

Quick Reference for Ordinance 4400.

Overlay Zones - Table 82-2 is amended to correct Chapter/Section numbers and overlay names.

In-Home Daycare - Table 82-7 is amended to replace “Child care – Small family daycare home” and “Child care – Large family daycare home” with one category of Family Daycare Home for up to 14 children, to be consistent with current state regulations for home-based child care. Subsection 810.01.060(e) is amended to update the definition accordingly.

Personal Storage (mini-storage) Facilities - Table 82-11 is amended to allow mini-storage facilities in the General Commercial (CG) land use zoning designation with a Minor Use Permit or a Conditional Use Permit.

Lodging Services - Table 82-11 is amended to permit “Lodging – Bed and breakfast inn (B&B)” with a Special Use Permit and a “Lodging – Hotel or motel – 20 or fewer guests” with a Site Plan Permit in the Neighborhood Commercial (CN) land use zoning designation to be consistent with subsection 82.01.020(c)(3)(B), which states that the zone provides sites for lodging services.

Hillside Grading Review - Section 83.08.030 is amended to require the submittal of the most recent rough and/or precise grading plans for hillside grading that exceeds 100 cubic yards and to add slope design and dust control requirements.

Landscaping Standards - Chapter 83.01 is amended to reflect the recent adoption of the Model Water Landscape Ordinance (MWELo), adopted by reference in Title 6 of the San Bernardino County Code, and to provide updates to landscape zoning standards in order to ensure consistency with the MWELo.

Accessory Dwelling Units - Chapter 84.01 (Accessory Structures and Uses) is amended to provide clarifications regarding accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs). Clarifications include the type of ADUs (e.g., attached, detached or converted), size limitations, and occupancy requirements. Subsection 84.01.060(g) is also amended to reflect the recent changes required by Assembly Bill 3182, which authorizes at least two ADUs if certain requirements are met.

Short-Term Residential Rentals - Chapter 84.28 is amended to provide minor clarifications related to application and permit requirements, application procedures, and trash/refuse conditions of operation.

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ORDINANCE NO. 4400

An ordinance of the County of San Bernardino, State of California, to amend Tables 82-2, 82-7 and 82-11 of the San Bernardino County Code related to overlays, in-home daycares, personal storage facilities and lodging services, amend Section 83.08.030 of the San Bernardino County Code relating to hillside grading, amend Chapter 83.10 of the San Bernardino County Code relating to landscape standards, amend Sections 84.01.050 and 84.01.060 of the San Bernardino County Code related to residential accessory structures and uses, amend Sections 84.28.020, 84.28.030(c) and (d), 84.28.040(a), 84.28.050(a), (b) and (g), 84.28.060(c) and 84.28.070(k) of the San Bernardino County Code related to short-term residential rentals, amend Section 88.01.040 of the San Bernardino County Code related to regulated trees and plants, and amend and reletter Sections 810.01.060(e) and Section 810.01.070(e) through 810.04.070(aa) of the San Bernardino County Code.

The Board of Supervisors of the County of San Bernardino, State of California, ordains as follows:

SECTION 1. The Board of Supervisors of the County of San Bernardino finds that:

(a) As part of an on-going program to correct errors and/or provide clarification to provisions within Title 8 of the San Bernardino County Code (Development Code), the Land Use Services Department (Department) has identified several sections and/or subsections of the Development Code that would benefit from clarification and/or correction, as well as several sections and/or subsections that require updates to ensure consistency throughout the San Bernardino County Code. This ordinance includes text amendments to the following topics: overlay zones, in-home daycare, mini-storage facilities, lodging services, hillside grading, landscaping standards, accessory units, short-term residential rentals and related definitions.

(b) Properly noticed public hearings have been held before the County

1 Planning Commission and the Board of Supervisors pursuant to the Planning and
 2 Zoning Law of the State of California and the San Bernardino County Development
 3 Code.

4 (c) This ordinance is exempt from the California Environmental Quality Act
 5 (CEQA) in accordance with Title 14 of the California Code of Regulations, Section
 6 15061(b)(3), as the proposed changes to the Development Code do not have the
 7 potential to cause a significant effect on the environment.

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 9 SECTION 2. Table 82-2 of Section 82.01.030(d) of the San Bernardino County
 10 Code is amended to read as follows:

<i>Table 82-2</i>		
<i>Overlays</i>		
<i>Overlay Symbol</i>	<i>Overlay Name</i>	<i>Applicable Development Code Chapter/Section</i>
Overlays		
AA ⁽¹⁾	Additional Agriculture	82.07
AP ⁽¹⁾	Agricultural Preserve	82.08
AR ⁽²⁾	Airport Safety	82.09
AH ⁽²⁾	Alternate Housing	82.10
BR ⁽²⁾	Biotic Resources	82.11
CP ⁽²⁾	Cultural Resources Preservation	82.12
FS ⁽²⁾	Fire Safety	82.13
FP ⁽²⁾	Flood Plain Safety	82.14
GH ⁽²⁾	Geologic Hazard	82.15
HW ⁽²⁾	Hazardous Waste	82.16
MR ⁽²⁾	Mineral Resources	82.17
NH ⁽²⁾	Noise Hazard	82.18
OS ⁽²⁾	Open Space	82.19
PR ⁽²⁾	Paleontologic Resources	82.20
SC ⁽¹⁾	Sign Control	82.21
SS ⁽³⁾	Sphere Standards	82.22

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

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SECTION 3. Table 82-7 of Section 82.04.040(b) of the San Bernardino County Code is amended to read as follows:

<i>Table 82-7</i>				
Allowed Land Uses and Permit Requirements for Residential Land Use Zoning Districts				
Land Use See Division 10 (Definitions) for land use definitions	Permit Required by District			Specific Use Regulations
	RL⁽¹⁾	RS	RM	
Agricultural, Resource & Open Space Uses				
Accessory crop production	A ⁽²⁾	A ⁽²⁾	A ⁽²⁾	84.01
Agricultural accessory structure - 1,000 sf max.	A	A	A	
Agricultural accessory structure - up to 10,000 sf max. on 5 ac. or less	A	—	—	
Agricultural accessory structure - greater than 10,000 sf. on 5 ac. or less	M/C	—	—	
Agricultural support services	CUP	—	—	
Animal keeping	S	S	S	84.04
Crop production, horticulture, orchard, vineyard, nurseries	A	—	—	
Community Gardens	day	TUP	A	
Livestock operations	CUP	—	—	84.04
Natural resources development (mining)	CUP	—	—	88.03
Nature preserve (accessory uses)	M/C	—	—	
Lake	M/C	CUP	—	
Pond	A	A	M/C	
Industry, Manufacturing & Processing, Wholesaling				
Composting operations	CUP	—	—	
Recycling facilities - reverse vending machine, accessory	S	—	—	84.19
Recreation, Education & Public Assembly Uses				
Agritourism enterprises	S	—	—	84.03
Campgrounds ⁽³⁾	CUP	—	—	
Commercial entertainment - Indoor ⁽³⁾	CUP	—	—	
Conference/convention facility ⁽³⁾	CUP	—	—	
Equestrian facility ⁽³⁾	M/C	S ⁽⁴⁾	—	
Golf course ⁽³⁾	CUP	—	—	
Library, museum, art gallery, outdoor exhibit ⁽³⁾	M/C	M/C	M/C	
Meeting facility, public or private ⁽³⁾	CUP	CUP	CUP	
Park, playground ⁽³⁾	P	P	P	
Places of worship	CUP	CUP	CUP	
Rural sports and recreation ⁽³⁾	M/C	—	—	
School - College or university	CUP	CUP	—	
School - Private	CUP	CUP	—	
School - Specialized education/training	CUP	—	—	
Sports or entertainment assembly ⁽³⁾	CUP	—	—	
Residential⁽¹⁰⁾				

