



LAND USE SERVICES DEPARTMENT PLANNING STAFF REPORT



HEARING DATE: March 6, 2014

AGENDA ITEM NO: 5

Project Description:

Applicant: Land Use Services Department
Proposal: Development Code Amendment to correct minor errors and/or add clarification as a clean up to various sections of Title 8 of the County Code (Development Code). This amendment includes revisions to the following topics: Fire Safety Overlay, general performance standards, general development and use standards, glare and outdoor lighting, landscaping standards, sign regulations, accessory structures and uses, Revisions to an Approved Action and enforcement.
JCS: P201300608
Community: Countywide
Location: Countywide
Staff: Jim Squire

Background

The County Land Use Services Department has an on-going program of identifying unnecessary complications within the County Development Code, General Plan, and other documents prepared by the department, and then formulating clarifications to address those issues. These suggestions are very valuable in improving these governing documents, making them more readable, functional, and complete.

Through this program, staff has identified several sections of the Development Code that could benefit by clarification or correction. The proposed revisions represent staff's recommendations to correct these issues.

The following is a summary of the various issues covered in these proposed changes. The amendment:

Allowed Land Uses and Development (Pages 2-14, 2-15) – Corrects incorrect Code references.

Fire Safety (FS) Overlay (Pages 2-97, 2-98) – Gives the responsible fire authority the discretion to alter the fire safety development standards for those projects proposing only “unoccupied structures” located within the overlay boundaries.

Open Space (OS) Overlay (Pages 2-130) – Corrects the terminology for “off-site” signs; renumbers Tables 83-23 and 83-24 to 82-23 and 82-24 to reflect the correct chapter in which the tables are located.

Sign Control (SC) Overlay (Pages 2-139) – Corrects the terminology for “off-site” signs.

Action taken by the Planning Commission on this item may be appealed to the Board. Yes No
Note: Recommendations to the Board of Supervisors are not appealable.

General Performance Standards (Pages 3-13, 15) — Corrects the time reference relative to the definition for Community Noise Equivalency Level in Table 83-3; adds provisions to prohibit “unpermitted external commercial and industrial activities on private property.”

General Development and Use Standards (Pages 3-21, 3-32 – 3-34) – Revises provisions relative to the setback requirements for small solar collectors; revises Table 83-5 (Allowed Projections/Structures within Setbacks) relative to satellite dishes, freestanding photovoltaic solar panels, and garages, carports, sheds and other similar structures in the Mountain Region.

Affordable Housing Incentives – Density Bonus (Pages 3-38) – Corrects obvious errors in the table for percentage of density bonus relative to the percentage of moderate-income units proposed.

Glare and Outdoor Lighting (Pages 3-67) – Adds the new compact fluorescent lights to Table 83-7 (Shielding requirements for Outdoor Lighting) to indicate the shielding requirements for these lights.

Landscaping Standards (Pages 3-95) – Corrects the term for “waters of the State of California.”

Sign Regulations (Pages 3-158) – Corrects an incorrect Code reference.

Accessory Structures and Uses (Pages 4-8.2 through 4-8.3) — Allows for accessory structures to extend in front of the primary structure in the Mountain Region only to acknowledge the physical constraints on many of the parcels in this region; clarifies the language for the compatibility of accessory structures with the primary structures located on the subject property.

Revisions to an Approved Action (Page 5-53 and 5-54) – Adds provisions for a Minor Revision to an Approved Action, which may be allowed for projects with an approved plot plan on file, where parking and design standards are not affected, and which may involve an expansion of up to 1,000 square feet or ten percent of the ground area covered by the use or square footage of the structure whichever is greater.

Enforcement (Page 6-37 through 6-38) – Restores language to the Section 86.09.050 that that was adopted in 2009 but was inadvertently changed in 2010.

FINDINGS:

1. The proposed amendment is consistent with the General Plan and any applicable community plan or specific plan because the Development Code implements the General Plan and these changes either clarify existing language and/or implement policies that were previously not addressed;
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the County;

3. The proposed amendment is internally consistent with other applicable provisions of this Development Code; and
4. The proposed amendment is exempt from the requirements of CEQA pursuant to state CEQA Guidelines §15061(b)(3) in that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

RECOMMENDATION: The Planning Commission recommends that the Board of Supervisors:

- A. ADOPT the proposed Development Code Amendment to correct minor errors and/or add clarification as a clean up to various sections of Development Code relative to the Fire Safety Overlay, general performance standards, general development and use standards, glare and outdoor lighting, landscaping standards, sign regulations, accessory structures and uses, Tenant Reviews/Tenant Improvement Permits, Revisions to an Approved Action and enforcement;
- B. ADOPT the findings as contained in the staff report;
- C. FILE the Notice of Exemption.

