

Attachment #1

Proposed Development Code Revisions Relative to Residential Uses

Table 82-4 (Agricultural and Resource Management)
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Definitions
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**Table 82-4
Allowed Land Uses and Permit Requirements
for Agricultural and Resource Management Land Use Zoning Districts**

LAND USE <i>See Division 10 (Definitions) for land use definitions</i>	PERMIT REQUIRED BY DISTRICT				Specific Use Regulations
	RC	AG	FW	OS	
AGRICULTURAL, RESOURCE & OPEN SPACE USES					
Agricultural support services	M/C	M/C	CUP	—	
Animal keeping	S	S	S	—	84.04
Crop production, horticulture, orchard, vineyard	A	A	A	—	
Livestock operations	S	S	S	—	84.04
Natural resources development (mining)	CUP	CUP	CUP	—	88.03
Nature preserve (accessory uses)	P ⁽¹⁾	P ⁽¹⁾	P ⁽¹⁾	P ⁽¹⁾	
Lake, reservoir	M/C	M/C	M/C	M/C	
Pond	A	A	A	A	
Winery	M/C	M/C	—	—	
INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING					
Composting operations	CUP	CUP	—	—	
Hazardous waste facilities	CUP	CUP	—	—	84.11
Industrial use requiring extensive buffering	CUP	CUP	—	—	
Recycling facilities	S	S	—	—	84.19
RECREATION, EDUCATION & PUBLIC ASSEMBLY					
Agritourism enterprises	S	S	—	—	84.03
Campgrounds	M/C	M/C	—	—	
Commercial entertainment—Indoor	—	—	—	—	
Conference/convention facility	CUP	CUP	—	—	
Equestrian facility	M/C	M/C	—	—	
Fitness/health facility	M/C	—	—	—	
Golf course	—	—	—	—	
Library, museum, art gallery, outdoor exhibit	M/C	M/C	—	—	
Meeting facility, public or private	CUP	CUP	—	—	
Park, playground	M/C	M/C	—	—	
Places of worship	CUP	CUP	—	—	
Recreational vehicle park	CUP ⁽²⁾	—	—	—	
Rural sports and recreation	CUP	CUP	—	—	
School - College or university	—⁽³⁾CUP	—⁽³⁾CUP	—	—	
School - Private	—⁽³⁾CUP	—⁽³⁾CUP	—	—	
School - Specialized education/training	CUP	CUP	—	—	
Sports or entertainment assembly	—	—	—	—	
RESIDENTIAL					
Accessory use or structure - Residential	A ⁽⁴³⁾	A ⁽⁴³⁾	—	—	84.01
Accessory dwelling (labor quarters, etc.)	P ⁽³⁴⁾	P ⁽³⁴⁾	—	—	84.01
Dependent housing	SUP	SUP	—	—	84.08
Guest housing	A ⁽⁴³⁾	A ⁽⁴³⁾	—	—	84.01
Home occupation	SUP	SUP	—	—	84.12
Homeless shelter	—	CUP	—	—	-
Second dwelling unit	A ⁽⁵⁾	A ⁽⁵⁾	—	—	84.01
Single dwelling	A	A	—	—	
RETAIL					
Produce stands (200 sq ft or less on lots that are 10,000 sq. ft. or greater)	A ⁽⁴⁶⁾	A	—	—	84.03
SERVICES - BUSINESS & PROFESSIONAL					
Medical services - Hospital	M/C ⁽⁶⁾	M/C ⁽⁶⁾	—	—	
Medical services - Rehabilitation centers	M/C	M/C	—	—	
Office - Accessory	P ⁽⁵⁾	P ⁽⁵⁾	—	—	
Office - Government	M/C ⁽⁶⁾	M/C ⁽⁶⁾	—	—	

Table 82-4 (continued)
Allowed Land Uses and Permit Requirements
for Agricultural and Resource Management Land Use Zoning Districts

LAND USE <i>See Division 10 (Definitions) for land use definitions</i>	PERMIT REQUIRED BY DISTRICT				Specific Use Regulations
	RC	AG	FW	OS	
SERVICES – GENERAL					
Cemetery including pet cemeteries	CUP	CUP	—	—	
Commercial Kennels and Catteries - min lot 2.5 acres	M/C	M/C	—	—	
Correctional institution⁽⁶⁾	—	—	—	—	-
Emergency shelter	—	CUP	—	—	
Home occupation	SUP	SUP	—	—	84.12
Licensed Residential Care Facility of 6 or fewer persons	A	A	—	—	
Licensed Residential Care Facility of 7 or more persons	M/C	M/C	—	—	84.23
Lodging - Bed and breakfast inn (B&B)	SUP	SUP	—	—	
Public safety facility	M/C ⁽⁶⁾	M/C ⁽⁶⁾	—	—	
Unlicensed Residential Care Facility of 6 or fewer persons	RCP	RCP	—	—	
Unlicensed Residential Care Facility of 7 or more persons	M/C	M/C	—	—	84.32
Social Care Facility – 6 or fewer clients	A	A	—	—	-
Social Care Facility – 7 or more clients	M/C	M/C	—	—	-
TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE					
Broadcasting antennae and towers	M/C	M/C	—	—	
Electrical power generation	CUP	CUP	—	—	84.29
Pipelines, transmission lines, and control stations ⁽⁴⁷⁾	(47)	(47)	(47)	(47)	
Renewable Energy Generation Facilities	CUP	CUP	CUP	—	84.29
Sewage treatment and disposal facility ⁽²⁾	—CUP	—CUP	—	—	
Solid waste disposal ⁽²⁾	—CUP	—CUP	—	—	
Transportation facility	CUP	CUP	—	—	
Utility facility	CUP	CUP	CUP	—	
Wind energy system, accessory	S	S	S	—	84.26
Wireless telecommunications facility	S	S	S	—	84.27
OTHER					
Accessory structures and uses	A	A	A	A	84.01
Temporary special events	TSP	TSP	TSP	TSP	85.16
Temporary structures and uses	TUP	TUP	TUP	TUP	84.25

KEY

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

Notes:

- (1) CUP required if maximum building coverage exceeds 10,000 sq. ft., the use will have more than 20 employees per shift, or if not exempt from CEQA; may qualify for a MUP in compliance with Section 85.06.020 (Applicability).
- (2) Density of the recreational vehicles in a Recreational Vehicle Park shall be limited to 4 per acre.
- (3) Use allowed as an accessory use only, on the same site as a residential use allowed by this table.
- (4) Use allowed as an accessory use only, on the same site as an agricultural use allowed by this table. Requires a Special Use Permit when recreational vehicles are used for seasonal operations.
- (5) Use allowed as an accessory use only with standards, on the same site as a residential use allowed by this table provided that the parcel is twice the minimum lot size required by the land use zoning district.
- (6) In Phelan/Pinon Hills Community Plan area, a maximum 6 sq. ft. advertising sign shall be allowed.
- (47) Pipelines, transmission lines, and control station uses are regulated and approved by the Public Utilities Commission. See alternate review procedures in Section 85.02.050 (Alternate Review Procedures)
- ~~(2) May require a General Plan Amendment to Institutional (IN) Overlay.~~

**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 ⁽⁴¹⁾	RS	RM	
AGRICULTURAL, RESOURCE & OPEN SPACE USES				
Accessory crop production	A ⁽⁴²⁾	A ⁽⁴²⁾	A ⁽⁴²⁾	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 ⁽⁵³⁾	CUP	—	—	
Commercial entertainment - Indoor ⁽⁵³⁾	CUP	—	—	
Conference/convention facility ⁽⁵³⁾	CUP	—	—	
Equestrian facility ⁽⁵³⁾	M/C	S ⁽²⁴⁾	—	
Fitness/health facility⁽⁵⁹⁾	—	—	—	-
Golf course ⁽⁵³⁾	CUP	—	—	
Library, museum, art gallery, outdoor exhibit ⁽⁵³⁾	M/C	M/C	M/C	
Meeting facility, public or private ⁽⁵³⁾	CUP	CUP	CUP	
Park, playground ⁽⁵³⁾	P	P	P	
Places of worship	CUP	CUP	CUP	
Rural sports and recreation ⁽⁵³⁾	M/C	—	—	
School – College or university	—⁽⁴³⁾CUP	—CUP	—	
School – Private	—⁽⁴³⁾CUP	—⁽⁴³⁾CUP	—	
School – Specialized education/training	CUP	—	—	
Sports or entertainment assembly ⁽⁵³⁾	CUP	—	—	
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
Organizational house-Group residential (sorority, fraternity, boarding house, private residential club, etc.)	CUP—	CUP—	M/C	
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

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 ⁽⁷¹⁾	RS	RM	
RESIDENTIAL (continued)				
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
Parolee and/or probationer home	—	—	CUP	
Secondary dwelling	A ⁽⁴⁶⁾	A ⁽⁴⁶⁾	—	84.01
Single dwelling	A	A	PD ⁽⁶⁷⁾	
Short-Term Private Home Rental	SUP	SUP	SUP	85.28
RETAIL				
Produce stand	A ⁽²⁸⁾	A ⁽²⁸⁾	A ⁽²⁸⁾	
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⁾	—	-	—	-
Emergency shelter	—	—	CUP	
Home occupation	SUP	SUP	SUP	84.12
Licensed Residential Care Facility of 6 or fewer persons	A	A	A	84.23
Licensed Residential Care Facility of 7 or more persons	—	—	CUP	84.23
Lodging - Bed and breakfast inn (B&B)	SUP ⁽³⁹⁾	SUP ⁽³⁹⁾	SUP ⁽³⁹⁾	84.05
Public safety facility	M/C	M/C	M/C	
Short-Term Private Home Rental	SUP	SUP	SUP	85.28
Unlicensed Residential Care Facility with 6 or fewer persons	RCP	RCP	RCP	84.32
Unlicensed Residential Care Facility with 7 or more persons	—	—	CUP	84.32
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
TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE				
Broadcasting antennae and towers	M/C	—	—	
Electrical power generation	CUP ⁽³⁾	—	—	84.29
Pipelines, transmission lines, and control stations ⁽⁴¹⁰⁾	⁽⁴¹⁰⁾	⁽⁴¹⁰⁾	⁽⁴¹⁰⁾	
Renewable Energy Generation Facilities	CUP	—	—	84.29
Sewage treatment and disposal facility ⁽²⁾	CUP	CUP	CUP	
Solid waste disposal ⁽²⁾	CUP	CUP	CUP	
Telecommunications facility	S	S	S	84.27
Transportation facility	M/C	M/C	M/C	
Utility facility	CUP	CUP	CUP	
Wind energy accessory	S	S	S	84.26
Wireless telecommunications facility	S	S	S	84.27

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 ⁽⁷¹⁾	RS	RM	
OTHER (continued)				
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)
		RCP	Unlicensed Residential Care Facilities Permit (Chapter 85.20)
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) 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)].
- (2) Use allowed as an accessory use only with standards, on the same site as a residential use allowed by this table.
- (3) For projects within the Oak Glen Community Plan Area, these uses shall comply with the agritourism development standards provided in Table 84-1 in Section 84.03.030. The permit requirements presented this table shall prevail over any permit requirement listed in Table 84-1.
- (4) A boarding facility only with a Home Occupation Permit.
- (5) For parcels that are 10 acres or greater, a Site Plan Permit is all that is needed.
- (6) 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.
- (7) 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.
- (8) 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.
- (9) A CUP shall be required for three or more rooms.

