



# LAND USE SERVICES DEPARTMENT PLANNING COMMISSION STAFF REPORT

HEARING DATE: March 23, 2017

AGENDA ITEM NO: 2

## PROJECT DESCRIPTION

APN:	Multiple
Applicant:	Land Use Services Department
Community:	Mountain Communities
Location:	Mountain Region
Project No.:	P201700066
Staff:	Chris Warrick
Proposal:	Development Code Amendment to modify provisions relating to Short Term Private Home Rentals in Chapter 84.28 and specific definitions related to Short Term Private Home Rentals in Chapter 810.01.
Hearing Notice Published: March 12, 2017	
Report Prepared By: Chris Warrick	

## PROJECT DESCRIPTION

**Project:** A proposed Ordinance amending the Development Code to revise the regulations for Short-Term Private Home Rentals in Chapter 84.28 and specific definitions related to Short-Term Private Home Rentals in Chapter 810.01 of the San Bernardino County (County) Development Code (Development Code). The proposed amendment will include a new title “Short Term Residential Rentals”, and will add numerous sections to Chapter 84.28, addressing permit requirements, the application process, occupancy standards, conditions of operation, enforcement, and suspension and revocation of permits.

**Applicable Locations:** The proposed Ordinance amending the Short Term Rental regulations will affect residential rentals in the Mountain Communities only.

## BACKGROUND

The Land Use Services Department has been working with concerned property owners and residents of mountain communities for some time to update the County’s existing Short Term Rental Ordinance. The result is a proposed amendment that will address issues relating to noise, parking, over-crowding and tenant behavior in rental units throughout the Mountain Region. The Code Enforcement Division has taken the lead in preparing the proposed Ordinance.

Code Enforcement staff has conducted significant public outreach efforts in the Mountain Communities in order to obtain residential rental industry feedback and to gain public support for the proposed amendments to the Short Term Rental regulations. In addition, staff from the City of Big Bear Lake and property rental agencies throughout the Bear Valley Area were consulted. The Lake Arrowhead Municipal Advisory Council (MAC), the Crest Forest MAC and the Wrightwood MAC have also been involved in this amendment process.

## ANALYSIS OF PROPOSAL

Role of the Planning Commission: The Planning Commission is appointed by the Board of Supervisors (Board) to consider matters of planning, zoning, land use and development. The Development Code contains County planning, zoning, land use and development regulations, adopted by the Board, with a recommendation from the Planning Commission.

Short Term Residential Rental activities are land use activities that are regulated by the Development Code. There are other policy issues that may be considered by the Board in its consideration of the proposed ordinance, including costs and potential revenues generated by the Short Term Residential Rental permits. However, these policy considerations are outside of the jurisdiction of the Planning Commission, as they are not strictly land use issues.

Content of the Proposed Ordinance: The proposed ordinance amends Chapter 84.28 of the Development Code, entitled “Short-Term Residential Rentals”. The proposed Chapter 84.28 contains revised permit requirements and application processes for Short-Term Rentals and adds more specific regulations that address Occupancy Standards, Conditions of Operation, Enforcement, and Suspension and Revocation of Permits. The table below shows some of the major differences between the current and proposed ordinances for Short-Term Rentals.

		CURRENT ORDINANCE	PROPOSED ORDINANCE
<b>PURPOSE AND APPLICABILITY</b>			
Applicability	Only applies to the Mountain Region.	Only applies to the Mountain Region, but may be expanded in the future to include other areas of the unincorporated County, such as the Community of Joshua Tree.	
<b>PERMIT REQUIREMENTS</b>			
Multi-Family	Exempts multi-family condominium units.	Does not exempt multi-family condominium units. Includes any residential dwelling unit or portion thereof used for transient occupancies.	
Notification	Notification of use of property as a short term rental after permits have been issued.	Notification of application for permit with opportunity to comment on permit applications made as a result of the County having issued a Notice of Violation to a property owner for having rented unit without the necessary permit. In all other circumstances, permit will be issued without opportunity to comment. In all cases, potentially affected property owners will be notified after permit has been issued.	
	Notification goes to owners of contiguous properties.	Notification will go to owners within a 300 foot radius of property being used as a short term rental. This will be both for the opportunity to comment as well as notification of permit issuance.	
<b>DEVELOPMENT STANDARDS</b>			
Maximum Occupancy	One person per 100 square feet, not to exceed the number of raised sleeping beds.	Determined one of three ways – the most restrictive would apply: <ol style="list-style-type: none"> <li>a. <u>By habitable space for overnight sleeping purposes:</u> Kitchens, hallways, bathrooms, closets, storage areas are not considered habitable spaces for sleeping purposes. In order for a room to be considered habitable space for sleeping, it must be a minimum of 70 square feet.                             <ul style="list-style-type: none"> <li>• A 70 square foot room may sleep one person.</li> <li>• Each sleeping room occupied by more than one person shall contain not less than 50 square feet per person.</li> </ul> </li> <li>b. <u>On-site parking.</u> For every four renters there</li> </ol>	

		CURRENT ORDINANCE	PROPOSED ORDINANCE
<b>PURPOSE AND APPLICABILITY</b>			
			must be one parking space. c. <u>By Parcel size:</u> <ul style="list-style-type: none"> <li>• Parcels of one half-acre or less may not have more than 15 renters or guests of renters.</li> <li>• Parcels one acre or larger may have up to 20 renters or guests or renters.</li> </ul>
Parking	One space per bedroom.	One space for every four renters.	
<b>CONDITIONS OF OPERATION</b>			
Commercial Uses	Silent – No such prohibitions.	Specific prohibitions for use of short term rentals for commercial uses.	
Advertising	Silent – No such prohibitions or requirements.	Prohibits advertising for commercial uses; requires County permit number to be shown on all forms of advertisement.	
Call Response	<ul style="list-style-type: none"> <li>• Owner to be available by phone 24 hours a day.</li> <li>• Does not require the owner to be able to present at the property within one hour after receiving call.</li> <li>• Allows owners 24 hours to commence corrective action.</li> </ul>	<ul style="list-style-type: none"> <li>• Owner to be available by phone 24 hours a day.</li> <li>• Requires owner (or owner's agent) to be present at the property within one hour after receiving call.</li> <li>• Requires owner to immediately address any nuisance renter behavior, taking any and all action necessary for the duration of the renter's stay.</li> </ul>	
Neighborhood Peace and Quiet	Silent – No such prohibitions or requirements.	Requires owners to take any action necessary to ensure that renters do not disturb neighborhood peace and quiet.	
Loud and Disturbing Noise	Silent – No such prohibitions or requirements.	Defines and prohibits loud and disturbing noise using reasonable person standard.	
<b>ENFORCEMENT</b>			
Enforcement	Not addressed	New Section that clearly spells out the right of appropriate County personnel to take any remedial action necessary to ensure compliance with the County Code. Enforcement powers are broad in nature.	
<b>PERMIT SUSPENSION AND REVOCATION</b>			
Permit Suspension and Revocation	Not addressed	New sections that create a streamlined process to suspend or revoke permits with the right to appeal either suspension or revocation of permits. Depending on the reason for the suspension or revocation, appeals will be heard by the Building Appeals Board and/or a County Designated Hearing Officer – not the Planning Commission. Permits will be revoked for the following reasons: <ul style="list-style-type: none"> <li>• There are severe violations of the Building Code.</li> <li>• Failure to address conditions that lead to permit suspension.</li> <li>• Where conditions that lead to suspension reoccur within certain time frames.</li> </ul>	

## **ENVIRONMENTAL DETERMINATION**

The Proposed Development Code Amendment Ordinance is exempt from the California Environmental Quality Act (CEQA) because the ordinance will only refine the existing permit and review process for Short Term Rentals. The proposed amendment would strengthen the permit and review process by adding specific conditions of operation and enforcement to the existing Short Term Rental ordinance. As such, there is no possibility that the activity in question may have a significant effect on the environment, as stated in Section 15061(b)(3) of the CEQA Guidelines.

## **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 the Ordinance will enhance existing permit procedures and operational standards for the use of residential structures in the Mountain Regions as transient occupancies, thereby ensuring the health and safety of occupants, guests and surrounding residential neighborhoods and minimizing negative effects associated with such uses. The proposed Short-Term Private Home Rental Ordinance will encourage tourism in the Mountain Region and will continue to protect public health and safety, consistent with the following excerpts from the Countywide Vision and the General Plan:

*From our valleys, across our mountains, and into our deserts, we envision a county that is a destination for visitors and a home for anyone seeking a sense of community and the best life has to offer.*

**GOAL LU 1:** The County will have a compatible and harmonious arrangement of land uses by providing a type and mix of functionally well-integrated land uses that are fiscally viable and meet general social and economic needs of the residents.

**GOAL ED 9:** The County will promote increased capacity to serve tourists within the County's established tourist attractions to bring more destination spending into San Bernardino County.

**POLICY ED 9.2:** Build on the *Gateway to the Mountains and Deserts* theme to attract overnight visitors.

**POLICY M/ED 1.4:** Establish development and design standards for tourism operations that address potential impacts such as noise, hours of operation, signage and traffic.

2. The proposed Ordinance amending the Development Code would not be detrimental to the public interest, health, safety, convenience, or welfare of the residents of the County. The Ordinance is proposed with the express purpose of preserving public health and safety, by establishing new operational standards, enforcement actions and criteria for suspension and revocation of Short-Term Residential Rentals in the Mountain Region.

