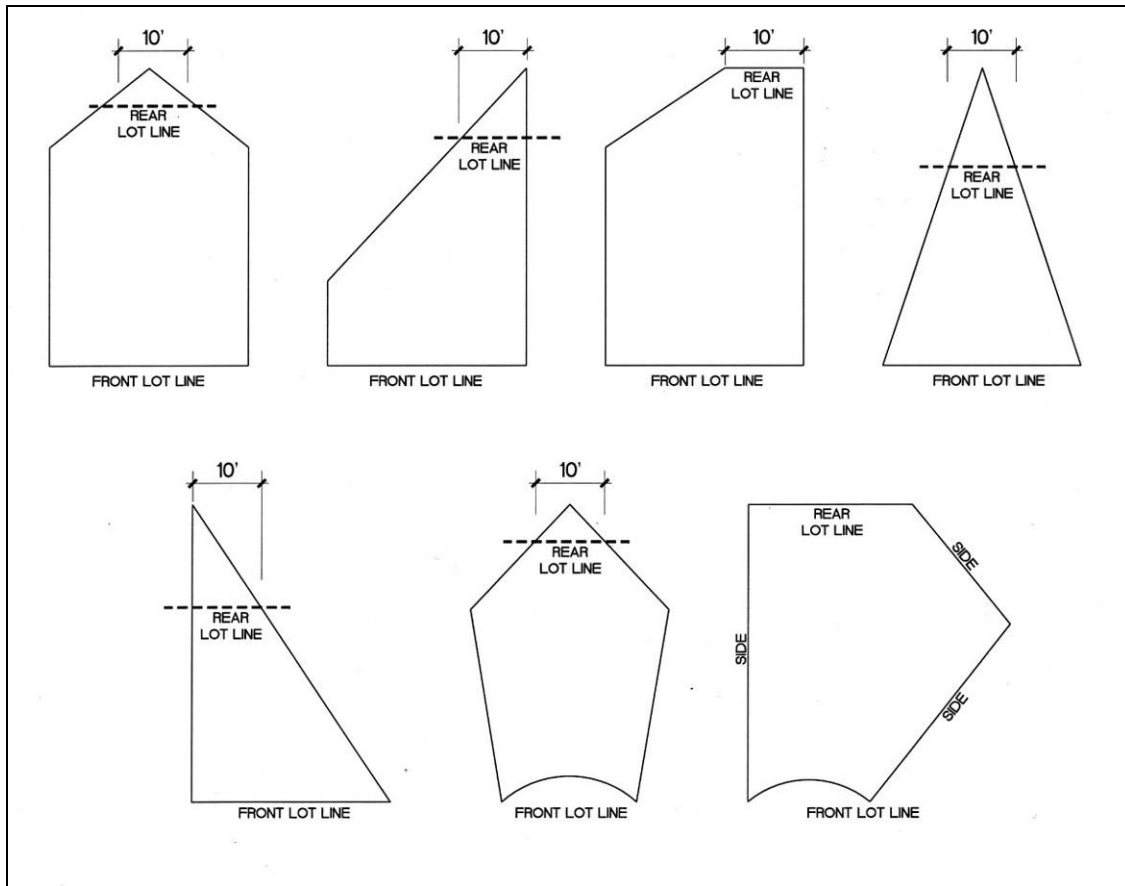


Figure 83-4
Rear Setbacks on Irregularly Shaped Parcels

- (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); Amended Ordinance 4057 (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.
 - (3) Within five feet of any side or rear property line in a Fire Safety Overlay District or as allowed in Subsection 82.13.060(c).
- (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"> • Occupy no more than 25% of yard • Limited to 1 story in height 	Not allowed	Not allowed	Allowed									
Garages and carports in Mountain Region only that: <ul style="list-style-type: none"> • Do not project beyond property line • Limited to 1 story in height • Meet Administrative Criteria of Building Official 	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"> • Industrial land use zoning districts • Commercial land use zoning districts • All other land use zoning districts. 	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										

Table 83-5 Allowed Projections/Structures Within Setbacks			
Projections	Front and Street Side Setbacks	Interior Side Setbacks	Rear Setbacks
<ul style="list-style-type: none"> • Flagpoles • Sculpture and similar decorations • Trees⁽¹⁾, shrubs⁽¹⁾, and landscaping with a screening effect • Utility poles and lines located along property lines no closer than 1 foot from side property line • Walkways⁽²⁾ • 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⁽¹⁾ 	Allowed	Allowed	Allowed
Signs	Allowed in all setback areas subject to Chapter 83.13 (Signs)		
Swimming pools and spas no closer than 5 ft. to any property line	Not allowed	Not allowed	Allowed

⁽¹⁾ Trees and shrubs shall be planted so that at maturity they shall not interfere with a driver’s or pedestrian’s view of public rights-of-way (e.g. the view of approaching, merging, or intersecting traffic, etc.) or otherwise impair public safety, or interfere with the safe operation of a motor vehicle on public streets.

⁽²⁾ 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); Amended Ordinance 4057 (2008)

- (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 **shall not interfere with a driver's or pedestrian's view of public rights-of-way (e.g., the view of approaching, merging, or intersecting traffic, etc.) or otherwise impair public safety, or interfere with the safe operation of a motor vehicle on public streets.**
 - (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).

- (7) **Water requirements.** At least seventy-five percent of the plants selected in non-turf areas shall be well suited to the climate of the region and require minimal water once established in the landscape. Plants that require similar water needs shall be grouped together and shall be irrigated separately.
 - (8) **Mulch.** In order to reduce evaporation, competition for water, weed growth and damage to trees and shrubs, a minimum of three inches of mulch shall be added in non-turf areas to the soil surface after planting and within 18 inches of tree trunks. Plant types and landscaping applications that are intolerant to or inappropriate for mulch shall be excluded from this requirement.
 - (9) **Nonplant groundcover materials.** Gravel, colored rock, bark and other similar materials shall not be used as a sole groundcover material. These materials may be used, however, in place of paving materials in functional activity areas (e.g., patios, rear entry walks, etc.) or as nonplant groundcover for up to 20 percent of the total landscaped area.
- (c) **Required quantities of plant material.** The minimum quantity of trees, shrubs, and groundcover shall be as follows:
- (1) **General landscaping.** For general landscaping, the specifications listed in Table 83-13 (Minimum Quantities of Plant Materials) shall apply. Additional quantities may be required for boundary landscaping, interior parking landscaping [see Section 83.11.080(I)], screening, and slope stabilization.
 - (2) **Slope stabilization.** In addition to general landscaping, slopes shall be protected from erosion by suitable ground cover that includes a combination of drought-tolerant plants and hardscape components. Decorative rock, boulders or other suitable hardscape material may be utilized, but live plant materials shall comprise the dominant visual character. Trees and shrubs may be used as a part of slope landscaping where appropriate. Slope areas shall not be included in the overall required area of a site to be landscaped, and slope landscaping shall not be included in the overall landscape requirements.

**TABLE 83-13
Minimum Quantities of Plant Materials**

	Basic Requirement		Additional Requirement Per 1,000 sq. ft. of Landscape Area ⁽¹⁾	
	* Per dwelling unit # Per Lot			
	Trees	Shrubs	Trees	Shrubs
Residential⁽²⁾				
Single-Family	2*	10*	2	5
Multi-Family	1*	5*	1	3
Nonresidential				
Industrial/Warehouse	3#	9#	1.2	4
Institutional	4#	12#	1.5	8
Office	4#	12#	1.5	9
Retail	3#	9#	1.5	5

⁽¹⁾ These additional requirements are those above the minimum requirements.

⁽²⁾ Recreational areas within residential developments such as playground areas and open areas intended for ball fields and similar play areas shall not be included in the area calculation for the planting requirement set forth in this table.

(d) Minimum sizes of plant materials. The following minimum sizes of plant materials shall apply:

**Table 83-14
Minimum Plant Sizes
For Landscaping Required per Table 83-13**

General Landscaping	
Shade trees	1 1/2" Caliper
Palm & ornamental trees	6' - 8'
Evergreen trees	5' - 6'
Large shrubs	18" - 24"
Medium shrubs	12" - 15"
Small shrubs	1 Gal.
Slope Stabilization	
Trees	1 Gal.
Shrubs	1 Gal.

(e) Irrigation. Except where xeriscaping is specifically designed and intended not to be irrigated, landscaped areas shall be provided with a permanent automatic irrigation

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); Amended Ordinance 4057 (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.