ATTACHMENTS:

1. [Proposed Development Code Changes](#)

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Attachment #1

Proposed Development Code Revisions (Strike-out/Underline Version)

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- (6) **“PD” uses.** Allowed subject to the approval of a Planned Development Permit (Chapter 85.10), and shown as "PD" uses in the tables;
 - (7) **“SUP” uses.** Allowed subject to the approval of a Special Use Permits (Chapter 85.14), and shown as "SUP" uses in the tables;
 - (8) **“S” uses.** Allowed subject to the type of County approval required by a specific provision of Division 4 (Standards for Specific Land Uses and Activities), and shown as "S" uses in the tables;
 - (9) **“TSP” uses.** Allowed subject to the provisions in Chapter 85.16 (Temporary Special Events Permits), and shown as “TSP” in the tables;
 - (10) **“TUP” uses.** Allowed subject to the provisions in Chapter 84.25 (Temporary Structures and Uses) and approval of a Temporary Use Permit (Chapter 85.15), and shown as “TUP” uses in the tables; and
 - (11) **“—” uses.** Not allowed in particular land use zoning districts, and shown as "—" in the tables.
- (c) **Additional permit requirements.** A land use authorized through the approval of a Site Plan Permit, Minor Use Permit, Conditional Use Permit, Planned Development Permit, or other permit required by this Division may also require a Building Permit and/or other permit required by the County Code.

Adopted Ordinance 4011 (2007)

82.02.040 Exemptions from Planning Permit Requirements

The planning permit requirements of this Development Code do not apply to the land uses, structures, and activities identified by this Section. These are allowed in all land use zoning districts subject to compliance with this Section.

- (a) **General requirements for exemption.** The land uses, structures, and activities identified by Subsection (b) ~~B~~ below are exempt from the planning permit requirements of this Development Code only when:
- (1) The use, activity or structure is established and operated in compliance with the setback requirements, height limits, and all other applicable standards of this Division (Land Use Zoning Districts and Allowed Land Uses), and Division 3 (Countywide Development Standards), Division 4 (Standards for Specific Land Uses and Activities) and, where applicable, Chapter 84.17 (Nonconforming Uses and Structures); and
 - (2) Any permit or approval required by regulations other than this Development Code is obtained (for example, a Building Permit).

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

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

propose to construct unoccupied structures may be altered at the discretion of the applicable fire authority on a case-by-case basis without an approved variance.

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

82.13.070 (Reserved)

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

82.13.080 Soil Erosion and Sediment Control Plans/Permits

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

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

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

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

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

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

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

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

- (k) **Storage Areas.** Outside storage areas associated with commercial activities shall be completely screened from view of the right-of-way with landscaping and plantings that are compatible with the local environment and are capable of surviving with a minimum of maintenance and supplemental water.
- (l) **Signs.** ~~Primary~~ Off-site freestanding signs greater than 18 square feet are prohibited in the OS Overlay.

Adopted Ordinance 4011 (2007)

82.19.050 Development Standards for Trails

The following standards shall be used to evaluate proposed trails:

Item	Bicycle+ Pedestrian⁽¹⁾	Bicycle-only⁽¹⁾	Hiking-only	Equestrian-only⁽⁴⁾
Minimum width (one way)	10 ft.	5 ft.	5 ft.	8 ft.
Minimum width (two way)	12 ft.	8-10 ft.	8-10 ft.	10 ft.
Surface	Hardened, e.g. asphalt ⁽²⁾	Hardened, e.g. asphalt	Hardened	Hard-packed, No paving
Shoulder	2 ft. minimum	2 ft. minimum	2 ft. minimum	2 ft. minimum
Vertical Clearance	12 ft.	10 ft.	10 ft.	12 ft.
Cross Slope	2% maximum	2% maximum	2% maximum	2% maximum
Maximum Grade	5%	5%	5%	Maximum limit is erosion control

Item	Bicycle+ Pedestrian⁽¹⁾	Bicycle-only⁽¹⁾	Hiking-only	Equestrian-only⁽⁴⁾
Minimum width (one way)	6-8 ft.	2 ft.	2 ft.	6 ft.
Minimum width (two way)	8-10 ft.	2 ft.	4 ft.	8 ft.
Surface	Firm all weather and unobstructed	Minimize erosion	Minimize erosion	Minimize erosion
Shoulder	2 ft. minimum	2 ft. minimum	2 ft. minimum	2 ft. minimum
Vertical Clearance	10 ft.	8 ft.	8 ft.	12 ft.
Cross Slope	3% maximum	3% maximum	3% maximum	3% maximum
Maximum Grade	5%; rest and turning areas every 200 ft. minimum	Maximum limit is erosion control	Maximum limit is erosion control	Maximum limit is erosion control

(1) Standards meet Caltrans Class I Bikeway standards.