3. The proposed Ordinance amending the Development Code is internally consistent with other applicable provisions of the Development Code. The proposed amendment adds new sections to the current Ordinance and new definitions, which have been reviewed to ensure consistency with other chapters of the Development Code.
4. The proposed amendment is exempt from the requirements of CEQA pursuant to state CEQA Guidelines §15061(b)(3) because it can be seen with certainty that implementation of the proposed Ordinance would not have a significant effect on the environment.

### **RECOMMENDATION**

Staff recommends that the Planning Commission recommend the following actions to the Board of Supervisors:

- A. **ADOPT** the proposed Ordinance amending Title 8 of the County Code (Development Code) modifying certain provisions relating to Short Term Private Home Rentals in Chapter 84.28 and specific definitions related to Short Term Private Home Rentals in Chapter 810.01.
- B. **ADOPT** the findings as contained in the staff report.
- C. **FILE** the Notice of Exemption.

### **ATTACHMENTS**

Exhibit A: [Proposed County Code Section Changes \(Red-lined Version\)](#)

# EXHIBIT A

## Proposed County Code Section Changes (Red-lined Version)

## CHAPTER 84.28 SHORT-TERM ~~PRIVATE HOME~~ RESIDENTIAL RENTALS

### Sections:

- 84.28.010 Purpose
- 84.28.020 Applicability
- 84.28.030 Definitions
- ~~Special Use Permit Requirements~~
- 84.28.040 ~~Permit Required Development Standards and Conditions of Operation~~
- 84.28.050 Application Process
- 84.28.060 Occupancy Standards
- 84.28.070 Conditions of Operation
- 84.28.080 Enforcement
- 84.28.090 Suspension of Permit
- 84.28.100 Revocation of Permit

### 84.28.010 Purpose

The purpose of this chapter is to establish a permit procedure, and maintenance and operational standards, for the use of ~~single-family~~ residential dwelling units or portions thereof structures located in the Mountain Region as transient occupancies, to ensure the health and safety of occupants, guests, and the surrounding residential neighborhood, and to minimize negative secondary effects associated with such use.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009); Amended Ordinance xxxx (2017)

### 84.28.020 Applicability

The standards and permit procedures of this Chapter apply to all persons involved in the short-term rental of residential dwelling units ~~private homes for portions thereof individuals acting~~ as a single housekeeping unit where allowed in the Mountain Region in compliance with Division 2 (Land Use Zoning Districts and Allowed Land Uses). “Short-term” means less than 30 days.

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

### 84.28.030 Definitions

The definitions in this section are intended to apply to this chapter only. Any term which is not specifically defined herein shall have the definition as provided by Division 10 of the Development Code or elsewhere within the County Code.

- (a) *Inspections – initial.* Any inspection incident to the review of an application for an initial short-term residential rental unit permit. The responsible department shall inspect the interior and the exterior of the subject property, including any

improvements therein, to determine maximum occupancy and parking capacity for the property, and to verify compliance with the standards of this chapter and of other applicable County Code provisions.

- (b) Inspections – renewal.** Upon the application for renewal of a short-term residential unit permit, the subject property may be re-inspected, based on standards established by the responsible department, to ensure continued compliance with the standards of this chapter and of other applicable County Code provisions.
- (c) Potentially affected property owner.** The owner of property that is located within the applicable distance from the short-term residential rental unit as set forth in Table 85-2 (Distance Requirements for Noticing Purposes) of Chapter 85.03 of Title 8 of the County Code, and as amended.
- (d) Short-term residential rental owner.** The owner of a property, as defined in Section 810.01.170 of the County Code, with a single-family dwelling unit that is being used as a short-term residential rental unit; any individual or organization working on behalf of such property owner; or any individual or organization that has the legal right to rent to others a single-family residential dwelling unit as a short-term residential rental unit.
- (e) Short-term residential renter.** An individual who enters into an agreement with a short-term residential rental owner for the use of property as a short-term residential rental unit. Such renter is not considered a tenant or a person who hires a dwelling unit under California Civil Code section 1940.
- (f) Short-term residential rental unit.** A residential dwelling unit or portion thereof rented or otherwise used for transient occupancy, as defined in County Code section 14.0203. A short-term residential unit may not be used for a wedding, wedding reception, business meeting or conference, a fraternity party, or any other similar gathering. Transient occupancy generally means occupancy for 30 consecutive calendar days or less.

Amended Ordinance xxxx (2017)

#### **84.28.0430 Permit Required Special Use Permit Requirements**

- (a)** A short-term residential rental owner may use a single-family dwelling unit as a short-term residential rental unit only if such owner has a current valid short-term residential unit permit and complies with the requirements of this chapter and other applicable provisions of the County Code and other law. If there is more than one dwelling unit on a parcel, a separate permit shall be required for each dwelling unit used as a short-term residential rental unit. ~~When required. A short-term private home rental, within the Mountain Region, shall be allowed, provided that a Special Use Permit is first obtained and all of the standards and conditions contained in this Chapter are fulfilled~~

- (b) Short-term residential renters are subject to the uniform transient occupancy tax of County Code section 14.0203. ~~Biennial renewal. The Special Use Permit shall be renewed on a biennial basis.~~
- (c) Short-term residential rental unit permits are transferrable to new owners of already permitted residential rental units. New owners are responsible to provide the County with the information necessary to satisfy the requirements of County Code section 84.28.040(a)(1)-(7). The County may also charge a fee for changing the permit record. ~~Exempt units. Multi-family condominium units in fee simple ownership, or owned on a time-share basis, that are located in a multi-family land use zoning district, within the Mountain Region and that have received a previous land use approval from the County, shall be exempt from the requirements of this Chapter and shall not be required to obtain a Special Use Permit in order to rent a unit~~
- ~~(d) Inspections. In evaluating an initial application to issue a Special Use Permit, the Department shall inspect the subject property to determine maximum parking capacity for the property and to verify compliance with provisions of this Chapter affecting the exterior of the unit. Upon the renewal of the permit, the unit shall be re-inspected to ensure continued compliance with exterior requirements, conditions and standards of this Chapter and with other applicable County codes and ordinances.~~
- ~~(e) Notification requirements. The Department shall notify all contiguous property owners in writing that the specific unit is available as a short-term rental. This notification shall clearly state the following information:~~
- ~~(1) The name of the managing agency, agent, property manager, or owner of the unit, and a telephone number at which that party may be reached on a 24-hour basis;~~
  - ~~(2) The maximum number of occupants allowed to stay in the unit;~~
  - ~~(3) The maximum number of vehicles allowed to be parked on the property; and~~
  - ~~(4) Whether or not the unit has been approved to allow on-street parking.~~

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009); Amended Ordinance xxxx (2017)

#### **84.28.0540 Application Process Development Standards**

- (a) **Application.** An application for a short-term residential rental unit permit shall be submitted to the responsible department on a pre-approved form. The required content of the form may be revised from time to time, but at a minimum shall include the following in order to be considered complete: ~~Compliance with fire, building, and health codes. The short-term private rental home unit shall be in compliance with the California Fire Code, California Building Code, California Health and Safety Code, the National Fire Protection Association Standards or regulations, and other relevant laws and codes.~~
- (1) Property owner name and contact information.

- (2) Applicant name and contact information, if different from the property owner.
- (3) Address and Assessor's parcel number for the property containing the single-family dwelling unit to be used as a residential rental unit.
- (4) Total square footage of habitable space of the single-family dwelling unit.
- (5) Number and square footage of rooms to be used for overnight sleeping purposes.
- (6) The name of the managing agency, agent, or property manager, if different from the property owner, and a telephone number at which that party may be immediately reached on a 24-hour basis.
- (7) Acknowledgment that the property owner and applicant have read and understand this chapter.
- (8) A fee amount to cover an initial inspection and one additional inspection. If further additional inspections are required, then the owner or applicant shall be required to pay additional inspection fees.

**(b) ~~(b)~~–Notification Requirements.** Applications for a short-term residential rental unit permit shall require providing notice of the application to all potentially affected property owners in the following circumstances:

~~**Maximum occupancy.** The maximum occupancy of a short-term private home rental unit shall be one person for each 100 square feet of building area, excluding garages or other accessory structures; provided, that in no case shall the occupancy of a short-term private home rental unit exceed the number of raised sleeping beds, as defined in Division 10 (Definitions), provided for each guest that is two years of age and older. The occupants shall be acting as a single housekeeping unit while staying onsite.~~

- (1) The application is submitted as a result of the issuance of a notice of violation for the renting or use of a property as a short-term residential rental unit without a short-term residential rental unit permit.
- (2) During the processing of the application, the responsible department is made aware of circumstances that would lead it to reasonably believe that the property has been used in violation of this chapter, including but not limited to that the property was used as a short-term residential rental unit without a short-term residential rental unit permit.
- (3) If either (1) or (2) above is true, notice shall be given to all potentially affected property owners of said application. If there are additional costs to the County in providing notice to all potentially affected property owners, the cost of the permit application shall be changed to allow the County to recover those costs. The notice shall provide that comments may be submitted to the responsible department up to 20 calendar days after the date of said notice.