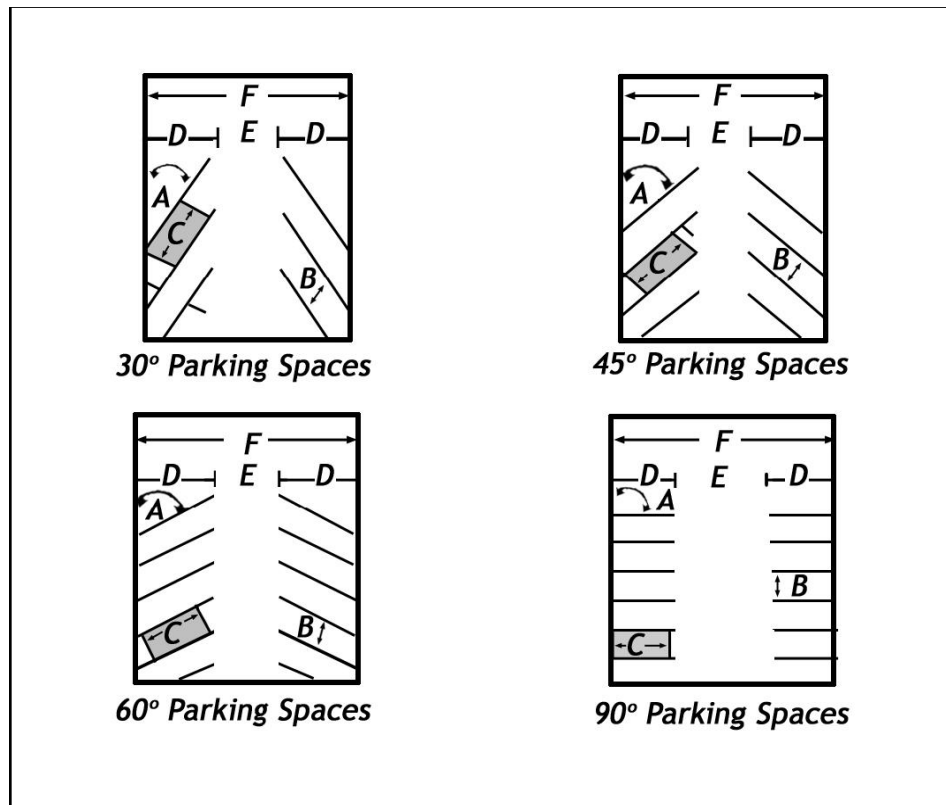


Figure 83-16
Off-Street Parking Dimensions

- (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):

Parking Stall Angle	Minimum Aisle Width (feet)
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. **Trees and shrubs shall be planted so that at maturity they shall not interfere with a driver's or pedestrian's view of public rights-of-way (e.g. the view of approaching, merging, or intersecting traffic, etc.) or otherwise impair public safety, or interfere with the safe operation of a motor vehicle on public streets.****(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 landscaped planting strip between the street right-of-way and parking area **that is equal to the setback area required by the development standards of the subject land use zoning district.** 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 $\frac{3}{4}$ -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); Amended Ordinance 4057 (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 barrierprevent 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.

Table 83-21			
On-Site Signs in Office Commercial (CO) Land Use Zoning District			
Type of Sign	Individual Business/Structure Not a Part of a Complex	Multi-Tenant Complex	Occupant within a Multi-Tenant Complex
Freestanding			
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
Attached			
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.

Table 83-22			
On-Site Signs in Neighborhood Commercial (CN) Land Use Zoning District			
Type of Sign	Individual Business/Structure Not a Part of a Complex	Multi-Tenant Complex	Occupant within a Multi-Tenant Complex
Freestanding			
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
Attached			
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 per frontage	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.

Table 83-23			
On-Site Signs in Rural Commercial (CR) Land Use Zoning District			
Type of Sign	Individual Business/Structure Not a Part of a Complex	Multi-Tenant Complex	Occupant within a Multi-Tenant Complex
Freestanding			
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
Attached			
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.

Table 83-24			
On-Site Signs in Highway Commercial (CH) Land Use Zoning District			
Type of Sign	Individual Business/Structure Not a Part of a Complex	Multi-Tenant Complex	Occupant within a Multi-Tenant Complex
Freestanding			
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
Attached			
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

- (10) **On-site signs in General Commercial (CG) land use zoning district.** Table 83-25 indicates the types of signs allowed in the General Commercial (CG) land use zoning district and the standards applicable to those signs.

Table 83-25			
On-Site Signs in General Commercial (CG) Land Use Zoning District			
Type of Sign	Individual Business/Structure Not a Part of a Complex	Multi-Tenant Complex	Occupant within a Multi-Tenant Complex
Freestanding			
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
Attached			
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) 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.	300	200	50
Total number	1 Freestanding 2 Attached	1 per frontage	1

- (11) **On-site signs in Service Commercial (CS) land use district.** Table 83-26 indicates the types of signs allowed in the Service Commercial (CS) land use district and the standards applicable to those signs.

Table 83-26			
On-Site Signs in Service Commercial (CS) Land Use Zoning District			
Type of Sign	Individual Business/Structure Not a Part of a Complex	Multi-Tenant Complex	Occupant within a Multi-Tenant Complex
Freestanding			
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
Attached			
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	50
Total number	1 Freestanding 1 Attached	1 per frontage	1

- (12) **On-site signs in Community Industrial (IC) land use zoning district.** Table 83-27 indicates the types of signs allowed in the Community Industrial (IC) land use zoning district and the standards applicable to those signs.

Table 83-27			
On-Site Signs in Community Industrial (IC) Land Use Zoning District			
Type of Sign	Individual Business/Structure Not a Part of a Complex	Multi-Tenant Complex	Occupant within a Multi-Tenant Complex
Freestanding			
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	6 ft. maximum height 100 sq. ft. maximum area	6 ft. maximum height 100 sq. ft. maximum area	Sign not allowed
Attached			
Projecting	Sign not allowed	Sign not allowed	Sign not allowed
Roof	1:3 (bldg. frontage to sign area ratio) 150 sq. ft. maximum area	Sign not allowed	Sign not allowed
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) 150 sq. ft. maximum area
Total area sq. ft.	400	320	150
Total number	1 Freestanding 2 Attached	1 per frontage	1

- (13) **On-site signs in Regional Industrial (IR) land use zoning district.** Table 83-28 indicates the types of signs allowed in the Regional Industrial (IR) land use zoning district and the standards applicable to those signs.

Table 83-28			
On-Site Signs in Regional Industrial (IR) Land Use Zoning District			
Type of Sign	Individual Business/Structure Not a Part of a Complex	Multi-Tenant Complex	Occupant within a Multi-Tenant Complex
Freestanding			
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	6 ft. maximum height 100 sq. ft. maximum area	6 ft. maximum height 100 sq. ft. maximum area	Sign not allowed
Attached			
Projecting	25 ft. maximum height 200 sq. ft. maximum area 8 ft. minimum clearance from underlying walkway or thoroughfare	Sign not allowed	Sign not allowed
Roof	1:4 (bldg. frontage to sign area ratio) 200 sq. ft. maximum area	Sign not allowed	1:1 (bldg. frontage to sign area ratio) 50 sq. ft. maximum area
Wall	1:4 (bldg. frontage to sign area ratio) 200 sq. ft. maximum area	Sign not allowed	1:2 (bldg. frontage to sign area ratio) 150 sq. ft. maximum area
Total area sq. ft.	400	400	150
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.

Table 83-29 On-Site Signs in Institutional (IN) Land Use Zoning District			
Type of Sign	Individual Business/Structure Not a Part of a Complex	Multi-Tenant Complex	Occupant within a Multi-Tenant Complex
Freestanding			
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
Attached			
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.

Table 83-30 On-Site Signs in Special Development (SD) Land Use Zoning District			
Type of Sign	Individual Business/Structure Not a Part of a Complex	Multi-Tenant Complex	Occupant within a Multi-Tenant Complex
Freestanding			
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
Attached			
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 per frontage	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
(A) Freeway Oriented Off-site Signs	
0 - 500 square feet	750 feet
500.01 square feet and over	Not allowed
(B) All other Off-site Signs	
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
(A) Freeway oriented off-site signs	
Any height	3 feet
(B) All other off-site signs	
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.
 - (5) Freestanding signs shall not be more than two posts or columns, each with a width or diameter no greater than 12 inches that are located within a street front or side setback area.
- (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); Amended Ordinance 4057 (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.
- (6) **Service station product price signs.** Not to exceed 24 square feet in area per sign. One such sign shall be allowed per street frontage. Any additional sign area shall be calculated as part of the total sign area allowed by the land use district.
- (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); Amended Ordinance 4057 (2008)

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.
 - (3) The owner of the premises on which the sign is located.
 - (4) The sign lessee or lessor.
- (e) The charge for expenses shall be in addition to penalty for the violation. Recovery of the sign does not necessarily abrogate the penalty.
- (f) Signs made of paper, cardboard, lightweight plastic, or similar materials, that are removed, may be discarded immediately. Other removed signs shall be held no less than 30 days by the County, during which period it may be recovered by the owner upon paying the County for costs of removal and storage. If not recovered within the allowed 30-day period, the sign and structure is hereby declared abandoned and the Title of it shall vest to the County.