1	Accessory structures and uses	A	A	A	84.01
2	Group residential (sorority, fraternity, boarding house, private residential club, etc.)	—	—	M/C	—
3	Guest house	A	A	A	84.01
4	Mobile home park/manufactured home land-lease community	CUP	CUP	CUP	84.14
5	Multiple dwelling, 2 to 3 units, attached or detached	—	—	A	84.16
6	Multiple dwelling, 4 to 19 units, attached or detached	—	—	A	84.16
7	Multiple dwelling, 20 to 49 units, attached or detached	—	—	MUP	84.16
8	Multiple dwelling, 50 or more units, attached or detached	—	—	CUP	84.16
9	Parolee and/or probationer home	—	—	CUP	
10	Accessory dwelling unit	A ⁽⁵⁾	A ⁽⁵⁾	A ⁽⁵⁾	84.01
10	Junior accessory dwelling unit	A ⁽⁵⁾	A ⁽⁵⁾	A ⁽⁵⁾	84.01
10	Single dwelling	A	A	A ⁽⁶⁾	
11	Retail				
11	Produce stand	A ⁽⁷⁾	A ⁽⁷⁾	A ⁽⁷⁾	
12	Services - General				
13	Cemetery, including pet cemeteries	CUP	CUP	—	84.06
14	Child care Family day care home (up to 14 children)	A	A	A	
14	Child care - Day care center	M/C	M/C	M/C	
15	Commercial Kennels and Catteries - min lot 2.5 acres (over 15 animals)	M/C/S	—	—	84.04
16	Emergency shelter	—	—	CUP	84.33
17	Home occupation	SUP	SUP	SUP	84.12
18	Licensed Residential Care Facility of 6 or fewer persons	A	A	A	84.23
18	Licensed Residential Care Facility of 7 or more persons	—	—	CUP	84.23
19	Lodging - Bed and breakfast inn (B&B)	SUP ⁽⁸⁾	SUP ⁽⁸⁾	SUP ⁽⁸⁾	84.05
20	Public safety facility	M/C	M/C	M/C	
21	Short-Term Residential Rentals	SUP	SUP	SUP	84.28
21	Unlicensed Residential Care Facility with 6 or fewer persons	RCP	RCP	RCP	84.32
22	Unlicensed Residential Care Facility with 7 or more persons	—	—	CUP	
23	Transportation, Communications & Infrastructure				
24	Broadcasting antennae and towers	M/C	—	—	
24	Electrical power generation	CUP	—	—	
25	Pipelines, transmission lines, and control stations ⁽⁹⁾	(9)	(9)	(9)	
26	Renewable Energy Generation Facilities	CUP	—	—	84.29
27	Sewage treatment and disposal facility	CUP	CUP	CUP	
27	Solid waste disposal	CUP	CUP	CUP	
28	Telecommunications facility	S	S	S	84.27
28	Transportation facility	M/C	M/C	M/C	

Utility facility	CUP	CUP	CUP	
Wind energy accessory	S	S	S	84.26
Wireless telecommunications facility	S	S	S	84.27
Other				
Accessory structures and uses	A	A	A	84.01
Temporary special events	TSP	TSP	TSP	84.25
Temporary structures and uses	TUP	TUP	TUP	84.25

<i>Key</i>			
A	Allowed use (no planning permit required)	PD	Planned Development Permit required (Chapter 85.10)
P	Permitted Use; Site Plan Permit required (Chapter 85.08)	SUP	Special Use Permit required (Chapter 85.14)
M/C	Minor Use Permit required; unless a Conditional Use Permit required in compliance with § 85.06.050 (Projects That Do Not Qualify for a Minor Use Permit)	S	Permit requirement set by Specific Use Regulations (Division 4)
		TSP	Temporary Special Events Permit required (Chapter 85.16)
		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) For projects within the Oak Glen Community Plan Area, all non-agritourism uses shall comply with the agritourism hours of operation standard [§ 84.03.030(b)(3)] and the agritourism noise/amplified sound regulations [§ 84.03.030(b)(5)].
 - (2) Use allowed as an accessory use only with standards, on the same site as a residential use allowed by this table.
 - (3) For projects within the Oak Glen Community Plan Area, these uses shall comply with the agritourism development standards provided in Table 84-1 in § 84.03.030. The permit requirements presented this table shall prevail over any permit requirement listed in Table 84-1.
 - (4) A boarding facility only with a Home Occupation Permit.
 - (5) Use allowed as an accessory use only, on the same site as a residential use allowed by this table.
 - (6) Single dwellings will only be allowed within an RM Land Use Zoning District when sewer service is not available or the lot is less than ½ acre.
 - (7) In the Phelan/Pinon Hills Community Plan area on lots greater than 10,000 sq. ft. with a maximum 200 sq. ft. structure for storage and sales and a maximum 6 sq. ft. advertising sign; in RS and RM, can only operate for 72 hours per month.
 - (8) A CUP shall be required for three or more rooms.
 - (9) These uses are regulated and approved by the Public Utilities Commission. See alternate review procedures in Chapter 85.02.
 - (10) Supportive housing or 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.

SECTION 4. Table 82-11 of Section 82.05.040(b) of the San Bernardino County Code is amended to read as follows:

<i>Table 82-11</i>		
<i>Allowed Land Uses and Permit Requirements for Commercial Land Use Zoning Districts</i>		
<i>Land Use</i>	<i>Permit Required by District</i>	<i>Specific Use</i>

	<i>See Division 10 (Definitions) for land use definitions</i>	<i>CR</i>	<i>CN</i>	<i>CO</i>	<i>CG</i>	<i>CS</i>	<i>CH</i>	<i>Regulations</i>
1	Agricultural, Resource & Open Space Uses							
2	Agricultural support services	P ⁽²⁾	—	—	P ^(1, 2)	P ⁽²⁾	—	
3	Industry, Manufacturing & Processing, Wholesaling							
4	Construction contractor storage yard	M/C	—	—	—	M/C	—	
5	Firewood contractor	P ⁽²⁾	—	—	—	P ⁽²⁾	—	84.09
6	Manufacturing Operations I	M/C ⁽³⁾	—	—	—	P ⁽²⁾	—	
7	Motor vehicle storage/Impound facility	CUP	—	—	—	CUP	CUP	
8	Recycling facilities – Small collection facility	SUP	SUP	SUP	SUP	SUP	SUP	84.19
9	Recycling facilities – Large collection facility	CUP	—	CUP	CUP	CUP	CUP	84.19
10	Recycling facilities – Light processing facility	CUP	—	—	CUP	CUP	—	84.19
11	Recycling facilities, reverse vending machine (accessory only)	A	A	A	A	A	A	84.19
12	Salvage operations – within enclosed structures	M/C ⁽⁴⁾	—	—	—	M/C	—	
13	Storage – Personal storage (mini-storage)	M/C	—	—	M/C	P ⁽²⁾	—	
14	Storage – Recreational vehicles	CUP	—	—	—	CUP	CUP	
15	Storage Warehouse, Indoor Storage	M/C	—	—	—	—	—	
16	Wholesaling and distribution	M/C ⁽⁴⁾	—	—	P ^(1, 2)	P ⁽²⁾	—	
17	Recreation, Education & Public Assembly							
18	Adult business	—	—	—	ABP	—	—	84.02
19	Commercial entertainment - Indoor	P ⁽²⁾	P ⁽²⁾	—	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	
20	Commercial entertainment - Outdoor	P ⁽²⁾	—	—	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	
21	Conference/convention facility ^(4, 5)	M/C	—	M/C	M/C	M/C	M/C	
22	Equestrian facility	M/C	—	M/C	M/C	M/C	M/C	
23	Fitness/health facility ⁽⁵⁾	P ⁽²⁾	P ⁽²⁾	—	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	
24	Golf course	M/C	—	—	—	M/C	M/C	
25	Library, museum, art gallery, outdoor exhibit ⁽⁵⁾	M/C	—	—	M/C	M/C	M/C	
26	Meeting facility, public or private ⁽⁵⁾	CUP	CUP	CUP	CUP	CUP	CUP	
27	Park, playground	M/C	—	—	—	—	—	
28	Places of worship	CUP	CUP	CUP	CUP	CUP	CUP	
29	Recreational vehicle park	M/C	—	—	—	M/C	M/C	
30	Rural sports and recreation	CUP	—	—	—	CUP	CUP	
31	School - College or university ⁽⁵⁾	M/C	—	M/C	M/C	M/C	M/C	
32	School - Private ⁽⁵⁾	M/C	—	M/C	M/C	M/C	M/C	
33	School - Specialized education/training ⁽⁵⁾	M/C	—	M/C	M/C	M/C	M/C	
34	Sports or entertainment assembly	CUP	—	—	CUP	CUP	CUP	
35	Theater ⁽⁵⁾	M/C	—	—	M/C	M/C	M/C	
36	Residential⁽¹⁰⁾							
37	Accessory dwelling (caretakers residence, etc.)	P ⁽⁶⁾	P ⁽⁶⁾	P ⁽⁶⁾	P ⁽⁶⁾	P ⁽⁶⁾	P ⁽⁶⁾	84.01
38	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
39	Group residential (sorority, fraternity, boarding house, private residential club, etc.)	M/C	—	—	M/C	M/C	M/C	
40	Guest housing	P ⁽⁷⁾	—	—	—	—	—	84.01
41	Live/work unit	M/C	M/C	M/C	M/C	M/C	M/C	

