



NOTICE OF DEVELOPMENT CODE AMENDMENTS

Four ordinances were recently adopted by the Board of Supervisors amending Title 8 of the San Bernardino County Code (Development Code). Ordinance 4242 was adopted on April 8, 2014, Ordinance 4243 was adopted on April 22, 2014, Ordinance 4244 was adopted on May 6, 2014, and Ordinance 4245 was adopted on May 20, 2014. These ordinances were effective on May 8, 2014, May 22, 2014, June 5, 2014, and June 19, 2014 respectively. 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 June 19, 2014



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San Bernardino County General Plan

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| 4136 | 02-15-2011 | 03-17-2011 | | | |
| 4140 | 04-05-2011 | 05-05-2011 | | | |
| 4156 | 12-06-2011 | 01-05-2012 | | | |
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| 4043 | 82.03.040(b); 82.04.040(b); 82.05.040(b); 82306.030; 82.06.030; 82.06.040(b); 82.06.050(c); 82.13.060(a); 82.13.060(b)(3); 82.13.060(b)(7)(C); 82.13.060(b)(11), (12), (13); 82.13.060(c) and (d)(1); 82.13.060(d)(8); 82.13.070; 82.13.080(e)(3); 83.02.070(b)(1); 83.02.080; 83.06.040(b); 83.06.070(a); 83.08.020; 83.08.040(a)(1); 83.08.040(c)(3); 83.10.060(a)(4); 83.10.070(e)(2)(A); 83.10.080(a)(4); 83.10.080(b)(5); 83.10.080(c)(2); 83.11.040(c)(5); 83.11.070(a)(1); 83.11.070(h)(4); 83.11.080(h)(1)(A); 83.13.050(c)(7); 83.13.050(c)(8); 73.13.050(e); 83.13.090(c)(1); Chapter 83.15; 84.01.050(b); 84.04.050(d)(8); 84.04.050(e)(8); 84.04.060(c)(4); 84.04.070(e); 84.04.070(f); 84.04.090(B)(1); 84.04.090(h); 84.05.030(b); 84.08.040(e); Chapter 84.16; 84.17.080(a); 84.18.030(b); 84.19.080; 84.21.030(d); 84.21.030(f); 84.24.030(a); 84.25.010; 84.25.070; 84.27.060; 85.06.080; Chapter 85.09; 85.10.070(b)(3)(C)(II) and (III); 85.10.070(e); 85.17.040(a); 86.06.060(b); Chapter 86.09; 86.15.050(a)(2)(B)(II); 88.01.050(i)(8); 88.02.040(c); 810.01.030(g); 810.01.050(nm) – (xxx); 810.01.070(i) – (x); 810.01.150(yy); 810.01.200(j) – (zz); 810.01.210(a); 810.01.240(d) | 4067 | Entire Title 8 |
| 4057 | 82.01.030(d)(3); 82.03.040(b); 82.03.060; 82.04.040(b); 82.04.060; 82.05.060; 82.06.040(c); 82.06.060; 82.10.030; 82.13.050(b); 82.13.090(b); Chapter 82.24; 83.02.070(c)(1); 83.02.080(c)(3); 83.02.080(d); 83.10.070(b)(4); 83.11.080(f) and (h)(1)(A); 83.13.090(c)(5); 83.13.100(a)(6); 84.01.030(d); 84.01.040(c); 84.01.050(a)(3) and (b); 84.08.030; 84.08.040(a)(2) and (d)(3); 84.14.030; 84.14.060; 84.21.030(i); 85.12.020(b)(1); 86.09.030(d); 86.09.090(c); 86.09.110(b)(9) and (d)(2)(D); 86.15.050(a)(3)(B); 88.01.080(b)(1); | 4085 | 82.01.020(c)(4)(A); 82.01.020(c); 82.02.040(b)(6); 82.04.040(a); 82.06.040(b); 82.05.060; 82.06.030; 82.07.040; 82.13.060(d)(1); 82.13.080; 83.02.060(a)(1); 83.02.080(d); 83.11.100(c)(10)(C); 83.15.070; 84.01.020(b); 84.08.040(i) and (k); 84.14.030; 84.14.050(g); 84.21.030(j)(1) and (2); 84.25.040(l); 84.25.070(a), (c) and (d); 85.03.020; Chapter 85.11; 85.17.040(a); 86.06.020(b); 86.06.040; 86.09.050; 86.09.090(b), (c) and (d); 86.09.100(c); 810.01.030(a)(4)(D); 810.01.180(h) |
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| 4175 | 86.09.110 | 4243 | 87.07.040 |
| 4180 | 83.05.060(b) and (c); 83.12.030 | 4244 | 83.03.120 |
| 4181 | 83.05.020; 83.09.020; 84.16.020; 84.21.020 | 4245 | 82.02.040; 82.05.040; 82.06.040; 82.13.060(h); 82.19.040(l); 82.21.030; 82.23.030(b)(4); 83.01.080(d); 83.01.110; 83.02.040(c)(2)(Q); 83.02.080(d); 83.07.040(a); 83.10.010(d)(1); 83.11.040(c); 83.13.110(a); 84.01.050(e), (f), (g) and (l); 84.12.050; Chapter 85.12; 86.09.050(b); 810.01.150; 810.01.210 |
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| | | 86.09.010 - 86.09.210 | 4011, 4043, 4057, 4067, 4085, 4098, 4163, 4175, 4245 |
| 85.01.010 - 85.01.030 | 4011, 4067, 4239 | 86.10.010 - 86.10.020 | 4011, 4067 |
| 85.02.010 - 85.02.050 | 4011, 4067, 4085 | 86.11.010 - 86.11.040 | 4011, 4067 |
| 85.03.010 - 85.03.110 | 4011, 4067, 4156, 4244 | 86.12.010 - 86.12.070 | 4011, 4067 |
| 85.04.010 - 85.04.030 | 4011, 4067 | 86.13.010 - 86.13.080 | 4011, 4067 |
| 85.05.010 - 85.05.020 | 4011, 4067 | 86.14.010 - 86.14.090 | 4011, 4067, 4229 |
| 85.06.010 - 85.06.110 | 4011, 4043, 4067 | 86.15.010 - 86.15.080 | 4011, 4043, 4057, 4067 |
| 85.07.010 - 85.07.020 | 4011, 4067, 4163 | | |
| 85.08.010 - 85.08.030 | 4011, 4067 | | |
| 85.09.010 - 85.09.030 | 4011, 4043, 4067 | 87.01.010 - 87.01.120 | 4011, 4067 |
| 85.10.010 - 85.10.100 | 4011, 4043, 4067, 4205 | 87.02.010 - 87.02.130 | 4011, 4067 |
| 85.11.010 - 85.11.020 | 4011, 4067, 4085, 4163 | 87.03.010 - 87.03.120 | 4011, 4067 |
| 85.12.010 - 85.12.020 | 4011, 4057, 4067, 4245 | 87.04.010 - 87.04.080 | 4011, 4067 |
| 85.13.010 - 85.13.020 | 4011, 4067 | 87.05.010 - 87.05.040 | 4011, 4067 |
| 85.14.010 - 85.14.060 | 4011, 4067 | 87.06.010 - 87.06.050 | 4011, 4067 |
| 85.15.010 - 85.15.120 | 4011, 4067 | 87.07.010 - 87.07.040 | 4011, 4067, 4116 |
| 85.16.010 - 85.16.040 | 4011, 4067 | 87.08.010 - 87.08.040 | 4011, 4067 |
| 85.17.010 - 85.17.080 | 4011, 4043, 4067, 4085 | 88.01.010 - 88.01.090 | 4011, 4043, 4057, 4067 |
| 85.18.010 - 85.18.040 | 4011, 4067, 4098, 4188 | 88.02.010 - 88.02.050 | 4011, 4043, 4067 |
| 85.19.010 - 85.19.150 | 4170 | 88.03.010 - 88.03.140 | 4011, 4067, 4163 |
| 85.20.010 - 85.20.030 | 4230 | | |
| 85.21.010 – 85.21.100 | 4239 | 89.01.010 - 89.01.070 | 4011, 4067 |
| | | 89.02.010 - 89.02.050 | 4011, 4067 |
| 86.01.010 - 86.01.030 | 4011, 4067 | 89.03.010 - 89.03.090 | 4011, 4067 |
| 86.02.010 - 86.02.050 | 4011, 4067 | | |
| 86.03.010 - 86.03.050 | 4011, 4067 | 810.01.010 - 810.01.280 | 4011, 4043, 4057, 4065, 4067, 4085, 4098, 4136, 4140, 4162, 4163, 4169, 4170, 4188, 4189, 4213, 4230, 4239, 4245 |
| 86.04.010 | 4011, 4067 | | |
| 86.05.010 | 4011, 4067 | | |
| 86.06.010 - 86.06.090 | 4011, 4043, 4067, 4085, 4163 | | |
| 86.07.010 - 86.07.070 | 4011, 4067 | | |

CHAPTER 82.02 ALLOWED LAND USES AND DEVELOPMENT

Sections:

- 82.02.010 Purpose
- 82.02.020 General Requirements for Development and New Land Uses
- 82.02.030 Allowed Land Uses and Planning Permit Requirements
- 82.02.040 Exemptions from Planning Permit Requirements
- 82.02.050 Special Developments
- 82.02.060 Temporary Uses

82.02.010 Purpose

This Chapter describes the County's requirements for the approval of proposed development and new land uses. The planning permit requirements established by this Development Code for specific types of development are in Chapters 82.03 through 82.23.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

82.02.020 General Requirements for Development and New Land Uses

Each land use and/or structure shall be established, constructed, reconstructed, altered, moved or replaced in compliance with the following requirements.

- (a) **Allowed use.** The land use shall be allowed by this Development Code in the land use zoning district applied to the site. The basis for determining whether a use is allowed is described in Section 82.02.030 (Allowed Land Uses and Planning Permit Requirements).
- (b) **Permit and approval requirements.** Any planning permit or other approval required by Section 82.02.030 (Allowed Land Uses and Planning Permit Requirements) shall be obtained before the issuance of any required grading, building, or other construction permit, and before the proposed use is constructed, otherwise established or put into operation, unless the proposed use is listed in Section 82.02.040 (Exemptions from Planning Permit Requirements).
- (c) **Development standards, conditions of approval.** Each land use and structure shall comply with the development standards of this Division, applicable standards and requirements in Division 3 (Countywide Development Standards), and Division 4 (Standards for Specific Land Uses and Activities), and any applicable conditions imposed by a previously granted planning permit.
- (d) **Legal parcel.** The site of a proposed development or new land use shall be a parcel that was legally created in compliance with the Subdivision Map Act and Division 9 (Subdivisions).

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

82.02.030 Allowed Land Uses and Planning Permit Requirements

- (a) **Allowed land uses.** The uses of land allowed by this Development Code in each land use zoning district are listed in Chapters 82.03 through 82.22, together with the type of planning permit required for each use. Each listed land use is defined in Division 10 (Definitions).

(1) **Establishment of an allowed use.**

- (A) Any one or more land uses identified by the land use tables in Chapters 82.03 through 82.22 as being allowed within a specific land use zoning district may be established on any parcel within that land use zoning district, subject to the planning permit requirements of Subsection (c), and compliance with all applicable requirements of this Development Code.
- (B) Where a single parcel is proposed for development with two or more allowed land uses, the overall project shall be subject to the highest permit level required by Subsection (c) for any individual use.

(2) **Use not listed.**

- (A) A use not listed in any land use table in Chapters 82.03 through 82.22, and determined by the Director to not be included in Division 10 (Definitions) under the definition of a listed land use, is not allowed except as otherwise provided in Section 82.02.040 (Exemptions from Planning Permit Requirements).
- (B) A use that is not listed in a land use table within a particular land use zoning district is not allowed within that district, except as otherwise provided Section 82.02.040.

- (3) **Similar and compatible use may be allowed.** The Director may determine that a proposed land use not listed in any land use table or Division 10 (Definitions) is allowed as follows:

- (A) **Required findings.** The Director may determine that a proposed use is similar to, and compatible with a listed use and may be allowed, only after first making all of the following findings with the determination:
- (I) The characteristics of, and activities associated with the use are similar to one or more of the listed uses, and will not involve a greater intensity than the uses listed in the district;
- (II) The use will be consistent with the purposes of the applicable land use zoning district;

- (III) The use will be consistent with the General Plan, and any applicable specific plan;
 - (IV) The use will be compatible with the other uses allowed in the land use zoning district; and
 - (V) The use is not listed as allowed in another land use zoning district.
- (B) **Findings in writing.** A determination that a use qualifies as a similar and compatible use, and the findings supporting the determination, shall be in writing.
- (C) **Applicable standards and permit requirements.** When the Director determines that a proposed, but unlisted, use is similar and compatible to a listed use, the proposed use will be treated in the same manner as the listed use in determining where it is allowed, what permits are required, and what other standards and requirements of this Development Code apply.
- (D) **Referral for determination.** The Director may refer the question of whether a proposed use qualifies as a similar and compatible use directly to the Commission for a determination at a public meeting.
- (E) **Appeal.** A determination of similar and compatible use may be appealed in compliance with Chapter 86.08 (Appeals).
- (b) **Permit requirements.** Chapters 82.03 through 82.22 provide tables showing allowed land use types that are:
- (1) **“A” uses.** Allowed without any land use review but may be subject to Building Permits. These uses are shown as “A” uses in the tables;
 - (2) **“P” uses.** Allowed subject to compliance with all applicable provisions of this Development Code, subject to first obtaining a Site Plan Permits (Chapter 85.08). These are shown as "P" uses in the tables;
 - (3) **“M/C” uses.** Allowed subject to the approval of a Minor Use Permit issued in compliance with Chapter 85.06 (Conditional Use Permit/Minor Use Permit), unless the use does not qualify for a Minor Use Permit in compliance with Section 85.06.050 (Projects That Do Not Qualify for a Minor Use Permit) in which case the use shall require a Conditional Use Permit. These uses are shown as "M/C" uses in the tables;
 - (4) **“CUP” uses.** Allowed subject to approval of a Conditional Use Permit (Chapter 85.06), and shown as “CUP” uses in the tables.
 - (5) **“MUP” uses.** Allowed subject to approval of a Minor Use Permit (Chapter 85.06), and shown as “MUP” uses in the tables.

- (6) **“PD” uses.** Allowed subject to the approval of a Planned Development Permit (Chapter 85.10), and shown as "PD" uses in the tables;
 - (7) **“SUP” uses.** Allowed subject to the approval of a Special Use Permits (Chapter 85.14), and shown as "SUP" uses in the tables;
 - (8) **“S” uses.** Allowed subject to the type of County approval required by a specific provision of Division 4 (Standards for Specific Land Uses and Activities), and shown as "S" uses in the tables;
 - (9) **“TSP” uses.** Allowed subject to the provisions in Chapter 85.16 (Temporary Special Events Permits), and shown as “TSP” in the tables;
 - (10) **“TUP” uses.** Allowed subject to the provisions in Chapter 84.25 (Temporary Structures and Uses) and approval of a Temporary Use Permit (Chapter 85.15), and shown as “TUP” uses in the tables; and
 - (11) **“—” uses.** Not allowed in particular land use zoning districts, and shown as “—” in the tables.
- (c) **Additional permit requirements.** A land use authorized through the approval of a Site Plan Permit, Minor Use Permit, Conditional Use Permit, Planned Development Permit, or other permit required by this Division may also require a Building Permit and/or other permit required by the County Code.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

82.02.040 Exemptions from Planning Permit Requirements

The planning permit requirements of this Development Code do not apply to the land uses, structures, and activities identified by this Section. These are allowed in all land use zoning districts subject to compliance with this Section.

- (a) **General requirements for exemption.** The land uses, structures, and activities identified by Subsection (b) below are exempt from the planning permit requirements of this Development Code only when:
- (1) The use, activity or structure is established and operated in compliance with the setback requirements, height limits, and all other applicable standards of this Division (Land Use Zoning Districts and Allowed Land Uses), and Division 3 (Countywide Development Standards), Division 4 (Standards for Specific Land Uses and Activities) and, where applicable, Chapter 84.17 (Nonconforming Uses and Structures); and
 - (2) Any permit or approval required by regulations other than this Development Code is obtained (for example, a Building Permit).

- (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 4067 (2009); Amended Ordinance 4085 (2009); Amended Ordinance 4245 (2014)

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); Amended Ordinance 4067 (2009)

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); Amended Ordinance 4067 (2009)

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.

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

| LAND USE <i>See Division 10 (Definitions) for land use definitions</i> | PERMIT REQUIRED BY DISTRICT | | | | | | Specific Use Regulations |
|--|-----------------------------|---------------------|---------------------|---------------------|---------------------|---------------------|--------------------------|
| | CR | CN | CO | CG | CS | CH | |
| AGRICULTURAL, RESOURCE & OPEN SPACE USES | | | | | | | |
| Agriculture support services | P ⁽²⁾ | — | — | P ^(1, 2) | P ⁽²⁾ | — | |
| INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING | | | | | | | |
| Construction contractor storage yard | M/C | — | — | — | M/C | — | |
| Firewood contractor | P ⁽²⁾ | — | — | — | P ⁽²⁾ | — | 84.09 |
| Manufacturing Operations I | M/C ⁽³⁾ | — | — | — | P ⁽²⁾ | — | |
| Motor vehicle storage/Impound facility | CUP | — | — | — | CUP | CUP | |
| Recycling facilities - Small collection facility | SUP | SUP | SUP | SUP | SUP | SUP | 84.19 |
| Recycling facilities - Large collection facility | CUP | — | CUP | CUP | CUP | CUP | 84.19 |
| Recycling facilities - Light processing facility | CUP | — | — | CUP | CUP | — | 84.19 |
| Recycling facilities, reverse vending machine (accessory only) | A | A | A | A | A | A | 84.19 |
| Salvage operations - within enclosed structures | M/C ⁽⁴⁾ | — | — | — | M/C | — | |
| Storage - Personal storage (mini-storage) | M/C | — | — | — | P ⁽²⁾ | — | |
| Storage - Recreational vehicles | CUP | — | — | — | CUP | CUP | |
| Storage - Warehouse, Indoor Storage | M/C | — | — | — | — | — | |
| Wholesaling and distribution | M/C ⁽⁴⁾ | — | — | P ^(1, 2) | P ⁽²⁾ | — | |
| RECREATION, EDUCATION & PUBLIC ASSEMBLY | | | | | | | |
| Adult business | — | — | — | ABP | — | — | 84.02 |
| Commercial entertainment – Indoor | P ⁽²⁾ | P ⁽²⁾ | — | P ⁽²⁾ | P ⁽²⁾ | P ⁽²⁾ | |
| Commercial entertainment - Outdoor | P ⁽²⁾ | — | — | P ⁽²⁾ | P ⁽²⁾ | P ⁽²⁾ | |
| Conference/convention facility ^(4, 5) | M/C | — | M/C | M/C | M/C | M/C | |
| Equestrian facility | M/C | — | M/C | M/C | M/C | M/C | |
| Fitness/health facility ⁽⁵⁾ | P ⁽²⁾ | P ⁽²⁾ | — | P ⁽²⁾ | P ⁽²⁾ | P ⁽²⁾ | |
| Golf course | M/C | — | — | — | M/C | M/C | |
| Library, museum, art gallery, outdoor exhibit ⁽⁵⁾ | M/C | — | — | M/C | M/C | M/C | |
| Meeting facility, public or private ⁽⁵⁾ | CUP | CUP | CUP | CUP | CUP | CUP | |
| Park, playground | M/C | — | — | — | — | — | |
| Places of worship | CUP | CUP | CUP | CUP | CUP | CUP | |
| Recreational vehicle park | M/C | — | — | — | M/C | M/C | |
| Rural sports and recreation | CUP | — | — | — | CUP | CUP | |
| School - College or university ⁽⁵⁾ | M/C | — | M/C | M/C | M/C | M/C | |
| School - Private ⁽⁵⁾ | M/C | — | M/C | M/C | M/C | M/C | |
| School - Specialized education/training ⁽⁵⁾ | M/C | — | M/C | M/C | M/C | M/C | |
| Sports or entertainment assembly | CUP | — | — | CUP | CUP | CUP | |
| Theater ⁽⁵⁾ | M/C | — | — | M/C | M/C | M/C | |
| RESIDENTIAL | | | | | | | |
| Accessory dwelling (caretakers residence, etc.) | P ⁽⁶⁾ | P ⁽⁶⁾ | P ⁽⁶⁾ | P ⁽⁶⁾ | P ⁽⁶⁾ | P ⁽⁶⁾ | 84.01 |
| Accessory use or structure - Residential (conforming and non-conforming uses) | A | P ^(6, 7) | P ^(6, 7) | P ^(6, 7) | P ^(6, 7) | P ^(6, 7) | 84.01 |
| Group residential (sorority, fraternity, boarding house, private residential club, etc.) | M/C | — | — | M/C | M/C | M/C | |
| Guest housing | P ⁽⁷⁾ | — | — | — | — | — | 84.01 |
| Live/work unit | M/C | M/C | M/C | M/C | M/C | M/C | |
| Mobile home park/manufactured home land-lease community | CUP | — | — | — | — | — | 84.14 |
| Multiple dwelling, up to 19 units, attached or detached | A | — | — | — | — | — | 84.16 |
| Multiple dwelling, 20 or more units | CUP | — | — | — | — | — | 84.16 |
| Parolee and/or probationer home | CUP | — | — | CUP | CUP | CUP | |
| Residential use only as part of a mixed use project | PD | — | PD | PD | PD | PD | 84.16 |
| Secondary dwelling unit | A | — | — | — | — | — | 84.01 |

| LAND USE <i>See Division 10 (Definitions) for land use definitions</i> | PERMIT REQUIRED BY DISTRICT | | | | | | Specific Use Regulations |
|---|-----------------------------|------------------|--------------------|--------------------|--------------------|------------------|--------------------------|
| | CR | CN | CO | CG | CS | CH | |
| Single dwelling | A | — | — | — | — | — | |
| RETAIL | | | | | | | |
| Auto and vehicle sales and rental | P ⁽²⁾ | — | — | P ⁽²⁾ | P ⁽²⁾ | — | |
| Bar, tavern | P ⁽²⁾ | M/C | — | P ⁽²⁾ | P ⁽²⁾ | — | |
| Building and landscape materials sales - Indoor | M/C | — | — | M/C | M/C | — | |
| Building and landscape materials sales - Outdoor | M/C | — | — | M/C | M/C | — | |
| Construction and heavy equipment sales and rental | M/C | — | — | — | M/C | — | |
| Convenience store | P ⁽²⁾ | P ⁽²⁾ | P ⁽²⁾ | P ⁽²⁾ | P ⁽²⁾ | P ⁽²⁾ | |
| Fuel dealer (propane for home and farm use, etc.) | M/C | — | — | — | M/C | — | |
| General retail | M/C | — | — | P ⁽²⁾ | P ⁽²⁾ | — | |
| Groceries, specialty foods | M/C | M/C | — | P ⁽²⁾ | P ⁽²⁾ | — | |
| Manufactured home, boat, or RV sales | P ⁽²⁾ | — | — | M/C | M/C | — | |
| Night club | P ⁽²⁾ | M/C | — | M/C | P ⁽²⁾ | — | |
| Restaurant, café, coffee shop | P ⁽²⁾ | P ⁽²⁾ | P ⁽²⁾ | P ⁽²⁾ | P ⁽²⁾ | P ⁽²⁾ | |
| Service station | M/C | M/C | — | M/C | M/C | M/C | |
| Second hand stores, pawnshops | P | — | — | P | P | — | |
| Shopping center | M/C | M/C | — | M/C | M/C | M/C | |
| Swap meet, outdoor market, auction yard | M/C | — | — | M/C | M/C | — | |
| Warehouse retail | P ⁽²⁾ | — | — | P ⁽²⁾ | P ⁽²⁾ | — | |
| SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL | | | | | | | |
| Medical services - Hospital | — | — | CUP ⁽⁵⁾ | — | — | — | |
| Medical services - Rehabilitation center | — | — | CUP | — | — | — | |
| Office - Accessory | P ⁽⁶⁾ | P ⁽⁶⁾ | P ⁽⁶⁾ | P ⁽⁶⁾ | P ⁽⁶⁾ | P ⁽⁶⁾ | |
| Professional services | P ⁽²⁾ | P ⁽²⁾ | P | P ⁽²⁾ | P ⁽²⁾ | — | |
| SERVICES - GENERAL | | | | | | | |
| Bail bond service within 1 mile of correctional institution | P | — | P | P | P | P | |
| Cemetery including pet cemeteries | CUP | CUP | CUP | CUP | CUP | CUP | 84.06 |
| Child care - Day care center | M/C | M/C | M/C | M/C | M/C | — | |
| Convenience and support services | P ⁽²⁾ | P ⁽²⁾ | — | P ⁽²⁾ | P ⁽²⁾ | P ⁽²⁾ | |
| Emergency shelter | CUP | CUP | CUP | CUP | CUP | CUP | |
| Equipment rental | P ⁽²⁾ | — | — | P ⁽²⁾ | P ⁽²⁾ | — | |
| Home occupation | SUP | SUP | SUP | SUP | SUP | SUP | 84.12 |
| Kennel or cattery - 2.5-acre minimum lot area | M/C/S | — | — | — | M/C/S | — | 84.04 |
| Licensed Residential Care Facility of 6 or fewer persons | M/C | — | — | M/C | M/C | M/C | 84.23 |
| Licensed Residential Care Facility of 7 or more persons | M/C | — | — | M/C | M/C | M/C | 84.23 |
| Lodging - Bed and breakfast inn (B&B) | SUP | — | — | — | — | — | 84.05 |
| Lodging - Hotel or motel - 20 or fewer guest rooms | P ⁽²⁾ | — | — | P ^(2,8) | P ^(2,8) | P ⁽²⁾ | |
| Lodging - Hotel or motel - More than 20 guest rooms | M/C | — | — | M/C | M/C | M/C | |
| Personal services | P ⁽²⁾ | P ⁽²⁾ | — | P ⁽²⁾ | P ⁽²⁾ | P ⁽²⁾ | |
| Public safety facility | M/C | M/C | — | — | M/C | M/C | |
| Unlicensed Residential Care Facility of 6 or fewer persons | RCP | — | — | RCP | RCP | RCP | 84.32 |
| Unlicensed Residential Care Facility of 7 or more persons | M/C | — | — | M/C | M/C | M/C | |
| Vehicle services - Major repair/body work | M/C | — | — | — | M/C | M/C | |
| Vehicle services - Minor maintenance/repair | P ⁽²⁾ | — | — | P ⁽²⁾ | P ⁽²⁾ | P ⁽²⁾ | |
| Veterinary clinic, animal hospital | M/C | — | — | M/C | M/C | — | |
| TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE | | | | | | | |
| Ambulance, taxi, or limousine dispatch facility | P ⁽²⁾ | — | — | — | P ⁽²⁾ | P ⁽²⁾ | |
| Broadcasting antennae and towers | M/C | — | — | M/C | M/C | — | |
| Broadcasting studio | P ⁽²⁾ | — | — | P ⁽²⁾ | P ⁽²⁾ | — | |
| Parking lots and structures, accessory | P ⁽⁶⁾ | P ⁽⁶⁾ | P ⁽⁶⁾ | P ⁽⁶⁾ | P ⁽⁶⁾ | P ⁽⁶⁾ | |
| Pipelines, transmission lines, and control stations ⁽⁹⁾ | ⁽⁹⁾ | ⁽⁹⁾ | ⁽⁹⁾ | ⁽⁹⁾ | ⁽⁹⁾ | ⁽⁹⁾ | |
| Renewable Energy Generation Facilities | CUP | CUP | CUP | CUP | CUP | CUP | 84.29 |
| Sewage treatment and disposal facility | CUP | — | — | — | — | 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 | — | |
| Utility facility | CUP | — | — | — | CUP | — | |

| LAND USE <i>See Division 10 (Definitions) for land use definitions</i> | PERMIT REQUIRED BY DISTRICT | | | | | | Specific Use Regulations |
|---|-----------------------------|----|----|----|----|----|--------------------------|
| | CR | CN | CO | CG | CS | CH | |
| Wind energy system, accessory | S | S | S | S | S | S | 84.26 |
| Wireless telecommunications facility | S | S | S | S | S | S | 84.27 |

OTHER

| | | | | | | | |
|-----------------------------------|-----|-----|-----|-----|-----|-----|-----------|
| Accessory structures and uses | P | P | P | P | P | P | 84.01 |
| Off-Site Signs | — | — | — | CUP | — | CUP | 83.13.060 |
| Off-Site Signs (Freeway Oriented) | — | — | — | CUP | — | CUP | 83.13.060 |
| Temporary special events | TSP | TSP | TSP | TSP | TSP | TSP | 84.25 |
| Temporary uses and activities | TUP | TUP | TUP | TUP | TUP | TUP | 84.25 |

KEY

| | | | |
|-----|--|-----|---|
| A | Allowed use (no planning permit required) | PD | Planned Development Permit required (Chapter 85.10) |
| ABP | Adult Business Regulatory Permit | SUP | Special Use Permit required (Chapter 85.14) |
| P | Permitted Use; Site Plan Permit required (Chapter 85.08) | S | Permit requirement set by Specific Use Regulations (Division 4) |
| 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) | TSP | Temporary Special Events Permit required (Chapter 85.16) |
| | | RCP | Unlicensed Residential Care Facilities Permit (Chapter 85.20) |
| CUP | Conditional Use Permit required (Chapter 85.06) | TUP | Temporary Use Permit required (Chapter 85.15) |
| MUP | Minor Use Permit required (Chapter 85.06) | — | Use not allowed |

Notes:

- (1) Not allowed in the Phelan planning area.
- (2) CUP required if maximum building coverage exceeds 10,000 sq. ft., the use will have more than 20 employees per shift, or if not exempt from CEQA; may qualify for a MUP in compliance with Section 85.06.020 (Applicability).
- (3) The use shall be allowed in Lucerne Valley with a Site Plan Permit.
- (4) The use is allowed in Lucerne Valley with a MUP.
- (5) A MUP shall not be allowed if the use requires more than 200 parking spaces.
- (6) Use allowed as an accessory use only, on the same site as a retail, service, or industrial use allowed by this table.
- (7) Use allowed as an accessory use only, on the same site as a residential use allowed by this table.
- (8) A CUP shall be required for this use in the Phelan planning area.
- (9) These uses are regulated and approved by the Public Utilities Commission. See alternate review procedures in Section 85.02.050.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008); Amended Ordinance 4067 (2009); Amended Ordinance 4085 (2009); Amended Ordinance 4098 (2010); Amended Ordinance 4230 (2014); Amended Ordinance 4239 (2014); Amended Ordinance 4245 (2014)

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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 ⁽¹⁾ | SD-COM ⁽¹⁾ | SD-IND ⁽¹⁾ | |
| 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 | — | — | |
| 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 ⁽³⁾ | 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 | — ^(5,6) | 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 ⁽³⁾ | CUP | 84.19 |
| Recycling facilities - Light processing facility | CUP | CUP | — | — | CUP ⁽³⁾ | CUP | 84.19 |
| Recycling facilities - Heavy processing facility | CUP | CUP | — | — | — | CUP | 84.19 |
| Recycling facilities, reverse vending machines (accessory only) | A | A | — | A | A | A | 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 | |
| RECREATION, EDUCATION & PUBLIC ASSEMBLY | | | | | | | |
| Adult business | ABP | — | — | — | — | — | |
| Campgrounds | — | — | — | CUP | — | — | |
| Commercial entertainment - Indoor | M/C | — | — | M/C | M/C | M/C | |
| Conference/convention facility | — | — | — | CUP ⁽⁴⁾ | CUP ⁽⁴⁾ | CUP ⁽⁴⁾ | |
| Equestrian facility | — | — | — | M/C | M/C | M/C | |
| Fitness/health facility | P ⁽²⁾ | P ⁽²⁾ | — | M/C | M/C | M/C | |
| Golf course | — | — | — | CUP ⁽⁴⁾ | CUP ⁽⁴⁾ | CUP ⁽⁴⁾ | |
| 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 | M/C | M/C | M/C | M/C | M/C | |
| School - Private | M/C | M/C | M/C | M/C | M/C | M/C | |
| School - Specialized education/training | M/C | M/C | M/C | M/C | M/C | M/C | |
| RESIDENTIAL | | | | | | | |
| Accessory dwelling (labor quarters, etc.) | P ⁽⁷⁾ | P ⁽⁷⁾ | P ⁽⁷⁾ | P ⁽⁷⁾ | P ⁽⁷⁾ | P ⁽⁷⁾ | 84.01 |
| Accessory structures and uses - Residential (conforming and non-conforming uses) | P ^(7,8) | P ^(7,8) | P ^(7,8) | P ⁽⁷⁾ | P ⁽⁷⁾ | P ⁽⁷⁾ | 84.01 |
| Dependent housing | — | — | — | SUP | — | — | 84.08 |
| Group residential (sorority, fraternity, boarding house, private residential club, etc.) | — | — | — | M/C | M/C | — | |
| Guest housing | — | — | — | P ⁽⁸⁾ | — | — | 84.01 |
| Live/work unit | M/C | — | — | M/C | M/C | — | |

Industrial and Special Purpose Land Use Zoning Districts

82.06

| LAND USE <i>See Division 10 (Definitions) for land use definitions</i> | PERMIT REQUIRED BY DISTRICT | | | | | | Specific Use Regulations |
|---|-----------------------------|----|----|-----------------------|-----------------------|-----------------------|--------------------------|
| | IC | IR | IN | SD-RES ⁽⁴⁾ | SD-COM ⁽⁴⁾ | SD-IND ⁽¹⁾ | |
| Mobile home park/manufactured home land-lease community | — | — | — | CUP | CUP | — | |
| Multiple residential use | — | — | — | PD | PD | PD | |
| Parolee and/or probationer home | — | — | — | CUP | CUP | — | |
| Residential use with retail, service, or industrial use | — | — | — | PD | PD | PD | |
| Second dwelling unit | — | — | — | S | — | — | 84.01 |
| Single dwelling | — | — | — | A | — | — | |