~~Notes:~~ (10) 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)].~~

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

LAND USE <i>See Division 10 (Definitions) for land use definitions</i>	PERMIT REQUIRED BY DISTRICT						Specific Use Regulations
	CR	CN	CO	CG	CS	CH	
AGRICULTURAL, RESOURCE & OPEN SPACE USES							
Accessory crop production	—	—	—	—	—	—	
Agriculture support services	P ⁽²⁾	—	—	P ^(1,2)	P ⁽²⁾	—	
Crop production, horticulture, orchard, vineyard	—	—	—	—	—	—	
Natural resources development (Mining)	—	—	—	—	—	—	88.03
Nature preserve (accessory uses)	—	—	—	—	—	—	
INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING							
Construction contractor storage yard	M/C	—	—	—	M/C	—	
Firewood contractor	P ⁽²⁾	—	—	—	P ⁽²⁾	—	84.09
Hazardous waste operations	—	—	—	—	—	—	84.11
Manufacturing Operations I	M/C ⁽³⁾	—	—	—	P ⁽²⁾	—	
Motor vehicle storage/Impound facility	CUP	—	—	—	CUP	CUP	
Recycling facilities - Small collection facility	SUP	SUP	SUP	SUP	SUP	SUP	84.19
Recycling facilities - Large collection facility	CUP	—	CUP	CUP	CUP	CUP	84.19
Recycling facilities - Light processing facility	CUP	—	—	CUP	CUP	—	84.19
Recycling facilities - Heavy processing facility	—	—	—	—	—	—	84.19
Recycling facilities, reverse vending machine (accessory only)	A	A	A	A	A	A	84.19
Salvage operations - within enclosed structures	M/C ⁽⁵⁴⁾	—	—	—	M/C	—	
Storage - Personal storage (mini-storage)	M/C	—	—	—	P ⁽²⁾	—	
Storage - Recreational vehicles	CUP	—	—	—	CUP	CUP	
Storage - Warehouse, Indoor Storage	M/C	—	—	—	—	—	
Wholesaling and distribution	M/C ⁽⁵⁴⁾	—	—	P ^(1,2)	P ⁽²⁾	—	
RECREATION, EDUCATION & PUBLIC ASSEMBLY							
Adult-oriented business	—	—	—	CUP	—	—	84.02
Campgrounds	—	—	—	—	—	—	-
Commercial entertainment - Indoor	P ⁽²⁾	P ⁽²⁾	—	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	
Commercial entertainment - Outdoor	P ⁽²⁾	—	—	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	
Conference/convention facility ^(5,64,5)	M/C	—	M/C	M/C	M/C	M/C	
Equestrian facility	M/C	—	M/C	M/C	M/C	M/C	
Fitness/health facility ⁽⁶⁵⁾	P ⁽²⁾	P ⁽²⁾	—	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	
Golf course	M/C	—	—	—	M/C	M/C	
Library, museum, art gallery, outdoor exhibit ⁽⁶⁵⁾	M/C	—	—	M/C	M/C	M/C	
Meeting facility, public or private ⁽⁴⁵⁾	CUP	CUP	CUP	CUP	CUP	CUP	
Park, playground	M/C	—	—	—	—	—	
Places of worship	CUP	CUP	CUP	CUP	CUP	CUP	
Recreational vehicle park	M/C	—	—	—	M/C	M/C	
Rural sports and recreation	CUP	—	—	—	CUP	CUP	
School - College or university ⁽⁴⁻⁵⁾	M/C	—	M/C	M/C	M/C	M/C	
School - Private ⁽⁴⁻⁵⁾	M/C	—	M/C	M/C	M/C	M/C	
School - Specialized education/training ⁽⁴⁵⁾	M/C	—	M/C	M/C	M/C	M/C	
Sports or entertainment assembly	CUP	—	—	CUP	CUP	CUP	
Theater ⁽⁴⁵⁾	M/C	—	—	M/C	M/C	M/C	
RESIDENTIAL							
Accessory dwelling (caretakers residence, etc.)	P ⁽³⁶⁾	P ⁽³⁶⁾	P ⁽³⁶⁾	P ⁽³⁶⁾	P ⁽³⁶⁾	P ⁽³⁶⁾	84.01
Accessory use or structure - Residential (conforming and non-conforming uses)	A	P ^(2,36,7)	84.01				
Group residential (sorority, fraternity, boarding house, private residential club, etc.)	M/C	—	—	M/C	M/C	M/C	
Guest housing	P ⁽²⁷⁾	—	—	—	—	—	84.01
Home occupation	SUP	SUP	SUP	SUP	SUP	SUP	84.12
Homeless shelter	CUP	CUP	CUP	CUP	CUP	CUP	

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

LAND USE <i>See Division 10 (Definitions) for land use definitions</i>	PERMIT REQUIRED BY DISTRICT						Specific Use Regulations
	CR	CN	CO	CG	CS	CH	
RESIDENTIAL (continued)							
Live/work unit	M/C	M/C	M/C	M/C	M/C	M/C	
Mobile home park/manufactured home land-lease community	CUP	—	—	—	—	—	84.14
Multiple dwelling, up to 19 units, attached or detached	A	—	—	—	—	—	84.16
Multiple dwelling, 20 or more units	CUP	—	—	—	—	—	84.16
Parolee and/or probationer home	CUP	—	—	CUP	CUP	CUP	
Residential use only as part of a mixed use project	PD	—	PD	PD	PD	PD	84.16
Secondary dwelling unit	A	—	—	—	—	—	84.01
Single dwelling	A	—	—	—	—	—	
RETAIL							
Auto and vehicle sales and rental	P ⁽⁴²⁾	—	—	P ⁽⁴²⁾	P ⁽⁴²⁾	—	
Bar, tavern	P ⁽⁴²⁾	M/C	—	P ⁽⁴²⁾	P ⁽⁴²⁾	—	
Building and landscape materials sales - Indoor	M/C	—	—	M/C	M/C	—	
Building and landscape materials sales - Outdoor	M/C	—	—	M/C	M/C	—	
Construction and heavy equipment sales and rental	M/C	—	—	—	M/C	—	
Convenience store	P ⁽⁴²⁾	P ⁽⁴²⁾	P ⁽⁴²⁾	P ⁽⁴²⁾	P ⁽⁴²⁾	P ⁽⁴²⁾	
Fuel dealer (propane for home and farm use, etc.)	M/C	—	—	—	M/C	—	
General retail	M/C	—	—	P ⁽⁴²⁾	P ⁽⁴²⁾	—	
Groceries, specialty foods	M/C	M/C	—	P ⁽⁴²⁾	P ⁽⁴²⁾	—	
Manufactured home, boat, or RV sales	P ⁽⁴²⁾	—	—	M/C	M/C	—	
Night club	P ⁽⁴²⁾	M/C	—	M/C	P ⁽⁴²⁾	—	
Restaurant, café, coffee shop	P ⁽⁴²⁾	P ⁽⁴²⁾	P ⁽⁴²⁾	P ⁽⁴²⁾	P ⁽⁴²⁾	P ⁽⁴²⁾	
Service station	M/C	M/C	—	M/C	M/C	M/C	
Second hand stores, pawnshops	P	—	—	P	P	—	
Shopping center	M/C	M/C	—	M/C	M/C	M/C	
Swap meet, outdoor market, auction yard	M/C	—	—	M/C	M/C	—	
Warehouse retail	P ⁽⁴²⁾	—	—	P ⁽⁴²⁾	P ⁽⁴²⁾	—	
SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL							
Medical services - Hospital ⁽⁴⁴⁾	—	—	CUP ⁽⁴⁵⁾	—	—	—	
Medical services - Rehabilitation center	—	—	CUP	—	—	—	
Office - Accessory	P ⁽⁴⁶⁾	P ⁽⁴⁶⁾	P ⁽⁴⁶⁾	P ⁽⁴⁶⁾	P ⁽⁴⁶⁾	P ⁽⁴⁶⁾	
Professional services	P ⁽⁴²⁾	P ⁽⁴²⁾	P	P ⁽⁴²⁾	P ⁽⁴²⁾	—	
SERVICES - GENERAL							
Bail bond service within 1 mile of correctional institution	P	—	P	P	P	P	
Cemetery including pet cemeteries	CUP	CUP	CUP	CUP	CUP	CUP	84.06
Child care - Day care center	M/C	M/C	M/C	M/C	M/C	—	
Correctional institution ⁽⁴⁴⁾	—	—	—	—	—	—	-
Convenience and support services	P ⁽⁴²⁾	P ⁽⁴²⁾	—	P ⁽⁴²⁾	P ⁽⁴²⁾	P ⁽⁴²⁾	
Emergency shelter	CUP	CUP	CUP	CUP	CUP	CUP	
Equipment rental	P ⁽⁴²⁾	—	—	P ⁽⁴²⁾	P ⁽⁴²⁾	—	
Home occupation	SUP	SUP	SUP	SUP	SUP	SUP	84.12
Kennel or cattery - 2.5-acre minimum lot area	M/C/S	—	—	—	M/C/S	—	84.04
Licensed Residential Care Facility of 6 or fewer persons	M/C	—	—	M/C	M/C	M/C	84.23
Licensed Residential Care Facility of 7 or more persons	M/C	—	—	M/C	M/C	M/C	84.23
Lodging - Bed and breakfast inn (B&B)	SUP	—	—	—	—	—	84.05
Lodging - Hotel or motel - 20 or fewer guest rooms	P ⁽²⁾	—	—	P ^(42, 8)	P ^(42, 8)	P ⁽²⁾	
Lodging - Hotel or motel - More than 20 guest rooms	M/C	—	—	M/C	M/C	M/C	
Personal services	P ⁽²⁾	P ⁽²⁾	—	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	
Public safety facility	M/C	M/C	—	—	M/C	M/C	
Unlicensed Residential Care Facility of 6 or fewer persons	RCP	—	—	RCP	RCP	RCP	84.32

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

LAND USE <i>See Division 10 (Definitions) for land use definitions</i>	PERMIT REQUIRED BY DISTRICT						Specific Use Regulations
	CR	CN	CO	CG	CS	CH	
SERVICES GENERAL (continued)							
Unlicensed Residential Care Facility of 7 or more persons	M/C	—	—	M/C	M/C	M/C	84.32
Social Care Facility – 7 or more clients	M/C	M/C	M/C	M/C	M/C	M/C	
Vehicle services - Major repair/body work	M/C	—	—	—	M/C	M/C	
Vehicle services - Minor maintenance/repair	P ⁽²⁾	—	—	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	
Veterinary clinic, animal hospital	M/C	—	—	M/C	M/C	—	
TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE							
Ambulance, taxi, or limousine dispatch facility	P ⁽²⁾	—	—	—	P ⁽²⁾	P ⁽²⁾	
Broadcasting antennae and towers	M/C	—	—	M/C	M/C	—	
Broadcasting studio	P ⁽²⁾	—	—	P ⁽²⁾	P ⁽²⁾	—	
Electrical power generation ⁽⁴⁾	—	—	—	—	—	—	-
Parking lots and structures, accessory	P ⁽³⁶⁾	P ⁽³⁶⁾	P ⁽³⁶⁾	P ⁽³⁶⁾	P ⁽³⁶⁾	P ⁽³⁶⁾	
Pipelines, transmission lines, and control stations ⁽⁵⁹⁾	⁽⁵⁹⁾	⁽⁵⁹⁾	⁽⁵⁹⁾	⁽⁵⁹⁾	⁽⁵⁹⁾	⁽⁵⁹⁾	
Renewable Energy Generation Facilities	CUP	CUP	CUP	CUP	CUP	CUP	84.29
Sewage treatment and disposal facility ⁽⁴⁾	— CUP	—	—	—	—	— CUP	
Solid waste disposal ⁽⁴⁾	—	—	—	—	—	—	-
Transportation facility	M/C	M/C	M/C	M/C	M/C	M/C	
Truck Stop	M/C	—	—	—	M/C	M/C	
Truck Terminal	—	—	—	—	M/C	—	
Utility facility	CUP	—	—	—	CUP	—	
Wind energy system, accessory	S	S	S	S	S	S	84.26
Wireless telecommunications facility	S	S	S	S	S	S	84.27
OTHER							
Accessory structures and uses	P	P	P	P	P	P	84.01
Off-Site Signs	—	—	—	CUP	—	CUP	83.13.060
Off-Site Signs (Freeway Oriented)	—	—	—	CUP	—	CUP	83.13.060
Temporary special events	TSP	TSP	TSP	TSP	TSP	TSP	84.25
Temporary uses and activities	TUP	TUP	TUP	TUP	TUP	TUP	84.25

KEY

A	Allowed use (no planning permit required)	PD	Planned Development Permit required (Chapter 85.10)
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)
		RCP	Unlicensed Residential Care Facilities Permit (Chapter 85.20)
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) Not allowed in the Phelan planning area.
- (2) CUP required if maximum building coverage exceeds 10,000 sq. ft., the use will have more than 20 employees per shift, or if not exempt from CEQA; may qualify for a MUP in compliance with Section 85.06.020 (Applicability).
- (3) The use shall be allowed in Lucerne Valley with a Site Plan Permit.
- (4) The use is allowed in Lucerne Valley with a MUP.
- (5) A MUP shall not be allowed if the use requires more than 200 parking spaces.
- (6) Use allowed as an accessory use only, on the same site as a retail, service, or industrial use allowed by this table.
- (7) Use allowed as an accessory use only, on the same site as a residential use allowed by this table.

Notes:-

- (48) A CUP shall be required for this use in the Phelan planning area.
- (2) ~~CUP required if maximum building coverage exceeds 10,000 sq. ft., the use will have more than 20 employees per shift, or if not exempt from CEQA; may qualify for a MUP in compliance with Section 85.06.020 (Applicability)..~~
- (3) ~~Use allowed as an accessory use only, on the same site as a retail, service, or industrial use allowed by this table.~~

~~(4) Requires a General Plan Amendment to Institutional (IN) Land Use Zoning District.~~

(59) These uses are regulated and approved by the Public Utilities Commission. See alternate review procedures in Section 85.02.050.

