



# NOTICE OF DEVELOPMENT CODE AMENDMENTS

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An ordinance was recently adopted by the Board of Supervisors amending Title 8 of the San Bernardino County Code (Development Code). Ordinance 4085 was effective on August 20, 2009. For those individuals or companies with a printed copy of the Development Code, replacement pages reflecting the changes made by this ordinance can be printed out by clicking on the link below. Please remove all old pages and replace them with the new ones as indicated on the following list:

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# **COUNTY OF SAN BERNARDINO**

## **2007 DEVELOPMENT CODE**

*Prepared for:*

County of San Bernardino  
Land Use Services Division  
385 North Arrowhead Avenue, 1st Floor  
San Bernardino, CA 92415-0182

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4011	03-13-2007	04-12-2007			
4020	05-08-2007	06-07-2007			
4043	01-29-2008	02-28-2008			
4057	09-23-2008	10-23-2008			
4065	12-16-2008	01-15-2009			
4085	07-21-2009	08-20-2009			

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**Ordinance Disposition Table**

**Ordinance Disposition Table**

<b>Ordinance</b>	<b>Disposition</b>	<b>Ordinance</b>	<b>Disposition</b>
4011	Entire Title 8		810.01.060(k)(4); 810.01.140(hh); 810.01.200(k)
4020	82.22.020; 82.22.030		
4043	82.03.040(b); 82.04.040(b); 82.05.040(b); 82306.030; 82.06.030; 82.06.040(b); 82.06.050(c); 82.13.060(a); 82.13.060(b)(3); 82.13.060(b)(7)(C); 82.13.060(b)(11), (12), (13); 82.13.060(c) and (d)(1); 82.13.060(d)(8); 82.13.070; 82.13.080(e)(3); 83.02.070(b)(1); 83.02.080; 83.06.040(b); 83.06.070(a); 83.08.020; 83.08.040(a)(1); 83.08.040(c)(3); 83.10.060(a)(4); 83.10.070(e)(2)(A); 83.10.080(a)(4); 83.10.080(b)(5); 83.10.080(c)(2); 83.11.040(c)(5); 83.11.070(a)(1); 83.11.070.(h)(4); 83.11.080(h)(1)(A); 83.13.050(c)(7); 83.13.050(c)(8); 73.13.050(e); 83.13.090(c)(1); Chapter 83.15; 84.01.050(b); 84.04.050(d)(8); 84.04.050(e)(8); 84.04.060(c)(4); 84.04.070(e); 84.04.070(f); 84.04.090(B)(1); 84.04.090(h); 84.05.030(b); 84.08.040(e); Chapter 84.16; 84.17.080(a); 84.18.030(b); 84.19.080; 84.21.030(d); 84.21.030(f); 84.24.030(a); 84.25.010; 84.25.070; 84.27.060; 85.06.080; Chapter 85.09; 85.10.070(b)(3)(C)(II) and (III); 85.10.070(e); 85.17.040(a); 86.06.060(b); Chapter 86.09; 86.15.050(a)(2)(B)(II); 88.01.050(i)(8); 88.02.040(c); 810.01.030(g); 810.01.050(nm) – (xxx); 810.01.070(i) – (x); 810.01.150(yy); 810.01.200(j) – (zz); 810.01.210(a); 810.01.240(d)	4065	83.01.040(c)(1); 83.01.040(c)(2); 83.01.040(c)(3); 810.01.060(ff)
		4085	82.01.020(c)(4)(A); 82.01.020(c); 82.02.040(b)(6); 82.04.040(a); 82.06.040(b); 82.05.060; 82.06.030; 82.07.040; 82.13.060(d)(1); 82.13.080; 83.02.060(a)(1); 83.02.080(d); 83.11.100(c)(10)(C); 83.15.070; 84.01.020(b); 84.08.040(i) and (k); 84.14.030; 84.14.050(g); 84.21.030(j)(1) and (2); 84.25.040(l); 84.25.070(a), (c) and (d); 85.03.020; Chapter 85.11; 85.17.040(a); 86.06.020(b); 86.06.040; 86.09.050; 86.09.090(b), (c) and (d); 86.09.100(c); 810.01.030(a)(4)(D); 810.01.180(h)
4057	82.01.030(d)(3); 82.03.040(b); 82.03.060; 82.04.040(b); 82.04.060; 82.05.060; 82.06.040(c); 82.06.060; 82.10.030; 82.13.050(b); 82.13.090(b); Chapter 82.24; 83.02.070(c)(1); 83.02.080(c)(3); 83.02.080(d); 83.10.070(b)(4); 83.11.080(f) and (h)(1)(A); 83.13.090(c)(5); 83.13.100(a)(6); 84.01.030(d); 84.01.040(c); 84.01.050(a)(3) and (b); 84.08.030; 84.08.040(a)(2) and (d)(3);84.14.030; 84.14.060; 84.21.030(i); 85.12.020(b)(1); 86.09.030(d); 86.09.090(c); 86.09.110(b)(9) and (d)(2)(D); 86.15.050(a)(3)(B); 88.01.080(b)(1);		

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<b>Section</b>	<b>Ordinance</b>	<b>Section</b>	<b>Ordinance</b>
81.01.010 - 81.01.090	4011	84.10.010 - 84.10.030	4011
81.02.010 - 81.02.020	4011	84.11.010 - 84.11.030	4011
		84.12.010 - 84.12.120	4011
82.01.010 - 82.01.030	4011, 4057, 4085	84.13.010 - 84.13.030	4011
82.02.010 - 82.02.060	4011, 4085	84.14.010 - 84.14.080	4011, 4057, 4085
82.03.010 - 82.03.070	4011, 4043, 4057	84.15	4011
82.04.010 - 82.04.060	4011, 4043, 4057, 4085	84.16.010 - 84.16.080	4011, 4043
82.05.010 - 82.05.060	4011, 4043, 4057, 4085	84.17.010 - 84.17.080	4011, 4043
82.06.010 - 82.06.070	4011, 4043, 4057, 4085	84.18.010 - 84.18.040	4011, 4043
82.07.010 - 82.07.040	4011, 4085	84.19.010 - 84.19.090	4011, 4043
82.08.010 - 82.08.040	4011	84.20.010 - 84.20.030	4011
82.09.010 - 82.09.060	4011	84.21.010 - 84.21.030	4011, 4043, 4057, 4085
82.10.010 - 82.10.030	4011, 4057	84.22.010 - 84.22.030	4011
82.11.010 - 82.11.050	4011	84.23.010 - 84.23.030	4011
82.12.010 - 82.12.050	4011	84.24.010 - 84.24.060	4011, 4043, 4085
82.13.010 - 82.13.090	4011, 4043, 4057, 4085	84.25.010 - 84.25.070	4011, 4043, 4085
82.14.010 - 82.14.070	4011	84.26.010 - 84.26.030	4011
82.15.010 - 82.15.040	4011	84.27.010 - 84.27.110	4011, 4043
82.16.010 - 82.16.030	4011	84.28.010 - 84.28.050	4011
82.17.010 - 82.17.040	4011		
82.18.010 - 82.18.030	4011	85.01.010 - 85.01.030	4011
82.19.010 - 82.19.050	4011	85.02.010 - 85.02.050	4011, 4085
82.20.010 - 82.20.040	4011	85.03.010 - 85.03.110	4011
82.21.010 - 82.21.030	4011	85.04.010 - 85.04.030	4011
82.22.010 - 82.22.030	4011, 4020	85.05.010 - 85.05.020	4011
82.23.010 - 82.23.040	4011	85.06.010 - 85.06.110	4011, 4043
82.24.010 - 82.24.030	4057	85.07.010 - 85.07.020	4011
		85.08.010 - 85.08.030	4011
83.01.010 - 83.01.100	4011, 4065	85.09.010 - 85.09.030	4011, 4043
83.02.010 - 83.02.080	4011, 4043, 4057; 4085	85.10.010 - 85.10.100	4011, 4043
83.03.010 - 83.03.120	4011	85.11.010 - 85.11.020	4011, 4085
83.04.010 - 83.04.080	4011	85.12.010 - 85.12.020	4011, 4057
83.05.010 - 83.05.080	4011	85.13.010 - 85.13.020	4011
83.06.010 - 83.06.070	4011, 4043	85.14.010 - 85.14.060	4011
83.07.010 - 83.07.040	4011	85.15.010 - 85.15.120	4011
83.08.010 - 83.08.040	4011, 4043	85.16.010 - 85.16.040	4011
83.09.010 - 83.09.060	4011	85.17.010 - 85.17.080	4011, 4043, 4085
83.10.010 - 83.10.100	4011, 4043, 4057	85.18.010 - 85.18.040	4011
83.11.010 - 83.11.100	4011, 4043, 4057, 4085		
83.12.010 - 83.12.030	4011	86.01.010 - 86.01.030	4011
83.13.010 - 83.13.130	4011, 4043, 4057	86.02.010 - 86.02.050	4011
83.14.010 - 83.14.030	4011	86.03.010 - 86.03.050	4011
83.15.010 - 83.15.070	4043, 4085	86.04.010	4011
		86.05.010	4011
84.01.010 - 84.01.050	4011, 4043, 4057, 4085	86.06.010 - 86.06.090	4011, 4043, 4085
84.02.010 - 84.02.040	4011	86.07.010 - 86.07.070	4011
84.03.010 - 84.03.030	4011	86.08.010 - 86.08.070	4011
84.04.010 - 84.04.090	4011, 4043	86.09.010 - 86.09.210	4011, 4043, 4057, 4085
84.05.010 - 84.05.060	4011, 4043	86.10.010 - 86.10.020	4011
84.06.010 - 84.06.040	4011	86.11.010 - 86.11.040	4011
84.07.010 - 84.07.030	4011	86.12.010 - 86.12.070	4011
84.08.010 - 84.08.040	4011, 4043, 4057, 4085	86.13.010 - 86.13.080	4011
84.09.010 - 84.09.060	4011	86.14.010 - 86.14.090	4011



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86.15.010 - 86.15.080	4011, 4043, 4057	88.02.010 - 88.02.050	4011, 4043
		88.03.010 - 88.03.140	4011
87.01.010 - 87.01.120	4011		
87.02.010 - 87.02.130	4011	89.01.010 - 89.01.070	4011
87.03.010 - 87.03.120	4011	89.02.010 - 89.02.050	4011
87.04.010 - 87.04.080	4011	89.03.010 - 89.03.090	4011
87.05.010 - 87.05.040	4011		
87.06.010 - 87.06.050	4011	810.01.010 - 810.01.280	4011, 4043, 4057,
87.07.010 - 87.07.040	4011		4065, 4085
87.08.010 - 87.08.040	4011		
88.01.010 - 88.01.090	4011, 4043, 4057		

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- (D) **CG (General Commercial).** The CG (General Commercial) land use zoning district provides sites for retail trade and personal services, lodging services, office and professional services, recreation and entertainment services, wholesaling and warehousing, contract/construction services, transportation services, open lot services, and similar and compatible uses.
- (E) **CS (Service Commercial).** The CS (Service Commercial) land use zoning district provides sites for a mixture of heavy commercial uses and light industrial uses, including light manufacturing uses, and similar and compatible uses.
- (F) **CH (Highway Commercial).** The CH (Highway Commercial) land use zoning district provides sites for retail trade and personal services, lodging services, office and professional services, recreation and entertainment services, wholesaling and warehousing, contract/construction services, transportation services, open lot services, and similar and compatible uses.

**(4) Industrial Land Use Zoning Districts.**

- (A) **IC (Community Industrial).** The IC (Community Industrial) land use zoning district provides sites for light industrial uses such as light manufacturing uses, wholesale/warehouse services, contract/construction services, transportation services, agriculture support services, incidental commercial and **accessory residential uses**, and similar and compatible uses. **These uses shall have limited outside storage.**
- (B) **IR (Regional Industrial).** The IR (Regional Industrial) land use zoning district provides sites for heavy industrial uses that have the potential to generate severe negative impacts, incidental commercial uses, agricultural support services, salvage operations, and similar and compatible uses.

**(5) Special Purpose Land Use Zoning Districts.**

- (A) **IN (Institutional).** The IN (Institutional) land use zoning district provides sites for public and quasi-public uses facilities, and similar and compatible uses.
- (B) **SD (Special Development).** The SD (Special Development) land use zoning district provides sites for a combination of residential, commercial, industrial, agricultural, open space and recreation uses, and similar and compatible uses.
- (C) **SP (Specific Plan).** The SP (Specific Plan) land use zoning district provides sites for a combination of residential, commercial, industrial, agricultural, open space, recreational and similar and compatible uses as determined by the Specific Plan.

**Table 82-1  
Land Use Zoning Districts**

Land Use Zoning District Symbol	Land Use Zoning District Name	Applicable Development Code Chapter/Section
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**Agricultural and Resource Management Land Use Zoning Districts**

AG	Agriculture	82.03
RC	Resource Conservation	82.03
FW	Floodway	82.03
OS	Open Space	82.03

**Residential Land Use Zoning Districts**

RL	Rural Living	82.04
RS	Single Residential	82.04
RM	Multiple Residential	82.04

**Commercial Land Use Zoning Districts**

CR	Rural Commercial	82.05
CN	Neighborhood Commercial	82.05
CO	Office Commercial	82.05
CG	General Commercial	82.05
CS	Service Commercial	82.05
CH	Highway Commercial	82.05

**Industrial Land Use Zoning Districts**

IC	Community Industrial	82.06
IR	Regional Industrial	82.06

**Special Purpose Land Use Zoning Districts**

IN	Institutional	82.06
SD	Special Development	82.06
SP	Specific Plan	82.06

Adopted Ordinance 4011 (2007); Ammended Ordinance 4085 (2009)

- (b) **Exempt activities and land uses.** The following are exempt from the planning permit requirements of this Development Code when in compliance with Subsection A. above.
- (1) **Decks, paths and driveways.** Decks, platforms, on-site paths, and driveways that are not required to have a Building Permit or Grading Permit.
  - (2) **Fences and walls.** See Section 83.06 (Fences, Hedges, and Walls).
  - (3) **Interior remodeling.** Interior alterations that do not increase the gross floor area of the structure, or change the permitted use of the structure.
  - (4) **Repairs and maintenance.**
    - (A) **Single-family dwellings.** Ordinary repairs to, and maintenance of, single-family dwellings or any related accessory structures.
    - (B) **Multi-family, and non-residential structures.** Ordinary repairs to, and maintenance of multi-family residential and non-residential structures, if:
      - (I) The work does not change the approved land use of the site or structure, or add to, enlarge or expand the land use and/or structure; and
      - (II) Any exterior repairs employ the same materials and design as the original construction.
  - (5) **Small, portable residential accessory structures.** A single portable structure per lot or unit, including pre-manufactured storage sheds or other small structures in residential zones, that are exempt from Building Permit requirements in compliance with the County Code and the California Building Code. Additional structures may be approved in compliance with Section 84.01.050 (Residential Accessory Structures and Uses), where allowed by the applicable zone.
  - (6) **Solar collectors, accessory to residential uses of 19 units or fewer.** The addition of solar collectors to the roof or side of a building, provided that the collectors comply with applicable height limit requirements; and ground-mounted solar collectors that comply with the setback requirements and height limitations of the applicable zone and are not visible from off the site.
  - (7) **Spas, hot tubs, and fish ponds.** Portable spas, hot tubs, and constructed fish ponds, and similar equipment and structures that do not: exceed 120 square feet in total area including related equipment; contain more than 2,000 gallons of water; or exceed three feet in depth.

- (8) **Utilities.** The erection, construction, alteration, or maintenance by a public utility or public agency of utilities intended to service existing or nearby approved developments shall be permitted in any zone. These include: water; gas; electric; supply or disposal systems; including wires, mains, drains, sewers, pipes, conduits, cables, fire-alarm boxes, police call boxes, traffic signals, hydrants, etc., but not including new transmission lines and structures. Commercial satellite and wireless communications antennas are not exempt, and are instead subject to Chapter 84.27 (Wireless Telecommunications Facilities).
- (9) **Noncommercial receive only antennas.** The following noncommercial, receive only antennas for the sole use of a resident occupying a residential structure shall not be regulated by this Development Code:
- A. A ground or structure-mounted, radio or satellite dish antenna that does not project above the roof ridge line and does not have a diameter greater than one meter (39 inches); and
  - B. Roof-mounted radio or television aerials not exceeding 75 feet in overall height.

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

#### **82.02.050 Special Developments**

Special Developments shall be allowed in any land use zoning district with the approval of a Planned Development Permit in compliance with Chapter 85.10 (Planned Development Permits).

Adopted Ordinance 4011 (2007)

#### **82.02.060 Temporary Uses**

Requirements for establishing a temporary use (for example, a construction yard, seasonal sales lot, special event, temporary office trailer, etc.) are in Chapter 84.25 (Temporary Structures and Uses).

Adopted Ordinance 4011 (2007)

**CHAPTER 82.04 RESIDENTIAL LAND USE ZONING DISTRICTS**

**Sections:**

- 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 Requirements
- 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.

Adopted Ordinance 4011 (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).

Adopted Ordinance 4011 (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.

**Table 82-6  
Minimum Area For Residential Land Use  
Zoning District Designation**

Land Use Zoning District	Minimum Area for Designation
RL (Rural Living)	30 acres
RS (Single Residential)	10 acres
RM (Multiple Residential)	10 acres

Adopted Ordinance 4011 (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 Section 82.02.030 (Allowed Land Uses and Planning Permit Requirements).
- (b) **Requirements for certain specific land uses.** Where the last column in Table 82-7 ("Specific Use Regulations") includes a section number, the referenced section may affect whether the use requires Land Use Review, or Conditional Use Permit or Minor Use Permit, or other County approval, and/or may establish other requirements and standards applicable to the use.



**Table 82-7  
Allowed Land Uses and Permit Requirements for Residential Land Use Zoning Districts**

LAND USE <i>See Division 10 (Definitions) for land use definitions</i>	PERMIT REQUIRED BY DISTRICT			Specific Use Regulations
	RL	RS	RM	
<b>AGRICULTURAL, RESOURCE &amp; OPEN SPACE USES</b>				
Accessory crop production	A <sup>(1)</sup>	A <sup>(1)</sup>	A <sup>(1)</sup>	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	
<b>INDUSTRY, MANUFACTURING &amp; PROCESSING, WHOLESALING</b>				
Composting operations	CUP	—	—	
Recycling facilities	S	—	—	84.19
<b>RECREATION, EDUCATION &amp; PUBLIC ASSEMBLY USES</b>				
Agritourism enterprises	S	—	—	84.03
Campgrounds	CUP	—	—	
Commercial entertainment - Indoor	—	—	—	
Conference/convention facility	CUP	—	—	
Equestrian facility	M/C	S <sup>(2)</sup>	—	
Fitness/health facility	—	—	—	
Golf course	CUP	—	—	
Library, museum, art gallery, outdoor exhibit	M/C	M/C	M/C	
Meeting facility, public or private	CUP	CUP	CUP	
Park, playground	P	P	P	
Places of worship	CUP	CUP	CUP	
Rural sports and recreation	M/C	—	—	
School - College or university	— <sup>(3)</sup>	—	—	
School - Private	— <sup>(3)</sup>	— <sup>(3)</sup>	—	
School - Specialized education/training	CUP	—	—	
Sports or entertainment assembly	CUP	—	—	

**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 Section 85.06.050 (Projects That Do Not Qualify for a Minor Use Permit)	S	Permit requirement set by Specific Use Regulations (Division 4)
		TSP	Temporary Special Events Permit required (Chapter 85.16)
CUP	Conditional Use Permit required (Chapter 85.06)	TUP	Temporary Use Permit required (Chapter 85.15)
MUP	Minor Use Permit required (Chapter 85.06)	—	Use not allowed

- Notes: (1) Use allowed as an accessory use only with standards, on the same site as a residential use allowed by this table.  
 (2) A boarding facility only with a Home Occupation Permit.  
 (3) Requires a General Plan Amendment to Institutional (IN) Land Use Zoning District.