1	Mobile home park/manufactured home land-lease community	CUP	—	—	—	—	—	84.14
2	Multiple dwelling, up to 19 units, attached or detached	A	—	—	—	—	—	84.16
3	Multiple dwelling, 20 or more units	CUP	—	—	—	—	—	84.16
4	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
5	Accessory dwelling unit	A	—	—	—	—	—	84.01
6	Single dwelling	A	—	—	—	—	—	
	Retail							
7	Auto and vehicle sales and rental	P ⁽²⁾	—	—	P ⁽²⁾	P ⁽²⁾	—	
	Bar, tavern	P ⁽²⁾	M/C	—	P ⁽²⁾	P ⁽²⁾	—	
8	Building and landscape materials sales - Indoor	M/C	—	—	M/C	M/C	—	
9	Building and landscape materials sales - Outdoor	M/C	—	—	M/C	M/C	—	
	Construction and heavy equipment sales and rental	M/C	—	—	—	M/C	—	
10	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	—	
11	General retail	M/C	—	—	P ⁽²⁾	P ⁽²⁾	—	
	Groceries, specialty foods	M/C	M/C	—	P ⁽²⁾	P ⁽²⁾	—	
12	Manufactured home, boat, or RV sales	P ⁽²⁾	—	—	M/C	M/C	—	
13	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⁾	
14	Service station	M/C	M/C	—	M/C	M/C	M/C	
	Second hand stores, pawnshops	P	—	—	P	P	—	
15	Shopping center	M/C	M/C	—	M/C	M/C	M/C	
16	Swap meet, outdoor market, auction yard	M/C	—	—	M/C	M/C	—	
	Warehouse retail	P ⁽²⁾	—	—	P ⁽²⁾	P ⁽²⁾	—	
17	Services - Business & Professional							
	Medical services - Hospital	—	—	CUP ⁽⁵⁾	—	—	—	
18	Medical services - Rehabilitation center	—	—	CUP	—	—	—	
19	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⁾	—	
20	Services - General							
21	Bail bond service within 1 mile of correctional institution	P	—	P	P	P	P	
22	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	—	
23	Convenience and support services	P ⁽²⁾	P ⁽²⁾	—	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	
	Emergency shelter	CUP	CUP	CUP	A	A	CUP	84.33
24	Equipment rental	P ⁽²⁾	—	—	P ⁽²⁾	P ⁽²⁾	—	
	Home occupation	SUP	SUP	SUP	SUP	SUP	SUP	84.12
25	Kennel or cattery - 2.5-acre minimum lot area	M/C/S	—	—	—	M/C/S	—	84.04
26	Licensed Residential Care Facility of 6 or fewer persons	M/C	—	—	M/C	M/C	M/C	84.23
27	Licensed Residential Care Facility of 7 or more persons	M/C	—	—	M/C	M/C	M/C	84.23
28	Lodging - Bed and breakfast inn (B&B)	SUP	SUP	—	—	—	—	84.05
	Lodging - Hotel or motel - 20 or fewer guest rooms	P ⁽²⁾	P ^(2,8)	—	P ^(2,8)	P ^(2,8)	P ⁽²⁾	

1	Lodging - Hotel or motel - More than 20 guest rooms	M/C	—	—	M/C	M/C	M/C	
2	Personal services	P ⁽²⁾	P ⁽²⁾	—	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	
3	Public safety facility	M/C	M/C	—	—	M/C	M/C	
4	Unlicensed Residential Care Facility of 6 or fewer persons	RCP	—	—	RCP	RCP	RCP	84.32
5	Unlicensed Residential Care Facility of 7 or more persons	M/C	—	—	M/C	M/C	M/C	
6	Vehicle services - Major repair/body work	M/C	—	—	—	M/C	M/C	
6	Vehicle services - Minor maintenance/repair	P ⁽²⁾	—	—	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	
7	Transportation, Communications & Infrastructure							
7	Ambulance, taxi, or limousine dispatch facility	P ⁽²⁾	—	—	—	P ⁽²⁾	P ⁽²⁾	
8	Broadcasting antennae and towers	M/C	—	—	M/C	M/C	—	
8	Broadcasting studio	P ⁽²⁾	—	—	P ⁽²⁾	P ⁽²⁾	—	
9	Parking lots and structures, accessory	P ⁽⁶⁾	P ⁽⁶⁾	P ⁽⁶⁾	P ⁽⁶⁾	P ⁽⁶⁾	P ⁽⁶⁾	
10	Pipelines, transmission lines, and control stations ⁽⁹⁾	(9)	(9)	(9)	(9)	(9)	(9)	
10	Renewable Energy Generation Facilities	CUP	CUP	CUP	CUP	CUP	CUP	84.29
11	Sewage treatment and disposal facility	CUP	—	—	—	—	CUP	
11	Transportation facility	M/C	M/C	M/C	M/C	M/C	M/C	
12	Truck Stop	M/C	—	—	—	M/C	M/C	
12	Truck Terminal	—	—	—	—	M/C	—	
13	Utility facility	CUP	—	—	—	CUP	—	
14	Wind energy system, accessory	S	S	S	S	S	S	84.26
14	Wireless telecommunications facility	S	S	S	S	S	S	84.27
15	Other							
15	Accessory structures and uses	P	P	P	P	P	P	84.01
16	Off-Site Signs	—	—	—	CUP	—	CUP	83.13.060
17	Off-Site Signs (Freeway Oriented)	—	—	—	CUP	—	CUP	83.13.060
17	Temporary special events	TSP	TSP	TSP	TSP	TSP	TSP	84.25
18	Temporary uses and activities	TUP	TUP	TUP	TUP	TUP	TUP	84.25

19	Key			
20	A	Allowed use (no planning permit required)	PD	Planned Development Permit required (Chapter 85.10)
21	ABP	Adult Business Regulatory Permit	SUP	Special Use Permit required (Chapter 85.14)
22	P	Permitted Use; Site Plan Permit required (Chapter 85.08)	S	Permit requirement set by Specific Use Regulations (Division 4)
23	M/C	Minor Use Permit required; unless a Conditional Use Permit required in compliance with § 85.06.050 (Projects That Do Not Qualify for a Minor Use Permit)	TSP	Temporary Special Events Permit required (Chapter 85.16)
24			RCP	Unlicensed Residential Care Facilities Permit (Chapter 85.20)
25	CUP	Conditional Use Permit required (Chapter 85.06)	TUP	Temporary Use Permit required (Chapter 85.15)
25	MUP	Minor Use Permit required (Chapter 85.06)	—	Use not allowed

26	Notes:			
27	(1) Not allowed in the Phelan planning area.			
28	(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 § 85.06.020 (Applicability).			
28	(3) The use shall be allowed in Lucerne Valley with a Site Plan Permit.			

- | | |
|---|---|
| 1 | (4) The use is allowed in Lucerne Valley with a MUP. |
| 2 | (5) A MUP shall not be allowed if the use requires more than 200 parking spaces. |
| 3 | (6) Use allowed as an accessory use only, on the same site as a retail, service, or industrial use allowed by this table. |
| 4 | (7) Use allowed as an accessory use only, on the same site as a residential use allowed by this table. |
| 5 | (8) A CUP shall be required for this use in the Phelan planning area. |
| 6 | (9) These uses are regulated and approved by the Public Utilities Commission. See alternate review procedures in § 85.02.050. |
| 7 | (10) Supportive housing or 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. |

8 SECTION 5. Section 83.08.030 of the San Bernardino County Code is amended
 9 to read as follows:

10 **83.08.030 Hillside Grading Review.**

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

14 (a) *Procedure.* The review shall be conducted concurrently with any required
 15 discretionary review or in conjunction with an application for a Grading Permit for any
 16 project that meets or exceeds the thresholds listed in section 83.08.020 (Applicability).

17 (b) *Submittal Requirements.* An application for a Hillside Grading Review
 18 shall require the following documents, reports, maps and such others as determined
 19 appropriate by the Director. Exceptions to the filing requirements shall require a written
 20 justification supported by factual information submitted to the Director for consideration.
 21 Some of the required submittals listed below may be displayed on a single map or plan.

22 (1) *Natural Features Map.* A natural features map shall identify all
 23 existing slope banks, ridgelines, canyons, natural drainage courses, Federally
 24 recognized blue line streams, rock outcroppings, and existing vegetation. When a
 25 geology report is required, landslides and other existing geologic hazards shall also be
 26 depicted.

27 (2) *Grading Plan.* A conceptual grading plan shall include the following
 28 items:

1 (A) A legend with appropriate symbols shall include the following
2 items: change in direction of drainage, elevation of regulated trees subject to the
3 provisions of section 88.01.070(b) (Regulated Trees), estimated volumes proposed to
4 be cut and/or filled, finished floor elevations, high point, low point, pad elevations, spot
5 elevations, top of curb, and top of wall.

6 (B) A separate map, with proposed fill areas colored in green
7 and cut areas colored in red, with areas where cut and/or fill exceed depths established
8 in compliance with this Chapter. If custom foundations are proposed, this shall be noted
9 on the map. Additionally, the area of cut and/or fill, calculated as a percentage of the
10 total surface area of the site, shall be included on the plan; and

11 (C) Contours for existing and natural land conditions and
12 proposed work. Existing contours shall be depicted with a dashed line with every fifth
13 contour line darker; and proposed contours shall be depicted similarly with solid lines.
14 Contours shall be shown at maximum five-foot intervals above 20 percent slope.

15 (D) For the efficient use of water, grading of the project site shall
16 be designed so that soil erosion, runoff, and water waste are minimized. As part of the
17 landscape document package, if a project's grading exceeds 100 cubic yards, then the
18 project developer shall submit the most recent rough and/or precise grading plan(s) that
19 have been prepared and signed by a licensed professional.