RETAIL

| | | | | | | | |
|--|------------------|------------------|---|-----|-----|-----|--|
| Auto and vehicle sales and rental | P ⁽²⁾ | P ⁽²⁾ | — | M/C | M/C | M/C | |
| Bar, tavern | — | — | — | M/C | M/C | M/C | |
| Building and landscape materials sales - Indoor | P ⁽²⁾ | P ⁽²⁾ | — | 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 ⁽²⁾ | P ⁽²⁾ | — | 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 ⁽²⁾ | P ⁽²⁾ | — | M/C | M/C | M/C | |
| Second hand stores, pawnshops | P ⁽²⁾ | — | — | M/C | M/C | M/C | |
| Service station | P ⁽²⁾ | P ⁽²⁾ | — | M/C | M/C | M/C | |
| Swap meet, outdoor market, auction yard | M/C | M/C | — | — | — | M/C | |
| Warehouse retail | P ⁽²⁾ | P ⁽²⁾ | — | — | CUP | CUP | |

SERVICES – BUSINESS, FINANCIAL, PROFESSIONAL

| | | | | | | | |
|--|------------------|------------------|------------------|------------------|------------------|------------------|--|
| Medical services - Hospital | 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 ⁽⁸⁾ | P ⁽⁸⁾ | P ⁽⁸⁾ | P ⁽⁸⁾ | P ⁽⁸⁾ | P ⁽⁸⁾ | |
| Professional Services | P ⁽²⁾ | — | — | 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 | — | — | CUP | — | — | — | |
| Emergency Shelter | CUP | — | — | CUP | CUP | CUP | |
| Equipment rental | P ⁽²⁾ | P ⁽²⁾ | — | — | M/C | M/C | |
| Home occupation | SUP | SUP | SUP | SUP | SUP | SUP | 84.12 |
| Kennel or cattery | M/C | — | — | — | — | M/C | 84.04 |
| Licensed Residential Care Facility of 6 or fewer persons | M/C | — | — | M/C | M/C | — | 84.23 |
| Licensed Residential Care Facility of 7 or more persons | M/C | — | — | M/C | M/C | — | 84.23 |
| Lodging – Bed and breakfast inn (B&B) | — | — | — | SUP ⁽⁹⁾ | SUP ⁽⁹⁾ | — | |
| 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 | — | |
| Personal services | P ⁽²⁾ | — | — | M/C | M/C | M/C | |
| Public safety facility | M/C | M/C | M/C | M/C | M/C | M/C | |
| Unlicensed Residential Care Facility of 6 or fewer persons | RCP | — | — | RCP | RCP | — | 84.32 |
| Unlicensed Residential Care Facility of 7 or more persons | M/C | — | — | M/C | M/C | — | |
| Vehicle services - Major repair/body work | P ⁽²⁾ | P ⁽²⁾ | — | — | M/C ⁽¹⁰⁾ | M/C | |
| Vehicle services - Minor maintenance/repair | P ⁽²⁾ | P ⁽²⁾ | CUP ⁽¹¹⁾ | — | M/C ⁽¹⁰⁾ | 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 | |

| LAND USE <i>See Division 10 (Definitions) for land use definitions</i> | PERMIT REQUIRED BY DISTRICT | | | | | | Specific Use Regulations |
|---|-----------------------------|-------------------|-------------------|-----------------------|-----------------------|-----------------------|--------------------------|
| | IC | IR | IN | SD-RES ⁽¹⁾ | SD-COM ⁽¹⁾ | SD-IND ⁽¹⁾ | |
| Parking lots, accessory | P ⁽¹²⁾ | P ⁽¹²⁾ | P ⁽¹²⁾ | P ⁽¹²⁾ | P ⁽¹²⁾ | P ⁽¹²⁾ | |
| Broadcasting studio | M/C | M/C | M/C | CUP ⁽⁴⁾ | CUP ⁽⁴⁾ | CUP ⁽⁴⁾ | |
| Communication contractor | M/C | M/C | M/C | M/C ⁽¹⁰⁾ | M/C ⁽¹⁰⁾ | M/C ⁽¹⁰⁾ | |
| Electrical power generation | CUP | CUP | CUP | — | — | — | |
| Parking structures | P ⁽¹²⁾ | P ⁽¹²⁾ | P ⁽¹²⁾ | M/C | M/C | M/C | |
| Pipelines, transmission lines, and control stations ⁽¹³⁾ | ⁽¹³⁾ | ⁽¹³⁾ | ⁽¹³⁾ | ⁽¹³⁾ | ⁽¹³⁾ | ⁽¹³⁾ | |
| Renewable Energy Generation Facilities | CUP | CUP | CUP | — | — | — | 84.29 |
| Sewage treatment and disposal facility | CUP | CUP | CUP | — | — | — | |
| Solid waste disposal | CUP | CUP | 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 | |
| Wind energy system, accessory | S | S | S | S | S | S | 84.26 |
| 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) |
| ABP | Adult Business Regulatory Permit | SUP | Special Use Permit required (Chapter 85.14) |
| P | Permitted Use; Site Plan Permit required (Chapter 85.08) | S | Permit requirement set by Specific Use Regulations (Division 4) |
| 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) | TSP | Temporary Special Events Permit required (Chapter 85.16) |
| | | RCP | Unlicensed Residential Care Facilities Permit (Chapter 85.20) |
| 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) 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.
- (2) CUP required if maximum building coverage exceeds 10,000 sq. ft., the use will have more than 20 employees per shift, or if not exempt from CEQA; may qualify for a MUP in compliance with Section 85.06.020 (Applicability).
- (3) This use shall be located completely within an enclosed structure.
- (4) PD Permit required if total floor area or use area exceeds 10,000 sq. ft.
- (5) Concrete batch plants in the Phelan planning area may be allowed subject to a CUP.
- (6) 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.
- (7) 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.
- (8) Use allowed as an accessory use only, on the same site as a residential use allowed by this table.
- (9) A CUP shall be required for three or more rooms
- (10) This use shall be located completely within an enclosed structure with no exterior overnight storage of vehicles.
- (11) When associated with an institutional use.
- (12) Use allowed as an accessory use only, on the same site as a retail, service, or industrial use allowed by this table.
- (13) These uses are regulated and approved by the Public Utilities Commission. See alternate review procedures in Section 85.02.050.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008); Amended Ordinance 4057 (2008); Amended Ordinance 4067 (2009); Amended Ordinance 4098 (2010); Amended Ordinance 4230 (2014); Amended Ordinance 4239 (2014); Amended Ordinance 4245 (2014)

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(11) **Concealed spaces.** Unenclosed or projecting assemblies (e.g., cantilevered floors, bay windows, etc.) that contain concealed space shall be protected on the exposed surface with materials approved for the modified one-hour construction.

(12) **Decks.** Cantilevered or standard type decks shall be:

- (A) Constructed with a minimum of at least one-and-one-half-inch wood decking; and/or
- (B) Protected on the underside with materials approved for one hour fire resistive construction; and/or
- (C) Composed of noncombustible materials, as defined in the California Building Code, or other materials approved by the responsible Fire Authority.

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

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

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

- (A) Each building on a parcel shall have exterior wall separations of at least 30 feet **except as modified by Subsection (C) below.**
- (B) Residential structures shall have interior side yard setbacks of 20 percent of the lot width, provided that these interior side yards shall not be less than five feet and need not exceed 15 feet. In no case shall exterior wall separations be less than 10 feet for all buildings, including those on adjoining parcels. Eaves shall be permitted to project into the required setback no more than two feet. No other projections shall be allowed **less than five feet to side or rear property lines.**
- (C) When the exterior walls of residential and accessory buildings or portions thereof are within 15 feet of interior side or rear lot lines, or the exterior wall separation is less than 30 feet, the outside of each exterior wall or portion thereof shall be constructed with **exterior wall coverings that are constructed of noncombustible materials or provide the one-hour fire-resistance-rated construction on the exterior side.** Modified one-hour construction shall be defined by the Building Official. Where building separations are less than 10 feet, additional mitigation measures may be required by the responsible Fire Authority;

- (D) In compliance with Section 82.13.090 (Alternate Hazard Protection Measures), and dependent upon site specific conditions, the following measures or combinations of measures may be substituted for the exterior wall separation requirements for all structures in FS1 and FS2 areas:
 - (I) The expansion of fuel modified areas around the perimeter of the development project beyond that required by this Section or other requirement of the County Code.
 - (II) A substantial transfer of density from steeper slopes, including areas with slopes less than 30 percent if they exist on-site, to less steep areas within the development project.
 - (III) Clustering of structures away from the development perimeter and away from fire hazard areas.
 - (IV) Other alternate measures (e.g., sprinklers, etc.) if approved by the Department in compliance with Section 82.13.090 (Alternate Hazard Protection Measures).
- (2) **Building separation standards in FS3 areas.** In FS3 areas, exterior wall coverings shall be constructed of noncombustible materials or shall provide the equivalent one-hour fire-resistance-rated construction on the exterior side. Interior side yards shall not be less than five feet in width. Within the Mountain Region, building separation and side yard setbacks shall be as described in Paragraph 1, above.
- (d) **Building construction requirements.**

- (1) **Eaves.** Eaves shall be enclosed with a minimum seven-eighth inch stucco or equivalent protection. Fascia shall be two inches nominal solid wood or stucco or equivalent protection.
- (2) **Exterior doors.** All exterior doors made of wood or wood portions shall be solid core wood. For exterior doors with inset windows, refer to Subparagraph 3.(A), below.
- (3) **Exterior glazing.** Exterior glazing shall comply with the provisions of the California Building Code and with the following additional requirements:
 - (A) Exterior windows, window walls and glazed doors, and windows within exterior doors, shall be multi-layered glass panels (dual- or triple-paned), tempered glass, or other assemblies approved by the Building Official.
 - (B) Vinyl window frame assemblies shall be prohibited, except when they have all of the following characteristics:
 - (I) Frame and sash are comprised of vinyl material with welded corners;
 - (II) Metal reinforcement in the interlock area;
 - (III) Glazed with insulated glass or tempered;
 - (IV) Frame and sash profiles are certified in American Architectural Manufacturing Association (AAMA) Lineal Certification Program (verified with either an AAMA product label or Certified Products Directory); and
 - (V) Certified and labeled in compliance with American National Standards Institute (ANSI)/AAMA/National Wood Window and Door Association (NWWDA) structural requirements.
- (4) **Insulation.** Paper-faced insulation shall be allowed in attics or ventilated spaces only if the paper is not exposed to the attic open space. Cellulose insulation is required to be fire retardant.
- (5) **Roof coverings.** Roof coverings shall be either noncombustible or shall be fire retardant material not composed of organic fiber with a minimum Class A rating, as defined in the California Building Code. The tile shall be tight-fitting and the open ends of high-profile tile shall be capped with non-ignitable material to prevent birds' nests or other combustible material from accumulating. Gutters and downspouts shall be constructed of noncombustible material.

- (6) **Spark arresters.** Each chimney used in conjunction with a fireplace, or other heating appliance in which solid or liquid fuel is used, shall be maintained with a spark arrester. An approved spark arrester shall mean a device constructed of stainless steel, copper or brass, woven galvanized wire mesh, 12 gauge minimum of three-eighths inch minimum to one-half inch maximum openings, mounted in or over all outside flue openings in a vertical and near vertical position, adequately supported to prevent movement and visible from the ground.
- (7) **Street address numbers.** Each non-accessory building shall have internally illuminated non-combustible building address numbers legible from the street in compliance with the Uniform Fire Code.
- (8) **Vents and openings.** Louvers, ventilators, or openings in walls, roofs, attics, and underfloor areas having headroom less than four feet in height that are not fitted with sash or doors, shall be covered with wire screen. The screen covering the openings shall be corrosion-resistant metal or other approved material that offers equivalent protection and shall have a maximum mesh of one-eighth inch. Eave vents and roof-mounted turbine vents are prohibited.
- (9) **Water faucets.** A minimum of two, three-quarter-inch faucets with hose connections each served by a three-quarter-inch waterline and installed before any pressure-reducing device shall be available per habitable structure separated by at least one-third of the perimeter of the structure. The faucets shall be on the sides of a structure facing fire hazardous areas whenever possible.
- (e) **Perimeter access to fuel modified and fire hazard areas.** Fire fighting vehicles shall have adequate access into areas between fire hazardous areas or fuel modified areas and the development perimeter, so that a wildland fire can be contained at the development perimeter and prevented from spreading to structures. Each development project shall provide adequate vehicular access for fire fighting vehicles to the development perimeter of the project along the portion of the development perimeter that is adjacent to either an existing or proposed fuel modified area, or a fire hazard area. Provisions shall be made and shall be required, where necessary, through conditions of approval for the development project for the continual maintenance of the areas intended to provide the access. Perimeter access shall be provided, through either of the following measures or through alternate measures in compliance with Section 82.13.090 (Alternate Hazard Protection Measures).
- (1) The provision of an existing or proposed road along the development perimeter, or portion thereof that is exposed to a fire hazard or fuel modified area, and which is accessible to fire fighting equipment. The road shall be capable of supporting fire-fighting equipment, shall be at least 20 feet in width, and shall not exceed a grade of 14 percent. The conditions of approval for the development project shall require provisions to ensure that the roadway will be maintained, if it is not within the publicly maintained road system.

- (2) Development projects shall provide access ways, at least 12 feet in width, with a grade not to exceed 14 percent, and capable of supporting fire fighting vehicles, between the development perimeter and proposed or existing streets. Access ways shall be spaced at intervals of no more than an average of 350 feet along each street. The conditions of approval for the development project shall require specific provisions to ensure that access ways will remain unobstructed and will be maintained. Where feasible, access ways may not be paved and shall be designed so as not to detract from the visual quality of the project.

(f) **Length of cul-de-sacs.** Cul-de-sacs shall not exceed 350 feet in length, except that they may be extended as allowed by this Subsection.

- (1) **Exception for parcels of less than five acres.** A cul-de-sac may exceed 350 feet in length but shall not exceed 600 feet in length, if parcels that take access from the cul-de-sac are less than five acres, and:

- (A) Alternate measures are utilized in compliance with Section 82.13.090 (Alternate Hazard Protection Measures); or

- (B) Based upon consideration of the recommendation of the Fire Authority, the Department determines that the cul-de-sac is situated and designed so that each parcel taking access from it is not contiguous to or exposed to either undeveloped fuel modified areas along the development perimeter of the project or to fire hazard areas, and that the extension of the cul-de-sac will not increase the exposure of buildings to wildland fires.

- (2) **Exception for parcels larger than five acres.** A cul-de-sac may exceed 600 feet in length if all parcels that take access from the cul-de-sac are five acres or greater in area and:

- (A) The proposed cul-de-sac is not within or adjacent to areas that are zoned for or subdivided to parcels of five acres or less.

- (B) Alternate measures are utilized in compliance with Section 82.13.090 (Alternate Hazard Protection Measures).

- (3) **Alternate measures.** In compliance with Section 82.13.090 (Alternate Hazard Protection Measures) and dependent upon site specific conditions, one of the following measures or combination of measures may be used to mitigate the effect of creating cul-de-sacs up to 600 feet in length with parcels less than five acres in area:

- (A) Limitation of the total number of dwelling units with access to the cul-de-sac to no more than 15, and restriction of further subdivision of parcels and construction of additional independent residential units which have access to the cul-de-sac. These restrictions shall be imposed through conditions of approval of the development project.

- (B) A continuous perimeter access road at least 20 feet in width is provided along the portion of the cul-de-sac exposed to fire hazard or fuel modified areas such that it is drivable under normal conditions by fire fighting vehicles, provides adequate maneuvering space for the vehicles, and is designed so that at least one point of access to the perimeter access road is taken from roads other than the subject cul-de-sac.
- (C) The cul-de-sac road will have a paved width of at least 40 feet with posted no parking for its entire length, and there is at least one area approximately at the midpoint of the cul-de-sac that serves the same function of a cul-de-sac bulb in allowing fire fighting vehicles adequate room to turn around. This measure may only be utilized if the expansion of the road width will not contribute to slope stability hazards either on-site or off-site.
- (D) Other alternate measures approved by the Department in compliance with Section 82.13.090 (Alternate Hazard Protection Measures).
- (g) **Additional requirements.** Dependent upon specific site conditions (e.g., building separation, fire flow, road conditions, slope, vegetation, etc.) or a combination of conditions, the responsible Fire Authority may require structures to meet more stringent construction standards (e.g., full perimeter exterior walls to be constructed to the modified or full one-hour construction standards, sprinklers, soffitted eaves, etc.) as additional mitigation to the fire threat.
- (h) **Unoccupied Structures.** At the discretion of the responsible Fire Authority, the fire safety development standards for projects located within a Fire Safety Overlay that only propose to construct unoccupied structures may be altered at the discretion of the responsible Fire Authority on a case-by-case basis without an approved variance.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008); Amended Ordinance 4067 (2009); Amended Ordinance 4085 (2009); Amended Ordinance 4245 (2014)

CHAPTER 82.14 FLOODPLAIN SAFETY (FP) OVERLAY**Sections:**

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82.14.010 Purpose

The **Floodplain** Safety (FP) Overlay established by Sections 82.01.020 (Land Use Plan and Land Use Zoning Districts) and 82.01.030 (Overlays) is created to provide greater public safety, promote public health, and minimize public and private economic losses due to flood conditions by establishing regulations for development and construction within flood prone areas.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009); Amended Ordinance 4163 (2012)

82.14.020 Location Requirements

- (a) The FP1, FP2, and FP3 Overlays described in Section **82.14.040 [Floodplain Safety Review Areas]** are applied to areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) or the Federal Insurance Administration in a scientific and engineering report entitled "Flood Insurance Study for **San Bernardino County, California and Incorporated Areas,**" initially prepared in 1978, which has subsequent updates, with accompanying Flood Insurance Rate Maps (FIRMs). Subsequent report and map updates that may be published in the future shall further identify additional flood hazard areas **or, as in the case of FP3, are areas designated by the County Flood Control District that are areas of undetermined, but possible, shallow flooding.** The most current copies of the Flood Insurance Study **and the Flood Insurance Rate Maps (FIRMs) are on file at the Department of Public Works.**
- (b) The Flood Insurance Study establishes the minimum areas to which the FP Overlays may be applied. Additional areas may be added after studies for the areas are prepared by the Flood Control District or other governmental agencies (e.g., Corps of Engineers).

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009); Amended Ordinance 4163 (2012)

82.14.030 Applicability

No structure or land use shall hereafter be constructed, located, extended, converted, or altered without full compliance with the provisions of this Chapter and other applicable regulations. Violations of the provisions of this Chapter by failure to comply with any of its requirements (including violation of conditions and safeguards required by conditions of approval) shall be subject to the penalties established by this Development Code. Nothing in this Chapter shall prevent the County from taking lawful action as is necessary to prevent or remedy any violation.

- (a) **Abrogation and greater restrictions.** The provisions of this Chapter are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions **or any map changes made by FEMA**. However, where this Chapter or other section, easement, covenant, **or deed restriction or map revision as may be made by FEMA** conflict or overlap, the more stringent regulations or standards shall govern.
- (b) **Interpretation.** In the interpretation and application of this Chapter all provisions shall be considered as minimum requirements, liberally construed in favor of the governing body and, deemed neither to limit nor repeal any other powers granted under state statutes.
- (c) **Implementation.** The requirements of this Section shall be integrated into the processing and review of all land use applications and development permits where specific flood hazard review and flood protection recommendations are made by the County.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009); Amended Ordinance 4098 (2009); Amended Ordinance 4163 (2012)

82.14.040 Floodplain Safety Review Areas

The **Floodplain** Safety Overlay (FP) shall be subdivided into three review areas as follows. Proposed development shall comply with the following **requirements**.

- (a) **Floodplain Safety Review Area 1 - (FP1).** FP1 includes areas subject to a base flood (also called “100-year flood”) as defined by the Federal Flood Insurance Regulations. The following FEMA-designated flood hazard zones are included in FP1: A, AE, AH, A1-30 and AO. **(Note: FEMA-designated regulatory floodway is included within the AE zone.)** The following standards shall apply to property within the FP1 area.
 - (1) **Elevation of first floor.** New construction and substantial improvement of any structure shall be constructed so that the first floor (including basement) shall be one foot or more above the base flood elevation, when the FEMA map base flood elevations are shown, and will not result in any significant increase in flood levels during a base flood discharge. When the base flood elevations are not shown, new construction and substantial improvement of any residential structure shall be constructed so that the first floor (including basement) shall be two feet or more above the highest adjacent grade.
 - (2) **Review procedures.** A project proposed in this area shall be subject to a Flood Hazard Development Review **and/or a Floodplain Development Standards Review**. **These** reviews shall ensure that the proposed project complies with this

Development Code regarding flood protection measures and **shall** require the submittal of an Elevation Certificate completed by a **licensed** land surveyor, **registered civil** engineer, or architect who is authorized by State or local law to certify elevation information.

- (3) **Development Restriction.** In areas where no regulatory floodway has been designated **by FEMA**, new construction, substantial improvement or other development (including fill) shall **not** be permitted within any areas designated by FEMA as A, **A1-30**, **AO**, **AH**, or AE on the FIRMs, unless it is demonstrated that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community.

- (4) **FEMA-Designated Floodways.** Floodways, as defined by FEMA, are different from the Floodway Land Use Zoning District established in Chapter 82.01 [Land Use Plan, Land Use Zoning Districts, and Overlays] and regulated by Chapter 82.03 [Agriculture and Resource Management Land Use Zoning Districts] of this Title. They are defined as the channels of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. They are also referred to as "Regulatory Floodways" [see Subsection 810.01.080(ff)(25)]. They are generally coterminous with the County's Floodway Land Use Zoning Districts. They are considered FEMA-designated flood hazard zones in that they are included within the AE zone and thereby included within the FP1 (Floodplain Safety Review Area 1).

- (b) **Floodplain Safety Review Area 2 (FP2).** FP2 includes areas between limits of the base flood (100-year flood) and a 500-year flood; and certain areas subject to 100-year flooding with an average depth of less than one foot or where the contributing drainage areas are less than one square mile; or areas protected by levees from the base flood. The following FEMA-designated flood hazard zones are included in FP2: A-99 and the shaded Zone X. The following standards shall apply to property within the FP2 area.

- (1) **Elevation of first floor.** New construction and substantial improvement of any structure shall be so constructed that the first floor (including basement) shall be one foot above the highest adjacent grade.
- (2) **Review procedures.** A project proposed in this area **shall be subject to a Floodplain Development Standards Review conducted by the Building and Safety Division** and may be subject a Flood Hazard Development Review based upon the determination by the Drainage Section of Land Development of the Department of Public Works. This review shall ensure that the proposed project complies with this Development Code regarding flood protection measures and will require the submittal of an Elevation Certificate completed by a **licensed** land surveyor, **registered civil** engineer, or architect who is authorized by State or local law to certify elevation information.

- (c) **Floodplain Safety Review Area 3 (FP3).** FP3 includes areas of **undetermined, but possible**, shallow flooding as determined by the County, the Flood Control District, or other governmental agency. The following standards shall apply to property within the FP3 area:
- (1) **Field investigation required.** Before a building permit can be issued on any affected lot, a field investigation shall be made of the lot to determine if the proposed construction will have any substantial detrimental effect on the drainage way. An applicant for the building permit on an affected lot shall first apply for the required field investigation and shall pay the appropriate fee. The following shall be included in the application for field investigation:
 - (A) A corner record, record of survey, parcel map, final map, or a past survey that is approved by the County Surveyor as being in conformance with the Land Surveyors Act shall be submitted.
 - (B) A plot plan showing the proposed structures and grading by size, location and orientation.
 - (2) **Building site identification.** Before the inspection of the site by the Building Inspector, the applicant shall locate the proposed construction on the site by the use of stakes, strings, line marks or similar methods.
 - (3) **On-site meeting.** The applicant shall then meet with the inspector, on the site if necessary, to discuss the final building location and any mitigating measures required by the Building Official to maintain the natural drainage way in its existing condition.
 - (4) **Final building plan content.** The final building plans that are submitted for approval shall show the approved location and mitigating measures.
 - (5) **Development Standards.** Development Standards for the FP3 Floodplain Safety Review Area shall be determined on a case-by-case and shall be dependent upon the specific of the project. A Flood Hazard Development Review or a Floodplain Development Standards Review may be required.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009); Amended Ordinance 4163 (2012)

82.14.050 Development Standards for Projects within FP1 and FP2 Floodplain Safety Review Areas

- (a) **Anchoring.** All new construction and substantial improvements **of structures, including manufactured homes**, shall be anchored to the foundation to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. If a structure is elevated on fill as specified in

Subsection 82.14.050(c), and 82.14.050(d)(1), the anchoring requirement shall be satisfied. Other alternative anchoring techniques that are effective may be considered.

(b) Construction materials and methods. All new construction and improvements of structures whether substantial or not, including manufactured homes, shall be constructed:

- (1) With materials and utility equipment installed below the base flood elevation or the highest adjacent grade that are resistant to flood damage. This would include but not be limited to water resistant lumber, floor coverings, adhesives, paints, masonry construction and finishes, water proof electrical systems, and mechanical footings, or other acceptable materials measures. (See FEMA Technical Bulletin TB 2-93.)
- (2) Using methods and practices that minimize flood damage. This would include but not be limited to elevating the structure, aligning the structure to be parallel with water flow, increasing the structural designs to withstand hydrologic and hydrographic sources, and increasing the depth of footings.
- (3) With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (4) So that adequate drainage paths are provided around structures on slopes to guide flood waters around and away from proposed structures.

(c) Grading. If fill is placed to elevate pads above base elevation, it must be demonstrated that fill will not settle and is protected from erosion, scour, or differential settlement, as follows.

- (1) The pad elevation shall be certified to meet or exceed the elevation required by the applicable Floodplain Safety Review Area, and it must be demonstrated that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- (2) Fill shall be compacted to 95 percent per ASTM (American Society of Testing Materials) Standard D-698.
- (3) Fill slopes shall be no steeper than two feet horizontal to one foot vertical ratio unless substantiating data for steeper slopes is provided, and the slopes are approved by the County.
- (4) Fill slopes adjacent to a water course may be required to be armored with stone, rock or approved equal protection.

(d) Elevation and flood-proofing.

- (1) **Residential Structures.** New construction and substantial improvement of any residential structure shall include having the lowest floor (including basement), elevated to one foot above base flood elevation or two feet or more above the highest adjacent grade in the FP1 area, and one foot above **highest adjacent grade** in the FP2 area. Upon completion of the structure, the elevation of the lowest floor (including basement) shall be certified by a registered **civil** engineer or licensed land surveyor to be properly elevated above the floodplain elevation at the time of certification. The certification shall be provided **on the current FEMA Elevation Certificate form** to the **Building Official**. In accordance with FEMA regulations (Substantial Improvement & Substantial Damage), the following shall apply relative to existing residential structures and substantial improvements:
- (A) If the cost of a rehabilitation or addition is not a substantial improvement, the existing building does not have to be elevated or otherwise protected. However, it is advisable to incorporate methods to reduce flood damage, such as use of flood-resistant materials and installation of electrical, heating and air conditions units above the base flood elevation.
 - (B) If the cost of a rehabilitation is a substantial improvement, the existing building shall be elevated and/or the basement filled to meet the elevation standard.
 - (C) If an addition to a structure is a substantial improvement, the addition must be elevated or flood-proofed, providing that improvements to the existing structure are minimal. The existing structure may not have to be elevated if the common wall remains intact with the exception of a doorway. If the structure is within any A Zone and if substantial improvements are made to the existing structure (such as a kitchen makeover), both the existing structure and the addition must be elevated and otherwise brought into compliance.
 - (D) When a proposed substantial improvement is a vertical addition and the lower floor is to be used for any other purpose than a garage for the parking of private passenger vehicles, the entire structure must be elevated.
 - (E) Additions that are not substantial improvements shall meet the applicable requirements of Subsection 82.14.050(b) above.
- (2) **Nonresidential Construction.** Nonresidential construction shall be either elevated in compliance with Subsection (d)(1) of this Section or **be dry flood-proofed**. Dry flood-proofing shall consist of all of the following:
- (A) **The area below the base flood level, together with attendant utility and sanitary facilities, shall be constructed so that** the structure is watertight with walls substantially impermeable to the passage of water;
 - (B) **The structural components shall be** capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

- (C) The structure shall be certified by a registered civil engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the Floodplain Administrator.
- (3) **Flood Openings.** In addition to the provisions of 82.14.050(d)(1) and (2) above, all new construction and improvements to existing structures with fully enclosing structural areas below the lowest floor (excluding basements) that are used solely for parking of vehicles, building access or storage, and that are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must meet the following minimum criteria:
- (A) For non-engineered openings, have a minimum of two openings on different sides having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters. Also, buildings with more than one such enclosed area must have openings on exterior walls for each area to allow flood water to directly enter and exit; or
- (B) Be certified by a registered civil engineer or an architect. This certification must be verified by the Floodplain Administrator.
- (C) Flood openings may not be appropriate on alluvial fans or high debris flow areas (i.e. alluvial fans) and are subject to review and approval by the appropriate County reviewing agency. Structural calculations that address hydrostatic and hydrodynamic loading shall be submitted by the applicant as part of this approval process.
- (4) **Garages and low cost accessory structures.**
- (A) **Attached garages.**
- (I) A garage attached to a residential structure, constructed with the garage floor slab below the base flood elevation, must be designed to allow for the automatic entry of flood waters. Areas of the garage below the base flood elevation must be constructed with flood resistant materials.
- (II) A garage attached to a nonresidential structure must meet the above requirements or be dry flood-proofed. (For guidance on below grade parking areas, see FEMA Technical Bulletin TB-6.)
- (B) **Detached garages and accessory structures.**
- (I) “Accessory structures” used solely for parking (two-car detached garages or smaller) or limited storage (small, low-cost sheds), may be constructed

such that its floor is below the base flood elevation, provided the structure is designed and constructed in accordance with the following requirements:

- (i) Use of the accessory structure must be limited to parking or limited storage;
 - (ii) The portions of the accessory structure located below the base flood elevation must be built using flood-resistant materials;
 - (iii) The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;
 - (iv) Any mechanical and utility equipment in the accessory structure must be elevated or flood-proofed to or above the base flood elevation;
 - (v) The accessory structure must comply with floodplain encroachment provisions in Subsection 82.14.050(g)(1) below; and
 - (vi) The accessory structure must be designed to allow for the automatic entry of flood waters in accordance with Subsection 82.14.050(d)(3)(C) above.
- (II) Detached garages and accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in this Section and to the elevations required by the Floodplain Safety Area in which it is located.
- (5) **Crawl Space Construction.** This subsection applies to buildings with crawl spaces up to two feet below grade. Below-grade crawl space construction in accordance with the requirements listed below will not be considered basements.
- (A) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Crawl space construction is not allowed in areas with flood velocities greater than five feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or civil engineer;
 - (B) The crawl space is an enclosed area below the base flood elevation and, as such, must have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. (For guidance on flood openings, see FEMA Technical Bulletins 11-01 and 1-08);

- (C) Portions of the building below the base flood elevation must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawl space used to elevate the building, but also any joists, insulation, or other materials that extend below the base flood elevation; and
- (D) Any building utility systems within the crawl space must be elevated above base flood elevation or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions.
- (E) Requirements for all below-grade crawl space construction, in addition to the above requirements, to include the following:
 - (I) The interior grade of a crawl space below the base flood elevation must not be more than two feet below the lowest adjacent exterior grade;
 - (II) The height of the below-grade crawl space, measured from the interior grade of the crawl space to the top of the crawl space foundation wall must not exceed four feet at any point;
 - (III) There must be an adequate drainage system that removes floodwaters from the interior area of the crawl space within a reasonable period of time after a flood event, not to exceed 72 hours; and
 - (IV) The velocity of floodwaters at the site should not exceed five feet per second for any crawl space. For velocities in excess of five feet per second, other foundation types should be used.

(e) Utility standards.

- (1) All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from systems into flood waters.
- (2) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (3) All public utilities and facilities such as electrical, telephone, cable TV, gas etc., shall utilize floodproofing measures in their location and construction to minimize flood damage. They shall be adequately anchored to prevent flotation, collapse or lateral movement of the facility resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(f) Design requirements. All development proposals, including subdivisions, shall comply with the following requirements:

- (1) All preliminary proposals shall identify the special flood hazard area and the elevation of the base flood.

- (2) All final plans shall provide the elevation of proposed structures and pads above the **floodplain** elevation as derived from the FEMA map adopted at the time of certification. If the site is filled above the base flood, the final pad elevation shall be certified by a registered **civil** engineer or licensed land surveyor and shall be submitted to the **Floodplain** Administrator. The entire site need not be elevated; only the building pads need be elevated and other means of conducting storm flows through the site shall be provided.
 - (3) All proposals shall be consistent with the need to minimize flood damage.
 - (4) All proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
 - (5) All proposals shall provide adequate drainage to reduce exposure to flood hazards and not deflect flood flows onto other properties.
- (g) **Manufactured homes.** All new and replacement manufactured homes and additions to manufactured homes shall comply with all applicable provisions this Section **in addition to the following:**
- (1) **Elevations.**
 - (A) Within Zones A1-30, AO, AH, and AE of the FP1 Floodplain Safety Review Area, all manufactured homes shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to one foot or more above the base flood elevation; or
 - (B) Within Zone A of the FP1 Floodplain Safety Review Area, all manufactured homes shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to two feet or more above the highest adjacent grade; or
 - (C) Within the FP2 Floodplain Safety Review Area, all manufactured homes shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to one foot or more above the highest adjacent grade.
 - (2) All manufactured homes shall be securely anchored to a permanent foundation system to resist flotation, collapse or lateral movement. Methods of anchoring shall include, but not be limited to, the use of over-the-top or frame ties to ground anchors.
 - (3) Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered civil engineer or licensed land surveyor, and verified by the Floodplain Administrator.

(h) **Floodway standards.** FEMA-designated floodways are extremely hazardous areas due to the velocity of flood waters that carry debris, potential projectiles, and erosion potential, therefore, the following provisions apply:

- (1) Encroachments, including fill, new construction, substantial improvements, stockpiling, and other development are prohibited unless certification by a registered civil engineer or architect is provided, demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (2) If Subsection 82.14.050(g)(1) above is satisfied, all new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions of this Chapter.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009); Amended Ordinance 4163 (2012)

82.14.060 Exceptions and Modifications

(a) **Exceptions.** The following structures and land uses are exempt from the requirements and standards established by this Chapter.

