



LAND USE SERVICES DEPARTMENT PLANNING COMMISSION STAFF REPORT

HEARING DATE: February 20, 2020

AGENDA ITEM #4

Project Description

Applicant: County of San Bernardino Land Use Services Department
Community: All Unincorporated Communities
Locations: Countywide
Project No.: P201900059
Staff: Suzanne Peterson, Senior Planner
Proposal: Development Code Amendment to modify provision related to Accessory Dwelling Units in Title 8 of the County Code

Newspaper Publication Date: February 6, 2020 **Report Prepared By:** Suzanne Peterson

PROJECT DESCRIPTION:

This proposal is a San Bernardino County Development Code (Development Code) Amendment revising the regulations related to Accessory Dwelling Units (ADUs) in Chapters 82.03, 82.04, 82.05, 82.06, 83.02, 83.11 and 84.01 (Project). These Chapters include the Land Use Tables, Parking and Loading Standards, Allowed Projections Table and Accessory Structures and Uses. The proposed amendment would bring the Development Code into compliance with recent changes to state law.

BACKGROUND:

In the late Fall of 2019, a series of new California housing-related bills (SB 13, AB 68, AB 587, AB 670, AB 671, AB 881) were signed into law. Many of these bills are related to the rules and regulation pertaining to ADUs with the goal of encouraging the development of ADUs by requiring local agencies to remove restrictive development standards, reduce fees, allow additional time for compliance and streamline the review process. In addition to these changes, the California Department of Housing and Community Development (HCD) is required to review the local agencies' changes to ensure compliance with state law. Until the changes have been adopted by the County and certified by HCD, implementation of these changes has been ongoing since the effective date of January 1, 2020, through reliance and reference to the state bills as necessary.

A summary of the above referenced bills is included in 'Exhibit B'. Not every component of these bills was addressed in the proposed Ordinance. This is due to regulations and requirements which are applicable to internal procedures, optional requirements, limitations of planned developments, future planning document requirements, or requirements applicable to HCD.

ANALYSIS:

The primary purpose of the proposed Development Code Amendment is to revise the County’s standards to ensure compliance with the recent legislation. The table below provides an overview and synopsis of the proposed regulations.

	CURRENT ORDINANCE	PROPOSED ORDINANCE
PURPOSE AND APPLICABILITY		
Applicability	ADUs permitted in all zones where single dwellings are permitted.	ADUs and junior accessory dwelling units (JADUs) are permitted on all properties where a single or <u>multi-family</u> dwelling is permitted.
Limitations	ADUs may be limited by lot coverage standards or waste disposal constraints.	Limitations are only allowed for health or safety reasons, lot coverage may not be a limiting factor if it would prevent an ADU being developed that is at least 800 square feet in size.
OTHER PERMIT REQUIREMENTS		
Short-Term Rental	Short-term rental of ADU or JADU permitted by a Special Use Permit (SUP) where short-term private home rental is permitted and subject to meeting code requirements.	ADUs and JADUs cannot be rented for a term shorter than 30 days if it falls under one of the types of ADU or JADU that requires a by-right ministerial approval.
Home Occupation Permits (HOP)	Home occupations permitted in ADUs with property owner authorization and HOP if required	Same (no change)
Compatibility Determination	Required for detached ADU located in front of the primary dwelling	Not required for the development of any ADU or JADU
DEVELOPMENT STANDARDS		
Types of Accessory Residential Uses	ADU Caretaker Housing Guest Housing	ADU JADU Guest House
Number or Accessory Residential Uses Allowed	In addition to one single family dwelling, only <u>one</u> accessory residential use is allowed on parcels less than five acres. Parcels greater than five acres may create all three types of accessory residential uses.	In addition to a single family dwelling or multi-family dwelling, a combination of <u>two</u> accessory residential uses are allowed on parcels less than five acres. Parcels greater than five acres may still create one of each of the three types of accessory residential uses.
Unit Size	ADU – no minimum or maximum size	ADU – no min; 1,200 sq. ft. max JADU – no min; 500 sq. ft. max
Lot Coverage	Standards apply unit	Standards may not apply if it would prevent at least an 800 square foot ADU that is 16 feet in height with four foot setbacks.
Setbacks	Standards apply	Rear yard and interior side yard may be reduced to four feet.

PARKING STANDARDS		
Number of spaces required	One uncovered parking space per ADU Replacement parking required for primary dwelling when garage is converted to an ADU.	One uncovered parking space per ADU No parking is required for a JADU Replacement parking is <u>not</u> required for primary dwelling when garage is converted to an ADU or JADU.
DEFINITIONS		
Accessory Dwelling Unit	Existing definition applies to single-family residential structures	Definition updated to reflect ADUs being allowed in multi-family dwellings
Junior Accessory Dwelling Unit	None	Definition added

ENVIRONMENTAL DETERMINATION:

The proposed Ordinance qualifies as a statutory exemption to the California Environmental Quality Act (CEQA) under the CEQA Guideline Section 15282(h) (ADU Ordinance Statutory Exemption), which is further supported by Public Resources Code Section 21080.17 (ADU ordinance exemption).

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 San Bernardino County General Plan (General Plan) and any applicable community plan or specific plan because the proposed Ordinance will continue to protect public health and safety, consistent with the following excerpts from the General Plan, including the 5th Cycle Housing Element:

Goal H-1: A broad range of housing types in sufficient quantity, location, and affordability levels to meet the lifestyle needs of current and future residents, including those with special needs.

Goal H-2: An efficient administrative process that recognizes the need for efficient and timely review of residential projects while also ensuring and valuing the need for quality design, environmental review, and planning.

- Goal H-3: Neighborhoods that protect the health, safety, and welfare of the community, and enhance public and private efforts in maintaining, reinvesting in, and upgrading the existing housing stock.
- Policy H-3.3: Enforce all applicable state and county health, safety, building, and zoning laws directed at housing and property maintenance to maintain healthful, sound, and attractive residential properties.
- Goal H-4: Assist in the development, maintenance, modernization, and preservation of affordable housing; provide assistance where feasible for residents to rent or purchase adequate housing in San Bernardino County.

2. The proposed Ordinance amending the Development Code would not be detrimental to the public interest, health, safety, convenience or welfare of the County. The proposed Ordinances preserves public health and safety while serving the public interest by enhancing housing choices and encouraging the development of ADUs through the proposed regulations and reduced development standards.

ADUs and JADUs are a critical form of infill-development that can be more affordable than new housing stock and offer important housing choices within existing neighborhoods. ADUs are a versatile type of housing unit because they allow for different uses, and serve different populations ranging from students and young professionals to young families, people with disabilities and senior citizens. By design, ADUs are more affordable and can provide additional income to homeowners. Local governments can encourage the development of ADUs and improve access to jobs, education and services for many Californians.

3. The proposed Ordinance amending the Development Code is internally consistent with other applicable provisions of the Development Code to the extent the County has discretion regulating ADUs. To maintain consistency throughout the Development Code, a thorough analysis identified all Tables and Chapters requiring concurrent amendment, including *Land Use Zoning Districts Tables 82-4, 82-7, 82-11, 82-17, Chapter 83.02 - Table 83-5 Allowed Projections/Structures within Setbacks, Chapter 83.11 – Table 83-15 Parking Requirements by Land Use, and Chapter 84.01 Accessory Structures and Uses.*
4. The proposed Ordinance is exempt from the requirements of CEQA pursuant to CEQA Guidelines §15282(h).

RECOMMENDATION: That the Planning Commission **RECOMMEND** the following actions to the Board of Supervisors:

1. **ADOPT** the findings as contained in the staff report;
2. **ADOPT** the proposed Ordinance amending Title 8 of the County Code (Development Code) to revise the regulations relating to Accessory Dwelling Units as provided in the staff report and attachments.
3. **DIRECT** the Clerk of the Board to file a Notice of Exemption.

ATTACHMENTS:

- Exhibit A: Proposed County Development Code Section Changes (Red-lined Version)
Exhibit B: Summary of 2020 CA Bills Regarding Accessory Dwelling Units

EXHIBIT A

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

CHAPTER 82.03: AGRICULTURAL AND RESOURCE MANAGEMENT LAND USE ZONING DISTRICTS

Section

- 82.03.010 Purpose.
- 82.03.020 Purposes and Location of the Agricultural and Resource Management Land Use Zoning Districts.
- 82.03.030 Minimum Area for Designation.
- 82.03.040 Agricultural and Resource Management Land Use Zoning District Allowed Uses and Permit Requirements.
- 82.03.050 Agricultural and Resource Management Land Use Zoning District Subdivision Standards.
- 82.03.060 Agricultural and Resource Management Land Use Zoning District Site Planning and Building Standards.
- 82.03.070 FW Land Use Zoning District Additional Standards.

§ 82.03.010 Purpose.

This Chapter lists the land uses that may be allowed within the agricultural and resource management land use zoning districts established by the General Plan and listed in Chapter 82.01 (Land Use Plan and Land Use Zoning Districts, and Overlays), determines the type of planning permit/approval required for each use, and provides basic standards for site layout and building size.

(Ord. 4011, passed - -2007)

§ 82.03.020 Purposes and Location of the Agricultural and Resource Management Land Use Zoning Districts.

The purposes of the individual agricultural and resource management land use zoning districts and the locations where they are applied are as specified in the General Plan and as described in Chapter 82.01 (Land Use Plan, Land Use Zoning Districts, and Overlays).

(Ord. 4011, passed - -2007)

§ 82.03.030 Minimum Area for Designation.

The agricultural and resource land use zoning districts shall be applied through the General Plan amendment process (Chapter 86.12) only to sites with the minimum areas indicated in Table 82-3.

<i>Table 82-3</i>	
<i>Minimum Area For Agricultural and Resource Management</i>	
<i>Land Use Zoning District Designation</i>	
<i>Land Use Zoning District</i>	<i>Minimum Area for Designation</i>
AG (Agriculture)	100 acres
RC (Resource Conservation)	200 acres
FW (Floodway)	No Minimum Area Required
OS (Open Space)	No Minimum Area Required

(Ord. 4011, passed - -2007)

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

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

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

Table 82-4					
Allowed Land Uses and Permit Requirements for Agricultural and Resource Management Land Use Zoning Districts					
<i>Land Use See Division 10 (Definitions) for land use definitions</i>	Permit Required by District				<i>Specific Use Regulations</i>
	RC	AG	FW	OS	
Agricultural, Resource & Open Space Uses					
Agricultural support services	M/C	M/C	CUP	—	
Animal keeping	S	S	S	—	84.04
Crop production, horticulture, orchard, vineyard	A	A	A	—	
Livestock operations	S	S	S	—	84.04
Natural resources development (mining)	CUP	CUP	CUP	—	88.03
Nature preserve (accessory uses)	P ⁽¹⁾	P ⁽¹⁾	P ⁽¹⁾	P ⁽¹⁾	
Lake, reservoir	M/C	M/C	M/C	M/C	
Pond	A	A	A	A	
Winery	M/C	M/C	—	—	
Industry, Manufacturing & Processing, Wholesaling					
Composting operations	CUP	CUP	—	—	
Hazardous waste facilities	CUP	CUP	—	—	84.11
Industrial use requiring extensive buffering	CUP	CUP	—	—	
Recycling facilities	S	S	—	—	84.19
Recreation, Education & Public Assembly					
Agritourism enterprises	S	S	—	—	84.03
Campgrounds	M/C	M/C	—	—	
Conference/convention facility	CUP	CUP	—	—	
Equestrian facility	M/C	M/C	—	—	
Fitness/health facility	M/C	—	—	—	
Library, museum, art gallery, outdoor exhibit	M/C	M/C	—	—	
Meeting facility, public or private	CUP	CUP	—	—	
Park, playground	M/C	M/C	—	—	
Places of worship	CUP	CUP	—	—	
Recreational vehicle park	CUP ⁽²⁾				
Rural sports and recreation	CUP	CUP	—	—	
School - College or university	CUP	CUP	—	—	
School - Private	CUP	CUP	—	—	
School - Specialized education/training	CUP	CUP	—	—	
Residential⁽⁸²⁾					
Accessory use or structure - Residential	A ⁽³⁾	A ⁽³⁾	—	—	84.01
Accessory dwelling (labor quarters, etc.)	P⁽⁴⁾	P⁽⁴⁾	—	—	84.01
Guest housing	A ⁽³⁾	A ⁽³⁾	—	—	84.01

Accessory dwelling unit	A ⁽⁵⁴⁾	A ⁽⁵⁴⁾	—	—	84.01
<u>Junior accessory dwelling unit</u>	<u>A⁽⁵⁴⁾</u>	<u>A⁽⁵⁴⁾</u>			<u>84.01</u>
Single dwelling	A	A	—	—	
Retail					
Produce stands (200 sq. ft. or less on lots that are 10,000 sq. ft. or greater)	A ⁽⁶⁵⁾	A	—	—	84.03
Services - Business & Professional					
Medical services - Hospital	M/C	M/C	—	—	
Medical services - Rehabilitation centers	M/C	M/C	—	—	
Office - Accessory	P	P	—	—	
Office - Government	M/C	M/C	—	—	
Services - General					
Cemetery including pet cemeteries	CUP	CUP	—	—	
Commercial Kennels and Catteries - min lot 2.5 acres	M/C	M/C	—	—	
Emergency Shelter	—	CUP	—	—	84.33
Home Occupation	SUP	SUP	—	—	84.12
Licensed Residential Care Facility of 6 or fewer persons	A	A	—	—	
Licensed Residential Care Facility of 7 or more persons	M/C	M/C	—	—	84.23
Lodging - Bed and breakfast inn (B&B)	SUP	SUP	—	—	
Public safety facility	M/C	M/C	—	—	
Unlicensed Residential Care Facility of 6 or fewer persons	RCP	RCP	—	—	84.32
Unlicensed Residential Care Facility of 7 or more persons	M/C	M/C	—	—	
Transportation, Communications & Infrastructure					
Broadcasting antennae and towers	M/C	M/C	—	—	
Electrical power generation	CUP	CUP	—	—	
Pipelines, transmission lines, and control stations ⁽⁶⁷⁾	⁽⁷⁶⁾	⁽⁷⁶⁾	⁽⁷⁶⁾	⁽⁷⁶⁾	
Renewable Energy Generation Facilities	CUP	CUP	CUP	—	
Sewage treatment and disposal facility	CUP	CUP	—	—	
Solid waste disposal	CUP	CUP	—	—	
Transportation facility	CUP	CUP	—	—	
Utility facility	CUP	CUP	CUP	—	
Wind energy system, accessory	S	S	S	—	84.26
Wireless telecommunications facility	S	S	S	—	84.27
Other					
Accessory structures and uses	A	A	A	A	84.01
Temporary special events	TSP	TSP	TSP	TSP	85.16
Temporary structures and uses	TUP	TUP	TUP	TUP	84.25

Key			
A	Allowed use (no planning permit required)	PD	Planned Development Permit required (Chapter 85.10)
P	Permitted Use; Site Plan Permit required (Chapter 85.08)	SUP	Special Use Permit required (Chapter 85.14)
M / C	Minor Use Permit required; unless a Conditional Use Permit required in compliance with § 85.06.050 (Projects That Do Not Qualify for a Minor Use Permit)	S	Permit requirement set by Specific Use Regulations (Division 4)
		TS P	Temporary Special Events Permit required (Chapter 85.16)
C U P	Conditional Use Permit required (Chapter 85.06)	RC P	Unlicensed Residential Care Facilities Permit (Chapter 85.20)
M U P	Minor Use Permit required (Chapter 85.06)	TU P	Temporary Use Permit required (Chapter 85.15)
		—	Use not allowed

Notes:	
(1)	CUP required if maximum building coverage exceeds 10,000 sq. ft., the use will have more than 20 employees per shift, or if not exempt from CEQA; may qualify for a MUP in compliance with § 85.06.020 (Applicability).
(2)	Density of the recreational vehicles in a Recreational Vehicle Park shall be limited to 4 per acre.
(3)	Use allowed as an accessory use only, on the same site as a residential use allowed by this table.
(4)	Use allowed as an accessory use only, on the same site as an agricultural use allowed by this table. Requires a Special Use Permit when recreational vehicles are used for seasonal operations.
(5)	Use allowed as an accessory use only with standards, on the same site as a residential use allowed by this table. A Special Use Permit is required for an accessory dwelling unit used as a short-term rental in the Mountain Region.
(6)	In Phelan/Pinon Hills Community Plan area, a maximum 6 sq. ft. advertising sign shall be allowed.
(7)	Pipelines, transmission lines, and control station uses are regulated and approved by the Public Utilities Commission. See alternate review procedures in § 85.02.050 (Alternate Review Procedures).
(8)	Supportive housing or transitional housing that is provided in single-, two-, or multi-family dwelling units, group residential parolee-probationer home, residential care facilities, or boarding house uses shall be permitted, conditionally permitted or prohibited in the same manner as the other single-, two- or multi-family dwelling units, group residential, parolee-probationer home, residential care facilities, or boarding house uses under this Code.

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

§ 82.03.050 Agricultural and Resource Management Land Use Zoning District Subdivision Standards.

(a) Each subdivision shall comply with the minimum parcel size requirements shown in Tables 82-4A, 82-4B and 82-4C for the applicable land use zoning district.

(b) The minimum parcel size requirements for a specific subdivision are determined by the review authority as part of subdivision approval. The review authority may require one or more parcels within a specific subdivision to be larger than the minimums required by these tables based on potential

environmental impacts, the physical characteristics of the site or surrounding parcels, and/or other factors.

(c) See also the standards in § 83.02.050 (Parcel Area Measurements and Exceptions).

Table 82-4A					
Agricultural and Resource Management Land Use Zoning District Minimum Lot Size					
Valley Region					
Land Use Zoning District	Minimum Lot Area	Lot Dimensions			Maximum Width to Depth Ratio
		Minimum Frontage Width	Minimum Width	Minimum Depth	
AG	10 acres ⁽¹⁾	NA	300 ft.	300 ft.	1:4
RC	40 acres	150 ft.	300 ft.	300 ft.	1:4
FW	10 acres	NA	60 ft.	100 ft.	1:4
OS	No requirement	No requirement	No requirement	No requirement	No requirement

Notes:

(1) Except where modified by map suffix. The various designations within the AG Land Use Zoning District shall be limited to AG, AG-20, AG-40, AG-80 and AG-160.

Table 82-4B					
Agricultural and Resource Management Land Use Zoning District Minimum Lot Size					
Mountain Region					
Land Use Zoning District	Minimum Lot Area	Lot Dimensions			Maximum Width to Depth Ratio
		Minimum Frontage Width	Minimum Width	Minimum Depth	
AG ⁽¹⁾	10 acres ⁽²⁾	NA	300 ft.	300 ft.	1:4
RC	40 acres	150 ft.	300 ft.	300 ft.	1:4
FW	10 acres	NA	60 ft.	100 ft.	1:3
OS	No requirement	No requirement	No requirement	No requirement	No requirement

Notes:

(1) Limited to the Oak Glen Community Plan area only.

(2) Except where modified by map suffix. The various designations within the AG Land Use Zoning District shall be limited to AG, AG-20, AG-40, AG-80 and AG-160.

Table 82-4C					
Agricultural and Resource Management Land Use Zoning District Minimum Lot Size					
Desert Region					
Land Use Zoning District	Minimum Lot Area	Lot Dimensions			Maximum Width to Depth Ratio
		Minimum Frontage Width	Minimum Width	Minimum Depth	
AG	10 acres ⁽¹⁾	NA	300 ft.	300 ft.	1:4
RC	40 acres	150 ft.	300 ft.	300 ft.	1:4

FW	10 acres	NA	60 ft.	100 ft.	1:4
OS	No requirement	No requirement	No requirement	No requirement	No requirement
Notes:					
(1) Except where modified by map suffix. The various designations within the AG Land Use Zoning District shall be limited to AG, AG-20, AG-40, AG-80 and AG-160.					

(Ord. 4011, passed - -2007)

§ 82.03.060 Agricultural and Resource Management Land Use Zoning District Site Planning and Building Standards.

Subdivisions, new land uses and structures, and alterations to existing land uses and structures shall be designed, constructed, and established in compliance with the requirements in Tables 82-5A, 82-5B, and 82-5C, in addition to the applicable standards (e.g., landscaping, parking and loading, etc.) in Division 3 (Countywide Development Standards) and Division 4 (Standards for Specific Land Uses and Activities).

<i>Table 82-5A</i>				
<i>Agricultural and Resource Management Land Use Zoning District Development Standards</i>				
<i>Valley Region</i>				
<i>Valley Region Development Feature</i>	<i>Requirement by Land Use Zoning District</i>			
	<i>AG Agriculture</i>	<i>RC Resource Conservation</i>	<i>FW Floodway</i>	<i>OS Open Space</i>
Density	Maximum housing density. The actual number of units allowed will be determined by the County through subdivision or planning permit approval, as applicable.			
Maximum density	1 unit per 10 acres; accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)	1 unit per 40 acres; accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)	Residential Not Allowed	Residential Not Allowed
Setbacks	Minimum setbacks required. See Chapter 83.02 for exceptions, reductions, and encroachments. See Division 4 for any setback requirements applicable to specific land uses.			
Front	25 ft.	25 ft.	75 ft.	25 ft.
Side - Street side	25 ft.	25 ft.	25 ft.	25 ft.
Side - Interior (each)	15 ft.	15 ft.	15 ft.	15 ft.
Rear	15 ft.	15 ft.	15 ft.	15 ft.
Lot coverage	Maximum percentage of the total lot area that may be covered by structures and impervious surfaces.			
Maximum coverage	NA	NA	NA	NA
Height limit	Maximum allowed height of structures. See § 83.02.040 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.			
Maximum height	35 ft.	35 ft.	35 ft.	35 ft.
Accessory structures	See Chapter 84.01 (Accessory Structures and Uses).			
Infrastructure	See Chapter 83.09 (Infrastructure Improvement Standards).			

Parking	See Chapter 83.11 (Parking Regulations).
Signs	See Chapter 83.13 (Sign Regulations).

Table 82-5B				
Agricultural and Resource Management Land Use Zoning District Development Standards				
Mountain Region				
Mountain Region Development Feature	Requirement by Land Use Zoning District			
	AG⁽¹⁾ Agriculture	RC Resource Conservation	FW Floodway	OS Open Space
Density	Maximum housing density. The actual number of units allowed will be determined by the County through subdivision or planning permit approval, as applicable.			
Maximum density	1 unit per 10 acres; accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)	1 unit per 40 acres; accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)	Residential Not Allowed	Residential Not Allowed
Setbacks	Minimum setbacks required. See Chapter 83.02 for exceptions, reductions, and encroachments. See Division 5 for any setback requirements applicable to specific land uses.			
Front	35 ft.	25 ft.	25 ft.	25 ft.
Side - Street side	30 ft.	25 ft.	25 ft.	25 ft.
Side - Interior (each)	30 ft.	15 ft.	15 ft.	15 ft.
Rear	35 ft.	15 ft.	15 ft.	15 ft.
Lot coverage	Maximum percentage of the total lot area that may be covered by structures and impervious surfaces.			
Maximum coverage	NA	NA	NA	NA
Height limit	Maximum allowed height of structures. See § 83.02.040 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.			
Maximum height	35 ft.	35 ft.	25 ft.	35 ft.
Accessory structures	See Chapter 84.01 (Accessory Structures and Uses).			
Infrastructure	See Chapter 83.09 (Infrastructure Improvement Standards).			
Parking	See Chapter 83.11 (Parking Regulations).			
Signs	See Chapter 83.13 (Sign Regulations).			
Notes:				
(1) Limited to the Oak Glen Community Plan area only.				

Table 82-5C				
Agricultural and Resource Management Land Use Zoning District Development Standards				
Desert Region				
Desert Region Development Feature	Requirement by Land Use Zoning District			
	AG	RC	FW	OS

	<i>Agriculture</i>	<i>Resource Conservation</i>	<i>Floodway</i>	<i>Open Space</i>
Density	Maximum housing density. The actual number of units allowed will be determined by the County through subdivision or planning permit approval, as applicable.			
Maximum density	1 unit per 10 acres; accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)	1 unit per 40 acres; accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)	Residential Not Allowed	Residential Not Allowed
Setbacks	Minimum setbacks required. See Chapters 83.02 for exceptions, reductions, and encroachments. See Division 5 for any setback requirements applicable to specific land uses.			
Front	25 ft.	25 ft.	75 ft.	25 ft.
Side - Street side	25 ft.	25 ft.	25 ft.	25 ft.
Side - Interior (each)	15 ft.	15 ft.	15 ft.	15 ft.
Rear	15 ft.	15 ft.	15 ft.	15 ft.
Lot coverage	Maximum percentage of the total lot area that may be covered by structures and impervious surfaces.			
Maximum coverage	NA	NA	NA	NA
Height limit	Maximum allowed height of structures. See § 83.02.040 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.			
Maximum height	35 ft.	35 ft.	35 ft.	35 ft.
Accessory structures	See Chapter 84.01 (Accessory Structures and Uses).			
Infrastructure	See Chapter 83.09 (Infrastructure Improvement Standards).			
Parking	See Chapter 83.11 (Parking Regulations).			
Signs	See Chapter 83.13 (Sign Regulations).			

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

§ 82.03.070 FW Land Use Zoning District Additional Standards.

(a) No structure or use shall be constructed, located or substantially improved and no land shall be graded or developed in the area designated as floodway, except upon approval of a plan which provides that the proposed development will not result in any increase in flood levels during the occurrence of the base flood discharge.

(b) Proposed land use permits within the FW district shall comply with all of the requirements necessary for the approval of a permit in the Floodplain Overlay.

(Ord. 4011, passed - -2007)

CHAPTER 82.04: RESIDENTIAL LAND USE ZONING DISTRICTS

Section

- 82.04.010 Purpose.
- 82.04.020 Purposes and Location of the Residential Land Use Zoning Districts.
- 82.04.030 Minimum Area for Designation.
- 82.04.040 Residential Land Use Zoning District Allowed Uses and Permit Requirement.
- 82.04.050 Residential Land Use Zoning District Subdivision Standards.
- 82.04.060 Residential Land Use Zoning District Site Planning and Building Standards.

§ 82.04.010 Purpose.

This Chapter lists the land uses that may be allowed within the residential land use zoning districts established by the General Plan and listed in Chapter 82.01 (Land Use Plan, and Land Use Zoning Districts, and Overlays), determines the type of planning permit/approval required for each use, and provides basic standards for site layout and building size.

(Ord. 4011, passed - -2007)

§ 82.04.020 Purposes and Location of the Residential Land Use Zoning Districts.

The purposes of the individual residential land use zoning districts and the locations where they are applied are as specified in the General Plan and as described in Chapter 82.01 (Land Use Plan, Land Use Zoning Districts, and Overlays).

(Ord. 4011, passed - -2007)

§ 82.04.030 Minimum Area for Designation.

The residential land use zoning districts shall be applied through the General Plan amendment process (Chapter 86.12) only to sites with the minimum areas indicated in Table 82-6.

<i>Table 82-6</i>	
<i>Minimum Area For Residential Land Use Zoning District Designation</i>	
<i>Land Use Zoning District</i>	<i>Minimum Area for Designation</i>
RL (Rural Living)	30 acres
RS (Single Residential)	10 acres
RM (Multiple Residential)	10 acres

(Ord. 4011, passed - -2007)

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

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

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

<i>Table 82-7</i>		
<i>Allowed Land Uses and Permit Requirements for Residential Land Use Zoning Districts</i>		
<i>Land Use</i>	<i>Permit Required by District</i>	<i>Specific Use Regulations</i>
See Division 10 (Definitions) for land use		

definitions				
	<i>RL</i> ⁽¹⁾	RS	RM	
Agricultural, Resource & Open Space Uses				
Accessory crop production	A ⁽²⁾	A ⁽²⁾	A ⁽²⁾	84.01
Agricultural accessory structure - 1,000 sf max.	A	A	A	
Agricultural accessory structure - up to 10,000 sf max. on 5 ac. or less	A	—	—	
Agricultural accessory structure - greater than 10,000 sf. on 5 ac. or less	M/C	—	—	
Agricultural support services	CUP	—	—	
Animal keeping	S	S	S	84.04
Crop production, horticulture, orchard, vineyard, nurseries	A	—	—	
Livestock operations	CUP	—	—	84.04
Natural resources development (mining)	CUP	—	—	88.03
Nature preserve (accessory uses)	M/C	—	—	
Lake	M/C	CUP	—	
Pond	A	A	M/C	
Industry, Manufacturing & Processing, Wholesaling				
Composting operations	CUP	—	—	
Recycling facilities - reverse vending machine, accessory	S	—	—	84.19
Recreation, Education & Public Assembly Uses				
Agritourism enterprises	S	—	—	84.03
Campgrounds ⁽³⁾	CUP	—	—	
Commercial entertainment - Indoor ⁽³⁾	CUP	—	—	
Conference/convention facility ⁽³⁾	CUP	—	—	
Equestrian facility ⁽³⁾	M/C	S ⁽⁴⁾	—	
Golf course ⁽³⁾	CUP	—	—	
Library, museum, art gallery, outdoor exhibit ⁽³⁾	M/C	M/C	M/C	
Meeting facility, public or private ⁽³⁾	CUP	CUP	CUP	
Park, playground ⁽³⁾	P	P	P	
Places of worship	CUP	CUP	CUP	
Rural sports and recreation ⁽³⁾	M/C	—	—	

School - College or university	CUP	CUP	—	
School - Private	CUP	CUP	—	
School - Specialized education/training	CUP	—	—	
Sports or entertainment assembly ⁽³⁾	CUP	—	—	
Residential⁽¹⁰⁴⁾				
Accessory structures and uses	A	A	A	84.01
Caretaker housing	M/C⁽⁵⁾	M/C	M/C	84.01
Group residential (sorority, fraternity, boarding house, private residential club, etc.)	—	—	M/C	—
Guest housing	A	A	A	84.01
Mobile home park/manufactured home land-lease community	CUP	CUP	CUP	84.14
Multiple dwelling, 2 to 3 units, attached or detached	—	—	A	84.16
Multiple dwelling, 4 to 19 units, attached or detached	—	—	A	84.16
Multiple dwelling, 20 to 49 units, attached or detached	—	—	MUP	84.16
Multiple dwelling, 50 or more units, attached or detached	—	—	CUP	84.16
Parolee and/or probationer home	—	—	CUP	
Accessory dwelling unit	A ⁽⁶⁵⁾	A ⁽⁶⁵⁾	A ⁽⁶⁵⁾	84.01
Junior accessory dwelling unit	A⁽⁶⁵⁾	A⁽⁶⁵⁾	A⁽⁶⁵⁾	84.01
Single dwelling	A	A	APD⁽⁷⁶⁾	
Retail				
Produce stand	A ⁽⁸⁷⁾	A ⁽⁸⁷⁾	A ⁽⁸⁷⁾	
Services - General				
Cemetery, including pet cemeteries	CUP	CUP	—	84.06
Child care - Small family day care home	A	A	A	
Child care - Large family day care home	MUP	MUP	MUP	
Child care - Day care center	M/C	M/C	M/C	
Commercial Kennels and Catteries - min lot 2.5 acres (over 15 animals)	M/C/S	—	—	84.04
Emergency shelter	—	—	CUP	84.33

Home occupation	SUP	SUP	SUP	84.12
Licensed Residential Care Facility of 6 or fewer persons	A	A	A	84.23
Licensed Residential Care Facility of 7 or more persons	—	—	CUP	84.23
Lodging - Bed and breakfast inn (B&B)	SUP ⁽⁹⁸⁾	SUP ⁽⁹⁸⁾	SUP ⁽⁹⁸⁾	84.05
Public safety facility	M/C	M/C	M/C	
Short-Term Residential Rentals	SUP	SUP	SUP	84.28
Unlicensed Residential Care Facility with 6 or fewer persons	RCP	RCP	RCP	84.32
Unlicensed Residential Care Facility with 7 or more persons	—	—	CUP	
Transportation, Communications & Infrastructure				
Broadcasting antennae and towers	M/C	—	—	
Electrical power generation	CUP	—	—	
Pipelines, transmission lines, and control stations ⁽⁹⁴⁾	(94)	(94)	(94)	
Renewable Energy Generation Facilities	CUP	—	—	84.29
Sewage treatment and disposal facility	CUP	CUP	CUP	
Solid waste disposal	CUP	CUP	CUP	
Telecommunications facility	S	S	S	84.27
Transportation facility	M/C	M/C	M/C	
Utility facility	CUP	CUP	CUP	
Wind energy accessory	S	S	S	84.26
Wireless telecommunications facility	S	S	S	84.27
Other				
Accessory structures and uses	A	A	A	84.01
Temporary special events	TSP	TSP	TSP	84.25
Temporary structures and uses	TUP	TUP	TUP	84.25

Key			
A	Allowed use (no planning permit required)	P D	Planned Development Permit required (Chapter 85.10)
P	Permitted Use; Site Plan Permit required (Chapter 85.08)	S U	Special Use Permit required (Chapter 85.14)

		P	
M/ C	Minor Use Permit required; unless a Conditional Use Permit required in compliance with § 85.06.050 (Projects That Do Not Qualify for a Minor Use Permit)	S	Permit requirement set by Specific Use Regulations (Division 4)
		T S P	Temporary Special Events Permit required (Chapter 85.16)
		R C P	Unlicensed Residential Care Facilities Permit (Chapter 85.20)
CUP	Conditional Use Permit required (Chapter 85.06)	T U P	Temporary Use Permit required (Chapter 85.15)
MUP	Minor Use Permit required (Chapter 85.06)	—	Use not allowed

Notes:	
(1) For projects within the Oak Glen Community Plan Area, all non-agritourism uses shall comply with the agritourism hours of operation standard [§ 84.03.030(b)(3)] and the agritourism noise/amplified sound regulations [§ 84.03.030(b)(5)].	
(2) Use allowed as an accessory use only with standards, on the same site as a residential use allowed by this table.	
(3) For projects within the Oak Glen Community Plan Area, these uses shall comply with the agritourism development standards provided in Table 84-1 in § 84.03.030. The permit requirements presented this table shall prevail over any permit requirement listed in Table 84-1.	
(4) A boarding facility only with a Home Occupation Permit.	
(5) For parcels that are 10 acres or greater, a Site Plan Permit is all that is needed.	
(65) Use allowed as an accessory use only, on the same site as a residential use allowed by this table. A Special Use Permit is required for an accessory dwelling unit used as a short term rental in the Mountain Region.	
(76) Single dwellings will only be allowed within an RM Land Use Zoning District when it is part of a Planned Residential Development that has been designed to meet the goals and densities of the RM zone; sewer service is not available or the lot is less than ½ acre.	
(87) In the Phelan/Pinon Hills Community Plan area on lots greater than 10,000 sq. ft. with a maximum 200 sq ft structure for storage and sales and a maximum 6 sq ft advertising sign; in RS and RM, can only operate for 72 hours per month.	
(98) A CUP shall be required for three or more rooms.	
(109) These uses are regulated and approved by the Public Utilities Commission. See alternate review procedures in Chapter 85.02.	
(104) Supportive housing or transitional housing that is provided in single-, two-, or multi-family dwelling units, group residential, parolee-probationer home, residential care facilities, or boarding house uses shall be permitted, conditionally permitted or prohibited in the same manner as the other single-, two- or multi-family dwelling units, group residential, parolee-probationer home, residential care facilities, or boarding house uses under this Code.	

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

§ 82.04.050 Residential Land Use Zoning District Subdivision Standards.

(a) Each subdivision shall comply with the minimum parcel size requirements shown in Tables 82-8A, 82-8B and 82-8C for the applicable land use zoning district.

(b) The minimum parcel size requirements for a specific subdivision are determined by the review authority as part of subdivision approval. The review authority may require one or more parcels within a specific subdivision to be larger than the minimums required by these tables based on potential environmental impacts, the physical characteristics of the site or surrounding parcels, and/or other factors.

(c) See also the standards in § 83.02.050 (Parcel Area Measurements and Exceptions).

<i>Table 82-8A</i>				
<i>Residential Land Use Zoning District Minimum Lot Size</i>				
<i>Valley Region</i>				
<i>Land Use Zoning District</i>	<i>Minimum Lot Area</i>	<i>Minimum Lot Dimensions</i>		
		<i>Minimum Width</i>	<i>Minimum Depth</i>	<i>Maximum Width to Depth Ratio</i>
RL	2.5 acres ⁽¹⁾	150 ft.	150 ft.	1:3 for less than 10 acres; 1:4 for 10 or more acres
RS	7,200 sq. ft. ⁽¹⁾	60 ft for less than 1 acre; 150 ft for 1 acre or more	100 ft for less than 1 acre; 150 ft for 1 acre or more	1:3 for less than 10 acres; 1:4 for 10 or more acres
RM	10,000 sq. ft.	60 ft.	100 ft.	1:3
Notes:				
(1) Except where modified by map suffix. The various designations within the RL Land Use Zoning District shall be limited to RL, RL-5, RL-10, RL-20 and RL-40. The various designations within the RS Land Use Zoning District shall be limited to RS, RS-10M, RS-14M, RS-20M and RS-1.				

<i>Table 82-8B</i>				
<i>Residential Land Use Zoning District Minimum Lot Size</i>				
<i>Mountain Region</i>				
<i>Land Use Zoning District</i>	<i>Minimum Lot Area</i>	<i>Minimum Lot Dimensions</i>		
		<i>Minimum Width</i>	<i>Minimum Depth</i>	<i>Maximum Width to Depth Ratio</i>
RL	2.5 acres ⁽¹⁾	150 ft.	150 ft.	1:3 for less than 10 acres; 1:4 for 10 or more acres
RS	7,200 sq. ft. ⁽¹⁾	60 ft. for interior lot; 70 ft. for corner lot	100 ft.	1:3 for less than 10 acres; 1:4 for 10 or more acres
RM	10,000 sq. ft.	60 ft.	100 ft.	1:3
Notes:				
(1) Except where modified by map suffix. The various designations within the RL Land Use Zoning District shall be limited to RL, RL-5, RL-10, RL-20 and RL-40. The various designations within the RS Land Use Zoning District shall be limited to RS, RS-10M, RS-14M, RS-20M and RS-1.				

<i>Table 82-8C</i>

<i>Residential Land Use Zoning District Minimum Lot Size</i>				
<i>Desert Region</i>				
<i>Land Use Zoning District</i>	<i>Minimum Lot Area</i>	<i>Minimum Lot Dimensions</i>		
		<i>Minimum Width</i>	<i>Minimum Depth</i>	<i>Maximum Width to Depth Ratio</i>
RL	2.5 acres ⁽¹⁾	150 ft.	150 ft.	1:3 for less than 10 acres; 1:4 for 10 or more acres
RS	7,200 sq. ft. ⁽¹⁾⁽²⁾	60 ft. for less than 1 acre; 140 ft for 1 acre or more	100 ft. for less than 1 acre; 150 ft. for 1 acre or more	1:3 for less than 10 acres; 1:4 for 10 or more acres
RM	10,000 sq. ft.	60 ft.	100 ft.	1:3
Notes:				
(1) Except where modified by map suffix. The various designations within the RL Land Use Zoning District shall be limited to RL, RL-5, RL-10, RL-20 and RL-40. The various designations within the RS Land Use Zoning District shall be limited to RS, RS-10M, RS-14M, RS-20M and RS-1.				
(2) The minimum residential lot size in the RS Land Use Zoning District in the Phelan-Pinon Hills Community Plan area shall be one acre.				

(Ord. 4011, passed - -2007)

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

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

<i>Table 82-9A</i>			
<i>Residential Land Use Zoning District Development Standards</i>			
<i>Valley Region</i>			
<i>Development Feature</i>	<i>Requirement by Land Use Zoning District</i>		
	<i>RL Rural Living</i>	<i>RS Single Residential</i>	<i>RM Multiple Residential</i>
Density	Maximum housing density. The actual number of units allowed will be determined by the County through subdivision or planning permit approval, as applicable.		
Maximum density	1 unit per 2.5 acres ⁽¹⁾ ; accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)	4 units per acre ⁽¹⁾ ; accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)	20 units per acre; accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)
Setbacks	Minimum setbacks required. See Chapter 83.02 for exceptions, reductions, and encroachments. See Division 5 for any setback requirements applicable to specific land uses.		
Front	25 ft.	25 ft. ⁽²⁾	25 ft. ⁽²⁾

Side - Street side	Local street - 15 ft.; Collector or wider - 25 ft.	Local street - 15 ft.; Collector or wider - 25 ft.	Local street - 15 ft.; Collector or wider - 25 ft.
Side - Interior (each)	Lot 75 wide or less - 5 ft. on one side, 10 ft. on other; Other lots - 15 ft.	5 ft. on one side, 10 ft. on other	5 ft. on one side, 10 ft. on other
Rear	15 ft.	15 ft.	15 ft.
Lot coverage	Maximum percentage of the total lot area that may be covered by structures and impervious surfaces.		
Maximum coverage	20 percent	Lot less than 20,000 sq. ft - Entire building envelope ⁽³⁾ ; Lot of 20,000 sq. ft. or larger - 40 percent ⁽⁴⁾	60 percent
Height limit	Maximum allowed height of structures. See § 83.02.040 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.		
Maximum height	35 ft.	35 ft.	45 ft.
Accessory structures	See Chapter 84.01 (Accessory Structures and Uses).		
Infrastructure	See Chapter 83.09 (Infrastructure Improvement Standards).		
Parking	See Chapter 83.11 (Parking Regulations).		
Signs	See Chapter 83.13 (Sign Regulations).		
Notes:			
(1) Map suffix may modify.			
(2) A Final Map or Parcel Map may establish front yard setbacks of no less than 22 feet, provided that the average setback of all parcels in the subdivision is 25 feet.			
(3) Setback, Building Code, and Composite Development Plan requirements still apply.			
(4) The maximum lot coverage allowed in Chapter 82.06, Table 82-21A will prevail for allowed institutional land uses.			

Table 82-9B			
Residential Land Use Zoning District Development Standards			
Mountain Region			
Development Feature	Requirement by Land Use Zoning District		
	RL Rural Living	RS Single Residential	RM Multiple Residential
Density	Maximum housing density. The actual number of units allowed will be determined by the County through subdivision or planning permit approval, as applicable.		
Maximum density	1 unit per 2.5 acres ⁽¹⁾ ; accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)	4 units per acre ⁽¹⁾ ; accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)	20 units per acre; accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)
Setbacks	Minimum setbacks required. See Chapters 83.02 for exceptions,		

	reductions, and encroachments. See Division 5 for any setback requirements applicable to specific land uses.		
Front	25 ft.	Lot less than 14,000 sq. ft. = 15 ft.; lots 14,000 sq. ft. or larger = 25 ft.	Lot less than 14,000 sq. ft. = 15 ft.; lots 14,000 sq. ft. or larger = 25 ft.
Side - Street side	25 ft.	15 ft.	15 ft.
Side - Interior (each)	20 ft.	20 percent of lot width, need not exceed 15 ft. ⁽²⁾	20 percent of lot width, need not exceed 15 ft. ⁽²⁾
Rear	20 ft.	15 ft.	15 ft.
Accessory structures	See Chapter 84.01 (Accessory Structures and Uses)		
Lot coverage	Maximum percentage of the total lot area that may be covered by structures and impervious surfaces.		
Maximum coverage	20 percent	40 percent ⁽³⁾	60 percent
Height limit	Maximum allowed height of structures. See § 83.02.040 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.		
Maximum height	35 ft.	35 ft.	45 ft.
Accessory structures	See Chapter 84.01 (Accessory Structures and Uses).		
Infrastructure	See Chapter 83.09 (Infrastructure Improvement Standards).		
Parking	See Chapter 83.11 (Parking Regulations).		
Signs	See Chapter 83.13 (Sign Regulations).		
Notes:			
(1) Map suffix may modify.			
(2) The side yard setback standards in the Fire Safety Overlay (Chapter 82.13) shall prevail. The setback provisions of the small lot development standards (Chapter 84.22) shall not apply.			
(3) The maximum lot coverage allowed in Chapter 82.06, Table 82-21B will prevail for allowed institutional land uses.			

Table 82-9C			
Residential Land Use Zoning District Development Standards			
Desert Region			
Requirement by Land Use Zoning District			
Development Feature	RL Rural Living	RS Single Residential	RM Multiple Residential
Density	Maximum housing density. The actual number of units allowed will be determined by the County through subdivision or planning permit approval, as applicable.		
Maximum density	1 unit per 2.5 acres ⁽¹⁾ ; accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)	4 units per acre ⁽¹⁾ ; accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)	20 units per acre; accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)
Setbacks	Minimum setbacks required. See Chapter 83.02 for exceptions, reductions, and encroachments. See Division 5 for any setback requirements applicable		

	to specific land uses.		
Front	25 ft.	25 ft. ⁽²⁾	25 ft. ⁽²⁾
Side - Street side	25 ft.	Local street - 15 ft. ⁽³⁾ ; Collector or wider - 25 ft.	Local street - 15 ft.; Collector or wider - 25 ft.
Side - Interior (each)	Lot 75 wide or less - 5 ft. on one side, 10 ft. on other; Other lots - 15 ft.	5 ft. on one side, 10 ft. on other ⁽⁴⁾	5 ft. on one side, 10 ft. on other
Rear	15 ft.	15 ft.	15 ft.
Accessory structures	See Chapter 84.01 (Accessory Structures and Uses)		
Lot coverage	Maximum percentage of the total lot area that may be covered by structures and impervious surfaces.		
Maximum coverage	20 percent	Lot less than 20,000 sq. ft. - Entire building envelope ⁽⁵⁾ Lot of 20,000 sq. ft. or larger - 40 percent ⁽⁶⁾	60 percent
Height limit	Maximum allowed height of structures. See § 83.02.040 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.		
Maximum height	35 ft.	35 ft.	45 ft.
Accessory structures	See Chapter 84.01 (Accessory Structures and Uses).		
Infrastructure	See Chapter 83.09 (Infrastructure Improvement Standards).		
Parking	See Chapter 83.11 (Parking Regulations).		
Signs	See Chapter 83.13 (Sign Regulations).		
Notes:			
(1) Map suffix may modify.			
(2) A Final Map or Parcel Map may establish front yard setbacks of no less than 22 feet, provided that the average setback of all parcels in the subdivision is 25 feet.			
(3) This setback shall be 25 feet in the Phelan-Pinon Hills Community Plan area.			
(4) This setback shall be 10 feet on both sides in the Phelan-Pinon Hills Community Plan area.			
(5) Setback, Building Code, and Composite Development Plan requirements still apply.			
(6) The maximum lot coverage allowed in Chapter 82.06, Table 82-21C will prevail for allowed institutional land uses.			

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

CHAPTER 82.05: COMMERCIAL LAND USE ZONING DISTRICTS

Section

- 82.05.010 Purpose.
- 82.05.020 Purposes and Location of the Commercial Land Use Zoning Districts.
- 82.05.030 Minimum Area for Designation.
- 82.05.040 Commercial Land Use Zoning District Allowed Uses and Permit Requirements.
- 82.05.050 Commercial Land Use Zoning District Subdivision Standards.
- 82.05.060 Commercial Land Use Zoning District Site Planning and Building Standards.

§ 82.05.010 Purpose.

This Chapter lists the land uses that may be allowed within the commercial land use zoning districts established by the General Plan and listed in § 82.01.020 (Land Use Plan and Land Use Zoning Districts), determines the type of planning permit/approval required for each use, and provides basic standards for site layout and building size.

(Ord. 4011, passed - -2007)

§ 82.05.020 Purposes and Location of the Commercial Land Use Zoning Districts.

The purposes of the individual commercial land use zoning districts and the locations where they are applied are as specified in the General Plan and as described in Chapter 82.01 (Land Use Plan, Land Use Zoning Districts, and Overlays).

(Ord. 4011, passed - -2007)

§ 82.05.030 Minimum Area for Designation.

The commercial land use zoning districts shall be applied through the General Plan amendment process (Chapter 86.12) only to sites with the minimum areas indicated in Table 82-10.

<i>Table 82-10</i>	
<i>Minimum Area for Commercial Land Use Zoning District Designation</i>	
<i>Land Use Zoning District</i>	<i>Minimum Area for Designation</i>
CR (Rural Commercial)	2.5 acres
CN (Neighborhood Commercial)	1 acre
CO (Office Commercial)	5 acres
CG (General Commercial)	5 acres
CS (Service Commercial)	5 acres
CH (Highway Commercial)	5 acres

(Ord. 4011, passed - -2007)

§ 82.05.040 Commercial Land Use Zoning District Allowed Uses and Permit Requirements.

(a) *General Permit Requirements.* Table 82-11 identifies the uses of land allowed by this Development Code in each commercial land use zoning district established by Chapter 82.01(Land Use Plan, and Land Use Zoning Districts, and Overlays), in compliance with § 82.01.020 (Allowed Land Uses and Planning Permit Requirements).

(b) *Requirements for Certain Specific Land Uses.* Where the last column in Table 82-11 (Specific Use Regulations) includes a Section number, the referenced Section may affect whether the use requires Land Use Review, or Conditional Use Permit or Minor Use Permit, or other County approval, and/or may establish

other requirements and standards applicable to the use.

