



LAND USE SERVICES DEPARTMENT PLANNING COMMISSION STAFF REPORT

HEARING DATE: June 18, 2020

AGENDA ITEM # 3

Project Description

Applicant: County of San Bernardino Land Use Services Department

Community: Countywide

Location: Countywide

Project No: PMISC-2020-00005

Staff: Irene Romero

Proposal: Development Code Amendment to correct text errors and add clarification to various sections of the County Development Code. This amendment includes revisions to the following topics: Recreational Cabins, Manufactured Homes over 10 years old, Landscaping Standards, Sign Regulations, Lien Agreements, Floodplain Overlay, Community Gardens and Contiguous Abutting Parcels.

Newspaper Publication Date: June 2, 2020

Report Prepared By: Irene Romero

PROJECT DESCRIPTION

The proposal is an amendment to Title 8 of the San Bernardino County Code (Development Code) to correct errors and add clarification to various sections of the Development Code (Project or Development Code Amendment). The Development Code Amendment includes revisions to the following topics: Recreational Cabins, Manufactured Homes over 10 years old, Landscaping Standards, Sign Regulations, Lien Agreements, Floodplain Overlay, Community Gardens and Contiguous Abutting Parcels. Text corrections to various sections of the Development Code will be presented.

BACKGROUND

The Land Use Services Department (Department) has an on-going program of identifying minor inconsistencies and unnecessary complications within the Development Code, General Plan, and other documents prepared by the Department, and periodically proposing clarifications to address those issues. Suggestions for document corrections are submitted by staff and other users to improve these documents, making them more readable, functional, and complete.

ANALYSIS OF PROPOSAL

Content of the Proposed Ordinance: The Development Code Amendment identifies several sections of the Development Code that could benefit from clarification or correction. The Development Code Amendment represent staff's recommendations to correct these issues, and are summarized as follows:

- **Camping or Occupancy of Temporary Structure Prohibited** - Subsections 84.25.070(a)(2) and (c)(2) are amended to add clarification regarding the land use zoning districts where the exemption for recreational camping is allowed. Recreational cabin is also added to the camping provisions and a definition added as Subsection 810.01.200(j).
- **Minimum Residential Construction Standards** - Subsection 84.21.030(i)(2) is amended by identifying the California Department of Housing and Community Development as the applicable entity that certifies a manufactured home before the County issues an installation permit if more than ten years have elapsed between the date of manufacture and the date of the application for the issuance of the permit.
- **Landscape Grading Plan** – Subsection 83.10.050(a)(8) and Subsection 83.10.070(e) are amended to update the amount of cubic yards graded when landscape grading plans are required. These subsections require landscaping plans if grading exceeds 50 cubic yards. The proposed amendment increases this amount to 100 cubic yards.
- **On-Site Signs** - Table 83-31 of Subsection 83.13.050(c)(14) is amended to correct typos.
- **Lien Agreements** – Division 7 Subdivision's Table of Contents, Subsection 83.05.060(c), and Section 87.07.040 are being amended to delete all reference of a Lien Agreement as an acceptable security, given the legislative policy that this form of security expired and is no longer be acceptable after December 31, 2015.
- **Location on Same or Contiguous Abutting Parcel** – Subsection 84.01.020(f) is being amended to clarify development standards for contiguous parcels.
- **Floodplain Safety (FP) Overlay** – Subsection 82.14.040(a)(1) and (4), (b)(1), and (c)(1) are amended to update development in floodplains.
- **Residential Land Use Zoning District Development Standards – Mountain Region** – Table 82-9B of Section 82.04.060 is amended to remove the second sentence of note 2 (“The setback provisions of the small lot development standards (Chapter 84.22) shall not apply”) since small lot development standards are not excluded from parcels located in the Fire Safety Overlay.

- **Division 3 – Table of Contents** – The table of contents is amended to correct the proper reference to Section 83.05.030 (Dedication of Street and/or Highway Right of Way).
- **Community Gardens** – Table 82-4 of Section 82.03.040, Table 82-7 of Section 82.04.040 and Table 82-17 of Section 82.06.040 are amended to add Community Gardens as an allowed use.
- **Short-Term Residential Rentals** – Table 82-4 of Section 82.03.040 is amended to add Short-Term Residential Rentals as a use allowed with a Special Use Permit in the Resource Conservation (RC) and Agriculture (AG) Land Use Zoning Districts.
- **Special Use Permit** – Table 85-3 of Section 85.14.020 is amended to correct a reference to the table notes that don't exist.

ENVIRONMENTAL DETERMINATION

The Development Code Amendment is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines because it can be determined with certainty that there is no possibility that the Development Code Amendment may have a significant effect on the environment.

FINDINGS

The following findings and the evidence to support such findings must be made by the Planning Commission in its recommendation to the Board of Supervisors to approve the proposed Development Code Amendment:

1. The proposed ordinance amending the Development Code is consistent with the General Plan and any applicable community plan or specific plan because it will allow the Department to more effectively enforce the provisions of the Development Code. The proposed ordinance will amend the Development Code to correct minor errors, add an allowed use, clarify existing language, remove and update references, expand a use definition, and update department decisions or actions no longer required or performed.
2. The proposed ordinance amending the Development Code would not be detrimental to the public interest, health, safety, convenience or welfare of the County. The proposed ordinance is designed specifically to enhance the public interest, health, safety, convenience and welfare of the County by providing needed clarification in the regulations imposed on development and authorize a community benefit by allowing the additional use of community gardens in various land use zoning districts.

3. The proposed ordinance amending the Development Code is internally consistent with other applicable provisions of the Development Code. For the purpose of maintaining consistency throughout the Development Code, multiple sections of the Development Code are included in the proposed ordinance.
4. The proposed amendment is exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15061(b)(3) because it can be determined with certainty that implementation of the proposed ordinance would not have a significant effect on the environment.

