



NOTICE OF DEVELOPMENT CODE AMENDMENTS

Three ordinances were recently adopted by the Board of Supervisors amending Title 8 of the San Bernardino County Code (Development Code). Ordinances 4161, 4162 and 4163 were effective on April 26, 2012. 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 by using a print setting for 2-sided pages. 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

Adopted March 13, 2007
Effective April 12, 2007
Amended April 26, 2012



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Special Acknowledgements

Bill Postmus, Past First District Supervisor and Chairman of the Board

Theresa Kwappenberg, Past Third District Planning Commissioner

Michael E. Hays, AICP, Past Director, Land Use Services Department

Sam Gennawey, Past Project Manager for MIG

Chuck Bell, Past GPAC Member

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4057	09-23-2008	10-23-2008			
4065	12-16-2008	01-15-2009			
4085	07-21-2009	08-20-2009			
4098	02-23-2010	03-25-2010			
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4156	12-06-2011	01-05-2012			
4161	03-27-2012	04-26-2012			
4162	03-27-2012	04-26-2012			
4163	03-27-2012	04-26-2012			

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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)	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)
		4098	82.01.030, 82.03.040; 82.04.040; 82.05.040; 82.06.050; 82.13.040(a) and (f); 82.13.040(f)(1)(B); 82.14.020(a); Chapter 82.24; 83.02.040(s)(2)(O); 83.050.070; 84.01.030(c); 84.01.040(b); 84.12.040; 84.16.050(k); 84.19.040; 84.23.030(b)(10); 84.25.040(c); 84.25.070(c)(2); Chapter 84.26; 84.26.030(a); 84.26.030(b); 84.26.030(h); 84.27.060(b); Chapter 84.29; Chapter 85.18; 85.18.020(b); 86.09.050(b); 810.01.030(dd); 810.01.090(n); 810.01.070(c)(1) and (2)
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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);	4136	Chapter 83.10; 810.01.030(rr) – (jjj); 810.01.040; 810.01.050(o) – (aaaa); 810.01.070(v) – (z); 810.01.080(kk) – (ccc); 810.01.100(ee) and (ff); 810.01.110(m), (o), (p), (q), (r), (s), (t), (u) and (v); 810.01.140(m) – (ddd); 810.01.150(q) – (lll); 810.01.150(j) – (z); 810.01.180(w) – (sss); 810.01.200(o) – (ddd); 810.01.210(oo) – (www); 810.01.220(c) – (hh); 810.01.250(e) – (o); 810.01.260
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4161	83.11.040; 84.17.090		
4162	Table 82-7; Table 84-1; 84.03.030(b)(5); 810.01.050(gg)		

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**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 ⁽⁴⁾	RS	RM	
AGRICULTURAL, RESOURCE & OPEN SPACE USES					
	Accessory crop production	A ⁽¹⁾	A ⁽¹⁾	A ⁽¹⁾	84.01
	Agricultural accessory structure - 1,000 sf max.	A	A	A	
	Agricultural accessory structure - up to 10,000 sf max. on 5 ac. or less	A	—	—	
	Agricultural accessory structure greater than 10,000 sf. on 5 ac. or less	M/C	—	—	
	Agricultural support services	CUP	—	—	
	Animal keeping	S	S	S	84.04
	Crop production, horticulture, orchard, vineyard, nurseries	A	—	—	
	Livestock operations	CUP	—	—	84.04
	Natural resources development (mining)	CUP	—	—	88.03
	Nature preserve (accessory uses)	M/C	—	—	
	Lake	M/C	CUP	—	
	Pond	A	A	M/C	
INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING					
	Composting operations	CUP	—	—	
	Recycling facilities – reverse vending machine, accessory	S	—	—	84.19
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES					
	Agritourism enterprises	S	—	—	84.03
	Campgrounds ⁽⁵⁾	CUP	—	—	
	Commercial entertainment - Indoor ⁽⁵⁾	CUP	—	—	
	Conference/convention facility ⁽⁵⁾	CUP	—	—	
	Equestrian facility ⁽⁵⁾	M/C	S ⁽²⁾	—	
	Fitness/health facility ⁽⁵⁾	—	—	—	
	Golf course ⁽⁵⁾	CUP	—	—	
	Library, museum, art gallery, outdoor exhibit ⁽⁵⁾	M/C	M/C	M/C	
	Meeting facility, public or private ⁽⁵⁾	CUP	CUP	CUP	
	Park, playground ⁽⁵⁾	P	P	P	
	Places of worship	CUP	CUP	CUP	
	Rural sports and recreation ⁽⁵⁾	M/C	—	—	
	School – College or university	— ⁽³⁾	—	—	
	School – Private	— ⁽³⁾	— ⁽³⁾	—	
	School – Specialized education/training	CUP	—	—	
	Sports or entertainment assembly ⁽⁵⁾	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.

- (4) For projects within the Oak Glen Community Plan Area, all non-agritourism uses shall comply with the agritourism hours of operation standard [Subsection 84.03.030(b)(3)] and the agritourism noise/amplified sound regulations [Subsection 84.03.030(b)(5)].
- (5) For projects within the Oak Glen Community Plan Area, these uses shall comply with the agritourism development standards provided in Table 84-1 in Section 84.03.030. The permit requirements presented this table shall prevail over any permit requirement listed in Table 84-1.

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 ⁽⁷⁾	RS	RM	
RESIDENTIAL USES				
Accessory structures and uses	A	A	A	84.01
Caretaker housing	M/C ⁽⁵⁾	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 - Accessory	—	—	P	84.01
Secondary dwelling	A ⁽¹⁾	A ⁽¹⁾	—	84.01
Single dwelling	A	A	— ⁽⁶⁾	
Short-Term Private Home Rental	SUP	SUP	SUP	85.28
RETAIL				
Produce stand	A ⁽²⁾	A ⁽²⁾	A ⁽²⁾	
SERVICES - BUSINESS & PROFESSIONAL				
Medical services - Hospital	M/C ⁽⁴⁾	M/C ⁽⁴⁾	M/C ⁽⁴⁾	
Medical services - Rehabilitation centers	M/C	M/C	M/C	
Office - Accessory	A	A	A	84.12
Office - Government	— ⁽⁴⁾	— ⁽⁴⁾	— ⁽⁴⁾	
SERVICES - GENERAL				
Cemetery, including pet cemeteries	CUP	CUP	—	84.06
Child care - Small family day care home	A	A	A	
Child care - Large family day care home	MUP	MUP	MUP	
Child care - Day care center	M/C	M/C	M/C	
Commercial Kennels and Catteries - min lot 2.5 acres (over 15 animals)	M/C/S	—	—	84.04
Correctional institution ⁽⁴⁾	—	—	—	
Lodging - Bed and breakfast inn (B&B)	SUP ⁽³⁾	SUP ⁽³⁾	SUP ⁽³⁾	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.
- (7) For projects within the Oak Glen Community Plan Area, all non-agritourism uses shall comply with the agritourism hours of operation standard [Subsection 84.03.030(b)(3)] and the agritourism noise/amplified sound regulations [Subsection 84.03.030(b)(5)].

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 ⁽⁴⁾	RS	RM	

TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE

Broadcasting antennae and towers	M/C	—	—	
Electrical power generation	CUP ⁽³⁾	—	—	84.29
Pipelines, transmission lines, and control stations ⁽¹⁾	(1)	(1)	(1)	
Sewage treatment and disposal facility ⁽²⁾	—	—	—	
Solid waste disposal ⁽²⁾	—	—	—	
Telecommunications facility	S	S	S	84.27
Transportation facility	M/C	M/C	M/C	
Utility facility	CUP	CUP	CUP	
Wind energy accessory	S	S	S	84.26
Wireless telecommunications facility	S	S	S	84.27

OTHER

Accessory structures and uses	A	A	A	84.01
Temporary special events	TSP	TSP	TSP	84.25
Temporary structures and uses	TUP	TUP	TUP	84.25

KEY

A	Allowed use (no planning permit required)	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 Institutional (IN) Land Use Zoning District.
 - (3) Use may be allowed only on a minimum of 20 acres.
 - (4) For projects within the Oak Glen Community Plan Area, all non-agritourism uses shall comply with the agritourism hours of operation standard [Subsection 84.03.030(b)(3)] and the agritourism noise/amplified sound regulations [Subsection 84.03.030(b)(5)].

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008); Amended Ordinance 4057 (2008); Amended Ordinance 4085 (2009); Amended Ordinance 4098 (2010); Amended Ordinance 4162 (2012)

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 ⁽¹⁾	150 ft	150 ft	1:3 for less than 10 acres; 1:4 for 10 or more acres.
RS	7,200 sf ⁽¹⁾	60 ft for less than 1 acre; 150 ft for 1 acre or more.	100 ft for less than 1 acre; 150 ft for 1 acre or more.	1:3 for less than 10 acres; 1:4 for 10 or more acres.
RM	10,000 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.

CHAPTER 82.14 FLOODPLAIN SAFETY (FP) OVERLAY

Sections:

82.14.010	Purpose
82.14.020	Location Requirements
82.14.030	Applicability
82.14.040	Floodplain Safety Review Areas
82.14.050	Development Standards for Projects within FP1 and FP2 Floodplain Safety Review Areas
82.14.060	Exceptions and Modifications
82.14.070	Boundary Changes

82.14.010 Purpose

The Floodplain Safety (FP) Overlay established by Sections 82.01.020 (Land Use Plan and Land Use Zoning Districts) and 82.01.030 (Overlays) is created to provide greater public safety, promote public health, and minimize public and private economic losses due to flood conditions by establishing regulations for development and construction within flood prone areas.

Adopted Ordinance 4011 (2007); Amended Ordinance 4163 (2012)

82.14.020 Location Requirements

- (a) The FP1, FP2, and FP3 Overlays described in Section 82.14.040 [Floodplain Safety Review Areas] are applied to areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) or the Federal Insurance Administration in a scientific and engineering report entitled "Flood Insurance Study for San Bernardino County, California and Incorporated Areas," initially prepared in 1978, which has subsequent updates, with accompanying Flood Insurance Rate Maps (FIRMs). Subsequent report and map updates that may be published in the future shall further identify additional flood hazard areas or, as in the case of FP3, are areas designated by the County Flood Control District that are areas of undetermined, but possible, shallow flooding. The most current copies of the Flood Insurance Study and the Flood Insurance Rate Maps (FIRMs) are on file at the Department of Public Works.
- (b) The Flood Insurance Study establishes the minimum areas to which the FP Overlays may be applied. Additional areas may be added after studies for the areas are prepared by the Flood Control District or other governmental agencies (e.g., Corps of Engineers).

Adopted Ordinance 4011 (2007); Amended Ordinance 4163 (2012)

82.14.030 Applicability

No structure or land use shall hereafter be constructed, located, extended, converted, or altered without full compliance with the provisions of this Chapter and other applicable regulations.

Violations of the provisions of this Chapter by failure to comply with any of its requirements (including violation of conditions and safeguards required by conditions of approval) shall be subject to the penalties established by this Development Code. Nothing in this Chapter shall prevent the County from taking lawful action as is necessary to prevent or remedy any violation.

- (a) **Abrogation and greater restrictions.** The provisions of this Chapter are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions **or any map changes made by FEMA**. However, where this Chapter or other section, easement, covenant, **or deed restriction or map revision as may be made by FEMA** conflict or overlap, the more stringent regulations or standards shall govern.
- (b) **Interpretation.** In the interpretation and application of this Chapter all provisions shall be considered as minimum requirements, liberally construed in favor of the governing body and, deemed neither to limit nor repeal any other powers granted under state statutes.
- (c) **Implementation.** The requirements of this Section shall be integrated into the processing and review of all land use applications and development permits where specific flood hazard review and flood protection recommendations are made by the County.

Adopted Ordinance 4011 (2007); Amended Ordinance 4098 (2009); Amended Ordinance 4163 (2012)

82.14.040 Floodplain Safety Review Areas

The Floodplain Safety Overlay (FP) shall be subdivided into three review areas as follows. Proposed development shall comply with the following requirements.

- (a) **Floodplain Safety Review Area 1 - (FP1).** FP1 includes areas subject to a base flood (also called “100-year flood”) as defined by the Federal Flood Insurance Regulations. The following FEMA-designated flood hazard zones are included in FP1: A, AE, AH, A1-30 and AO. (Note: FEMA-designated regulatory floodway is included within the AE zone.) The following standards shall apply to property within the FP1 area.
 - (1) **Elevation of first floor.** New construction and substantial improvement of any structure shall be constructed so that the first floor (including basement) shall be one foot or more above the base flood elevation, when the FEMA map base flood elevations are shown, and will not result in any significant increase in flood levels during a base flood discharge. When the base flood elevations are not shown, new construction and substantial improvement of any residential structure shall be constructed so that the first floor (including basement) shall be two feet or more above the highest adjacent grade.
 - (2) **Review procedures.** A project proposed in this area shall be subject to a Flood Hazard Development Review **and/or a Floodplain Development Standards Review**. **These** reviews shall ensure that the proposed project complies with this Development Code regarding flood protection measures and **shall** require the

submittal of an Elevation Certificate completed by a **licensed** land surveyor, **registered civil** engineer, or architect who is authorized by State or local law to certify elevation information.

- (3) **Development Restriction.** In areas where no regulatory floodway has been designated **by FEMA**, new construction, substantial improvement or other development (including fill) shall **not** be permitted within any areas designated by FEMA as A, **A1-30, AO, AH**, or AE on the FIRMs, unless it is demonstrated that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- (4) **FEMA-Designated Floodways.** Floodways, as defined by FEMA, are different from the Floodway Land Use Zoning District established in Chapter 82.01 [Land Use Plan, Land Use Zoning Districts, and Overlays] and regulated by Chapter 82.03 [Agriculture and Resource Management Land Use Zoning Districts] of this Title. They are defined as the channels of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. They are also referred to as "Regulatory Floodways" [see Subsection 810.01.080(ff)(25)]. They are generally coterminous with the County's Floodway Land Use Zoning Districts. They are considered FEMA-designated flood hazard zones in that they are included within the AE zone and thereby included within the FP1 (Floodplain Safety Review Area 1).
- (b) **Floodplain Safety Review Area 2 (FP2).** FP2 includes areas between limits of the base flood (100-year flood) and a 500-year flood; and certain areas subject to 100-year flooding with an average depth of less than one foot or where the contributing drainage areas are less than one square mile; or areas protected by levees from the base flood. The following FEMA-designated flood hazard zones are included in FP2: A-99 and the shaded Zone X. The following standards shall apply to property within the FP2 area.

 - (1) **Elevation of first floor.** New construction and substantial improvement of any structure shall be so constructed that the first floor (including basement) shall be one foot above the highest adjacent grade.
 - (2) **Review procedures.** A project proposed in this area **shall be subject to a Floodplain Development Standards Review conducted by the Building and Safety Division** and may be subject a Flood Hazard Development Review based upon the determination by the Drainage Section of Land Development of the Department of Public Works. This review shall ensure that the proposed project complies with this Development Code regarding flood protection measures and will require the submittal of an Elevation Certificate completed by a **licensed** land surveyor, **registered civil** engineer, or architect who is authorized by State or local law to certify elevation information.

- (c) **Floodplain Safety Review Area 3 (FP3).** FP3 includes areas of **undetermined, but possible**, shallow flooding as determined by the County, the Flood Control District, or other governmental agency. The following standards shall apply to property within the FP3 area:
- (1) **Field investigation required.** Before a building permit can be issued on any affected lot, a field investigation shall be made of the lot to determine if the proposed construction will have any substantial detrimental effect on the drainage way. An applicant for the building permit on an affected lot shall first apply for the required field investigation and shall pay the appropriate fee. The following shall be included in the application for field investigation:
 - (A) A corner record, record of survey, parcel map, final map, or a past survey that is approved by the County Surveyor as being in conformance with the Land Surveyors Act shall be submitted.
 - (B) A plot plan showing the proposed structures and grading by size, location and orientation.
 - (2) **Building site identification.** Before the inspection of the site by the Building Inspector, the applicant shall locate the proposed construction on the site by the use of stakes, strings, line marks or similar methods.
 - (3) **On-site meeting.** The applicant shall then meet with the inspector, on the site if necessary, to discuss the final building location and any mitigating measures required by the Building Official to maintain the natural drainage way in its existing condition.
 - (4) **Final building plan content.** The final building plans that are submitted for approval shall show the approved location and mitigating measures.
 - (5) **Development Standards.** Development Standards for the FP3 Floodplain Safety Review Area shall be determined on a case-by-case and shall be dependent upon the specific of the project. A Flood Hazard Development Review or a Floodplain Development Standards Review may be required.

Adopted Ordinance 4011 (2007); Amended Ordinance 4163 (2012)

82.14.050 Development Standards for Projects within FP1 and FP2 Floodplain Safety Review Areas

- (a) **Anchoring.** All new construction and substantial improvements of structures, including **manufactured homes**, shall be anchored to the foundation to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. If a structure is elevated on fill as specified in Subsection 82.14.050(c), and 82.14.050(d)(1), the anchoring requirement shall be satisfied. Other alternative anchoring techniques that are effective may be considered.

- (b) Construction materials and methods.** All new construction and improvements of structures whether substantial or not, including manufactured homes, shall be constructed:
- (1) With materials and utility equipment installed below the base flood elevation or the highest adjacent grade that are resistant to flood damage. This would include but not be limited to water resistant lumber, floor coverings, adhesives, paints, masonry construction and finishes, water proof electrical systems, and mechanical footings, or other acceptable materials measures. (See FEMA Technical Bulletin TB 2-93.)
 - (2) Using methods and practices that minimize flood damage. This would include but not be limited to elevating the structure, aligning the structure to be parallel with water flow, increasing the structural designs to withstand hydrologic and hydrographic sources, and increasing the depth of footings.
 - (3) With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - (4) So that adequate drainage paths are provided around structures on slopes to guide flood waters around and away from proposed structures.
- (c) Grading.** If fill is placed to elevate pads above base elevation, it must be demonstrated that fill will not settle and is protected from erosion, scour, or differential settlement, as follows.
- (1) The pad elevation shall be certified to meet or exceed the elevation required by the applicable Floodplain Safety Review Area, and it must be demonstrated that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community.
 - (2) Fill shall be compacted to 95 percent per ASTM (American Society of Testing Materials) Standard D-698.
 - (3) Fill slopes shall be no steeper than two feet horizontal to one foot vertical ratio unless substantiating data for steeper slopes is provided, and the slopes are approved by the County.
 - (4) Fill slopes adjacent to a water course may be required to be armored with stone, rock or approved equal protection.
- (d) Elevation and flood-proofing.**
- (1) **Residential Structures.** New construction and substantial improvement of any residential structure shall include having the lowest floor (including basement), elevated to one foot above base flood elevation or two feet or more above the

highest adjacent grade in the FP1 area, and one foot above highest adjacent grade in the FP2 area. Upon completion of the structure, the elevation of the lowest floor (including basement) shall be certified by a registered civil engineer or licensed land surveyor to be properly elevated above the floodplain elevation at the time of certification. The certification shall be provided on the current FEMA Elevation Certificate form to the Building Official. In accordance with FEMA regulations (Substantial Improvement & Substantial Damage), the following shall apply relative to existing residential structures and substantial improvements:

- (A) If the cost of a rehabilitation or addition is not a substantial improvement, the existing building does not have to be elevated or otherwise protected. However, it is advisable to incorporate methods to reduce flood damage, such as use of flood-resistant materials and installation of electrical, heating and air conditions units above the base flood elevation.
 - (B) If the cost of a rehabilitation is a substantial improvement, the existing building shall be elevated and/or the basement filled to meet the elevation standard.
 - (C) If an addition to a structure is a substantial improvement, the addition must be elevated or flood-proofed, providing that improvements to the existing structure are minimal. The existing structure may not have to be elevated if the common wall remains intact with the exception of a doorway. If the structure is within any A Zone and if substantial improvements are made to the existing structure (such as a kitchen makeover), both the existing structure and the addition must be elevated and otherwise brought into compliance.
 - (D) When a proposed substantial improvement is a vertical addition and the lower floor is to be used for any other purpose than a garage for the parking of private passenger vehicles, the entire structure must be elevated.
 - (E) Additions that are not substantial improvements shall meet the applicable requirements of Subsection 82.14.050(b) above.
- (2) **Nonresidential Construction.** Nonresidential construction shall be either elevated in compliance with Subsection (d)(1) of this Section or be dry flood-proofed. Dry flood-proofing shall consist of all of the following:
- (A) The area below the base flood level, together with attendant utility and sanitary facilities, shall be constructed so that the structure is watertight with walls substantially impermeable to the passage of water;
 - (B) The structural components shall be capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

- (C) The structure shall be certified by a registered civil engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the Floodplain Administrator.
- (3) Flood Openings.** In addition to the provisions of 82.14.050(d)(1) and (2) above, all new construction and improvements to existing structures with fully enclosing structural areas below the lowest floor (excluding basements) that are used solely for parking of vehicles, building access or storage, and that are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must meet the following minimum criteria:
- (A) For non-engineered openings, have a minimum of two openings on different sides having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters. Also, buildings with more than one such enclosed area must have openings on exterior walls for each area to allow flood water to directly enter and exit; or
- (B) Be certified by a registered civil engineer or an architect. This certification must be verified by the Floodplain Administrator.
- (C) Flood openings may not be appropriate on alluvial fans or high debris flow areas (i.e. alluvial fans) and are subject to review and approval by the appropriate County reviewing agency. Structural calculations that address hydrostatic and hydrodynamic loading shall be submitted by the applicant as part of this approval process.
- (4) Garages and low cost accessory structures.**
- (A) Attached garages.**
- (I) A garage attached to a residential structure, constructed with the garage floor slab below the base flood elevation, must be designed to allow for the automatic entry of flood waters. Areas of the garage below the base flood elevation must be constructed with flood resistant materials.
- (II) A garage attached to a nonresidential structure must meet the above requirements or be dry flood-proofed. (For guidance on below grade parking areas, see FEMA Technical Bulletin TB-6.)
- (B) Detached garages and accessory structures.**
- (I) “Accessory structures” used solely for parking (two-car detached garages or smaller) or limited storage (small, low-cost sheds), may be constructed

such that its floor is below the base flood elevation, provided the structure is designed and constructed in accordance with the following requirements:

- (i) Use of the accessory structure must be limited to parking or limited storage;
 - (ii) The portions of the accessory structure located below the base flood elevation must be built using flood-resistant materials;
 - (iii) The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;
 - (iv) Any mechanical and utility equipment in the accessory structure must be elevated or flood-proofed to or above the base flood elevation;
 - (v) The accessory structure must comply with floodplain encroachment provisions in Subsection 82.14.050(g)(1) below; and
 - (vi) The accessory structure must be designed to allow for the automatic entry of flood waters in accordance with Subsection 82.14.050(d)(3)(C) above.
- (II) Detached garages and accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in this Section and to the elevations required by the Floodplain Safety Area in which it is located.
- (5) **Crawl Space Construction.** This subsection applies to buildings with crawl spaces up to two feet below grade. Below-grade crawl space construction in accordance with the requirements listed below will not be considered basements.
- (A) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Crawl space construction is not allowed in areas with flood velocities greater than five feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or civil engineer;
 - (B) The crawl space is an enclosed area below the base flood elevation and, as such, must have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. (For guidance on flood openings, see FEMA Technical Bulletins 11-01 and 1-08);

- (C) Portions of the building below the base flood elevation must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawl space used to elevate the building, but also any joists, insulation, or other materials that extend below the base flood elevation; and
- (D) Any building utility systems within the crawl space must be elevated above base flood elevation or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions.
- (E) Requirements for all below-grade crawl space construction, in addition to the above requirements, to include the following:
 - (I) The interior grade of a crawl space below the base flood elevation must not be more than two feet below the lowest adjacent exterior grade;
 - (II) The height of the below-grade crawl space, measured from the interior grade of the crawl space to the top of the crawl space foundation wall must not exceed four feet at any point;
 - (III) There must be an adequate drainage system that removes floodwaters from the interior area of the crawl space within a reasonable period of time after a flood event, not to exceed 72 hours; and
 - (IV) The velocity of floodwaters at the site should not exceed five feet per second for any crawl space. For velocities in excess of five feet per second, other foundation types should be used.