CHAPTER 82.21 SIGN CONTROL (SC) OVERLAY

Sections:

- 82.21.010 Purpose
- 82.21.020 Location Requirements
- 82.21.030 Development Standards

82.21.010 Purpose

The Sign Control (SC) Overlay established by Sections 82.01.020 (Land Use Plan and Land Use Zoning Districts) and 82.01.030 (Overlays) is created to regulate freestanding signs ensure compatibility with the character of the neighborhood.

Adopted Ordinance 4011 (2007)

82.21.020 Location Requirements

The SC Overlay shall be applied where it is determined that the location of large freestanding signs may be detrimental to the character of the neighborhood.

Adopted Ordinance 4011 (2007)

82.21.030 Development Standards

No freestanding sign shall exceed 25 feet in height, and the sign face shall not exceed the sign area indicated in the bracketed suffix to the overlay map symbol (e.g. CG-SC[150], shall mean a maximum sign area of 150 square feet.) Where the bracketed suffix includes the letter "p" (e.g. CG-SC [p]) a ~~primary-off-site~~ freestanding sign greater than 18 square feet shall be prohibited.

Adopted Ordinance 4011 (2007)

Table 83-3 Noise Standards for Adjacent Mobile Noise Sources			
Land Use		Ldn (or CNEL) dB(A)	
Categories	Uses	Interior ⁽¹⁾	Exterior ⁽²⁾
Residential	Single and multi-family, duplex, mobile homes	45	60 ⁽³⁾
Commercial	Hotel, motel, transient housing	45	60 ⁽³⁾
	Commercial retail, bank, restaurant	50	N/A
	Office building, research and development, professional offices	45	65
	Amphitheater, concert hall, auditorium, movie theater	45	N/A
Institutional/Public	Hospital, nursing home, school classroom, religious institution, library	45	65
Open Space	Park	N/A	65
Notes: (1) The indoor environment shall exclude bathrooms, kitchens, toilets, closets and corridors. (2) The outdoor environment shall be limited to: <ul style="list-style-type: none"> • Hospital/office building patios • Hotel and motel recreation areas • Mobile home parks • Multi-family private patios or balconies • Park picnic areas • Private yard of single-family dwellings • School playgrounds (3) An exterior noise level of up to 65 dB(A) (or CNEL) shall be allowed provided exterior noise levels have been substantially mitigated through a reasonable application of the best available noise reduction technology, and interior noise exposure does not exceed 45 dB(A) (or CNEL) with windows and doors closed. Requiring that windows and doors remain closed to achieve an acceptable interior noise level shall necessitate the use of air conditioning or mechanical ventilation.			
CNEL = (Community Noise Equivalent Level). The average equivalent A-weighted sound level during a 24-hour day, obtained after addition of approximately five decibels to sound levels in the evening from 7 p.m. to 10 p.m. and 10 decibels to sound levels in the night from 10 p.m. to before 7 a.m. and after 10 p.m.			

- (e) **Increases in allowable noise levels.** If the measured ambient level exceeds any of the first four noise limit categories in Subsection (d)(2), above, the allowable noise exposure standard shall be increased to reflect the ambient noise level. If the ambient noise level exceeds the fifth noise limit category in Subsection (d)(2), above, the maximum allowable noise level under this category shall be increased to reflect the maximum ambient noise level.
- (f) **Reductions in allowable noise levels.** If the alleged offense consists entirely of impact noise or simple tone noise, each of the noise levels in Table 83-2 (Noise Standards for Stationary Noise Sources) shall be reduced by 5 dB(A).
- (g) **Exempt noise.** The following sources of noise shall be exempt from the regulations of this Section:

- (1) Motor vehicles not under the control of the commercial or industrial use.

- (2) Temporary construction, maintenance, repair, or demolition activities between 7:00 a.m. and 7:00 p.m., except Sundays and Federal holidays.

Adopted Ordinance 4011 (2007)

83.01.100 Waste Disposal

- (a) **Liquid waste disposal and runoff control.** No liquids of any kind shall be discharged into a public or private sewage or drainage system, watercourse, body of water, or into the ground, except in compliance with applicable regulations of the County Code, Title 23 (Waters) of the California Code of Regulations, the California Water Code, and related Federal regulations.
- (b) **Hazardous waste.** Refer to Chapter 84.11 (Hazardous Waste Facilities) for regulations relative to hazardous waste facilities.
- (c) **Solid waste disposal.** Refer to Chapter 84.24 (Solid Waste/Recyclable Materials Storage) for regulations relative to solid waste disposal.