- (1) The reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or a State Inventory of Historic Places upon a determination by the Director that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the exception is the minimum necessary to preserve the historic character and design of the structure.
- (2) Replacement of utilities, including septic systems, in compliance with health and safety codes shall be exempt from the flood elevation requirements of this Development Code and shall otherwise be subject to the legal non-conforming use provisions of this Development Code.
- (3) Structures of such a minor nature that they are exempt from development permits, provided it can be demonstrated that there is no effect contrary to the intent and purpose of the County's floodplain regulations.

(b) **Modifications.** In the public interest, the Building Official or the Floodplain Administrator may, without notice or public hearing, approve, conditionally approve, deny or refer to the Commission requests to modify the requirements of the Floodplain Safety (FP) Overlay.

- (1) **Procedure.** Written application (either Major Variance or Minor Variance) for such modifications shall be submitted to the Planning Division, upon the forms provided by the County for this purpose.

(2) **Required findings.** A modification to the standards imposed by this Chapter shall be allowed subject to lawful conditions that will secure substantial protection for the public health, safety and general welfare and provided that all of the following be found and justified as being true:

(A) The modification, if within any designated regulatory floodway, will not result in any significant increase in flood levels during the base flood discharge.

(B) The modification is for new construction or substantial improvement, and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of this Chapter have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

(C) The granting of the modification will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public or conflict with existing laws or ordinances.

(D) The modification is the minimum necessary, considering the flood hazard, to afford relief and is consistent with the objectives of sound floodplain management.

(c) **Written Notification.** Any applicant to whom an exception is granted shall be given written notice:

(1) The issuance of an exception to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and

(2) Such construction below the base flood level increases risks to life and property. A Notice of Condition shall be recorded by the Floodplain Administrator in the Office of the County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009); Amended Ordinance 4163 (2012)

82.14.070 Boundary Changes

An applicant may apply to FEMA for an adjustment to the designated Base Flood elevation and/or other designations on the FIRM. Prior to submitting such application to FEMA, all required documents required by FEMA must be submitted to the Flood Control District for review and acknowledgement. Depending on the size, scope and specific design a land use proposal within the County, an applicant for such proposal may be required to submit an application to FEMA for an adjustment to the base flood elevation. The Department of Public Works will determine if this FEMA application is actually required.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009); Amended Ordinance 4163 (2012)

- (c) **Building and structure placement.** Structure placement shall be compatible with and shall not detract from the visual setting or obstruct significant views.
- (d) **Review area.** Intensive land development proposals, including residential facilities, commercial activities and mobile home parks/manufactured home land-lease community, shall be designed to blend into the natural landscape and maximize visual attributes of the natural vegetation and terrain. The design of development proposals shall also provide for maintenance of a natural open space parallel to and visible from the right-of-way.
- (e) **Access drives.** Right-of-way access drives shall be minimized. Developments involving concentrations of commercial activities shall be designed to function as an integral unit with common parking and right-of-way access drives.
- (f) **Landscaping.** The removal of native vegetation, especially timber, shall be minimized and replacement vegetation and landscaping shall be compatible with the local environment and, where practicable, capable of surviving with a minimum of maintenance and supplemental water. Landscaping and plantings shall not obstruct significant views, either when installed or when they reach mature growth.
- (g) **Roads, pedestrian walkways, parking and storage areas.** A large-scale development should restrict the number of access points by providing common access roads. Parking and outside storage areas shall be screened from view, to the maximum extent feasible, from either the Scenic Highway or the adjacent scenic or recreational resource by existing topography, by the placement of structures, or by landscaping and plantings which are compatible with the local environment and, where practicable, are capable of surviving with a minimum of maintenance and supplemental water.
- (h) **Above ground utilities.** Utilities shall be constructed and routed underground except in those situations where natural features prevent the underground siting or where safety considerations necessitate above ground construction and routing. Above ground utilities shall be constructed and routed to minimize detrimental effects on the visual setting of the designated area. Where it is practical, above ground utilities shall be screened from view from either the Scenic Highway or the adjacent scenic or recreational resource by existing topography, or by placement of structures.
- (i) **Grading.** The alteration of the natural topography of the site shall be minimized and shall avoid detrimental effects to the visual setting of the designated area and the existing natural drainage system. Alterations of the natural topography shall be screened from view from either the Scenic Highway or the adjacent scenic or recreational resource by landscaping and plantings which harmonize with the natural landscape of the designated area, and which are capable of surviving with a minimum of maintenance and supplemental water.
- (j) **Timber harvesting.** Timber harvesting within or adjacent to the right-of-way shall be limited to that which is necessary to maintain and enhance the quality of the forest.

(k) **Storage Areas.** Outside storage areas associated with commercial activities shall be completely screened from view of the right-of-way with landscaping and plantings that are compatible with the local environment and are capable of surviving with a minimum of maintenance and supplemental water.

(l) **Signs.** Off-site freestanding signs greater than 18 square feet are prohibited in the OS Overlay.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

82.19.050 Development Standards for Trails

The following standards shall be used to evaluate proposed trails:

| Table 82-23 Urban Standards (Maximum Accessibility) | | | | |
|--|--|-----------------------------|---------------|-------------------------------------|
| Item | Bicycle+ Pedestrian ⁽¹⁾ | Bicycle-only ⁽¹⁾ | Hiking-only | Equestrian-only ⁽⁴⁾ |
| Minimum width (one way) | 10 ft. | 5 ft. | 5 ft. | 8 ft. |
| Minimum width (two way) | 12 ft. | 8-10 ft. | 8-10 ft. | 10 ft. |
| Surface | Hardened, e.g. asphalt ⁽²⁾ | Hardened, e.g. asphalt | Hardened | Hard-packed, No paving |
| Shoulder | 2 ft. minimum | 2 ft. minimum | 2 ft. minimum | 2 ft. minimum |
| Vertical Clearance | 12 ft. | 10 ft. | 10 ft. | 12 ft. |
| Cross Slope | 2% maximum | 2% maximum | 2% maximum | 2% maximum |
| Maximum Grade | 5% | 5% | 5% | Maximum limit is erosion control |

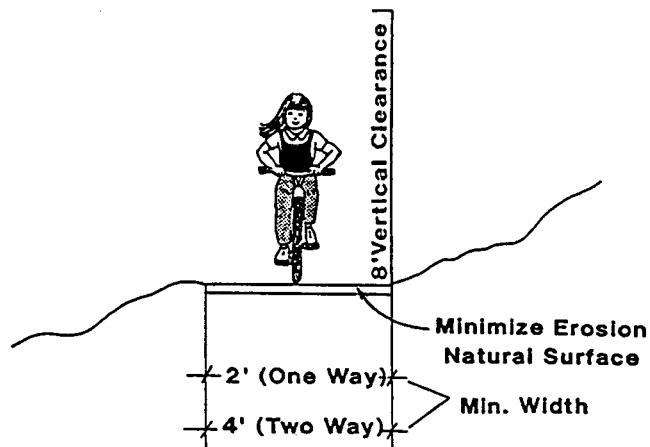
| Table 82-24 Low Use and Natural Area Standards | | | | |
|---|--|-------------------------------------|-------------------------------------|-------------------------------------|
| Item | Bicycle+ Pedestrian ⁽¹⁾ | Bicycle-only ⁽¹⁾ | Hiking-only | Equestrian-only ⁽⁴⁾ |
| Minimum width (one way) | 6-8 ft. | 2 ft. | 2 ft. | 6 ft. |
| Minimum width (two way) | 8-10 ft. | 2 ft. | 4 ft. | 8 ft. |
| Surface | Firm all weather and unobstructed | Minimize erosion | Minimize erosion | Minimize erosion |
| Shoulder | 2 ft. minimum | 2 ft. minimum | 2 ft. minimum | 2 ft. minimum |
| Vertical Clearance | 10 ft. | 8 ft. | 8 ft. | 12 ft. |
| Cross Slope | 3% maximum | 3% maximum | 3% maximum | 3% maximum |
| Maximum Grade | 5%; rest and turning areas every 200 ft. minimum | Maximum limit is erosion control | Maximum limit is erosion control | Maximum limit is erosion control |

(1) Standards meet Caltrans Class I Bikeway standards.

- (2) Where equestrian uses occur, an appropriate trail material (e.g., decomposed granite) shall be provided on the equestrian portion of the trail only; the remainder of the trail shall use materials appropriate to its intended use.
- (3) Multiple use trails with both bicyclists and equestrians shall be no narrower than 6 feet. A combined use trail with hiking and bicycling only should be no narrower than 4 feet.
- (4) A maximum of 20% vertical grade or as needed for erosion control, whichever is less. This can be exceeded for short distances (no more than 200').

LOW USE AND NATURAL AREAS

Mountain Bike Only



URBAN

Bicycle Only

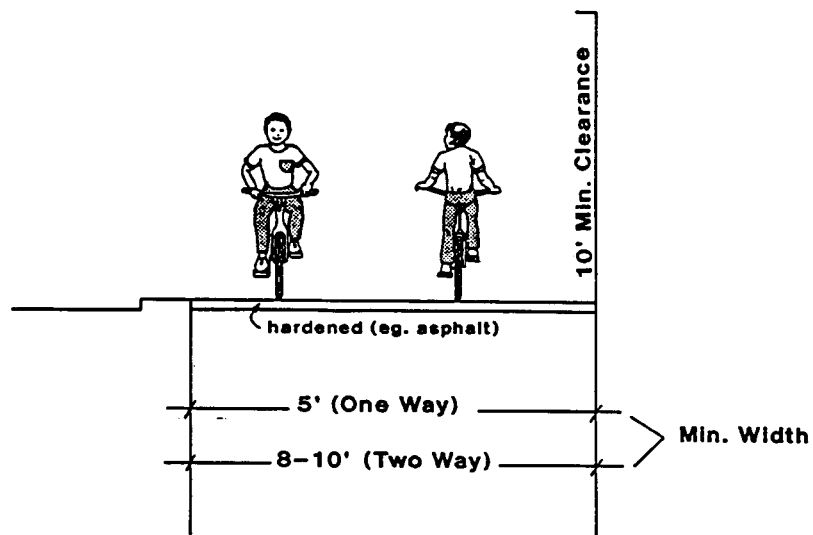
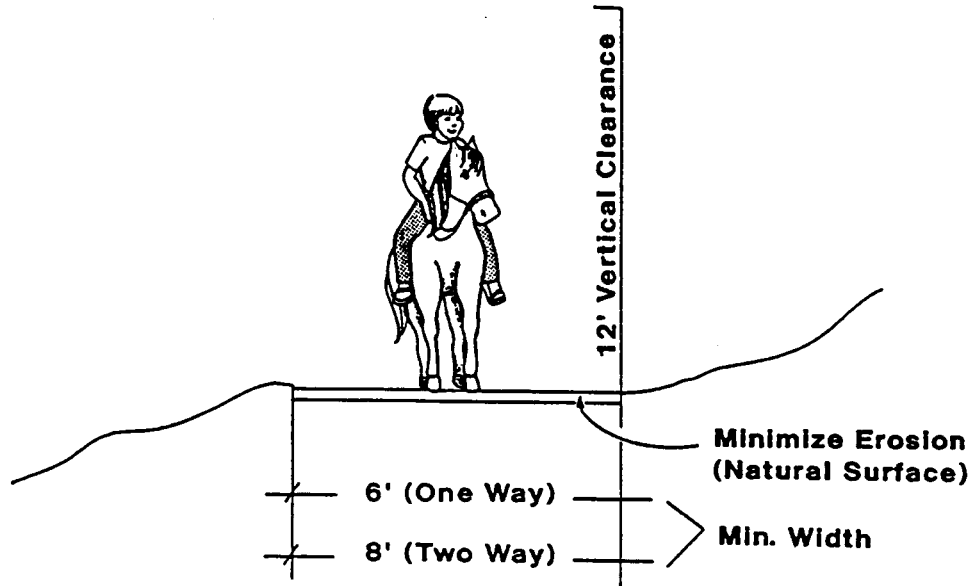


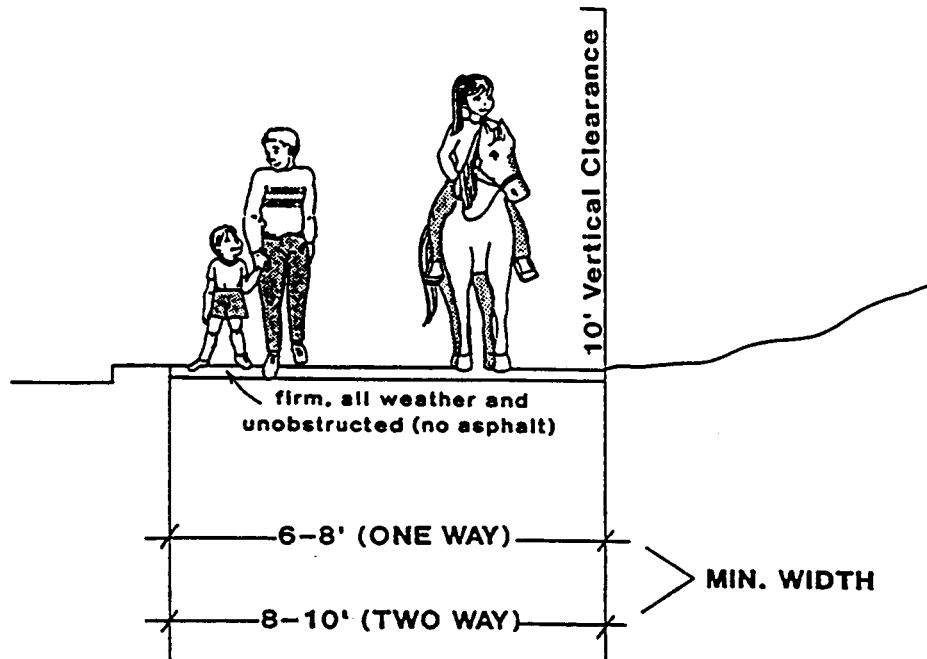
Figure 82-1
Trails - Low Use and Natural Areas/Urban #1

LOW USE AND NATURAL AREAS

Equestrian Only



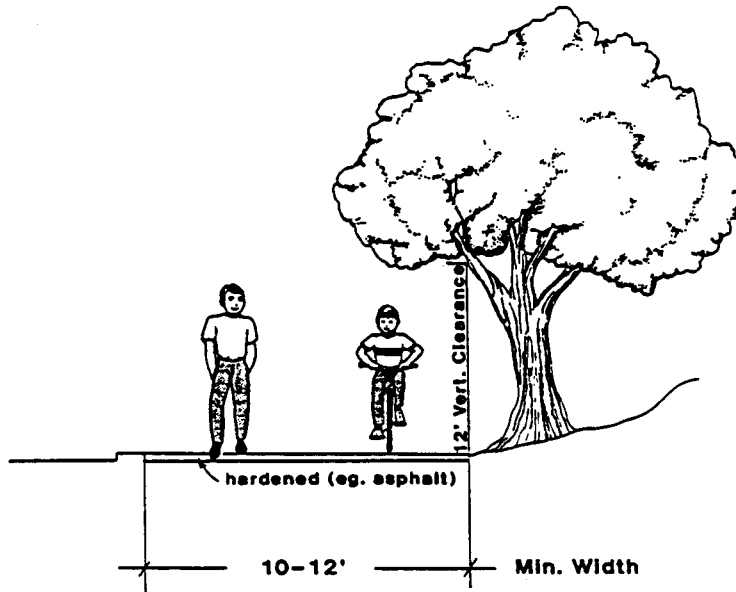
Bicycle, Hiking and Equestrian



"Low Use" assumes that all uses will not occur simultaneously
(pullouts may be necessary in natural areas of high use)

Figure 82-2
Trails - Low Use and Natural Areas

Pedestrian and Bicycle



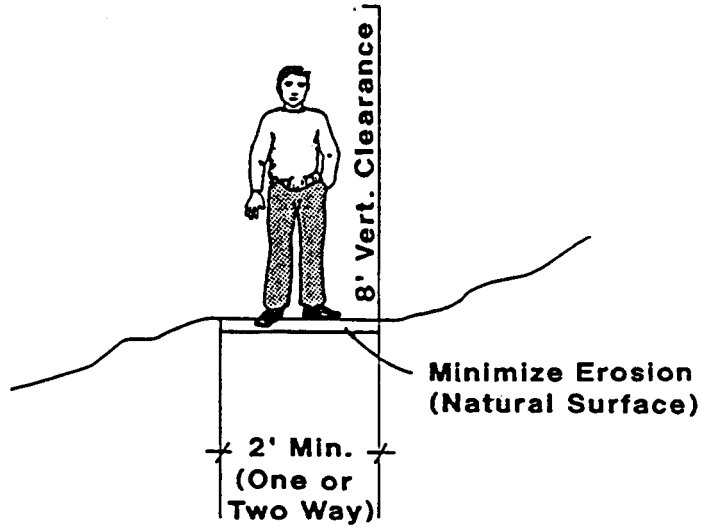
The diagram illustrates a roadside safety buffer with various users and dimensions. At the top, a horizontal line represents the ground surface. Below this line, a cross-section shows a buffer zone. On the left, a person is riding a bicycle, and next to them is a person standing. To the right of the standing person is a bush, and further right is a post labeled "Rail Fence or Other Barrier". To the right of the fence is a person riding a horse. A vertical line on the far right is labeled "12' Vert. Clearance". Below the ground line, the buffer is divided into sections with dimensions and labels:

- On the left, a section is labeled "firm all-weather and unobstructed".
- Below this section, two dimensions are given: "6-8' (One Way)" and "8-10' (Two Way)".
- In the center, a section is labeled "Buffer (Rec. 6')".
- To the right of the buffer, a section is labeled "minimize erosion".
- Below this section, two dimensions are given: "8' (One Way)" and "10' (Two Way)".
- On the far right, a vertical line is labeled "Min. Width".

Figure 82-3
Trails - Urban

LOW USE AND NATURAL AREAS

Hiking Only



URBAN

Hiking Only

Equestrian Only

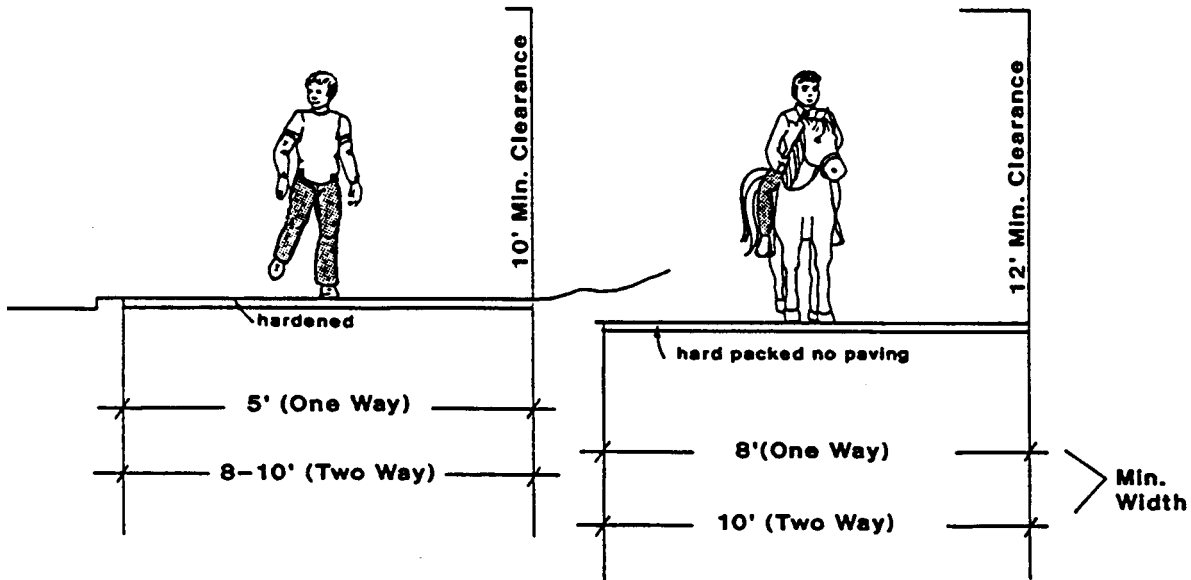


Figure 82-4
Trails - Low Use and Natural Areas/Urban #2

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009); Amended Ordinance 4245 (2014)

CHAPTER 82.21 SIGN CONTROL (SC) OVERLAY

Sections:

- 82.21.010 Purpose
- 82.21.020 Location Requirements
- 82.21.030 Development Standards

82.21.010 Purpose

The Sign Control (SC) Overlay established by Sections 82.01.020 (Land Use Plan and Land Use Zoning Districts) and 82.01.030 (Overlays) is created to regulate freestanding signs ensure compatibility with the character of the neighborhood.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

82.21.020 Location Requirements

The SC Overlay shall be applied where it is determined that the location of large freestanding signs may be detrimental to the character of the neighborhood.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

82.21.030 Development Standards

No freestanding sign shall exceed 25 feet in height, and the sign face shall not exceed the sign area indicated in the bracketed suffix to the overlay map symbol (e.g. CG-SC[150], shall mean a maximum sign area of 150 square feet.) Where the bracketed suffix includes the letter "p" (e.g. CG-SC [p]) an off-site freestanding sign greater than 18 square feet shall be prohibited.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009); Amended Ordinance 4245 (2014)

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CHAPTER 82.23 COMMUNITY PLANS, SPECIFIC PLANS AND AREA PLANS

Sections:

- 82.23.010 Purpose
- 82.23.020 Location Requirements

82.23.010 Purpose

- (a) **Purpose.** Specific Plans, Community Plans and Area Plans may be established to allow the implementation of special development standards for specified areas.
- (b) **Intent.** The intent is to ensure that the County's approval of a proposed development in these specified areas is consistent with the standards as adopted for specific areas.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

82.23.020 Adopted Community Plans

- (a) **Available for review.** All adopted Community Plans are available for review at the Department and are posted on the Department web page (www.sbcounty.gov/landuseservices).
- (b) **Adopted plans.** The following symbols appear as a prefix on the land use zoning district maps to identify the various community plan areas that have been adopted by the Board:

(1) Valley Community Plans:

- | | |
|-----------------|----|
| (A) Bloomington | BL |
| (B) Muscoy | MS |

(2) Mountain Community Plans:

- | | |
|------------------|----|
| (A) Bear Valley | BV |
| (B) Crest Forest | CF |
| (C) Hilltop | HT |

| | |
|--------------------|----|
| (D) Lake Arrowhead | LA |
| (E) Lytle Creek | LC |
| (F) Oak Glen | OG |

(3) Desert Community Plans:

| | |
|------------------------|----|
| (A) Homestead Valley | HV |
| (B) Joshua Tree | JT |
| (C) Lucerne Valley | LV |
| (D) Morongo Valley | MV |
| (E) Oak Hills | OH |
| (F) Phelan/Pinon Hills | PH |

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

82.23.030 Adopted Specific Plans

- (a) **Available for review.** Specific plans are adopted by the Board and shall be shown on the appropriate land use zoning district map with a Specific Plan (SP) Land Use Zoning District designation. All adopted Specific Plans are available for review at the Department and are posted on the Department web page (www.sbcounty.gov/landuseservices).
- (b) **Adopted plans.** The following symbols appear as a prefix on the land use zoning district maps to identify the various specific plan areas that have been adopted by the Board:

| | |
|--|----|
| (1) Agua Mansa Industrial Corridor Specific Plan | AM |
| (2) Glen Helen Specific Plan | GH |
| (3) Kaiser Commerce Center Specific Plan | KC |

(4) Hacienda at Fairview Valley Specific Plan HF

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009); Amended Ordinance 4245 (2014)

DIVISION 3 COUNTYWIDE DEVELOPMENT STANDARDS

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operations in order to reduce diesel particulate matter emissions from diesel-fueled 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, and
 - (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); Amended Ordinance 4067 (2009)

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 to be considered hazardous or a public nuisance shall be contained, modified, or shielded to prevent disturbances.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

Table 83-3
Noise Standards for Adjacent Mobile Noise Sources

| Land Use | | Ldn (or CNEL) dB(A) | |
|---|--|-------------------------|-------------------------|
| Categories | Uses | Interior ⁽¹⁾ | Exterior ⁽²⁾ |
| Residential | Single and multi-family, duplex, mobile homes | 45 | 60 ⁽³⁾ |
| Commercial | Hotel, motel, transient housing | 45 | 60 ⁽³⁾ |
| | Commercial retail, bank, restaurant | 50 | N/A |
| | Office building, research and development, professional offices | 45 | 65 |
| | Amphitheater, concert hall, auditorium, movie theater | 45 | N/A |
| Institutional/Public | Hospital, nursing home, school classroom, religious institution, library | 45 | 65 |
| Open Space | Park | N/A | 65 |
| Notes: (1) The indoor environment shall exclude bathrooms, kitchens, toilets, closets and corridors. (2) The outdoor environment shall be limited to: <ul style="list-style-type: none"> • Hospital/office building patios • Hotel and motel recreation areas • Mobile home parks • Multi-family private patios or balconies • Park picnic areas • Private yard of single-family dwellings • School playgrounds (3) An exterior noise level of up to 65 dB(A) (or CNEL) shall be allowed provided exterior noise levels have been substantially mitigated through a reasonable application of the best available noise reduction technology, and interior noise exposure does not exceed 45 dB(A) (or CNEL) with windows and doors closed. Requiring that windows and doors remain closed to achieve an acceptable interior noise level shall necessitate the use of air conditioning or mechanical ventilation. | | | |
| CNEL = (Community Noise Equivalent Level). The average equivalent A-weighted sound level during a 24-hour day, obtained after addition of approximately five decibels to sound levels in the evening from 7 p.m. to 10 p.m. and 10 decibels to sound levels in the night from 10 p.m. to 7 a.m. | | | |

- (e) **Increases in allowable noise levels.** If the measured ambient level exceeds any of the first four noise limit categories in Subsection (d)(2), above, the allowable noise exposure standard shall be increased to reflect the ambient noise level. If the ambient noise level exceeds the fifth noise limit category in Subsection (d)(2), above, the maximum allowable noise level under this category shall be increased to reflect the maximum ambient noise level.
- (f) **Reductions in allowable noise levels.** If the alleged offense consists entirely of impact noise or simple tone noise, each of the noise levels in Table 83-2 (Noise Standards for Stationary Noise Sources) shall be reduced by 5 dB(A).
- (g) **Exempt noise.** The following sources of noise shall be exempt from the regulations of this Section:

- (1) Motor vehicles not under the control of the commercial or industrial use.

- (2) Emergency equipment, vehicles, and devices.
 - (3) Temporary construction, maintenance, repair, or demolition activities between 7:00 a.m. and 7:00 p.m., except Sundays and Federal holidays.
- (h) **Noise standards for other structures.** All other structures shall be sound attenuated against the combined input of all present and projected exterior noise to not exceed the criteria.

| Table 83-4 Noise Standards for Other Structures | |
|---|--|
| Typical Uses | 12-Hour Equivalent Sound Level (Interior) in dBA Ldn |
| Educational, institutions, libraries, meeting facilities, etc. | 45 |
| General office, reception, etc. | 50 |
| Retail stores, restaurants, etc. | 55 |
| Other areas for manufacturing, assembly, testing, warehousing, etc. | 65 |

In addition, the average of the maximum levels on the loudest of intrusive sounds occurring during a 24-hour period shall not exceed 65 dBA interior.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009); Amended Ordinance 4245 (2014)

83.01.090 Vibration

- (a) **Vibration standard.** No ground vibration shall be allowed that can be felt without the aid of instruments at or beyond the lot line, nor shall any vibration be allowed which produces a particle velocity greater than or equal to two-tenths (0.2) inches per second measured at or beyond the lot line.
- (b) **Vibration measurement.** Vibration velocity shall be measured with a seismograph or other instrument capable of measuring and recording displacement and frequency, particle velocity, or acceleration. Readings shall be made at points of maximum vibration along any lot line next to a parcel within a residential, commercial and industrial land use zoning district.
- (c) **Exempt vibrations.** The following sources of vibration shall be exempt from the regulations of this Section.
 - (1) Motor vehicles not under the control of the subject use.

- (2) Temporary construction, maintenance, repair, or demolition activities between 7:00 a.m. and 7:00 p.m., except Sundays and Federal holidays.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

83.01.100 Waste Disposal

- (a) **Liquid waste disposal and runoff control.** No liquids of any kind shall be discharged into a public or private sewage or drainage system, watercourse, body of water, or into the ground, except in compliance with applicable regulations of the County Code, Title 23 (Waters) of the California Code of Regulations, the California Water Code, and related Federal regulations.
- (b) **Hazardous waste.** Refer to Chapter 84.11 (Hazardous Waste Facilities) for regulations relative to hazardous waste facilities.
- (c) **Solid waste disposal.** Refer to Chapter 84.24 (Solid Waste/Recyclable Materials Storage) for regulations relative to solid waste disposal.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

83.01.110 External Commercial or Industrial Activity on Private Property.

There shall be no unpermitted external commercial or industrial activity on properties subject to the County's jurisdiction between the hours of 9 p.m. and 7 a.m. that shall at any time impair the quiet enjoyment of neighboring property owners or residents or in any manner disturb the public peace.

Adopted Ordinance 4245 (2014)

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- (K) Monuments.
- (L) Noncommercial antennae up to 65 feet in residential land use zoning districts.
- (M) Observation and carillon towers.
- (N) Ornamental towers and spheres.
- (O) Radio and television station towers.
- (P) Residential chimneys, flues, smokestacks, and enclosures.
- (Q) Solar energy collectors in the RS (Single Residential) and RM (Multiple Residential) land use zoning districts. In other land use zoning districts, these structures shall be allowed up to 65 feet. These structures shall be set back from all property lines and habitable structures at least 100 percent of the height of the structure. For noncommercial windmills, refer to Chapter 84.26 (Wind Energy Systems). **Small solar collectors (less than three feet by three feet) are exempt from this requirement to be setback from property lines.**
- (R) Stairway housing.
- (S) Water tanks and water towers.
- (T) Distribution and transmission cables and towers.
- (U) Other roof structures and mechanical equipment similar to those listed above.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009); Amended Ordinance 4098 (2010); Amended Ordinance 4245 (2014)

83.02.050 Parcel Area Measurements and Exceptions

- (a) **Purpose.** The purpose of this Section is to provide regulations for parcel area standards required by this Development Code. The intent is to clarify the circumstances in which exceptions to the standards may be allowed and to provide uniform methods of calculating parcel areas and measuring parcel dimensions.
- (b) **Applicability.** Except as provided in this Chapter, all parcels of land shall conform to the parcel area standards in Division 2 (Land Use Zoning Districts and Allowed Land Uses) for the land use zoning districts in which the parcels are located.
- (c) **Allowed substandard parcels.** A legally created parcel having an area, width, or depth less than that required by an applicable standard provided in Division 2 (Land Use Zoning Districts and Allowed Land Uses) may be used or built upon, provided the development otherwise conforms to the requirements of this Development Code.

(d) **Exceptions to parcel area requirements.**

- (1) **Parcel area reduction as a result of government action for public purpose.** Where a parcel area or setback width or depth has been reduced by a government agency to not more than 25 percent below the minimum requirements identified in Division 2 (Land Use Zoning Districts and Allowed Land Uses), by condemnation, acquisition or dedication for a road, drain, or other public purpose, including any dedication as a result of a redistricting, Variance or Conditional Use Permit, the parcel area existing before reduction shall be what counts for meeting the requirements of this Development Code.
- (2) **Preservation of historic structures.** Parcels to be used for the preservation of historic structures or land uses may have less than the minimum parcel area required for the land use zoning district where located, provided that:
 - (A) The parcel's structure and/or use have been or may be deemed historic by an incorporated, nonprofit historic preservation organization.
 - (B) The site shall not be used for human habitation nor generate sewage effluent unless it is:
 - (I) Served by common sewage facilities; or
 - (II) Contains at least 40,000 square feet and the facilities meet the approval of the Environmental Health Services Division.
 - (C) The parcel owner shall grant an easement in perpetuity to the County or other governmental body empowered to accept the easement, restricting further development of the site to historic preservation purposes.
- (3) **Subdivision in compliance with Conditional Use Permit.** The subdivision of multi-family dwellings and mobile home parks in compliance with the conditions of an approved Conditional Use Permit shall not be held to the minimum parcel area requirements of the applicable land use zoning district.
- (4) **Subdivision where topographical constraints or created by aliquot part.** Metes and bounds subdivisions may have actual parcel areas that are 10 percent less than those required by the applicable land use zoning district, where the parcels either:
 - (A) Have topographical constraints; or
 - (B) Are created by aliquot part division (i.e., using a "proper divisor", which is any divisor of a given number other than the number itself).
- (e) **Parcel area calculations.** The minimum parcel area requirements identified in Division 2 (Land Use Zoning Districts and Allowed Land Uses) shall be calculated as follows:

- (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, small satellite dishes (less than 4' in diameter) that are mounted on the roof , 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. |
| Propane tanks in Mountain Region only when sited per California Fire Code and maintained in compliance with standards specified by Section 83.01.060 (Fire Hazards) | Allowed When screened from view | Not allowed | 4 ft. |
| Large freestanding photovoltaic or solar panels (9 sq. ft. or greater) | Not allowed | Not allowed | 10 ft. Minimum 5 ft. separation from rear parcel line |
| Attached patio roofs and similar residential structures having open, unwall 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 |

Table 83-5
Allowed Projections/Structures Within Setbacks

| Projections | Front and Street Side Setbacks | Interior Side Setbacks | Rear Setbacks |
|--|--|------------------------|--|
| 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, large satellite dishes (4 ft. or greater in diameter) | Not allowed | Not allowed | Allowed |
| Garages, carports, sheds and other similar uninhabitable detached, enclosed accessory structures in the Valley and Desert Region 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 carports, sheds and other similar, uninhabitable enclosed accessory structures in Mountain Region only that: <ul style="list-style-type: none"> • Limited to 1 story in height • Meet Administrative Criteria of Building Official • Occupy no more than 25% of rear yard • Adhere to 20% sideyard setback for front and rear property lines | Allowed for garages and carports only, but must maintain a 3 ft. setback from road right-of-way. 10 ft. minimum from existing edge of roadway pavement. Other structures not allowed. | Not allowed | Allowed for detached accessory structures only |
| 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. | | |

| Table 83-5 Allowed Projections/Structures Within Setbacks (continued) | | | |
|---|--|------------------------|--------------------|
| Projections | Front and Street Side Setbacks | Interior Side Setbacks | Rear Setbacks |
| Fences, screening, safety guardrails, walls along property lines | Allowed in compliance with Section 83.06.030 (General Height Limitations). | | |
| <ul style="list-style-type: none">Industrial land use zoning districtsCommercial land use zoning districtsAll other land use zoning districts. | 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 |
| | ----- 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. | | |
| <ul style="list-style-type: none">FlagpolesSculpture and similar decorationsTrees⁽¹⁾, shrubs⁽¹⁾, and landscaping with a screening effectUtility poles and lines located along property lines no closer than 1 foot from side property line (this includes small solar panels that are less than 9 sq. ft.)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.