**Table 82-7 (continued)**  
**Allowed Land Uses and Permit Requirements for Residential Land Use Zoning Districts**

LAND USE <i>See Division 10 (Definitions) for land use definitions</i>	PERMIT REQUIRED BY DISTRICT			Specific Use Regulations
	RL	RS	RM	
<b>RESIDENTIAL USES</b>				
Accessory structures and uses - Residential	A <sup>(1)</sup>	A <sup>(1)</sup>	A <sup>(1)</sup>	84.01
Caretaker housing	M/C <sup>(5)</sup>	M/C	M/C	84.01
Dependent housing	SUP	SUP	SUP	84.08
Guest housing	A	A	A	84.01
Home occupation	SUP	SUP	SUP	84.12
Homeless shelter	CUP	CUP	CUP	
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
Organizational house (sorority, fraternity, etc.)	CUP	CUP	M/C	
Rooming or boarding, 2 or fewer persons	—	—	P <sup>(1)</sup>	84.01
Secondary dwelling	A <sup>(1)</sup>	A <sup>(1)</sup>	—	84.01
Single dwelling	A	A	— <sup>(6)</sup>	
Short-Term Private Home Rental	SUP	SUP	SUP	85.28
<b>RETAIL</b>				
Produce stand	A <sup>(2)</sup>	A <sup>(2)</sup>	A <sup>(2)</sup>	
<b>SERVICES - BUSINESS &amp; PROFESSIONAL</b>				
Medical services - Hospital	M/C <sup>(4)</sup>	M/C <sup>(4)</sup>	M/C <sup>(4)</sup>	
Medical services - Rehabilitation centers	M/C	M/C	M/C	
Office - Accessory	A <sup>(1)</sup>	A <sup>(1)</sup>	A <sup>(1)</sup>	
Office - Government	— <sup>(4)</sup>	— <sup>(4)</sup>	— <sup>(4)</sup>	
<b>SERVICES</b>				
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
Correctional institution <sup>(4)</sup>	—	—	—	
Lodging - Bed and breakfast inn (B&B)	SUP <sup>(3)</sup>	SUP <sup>(3)</sup>	SUP <sup>(3)</sup>	84.05
Public safety facility	M/C	M/C	M/C	
Social care facility - 6 or fewer clients	A	A	A	84.23
Social care facility - 7 or more clients	M/C	CUP	CUP	84.23

**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 Section 85.06.050 (Projects That Do Not Qualify for a Minor Use Permit)	S	Permit requirement set by Specific Use Regulations (Division 4)
		TSP	Temporary Special Events Permit required (Chapter 85.16)
CUP	Conditional Use Permit required (Chapter 85.06)	TUP	Temporary Use Permit required (Chapter 85.15)
MUP	Minor Use Permit required (Chapter 85.06)	—	Use not allowed

- Notes: (1) Use allowed as an accessory use only, on the same site as a residential use allowed by this table provided that the parcel is twice the minimum lot size required by the land use zoning district.
- (2) 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.
- (3) A CUP shall be required for three or more rooms.
- (4) Requires a General Plan Amendment to Institutional (IN) Land Use Zoning District.
- (5) For parcels that are 10 acres or greater, a Site Plan Permit is all that is needed.

- (6) 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.

**Table 82-7 (continued)**  
**Allowed Land Uses and Permit Requirements for Residential Land Use Zoning Districts**

LAND USE <i>See Division 10 (Definitions) for land use definitions.</i>	PERMIT REQUIRED BY DISTRICT			Specific Use Regulations
	RL	RS	RM	
<b>TRANSPORTATION, COMMUNICATIONS &amp; INFRASTRUCTURE</b>				
Broadcasting antennae and towers	M/C	—	—	
Electrical power generation <sup>(2)</sup>	CUP	—	—	
Pipelines, transmission lines, and control stations <sup>(1)</sup>	(1)	(1)	(1)	
Sewage treatment and disposal facility <sup>(2)</sup>	—	—	—	
Solid waste disposal <sup>(2)</sup>	—	—	—	
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
<b>OTHER</b>				
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)	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 Section 85.06.050 (Projects That Do Not Qualify for a Minor Use Permit)	S	Permit requirement set by Specific Use Regulations (Division 4)
		TSP	Temporary Special Events Permit required (Chapter 85.16)
CUP	Conditional Use Permit required (Chapter 85.06)	TUP	Temporary Use Permit required (Chapter 85.15)
MUP	Minor Use Permit required (Chapter 85.06)	—	Use not allowed

**Notes:** (1) These uses are regulated and approved by the Public Utilities Commission. See alternate review procedures in Chapter 85.02.

(2) Requires a General Plan Amendment to **apply the Energy Facilities (EN) Overlay**.

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

**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 Sections 83.02.050 (Parcel Area Measurements and Exceptions).

**Table 82-8A  
Residential Land Use Zoning District Minimum Lot Size  
Valley Region**

Land Use Zoning District	Minimum Lot Area	Minimum Lot Dimensions		
		Minimum Width	Minimum Depth	Maximum Width to Depth Ratio
RL	2.5 acres <sup>(1)</sup>	150 ft	150 ft	1:3 for less than 10 acres; 1:4 for 10 or more acres.
RS	7,200 sf <sup>(1)</sup>	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 sf	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.

**Table 82-11  
Allowed Land Uses and Permit Requirements  
for Commercial Land Use Zoning Districts (continued)**

LAND USE <i>See Division 10 (Definitions) for land use definitions</i>	PERMIT REQUIRED BY DISTRICT						Specific Use Regulations
	CR	CN	CO	CG	CS	CH	
<b>RETAIL</b>							
Auto and vehicle sales and rental	P <sup>(1)</sup>	—	—	P <sup>(1)</sup>	P <sup>(1)</sup>	—	
Bar, tavern	P <sup>(1)</sup>	M/C	—	P <sup>(1)</sup>	P <sup>(1)</sup>	—	
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 <sup>(1)</sup>	P <sup>(1)</sup>	P <sup>(1)</sup>	P <sup>(1)</sup>	P <sup>(1)</sup>	P <sup>(1)</sup>	
Fuel dealer (propane for home and farm use, etc.)	M/C	—	—	—	M/C	—	
General retail	M/C	—	—	P <sup>(1)</sup>	P <sup>(1)</sup>	—	
Groceries, specialty foods	M/C	M/C	—	P <sup>(1)</sup>	P <sup>(1)</sup>	—	
Manufactured home, boat, or RV sales	P <sup>(1)</sup>	—	—	M/C	M/C	—	
Night club	P <sup>(1)</sup>	M/C	—	M/C	P <sup>(1)</sup>	—	
Restaurant, café, coffee shop	P <sup>(1)</sup>	P <sup>(1)</sup>	P <sup>(1)</sup>	P <sup>(1)</sup>	P <sup>(1)</sup>	P <sup>(1)</sup>	
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 <sup>(1)</sup>	—	—	P <sup>(1)</sup>	P <sup>(1)</sup>	—	
<b>SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL</b>							
Medical services - Hospital <sup>(4)</sup>	—	—	CUP <sup>(3)</sup>	—	—	—	
Medical services - Rehabilitation center	—	—	CUP	—	—	—	
Office - Accessory	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	
Professional services	P <sup>(1)</sup>	P <sup>(1)</sup>	P	P <sup>(1)</sup>	P <sup>(1)</sup>	—	
<b>SERVICES - GENERAL</b>							
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	—	
Correctional institution <sup>(4)</sup>	—	—	—	—	—	—	
Convenience and support services	P <sup>(1)</sup>	P <sup>(1)</sup>	—	P <sup>(1)</sup>	P <sup>(1)</sup>	P <sup>(1)</sup>	
Equipment rental	P <sup>(1)</sup>	—	—	P <sup>(1)</sup>	P <sup>(1)</sup>	—	

**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 Section 85.06.050 (Projects That Do Not Qualify for a Minor Use Permit)	S	Permit requirement set by Specific Use Regulations (Division 4)
		TSP	Temporary Special Events Permit required (Chapter 85.16)
CUP	Conditional Use Permit required (Chapter 85.06)	TUP	Temporary Use Permit required (Chapter 85.15)
MUP	Minor Use Permit required (Chapter 85.06)	—	Use not allowed

**Notes:**

- (1) CUP required if maximum building coverage exceeds 10,000 sq. ft., the use will have more than 20 employees per shift, or if not exempt from CEQA; may qualify for a MUP in compliance with Section 85.06.020 (Applicability).
- (2) Use allowed as an accessory use only, on the same site as a retail, service, or industrial use allowed by this table.
- (3) A MUP shall not be allowed if the use requires more than 200 parking spaces.
- (4) Requires a General Plan Amendment to Institutional (IN) Land Use Zoning District.

**Table 82-11  
Allowed Land Uses and Permit Requirements  
for Commercial Land Use Zoning Districts (continued)**

LAND USE <i>See Division 10 (Definitions) for land use definitions</i>	PERMIT REQUIRED BY DISTRICT						Specific Use Regulations
	CR	CN	CO	CG	CS	CH	
<b>SERVICES GENERAL (Continued)</b>							
Kennel or cattery - 2.5-acre minimum lot area (over 15 animals)	MUP/S	—	—	—	MUP/S	—	84.04
Lodging - Bed and breakfast inn (B&B)	SUP	—	—	—	—	—	84.05
Lodging - Hotel or motel - 20 or fewer guest rooms	P <sup>(2)</sup>	—	—	P <sup>(1,2)</sup>	P <sup>(1,2)</sup>	P <sup>(2)</sup>	
Lodging - Hotel or motel - More than 20 guest rooms	M/C	—	—	M/C	M/C	M/C	
Personal services	P <sup>(2)</sup>	P <sup>(2)</sup>	—	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	
Public safety facility	M/C	M/C	—	—	M/C	M/C	
Social Care Facility - 7 or more clients	M/C	M/C	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 <sup>(2)</sup>	—	—	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	
Veterinary clinic, animal hospital	M/C	—	—	M/C	M/C	—	
<b>TRANSPORTATION, COMMUNICATIONS &amp; INFRASTRUCTURE</b>							
Ambulance, taxi, or limousine dispatch facility	P <sup>(2)</sup>	—	—	—	P <sup>(2)</sup>	P <sup>(2)</sup>	
Broadcasting antennae and towers	M/C	—	—	M/C	M/C	—	
Broadcasting studio	P <sup>(2)</sup>	—	—	P <sup>(2)</sup>	P <sup>(2)</sup>	—	
Electrical power generation <sup>(4)</sup>	—	—	—	—	—	—	
Parking lots and structures, accessory	P <sup>(3)</sup>	P <sup>(3)</sup>	P <sup>(3)</sup>	P <sup>(3)</sup>	P <sup>(3)</sup>	P <sup>(3)</sup>	
Pipelines, transmission lines, and control stations <sup>(5)</sup>	<sup>(5)</sup>	<sup>(5)</sup>	<sup>(5)</sup>	<sup>(5)</sup>	<sup>(5)</sup>	<sup>(5)</sup>	
Sewage treatment and disposal facility <sup>(4)</sup>	—	—	—	—	—	—	
Solid waste disposal <sup>(4)</sup>	—	—	—	—	—	—	
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
<b>OTHER</b>							
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)
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 Section 85.06.050 (Projects That Do Not Qualify for a Minor Use Permit)	S	Permit requirement set by Specific Use Regulations (Division 4)
		TSP	Temporary Special Events Permit required (Chapter 85.16)
CUP	Conditional Use Permit required (Chapter 85.06)	TUP	Temporary Use Permit required (Chapter 85.15)
MUP	Minor Use Permit required (Chapter 85.06)	—	Use not allowed

**Notes:**

- (1) A CUP shall be required for this use in the Phelan planning area.
- (2) CUP required if maximum building coverage exceeds 10,000 sq. ft., the use will have more than 20 employees per shift, or if not exempt from CEQA; may qualify for a MUP in compliance with Section 85.06.020 (Applicability)..
- (3) Use allowed as an accessory use only, on the same site as a retail, service, or industrial use allowed by this table.
- (4) Requires a General Plan Amendment to Institutional (IN) Land Use Zoning District.
- (5) These uses are regulated and approved by the Public Utilities Commission. See alternate review procedures in Section 85.02.050

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

**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).

**Table 82-13A  
CR, CN, and CO Land Use Zoning District Development Standards  
Valley Region**

Development Feature	Requirement by Land Use Zoning District		
	CR Rural Commercial	CN Neighborhood Commercial	CO Office Commercial
<b>Density</b>	<i>Maximum housing density. The actual number of units allowed will be determined by the County through subdivision or planning permit approval, as applicable.</i>		
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)
<b>Setbacks</b>	<i>Minimum setbacks required. See Chapter 83.05 for exceptions, reductions, and encroachments. See Division 5 for any setback requirements applicable to specific land uses.</i>		
Front	25 ft	25 ft	25 ft
Side - Street side	25 ft	25 ft	15 ft
Side - Interior (each)	10 ft <sup>(1)</sup>	10 ft <sup>(1)</sup>	10 ft <sup>(1)</sup>
Rear	10 ft <sup>(2)</sup>	10 ft <sup>(2)</sup>	10 ft <sup>(2)</sup>
<b>Floor Area Ratio (FAR)</b>	<i>Maximum allowed floor area ratio (FAR).</i>		
Maximum FAR	.3:1	.3:1	.75:1
<b>Lot coverage</b>	<i>Maximum percentage of the total lot area that may be covered by structures and impervious surfaces.</i>		
Maximum coverage	80%	80%	80%
<b>Height limit</b>	<i>Maximum allowed height of structures. See Section 83.02.040 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.</i>		
Maximum height	35 ft	35 ft	60 ft
<b>Accessory structures</b>	See Chapter 84.01 (Accessory Structures and Uses).		
<b>Infrastructure</b>	See Chapter 83.09 (Infrastructure Improvement Standards)		
<b>Landscaping</b>	See Chapter 83.10 (Landscaping Standards)		
<b>Parking</b>	See Chapter 83.11 (Parking Regulations).		
<b>Signs</b>	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.

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

**Table 82-13B**  
**CG, CS, AND CH Land Use Zoning District Development Standards**  
**Valley Region**

Development Feature	Requirement by Land Use Zoning District		
	CG General Commercial	CS Service Commercial	CH Highway Commercial
<b>Density</b>	<i>Maximum housing density. The actual number of units allowed will be determined by the County through subdivision or planning permit approval, as applicable.</i>		
Maximum density	Accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)		
<b>Setbacks</b>	<i>Minimum setbacks required. See Chapters 83.02 for exceptions, reductions, and encroachments. See Division 5 for any setback requirements applicable to specific land uses.</i>		
Front	25 ft	25 ft	25 ft
Side - Street side	15 ft	15 ft	15 ft
Side - Interior (each)	10 ft <sup>(1)</sup>	10 ft <sup>(1)</sup>	10 ft <sup>(1)</sup>
Rear	10 ft <sup>(2)</sup>	10 ft <sup>(2)</sup>	10 ft <sup>(2)</sup>
<b>Floor Area Ratio (FAR)</b>	<i>Maximum allowed floor area ratio (FAR).</i>		
Maximum FAR	.5:1	.5:1	.5:10
<b>Lot coverage</b>	<i>Maximum percentage of the total lot area that may be covered by structures and impervious surfaces.</i>		
Maximum coverage	80%	80%	80%
<b>Height limit</b>	<i>Maximum allowed height of structures. See Section 83.02.040 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.</i>		
Maximum height	60 ft	60 ft	60 ft
<b>Accessory structures</b>	See Chapter 84.01 (Accessory Structures and Uses).		
<b>Infrastructure</b>	See Chapter 83.09 (Infrastructure Improvement Standards)		
<b>Landscaping</b>	See Chapter 83.10 (Landscaping Standards)		
<b>Parking</b>	See Chapter 83.11 (Parking Regulations).		
<b>Signs</b>	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**

Development Feature	Requirement by Land Use Zoning District		
	CR Rural Commercial	CN Neighborhood Commercial	CO Office Commercial
<b>Density</b>	<i>Maximum housing density. The actual number of units allowed will be determined by the County through subdivision or planning permit approval, as applicable.</i>		
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)
<b>Setbacks</b>	<i>Minimum setbacks required. See Chapters 83.02 for exceptions, reductions, and encroachments. See Division 5 for any setback requirements applicable to specific land uses.</i>		
Front	15 ft	15 ft	15 ft
Side - Street side	15 ft	15 ft	15 ft
Side - Interior (each)	10 ft <sup>(1)</sup>	10 ft <sup>(1)</sup>	10 ft <sup>(1)</sup>
Rear	10 ft <sup>(2)</sup>	10 ft <sup>(2)</sup>	10 ft <sup>(2)</sup>
<b>Floor Area Ratio (FAR)</b>	<i>Maximum allowed floor area ratio (FAR).</i>		
Maximum FAR	.25:1	.25:1	.5:1
<b>Lot coverage</b>	<i>Maximum percentage of the total lot area that may be covered by structures and impervious surfaces.</i>		
Maximum coverage	80%	80%	80%
<b>Height limit</b>	<i>Maximum allowed height of structures. See Section 83.02.040 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.</i>		
Maximum height	35 ft	35 ft	35 ft
<b>Accessory structures</b>	See Chapter 84.01 (Accessory Structures and Uses).		
<b>Infrastructure</b>	See Chapter 83.09 (Infrastructure Improvement Standards)		
<b>Landscaping</b>	See Chapter 83.10 (Landscaping Standards)		
<b>Parking</b>	See Chapter 83.11 (Parking Regulations).		
<b>Signs</b>	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
<b>Density</b>	<i>Maximum housing density. The actual number of units allowed will be determined by the County through subdivision or planning permit approval, as applicable.</i>		
Maximum density	Accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses).		
<b>Setbacks</b>	<i>Minimum setbacks required. See Chapters 83.02 for exceptions, reductions, and encroachments. See Division 5 for any setback requirements applicable to specific land uses.</i>		
Front	15 ft	15 ft	15 ft
Side - Street side	15 ft	15 ft	15 ft
Side - Interior (each)	10 ft <sup>(1)</sup>	10 ft <sup>(1)</sup>	10 ft <sup>(1)</sup>
Rear	10 ft <sup>(2)</sup>	10 ft <sup>(2)</sup>	10 ft <sup>(2)</sup>
<b>Floor Area Ratio (FAR)</b>	<i>Maximum allowed floor area ratio (FAR).</i>		
Maximum FAR	.5:1	.4:1	.3:1
<b>Lot coverage</b>	<i>Maximum percentage of the total lot area that may be covered by structures and impervious surfaces.</i>		
Maximum coverage	80%	80%	80%
<b>Height limit</b>	<i>Maximum allowed height of structures. See Section 83.02.040 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.</i>		
Maximum height	35 ft	35 ft	35 ft
<b>Accessory structures</b>	See Chapter 84.01 (Accessory Structures and Uses).		
<b>Infrastructure</b>	See Chapter 83.09 (Infrastructure Improvement Standards)		
<b>Landscaping</b>	See Chapter 83.10 (Landscaping Standards).		
<b>Parking</b>	See Chapter 83.11 (Parking Regulations)		
<b>Signs</b>	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		
	CR Rural Commercial	CN Neighborhood Commercial	CO Office Commercial
<b>Density</b>	<i>Maximum housing density. The actual number of units allowed will be determined by the County through subdivision or planning permit approval, as applicable.</i>		
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)
<b>Setbacks</b>	<i>Minimum setbacks required. See Chapters 83.02 for exceptions, reductions, and encroachments. See Division 5 for any setback requirements applicable to specific land uses.</i>		
Front	25 ft	25 ft	25 ft
Side - Street side	25 ft	25 ft	25 ft
Side - Interior (each)	10 ft <sup>(1)</sup>	10 ft <sup>(1)</sup>	10 ft <sup>(1)</sup>
Rear	10 ft <sup>(2)</sup>	10 ft <sup>(2)</sup>	10 ft <sup>(2)</sup>
<b>Floor Area Ratio (FAR)</b>	<i>Maximum allowed floor area ratio (FAR).</i>		
Maximum FAR	.3:1	.25:1	.5:1
<b>Lot coverage</b>	<i>Maximum percentage of the total lot area that may be covered by structures and impervious surfaces.</i>		
Maximum coverage	80%	80%	80%
<b>Height limit</b>	<i>Maximum allowed height of structures. See Section 83.02.040 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.</i>		
Maximum height	35 ft	35 ft	35 ft
<b>Accessory structures</b>	See Chapter 84.01 (Accessory Structures and Uses).		
<b>Infrastructure</b>	See Chapter 83.09 (Infrastructure Improvement Standards)		
<b>Landscaping</b>	See Chapter 83.10 (Landscaping Standards)		
<b>Parking</b>	See Chapter 83.11 (Parking Regulations).		
<b>Signs</b>	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 82-15B  
CG, CS, AND CH Land Use Zoning District Development Standards  
Desert Region**

Development Feature	Requirement by Land Use Zoning District		
	CG General Commercial	CS Service Commercial	CH Highway Commercial
<b>Density</b>	<i>Maximum housing density. The actual number of units allowed will be determined by the County through subdivision or planning permit approval, as applicable.</i>		
Maximum density	Accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses).		
<b>Setbacks</b>	<i>Minimum setbacks required. See Chapters 83.02 for exceptions, reductions, and encroachments. See Division 5 for any setback requirements applicable to specific land uses.</i>		
Front	25 ft	25 ft	25 ft
Side - Street side	25 ft	25 ft	25 ft
Side - Interior (each)	10 ft <sup>(1)</sup>	10 ft <sup>(1)</sup>	10 ft <sup>(1)</sup>
Rear	10 ft <sup>(2)</sup>	10 ft <sup>(2)</sup>	10 ft <sup>(2)</sup>
<b>Floor Area Ratio (FAR)</b>	<i>Maximum allowed floor area ratio (FAR).</i>		
Maximum FAR	.5:1	.3:1	.3:1
<b>Lot coverage</b>	<i>Maximum percentage of the total lot area that may be covered by structures and impervious surfaces s.</i>		
Maximum coverage	80%	80%	80%
<b>Height limit</b>	<i>Maximum allowed height of structures. See Section 83.02.040 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.</i>		
Maximum height	35 ft	35 ft	60 ft <sup>(3)</sup>
<b>Accessory structures</b>	See Chapter 84.01 (Accessory Structures and Uses).		
<b>Infrastructure</b>	See Chapter 83.09 (Infrastructure Improvement Standards)		
<b>Landscaping</b>	See Chapter 83.10 (Landscaping Standards)		
<b>Parking</b>	See Chapter 83.11 (Parking Regulations).		
<b>Signs</b>	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.