(e) Utility standards.

- (1) All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from systems into flood waters.
- (2) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (3) All public utilities and facilities such as electrical, telephone, cable TV, gas etc., shall utilize floodproofing measures in their location and construction to minimize flood damage. They shall be adequately anchored to prevent flotation, collapse or lateral movement of the facility resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(f) Design requirements. All development proposals, including subdivisions, shall comply with the following requirements:

- (1) All preliminary proposals shall identify the special flood hazard area and the elevation of the base flood.

- (2) All final plans shall provide the elevation of proposed structures and pads above the **floodplain** elevation as derived from the FEMA map adopted at the time of certification. If the site is filled above the base flood, the final pad elevation shall be certified by a registered **civil** engineer or licensed land surveyor and shall be submitted to the **Floodplain** Administrator. The entire site need not be elevated; only the building pads need be elevated and other means of conducting storm flows through the site shall be provided.
 - (3) All proposals shall be consistent with the need to minimize flood damage.
 - (4) All proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
 - (5) All proposals shall provide adequate drainage to reduce exposure to flood hazards and not deflect flood flows onto other properties.
- (g) **Manufactured homes.** All new and replacement manufactured homes and additions to manufactured homes shall comply with all applicable provisions this Section **in addition to the following:**
- (1) **Elevations.**
 - (A) **Within Zones A1-30, AO, AH, and AE of the FP1 Floodplain Safety Review Area, all manufactured homes shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to one foot or more above the base flood elevation; or**
 - (B) **Within Zone A of the FP1 Floodplain Safety Review Area, all manufactured homes shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to two feet or more above the highest adjacent grade; or**
 - (C) **Within the FP2 Floodplain Safety Review Area, all manufactured homes shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to one foot or more above the highest adjacent grade.**
 - (2) All manufactured homes shall be securely anchored to a permanent foundation system to resist flotation, collapse or lateral movement. Methods of anchoring shall include, but not be limited to, the use of over-the-top or frame ties to ground anchors.
 - (3) **Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered civil engineer or licensed land surveyor, and verified by the Floodplain Administrator.**

- (h) **Floodway standards.** FEMA-designated floodways are extremely hazardous areas due to the velocity of flood waters that carry debris, potential projectiles, and erosion potential, therefore, the following provisions apply:
- (1) Encroachments, including fill, new construction, substantial improvements, stockpiling, and other development are prohibited unless certification by a registered civil engineer or architect is provided, demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
 - (2) If Subsection 82.14.050(g)(1) above is satisfied, all new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions of this Chapter.

Adopted Ordinance 4011 (2007); Amended Ordinance 4163 (2012)

82.14.060 Exceptions and Modifications

- (a) **Exceptions.** The following structures and land uses are exempt from the requirements and standards established by this Chapter.
- (1) The reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or a State Inventory of Historic Places upon a determination by the Director that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the exception is the minimum necessary to preserve the historic character and design of the structure.
 - (2) Replacement of utilities, including septic systems, in compliance with health and safety codes shall be exempt from the flood elevation requirements of this Development Code and shall otherwise be subject to the legal non-conforming use provisions of this Development Code.
 - (3) Structures of such a minor nature that they are exempt from development permits, provided it can be demonstrated that there is no effect contrary to the intent and purpose of the County's floodplain regulations.
- (b) **Modifications.** In the public interest, the Building Official or the Floodplain Administrator may, without notice or public hearing, approve, conditionally approve, deny or refer to the Commission requests to modify the requirements of the Floodplain Safety (FP) Overlay.
- (1) **Procedure.** Written application (either Major Variance or Minor Variance) for such modifications shall be submitted to the Planning Division, upon the forms provided by the County for this purpose.

- (2) **Required findings.** A modification to the standards imposed by this Chapter shall be allowed subject to lawful conditions that will secure substantial protection for the public health, safety and general welfare and provided that all of the following be found and justified as being true:
- (A) The modification, if within any designated regulatory floodway, will not result in any significant increase in flood levels during the base flood discharge.
 - (B) The modification is for new construction or substantial improvement, and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of this Chapter have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
 - (C) The granting of the modification will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public or conflict with existing laws or ordinances.
 - (D) The modification is the minimum necessary, considering the flood hazard, to afford relief and is consistent with the objectives of sound floodplain management.
- (c) **Written Notification.** Any applicant to whom an exception is granted shall be given written notice:
- (1) The issuance of an exception to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and
 - (2) Such construction below the base flood level increases risks to life and property. A Notice of Condition shall be recorded by the Floodplain Administrator in the Office of the County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

Adopted Ordinance 4011 (2007); Amended Ordinance 4163 (2012)

82.14.070 Boundary Changes

An applicant may apply to FEMA for an adjustment to the designated Base Flood elevation and/or other designations on the FIRM. Prior to submitting such application to FEMA, all required documents required by FEMA must be submitted to the Flood Control District for review and acknowledgement. Depending on the size, scope and specific design a land use proposal within the County, an applicant for such proposal may be required to submit an application to FEMA for an adjustment to the base flood elevation. The Department of Public Works will determine if this FEMA application is actually required.

Adopted Ordinance 4011 (2007); Amended Ordinance 4163 (2012)

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Table 83-15	
Parking Requirements by Land Use	
Uses	Number of Spaces Required
Food establishments with take-out provisions only	<ul style="list-style-type: none"> ▪ 1 for each 200 s.f. of GLA; and ▪ 1 for each facility vehicle ▪ 4 minimum
General retail	<ul style="list-style-type: none"> ▪ 1 for each 250 s.f. of GLA ▪ 4 minimum
Restaurants, in the Valley and Desert Regions, including drive-ins, cafes, night clubs, taverns, and other similar places where food or refreshment are dispensed	<p>The greater of the following:</p> <ul style="list-style-type: none"> ▪ 1 for each 100 s.f. of GLA; or ▪ 1 for each 3 fixed seats and/or 1 for every 50 s.f. of floor area where seats may be placed; or ▪ 10 minimum
Restaurants in the Mountain Region, including drive ins, cafes, and other similar places that have 5,000 s.f. of GLA or less, where food or refreshment are dispensed and where no alcoholic beverages of any type are sold or served	1 space per 250 square feet of GLA with a 4 space minimum
Restaurants in the Mountain Region, including drive ins, cafes, and other similar places that have over 5,000 s.f. of GLA where food or refreshment are dispensed, regardless of whether or not alcoholic beverages are served	1 space per 100 square feet of GLA with a 4 space minimum
Restaurants in the Mountain Region, including drive ins, cafes, and other similar places where food or refreshment are dispensed and where alcoholic beverages are sold under State Alcoholic Beverage Control license types 42 (bar/tavern) or 48 ((bar/night club), regardless of the square footage of the restaurant	1 space per 100 square feet, regardless of GLA with a 4 space minimum
Restaurants in the Mountain Region, including drive ins, cafes, and other similar places where food or refreshment are dispensed and where alcoholic beverages are sold under State Alcoholic Beverage Control license type 47 (restaurant)	<p>1 space per 250 square feet of GLA with 5,000 square feet or less of GLA with a 4 space minimum</p> <p>1 space per 100 square feet of GLA for restaurant uses over 5,000 square feet of GLA with a 4 space minimum</p>
Shopping centers (projects over 200,000 s.f. of floor area)	<ul style="list-style-type: none"> ▪ 1 for each 200 s.f. of GLA up to 100,000 sf; and ▪ 1 for each 250 s.f. of GLA for square footage above 100,000 s.f.
Wholesale commercial nurseries	<ul style="list-style-type: none"> ▪ 1 for each 500 s.f. of display area
Services General	
Beauty and nail salons	<ul style="list-style-type: none"> ▪ 2 for each station
Child care centers	<ul style="list-style-type: none"> ▪ 1 for each 5 children that the facility is designed to accommodate
Hospital	<ul style="list-style-type: none"> ▪ 1 for each 2 patient beds
Medical offices, clinics, veterinary hospital	<ul style="list-style-type: none"> ▪ 1 for each 250 s.f. of GLA
Offices, general, financial, business and professional uses	<ul style="list-style-type: none"> ▪ 1 for each 250 s.f. of GLA
Personal services	<ul style="list-style-type: none"> ▪ 1 for each 250 sq. ft. of GLA
Social care facilities	<ul style="list-style-type: none"> ▪ 1 for each 3 residents of the maximum licensed resident capacity

Table 83-15	
Parking Requirements by Land Use	
Uses	Number of Spaces Required
Other Uses	
Bed and breakfast	<ul style="list-style-type: none"> ▪ 1 for each guest room
Home occupations	<ul style="list-style-type: none"> ▪ 1 for each nonresident employee in addition to residential requirements
On-Your-Lot builder model home/sales office	<ul style="list-style-type: none"> ▪ 2 per office ▪ 2 for visitors
<p>(1) Twenty-four (24") linear inches of bench or pew shall be considered a fixed seat.</p> <p>(2) Residential parking spaces shall be located to the rear of the front setback line, except that in the Mountain Region, the parking spaces may be located within the setback areas. Tandem parking is not allowed except in the Mountain Region. Areas outside the driveway in front of the primary structure, whether outside the front yard setback or not, shall not be used for parking. In the Valley and Desert Regions, the covered parking requirement only applies to the RS and RM Land Use Zoning Districts.</p> <p>(3) In dormitories, each 100 square feet shall be considered equivalent to a guest room.</p> <p>(4) Nonresidential uses shall provide a minimum of four spaces with an additional parking space for each facility vehicle, except where otherwise noted.</p>	

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008); Amended Ordinance 4161 (2012)

83.11.050 Adjustments to Parking Requirements

- (a) **Shared parking reduction.** Where two or more adjacent nonresidential uses have distinct and differing peak parking usage periods, (e.g. a theater and a bank), a reduction in the required number of parking spaces may be approved by the Commission based on the findings and recommendations of a parking study prepared by a qualified parking or traffic consultant. The amount of reduction may be up to the number of spaces required for the least intensive of the uses sharing the parking.
- (b) **Transportation control measures.** Parking requirements may be adjusted in compliance with the provisions of Chapter 83.14 (Transportation Control Measures). An approved Conditional Use Permit/Minor Use Permit (Chapter 85.06) may authorize adjustments to parking requirement not to exceed individually or cumulatively 10 percent of the total required parking spaces, as depicted in Table 83-16.

Table 83-16 Transportation Control Measures	
Transportation Control Measure	Parking Credit (Cumulative Maximum Credit = 10% of Required Parking Spaces)
Car pool space (9' x 19')	1 car pool space = 2 spaces
Bus ridership	2 riders = 1 space ⁽¹⁾
Motorcycle spaces (4'x 8')	2 motorcycle spaces = 1 space ⁽²⁾
Boat slips on waterfront	1 slip = 1 space
(1) Bus stop shall be within 1,320 feet of the proposed use with a path of travel from the bus stop to the facility that complies with disabled access requirements.	
(2) Motorcycle stalls shall be on concrete and have a permanent tie-down ring.	

- (c) **Landscaping in lieu of parking spaces.** In compliance with Section 83.10.060 (Landscape Area Requirements), landscaping may be provided in lieu of 10 percent of the total number of parking spaces required, provided the landscaping is arranged so that parking may be installed at a later date if a demand arises, and further provided, that the owner agrees to provide parking at the request of the reviewing agency.
- (d) **Variance.** Other than changes to parking requirements provided for in this Section, a Minor Variance or a Variance in compliance with Chapter 85.17 (Variances) shall be required for any change to a parking requirement.

Adopted Ordinance 4011 (2007)

83.11.060 Disabled Parking Requirements

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

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CHAPTER 84.03 AGRITOURISM ENTERPRISES

Sections:

- 84.03.010 Purpose
- 84.03.020 Applicability
- 84.03.030 Permit Requirements and Development Standards

84.03.010 Purpose

The purpose of this Chapter is to regulate the establishment and operation of agritourism enterprises in order to maintain and preserve the rural character, integrity, and property values of surrounding areas in which these uses are located.

Adopted Ordinance 4011 (2007)

84.03.020 Applicability

The permit requirements and standards provided in this Chapter apply to agritourism enterprises where allowed in compliance with Division 2 (Land Use Zoning Districts and Allowed Land Uses).

Adopted Ordinance 4011 (2007)

84.03.030 Permit Requirements and Development Standards

The following permit requirements and development standards shall apply to all agritourism enterprises.

(a) Permit requirements and development standards.

- (1) Scope of use and permit requirements.** The allowed scope of use, minimum lot size, and permit requirements for an agritourism enterprise shall be as provided in Table 84.1.

**Table 84-1
Permit Requirements and Development Standards for Agritourism Enterprises**

Use/Permit Required	Scope of Use/Event ⁽⁴⁾	Minimum Lot Size
<u>Produce Stand</u> Permitted (no permit required)	<ul style="list-style-type: none"> • Single structure that is 200 sq. ft. or less • All produce shall be grown on site. • No other produce or merchandise allowed. 	10,000 sq. ft
<u>Small scale use</u> Site Plan Permit	<ul style="list-style-type: none"> • Single structure greater than 200 sq. ft. and less than 3,000 sq. ft. • Not more than 15 automobiles allowed on site at any one time. (1) (2) • Bed and Breakfast Home (up to 5 guest rooms) • Small incidental food services operations not to include restaurants. • Operations that do not require a permanent structure (e.g., educational tours).⁽³⁾ • No use of amplified music, or historical reenactments using gunfire or similar loud noise. 	2 acres
<u>Medium scale use</u> Minor Use Permit	<ul style="list-style-type: none"> • Single or multiple structures with a total area that is 3,000 sq. ft. or greater and less than 5,000 sq. ft. • Not more than 25 automobiles allowed on site at any one time. (1) (2) • Bed and Breakfast Inn/Lodge (up to 10 guest rooms) [the requirements of Section 84.05.060 (a) need not apply] • No use of amplified music, or historical reenactments using gunfire or similar loud noise. 	5 acres
<u>Large scale use</u> Conditional Use Permit	<ul style="list-style-type: none"> • Single or multiple structures with a total area that is 5,000 sq. ft. or greater • More than 25 automobiles allowed on site at any one time. (1) (2) • Lodging having more than 10 guest rooms • Restaurants 	10 acres

Notes:

- (1) This requirement refers only to the parking required and/or provided for the commercial activities that are accessory to the primary agricultural uses. It shall not apply to the parking provided for the primary agricultural activities (e.g., u-pick or u-cut operations, etc.).
- (2) Parking for the commercial activities accessory to the primary agricultural uses shall be provided in compliance with Section 83.11.040 (Number of Parking Spaces Required) and Table 83-15 (Parking Requirements by Land Use) specified for "General retail." Parking area improvements shall be in compliance with Section 83.11.090 (Parking and Loading Development Standards), or as specified in the approved permit for the commercial agritourism enterprise
- (3) If these operations are conducted year round, a Site Plan Permit shall be required. If the project cannot meet the standards of this section or any other regulations, the permit may be elevated to a Minor Use Permit or a

Conditional Use Permit. These operations shall have an Environmental Health Services-approved wastewater disposal system and facilities. If no more than four events are planned, a Temporary Special Event Permit shall be required.

⁽⁴⁾ The parameters in this column will dictate both the use/permit required and the minimum lot size. The filing of a higher land use approval application shall not relieve a project of the minimum lot size.

- (2) **Storage areas.** The total area of all storage areas shall not exceed 25 percent of the total floor area of the structures used for the agritourism enterprise.
- (3) **Setbacks.** Structures for agritourism enterprises shall be set back from lot lines in compliance with Division 2 (Land Use Zoning Districts and Allowed Land Uses) unless a greater setback is required by the applicable review authority.

(b) Operational standards.

- (1) **Incidental to primary agricultural, horticultural, animal husbandry use.** An agritourism enterprise shall be incidental to the primary associated agricultural, horticultural, or animal husbandry use being conducted on the property. For the purposes of this Section, a primary agricultural, horticultural, or animal husbandry use shall mean that:
 - (A) At least 50 percent of the total gross parcel area shall be suitable and available for agricultural, horticultural animal husbandry or open space use; and
 - (B) At least fifty percent of that 50 percent area (i.e., 25 percent of the total gross parcel area) shall be in actual active agricultural, horticultural, or animal husbandry use. For operations with a total area greater than 200 acres, at least 40 acres must be actual active agricultural, horticultural, or animal husbandry use.
- (2) **Operator.** The agritourism enterprise shall be operated or maintained by the owner, operator, or occupant of the land upon which the primary associated agriculture, horticulture, or animal husbandry use is being conducted.
- (3) **Hours of operation.** Hours of operation for outdoor activities shall be limited to 8:00 a.m. to 8:00 p.m.
- (4) **Private special events for compensation.** Private special events (e.g. weddings, receptions, parties, etc.) or similar activities conducted for compensation may be held, as follows.
 - (A) Up to 5 private special events in a 12-month time period shall require a Site Plan Permit.
 - (B) 6 to 12 private special events in a 12-month time period shall require a Minor Use Permit.

(C) 13 or more private special events in a 12-month time period shall require a Conditional Use Permit.

(5) Noise/Amplified Sound. All approved projects shall be operated in compliance with the noise standards provided in Section 83.01.080. All amplified sound being considered as part of a Conditional Use Permit application shall be conducted indoors, except as approved through a Temporary Special Event Permit or when being conducted at least 330 feet from the nearest residence or other sensitive receptor on a neighboring parcel.

(c) **Existing structures/uses.** A structure existing before the adoption of this Chapter may be used for an agritourism enterprise and shall be exempt from the minimum lot area and floor area requirements specified in this Chapter, provided that an expansion or enlargement the structure(s) shall not exceed 15% of the total floor area existing before adoption of this Chapter unless a greater expansion is allowed through approval of a Minor Use Permit in compliance with Chapter 85.06 (Conditional Use Permit/Minor Use Permit).

(d) **Additional licenses and permits.** In addition to required land use permits, an agritourism enterprise may be required to obtain licenses and permits from other County Departments (e.g., business licenses from the County Clerk, food service or sales licenses from the County Department of Public Health, animal care licenses from the County Department of Public Health, etc.).

(e) **Seasonal operations.** Those operations that will be limited to three months of the year that encompass the harvest season of the agricultural product to which the tourism activity is an accessory use. may be operated with reduced standards. These shall include the following:

(1) **Parking area.** The parking area does not need to be surfaced with a minimum of two inches of asphaltic concrete paving or plant-mix surfacing but shall be provided with a dust-proofed surface of slag, crushed rock, or an equivalent measure.