Adopted Ordinance 4011 (2007)

83.01.110 External Commercial or Industrial Activity on Private Property

There shall be no unpermitted external commercial or industrial activity on properties under the County's jurisdiction between the hours of 9 p.m. to 7 a.m. that shall at any time impair the quiet enjoyment of neighboring property owners or residents or in any manner disturb the public peace.

Adopted Ordinance xxxx.(xxxx)

- (K) Monuments.
- (L) Noncommercial antennae up to 65 feet in residential land use zoning districts.
- (M) Observation and carillon towers.
- (N) Ornamental towers and spheres.
- (O) Radio and television station towers.
- (P) Residential chimneys, flues, smokestacks, and enclosures.
- (Q) Solar energy collectors in the RS (Single Residential) and RM (Multiple Residential) land use zoning districts. In other land use zoning districts, these structures shall be allowed up to 65 feet. These structures shall be set back from all property lines and habitable structures at least 100 percent of the height of the structure. For noncommercial windmills, refer to Chapter 84.26 (Wind Energy Systems). **Small solar collectors (less than three feet by three feet) are exempt from this requirement to be setback from property lines.**
- (R) Stairway housing.
- (S) Water tanks and water towers.
- (T) Distribution and transmission cables and towers.
- (U) Other roof structures and mechanical equipment similar to those listed above.

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

83.02.050 Parcel Area Measurements and Exceptions

- (a) **Purpose.** The purpose of this Section is to provide regulations for parcel area standards required by this Development Code. The intent is to clarify the circumstances in which exceptions to the standards may be allowed and to provide uniform methods of calculating parcel areas and measuring parcel dimensions.
- (b) **Applicability.** Except as provided in this Chapter, all parcels of land shall conform to the parcel area standards in Division 2 (Land Use Zoning Districts and Allowed Land Uses) for the land use zoning districts in which the parcels are located.
- (c) **Allowed substandard parcels.** A legally created parcel having an area, width, or depth less than that required by an applicable standard provided in Division 2 (Land Use Zoning Districts and Allowed Land Uses) may be used or built upon, provided the development otherwise conforms to the requirements of this Development Code.

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

Projections	Front and Street Side Setbacks	Interior Side Setbacks	Rear Setbacks
Awnings, canopies, louvers and similar shading devices	4 ft.	2 ft.	4 ft.
Eaves, cornices, sills, planting boxes; skylights, fireplaces, flues and chimneys, small satellite dishes (less than 4' in diameter) that are mounted on the roof , and similar architectural features	4 ft.	2 ft.	4 ft.
Evaporative coolers, air conditioner compressors, and pool equipment	4 ft. When screened from view	2 ft.	4 ft.
Water tanks, propane tanks sited per California Fire Code and maintained in compliance with standards specified by Section 83.01.060 (Fire Hazards)	Not allowed	Not allowed	4 ft.
Propane tanks in Mountain Region only when sited per California Fire Code and maintained in compliance with standards specified by Section 83.01.060 (Fire Hazards)	Allowed When screened from view	Not allowed	4 ft.
Large Freestanding photovoltaic or solar panels (9 sq. ft. or greater)	Not allowed	Not allowed	10 ft. Minimum 5 ft. separation from rear parcel line
Attached patio roofs and similar residential structures having open, unwall sides along not less than 50% of their perimeters, including top deck (decks with height greater than 4 ft. above grade)	4 ft.	Not allowed	15 ft. Minimum 5 ft. separation from rear parcel line
Cantilevered portion of primary structure more than 8 ft. above grade limited to 50% of length of one wall on any 1 story	4 ft.	4 ft.	4 ft.
Open-sided stairways, landings, and required fire escapes	5 ft.	4 ft.	10 ft.
Uncovered porches, platforms, or decks (up to 4 ft. in height)	4 ft.	4 ft.	10 ft.
Open storage of boats, recreational vehicles, trailers and similar vehicles	Not Allowed	Allowed	Allowed