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

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## **CHAPTER 82.06 INDUSTRIAL AND SPECIAL PURPOSE LAND USE ZONING DISTRICTS**

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### **Sections:**

- 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

### **82.06.010 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.

Adopted Ordinance 4011 (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).

Adopted Ordinance 4011 (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.

**Table 82-16  
Minimum Area for Industrial and Special Use  
Land Use Zoning District Designation**

Land Use Zoning District	Minimum Area for Designation
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

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008); Amended Ordinance 4085 (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 Section 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.

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## CHAPTER 82.07 ADDITIONAL AGRICULTURE (AA) OVERLAY

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### Sections:

- 82.07.010 Purpose
- 82.07.020 Location Requirements
- 82.07.030 Development Standards
- 82.07.040 Land Use Limitations

### **82.07.010 Purpose**

The Additional Agriculture (AA) Overlay established by Sections 82.01.020 (Land Use Plan and Land Use Zoning Districts) and 82.01.030 (Overlays) is intended to create, preserve, and improve areas for small-scale and medium-scale agricultural uses utilizing productive agricultural lands for raising, some processing, and the sale of plant crops, animals, or their primary products. It is an overlay where agricultural uses exist compatibly with a variety of rural residential lifestyles.

Adopted Ordinance 4011 (2007)

### **82.07.020 Location Requirements**

The AA Overlay may be applied where it will serve to protect and enhance an area that is a neighborhood or community substantially occupied by rural-type single dwellings on large parcels, and predominantly used for small-scale commercial agricultural activities.

Adopted Ordinance 4011 (2007)

### **82.07.030 Development Standards**

This Chapter establishes regulations to allow animal keeping as a primary use of land. All animal keeping land uses shall comply with public health laws regarding proper care and the maximum number of animals.

Adopted Ordinance 4011 (2007)

### **82.07.040 Land Use Limitations**

- (a) **Allowed additional animals.** The additional animal types listed in Table 82-22 (Animals Allowed in AA [Additional Agricultural] Overlay) shall be allowed in the AA Overlay in order to meet the agricultural needs of the community or region.

**Table 82-22  
Animals Allowed in AA (Additional Agricultural) Overlay**

Animal Type	Minimum Lot Area	Maximum Allowed Animal Density
Dogs and cats	As per Table 84-2 in Chap. 84.04	As per Table 84-5 in Chap. 84.04
Other small non-farm animals	1/2 acre	6 animals per parcel
Fish raising (maximum pond size)	½ acre	1/2-acre surface area
Aviary, apiary, or similar small animal farms	1 acre	1 farm per parcel
Rabbits and chinchillas	1 acre	50 per each 10,000 sf., 200 animals maximum
Poultry - Female	1 acre	99 animals maximum
	5 acres	99 animals per each 5 acres
Poultry – Male (roosters, drakes, ganders, etc.)	1 acre	2 per genus per parcel
	10 acres	2 per genus per each 5 acres
Sheep, female goats, and similar small livestock	1/2-acre	1 animal per each 4,000 sf.
	2-1/2 acres	1 animal per each 3,000 sf.
Male adult goats	1 acre	1 per parcel
	5 acres	1 per 5 acres, 4 animals max
Cattle	1 acre	1 per each 10,000 sf.
	2-1/2 acres	1 per each 7,000 sf.
Horses	1/2-acre	1 per each 10,000 sf.
	2-1/2 acres	1 per each 7,000 sf.
Hogs (9 maximum)	1 acre	1 per each 20,000 sf.
	2-1/2 acres	1 per each 14,000 sf.

**(b) Parcel Area for qualifying number or density of animal type.** Parcel area used to qualify one animal type shall not be reused to qualify another animal type.

**(c) Additional animals allowed with Conditional Use Permit.** The following animalkeeping uses shall be allowed with Conditional Use Permit approval.

- (1) Commercial kennels and catteries, with a minimum site area of one acre.
- (2) Agricultural support services.
- (3) Animal keeping at densities greater than, or the keeping of animal types different than, those allowed by this Section. Commercial poultry ranches are restricted to a minimum of 10 acres.
- (4) Cow and goat dairies, with a minimum site area of 10 acres.
- (5) Hog ranches and calf growing ranches, with a minimum site area of five acres.

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



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

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

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

(A) Each building on a parcel shall have exterior wall separations of at least 30 feet **except as modified by Subsection (C) below.**

(B) Residential structures shall have interior side yard setbacks of 20 percent of the lot width, provided that these interior side yards shall not be less than five feet and need not exceed 15 feet. In no case shall exterior wall separations be less than 10 feet for all buildings, including those on adjoining parcels. Eaves shall be permitted to project into the required setback no more than two feet. No other projections shall be allowed **less than five feet to side or rear property lines.**

(C) When the exterior walls of residential and accessory buildings or portions thereof are within 15 feet of interior side or rear lot lines, or the exterior wall separation is less than 30 feet, the outside of each exterior wall or portion thereof shall be constructed with **exterior wall coverings that are constructed of noncombustible materials or provide the one-hour fire-resistance-rated construction on the exterior side.** Modified one-hour construction shall be defined by the Building Official. Where building separations are less than 10 feet, additional mitigation measures may be required by the responsible Fire Authority;

(D) In compliance with Section 82.13.090 (Alternate Hazard Protection Measures), and dependent upon site specific conditions, the following measures or combinations of measures may be substituted for the exterior wall separation requirements for all structures in FS1 and FS2 areas:

(I) The expansion of fuel modified areas around the perimeter of the development project beyond that required by this Section or other requirement of the County Code.

(II) A substantial transfer of density from steeper slopes, including areas with slopes less than 30 percent if they exist on-site, to less steep areas within the development project.

(III) Clustering of structures away from the development perimeter and away from fire hazard areas.

(IV) Other alternate measures (e.g., sprinklers, etc.) if approved by the Department in compliance with Section 82.13.090 (Alternate Hazard Protection Measures).

- (2) **Building separation standards in FS3 areas.** In FS3 areas, exterior wall coverings shall be constructed of noncombustible materials or shall provide the equivalent one-hour fire-resistance-rated construction on the exterior side. Interior side yards shall not be less than five feet in width. Within the Mountain Region, building separation and side yard setbacks shall be as described in Paragraph 1, above.

**(d) Building construction requirements.**

- (1) **Eaves.** Eaves shall be enclosed with a minimum seven-eighth inch stucco or equivalent protection. Fascia shall be two inches nominal solid wood or stucco or equivalent protection.
- (2) **Exterior doors.** All exterior doors made of wood or wood portions shall be solid core wood. For exterior doors with inset windows, refer to Subparagraph 3.(A), below.
- (3) **Exterior glazing.** Exterior glazing shall comply with the provisions of the California Building Code and with the following additional requirements:
- (A) Exterior windows, window walls and glazed doors, and windows within exterior doors, shall be multi-layered glass panels (dual- or triple-paned), tempered glass, or other assemblies approved by the Building Official.
- (B) Vinyl window frame assemblies shall be prohibited, except when they have all of the following characteristics:
- (I) Frame and sash are comprised of vinyl material with welded corners;
- (II) Metal reinforcement in the interlock area;
- (III) Glazed with insulated glass or tempered;
- (IV) Frame and sash profiles are certified in American Architectural Manufacturing Association (AAMA) Lineal Certification Program

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- (2) **Exception for parcels larger than five acres.** A cul-de-sac may exceed 600 feet in length if all parcels that take access from the cul-de-sac are five acres or greater in area and:
- (A) The proposed cul-de-sac is not within or adjacent to areas that are zoned for or subdivided to parcels of five acres or less.
  - (B) Alternate measures are utilized in compliance with Section 82.13.090 (Alternate Hazard Protection Measures).
- (3) **Alternate measures.** In compliance with Section 82.13.090 (Alternate Hazard Protection Measures) and dependent upon site specific conditions, one of the following measures or combination of measures may be used to mitigate the effect of creating cul-de-sacs up to 600 feet in length with parcels less than five acres in area:
- (A) Limitation of the total number of dwelling units with access to the cul-de-sac to no more than 15, and restriction of further subdivision of parcels and construction of additional independent residential units which have access to the cul-de-sac. These restrictions shall be imposed through conditions of approval of the development project.
  - (B) A continuous perimeter access road at least 20 feet in width is provided along the portion of the cul-de-sac exposed to fire hazard or fuel modified areas such that it is drivable under normal conditions by fire fighting vehicles, provides adequate maneuvering space for the vehicles, and is designed so that at least one point of access to the perimeter access road is taken from roads other than the subject cul-de-sac.
  - (C) The cul-de-sac road will have a paved width of at least 40 feet with posted no parking for its entire length, and there is at least one area approximately at the midpoint of the cul-de-sac that serves the same function of a cul-de-sac bulb in allowing fire fighting vehicles adequate room to turn around. This measure may only be utilized if the expansion of the road width will not contribute to slope stability hazards either on-site or off-site.
  - (D) Other alternate measures approved by the Department in compliance with Section 82.13.090 (Alternate Hazard Protection Measures).
- (g) **Additional requirements.** Dependent upon specific site conditions (e.g., building separation, fire flow, road conditions, slope, vegetation, etc.) or a combination of conditions, the responsible Fire Authority may require structures to meet more stringent construction standards (e.g., full perimeter exterior walls to be constructed to the modified or full one-hour construction standards, sprinklers, soffitted eaves, etc.) as additional mitigation to the fire threat.

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

**82.13.070 (Reserved)**

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

**82.13.080 Soil Erosion and Sediment Control Plans/Permits**

This Section provides regulations and procedures for project planning, preparation of Soil Erosion and Sediment Control Plans, runoff control, land clearing, and winter operations in order to control existing and potential conditions of human induced accelerated erosion.

(a) **Applicability.** The regulations in this Section apply to all areas within Fire Safety (FS) Overlays, except ministerial projects within the FS2 Areas, and ministerial projects in FS3 Areas that are located on parcels that are less than one acre and have a slope of less than 10 percent. All unincorporated areas of the County subject to Chapter 85.11 Pre-Construction Inspections shall comply with Subsection (c), (e) and (f) of this Section.

(b) **Soil Erosion and Sediment Control Plans/Permits.**

(1) **Requirement of land clearing, grading or construction activities with approved Permit and Plan.** Land clearing, grading or construction activities in the Fire Safety (FS) Overlay require a soil erosion and sediment control permit and shall comply with the provisions of an approved Soil Erosion and Sediment Control Plan, unless exempt as follows:

- (A) Exempt in compliance with Section 88.02.030 (Exempt Activities); or
- (B) Exempt as determined by the Building Official.

(2) **Approval of Plan before issuance of permits.** A Soil Erosion and Sediment Control Plan shall be submitted and approved before the issuance of the following:

- (A) Building Permits.
- (B) Grading Permits.
- (C) Soil Erosion and Sediment Control Permits.
- (D) Other permits where, in the opinion of the Building Official, erosion can reasonably be expected to occur.

(3) **Plan contents.** A Soil Erosion and Sediment Control Plan shall:

- (A) Include the applicable measures required by this Chapter and other measures or modifications of proposed measures required by the Building Official.

- (B) Identify building and access construction envelopes and identify areas that will not be disturbed by construction activity in order to minimize disturbance of erodible areas of a proposed development site.
  - (C) Preserve existing streams and drainage courses in their natural condition in order to retain their ability to accommodate runoff and water drainage with a minimum of erosion.
- (4) **Permit application requirements.** The Building Official shall specify the following application requirements for Soil Erosion and Sediment Control Permits:
- (A) Requirements for the submittal of plans and supporting data to accompany applications for Soil Erosion and Sediment Control Plans and Soil Erosion and Sediment Control Permits.
  - (B) Licensing or certification requirements for those preparing Soil Erosion and Sediment Control Plan and Permit submittals.
  - (C) The incorporation and coordination of Soil Erosion Control Plans and Permits with other plan requirements.
  - (D) Other data/materials identified by the Building Official.
- (5) **Additional permit requirements.** For additional permit requirements, see Subsection 82.13.080(f) (Winter operation measures).
- (c) **General erosion control requirements.**
- (1) **Conditions causing accelerated erosion prohibited.** No person shall cause, or allow the continued existence of, a condition on a site that is causing or is likely to cause accelerated erosion as determined by the Building Official.
  - (2) **Notification to control erosion.** Upon notification by the Building Official, the responsible person shall take appropriate measures to control erosion on the site within a reasonable period of time as determined by the Building Official.
  - (3) **Plan/Permit approval.** Notwithstanding Subsection 83.13.080(a) (Applicability), the Building Official may require that a property owner, whose property has been cited in compliance with Subsection (2) (Notification to control erosion), above, file and obtain approval of a Soil Erosion and Sediment Control Plan and Soil Erosion and Sediment Control Permit in compliance with Subsection (b) (Soil Erosion and Sediment Control Plans/Permits), above.
  - (4) **Cessation of activities due to inclement weather.** The Building Official may direct that a particular operation, process, or construction be stopped during periods of inclement weather if the Building Official determines that erosion problems are not adequately being controlled.

- (5) **Applicable laws and regulations.** Land clearing and grading activities that comply with this Section shall also comply with all other applicable local, state, and Federal laws and regulations. Where there is a conflict with other County regulations, the conflict shall be resolved by using the **most specific** standard and shall be accomplished before the project is allowed to proceed.
- (6) **Appeals.** A property owner, an aggrieved person, or a person whose interests are adversely affected by an action or determination of the Building Official may appeal the action or determination in compliance with Chapter 86.08 (Appeals).
- (7) **Variances.** The Director may approve, conditionally approve, or deny a variance from the provisions of this Section, the permit conditions, or the plan specifications in compliance with Chapter 85.17 (Minor Variances). The Director may refer a variance request to the Commission in compliance with Section 85.17 (Variances).
- (d) **Runoff control measures.** Activities subject to a development permit (e.g. Conditional Use Permit, **Building Permit**, Grading Permit, Planned Development Permit, Site Plan Permit, Temporary Use Permit, etc.) shall implement measures to control runoff in order to prevent erosion. Measures shall be adequate to control runoff from a 10-year storm.
- (1) **Prevention of sediment discharge.** Erosion control and surface flow containment facilities shall be constructed and maintained to prevent discharge of sediment to surface waters or storm drainage systems.
- (2) **Permeability rate.**
- (A) **More than two inches per hour.** Where soils have a permeability rate of more than two inches per hour, runoff in excess of **5 percent of the** predevelopment levels shall be retained on the site by methods and in quantities approved by the Building Official. This may be accomplished through the use of infiltration basins, percolation pits or trenches, or other suitable means. This requirement may be waived where the Building Official determines that high groundwater, slope stability problems, etc., would inhibit or be aggravated by onsite retention, or where retention will provide no benefits for groundwater recharge or erosion control. **The runoff water shall be discharged over nonerodible surfaces or at a velocity that will not erode.**
- (B) **Two inches per hour or less.** Where soils have a permeability rate of two inches per hour or less and onsite percolation is not feasible, runoff shall be detained or dispersed over nonerodible vegetated surfaces so that the runoff rate does not exceed **5 percent of the** predevelopment level. **The runoff water shall be discharged over nonerodible surfaces or at a velocity that will not erode.** The Building Official shall require onsite detention unless the

applicant shows that the runoff will not contribute to downstream erosion, flooding, or sedimentation.

- (3) **Onsite percolation devices.** Concentrated runoff that cannot be effectively dispersed over nonerodible channels or conduits to the nearest drainage course shall be contained within onsite percolation devices.
  - (4) **Energy dissipaters at point of discharge.** Where water will be discharged to natural ground or channels, appropriate energy dissipaters shall be installed to prevent erosion at the point of discharge.
  - (5) **Detention or filtration mechanisms.** Runoff from disturbed areas shall be detained or filtered by berms, vegetated filter strips, catch basins, or other means necessary to prevent the escape of sediment from the disturbed area.
  - (6) **Deposition of earth or materials prohibited.** No earth, organic, or construction material shall be deposited in or placed where it may be directly carried into a stream, lake, marsh, slough, lagoon, or body of water.
  - (7) **Buffer zone along land/water margin.** Where land disturbing activities are in proximity to lakes or natural watercourses, a buffer zone shall be required along the land/water margin of sufficient width to confine visible siltation within 25 percent of the buffer zone nearest the land disturbing activities.
- (e) **Land clearing measures.** Activities subject to a development permit (e.g. Conditional Use Permit, **Building Permit**, Grading Permit, Planned Development Permit, Site Plan Permit, Temporary Use Permit, etc.) shall provide the following land clearing measures:
- (1) **Approval of Plan required before commencement of activities.** No land clearing activities, except as otherwise allowed by this Section, shall take place before approval of the Soil Erosion and Sediment Control Plan **or Soil Erosion Pollution Prevention Plan, as applicable.**
  - (2) **Limitations on land clearing and vegetation removal.** **The plan shall show the area of land disturbance. No land clearing shall occur outside the limits of the disturbed area shown on the approved plan.** Land clearing shall be kept to a minimum. Vegetation removal shall be limited to that amount necessary for building, access, fire protection and construction as shown on the approved Soil Erosion and Sediment Control Plan or as allowed by the Building Official through a Soil Erosion and Sediment Control Permit.
  - (3) **Establishment of vegetation.** Disturbed surfaces shall be prepared and maintained to control erosion and to establish vegetative growth compatible with the area. This control shall consist of any one or a combination of the following:

- (A) Effective temporary planting (e.g., rye grass, fast germinating native seed, etc.) and/or mulching with straw, pine needles, chippings, or other slope stabilization material.
  - (B) Permanent planting of compatible drought resistant species of ground cover, shrubs, trees, or other vegetation.
  - (C) Mulching, fertilizing, watering, or other methods necessary to establish new vegetation.
- (4) **Installation and maintenance of protection.** The protection required by this Section shall be installed before calling for final approval of the project. The protection shall be maintained for at least one year or until permanent protection is established. **Temporary measures to control erosion shall be removed when permanent stabilization has been established.**
- (5) **Vegetation removal between October 15 and April 15.** Vegetation removal between October 15 and April 15 shall not precede subsequent grading or construction activities by more than 15 days. **Erosion and sediment control measures shall be in place at all times during the land disturbing activity until post-construction measures are in place and established.**
- (6) **Authorization of land disturbing activity.** The Building Official shall authorize **land disturbing** activities only if the Building Official determines that the activities comply with the provisions of, and are consistent with the purposes of, this Section:
- (A) Contiguous land clearing operations involving a **disturbance** greater than one acre **shall be reviewed by the Public Works Department Land Development Division and the Land Use Services Department Current/Advance Planning Division when necessary for compliance with all applicable water quality regulations.**
  - (B) **D**isturbed surfaces not involved in the immediate operation shall be protected by mulching or other effective means of soil protection.
  - (C) Roads and driveways shall have drainage facilities sufficient to prevent erosion on or adjacent to the roadway or on downhill properties. Erosion-resistant surfacing may include, but is not limited to, slag, crushed rock or natural soil when compacted to 90 percent of maximum density.
  - (D) Runoff from a site shall be detained or filtered by berms, vegetated filter strips, or catch basins to prevent the escape of sediment from the site. These drainage controls shall be maintained by the permittee or property owner as necessary to achieve their purpose throughout the life of the project.



(E) Erosion control measures shall be in place at **all times and of sufficient effectiveness to control erosion.**

**(f) Winter Operation measures.** Land clearing and grading activities during winter may require additional measures when determined to be necessary by the Building Official.

**(g) Inspections.**

**(1) Types of inspections.** The Building Official may perform the following inspections to ensure compliance with this Section:

(A) Pre-construction inspection. A pre-construction inspection to determine the potential for erosion resulting from the proposed project.

(B). Progress inspections. Periodic progress inspections to determine ongoing compliance with the Soil Erosion and Sediment Control Plan.

(C) Final inspection. A final inspection to determine compliance with the Soil Erosion and Sediment Control Plan and with other approved plans and specifications.