RECOMMENDATION

That the Planning Commission take the following actions:

1. **DIRECT** staff to prepare an ordinance amending Title 8 of the County Code as recommended in the staff report and illustrated in the draft ordinance, presented in Exhibit A as red-line changes to the existing Development Code text (the Ordinance).
2. **RECOMMEND** that the Board of Supervisors take the following action:
 - A. **ADOPT** the proposed Ordinance amending Title 8 of the County Code related to the corrections of minor errors, addition of an allowed use, clarifications of existing language, remove and update references, expand a use definition, and update department decisions or actions no longer required or performed in the various sections listed in the Ordinance.
 - B. **ADOPT** the findings as contained in the staff report.
 - C. **DIRECT** the Clerk of the Board to file a Notice of Exemption.

ATTACHMENTS

Exhibit A: Proposed County Development Code Section Changes (Red-lined Version)

EXHIBIT A

Development Code Redline Changes

§ 84.25.070 Camping or Occupancy of Temporary Structure Prohibited.

(a) Prohibited Use.

(1) *Prohibition.* It shall be unlawful to place, install, build, maintain, use, or occupy any temporary structure on any parcel of real property subject to the provisions of this Development Code for the purpose of camping, dwelling, maintaining or establishing temporary or permanent residency unless such placement, installation, construction, maintenance, use, or occupancy is first authorized by a Temporary Use Permit, Special Event Permit, or other land use approval required by this Development Code or as otherwise made an exception herein.

(2) *Exception.* With no required permit, a property owner(s) shall be allowed to place, maintain, use and/or occupy any **existing Recreational Cabin on their own property, or any** temporary structure on their own property of five acres or larger **in the RC (Resource Conservation), AG (Agriculture) or RL (Rural Living) land use zoning districts**, for no more ~~that than~~ four consecutive days in an 30-day period when used for recreational camping ~~in the RC (Resource Conservation), AG (Agriculture) or RL-5 (Rural Living) — five-acre minimum parcel size) or larger land use zoning districts.~~

(b) Applicability. This Section shall apply to the following temporary structure:

(1) Any tent, lean-to, box, or other make-shift building or enclosure constructed of any material for which no building permit has been issued and no Temporary Use Permit, Special Use Permit, or other land use approval has been granted;

(2) Any vacant building, temporary or permanent, deemed substandard pursuant to Health and Safety Code § 17920.3 and §§ 63.0603 or 63.0604 of Title 6 of the San Bernardino County Code; and

(3) Any building under construction and unfinished, regardless of whether or not building, (plumbing, etc.) permits have been issued.

(c) Camping in Vehicle Prohibited.

(1) *Prohibition.* It shall be unlawful to place, maintain, use, or occupy any vehicle on any parcel of real property for the purpose of camping, dwelling, or maintaining, or establishing a temporary or permanent residency unless such placement, maintenance, use, or occupancy is authorized pursuant to this Chapter.

(2) *Exception.* With no required permit, a property owner(s) shall be allowed to place, maintain, use and/or occupy any temporary structure on their own property of five acres or larger for no more ~~that than~~ four days in a 30-day period when used for recreational camping in the RC (Resource Conservation), AG (Agriculture) or RL-5 (Rural Living) ~~five-acre minimum parcel size) or larger~~ land use zoning districts. This exception shall also apply when such vehicles are lawfully used as seasonal labor quarters upon the issuance of the Site Plan Permit and Special Use Permit pursuant to §§ 84.01.030 and 84.01.040.

(d) Vehicle Applicability. This Subdivision shall apply to the following vehicle types:

- (1) All recreational motor vehicles;
- (2) Recreational towed vehicles;
- (3) Mobile homes;
- (4) Commercial coaches;
- (5) Office trailers;
- (6) Park trailers;
- (7) Passenger vehicles;
- (8) Trailers;
- (9) Campers; and
- (10) Commercial vehicles.

(e) Notice to Abate.

(1) The Director may issue to any person occupying any structure or vehicle prohibited in violation of this Section a notice, including an order to vacate the structure or vehicle after 30 days of the date of the notice.

(2) If deemed necessary by the Director to prevent or remedy an immediate threat to health and safety of the public or occupants of the structure, the Director may issue any person occupying any structure or vehicle prohibited in violation of this Section an order to vacate the structure or vehicle with less than 30 days notice; or institute any appropriate action or proceeding to prevent, restrain, correct, or abate the violation or nuisance. (Ord. 4043, passed - -2008; Am. Ord. 4085, passed - -2009; Am. Ord. 4098, passed - -2010)

§ 810.01.200 Definitions, R.

(a) **RAISED SLEEPING BEDS.** A piece of furniture on, or in, which to lie and sleep and which is elevated off of the floor at least two feet. For the purposes of this definition, a single (or twin) bed will accommodate one person, while a double, queen or king bed will each accommodate two persons.

(b) **RANCH/FARM.** An establishment primarily engaged in growing crops and raising animals. A **RANCH/FARM** may consist of a single tract of land or a number of separate tracts that may be held under different tenures (i.e., the ranch/farm operator may own one tract and rent another). A **RANCH/FARM** may be operated by the owner alone or with the assistance of members of the household or hired employees. See also **AGRICULTURE**, **AGRICULTURAL USE**, and **AGRITOURISM**. Does not include **AGRICULTURAL SUPPORT SERVICE**.

(c) **RARE OR ENDANGERED SPECIES.** As used in the Development Code or the San Bernardino County Environmental Review Guidelines, shall be as defined in § 15380 of the California Environmental Quality Act (CEQA) Guidelines.

(d) **REAR LOT LINE.** See **LOT**.

