



**LAND USE SERVICES DEPARTMENT
PLANNING STAFF REPORT**



HEARING DATE: May 8, 2014

AGENDA ITEM NO: 2

Project Description:

Applicant: Land Use Services Department

Proposal: A Development Code Amendment to modify the regulations relative to permitting of emergency shelters within the CG (General Commercial) and the CS (Service Commercial) Land Use Zoning Districts and to allow supportive and transitional housing within the land use zoning districts where other residential uses are allowed.

Community: Countywide

JCS: P201300606

Staff: Jim Squire

Background:

In 2007, the State Legislature passed Senate Bill 2 (SB 2) which clarifies and strengthens housing element law to ensure that local zoning encourages and facilitates emergency shelters and transitional and supportive housing under the Housing Accountability Act. The law facilitates efforts to address the needs of homeless populations and persons with special needs throughout all communities in California. Generally, SB 2 amended housing element law regarding planning and approval for emergency shelters and transitional and supportive housing as follows:

- At least one zone shall be identified to permit emergency shelters without a conditional use permit or other discretionary action.
- Sufficient capacity must be identified to accommodate the need for emergency shelters and at least one year-round emergency shelter.
- Existing or proposed permit procedures, development and management standards must be objective and facilitate the development of emergency shelters.
- Emergency shelters shall only be subject to development and management standards that apply to residential or commercial uses within the same zone.
- Objective standards may be applied as specified in statute, including maximum number of beds, provision of onsite management, length of stay and security.
- Transitional and supportive housing shall be considered a residential use and only subject to those restrictions that apply to other residential uses of the same type in the same zone.

The State Government Code also limits denial of emergency shelters, transitional housing or supportive housing by requiring specific findings in order to deny a project.

Definitions: These uses are defined in state law and the Development Code as follows:

Emergency shelter. 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.

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 the County Code.

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

SB 2 requires that all jurisdictions adopt appropriate regulations relative to emergency shelters, supportive and transitional housing within one year from the adoption of the Fourth Cycle Housing Element. That was completed last October for San Bernardino County. Consequently, it is now necessary for the County to adopt a Development Code Amendment addressing these uses.

PROPOSED AMENDMENTS

The following is a summary of the proposed changes to the Development Code.

Emergency Shelters: Allow “emergency shelters” in the CG (General Commercial) and CS (Service Commercial) with only a Building Permit subject to the provisions of Chapter 84.33 (Emergency Shelters) which is being added to provide development standards and requirements for these facilities. The standards include location criteria that include available water and sewer services and transit service. Shelters would still be allowed in other districts subject to a Conditional Use Permit.

Supportive and Transitional Housing: Add a footnote to the “Residential” sections of the various land use tables that states: “Supportive housing or transitional housing that is provided in single-, two-, or multi-family dwelling units, group residential, parolee-probationer home, residential care facilities, or boarding house uses shall be permitted, conditionally permitted or prohibited in the same manner as the other single-, two- or multi-family dwelling units, group residential, parolee-probationer home, residential care facilities, or boarding house uses under this Code.” For example, if a single-family residence is proposed for a “supportive housing” project, it would be allowed in the same manner that other single-family homes are allowed in that specific zone. If a multiple dwelling unit is proposed for transitional housing, it would be allowed or prohibited in the same manner as other multiple dwelling units are permitted or prohibited in that specific zone.

Emergency Shelter Capacity:

A Homeless Count and Subpopulation Survey is conducted biennially to quantify and document the number of **unsheltered** homeless persons and the number of sheltered homeless persons for several subpopulations for the entire County that includes 24 cities. The 2013 Point in Time Count (PITC) was conducted on January 24, 2013. The final report for that survey shows that

there were 2,321 adults and children who were homeless on that date. Of that number 1,247 were not in a shelter. There are several reasons for this. Some simply do not seek shelter, while others do not want to locate in a facility with what they consider to be excessive restrictions (i.e., prohibition against alcoholic beverages, etc.).

In addition to this biennial survey, the County does conduct a separate annual PITC to quantify and document the number of **sheltered** homeless persons. Various agencies around the County entered the following data in 2013 in the Homeless Management Information System data base for services provided on the day of the PITC:

Emergency Shelters

- Emergency Shelter Domestic Violence Only agencies in our County reported a total of 222 beds year round and on the night of the PITC 148 of those beds were filled.
- Emergency Shelter Veterans Only agencies in our County reported a total of 14 beds year round and on the night of the PITC 12 of those beds were filled.
- The balance of the Emergency Shelters served individuals and families and reported a total of 408 year round beds on the night of the PITC and 355 of those beds were filled.

Transitional Housing

- Transitional Housing Domestic Violence Only agencies in our County reported a total of 173 year round beds on the night of the PITC and 107 of those beds were filled.
- Transitional Housing Veterans Only agencies in our County reported a total of 25 year round beds on the night of the PITC and 22 of those beds were filled on the night of the PITC.
- The balance of the Transitional Housing Shelters served individuals and families and reported a total of 538 year round beds on the night of the count and 442 of those beds were filled.

This annual PITC for sheltered homeless persons for 2014 is now being compiled with an expected completion date of April 30, 2014. The advance time required for the preparation of Planning Commission staff reports prevented staff from obtaining this information for this report. If the report becomes available prior to May 8, 2014, staff will supplement this report with a memo containing this data.

All of the shelters reporting into the system are located within incorporated cities, but the County is also required to provide suitable locations for these facilities through its zoning regulations.

ENVIRONMENTAL DETERMINATION

The Proposed Development Code Amendment is exempt from the California Environmental Quality Act (CEQA) because the proposed amendments will not result in a direct or reasonably foreseeable indirect change in the environment (Section 15060(c)(2) of the CEQA Guidelines) and the amendments are covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment (Section 15061(b)(3) of the CEQA Guidelines).