**Table 82-17
Allowed Land Uses and Permit Requirements
for Industrial and Special Purpose Land Use Zoning Districts**

LAND USE <i>See Division 10 (Definitions) for land use definitions</i>	PERMIT REQUIRED BY DISTRICT						Specific Use Regulations
	IC	IR	IN	SD-RES ⁽⁶¹⁾	SD-COM ⁽⁶¹⁾	SD-IND ⁽⁶¹⁾	
AGRICULTURAL, RESOURCE & OPEN SPACE USES							
Agriculture Support Services	P ⁽²⁾	P ⁽²⁾	—	M/C	M/C	M/C	
Animal Keeping	—	—	—	S	—	—	84.04
Crop production, horticulture, orchard, vineyard	—	—	—	A	—	—	
Livestock operations/sales	—	—	—	—	—	—	-
Natural resources development (mining)	CUP	CUP	—	CUP	CUP	CUP	
Nature preserve (accessory uses)	—	—	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	
INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING							
Construction contractor storage yard	M/C	P ⁽²⁾	—	M/C	M/C ^(2,3)	M/C	
Hazardous waste operation	—	CUP	—	—	—	—	
Firewood contractor	P	P	—	—	—	M/C	84.09
Manufacturing Operations I	P ⁽²⁾	P ⁽²⁾	—	CUP ⁽⁴⁾	CUP ⁽⁴⁾	CUP ⁽⁴⁾	
Manufacturing Operations II	— ^(4,5,6)	M/C	—	—	—	CUP ⁽⁴⁾	
Motor vehicle storage/Impound facility	M/C	M/C	—	—	—	M/C	
Recycling facilities - Small collection facility	SUP	SUP	—	—	MUP	MUP	84.19
Recycling facilities - Large collection facility	CUP	CUP	—	—	CUP ^(4,3)	CUP	84.19
Recycling facilities - Light processing facility	CUP	CUP	—	—	CUP ^(4,3)	CUP	84.19
Recycling facilities - Heavy processing facility	CUP	CUP	—	—	—	CUP	84.19
Recycling facilities, reverse vending machines (accessory only)	A	A	—	A	A	A	84.19
Salvage operations - Within an enclosed structure	CUP	M/C	—	—	CUP	M/C	
Salvage operations - General	—	CUP	—	—	—	—	
Storage - Personal storage (mini-storage)	P ⁽²⁾	P ⁽²⁾	—	M/C	M/C	M/C	
Storage - Recreational vehicles	M/C	M/C	—	M/C	M/C	M/C	
Storage - Warehouse, indoor storage	M/C	M/C	—	—	M/C	M/C	
Wholesaling and distribution	M/C	M/C	—	—	M/C	M/C	
RECREATION, EDUCATION & PUBLIC ASSEMBLY							
Campgrounds	—	—	—	CUP	—	—	
Commercial entertainment - Indoor	M/C	—	—	M/C	M/C	M/C	
Conference/convention facility	—	—	—	CUP ⁽³⁴⁾	CUP ⁽³⁴⁾	CUP ⁽³⁴⁾	
Equestrian facility	—	—	—	M/C	M/C	M/C	
Fitness/health facility	P ^(5,2)	P ^(5,2)	—	M/C	M/C	M/C	
Golf course	—	—	—	CUP ⁽³⁴⁾	CUP ⁽³⁴⁾	CUP ⁽³⁴⁾	
Library, museum, art gallery, outdoor exhibit	—	—	—	M/C	M/C	M/C	
Meeting facility, public or private	CUP	—	—	CUP	CUP	CUP	
Park, playground	—	—	P	P	P	P	
Places of worship	CUP	CUP	CUP	CUP	CUP	CUP	
Rural sports and recreation	—	—	—	CUP	CUP	CUP	
School - College or university	M/C ⁽⁴⁾	M/C ⁽⁴⁾	M/C ⁽⁴⁾	M/C ⁽⁴⁾	M/C ⁽⁴⁾	M/C ⁽⁴⁾	
School - Private	M/C ⁽⁴⁾	M/C ⁽⁴⁾	M/C ⁽⁴⁾	M/C ⁽⁴⁾	M/C ⁽⁴⁾	M/C ⁽⁴⁾	
School - Specialized education/training	M/C	M/C	M/C	M/C	M/C	M/C	
RESIDENTIAL							
Accessory dwelling (labor quarters, etc.)	P ^(4,7)	P ^(4,7)	P ^(4,7)	P ^(4,7)	P ^(4,7)	P ^(4,7)	84.01
Accessory structures and uses - Residential (conforming and non-conforming uses)	P ^(4,7,8)	P ^(4,7,8)	P ^(4,7,8)	P ^(4,7)	P ^(4,7)	P ^(4,7)	84.01
Dependent housing	—	—	—	SUP	—	—	84.08
Group residential (sorority, fraternity, boarding house, private residential club, etc.)	—	—	—	M/C	M/C	—	
Guest housing	—	—	—	P ^(2,8)	—	—	84.01
Home occupation	SUP	SUP	SUP	SUP	SUP	SUP	84.12
Homeless shelter	CUP	—	—	CUP	CUP	CUP	-

**Table 82-17
Allowed Land Uses and Permit Requirements
for Industrial and Special Purpose Land Use Zoning Districts (continued)**

LAND USE <i>See Division 10 (Definitions) for land use definitions</i>	PERMIT REQUIRED BY DISTRICT						Specific Use Regulations
	IC	IR	IN	SD-RES ⁽⁶¹⁾	SD-COM ⁽⁶¹⁾	SD-IND ⁽⁶¹⁾	
RESIDENTIAL (continued)							
Live/work unit	M/C	—	—	M/C	M/C	—	
Mobile home park/manufactured home land-lease community	—	—	—	CUP	CUP	—	
Multiple residential use	—	—	—	PD	PD	PD	
Parolee and/or probationer home	—	—	—	CUP	CUP	—	
Residential use with retail, service, or industrial use	—	—	—	PD	PD	PD	
Second dwelling unit	—	—	—	S	—	—	84.01
Single dwelling	—	—	—	A	—	—	
RETAIL							
Auto and vehicle sales and rental	P ⁽⁴²⁾	P ⁽⁴²⁾	—	M/C	M/C	M/C	
Bar, tavern	—	—	—	M/C	M/C	M/C	
Building and landscape materials sales - Indoor	P ⁽⁴²⁾	P ⁽⁴²⁾	—	M/C	M/C	M/C	
Building and landscape materials sales - Outdoor	M/C	M/C	—	—	CUP	CUP	
Construction and heavy equipment sales and rental	M/C	M/C	—	—	CUP	CUP	
Convenience store	P ⁽⁴²⁾	P ⁽⁴²⁾	—	M/C	M/C	M/C	
Fuel dealer (propane for home and farm use, etc.)	CUP	CUP	—	CUP	CUP	CUP	
General retail - 10,000 sf or less, with or without residential unit	—	—	—	M/C	M/C	M/C	
General retail - More than 10,000 sf, with or without residential unit	—	—	—	PD	PD	PD	
Manufactured home or RV sales	M/C	M/C	—	—	M/C	M/C	
Night Club	—	—	—	M/C	M/C	M/C	
Restaurant, café, coffee shop	P ⁽⁴²⁾	P ⁽⁴²⁾	—	M/C	M/C	M/C	
Second hand stores, pawnshops	P ⁽⁴²⁾	—	—	M/C	M/C	M/C	
Service station	P ⁽⁴²⁾	P ⁽⁴²⁾	—	M/C	M/C	M/C	
Swap meet, outdoor market, auction yard	M/C	M/C	—	—	—	M/C	
Warehouse retail	P ⁽⁴²⁾	P ⁽⁴²⁾	—	—	CUP	CUP	
SERVICES – BUSINESS, FINANCIAL, PROFESSIONAL							
Medical services - Hospital ⁽⁴⁾	M/C	M/C	M/C	M/C	M/C	M/C	
Medical services - Rehabilitation center	M/C	M/C	M/C	M/C	M/C	M/C	
Office - Accessory	P ⁽²⁸⁾	P ⁽²⁸⁾	P ⁽²⁸⁾	P ⁽²⁸⁾	P ⁽²⁸⁾	P ⁽²⁸⁾	
Professional Services	P ⁽⁴²⁾	—	—	M/C	M/C	M/C	
SERVICES – GENERAL							
Bail bond service within 1 mile of correctional institution	P	P	P	—	P	P	
Cemetery, including pet cemeteries	—	—	—	CUP	CUP	CUP	84.06
Correctional institution	— ⁽⁴⁾	— ⁽⁴⁾	CUP	— ⁽⁴⁾	— ⁽⁴⁾	— ⁽⁴⁾	
Emergency Shelter	CUP	—	—	CUP	CUP	CUP	
Equipment rental	P ⁽⁴²⁾	P ⁽⁴²⁾	—	—	M/C	M/C	
Home occupation	SUP	SUP	SUP	SUP	SUP	SUP	84.12
Kennel or cattery	M/C	—	—	—	—	M/C	84.04
Licensed Residential Care Facility of 6 or fewer persons	M/C	—	—	M/C	M/C	—	84.23
Licensed Residential Care Facility of 7 or more persons	M/C	—	—	M/C	M/C	—	84.23
Lodging – Bed and breakfast inn (B&B)	—	—	—	SUP ⁽⁶⁹⁾	SUP ⁽⁶⁹⁾	—	
Lodging – Hotel or motel – 20 or fewer guest rooms	—	—	—	M/C	M/C	—	
Lodging – Hotel or motel – More than 20 guest rooms	—	—	—	M/C	M/C	—	
Personal services	P ⁽⁴²⁾	—	—	M/C	M/C	M/C	

**Table 82-17
Allowed Land Uses and Permit Requirements
for Industrial and Special Purpose Land Use Zoning Districts (continued)**

LAND USE <i>See Division 10 (Definitions) for land use definitions</i>	PERMIT REQUIRED BY DISTRICT						Specific Use Regulations
	IC	IR	IN	SD-RES ⁽⁵¹⁾	SD-COM ⁽⁵¹⁾	SD-IND ⁽⁵¹⁾	
SERVICES - GENERAL (Continued)							
Public safety facility ⁽⁶⁾	— M/C	— M/C	CUP/M/C	—M/C	—M/C	—M/C	
Social care facility – 7 or more clients	—	—	M/C	CUP	CUP	CUP	
Unlicensed Residential Care Facility of 6 or fewer persons	RCP	—	—	RCP	RCP	—	84.32
Unlicensed Residential Care Facility of 7 or more persons	M/C	—	—	M/C	M/C	—	84.32
Vehicle services - Major repair/body work	P ⁽⁴²⁾	P ⁽⁴²⁾	—	—	M/C ⁽⁷¹⁰⁾	M/C	
Vehicle services - Minor maintenance/repair	P ⁽⁴²⁾	P ⁽⁴²⁾	CUP ⁽⁸¹¹⁾	—	M/C ⁽⁷¹⁰⁾	M/C	
Veterinary clinic, animal hospital	M/C	—	—	—	M/C	M/C	
TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE							
Ambulance, taxi, or limousine dispatch facility	M/C	M/C	M/C	M/C	M/C	M/C	
Broadcasting antennae and towers	M/C	M/C	M/C	CUP	CUP	CUP	
Broadcasting studio	M/C	M/C	M/C	CUP ⁽³⁴⁾	CUP ⁽³⁴⁾	CUP ⁽³⁴⁾	
Communication contractor	M/C	M/C	M/C	M/C ⁽⁷¹⁰⁾	M/C ⁽⁷¹⁰⁾	M/C ⁽⁷¹⁰⁾	
Electrical power generation ⁽⁶⁾	CUP	CUP	CUP	—	—	—	
Parking lots, accessory	P ⁽¹²⁾	P ⁽¹²⁾	P ⁽¹²⁾	P ⁽¹²⁾	P ⁽¹²⁾	P ⁽¹²⁾	
Parking structures	P ⁽¹²⁾	P ⁽¹²⁾	P ⁽¹²⁾	M/C	M/C	M/C	
Pipelines, transmission lines, and control stations ⁽⁴¹³⁾	(413)	(413)	(413)	(413)	(413)	(413)	
Renewable Energy Generation Facilities	CUP	CUP	CUP	—	—	—	84.29
Sewage treatment and disposal facility ⁽⁶⁾	— CUP	— CUP	CUP	—	—	—	
Solid waste disposal ⁽⁶⁾	— CUP	— CUP	CUP	—	—	—	
Transportation facility	M/C	M/C	M/C	M/C	M/C	M/C	
Truck Stop	M/C	M/C	—	—	—	M/C	
Truck Terminal	M/C	M/C	—	—	—	M/C	
Utility facility	CUP	CUP	CUP	CUP	CUP	CUP	
Water treatment plants and storage tanks	—	CUP	CUP	—	CUP	CUP	
Wind energy system, accessory	S	S	S	S	S	S	84.26
Wireless telecommunications facility	S	S	S	S	S	S	84.27
OTHER							
Accessory structures and uses	P	P	P	P	P	P	84.01
Temporary special events	TSP	TSP	TSP	TSP	TSP	TSP	84.25
Temporary structures and uses	TUP	TUP	TUP	TUP	TUP	TUP	84.25