- (4) The responsible department shall notify the applicant if the application is approved or denied at the applicant's mailing address as shown on the most recent application or otherwise filed with the responsible department.
- (5) Within seven calendar days of the issuance of a short-term residential rental permit, the responsible department shall send notice to all potentially affected property owners that a permit was issued. This notice shall contain, at a minimum, the following information:
- (A) The name of the managing agency, agent, property manager, or owner of the unit, and a telephone number at which that party may be immediately reached on a 24-hour basis;
- (B) The maximum number of occupants, including day-use guests, allowed in the unit;
- (C) The maximum number of vehicles allowed to be parked on the property.
- (c) **Operation During Application Process.**~~Parking.~~ Notwithstanding Section 84.28.030, while an application for a short-term residential rental unit permit is pending, a dwelling may be used as a short-term residential rental unit provided that the unit has passed a physical inspection by the County and otherwise complies with the requirements of Sections 84.28.050 and 84.28.060 and any applicable requirements set forth in Chapter 6 of Division 3 of Title 6 of the County Code and other law.
- ~~(1) **Number and type of spaces.** Parking shall be provided on-site to meet the occupancy of each short term private home rental at a ratio of not less than one parking space for each bedroom in compliance with Section 83.11.040 (Number of Parking Spaces Required). Parking spaces may include garage, carport, and driveway spaces, and may allow for tandem parking.~~
- ~~(2) **Paving.** Where the rental property parcel abuts a paved street or road, parking areas shall be surfaced with a minimum of two inches of road mixed surfacing in compliance with County Public Works Department Specification No. 38.~~
- (d) **Applicant Appeals**~~Signage.~~ An applicant may appeal the denial of an application for a short-term residential rental permit. Such appeal must be in writing and submitted to the responsible department within 15 calendar days of the date of the notice provided pursuant to Section 8.28.040(b)(3).~~The address of the unit shall be legible from the street and shall comply with the requirements of Chapter 83.13 (Sign Regulations).~~
- (e) **Affected Property Owner Appeals.** Potentially affected property owners may appeal the granting of a short-term residential rental permit. All such appeals must be submitted to the responsible department within 15 calendar days of the date of the notice provided pursuant to Section 84.28.040(b)(4). The ground for such appeal is limited to the claim that past use of the property as a short-term residential rental unit has not complied with one or more requirements of Section 84.28.050 (b) through (e),

or Section 84.28.060, or that, based on competent evidence, any prospective use for such purpose will likely not comply with one or more of such requirements. Such appeal shall be heard in the same manner as specified in Section 84.28.090(b)(3). The applicant shall be provided notice of the hearing. If the potentially affected property owner prevails in the appeal, then the applicant's application shall be deemed to be denied and such decision shall be the final decision of the County. No further appeal shall be available at the administrative level.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009); Amended Ordinance 4230 (2014); Amended Ordinance xxxx (2017)

### **84.28.060 Occupancy Standards**

**(a) Compliance with Uniform Codes and Other Laws.** At the time of issuance of a short-term residential rental permit and thereafter, the short-term residential rental unit shall be in compliance with the California Fire Code, California Building Code, California Health and Safety Code, the National Fire Protection Association Standards or regulations, and any other applicable uniform codes, as adopted by the County of San Bernardino, and other applicable laws and codes.

**(b) Occupancy Limits.** Occupancy limits per room for all short-term residential rental units shall be determined as follows:

**(1)** In order for a room to be considered habitable space for overnight sleeping purposes, it must be a minimum of 70 square feet. A 70 square foot room may sleep one person. Each sleeping room occupied by more than one person shall contain not less than 50 square feet of floor area for each additional person.

**(2)** Kitchens, bathrooms, toilet rooms, halls, closets, storage or utility spaces, and similar areas are not considered habitable rooms for sleeping purposes, thus the square footage represented by these rooms shall not be used in the calculation for determining the maximum number of occupants.

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

**(1)** Notwithstanding the allowances per subdivision (b) above, on parcels of less than one-half acre, the maximum occupancy of a short-term residential rental unit, including day-use guests, may not exceed 16 persons.

**(2)** Notwithstanding the allowances per subdivision (b) above, on parcels of more than one-half acre, the maximum occupancy of a short-term residential rental unit, including day-use guests, shall not exceed 20 persons.

**(3)** Notwithstanding the allowances per subdivisions (b) and (c)(1) and (2) above, the maximum occupancy of a short-term residential rental unit shall not exceed the occupancies supported by the on-site parking spaces of subdivision (e)

below. For example, if only one on-site parking space is available, the maximum occupancy for that short-term residential rental unit shall be no more than 4 persons.

**(d) Day-Use Guests.** Day-use guests at short-term residential rental units shall comply with the following:

- (1) Guests of the primary renter or of the user of the short-term residential rental unit may only be on the property from 10 a.m. to 8 p.m.
- (2) Parking restrictions for the short-term rental property unit may not be exceeded to accommodate day-use guests.
- (3) No more than six (6) day-use guests may be at the short-term residential rental unit at any one time.

**(e) Parking.** Parking shall be provided on-site at a ratio of not less than one parking space for every four occupants or guests. Parking spaces may include garage, carport, and driveway spaces, and may allow for tandem parking. On-site parking areas shall be kept free from any obstructions that would prevent use for parking vehicles. Pursuant to Section 84.28.070(a)(2), violations of the parking requirements of this chapter may result in vehicles being towed without notice.

Adopted Ordinance xxxx (2017)

### **84.28.0750 Conditions of Operation**

The following are minimal requirements for short-term residential rental units. These are in addition to any other applicable requirements of this chapter, other applicable provisions of the County Code, or other law. ~~requirements for short-term private home rentals shall constitute minimum requirements. The unit shall be brought into compliance with these requirements and any other applicable County codes and ordinances in order for the use to be allowed~~

- (a) Prohibited Uses of Property.** A short-term residential rental unit may not be used for any transient occupancy other than the purposes described in the definition of short-term residential rental unit set forth in Section 84.28.020(f), and in conformity with the requirements of this chapter. ~~Contents of rental agreement. Information on the allowed occupancy and parking capacity for each unit and trash disposal requirements shall be stated in the rental information and agreement provided to prospective renters before their occupancy of the unit~~

**(a) Advertising.**

- (1) Advertising of unpermitted uses.** Advertising that promotes a short-term residential rental unit for a use that is not permitted by this chapter or other law, including, but not limited to, the use of such unit for a wedding, wedding reception, business conference or meeting, fraternity party, or any other similar gathering, is prohibited.

- (2) **Signage.** Advertisement signs on property being used as short term residential rental unit to promote short-term residential rental units are prohibited.
- (3) **Media.** All forms of print and non-print advertisement, including real-estate magazines, fliers, newspapers, television or radio commercials, internet pages, or coupons, featuring property used as a short-term residential rental unit, shall include the valid County issued permit number and specify the maximum permitted number of occupants for each property or properties.
- (cb) **Posted notice within unit.** Each short-term residential rental unit shall have a clearly visible and legible notice posted within the unit, on or adjacent to the front door, containing the following information:
- (1) The name of the managing agency, agent, property manager, or owner of the unit, and a telephone number at which that party may be immediately reached on a 24-hour basis.
  - (2) The maximum number of day-use occupants, including day-use guests, permitted.
  - (3) The maximum number of occupants allowed to stay overnight in the unit.
  - (4) The maximum number of vehicles allowed to be parked on the property.
  - (5) The contact person or agency for snow removal to allow vehicle access to the property. ~~conform to the parking and occupancy requirements of the structure is a violation of the County Code; and~~
  - (6) Notification of the arrangements that the owner has made to allow the renter to properly store and dispose of trash or refuse in accordance with the terms of the County Code. ~~Whether or not the unit has been approved to allow on-street parking.~~
  - (7) Notification that failure to comply with the requirements of this chapter, including parking and occupancy standards, as well as public and private nuisance standards, is a violation of the County Code, and that such violation may result in enforcement actions to address the violation. These may include actions to abate the nonconformity, the institution of criminal, civil, or administrative actions, or, under certain circumstances, the calling of law enforcement for the removal of guests and their vehicles from the property to the extent authorized by law. The notification shall state in a prominent format that users of the unit are prohibited from disturbing the peace of the surrounding neighborhood and that doing so is a violation of this chapter.
  - (8) Location of utility service connections, including how to access service connections and instructions and any tools necessary to disconnect the residential rental unit from utility services in the event of an emergency.