FINDINGS

The following findings and evidence to support such findings must be made by the Commission in making its recommendation to the Board to approve the proposed Development Code Amendment:

1. The proposed amendment is consistent with the General Plan and any applicable community plan or specific plan in that the proposed modifications support the primary purpose and intended uses established in the General Plan for each of the affected General Plan land use zoning designations while providing for the requirements of state law.
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the County in that the proposed modifications include safeguards designed to protect the public interest, health, safety, convenience or welfare of the County's residents, including the disabled while meeting the needs of the homeless and the requirements of state law.
3. The proposed amendment is internally consistent with other applicable provisions of the Development Code in that the proposed modifications ensure land use compatibility within the affected land use zoning designations while facilitating shelters for the homeless.

RECOMMENDATION: Staff recommends that the Planning Commission recommend the following actions to the Board of Supervisors:

- A. ADOPT the proposed ordinance to amend the Development Code regulations to allow the siting of emergency shelters by right, subject to proposed development standards within the CG (General Commercial) and the CS Service Commercial Land Use Zoning Districts.
- B. ADOPT the findings as contained in the staff report; and
- C. FILE the Notice of Exemption.

ATTACHMENTS:

1. [Proposed Development Code Section Changes](#)

ATTACHMENT 1

Proposed Development Code Section Changes

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	—	—	
Conference/convention facility	CUP	CUP	—	—	
Equestrian facility	M/C	M/C	—	—	
Fitness/health facility	M/C	—	—	—	
Library, museum, art gallery, outdoor exhibit	M/C	M/C	—	—	
Meeting facility, public or private	CUP	CUP	—	—	
Park, playground	M/C	M/C	—	—	
Places of worship	CUP	CUP	—	—	
Recreational vehicle park	CUP ⁽²⁾	—	—	—	
Rural sports and recreation	CUP	CUP	—	—	
School - College or university	CUP	CUP	—	—	
School - Private	CUP	CUP	—	—	
School - Specialized education/training	CUP	CUP	—	—	
RESIDENTIAL⁽⁸⁾					
Accessory use or structure - Residential	A ⁽³⁾	A ⁽³⁾	—	—	84.01
Accessory dwelling (labor quarters, etc.)	P ⁽⁴⁾	P ⁽⁴⁾	—	—	84.01
Dependent housing	SUP	SUP	—	—	84.08
Guest housing	A ⁽³⁾	A ⁽³⁾	—	—	84.01
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 ⁽⁶⁾	A	—	—	84.03
SERVICES - BUSINESS & PROFESSIONAL					
Medical services - Hospital	M/C	M/C	—	—	
Medical services - Rehabilitation centers	M/C	M/C	—	—	
Office - Accessory	P	P	—	—	
Office - Government	M/C	M/C	—	—	
SERVICES - GENERAL					
Cemetery including pet cemeteries	CUP	CUP	—	—	
Commercial Kennels and Catteries - min lot 2.5 acres	M/C	M/C	—	—	
Emergency shelter	—	CUP	—	—	84.33
Home occupation	SUP	SUP	—	—	84.12

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Agricultural and Resource Management Land Use Zoning Districts

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

KEY

A	Allowed use (no planning permit required)	PD	Planned Development Permit required (Chapter 85.10)
P	Permitted Use; Site Plan Permit required (Chapter 85.08)	SUP	Special Use Permit required (Chapter 85.14)
M/C	Minor Use Permit required; unless a Conditional Use Permit required in compliance with 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) 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.
- (7) 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).
- (8) Supportive housing or transitional housing that is provided in single-, two-, or multi-family dwelling units, group residential, parolee-probationer home, residential care facilities, or boarding house uses shall be permitted, conditionally permitted or prohibited in the same manner as the other single-, two- or multi-family dwelling units, group residential, parolee-probationer home, residential care facilities, or boarding house uses under this Code.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008); Amended Ordinance 4057 (2008); Amended Ordinance 4067 (2009); Amended Ordinance 4098 (2010); Amended Ordinance 4230 (2014); Amended Ordinance 42xx (2014);

CHAPTER 82.04 RESIDENTIAL LAND USE ZONING DISTRICTS

Sections:

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

82.04.010 Purpose

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

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

82.04.020 Purposes and Location of the Residential Land Use Zoning Districts

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

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

82.04.030 Minimum Area for Designation

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

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

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

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

82.04.040 Residential Land Use Zoning District Allowed Uses and Permit Requirements

- (a) **General permit requirements.** Table 82-7 identifies the uses of land allowed by this Development Code in each residential land use zoning district established by Chapter 82.01 (Land Use Plan, and Land Use Zoning Districts, and Overlays), in compliance with Section 82.02.030 (Allowed Land Uses and Planning Permit Requirements).
- (b) **Requirements for certain specific land uses.** Where the last column in Table 82-7 ("Specific Use Regulations") includes a section number, the referenced section may affect whether the use requires Land Use Review, or Conditional Use Permit or Minor Use Permit, or other County approval, and/or may establish other requirements and standards applicable to the use.