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

Projections	Front and Street Side Setbacks	Interior Side Setbacks	Rear Setbacks
Temporary trash storage in appropriate containers	Not Allowed	Allowed	Allowed
Slides, clotheslines and similar equipment	Not allowed	Not allowed	Allowed
Radio or television masts or antennas, large satellite dishes (4 ft. or greater in diameter)	Not allowed	Not allowed	Allowed
Garages, carports, sheds and other similar uninhabitable detached, enclosed accessory structures in the Valley and Desert Region that: <ul style="list-style-type: none"> • Occupy no more than 25% of yard • Limited to 1 story in height 	Not allowed	Not allowed	Allowed
Garages carports, sheds and other similar, uninhabitable enclosed accessory structures in Mountain Region only that: <ul style="list-style-type: none"> • Do not project beyond property line • Limited to 1 story in height • Meet Administrative Criteria of Building Official • Occupy no more than 25% of rear yard • Adhere to 20% sideyard setback for front and rear property lines 	Allowed for garages and carports only, but must maintain a 3 ft. setback from road right-of-way. 10 ft. minimum from existing edge of roadway pavement. Other structures not allowed.	Not allowed	Allowed for detached accessory structures only
Unroofed parking, parking decks, and loading areas	As specified by the Chapter 83.11 (Parking Regulations)	Allowed	Allowed
Covered, underground or partially excavated structures (e.g., basements, fallout shelters, garages, public utility or telephone/cable TV vaults, wine cellars, etc.)	Allowed in all setback areas, provided that the facilities do not extend more than 30 inches above the adjoining average finished grade level.		

Table 83-5 Allowed Projections/Structures Within Setbacks (continued)												
Projections	Front and Street Side Setbacks	Interior Side Setbacks	Rear Setbacks									
Fences, screening, safety guardrails, walls along property lines <ul style="list-style-type: none"> • Industrial land use zoning districts • Commercial land use zoning districts • All other land use zoning districts. 	Allowed in compliance with Section 83.06.030 (General Height Limitations). <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; text-align: center;">6 ft. max. height</td> <td style="width: 33%; text-align: center;">10 ft. max height</td> <td style="width: 33%; text-align: center;">10 ft. max. height</td> </tr> <tr> <td style="text-align: center;">4 ft. max. height</td> <td style="text-align: center;">10 ft. max height</td> <td style="text-align: center;">10 ft. max height</td> </tr> <tr> <td style="text-align: center;">4 ft. max. height</td> <td style="text-align: center;">6 ft. max. height</td> <td style="text-align: center;">6 ft. max. height</td> </tr> </table> <p style="text-align: center;">-----</p> Fence heights in excess of these standards may be allowed by an approved Use Permit, Variance, Tract or Parcel Map or when required by the County for reasons of the health and safety of the general public. In the RC and RL land use zoning districts, open fences may go up to a maximum of 5 feet in the front yard and street side yards.			6 ft. max. height	10 ft. max height	10 ft. max. height	4 ft. max. height	10 ft. max height	10 ft. max height	4 ft. max. height	6 ft. max. height	6 ft. max. height
6 ft. max. height	10 ft. max height	10 ft. max. height										
4 ft. max. height	10 ft. max height	10 ft. max height										
4 ft. max. height	6 ft. max. height	6 ft. max. height										
<ul style="list-style-type: none"> • Flagpoles • Sculpture and similar decorations • Trees⁽¹⁾, shrubs⁽¹⁾, and landscaping with a screening effect • Utility poles and lines located along property lines no closer than 1 foot from side property line (this includes small solar panels that are less than 9 sq. ft.) • Walkways⁽²⁾ • Unroofed paving and driveways outside the ultimate road right-of-way. Unroofed paving and driveways within the ultimate road right-of-way shall be a minimum of 3 feet from the side property line⁽¹⁾ 	Allowed	Allowed	Allowed									
Signs	Allowed in all setback areas subject to Chapter 83.13 (Signs)											
Swimming pools and spas no closer than 5 ft. to any property line	Not allowed	Not allowed	Allowed									

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

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

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

Percentage of Moderate-Income Units Proposed	Percentage of Density Bonus
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17 17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32 32
38	33
39	34
40	35

(5) **Density bonus for land donation.** When an applicant for a Final Map, Parcel Map, or other residential development approval donates land to the County in compliance with this Subsection, the applicant shall be entitled to a density bonus for the entire development, as follows; provided that nothing in this Subsection shall be construed to affect the authority of the County to require a developer to donate land as a condition of development.