**(2) Notification.** The permittee shall provide the Building Official at least:

(A) Commencement of work. Twenty-four hours' advance notice before the commencement of authorized work.

(B) Inspection request. Nine business hours' advance notice of an inspection request.

**(3) Right of entry.** Filing an application for a development permit (e.g. Conditional Use Permit, **Building Permit**, Grading Permit, Planned Development Permit, Site Plan Permit, Temporary Use Permit, etc.) constitutes a grant of permission for the County to enter the permit area for the purpose of administering this Section from the date of the application filing to the termination of the erosion control maintenance period.

**(h) Continued responsibility.** The property owner and the permittee shall be responsible for ensuring that accelerated erosion does not occur from an activity during and after project construction. Additional measures, beyond those specified in an approved Soil Erosion and Sediment Control Plan, may be required by the Building Official as deemed necessary to control erosion after project completion.

**(i) Post-approval procedures.** The procedures and requirements in Division 6 (Development Code Administration), related to permit implementation, time limits, extensions, appeals, and revocations, shall apply following the decisions on Soil Erosion and Sediment Control Plans and Soil Erosion and Sediment Control Permits.

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

**82.13.090 Alternate Hazard Protection Measures**

(a) **Purpose.** This Section allows greater design flexibility than would otherwise be permitted to more efficiently and effectively achieve the purposes of the FS Overlay. Design flexibility is provided by allowing the substitution of alternate measures for otherwise applicable requirements if it is found that they provide the same or a greater level of protection from wildland fires and other natural hazards, and that they will fulfill the same purpose as the established standard or requirement.

(b) **Applicability.**

(1) The provisions of this Section following shall apply only to the standards and requirements of:

(A) Subsection 82.13.060(c) (Building separation standards in FS1 and 2 areas);

(B) Subsection 82.13.060(e) (Perimeter access to fuel modified and fire hazard areas); and

(C) Subsection 82.13.060(f) (Length of cul-de-sacs).

(2) Since these alternative measures apply to the standards and requirements that pertain to these three specific design elements, they are intended to be applied to development projects only and not to individual parcel conditions. Therefore, they do not apply to the determination of setbacks for residential construction on individual lots.

(c) Substitution of alternative measures for standards and requirements.

(1) If alternative measures are proposed, the Fire Authority shall determine, with specific consideration of the effect of the proposed alternative measures, whether the proposed development project has adequate provisions for fuel modification and management, including the ongoing maintenance of fuel modified areas.

(2) If the Fire Authority makes a positive determination in compliance with Paragraph 1, above, alternate measures may be substituted for the established standards and requirements if the Department, with consideration of the recommendation of the Fire Authority, finds and justifies all of the following:

(A) The approved alternative measures meet the intent of, and serve the same purpose as, the established standard or requirement.

- (B) The approved alternative measures provide the same or a greater level of protection or are as effective as the established standard or requirement.
- (C) There are clear and substantial reasons for utilizing the alternative measures because they provide for a more efficient and economic use of the site, or provide for a superior physical design, and are consistent with the intent of the FS Overlay.

Adopted Ordinance 4011 (2007); Amended Ordinance 4057 (2008)

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# DIVISION 3 COUNTYWIDE DEVELOPMENT STANDARDS

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- (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).

Adopted Ordinance 4011 (2007)

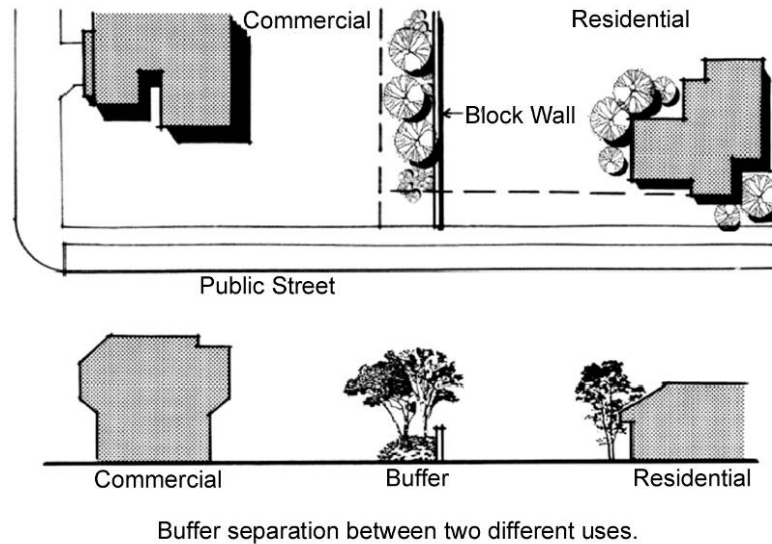
### **83.02.060 Screening and Buffering**

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 6 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 Subsection 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.**

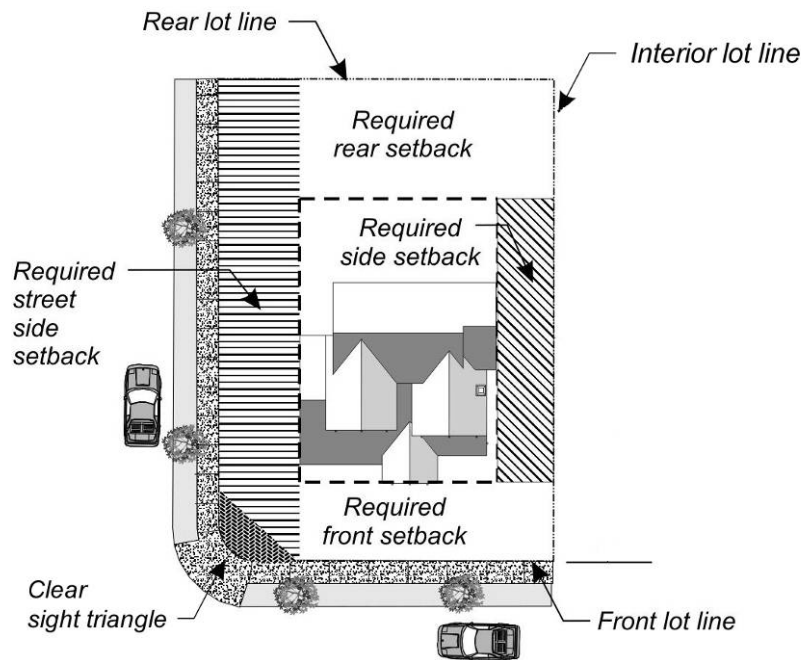
- (1) The use of outdoor areas for storage purposes shall be subject to the following standards:

- (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; and
  - (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.

Adopted Ordinance 4011 (2007); Amended Ordinance 4085 (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.

- (a) **Open and unobstructed.** Each setback area shall be open and unobstructed from finished grade, or other specified level at which the setback area is required, to the sky except as provided in Table 83-5 (Allowed Projections/Structures Within Setbacks).
- (b) **Projections attached to primary structure.** The architectural projections identified in the table shall be attached to the primary structure allowed on the parcel.
- (c) **Required clear areas.** The projections listed in Table 83-5 (Allowed Projections/Structures Within Setbacks) may not, in any event, encroach on or into the following:
  - (1) The Clear Sight Triangle required at traffic intersections.
  - (2) Within three feet of any parcel line, dividing parcels not in common ownership, except as noted in the Table.
  - (3) Within five feet of any side or rear property line in a Fire Safety Overlay District or as allowed in Subsection 82.13.060(c).
- (d) **Table 83-5 (Allowed Projections into Setbacks).** Table 83-5 (Allowed Projections/Structures Within Setbacks) lists the equipment and architectural features typically related to a structure that may extend into front, side, and rear yard setbacks.

**Table 83-5  
Allowed Projections/Structures Within Setbacks**

<b>Projections</b>	<b>Front and Street Side Setbacks</b>	<b>Interior Side Setbacks</b>	<b>Rear Setbacks</b>
Awnings, canopies, louvers and similar shading devices	4 ft.	2 ft.	4 ft.
Eaves, cornices, sills, planting boxes; skylights, fireplaces, flues and chimneys, and similar architectural features	4 ft.	2 ft.	4 ft.
Evaporative coolers, air conditioner compressors, and pool equipment	4 ft. When screened from view	2 ft.	4 ft.
Water tanks, propane tanks sited per California Fire Code and maintained in compliance with standards specified by Section 83.01.060 (Fire Hazards)	Not allowed	Not allowed	4 ft.
Propane tanks in Mountain Region only when sited per California Fire Code and maintained in compliance with standards specified by Section 83.01.060 (Fire Hazards)	Allowed When screened from view	Not allowed	4 ft.
Freestanding photovoltaic or solar panels	Not allowed	Not allowed	10 ft. Minimum 5 ft. separation from rear parcel line
Attached patio roofs and similar residential structures having open, unwall sides along not less than 50% of their perimeters, including top deck (decks with height greater than 4 ft. above grade)	4 ft.	Not allowed	15 ft. Minimum 5 ft. separation from rear parcel line
Cantilevered portion of primary structure more than 8 ft. above grade limited to 50% of length of one wall on any 1 story	4 ft.	4 ft.	4 ft.
Open-sided stairways, landings, and required fire escapes	5 ft.	4 ft.	10 ft.
Uncovered porches, platforms, or decks (up to 4 ft. in height)	4 ft.	4 ft.	10 ft.
Open storage of boats, recreational vehicles, trailers and similar vehicles	Not Allowed	Allowed	Allowed

<b>Projections</b>	<b>Front and Street Side Setbacks</b>	<b>Interior Side Setbacks</b>	<b>Rear Setbacks</b>
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, satellite dishes	Not allowed	Not allowed	Allowed
Garages, carports, sheds and other similar <b>uninhabitable</b> detached, enclosed accessory structures <b>in the Valley and Desert Region</b> that: <ul style="list-style-type: none"> <li>• Occupy no more than 25% of yard</li> <li>• Limited to 1 story in height</li> </ul>	Not allowed	Not allowed	Allowed
Garages carports, <b>sheds and other similar, uninhabitable enclosed accessory structures</b> in Mountain Region only that: <ul style="list-style-type: none"> <li>• Do not project beyond property line</li> <li>• Limited to 1 story in height</li> <li>• Meet Administrative Criteria of Building Official</li> <li>• <b>Occupy no more than 25% of rear yard</b></li> <li>• <b>Adhere to 20% sideyard setback for front and rear property lines</b></li> </ul>	Allowed <b>for garages and carports only.</b> 10 ft. minimum from existing edge of roadway pavement. <b>Other structures not allowed.</b>	Not allowed	Allowed <b>for detached accessory structures only</b>
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.		

<b>Table 83-5 Allowed Projections/Structures Within Setbacks (continued)</b>												
Projections	Front and Street Side Setbacks	Interior Side Setbacks	Rear Setbacks									
Fences, screening, safety guardrails, walls along property lines <ul style="list-style-type: none"> <li>• Industrial land use zoning districts</li> <li>• Commercial land use zoning districts</li> <li>• All other land use zoning districts.</li> </ul>	Allowed in compliance with Section 83.06.030 (General Height Limitations). <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; text-align: center;">6 ft. max. height</td> <td style="width: 33%; text-align: center;">10 ft. max height</td> <td style="width: 33%; text-align: center;">10 ft. max. height</td> </tr> <tr> <td style="text-align: center;">4 ft. max. height</td> <td style="text-align: center;">10 ft. max height</td> <td style="text-align: center;">10 ft. max height</td> </tr> <tr> <td style="text-align: center;">4 ft. max. height</td> <td style="text-align: center;">6 ft. max. height</td> <td style="text-align: center;">6 ft. max. height</td> </tr> </table> <p style="text-align: center;">-----</p> 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.			6 ft. max. height	10 ft. max height	10 ft. max. height	4 ft. max. height	10 ft. max height	10 ft. max height	4 ft. max. height	6 ft. max. height	6 ft. max. height
6 ft. max. height	10 ft. max height	10 ft. max. height										
4 ft. max. height	10 ft. max height	10 ft. max height										
4 ft. max. height	6 ft. max. height	6 ft. max. height										
<ul style="list-style-type: none"> <li>• Flagpoles</li> <li>• Sculpture and similar decorations</li> <li>• Trees<sup>(1)</sup>, shrubs<sup>(1)</sup>, and landscaping with a screening effect</li> <li>• Utility poles and lines located along property lines no closer than 1 foot from side property line</li> <li>• Walkways<sup>(2)</sup></li> <li>• Unroofed paving and driveways outside the ultimate road right-of-way. Unroofed paving and driveways within the ultimate road right-of-way shall be a minimum of 3 feet from the side property line<sup>(1)</sup></li> </ul>	Allowed	Allowed	Allowed									
Signs	Allowed in all setback areas subject to Chapter 83.13 (Signs)											
Swimming pools and spas no closer than 5 ft. to any property line	Not allowed	Not allowed	Allowed									

(1) Trees and shrubs shall be planted so that at maturity they shall not interfere with a driver’s or pedestrian’s view of public rights-of-way (e.g. the view of approaching, merging, or intersecting traffic, etc.) or otherwise impair public safety, or interfere with the safe operation of a motor vehicle on public streets.

(2) Walkways necessary for access to the building, parking areas and driveways may be supported on masonry construction in the Mountain Region.

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



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**CHAPTER 83.04 CONDITIONAL GRADING COMPLIANCE**

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**Sections:**

- 83.04.010 Title
- 83.04.020 Purpose and Intent of Development Code
- 83.04.030 Authority for Regulating Land Uses
- 83.04.040 Responsibility for Administration
- 83.04.050 Applicability of Development Code
- 83.04.060 Partial Invalidation of Development Code
- 83.04.070 Legal Defense Fee Responsibility
- 83.04.080 Use of Headings
- 83.04.090 Effect of General Plan Adoption or Development Code Changes on Projects in Progress

**83.04.010 Purpose**

- (a) **Compliance with conditions of approval.** The purpose of this Chapter is to ensure compliance with conditions of approval on projects involving earthwork grading.
- (b) **On-site continuous inspections of grading.** The provisions in this Chapter regulate on-site continuous inspections that are required by the Building Official of grading projects or developments for which adopted conditions of approval:
  - (1) Require any specific or general features to be incorporated into the earthwork; or
  - (2) Restrict or limit the earthwork in any way that is more restrictive than the grading provisions prescribed in the California Building Code.

Adopted Ordinance 4011 (2007)

**83.04.020 Applicability**

- (a) **Applicable projects.** The provisions of this Chapter apply to projects that:
  - (1) Have been conditionally approved; and
  - (2) Involve grading in excess of 5,000 cubic yards; and
  - (3) When either of the following conditions exist:
    - (A) Natural pregraded slopes of 15 percent or greater, or
    - (B) Requirements for natural open space retention.

- (b) **Supplement other applicable grading requirements.** The provisions in this Chapter are in addition to the provisions of the California Building Code and any geotechnical investigation report recommendations.

Adopted Ordinance 4011 (2007)

**83.04.030 Quality Control Engineer's Role and Responsibilities**

- (a) **Independent.** The quality control engineer shall not be employed by, have any relationship to, or interest in the developer, or any contracting, engineering, or geotechnical companies performing work on or providing services to the project being inspected.
- (b) **Duties and responsibilities.** The quality control engineer shall
- (1) Inspect the work in progress to ensure compliance with the conditions of approval including:
    - (A) Slope ratio.
    - (B) Slope height.
    - (C) Slope location.
    - (D) Areas of land disturbance.
  - (2) Set provisions regarding:
    - (A) Archeology.
    - (B) Paleontology.
    - (C) Landscaping.
    - (D) Erosion control.
    - (E) Protection of native plants and animals.
    - (F) Any other conditions of approval that will control or impact grading.
  - (3) Report to and file reports with the Building Official as required by the Building Official.

Adopted Ordinance 4011 (2007)

- (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 3/4-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.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008); Amended Ordinance 4057 (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 10 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 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.

Adopted Ordinance 4011 (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 Subsection (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, Section 52.0125 (Weight Limitations), Section 52.0128 (Restriction or Prohibition of Parking of Commercial Vehicles), and Section 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 Subsection 11 below of this Subsection, 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 10 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 Section 83.01.080 (Noise).
- (6) No dispensing of fuel on-site in excess of 10 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 Subsection 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 Subsection 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 Subsection 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 Subsections (A) and (C), above, of this Subsection 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.

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

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## CHAPTER 83.15 CONDITIONAL COMPLIANCE FOR WATER QUALITY MANAGEMENT PLANS

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### Sections:

- 83.15.010 Purpose
- 83.15.020 Applicability
- 83.15.030 Quality Control Engineer's Role and Responsibilities
- 83.15.040 Developer's Deposit
- 83.15.050 Land Development Engineering Authority
- 83.15.060 Authority to Contract
- 83.15.070 **Expenditure of Funds**

### 83.15.010 Purpose

The purpose of this Chapter is to ensure compliance with conditions of approval on projects involving Water Quality Management Plan features.

Adopted Ordinance 4043 (2008)

### 83.15.020 Applicability

The provisions of this Chapter apply to projects when a Water Quality Management Plan is required.

Adopted Ordinance 4043 (2008)

### 83.15.030 Quality Control Engineer's Role and Responsibilities

- (a) **Independent.** The quality control engineer shall not be employed by, have any relationship to, or interest in the developer, or any contracting, engineering, or geotechnical companies performing work on or providing services to the project being inspected.
- (b) **Duties and responsibilities.** The quality control engineer shall
  - (1) Inspect the work in progress to ensure compliance with the conditions of approval for Water Quality Management Plan's site design, source control and treatment control features.
  - (2) Set provisions regarding Water Quality Management Plan compliance.
  - (3) Report to and file reports with the Department of Public Works, Land Development Engineering Division Chief relative to Water Quality Management Plan compliance.

Adopted Ordinance 4043 (2008)

#### **83.15.040 Developer's Deposit**

- (a) **Deposit required for services of quality control engineer.** Before the issuance of building permits and where a Water Quality Management Plan is required, the developer shall post a deposit with Department of Public Works, Land Development Engineering Division in the amount and in the form specified by that Division. The deposit funds held in trust shall be dispersed to the quality control engineer by the Land Development Division under the terms of the agreement between the County and the quality control engineer to pay for the services of the quality control engineer.
- (b) **Additional deposits required.** The Land Development Engineering Division shall notify the developer if and when it becomes apparent that the deposit will be exhausted and the developer shall make the additional deposit as is required by the Land Development Division.
- (c) **Suspension or revocation of grading permit.** If the developer fails to submit the additional deposit by the date specified by the Land Development Engineering Division, the Land Development Division shall suspend or revoke the development permit, in compliance with the provisions of this code and order that work on the project be ceased.
- (d) **Refunds.** Upon completion of the work, unused funds shall be returned to the developer within 60 days following the quality control inspection approvals.

Adopted Ordinance 4043 (2008)

#### **83.15.050 Land Development Engineering Division Authority**

The Land Development Engineering Division shall have authority to adopt reasonable rules and regulations to clarify, interpret, and enforce the provisions of this Chapter. The Land Development Engineering Division may approve variations when the variations are not detrimental to the life, health, safety or welfare of the public and are necessary because of particular or peculiar circumstances, and will achieve the same level of protection as the original condition.

Adopted Ordinance 4043 (2008)

#### **83.15.060 Authority to Contract**

For the purpose of the Chapter, the Land Development Engineering Division may retain, on behalf of the County, independent engineers to serve as the quality control engineer on projects regulated by this Chapter using a standard form contract approved by the Board of Supervisors.

Adopted Ordinance 4043 (2008)

| **83.15.070 Expenditure of Funds**

**Authority to expend deposited funds.** The Land Development Engineering Division shall have the authority to expend any remaining funds in the developer's deposit to obtain compliance with this Chapter.

Adopted Ordinance 4043 (2008); Amended Ordinance 4085 (2009)

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## CHAPTER 84.01 ACCESSORY STRUCTURES AND USES

### Sections:

- 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

### 84.01.010 Purpose

This Chapter establishes the regulations and criteria that determine the location of compatible accessory uses within various land use zoning districts.

Adopted Ordinance 4011 (2007)

### 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 Section 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 Section 85.02.030 (Staff Review with Notice).
- (e) **Maximum site coverage.** The combination of accessory and primary structures on a parcel shall not exceed the maximum site coverage allowed by the applicable land use

zoning district regulations in Division 2 (Land Use Zoning Districts and Allowed Land Uses).

- (f) **Location on same or contiguous abutting parcel.** Accessory structures or uses 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 in compliance with Subsection 84.01.050(b), below. An accessory use may or may not entail the use of a structure.

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

#### **84.01.030 Agricultural Accessory Structures and Uses**

This Section provides standards for accessory structures and uses that are customarily related to an 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.** A caretaker dwelling unit may be located anywhere on the property at the discretion of the property owner. The unit shall be a minimum 600 square feet in area and a maximum 1,200 square feet in area. The unit shall be limited to two bedrooms, and its architectural design shall be compatible with the neighborhood. Recreational vehicles shall not be used for caretaker housing.
- (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. Failure to obtain both the Site Plan Permit and the Special Use Permit required under this subsection shall render the placement, use and/or occupancy of recreational vehicles or similar vehicles unlawful and subject to enforcement under Chapter 86.09 of this Title.

