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 4140 is effective on May 5, 2011. 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 by using a print setting for 2-sided pages. Please remove all old pages and replace them with the new ones as indicated on the following list:

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Attachment





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 May 5, 2011





Acknowledgements

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

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- **(b)** Exempt activities and land uses. The following are exempt from the planning permit requirements of this Development Code when in compliance with Subsection A. above.
 - (1) **Decks, paths and driveways.** Decks, platforms, on-site paths, and driveways that are not required to have a Building Permit or Grading Permit.
 - (2) Fences and walls. See Section 83.06 (Fences, Hedges, and Walls).
 - (3) **Interior remodeling.** Interior alterations that do not increase the gross floor area of the structure, or change the permitted use of the structure.
 - (4) Repairs and maintenance.
 - (A) Single-family dwellings. Ordinary repairs to, and maintenance of, single-family dwellings or any related accessory structures.
 - **(B)** Multi-family, and non-residential structures. Ordinary repairs to, and maintenance of multi-family residential and non-residential structures, if:
 - (I) The work does not change the approved land use of the site or structure, or add to, enlarge or expand the land use and/or structure; and
 - (II) Any exterior repairs employ the same materials and design as the original construction.
 - (5) Small, portable residential accessory structures. A single portable structure per lot or unit, including pre-manufactured storage sheds or other small structures in residential zones, that are exempt from Building Permit requirements in compliance with the County Code and the California Building Code. Additional structures may be approved in compliance with Section 84.01.050 (Residential Accessory Structures and Uses), where allowed by the applicable zone.
 - (6) Solar collectors, accessory to residential uses of 19 units or fewer. The addition of solar collectors to the roof or side of a building, provided that the collectors comply with applicable height limit requirements; and ground-mounted solar collectors that comply with the setback requirements and height limitations of the applicable zone and are not visible from off the site.
 - (7) **Spas, hot tubs, and fish ponds.** Portable spas, hot tubs, and constructed fish ponds, and similar equipment and structures that do not: exceed 120 square feet in total area including related equipment; contain more than 2,000 gallons of water; or exceed three feet in depth.

- (8) Utilities. The erection, construction, alteration, or maintenance by a public utility or public agency of utilities intended to service existing or nearby approved developments shall be permitted in any zone. These include: water; gas; electric; supply or disposal systems; including wires, mains, drains, sewers, pipes, conduits, cables, fire-alarm boxes, police call boxes, traffic signals, hydrants, etc., but not including new transmission lines and structures. Commercial satellite and wireless communications antennas are not exempt, and are instead subject to Chapter 84.27 (Wireless Telecommunications Facilities).
- (9) Noncommercial receive only antennas. The following noncommercial, receive only antennas for the sole use of a resident occupying a residential structure shall not be regulated by this Development Code:
 - A. A ground or structure-mounted, radio or satellite dish antenna that does not project above the roof ridge line and does not have a diameter greater than one meter (39 inches); and
 - B. Roof-mounted radio or television aerials not exceeding 75 feet in overall height.

Adopted Ordinance 4011 (2007); Amended Ordinance 4085 (2009)

82.02.050 Special Developments

Special Developments shall be allowed in any land use zoning district with the approval of a Planned Development Permit in compliance with Chapter 85.10 (Planned Development Permits).

Adopted Ordinance 4011 (2007)

82.02.060 Temporary Uses

Requirements for establishing a temporary use (for example, a construction yard, seasonal sales lot, special event, temporary office trailer, etc.) are in Chapter 84.25 (Temporary Structures and Uses).

Adopted Ordinance 4011 (2007)

82.02.070 Medical Marijuana Dispensaries, Registration, Outdoor Cultivation

(a) Notwithstanding Section 82.02.030(a)(3), in no event shall a medical marijuana dispensary as defined in Section 810.01.150 be considered a permitted or conditionally permitted use in any land use zoning district. A medical marijuana dispensary is prohibited in all land use zoning districts, as those may be amended from time to time, and no permit of any type shall be issued therefor. This section shall not affect the right to possess, use or cultivate marijuana for medicinal purposes as is presently authorized or prohibited by the laws of the State of California as set forth in the Health and Safety Code, Penal Code, or other state law, or by any federal law.