(A) **Basic bonus.** The applicant shall be entitled to a 15 percent increase above the otherwise maximum allowable residential density under the applicable

Table 83-7
Shielding Requirements For Outdoor Lighting
In the Mountain Region and Desert Region

Fixture Lamp Type	Residential Area Shielded	Commercial/Industrial Area Shielded
Low Pressure Sodium	Fully	Fully
High Pressure Sodium	Prohibited except fully shielded on streets	Fully
Metal Halide	Prohibited	Fully
Fluorescent	Fully	Fully
Quartz	Prohibited	Fully
Incandescent > 60 watts	Fully	Fully
Incandescent 60 watts or less	No requirement	No requirement
Compact fluorescent lights (CFL) > 13 watts	Fully	Fully
Compact fluorescent lights (CFL) 13 watts or less	No requirement	No requirement
Glass Tubes filled with Neon, Argon, or Krypton	No requirement	No requirement
Mercury Vapor	Prohibited	Fully
Halogen	Prohibited	Fully
Searchlights for advertising purposes	Prohibited	Prohibited
Laser source light or similar light intensity light for advertising purposes	Prohibited when projected above the horizontal	Prohibited when projected above the horizontal

- (b) **Determination of light trespass.** Light trespass shall be determined in compliance with Subsection 83.07.030(a), above.
- (c) **Additional standards for recreation facilities.** The following additional standards shall apply to recreational facilities:
- (1) Private recreational facilities shall not be illuminated between the hours of 11:00 p.m. and sunrise.
 - (2) Public recreational facilities shall not be illuminated unless the facilities are being utilized. The illumination shall be turned off no later than 11:00 p.m. or one hour after the termination of the event and/or use, whichever occurs last.
- (d) **Additional standards for off-site signs (billboards) and on-site signs.** Lighting fixtures used to illuminate a new off-site sign and exterior illuminated on-site signs shall be mounted on the top of the sign structure and shall comply with the shielding requirements in Table 83-7 (Shielding Requirements for Outdoor Lighting in the Mountain Region and Desert Region), above.

CHAPTER 83.10 LANDSCAPING STANDARDS

Sections:

83.10.010	Purpose
83.10.020	Applicability
83.10.030	Exemptions from the Landscaping Requirements
83.10.040	Modification to the Landscaping Requirements
83.10.050	Landscape Documentation Package
83.10.060	Landscape Area Requirements
83.10.070	Landscape Standards
83.10.080	Regional Landscaping Standards
83.10.090	Irrigation Scheduling and Maintenance Required
83.10.100	Landscape Certificate of Completion
83.10.110	Non-potable/Recycled Water
83.10.120	Stormwater Management

83.10.010 Purpose

The purpose of this Chapter is to:

- (a) Enhance the aesthetic appearance of the County by providing standards related to the quality and functional aspects of landscaping and to recognize that landscapes are essential to the quality of life within County by providing areas for active and passive recreation. Additionally, landscapes are an enhancement to the environment by benefiting air and water quality, helping to prevent and manage erosion, offering fire protection, and helping to replace valuable ecosystems that may be lost during development.
- (b) Increase the compatibility between abutting land uses and public rights-of-way by providing landscape screening and buffers.
- (c) Protect public health, safety, and welfare by preserving property values and enhancing pedestrian and vehicular traffic and safety.
- (d) Provide for the conservation and protection of water resources through the efficient use of water; appropriate use of plant materials suitable for climate and location; regular maintenance of landscaped areas; and provide standards that are as effective in conserving water as the State Model Water Efficient Landscape Ordinance, and recognize the following:
 - (1) The waters ~~within the~~ of the State of California are of limited supply and are subject to ever increasing demands from new land uses, existing land uses, residents of the State, and more;

- (C) **Additional regulations.** Canopy signs shall not extend beyond the gable or fascia board of the canopy.
- (4) **Service island signs.** One sign, not exceeding 4 square feet, shall be allowed on or in front of each end of a service island to identify methods of sale (i.e., self-serve or full-serve).
- (5) **Window signs.**
- (A) **Number.** One per window.
- (B) **Area.** Window signs shall not cover more than 25 percent of the window area.
- (6) **Service station product price signs.** Not to exceed 24 square feet in area per sign. One such sign shall be allowed per street frontage. Any additional sign area shall be calculated as part of the total sign area allowed by the land use district.
- (b) **Drive-in restaurant menu board.** Drive-in restaurant menu boards, including those with speakers, shall be allowed provided each sign does not exceed 50 square feet. More than two of these signs shall not be allowed on each site.
- (c) **Garage sales signs.** Temporary signs for garage sales shall be allowed in compliance with Chapter 84.10 (Garage Sales).

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

83.13.110 Enforcement

- (a) In addition to the following provisions, violations of this Chapter shall be enforced in compliance with the provisions of ~~Section 93.13.110~~ Chapter 86.09 (Enforcement).
- (b) The following signs are hereby declared to be public nuisances:
- (1) A sign or advertising structure, including flags, unlawfully constructed, placed on or unlawfully projecting over land owned in fee simple by a governmental entity, or unlawfully on or over a public right-of-way without an Encroachment Permit as provided in the County Code.
 - (2) A sign declared to be hazardous or unsafe by the Director, Building Official, or Fire Chief.
 - (3) Illegal signs.