Adopted Ordinance 4011 (2007); Amended Ordinance 4057 (2008);

**84.01.040 Commercial and Industrial Accessory Structures and Uses**

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

- (a) **Exterior storage.** Exterior storage shall comply with Title 3 (Health and Sanitation and Animal Regulations) of the County Code. Screening of exterior storage shall comply with Section 83.02.060 (Screening and Buffering).
- (b) **Caretaker housing.** The caretaker dwelling unit may be located either above the first floor or behind a primary commercial use. The unit shall be a minimum 600 square feet in area and a maximum 1,200 square feet in area. The unit shall be limited to two bedrooms, and its architectural design shall be compatible with the neighborhood. Recreational vehicles shall not be used for caretaker housing.
- (c) **Seasonal Labor Quarters.** Labor quarters for commercial or industrial operations that are limited to three months of the year may utilize recreational vehicles as temporary labor quarters. A Site Plan Permit shall still be required to ensure proper services are supplied to the temporary laborers. Also, a Special Use Permit shall be required to monitor the use. Failure to obtain both the Site Plan Permit and the Special Use Permit required under this subsection shall render the placement, use and/or occupancy of recreational vehicles or similar vehicles unlawful and subject to enforcement under Chapter 86.09 of this Title.

Adopted Ordinance 4011 (2007); Amended Ordinance 4057 (2008)

**84.01.050 Residential Accessory Structures and Uses**

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

- (a) **Number of accessory residential uses.** In addition to a single-family dwelling unit, only one of the following uses shall be allowed on parcels less than five acres in size:
  - (1) A second dwelling unit shall be allowed provided that the parcel area is at least two times the minimum lot size specified by the land use zoning district for the subject property. If a parcel with a second dwelling unit is subsequently subdivided, the County may require the second dwelling unit be moved if proper setbacks and other development standards cannot be met.
  - (2) Dependent housing.
  - (3) Caretaker housing. The caretaker dwelling unit shall be a minimum 600 square feet in area and a maximum 1,200 square feet in area. The unit shall be limited to two bedrooms, and its architectural design shall be compatible with the neighborhood. In the Single Residential (RS) or the Multiple Residential (RM)

land use zoning districts on parcels less than 2.5 acres in size, the caretaker dwelling unit shall not extend in front of the primary structure. Recreational vehicles shall not be used for caretaker housing. **The provisions of Subsection 84.21.030(i) of this Title shall apply to a manufactured home used as caretaker housing.**

- (b) **Guest housing.** Guest housing shall be located on the same parcel as the primary dwelling unit and shall be separated from it by at least 10 feet. Guest housing shall be for use by temporary guests of the occupants of the primary dwelling unit and shall not be rented or otherwise used as a separate dwelling. Only one guest house shall be allowed. In the Single Residential (RS) or the Multiple Residential (RM) land use zoning districts on parcels less than 2.5 acres in size, the guest housing unit shall not extend in front of the primary structure. **The provisions of Subsection 84.21.030(i) of this Title shall apply to a manufactured home used as guest housing.**
- (c) **Parking.** Parking for accessory residential dwelling units shall comply with Chapter 83.11 (Parking and Loading Standards).
- (d) **Carport and/or garage.** Detached carports or garages shall be limited to 1,200 square feet when located on parcels that are less than 20,000 square feet in size.
- (e) **Other residential accessory structures and uses.** Structures and uses such as cabanas, play yards, tennis courts, porches, ramadas, awnings, patio slabs, water towers and wells, swimming pools, storage buildings shall not extend into the existing front setback of the primary structure where the primary structure faces a street right-of-way. See Section 83.02.080 (Allowed Projections into Setbacks).
- (f) **Detached storage structures.** Parcels that are one acre or less in size shall be limited to only one detached storage structure that exceeds 120 square feet and the storage structure shall not exceed 1,000 square feet. Detached storage structures shall not extend in front of the primary structure where the primary structure faces a right-of-way.
- (g) **Prohibited accessory structures and uses.** Freight containers, railroad cars, intermodal containers, and other similar storage-type structures shall not be allowed as accessory structures in the RS (Single Residential), RM (Multiple Residential), Agriculture (AG) or Rural Living (RL) land use zoning districts unless they are altered to appear to be similar to, and compatible with, the appearance of the on-site primary structure and the surrounding neighborhood, subject to the satisfaction of the Director.
- (h) **Animal keeping.** Accessory animal keeping shall be conducted as specified in Chapter 84.04(Animal Keeping).
- (i) **Exterior storage.** Exterior storage shall be fully and solidly screened and kept below the level of the fence or other screening mechanism. Exterior storage shall comply with Title 3 (Health and Sanitation and Animal Regulations) of the County Code. Screening of exterior storage shall comply with Section 83.02.060 (Screening and Buffering).



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## CHAPTER 84.08 DEPENDENT HOUSING

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### Sections:

- 84.08.010 Purpose
- 84.08.020 Applicability
- 84.08.030 Permit Requirements
- 84.08.040 Development Standards

### 84.08.010 Purpose

The purpose of this Chapter is to provide standards for the location, occupation, and removal of dependent housing. These standards are intended to allow residents to provide adequate housing on a temporary basis for adult family members who are dependent for financial or health reasons and to ensure the removal of the unit upon cessation of the housing need.

Adopted Ordinance 4011 (2007)

### 84.08.020 Applicability

The standards in this Chapter shall apply to dependent housing where allowed as a temporary accessory use to an allowed single dwelling unit in the land use zoning districts identified in Division 2 (Land Use Zoning Districts and Allowed Land Uses)

Adopted Ordinance 4011 (2007)

### 84.08.030 Permit Requirements

The Special Use Permit for a dependent housing unit issued in compliance with Chapter 85.14 (Special Use Permits) shall be approved for a period not to exceed 24 months and may be renewed for additional 24 month periods subject to the provisions of this Chapter. **Proof of continuing eligibility as a qualified dependent is required as a condition of renewal.**

Adopted Ordinance 4011 (2007); Amended Ordinance 4057 (2008)

### 84.08.040 Development Standards

- (a) **Allowed structural types.** The following types of structures shall be allowed for use as dependent housing units:
  - (1) Units constructed to meet California Building Code Standards, including panelized structures or other structural types that may be affixed to a foundation but disassembled at a later date; or

- (2) Units constructed to meet the standards of the National Manufactured Home Construction and Safety Standards Act of 1974 subject to the issuance of a Mobile Home Permit. **The provisions of Subsection 84.21.030(i) of this Title shall apply to a manufactured home used as dependent housing.**
- (b) Number of units allowed per parcel.** One detached dependent housing unit per parcel may be allowed as a temporary accessory use; provided, however, that only one single-family dwelling unit occupies the parcel.
- (c) Minimum parcel area.** A dependent housing unit shall not be allowed on a parcel that is less than 7,200 square feet in area.
- (d) Ownership and occupancy requirements.**
- (1) The property owner shall occupy at least one of the dwelling units on the premises.
- (2) The property owner shall own the dependent housing unit.
- (3) The property owner shall submit written notification to the Building and Safety Division of any change of residency in the dependent housing unit. **The provisions of Subsection 84.21.030(i) of this Title shall apply to a manufactured home used as dependent housing.**
- (e) Floor area.**
- (1) Units on parcels less than 2½ acres in area.** A dependent housing unit shall have a maximum floor area of 840 square feet and a minimum floor area of 400 square feet when located on a parcel in a land use zoning district that requires parcels that are less than 2 and one-half acres in area.
- (2) Units on parcels 2½ acres in area or greater.** A dependent housing unit shall have a maximum floor area of 1,600 square feet and a minimum floor area of 400 square feet when located on a parcel in a land use zoning district that requires parcels that are 2 and one-half acres in area or greater.
- (f) Design standards.** The appearance of a temporary dependent housing unit shall be similar to, or compatible with, the appearance of the primary residence.
- (g) Subordinate to primary use.** The dependent housing unit shall be clearly subordinate in size, location, and appearance to the primary dwelling unit.
- (h) Parking.** Additional parking for the dependent housing unit shall not be required if the existing off-street parking complies with Chapter 83.11 (Parking and Loading Standards), or if the resident(s) of the dependent housing unit are incapable of operating a motor vehicle.

- (i) **Projection into front setback prohibited.** The dependent housing unit shall not extend beyond the front of the primary dwelling unit.
- (j) **Removability of unit.** The dependent housing unit shall be erected, constructed, or installed so that it can be removed.
- (k) **Notice of Condition describing removal of unit.** As a condition of approval of the Special Use Permit, the property owner shall sign a **Notice of Condition**, which shall be recorded and which places the responsibility upon the property owner to comply with the provisions of this Section, describing the method of removal of the dependent housing unit, and acknowledging that the property owner shall bear the cost of removal of the unit.

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

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## CHAPTER 84.14 MOBILE HOME PARKS

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### Sections:

- 84.14.010 Purpose
- 84.14.020 Applicability
- 84.14.030 Enforcement Authority
- 84.14.040 Definitions
- 84.14.050 Development Standards
- 84.14.060 (Reserved)
- 84.14.070 Bonds to Guarantee Improvements
- 84.14.080 Mobile Home Park Subdivisions

### 84.14.010 Purpose

This Chapter provides for the establishment, location, design, and improvement of mobile home parks.

Adopted Ordinance 4011 (2007)

### 84.14.020 Applicability

- (a) **Where allowed.** The development standards provided in this Chapter shall apply to the establishment or enlargement of mobile home parks in land use zoning districts where allowed in compliance with Division 2 (Land Use Zoning Districts and Allowed Land Uses).
- (b) **State law.** The requirements of this Chapter shall include the provisions of the Mobile Home Parks Act (Health and Safety Code Section 18200 et seq.) and the applicable Mobile Home Parks Regulations adopted by the State Department of Housing and Community Development (Code of Regulations, Title 25, Division 1, Chapter 2, Section 1000 et seq.) The requirements of this Chapter are intended to equal or exceed the requirements of the Mobile Home Parks Act and the Mobile Home Regulations. The requirements of the Mobile Home Parks Regulations shall be incorporated as part of this Chapter and compliance with the regulations shall be required.

Adopted Ordinance 4011 (2007); Amended Ordinance 4057 (2008)

### 84.14.030 Enforcement Authority

The California Department of Housing and Community Development shall enforce State law and regulations that apply to the maintenance, use, occupancy, sanitation, and safety of mobile home parks or that apply to permits to operate them.

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

#### 84.14.040 Definitions

Terms used in this Chapter are as defined in the Mobile Home Parks Act (Health and Safety Code Section 18200 et seq.), unless as expressly provided otherwise in Division 12 (Definitions and Land Use Classifications) or unless the context clearly shows that a different meaning is intended.

#### 84.14.050 Development Standards

- (a) **Locations.** Mobile home parks/manufactured home land-lease communities shall be located where allowed in compliance with Division 2 (Land Use Zoning Districts and Allowed Land Uses) and in compliance with State law.
- (b) **Parcel size and density.** The minimum parcel sizes and density standards for mobile home parks shall be as indicated in Table 84-8 (Parcel Size and Density Standards for Mobile Home Parks).

**Table 84-8**  
**Parcel Size and Density Standards for Mobile Home Parks**

Development Standards	Land Use Zoning District		
	RL	RS	RM
Minimum parcel size	20 acres	10 acres	10 acres
Maximum density	Determined by the density of the land use zoning district in which it is located		

- (c) **Drainage and flood hazard.** A mobile home park shall be located on a well-drained site, properly graded to provide for adequate disposition of water runoff. The area shall be free of flood hazard from external sources. The review authority may require dedications and improvements that will ensure proper protection of a mobile home park.
- (d) **Streets and highways.** The review authority may require additional dedication and improvements on streets and highways abutting the proposed mobile home park in compliance with the Circulation Element of the General Plan and established widths of local and collector streets.
- (e) **Parcel areas and dimensions.** A parcel in a mobile home park shall contain a minimum area of 1,200 square feet with a minimum width of 30 feet fronting on a driveway, provided that:

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

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



area shall contain a minimum of 50 square feet for each mobile home parcel in the mobile home park.

- (2) Storage on a mobile home parcel shall comply with the provisions of Title 25, Division 1 of the California Code of Regulations.
- (p) **Public address systems.** Public address systems or loudspeakers shall not be allowed if audible outside the boundaries of the mobile home park.
- (q) **Modifications in design.** Where a mobile home park application is submitted for approval that, although not in compliance with the design requirements in this Chapter, are consistent with the general purpose and intent of this Chapter, the review authority may approve the park with conditions and restrictions that ensure that the general purposes are satisfied.
- (1) Park designs utilizing duplex or cell-type groupings of mobile home parcels or other modified designs may be approved under the provisions of this Section.
  - (2) Modifications of the above standards of design may be approved under the provisions of this Section for mobile home parks, travel trailer parks, recreational trailer parks, temporary trailer parks, and tent camps. However, in no case shall the modifications conflict with minimum requirements of the Mobile Home Parks Act (Health and Safety Code Section 18200 et seq.) and the applicable Mobile Home Parks Regulations adopted by the State Department of Housing and Community Development (Code of Regulations, Title 25, Division 1, Chapter 2, Section 1000 et seq.).

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

**84.14.060 (Reserved)**

Adopted Ordinance 4011 (2007); Amended Ordinance 4057 (2008)

**84.14.070 Bonds to Guarantee Improvements**

If all improvements required as a condition of approval of a mobile home park are not satisfactorily completed at the time a Certificate of Occupancy is requested, the owner or owners of the mobile home park shall, before the issuance of the permit, enter as contractor into an agreement with the County guaranteeing that the required work will be accomplished. The form and amount of security shall be determined by the Director.

Adopted Ordinance 4011 (2007)

**84.14.080 Mobile Home Park Subdivisions**

Mobile home park subdivisions shall be conditioned to require reservation and maintenance of common areas and enjoyment of the residents of the mobile home subdivision. Mobile home subdivisions shall comply with appropriate design standards established by this Chapter, Division 9 (Subdivisions), and applicable State subdivision requirements.

Adopted Ordinance 4011 (2007)

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

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

- (1) The site for the proposed location of the manufactured home is adequate in terms of shape and size to accommodate the use and all parking areas, setbacks, structure coverage, yards, and other applicable requirements of this Development Code;
  - (2) The Building and Safety Division has investigated, inspected and reported on the manufactured home and has determined that the manufactured home proposed for installation substantially conforms to the construction standards regarding health, accessibility, life and fire safety and structural requirements applicable to manufactured homes less than ten years old; and
  - (3) The appearance of the manufactured home and the method of siting are compatible with the appearance of the primary structure and the structures in the surrounding neighborhood.
- (j) **Infrastructure requirements.** A building permit shall not be issued for the construction of single-family residential dwelling unless all of the following infrastructure requirements are satisfied for an existing lot of record:
- (1) Proof of legal and physical access.

(A) Physical access is a route which is traversable in a standard (two-wheel drive) sedan. Proof shall consist of an Engineer or Surveyor's signed and sealed letter, certifying that physical access has been completed.

(B) Legal access is:

(I) A dedicated right-of-way;

(II) 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.

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

(IV) Private road easement

(C) When all feasible efforts to establish legal access in accordance with 84.21.030 (j) (1) (B) have been exhausted, the lot is an existing legally created parcel, and the property owner has physical access, the Director, in his/ her discretion, may waive the requirement for legal access on the condition that the property owner enters into an agreement in the form required by the County which includes the property owner's: (1) representation that the owner has a right to physical access; (2) acknowledgement that proof of legal access has not been provided to the County's satisfaction; and, (3) agreement to disclose to any subsequent owners that legal access has not been established to the satisfaction of the County. Notation of said agreement and conditions of waiver shall also be included on the building permit.

(2) Infrastructure as determined by the Land Development Division of the Public Works Department depending on the location of the parcel to be developed. This may include, but not limited to, any of the following: paved access, curbs and gutters, sidewalk, and/or appropriate drainage improvements.

(3) Water.

(A) Water purveyor. Required when in the service area of a water purveyor and the purveyor can supply the water.

(B) Substantiated well water. If the subject parcel is not within the service area of a water purveyor, well water may be allowed if all required setbacks are met.

(C) Hauled water. No hauled water will be allowed without approval from the Division of Environmental Health Services.

(4) Sanitation.

(A) Sewer. Required when in the service area of a sewer provider and the subject parcel is within 200 feet of the sewer line.

(B) Septic systems/holding tanks: Allowed in compliance with the local Regional Water Quality Control Board regulations.

(5) Fireflow. Adequate fireflow in compliance the Uniform Fire Code and with Section 23.018 (Amendments to the Uniform Fire Code) of the County Code.

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

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- (1) The use is authorized by a Building Permit for the trailer or mobile home, and the Building Permit for the permanent structure;
  - (2) The use is appropriate because:
    - (A) The trailer or mobile home will be in place during construction or remodeling of a permanent commercial or manufacturing structure for a maximum of 12 months, or upon expiration of the Building Permit for the permanent structure, whichever first occurs; or
    - (B) The applicant has demonstrated that the temporary work site is a short-term necessity for a maximum of 12 months, while a permanent work site is being obtained; and
  - (3) The trailer or mobile home is removed before final building inspection or the issuance of a Certificate of Occupancy for the permanent structure.
  - (4) A Temporary Use Permit issued in conjunction with a construction project shall become invalid upon:
    - (A) Cancellation of the Building Permit for the approved temporary structure or use; or
    - (B) Completion of the Building Permit for the approved temporary structure or use; or
    - (C) Expiration of the time for which the approval has been granted.
- (j) **Temporary signs.** See Section 83.13.070 (Temporary Signs).
- (k) **Temporary transportable treatment units (TTTU).** Temporary Transportable Treatment Units (TTTU) used for treating hazardous waste or groundwater contamination.
- (1) Temporary transportable treatment units shall only be allowed in either of the following instances:
    - (A) The site where a TTTU will be located and operated complies with the siting criteria and procedures identified in the San Bernardino County Hazardous Waste Management Plan; or
    - (B) The Chief of Environmental Health Services Division determines that the proposed TTTU use does not create additional health risks as demonstrated by a site-specific health risk assessment and a Certificate of Land Use Compliance is issued and recorded in compliance with Chapter 85.05 (Certificate of Land Use Compliance).

- (2) A Temporary Use Permit issued in conjunction with a TTTU shall become invalid upon the occurrence of one of the following:
    - (A) Violation of a permitting requirement; or
    - (B) Completion of the project; or
    - (C) Expiration of the time for which the approval has been granted.
  - (3) The Environmental Health Services Division shall conduct an annual inspection in order to ensure compliance with any conditions of approval.
  - (4) A Temporary Use Permit for a temporary transportable treatment unit shall not be granted or extended for a period of time to exceed five years after the date the Temporary Use Permit was first issued.
- (l) Accessory storage structures.** A detached, accessory storage structure, where the primary use does not yet exist, shall only be allowed with appropriate bonding to remove the accessory structure if the primary use is not completed within two years.
- (m) Similar temporary activities.** A temporary activity that the Director determines is similar to the other activities listed in this Section and compatible with the applicable land use zoning district and surrounding land uses.

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

#### **84.25.050 Additional Development Standards**

- (a) Additional standards.** In addition to the standards in Section 85.15.020 (Types of Temporary Use Permits and Review Authority), above, the Director shall establish the following additional standards for a proposed temporary structure or use, using the requirements of the applicable land use zoning district, Division 3 (Countywide Development Standards), and Division 4 (Standards for Specific Land Uses and Activities) for guidance:
- (1) **Structure and property development improvements.** Access, floor areas, heights, landscaping, off-street parking, setbacks, signs, utilities, and other structure and property development improvements and features;
  - (2) **Removal of the activity and site restoration.** Measures for removal of the activity and site restoration, to ensure that no changes to the site would limit the range of possible future land uses otherwise allowed by this Development Code. Performance security may be required before installation of the temporary structure or initiation of the temporary use to ensure cleanup after the structure is removed or the use is finished in compliance with Section 86.06.050 (Performance Guarantees); and



- (3) **Time limitation.** Limitation on the duration of an approved "temporary structure," to a maximum of 12 months, so that it shall not become a permanent or long-term structure.
- (b) **Display of permit and approvals.** A valid Temporary Use Permit shall be prominently displayed so that it is visible at all times from the exterior of the permitted structure or use and available for inspection. A permitted temporary structure shall provide evidence of approval by the State Department of Housing and Community Development as required by the Health and Safety Code or the U.S. Department of Housing and Urban Development, where applicable.
- (c) **Other regulations.** Installation of a permitted structure or use shall comply with the requirements and regulations of the Department and the following:
- (1) Development Code.
  - (2) Building and Safety Division.
  - (3) Fire Department.
  - (4) Environmental Health Services Division.
  - (5) Applicable State and Federal regulations.