Table 82-11

Allowed Land Uses and Permit Requirements for Commercial Land Use Zoning Districts							
Land Use See Division 10 (Definitions) for land use definitions	Permit Required by District						Specific Use Regulations
	CR	CN	CO	CG	CS	CH	
Agricultural, Resource & Open Space Uses							
Agriculture support services	P ⁽²⁾	—	—	P ^(1, 2)	P ⁽²⁾	—	
Industry, Manufacturing & Processing, Wholesaling							
Construction contractor storage yard	M/C	—	—	—	M/C	—	
Firewood contractor	P ⁽²⁾	—	—	—	P ⁽²⁾	—	84.09
Manufacturing Operations I	M/C ⁽³⁾	—	—	—	P ⁽²⁾	—	
Motor vehicle storage/Impound facility	CUP	—	—	—	CUP	CUP	
Recycling facilities - Small collection facility	SUP	SUP	SUP	SUP	SUP	SUP	84.19
Recycling facilities - Large collection facility	CUP	—	CUP	CUP	CUP	CUP	84.19
Recycling facilities - Light processing facility	CUP	—	—	CUP	CUP	—	84.19
Recycling facilities, reverse vending machine (accessory only)	A	A	A	A	A	A	84.19
Salvage operations - within enclosed structures	M/C ⁽⁴⁾	—	—	—	M/C	—	
Storage - Personal storage (mini-storage)	M/C	—	—	—	P ⁽²⁾	—	
Storage - Recreational vehicles	CUP	—	—	—	CUP	CUP	
Storage Warehouse, Indoor Storage	M/C	—	—	—	—	—	
Wholesaling and distribution	M/C ⁽⁴⁾	—	—	P ^(1,2)	P ⁽²⁾	—	
Recreation, Education & Public Assembly							
Adult business	—	—	—	ABP	—	—	84.02
Commercial entertainment - Indoor	P ⁽²⁾	P ⁽²⁾	—	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	
Commercial entertainment - Outdoor	P ⁽²⁾	—	—	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	
Conference/convention facility ^(4, 5)	M/C	—	M/C	M/C	M/C	M/C	
Equestrian facility	M/C	—	M/C	M/C	M/C	M/C	
Fitness/health facility ⁽⁵⁾	P ⁽²⁾	P ⁽²⁾	—	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	
Golf course	M/C	—	—	—	M/C	M/C	
Library, museum, art gallery, outdoor exhibit ⁽⁵⁾	M/C	—	—	M/C	M/C	M/C	

Meeting facility, public or private ⁽⁵⁾	CUP	CUP	CUP	CUP	CUP	CUP	
Park, playground	M/C	—	—	—	—	—	
Places of worship	CUP	CUP	CUP	CUP	CUP	CUP	
Recreational vehicle park	M/C	—	—	—	M/C	M/C	
Rural sports and recreation	CUP	—	—	—	CUP	CUP	
School - College or university ⁽⁵⁾	M/C	—	M/C	M/C	M/C	M/C	
School - Private ⁽⁵⁾	M/C	—	M/C	M/C	M/C	M/C	
School - Specialized education/training ⁽⁵⁾	M/C	—	M/C	M/C	M/C	M/C	
Sports or entertainment assembly	CUP	—	—	CUP	CUP	CUP	
Theater ⁽⁵⁾	M/C	—	—	M/C	M/C	M/C	
Residential⁽¹⁰⁾							
Accessory dwelling (caretakers residence, etc.)	P ⁽⁶⁾	P ⁽⁶⁾	P ⁽⁶⁾	P ⁽⁶⁾	P ⁽⁶⁾	P ⁽⁶⁾	84.01
Accessory use or structure - Residential (conforming and non-conforming uses)	A	P ^(6, 7)	P ^(6, 7)	P ^(6, 7)	P ^(6, 7)	P ^(6, 7)	84.01
Group residential (sorority, fraternity, boarding house, private residential club, etc.)	M/C	—	—	M/C	M/C	M/C	
Guest housing	P ⁽⁷⁾	—	—	—	—	—	84.01
Live/work unit	M/C	M/C	M/C	M/C	M/C	M/C	
Mobile home park/manufactured home land-lease community	CUP	—	—	—	—	—	84.14
Multiple dwelling, up to 19 units, attached or detached	A	—	—	—	—	—	84.16
Multiple dwelling, 20 or more units	CUP	—	—	—	—	—	84.16
Parolee and/or probationer home	CUP	—	—	CUP	CUP	CUP	
Residential use only as part of a mixed use project	PD	—	PD	PD	PD	PD	84.16
Accessory dwelling unit	A	—	—	—	—	—	84.01
<u>Junior accessory dwelling unit</u>	<u>A</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>84.01</u>
Single dwelling	A	—	—	—	—	—	
Retail							
Auto and vehicle sales and rental	P ⁽²⁾	—	—	P ⁽²⁾	P ⁽²⁾	—	
Bar, tavern	P ⁽²⁾	M/C	—	P ⁽²⁾	P ⁽²⁾	—	
Building and landscape materials sales - Indoor	M/C	—	—	M/C	M/C	—	
Building and landscape materials sales - Outdoor	M/C	—	—	M/C	M/C	—	
Construction and heavy equipment sales and rental	M/C	—	—	—	M/C	—	

Convenience store	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	
Fuel dealer (propane for home and farm use, etc.)	M/C	—	—	—	M/C	—	
General retail	M/C	—	—	P ⁽²⁾	P ⁽²⁾	—	
Groceries, specialty foods	M/C	M/C	—	P ⁽²⁾	P ⁽²⁾	—	
Manufactured home, boat, or RV sales	P ⁽²⁾	—	—	M/C	M/C	—	
Night club	P ⁽²⁾	M/C	—	M/C	P ⁽²⁾	—	
Restaurant, café, coffee shop	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	
Service station	M/C	M/C	—	M/C	M/C	M/C	
Second hand stores, pawnshops	P	—	—	P	P	—	
Shopping center	M/C	M/C	—	M/C	M/C	M/C	
Swap meet, outdoor market, auction yard	M/C	—	—	M/C	M/C	—	
Warehouse retail	P ⁽²⁾	—	—	P ⁽²⁾	P ⁽²⁾	—	
Services - Business, Financial, Professional							
Medical services - Hospital	—	—	CUP ⁽⁵⁾	—	—	—	
Medical services - Rehabilitation center	—	—	CUP	—	—	—	
Office - Accessory	P ⁽⁶⁾	P ⁽⁶⁾	P ⁽⁶⁾	P ⁽⁶⁾	P ⁽⁶⁾	P ⁽⁶⁾	
Professional services	P ⁽²⁾	P ⁽²⁾	P	P ⁽²⁾	P ⁽²⁾	—	
Services - General							
Bail bond service within 1 mile of correctional institution	P	—	P	P	P	P	
Cemetery including pet cemeteries	CUP	CUP	CUP	CUP	CUP	CUP	84.06
Child care - Day care center	M/C	M/C	M/C	M/C	M/C	—	
Convenience and support services	P ⁽²⁾	P ⁽²⁾	—	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	
Emergency shelter	CUP	CUP	CUP	A	A	CUP	84.33
Equipment rental	P ⁽²⁾	—	—	P ⁽²⁾	P ⁽²⁾	—	
Home occupation	SUP	SUP	SUP	SUP	SUP	SUP	84.12
Kennel or cattery - 2.5-acre minimum lot area	M/C/S	—	—	—	M/C/S	—	84.04
Licensed Residential Care Facility of 6 or fewer persons	M/C	—	—	M/C	M/C	M/C	84.23
Licensed Residential Care Facility of 7 or more persons	M/C	—	—	M/C	M/C	M/C	84.23
Lodging - Bed and breakfast inn (B&B)	SUP	—	—	—	—	—	84.05
Lodging - Hotel or motel - 20 or fewer guest rooms	P ⁽²⁾	—	—	P ^(2,8)	P ^(2,8)	P ⁽²⁾	
Lodging - Hotel or motel - More than 20 guest rooms	M/C	—	—	M/C	M/C	M/C	

Personal services	P ⁽²⁾	P ⁽²⁾	—	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	
Public safety facility	M/C	M/C	—	—	M/C	M/C	
Unlicensed Residential Care Facility of 6 or fewer persons	RCP	—	—	RCP	RCP	RCP	84.32
Unlicensed Residential Care Facility of 7 or more persons	M/C	—	—	M/C	M/C	M/C	
Vehicle services - Major repair/body work	M/C	—	—	—	M/C	M/C	
Vehicle services - Minor maintenance/repair	P ⁽²⁾	—	—	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	
Veterinary clinic, animal hospital	M/C	—	—	M/C	M/C	—	
Transportation, Communications & Infrastructure							
Ambulance, taxi, or limousine dispatch facility	P ⁽²⁾	—	—	—	P ⁽²⁾	P ⁽²⁾	
Broadcasting antennae and towers	M/C	—	—	M/C	M/C	—	
Broadcasting studio	P ⁽²⁾	—	—	P ⁽²⁾	P ⁽²⁾	—	
Parking lots and structures, accessory	P ⁽⁶⁾	P ⁽⁶⁾	P ⁽⁶⁾	P ⁽⁶⁾	P ⁽⁶⁾	P ⁽⁶⁾	
Pipelines, transmission lines, and control stations ⁽⁹⁾	(9)	(9)	(9)	(9)	(9)	(9)	
Renewable Energy Generation Facilities	CUP	CUP	CUP	CUP	CUP	CUP	84.29
Sewage treatment and disposal facility	CUP	—	—	—	—	CUP	
Transportation facility	M/C	M/C	M/C	M/C	M/C	M/C	
Truck Stop	M/C	—	—	—	M/C	M/C	
Truck Terminal	—	—	—	—	M/C	—	
Utility facility	CUP	—	—	—	CUP	—	
Wind energy system, accessory	S	S	S	S	S	S	84.26
Wireless telecommunications facility	S	S	S	S	S	S	84.27
Other							
Accessory structures and uses	P	P	P	P	P	P	84.01
Off-Site Signs	—	—	—	CUP	—	CUP	83.13.060
Off-Site Signs (Freeway Oriented)	—	—	—	CUP	—	CUP	83.13.060
Temporary special events	TSP	TSP	TSP	TSP	TSP	TSP	84.25
Temporary uses and activities	TUP	TUP	TUP	TUP	TUP	TUP	84.25

Key			
A	Allowed use (no planning permit required)	PD	Planned Development Permit required (Chapter 85.10)
A B P	Adult Business Regulatory Permit	SUP	Special Use Permit required (Chapter 85.14)
P	Permitted Use; Site Plan Permit required (Chapter 85.08)	S	Permit requirement set by Specific Use Regulations (Division 4)
M /C	Minor Use Permit required; unless a Conditional Use Permit required in compliance with § 85.06.050 (Projects That Do Not Qualify for a	TSP	Temporary Special Events Permit required (Chapter 85.16)

	Minor Use Permit)		
C U P	Conditional Use Permit required (Chapter 85.06)	RCP	Unlicensed Residential Care Facilities Permit (Chapter 85.20)
M U P	Minor Use Permit required (Chapter 85.06)	TUP	Temporary Use Permit required (Chapter 85.15)
		—	Use not allowed

Notes:
(1) Not allowed in the Phelan planning area.
(2) CUP required if maximum building coverage exceeds 10,000 sq. ft., the use will have more than 20 employees per shift, or if not exempt from CEQA; may qualify for a MUP in compliance with § 85.06.020 (Applicability).
(3) The use shall be allowed in Lucerne Valley with a Site Plan Permit.
(4) The use is allowed in Lucerne Valley with a MUP.
(5) A MUP shall not be allowed if the use requires more than 200 parking spaces.
(6) Use allowed as an accessory use only, on the same site as a retail, service, or industrial use allowed by this table.
(7) Use allowed as an accessory use only, on the same site as a residential use allowed by this table.
(8) A CUP shall be required for this use in the Phelan planning area.
(9) These uses are regulated and approved by the Public Utilities Commission. See alternate review procedures in § 85.02.050.
(10) Supportive housing or transitional housing that is provided in single-, two-, or multi-family dwelling units, group residential, parolee-probationer home, residential care facilities, or boarding house uses shall be permitted, conditionally permitted or prohibited in the same manner as the other single-, two- or multi-family dwelling units, group residential, parolee-probationer home, residential care facilities, or boarding house uses under this Code.

(Ord. 4011, passed - -2007; Am. Ord. 4043, passed - -2008; Am. Ord. 4085, passed - -2009; Am. Ord. 4098, passed - -2010; Am. Ord. 4230, passed - -2014; Ord. 4239, passed - -2014; Am. Ord. 4245, passed - -2014; Am. Ord. 4251, passed - -2014; Am. Ord. 4341, passed - -2018)

§ 82.05.050 Commercial Land Use Zoning District Subdivision Standards.

(a) Each subdivision shall comply with the minimum parcel size requirements shown in Tables 82-12A, 82-12B and 82-12C for the applicable land use zoning district.

(b) The minimum parcel size requirements for a specific subdivision are determined by the review authority as part of subdivision approval. The review authority may require one or more parcels within a specific subdivision to be larger than the minimums required by these tables based on potential environmental impacts, the physical characteristics of the site or surrounding parcels, and/or other factors.

(c) See also the standards in § 83.02.050 (Parcel Area Measurements and Exceptions).

Table 82-12A				
Commercial Land Use Zoning District Minimum Lot Size				
Valley Region				
Land Use Zoning District	Minimum Lot Area ⁽¹⁾	Minimum Lot Dimensions		
		Minimum Width	Minimum Depth	Maximum Width

				<i>to Depth Ratio</i>
CR	2.5	120 ft.	120 ft.	1:3
CN	1 acre	120 ft.	120 ft.	1:3
CO	5 acres	120 ft.	120 ft.	1:3
CG	5 acres	120 ft.	120 ft.	1:3
CS	5 acres	60 ft.	100 ft.	1:3
CH	5 acres	120 ft.	120 ft.	1:3

Notes:

(1) Minimum lot area may be less than specified if the subdivision application is filed concurrently with a Planned Development, Conditional Use Permit or Minor Use Permit application.

Table 82-12B
Commercial Land Use Zoning District Minimum Lot Size
Mountain Region

<i>Land Use Zoning District</i>	<i>Minimum Lot Area ⁽¹⁾</i>	<i>Minimum Lot Dimensions</i>		
		<i>Minimum Width</i>	<i>Minimum Depth</i>	<i>Maximum Width to Depth Ratio</i>
CR	2.5	60 ft. for interior lot; 70 ft. for corner lot	100 ft.	1:3
CN	1 acre	60 ft. for interior lot; 70 ft. for corner lot	100 ft.	1:3
CO	5 acres	60 ft. for interior lot; 70 ft. for corner lot	100 ft.	1:3
CG	5 acres	60 ft. for interior lot; 70 ft. for corner lot	100 ft.	1:3
CS	5 acres	60 ft. for interior lot; 70 ft. for corner lot	100 ft.	1:3
CH	5 acres	60 ft. for interior lot; 70 ft. for corner lot	100 ft.	1:3

Notes:

(1) Minimum lot area may be less than specified if the subdivision application is filed concurrently with a Planned Development, Conditional Use Permit or Minor Use Permit application.

Table 82-12C
Commercial Land Use Zoning District Minimum Lot Size
Desert Region

<i>Land Use Zoning District</i>	<i>Minimum Lot Area ⁽¹⁾</i>	<i>Minimum Lot Dimensions</i>		
		<i>Minimum Width</i>	<i>Minimum Depth</i>	<i>Maximum Width to Depth Ratio</i>
CR	2.5	120 ft.	120 ft.	1:3
CN	1 acre	120 ft.	120 ft.	1:3
CO	5 acres	120 ft.	120 ft.	1:3
CG	5 acres	120 ft.	120 ft.	1:3

CS	5 acres	120 ft.	120 ft.	1:3
CH	5 acres	120 ft.	120 ft.	1:3
Notes:				
(1) Minimum lot area may be less than specified if the subdivision application is filed concurrently with a Planned Development, Conditional Use Permit or Minor Use Permit application.				

(Ord. 4011, passed - -2007)

§ 82.05.060 Commercial Land Use Zoning District Site Planning and Building Standards.

Subdivisions, new land uses and structures, and alterations to existing land uses and structures shall be designed, constructed, and established in compliance with the requirements in Tables 82-13A and B, 8-14A and B, 82-15A and B, in addition to the applicable standards (e.g., landscaping, parking and loading, etc.) in Division 3 (Countywide Development Standards) and Division 4 (Standards for Specific Land Uses and Activities).

<i>Table 82-13A</i>			
<i>CR, CN, and CO Land Use Zoning District Development Standards</i>			
<i>Valley Region</i>			
<i>Development Feature</i>	<i>Requirement by Land Use Zoning District</i>		
	<i>CR Rural Commercial</i>	<i>CN Neighborhood Commercial</i>	<i>CO Office Commercial</i>
Density	Maximum housing density. The actual number of units allowed will be determined by the County through subdivision or planning permit approval, as applicable.		
Maximum density	2 units per acre; 4 units per acre in mobile home park/manufactured home land-lease community; accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)	Accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)	Accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)
Setbacks	Minimum setbacks required. See Chapter 83.05 for exceptions, reductions, and encroachments. See Division 5 for any setback requirements applicable to specific land uses.		
Front	25 ft.	25 ft.	25 ft.
Side - Street side	25 ft.	25 ft.	15 ft.
Side - Interior (each)	10 ft. ⁽¹⁾	10 ft. ⁽¹⁾	10 ft. ⁽¹⁾
Rear	10 ft. ⁽²⁾	10 ft. ⁽²⁾	10 ft. ⁽²⁾
Floor Area Ratio (FAR)	Maximum allowed floor area ratio (FAR).		
Maximum FAR	.3:1	.3:1	.75:1
Lot coverage	Maximum percentage of the total lot area that may be covered by structures and impervious surfaces.		
Maximum coverage	80 percent	80 percent	80 percent
Height limit	Maximum allowed height of structures. See § 83.02.040 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.		
Maximum height	35 ft.	35 ft.	60 ft.

Accessory structures	See Chapter 84.01 (Accessory Structures and Uses).
Infrastructure	See Chapter 83.09 (Infrastructure Improvement Standards) .
Landscaping	See Chapter 83.10 (Landscaping Standards)
Parking	See Chapter 83.11 (Parking Regulations).
Signs	See Chapter 83.13 (Sign Regulations).
Notes:	
(1) Only one side yard setback is required to provide for emergency access. If the adjacent lot is not designated commercial or industrial, a side yard shall be required along that side of the lot.	
(2) A rear yard setback is required only when the adjacent property is not designated commercial or industrial.	

<i>Table 82-13B</i>			
<i>CG, CS, AND CH Land Use Zoning District Development Standards</i>			
<i>Valley Region</i>			
<i>Development Feature</i>	<i>Requirement by Land Use Zoning District</i>		
	<i>CG General Commercial</i>	<i>CS Service Commercial</i>	<i>CH Highway Commercial</i>
Density	Maximum housing density. The actual number of units allowed will be determined by the County through subdivision or planning permit approval, as applicable.		
Maximum density	Accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses).		
Setbacks	Minimum setbacks required. See Chapter 83.02 for exceptions, reductions, and encroachments. See Division 5 for any setback requirements applicable to specific land uses.		
Front	25 ft.	25 ft.	25 ft.
Side - Street side	15 ft.	15 ft.	15 ft.
Side - Interior (each)	10 ft. ⁽¹⁾	10 ft. ⁽¹⁾	10 ft. ⁽¹⁾
Rear	10 ft. ⁽²⁾	10 ft. ⁽²⁾	10 ft. ⁽²⁾
Floor Area Ratio (FAR)	Maximum allowed floor area ratio (FAR).		
Maximum FAR	.5:1	.5:1	.5:10
Lot coverage	Maximum percentage of the total lot area that may be covered by structures and impervious surfaces.		
Maximum coverage	80 percent	80 percent	80 percent
Height limit	Maximum allowed height of structures. See § 83.02.040 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.		
Maximum height	60 ft.	60 ft.	60 ft.
Accessory structures	See Chapter 84.01 (Accessory Structures and Uses).		
Infrastructure	See Chapter 83.09 (Infrastructure Improvement Standards).		
Landscaping	See Chapter 83.10 (Landscaping Standards).		
Parking	See Chapter 83.11 (Parking Regulations).		
Signs	See Chapter 83.13 (Sign Regulations).		
Notes:			
(1) Only one side yard setback is required to provide for emergency access. If the adjacent lot is not			

designated commercial or industrial, a side yard shall be required along that side of the lot.

(2) A rear yard setback is required only when the adjacent property is not designated commercial or industrial.

Table 82-14A

CR, CN, AND CO Land Use Zoning District Development Standards

Mountain Region

Requirement by Land Use Zoning District			
Development Feature	CR Rural Commercial	CN Neighborhood Commercial	CO Office Commercial
Density	Maximum housing density. The actual number of units allowed will be determined by the County through subdivision or planning permit approval, as applicable.		
Maximum density	2 units per acre; 4 units per acre in mobile home park/manufactured home land-lease community; accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)	Accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)	Accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)
Setbacks	Minimum setbacks required. See Chapter 83.02 for exceptions, reductions, and encroachments. See Division 5 for any setback requirements applicable to specific land uses.		
Front	15 ft.	15 ft.	15 ft.
Side - Street side	15 ft.	15 ft.	15 ft.
Side - Interior (each)	10 ft. ⁽¹⁾	10 ft. ⁽¹⁾	10 ft. ⁽¹⁾
Rear	10 ft. ⁽²⁾	10 ft. ⁽²⁾	10 ft. ⁽²⁾
Floor Area Ratio (FAR)	Maximum allowed floor area ratio (FAR).		
Maximum FAR	.25:1	.25:1	.5:1
Lot coverage	Maximum percentage of the total lot area that may be covered by structures and impervious surfaces.		
Maximum coverage	80 percent	80 percent	80 percent
Height limit	Maximum allowed height of structures. See § 83.02.040 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.		
Maximum height	35 ft.	35 ft.	35 ft.
Accessory structures	See Chapter 84.01 (Accessory Structures and Uses).		
Infrastructure	See Chapter 83.09 (Infrastructure Improvement Standards).		
Landscaping	See Chapter 83.10 (Landscaping Standards).		
Parking	See Chapter 83.11 (Parking Regulations).		
Signs	See Chapter 83.13 (Sign Regulations).		
Notes:			
(1) Only one side yard setback is required to provide for emergency access. If the adjacent lot is not designated commercial or industrial, a side yard shall be required along that side of the lot.			
(2) A rear yard setback is required only when the adjacent property is not designated commercial or			

industrial.

Table 82-14B			
CG, CS, AND CH Land Use Zoning District Development Standards			
Mountain Region			
Development Feature	Requirement by Land Use Zoning District		
	CG General Commercial	CS Service Commercial	CH Highway Commercial
Density	Maximum housing density. The actual number of units allowed will be determined by the County through subdivision or planning permit approval, as applicable.		
Maximum density	Accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses).		
Setbacks	Minimum setbacks required. See Chapter 83.02 for exceptions, reductions, and encroachments. See Division 5 for any setback requirements applicable to specific land uses.		
Front	15 ft.	15 ft.	15 ft.
Side - Street side	15 ft.	15 ft.	15 ft.
Side - Interior (each)	10 ft. ⁽¹⁾	10 ft. ⁽¹⁾	10 ft. ⁽¹⁾
Rear	10 ft. ⁽²⁾	10 ft. ⁽²⁾	10 ft. ⁽²⁾
Floor Area Ratio (FAR)	Maximum allowed floor area ratio (FAR).		
Maximum FAR	.5:1	.4:1	.3:1
Lot coverage	Maximum percentage of the total lot area that may be covered by structures and impervious surfaces.		
Maximum coverage	80 percent	80 percent	80 percent
Height limit	Maximum allowed height of structures. See § 83.02.040 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.		
Maximum height	35 ft.	35 ft.	35 ft.
Accessory structures	See Chapter 84.01 (Accessory Structures and Uses).		
Infrastructure	See Chapter 83.09 (Infrastructure Improvement Standards).		
Landscaping	See Chapter 83.10 (Landscaping Standards).		
Parking	See Chapter 83.11 (Parking Regulations).		
Signs	See Chapter 83.13 (Sign Regulations).		
Notes:			
(1) Only one side yard setback is required to provide for emergency access. If the adjacent lot is not designated commercial or industrial, a side yard shall be required along that side of the lot.			
(2) A rear yard setback is required only when the adjacent property is not designated commercial or industrial.			

Table 82-15A	
CR, CN, AND CO Land Use Zoning District Development Standards	
Desert Region	
Development Feature	Requirement by Land Use Zoning District

	<i>CR Rural Commercial</i>	<i>CN Neighborhood Commercial</i>	<i>CO Office Commercial</i>
Density	Maximum housing density. The actual number of units allowed will be determined by the County through subdivision or planning permit approval, as applicable.		
Maximum density	2 units per acre; 4 units per acre in mobile home park/manufactured home land-lease community; Accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)	Accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)	Accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)
Setbacks	Minimum setbacks required. See Chapter 83.02 for exceptions, reductions, and encroachments. See Division 5 for any setback requirements applicable to specific land uses.		
Front	25 ft.	25 ft.	25 ft.
Side - Street side	25 ft.	25 ft.	25 ft.
Side - Interior (each)	10 ft. ⁽¹⁾	10 ft. ⁽¹⁾	10 ft. ⁽¹⁾
Rear	10 ft. ⁽²⁾	10 ft. ⁽²⁾	10 ft. ⁽²⁾
Floor Area Ratio (FAR)	Maximum allowed floor area ratio (FAR).		
Maximum FAR	.3:1	.25:1	.5:1
Lot coverage	Maximum percentage of the total lot area that may be covered by structures and impervious surfaces.		
Maximum coverage	80 percent	80 percent	80 percent
Height limit	Maximum allowed height of structures. See § 83.02.040 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.		
Maximum height	35 ft.	35 ft.	35 ft.
Accessory structures	See Chapter 84.01 (Accessory Structures and Uses).		
Infrastructure	See Chapter 83.09 (Infrastructure Improvement Standards).		
Landscaping	See Chapter 83.10 (Landscaping Standards).		
Parking	See Chapter 83.11 (Parking Regulations).		
Signs	See Chapter 83.13 (Sign Regulations).		
Notes:			
(1) Only one side yard setback is required to provide for emergency access. If the adjacent lot is not designated commercial or industrial, a side yard shall be required along that side of the lot.			
(2) A rear yard setback is required only when the adjacent property is not designated commercial or industrial.			

<i>Table 82-15B</i>			
<i>CG, CS, AND CH Land Use Zoning District Development Standards</i>			
<i>Desert Region</i>			
<i>Development Feature</i>	<i>Requirement by Land Use Zoning District</i>		
	<i>CG General Commercial</i>	<i>CS Service Commercial</i>	<i>CH Highway Commercial</i>

Density	Maximum housing density. The actual number of units allowed will be determined by the County through subdivision or planning permit approval, as applicable.		
Maximum density	Accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses).		
Setbacks	Minimum setbacks required. See Chapter 83.02 for exceptions, reductions, and encroachments. See Division 5 for any setback requirements applicable to specific land uses.		
Front	25 ft.	25 ft.	25 ft.
Side - Street side	25 ft.	25 ft.	25 ft.
Side - Interior (each)	10 ft. ⁽¹⁾	10 ft. ⁽¹⁾	10 ft. ⁽¹⁾
Rear	10 ft. ⁽²⁾	10 ft. ⁽²⁾	10 ft. ⁽²⁾
Floor Area Ratio (FAR)	Maximum allowed floor area ratio (FAR).		
Maximum FAR	.5:1	.3:1	.3:1
Lot coverage	Maximum percentage of the total lot area that may be covered by structures and impervious surfaces s.		
Maximum coverage	80 percent	80 percent	80 percent
Height limit	Maximum allowed height of structures. See § 83.02.040 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.		
Maximum height	35 ft.	35 ft.	60 ft. ⁽³⁾
Accessory structures	See Chapter 84.01 (Accessory Structures and Uses).		
Infrastructure	See Chapter 83.09 (Infrastructure Improvement Standards).		
Landscaping	See Chapter 83.10 (Landscaping Standards).		
Parking	See Chapter 83.11 (Parking Regulations).		
Signs	See Chapter 83.13 (Sign Regulations).		
Notes:			
(1) Only one side yard setback is required to provide for emergency access. If the adjacent lot is not designated commercial or industrial, a side yard shall be required along that side of the lot.			
(2) A rear yard setback is required only when the adjacent property is not designated commercial or industrial.			
(3) In the Phelan/Pinon Hills Community Plan area, the maximum height is 35 ft.			

(Ord. 4011, passed - -2007; Am. Ord. 4057, passed - - 2008; Am. Ord. 4085, passed - -2009)

CHAPTER 82.06: INDUSTRIAL AND SPECIAL PURPOSE LAND USE ZONING DISTRICTS

Section

- 82.06.010 Purpose.
- 82.06.020 Purposes and Location of the Industrial and Special Purpose Land Use Zoning Districts.
- 82.06.030 Minimum Area for Designation.
- 82.06.040 Industrial and Special Purpose Land Use Zoning District Allowed Uses and Permit Requirements.
- 82.06.050 Industrial and Special Purpose Land Use Zoning District Subdivision Standards.
- 82.06.060 Industrial and Special Purpose Land Use Zoning District Site Planning and Building Standards.
- 82.06.070 Adopted Planned Development Applications.

§ 82.06.010 Purpose.

This Chapter lists the land uses that may be allowed within the industrial and special purpose land use zoning districts established by the General Plan and listed in Chapter 82.01 (Land Use Plan, Land Use Zoning Districts, and Overlays), determines the type of planning permit/approval required for each use, and provides basic standards for site layout and building size.

(Ord. 4011, passed - -2007)

§ 82.06.020 Purposes and Location of the Industrial and Special Purpose Land Use Zoning Districts.

The purposes of the individual Industrial and special purpose land use zoning districts and the locations where they are applied are as specified in the General Plan and as described in Chapter 82.01 (Land Use Plan, Land Use Zoning Districts, and Overlays).

(Ord. 4011, passed - -2007)

§ 82.06.030 Minimum Area for Designation.

The Industrial and special purpose land use zoning districts shall be applied through the General Plan amendment process (Chapter 86.12) only to sites with the minimum areas indicated in Table 82-16.

<i>Table 82-16</i>	
<i>Minimum Area for Industrial and Special Use Land Use Zoning District Designation</i>	
<i>Land Use Zoning District</i>	<i>Minimum Area for Designation</i>
IC (Community Industrial)	5 acres
IR (Regional Industrial)	30 acres
IN (Institutional)	None required
SD (Special Development)	5 acres
SP (Specific Plan)	As specified by General Plan

(Ord. 4011, passed - -2007; Am. Ord. 4043, passed - -2008; Am. Ord. 4085, passed - -2009)

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

(a) *General Permit Requirements.* Table 82-17 identifies the uses of land allowed by this Development Code in each Industrial and special purpose land use zoning district established by Chapter 82.01 (Land Use

Plan, Land Use Zoning Districts, Overlays), in compliance with § 82.02.030 (Allowed Land Uses and Planning Permit Requirements).

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

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

Table 82-17							
Allowed Land Uses and Permit Requirements for Industrial and Special Purpose Land Use Zoning Districts							
LAND USE See Division 10 (Definitions) for land use definitions	PERMIT REQUIRED BY DISTRICT						Specific Use Regulations
	IC	IR	IN	SD-RES (1)	SD-COM (1)	SD-IND (1)	
Agricultural, Resource & Open Space Uses							
Agriculture Support Services	P ⁽²⁾	P ⁽²⁾	—	M/C	M/C	M/C	
Animal Keeping	—	—	—	S	—	—	84.04
Crop production, horticulture, orchard, vineyard	—	—	—	A	—	—	
Natural resources development (mining)	CUP	CUP	—	CUP	CUP	CUP	
Nature preserve (accessory uses)	—	—	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	
Industry, Manufacturing & Processing, Wholesaling							
Adult Business	ABP	—	—	—	—	—	84.02
Construction contractor storage yard	M/C	P ⁽²⁾	—	M/C	M/C ⁽³⁾	M/C	
Hazardous waste operation	—	CUP	—	—	—	—	
Firewood contractor	P	P	—	—	—	M/C	84.09
Manufacturing Operations I	P ⁽²⁾	P ⁽²⁾	—	CUP ⁽⁴⁾	CUP ⁽⁴⁾	CUP ⁽⁴⁾	
Manufacturing Operations II	— ^{(5), (6)}	M/C	—	—	—	CUP ⁽⁴⁾	
Motor vehicle storage/Impound facility	M/C	M/C	—	—	—	M/C	
Recycling facilities - Small collection facility	SUP	SUP	—	—	MUP	MUP	84.19
Recycling facilities - Large collection facility	CUP	CUP	—	—	CUP ⁽³⁾	CUP	84.19
Recycling facilities - Light processing facility	CUP	CUP	—	—	CUP ⁽³⁾	CUP	84.19
Recycling facilities - Heavy processing facility	CUP	CUP	—	—	—	CUP	84.19
Recycling facilities, reverse vending machines (accessory only)	A	A	—	A	A	A	84.19
Salvage operations - Within an enclosed structure	CUP	M/C	—	—	CUP	M/C	
Salvage operations - General	—	CUP	—	—	—	—	
Storage - Personal storage (mini-storage)	P ⁽²⁾	P ⁽²⁾	—	M/C	M/C	M/C	
Storage - Recreational vehicles	M/C	M/C	—	M/C	M/C	M/C	

Storage - Warehouse, indoor storage	M/C	M/C	—	—	M/C	M/C	
Wholesaling and distribution	M/C	M/C	—	—	M/C	M/C	
Recreation, Education & Public Assembly							
Campgrounds	—	—	—	CUP	—	—	
Commercial entertainment - Indoor	M/C	—	—	M/C	M/C	M/C	
Conference/convention facility	—	—	—	CUP ⁽⁴⁾	CUP ⁽⁴⁾	CUP ⁽⁴⁾	
Equestrian facility	—	—	—	M/C	M/C	M/C	
Fitness/health facility	P ⁽²⁾	P ⁽²⁾	—	M/C	M/C	M/C	
Golf course	—	—	—	CUP ⁽⁴⁾	CUP ⁽⁴⁾	CUP ⁽⁴⁾	
Library, museum, art gallery, outdoor exhibit	—	—	—	M/C	M/C	M/C	
Meeting facility, public or private	CUP	—	—	CUP	CUP	CUP	
Park, playground	—	—	P	P	P	P	
Places of worship	CUP	CUP	CUP	CUP	CUP	CUP	
Rural sports and recreation	—	—	—	CUP	CUP	CUP	
School - College or university	M/C	M/C	M/C	M/C	M/C	M/C	
School - Private	M/C	M/C	M/C	M/C	M/C	M/C	
School - Specialized education/training	M/C	M/C	M/C	M/C	M/C	M/C	
Residential⁽¹⁴⁾							
Accessory dwelling (labor quarters, etc.)	P ⁽⁷⁾	P ⁽⁷⁾	P ⁽⁷⁾	P ⁽⁷⁾	P ⁽⁷⁾	P ⁽⁷⁾	84.01
Accessory structures and uses - Residential (conforming and non-conforming uses)	P ^(7,8)	P ^(7,8)	P ^(7,8)	P ⁽⁷⁾	P ⁽⁷⁾	P ⁽⁷⁾	84.01
Group residential (sorority, fraternity, boarding house, private residential club, etc.)	—	—	—	M/C	M/C	—	
Guest housing	—	—	—	P ⁽⁸⁾	—	—	84.01
Live/work unit	M/C	—	—	M/C	M/C	—	
Mobile home park/manufactured home land-lease community	—	—	—	CUP	CUP	—	
Multiple residential use	—	—	—	PD	PD	PD	
Parolee and/or probationer home	—	—	—	CUP	CUP	—	
Residential use with retail, service, or industrial use	—	—	—	PD	PD	PD	
Accessory dwelling unit	—	—	—	A ⁽¹⁵⁾	—	—	84.01
<u>Junior accessory dwelling unit</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>A⁽¹⁵⁾</u>	<u>—</u>	<u>—</u>	<u>84.01</u>
Single dwelling	—	—	—	A	—	—	
Retail							
Auto and vehicle sales and rental	P ⁽²⁾	P ⁽²⁾	—	M/C	M/C	M/C	
Bar, tavern	—	—	—	M/C	M/C	M/C	
Building and landscape materials sales - Indoor	P ⁽²⁾	P ⁽²⁾	—	M/C	M/C	M/C	
Building and landscape materials sales - Outdoor	M/C	M/C	—	—	CUP	CUP	
Construction and heavy equipment sales and rental	M/C	M/C	—	—	CUP	CUP	
Convenience store	P ⁽²⁾	P ⁽²⁾	—	M/C	M/C	M/C	
Fuel dealer (propane for home and farm use, etc.)	CUP	CUP	—	CUP	CUP	CUP	

General retail - 10,000 sf or less, with or without residential unit	—	—	—	M/C	M/C	M/C	
General retail - More than 10,000 sf, with or without residential unit	—	—	—	PD	PD	PD	
Manufactured home or RV sales	M/C	M/C	—	—	M/C	M/C	
Night Club	—	—	—	M/C	M/C	M/C	
Restaurant, café, coffee shop	p ⁽²⁾	p ⁽²⁾	—	M/C	M/C	M/C	
Second hand stores, pawnshops	p ⁽²⁾	—	—	M/C	M/C	M/C	
Service station	p ⁽²⁾	p ⁽²⁾	—	M/C	M/C	M/C	
Swap meet, outdoor market, auction yard	M/C	M/C	—	—	—	M/C	
Warehouse retail	p ⁽²⁾	p ⁽²⁾	—	—	CUP	CUP	
Services - Business, Financial, Professional							
Medical services - Hospital ⁽⁴⁾	M/C	M/C	M/C	M/C	M/C	M/C	
Medical services - Rehabilitation center	M/C	M/C	M/C	M/C	M/C	M/C	
Office - Accessory	p ⁽⁸⁾	p ⁽⁸⁾	p ⁽⁸⁾	p ⁽⁸⁾	p ⁽⁸⁾	p ⁽⁸⁾	
Professional Services	p ⁽²⁾	—	—	M/C	M/C	M/C	
Services - General							
Bail bond service within 1 mile of correctional institution	P	P	P	—	P	P	
Cemetery, including pet cemeteries	—	—	—	CUP	CUP	CUP	84.06
Correctional institution	— ⁽⁴⁾	— ⁽⁴⁾	CUP	— ⁽⁴⁾	— ⁽⁴⁾	— ⁽⁴⁾	
Emergency Shelter	CUP	—	—	CUP	CUP	CUP	84.33
Equipment rental	p ⁽²⁾	p ⁽²⁾	—	—	M/C	M/C	
Home occupation	SUP	SUP	SUP	SUP	SUP	SUP	84.12
Kennel or cattery	M/C	—	—	—	—	M/C	84.04
Licensed Residential Care Facility of 6 or fewer persons	M/C	—	—	M/C	M/C	—	84.23
Licensed Residential Care Facility of 7 or more persons	M/C	—	—	M/C	M/C	—	84.23
Lodging - Bed and breakfast inn (B&B)	—	—	—	SUP ⁽⁹⁾	SUP ⁽⁹⁾	—	
Lodging - Hotel or motel - 20 or fewer guest rooms	—	—	—	M/C	M/C	—	
Lodging - Hotel or motel - More than 20 guest rooms	—	—	—	M/C	M/C	—	
Personal services	p ⁽²⁾	—	—	M/C	M/C	M/C	
Public safety facility	M/C	M/C	M/C	M/C	M/C	M/C	
Unlicensed Residential Care Facility of 6 or fewer persons	RCP	—	—	RCP	RCP	—	84.32
Unlicensed Residential Care Facility of 7 or more persons	M/C	—	—	M/C	M/C	—	
Vehicle services - Major repair/body work	p ⁽²⁾	p ⁽²⁾	—	—	M/C ⁽¹⁰⁾	M/C	
Vehicle services - Minor maintenance/repair	p ⁽²⁾	p ⁽²⁾	CUP ⁽¹¹⁾	—	M/C ⁽¹⁰⁾	M/C	
Veterinary clinic, animal hospital	M/C	—	—	—	M/C	M/C	
Transportation, Communications & Infrastructure							
Ambulance, taxi, or limousine dispatch facility	M/C	M/C	M/C	M/C	M/C	M/C	
Broadcasting antennae and towers	M/C	M/C	M/C	CUP	CUP	CUP	

Parking lots, accessory	P ⁽¹²⁾	P ⁽¹²⁾	P ⁽¹²⁾	P ⁽¹²⁾	P ⁽¹²⁾	P ⁽¹²⁾	
Broadcasting studio	M/C	M/C	M/C	CUP ⁽⁴⁾	CUP ⁽⁴⁾	CUP ⁽⁴⁾	
Communication contractor	M/C	M/C	M/C	M/C ⁽¹⁰⁾	M/C ⁽¹⁰⁾	M/C ⁽¹⁰⁾	
Electrical power generation	CUP	CUP	CUP	—	—	—	
Parking structures	P ⁽¹²⁾	P ⁽¹²⁾	P ⁽¹²⁾	M/C	M/C	M/C	
Pipelines, transmission lines, and control stations ⁽¹³⁾	(13)	(13)	(13)	(13)	(13)	(13)	
Renewable Energy Generation Facilities	CUP	CUP	CUP	—	—	—	84.29
Sewage treatment and disposal facility ⁽⁶⁾	CUP	CUP	CUP	—	—	—	
Solid waste disposal ⁽⁶⁾	CUP	CUP	CUP	—	—	—	
Transportation facility	M/C	M/C	M/C	M/C	M/C	M/C	
Truck Stop	M/C	M/C	—	—	—	M/C	
Truck Terminal	M/C	M/C	—	—	—	M/C	
Utility facility	CUP	CUP	CUP	CUP	CUP	CUP	
Water treatment plants and storage tanks	—	CUP	CUP	—	CUP	CUP	
Wind energy system, accessory	S	S	S	S	S	S	84.26
Wireless telecommunications facility	S	S	S	S	S	S	84.27
Other							
Accessory structures and uses	P	P	P	P	P	P	84.01
Temporary special events	TSP	TSP	TSP	TSP	TSP	TSP	84.25
Temporary structures and uses	TUP	TUP	TUP	TUP	TUP	TUP	84.25

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

Notes:
(1) The Special Development Land Use Zoning District may have a suffix to indicate the focus of a particular SD zone. A “RES” suffix indicates that the focus is on residential Planned Development projects. A “COM” suffix indicates that the focus is on commercial Planned Development projects. An “IND” suffix indicates that the focus is on industrial Planned Development projects. However, all can still have mixed uses within these zones.
(2) CUP required if maximum building coverage exceeds 10,000 sq. ft., the use will have more than 20 employees per shift, or

if not exempt from CEQA; may qualify for a MUP in compliance with § 85.06.020 (Applicability).
(3) This use shall be located completely within an enclosed structure.
(4) PD Permit required if total floor area or use area exceeds 10,000 sq. ft.
(5) Concrete batch plants in the Phelan planning area may be allowed subject to a CUP.
(6) Pallet manufacturing, reconditioning, and storage yards in the unincorporated area in Fontana bounded by the I-10 on the north, Almond Ave. on the east, 660 ft. south of Santa Ana Ave. on the south, and Mulberry Ave. on the west that is zoned IC may be allowed subject to a CUP.
(7) Use allowed as an accessory use only, on the same site as a retail, service, or industrial use allowed by this table. Requires a Special Use Permit when recreational vehicles are used for seasonal operations.
(8) Use allowed as an accessory use only, on the same site as a residential use allowed by this table.
(9) A CUP shall be required for three or rooms.
(10) This use shall be located completely within an enclosed structure with no exterior overnight storage of vehicles.
(11) When associated with an institutional use.
(12) Use allowed as an accessory use only, on the same site as a retail service, or industrial use allowed by this table.
(13) These uses are regulated and approved by the Public Utilities Commission. See alternate review procedures in § 85.02.050.
(14) Supportive housing or transitional housing that is provided in single-, two-, or multi-family dwelling units, group residential, parolee-probationer home, residential care facilities, or boarding house uses shall be permitted, conditionally permitted or prohibited in the same manner as the other single-, two- or multi-family dwelling units, group residential, parolee-probationer home, residential care facilities, or boarding house uses under this Code.
(15) Use allowed as an accessory use only with standards, on the same site as a residential use allowed by this table. A Special Use Permit is required for an accessory dwelling unit used as a short term rental in the Mountain Region.

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

§ 82.06.050 Industrial and Special Purpose Land Use Zoning District Subdivision Standards.

(a) Each subdivision shall comply with the minimum parcel size requirements shown in Tables 82-18A, 82-18B and 82-18C for the applicable land use zoning district.

(b) The minimum parcel size requirements for a specific subdivision are determined by the review authority as part of subdivision approval. The review authority may require one or more parcels within a specific subdivision to be larger than the minimums required by these tables based on potential environmental impacts, the physical characteristics of the site or surrounding parcels, and/or other factors.

(c) See also the standards in § 83.02.050 (Parcel Area Measurements and Exceptions).

<i>Table 82-18A</i>				
<i>Industrial and Special Purpose Land Use Zoning District Minimum Lot Size</i>				
<i>Valley Region</i>				
<i>Land Use Zoning District</i>	<i>Minimum Lot Area</i>	<i>Minimum Lot Dimensions</i>		
		<i>Minimum Width</i>	<i>Minimum Depth</i>	<i>Maximum Width to Depth Ratio</i>
IC	5 acres ⁽¹⁾	60 ft.	100 ft.	1:3
IR	5 acres ⁽¹⁾	60 ft.	100 ft.	1:3
IN	None required	60 ft.	100 ft.	1:4
SD	20 acres ^{(2)(3) (4)}	60 ft.	100 ft.	Lot of less than 10 acres - 1:3; Lot of 10 acres or more

Notes:

- (1) Minimum lot area may be less than specified if the subdivision application is filed concurrently with a Planned Development or Conditional Use Permit application.
- (2) Except where modified by map suffix.
- (3) A suffix may be added to a Special Development Land Use Zoning District to emphasize the focus of a specific SD zone. A “RES” suffix would indicate that the focus of the zone is on residential development while still allowing commercial uses. A “COM” suffix would indicate that the focus of the zone is on commercial development while still allowing some residential uses. An “IND” suffix would indicate that the focus of the zone is on industrial development while still allowing other mixed uses. Also, a map suffix may allow minimum lot area to be less than 5 acres (e.g., SD-5 = Special Development with a five-acre minimum lot area). A map suffix may also indicate maximum dwelling units per acre (e.g., SD-3/1 = Special Development with a maximum density of three dwelling units per acre).
- (4) A Final Development Plan may approve lot sizes smaller than those specified by the land use zoning district. The combination of open spaces and concentrations of smaller lot areas shall be compatible with the land uses on surrounding properties.

Table 82-18B

Industrial and Special Purpose District Minimum Lot Size

Mountain Region

<i>Land Use Zoning District</i>	<i>Minimum Lot Area</i>	<i>Minimum Lot Dimensions</i>		
		<i>Minimum Width</i>	<i>Minimum Depth</i>	<i>Maximum Width to Depth Ratio</i>
IC	5 acres ⁽¹⁾	60 ft. for interior lot; 70 ft. for corner lot	100 ft.	1:3
IR	5 acres ⁽¹⁾	60 ft. for interior lot; 70 ft. for corner lot	100 ft.	1:3
IN	None required	60 ft. for interior lot; 70 ft. for corner lot	100 ft.	1:3
SD	5 acres ^{(2) (3) (4)}	60 ft.	100 ft.	Lot of less than 10 acres - 1:3; Lot of 10 acres or more - 1:4

Notes:

- (1) Minimum lot area may be less than specified if the subdivision application is filed concurrently with a Planned Development or Conditional Use Permit application.
- (2) Except where modified by map suffix.
- (3) A suffix may be added to a Special Development Land Use Zoning District to emphasize the focus of a specific SD zone. A “RES” suffix would indicate that the focus of the zone is on residential development while still allowing commercial uses. A “COM” suffix would indicate that the focus of the zone is on commercial development while still allowing some residential uses. An “IND” suffix would indicate that the focus of the zone is on industrial development while still allowing other mixed uses. Also, a map suffix may allow minimum lot area to be less than 5 acres (e.g., SD-5 = Special Development with a five-acre minimum lot area). A map suffix may also indicate maximum dwelling units per acre (e.g., SD-3/1 = Special Development with a maximum density of three dwelling units per acre).
- (4) A Final Development Plan may approve lot sizes smaller than those specified by the land use zoning district. The combination of open spaces and concentrations of smaller lot areas shall be compatible with the land uses on surrounding properties.

<i>Table 82-18C</i>				
<i>Industrial and Special Purpose District Minimum Lot Size</i>				
<i>Desert Region</i>				
<i>Land Use Zoning District</i>	<i>Minimum Lot Area</i>	<i>Minimum Lot Dimensions</i>		
		<i>Minimum Width</i>	<i>Minimum Depth</i>	<i>Maximum Width to Depth Ratio</i>
IC	5 acres ⁽¹⁾	60 ft.	100 ft.	1:3
IR	5 acres ⁽¹⁾	60 ft.	100 ft.	1:3
IN	None required	60 ft.	100 ft.	1:3
SD	5 acres ⁽²⁾⁽³⁾⁽⁴⁾	60 ft.	100 ft.	Lot of less than 10 acres - 1:3; Lot of 10 acres or more - 1:4
Notes:				
(1) Minimum lot area may be less than specified if the subdivision application is filed concurrently with a Planned Development or Conditional Use Permit application.				
(2) Except where modified by map suffix.				
(3) A suffix may be added to a Special Development Land Use Zoning District to emphasize the focus of a specific SD zone. A “RES” suffix would indicate that the focus of the zone is on residential development while still allowing commercial uses. A “COM” suffix would indicate that the focus of the zone is on commercial development while still allowing some residential uses. An “IND” suffix would indicate that the focus of the zone is on industrial development while still allowing other mixed uses. Also, a map suffix may allow minimum lot area to be less than 5 acres (e.g., SD-5 = Special Development with a five-acre minimum lot area). A map suffix may also indicate maximum dwelling units per acre (e.g., SD-3/1 = Special Development with a maximum density of three dwelling units per acre).				
(4) A Final Development Plan may approve lot sizes smaller than those specified by the land use zoning district. The combination of open spaces and concentrations of smaller lot areas shall be compatible with the land uses on surrounding properties.				

(Ord. 4011, passed - -2007; Am. Ord. 4043, passed - -2008; Am. Ord. 4098, passed - -2010)

§ 82.06.060 Industrial and Special Purpose Land Use Zoning District Site Planning and Building Standards.