- (b) Before commencing the cultivation and/or distribution of medical marijuana, operators of those facilities listed under Section 810.01.150(q)(2) shall register with Environmental Health-Land Use Services, and renew said registration on an annual basis. Upon said registration and each renewal thereof, the operator shall provide proof of a valid license as provided by Chapters 2, 3.01, 3.2, 8 and/or 8.5 of Division 2 of the Health and Safety Code.
- (c) No outdoor cultivation or growing of medical marijuana shall be permitted within the unincorporated areas of San Bernardino County. Any cultivation not inconsistent with California state law, or this Code, as such laws may be amended from time to time, shall at all times occur indoors, in a secure, locked, and fully enclosed structure that includes solid walls, and a ceiling, roof or top.

Amended Ordinance 4140 (2011)

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CHAPTER 82.22 SPHERE STANDARDS (SS) OVERLAY

Sections:

82.22.010	Purpose
82.22.020	Location Requirements
82.22.030	Sphere Standards

82.22.010 Purpose

- (a) **Purpose.** The Sphere Standards (SS) Overlay established by 82.01.030 (Overlays) is created to allow the implementation of County development standards or standards that more closely conform to city development standards within specified spheres of influence areas identified in this Chapter.
- **(b) Intent.** The intent is to ensure that the County's approval of a proposed development in a sphere of influence is consistent with the shared objectives of the County and the applicable city where the County has determined it is appropriate to adopt similar standards.

Adopted Ordinance 4011 (2007)

82.22.020 Location Requirements

The Sphere Standards Overlay shall only be applied to the city spheres of influence indicated in Table 82-23 (Sphere Standards Overlay) and shall be created upon adoption of an amendment to this Development Code in compliance with Chapter 86.12 (Amendments).

Table 82-25 Sphere Standards Overlays

Name of City with Sphere of Influence over County lands	Adoption Date of City Sphere Standards	Section Reference (Where sphere standards located in Development Code)
Adelanto	Not adopted	
Apple Valley	Not adopted	
Barstow	Not adopted	
Big Bear Lake	Not adopted	
Chino	Not adopted	
Colton	Not adopted	
Fontana	May 8, 2007	82.22.030
Hesperia	Not adopted	
Highland	Not adopted	
Loma Linda	Not adopted	
Montclair	Not adopted	
Needles	Not adopted	
Rancho Cucamonga	Not adopted	
Redlands	Not adopted	
Rialto	Not adopted	
San Bernardino	Not adopted	
Twentynine Palms	Not adopted	
Upland	Not adopted	
Victorville	Not adopted	
Yucaipa	Not adopted	

Adopted Ordinance 4011 (2007)

82.22.030 Sphere Standards

Fontana Sphere of Influence: The density within the Multiple Residential Land Use Zoning District in the Fontana Sphere of Influence shall be up to 24 units per acre depending on the design of the project and the amenities provided. The density of 24 units per acre shall be allowed if the Total Amenity Points as outlined in Section 84.16.050 (Common Amenities and Facilities) is 12 points or greater and all other required design standards of Chapter 84.16 (Multi-Family Residential Development Standards) are met.

Adopted Ordinance 4011 (2007); Amended Ordinance 4020 (2007)

(m) Manufacturing Operations II - General manufacturing (see Land Use Tables). Manufacturing operations that involve exterior storage, large equipment, large number of employees, or that have historically been controversial.