(e) **REAR YARD.** See **YARD**.

(f) **REASONABLE ACCOMMODATION.** The following reasonable accommodation terms are defined as follows:

(1) **MINOR REASONABLE ACCOMMODATION.** Any deviation requested and/or granted from the strict application of the laws, rules, policies, practices and/or procedures of the County, including land use and zoning regulations of this Code, resulting in a physical modification to the property which can be removed or terminated in 90 days or less after the need for the reasonable accommodation ends.

(2) **MAJOR REASONABLE ACCOMMODATION.**

(A) **PHYSICAL MODIFICATION.** Any deviation requested and/or granted from the strict application of the laws, rules, policies, practices and/or procedures of the County, including land use and zoning regulations of this Code, resulting in a physical modification to the property which cannot be restored or terminated within 90 days or less after the reasonable accommodation is terminated.

(B) **LAND USE MODIFICATION (RESIDENTIAL CARE FACILITY).** Any land use deviation requested and/or granted from the strict application of the land use and zoning regulations of this Code for the establishment and operation of a residential care facility.

(g) **RECLAMATION.** See **SURFACE MINING OPERATIONS**.

(h) **RECREATION HALL.** A relatively large room or hall (over 3,000 sq. ft.) within a multiple-family project with a kitchen for hosting fairly large events and concerts (60-80+ people) and may have an area set up, more or less permanently, for indoor games (e.g. ping pong tables, pool tables, foosball tables, etc.), for a library, for small gatherings, or for use as a mini cinema.

(i) **RECREATIONAL AND ENTERTAINMENT SERVICES.** Establishments that provide leisure time activities and services that involve many people in a public assembly use where people either participate individually or are entertained by an activity. See also **RURAL SPORTS AND RECREATION**.

(j) **RECREATIONAL CABIN.** Existing legal non-conforming structure authorized under the Small Tract Act of 1938, 43 U.S.C.A §682a, or other Homestead Act enacted by Congress. The structure is not considered a dwelling as defined in the California Residential Code or primary use of a parcel, but is allowed limited use under provisions of this Development Code.

(k) **RECREATIONAL USE.** Public use of land for walking, hiking, skiing, riding, driving, picnicking, camping, swimming, boating, fishing, hunting or other outdoor games or sports for which land or facilities are provided for public participation.

(l) **RECREATIONAL VEHICLE (RV).** A motor home, travel trailer, truck camper or camping trailer, with or without self-propelled motive power, designed for human habitation for recreational or emergency occupation, and that may be moved upon a public highway without a special permit or chauffeur's license or both without violating any provision of the California Vehicle Code. A **SELF CONTAINED RECREATIONAL VEHICLE** shall be a recreational vehicle with a kitchen sink, cooking appliance, refrigeration facilities, and a separate bathroom containing a water closet with a flush toilet, lavatory and bathtub or shower. A **SELF-CONTAINED RECREATIONAL VEHICLE** shall have adequate provisions for the sleeping, bathing, sanitation, food preparation and eating by the number of people occupying the self

contained recreational vehicle.

(m) **RECREATIONAL VEHICLE PARK (RVP).** (See Land Use Tables.) An area or tract of land, within an area where the land use zoning district allows recreational uses and where one or more lots are rented or leased or held out for rent, or lease to owners or users of recreational vehicles for temporary occupancy. Incidental food, alcoholic beverages, sales and service intended for the convenience of the guests at the recreational vehicle park are allowed.

§ 84.21.030 Minimum Residential Construction Standards.

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(i) *Certification Tag or Label Required.* A permit from the Building and Safety Division for the installation of a manufactured home not within an approved and properly licensed mobile home park shall not be issued, if more than ten years have elapsed between the date of manufacture and the date of the application for the issuance of the permit to install such manufactured home except as provided below. Also, the manufacturer shall permanently affix a label or tag to the manufactured home certifying that the manufactured home complies with the applicable federal construction and safety standards (42 U.S.C. § 5415) of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. §§ 5401 *et. seq.*).

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

(1) The site for the proposed location of the manufactured home is adequate in terms of shape and size to accommodate the use and all parking areas, setbacks, structure coverage, yards, and other applicable requirements of this Development Code;

(2) ~~An architect or engineer licensed by the State of California~~The California Department of Housing and Community Development has determined and certified that the manufactured home proposed for installation substantially conforms to the construction standards regarding health, accessibility, life and fire safety and structural requirements applicable to manufactured homes less than ten years old; and

(3) The appearance of the manufactured home and the method of siting are compatible with the appearance of ~~the any~~ primary structure and the structures in the surrounding neighborhood.

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(Ord. 4011, passed - -2007; Am. Ord. 4043, passed - -2008; Am. Ord. 4057, passed - - 2008; Am. Ord. 4085, passed - -2009; Am. Ord. 4334, passed - -2017; Am. Ord. 4341, passed - -2018; Am. Ord. 4360, passed - -2019)
, passed - -2009; Am. Ord. 4098, passed - -2010)

§ 83.10.050 Landscape Documentation Package.

(a) *Landscape Documentation Package Requirements.* A landscape documentation package shall be submitted for review and approval for those projects specified in § 83.10.020 (Applicability), consisting of the following:

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(8) *Landscape Grading Plan.* If the proposed grading exceeds ~~50~~ 100 cubic yards, the developer shall submit the most recent rough/precise grading plans and elevations for the project site. These plans shall bear the signature of a licensed professional authorized by law.

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(Ord. 4011, passed - -2007; Am. Ord. 4136, passed - -2011)

§ 83.10.070 Landscape Standards.