Adopted Ordinance 4011 (2007)

83.13.120 Nonconforming Signs

- (a) **Amortization of nonconforming signs.** Nonconforming signs shall be removed or altered to be conforming as provided below.
 - (1) Nonconforming on-site signs that are located in an agricultural or residential district shall be removed from the site without compensation after the expiration of 15 years from the date the sign became nonconforming. Upon the expiration of the amortization period, the sign shall be an illegal use subject to immediate removal. Nonconforming on-site signs that are also illegal signs shall be removed immediately from the site without compensation.
 - (2) Legal nonconforming commercial signs and billboards existing at the time this Code became effective may be continued, although the use does not conform with these provisions provided, however, that these nonconforming signs and billboards and their supporting structures shall be completely removed by their owners not later than five years from the effective date of this Code.

- (3) Legal nonconforming off-site sign displays located in an area designated on the County General Plan and designated as either agricultural or residential and located more than 660 feet from the edge of the right-of-way of a freeway or primary highway, that have copy not visible or intended to be read from the freeway or primary highway, shall be removed from the site without compensation in compliance with the following schedule. This amortization period shall commence upon receipt of written notice of nonconformance.

Fair Market Value on Date of Notice	Maximum Years Allowed
Under \$1,999	2.0
\$2,000 to \$3,999	4.5
\$4,000 to \$5,999	6.0
\$6,000 to \$7,999	7.5
\$8,000 to \$9,999	9.0
\$10,000 and over	10.5

- (4) The Building Official shall determine the fair market value in compliance with the latest material valuation schedules and send notice of the determined value to the owner. Disagreement over the value shall be resolved under the appeal procedures identified in this Code. Upon the expiration of the appeal period, the sign shall be an illegal use, subject to immediate removal.
- (b) Continuance of nonconforming signs.** A nonconforming sign may be continued and shall be maintained in good condition as required by these regulations, but it shall not be:
- (1) Structurally changed to another nonconforming sign, but its pictorial content may be changed.
 - (2) Structurally altered to prolong the life of the sign, except to meet safety requirements.
 - (3) Expanded or altered in a manner that increases the degree of nonconformity.
 - (4) Reestablished after damage or destruction if the estimated cost of reconstruction exceeds 75 percent of the replacement cost as determined by the Building Official.
- (c) New signs on sites with nonconforming signs.** No new sign shall be approved for a site, structure, building, or use that contains a nonconforming sign unless the nonconforming sign is removed or modified to conform to the provisions of this Chapter. No building permit shall be issued for any structures, building expansions, or new building construction on a site that contains nonconforming signs, unless all signs on the site are brought into compliance with this Chapter. This does not include interior alterations that do not substantially change the character or intensity of the site.

- (d) **Repairing and painting.** Nonconforming signs shall only be painted and repaired in place and shall not be removed from their existing location except for building remodeling.
- (e) **Change of business ownership.** Upon a change of ownership, the new owner of a nonconforming sign may change a name or names on the sign so long as there is no change in the structure or configuration of the sign.
- (f) **Structure remodeling.** Nonconforming signs may be removed for the purpose of remodeling a structure and shall be replaced immediately after the remodeling is completed. No alteration of the sign cabinet or structure is allowed.
- (g) **Hardship cases.**
 - (1) Under cases of extreme hardship and unusual circumstances, the Commission shall have the authority to allow the retention of a legal nonconforming sign if the Commission specifically finds that extreme hardship and unusual circumstances exist. The proponent of the request shall have the burden of clearly demonstrating that an extreme hardship and unusual circumstance exists and warrants the retention of the nonconforming sign. The Commission shall conduct a public hearing and shall find the following to be true before allowing retention of a nonconforming sign:
 - (A) The site has a unique character or features that cause visibility problems.
 - (B) The sign does not create a traffic hazard.
 - (C) The sign does not create a visual blight to the community.
 - (D) The sign does not adversely affect adjacent properties.
 - (E) The sign is properly maintained and structurally sound.
 - (F) Other sign alternatives or designs would not be feasible or be able to provide reasonable signing in compliance with this Code.
 - (2) If the Commission finds that an extreme and unusual circumstance exists, but that the design or condition of the sign creates a visual blight, then the Commission may grant a relief from the amortization of the nonconforming sign with the condition that the sign be remodeled to improve the condition of the sign and/or to create a more aesthetic design.

Adopted Ordinance 4011 (2007)

83.13.130 Abandoned Signs

- (a) **Removal of abandoned signs.**

- (1) A sign that identifies a business or activity that is no longer conducted on the premises where the sign is located or pertains to a time, event, or purpose that no longer applies, shall be considered an abandoned sign and shall be prohibited. An abandoned sign shall be removed by the owner or lessee of the premises upon which the sign is located immediately upon closure of the business or the passing of the event.
 - (2) A sign frame or structure that supported an abandoned sign and that conforms to all applicable regulations shall be allowed to remain in place. However, in the event a sign frame or structure is inconsistent with regulations, the sign structure and/or frame shall be either altered to comply with the regulations of this Chapter, or removed by the owner or lessee of the property.
 - (3) Signs considered by the County to have historic value or cultural significance shall be exempt from this requirement.
 - (4) If the owner or lessee fails to remove the sign, the County, following a public hearing, may have the sign removed.
- (b) **Recovery of costs.** When the County is required to remove an illegal sign, the reasonable cost of the removal and storage may be assessed against the owner of the sign(s) and/or the property owner. If not paid, the applicable costs may be imposed as a tax lien against the property.

Adopted Ordinance 4011 (2007)

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CHAPTER 84.01 ACCESSORY STRUCTURES AND USES

Sections:

- 84.01.010 Purpose
- 84.01.020 General Development Standards
- 84.01.030 Agricultural Accessory Structures and Uses
- 84.01.040 Commercial and Industrial Accessory Structures and Uses
- 84.01.050 Residential Accessory Structures and Uses

84.01.010 Purpose

This Chapter establishes the regulations and criteria that determine the location of compatible accessory uses within various land use zoning districts.

Adopted Ordinance 4011 (2007)

84.01.020 General Development Standards

- (a) **Land use zoning district regulations applicable.** Unless otherwise provided, accessory structures and uses shall be subject to the same regulations as the primary structure or use, including projections into setbacks specified in Section 83.02.080 (Allowed Projections).
- (b) **Legally established primary use.** An accessory structure or use shall always exist in conjunction with, and never without, a legally established primary structure or primary use that has the same common owner.
- (c) **Use of accessory structure.** The use of an accessory structure may be for either a primary or an accessory use allowed by the applicable land use zoning district.
- (d) **Determination of accessory uses.** In addition to the accessory uses specifically provided for by this Chapter or elsewhere within this Development Code, each land use shall be deemed to include other accessory uses that are necessarily and customarily associated with and are clearly incidental and subordinate to the primary land use. Whenever the accessory uses are questioned, the Director shall be responsible for determining if a proposed accessory use meets the criteria in this Chapter. Before making a determination, the Director shall give notice to contiguous property owners in compliance with Section 85.02.030 (Staff Review with Notice).
- (e) **Maximum site coverage.** The combination of accessory and primary structures on a parcel shall not exceed the maximum site coverage allowed by the applicable land use zoning district regulations in Division 2 (Land Use Zoning Districts and Allowed Land Uses).

- (f) **Location on same or contiguous abutting parcel.** Accessory structures or uses shall be located on either:
- (1) The same parcel as the primary structure or use; or
 - (2) A contiguous abutting parcel that is owned by the same owner who owns the parcel that has the primary structure or use, with the exception of guest housing in compliance with Subsection 84.01.050(b), below. An accessory use may or may not entail the use of a structure.

Adopted Ordinance 4011 (2007)

84.01.030 Agricultural Accessory Structures and Uses

This Section provides standards for accessory structures and uses that are customarily related to an agricultural use.

- (a) **Animal keeping.** Animal keeping activities are governed by Chapter 84.04 (Animal Keeping)
- (b) **Row field tree and nursery crop and animal product sales stand.** The retail trade of plant or animal products primarily grown on the subject property shall be allowed when displayed from one stand with a floor area no larger than 200 square feet on parcels greater than 10,000 square feet in area. Standards for produce stands are provided in Chapter 84.03. (Agritourism Enterprises).
- (c) **Caretaker housing.** A caretaker dwelling unit may be located anywhere on the property at the discretion of the property owner. The 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. Recreational vehicles shall not be used for caretaker housing.
- (d) **Seasonal Labor Quarters.** Labor quarters for agricultural operations that are limited to three months of the year that encompass the harvest season of the agricultural product may utilize recreational vehicles as temporary labor quarters. A Site Plan Permit shall still be required to ensure proper services are supplied to the temporary laborers. Also, a Special Use Permit shall be required to monitor the use. Failure to obtain both the Site Plan Permit and the Special Use Permit required under this subsection shall render the placement, use and/or occupancy of recreational vehicles or similar vehicles unlawful and subject to enforcement under Chapter 86.09 of this Title.