CHAPTER 83.03 AFFORDABLE HOUSING INCENTIVES - DENSITY BONUS

Sections:

- 83.03.010 Purpose
- 83.03.020 Eligibility for Bonus, Incentives, or Concessions
- 83.03.030 Allowed Density Bonuses
- 83.03.040 Allowed Incentives or Concessions
- 83.03.050 Parking Requirements in Density Bonus Projects
- 83.03.060 Bonus and Incentives for Housing with Child Care Facilities
- 83.03.070 Continued Availability
- 83.03.080 Location and Type of Designated Units
- 83.03.090 Processing of Bonus Requests
- 83.03.100 Density Bonus Agreement
- 83.03.110 Control of Resale
- 83.03.120 Judicial Relief, Waiver of Standards

83.03.010 Purpose

As required by Government Code Section 65915, this Chapter offers density bonuses, and incentives or concessions for the development of housing that is affordable to the types of households and qualifying residents identified in Section 83.03.020 (Eligibility for Bonus, Incentives, or Concessions), below. This Chapter is intended to implement the requirements of Government Code Section 65915 *et seq.* and the Housing Element of the General Plan.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

83.03.020 Eligibility for Bonus, Incentives, or Concessions

In order to be eligible for a density bonus and other incentives or concessions as provided by this Chapter, a proposed housing development shall comply with the following requirements and shall satisfy all other applicable provisions of this Development Code, except as provided by Section 83.03.040 (Allowed Incentives or Concessions).

- (a) **Resident requirements.** A housing development proposed to qualify for a density bonus shall be designed and constructed so that it includes at least any one of the following:
 - (1) Ten percent of the total number of proposed units are for lower income households, as defined in Health and Safety Code Section 50079.5;
 - (2) Five percent of the total number of proposed units are for very low income households, as defined in Health and Safety Code Section 50105;

- (3) The project is a senior citizen housing development as defined in Civil Code Sections 51.3 and 51.12, or is a mobile home park that limits residency based on age requirements for housing older persons in compliance with Civil Code Sections 798.76 or 799.5; or
 - (4) Ten percent of the total dwelling units in a common interest development as defined in Civil Code Section 1351 are for persons and families of moderate income, as defined in Health and Safety Code Section 50093, provided that all units in the development are offered to the public for purchase.
- (b) **Applicant selection of basis for bonus.** For purposes of calculating the amount of the density bonus in compliance with Section 83.03.030 (Allowed Density Bonuses), below, the applicant who requests a density bonus shall elect whether the bonus shall be awarded on the basis of Subsections (a)(1), (2), (3), or (4), above.
- (c) **Bonus units shall not qualify a project.** A density bonus granted in compliance with Section 83.03.030 (Allowed Density Bonuses), below, shall not be included when determining the number of housing units that is equal to the percentages required by Subsection (a), above.
- (d) **Minimum project size to qualify for density bonus.** The density bonus provided by this Chapter shall be available only to a housing development of five or more dwelling units.
- (e) **Condominium conversion projects.** A condominium conversion project for which a density bonus is requested shall comply with the eligibility and other requirements in Government Code Section 65915.5.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

83.03.030 Allowed Density Bonuses

The Board shall determine the amount of a density bonus allowed in a housing development in compliance with this Section. For the purposes of this Chapter, "density bonus" means a density increase over the otherwise maximum allowable residential density under the applicable Land Use Plan designation and land use zoning district as of the date of application by the applicant to the County.

- (a) **Density bonus.** A housing development that complies with the eligibility requirements in Subsections 83.03.020(a)(1), (2), (3), or (4) shall be entitled to density bonuses as follows, unless a lesser percentage is proposed by the applicant.
- (1) **Bonus for units for lower income households.** A housing development that is eligible for a bonus in compliance with the criteria in Section 83.03.020(a)(1) (10 percent of units for lower income households) shall be entitled to a density bonus calculated as follows:

| Percentage of Low-Income Units Proposed | Percentage of Density Bonus |
|---|-----------------------------|
| 10 | 20 |
| 11 | 21.5 |
| 12 | 23 |
| 13 | 24.5 |
| 14 | 26 |
| 15 | 27.5 |
| 17 | 30.5 |
| 18 | 32 |
| 19 | 33.5 |
| 20 | 35 |

- (2) **Bonus for units for very low-income households.** A housing development that is eligible for a bonus in compliance with the criteria in Section 83.03.020(a)(2) (five percent of units for very low-income households) shall be entitled to a density bonus calculated as follows:

| Percentage of Very Low-Income Units Proposed | Percentage of Density Bonus |
|--|-----------------------------|
| 5 | 20 |
| 6 | 22.5 |
| 7 | 25 |
| 8 | 27.5 |
| 9 | 30 |
| 10 | 32.5 |
| 11 | 35 |

- (3) **Bonus for senior citizen development.** A housing development that is eligible for a bonus in compliance with the criteria in Section 83.03.020(a)(3) (senior citizen development or mobile home park) shall be entitled to a density bonus of 20 percent.
- (4) **Bonus for moderate-income units in common interest development.** A housing development that is eligible for a bonus in compliance with the criteria in Section 83.03.020(a)(4) (10 percent of units in a common interest development for persons and families of moderate income) shall be entitled to a density bonus calculated as follows:

| Percentage of Moderate-Income Units Proposed | Percentage of Density Bonus |
|--|--------------------------------|
| 10 | 5 |
| 11 | 6 |
| 12 | 7 |
| 13 | 8 |
| 14 | 9 |
| 15 | 10 |
| 16 | 11 |
| 17 | 12 |
| 18 | 13 |
| 19 | 14 |
| 20 | 15 |
| 21 | 16 |
| 22 | 17 |
| 23 | 18 |
| 24 | 19 |
| 25 | 20 |
| 26 | 21 |
| 27 | 22 |
| 28 | 23 |
| 29 | 24 |
| 30 | 25 |
| 31 | 26 |
| 32 | 27 |
| 33 | 28 |
| 34 | 29 |
| 35 | 30 |
| 36 | 31 |
| 37 | 32 |
| 38 | 33 |
| 39 | 34 |
| 40 | 35 |

- (5) **Density bonus for land donation.** When an applicant for a Final Map, Parcel Map, or other residential development approval donates land to the County in compliance with this Subsection, the applicant shall be entitled to a density bonus for the entire development, as follows; provided that nothing in this Subsection shall be construed to affect the authority of the County to require a developer to donate land as a condition of development.

- (A) **Basic bonus.** The applicant shall be entitled to a 15 percent increase above the otherwise maximum allowable residential density under the applicable

CHAPTER 83.05 DEDICATIONS AND INSTALLATIONS OF STREET AND TRAIL IMPROVEMENTS

Sections:

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

83.05.010 Purpose

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

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009); Amended Ordinance 4098 (2010)

83.05.020 Applicability

The requirements of this Chapter shall apply to all subdivision and single-parcel development. The road dedication and street improvement standards provided in this Chapter do not apply to: (1) the alteration or enlargement of an existing building or structure on a lot or parcel of land if the total square footage of such alteration or enlargement, and all other alterations or enlargements completed three (3) years prior to the date of the application for a permit for such alteration or enlargement, does not exceed one-half (1/2) of the original square footage of all buildings and structures on such lot or parcel of land, or (2) the erection of one or more accessory structures (not including accessory dwellings) as defined in Subsection 810.01.030(g) of the County Code. For purposes of this section, “original square footage” means the square footage of all buildings and structures that existed on such lot or parcel of land three (3) years prior to the date of the application for such permit.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009); Amended Ordinance 4181 (2012)

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

- (a) **Dedications required by approved plans or ordinances.** Before final inspection of structures, the dedication of additional street and/or highway right-of-way may, at the discretion of the Director of Public Works, be required to comply with the General Plan, an adopted specific plan, a Local Area Transportation Facilities Plan, or the provisions of any specific ordinance which has established a future right-of-way line.

- (b) **Dedications required in absence of approved plans or ordinances.** Where approved plans or ordinances do not exist, the required dedications shall be as follows:
- (1) **Desert Region.** In the Desert Region, a 44-foot half width on section lines and quarter section lines and a 30-foot half width on sixteenth section lines shall be required.
 - (2) **Mountain Region.** In the Mountain Region, a 20-foot half width from centerline shall be required; however, whenever the Director of Public Works waives this dedication requirement, a 10-foot half width shall be the absolute minimum required.
 - (3) **Valley Region.** In the Valley Region, additional right-of-way shall be required in compliance with road widths established by the General Plan after review by the Director of Public Works.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008); Amended Ordinance 4067 (2009)

83.05.040 Dedication and Installation of Trail Right-of-Way

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

- (2) The scenic corridor on either side of a proposed trail route, measured from the outside edge of the right-of-way, trail, or path shall be identified. Development along the scenic corridor shall be compatible with existing scenic qualities.
- (3) Signage shall indicate approved off-highway vehicle (OHV) trails or access areas and shall notify where OHV use is prohibited.
- (d) **Delayed improvements.** Delayed improvements may be allowed in compliance with Section 83.05.060 (Delayed Improvements).
- (e) **Waiver of Public Works requirements.** A waiver of the Public Works Department requirements may be allowed in compliance with Section 83.05.070 (Waiver of Public Works Requirements).

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

83.05.050 Installation of Street Improvements

- (a) **When installation of street improvements required.** Before final inspection of a structure or improvement resulting in an increase or change of vehicular traffic that necessitates the construction of street improvements for the purposes of protecting public safety and health, the installation of street improvements may, at the discretion of the Director of Public Works, be required in compliance with the current adopted County standards.
- (b) **Street improvements described.** Street improvements shall include any or all of the following:
 - (1) Curb and gutter.
 - (2) Sidewalks.
 - (3) Concrete driveway approaches.
 - (4) Drainage structures.
 - (5) Back filling and preparation of the road surface to rough grade for the placement of paving.
 - (6) Paving.
 - (7) Other necessary improvements as determined by the Director of Public Works.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

83.05.060 Delayed Improvements

- (a) **Dedication and installation required first.** The right-of-way dedication and installation of street improvements shall be required before the occupancy of the premises or commencement of uses.
- (b) **Delayed improvements allowed with written agreement.** Where it is impractical to install the required improvements at the time of the proposed development, a delayed improvement agreement in writing shall be entered into with the County Department of Public Works to make the improvements along with the posting of a form of surety described in subsection (c), herein. If the United States, the State of California, the County of San Bernardino, any other county, any municipal corporation, school district, other public district or public body includes in the delayed improvement agreement a written guarantee of payment of all costs for which the public district or public body may become liable to the County, then the posting of a form of surety described in subsection (c), herein, is not required from such public district or public body. The foregoing exemption to the surety requirement does not apply to subdivisions under the California Subdivision Map Act, Government Code Section 66410 et seq.
- (c) **Surety required.** A cash deposit, a surety bond, a developer lien agreement, or other form of surety acceptable to the County Department of Public Works in an amount equal to the estimated cost of the improvements as determined by the County Engineer, shall be posted with the County Department of Public Works to guarantee the installation of the improvements. The actual installation of street improvements may be delayed until the County makes a written demand for the installment. If surety bonds are submitted, they shall be furnished by a surety company authorized to write the bonds in the State of California. If a developer lien agreement is used, it shall be used only for residential subdivisions (as defined in Subsection 87.07.040(d)(1)), and commercial or industrial development and shall be prepared and processed in compliance with County policy.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009); Amended Ordinance 4180 (2012)

83.05.070 Waiver or Modification of Dedication and/or Street Improvement Requirements.

- (a) **Request for Waiver or Modification of Dedication and/or Street Improvement Requirements.** The Director and the Director of the Department of Public Works shall have the authority to approve a request for a waiver or modification, in whole or in part, of the dedication and/or street improvement requirements as defined in Subsection 83.05.050(b). Requests for a waiver or modification may be made by the applicant on the form made available by the Land Use Services Department or may be initiated by the Director or the Director of the Department of Public Works. Waivers or modifications initiated by the Director or the Director of the Department of Public Works may be made at any time during the development approval process. The waiver or modification must be approved by both the Director and the Director of the Department of Public Works.
- (1) **Findings Required.** Prior to granting any waiver or modification to the required dedication and/or street improvement requirements, the Director and the Director of the Department of Public Works shall make all of the following findings:

- (A) The waiver or modification would not adversely affect the environment, public health or safety.
 - (B) The waiver or modification would not create a financial impact to the County of San Bernardino or the San Bernardino County Flood Control District within ten (10) years from the date of the waiver or modification.
 - (C) The request for a waiver or modification is not based solely on the financial hardship to the applicant.
 - (D) The waiver or modification would not conflict with other County departments' or notified agencies' dedication and/or improvement requirements, or any foreseeable future needs for access or infrastructure.
 - (E) There is good cause shown for the waiver or modification and such waiver or modification would serve a public purpose.
- (2) **No Findings Required Under Certain Circumstances.** Notwithstanding Subsection 83.05.070(a)(1), a waiver or modification may be granted and no findings are required when the dedication and/or street improvement requirements of this Code, as applied to a particular project, would violate federal or state law or the United States Constitution or the State of California Constitution.
- (b) **Appeal of Action Taken by the Director and the Director of the Department of Public Works.**
- (1) A decision by the Director and the Director of the Department of Public Works pertaining to a request to waive or modify required dedications and/or street improvements may be appealed to the review authority of the subdivision or the development project's land use decision within ten (10) calendar days of receipt of the decision made by the Director and the Director of the Department of Public Works.
 - (2) In the event the development project is not subject to any discretionary land use decision, an appeal of the decision made by the Director and the Director of the Department of Public Works pertaining to a request to waive or modify required dedications and/or street improvements may be made to the County's Chief Executive Officer or designee within ten (10) calendar days of receipt of the decision made by the Director and the Director of the Department of Public Works.
 - (3) Any appeal of the decision of the Director and the Director of the Department of Public Works under this Subsection (b) may be appealed by the applicant or other affected party in compliance with the following provisions:

- (A) **Appropriate Forms.** Applications for an appeal shall be made on forms supplied by the Land Use Services Department.
- (B) **Appeal Submittals.** Applications for appeals shall be addressed and submitted to:
 - (I) For appeals described in Subsection 83.05.070(b)(1), to the review authority of the subdivision or the development project's land use decision.
 - (II) For appeals described in Subsection 83.05.070(b)(2), to the County's Chief Executive Officer.
- (C) **Grounds for Appeal.** Applications for an appeal shall include a written statement of the grounds upon which the appeal is based.
- (D) **Contents of Appeal Application.** The appeal application shall identify:
 - (I) The subject development project;
 - (II) The specific decision being appealed;
 - (III) The date of the appeal;
 - (IV) The justification for the appeal; and
 - (V) Any remedy or solution for which the appellant petitions.
- (E) **Appeal Shall Stay All Proceedings.** A properly filed application for appeal shall stay the proceedings in the matter appealed until a decision is rendered on the appeal.
- (F) **Notice of Appeal Required.**
 - (I) For appeals described in Subsection 83.05.070(b)(1), the review authority shall consider the appeal at the time it considers the subdivision or development project's land use decision. Within thirty (30) calendar days of the acceptance of an application for an appeal, the review authority shall set the matter for hearing and shall give notice of the date, time, and place of the hearing to the appellant, the applicant, and to any other party who has requested in writing to be so notified. In addition, notice shall also be given in the same manner and to the same entities as notice was given for the land use decision.

- (II) For appeals described in Subsection 83.05.070(b)(2), within thirty (30) calendar days of the acceptance of an application for an appeal, the County Administrative Office, on behalf of the Chief Executive Officer, shall set the matter for hearing and shall give notice of the date, time, and place of the hearing to the appellant, the applicant, and to any other party who has requested in writing to be so notified.

(G) Action on Appeal.

- (I) For appeals described in Subsection 83.05.070(b)(1), upon hearing the appeal, the review authority shall consider the record and any additional evidence that may be offered, and may affirm, reverse, or modify, in whole or in part, the decision appealed.
- (II) For appeals described in Subsection 83.05.070(b)(2), upon hearing the appeal, the County's Chief Executive Officer shall consider the record and any additional evidence that may be offered, and may affirm, reverse, or modify, in whole or in part, the decision appealed.

- (H) Applicable Criteria, Findings, and Requirements.** The review authority and the County's Chief Executive Officer are subject to all of the criteria, findings, and requirements imposed by this Code upon the original decision maker.

- (I) Withdrawal of Appeal.** An appeal may be withdrawn before the time that the review authority or the County's Chief Executive Officer issues a decision. The appellant or the appellant's representative shall notify the Land Use Services Department, and in the event of appeals under Subsection 83.05.070(b)(2) to the Chief Executive Officer, in writing that they wish to withdraw the appeal.

- (J) Appeal of the Land Use Decision.** If there is a land use decision for the development project, any appeal of the decision of the review authority, other than a decision by the Board of Supervisors which is final, regarding the waiver or modification may be further appealed by the applicant or other affected party along with the land use decision in compliance with Chapter 86.08 (Appeals).

- (K) Judicial Review.** No person shall seek judicial review of a County decision on the waiver or modification decision until all appeals have been first exhausted in compliance with the County Code.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009); Amended Ordinance 4098 (2010); Amended Ordinance 4242 (2014)

83.05.080 Building Official Determination

Before final inspection of a structure, the Building Official shall determine that all of the following have been accomplished:

- (a) Dedications have been provided.
- (b) Street improvements have either been installed or that a cash deposit, surety bond or other form of acceptable surety in an amount equal to the estimated cost of the street improvements has been posted with the County Department of Public Works to ensure the installation of the street improvements.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

CHAPTER 83.06 FENCES, HEDGES, AND WALLS

Sections:

- 83.06.010 Purpose
- 83.06.020 Applicability
- 83.06.030 General Height Limitations
- 83.06.040 Measurement of Fence or Wall Height
- 83.06.050 Walls Required Between Different Land Use Zoning Districts
- 83.06.060 Special Wall and Fencing Requirements
- 83.06.070 Prohibited Fence Materials

83.06.010 Purpose

The purpose of this Chapter is to establish requirements for fences, hedges, and walls to ensure that these elements do not unnecessarily block views and sunlight; provide adequate buffering between different land uses; provide screening of outdoor uses and equipment; and provide for the mitigation of noise. These requirements are designed to provide aesthetic enhancement of the County.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

83.06.020 Applicability

The provisions of this Chapter apply to all fences, hedges, and walls unless otherwise stated. These regulations do not apply to fences or walls required by regulations of a State or Federal agency, or by the County for reasons of public safety, or to retaining walls which are regulated by Section 83.02.070 (Setback Regulations and Exceptions).

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

83.06.030 General Height Limitations

Fences, hedges, and walls may be erected/maintained within required setback areas to the heights identified in Table 83-6, below. See also Figure 83-5.

| Table 83-6 Maximum Height of Fences, Hedges, and Walls Within Setbacks | | | | |
|--|--|--------------------|----------------------|-------------|
| Land Use Zoning Districts | Maximum Height in Setbacks ⁽¹⁾ | | | |
| | Front | Street Side | Interior Side | Rear |
| Commercial land use zoning districts ⁽²⁾ | 4 ft. | 4 ft. | 10 ft. | 10 ft. |
| Industrial land use zoning districts ⁽²⁾ | 6 ft. | 6 ft. | 10 ft. | 10 ft. |
| All other land use zoning districts | 4 ft. | 4 ft. | 6 ft. | 6 ft. |
| <p>Note:</p> <p>⁽¹⁾ 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 setbacks and street side setbacks.</p> <p>⁽²⁾ Projects adjacent to residential districts shall use the standard of "All other land use zoning district."</p> | | | | |

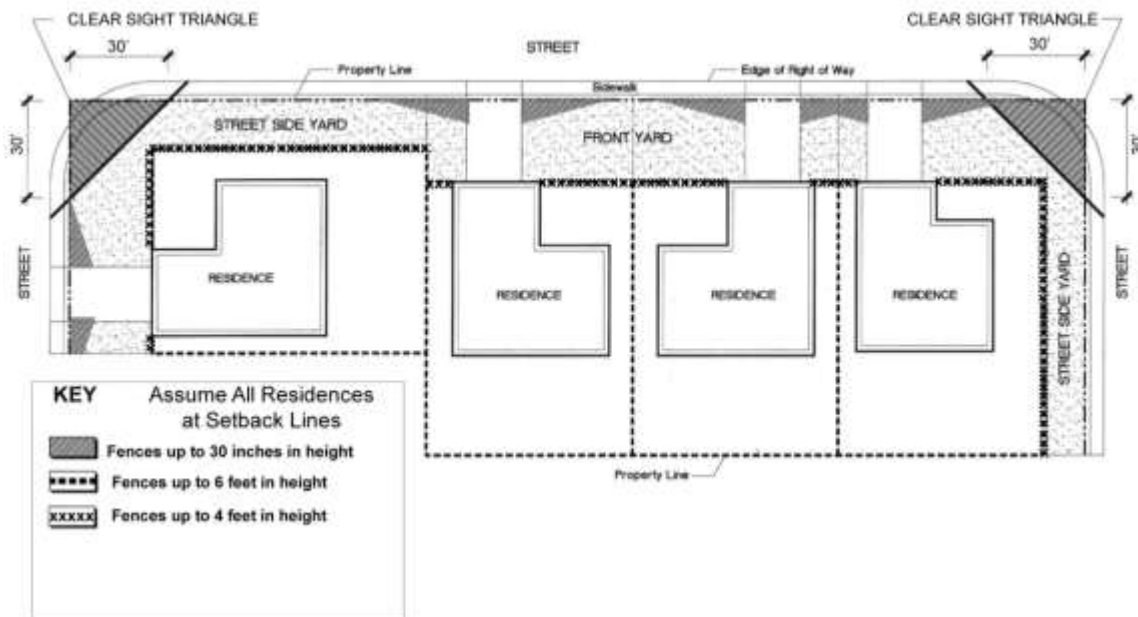


Figure 83-5
Allowed Fence Height in Residential Land Use Zoning Districts

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

83.06.040 Measurement of Fence or Wall Height

- (a) The height of a fence or wall shall be measured from the finished grade at the location in which the fence or wall is to be located.

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

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008); Amended Ordinance 4067 (2009)

83.06.050 Walls Required Between Different Land Use Zoning Districts

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

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

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

83.06.060 Special Wall and Fencing Requirements

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

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

83.06.070 Prohibited Fence Materials

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

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

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008); Amended Ordinance 4067 (2009)

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CHAPTER 83.07 GLARE AND OUTDOOR LIGHTING

Sections:

- 83.07.010 Purpose
- 83.07.020 Applicability
- 83.07.030 Glare and Outdoor Lighting - Valley Region
- 83.07.040 Glare and Outdoor Lighting - Mountain and Desert Regions

83.07.010 Purpose

The purpose of this Chapter is to encourage outdoor lighting practices and systems that will:

- (a) Minimize light pollution, glare, and light trespass;
- (b) Conserve energy and resources while maintaining nighttime safety, visibility, utility, and productivity;
- (c) Curtail the degradation of the nighttime visual environment.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

83.07.020 Applicability

The provisions of this Chapter shall apply to various types of outdoor lighting in the Valley Region, as specified in Section 83.07.030 and in the Mountain and Desert Regions, as specified in Section 83.07.040.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

83.07.030 Glare and Outdoor Lighting - Valley Region

This Section provides standards for outdoor lighting in the Valley Region.

- (a) **Light trespass prohibited.** Outdoor lighting of commercial or industrial land uses shall be fully shielded to preclude light pollution or light trespass on any of the following:
 - (1) An abutting residential land use zoning district;
 - (2) A residential parcel; or
 - (3) Public right-of-way.

- (b) **Determination of light trespass.** A determination of light trespass shall be made through a quantitative measurement utilizing a standard yardstick (3 ft x 1½ in.). The yardstick shall be placed at the building setback line in the complainant's yard. The yardstick shall be in contact with the ground or may be raised to window level of the dwelling and in a vertical position. The person taking the measurement shall then determine if a shadow is cast by the light source, that is, the light source, yardstick, and shadow shall be in alignment. Measurements shall not be taken when there is a moon in the night sky.
- (c) **Maximum allowed foot-candles.** Direct or indirect light from any light fixture shall not cause glare above five-tenths (0.5) foot-candles when measured at the property line of a residential land use zoning district, residential parcel, or public right-of-way. Light levels shall be measured with a photoelectric photometer, following the standard spectral luminous efficiency curve adopted by the International Commission on Illumination.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

83.07.040 Glare and Outdoor Lighting - Mountain and Desert Regions

This Section provides standards for outdoor lighting in the Mountain and Desert Regions, unless exempt in compliance with Subsection 83.07.040(e) (Exempt lighting and fixtures), below.

- (a) **Residential, commercial and industrial land use zoning districts.** The following standards shall apply to all structures and freestanding outdoor light fixtures in all land use zoning districts.
- (1) **Maximum height.** Residential pole lighting shall not exceed 12 feet in height.
 - (2) **Shielding requirements.** New permitted lighting for new construction, unless exempt in compliance with Subsection 83.07.040(e) (Exempt lighting and fixtures), below, shall be shielded in compliance with the requirements outlined in Table 83-7 (Shielding Requirements for Outdoor Lighting in the Mountain Region and Desert Region), in order to preclude light pollution or light trespass on:
 - (A) Adjacent property;
 - (B) Other property within the line of sight (direct or reflected) of the light source; or
 - (C) Members of the public who may be traveling on adjacent roadways or rights-of-way.

Table 83-7
Shielding Requirements For Outdoor Lighting
in the Mountain Region and Desert Region

| Fixture Lamp Type | Residential Area Shielded | Commercial/Industrial Area Shielded |
|--|--|--|
| Low Pressure Sodium | Fully | Fully |
| High Pressure Sodium | Prohibited except fully shielded on streets | Fully |
| Metal Halide | Prohibited | Fully |
| Fluorescent | Fully | Fully |
| Quartz | Prohibited | Fully |
| Incandescent > 60 Watts | Fully | Fully |
| Incandescent 60 Watts or less | No requirement | No requirement |
| Compact fluorescent lights (CFL) > 13 watts | Fully | Fully |
| Compact fluorescent lights (CFL) 13 watts or less | No requirement | No requirement |
| Glass Tubes filled with Neon, Argon, or Krypton | No requirement | No requirement |
| Mercury Vapor | Prohibited | Fully |
| Halogen | Prohibited | Fully |
| Searchlights for advertising purposes | Prohibited | Prohibited |
| Laser source light or similar light intensity light for advertising purposes | Prohibited when projected above the horizontal | Prohibited when projected above the horizontal |

- (b) **Determination of light trespass.** Light trespass shall be determined in compliance with Subsection 83.07.030(a), above.
- (c) **Additional standards for recreation facilities.** The following additional standards shall apply to recreational facilities:
- (1) Private recreational facilities shall not be illuminated between the hours of 11:00 p.m. and sunrise.
 - (2) Public recreational facilities shall not be illuminated unless the facilities are being utilized. The illumination shall be turned off no later than 11:00 p.m. or one hour after the termination of the event and/or use, whichever occurs last.
- (d) **Additional standards for off-site signs (billboards) and on-site signs.** Lighting fixtures used to illuminate a new off-site sign and exterior illuminated on-site signs shall be mounted on the top of the sign structure and shall comply with the shielding requirements in Table 83-7 (Shielding Requirements for Outdoor Lighting in the Mountain Region and Desert Region), above.

(e) **Exempt lighting and fixtures.** The following outdoor lighting fixtures shall be exempt from the requirements of this Section:

- (1) Fixtures producing light directly by the combustion of fossil fuels (e.g., kerosene lanterns, gas lamps, etc.).
- (2) Neon, argon or krypton outdoor lighting fixtures.
- (3) Outdoor lighting fixtures on facilities or lands owned, operated, or controlled by the United States Government or State of California. Voluntary compliance at those facilities is encouraged.
- (4) Emergency lighting operated by a public utility or agency during the course of repairing or replacing damaged facilities.
- (5) Emergency lighting and fixtures necessary to conduct rescue operations, provide emergency medical treatment, or address any other emergency situation.
- (6) Provided there is no light pollution, or light trespass, or when the lighting fixtures are regulated by motion detector, lighting fixtures within five feet of an entrance or exit door and/or alcove of a dwelling unit, not exceeding a height of eight feet and a wattage not exceeding 75 watts.
- (7) Internally illuminated signs.
- (8) Holiday lighting fixtures or displays.
- (9) Architectural lighting whether it is freestanding or attached to a structure that does not exceed an intensity of 60 watts.
- (10) Pedestrian lighting that does not have an intensity greater than 60 watts.
- (11) Vertical lighting for properly displayed U.S. and State of California flags that does not exceed an intensity of 140 watts.

(f) **Nonconforming lighting.**

- (1) Existing nonconforming outdoor lighting fixtures that were not regulated by previous development codes shall be allowed continued use, except that the lighting shall not be structurally altered so as to extend its useful life, aside from regular maintenance. If the Director determines that a nonconforming lighting fixture results in light pollution or light trespass, the Director may require the light to either be shielded, filtered, redirected, replaced with a less intense light source or otherwise modified (including removal if necessary) to eliminate the light pollution or light trespass.

- (2) In those cases where the Director has determined that light pollution or light trespass exists, the Director may grant additional time for the property owner to remedy the light pollution or light trespass where a hardship exists. In determining if a hardship exists, the following factors shall be considered:
 - (A) The degree of difficulty in accessing the fixture;
 - (B) Financial difficulty or cost of correcting the light pollution or light trespass;
 - (C) Degree of light pollution or light trespass; or
 - (D) Other similar issues.
- (3) When a hardship exists and a request for temporary relief from the immediate compliance of a remedy action has been submitted to the Director, the following findings shall be made to grant the relief:
 - (A) Special circumstances or conditions apply to the land, structure(s), or outdoor light fixtures for which temporary administrative relief is sought, and the circumstances or conditions are peculiar to the land, structure(s), or outdoor light fixtures and do not apply generally to the land, structure(s), or outdoor light fixtures in the neighborhood.
 - (B) The granting of the temporary administrative relief will generally be in harmony with the intent of this Section and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- (4) When a request for temporary relief has been submitted to the Department in a hardship case, the Director shall make a determination within 10 business days from the date of the submission of the request and promptly notify the applicant in writing of the decision. Temporary relief shall not exceed a period of 90 days. The Director's determination may be appealed to the Commission within 10 days of the decision. Should additional time be required, the request shall be forwarded to the Commission for review and consideration through the Temporary Use Permit process in compliance with Chapter 85.15 (Temporary Use Permits).
- (5) The Director may forward the request for temporary relief to the Commission based upon the degree of light pollution or light trespass, costs of correcting the light pollution or light trespass, or other similar issues.
- (6) In those cases where the Director has determined that light pollution or light trespass exists, and that adjustment or removal of the nonconforming light structure is required, the Director shall fix a time for the adjustment or removal of the nonconforming lighting fixture commensurate with the investment value and related to the depreciated value of the lighting fixture. The determination may only be made after notice to the owner.

- (7) Where the Director has determined the continued existence of a nonconforming light is detrimental to the public health, safety or general welfare, or is a public nuisance, the use of the light may be immediately terminated or abated in compliance with the following procedure:
 - (A) A public hearing before the Commission shall be used to process this termination or abatement.
 - (B) A Notice of Termination and a copy of the findings shall be sent to the property owner at least 30 days before the public hearing. Public notice shall be given in compliance with Chapter 86.07 (Public Hearings).
 - (C) If a termination 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 later application to the reviewing authority by any affected person.
- (8) In commercial and industrial land use zoning districts, 50 percent of all nonconforming lighting fixtures within parking lots or within open lot sale areas shall be turned off within one hour after closing or between the hours of 10:00 p.m. and sunrise, whichever occurs first.
 - (A) In those cases where turning off 50 percent of the nonconforming lighting fixtures would constitute a hardship, the Director may grant an administrative exemption based on the following findings:
 - (I) Special circumstances or conditions apply to the land, structure(s), or outdoor light fixtures for which temporary administrative relief is sought, and the circumstances or conditions are peculiar to the land, structure(s), or outdoor light fixtures and do not apply generally to the land, structure(s) or outdoor light fixtures in the neighborhood;
 - (II) The strict application of this Section would deprive the applicant reasonable use of the land, structure(s), or outdoor fixtures;
 - (III) The granting of the temporary administrative relief will generally be in harmony with the intent of this Section and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
 - (B) When a request for an administrative exemption has been submitted to the Department in a hardship case, the Director shall make a determination within 10 business days from the date of the submission of the request for an administrative exemption and promptly notify the applicant in writing of the decision. The Director shall determine the period of administrative exemption consistent with Section 83.07.040(f)(8)(D). The Director's determination may be appealed to the Commission within 10 days of the decision. Should additional time be required, the request shall be forwarded to the Commission for review and consideration through the Temporary

Use Permit process in compliance with Chapter 85.15 (Temporary Use Permits).