20 (3) *Drainage Map.* A conceptual drainage and flood control facilities
21 map describing planned drainage improvements.

22 (4) *Slope Analysis Map.* A slope analysis map for the purpose of
23 determining the amount and location of land as it exists in its natural state falling into
24 each slope category as specified in this subdivision. This map shall be prepared and
25 signed by a registered civil engineer or licensed land surveyor, and shall have a scale of
26 not less than one inch to 100 feet and a contour interval of not more than two feet,
27 provided that the contour interval may be five feet when the slope is more than 20
28 percent. A scale of not less than one inch to 200 feet may be used for developments

1 greater than 100 acres in size. This map shall show the closest structures on all
2 contiguous properties. It shall delineate slope bands in the range of zero to less than 15
3 percent, 15 to less than 30 percent, 30 percent to less than 40 percent, and 40 percent
4 or greater. Also included shall be a tabulation of the land/area in each slope category
5 specified in acres.

6 (5) *Slope Profiles.* A sufficient number of slope profiles shall be
7 provided as required by the Director to clearly illustrate the extent of the proposed
8 grading. The slope profiles shall:

9 (A) Be drawn at the same scale and indexed, or keyed, to the
10 grading plan, and project site map.

11 (B) Show existing and proposed topography, structures, and
12 infrastructure. Proposed topography, structures, and infrastructure shall be drawn with
13 a solid, heavy line. Existing topography and features shall be drawn with a thin or
14 dashed line.

15 (C) The slope profile shall extend far enough from the project
16 site boundary to clearly show impact on adjacent property, within at least 150 feet.

17 (D) The profiles shall be drawn along those locations of the
18 project site where:

19 (I) The greatest alteration of existing topography is
20 proposed;

21 (II) The most intense or dense development is proposed;

22 (III) The site that is most visible from surrounding land
23 uses; and

24 (IV) At all site boundaries illustrating maximum and
25 minimum conditions.

26 (E) At least two of the slope profiles shall be roughly parallel to
27 each other and roughly perpendicular to existing contour lines. At least one other slope
28 profile shall be roughly at a 45-degree angle to the other slope profiles and existing

1 contour lines.

2 (6) *Slope Design.* Slopes with a 5:1 ratio or greater; cut slopes with a
3 five-foot vertical height or greater; and fill slopes with a three-foot vertical height or
4 greater shall be protected against damage from erosion. In addition to the stabilizing
5 mulch, drought-tolerant plant material and hardscape features shall be utilized on
6 slopes to promote water retention and erosion control. Decorative boulders and other
7 suitable hardscape materials may be utilized on slopes, but the dominant visual
8 character of the slope shall be made up of drought-tolerant plant materials. Shrubs
9 shall be used in combination with lateral spreading groundcovers; trees shall be used
10 where slope exceeds 15 feet vertical height. Trees and shrubs shall be planted in
11 visually attractive groupings that provide a more natural appearance

12 (7) *Dust Control.* If grading takes place, a dust control plan shall be
13 submitted for review. All grading and dust control measures shall be conducted in
14 compliance with the provisions of Chapter 88.02 (Soil and Water Conservation).

15
16 SECTION 6. Chapter 83.10 of the San Bernardino County Code is amended to
17 read as follows:

18 **CHAPTER 83.10: LANDSCAPING STANDARDS**

19 Section

20 83.10.010 Purpose.

21 83.10.020 Applicability.

22 83.10.030 Reserved.

23 83.10.040 Modification to the Landscaping Requirements.

24 83.10.050 Reserved.

25 83.10.060 Landscape Area Requirements.

26 83.10.070 Reserved.

27 83.10.080 Regional Landscaping Standards.

28 **83.10.010 Purpose.**

1 The purpose of this Chapter is to:

2 (a) Enhance the aesthetic appearance of the County by providing standards
3 related to the quality and functional aspects of landscaping and to recognize that
4 landscapes are essential to the quality of life within the County by providing areas for
5 active and passive recreation. Additionally, landscapes are an enhancement to the
6 environment by benefitting air and water quality, helping to prevent and manage
7 erosion, offering fire protection, and helping to replace valuable ecosystems that may be
8 lost during development.

9 (b) Increase the compatibility between abutting land uses and public rights-of-
10 way by providing landscape screening and buffers.

11 (c) Protect public health, safety, and welfare by preserving property values
12 and enhancing pedestrian and vehicular traffic and safety.

13 (d) Provide for the conservation and protection of water resources through the
14 efficient use of water; appropriate use of plant materials suitable for climate and
15 location; regular maintenance of landscaped areas; and provide regional standards
16 pursuant to section 83.10.080, in addition to those required by the State Model Water
17 Efficient Landscape Ordinance (MWELo), as adopted by reference in Title 6 of the San
18 Bernardino County Code of Ordinances..

19 **83.10.020 Applicability.**

20 (a) A landscape document package shall be submitted when required by the
21 MWELo.

22 **83.10.030 Reserved.**

23 **83.10.040 Modification to the Landscaping Requirements.**

24 (a) *Director Approval.* The Director may approve modifications to the
25 requirements of this Chapter. The modifications shall be limited to the following:

26 (1) Minor modifications to the approved landscape documentation
27 package that comply with the spirit and intent of the requirements, including, but not
28 limited to, revising or substituting plant varieties, container sizes, plant locations,

1 irrigation specifications, hardscape components, berm heights and/or locations, slope
2 features, and other similar changes.

3 (2) Any minor modifications of planting, installation, and/or soil
4 preparation details as listed within the approved landscape documentation package.

5 (3) The occupancy of structures prior to the installation of landscaping
6 due to exceptional and unforeseen circumstances when a bond or other surety is
7 provided. When required by the Director, a statement of surety in the form of cash,
8 performance bond, letter of credit, or certificate of deposit in the amount equal to 120
9 percent of the total value of all plant materials, irrigation equipment, installation, and
10 maintenance shall be posted with the County for a two-year period. The Director may
11 require statements of surety for phased development projects, a legitimate delay in
12 landscape installation due to seasonal requirements (including adverse weather
13 conditions) and similar circumstances where it may not be advisable or desirable to
14 install all of a project's landscaping before occupancy of a site.

15 (b) *Conditions Imposed in Connection with Modifications.* In granting
16 modifications to any approved landscape documentation package, the Director may
17 impose conditions as deemed necessary to comply with the spirit and intent of these
18 regulations.

19 (c) *Fire Safety (FS) Overlay.* The standards in this Chapter may be modified
20 by Chapter 82.13 (Fire Safety (FS) Overlay).

21 **83.10.050 Reserved.**

22 **83.10.060 Landscape Area Requirements.**

23 (a) *General Requirements.*

24 (1) *Setbacks.* Setback and open space areas required by this
25 Development Code shall be landscaped based on the requirements of this Chapter and
26 the MWEL, except the portion where a sidewalk or driveway occur in the required
27 setback. Required setbacks that are screened from public view in commercial and
28 industrial zones, and are not adjacent to residentially-zoned property, are exempt from

1 the provisions of this Chapter.

2 (2) *Unused Areas.* Areas of a project site not intended for a specific
3 use shall be landscaped based on the requirements of this Chapter, unless exempt in
4 compliance with the MWELo.

5 (3) *Parking Areas.* Parking areas shall be landscaped in compliance
6 with section 83.11.080 (Landscape Requirements for Parking Areas) and the water-
7 efficient landscaping requirements of this Chapter. Areas dedicated to parking lots shall
8 not be counted as part of the total lot area needed when computing the minimum
9 landscaped area in compliance with Table 83-12, nor shall the parking lot landscaping
10 be counted as part of the minimum landscaping required.

11 (4) *Minimum Area.* Projects specified in section 83.10.020
12 (Applicability) shall provide and maintain landscaped areas in compliance with Table 83-
13 12 (Minimum Landscaped Area). No landscaped area having a width of less than five
14 feet shall be considered in the minimum landscaping requirement.

15

<i>Table 83-12</i>		
<i>Minimum Landscaped Area</i>		
<i>Land Use</i>	<i>Minimum Landscape Area</i>	
	<i>The factor resulting in the larger landscaped area shall be used.</i>	
	<i>As a Percentage of Lot Area</i>	<i>Area in Sq. Ft.</i>
Residential		
Single-Family	Front and street side setbacks	900
Multi-Family (4 or more units)	40 percent	N/A
Nonresidential		
Industrial/Warehouse	15 percent	1,000
Institutional	20 percent	500
Office	20 percent	1,000
Retail	20 percent	1,000

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24 (b) *Area Increase in Lieu of Parking Spaces.* In addition to required
25 landscaping areas, landscaping may be provided in lieu of 10 percent of the total
26 number of parking spaces required, provided the landscaping is arranged so that
27 parking may be installed at a later date if a demand arises, and further provided, that
28 the owner agrees to provide parking at the request of the reviewing agency.

1 (c) *Variation of Area Coverage in Planned Developments.* Variation of
2 landscape coverage may be allowed for individual parcels within planned developments
3 established in compliance with Chapter 85.10 (Planned Development Permits) when the
4 development as a whole meets the required coverage and the landscape
5 documentation package is consistent with the purpose and water-efficient requirements
6 of this Chapter.