Adopted Ordinance 4011 (2007); Amended Ordinance 4057 (2008)

84.01.040 Commercial and Industrial Accessory Structures and Uses

This Section provides standards for accessory structures and uses that are customarily related to commercial and industrial uses.

- (a) **Exterior storage.** 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).
- (b) **Caretaker housing.** The caretaker dwelling unit may be located either above the first floor or behind a primary commercial use. The 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. Recreational vehicles shall not be used for caretaker housing.
- (c) **Seasonal Labor Quarters.** Labor quarters for commercial or industrial operations that are limited to three months of the year may utilize recreational vehicles as temporary labor quarters. A Site Plan Permit shall still be required to ensure proper services are supplied to the temporary laborers. Also, a Special Use Permit shall be required to monitor the use. Failure to obtain both the Site Plan Permit and the Special Use Permit required under this subsection shall render the placement, use and/or occupancy of recreational vehicles or similar vehicles unlawful and subject to enforcement under Chapter 86.09 of this Title.

Adopted Ordinance 4011 (2007); Amended Ordinance 4057 (2008)

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. **The provisions of Subsection 84.21.030(i) of this Title shall apply to a manufactured home used as 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. **The provisions of Subsection 84.21.030(i) of this Title shall apply to a manufactured home used as guest housing.**
- (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); Amended Ordinance 4057 (2008)

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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. **Proof of continuing eligibility as a qualified dependent is required as a condition of renewal.**

Adopted Ordinance 4011 (2007); Amended Ordinance 4057 (2008)

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. **The provisions of Subsection 84.21.030(i) of this Title shall apply to a manufactured home used as dependent housing.**
- (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. **The provisions of Subsection 84.21.030(i) of this Title shall apply to a manufactured home used as dependent housing.**
- (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); Amended Ordinance 4057 (2008)

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CHAPTER 84.14 MOBILE HOME PARKS

Sections:

- 84.14.010 Purpose
- 84.14.020 Applicability
- 84.14.030 Enforcement Authority
- 84.14.040 Definitions
- 84.14.050 Development Standards
- 84.14.060 (Reserved)
- 84.14.070 Bonds to Guarantee Improvements
- 84.14.080 Mobile Home Park Subdivisions

84.14.010 Purpose

This Chapter provides for the establishment, location, design, and improvement of mobile home parks.

Adopted Ordinance 4011 (2007)

84.14.020 Applicability

- (a) **Where allowed.** The development standards provided in this Chapter shall apply to the establishment or enlargement of mobile home parks in land use zoning districts where allowed in compliance with Division 2 (Land Use Zoning Districts and Allowed Land Uses).
- (b) **State law.** The requirements of this Chapter shall include the provisions of the Mobile Home Parks Act (Health and Safety Code Section 18200 et seq.) and the applicable Mobile Home Parks Regulations adopted by the State Department of Housing and Community Development (Code of Regulations, Title 25, Division 1, Chapter 2, Section 1000 et seq.) The requirements of this Chapter are intended to equal or exceed the requirements of the Mobile Home Parks Act and the Mobile Home Regulations. The requirements of the Mobile Home Parks Regulations shall be incorporated as part of this Chapter and compliance with the regulations shall be required.

Adopted Ordinance 4011 (2007); Amended Ordinance 4057 (2008)

84.14.030 Enforcement Authority

The Building and Safety Division shall enforce State law and regulations that apply to construction, alteration, or modification of mobile home parks. The **California Department of Housing and Community Development** shall enforce State law and regulations that apply to the maintenance, use, occupancy, sanitation, and safety of mobile home parks or that apply to permits to operate them.

Adopted Ordinance 4011 (2007); Amended Ordinance 4057 (2008)

84.14.040 Definitions

Terms used in this Chapter are as defined in the Mobile Home Parks Act (Health and Safety Code Section 18200 et seq.), unless as expressly provided otherwise in Division 12 (Definitions and Land Use Classifications) or unless the context clearly shows that a different meaning is intended.

Adopted Ordinance 4011 (2007)

84.14.050 Development Standards

- (a) **Locations.** Mobile home parks/manufactured home land-lease communities shall be located where allowed in compliance with Division 2 (Land Use Zoning Districts and Allowed Land Uses) and in compliance with State law.
- (b) **Parcel size and density.** The minimum parcel sizes and density standards for mobile home parks shall be as indicated in Table 84-8 (Parcel Size and Density Standards for Mobile Home Parks).

**Table 84-8
Parcel Size and Density Standards for Mobile Home Parks**

Development Standards	Land Use Zoning District		
	RL	RS	RM
Minimum parcel size	20 acres	10 acres	10 acres
Maximum density	Determined by the density of the land use zoning district in which it is located		

- (c) **Drainage and flood hazard.** A mobile home park shall be located on a well-drained site, properly graded to provide for adequate disposition of water runoff. The area shall be free of flood hazard from external sources. The review authority may require dedications and improvements that will ensure proper protection of a mobile home park.
- (d) **Streets and highways.** The review authority may require additional dedication and improvements on streets and highways abutting the proposed mobile home park in compliance with the Circulation Element of the General Plan and established widths of local and collector streets.
- (e) **Parcel areas and dimensions.** A parcel in a mobile home park shall contain a minimum area of 1,200 square feet with a minimum width of 30 feet fronting on a driveway, provided that:

area shall contain a minimum of 50 square feet for each mobile home parcel in the mobile home park.

- (2) Storage on a mobile home parcel shall comply with the provisions of Title 25, Division 1 of the California Code of Regulations.
- (p) **Public address systems.** Public address systems or loudspeakers shall not be allowed if audible outside the boundaries of the mobile home park.
- (q) **Modifications in design.** Where a mobile home park application is submitted for approval that, although not in compliance with the design requirements in this Chapter, are consistent with the general purpose and intent of this Chapter, the review authority may approve the park with conditions and restrictions that ensure that the general purposes are satisfied.
- (1) Park designs utilizing duplex or cell-type groupings of mobile home parcels or other modified designs may be approved under the provisions of this Section.
 - (2) Modifications of the above standards of design may be approved under the provisions of this Section for mobile home parks, travel trailer parks, recreational trailer parks, temporary trailer parks, and tent camps. However, in no case shall the modifications conflict with minimum requirements of the Mobile Home Parks Act (Health and Safety Code Section 18200 et seq.) and the applicable Mobile Home Parks Regulations adopted by the State Department of Housing and Community Development (Code of Regulations, Title 25, Division 1, Chapter 2, Section 1000 et seq.).

Adopted Ordinance 4011 (2007)

84.14.060 (Reserved)

Adopted Ordinance 4011 (2007); Amended Ordinance 4057 (2008)

84.14.070 Bonds to Guarantee Improvements

If all improvements required as a condition of approval of a mobile home park are not satisfactorily completed at the time a Certificate of Occupancy is requested, the owner or owners of the mobile home park shall, before the issuance of the permit, enter as contractor into an agreement with the County guaranteeing that the required work will be accomplished. The form and amount of security shall be determined by the Director.

Adopted Ordinance 4011 (2007)

84.14.080 Mobile Home Park Subdivisions

Mobile home park subdivisions shall be conditioned to require reservation and maintenance of common areas and enjoyment of the residents of the mobile home subdivision. Mobile home subdivisions shall comply with appropriate design standards established by this Chapter, Division 9 (Subdivisions), and applicable State subdivision requirements.

Adopted Ordinance 4011 (2007)

- (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 **except as provided below**. Also, the manufacturer shall permanently affixed 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).

The ten-year standard provided above shall apply to all manufactured homes except when the following findings can be made:

- (1) The site for the proposed location of the manufactured home is adequate in terms of shape and size to accommodate the use and all parking areas, setbacks, structure coverage, yards, and other applicable requirements of this Development Code;
 - (2) The Building and Safety Division has investigated, inspected and reported on the manufactured home and has determined that the manufactured home proposed for installation substantially conforms to the construction standards regarding health, accessibility, life and fire safety and structural requirements applicable to manufactured homes less than ten years old; and
 - (3) The appearance of the manufactured home and the method of siting are compatible with the appearance of the primary structure and the structures in the surrounding neighborhood.
- (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); Amended Ordinance 4057 (2008)

CHAPTER 85.12 REVISIONS TO AN APPROVED ACTION

Sections:

- 85.12.010 Purpose
- 85.12.020 Procedures

85.12.010 Purpose

Modifications of the conditions of approval or project design for an approved development project and for the alteration, expansion, or any disturbance of land associated with any use subject to a Conditional Use Permit, Minor Use Permit, or Site Plan Permit may be revised (e.g., modified or expanded) through the approval of a Revision to an Approved Action application in compliance with this Chapter.