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(e) *Grading Plan Requirements.* For the efficient use of water, grading of the project site shall be designed so that soil erosion, runoff, and water waste are minimized. As part of the landscape document package, if a project's grading exceeds ~~50~~ 100 cubic yards, then the project developer shall submit the most recent rough and/or precise grading plan(s) that have been prepared and signed by a licensed professional as authorized by law.

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(Ord. 4011, passed - -2007; Am. Ord. 4043, passed - -2008; Am. Ord. 4057, passed - - 2008; Am. Ord. 4136, passed - -2011)

§ 83.13.050 On-Site Signs.

The provisions of this Section regulate on-site signs and structures. On-site signs shall be allowed in the land use zoning districts specified.

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(c) *On-site Commercial/Industrial Complex Signs.* On-site signs shall be allowed in land use zoning districts that allow commercial and industrial land uses and shall be subject to the following standards:

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(14) *On-Site Signs in Crest Forest Community Plan Commercial Land Use Zoning Districts.* Table 83-31 indicates the types of signs allowed in commercial land use ~~districts~~ **districts** in the Crest Forest Community Plan area, and the standards applicable to those signs.

<i>Table 83-31</i>			
<i>On-Site Signs in Crest Forest Community Plan (CF) Commercial Land Use Zoning Districts</i>			
<i>Type of Sign</i>	<i>Individual Business/Structure Not Part of a Complex or Center</i>	<i>Multi-Tenant Complex or Center</i>	<i>Occupant within a Multi-Tenant Complex or Center</i>
Freestanding			
Pole or Pylon	25 ft. maximum height 50 sq. ft. maximum area	25 ft. maximum height 50 sq. ft. maximum area	Sign not allowed
Monument	4 ft. maximum height in addition to 2 ft. solid base 32 sq. ft. maximum area	4 ft. maximum height in addition to 2 ft. solid base 32 sq. ft. maximum area	Sign not allowed
Attached			
Projecting (may require encroachment permit)	35 ft. maximum height, not to exceed roof ridge or parapet height. 32 sq. ft. maximum area 8 ft. minimum clearance from underlying walkway or thoroughfare	35 ft. maximum height, not to exceed roof edge or parapet height. 32 sq. ft. maximum area 8 ft. minimum clearance from underlying walkway or thoroughfare	Sign not allowed
Roof	3:1 (bldg. frontage to sign area ratio) 32 sq. ft. maximum area Placement subject to § 83.13.090(f)	Sign not allowed	3:1 (bldg. frontage frontage to sign area ratio) 32 sq. ft. maximum area Placement subject to § 83.13.090(f)
Wall	3:1 (bldg. frontage to sign area ratio) 50 sq. ft. maximum area	Sign not allowed	3:1 (bldg. frontage to sign area ratio) 50 sq. ft. maximum area
Total number	1 freestanding per frontage 2 attached per frontage	1 per frontage	1 attached per frontage

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Section

- 87.07.010 Purpose.
- 87.07.020 Improvement Plans.
- 87.07.030 Installation of Improvements.
- 87.07.040 Improvement Agreements, ~~Lien Agreements~~ and Securities.

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§ 87.07.040 Improvement Agreements, ~~Lien Agreements~~ and Securities.

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(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 § 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 § 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 § 66499(a)(3); or

~~(D) Lien Agreement as described in § 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 §§ 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 Subdivision (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 Subdivision (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 Subdivision (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 Subdivision, 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 § 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 § 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.~~

(d) *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.

(e) *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 Civil Code Article 3 (commencing with § 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.

(f) *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 § 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.

(g) *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.

(Ord. 4011, passed - -2007; Am. Ord. 4116, passed - -2010; Am. Ord. 4243, passed - -2014)

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§ 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 Subdivision (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 §§ 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 § 87.07.040(d)(1)), and commercial or industrial development and shall be prepared and processed in compliance with County policy.~~

(Ord. 4011, passed - -2007; Am. Ord. 4180, passed - -2012)

§ 84.01.020 General Development Standards.

(a) *Land Use Zoning District Regulations Applicable.* Unless otherwise provided, accessory structures and uses shall be subject to the same regulations as the primary structure or use, including projections into setbacks specified in § 83.02.080 (Allowed Projections).

(b) *Legally Established Primary Use.* An accessory structure or use shall always exist in conjunction with, and never without, a legally established primary structure or primary use that has the same common owner. Where the primary use is a residence, it shall not be enclosed within an accessory structure. Where the primary use has not yet been established, an accessory structure may only be built subject to the issuance of a Temporary Use Permit in compliance with Chapter 84.25 (Temporary Structures and Uses).

(c) *Use of Accessory Structure.* The use of an accessory structure may be for either a primary or an accessory use allowed by the applicable land use zoning district.

(d) *Determination of Accessory Uses.* In addition to the accessory uses specifically provided for by this Chapter or elsewhere within this Development Code, each land use shall be deemed to include other accessory uses that are necessarily and customarily associated with and are clearly incidental and subordinate to the primary land use. Whenever the accessory uses are questioned, the Director shall be responsible for determining if a proposed accessory use meets the criteria in this Chapter. Before making a determination, the Director shall give notice to contiguous property owners in compliance with § 85.02.030 (Staff Review with Notice).

(e) *Maximum Site Coverage.* The combination of accessory and primary structures on a parcel shall not exceed the maximum site coverage allowed by the applicable land use zoning district regulations in Division 2 (Land Use Zoning Districts and Allowed Land Uses).

(f) *Location on Same or Contiguous **Abutting** Parcel.* Accessory structures or uses, which may or may not entail the use of a structure, shall be located on either:

(1) The same parcel as the primary structure or use; or

(2) A contiguous **abutting** parcel that is owned by the same owner who owns the parcel that has the primary structure or use, with the exception of:

- (A) Guest housing and accessory dwelling units in compliance with § 84.01.050(a), below.
- (B) Those properties that touch property lines of a subject parcel when the lines are projected across public or private rights of way, easements, roads, streets, or railroad rights of way.
- (C) Utilities shall not be constructed across the property line(s) of two or more contiguous parcels. If the placement of proposed utilities would otherwise cross the property line of two or more contiguous parcels held by the same owner, the property owner shall apply for and receive an approved voluntary lot merger before issuance of a Building Permit.