- (C) The Director may forward the request for an administrative exemption to the Commission based upon the degree of light pollution or light trespass, costs of correcting the light pollution or light trespass or other similar issues.
- (D) In those cases where the Director determines that turning off 50 percent of the nonconforming lighting fixtures is a hardship to the business operator, the Director shall fix a time for the termination of the use of the nonconforming lighting fixture commensurate with the investment value and related to the depreciated value of the lighting fixture. The determination may only be made after notice to the owner.
- (E) In those cases where the Director has determined that light pollution or light trespass still exists even when 50 percent of all nonconforming lights are turned off, and that adjustment or removal of the nonconforming light structure(s) is required, the Director shall fix a time for the adjustment or removal of the nonconforming lighting fixture(s) commensurate with the investment value and related to the depreciated value of the lighting fixture. The determination may only be made after notice to the owner.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009); Amended Ordinance 4245 (2014)

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CHAPTER 83.09 INFRASTRUCTURE IMPROVEMENT STANDARDS

Sections:

- 83.09.010 Purpose
- 83.09.020 Applicability
- 83.09.030 Infrastructure Improvement Standards - Valley Region
- 83.09.040 Infrastructure Improvement Standards - Mountain Region
- 83.09.050 Infrastructure Improvement Standards - Desert Region

83.09.010 Purpose

The purpose of this Chapter is to establish the infrastructure improvements required for proposed development in order to ensure that the development does not result in fiscal liabilities to County residents. The intent is to require an appropriate range of infrastructure facilities and services to support areas of high intensity development and areas of low intensity development. The requirements are based upon the direct relationship between the intensity of land uses and the amounts of facilities and services that are needed to support the uses.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

83.09.020 Applicability

The standards provided in this Chapter apply to all new residential and nonresidential subdivisions and non-residential development in the Valley Region, Mountain Region, and Desert Region of the County. Where indicated, some of these standards may apply to ministerial permits (e.g., Building Permits). Infrastructure requirements for residential development on existing lots of record are listed in Section 84.21.030 (Minimum Residential Construction Standards) and Section 84.16.040 (Development Standards Applicable to All Multi-Family Projects).

The road dedication and street improvement standards provided in this Chapter do not apply to: (1) the alteration or enlargement of an existing building or structure on a lot or parcel of land if the total square footage of such alteration or enlargement, and all other alterations or enlargements completed three (3) years prior to the date of the application for a permit for such alteration or enlargement, does not exceed one-half (1/2) of the original square footage of all buildings and structures on such lot or parcel of land, or (2) the erection of one or more accessory structures (not including accessory dwellings) as defined in Subsection 810.01.030(g) of the County Code. For purposes of this section, “original square footage” means the square footage of all buildings and structures that existed on such lot or parcel of land three (3) years prior to the date of the application for such permit.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009); Amended Ordinance 4181 (2012)

83.09.030 Infrastructure Improvement Standards - Valley Region

Table 83-9 identifies the infrastructure improvements required for all new residential and nonresidential subdivisions and non-residential development in the Valley Region.

**Table 83-9
Infrastructure Improvement Standards
Valley Region**

| STANDARDS | Residential and Agricultural Land Uses (Lot sizes are the size of the resultant parcels after subdivision) | | | Commercial and Institutional Land Uses | Industrial Land Uses |
|--|--|---|----------------------------|---|-------------------------|
| | 1 acre or less | More than 1 to less than 2.5 acres | 2.5 acres or greater | All lot sizes | All lot sizes |
| | Y = Yes | NA = Not Allowed | N = Not required | | |
| Legal and physical access | Y | Y | Y | Y | Y |
| Grants of Easements ⁽¹⁾⁽⁹⁾ | Y | Y | Y | Y | Y |
| Paved Access ⁽⁹⁾ | | | | | |
| Internal access (internal roads) | Y | Y | Y | Y | Y |
| Perimeter access (road abutting subject property) | Y | Y | Y | Y | Y |
| Off-site access (paving to nearest paved road) | Y | Y | Y | Y | Y |
| Curbs and gutters ⁽²⁾⁽⁹⁾ | Y | Y | Y ⁽³⁾ | Y | Y |
| Sidewalks ⁽²⁾⁽⁹⁾ | Y (2 sides) | Y ⁽⁴⁾ (1 side) | N | Y | Y |
| Street lights | | | | | |
| Standard spacing including intersections | Y | N | N | Y | Y |
| Intersections only | N | N | Y | N | N |
| Water | | | Y | | |
| Water purveyor ⁽⁵⁾ | Y | Y | or | Y | Y |
| Substantiated well water | NA | NA | Y ⁽⁶⁾ | N | N |
| Sanitation | | | | | |
| Sewer ⁽⁷⁾ | Y or | Y or | Y or | Y | Y |
| Septic systems ⁽⁸⁾ | Y | Y | Y | N | N |
| Drainage improvements ⁽⁹⁾ | Y | Y | Y | Y | Y |
| Fireflow | Y | Y | Y | Y | Y |

(1) Necessary rights-of way for transportation and circulation, drainage and flood control facilities, and utilities included.

(2) These requirements may be waived within infill areas where there is no plan or financing mechanism in place to provide such improvements to other existing properties and where, as a result, such improvements will not be connected to other infrastructure.

(3) The Public Works Department shall require curbs and gutters, if necessary, to control vehicle access and street drainage. May be required by Caltrans on State highways.

(4) Sidewalks may be required on both sides of the street by the Public Works Department if needed for pedestrian safety.

(5) Projects shall connect to a water purveyor when the nearest property line is within 200 ft. of a water line. This requirement shall be increased by 100 ft. for each dwelling unit in the project.

(6) Individual well allowed if no water purveyor is available and when consistent with Water Master requirements in adjudicated groundwater basins.

(7) Sewers shall be required within established sewer service districts and outside such districts when required by the WQCB. Projects shall connect to a sewer system when the nearest property line is within 200 ft. of a sewer line. This requirement shall be increased by 100 ft. for each dwelling unit in the project.

(8) Septic systems are allowed only if the subject parcel is larger than one-half acre or meets WQCB requirements.

(9) **Waivers or modifications to these requirements may be considered pursuant to Section 83.05.070 of this Code.**

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009); Amended Ordinance 4242 (2014)

83.09.040 Infrastructure Improvement Standards - Mountain Region

Table 83-10 identifies the infrastructure improvements required for all new residential and nonresidential subdivisions and non-residential development in the Mountain Region.

Table 83-10
Infrastructure Improvement Standards
Mountain Region

| STANDARDS | Residential and Agricultural Land Uses (Lot sizes are the size of the resultant parcels after subdivision) | | | Commercial and Institutional Land Uses | Industrial Land Uses |
|--|---|---|-----------------------------|---|----------------------------|
| | 1 acre or less | More than 1 to less than 2.5 acres | 2.5 acres or greater | All lot sizes | All lot sizes |
| | Y = Yes NA = Not Allowed N = Not required | | | | |
| Legal and physical access | Y | Y | Y | Y | Y |
| Grants of Easements ⁽¹⁾⁽¹⁰⁾ | Y | Y | Y | Y | Y |
| Paved Access ⁽¹⁰⁾ | | | | | |
| Internal access (internal roads) | Y | Y | N | Y | Y |
| Perimeter access (roads abutting subject property) | Y | Y | Y | Y | Y |
| Off-site access (paving to nearest paved road) | Y | Y | Y | Y | Y |
| Curbs and gutters ⁽²⁾⁽³⁾⁽¹⁰⁾ | Y | Y | N | Y | Y |
| Sidewalks ⁽³⁾⁽⁴⁾⁽¹⁰⁾ | N | N | N | Y | N |
| Street lights at intersections only (collectors or higher) ⁽⁵⁾ | Y | Y | N | Y | Y |
| Water | | | | | |
| Water purveyor ⁽⁶⁾ | Y | Y | Y or Y ⁽⁷⁾ | Y or Y ⁽⁷⁾ | Y |
| Substantiated well water | NA | NA | | | N |
| Sanitation | | | | | |
| Sewer ⁽⁸⁾ | Y or Y | Y or Y | Y or Y | Y N | Y N |
| Septic systems ⁽⁹⁾ | | | | | |
| Drainage improvements ⁽¹⁰⁾ | Y | Y | N | Y | Y |
| Fireflow | Y | Y | Y | Y | Y |

(1) Necessary rights-of way for transportation and circulation, drainage and flood control facilities, and utilities included.

(2) The Public Works Department shall require curbs, gutters and sidewalks if necessary to control vehicle access, street drainage, and to provide pedestrian safety. Curb and gutters may be required by Caltrans on State highways.

(3) These requirements may be waived within infill areas where there is no plan or financing mechanism in place to provide such improvements to other existing properties and where, as a result, such improvements will not be connected to other infrastructure.

(4) Sidewalks may be required on both sides of the street by the Public Works Department if needed for pedestrian safety.

(5) Shall be in compliance with the requirements of Chapter 83.07 (Glare and Outdoor Lighting).

(6) Projects shall connect to a water purveyor when the nearest property line is within 200 ft. of a water line. This requirement shall be increased by 100 ft. for each dwelling unit in the project.

(7) Individual well allowed if no water purveyor is available for residential and institutional uses.

(8) Sewers shall be required within established sewer service districts and outside such districts when required by the WQCB. Projects shall connect to a sewer system when the nearest property line is within 200 ft. of a sewer line. This requirement shall be increased by 100 ft. for each dwelling unit in the project.

(9) Septic systems are allowed only if the subject parcel is larger than one-half acre or meets WQCB requirements.

⁽¹⁰⁾ Waivers or modifications to these requirements may be considered pursuant to Section 83.05.070 of this Code.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009); Amended Ordinance 4242 (2014)

83.09.050 Infrastructure Improvement Standards - Desert Region

Table 83-11 identifies the infrastructure improvements required for all new residential and nonresidential subdivisions and non-residential development in the Desert Region.

Table 83-11
Infrastructure Improvement Standards
Desert Region

| STANDARDS | Residential and Agricultural Land Uses (Lot sizes are the size of the resultant parcels after subdivision) | | | Commercial and Institutional Land Uses | Industrial Land Uses |
|---|---|------------------------------|------------------------------|--|------------------------------|
| | Less than 1 acre | 1 to less than 2.5 acres | 2.5 acres or greater | All lot sizes | All lot sizes |
| | Y = Yes NA = Not Allowed N = Not required | | | | |
| Legal and physical access | Y | Y | Y | Y | Y |
| Grants of Easements ⁽¹⁾⁽¹⁶⁾ | Y | Y | Y | Y | Y |
| Paved Access ⁽¹⁶⁾ | | | | | |
| Internal access (internal roads) | Y | Y | Y ⁽²⁾⁽³⁾ | Y ⁽⁴⁾ | Y ⁽⁴⁾ |
| Perimeter access (roads abutting subject property) | Y | Y ⁽²⁾⁽³⁾ | Y ⁽²⁾⁽³⁾ | Y | Y |
| Off-site access (paving to nearest paved road) | Y | Y ⁽²⁾⁽³⁾ | Y ⁽²⁾⁽³⁾ | Y | Y |
| Curbs and gutters ⁽⁵⁾⁽⁶⁾⁽¹⁶⁾ | Y | N ⁽⁷⁾ | N ⁽⁷⁾ | N ⁽⁷⁾ | N ⁽⁷⁾ |
| Sidewalks ⁽⁶⁾⁽¹⁶⁾ | Y (2 sides) | Y ⁽⁸⁾ (1 side) | N | N ⁽⁸⁾ | N ⁽⁸⁾ |
| Street lights | | | | | |
| Standard spacing including intersections ⁽⁹⁾ | Y | N | N | Y | Y |
| Intersections only ⁽⁹⁾ | N | Y | N | N | N |
| Water | | | | | |
| Water purveyor ⁽¹⁰⁾ | Y | Y ⁽¹¹⁾ | Y or Y ⁽¹²⁾ | Y or Y ⁽¹²⁾ | Y or Y ⁽¹²⁾ |
| Substantiated well water | NA | N ⁽¹¹⁾ | | | |
| Sanitation | | | | | |
| Sewer ⁽¹³⁾ | Y | Y | N | Y | Y |
| Septic systems ⁽¹⁴⁾ | or Y | or Y | Y | or Y | or Y |
| Drainage improvements ⁽¹⁶⁾ | Y | Y | Y | Y | Y |
| Fireflow ⁽¹⁵⁾ | Y | Y | Y | Y | Y |

⁽¹⁾ Necessary rights-of way for transportation and circulation, drainage and flood control facilities, and utilities included.

⁽²⁾ This requirement shall not apply to subdivisions where the resultant parcel sizes are at least twice the minimum lot size for the land use zoning district in which they are located.

⁽³⁾ This requirement applies to all subdivisions creating 5 or more parcels. It will not apply to subdivisions created by Parcel Map unless the subdivision is adjacent to an existing paved road.

⁽⁴⁾ Required on driveway approach when accessed from a paved road. For alternate paving standards in parking areas, refer to Section 83.11.090 (Parking and Loading Development Standards).

⁽⁵⁾ A rolled asphalt berm may be substituted at the discretion of Public Works.

⁽⁶⁾ These requirements may be waived within infill areas where there is no plan or financing mechanism in place to provide such improvements to other existing properties and where, as a result, such improvements will not be connected to other infrastructure.

⁽⁷⁾ The Public Works Department shall require curbs and gutters, if necessary, to control vehicle access and street drainage. May be required by Caltrans on State highways.

⁽⁸⁾ Sidewalks may be required on both sides of the street by the Public Works Department if needed for pedestrian safety.

- (9) Shall be in compliance with the requirements of Chapter 83.07 (Glare and Outdoor Lighting).
- (10) Projects shall connect to a water purveyor when the nearest property line is within 200 ft. of a water line. This requirement shall be increased by 100 ft. for each residential lot in the project.
- (11) This requirement applies to all subdivisions creating 5 or more parcels. It will also apply to subdivisions created by Parcel Map if the provisions of Section 83.09.060 cannot be met.
- (12) Individual well allowed if no water purveyor is available and when consistent with Water Master requirements in adjudicated groundwater basins.
- (13) Sewers shall be required within established sewer service districts and outside such districts when required by the WQCB. Projects shall connect to a sewer system when the nearest property line is within 200 ft. of a sewer line. This requirement shall be increased by 100 ft. for each residential lot in the project.
- (14) Septic systems are allowed only if the subject parcel is consistent with the WQCB requirements or is not within sewer service district.
- (15) Shall not be required for single-family dwellings and accessory structures on parcels of 2.5 acres or greater where such structures are located 50 ft. from the property lines. Structures on the same parcel shall be separated in compliance with County fire standards.
- (16) **Waivers or modifications to these requirements may be considered pursuant to Section 83.05.070 of this Code.**

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009); Amended Ordinance 4242 (2014)

83.09.060 Infrastructure Improvement Standards - Desert Region

The water and sanitation provisions in Table 83-11 shall be met for proposed subdivisions created by Parcel Map in the Desert Region unless the following standards can be met:

- (a) Wells shall be setback from all leach lines by 100 feet and from seepage pits by 150 feet.
- (b) Wells shall be set back from all property lines where no leach lines exist on the adjacent property by 50 feet.
- (c) Septic systems with leach lines shall be setback from all wells by 100 feet.
- (d) Septic systems with leach lines shall be setback from property lines where no leach lines exist on the adjacent property by 50 feet.
- (e) Septic systems with seepage pits shall be setback from all wells by 150 feet.
- (f) Septic systems with seepage pits shall be setback from property lines where no leach lines exist on the adjacent property by 75 feet.
- (g) Applicants providing a preliminary Composite Development Plan showing the envelope locations of the building/house pad, septic tanks/pits/leach fields, and water well do not have to meet these requirements for the requirements listed above when supporting engineering data is provided demonstrating feasibility of septic systems and wells. The location will be denoted on the final Composite Development Plan that accompanies a Final Map or Parcel Map.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

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CHAPTER 83.10 LANDSCAPING STANDARDS

Sections:

| | |
|-----------|--|
| 83.10.010 | Purpose |
| 83.10.020 | Applicability |
| 83.10.030 | Exemptions from the Landscaping Requirements |
| 83.10.040 | Modification to the Landscaping Requirements |
| 83.10.050 | Landscape Documentation Package |
| 83.10.060 | Landscape Area Requirements |
| 83.10.070 | Landscape Standards |
| 83.10.080 | Regional Landscaping Standards |
| 83.10.090 | Irrigation Scheduling and Maintenance Required |
| 83.10.100 | Landscape Certificate of Completion |
| 83.10.110 | Non-potable/Recycled Water |
| 83.10.120 | Stormwater Management |

83.10.010 Purpose

The purpose of this Chapter is to:

- (a) Enhance the aesthetic appearance of the County by providing standards related to the quality and functional aspects of landscaping and to recognize that landscapes are essential to the quality of life within County by providing areas for active and passive recreation. Additionally, landscapes are an enhancement to the environment by benefiting air and water quality, helping to prevent and manage erosion, offering fire protection, and helping to replace valuable ecosystems that may be lost during development.
- (b) Increase the compatibility between abutting land uses and public rights-of-way by providing landscape screening and buffers.
- (c) Protect public health, safety, and welfare by preserving property values and enhancing pedestrian and vehicular traffic and safety.
- (d) Provide for the conservation and protection of water resources through the efficient use of water; appropriate use of plant materials suitable for climate and location; regular maintenance of landscaped areas; and provide standards that are as effective in conserving water as the State Model Water Efficient Landscape Ordinance, and recognize the following:
 - (1) The waters of the State of California are of limited supply and are subject to ever increasing demands from new land uses, existing land uses, residents of the State, and more;

- (2) The continuation of the economic prosperity of the state and the County is dependent upon the availability of adequate water supplies for the future and future development.
- (e) Retain the land's hydrological role within the County's three main watersheds; Santa Ana, Lahontan, and Colorado and promote the infiltration of surface water into the groundwater tables.
- (f) Preserve existing natural vegetation, while incorporating the use of native plants, plant communities, and ecosystems into landscaping design, where possible.
- (g) Establish effective coordination with neighboring and local agencies, which promote benefits of consistent landscape ordinances and standards in accomplishing the common goal of managing the County's water supply and quality.
- (h) Promote the conservation of potable water by utilizing the use of recycled water and other water conserving technology, where possible.
- (i) Promote public education about water conservation and efficient water management.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009); Amended Ordinance 4136 (2011); Amended Ordinance 4245 (2014)

83.10.020 Applicability

- (a) A landscape document package shall be submitted for review and approval for the following projects:
 - (1) All new and rehabilitated landscapes associated with homeowner installed residential uses (including single residential units/projects) with a total landscape area that is 5,000 square feet or greater.
 - (2) All new and rehabilitated landscapes associated with any developer-installed residential uses (including single and multiple residential projects) with a total landscape area that is 2,500 square feet or greater.
 - (3) All new and rehabilitated landscapes associated with any owner and/or developer installed commercial, institutional, and/or industrial uses with a total landscape area that is 2,500 square feet or greater.
 - (4) **All new and rehabilitated landscapes within cemeteries.** These projects need only prepare a water budget that specifies the facilities Maximum Applied Water Allowance (MAWA) and Estimated Annual Water Use (EAWU), and they must meet the provisions set forth in Sections 83.10.100 and 83.10.120 of this Chapter.
 - (5) **Existing uses and structures.** If existing physical constraints on the site (e.g., structures, parking, circulation, etc.) limit the amount of landscaping that can be provided, whatever additional landscaping the site can accommodate towards meeting the landscape area requirements of this Chapter shall be provided.

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

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

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

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

Table 83-15
Parking Requirements by Land Use

| Uses | Number of Spaces Required |
|--|--|
| Food establishments with take-out provisions only | <ul style="list-style-type: none"> ▪ 1 for each 200 s.f. of GLA; and ▪ 1 for each facility vehicle ▪ 4 minimum |
| General retail | <ul style="list-style-type: none"> ▪ 1 for each 250 s.f. of GLA ▪ 4 minimum |
| Restaurants, in the Valley and Desert Regions, including drive-ins, cafes, night clubs, taverns, and other similar places where food or refreshment are dispensed | <p>The greater of the following:</p> <ul style="list-style-type: none"> ▪ 1 for each 100 s.f. of GLA; or ▪ 1 for each 3 fixed seats and/or 1 for every 50 s.f. of floor area where seats may be placed; or ▪ 10 minimum |
| Restaurants in the Mountain Region, including drive ins, cafes, and other similar places that have 5,000 s.f. of GLA or less, where food or refreshment are dispensed and where no alcoholic beverages of any type are sold or served | 1 space per 250 square feet of GLA with a 4 space minimum |
| Restaurants in the Mountain Region, including drive ins, cafes, and other similar places that have over 5,000 s.f. of GLA where food or refreshment are dispensed, regardless of whether or not alcoholic beverages are served | 1 space per 100 square feet of GLA with a 4 space minimum |
| Restaurants in the Mountain Region, including drive ins, cafes, and other similar places where food or refreshment are dispensed and where alcoholic beverages are sold under State Alcoholic Beverage Control license types 42 (bar/tavern) or 48 ((bar/night club), regardless of the square footage of the restaurant | 1 space per 100 square feet, regardless of GLA with a 4 space minimum |
| Restaurants in the Mountain Region, including drive ins, cafes, and other similar places where food or refreshment are dispensed and where alcoholic beverages are sold under State Alcoholic Beverage Control license type 47 (restaurant) | <p>1 space per 250 square feet of GLA with 5,000 square feet or less of GLA with a 4 space minimum</p> <p>1 space per 100 square feet of GLA for restaurant uses over 5,000 square feet of GLA with a 4 space minimum</p> |
| Shopping centers (projects over 200,000 s.f. of floor area) | <ul style="list-style-type: none"> ▪ 1 for each 200 s.f. of GLA up to 100,000 sf; and ▪ 1 for each 250 s.f. of GLA for square footage above 100,000 s.f. |
| Wholesale commercial nurseries | ▪ 1 for each 500 s.f. of display area |
| Services -- General | |
| Beauty and nail salons | ▪ 2 for each station |
| Child care centers | ▪ 1 for each 5 children that the facility is designed to accommodate |
| Emergency shelter | ▪ 1 for each guest room |
| Hospital | ▪ 1 for each 2 patient beds |
| Medical offices, clinics, veterinary hospital | ▪ 1 for each 250 s.f. of GLA |
| Motels, hotels, and boarding house | ▪ 1 for each unit/room |
| Licensed Residential care facility of 6 or fewer persons | ▪ 2, one shall be covered on the same site with the primary structure ⁽²⁾ |
| Licensed Residential care facility of 7 or more persons | <ul style="list-style-type: none"> ▪ 1 for each bedroom ▪ 1 for the house manager, staff member or employee |
| Offices, general, financial, business and professional uses | ▪ 1 for each 250 s.f. of GLA |
| Personal services | ▪ 1 for each 250 sq. ft. of GLA |
| Short-Term Private Home Rental | ▪ 1 for each bedroom |

| Table 83-15 Parking Requirements by Land Use | |
|--|---|
| Uses | Number of Spaces Required |
| Unlicensed Residential Care Facility with 6 or fewer persons | <ul style="list-style-type: none"> 1 for each bedroom 1 for the house manager, staff member or employee |
| Unlicensed Residential Care Facility with 7 or more persons | <ul style="list-style-type: none"> 1 for each bedroom 1 for the house manager, staff member or employee |
| Other Uses | |
| Bed and breakfast | <ul style="list-style-type: none"> 1 for each guest room |
| Home occupations | <ul style="list-style-type: none"> 1 for each nonresident employee in addition to residential requirements |
| On-Your-Lot builder model home/sales office | <ul style="list-style-type: none"> 2 per office 2 for visitors |
| <p>(1) Twenty-four (24") linear inches of bench or pew shall be considered a fixed seat.</p> <p>(2) Residential parking spaces shall be located to the rear of the front setback line, except that in the Mountain Region, the parking spaces may be located within the setback areas. Tandem parking is not allowed except in the Mountain Region. Areas outside the driveway in front of the primary structure, whether outside the front yard setback or not, shall not be used for parking. In the Valley and Desert Regions, the covered parking requirement only applies to the RS and RM Land Use Zoning Districts.</p> <p>(3) In dormitories, each 100 square feet shall be considered equivalent to a guest room.</p> <p>(4) Nonresidential uses shall provide a minimum of four spaces with an additional parking space for each facility vehicle, except where otherwise noted.</p> | |

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008); Amended Ordinance 4067 (2009); Amended Ordinance 4161 (2012); Amended Ordinance 4230 (2014); Amended Ordinance 4245 (2014)

83.11.050 Adjustments to Parking Requirements

- (a) **Shared parking reduction.** Where two or more adjacent nonresidential uses have distinct and differing peak parking usage periods, (e.g. a theater and a bank), a reduction in the required number of parking spaces may be approved by the Commission based on the findings and recommendations of a parking study prepared by a qualified parking or traffic consultant. The amount of reduction may be up to the number of spaces required for the least intensive of the uses sharing the parking.
- (c) **Transportation control measures.** Parking requirements may be adjusted in compliance with the provisions of Chapter 83.14 (Transportation Control Measures). An approved Conditional Use Permit/Minor Use Permit (Chapter 85.06) may authorize adjustments to parking requirement not to exceed individually or cumulatively 10 percent of the total required parking spaces, as depicted in Table 83-16.

- (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); Amended Ordinance 4067 (2009)

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); Amended Ordinance 4067 (2009)

83.13.110 Enforcement

- (a) In addition to the following provisions, violations of this Chapter shall be enforced in compliance with the provisions of **Chapter 86.09** (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); Amended Ordinance 4067 (2009); Amended Ordinance 4245 (2014)

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.

Adopted Ordinance 4011 (2007); Amended Ordinance 4057 (2008); Amended Ordinance 4067 (2009); Amended Ordinance 4098 (2010)

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. **Existing residential structures are exempt from this maximum square footage requirement.**
- (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); Amended Ordinance 4067 (2009); Amended Ordinance 4098 (2010)

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.** Except in the Mountain Region, structures and uses such as cabanas, tennis courts, ramadas, water towers and wells, swimming pools, storage buildings shall not extend in front 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. Except in the Mountain Region, detached storage structures shall not extend in front of the primary structure where the primary structure faces a right-of-way.
- (g) **Freight containers and similar storage-type structures.**
- (1) Freight containers, railroad cars, intermodal containers, and other similar storage-type structures shall be allowed as accessory structures in the RS (Single Residential) or RM (Multiple Residential) land use zoning districts provided that they are structurally altered to be similar to, and compatible with, the appearance of the on-site primary structure and the surrounding neighborhood and setting, subject to the satisfaction of the Director through an approved Compatibility Determination [see Subsection (l) below]. Such railroad car, container or similar storage-type structure shall be placed behind the primary structure and not prominently visible from the street.

- (2) Freight containers, railroad cars, intermodal containers, and other similar storage-type structures shall be allowed as accessory structures in the Agriculture (AG) or Rural Living (RL) land use zoning districts provided that they shall be altered, either painted or structurally altered, to appear to be similar to, and compatible with, the appearance of the on-site primary structure and the surrounding neighborhood or to blend in with the surrounding environment. Such railroad car, container or similar storage-type structure shall be allowed provided that the container can be placed behind the primary structure and not prominently visible from the street.
- (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 and setting. A Compatibility Determination application shall be approved by the Planning Division of the Land Use Services Department to allow such a structure. Screening such a structure from view from the street or the physical alteration of such a structure, such as painting or otherwise altering the structure, may be considered in the approval of the application.
- (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); Amended Ordinance 4067 (2009); Amended Ordinance 4245 (2014)

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84.12.050 Prohibited Home Occupations

Except as provided in Section 84.12.060 (Allowed Home Occupations in Desert Region), the following uses are not incidental to or compatible with residential activities and shall not be allowed as home occupations:

- (a) Animal hospitals.
- (b) Motor vehicle and other vehicle repair (body or mechanical) to include the repair of engine, muffler or drive train components of the vehicle; upholstery; painting or storage.
- (c) Carpentry and cabinet making, not to include woodworking that results in the creation of small wood products or single pieces of furniture.
- (d) Kennels or catteries.
- (e) Massage parlors.
- (f) Medical and dental offices, clinics, and medical laboratories.
- (g) Repair shops or service establishments, except repair of small electrical appliances, cameras, or other similar items.
- (h) Riding stables.
- (i) Large scale upholstery service, not to include the reupholstering of separate, individual pieces of furniture or other objects.
- (j) Welding and machining.
- (k) Vermicomposting.
- (l) Any other use determined by the Director that is not incidental to and/or compatible with residential activities.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009); Amended Ordinance 4245 (2014)

84.12.060 Allowed Home Occupations in Desert Region

In the Desert Region only, the uses listed in Section 84.12.050 (Prohibited Home Occupations) may be allowed as a home occupation on parcels greater than two and one-half acres if approved by the Director. Applications for approval of Home Occupation Permits for the listed uses that are normally prohibited shall be considered by the Director on a case-by-case basis in the Desert Region.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

84.12.070 Development Standards Applicable to all Classes

The operators of home occupations shall make every attempt to be a “good neighbor” and respect the rights of their neighbors. All classes of home occupations shall adhere to the following standards:

- (a) **Accessory to residential land use.** Home occupations shall only be allowed as an accessory use to a legal residential land use.
- (b) **Activities limited to enclosed structure.** The home occupation shall be confined to an enclosed structure, either the residence itself or an authorized accessory structure as described in Section 84.01.050 (Residential Accessory Structures and Uses).
- (c) **Advertising materials.** Public advertising (e.g., handbills) shall only list: phone number, home occupation operator's name, post office box, and description of business. Location information shall be limited to community name only. The business address or location shall not be included in any public advertising, with the exception of a telephone directory (i.e., white pages) and business cards.
- (d) **Commercial delivery vehicles.** The home occupation shall not involve the use of commercial vehicles for the delivery of materials to or from the premises beyond those commercial vehicles normally associated with residential uses.
- (e) **External appearance.** The appearance of the structure shall not be altered nor shall the occupation within the residence be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, or signs.
- (f) **Hazardous materials.** Chemicals, solvents, mixtures or materials that are corrosive, toxic, flammable, an irritant, a strong sensitizer, or other similar materials used in a home occupation shall be used and stored in compliance with regulations of the Fire Department.
- (g) **Light and glare.** Direct or indirect light from a home occupation activity shall not cause glare onto an adjacent parcel in compliance with Chapter 83.07 (Glare and Outdoor Lighting).
- (h) **Noise.** Noise emanations shall not exceed 55 dB(A) as measured at the property lines at all times.
- (i) **Parking.** Parking shall comply with the parking requirements outlined in Chapter 83.11 (Parking and Loading Standards). Additional on-site parking beyond that required in Chapter 83.11 (Parking and Loading Standards) shall be provided for additional vehicles used in connection with the home occupation. One additional parking space shall be provided for each non-resident employee. Additional parking spaces shall be easily accessible (including accommodation for winter conditions in the mountains).

- (1) Parcels larger than the above minimum sizes may be required where it is determined that the larger parcel size will be:
 - (A) Consistent with the general pattern established by mobile home parks in the vicinity, or
 - (B) Necessary to accommodate manufactured home sizes as stated in the Mobile Home Park Report submitted by the applicant.
 - (2) Parcels on curved driveways or cul-de-sacs where lot lines are either converging or diverging from the front to the rear of the parcel shall have an average width of at least 30 feet with a minimum 25-foot driveway frontage.
- (f) **Required separation distances.** Mobile homes shall be located so they are at least 10 feet apart from side to side, eight feet apart from side to rear, six feet apart from rear to rear, and 10 feet from a structure, except for accessory structures used as private toilets or baths for exclusive use of the occupant of the mobile home site. Mobile home hitches shall face the access driveway.
- (g) **Minimum side and rear setbacks.** The combined side setbacks of a mobile home parcel shall total a minimum of 10 feet; provided, however, that a mobile home shall not be closer than three feet to a side or rear parcel line. Where mobile home lots abut side or rear setbacks as defined in Subsection (i) (Perimeter setbacks), below, setback areas may be included as a part of the perimeter setback.
- (h) **Maximum occupied site area.** The occupied area of a mobile home parcel shall not exceed 75 percent of the total area of the parcel. An occupied area shall mean an area that is covered or occupied by a trailer coach, cabana, vehicle, ramada, awning, closet, cupboard, or other structure.
- (i) **Perimeter setbacks.** The following setbacks shall apply to the perimeters of a mobile home park:
- (1) Front setback of at least 25 feet along the public street upon which the mobile home park fronts. This setback shall extend across the entire width of the park.
 - (2) Side setbacks of not less than five feet along each side boundary line of the mobile home park.
 - (3) A rear setback of not less than 10 feet along the rear boundary line of the mobile home park.
 - (4) Greater setbacks may be required where, in the opinion of the Director, greater setbacks are necessary due to topographic conditions, grading, drainage, or protection of adjacent property.
 - (5) No part of a mobile home shall be located within a required perimeter setback area.

- (j) **Circulation.** Roads within mobile home parks shall be designed to provide reasonable and convenient traffic circulation and shall meet the following standards:
- (1) A road shall not be less than 33 feet in width if car parking is allowed on one side of the road and not less than 41 feet in width if parking is allowed on both sides.
 - (2) Road widths to provide for parking on one side shall be deemed necessary when parcels abut the road on one side only. Road widths to provide for parking on both sides shall be necessary when parcels abut the roads on both sides.
 - (3) The entire width of the roads within mobile home parks shall be surfaced with a minimum of two-inch thick asphalt, concrete, plant mix, or other approved material.
- (k) **Parking.** Two parking spaces shall be provided on each mobile home parcel. A parking area for use by guests and visitors shall also be established and maintained. There shall be one guest parking space for every 10 mobile home parcels, or fraction of 10, within the mobile home park. Each parking space shall be 10 by 20 feet in size plus the additional area for adequate ingress and egress.
- (l) **Walkways.** Walkways shall be provided to allow reasonably direct access to all parcels, service structures, and other areas or structures used by occupants of the mobile homes. Collector walkways serving utility structures, playgrounds and other general areas shall be at least four feet in width and individual entrance walks to each mobile home site shall be at least two feet in width. Walkways shall be constructed of asphalt, concrete, plant mix, or other approved materials that will allow all-weather pedestrian movement.
- (m) **Walls or fences.** A wall or fence six feet in height shall be erected and maintained along each side and rear boundary of a mobile home park except along the portion of the side or rear boundary line that either abuts a public street or is within a front or side setback adjacent to the street, in which case, a wall or fence may be required. A wall or fence shall be solid and of concrete, brick, or other masonry construction or of chain link metal construction or rod iron with an evergreen hedge planted on the side facing the mobile home park. Where, in the opinion of the review authority, it is unreasonable to require the construction of a fence or wall, the review authority may waive or modify the requirements as specified in this paragraph.
- (n) **Screening of service areas.** The Review Authority may require fencing or screen planting around areas containing garbage, rubbish, or waste disposal, or ground service, or recreational areas as a condition of approval of a mobile home park.
- (o) **Storage areas.**
- (1) Common storage areas shall be provided with an enclosed fenced area for the residents of the mobile home park for the storage of recreational vehicles, trailers, travel trailers, and other licensed or unlicensed vehicles. The storage

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CHAPTER 85.03 APPLICATION PROCEDURES

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- 85.03.020 Applications for Land Use Decisions
- 85.03.030 Development Review Committee
- 85.03.040 Environmental Review
- 85.03.050 Concurrent Applications
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- 85.03.090 Conditions of Approval
- 85.03.100 Automatic Conditions
- 85.03.110 Post Decision Notice
- 85.03.120 Expiration of Inactive Permits**

85.03.010 Purpose

This Chapter establishes the application requirements and noticing provisions necessary to process development proposals in any land use zoning district.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

85.03.020 Applications for Land Use Decisions

Applications for all land use decisions shall be made at the offices of the applicable review authority on forms supplied by the Department. Each application for a land use decision shall be accompanied by the information and materials deemed necessary to render the requested land use decision before the application is deemed complete and accepted for filing. Any application made under the provisions of this Development Code may be initiated by the Board or by any interested party unless otherwise indicated in this Development Code.