Adopted Ordinance 4011 (2007)

85.12.020 Procedures**(a) Action by the Director or Commission.**

- (1) The Director shall review and act upon a request for a Revision to an Approved Action.
- (2) If the Director determines that the request requires a public hearing, the Director shall refer the request to the Commission for action.
- (3) Requests to appeal the Director's or Commission's actions shall be filed in compliance with Chapter 86.08 (Appeals).

(b) Review procedure. .

- (1) Any revision that includes an expansion of the use of up to 10,000 sq. ft. or 25 percent of the ground area covered by the use or square footage of the structure, whichever is greater, shall be processed using the Staff Review with Notice procedures. The procedures and appeal rights of Section 85.08.030 shall apply.
- (2) Any revision that includes an expansion of the use greater than 25 percent of the ground area covered by the use or square footage of the structure and such expansion is greater than 10,000 sq. ft. shall be processed using the review procedures outlined in Chapter 85.06 (Conditional Use Permit/Minor Use Permit).

(c) Review authority. Director

- (d) **Notification of request.** Notice shall be given in compliance with the same notice requirement of the original application type. However, an expansion of the use beyond 25 percent would require notice in compliance with the Minor Use Permit requirements.
- (e) **Findings required.** Before approving the requested revision, the review authority shall find that the findings for the original application type can still be made.

Adopted Ordinance 4011 (2007); Amended Ordinance 4057 (2008)

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CHAPTER 86.09 ENFORCEMENT

Sections:

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- 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
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- 86.09.190 Additional Permit Processing Fees
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- 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.

- (d) **Authority to Inspect.** All persons authorized to enforce the provisions of this Development Code are authorized to enter upon any property or premises within the unincorporated areas of the County of San Bernardino to ascertain whether the property or premises is in compliance with this Development Code, and to make any inspection as may be necessary in the performance of their enforcement duties. These inspections may include the taking of photographs, samples, or other physical evidence, and the making of video and/or audio recordings. All such entries and inspections shall be done in a reasonable manner. If an owner, lawful occupant, or the respective agent, employee, or representative thereof refuses permission to enter and/or inspect, the County, acting by and through such persons authorized to enforce this Development Code, may seek an administrative inspection warrant pursuant to the procedures provided by California Code of Civil Procedure §§ 1822.50 through 1822.59, as may be amended from time to time, or the successor provisions thereto.

Adopted Ord. 4011 (2007); Amended Ord. 4043 (2008); Amended Ord. 4057 (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 **one thousand** dollars (\$1,000.00) 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 Ord. 4011 (2007); Amended Ord. 4043 (2008); Amended Ord. 4057 (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 as 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 (c) 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, **including without limitation, the filing of a notice of lien, describing the real property affected and the amount of the costs, penalties or damages to the County Auditor, who shall place the amount thereof on the assessment role as a special assessment to be paid with County taxes, unless sooner paid.** The County

may also recover its collection costs. A judgment or award of such costs, penalties or damages may also be enforced in other manner provided by law.

- (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); Amended Ordinance 4057 (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) **Variations.** 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 of 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 Records 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)

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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 86.15.060(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); Amended Ordinance 4057 (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.**

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- (a) **Definitions.** Terms and phrases used within this Section shall be defined in Division 10 (Definitions) and/or defined by the California Food and Agricultural Code. The California Food and Agricultural Code definition, if one exists, shall prevail over a conflicting definition in this Development Code.
- (b) **Applicability.** The provisions of this Section shall apply to desert native plants specified in Subsection (c) (Regulated desert native plants) that are growing on any of the following lands, unless exempt in compliance with Section 88.01.030 (Exempt Activities):
- (1) Privately owned or publicly owned land in the Desert Region.
 - (2) Privately owned or publicly owned land in any parts of the Mountain Region in which desert native plants naturally grow in a transitional habitat.
- (c) **Regulated desert native plants.** The following desert native plants or any part of them, except the fruit, shall not be removed except under a Tree or Plant Removal Permit in compliance with Section 88.01.050 (Tree or Plant Removal Permits). In all cases the botanical names shall govern the interpretation of this Section.
- (1) The following desert native plants with stems two inches or greater in diameter or six feet or greater in height:
 - (A) *Dalea spinosa* (smoketree).
 - (B) All species of the genus *Prosopis* (mesquites).
 - (2) All species of the family *Agavaceae* (century plants, nolin, yuccas).
 - (3) Creosote Rings, 10 feet or greater in diameter.
 - (4) All Joshua trees.
 - (5) Any part of any of the following species, whether living or dead:
 - (A) *Olneya tesota* (desert ironwood).
 - (B) All species of the genus *Prosopis* (mesquites).
 - (C) All species of the genus *Cercidium* (palos verdes).

- (d) **Compliance with Desert Native Plants Act.** Removal actions of all plants protected or regulated by the Desert Native Plants Act (Food and Agricultural Code Section 80001 et seq.) shall comply with the provisions of the Act before the issuance of a development permit or approval of a land use application.

Adopted Ordinance 4011 (2007)

88.01.070 Mountain Forest and Valley Tree Conservation

This Section provides regulations to promote conservation and wise use of forest resources in the Mountain Region and native tree resources in the Valley Region. The provisions are intended to augment and coordinate with the Z'berg-Nejedly Forest Practice Act of 1973 (Public Resources Code Section 4526 et seq.) and the efforts of the State Department of Forestry and Fire Protection to implement and enforce the Act.

(a) **Applicability.**

- (1) **Private harvesting.** The provisions of this Section apply to the private harvesting of all trees growing on private land and on public land in the unincorporated Mountain Region and Valley Region.
- (2) **Commercial harvesting.** The commercial harvesting of trees shall be prohibited, except as allowed by and authorized by the State Department of Forestry and Fire Protection in compliance with the Z'berg-Nejedly Forest Practice Act of 1973 (Public Resources Code Section 4526 et seq.).

(b) **Regulated trees.** The following trees shall only be removed with an approved Tree or Plant Removal Permit issued in compliance with Section 88.01.050 (Tree or Plant Removal Permits):

- (1) **Native trees.** A living, native tree with a six inch or greater stem diameter or 19 inches in circumference measured 4.5 feet above natural grade level.
- (2) **Palm trees.** Three or more palm trees in linear plantings, which are 50 feet or greater in length within established windrows or parkway plantings, shall be considered to be heritage trees and shall be subject to the provisions of this Chapter regarding native trees.

(c) **Tree protection from insects and disease.** For regulations on the treatment and disposition of felled trees, see Section 88.01.090 (Tree Protection from Insects and Disease).

Adopted Ordinance 4011 (2007)

88.01.080 Riparian Plant Conservation

This Section provides regulations to promote healthy and abundant riparian habitats that protect watersheds; control transmission and storage of natural water supplies; provide unique wildlife habitats for rare, endangered and threatened plants and animals; provide attractive environments; control natural soil erosion and sedimentation to protect stream banks subject to erosion and undercutting; and provide sufficient shade to reduce temperature and evaporation and the growth of algae in streams. The provisions of this Section are intended to augment and coordinate with the responsibilities of the California Department of Fish and Game.

(a) Applicability.

- (1) Applicable areas.** The provisions of this Section shall apply to all riparian areas located on private land in all zones within the unincorporated areas of the County and to riparian areas on public land owned by the County, unless exempt as specified by Section 88.01.030 (Exempt Activities) and by Subsection (2) (Exemptions), below.
- (2) Exemptions.** The provisions of this Section shall not apply to:
 - (A) Emergency Flood Control District operations or water conservation measures established and authorized by an appropriate independent Special District.
 - (B) An area that has an existing man-made impervious structure, which is greater than 120 square feet in roof area, between the area proposed to be disturbed by a development permit and the bank of a subject stream, as measured in a straight line perpendicular to the centerline of the stream.

(b) Regulated riparian plants.

- (1) Vegetation described.** The removal of vegetation within 200 feet of the bank of a stream, or in an area indicated as a protected riparian area on an overlay map or Specific Plan, shall require approval of a Tree or Plant Removal Permit in compliance with Section 88.01.050 (Tree or Plant Removal Permits) and shall be subject to environmental review.
- (2) Streams.** For the purposes of this Section, streams include those shown on United States Geological Survey Quadrangle topographic maps as perennial or intermittent, blue or brown lines (solid or dashed), and river wash areas.