(Ord. 4011, passed - -2007; Am. Ord. 4085, passed - -2009; Am. Ord. 4341, passed - -2018)

§ 82.14.040 Floodplain Safety Review Areas.

The FP Overlay shall be subdivided into flood hazard zone areas as follows. Proposed development shall comply with the following requirements.

(a) *100-year Floodplain.* The 100-year floodplain includes areas subject to a base flood (also called “100-year flood”) as defined by the Federal Flood Insurance Regulations. The following are the FEMA-designated flood hazard zones for this area: 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 these zones:

(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 **natural pre-development** highest adjacent grade.

(2) *Review Procedures.* A project proposed in this area shall be subject to 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 (Agricultural 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(gg)(23)). 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.

(b) *100 to 500-year Floodplain.* This area 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 are the FEMA-designated flood hazard zones for this area: A-99 and the shaded Zone X. The following standards shall apply to property within these zones:

(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 **natural pre-development** 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 based upon the determination by the Land Development Division of the Land Use Services Department. This review shall ensure that the proposed project complies with this Development Code regarding flood protection measures.

...

(Ord. 4011, passed - -2007; Am. Ord. 4163, passed - -2012; Am. Ord. 4333, passed - -2017)

§ 82.14.050 Development Standards for Floodplain Safety Review Areas.

...

(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.

...

(Ord. 4011, passed - -2007; Am. Ord. 4163, passed - -2012; Am. Ord. 4254, passed - -2014; Am. Ord. 4304, passed - -2016; Am. Ord. 4333, passed - -2017; Am. Ord. 4360, passed - -2019)

§ 82.04.060 Residential Land Use Zoning District Site Planning and Building Standards.

Subdivisions, new land uses and structures, and alterations to existing land uses and structures shall be designed, constructed, and established in compliance with the requirements in Tables 82-9A, 82-9B and 82-9C, in addition to the applicable standards (e.g., landscaping, parking and loading, etc.) in Division 3 (Countywide Development Standards) and Division 4 (Standards for Specific Land Uses and Activities).

...

<i>Table 82-9B</i>			
<i>Residential Land Use Zoning District Development Standards</i>			
<i>Mountain Region</i>			
<i>Development Feature</i>	<i>Requirement by Land Use Zoning District</i>		
	<i>RL Rural Living</i>	<i>RS Single Residential</i>	<i>RM Multiple Residential</i>
Density	Maximum housing density. The actual number of units allowed will be determined by the County through subdivision or planning permit approval, as applicable.		
Maximum density	1 unit per 2.5 acres ⁽¹⁾ ; accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)	4 units per acre ⁽¹⁾ ; accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)	20 units per acre; accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)
Setbacks	Minimum setbacks required. See Chapters 83.02 for exceptions, reductions, and encroachments. See Division 5 for any setback requirements applicable to specific land uses.		
Front	25 ft.	Lot less than 14,000 sq. ft. = 15 ft.; lots 14,000 sq. ft. or larger = 25 ft.	Lot less than 14,000 sq. ft. = 15 ft.; lots 14,000 sq. ft. or larger = 25 ft.
Side - Street side	25 ft.	15 ft.	15 ft.
Side - Interior (each)	20 ft.	20 percent of lot width, need not exceed 15 ft. ⁽²⁾	20 percent of lot width, need not exceed 15 ft. ⁽²⁾
Rear	20 ft.	15 ft.	15 ft.
Accessory structures	See Chapter 84.01 (Accessory Structures and Uses)		
Lot coverage	Maximum percentage of the total lot area that may be covered by structures and impervious surfaces.		
Maximum coverage	20 percent	40 percent ⁽³⁾	60 percent
Height limit	Maximum allowed height of structures. See § 83.02.040 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.		
Maximum height	35 ft.	35 ft.	45 ft.
Accessory structures	See Chapter 84.01 (Accessory Structures and Uses).		
Infrastructure	See Chapter 83.09 (Infrastructure Improvement Standards).		
Parking	See Chapter 83.11 (Parking Regulations).		

Signs	See Chapter 83.13 (Sign Regulations).
Notes:	
(1) Map suffix may modify.	
(2) The side yard setback standards in the Fire Safety Overlay (Chapter 82.13) shall prevail. The setback provisions of the small lot development standards (Chapter 84.22) shall not apply.	
(3) The maximum lot coverage allowed in Chapter 82.06, Table 82-21B will prevail for allowed institutional land uses.	

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(Ord. 4011, passed - -2007; Am. Ord. 4043, passed - -2008; Am. Ord. 4057, passed - - 2008; Am. Ord. 4121, passed - -2010)

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Land Use Zoning District, and Allowed Land Uses *Division 3*

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83.05.030

§ 82.03.040 Agricultural and Resource Management Land Use Zoning District Allowed Uses and Permit Requirements.

(a) *General Permit Requirements.* Table 82-3 identifies the uses of land allowed by this Development Code in each agricultural and resource land use zoning district established by Chapter 82.01 (Land Use Plan and Land Use Zoning Districts, and Overlays), in compliance with § 82.02.030 (Allowed Land Uses and Planning Permit Requirements).

(b) *Requirements for Certain Specific Land Uses.* Where the last column in Table 82-4 (Specific Use Regulations) includes a Section number, the referenced Section may affect whether the use requires a Site Plan Permit, Conditional Use Permit, Minor Use Permit, Planned Development Permit, or other County approval, and/or may establish other requirements and standards applicable to the use.