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

LAND USE <i>See Division 10 (Definitions) for land use definitions</i>	PERMIT REQUIRED BY DISTRICT			Specific Use Regulations
	RL ⁽¹⁾	RS	RM	
AGRICULTURAL, RESOURCE & OPEN SPACE USES				
Accessory crop production	A ⁽²⁾	A ⁽²⁾	A ⁽²⁾	84.01
Agricultural accessory structure - 1,000 sf max.	A	A	A	
Agricultural accessory structure - up to 10,000 sf max. on 5 ac. or less	A	—	—	
Agricultural accessory structure - greater than 10,000 sf. on 5 ac. or less	M/C	—	—	
Agricultural support services	CUP	—	—	
Animal keeping	S	S	S	84.04
Crop production, horticulture, orchard, vineyard, nurseries	A	—	—	
Livestock operations	CUP	—	—	84.04
Natural resources development (mining)	CUP	—	—	88.03
Nature preserve (accessory uses)	M/C	—	—	
Lake	M/C	CUP	—	
Pond	A	A	M/C	
INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING				
Composting operations	CUP	—	—	
Recycling facilities – reverse vending machine, accessory	S	—	—	84.19
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES				
Agritourism enterprises	S	—	—	84.03
Campgrounds ⁽³⁾	CUP	—	—	
Commercial entertainment - Indoor ⁽³⁾	CUP	—	—	
Conference/convention facility ⁽³⁾	CUP	—	—	
Equestrian facility ⁽³⁾	M/C	S ⁽⁴⁾	—	
Golf course ⁽³⁾	CUP	—	—	
Library, museum, art gallery, outdoor exhibit ⁽³⁾	M/C	M/C	M/C	
Meeting facility, public or private ⁽³⁾	CUP	CUP	CUP	
Park, playground ⁽³⁾	P	P	P	
Places of worship	CUP	CUP	CUP	
Rural sports and recreation ⁽³⁾	M/C	—	—	
School – College or university	CUP	CUP	—	
School – Private	CUP	CUP	—	
School – Specialized education/training	CUP	—	—	
Sports or entertainment assembly ⁽³⁾	CUP	—	—	
RESIDENTIAL⁽¹¹⁾				
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
Group residential (sorority, fraternity, boarding house, private residential club, etc.)	—	—	M/C	
Guest housing	A	A	A	84.01
Mobile home park/manufactured home land-lease community	CUP	CUP	CUP	84.14
Multiple dwelling, 2 to 3 units, attached or detached	—	—	A	84.16
Multiple dwelling, 4 to 19 units, attached or detached	—	—	A	84.16
Multiple dwelling, 20 to 49 units, attached or detached	—	—	MUP	84.16
Multiple dwelling, 50 or more units, attached or detached	—	—	CUP	84.16
Parolee and/or probationer home	—	—	CUP	
Secondary dwelling	A ⁽⁶⁾	A ⁽⁶⁾	—	84.01

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Residential Land Use Zoning Districts

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LAND USE <i>See Division 10 (Definitions) for land use definitions</i>	PERMIT REQUIRED BY DISTRICT			Specific Use Regulations
	RL ⁽¹⁾	RS	RM	
Single dwelling	A	A	PD ⁽⁷⁾	
RETAIL				
Produce stand	A ⁽⁸⁾	A ⁽⁸⁾	A ⁽⁸⁾	
SERVICES - GENERAL				
Cemetery, including pet cemeteries	CUP	CUP	—	84.06
Child care - Small family day care home	A	A	A	
Child care - Large family day care home	MUP	MUP	MUP	
Child care - Day care center	M/C	M/C	M/C	
Commercial Kennels and Catteries - min lot 2.5 acres (over 15 animals)	M/C/S	—	—	84.04
Emergency shelter	—	—	CUP	84.33
Home occupation	SUP	SUP	SUP	84.12
Licensed Residential Care Facility of 6 or fewer persons	A	A	A	84.23
Licensed Residential Care Facility of 7 or more persons	—	—	CUP	84.23
Lodging - Bed and breakfast inn (B&B)	SUP ⁽⁹⁾	SUP ⁽⁹⁾	SUP ⁽⁹⁾	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	
TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE				
Broadcasting antennae and towers	M/C	—	—	
Electrical power generation	CUP	—	—	
Pipelines, transmission lines, and control stations ⁽¹⁰⁾	⁽¹⁰⁾	⁽¹⁰⁾	⁽¹⁰⁾	
Renewable Energy Generation Facilities	CUP	—	—	84.29
Sewage treatment and disposal facility	CUP	CUP	CUP	
Solid waste disposal	CUP	CUP	CUP	
Telecommunications facility	S	S	S	84.27
Transportation facility	M/C	M/C	M/C	
Utility facility	CUP	CUP	CUP	
Wind energy accessory	S	S	S	84.26
Wireless telecommunications facility	S	S	S	84.27
OTHER (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.

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- (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.
- (10) These uses are regulated and approved by the Public Utilities Commission. See alternate review procedures in Chapter 85.02.
- (11) Supportive housing or transitional housing that is provided in single-, two-, or multi-family dwelling units, group residential, parolee-probationer home, residential care facilities, or boarding house uses shall be permitted, conditionally permitted or prohibited in the same manner as the other single-, two- or multi-family dwelling units, group residential, parolee-probationer home, residential care facilities, or boarding house uses under this Code.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008); Amended Ordinance 4057 (2008); Amended Ordinance 4067 (2009); Amended Ordinance 4085 (2009); Amended Ordinance 4098 (2010); Amended Ordinance 4162 (2012); Amended Ordinance 4230 (2014); Amended Ordinance 42xx (2014)

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CHAPTER 82.05 COMMERCIAL LAND USE ZONING DISTRICTS

Sections:

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

82.05.010 Purpose

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

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

82.05.020 Purposes and Location of the Commercial Land Use Zoning Districts

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

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

82.05.030 Minimum Area for Designation

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

Table 82-10
Minimum Area for Commercial Land Use
Zoning District Designation

Land Use Zoning District	Minimum Area for Designation
CR (Rural Commercial)	2.5 acres
CN (Neighborhood Commercial)	1 acre
CO (Office Commercial)	5 acres
CG (General Commercial)	5 acres
CS (Service Commercial)	5 acres
CH (Highway Commercial)	5 acres

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

82.05.040 Commercial Land Use Zoning District Allowed Uses and Permit Requirements

- (a) **General permit requirements.** Table 82-11 identifies the uses of land allowed by this Development Code in each commercial land use zoning district established by Chapter 82.01 (Land Use Plan, and Land Use Zoning Districts, and Overlays), in compliance with Section 82.01.020 (Allowed Land Uses and Planning Permit Requirements).
- (b) **Requirements for certain specific land uses.** Where the last column in Table 82-11 ("Specific Use Regulations") includes a section number, the referenced section may affect whether the use requires Land Use Review, or Conditional Use Permit or Minor Use Permit, or other County approval, and/or may establish other requirements and standards applicable to the use.