(c) Preconstruction inspections. Preconstruction inspections shall include the verification of the presence of riparian vegetation.

(d) Conditions of approval. Conditions of approval for removal of riparian vegetation may be imposed in addition to, and in combination with, any condition imposed in compliance with Section 88.01.050 (Tree or Plant Removal Permits).

Adopted Ordinance 4011 (2007); Amended Ordinance 4057 (2008)

88.01.090 Tree Protection from Insects and Disease

This Section provides regulations for the treatment and disposition of felled trees in the Mountain Region to protect against damaging insects (e.g. bark beetles) and diseases. The intent is to mitigate the serious danger posed to forests from coniferous trees that are cut in land clearing operations and are then allowed to remain exposed and untreated against noxious insects, which then multiply in the felled trees to later attack and damage healthy coniferous trees.

- (a) **Applicability.** The provisions in this Section apply to coniferous trees located on land in the Mountain Region. Every person, firm, or corporation, whether as principal, agent, or employee, that has control of, right of entry on, or access to land in the Mountain Region shall comply with this Section.

- (b) **Treatment of felled trees.** Except as otherwise provided by this Section, felled coniferous trees, portions of trees, and stumps shall be treated in compliance with at least one, or a combination, of the following methods and the method in Subsection (c) (Stump treatment), below, within 15 days after a coniferous tree has been cut.
 - (1) Remove to a solid waste disposal site specifically designated by the County for this type of use.
 - (2) Burn sufficiently to consume the bark, when allowed by the Fire Department and the Air Pollution Control District.
 - (3) Lop and scatter material less than four inches in diameter so that it is piled no higher than 24 inches above the ground, when allowed by the Fire Department.
 - (4) Remove the bark
 - (5) Chip or grind.
 - (6) Split and scatter with bark toward the sun for a minimum of 45 consecutive days or until final inspection is completed, whichever is less.
 - (7) Stack in the sun and cover with six mil clear plastic, which has a continuous seal from the outside and for at least 180 days.
 - (8) Spray with a commercial insecticide, as approved by the Agricultural Commissioner for these insects and purposes.
 - (9) Treat under any other method approved by the enforcement officer in writing.

- (c) **Stump treatment.** Fresh cut stumps of live coniferous trees shall be protected from infection by Annosus Root Rot (*Fomes annosus*) with borax powder (granular tech, 10 mole) as soon as possible after felling, covering the entire newly exposed cut and/or broken surface completely with a thin uniform layer of white borax within two hours.
- (d) **Inspections.** In the case of construction activity, the Building Official shall not approve development permit inspections until felled coniferous trees, portions of trees, and stumps are treated in compliance with this Section.
- (e) **Certificate of compliance.** Where trees have been treated by an approved method and the evidence of treatment is not readily observable to the inspector on the construction site, the Building Official shall require a permittee to obtain a certificate that the treatment has been completed in an acceptable manner. The certificate may be from one of the following authorities:
 - (1) Fire Chief.
 - (2) Agricultural Commissioner.
 - (3) Appropriately certified Pest Control Adviser as defined in Food and Agriculture Code Section 11401 et seq.
 - (4) Qualified Applicator as defined in Food and Agriculture Code Section 11401 et seq.
- (f) **Extension of time of enforcement.** If compliance with Subsection (b) (Treatment of felled trees) and Subsection (c) (Stump treatment) within the specified time periods is impractical because of inaccessibility to the cut timber due to snow or flooding, an enforcement officer may extend the period of time for compliance.

Adopted Ordinance 4011 (2007)

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810.01.060 Definitions, "D."

- (a) **Dairy.** Any premises where milk is produced for sale or distribution and where 10 or more cows or goats are in lactation.
- (b) **Days.** Any reference to day or days shall mean calendar days, unless otherwise specified.
- (c) **Days, Business.** Any day a specified Office, Department or other agency is open to the public for normal business. This term shall normally exclude all Saturdays, Sundays and any holiday that is recognized and observed by the specified Office, Department or other agency.
- (d) **Day Care, Adult (see Land Use Tables).** A state-licensed facility that provides nonmedical care and supervision for adult clients for periods of less than 24 hours for any client.
- (e) **Day Care, Child (see Land Use Tables).** Facilities that provide non-medical care and supervision of minor children for periods of less than 24 hours. These facilities include the following, all of which are required to be licensed by the California State Department of Social Services.
 - (1) **Day Care Center.** Commercial or non-profit child day care facilities designed and approved to accommodate 15 or more children. Includes infant centers, preschools, sick-child centers, and school-age day care facilities. These may be operated in conjunction with a school or church facility, or as an independent land use.
 - (2) **Family Day Care Home.** As defined by Health and Safety Code Section 1596.78, a home that regularly provides care, protection, and supervision for 14 or fewer children, in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away, and is either a large family day care home or a small family day care home.
 - (3) **Large Family Day Care Home.** As defined by Health and Safety Code Section 1596.78, a day care facility in a single-family dwelling where an occupant of the residence provides family day care for seven to 14 children, inclusive, including children under the age of 10 years who reside in the home.
 - (4) **Small Family Day Care Home.** As defined by Health and Safety Code Section 1596.78, a day care facility in a single-family residence where an occupant of the residence provides family day care for eight or fewer children, including children under the age of 10 years who reside in the home.
- (f) **Debris Flow (mudflow).** The downhill movement of saturated debris often a mixture of mud, rock and vegetation.

- (g) **Decibel (dBA).** A measure of sound pressure on a logarithmic scale, with respect to a standard reference value.
- (h) **Decision.** Any decision to approve, disapprove, or modify a request to develop, divide, or otherwise utilize land or to alter or establish land use regulations.
- (i) **Density Bonus.** A density increase over the otherwise maximum allowable residential density under the applicable land use plan designation and land use zoning district. Also, see Government Code Section 65915.
- (j) **Department.** The Department of Land Use Services of the County of San Bernardino.
- (k) **Dependent Housing (see Land Use Tables).** Residential occupancy of an accessory dwelling unit located on the same parcel as the principal dwelling unit that is occupied by:
- (1) One or two adults, who have reached the age of 60, and are dependents of the residents of the primary unit;
 - (2) Court appointed conservatees of a resident of the principal unit; or
 - (3) Members of a very low income household as specified as Section 50105 of the Health and Safety Code and are related to the residents of the principal unit by birth, marriage, or adoption.
 - (4) One or two adults of any age who are dependent upon the residents of the primary unit for health care.

For the purposes of this section, “Dependent” means a related individual who is dependent upon the resident of the principal unit for financial support or health care. An individual will be determined to be a financial dependent if claimed by the resident of the primary unit as a dependent on his or her Federal or State income tax return. An individual will be determined to be a dependent for health care reasons if he or she is considered blind or disabled as defined in Section 1614(a) of Part A of Title XVI of the Social Security Act.

- (l) **Dependent Mobile Home.** See “Mobile Home, Dependent.”
- (m) **Desert Native Plant.** See “Plant, Desert Native.”
- (n) **Desert Native Plant Expert.** See “Plant Expert, Desert Native.”
- (o) **Desert Region.** Desert Region shall mean and include all of the unincorporated area of San Bernardino County lying north and east of the Mountain Region as defined in this Division.
- (p) **Design.** Includes the planning and engineering of the following:

- (1) Street alignments, grades and widths;
 - (2) Drainage and sanitary facilities and utilities, including alignment and grades thereof;
 - (3) Location and size of all required easements and rights of way;
 - (4) Fire roads and firebreaks;
 - (5) Lot size and configuration;
 - (6) Traffic access;
 - (7) Grading;
 - (8) Land to be dedicated for park or recreational purposes;
 - (9) Location of proposed and existing structures and improvements; and
 - (10) Other specific physical requirements in the plan and/or configuration of a subdivision as may be necessary to ensure consistency with, and implementation of this Development Code, the General Plan, and any applicable specific plan.
- (q) **Detailed Site Plan.** See “Site Plan, Detailed.”
- (r) **Design Flood.** See “Flood Hazard.”
- (s) **Developer.** Any person, association, firm, corporation, partnership and other business entity or public agency installing or constructing a development. This includes any person, business entity or public agency seeking to perform earthwork grading on any project or development for which the conditions of approval require any specific or general features to be incorporated in the earthwork or which restrict or limit the earthwork grading in any way, other than in compliance with the grading provisions as prescribed in the California Building Code.
- (t) **Development.** The use to which land shall be put, the buildings to be constructed on it, and all alteration of the land and construction incident thereto.
- (u) **Development Application.** Any application, review and/or process acted upon by the Department. See “Land Use Application.”
- (v) **Development Code.** A set of land use regulations adopted by San Bernardino County in conformance with the General Plan. All actions and undertakings necessary for project planning, land acquisition, demolition or construction of a project must conform with the County Code before approval. The Development Code is Title 8 of the San Bernardino County Code.