(2) **Sanitation facilities.** Toilets, potable water, lavatories, wastewater may be used for seasonal operations in compliance with the provisions required for a Temporary Special Event.

(3) **Permit required.** Even though an operation may be seasonal, if a structure is built, land use approvals shall be required in compliance with Table 84-1 above.

Adopted Ordinance 4011 (2007); Amended Ordinance 4162 (2012)

84.17.090 Conversion of Nonconforming Retail Land Use to Nonconforming Restaurant Land Use in the Mountain Region Only

A legal nonconforming retail land use may be converted to a legal nonconforming restaurant use, as defined in this Code, and shall be considered a continuation of the legal nonconforming retail land use provided that:

- (a) Prior to such conversion, the square footage or footprint of the existing retail space is not expanded for purposes of the proposed restaurant.
- (b) The restaurant cannot expand its square footage or footprint. The restaurant may use any patio or other outside area previously used in the course of conducting the legal nonconforming retail use.
- (c) The square footage of the restaurant use shall in no event exceed 5,000 square feet.
- (d) The restaurant use shall not permit entertainment.
- (e) The restaurant use shall not serve alcoholic beverages, except with a meal.

Adopted Ordinance 4161 (2012)

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CHAPTER 85.07 FLOOD HAZARD DEVELOPMENT REVIEWS

Sections:

- 85.07.010 Purpose
- 85.07.020 Flood Hazard Development Review Procedures
- 85.07.030 Floodplain Development Standards Review Procedures

85.07.010 Purpose

The purpose of this Chapter is to provide processes for the Flood Hazard Development Review and the Floodplain Development Standards Review in compliance with this Development Code.

Adopted Ordinance 4011 (2007); Amended Ordinance 4163 (2012)

85.07.020 Flood Hazard Development Review Procedures

- (a) **Procedure.** Staff Review without Notice.
- (b) **Review Authority.** Floodplain Management Administrator.
- (c) **Applicability.** A Flood Hazard Development Review shall be completed before the approval of a land use application or issuance of a development permit in specified areas or where required by the Director, the Division Chief of Environmental Health Services, or the Floodplain Management Administrator.
- (d) **Recommendation by Drainage Section.** The Department of Public Works Land Development Review Division, Drainage Section, shall review and act upon requests for Flood Hazard Development Reviews. The Drainage Section's recommendations from these reviews shall be incorporated into the requirements of the development permit and/or the land use application review.
- (e) **Application requirements.** An application for a Flood Hazard Development Review shall be 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 Flood Hazard Development Reviews.
- (f) **Notation of the elevation of the first floor.** Where a Flood Hazard Development Review has been completed, the review authority shall note the elevation of the first floor (including basement) of a proposed structure on the development permit and confirm that it is either:
 - (1) One foot above the base flood elevation when the FEMA map base flood elevations are shown, or two feet or more above the highest adjacent grade when the base flood elevations are not shown in any area designated as an FP1 Overlay; or
 - (2) One foot above the highest adjacent grade in any area designated as an FP2 Overlay.

- (g) **Structure siting.** Any structure within a project requiring a Flood Hazard Development Review shall be sited to modify or maintain the natural drainage way in a manner acceptable to and approved by the Department of Public Works, Drainage Section.
- (h) **Authorization of structural encroachments.** A Flood Hazard Development Review may also authorize structural encroachments on private property into County drainage easements, offers of dedication for drainage purposes, and those structure setback areas established adjacent to drainage courses.

Adopted Ordinance 4011 (2007); Amended Ordinance 4163 (2012)

85.07.030 Floodplain Development Standards Review Procedures

- (a) **Procedure.** Staff Review without Notice.
- (b) **Review Authority.** Building Official.
- (c) **Applicability.** A Floodplain Development Standards Review shall be completed before the approval of a land use application or issuance of a development permit in specified areas or where required by the Director or the Building Official.
- (d) **Recommendation.** The Building and Safety Division shall review and act upon requests for Floodplain Development Standards Reviews. The Building Official's recommendations from these reviews shall be incorporated into the requirements of the development permit and/or the land use application review.
- (e) **Application requirements.** An application for a Floodplain Development Standards Review shall be 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 Floodplain Development Standards Reviews.
- (f) Notation of the elevation of the first floor. Where a Floodplain Development Standards Review has been completed, the review authority shall note the elevation of the first floor (including basement) of a proposed structure on the development permit and confirm that it is either:
 - (1) One foot above the base flood elevation when the FEMA map base flood elevations are shown, or two feet or more above the highest adjacent grade when the base flood elevations are not shown in any area designated as an FP1 Overlay; or
 - (2) One foot above the highest adjacent grade in any area designated as an FP2 Overlay.
- (g) **Structure siting.** Any structure within a project requiring a Floodplain Development Standards Review shall be sited to modify or maintain the natural drainage way in a manner acceptable to and approved by the Building Official.

Adopted Ordinance 4163 (2012)

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 affect 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 **may** require a **Floodplain Development Standards Review conducted by the Building and Safety Division** and a Flood Hazard Development Review **conducted** by the Public Works Department, Land Development Division, that will provide further review of the site and proposed improvements. **A review fee shall be required.**
- (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); Amended Ordinance 4163 (2012)

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.

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CHAPTER 86.04 FLOODPLAIN ADMINISTRATOR

Sections:

86.04.010 Responsibilities of Floodplain Administrator

86.04.010 Responsibilities of Floodplain Administrator

- (a) **Appointment of Floodplain Administrator.** The Director of Public Works is hereby appointed as the Floodplain Administrator to administer and implement the Flood Management provisions of this Development Code by making recommendations for granting or disapproving development permits in compliance with its provisions.
- (b) **Coordination in performance of duties.** The Floodplain Administrator, or an appropriate designee, shall work in close coordination with the Director in the performance of the Administrator's designated duties.
- (c) **Duties and responsibilities.** The duties and responsibilities of the Floodplain Administrator, or an appropriate designee, shall include all of the following:
 - (1) **Permit review.**
 - (A) Review all development permits to determine that the permit requirements of this Development Code have been satisfied, including determination of substantial improvement and substantial damage of existing structures.
 - (B) Require that all other required Federal and State approvals and permits be obtained.
 - (C) Determine if the site is reasonably safe from flooding.
 - (D) Ensure that the proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. This means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than 1 foot at any point within the County.
 - (E) Ensure that all Letters of Map Revision (LOMR's) for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

- (2) **Use of other base flood data.** When base flood elevation data has not been provided, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other sources, in order to administer the development standards and provisions established by the Floodplain Safety Overlay.
- (3) **Alteration or relocation of watercourses.** Whenever a watercourse is to be altered or relocated and is within a Floodplain Safety Overlay, or within an area identified as subject to flooding in any County approved Flood Hazard Study, the Floodplain Administrator, or an appropriate designee, shall:

 - (A) **Provide proper notification.** Notify adjacent communities and the California Department of Water Resources before the alteration or relocation of a watercourse, and submit evidence of the notification to the Federal Insurance Administration. The responsibility of providing the notification shall rest with the Department for development projects and the Flood Control District for their respective projects; and
 - (B) **Require that flood carrying capacity is maintained.** Require that the flood carrying capacity of the altered or relocated portion of the watercourse is maintained.
- (4) **Base Flood Elevation changes due to physical alterations:** Whenever a base flood elevation is changed due to physical alterations, the Floodplain Administrator shall:

 - (A) Submit or assure that the permit applicant submits technical or scientific data to FEMA for a Letter of Map Revision (LOMR) within six months of information becoming available or project completion, whichever comes first; and
 - (B) Ensure that all LOMRs for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.
- (5) **Changes in corporate boundaries:** Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate limits.
- (6) **Maintain certifications.** Obtain and maintain for public inspection and make available the certifications required for developments within the Floodplain Overlay to include certifications for lowest floor elevations. This may be delegated to the Building Official.

- (7) **Interpret exact location of boundaries.** Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (e.g., where there appears to be a conflict between a mapped boundary and actual field conditions). Any person contesting the location of the boundary may appeal the interpretation in compliance with Chapter 86.07 (Appeals).
- (8) **Biennial Report.** Complete and submit a Biennial Report to FEMA.
- (9) **Planning.** Assure that the County's General Plan is consistent with floodplain management objectives.
- (10) **Non-conversion of Enclosed Areas below the Lowest Floor.** Ensure that the areas below the base flood elevation are used solely for parking vehicles, limited storage, or access to the building and not be finished for use as human habitation without first becoming fully compliant with the floodplain development standards in effect at the time of conversion by:

 - (A) Determining which applicants for new construction and/or substantial improvements have fully enclosed areas below the lowest floor that are five feet or higher;
 - (B) Entering into a "Non-Conversion Agreement for Construction within Flood Hazard Area" or equivalent with the property owner who has such a structure. The agreement shall be recorded with the County Recorder as a deed restriction. The non-conversion agreement shall be in a form acceptable to the Floodplain Administrator and County Counsel; and
 - (C) Inspecting any area of a structure below the base flood elevation to ensure compliance upon prior notice of at least 72 hours.
- (11) **Record of Exceptions.** Maintain a record of all exceptions granted, including justification for their issuance, and report such exceptions issued in its biennial report submitted to the FEMA.
- (12) **Prosecute violations.** Take action to prosecute violations of the flood safety provisions of this Development Code as specified in Chapter 82.14 (Floodplain Safety Overlay)

Adopted Ordinance 4011 (2007); Amended Ordinance 4163 (2012)

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CHAPTER 86.09 ENFORCEMENT

Sections:

- 86.09.010 Purpose
- 86.09.020 Permits and Licenses
- 86.09.030 Authority for Enforcement
- 86.09.040 Unlawful to Violate Development Code Provisions
- 86.09.050 Violations of the Development Code Declared Public Nuisance
- 86.09.060 Unlawful to Refuse or Fail to Comply with Conditions of Land Use Approval
- 86.09.070 Property Not in Compliance with Conditions of Land Use Approval Declared a Public Nuisance
- 86.09.080 Enforcement
- 86.09.090 Criminal Actions
- 86.09.100 Civil Actions
- 86.09.110 Administrative Action
- 86.09.120 Filing a Notice of Pendency
- 86.09.130 Filing a Notice of Action
- 86.09.140 Initial Investigation Procedures
- 86.09.150 Inspections
- 86.09.160 Stop Work Orders
- 86.09.170 Revocation or Modification of Permits or Approvals
- 86.09.180 Recovery of Costs
- 86.09.190 Additional Permit Processing Fees
- 86.09.200 Reinspection Fees
- 86.09.210 Documentation

86.09.010 Purpose

This Chapter establishes provisions that are intended to ensure compliance with the requirements of this Development Code and any conditions of planning permit approval, to promote the County's planning efforts, and for the protection of the public health, safety, and welfare of the County.

Adopted Ordinance 4011 (2007)

86.09.020 Permits and Licenses

All departments, officials, and public employees of the County who are assigned the authority or duty to issue authorizations, certificates, licenses, or permits shall comply with the provisions of this Development Code.

- (a) **Permits in conflict with Development Code.** Authorizations, certificates, licenses, or permits for uses or structures that would be in conflict with the provisions of this Development Code shall not be issued.

- (b) **Permits deemed void.** Any authorization, certificate, license, or permit issued in conflict with the provisions of this Development Code shall be void and of no effect.

Adopted Ordinance 4011 (2007)

86.09.030 Authority for Enforcement

- (a) **Responsibility of Director.** The Director, the Deputy Director of the Code Enforcement Division, and their designated employees and representatives shall have the authority to enforce the provisions of this Development Code.
- (b) **Responsibility of additional, authorized County representatives.** The Director shall be aided in this enforcement responsibility by the officers and authorized representatives of the County agencies, departments, and offices charged with the responsibility of administering, implementing, and ensuring compliance with the provisions of this Development Code. Among these are the following designated enforcement officers:
- (1) Assistant Administrative Officer for Public and Support Services Group.
 - (2) Chief, County Fire Department.
 - (3) Chief Engineer of the San Bernardino County Flood Control District.
 - (4) Chief of Environmental Health Services Division.
 - (5) County Agricultural Commissioner.
 - (6) County Surveyor.
 - (7) Director of Airports Department.
 - (8) Director of County Museums.
 - (9) Director of Public Works.
 - (10) Director of Special Districts Department.
 - (11) **Floodplain** Administrator.
- (c) **Responsibility of Other Authorities.** The authorities responsible for the enforcement shall be the same as the review authorities responsible for permit approvals as specified in this Development Code.

- (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) **Projects exempt from Conditional Use Permit requirement.** The following projects shall be exempt from the Conditional Use Permit/Minor Use Permit requirement and shall be subject to a Site Plan Permit in compliance with Chapter 85.08 (Site Plan Permits) provided they do not require a Variance. The limitations of Subsection 85.08.020(b) shall not apply for projects that include any of the following:

- (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); Amended Ordinance 4098 (2010)

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.

88.03.050 Vested Rights

- (a) **Pre-SMARA and post-SMARA right to conduct surface mining operations.** A Conditional Use Permit shall not be required for any person who has obtained a vested right to conduct surface mining operations before January 1, 1976, as long as the vested right continues and as long as no substantial changes have been made in the operation except in compliance with SMARA, State regulations, and this Chapter. Where a person with vested rights has continued surface mining in the same area subsequent to January 1, 1976, the person shall obtain County approval of a Reclamation Plan covering the mined lands disturbed by the subsequent surface mining. In those cases where an overlap exists (in the horizontal and/or vertical sense) between pre-SMARA and post-SMARA mining, the Reclamation Plan shall require reclamation proportional to that disturbance caused by the mining after January 1, 1976 (i.e., the effective date of SMARA).
- (b) **Other requirements applicable to vested mining operations.** All other requirements of State law and this Chapter shall apply to vested mining operations.

Adopted Ordinance 4011 (2007)

88.03.060 Application Filing, Processing, and Review

- (a) **Application filing.**
 - (1) Applications for a Conditional Use Permit and/or Reclamation Plan for surface mining or land reclamation projects shall be made on forms provided by the Department and filed in compliance with Chapter 85.03 (Application Procedures).
 - (2) The forms for Reclamation Plan applications shall require, at a minimum, each of the elements required by SMARA (Public Resources Code Sections 2772-2773) and other State regulations, and any other requirements deemed necessary to facilitate an expeditious and fair evaluation of the proposed Reclamation Plan, to be established at the discretion of the Director. For surface mining operations that are exempt from a Conditional Use Permit in compliance with this Chapter, the Reclamation Plan application shall include information concerning the mining operation that is required for processing the Reclamation Plan. All documentation for the Reclamation Plan shall be submitted to the County at one time.
 - (3) As many copies of the Conditional Use Permit application and the Reclamation Plan application as may be required by the Director shall be submitted to the Department.

- (4) Applications shall include all required environmental review forms and information prescribed by the Director.

(b) Fees.

- (1) **Establishment of fees.** The County shall establish processing fees that it deems necessary to cover the reasonable costs incurred in implementing this Chapter and the State regulations, (e.g., costs of processing of applications, annual reports, inspections, monitoring, enforcement, compliance etc.). The fees shall be included in the Planning Fee Schedule.
- (2) **Payment of fees.** The fees shall be paid by the operator, as required by the County, at the time of filing of the Conditional Use Permit application, Reclamation Plan application, and at other times that are determined by the County to be appropriate in order to ensure that reasonable costs of implementing this Chapter are borne by the mining operator.

(c) Processing.

- (1) Within 30 days of acceptance of an application for a Conditional Use Permit for surface mining operations and/or a Reclamation Plan as complete, the Department shall notify the State Department of Conservation of the filing of the application(s).
- (2) Whenever mining operations are proposed in the 100-year **floodplain** of any stream, as shown in Zone A of the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency, and within one mile, upstream or downstream, of any State highway bridge, the Department shall also notify the State Department of Transportation that the application has been received.
- (3) The Department shall process the application(s) through environmental review in compliance with the California Environmental Quality Act (Public Resources Code Sections 21000 et seq.) and the County's Environmental Review Guidelines.
- (4) Subsequent to the appropriate environmental review, the Department shall prepare a staff report with recommendations for consideration by the Commission.
- (5) Before final approval of a Reclamation Plan and financial assurances (as required in this Chapter), or any amendments to the Reclamation Plan or existing financial assurances, the Director shall:

- (w) **Club.** An association of persons, whether incorporated or unincorporated and organized for some common nonprofit purpose, but not including a group organized solely or primarily to render a service customarily carried on as a business.
- (x) **Coffee Shop.** See “Restaurant, Café, Coffee Shop (see Land Use Tables.”
- (y) **Collection Facility.** See “Recycling Facility.”
- (z) **Collector.** See “Road System.”
- (aa) **Co-location Wireless Telecommunication Facility.** See “Wireless Telecommunications Facility”
- (bb) **Commercial Coach.** A vehicle with or without motive power, designed and equipped for human occupancy for industrial, professional or commercial purposes, and shall include vehicles containing mobile offices.
- (cc) **Commercial Entertainment - Indoor (see Land Use Tables).** Establishments providing indoor amusement and entertainment services for a fee or admission charge, including:
- bowling alleys
 - coin-operated amusement arcades
 - dance halls, clubs and ballrooms
 - electronic game arcades (video games, pinball, etc.)
 - ice skating and roller skating
 - pool and billiard rooms as primary uses

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

- (dd) **Commercial Entertainment - Outdoor (see Land Use Tables).** A facility for various outdoor recreational activities, where a fee is charged for use. Examples include:
- amusement and theme parks
 - go-cart tracks
 - golf driving ranges
 - miniature golf courses
 - skating parks
 - water slides

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

- (ee) **Commercial Kennels and Catteries (see Land Use Tables).** See “Kennels.”
- (ff) **Commercial Mobile Radio Service.** See “Wireless Telecommunications Facility”
- (gg) **Commercial Use.** One or more of the land use types listed in the tables of “Allowed Land Uses and Permit Requirements) in Division 2 (Land Use Zoning Districts and Allowed Land Uses) under the headings of “Recreation, Education & Public Assembly Uses,” “Retail,” “Services, Business and Professional,” and/or “Services, General.” “Agricultural Support Services” are also considered as a commercial uses.
- (hh) **Commission.** The Planning Commission of the County of San Bernardino.
- (ii) **Common Carrier.** Any corporation or business that performs a service for, or delivers a commodity to the public or any portion thereof via a pipeline or other transmission line or device for which any compensation or payment whatsoever is received and is subject to the Federal Mineral Leasing Act of 1920, as amended by Public Law 93-153.
- (jj) **Common Interest Development.** A real property development that consists of, or will consist of, separately owned lots, parcels, areas, or spaces with either or both of the following features:
- (1) One or more additional contiguous or noncontiguous lots, parcels, areas, or spaces owned in common by the owners of the separately owned lots, parcels, areas, or spaces.
 - (2) Mutual, common, or reciprocal interests in, or restrictions upon, all or a portion of these separately owned lots, parcels, areas, or spaces, or both and, in which the owners of the separately owned lots, parcels, areas, or spaces have rights, directly or indirectly, to the beneficial use and enjoyment of all or a portion of the lots, parcels, areas, or spaces.
- The estate in a separately or commonly owned lot, parcel, area, or space may be an estate of inheritance or perpetual estate, an estate for life, an estate for years, or any combination of the foregoing.
- Either common ownership of the additional contiguous or noncontiguous lots, parcels, or areas or the enjoyment of the mutual, common, or reciprocal interests in, or restrictions upon, the separately owned lots, parcels, areas or spaces or both, may be through ownership of shares of stock or membership in an association or otherwise. Shares of stock, if any exist, shall be deemed to be interests in a common interest development and real estate development for purposes of Corporations Code Section 25100(f).
- (kk) **Common Open Space.** See “Open Space, Common”

- (ll) **Community Apartment Project.** A common interest development in which an undivided interest in land is coupled with the right of exclusive occupancy of any apartment located thereon. This use includes apartment complexes that were converted to allow for individual ownership of units that were not constructed to condominium building standards.
- (mm) **Community Celebration.** Those public affairs sponsored by chambers of commerce or community service groups in unincorporated communities for the promotion of community spirit by public parades, carnivals, and other outdoor activities.
- (nn) **Community Noise Equivalency Level (CNEL).** The CNEL is a measure of the cumulative noise exposure level in the community. It results from a summation of average noise levels based on the average energy level of the sound over a 24-hour period, with an increased weighing factor applied to the evening and night time period.
- (oo) **Community room.** A small facility (up to 1,500 sq. ft.), in a multiple-family project furnished more as a large living room, and may not have a kitchen or may only have a sink and counter for small meetings and other get-togethers.
- (pp) **Compatible.** When used in relation to a structure, indicates that the structure is built so that its appearance is similar to that of the principal unit to which the structure is accessory or to the general character of the neighborhood with regards to color, materials, construction, lighting, signs, or the emission of sounds, noises and vibrations.
- (qq) **Compatible Land Uses.** See “Surface Mining Operations.”
- (rr) **Compliance Investigation.** Any building permit inspection, mobile home setdown inspection, Code compliance investigation, or any review by any County Agency, Department or office, or their designee to determine compliance with rules, regulations, standards and conditions of approval established either by or to implement the provisions of the San Bernardino County Code.
- (ss) **Composite Development Plan.** A map or plan on file with the Building and Safety Division that reflects additional information related to the development of lots created by a Final or Parcel Map recorded after March 1, 1986. Notes on this plan or map are for informational purposes and indicate conditions and criteria that exist on the property that were known and identified as of the date of the recordation of the Final or Parcel Map. Authority for this plan is derived from California Government Code Section 66434.2.
- (tt) **Complex Sign.** See “Sign.”
- (uu) **Complex Occupant Sign.** See “Sign.”
- (vv) **Composting.** Processing waste in a controlled environment to produce a stable product by microbiologically degrading organic matter under aerobic conditions.
- (ww) **Composting operations.** A facility where organic matter that is derived primarily from off-site is to be processed by composting and/or is processed for commercial purposes. Activities of a composting facility may include management, collection, transportation, staging, composting, curing, storage, marketing, or use of compost.