7 **83.10.070 Reserved.**

8 **83.10.080 Regional Landscaping Standards.**

9 (a) *Valley Region.* In the Valley Region, the following additional landscaping
10 standards shall apply:

11 (1) *Existing Trees.* Where possible, trees that are existing on a site
12 shall remain and be protected in place. If existing trees are removed to accommodate
13 development, those trees shall be replaced at the rate of 2:1. Fruit or nut bearing trees
14 planted in groves shall be exempt from this provision. Replacement trees shall be a
15 mixture of 15 gallon and 24-inch box container sizes. Wherever possible, preservation
16 of existing trees and shrubs shall be used to meet site landscaping requirements.

17 (2) *Plant Materials.* Plant materials shall be a cohesive mix of
18 deciduous and evergreen trees, shrubs, groundcovers, native plant material, and, where
19 applicable, turf. A list of acceptable plant materials for the Valley Region is available
20 from the Land Use Services Department to assist developers and their landscape
21 professionals in preparing the landscape documentation package. If existing plant
22 material is used as part of the site landscaping requirements, it shall be included into
23 the sites water budget calculations.

24 (3) *Tree Removal Permit.* If any local, State, and/or Federally
25 protected plant material is found on-site, removal and/or protection shall be in
26 compliance with Chapter 88.01 (Plant Protection and Management).

27 (4) *Landscaped Setbacks.* The front yard and street side yard setback
28 areas of a parcel shall be landscaped, except for sites where no disturbance of the

1 natural terrain within a setback is proposed or the natural terrain precludes setback
2 landscaping (i.e., mountainsides or hillsides). Landscaping of interior side yard
3 setbacks may be required in compliance with section 83.02.060 (Screening and
4 Buffering).

5 (b) *Mountain Region.* In the Mountain Region, the following additional
6 landscaping standards shall apply:

7 (1) *Forest Conservation Plan and Insect Infestation Prevention*
8 *Program.* Any landscaping proposed shall be in conjunction with a forest conservation
9 plan and insect infestation prevention program. These plans shall be prepared by a
10 Registered Professional Forester (RPF), and submitted with the landscape
11 documentation package by the developer. The plan shall include guidelines for tree
12 preservation, both during and after construction.

13 (2) *Existing Trees.* Any existing trees that are removed to
14 accommodate development shall be replaced according to the recommendations of the
15 forest conservation plan submitted with the landscape documentation package by the
16 developer. Wherever possible, preservation of existing trees and shrubs shall be used
17 to meet site landscaping requirements.

18 (3) *Plant Materials.* Plant materials shall be a cohesive mix of
19 evergreen and deciduous trees, shrubs, groundcovers, native plant materials that are
20 drought and infestation tolerant, and fire-resistant; turf shall be minimized and be
21 installed in compliance with this Chapter. A list of acceptable plant materials for the
22 Mountain Region is available from the Land Use Services Department to help assist
23 developers and their landscape professionals in the preparation of the landscape
24 document package. If existing plant material is used as part of the site landscaping
25 requirements, it shall be included into the site's water budget calculations. If any local,
26 State, and/or Federally protected plant material is found on-site, removal and/or
27 protection shall be in compliance with Chapter 88.01 (Plant Protection and
28 Management). Seedlings may be considered a viable container size as part of the

1 planting plan.

2 (4) *Landscaped Setbacks.* The front yard and street side yard setback
3 areas shall be landscaped except for sites where no disturbance of the natural terrain is
4 proposed. Landscaping of interior side yard setbacks may be required in compliance
5 with section 83.02.060 (Screening and Buffering).

6 (c) *Desert Region.* In the Desert Region, the following additional landscaping
7 standards shall apply:

8 (1) *Existing Plant Material.* Any existing native desert plant material, or
9 any part thereof, except the fruit, shall not be removed without the issuance of a tree
10 removal permit in compliance with Chapter 88.01 (Plant Protection and Management).
11 Additionally, if native desert plant materials are to be replaced, then the replacement of
12 those materials are to be in compliance with Chapter 88.01 (Plant Protection and
13 Management), except as provided for in this Subdivision. If Joshua trees (*Yucca*
14 *brevifolia*) exist on-site and are proposed to be relocated, they shall be relocated on-site
15 in the landscaped areas; unless, in writing, the Director of the Land Use Services
16 Department specifically allows another option.

17 (2) *Plant Materials.* Plant materials shall be a cohesive mix of
18 evergreen and deciduous trees, shrubs, groundcovers, succulents, and native plant
19 material that are drought and infestation tolerant; turf shall be minimized and be placed
20 in compliance with this Chapter. A list of acceptable plant materials for the Desert
21 Region is available from the Land Use Services Department to help assist developers
22 and their landscape professionals in preparing their landscape documentation package.
23 If any local, State, and/or Federally protected plant material is found on-site, removal
24 and/or protection shall comply with Chapter 88.01 (Plant Protection and Management).

25 (3) *Landscaped Setbacks.* The front yard and street side yard setback
26 areas of a parcel shall be landscaped using xeriscape landscaping techniques, which
27 combines drought tolerant plant and hardscape materials in a variety of aesthetically
28 pleasing designs. For sites where no disturbance of land within setbacks is proposed,

1 landscaping shall not be required. Landscaping of side-yard setbacks may be required
2 in compliance with section 83.02.060 (Screening and Buffering).

3 (4) *Unpaved Parking Lots.* Those parking lots not requiring paving
4 shall not be required to be landscaped, nor will they count as part of the overall
5 landscape total needed for the project. Only those parking lots required to be paved
6 shall be landscaped in compliance with this Chapter and with section 83.11.080
7 (Landscape Requirements for Parking Areas). Parking lot landscaping shall not be
8 counted as part of the minimum landscaping requirement for a project.

9 (5) *Dust Control.* If grading takes place, then a dust control plan shall
10 be submitted for review. All grading and dust control measures shall be conducted in
11 compliance with the provisions of section 88.02.40 (Dust Control Desert Region).

12
13 SECTION 7. Section 84.01.050 of the San Bernardino County Code is amended
14 to read as follows:

15 **84.01.050 Residential Accessory Structures and Uses.**

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

20 (a) *Number of Accessory Residential Units.* In addition to a single-family or
21 multi-family dwelling unit, unless indicated otherwise a combination of two of the
22 following additional accessory units shall be allowed; parcels five acres in size or
23 greater shall be allowed to have three of the following:

24 (1) *Accessory Dwelling Unit.* An accessory dwelling unit shall be
25 located on the same parcel as the primary dwelling unit and may be attached, detached
26 or converted from an existing structure. Refer to subsection 84.01.060(d) for additional
27 information on types of accessory dwelling units and their standards. Additional
28 accessory dwelling units may be allowed on parcels with multi-family dwelling structures

1 pursuant to section 84.01.060(g).

2 (2) *Junior Accessory Dwelling Unit.* A junior accessory dwelling unit
3 shall be located on the same parcel as the primary dwelling unit. Refer to subsection
4 84.01.060(d) for additional information on junior accessory dwelling units and their
5 standards.. Only one junior accessory dwelling unit shall be allowed per parcel.

6 (3) *Guest House.* Guest housing shall be located on the same parcel
7 as the primary dwelling unit and shall be separated from it by at least ten feet. Guest
8 housing shall be for use by temporary guests of the occupants of the primary dwelling
9 unit and shall not be rented or otherwise used as a separate dwelling; the guest house
10 may be used as a short-term rental when in compliance with Chapter 84.28 (Short-Term
11 Residential Rentals). In the Single Residential (RS) or the Multiple Residential (RM)
12 land use zoning districts on parcels less than 2.5 acres in size, the guest housing unit
13 shall not extend in front of the primary structure. The provisions of subsection
14 84.21.030(i) shall apply to a manufactured home used as guest housing.

15 (b) *Parking.* Except as otherwise provided in this chapter, parking for
16 accessory residential dwelling units shall comply with Chapter 83.11 (Parking and
17 Loading Standards).

18 (c) *Carport and/or Garage.* Detached carports or garages shall be limited to
19 1,200 square feet when located on parcels that are less than 20,000 square feet in size.

20 (d) *Other Residential Accessory Structures and Uses.* See section 83.02.080
21 (Allowed Projections into Setbacks).

22 (1) Except in the Mountain Region, structures and uses such as
23 cabanas, tennis courts, ramadas, water towers and wells, swimming pools, or storage
24 buildings shall not extend in front of the primary structure where the primary structure
25 faces a street right-of-way.

26 (2) Accessory dwelling units may be located in front of the primary
27 structure when in compliance with setback standards.

28 (3) Ground mounted solar may be located in front of the primary

1 structure when in compliance with setback standards, screened and not prominently
2 visible from the street.

3 (e) *Detached Storage Structures.* Parcels that are one acre or less in size
4 shall be limited to only one detached storage structure that exceeds 120 square feet
5 and the storage structure shall not exceed 1,000 square feet. Except in the Mountain
6 Region, detached storage structures shall not extend in front of the primary structure
7 where the primary structure faces a right-of-way.