- (w) **Development Moratorium.** A development moratorium shall include a water or sewer moratorium, as well as other actions of public agencies that regulate land use, development, or the provision of services to the land, other than the authority of the County to approve or conditionally approve the Tentative Map, which prevents, prohibits, or delays the approval of a Final or Parcel Map. A development moratorium is also deemed to exist for any period of time during which a condition imposed by the County could not be satisfied because the condition was one which, by its nature, necessitated action by the County, and the County either did not take the necessary action or by its own action or inaction was prevented or delayed in taking the necessary action before expiration of the Tentative Map.
- (x) **Development Perimeter.** A line that indicates the outer perimeter of structural development or proposed structural development of one structure or a group of structures within a development project. For the purposes of this Section, structures within one hundred feet of another structure shall be considered as part of the same group of structures. The development perimeter may be derived from one of the following methods:
- (1) A line formed by interlinking the exterior walls or exterior building envelope boundaries of a series of proposed or existing structures that form the perimeter of a development project;
 - (2) Where a development project indicates the location of buildings or building envelopes on a site plan, a composite development plan or a final development plan, the development perimeter may be delineated by the outer limit of the location of each building. The development perimeter between the planned location of each building shall be delineated by the shortest line between the outer faces of adjacent buildings or building envelopes or;
 - (3) The development perimeter may be derived through alternate means provided they meet or exceed the limitations described in Subsections 1 and 2 above.
- (y) **Development Permit.** A permit issued by the Building Official, Fire Marshall, or Chief of the Environmental Health Services Division for construction or land disturbance, including, but not limited to, Building Permits, Mobile Home Setdown Permits and Grading Permits.
- (z) **Development Plan.** A detailed, comprehensive plan of development for a Special Development. The development plan applies limits and parameters for development derived from a development suitability analysis to a specific development scheme. Development Plans shall include a detailed description of the proposed development and its effects including, but not limited to, a written text, diagrams or maps describing the program for development and the functional arrangement of structures and uses, the effect of such arrangement upon the physical characteristics of the site, available public services, the capacity of the existing circulation system and the existing and planned land use of adjacent properties. It includes a dimensioned site plan showing the location of all structures and lots in sufficient detail to permit recordation and the preparation of construction drawings.

- (aa) **Development Project.** Any one or a series of related development applications that constitute a single development proposal.
- (bb) **Development Restrictions.** Include, but are not limited to, any of the following restrictions on property:
- (1) Open space easements.
 - (2) Transfer of development rights.
 - (3) Conveyance of development rights to the County.
 - (4) Land Use Zoning District restrictions on development.
- (cc) **Development Review Committee.** A committee consisting of representatives from various public agencies whose functions are to review and make recommendations on development proposals.
- (dd) **Development Suitability Analysis.** A comprehensive examination of the opportunities and constraints affecting development of a given site.
- (ee) **Deviations.** Authorized variances from required distances, setbacks, areas or physical improvements.
- (ff) **Directional Sign.** See “Sign.”
- (gg) **Director.** The Director of Land Use Services or authorized designee.
- (hh) **Director of Airports.** The Director of the County Airports Department or an authorized designee.
- (ii) **Director of Department of Public Works.** The Director of the County Department of Public Works or an authorized designee.
- (jj) **Director of Special Districts.** The Director of the Special Districts Department or an authorized designee.
- (kk) **Dismantlers.** See “Motor Vehicle Dismantling Facility.”
- (ll) **Display Sign.** See “Sign.”
- (mm) **Distribution.** See “Wholesaling and Distribution.”
- (nn) **Drainage Course.** A natural or man made water course that could convey runoff either year around or intermittently.

- (oo) **Drainage Plan, Local Area.** A drainage plan adopted for a particular drainage area. These plans shall include a map of the area showing its boundaries, the location of existing and future drainage facilities and an accompanying text that contains an estimate of the total costs of constructing the local drainage facilities.
- (pp) **Dripline.** A line that may be drawn on the ground around a tree directly under its outermost branch tips which is projected vertically down to the ground and which identifies that area where rainwater tends to drop from the tree.
- (qq) **Dwelling, Multiple Family (see Land Use Tables).** A building or portion thereof used and/or designed as two or more independent dwelling units.
- (rr) **Dwelling, Single Family (see Land Use Tables).** A detached building designed and/or used as one dwelling unit.
- (ss) **Dwelling, Single Family Attached (see Land Use Tables).** A single family dwelling that is attached to not more than one other single family dwelling.
- (tt) **Dwelling Unit.** Any building or portion thereof, including a manufactured home or portion thereof, that contains living facilities, including provisions for sleeping, eating, cooking and sanitation as required by the California Building Code, for not more than one family, including domestic employees of the family.
- (uu) **Dwelling Unit, Second.** A second dwelling unit is an additional dwelling unit either attached or detached.
- (vv) **Dwelling Use in Conjunction with Commercial Use.** One or more dwelling units developed along with one or commercial uses in a mixed-use project.

Adopted Ordinance 4011 (2007); Amended Ordinance 4057 (2008)

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- (7) **Holiday Lighting.** Seasonal displays of 60 days or less within one calendar year, using multiple low wattage bulbs (approximately 15 lumens or less) provided they do not constitute a fire hazard, create a nuisance, and are maintained in a safe condition.
- (8) **Lamp.** The generic term for an artificial light source installed in the socket portion of the fixture, to be distinguished from the whole assembly. Commonly referred to as a “bulb”.
- (9) **Light Pollution.** Artificial light generated and emitted into the night sky.
- (10) **Light Trespass.** Light from any outdoor lighting onto neighboring property or property that is within a direct line from the light source that interferes with viewing of night sky, eliminates the ability to have darkness on the property or shines on any area on these properties or structures. A determination of light trespass shall be made in compliance with Chapter 83.07 (Glare and Outdoor Lighting).
- (11) **Night Sky.** A clear sky, between dusk and dawn, with visible stars, despite necessary or desired illumination of private and public property.
- (12) **Partially-Shielded Fixture.** A fixture employing a top shield to reduce upward light, but otherwise does not shield the lamp from view.
- (13) **Pedestrian Lighting.** Freestanding lighting fixtures not exceeding a height of 36 inches from ground grade level.
- (u) **Light Pollution.** See “Lighting, Outdoor.”
- (v) **Light Processing Facility.** See “Recycling Facility.”
- (w) **Light Trespass.** See “Lighting, Outdoor.”
- (x) **Liquefaction.** A temporary fluid condition in water saturated, loose, sandy soil caused by shock, such as an earthquake, which can cause serious soil settlement, slumping or failure of structure foundations.
- (y) **Live/Work Unit (see Land Use Tables).** An integrated housing unit and working space, occupied and utilized by a single household in a structure, either single-family or multi-family, that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and that includes:
- (1) Complete kitchen space and sanitary facilities in compliance with the Building Code; and
 - (2) Working space reserved for and regularly used by one or more occupants of the unit.

- (z) **Livestock Operations (see Land Use Tables).** Intensive commercial hooved animal keeping operations including dairies, feedlots, hog ranches, etc.
- (aa) **Load.** See “Occupant Load.”
- (bb) **Loading Space.** An off street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, which abuts upon a street, alley or other appropriate means of access.
- (cc) **Local Agency.** The County of San Bernardino.
- (dd) **Local Area Transportation Facilities Plan.** See “Transportation Facilities Plan, Local Area.”
- (ee) **Local Ordinance.** A local ordinance that implements State Planning, Zoning, and Development Laws, enacted by the Board of Supervisors of the County of San Bernardino.
- (ff) **Local Street.** See “Road System.”
- (gg) **Locational Standards.** Criteria utilized to establish the circumstances under which a particular base land use zoning district would be appropriate or desirable for a given area or site.
- (hh) **Lodging Services.** Establishments engaged in the provision of lodging services, normally on a daily or weekly basis with incidental food, alcoholic beverages, sales and service intended for the convenience of the guests at a hotel, motel and tourist court or recreational vehicle park. Recreational vehicle parks shall not exceed twelve (12) spaces per acre.
- (ii) **Lot.** An area shown on and created by a final map, official map or parcel map recorded with the County Recorder. Types of lots include the following (See Figure 10-1 Lot Types):
- (1) **Corner Lot.** A lot situated at the intersection of two or more streets, or bounded on two or more adjacent sides by street lines, provided that the angle of intersection does not exceed 135 degrees.
 - (2) **Flag lot.** A lot having access from the building site to a public street by means of private right-of-way strip that is owned in fee.
 - (3) **Interior Lot.** A lot other than a corner lot.
 - (4) **Key Lot.** The first interior lot to the rear of a reversed corner lot, the front line of which is a continuation of the side line of the reversed corner lot, exclusive of the width of an alley, and fronting on the street that intersects or intercepts the street upon which the corner lot fronts.