- (1) Apparel and Other Finished Products. The manufacture of clothing and accessories by cutting and sewing purchased furs and related materials. Typical uses include: fur dressing and dying.
- (2) Chemicals and Related Products. The manufacture or processing of basic, organic, or inorganic chemicals. This includes chemicals to be used in making other products and finished chemical products used for direct consumption or as industrial supplies. Typical uses include: industrial chemicals, plastics materials, synthetic resins or rubber, paints, varnishes, lacquers, agricultural chemicals.
- (3) Food and Related Products. The processing or production of a natural or manmade solid or liquid food substances used for human or animal internal consumption. Typical uses include: slaughter houses, poultry dressing plants and flour mills.
- (4) **Fabricated metal products.** The fabrication or further processing and assembly of metal parts into equipment or machinery. Typical uses include: automobile assembly plants, fabricated structural metal, metal forging and stampings.
- (5) **Furniture and Fixtures.** The manufacture of furniture and related fixtures. Typical uses include: manufacture of household, office or other furniture.
- (6) Lumber and Wood Products. The cutting, planing, compression and finishing of wood articles, except furniture and related fixtures and miscellaneous household or office products made wholly or partially of wood. Typical uses include: logging camps, saw mills.
- (7) **Paper and Related Products.** The manufacturing of pulp, paper (both recycles and paper products from wood), other cellulose fibers, used paper, and rag cloth. Typical uses include: paper mills, paper coating and glazing.
- **(8) Petroleum Refining and Related Industries.** The modification, refining, and mixing or storage of fossil fuels that are composed of petroleum or coal. Typical uses include: petroleum refining, asphalt batch plants, lubricating oils and greases.
- (9) **Primary Metal Industries.** The smelting, refining, rolling, drawing and alloying of metals, manufacture of metal castings and production of coke. Typical uses include: blast furnaces, steel works and rolling and finishing mills, foundries, smelting and refining of nonferrous metals.
- (10) Rubber and Miscellaneous Plastic Products. The manufacture from natural, synthetic or reclaimed rubber, and from chemicals or rubber or plastic products.

- Typical uses include: tires, inner tubes, rubber and plastic footwear, rubber and plastic hoses and belts.
- (11) Stone, Clay, and Glass Products. The manufacture of products from stone, clay, sand and other nonmetallic minerals, excluding fuels. Typical uses include: brick, tile, dish, glass and insulation manufacturing and concrete plants.
- (12) **Textile Mill Products.** The preparation of fiber and subsequent manufacturing, drying, finishing or coating of fiber, thread, yarn, woven, knit, or nonwoven fabrics or miscellaneous textiles. Typical uses include: broad woven fabric mills, dyeing and finishing textiles, floor covering mills.
- (n) Masonry Construction. As defined in the Uniform Building Code, 1991 Edition with amendments.
- (o) Map Act. California Subdivision Map Act, Government Code Section 66410 et seq.
- (p) May. A permissive or optional provision, regulation or specification.
- (q) Maximum Applied Water Allowance (MAWA). The upper limit of the annual amount of applied water allowed for an established landscape.
- (q) Medical Marijuana Dispensary.
 - (1) A medical marijuana dispensary is any facility or location, whether fixed or mobile, where marijuana is cultivated, made available, and/or distributed by or to three or more persons within the following categories: a primary caregiver, a qualified patient, or a patient with an identification card, as those terms are defined in Health and Safety Code Sections 11362.5 and 11362.7 et seq. as such sections may be amended from time to time.
 - (2) A medical marijuana dispensary shall not include the following uses, provided that such uses may otherwise be lawfully established and operated and comply with this code and all other applicable laws, including, but not limited to, Health and Safety Code Sections 11362.5 and 11362.7 et seq.:
 - (a) An in-patient "health facility" as defined by and licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code (commencing with Section 1250);
 - (b) A "residential care facility for persons with chronic life threatening illness" as defined by and licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code (commencing with Section 1568.01);
 - (c) A "residential care facility for the elderly" as defined by and licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code (commencing with Section 1569);