8 (f) *Freight Containers and Similar Storage-Type Structures.*

9 (1) Freight containers, railroad cars, intermodal containers, and other
10 similar storage-type structures shall be allowed as accessory structures in the RS
11 (Single Residential) or RM (Multiple Residential) land use zoning districts provided that
12 they are compatible with the appearance of the on-site primary structure and the
13 surrounding neighborhood and setting. A Compatibility Determination application shall
14 be approved by the Planning Division of the Land Use Services Department to allow
15 such a structure. Screening such a structure from view from the street or the physical
16 alteration of such a structure, such as painting or otherwise altering the structure, may
17 be considered in the approval of the application. Such railroad car, container or similar
18 storage-type structure shall be placed behind the primary structure and not prominently
19 visible from the street.

20 (2) Freight containers, railroad cars, intermodal containers, and other
21 similar storage-type structures shall be allowed as accessory structures in the
22 Agriculture (AG) or Rural Living (RL) land use zoning districts provided that they shall
23 be altered, either painted or structurally altered, to appear to be similar to, and
24 compatible with, the appearance of the on-site primary structure and the surrounding
25 neighborhood or to blend in with the surrounding environment. Such railroad car,
26 container or similar storage-type structure shall be allowed provided that the container
27 can be placed behind the primary structure and not prominently visible from the street.

28 (g) *Animal Keeping.* Accessory animal keeping shall be conducted as

1 specified in Chapter 84.04 (Animal Keeping).

2 (h) *Exterior Storage.* Exterior storage shall be fully and solidly screened and
3 kept below the level of the fence or other screening mechanism. Exterior storage shall
4 comply with Title 3 (Health and Sanitation and Animal Regulations) of the County Code.
5 Screening of exterior storage shall comply with section 83.02.060 (Screening and
6 Buffering).

7 (i) *Residential Crop Production.* Accessory crop production shall be allowed
8 on parcels of 10,000 square feet or more, with a temporary sales facility for plant or
9 animal products grown on the subject property. The sales facility shall not be larger
10 than 200 square feet in area and shall display produce for sale for no longer than 72
11 hours in any calendar month. Standards for produce stands are provided in Chapter
12 84.03 (Agritourism Enterprises). This does not include wholesale or retail nurseries.

13 (j) *Private Office.* A private office shall be for the sole use of the dwelling unit
14 occupants within a primary structure and shall have no external advertising or signs.

15 (k) *Compatibility.* In the RS (Single Residential) and RM (Multiple
16 Residential) land use zoning districts, the appearance of an accessory structure shall be
17 similar to, and compatible with, the appearance of the primary structure and the
18 surrounding neighborhood and setting.

19 (l) *Storage of Firewood.* The storage of firewood shall comply with Chapter
20 84.09 (Firewood Storage).

21
22 SECTION 8. Section 84.01.060 of the San Bernardino County Code is amended
23 to read as follows:

24 **84.01.060 Accessory Dwelling Units and Junior Accessory Dwelling Units.**

25 (a) *General Provision.* Accessory dwelling units and junior accessory
26 dwelling units shall comply with all provisions of this Chapter as well as the underlying
27 zoning district.

28 (b) *Location Criteria.* Accessory dwelling units and junior accessory dwelling

1 units shall be permitted where allowed in compliance with Division 2 (Land Use Zoning
2 Districts and Allowed Land Uses) and on any lot that contains a proposed or an existing
3 dwelling. Accessory dwelling units and junior accessory dwelling units shall not be
4 permitted in those areas where a development moratorium has been imposed, including
5 a moratorium for water or sewer connection, whether imposed by the County or another
6 public agency.

7 (c) *Common Ownership, Occupancy, and Rental Terms.*

8 (1) Accessory dwelling units are not intended for sale separate from
9 the primary residence but may be rented separately from the primary residence in all
10 regions of the County for a term longer than 30 days, or in the Mountain and Desert
11 Regions for a term less than 30 days provided the short-term rental unit complies with
12 Chapter 84.28 (Short-Term Residential Rentals) and is not a unit constructed pursuant
13 to subdivision (g), below.

14 (2) Junior accessory dwelling units require owner-occupancy in the
15 single-family residence in which the junior accessory dwelling unit will be permitted. The
16 owner may reside in either the remaining portion of the structure or the newly created
17 junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is a
18 governmental agency, land trust, or housing organization. If the owner chooses not to
19 reside in the junior accessory dwelling unit, then the recordation of a deed restriction,
20 which shall run with the land, shall be filed with the permitting agency, shall be required
21 and shall include both of the following:

22 (A) A prohibition on the sale of the junior accessory dwelling unit
23 separate from the sale of the single-family residence, including a statement that the
24 deed restriction may be enforced against future purchasers.

25 (B) A restriction on the size and attributes of the junior
26 accessory dwelling unit that conforms with this section.

27 (d) *Types of Units.*

28 (1) Attached unit. An accessory dwelling unit that is attached to the

1 proposed or existing primary dwelling. Attached units may have a separate entrance or
2 share a common entrance with the primary dwelling. The maximum size of an attached
3 accessory dwelling unit is 1,200 square feet of livable space.

4 (2) Detached Unit. An accessory dwelling unit that is separated from
5 the proposed or existing primary dwelling. The detached accessory dwelling unit shall
6 be considered the primary unit if it is a larger size than the primary dwelling. The
7 maximum size of a detached accessory dwelling unit is 1,200 square feet of livable
8 space.

9 (3) Converted Existing Structure or Space. An accessory dwelling unit
10 that is created from, an existing space (e.g. master bedroom, attached garage, storage
11 area, or similar use), or existing structure (e.g. detached garage, barn, storage structure
12 or existing residential structure) on the lot of the primary residence that is converted into
13 an independent living unit. This may also include an existing primary residence that is
14 converted to an accessory dwelling unit when a larger dwelling is established. The
15 accessory dwelling unit may exceed 1,200 square feet of livable space when converted
16 from an existing space or structure, but may not expanded the physical dimension of the
17 existing space or structure unless otherwise authorized by Section 65852.2 of the
18 Government Code.

19 (4) Junior Accessory Dwelling Unit. A specific type of conversion of
20 existing space that is contained entirely within an existing or proposed single-family
21 residence. A junior accessory dwelling units is no more than 500 square feet in size for
22 livable space. The maximum size can be increased up to 150 square feet if necessary
23 to allow for ingress and egress to the unit. A junior accessory dwelling unit may include
24 separate sanitation facilities, or may share sanitation facilities with the existing structure.
25 A junior accessory dwelling unit shall have a minimum of an efficiency kitchen.

26 (e) *Development Standards for Accessory Dwelling Units and Junior*
27 *Accessory Dwelling Units.* The development standards for an accessory dwelling unit
28 and junior accessory dwelling unit shall comply with the following additional

1 requirements:

2 (1) Except as otherwise provided in this Chapter, an accessory
3 dwelling unit or junior accessory dwelling unit shall comply with all development
4 standards of the land use zoning designation in which the lot is located.

5 (2) Written confirmation from the sewer district having jurisdiction of the
6 availability of sewer service for the accessory dwelling unit or written approval from the
7 Division of Environmental Health Services for use on an existing or new septic system
8 shall be obtained. Holding tanks shall not be permitted for accessory dwelling units.

9 (3) Written confirmation from the water district having jurisdiction of the
10 availability of water service for the accessory dwelling unit or written approval from the
11 Division of Environmental Health Services for use of an existing or new well shall be
12 obtained.

13 (4) In addition to the requirements of section 84.01.020 (General
14 Development Standards), the minimum accessory dwelling unit size will be determined
15 by the current edition of the California Residential Code or as certified by California
16 Department of Housing and Community Development. In no event shall the minimum
17 square footage for either an attached or detached accessory dwelling unit prohibit an
18 efficiency unit as defined in Section 17958.1 of the Health and Safety Code.

19 (5) Approval for setbacks from the applicable Fire Department shall be
20 required prior to the issuance of a building permit for an accessory dwelling unit.

21 (6) Approval for site drainage, egress, and exit requirements from the
22 Building and Safety Division shall be required prior to the issuance of a building permit
23 for an accessory dwelling unit.

24 (f) *Development Standard Exemptions.* An accessory dwelling unit and
25 junior accessory dwelling unit are exempt from the following development standards:

26 (1) Lot Coverage. Lot coverage requirements shall not preclude the
27 construction of either an attached or detached accessory dwelling units that is at least
28 800 square feet in size.

1 (2) Setbacks.

2 (A) No setback shall be required for an existing living area or
3 accessory structure or a structure constructed in the same location and to the same
4 dimensions as an existing structure that is converted to an accessory dwelling unit or to
5 a portion of an accessory dwelling unit or junior accessory dwelling unit.

6 (B) A setback of more than 4 feet or rear and interior side yards
7 shall be required for an accessory dwelling unit not otherwise constructed in accordance
8 with subparagraph (A), above.