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

LAND USE <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							
Agriculture support services	p ⁽²⁾	—	—	p ^(1,2)	p ⁽²⁾	—	
INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING							
Construction contractor storage yard	M/C	—	—	—	M/C	—	
Firewood contractor	p ⁽²⁾	—	—	—	p ⁽²⁾	—	84.09
Manufacturing Operations I	M/C ⁽³⁾	—	—	—	p ⁽²⁾	—	
Motor vehicle storage/Impound facility	CUP	—	—	—	CUP	CUP	
Recycling facilities - Small collection facility	SUP	SUP	SUP	SUP	SUP	SUP	84.19
Recycling facilities - Large collection facility	CUP	—	CUP	CU P	CUP	CUP	84.19
Recycling facilities - Light processing facility	CUP	—	—	CU P	CUP	—	84.19
Recycling facilities, reverse vending machine (accessory only)	A	A	A	A	A	A	84.19
Salvage operations - within enclosed structures	M/C ⁽⁴⁾	—	—	—	M/C	—	
Storage - Personal storage (mini-storage)	M/C	—	—	—	p ⁽²⁾	—	
Storage - Recreational vehicles	CUP	—	—	—	CUP	CUP	
Storage - Warehouse, Indoor Storage	M/C	—	—	—	—	—	
Wholesaling and distribution	M/C ⁽⁴⁾	—	—	p ^(1,2)	p ⁽²⁾	—	
RECREATION, EDUCATION & PUBLIC ASSEMBLY							
Adult-oriented business	—	—	—	ABP	—	—	84.02
Commercial entertainment – Indoor	p ⁽²⁾	p ⁽²⁾	—	p ⁽²⁾	p ⁽²⁾	p ⁽²⁾	
Commercial entertainment - Outdoor	p ⁽²⁾	—	—	p ⁽²⁾	p ⁽²⁾	p ⁽²⁾	
Conference/convention facility ^(4,5)	M/C	—	M/C	M/C	M/C	M/C	
Equestrian facility	M/C	—	M/C	M/C	M/C	M/C	
Fitness/health facility ⁽⁵⁾	p ⁽²⁾	p ⁽²⁾	—	p ⁽²⁾	p ⁽²⁾	p ⁽²⁾	
Golf course	M/C	—	—	—	M/C	M/C	
Library, museum, art gallery, outdoor exhibit ⁽⁵⁾	M/C	—	—	M/C	M/C	M/C	
Meeting facility, public or private ⁽⁵⁾	CUP	CUP	CUP	CUP	CUP	CUP	
Park, playground	M/C	—	—	—	—	—	
Places of worship	CUP	CUP	CUP	CUP	CUP	CUP	
Recreational vehicle park	M/C	—	—	—	M/C	M/C	
Rural sports and recreation	CUP	—	—	—	CUP	CUP	
School - College or university ⁽⁵⁾	M/C	—	M/C	M/C	M/C	M/C	
School - Private ⁽⁵⁾	M/C	—	M/C	M/C	M/C	M/C	
School - Specialized education/training ⁽⁵⁾	M/C	—	M/C	M/C	M/C	M/C	
Sports or entertainment assembly	CUP	—	—	CUP	CUP	CUP	
Theater ⁽⁵⁾	M/C	—	—	M/C	M/C	M/C	
RESIDENTIAL ⁽¹⁰⁾							
Accessory dwelling (caretakers residence, etc.)	p ⁽⁶⁾	p ⁽⁶⁾	p ⁽⁶⁾	p ⁽⁶⁾	p ⁽⁶⁾	p ⁽⁶⁾	84.01
Accessory use or structure - Residential (conforming and non-conforming uses)	A	p ^(6,7)	84.01				
Group residential (sorority, fraternity, boarding house, private residential club, etc.)	M/C	—	—	M/C	M/C	M/C	
Guest housing	p ⁽⁷⁾	—	—	—	—	—	84.01
Live/work unit	M/C	M/C	M/C	M/C	M/C	M/C	
Mobile home park/manufactured home land-lease community	CUP	—	—	—	—	—	84.14
Multiple dwelling, up to 19 units, attached or detached	A	—	—	—	—	—	84.16
Multiple dwelling, 20 or more units	CUP	—	—	—	—	—	84.16
Parolee and/or probationer home	CUP	—	—	CUP	CUP	CUP	
Residential use only as part of a mixed use project	PD	—	PD	PD	PD	PD	84.16
Secondary dwelling unit	A	—	—	—	—	—	84.01