KEY

A	Allowed use (no planning permit required)	PD	Planned Development Permit required (Chapter 85.10)
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)	RCP	Unlicensed Residential Care Facilities Permit (Chapter 85.20)
MUP	Minor Use Permit required (Chapter 85.06)	TUP	Temporary Use Permit required (Chapter 85.15)
		—	Use not allowed

Notes:

- (1) The Special Development Land Use Zoning District may have a suffix to indicate the focus of a particular SD zone. A “RES” suffix indicates that the focus is on residential Planned Development projects. A “COM” suffix indicates that the focus is on commercial Planned Development projects. An “IND” suffix indicates that the focus is on industrial Planned Development projects. However, all can still have mixed uses within these zones.
- (2) CUP required if maximum building coverage exceeds 10,000 sq. ft., the use will have more than 20 employees per shift, or if not exempt from CEQA; may qualify for a MUP in compliance with Section 85.06.020 (Applicability).
- (3) This use shall be located completely within an enclosed structure.
- (4) PD Permit required if total floor area or use area exceeds 10,000 sq. ft.
- (5) Concrete batch plants in the Phelan planning area may be allowed subject to a CUP.
- (6) Pallet manufacturing, reconditioning, and storage yards in the unincorporated area in Fontana bounded by the I-10 on the north, Almond Ave. on the east, 660 ft. south of Santa Ana Ave. on the south, and Mulberry Ave. on the west that is zoned IC may be allowed subject to a CUP.
- (7) Use allowed as an accessory use only, on the same site as a retail, service, or industrial use allowed by this table. Requires a Special Use Permit when recreational vehicles are used for seasonal operations.
- (8) Use allowed as an accessory use only, on the same site as a residential use allowed by this table.
- ~~(9) A CUP shall be required for three or more rooms~~
- ~~(1) CUP required if maximum building coverage exceeds 10,000 sq. ft., the use will have more than 20 employees per shift, or if not exempt from CEQA; may qualify for a MUP in compliance with Section 85.06.020 (Applicability).~~
- ~~(2) Use allowed as an accessory use only, on the same site as a retail, service, or industrial use permitted by this table.~~
- ~~(3) PD permit required if total floor area or use area exceeds 10,000 sq. ft.~~
- ~~(4) These uses are regulated and approved by the Public Utilities Commission. See alternate review procedures in Section 85.02.050.~~
- ~~(5) The Special Development Land Use Zoning District may have a suffix to indicate the focus of a particular SD zone. A “RES” suffix indicates that the focus is on residential Planned Development projects. A “COM” suffix indicates that the focus is on commercial Planned Development projects. An “IND” suffix indicates that the focus is on industrial Planned Development projects. However, all can still have mixed uses within these zones.~~
- ~~(6) May require a General Plan Amendment to Institutional (IN) Land Use Zoning District.~~
- (7)10 This use shall be located completely within an enclosed structure with no exterior overnight storage of vehicles.
- (8)11 When associated with an institutional use.
- (12) Use allowed as an accessory use only, on the same site as a retail, service, or industrial use allowed by this table.
- (13) These uses are regulated and approved by the Public Utilities Commission. See alternate review procedures in Section 85.02.050.

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CHAPTER 82.22 SPHERE STANDARDS (SS) OVERLAY

Sections:

82.22.010	Purpose
82.22.020	Location Requirements
82.22.030	Development Standards within the Sphere of the City of Adelanto
82.22.040	Development Standards within the Sphere of the Town of Apple Valley
82.22.050	Development Standards within the Sphere of the City of Barstow
82.22.060	Development Standards within the Sphere of the City of Big Bear Lake
82.22.070	Development Standards within the Sphere of the City of Chino
82.22.080	Development Standards within the Sphere of the City of Colton
82.22.090	Development Standards within the Sphere of the City of Fontana
82.22.100	Development Standards within the Sphere of the City of Hesperia
82.22.110	Development Standards within the Sphere of the City of Highland
82.22.120	Development Standards within the Sphere of the City of Loma Linda
82.22.130	Development Standards within the Sphere of the City of Montclair
82.22.140	Development Standards within the Sphere of the City of Needles
82.22.150	Development Standards within the Sphere of the City of Rancho Cucamonga
82.22.160	Development Standards within the Sphere of the City of Redlands
82.22.170	Development Standards within the Sphere of the City of Rialto
82.22.180	Development Standards within the Sphere of the City of San Bernardino
82.22.190	Development Standards within the Sphere of the City of Twentynine Palms
82.22.200	Development Standards within the Sphere of the City of Upland
82.22.210	Development Standards within the Sphere of the City of Victorville
82.22.220	Development Standards within the Sphere of the City of Yucaipa

82.22.010 Purpose

- (a) **Purpose.** The Sphere Standards (SS) Overlay established by 82.01.030 (Overlays) is created to allow the implementation of County development standards or standards that more closely conform to city development standards within specified spheres of influence areas identified in this Chapter.
- (b) **Intent.** The intent is to ensure that the County's approval of a proposed development in a sphere of influence is consistent with the shared objectives of the County and the applicable city where the County has determined it is appropriate to adopt similar standards.

Adopted Ordinance 4011 (2007)

82.22.020 Location Requirements

The Sphere Standards Overlay shall only be applied to the city/town spheres of influence indicated in Table 82-23 (Sphere Standards Overlay) and shall be created upon adoption of an amendment to this Development Code in compliance with Chapter 86.12 (Amendments). These standards apply only to the unincorporated portions of a city’s/town’s sphere of influence.

**Table 82-23
Sphere Standards Overlays**

Name of City/Town with Sphere of Influence over County lands	Zoning Prefix	Adoption Date of City/Town Sphere Standards	Section Reference (Where sphere standards located in Development Code)
Adelanto	AD	Not adopted	82.22.030
Apple Valley	AV	December 27, 2012	88.22.040
Barstow	BW	Not adopted	88.22.050
Big Bear Lake	BB	Not adopted	88.22.060
Chino	CC	Not adopted	88.22.070
Colton	CL	Not adopted	88.22.080
Fontana	FT	May 8, 2007	88.22.090
Hesperia	HP	Not adopted	88.22.100
Highland	HD	Not adopted	88.22.110
Loma Linda	LL	Not adopted	88.22.120
Montclair	MC	Not adopted	88.22.130
Needles	ND	Not adopted	88.22.140
Rancho Cucamonga	RC	Not adopted	88.22.150
Redlands	RD	Not adopted	88.22.160
Rialto	RT	Not adopted	88.22.170
San Bernardino	SB	Not adopted	88.22.180
Twentynine Palms	TP	Not adopted	88.22.190
Upland	UP	Not adopted	88.22.200
Victorville	VV	Not adopted	88.22.210
Yucaipa	YU	Not adopted	88.22.220

Adopted Ordinance 4011 (2007); Amended Ordinance 4020 (2007); Amended Ordinance 4189 (2012)

82.22.030 Development Standards within the Sphere of the City of Adelanto

(Reserved)

Adopted Ordinance 4189 (2012)

82.22.040 Development Standards within the Sphere of the Town of Apple Valley

- (a) **General Provisions.** The provisions contained in this section are only those provisions that are different from countywide provisions and unique to the Apple Valley Sphere of Influence.

- (b) **Agricultural and Resource Management Land Use Zoning Districts -- Allowed Uses and Permit Requirements.** As outlined in Table 82-4 of Chapter 82.04, except for the unique uses noted below:

**Table 82-24
Allowed Land Uses and Permit Requirements
for Agricultural and Resource Management Land Use Zoning Districts
within the Apple Valley Sphere of Influence**

LAND USE <i>See Division 10 (Definitions) for land use definitions</i>	PERMIT REQUIRED BY DISTRICT			Specific Use Regulations
	AV/RC	AV/AG	AV/FW	
AGRICULTURAL, RESOURCE & OPEN SPACE USES				
Community garden	A	A	A	
Nursery (Wholesale)	M/C	M/C	M/C	
RECREATION, EDUCATION & PUBLIC ASSEMBLY				
Desert botanical garden	MUP	MUP	—	
Historical landmarks and structures	A	A	A	
Zoos	CUP	CUP	—	
SERVICES – GENERAL				
Licensed Residential Care Facility with 7 or more persons	CUP	CUP	—	84.23
Unlicensed Residential Care Facility with 7 or more persons	CUP	CUP	—	84.32

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

- (c) **Residential Land Use Zoning Districts -- Allowed Uses and Permit Requirements.** As outlined in Table 82-7 of Chapter 82.04, except for the unique uses noted below:

**Table 82-25
Allowed Land Uses and Permit Requirements for Residential Land Use Zoning Districts within the Apple Valley Sphere of Influence**

LAND USE <i>See Division 10 (Definitions) for land use definitions</i>	PERMIT REQUIRED BY DISTRICT		Specific Use Regulations
	AV/RL	AV/RS	
AGRICULTURAL, RESOURCE & OPEN SPACE USES			
Agricultural accessory structure (non-habitable) – 1,000 sf max.	A	A	
Agricultural accessory structure (non-habitable) – up to 10,000 sf max. on 5 ac. or less	A	—	
Agricultural accessory structure (non-habitable) – greater than 10,000 sf on 5 ac. or less	M/C	—	
Community garden	A	A	
Nursery (Wholesale)	M/C	—	
RECREATION, EDUCATION & PUBLIC ASSEMBLY			
Historical landmarks and structures	A	A	
RESIDENTIAL USES			
Fitness/health facility	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

- (d) **Commercial Land Use Zoning Districts -- Allowed Uses and Permit Requirements.** As outlined in Table 82-11 of Chapter 82.05, except for the unique uses noted below.

Table 82-26
Allowed Land Uses and Permit Requirements for Commercial Land Use Zoning Districts within the Apple Valley Sphere of Influence

LAND USE <i>See Division 10 (Definitions) for land use definitions</i>	PERMIT REQUIRED BY DISTRICT			Specific Use Regulations
	AV/CR	AV/CN	AV/CG	
INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING				
Storage - Personal storage (mini-storage)	M/C	—	CUP	
Storage - Recreational vehicles	CUP	—	CUP	
RECREATION, EDUCATION & PUBLIC ASSEMBLY				
Historical landmarks and structures	A	A	A	
School - Specialized education/training	M/C	M/C	M/C	
RETAIL				
Construction and heavy equipment sales and rental	M/C	—	CUP	
Nurseries (Retail)	M/C	—	M/C	
SERVICES - GENERAL				
Crematorium	CUP	—	CUP	
Mortuary services	CUP	—	CUP	
Repair Services – non-automotive	MUP	MUP	MUP	
Licensed Residential Care Facility with 6 or fewer persons	—	—	—	
Social Care Facility—7 or more clients Licensed Residential Care Facility with 7 or more persons	—	—	—	
Unlicensed Residential Care Facility with 7 or more persons	—	—	—	

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

- (e) **Industrial and Special Use Land Use Zoning Districts -- Allowed Uses and Permit Requirements.** As outlined in Table 82-17 of Chapter 82.05, except for the unique uses noted below.

**Table 82-27
Allowed Land Uses and Permit Requirements
for Industrial and Special Purpose Land Use Zoning Districts
within the Apple Valley Sphere of Influence**

LAND USE <i>See Division 10 (Definitions) for land use definitions</i>	PERMIT REQUIRED BY DISTRICT			Specific Use Regulations
	AV/IC	AV/IR	AV/SD-PD	
RECREATION, EDUCATION & PUBLIC ASSEMBLY				
Historical landmarks and structures	A	A	A	
RETAIL				
Building and landscape materials sales - Indoor	M/C	M/C	—	
Building and landscape materials sales - Outdoor	M/C	M/C	—	
SERVICES – BUSINESS, FINANCIAL, PROFESSIONAL				
Office - Government	M/C	M/C	M/C	
SERVICES - GENERAL				
Lodging – Hotel or motel – 20 or fewer guest rooms	CUP	CUP	M/C	
Lodging – Hotel or motel – More than 20 guest rooms	CUP	CUP	M/C	
Licensed Residential Care Facility with 6 or fewer persons	—	—	—	
Licensed Residential Care Facility with 7 or more persons	—	—	—	
Unlicensed Residential Care Facility with 7 or more persons	—	—	—	

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

- (f) **Single-Family Residential Dwellings.** The exception to the ten-year standard outlined in Subsection 84.21.030(i) [Certification tag or label required] shall not be allowed. Therefore, in the Apple Valley Sphere of Influence, a permit from the Building and Safety Division for the installation of a manufactured home not within an approved and properly licensed mobile home park shall not be issued, if more than ten years have elapsed between the date of manufacture and the date of the application for the issuance of the permit to install such manufactured home.