(a) *Site Layout and Building Standards.* Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and established in compliance with the requirements in Tables, 82-19A and B, 82-20A and B, 82-21A and B, in addition to the applicable standards (e.g., landscaping, parking and loading, etc.) in Division 3 (Countywide Development Standards), and Division 4 (Standards for Specific Land Uses and Activities).

<i>Table 82-19A</i>		
<i>IC and IR Land Use Zoning District Development Standards</i>		
<i>Valley Region</i>		
<i>Development Feature</i>	<i>Requirement by Land Use Zoning District</i>	
	<i>IC Community Industrial</i>	<i>IR Regional Industrial Density</i>
Maximum housing density. The actual number of units allowed will be determined by the County through subdivision or planning permit approval, as applicable.		
Maximum density		
Accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses).		

Setbacks

Minimum setbacks required. See Chapter 83.02 for exceptions, reductions, and encroachments. See Division 5 for any setback requirements applicable to specific land uses.

Front

25 ft.

25 ft.

Side - Street side

25 ft.

25 ft.

Side - Interior (each)

10 ft.⁽¹⁾

10 ft.⁽¹⁾

Rear

10 ft.⁽²⁾

10 ft.⁽²⁾

Floor area ratio (FAR)

Maximum floor area ratio (FAR) allowed.

Maximum FAR

.45:1

.55:1

Lot coverage

Maximum percentage of the total lot area that may be covered by structures and impervious surfaces.

Maximum coverage

85 percent

85 percent

Height limit

Maximum allowed height of structures. See § 83.02.040 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.

Maximum height

75 ft.

150 ft.

Accessory structures

See Chapter 84.01 (Accessory Structures and Uses).

Infrastructure

See Chapter 83.09 (Infrastructure Improvement Standards).

Landscaping

See Chapter 83.10 (Landscaping Standards).

Parking

See Chapter 83.11 (Parking Regulations).

Signs

See Chapter 83.13 (Sign Regulations).

Notes:

(1) Only one side yard setback is required to provide for emergency access. If the adjacent lot is not designated commercial or industrial, a side yard shall be required along that side of the lot.

(2) A rear yard setback is required only when the adjacent property is not designated commercial or industrial.

Table 82-19B

IN and SD Land Use Zoning District Development Standards

Valley Region

<i>Development Feature</i>	<i>Requirement by Land Use Zoning District</i>	
	<i>IN Institutional</i>	<i>SD Special Development</i>

Maximum housing density. The actual number of units allowed will be determined by the County through subdivision or planning permit approval, as applicable.

Maximum density

Accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)

1 unit per 40 acres⁽¹⁾

Accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)

Setbacks

Minimum setbacks required. See Chapters 83.05 and 83.06 for exceptions, reductions, and encroachments. See Division 5 for any setback requirements applicable to specific land uses.

Front

25 ft.

25 ft.

Side - Street side

25 ft.

25 ft.

Side - Interior (each)

10 ft.

10 ft.

Rear

10 ft.

10 ft.

Floor area ratio (FAR)

Maximum floor area ratio (FAR) allowed.

Maximum FAR

.75:1

.5:1

Lot coverage

Maximum percentage of the total lot area that may be covered by structures and impervious surfaces.

Maximum coverage

80 percent

80 percent

Height limit

Maximum allowed height of structures. See § 83.02.040 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.

Maximum height

150 ft.

50 ft.

Accessory structures

See Chapter 84.01 (Accessory Structures and Uses).

Infrastructure

See Chapter 83.09 (Infrastructure Improvement Standards).

Landscaping

See Chapter 83.10 (Landscaping Standards).

Parking

See Chapter 83.11 (Parking Regulations).

Signs

See Chapter 83.13 (Sign Regulations).

Notes:

(1) Except where modified by a map suffix or when a Planned Development application has been approved establishing a different density.

(b) *Industrial Land Use Zoning District Additional Standards.* Performance standards establishing

acceptable levels of noise, vibration, air pollution, glare, and other possible pollutants are in Chapter 83.01 (General Performance Standards).

(c) *SD District Additional Standards.*

(1) *Performance Standards.* Performance standards establishing acceptable levels of noise, vibration, air pollution, glare, and other possible pollutants are in Chapter 83.01 (General Performance Standards).

(2) *Alternate Standards.* A Final Development Plan may establish different design standards including accessory sign standards.

(3) *Development Plan Standards.* Development Plan standards shall apply in lieu of conflicting standards in this Development Code. All standards established by this Development Code that do not conflict with the Development Plan standards shall apply to the project.

Table 82-20A

IC and IR Land Use Zoning District Development Standards

Mountain Region

<i>Development Feature</i>	<i>Requirement by Land Use Zoning District</i>	
	<i>IC Community Industrial</i>	<i>IR Regional Industrial Density</i>

Maximum housing density. The actual number of units allowed will be determined by the County through subdivision or planning permit approval, as applicable.

Maximum density

Accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses).

Setbacks

Minimum setbacks required. See Chapters 83.05 and 83.06 for exceptions, reductions, and encroachments. See Division 5 for any setback requirements applicable to specific land uses.

Front

15 ft.

15 ft.

Side - Street side

15 ft.

15 ft.

Side - Interior (each)

10 ft.⁽¹⁾

10 ft.⁽¹⁾

Rear

10 ft.⁽²⁾

10 ft.⁽²⁾

Floor area ratio (FAR)

Maximum floor area ratio (FAR) allowed.

Maximum FAR

.4:1

.4:1

Lot coverage

Maximum percentage of the total lot area that may be covered by structures and impervious surfaces.

Maximum coverage

85 percent

85 percent

Height limit

Maximum allowed height of structures. See § 83.02.040 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.

Maximum height

45 ft.

45 ft.

Accessory structures

See Chapter 84.01 (Accessory Structures and Uses).

Infrastructure

See Chapter 83.09 (Infrastructure Improvement Standards).

Landscaping

See Chapter 83.10 (Landscaping Standards).

Parking

See Chapter 83.11 (Parking Regulations).

Signs

See Chapter 83.13 (Sign Regulations).

Notes:

- (1) Only one side yard setback is required to provide for emergency access. If the adjacent lot is not designated commercial or industrial, a side yard shall be required along that side of the lot.
- (2) A rear yard setback is required only when the adjacent property is not designated commercial or industrial.

Table 82-20B

IN and SD Land Use Zoning District Development Standards

Mountain Region

<i>Development Feature</i>	<i>Requirement by Land Use Zoning District</i>	
	<i>IN Institutional</i>	<i>SD Special Development</i>
Density	Maximum housing density. The actual number of units allowed will be determined by the County through subdivision or planning permit approval, as applicable.	
Maximum density	Accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses).	1 unit per 40 acres ⁽¹⁾ ; Accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)
Setbacks	Minimum setbacks required. See Chapter 83.02 for exceptions, reductions, and encroachments. See Division 5 for any setback requirements applicable to specific land uses.	
Front	15 ft.	15 ft.
Side - Street side	15 ft.	15 ft.
Side - Interior (each)	10 ft.	10 ft.
Rear	10 ft.	10 ft.
Floor area ratio (FAR)	Maximum floor area ratio (FAR) allowed.	
Maximum FAR	.5:1	.3:1
Lot coverage	Maximum percentage of the total lot area that may be covered by structures and impervious surfaces.	
Maximum coverage	80 percent	80 percent
Height limit	Maximum allowed height of structures. See § 83.02.040 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.	
Maximum height	30 ft.	35 ft.
Accessory structures	See Chapter 84.01 (Accessory Structures and Uses).	
Infrastructure	See Chapter 83.09 (Infrastructure Improvement Standards).	
Landscaping	See Chapter 83.10 (Landscaping Standards).	
Parking	See Chapter 83.11 (Parking Regulations).	
Signs	See Chapter 83.13 (Sign Regulations).	

Notes:

(1) Except where modified by a map suffix or when a Planned Development application has been approved establishing a different density.

(b) *Industrial Land Use Zoning District Additional Standards.* Performance standards establishing acceptable levels of noise, vibration, air pollution, glare, and other possible pollutants are in Chapter 83.01 (General Performance Standards).

(c) *SD Land Use Zoning District Additional Standards.*

(1) *Performance Standards.* Performance standards establishing acceptable levels of noise, vibration, air pollution, glare, and other possible pollutants are in Chapter 83.01 (General Performance Standards).

(2) *Alternate Standards.* A Final Development Plan may establish different design standards including accessory sign standards.

(3) *Development Plan Standards.* Development Plan standards shall apply in lieu of conflicting standards in this Development Code. All standards established by this Development Code that do not conflict with the Development Plan standards shall apply to the project.

Table 82-21A**IC and IR Land Use Zoning District Development Standards****Desert Region**

Development Feature	Requirement by Land Use Zoning District	
	IC Community Industrial	IR Regional Industrial
Density	Maximum housing density. The actual number of units allowed will be determined by the County through subdivision or planning permit approval, as applicable.	
Maximum density	Accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)	
Setbacks	Minimum setbacks required. See Chapter 83.02 for exceptions, reductions, and encroachments. See Division 5 for any setback requirements applicable to specific land uses.	
Front	25 ft.	25 ft.
Side - Street side	25 ft.	25 ft.
Side - Interior (each)	10 ft. ⁽¹⁾	10 ft. ⁽¹⁾
Rear	10 ft. ⁽²⁾	10 ft. ⁽²⁾
Floor area ratio (FAR)	Maximum floor area ratio (FAR) allowed.	
Maximum FAR	.4:1	.6:1
Lot coverage	Maximum percentage of the total lot area that may be covered by structures and impervious surfaces.	
Maximum coverage	85 percent	85 percent
Height limit	Maximum allowed height of structures. See § 83.02.040 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.	
Maximum height	50 ft. ⁽³⁾	75 ft.
Accessory structures	See Chapter 84.01 (Accessory Structures and Uses).	
Infrastructure	See Chapter 83.09 (Infrastructure Improvement Standards).	
Landscaping	See Chapter 83.10 (Landscaping Standards).	
Parking	See Chapter 83.11 (Parking Regulations).	

Signs	See Chapter 83.13 (Sign Regulations).
Notes:	
(1) Only one side yard setback is required to provide for emergency access. If the adjacent lot is not designated commercial or industrial, a side yard shall be required along that side of the lot.	
(2) A rear yard setback is required only when the adjacent property is not designated commercial or industrial.	
(3) In the Phelan/Pinon Hills Community Plan area, the maximum height is 35 ft.	

<i>Table 82-21B</i>		
<i>IN and SD Land Use Zoning District Development Standards</i>		
<i>Desert Region</i>		
<i>Development Feature</i>	<i>Requirement by Land Use Zoning District</i>	
	<i>IN Institutional</i>	<i>SD Special Development</i>
Density	Maximum housing density. The actual number of units allowed will be determined by the County through subdivision or planning permit approval, as applicable.	
Maximum density	Accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses).	1 unit per 40 acres ⁽¹⁾ ; accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)
Setbacks	Minimum setbacks required. See Chapter 83.02 for exceptions, reductions, and encroachments. See Division 5 for any setback requirements applicable to specific land uses.	
Front	25 ft.	25 ft.
Side - Street side	25 ft.	25 ft.
Side - Interior (each)	10 ft.	10 ft.
Rear	10 ft.	10 ft.
Floor area ratio (FAR)	Maximum floor area ratio (FAR) allowed.	
Maximum FAR	.5:1	.3:1
Lot coverage	Maximum percentage of the total lot area that may be covered by structures and impervious surfaces.	
Maximum coverage	80 percent	80 percent
Height limit	Maximum allowed height of structures. See § 83.02.040 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.	
Maximum height	50 ft.	35 ft.
Accessory structures	See Chapter 84.01 (Accessory Structures and Uses).	
Infrastructure	See Chapter 83.09 (Infrastructure Improvement Standards).	
Landscaping	See Chapter 83.10 (Landscaping Standards).	
Parking	See Chapter 83.11 (Parking Regulations).	
Signs	See Chapter 83.13 (Sign Regulations).	
Notes:		
(1) Except where modified by a map suffix or when a Planned Development application has been approved establishing a different density.		

(b) *Industrial Land Use Zoning District Additional Standards.* Performance standards establishing acceptable levels of noise, vibration, air pollution, glare, and other possible pollutants are in Chapter 83.01 (General Performance Standards).

(c) *SD Land Use Zoning District Additional Standards.*

(1) *Performance Standards.* Performance standards establishing acceptable levels of noise, vibration, air pollution, glare, and other possible pollutants are in Chapter 83.01 (General Performance Standards).

(2) *Alternate Standards.* A Final Development Plan may establish different design standards including accessory sign standards.

(3) *Development Plan Standards.* Development Plan standards shall apply in lieu of conflicting standards in this Development Code. All standards established by this Development Code that do not conflict with the Development Plan standards shall apply to the project.

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

§ 82.06.070 Adopted Planned Development Applications.

Whenever a Planned Development application is processed and adopted by the Board of Supervisors, a General Plan Amendment will be processed and adopted concurrently. The General Plan Amendment will indicate that there has been some type of change to the development standards or allowed uses within the area included within the boundaries of the Planned Development application. This General Plan Amendment will be annotated on the Land Use Zoning District Maps as a suffix to the Special Development District. The suffix will include the letters “PD” and the year of adoption and the sequence number of the specific Planned Development application that had been approved for that specific year [e.g. (PD-2006-01)].

(Ord. 4011, passed - -2007)

CHAPTER 83.02: GENERAL DEVELOPMENT AND USE STANDARDS

Section

- 83.02.010 Purpose.
- 83.02.020 Applicability.
- 83.02.030 Clear Sight Triangles.
- 83.02.040 Height Measurement and Height Limit Exceptions.
- 83.02.050 Parcel Area Measurements and Exceptions.
- 83.02.060 Screening and Buffering.
- 83.02.070 Setback Regulations and Exceptions.
- 83.02.080 Allowed Projections/Structures Within Setbacks.

§ 83.02.010 Purpose.

The purpose of this Chapter is to ensure that all development produces an environment of stable and desirable character that is harmonious with existing and future development, and protects the use and enjoyment of neighboring properties, consistent with the General Plan.

(Ord. 4011, passed - -2007)

§ 83.02.020 Applicability.

The standards of this Chapter apply to all land use zoning districts. These standards shall be considered in combination with the standards for each land use zoning district in Division 2 (Land Use Zoning Districts and Allowed Land Uses) and Division 4 (Standards for Specific Land Uses). Where there may be a conflict, the standards specific to the land use zoning district or specific land use shall override these general standards.

All structures, additions to structures, and uses shall conform to the standards of this Chapter as determined applicable by the Director, except as identified in Chapter 84.17 (Nonconforming Uses and Structures).

(Ord. 4011, passed - -2007)

§ 83.02.030 Clear Sight Triangles.

(a) *View Obstructions.* Adequate visibility for vehicular and pedestrian traffic shall be provided at clear sight triangles at all 90 degree angle intersections of public rights-of-way and private driveways.

(1) *Prohibited.* The following shall be prohibited within a clear sight triangle:

- (A) Monument signs.
- (B) Hedges or shrubbery.

(2) *Maximum Height Requirements.* The following shall not be erected, placed, planted, or allowed to grow over 30 inches in height above the nearest street curb elevation within a clear sight triangle:

- (A) Fences and walls.
- (B) Signs.
- (C) Structures.
- (D) Mounds of earth.
- (E) Other visual obstructions.

(3) *Exceptions.* The requirements for clear sight triangles shall not apply to:

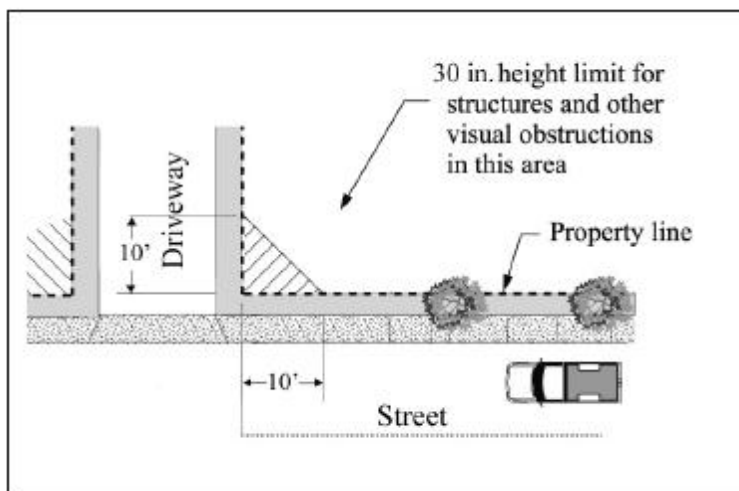
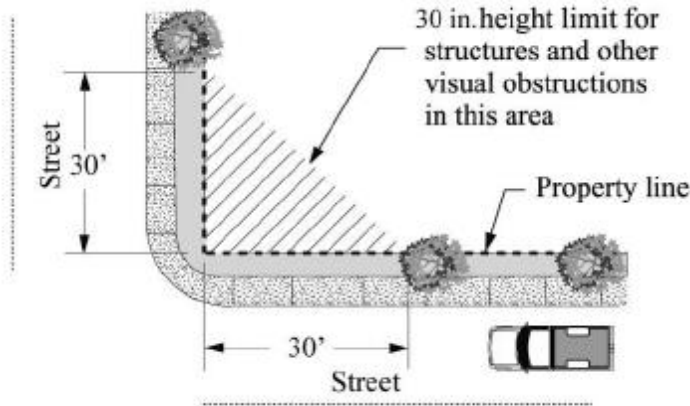
- (A) Traffic safety devices.
- (B) Trees trimmed to eight feet above the adjoining curb.
- (C) Utility poles.
- (D) Other government or utility installed/maintained devices allowed by this Development Code.
- (E) Freestanding sign when the lower edge of the sign face is at least eight feet above grade and when there are no more than two posts or columns, each with a maximum width or diameter of 12 inches, supporting the sign.

(b) *Dimensions and Location.* Clear sight triangles are right triangles that shall be measured as follows:

- (1) The 90-degree angle is formed by the intersection of either:
 - (A) The intersection of the edges of two roadways as measured at the edge of their ultimate planned right-of-way; or
 - (B) The intersection of the edge of a private driveway or alley and the edge of the ultimate planned right-of-way of an intersecting roadway.

- (2) The two 45-degree angles of a clear sight triangle shall each be located as follows (See Figure 83-1):
- (A) Roadway intersections - 30 feet from the roadway intersection.
 - (B) Private driveway or alleyway - ten feet from the intersection.

Figure 83-1 Clear Sight Triangles



(Ord. 4011, passed - -2007)

§ 83.02.040 Height Measurement and Height Limit Exceptions.

All structures shall meet the standards in this Section relating to height, except for fences and walls, which shall comply with Chapter 83.06 (Fences, Hedges, and Walls).

(a) *Maximum Height Allowed.* The height of buildings/structures shall not exceed the standards established by the applicable land use zoning district, except as otherwise provided in this Section.

(b) *Height Measurement.* Height shall be measured as the vertical distance above a referenced datum measured to the highest point of the coping of a flat roof or to the deck line of mansard roof or to the average height of the highest gable of a pitched or hipped roof or the highest part of a structure. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

(1) The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of the exterior wall of the building when the sidewalk or ground surface is not more than ten feet above lowest grade.

(2) An elevation ten feet higher than the lowest grade when the sidewalk or ground surface described in Subdivision (1) above is more than ten feet about lowest grade.

(c) *Allowed Building/Structure Height Increases.* The maximum building/structure height development standards established by Division 2 (Land Use Zoning Districts and Allowed Land Uses) may be increased as specified by this Section, provided the increase shall not conflict with airport safety regulations or conditions of an approved Conditional Use Permit.

(1) *Institutional Structures.* Institutional structures in land use zoning districts that impose a height limitation of 35 feet or less may exceed the 35 foot height limit by up to 25 feet when the required front, side, and rear setbacks are increased an additional one foot in excess of minimum requirements for each four feet

in height above 35 feet.

(2) *Miscellaneous Structures.* The maximum structure height specified in a land use zoning district may be exceeded by no more than 50 percent for the following structures, except that a lower maximum height may be specified in the conditions of an approved Conditional Use Permit:

(A) Barns, silos, grain elevators, and other farm structures in Rural Resource Conservation (RC), Agricultural (AG), or Rural Living (RL) land use zoning districts.

(B) Birdhouses.

(C) Architectural features of religious institutions.

(D) Cooling towers, smokestacks or other structures that are required by allowed industrial processes in industrial land use zoning districts.

(E) Cupolas, domes, skylights, and gables.

(F) Elevator housings.

(G) Fire and hose towers.

(H) Fire or parapet walls.

(I) Flag poles.

(J) Mechanical equipment and its screening to include roof-mounted wireless telecommunications support facilities.

(K) Monuments.

(L) Noncommercial antennae up to 65 feet in residential land use zoning districts.

(M) Observation and carillon towers.

(N) Ornamental towers and spheres.

(O) Radio and television station towers.

(P) Residential chimneys, flues, smokestacks, and enclosures.

(Q) Solar energy collectors in the RS (Single Residential) and RM (Multiple Residential) land use zoning districts. In other land use zoning districts, these structures shall be allowed up to 65 feet. These structures shall be set back from all property lines and habitable structures at least 100 percent of the height of the structure. For noncommercial windmills, refer to Chapter 84.26 (Wind Energy Systems). Small solar collectors (less than three feet by three feet) are exempt from this requirement to be setback from property lines.

(R) Stairway housing.

(S) Water tanks and water towers.

(T) Distribution and transmission cables and towers.

(U) Other roof structures and mechanical equipment similar to those listed above.

(Ord. 4011, passed - -2007; Am. Ord. 4098, passed - -2010; Am. Ord. 4245, passed - -2014)

§ 83.02.050 Parcel Area Measurements and Exceptions.

(a) *Purpose.* The purpose of this Section is to provide regulations for parcel area standards required by this Development Code. The intent is to clarify the circumstances in which exceptions to the standards may be allowed and to provide uniform methods of calculating parcel areas and measuring parcel dimensions.

(b) *Applicability.* Except as provided in this Chapter, all parcels of land shall conform to the parcel area standards in Division 2 (Land Use Zoning Districts and Allowed Land Uses) for the land use zoning districts in which the parcels are located.

(c) *Allowed Substandard Parcels.* A legally created parcel having an area, width, or depth less than that required by an applicable standard provided in Division 2 (Land Use Zoning Districts and Allowed Land Uses) may be used or built upon, provided the development otherwise conforms to the requirements of this Development Code.

(d) *Exceptions to Parcel Area Requirements.*

(1) *Parcel Area Reduction as a Result of Government Action for Public Purpose.* Where a parcel area or setback width or depth has been reduced by a government agency to not more than 25 percent below the minimum requirements identified in Division 2 (Land Use Zoning Districts and Allowed Land Uses), by condemnation, acquisition or dedication for a road, drain, or other public purpose, including any dedication as a result of a redistricting, Variance or Conditional Use Permit, the parcel area existing before reduction shall be what counts for meeting the requirements of this Development Code.

(2) *Preservation of Historic Structures.* Parcels to be used for the preservation of historic structures or land uses may have less than the minimum parcel area required for the land use zoning district where located,

provided that:

(A) The parcel's structure and/or use have been or may be deemed historic by an incorporated, nonprofit historic preservation organization.

(B) The site shall not be used for human habitation nor generate sewage effluent unless it is:

(I) Served by common sewage facilities; or

(II) Contains at least 40,000 square feet and the facilities meet the approval of the Environmental Health Services Division.

(C) The parcel owner shall grant an easement in perpetuity to the County or other governmental body empowered to accept the easement, restricting further development of the site to historic preservation purposes.

(3) *Subdivision in Compliance with Conditional Use Permit.* The subdivision of multi-family dwellings and mobile home parks in compliance with the conditions of an approved Conditional Use Permit shall not be held to the minimum parcel area requirements of the applicable land use zoning district.

(4) *Subdivision Where Topographical Constraints or Created by Aliquot Part.* Metes and bounds subdivisions may have actual parcel areas that are ten percent less than those required by the applicable land use zoning district, where the parcels either:

(A) Have topographical constraints; or

(B) Are created by aliquot part division (i.e., using a "proper divisor," which is any divisor of a given number other than the number itself).

(e) *Parcel Area Calculations.* The minimum parcel area requirements identified in Division 2 (Land Use Zoning Districts and Allowed Land Uses) shall be calculated as follows:

(1) *Urban Areas.* The area of parcels within the following urban land use zoning districts shall be that area included within the perimeter of the legal boundaries of the subject property, exclusive of any area within abutting planned rights-of-way (net area): Single Residential (RS) where lands are designated for lots smaller than one acre as measured herein, Multiple Residential (RM), Special Development (SD) and all commercial, industrial and institutional land use zoning districts.

(2) *Rural Areas.* The area of parcels within the following rural land use zoning shall be that area included within the perimeter of the legal boundaries of the subject property inclusive of that area within the planned rights-of-way up to the centerline, not to exceed 60 feet from the legal boundary of the lot (gross area): Resource Conservation (RC), Agriculture (AG), Rural Living (RL), Floodway (FW) and Open Space (OS). Within the RS-1 (Single Residential-one acre minimum lot size) Land Use Zoning District, parcels shall be measured based on gross area as defined herein, provided that when any one acre lot is created within an area not served by a municipal water and sewer system, each lot shall be configured so as to meet applicable requirements for an individual well and septic system.

(3) *Parcels That Abut Alleys.* In computing the area of a parcel that abuts upon one or more alleys, one-half the width of the alley(s) may be assumed to be a portion of the parcel.

(4) *Rounding.* In computing lot area requirements for the resultant parcels in a subdivision, the total lot area shall be rounded to the nearest tenth of an acre using the normal rounding convention (e.g., 2.45 acres shall be rounded to 2.5, 9.94 acres shall be rounded to 9.9 acres).

(f) *Measurement of Parcel Dimensions.* All required parcel dimensions shall be measured in compliance with the definitions contained in Division 10 (Definitions).

(Ord. 4011, passed - -2007)

§ 83.02.060 Screening and Buffering.

This Section provides standards for the screening and buffering of adjoining land uses, equipment, and outdoor storage areas, and surface parking areas. Multi-family and nonresidential land uses shall comply with the requirements of this Section.

(a) *Screening Between Different Land Uses.*

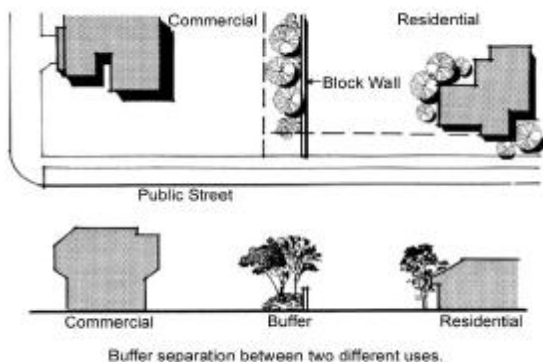
(1) An opaque screen consisting of plant material, a minimum of ten feet in width, and a solid masonry wall, a minimum of six feet in height, shall be installed along parcel boundaries whenever a commercial, institutional or industrial development adjoins a residential land use zoning district.

(2) The maximum height of walls shall comply with the provisions of Chapter 83.06 (Fences, Hedges, and Walls).

(3) The walls shall be architecturally treated or landscaped on both sides to avoid the appearance of unfinished precision block, subject to the approval of the Director.

(4) Minimum sizes of plant materials shall conform to the requirements in § 83.10.070(d) (Landscape Standards Minimum Sizes of Plant Materials).

Figure 83-2 Screening and Buffering



(b) *Mechanical Equipment, Loading Docks, and Refuse Areas.*

(1) Roof or ground mounted mechanical equipment (e.g., air conditioning, heating, ventilation ducts and exhaust, etc.), loading docks, refuse storage areas, and utility services shall be screened from public view from adjoining public streets and rights-of-way and surrounding area(s) zoned for residential or open space uses.

(2) The method of screening shall be architecturally compatible with other on-site development in terms of colors, materials, and architectural style.

(3) Landscaping shall be installed adjacent to the walls at the discretion of the Director.

(c) *Outdoor Storage Areas.*

(1) The use of outdoor areas for storage purposes shall be subject to the following standards:

(A) Outside storage areas shall be screened with a solid sight-obscuring wall not less than six feet nor more than eight feet in height, of a type and design approved by the Director. The wall shall include sight-obscuring gates. The wall and gate(s) shall be continuously maintained in good repair.

(B) Stored materials shall be kept below the level of the fence or other screening mechanism.

(C) Site operations in conjunction with outdoor storage, including the loading and unloading of materials and equipment, shall be conducted entirely within a walled area.

(D) Exterior storage shall comply with Title 3 (Health and Sanitation and Animal Regulations) of the County Code.

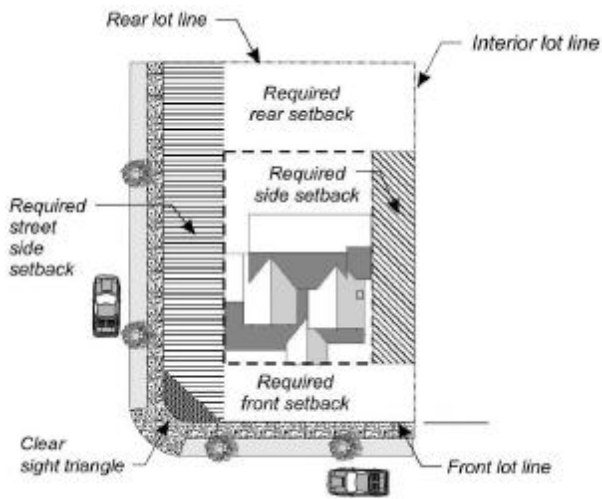
(2) *Incidental outdoor storage shall be allowed, subject to the above standards.* Outdoor storage categorized as a primary land use shall be subject to the applicable permitting requirements identified in Division 2 (Land Use Zoning Districts and Allowed Land Uses) and the above standards.

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

§ 83.02.070 Setback Regulations and Exceptions.

This Section establishes standards to ensure the provision of open areas around structures for visibility and traffic safety; access to and around structures; access to natural light and ventilation; separation of incompatible land uses; and space for privacy, landscaping, and recreation.

Figure 83-3 Location and Measurement of Setbacks



(a) *General Setback Requirements.*

(1) *Structures.* Each structure shall comply with the setback requirements established for each land use zoning district in Division 2 (Land Use Zoning Districts and Allowed Land Uses) and established for specific uses in Division 4 (Standards for Specific Land Uses) and elsewhere in this Development Code.

(2) *Setback Areas or Open Space Areas.*

(A) Setback areas or open space around an existing or proposed structure shall not be considered as providing setback areas or open space for any other structure.

(B) Setback areas or open space on an adjoining parcel shall not be considered as providing setback areas or open space for a parcel on which a structure is proposed to be erected.

(3) *Rights-of-Way and Easements.*

(A) *Future Right-of-Way.* If any future right-of-way line has been established by an ordinance, specific plan, or similar document, the measurement of the setback shall be made from the future right-of-way or future property line.

(B) *Street Setbacks.* Street setbacks shall provide a minimum half width of 30 feet for a right-of-way in the Valley or Desert Regions and 20 feet for a right-of-way in the Mountain Region unless otherwise specified by an ordinance, specific plan, or similar document.

(C) *Private Road Easements.* The minimum front, side, and rear setbacks from private road easements shall be 15 feet in the Mountain Region and 25 feet in the Valley and Desert Regions from the recognized easement line. This rear setback requirement shall apply only when the easement is used to access two or more parcels.

(4) *Front Setbacks.*

(A) Front setback lines shall be established so that, wherever possible, the yard width at the setback line is at least the minimum width specified by the applicable land use zoning district, unless otherwise allowed by this Development Code.

(B) On through lots, front setbacks shall be provided on all street frontages.

(5) *Street Side Setbacks for Corner Parcels.* Side yards on the street sides of corner parcels shall require the same setback as front yards unless otherwise specified within the provisions of a land use zoning district, ordinance, specific plan or similar regulation.

(b) *Exemptions from Setback Requirements.*

(1) The minimum setback requirements of this Development Code shall apply to all uses except for the following:

(A) Fences or walls constructed within the height limitations of Chapter 83.06 (Fences, Hedges, and Walls).

(B) Retaining walls less than three feet in height above finished grade not to exceed four such walls within the setback.

(2) Street setback lines, as delineated on all Final Maps, Parcel Maps and Records of Survey maps recorded in the County between March 1, 1948 and January 1, 1987, or on Composite Development Plans on file with the Division of Building and Safety shall be the street and yard setback distances required on the

property within the Final Maps, Parcel Maps, Records of Survey or Composite Development Plans, unless additional road dedication is required as a condition of development. When additional road dedication is required, or in the case of Final Maps, Parcel Maps and Records of Survey maps recorded prior to March 1, 1948, the greater setback distance of either the property development standards in the applicable land use zoning district based on the ultimate right-of-way width or the setback distance as shown on the approved map shall prevail. Notwithstanding any other provisions of the Development Code, any request to modify or deviate from a building setback line designated on a recorded map or final map shall be made in compliance with the provisions of Chapter 85.17 (Variances).

(c) *Measurement of Setbacks.* Setbacks shall be measured as follows:

(1) *Front Setbacks.* The front yard setback shall be measured at right angles from the nearest point on the front property line of the parcel to the nearest point of the structure envelope, except for corner parcels. Refer to § 810.01.140(oo)(1) for the definition of front lot line.

(2) *Side Setbacks.*

(A) The side yard setback shall be measured at right angles from the nearest point on the side property line of the parcel to the nearest line of the structure envelope, establishing a setback line parallel with the side property line that extends between the front and rear yards.

(B) For the purposes of calculating side setbacks, the following dwellings with common party walls shall be considered as one structure occupying one parcel:

(I) Semi-detached two and four family dwellings.

(II) Row dwellings.

(III) Group dwellings.

(IV) Court apartments.

(3) *Street Side Yard Setbacks.* The side yard setback on the street side of a corner parcel shall be measured from the nearest point of the side property line adjoining the street.

(4) *Rear Yard Setbacks.*

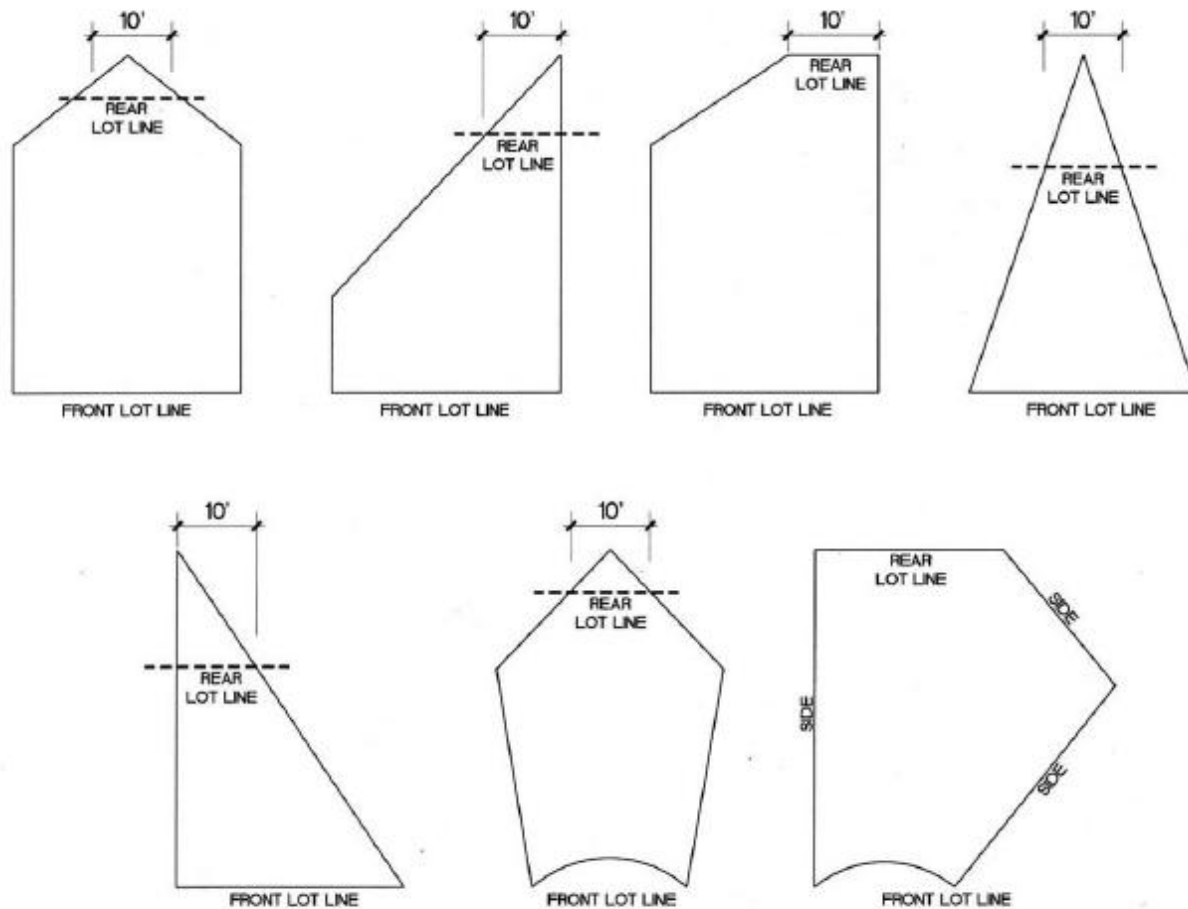
(A) The rear yard setback shall be measured at right angles from the nearest point on the rear property line of the parcel to the nearest line of the structure envelope, establishing a setback line parallel with the rear property line that extends between the side yards, except:

(I) If an access easement or street right-of-way line extends into or through a rear yard, the measurement shall be taken from the nearest point of the access easement or right-of-way line; and

(II) When the side property lines converge to a point at the rear of the parcel, or to a rear property line narrower than ten feet, for setback purposes the rear property line shall be considered to be a line parallel to the front property line measuring ten feet between the two side property lines. The rear yard depth shall be measured from the ten-foot line to the nearest part of the primary structure on the parcel.

(B) In computing the depth of a rear setback where the yard opens into an alley, one half the width of the alley may be assumed to be a portion of the required rear setback.

Figure 83-4 Rear Setbacks on Irregularly Shaped Parcels



(d) *Allowed Projections into Setbacks.* See § 83.02.080 (Allowed Projections into Setbacks).

(e) *Construction Across Property Lines Prohibited.* A structure shall not be constructed across the property line(s) of two or more contiguous parcels. If the placement of a proposed structure would otherwise cross the property line of two or more contiguous parcels held by the same owner, before the issuance of a Building Permit, the property owner shall apply for and receive an approved voluntary lot merger, lot line adjustment, or parcel map to move or eliminate the property line in question. The lot line adjustment process may be used if the parcels will still meet the development standards of the land use zoning district in which the parcels are located.

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

§ 83.02.080 Allowed Projections/Structures Within Setbacks.

This Section provides standards for allowed projections into required setbacks. Nothing in this Section is intended to prevent the construction of an allowed primary or accessory structure within the building envelope that is in the parcel area not included in any required setback area.

(a) *Open and Unobstructed.* Each setback area shall be open and unobstructed from finished grade, or other specified level at which the setback area is required, to the sky except as provided in Table 83-5 (Allowed Projections/Structures Within Setbacks).

(b) *Projections Attached to Primary Structure.* The architectural projections identified in the table shall be attached to the primary structure allowed on the parcel.

(c) *Required Clear Areas.* The projections listed in Table 83-5 (Allowed Projections/Structures Within Setbacks) may not, in any event, encroach on or into the following:

- (1) The Clear Sight Triangle required at traffic intersections.
- (2) Within three feet of any parcel line, dividing parcels not in common ownership, except as noted in the Table.
- (3) Within five feet of any side or rear property line in a Fire Safety Overlay District or as allowed in § 82.13.060(c).

(d) *Table 83-5 (Allowed Projections into Setbacks).* Table 83-5 (Allowed Projections/Structures Within Setbacks) lists the equipment and architectural features typically related to a structure that may extend into

front, side, and rear yard setbacks.

Table 83-5

Allowed Projections/Structures Within Setbacks

<i>Projections</i>	<i>Front and Street Side Setbacks</i>	<i>Interior Side Setbacks</i>	<i>Rear Setbacks</i>
Awnings, canopies, louvers and similar shading devices	4 ft.	2 ft.	4 ft.
Eaves, cornices, sills, planting boxes; skylights, fireplaces, flues and chimneys, small satellite dishes (less than 4 ft. in diameter) that are mounted on the roof, and similar architectural features	4 ft.	2 ft.	4 ft.
Evaporative coolers, air conditioner compressors, and pool equipment	4 ft. When screened from view	2 ft.	4 ft.
Water tanks, propane tanks sited per California Fire Code and maintained in compliance with standards specified by § 83.01.060 (Fire Hazards)	Not allowed	Not allowed	4 ft.
Propane tanks in Mountain Region only when sited per California Fire Code and maintained in compliance with standards specified by § 83.01.060 (Fire Hazards)	Allowed when screened from view	Not allowed	4 ft.
Large freestanding photovoltaic or solar panels (9 sq. ft. or greater)	Not allowed	Not allowed	10 ft. Minimum 5 ft. separation from rear parcel line
Attached patio roofs and similar residential structures having open, unwallled sides along not less than 50 percent of their perimeters, including	4 ft.	Not allowed	15 ft. Minimum 5 ft. separation from rear parcel line

top deck (decks with height greater than 4 ft. above grade)			
Cantilevered portion of primary structure more than 8 ft. above grade limited to 50 percent of length of one wall on any one story	4 ft.	4 ft.	4 ft.
Open-sided stairways, landings and required fire escapes	5 ft.	4 ft.	10 ft.
Uncovered porches, platforms, or decks (up to 4 ft. in height)	4 ft.	4 ft.	10 ft.
Open storage of boats, recreational vehicles, trailers and similar vehicles	Not Allowed	Allowed	Allowed
Temporary trash storage in appropriate containers	Not Allowed	Allowed	Allowed
Slides, clotheslines and similar equipment	Not allowed	Not allowed	Allowed
Radio or television masts or antennas, large satellite dishes (4 ft. or greater in diameter)	Not allowed	Not allowed	Allowed
Garages, carports, sheds and other similar uninhabitable, detached, enclosed accessory structures in the Valley and Desert Region that: <ul style="list-style-type: none"> · Occupy no more than 25 percent of yard · Limited to 1 story in height 	Not allowed	Not allowed	Allowed
Garages, carports, sheds and other similar, uninhabitable enclosed accessory structures in Mountain Region only that:	Allowed for garages and carports only, but must maintain a 3 ft. setback from road right-of-way. 10 ft. minimum from existing edge of roadway pavement. Other structures not allowed.	Not allowed	Allowed for detached accessory structures only

<ul style="list-style-type: none"> · Limited to 1 story in height · Meet administrative criteria of Building Official · Occupy no more than 25 percent of rear yard · Adhere to 20 percent sideyard setback for front and rear property lines 			
Unroofed parking, parking decks, and loading areas	As specified by the Chapter 83.11 (Parking Regulations)	Allowed	Allowed
Covered, underground or partially excavated structures (e.g., basements, fallout shelters, garages, public utility or telephone/cable TV vaults, wine cellars, etc.)	Allowed in all setback areas, provided that the facilities do not extend more than 30 inches above the adjoining average finished grade level.		
Fences, screening, safety guardrails, walls along property lines	Allowed in compliance with § 83.06.030 (General Height Limitations).		
<ul style="list-style-type: none"> · Industrial land use zoning districts · Commercial land use zoning districts · All other land use zoning districts 	6 ft. max. height 4 ft. max. height 4 ft. max. height	10 ft. max. height 10 ft. max. height 6 ft. max. height	10 ft. max. height 10 ft. max. height 6 ft. max. height
	Fence heights in excess of these standards may be allowed by an approved Use Permit, Variance, Tract or Parcel Map or when required by the County for reasons of the health and safety of the general public. In the RC and RL land use zoning districts, open fences may go up to a maximum of 5 feet in the front yard and street side yards.		
<ul style="list-style-type: none"> · Flagpoles · Sculpture and similar decorations · Trees⁽¹⁾, shrubs⁽¹⁾, and landscaping with a screening effect · Utility poles and lines located along property lines no closer than one foot 	Allowed	Allowed	Allowed

<p>from side property line (this includes small solar panels that are less than 9 sq. ft.)</p> <ul style="list-style-type: none"> · Walkways⁽²⁾ · Unroofed paving and driveways outside the ultimate road right-of-way. <p>Unroofed paving and driveways within the ultimate road right-of-way shall be a minimum of 3 feet from the side property line⁽¹⁾</p>			
Signs	Allowed in all setback areas subject to Chapter 83.13 (Signs)		
Swimming pools and spas no closer than 5 ft. to any property line	Not allowed	Not allowed	Allowed
<u>Accessory dwelling units and junior accessory dwelling units⁽³⁾</u>	<u>Not allowed</u>	<u>4 ft. from property line</u>	<u>4 ft. from property line</u>
<p>(1) Trees and shrubs shall be planted so that at maturity they shall not interfere with a driver's or pedestrian's view of public rights-of-way (e.g. the view of approaching, merging, or intersecting traffic, etc.) or otherwise impair public safety, or interfere with the safe operation of a motor vehicle on public streets.</p>			
<p>(2) Walkways necessary for access to the building, parking areas and driveways may be supported on masonry construction in the Mountain Region.</p>			
<p>(3) When located in the Fire Safety Overlay, rear yard setbacks and interior side yard setbacks may only be reduced to 5 feet and maintain a 10 foot minimum building separation. —</p>			
<p><u>(3) No setbacks shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit.</u></p>			

(Ord. 4011, passed - -2007; Am. Ord. 4043, passed - -2008; Am. Ord. 4057, passed - - 2008; Am. Ord. 4085, passed - -2009; Am. Ord. 4245, passed - -2014)

CHAPTER 83.11: PARKING AND LOADING STANDARDS

Section

- 83.11.010 Purpose.
- 83.11.020 Applicability.
- 83.11.030 General Parking Provisions.
- 83.11.040 Number of Parking Spaces Required.
- 83.11.050 Adjustments to Parking Requirements.
- 83.11.060 Disabled Parking Requirements.
- 83.11.070 Development Standards.
- 83.11.080 Landscape Requirements for Parking Areas.
- 83.11.090 Parking and Loading Development Standards.
- 83.11.100 Commercial Vehicle Parking in Residential Areas.

§ 83.11.010 Purpose.

The purpose of this Chapter is to provide parking and loading standards to:

- (a) Ensure the provision and maintenance of safe, adequate, well-designed, off-street parking facilities in conjunction with a use or development.
- (b) Reduce street congestion and traffic hazards.

(Ord. 4011, passed - -2007)

§ 83.11.020 Applicability.

Unless otherwise provided in the specific applicable land use zoning district, the provisions of this Chapter shall apply to appropriate uses and development. The standards in this Chapter shall be considered minimums, and more extensive parking provisions as a condition of project approval may be required by a review authority for a discretionary permit.

(Ord. 4011, passed - -2007)

§ 83.11.030 General Parking Provisions.

(a) *Location.* The required parking spaces shall be located on the same site with the primary use or structure, on premises contiguous to them, or in a location conforming to a Site Plan approved in compliance with Chapter 85.08 (Site Plan Permits). Property within the ultimate right-of-way of a street or highway shall not be used to provide required parking or loading facilities. Parking shall not be allowed in the front yard setback other than in the driveway for a single-family residential use or within a driveway in a multi-family development that is specifically designed for and has sufficient length to provide off-street parking for a specific dwelling unit.

(b) *Change in Use.* When the occupancy or use of a property is changed to a different use, parking to meet the requirements of this Chapter shall be provided for the new use or occupancy. In the case of an infill multi-family or affordable (income-restricted) residential development, a Minor Use Permit may be used to review and approve any additional parking required that is a result of the change in use.

(c) *Increase in Use.* When the occupancy or use of a premises is altered, enlarged, expanded, or intensified, additional parking to meet the requirements of this Chapter shall be provided for the enlarged, expanded, altered, or intensified portion only.

(d) *Two or More Uses.* Where two or more uses are located in a single structure or on a single parcel, required parking shall be provided for each specific use (i.e., the total parking required for an establishment that has both industrial and office uses shall be determined by computing the parking for the industrial use and the office use and then adding the two requirements together.)

(e) *Parking and Loading Spaces to Be Permanent.* Parking and loading spaces shall be permanently available, marked and maintained for parking or loading purposes for the use they are intended to serve. The Director may approve the temporary reduction of parking or loading spaces in conjunction with a seasonal or intermittent use with the approval of a Temporary Use Permit issued in compliance with Chapter 85.15.

(f) *Parking and Loading to Be Unrestricted.* Owners, lessees, tenants, or persons having control of the operation of a premises for which parking or loading spaces are required by this Chapter shall not prevent, prohibit or restrict authorized persons from using these spaces without prior approval of the Director.

(g) *Use of Parking Area for Activities Other than Parking.* Required off-street parking, circulation, and

access areas shall be used exclusively for the temporary parking and maneuvering of vehicles and shall not be used for the sale, lease, display, repair, or storage of vehicles, trailers, boats, campers, mobile homes, merchandise, or equipment, or for any other use not authorized by the provisions of this Code.

(Ord. 4011, passed - -2007)

§ 83.11.040 Number of Parking Spaces Required.

(a) *Number of Parking Spaces Required.* Each land use shall provide at least the minimum number of off-street parking spaces, including disabled access spaces required by § 83.11.060 (Disabled Parking Requirements), except where a parking reduction has been granted in compliance with § 83.11.050 (Adjustments to Parking Requirements) or a variance has been granted in compliance with Chapter 85.17 (Variances). Additional spaces may be required through approval of a discretionary permit.

(b) *Minimum Requirements for Nonresidential Uses.* A nonresidential use shall provide a minimum of four spaces with one additional parking space for each facility vehicle, except where otherwise noted in this Chapter.