- (9) Phone numbers of local emergency medical and law enforcement services.
- (10) Property boundary map for the purpose of exterior property recreational activities and parking to deter trespassing on other privately owned properties.
- ~~(c) **Property maintenance.** Short term private home rental units shall be maintained in a clean and sanitary condition and free from hazards, which shall include meeting the following requirements:~~
- ~~(1) Permanent use of extension cords for appliances, heaters, lamps, or other fixtures shall be prohibited.~~
  - ~~(2) Bedroom windows shall be operable to allow for emergency egress.~~
  - ~~(3) Accumulation of trash and/or debris on the site or within the unit shall be prohibited.~~
  - ~~(4) Trash collection receptacles shall be “animal proofed” as defined in Division 10 (Definitions). Trash cans shall be secured in an upright condition to prevent falling over on their side. Trash can lids shall be secured with self-contained locking handles, bungee cords or other suitable methods.~~
  - ~~(5) Trash shall be removed from the premises after each occupancy. Trash storage on site shall not be allowed, unless commercial trash collection is provided.~~
  - ~~(6) The main entrance to the unit shall be illuminated when the unit is occupied, provided that the exterior lighting shall be designed and located in compliance with Chapter 83.07 (Glare and Outdoor Lighting). An operational motion-activated light fixture may satisfy this requirement.~~
  - ~~(7) Snow removal from driveways and off-street parking areas shall be performed before each occupancy period.~~
- ~~(d) **Call Response availability.** The owner, managing agency, property manager, or agent shall be personally available by telephone on a 24-hour basis to respond to calls regarding the condition and/or operation of the unit. Failure to respond to calls in a timely and appropriate manner may result in revocation of the Special Use Permit in compliance with Section 86.09.070 (Revocation or Modification) For purposes of this section, responding in a timely and appropriate manner shall mean that a response to an initial call shall be made within two hours of the time the call was made, and within 24 hours of the initial call corrective action shall be commenced to address any violation of this Chapter.~~
- (1) The short-term residential rental unit owner shall be personally available by telephone on a 24-hour basis and maintain the ability to be physically present at the property within one (1) hour in order to respond and remedy calls or

complaints regarding the condition or operation of the unit or the behavior of persons on the property in violation of this chapter or other law.

- (2) Responses to such calls or complaints must result in the short-term residential rental unit owner confirming whether or not the complaint is valid. If the complaint is valid the short-term residential rental unit owner shall take any and all corrective action within the lawful authority of the owner to abate the violation, or to cause the nuisance behavior that disturbs the peace of the neighboring properties to stop, for the entire duration of the occupancy of the person causing or allowing such violation or nuisance behavior. Such corrective action may necessarily include, under certain circumstances, the contacting of law enforcement, County officials, or other appropriate officials for the removal of guests and their vehicles from the property to the extent authorized by law.
- (3) Calls or complaints about physical conditions or circumstances that constitute an immediate threat to the public health and safety shall obligate the owner to immediately contact the appropriate law enforcement, fire, or other authority.
- (4) Each owner shall keep a written record of the times and type of complaints received, what response was undertaken by the owner, and when such complaints were resolved. This written record shall be made available to the County upon request, and shall be retained by the owner for twenty-four months.
- (e) **Responsibilities of Owner to Prevent Nuisance Behavior and Maintain Neighborhood Peace and Quiet.** The owner shall take any action necessary to ensure that renters and occupants abide by the terms of this chapter and other applicable provisions of the County Code. The owner must inform renters and occupants that they are not to violate any noise standards, parking standards, or otherwise create a public or private nuisance.

~~(a)(f) **Loud and Disturbing Noise.** **On-street parking. No overnight on-street parking shall be allowed, except where the street is paved to the full width of the ultimate right-of-way. This provision shall not exempt renters and their guests from compliance with Title 5 (Highways, Traffic), Division 3 (Miscellaneous Regulations), Chapter 3 (Parking Regulations in Mountain Areas), Section 53.033 (Parking in Snow Areas) (i.e., parking, or leaving a vehicle unattended within a snow area, so as to interfere with snow removal operations, shall be unlawful.)**~~

- (1) It is unlawful for any owner, renter, occupant, or guest located at a short-term residential rental unit to make, cause to be made, or allow to be made any loud, excessive, impulsive, or intrusive noise that disturbs the peace or quiet or that causes discomfort or annoyance to any reasonable person of normal sensitivities in the area. Such types of noises or actions causing noises include, but are not limited to, yelling, shouting, hooting, whistling, singing, playing a musical instrument, emitting or transmitting any loud music or noise from any mechanical or electrical sound making or sound amplifying device, and the habitual barking, howling, or crowing of animals.

(2) The standard for enforcement of this subsection is the “reasonable person” standard. The inquiry is whether the noise would disturb the peace or quiet or cause discomfort or annoyance to a reasonable person under the same or similar circumstances.

(3) Factors that may be considered in determining whether a violation of this subsection has been committed include, but are not limited to, the following:

(A) The level of noise;

(B) The level and intensity of the background (ambient) noise, if any;

(C) The proximity of the noise to the residential unit in question;

(D) The time of day or night the noise occurs;

(E) The duration of the noise;

(F) Whether the noise is constant, recurrent, or intermittent; and

(G) Whether the noise is produced by a mechanical or electronic device.

(g) Sanitation. Every short-term residential rental unit shall be cleaned after each occupancy change in order to make the unit sanitary. If linens are provided for use by renters, said linens will be exchanged for clean linens after each occupancy change.

(h) Trash.

(1) With the exception of trash properly deposited in trash collection receptacles, accumulation of trash and debris on the site or within the unit is prohibited.

(2) Each exterior trash collection receptacle shall be “animal-proofed” as defined in County Code section 810.01.030(pp), shall be secured in an upright condition to prevent the receptacle from falling over, and shall include a lid that can be secured with self-contained locking handles, bungee cords, or other suitable methods designed to keep the contents from being accessed by animals.

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

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009); Amended Ordinance xxxx (2017)

**84.28.080 Enforcement**

**(a) General.**

- (1) Owners and renters of short-term residential rental units shall comply with the requirements of this chapter and all other applicable sections of the County Code and other law.
- (2) In addition to any enforcement action and remedy authorized by this chapter, a violation of any requirement of this chapter may result in remedial action by appropriate members of County staff or any Enforcement Officer as defined in Chapter 2 of Division 1 of Title 1 of the County Code without notice if providing notice is not reasonable considering the need for immediate remedial action, and/or if prior notice to the property owner or the renters, either verbal or written, has not resulted in appropriate remedial action by the property owner.. If the violation consists of a violation of any of the parking requirements of this chapter, then the remedy may include the towing of the vehicle or vehicles causing the violation of the parking requirement. Remedial Actions taken per this section, other than any criminal citations, are subject to appeal pursuant to Chapter 2 of Division 1 of Title 1 of the County Code or other applicable provision, but no request for appeal shall stay the remedial actions taken pursuant to this section.
- ~~(1)~~(3) In addition to any enforcement action and remedy authorized by this chapter, a violation of any requirement of this chapter may be subject to the enforcement and remedy provisions of Chapter 2 of Division 1 of Title 1 of the County Code and any other applicable enforcement and remedy provisions of the County Code or provided under the law.
- (b) **Uniform Transient Occupancy Tax – Failure to Pay.** Failure by the owner to collect and remit to the Tax Collector the Uniform Transient Occupancy Tax may result in the Tax Collector pursuing any remedy against the owner, including imposing and collecting said tax from the owner, authorized under Chapter 2 of Division 4 of Title 1 of the County Code or other applicable law.

Adopted Ordinance xxxx (2107)

#### **84.28.090 Suspension of Permit**

- (a) **Suspension of Permit.** A short-term residential unit rental permit may be suspended for the following reasons:
- (1) Substandard building or property or unsafe building or structure. Any violation of the requirements of Chapter 6 of Division 3 of Title 6 of the County Code that results in the issuance of a Notice of Defect or Notice and Order to Repair. Notice of such suspension shall be provided pursuant to the requirements of Chapter 6 of Division 3 of Title 6 of the County Code.
- (2) General violations. Any failure to comply with, or respond to, any notice of violation or other notice from the County requiring compliance with one or more requirements of this chapter or other applicable provision of the County Code or other law. Property owners shall be informed of such suspension in a written

notice mailed using both certified mail with return receipt and First Class service. In addition, although not required, the notice may also be posted on the property and/or mailed to any additional individuals or companies listed on the permit application.

**(b) Use of Property During Suspension and Stays.**

- (1) When a short-term residential unit rental permit is suspended, the property or properties affected by the suspension shall not be used as a short-term residential rental until such time as the suspension is stayed or lifted.
- (2) Permits suspended pursuant to Section 84.28.080(a)(1) will remain suspended until such time as the Building Official or his or her designee confirms that all violations have been corrected or the Building Appeals Board has ruled in favor of the appellant.
- (3) Permits suspended for general violations, i.e., those under Section 84.28.080(a)(2), will remain suspended until such time as the violations are abated, or the property owner can reasonably demonstrate substantive changes in the property management practices that would mitigate or correct these violations, or a hearing officer has ruled in favor of the appellant. If an appeal hearing for a general violation cannot be scheduled within 14 calendar days after an appeal was filed or if the hearing is scheduled but, through no fault of the appellant, not held within 30 days after the appeal was filed, the suspension must be stayed through the date a ruling on the appeal is issued.

**(c) Appeals of Suspensions. An appeal must be filed no later than 20 calendar days of the date the notice of suspension is issued.**

- (1) The suspension of a permit pursuant to Section 84.28.080(a)(1) may be appealed for a hearing before the Building Appeals Board. The format and process of the appeal shall be as required by Section 63.0107 of the County Code. A decision by the Building Appeals Board shall be final and no further appeal within the County shall be available.
- (2) The suspension of a permit for a general violation may be appealed to a County-designated hearing officer. The decision by the hearing officer shall be final and no further appeal within the County shall be available.
- ~~(3)~~ (3) The failure to appeal a suspension in a timely manner shall render the action to suspend final and no further appeal within the County shall be available.