Adopted Ordinance 4189 (2012)

Table 83-15	
Parking Requirements by Land Use	
Uses	Number of Spaces Required
Residential Uses	
Caretaker housing	▪ 2, with one covered
Clubs, conference centers, fraternity and sorority houses, rooming and boarding houses, and similar structures having guest rooms⁽²⁾	▪ 1 for each 3 guest rooms⁽³⁾
Dependent housing	▪ 2 for each unit
Group residential (sorority, fraternity, boarding house, parolee-probationer home, private residential club, etc.)	▪ 1 for each bedroom ▪ 1 for the house manager, staff member or employee
Mobile home parks	▪ 2; one covered on each mobile home parcel (may be in tandem); and ▪ 1 guest space for each 10 spaces, or fraction thereof
Motels, hotels, and boarding house	▪ 1 for each unit/room
Multi-family dwelling	▪ 2.5 for projects of 4 or more units, one shall be covered for each dwelling unit on the project site to accommodate resident and visitor parking ⁽²⁾ ▪ 2.0 for projects of 2 or 3 units, one shall be covered for each dwelling unit ⁽²⁾
Second dwelling unit	▪ 2, one shall be covered ⁽²⁾
Single-family dwelling	▪ 2, one shall be covered on the same site with the primary structure ⁽²⁾
Short Term Private Home Rental	▪ 1 for each bedroom
Services – General	
Beauty and nail salons	▪ 2 for each station
Child care centers	▪ 1 for each 5 children that the facility is designed to accommodate
Emergency shelter	▪ 1 for each guest room
Hospital	▪ 1 for each 2 patient beds
Medical offices, clinics, veterinary hospital	▪ 1 for each 250 s.f. of GLA
Motels and hotels	▪ 1 for each unit/room
Licensed Residential care facility of 6 or fewer residents	▪ 2, one shall be covered on the same site with the primary structure ⁽²⁾
Licensed Residential care facility of 7 or more residents	▪ 1 for each bedroom ▪ 1 for the house manager, staff member or employee
Offices, general, financial, business and professional uses	▪ 1 for each 250 s.f. of GLA
Personal services	▪ 1 for each 250 sq. ft. of GLA
Short-Term Private Home Rental	▪ 1 for each bedroom
Social care facilities	▪ 1 for each 3 residents of the maximum licensed resident capacity
Unlicensed Residential Care Facility with 6 or fewer residents	▪ 1 for each bedroom
Unlicensed Residential Care Facility with 7 or more residents	▪ 1 for each bedroom ▪ 1 for the house manager, staff member or employee

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CHAPTER 84.05 BED AND BREAKFAST USES

Sections:

- 84.05.010 Purpose
- 84.05.020 Applicability
- 84.05.030 Types of Bed and Breakfast Uses
- 84.05.040 Permit and Tax Requirements
- 84.05.050 Development Standards
- 84.05.060 Additional Standards for Bed and Breakfast Inns/Lodges

84.05.010 Purpose

The purpose of this Chapter is to regulate the establishment and operation of bed and breakfast facilities in order to maintain and preserve the residential character, integrity, and property values of surrounding areas within which these facilities are located and maintained.

Adopted Ordinance 4011 (2007)

84.05.020 Applicability

The standards of this Chapter apply to bed and breakfast uses where allowed in compliance with Division 2 (Land Use Zoning Districts and Allowed Land Uses).

Adopted Ordinance 4011 (2007)

84.05.030 Types of Bed and Breakfast Uses

- (a) **Classification of types.** Bed and breakfast uses shall be classified into three types.
 - (1) Host Home.
 - (2) Bed and Breakfast Home.
 - (3) Bed and Breakfast Inn/Lodge.
- (b) **Characteristics of types of bed and breakfast uses.** See Table 84-6 (Standards for Bed and Breakfast Uses) in Subsection 84.05.050(h) (Development Standards—Design standards), below.

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

84.05.040 Permit and Tax Requirements

In addition to the land use permit required in Division 2 (Land Use Zoning Districts and Allowed Land Uses), the following shall also be required for bed and breakfast uses:

- (a) **Special Use Permit.** A Special Use Permit shall be required in compliance with Chapter 85.14 (Special Use Permits) and shall be renewed annually. The review authority may void a Special Use Permit for a bed and breakfast use for noncompliance with the conditions outlined in the approved permit and shall notify the permittee of its action in compliance with Chapter 86.09 (Enforcement)
- (b) **Health Permit.** A Health Permit shall be required in compliance with Title 3 (Health and Sanitation and Animal Regulations) of the County Code and shall be renewed annually.
- (c) **Transit Occupancy Tax (bed tax) requirements.** Bed and breakfast uses shall be subject to the Transient Occupancy Tax (“bed tax”) in compliance with Title 1 (Government and Administration) of the County Code.
- (d) **Certificate of Land Use Compliance.** Where deemed appropriate by the Code Enforcement Division, owners/operators of bed and breakfast uses shall be required to sign and record a Certificate of Land Use Compliance and abide by its provisions in compliance with Chapter 85.05 (Certificates of Land Use Compliance).

Adopted Ordinance 4011 (2007)

84.05.050 Development Standards

- (a) **Land use zoning district requirements.** Bed and breakfast uses shall be subject to the development standards for the land use zoning district in which they are located as identified in Division 2 (Land Use Zoning Districts and Allowed Land Uses) and the development standards in this Chapter.
- (b) **Single-family dwelling structure only.** Only a single-family dwelling structure, including related habitable accessory structures (e.g., guest house, second dwelling units, etc.) shall be considered for bed and breakfast uses.
- (c) **Accessory to residential use.** The bed and breakfast use shall be conducted as an accessory residential use only.
- (d) **Owner residency requirement.** The residential structure shall serve as the primary residence of the owner of the bed and breakfast use. If a corporation is the owner, a majority shareholder of the corporation shall reside in the residential structure where the bed and breakfast use is operated.
- (e) **Code and State law requirements.**
 - (1) Dwelling units proposed for bed and breakfast use shall comply with standards and specifications of the California Building Code.
 - (2) Each guest room shall be equipped with a fire extinguisher and a smoke detector that conform to the California Building Code Standards (CBC No. 43-6).

- (3) An exit/egress map and an emergency evacuation map shall be displayed in a prominent location in each guest room in compliance with State law.
- (f) **Access and driveways.** The owner of the bed and breakfast use shall ensure that required access, driveways, and parking spaces remain clear and unobstructed and are available and ready for the occupants' use at all times.
- (g) **Parking.** In addition to the required parking standards for residential uses in Chapter 83.11 (Parking and Loading Standards), one parking stall measuring 19 feet in length and nine feet in width shall be provided on-site for each guest room. These additional parking spaces shall comply with the location and design standards established by the applicable land use zoning district and the provisions of Chapter 83.11 (Parking and Loading Standards). Neither on-street parking nor tandem parking shall be used to satisfy this on-site parking requirement. Additional parking spaces may be required when deemed necessary by the review authority.
- (h) **Design standards.**
- (1) **Minimum number of rooms and parcel size requirements.** Table 84-6 (Standards for Bed and Breakfast Uses) identifies the required number of guest rooms, minimum number of bathrooms, and minimum parcel sizes applicable to each of the three types of bed and breakfast uses.

Table 84-6
Standards for Bed and Breakfast Uses

Type of Use	Number of Guest Rooms	Minimum Number of Bathrooms	Minimum Parcel Size ⁽¹⁾ (Net Area)
Host Home	1	2	5,000 sq. ft.
	2	2	7,200 sq. ft.
Bed and Breakfast Home	3	3	8,200 sq. ft.
	4	3	9,200 sq. ft.
	5	3	10,200 sq. ft.
Bed and Breakfast Inn/Lodge	6-10	4 Access for physically handicapped-disabled required.	20,000 sq. ft. + 1,000 sq. ft per every bedroom over 6
	Over 10	Not allowed	

Note:

- (1) A bed and breakfast use shall not be allowed in a dwelling that is located on a site that has less than the required parcel area specified by the underlying land use zoning district.

- (2) **Alterations and modifications.** Alterations and modifications may be made to the structures and the site but the alterations shall be compatible with the character of the neighborhood. The alterations and modifications shall also comply with applicable provisions, requirements, and standards of the County Code.

- (3) **Landscaping.** Additional landscaping may be required to screen parked vehicles from direct view of the neighbors, particularly where the parking is located within the front yard setback.
- (4) **Exterior lighting.** Lights to illuminate the site shall be designed and oriented to reflect away from adjoining properties and public thoroughfares.
- (5) **Signs.** A non-illuminated identification sign, not to exceed six square feet in area, shall be allowed. If not attached to the residence, the sign shall not exceed six feet in height and shall blend with the architectural style of the structure and the neighborhood.
- (6) **Minimum separation requirements.** A Bed and Breakfast facility shall not, at the time the Special Use Permit is issued, be located within 300 feet, as measured in a straight line from the property line of the parcel on which the facility is proposed to the closest property line of any other dwelling unit permitted as a Bed and Breakfast facility. However, no more than two Bed and Breakfast facilities shall be located on the same block. ~~No bed and breakfast use shall be allowed where more than two other bed and breakfast uses currently exist within 1,000 feet of the perimeter of the proposed site.~~
- (i) **Kitchen facilities and service of meals.**
- (1) No cooking facilities shall be allowed in guest rooms.
- (2) The sale of food or other materials shall be limited to guests who are currently residing on the premises where the use is located and not to the general public.
- (j) **Records of patrons.** Records of all guests who patronize the bed and breakfast establishment shall be preserved for a minimum period of three years before they are discarded.
- (k) **Pedestrian and vehicular traffic.** Pedestrian and vehicular traffic shall be limited to that normally associated with residential land use zoning districts.
- (l) **Commercial vehicles.** The use shall not involve the use of commercial vehicles for the delivery of materials to or from the premises beyond those commercial vehicles normally associated with residential uses.
- (m) **Outdoor storage.** There shall be no outdoor storage of materials or equipment, nor shall merchandise be visible, from outside the home.
- (n) **Residential character of structure.** The appearance of the structure shall not be altered nor the occupation within the residence be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, noises, and vibrations.

- (o) **Utilities and community facilities.** The uses of utilities and community facilities shall be limited to that normally associated with the use of the property for residential purposes.

Adopted Ordinance 4011 (2007)

84.05.060 Additional Standards for Bed and Breakfast Inns/Lodges

- (a) **Structures of historical, architectural, and cultural significance.**

- (1) Only the following residential structures shall be allowed to be used as a Bed and Breakfast Inn/Lodge:
 - (A) A residential structure that the Commission has determined to be of historical, architectural, or cultural significance; or
 - (B) A property that is listed in the State Register or the National Register of Historic Places.
 - (2) The Commission may establish Historic and Scenic Preservation Standards and shall review the proposal for a determination of historical, architectural, or cultural significance. In making its determination, the Commission shall consider the:
 - (A) Architecture of the structure noting the history, uniqueness, and style of the design.
 - (B) Historical and/or cultural value(s) of the property and/or the site.
 - (C) Age of the structure and its physical and structural condition.
 - (3) After a determination, the structure shall be listed:
 - (A) As a State Landmark or Point of Historical Interest; or
 - (B) On the National Register of Historic Places.
 - (4) If a Bed and Breakfast Inn/Lodge is associated with an agritourism use, these requirements shall not apply.
- (b) **Preservation and maintenance of significant features.** The Commission may require the preservation and maintenance of significant permanent landscaping features and significant historical, architectural, and/or cultural features of the structure and/or property.
- (c) **Pre-alteration inspection by Building Official.** A residential structure that has been declared a historical structure shall be subject to pre-alteration inspection by the Building Official. A copy of the inspection report shall accompany the application for a Special Use Permit for a bed and breakfast use.

- (d) **Compliance with building code standards.** Historical structures proposed for bed and breakfast uses shall comply with current applicable California Building Code standards, including the State Historical Building Code, and those pertaining to the physical and structural conditions of the structure and the site.

Adopted Ordinance 4011 (2007)

CHAPTER 84.23 ~~SOCIAL~~-LICENSED RESIDENTIAL CARE FACILITIES

Sections:

- 84.23.010 Purpose.
- 84.23.020 Applicability.
- 84.23.030 Development Standards.

84.23.010 Purpose.

The State of California has enacted laws and regulations to provide for the care of children as well as mentally and physically disabled persons in a residential environment. The purpose of this Chapter is to implement the applicable State laws in a manner that preserves the peace, quiet, and quality of life intended for residential neighborhoods. This Chapter provides standards for the establishment and operation of ~~soeial~~-licensed residential care facilities.

Adopted Ordinance 4011 (2007)

84.23.020 Applicability.

The standards in this Chapter apply to ~~soeial~~-licensed residential care facilities where allowed in compliance with Division 2 (Land Use Zoning Districts and Allowed Land Uses).