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

(yy) **Condominium.** A condominium consists of an undivided interest in common in a portion of real property coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded condominium plan in sufficient detail to locate all boundaries thereof. The area within these boundaries may be filled with air, earth, or water, or any combination thereof, and need not be physically attached to land except by easements for access and, if necessary, support.

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

(A) Boundaries described in the recorded condominium plan;

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

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

(D) Any combination thereof.

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

(A) An estate of inheritance or perpetual estate;

(B) An estate for life;

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

(D) Any combination of the foregoing.

(zz) **Condominium Plan.** A plan consisting of:

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

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

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

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

- (B) All lessors and lessees of the estate for years in the case of a condominium project that will terminate upon the termination of an estate for years;
- (C) All life tenants and remainder interests in the case of a condominium project subject to a life estate;
- (D) Either the trustee or the beneficiary of each recorded deed of trust;
- (E) Mortgagee of each recorded mortgage encumbering the property.

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

- (**aaa**) **Condominium Project.** A common interest development consisting of condominiums.
- (**bbb**) **Conference/Convention Facility (see Land Use Tables).** One or more structures accommodating multiple assembly, meeting, and/or exhibit rooms, and related support facilities (e.g., kitchens, offices, etc.).
- (**ccc**) **Conservation.** The planned management, protection and use of natural resources in order to prevent the wasteful exploitation, destruction or neglect of these resources. Implicit in conservation is the concept of wise use as distinguished from nonuse or preservation.
- (**ddd**) **Consistency.** A review to ensure that all plans and actions conform to guidelines set forth in the General Plan and any applicable or Specific Plans.
- (**eee**) **Construction and Heavy Equipment Sales and Rental (see Land Use Tables).** Retail establishments selling or renting construction, farm, or other heavy equipment. Examples include cranes, earth moving equipment, tractors, combines, heavy trucks, etc.
- (**fff**) **Construction Contractor (see Land Use Tables).** Office, and indoor and/or outdoor storage facilities operated by, or on behalf of a contractor licensed by the State of California for storage of large equipment, vehicles, and/or other materials commonly used in the individual contractor's type of business; storage of scrap materials used for repair and maintenance of contractor's own equipment; and buildings or structures for uses such as repair facilities.
- (**ggg**) **Construction Projects.** A construction activity that is subject to approval of either a County ministered permit, or approval of a discretionary decision on a land use application.
- (**hhh**) **Contiguous or Contiguous Property.** In actual close contact; touching; bounded or traversed by. "Contiguous property" shall be those properties that touch property lines of any parcel including those properties that touch the property lines of a subject parcel

when the lines are projected across public or private rights of way, easements, roads, streets, or railroad rights of way.

- (iii) **Convenience and Support Services (see Land Use Tables).** Establishments that provide convenience or support services to people in employment locations or to the traveling public in locations away from developed commercial centers. These limited services include food, beverage, gasoline, retail services and minor automobile service.
- (jjj) **Convenience Store (see Land Use Tables).** A retail store of 3,500 square feet or less in gross floor area that carries a range of merchandise oriented to convenience and/or travelers' shopping needs.
- (kkk) **Conventional Spray Irrigation.** Is the use of aerial/overhead sprinklers to distribute irrigation water to landscaped areas (e.g. pop-up and fixed spray heads, impact rotors, rotary nozzles, rotors, etc.).
- (lll) **Conversion Factor (0.62).** 0.62 is the conversion factor for the Maximum Applied Water Allowance (MAWA) and the Estimated Annual Water Use (EAWU) calculations. This number converts the acre-inches per acre, per year to gallons per square foot, per year.
- (mmm) **Cooling Opportunities, Passive or Natural.** The ability to orient or site a structure, including a dwelling on its lot in order to take optimum advantage of prevailing breezes for cooling purposes.
- (nnn) **Corner Lot.** See "Lot."
- (ooo) **Correctional Institution (see Land Use Tables).** An incarceration facility owned and operated by a Federal, State, local government or private entity.
- (ppp) **Corrosive Soils.** See "Soil."
- (qqq) **County.** The County of San Bernardino, State of California.
- (rrr) **County Code.** County of San Bernardino Code.
- (sss) **County Fire Department.** See "Fire Department."
- (ttt) **County Procedures.** Any policies or procedures that have been adopted by the Board of Supervisors, and are described, delineated and on file for use and examination by the public in the Office of Clerk of the Board of Supervisors.
- (uuu) **County Standards.** Any current improvement standards or design standards that have been adopted by the Board of Supervisors, and are described, delineated and on file for use and examination by the public in the Office of the Clerk of the Board of Supervisors.
- (vvv) **County Surveyor.** The County Surveyor of San Bernardino County, or authorized designee.

(xxx) County Veterinarian. Any veterinarian of the County designated by the Department of Public Health

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

(zzz) Crop Production, Horticulture, Orchard, Vineyard (see Land Use Tables). Commercial agricultural production field and orchard uses, including the production of the following, primarily in the soil on the site and not in containers, other than for initial propagation before planting in the soil on the site, and/or in containers occupying one acre or less:

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

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

(aaaa) Cultural Resource Damage. Any destruction or harm done to or inflicted upon any paleontological, archaeological or historical remains that could contribute to the study and interpretation of biological and cultural development.

(bbbb) Curb Cut. The lowering of a curb to permit access by vehicles, wheelchairs, carts and pedestrians.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008), Amended Ordinance 4136 (2011); Amended Ordinance 4162 (2012)

810.01.060 Definitions, "D."

- (a) **Dairy.** Any premises where milk is produced for sale or distribution and where 10 or more cows or goats are in lactation.
- (b) **Days.** Any reference to day or days shall mean calendar days, unless otherwise specified.
- (c) **Days, Business.** Any day a specified Office, Department or other agency is open to the public for normal business. This term shall normally exclude all Saturdays, Sundays and any holiday that is recognized and observed by the specified Office, Department or other agency.
- (d) **Day Care, Adult (see Land Use Tables).** A state-licensed facility that provides nonmedical care and supervision for adult clients for periods of less than 24 hours for any client.
- (e) **Day Care, Child (see Land Use Tables).** Facilities that provide non-medical care and supervision of minor children for periods of less than 24 hours. These facilities include the following, all of which are required to be licensed by the California State Department of Social Services.
 - (1) **Day Care Center.** Commercial or non-profit child day care facilities designed and approved to accommodate 15 or more children. Includes infant centers, preschools, sick-child centers, and school-age day care facilities. These may be operated in conjunction with a school or church facility, or as an independent land use.
 - (2) **Family Day Care Home.** As defined by Health and Safety Code Section 1596.78, a home that regularly provides care, protection, and supervision for 14 or fewer children, in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away, and is either a large family day care home or a small family day care home.
 - (3) **Large Family Day Care Home.** As defined by Health and Safety Code Section 1596.78, a day care facility in a single-family dwelling where an occupant of the residence provides family day care for seven to 14 children, inclusive, including children under the age of 10 years who reside in the home.
 - (4) **Small Family Day Care Home.** As defined by Health and Safety Code Section 1596.78, a day care facility in a single-family residence where an occupant of the residence provides family day care for eight or fewer children, including children under the age of 10 years who reside in the home.
- (f) **Debris Flow (mudflow).** The downhill movement of saturated debris often a mixture of mud, rock and vegetation.

- (g) **Decibel (dBA).** A measure of sound pressure on a logarithmic scale, with respect to a standard reference value.
- (h) **Decision.** Any decision to approve, disapprove, or modify a request to develop, divide, or otherwise utilize land or to alter or establish land use regulations.
- (i) **Density Bonus.** A density increase over the otherwise maximum allowable residential density under the applicable land use plan designation and land use zoning district. Also, see Government Code Section 65915.
- (j) **Department.** The Department of Land Use Services of the County of San Bernardino.
- (k) **Dependent Housing (see Land Use Tables).** Residential occupancy of an accessory dwelling unit located on the same parcel as the principal dwelling unit that is occupied by:
- (1) One or two adults, who have reached the age of 60, and are dependents of the residents of the primary unit;
 - (2) Court appointed conservatees of a resident of the principal unit; or
 - (3) Members of a very low income household as specified as Section 50105 of the Health and Safety Code and are related to the residents of the principal unit by birth, marriage, or adoption.
 - (4) One or two adults of any age who are dependent upon the residents of the primary unit for health care.

For the purposes of this section, “Dependent” means a related individual who is dependent upon the resident of the principal unit for financial support or health care. An individual will be determined to be a financial dependent if claimed by the resident of the primary unit as a dependent on his or her Federal or State income tax return. An individual will be determined to be a dependent for health care reasons if he or she is considered blind or disabled as defined in Section 1614(a) of Part A of Title XVI of the Social Security Act.

- (l) **Dependent Mobile Home.** See “Mobile Home, Dependent.”
- (m) **Desert Native Plant.** See “Plant, Desert Native.”
- (n) **Desert Native Plant Expert.** See “Plant Expert, Desert Native.”
- (o) **Desert Region.** Desert Region shall mean and include all of the unincorporated area of San Bernardino County lying north and east of the Mountain Region as defined in this Division.
- (p) **Design.** Includes the planning and engineering of the following:

- (1) Street alignments, grades and widths;
 - (2) Drainage and sanitary facilities and utilities, including alignment and grades thereof;
 - (3) Location and size of all required easements and rights of way;
 - (4) Fire roads and firebreaks;
 - (5) Lot size and configuration;
 - (6) Traffic access;
 - (7) Grading;
 - (8) Land to be dedicated for park or recreational purposes;
 - (9) Location of proposed and existing structures and improvements; and
 - (10) Other specific physical requirements in the plan and/or configuration of a subdivision as may be necessary to ensure consistency with, and implementation of this Development Code, the General Plan, and any applicable specific plan.
- (q) **Detailed Site Plan.** See “Site Plan, Detailed.”
- (r) **Design Flood.** See “Flood Hazard.”
- (s) **Developer.** Any person, association, firm, corporation, partnership and other business entity or public agency installing or constructing a development. This includes any person, business entity or public agency seeking to perform earthwork grading on any project or development for which the conditions of approval require any specific or general features to be incorporated in the earthwork or which restrict or limit the earthwork grading in any way, other than in compliance with the grading provisions as prescribed in the California Building Code.
- (t) **Development.** The use to which land shall be put, the buildings to be constructed on it, and all alteration of the land and construction incident thereto. **This shall include but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.**
- (u) **Development Application.** Any application, review and/or process acted upon by the Department. See “Land Use Application.”
- (v) **Development Code.** A set of land use regulations adopted by San Bernardino County in conformance with the General Plan. All actions and undertakings necessary for project planning, land acquisition, demolition or construction of a project must conform with the County Code before approval. The Development Code is Title 8 of the San Bernardino County Code.

- (w) **Development Moratorium.** A development moratorium shall include a water or sewer moratorium, as well as other actions of public agencies that regulate land use, development, or the provision of services to the land, other than the authority of the County to approve or conditionally approve the Tentative Map, which prevents, prohibits, or delays the approval of a Final or Parcel Map. A development moratorium is also deemed to exist for any period of time during which a condition imposed by the County could not be satisfied because the condition was one which, by its nature, necessitated action by the County, and the County either did not take the necessary action or by its own action or inaction was prevented or delayed in taking the necessary action before expiration of the Tentative Map.
- (x) **Development Perimeter.** A line that indicates the outer perimeter of structural development or proposed structural development of one structure or a group of structures within a development project. For the purposes of this Section, structures within one hundred feet of another structure shall be considered as part of the same group of structures. The development perimeter may be derived from one of the following methods:
- (1) A line formed by interlinking the exterior walls or exterior building envelope boundaries of a series of proposed or existing structures that form the perimeter of a development project;
 - (2) Where a development project indicates the location of buildings or building envelopes on a site plan, a composite development plan or a final development plan, the development perimeter may be delineated by the outer limit of the location of each building. The development perimeter between the planned location of each building shall be delineated by the shortest line between the outer faces of adjacent buildings or building envelopes or;
 - (3) The development perimeter may be derived through alternate means provided they meet or exceed the limitations described in Subsections 1 and 2 above.
- (y) **Development Permit.** A permit issued by the Building Official, Fire Marshall, or Chief of the Environmental Health Services Division for construction or land disturbance, including, but not limited to, Building Permits, Mobile Home Setdown Permits and Grading Permits.
- (z) **Development Plan.** A detailed, comprehensive plan of development for a Special Development. The development plan applies limits and parameters for development derived from a development suitability analysis to a specific development scheme. Development Plans shall include a detailed description of the proposed development and its effects including, but not limited to, a written text, diagrams or maps describing the program for development and the functional arrangement of structures and uses, the effect of such arrangement upon the physical characteristics of the site, available public services, the capacity of the existing circulation system and the existing and planned land use of adjacent properties. It includes a dimensioned site plan showing the location of all structures and lots in sufficient detail to permit recordation and the preparation of construction drawings.

- (aa) **Development Project.** Any one or a series of related development applications that constitute a single development proposal.
- (bb) **Development Restrictions.** Include, but are not limited to, any of the following restrictions on property:
- (1) Open space easements.
 - (2) Transfer of development rights.
 - (3) Conveyance of development rights to the County.
 - (4) Land Use Zoning District restrictions on development.
- (cc) **Development Review Committee.** A committee consisting of representatives from various public agencies whose functions are to review and make recommendations on development proposals.
- (dd) **Development Suitability Analysis.** A comprehensive examination of the opportunities and constraints affecting development of a given site.
- (ee) **Deviations.** Authorized variances from required distances, setbacks, areas or physical improvements.
- (ff) **Directional Sign.** See “Sign.”
- (gg) **Director.** The Director of Land Use Services or authorized designee.
- (hh) **Director of Airports.** The Director of the County Airports Department or an authorized designee.
- (ii) **Director of Department of Public Works.** The Director of the County Department of Public Works or an authorized designee.
- (jj) **Director of Special Districts.** The Director of the Special Districts Department or an authorized designee.
- (kk) **Dismantlers.** See “Motor Vehicle Dismantling Facility.”
- (ll) **Display Sign.** See “Sign.”
- (mm) **Distribution.** See “Wholesaling and Distribution.”
- (nn) **Drainage Course.** A natural or man made water course that could convey runoff either year around or intermittently.

- (oo) **Drainage Plan, Local Area.** A drainage plan adopted for a particular drainage area. These plans shall include a map of the area showing its boundaries, the location of existing and future drainage facilities and an accompanying text that contains an estimate of the total costs of constructing the local drainage facilities.
- (pp) **Dripline.** A line that may be drawn on the ground around a tree directly under its outermost branch tips which is projected vertically down to the ground and which identifies that area where rainwater tends to drop from the tree.
- (qq) **Dwelling, Multiple Family (see Land Use Tables).** A building or portion thereof used and/or designed as two or more independent dwelling units.
- (rr) **Dwelling, Single Family (see Land Use Tables).** A detached building designed and/or used as one dwelling unit.
- (ss) **Dwelling, Single Family Attached (see Land Use Tables).** A single family dwelling that is attached to not more than one other single family dwelling.
- (tt) **Dwelling Unit.** Any building or portion thereof, including a manufactured home or portion thereof, that contains living facilities, including provisions for sleeping, eating, cooking and sanitation as required by the California Building Code, for not more than one family, including domestic employees of the family.
- (uu) **Dwelling Unit, Second.** A second dwelling unit is an additional dwelling unit either attached or detached.
- (vv) **Dwelling Use in Conjunction with Commercial Use.** One or more dwelling units developed along with one or commercial uses in a mixed-use project.

Adopted Ordinance 4011 (2007); Amended Ordinance 4057 (2008); Amended Ordinance 4163 (2012)

810.01.070 Definitions, “E.”

- (a) **Earth Material.** Rock, natural soil or combination thereof.
- (b) **Easement.** A grant of one or more property rights by the property owner to and/or for the use by the public, a corporation, or another entity, including:
 - (1) **Road Easement.** Any property that is reserved for or in general use for road purposes to provide access for the public to otherwise inaccessible parcels of land, provided that the easements are not included in the definition herein of “street”.
 - (2) **Road Easement, Private.** Any property that is reserved for road purposes to provide access for property owners to their private property, provided that the easements are not included in the definition of “street” herein.
- (c) **Educational Animal Project.** An animal husbandry project under the supervision of an educationally oriented youth program or organization connected to a school or non-profit organization (e.g., 4-H, Future Farmers of America, etc.)
- (d) **Educational Institutions.** See “Schools.”
- (e) **Electrical Power Generation (see Land Use Tables).** A facility that generates and distributes electrical energy for sale. The electricity may be generated from oil, gas, coal or fuels or from “alternate” sources including water, wind, the sun, bio gas, municipal or agricultural wastes. This includes “cogeneration,” which means the sequential use of energy for the production of electrical and useful thermal energy. The sequence can be thermal use followed by electric power production or the reverse. See also “Wind Energy System.”
- (f) **Emergency Access Route.** See “Road System.”
- (g) **Endangered Animals.** See “Animals.”
- (h) **Endangered Species.** See “Rare or Endangered Species.”
- (i) **Enforcement.** For the purposes of this code, certain words relative to enforcement are defined as follows:
 - (1) “Abatement costs” means any and all costs or expenses reasonably related to the abatement or removal of conditions which violate any provision of this code or any permit or any condition of land use approval granted pursuant thereto or the correction of such violation, and shall include, but not be limited to, enforcement, investigation, collection, and administrative costs; and attorney’s fees.
 - (2) “Administrative costs” means all costs incurred by or on behalf of the County

- (n) **Fire Department.** The San Bernardino County Fire Department.
- (o) **Fire Flow.** The required rate of flow times duration for fire protection varies according to density and type of development.
- (p) **Fire Resistive or Fire Resistive Construction.** Construction to resist the spread of fire, details of which may be specified in the Building Code of the jurisdiction.
- (q) **Fire Resistive Rating.** The time that the material or construction will withstand the standard fire exposure as determined by a fire test made in conformity with the standard methods of fire tests of buildings, construction and materials in the U.B.C. Standards.
- (r) **Fire Safety Areas.** See Chapter 82.15 (Fire Safety Overlay District).
- (s) **Firewood Contractor (see Land Use Tables).** A business that cuts, sells, stores and/or delivers firewood.
- (t) **First Floor.** See “Flood Hazard.”
- (u) **Fitness/health facility.** A fitness center, gymnasium, health and athletic club, which may include any of the following: swimming pool, sauna, spa or hot tub facilities; indoor tennis, handball, racquetball, archery and shooting ranges and other indoor sports activities. Does not include adult entertainment businesses.
- (v) **Fixture.** See “Lighting, Outdoor.”
- (w) **Fixed Wireless.** See “Wireless Telecommunication Facility.”
- (x) **Flag Lot.** See “Lot.”
- (y) **Flammable Liquid.** Any liquid having a flashpoint below 100°F and having a vapor pressure not exceeding 40 pounds per square inch (absolute) at 100°F. Class I liquids shall include those having flash points below 100°F and may be subdivided as follows:
- (1) Shall include those having flash points below 73°F and having a boiling point below 100°F.
 - (2) Shall include those having flash points below 73°F and having a boiling point at or above 100°F.
 - (3) Shall include those having flashpoints at or above 73°F and below 100°F.
- (z) **Flammable Solid.** A solid substance, other than one classified as an explosive, that is liable to cause fires through friction, through absorption of moisture, through spontaneous chemical changes or as a result of retained heat from manufacturing or processing.

- (aa) **Flood.** See “Flood Hazard.”
- (bb) **Flood Boundary and Flooding Map.** See “Flood Hazard.”
- (cc) **Flood Control District.** The San Bernardino County Flood Control District.
- (dd) **Flood Control Engineer.** The Engineer of the San Bernardino County Flood Control District appointed by the Board of Supervisors, or an authorized designee.
- (ee) **Repealed.**
- (ff) **Flood Hazard.** A substantial possibility of damage to life or property by overflow water, ponded water, or other water on the surface of the land, or by debris, or silt carried in the water. The following flood related terms are defined as follows:
- (1) **Accessory structure.** For floodplain management purposes, an accessory structure is one that is either solely for the parking of no more than two cars or a small, low cost shed for limited storage.
 - (2) **Addition.** For floodplain management purposes, an addition is an improvement that increases the square footage of a structure. Commonly, this includes the structural attachment of a bedroom, den, recreational room, garage or other type of addition to an existing structure.
 - (3) **Alluvial Fan.** A geomorphologic feature characterized by a cone or fan-shaped deposit of boulders, gravel, and fine sediments that have been eroded from mountain slopes, transported by flood flows, and then deposited on the valley floors, and which is subject to flash flooding, high velocity flows, debris flows, erosion sediment movement and deposition, and channel migration.
 - (4) **Apex.** The point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur. It is the point of highest elevation on an alluvial fan, which on undisturbed fans is generally the point where the major stream that formed the fan emerges from the mountain front.
 - (5) **Area of shallow flooding.** An area designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. The flooding is characterized by ponding or sheet flow.
 - (6) **Area of special flood hazard.** See “Special flood hazard area.”
 - (7) **Base Flood.** A flood that has a one percent chance of being equaled or exceeded in any given year (also called the “100 year flood”).