- (d) A "home health agency" as defined by and licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code (commencing with Section 1725); and,
- (e) A nonexempt "hospice" as defined by and licensed pursuant to Chapter 8.5 of Division 2 of the Health and Safety Code (commencing with Section 1745).
- (3) The word "marijuana" shall have the same meaning as that set forth in Health & Safety Code Section 11018. The term "medical marijuana" is marijuana used for medicinal purposes in strict accordance with Health and Safety Code Sections 11362.5 and 11362.7 et seq.
- (r) Medical Services, Hospital (see Land Use Tables). Hospitals and similar facilities engaged primarily in providing diagnostic services, and extensive medical treatment, including surgical and other hospital service. These establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care. May include on-site accessory clinics and laboratories, accessory retail uses, and on-site ambulance dispatch facilities.
- (s) Medical Services Rehabilitation Center (see Land Use Tables). A facility providing skilled nursing and/or medical care to persons recovering from injuries or dependencies.
- (t) Meeting Facility, Public or Private (see Land Use Tables). A facility for public or private meetings, including community centers, civic and private auditoriums, grange halls, mortuaries, union halls, meeting halls for clubs and other membership organizations, etc. Also includes functionally related internal facilities such as kitchens, multi-purpose rooms, and storage. Does not include conference and meeting rooms accessory and incidental to another primary use that are typically used only by on-site employees and clients, and occupy less floor area on the site than the offices they support (see "Offices"). Does not include: sports or other commercial entertainment facilities (see "Theater," and "Sports and Entertainment Assembly"); or convention centers (see "Conference/Convention Facility"). Related on-site facilities including day care centers and schools are separately defined. Also see "Places of Worship."
- (u) Menagerie. A private collection of three or more wild, exotic or dangerous animals that are raised, bred, trained and/or maintained without any public display or exhibition on the site.
- (v) Microclimate. The climate of a small, specific landscaped area that may contrast with the climate of the overall landscaped areas due to varying factors such as wind, sun/shade exposure, the density of planting material, and/or the proximity to adjacent reflective surfaces.
- (w) Mined Lands. Includes the surface, subsurface, and groundwater of an area where surface mining operations will be, are being, or have been conducted. This includes

private ways and roads appurtenant to any land excavations, workings, mining waste, and areas where structures, facilities, equipment, machines, tools or other materials or property that result from, or are used in, surface mining operations are located. See also "Surface Mining Operations."

- (x) Mineral Resources. A collective term for all mineral deposits of a particular kind, or for mineral deposits in general.
- (y) Minerals. See "Surface Mining Operations."
- (z) Minimum Lot Size. See "Lot Size, Minimum."
- (aa) Mining and Reclamation Lead Agency. See "Lead Agency."
- (bb) Mining and Reclamation Operator. See "Surface Mining Operations."
- (cc) Mining and Reclamation Plan. A plan required by the County for all surface mining operations. The plan requires measures to be taken that provide for reclamation of mined lands to a usable condition that is readily adaptable for alternative land use and creates no danger to public health or safety.
- (dd) Mining Hazardous, Excavation. See "Hazardous Excavation."
- (ee) Mining Reclamation. See "Surface Mining Operations."
 - (ff) Mining Waste. Includes the residual of soil, rock, mineral, liquid, vegetation, equipment, machines, tools, or other materials or property directly resulting from, or displaced by, surface mining operations.
- (gg) Mini-Storage. See "Storage, Personal."
- (hh) Minor Grading. See "Grading."
- (ii) Minor Event. See "Special Event, Temporary."
- (jj) Minor Maintenance/Repair. See "Vehicle Services."
- (kk) Minor Subdivision Plot Plan. Any application plot plan requesting the subdivision of any parcel or parcels of land shown as a unit or contiguous units under one or a common ownership, and that is proposed for subdivision for the purpose of sale, lease, financing, or other conveyance, including gift, either immediate or in the future, into two, three or four lots, parts or parcels and a remainder parcel. For the purposes of this definition, a Minor Subdivision Plot Plan shall also mean a Tentative Parcel Map.
- (II) Mitigation Measures. Necessary steps taken to lessen potential impacts of development or actions on the environment.
- (mm)Mixed Land Use. The unspecified mixture of compatible land uses within one building or within a section or sections of a community.