- (3) Caretaker housing. The caretaker dwelling unit shall be a minimum 600 square feet in area and a maximum 1,200 square feet in area. The unit shall be limited to two bedrooms, and its architectural design shall be compatible with the neighborhood. In the Single Residential (RS) or the Multiple Residential (RM) land use zoning districts on parcels less than 2.5 acres in size, the caretaker dwelling unit shall not extend in front of the primary structure. Recreational vehicles shall not be used for caretaker housing. The provisions of Subsection 84.21.030(i) of this Title shall apply to a manufactured home used as caretaker housing.
- (b) **Guest housing.** Guest housing shall be located on the same parcel as the primary dwelling unit and shall be separated from it by at least 10 feet. Guest housing shall be for use by temporary guests of the occupants of the primary dwelling unit and shall not be rented or otherwise used as a separate dwelling. Only one guest house shall be allowed. In the Single Residential (RS) or the Multiple Residential (RM) land use zoning districts on parcels less than 2.5 acres in size, the guest housing unit shall not extend in front of the primary structure. The provisions of Subsection 84.21.030(i) of this Title shall apply to a manufactured home used as guest housing.
- (c) **Parking.** Parking for accessory residential dwelling units shall comply with Chapter 83.11 (Parking and Loading Standards).
- (d) **Carport and/or garage.** Detached carports or garages shall be limited to 1,200 square feet when located on parcels that are less than 20,000 square feet in size.
- (e) **Other residential accessory structures and uses.** **Except in the Mountain Region,** ~~S~~structures and uses such as cabanas, ~~play yards,~~ tennis courts, ~~porches,~~ ramadas, ~~awnings, patio slabs,~~ water towers and wells, swimming pools, storage buildings shall not extend ~~into the existing~~ front ~~setback~~ of the primary structure where the primary structure faces a street right-of-way. See Section 83.02.080 (Allowed Projections into Setbacks).
- (f) **Detached storage structures.** Parcels that are one acre or less in size shall be limited to only one detached storage structure that exceeds 120 square feet and the storage structure shall not exceed 1,000 square feet. **Except in the Mountain Region,** ~~D~~detached storage structures shall not extend in front of the primary structure where the primary structure faces a right-of-way.
- (g) ~~Prohibited accessory structures and uses~~ **Freight Containers.**
- (1) Freight containers, railroad cars, intermodal containers, and other similar storage-type structures shall not be allowed as accessory structures in the RS (Single Residential); ~~or RM (Multiple Residential), Agriculture (AG) or Rural Living (RL)~~ land use zoning districts unless they are altered ~~to appear~~ to be similar to, and compatible with, the appearance of the on-site primary structure and the surrounding neighborhood ~~, subject~~ to the satisfaction of the Director. **Such railroad car, container or similar storage-type structure shall be placed behind the primary structure and not prominently visible from the street.**

- (2) Freight containers, railroad cars, intermodal containers, and other similar storage-type structures may be allowed as accessory structures in the Agriculture (AG) or Rural Living (RL) land use zoning districts provided that they shall be altered, either painted or structurally altered, to appear to be similar to, and compatible with, the appearance of the on-site primary structure and the surrounding neighborhood or to blend in with the surrounding environment, subject to the satisfaction of the Director. This determination does not require the notification of the surrounding property owners. Such railroad car, container or similar storage-type structure shall be allowed provided that the container can be placed behind the primary structure, not prominently visible from the street, and that there are similar structures in the surrounding area.
- (h) **Animal keeping.** Accessory animal keeping shall be conducted as specified in Chapter 84.04(Animal Keeping).
- (i) **Exterior storage.** Exterior storage shall be fully and solidly screened and kept below the level of the fence or other screening mechanism. Exterior storage shall comply with Title 3 (Health and Sanitation and Animal Regulations) of the County Code. Screening of exterior storage shall comply with Section 83.02.060 (Screening and Buffering).
- (j) **Residential crop production.** Accessory crop production shall be allowed on parcels of 10,000 square feet or more, with a temporary sales facility for plant or animal products grown on the subject property. The sales facility shall not be larger than 200 square feet in area and shall display produce for sale for no longer than 72 hours in any calendar month. Standards for produce stands are provided in Chapter 84.03 (Agritourism Enterprises). This does not include wholesale or retail nurseries.
- (k) **Private office.** A private office shall be for the sole use of the dwelling unit occupants within a primary structure and shall have no external advertising or signs.
- (l) **Compatibility.** In the RS (Single Residential) and RM (Multiple Residential) land use zoning districts, the appearance of an accessory structure shall be similar to, and compatible with, the appearance of the primary structure and the surrounding neighborhood and setting. A Compatibility Determination application shall be approved by the Planning Division of the Land Use Services Department to allow such a structure. Screening such a structure from view from the street or the physical alteration of such a structure, such as painting or otherwise altering the structure, may be considered in the approval of the application.
- (m) **Storage of firewood.** The storage of firewood shall comply with Chapter 84.09 (Firewood Storage).