Adopted Ordinance 4011 (2007)

#### **84.25.060 Interim Operation of Activities Requiring a Conditional Use Permit**

- (a) **Interim operation of activities requiring a Conditional Use Permit.** A Temporary Use Permit may be issued for the interim operation of any use requiring a Conditional Use Permit for a period of time not to exceed 12 months, provided the Temporary Use Permit does not authorize the construction or establishment of new permanent structures and the review authority makes the findings required for approval of a Conditional Use Permit in compliance with Chapter 85.06 (Conditional Use Permit/Minor Use Permit).
- (b) **Concurrent application filing.** The Temporary Use Permit application shall be filed concurrently with an application for Conditional Use Permit, where appropriate.

Adopted Ordinance 4011 (2007)

#### **84.25.070 Camping or Occupancy of Temporary Structure Prohibited**

- (a) **Prohibited use.**
- (1) **Prohibition.** It shall be unlawful to place, install, build, maintain, use, or occupy any temporary structure on any parcel of real property subject to the provisions of this Development Code for the purpose of camping, dwelling, maintaining or establishing temporary or permanent residency unless such placement,

installation, construction, maintenance, use, or occupancy is first authorized by a Temporary Use Permit, Special Event Permit, or other land use approval required by this Development Code **or as otherwise made an exception herein.**

- (2) **Exception.** It shall not be a violation of this subsection and no permit shall be required to place, maintain, use and/or occupy any temporary structure for no more that four days in an 30-day period when used for recreational camping on a property by the property's owner(s) in the RC (Resource Conservation), AG (Agriculture) or RL-5 (Rural Living-five acre minimum parcel size) or larger land use zoning districts.

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

- (1) Any tent, lean-to, box, or other make-shift building or enclosure constructed of any material for which no building permit has been issued and no Temporary Use Permit, Special Use Permit, or other land use approval has been granted;
- (2) Any vacant building, temporary or permanent, deemed substandard pursuant to Health and Safety Code Section 17920.3 and Sections 63.063 or 63.064 of Title 6 of the San Bernardino County Code; and
- (3) Any building under construction and unfinished, regardless of whether or not building, (plumbing, etc.) permits have been issued.

(c) **Camping in Vehicle Prohibited.**

- (1) **Prohibition.** It shall be unlawful to place, maintain, use, or occupy any vehicle on any parcel of real property for the purpose of camping, dwelling, or maintaining or establishing a temporary or permanent residency unless such placement, maintenance, use, or occupancy is authorized pursuant to this chapter.
- (2) **Exception.** It shall not be a violation of this subsection and no permit shall be required to place, maintain, use and/or occupy any temporary structure for no more that four consecutive days in an 30-day period when used for recreational camping on a property by the property's owner(s) in the RC (Resource Conservation), AG (Agriculture) or RL-5 (Rural Living-five acre minimum parcel size) or larger land use zoning districts. This exception shall also apply when such vehicles are lawfully used as seasonal labor quarters upon the issuance of the Site Plan Permit and Special Use Permit pursuant to Sections 84.01.030 and 84.01.040.

(d) **Vehicle applicability.** This section shall apply to the following vehicles types:

- (1) All recreational motor vehicles;
- (2) Recreational towed vehicles;
- (3) Mobile homes;
- (4) Commercial coaches;

- (5) Office trailers;
- (6) Park trailers
- (7) Passenger vehicles;
- (8) Trailers;
- (9) Campers; and
- (10) Commercial vehicles.

**(e) Notice to Abate**

- (1) The Director may issue to any person occupying any structure or vehicle prohibited in violation of this Section a notice, including an order to vacate the structure or vehicle after 30 days of the date of the notice.
- (2) If deemed necessary by the Director to prevent or remedy an immediate threat to health and safety of the public or occupants of the structure, the Director may issue any person occupying any structure or vehicle prohibited in violation of this Section an order to vacate the structure or vehicle with less than 30 days notice; or institute any appropriate action or proceeding to prevent, restrain, correct, or abate the violation or nuisance.

Adopted Ordinance 4043 (2008); Amended Ordinance 4085 (2009)

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# DIVISION 5 PERMIT APPLICATION AND REVIEW PROCEDURES

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**CHAPTER 85.03 APPLICATION PROCEDURES**

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**Sections:**

- 85.03.010 Purpose
- 85.03.020 Applications for Land Use Decisions
- 85.03.030 Development Review Committee
- 85.03.040 Environmental Review
- 85.03.050 Concurrent Applications
- 85.03.060 Application Forms and Information Packets
- 85.03.070 Pre-application Review
- 85.03.080 Notice of Pending Land Use Decisions
- 85.03.090 Conditions of Approval
- 85.03.100 Automatic Conditions
- 85.03.110 Post Decision Notice

**85.03.010 Purpose**

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

Adopted Ordinance 4011 (2007)

**85.03.020 Applications for Land Use Decisions**

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

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

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

**85.03.030 Development Review Committee**

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

Adopted Ordinance 4011 (2007)

**85.03.040 Environmental Review**

- (a) **Applications subject to CEQA.** All land use applications that are subject to the California Environmental Quality Act (CEQA) shall be reviewed by the Department in compliance with the County Environmental Review Guidelines.
- (b) **Environmental findings required.** Before taking an action to approve a land use application that is subject to CEQA, the Planning Agency shall make one or more environmental findings. The environmental finding(s) is required in addition to the findings specified in this Development Code for each application type.

Adopted Ordinance 4011 (2007)

**85.03.050 Concurrent Applications**

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

Adopted Ordinance 4011 (2007)

**85.03.060 Application Forms and Information Packets**

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

Adopted Ordinance 4011 (2007)

**85.03.070 Pre-application Review**

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

Adopted Ordinance 4011 (2007)

**85.03.080 Notice of Pending Land Use Decisions**

(a) **Public hearing or staff review with notice procedures.** Upon receipt of a request for a land use decision that utilizes the public hearing or staff review with notice procedures, the applicable review authority shall give notice specifying the time and place for the decision at least 10 calendar days before the date of the scheduled land use approval/denial by the following applicable methods:

- (1) Notice shall be published once in a newspaper of general circulation in the respective community of the proposal for the following land use decisions using the public hearing procedure:
  - (A) Amendments to the text of the General Plan or a specific plan.
  - (B) Development Code amendments.
  - (C) General Plan map amendments.
  - (D) Subdivisions, where a tentative and final map are required.
- (2) Notice shall be given by first class mail to any person who has filed a written request for a specific application.
- (3) Notice shall be given by first class mail or delivery to all surrounding property owners within a certain distance of the exterior boundaries of the subject site for land use decisions using the public hearing or staff review with notice procedures. The distances shall be in compliance with the Table 85-2 (Distance Requirements of Noticing Purposes), below.

**Table 85-2  
Distance Requirements for Noticing Purposes**

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

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

Adopted Ordinance 4011 (2007)

#### **85.03.090 Conditions of Approval**

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

Adopted Ordinance 4011 (2007)

**85.03.100 Automatic Conditions**

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

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

Adopted Ordinance 4011 (2007)

**85.03.110 Post-Decision Notice**

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

Adopted Ordinance 4011 (2007)

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## CHAPTER 85.08 SITE PLAN PERMITS

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### Sections:

- 85.08.010 Purpose
- 85.08.020 Applicability
- 85.08.030 Procedures

### 85.08.010 Purpose

It is the purpose of this Chapter to provide an expedited process for the County review and authorization of allowed uses and structures that are in compliance with Division 2 (Land Use Zoning Districts and Allowable Land Uses) and the other applicable requirements of this Development Code.

Adopted Ordinance 4011 (2007)

### 85.08.020 Applicability

- (a) **When required.** A Site Plan Permit shall be required to authorize:
- (1) **Compliance with Division 2.** The alteration, construction, or expansion of every legally established use that is allowed by a land use zoning district subject to a Site Plan Permit in compliance with Division 2 (Land Use Zoning Districts and Allowable Land Uses); provided, the use complies with all applicable development standards identified in this Development Code, an adopted specific plan or adopted by the Board;
  - (2) **Provision of additional parking.** A change or expansion of any use that would require the provision of additional parking in compliance with Chapter 83.11 (Parking and Loading Standards); and
  - (3) **Publicly owned institutional structures.** The alteration, disturbance, or expansion of an existing publicly owned institutional structure that is less than 10,000 square feet in area and is proposed to be expanded by no more than 5,000 square feet.
- (b) **Exceptions.** A Site Plan Permit will not be allowed for any project that is located within a City Sphere of Influence, a designated redevelopment area or along a designated State highway. In such cases, the review and approval of a Minor Use Permit, in compliance with Chapter 85.06 will be required.
- (c) **Exempt from CEQA.** A Site Plan Permit application shall be determined exempt from the California Environmental Quality Act (CEQA) in compliance with State law and the *County's Environmental Review Guidelines* or it shall be processed as a Conditional Use Permit or Minor Use Permit.

Adopted Ordinance 4011 (2007)

### **85.08.030 Procedures**

- (a) **Compliance with Division 5 (Permit Application and Review Procedures).** The Site Plan Permit procedure is intended to provide a less complex and more streamlined review than that required for a Conditional Use Permit or Minor Use Permit. The project planner shall review the application in compliance with Division 5 (Permit Application and Review Procedures).
- (b) **Procedure.** Staff review with notice.
- (c) **Review authority.** Director.
- (d) **New construction.** In issuing a Site Plan Permit for new construction the Director shall first confirm that the request satisfies all of the following criteria:
  - (1) The structure and use is in compliance with the applicable provisions of this Development Code; and
  - (2) The proposed site and any land use(s) or structure(s) existing on the site shall not be in violation of any applicable provision of this Development Code, except for nonconforming uses and structures in compliance with Chapter 84.17 (Nonconforming Uses and Structures).
- (e) **Reuse of existing structure(s).** In issuing a Site Plan Permit that proposes to establish a different use in an existing structure, the Director shall first confirm that the request satisfies all of the following criteria in addition to those identified in Subsection E., above:
  - (1) The required number of parking spaces and driveway and parking lot improvements shall be provided and maintained in compliance with Chapter 83.11 (Parking and Loading Standards);
  - (2) All on-site signs shall be in compliance with Chapter 83.13 (Sign Regulations); and
  - (3) The proposed use and all existing structures are in compliance with all requirements of previously approved entitlements (e.g., Minor Use Permits, Conditional Use Permits, or Variances, etc.) including conditions of approvals.
- (f) **On-site inspection.** An application for a Site Plan Permit may require that the Director perform an on-site inspection of the subject parcel before confirming that the request complies with all of the applicable criteria and provisions identified in this Section.



- (g) **Findings.** Before granting an application for a Site Plan Permit, the review authority shall make the following findings:
- (1) The project complies with all applicable development standards identified in this Development Code or adopted by the Board.
  - (2) There is supporting infrastructure, existing or available, consistent with the intensity of development, to accommodate the proposed development without significantly lowering service levels.
  - (3) The proposed use and manner of development are in compliance with the goals, maps, policies, and standards of the General Plan, any applicable community plan or specific plan.
  - (4) The proposed use and manner of development are exempt from the California Environmental Quality Act (CEQA).
- (h) **Rejection or alternative processing required.** If the review authority cannot make the required findings listed in Subsection (g), above, the project will be either rejected or elevated to a Minor Use Permit, as determined appropriate by the Director.
- (i) **Appeal.** Appeal of a Site Plan Permit shall be limited to the determination that the land use being requested qualifies for the Site Plan Permit application.

Adopted Ordinance 4011 (2007)

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## CHAPTER 85.11 PRE-CONSTRUCTION FLOOD HAZARD AND SOIL EROSION POLLUTION PREVENTION INSPECTION

### Sections:

- 85.11.010 Purpose
- 85.11.015 Scope
- 85.11.020 Flood Hazard Inspection Required
- 85.11.030 Soil Erosion Pollution Prevention Plan and Inspection Required

#### 85.11.010 Purpose

The provisions of this Chapter are enacted to control soil erosion pollution and regulate construction of proposed structures that are subject to flood hazards due to storm events within local flood hazard areas that are not within a designated Flood Plain Safety (FP) Overlay District or Floodway (FW) Land Use Zoning District.

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

#### 85.11.015 Scope

The provisions of this Chapter apply to all unincorporated areas of the County except that Section 85.11.020 shall only apply to areas not within a designated Flood Plain (FP) Overlay District or Floodway (FW) Land Use Zoning District.

Adopted Ordinance 4085 (2009)

#### 85.11.020 Flood Hazard Inspection Required

- (a) **No disturbance of land and/or construction without prior approval.** No person, except as provided in this Chapter, shall commence with a disturbance of land (e.g., grading or land clearing) and/or construction activity that has the potential to affect a discernible water course without first obtaining approval to ensure that the disturbance and/or construction activity will not increase the velocity or alter the direction or point of discharge of a local drainage course in a manner that it negatively effects the proposed structure(s) or other adjacent properties.
- (b) **Flood Hazard Inspection required.** A pre-construction Flood Hazard Inspection shall be conducted by the Building Official before approval of any development permit, except where a land use application has previously been approved authorizing the land disturbing or construction activity.
- (c) **Determination by the Building Official.** The Building Official shall determine, upon visual inspection of the site and review of any pertinent available resources,

whether there is evidence of a discernible watercourse that could effect or could be affected by the proposed improvements or land disturbing activity.

- (1) If the Building Official determines no evidence exists, it shall be indicated in writing that the site has passed the pre-construction Flood Hazard Inspection and review.
  - (2) If evidence of a discernible watercourse exists, the Building Official shall require a Flood Hazard Development Review by the Public Works Department, **Land Development Division**, that will provide further review of the site and proposed improvements.
- (d) **Flood Hazard Development Review required.** All pre-construction Flood Hazard Inspections referred to the **Public Works Department, Land Development Division**, shall be subject to the provisions of the Flood Hazard Development Review before issuance of any development permit or approval of a land disturbing activity.

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

#### **85.11.030 Soil Erosion Pollution Prevention Plan and Inspection Required**

- (a) **No land disturbance or construction activity without prior approval.** No person except as provided in this chapter, shall commence with a disturbance of land (e.g. grading or land clearing) or construction activity that has that potential to cause erosion without first obtaining approval of erosion control measures to ensure that erosion would not reasonably be expected to occur. Best Management Practices (BMP's) shall be implemented at all land disturbance sites, regardless of the area of disturbance.
- (b) **Inspections required.** Site inspections shall be conducted as needed to verify compliance with this Chapter. Project proponents must also recognize that their project is subject to inspection by the Public Works Department, Environmental Management Division and Regional Water Quality Control Board staff as part of their General Construction Permit obligations.
- (c) **Soil Erosion Pollution Prevention Plan.** A Soil Erosion Pollution Prevention Plan shall be approved by the Building Official prior to issuance of any development permit or authorization of any land disturbing activity of more than one acre. Projects disturbing more than one acre are also required to have coverage under the State General Construction Permit issued by the State Water Resources Control Board and develop a Stormwater Pollution Prevention Plan (SWPPP). The property owner is required to abide by all provisions of the State General Construction Permit and obtain a Waste Discharge Identification (WDID) number prior to the issuance of building or grading permits when the disturbance is more than one acre.
- (d) **Review requirements of plan.** The Building Official, with the concurrence of the Current/Advance Planning Division and the Public Works Department, Land Development Division, when appropriate, shall review the plan and determine that the proposed erosion control measures will be adequate to meet the requirements of

Subsection 82.13.080(c), (e) and (f) whether or not an erosion control permit is specifically required.

- (e) **Maintenance of features.** The required features of the approved Soil Erosion Pollution Prevention Plan shall be implemented during the land disturbing activity and maintained thereafter in accordance with the approved plan.

Adopted Ordinance 4085 (2009)

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**CHAPTER 85.17 VARIANCES**

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**Sections:**

- 85.17.010 Purpose
- 85.17.020 Applicability
- 85.17.030 Procedures
- 85.17.040 Minor Variances
- 85.17.050 Application Requirements
- 85.17.060 Findings and Decision
- 85.17.070 Conditions of Approval
- 85.17.080 Post Decision Procedures

**85.17.010 Purpose**

A Variance (either Major or Minor) provides 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.

Adopted Ordinance 4011 (2007)

**85.17.020 Applicability**

A Variance may be granted to modify any requirement of this Development Code except: allowed land uses; residential density; specific prohibitions (for example, prohibited signs), or procedural requirements.

Adopted Ordinance 4011 (2007)

**85.17.030 Procedures**

Each application shall be reviewed by the Director to ensure that the proposal complies with this Chapter, and all other applicable requirements of this Development Code.

- (a) **Procedure.** Staff review with notice
- (b) **Review Authority.** Director
- (c) **Notice.** Before a decision on a Variance, the County shall provide notice in compliance with Section 85.03.080 (Notice of Pending Land Use Decisions).

- (1) **Notice.** The notice shall state that the Director will decide whether to approve or disapprove the Variance application on a date specified in the notice, and that a public hearing will be held only if requested in writing by any interested person before the specified date for the decision. The request for a hearing shall be based on issues of significance directly related to the application (e.g., provision of evidence that the request cannot meet one or more of the findings identified in Section 85.17.060 [Findings and Decision], below).
- (2) **If hearing is requested.** If a public hearing is requested, the Director shall schedule the hearing, which shall be noticed and conducted in compliance with Chapter 86.07 (Public Hearings).
- (3) **If no hearing is requested.** If no public hearing is requested, the Director shall render a decision on the date specified in the notice referred to in Subsection (c). (1) above.

Adopted Ordinance 4011 (2007)

#### 85.17.040 Minor Variances

- (a) **Types of Minor Variances allowed.** The Director may grant a Minor Variance to reduce any of the following requirements of this Development Code up to the maximum specified in the Table 85-5 (Types of Minor Variances Allowed), below.

**Table 85-5  
Types of Minor Variances Allowed**

Types of Minor Variances Allowed*		Maximum Variance
1	<b>Area requirements.</b> Excluding parcel area requirements.	30%
2	<b>Distance between structures.</b> Up to 40 percent, but no closer than 6 feet.	40%
3	<b>Fence or wall heights.</b> Up to 30 percent, but no higher than 6 feet in the front or street side yard setback.	30%
4	<b>Floor width requirements.</b> Of the single-family residential design standards.	20%
5	<b>Gross floor area requirements.</b>	10%
6	<b>Height requirements.</b> Except that any height adjustment not exceeding two feet in total height shall also be considered a Minor Variance.	30%
7	<b>Off-street parking requirements.</b> Parking and loading space requirements, not to exceed two spaces. Parking area/lot improvements.	30%
8	<b>Overlay District requirements.</b> Of the standards identified in the overlay districts.	30%
9	<b>Setback requirements.</b> a. Front setbacks. But no closer to the nearest property line than 15 feet in the valley and desert areas and 10 feet in the mountain region. b. Side setbacks. But no closer than three feet from the nearest property line, except in a Fire Safety Overlay District in which case no closer than five feet. c. Rear setbacks. But no closer than 10 feet from the nearest property line.	40% 40% 30%
10	<b>Sign requirements.</b> a. Sign area limitations. b. Sign height and setback limitations. c. Sign number limitations: Not to exceed four signs.	10% 30% 100%



**Notes.**

(\*) Administrative criteria for Minor Variances for these structures shall be established by the Building Official. Those proposals that do not meet the criteria shall be submitted to the Department of Public Works, with the appropriate fee, for road safety evaluation. Architectural design and construction materials shall be compatible with the visual setting of the surrounding area. Variances to the requirements of Section 83.02.030 regarding “clear sight triangles” shall not be evaluated with a Minor Variances.

- (b) **Major Variances.** Any request for a Variance, other than a Minor Variance, shall be termed a Major Variance.
- (c) **Referral to the Commission.** The Director may choose to refer any Variance application to the Commission for hearing and final action.

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

**85.17.050 Application Requirements**

An application for a Variance (Major or Minor) shall be prepared, filed, and processed in compliance with Chapter 85.03 (Application Procedures). The application shall include the information and materials specified in the Department handout for Variances. It is the responsibility of the applicant to provide evidence in support of the findings required by Section 85.17.060 (Findings and Decision), below.

Adopted Ordinance 4011 (2007)

**85.17.060 Findings and Decision**

- (a) **General findings.** The review authority may approve a Variance (Major or Minor) only after first finding all of the following:
  - (1) The granting of the Variance will not be materially detrimental to other properties or land uses in the area and will not substantially interfere with the present or future ability to use solar energy systems;
  - (2) There are exceptional or extraordinary circumstances or conditions applicable to the subject property or to the intended use that do not apply to other properties in the same vicinity and land use zoning district;
  - (3) The strict application of the land use zoning district deprives the subject property of privileges enjoyed by other properties in the vicinity or in the same land use zoning district; and
  - (4) The granting of the Variance is compatible with the maps, objectives, policies, programs, and general land uses specified in the General Plan and any applicable specific plan.
- (b) **Findings for off-site parking Variance.** The approval of a Variance to allow some or all of the parking spaces required for a nonresidential project to be located off-site, or to allow in-lieu fees or facilities instead of the required on-site parking spaces, shall

require that the review authority first make both of the following findings in compliance with Government Code Section 65906.5, instead of those required by Subsection (a), above.