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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	
Single dwelling	A	—	—	—	—	—	
RETAIL							
Auto and vehicle sales and rental	p ⁽²⁾	—	—	p ⁽²⁾	p ⁽²⁾	—	
Bar, tavern	p ⁽²⁾	M/C	—	p ⁽²⁾	p ⁽²⁾	—	
Building and landscape materials sales - Indoor	M/C	—	—	M/C	M/C	—	
Building and landscape materials sales - Outdoor	M/C	—	—	M/C	M/C	—	
Construction and heavy equipment sales and rental	M/C	—	—	—	M/C	—	
Convenience store	p ⁽²⁾	p ⁽²⁾	p ⁽²⁾	p ⁽²⁾	p ⁽²⁾	p ⁽²⁾	
Fuel dealer (propane for home and farm use, etc.)	M/C	—	—	—	M/C	—	
General retail	M/C	—	—	p ⁽²⁾	p ⁽²⁾	—	
Groceries, specialty foods	M/C	M/C	—	p ⁽²⁾	p ⁽²⁾	—	
Manufactured home, boat, or RV sales	p ⁽²⁾	—	—	M/C	M/C	—	
Night club	p ⁽²⁾	M/C	—	M/C	p ⁽²⁾	—	
Restaurant, café, coffee shop	p ⁽²⁾	p ⁽²⁾	p ⁽²⁾	p ⁽²⁾	p ⁽²⁾	p ⁽²⁾	
Service station	M/C	M/C	—	M/C	M/C	M/C	
Second hand stores, pawnshops	P	—	—	P	P	—	
Shopping center	M/C	M/C	—	M/C	M/C	M/C	
Swap meet, outdoor market, auction yard	M/C	—	—	M/C	M/C	—	
Warehouse retail	p ⁽²⁾	—	—	p ⁽²⁾	p ⁽²⁾	—	
SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL							
Medical services - Hospital	—	—	CUP ⁽⁵⁾	—	—	—	
Medical services - Rehabilitation center	—	—	CUP	—	—	—	
Office - Accessory	p ⁽⁶⁾	p ⁽⁶⁾	p ⁽⁶⁾	p ⁽⁶⁾	p ⁽⁶⁾	p ⁽⁶⁾	
Professional services	p ⁽²⁾	p ⁽²⁾	P	p ⁽²⁾	p ⁽²⁾	—	
SERVICES - GENERAL							
Bail bond service within 1 mile of correctional institution	P	—	P	P	P	P	
Cemetery including pet cemeteries	CUP	CUP	CUP	CUP	CUP	CUP	84.06
Child care - Day care center	M/C	M/C	M/C	M/C	M/C	—	
Convenience and support services	p ⁽²⁾	p ⁽²⁾	—	p ⁽²⁾	p ⁽²⁾	p ⁽²⁾	
Emergency shelter	CUP	CUP	CUP	A	A	CUP	84.33
Equipment rental	p ⁽²⁾	—	—	p ⁽²⁾	p ⁽²⁾	—	
Home occupation	SUP	SUP	SUP	SUP	SUP	SUP	84.12
Kennel or cattery - 2.5-acre minimum lot area	M/C/S	—	—	—	M/C/S	—	84.04
Licensed Residential Care Facility of 6 or fewer persons	M/C	—	—	M/C	M/C	M/C	84.23
Licensed Residential Care Facility of 7 or more persons	M/C	—	—	M/C	M/C	M/C	84.23
Lodging - Bed and breakfast inn (B&B)	SUP	—	—	—	—	—	84.05
Lodging - Hotel or motel - 20 or fewer guest rooms	p ⁽²⁾	—	—	p ^(2,8)	p ^(2,8)	p ⁽²⁾	
Lodging - Hotel or motel - More than 20 guest rooms	M/C	—	—	M/C	M/C	M/C	
Personal services	p ⁽²⁾	p ⁽²⁾	—	p ⁽²⁾	p ⁽²⁾	p ⁽²⁾	
Public safety facility	M/C	M/C	—	—	M/C	M/C	
Unlicensed Residential Care Facility of 6 or fewer persons	RCP	—	—	RCP	RCP	RCP	84.32
Unlicensed Residential Care Facility of 7 or more persons	M/C	—	—	M/C	M/C	M/C	
Vehicle services - Major repair/body work	M/C	—	—	—	M/C	M/C	
Vehicle services - Minor maintenance/repair	p ⁽²⁾	—	—	p ⁽²⁾	p ⁽²⁾	p ⁽²⁾	
Veterinary clinic, animal hospital	M/C	—	—	M/C	M/C	—	
TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE							
Ambulance, taxi, or limousine dispatch facility	p ⁽²⁾	—	—	—	p ⁽²⁾	p ⁽²⁾	
Broadcasting antennae and towers	M/C	—	—	M/C	M/C	—	
Broadcasting studio	p ⁽²⁾	—	—	p ⁽²⁾	p ⁽²⁾	—	
Parking lots and structures, accessory	p ⁽⁶⁾	p ⁽⁶⁾	p ⁽⁶⁾	p ⁽⁶⁾	p ⁽⁶⁾	p ⁽⁶⁾	
Pipelines, transmission lines, and control stations ⁽⁹⁾	⁽⁹⁾	⁽⁹⁾	⁽⁹⁾	⁽⁹⁾	⁽⁹⁾	⁽⁹⁾	
Renewable Energy Generation Facilities	CUP	CUP	CUP	CUP	CUP	CUP	84.29
Sewage treatment and disposal facility	CUP	—	—	—	—	CUP	
Transportation facility	M/C	M/C	M/C	M/C	M/C	M/C	
Truck Stop	M/C	—	—	—	M/C	M/C	
	PERMIT REQUIRED BY DISTRICT						Specific Use Regulations

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LAND USE <i>See Division 10 (Definitions) for land use definitions</i>	CR	CN	CO	CG	CS	CH	
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)
ABP	Adult Business Regulatory Permit	SUP	Special Use Permit required (Chapter 85.14)
P	Permitted Use; Site Plan Permit required (Chapter 85.08)	S	Permit requirement set by Specific Use Regulations (Division 4)
M/C	Minor Use Permit required; unless a Conditional Use Permit required in compliance with Section 85.06.050 (Projects That Do Not Qualify for a Minor Use Permit)	TSP	Temporary Special Events Permit required (Chapter 85.16)
CUP	Conditional Use Permit required (Chapter 85.06)	TUP	Temporary Use Permit required (Chapter 85.15)
MUP	Minor Use Permit required (Chapter 85.06)	—	Use not allowed

Notes:

- (1) 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.
- (8) A CUP shall be required for this use in the Phelan planning area.
- (9) These uses are regulated and approved by the Public Utilities Commission. See alternate review procedures in Section 85.02.050.
- (10) Supportive housing or transitional housing that is provided in single-, two-, or multi-family dwelling units, group residential, parolee-probationer home, residential care facilities, or boarding house uses shall be permitted, conditionally permitted or prohibited in the same manner as the other single-, two- or multi-family dwelling units, group residential, parolee-probationer home, residential care facilities, or boarding house uses under this Code.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008); Amended Ordinance 4067 (2009); Amended Ordinance 4085 (2009); Amended Ordinance 4098 (2010); Amended Ordinance 4230 (2014); Amended Ordinance 4239 (2014); Amended Ordinance 42xx (2014)

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CHAPTER 82.06 INDUSTRIAL AND SPECIAL PURPOSE LAND USE ZONING DISTRICTS

Sections:

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

82.06.010 Purpose

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

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

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

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

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

82.06.030 Minimum Area for Designation

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

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

Land Use Zoning District	Minimum Area for Designation
IC (Community Industrial)	5 acres
IR (Regional Industrial)	30 acres
IN (Institutional)	None required
SD (Special Development)	5 acres
SP (Specific Plan)	As specified by General Plan

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008); Amended Ordinance 4067 (2009); Amended Ordinance 4085 (2009)

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

- (a) **General permit requirements.** Table 82-17 identifies the uses of land allowed by this Development Code in each Industrial and special purpose land use zoning district established by Chapter 82.01 (Land Use Plan, Land Use Zoning Districts, Overlays), in compliance with Section 82.02.030 (Allowed Land Uses and Planning Permit Requirements).
- (b) **Requirements for certain specific land uses.** Where the last column in Table 82-17 ("Specific Use Regulations") includes a section number, the referenced section may affect whether the use requires Site Plan Permit, or Conditional Use Permit or Minor Use Permit, Planned Development Permit, or other County approval, and/or may establish other requirements and standards applicable to the use.
- (c) **Allowed land uses in the SD land use zoning district.** A special development may allow intermixing of residential, commercial and industrial uses, provided that the review authority determines that there is a specific need for the special development standards. The Special Development Land Use Zoning District may have a suffix to indicate the focus of a particular SD zone. A "RES" suffix indicates that the focus is on residential Planned Development projects. A "COM" suffix indicates that the focus is on commercial Planned Development projects. An "IND" suffix indicates that the focus is on industrial Planned Development projects. However, all can still have mixed uses within these zones.

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 ⁽¹⁾	SD-COM ⁽¹⁾	SD-IND ⁽¹⁾	
AGRICULTURAL, RESOURCE & OPEN SPACE USES							
Agriculture Support Services	p ⁽²⁾	p ⁽²⁾	—	M/C	M/C	M/C	
Animal Keeping	—	—	—	S	—	—	84.04
Crop production, horticulture, orchard, vineyard	—	—	—	A	—	—	
Natural resources development (mining)	CUP	CUP	—	CUP	CUP	CUP	
Nature preserve (accessory uses)	—	—	p ⁽²⁾	p ⁽²⁾	p ⁽²⁾	p ⁽²⁾	
INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING							
Construction contractor storage yard	M/C	P ⁽²⁾	—	M/C	M/C ⁽³⁾	M/C	
Hazardous waste operation	—	CUP	—	—	—	—	
Firewood contractor	P	P	—	—	—	M/C	84.09
Manufacturing Operations I	p ⁽²⁾	p ⁽²⁾	—	CUP ⁽⁴⁾	CUP ⁽⁴⁾	CUP ⁽⁴⁾	
Manufacturing Operations II	— ^(5,6)	M/C	—	—	—	CUP ⁽⁴⁾	
Motor vehicle storage/Impound facility	M/C	M/C	—	—	—	M/C	
Recycling facilities - Small collection facility	SUP	SUP	—	—	MUP	MUP	84.19
Recycling facilities - Large collection facility	CUP	CUP	—	—	CUP ⁽³⁾	CUP	84.19
Recycling facilities - Light processing facility	CUP	CUP	—	—	CUP ⁽³⁾	CUP	84.19
Recycling facilities - Heavy processing facility	CUP	CUP	—	—	—	CUP	84.19
Recycling facilities, reverse vending machines (accessory only)	A	A	—	A	A	A	84.19
Salvage operations - Within an enclosed structure	CUP	M/C	—	—	CUP	M/C	
Salvage operations - General	—	CUP	—	—	—	—	
Storage - Personal storage (mini-storage)	p ⁽²⁾	p ⁽²⁾	—	M/C	M/C	M/C	
Storage - Recreational vehicles	M/C	M/C	—	M/C	M/C	M/C	
Storage - Warehouse, indoor storage	M/C	M/C	—	—	M/C	M/C	
Wholesaling and distribution	M/C	M/C	—	—	M/C	M/C	
RECREATION, EDUCATION & PUBLIC ASSEMBLY							
Adult business	ABP	—	—	—	—	—	
Campgrounds	—	—	—	CUP	—	—	
Commercial entertainment - Indoor	M/C	—	—	M/C	M/C	M/C	
Conference/convention facility	—	—	—	CUP ⁽⁴⁾	CUP ⁽⁴⁾	CUP ⁽⁴⁾	
Equestrian facility	—	—	—	M/C	M/C	M/C	
Fitness/health facility	p ⁽²⁾	p ⁽²⁾	—	M/C	M/C	M/C	
Golf course	—	—	—	CUP ⁽⁴⁾	CUP ⁽⁴⁾	CUP ⁽⁴⁾	
Library, museum, art gallery, outdoor exhibit	—	—	—	M/C	M/C	M/C	
Meeting facility, public or private	CUP	—	—	CUP	CUP	CUP	
Park, playground	—	—	P	P	P	P	
Places of worship	CUP	CUP	CUP	CUP	CUP	CUP	
Rural sports and recreation	—	—	—	CUP	CUP	CUP	
School - College or university	M/C	M/C	M/C	M/C	M/C	M/C	
School - Private	M/C	M/C	M/C	M/C	M/C	M/C	
School - Specialized education/training	M/C	M/C	M/C	M/C	M/C	M/C	
RESIDENTIAL⁽¹⁴⁾							
Accessory dwelling (labor quarters, etc.)	p ⁽⁷⁾	p ⁽⁷⁾	p ⁽⁷⁾	p ⁽⁷⁾	p ⁽⁷⁾	p ⁽⁷⁾	84.01
Accessory structures and uses - Residential (conforming and non-conforming uses)	p ^(7,8)	p ^(7,8)	p ^(7,8)	p ⁽⁷⁾	p ⁽⁷⁾	p ⁽⁷⁾	84.01
Dependent housing	—	—	—	SUP	—	—	84.08
Group residential (sorority, fraternity, boarding house, private residential club, etc.)	—	—	—	M/C	M/C	—	
Guest housing	—	—	—	p ⁽⁸⁾	—	—	84.01
Live/work unit	M/C	—	—	M/C	M/C	—	

