

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 4065 was effective on January 15, 2009. 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 385 North Arrowhead Avenue, 1st Floor San Bernardino, CA 92415-0182

Adopted March 13, 2007 Effective April 12, 2007 Amended January 15, 2009





Acknowledgements

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CHAPTER 83.01 GENERAL PERFORMANCE STANDARDS

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83.01.010 Purpose

The purpose of this Chapter is to establish uniform performance standards for development within the County that promotes compatibility with surrounding areas and land uses.

Performance standards are designed to mitigate the environmental impacts of existing and proposed land uses within a community. Environmental impacts include air quality, glare, heat, noise, runoff control, and waste disposal. These general performance standards are intended to protect the health and safety of businesses, nearby residents, and workers and to prevent damaging effects to surrounding properties.

Adopted Ordinance 4011 (2007)

83.01.020 Applicability

- (a) New and existing uses in all land use zoning districts. The provisions of this Chapter apply to all new and existing uses in all land use zoning districts. The standards of this Chapter elaborate upon and otherwise augment the development standards specified for individual land use zoning districts in Division 2 (Land Use Zoning Districts and Allowed Land Uses) and in Division 4 (Standards for Specific Land Uses and Activities).
- **(b)** Compliance of alterations or modifications. Uses of the land that existed on the effective date of this Division shall not be altered or modified so as to conflict with, or further conflict with, these standards.

(c) Evidence of compliance with standards. If requested by the Director or the Review Authority, applicants shall provide evidence to the Director that the proposed development is in compliance with the standards in this Division and other applicable standards in this Development Code before the issuance of a Building Permit or business license.

Adopted Ordinance 4011 (2007)

83.01.030 Modification of Standards

- (a) Modification by specific reference. The provisions of this Division shall prevail should they conflict with the provisions of a land use zoning district or specific plan, unless the land use zoning district or plan standard specifically overrides or modifies the provisions of this Division by specific reference.
- (b) Modification by establishment of overlay or approval of planned development or variance. An overlay, approved Planned Development, or approved Variance may modify the provisions of this Division.

Adopted Ordinance 4011 (2007)

83.01.040 Air Quality

- (a) Equipment permit and inspection requirements. Required permits shall be obtained from either the Mojave Air Pollution Management District or the South Coast Air Quality Management District depending on the location of the subject property and equipment for equipment that may cause air pollution. Before the equipment may be constructed, plans and specifications shall be submitted to the appropriate District for approval
- **(b) Permits from Air Quality Management Districts.** Permits shall be obtained from either the Mojave Air Pollution Management District or the South Coast Air Quality Management District depending on the location of the subject property and equipment. If requested by the Director, uses, activities, or processes that require Air Quality Management District approval to operate shall file a copy of the permit with the Department within 30 days of its approval.
- (c) Diesel Exhaust Emissions Control Measures. The following emissions control measures shall apply to all discretionary land use projects approved by the County on or after January 15, 2009:
 - (1) **On-Road Diesel Vehicles.** On-road diesel vehicles are regulated by the State of California Air Resources Board.
 - (2) Off-Road Diesel Vehicle/Equipment Operations. All business establishments and contractors that use off-road diesel vehicle/equipment as part of their normal business operations shall adhere to the following measures during their

operations in order to reduce diesel particulate matter emissions from dieselfueled engines:

- (A) Off-road vehicles/equipment shall not be left idling on site for periods in excess of five minutes. The idling limit does not apply to:
 - (I) idling when queuing,
 - (II) idling to verify that the vehicle is in safe operating condition,
 - (III) idling for testing, servicing, repairing or diagnostic purposes,
 - (IV) idling necessary to accomplish work for which the vehicle was designed (such as operating a crane),
 - (V) idling required to bring the machine system to operating temperature,
 - (VI) idling necessary to ensure safe operation of the vehicle.
- **(B)** Use reformulated ultra low-sulfur diesel fuel in equipment and use equipment certified by the U. S. Environmental Protection Agency (EPA) or that pre-dates EPA regulations.
- (C) Maintain engines in good working order to reduce emissions.
- (**D**) Signs shall be posted requiring vehicle drivers to turn off engines when parked.
- (E) Any requirements or standards subsequently adopted by the South Coast Air Quality Management District, the Mojave Desert Air Quality Management District or the California Air Resources Board.
- **(F)** Provide temporary traffic control during all phases of construction.
- **(G)** Onsite electrical power connections shall be provided for electric construction tools to eliminate the need for diesel-powered electric generators, where feasible.
- **(H)** Maintain construction equipment engines in good working order to reduce emissions. The developer shall have each contractor certify that all construction equipment is properly serviced and maintained in good operating condition.
- (I) Contractors shall use ultra low sulfur diesel fuel for stationary construction equipment as required by Air Quality Management District (AQMD) Rules 431.1 and 431.2 to reduce the release of undesirable emissions.

- (J) Substitute electric and gasoline-powered equipment for diesel-powered equipment, where feasible.
- (3) **Project Design.** Distribution centers, warehouses, truck stops and other facilities with loading docks where diesel trucks may reside overnight or for periods in excess of three hours shall be designed to enable any vehicle using these facilities to utilize on-site electrical connections to power the heating and air conditioning of the cabs of such trucks, and any refrigeration unit(s) of any trailer being pulled by the trucks, instead of operating the diesel engines and diesel refrigeration units of such trucks and trailers for these purposes. This requirement shall also apply to Recreational Vehicle Parks (as defined in Section 810.01.200(k) of this title) and other development projects where diesel engines may reasonably be expected to operate on other than an occasional basis.

Adopted Ordinance 4011 (2007); Amended Ordinance 4065 (2008)

83.01.050 Electrical Disturbances

No activity, land use, or process shall cause electrical disturbance that adversely affects persons or the operation of equipment across lot lines and that does not conform to the regulations of the Federal Communications Commission. Existing or proposed uses that generate electrical disturbances that are be considered hazardous or a public nuisance shall be contained, modified, or shielded to prevent disturbances.

Adopted Ordinance 4011 (2007)

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- (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) Diesel Exhaust Emissions.** The following diesel exhaust emissions related terms are defined as follows:
 - (1) **Diesel engine exhaust.** The combination of chemicals, elements, and compounds emitted by any diesel engine in a mobile source (e.g., a diesel vehicle such as a truck or bus, or a piece of mobile construction equipment such as a crane or excavator).
 - (2) **Idling.** The running of an engine while a vehicle is stationary or the piece of offroad equipment is not performing work.
 - (3) **Off-road diesel equipment.** All off-road diesel equipment with a horsepower rating of twenty-five or greater.
 - **(4) Transport refrigeration unit or TRU.** A refrigeration system powered by an engine designed to control the environment of temperature sensitive cargo. A TRU is a piece of equipment regardless of its horsepower rating.
- (gg) Directional Sign. See "Sign."
- (hh) **Director.** The Director of Land Use Services or authorized designee.
- (ii) **Director of Airports.** The Director of the County Airports Department or an authorized designee.

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- (jj) **Director of Department of Public Works.** The Director of the County Department of Public Works or an authorized designee.
- (kk) **Director of Special Districts.** The Director of the Special Districts Department or an authorized designee.
- (II) **Dismantlers.** See "Motor Vehicle Dismantling Facility."
- (mm) Display Sign. See "Sign."
- (nn) **Distribution.** See "Wholesaling and Distribution."
- (00) **Drainage Course.** A natural or man made water course that could convey runoff either year around or intermittently.
- (pp) 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.
- (qq) **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.
- (rr) Dwelling, Multiple Family (see Land Use Tables). A building or portion thereof used and/or designed as two or more independent dwelling units.
- (ss) Dwelling, Single Family (see Land Use Tables). A detached building designed and/or used as one dwelling unit.
- (tt) Dwelling, Single Family Attached (see Land Use Tables). A single family dwelling that is attached to not more than one other single family dwelling.
- (uu) **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.
- (vv) **Dwelling Unit, Second.** A second dwelling unit is an additional dwelling unit either attached or detached.
- (ww) 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); Adopted Ordinance 4065 (2008)