Table 82-4					
Allowed Land Uses and Permit Requirements for Agricultural and Resource Management Land Use Zoning Districts					
<i>Land Use</i> <i>See Division 10 (Definitions) for land use definitions</i>	<i>Permit Required by District</i>				<i>Specific Use Regulations</i>
	<i>RC</i>	<i>AG</i>	<i>FW</i>	<i>OS</i>	
Agricultural, Resource & Open Space Uses					
Agricultural support services	M/C	M/C	CUP	—	
Animal keeping	S	S	S	—	84.04
Crop production, horticulture, orchard, vineyard	A	A	A	—	
Community Gardens	A	A	A	—	
Livestock operations	S	S	S	—	84.04
Natural resources development (mining)	CUP	CUP	CUP	—	88.03
Nature preserve (accessory uses)	P ⁽¹⁾	P ⁽¹⁾	P ⁽¹⁾	P ⁽¹⁾	
Lake, reservoir	M/C	M/C	M/C	M/C	
Pond	A	A	A	A	
Winery	M/C	M/C	—	—	
Industry, Manufacturing & Processing, Wholesaling					
Composting operations	CUP	CUP	—	—	
Hazardous waste facilities	CUP	CUP	—	—	84.11
Industrial use requiring extensive buffering	CUP	CUP	—	—	
Recycling facilities	S	S	—	—	84.19
Recreation, Education & Public Assembly					
Agritourism enterprises	S	S	—	—	84.03
Campgrounds	M/C	M/C	—	—	
Conference/convention facility	CUP	CUP	—	—	
Equestrian facility	M/C	M/C	—	—	
Fitness/health facility	M/C	—	—	—	
Library, museum, art gallery, outdoor exhibit	M/C	M/C	—	—	
Meeting facility, public or private	CUP	CUP	—	—	
Park, playground	M/C	M/C	—	—	
Places of worship	CUP	CUP	—	—	

Recreational vehicle park	CUP ⁽²⁾				
Rural sports and recreation	CUP	CUP	—	—	
School - College or university	CUP	CUP	—	—	
School - Private	CUP	CUP	—	—	
School - Specialized education/training	CUP	CUP	—	—	
Residential⁽⁷⁾					
Accessory use or structure - Residential	A ⁽³⁾	A ⁽³⁾	—	—	84.01
Guest housing	A ⁽³⁾	A ⁽³⁾	—	—	84.01
Accessory dwelling unit	A ⁽⁴⁾	A ⁽⁴⁾	—	—	84.01
Junior accessory dwelling unit	A ⁽⁴⁾	A ⁽⁴⁾			84.01
Single dwelling	A	A	—	—	
Retail					
Produce stands (200 sq. ft. or less on lots that are 10,000 sq. ft. or greater)	A ⁽⁵⁾	A	—	—	84.03
Services - Business & Professional					
Medical services - Hospital	M/C	M/C	—	—	
Medical services - Rehabilitation centers	M/C	M/C	—	—	
Office - Accessory	P	P	—	—	
Office - Government	M/C	M/C	—	—	
Services - General					
Cemetery including pet cemeteries	CUP	CUP	—	—	
Commercial Kennels and Catteries - min lot 2.5 acres	M/C	M/C	—	—	
Emergency Shelter	—	CUP	—	—	84.33
Home Occupation	SUP	SUP	—	—	84.12
Licensed Residential Care Facility of 6 or fewer persons	A	A	—	—	
Licensed Residential Care Facility of 7 or more persons	M/C	M/C	—	—	84.23
Lodging - Bed and breakfast inn (B&B)	SUP	SUP	—	—	
Public safety facility	M/C	M/C	—	—	
Short-Term Residential Rentals	SUP	SUP	—	—	84.28
Unlicensed Residential Care Facility of 6 or fewer persons	RCP	RCP	—	—	84.32
Unlicensed Residential Care Facility of 7 or more persons	M/C	M/C	—	—	
Transportation, Communications & Infrastructure					
Broadcasting antennae and towers	M/C	M/C	—	—	
Electrical power generation	CUP	CUP	—	—	
Pipelines, transmission lines, and control stations ⁽⁶⁾	⁽⁶⁾	⁽⁶⁾	⁽⁶⁾	⁽⁶⁾	
Renewable Energy Generation Facilities	CUP	CUP	CUP	—	
Sewage treatment and disposal facility	CUP	CUP	—	—	
Solid waste disposal	CUP	CUP	—	—	
Transportation facility	CUP	CUP	—	—	

Utility facility	CUP	CUP	CUP	—	
Wind energy system, accessory	S	S	S	—	84.26
Wireless telecommunications facility	S	S	S	—	84.27
Other					
Accessory structures and uses	A	A	A	A	84.01
Temporary special events	TSP	TSP	TSP	TSP	85.16
Temporary structures and uses	TUP	TUP	TUP	TUP	84.25

Key			
A	Allowed use (no planning permit required)	PD	Planned Development Permit required (Chapter 85.10)
P	Permitted Use; Site Plan Permit required (Chapter 85.08)	SUP	Special Use Permit required (Chapter 85.14)
M / C	Minor Use Permit required; unless a Conditional Use Permit required in compliance with § 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)
C U P	Conditional Use Permit required (Chapter 85.06)	RC P	Unlicensed Residential Care Facilities Permit (Chapter 85.20)
M U P	Minor Use Permit required (Chapter 85.06)	TU P	Temporary Use Permit required (Chapter 85.15)
		—	Use not allowed

Notes:
(1) CUP required if maximum building coverage exceeds 10,000 sq. ft., the use will have more than 20 employees per shift, or if not exempt from CEQA; may qualify for a MUP in compliance with § 85.06.020 (Applicability).
(2) Density of the recreational vehicles in a Recreational Vehicle Park shall be limited to 4 per acre.
(3) Use allowed as an accessory use only, on the same site as a residential use allowed by this table.
(4) Use allowed as an accessory use only with standards, on the same site as a residential use allowed by this table.
(5) In Phelan/Pinon Hills Community Plan area, a maximum 6 sq. ft. advertising sign shall be allowed.
(6) Pipelines, transmission lines, and control station uses are regulated and approved by the Public Utilities Commission. See alternate review procedures in § 85.02.050 (Alternate Review Procedures).
(7) 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.