- (5) **Reversed Corner Lot.** A corner lot that rears upon the side of another lot, whether or not across an alley. See Diagram Section 812.27005
- (6) **Through Lot.** A lot having frontage on two parallel or approximately parallel streets.

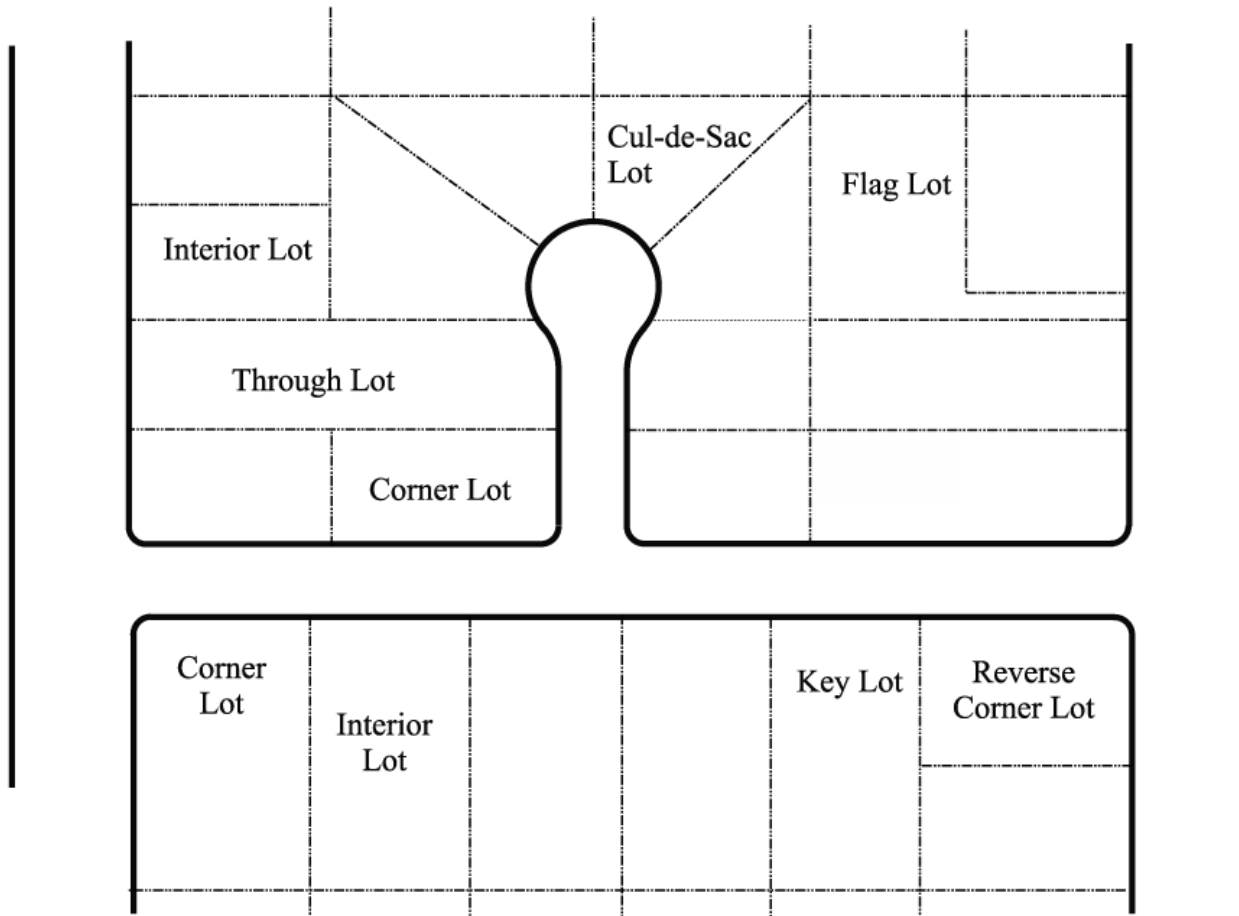


Figure 810-1
Lot Types

- (jj) **Lot Area.** The total horizontal area included within the perimeter of a described area.
- (kk) **Lot Coverage.** The percentage of a lot that has been altered to create a surface area that is either impervious (i.e., does not absorb water) or is covered by primary and accessory structures footprints. See “Building Coverage.”
- (ll) **Lot Depth.** The horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.
- (mm) **Lot Dimension Ratio.** A land area ratio of width to depth that determines the shape of a lot.

- (nn) **Lot, Frontage.** The dimension of a lot or portion of a lot that abuts a street or an approved road easement, except the side of a corner lot.
- (oo) **Lot Line or Property Line.** Any recorded boundary of a lot. Types of lot lines are as follows:
- (1) **Front Lot Line.** In the case of an interior lot, a line separating the lot from the street; and in the case of a corner lot, a line separating the narrowest street frontage of the lot from the street, except in those cases where the latest tract deed restrictions or the recorded map specify another line as the front lot line. In the case of a corner lot where precise dimensions are not readily available and the lot appears to be substantially equal in street frontage or if the known dimensions of the lot lines are within 10 percent of one another, the reviewing authority shall have the discretion to determine the front lot line.
 - (2) **Interior Lot Line.** Any lot line not abutting a street.
 - (3) **Rear Lot Line.** A line that is opposite and most distant from the front lot line, and in the case of a triangular or other irregularly shaped lot, a line within the lot 10 feet in length, parallel to and at the maximum distance from the front lot line.
 - (4) **Side Lot Line.** Any lot line other than the front or rear lot lines.
- (pp) **Lot Line Adjustment.** The adjustment of a lot line between two or more adjacent parcels, where the land taken from one parcel is added to an adjacent parcel, and where no additional parcels are thereby created or the number of parcels reduced.
- (qq) **Lot Merger.** A process by which contiguous lots are merged into one land holding. In order to be merged, the lots must be held by the same owner and the lots must have a common lot line. This process is subject to all of the requirements of the County Code and may be initiated by either the owners of the lots or the County.
- (rr) **Lot, Mobile Home Park.** See “Mobile Home Park Lot.”
- (ss) **Lot Size, Minimum.** The smallest unit of land permitted through subdivision within a specific land use zoning district, specified as minimum lot size in each land use zoning district in Division 2 (Land Use Zoning Districts and Allowed Land Uses).
- (tt) **Lot, Substandard.** See “Substandard Lot.”
- (uu) **Lot Width** The following method that yields the smallest dimension shall be chosen to measure lot width:
- (1) The distance measured at the building setback line (BSL) along a line or arc that is parallel or concentric to the right of way; or

(2) The average horizontal distance between the side lot lines measured at right angles to the lot depth.

(vv) **Lowest Floor.** See “Flood Hazard.”

(ww) **Lumber and Wood Products Manufacturing.** See “Manufacturing Operations I and II.”

Adopted Ordinance 4011 (2007); Amended Ordinance 4057 (2008)

810.01.150 Definitions, "M."

- (a) **Maintained Public Street.** Any roadway maintained by a public agency for public use.
- (b) **Major Arterial Highway.** See "Road System."
- (c) **Major Divided Highway.** See "Road System."
- (d) **Major Event.** See "Special Event, Temporary."
- (e) **Major Grading.** See "Grading."
- (f) **Major Highway.** See "Road System."
- (g) **Major Repair/Body Work.** See "Vehicle Services."
- (h) **Managing Agency or Agent.** A person, firm or agency representing the owner(s) of a private home rental unit(s), or a person, firm or agency owning one or more private home rental units.
- (i) **Manufactured Home.** A structure manufactured on or after June 15, 1976 that meets the requirements of the National Manufactured Housing and Safety Act of 1974, 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 except the size requirements and with the respect to which manufacturer voluntarily files a certification and complies with the standards established under this part. See also "Flood Hazard."
- (j) **Manufactured Home Park or Subdivision.** See "Flood Hazard" and "Mobile Home Park."
- (k) **Manufacturing Operations.** The on-site production of goods by methods other than agricultural or extractive in nature.
- (l) **Manufacturing Operations I - Limited Manufacturing (see Land Use Tables).** Manufacturing operations that are totally enclosed within a structure and employ fewer than 20 employees on the largest shift. This land use generally involves the assembly of specific products rather than the manufacturing of the various components of the products. Limited exterior storage is permitted but is fully screened from public view.

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) (see Land Use Tables).** 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. **Incidental food, alcoholic beverages, sales and service intended for the convenience of the guests at the recreational vehicle park are allowed.**
- (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); Amended Ordinance 4057 (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.”