The submission of a complete application for land use approval and the participation in and cooperation with the applicable application review process shall not nullify, excuse, or exonerate any violation of the San Bernardino County Code existing on the property or arising from the use of the property for which such application was made. Further, the submission of a complete application for land use approval and the participation in and cooperation with the applicable application review process shall not toll or bar any enforcement action taken by or on behalf of the County to correct or abate any violation of the San Bernardino County Code existing on the property or arising from the use of the property for which such application was made.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009); Amended Ordinance 4085 (2009)

85.03.030 Development Review Committee

- (a) **Evaluation of proposals by the Development Review Committee (DRC).** Development review procedures include evaluation of proposals at a scheduled meeting of the DRC.
- (b) **Consideration of design and proposed conditions.** The DRC meeting allows informal discussions between the applicant, County staff, and others regarding the design and proposed conditions for a given proposal. The DRC provides a recommendation to the applicable review authority.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

85.03.040 Environmental Review

- (a) **Applications subject to CEQA.** All land use applications that are subject to the California Environmental Quality Act (CEQA) shall be reviewed by the Department in compliance with the County Environmental Review Guidelines.
- (b) **Environmental findings required.** Before taking an action to approve a land use application that is subject to CEQA, the Planning Agency shall make one or more environmental findings. The environmental finding(s) is required in addition to the findings specified in this Development Code for each application type.
- (c) **Greenhouse Gas (GHG) Emissions Review.** All land use applications that are subject to CEQA review shall have the potential impacts of the project's GHG emissions evaluated pursuant to the procedures entitled Review of GHG Emissions, Land Use Service Department Standard Policy/Procedures Manual, Section 9 (Environmental Review Guidelines).

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009); Amended Ordinance 4156 (2011)

85.03.050 Concurrent Applications

When more than one land use decision is required for a single project, all applications may be filed concurrently.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

85.03.060 Application Forms and Information Packets

- (a) **Forms and Information Packets.** Each land use application Forms and Information Packet shall include a list of the information and materials required for the application to be considered complete.

- (b) **Failure to provide required information.** Any application for a land use decision that does not contain the required information and materials, or that is not accompanied by the appropriate application fee in compliance with the County Fee Ordinance, may be rejected as incomplete by the Planning Agency.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

85.03.070 Pre-application Review

When the complexity of a land use application warrants it, the applicable review authority or the office given responsibility for accepting the land use application may require that the applicant submit materials and attend necessary conferences or hearings to conduct a preliminary review of a development proposal before the acceptance of the application.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

85.03.080 Notice of Pending Land Use Decisions

- (a) **Public hearing or staff review with notice procedures.** Upon receipt of a request for a land use decision that utilizes the public hearing or staff review with notice procedures, the applicable review authority shall give notice specifying the time and place for the decision at least 10 calendar days before the date of the scheduled land use approval/denial by the following applicable methods:
- (1) Notice shall be published once in a newspaper of general circulation in the respective community of the proposal for the following land use decisions using the public hearing procedure:
 - (A) Amendments to the text of the General Plan or a specific plan.
 - (B) Development Code amendments.
 - (C) General Plan map amendments.
 - (D) Subdivisions, where a tentative and final map are required.
 - (2) Notice shall be given by first class mail to any person who has filed a written request for a specific application.
 - (3) Notice shall be given by first class mail or delivery to all surrounding property owners within a certain distance of the exterior boundaries of the subject site for land use decisions using the public hearing or staff review with notice procedures. The distances shall be in compliance with the Table 85-2 (Distance Requirements of Noticing Purposes), below.

Table 85-2
Distance Requirements for Noticing Purposes

| Size of Project Parcel(s) | Property owners of parcels located within the following distances of the exterior boundaries of the subject parcel ⁽¹⁾ |
|--|---|
| 20 acres or less | 300 feet |
| 20.1 to 160 acres | 700 feet |
| 160.1 acres or greater | 1,300 feet |
| Notes: (1) Refer to Chapter 85.04 (ABC Licensing) for special noticing requirements for ABC Licensing projects. | |

- (4) Notice shall be given by first class mail or delivery to all contiguous property owners for land use decisions using the staff review with notice procedures.
- (5) Notice shall also be given, as required by Government Code Section 66451.3, in the case of a conversion of residential real property to a community apartment project, condominium project, or stock cooperative.
- (6) Notice may be given in any other manner as is deemed necessary or desirable by the Director.
- (b) **Required information for notices.** The notice shall include sufficient information to give those receiving the notice a reasonable opportunity to evaluate the implications of the proposal and to participate in the decision making process. Furthermore, notices for land use decisions involving subdivisions for which a tentative and final map are required shall inform the recipient of their right to request, before the noticed land use decision date, that the proposal be reviewed by the County under the public hearing procedures.
- (c) **One-eighth page optional notice.** An one-eighth page legal display advertisement in a newspaper of general circulation may be substituted for individual property owner notice whenever the individual notice would require notification of more than 1,000 property owners.
- (d) **Ownership and addresses of properties.** Ownership and addresses of contiguous and surrounding properties shall be determined from the latest equalized tax assessment role or from other records of the County Assessor or County Tax Collector, whichever contains more recent information.
- (e) **Continued hearings.** During the public hearing, items that are continued by the review authority to a specific date shall not be re-noticed unless specifically requested by the review authority.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

85.03.090 Conditions of Approval

In approving an application for a land use decision, the review authority may establish reasonable conditions to its approval that are found to be necessary to protect the public health, safety, and general welfare that are consistent with the General Plan and this Development Code. Conditions of approval may be changed through the Chapter 85.12 (Revisions to an Approved Action).

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

85.03.100 Automatic Conditions

Any development project defined in Government Code Sections 65927 and 65928, which is automatically approved in compliance with Government Code Section 65956, shall be approved subject to all of the following standard conditions:

- (a) **Allowed uses.** The development project shall be an allowed use in the applicable land use zoning district.
- (b) **Compliance with plans and Development Code required.** The development project shall be consistent with the General Plan, any applicable specific plan, and this Development Code.
- (c) **Compliance with public health, safety, and welfare requirements.** The development project shall comply with the public health, safety, and welfare requirements of other public agencies. These agencies include the County Department of Public Works, Fire Department, Special Districts Department and Divisions of Environmental Health Services and Building and Safety.
- (d) **Failure to comply.** Any automatic approval of a development project shall become null and void unless all conditions imposed by this Section have been fully complied with, and the occupancy, use of the land, and use of the proposed or existing structure(s) authorized by the automatic approval, has taken place within 36 months after the date of the automatic approval.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

85.03.110 Post-Decision Notice

- (a) **Provision of notice.** Within 10 days of a final decision on an application for a permit or other approval required by this Development Code, the County shall provide notice of its final action to the applicant and to any person(s) who specifically requested notice of the County's final action and has provided a self addressed stamped envelope.
- (b) **Contents of notice.** The notice shall contain the final decision by the review authority.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

85.03.120 Expiration of Inactive Applications.

- (a) An application shall expire and be considered abandoned 180 days after the last date that additional information, revisions, or funds (items) are requested, if the applicant has failed to provide the items requested, except as set forth below:
 - (1) Special Studies. Whenever special studies (e.g., CEQA, etc.) are requested by the County that are reasonably expected to take longer than 180 days to complete, the application will not be considered inactive on the basis of the time required to complete such special studies. Staff will estimate a completion date and should these studies be delayed beyond the initial projected completion date, a new projected date of completion shall be established after which the application shall expire and be considered abandoned in 180 days if no action occurs on the project.
 - (2) The Director may grant one 90-day extension if the following criteria are met:
 - (A) A written request for extension is submitted at least 30 days prior to the expiration date;
 - (B) The applicant demonstrates that circumstances beyond the control of the applicant prevent timely submittal of the requested revisions or information; and
 - (C) The applicant provides a reasonable schedule for submittal of the requested revisions or information.
 - (3) At the sole discretion of the Director, the Department may extend any expiration date, as set forth in this Subsection (a), of an application without a written request from an applicant when additional time for County processing or scheduling of appointments is required; when the Department needs information or responses from other agencies; or under other similar circumstances as determined by the Director or authorized designee thereof.
- (b) Notwithstanding Subsection (a), an application made subsequent to the initiation of any enforcement action by the County concerning the use of land, a structure, and/or the use or occupancy of a structure (as set forth in Section 86.09.050) that is the subject matter of that enforcement action, shall be deemed expired if the Director determines, in the exercise of his or her discretion, that the applicant has failed to substantially comply with the application process in a timely manner, given the type of land-use approval required and the nature of the violation(s) to be corrected. The Department shall provide written notice to the applicant of any determination of expiration under this subdivision. Following the abandonment of an application pursuant to this subdivision, the County may continue with the enforcement action pursuant to Section 85.03.020 and Chapter 86.09.

Adopted Ordinance 4244 (2014)

CHAPTER 85.12 REVISIONS TO AN APPROVED ACTION

Sections:

- 85.12.010 Purpose.
- 85.12.020 Procedures.
- | 85.12.030 Minor Revisions to an Approved Action.

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. A Minor Revision to an Approved Action may be used for certain minor changes to a project (see Section 85.12.030 below).

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009); Amended Ordinance 4245 (2014)

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 Minor Revision shall be processed using the Staff Review without Notice procedures.
- | (2) 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.
- | (3) 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); Amended Ordinance 4067 (2009); Amended Ordinance 4245 (2014)

85.12.030 Minor Revisions to an Approved Action.

- (a) **Applicability.** A Minor Revision may be used to approve minor changes to an already approved project based on the following criteria:
 - (1) An approved plot plan is on file in the Land Use Services Department.
 - (2) The proposed use is consistent with the current land use zoning district regulations.
 - (3) Parking and design standards are not affected.
 - (4) The proposal is an expansion of the use of up to 1,000 sq. ft. or 10 percent of the ground area covered by the use or square footage of the structure, whichever is greater.
- (b) **Action by the Director or Commission.**
 - (1) The Director shall review and act upon a request for a Minor Revision to an Approved Action.
 - (2) Requests to appeal the Director's or Commission's actions shall be filed in compliance with Chapter 86.08 (Appeals).

Adopted Ordinance 4245 (2014)

CHAPTER 86.02 DEVELOPMENT REVIEW COMMITTEE

Sections:

- 86.02.010 Establishment
- 86.02.020 Membership
- 86.02.030 Duties of the DRC
- 86.02.040 Findings
- 86.02.050 Meeting Dates and Procedures

86.02.010 Establishment

A Development Review Committee is hereby established to act in a technical capacity for the Planning Agency. The Development Review Committee is referred to in this Development Code as the DRC.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

86.02.020 Membership

- (a) **Designated members.** The DRC shall consist of the following members or their duly authorized designees:
- (1) The Director, who shall serve as the DRC chairperson;
 - (2) The Building Official;
 - (3) The Chief Engineer of the San Bernardino County Flood Control District;
 - (4) The Chief of the Environmental Health Services Division;
 - (5) The County Fire Marshall;
 - (6) The County Surveyor;
 - (7) The Director of the Department of Airports;
 - (8) The Director of Public Works;
 - (9) The Director of Special Districts; and
 - (10) The Local Agency Formation Commission.

- (b) **Additional responsibilities of the County Fire Marshall.** On projects which affect other fire agencies, departments, or organizations which are independent of the authority, responsibilities, or jurisdiction of the County Fire Marshall, the Fire Marshall shall coordinate and receive the comments of the agencies, departments, or organizations and shall ensure that their comments are considered in the examinations and recommendations of the DRC.
- (c) **Oversight by Commission representative.** In addition, the Commission Chairperson, or other Commission member designated by the Chairperson, shall attend and observe each meeting of the DRC. The Commission representative may require that a project be referred to the Commission for action at a public hearing.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

86.02.030 Duties of the DRC

It shall be the duty of the DRC to review and make recommendations to the Planning Agency regarding any of the following matters:

- (a) **Tentative Maps.** All Tentative Maps involving five or more parcels, including those specifically exempted from the requirement for a Final Map.
- (b) **Planned Development Permits.** All Planned Development Permits.
- (c) **Associated land use applications.** Any associated land use application that is related to a project already being reviewed by the DRC, including requests for a General Plan amendment or Variance.
- (d) **As directed by the Planning Agency.** Any other project or action deemed by the Planning Agency to require the review and recommendation of the DRC.
- (e) **Review by the DRC.** The DRC shall review and identify the technical design features which are necessary to protect the public health, safety, and welfare, including adequate traffic and pedestrian circulation, proper grading, and proper erosion control, including the prevention of sedimentation, or flood damage to off-site property. In addition, the DRC shall consider the adequacy of existing public facilities and services and any fire-hazard problems that may pose a threat to life, property, or the environment.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

86.02.040 Findings

The DRC recommendation for approval, disapproval, or modifications to the development project shall be based upon the applicable findings required and provisions imposed by this Development Code and State law.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

86.02.050 Meeting Dates and Procedures

The Director shall establish regular meeting dates and rules of procedure for the DRC. The dates and procedures shall be available to the public in appropriate formats and locations to properly inform interested persons or groups.

- (a) **Meetings open to the public.** All DRC meetings shall be open to the public and any applicant, developer, property owner, subdivider, official of any agency, department organization, or other person interested in a development project may attend any meeting and present appropriate testimony.
- (b) **Notification required.** The applicant, developer, engineer, subdivider, or other applicant-designated representative shall be notified of the date, time, and place of the meeting by written notification placed in the U.S. mail at least 10 days before the first DRC meeting at which the development project is to be considered. The notification may be waived by the applicant, developer, engineer, subdivider, or applicant-designated representative where necessary to expedite review of a development project. Notice shall also be given to any individual association, group, or organization that has requested in writing notification of meetings and hearings regarding the specific project or that have caused themselves to be properly placed on a mailing list for all DRC agendas.
- (c) **Recommendation by written report.** All agencies, departments, offices, and officers shall submit to the DRC their recommendations relative to the development projects or subdivisions being discussed at each meeting. Wherever possible, these reports should be in writing and in sufficient detail that all interested parties will be properly informed in detail as to the recommended requirements, map revisions, and proposed conditions of approval.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

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CHAPTER 86.03 ENVIRONMENTAL REVIEW COMMITTEE

Sections:

- 86.03.010 Establishment
- 86.03.020 Membership
- 86.03.030 Stipend and Expenses
- 86.03.040 Duties of the ERC
- 86.03.050 Meeting Dates and Procedures

86.03.010 Establishment

An Environmental Review Committee is hereby established to act in a technical advisory capacity for the Planning Agency. The Environmental Review Committee is referred to in this Development Code as the ERC.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

86.03.020 Membership**(a) Designated members.**

- (1) The ERC shall consist of membership as determined by the Director, who shall serve as the ERC chairperson unless otherwise designated by the Director.
- (2) When the Director deems it applicable, members of the DRC, representatives of affected agencies, departments, or expert technical advisors may also serve as members of the ERC.

(b) Oversight by Commission representative. In addition, the Commission Chairperson, or other Commission member designated by the Chairperson, shall attend and observe each meeting of the ERC. The Commissioner may require that a project be referred to the Commission for action at a public hearing.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

86.03.030 Stipend and Expenses

Any individual who is assigned by the Director to serve as a member of the ERC and who is not an agent, designee, or representative of an agency, department, or office of the County, or other governmental agency or local jurisdiction, shall receive the same stipend and expenses allowed for the Commission.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

86.03.040 Duties of the ERC

- (a) **Act on all referred projects.** The ERC shall act on all projects referred to it by the Planning Agency.
- (b) **Make recommendations regarding environmental concerns.** The ERC shall review and make recommendations to the Planning Agency regarding environmental concerns in compliance with the provisions of this Development Code.
- (c) **Consider adequacy of EIR.** The ERC shall also consider the adequacy of any Environmental Impact Report, which is being reviewed by the ERC, including the identification of any significant adverse effects, possible mitigation measures, and alternatives to the proposed project.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

86.03.050 Meeting Dates and Procedures

The ERC shall meet when needed, as determined by the Director, and comply with the following procedures.

- (a) **Meetings open to public.** All ERC meetings shall be open to the public and any applicant, developer, property owner, subdivider, official of any agency, department, organization, or other person interested in a development project may attend any meeting and present appropriate testimony.
- (b) **Notification required.** The applicant, developer, engineer, subdivider, or other applicant-designated representative shall be notified of the date, time, and place of the meeting by written notification placed in the U.S. mail at least 10 days before the first ERC meeting at which the development project is to be considered. Notice shall also be given to any individual association, group, or organization that has requested in writing notification of meetings and hearings regarding the specific project or that have caused themselves to be properly placed on a mailing list for all ERC agendas.
- (c) **Recommendation by written report.** All agencies, departments, offices, and officers shall submit to the ERC their recommendations relative to the development projects or subdivisions being discussed at each meeting. Wherever possible, these reports should be in writing and in sufficient detail that all interested parties will be properly informed in detail as to the recommended requirements, map revisions, proposed conditions of approval, and any proposed environmental action or determination.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

- (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 Ordinance 4011 (2007); Amended Ordinance 4043 (2008); Amended Ordinance 4057 (2008); Amended Ordinance 4067 (2009)

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); Amended Ordinance 4067 (2009)

86.09.050 Violations of Development Code Declared Public Nuisance

- (a) **Use of land.** Any use of land that is not allowed by this Development Code (either as a matter of right or through the application of the appropriate land use approval or permit) and/or which is conducted without first obtaining all permits and/or licenses otherwise required pursuant to all applicable state and/or federal laws and/or other provisions of the San Bernardino County Code (and thereafter maintaining each such permit and/or license so as to remain legally valid at all times) is hereby declared unlawful and a public nuisance.
- (b) **Structure.** Any structure which is designed, altered, constructed, converted, demolished, enlarged, established, erected, maintained, moved, operated or rehabilitated in any manner contrary to any provision of this Development Code and/or without first obtaining all permits and/or licenses otherwise required pursuant to all applicable state and/or federal laws and/or other provisions of the San Bernardino County Code (and thereafter maintaining each such permit and/or license

so as to remain legally valid at all times) is hereby declared unlawful and a public nuisance. This Development Code specifies regulations and additional land uses which apply to all unincorporated areas of the County of San Bernardino. If other provisions of this Development Code conflict with provisions regulating an applicable land use zoning district, then the more restrictive provision shall prevail unless the less restrictive provision expressly pre-empts the application of other provisions of this Development Code.

- (c) **Use or occupancy of structure.** Any structure used or occupied in a manner not allowed by this Development Code (either as a matter of right or through the application of the appropriate land use approval or permit) and/or which is used or occupied without first obtaining all permits and/or licenses otherwise required pursuant to all applicable state and/or federal laws and/or other provisions of the San Bernardino County Code (and thereafter maintaining each such permit and/or license so as to remain legally valid at all times) is hereby declared unlawful and a public nuisance.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008); Amended Ordinance 4067 (2009); Amended Ordinance 4085 (2009); Amended Ordinance 4098 (2010); Amended Ordinance 4245 (2014)

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); Amended Ordinance 4067 (2009)

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); Amended Ordinance 4067 (2009)

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 (2007); Amended Ordinance 4067 (2009)

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) Every violation of any provision of this Development Code, or of any permit issued pursuant to this Development Code (including any of the conditions of approval for such permit) that is prosecuted as an infraction shall be punished, upon conviction or upon a plea of nolo contendere (commonly called no contest), by: (1) a base fine not exceeding \$100.00 for a first violation; (2) a base fine not exceeding \$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 within one year; and (3) a base fine not exceeding \$500.00 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 within one year. Any court costs that the court may otherwise be required to impose pursuant to applicable state law or local ordinance shall be imposed in addition to the base fine. Notwithstanding the above, a first or subsequent violation of this Development Code may be charged and prosecuted as a misdemeanor.

- (c) A misdemeanor shall be punished, upon conviction or upon a plea of nolo contendere (commonly called no contest), by a base fine of not less than \$500.00 and not more than \$1,000.00, or by imprisonment in the County jail for a period of not more than six months, or by both such base fine and imprisonment. Any court costs that the court may otherwise be required to impose pursuant to applicable state law or local ordinance shall be imposed in addition to the base fine.
- (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. The correction, removal, or abatement of a violation begun after the issuance of a criminal citation or the filing of a criminal complaint shall not be a defense to the infraction or misdemeanor so charged and, following a conviction or plea of nolo contendere, shall not be grounds for the dismissal of the action or the waiver, stay, or reduction of any fine established in this Section.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008); Amended Ordinance 4057 (2008); Amended Ordinance 4067 (2009); Amended Ordinance 4085 (2009)

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.
- (c) **Attorney's Fees.** In any civil action, administrative proceeding (excluding administrative citations issued pursuant to § 86.09.110 Administrative Actions), or special proceeding to abate a public nuisance, whether by seeking injunctive relief and/or an abatement order, or other order; attorney's fees may be recovered by the prevailing party and shall not exceed the amount of reasonable attorney's fees incurred by the County in that action or proceeding (Government Code § 25845).

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008); Amended Ordinance 4067 (2009); Amended Ordinance 4085 (2009)

86.09.110 Administrative Actions

As an alternative to the criminal or civil enforcement of this Development Code, i.e., Title 8 of the San Bernardino County Code, and, further, as an alternative to all other administrative enforcement procedures provided by this Development Code, all violations of this Development Code may be subject to enforcement through the use of Administrative Citations in accordance with Government Code § 53069.4 and this Section, and in the same manner and under the same authority as provided at § 11.0208 of the San Bernardino Code.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008); Amended Ordinance 4057 (2008); Amended Ordinance 4067 (2009); Amended Ordinance 4175 (2012)

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); Amended Ordinance 4067 (2009)

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 (2007); Amended Ordinance 4067 (2009)

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); Amended Ordinance 4067 (2009)

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); Amended Ordinance 4067 (2009)

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); Amended Ordinance 4067 (2009)

86.09.170 Revocation or Modification of Permits or Approvals

- (a) **Purpose.** Discretionary permits or approvals issued in compliance with this Development Code may be revoked or modified in compliance with this Section.
- (b) **Procedures.** This Section provides procedures for securing revocation or punitive modification of previously approved permits or approvals.
- (c) **Revocations.** The County's action to revoke a permit or approval shall have the effect of terminating the permit and denying the privileges granted by the original approval.
- (d) **Modifications.** County modification of a permit or approval instead of revocation may include any operational aspect of the project, including buffers, duration of the permit or entitlement, hours of operation, landscaping and maintenance, lighting, parking, performance guarantees, property maintenance, signs, surfacing, traffic circulation, or any other aspect/condition determined to be reasonable and necessary to ensure that the permit is operated in a manner consistent with the original findings for approval.
- (e) **Hearings and notice.**
 - (1) The appropriate review authority shall hold a public hearing to revoke or modify a permit or approval granted in compliance with the provisions of this Development Code.

- (2) At least ten days before the public hearing, notice shall be “delivered” in writing to the applicant for the permit or approval being considered for revocation, and/or owner of the property for which the permit was granted. The only exception to the 10-day notice provision shall be for Temporary Use Permits which, because of their short term nature, shall only require a 24-hour notice.
- (3) Notice shall be deemed “delivered” two days after being mailed, certified and first class, through the United States Postal Service, postage paid, to the owner as shown on the County's current equalized assessment roll and to the project applicant, if not the owner of the subject property.

(f) Action by Reviewing Authority.

- (1) **Permits.** A Conditional Use Permit, Minor Use Permit, or other County planning permit or approval (except a Variance, see Subsection (f)(2), below) may be revoked or modified by the reviewing authority (e.g., Director, Commission, or Board) that originally approved the permit, if the reviewing authority first makes any one of the following findings:
 - (A) Circumstances under which the permit or approval was granted have been changed by the applicant to an extent that one or more of the findings that justified the original approval can no longer be made, and the public health, safety, and welfare require the revocation or modification;
 - (B) The permit or other approval was granted, in whole or in part, on the basis of a misrepresentation or omission of a material statement in the application, or in the applicant's testimony presented during the public hearing, for the permit or approval;
 - (C) One or more of the conditions of the original permit or approval have not been substantially fulfilled or have been violated;
 - (D) The approved use or structure has ceased to exist or has been suspended for at least 12 months;
 - (E) An improvement authorized in compliance with the permit is in violation of any applicable code, law, ordinance, regulation, or statute; or
 - (F) The improvement/use allowed by the permit has become detrimental to the public health, safety, or welfare or the manner of operation constitutes or is creating a nuisance.
- (2) **Variances.** A Major or Minor Variance may be revoked or modified by the review authority which originally approved the Major or Minor Variance, if the review authority first makes any one of the following findings, in addition to any one of the findings in Subsection (f)(1), above:

- (A) Circumstances under which the original approval was granted have been changed by the applicant to a degree that one or more of the findings contained in the original approval can no longer be made in a positive manner, and the grantee has not substantially exercised the rights granted by the Major or Minor Variance; or
- (B) One or more of the conditions of the Major or Minor Variance have not been met, or have been violated, and the grantee has not substantially exercised the rights granted by the Major or Minor Variance.
- (g) **Amortization.** If a revocation is ordered, the Commission may provide for a reasonable period of time to amortize any lawful existing uses on the site. Extensions of this time period may be granted for good cause shown on an application to the applicable review authority by any affected person.
- (h) **Action is appealable.** The revocation or modification of a permit or Variance is appealable in compliance with Chapter 86.08 (Appeals)
- (i) **Enforcement.** The County department or agency that issues the permit shall have the primary responsibility for enforcing compliance with the permit.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008); Amended Ordinance 4067 (2009)

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); Amended Ordinance 4067 (2009)

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); Amended Ordinance 4067 (2009)

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); Amended Ordinance 4067 (2009)

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 Recorder's 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); Amended Ordinance 4067 (2009)

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- (B) At the time the construction of the improvements is required in compliance with an agreement between the subdivider and the County, as identified in Section 87.07.040 (Improvement Agreements and Security); or
 - (C) At the time identified in a condition of approval, when the review authority finds that fulfillment of the construction requirements by that time is necessary for public health and safety, or because the required construction is a necessary prerequisite to the orderly development of the surrounding area.
- (3) To avoid breaking up street paving, underground utility or service lines required to be installed as part of a subdivision and which are planned to run across or underneath a street or alley right-of-way shall be installed before the preparation of subgrade and before the surfacing of any streets or alleys. In the event that the development of the subdivision requires the utility company to perform utility construction work, the developer shall pay a deposit satisfactory to the utility company within sufficient time to allow construction work to be performed before subgrade preparation. In no event shall subgrade preparation commence before installation of all necessary utilities and laterals.
- (b) **Inspection of improvements.** The inspection of the construction and installation of required subdivision improvements shall occur as follows.
- (1) **Supervision.** Before starting any work, the contractor engaged by the subdivider shall designate in writing an authorized representative who shall have the authority to represent and act for the contractor in contacts with the County. The designated representative shall be present at the work site at all times while work is in progress. At times when work is suspended, arrangements acceptable to the Director of Public Works shall be made for any emergency work that may be required.
 - (2) **Inspection procedures.**
 - (A) **Inspections required.** The agency that has required a specific action shall make any inspections as it deems necessary to ensure that all construction complies with the approved improvement plans. Where required by the agency, the developer shall enter into an agreement with the County to pay the full cost of any contract inspection services determined to be necessary by that agency.
 - (B) **Access to site and materials.** The agency that has required a specific action shall have access to the work site at all times during construction, and shall be furnished with every reasonable facility for verifying that the materials and workmanship are in compliance with the approved improvement plans.

- (C) **Authority for approval.** The work done and all materials furnished shall be subject to the inspection and approval of the agency that has required a specific action. The inspection of the work or materials shall not relieve the contractor of any obligations to fulfill the work as prescribed.
 - (D) **Improper work or materials.** Work or materials not meeting the requirements of the approved plans and specifications may be rejected, regardless of whether the work or materials were previously inspected by the agency that has required a specific action. In the event that the agency determines that subdivision improvements are not being constructed as required by the approved plans and specifications, it shall order the work stopped and shall inform the contractor of the reasons for stopping work and the corrective measures necessary to resume the work. Any work done after issuance of a stop work order shall be a violation of this Chapter.
- (3) **Notification.** The subdivider shall notify the Director of Public Works as part of condition compliance upon the completion of each stage of construction before recordation as outlined in this Chapter. Further construction may only be completed if all required actions included in the conditions of approval have been accomplished and signed off by the agency that has required the action(s).

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

87.07.040 Improvement Agreements, Lien Agreements and Securities

- (a) **Improvement Agreements.** If all required improvements and inspections are not satisfactorily completed before a Parcel or Final Map is approved, the owner(s) of the subdivision shall, before the approval of the Parcel or Final Map, enter as contractor into an Improvement Agreement with the Board whereby in consideration of the approval of the Parcel or Final Map and/or acceptance by the Board of any street, easement, and any other land offered for dedication, the contractor agrees to furnish the equipment, labor, and material necessary to complete the work within the time specified in the agreement. Improvement Agreements and securities shall be initially approved and accepted by the Board. Improvement Agreements shall be valid for a period specified in the Improvement Agreement, but the original term shall not exceed two years from the effective date of the Improvement Agreement. Except as provided below, extensions of time may be granted at any time by the Board or the Chief Executive Officer, but only on forms and terms approved by the Board and determined acceptable as to legal form by County Counsel. If an extension of time requires the owner of the subdivision to provide substitute or additional security, such extension of time may only be approved by the Board. Each extension shall be for a period not to exceed one year. A decision made by the Chief Executive Officer on a request to extend time may be appealed to the Board of Supervisors if an appeal is filed with the Clerk of the Board within 10 days of the date that the Chief Executive Officer's decision was mailed.

(b) Amount of Security Required. To ensure that the work will be completed, improvement security shall be furnished to guarantee the performance of any act or Improvement Agreement in the following amounts and for the following purposes:

- (1) An amount equal to 100 percent of the total estimated cost of the improvement or of the act to be performed, as determined by the Board, conditioned upon the faithful performance of the required act or Improvement Agreement.
- (2) An additional amount equal to 50 percent of the total estimated cost of the improvement or the performance of the required act, as determined by the Board, securing payment to the contractor, to the subcontractors, and to persons furnishing labor, materials, or equipment to them for the improvement or the performance of the required act.
- (3) Whenever an entity required to furnish security in compliance with this Section is a California nonprofit corporation, funded by the United States of America or one of its agencies, or funded by this State or one of its agencies, the entity shall not be required to comply with Subsections (b)(1) and (b)(2), above, if the conditions described in the California Subdivision Map Act, currently in Government Code section 66499.3(c), are met.
- (4) An amount equal to no more than 25 percent and no less than 10 percent of the total estimated cost of improvements or performance of the required act, as determined by the Board, necessary for the guarantee and warranty of the improvement for 12 months following the completion and acceptance, against any defective work or labor done, or defective materials furnished.
- (5) As part of the obligation guaranteed by the security and in addition to the face amount of the security, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees incurred by the County in successfully enforcing the obligation secured.

(c) Type of Security Required.

- (1) The furnishing of security in connection with the performance of any act or Improvement Agreement shall be one of the following, at the option of and subject to the approval of the Board:
 - (A) Bond or bonds by one or more duly authorized corporate sureties as prescribed in Government Code section 66499(a)(1);
 - (B) A deposit, either with the County or a responsible escrow agent or trust company, at the option of the County, of money or negotiable bonds of the kind approved for securing deposits of public monies as prescribed in Government Code section 66499(a)(2);

- (C) A letter or other instrument of credit from one or more financial institutions subject to regulation by the State or Federal government, and pledging that the funds necessary to carry out the act or Improvement Agreement are on deposit and guaranteed for payment as prescribed in Government Code section 66499(a)(3); or
 - (D) Lien Agreement as described in Subsection 87.07.040 (d) below.
- (2) Bonds to secure faithful performance and for the benefit of laborers and material of any agreement, shall be in substantially the forms as shown in the California Subdivision Map Act (Government Code sections 66499.1 and 66499.2). The money, negotiable bond, or instrument of credit shall be a trust fund to guarantee performance and shall not be subject to enforcement of a money judgment by any creditors of the depositor until the obligation secured thereby is performed to the satisfaction of the County.

(d) Lien Agreement as Security.