(Ord. 4011, passed - -2007; Am. Ord. 4043, passed - -2008; Am. Ord. 4057, passed - - 2008; Am. Ord. 4098, passed - -2010; Am. Ord. 4230, passed - -2014; Am. Ord. 4251, passed - -2014; Am. Ord. 4341, passed - -

§ 82.04.040 Residential Land Use Zoning District Allowed Uses and Permit Requirements.

(a) *General Permit Requirements.* Table 82-7 identifies the uses of land allowed by this Development Code in each residential land use zoning district established by Chapter 82.01 (Land Use Plan, and Land Use Zoning Districts, and Overlays), in compliance with § 82.02.030 (Allowed Land Uses and Planning Permit Requirements).

(b) *Requirements for Certain Specific Land Uses.* Where the last column in Table 82-7 (Specific Use Regulations) includes a Section number, the referenced Section may affect whether the use requires Land Use Review, or Conditional Use Permit or Minor Use Permit, or other County approval, and/or may establish other requirements and standards applicable to the use.

Table 82-7				
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
	<i>RL</i> ⁽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	A	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⁾				
Accessory structures and uses	A	A	A	84.01
Group residential (sorority, fraternity, boarding house, private residential club, etc.)	—	—	M/C	—
Guest house	A	A	A	84.01
Mobile home park/manufactured home land-lease community	CUP	CUP	CUP	84.14
Multiple dwelling, 2 to 3 units, attached or detached	—	—	A	84.16
Multiple dwelling, 4 to 19 units, attached or detached	—	—	A	84.16
Multiple dwelling, 20 to 49 units, attached or detached	—	—	MUP	84.16
Multiple dwelling, 50 or more units, attached or detached	—	—	CUP	84.16
Parolee and/or probationer home	—	—	CUP	
Accessory dwelling unit	A ⁽⁵⁾	A ⁽⁵⁾	A ⁽⁵⁾	84.01
Junior accessory dwelling unit	A ⁽⁵⁾	A ⁽⁵⁾	A ⁽⁵⁾	84.01
Single dwelling	A	A	A ⁽⁶⁾	

Retail				
Produce stand	A ⁽⁷⁾	A ⁽⁷⁾	A ⁽⁷⁾	
Services - General				
Cemetery, including pet cemeteries	CUP	CUP	—	84.06
Child care - Small family day care home	A	A	A	
Child care - Large family day care home	MUP	MUP	MUP	
Child care - Day care center	M/C	M/C	M/C	
Commercial Kennels and Catteries - min lot 2.5 acres (over 15 animals)	M/C/S	—	—	84.04
Emergency shelter	—	—	CUP	84.33
Home occupation	SUP	SUP	SUP	84.12
Licensed Residential Care Facility of 6 or fewer persons	A	A	A	84.23
Licensed Residential Care Facility of 7 or more persons	—	—	CUP	84.23
Lodging - Bed and breakfast inn (B&B)	SUP ⁽⁸⁾	SUP ⁽⁸⁾	SUP ⁽⁸⁾	84.05
Public safety facility	M/C	M/C	M/C	
Short-Term Residential Rentals	SUP	SUP	SUP	84.28
Unlicensed Residential Care Facility with 6 or fewer persons	RCP	RCP	RCP	84.32
Unlicensed Residential Care Facility with 7 or more persons	—	—	CUP	
Transportation, Communications & Infrastructure				
Broadcasting antennae and towers	M/C	—	—	
Electrical power generation	CUP	—	—	
Pipelines, transmission lines, and control stations ⁽⁹⁾	(9)	(9)	(9)	
Renewable Energy Generation Facilities	CUP	—	—	84.29
Sewage treatment and disposal facility	CUP	CUP	CUP	
Solid waste disposal	CUP	CUP	CUP	
Telecommunications facility	S	S	S	84.27
Transportation facility	M/C	M/C	M/C	
Utility facility	CUP	CUP	CUP	
Wind energy accessory	S	S	S	84.26

Wireless telecommunications facility	S	S	S	84.27
Other				
Accessory structures and uses	A	A	A	84.01
Temporary special events	TSP	TSP	TSP	84.25
Temporary structures and uses	TUP	TUP	TUP	84.25

<i>Key</i>			
A	Allowed use (no planning permit required)	P D	Planned Development Permit required (Chapter 85.10)
P	Permitted Use; Site Plan Permit required (Chapter 85.08)	S U P	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)
		T S P	Temporary Special Events Permit required (Chapter 85.16)
		R C P	Unlicensed Residential Care Facilities Permit (Chapter 85.20)
CU P	Conditional Use Permit required (Chapter 85.06)	T U P	Temporary Use Permit required (Chapter 85.15)
MU P	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.

(Ord. 4011, passed - -2007; Am. Ord. 4043, passed - -2008; Am. Ord. 4057, passed - - 2008; Am. Ord. 4085, passed - -2009; Am. Ord. 4098, passed - -2010; Am. Ord. 4162, passed - -2012; Am. Ord. 4230, passed - - 2014; Am. Ord. 4251, passed - -2014; Am. Ord. 4304, passed - -2016; Ord. 4331, passed - -2017; Am. Ord. 4341, passed - -2018)

§ 82.06.040 Industrial and Special Purpose Land Use Zoning District Allowed Uses and Permit Requirements.