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

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

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

	assembly area
Commercial recreation and similar uses (e.g., shooting ranges, race tracks, miniature golf courses, pitch and putt courses, parks, and zoos)	1 for each 4 persons of the facility's allowed maximum attendance
Commercial swimming pools and swimming schools	1 for each 500 s.f. of water surface area
	10 minimum
Dance halls	1 for each 20 s.f. of dance floor area; and
	1 for each 3 fixed seats and for each 20 s.f. of seating area where there are no fixed seats
Golf courses and driving ranges, but not to include miniature golf courses	4 for each hole on all golf courses; and
	1 for each tee for driving ranges
Organizational camps	1 bus parking space per 20 campers
	2 for each resident staff
	1 for each nonresident staff on the largest shift
	1 for each facility vehicle
Meeting facilities - Theaters, auditoriums, stadiums, sport arenas, gymnasiums and similar places of public assembly	1 for each 3 fixed seats or for every 25 s.f. of seating area within the main auditorium where there are no fixed seats ⁽¹⁾
Schools - general curriculum Kindergarten through Grade 9	1 for each staff member, faculty member, and employee
	1 for each facility vehicle
Schools - general curriculum Grades 10 through 12, colleges and universities, business and professional schools	1 for each 4 students; and
	1 for each staff member, faculty member and employee; and
	1 for each facility vehicle
Schools - special schools or trade schools	1 for each 3 students; and
	1 for each staff member, faculty member, and employee
	1 for each facility vehicle
Skating rinks, ice or roller	1 for each 3 fixed seats and for each 20 s.f. of seating area where there are no fixed seats; and ⁽¹⁾
	1 for each 250 s.f. of skating area
Residential Uses	
Caretaker housing	2, with one covered
Group residential (sorority, fraternity, boarding house, private residential club, etc.)	1 for each bedroom
	1 for the house manager, staff member or employee
Mobile home parks	2; one covered on each mobile home parcel (may be in tandem); and
	1 guest space for each 10 spaces, or fraction thereof
Multi-family dwelling	2.5 per unit for projects of 4 or more units, one shall be covered for each dwelling unit on the project site to accommodate resident and visitor parking ⁽²⁾
	2.0 per unit for projects of 2 or 3 units, one shall be covered for each dwelling unit ⁽²⁾
Parolee and/or probationer home	1 for each bedroom
Accessory dwelling unit	1 uncovered for each unit ⁽⁵⁾⁽⁶⁾

Single-family dwelling	2, one shall be covered on the same site with the primary structure ⁽²⁾
Retail Trade	
Automobile repair and service stations	3 for each service bay (service bays do not count as spaces); and
	1 for each facility vehicle
Automobile sales, boat sales, mobile home sales, retail nurseries, and other open uses not in a structure	1 for each 2,000 s.f., or portion thereof, for open area devoted to display or sales; for the first 10,000 s.f.; and
	1 for each 5,000 s.f., or portion thereof, over 10,000 s.f.; and
	1 for each facility vehicle
Food establishments with take-out provisions only	1 for each 200 s.f. of GLA; and
	1 for each facility vehicle
	4 minimum
General retail	1 for each 250 s.f. of GLA
	4 minimum
Restaurants in the Valley and Desert Regions, including drive-ins, cafes, night clubs, taverns, and other similar places where food or refreshment are dispensed	The greater of the following:
	1 for each 100 s.f. of GLA; or
	1 for each 3 fixed seats and/or 1 for every 50 s.f. of floor area where seats may be placed; or
	10 minimum
Restaurants in the Mountain Region, including drive ins, cafes, and other similar places that have 5,000 s.f. of GLA or less, where food or refreshment are dispensed and where no alcoholic beverages of any type are sold or served	1 space per 250 square feet of GLA with a 4 space minimum
Restaurants in the Mountain Region, including drive ins, cafes, and other similar places that have over 5,000 s.f. of GLA where food or refreshment are dispensed, regardless of whether or not alcoholic beverages are served	1 space per 100 square feet of GLA with a 4 space minimum
Restaurants in the Mountain Region, including drive ins, cafes, and other similar places, where food or refreshments are dispensed and where alcoholic beverages are sold under State Alcoholic Beverage Control license types 42 (bar/tavern) or 48 (bar/night club), regardless of the square footage of the restaurant	1 space per 100 square feet, regardless of GLA with a 4 space minimum
Restaurants in the Mountain Region, including drive ins, cafes, and other similar places where food or refreshment are dispensed and where alcoholic beverages are sold under State Alcoholic Beverage Control license type 47 (restaurant)	1 space per 250 square feet of GLA with 5,000 square feet or less of GLA with a 4 space minimum
	1 space per 100 square feet of GLA for restaurant uses over 5,000 square feet of GLA with a 4 space minimum
Shopping centers (projects over 200,000 s.f. of floor area)	1 for each 200 s.f. of GLA up to 100,000 s.f.; and
	1 for each 250 s.f. of GLA for square footage above

	100,000 s.f.
Wholesale commercial nurseries	1 for each 500 s.f. of display area
Services General	
Beauty and nail salons	2 for each station
Child care centers	1 for each 5 children that the facility is designed to accommodate
Emergency shelter	1 for each guest room
Hospital	1 for each 2 patient beds
Medical offices, clinics, veterinary hospital	1 for each 250 s.f. of GLA
Motels, hotels, and boarding house	1 for each unit/room
Licensed Residential care facility of 6 or fewer persons	2, one shall be covered on the same site with the primary structure ⁽²⁾
Offices, general, financial, business and professional uses	1 for each 250 s.f. of GLA
Personal services	1 for each 250 s.f. of GLA
Short-Term Residential Rentals	1 for each four occupants or guests, see § 83.28.060(e)
Unlicensed Residential Care Facility with 6 or fewer persons	1 for each bedroom
	1 for the house manager, staff member or employee
Unlicensed Residential Care Facility with 7 or more persons	1 for each bedroom
	1 for the house manager, staff member or employee
Other Uses	
Bed and breakfast	1 for each guest room
Home occupations	1 for each nonresident employee in addition to residential requirements
On-Your-Lot builder model home/sales office	2 per office
	2 for visitors
Notes:	
(1) Twenty-four (24") linear inches of bench or pew shall be considered a fixed seat.	
(2) Residential parking spaces shall be located to the rear of the front setback line, except that in the Mountain Region, the parking spaces may be located within the setback areas. Tandem parking is not allowed except in the Mountain Region. Areas outside the driveway in front of the primary structure, whether outside the front yard setback or not, shall not be used for parking. In the Valley and Desert Regions, the covered parking requirement only applies to the RS and RM Land Use Zoning Districts.	
(3) In dormitories, each 100 square feet shall be considered equivalent to a guest room.	
(4) Nonresidential uses shall provide a minimum of four spaces with an additional parking space for each facility vehicle, except where otherwise noted.	
(5) Residential parking spaces for an accessory dwelling unit may be provided through tandem parking on an existing driveway.	
(6) When a garage or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, the replacement parking spaces for the primary structure shall have one space that is covered and one space that is uncovered.	

(Ord. 4011, passed - -2007; Am. Ord. 4043, passed - -2008; Am. Ord. 4161, passed - -2011; Am. Ord. 4230, passed - -2014; Am. Ord. 4245, passed - -2014; Am. Ord. 4331, passed - -2017; Am. Ord. 4341, passed - -2018)

§ 83.11.050 Adjustments to Parking Requirements.

(a) *Shared Parking Reduction.* Where two or more adjacent nonresidential uses have distinct and differing peak parking usage periods, (e.g. a theater and a bank), a reduction in the required number of parking spaces may be approved by the Commission based on the findings and recommendations of a parking study prepared by a qualified parking or traffic consultant. The amount of reduction may be up to the number of spaces required for the least intensive of the uses sharing the parking.

(b) *Transportation Control Measures.* Parking requirements may be adjusted in compliance with the provisions of Chapter 83.14 (Transportation Control Measures). An approved Conditional Use Permit/Minor Use Permit (Chapter 85.06) may authorize adjustments to parking requirement not to exceed individually or cumulatively ten percent of the total required parking spaces, as depicted in Table 83-16.

Table 83-16	
Transportation Control Measures	
Transportation Control Measure	Parking Credit (Cumulative Maximum Credit = 10 percent of Required Parking Spaces)

1 car pool space = 2 spaces	
Bus ridership	
2 riders = 1 space ⁽¹⁾	
Motorcycle spaces (4 ft. x 8 ft.)	
2 motorcycle spaces = 1 space ⁽²⁾	
Boat slips on waterfront	
1 slip = 1 space	

Notes:

(1) Bus stop shall be within 1,320 feet of the proposed use with a path of travel from the bus stop to the facility that complies with disabled access requirements.

(2) Motorcycle stalls shall be on concrete and have a permanent tie-down ring.

(c) *Landscaping in Lieu of Parking Spaces.* In compliance with § 83.10.060 (Landscape Area Requirements), landscaping may be provided in lieu of ten percent of the total number of parking spaces required, provided the landscaping is arranged so that parking may be installed at a later date if a demand arises, and further provided, that the owner agrees to provide parking at the request of the reviewing agency.

(d) *Variance.* Other than changes to parking requirements provided for in this Section, a Minor Variance or a Variance in compliance with Chapter 85.17 (Variances) shall be required for any change to a parking requirement.

(Ord. 4011, passed - -2007)

§ 83.11.060 Disabled Parking Requirements.

(a) *Required Number of Disabled Parking Spaces.* For multi-family residential, commercial, industrial, institutional, and public uses, State law establishes the required number of disabled parking spaces, which are reflected in Table 83-17.

Table 83-17	
Required Number of Parking Spaces for Disabled	
Total Number of Parking Spaces	# of Parking Spaces for the Disabled
1 - 25	1
26 - 50	2
51 - 75	3
76 - 100	4
101 - 150	5
151 - 200	6
201 - 300	7

301 - 400	8
401 - 500	9
501 - 1,000	2 percent of total
1,001 and over	20 plus 1 for each 100 or fraction, over 1,001

(b) *Size of Parking Space for the Disabled.*

(1) *Dimensions.* Except as provided below, each parking space for the disabled shall be 14 feet wide and outlined to provide a nine foot parking area and a five foot loading/unloading area on the passenger side. When more than one space is provided, two spaces may be provided within a 23-foot wide area lined to provide a nine foot parking area on each side of a five foot loading and unloading area in the center. The minimum length of each parking space shall be 19 feet.

(2) *Van Accessibility.* One in every eight parking spaces for the disabled, but not less than one, shall be served by an access aisle 96 inches wide and shall be designated van accessible. This means that when only one space is required, it shall be 17 feet wide and outlined to provide a nine-foot parking area and an eight-foot loading/unloading area on the passenger side. When only two spaces are required, they may be provided within a 26-foot wide area lined to provide a nine-foot parking area on each side of an eight-foot loading/unloading area in the center. These spaces may be grouped on one level of a parking structure.

(3) *Less than Five Spaces.* When only four parking spaces are required for a specific project, the parking space for the disabled shall be 17 feet wide, but does not need to be marked or reserved exclusively for the disabled.

(c) *Arrangement and Identification.* The arrangement and design of these spaces shall be subject to the Code of Regulations Title 24, Chapter 2-71, and they shall be identified as required in Vehicle Code § 22511.8.

(d) *Additional Spaces Based on Actual or Anticipated Usage.* Additional spaces shall be provided where usage indicates a greater need, or where a higher than normal percentage of disabled persons is anticipated to use the parking facility.

(e) *Location of Spaces.* Parking spaces for the disabled shall be located as near as practical to a primary entrance to a single structure, or shall be located to provide for safety and optimum proximity to the entrances of the greatest incidence of use when more than one structure is served by the parking lot. The spaces shall be located to ensure that a disabled individual is not compelled to wheel or walk behind parked cars other than their own.

(f) *Walkways and Ramps.* Pedestrian walkways that are accessible to the physically disabled shall be provided from each disabled parking space to related facilities, including curb cuts or ramps as needed. Ramps shall not encroach into parking spaces.

(Ord. 4011, passed - -2007)

§ 83.11.070 Development Standards.

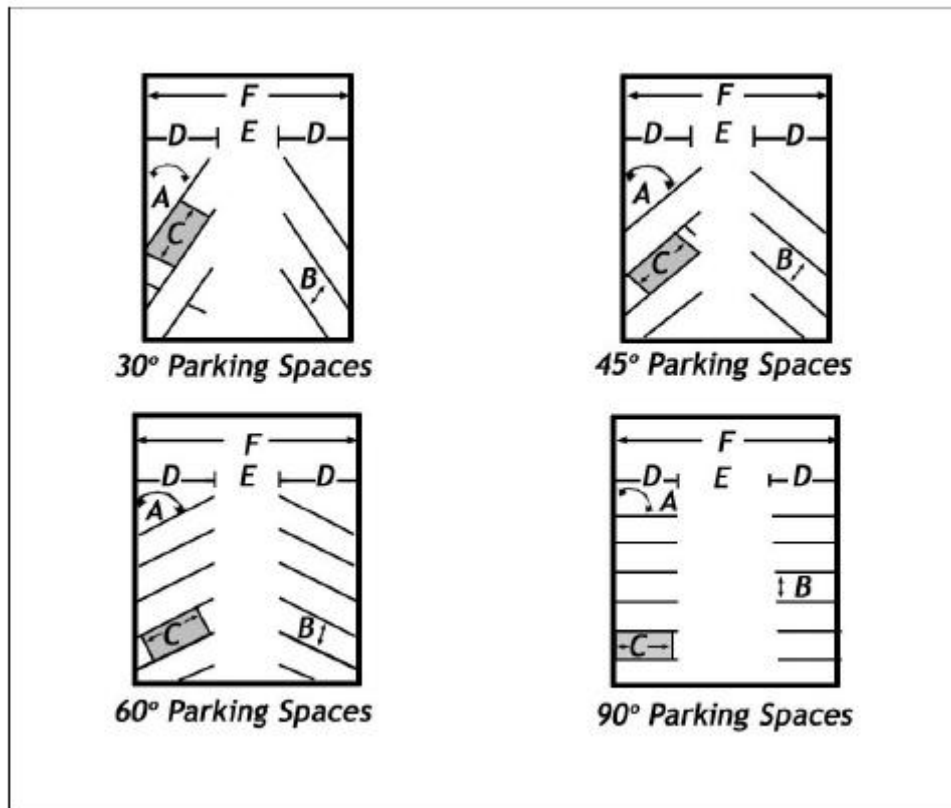
(a) *Minimum Parking Space Sizes and Lot Dimensions.*

(1) Each required parking space shall be at least nine feet wide by 19 feet long, with adequate provisions for ingress and egress by a standard full size passenger vehicle. This standard shall be apply to all uses, including single-family residential, except where noted in Subdivisions (2), (3), (4) and (5) below. Parking spaces in parking lots shall comply with the minimum dimension requirements in Table 83-18 (Minimum Off-Street Parking Dimensions) and as illustrated in Figure 83-16 (Off-Street Parking Dimensions). The Director shall not reduce these requirements.

<i>Table 83-18 Minimum Off-Street Parking Dimensions</i>				
<i>Angle of Parking (in degrees) (A)</i>	<i>Space Width (in feet) (B)</i>	<i>Space Length (per vehicle) (C)</i>	<i>Space Depth (from curb) (D)</i>	<i>Driveway Width (in feet) (E)⁽¹⁾</i>
Parallel (0 degrees)	9 ft.	19 ft.	9 ft.	12 ft.
45 degrees	9 ft.	19 in.	20 ft.	14 ft.

60 degrees	9 ft.	19 in.	21 ft.	19 ft.
90 degrees	9 ft.	19 ft.	19 ft.	24 ft.
(1) Also, see § 83.11.070(h)(3) for additional requirements relative to fire access aisles.				

Figure 83-16 Off-Street Parking Dimensions



(2) If wheel stops or curb with overhang area are installed in parking spaces, the distance from the end of the space to the rear of the wheel stop/curb shall not exceed two feet. For parallel parking spaces (i.e., spaces where vehicles park in a line, front to rear, next to a curb or side of a road), each space shall be separated from the next space by a distance of four feet.

(3) Enclosed parking spaces (i.e., residential garages) shall be ten feet in width and 20 feet in length.

(4) Mobile home parking spaces shall be at least ten feet wide by 20 feet long, with adequate provisions for ingress and egress by a standard full size passenger vehicle.

(5) Tractor trailer parking spaces shall be at least 12 feet wide by 50 feet long.

(b) *Circulation Requirements.* The parking area shall be designed so that a car entering the parking area shall not be required to enter a public street to move from one location to any other location within the parking area or premises.

(c) *Forward Entry into Right-of-Way.* Parking and maneuvering areas shall be arranged so that vehicles entering a vehicular right-of-way can do so traveling in a forward direction only.

(d) *Head-in Parking.* Where curbs and gutters do not exist and where barriers do not restrict vehicular access to the private property, head-in parking shall not be allowed.

(e) *Driveway Access.* Off-street parking facilities shall be designed to limit access to private property from streets and highways to a minimum number of standard driveways in compliance with the Department of Public Works specifications.

(f) *Lighting.* Parking area lighting and glare shall reflect away from public thoroughfares and adjacent residences and shall comply with Chapter 83.07 (Glare and Outdoor Lighting).

(g) *Maintenance.* Individual parking stalls shall be clearly striped and permanently maintained with double or hairpin lines on the surface of the parking facility, with the two lines being located an equal nine inches on either side of the stall sidelines. Arrows shall be painted on paving to indicate direction of traffic

flows.

(h) *Minimum Aisle Widths.*

(1) *One-Way Traffic.* One-way access driveways leading to aisles within a parking area shall be a minimum width of 12 feet, and driveways within the parking aisles shall be as shown in Table 83-19 (Minimum Aisles):

<i>Table 83-19</i>	
<i>Minimum Aisles</i>	
<i>Parking Stall Angle</i>	<i>Minimum Aisle Width (feet)</i>
Parallel (0 degrees)	12
1 degrees - 45 degrees	14
46 degrees - 60 degrees	17
61 degrees - 90 degrees	24

(2) *Two-Way Traffic.* The aisles and the two-way access drives leading to aisles within a parking area shall be a minimum width of 24 feet.

(3) *Fire Access Aisles.* The aisles adjacent to nonresidential structures shall be a minimum width of 26 feet to accommodate fire emergency vehicles and shall be located so that the vehicles can park within 150 feet of all sides of the structures. Aisles adjacent to structures that are greater than two stories in height shall be a minimum width of 30 feet.

(4) *Truck Aisles.* Access aisles for multiple-axle trucks in commercial and industrial projects shall be a minimum width of 40 feet for projects with a gross floor area of 10,000 square feet or greater or where the design of the project includes a loading dock. Truck movement templates (i.e., turning radii elements including wheel paths, which define the needed width of pavement, and the front overhang, which is the zone beyond the pavement edge that must be clear of obstructions above curb height) shall be included on the site plan design to indicate turning conditions.

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

§ 83.11.080 Landscape Requirements for Parking Areas.

(a) *Applicability.*

(1) *Unpaved Parking Areas in the Desert Region.* For sites in the Desert Region where parking area paving is not required, landscaping shall not be required.

(2) *Countywide Paved Parking Areas.* Landscaping for paved parking areas Countywide shall be provided as outlined in Subdivisions (b) through (i), below.

(3) *Parking Garages and Structures.* The landscaping standards in this Section shall not apply to parking garages or other parking structures.

(b) *Landscape and Irrigation Plan Required.* A comprehensive landscape and irrigation plan shall be submitted to the Director for approval in compliance with Chapter 83.10 (Landscaping Standards).

(c) *Landscape Materials.* Landscaping materials shall be provided throughout the parking lot area using a combination of trees, shrubs, and vegetative ground cover. Water conserving landscape plant materials shall be emphasized.

(d) *Curbing.* Areas containing plant materials shall be bordered by a concrete curb at least six inches high and six inches wide. Alternative barrier designs may be approved by the Director.

(e) *Irrigation.* Except where xeriscaping is specifically designed and intended not be irrigated, an automatic irrigation system, including drip systems, bubblers, and soakers, shall be provided for landscaped areas, including tree wells, planters, and planting islands.

(f) *Location of Landscaping.* Parking lot landscaping shall be located so that pedestrians are not required to cross through landscaped areas to reach building entrances from parked cars. Trees and shrubs shall be planted so that at maturity they shall not interfere with a driver's or pedestrian's view of public rights-of-way (e.g. the view of approaching, merging, or intersecting traffic, etc.) or otherwise impair public safety, or interfere with the safe operation of a motor vehicle on public streets.

(g) *Bumper Overhang Areas.* A maximum of two feet of the parking stall depth may be landscaped with low-growth, hearty materials in lieu of paving, allowing a two-foot bumper overhang while maintaining the

required parking dimensions. Bumper overhang areas shall not encroach into required walkways or rights-of-way.

(h) *Perimeter Parking Lot Landscaping.*

(1) *Adjacent to Streets.* Parking areas adjoining a public street shall be designed to provide a landscaped planting strip between the street right-of-way and parking area that is equal to the setback area required by the development standards of the subject land use zoning district. The Director may grant an exception to this requirement if existing structures or substandard parcels preclude its implementation. In this case, the maximum planting strip area shall be provided based on-site conditions.

(A) Parking areas adjoining a public street shall be designed to provide a minimum 15-foot-wide landscaped planting strip between the street right-of-way and parking area. The Director may grant an exception to this requirement if existing structures or substandard parcels preclude its implementation. In this case, the maximum planting strip area shall be provided based on site conditions.

(B) The landscaping, other than trees, shall be designed and maintained to screen cars from view from the street and shall be approximately three feet in height.

(C) Screening materials may include a combination of plant materials, earth berms, raised planters, or other screening devices that meet the intent of this requirement and have been approved by the Director.

(D) Plant materials, walls, or structures within a clear sight triangle of a driveway shall not exceed 30 inches in height in compliance with § 83.02.030 (Clear Sight Triangles).

(2) *Adjacent to Residential Use.* Parking areas for nonresidential uses adjoining residential uses shall provide a landscaped buffer yard with a minimum 10-foot width between the parking area and the common property line bordering the residential use. A solid masonry wall in compliance with § 83.06.050 (Walls Required Between Different Land Use Districts) and landscaping shall be provided along the property line. Trees shall be provided at a rate of one for each 30 feet of landscaped area and shall be a minimum 15-gallon container stock with a caliper size, at time of planting, which is appropriate for a normal, healthy example of the specified tree variety and no less than three-fourths inches in diameter.

(3) *Larger Projects.* Parking lots with more than 100 spaces shall provide an appropriate entry feature consisting of a concentration of landscape elements at primary entrances, including specimen trees, flowering plants, enhanced paving, and project identification.

(i) *Interior Parking Lot Landscaping.* Multi-family residential uses and nonresidential uses shall provide landscaping consistent with the following requirements.

(1) *Trees Required.*

(A) *Number and location.* Trees shall be evenly spaced throughout the interior parking area at a rate of one tree for every ten parking spaces. The required number of trees shall not include trees required around the perimeter of the parking area. In the Valley Region, parking lot planters shall provide a minimum of one 15 gallon, multi-branched tree, unless healthy existing trees are used in the planters.

(B) *Size.* Trees within the parking area shall be a minimum 15-gallon container stock with a caliper size, at time of planting, that is appropriate for a normal, healthy example of the specified tree variety and no less than three-fourths inch in diameter.

(2) *Planting areas.* Trees shall be located in planting areas that are designed and constructed throughout the parking area. In order to be considered within the parking area, trees shall be located in planters that are bounded on at least three sides by parking area paving. Planters shall have a minimum interior dimension of six feet. Ends of parking lanes shall have landscaped islands.

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

§ 83.11.090 Parking and Loading Development Standards.

Every parcel of land used or maintained for residential parking, public parking, private parking, new car sales lots, used car sales lots, mobile home, camper or trailer sales lots, boat sales lots or other uses of a similar nature, shall be improved as follows, including loading spaces and access drives.

(a) *Loading Spaces.* Every institutional, commercial, industrial, or special use established or erected on land that abuts a street or an alley shall have one permanently maintained loading space of not less than ten feet in width, 20 feet in length, and 14 feet clear in height, for each 5,000 square feet of structure floor area provided. However, not more than four loading spaces shall be required for each use. An approved Use Permit may allow adjoining uses to share loading areas where appropriate.

(b) *Surface Requirements in Desert Region.* In the Desert Region, where the parcel abuts a paved street or road, the required off-street parking and loading areas and access drives shall be surfaced with a minimum

of two inches of asphaltic concrete paving except as follows:

(1) For residential uses on parcels of 18,000 square feet or larger, the required off-street parking, loading areas and access drives shall be dust-proofed with materials that may include slag, gravel, or other similar materials, or fully paved.

(2) For commercial, industrial, or institutional uses with less than 4,000 square feet of structure area in rural areas, the required off-street access driveway parking for the disabled and loading area(s) shall be surfaced with a minimum of two inches of asphaltic concrete paving. The remaining parking may be either asphaltic concrete paving or dustproofed with materials that may include slag, gravel, or other similar materials. Areas that are dustproofed shall be required to be maintained with periodic dustproofing as necessary to minimize the creation of airborne dust. The non-paved area(s) of the parking shall have a positive barrier to prevent direct access onto the adjacent paved road.

(c) *Surface Requirements in Mountain Region.* In the Mountain Region, where the parcel abuts a paved street or road, the required off-street parking and loading areas and access drives shall be surfaced with a minimum of two inches of asphaltic concrete or road-mixed surfacing, in compliance with County Department of Public Works Specification No. 38.

(d) *Surface Requirements in Valley Region.* In the Valley Region, the required off-street parking and loading areas and access drives shall be surfaced with a minimum of two inches of asphaltic concrete paving or plant-mix surfacing, in compliance with County Department of Public Works Specification No. 38.

(e) *Dust-Proofing.* Truck terminals or yards and motor vehicle storage/impound facilities shall be provided with a dust-proofed surface of slag, crushed rock, or an equivalent measure.

(f) *Parking Areas for Nonresidential Uses Abutting Residential Uses.* Nonresidential parking areas that abut residential land use zoning districts shall be separated and buffered by a six-foot high solid fence or masonry wall. The solid fence or masonry wall shall be four feet in height within the required residential setback for residential uses.

(g) *Parking Areas Abutting Streets.* Where a boundary of a parking area abuts a street, a suitable concrete curb or barrier not less than six inches in height shall be securely installed and maintained where there is no solid fence or masonry wall.

(h) *Hours of Operation.* Except as otherwise provided by this Code, the required parking area shall not be used for a purpose other than the temporary parking of motor vehicles, during the operating hours of the supporting primary land use.

(i) *Parking Area Notices.* Parking area signs may be located in all land use zoning districts at the entrance or exit of a parking area, but shall not exceed six square feet in area and five feet in height. The signs may contain the name of the owner or occupant of the property and a combination of the following words and symbols only: "Parking," "Park Here," "Entrance," "Exit," "Do Not Enter," "Stop," "Private Parking," "Public Parking," "Customers Only," "Handicap Parking," no parking directional arrow, and "Tow Away" notice.

(Ord. 4011, passed - -2007)

§ 83.11.100 Commercial Vehicle Parking in Residential Areas.

(a) *Applicability.*

(1) *Residential Land Use Zoning Districts.*

(A) The provisions of this Section shall apply only to the Single Residential (RS), Multiple Residential (RM), Rural Living (RL), and Special Development (SD) land use zoning districts in the Valley Region and the Desert Region.

(B) Except as provided in Subdivision (b) (Acceptable Commercial Vehicles on Streets or Adjacent to Residential Uses), below, parking of commercial vehicles shall not be allowed in the Single Residential (RS), Multiple Residential (RM), Rural Living (RL), and Special Development land use zoning districts in the Mountain Region.

(2) *Nonresidential Land Use Zoning Districts.* In nonresidential land use zoning districts in the Valley, Mountain, and Desert Regions, commercial vehicle parking shall comply with the land use regulations established for the land use zoning district of the subject property.

(b) *Acceptable Commercial Vehicles on Streets or Adjacent to Residential Uses.* Except as provided in Title 5: Highways, Traffic, § 52.0125 (Weight Limitations), § 52.0128 (Restriction or Prohibition of Parking of Commercial Vehicles), and § 52.0131 (Prohibition of Certain Vehicles on Highways) of the County Code, commercial truck tractors, motor trucks, semi-trailers, or combinations of them, exceeding a manufacturer's

gross vehicle weight rating of 10,000 pounds, may be parked on public streets, roads, highways, alleys, or public rights-of-way adjacent to a residential use, or on a residential property as follows:

(1) While making pick-ups or deliveries of goods, wares, or merchandise from or to a property adjacent to or abutting upon streets or highways.

(2) When this type of vehicle is parked in connection with, and in aid of, the ongoing performance of a service to, or on, a property in the block where the vehicle is left standing. This includes the temporary parking of construction and similar types of service vehicles, as well as snow removal equipment in the mountain communities during the winter months. In remote mountain areas where there are no commercial or industrial land use zoning districts, service vehicles may be parked on residential parcels during other times of the year, provided they are covered. Where possible, they shall be parked behind the residence. The vehicles may project into the side and rear yard areas. A vehicle shall not be parked or left standing on the paved portion of a street, highway, or alley unless the paved portion of the half-width roadway is at least 22 feet wide.

(3) A vehicle that is used in conjunction with an approved Home Occupation Permit.

(c) *Commercial Vehicles at Residences.* An owner/operator of a commercial vehicle may park the vehicle at their residence under the following standards/conditions:

(1) The owner and operator of the vehicle shall be a resident of the home on the parcel where it is parked.

(2) Except as provided in Subdivision (11) below of this Subdivision, the commercial vehicle shall be parked off of the street and behind the front setback.

(3) The operator of the vehicle shall not idle the vehicle's engine for longer than ten minutes.

(4) A vehicle shall not be loaded or unloaded or have cargo transferred to or from the vehicle except during the first 24 hours during which a vehicle is mechanically disabled.

(5) A refrigeration unit on the vehicle shall not be operated between the hours of 8:00 p.m. and 8:00 a.m. unless the noise level of the operation is reduced to 45 dB(A) or less as measured at the property line in compliance with § 83.01.080 (Noise).

(6) No dispensing of fuel on-site in excess of ten gallons shall be allowed.

(7) The property owner shall provide appropriate design measures to minimize dust.

(8) Outdoor storage of equipment, materials, or supplies shall not be allowed.

(9) Mechanical work and routine maintenance or repair work that causes an excessive amount of noise shall be done off-site. The following maintenance work shall not be done on-site:

(A) Steam-cleaning or degreasing the vehicle.

(B) Welding.

(C) Use of pneumatic equipment, other than to repair a disabled vehicle.

(10) Parking shall be allowed in compliance with the following:

(A) *Desert Region.* One truck tractor with a trailer or semi-trailer may be parked on the owner/operator's residential parcel if it is at least one-half acre in size. One additional truck tractor with a trailer or semi-trailer, up to a maximum of three vehicles of this type, may be parked on the owner/operator's residential parcel for each additional one-half acre the parcel contains. Vehicles shall not be parked in compliance to this Subdivision unless all parts of the vehicle are at least five feet from each interior property line, at least 15 feet from public rights-of-way and easements, and at least 70 feet from a structure used for human habitation or public assembly (e.g., parks, churches, etc.) on adjoining properties. The area of human habitation shall not include cabanas, patios, attached, or detached private garages or storage structures.

(B) *Mountain Region.* Except as provided in Subdivision (A) of this Section, commercial vehicle parking in residential areas shall not be allowed in the Mountain Region.

(C) *Valley Region.* One truck tractor with a trailer or semi-trailer may be parked on the owner/operator's residential parcel if the parcel is at least one acre in size. Only one truck tractor with a trailer or semi-trailer may be parked on the parcel. A vehicle shall not be parked in compliance to this Subdivision unless all parts of the vehicle are at least five feet from each interior property line, at least 15 feet from public rights-of-way and easements, and at least 70 feet from a structure used for human habitation or public assembly (e.g., parks, churches, etc.) on adjoining properties. The area of human habitation shall not include cabanas, patios, attached or detached private garages or storage structures.

(D) *Parking on Vacant Parcels.* In the Valley Region and the Desert Region, commercial vehicles may be allowed on an adjacent vacant parcel under the same ownership as the owner/operator's residence

only when there is no access and/or adequate space to the rear or side of the residence, subject to compliance with all other conditions, including:

(I) Commercial vehicles parked on a vacant parcel shall be parked the same distance from the roadway as the owner/operator's residence.

(II) The commercial vehicle shall be parked within 20 feet of the fence line of the owner/operator's residential parcel.

(III) The commercial vehicle shall be parked perpendicular to the street and behind the front setback.

(IV) If needed, the additional square footage of the adjacent vacant parcel may be added to the subject parcel to meet the acreage area requirement listed in Subdivisions (A) and (C), above, of this Subdivision (10).

(11) Truck tractors may be parked in the driveway of the owner/operator's residential parcel of any size, provided the tractor is completely clear of public streets, sidewalks, and easements.

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

DIVISION 4: STANDARDS FOR SPECIFIC LAND USES AND ACTIVITIES

CHAPTER 84.01: ACCESSORY STRUCTURES AND USES

Section

- 84.01.010 Purpose.
- 84.01.020 General Development Standards.
- 84.01.030 Agricultural Accessory Structures and Uses.
- 84.01.040 Commercial and Industrial Accessory Structures and Uses.
- 84.01.050 Residential Accessory Structures and Uses.
- 84.01.060 Accessory Dwelling Units and Junior Accessory Dwelling Units.

§ 84.01.010 Purpose.

This Chapter establishes the regulations and criteria that determine the location of compatible accessory structures and uses within various land use zoning districts. The purpose of this Chapter is also intended to provide for the creation of accessory dwelling units and junior accessory dwelling units in accordance with applicable state law. If for any reason any provision in this Chapter is declared invalid, then all other provisions shall remain valid and enforceable.

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

§ 84.01.020 General Development Standards.

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

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

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

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

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

(f) *Location on Same or Contiguous Abutting Parcel.* Accessory structures or uses shall be located on either:

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

(2) A contiguous abutting parcel that is owned by the same owner who owns the parcel that has the primary structure or use, with the exception of guest housing and accessory dwelling units in compliance with § 84.01.050(a), below. An accessory use may or may not entail the use of a structure.

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

§ 84.01.030 Agricultural Accessory Structures and Uses.

This Section provides standards for accessory structures and uses that are related to a primary agricultural use.

(a) *Animal Keeping.* Animal keeping activities are governed by Chapter 84.04 (Animal Keeping).

(b) *Row Field Tree and Nursery Crop and Animal Product Sales Stand.* The retail trade of plant or animal products primarily grown on the subject property shall be allowed when displayed from one stand with a

floor area no larger than 200 square feet on parcels greater than 10,000 square feet in area. Standards for produce stands are provided in Chapter 84.03 (Agritourism Enterprises).

(c) *Caretaker Housing*. The caretaker dwelling unit shall be subject to accessory dwelling unit development standards in § 84.01.060(e).

(d) *Seasonal Labor Quarters*. Labor quarters for agricultural operations that are limited to three months of the year that encompass the harvest season of the agricultural product may utilize recreational vehicles as temporary labor quarters. A Site Plan Permit shall still be required to ensure proper services are supplied to the temporary laborers. Also, a Special Use Permit shall be required to monitor the use.

(Ord. 4011, passed - -2007; Am. Ord. 4057, passed - - 2008; Am. Ord. 4098, passed - -2010; Am. Ord. 4341, passed - -2018)

§ 84.01.040 Commercial and Industrial Accessory Structures and Uses.

This Section provides standards for accessory structures and uses that are related to primary commercial and industrial uses.

(a) *Exterior Storage*. Exterior storage shall comply with Title 3 (Health and Sanitation and Animal Regulations) of the County Code. Screening of exterior storage shall comply with § 83.02.060 (Screening and Buffering).

(b) *Caretaker Housing*. The caretaker dwelling unit shall be subject to accessory dwelling unit development standards in § 84.01.060(e).

(c) *Seasonal Labor Quarters*. Labor quarters for commercial or industrial operations that are limited to three months of the year may utilize recreational vehicles as temporary labor quarters. A Site Plan Permit shall still be required to ensure proper services are supplied to the temporary laborers. Also, a Special Use Permit shall be required to monitor the use. Failure to obtain both the Site Plan Permit and the Special Use Permit required under this subsection shall render the placement, use and/or occupancy of recreational vehicles or similar vehicles unlawful and subject to enforcement under Chapter 86.09 of this Title.

(Ord. 4011, passed - -2007; Am. Ord. 4057, passed - - 2008; Am. Ord. 4098, passed - -2010; Am. Ord. 4341, passed - -2018)

§ 84.01.050 Residential Accessory Structures and Uses.

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

(a) *Number of Accessory Residential Units*. In addition to a single-family or multi-family dwelling unit, ~~only one~~ a combination of two of the following additional accessory units shall be allowed on parcels less than five acres in size:

(1) ~~(1) Accessory Dwelling Unit.~~ An accessory dwelling unit shall be located on the same parcel as the primary dwelling unit, may be attached to, or located within, or detached from the primary dwelling units, and is no more than 1,200 square feet in size, and shall be separated from it by at least ten feet. Only one accessory dwelling unit shall be allowed per parcel. Additional accessory dwelling units may be allowed on parcels with multi-family dwelling structures pursuant to § 84.01.060 (g).

(2) Junior Accessory Dwelling Unit. A junior accessory dwelling unit shall be located on the same parcel as the primary dwelling unit, is attached to, or located within, the primary dwelling or accessory dwelling unit and is no more than 500 square feet in size. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure. Only one junior accessory dwelling unit shall be allowed per parcel.

~~(2) Caretaker Housing.~~ The caretaker dwelling unit shall be subject to accessory dwelling unit development standards in § 84.01.060(e).

(3) Guest House. Guest housing shall be located on the same parcel as the primary dwelling unit and shall be separated from it by at least ten feet. Guest housing shall be for use by temporary guests of the occupants of the primary dwelling unit and shall not be rented or otherwise used as a separate dwelling. Only one guest house shall be allowed. In the Single Residential (RS) or the Multiple Residential (RM) land use zoning districts on parcels less than 2.5 acres in size, the guest housing

unit shall not extend in front of the primary structure. The provisions of § 84.21.030(i) shall apply to a manufactured home used as guest housing.

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

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

(d) *Other Residential Accessory Structures and Uses.* Except in the Mountain Region, structures and uses such as cabanas, tennis courts, ramadas, water towers and wells, swimming pools, storage buildings shall not extend in front of the primary structure where the primary structure faces a street right-of-way. See § 83.02.080 (Allowed Projections into Setbacks).

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

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

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

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

(g) *Animal Keeping.* Accessory animal keeping shall be conducted as specified in Chapter 84.04 (Animal Keeping).

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

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

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

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

(l) *Storage of Firewood.* The storage of firewood shall comply with Chapter 84.09 (Firewood Storage). (Ord. 4011, passed - -2007; Am. Ord. 4043, passed - -2008; Am. Ord. 4057, passed - - 2008; Am. Ord. 4245, passed - -2014; Am. Ord. 4341, passed - -2018)

§ 84.01.060 Accessory Dwelling Units and Junior Accessory Dwelling Units.

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

(b) *Location Criteria.* Accessory dwelling units and junior accessory dwelling units shall be permitted where allowed in compliance with Division 2 (Land Use Zoning Districts and Allowed Land Uses) land use-zoning districts and on any lot site that contains a proposed or an existing single family dwelling. Accessory dwelling units and junior accessory dwelling units shall not be permitted in those areas where a development moratorium has been imposed, including a moratorium for water or sewer connection, whether imposed by the County or another public agency.

(c) *Common Ownership and Rental Terms.* Accessory dwelling units and junior accessory dwelling units are not intended for sale separate from the primary residence but may be rented separately from the primary residence in all regions of the County for a term longer than 30 days, or in the Mountain and Desert Regions for a term less than 30 days provided the short-term rental complies with Chapter 84.28 (Short-Term Residential Rentals) and is not a unit constructed pursuant to subdivision (g), below.

(d) *Types of Units.*

(1) Attached unit. An ~~attached~~ accessory dwelling unit may ~~be~~ either be attached to, or located within, the proposed or existing primary dwelling or an accessory structure, including garage, storage area or similar use. A junior accessory dwelling unit shall be located entirely within a proposed or existing primary dwelling or accessory dwelling unit. Attached units may have a separate entrance or share a common entrance with the primary dwelling, the living area of the proposed or existing primary dwelling.

(2) Detached Unit. An ~~detached~~ accessory dwelling unit may be detached from the proposed or existing primary dwelling, shall be smaller than the proposed or an existing single family dwelling. The detached accessory dwelling unit shall be considered the primary unit if it is a larger size than the primary dwelling.

~~(3) An accessory dwelling unit may be permitted if the unit is contained within the existing space of a single family residence or accessory structure provided that it has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety.~~

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

(1) Except as otherwise provided in this Chapter, the accessory dwelling units and junior accessory dwelling units shall comply with all development standards of the land use zoning designation in which the lot is located.

~~(2) A detached accessory dwelling unit shall be located at the rear or the side of the primary dwelling unless an approved Compatibility Determination determines that the accessory dwelling unit may be located in front of the primary dwelling due to special and extraordinary circumstances, such as the existing location of the primary dwelling or physical constraints of the lot.~~

~~(23)~~ Written confirmation from the sewer district having jurisdiction of the availability of sewer service for the accessory dwelling unit or written approval from the Division of Environmental Health Services for use on an existing or new septic system shall be obtained. Holding tanks shall not be permitted for accessory dwelling units.

~~(34)~~ Written confirmation from the water district having jurisdiction of the availability of water service for the accessory dwelling unit or written approval from the Division of Environmental Health Services for use of an existing or new well shall be obtained.

~~(45)~~ In addition to the requirements of § 84.01.020 (General Development Standards), the minimum accessory dwelling unit size will be determined by the current edition of the California Residential Code or as certified by California Department of Housing and Community Development. In no event shall the minimum square footage for either an attached or detached accessory dwelling unit prohibit an efficiency unit as defined in Section 17958.1 of the Health and Safety Code.

~~(56)~~ Approval for setbacks from the applicable Fire Department shall be required prior to the issuance of a building permit for an accessory dwelling unit.

~~(67)~~ Approval for site drainage, egress, and exit requirements from the Building and Safety Division shall be required prior to the issuance of a building permit for an accessory dwelling unit.

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

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

(2) (4) Setbacks.

~~(A) No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit or junior accessory dwelling unit. No setback shall be required for an existing garage that is converted to an accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage. Note: due to safety concerns, garage conversions or accessory dwelling unit additions above a garage shall not be exempt from roadway setback requirements in the Mountain-Region.~~

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

(23) **Fire Sprinklers.** Accessory dwelling units and junior accessory dwelling units are not required to provide fire sprinklers if they are not required for the primary dwelling.

~~(4) —(3)—Utility Connections. Unless an accessory dwelling unit is constructed with a new single-family dwelling, an applicant is not required to install new or separate utility connections and shall not be subject to separate utility connection fee or capacity charge for an accessory dwelling unit described in paragraph (1) of subdivision (g), below.~~

~~Accessory dwelling units that are constructed within the existing space of a dwelling unit or existing accessory structure are not required to install new or separate utility connections and shall not be subject to separate utility connection fee or capacity charge.~~

~~(3)(5) —(g)—Parking Exemptions. Parking.~~ The parking requirements for accessory dwelling units, as set forth in Chapter 83.11 (Parking and Loading Standards), shall not apply in any of the following instances:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~—(1) The accessory dwelling unit is located within one-half mile of public transit.~~

~~—(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.~~

~~—(3) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.~~

~~—(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.~~

~~—(5) When there is a car share vehicle located within one block of the accessory dwelling unit.~~

~~(Ord. 4341, passed —2018; Am. Ord. 4371, passed —2019)~~

DIVISION 10
CHAPTER 810.01: DEFINITIONS

Section

810.01.010	Purpose.
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810.01.260	Definitions, X.
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§ 810.01.010 Purpose.

This Chapter provides definitions of terms and phrases used in this Development Code, many of which are technical or specialized, or that may not reflect common usage. If any of the definitions in this Chapter conflict with definitions in other provisions of the County Code, these definitions shall control for the purposes of this Development Code. If a word is not defined in this Chapter, within the text of this Development Code or in other provisions of the San Bernardino County Code, the Director shall determine the correct definition.

(Ord. 4011, passed - -2007)

§ 810.01.020 Definitions of Specialized Terms and Phrases.

As used in this Development Code, the following terms and phrases shall have the meaning ascribed to them in this Section, unless the context in which they are used clearly requires otherwise. Whenever the word or phrase being defined is followed by “(See Land Use Tables.),” the word or phrase is used in the land use tables in Division 2 (Land Use Zoning Districts and Allowed Land Uses).

(Ord. 4011, passed - -2007)

§ 810.01.030 Definitions, A.

(a) **ACCESS.** The physical arrangement for ingress to and egress from a parcel or structure (e.g., driveway, walkway, stairs, etc.)

(1) **ACCESS ENVELOPE.** An area delineated on the site plan to which all clearing and land disturbance for construction of access must be defined.

(2) **ACCESS RIGHTS.** The right, claim, title or privilege of access, by pedestrians or vehicles, or a

public road or way.

(3) **APPROVED ACCESS.** See **APPROVED ACCESS.**

(4) **LEGAL ACCESS.** For divisions of land resulting in parcels of less than 20 acres, legal access is defined as:

(A) A dedicated right-of-way;

(B) A dedication to the County of San Bernardino and to the public in general, an easement for public road, County highway and public utility purposes of a width as established by the Circulation Element of the General Plan. The easement or road constructed on the dedicated land shall not become a County highway until and unless the Board of Supervisors by appropriate resolution, has caused the road to be accepted into the County Maintained Road System;

(C) An existing traveled way that is substantially in compliance with County road standards, where a prescriptive right by the user has been established for public use by court decree.

(D) Private road easement.

(5) **NON-ACCESS.** Access rights that have been relinquished by appropriate dedication certificate and labeled on a recorded final map and/or parcel map.

(6) **NONVEHICULAR ACCESS.** Vehicular access rights to abutting lots or right-of-way have been relinquished by appropriate dedication certificate and labeled on a recorded Final Map and/or Parcel Map or by separate instrument.

(7) **VEHICULAR ACCESS RIGHTS.** The right of access of owners or occupants of abutting lands to a public road or way, other than as pedestrians.

(b) **ACCESSIBILITY FOR THE DISABLED.** Accessible services, structure or facilities are those that may be entered and used by individuals despite handicapping conditions. Accessibility also includes responding to the needs of people with sight or hearing disabilities, in addition to those with developmental, activity, manual or mobility impairments, so that they may enjoy the full and free use of those services, structures or facilities.

(c) **ACCESSORY BUILDING SIGN.** See **SIGN.**

(d) **ACCESSORY CROP PRODUCTION.** (See Land Use Tables.) One or more of the activities included in the definition of “Crop Production, Horticulture, Orchard, Vineyard” occurring incidental to a primary residential use on the same site. This does not include wholesale or retail nurseries.

(e) **ACCESSORY DWELLING.** (See Land Use Tables.) A dwelling unit that is accessory and incidental to a primary agricultural, residential, commercial, industrial or institutional land use on the same site, and is for the purpose of providing a residence for one or more people needed to maintain, operate and/or secure the primary non-residential land use on the property. Accessory dwellings include:

(1) **CARETAKER HOUSING.** The residential occupancy of a dwelling unit by the owners, operators or caretaker employed to guard or operate part or all of the site where the caretaker dwelling is located as an accessory use. The caretaker unit may be located either above the first floor or behind a primary commercial use.

(2) **LABOR QUARTERS.** Residential occupancy of single or multiple dwelling units with individual, shared or no kitchen facilities to provide housing for the employees and their families of agricultural, mining, logging, major construction, scientific exploration or other remote land uses.

(f) **ACCESSORY DWELLING UNIT.** Attached or a detached residential dwelling unit, not considered to exceed the allowable density of the parcel, which provides complete independent living facilities for one or more persons with permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multi-family dwelling is situated. An accessory dwelling unit includes an efficiency unit, as defined in § 17958.1 of the Health and Safety Code, and a manufactured home, as defined in § 18007 of the Health and Safety Code. To be considered detached, the roofs between the primary structure and the accessory structure must be at least ten feet apart.

(g) **ACCESSORY OFFICE.** See **OFFICE.**

(h) **ACCESSORY STRUCTURE.** A subordinate structure, the use of which is incidental to that of the main structure on, or main use of, the land. The use of an accessory structure may be for either a primary or an accessory use allowed by the appropriate land use zoning district.

(1) **AGRICULTURAL ACCESSORY STRUCTURE.** (See Land Use Tables.) A structure for sheltering animals, or agricultural equipment (e.g., tools, supplies, hay, feed, etc.). Examples of these structures include barns, non-commercial greenhouses, coops, corrals, and pens. Does not include pasture

fencing, which requires no County approval when in compliance with Chapter 83.06 (Fences, Hedges, and Walls).

(2) **RESIDENTIAL ACCESSORY USE OR STRUCTURE.** (See Land Use Tables.) Any use and/or structure that is customarily a part of, and clearly incidental and secondary to a residence, and does not change the character of the residential use. This definition includes the following detached accessory structures, and other similar structures normally associated with a residential use of property. See also **AGRICULTURAL ACCESSORY STRUCTURE.**

garages	studios
gazebos	swimming pools
greenhouses (non-commercial)	tennis and other on-site sports courts
spas and hot tubs	workshops
storage sheds	

Also includes the indoor storage of automobiles, personal recreational vehicles and other personal property, accessory to a residential use.

(i) **ACCESSORY USE.** (See Land Use Tables.) A subordinate use, which may be permanent or temporary. The use is incidental and supported by the primary use. Example: A carport or garage for a single-family dwelling.