- (1) The Variance will be an incentive to, and a benefit for, the nonresidential development; and
- (2) The Variance will facilitate access to the nonresidential development by patrons of public transit facilities.

Adopted Ordinance 4011 (2007)

**85.17.070 Conditions of Approval**

In approving a Variance (Major or Minor), the review authority may impose any conditions deemed reasonable and necessary to ensure that the approval will comply with the findings required by Section 85.17.060 (Findings and Decision), above. The violation of any required condition shall constitute a violation of this Chapter and may constitute grounds for revocation or modification of the Variance in compliance with Section 86.09.070 (Revocation or Modification).

Adopted Ordinance 4011 (2007)

**85.17.080 Post Decision Procedures**

The procedures and requirements in Chapter 6 (Time Limitations), and those related to appeals and revocation in Division 11 (Development Code Administration), shall apply following a decision on an application for a Variance.

Adopted Ordinance 4011 (2007)

## CHAPTER 86.06 TIME LIMITATIONS

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### Sections:

- 86.06.010 Purpose
- 86.06.020 Effective Date of Permits
- 86.06.030 Applications Deemed Approved
- 86.06.040 Permits to Run with the Land
- 86.06.050 Performance Guarantees
- 86.06.060 Time Limits and Extensions
- 86.06.070 Changes to an Approved Project
- 86.06.080 Resubmittals
- 86.06.090 Covenants of Easements

### 86.06.010 Purpose

This Chapter provides requirements for the implementation or "exercising" of the permits and authorizations required by this Development Code, including time limits and procedures for granting extensions of time.

Adopted Ordinance 4011 (2007)

### 86.06.020 Effective Date of Permits

- (a) **Effective date for planning permits and other approvals.** Except in the case of an amendment (Chapter 86.12) or development agreement (Chapter 86.13), final action on any planning approval (e.g., appeal, permit, Variance, or other entitlement) shall become effective on the 11<sup>th</sup> day following the date of application approval, where no appeal of the approval has been filed in compliance with Chapter 86.08 (Appeals).
- (b) **When the 10<sup>th</sup> day is not a County business day.** When the 10<sup>th</sup> day is not a County business day, the decision shall instead become effective on the second consecutive County business day following the 10<sup>th</sup> day.

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

### 86.06.030 Applications Deemed Approved

A planning permit application for a parcel that is deemed approved by operation of law in compliance with Government Code Section 65956 shall be subject to all applicable provisions of this Development Code, which shall be satisfied by the applicant before a Building Permit is issued or a land use not requiring a Building Permit is established.

Adopted Ordinance 4011 (2007)

**86.06.040 Permits to Run with the Land**

A Conditional Use Permit, Minor Use Permit, **Site Plan Permit**, Major or Minor Variance, Planned Development Permit, or Special Use Permit approval that is granted in compliance with Division 5 (Permit Application and Review Procedures) shall be deemed to run with the land through any change of ownership of the subject site, from the effective date of the permit, except in any case where a permit expires and becomes void in compliance with this Chapter. All applicable conditions of approval shall continue to apply after a change in property ownership.

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

**86.06.050 Performance Guarantees****(a) Deposit of security.**

- (1) As a condition of approval of a Conditional Use Permit, Minor Use Permit, Major or Minor Variance, Planned Development Permit, Special Use Permit, Temporary Special Event Permit, Temporary Use Permit, or upon a finding that the County's health, safety, and welfare warrant, the review authority may require the execution of a covenant to deposit security, and the deposit of security in a reasonable amount to ensure the faithful performance of one or more of the conditions of approval of the Conditional Use Permit, Minor Use Permit, Major or Minor Variance, Planned Development Permit, Special Use Permit, Temporary Special Event Permit, or Temporary Use Permit in the event that the obligor fails to perform.
- (2) The applicant/owner may elect to provide adequate security for the faithful performance of a condition(s) of approval imposed as part of the approval process if the Director determines that the condition(s) may be implemented at a later specified date (e.g., inability to install required landscaping due to poor weather conditions).
- (3) The security shall, as required by law or otherwise at the option of the County, be in the form of cash, a certified or cashier's check, letter of credit, a performance bond or other form of surety executed by the applicant and a corporate surety authorized to do business in California and approved by the County.
- (4) The security shall remain in effect until all of the secured conditions have been performed to the satisfaction of the Director.
- (5) Any security required in compliance with this Section shall be payable to the County.

**(b) Release of security.** Upon satisfactory compliance with all applicable provisions of this Section, the security deposit shall be released.

**(c) Failure to comply.**

- (d) **Authority to Inspect.** All persons authorized to enforce the provisions of this Development Code are authorized to enter upon any property or premises within the unincorporated areas of the County of San Bernardino to ascertain whether the property or premises is in compliance with this Development Code, and to make any inspection as may be necessary in the performance of their enforcement duties. These inspections may include the taking of photographs, samples, or other physical evidence, and the making of video and/or audio recordings. All such entries and inspections shall be done in a reasonable manner. If an owner, lawful occupant, or the respective agent, employee, or representative thereof refuses permission to enter and/or inspect, the County, acting by and through such persons authorized to enforce this Development Code, may seek an administrative inspection warrant pursuant to the procedures provided by California Code of Civil Procedure §§ 1822.50 through 1822.59, as may be amended from time to time, or the successor provisions thereto.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008); Amended Ordinance 4057 (2008)

#### **86.09.040 Unlawful to Violate Development Code Provisions**

- (a) It is unlawful for any person to violate or to cause or to allow a violation of any provision of this Development Code. Any act or omission constituting a violation of the Development Code includes the aiding, abetting, allowing, or causing that act or omission.
- (b) Each and every day, and during any portion of which, any violation of this Development Code, or of the provisions of any code adopted and incorporated by reference by this Development Code, is committed, continued, or allowed, is a new and separate offense.

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

#### **86.09.050 Violations of Development Code Declared Public Nuisance**

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

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

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

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

#### **86.09.060 Unlawful to Refuse or Fail to Comply With a Condition of Land Use Approval**

- (a) It is unlawful for the owner, the owner's agent or representative, or other person in whose favor or for whose benefit, a land use approval of any kind has been granted for the parcel of real property at issue, to refuse or to fail to comply with the condition of approval or the conditions of approval, either individually or collectively in any number.
- (b) Each and every day, and during any portion of which, any failure or refusal to comply with the condition or conditions of approval imposed on any land use approval, authorization, permit, or variance, is committed, continued, or allowed, is a new and separate offense.

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

#### **86.09.070 Property Not in Compliance With a Condition of Land Use Approval Declared Public Nuisance**

Any property not in compliance with an applicable condition of approval imposed upon any land use approval, authorization, permit, or variance is hereby declared to be unlawful and a public nuisance.

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

#### **86.09.080 Enforcement**

- (a) **Notices, orders, and citations.** This Development Code may be enforced through the issuance of various notices and orders pertaining to any land use; or to any addition, alteration, construction, conversion, enlargement, installation, moving, reconstruction, rehabilitation of any structure; or to any use of any structure; that is contrary to any provision of this Development Code as provided herein, or as otherwise provided under various provisions of the other Titles of the San Bernardino County Code. Such notices may include, without limitation, notice of violation, notice to correct, notice to vacate, and stop work orders. This Development Code may also be enforced through the use of administrative citations issued pursuant to Government Code Section 53069.4 and the provisions of the San Bernardino County Code adopted pursuant to the authority conferred by Government Code Section 53069.4; or through the use of criminal citations issued pursuant to Penal Code Section 836.5 and in the manner specified by the San Bernardino County Code, Title 1, Division 1, Chapter 2, Section 11.024.
- (b) **Enforcement remedies are cumulative and discretionary, not exclusive.** All remedies contained in this Development Code for the handling of violations or enforcement of the provisions of this Development Code shall be discretionary and cumulative, and not exclusive of any other applicable provisions of the San Bernardino County Code or other applicable State law. The County, at its sole discretion and acting through the officials designated in this Chapter and in consultation with the Office of County Counsel, may enforce this Development Code through the application of criminal, civil, and administrative remedies as set forth in this Chapter. In the exercise of such discretion in selecting an appropriate code enforcement remedy, the County shall not be required to institute available code enforcement remedies in any particular order, or to prefer the application of one remedy to another.

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

#### **86.09.090 Criminal Actions**

- (a) Notwithstanding any other provision of the San Bernardino County Code, each person violating, causing, or allowing a violation of any provision of this Development Code or any permit or condition of approval granted pursuant thereto, shall be guilty of an infraction, unless the violation is specifically declared to be a misdemeanor.
- (b) Every violation of any provision of this Development Code, or of any permit issued pursuant to this Development Code (including any of the conditions of approval for such permit) that is prosecuted as an infraction shall be punished, upon conviction or upon a plea of nolo contendere (commonly called no contest), by: (1) a base fine not exceeding \$100.00 for a first violation; (2) a base fine not exceeding \$200.00 for a second violation of the same Code Section or permit (or any of the conditions of approval) occurring on the same property and committed by the same person within one year; and (3) a base fine not exceeding \$500.00 for each additional violation of the same Code Section or permit (or any of the conditions of approval) occurring on the same property and committed by the same person within one year. Any court costs that the court may otherwise be required to impose pursuant to applicable state law or



local ordinance shall be imposed in addition to the base fine. Notwithstanding the above, a first or subsequent violation of this Development Code may be charged and prosecuted as a misdemeanor.

- (c) A misdemeanor shall be punished, upon conviction or upon a plea of nolo contendere (commonly called no contest), by a base fine of not less than \$500.00 and not more than \$1,000.00, or by imprisonment in the County jail for a period of not more than six months, or by both such base fine and imprisonment. Any court costs that the court may otherwise be required to impose pursuant to applicable state law or local ordinance shall be imposed in addition to the base fine.
- (d) The conviction and punishment of any person of an offense as described in this Section or the payment of a criminal fine by or on behalf of the person convicted, shall not relieve that person from the responsibility for correcting, removing, or abating the violation that resulted in the conviction; nor prevent the enforced correction, removal or abatement thereof by the County. The correction, removal, or abatement of a violation begun after the issuance of a criminal citation or the filing of a criminal complaint shall not be a defense to the infraction or misdemeanor so charged and, following a conviction or plea of nolo contendere, shall not be grounds for the dismissal of the action or the waiver, stay, or reduction of any fine established in this Section.

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

### 86.09.100 Civil Actions

- (a) **Injunctive relief and abatement.** At the request of any person authorized to enforce this Development Code, the County Counsel or District Attorney may commence proceedings for the abatement, removal, correction and enjoinder of any act or omission that constitutes or will constitute a violation of this Development Code or any permit or land use approval granted pursuant thereto, and an order requiring the violator(s) to pay civil penalties and/or abatement costs. Where multiple violators are involved, they shall be jointly and severally liable for the civil penalties and/or abatement costs.
- (b) **Civil Remedies and Penalties.** Any person, whether acting as principal, agent, employee, owner, lessor, lessee, tenant, occupant, operator, contractor, or otherwise, who violates any provision of this Development Code or any permit or any condition of land use approval granted pursuant thereto, shall be liable for a civil penalty not to exceed one thousand dollars (\$1,000.00) per violation for each day or any portion thereof, that the violation continues to exist. In determining the amount of civil penalty to be imposed, both as to the daily rate and the subsequent total amount for any given violation, the court shall consider all relevant circumstances, including, but not limited to, the extent of the harm caused by the conduct constituting the violation, the nature and persistence of such conduct, the length of time over which the conduct occurred or as repeated, the assets, liabilities, and net worth of the violator, whether a corporate entity or an individual, and any corrective action taken by the violator.



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

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

#### **86.09.110 Administrative Actions**

- (a) **Application.** All violations of any provision of this Development Code or any permit or land use approval granted pursuant thereto are subject to enforcement through the use of administrative citations in accordance with Government Code Section 53069.4 and this Section. The following procedures shall govern the imposition, enforcement, collection, administrative, and judicial review of administrative citations and penalties.
- (b) **Content of Citation.** The administrative citation shall be issued on a form approved by the County Administrative Officer in consultation with County Counsel. The administrative citation form may be tailored to the specific needs of the issuing department as approved by the County Administrative Officer, however, all administrative citations regardless of the issuing department shall contain the following information:
- (1) The administrative citation shall refer to the date and location of the violation and the approximate time, if applicable, that the violation was observed.
  - (2) The administrative citation shall identify each violation by the applicable section number of this code and by either the section's title or a brief descriptive caption; or by reference to the applicable permit or land use approval and describing the condition violated.
  - (3) The administrative citation shall describe the action required to correct the violations.
  - (4) The administrative citation shall require the responsible party to immediately correct the violation and shall explain the consequences of failure to correct the violation.
  - (5) The administrative citation shall state the amount of the penalty imposed for the violation. Multiple violations may be listed on the same citation form. In the event of multiple violations, the administrative citation shall list the penalty amount for each violation and the total amount of all of the penalties.
  - (6) The administrative citation shall contain a notation box for the enforcement officer to indicate whether or not the citation is issued as a "warning only" and without penalty. The administrative citation shall also include a notation box for

the enforcement officer to indicate that the penalty will be waived if the violation is corrected by the compliance deadline date indicated on the citation form.

- (7) The administrative citation shall explain how the penalties shall be paid and the time period by which it shall be paid, and the consequences of failure to pay the penalty within this time period.
- (8) The administrative citation shall identify all appeal rights and instructions on how to appeal the citation.
- (9) The administrative citation shall contain the printed name and the signature of the enforcement officer and the signature of the responsible party, if he/she can be located, as set forth in subsection (c) below.

**(c) Service of Citation.**

- (1) If the responsible party is present at the scene of the violation, the enforcement officer shall attempt to obtain their signature on the administrative citation and shall deliver a copy of the administrative citation to them.
- (2) If the responsible party is a business, and the business owner is on the premises, the enforcement officer shall attempt to deliver the administrative citation to them. If the enforcement officer is unable to serve the business owner on the premises and the enforcement officer can only locate the manager or on-site supervisor, the administrative citation may be issued in the name of the business and a copy given to the manager or on-site supervisor. A copy of the administrative citation shall also be mailed to the business owner by certified mail, return receipt requested and by first class mail. If a copy of the administrative citation that is sent by certified mail is returned by the United States Postal Service unsigned or marked “unclaimed” and/or “refused”, then service by first class mail shall be deemed effective provided it is not returned by the United States Postal Service.
- (3) If no one can be located at the property, then a copy of the administrative citation shall be posted in a conspicuous place on or near that property and a copy mailed by certified mail, return receipt requested and by first class mail, to each responsible party at their last known addresses as they appear on the last County equalized assessment role, or other available public records related to title or ownership of the property that is the subject of the administrative citation. If the copy of the administrative citation sent by certified mail to a responsible party is returned by the United States Postal Service with the mail receipt unsigned, or marked “unclaimed” and/or “refused”, then service by first class mail shall be deemed effective provided it is also not returned by the United States Postal Service.
- (4) The failure of any responsible party to receive a copy of the administrative citation shall not affect the validity of the proceedings.

**(d) Administrative Penalties.**

- (1) Unless otherwise provided in this code, the amount of penalty to be imposed for a violation of this code and assessed by means of an administrative citation shall be one hundred dollars (\$100.00) for the first occurrence of a violation; two hundred dollars (\$200.00) for the second occurrence of the same violation occurring on the same property; and five hundred dollars (\$500.00) for the third and each subsequent occurrence of the same violation occurring on the same property. Notwithstanding this paragraph, the amount of penalty to be assessed by means of an administrative citation may be established by resolution of the Board of Supervisors.
- (2) If the violation is not corrected, additional administrative citations may be issued for the same violation. The amount of the penalty shall increase at the rate specified above.
  - (A) Payment of the penalty shall not excuse failure to correct the violation nor shall it bar further enforcement action by the County.
  - (B) The penalties assessed shall be payable to the County within 30 calendar days from the date the administrative citation is issued.
  - (C) Except as provided below, any person who fails to pay to the County any penalty imposed pursuant to the provisions of this Chapter on or before the date that the penalty is due shall also be liable for the payment of any applicable late payment charges as established by the Board.
  - (D) The County may collect any past due administrative citation penalty or late payment charge by use of any available legal means, **including without limitation, the filing of a notice of lien, describing the real property affected and the amount of the costs, penalties or damages to the County Auditor, who shall place the amount thereof on the assessment role as a special assessment to be paid with County taxes, unless sooner paid.** The County may also recover its collection costs. **A judgment or award of such costs, penalties or damages may also be enforced in other manner provided by law.**
  - (E) The County may also recover administrative costs for defending the citation at the appeal hearing.

**(e) Appeal of Administrative Citation.**

- (1) **Notice of Appeal.** A responsible party may appeal the administrative citation by filing a written notice of appeal with the department that issued the administrative citation. The written notice of appeal must be filed within 20 calendar days of the date the administrative citation was served in a manner set forth in subsection (d) of this Section. Failure to file a written notice of appeal within this time period shall constitute a waiver of the right to appeal the

administrative citation. The notice of appeal shall be submitted on County forms and shall contain the following information:

- (A) A brief statement setting forth the appealing responsible party's (hereinafter appellant) interest in the proceedings;
  - (B) A brief statement of the material facts, which the appellant claims supports their contention that no administrative penalties should be imposed or that an administrative penalty of a different amount is warranted under the circumstances;
  - (C) An address at which the appellant agrees that notice of any additional proceeding, or an order relating to the imposition of an administrative citation penalty, shall be received by the appellant by mail;
  - (D) The notice of appeal must be signed by the appellant.
- (2) **Administrative Hearing.** Upon a timely, written notice of appeal by the appellant, an administrative hearing shall be held as follows:
- (A) **Hearing Date.** The date of the hearing shall be set for a date that is no later than 60 days from the date of the violation.
  - (B) **Notice of Hearing.** Notice of the administrative hearing shall be given at least 10 calendar days before the hearing to the appellant. The notice may be delivered to the appellant or mailed by first class mail to the address listed in the notice of appeal.
  - (C) **Hearing Officer.** The administrative hearing shall be held before the director of the issuing agency or his/her designee. The hearing officer shall not be the enforcement officer who issued the administrative citation or their immediate supervisor. The director of the issuing agency may contract with a qualified provider to conduct administrative hearings and process administrative citations including the collection of payment of administrative citation penalties and processes.
  - (D) **Conduct of the Hearing.**
    - (I) The enforcement officer who issued the administrative citation shall not be required to participate in the administrative hearing. The contents of the enforcement officer's file in the case shall be admitted as prima facie evidence of the facts stated therein. The hearing officer shall not be limited by the technical rules of evidence. The issuing department shall bear the burden of proof at the administrative hearing to establish the existence of a violation of this code by a preponderance of the evidence.

- (II) If the appellant requesting the review fails to appear at the administrative hearing, the hearing officer shall make their determination based on the information contained in the enforcement officer's file in the case and the appellant's notice of appeal.
- (III) The only evidence that shall be permitted at the administrative hearing and considered by the administrative hearing officer in reaching a decision, is that evidence which is relevant to the proof or disproof of:
  - (i) Ownership of the subject property, when applicable;
  - (ii) Whether a person noticed by the issuing department as a responsible party is, in fact, a responsible party;
  - (iii) Whether a violation of this code occurred and/or continues to occur on the date or dates specified in the administrative citation;
  - (iv) Whether the responsible party has committed, caused, maintained, or permitted a violation of this code on the date or dates specified on the administrative citation.

**(f) Hearing Officer's Decision.**

- (1) After considering all the testimony and evidence submitted at the hearing, the hearing officer shall promptly issue a written decision ("Administrative Citation Appeal Ruling") to uphold or cancel the administrative citation and shall list in the decision the reasons for that decision.
- (2) If the hearing officer determines that the administrative citation should be upheld, then the amount of the penalties set forth in the citation shall not be reduced or waived for any reason. This subsection shall not apply to "warning only" administrative citations or to any administrative citation that indicates on its face that the penalty will be waived if the violation is corrected by the deadline compliance date and the violation is so corrected.
- (3) If the administrative citation has been upheld, the hearing officer may allow payment of the administrative penalty in installments, if the appellant has provided evidence satisfactory to the hearing officer of an inability to pay the penalty in full.
- (4) If the hearing officer denies the administrative citation, then no penalty shall be assessed and any penalty otherwise deposited with the issuing department shall be promptly refunded to the appellant.
- (5) The appellant shall be served with a copy of the hearing officer's written decision either at the conclusion of the hearing or sent by first class mail. The hearing officer's written decision shall become final on the date of the hearing unless mailed; otherwise it shall become final on the date of mailing.