- (nn) Mobile Home, Boat, or RV Sales (see Land Use Tables). Retail establishments selling both mobile home dwelling units, and/or various vehicles and watercraft for recreational uses. Includes the sales of boats, campers and camper shells, jet skis, mobile homes, motor homes, and travel trailers.
- (00) **Mobile Home, Dependent.** A mobile home or travel trailer coach not equipped with a toilet for sewage disposal.
- (pp) Mobile Home. A structure that was constructed prior to June 15, 1976, is transportable in one or more sections, which in the traveling mode, is eight body feet or more in width, or 40 feet or more in length, or, when erected on site, is 320 or more square feet, and designed to be used as a dwelling unit with or without a permanent foundation when connected to utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein; except that such term will include any structure which meets all the requirements of this paragraph and complies with the state standards in effect at the time of construction. "Mobile home does not include commercial modulars, as defined in Section 18001.8, factory-built housing, as defined in Section 19971, a manufactured home, as defined in Section 18007, or a recreational vehicle, as defined in Section 18010 of the California Health and Safety Code (CHSC).
- (qq) Mobile Home Park/manufactured home land-lease community (see Land Use Tables). An area or tract of land designed as a single unit where spaces for two or more mobile homes used for human habitation are rented or leased on a monthly or greater basis, or owned separately.
- (rr) Mobile Home Park Lot. A portion of a mobile home park designated or used for the occupancy of one trailer coach or camping party.
- (ss) Mobile Home, Self-Contained. A mobile home or trailer equipped with a toilet, water storage tank for potable water and a sewage holding tank.
- (tt) Mobile Recycling Unit. See "Recycling Facility."
- (uu) Modular unit (Factory-built housing). A residential building, dwelling unit, or an individual dwelling room or combination of rooms thereof, or building component, assembly, or system manufactured in such a manner that all concealed parts or processes of manufacture cannot be inspected before installation at the building site without disassembly, damage, or destruction of the part, including units designed for use as a part of an institution for resident or patient care, that is either wholly manufactured or is in substantial part manufactured at an offsite location to be wholly or partially assembled onsite in accordance with building standards published in the California Building Standards Code and other regulations adopted by the commission pursuant to section 19990. Factory-built housing does not include a mobile home, as defined in Section 18008, a recreational vehicle, as defined in Section 18010.5, or a commercial modular, as defined in Section 18012.5 of the California Health and Safety Code (CHSC).

- (vv) Monopole. See "Wireless Telecommunication Facility."
- (ww)Monument Sign. See "Sign."
- (xx) Moratorium. See "Development Moratorium."
- (yy) Motel. A building or group of two or more detached, semi detached or attached buildings containing guest rooms designed, used and intended, wholly or in part, for the accommodation of transients for compensation on a daily or weekly basis. These establishments provide lodging and parking for automobile travelers and the rooms are usually accessible from outdoor parking area. These establishments may include guest rooms with food preparation areas (kitchenettes) and are designed, intended or used primarily for the accommodation of automobile travelers. Included are lodging establishments designated as cabins, motor courts, and similar designations; not including those facilities defined in social care facilities or any jail, hospital, asylum, sanitarium, orphanage, prison or other building in which human beings are housed and detained under legal restraint.
- (**ZZ**) **Motor Vehicle.** A self-propelled device by which persons or property may be moved upon a highway, excepting a device moved by human power or used exclusively upon stationary rails or tracks.
- (aaa)Motor Vehicle Dismantling Facility (see Land Use Tables). Any premises used for the dismantling of wrecking of vehicles required to be registered under the Vehicle Code of the State of California. Activities may include the buying, selling or dealing in vehicles, their integral parts, or component materials thereof, and the storage, sale or dumping of dismantled, partially dismantled, wrecked or inoperative vehicles. See also "Recycling Facilities Scrap and Dismantling Yard."
- (bbb)Motor Vehicle Storage/Impound Facility (see Land Use Tables). Any lot, lot area, or parcel of land used, designed, or maintained for the specific purpose of storing, impounding, or keeping motor vehicles, but not including dismantling or wrecking activities.
- (ccc) Mountain Major Highway. See "Road System."
- (ddd)Mountain Region. Areas within the following described boundary: Beginning at the intersection of the boundary line between San Bernardino and Los Angeles Counties and the north line of Section 31 Township 4 North, Range 7 West, SBB&M, thence generally easterly and southerly along the National Forest boundary to its intersection with the boundary line between San Bernardino and Riverside Counties; thence westerly along the County line to the southwest corner of Township 1 South, Range 1 East; thence generally northerly and westerly following the National Forest boundary to the intersection of north boundary of Section 24, Township 1 North, Range 8 West, SBB&M and the boundary line between San Bernardino and Los Angeles Counties; thence northerly along the County line to the point of beginning.
- (eee) Mountain Secondary Highway. See "Road System."