(j) **ACCESSORY WIND ENERGY SYSTEM.** See **WIND ENERGY SYSTEM.**

(k) **ACTION.** The decision made by the Director on a land use application coupled together with the appropriate findings, environmental determination and conditions of approval.

(l) **ACTIVE THERMAL SYSTEM.** See **THERMAL SYSTEM, ACTIVE.**

(m) **ADULT BUSINESS.** (See Land Use Tables). In addition to any other definitions contained in the Development Code, the following words and phrases shall, for the purpose of this Title, be defined as follows, unless it is clearly apparent from the context that another meaning is intended. Should any of the definitions be in conflict with any current provisions of the Development Code, these definitions shall prevail.

(1) **ADULT ARCADE** shall mean a business establishment to which the public is permitted or invited and where coin, card or slug operated or electronically, electrically or mechanically controlled devices, still or motion picture machines, projectors, videos, holograms, virtual reality devices or other image producing devices are maintained to show images on a regular or substantial basis, where the images so displayed are distinguished or characterized by an emphasis on matter depicting or describing “specified sexual activities” or “specified anatomical areas.” Such devices shall be referred to as “adult arcade devices.”

(2) **ADULT RETAIL STORE** shall mean a business establishment having as a regular and substantial portion of its stock in trade, “adult oriented material.”

(3) **ADULT BOOTH/INDIVIDUAL VIEWING AREA** shall mean a partitioned or partially enclosed portion of an adult business used for any of the following purposes:

(A) Where a live or taped performance is presented or viewed, where the performances and/or images displayed or presented are distinguished or characterized by their emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas;” or

(B) Where “adult arcade devices” are located.

(4) **ADULT BUSINESS** shall mean:

(A) A business establishment or concern that as a regular and substantial course of conduct operates as an adult retail store, adult motion picture theater, adult arcade, adult cabaret, adult motel or hotel, adult modeling studio; or

(B) A business establishment or concern which as a regular and substantial course of conduct offers, sells or distributes “adult oriented material” or “sexually oriented merchandise,” or which offers to its patrons materials, products, merchandise, services or entertainment characterized by an emphasis on matters depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” but not including those uses or activities which are preempted by state law.

(5) **ADULT CABARET** shall mean a business establishment (whether or not serving alcoholic beverages) that features “adult live entertainment.”

(6) “**ADULT CABARET DANCER** shall mean any person who is an employee or independent contractor of an “adult cabaret” or “adult business” and who, with or without any compensation or other form of consideration, performs as a sexually oriented dancer, exotic dancer, stripper, go go dancer or similar dancer whose performance on a regular and substantial basis focuses on or emphasizes the adult cabaret dancer’s breasts, genitals, and/or buttocks, but does not involve exposure of “specified anatomical areas” or depicting or engaging in “specified sexual activities.” **ADULT CABARET DANCER** does not include a patron.

(7) **ADULT HOTEL/MOTEL** shall mean a “hotel” or “motel” (as defined in the County Code) that is used for presenting on a regular and substantial basis images through closed circuit television, cable television, still or motion picture machines, projectors, videos, holograms, virtual reality devices or other image producing devices that are distinguished or characterized by the emphasis on matter depicting or describing or relating to “specified sexual activities” or “specified anatomical areas.”

(8) **ADULT LIVE ENTERTAINMENT** shall mean any physical human body activity, whether performed or engaged in, alone or with other persons including, but not limited to, singing, walking, speaking, dancing, acting, posing, simulating, wrestling or pantomiming, in which:

(A) The performer (including, but not limited to, topless and/or bottomless dancers, go go dancers, exotic dancers, strippers, or similar performers) exposes to public view, without opaque covering, “specified anatomical areas;” and/or

(B) The performance or physical human body activity depicts, describes, or relates to “specified sexual activities” whether or not the specified anatomical areas are covered.

(9) **ADULT MODELING STUDIO** shall mean a business establishment which provides for any form of consideration, the services of a live human model, who, for the purposes of sexual stimulation of patrons, displays “specified anatomical areas” to be observed, sketched, photographed, filmed, painted, sculpted, or otherwise depicted by persons paying for such services. **ADULT MODELING STUDIO** does not include schools maintained pursuant to standards set by the Board of Education of the State of California.

(10) **ADULT MOTION PICTURE THEATER** shall mean a business establishment, with or without a stage or proscenium, where, on a regular and substantial basis and for any form of consideration, material is presented through films, motion pictures, video cassettes, slides, laser disks, digital video disks, holograms, virtual reality devices, or similar electronically generated reproductions that is characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”

(11) **ADULT ORIENTED MATERIAL** shall mean accessories, paraphernalia, books, magazines, laser disks, compact discs, digital video disks, photographs, prints, drawings, paintings, motion pictures, pamphlets, videos, slides, tapes, holograms or electronically generated images or devices including computer software, or any combination thereof that is distinguished or characterized by its emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas.” **ADULT ORIENTED MATERIAL** shall include “sexually oriented merchandise.”

(12) **ESTABLISHMENT OF AN ADULT BUSINESS** shall mean any of the following:

(A) The opening or commencement of any “adult business” (as defined above) as a new business;

(B) The conversion of an existing business, whether or not an “adult business,” to any “adult business;”

(C) The addition of any “adult business” to any other existing “adult business;”

(D) The relocation of any “adult business;” or

(E) Physical changes that expand the square footage of an existing “adult business” by more than ten percent.

(13) **OWNER/LICENSE HOLDER** shall mean any of the following:

(A) The sole proprietor of an adult business;

(B) Any general partner of a partnership that owns and operates an adult business;

(C) The owner of a controlling interest in a corporation or L.L.C. that owns and operates an adult business; or

(D) The person designated by the officers of a corporation or the members of an L.L.C. to be the license holder for an adult business owned and operated by the corporation.

(14) **NON-PERFORMER** shall mean a person who is an employee or independent contractor of an

adult business who works in that adult business during regular business hours. This shall not include after hours workers providing janitorial, trash or similar after hours services.

(15) **PERFORMER** shall mean a person who is an employee or independent contractor of an adult business or any other person who, with or without any compensation or other form of consideration, provides “adult live entertainment” for patrons of an “adult business.”

(16) **SEXUALLY ORIENTED MERCHANDISE** shall mean sexually oriented implements, paraphernalia, or novelty items such as, but not limited to: dildos, auto sucks, sexually oriented vibrators, benwa balls, inflatable orifices, anatomical balloons with orifices, simulated and battery operated vaginas, and similar sexually oriented devices which are designed or marketed primarily for the stimulation of human genital organs or sado masochistic activity or distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas.”

(17) **SPECIFIED ANATOMICAL AREAS** shall mean and include any of the following:

(A) Less than completely and opaquely covered, and/or simulated to be reasonably anatomically correct, even if completely and opaquely covered human:

(I) Genitals, pubic region;

(II) Buttocks, anus; or

(III) Female breasts below a point immediately above the top of the areola; or

(B) Human male genitals in a discernibly turgid state, even if completely or opaquely covered.

(18) **SPECIFIED SEXUAL ACTIVITIES** shall mean and include any of the following, irrespective of whether performed directly or indirectly through clothing or other covering:

(A) Human genitals in a state of sexual stimulation or arousal; and/or

(B) Acts of human masturbation, sexual stimulation or arousal; and/or

(C) Use of human or animal ejaculation, sodomy, oral copulation, coitus or masturbation; and/or

(D) Masochism, erotic or sexually oriented torture, beating, or the infliction of pain, or bondage and/or restraints; and/or

(E) Human excretion, urination, menstruation, vaginal or anal irrigation; and/or

(F) Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

(n) **ADVERTISING, OUTDOOR.** See **OUTDOOR ADVERTISING.**

(o) **ADVERTISING STRUCTURE.** Any structure of any kind or character erected or maintained for advertising purposes, upon which any advertising sign may be placed, including advertising statuary.

(p) **AFFORDABLE HOUSING.** Housing with the contract rent or price, including all housing costs, which is affordable by low and very low (lower and low or moderate) income households as defined by the Department of Housing and Urban Development (HUD) pursuant to the United States Housing Act of 1937 for the Riverside-San Bernardino Primary Metropolitan Statistical Area (PMSA).

(q) **AFFORDABLE HOUSING COST.** The cost defined in the Health and Safety Code § 50052.5 for owner-occupied and tenant-occupied units. The housing manager, on or about July 1 of each calendar year shall publish the maximum affordable housing costs for sales prices and rents as calculated in compliance with the applicable provisions of the Health and Safety Code.

(r) **AFFORDABLE RENT.** An amount based on the Section B existing program fair market rates established in compliance with 24 C.F.R. pt. 882 effective at the time of occupancy less the utility allowance then in effect.

(s) **AFFORDABLE RENT - LOWER INCOME.** A monthly rent that does not exceed an amount determined by calculating 30 percent of 50 percent of the San Bernardino median income (as published annually by the State Department of Housing and Community Development) adjusted in the case of a studio unit for one person household, in the case of a one bedroom unit for a two person household, in the case of a two bedroom unit for a three person household and in the case of a three bedroom unit for a four person household. For the current published median income, go to <http://housing.hcd.ca.gov/hpd/hrc/rep/state/incNote.html>.

(t) **AFFORDABLE UNIT.** An ownership or rental-housing unit, including senior housing, occupied by and available to households of low and very low incomes at an affordable housing cost, adjusted for household size as defined in Chapter 83.03 (Affordable Housing Incentives - Density Bonus), with deed restrictions as identified in Chapter 83.03 in favor of the County.

(u) **AGRICULTURE.** The tilling of soil, the raising of crops, horticulture, small livestock farming, dairying or animal husbandry. This includes all uses customarily incidental thereto, except the following:

slaughterhouses, feed yards, hog farms, fertilizer works, bone yards, plants for the reduction of animal matter, or any other industrial or agricultural use that is determined by the Planning Commission to be similarly objectionable because of noise, odor, smoke, dust or fumes.

(v) **AGRICULTURAL ACCESSORY STRUCTURE.** (See Land Use Tables.) See **ACCESSORY STRUCTURE.**

(w) **AGRICULTURAL COMMISSIONER.** The Agricultural Commissioner of San Bernardino County or authorized designee.

(x) **AGRICULTURAL GRADING.** Grading on land designated for exclusive agricultural use. See also **GRADING.**

(y) **AGRICULTURAL PRESERVE.** Designated areas of existing, viable and productive agricultural land within which land conservation contracts can be enforced under the provisions of the California Land Conservation Act of 1965 (Williamson Act), to stay in agricultural use for a designated period of time. Under the contracts, the property owner is granted certain tax advantages for the continuation of agricultural use of the land.

(z) **AGRICULTURAL PRODUCE SALES STAND.** (See Land Use Tables.) See **PRODUCE STAND.**

(aa) **AGRICULTURAL SUPPORT SERVICE.** (See Land Use Tables.) A use that directly supports or that is accessory or incidental to an established agricultural use within the general vicinity. These services do not adversely affect surrounding properties, groundwater or infrastructure, are supportive of the farm community, and are fully compatible with agricultural uses. These uses include:

(1) Agricultural chemicals, fuel and fuel oil, nonflammable bottled gas.

(2) Animal husbandry services, veterinary services for large and small animals, horseshoeing, agricultural processing.

(3) Animal waste processing, stockyards, organic fertilizer, feed lots.

(4) Farm machinery equipment and supplies, display, sale and repair.

(5) Farm produce sales and supply (feed, hay, grain and grain products, fertilizer).

(6) Farm products packaging and processing.

(7) Feed storage, farm products warehousing and storage (except stockyards).

(bb) **AGRICULTURE LAND, PRIME.** Includes any of the following:

(1) All land that qualifies for a rating as Class I or Class II in the Resource Conservation District land use capability classifications.

(2) Land that qualifies for a rating 80 through 100 in the State Storie Index Rating.

(3) Land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture.

(4) Land planted with fruit or nut bearing trees, vines, bushes or crops that have a nonbearing period of less than five years and that will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than \$200.00 per acre.

(5) Land from which the production of unprocessed agricultural plant products has returned an annual gross value of not less than \$200.00 per acre for three of the previous five years.

(cc) **AGRICULTURAL USE.** The use of land for the cultivation of food or fiber or the grazing or pasturing of livestock, usually for commercial purposes.

(dd) **AGRITOURISM.** The act of visiting a working farm, ranch, agricultural, or horticultural operation for the purpose of active involvement in the educational, entertainment, or recreational activities offered by the farm or operation.

(ee) **AGRITOURISM ENTERPRISE.** (See Land Use Tables.) An enterprise conducted by an owner of a working farm, ranch, agricultural, or horticultural operation in order to generate income for the farm or operation that is in addition to income derived from the primary farming, ranching, or agricultural activities. Activities and events are designed to educate the public about farming and ranching activities; promote the heritage and culture of farming, ranching, and a rural lifestyle, and promote the products of a farm or ranch. Activities and events may take place indoors or outdoors. Indoor facilities may include classrooms, meeting rooms, overnight accommodations, party facilities, renovated barns, etc. Outdoor facilities may include picnicking areas, trails, riding rings, paddocks, and similar areas for education, entertainment, and recreation. Examples of activities and events include:

Agricultural food and craft shows	Harvest festivals
Agricultural heritage museums and tours	Hayrides
Barn dances (including square dancing)	Historical reenactments (e.g., Revolutionary War or Civil War battle reenactments)
Cattle drives	Living history events where families can experience the lives of 18th or 19th century farmers, pioneers, ranchers, etc.
Cider pressing/tasting	Horse and pony rides
Craft skills demonstrations (weaving, candle dipping, clothes making, etc.)	Living History displays
Crop mazes	Music festivals
Educational and interpretive seminars, clinics, walks, workshops	Pet farms
Farm equipment displays	Picnicking
Farm visits	Ranch skills demonstrations (horseshoeing, leatherwork, camp cooking, horse training, etc.)
Food festivals	Retreats
Food service	School tours
Gardens (harvesting flowers, greenery, herbs, dried flowers, berries, vegetables)	Storytelling
Gift shops	Wagon rides
Guided crop tours	Wine tasting
	U-pick farm or orchard

(ff) **AIRPORT** or **HELIPORT**. (See Land Use Tables.) Any area of land or water designed and set aside for the landing and taking off of any aircraft. An airport or heliport must be utilized in the interest of the public for these purposes, have a valid airport permit from the State of California Aeronautics Division, have airspace clearance as required by the Federal Aviation Agency, and have approval under the County Adopted General Plan of Airports. Military airports are not required to obtain the listed Federal, State, or County approvals.

(gg) **AIRPORT HAZARD**. Any structure or tree or use of land that obstructs the airspace required for the flight of aircraft in landing or taking off at an airport, or is otherwise hazardous to the landing or taking off of aircraft.

(hh) **ALIQUOT PART**. A notation used by the Public Land Survey System to represent the exact subdivision of a section of land. Aliquot parts are described as a half or quarter of the largest subdivision of the section, except fractional lots which cannot be described by aliquot parts. The divisions shall not be less than five acres.

(ii) **ALLEY**. A public thoroughfare, not exceeding 30 feet in width for the use of pedestrians or vehicles, that affords only a secondary means of access to the abutting property.

(jj) **ALLUVIAL FAN**. See **FLOOD HAZARD**.

(kk) **ALQUIST-PRIOLO EARTHQUAKE FAULT ZONING ACT**. Also, formerly known as the Alquist-Priolo Special Studies Zones Act of 1972 (Public Resources Code §§ 2621 *et seq.*). The purpose of this Act is to provide for public safety in hazardous fault zones. The Act requires the delineation of potential damage areas along known active faults throughout California. It requires local governments to withhold approval of construction permits in those zones until geologic investigation has determined that the site is not threatened by surface displacement from future faulting.

(ll) **ALTERATIONS**. See **STRUCTURAL ALTERATIONS**.

(mm) **AMBULANCE, TAXI, OR LIMOUSINE DISPATCH FACILITY**. (See Land Use Tables.) A base facility where ambulances, taxis, limousines, armored cars, tow trucks, and similar vehicles for

specialized transportation are stored, and from which they are dispatched, and/or where ambulance vehicles and crews not based at a hospital or fire department stand by for emergency calls. Does not include storage facilities for towed vehicles, which is classified under **STORAGE - VEHICLE**.

(nn) **ANIMAL KEEPING**. (See Land Use Tables.) See Chapter 84.04 (Animal Keeping) and Chapter 82.07 (Additional Agricultural Overlay District).

(oo) **ANIMALS, BENEFICIAL OR ENDANGERED**.

(1) **BENEFICIAL**. Those species that do not contribute to a strain on an ecosystem. They may also serve to eradicate pest species for agricultural or health purposes.

(2) **ENDANGERED**. An animal species that has been diminished in quantities sufficiently large enough to raise questions regarding the future propagation of the species.

(pp) **ANIMAL HOSPITAL**. See **VETERINARY CLINIC, ANIMAL HOSPITAL**. (See Land Use Tables.)

(qq) **ANIMAL-PROOFED**. Resistant to animals (such as dogs, coyotes, raccoons) opening, tipping over or otherwise gaining access to trash thereby causing trash to be scattered.

(rr) **ANTENNA**. See **WIRELESS TELECOMMUNICATION FACILITY**.

(ss) **ANTI-DRAIN VALVE**. A valve that has been designed to be located under a sprinkler head to help keep water within the irrigation system and to prevent the drainage of the sprinkler head when the system is non-operational.

(tt) **APPAREL AND OTHER FINISHED PRODUCTS**. See **MANUFACTURING OPERATION I AND II**.

(uu) **APPLICATION RATE**. The depth of water that has been applied to a given area, measured in inches per minute, or inches per hour, or gallons per hour.

(vv) **APPLIED WATER**. The portion of water that is supplied by an irrigation system for landscaped areas.

(ww) **APEX**. See Flood Hazard.

(xx) **APARTMENT**. A room, or suite of rooms that when combined constitute a single dwelling unit in a multiple dwelling structure and that are designed for, intended for, suitable as a residence for, and/or occupied by one family.

(yy) **APPLICANT**. The property owner(s), or authorized agent of the owner(s) who is legally authorized to act for the owner(s) of record.

(zz) **APPROVED ACCESS**.

(1) A dedicated right-of-way to the County of San Bernardino, an easement for public road, County Highway and public utility purposes, of a width as established by the Circulation Element of the County General Plan. The road constructed thereon shall not be brought into the County maintained road system until unless the Board of Supervisors of the County of San Bernardino, by appropriate resolution, has caused the road to be accepted into the County Road System.

(2) An existing traveled way where a prescriptive right by user has been established for public use by a Court decree.

(3) A traveled way that was in existence before 1967, as determined by the County Surveyor. The traveled way must connect to a publicly maintained roadway and must meet each of the following criteria:

(A) Have all-weather capability for normal passenger car use.

(B) Be of adequate width to provide two-way vehicular access.

(C) Be improved and maintained by the use of hand or power machinery or tools in order to allow relatively regular and continuous use. A traveled way maintained solely by the passage of vehicles does not constitute **APPROVED ACCESS**.

(4) **APPROVED ACCESS** shall not be approved by the County Surveyor unless the access:

(A) Substantially conforms to the alignment shown in the Circulation Element of the County General Plan or Community Plan where applicable; and

(B) May practically and feasibly be applied to road use. The approved access provisions apply to divisions of land resulting in lots of 20 acres or more.

(aaa) **APPROVED STRUCTURE**. See **STRUCTURE, APPROVED**.

(bbb) **ARCHITECTURAL LIGHTING**. See **LIGHTING, OUTDOOR**.

(ccc) **AREA OF REGIONAL SIGNIFICANCE**. See **SURFACE MINING OPERATIONS**.

(ddd) **AREA OF SHALLOW FLOODING**. See **FLOOD HAZARD**.

- (eee) **AREA OF SPECIAL FLOOD HAZARD.** See **FLOOD HAZARD.**
- (fff) **AREA OF STATEWIDE SIGNIFICANCE.** See **SURFACE MINING OPERATIONS.**
- (ggg) **ART GALLERY.** See **LIBRARY.**
- (hhh) **ATTACHED LIGHTING.** See **LIGHTING, OUTDOOR.**
- (iii) **AUCTION YARD.** See **SWAP MEET, OUTDOOR MARKET, AUCTION YARD.**

(jjj) **AUTO AND VEHICLE SALES AND RENTAL.** (See Land Use Tables.) A retail or wholesale establishment selling and/or renting automobiles, trucks and vans, trailers, motorcycles, and bicycles (bicycle sales are also included under **GENERAL RETAIL**). Vehicles for sale may be displayed outdoors or indoors, as authorized by the required Conditional Use Permit.

May also include repair shops and the sales of parts and accessories, incidental to vehicle dealerships. Does not include: the sale of auto parts/accessories separate from a vehicle dealership; mobile home, recreational vehicle, or watercraft sales (see **MOBILE HOME, RV AND BOAT SALES**); tire recapping establishments; businesses dealing exclusively in used parts, (see **RECYCLING - SCRAP AND DISMANTLING YARDS**); or **SERVICE STATIONS**, which are separately defined.

- (kkk) **AUTOMOBILE PARKING SPACE.** See **PARKING SPACE, AUTOMOBILE.**

(Ord. 4011, passed - -2007; Am. Ord. 4043, passed - -2008; Am. Ord. 4085, passed - -2009; Am. Ord. 4098, passed - -2010; Am. Ord. 4136, passed - - 2011; Am. Ord. 4239, passed - -2014; Am. Ord. 4341, passed - - 2018)

§ 810.01.040 Definitions, B.

- (a) **BACKFLOW PREVENTION DEVICE.** A safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.
- (b) **BACKFILLING.** As it pertains to landscape construction, is the refill of an excavation area, usually with native soil material that has been excavated from the project site.
- (c) **BAIL BOND SERVICE.** (See Land Use Tables.) A business that provides bail bonds for incarcerated persons.
- (d) **BAR/TAVERN.** (See Land Use Tables.) A business in which alcoholic beverages are sold for on-site consumption and that is not part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May also include beer brewing as part of a microbrewery (“brew-pub”), and other beverage tasting facilities. Does not include adult oriented businesses (see **ADULT-ORIENTED BUSINESS**).
- (e) **BASE FLOOD.** See **FLOOD HAZARD.**
- (f) **BASEMENT** or **CELLAR.** A room of a structure partly or wholly underground and having more than one-half of its height below the average level of the adjoining ground. A basement, having more than one-half of its height above the average level of the adjoining ground, shall be considered a story.
- (g) **BED AND BREAKFAST INN (B&B).** (See Land Use Tables.) An accessory use to a single dwelling where a limited or specified number of guest rooms are made available to transient guests for rent to provide overnight sleeping accommodations on a less than weekly basis. Bed and Breakfast Uses are subdivided into three basic categories as follows:
 - (1) **HOST HOME.** A single dwelling containing one to two guest rooms that are available for rent to transient guests to provide sleeping accommodations on a less than weekly basis where the dwelling is occupied by the owner of the property.
 - (2) **BED AND BREAKFAST HOME.** A single dwelling containing three to five guest rooms that are available for rent to transient guests to provide sleeping accommodations on a less than weekly basis where the dwelling is occupied by the owner of the property.
 - (3) **BED AND BREAKFAST INN/LODGE.** An existing single dwelling that has been designated a Historical Structure containing a at least of six but no more than 10 guest rooms that are available for rent to transient guests to provide sleeping accommodations on a less than weekly basis where the dwelling is occupied by the owner of the property.
- (h) **BENEFICIAL ANIMALS.** See **ANIMALS.**
- (i) **BLOCK.** The property abutting on one side of a street between two nearest intersection streets, railroad right-of-way or other natural barrier, provided however, that where a street curves so that any two chords thereof form an angle of 120 degrees or less measured on the lot side, each curve shall be construed as an intersection street.
- (j) **BOARD** or **BOARD OF SUPERVISORS.** The Board of Supervisors of the County of San

Bernardino, State of California.

(k) **BOARDING HOUSE.** A dwelling with not more than five guest rooms, with not more than one person per room, where lodging and meals are provided for compensation on a weekly or greater basis, not including those facilities defined as social care facilities.

(l) **BOAT SALES.** See **MOBILE HOME, BOAT OR RV SALES.**

(m) **BORROW PIT.** See **SURFACE MINING OPERATIONS.**

(n) **BROADCASTING ANTENNAE AND TOWERS.** (See Land Use Tables.) Any structure or device (e.g., antennas, towers, etc.) used for radio and television broadcasting and receiving.

(o) **BROADCASTING STUDIO.** (See Land Use Tables.) Commercial and public communications use including radio and television broadcasting and receiving stations and studios, with facilities entirely within buildings. Does not include transmission and receiving apparatus, including antennas and towers, which are instead defined under **BROADCASTING ANTENNAE AND TOWERS.**

(p) **BUFFER.** A strip of land established to separate incompatible or different land uses. Normally a buffer area is landscaped and retained as open space. The term may be used more broadly to describe any area or use that separates two unlike land uses, such as the use of multi-family housing between single-family housing and commercial uses.

(q) **BUILDING.** Any structure built for the support, shelter or enclosure of persons, animals, fowl, chattels or property of any kind.

(r) **BUILDING AND LANDSCAPE MATERIALS SALES.** (See Land Use Tables.) A retail establishment selling hardware, lumber and other large building materials, plant materials, and other landscaping materials. Includes paint, wallpaper, glass, fixtures. Includes all these stores selling to the general public, even if contractor sales account for a major proportion of total sales. An establishment that primarily sells electrical, plumbing, heating, and air conditioning equipment and supplies is classified in **WHOLESALE AND DISTRIBUTION.**

(s) **BUILDING COVERAGE.** The alterations of a lot by the creation of surface area upon which a building rests. It is the building footprint. The percentage surface coverage does not include roadways, swimming pools, tennis courts, solar collection devices or related apparatus. See also **LOT COVERAGE.**

(t) **BUILDING ENVELOPE.** The area delineated on development plans in which all clearing and land disturbance for building construction must be confined unless otherwise authorized by this Development Code. If not delineated, it is the area of a lot not included within a required front yard, rear yard, side yard or side street yard setback area, or any recorded easement, or offer of dedication.

(u) **BUILDING HEIGHT.** See § 83.02.040 (Height Measurement and Height Limit Exceptions).

(v) **BUILDING OFFICIAL.** The Deputy Director of Land Use Services for Building and Safety, charged with the administration and enforcement of this Development Code, or an authorized designee.

(w) **BUILDING SITE.** The ground area occupied or to be occupied by a building or group of buildings, together with all open spaces as required by this Development Code.

(x) **BUSINESS STRUCTURE.** See **STRUCTURE, BUSINESS OR INDUSTRIAL.** (Ord. 4011, passed - -2007; Ord. 4136, passed--2011)

§ 810.01.050 Definitions, C.

(a) **CAFÉ.** See **RESTAURANT, CAFÉ, COFFEE SHOP** (See Land Use Tables).

(b) **CALF GROWING RANCH.** Any premises used for the raising or keeping of ten or more weaned calves.

(c) **CALIFORNIA BUILDING CODE.** The currently adopted edition of the California Building Code with California Amendments as published by the International Conference of Building Officials.

(d) **CAMOUFLAGE FACILITY.** See **WIRELESS TELECOMMUNICATION FACILITY.**

(e) **CAMP or CAMPGROUND.** (See Land Use Tables.) A site used or intended for use for temporary occupancy by campers traveling by automobiles or otherwise, which may include individual campsites, but where utility hookups for recreational vehicles are typically not provided. See also **RECREATIONAL VEHICLE PARK.** Other types of camping facilities regulated by this Development Code include the following.

(1) **CAMP, ORGANIZED.** A site with program and facilities established for the primary purpose of providing an outdoor group living experience with social, spiritual, educational, or recreational objectives normally for five days or more during one or more seasons of the year.

(A) These camps are located on a permanent site and have a well-defined program of organized

supervised activities in which campers are required to participate. There is present at the camp a qualified program director and a staff adequate to carry out the daily program activities, which are mainly out of doors.

(B) An establishment that rents or leases facilities on an individual family or group basis for the principal purpose of sporting or other unorganized recreational activities are not considered an organized camp.

(2) **CAMP, PUBLIC.** A site used or intended to be used, let or rented for camping purposes by two or more camping parties in trailers, tents or other movable or temporary dwellings.

(f) **CAPITAL FACILITIES.** Physical facilities or equipment, such as roads, libraries, schools, government buildings, water and sewer systems.

(g) **CARETAKER HOUSING.** See **ACCESSORY DWELLING.**

(h) **CARNIVAL.** The exhibiting or conducting of a traveling show or of entertainment open to the public, including any caravan, museum, menagerie, animal collection, circus, sideshow, burlesque show, rodeo, carnival, animal exhibition, feats of horsemanship, acrobatic performance, "wild west" show, or any other show or entertainment similar in character.

(i) **CARPORT.** A permanent roofed structure with no more than two enclosed sides, used or intended to be used for shelter and storage.

(j) **CASITA.** See **GUEST HOUSE.**

(k) **CATTERY.** (See Land Use Tables.) See **KENNELS AND CATTERIES.**

(l) **CELLULAR RADIOTELEPHONE SERVICE (CRS).** See **WIRELESS TELECOMMUNICATION FACILITY.**

(m) **CEMETERY.** (See Land Use Tables.) Land used, or intended to be used, for the permanent internment of dead human bodies or the cremated remains of dead human bodies, or land dedicated for cemetery purposes. **PET CEMETERY** shall be a cemetery for domesticated animals and shall be in compliance with applicable State and County regulation, including mapping and applicable Conditional Use Permit requirements.

(n) **CENTERLINE.** The centerline of a street shall mean the right-of-way centerline as established by the County Surveyor, the City Engineer of any city within the County, or the State Division of Highways of the State of California. If no centerline has been established and in any case in which the foregoing definition is not applicable, the reviewing authority shall designate the centerline.

(o) **CERTIFIED LANDSCAPE IRRIGATION AUDITOR.** An individual who is certified to perform landscape irrigation audits, by an accredited institution or a professional trade organization, such as the Irrigation Association.

(p) **CERTIFY.** To authenticate or vouch for in writing, and signed by the certifying party, that the submitted data is true, as represented, or that the requirements of the regulations have been satisfied.

(q) **CHANNEL ACQUISITION.** The buying or leasing of drainage courses for the purpose of routing or controlling water runoff or floods.

(r) **CHEMICALS AND RELATED PRODUCTS MANUFACTURING.** See **MANUFACTURING OPERATIONS II.**

(s) **CHILD CARE.** See **DAY CARE.**

(t) **CHURCH.** See **PLACES OF WORSHIP.**

(u) **CIRCULATION ELEMENT.** Any street, highway, boulevard, freeway, parkway, road, lane, alley, public easement or public right-of-way designed or designated for the use of pedestrians or vehicles by the General Plan and any applicable specific plan.

(v) **CLAY PRODUCTS MANUFACTURING.** See **MANUFACTURING OPERATIONS I AND II.**

(w) **CLUB.** An association of persons, whether incorporated or unincorporated and organized for some common nonprofit purpose, but not including a group organized solely or primarily to render a service customarily carried on as a business.

(x) **COFFEE SHOP.** See **RESTAURANT, CAFÉ, COFFEE SHOP.** (See Land Use Tables.)

(y) **COLLECTION FACILITY.** See **RECYCLING FACILITY.**

(z) **COLLECTOR.** See **ROAD SYSTEM.**

(aa) **CO-LOCATION WIRELESS TELECOMMUNICATION FACILITY.** See **WIRELESS TELECOMMUNICATIONS FACILITY.**

(bb) **COMMERCIAL COACH.** A vehicle with or without motive power, designed and equipped for human occupancy for industrial, professional or commercial purposes, and shall include vehicles containing

mobile offices.

(cc) **COMMERCIAL ENTERTAINMENT - INDOOR.** (See Land Use Tables.) Establishments providing indoor amusement and entertainment services for a fee or admission charge, including:

- bowling alleys
- coin-operated amusement arcades
- dance halls, clubs and ballrooms
- electronic game arcades (video games, pinball, etc.)
- ice skating and roller skating
- pool and billiard rooms as primary uses

This use does not include adult oriented businesses, which are separately defined. Four or more electronic games or coin operated amusements in any establishment, or a premises where 50 percent or more of the floor area is occupied by amusement devices, are considered an electronic game arcade as described above; three or fewer machines are not considered a land use separate from the primary use of the site.

(dd) **COMMERCIAL ENTERTAINMENT - OUTDOOR.** (See Land Use Tables.) A facility for various outdoor recreational activities, where a fee is charged for use. Examples include:

- amusement and theme parks
- go-cart tracks
- golf driving ranges
- miniature golf courses
- skating parks
- water slides

May also include commercial facilities customarily associated with the above outdoor commercial recreational uses, including bars and restaurants, video game arcades, etc.

(ee) **COMMERCIAL KENNELS AND CATTERIES.** (See Land Use Tables.) See **KENNELS.**

(ff) **COMMERCIAL MOBILE RADIO SERVICE.** See **WIRELESS TELECOMMUNICATIONS FACILITY.**

(gg) **COMMERCIAL SOLAR ENERGY GENERATION FACILITY.** The components and subsystems that, in combination, convert solar energy into electric or thermal energy primarily for the purpose of off-site consumption, and may include other appurtenant structures and facilities. The definition includes, but is not limited to, photovoltaic power systems and solar thermal systems.

(hh) **COMMERCIAL USE.** One or more of the land use types listed in the tables of “Allowed Land Uses and Permit Requirements” in Division 2 (Land Use Zoning Districts and Allowed Land Uses) under the headings of “Recreation, Education & Public Assembly Uses,” “Retail,” “Services, Business and Professional,” and/or “Services, General.” “Agricultural Support Services” are also considered as a commercial use.

(ii) **COMMISSION.** The Planning Commission of the County of San Bernardino.

(jj) **COMMON CARRIER.** Any corporation or business that performs a service for, or delivers a commodity to the public or any portion thereof via a pipeline or other transmission line or device for which any compensation or payment whatsoever is received and is subject to the Federal Mineral Leasing Act of 1920, as amended by P.L. No. 93-153.

(kk) **COMMON INTEREST DEVELOPMENT.** A real property development that consists of, or will consist of, separately owned lots, parcels, areas, or spaces with either or both of the following features:

- (1) One or more additional contiguous or noncontiguous lots, parcels, areas, or spaces owned in common by the owners of the separately owned lots, parcels, areas, or spaces.
- (2) Mutual, common, or reciprocal interests in, or restrictions upon, all or a portion of these separately owned lots, parcels, areas, or spaces, or both and, in which the owners of the separately owned lots, parcels, areas, or spaces have rights, directly or indirectly, to the beneficial use and enjoyment of all or a portion of the lots, parcels, areas, or spaces.

The estate in a separately or commonly owned lot, parcel, area, or space may be an estate of inheritance

or perpetual estate, an estate for life, an estate for years, or any combination of the foregoing.

Either common ownership of the additional contiguous or noncontiguous lots, parcels, or areas or the enjoyment of the mutual, common, or reciprocal interests in, or restrictions upon, the separately owned lots, parcels, areas or spaces or both, may be through ownership of shares of stock or membership in an association or otherwise. Shares of stock, if any exist, shall be deemed to be interests in a common interest development and real estate development for purposes of Corporations Code § 25100(f).

(ll) **COMMON OPEN SPACE.** See **OPEN SPACE, COMMON.**

(mm) **COMMUNITY APARTMENT PROJECT.** A common interest development in which an undivided interest in land is coupled with the right of exclusive occupancy of any apartment located thereon. This use includes apartment complexes that were converted to allow for individual ownership of units that were not constructed to condominium building standards.

(nn) **COMMUNITY CELEBRATION.** Those public affairs sponsored by chambers of commerce or community service groups in unincorporated communities for the promotion of community spirit by public parades, carnivals, and other outdoor activities.

(oo) **COMMUNITY GARDENS.** (See Land Use Tables.) A private or public facility for the non-commercial cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family.

(pp) **COMMUNITY NOISE EQUIVALENCY LEVEL (CNEL).** The CNEL is a measure of the cumulative noise exposure level in the community. It results from a summation of average noise levels based on the average energy level of the sound over a 24-hour period, with an increased weighing factor applied to the evening and night time period.

(qq) **COMMUNITY ROOM.** A small facility (up to 1,500 sq. ft.), in a multiple-family project furnished more as a large living room, and may not have a kitchen or may only have a sink and counter for small meetings and other get-togethers.

(rr) **COMPATIBLE.** When used in relation to a structure, indicates that the structure is built so that its appearance is similar to that of the principal unit to which the structure is accessory or to the general character of the neighborhood with regards to color, materials, construction, lighting, signs, or the emission of sounds, noises and vibrations.

(ss) **COMPATIBLE LAND USES.** See **SURFACE MINING OPERATIONS.**

(tt) **COMPLIANCE INVESTIGATION.** Any building permit inspection, mobile home setdown inspection, Code compliance investigation, or any review by any County Agency, Department or office, or their designee to determine compliance with rules, regulations, standards and conditions of approval established either by or to implement the provisions of the San Bernardino County Code.

(uu) **COMPOSITE DEVELOPMENT PLAN.** A map or plan on file with the Building and Safety Division that reflects additional information related to the development of lots created by a Final or Parcel Map recorded after March 1, 1986. Notes on this plan or map are for informational purposes and indicate conditions and criteria that exist on the property that were known and identified as of the date of the recordation of the Final or Parcel Map. Authority for this plan is derived from California Government Code § 66434.2.

(vv) **COMPLEX SIGN.** See **SIGN.**

(ww) **COMPLEX OCCUPANT SIGN.** See **SIGN.**

(xx) **COMPOSTING.** Processing waste in a controlled environment to produce a stable product by microbiologically degrading organic matter under aerobic conditions.

(yy) **COMPOSTING OPERATIONS.** A facility where organic matter that is derived primarily from off-site is to be processed by composting and/or is processed for commercial purposes. Activities of a composting facility may include management, collection, transportation, staging, composting, curing, storage, marketing, or use of compost.

(zz) **COMPRESSED GAS.** Any mixture or material having in the container either an absolute pressure exceeding 40 pounds per square inch at 70°F, or an absolute pressure exceeding 104 pounds per square inch at 130°F, or both; or any liquid flammable material having a vapor pressure as defined in § 5415 in Title 8 (Industrial Relations) of the California Code of Regulations.

(aaa) **CONDOMINIUM.** A condominium consists of an undivided interest in common in a portion of real property coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded condominium plan in sufficient detail to locate all boundaries thereof. The area within these

boundaries may be filled with air, earth, or water, or any combination thereof, and need not be physically attached to land except by easements for access and, if necessary, support.

(1) The description of the unit may refer to:

(A) Boundaries described in the recorded condominium plan;

(B) Physical boundaries, either in existence, or to be constructed, such as walls, floors, and ceilings of a structure or any portion thereof;

(C) An entire structure containing one or more units; or

(D) Any combination thereof.

(2) An individual condominium within a condominium project may also include a separate interest in other portions of the real property. A condominium is an estate in real property. The estate may, with respect to the duration of its enjoyment, be either:

(A) An estate of inheritance or perpetual estate;

(B) An estate for life;

(C) An estate for years (i.e., leasehold or subleasehold); or

(D) Any combination of the foregoing.

(bbb) **CONDOMINIUM PLAN.** A plan consisting of:

(1) A description or survey map of a condominium project, which shall refer to or show monumentation on the ground;

(2) A three dimensional description of a condominium project, one or more dimensions of which may extend for an indefinite distance upwards or downwards, in sufficient detail to identify the common areas and each separate interest; and

(3) A certificate consenting to the recordation of the condominium plan in compliance with this Development Code and signed and acknowledged by the following:

(A) Record owner of fee title to the property included in the condominium project;

(B) All lessors and lessees of the estate for years in the case of a condominium project that will terminate upon the termination of an estate for years;

(C) All life tenants and remainder interests in the case of a condominium project subject to a life estate;

(D) Either the trustee or the beneficiary of each recorded deed of trust;

(E) Mortgagee of each recorded mortgage encumbering the property.

Owners of mineral rights, easements, rights of way, and other nonpossessory interests do not need to sign the condominium plan. A condominium plan may be amended or revoked by a subsequently acknowledged recorded instrument executed by all the persons whose signatures would be required to record a condominium plan in compliance with Subdivision (3), above.

(ccc) **CONDOMINIUM PROJECT.** A common interest development consisting of condominiums.

(ddd) **CONFERENCE/CONVENTION FACILITY.** (See Land Use Tables.) One or more structures accommodating multiple assembly, meeting, and/or exhibit rooms, and related support facilities (e.g., kitchens, offices, etc.).

(eee) **CONSERVATION.** The planned management, protection and use of natural resources in order to prevent the wasteful exploitation, destruction or neglect of these resources. Implicit in conservation is the concept of wise use as distinguished from nonuse or preservation.

(fff) **CONSISTENCY.** A review to ensure that all plans and actions conform to guidelines set forth in the General Plan and any applicable or Specific Plans.

(ggg) **CONSTRUCTION AND HEAVY EQUIPMENT SALES AND RENTAL.** (See Land Use Tables.) Retail establishments selling or renting construction, farm, or other heavy equipment. Examples include cranes, earth moving equipment, tractors, combines, heavy trucks, etc.

(hhh) **CONSTRUCTION CONTRACTOR.** (See Land Use Tables.) Office, and indoor and/or outdoor storage facilities operated by, or on behalf of a contractor licensed by the State of California for storage of large equipment, vehicles, and/or other materials commonly used in the individual contractor's type of business; storage of scrap materials used for repair and maintenance of contractor's own equipment; and buildings or structures for uses such as repair facilities.

(iii) **CONSTRUCTION PROJECTS.** A construction activity that is subject to approval of either a County-ministered permit, or approval of a discretionary decision on a land use application.

(jjj) **CONTIGUOUS** or **CONTIGUOUS PROPERTY.** In actual close contact; touching; bounded or

traversed by. **CONTIGUOUS PROPERTY** shall be those properties that touch property lines of any parcel including those properties that touch the property lines of a subject parcel when the lines are projected across public or private rights of way, easements, roads, streets, or railroad rights of way.

(kkk) **CONVENIENCE AND SUPPORT SERVICES.** (See Land Use Tables.) Establishments that provide convenience or support services to people in employment locations or to the traveling public in locations away from developed commercial centers. These limited services include food, beverage, gasoline, retail services and minor automobile service.

(lll) **CONVENIENCE STORE.** (See Land Use Tables.) A retail store of 3,500 square feet or less in gross floor area that carries a range of merchandise oriented to convenience and/or travelers' shopping needs.

(mmm) **CONVENTIONAL SPRAY IRRIGATION.** Is the use of aerial/overhead sprinklers to distribute irrigation water to landscaped areas (e.g., pop-up and fixed spray heads, impact rotors, rotary nozzles, rotors, etc.).

(nnn) **CONVERSION FACTOR (0.62).** 0.62 is the conversion factor for the Maximum Applied Water Allowance (MAWA) and the Estimated Annual Water Use (EAWU) calculations. This number converts the acre-inches per acre, per year to gallons per square foot, per year.

(ooo) **COOLING OPPORTUNITIES, PASSIVE OR NATURAL.** The ability to orient or site a structure, including a dwelling on its lot in order to take optimum advantage of prevailing breezes for cooling purposes.

(ppp) **CORNER LOT.** See **LOT.**

(qqq) **CORRECTIONAL INSTITUTION.** (See Land Use Tables.) An incarceration facility owned and operated by a Federal, State, local government or private entity.

(rrr) **CORROSIVE SOILS.** See **SOIL.**

(sss) **COUNTY.** The County of San Bernardino, State of California.

(ttt) **COUNTY CODE.** County of San Bernardino Code.

(uuu) **COUNTY FIRE DEPARTMENT.** See **FIRE DEPARTMENT.**

(vvv) **COUNTY PROCEDURES.** Any policies or procedures that have been adopted by the Board of Supervisors, and are described, delineated and on file for use and examination by the public in the Office of Clerk of the Board of Supervisors.

(www) **COUNTY STANDARDS.** Any current improvement standards or design standards that have been adopted by the Board of Supervisors, and are described, delineated and on file for use and examination by the public in the Office of the Clerk of the Board of Supervisors.

(xxx) **COUNTY SURVEYOR.** The County Surveyor of San Bernardino County, or authorized designee.

(yyy) **COUNTY VETERINARIAN.** Any veterinarian of the County designated by the Department of Public Health.

(zzz) **COURT.** An open, unoccupied space, other than a yard, that is bounded on two or more sides by a building or buildings and is created by the required separation of the buildings.

(aaaa) **CREMATORIUM.** (See Land Use Tables.) A location containing properly installed, certified apparatus intended for use in the act of cremation.

(bbbb) **CROP PRODUCTION, HORTICULTURE, ORCHARD, VINEYARD.** (See Land Use Tables.) Commercial agricultural production field and orchard uses, including the production of the following, primarily in the soil on the site and not in containers, other than for initial propagation before planting in the soil on the site, and/or in containers occupying one acre or less:

field crops	ornamental crops
flowers and seeds	tree nuts
fruits	trees and sod
grains	vegetables
melons	wine grapes and table grapes

Also includes associated crop preparation services and harvesting activities, such as mechanical soil preparation, irrigation system construction, spraying, crop processing and retail sales in the field, not including sales sheds.

(cccc) **CULTURAL RESOURCE DAMAGE.** Any destruction or harm done to or inflicted upon any

paleontological, archaeological or historical remains that could contribute to the study and interpretation of biological and cultural development.

(ddd) **CURB CUT.** The lowering of a curb to permit access by vehicles, wheelchairs, carts and pedestrians.

(Ord. 4011, passed - -2007; Am. Ord. 4043, passed - -2008; Am. Ord. 4136, passed - -2011; Am. Ord. 4162, passed - -2012; Am. Ord. 4189, passed - -2012; Am. Ord. 4213, passed - -2013; Am. Ord. 4230, passed - -2014)

§ 810.01.060 Definitions, D.

(a) **DAIRY.** Any premises where milk is produced for sale or distribution and where ten or more cows or goats are in lactation.

(b) **DAYS.** Any reference to day or days shall mean calendar days, unless otherwise specified.

(c) **DAYS, BUSINESS.** Any day a specified Office, Department or other agency is open to the public for normal business. This term shall normally exclude all Saturdays, Sundays and any holiday that is recognized and observed by the specified Office, Department or other agency.

(d) **DAY CARE, ADULT.** (See Land Use Tables.) A state-licensed facility that provides nonmedical care and supervision for adult clients for periods of less than 24 hours for any client.

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

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

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

(3) **LARGE FAMILY DAY CARE HOME.** As defined by Health and Safety Code § 1596.78, a day care facility in a single-family dwelling where an occupant of the residence provides family day care for seven to 14 children, inclusive, including children under the age of ten years who reside in the home.

(4) **SMALL FAMILY DAY CARE HOME.** As defined by Health and Safety Code § 1596.78, a day care facility in a single-family residence where an occupant of the residence provides family day care for eight or fewer children, including children under the age of ten years who reside in the home.

(f) **DEBRIS FLOW (MUDFLOW).** The downhill movement of saturated debris often a mixture of mud, rock and vegetation.

(g) **DECIBEL (dBA).** A measure of sound pressure on a logarithmic scale, with respect to a standard reference value.

(h) **DECISION.** Any decision to approve, disapprove, or modify a request to develop, divide, or otherwise utilize land or to alter or establish land use regulations.

(i) **DENSITY BONUS.** A density increase over the otherwise maximum allowable residential density under the applicable land use plan designation and land use zoning district. Also, see Government Code § 65915.

(j) **DEPARTMENT.** The Department of Land Use Services of the County of San Bernardino.

(k) **DEPENDENT MOBILE HOME.** See **MOBILE HOME, DEPENDENT.**

(l) **DESERT BOTANICAL GARDENS.** (See Land Use Tables.) A public or private facility for the demonstration and observation of the cultivation of desert flowers, fruits, vegetables, or ornamental desert plants.

(m) **DESERT NATIVE PLANT.** See **PLANT, DESERT NATIVE.**

(n) **DESERT NATIVE PLANT EXPERT.** See **PLANT EXPERT, DESERT NATIVE.**

(o) **DESERT REGION.** **DESERT REGION** shall mean and include all of the unincorporated area of San Bernardino County lying north and east of the Mountain Region as defined in this Division.

(p) **DESIGN.** Includes the planning and engineering of the following:

(1) Street alignments, grades and widths;

(2) Drainage and sanitary facilities and utilities, including alignment and grades thereof;

- (3) Location and size of all required easements and rights of way;
- (4) Fire roads and firebreaks;
- (5) Lot size and configuration;
- (6) Traffic access;
- (7) Grading;
- (8) Land to be dedicated for park or recreational purposes;
- (9) Location of proposed and existing structures and improvements; and
- (10) Other specific physical requirements in the plan and/or configuration of a subdivision as may be necessary to ensure consistency with, and implementation of this Development Code, the General Plan, and any applicable specific plan.

(q) **DETAILED SITE PLAN.** See **SITE PLAN, DETAILED.**

(r) **DESIGN FLOOD.** See **FLOOD HAZARD.**

(s) **DEVELOPER.** Any person, association, firm, corporation, partnership and other business entity or public agency installing or constructing a development. This includes any person, business entity or public agency seeking to perform earthwork grading on any project or development for which the conditions of approval require any specific or general features to be incorporated in the earthwork or which restrict or limit the earthwork grading in any way, other than in compliance with the grading provisions as prescribed in the California Building Code.

(t) **DEVELOPMENT.** The use to which land shall be put, the buildings to be constructed on it, and all alteration of the land and construction incident thereto. This shall include but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

(u) **DEVELOPMENT APPLICATION.** Any application, review and/or process acted upon by the Department. See **LAND USE APPLICATION.**

(v) **DEVELOPMENT CODE.** A set of land use regulations adopted by San Bernardino County in conformance with the General Plan. All actions and undertakings necessary for project planning, land acquisition, demolition or construction of a project must conform with the County Code before approval. The Development Code is Title 8 of the San Bernardino County Code.