- (8) **Base flood elevation (BFE).** The elevation shown on the Flood Insurance Rate Map for Zones AE, AH, and A1-30, that indicates the water surface elevation resulting from a flood that has a one percent or greater chance of being equaled or exceeded in any given year.
- (9) **Certify.** To authenticate or vouch for in writing, and signed by the certifying party, that the submitted data is true, as represented, or that the requirements of the regulations have been satisfied.
- (10) **Encroachment.** The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.
- (11) **Existing manufactured home park or subdivision.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before October 17, 1978.
- (12) **Expansion** to an existing manufactured home park or subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- (13) **First Floor.** The lowest floor in a structure usable for living purposes, including the basement, which may include working, sleeping, eating cooking, recreation or a combination thereof.
- (14) **Flood.** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e., mudflows); any temporary rise in stream flow or water surface level that results in significant adverse effects in the floodplain. Adverse effects of floods may include damages from overflow of land areas, effects of temporary backwater or sewers and local drainage channels, bank erosion or channel shifts, unsanitary conditions or other unfavorable conditions resulting from deposition of materials in stream channels during flood recessions, rise of ground water coincident with increased stream flow and interruption of traffic at bridge crossings.
- (15) **Flood Insurance Rate Map (FIRM).** The official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community. The following flood hazard zones are shown on the FIRM:

- (A) **Zone A.** Areas that are subject to inundation by the 1-percent-annual-chance flood event (100-year flood). Because detailed hydraulic analyses have not been performed, no base flood elevation or depths are shown. Mandatory flood insurance purchase requirements apply.
- (B) **Zone AE.** Areas that are subject to inundation by the 1-percent-annual-chance flood event (100-year flood) determined by detailed methods. Base flood elevations are shown within these zones. Mandatory flood insurance purchase requirements apply.
- (C) **Zone AH.** Areas that are subject to inundation by 1-percent-annual-chance shallow flooding (100-year flood) (usually areas of ponding) where average depths are between one and three feet. Base flood elevations derived from detailed hydraulic analyses are shown in this zone. Mandatory flood insurance purchase requirements apply.
- (D) **Zone AO.** Areas that are subject to inundation by 1-percent-annual-chance shallow flooding (100-year flood) (usually sheet flow on sloping terrain) nowhere average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone. Mandatory flood insurance purchase requirements apply.
- (E) **Zone A1-30.** Areas that are subject to inundation by the 1-percent-annual-chance flood event (100-year flood), but which will ultimately be protected upon completion of an under-construction federal flood protection system. These are areas of special flood hazard where enough progress has been made on the construction of a protection system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. Zone A99 may only be used when the flood protection system has reached specified statutory progress toward completion. No base flood elevations or depths are shown. Mandatory flood insurance purchase requirements apply.
- (F) **Zone A99.** Areas that are subject to inundation by the 1-percent-annual-chance flood event (100-year flood), but which will ultimately be protected upon completion of an under-construction federal flood protection system. These are areas of special flood hazard where enough progress has been made on the construction of a protection system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. Zone A99 may only be used when the flood protection system has reached specified statutory progress toward completion. No base flood elevations or depths are shown. Mandatory flood insurance purchase requirements apply.
- (G) **Zone D.** Unstudied areas where flood hazards are undertermined, but flooding is possible. No mandatory flood insurance purchase requirements apply, but coverage is available in participating communities.

- (H) **Zone X.** Areas that are identified in the community FIS as areas of moderate or minimal hazard from the principal source of flood in the area. However, buildings in these zones could be flooded by severe, concentrated rainfall coupled with inadequate local drainage systems. Local storm water drainage systems are not normally considered in the community's FIS. The failure of a local drainage system creates areas of high flood risk within these rate zones. Flood insurance is available in participating communities but is not required by regulation in these zones.
- (16) **Flood Insurance Study.** The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map and the water surface elevation of the base flood.
- (17) **Floodplain or Flood-Prone Area.** The relatively flat area or lowlands adjoining the channel of a stream or watercourse and subject to overflow by flood waters.
- (18) **Floodplain management.** The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.
- (19) **Floodplain Administrator.** The Director of Public Works or his/her authorized designee.
- (20) **Floodplain management regulations.** This ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.
- (21) **Floodplain Review Areas.** See Chapter 82.14 (Flood Plain Safety Overlay District).
- (22) **Floodproofing.** Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. For guidelines on dry and wet floodproofing, see FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 7-93.
- (23) **Floodway.** The channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as "Regulatory Floodway."
- (24) **Floodway fringe.** That area of the floodplain on either side of the "Regulatory Floodway" where encroachment may be permitted.

- (25) **Fraud and victimization.** The exception granted must not cause fraud on or victimization of the public. In examining this requirement, the County will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty to one-hundred years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.
- (26) **Functionally Dependent Use.** A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.
- (27) **Hardship.** The exceptional hardship that would result from a failure to grant the requested variance. The County requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.
- (28) **Highest Adjacent Grade.** The highest natural elevation of the ground surface before construction next to the proposed walls of a structure.
- (29) **Historic Structure.** Any structure that is:
- (A) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - (B) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - (C) Individually listed on a state inventory of historic places in states with historic preservation programs that have been approved by the Secretary of the Interior; or

- (D) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
- (I) By an approved state program as determined by the Secretary of the Interior or
 - (II) Directly by the Secretary of the Interior in states without approved programs.
- (30) **Levee.** A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.
- (31) **Levee system.** A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.
- (32) **Lowest Floor.** For floodplain management purposes the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure below the lowest floor, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that the enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.
- (33) **Manufactured Home.** For floodplain management purposes, a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days.
- (34) **Manufactured Home Park or Subdivision.** For flood-plain management purposes, means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale or rent.
- (35) **Mean sea level.** For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.
- (36) **New Construction.** For floodplain management purposes, structures for which "the start of construction" commenced on or after October 17, 1978, including any subsequent improvements to the structures.
- (37) **New manufactured home park or subdivision.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the

installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after October 17, 1978.

- (38) **Obstruction.** Includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.
- (39) **One-hundred-year flood.** See "Base flood."
- (40) **Program deficiency.** A defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations.
- (41) **Public safety and nuisance.** That the granting of an exception must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.
- (42) **Regulatory Floodway.** The channel of a river or other water-course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- (43) **Remedy a violation.** To bring the structure or other development into compliance with State or local floodplain management regulations, or if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing State or Federal financial exposure with regard to the structure or other development.
- (44) **Rehabilitation.** An improvement made to an existing structure which does not affect the external dimensions of the structure.
- (45) **Riverine.** Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
- (46) **San Bernardino County Flood Control District.** A district established by act of the State Legislature, empowered to protect the watercourses of the District and governed by the Board of Supervisors of the County of San Bernardino acting as ex officio Governing Board of the District.

- (47) **Selected Flood.** A flood of a recurrence interval determined by the Planning Commission or Board of Supervisors after a recommendation of the Engineer of the San Bernardino County Flood Control District.
- (48) **Sheet flow area.** See "Area of shallow flooding."
- (49) **Special Flood Hazard Area (SFHA).** An area in the floodplain subject to a one percent or greater chance of flooding in any given year. It is shown on a FIRM as Zone A, AO, A1-30, AE, AH or A99.
- (50) **Start of Construction.** Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the state of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. **For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.**
- (51) **Standard Project Flood.** A flood that would result from a storm that is considered reasonably characteristic of the region in which the drainage area is located, giving consideration to the runoff characteristics of the drainage area and excluding rare combinations of meteorologic and hydrologic conditions. Such a flood provides a reasonable upper limit to be considered in designing flood control improvements and floodplain limits.
- (52) **Structure.** For floodplain management purposes, a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.
- (53) **Substantial Damage.** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- (54) **Substantial Improvement.** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not,

however, include either (1) any project for improvement of a structure to correct existing violation of state or local health, sanitary, or safety code specification that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions or (2) any alteration of a “historic structure,” provided that the alteration will not preclude the structure's continued designation a “historic structure.”

(55) Violation. The failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

(56) Water surface elevation. The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(gg) Flood Insurance Rate Map (FIRM). See “Flood Hazard.”

(hh) Floodplain. See “Flood Hazard.”

(ii) Floodplain Review Areas. See “Flood Hazard.”

(jj) Floodway. See “Flood Hazard.”

(kk) Flow Rate. The rate in which the water flows through the pipes, valves, and emission devices of an irrigation system measured in gallons per minute, gallons per hour, or cubic feet per second.

(ll) Flow Sensor. A device within the irrigation system that detects irregular flows indicating leaks, breaks, or another problem.

(mm) Food and Related Products Manufacturing. See “Manufacturing Operations I and II.”

(nn) Freestanding Lighting. See “Lighting, Outdoor.”

(oo) Freestanding Sign. See “Sign.”

(pp) Freeway. Any dedicated or deeded public right of way to which the owners of abutting lands have no right or easement of access to or from their abutting lands. In addition, freeway shall include those rights of way designated by official action as freeways by the California State Highway Commission or the County Board of Supervisors. See “Road System.”

(qq) Freight Container. Container primarily used to transport goods on trucks, railroad cars, ships, aircraft or other forms of transportation.

- (rr) **Front Lot Line.** See “Lot.”
- (ss) **Front Wall.** The nearest wall of a building or other structure to the street upon which the building faces, but excluding cornices, canopies, eaves or any other architectural embellishments that may extend beyond the front wall, not to exceed a distance of four feet.
- (tt) **Front Yard.** See “Yard.”
- (uu) **Frontage, Lot.** See “Lot.”
- (vv) **Frontage Road.** A minor street that is parallel to, and adjacent to, an arterial street or freeway, and that provides access to abutting properties and protection from through and fast traffic.
- (ww) **Fuel Break.** Areas also known as greenbelts that separate communities or clusters of structures from native vegetation. Within the fuel break boundaries the vegetation is thinned out, pruned, modified or landscaped to effectively reduce the volume and flammability of fuel, thereby substantially reducing or preventing the rate of spread and intensity of wildland fires.
- (xx) **Fuel Dealer.** A retail trade establishment that sells fuel oil, butane, propane and liquefied petroleum gas (LPG), bottled or in bulk, to consumers.
- (yy) **Fuel Modified Area.** An area where living and dead vegetation is managed regularly, usually by trimming, removal or substitution of natural vegetation, in order to reduce fire hazard, by use of mechanical, chemical and biological means and/or prescribed burning.
- (zz) **Fully-Shielded Fixture.** See “Lighting, Outdoor.”
- (aaa) **Functionally Dependent Use.** See “Flood Hazard.”
- (bbb) **Furniture and Fixture Manufacturing.** See “Manufacturing Operations I.”
- (ccc) **Future Right-of-Way.** Future right-of-way of streets shown in the Circulation Element of the General Plan shall be based upon the adopted County Road Standards assuming an equal dedication of right-of-way on both sides of the existing centerline, or shall otherwise be determined as shown on any adopted specific plan.

Adopted Ordinance 4011 (2007), Amended Ordinance 4136 (2011); Amended Ordinance 4163 (2012)

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- (m) **Manufacturing Operations II - General manufacturing (see Land Use Tables).** Manufacturing operations that involve exterior storage, large equipment, large number of employees, or that have historically been controversial.
- (1) **Apparel and Other Finished Products.** The manufacture of clothing and accessories by cutting and sewing purchased furs and related materials. Typical uses include: fur dressing and dyeing.
 - (2) **Chemicals and Related Products.** The manufacture or processing of basic, organic, or inorganic chemicals. This includes chemicals to be used in making other products and finished chemical products used for direct consumption or as industrial supplies. Typical uses include: industrial chemicals, plastics materials, synthetic resins or rubber, paints, varnishes, lacquers, agricultural chemicals.
 - (3) **Food and Related Products.** The processing or production of a natural or man-made solid or liquid food substances used for human or animal internal consumption. Typical uses include: slaughter houses, poultry dressing plants and flour mills.
 - (4) **Fabricated metal products.** The fabrication or further processing and assembly of metal parts into equipment or machinery. Typical uses include: automobile assembly plants, fabricated structural metal, metal forging and stampings.
 - (5) **Furniture and Fixtures.** The manufacture of furniture and related fixtures. Typical uses include: manufacture of household, office or other furniture.
 - (6) **Lumber and Wood Products.** The cutting, planing, compression and finishing of wood articles, except furniture and related fixtures and miscellaneous household or office products made wholly or partially of wood. Typical uses include: logging camps, saw mills.
 - (7) **Paper and Related Products.** The manufacturing of pulp, paper (both recycled and paper products from wood), other cellulose fibers, used paper, and rag cloth. Typical uses include: paper mills, paper coating and glazing.
 - (8) **Petroleum Refining and Related Industries.** The modification, refining, and mixing or storage of fossil fuels that are composed of petroleum or coal. Typical uses include: petroleum refining, asphalt batch plants, lubricating oils and greases.
 - (9) **Primary Metal Industries.** The smelting, refining, rolling, drawing and alloying of metals, manufacture of metal castings and production of coke. Typical uses include: blast furnaces, steel works and rolling and finishing mills, foundries, smelting and refining of nonferrous metals.
 - (10) **Rubber and Miscellaneous Plastic Products.** The manufacture from natural, synthetic or reclaimed rubber, and from chemicals or rubber or plastic products.

Typical uses include: tires, inner tubes, rubber and plastic footwear, rubber and plastic hoses and belts.

- (11) **Stone, Clay, and Glass Products.** The manufacture of products from stone, clay, sand and other nonmetallic minerals, excluding fuels. Typical uses include: brick, tile, dish, glass and insulation manufacturing and concrete plants.
- (12) **Textile Mill Products.** The preparation of fiber and subsequent manufacturing, drying, finishing or coating of fiber, thread, yarn, woven, knit, or nonwoven fabrics or miscellaneous textiles. Typical uses include: broad woven fabric mills, dyeing and finishing textiles, floor covering mills.
- (n) **Masonry Construction.** As defined in the Uniform Building Code, 1991 Edition with amendments.
- (o) **Map Act.** California Subdivision Map Act, Government Code Section 66410 et seq.
- (p) **May.** A permissive or optional provision, regulation or specification.
- (q) **Maximum Applied Water Allowance (MAWA).** The upper limit of the annual amount of applied water allowed for an established landscape.
- (q) Medical Marijuana Dispensary.**
- (1) A medical marijuana dispensary is any facility or location, whether fixed or mobile, where marijuana is cultivated, made available, and/or distributed by or to three or more persons within the following categories: a primary caregiver, a qualified patient, or a patient with an identification card, as those terms are defined in Health and Safety Code Sections 11362.5 and 11362.7 et seq. as such sections may be amended from time to time.
- (2) A medical marijuana dispensary shall not include the following uses, provided that such uses may otherwise be lawfully established and operated and comply with this code and all other applicable laws, including, but not limited to, Health and Safety Code Sections 11362.5 and 11362.7 et seq.:
- (a) An in-patient “health facility” as defined by and licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code (commencing with Section 1250);
- (b) A “residential care facility for persons with chronic life threatening illness” as defined by and licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code (commencing with Section 1568.01);
- (c) A “residential care facility for the elderly” as defined by and licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code (commencing with Section 1569);

- (d) A “home health agency” as defined by and licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code (commencing with Section 1725); and,
 - (e) A nonexempt “hospice” as defined by and licensed pursuant to Chapter 8.5 of Division 2 of the Health and Safety Code (commencing with Section 1745).
- (3) The word “marijuana” shall have the same meaning as that set forth in Health & Safety Code Section 11018. The term “medical marijuana” is marijuana used for medicinal purposes in strict accordance with Health and Safety Code Sections 11362.5 and 11362.7 et seq.
- (r) **Medical Services, Hospital (see Land Use Tables).** Hospitals and similar facilities engaged primarily in providing diagnostic services, and extensive medical treatment, including surgical and other hospital service. These establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care. May include on-site accessory clinics and laboratories, accessory retail uses, and on-site ambulance dispatch facilities.
- (s) **Medical Services - Rehabilitation Center (see Land Use Tables).** A facility providing skilled nursing and/or medical care to persons recovering from injuries or dependencies.
- (t) **Meeting Facility, Public or Private (see Land Use Tables).** A facility for public or private meetings, including community centers, civic and private auditoriums, grange halls, mortuaries, union halls, meeting halls for clubs and other membership organizations, etc. Also includes functionally related internal facilities such as kitchens, multi-purpose rooms, and storage. Does not include conference and meeting rooms accessory and incidental to another primary use that are typically used only by on-site employees and clients, and occupy less floor area on the site than the offices they support (see “Offices”). Does not include: sports or other commercial entertainment facilities (see “Theater,” and “Sports and Entertainment Assembly”); or convention centers (see “Conference/Convention Facility”). Related on-site facilities including day care centers and schools are separately defined. Also see “Places of Worship.”
- (u) **Menagerie.** A private collection of three or more wild, exotic or dangerous animals that are raised, bred, trained and/or maintained without any public display or exhibition on the site.
- (v) **Microclimate.** The climate of a small, specific landscaped area that may contrast with the climate of the overall landscaped areas due to varying factors such as wind, sun/shade exposure, the density of planting material, and/or the proximity to adjacent reflective surfaces.
- (w) **Mined Lands.** Includes the surface, subsurface, and groundwater of an area where surface mining operations will be, are being, or have been conducted. This includes

private ways and roads appurtenant to any land excavations, workings, mining waste, and areas where structures, facilities, equipment, machines, tools or other materials or property that result from, or are used in, surface mining operations are located. See also “Surface Mining Operations.”

- (x) **Mineral Resources.** A collective term for all mineral deposits of a particular kind, or for mineral deposits in general.
- (y) **Minerals.** See “Surface Mining Operations.”
- (z) **Minimum Lot Size.** See “Lot Size, Minimum.”
- (aa) **Mining and Reclamation Lead Agency.** See “Lead Agency.”
- (bb) **Mining and Reclamation Operator.** See “Surface Mining Operations.”
- (cc) **Mining and Reclamation Plan.** A plan required by the County for all surface mining operations. The plan requires measures to be taken that provide for reclamation of mined lands to a usable condition that is readily adaptable for alternative land use and creates no danger to public health or safety.
- (dd) **Mining Hazardous, Excavation.** See “Hazardous Excavation.”
- (ee) **Mining Reclamation.** See “Surface Mining Operations.”
- (ff) **Mining Waste.** Includes the residual of soil, rock, mineral, liquid, vegetation, equipment, machines, tools, or other materials or property directly resulting from, or displaced by, surface mining operations.
- (gg) **Mini-Storage.** See “Storage, Personal.”
- (hh) **Minor Grading.** See “Grading.”
- (ii) **Minor Event.** See “Special Event, Temporary.”
- (jj) **Minor Maintenance/Repair.** See “Vehicle Services.”
- (kk) **Minor Subdivision Plot Plan.** Any application plot plan requesting the subdivision of any parcel or parcels of land shown as a unit or contiguous units under one or a common ownership, and that is proposed for subdivision for the purpose of sale, lease, financing, or other conveyance, including gift, either immediate or in the future, into two, three or four lots, parts or parcels and a remainder parcel. For the purposes of this definition, a Minor Subdivision Plot Plan shall also mean a Tentative Parcel Map.
- (ll) **Mitigation Measures.** Necessary steps taken to lessen potential impacts of development or actions on the environment.

- (mm) **Mixed Land Use.** The unspecified mixture of compatible land uses within one building or within a section or sections of a community.
- (nn) **Mobile Home, Boat, or RV Sales (see Land Use Tables).** Retail establishments selling both mobile home dwelling units, and/or various vehicles and watercraft for recreational uses. Includes the sales of boats, campers and camper shells, jet skis, mobile homes, motor homes, and travel trailers.
- (oo) **Mobile Home, Dependent.** A mobile home or travel trailer coach not equipped with a toilet for sewage disposal.
- (pp) **Mobile Home.** A structure that was constructed prior to June 15, 1976, is transportable in one or more sections, which in the traveling mode, is eight body feet or more in width, or 40 feet or more in length, or, when erected on site, is 320 or more square feet, and designed to be used as a dwelling unit with or without a permanent foundation when connected to utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein; except that such term will include any structure which meets all the requirements of this paragraph and complies with the state standards in effect at the time of construction. "Mobile home does not include commercial modulars, as defined in Section 18001.8, factory-built housing, as defined in Section 19971, a manufactured home, as defined in Section 18007, or a recreational vehicle, as defined in Section 18010 of the California Health and Safety Code (CHSC).
- (qq) **Mobile Home Park/manufactured home land-lease community (see Land Use Tables).** An area or tract of land designed as a single unit where spaces for two or more mobile homes used for human habitation are rented or leased on a monthly or greater basis, or owned separately.
- (rr) **Mobile Home Park Lot.** A portion of a mobile home park designated or used for the occupancy of one trailer coach or camping party.
- (ss) **Mobile Home, Self-Contained.** A mobile home or trailer equipped with a toilet, water storage tank for potable water and a sewage holding tank.
- (tt) **Mobile Recycling Unit.** See "Recycling Facility."
- (uu) **Modular unit (Factory-built housing).** A residential building, dwelling unit, or an individual dwelling room or combination of rooms thereof, or building component, assembly, or system manufactured in such a manner that all concealed parts or processes of manufacture cannot be inspected before installation at the building site without disassembly, damage, or destruction of the part, including units designed for use as a part of an institution for resident or patient care, that is either wholly manufactured or is in substantial part manufactured at an offsite location to be wholly or partially assembled onsite in accordance with building standards published in the California Building Standards Code and other regulations adopted by the commission pursuant to section 19990. Factory-built housing does not include a mobile home, as defined in Section 18008, a recreational vehicle, as defined in Section 18010.5, or a

commercial modular, as defined in Section 18012.5 of the California Health and Safety Code (CHSC).