9 (3) Fire Sprinklers. Accessory dwelling units and junior accessory
10 dwelling units are not required to provide fire sprinklers if they are not required for the
11 primary dwelling.

12 (4) Utility Connections. Unless an accessory dwelling unit is
13 constructed with a new single-family dwelling, an applicant is not required to install new
14 or separate utility connections and shall not be subject to separate utility connection fee
15 or capacity charge for an accessory dwelling unit described in paragraph (1) of
16 subdivision (g), below.

17 (5) Parking. The parking requirements for accessory dwelling units, as
18 set forth in Chapter 83.11 (Parking and Loading Standards), shall not apply in any of the
19 following instances:

20 (A) The unit is considered a junior accessory dwelling unit.

21 (B) The accessory dwelling unit is located within one-half mile
22 walking distance of public transit.

23 (C) The accessory dwelling unit is located within an
24 architecturally and historically significant historic district.

25 (D) The accessory dwelling unit is part of the proposed or
26 existing primary residence or a converted accessory structure.

27 (E) When on-street parking permits are required but not offered
28 to the occupant of the accessory dwelling unit.

1 (F) When a car share vehicle located within one block of the
2 accessory dwelling unit.

3 (G) When a garage, carport or covered parking structure is
4 demolished in conjunction with the construction of an accessory dwelling unit or
5 converted into an accessory dwelling unit, the off-street covered parking does not need
6 to be replaced.

7 (g) *By-Right Permitting Exemptions.* Notwithstanding anything to the
8 contrary, an application for a building permit for a use authorized by Division 2 (Land
9 Use Zoning Districts and Allowed Land Uses) shall be approved to create any of the
10 following:

11 (1) One accessory dwelling unit and junior accessory dwelling unit per
12 lot with a proposed or existing single-family dwelling if all of the following apply:

13 (A) The accessory dwelling unit or junior accessory dwelling unit
14 is within the proposed space of a single-family dwelling or existing space of a single-
15 family dwelling or accessory structure and may include an expansion of not more than
16 150 square feet beyond the same physical dimensions as the existing accessory. An
17 expansion beyond the physical dimensions of the existing accessory structure shall be
18 limited to accommodating ingress and egress.

19 (B) The space has exterior access from the proposed or existing
20 single-family dwelling.

21 (C) The side and rear setbacks are sufficient for fire and safety.

22 (D) The junior accessory dwelling unit, if applicable, complies
23 with the requirements of Section 65852.22 of the Government Code.

24 (2) One detached, new construction, accessory dwelling unit that does
25 not exceed four-foot rear and interior side setbacks for a lot with a proposed or existing
26 single-family dwelling, provided the total floor area is not more than 800 square feet and
27 a height of 16 feet. The accessory dwelling unit may be combined with a junior
28 accessory dwelling unit described in paragraph (1) of this subdivision.

1 (3) Multiple accessory dwelling units within the portions of existing
2 multifamily dwelling structures that are not used as livable space, including, but not
3 limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if
4 each unit complies with state building standards for dwellings. The County shall allow at
5 least one accessory dwelling unit and a maximum of 25 percent of the existing
6 multifamily dwelling units.

7 (4) Not more than two accessory dwelling units that are located on a lot
8 that has an existing multifamily dwelling, but are detached from that multifamily dwelling
9 and are subject to a height limit of 16 feet and four-foot rear and interior side setback.

10
11 SECTION 9. Section 84.28.020 of the San Bernardino County Code is amended
12 to read as follows

13 **84.28.020 Applicability.**

14 The standards and permit procedures of this chapter apply to all persons
15 involved, and at all times, as more fully set forth herein, in the short-term rental of
16 residential dwelling units as a single housekeeping unit where allowed in the Mountain
17 and Desert Regions in compliance with Division 2 (Land Use Zoning Districts and
18 Allowed Land Uses) or in connection with a legal nonconforming residential structure
19 located in a non-residential land use zoning district. "Short-term" means 30 days or
20 less.

21
22 SECTION 10. Section 84.28.030(c) of the San Bernardino County Code is
23 amended to read as follows:

24 (c) **INSPECTIONS—INITIAL.** Means any inspection incident to the review of
25 an application for an initial short-term residential rental unit permit. The responsible
26 department shall inspect the subject property to determine maximum occupancy and
27 parking capacity for the property, and to verify compliance with the standards of this
28 Chapter and of other applicable County Code provisions.

1 SECTION 11. Section 84.28.030(d) of the San Bernardino County Code is
2 amended to read as follows:

3 (d) **INSPECTIONS—RENEWAL.** Means the reinspection, upon the
4 application for renewal of a short-term residential unit permit, whereby the subject
5 property shall be inspected to ensure continued compliance with the standards of this
6 Chapter and of other applicable County Code provisions. Notwithstanding anything to
7 the contrary, an applicant seeking renewal of a short-term residential rental unit permit
8 shall comply with all applicable standards of this Chapter at the time of renewal.

9
10 SECTION 12. Section 84.28.040(a) of the San Bernardino County Code is
11 amended to read as follows:

12 (a) A short-term residential rental unit owner may use a single-family dwelling
13 unit as a short-term residential rental unit only if such owner has a current valid short-
14 term residential unit permit and complies with the requirements of this Chapter and
15 other applicable provisions of the County Code and other laws. A separate permit shall
16 be required for each dwelling unit used as a short-term residential rental unit when there
17 is more than one legal single-family dwelling unit or a duplex on the parcel. An
18 accessory dwelling unit, primary dwelling unit, guesthouse, casita, or other residential
19 accessory structure may be permitted as a short-term residential rental unit when at
20 least one of the dwelling units (primary dwelling, accessory dwelling unit, or caretaker
21 dwelling) is occupied by the property owner or legal agent. This owner-occupancy
22 requirement shall not apply to a parcel two (2) acres or greater. A maximum of two (2)
23 legal dwelling units per parcel of land may be approved for separate individual short-
24 term residential rental unit permits. An individual unit, such as an apartment or
25 condominium, located within a multi-family residential project, is not eligible for a short-
26 term residential rental unit permit.

27 ///

28 ///

1 SECTION 13. Section 84.28.050(a) of the San Bernardino County Code is
2 amended to read as follows:

3 **84.28.050 Application Process.**

4 (a) *Application.* An application for a short-term residential rental unit permit
5 shall be submitted to the responsible department on a pre-approved form. The required
6 content of the form may be revised from time to time, but at a minimum shall require the
7 following:

8 (1) Property owner name and contact information.

9 (2) Applicant name and contact information, if different from the
10 property owner.

11 (3) Address and Assessor's parcel number for the property containing
12 the single-family dwelling unit, accessory dwelling unit or other permitted structure to be
13 used as a short-term residential rental unit.

14 (4) Total square footage of the single-family dwelling unit, accessory
15 dwelling unit or other permitted structure to be used as a short-term residential rental
16 unit.

17 (5) Total square footage of habitable space to be used for overnight
18 sleeping purposes.

19 (6) The name of the managing agency, agent, or property manager, if
20 different from the property owner, and a telephone number at which that party may be
21 immediately reached on a 24-hour basis.

22 (7) Acknowledgment that the permittee understands, and agrees to
23 operate the short-term residential rental unit in compliance with the regulations and
24 requirements set forth in this Chapter.

25 (8) A fee amount to cover an initial inspection and one additional
26 inspection, as set forth in the schedule of fees in Division 6 of Title 1 of the County
27 Code. If further additional inspections are required, then the owner or applicant shall be
28 required to pay additional inspection fees.

1 SECTION 14. Section 84.28.050(b) of the San Bernardino County Code is
2 amended to read as follows:

3 (b) *Notification Requirements.*

4 (1) The responsible department shall provide notice of the application
5 to all potentially affected property owners in the following circumstances:

6 (A) The application is submitted as a result of the issuance of a
7 notice of violation due to the advertising of a dwelling unit for short-term residential
8 rental use or use of a property as a short-term residential rental unit without a short-term
9 residential rental unit permit.

10 (B) During the processing of the application, the responsible
11 department is made aware of circumstances that would lead it to reasonably believe
12 that the property has been used in violation of this Chapter, including but not limited to
13 that the property was used as a short-term residential rental unit without a short-term
14 residential rental unit permit.

15 (2) If there are additional costs to the County in providing notice to all
16 potentially affected property owners, the cost of the permit application shall be changed
17 to allow the County to recover those costs. The notice shall provide that comments may
18 be submitted to the responsible department up to 20 calendar days after the date of
19 said notice.

20 (3) The responsible department shall notify the applicant if the
21 application is approved or denied at the applicant's mailing address as shown on the
22 most recent application or otherwise filed with the responsible department. Within 10
23 calendar days of the issuance or renewal of a short-term residential rental permit, the
24 responsible department shall send notice to all potentially affected property owners
25 informing them that a permit was issued. This notice shall contain, at a minimum, the
26 following information:

27 (A) The name of the managing agency, agent, property
28 manager, or owner of the unit, and a telephone number at which that party may be

1 immediately reached on a 24-hour basis;

2 (B) The phone number of the County's 24/7 short-term rental
3 complaint line;

4 (C) The maximum number of occupants allowed in the unit;

5 (D) The maximum number of vehicles allowed to be parked on
6 the property.