Adopted Ordinance xxxx (2107)

**84.28.100 Revocation of Permit**

**(a) Revocation of Permit.** A short-term residential rental unit permit may be revoked for the following reasons:

- (1) The severity of a violation of a requirement of Chapter 6 of Division 3 of Title 6 of the County Code necessitated the immediate vacation of the property.
- (2) The conditions or actions that resulted in the suspension of the permit have not been abated, or addressed by a demonstrable change in the business practices associated with the short-term residential rental unit, within 60 days of the suspension being upheld on appeal or otherwise deemed final.
- (3) The condition or the business practice that resulted in the suspension of the permit re-occurs within 12 months of the date the suspension was upheld on appeal or otherwise deemed final.
- (4) A permit is suspended two times in a consecutive twenty-four (24) month period, where said suspensions are either upheld on appeal or otherwise deemed final.
- (5) The permit was obtained through fraud or deceit.
- (6) The permit was issued in error.

**(b) Appeals of Revocation of Permit.**

- (1) The revocation of a permit pursuant to Section 84.28.090(a)(1) may be appealed for a hearing before the Building Appeals Board. The format and process of the appeal shall be as required by Section 63.0107 of the County Code. A decision by the Building Appeals Board shall be final and no further appeal within the County shall be available.
- (2) The revocation of a permit pursuant to Section 84.28.090(a)(2), (a)(3), or (a)(4), where the underlying violation or violations are based on a failure to comply with the requirements of Chapter 6 of Division 3 of Title 6 of the County Code, may be appealed for a hearing before the Building Appeals Board. The format and process of the appeal shall be as required by Section 63.0107 of the County Code. A decision by the Building Appeals Board shall be final and no further appeal within the County shall be available.
- (3) The revocation of a permit pursuant to Section 84.28.090(a)(2), (a)(3), or (a)(4), where the underlying violation or violations are general violations, or pursuant to Sections 84.28.090(a)(5) or (a)(6), may be appealed for a hearing before a County appointed hearing officer as defined by Sections 12.2701, 12.2702, 12.2703, and 12.2705 of the County Code. A decision by the hearing officer shall be final and no further appeal within the County shall be available.
- (4) The revocation of a permit pursuant to Section 84.28.090(a)(2), (a)(3), or (a)(4), where the underlying violations include a general violation or violations and a violation or violations based on a failure to comply with the requirements of

Chapter 6 of Division 3 of Title 6 of the County Code, shall be heard by the Building Appeals Board in the form and manner defined by Section 63.0107 of the County Code. A decision by such body shall be final and no further appeal within the County shall be available.

**(c) New Application After Revocation of Permit.** No application for a permit shall be permitted within twelve (12) months after a revocation is made final.

**(d) Suspensions or Revocations of Permits for Multiple Properties.** If is determined that the conditions or the business or management practices causes violations of this chapter to occur on multiple properties of the same owner, the short-term residential unit permits for all of those properties may be suspended and/or revoked at the same time. In such circumstance all affected parties must be provided notice and the opportunity to appeal the suspension and/or revocation of the permit for every affected property.

Adopted Ordinance xxxx (2107)

**810.01.180 Definitions, “P.”**

- (a) **Paper and Related Products Manufacturing.** See “Manufacturing Operations I and II.”
- (b) **Parcel.** Any real property described or created by map or deed. “Parcel” shall also refer to a legally defined lot, or contiguous group of lots in single ownership or under single control, and considered a unit for purposes of development. See also “Lot.”
- (c) **Parcel Map.** Means parcel map as defined in California Government Code, Title 7, Division 2, Chapter 2, Article 3.
- (d) **Parcel, Original.** Any improved or unimproved land shown on the latest County equalized assessment roll as a unit or contiguous units.
- (e) **Parcel, Remainder.** That portion of an original lot or parcel that is not a part of the subdivision but, after recordation of the final or parcel map may be sold subject to the recordation of a certificate of compliance or a conditional certificate of compliance. The designated remainder shall not be counted as a parcel for the purposes of determining whether a parcel map or final map is required.
- (f) **Parcel, Reserve.** A strip of land not less than one foot wide reserved for the purpose of regulating access to part width and dead-end streets until the time that the streets may be completed or extended.
- (g) **Park.** An outdoor recreation facility that may provide a variety of recreational opportunities including playground equipment, open space areas for passive recreation and picnicking, and sport and active recreation facilities.
- (h) **Park and Ride.** A voluntary system where participants drive to a centrally located public parking area or transportation facility in order to carpool or gain access to public transportation to another location.
- (i) **Parking Lots and Structures, Accessory (see Land Use Tables).** Off street parking spaces within parking lots and/or parking structures on the site of a primary land use that are intended for use by patrons, employees, and/or residents of the primary land use.
- (j) **Parking Area, Public (see Land Use Tables).** An open area, other than a street, used for the temporary parking of automobiles and available for public use, whether free, for compensation or as an accommodation for clients, customers or employees.
- (k) **Parking Space, Automobile.** Space within a public or private parking area or a building for the temporary parking or storage of one automobile.

- (l) **Parolee.** An individual who has been convicted of a federal or state crime, sentenced to a federal or state prison or to a term in the California Youth Authority and has received conditional and revocable release in the community and is under the supervision of a federal, state, youth authority or County probation or parole officer.
- (m) **Parolee and/or Probationer Home.** Any residential structure or dwelling unit, whether owned and/or operated by an individual or a for-profit or nonprofit entity, which houses more than two parolees and/or probationers unrelated by blood, marriage, or legal adoption, in exchange for monetary or nonmonetary consideration given and/or paid by the parolee and/or probationer and/or any public or private entity or person on behalf of the parolee and/or probationer. Partially-Shielded Fixture. See “Lighting, Outdoor.”
- (n) **Partially-Shielded Fixture.** See “Lighting, Outdoor.”
- (o) **Passive Thermal System.** See “Thermal System, Passive.”
- (p) **Pawnshops.** See “Second-Hand Stores.”
- (q) **Pedestrian Lighting.** See “Lighting, Outdoor.”
- (r) **Pedestrian Walkway Sign.** See “Sign.”
- (s) **Perch Tree.** A dominant conifer, having open areas (dead limbs) in the upper portion of the tree located:
- (1) Within one-quarter mile of the shoreline of Lake Arrowhead, Erwin Lake, Baldwin Lake or Big Bear Lake; or
  - (2) In an identified area [i.e. Known Day Use Area or Potential Day Use Area] as shown on the U.S. Forest Service Bald Eagle Habitat Map.
- (t) **Permittee.** Any person undertaking development activities upon a site in compliance with a permit granted by the County.
- (u) **Person.** Any individual, firm, co partnership, joint venture, association, social club, fraternal organization, company, joint stock association, corporation, estate, trust, organization, business, business trust, public agency, school district, the State of California and its political subdivisions or instrumentalities, receiver, syndicate or any group or combination thereof, acting as a unit, including any trustee, receiver or assignee.
- (v) **Personal Communication Services (PCS).** See “Wireless Telecommunication Facilities.”

**(w) Personal Services (see Land Use Tables).** Establishments providing nonmedical services to individuals as a primary use. Examples of these uses include:

- barber and beauty shops
- clothing rental
- dry cleaning pick up stores with limited equipment
- home electronics and small appliance repair
- laundromats (self service laundries)
- locksmiths
- massage (licensed, therapeutic, non-sexual)
- pet grooming with no boarding
- psychics, palm readers
- shoe repair
- tailors
- tanning salons
- tattoo and body piercing services

These uses may also include accessory retail sales of products related to the services provided.

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

**(y) Pervious Surface.** A surface or material that allows water to pass through the material into the underlying surface.

**(z) Pet Cemetery.** See “Cemetery.”

**(aa) Pet Farm.** A facility in which livestock, farm animals, and other animals are kept for public exhibition, viewing and contact, regardless of compensation, and which may include related accessory uses and activities (e.g., picnic areas, recreational activities, etc.). A pet farm shall not include retail pet stores and kennels, horse races, and activities such as State and County fairs, livestock shows, rodeos, field trials, and horsing events.

**(bb) Petroleum Refining and Related Industries.** See “Manufacturing Operations II.”

**(cc) Phase.** Any contiguous part or portion of a single unified development project that is developed as a unit in the same time period.

**(dd) Pipelines, Transmission Lines (see Land Use Tables).** Facilities primarily engaged in the pipeline transportation of crude petroleum; refined products of petroleum including gasoline and fuel oils; natural gas; mixed, manufactured or liquified petroleum gas; or the pipeline transmission of other commodities. Also includes pipeline surface and terminal facilities, including pump stations, bulk stations, surge and storage tanks. Power transmission includes facilities for the transmission of electrical energy for sale, including transmission lines for a public utility company. Also includes telephone, telegraph, cable television and other communications transmission facilities utilizing direct physical conduits. Does not include offices or service centers (classified in “Offices”), equipment and material storage yards (classified under “Storage Yards and Sales Lots”), distribution substations (classified under “Public Utility Facilities”), or power plants (classified under “Electrical Power Generation”). See also “Utility Facility.”