(a) *General Permit Requirements.* Table 82-17 identifies the uses of land allowed by this Development Code in each Industrial and special purpose land use zoning district established by Chapter 82.01 (Land Use Plan, Land Use Zoning Districts, Overlays), in compliance with § 82.02.030 (Allowed Land Uses and Planning Permit Requirements).

(b) *Requirements for Certain Specific Land Uses.* Where the last column in Table 82-17 (Specific Use Regulations) includes a Section number, the referenced Section may affect whether the use requires Site Plan Permit, or Conditional Use Permit or Minor Use Permit, Planned Development Permit, or other County approval, and/or may establish other requirements and standards applicable to the use.

(c) *Allowed Land Uses in the SD Land Use Zoning District.* A special development may allow intermixing of residential, commercial and industrial uses, provided that the review authority determines that there is a specific need for the special development standards. The Special Development Land Use Zoning District may have a suffix to indicate the focus of a particular SD zone. A “RES” suffix indicates that the focus is on residential Planned Development projects. A “COM” suffix indicates that the focus is on commercial Planned Development projects. An “IND” suffix indicates that the focus is on industrial Planned Development projects. However, all can still have mixed uses within these zones.

Table 82-17							
Allowed Land Uses and Permit Requirements for Industrial and Special Purpose Land Use Zoning Districts							
LAND USE See Division 10 (Definitions) for land use definitions	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	—	—	
Community Gardens	—	—	—	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							
Adult Business	ABP	—	—	—	—	—	84.02
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	A	A	—	A	A	A	84.19

machines (accessory only)							
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							
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⁽¹⁴⁾							
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
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	—	
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	
Accessory dwelling unit	—	—	—	A ⁽¹⁵⁾	—	—	84.01
Junior accessory dwelling unit	—	—	—	A ⁽¹⁵⁾	—	—	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 -	M/C	M/C	—	—	CUP	CUP	

Outdoor							
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 ⁽⁴⁾	M/C	M/C	M/C	M/C	M/C	M/C	
Medical services - Rehabilitation center	M/C	M/C	M/C	M/C	M/C	M/C	
Office - Accessory	P ⁽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	— ⁽⁴⁾	— ⁽⁴⁾	CUP	— ⁽⁴⁾	— ⁽⁴⁾	— ⁽⁴⁾	
Emergency Shelter	CUP	—	—	CUP	CUP	CUP	84.33
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	
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 ⁽⁶⁾	CUP	CUP	CUP	—	—	—	
Solid waste disposal ⁽⁶⁾	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		
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)
CUP	Conditional Use Permit required (Chapter 85.06)	TSP	Temporary Special Events Permit required (Chapter 85.16)
MUP	Minor Use Permit required (Chapter 85.06)	RCP	Unlicensed Residential Care Facilities Permit (Chapter 85.20)
		TUP	Temporary Use Permit required (Chapter 85.15)
		—	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 § 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 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 § 85.02.050.
(14) 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.
(15) Use allowed as an accessory use only with standards, on the same site as a residential use allowed by this table.

(Ord. 4011, passed - -2007; Am. Ord. 4043, passed - -2008; Am. Ord. 4057, passed - - 2008; Am. Ord. 4098, passed - -2010; Am. Ord. 4188, passed - -2012; Am. Ord. 4230, passed - -2014; Am. Ord. 4239, passed - - 2014; Am. Ord. 4245, passed - -2014; Am Ord. 4251, passed - -2014; Am. Ord. 4341, passed - -2018)

§ 85.14.020 Types of Special Use Permits and Review Authorities.

Table 85-3 (Special Use Permits) identifies the various types of Special Use Permits with the appropriate review authorities:

<i>Table 85-3</i>				
<i>Special Use Permits</i>				
<i>Type of Entitlement or Decision</i>	<i>Applicable Citation</i>	<i>Director^{(1) (2)}</i>	<i>Commission⁽³⁾</i>	<i>Board⁽⁴⁾</i>
Bed and Breakfast Permit	Ch. 84.05	Issue ^{(6) (5)}	Appeal	Appeal
Exotic Animals	Ch. 84.04	Issue ^{(6) (5)}	Appeal	Appeal
Home Occupations	Ch. 84.12	Issue ^{(6) (5)}	Appeal	----
Private Kennels	Ch. 84.04	Issue ^{(6) (5)}	Appeal	Appeal
Recycling Facilities	Ch. 84.19	Issue ^{(6) (5)}	Appeal	Appeal
Short-Term Residential Rentals	Ch. 84.28	Issue ^{(6) (5)}	Appeal	----
Notes:				
(1) The Director may defer action and refer any permit or approval application to the Commission for final determination.				
(2) All decisions of the Director are appealable to Commission, and then to the Board, in compliance with Chapter 86.08 (Appeals), except for those decisions addressed in Note (3).				
(3) The Commission may refer consideration of an appeal to the Board, except for those decisions involving only a Variance, determination as to the completeness of an application, the determination to approve or deny a Home Occupation Permit, an Accessory Wind Energy Permit, a Short-Term Private Home Rental, a Subdivision Sign Location Plan, or the requirement for preparation of an Environmental Impact Report (EIR). In these instances the Commission’s decision shall be the final and conclusive decision. The Board will not accept nor consider an appeal of these Commission decisions.				
(4) All decisions of the Board are final.				
(5) Issued by Code Enforcement.				

(Ord. 4011, passed - -2007; Am. Ord. 4331, passed - -2017; Am. Ord. 4341, passed - -2018)