(w) **DEVELOPMENT MORATORIUM.** A **DEVELOPMENT MORATORIUM** shall include a water or sewer moratorium, as well as other actions of public agencies that regulate land use, development, or the provision of services to the land, other than the authority of the County to approve or conditionally approve the Tentative Map, which prevents, prohibits, or delays the approval of a Final or Parcel Map. A **DEVELOPMENT MORATORIUM** is also deemed to exist for any period of time during which a condition imposed by the County could not be satisfied because the condition was one which, by its nature, necessitated action by the County, and the County either did not take the necessary action or by its own action or inaction was prevented or delayed in taking the necessary action before expiration of the Tentative Map.

(x) **DEVELOPMENT PERIMETER.** A line that indicates the outer perimeter of structural development or proposed structural development of one structure or a group of structures within a development project. For the purposes of this Section, structures within 100 hundred feet of another structure shall be considered as part of the same group of structures. The **DEVELOPMENT PERIMETER** may be derived from one of the following methods:

(1) A line formed by interlinking the exterior walls or exterior building envelope boundaries of a series of proposed or existing structures that form the perimeter of a development project;

(2) Where a development project indicates the location of buildings or building envelopes on a site plan, a composite development plan or a final development plan, the **DEVELOPMENT PERIMETER** may be delineated by the outer limit of the location of each building. The **DEVELOPMENT PERIMETER** between the planned location of each building shall be delineated by the shortest line between the outer faces of adjacent buildings or building envelopes or;

(3) The **DEVELOPMENT PERIMETER** may be derived through alternate means provided they meet or exceed the limitations described in Subdivisions (1) and (2) above.

(y) **DEVELOPMENT PERMIT.** A permit issued by the Building Official, Fire Marshall, or Chief of the Environmental Health Services Division for construction or land disturbance, including, but not limited to, Building Permits, Mobile Home Setdown Permits and Grading Permits.

(z) **DEVELOPMENT PLAN.** A detailed, comprehensive plan of development for a Special Development. The development plan applies limits and parameters for development derived from a development suitability analysis to a specific development scheme. **DEVELOPMENT PLANS** shall include a detailed description of the proposed development and its effects including, but not limited to, a written text, diagrams or maps describing the program for development and the functional arrangement of structures and uses, the effect of such arrangement upon the physical characteristics of the site, available public services, the capacity of the existing circulation system and the existing and planned land use of adjacent properties. It includes a dimensioned site plan showing the location of all structures and lots in sufficient detail to permit recordation and the preparation of construction drawings.

(aa) **DEVELOPMENT PROJECT.** Any one or a series of related development applications that constitute a single development proposal.

(bb) **DEVELOPMENT RESTRICTIONS.** Include, but are not limited to, any of the following restrictions on property:

- (1) Open space easements.
- (2) Transfer of development rights.
- (3) Conveyance of development rights to the County.
- (4) Land Use Zoning District restrictions on development.

(cc) **DEVELOPMENT REVIEW COMMITTEE.** A committee consisting of representatives from various public agencies whose functions are to review and make recommendations on development proposals.

(dd) **DEVELOPMENT SUITABILITY ANALYSIS.** A comprehensive examination of the opportunities and constraints affecting development of a given site.

(ee) **DEVIATIONS.** Authorized variances from required distances, setbacks, areas or physical improvements.

(ff) **DIRECTIONAL SIGN.** See **SIGN.**

(gg) **DIRECTOR.** The Director of Land Use Services or authorized designee.

(hh) **DIRECTOR OF AIRPORTS.** The Director of the County Airports Department or an authorized designee.

(ii) **DIRECTOR OF DEPARTMENT OF PUBLIC WORKS.** The Director of the County Department of Public Works or an authorized designee.

(jj) **DIRECTOR OF SPECIAL DISTRICTS.** The Director of the Special Districts Department or an authorized designee.

(kk) **DISABLED OR HANDICAPPED PERSON.** An individual who has a physical or mental impairment as defined by Titles II and III of the Americans with Disabilities Act and applicable state law.

(ll) **DISMANTLERS.** See **MOTOR VEHICLE DISMANTLING FACILITY.**

(mm) **DISPLAY SIGN.** See **SIGN.**

(nn) **DISTRIBUTION.** See **WHOLESALE AND DISTRIBUTION.**

(oo) **DRAINAGE COURSE.** A natural or man-made water course that could convey runoff either year around or intermittently.

(pp) **DRAINAGE PLAN, LOCAL AREA.** A drainage plan adopted for a particular drainage area. These plans shall include a map of the area showing its boundaries, the location of existing and future drainage facilities and an accompanying text that contains an estimate of the total costs of constructing the local drainage facilities.

(qq) **DRIPLINE.** A line that may be drawn on the ground around a tree directly under its outermost branch tips which is projected vertically down to the ground and which identifies that area where rainwater tends to drop from the tree.

(rr) **DWELLING, MULTIPLE FAMILY.** (See Land Use Tables.) A building or portion thereof used and/or designed as two or more independent dwelling units.

(ss) **DWELLING, SINGLE FAMILY.** (See Land Use Tables.) A detached building designed and/or used as one dwelling unit.

(tt) **DWELLING, SINGLE FAMILY ATTACHED.** (See Land Use Tables.) A single family dwelling that is attached to not more than one other single family dwelling.

(uu) **DWELLING UNIT.** Any building or portion thereof, including a manufactured home or portion thereof, that contains living facilities, including provisions for sleeping, eating, cooking and sanitation as

required by the California Building Code, for not more than one family, including domestic employees of the family.

(vv) **DWELLING USE IN CONJUNCTION WITH COMMERCIAL USE.** One or more dwelling units developed along with one or commercial uses in a mixed-use project.

(Ord. 4011, passed - -2007; Am. Ord. 4057, passed - - 2008; Am. Ord. 4065, passed - -2008; Am. Ord. 4163, passed - -2012; Am. Ord. 4169, passed - -2012; Am. Ord. 4189, passed - -2012; Am. Ord. 4341, passed - - 2018)

§ 810.01.070 Definitions, E.

(a) **EARTH MATERIAL.** Rock, natural soil or combination thereof.

(b) **EASEMENT.** A grant of one or more property rights by the property owner to and/or for the use by the public, a corporation, or another entity, including:

(1) **ROAD EASEMENT.** Any property that is reserved for or in general use for road purposes to provide access for the public to otherwise inaccessible parcels of land, provided that the easements are not included in the definition herein of **STREET**.

(2) **ROAD EASEMENT, PRIVATE.** Any property that is reserved for road purposes to provide access for property owners to their private property, provided that the easements are not included in the definition of **STREET** herein.

(c) **EDUCATIONAL ANIMAL PROJECT.** An animal husbandry project under the supervision of an educationally oriented youth program or organization connected to a school or non-profit organization (e.g., 4-H, Future Farmers of America, etc.)

(d) **EDUCATIONAL INSTITUTIONS.** See **SCHOOLS**.

(e) **ELECTRICAL POWER GENERATION.** (See Land Use Tables.) A facility that generates and distributes electrical energy for sale. The electricity may be generated from oil, gas, coal or fuels or from "alternate" sources including water, wind, the sun, bio gas, municipal or agricultural wastes. This includes **COGENERATION**, which means the sequential use of energy for the production of electrical and useful thermal energy. The sequence can be thermal use followed by electric power production or the reverse. See also **WIND ENERGY SYSTEM**.

(f) **EMERGENCY ACCESS ROUTE.** See **ROAD SYSTEM**.

(g) **EMERGENCY SHELTER.** (See Land Use Tables.) Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

(h) **ENDANGERED ANIMALS.** See **ANIMALS**.

(i) **ENDANGERED SPECIES.** See **RARE OR ENDANGERED SPECIES**.

(j) **ENFORCEMENT.** For the purposes of this Code, certain words relative to enforcement are defined as follows:

(1) **ABATEMENT COSTS.** Any and all costs or expenses reasonably related to the abatement or removal of conditions which violate any provision of this Code or any permit or any condition of land use approval granted pursuant thereto or the correction of such violation, and shall include, but not be limited to, enforcement, investigation, collection, and administrative costs; and attorney's fees.

(2) **ADMINISTRATIVE COSTS.** All costs incurred by or on behalf of the County from the first discovery of the violation of the this Development Code or any permit or condition of land use approval granted pursuant thereto through the appeal process and until compliance is achieved, including but not limited to, staff time in investigating the violation, inspecting the property where the violation occurred, preparing investigation reports, sending notices, preparing for and attending any appeal hearing, telephone contacts, and correspondence.

(3) **CODIFIED ORDINANCES OF THE COUNTY OF SAN BERNARDINO** and **SAN BERNARDINO COUNTY CODE** and **THIS CODE.** The San Bernardino County Development Code (Title 8 of the San Bernardino County Code), including all pertinent provisions of State codes as adopted therein, enacted by the Board of Supervisors of the County of San Bernardino acting pursuant to authority granted under the County Charter, Government Code §§ 25126, 25127, and 25128; or other applicable law.

(4) **ENFORCEMENT OFFICER.** Any County employee or agent of the County with the authority to enforce any provision of the Development Code, specifically:

(A) The Deputy Director, each Code Enforcement Supervisor, and each Code Enforcement Officer or other designated employee of the Code Enforcement Division of the Land Use Services Department;

(B) The Fire Chief/Fire Warden, each Deputy Chief, each Assistant Chief, each Division Chief, the Fire Marshal, Assistant Fire Marshal, each Fire Prevention Supervisor, and each Fire Prevention Officer or other designated employees of the County Fire Department;

(C) The Director and each Inspector or other designated employees of the Environmental Health Services Division of the Department of Public Health;

(D) The Program Manager and each Animal Control Officer or other designated employees of the Animal Care and Control Program of the Environmental Health Division of the Department of Public Health;

(E) The Sheriff-Coroner and each Deputy Sheriff (all ranks) or other designated employee of the Department of the Sheriff-Coroner;

(F) Any other Director and other designated employee of a County department as designated by the County Administrative Officer.

(5) **PERSON.** Any natural person, firm, association, club, organization, corporation, partnership, business trust, company or other entity, which is recognized by law as the subject of rights or duties.

(6) **RESPONSIBLE PARTY.** For the purpose of this Chapter shall mean each person committing or allowing the violation or causing a condition on a parcel of real property located within the unincorporated area of the County of San Bernardino to violate any provision of this Development Code or any permit or any condition of land use approval granted pursuant thereto; each person who has an ownership interest in that property; and each person who, although not an owner, nevertheless has a legal right or legal obligation to exercise possession and control over that property. In the event the person who commits the violation or causes the violating condition is a minor, then the minor's parents or legal guardian shall be deemed the responsible party for that violation. In the event the violation or violating condition is most reasonably attributable to a business and not to an employee, then that business, to the extent it is a legal entity such that it can sue and be sued in its own name, and each person who is an owner of that business shall be deemed responsible parties.

(k) **ENHANCED SPECIALIZED MOBILE RADIO SERVICE.** See **WIRELESS TELECOMMUNICATION FACILITY.**

(l) **ENTERTAINMENT ASSEMBLY.** See **SPORTS OR ENTERTAINMENT ASSEMBLY.**

(m) **ENTERTAINMENT SERVICES.** See **RECREATION AND ENTERTAINMENT SERVICES.**

(n) **ENVIRONMENTAL CONSTRAINTS.** Environmental factors that limit or inhibit the potential for land development, including, but not limited to, flood hazards, seismic hazards, air quality and water supply.

(o) **ENVIRONMENTAL IMPACT.** Projected long-term or short-term effects (adverse or beneficial) that a development project or plan may have on the natural and built environment if the project is carried out.

(p) **ENVIRONMENTAL IMPACT REPORT (EIR).** An environmental impact report (EIR) is the public document used by a governmental agency to analyze the significant environmental effects of a proposed project, to identify alternatives, and to disclose possible ways to reduce or avoid possible environmental damage.

(q) **ENVIRONMENTAL REVIEW GUIDELINES.** Written procedures adopted by the Board of Supervisors for the purpose of implementing the requirements of the California Environmental Quality Act (CEQA).

(r) **EQUESTRIAN FACILITY.** (See Land Use Tables.) A commercial facility for horses, donkeys, and/or mules. Examples include horse ranches, boarding stables, riding schools and academies, horse exhibition facilities (for shows or other competitive events), and barns, stables, corrals and paddocks accessory and incidental to these uses. Does not include the simple pasturing of horses, donkeys, and/or mules, which is instead included in **ANIMAL KEEPING.** Does not include rodeo arenas, which are under **RURAL SPORTS AND RECREATION.**

(s) **EQUIPMENT RENTAL.** A service establishment that may offer a wide variety of household and business equipment, furniture, and materials for rental. Does not include construction equipment rental, which is separately defined.

(t) **EROSION.** The wearing away of the ground surface as a result of the movement of wind or water or machine.

(u) **EROSION, ACCELERATED.** Erosion caused by a human induced alteration of the vegetation, land surface, topography or runoff pattern. Evidence of accelerated erosion is often indicated by exposed soils, gullies, rills, sediment deposits or slope failures caused by human activities.

(v) **EROSION HAZARD.** The susceptibility of a site to erode based on condition of slope, rock type,

soil and other site factors. Hazard may be determined based on a site-specific investigation and the soil disturbance may be caused by wind, water or machine.

(w) **ESTABLISHED LANDSCAPE.** The Point at which plant material within the landscaped areas have established a significant root growth. A typical timeframe for plant material establishment ranges between one to two years of growth.

(x) **ESTIMATED ANNUAL WATER USE (EAWU).** The estimated total water use per year for a landscape, as calculated with the formula found in County Code § 83.10.050(a)(4)(B).

(y) **EXOTIC ANIMAL.** Any warm-blooded or cold-blooded animal of the biological kingdom *Animalia* generally considered as wild, exotic, dangerous, venomous or not normally domesticated and as determined by County veterinarian. Includes genetically engineered animals.

(z) **EXPANSIVE SOILS.** See **SOIL.**

(aa) **EXPLORATION** or **PROSPECTING.** The search for minerals by geological, geophysical, geochemical, or other techniques. These include but are not limited to, sampling, assaying, drilling, or any surface or underground works needed to determine the type, extent, or quantity of mineral present.

(Ord. 4011, passed - -2007; Am. Ord. 4043, passed - -2008; Am. Ord. 4136, passed - -2011; Am. Ord. 4230, passed - -2014)

§ 810.01.080 Definitions, F.

(a) **FABRICATED METAL PRODUCTS MANUFACTURING.** See **MANUFACTURING OPERATIONS I AND II.**

(b) **FACTORY-BUILT HOUSING (MODULAR UNIT).** A residential building, dwelling unit, or an individual dwelling room or combination of rooms thereof, or building component, assembly, or system manufactured in such a manner that all concealed parts or processes of manufacture cannot be inspected before installation at the building site without disassembly, damage, or destruction of the part, including units designed for use as a part of an institution for resident or patient care, that is either wholly manufactured or is in substantial part manufactured at an offsite location to be wholly or partially assembled onsite in accordance with building standards published in the Building Standards Code and other regulations adopted by the commission pursuant to § 19990. Factory-built housing does not include a mobile home, as defined in § 18008, a recreational vehicle, as defined in § 18010.5, or a commercial modular, as defined in § 18012.5 of the Health and Safety Code (CHSC).

(c) **FAIR HOUSING LAWS.** The “Fair Housing Amendments Act of 1988” (42 U.S.C. § 3601 *et seq.*), including reasonable accommodation required by 42 U.S.C. § 3604(f)(3)(B), and the “California Fair Employment and Housing Act” (California Government Code § 12900 *et seq.*), including reasonable accommodation required specifically by California Government Code §§ 12927(c)(1) and 12955(l), as any of these statutory provisions now exist or may be amended from time to time.

(d) **FAMILY.** A person or persons living together as a single housekeeping unit in a dwelling unit.

(e) **FAMILY DAY CARE HOME.** See **DAY CARE, CHILD.**

(f) **FARM.** See **RANCH/FARM.**

(g) **FARM VISIT.** The activity of visiting a farm for short periods of time for the purpose of participating in or enjoying farm activities and/or other attractions offered.

(h) **FEE SCHEDULE.** A schedule of fees established by the Board of Supervisors in compliance with Division 6 (County Fees) or Title 1 (Government and Administration) of the San Bernardino County Code.

(i) **FEMA.** The Federal Emergency Management Agency.

(j) **FESTIVAL, OUTDOOR.** See **OUTDOOR FESTIVAL.**

(k) **FINAL MAP.** See the Government Code, Title 7, Division 2 definition.

(l) **FINDINGS.** A set of conclusions that are required before specified permits, land use applications, deviations, ordinance changes or other entitlements may be granted.

(m) **FIRE AUTHORITY.** The San Bernardino County Fire Marshal, State Forest Ranger in charge of the California Department of Forestry, U.S. Forest Supervisor, or if within the jurisdiction of a Fire Protection District, the Board of Directors of the district.

(n) **FIRE AUTHORITY, LOCAL.** The fire department or agency serving a subject area as specified by County Code § 23.0105(h).

(o) **FIRE DEPARTMENT.** The San Bernardino County Fire Department.

(p) **FIRE FLOW.** The required rate of flow times duration for fire protection varies according to density and type of development.

(q) **FIRE RESISTIVE** or **FIRE RESISTIVE CONSTRUCTION**. Construction to resist the spread of fire, details of which may be specified in the Building Code of the jurisdiction.

(r) **FIRE RESISTIVE RATING**. The time that the material or construction will withstand the standard fire exposure as determined by a fire test made in conformity with the standard methods of fire tests of buildings, construction and materials in the U.B.C. Standards.

(s) **FIRE SAFETY AREAS**. See Chapter 82.15 (Fire Safety Overlay District).

(t) **FIREWOOD CONTRACTOR**. (See Land Use Tables.) A business that cuts, sells, stores and/or delivers firewood.

(u) **FIRST FLOOR**. See **FLOOD HAZARD**.

(v) **FITNESS/HEALTH FACILITY**. A fitness center, gymnasium, health and athletic club, which may include any of the following: swimming pool, sauna, spa or hot tub facilities; indoor tennis, handball, racquetball, archery and shooting ranges and other indoor sports activities. Does not include adult entertainment businesses.

(w) **FIXTURE**. See **LIGHTING, OUTDOOR**.

(x) **FIXED WIRELESS**. See **WIRELESS TELECOMMUNICATION FACILITY**.

(y) **FLAG LOT**. See **LOT**.

(z) **FLAMMABLE LIQUID**. Any liquid having a flashpoint below 100°F and having a vapor pressure not exceeding 40 pounds per square inch (absolute) at 100°F. Class I liquids shall include those having flash points below 100°F and may be subdivided as follows:

(1) Shall include those having flash points below 73°F and having a boiling point below 100°F.

(2) Shall include those having flash points below 73°F and having a boiling point at or above 100°F.

(3) Shall include those having flashpoints at or above 73°F and below 100°F.

(aa) **FLAMMABLE SOLID**. A solid substance, other than one classified as an explosive, that is liable to cause fires through friction, through absorption of moisture, through spontaneous chemical changes or as a result of retained heat from manufacturing or processing.

(bb) **FLOOD**. See **FLOOD HAZARD**.

(cc) **FLOOD BOUNDARY AND FLOODING MAP**. See **FLOOD HAZARD**.

(dd) **FLOOD CONTROL DISTRICT**. The San Bernardino County Flood Control District.

(ee) **FLOOD CONTROL ENGINEER**. The Engineer of the San Bernardino County Flood Control District appointed by the Board of Supervisors, or an authorized designee.

(ff) (Repealed).

(gg) **FLOOD HAZARD**. A substantial possibility of damage to life or property by overflow water, ponded water, or other water on the surface of the land, or by debris, or silt carried in the water. The following flood related terms are defined as follows:

(1) **ACCESSORY STRUCTURE**. For floodplain management purposes, an accessory structure is one that is either solely for the parking of no more than two cars or a small, low cost shed for limited storage.

(2) **ADDITION**. For floodplain management purposes, an addition is an improvement that increases the square footage of a structure. Commonly, this includes the structural attachment of a bedroom, den, recreational room, garage or other type of addition to an existing structure.

(3) **ALLUVIAL FAN**. A geomorphologic feature characterized by a cone or fan-shaped deposit of boulders, gravel, and fine sediments that have been eroded from mountain slopes, transported by flood flows, and then deposited on the valley floors, and which is subject to flash flooding, high velocity flows, debris flows, erosion sediment movement and deposition, and channel migration.

(4) **APEX**. The point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur. It is the highest elevation on an alluvial fan, which on undisturbed fans is generally the point where the major stream that formed the fan emerges from the mountain front.

(5) **AREA OF SHALLOW FLOODING**. An area designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. The flooding is characterized by ponding or sheet flow.

(6) **AREA OF SPECIAL FLOOD HAZARD**. See **SPECIAL FLOOD HAZARD AREA**.

(7) **BASE FLOOD**. The flood that has a one percent chance of being equaled or exceeded in any given year (also called the **100 YEAR FLOOD**).

(8) **BASE FLOOD ELEVATION (BFE).** The elevation shown on the Flood Insurance Rate Map for Zones AE, AH, and A1-30, that indicates the water surface elevation resulting from a flood that has a one percent or greater chance of being equaled or exceeded in any given year.

(9) **CERTIFY.** To authenticate or vouch for in writing, and signed by the certifying party, that the submitted data is true, as represented, or that the requirements of the regulations have been satisfied.

(10) **ENCROACHMENT.** The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impeded or alter the flow capacity of a floodplain.

(11) **EXISTING MANUFACTURED HOME PARK OR SUBDIVISION.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of sheets, and either final site grading or the pouring of concrete pads) is completed before October 17, 1978.

(12) **EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION.** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

(13) **FIRST FLOOR.** The lowest floor in a structure usable for living purposes, including the basement, which may include working, sleeping, eating, cooking, recreation or a combination thereof.

(14) **FLOOD.** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e., mudflows); any temporary rise in stream flow or water surface level that results in significant adverse effects in the floodplain. Adverse effects of floods may include damages from overflow of land areas, effects of temporary backwater or sewers and local drainage channels, bank erosion or channel shifts, unsanitary conditions or other unfavorable conditions resulting from deposition of materials in stream channels during flood recessions, rise of ground water coincident with increased stream flow and interruption of traffic at bridge crossings.

(15) **FLOOD INSURANCE RATE MAP (FIRM).** The official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community. The following flood hazard zones are shown on the FIRM:

(A) **ZONE A.** Areas that are subject to inundation by the one percent annual chance flood event (100-year flood). Because detailed hydraulic analyses have not been performed, no area flood elevation or depths are shown. Mandatory flood insurance purchase requirements apply.

(B) **ZONE AE.** Areas that are subject to inundation by the one percent annual chance flood event (100-year flood) determined by detailed methods. Area flood elevations are shown within these zones. Mandatory flood insurance purchase requirements apply.

(C) **ZONE AH.** Areas that are subject to inundation by one percent annual chance shallow flooding (100-year flood) (usually areas of ponding) where average depths are between one and three feet. Area flood elevations derived from detailed hydraulic analyses are shown in this zone. Mandatory flood insurance purchase requirements apply.

(D) **ZONE AO.** Areas that are subject to inundation by one percent annual chance shallow flooding (100-year flood) (usually sheet flow on sloping terrain) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone. Mandatory flood insurance purchase requirements apply.

(E) **ZONE A1-30.** Areas that are subject to inundation by the one percent annual chance flood event (100-year flood), but which will ultimately be protected upon completion of an under- construction federal flood protection system. These are areas of special flood hazard where enough progress has been made on the construction of a protection system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. **ZONE A99** may only be used when the flood protection system has reached specified statutory progress toward completion. No area flood elevations or depths are shown. Mandatory flood insurance purchase requirements apply.

(F) **ZONE A99.** Areas that are subject to inundation by the one percent annual chance flood event (100-year flood), but which will ultimately be protected upon completion of an under-construction federal flood protection system. These are areas of special flood hazard where enough progress has been made on the

construction of a protection system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. **ZONE A99** may only be used when the flood protection system has reached specified statutory progress toward completion. No area flood elevations or depths are shown. Mandatory flood insurance purchase requirements apply.

(G) **ZONE D.** Unstudied areas where flood hazards are undetermined, but flooding is possible. No mandatory flood insurance purchase requirements apply, but coverage is available in participating communities.

(H) **ZONE X.** Areas that are identified in the community FIS as areas of moderate or minimal hazard from the principal source of flood in the area. However, buildings in these zones could be flooded by severe, concentrated rainfall coupled with inadequate local drainage systems. Local storm water drainage systems are not normally considered in the community's FIS. The failure of a local drainage system creates areas of high flood risk within these rate zones. Flood insurance is available in participating communities but is not required by regulation in these zones.

(16) **FLOOD INSURANCE STUDY (FIS).** The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map and the water surface elevation of the base flood.

(17) **FLOODPLAIN OR FLOOD-PRONE AREA.** The relatively flat area or lowlands adjoining the channel of a stream or watercourse and subject to overflow by flood waters.

(18) **FLOODPLAIN MANAGEMENT.** The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

(19) **FLOODPLAIN ADMINISTRATOR.** The Director of Public Works or his/her authorized designee.

(20) **FLOODPLAIN MANAGEMENT REGULATIONS.** This ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of police power which control development in flood-prone areas. This term describes Federal, State or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.

(21) **FLOODPLAIN REVIEW AREAS.** See Chapter 82.14 (Floodplain Safety Overlay District).

(22) **FLOOD-PROOFING.** Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. For guidelines on dry and wet flood-proofing, see FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 7-93.

(23) **FLOODWAY.** The channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as **REGULATORY FLOODWAY.**

(24) **FLOODWAY FRINGE.** That area of the floodplain on either side of the "regulatory floodway" where encroachment may be permitted.

(25) **FRAUD AND VICTIMIZATION.** Any exception granted must not cause fraud on or victimization of the public. In examining this requirement, the County will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for 50 to 100 hundred years. Buildings that are permitted to be constructed below the area flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

(26) **FUNCTIONALLY DEPENDENT USE.** A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

(27) **HARDSHIP.** The exceptional hardship that would result from a failure to grant a requested variance. The County requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise

cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

(28) **HIGHEST ADJACENT GRADE.** The highest natural elevation of the ground surface before construction next to the proposed walls of a structure.

(29) **HISTORIC STRUCTURE.**

(A) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(B) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(C) Individually listed on a State inventory of historic places in states with historic preservation programs that have been approved by the Secretary of the Interior; or

(D) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(I) By an approved State program as determined by the Secretary of the Interior; or

(II) Directly by the Secretary of the Interior in states without approved programs.

(30) **LEVEE.** A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

(31) **LEVEE SYSTEM.** A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

(32) **LOWEST FLOOR.** For floodplain management purposes the **LOWEST FLOOR** of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure below the lowest floor, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's **LOWEST FLOOR**; provided, that the enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

(33) **MANUFACTURED HOME.** For floodplain management purposes, a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term **MANUFACTURED HOME** also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days.

(34) **MANUFACTURED HOME PARK OR SUBDIVISION.** For floodplain management purposes, means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale or rent.

(35) **MEAN SEA LEVEL.** For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which area flood elevations shown on a community's Flood Insurance Rate Map are referenced.

(36) **NEW CONSTRUCTION.** For floodplain management purposes, structures for which "the start of construction" commenced on or after October 17, 1978, including any subsequent improvements to the structures.

(37) **NEW MANUFACTURED HOME PARK OR SUBDIVISION.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after October 17, 1978.

(38) **OBSTRUCTION.** Includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

(39) **ONE HUNDRED YEAR FLOOD.** See **BASE FLOOD.**

(40) **PROGRAM DEFICIENCY.** A defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations.

(41) **PUBLIC SAFETY AND NUISANCE.** That the granting of an exception must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

(42) **REGULATORY FLOODWAY.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

(43) **REMEDY A VIOLATION.** To bring the structure or other development into compliance with State or local floodplain management regulations, or if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing State or Federal financial exposure with regard to the structure or other development.

(44) **REHABILITATION.** An improvement made to an existing structure which does not affect the external dimensions of the structure.

(45) **RIVERINE.** Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

(46) **SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT.** A district established by act of the State Legislature, empowered to protect the watercourses of the District and governed by the Board of Supervisors of the County of San Bernardino acting as ex officio Governing Board of the District.

(47) **SELECTED FLOOD.** A flood of a recurrence interval determined by the Planning Commission or Board of Supervisors after a recommendation of the Engineer of the San Bernardino County Flood Control District.

(48) **SHEET FLOW AREA.** See **AREA OF SHALLOW FLOODING.**

(49) **SPECIAL FLOOD HAZARD AREA (SFHA).** An area in the floodplain subject to a one percent or greater chance of flooding in any given year. It is shown on a FIRM as Zone A, AO, A1-30, AE, AH or A99.

(50) **START OF CONSTRUCTION.** Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the state of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(51) **STANDARD PROJECT FLOOD.** A flood that would result from a storm that is considered reasonably characteristic of the region in which the drainage area is located, giving consideration to the runoff characteristics of the drainage area and excluding rare combinations of meteorologic and hydrologic conditions. Such a flood provides a reasonable upper limit to be considered in designing flood control improvements and floodplain limits.

(52) **STRUCTURE.** For floodplain management purposes, a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

(53) **SUBSTANTIAL DAMAGE.** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

(54) **SUBSTANTIAL IMPROVEMENT.** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have

incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

(A) Any project for improvement of a structure to correct existing violation of State or local health, sanitary, or safety code specification that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions; or

(B) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation a historic structure.

(55) **VIOLATION.** The failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

(56) **WATER SURFACE ELEVATION.** The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(hh) **FLOOD INSURANCE RATE MAP (FIRM).** See **FLOOD HAZARD.**

(ii) **FLOODPLAIN.** See **FLOOD HAZARD.**

(jj) **FLOODPLAIN REVIEW AREAS.** See **FLOOD HAZARD.**

(kk) **FLOODWAY.** See **FLOOD HAZARD.**

(ll) **FLOW RATE.** The rate in which the water flows through the pipes, valves, and emission devices of an irrigation system measured in gallons per minute, gallons per hour, or cubic feet per second.

(mm) **FLOW SENSOR.** A device within the irrigation system that detects irregular flows indicating leaks, breaks, or another problem.

(nn) **FOOD AND RELATED PRODUCTS MANUFACTURING.** See **MANUFACTURING OPERATIONS I AND II.**

(oo) **FREESTANDING LIGHTING.** See **LIGHTING, OUTDOOR.**

(pp) **FREESTANDING SIGN.** See **SIGN.**

(qq) **FREEWAY.** Any dedicated or deeded public right-of-way to which the owners of abutting lands have no right or easement of access to or from their abutting lands. In addition, freeway shall include those rights-of-way designated by official action as freeways by the California State Highway Commission or the County Board of Supervisors. See **ROAD SYSTEM.**

(rr) **FREIGHT CONTAINER.** Container primarily used to transport goods on trucks, railroad cars, ships, aircraft or other forms of transportation.

(ss) **FRONT LOT LINE.** See **LOT.**

(tt) **FRONT WALL.** The nearest wall of a building or other structure to the street upon which the building faces, but excluding cornices, canopies, eaves or any other architectural embellishments that may extend beyond the front wall, not to exceed a distance of four feet.

(uu) **FRONT YARD.** See **YARD.**

(vv) **FRONTAGE, LOT.** See **LOT.**

(ww) **FRONTAGE ROAD.** A minor street that is parallel to, and adjacent to, an arterial street or freeway, and that provides access to abutting properties and protection from through and fast traffic.

(xx) **FUEL BREAK.** Areas also known as greenbelts that separate communities or clusters of structures from native vegetation. Within the fuel break boundaries the vegetation is thinned out, pruned, modified or landscaped to effectively reduce the volume and flammability of fuel, thereby substantially reducing or preventing the rate of spread and intensity of wildland fires.

(yy) **FUEL DEALER.** A retail trade establishment that sells fuel oil, butane, propane and liquefied petroleum gas (LPG), bottled or in bulk, to consumers.

(zz) **FUEL MODIFIED AREA.** An area where living and dead vegetation is managed regularly, usually by trimming, removal or substitution of natural vegetation, in order to reduce fire hazard, by use of mechanical, chemical and biological means and/or prescribed burning.

(aaa) **FULLY-SHIELDED FIXTURE.** See **LIGHTING, OUTDOOR.**

(bbb) **FUNCTIONALLY DEPENDENT USE.** See **FLOOD HAZARD.**

(ccc) **FURNITURE AND FIXTURE MANUFACTURING.** See **MANUFACTURING OPERATIONS**

I.

(ddd) **FUTURE RIGHT-OF-WAY.** Future right-of-way of streets shown in the Circulation Element of

the General Plan shall be based upon the adopted County Road Standards assuming an equal dedication of right-of-way on both sides of the existing centerline, or shall otherwise be determined as shown on any adopted specific plan.

(Ord. 4011, passed - -2007; Am. Ord. 4136, passed - -2011; Am. Ord. 4163, passed - -2012; Am. Ord. 4169, passed - -2012; Am. Ord. 4258, passed - -2014; Am. Ord. 4280, - -2015; Am. Ord. 4304, passed - -2016)

§ 810.01.090 Definitions, G.

(a) **GARAGE, PRIVATE.** An accessory building or an accessory portion of the main building designed and/or used for the shelter or storage of motor vehicles belonging to the occupants of the main building.

(b) **GARAGE, PUBLIC.** Any building, other than a private or storage garage, used for the storage, care or repair of motor vehicles and where any vehicles are equipped for operation or kept for hire or sale.

(c) **GARAGE, STORAGE.** Any building, other than a public or private garage, used exclusively for the storage of motor vehicles.

(d) **GENERAL PLAN.** The San Bernardino County General Plan, including all elements, adopted in compliance with Government Code, Title 7, Division 1, Chapter 3.

(e) **GENERAL RETAIL.** (See Land Use Tables.) Stores and shops selling many lines of merchandise.

Examples of these stores and lines of merchandise include:

antique stores	florists and houseplant stores (indoor sales only (outdoor sales are “Building and Landscape Materials Sales”))
art galleries, retail	furniture, furnishings, appliances
art supplies, including framing services	hobby materials
auto parts sales with no installation services	jewelry
bicycles	luggage and leather goods
books, magazines, and newspapers	musical instruments (small), parts and accessories (large instruments are under “Furniture, Furnishings, and Appliance Store”)
cameras and photographic supplies	orthopedic supplies
clothing, shoes, and accessories	small wares
collectibles (cards, coins, comics, stamps, etc.)	specialty shops
consumer electronics	sporting goods and equipment
department stores	stationery
drug stores and pharmacies	toys and games
dry goods	variety stores
fabrics and sewing supplies	videos, DVDs, records, CDs, including rental stores
farm supply and feed stores	

Does not include adult-oriented businesses or second hand stores, which are separately defined.

(f) **GLARE.** See **LIGHTING, OUTDOOR.**

(g) **GLASS PRODUCTS MANUFACTURING.** See **MANUFACTURING OPERATIONS I AND II.**

(h) **GOALS.** General statements that describe a desired end state toward which effort should be directed.

(i) **GOLF COURSE.** Golf courses, and accessory facilities and uses including: clubhouses with bar and restaurant, locker and shower facilities; driving ranges; “pro shops” for on-site sales of golfing equipment; and golf cart storage and sales facilities.

(j) **GOVERNMENT CODE.** The State of California Government Code.

(k) **GOVERNMENT OFFICE.** See **OFFICE.**

(l) **GRADING.** Excavating, filling, leveling or smoothing, or combination thereof, for which a grading permit is required by the California Building Code. **MAJOR GRADING** is grading in excess of 100 cubic yards, whereas **MINOR GRADING** is 100 cubic yards or less.

(m) **GRADING PROVISIONS.** One or more standards in the San Bernardino County Grading

Ordinance.

(n) **GROCERIES, SPECIALTY FOODS.** (See Land Use Tables.) A retail business where the majority of the floor area open to the public is occupied by food products packaged for preparation and consumption away from the store. Includes retail bakeries, where any on-site baking is only for on-site sales.

(o) **GROUND SHAKING LEVELS.** The physical movement of the land surface due to earthquakes, the extent of which is dependent upon the magnitude of the tremor, the subsurface material of the area, and the proximity to the epicenter of the quake. **GROUND SHAKING LEVELS** may be measured on the Modified Mercalli Intensity Scale.

(p) **GROUP RESIDENTIAL.** (See Land Use Tables.) Shared living quarters, occupied by two or more persons not living together as a single housekeeping unit (see **SINGLE HOUSEKEEPING UNIT**). Includes, without limitation, boarding or rooming houses (see **BOARDING HOUSE**), dormitories, fraternities, sororities and private residential clubs. Excludes residential care facilities (see **RESIDENTIAL CARE FACILITY**).

(q) **GROWTH MONITORING.** A process that follows the amount and rate of population growth within a city or other specified area. It normally involves some estimation of population growth for small areas through the analysis of development applications (zone changes, subdivisions, etc.) from submittal, through review, to final approval and issuance of building permits.

(r) **GUEST HOUSE.** (See Land Use Tables.) Residential occupancy of a living unit, with bathroom plumbing only, separated from the primary dwelling by at least ten feet, and located on the same parcel as the primary dwelling on a contiguous parcel in the same ownership. This unit is for use by the occupants or temporary guests of the occupants of the premises and is not rented or otherwise used as a separate dwelling, except when approved as a Dependent Unit.

(s) **GUEST ROOM.** A room that is designed for or used by one or more guests for sleeping purposes, but in which no provision is made for cooking.

(Ord. 4011, passed - -2007; Am. Ord. 4098, passed - -2010; Am. Ord. 4230, passed - -2014)

§ 810.01.100 Definitions, H.

(a) **HABITABLE SPACE (ROOM).** Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas, are not considered habitable space.

(b) **HALF STORY.** See **STORY, HALF.**

(c) **HARDSCAPE.** Landscaping elements, other than plant materials, consisting of components such as decorative rock, boulders, masonry work, woodwork, stone walls, decorative concrete or brick patios, tile paths, wooden decks and wooden arbors. **HARDSCAPE** does not include paving for driveways or parking of vehicles.

(d) **HAUL ROAD.** See **SURFACE MINING OPERATIONS.**

(e) **HAZARDOUS AREA.** An area subject to or containing elements that pose a potential threat to life or property. Flood plains, earthquake fault zones, nuclear or chemical waste disposal sites, or areas of inherently unsafe soil conditions are examples.

(f) **HAZARDOUS EXCAVATION, MINING.** An unattended pit, shaft, portal or other surface opening that, if not secured by covering, fencing, or have access restricted by gates, doors, or other reasonable means, presents a threat to the physical safety of the public.

(g) **HAZARDOUS FIRE AREA.** Any land that is covered with grass, grain, brush, or forest, whether privately or publicly owned, that is so situated or is in such an inaccessible location that a fire originating upon the land would present an abnormally difficult job of suppression or would result in great and unusual damage through fire or resulting erosion.

(h) **HAZARDOUS MATERIAL.** A material or waste or combination of materials and wastes, that because of its quantity, concentration, or physical, chemical, or infectious characteristics may either:

(1) Cause, or significantly contribute to, an increase in mortality, serious irreversible illness or incapacitating reversible illness; or

(2) Pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported, disposed of, or otherwise managed.

(i) **HAZARDOUS WASTE.** Means either of the following:

(1) A waste, or combination of wastes, that because of its quantity, concentration, or physical, chemical, or infectious characteristics may either:

(A) Cause, or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible, illness.

(B) Pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

(2) A waste that meets any of the criteria for the identification of a hazardous waste adopted by the State Department of Health Services in compliance with Health and Safety Code § 25141.

(3) Includes, but is not limited to, RCRA (Resource Conservation and Recovery Act) hazardous waste.

(4) Unless expressly provided otherwise, the term **HAZARDOUS WASTE** shall be understood to also include extremely hazardous waste and acutely hazardous waste.

(j) **HAZARDOUS WASTE OPERATION OR FACILITY.** (See Land Use Tables.) A hazardous waste operation or facility includes the following.

(1) **SPECIFIED HAZARDOUS WASTE FACILITIES.** Off-site facilities that accept wastes from more than one generator. A facility must have carefully engineered and designed means for acceptance, storage, and treatment of the wastes as well as trained personnel operating the site.

(2) **TRANSFER AND STORAGE FACILITIES.** Facilities that collect small quantities of hazardous waste and store them until it is economical to transfer the wastes to a treatment or disposal site.

(3) **TREATMENT FACILITIES.** Facilities that alter the chemical form, toxicity, or volume of a waste. They do this generally through the use of one of the following processes:

(A) Destruction or detoxification to transform a hazardous waste into a material safe for disposal;

(B) Concentration or volume reduction to facilitate the safe handling and disposal of hazardous components; and

(C) Immobilization to isolate the hazardous components from the environment.

(4) **TRANSPORTABLE TREATMENT UNITS (TTUS).** Temporary mobile facilities that treat hazardous waste at the site of generation.

(5) **INCINERATION FACILITIES.** Facilities that burn some wastes such as organic liquids and solids that cannot be reclaimed economically or are technically difficult to treat. Incinerators destroy the waste, leaving a small hazardous waste residue. They can be developed as on-site or off-site facilities and are often used in hospitals to burn infectious wastes.

(6) **SOLIDIFICATION and STABILIZATION.** The two most common methods of immobilizing hazardous wastes, and involve changing a liquid to a solid or altering the characteristics of a solid to immobilize the contaminants. A variety of materials are used including cement, lime, and polymeric materials. This method is used for wastes that cannot be recycled, treated or destroyed. Often, wastes undergo several treatment methods; solidification or stabilization is usually the last method applied in a treatment train.

(7) **RECYCLING FACILITIES.** Facilities that process hazardous wastes so that they may be reclaimed, used or reused. See **RECYCLING FACILITY.**

(8) **RESIDUALS REPOSITORY.** A hazardous waste facility or part of a facility that is permitted to accept for land disposal only non-liquid, treated hazardous waste (as defined in Health and Safety Code § 25179.3(l)). Non-liquid means non-liquid and containing less than 50 moisture by weight as determined in compliance with the Code of Regulations § 67425.

(9) **LAND DISPOSAL.**

(A) Disposal of hazardous wastes on or into the land, including, but not limited to, landfill, surface impoundment, waste piles, deep-well injection, land spreading, and co-burial with municipal garbage.

(B) Treatment of hazardous wastes on or in the land, such as neutralization and evaporation ponds and land farming, where the treatment residues are hazardous wastes and are not removed for subsequent processing or disposal within one year.

(C) Storage of hazardous wastes on or in the land, such as waste piles and surface impoundments, other than neutralization and evaporation ponds, for longer than one year.

(k) **HAZARDOUS WASTE MANAGEMENT PLAN (HWMP).** The primary planning document for the management of hazardous waste in San Bernardino County prepared in compliance with Health and Safety Code §§ 25135 *et seq.* The HWMP was adopted by the Board of Supervisors and approved by the California Department of Health Services in February 1990.

(l) **HEATING OPPORTUNITIES, PASSIVE OR NATURAL.** The ability to orient or site any structure, including a dwelling on its lot in order to take optimum advantage of natural solar heating capabilities.

Structures should wherever possible orient their longest/largest axis from east to west and include special treatment of the south facing wall.

- (m) **HEAVY PROCESSING FACILITY.** See **RECYCLING FACILITY.**
 - (n) **HEIGHT.** See § 83.02.040 (Height Measurement and Height Limit Exceptions).
 - (o) **HIERARCHY OF SPACE.** Defined areas for public space (e.g., streets), community space (e.g., common open space, play areas, communal laundry, community center, etc.), and private space (e.g., individual units and private open space).
 - (p) **HIGHEST ADJACENT GRADE.** See **FLOOD HAZARD.**
 - (q) **HISTORIC STRUCTURE.** See **FLOOD HAZARD.**
 - (r) **HISTORICAL LANDMARK AND STRUCTURE.** (See Land Use Tables.) An individual structure or group of structures on a single lot, a site, an area, a district, or combination thereof, having a special historical, architectural, cultural, or aesthetic value.
 - (s) **HOLIDAY LIGHTING.** See **LIGHTING, OUTDOOR.**
 - (t) **HOG RANCH.** Any premises used for the raising or keeping of ten or more weaned animals.
 - (u) **HOME OCCUPATION.** (See Land Use Tables.) Any occupation customarily conducted entirely within a dwelling by its inhabitants, the purpose being incidental to the use of the dwelling for dwelling purposes. These uses are regulated in Chapter 84.12 (Home Occupations).
 - (v) Reserved.
 - (w) **HOST HOME.** See **BED AND BREAKFAST INN.**
 - (x) **HOSPITAL.** See **MEDICAL SERVICES, HOSPITAL.**
 - (y) **HOTEL.** (See Land Use Tables.) An establishment that provides guest rooms or suites for a fee. Access to units is primarily from interior lobbies, courts, or halls. Related accessory uses may include conference and meeting rooms, restaurants, bars, and recreational facilities. Guest rooms may or may not contain kitchen facilities for food preparation (i.e., refrigerators, sinks, stoves, and ovens). Hotels with kitchen facilities are commonly known as extended stay hotels. A hotel operates subject to taxation under Revenue and Taxation Code § 7280. Note: A residential care facility is not a **HOTEL**, or vice versa.
 - (z) Reserved.
 - (aa) **HOUSING, CARETAKER.** See **CARETAKER HOUSING.**
 - (bb) **HOUSING, GROUP.** (See Land Use Tables.) See **GROUP HOUSING.**
 - (cc) **HYDROCOLLAPSIBLE SOILS.** See **SOIL.**
 - (dd) **HYDROZONE.** A portion of the landscaped area that contains plant material with similar water needs/requirements. A hydrozone may be an irrigated or non-irrigated area.
 - (ee) **HYDROZONE PLAN.** A plan that outlines all the separate hydrozone areas created by planting material within the landscaped areas, both irrigated and non-irrigated.
- (Ord. 4011, passed - -2007; Am. Ord. 4136, passed - -2011; Am. Ord. 4189, passed - -2012; Am. Ord. 4230, passed - -2014; Am. Ord. 4341, passed - -2018)

§ 810.01.110 Definitions, I.

- (a) **IMPOUND FACILITIES.** See **MOTOR VEHICLE STORAGE/IMPOUND FACILITIES.**
- (b) **INCINERATION FACILITIES.** See **HAZARDOUS WASTE.**
- (c) **INCOMPATIBLE LAND USES.** See **SURFACE MINING OPERATIONS.**
- (d) **INDIVIDUAL SIGN.** See **SIGN.**
- (e) **IDLE.** See **SURFACE MINING OPERATIONS.**
- (f) **INDOOR STORAGE.** See **STORAGE, WAREHOUSE.**
- (g) **INTERIOR LOT.** See **LOT.**
- (h) **INTERIOR LOT LINE.** See **LOT.**
- (i) **INTERIOR SIDE YARD.** See **YARD.**
- (j) **INDUSTRIAL STRUCTURE.** See **STRUCTURE, BUSINESS OR INDUSTRIAL.**
- (k) **INDUSTRIAL USE.** One or more of the land use types listed in the tables of “Allowed Land Uses and Permit Requirements” in Division 2 (Land Use Zoning Districts and Allowed Land Uses) under the heading of “Industry, Manufacturing & Processing, Wholesaling.”
- (m) **INFILTRATION RATE.** The rate in which water enters the soil. This rate is expressed as the depth of water per unit of time (i.e., inches per hour).
- (n) **INTENSITY.** The density of development versus open space of an area or property. For example, a Multiple Dwelling land use is a higher land use intensity than Single Dwelling land use.

(o) **INVASIVE PLANT SPECIES.** Plant material, which is non-indigenous species to an area that adversely affects the habitats they invade, either economically, environmentally, and/or ecologically. Invasive plant species may be regulated by the County's agricultural agency as a noxious species. "Noxious weed" is any weed designated by the Weed Control Regulations in the Weed Control Act and identified on a Regional District noxious weed control list. A complete list of invasive plant material can be found in the California Invasive Plant Inventory and the USDA invasive and noxious weed database.

(p) **IRRIGATION AUDIT.** An in-depth evaluation of the performance of an irrigation system, which is conducted by a Certified Landscape Irrigation Auditor. An irrigation audit includes, but is not limited to, an inspection, a systems tune-up, a systems test with distribution uniformity, the reporting of overspray and/or runoff that causes overland flow, and preparation of an irrigation schedule.

(q) **IRRIGATION EFFICIENCY (IE).** The measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates from irrigation system characteristics and management practices. The minimum irrigation efficiency rate shall be 0.71.

(r) **IRRIGATION HEAD.** The device that delivers water to landscaped areas by means of a nozzle or emission device (e.g., pop-up and fixed spray heads, impact rotors, rotary nozzles, rotors, etc.).

(s) **IRRIGATION LATERAL LINE.** The secondary pressurized pipeline that delivers water to the emitters, spray/irrigation heads, rotors, etc. from the valve.

(t) **IRRIGATION MAINLINE.** The main pressurized pipeline that delivers water from the point-of-connection/water source to the valves or outlets within an irrigation system.

(u) **IRRIGATION SCHEDULE.** A list of irrigation run times per valve station, based on water use, plant material, and irrigation efficiency, throughout a given year.

(v) **IRRIGATION SYSTEM.** The designed networking of piping, valves, irrigation heads, sensors, and a controller.

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

§ 810.01.120 Definitions, J.

(a) **JUNK AND SALVAGE FACILITY.** Primary or accessory use of a parcel of land for open storage, dismantling and/or selling of old cast off, unused, scrap or salvage material of any sort. Materials shall include but to be limited to:

- (1) Copper, aluminum, brass, ferrous or nonferrous metals, whether fabricated or not.
- (2) Rope, rags, paper, glass, rubber, plastic or other polymer material.
- (3) Scrap lumber or other construction material.
- (4) Appliances, batteries or junk, dismantled or wrecked motor vehicles or parts thereof.
- (5) Trash, debris (organic and inorganic) or other waste material.

(b) **JOINT LOCATION.** See **WIRELESS TELECOMMUNICATION FACILITY.**

(c) **JUNIOR ACCESSORY DWELLING UNIT.** A unit that is no more than 500 square feet in size and contained entirely within an existing single-family structure. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

(Ord. 4011, passed - -2007)

§ 810.01.130 Definitions, K.