7
8 SECTION 15. Section 84.28.050(g) of the San Bernardino County Code is
9 amended to read as follows:

10 (g) *Permit Renewal.* The short-term residential rental unit permit shall be
11 renewed biennially. Permit renewal shall be approved if the current conditions of
12 operation and other standards in this Chapter have been met, the subject property
13 passes the renewal inspection, and the applicable renewal fee as set forth in the San
14 Bernardino County Code schedule of fees is paid. Renewal payments submitted after
15 permit expiration are subject to a delinquent fee pursuant to the schedule of fees.
16 Continued use of a short-term residential rental unit is prohibited following permit
17 expiration until renewal payment, including any delinquent fee, has been received by
18 the County. Failure to submit renewal payment within 45 days of permit expiration,
19 including any delinquent fee, shall result in closure of the short-term residential rental
20 unit permit. The short-term residential rental unit owner shall be required to submit a
21 new application, pay the applicable new permit application fee, and be subject to the
22 application process in Subdivision (a) above.

23
24 SECTION 16. Section 84.28.060(c) of the San Bernardino County Code is
25 amended to read as follows:

26 (c) *Maximum Occupancy Limits.* Maximum occupancy limits per short term
27 residential rental unit shall be determined as follows:

28 (1) Notwithstanding the allowances per Subdivision (b) above, the

1 maximum occupancy of a short-term residential rental unit shall not exceed six persons
2 if the rental unit is smaller than 800 square feet.

3 (2) Notwithstanding the allowances per Subdivision (b) above, the
4 maximum occupancy of a short-term residential rental unit shall not exceed eight
5 persons if the rental unit is smaller than 1,200 square feet.

6 (3) Notwithstanding the allowances per Subdivision (b) above, on
7 parcels smaller than one-quarter acre, the maximum occupancy of a short-term
8 residential rental unit shall not exceed ten persons.

9 (4) Notwithstanding the allowances per Subdivision (b) above, on
10 parcels smaller than one-half acre, the maximum occupancy of a short-term residential
11 rental unit shall not exceed 12 persons.

12 (5) Notwithstanding the allowances per Subdivision (b) above, on
13 parcels one-half acre to one acre, the maximum occupancy of a short-term residential
14 rental unit shall not exceed 15 persons.

15 (6) Notwithstanding the allowances per Subdivision (b) above, on
16 parcels greater than one acre, the maximum occupancy of a short-term residential
17 rental unit shall not exceed 20 persons.

18 (7) Notwithstanding the allowances per Subdivisions (b) and (c)(1)
19 through (6) above, the maximum occupancy of a short-term residential rental unit shall
20 not exceed the occupancies supported by the on-site parking spaces as required by
21 Subdivision (d) below.

22
23 SECTION 17. Section 84.28.070(k) of the San Bernardino County Code is
24 amended to read as follows:(k) *Trash/Refuse*. Trash shall be deposited in approved
25 trash collection containers on the short-term residential rental unit property. Trash
26 containers shall be kept closed when not in use, never be permitted to overflow, and
27 kept in a clean condition without excessive build-up of encrusted wastes in or on the
28 container.

1 (1) In the Mountain Region, short-term residential rental unit owners
2 shall use animal-proof trash containers and procure trash collection service from the
3 County-approved refuse collection hauler when said service is available. Pull-out trash
4 service shall also be established with the County approved refuse collection hauler
5 when said service is available. A sufficient number of trash containers based on
6 occupancy levels of the rental unit shall be procured.

7 (2) In the Desert Region, short-term residential rental unit owners shall
8 procure trash collection service and trash collection containers from the County-
9 approved refuse collection hauler when said service is available. A sufficient number of
10 containers based on occupancy levels of the rental unit shall be procured.

11 (3) Trash shall be removed from the premises after each occupancy
12 unless routine commercial trash collection is provided to the premises.

13
14 SECTION 18. Section 88.01.040 of the San Bernardino County Code is
15 amended to read:

16 **88.01.040 Regulated Trees and Plants and General Permit.**

17 (a) *Regulated Trees and Plants.* A regulated tree or plant shall be any of the
18 trees or plants identified in:

19 (1) Section 88.01.060(c) (Regulated Desert Native Plants);

20 (2) Section 88.01.070(b) (Regulated Trees); or

21 (3) Section 88.01.080(b) (Regulated Riparian Plants).

22 (b) *Permit for Removal Required.* A Tree or Plant Removal Permit issued in
23 compliance with section 88.01.050 (Tree or Plant Removal Requirements) shall be
24 required for the removal of regulated trees and plants.

25 (c) *Conditions of Approval.* The permits required by this Chapter may be
26 subject to conditions imposed by the applicable review authority as identified in section
27 88.01.050(e) (Tree or Plant Removal Permits - Condition of approval).

28

1 SECTION 19. Section 88.01.060(e) of the San Bernardino County Code is
2 amended to read:

3 (e) **DAY CARE, CHILD.** (See Land Use Tables.) Facilities that provide non-
4 medical care and supervision of minor children for periods of less than 24 hours. These
5 facilities include the following, all of which are required to be licensed by the California
6 State Department of Social Services.

7 (1) **DAY CARE CENTER.** Commercial or non-profit child day care
8 facilities designed and approved to accommodate 15 or more children. Includes infant
9 centers, preschools, sick-child centers, and school-age day care facilities. These may
10 be operated in conjunction with a school or church facility, or as an independent land
11 use.

12 (2) **DAY CARE HOME - FAMILY.** As defined by Health and Safety
13 Code section 1596.78, a home that regularly provides care, protection, and supervision
14 for 14 or fewer children, in the provider's own home, for periods of less than 24 hours
15 per day, while the parents or guardians are away.

16
17 SECTION 20. Section 810.01.070 of the San Bernardino County Code is
18 amended to add subsection (e) to read as follows:

19 (e) **EFFICIENCY KITCHEN.** An area that includes (1) a cooking facility with
20 appliances and (2) a food preparation counter and storage cabinets that are of
21 reasonable size in relation to the size of unit.

22
23 SECTION 21. Sections 810.01.070(e) through 810.01.070(aa) of the San
24 Bernardino County Code are amended and relettered to Sections 810.01.070(f) through
25 810.01.070(bb), respectively.

26
27 SECTION 22. Severability.

28 The Board of Supervisors declares that it would have adopted this ordinance and

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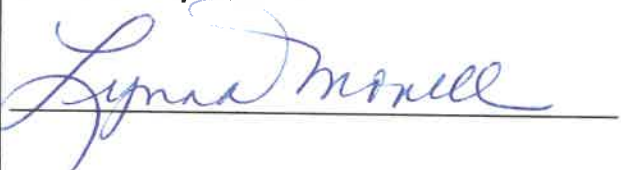
each section, sentence, clause, phrase, or portion of it irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions of it be declared invalid or unconstitutional. If for any reason any portion of this ordinance is declared invalid or unconstitutional, then all other provisions of it shall remain valid and enforceable.

SECTION 23. This ordinance shall take effect thirty (30) days from the date of adoption.


CURT HAGMAN, Chairman
Board of Supervisors

SIGNED AND CERTIFIED THAT A COPY OF THIS DOCUMENT HAS BEEN DELIVERED TO THE CHAIRMAN OF THE BOARD

LYNNA MONELL, Clerk of the Board of Supervisors



1 STATE OF CALIFORNIA)
2) ss.
3 COUNTY OF SAN BERNARDINO)

4 I, LYNNA MONELL, Clerk of the Board of Supervisors of the County of San
5 Bernardino, State of California, hereby certify that at a regular meeting of the Board of
6 Supervisors of said County and State, held on the 9th day of March, 2021, at which
7 meeting were present Supervisors: Col. Paul Cook (Ret.), Janice Rutherford, Dawn
8 Rowe, Curt Hagman, Joe Baca, Jr. and the Clerk, the foregoing ordinance was passed
9 and adopted by the following vote, to wit:

10 AYES: SUPERVISORS: Col. Paul Cook (Ret.), Janice Rutherford,
11 Dawn Rowe, Curt Hagman, Joe Baca, Jr.

12 NOES: SUPERVISORS: None

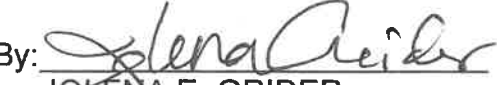
13 ABSENT: SUPERVISORS: None

14 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official
15 seal of the Board of Supervisors this 9th day of March, 2021.

16 LYNNA MONELL, Clerk of the
17 Board of Supervisors of the
18 County of San Bernardino,
19 State of California


Deputy


20 Approved as to Form:
21 MICHELLE D. BLAKEMORE
22 County Counsel

23 By: 
24 JOLENA E. GRIDER
25 Deputy County Counsel

26 Date: 3/11/21