- (6) The hearing officer's written decision shall contain instructions for obtaining judicial review of the decision pursuant to California Government Code Section 53069.4, as that section may be from time to time amended, or the successor provision thereto.
- (7) If the administrative citation is upheld, the Hearing Officer shall award the costs of the County's enforcement costs and costs in defense of the citation to the county as outlined in full in an itemized summary of costs presented at the hearing, including cost of the actual time spent to conduct the hearing.

**(g) Judicial Review of Administrative Hearing Officer's Decision.**

- (1) **Notice of Appeal.** Within 20 calendar days of the date of the delivery or mailing of the hearing officer's decision to the appellant, the appellant (hereafter "contestant") may contest that decision by filing an appeal to be heard by the Superior Court, and paying the filing fee set forth at Government Code Section 53069.4, or the successor provision thereto. The failure to file the written appeal and to pay the filing fee within this period shall constitute a waiver of the right to an appeal and the decision shall be deemed confirmed. The contestant shall serve a copy of the notice of appeal in person or by first class mail upon the county department that had issued the original administrative citation.
- (2) **Conduct. The Superior Court Appeal Hearing.** The conduct of the appeal before the superior court is a subordinate judicial duty and may be performed by traffic trial commissioners and other subordinate judicial officers at the direction of the presiding judge at the superior court. The appeal shall be heard de novo, except that the contents of the issuing department's file in the case shall be received in evidence. A copy of the document or instrument of the issuing agency providing notice of the violation and imposition of the administrative penalty (i.e., the administrative citation) shall be admitted into evidence as prima facie evidence of the facts stated therein. The court shall request that the issuing department's file in the case be forwarded to the court, to be received within 15 calendar days of the request.
- (3) **Judgment.** The court shall retain the filing fee regardless of the outcome of the appeal. If the court finds in favor of the contestant, the amount of the fee shall be reimbursed to the contestant by the issuing department. Any deposit of the administrative penalty shall be refunded by the issuing department in accordance with the judgment of the court. If the administrative penalty has not been deposited and the decision of the court is against the contestant and in favor of the issuing department, the issuing department may proceed to collect the penalty pursuant to the procedures set forth in this Chapter, or in any other manner provided by law.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008); Amended Ordinance 4057 (2008)

### **86.09.120 Filing of a Notice of Pendency**

Whenever the County institutes a judicial action or proceeding to enforce the Development Code, a Notice of Pendency of the action or proceeding may be filed with the County Recorder's Office. The notice shall be filed at the time of the commencement of the action or proceeding, and upon recordation of the notice as provided in this Section, shall have the same effect as a notice recorded in compliance with Section 409 of the State Code of Civil Procedure.

- (a) The County Recorder shall record and index the Notice of Pendency of action or proceeding in the Grantor/Grantee Index.
- (b) Any Notice of Pendency of action or proceeding filed in compliance with this Section may, upon motion of a party to the action or proceeding, be vacated upon an appropriate showing of need therefore by an order of a judge of the court in which the action or proceeding is pending.
  - (1) A certified copy of the "Order to Vacate Notice of Pendency" may be recorded with the County Recorder's Office, and upon the recordation, the Notice of Pendency of the action or proceeding shall not constitute constructive notice of any of the matters contained therein nor create any duty of inquiry in any person thereafter dealing with the property described therein.
  - (2) An "Order to Vacate Notice of Pendency" shall not be appealable, but the party aggrieved by the order may, within 20 days after service of written notice of the order, or within additional time not exceeding 20 days as the court may, within the original 20 days allow, but in no event later than 60 days after entry of the order, petition the proper reviewing court to review the order by Writ of Mandate.
  - (3) No "Order to Vacate Notice of Pendency" shall be effective, nor shall it be recorded with the County Recorder's Office, until the time within which a petition for the filing of a Writ of Mandate has expired in compliance with this Section.

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

### **86.09.130 Filing Notice of Action**

Whenever an enforcement action is initiated and prior to filing a Notice of Pendency, the Code Enforcement Division or other County department initiating the action, may pursuant to Government Code Section 27280, file with the County Recorder's Office a notice of action identifying the enforcement action taken for violation of the Development Code or other applicable law.

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



**86.09.140 Initial Investigation Procedures**

This Section describes the procedures for initiating enforcement action in cases where the Director has determined that real property within the unincorporated area of the County is being used, maintained, or allowed to exist in violation of the provisions of this Development Code. It is the objective of these provisions to encourage the voluntary cooperation of responsible parties in the prompt correction of violations, so that the other enforcement measures provided by this Chapter may be avoided.

- (a) **Notice.** Subject to Subsection (c) of this Section upon investigation and a determination that a violation of any of the provisions of this Development Code or any condition(s) imposed on any approval, authorization, permit, or variance is found to exist, the Director shall notify the record owner or any person having possession or control of the property by mail, of the existence of the violation(s), the Department's intent to charge the property owner for all administrative costs associated with enforcement, and of the owner's right to a hearing on any objections they may have. The notice shall be in a form approved by the County Counsel.
- (b) **Notice of Violation.** The Director shall provide the record owner of the subject site and/or any person in possession or control of the site with a written Notice of Violation, which shall include the following information:
- (1) A description of each violation, and citations of applicable Development Code provisions being violated;
  - (2) A time limit for correcting the violation(s) in compliance with Subsection (c), below;
  - (3) A statement that the County intends to charge the property owner for all administrative costs associated with the abatement of the violation(s) in compliance with Section 86.09.180 (Recovery of Costs), and/or initiate legal action as described in Section 86.09.080 (Enforcement).
- (c) **Time limit for correction.**
- (1) The Notice of Violation shall state that the violation(s) shall be corrected within 30 days from the date of the notice to avoid further enforcement action by the County, unless the responsible party contacts the Code Enforcement Division within that time to arrange for a longer period for correction.
  - (2) The 30-day time limit may be extended by the Director upon a showing of good cause.
  - (3) The Director may also require through the Notice of Violation that the correction occur within less than 30 days if the Director determines that the violation(s) constitutes a hazard to public health or safety.



- (d) **Use of other enforcement procedures.** The enforcement procedures of Section 86.09.080 (Enforcement), may be employed by the Director after or instead of the provisions of this Section where the Director determines that this Section would be ineffective in securing the correction of the violation(s) within a reasonable time.

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

#### **86.09.150 Inspections**

- (a) **Pre-approval inspections.** Every applicant seeking an authorization, permit, or any other action in compliance with this Development Code shall allow the County officials handling the application access to any premises or property which is the subject of the application.
- (b) **Post approval inspections.** If the authorization, permit, or other action in compliance with this Development Code is approved, the owner or applicant shall allow appropriate County officials access to the premises in order to determine continued compliance with the approved authorization or permit and/or any conditions of approval imposed on the approval, authorization, permit, or Variance.

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

#### **86.09.160 Stop Work Orders**

- (a) Any construction in violation of this Development Code or any conditions imposed on any approval, authorization, permit, or Variance shall be subject to the issuance of a "Stop Work Order."
- (b) Any violation of a Stop Work Order shall constitute a misdemeanor and a public nuisance, and shall be subject to the remedies and penalties established by the County Code and this Chapter.

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

#### **86.09.170 Revocation or Modification of Permits or Approvals**

- (a) **Purpose.** Discretionary permits or approvals issued in compliance with this Development Code may be revoked or modified in compliance with this Section.
- (b) **Procedures.** This Section provides procedures for securing revocation or punitive modification of previously approved permits or approvals.
- (c) **Revocations.** The County's action to revoke a permit or approval shall have the effect of terminating the permit and denying the privileges granted by the original approval.
- (d) **Modifications.** County modification of a permit or approval instead of revocation may include any operational aspect of the project, including buffers, duration of the permit or entitlement, hours of operation, landscaping and maintenance, lighting, parking,

performance guarantees, property maintenance, signs, surfacing, traffic circulation, or any other aspect/condition determined to be reasonable and necessary to ensure that the permit is operated in a manner consistent with the original findings for approval.

**(e) Hearings and notice.**

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

**(f) Action by Reviewing Authority.**

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

- (F) The improvement/use allowed by the permit has become detrimental to the public health, safety, or welfare or the manner of operation constitutes or is creating a nuisance.
- (2) **Variations.** A Major or Minor Variance may be revoked or modified by the review authority which originally approved the Major or Minor Variance, if the review authority first makes any one of the following findings, in addition to any one of the findings in Subsection (f)(1), above:
- (A) Circumstances under which the original approval was granted have been changed by the applicant to a degree that one or more of the findings contained in the original approval can no longer be made in a positive manner, and the grantee has not substantially exercised the rights granted by the Major or Minor Variance; or
- (B) One or more of the conditions of the Major or Minor Variance have not been met, or have been violated, and the grantee has not substantially exercised the rights granted by the Major of Minor Variance.
- (g) **Amortization.** If a revocation is ordered, the Commission may provide for a reasonable period of time to amortize any lawful existing uses on the site. Extensions of this time period may be granted for good cause shown on an application to the applicable review authority by any affected person.
- (h) **Action is appealable.** The revocation or modification of a permit or Variance is appealable in compliance with Chapter 86.08 (Appeals)
- (i) **Enforcement.** The County department or agency that issues the permit shall have the primary responsibility for enforcing compliance with the permit.

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

### **86.09.180 Recovery of Costs**

This Section establishes procedures for the recovery of administrative costs, including staff and County Counsel time expended on the enforcement of the provisions of this Development Code, other than administrative citation cases, to correct a violation. The intent of this Section is to recover County administrative costs reasonably related to enforcement.

- (a) **Record of costs.**
- (1) The Department shall maintain records of all administrative costs incurred by responsible County departments, associated with the processing of violations and enforcement of this Development Code, and shall recover the costs from the property owner in compliance with this Section.
- (2) Staff time shall be calculated at an hourly rate as established and revised from time to time by the Board.

**(b) Summary of costs and notice.**

- (1) At the conclusion of the case, the Director shall send a summary of costs associated with enforcement to the owner and/or person having possession or control of the property by certified and first class mail.
- (2) The summary shall include a notice in a form approved by the County Counsel, advising the responsible party of their right to request a hearing on the charges for County cost recovery within 10 days of the date of the notice, and that if no request for hearing is filed, the responsible party will be liable for the charges.
- (3) In the event that no request for hearing is timely filed or, after a hearing the Director affirms the validity of the costs, the property owner or person in control shall be liable to the County in the amount stated in the summary or any lesser amount as determined by the Director.
- (4) The costs shall be recoverable in a civil action in the name of the County, in any court of competent jurisdiction, or by tax assessment, or by a lien on the property, at the County's election.

**(c) Attorney's fees.** In any action or administrative proceeding to abate a nuisance, the prevailing party in the action or proceeding shall be entitled to recover reasonable attorney's fees; however, the amount of attorney's fees awarded to a prevailing party shall not exceed the amount of attorney's fees incurred by the County in the action or proceeding. Further, an award of attorney's fees in compliance with this Section shall only be allowed where the County elects, at the initiation of the action or proceeding, to seek recovery of its own attorney's fees.

**(d) Request for hearing on costs.** Any property owner, or other person having possession and control of the subject property, who receives a summary of costs shall have the right to a hearing before the Director on their objections to the proposed costs.

- (1) A written request for hearing shall be filed with the Department within 10 days of the service by mail of the Department's summary of costs, on a form provided by the Department.
- (2) Within 30 days of the filing of the request, and on 10 days written notice to the owner, the Director shall hold a hearing on the owner's objections, and determine their validity.
- (3) In determining the validity of the costs, the Director shall consider whether total costs are reasonable in the circumstances of the case. Factors to be considered include:
  - (A) Whether the present owner created the violation(s);
  - (B) Whether there is a present ability to correct the violation(s);

- (C) Whether the owner promptly corrected the violation(s);
  - (D) The degree of cooperation provided by the owner; and
  - (E) Whether reasonable minds can differ as to whether a violation(s) exists.
- (4) The Director's decision shall be appealable as provided by Chapter 86.08 (Appeals).

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

#### **86.09.190 Additional Permit Processing Fees**

Any person who establishes a land use, or alters, constructs, demolishes, enlarges, erects, maintains, or moves any structure without first obtaining any authorization or permit required by this Development Code, shall pay the additional permit processing fees in compliance with the County Fee Ordinance for the correction of the violations, before being granted an authorization or permit for a use or structure on the site.

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

#### **86.09.200 Reinspection Fees**

##### **(a) Amount and applicability of reinspection fee.**

- (1) A reinspection fee shall be imposed on each person who receives a Notice of Violation, notice and order, or letter of correction of any provision of this Development Code or the County Code, adopted Building Code, or State law.
  - (A) The fee amount shall be established in compliance with the current Fee Ordinance.
  - (B) The fee may be assessed for each inspection conducted when the particular violation, for which a Notice of Violation, notice and order, or letter of correction was issued, was not fully abated or corrected as directed by, and within the time and manner specified in, the notice or letter.
- (2) The fee shall not apply to the original verification inspection to document the violations and shall apply to the first compliance inspection made after the issuance of a notice or letter, unless the correction has been made.

##### **(b) Continuation of the original case.**

- (1) If a notice or letter has been previously issued for the same violation and the property has been in compliance with the provisions of this Development Code or the County Code for less than 90 days, the violation shall be deemed a continuation of the original case, and all inspections or reinspections, including the first inspection for the repeated offense, shall be charged a reinspection fee.

- (2) This fee is intended to compensate for administrative costs for unnecessary County inspections, and is not a penalty for violating this Development Code or the County Code.
- (3) Any reinspection fees imposed shall be separate and apart from any fines or penalties imposed for violation of this Development Code or the County Code, or costs incurred by the County for the abatement of a public nuisance.

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

**86.09.210 Documentation**

It is highly recommended that the property owner initiate a Certificate of Land Use Compliance application to document any existing use where an application was not processed but determined to be a legal use and where the zoning or land use designation has changed and where a court decision determined a use to be legally established. This process records a document with the County Records Office and is readily available to future property owners, the public and agencies. It is also recommended that the property owner initiate a General Plan and Development Code Interpretation application whenever it is unclear to the owner, or may be to a future owner, what a specific use is determined to be considered under the Development Code.

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

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**CHAPTER 810.01 DEFINITIONS**

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**Sections:**

810.01.010	Purpose
810.01.020	Definitions of Specialized Terms and Phrases
810.01.030	Definitions, "A"
810.01.040	Definitions, "B"
810.01.050	Definitions, "C."
810.01.060	Definitions, "D."
810.01.070	Definitions, "E."
810.01.080	Definitions, "F."
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810.01.150	Definitions, "M."
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810.01.180	Definitions, "P."
810.01.190	Definitions, "Q."
810.01.200	Definitions, "R."
810.01.210	Definitions, "S."
810.01.220	Definitions, "T."
810.01.230	Definitions, "U."
810.01.240	Definitions, "V."
810.01.250	Definitions, "W."
810.01.260	Definitions, "X."
810.01.270	Definitions, "Y."
810.01.280	Definitions, "Z."

**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.

Adopted Ordinance 4011 (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).

Adopted Ordinance 4011 (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 Office.** See “Office.”

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- (g) **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
  - gazebos
  - greenhouses (non-commercial)
  - spas and hot tubs
  - storage sheds
  - studios
  - swimming pools
  - tennis and other on-site sports courts
  - workshops
- Also includes the indoor storage of automobiles, personal recreational vehicles and other personal property, accessory to a residential use.
- (h) **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.
- (i) **Accessory Wind Energy System.** See “Wind Energy System.”
- (j) **Action.** The decision made by the Director on a land use application coupled together with the appropriate findings, environmental determination and conditions of approval.
- (k) **Active Thermal System.** See “Thermal System, Active.”

**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.** 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.** 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) **Off-site Sign.** See “Sign.”

- (k) **On-Site Sign.** See “Sign.”
- (l) **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.
- (m) **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.
- (n) **Operator, Mining and Reclamation.** See “Surface Mining Operations.”
- (o) **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.
- (p) **Outdoor Exhibit.** See “Library, Museum, Art Gallery, Outdoor Exhibit.”
- (q) **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.
- (r) **Outdoor Lighting.** See “Lighting, Outdoor.”
- (s) **Outdoor Market.** See “Swap Meet, Outdoor Market, Auction Yard.”
- (t) **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.
- (u) **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.
- (v) **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.
- (w) **Original Parcel.** See “Parcel, Original.”
- (x) **Operative Vehicles.** See “Vehicles, Operative.”

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**810.01.180 Definitions, P.**

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

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- (m) **Passive Thermal System.** See “Thermal System, Passive.”
- (n) **Pawnshops.** See “Second-Hand Stores.”
- (o) **Pedestrian Lighting.** See “Lighting, Outdoor.”
- (p) **Pedestrian Walkway Sign.** See “Sign.”
- (q) **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.
- (r) **Permittee.** Any person undertaking development activities upon a site in compliance with a permit granted by the County.
- (s) **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.
- (t) **Personal Communication Services (PCS).** See “Wireless Telecommunication Facilities.”
- (u) **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                            | ▪ massage (licensed, therapeutic, non-sexual) |
| ▪ clothing rental                                    | ▪ pet grooming with no boarding               |
| ▪ dry cleaning pick up stores with limited equipment | ▪ psychics, palm readers                      |
| ▪ home electronics and small appliance repair        | ▪ shoe repair                                 |
| ▪ laundromats (self service laundries)               | ▪ tailors                                     |
| ▪ locksmiths   | ▪ tanning salons                              |
|  | ▪ tattoo and body piercing services           |

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

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

- (w) **Pet Cemetery.** See “Cemetery.”
- (x) **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.
- (y) **Petroleum Refining and Related Industries.** See “Manufacturing Operations II.”
- (z) **Phase.** Any contiguous part or portion of a single unified development project that is developed as a unit in the same time period.
- (aa) **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.”
- (bb) **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.
- (cc) **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.
- (dd) **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).
- (ee) **Planning Fee Schedule.** See “Fee Schedule.”

- (ff) **Planning Permit.** Issued as a result of an approval of a land use application.
- (gg) **Plant, Desert Native.** Any tree, shrub, bulb or plant or part thereof, except its fruit, named in the California Desert Native Plants Act, as amended, (Food and Agricultural Code Section 8000a et seq.), which is growing wild. Also “Desert Native Plant” includes any of the species listed in Subsection 88.01.060(c) (Desert Native Plant Protection Regulated desert native plants.
- These plants do not include commercial nursery stock or planted landscaping, including those trees planted and/or growing outside their normal habitat, except where the plants have been transplanted in compliance with Chapter 88.01 (Plant Protection and Management).
- (hh) **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.
- (ii) **Plastic Manufacturing.** See “Manufacturing Operations I and II.”
- (jj) **Playground.** An area occupied by children’s play equipment, including climbing equipment, sandboxes, slides, swings, and/or similar equipment.
- (kk) **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.
- (ll) **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.”
- (mm) **Preserve.** See “Nature Preserve.”
- (nn) **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.
- (oo) **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.
- (pp) **Primary Metal Industries.** See “Manufacturing Operations II.”
- (qq) **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.”



- (rr) **Private Garage.** See “Garage, Private.”
- (ss) **Private Home Rental, Short-Term.** A dwelling unit, including either a single-family detached or multi-family attached unit, owned, leased or rented on a less than 30-day basis. This definition includes a second dwelling unit on-site. This does not include the ongoing month-to-month tenancy granted to the same renter for the same unit.
- (tt) **Private Meeting Facility.** See “Meeting Facility.”
- (uu) **Private Open Space.** See “Open Space, Private.”
- (vv) **Private Stable.** See “Stable, Private.”
- (ww) **Processing Facility.** See “Recycling Facility.”
- (xx) **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.
- (yy) **Professional and Scientific Goods Manufacturing.** See “Manufacturing Operations I.”
- (zz) **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.
- (aaa) **Projecting Sign.** See “Sign.”
- (bbb) **Property Line.** See “Lot.”
- (ccc) **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.
- (ddd) **Public Building.** A structure used for public assembly purposes in conjunction with an institutional use.
- (eee) **Public Directional Sign.** See “Sign.”
- (fff) **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.

- (ggg) **Public Garage.** See “Garage, Public.”
- (hhh) **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.
- (iii) **Public Meeting Facility.** See “Meeting Facility.”
- (jjj) **Public Parking Area.** See “Parking Area, Public.”
- (kkk) **Public Stable.** See “Stable, Public.”
- (lll) **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.
- (mmm) **Public Way.** Includes street, highway, avenue, boulevard, parkway, road, lane, walk, alley, channel, viaduct, subway, tunnel, bridge, public easement, public right of way, and other ways in which a public agency has a proprietary right.

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