- (fff) Mudslide. The flow of mud and debris in a downslope direction due to slope failure, caused by poor structural and water retention properties of the soil. They are generally experienced after heavy precipitation, fast snowpack melt, an earthquake or any combination thereof.
- **(ggg)Mulch.** Organic material such as leaves, bark, or inorganic material such as pebbles, stones, gravel, decorative sand, and decomposed granite that is left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperatures, and preventing soil erosion.
- (hhh)Multi-Family Residential Projects. Development project in which two or more attached or detached units are located, including apartments or condominiums.
- (iii) Multiple Dwelling Unit (see Land Use Tables). A multiple dwelling unit is a series or combination of dwelling units, either attached or detached, designed to house more than one family with individual, shared or no kitchen privileges (e.g. apartments, condominiums, boarding houses, residential hotels). See also "Dwelling, Multiple Family."
- (jjj) "Multi-unit manufactured housing." Pursuant to California Health and Safety Code (CHSC) Section 18008.7, multi-unit manufactured housing means either of the following:
 - (1) A structure transportable under permit in one or more sections designed and equipped to contain not more than two dwelling units, a dormitory, or an efficiency unit as defined in Section 17958.1, to be used with a support system pursuant to Section 18613 or a foundation system pursuant to Section 18551.
 - (2) A structure transportable under permit in one or more sections, designed to be used with a foundation system for either of the following purposes:
 - (A) Three or more dwelling units, as defined in Section 18003.3.
 - (B) A residential hotel, as defined by paragraph (1) of subdivision (b) of Section 50519.

"Multi-dwelling unit manufactured housing" shall be constructed in compliance with all applicable department regulations. The egress and fire separation requirements of Title 24 of the California Code of Regulations (CCR) applicable to dormitories, hotels, apartment houses, and structures that contain two dwelling units shall also be applicable to all multi-dwelling manufactured housing constructed for those purposes. The accessibility and adaptability requirements of Title 24 of the CCR applicable to dormitories, hotels and apartment homes shall

also be applicable to multi-dwelling unit manufactured housing containing three or more dwelling units.

Notwithstanding any other provision of law, all provisions of law that apply to manufactured homes shall apply to equally to multi-dwelling unit manufactured housing. For purposes of this section:

- (1) "Dormitory" means a room or rooms inhabited for the purposes of temporary residence by two or more persons
- (2) "Efficiency unit" has the same meaning as defined in Section 17958.1.
- (kkk)Multi-use Center. An area of service, retail or publicly oriented facilities that are centrally located along collector streets or major arterials and serve the local residents.
- (III) Museum. See "Library, Museum, Art Gallery, Outdoor Exhibit."

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008), Amended Ordinance 4136 (2011); Amended Ordinance 4140 (2011)