- (1) As authorized herein, the owner of a “subdivision” (defined for purposes of this Subsection (d) as a residential subdivision with more than five lots up to a maximum lot size of two acres or a commercial or industrial subdivision) may, in lieu of posting the security described in Subsection (c) of this Section, enter into an agreement with the County to construct the required improvements in the future, securing such performance by granting the County a lien on the property to be subdivided. Such an agreement shall be known as a “Lien Agreement.”
- (2) Where the Director of the Department of Public Works finds that it would not be in the public interest to require the installation of the required improvements sooner than two years after recordation of the map, the owner of the subdivision may execute a Lien Agreement with the County at the time the owner of the subdivision enters into an Improvement Agreement with the County to construct required improvements pursuant to this Section. A Lien Agreement may also be used to substitute existing security which was furnished under Subsection (c) of this Section; provided, however, that use of a Lien Agreement as substitution for existing security shall be at the County’s sole option. Notwithstanding any provisions of the foregoing to the contrary, however, the County will not accept a Lien Agreement from any owner of a subdivision, either at the time of execution of the Improvement Agreement, or as a substitute for existing security, if any lots have been sold, if construction permits (including but not limited to building or grading permits), have been issued on any of the property, or if construction of any of the required improvements has begun.
- (3) Notwithstanding the above, the County may accept a Lien Agreement from any owner of a subdivision as a substitute for existing security if grading has commenced on the land to be divided so long as the grading is in strict accordance with a valid grading permit and all the following are met:

- (A) There is no need for the County to construct the required improvements if the subdivision is abandoned or delayed for any period of time or for any other reason;
 - (B) The grading has no effect on the use, operation and maintenance of existing streets or highways, public or private;
 - (C) The grading has not caused the modification or closure of any public access points, existing streets or highways, public or private;
 - (D) Additional drainage improvement and/or erosion controls are not necessary and/or installed in the road right-of-way due to the grading;
 - (E) Delay of the construction of the required improvements for the subdivision does not affect or delay the improvements of an adjacent subdivision project upon which work on its required improvements has already commenced.
- (4) Lien Agreements shall:
- (A) Be used only when in the absence of this Subsection, the owner of the subdivision would be required to construct or agree to construct the improvements required by the Director of the Department of Public Works.
 - (B) Be used to secure future improvements in easements, rights-of-way, rejected offers of dedication or irrevocable offers of dedication.
 - (C) Be in an approved form acceptable to County Counsel.
 - (D) Contain an itemization of the required improvements and an estimate of costs approved by the Director of the Department of Public Works, and shall specify that the obligation of the owner of the subdivision or any subsequent owner extends to the actual cost of construction if such costs exceed the estimate.
 - (E) Be recorded with the County Recorder and have the priority of a judgment lien as prescribed by Government Code Section 66499(b) or its successor. The recorded Lien Agreement shall be indexed in the Grantor Index to the names of all record owners of the real property as specified on the map and in the Grantee Index to the County. From the time of the recordation of the Lien Agreement, a lien shall attach to the property in an amount necessary to complete the required improvements. Under no circumstance shall the County agree to subordinate the lien.
 - (F) Be approved concurrently with the approval of the map with a note of the Lien Agreement's existence placed on the map, except where the Lien Agreement is being substituted after map approval for other security already

deposited, in which case the Lien Agreement shall be signed and acknowledged by all parties having any record title interest in the real property, as prescribed by Government Code Section 66436 or its successor, consenting to the subordination of their interests to the Lien Agreement.

- (G) Be allowed only where the owner of the subdivision provides a title insurance policy and current title report from a title company approved by the County that documents that the owner of the subdivision is the record owner of the real property to be divided, and the real property to be divided is not subject to any mortgages, deeds of trust, or judgment liens. The title insurance policy and title report shall be submitted to the Department of Public Works within 90 days prior to the execution of the Lien Agreement. In addition, an updated title insurance policy and title report shall be submitted to the Department of Public Works on the day of the recordation of the Lien Agreement.
- (5) The Lien Agreement shall provide that the owner of the subdivision shall substitute acceptable security for the Lien Agreement and commence to construct the required improvements within two years following recordation of the map, or, in the case of a Lien Agreement which has been substituted for existing security, within two years following recordation of the Lien Agreement.
- (6) For Lien Agreements executed at the time of recordation of the map, the time for substitution of acceptable security and commencement of construction of the required improvements may be extended up to two times, each extension for a period not to exceed one year, by the Director of the Department of Public Works. The Director of the Department of Public Works may not grant such extensions if the owner of the subdivision has substituted a Lien Agreement for security originally furnished. The Board of Supervisors, however, on its own motion or at the request of the owner of the subdivision, may grant additional time extensions, on a case-by-case basis, as it deems appropriate, for substitution of acceptable security and commencement of construction of the required improvements pursuant to agreements secured either by Lien Agreements executed at the time of recordation of the map, or Lien Agreements substituted for existing security.

- (7) During the term of the Lien Agreement, legal ownership of the property to be subdivided shall be transferred to a title company approved by the Director of the Department of Public Works. No individual lots may be sold while the Lien Agreement is in force. Fee title to the entire property encumbered by the Lien Agreement, however, or to all lots designated on any individual final map which is encumbered by the Lien Agreement, may be sold in the aggregate to a single purchaser, provided that the proposed purchaser of the property must, prior to assuming title to the property, either execute a new Lien Agreement in a form acceptable to the County which will encumber the property to be conveyed, specifying the respective obligations of the owners of property subject to the original and such new Lien Agreement, or provide acceptable alternative security for the improvements the County requires be constructed as a condition to development of the property conveyed. Any new Lien Agreement must require that acceptable security be substituted therefore, and the improvements secured thereby commenced by the same date provided in the Lien Agreement with the original owner, unless such date shall be extended as provided above.
- (8) At the time of the approval of a Lien Agreement by the Board of Supervisors, the owner of the subdivision shall provide a cash deposit in the amount of \$15,000.00 to the Department of Public Works for the purpose of reverting the property to acreage if the owner of the subdivision breaches the terms of the Lien Agreement. In addition, at such time as title to any property subject to a Lien Agreement shall be conveyed, the transferee thereof, if such transferee executes a new Lien Agreement to secure construction of the improvements imposed upon such property as described above, shall also provide a cash deposit in the amount of \$15,000.00 to the Department of Public Works for the purpose of reverting the property to acreage if the owner of the subdivision breaches the terms of the Lien Agreement. The effect of these requirements shall be that each owner of property which is encumbered by a Lien Agreement shall at all times have \$15,000.00 per Lien Agreement encumbering such owner's property on deposit with the County for the purpose described herein. Any unused portion of any such deposit shall be refunded to the owner of the subdivision following completion of such reversion. If the costs of reverting the property to acreage exceed \$15,000.00, the owner of the subdivision shall pay such additional costs to County prior to recordation of the reversion to acreage map.
- (9) When a Lien Agreement is utilized as security upon approval of the map, offers of dedication for street purposes will not be accepted until the Lien Agreement is released following substitution of acceptable alternative security and the required improvements are completed to the satisfaction of the Director of the Department of Public Works.
- (10) The Lien Agreement shall be released upon substitution by the owner of the subdivision of acceptable security for the Lien Agreement in order to begin construction of the required improvements, or recordation of a reversion to acreage map.

- (11) The property to be subdivided must have sufficient equity to cover the estimated delayed infrastructure cost at the time the Lien Agreement is processed. The total estimate of delayed infrastructure costs shall not exceed 50 percent of the appraised value. The County shall obtain a state certified general real estate appraiser, at the developer's expense, to determine the property's value, equity, and conditions of title.
 - (12) Prior to the approval of any time extension of the Lien Agreement, the Director of the Department Public Works, in his or her sole discretion, may require re-evaluation of the property's value at the developer's expense. If the lien amount exceeds 50 percent of the appraised value, the County may elect to revert the property to acreage utilizing the cash deposit.
 - (13) In no instance shall the Lien Agreement compel the County to construct the required improvements.
 - (14) No Lien Agreement or extension of any Lien Agreement will be valid under this Chapter unless entered into on or before December 31, 2015.
- (e) **Forfeiture on Failure to Complete.** Upon the failure of the owner of the subdivision to complete any improvements and work within two years from the date the Improvement Agreement is executed, the Board may, upon notice in writing served by registered mail addressed to the last known address of the person, firm, or corporation signing the contract, determine that the improvement work or any part of the work is incomplete and may cause to be forfeited to the County or Flood Control District, the sum of money or bonds given for the faithful performance of the work as may be necessary to complete the work.
- (f) **Exoneration of Improvement Security.** With the exception of flood control or drainage works inspected by the Flood Control Engineer, it shall be the duty of the Director of the Department of Public Works to inspect or receive certificates of completion of all improvements installed as to their compliance with this Chapter and County standards. The security furnished by the owner of the subdivision may be released by the Board or by the Chief Executive Officer as follows:
- (1) Security given for faithful performance of any act or Improvement Agreement shall be released upon the performance of the act or final completion and acceptance of the required work. The Board delegates to the Chief Executive Officer the authority to accept the completed work.
 - (2) Security guaranteeing the payment to the contractor, subcontractors, and to persons furnishing labor, materials, or equipment shall, after passage of the time within which claims of lien are required to be recorded in compliance with California Civil Code Article 3 (commencing with Section 8410) of Chapter 4 of Title 2 of Part 6 of Division 4 and other acceptance of the work, be reduced to an

amount equal to the total claimed by all claimants for whom claims of lien have been recorded and notice thereof given in writing to the Board, and if no claims have been recorded, the security shall be released in full. Requests for a release shall be made to the Land Use Services Department, Land Development Division, which may, prior to the release of any security under this subsection, require the owner of the subdivision to provide a title report or other form of evidence sufficient to show what claims of lien, if any, are of record on the subdivision.

- (3) The release shall not apply to any cost and reasonable expenses and fees, including reasonable attorney's fees, nor to any required guarantee and warranty period, nor to the amount of the security deemed necessary by the County for the guarantee and warranty period.
 - (4) Maintenance security necessary for guarantee and warranty of the work for a period of 12 months following completion and acceptance thereof against any defective work or labor completed, or defective materials furnished shall be released if no claims of defective work have been filed with the Board in that time period. In the event of the defective work, the security shall be held until all work is considered satisfactory and acceptable by the County.
- (g) **Partial Release of Performance Security.** A partial release of performance security may be requested by filing an application, on a form created by the Land Use Services Department, with the Land Use Services Department in accordance with the California Subdivision Map Act, Government Code section 66499.7. A portion of the performance security may be released upon the approval of the Board. The following conditions shall be applied to applications submitted requesting partial release of the performance security.
- (1) The cost estimate of the remaining work shall not exceed 20 percent of the total original performance security.
 - (2) The substitute security (or the remaining security) shall be 100 percent of the revised total cost estimate of the remaining work, as determined by the Board.
- (h) **Review.** The Board shall review the delegation of authority provided to the Chief Executive Officer under this Section at least once by June 30, 2016, and at least once every two years thereafter.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009); Amended Ordinance 4116 (2010); Amended Ordinance 4243 (2014)

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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 subsection 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.

- (1) **Apparel and Other Finished Products.** The manufacture of clothing and accessories by cutting and sewing purchased woven or knit textile fabrics and related materials. Typical uses include: garments, leather goods.
- (2) **Food and Related Products.** The processing or production of a natural or man-made solid or liquid food substances used for human or animal internal consumption. Typical uses include: food packaging, egg processing, butter or cheese processing.
- (3) **Fabricated metal products.** The fabrication or further processing and assembly of metal parts into equipment or machinery. Typical uses include: coating, engraving and allied services.
- (4) **Furniture and Fixtures.** The assembly of furniture and related fixtures. Typical uses include: assembly of household, office or other furniture.
- (5) **Lumber and Wood Products.** The assembly 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: cabinet shops.
- (6) **Miscellaneous Manufacturing.** The manufacture or repair of products not included in any other category and mainly consisting of small household or office luxuries, recreational goods or supplies and large scale printing operations. Typical uses include: jewelry, silverware and plated ware, and musical instruments.
- (7) **Paper and Related Products.** The manufacture of paper goods generally from purchased paper materials. Typical uses include: envelopes, bags, stationery, tablets and related products.
- (8) **Professional and Scientific Goods.** The manufacture of instruments for measuring, testing, sensing, analyzing and controlling natural or man-made objects, physical conditions or states. Typical uses include: engineering, laboratory, scientific, measuring and controlling instruments, optical, surgical, medical and dental instruments, photographic equipment and supplies, watches, clocks and clock-operated devices.
- (9) **Rubber and Miscellaneous Plastic Products.** The manufacture from natural, synthetic or reclaimed rubber, and from chemicals or rubber or plastic products. Typical uses include: fabricated rubber products.
- (10) **Stone, Clay, and Glass Products.** The manufacture of products from stone, clay, sand and other nonmetallic minerals, excluding fuels. Typical uses include: glass products made of purchased glass, pottery and related products.
- (11) **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: knitting mills, lace goods.

- (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 man-made 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 California Building Code, 2013 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.

(r) **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.
- (s) **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.
- (t) **Medical Services - Rehabilitation Center (see Land Use Tables).** A facility providing skilled nursing and/or in-patient medical care to persons recovering from injuries or dependencies.
- (u) **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.”
- (v) **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.
- (w) **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.
- (x) **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.”

(y) **Mineral Resources.** A collective term for all mineral deposits of a particular kind, or for mineral deposits in general.

(z) **Minerals.** See “Surface Mining Operations.”

(aa) **Minimum Lot Size.** See “Lot Size, Minimum.”

(bb) **Mining and Reclamation Lead Agency.** See “Lead Agency.”

(cc) **Mining and Reclamation Operator.** See “Surface Mining Operations.”

(dd) **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.

(ee) **Mining Hazardous, Excavation.** See “Hazardous Excavation.”

(ff) **Mining Reclamation.** See “Surface Mining Operations.”

(gg) **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.

(hh) **Mini-Storage.** See “Storage, Personal.”

(ii) **Minor Grading.** See “Grading.”

(jj) **Minor Event.** See “Special Event, Temporary.”

(kk) **Minor Maintenance/Repair.** See “Vehicle Services.”

(ll) **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.

(mm) **Mitigation Measures.** Necessary steps taken to lessen potential impacts of development or actions on the environment.

- (nn) **Mixed Land Use.** The unspecified mixture of compatible land uses within one building or within a section or sections of a community.
- (oo) **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.
- (pp) **Mobile Home, Dependent.** A mobile home or travel trailer coach not equipped with a toilet for sewage disposal.
- (qq) **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 subsection 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).
- (rr) **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.
- (ss) **Mobile Home Park Lot.** A portion of a mobile home park designated or used for the occupancy of one trailer coach or camping party.
- (tt) **Mobile Home, Self-Contained.** A mobile home or trailer equipped with a toilet, water storage tank for potable water and a sewage holding tank.
- (uu) **Mobile Recycling Unit.** See "Recycling Facility."
- (vv) **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).

(ww) Monopole. See “Wireless Telecommunication Facility.”

(xx) Monument Sign. See “Sign.”

(yy) Moratorium. See “Development Moratorium.”

(zz) Mortuary Services (see Land Use Tables). An establishment providing services for preparing the human dead for burial or cremation and arranging and managing funerals. This excludes cemeteries, crematoriums and columbariums.

(aaa) 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 **residential** care facilities or any jail, hospital, asylum, sanitarium, orphanage, prison or other building in which human beings are housed and detained under legal restraint.

(bbb) 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.

(ccc) 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.”

(ddd) 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.

(eee) Mountain Major Highway. See “Road System.”

(fff) 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.

(ggg) Mountain Secondary Highway. See “Road System.”

(hhh) 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.

(iii) 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.

(jjj) Multi-Family Residential Projects. Development project in which two or more attached or detached units are located, including apartments or condominiums.

(kkk) 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.”

(III) “Multi-unit manufactured housing.”

(1) Pursuant to California Health and Safety Code (CHSC) Section 18008.7, multi-unit manufactured housing means either of the following:

(A) 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.

(B) A structure transportable under permit in one or more sections, designed to be used with a foundation system for either of the following purposes:

(I) Three or more dwelling units, as defined in Section 18003.3.

(II) A residential hotel, as defined by Subsection 50519(b)(1).

(2) “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.

- (3) 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:

(A) “Dormitory” means a room or rooms inhabited for the purposes of temporary residence by two or more persons

(B) “Efficiency unit” has the same meaning as defined in Section 17958.1.

(mmm) 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.

(nnn) Museum. See “Library, Museum, Art Gallery, Outdoor Exhibit.”

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008); Amended Ordinance 4067 (2009), Amended Ordinance 4136 (2011); Amended Ordinance 4140 (2011); Amended Ordinance 4189 (2012); Amended Ordinance 4245 (2014)

810.01.160 Definitions, “N.”

- (a) **National Forest Lands.** Lands under the jurisdiction of U.S. Forest Service and within the boundaries of the San Bernardino and Angeles National Forests.
- (b) **Native Tree.** See “Tree, Native.”
- (c) **Native Vegetative Species.** All plant species indigenous to the State of California and compatible to the climate and elevation of the area to be landscaped.
- (d) **Natural Resources Development (see Land Use Tables).** The development and extraction of mineral deposits, natural vegetation and energy sources, together with the necessary incidental buildings, apparatus or appurtenances.
- (e) **Natural Hazards.** Any one or combination of naturally occurring phenomena (e.g., earthquakes, forest and brush fires, landslides, mudslides, etc.) that pose a potential threat to the manmade environment.
- (f) **Nature Preserve.** An area of land maintained in its natural state for the preservation of habitat or other natural resources
- (g) **New Construction.** See “Flood Hazard.”
- (h) **Night Club (see Land Use Tables).** A facility with the primary function of providing entertainment, examples of which include live music and/or dancing, comedy, etc., which may serve alcoholic beverages for on-site consumption. Does not include adult entertainment businesses, which are separately defined.
- (i) **Night Sky.** See “Lighting, Outdoor.”
- (j) **Noise Contour.** A mapped line connecting points where the same sound pressure level prevails. Contours form bands of width emanating from a noise source, and approximate true ambient noise levels.
- (k) **Non-access.** See “Access.”
- (l) **Nonconforming or Nonconforming Use.** Any building, structure or portion thereof, or use of building or land that does not conform to the regulations of the San Bernardino County Code or applicable specific plan and that lawfully existed at the time the regulations, or an amendment thereto, with which it does not conform became effective.
- (m) **Nonvehicular Access.** See “Access.”
- (n) **Notice.** A method of conveying information pertaining to a pending land use decision that may affect members of the public.

- (o) **Nurseries (Retail) (see Land Use Tables).** The retail handling of any article, substance, or commodity related to the planting, maintenance, or harvesting of garden plants, shrubs, trees, packaged fertilizers, soils, chemicals, or other nursery goods and related products in small quantities to the consumer.
- (p) **Nurseries (Wholesale) (see Land Use Tables).** The growing, storage, and sale of garden plants, shrubs, trees, or vines for resale, including incidental retail sales conducted from within a building not exceeding 20 percent of the combined wholesale and retail sales volume during any year.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009); Amended Ordinance 4189 (2012)

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.”
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- (xx) **Rockfall.** Failure and rapid downhill movement of rocks as a result of gravity, which can be initiated by earthquake shaking.
 - (yy) **Roof Sign.** See “Sign.”
 - (zz) **Root Barrier.** A plastic wall-like structure that is installed underground and designed to prevent the roots from trees from causing damage to streets, sidewalks, walkways, foundations, and other hardscapes.

- | **(aaa) Rubber Manufacturing.** See “Manufacturing Operations I and II.”
- | **(bbb) Rumpus Room.** See “Recreation Room.”
- | **(ccc) Runoff.** Water that is not absorbed by the soil or the landscape in which it has been applied and flows from the landscaped area onto adjacent surfaces, creating water waste.
- | **(ddd) 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.”
- | **(eee) RV Sales.** See “Mobile Home, Boat or RV Sales.”

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008); Amended Ordinance 4057 (2008); Amended Ordinance 4067 (2009), Amended Ordinance 4136 (2011); Amended Ordinance 4169 (2012); Amended Ordinance 4189 (2012); Amended Ordinance 4230 (2014)

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.”

- (e) **Screening.** The use of landscaping, earth, fences, walls, trees, shrubs, or other materials for visual, background, noise or sun exposure control.
- (f) **Scrap Metal Processing Facility (see Land Use Tables).** Any establishment or place of business that is maintained, used, or operated solely for the processing and preparing of scrap metals for remelting by steel mills and foundries.
- (g) **Seal.** A metal, tamperproof clamp issued in compliance with the California Desert Native Plants Act (Food and Agricultural Code Section 80001 et seq.) by the Agricultural Commissioner used to permanently affix a tag to a native plant.
- (h) **Searchlight.** See “Sign.”
- (i) **Second Hand Stores, Pawnshops (see Land Use Tables).** Retail establishments that buy and sell used products, including clothing, furniture and household goods, jewelry, appliances, musical instruments, business machines and office equipment, tools, motors, machines, instruments, firearms, or any similar secondhand articles or objects; includes indoor flea markets. Does not include bookstores (“General Retail”); secondhand farm and construction equipment (“Construction, Farm, and Heavy Equipment Sales”); junk dealers, or scrap/dismantling yards (“Recycling Facilities - Scrap and Dismantling Yards”); the sale of antiques and collectibles (“General Retail”); the sale of cars and other used vehicles (“Auto and Vehicle Sales, Leasing, and Rental, Used”).
- (j) **Secondary Highway.** See “Road System.”
- (k) **Section.** A section of the this Development Code, unless in reference to some other specified statute, ordinance, chapter, division or title; or the survey term regarding the subdivision of a Township into normally 36 equal parts, each of which is approximately 640 acres.
- (l) **Security Quarters.** Temporary residential occupancy of a dwelling unit, commercial coach, or travel trailer utilized to provide temporary quarters to security personnel hired to guard part or all of the property on which the security quarters are located as an accessory use. Does not include caretaker housing (“Caretaker Housing”).
- (m) **Sediment.** Eroded earth material that is carried by runoff and/or deposited in a stream, drainage course, natural watercourse, lake or other area.
- (n) **Seiche.** The high frequency fluctuation of an enclosed body of water, which can be initiated by earthquake shaking.
- (o) **Seismic Safety Hazard Areas.** Areas where a potential hazard exists due to ground rupture from earthquakes. Seismic safety hazard areas encompass active or potentially active faults within the County (includes Alquist-Priolo Special Studies Zones). Hazard area boundaries extend approximately 660 feet on each side of known active or potentially active faults.

- (p) **Selected Flood.** See “Flood Hazard.”
- (q) **Self-Contained Mobile Home.** See “Mobile Home, Self-Contained.”
- (r) **Semipassive Thermal System.** See “Thermal System, Semipassive.”
- (s) **Sensitive Viewshed.** See “Wireless Telecommunication Facilities.”
- (t) **Service Station (see Land Use Tables).** A site where the primary activity is the retail sale and dispensing of motor fuels or oils, the retail sale of lubricants, tires, batteries and other automobile accessories, and the installation and servicing of the lubricants, tires, batteries and other automobile accessories.
- (u) **Setback.** The distance by which a structure, parking area or other development feature must be separated from a lot line, other structure or development feature, or street centerline. See also “Yard,” and Section 83.02.070 (Setback Regulations and Exceptions). See Figure 10-2 (Setbacks).

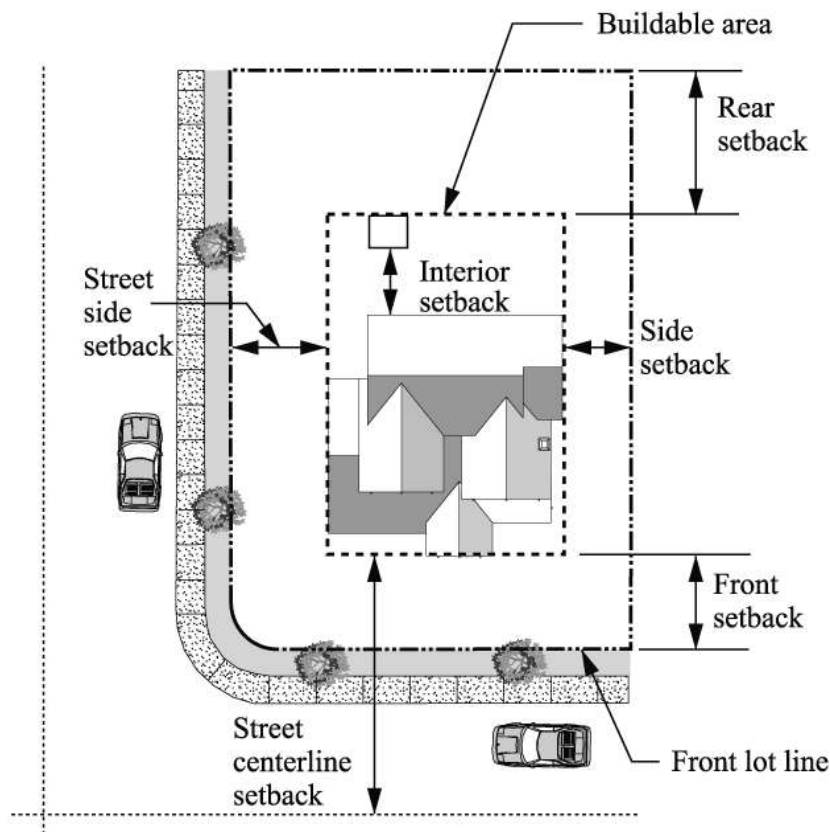


Figure 810-2
Setbacks

- (v) **Setback, Street.** See “Yard, Front” and “Yard, Side Street”.

- (w) **Setback Line, Street.** A line that defines the depth of the required street setback, front yard, or side yard or side street where the yard or yards abut a street. The street setback line shall be parallel or concentric with the street right of way line.
- (x) **Sewage Disposal Area.** An area utilized for the holding, leaching and percolation of sewage wastes including an area that would provide a 100 percent expansion of the leaching and percolation field for future use.
- (y) **Sewage Treatment and Disposal Facility (see Land Use Tables).** A site with equipment and other facilities to treat sewage effluent transmitted to the site via underground sewer lines to the water quality standard required by the California Regional Water Quality Control Board.
- (z) **Shall.** A mandatory provision, regulation or specification.
- (aa) **Shopping Center (see Land Use Tables).** A shopping center is two or more business establishments under a single ownership, unified control or designated as a unit located on a single parcel or combination of contiguous parcels having a minimum frontage of 150 feet.
- (bb) **Short-Term Private Home Rental.** See “Private Home Rental, Short-Term.”
- (cc) **Shrub.** Any woody, perennial plant having multiple stems and bearing foliage from the ground up, commonly maintained at less than eight and more than two feet in height when fully grown, adaptable to trimming, shaping and pruning without injury to the plant itself.
- (dd) **Side Lot Line.** See “Lot.”
- (ee) **Side Yard.** See “Yard.”
- (ff) **Sign.** Words, letters, numerals, emblems, designs, or other marks shown on any flag, card, cloth, paper, metal, painted surface, glass, wood, plaster, stone or other device of any kind or character by which anything is made known and used to attract attention, including lighting devices the as searchlights. Signs include four basic categories, (i.e., off-site, on-site, directional and temporary) and may take many forms (e.g. freestanding, monument, wall, roof, projecting walkway, display, etc.) Also signs are located individually or in clusters (i.e., shopping center complex). The following definitions clarify the differences between these categories and types:
- (1) **Off-Site Sign.** A sign that is allowed only in certain specified land use zoning districts as an independent use of the property not dependent upon the location of another structure or use. The signs often advertise or identify a business, function, establishment or product at a location other than the property on which a business is located or a product is manufactured or sold. The signs may advertise political viewpoints, political campaigns and other noncommercial messages.

- (2) **On-Site Sign.** A sign that is allowed only in conjunction with another use as an accessory use. The signs often advertise or identify a commodity, service, business or profession that is sold, produced, conducted or offered as one of the major functions of the primary use on the same site. The signs may advertise political viewpoints, political campaigns and other noncommercial messages. The signs may also advertise any commercial message.
- (3) **Complex Sign.** A sign that is allowed in conjunction with a shopping center, business, or other complex that is under a single ownership or unified control having two or more establishments located on a single parcel or combination of contiguous parcels.
- (4) **Complex Occupant Sign.** A sign that is allowed in conjunction with an individual occupant within a shopping center, business, or other complex.
- (5) **Directional Sign.** Signs that provide directional or traffic flow information.
 - (A) **Public Directional Sign.** Signs containing directional information about public places owned or operated by Federal, State or local governments or their agencies. Also included are historic, cultural, scientific and educational signs, signs relating to publicly owned natural phenomena, publicly owned or operated areas of natural scenic beauty, and areas naturally suited for outdoor recreation, deemed to be in the interest of the traveling public.
- (6) **Display Sign.** A single-faced sign that is affixed to any type of display window or is adjacent to a display window.
- (7) **Freestanding Sign.** A single or multi-faced sign that is not attached to any building or structure.
- (8) **Individual Signs or Accessory Business Sign.** Accessory signs that are allowed in conjunction with a nonresidential use that is not located within a complex (e.g., shopping center).
- (9) **Monument Sign.** A single- or double-faced sign that is designed and constructed as part of and placed on a monument base.
- (10) **Pedestrian Walkway Sign.** An accessory sign hung from or on a canopy and being oriented to pedestrian traffic.
- (11) **Projecting Sign.** A single- or double-faced sign attached to a structure that extends in a perpendicular plane from the wall to which it is attached.
- (12) **Roof Sign.** A single-faced sign that is affixed to a roof of a building or structure.
- (13) **Searchlight.** An apparatus containing a light source and a reflector for projecting a strong, far-reaching beam greater than 200 feet in any direction.

- (14) **Temporary Sign.** A sign that provides temporary information and/or directions. The signs often are subject to the issuance of Temporary Use Permits and often provide information regarding residential developments, political candidates or issues, and real estate signs.
- (15) **Wall Sign.** A single-faced sign that is in any manner affixed to any exterior wall of a structure, the exposed face of which is in a plane parallel to the plane of the wall.
- (gg) **Single-Family Dwelling (see Land Use Tables).** See “Dwelling, Single Family.”
- (hh) **Single-Family Dwelling, Attached (see Land Use Tables).** See “Dwelling, Single Family Attached.”
- (ii) **Single Housekeeping Unit.** The functional equivalent of a traditional family or one household, whose members are an interactive group of persons jointly occupying a single dwelling unit, including the joint use of and responsibility for common areas, and sharing household activities and responsibilities (e.g., meals, chores, household maintenance, expenses, etc.) and where, if the unit is rented, all adult residents have chosen to jointly occupy the entire premises of the dwelling unit, under a single written lease or rental agreement with joint use and responsibility for the premises, and the makeup of the household occupying the unit is determined by the residents of the unit rather than the landlord or property manager.
- (jj) **Singular Plural.** Words used in the singular number include the plural and words used in the plural number include the singular.
- (kk) **Site.** A parcel of land or contiguous parcels where land alterations, including grading, clearing or construction are performed or proposed.
- (ll) **Site Plan, Detailed.** A drawing, to scale, on one sheet of paper of the entire land parcel showing buildings, improvements, other physical features and all dimensions.
- (mm) **Site Planning.** A process to develop a plan that shows how a parcel of land may be developed, taking into consideration the natural and man-made characteristics of the parcel.
- (nn) **Skilled Nursing Facility.** A health facility that provides skilled nursing care and supportive care to patients whose primary need is for availability of skilled nursing care on an extended basis.
- (oo) **Small Family Day Care Home.** See “Day Care, Child.”
- (pp) **Small Collection Facility.** See “Recycling Facility.”
- (qq) **“Smart” Irrigation Controller.** An irrigation controller that is weather and soil moisture-based, and monitors and uses historical environmental conditions for the

specific location in which a landscape is located, by automatically adjusting irrigation watering times based on the information collected.

- (rr) **Sober Living Facility.** An unlicensed Residential Care Facility with more than two residents who are not living together as a single housekeeping unit (see “Single housekeeping unit”), which is not licensed by the state and is being used as a drug and alcohol recovery facility for persons who are recovering from drug and/or alcohol addiction and in which all residents, except for a house manager, are considered disabled under state or federal law and are actively enrolled and participating in an alcohol and/or drug recovery program.
- (ss) **Soil.** The unconsolidated mineral and organic material on the immediate surface of the earth.

 - (1) **Corrosive Soils.** Natural soils that, as a result of their chemical makeup, may aggressively deteriorate concrete, metal or other susceptible building material.
 - (2) **Expansive Soils.** Natural clays that swell when saturated and shrink when dry.
 - (3) **Hydrocollapsible Soils.** Natural soils that collapse or compact after a wetting event.
- (tt) **Soil Management Report.** A report that shall be submitted with the Landscape Documentation Package, as outlined by Chapter 83.10, Landscaping Standards, that outlines the result of the soil tests along with recommendation for soil amendments.
- (uu) **Solar Energy System.** Any solar collector solar device, or structural design feature of a building whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating or cooling; for domestic, recreational, therapeutic, or service water heating; for the generation of electricity; for the production of process heat; and for the production of mechanical work. Solar energy systems include passive thermal systems, semipassive thermal systems, active thermal systems and photovoltaic systems. This category does not include parabolic mirror and devices of a similar nature.
- (vv) **Solid Waste Disposal Site.** A site used for the final disposal of solid waste, which may also include facilities for separating and differentiating waste products, and/or recycling the waste products. Includes landfills.
- (ww) **Solid Waste.** Any variety of waste, including household garbage, metal, glass, shattered concrete, bricks from demolished houses, radioactive wastes and mining talus.
- (xx) **Solidification and Stabilization.** See “Hazardous Waste.”
- (yy) **Special District.** A governmental entity created in a given area to provide services within that area. Special Districts can provide services such as water, sewers, fire protection, and parks and recreation.

(zz) Special Events, Temporary (see Land Use Tables). All carnivals, community celebrations, off-road vehicle races, outdoor festivals, music events, sporting events, parades, fairs, animal races, religious festivals, revival meetings and similar public gatherings at locations and facilities without an approved Conditional Use Permit, Minor Use Permit, or Site Plan Permit. Special events shall be categorized based upon scope, longevity, magnitude and use, into one of the following event types.

(1) Minor Event.

(A) Class I. Anticipated attendance of 500 to 1,000 persons per day; or a community celebration, religious festivals, revival meetings and similar public gatherings with anticipated attendance of 500 or more. Staging events of off-highway motor vehicles, as defined and regulated in Chapter 4 of Division 8 of Title 2, shall also be included as a Class I Minor Event.

(B) Class II. Intensive sporting events, the as off-road vehicle races or rodeos, etc., and music events with an anticipated attendance of 200 to 500 persons per day. Included in this class are any events that are advertised by a means of mass media (i.e., radio, television, newspaper, Internet, phone trees, fliers, etc.) provided that a means of limiting attendees to 500 persons per day is available and is strictly enforced.

(2) Major Event.

(A) Class I. Anticipated attendance of over 1,000 persons per day.

(B) Class II. Intensive sporting events, such as off-road vehicle races or rodeos, etc., or music events with an anticipated attendance of over 500 persons per day. Included in this class are any events that are advertised by a means of mass media (i.e., radio, television, newspaper, Internet, phone trees, fliers, etc.) where a means of limiting attendees is not available.

(aaa) Special Flood. See “Flood Hazard.”

(bbb) Special Flood Hazard Area. See “Flood Hazard.”