(vv) **Monopole.** See “Wireless Telecommunication Facility.”

(ww) **Monument Sign.** See “Sign.”

(xx) **Moratorium.** See “Development Moratorium.”

(yy) **Motel.** A building or group of two or more detached, semi detached or attached buildings containing guest rooms designed, used and intended, wholly or in part, for the accommodation of transients for compensation on a daily or weekly basis. These establishments provide lodging and parking for automobile travelers and the rooms are usually accessible from outdoor parking area. These establishments may include guest rooms with food preparation areas (kitchenettes) and are designed, intended or used primarily for the accommodation of automobile travelers. Included are lodging establishments designated as cabins, motor courts, and similar designations; not including those facilities defined in social care facilities or any jail, hospital, asylum, sanitarium, orphanage, prison or other building in which human beings are housed and detained under legal restraint.

(zz) **Motor Vehicle.** A self-propelled device by which persons or property may be moved upon a highway, excepting a device moved by human power or used exclusively upon stationary rails or tracks.

(aaa) **Motor Vehicle Dismantling Facility (see Land Use Tables).** Any premises used for the dismantling of wrecking of vehicles required to be registered under the Vehicle Code of the State of California. Activities may include the buying, selling or dealing in vehicles, their integral parts, or component materials thereof, and the storage, sale or dumping of dismantled, partially dismantled, wrecked or inoperative vehicles. See also “Recycling Facilities – Scrap and Dismantling Yard.”

(bbb) **Motor Vehicle Storage/Impound Facility (see Land Use Tables).** Any lot, lot area, or parcel of land used, designed, or maintained for the specific purpose of storing, impounding, or keeping motor vehicles, but not including dismantling or wrecking activities.

(ccc) **Mountain Major Highway.** See “Road System.”

(ddd) **Mountain Region.** Areas within the following described boundary: Beginning at the intersection of the boundary line between San Bernardino and Los Angeles Counties and the north line of Section 31 Township 4 North, Range 7 West, SBB&M, thence generally easterly and southerly along the National Forest boundary to its intersection with the boundary line between San Bernardino and Riverside Counties; thence westerly along the County line to the southwest corner of Township 1 South, Range 1 East; thence generally northerly and westerly following the National Forest boundary to the intersection of north boundary of Section 24, Township 1 North, Range 8 West,

SBB&M and the boundary line between San Bernardino and Los Angeles Counties; thence northerly along the County line to the point of beginning.

(eee) Mountain Secondary Highway. See “Road System.”

(fff) Mudslide. The flow of mud and debris in a downslope direction due to slope failure, caused by poor structural and water retention properties of the soil. They are generally experienced after heavy precipitation, fast snowpack melt, an earthquake or any combination thereof.

(ggg) Mulch. Organic material such as leaves, bark, or inorganic material such as pebbles, stones, gravel, decorative sand, and decomposed granite that is left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperatures, and preventing soil erosion.

(hhh) Multi-Family Residential Projects. Development project in which two or more attached or detached units are located, including apartments or condominiums.

(iii) Multiple Dwelling Unit (see Land Use Tables). A multiple dwelling unit is a series or combination of dwelling units, either attached or detached, designed to house more than one family with individual, shared or no kitchen privileges (e.g. apartments, condominiums, boarding houses, residential hotels). See also “Dwelling, Multiple Family.”

(jjj) “Multi-unit manufactured housing.” Pursuant to California Health and Safety Code (CHSC) Section 18008.7, multi-unit manufactured housing means either of the following:

- (1) A structure transportable under permit in one or more sections designed and equipped to contain not more than two dwelling units, a dormitory, or an efficiency unit as defined in Section 17958.1, to be used with a support system pursuant to Section 18613 or a foundation system pursuant to Section 18551.
- (2) A structure transportable under permit in one or more sections, designed to be used with a foundation system for either of the following purposes:
 - (A) Three or more dwelling units, as defined in Section 18003.3.
 - (B) A residential hotel, as defined by paragraph (1) of subdivision (b) of Section 50519.

“Multi-dwelling unit manufactured housing” shall be constructed in compliance with all applicable department regulations. The egress and fire separation requirements of Title 24 of the California Code of Regulations (CCR) applicable to dormitories, hotels, apartment houses, and structures that contain two dwelling units shall also be applicable to all multi-dwelling manufactured housing constructed for those purposes. The accessibility and adaptability requirements of Title 24 of the CCR applicable to dormitories, hotels and apartment homes shall

also be applicable to multi-dwelling unit manufactured housing containing three or more dwelling units.

Notwithstanding any other provision of law, all provisions of law that apply to manufactured homes shall apply to equally to multi-dwelling unit manufactured housing. For purposes of this section:

- (1) "Dormitory" means a room or rooms inhabited for the purposes of temporary residence by two or more persons
- (2) "Efficiency unit" has the same meaning as defined in Section 17958.1.

| **(kkk) Multi-use Center.** An area of service, retail or publicly oriented facilities that are centrally located along collector streets or major arterials and serve the local residents.

| **(III) Museum.** See "Library, Museum, Art Gallery, Outdoor Exhibit."

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008), Amended Ordinance 4136 (2011); Amended Ordinance 4140 (2011)

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810.01.160 Definitions, “N.”

- (a) **National Forest Lands.** Lands under the jurisdiction of U.S. Forest Service and within the boundaries of the San Bernardino and Angeles National Forests.
- (b) **Native Tree.** See “Tree, Native.”
- (c) **Native Vegetative Species.** All plant species indigenous to the State of California and compatible to the climate and elevation of the area to be landscaped.
- (d) **Natural Resources Development (see Land Use Tables).** The development and extraction of mineral deposits, natural vegetation and energy sources, together with the necessary incidental buildings, apparatus or appurtenances.
- (e) **Natural Hazards.** Any one or combination of naturally occurring phenomena (e.g., earthquakes, forest and brush fires, landslides, mudslides, etc.) that pose a potential threat to the manmade environment.
- (f) **Nature Preserve.** An area of land maintained in its natural state for the preservation of habitat or other natural resources
- (g) **New Construction.** See “Flood Hazard.”
- (h) **Night Club (see Land Use Tables).** A facility with the primary function of providing entertainment, examples of which include live music and/or dancing, comedy, etc., which may serve alcoholic beverages for on-site consumption. Does not include adult entertainment businesses, which are separately defined.
- (i) **Night Sky.** See “Lighting, Outdoor.”
- (j) **Noise Contour.** A mapped line connecting points where the same sound pressure level prevails. Contours form bands of width emanating from a noise source, and approximate true ambient noise levels.
- (k) **Non-access.** See “Access.”
- (l) **Nonconforming or Nonconforming Use.** Any building, structure or portion thereof, or use of building or land that does not conform to the regulations of the San Bernardino County Code or applicable specific plan and that lawfully existed at the time the regulations, or an amendment thereto, with which it does not conform became effective.
- (m) **Nonvehicular Access.** See “Access.”
- (n) **Notice.** A method of conveying information pertaining to a pending land use decision that may affect members of the public.

810.01.170 Definitions, “O.”

- (a) **Occupancy Group.** The California Building Code classification of the intended use or character of all areas of the structure/building.
- (b) **Occupant Load.** The number of persons for which the California Building Code required exiting system must be designed.
- (c) **Office.** This Development Code distinguishes between the following types of offices. See also “Professional Services.”
 - (1) **Accessory (see Land Use Tables).** Office facilities for administration, and/or on-site business and operations management, that are incidental and accessory to another business, sales, and/or service activity that is the primary use.
 - (2) **Government (see Land Use Tables).** Administration, clerical, or public contact and/or service offices of a local, state, or federal government agency or service facilities. Includes post offices, but not bulk mailing distribution centers, which are under “Truck Terminal.”
- (d) **Official Map.** An Official Map is a map prepared in compliance with this Development Code and shall be substituted for a final map when it is certified, filed and bound, but not before.
- (e) **Off-Highway or Off-Road Vehicle Race.** Any organized sporting event or rally where motorized vehicles are utilized in a contest of speed, or in a competitive trial of speed or skill or recreational event, all or a portion of which is conducted outside dedicated public rights-of-way maintained by a public agency.
- (f) **On-Site Detention.** Temporary storage of stormwater runoff on the site.
- (g) **On-Site Retention.** Permanent holding of stormwater runoff on the site through percolation to the ground.
- (h) **Open Lot Services.** Commercial establishments that are primarily involved in the delivery of their service from an open lot with relatively few support structures.
- (i) **Open Space.** Land where basic natural values have been retained. Open space can include wilderness areas, a small park in the middle of a city, pastures, forested areas, agricultural groves, vineyards, golf courses, floodwashes, etc. The function of open space may differ, depending upon the location. It may have a protective function, as in the case of open space in flood plain areas, where it serves to protect health and safety. It can have a structural or buffer function to space and separate conflicting land uses. It may serve a recreational function, or a scenic function to provide aesthetic views of forests or mountains.

- (j) **Operating Pressure.** Is the pressure, based on the recommendations of the irrigation equipment manufacture for optimal performance, at which an irrigation system with sprinkler/irrigation heads is designed. Operating pressure is usually indicated at the base of the sprinkler/irrigation head.
- (k) **Off-site Sign.** See “Sign.”
- (l) **On-Site Sign.** See “Sign.”
- (m) **Open Space, Common.** Open space within a single unified development owned, designed and set aside for all occupants of the development or by occupants of a designated portion of the development. Common open space is not dedicated to the public and is owned and maintained by a private organization made up of the open space users.
- (n) **Open Space, Private.** Open space directly adjoining the living areas of dwelling units, which is intended for all private enjoyment of the residents of the dwelling unit. Private open space shall in some manner be defined so that its boundaries are evident.
- (o) **Operator, Mining and Reclamation.** See “Surface Mining Operations.”
- (p) **Outdoor Advertising.** A structure, of any kind or character, erected or maintained for outdoor advertising purposes, upon which any poster, bill, printing, painting or other advertisement of any kind whatsoever may be placed, including statuary, for advertising purposes.
- (q) **Outdoor Exhibit.** See “Library, Museum, Art Gallery, Outdoor Exhibit.”
- (r) **Outdoor Festival (see Land Use Tables).** Any music festival, dance festival, “rock” festival, or similar musical activity or gathering where live or prerecorded entertainment is presented to the public at facilities without permanent land use approval for the activity.
- (s) **Outdoor Lighting.** See “Lighting, Outdoor.”
- (t) **Outdoor Market.** See “Swap Meet, Outdoor Market, Auction Yard.”
- (u) **Overburden.** Soil, rock, or other materials that lie above a natural mineral deposit or in between deposits, before or after their removal by surface mining operations.
- (v) **Overlay Districts.** An area within which a set of standards and requirements are employed to deal with special physical characteristics such as flood plains or geologically hazardous areas. Overlay Districts are described in Division 2 (Allowed Land Uses and Permit Requirements) and are mapped and imposed in conjunction with, and in addition to, the underlying land use zoning district.
- (w) **Overspray.** The water that is applied beyond the landscaped areas onto pavement, walkways, structures, and other non-landscaped areas by the irrigation system.

| **(x) Owner.** A person or persons shown by the most current legally prepared document that has been recorded by the County Recorder's Office that transfers, grants or imports total or partial ownership of a parcel.

| **(y) Original Parcel.** See "Parcel, Original."

| **(z) Operative Vehicles.** See "Vehicles, Operative."

Adopted Ordinance 4011 (2007); Amended Ordinance 4098 (2010), Amended Ordinance 4136 (2011)

810.01.180 Definitions, "P."

- (a) **Paper and Related Products Manufacturing.** See "Manufacturing Operations I and II."
- (b) **Parcel.** Any real property described or created by map or deed. "Parcel" shall also refer to a legally defined lot, or contiguous group of lots in single ownership or under single control, and considered a unit for purposes of development. See also "Lot."
- (c) **Parcel Map.** Means parcel map as defined in 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."

Adopted Ordinance 4011 (2007)

- (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) **Pervious Surface.** A surface or material that allows water to pass through the material into the underlying surface.
- (x) **Pet Cemetery.** See “Cemetery.”
- (y) **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.
- (z) **Petroleum Refining and Related Industries.** See “Manufacturing Operations II.”
- (aa) **Phase.** Any contiguous part or portion of a single unified development project that is developed as a unit in the same time period.
- (bb) **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.”
- (cc) **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.
- (dd) **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.
- (ee) **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).

- (ff) **Planning Fee Schedule.** See “Fee Schedule.”
- (gg) **Planning Permit.** Issued as a result of an approval of a land use application.
- (hh) **Plant Factor.** The factor, when multiplied by the reference evapotranspiration rate E_{To} , estimates the amount of water that is needed by plant material. The plant factor range for low water use plant material shall be 0 to 0.3, the plant factor for medium water use plant material shall be 0.4 to 0.6, and the plant factor for high water use plant material shall be 0.7 to 1.0. These plant factors have been derived from the Department of Water Resources publication, *Water Use Classification of Landscape Species*, third edition (WUCOLS III).
- (ii) **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).
- (jj) **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.
- (kk) **Plant Material.** A living organism such as a tree, shrub, groundcover, succulent, grass (native and turf variety), annual, perennial, vines, herbs, ferns, and/or conifer used within a landscaped area, and needs permanent and/or supplemental irrigation.
- (ll) **Plastic Manufacturing.** See “Manufacturing Operations I and II.”
- (mm) **Playground.** An area occupied by children’s play equipment, including climbing equipment, sandboxes, slides, swings, and/or similar equipment.
- (nn) **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.
- (oo) **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.”

- (pp) **Potable Water.** Water that is meant for human consumption and has been treated to legal standards.
- (qq) **Precipitation Rate.** The application rate of water measured in inches per hour.
- (rr) **Preserve.** See “Nature Preserve.”
- (ss) **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.
- (tt) **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.
- (uu) **Pressure Regulator.** A device used within an irrigation system to regulate pressure and maintain irrigation head radius control.
- (vv) **Primary Metal Industries.** See “Manufacturing Operations II.”
- (ww) **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.”
- (xx) **Private Garage.** See “Garage, Private.”
- (yy) **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.
- (zz) **Private Meeting Facility.** See “Meeting Facility.”
- (aaa) **Private Open Space.** See “Open Space, Private.”
- (bbb) **Private Stable.** See “Stable, Private.”
- (ccc) **Processing Facility.** See “Recycling Facility.”
- (ddd) **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.
- (eee) **Professional and Scientific Goods Manufacturing.** See “Manufacturing Operations I.”

- (fff) 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.
- (ggg) Projecting Sign.** See “Sign.”
- (hhh) Property Line.** See “Lot.”
- (iii) 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.
- (jjj) Public Building.** A structure used for public assembly purposes in conjunction with an institutional use.
- (kkk) Public Directional Sign.** See “Sign.”
- (lll) 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.
- (mmm) Public Garage.** See “Garage, Public.”
- (nnn) 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.
- (ooo) Public Meeting Facility.** See “Meeting Facility.”
- (ppp) Public Parking Area.** See “Parking Area, Public.”
- (qqq) Public Stable.** See “Stable, Public.”
- (rrr) 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.
- (sss) 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), Amended Ordinance 4136 (2011)

810.01.190 Definitions, “Q.”

- (a) **Quality Control Engineer.** A registered civil engineer working under a contract with the County who is responsible to the County to assure compliance by the developer with the conditions of approval adopted by the County. This definition does not include the civil engineer responsible for professional inspection as required by the California Building Code.

Adopted Ordinance 4011 (2007)

810.01.200 Definitions, "R."

- (a) **Raised Sleeping Beds.** A piece of furniture on, or in, which to lie and sleep and which is elevated off of the floor at least two feet. For the purposes of this definition, a single (or twin) bed will accommodate one person, while a double, queen or king bed will each accommodate two persons.
- (b) **Ranch/Farm.** An establishment primarily engaged in growing crops and raising animals. A ranch/farm may consist of a single tract of land or a number of separate tracts that may be held under different tenures (i.e., the ranch/farm operator may own one tract and rent another). A ranch/farm may be operated by the owner alone or with the assistance of members of the household or hired employees. See also "Agriculture," "Agricultural Use," and "Agritourism." Does not include "Agricultural Support Service."
- (c) **Rare or Endangered Species.** As used in the Development Code or the San Bernardino County Environmental Review Guidelines, shall be as defined in Section 15380 of the California Environmental Quality Act (CEQA) Guidelines.
- (d) **Rear Lot Line.** See "Lot."
- (e) **Rear Yard.** See "Yard."
- (f) **Reclamation.** See "Surface Mining Operations."
- (g) **Recreational and Entertainment Services.** Establishments that provide leisure time activities and services that involve many people in a public assembly use where people either participate individually or are entertained by an activity. See also "Rural Sports and Recreation."
- (h) **Recreational Use.** Public use of land for walking, hiking, skiing, riding, driving, picnicking, camping, swimming, boating, fishing, hunting or other outdoor games or sports for which land or facilities are provided for public participation.
- (i) **Recreational Vehicle (RV).** A motor home, travel trailer, truck camper or camping trailer, with or without self-propelled motive power, designed for human habitation for recreational or emergency occupation, and that may be moved upon a public highway without a special permit or chauffeur's license or both without violating any provision of the California Vehicle Code. A "Self Contained Recreational Vehicle" shall be a recreational vehicle with a kitchen sink, cooking appliance, refrigeration facilities, and a separate bathroom containing a water closet with a flush toilet, lavatory and bathtub or shower. A self-contained recreational vehicle shall have adequate provisions for the sleeping, bathing, sanitation, food preparation and eating by the number of people occupying the self contained recreational vehicle.

- (j) **Recreation Hall.** A relatively large room or hall (over 3,000 sq. ft.) within a multiple-family project with a kitchen for hosting fairly large events and concerts (60-80+ people) and may have an area set up, more or less permanently, for indoor games (e.g. ping pong tables, pool tables, foosball tables, etc.), for a library, for small gatherings, or for use as a mini cinema.
- (k) **Recreational Vehicle Park (RVP) (see Land Use Tables).** An area or tract of land, within an area where the land use zoning district allows recreational uses and where one or more lots are rented or leased or held out for rent, or lease to owners or users of recreational vehicles for temporary occupancy. **Incidental food, alcoholic beverages, sales and service intended for the convenience of the guests at the recreational vehicle park are allowed.**
- (l) **Recyclable Material.** Reusable material including but not limited to metals, glass, plastic and paper, which are intended for reuse, remanufacture, or reconstitution for the purpose of using the altered form. Recyclable material does not include refuse or hazardous material. Recyclable material may include used motor oil collected and transported in compliance with Health and Safety Code Sections 25250.11 and 25143.2(b)(4).
- (m) **Recycling Facility (see Land Use Tables).** A center for the collection and/or processing of recyclable materials. A “Certified Recycling Facility” or “Certified Processor” is a recycling facility certified by the California Department of Conservation as meeting the requirements of the California Beverage Container recycling and Litter Reduction Act of 1986. A recycling facility does not include storage containers or processing activity located on the premises of a residential, commercial, or manufacturing use and used solely for the recycling of material generated by that residential property, business or manufacturer. Recycling facilities may include the following:
- (1) **Collection Facility.** A center for the acceptance, by donation, redemption, or purchase, of recyclable materials from the public. The facility does not use power-driven processing equipment except as provided by this Title. Collection facilities may include the following:
- (A) **Reverse Vending Machine(s).** As defined below.
- (B) **Small Collection Facility.** Occupies an area of not more than 500 square feet and may include:
- (I) A mobile unit;
- (II) Bulk reverse vending machines or a grouping of reverse vending machines occupying more than 50 square feet;
- (III) Kiosk type units, which may include permanent structures;
- (IV) Unattended containers placed for the donation of recyclable materials.