Adopted Ordinance 4011 (2007)

84.23.030 Development Standards.

- (a) ~~Soeial~~-Licensed residential care facilities serving 6 or fewer persons. Each licensed residential ~~soeial~~-care facility shall conform to the property development standards for the land use zoning district in which it is located.
- (b) ~~Soeial~~-Licensed residential care facilities serving 7 or more persons.
 - (1) **Applicable land use zoning district development standards.** Each licensed residential ~~soeial~~-care facility shall conform to the property development standards for the land use zoning district in which it is located.
 - (2) **Separation Minimization of Overconcentration.** The separation of licensed residential ~~Soeial~~-care facilities shall ~~not be located within 300 feet of another similar facility~~ be as provided by State law.
 - (3) **Walls.** Licensed residential ~~Soeial~~-care facilities shall provide a 6-foot high solid decorative block wall along all property lines, except in the front yard. Walls shall provide for safety with controlled points of entry and shall incorporate decorative materials and features.

- (4) **Landscaping.** On-site landscaping shall comply with Chapter 83.10 (Landscaping Standards) and shall be regularly maintained, including providing irrigation.
- (5) **Outdoor lighting.** Outdoor lighting shall comply with Chapter 83.07 (Glare and Outdoor Lighting).
- (6) **Signs.** No signs shall be allowed within a residential land use zoning district. Signs for **licensed residential ~~social~~-care facilities** within nonresidential land use zoning districts shall comply with Chapter 83.13 (Signs).
- (7) **Fire Department requirements.** Each **licensed residential ~~social~~-care facility** shall provide fire extinguishers and smoke detector devices and shall meet all standards established by the Fire Chief.
- (8) **Noise.** Outdoor activities shall be conducted only between the hours of 7:00 a.m. and 10:00 p.m.
- (9) **Applicable health and safety regulations.** **Licensed residential ~~social~~-care facilities** shall be operated in compliance with applicable State and local health and safety regulations.
- (10) **Required permits and licenses.** **Licensed residential ~~social~~-care facilities** shall be **located where allowed in compliance with Division 2 (Land Use Zoning Districts and Allowed Land Uses)** and in conformance with the California Building Code. A certificate of occupancy shall be obtained from the Building and Safety Division before occupancy of **licensed residential ~~social~~-care facilities**.

Adopted Ordinance 4011 (2007); Amended Ordinance 4098 (2010); Amended xxxx (2013)

CHAPTER 84.28 SHORT-TERM PRIVATE HOME RENTALS

Sections:

- 84.28.010 Purpose
- 84.28.020 Applicability
- 84.28.030 Special Use Permit Requirements
- 84.28.040 Development Standards and Conditions of Operation

84.28.010 Purpose

The purpose of this Chapter is to establish standards and permit procedures for the establishment and maintenance of short-term private home rentals in the Mountain Region.

Adopted Ordinance 4011 (2007)

84.28.020 Applicability

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

Adopted Ordinance 4011 (2007)

84.28.030 Special Use Permit Requirements

- (a) **When required.** A short-term private home rental, within the Mountain Region, shall be allowed, provided that a Special Use Permit is first obtained and all of the standards and conditions contained in this Chapter are fulfilled.
- (b) **Biennial renewal.** The Special Use Permit shall be renewed on a biennial basis.
- (c) **Exempt units.** Multi-family condominium units in fee-simple ownership, or owned on a time-share basis, that are located in a multi-family land use zoning district, within the Mountain Region and that have received a previous land use approval from the County, shall be exempt from the requirements of this Chapter and shall not be required to obtain a Special Use Permit in order to rent a unit.
- (d) **Inspections.** In evaluating an initial application to issue a Special Use Permit, the Department shall inspect the subject property to determine maximum parking capacity for the property and to verify compliance with provisions of this Chapter affecting the exterior of the unit. Upon the renewal of the permit, the unit shall be re-inspected to ensure continued compliance with exterior requirements, conditions and standards of this Chapter and with other applicable County codes and ordinances.

- (e) **Notification requirements.** The Department shall notify all contiguous property owners in writing that the specific unit is available as a short-term rental. This notification shall clearly state the following information:
- (1) The name of the managing agency, agent, property manager, or owner of the unit, and a telephone number at which that party may be reached on a 24-hour basis;
 - (2) The maximum number of occupants allowed to stay in the unit;
 - (3) The maximum number of vehicles allowed to be parked on the property; and
 - (4) Whether or not the unit has been approved to allow on-street parking.

Adopted Ordinance 4011 (2007)

84.28.040 Development Standards

- (a) **Compliance with fire, building, and health codes.** The short-term private rental home unit shall be in compliance with the California Fire Code, California Building Code, California Health and Safety Code, the National Fire Protection Association Standards or regulations, and other relevant laws and codes.
- (b) **Maximum occupancy.** The maximum occupancy of a short-term private home rental unit shall be one person for each 100 square feet of building area, excluding garages or other accessory structures; provided, that in no case shall the occupancy of a short-term private home rental unit exceed the number of raised sleeping beds, as defined in Division 10 (Definitions), provided for each guest that is two years of age and older.
The occupants shall be acting as a single housekeeping unit while staying onsite.
- (c) **Parking.**
- (1) **Number and type of spaces.** Parking shall be provided on-site to meet the occupancy of each short-term private home rental at a ratio of not less than one parking space for each bedroom in compliance with Section 83.11.040 (Number of Parking Spaces Required). Parking spaces may include garage, carport, and driveway spaces, and may allow for tandem parking.
 - (2) **Paving.** Where the rental property parcel abuts a paved street or road, parking areas shall be surfaced with a minimum of two inches of road-mixed surfacing in compliance with County Public Works Department Specification No. 38.
- (d) **Signage.** The address of the unit shall be legible from the street and shall comply with the requirements of Chapter 83.13 (Sign Regulations).

Adopted Ordinance 4011 (2007); **Amended Ordinance xxxx (2014)**

84.28.050 Conditions of Operation

The following requirements for short-term private home rentals shall constitute minimum requirements. The unit shall be brought into compliance with these requirements and any other applicable County codes and ordinances in order for the use to be allowed.

- (a) **Contents of rental agreement.** Information on the allowed occupancy and parking capacity for each unit and trash disposal requirements shall be stated in the rental information and agreement provided to prospective renters before their occupancy of the unit.
- (b) **Posted notice within unit.** Each short-term private home rental unit shall have a clearly visible and legible notice posted within the unit on or adjacent to the front door, containing the following information:
 - (1) The name of the managing agency, agent, property manager, or owner of the unit, and a telephone number at which that party may be reached on a 24-hour basis;
 - (2) The maximum number of occupants allowed to stay in the unit;
 - (3) The maximum number of vehicles allowed to be parked on the property;
 - (4) Notification of the arrangements that the owner has made relative to proper trash and refuse disposal;
 - (5) Notification that failure to conform to the parking and occupancy requirements of the structure is a violation of the County Code; and
 - (6) Whether or not the unit has been approved to allow on-street parking.
- (c) **Property maintenance.** Short-term private home rental units shall be maintained in a clean and sanitary condition and free from hazards, which shall include meeting the following requirements:
 - (1) Permanent use of extension cords for appliances, heaters, lamps, or other fixtures shall be prohibited.
 - (2) Bedroom windows shall be operable to allow for emergency egress.
 - (3) Accumulation of trash and/or debris on the site or within the unit shall be prohibited.
 - (4) Trash collection receptacles shall be “animal-proofed” as defined in Division 10 (Definitions). Trash cans shall be secured in an upright condition to prevent falling over on their side. Trash can lids shall be secured with self-contained locking handles, bungee cords or other suitable methods.

- (5) Trash shall be removed from the premises after each occupancy. Trash storage on site shall not be allowed, unless commercial trash collection is provided.
 - (6) The main entrance to the unit shall be illuminated when the unit is occupied, provided that the exterior lighting shall be designed and located in compliance with Chapter 83.07 (Glare and Outdoor Lighting). An operational motion-activated light fixture may satisfy this requirement.
 - (7) Snow removal from driveways and off-street parking areas shall be performed before each occupancy period.
- (d) **Call response availability.** The owner, managing agency, property manager, or agent shall be personally available by telephone on a 24-hour basis to respond to calls regarding the condition and/or operation of the unit. Failure to respond to calls in a timely and appropriate manner may result in revocation of the Special Use Permit in compliance with Section 86.09.070 (Revocation or Modification) For purposes of this section, responding in a timely and appropriate manner shall mean that a response to an initial call shall be made within two hours of the time the call was made, and within 24 hours of the initial call corrective action shall be commenced to address any violation of this Chapter.
- (e) **On-street parking.** No overnight on street parking shall be allowed, except where the street is paved to the full width of the ultimate right-of-way. This provision shall not exempt renters and their guests from compliance with Title 5 (Highways, Traffic), Division 3 (Miscellaneous Regulations), Chapter 3 (Parking Regulations in Mountain Areas), Section 53.033 (Parking in Snow Areas) (i.e., parking, or leaving a vehicle unattended within a snow area, so as to interfere with snow removal operations, shall be unlawful.)

Adopted Ordinance 4011 (2007)

CHAPTER 84.31 REASONABLE ACCOMMODATION IN HOUSING DEVELOPMENT FOR DISABLED INDIVIDUALS

Sections:

- 84.31.010 Purpose.
- 84.31.020 Notice to the Public of Availability of Accommodation Process.
- 84.31.030 Requesting Reasonable Accommodation.
- 84.31.040 Decision on Application.
- 84.31.050 Required Findings.
- 84.31.060 Waiver of Time Periods.
- 84.31.070 Notice of Decision.
- 84.31.080 Amendments or Revisions.
- 84.31.090 Expiration of Grants of Reasonable Accommodation.

84.31.010 Purpose

The purpose of this Chapter, pursuant to Fair Housing Laws, as defined in Section 801.01.080, is to provide individuals with disabilities reasonable accommodation in the application of the County's rules, policies, practices and procedures, as necessary to ensure equal access to housing. The purpose is also to provide a process for individuals with disabilities to make requests for, and be provided, reasonable accommodation, when reasonable accommodation is warranted under the law based upon sufficient evidence, with respect to the various laws, rules, policies, practices and/or procedures of the County, including land use and zoning regulations.

Adopted Ordinance 4169 (2012)

84.31.020 Notice to the Public of Availability of Accommodation Process

The department shall prominently display in the public areas of the Land Use Services Department at County offices a notice advising those with disabilities or their representatives that they may request a reasonable accommodation in accordance with the procedures established in this Chapter. County employees shall direct individuals to the display whenever an inquiry regarding reasonable accommodation is made or they reasonably believe that individuals with disabilities or their representatives may be entitled to a reasonable accommodation.

Adopted Ordinance 4169 (2012)

84.31.030 Requesting Reasonable Accommodation

- (a) In order to make specific housing available to an individual with a disability, a disabled person or representative may request reasonable accommodation, pursuant to this Chapter, relating to the application of various land use, zoning, or building laws, rules, policies, practices and/or procedures of the County.

- (b) If an individual or representative needs assistance in making a request for reasonable accommodation, or appealing a determination regarding reasonable accommodation, the department will endeavor to provide the assistance necessary to ensure that the process is accessible to the applicant or representative. The applicant may be represented at all stages of the proceeding by a person designated by the applicant as his or her representative.
- (c) A request for reasonable accommodation in laws, rules, policies, practices and/or procedures must be filed on an application form provided by the department. It shall be signed by the owner of the property and shall describe exactly what is being requested and the specific reason the requested accommodation is necessary. All documentation that supports the request shall be submitted along with the application. The housing unit must be the primary residence of the person for whom reasonable accommodation is requested.
- (d) Within ten calendar days after the Director has deemed as complete an application for a major reasonable accommodation, the Director to his/her designee shall provide notice of the request for reasonable accommodation as follows:
- (1) In the event there is no approval, permit, or entitlement sought other than the request for reasonable accommodation, the notice shall be mailed to the owners of record of all properties that are contiguous to the property that is the subject of the request.
 - (2) In the event that the request is being made in conjunction with some other approval, permit or entitlement, the notice shall be transmitted along with the notice of the other proceeding.

Adopted Ordinance 4169 (2012); Amended Ordinance xxxx (2014)

84.31.040 Decision on Application

- (a) The Director shall have the authority to consider and act on any application for a minor reasonable accommodation as defined in Division 10. The Director shall issue a written determination within 30 days of the date of receipt of a completed application and may
- (1) grant the accommodation request,
 - (2) grant the accommodation request subject to specified nondiscriminatory conditions,
 - (3) deny the request, or
 - (4) refer the matter to Zoning Administrator or to the Planning Commission, whichever is deemed appropriate, who shall render a decision on the application in the same manner as it considers an appeal. No request for reasonable accommodation may be referred to the Board of Supervisors.