(a) **KENNELS AND CATTERIES.** (See Land Use Tables.) Facilities for the care of dogs and cats.

(1) **COMMERCIAL KENNEL OR CATTERY.** The boarding, breeding, raising or training of five or more dogs or cats of any age not owned by the owner or occupant of the premises, and/or for commercial gain. For the purposes of this Section and of § 84.04.050, a commercial kennel or cattery also includes the breeding of five or more dogs or cats of any age owned by the owner or occupant of the premises for commercial gain.

(2) **PRIVATE KENNELS OR CATTERY.** The keeping, raising, showing, or training of five to 15 dogs or cats over six months of age for personal enjoyment of the owner or occupants of the property, and for which commercial gain is not the objective. All such animals shall be spayed or neutered.

(b) **KEY LOT.** See **LOT.**

(c) **KITCHEN.** Any room, all or any part of which is designed or used for cooking and the preparation of food.

(Ord. 4011, passed - -2007)

§ 810.01.140 Definitions, L.

(a) **LABOR CAMP.** (See Land Use Tables.) Premises used for residential purposes for temporary or seasonal periods by five or more persons employed to perform agricultural or industrial labor.

(b) **LABOR QUARTERS.** (See Land Use Tables.) See **ACCESSORY DWELLING.**

(c) **LOCAL AGENCY FORMATION COMMISSION (LAFCO).** A commission created in compliance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code §§ 56000 *et seq.*) to oversee proposals for organization and boundary changes, including the incorporation and disincorporation of cities, the formation and dissolution of special districts, and the consolidation, merger, annexation, and reorganization of cities and special districts.

(d) **LAKE.** A naturally occurring or artificially created body of water (impounded above or below surface level) with a designated holding capacity of at least one acre-foot of water. Does not include **POND.** See also **RESERVOIR.**

(e) **LAMP.** See **LIGHTING, OUTDOOR.**

(f) **LAND CLEARING.** Removal of vegetation down to duff or bare soil, by any method.

(g) **LAND DISPOSAL.** See **HAZARDOUS WASTE.**

(h) **LAND DISTURBANCE.** Clearing, excavating, grading or other manipulation of the terrain.

(i) **LAND USE.** The manner in which land is developed and used. The general categories of **LAND USE** include: residential, commercial, industrial, institutional, agricultural, recreational, and planned development.

(j) **LAND USE APPLICATION.** An applicant-initiated request for County approval of a discretionary permit that is subject to one of the review processes specified by the County Code in Division 5 (Permit Application and Review Procedures) Ministerial permit actions (e.g., Building Permits, Mobile Home Setdown Permits, etc.) are not **LAND USE APPLICATIONS.**

(k) **LAND USE TYPES.** Land use activities that are grouped together by their common performance characteristics in the tables in Division 2 (Land Use Zoning Districts and Allowed Land Uses) (e.g., agricultural, resource, and open spaces; industry, manufacturing and processing, wholesaling uses, etc.).

(l) **LAND USE ZONING DISTRICT.** A land use regulatory district adopted in compliance with the provisions of Division 2 (Land Use Zoning Districts and Allowed Land Uses) and the General Plan, establishing all necessary rules and regulations necessary to guide development within the area affected by the district.

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(m) **LANDSCAPE ARCHITECT.** An individual who holds a license to practice landscape architecture within the State of California per California Business and Professions Code §5615.

(n) **LANDSCAPE AREA.** All planting areas, turf areas, and water features within a landscape design plan that are subject to the Maximum Applied Water Allowance (MAWA, see **MAXIMUM APPLIED WATER ALLOWANCE**) calculation. The landscape area does not include footprints of buildings or structures, walkways, driveways, parking lots, decks, patios, decomposed granite or stone walks, areas with pavers, other pervious or non-pervious hardscapes, and other non-irrigated areas that have been designated for non-development purposes (e.g., open spaces and existing native vegetation areas).

(o) **LANDSCAPE CONTRACTOR.** An individual who holds a license to construct, maintain, repair, install, and/or subcontract the development of landscape systems within the State of California.

(p) **LANDSCAPE DOCUMENTATION PACKAGE.** A set of plans that includes a title page, planting plan, irrigation plan, hydrozone plan, rough and/or precise grading plan, soil management report, and that complies with Chapter 83.10, Landscape Standards.

(q) **LANDSLIDE.** The perceptible downward sliding of a mass of earth and/or rock.

(r) **LARGE COLLECTION FACILITY.** See **RECYCLING FACILITY.**

(s) **LARGE FAMILY DAY CARE HOME.** See **DAY CARE, CHILD.**

(t) **LEACHING.** The washing or draining of dissolved minerals or pollutants from the soil surface to the subsurface.

(u) **LEAD AGENCY, MINING AND RECLAMATION.** For the purposes of mining and reclamation, a city or county that has the principal responsibility for approving a surface mining operation, in compliance with the California Public Resources Code.

(v) **LEGAL ACCESS.** See **ACCESS.**

(w) **LIBRARY, MUSEUM, ART GALLERY, OUTDOOR EXHIBIT.** (See Land Use Tables.) Public or quasi-public facilities, examples of which include: aquariums, arboretums, art galleries and exhibitions, botanical gardens, historic sites and exhibits, libraries, museums, planetariums, and zoos. May also include accessory retail uses (e.g., gift/book shop, restaurant, etc.) Does not include commercial art galleries, which are included under “General Retail.

(x) **LIGHTING, OUTDOOR.** The following outdoor lighting related terms are defined as follows:

(1) **ARCHITECTURAL LIGHTING.** Lighting that is either directed towards a residence with the intent of highlighting an architectural feature or a light fixture that is architecturally ornamental in nature or purpose.

(2) **ATTACHED LIGHTING.** A light fixture that is attached to a structure.

(3) **FIXTURE.** The assembly that holds the lamp and may include an assembly housing, a mounting bracket or polo socket, lamp holder, ballast, a reflector or mirror and a refractor or lens.

(4) **FREESTANDING LIGHTING.** A light fixture that is not attached to a structure.

(5) **FULLY-SHIELDED FIXTURE.** Outdoor lighting fixture shielded or constructed so that no light is emitted above the horizontal plane, and light rays are only emitted by the installed fixtures in a manner that does not direct light or light trespass onto adjacent property, on any other property within the line of sight (direct or reflected) of the light source, or to any member of the public who may be traveling on adjacent roadways or rights-of-way.

(6) **GLARE.** Direct and unshielded light striking the eye to result in annoyance, discomfort or reduced visual performance to a reasonable person under the circumstances.

(7) **HOLIDAY LIGHTING.** Seasonal displays of 60 days or less within one calendar year, using multiple low wattage bulbs (approximately 15 lumens or less) provided they do not constitute a fire hazard, create a nuisance, and are maintained in a safe condition.

(8) **LAMP.** The generic term for an artificial light source installed in the socket portion of the fixture, to be distinguished from the whole assembly. Commonly referred to as a **BULB.**

(9) **LIGHT POLLUTION.** Artificial light generated and emitted into the night sky.

(10) **LIGHT TRESPASS.** Light from any outdoor lighting onto neighboring property or property that is within a direct line from the light source that interferes with viewing of night sky, eliminates the ability to have darkness on the property or shines on any area on these properties or structures. A determination of light trespass shall be made in compliance with Chapter 83.07 (Glare and Outdoor Lighting).

(11) **NIGHT SKY.** A clear sky, between dusk and dawn, with visible stars, despite necessary or desired illumination of private and public property.

(12) **PARTIALLY-SHIELDED FIXTURE.** A fixture employing a top shield to reduce upward light, but otherwise does not shield the lamp from view.

(13) **PEDESTRIAN LIGHTING.** Freestanding lighting fixtures not exceeding a height of 36 inches from ground grade level.

(y) **LIGHT POLLUTION.** See **LIGHTING, OUTDOOR.**

(z) **LIGHT PROCESSING FACILITY.** See Recycling Facility.

(aa) **LIGHT TRESPASS.** See **LIGHTING, OUTDOOR.**

(bb) **LIQUEFACTION.** A temporary fluid condition in water saturated, loose, sandy soil caused by shock, such as an earthquake, which can cause serious soil settlement, slumping or failure of structure foundations.

(cc) **LIVE/WORK UNIT.** (See Land Use Tables). An integrated housing unit and working space, occupied and utilized by a single household in a structure, either single-family or multi-family, that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and that includes:

(1) Complete kitchen space and sanitary facilities in compliance with the Building Code; and

(2) Working space reserved for and regularly used by one or more occupants of the unit.

(dd) **LIVESTOCK OPERATIONS.** (See Land Use Tables.) Intensive commercial hoofed animal keeping operations including dairies, feedlots, hog ranches, etc.

(ee) **LOAD.** See **OCCUPANT LOAD.**

(ff) **LOADING SPACE.** An off street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading

merchandise or materials, which abuts upon a street, alley or other appropriate means of access.

(gg) **LOCAL AGENCY.** The County of San Bernardino.

(hh) **LOCAL AREA TRANSPORTATION FACILITIES PLAN.** See **TRANSPORTATION FACILITIES PLAN, LOCAL AREA.**

(ii) **LOCAL ORDINANCE.** A local ordinance that implements State Planning, Zoning, and Development Laws, enacted by the Board of Supervisors of the County of San Bernardino.

(jj) **LOCAL STREET.** See **ROAD SYSTEM.**

(kk) **LOCAL WATER PURVEYOR.** An entity, including the local agency, a public agency, or private water company that provides retail water services to customers within the unincorporated areas of the County of San Bernardino.

(ll) **LOCATIONAL STANDARDS.** Criteria utilized to establish the circumstances under which a particular base land use zoning district would be appropriate or desirable for a given area or site.

(mm) **LODGING SERVICES.** Establishments engaged in the provision of lodging services, normally on a daily or weekly basis with incidental food, alcoholic beverages, sales and service intended for the convenience of the guests at a hotel, motel and tourist court.

(nn) **LOT.** An area shown on and created by a final map, official map or parcel map recorded with the County Recorder. Types of lots include the following (See Figure 810-1 - Lot Types):

(1) **CORNER LOT.** A lot situated at the intersection of two or more streets, or bounded on two or more adjacent sides by street lines, provided that the angle of intersection does not exceed 135 degrees.

(2) **FLAG LOT.** A lot having access from the building site to a public street by means of private right-of-way strip that is owned in fee.

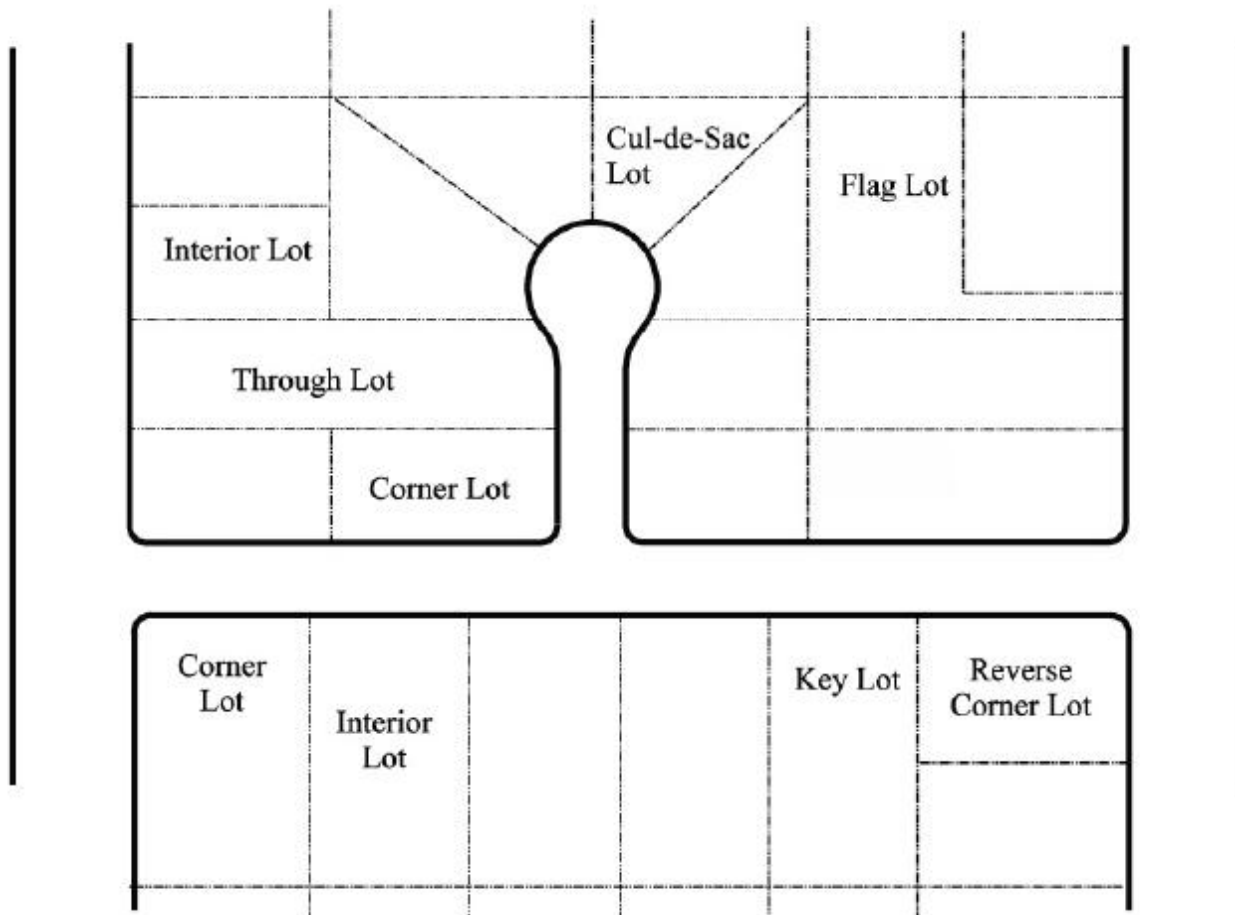
(3) **INTERIOR LOT.** A lot other than a corner lot.

(4) **KEY LOT.** The first interior lot to the rear of a reversed corner lot, the front line of which is a continuation of the side line of the reversed corner lot, exclusive of the width of an alley, and fronting on the street that intersects or intercepts the street upon which the corner lot fronts.

(5) **REVERSED CORNER LOT.** A corner lot that rears upon the side of another lot, whether or not across an alley. See Diagram § 812.27005.

(6) **THROUGH LOT.** A lot having frontage on two parallel or approximately parallel streets.

Figure 810-1 Lot Types



(oo) **LOT COVERAGE.** The percentage of a lot that has been altered to create a surface area that is either impervious (i.e., does not absorb water) or is covered by primary and accessory structures footprints. See **BUILDING COVERAGE.**

(pp) **LOT DEPTH.** The horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

(qq) **LOT DIMENSION RATIO.** A land area ratio of width to depth that determines the shape of a lot.

(rr) **LOT, FRONTAGE.** The dimension of a lot or portion of a lot that abuts a street or an approved road easement, except the side of a corner lot.

(ss) **LOT LINE** or **PROPERTY LINE.** Any recorded boundary of a lot. Types of **LOT LINES** are as follows:

(1) **FRONT LOT LINE.** In the case of an interior lot, a line separating the lot from the street; and in the case of a corner lot, a line separating the narrowest street frontage of the lot from the street, except in those cases where the latest tract deed restrictions or the recorded map specify another line as the **FRONT LOT LINE.** In the case of a corner lot where precise dimensions are not readily available and the lot appears to be substantially equal in street frontage or if the known dimensions of the lot lines are within ten percent of one another, the reviewing authority shall have the discretion to determine the **FRONT LOT LINE.**

(2) **INTERIOR LOT LINE.** Any lot line not abutting a street.

(3) **REAR LOT LINE.** A line that is opposite and most distant from the front lot line, and in the case of a triangular or other irregularly shaped lot, a line within the lot ten feet in length, parallel to and at the maximum distance from the front lot line.

(4) **SIDE LOT LINE.** Any lot line other than the front or rear lot lines.

(tt) **LOT LINE ADJUSTMENT.** The adjustment of a lot line between two or more adjacent parcels, where the land taken from one parcel is added to an adjacent parcel, and where no additional parcels are thereby created or the number of parcels reduced.

(uu) **LOT MERGER.** A process by which contiguous lots are merged into one land holding. In order to be merged, the lots must be held by the same owner and the lots must have a common lot line. This process is subject to all of the requirements of the County Code and may be initiated by either the owners of the lots or

the County.

(vv) **LOT, MOBILE HOME PARK.** See **MOBILE HOME PARK LOT.**

(ww) **LOT SIZE, MINIMUM.** The smallest unit of land permitted through subdivision within a specific land use zoning district, specified as minimum lot size in each land use zoning district in Division 2 (Land Use Zoning Districts and Allowed Land Uses).

(xx) **LOT, SUBSTANDARD.** See **SUBSTANDARD LOT.**

(yy) **LOT WIDTH.** The following method that yields the smallest dimension shall be chosen to measure **LOT WIDTH:**

(1) The distance measured at the building setback line (BSL) along a line or arc that is parallel or concentric to the right-of-way; or

(2) The average horizontal distance between the side lot lines measured at right angles to the lot depth.

(zz) **LOWEST FLOOR.** See **FLOOD HAZARD.**

(aaa) **LOW HEAD DRAINAGE.** Drainage from an irrigation head, which is caused by the flow of water down a system's lateral lines from a high point of elevation within the system. Such drainage causes water waste and unnecessary runoff.

(bbb) **LOW VOLUME IRRIGATION.** The application of irrigation water at low pressure through a system of tubing or lateral lines; and the use of low volume emitters, such as a drip, drip line, bubblers and micro-sprays, which apply small volumes of water slowly at or near the root zone of plant material.

(ccc) **LOW WATER USE LANDSCAPING.** Landscaping that has a plant factor of 0.3 or less.

(ddd) **LUMBER AND WOOD PRODUCTS MANUFACTURING.** See **MANUFACTURING OPERATIONS I AND II.**

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

§ 810.01.150 Definitions, M.

(a) **MAINTAINED PUBLIC STREET.** Any roadway maintained by a public agency for public use.

(b) **MAJOR ARTERIAL HIGHWAY.** See **ROAD SYSTEM.**

(c) **MAJOR DIVIDED HIGHWAY.** See **ROAD SYSTEM.**

(d) **MAJOR EVENT.** See **SPECIAL EVENT, TEMPORARY.**

(e) **MAJOR GRADING.** See **GRADING.**

(f) **MAJOR HIGHWAY.** See **ROAD SYSTEM.**

(g) **MAJOR REPAIR/BODY WORK.** See **VEHICLE SERVICES.**

(h) **MANAGING AGENCY OR AGENT.** A person, firm or agency representing the owner(s) of a private home rental unit(s), or a person, firm or agency owning one or more private home rental units.

(i) **MANUFACTURED HOME.** A structure manufactured on or after June 15, 1976 that meets the requirements of the National Manufactured Housing and Safety Act of 1974, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width, or 40 feet or more in length, or, when erected on site, is 320 or more square feet, and designed to be used as a dwelling unit with or without a permanent foundation when connected to utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein; except that such term will include any structure which meets all the requirements of this Subdivision except the size requirements and with the respect to which manufacturer voluntarily files a certification and complies with the standards established under this part. See also **FLOOD HAZARD.**

(j) **MANUFACTURED HOME PARK OR SUBDIVISION.** See **FLOOD HAZARD** and **MOBILE HOME PARK.**

(k) **MANUFACTURING OPERATIONS.** The on-site production of goods by methods other than agricultural or extractive in nature.

(l) **MANUFACTURING OPERATIONS I—LIMITED MANUFACTURING.** (See Land Use Tables.) Manufacturing operations that are totally enclosed within a structure and employ fewer than 20 employees on the largest shift. This land use generally involves the assembly of specific products rather than the manufacturing of the various components of the products. Limited exterior storage is permitted but is fully screened from public view.

(1) **APPAREL AND OTHER FINISHED PRODUCTS.** The manufacture of clothing and accessories by cutting and sewing purchased woven or knit textile fabrics and related materials. Typical uses include: garments, leather goods.

(2) **FOOD AND RELATED PRODUCTS.** The processing or production of a natural or man-made solid

or liquid food substances used for human or animal internal consumption. Typical uses include: food packaging, egg processing, butter or cheese processing.

(3) **FABRICATED METAL PRODUCTS.** The fabrication or further processing and assembly of metal parts into equipment or machinery. Typical uses include: coating, engraving and allied services.

(4) **FURNITURE AND FIXTURES.** The assembly of furniture and related fixtures. Typical uses include: assembly of household, office or other furniture.

(5) **LUMBER AND WOOD PRODUCTS.** The assembly and finishing of wood articles, except furniture and related fixtures and miscellaneous household or office products made wholly or partially of wood. Typical uses include: cabinet shops.

(6) **MISCELLANEOUS MANUFACTURING.** The manufacture or repair of products not included in any other category and mainly consisting of small household or office luxuries, recreational goods or supplies and large scale printing operations. Typical uses include: jewelry, silverware and plated ware, and musical instruments.

(7) **PAPER AND RELATED PRODUCTS.** The manufacture of paper goods generally from purchased paper materials. Typical uses include: envelopes, bags, stationery, tablets and related products.

(8) **PROFESSIONAL AND SCIENTIFIC GOODS.** The manufacture of instruments for measuring, testing, sensing, analyzing and controlling natural or man-made objects, physical conditions or states. Typical uses include: engineering, laboratory, scientific, measuring and controlling instruments, optical, surgical, medical and dental instruments, photographic equipment and supplies, watches, clocks and clock-operated devices.

(9) **RUBBER AND MISCELLANEOUS PLASTIC PRODUCTS.** The manufacture from natural, synthetic or reclaimed rubber, and from chemicals or rubber or plastic products. Typical uses include: fabricated rubber products.

(10) **STONE, CLAY, AND GLASS PRODUCTS.** The manufacture of products from stone, clay, sand and other nonmetallic minerals, excluding fuels. Typical uses include: glass products made of purchased glass, pottery and related products.

(11) **TEXTILE MILL PRODUCTS.** The preparation of fiber and subsequent manufacturing, drying, finishing or coating of fiber, thread, yarn, woven, knit, or nonwoven fabrics or miscellaneous textiles. Typical uses include: knitting mills, lace goods.

(m) **MANUFACTURING OPERATIONS II—GENERAL MANUFACTURING.** (See Land Use Tables.) Manufacturing operations that involve exterior storage, large equipment, large number of employees, or that have historically been controversial.

(1) **APPAREL AND OTHER FINISHED PRODUCTS.** The manufacture of clothing and accessories by cutting and sewing purchased furs and related materials. Typical uses include: fur dressing and dyeing.

(2) **CHEMICALS AND RELATED PRODUCTS.** The manufacture or processing of basic, organic, or inorganic chemicals. This includes chemicals to be used in making other products and finished chemical products used for direct consumption or as industrial supplies. Typical uses include: industrial chemicals, plastics materials, synthetic resins or rubber, paints, varnishes, lacquers, agricultural chemicals.

(3) **FOOD AND RELATED PRODUCTS.** The processing or production of a natural or man-made solid or liquid food substances used for human or animal internal consumption. Typical uses include: slaughter houses, poultry dressing plants and flour mills.

(4) **FABRICATED METAL PRODUCTS.** The fabrication or further processing and assembly of metal parts into equipment or machinery. Typical uses include: automobile assembly plants, fabricated structural metal, metal forging and stampings.

(5) **FURNITURE AND FIXTURES.** The manufacture of furniture and related fixtures. Typical uses include: manufacture of household, office or other furniture.

(6) **LUMBER AND WOOD PRODUCTS.** The cutting, planing, compression and finishing of wood articles, except furniture and related fixtures and miscellaneous household or office products made wholly or partially of wood. Typical uses include: logging camps, saw mills.

(7) **PAPER AND RELATED PRODUCTS.** The manufacturing of pulp, paper (both recycled and paper products from wood), other cellulose fibers, used paper, and rag cloth. Typical uses include: paper mills, paper coating and glazing.

(8) **PETROLEUM REFINING AND RELATED INDUSTRIES.** The modification, refining, and mixing or storage of fossil fuels that are composed of petroleum or coal. Typical uses include: petroleum

refining, asphalt batch plants, lubricating oils and greases.

(9) **PRIMARY METAL INDUSTRIES.** The smelting, refining, rolling, drawing and alloying of metals, manufacture of metal castings and production of coke. Typical uses include: blast furnaces, steel works and rolling and finishing mills, foundries, smelting and refining of nonferrous metals.

(10) **RUBBER AND MISCELLANEOUS PLASTIC PRODUCTS.** The manufacture from natural, synthetic or reclaimed rubber, and from chemicals or rubber or plastic products. Typical uses include: tires, inner tubes, rubber and plastic footwear, rubber and plastic hoses and belts.

(11) **STONE, CLAY, AND GLASS PRODUCTS.** The manufacture of products from stone, clay, sand and other nonmetallic minerals, excluding fuels. Typical uses include: brick, tile, dish, glass and insulation manufacturing and concrete plants.

(12) **TEXTILE MILL PRODUCTS.** The preparation of fiber and subsequent manufacturing, drying, finishing or coating of fiber, thread, yarn, woven, knit, or nonwoven fabrics or miscellaneous textiles. Typical uses include: broad woven fabric mills, dyeing and finishing textiles, floor covering mills.

(n) **MASONRY CONSTRUCTION.** As defined in the California Building Code, 2013 Edition with amendments.

(o) **MAP ACT.** California Subdivision Map Act, Government Code §§ 66410 *et seq.*

(p) **MAY.** A permissive or optional provision, regulation or specification.

(q) **MAXIMUM APPLIED WATER ALLOWANCE (MAWA).** The upper limit of the annual amount of applied water allowed for an established landscape.

(r) **MEDICAL SERVICES, HOSPITAL.** (See Land Use Tables.) Hospitals and similar facilities engaged primarily in providing diagnostic services, and extensive medical treatment, including surgical and other hospital service. These establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care. May include on-site accessory clinics and laboratories, accessory retail uses, and on-site ambulance dispatch facilities.

(s) **MEDICAL SERVICES—REHABILITATION CENTER.** (See Land Use Tables.) A facility providing skilled nursing and/or in-patient medical care to persons recovering from injuries or dependencies.

(t) **MEETING FACILITY, PUBLIC OR PRIVATE.** (See Land Use Tables.) A facility for public or private meetings, including community centers, civic and private auditoriums, grange halls, mortuaries, union halls, meeting halls for clubs and other membership organizations, etc. Also includes functionally related internal facilities such as kitchens, multi-purpose rooms, and storage. Does not include conference and meeting rooms accessory and incidental to another primary use that are typically used only by on-site employees and clients, and occupy less floor area on the site than the offices they support (see **OFFICES**). Does not include: sports or other commercial entertainment facilities (see **THEATER**, and **SPORTS AND ENTERTAINMENT ASSEMBLY**); or convention centers (see **CONFERENCE/CONVENTION FACILITY**). Related on-site facilities including day care centers and schools are separately defined. Also see **PLACES OF WORSHIP**.

(u) **MENAGERIE.** A private collection of three or more wild, exotic or dangerous animals that are raised, bred, trained and/or maintained without any public display or exhibition on the site.

(v) **MICROCLIMATE.** The climate of a small, specific landscaped area that may contrast with the climate of the overall landscaped areas due to varying factors such as wind, sun/shade exposure, the density of planting material, and/or the proximity to adjacent reflective surfaces.

(w) **MINED LANDS.** Includes the surface, subsurface, and groundwater of an area where surface mining operations will be, are being, or have been conducted. This includes private ways and roads appurtenant to any land excavations, workings, mining waste, and areas where structures, facilities, equipment, machines, tools or other materials or property that result from, or are used in, surface mining operations are located. See also **SURFACE MINING OPERATIONS**.

(x) **MINERAL RESOURCES.** A collective term for all mineral deposits of a particular kind, or for mineral deposits in general.

(y) **MINERALS.** See **SURFACE MINING OPERATIONS**.

(z) **MINIMUM LOT SIZE.** See **LOT SIZE, MINIMUM**.

(aa) **MINING AND RECLAMATION LEAD AGENCY.** See **LEAD AGENCY**.

(bb) **MINING AND RECLAMATION OPERATOR.** See **SURFACE MINING OPERATIONS**.

(cc) **MINING AND RECLAMATION PLAN.** A plan required by the County for all surface mining operations. The plan requires measures to be taken that provide for reclamation of mined lands to a usable

condition that is readily adaptable for alternative land use and creates no danger to public health or safety.

(dd) **MINING HAZARDOUS, EXCAVATION.** See **HAZARDOUS EXCAVATION.**

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

(ff) **MINING WASTE.** Includes the residual of soil, rock, mineral, liquid, vegetation, equipment, machines, tools, or other materials or property directly resulting from, or displaced by, surface mining operations.

(gg) **MINI-STORAGE.** See **STORAGE, PERSONAL.**

(hh) **MINOR GRADING.** See **GRADING.**

(ii) **MINOR EVENT.** See **SPECIAL EVENT, TEMPORARY.**

(jj) **MINOR MAINTENANCE/REPAIR.** See **VEHICLE SERVICES.**

(kk) **MINOR SUBDIVISION PLOT PLAN.** Any application plot plan requesting the subdivision of any parcel or parcels of land shown as a unit or contiguous units under one or a common ownership, and that is proposed for subdivision for the purpose of sale, lease, financing, or other conveyance, including gift, either immediate or in the future, into two, three or four lots, parts or parcels and a remainder parcel. For the purposes of this definition, a **MINOR SUBDIVISION PLOT PLAN** shall also mean a **TENTATIVE PARCEL MAP.**

(ll) **MITIGATION MEASURES.** Necessary steps taken to lessen potential impacts of development or actions on the environment.

(mm) **MIXED LAND USE.** The unspecified mixture of compatible land uses within one building or within a section or sections of a community.

(nn) **MOBILE HOME, BOAT, OR RV SALES.** (See Land Use Tables.) Retail establishments selling both mobile home dwelling units, and/or various vehicles and watercraft for recreational uses. Includes the sales of boats, campers and camper shells, jet skis, mobile homes, motor homes, and travel trailers.

(oo) **MOBILE HOME, DEPENDENT.** A mobile home or travel trailer coach not equipped with a toilet for sewage disposal.

(pp) **MOBILE HOME.** A structure that was constructed prior to June 15, 1976, is transportable in one or more sections, which in the traveling mode, is eight body feet or more in width, or 40 feet or more in length, or, when erected on site, is 320 or more square feet, and designed to be used as a dwelling unit with or without a permanent foundation when connected to utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein; except that such term will include any structure which meets all the requirements of this subsection and complies with the state standards in effect at the time of construction. **MOBILE HOME** does not include commercial modulars, as defined in § 18001.8, factory-built housing, as defined in § 19971, a manufactured home, as defined in § 18007, or a recreational vehicle, as defined in § 18010 of the California Health and Safety Code (CHSC).

(qq) **MOBILE HOME PARK/MANUFACTURED HOME LAND-LEASE COMMUNITY.** (See Land Use Tables.) An area or tract of land designed as a single unit where spaces for two or more mobile homes used for human habitation are rented or leased on a monthly or greater basis, or owned separately.

(rr) **MOBILE HOME PARK LOT.** A portion of a mobile home park designated or used for the occupancy of one trailer coach or camping party.

(ss) **MOBILE HOME, SELF-CONTAINED.** A mobile home or trailer equipped with a toilet, water storage tank for potable water and a sewage holding tank.

(tt) **MOBILE RECYCLING UNIT.** See **RECYCLING FACILITY.**

(uu) **MODULAR UNIT (FACTORY-BUILT HOUSING).** A residential building, dwelling unit, or an individual dwelling room or combination of rooms thereof, or building component, assembly, or system manufactured in such a manner that all concealed parts or processes of manufacture cannot be inspected before installation at the building site without disassembly, damage, or destruction of the part, including units designed for use as a part of an institution for resident or patient care, that is either wholly manufactured or is in substantial part manufactured at an offsite location to be wholly or partially assembled onsite in accordance with building standards published in the California Building Standards Code and other regulations adopted by the commission pursuant to § 19990. **FACTORY-BUILT HOUSING** does not include a mobile home, as defined in § 18008, a recreational vehicle, as defined in § 18010.5, or a commercial modular, as defined in § 18012.5 of the California Health and Safety Code (CHSC).

(vv) **MONOPOLE.** See **WIRELESS TELECOMMUNICATION FACILITY.**

(ww) **MONUMENT SIGN.** See **SIGN.**

(xx) **MORATORIUM.** See **DEVELOPMENT MORATORIUM.**

(yy) **MORTUARY SERVICES.** (See Land Use Tables.) An establishment providing services for preparing the human dead for burial or cremation and arranging and managing funerals. This excludes cemeteries, crematoriums and columbariums.

(zz) **MOTEL.** A building or group of two or more detached, semi-detached or attached buildings containing guest rooms designed, used and intended, wholly or in part, for the accommodation of transients for compensation on a daily or weekly basis. These establishments provide lodging and parking for automobile travelers and the rooms are usually accessible from outdoor parking areas. These establishments may include guest rooms with food preparation areas (kitchenettes) and are designed, intended or used primarily for the accommodation of automobile travelers. Included are lodging establishments designated as cabins, motor courts, and similar designations; not including those facilities defined in residential care facilities or any jail, hospital, asylum, sanitarium, orphanage, prison or other building in which human beings are housed and detained under legal restraint.

(aaa) **MOTOR VEHICLE.** A self-propelled device by which persons or property may be moved upon a highway, excepting a device moved by human power or used exclusively upon stationary rails or tracks.

(bbb) **MOTOR VEHICLE DISMANTLING FACILITY.** (See Land Use Tables.) Any premises used for the dismantling or wrecking of vehicles required to be registered under the Vehicle Code of the State of California. Activities may include the buying, selling or dealing in vehicles, their integral parts, or component materials thereof, and the storage, sale or dumping of dismantled, partially dismantled, wrecked or inoperative vehicles. See also **RECYCLING FACILITIES—SCRAP AND DISMANTLING YARD.**

(ccc) **MOTOR VEHICLE STORAGE/IMPOUND FACILITY.** (See Land Use Tables.) Any lot, lot area, or parcel of land used, designed, or maintained for the specific purpose of storing, impounding, or keeping motor vehicles, but not including dismantling or wrecking activities.

(ddd) **MOUNTAIN MAJOR HIGHWAY.** See **ROAD SYSTEM.**

(eee) **MOUNTAIN REGION.** Areas within the following described boundary: Beginning at the intersection of the boundary line between San Bernardino and Los Angeles Counties and the north line of Section 31 Township 4 North, Range 7 West, SBB&M, thence generally easterly and southerly along the National Forest boundary to its intersection with the boundary line between San Bernardino and Riverside Counties; thence westerly along the County line to the southwest corner of Township 1 South, Range 1 East; thence generally northerly and westerly following the National Forest boundary to the intersection of north boundary of Section 24, Township 1 North, Range 8 West, SBB&M and the boundary line between San Bernardino and Los Angeles Counties; thence northerly along the County line to the point of beginning.

(fff) **MOUNTAIN SECONDARY HIGHWAY.** See **ROAD SYSTEM.**

(ggg) **MUDSLIDE.** The flow of mud and debris in a downslope direction due to slope failure, caused by poor structural and water retention properties of the soil. They are generally experienced after heavy precipitation, fast snowpack melt, an earthquake or any combination thereof.

(hhh) **MULCH.** Organic material such as leaves, bark, or inorganic material such as pebbles, stones, gravel, decorative sand, and decomposed granite that is left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperatures, and preventing soil erosion.

(iii) **MULTI-FAMILY RESIDENTIAL PROJECTS.** Development project in which two or more attached or detached units are located, including apartments or condominiums.

(jjj) **MULTIPLE DWELLING UNIT.** (See Land Use Tables.) A multiple dwelling unit is a series or combination of dwelling units, either attached or detached, designed to house more than one family with individual, shared or no kitchen privileges (e.g. apartments, condominiums, boarding houses, residential hotels). See also **DWELLING, MULTIPLE FAMILY.**

(kkk) **MULTI-UNIT MANUFACTURED HOUSING.**

(1) Pursuant to Health and Safety Code (CHSC) § 18008.7, **MULTI-UNIT MANUFACTURED HOUSING** means either of the following:

(A) A structure transportable under permit in one or more sections designed and equipped to contain not more than two dwelling units, a dormitory, or an efficiency unit as defined in § 17958.1, to be used with a support system pursuant to § 18613 or a foundation system pursuant to § 18551.

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

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

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

(2) **MULTI-DWELLING UNIT MANUFACTURED HOUSING** shall be constructed in compliance with all applicable department regulations. The egress and fire separation requirements of Title 24 of the California Code of Regulations (CCR) applicable to dormitories, hotels, apartment houses, and structures that contain two dwelling units shall also be applicable to all multi-dwelling manufactured housing constructed for those purposes. The accessibility and adaptability requirements of Title 24 of the CCR applicable to dormitories, hotels and apartment homes shall also be applicable to **MULTI-DWELLING UNIT MANUFACTURED HOUSING** containing three or more dwelling units.

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

(A) **DORMITORY** means a room or rooms inhabited for the purposes of temporary residence by two or more persons.

(B) **EFFICIENCY UNIT** has the same meaning as defined in Health and Safety Code § 17958.1.

(III) **MULTI-USE CENTER**. An area of service, retail or publicly-oriented facilities that are centrally located along collector streets or major arterials and serve the local residents.

(mmm) **MUSEUM**. See **LIBRARY, MUSEUM, ART GALLERY, OUTDOOR EXHIBIT**.

(Ord. 4011, passed - -2007; Am. Ord. 4043, passed - -2008; Am. Ord. 4136, passed - -2011; Am. Ord. 4140, passed - -2011; Am. Ord. 4189, passed - -2012; Am. Ord. 4245, passed - -2014; Am. Ord. 4309, passed - -2016)

§ 810.01.160 Definitions, N.

(a) **NATIONAL FOREST LANDS**. Lands under the jurisdiction of U.S. Forest Service and within the boundaries of the San Bernardino and Angeles National Forests.

(b) **NATIVE TREE**. See **TREE, NATIVE**.

(c) **NATIVE VEGETATIVE SPECIES**. All plant species indigenous to the State of California and compatible to the climate and elevation of the area to be landscaped.

(d) **NATURAL RESOURCES DEVELOPMENT**. (See Land Use Tables.) The development and extraction of mineral deposits, natural vegetation and energy sources, together with the necessary incidental buildings, apparatus or appurtenances.

(e) **NATURAL HAZARDS**. Any one or combination of naturally occurring phenomena (e.g., earthquakes, forest and brush fires, landslides, mudslides, etc.) that pose a potential threat to the man- made environment.

(f) **NATURE PRESERVE**. An area of land maintained in its natural state for the preservation of habitat or other natural resources.

(g) **NEW CONSTRUCTION**. See **FLOOD HAZARD**.

(h) **NIGHT CLUB**. (See Land Use Tables.) A facility with the primary function of providing entertainment, examples of which include live music and/or dancing, comedy, etc., which may serve alcoholic beverages for on-site consumption. Does not include adult entertainment businesses, which are separately defined.

(i) **NIGHT SKY**. See **LIGHTING, OUTDOOR**.

(j) **NOISE CONTOUR**. A mapped line connecting points where the same sound pressure level prevails. Contours form bands of width emanating from a noise source, and approximate true ambient noise levels.

(k) **NON-ACCESS**. See **ACCESS**.

(l) **NONCONFORMING** or **NONCONFORMING USE**. Any building, structure or portion thereof, or use of building or land that does not conform to the regulations of the San Bernardino County Code or applicable specific plan and that lawfully existed at the time the regulations, or an amendment thereto, with which it does not conform became effective.

(m) **NONVEHICULAR ACCESS**. See **ACCESS**.

(n) **NOTICE**. A method of conveying information pertaining to a pending land use decision that may affect members of the public.

(o) **NURSERIES (RETAIL)**. (See Land Use Tables.) The retail handling of any article, substance, or commodity related to the planting, maintenance, or harvesting of garden plants, shrubs, trees, packaged fertilizers, soils, chemicals, or other nursery goods and related products in small quantities to the consumer.

(p) **NURSERIES (WHOLESALE)**. (See Land Use Tables.) The growing, storage, and sale of garden

plants, shrubs, trees, or vines for resale, including incidental retail sales conducted from within a building not exceeding 20 percent of the combined wholesale and retail sales volume during any year.

(Ord. 4011, passed - -2007; Am. Ord. 4189, passed - -2012)

§ 810.01.170 Definitions, O.

(a) **OCCUPANCY GROUP.** The California Building Code classification of the intended use or character of all areas of the structure/building.

(b) **OCCUPANT LOAD.** The number of persons for which the California Building Code required exiting system must be designed.

(c) **OFFICE.** This Development Code distinguishes between the following types of offices. See also **PROFESSIONAL SERVICES.**

(1) **ACCESSORY.** (See Land Use Tables.) Office facilities for administration, and/or on-site business and operations management, that are incidental and accessory to another business, sales, and/or service activity that is the primary use.

(2) **GOVERNMENT.** (See Land Use Tables.) Administration, clerical, or public contact and/or service offices of a local, state, or federal government agency or service facilities. Includes post offices, but not bulk mailing distribution centers, which are under **TRUCK TERMINAL.**

(d) **OFFICIAL MAP.** An Official Map is a map prepared in compliance with this Development Code and shall be substituted for a final map when it is certified, filed and bound, but not before.

(e) **OFF-HIGHWAY OR OFF-ROAD VEHICLE RACE.** Any organized sporting event or rally where motorized vehicles are utilized in a contest of speed, or in a competitive trial of speed or skill or recreational event, all or a portion of which is conducted outside dedicated public rights-of-way maintained by a public agency.

(f) **ON-SITE DETENTION.** Temporary storage of stormwater runoff on the site.

(g) **ON-SITE RETENTION.** Permanent holding of stormwater runoff on the site through percolation to the ground.

(h) **OPEN LOT SERVICES.** Commercial establishments that are primarily involved in the delivery of their service from an open lot with relatively few support structures.

(i) **OPEN SPACE.** Land where basic natural values have been retained. **OPEN SPACE** can include wilderness areas, a small park in the middle of a city, pastures, forested areas, agricultural groves, vineyards, golf courses, floodwashes, etc. The function of open space may differ, depending upon the location. It may have a protective function, as in the case of open space in flood plain areas, where it serves to protect health and safety. It can have a structural or buffer function to space and separate conflicting land uses. It may serve a recreational function, or a scenic function to provide aesthetic views of forests or mountains.

(j) **OPERATING PRESSURE.** Is the pressure, based on the recommendations of the irrigation equipment manufacturer, for optimal performance, at which an irrigation system with sprinkler/irrigation heads is designed. Operating pressure is usually indicated at the base of the sprinkler/irrigation head.

(k) **OFF-SITE SIGN.** See **SIGN.**

(l) **ON-SITE SIGN.** See **SIGN.**

(m) **OPEN SPACE, COMMON.** Open space within a single unified development owned, designed and set aside for all occupants of the development or by occupants of a designated portion of the development. **COMMON OPEN SPACE** is not dedicated to the public and is owned and maintained by a private organization made up of the open space users.

(n) **OPEN SPACE, PRIVATE.** Open space directly adjoining the living areas of dwelling units, which is intended for all private enjoyment of the residents of the dwelling unit. Private open space shall in some manner be defined so that its boundaries are evident.

(o) **OPERATOR, MINING AND RECLAMATION.** See **SURFACE MINING OPERATIONS.**

(p) **OUTDOOR ADVERTISING.** A structure, of any kind or character, erected or maintained for outdoor advertising purposes, upon which any poster, bill, printing, painting or other advertisement of any kind whatsoever may be placed, including statuary, for advertising purposes.

(q) **OUTDOOR EXHIBIT.** See **LIBRARY, MUSEUM, ART GALLERY, OUTDOOR EXHIBIT.**

(r) **OUTDOOR FESTIVAL.** (See Land Use Tables.) Any music festival, dance festival, "rock" festival, or similar musical activity or gathering where live or prerecorded entertainment is presented to the public at facilities without permanent land use approval for the activity.

(s) **OUTDOOR LIGHTING.** See **LIGHTING, OUTDOOR.**

(t) **OUTDOOR MARKET.** See **SWAP MEET, OUTDOOR MARKET, AUCTION YARD.**

(u) **OVERBURDEN.** Soil, rock, or other materials that lie above a natural mineral deposit or in between deposits, before or after their removal by surface mining operations.

(v) **OVERLAY DISTRICTS.** An area within which a set of standards and requirements are employed to deal with special physical characteristics such as flood plains or geologically hazardous areas. **OVERLAY DISTRICTS** are described in Division 2 (Allowed Land Uses and Permit Requirements) and are mapped and imposed in conjunction with, and in addition to, the underlying land use zoning district.

(w) **OVERSPRAY.** The water that is applied beyond the landscaped areas onto pavement, walkways, structures, and other non-landscaped areas by the irrigation system.

(x) **OWNER.** A person or persons shown by the most current legally prepared document that has been recorded by the County Recorder's Office that transfers, grants or imports total or partial ownership of a parcel.

(y) **ORIGINAL PARCEL.** See **PARCEL, ORIGINAL.**

(z) **OPERATIVE VEHICLES.** See **VEHICLES, OPERATIVE.**

(Ord. 4011, passed - -2007; Am. Ord. 4098, passed - -2010; Am. Ord. 4136, passed --2011)

§ 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 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 by 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.

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

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.

(jj) **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 §§ 8000a *et seq.*), which is growing wild. Also **DESERT NATIVE PLANT** includes any of the species listed in § 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 MEETING FACILITY.** See **MEETING FACILITY.**

(bbb) **PRIVATE OPEN SPACE.** See **OPEN SPACE, PRIVATE.**

(ccc) **PRIVATE STABLE.** See **STABLE, PRIVATE.**

(ddd) **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 Penal Code § 1203 or its successor.

(eee) **PROCESSING FACILITY.** See **RECYCLING FACILITY.**

(fff) **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.

(ggg) **PROFESSIONAL AND SCIENTIFIC GOODS MANUFACTURING.** See **MANUFACTURING OPERATIONS I.**

(hhh) **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.**

(jjj) **PROPERTY LINE.** See **LOT.**

(kkk) **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.

(lll) **PUBLIC BUILDING.** A structure used for public assembly purposes in conjunction with an institutional use.

(mmm) **PUBLIC DIRECTIONAL SIGN.** See **SIGN.**

(nnn) **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.

(ooo) **PUBLIC GARAGE.** See **GARAGE, PUBLIC.**

(ppp) **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.

(qqq) **PUBLIC MEETING FACILITY.** See **MEETING FACILITY.**

(rrr) **PUBLIC PARKING AREA.** See **PARKING AREA, PUBLIC.**

(sss) **PUBLIC STABLE.** See **STABLE, PUBLIC.**

(ttt) **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.

(uuu) **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.

(Ord. 4011, passed - -2007; Am. Ord. 4085, passed - -2009; Am. Ord. 4136, passed - -2011; Am. Ord. 4230, passed - -2014; Am. Ord. 4331, passed - -2017)

§ 810.01.190 Definitions, Q.

(a) **QUALITY CONTROL ENGINEER.** A registered civil engineer working under a contract with the County who is responsible to the County to assure compliance by the developer with the conditions of approval adopted by the County. This definition does not include the civil engineer responsible for professional inspection as required by the California Building Code.

(Ord. 4011, passed - -2007)

§ 810.01.200 Definitions, R.

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

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

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

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

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

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

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

(2) **MAJOR REASONABLE ACCOMMODATION.**

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

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

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

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

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

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

(k) **RECREATIONAL VEHICLE (RV).** A motor home, travel trailer, truck camper or camping trailer, with or without self-propelled motive power, designed for human habitation for recreational or emergency occupation, and that may be moved upon a public highway without a special permit or chauffeur's license or both without violating any provision of the California Vehicle Code. A **SELF CONTAINED**

RECREATIONAL VEHICLE shall be a recreational vehicle with a kitchen sink, cooking appliance, refrigeration facilities, and a separate bathroom containing a water closet with a flush toilet, lavatory and bathtub or shower. A **SELF-CONTAINED RECREATIONAL VEHICLE** shall have adequate provisions for the sleeping, bathing, sanitation, food preparation and eating by the number of people occupying the self contained recreational vehicle.

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

(m) **RECYCLABLE MATERIAL**. Reusable material including but not limited to metals, glass, plastic and paper, which are intended for reuse, remanufacture, or reconstitution for the purpose of using the altered form. **RECYCLABLE MATERIAL** does not include refuse or hazardous material. **RECYCLABLE MATERIAL** may include used motor oil collected and transported in compliance with Health and Safety Code §§ 25250.11 and 25143.2(b)(4).

(n) **RECYCLING FACILITY**. (See Land Use Tables). A center for the collection and/or processing of recyclable materials. A **CERTIFIED RECYCLING FACILITY** or **CERTIFIED PROCESSOR** is a recycling facility certified by the California Department of Conservation as meeting the requirements of the California Beverage Container recycling and Litter Reduction Act of 1986. A **RECYCLING FACILITY** does not include storage containers or processing activity located on the premises of a residential, commercial, or manufacturing use and used solely for the recycling of material generated by that residential property, business or manufacturer. **RECYCLING FACILITIES** may include the following:

(1) **COLLECTION FACILITY**. A center for the acceptance, by donation, redemption, or purchase, of recyclable materials from the public. The facility does not use power-driven processing equipment except as provided by this Title. Collection facilities may include the following:

(A) **REVERSE VENDING MACHINE(S)**. As defined below.

(B) **SMALL COLLECTION FACILITY**. Occupies an area of not more than 500 square feet and may include:

(I) A mobile unit;

(II) Bulk reverse vending machines or a grouping of reverse vending machines occupying more than 50 square feet;

(III) Kiosk type units, which may include permanent structures;

(IV) Unattended containers placed for the donation of recyclable materials.