- (C) **Large Collection Facility.** May occupy an area of more than 500 square feet and may include permanent structures.
- (2) **Processing Facility.** A building or enclosed space used for the collection and processing of recyclable material. Processing means the preparation of material for efficient shipment, or to an end-user's specifications, by means such as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing. Processing facilities include the following:
- (A) **Light Processing Facility.** Occupies an area of under 45,000 square feet of gross collection, processing, and storage area and has up to an average of two outbound truck shipments per day. Light Processing Facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting of source-separated recyclable materials and repairing of reusable materials sufficient to qualify as a Certified Processing Facility. A Light Processing Facility shall not shred, compact, or bale ferrous metals other than food and beverage containers.
- (B) **Heavy Processing Facility.** Any processing facility other than a Light Processing Facility.
- (3) **Reverse Vending Machine.** An automated mechanical device that accepts at least one or more types of empty beverage containers, including, but not limited to aluminum cans, glass and plastic bottles, and cartons, and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value as determined by the State. A Reverse Vending Machine may sort and process containers mechanically provided that the entire process is enclosed within the machine. In order to accept and temporarily store all three container types in a proportion commensurate with their relative redemption rates, and to meet the requirements of certification as a recycling facility, multiple grouping of Reverse Vending Machines may be necessary. A "Bulk Reverse Vending Machine" is a reverse vending machine that is larger than 50 square feet; is designed to accept more than one container at a time; and will pay by weight instead of by container.
- (4) **Mobile Recycling Unit.** An automobile, truck, trailer or van, licensed by the Department of Motor Vehicles, which is used for the collection of recyclable materials. A Mobile Recycling Center also means the bins, boxes or containers transported by trucks, vans, or trailers, and used for the collection of recyclable materials.
- (5) **Scrap and Dismantling Yard.** Outdoor establishments primarily engaged in assembling, breaking up, sorting, and the temporary storage and distribution of recyclable or reusable scrap and waste materials, including auto wreckers engaged in dismantling automobiles for scrap, and the incidental wholesale or retail sales of parts from those vehicles. Includes light and heavy processing facilities for recycling (see the definitions above). Does not include: pawn shops,

and other secondhand stores; the sale of operative used cars; or landfills or other waste disposal sites. See also “Motor Vehicle Dismantling Facility” and “Salvage Operations.”

- (n) **Recycling Facility, Accessory (see Land Use Tables).** A recycling facility as defined above, that is incidental to a primary industrial or commercial use.
- (o) **Recycled Water.** See “Non-Potable Water”
- (p) **Reference Evapotranspiration Rate (ET_o).** The quantity of water, which evaporates from adjacent soils and/or other surfaces, and which also is transpired by plant material during a specified time. Specified times are normally collected as monthly and daily readings. Monthly and daily ET_o's can be found on the California Irrigation Management Information Systems (CIMIS) website.
- (q) **Regulatory Floodway.** See “Flood Hazard.”
- (r) **Rehabilitation.** The restoration of deteriorated structures, neighborhoods and public facilities. It may involve repair, renovation, conversion, expansion, remodeling, reconstruction or any combination thereof.
- (s) **Rehabilitation Center.** See “Medical Services Rehabilitation Center.”
- (t) **Rehabilitated Landscape.** A re-landscaping project that meets the applicability requirements of Chapter 83.10, Landscaping Standards.
- (u) **Related Land Use.** A land use that is supportive of the predominant land use of an area. For example, a neighborhood commercial center is a supportive use in the residential land use category.
- (v) **Religious Assembly Facility.** See “Meeting Facility, Public or Private” and “Places of Worship.”
- (w) **Remainder Parcel.** See “Parcel, Remainder.”
- (x) **Remote Unit.** See “Wireless Telecommunication Facilities.”
- (y) **Repair Services.** Establishments engaged in the provision of repair services to individuals, households and firms.
- (z) **Reserve Parcel.** See “Parcel, Reserve.”
- (aa) **Reservoir.** A naturally occurring or artificially created body of water (impounded above or below surface level) with a designated holding capacity of at least one acre-foot of water. Does not include “Pond.” See also “Lake.”
- (bb) **Residential Accessory Use or Structure (see Land Use Tables).** See “Accessory Structure.”

- (cc) **Residential Development.** A project containing one or more residential dwelling units, including mobile homes, or a subdivision of land for the purpose of constructing one or more residential dwelling units.
- (dd) **Residential Hotel.** See “Hotel, Residential.”
- (ee) **Residential Use.** One or more of the dwelling unit types listed in the tables Division 2 (Land Use Zoning Districts and Allowed Land Uses) under the heading of “Residential.”
- (ff) **Residuals Depository.** See “Hazardous Waste.”
- (gg) **Responsible Person.** Any person who creates a condition that may lead to accelerated erosion. If a specific person cannot be identified, the owner of the land where the condition exists shall be considered the responsible person.
- (hh) **Restaurant, Café, Coffee Shop (see Land Use Tables).** A retail business selling ready-to-eat food and/or beverages for on- or off-premise consumption. These include eating establishments where customers are served from a walk-up ordering counter for either on- or off-premise consumption (“counter service”); and establishments where customers are served food at their tables for on-premise consumption (“table service”), that may also provide food for take-out.
- (ii) **Retail, General.** See “General Retail.”
- (jj) **Retail Sale.** A sale of commodities or goods for personal household or farm consumption directly to the ultimate consumer. Sales are normally in small quantities and may include the rendering of services incidental to and supportive of the sale of the merchandise.
- (kk) **Reversed Corner Lot.** See “Lot.”
- (ll) **Reverse Vending Machine.** See “Recycling Facility.”
- (mm) **Reversion to Acreage.** The process by which subdivided real property may be reverted to acreage.
- (nn) **Review Authority.** Person, body or agency authorized to render land use decisions or provide technical recommendations to the Planning Agency.
- (oo) **Right-of-way.** Any strip or area of land, including surface, overhead, or underground, granted by easement, for construction and maintenance according to a designated use, such as drainage canals and ditches, electric power and telephone lines, gas, oil, water, and other pipelines, highways and roads and/or flowage or impoundment of surface waters.
- (pp) **Right-of-Way, Transportation.** See “Transportation **Right-of-Way.**”

- (qq) **Riparian habitat.** A natural plant community located along, and dependent upon, a water body or water course (e.g., sides of canyon bottoms, creeks, streams, rivers, etc.)
- (rr) **Road or Roadway.** An open way for vehicular traffic.
- (ss) **Road Easement.** See “Easement.”
- (tt) **Road Easement, Private.** See “Easement.”
- (uu) **Road System.** The classification of streets and highways by their diverse functions and design. The following is the commonly used hierarchy of streets and highways for planning purposes:
- (1) **Local Street.** A roadway allowing access to abutting land, serving local traffic only.
 - (2) **Collector.** A street used by traffic to travel from local streets to secondary or major highways; usually it allows direct access to abutting properties.
 - (3) **Emergency Access Route.** A two-lane street of high standards, designed, constructed and specifically identified as an emergency access route to serve as a collector or distributor of neighborhood traffic and as an alternative access route in an emergency situation.
 - (4) **Mountain Secondary Highway.** A controlled access, moderate speed, two-lane highway, designed and constructed to accommodate high volumes of intercommunity traffic.
 - (5) **Mountain Major Highway.** A limited access, high speed, four-lane highway, designed and constructed to accommodate large volumes of intercommunity traffic. The mountain expressway connects intensely developed areas and points of interest. It is a four-lane highway with intersections at grade. It is striped for two lanes with shoulders in each direction. Turn lanes at intersections when necessary will require additional rights-of-way and roadway widths.
 - (6) **Secondary Highway.** A street serving traffic from collector streets and major highways that provides for traffic movement to and from traffic generators and attractors; the street is subject to controlled access from the properties fronting on the right of way; intersecting streets are subject to appropriate spacing. It is a four-lane highway with intersections at grade. It is striped for two lanes with shoulders in each direction. Turn lanes at intersections when necessary will require additional rights-of-way and roadway widths.
 - (7) **Major Highway.** A street or thoroughfare that serves through traffic movement across urban areas or to major traffic generators and attractors; it is subject to controlled access from properties fronting on the right of way; intersecting streets are subject to appropriate spacing. It is a four-lane highway with intersections at grade. It is striped for two lanes with shoulders in each direction with turn lanes

at intersections. Additional rights-of-way and roadway widths may be necessary for turn lanes.

- (8) **Major Divided Highway.** A road or thoroughfare that that serves through traffic movement across urban areas, subject to controlled access from properties fronting on the right of way; intersecting streets are subject to appropriate spacing. It is a divided four-lane road with intersection at grade. It is striped for two lanes with shoulders in each direction with a raised median and turn lanes. Additional rights-of-way and roadway widths may be necessary for turn lanes.
- (9) **Major Arterial Highway.** A road or thoroughfare that serves through traffic movement across urban areas, subject to controlled access from properties fronting on the right of way; intersecting streets are subject to appropriate spacing. It is a six-lane highway that may have grade separations at intersections. It is striped for three lanes with shoulders in each direction with turn lanes at intersections. Additional rights-of-way and roadway widths may be necessary for turn lanes.
- (10) **Freeway.** A multilane highway with full grade separation (i.e., intersections are separated by under or overpasses), median strips and fencing or landscaping strips along the sides. It basically services intercity and interstate traffic. See also “Freeway.”
- (vv) **Rockfall.** Failure and rapid downhill movement of rocks as a result of gravity, which can be initiated by earthquake shaking.
- (ww) **Roof Sign.** See “Sign.”
- (xx) **Rooming or Boarding (see Land Use Tables).** Residential occupancy of a building with no more than five bedrooms and no more than one person per room, where lodging is provided for compensation on a weekly or greater basis; but not including facilities defined as social care facilities.
- (yy) **Root Barrier.** A plastic wall-like structure that is installed underground and designed to prevent the roots from trees from causing damage to streets, sidewalks, walkways, foundations, and other hardscapes.
- (zz) **Rubber Manufacturing.** See “Manufacturing Operations I and II.”
- (aaa) **Rumpus Room.** See “Recreation Room.”
- (bbb) **Runoff.** Water that is not absorbed by the soil or the landscape in which it has been applied and flows from the landscaped area onto adjacent surfaces, creating water waste.
- (ccc) **Rural Sports and Recreation (see Land Use Tables).** Facilities for sports and recreational activities requiring large sites and/or remote locations, including

hunting and fishing clubs, off-road vehicle parks, and shooting (rifle, pistol, and archery) ranges, ski resorts. See also “Recreational Use.”

| **(ddd) RV Sales.** See “Mobile Home, Boat or RV Sales.”

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008); Amended Ordinance 4057 (2008), Amended Ordinance 4136 (2011)

810.01.210 Definitions, "S."

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

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

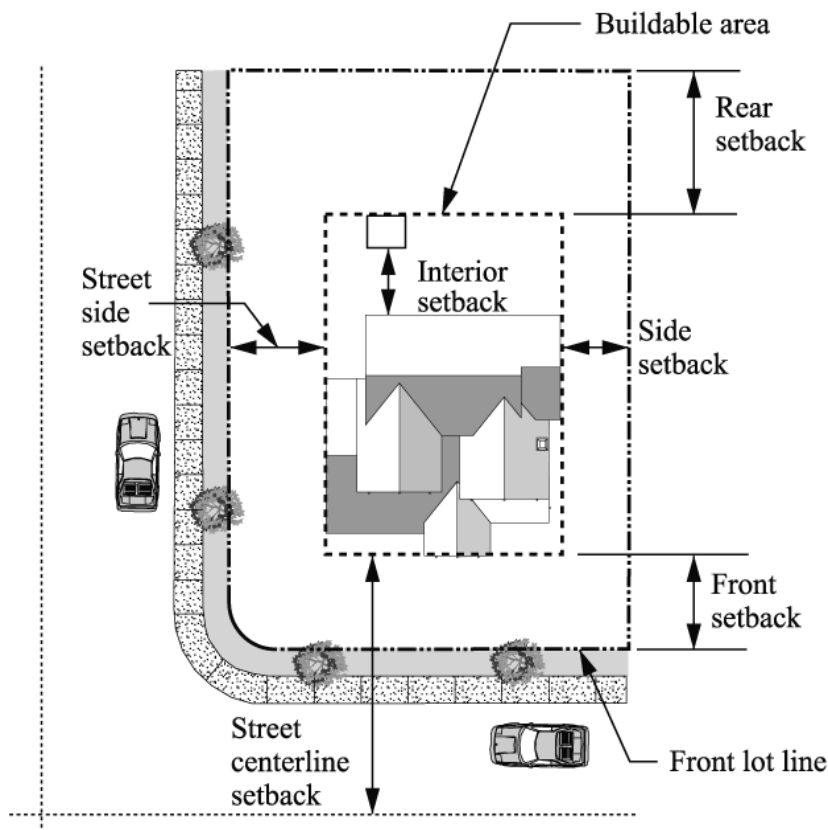
- art school
- ballet and other dance school
- business, secretarial, and vocational school
- computers and electronics school
- drama school
- driver education school
- establishments providing courses by mail
- language school
- martial arts
- music school
- professional school (law, medicine, etc.)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

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

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

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

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



**Figure 810-2
Setbacks**

- (v) **Setback, Street.** See “Yard, Front” and “Yard, Side Street”.

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

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

- (14) **Temporary Sign.** A sign that provides temporary information and/or directions. The signs often are subject to the issuance of Temporary Use Permits and often provide information regarding residential developments, political candidates or issues, and real estate signs.
- (15) **Wall Sign.** A single-faced sign that is in any manner affixed to any exterior wall of a structure, the exposed face of which is in a plane parallel to the plane of the wall.
- (gg) **Single Family Dwelling (see Land Use Tables).** See “Dwelling, Single Family.”
- (hh) **Single Family Dwelling, Attached (see Land Use Tables).** See “Dwelling, Single Family Attached.”
- (ii) **Singular Plural.** Words used in the singular number include the plural and words used in the plural number include the singular.
- (jj) **Site.** A parcel of land or contiguous parcels where land alterations, including grading, clearing or construction are performed or proposed.
- (kk) **Site Plan, Detailed.** A drawing, to scale, on one sheet of paper of the entire land parcel showing buildings, improvements, other physical features and all dimensions.
- (ll) **Site Planning.** A process to develop a plan that shows how a parcel of land may be developed, taking into consideration the natural and man made characteristics of the parcel.
- (mm) **Small Family Day Care Home.** See “Day Care, Child.”
- (nn) **Small Collection Facility.** See “Recycling Facility.”
- (oo) **“Smart” Irrigation Controller.** An irrigation controller that is weather and soil moisture-based, and monitors and uses historical environmental conditions for the specific location in which a landscape is located, by automatically adjusting irrigation watering times based on the information collected.
- (pp) **Social Care Facility (see Land Use Tables).** Any facility in the general classification of boarding home for aged persons, boarding home for children, day care home for children, day nursery, nursing home or parent child boarding home. These facilities consist of a building or group of buildings used or designed for the housing of sick, demented, injured, convalescent, infirm, or well, normal healthy persons, requiring licensing or certification by regulating government agencies. This definition shall not include use of a part of any single or multiple dwelling, hotel, apartment, or motel not ordinarily intended to be occupied by these persons unless so licensed or certified by the governmental agency concerned with the administration of each specific classification.

- (qq) Soil.** The unconsolidated mineral and organic material on the immediate surface of the earth.
- (1) Corrosive Soils.** Natural soils that, as a result of their chemical makeup, may aggressively deteriorate concrete, metal or other susceptible building material.
 - (2) Expansive Soils.** Natural clays that swell when saturated and shrink when dry.
 - (3) Hydrocollapsible Soils.** Natural soils that collapse or compact after a wetting event.
- (rr) Soil Management Report.** A report that shall be submitted with the Landscape Documentation Package, as outlined by Chapter 83.10, Landscaping Standards, that outlines the result of the soil tests along with recommendation for soil amendments.
- (ss) Solar Energy System.** Any solar collector solar device, or structural design feature of a building whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating or cooling; for domestic, recreational, therapeutic, or service water heating; for the generation of electricity; for the production of process heat; and for the production of mechanical work. Solar energy systems include passive thermal systems, semipassive thermal systems, active thermal systems and photovoltaic systems. This category does not include parabolic mirror and devices of a similar nature.
- (tt) Solid Waste Disposal Site.** A site used for the final disposal of solid waste, which may also include facilities for separating and differentiating waste products, and/or recycling the waste products. Includes landfills.
- (uu) Solid Waste.** Any variety of waste, including household garbage, metal, glass, shattered concrete, bricks from demolished houses, radioactive wastes and mining talus.
- (vv) Solidification and Stabilization.** See “Hazardous Waste.”
- (ww) Special District.** A governmental entity created in a given area to provide services within that area. Special Districts can provide services such as water, sewers, fire protection, and parks and recreation.
- (xx) Special Events, Temporary (see Land Use Tables).** All carnivals, community celebrations, off-road vehicle races, outdoor festivals, music events, sporting events, parades, fairs, animal races, religious festivals, revival meetings and similar public gatherings at locations and facilities without an approved Conditional Use Permit, Minor Use Permit, or Site Plan Permit. Special events shall be categorized based upon scope, longevity, magnitude and use, into one of the following event types.

(1) Minor Event.

- (A) **Class I.** Anticipated attendance of 500 to 1,000 persons per day; or a community celebration, religious festivals, revival meetings and similar public gatherings with anticipated attendance of 500 or more. Staging events of off-highway motor vehicles as defined in Section 28.0401 of Title 2 shall also be included as a Class I Minor Event as required by Section 28.0404 of Title 2 of this code.
- (B) **Class II.** Intensive sporting events, the as off-road vehicle races or rodeos, etc., and music events with an anticipated attendance of 200 to 500 persons per day. Included in this class are any events that are advertised by a means of mass media (i.e., radio, television, newspaper, Internet, phone trees, fliers, etc.) provided that a means of limiting attendees to 500 persons per day is available and is strictly enforced.

(2) Major Event.

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

(yy) Special Flood. See “Flood Hazard.”

(zz) Special Flood Hazard Area. See “Flood Hazard.”

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

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

(ccc) Specified Hazardous Waste Facilities. See “Hazardous Waste.”

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

(eee) Specimen Tree. See “Tree, Specimen.”

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

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

- (ggg) Sports or Entertainment Assembly (see Land Use Tables).** A large-scale indoor or outdoor facility accommodating spectator-oriented sports, concerts, and other entertainment activities. Examples of this land use include amphitheaters, race tracks, rodeo arenas, stadiums and coliseums. May also include commercial facilities customarily associated with the above uses, including bars and restaurants, gift shops, video game arcades, etc.
- (hhh) Stable, Private.** A detached accessory building for the keeping of horses, burros or mules owned by the occupants of the premises and not for remuneration, hire or sale.
- (iii) Stable, Public.** A stable other than a private stable for keeping of horses, burros or mules.
- (jjj) Standard Project Flood.** See "Flood Hazard."
- (kkk) Start of Construction.** See "Flood Hazard."
- (lll) State.** State of California.
- (mmm) State Geologist.** Individual holding office as provided in the California Public Resources Code, Section 677, Article 3, Chapter 2, Division 1.
- (nnn) Static Water Pressure.** The pressure of the pipeline or municipal water supply when the water is not flowing.
- (ooo) Station.** An area that is served by an automatic irrigation valve that has been programmed into the "smart" irrigation controller as a specific number, which is to be recognized and controlled.
- (ppp) Stealth Facility.** See "Wireless Telecommunication Facilities."
- (qqq) Stock Cooperative.** A common interest development in which a corporation is formed or availed of primarily for the purpose of holding title to, either in fee simple or for a term of years, improved real property, and all or substantially all of the shareholders of the corporation receive a right of exclusive occupancy in a portion of the real property, title to which is held by the corporation. The owner's interest in the corporation, whether evidenced by a share of stock, a certificate of membership, or otherwise, shall be deemed to be an interest in a common interest development and a real estate development for purposes of Subdivision (f), Section 25100 of the California Corporations Code. In a stock cooperative, both the separate interest, as defined in paragraph (4) of Subdivision (l) of Section 1351 of Title 6 of Part 4 of Division 2 of the California Civil Code, and the correlative interest in the stock cooperative corporation, however designated, are interests in real property. Includes a limited equity housing cooperative, which is

a stock cooperative that meets the criteria of Section 33007.5 of the California Health and Safety Code.

(rrr) Stone Products Manufacturing. See “Manufacturing Operations I and II.”

(sss) Storage, Garage. See “Garage, Storage.”

(ttt) Storage/Impound Facility. See “Motor Vehicle Storage/Impound Facility.”

(uuu) Storage - Personal Storage, Mini-Storage (see Land Use Tables). Structures containing generally small, individual compartmentalized or lockers rented as individual storage spaces and characterized by low parking demand.

(vvv) Storage - Vehicles Storage (see Land Use Tables). A facility for the storage of operative cars and other fleet vehicles, trucks, buses, recreational vehicles, and other motor vehicles. Includes facilities for the storage and/or servicing of fleet vehicles. Also includes the parking of a vehicle on private property for more than 72 hours without operation. Does not include commercial parking lots, or dismantling yards (classified in “Recycling - Scrap and Dismantling Yards”).

(www) Storage - Warehouse, Indoor Storage (see Land Use Tables). Facilities for the storage of furniture, household goods, or other commercial goods of any nature. Includes cold storage. Does not include: warehouse, storage or mini storage facilities offered for rent or lease to the general public (“Storage - Personal Storage, Mini-Storage”); warehouse facilities primarily used for wholesaling and distribution (see “Wholesaling and Distribution”); or terminal facilities for handling freight (see “Truck Terminal”).

(xxx) Storm, Ten Year. See “Ten Year Storm.”

(yyy) Story. That portion of a building included between the surface of any floor and the surface of the floor immediately above it, or, if there is no floor above it, then the space between the floor and ceiling immediately above it.

(zzz) Story, Half. A story with at least two of its opposite sides meeting a sloping roof, nor more than two feet above the floor of the story.