- (ee) **Places of Worship.** (see Land Use Tables). Facilities operated by religious organizations for worship, or the promotion of religious activities and instruction; together with accessory buildings and uses on the same site. Includes churches, synagogues, mosques, temples, etc. Related on-site facilities including day care centers and schools are separately defined.
- (ff) **Planned Development.** A large, integrated development consisting of residential, commercial or industrial uses, or a mixture of these uses and associated ancillary uses and structures; that is situated on one or more contiguous parcels or noncontiguous parcels separated solely by a road or other right of way or easement; and that is planned and developed as a unified project within a single development operation or series of development operations in compliance with a detailed comprehensive development plan.
- (gg) **Planning Agency.** The Planning Agency is a reviewing authority with the powers and charged with the duty of making investigations and reports on land use application and to approve, conditionally approve or disapprove land use applications. The Planning Agency of San Bernardino County is described in Chapter 86.01 (Planning Agency).
- (hh) **Planning Fee Schedule.** See “Fee Schedule.”
- (ii) **Planning Permit.** Issued as a result of an approval of a land use application.
- (ij) **Plant Factor.** The factor, when multiplied by the reference evapotranspiration rate  $E_{To}$ , estimates the amount of water that is needed by plant material. The plant factor range for low water use plant material shall be 0 to 0.3, the plant factor for medium water use plant material shall be 0.4 to 0.6, and the plant factor for high water use plant material shall be 0.7 to 1.0. These plant factors have been derived from the Department of Water Resources publication, Water Use Classification of Landscape Species, third edition (WUCOLS III).
- (kk) **Plant, Desert Native.** Any tree, shrub, bulb or plant or part thereof, except its fruit, named in the California Desert Native Plants Act, as amended, (Food and Agricultural Code Section 8000 et seq.), which is growing wild. Also “Desert Native Plant” includes any of the species listed in Subsection 88.01.060(c) (Desert Native Plant Protection-Regulated desert native plants).
- These plants do not include commercial nursery stock or planted landscaping, including those trees planted and/or growing outside their normal habitat, except where the plants have been transplanted in compliance with Chapter 88.01 (Plant Protection and Management).
- (ll) **Plant Expert, Desert Native.** A County Agricultural Commissioner Biologist, an arborist certified by the Western Chapter of the International Society of Arborists, or a person certified by the County Agricultural Commissioner for the desert area.

- (mm) **Plant Material.** A living organism such as a tree, shrub, groundcover, succulent, grass (native and turf variety), annual, perennial, vines, herbs, ferns, and/or conifer used within a landscaped area, and needs permanent and/or supplemental irrigation.
- (nn) **Plastic Manufacturing.** See “Manufacturing Operations I and II.”
- (oo) **Playground.** An area occupied by children’s play equipment, including climbing equipment, sandboxes, slides, swings, and/or similar equipment.
- (pp) **Policies.** Statements, more specific than goals, that are guides for decision-making, imply commitments to goals and define directions for action toward fulfillment of these goals.
- (qq) **Pond.** A naturally occurring or artificially created body of water (impounded above or below surface level) with a designated holding capacity of less than one acre-foot of water. Does not include “Lake or Reservoir.”
- (rr) **Potable Water.** Water that is meant for human consumption and has been treated to legal standards.
- (ss) **Precipitation Rate.** The application rate of water measured in inches per hour.
- (tt) **Preserve.** See “Nature Preserve.”
- (uu) **Prezone.** The process by which a city or County determines the actual future land use zoning districts for specified parcels of land before these parcels are annexed to the city.
- (vv) **Premature Development.** The building or construction of new projects in areas usually outside city limit boundaries or in areas where necessary public facilities cannot economically be provided by city or county jurisdictions.
- (ww) **Pressure Regulator.** A device used within an irrigation system to regulate pressure and maintain irrigation head radius control.
- (xx) **Primary Metal Industries.** See “Manufacturing Operations II.”
- (yy) **Primary Use.** A primary, principal or main use of a subject property that is allowed by the applicable land use zoning district independent of any other use of the property. A property may have more than one primary use of the property (e.g., a warehouse and an off-site sign could be both primary uses of a property. See also “Use.”
- (zz) **Private Garage.** See “Garage, Private.”
- ~~(aaa) **Private Home Rental, Short-Term.** A dwelling unit, including either a single family detached or multi-family attached unit, owned, leased or rented on a less than 30 day basis to individuals acting as a single housekeeping unit. This definition includes a second dwelling unit on site. This does not include the ongoing month-to-month tenancy granted to the same renter for the same unit.~~

- (bbb) **Private Meeting Facility.** See “Meeting Facility.”
- (ccc) **Private Open Space.** See “Open Space, Private.”
- (ddd) **Private Stable.** See “Stable, Private.”
- (eee) **Probationer.** A person who has been convicted of a crime and who has received a suspension in the imposition or execution of their sentence and has received conditional and revocable release in the community under the supervision of a probation officer, as provided under California Penal Code Section 1203 or its successor.
- (fff) **Processing Facility.** See “Recycling Facility.”
- (ggg) **Produce Stand.** A temporary business established and operated for a specific time, selling raw, unprocessed fruits, vegetables, nuts, and other produce in its raw or natural state, and that is accessory to an on-site or adjacent agricultural operation.
- (hhh) **Professional and Scientific Goods Manufacturing.** See “Manufacturing Operations I.”
- (iii) **Professional Services (see Land Use Tables).** Establishments that provide advice, designs, information, medical treatment, commercial education, consultation, travel, job placement, advertising, finance, insurance and real estate services, generally from an office with no on-site storage of goods. This category includes all types of business offices and service-type businesses where service is basically on an individual-to-individual or firm-to-firm basis as opposed to services that are performed on objects or personal property.
- (iii) **Projecting Sign.** See “Sign.”
- (kkk) **Property Line.** See “Lot.”
- (lll) **Property Owners Association.** A private organization composed of property owners of a single unified project that may own common property and shall be responsible for the maintenance and management of commonly owned property.
- (mmm) **Public Building.** A structure used for public assembly purposes in conjunction with an institutional use.
- (nnn) **Public Directional Sign.** See “Sign.”
- (ooo) **Public Facilities.** Any civic or service oriented facility available to the general public such as schools, fire protection, water and sewerage, rapid or mass transit routes, public golf courses, libraries, public health centers, etc.
- (ppp) **Public Garage.** See “Garage, Public.”
- (qqq) **Public Improvements.** Includes traffic controls, streets, roads, highways, freeways, bridges, overcrossings, street interchanges, flood control or storm drain facilities, sewer

facilities, water facilities, lighting facilities, and any other service and/or infrastructure improvement that is publicly maintained and operated by a public agency and/or quasi public agency, excepting utilities and common carriers.

**(rrr) Public Meeting Facility.** See “Meeting Facility.”

**(sss) Public Parking Area.** See “Parking Area, Public.”

**(ttt) Public Stable.** See “Stable, Public.”

**(uuu) Public Safety Facility (see Land Use Tables).** A facility operated by a public agency including fire stations, other fire prevention and fire fighting facilities, police and sheriff substations and headquarters, including interim incarceration facilities. May include ambulance dispatch facilities on the same site.

**(vvv) Public Way.** Includes street, highway, avenue, boulevard, parkway, road, lane, walk, alley, channel, viaduct, subway, tunnel, bridge, public easement, public right of way, and other ways in which a public agency has a proprietary right.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009); Amended Ordinance 4085 (2009), Amended Ordinance 4136 (2011); Amended Ordinance 4230 (2014); Amended Ordinance 4230 (2014)

**810.01.210 Definitions, “S.”**

- (a) **Salvage Operations (see Land Use Tables).** Establishments involved in the storage, sale, wholesale and processing of salvage materials. This land use classification does not include any of the sub-classifications of recycling collection facilities (“Recycling Collection Facilities) except “Scrap and Dismantling Yard.” See also “Junk and Salvage Facility.”
- (1) **Contained.** These uses are conducted entirely within enclosed structures and provide environmentally sound practices in collecting and recycling oils and other toxic materials. No outside storage of parts occurs, and establishments are monitored annually to ensure they are maintained appropriately.
- (2) **General.** These uses create major environmental disruption even when carefully regulated. Dust, dirt, noise and unsightly conditions often prevail with these operations.
- (b) **Scenic Corridor.** The area outside a highway or an adopted trail right-of-way that is generally visible to persons traveling on the highway or trail.
- (c) **School (see Land Use Tables).** A public or private academic educational institution that offers instruction in the several branches of learning and study required to be taught in the public schools by the Education Code of the State of California. Schools types include:
- boarding school
  - elementary, middle, and junior high schools
  - community college, college, or university
  - high school
  - military academy

Also includes schools providing specialized education/training. Examples include the following:

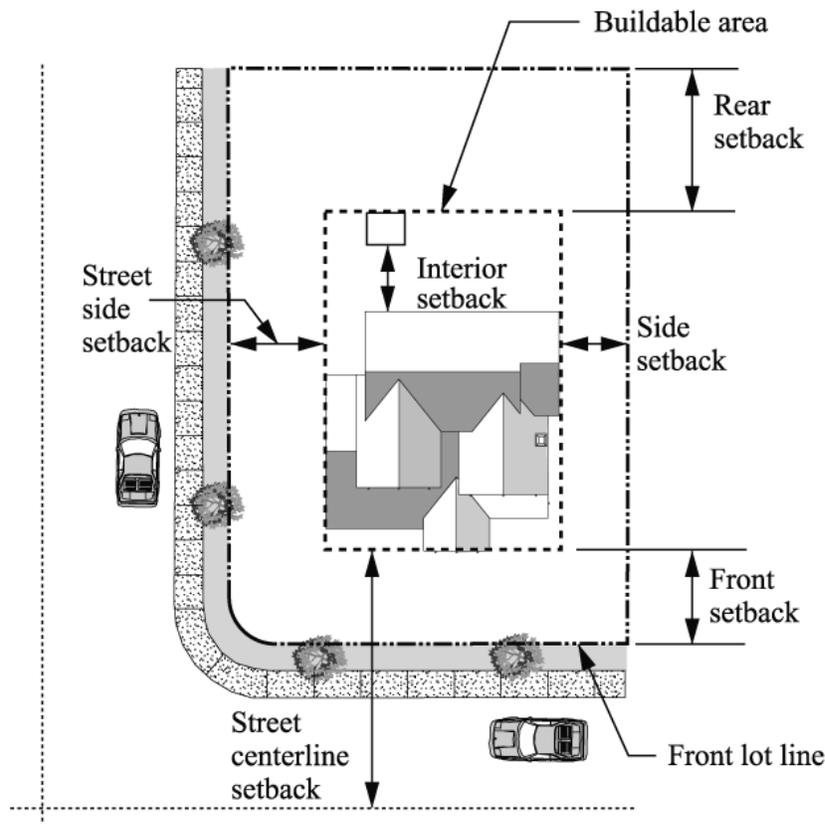
- art school
- establishments providing courses by mail
- ballet and other dance school
- language school
- business, secretarial, and vocational school
- martial arts
- computers and electronics school
- music school
- drama school
- professional school (law, medicine, etc.)
- driver education school
- seminaries/religious ministry training facility

Also includes facilities, institutions and conference centers that offer specialized programs in personal growth and development, such as fitness, environmental awareness, arts, communications, and management. Does not include pre-school and child day care facilities (see also “Day Care Facility”).

- (d) **Scientific Goods Manufacturing.** See “Manufacturing Operations I.”

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

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



**Figure 810-2**  
**Setbacks**

- (v) **Setback, Street.** See “Yard, Front” and “Yard, Side Street”.
- (w) **Setback Line, Street.** A line that defines the depth of the required street setback, front yard, or side yard or side street where the yard or yards abut a street. The street setback line shall be parallel or concentric with the street right of way line.

- (x) **Sewage Disposal Area.** An area utilized for the holding, leaching and percolation of sewage wastes including an area that would provide a 100 percent expansion of the leaching and percolation field for future use.
- (y) **Sewage Treatment and Disposal Facility (see Land Use Tables).** A site with equipment and other facilities to treat sewage effluent transmitted to the site via underground sewer lines to the water quality standard required by the California Regional Water Quality Control Board.
- (z) **Shall.** A mandatory provision, regulation or specification.
- (aa) **Shopping Center (see Land Use Tables).** A shopping center is two or more business establishments under a single ownership, unified control or designated as a unit located on a single parcel or combination of contiguous parcels having a minimum frontage of 150 feet.
- (bb) **Short-Term ~~Residential Private Home Rentals~~.** See [Chapter 84.28 “Short-Term Residential Private Home Rentals.”](#), ~~Short Term.”~~
- (cc) **Shrub.** Any woody, perennial plant having multiple stems and bearing foliage from the ground up, commonly maintained at less than eight and more than two feet in height when fully grown, adaptable to trimming, shaping and pruning without injury to the plant itself.
- (dd) **Side Lot Line.** See “Lot.”
- (ee) **Side Yard.** See “Yard.”
- (ff) **Sign.** Words, letters, numerals, emblems, designs, or other marks shown on any flag, card, cloth, paper, metal, painted surface, glass, wood, plaster, stone or other device of any kind or character by which anything is made known and used to attract attention, including lighting devices the as searchlights. Signs include four basic categories, (i.e., off-site, on-site, directional and temporary) and may take many forms (e.g. freestanding, monument, wall, roof, projecting walkway, display, etc.) Also signs are located individually or in clusters (i.e., shopping center complex). The following definitions clarify the differences between these categories and types:
- (1) **Off-Site Sign.** A sign that is allowed only in certain specified land use zoning districts as an independent use of the property not dependent upon the location of another structure or use. The signs often advertise or identify a business, function, establishment or product at a location other than the property on which a business is located or a product is manufactured or sold. The signs may advertise political viewpoints, political campaigns and other noncommercial messages.
- (2) **On-Site Sign.** A sign that is allowed only in conjunction with another use as an accessory use. The signs often advertise or identify a commodity, service, business or profession that is sold, produced, conducted or offered as one of the major functions of the primary use on the same site. The signs may advertise political

viewpoints, political campaigns and other noncommercial messages. The signs may also advertise any commercial message.

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

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

- (rr) **Sober Living Facility.** An unlicensed Residential Care Facility with more than two residents who are not living together as a single housekeeping unit (see “Single housekeeping unit”), which is not licensed by the state and is being used as a drug and alcohol recovery facility for persons who are recovering from drug and/or alcohol addiction and in which all residents, except for a house manager, are considered disabled under state or federal law and are actively enrolled and participating in an alcohol and/or drug recovery program.
- (ss) **Soil.** The unconsolidated mineral and organic material on the immediate surface of the earth.
- (1) **Corrosive Soils.** Natural soils that, as a result of their chemical makeup, may aggressively deteriorate concrete, metal or other susceptible building material.
  - (2) **Expansive Soils.** Natural clays that swell when saturated and shrink when dry.
  - (3) **Hydrocollapsible Soils.** Natural soils that collapse or compact after a wetting event.
- (tt) **Soil Management Report.** A report that shall be submitted with the Landscape Documentation Package, as outlined by Chapter 83.10, Landscaping Standards, that outlines the result of the soil tests along with recommendation for soil amendments.
- (uu) **Solar Energy System.** Any solar collector solar device, or structural design feature of a building whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating or cooling; for domestic, recreational, therapeutic, or service water heating; for the generation of electricity; for the production of process heat; and for the production of mechanical work. Solar energy systems include passive thermal systems, semipassive thermal systems, active thermal systems and photovoltaic systems. This category does not include parabolic mirror and devices of a similar nature.
- (vv) **Solid Waste Disposal Site.** A site used for the final disposal of solid waste, which may also include facilities for separating and differentiating waste products, and/or recycling the waste products. Includes landfills.
- (ww) **Solid Waste.** Any variety of waste, including household garbage, metal, glass, shattered concrete, bricks from demolished houses, radioactive wastes and mining talus.
- (xx) **Solidification and Stabilization.** See “Hazardous Waste.”
- (yy) **Special District.** A governmental entity created in a given area to provide services within that area. Special Districts can provide services such as water, sewers, fire protection, and parks and recreation.
- (zz) **Special Events, Temporary (see Land Use Tables).** All carnivals, community celebrations, off-road vehicle races, outdoor festivals, music events, sporting events, parades, fairs, animal races, religious festivals, revival meetings, [food truck events](#) and

similar public gatherings at locations and facilities without an approved Conditional Use Permit, Minor Use Permit, or Site Plan Permit. Special events shall be categorized based upon scope, longevity, magnitude and use, into one of the following event types.

**(1) Minor Event.**

- (A) Class I.** Class I. Anticipated attendance of 500 to 1,000 persons per day; or a community celebration, religious festivals, revival meetings, food truck events and similar public gatherings with anticipated attendance of 500 or more. Staging events of off-highway motor vehicles, as defined and regulated in Chapter 4 of Division 8 of Title 2, shall also be included as a Class I Minor Event.
- (B) Class II.** Intensive sporting events, the as off-road vehicle races or rodeos, etc., and music events with an anticipated attendance of 200 to 500 persons per day. Included in this class are any events that are advertised by a means of mass media (i.e., radio, television, newspaper, Internet, phone trees, fliers, etc.) provided that a means of limiting attendees to 500 persons per day is available and is strictly enforced.

**(2) Major Event.**

- (A) Class I.** Anticipated attendance of over 1,000 persons per day.
- (B) Class II.** Intensive sporting events, such as off-road vehicle races or rodeos, etc., or music events with an anticipated attendance of over 500 persons per day. Included in this class are any events that are advertised by a means of mass media (i.e., radio, television, newspaper, Internet, phone trees, fliers, etc.) where a means of limiting attendees is not available.

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

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

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

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

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

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

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

**(hhh) Sphere of Influence.** A sphere of influence is the probable ultimate physical boundary of a city as established by the San Bernardino Local Agency Formation Commission (LAFCO) in compliance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000 et

seq.). A sphere of influence contains unincorporated County land that is outside a city's boundaries and that relates to the city's planning.