- (b) The Zoning Administrator shall have the authority to consider and act on any application for a major reasonable accommodation as defined in Division 10, or any minor reasonable accommodation request referred to it by the Director. The Zoning Administrator shall consider an application at the next reasonably available public meeting after submission of an application for reasonable accommodation, after the submission of any additional information required to make a determination or after referral from the Director. The Zoning Administrator may
- (1) grant the accommodation request,
 - (2) grant the accommodation request subject to specified nondiscriminatory conditions,
 - (3) deny the request, ~~or~~
 - (4) refer the matter to the Planning Commission, which shall render a decision on the application in the same manner as it considers an appeal. No request for accommodation may be referred to the Board of Supervisors, ~~or~~
 - (5) prior to referring the matter to the Planning Commission, refer the matter to a designated hearing officer to administer oaths, receive evidence, prepare a record of the proceedings, prepare recommended findings, conclusions and a decision, and submit such record, recommended findings, conclusion and decision to the Zoning Administrator for action.
- (c) If necessary to reach a determination on any request for reasonable accommodation, the Director, the Zoning Administrator, or the Planning Commission may request further information from the applicant consistent with this Chapter, specifying in detail what information is required. In the event a request for further information is made, the time period to issue a written determination shall be stayed until the applicant reasonably responds to the request.
- (d) If, based upon all of the evidence presented to the Director, Zoning Administrator or the Planning Commission, the findings required in this Chapter may reasonably be made, the Director, Zoning Administrator or the Planning Commission, as applicable, shall grant the requested reasonable accommodation.
- (e) A reasonable accommodation that is granted pursuant to this Chapter shall not require the approval of any variance as to the reasonable accommodation.
- (f) The reasonable accommodation shall be subject to any reasonable conditions imposed on the approval that are consistent with the purposes of this Chapter to further fair housing. Such conditions may generally include, but are not limited to the following restrictions:
- (1) That the reasonable accommodation shall only be applicable to particular individual(s);

- (2) That the reasonable accommodation shall only be applicable to the specific use for which application is made; and/or
 - (3) That any change in use or circumstances which negates the basis for the granting of the approval shall render the reasonable accommodation null and void and/or revocable by the County.
- (g) If the project for which the application for reasonable accommodation is being made also requires some other approval, permit or entitlement, the applicant shall file the request together with the application for such approval, permit or entitlement.
 - (h) In the event that the applicant also seeks a concurrent approval, permit, or entitlement that will be reviewed by the Zoning Administrator or Planning Commission, then that planning authority shall also act as the reviewing authority for the application for reasonable accommodation.
 - (i) A fee shall only be required for a major reasonable accommodation requesting a land use modification for a residential care facility as prescribed by the County Fee Ordinance [refer to Subsection 810.01.200(f)(2)(B)]. If the project requires another discretionary or ministerial permit, then the prescribed fee shall be paid for the other permit(s) in compliance with the County's Fee Ordinance.

Adopted Ordinance 4169 (2012); Amended Ordinance xxxx (2014)

84.31.050 Required Findings

- (a) The following findings must be made in order to approve a request for reasonable accommodation:
 - (1) The housing, which is the subject of the request for reasonable accommodation, will be occupied as the primary residence by an individual protected under the Fair Housing Laws.
 - (2) The request for reasonable accommodation is necessary to make specific housing available to one or more individuals protected under the Fair Housing Laws.
 - (3) The requested reasonable accommodation will not impose an undue financial or administrative burden on the County.
 - (4) The requested accommodation will not require a fundamental alteration of the zoning or building laws, policies and/or procedures of the County.
 - (5) The requested accommodation will not, under the specific facts of the case, result in a direct threat to the health and safety of other individuals or substantial physical damage to the property of others.

- (b) The County may consider, but is not limited to, the following factors in determining whether the requested accommodation is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy a dwelling:
- (1) Whether the requested accommodation will affirmatively enhance the quality of life of one or more individuals with a disability.
 - (2) Whether the individual or individuals with a disability will be denied an equal opportunity to enjoy the housing type of their choice absent the accommodation.
- (c) Relative to residential care facilities, the County may consider, but is not limited to, the following factors in determining whether the requested accommodation would require a fundamental alteration in the nature of the County's zoning program:
- (1) Whether the requested accommodation would fundamentally alter the character of the neighborhood.
 - (2) Whether the accommodation would result in a substantial increase in traffic or insufficient parking.
 - (3) Whether granting the requested accommodation would substantially undermine any express purpose of either the County's General Plan or an applicable Specific Plan.
 - (4) Whether the requested accommodation would create an institutionalized environment due to the number of and distance between facilities that are similar in nature or operation.
- (d) In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation will comply with the finding required by this Chapter.

Adopted Ordinance 4169 (2012); Amended Ordinance xxxx (2014)

84.31.060 Waiver of Time Periods

Notwithstanding any provisions in this Chapter regarding the occurrence of any action within a specified period of time, the applicant may request additional time beyond that provided for in this Chapter or may request a continuance regarding any decision or consideration by the County of the pending appeal. Extensions of time sought by applicants shall not be considered delay on the part of the County, shall not constitute failure by the County to provide for prompt decisions on applications and shall not be a violation of any required time period set forth in this Chapter.

Adopted Ordinance 4169 (2012); Amended Ordinance xxxx (2014)

84.31.070 Notice of Decision

The reviewing authority shall notify the applicant of his/her decision by mailing a written determination to the applicant. The notice of decision on an application for a major reasonable

accommodation shall include factual findings, conclusions, and reasons for the decision; and notify the applicant of the right to appeal the reviewing authority's decision pursuant to Section 85.03.110.

Adopted Ordinance xxxx (2014)

84.31.080 Amendments or Revisions

A request for changes in conditions of approval of a reasonable accommodation, or a change to plans that would affect a condition of approval shall be treated as a new application. The Director may waive the requirement for a new application if the changes are minor, do not involve substantial alterations or addition to the plan or the conditions of approval, and are consistent with the intent of the original approval.

Adopted Ordinance xxxx (2014)

84.31.090 Expiration of Grants of Reasonable Accommodation

Any modification granted for an individual with a disability shall be a personal accommodation for the individual applicant and shall not run with the land, unless the Director determines that it would be impractical to require the property to be returned to its previous condition once the disabled person no longer occupies the property. Prior to the issuance of an building permit or any other applicable permit for such modification, the permittee shall execute a notarized statement that permits the County to inspect the affected property at least annually to verify compliance with this chapter and with any applicable conditions of approval. Prior to any transfer of interest in the property, the permittee shall notify the transferee of the existence of the accommodation, the personal status of the accommodation and the requirements that the transferee must apply for a new accommodation as necessary. Except as otherwise provided by the director, as set forth herein, once such transfer takes effect the accommodation shall have no further effect.

Adopted Ordinance xxxx (2014)

CHAPTER 84.32 SMALL UNLICENSED RESIDENTIAL CARE FACILITIES

Sections:

- 84.32.010 Purpose.
- 84.32.020 Applicability.
- 84.32.030 Performance Standards for Unlicensed Residential Care Facilities.
- 84.32.040 Existing Legal Nonconforming Unlicensed Residential Care Facilities.

84.32.010 Purpose.

The State of California has enacted laws and regulations to provide for the care of mentally and physically disabled persons in a residential environment. The purpose of this Chapter is to:

- (a) Implement the applicable State laws in a manner that preserves the peace, quiet, and quality of life intended for residential neighborhoods.
- (b) Promote the public health, safety, and welfare and to implement the goals and policies of the General Plan by ensuring that permitted and/or conditional uses allowed in residential neighborhoods do not change the character of the neighborhoods as primarily residential communities.
- (c) Protect and implement the recovery and residential integration of the disabled by providing adequate accommodation, while also ensuring that small unlicensed residential care facilities are dispersed throughout residential neighborhoods, rather than overly concentrated within any neighborhood.
- (d) Provide criteria for the establishment of small unlicensed residential care facilities serving six or fewer persons, which by definition are not licensed by the State of California, including alcohol and drug free treatment facilities (“sober living facilities”), recognizing that if such criteria cannot be met or satisfied, such facilities may request a “reasonable accommodation” in the application of one or more of these criteria pursuant to Chapter 84.31 of this Development Code.

Adopted Ordinance xxxx (2014)

84.32.020 Applicability.

The standards in this Chapter apply to small unlicensed residential care facilities serving six or fewer persons where allowed in compliance with Division 2 (Land Use Zoning Districts and Allowed Land Uses) and subject to the provisions of Section 85.20 of this Development Code.

Adopted Ordinance xxxx (2014)

84.32.030 Performance Standards for Unlicensed Residential Care Facilities.

In order to ensure that unlicensed residential care facilities serving six or fewer persons are operated in a manner that is consistent with state and federal law and established industry standards, the criteria listed below shall apply:

- (a) Each unlicensed residential care facility shall conform to the property development standards for the land use zoning district in which it is located.
- (b) No more than two unlicensed residential care facilities shall be located on the same block within a Single Residential (RS) Land Use Zoning District. Additional facilities may be sited within said block through the reasonable accommodation process. In no case shall the County require a facility to be sited more than 300 feet from a preexisting facility through the reasonable accommodation process. A “block” is defined in Subsection 810.01.040(j) of this Title.
- (c) The operator of the facility shall maintain the residential character of the facility, including the building façade, fences, walls and landscaping. All trash and food items shall be promptly and properly contained within closed containers, pending weekly trash collection. The operator shall ensure that adequate containers are provided for the facility, and the containers shall be stored in an area screened from public view.
- (d) The facility shall comply with all laws, rules and regulations, which may apply to its operation, including any building and fire codes. Compliance with all regulations may be verified by an inspection by a code enforcement officer, building inspector, and/or fire inspector, prior to the issuance of any Unlicensed Residential Care Facility Permit.
- (e) The property shall comply with all applicable disabled access regulations that may be required by the California Building Code and the Americans with Disabilities Act.
- (f) There shall be no more than six residents, not counting a house manager.
- (g) The facility shall have one qualified house manager who is present and who is responsible for the day-to-day operation.
- (h) No persons who are required to register as sex registrants under Penal Code Section 290 shall reside in the residential care facility. No persons who have been convicted of the manufacture or sale of illegal or sale of illegal drugs, or persons with or without disabilities who present a direct threat to the persons or property of others shall reside in a residential care facility.
- (i) Parking shall be provided on-site to meet the occupancy of each facility at a ratio of not less than one parking space for each bedroom in compliance with Section 83.11.040 (Number of Parking Spaces Required). Parking spaces may include garage, carport, and driveway spaces, and may allow for tandem parking.
- (j) The facility shall not provide any treatment that would require a State license.

- (k) The noise level at the facility shall be maintained at or below County Standards, as detailed in Development Code Section 83.01.080.
- (l) The facility shall have a written good neighbor policy that directs residents to be considerate of neighbors, including refraining from engaging in excessively loud behavior or in any activity that would violate any of the standards contained in the section that would interfere with the neighbors' enjoyment of their properties. The good neighbor policy shall establish a written protocol for the house manager to follow when a neighbor complaint is received.
- (m) All sober living facilities must prepare and post in a common area within the facility "House Rules" to which all residents must adhere. These rules shall include, but are not limited to, the following:
 - (1) Resident participation in recovery programs, such as, Alcoholics Anonymous, Narcotics Anonymous, or 12-Step Recovery.
 - (2) A prohibition of the use, sale or distribution of any alcohol or any non-prescription controlled substances by any resident either on or off site.
 - (3) A prohibition of visitors who are under the influence of any drug or alcohol.
 - (4) A prohibition of any activity that would result in a direct threat to the health and safety of other individuals or substantial physical damage to the property of others.
- (n) The operator of the facility shall be responsible for updating any information required by the permit issued pursuant to Chapter 85.20 of this Title as soon as practical.

Adopted Ordinance xxxx (2014)

84.32.040 Existing Nonconforming Unlicensed Residential Care Facilities.

Any person who has an existing Unlicensed Residential Care Facility as defined in Subsection 810.01.200(dd) of this Development Code must seek the issuance of an Unlicensed Residential Care Facility permit in compliance with Section 85.20 of the this Development Code to continue the use. If the facility is not a small unlicensed residential care facility but is serving seven or more persons in a RM (Multiple Residential) Land Use Zoning District, the operator must seek and obtain an approved Conditional Use Permit. The operator may also seek a reasonable accommodation for this use.

Adopted Ordinance xxxx (2014)

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CHAPTER 85.20 UNLICENSED RESIDENTIAL CARE FACILITIES PERMIT

Sections:

- 85.20.010 Purpose.
- 85.20.020 Applicability.
- 85.20.030 Procedures.