(aaaa) Stream. Any watercourse designated by a solid line or dash and three dots symbol on the largest scale of the United States Geological Survey map most recently published, or as indicated in the development permit when it has been field determined that a watercourse either:

- (1) Supports fish at any time of the year;
- (2) Has a significant water flow after any rainstorm; or
- (3) Has a well defined channel.

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

California Business and Professions Code or the conversion of five or more existing dwelling units to a stock cooperative, as defined in Section 11003.2 of the California Business and Professions Code. A conveyance of land to or from a governmental agency, public entity, public utility, common carrier or subsidiary of a public utility for conveyance to the public utility for rights of way shall not be considered a division of land for the purpose of computing the number of parcels. See also "Minor Subdivision Plot Plan."

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

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

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

(qqqq) Substantial Damage. See "Flood Hazard."

(rrrr) Substantial Improvement. See "Flood Hazard."

(ssss) Supplemental Irrigation. See "Temporary Irrigation."

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

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

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

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

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008), Amended Ordinance 4136 (2011)

810.01.220 Definitions, “T.”

- (a) **Tag.** A paper or cloth label issued in compliance with the California Desert Native Plants Act (Food and Agricultural Code Section 80001 et seq.) by the Agricultural Commissioner that can be attached to a native plant or a commercial load by means of a string and a Seal. A Tag specifies a serial number, type of plant, fee required, location of origin, date of removal, witnessing authority, applicant, destination, and proposed use (e.g., commercial processing, commercial landscaping, etc.).
- (b) **Telecommunication Facility, Wireless.** See “Wireless Telecommunication Facility.”
- (c) **Temporary Irrigation.** Irrigation solely for the purposes of establishing plant material, or irrigation that will not continue after plant material establishment. Temporary/Supplemental irrigation is intended for a period of six months or less.
- (d) **Temporary Sign.** See “Sign.”
- (e) **Temporary Special Events.** See “Special Events, Temporary.”
- (f) **Tentative Map.** A map made for the purpose of showing the design and improvements of the proposed subdivision, to include the street pattern, lot layout, easements that are to remain, and existing and proposed subdivision. The Tentative Map need not be based upon an accurate or detailed final survey of the property. See also “Vesting Tentative Map.”
- (g) **Ten Year Storm.** A storm of an intensity that would be exceeded on the average only once every 10 years. The intensity for the storm shall be determined according to San Bernardino County Hydrology Manual. The duration of the storm used in runoff calculation shall be equivalent to the concentration time for the area that drains through the project.
- (h) **Terminals, Truck.** See “Truck Terminals.”
- (i) **Textile Mill Products.** See “Manufacturing Operations I and II.”
- (j) **Theater.** An indoor facility for public assembly and group entertainment, other than sporting events. Examples include:
- civic theaters, and facilities for “live” theater and concerts
 - movie theaters
 - similar public assembly facilities
- See also “Meeting Facility, Public or Private,” and “Sports and Entertainment Assembly.”
- (k) **Thermal System, Active.** A system that utilizes solar devices thermally isolated from the living space to provide for collection, storage, and distribution of solar energy for heating or cooling.

- (l) **Thermal System, Passive.** A system that utilizes the structural elements of the building, and is not augmented by mechanical components, to provide for collection, storage, and distribution of solar energy for heating or cooling.
- (m) **Thermal System, Semipassive.** A system that utilizes the structure of a building and is augmented by mechanical components to provide for collection, storage, and distribution of solar energy for heating or cooling.
- (n) **Through Lot.** See “Lot.”
- (o) **Trailer Camp or Park (see Land Use Tables).** A site where space for house trailers is rented for compensation on a daily basis, or where free occupancy or camping is permitted to house trailer owners or users, but not including automobile or trailer sales lots on which unoccupied house trailers are parked for inspection and sales.
- (p) **Tower Height.** See “Wind Energy Systems.”
- (q) **Trailer Coach.** A mobile home, trailer, recreation trailer, travel trailer, camp car or other vehicle with or without motive power, designed and constructed to travel on the public thoroughfare in compliance with the provisions of the California Motor Vehicle Code and designed or used for human habitation.
- (r) **Trailer, Travel.** A vehicle, other than a motor vehicle, that is designed or used for human habitation and for travel or recreational purposes, that does not exceed eight feet in width and 40 feet in length, and that may be moved upon a public highway without a special permit and/or chauffeur's license without violating any provisions of the California Vehicle Code.
- (s) **Transfer and Storage Facilities.** See “Hazardous Waste.”
- (t) **Transmission Lines.** See “Pipelines, Transmission Lines.”
- (u) **Transportable Treatment Unit (TTU).** Hazardous waste or groundwater contamination treatment works that are designed to be moved either intact or in modules and that are intended to be operated at a given location for a limited period of time.
- (v) **Transportation Facilities (see Land Use Tables).** Roads or bridges, and the appurtenant improvements necessary for the safe and efficient movement of vehicular traffic including but not limited to the following: signalization and other traffic controls; sidewalks; bikeways when they are within the ultimate right-of-way of a road or bridge. It also includes park and rides, airports, bus terminals, bus stops, and train stations.
- (w) **Transportation Facilities Plan, Local Area.** A transportation plan adopted by the Board of Supervisors for a particular transportation facilities area. A plan shall include a map of the area showing its boundaries, the location of the proposed Transportation

Facilities, and an accompanying text that contains a description of all proposed Transportation Facilities that will be needed to serve new development within the boundaries of the Plan and the cost of constructing each proposed transportation facility within the boundaries of the plan. Costs may include, but are not limited to, engineering studies, acquisition of rights-of-way, construction of bridges, tunnels, roadways, traffic signals and any other appurtenant Transportation Facilities. The plan shall also include a schedule of fees, a detailed description of the methods that will be utilized to finance the proposed Transportation Facilities, including any fee calculations needed, and a construction priority listing of the proposed Transportation Facilities.

- (x) **Transportation Right of Way.** The acquired right that an agency possesses to pass across and improve the lands of another for access purposes.
- (y) **Treatment Facilities.** See “Hazardous Waste.”
- (z) **Travel Trailer.** See “Trailer, Travel.”
- (aa) **Tree.** Any woody perennial plant, normally having a single, elongated main stem or trunk bearing the foliage or crown, a formed crown, and generally with few or no branches on its lower part. For tree removal purposes, it shall mean a tree attaining somewhere in its natural or planted range a height of at least six feet and a diameter of not less than two inches, measured at average ground level.
- (bb) **Tree, Damaged.** Any tree certified by a tree expert, as defined in this Code, that is damaged by insects, smog, fire, disease or other natural or man made causes (including, but not limited to, any artificial attachments such as wires or signs).
- (cc) **Tree Expert.** A California Registered Professional Forester, a County Agricultural Commissioner Biologist, an arborist certified by the Western chapter of the International Society of Arborists or a person certified by the County Agricultural Commissioner for practice in one or more regions of the County.
- (dd) **Tree, Native.** Trees that grow or live naturally in San Bernardino County, including smog resistant trees introduced as part of a reforestation program. This shall not be construed to mean orchards, commercial nursery stock or planted landscaping. Trees planted and/or growing outside their normal habitat, except where the trees have been transplanted in compliance with Chapter 88.01 (Plant Protection and Management) shall not be considered to be native trees.
- (ee) **Tree Removal.** Any intentional act that will cause a tree to die, including, but not limited to acts that inflict damage upon root systems, bark, or other parts of the tree by fire, application of toxic substances, operation of equipment or machinery, changing the natural grade of land by excavation or filling the drip line area around the trunk, or to cut down, fell, push over, dig up, poison, burn, or severely prune, trim or top, so that death of the tree results, or such that the tree is severely damaged and/or is destroyed in any manner, by any cause.

- | **(ff) Tree, Specimen.** Any tree with a root ball greater than a 20-gallon container.
- | **(gg) Truck Stop (see Land Use Tables).** A facility that provides convenience services primarily for the trucking community. These services include but are not limited to food, beverage, gasoline and retail services.
- | **(hh) Truck Terminal (see Land Use Tables).** A lot, lot area or parcel of land used, designed or maintained for the purpose of storing, parking, refueling, repairing, dispatching, servicing or keeping motor trucks and associated equipment, together with those facilities necessary to service, dispatch, store or maintain aforementioned vehicles, and their cargos and crews.

Adopted Ordinance 4011 (2007), Amended Ordinance 4136 (2011)

810.01.230 Definitions, “U.”

- (a) **U-Pick Farm and/or Orchard (see Land Use Tables).** A farm and/or orchard where customers personally harvest fruit, vegetables, flowers, or herbs. A variety of activities in addition to fruit/vegetable picking may be offered (e.g., pet farms, hayrides, puppet shows, etc.). Restroom facilities may or may not be offered. U-pick farms may also operate a produce stand selling the produce grown on the farm, along with other value-added products (e.g., home-made pies, preserves, cider, candies, etc.).
- (b) **Unincorporated Communities.** A definable urban area that is not legally a city, but has the physical characteristics of one. An unincorporated community does not have independent jurisdiction for land use planning within its boundaries.
- (c) **Urban Services.** The provision of water, gas, electricity, schools, recreational facilities, fire and police protection, waste disposal, circulation and other services that are necessary for high intensity uses.
- (d) **Use.** The purpose for which the land or a building is arranged, designed or intended, or for which either land or a building is or may be occupied or maintained. A primary, principal or main use is the use that occupies the majority of the subject land, a building, business production or activity as opposed to an accessory use. See Accessory use.
- (e) **Utility Facility (see Land Use Tables).** A fixed base structure or facility serving as a junction point for transferring electric utility services from one transmission voltage to another or to local distribution and service voltages, and similar facilities for water supply and natural gas distribution. These uses include any of the following facilities that are not exempted from County permit requirements by Government Code Section 53091:
- electrical substations and switching stations
 - natural gas regulating and distribution facilities
 - public water system wells, treatment plants and storage, water tanks
 - pumping plants
 - reservoirs
 - telephone switching facilities
 - utility corporation and maintenance yards.

These uses do not include office or customer service centers (classified in “Offices”). See also “Pipelines, Transmission Lines.”

Adopted Ordinance 4011 (2007)

810.01.240 Definitions, “V.”

- (a) **Valley Region.** The unincorporated area of the southwest portion of San Bernardino County lying south and west of the Mountain Region as herein defined.
- (b) **Variance.** A process for County consideration of requests to modify certain standards of this Development Code when, because of special circumstances applicable to the property, including location, shape, size, surroundings, topography, or other physical features, the strict application of the development standards otherwise applicable to the property denies the property owner privileges enjoyed by other property owners in the vicinity and in the same land use zoning district.
- (c) **Vehicle, Motor.** See “Motor Vehicle.”
- (d) **Vehicle Services (see Land Use Tables).** The repair, servicing, alteration, restoration, towing, painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This use includes the following categories.
- (1) **Major Repair/Body Work.** These establishments include towing, collision repair, other body work, and painting services; tire recapping; truck maintenance.
- (2) **Minor Maintenance/Repair.** Minor facilities providing limited repair and maintenance services. Examples include: minor auto repair with no exterior overnight storage of vehicles; muffler and radiator shops; quick-lube services; tire and battery sales and installation (not including recapping).
- Does not include automobile parking (see “Parking Facilities”), repair shops that are part of a vehicle dealership on the same site (see “Auto and Vehicle Sales and Rental,” and “Mobile Home, RV, and Boat Sales and Rental”); gas stations, which are separately defined; or dismantling yards, which are included under “Recycling - Scrap and Dismantling Yards.”
- (e) **Vehicular Access Rights.** See “Access.”
- (f) **Vehicles, Operative.** A new or used vehicle that is self propelled or capable of being self-propelled with the installation of minor parts (e.g. batteries, tires, plugs).
- (g) **Vested Right (Mining and Reclamation).** See “Surface Mining Operations.”
- (h) **Vesting Tentative Map.** A “tentative map” for a residential subdivision, as defined in the County Code, that shall have printed conspicuously on its face the words “Vesting Tentative Map.”
- (i) **Veterinarian, County.** See “County Veterinarian.”

- (j) **Veterinary Clinic, Animal Hospital (see Land Use Tables).** Office and indoor medical treatment facilities used by veterinarians, including large and small animal veterinary clinics, and animal hospitals. See also “Kennel.”

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

810.01.250 Definitions, “W.”

- (a) **Wall Sign.** See “Sign.”
- (b) **Warehouse.** See “Storage Warehouse.”
- (c) **Warehouse Retail (see Land Use Tables).** A retail store that emphasizes the packaging and sale of products in large quantities or volumes, some at discounted prices, where products are typically displayed in their original shipping containers. Sites and buildings are usually large and industrial in character. Patrons may be required to pay membership fees.
- (d) **Watercourse.** Any natural or man-made channel where water is concentrated or collected from a tributary drainage area. *A lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.*
- (e) **Water-Intensive Landscaping.** Landscaping that has a plant factor of 0.7 or greater.
- (f) **Watering Window.** The time within a 24 hour period in which an irrigation system is allowed to operated.
- (g) **Water Use Classification of Landscape Species (WUCOLS).** The third edition of the publication from the University of California Cooperative Extension, the Department of Water Resources, and the Bureau of Reclamation regarding plant material and their water use needs.
- (h) **Weather Sensing Devices.** Irrigation components that detect adverse weather conditions (e.g. rain, wind, frost, etc.) and will automatically override the pre-programmed irrigation schedule during adverse weather events.
- (i) **Wholesale.** A sale of commodities or goods to others for resale and not normally to the ultimate consumer. Sales can normally employ warehouses, open enclosures and office space for the assembly, storage, distribution and display of merchandise for large quantity sales to community or regional retailers, manufacturers, and agricultural, commercial, industrial, institutional and professional uses. Sales may include the rendering of services incidental to and supportive of the sale of merchandise.
- (j) **Wholesaling and Distribution (see Land Use Tables).** Establishments engaged in selling merchandise to retailers; to contractors, industrial, commercial, institutional, farm, or professional business users; to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to persons or companies. Examples of these establishments include:
- agents, merchandise or commodity brokers, and commission merchants

- assemblers, buyers and associations engaged in the cooperative marketing of farm products
- merchant wholesalers
- stores primarily selling electrical, plumbing, heating and air conditioning supplies and equipment.

Also includes storage, processing, packaging, and shipping facilities for mail order and e-commerce retail establishments.

(k) Wine Tasting. A facility or area within a winery where wine and related products are offered for retail sale, where wine may be tasted for a fee, or without charge.

(l) Wildland. Timber, range, watershed and brush lands not under cultivation and in which development is essentially nonexistent; usually rugged open space terrain.

(m) Wind Energy System (see Land Use Tables). A system that utilizes wind energy to pump a fluid or gas, or to drive a mechanical device to generate electricity. Related wind energy terms are defined as follows:

(1) Accessory Wind Energy System. A wind energy conversion system consisting of a wind turbine and blades, a tower, and associated control or conversion electronics, which will be used primarily to reduce onsite consumption of utility power.

(2) System Height. The combined height of the tower, the turbine and any blade when at the 12 o'clock position.

(3) Tower Height. The height above grade of the fixed portion of the tower, excluding the wind turbine.

(n) Wireless Telecommunication Facility (Telecommunication Facility) (see Land Use Tables). A land use that sends and/or receives radio frequency signals, including, but not limited to, cell towers, antennas, microwave dishes or horns, structures or towers to support receiving and/or transmitting devices, accessory development and structures, and the land on which they all are situated. For the purposes of this Title, wireless telecommunication facilities shall refer to the non-broadcast services identified in the rules and regulations promulgated in compliance with the Federal Telecommunication Act of 1996 as amended. Non-broadcast services require special equipment for transmissions and/or reception and serve specific users. Services include commercial wireless CRS (Cellular Radiotelephone Services), ESMR (Enhanced Specialized Mobile Radio Service), and PCS (Personal Communication Services). Amateur users are specifically excluded in this definition as they are governed by FCC PRB-1. Commercial radio and television systems are considered "broadcast services" and shall not be included in this definition. The following terms related to non-broadcast wireless telecommunication facilities are defined as follows:

(1) Antenna. Any structure or device used to radiate or collect electromagnetic fields or waves. Specifically, a device of one or more electrical parts that converts radio frequency electrical energy into radiated electromagnetic energy and/or vice versa.

- (2) **Co-located Wireless Telecommunication Facility.** A telecommunication facility used by more than one public or private entity.
- (3) **Commercial Mobile Radio Service.** A wireless communications service that is provided for profit (i.e., with the intent of receiving compensation or monetary gain), is an interconnected service, and is available to the public, or to classes of eligible users so as to be effectively available to a substantial portion of the public.
- (4) **Camouflage Facility.** A wireless telecommunications facility that is designed or located so that it blends to the maximum extent possible with the predominant viewing background.
- (5) **CRS (Cellular Radiotelephone Service).** Commercial Mobile Radio Services (Cellular) normally operating in the frequency range between 824 to 849 MHz, and between 869 to 894 MHz and other frequency bands as may be authorized by the FCC.
- (6) **Enhanced Specialized Mobile Radio Service.** One of the wireless communication services regulated by the Wireless Telecommunications Bureau (WTB) of the FCC operating at 800 MHz or 900 MHz and other frequency bands as may be authorized by the FCC. In general, a wide geographic area Commercial Mobile Radio Service that offers real-time, two-way switched voice service that is interconnected with the public switched network, either on a stand-alone basis or packaged with other telecommunications services, including dispatch and paging services to specialized customers in a non-cellular system configuration not interconnected to the public switched network.
- (7) **Fixed Wireless.** A local operation providing services such as local and long distance telephone and high-speed Internet to residential and business customers by means of a small equipment installation (the “Camouflage Remote Unit”) on the exterior of each home or business that elects to use this service.
- (8) **Joint Location.** The location of a telecommunication facility on a parcel where two or more towers or structures supporting one or more antennas have already been sited. A joint location site is also referred to as an “antenna farm.”
- (9) **Monopole.** A wireless communication facility that consists of a vertical unguyed structure, erected to support wireless communication antennas and connecting appurtenances. As defined here, a monopole may, without limitation, be designed to look like a pole, tree, light standard, flag pole or other similar structure.
- (10) **Personal Communications Services (PCS).** One of the Commercial Mobile Radio Services regulated by the Wireless Telecommunication Bureau (WTB) of the FCC under 47 CFR Part 24; also identified as one of the Personal Wireless Services regulated by the Telecommunications Act of 1996. The PCS provide a wide array of mobile and ancillary fixed communications services to individuals

and businesses including unlicensed wireless services and common carrier wireless exchange access services as defined in 47 USC 332(c)(7)(C)(i).

- (11) **Remote Unit.** A small equipment box that is attached to the exterior of a residence or business that elects to use “fixed wireless” technology for their local and long distance telephone and high-speed Internet service.
 - (12) **Sensitive Viewshed.** A feature or vista that provides scenic value as discussed in the Scenic Resources section of the General Plan, specifically in Policy OR-50.
 - (13) **Stealth Facility.** A wireless telecommunications facility that is designed or located so that the equipment installed at the facility is not readily recognizable as telecommunications equipment.
- | (o) **Wood Receipt.** A receipt that is to accompany one or more cords of harvested wood and that is issued in compliance with the California Desert Native Plants Act (Food and Agricultural Code Section 80001 et seq.) by the Agricultural Commissioner. A Wood Receipt specifies a serial number, species of wood, fee required, location of origin, date of removal, witnessing authority, applicant, destination, and proposed use of the wood (e.g., commercial processing, commercial landscaping, etc.).

Adopted Ordinance 4011 (2007), Amended Ordinance 4136 (2011); Amended Ordinance 4163 (2012)

810.01.260 Definitions, “X.”

Xeriscape. A landscaping method that has been developed especially for those climates that are susceptible to drought conditions and that utilize water-conserving techniques, such as drought tolerant plant material, mulches, and efficient irrigation practices.

Adopted Ordinance 4011 (2007), Amended Ordinance 4136 (2011)

810.01.270 Definitions, “Y.”

- (a) **Yard.** An open space on a lot or parcel extending between a lot line and a setback, other than a court, unobstructed and unoccupied from the ground upward except for projections allowed by this Development Code. See “Setback” and Section 83.02.070 (Setback Regulations and Exceptions).
- (1) **Front Yard.** An area extending across the full width of the lot between the front lot line or the existing or future street right of way and a street setback line parallel thereto.
- (2) **Interior Side Yard.** An area extending from the required front yard or, where there is no required front yard, from the front lot line to the required rear yard or, where there is no required rear yard, to the rear lot line and from the interior side lot line to a setback line parallel thereto.
- (3) **Rear Yard.** An area extending across the full width of the lot between the rear lot line and a setback line parallel thereto.
- (4) **Side Street Yard.** An area extending from the required front yard or, where there is no required front yard, from the front lot line to the rear lot line, and from the side street lot line, or the existing or future side street right of way (whichever is greater) to a street setback line parallel thereto.

Adopted Ordinance 4011 (2007)

810.01.280 Definitions, “Z.”

- (a) **Zone**, Zone District, or Zoning District. See “Land Use Zoning District.”
- (b) **Zones A, AE, AH, AO, A99, AR, D, and X.** See “Flood Hazard.”
- (c) **Zoo.** A zoological garden or other collection of wild, exotic or dangerous animals that are raised, bred, trained and/or maintained for regular public display and exhibition on the site.

Adopted Ordinance 4011 (2007)

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