- (iii) **Sports or Entertainment Assembly (see Land Use Tables).** A large-scale indoor or outdoor facility accommodating spectator-oriented sports, concerts, and other entertainment activities. Examples of this land use include amphitheatres, race tracks, rodeo arenas, stadiums and coliseums. May also include commercial facilities customarily associated with the above uses, including bars and restaurants, gift shops, video game arcades, etc.
- (iii) **Stable, Private.** A detached accessory building for the keeping of horses, burros or mules owned by the occupants of the premises and not for remuneration, hire or sale.
- (kkk) **Stable, Public.** A stable other than a private stable for keeping of horses, burros or mules.
- (iii) **Standard Project Flood.** See "Flood Hazard."
- (mmm) **Start of Construction.** See "Flood Hazard."
- (nnn) **State.** State of California.
- (ooo) **State Geologist.** Individual holding office as provided in the California Public Resources Code, Section 677, Article 3, Chapter 2, Division 1.
- (ppp) **Static Water Pressure.** The pressure of the pipeline or municipal water supply when the water is not flowing.
- (qqq) **Station.** An area that is served by an automatic irrigation valve that has been programmed into the "smart" irrigation controller as a specific number, which is to be recognized and controlled.
- (rrr) **Stealth Facility.** See "Wireless Telecommunication Facilities."
- (sss) **Stock Cooperative.** A common interest development in which a corporation is formed or availed of primarily for the purpose of holding title to, either in fee simple or for a term of years, improved real property, and all or substantially all of the shareholders of the corporation receive a right of exclusive occupancy in a portion of the real property, title to which is held by the corporation. The owner's interest in the corporation, whether evidenced by a share of stock, a certificate of membership, or otherwise, shall be deemed to be an interest in a common interest development and a real estate development for purposes of the [California](#) Corporations Code Subsection 25100(f). In a stock cooperative, both the separate interest, as defined in [California](#) Civil Code Subsection 4190 and the correlative interest in the stock cooperative corporation, however designated, are interests in real property. Includes a limited equity housing cooperative, which is a stock cooperative that meets the criteria of the [California](#) Health and Safety Code Section 33007.5.

- (**ttt**) **Stone Products Manufacturing.** See “Manufacturing Operations I and II.”
- (**uuu**) **Storage, Garage.** See “Garage, Storage.”
- (**vvv**) **Storage/Impound Facility.** See “Motor Vehicle Storage/Impound Facility.”
- (**www**) **Storage - Personal Storage, Mini-Storage (see Land Use Tables).** Structures containing generally small, individual compartmentalized or lockers rented as individual storage spaces and characterized by low parking demand.
- (**xxx**) **Storage - Vehicles Storage (see Land Use Tables).** A facility for the storage of operative cars and other fleet vehicles, trucks, buses, recreational vehicles, and other motor vehicles. Includes facilities for the storage and/or servicing of fleet vehicles. Also includes the parking of a vehicle on private property for more than 72 hours without operation. Does not include commercial parking lots, or dismantling yards (classified in “Recycling - Scrap and Dismantling Yards”).
- (**yyv**) **Storage - Warehouse, Indoor Storage (see Land Use Tables).** Facilities for the storage of furniture, household goods, or other commercial goods of any nature. Includes cold storage. Does not include: warehouse, storage or mini storage facilities offered for rent or lease to the general public (“Storage - Personal Storage, Mini-Storage”); warehouse facilities primarily used for wholesaling and distribution (see “Wholesaling and Distribution”); or terminal facilities for handling freight (see “Truck Terminal”).
- (**zzz**) **Storm, Ten Year.** See “Ten Year Storm.”
- (**aaaa**) **Story.** That portion of a building included between the surface of any floor and the surface of the floor immediately above it, or, if there is no floor above it, then the space between the floor and ceiling immediately above it.
- (**bbbb**) **Story, Half.** A story with at least two of its opposite sides meeting a sloping roof, nor more than two feet above the floor of the story.
- (**ccce**) **Stream.** Any watercourse designated by a solid line or dash and three dots symbol on the largest scale of the United States Geological Survey map most recently published, or as indicated in the development permit when it has been field determined that a watercourse either:
- (1) Supports fish at any time of the year;
  - (2) Has a significant water flow after any rainstorm; or
  - (3) Has a well-defined channel.
- (**dddd**) **Stream Bed Skimming.** See “Surface Mining Operations.”

- (**eeee**) **Street.** Any public or private thoroughfare, with a width of 20 feet or more, that affords a primary means of access to abutting property. See “Road System.”
- (**ffff**) **Street Line.** The boundary line between a street and abutting property.
- (**gggg**) **Structural Alterations.** Any change in the supporting members of a structure, such as the bearing walls or partitions, columns, beams or girders.
- (**hhhh**) **Structure.** Anything constructed, built, or installed by man, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, including, but without limitation; buildings, towers, smokestack, and overhead lines.
- (**iiii**) **Structure, Approved.** A structure, paved area of impervious substance or sewage disposal area that has been approved by the Building Official or the Chief of the Environmental Health Services Division as an improvement of the site, and that complies with all codes, ordinances and regulations of San Bernardino County.
- (**iiii**) **Structure, Business or Industrial.** An occupied, permanent building, attached to a permanent foundation, approved for the use under the California Building Code, where one or more persons are employed on an eight hour shift, at least five days per week.
- (**kkkk**) **Structure Envelope.** The interior of a parcel outside of the building setback lines.
- (**llll**) **Structure Footprint.** The area of a parcel included within the surrounding exterior walls of a structure. In the absence of surrounding exterior walls, the structure footprint shall be the area under the horizontal projection of the roof.
- (**mmmm**) **Structure Height.** See Section 83.02.040 (Height Measurement and Height Limit Exceptions). For buildings see “Building Height”.
- (**nnnn**) **Subdivider.** A person, firm, corporation, partnership or association who proposes to divide, divides or causes to be divided real property into a subdivision for himself or for others except that employees and consultants of these persons or entities, acting in such capacity, are not “subdividers.”
- (**oooo**) **Subdivision.** The division, by any subdivider, of any unit or units of improved or unimproved land, or any portion of land thereof, shown on the latest equalized County assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future, except for leases of agricultural land for agricultural purposes (i.e., the cultivation of food or fiber or the grazing or pasturing of livestock). Property shall be considered as contiguous units even if it separated by roads, streets, utility easement or railroad rights of way. “Subdivision” includes a condominium project, as defined in Section 1350 of the Civil Code, or a community apartment project, as defined in Section 11004 of the California Business and Professions Code or the conversion of five or more existing dwelling units to a stock cooperative, as defined in Section 11003.2 of the California Business and Professions Code. A conveyance of land to or from a governmental

agency, public entity, public utility, common carrier or subsidiary of a public utility for conveyance to the public utility for rights of way shall not be considered a division of land for the purpose of computing the number of parcels. See also “Minor Subdivision Plot Plan.”

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

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

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

(ssss) **Substantial Damage.** See “Flood Hazard.”

(tttt) **Substantial Improvement.** See “Flood Hazard.”

(uuuu) **Supplemental Irrigation.** See “Temporary Irrigation.”

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

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

- (1) **Area of Regional Significance.** An area designated by the State Mining and Geology Board that is known to contain a deposit of minerals, the extraction of which is judged to be of prime importance in meeting future needs for minerals in a particular region of the State within which the minerals are located, and which, if prematurely developed for alternate incompatible land uses, could result in the permanent loss of minerals that are of more than local significance.

- (2) **Area of Statewide Significance.** An area designated by the Board that is known to contain a deposit of minerals, the extraction of which is judged to be of prime importance in meeting future needs for minerals in the State and which, if prematurely developed for alternate incompatible land uses, could result in the permanent loss of minerals that are of more than local or regional significance.
- (3) **Borrow Pits.** Excavations created by the surface mining of rock, unconsolidated geologic deposits or soil to provide material (borrow) for fill elsewhere.
- (4) **Compatible Land Uses.** Land uses inherently compatible with mining and/or that require a minimum public or private investment in structures, land improvements, and that may allow mining because of the relative economic value of the land and its improvements. Examples of these uses may include, but shall not be limited to, very low density residential, geographically extensive but low impact industrial, recreational, agricultural, silvicultural, grazing, and open space.
- (5) **Haul Road.** A road along which material is transported from the area of excavation to the processing plant or stockpile area of the surface mining operation.
- (6) **Idle.** Surface mining operations curtailed for a period of one year or more, by more than 90 percent of the operation's previous maximum annual mineral production, with the intent to resume those surface mining operations at a future date.
- (7) **Incompatible Land Uses.** Land uses inherently incompatible with mining and/or that require public or private investment in structures, land improvements, and landscaping and that may prevent mining because of the greater economic value of the land and its improvements. Examples of these uses may include, but shall not be limited to, high density residential, low density residential with high unit value, public facilities, geographically limited but impact intensive industrial, and commercial.
- (8) **Mined Lands.** The surface, subsurface, and ground water of an area in which surface mining operations will be, are being, or have been conducted, including private ways and roads appurtenant to any area, land excavations, workings, mining waste, and areas in which structures, facilities, equipment, machines, tools, or other materials or property that result from, or are used in, surface mining operations are located.
- (9) **Minerals.** Any naturally occurring chemical element or compound, or groups of elements and compounds, formed from inorganic processes and organic substances, including, but not limited to, coal, peat, and bituminous rock, but excluding geothermal resources, natural gas, and petroleum.
- (10) **Operator.** Any person who is engaged in surface mining operations, or who contracts with others to conduct operations on his/her behalf, except a person who is engaged in surface mining operations as an employee with wages as his/her sole compensation.

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

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008); Amended Ordinance 4067 (2009), Amended Ordinance 4136 (2011); Amended Ordinance 4230 (2014); Amended Ordinance 4230 (2014); Amended Ordinance 4245 (2014); [Amended Ordinance 4280 \(2015\)](#); [Amended Ordinance xxxx \(2017\)](#)