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Industrial and Special Purpose Land Use Zoning Districts

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LAND USE <i>See Division 10 (Definitions) for land use definitions</i>	PERMIT REQUIRED BY DISTRICT						Specific Use Regulations
	IC	IR	IN	SD-RES ⁽¹⁾	SD-COM ⁽¹⁾	SD-IND ⁽¹⁾	
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 ⁽²⁾	p ⁽²⁾	—	M/C	M/C	M/C	
Bar, tavern	—	—	—	M/C	M/C	M/C	
Building and landscape materials sales - Indoor	p ⁽²⁾	p ⁽²⁾	—	M/C	M/C	M/C	
Building and landscape materials sales - Outdoor	M/C	M/C	—	—	CUP	CUP	
Construction and heavy equipment sales and rental	M/C	M/C	—	—	CUP	CUP	
Convenience store	p ⁽²⁾	p ⁽²⁾	—	M/C	M/C	M/C	
Fuel dealer (propane for home and farm use, etc.)	CUP	CUP	—	CUP	CUP	CUP	
General retail - 10,000 sf or less, with or without residential unit	—	—	—	M/C	M/C	M/C	
General retail - More than 10,000 sf, with or without residential unit	—	—	—	PD	PD	PD	
Manufactured home or RV sales	M/C	M/C	—	—	M/C	M/C	
Night Club	—	—	—	M/C	M/C	M/C	
Restaurant, café, coffee shop	p ⁽²⁾	p ⁽²⁾	—	M/C	M/C	M/C	
Second hand stores, pawnshops	p ⁽²⁾	—	—	M/C	M/C	M/C	
Service station	p ⁽²⁾	p ⁽²⁾	—	M/C	M/C	M/C	
Swap meet, outdoor market, auction yard	M/C	M/C	—	—	—	M/C	
Warehouse retail	p ⁽²⁾	p ⁽²⁾	—	—	CUP	CUP	
SERVICES – BUSINESS, FINANCIAL, PROFESSIONAL							
Medical services - Hospital	M/C	M/C	M/C	M/C	M/C	M/C	
Medical services - Rehabilitation center	M/C	M/C	M/C	M/C	M/C	M/C	
Office - Accessory	p ⁽⁸⁾	p ⁽⁸⁾	p ⁽⁸⁾	p ⁽⁸⁾	p ⁽⁸⁾	p ⁽⁸⁾	
Professional Services	p ⁽²⁾	—	—	M/C	M/C	M/C	
SERVICES – GENERAL							
Bail bond service within 1 mile of correctional institution	P	P	P	—	P	P	
Cemetery, including pet cemeteries	—	—	—	CUP	CUP	CUP	84.06
Correctional institution	—	—	CUP	—	—	—	
Emergency Shelter	CUP	—	—	CUP	CUP	CUP	84.33
Equipment rental	p ⁽²⁾	p ⁽²⁾	—	—	M/C	M/C	
Home occupation	SUP	SUP	SUP	SUP	SUP	SUP	84.12
Kennel or cattery	M/C	—	—	—	—	M/C	84.04
Licensed Residential Care Facility of 6 or fewer persons	M/C	—	—	M/C	M/C	—	84.23
Licensed Residential Care Facility of 7 or more persons	M/C	—	—	M/C	M/C	—	84.23
Lodging – Bed and breakfast inn (B&B)	—	—	—	SUP ⁽⁹⁾	SUP ⁽⁹⁾	—	
Lodging – Hotel or motel – 20 or fewer guest rooms	—	—	—	M/C	M/C	—	
Lodging – Hotel or motel – More than 20 guest rooms	—	—	—	M/C	M/C	—	
Personal services	p ⁽²⁾	—	—	M/C	M/C	M/C	
Public safety facility	M/C	M/C	M/C	M/C	M/C	M/C	
Unlicensed Residential Care Facility of 6 or fewer persons	RCP	—	—	RCP	RCP	—	84.32
Unlicensed Residential Care Facility of 7 or more persons	M/C	—	—	M/C	M/C	—	
Vehicle services - Major repair/body work	p ⁽²⁾	p ⁽²⁾	—	—	M/C ⁽¹⁰⁾	M/C	
Vehicle services - Minor maintenance/repair	p ⁽²⁾	p ⁽²⁾	CUP ⁽¹¹⁾	—	M/C ⁽¹⁰⁾	M/C	
Veterinary clinic, animal hospital	M/C	—	—	—	M/C	M/C	

Industrial and Special Purpose Land Use Zoning Districts

82.06

LAND USE <i>See Division 10 (Definitions) for land use definitions</i>	PERMIT REQUIRED BY DISTRICT						Specific Use Regulations
	IC	IR	IN	SD-RES ⁽¹⁾	SD-COM ⁽¹⁾	SD-IND ⁽¹⁾	
TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE							
Ambulance, taxi, or limousine dispatch facility	M/C	M/C	M/C	M/C	M/C	M/C	
Broadcasting antennae and towers	M/C	M/C	M/C	CUP	CUP	CUP	
Parking lots, accessory	p ⁽¹²⁾	p ⁽¹²⁾	p ⁽¹²⁾	p ⁽¹²⁾	p ⁽¹²⁾	p ⁽¹²⁾	
Broadcasting studio	M/C	M/C	M/C	CUP ⁽⁴⁾	CUP ⁽⁴⁾	CUP ⁽⁴⁾	
Communication contractor	M/C	M/C	M/C	M/C ⁽¹⁰⁾	M/C ⁽¹⁰⁾	M/C ⁽¹⁰⁾	
Electrical power generation	CUP	CUP	CUP	—	—	—	
Parking structures	p ⁽¹²⁾	p ⁽¹²⁾	p ⁽¹²⁾	M/C	M/C	M/C	
Pipelines, transmission lines, and control stations ⁽¹³⁾	(13)	(13)	(13)	(13)	(13)	(13)	
Renewable Energy Generation Facilities	CUP	CUP	CUP	—	—	—	84.29
Sewage treatment and disposal facility	CUP	CUP	CUP	—	—	—	
Solid waste disposal	CUP	CUP	CUP	—	—	—	
Transportation facility	M/C	M/C	M/C	M/C	M/C	M/C	
Truck Stop	M/C	M/C	—	—	—	M/C	
Truck Terminal	M/C	M/C	—	—	—	M/C	
Utility facility	CUP	CUP	CUP	CUP	CUP	CUP	
Water treatment plants and storage tanks	—	CUP	CUP	—	CUP	CUP	
Wind energy system, accessory	S	S	S	S	S	S	84.26
Wireless telecommunications facility	S	S	S	S	S	S	84.27
OTHER							
Accessory structures and uses	P	P	P	P	P	P	84.01
Temporary special events	TSP	TSP	TSP	TSP	TSP	TSP	84.25
Temporary structures and uses	TUP	TUP	TUP	TUP	TUP	TUP	84.25