85.20.010 Purpose.

It is the purpose of this Chapter to provide an expedited process for the County review and authorization of small Unlicensed Residential Care Facilities in compliance with all applicable requirements of this Development Code.

Adopted Ordinance xxxx (2014)

85.20.020 Applicability.

- (a) **When required.** An Unlicensed Residential Care Facilities Permit shall be required to authorize:
 - (1) **Compliance with Division 2.** The establishment of a small Unlicensed Residential Care Facility serving six or fewer persons that is allowed by a land use zoning district subject to a Residential Care Facilities Permit in compliance with Division 2 (Land Use Zoning Districts and Allowable Land Uses); provided, the use complies with all applicable performance standards identified in this Development Code as provided in Chapter 84.32 (Small Unlicensed Residential Care Facilities);
 - (2) **An Existing Unlicensed Residential Care Facility Use.** The operator of an existing Unlicensed Residential Care Facility that does not have a permit issued in compliance with this Chapter must seek the issuance of an Unlicensed Residential Care Facility Permit to continue the use. If the facility is not a small unlicensed residential care facility but is serving seven or more persons in a RM (Multiple Residential) Land Use Zoning District, the operator must seek and obtain an approved Conditional Use Permit. The operator may also seek a reasonable accommodation for this use.
 - (3) **Change of Operator:** Any time that there is a change of operators of an existing facility a new permit must be obtained in that, contrary to other permits required by this Code, the Unlicensed Residential Care Facility Permit is issued to the operator as opposed to the use to ensure any and all new operators commit to his/her/their compliance with the standards set forth in Chapter 84.32.
- (b) **Exempt from CEQA.** An Unlicensed Residential Care Facilities Permit application shall be determined exempt from the California Environmental Quality Act (CEQA) in

compliance with State law and the *County's Environmental Review Guidelines* or it shall be processed as a Conditional Use Permit or Minor Use Permit.

Adopted Ordinance xxxx (2014)

85.20.030 Procedures.

- (a) **Compliance with Division 5 (Permit Application and Review Procedures).** The Unlicensed Residential Care Facilities Permit procedure is intended to provide a less complex and more streamlined review than that required for a Conditional Use Permit or Minor Use Permit. The project planner shall review the application in compliance with Division 5 (Permit Application and Review Procedures).
- (b) **Procedure.** Staff review without notice.
- (c) **Review authority.** Director.
- (d) **New construction.** In issuing an Unlicensed Residential Care Facilities Permit for new construction the Director shall first confirm that the request satisfies all of the following criteria:
 - (1) The unlicensed Residential Care Facility is in compliance with the applicable provisions of Chapter 84.32 (Unlicensed Residential Care Facilities) of this Development Code; and
 - (2) The proposed site and any unlicensed Residential Care Facility existing on the site shall not be in violation of any applicable provision of this Development Code, except for nonconforming uses and structures in compliance with Chapter 84.17 (Nonconforming Uses and Structures).
- (e) **Reuse of existing structure(s).** In issuing an Unlicensed Residential Care Facilities Permit that proposes to establish an unlicensed Residential Care Facility in an existing structure, the Director shall first confirm that the request satisfies all of the following criteria in addition to those identified in Subsection (d), above:
 - (1) The required number of parking spaces and driveway and parking lot improvements shall be provided and maintained in compliance with Chapter 83.11 (Parking and Loading Standards);
 - (2) The proposed facility and all existing structures are in compliance with all requirements of previously approved entitlements (e.g., Minor Use Permits, Conditional Use Permits, or Variances, etc.) including conditions of approvals.
- (f) **On-site inspection.** An application for an Unlicensed Residential Care Facilities Permit may require that the Director perform an on-site inspection of the subject parcel before confirming that the request complies with all of the applicable criteria and provisions identified in this Section.

- (g) **Contact person.** The contact information for the owner/operator of the project will be extracted from the application of all approved permits and posted on the Land Use Services website to include the following information: name, mailing address, email address and phone number.
- (h) **Findings.** Before granting an application for an Unlicensed Residential Care Facilities Permit, the review authority shall make the following findings:
 - (1) The project complies with all applicable performance standards identified in this Development Code.
 - (2) There is supporting infrastructure, existing or available, consistent with the intensity of development, to accommodate the proposed development without significantly lowering service levels.
 - (3) The proposed use and manner of development are in compliance with the goals, maps, policies, and standards of the General Plan, any applicable community plan or specific plan.
 - (4) The proposed unlicensed Residential Care Facility and manner of development are exempt from the California Environmental Quality Act (CEQA).
- (i) **Rejection or alternative processing required.** If the review authority cannot make the required findings listed in Subsection (g), above, the project will be either rejected or elevated to a Minor Use Permit, as determined appropriate by the Director.
- (j) **Appeal.** Appeal of an Unlicensed Residential Care Facilities Permit shall be limited to the determination that the land use being requested qualifies for the Unlicensed Residential Care Facilities Permit application.
- (k) **Revocation of Permit.** If, after the approval of an Unlicensed Residential Care Facilities Permit, the provisions of Chapter 84.32 are violated, the Code Enforcement Division of the Land use Services Department will issue a Notice of Violation detailing the discrepancies with this Development Code. If such violations are not corrected within 30 days of the receipt of the Notice of Violation, the Unlicensed Residential Care Facilities Permit shall be revoked using the procedures set forth in Section 86.09.170.

Adopted Ordinance xxxx (2014)

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Definitions

810.01.040(k) Boarding House. ~~A dwelling with not more than five guest rooms, with not more than one person per room, where lodging and meals are provided for compensation on a weekly or greater basis, not including those facilities defined as social care facilities.~~ A residence or dwelling unit, or part thereof, wherein a room or rooms are rented under two or more separate written or oral rental agreements, leases or subleases or combination thereof, whether or not the owner, agent or rental manager resides within the residence on a monthly or greater basis. A boarding house cannot have any more than five guest rooms, with not more than one person per room. See “Group Residential.”

810.01.040(i) Block. The properties abutting on ~~one~~ both sides of a street between two nearest intersection streets, railroad right of way or other natural barrier, provided however, that where a street curves so that any two chords thereof form an angle of 120 degrees or less measured on ~~the~~ a lot side, each curve shall be construed as an intersection street.

810.01.050(mm) Community Care Facility. Any skilled nursing or intermediate care facility, and shall include provisions for developmentally disabled rehabilitative nursing or congregate living (consistent with California Health and Safety Code, Section 1267.8).

~~**810.01.090(p) Group Housing (see Land Use Tables).**~~ Residential occupancy of a building or set of buildings each of which contains group quarters in permanently fixed building or a portions thereof with shared or no kitchen privileges.

810.01.070(g) Emergency shelter (see Land Use Tables). Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

810.01.090(r) Group Residential (see Land Use Tables). Shared living quarters, occupied by two or more persons not living together as a single housekeeping unit (see “Single housekeeping unit”). Includes, without limitation, boarding or rooming houses (see “Boarding House”), dormitories, fraternities, sororities, and private residential clubs. Excludes residential care facilities (see “Residential Care Facility”).

~~**810.01.100(u) Homeless Shelter (see Land Use Tables).**~~ A facility providing sleeping and eating facilities for the homeless.

810.01.100(x) Hotel (see Land Use Tables). ~~Any building or portion of thereof containing six or more guest rooms, designed for and/or used by six or more guests for compensation on a daily basis, with no provision for cooking in any individual room or suite, but not including social care facilities. These facilities provide lodging and may also offer meals, various personal services, retail services and sometimes entertainment and recreational opportunities.~~ An establishment that provides guest rooms or suites for a fee. Access to units is primarily from interior lobbies, courts, or halls. Related accessory uses may include conference and meeting rooms, restaurants, bars, and recreational facilities. Guest rooms may or may not contain kitchen facilities for food preparation (i.e., refrigerators, sinks, stoves, and ovens). Hotels with kitchen facilities are commonly known as extended stay hotels. A hotel operates subject to taxation under Revenue and Taxation Code Section 7280.

~~**810.01.100(y) Hotel, Residential (see Land Use Tables).**~~ A hotel in which 75 percent or more of the available rooms are occupied by or reserved for permanent guests for compensation on a monthly or longer basis.

810.01.180(l) Parolee. An individual who has been convicted of a federal or state crime, sentenced to a federal or state prison or to a term in the California Youth Authority and has received conditional and revocable release in the community and is under the supervision of a federal, State or youth authority probation/parole officer.

810.01.180(m) Parolee and/or Probationer Home (see Land Use Tables). Any residential structure or dwelling unit, whether owned and/or operated by an individual or a for-profit or nonprofit entity, which houses more than two parolees and/or probationers unrelated by blood, marriage, or legal adoption, in exchange for monetary or nonmonetary consideration given and/or paid by the parolee-probationer and/or any public or private entity or person on behalf of the parolee-probationer.

810.01.180 (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 to individuals acting as a single housekeeping unit. This definition includes a second dwelling unit on-site. This does not include the ongoing month-to-month tenancy granted to the same renter for the same unit.

810.01.180(eee) Probationer. A person who has been convicted of a crime and who has received a suspension in the imposition or execution of their sentence and has received conditional and revocable release in the community under the supervision of a probation officer, as provided under California Penal Code Section 1203 or its successor.

810.01.200(f) Reasonable Accommodation. The following reasonable accommodation terms are defined as follows:

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

(2) **Major Reasonable Accommodation.**

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

(B) **Land Use Modification (Residential Care Facility):** Any land use deviation requested and/or granted from the strict application of the land use and zoning regulations of this Code for the establishment and operation of a residential care facility.

810.01.200(dd) Residential Care Facility (see Land Use Tables).

(1) **Licensed (Seven or More Persons).** A place, site or building, or groups of places, sites or buildings, licensed by the State, in which seven or more individuals with a disability reside who are not living together as a single housekeeping unit (see “Single housekeeping unit”) and in which every person residing in the facility (excluding the licensee, members of the licensee’s family, or persons employed as facility staff) is an individual with a disability. Does not include “Group residential.”

(2) **Unlicensed (Seven or More Persons).** A place, site or building, or groups of places, sites or buildings, which is not licensed by the State, and is not required by law to be licensed by the State, in which seven or more individuals with a disability reside who are not living together as a single housekeeping unit (see “Single housekeeping unit”) and in which every person residing in the facility (excluding persons employed as facility staff) is an individual with a disability. Does not include “Group residential.”

(3) **Licensed (Six or Fewer Persons).** State-licensed facilities that provide care, services, or treatment in a community residential setting for six or fewer adults, children, or adults and children and which are required by State law to be treated as a single housekeeping unit for zoning purposes. Small licensed residential care facilities shall be subject to all land use and property development regulations applicable to single housekeeping units (see “Single housekeeping unit”). Does not include “Group residential.”

(4) **Unlicensed (Six or Fewer Persons).** A place, site or building, or groups of places, sites or buildings, which is not licensed by the State of California and is not required by law to be licensed by the State, in which six or fewer individuals with a disability reside who are not living together as a single housekeeping unit and in

which every person residing in the facility (excluding persons employed as facility staff) is an individual with a disability. Does not include “Group residential.”

~~810.01.200(yy) 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.~~

810.01.210(ii) Single Housekeeping Unit. The functional equivalent of a traditional family or one household, whose members are an interactive group of persons jointly occupying a single dwelling unit, including the joint use of and responsibility for common areas, and sharing household activities and responsibilities (e.g., meals, chores, household maintenance, expenses, etc.) and where, if the unit is rented, all adult residents have chosen to jointly occupy the entire premises of the dwelling unit, under a single written lease or rental agreement with joint use and responsibility for the premises, and the makeup of the household occupying the unit is determined by the residents of the unit rather than the landlord or property manager.

810.01.210(qq) Sober Living Facility. An unlicensed Residential Care Facility with more than two residents who are not living together as a single housekeeping unit (see “Single housekeeping unit”), which is not licensed by the State and is being used as a drug and alcohol recovery facility for persons who are recovering from drug and/or alcohol addiction and in which all residents, ~~which~~ except for a house manager, ~~all tenants~~ are considered disabled under state or federal law and are actively enrolled and participating in a alcohol and/or drug recovery program.

~~810.01.210(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.~~

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

810.01.220(t) Transitional Housing. Rental housing operating under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient program at some predetermined future point in time, which shall be no less than six months. Transitional housing that is provided in single-, two- or multi-family dwelling units, group residential, parolee-probationer home, residential care facilities, or boarding house uses shall be permitted, conditionally permitted or prohibited in the same manner as the other single-, two-, or multi-family dwelling units, group residential, parolee-probationer home, residential care facilities, or boarding house uses under this code.

Fees

16.0215A Land Use and Development Review - Planning.

(I) Other:

(19) Residential Care Facilities Permit: \$549.00

(20) (A) Major Reasonable Accommodation for a Land Use
Modification (Residential Care Facilities):..... **Actual Cost**

(B) Initial Deposit \$1,000.00