(C) **LARGE COLLECTION FACILITY**. May occupy an area of more than 500 square feet and may include permanent structures.

(2) **PROCESSING FACILITY**. A building or enclosed space used for the collection and processing of recyclable material. Processing means the preparation of material for efficient shipment, or to an end-user's specifications, by means such as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing. Processing facilities include the following:

(A) **LIGHT PROCESSING FACILITY**. Occupies an area of under 45,000 square feet of gross collection, processing, and storage area and has up to an average of two outbound truck shipments per day. **LIGHT PROCESSING FACILITIES** are limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting of source-separated recyclable materials and repairing of reusable materials sufficient to qualify as a Certified Processing Facility. A **LIGHT PROCESSING FACILITY** shall not shred, compact, or bale ferrous metals other than food and beverage containers.

(B) **HEAVY PROCESSING FACILITY**. Any processing facility other than a **LIGHT PROCESSING FACILITY**.

(3) **REVERSE VENDING MACHINE**. An automated mechanical device that accepts at least one or more types of empty beverage containers, including, but not limited to aluminum cans, glass and plastic bottles, and cartons, and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value as determined by the State. A **REVERSE VENDING MACHINE** may sort and process containers mechanically provided that the entire process is enclosed within the machine. In order to accept and temporarily store all three container types in a proportion commensurate with their relative redemption rates, and to meet the requirements of certification as a recycling facility, multiple grouping of

REVERSE VENDING MACHINES may be necessary. A **BULK REVERSE VENDING MACHINE** is a reverse vending machine that is larger than 50 square feet; is designed to accept more than one container at a time; and will pay by weight instead of by container.

(4) **MOBILE RECYCLING UNIT.** An automobile, truck, trailer or van, licensed by the Department of Motor Vehicles, which is used for the collection of recyclable materials. A **MOBILE RECYCLING CENTER** also means the bins, boxes or containers transported by trucks, vans, or trailers, and used for the collection of recyclable materials.

(5) **SCRAP AND DISMANTLING YARD.** Outdoor establishments primarily engaged in assembling, breaking up, sorting, and the temporary storage and distribution of recyclable or reusable scrap and waste materials, including auto wreckers engaged in dismantling automobiles for scrap, and the incidental wholesale or retail sales of parts from those vehicles. Includes light and heavy processing facilities for recycling (see the definitions above). Does not include: pawn shops, and other secondhand stores; the sale of operative used cars; or landfills or other waste disposal sites. See also **MOTOR VEHICLE DISMANTLING FACILITY** and **SALVAGE OPERATIONS**.

(o) **RECYCLING FACILITY, ACCESSORY.** (See Land Use Tables.) A recycling facility as defined above, that is incidental to a primary industrial or commercial use.

(p) **RECYCLED WATER.** See **NON-POTABLE WATER**.

(q) **REFERENCE EVAPOTRANSPIRATION RATE (Eto).** The quantity of water, which evaporates from adjacent soils and/or other surfaces, and which also is transpired by plant material during a specified time. Specified times are normally collected as monthly and daily readings. Monthly and daily Eto's can be found on the California Irrigation Management Information Systems (CIMIS) website.

(r) **REGULATORY FLOODWAY.** See **FLOOD HAZARD**.

(s) **REHABILITATION.** The restoration of deteriorated structures, neighborhoods and public facilities. It may involve repair, renovation, conversion, expansion, remodeling, reconstruction or any combination thereof.

(t) **REHABILITATION CENTER.** See **MEDICAL SERVICES - REHABILITATION CENTER**.

(u) **REHABILITATED LANDSCAPE.** A re-landscaping project that meets the applicability requirements of Chapter 83.10, Landscaping Standards.

(v) **RELATED LAND USE.** A land use that is supportive of the predominant land use of an area. For example, a neighborhood commercial center is a supportive use in the residential land use category.

(w) **RELIGIOUS ASSEMBLY FACILITY.** See **MEETING FACILITY, PUBLIC OR PRIVATE** and **PLACES OF WORSHIP**.

(x) **REMAINDER PARCEL.** See **PARCEL, REMAINDER**.

(y) **REMOTE UNIT.** See **WIRELESS TELECOMMUNICATION FACILITIES**.

(z) **REPAIR SERVICES (NON-AUTOMOTIVE).** (See Land Use Tables.) Establishments engaged in the provision of repair services to individuals, households and firms.

(aa) **RESERVE PARCEL.** See **PARCEL, RESERVE**.

(bb) **RESERVOIR.** A naturally occurring or artificially created body of water (impounded above or below surface level) with a designated holding capacity of at least one acre-foot of water. Does not include **POND**. See also **LAKE**.

(cc) **RESIDENTIAL ACCESSORY USE OR STRUCTURE.** (See Land Use Tables.) See **ACCESSORY STRUCTURE**.

(dd) **RESIDENTIAL CARE FACILITY.**

(1) **LICENSED (SEVEN OR MORE PERSONS).** A place, site or building, or groups of places, sites or buildings, licensed by the State, in which seven or more individuals with a disability reside who are not living together as a single housekeeping unit (see **SINGLE HOUSEKEEPING UNIT**) and in which every person residing in the facility (excluding the licensee, members of the licensee's family, or persons employed as facility staff) is an individual with a disability. Does not include **GROUP RESIDENTIAL**.

(2) **UNLICENSED (SEVEN OR MORE PERSONS).** A place, site or building, or groups of places, sites or buildings, which is not licensed by the State, and is not required by law to be licensed by the State, in which seven or more individuals with a disability reside who are not living together as a single housekeeping unit (see **SINGLE HOUSEKEEPING UNIT**) and in which every person residing in the facility (excluding persons employed as facility staff) is an individual with a disability. Does not include **GROUP RESIDENTIAL**.

(3) **LICENSED (SIX OR FEWER PERSONS)**. State-licensed facilities that provide care, services, or treatment in a community residential setting for six or fewer adults, children, or adults and children and which are required by State law to be treated as a single housekeeping unit for zoning purposes. Small licensed residential care facilities shall be subject to all land use and property development regulations applicable to single housekeeping units (see **SINGLE HOUSEKEEPING UNIT**). Does not include **GROUP RESIDENTIAL**.

(4) **UNLICENSED (SIX OR FEWER PERSONS)**. A place, site or building, or groups of places, sites or buildings, which is not licensed by the State and is not required by law to be licensed by the State, in which six or fewer individuals with a disability reside who are not living together as a single housekeeping unit and in which every person residing in the facility (excluding persons employed as facility staff) is an individual with a disability. Does not include **GROUP RESIDENTIAL**.

(ee) **RESIDENTIAL DEVELOPMENT**. A project containing one or more residential dwelling units, including mobile homes, or a subdivision of land for the purpose of constructing one or more residential dwelling units.

(ff) **RESIDENTIAL HOTEL**. See **HOTEL, RESIDENTIAL**.

(gg) **RESIDENTIAL USE**. One or more of the dwelling unit types listed in the tables Division 2 (Land Use Zoning Districts and Allowed Land Uses) under the heading of Residential.

(hh) **RESIDUALS DEPOSITORY**. See **HAZARDOUS WASTE**.

(ii) **RESPONSIBLE PERSON**. Any person who creates a condition that may lead to accelerated erosion. If a specific person cannot be identified, the owner of the land where the condition exists shall be considered the responsible person.

(jj) **RESTAURANT, CAFÉ, COFFEE SHOP**. (See Land Use Tables.) A retail business selling ready-to-eat food and/or beverages for on- or off-premise consumption. These include eating establishments where customers are served from a walk-up ordering counter for either on- or off-premise consumption (**COUNTER SERVICE**); and establishments where customers are served food at their tables for on-premise consumption (**TABLE SERVICE**), that may also provide food for take-out.

(kk) **RETAIL, GENERAL**. See **GENERAL RETAIL**.

(ll) **RETAIL SALE**. A sale of commodities or goods for personal household or farm consumption directly to the ultimate consumer. Sales are normally in small quantities and may include the rendering of services incidental to and supportive of the sale of the merchandise.

(mm) **REVERSED CORNER LOT**. See **LOT**.

(nn) **REVERSE VENDING MACHINE**. See **RECYCLING FACILITY**.

(oo) **REVERSION TO ACREAGE**. The process by which subdivided real property may be reverted to acreage.

(pp) **REVIEW AUTHORITY**. Person, body or agency authorized to render land use decisions or provide technical recommendations to the Planning Agency.

(qq) **RIGHT-OF-WAY**. Any strip or area of land, including surface, overhead, or underground, granted by easement, for construction and maintenance according to a designated use, such as drainage canals and ditches, electric power and telephone lines, gas, oil, water, and other pipelines, highways and roads and/or flowage or impoundment of surface waters.

(rr) **RIGHT-OF-WAY, TRANSPORTATION**. See **TRANSPORTATION RIGHT-OF-WAY**.

(ss) **RIPARIAN HABITAT**. A natural plant community located along, and dependent upon, a water body or water course (e.g., sides of canyon bottoms, creeks, streams, rivers, etc.)

(tt) **ROAD or ROADWAY**. An open way for vehicular traffic.

(uu) **ROAD EASEMENT**. See **EASEMENT**.

(vv) **ROAD EASEMENT, PRIVATE**. See **EASEMENT**.

(ww) **ROAD SYSTEM**. The classification of streets and highways by their diverse functions and design. The following is the commonly used hierarchy of streets and highways for planning purposes:

(1) **LOCAL STREET**. A roadway allowing access to abutting land, serving local traffic only.

(2) **COLLECTOR**. A street used by traffic to travel from local streets to secondary or major highways; usually it allows direct access to abutting properties.

(3) **EMERGENCY ACCESS ROUTE**. A two-lane street of high standards, designed, constructed and specifically identified as an emergency access route to serve as a collector or distributor of neighborhood traffic and as an alternative access route in an emergency situation.

(4) **MOUNTAIN SECONDARY HIGHWAY.** A controlled access, moderate speed, two-lane highway, designed and constructed to accommodate high volumes of intercommunity traffic.

(5) **MOUNTAIN MAJOR HIGHWAY.** A limited access, high speed, four-lane highway, designed and constructed to accommodate large volumes of intercommunity traffic. The mountain expressway connects intensely developed areas and points of interest. It is a four-lane highway with intersections at grade. It is striped for two lanes with shoulders in each direction. Turn lanes at intersections when necessary will require additional rights-of-way and roadway widths.

(6) **SECONDARY HIGHWAY.** A street serving traffic from collector streets and major highways that provides for traffic movement to and from traffic generators and attractors; the street is subject to controlled access from the properties fronting on the right-of-way; intersecting streets are subject to appropriate spacing. It is a four-lane highway with intersections at grade. It is striped for two lanes with shoulders in each direction. Turn lanes at intersections when necessary will require additional rights-of-way and roadway widths.

(7) **MAJOR HIGHWAY.** A street or thoroughfare that serves through traffic movement across urban areas or to major traffic generators and attractors; it is subject to controlled access from properties fronting on the right-of-way; intersecting streets are subject to appropriate spacing. It is a four-lane highway with intersections at grade. It is striped for two lanes with shoulders in each direction with turn lanes at intersections. Additional rights-of-way and roadway widths may be necessary for turn lanes.

(8) **MAJOR DIVIDED HIGHWAY.** A road or thoroughfare that serves through traffic movement across urban areas, subject to controlled access from properties fronting on the right-of-way; intersecting streets are subject to appropriate spacing. It is a divided four-lane road with intersection at grade. It is striped for two lanes with shoulders in each direction with a raised median and turn lanes. Additional rights-of-way and roadway widths may be necessary for turn lanes.

(9) **MAJOR ARTERIAL HIGHWAY.** A road or thoroughfare that serves through traffic movement across urban areas, subject to controlled access from properties fronting on the right-of-way; intersecting streets are subject to appropriate spacing. It is a six-lane highway that may have grade separations at intersections. It is striped for three lanes with shoulders in each direction with turn lanes at intersections. Additional rights-of-way and roadway widths may be necessary for turn lanes.

(10) **FREEWAY.** A multilane highway with full grade separation (i.e., intersections are separated by under or overpasses), median strips and fencing or landscaping strips along the sides. It basically services intercity and interstate traffic. See also **FREEWAY**.

(xx) **ROCKFALL.** Failure and rapid downhill movement of rocks as a result of gravity, which can be initiated by earthquake shaking.

(yy) **ROOF SIGN.** See **SIGN**.

(zz) **ROOT BARRIER.** A plastic wall-like structure that is installed underground and designed to prevent the roots from trees from causing damage to streets, sidewalks, walkways, foundations, and other hardscapes.

(aaa) **RUBBER MANUFACTURING.** See **MANUFACTURING OPERATIONS I AND II**.

(bbb) **RUMPUS ROOM.** See **RECREATION ROOM**.

(ccc) **RUNOFF.** Water that is not absorbed by the soil or the landscape in which it has been applied and flows from the landscaped area onto adjacent surfaces, creating water waste.

(ddd) **RURAL SPORTS AND RECREATION.** (See Land Use Tables.) Facilities for sports and recreational activities requiring large sites and/or remote locations, including hunting and fishing clubs, off-road vehicle parks, and shooting (rifle, pistol, and archery) ranges, ski resorts. See also **RECREATIONAL USE**.

(eee) **RV SALES.** See **MOBILE HOME, BOAT OR RV SALES**.

(Ord. 4011, passed - -2007; Am. Ord. 4043, passed - -2008; Am. Ord. 4057, passed - - 2008; Am. Ord. 4136, passed - -2011; Am. Ord. 4169, passed - -2012; Am. Ord. 4189, passed - -2012; Am. Ord. 4230, passed - - 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
- community college, college, or university
- elementary, middle, and junior high schools
- high school
- military academy

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

- art school
- ballet and other dance school
- business, secretarial, and vocational school
- computers and electronics school
- drama school
- driver education school
- establishments providing courses by mail
- language school
- martial arts
- music school
- professional school (law, medicine, etc.)
- 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 §§ 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 § 83.02.070 (Setback Regulations and Exceptions). See Figure 810-2 (Setbacks).

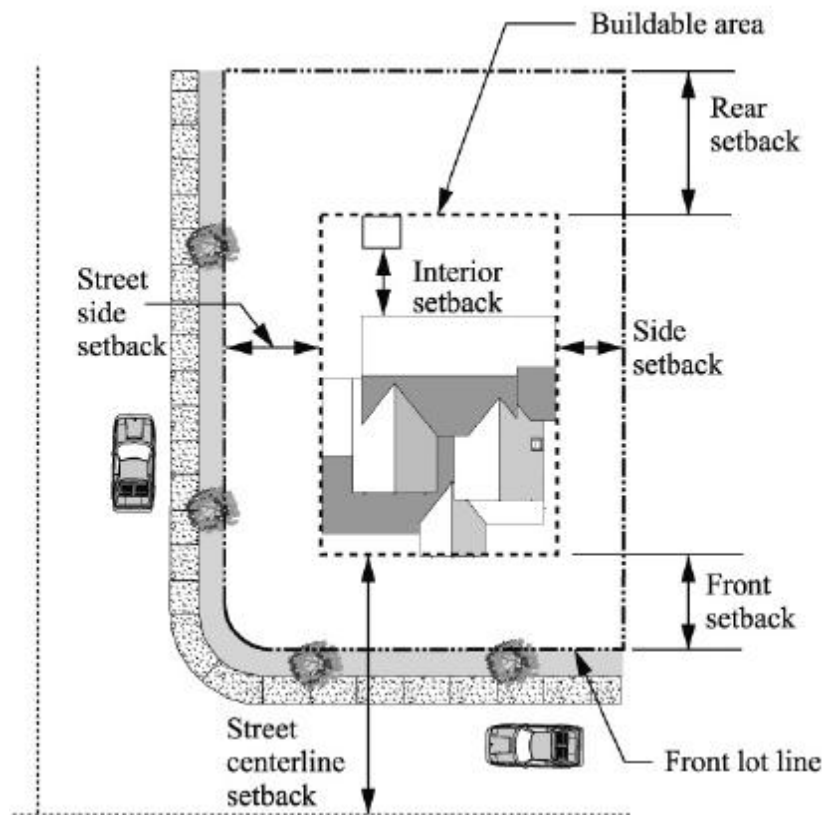


Figure 810-2
Setbacks

(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 RENTALS.** See Chapter 84.28, "Short-Term Residential Rentals."

(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.** 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 §§ 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.

(jjj) **STABLE, PRIVATE.** A detached accessory building for the keeping of horses, burros or mules owned by the occupants of the premises and not for remuneration, hire or sale.

(kkk) **STABLE, PUBLIC.** A stable other than a private stable for keeping of horses, burros or mules.

(lll) **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 Public Resources Code, § 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 Corporations Code § 25100(f). In a **STOCK COOPERATIVE**, both the separate interest, as defined in Civil Code § 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 Health and Safety Code § 33007.5.

(ttt) **STONE PRODUCTS MANUFACTURING.** See **MANUFACTURING OPERATIONS I AND II.**

(uuu) **STORAGE, GARAGE.** See **GARAGE, STORAGE.**

(vvv) **STORAGE/IMPOUND FACILITY.** See **MOTOR VEHICLE STORAGE/IMPOUND FACILITY.**

(www) **STORAGE—PERSONAL STORAGE, MINI-STORAGE.** (See Land Use Tables.) Structures containing generally small, individual compartmentalized or lockers rented as individual storage spaces and characterized by low parking demand.

(xxx) **STORAGE—VEHICLES STORAGE.** (See Land Use Tables.) A facility for the storage of operative cars and other fleet vehicles, trucks, buses, recreational vehicles, and other motor vehicles. Includes facilities for the storage and/or servicing of fleet vehicles. Also includes the parking of a vehicle on private property for more than 72 hours without operation. Does not include commercial parking lots, or dismantling yards (classified in **RECYCLING—SCRAP AND DISMANTLING YARDS**).

(yyy) **STORAGE—WAREHOUSE, INDOOR STORAGE.** (See Land Use Tables.) Facilities for the storage of furniture, household goods, or other commercial goods of any nature. Includes cold storage. Does not include: warehouse, storage or mini-storage facilities offered for rent or lease to the general public (**STORAGE—PERSONAL STORAGE, MINI-STORAGE**); warehouse facilities primarily used for wholesaling and distribution (see **WHOLESALE AND DISTRIBUTION**); or terminal facilities for handling freight (see **TRUCK TERMINAL**).

(zzz) **STORM, TEN YEAR.** See **TEN YEAR STORM.**

(aaa) **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.

(bbb) **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.

(ccc) **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.

(ddd) **STREAM BED SKIMMING.** See **SURFACE MINING OPERATIONS.**

(eee) **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.**

(fff) **STREET LINE.** The boundary line between a street and abutting property.

(ggg) **STRUCTURAL ALTERATIONS.** Any change in the supporting members of a structure, such as the bearing walls or partitions, columns, beams or girders.

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

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

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

(kkkk) **STRUCTURE ENVELOPE.** The interior of a parcel outside of the building setback lines.

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

(mmmm) **STRUCTURE HEIGHT.** See § 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 Civil Code § 1350, or a community apartment project, as defined in Business and Professions Code § 11004 or the conversion of five or more existing dwelling units to a stock cooperative, as defined in Business and Professions Code § 11003.2. 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 Health and Safety Code § 50675.14, 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 or her behalf, except a person who is engaged in surface mining operations as an employee with wages as his or 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.**

(Ord. 4011, passed - -2007; Am. Ord. 4043, passed - -2008; Am. Ord. 4136, passed - -2011; Am. Ord. 4245, passed - -2014; Am. Ord. 4280, passed - -2015; Am. Ord. 4331, passed - -2017)

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(a) **TAG.** A paper or cloth label issued in compliance with the California Desert Native Plants Act (Food and Agricultural Code §§ 80001 *et seq.*) by the Agricultural Commissioner that can be attached to a native plant or a commercial load by means of a string and a Seal. A **TAG** specifies a serial number, type of plant, fee required, location of origin, date of removal, witnessing authority, applicant, destination, and proposed use (e.g., commercial processing, commercial landscaping, etc.).

(b) **TELECOMMUNICATION FACILITY, WIRELESS.** See **WIRELESS TELECOMMUNICATION FACILITY.**

(c) **TEMPORARY IRRIGATION.** Irrigation solely for the purposes of establishing plant material, or irrigation that will not continue after plant material establishment. **TEMPORARY/SUPPLEMENTAL IRRIGATION** is intended for a period of six months or less.

(d) **TEMPORARY SIGN.** See **SIGN.**

(e) **TEMPORARY SPECIAL EVENTS.** See **SPECIAL EVENTS, TEMPORARY.**

(f) **TENTATIVE MAP.** A map made for the purpose of showing the design and improvements of the proposed subdivision, to include the street pattern, lot layout, easements that are to remain, and existing and proposed subdivision. The **TENTATIVE MAP** need not be based upon an accurate or detailed final survey of the property. See also **VESTING TENTATIVE MAP.**

(g) **TEN YEAR STORM.** A storm of an intensity that would be exceeded on the average only once every ten years. The intensity for the storm shall be determined according to San Bernardino County Hydrology Manual. The duration of the storm used in runoff calculation shall be equivalent to the concentration time for the area that drains through the project.

(h) **TERMINALS, TRUCK.** See **TRUCK TERMINALS.**

(i) **TEXTILE MILL PRODUCTS.** See **MANUFACTURING OPERATIONS I AND II.**

(j) **THEATER.** An indoor facility for public assembly and group entertainment, other than sporting events. Examples include:

civic theaters, and facilities for “live” theater and concerts
movie theaters
similar public assembly facilities

See also **MEETING FACILITY, PUBLIC OR PRIVATE** and **SPORTS AND ENTERTAINMENT ASSEMBLY.**

(k) **THERMAL SYSTEM, ACTIVE.** A system that utilizes solar devices thermally isolated from the living space to provide for collection, storage, and distribution of solar energy for heating or cooling.

(l) **THERMAL SYSTEM, PASSIVE.** A system that utilizes the structural elements of the building, and is not augmented by mechanical components, to provide for collection, storage, and distribution of solar energy for heating or cooling.

(m) **THERMAL SYSTEM, SEMIPASSIVE.** A system that utilizes the structure of a building and is augmented by mechanical components to provide for collection, storage, and distribution of solar energy for heating or cooling.

(n) **THROUGH LOT.** See **LOT.**

(o) **TRAILER CAMP OR PARK.** (See Land Use Tables.) A site where space for house trailers is rented for compensation on a daily basis, or where free occupancy or camping is permitted to house trailer owners or users, but not including automobile or trailer sales lots on which unoccupied house trailers are parked for inspection and sales.

(p) **TOWER HEIGHT.** See **WIND ENERGY SYSTEMS.**

(q) **TRAILER COACH.** A mobile home, trailer, recreation trailer, travel trailer, camp car or other vehicle with or without motive power, designed and constructed to travel on the public thoroughfare in compliance with the provisions of the California Motor Vehicle Code and designed or used for human habitation.

(r) **TRAILER, TRAVEL.** A vehicle, other than a motor vehicle, that is designed or used for human habitation and for travel or recreational purposes, that does not exceed eight feet in width and 40 feet in length, and that may be moved upon a public highway without a special permit and/or chauffeur's license without violating any provisions of the California Vehicle Code.

(s) **TRANSFER AND STORAGE FACILITIES.** See **HAZARDOUS WASTE.**

(t) **TRANSITIONAL HOUSING.** Rental housing operating under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months. **TRANSITIONAL HOUSING** that is provided in single-, two- or multi-family dwelling units, group residential, parolee-probationer home, residential care facilities, or boarding house uses shall be permitted, conditionally permitted or prohibited in the same manner as the other single-, two-, or multi-family dwelling units, group residential, parolee-probationer home, residential care facilities, or boarding house uses under this Code.

(u) **TRANSMISSION LINES.** See **PIPELINES, TRANSMISSION LINES.**

(v) **TRANSPORTABLE TREATMENT UNIT (TTU).** Hazardous waste or groundwater contamination treatment works that are designed to be moved either intact or in modules and that are intended to be operated at a given location for a limited period of time.

(w) **TRANSPORTATION FACILITIES.** (See Land Use Tables.) Roads or bridges, and the appurtenant improvements necessary for the safe and efficient movement of vehicular traffic including but not limited to the following: signalization and other traffic controls; sidewalks; bikeways when they are within the ultimate right-of-way of a road or bridge. It also includes airports, bus terminals, bus stops, and train stations.

(x) **TRANSPORTATION FACILITIES PLAN, LOCAL AREA.** A transportation plan adopted by the Board of Supervisors for a particular transportation facilities area. A plan shall include a map of the area showing its boundaries, the location of the proposed Transportation Facilities, and an accompanying text that contains a description of all proposed Transportation Facilities that will be needed to serve new development within the boundaries of the Plan and the cost of constructing each proposed transportation facility within the boundaries of the plan. Costs may include, but are not limited to, engineering studies, acquisition of rights-of-way, construction of bridges, tunnels, roadways, traffic signals and any other appurtenant Transportation Facilities. The plan shall also include a schedule of fees, a detailed description of the methods that will be utilized to finance the proposed Transportation Facilities, including any fee calculations needed, and a construction priority listing of the proposed Transportation Facilities.

(y) **TRANSPORTATION RIGHT-OF-WAY.** The acquired right that an agency possesses to pass across and improve the lands of another for access purposes.

(z) **TREATMENT FACILITIES.** See **HAZARDOUS WASTE.**

(aa) **TRAVEL TRAILER.** See **TRAILER, TRAVEL.**

(bb) **TREE.** Any woody perennial plant, normally having a single, elongated main stem or trunk bearing the foliage or crown, a formed crown, and generally with few or no branches on its lower part. For tree removal purposes, it shall mean a tree attaining somewhere in its natural or planted range a height of at least six feet and a diameter of not less than two inches, measured at average ground level.

(cc) **TREE, DAMAGED.** Any tree certified by a tree expert, as defined in this Code, that is damaged by insects, smog, fire, disease or other natural or man-made causes (including, but not limited to, any artificial attachments such as wires or signs).

(dd) **TREE EXPERT.** A California Registered Professional Forester, a County Agricultural Commissioner Biologist, an arborist certified by the Western Chapter of the International Society of Arborists or a person certified by the County Agricultural Commissioner for practice in one or more regions of the County.

(ee) **TREE, NATIVE.** Trees that grow or live naturally in San Bernardino County, including smog resistant trees introduced as part of a reforestation program. This shall not be construed to mean orchards, commercial nursery stock or planted landscaping. Trees planted and/or growing outside their normal habitat, except where the trees have been transplanted in compliance with Chapter 88.01 (Plant Protection and Management) shall not be considered to be native trees.

(ff) **TREE REMOVAL.** Any intentional act that will cause a tree to die, including, but not limited to acts that inflict damage upon root systems, bark, or other parts of the tree by fire, application of toxic substances, operation of equipment or machinery, changing the natural grade of land by excavation or filling the drip line area around the trunk, or to cut down, fell, push over, dig up, poison, burn, or severely prune, trim or top, so that death of the tree results, or such that the tree is severely damaged and/or is destroyed in any manner, by any cause.

(gg) **TREE, SPECIMEN.** Any tree with a root ball greater than a 20-gallon container.

(hh) **TRUCK STOP.** (See Land Use Tables.) A facility that provides convenience services primarily for the trucking community. These services include but are not limited to food, beverage, gasoline and retail services.

(ii) **TRUCK TERMINAL.** (See Land Use Tables.) A lot, lot area or parcel of land used, designed or maintained for the purpose of storing, parking, refueling, repairing, dispatching, servicing or keeping motor trucks and associated equipment, together with those facilities necessary to service, dispatch, store or maintain aforementioned vehicles, and their cargos and crews.

(Ord. 4011, passed - -2007; Am. Ord. 4136, passed - -2011; Am. Ord. 4230, passed - -2014)

§ 810.01.230 Definitions, U.

(a) **U-PICK FARM AND/OR ORCHARD.** (See Land Use Tables.) A farm and/or orchard where customers personally harvest fruit, vegetables, flowers, or herbs. A variety of activities in addition to fruit/vegetable picking may be offered (e.g., pet farms, hayrides, puppet shows, etc.). Restroom facilities may or may not be offered. U-pick farms may also operate a produce stand selling the produce grown on the farm, along with other value-added products (e.g., home-made pies, preserves, cider, candies, etc.).

(b) **UNINCORPORATED COMMUNITIES.** A definable urban area that is not legally a city, but has the physical characteristics of one. An unincorporated community does not have independent jurisdiction for land use planning within its boundaries.

(c) **URBAN SERVICES.** The provision of water, gas, electricity, schools, recreational facilities, fire and police protection, waste disposal, circulation and other services that are necessary for high intensity uses.

(d) **USE.** The purpose for which the land or a building is arranged, designed or intended, or for which either land or a building is or may be occupied or maintained. A primary, principal or main use is the use that occupies the majority of the subject land, a building, business production or activity as opposed to an accessory use. See Accessory use.

(e) **UTILITY FACILITY.** (See Land Use Tables.) A fixed base structure or facility serving as a junction point for transferring electric utility services from one transmission voltage to another or to local distribution and service voltages, and similar facilities for water supply and natural gas distribution. These uses include any of the following facilities that are not exempted from County permit requirements by Government Code § 53091:

- electrical substations and switching stations
- natural gas regulating and distribution facilities
- public water system wells, treatment plants and storage, water tanks
- pumping plants
- reservoirs
- telephone switching facilities
- utility corporation and maintenance yards

These uses do not include office or customer service centers (classified in **OFFICES**). See also **PIPELINES, TRANSMISSION LINES.**

(Ord. 4011, passed - -2007)

§ 810.01.240 Definitions, V.

(a) **VALLEY REGION.** The unincorporated area of the southwest portion of San Bernardino County lying south and west of the Mountain Region as herein defined.

(b) **VARIANCE.** A process for County consideration of requests to modify certain standards of this Development Code when, because of special circumstances applicable to the property, including location, shape, size, surroundings, topography, or other physical features, the strict application of the development

standards otherwise applicable to the property denies the property owner privileges enjoyed by other property owners in the vicinity and in the same land use zoning district.

(c) **VEHICLE, MOTOR.** See **MOTOR VEHICLE.**

(d) **VEHICLE SERVICES.** (See Land Use Tables.) The repair, servicing, alteration, restoration, towing, painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This use includes the following categories.

(1) **MAJOR REPAIR/BODY WORK.** These establishments include towing, collision repair, other body work, and painting services; tire recapping; truck maintenance.

(2) **MINOR MAINTENANCE/REPAIR.** Minor facilities providing limited repair and maintenance services. Examples include: minor auto repair with no exterior overnight storage of vehicles; muffler and radiator shops; quick-lube services; tire and battery sales and installation (not including recapping).

Does not include automobile parking (see **PARKING FACILITIES**), repair shops that are part of a vehicle dealership on the same site (see **AUTO AND VEHICLE SALES AND RENTAL** and **MOBILE HOME, RV, AND BOAT SALES AND RENTAL**); gas stations, which are separately defined; or dismantling yards, which are included under **RECYCLING - SCRAP AND DISMANTLING YARDS.**

(e) **VEHICULAR ACCESS RIGHTS.** See **ACCESS.**

(f) **VEHICLES, OPERATIVE.** A new or used vehicle that is self propelled or capable of being self-propelled with the installation of minor parts (e.g. batteries, tires, plugs).

(g) **VESTED RIGHT (MINING AND RECLAMATION).** See Surface Mining Operations.

(h) **VESTING TENTATIVE MAP.** A tentative map for a residential subdivision, as defined in the County Code, that shall have printed conspicuously on its face the words **VESTING TENTATIVE MAP.**

(i) **VETERINARIAN, COUNTY.** See **COUNTY VETERINARIAN.**

(j) **VETERINARY CLINIC, ANIMAL HOSPITAL.** (See Land Use Tables.) Office and indoor medical treatment facilities used by veterinarians, including large and small animal veterinary clinics, and animal hospitals. See also **KENNEL.**

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

§ 810.01.250 Definitions, W.

(a) **WALL SIGN.** See **SIGN.**

(b) **WAREHOUSE.** See **STORAGE - WAREHOUSE.**

(c) **WAREHOUSE RETAIL.** (See Land Use Tables.) A retail store that emphasizes the packaging and sale of products in large quantities or volumes, some at discounted prices, where products are typically displayed in their original shipping containers. Sites and buildings are usually large and industrial in character. Patrons may be required to pay membership fees.

(d) **WATERCOURSE.** Any natural or man-made channel where water is concentrated or collected from a tributary drainage area. A lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. **WATERCOURSE** includes specifically designated areas in which substantial flood damage may occur.

(e) **WATER-INTENSIVE LANDSCAPING.** Landscaping that has a plant factor of 0.7 or greater.

(f) **WATERING WINDOW.** The time within a 24-hour period in which an irrigation system is allowed to operate.

(g) **WATER USE CLASSIFICATION OF LANDSCAPE SPECIES (WUCOLS).** The third edition of the publication from the University of California Cooperative Extension, the Department of Water Resources, and the Bureau of Reclamation regarding plant material and their water use needs.

(h) **WATER-SENSING DEVICES.** Irrigation components that detect adverse weather conditions (e.g., rain, wind, frost, etc.) and will automatically override the pre-programmed irrigation schedule during adverse weather events.

(i) **WHOLESALE.** A sale of commodities or goods to others for resale and not normally to the ultimate consumer. Sales can normally employ warehouses, open enclosures and office space for the assembly, storage, distribution and display of merchandise for large quantity sales to community or regional retailers, manufacturers, and agricultural, commercial, industrial, institutional and professional uses. Sales may include the rendering of services incidental to and supportive of the sale of merchandise.

(j) **WHOLESALE AND DISTRIBUTION.** (See Land Use Tables.) Establishments engaged in selling merchandise to retailers; to contractors, industrial, commercial, institutional, farm, or professional business

users; to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to persons or companies. Examples of these establishments include:

- agents, merchandise or commodity brokers, and commission merchants
- assemblers, buyers and associations engaged in the cooperative marketing of farm products
- merchant wholesalers
- stores primarily selling electrical, plumbing, heating and air conditioning supplies and equipment

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

(k) **WINE TASTING.** A facility or area within a winery where wine and related products are offered for retail sale, where wine may be tasted for a fee, or without charge.

(l) **WILDLAND.** Timber, range, watershed and brush lands not under cultivation and in which development is essentially nonexistent; usually rugged open space terrain.

(m) **WIND ENERGY SYSTEM.** (See Land Use Tables.) A system that utilizes wind energy to pump a fluid or gas, or to drive a mechanical device to generate electricity. Related wind energy terms are defined as follows:

(1) **ACCESSORY WIND ENERGY SYSTEM.** An accessory wind energy system consists of one or more wind turbines that generate electricity of which more than 50 percent shall be used on site. An accessory wind energy system includes all the wind turbines on a single lot or on multiple parcels in common ownership with a single, common land use. An accessory wind energy system typically has a rated capacity of not more than 50 kilowatts. This capacity may be increased to a maximum of the actual demonstrated energy use for a specific site in question.

(2) **SYSTEM HEIGHT.** The combined height of the tower, the turbine and any blade when at the 12 o'clock position.

(3) **TOWER HEIGHT.** The height above grade of the fixed portion of the tower, excluding the wind turbine.

(4) **WIND TURBINE.** A device which converts the kinetic energy of wind into a usable form of electric energy. A wind turbine may consist of a tower, turbine, support structures, electrical wires, guy wires and other related equipment.

(n) **WIRELESS TELECOMMUNICATION FACILITY (TELECOMMUNICATION FACILITY).** (See Land Use Tables.) A land use that sends and/or receives radio frequency signals, including, but not limited to, cell towers, antennas, microwave dishes or horns, structures or towers to support receiving and/or transmitting devices, accessory development and structures, and the land on which they all are situated. For the purposes of this Title, wireless telecommunication facilities shall refer to the non-broadcast services identified in the rules and regulations promulgated in compliance with the Federal Telecommunication Act of 1996 as amended. Non-broadcast services require special equipment for transmissions and/or reception and serve specific users. Services include commercial wireless CRS (Cellular Radiotelephone Services), ESMR (Enhanced Specialized Mobile Radio Service), and PCS (Personal Communication Services). Amateur users are specifically excluded in this definition as they are governed by FCC PRB-1. Commercial radio and television systems are considered broadcast services and shall not be included in this definition. The following terms related to non-broadcast wireless telecommunication facilities are defined as follows:

(1) **ANTENNA.** Any structure or device used to radiate or collect electromagnetic fields or waves. Specifically, a device of one or more electrical parts that converts radio frequency electrical energy into radiated electromagnetic energy and/or vice versa.

(2) **CO-LOCATED WIRELESS TELECOMMUNICATION FACILITY.** A telecommunication facility used by more than one public or private entity.

(3) **COMMERCIAL MOBILE RADIO SERVICE.** A wireless communications service that is provided for profit (i.e., with the intent of receiving compensation or monetary gain), is an interconnected service, and is available to the public, or to classes of eligible users so as to be effectively available to a substantial portion of the public.

(4) **CAMOUFLAGE FACILITY.** A wireless telecommunication facility that is designed or located so

that it blends to the maximum extent possible with the predominant viewing background.

(5) **CRS (CELLULAR RADIOTELEPHONE SERVICE).** Commercial Mobile Radio Services (Cellular) normally operating in the frequency range between 824 to 849 MHz, and between 869 to 894 MHz and other frequency bands as may be authorized by the FCC.

(6) **ENHANCED SPECIALIZED MOBILE RADIO SERVICE.** One of the wireless communication services regulated by the Wireless Telecommunications Bureau (WTB) of the FCC operating at 800 MHz or 900 MHz and other frequency bands as may be authorized by the FCC. In general, a wide geographic area Commercial Mobile Radio Service that offers real-time, two-way switched voice service that is interconnected with the public switched network, either on a stand-alone basis or packaged with other telecommunications services, including dispatch and paging services to specialized customers in a non-cellular system configuration not interconnected to the public switched network.

(7) **FIXED WIRELESS.** A local operation providing services such as local and long distance telephone and high-speed Internet to residential and business customers by means of a small equipment installation (the “Camouflage Remote Unit”) on the exterior of each home or business that elects to use this service.

(8) **JOINT LOCATION.** The location of a telecommunication facility on a parcel where two or more towers or structures supporting one or more antennas have already been sited. A **JOINT LOCATION SITE** is also referred to as an **ANTENNA FARM.**

(9) **MONOPOLE.** A wireless communication facility that consists of a vertical ungued structure, erected to support wireless communication antennas and connecting appurtenances. As defined here, a monopole may, without limitation, be designed to look like a pole, tree, light standard, flag pole or other similar structure.

(10) **PERSONAL COMMUNICATIONS SERVICES (PCS).** One of the Commercial Mobile Radio Services regulated by the Wireless Telecommunication Bureau (WTB) of the FCC under 47 C.F.R. part 24; also identified as one of the Personal Wireless Services regulated by the Telecommunications Act of 1996. The PCS provide a wide array of mobile and ancillary fixed communications services to individuals and businesses including unlicensed wireless services and common carrier wireless exchange access services as defined in 47 U.S.C. § 332(c)(7)(C)(i).

(11) **REMOTE UNIT.** A small equipment box that is attached to the exterior of a residence or business that elects to use “fixed wireless” technology for their local and long distance telephone and high-speed Internet service.

(12) **SENSITIVE VIEWSHED.** A feature or vista that provides scenic value as discussed in the Scenic Resources Section of the General Plan, specifically in Policy OR-50.

(13) **STEALTH FACILITY.** A wireless telecommunications facility that is designed or located so that the equipment installed at the facility is not readily recognizable as telecommunications equipment.

(o) **WOOD RECEIPT.** A receipt that is to accompany one or more cords of harvested wood and that is issued in compliance with the California Desert Native Plants Act (Food and Agricultural Code §§ 80001 *et seq.*) by the Agricultural Commissioner. A **WOOD RECEIPT** specifies a serial number, species of wood, fee required, location of origin, date of removal, witnessing authority, applicant, destination, and proposed use of the wood (e.g., commercial processing, commercial landscaping, etc.).

(Ord. 4011, passed - -2007; Am. Ord. 4136, passed - -2011; Am. Ord. 4163, passed - -2012; Am. Ord. 4188, passed - -2012)

§ 810.01.260 Definitions, X.

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

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

§ 810.01.270 Definitions, Y.

(a) **YARD.** An open space on a lot or parcel extending between a lot line and a setback, other than a court, unobstructed and unoccupied from the ground upward except for projections allowed by this Development Code. See **SETBACK** and § 83.02.070 (Setback Regulations and Exceptions).

(1) **FRONT YARD.** An area extending across the full width of the lot between the front lot line or the existing or future street right-of-way and a street setback line parallel thereto.

(2) **INTERIOR SIDE YARD.** An area extending from the required front yard or, where there is no required front yard, from the front lot line to the required rear yard or, where there is no required rear yard, to the rear lot line and from the interior side lot line to a setback line parallel thereto.

(3) **REAR YARD.** An area extending across the full width of the lot between the rear lot line and a setback line parallel thereto.

(4) **SIDE STREET YARD.** An area extending from the required front yard or, where there is no required front yard, from the front lot line to the rear lot line, and from the side street lot line, or the existing or future side street right-of-way (whichever is greater) to a street setback line parallel thereto.

(Ord. 4011, passed - -2007)

§ 810.01.280 Definitions, Z.

(a) **ZONE, ZONE DISTRICT, OR ZONING DISTRICT.** See **LAND USE ZONING DISTRICT.**

(b) **ZONES A, AE, AH, AO, A99, AR, D, AND X.** See **FLOOD HAZARD.**

(c) **ZOO.** (See Land Use Tables.) A zoological garden or other collection of wild, exotic or dangerous animals that are raised, bred, trained and/or maintained for regular public display and exhibition on the site. See also **LIBRARY, MUSEUM, ART GALLERY, OUTDOOR EXHIBIT.**

(Ord. 4011, passed - -2007; Am. Ord. 4189, passed - -2012)

EXHIBIT B

Summary of 2020 CA Bills Regarding Accessory Dwelling Units

Bill	No.	Summary	Citing Reference
SB			
13			
	1	Provides that when a garage, carport, or covered parking structure is demolished in conjunction with an ADU or converted into an ADU, a local agency shall not require that those off-street parking spaces be replaced.	65852.2(a)(1)(D)(xi)
	2	Provides that a local agency is prohibited from imposing parking standards on an ADU located within one-half mile <i>walking distance</i> of public transit and defines the term “public transit” for those purposes.	65852.2(d)(1); (j)(8)
	3	Reduces the application approval timeframe to 60 days and provides that if a local agency has not acted upon the submitted application within 60 days, the application shall be deemed approved.	65852.2(a)(3)
	4	Prohibits a local ordinance from requiring an applicant for an ADU to be an owner occupant. Sunsets on 1/1/25	65852.2(a)(1)(6)
	5	Provides that a local ADU ordinance that establishes minimum or maximum ADU size must allow an ADU of up to 850 square feet, or up to 1,000 square feet if the ADU provides more than one bedroom. Provides that any other minimum or maximum size imposed by a local ordinance must allow for an ADU of at least 800 square feet and 16 feet in height, with four-foot side and rear yard setbacks.	65852.2(c)(2)
	6	Provides for a tiered schedule of impact fees based on the size of the ADU as follows: a) Zero fees for an ADU of less than 750 square feet b) Proportionately in relation to sq ft of primary dwelling for an ADU of 750 square feet or more.	65852.2(f)
	7	Revises the definition for when a local agency, special district, or water corporation may require a separate utility connection. -For ADUs w/in existing primary dwelling, local agency etc. shall not require the applicant to install a new or separate utility connection or impose related connection fee -For detached ADU, local agency etc. may require a new or separate utility connections directly between ADU and utility but connection fee or capacity charge shall be proportionate to the burden of the burden of the ADU based on sq ft or number of drainage fixture unit values.	65852.2(f)(4)-(5)
	8	Requires HCD, after a local ADU ordinance is adopted, to submit findings to the local agency as to whether it complies with ADU law.	65852.2(h)
	9	Authorizes HCD to review, adopt, amend, or repeal guidelines to implement uniform standards and criteria that supplement or clarify the terms, references, and standards in ADU law.	65852.2(i)
	10	Authorizes, explicitly, a local agency to count an ADU for purposes of identifying adequate sites for its housing element.	65852.2(l)
	11	Requires a local agency notice of a violation of any building standard to an ADU owner to include a statement of the owner’s right to request a delay in enforcement for five years if correction is not necessary to protect health and safety and the ADU was built before January 1, 2020 or the ADU was built prior to that date in a local jurisdiction that had a compliant ADU ordinance at that time. Sunsets this provision on January 1, 2025.	65852.2(m)
AB			
68			
	1	Increases the number of ADUs allowed to be constructed per lot by potentially allowing two ADUs on lots with single-family homes, and multiple ADUs on lots with multi-family dwellings. Requires ministerial approval of: A. One ADU and one JADU per lot if (1) ADU or JADU is w/in existing space of primary dwelling or accessory structure and may include not more than 150 sf beyond the same physical dimensions as the existing structure; (2) the space has exterior access from the existing dwelling; (3) side/rear setback sufficient for fire and safety; and (4) JADU complies w/ 65852.22 B. One detached new ADU not exceeding 4ft side/rear setbacks. ADU may be combined with a JADU w/ limitations on floor area (800 sf) and height (16 feet); C. Multiple ADUs located on a lot w/ existing multifamily dwelling structures not used as livable space (e.g., storage rooms, attics, basements, or garages)	65852.2(e)(1)(A)-(D)

		D. Not more than two ADU located on a lot w/ existing multifamily dwelling, but are detached from multifamily dwelling.	
	2	Revises requirements by providing that the ADU may be attached to, or located within an attached garage, storage area, or an accessory structure.	65852.2(a)(1)(D)(iii)
	3	Prohibits a local ADU ordinance from: a) Imposing requirements on minimum lot size to allow ADUs; b) Setting a maximum ADU dimensions that do not permit an ADU of 850 square feet for an ADU with one or fewer bedrooms and 1,000 square feet for two or more bedrooms, 16 feet in height, with four-foot side and rear yard setbacks; (same as #5 in SB 13) c) Requiring replacement parking when parking is demolished in the creation of an ADU; d) Requiring a setback for an ADU that is built within an existing structure or in the same footprint as an existing structure, and require more than a four-foot setback for all other ADUs. 65852.(a)(1)(D)(vii)	
	4	Allows no more than 60 days to consider a completed ADU permit application.	65852.2(b)
	5	Increases enforcement, including enabling HCD to notify the Attorney General when a local agency is in violation of this law.	65852.2(h)
	6	Allow a local agency to require as part of a permit application for an ADU on a lot with an onsite water treatment system a percolation test completed within the last 5 years or if the percolation test has been recertified, within the last 10 years.	65852.2(e)(6)
	7	Require a local agency that has not adopted an ordinance for the creation of JADU to apply the same standards established by this bill.	65852.22(g)
	8	Require that an ADU created pursuant to subdivision (e) shall be rented for a term longer than 30 days	6585.2(e)(5)
AB 881			
	1	Limits the criteria by which a local agency may determine where ADUs may be permitted to the adequacy of water and sewer services and the impact of ADUs on traffic flow and public safety. Requires a local agency to consult with the local water or sewer service provide re adequacy of water and sewer services before designating an area where ADUs permitted.	65852.2(a)(1)(A)
	2	Requires local agencies to ministerially approve ADUs on lots in residential or mixed-use zones if the unit is contained within an existing structure, as defined, and scenarios for detached new construction.	65852.2(e)(1)
	3	Prohibits a local ordinance from requiring an applicant for an ADU to be an owner occupant. Sunsets on 1/1/25	65852.2(a)(1)(6)
	4	Specifies, in the existing law prohibition on a local agency from imposing parking standards within a half-mile of transit, that the half-mile shall be measured in walking distance and defines public transit as a bus stop, bus line, light rail, street car, car share drop off or pickup, or heavy rail stop.	65852.2(d)(1); (j)(8)
	5	Prohibits any setback requirement for an existing living area or accessory structure or structure constructed in the same location and to the same dimension as an existing structure that is converted into an ADU. Also limits a side and rear setback of no more than 4 ft for an ADU that is <u>NOT</u> converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.	65852.2(a)(1)(D)(viii)
AB 587			
	1	Allows a local agency to authorize – via ordinance – for an ADU to be sold or conveyed separately from the primary residence to a qualified buyer if all of the following apply: a) The property was built or developed by a qualified nonprofit corporation. b) There is an enforceable restriction on the use of the land pursuant to a recorded contract between the qualified buyer and the qualified nonprofit corporation, as specified.	65852.26 (changes 65852.2(a)(1)(D)(i))

		<p>c) The property is held pursuant to a recorded tenancy in common agreement that includes all of the following:</p> <p>i) The agreement allocates to each buyer an undivided, unequal interest in the property based on the size of the dwelling each buyer occupies.</p> <p>ii) A repurchase option that requires the buyer to the nonprofit corporation the right of first refusal if the buyer decides to sell or convey the property.</p> <p>iii) A requirement that the buyer occupy the property as their principal residence.</p> <p>iv) Affordability restrictions on the sale and conveyance of the property that ensure it will be preserved for low-income housing for 45 years, consistent with existing law for owner-occupied units, and will be sold or resold to a qualified buyer.</p> <p>d) A grant deed naming the grantor, grantee, and describing the property interests being transferred shall be recorded in the county where the property is located. A Preliminary Change of Ownership Report shall be filed concurrently with this grant deed.</p> <p>Defines “qualified buyer” and “qualified nonprofit corporation.”</p>	
AB 670			
	1	Prohibits any restriction, deed, contract, security instrument or other instrument of a planned development or home owners association from restricting the development of an ADU or JADU	4751
AB 671			
	1	Requires a local government to include a plan in their housing element to incentivize and promote the creation of accessory dwelling units (ADUs) that can be offered at an affordable rent for very-low, low-, and moderate-income households.	65583