KEY

A	Allowed use (no planning permit required)	PD	Planned Development Permit required (Chapter 85.10)
ABP	Adult Business Regulatory Permit	SUP	Special Use Permit required (Chapter 85.14)
P	Permitted Use; Site Plan Permit required (Chapter 85.08)	S	Permit requirement set by Specific Use Regulations (Division 4)
M/C	Minor Use Permit required; unless a Conditional Use Permit required in compliance with Section 85.06.050 (Projects That Do Not Qualify for a Minor Use Permit)	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) 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
- (10) This use shall be located completely within an enclosed structure with no exterior overnight storage of vehicles.
- (11) When associated with an institutional use.
- (12) Use allowed as an accessory use only, on the same site as a retail, service, or industrial use allowed by this table.

- (13) These uses are regulated and approved by the Public Utilities Commission. See alternate review procedures in Section 85.02.050.
- (14) Supportive housing or transitional housing that is provided in single-, two-, or multi-family dwelling units, group residential, parolee-probationer home, residential care facilities, or boarding house uses shall be permitted, conditionally permitted or prohibited in the same manner as the other single-, two- or multi-family dwelling units, group residential, parolee-probationer home, residential care facilities, or boarding house uses under this Code.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008); Amended Ordinance 4057 (2008); Amended Ordinance 4067 (2009); Amended Ordinance 4098 (2010); Amended Ordinance 4230 (2014); Amended Ordinance 4239 (2014); Amended Ordinance 42xx (2014)

CHAPTER 84.33 EMERGENCY SHELTERS

Sections:

- 84.33.010 Purpose.
- 84.33.020 Applicability.
- 84.33.030 Development Standards for Emergency Shelters.

84.33.010 Purpose.

The State of California has enacted laws and regulations to provide for the siting of emergency shelters. In 2007, the State adopted Senate Bill 2 which among other things required that all jurisdictions allow for the siting of emergency shelters with just building permits within selected land use zoning districts within that jurisdiction. The purpose of this Chapter is to provide development standards for these shelters so that they can be located within an unincorporated area without a formal land use approval.

Adopted Ordinance xxxx (2014)

84.33.020 Applicability.

The standards in this Chapter apply to emergency shelters where allowed in compliance with Division 2 (Land Use Zoning Districts and Allowed Land Uses) and subject to the provisions of this Chapter.

Adopted Ordinance xxxx (2014)

84.33.030 Development Standards for Emergency Shelters.

In order to ensure that emergency shelters are operated in a manner that is consistent with State and Federal law and established industry standards, the criteria listed below shall apply:

- (a) The maximum resident density shall be one resident per 150 sq. ft., up to a maximum of 60 residents with one bed provided for each resident;
- (b) The maximum length of stay shall be six months;
- (c) The waiting area for potential residents and/or intake areas shall be as follows:
 - (1) The interior waiting/intake area for a facility with 14 or fewer beds shall be no less than 125 sq. and for a facility with 15 or more beds shall be no less than 200 sq. ft.
 - (2) The exterior waiting/intake area shall be no less than 450 sq. ft. for facilities with 14 beds or fewer. The exterior waiting/intake area shall be

no less than 900 sq. ft. for facilities with 15 beds or more. Exterior waiting/intake areas shall be screened from view from surrounding properties by solid fencing or not less than six feet in height. Fencing shall conform to the requirements of Chapter 83.06.

- (d) Exterior lighting conforming to the development standards of 83.07 shall be required to ensure the security of site residents;
- (e) Segregated sleeping, lavatory and bathing areas shall be provided if the Emergency Shelter accommodates both men and women in the same building. Reasonable accommodation shall be made to provide segregated sleeping, lavatory and bathing areas for families.
- (f) An individual or individuals who do not utilize the homeless beds and/or services and who maintain their own residence off-site may be eligible as on-site manager(s). Each facility shall have manager(s) present on-site 24 hours per day, seven days per week. If the Emergency Shelter accommodates both men and women in the same building, the facility shall have at least one employee, manager and one supporting staff member of each sex shall be present during all hours of operation.
- (g) The site shall be located no more than ½ mile from a public transit line;
- (h) No Emergency Shelter shall 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 Emergency Shelter.
- (i) Any new or existing structure proposed for use as an emergency shelter shall meet current California Building Code requirements;
- (j) A security and management plan shall be required to demonstrate adequate plans and capability to operate the emergency shelter in a safe and effective manner, including complete descriptions of the following:
 - (1) Fencing, lighting, video cameras, and any other physical improvements intended to provide or enhance security for residents and staff;
 - (2) Staffing plans, including the qualifications and responsibilities of all staff members and the number and positions of employees on each shift;
 - (3) Procedures and policies for screening of potential residents to identify individuals who should be referred to medical facilities, social care facilities, other service agencies or law enforcement.
- (k) Adequate sewer and water infrastructure shall be available to the site for the planned facility;

- (1) An emergency shelter shall be constructed and operated in compliance to the development standards contained in this Development Code. No variances will be considered unless filed concurrently with a Conditional Use Permit.

Adopted Ordinance xxxx (2014)