(ccc) Special Landscape Area. Are those areas of landscape that are dedicated to edible plant material, those areas that are irrigated with non-potable/recycled water, and those areas that are dedicated to active play such as parks, sports fields, golf courses, or where turf provides a playing surface.

(ddd) Specified Anatomical Areas. See “Adult-Oriented Business.”

(eee) Specified Hazardous Waste Facilities. See “Hazardous Waste.”

(fff) Specified Sexual Activities. See “Adult-Oriented Business.”

(ggg) Specimen Tree. See “Tree, Specimen.”

- (hhh) **Sphere of Influence.** A sphere of influence is the probable ultimate physical boundary of a city as established by the San Bernardino Local Agency Formation Commission (LAFCO) in compliance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000 et seq.). A sphere of influence contains unincorporated County land that is outside a city's boundaries and that relates to the city's planning.
- (iii) **Sports or Entertainment Assembly (see Land Use Tables).** A large-scale indoor or outdoor facility accommodating spectator-oriented sports, concerts, and other entertainment activities. Examples of this land use include amphitheaters, race tracks, rodeo arenas, stadiums and coliseums. May also include commercial facilities customarily associated with the above uses, including bars and restaurants, gift shops, video game arcades, etc.
- (jjj) **Stable, Private.** A detached accessory building for the keeping of horses, burros or mules owned by the occupants of the premises and not for remuneration, hire or sale.
- (kkk) **Stable, Public.** A stable other than a private stable for keeping of horses, burros or mules.
- (III) **Standard Project Flood.** See "Flood Hazard."
- (mmm) **Start of Construction.** See "Flood Hazard."
- (nnn) **State.** State of California.
- (ooo) **State Geologist.** Individual holding office as provided in the California Public Resources Code, Section 677, Article 3, Chapter 2, Division 1.
- (ppp) **Static Water Pressure.** The pressure of the pipeline or municipal water supply when the water is not flowing.
- (qqq) **Station.** An area that is served by an automatic irrigation valve that has been programmed into the "smart" irrigation controller as a specific number, which is to be recognized and controlled.
- (rrr) **Stealth Facility.** See "Wireless Telecommunication Facilities."
- (sss) **Stock Cooperative.** A common interest development in which a corporation is formed or availed of primarily for the purpose of holding title to, either in fee simple or for a term of years, improved real property, and all or substantially all of the shareholders of the corporation receive a right of exclusive occupancy in a portion of the real property, title to which is held by the corporation. The owner's interest in the corporation, whether evidenced by a share of stock, a certificate of membership, or otherwise, shall be deemed to be an interest in a common interest development and a real estate development for purposes of the **California** Corporations Code Subsection 25100(f). In a stock cooperative, both the separate

interest, as defined in **California** Civil Code Subsection 4190 and the correlative interest in the stock cooperative corporation, however designated, are interests in real property. Includes a limited equity housing cooperative, which is a stock cooperative that meets the criteria of the **California** Health and Safety Code Section 33007.5.

(ttt) Stone Products Manufacturing. See “Manufacturing Operations I and II.”

(uuu) Storage, Garage. See “Garage, Storage.”

(vvv) Storage/Impound Facility. See “Motor Vehicle Storage/Impound Facility.”

(www) Storage - Personal Storage, Mini-Storage (see Land Use Tables). Structures containing generally small, individual compartmentalized or lockers rented as individual storage spaces and characterized by low parking demand.

(xxx) Storage - Vehicles Storage (see Land Use Tables). A facility for the storage of operative cars and other fleet vehicles, trucks, buses, recreational vehicles, and other motor vehicles. Includes facilities for the storage and/or servicing of fleet vehicles. Also includes the parking of a vehicle on private property for more than 72 hours without operation. Does not include commercial parking lots, or dismantling yards (classified in “Recycling - Scrap and Dismantling Yards”).

(yyy) Storage - Warehouse, Indoor Storage (see Land Use Tables). Facilities for the storage of furniture, household goods, or other commercial goods of any nature. Includes cold storage. Does not include: warehouse, storage or mini storage facilities offered for rent or lease to the general public (“Storage - Personal Storage, Mini-Storage”); warehouse facilities primarily used for wholesaling and distribution (see “Wholesaling and Distribution”); or terminal facilities for handling freight (see “Truck Terminal”).

(zzz) Storm, Ten Year. See “Ten Year Storm.”

(aaaa) Story. That portion of a building included between the surface of any floor and the surface of the floor immediately above it, or, if there is no floor above it, then the space between the floor and ceiling immediately above it.

(bbbb) Story, Half. A story with at least two of its opposite sides meeting a sloping roof, nor more than two feet above the floor of the story.

(cccc) Stream. Any watercourse designated by a solid line or dash and three dots symbol on the largest scale of the United States Geological Survey map most recently published, or as indicated in the development permit when it has been field determined that a watercourse either:

(1) Supports fish at any time of the year;

(2) Has a significant water flow after any rainstorm; or

(3) Has a well-defined channel.

(**dddd**) **Stream Bed Skimming.** See “Surface Mining Operations.”

(**eeee**) **Street.** Any public or private thoroughfare, with a width of 20 feet or more, that affords a primary means of access to abutting property. See “Road System.”

(**ffff**) **Street Line.** The boundary line between a street and abutting property.

(**gggg**) **Structural Alterations.** Any change in the supporting members of a structure, such as the bearing walls or partitions, columns, beams or girders.

(**hhhh**) **Structure.** Anything constructed, built, or installed by man, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, including, but without limitation; buildings, towers, smokestack, and overhead lines.

(**iiii**) **Structure, Approved.** A structure, paved area of impervious substance or sewage disposal area that has been approved by the Building Official or the Chief of the Environmental Health Services Division as an improvement of the site, and that complies with all codes, ordinances and regulations of San Bernardino County.

(**jjjj**) **Structure, Business or Industrial.** An occupied, permanent building, attached to a permanent foundation, approved for the use under the California Building Code, where one or more persons are employed on an eight hour shift, at least five days per week.

(**kkkk**) **Structure Envelope.** The interior of a parcel outside of the building setback lines.

(**llll**) **Structure Footprint.** The area of a parcel included within the surrounding exterior walls of a structure. In the absence of surrounding exterior walls, the structure footprint shall be the area under the horizontal projection of the roof.

(**mmmm**) **Structure Height.** See Section 83.02.040 (Height Measurement and Height Limit Exceptions). For buildings see “Building Height”.

(**nnnn**) **Subdivider.** A person, firm, corporation, partnership or association who proposes to divide, divides or causes to be divided real property into a subdivision for himself or for others except that employees and consultants of these persons or entities, acting in such capacity, are not “subdividers.”

(**oooo**) **Subdivision.** The division, by any subdivider, of any unit or units of improved or unimproved land, or any portion of land thereof, shown on the latest equalized County assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future, except for leases of agricultural land for agricultural purposes (i.e., the cultivation of food or fiber or the grazing or pasturing of livestock). Property shall be considered as contiguous units even if

it separated by roads, streets, utility easement or railroad rights of way. "Subdivision" includes a condominium project, as defined in Section 1350 of the Civil Code, or a community apartment project, as defined in Section 11004 of the California Business and Professions Code or the conversion of five or more existing dwelling units to a stock cooperative, as defined in Section 11003.2 of the California Business and Professions Code. A conveyance of land to or from a governmental agency, public entity, public utility, common carrier or subsidiary of a public utility for conveyance to the public utility for rights of way shall not be considered a division of land for the purpose of computing the number of parcels. See also "Minor Subdivision Plot Plan."

(pppp) **Subsidence.** The sinking of the earth's surface, usually due to mining, groundwater extraction, oil and gas withdrawal, earthquakes or other physical forces.

(qqqq) **Substandard Lot.** A unit of land, the area, width or other characteristic that fails to meet the requirements of the land use zoning district in which it is located.

(rrrr) **Substandard Housing Unit.** A dwelling unit that is either dilapidated or unsafe, thus endangering the health or safety of the occupant, or does not have adequate plumbing or heating facilities.

(ssss) **Substantial Damage.** See "Flood Hazard."

(tttt) **Substantial Improvement.** See "Flood Hazard."

(uuuu) **Supplemental Irrigation.** See "Temporary Irrigation."

(vvvv) **Supportive Housing.** Housing with no limit on length of stay, that is occupied by the target population, as defined by Section 50675.14 of the California Health and Safety Code, and that is linked to on-site or off-site services that assist the resident to retain the housing, improve his or her health status, maximize their ability to live and, when possible, to work in the community. Supportive housing that is provided in single-, two-, or multi-family dwelling units, group residential, parolee-probationer home, residential care facilities, or boarding house uses shall be permitted, conditionally permitted or prohibited in the same manner as the other single-, two- or multi-family dwelling units, group residential, parolee-probationer home, residential care facilities, or boarding house uses under this Code.

(www) **Surface Mining Operations (see Land Use Tables).** All, or any part of, the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine. Surface mining operations include, but are not limited to, in place distillation or retorting or leaching, the production and disposal of mining waste, prospecting and exploratory activities, borrow pitting, streambed skimming, and segregation and stockpiling of mined

materials (and recovery of same). The following definitions shall further clarify mining issues:

- (1) **Area of Regional Significance.** An area designated by the State Mining and Geology Board that is known to contain a deposit of minerals, the extraction of which is judged to be of prime importance in meeting future needs for minerals in a particular region of the State within which the minerals are located, and which, if prematurely developed for alternate incompatible land uses, could result in the permanent loss of minerals that are of more than local significance.
- (2) **Area of Statewide Significance.** An area designated by the Board that is known to contain a deposit of minerals, the extraction of which is judged to be of prime importance in meeting future needs for minerals in the State and which, if prematurely developed for alternate incompatible land uses, could result in the permanent loss of minerals that are of more than local or regional significance.
- (3) **Borrow Pits.** Excavations created by the surface mining of rock, unconsolidated geologic deposits or soil to provide material (borrow) for fill elsewhere.
- (4) **Compatible Land Uses.** Land uses inherently compatible with mining and/or that require a minimum public or private investment in structures, land improvements, and that may allow mining because of the relative economic value of the land and its improvements. Examples of these uses may include, but shall not be limited to, very low density residential, geographically extensive but low impact industrial, recreational, agricultural, silvicultural, grazing, and open space.
- (5) **Haul Road.** A road along which material is transported from the area of excavation to the processing plant or stockpile area of the surface mining operation.
- (6) **Idle.** Surface mining operations curtailed for a period of one year or more, by more than 90 percent of the operation's previous maximum annual mineral production, with the intent to resume those surface mining operations at a future date.
- (7) **Incompatible Land Uses.** Land uses inherently incompatible with mining and/or that require public or private investment in structures, land improvements, and landscaping and that may prevent mining because of the greater economic value of the land and its improvements. Examples of these uses may include, but shall not be limited to, high density residential, low density residential with high unit value, public facilities, geographically limited but impact intensive industrial, and commercial.
- (8) **Mined Lands.** The surface, subsurface, and ground water of an area in which surface mining operations will be, are being, or have been conducted, including private ways and roads appurtenant to any area, land excavations, workings, mining waste, and areas in which structures, facilities, equipment, machines,

tools, or other materials or property that result from, or are used in, surface mining operations are located.

- (9) **Minerals.** Any naturally occurring chemical element or compound, or groups of elements and compounds, formed from inorganic processes and organic substances, including, but not limited to, coal, peat, and bituminous rock, but excluding geothermal resources, natural gas, and petroleum.
- (10) **Operator.** Any person who is engaged in surface mining operations, or who contracts with others to conduct operations on his/her behalf, except a person who is engaged in surface mining operations as an employee with wages as his/her sole compensation.
- (11) **Reclamation.** The combined process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed to a usable condition that is readily adaptable for alternate land uses and create no danger to public health or safety. The process may extend to affected lands surrounding mined lands, and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization, or other measures.
- (12) **Stream Bed Skimming.** Excavation of sand and gravel from stream bed deposits above the mean summer water level or stream bottom, whichever is higher.
- (13) **Vested Right.** For the purpose of mining and reclamation, a person shall be deemed to have vested rights, if, before January 1, 1976, the person has, in good faith and in reliance upon a permit, (if the permit or other authorization was required, and was in compliance with County regulations), diligently commenced surface mining operations and incurred substantial liabilities for work and necessary materials. Expenses incurred in obtaining the enactment of an ordinance in relation to a particular operation or the issuance of a permit shall not be deemed liabilities for work or materials.
- (xxxx) **Swap meet, Outdoor Market, Auction Yard (see Land Use Tables).** The sale of used and/or new merchandise by individual vendors in a temporary or permanent facility operated and managed by a different proprietor or business entity, provided that the operator may also be engaged in sales. An indoor swap meet or flea market occupies a building typically designed for retail sales with tables, booths, or other spaces for the individual vendors.
- (yyyy) **Swing Joint.** An irrigation component that provides a flexible, maneuverable, leak-free connection between the irrigation head body and irrigation lateral pipeline, allowing for movement in any direction helping to prevent equipment damage.
- (zzzz) **System Height.** See “Wind Energy System.”

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008); Amended Ordinance 4067 (2009), Amended Ordinance 4136 (2011); Amended Ordinance 4230 (2014); Amended Ordinance 4230 (2014); Amended Ordinance 4245 (2014)

810.01.220 Definitions, “T.”

- (a) **Tag.** A paper or cloth label issued in compliance with the California Desert Native Plants Act (Food and Agricultural Code Section 80001 et seq.) by the Agricultural Commissioner that can be attached to a native plant or a commercial load by means of a string and a Seal. A Tag specifies a serial number, type of plant, fee required, location of origin, date of removal, witnessing authority, applicant, destination, and proposed use (e.g., commercial processing, commercial landscaping, etc.).
- (b) **Telecommunication Facility, Wireless.** See “Wireless Telecommunication Facility.”
- (c) **Temporary Irrigation.** Irrigation solely for the purposes of establishing plant material, or irrigation that will not continue after plant material establishment. Temporary/Supplemental irrigation is intended for a period of six months or less.
- (d) **Temporary Sign.** See “Sign.”
- (e) **Temporary Special Events.** See “Special Events, Temporary.”
- (f) **Tentative Map.** A map made for the purpose of showing the design and improvements of the proposed subdivision, to include the street pattern, lot layout, easements that are to remain, and existing and proposed subdivision. The Tentative Map need not be based upon an accurate or detailed final survey of the property. See also “Vesting Tentative Map.”
- (g) **Ten Year Storm.** A storm of an intensity that would be exceeded on the average only once every 10 years. The intensity for the storm shall be determined according to San Bernardino County Hydrology Manual. The duration of the storm used in runoff calculation shall be equivalent to the concentration time for the area that drains through the project.
- (h) **Terminals, Truck.** See “Truck Terminals.”
- (i) **Textile Mill Products.** See “Manufacturing Operations I and II.”
- (j) **Theater.** An indoor facility for public assembly and group entertainment, other than sporting events. Examples include:
- civic theaters, and facilities for “live” theater and concerts
 - movie theaters
 - similar public assembly facilities
- See also “Meeting Facility, Public or Private,” and “Sports and Entertainment Assembly.”
- (k) **Thermal System, Active.** A system that utilizes solar devices thermally isolated from the living space to provide for collection, storage, and distribution of solar energy for heating or cooling.

- (l) **Thermal System, Passive.** A system that utilizes the structural elements of the building, and is not augmented by mechanical components, to provide for collection, storage, and distribution of solar energy for heating or cooling.
- (m) **Thermal System, Semipassive.** A system that utilizes the structure of a building and is augmented by mechanical components to provide for collection, storage, and distribution of solar energy for heating or cooling.
- (n) **Through Lot.** See “Lot.”
- (o) **Trailer Camp or Park (see Land Use Tables).** A site where space for house trailers is rented for compensation on a daily basis, or where free occupancy or camping is permitted to house trailer owners or users, but not including automobile or trailer sales lots on which unoccupied house trailers are parked for inspection and sales.
- (p) **Tower Height.** See “Wind Energy Systems.”
- (q) **Trailer Coach.** A mobile home, trailer, recreation trailer, travel trailer, camp car or other vehicle with or without motive power, designed and constructed to travel on the public thoroughfare in compliance with the provisions of the California Motor Vehicle Code and designed or used for human habitation.
- (r) **Trailer, Travel.** A vehicle, other than a motor vehicle, that is designed or used for human habitation and for travel or recreational purposes, that does not exceed eight feet in width and 40 feet in length, and that may be moved upon a public highway without a special permit and/or chauffeur's license without violating any provisions of the California Vehicle Code.
- (s) **Transfer and Storage Facilities.** See “Hazardous Waste.”
- (t) **Transitional Housing.** Rental housing operating under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months. Transitional housing that is provided in single-, two- or multi-family dwelling units, group residential, parolee-probationer home, residential care facilities, or boarding house uses shall be permitted, conditionally permitted or prohibited in the same manner as the other single-, two-, or multi-family dwelling units, group residential, parolee-probationer home, residential care facilities, or boarding house uses under this code.
- (u) **Transmission Lines.** See “Pipelines, Transmission Lines.”
- (v) **Transportable Treatment Unit (TTU).** Hazardous waste or groundwater contamination treatment works that are designed to be moved either intact or in modules and that are intended to be operated at a given location for a limited period of time.

- (w) **Transportation Facilities** (see **Land Use Tables**). Roads or bridges, and the appurtenant improvements necessary for the safe and efficient movement of vehicular traffic including but not limited to the following: signalization and other traffic controls; sidewalks; bikeways when they are within the ultimate right-of-way of a road or bridge. It also includes park and rides, airports, bus terminals, bus stops, and train stations.
- (x) **Transportation Facilities Plan, Local Area**. A transportation plan adopted by the Board of Supervisors for a particular transportation facilities area. A plan shall include a map of the area showing its boundaries, the location of the proposed Transportation Facilities, and an accompanying text that contains a description of all proposed Transportation Facilities that will be needed to serve new development within the boundaries of the Plan and the cost of constructing each proposed transportation facility within the boundaries of the plan. Costs may include, but are not limited to, engineering studies, acquisition of rights-of-way, construction of bridges, tunnels, roadways, traffic signals and any other appurtenant Transportation Facilities. The plan shall also include a schedule of fees, a detailed description of the methods that will be utilized to finance the proposed Transportation Facilities, including any fee calculations needed, and a construction priority listing of the proposed Transportation Facilities.
- (y) **Transportation Right of Way**. The acquired right that an agency possesses to pass across and improve the lands of another for access purposes.
- (x) **Treatment Facilities**. See “Hazardous Waste.”
- (aa) **Travel Trailer**. See “Trailer, Travel.”
- (bb) **Tree**. Any woody perennial plant, normally having a single, elongated main stem or trunk bearing the foliage or crown, a formed crown, and generally with few or no branches on its lower part. For tree removal purposes, it shall mean a tree attaining somewhere in its natural or planted range a height of at least six feet and a diameter of not less than two inches, measured at average ground level.
- (cc) **Tree, Damaged**. Any tree certified by a tree expert, as defined in this Code, that is damaged by insects, smog, fire, disease or other natural or man made causes (including, but not limited to, any artificial attachments such as wires or signs).
- (dd) **Tree Expert**. A California Registered Professional Forester, a County Agricultural Commissioner Biologist, an arborist certified by the Western chapter of the International Society of Arborists or a person certified by the County Agricultural Commissioner for practice in one or more regions of the County.
- (ee) **Tree, Native**. Trees that grow or live naturally in San Bernardino County, including smog resistant trees introduced as part of a reforestation program. This shall not be construed to mean orchards, commercial nursery stock or planted landscaping. Trees planted and/or growing outside their normal habitat, except where the trees have been

transplanted in compliance with Chapter 88.01 (Plant Protection and Management) shall not be considered to be native trees.

- | **(ff) Tree Removal.** Any intentional act that will cause a tree to die, including, but not limited to acts that inflict damage upon root systems, bark, or other parts of the tree by fire, application of toxic substances, operation of equipment or machinery, changing the natural grade of land by excavation or filling the drip line area around the trunk, or to cut down, fell, push over, dig up, poison, burn, or severely prune, trim or top, so that death of the tree results, or such that the tree is severely damaged and/or is destroyed in any manner, by any cause.
- | **(gg) Tree, Specimen.** Any tree with a root ball greater than a 20-gallon container.
- | **(hh) Truck Stop (see Land Use Tables).** A facility that provides convenience services primarily for the trucking community. These services include but are not limited to food, beverage, gasoline and retail services.
- | **(ii) Truck Terminal (see Land Use Tables).** A lot, lot area or parcel of land used, designed or maintained for the purpose of storing, parking, refueling, repairing, dispatching, servicing or keeping motor trucks and associated equipment, together with those facilities necessary to service, dispatch, store or maintain aforementioned vehicles, and their cargos and crews.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009), Amended Ordinance 4136 (2011); Amended Ordinance 4230 (2014)

810.01.230 Definitions, “U.”

- (a) **U-Pick Farm and/or Orchard (see Land Use Tables).** A farm and/or orchard where customers personally harvest fruit, vegetables, flowers, or herbs. A variety of activities in addition to fruit/vegetable picking may be offered (e.g., pet farms, hayrides, puppet shows, etc.). Restroom facilities may or may not be offered. U-pick farms may also operate a produce stand selling the produce grown on the farm, along with other value-added products (e.g., home-made pies, preserves, cider, candies, etc.).
- (b) **Unincorporated Communities.** A definable urban area that is not legally a city, but has the physical characteristics of one. An unincorporated community does not have independent jurisdiction for land use planning within its boundaries.
- (c) **Urban Services.** The provision of water, gas, electricity, schools, recreational facilities, fire and police protection, waste disposal, circulation and other services that are necessary for high intensity uses.
- (d) **Use.** The purpose for which the land or a building is arranged, designed or intended, or for which either land or a building is or may be occupied or maintained. A primary, principal or main use is the use that occupies the majority of the subject land, a building, business production or activity as opposed to an accessory use. See Accessory use.
- (e) **Utility Facility (see Land Use Tables).** A fixed base structure or facility serving as a junction point for transferring electric utility services from one transmission voltage to another or to local distribution and service voltages, and similar facilities for water supply and natural gas distribution. These uses include any of the following facilities that are not exempted from County permit requirements by Government Code Section 53091:
- electrical substations and switching stations
 - natural gas regulating and distribution facilities
 - public water system wells, treatment plants and storage, water tanks
 - pumping plants
 - reservoirs
 - telephone switching facilities
 - utility corporation and maintenance yards.

These uses do not include office or customer service centers (classified in “Offices”). See also “Pipelines, Transmission Lines.”

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

810.01.240 Definitions, “V.”

- (a) **Valley Region.** The unincorporated area of the southwest portion of San Bernardino County lying south and west of the Mountain Region as herein defined.
- (b) **Variance.** A process for County consideration of requests to modify certain standards of this Development Code when, because of special circumstances applicable to the property, including location, shape, size, surroundings, topography, or other physical features, the strict application of the development standards otherwise applicable to the property denies the property owner privileges enjoyed by other property owners in the vicinity and in the same land use zoning district.
- (c) **Vehicle, Motor.** See “Motor Vehicle.”
- (d) **Vehicle Services (see Land Use Tables).** The repair, servicing, alteration, restoration, towing, painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This use includes the following categories.
 - (1) **Major Repair/Body Work.** These establishments include towing, collision repair, other body work, and painting services; tire recapping; truck maintenance.
 - (2) **Minor Maintenance/Repair.** Minor facilities providing limited repair and maintenance services. Examples include: minor auto repair with no exterior overnight storage of vehicles; muffler and radiator shops; quick-lube services; tire and battery sales and installation (not including recapping).

Does not include automobile parking (see “Parking Facilities”), repair shops that are part of a vehicle dealership on the same site (see “Auto and Vehicle Sales and Rental,” and “Mobile Home, RV, and Boat Sales and Rental”); gas stations, which are separately defined; or dismantling yards, which are included under “Recycling - Scrap and Dismantling Yards.”
- (e) **Vehicular Access Rights.** See “Access.”
- (f) **Vehicles, Operative.** A new or used vehicle that is self propelled or capable of being self-propelled with the installation of minor parts (e.g. batteries, tires, plugs).
- (g) **Vested Right (Mining and Reclamation).** See “Surface Mining Operations.”
- (h) **Vesting Tentative Map.** A “tentative map” for a residential subdivision, as defined in the County Code, that shall have printed conspicuously on its face the words “Vesting Tentative Map.”
- (i) **Veterinarian, County.** See “County Veterinarian.”

- (j) **Veterinary Clinic, Animal Hospital (see Land Use Tables).** Office and indoor medical treatment facilities used by veterinarians, including large and small animal veterinary clinics, and animal hospitals. See also “Kennel.”

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (200); Amended Ordinance 4067 (2009)

810.01.250 Definitions, “W.”

- (a) **Wall Sign.** See “Sign.”
- (b) **Warehouse.** See “Storage Warehouse.”
- (c) **Warehouse Retail (see Land Use Tables).** A retail store that emphasizes the packaging and sale of products in large quantities or volumes, some at discounted prices, where products are typically displayed in their original shipping containers. Sites and buildings are usually large and industrial in character. Patrons may be required to pay membership fees.
- (d) **Watercourse.** Any natural or man-made channel where water is concentrated or collected from a tributary drainage area. *A lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.*
- (e) **Water-Intensive Landscaping.** Landscaping that has a plant factor of 0.7 or greater.
- (f) **Watering Window.** The time within a 24 hour period in which an irrigation system is allowed to operated.
- (g) **Water Use Classification of Landscape Species (WUCOLS).** The third edition of the publication from the University of California Cooperative Extension, the Department of Water Resources, and the Bureau of Reclamation regarding plant material and their water use needs.
- (h) **Weather Sensing Devices.** Irrigation components that detect adverse weather conditions (e.g. rain, wind, frost, etc.) and will automatically override the pre-programmed irrigation schedule during adverse weather events.
- (i) **Wholesale.** A sale of commodities or goods to others for resale and not normally to the ultimate consumer. Sales can normally employ warehouses, open enclosures and office space for the assembly, storage, distribution and display of merchandise for large quantity sales to community or regional retailers, manufacturers, and agricultural, commercial, industrial, institutional and professional uses. Sales may include the rendering of services incidental to and supportive of the sale of merchandise.
- (j) **Wholesaling and Distribution (see Land Use Tables).** Establishments engaged in selling merchandise to retailers; to contractors, industrial, commercial, institutional, farm, or professional business users; to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to persons or companies. Examples of these establishments include:
 - agents, merchandise or commodity brokers, and commission merchants

- assemblers, buyers and associations engaged in the cooperative marketing of farm products
- merchant wholesalers
- stores primarily selling electrical, plumbing, heating and air conditioning supplies and equipment.

Also includes storage, processing, packaging, and shipping facilities for mail order and e-commerce retail establishments.

- (k) **Wine Tasting.** A facility or area within a winery where wine and related products are offered for retail sale, where wine may be tasted for a fee, or without charge.
- (l) **Wildland.** Timber, range, watershed and brush lands not under cultivation and in which development is essentially nonexistent; usually rugged open space terrain.
- (m) **Wind Energy System (see Land Use Tables).** A system that utilizes wind energy to pump a fluid or gas, or to drive a mechanical device to generate electricity. Related wind energy terms are defined as follows:
- (1) **Accessory Wind Energy System.** An Accessory Wind Energy System consists of one or more wind turbines that generate electricity of which more than 50% shall be used on site. An Accessory Wind Energy System includes all the wind turbines on a single lot or on multiple parcels in common ownership with a single, common land use. An Accessory Wind Energy System typically has a rated capacity of not more than 50 kilowatts. This capacity may be increased to a maximum of the actual demonstrated energy use for a specific site in question.
 - (2) **System Height.** The combined height of the tower, the turbine and any blade when at the 12 o'clock position.
 - (3) **Tower Height.** The height above grade of the fixed portion of the tower, excluding the wind turbine.
 - (4) **Wind Turbine.** A device which converts the kinetic energy of wind into a usable form of electric energy. A wind turbine may consist of a tower, turbine, support structures, electrical wires, guy wires and other related equipment.
- (n) **Wireless Telecommunication Facility (Telecommunication Facility) (see Land Use Tables).** A land use that sends and/or receives radio frequency signals, including, but not limited to, cell towers, antennas, microwave dishes or horns, structures or towers to support receiving and/or transmitting devices, accessory development and structures, and the land on which they all are situated. For the purposes of this Title, wireless telecommunication facilities shall refer to the non-broadcast services identified in the rules and regulations promulgated in compliance with the Federal Telecommunication Act of 1996 as amended. Non-broadcast services require special equipment for transmissions and/or reception and serve specific users. Services include commercial wireless CRS (Cellular Radiotelephone Services), ESMR (Enhanced Specialized Mobile Radio Service), and PCS (Personal Communication Services). Amateur users are specifically excluded in this definition as they are governed by FCC PRB-1. Commercial radio and television systems are considered "broadcast services" and shall not be included in this definition.

The following terms related to non-broadcast wireless telecommunication facilities are defined as follows:

- (1) **Antenna.** Any structure or device used to radiate or collect electromagnetic fields or waves. Specifically, a device of one or more electrical parts that converts radio frequency electrical energy into radiated electromagnetic energy and/or vice versa.
- (2) **Co-located Wireless Telecommunication Facility.** A telecommunication facility used by more than one public or private entity.
- (3) **Commercial Mobile Radio Service.** A wireless communications service that is provided for profit (i.e., with the intent of receiving compensation or monetary gain), is an interconnected service, and is available to the public, or to classes of eligible users so as to be effectively available to a substantial portion of the public.
- (4) **Camouflage Facility.** A wireless telecommunications facility that is designed or located so that it blends to the maximum extent possible with the predominant viewing background.
- (5) **CRS (Cellular Radiotelephone Service).** Commercial Mobile Radio Services (Cellular) normally operating in the frequency range between 824 to 849 MHz, and between 869 to 894 MHz and other frequency bands as may be authorized by the FCC.
- (6) **Enhanced Specialized Mobile Radio Service.** One of the wireless communication services regulated by the Wireless Telecommunications Bureau (WTB) of the FCC operating at 800 MHz or 900 MHz and other frequency bands as may be authorized by the FCC. In general, a wide geographic area Commercial Mobile Radio Service that offers real-time, two-way switched voice service that is interconnected with the public switched network, either on a stand-alone basis or packaged with other telecommunications services, including dispatch and paging services to specialized customers in a non-cellular system configuration not interconnected to the public switched network.
- (7) **Fixed Wireless.** A local operation providing services such as local and long distance telephone and high-speed Internet to residential and business customers by means of a small equipment installation (the "Camouflage Remote Unit") on the exterior of each home or business that elects to use this service.
- (8) **Joint Location.** The location of a telecommunication facility on a parcel where two or more towers or structures supporting one or more antennas have already been sited. A joint location site is also referred to as an "antenna farm."
- (9) **Monopole.** A wireless communication facility that consists of a vertical unguyed structure, erected to support wireless communication antennas and connecting appurtenances. As defined here, a monopole may, without limitation, be designed to look like a pole, tree, light standard, flag pole or other similar structure.

- (10) **Personal Communications Services (PCS).** One of the Commercial Mobile Radio Services regulated by the Wireless Telecommunication Bureau (WTB) of the FCC under 47 CFR Part 24; also identified as one of the Personal Wireless Services regulated by the Telecommunications Act of 1996. The PCS provide a wide array of mobile and ancillary fixed communications services to individuals and businesses including unlicensed wireless services and common carrier wireless exchange access services as defined in 47 USC 332(c)(7)(C)(i).
- (11) **Remote Unit.** A small equipment box that is attached to the exterior of a residence or business that elects to use “fixed wireless” technology for their local and long distance telephone and high-speed Internet service.
- (12) **Sensitive Viewshed.** A feature or vista that provides scenic value as discussed in the Scenic Resources section of the General Plan, specifically in Policy OR-50.
- (13) **Stealth Facility.** A wireless telecommunications facility that is designed or located so that the equipment installed at the facility is not readily recognizable as telecommunications equipment.
- (o) **Wood Receipt.** A receipt that is to accompany one or more cords of harvested wood and that is issued in compliance with the California Desert Native Plants Act (Food and Agricultural Code Section 80001 et seq.) by the Agricultural Commissioner. A Wood Receipt specifies a serial number, species of wood, fee required, location of origin, date of removal, witnessing authority, applicant, destination, and proposed use of the wood (e.g., commercial processing, commercial landscaping, etc.).

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009), Amended Ordinance 4136 (2011); Amended Ordinance 4163 (2012); Amended Ordinance 4188 (2012)

810.01.260 Definitions, “X.”

Xeriscape. A landscaping method that has been developed especially for those climates that are susceptible to drought conditions and that utilize water-conserving techniques, such as drought tolerant plant material, mulches, and efficient irrigation practices.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009), Amended Ordinance 4136 (2011)

810.01.270 Definitions, “Y.”

- (a) **Yard.** An open space on a lot or parcel extending between a lot line and a setback, other than a court, unobstructed and unoccupied from the ground upward except for projections allowed by this Development Code. See “Setback” and Section 83.02.070 (Setback Regulations and Exceptions).
- (1) **Front Yard.** An area extending across the full width of the lot between the front lot line or the existing or future street right of way and a street setback line parallel thereto.
- (2) **Interior Side Yard.** An area extending from the required front yard or, where there is no required front yard, from the front lot line to the required rear yard or, where there is no required rear yard, to the rear lot line and from the interior side lot line to a setback line parallel thereto.
- (3) **Rear Yard.** An area extending across the full width of the lot between the rear lot line and a setback line parallel thereto.
- (4) **Side Street Yard.** An area extending from the required front yard or, where there is no required front yard, from the front lot line to the rear lot line, and from the side street lot line, or the existing or future side street right of way (whichever is greater) to a street setback line parallel thereto.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

810.01.280 Definitions, “Z.”

- (a) **Zone**, Zone District, or Zoning District. See “Land Use Zoning District.”
- (b) **Zones A, AE, AH, AO, A99, AR, D, and X.** See “Flood Hazard.”
- (c) **Zoo (see Land Use Tables).** A zoological garden or other collection of wild, exotic or dangerous animals that are raised, bred, trained and/or maintained for regular public display and exhibition on the site. See also “Library, Museum, Art Gallery, Outdoor Exhibit.”

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009); Amended Ordinance 4189 (2012)

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