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

CHAPTER 85.12 REVISIONS TO AN APPROVED ACTION

Sections:

- 85.12.010 Purpose.
- 85.12.020 Procedures.
- 85.12.030 Minor Revisions to an Approved Action.

85.12.010 Purpose.

Modifications of the conditions of approval or project design for an approved development project and for the alteration, expansion, or any disturbance of land associated with any use subject to a Conditional Use Permit, Minor Use Permit, or Site Plan Permit may be revised (e.g., modified or expanded) through the approval of a Revision to an Approved Action application in compliance with this Chapter. **A Minor Revision to an Approved Action may be used for certain minor changes to a project (see Section 85.12.030 below).**

Adopted Ordinance 4011 (2007)

85.12.020 Procedures.

(a) Action by the Director or Commission.

- (1) The Director shall review and act upon a request for a Revision to an Approved Action.
- (2) If the Director determines that the request requires a public hearing, the Director shall refer the request to the Commission for action.
- (3) Requests to appeal the Director's or Commission's actions shall be filed in compliance with Chapter 86.08 (Appeals).

(b) Review procedure.

- (1) **Any Minor Revision shall be processed using the Staff Review without Notice procedures.**
- (2) Any revision that includes an expansion of the use of up to 10,000 sq. ft. or 25 percent of the ground area covered by the use or square footage of the structure, whichever is greater, shall be processed using the Staff Review with Notice procedures. The procedures and appeal rights of Section 85.08.030 shall apply.
- (~~2~~3) Any revision that includes an expansion of the use greater than 25 percent of the ground area covered by the use or square footage of the structure and such expansion is greater than 10,000 sq. ft. shall be processed using the review

procedures outlined in Chapter 85.06 (Conditional Use Permit/Minor Use Permit).

- (c) **Review authority.** Director
- (d) **Notification of request.** Notice shall be given in compliance with the same notice requirement of the original application type. However, an expansion of the use beyond 25 percent would require notice in compliance with the Minor Use Permit requirements.
- (e) **Findings required.** Before approving the requested revision, the review authority shall find that the findings for the original application type can still be made.

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

85.12.030 Minor Revisions to an Approved Action.

- (a) **Applicability.** A Minor Revision may be used to approve minor changes to an already approved project based on the following criteria:
 - (1) An approved plot plan is on file in the Land Use Services Department.
 - (2) The proposed use is consistent with the current land use zoning district regulations.
 - (3) Parking and design standards are not affected.
 - (4) The proposal is an expansion of the use of up to 1,000 sq. ft. or 10 percent of the ground area covered by the use or square footage of the structure, whichever is greater.
- (b) **Action by the Director or Commission.**
 - (1) The Director shall review and act upon a request for a Minor Revision to an Approved Action.
 - (2) Requests to appeal the Director's or Commission's actions shall be filed in compliance with Chapter 86.08 (Appeals).

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

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

86.09.040 Unlawful to Violate Development Code Provisions

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

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

86.09.050 Violations of Development Code Declared Public Nuisance

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

so as to remain legally valid at all times) is hereby declared unlawful and a public nuisance. This Development Code specifies regulations and additional land uses which apply to all unincorporated areas of the County of San Bernardino. If other provisions of this Development Code conflict with provisions regulating an applicable land use zoning district, then the more restrictive provision shall prevail unless the less restrictive provision expressly pre-empts the application of other provisions of this Development Code. ~~Projects exempt from Conditional Use Permit requirement. The following projects shall be exempt from the Conditional Use Permit/Minor Use Permit requirement and shall be subject to a Site Plan Permit in compliance with Chapter 85.08 (Site Plan Permits) provided they do not require a Variance. The limitations of Subsection 85.08.020(b) shall not apply for projects that include any of the following:~~

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

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008); Amended Ordinance 4085 (2009); Amended Ordinance 4098 (2010); **Amended Ordinance xxxx (20xx)**

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

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

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

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

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