

ARTICLE I – GENERAL PROVISIONS

CHAPTER 19.02 BASIC PROVISIONS

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19.02.010 TITLE

This Title shall be known as the “City of San Bernardino Development Code,” hereafter referred to as the “Development Code.”

19.02.020 PURPOSE (MC 1393 12/2/13)

The purpose of this Development Code is to promote the public health, safety, general welfare and preserve and enhance the aesthetic quality of the City by providing regulations to ensure an appropriate mix of land uses in an orderly manner. In furtherance of this purpose, the City desires to achieve a pattern and distribution of land uses which generally:

1. Retain and enhance established residential neighborhoods, commercial and industrial zones, regional-serving uses, recreation and amenities.
2. Allow for the infill and recycling of areas at their prevailing scale and character.
3. Allow for the intensification of commercial industrial uses and mixed-density in select residential neighborhoods.
4. Accommodate expansion of development into vacant and low-use lands within environmental and infrastructure constraints.
5. Maintain and enhance significant environmental resources.
6. Provide a diversity of areas characterized by differing land use activity, scale and intensity.
7. Establish San Bernardino as a unique and distinctive place in the Inland Empire with a high quality of life and aesthetic, secure environment for the City's residences and businesses.

19.02.030 AUTHORITY AND GENERAL PLAN CONSISTENCY

This Development Code is the primary tool for implementing the goals, objectives, and policies of the San Bernardino General Plan, pursuant to the mandated provisions of the State Planning and Zoning Law (Government Code Section 65000 et seq.), State Subdivision Map Act (Government Code Section 66410 et seq.), California Environmental Quality Act (Public Resources Code 21000 et seq.), and other applicable State and local requirements. All development within the unincorporated area of the City's Sphere of Influence should be consistent with the San Bernardino General Plan. All development in the incorporated area of the City shall be consistent with the General Plan.

The subdivision provisions of this Development Code are intended to supplement and implement the Subdivision Map Act, and serves as the Subdivision Ordinance of the City. If the provisions of this Development Code conflict with any provision of the Subdivision Map Act, the provisions of the Subdivision Map Act shall prevail.

This Development Code is designed to treat in one unified text those areas of regulation more typically dealt within separate zoning and subdivision ordinances, and related chapters of the Municipal Code. No land shall be subdivided and/or developed for any purpose which is not in conformity with the General Plan, and any applicable specific plan of the City and permitted by this Development Code, or other applicable provisions of the San Bernardino Municipal Code.

The type and intensity of land use as shown on the General Plan and any applicable specific plan shall determine, together with this Development Code, the type of streets, roads, highways, utilities and public services that shall be provided by the subdivider.

19.02.040 REVIEW AUTHORITIES

The development review process involves the participation of the following:

1. MAYOR AND COMMON COUNCIL

The Council shall have final decision authority for appeals, final maps, Specific Plans, General Plan Amendments, Development Code Amendments, Improvement and Development Agreements, Surface Mining and Land Reclamation, and the acceptance by the City of lands and/or improvements as may be proposed for dedication to the City, except Deeds of Dedication and parcel maps of four or fewer parcels with no development agreements. The Council may also impose conditions of approval.

2. PLANNING COMMISSION

A. APPOINTMENT

The Planning Commission shall consist of nine members appointed by the Mayor and Common Council and serve pursuant to the provisions of Chapter 2.17 of the Municipal Code.

B. DUTIES

The Commission shall perform the duties and functions prescribed in this Development Code. The Commission shall prepare, recommend adoption, implement and periodically review and recommend revisions to the General Plan and this Development Code for the desired physical development of the City, and any land within its Sphere of Influence.

C. POWERS

Final approval for Variances, Specified Development Permits, Conditional Use Permits, Tentative Tract Maps, Reversions to Acreage, and Vesting Tentative Tract Maps subject to appeal to the Mayor and Common Council. Also, the Commission recommends to the Mayor and Common Council for final determination on the following entitlements: Specific Plans, General Plan Amendments, Development Code Amendments, Development Agreements and Surface Mining and Land Reclamation Plans. The Commission may also impose conditions of approval or make interpretations of the General Plan which may be appealed to the Mayor and Common Council. (MC 1393 12/2/13)

3. DIRECTOR OF PLANNING AND BUILDING SERVICES

A. APPOINTMENT

The Director of Community Development shall be appointed by the Mayor and Common Council.

B. DUTIES

The Director shall perform the duties and functions provided in this Development Code, in addition to the day-to-day and long range management of the Community Development Department.

This includes the acceptance and processing of all land use permit applications (i.e. variances, development permits, tract maps, etc.).

C. POWERS

Final approval authority for and enforcement of: Building Permits, Certificates of Occupancy, Specified Development Permits, Lot Line or Boundary Adjustments, Home Occupation Permits, Minor Exceptions, Minor Modifications, Sign Permits, Similar Use Determinations, Temporary Use Permits. All of the above except Building Permits and Certificates of Occupancy are subject to appeal to the Planning Commission. The Director may impose conditions of approval or make interpretations of this Development Code, which may be appealed to the Planning Commission. (MC 1393 12/2/13)

4. DEVELOPMENT REVIEW COMMITTEE (DRC)

A. MEMBERSHIP

The DRC members shall consist of representatives of the following departments: Community Development (a designee from the Planning Division [Chairperson], a designee from the Building Division, and a designee from the Land Development Division [representing the Public Works Department]), Integrated Waste Management, Fire, and Water. The representatives shall be the Director of the Department or their designees(s). An urban design professional may be retained on a consultant basis or placed on staff to provide input on design review as required by Chapter 19.38, Design Review. (MC 1383 1/16/13)

B. DUTIES

The DRC shall perform the duties and functions provided in this Development Code.

C. POWERS

Final approval authority for: specified Development Permits, Tentative Parcel Maps, design review and adoption of Negative Declarations, subject to appeal to the Planning Commission. The DRC may impose conditions of approval. (MC 1393 12/2/13)

5. ENVIRONMENTAL REVIEW COMMITTEE (ERC)

A. MEMBERSHIP

The ERC members shall consist of representatives of the following departments: Community Development (a designee from the Planning Division [Chairperson], a designee from the Building Division, and a designee from the Land Development Division [representing the Public Works Department]), Integrated Waste Management, Fire, and Water. The representatives shall be the Director of the Department or their designees(s). (MC 1383 1/16/13)

B. DUTIES

The ERC shall perform the duties and functions provided in the City Environmental Review Guidelines, the California Environmental Quality Act (CEQA) and the CEQA State Guidelines, as amended.

C. POWERS

The ERC shall have authority to make determinations for Negative Declaration, mitigated Negative Declarations, or the need for preparing an Environmental Impact Report for discretionary (non-ministerial) applications. The ERC may recommend mitigation measures or requirements in making environmental determinations. Determinations of the ERC shall be final unless appealed to the Planning Commission. The ERC may recommend conditions of approval.

6. CITY ENGINEER

The City Engineer shall be responsible for the following:

- A.** The processing and recommendation to the Council on all matters pertaining to final tract and final parcel maps.
- B.** Determining if proposed subdivision improvements comply with the provisions of the Municipal Code, the Map Act and improvement standards.
- C.** Establishing design and construction details, improvement standards and specifications.
- D.** The processing and approval, conditional approval, or denial of certificates of compliance, mergers/unmergers and correction and amendment of maps.
- E.** The inspection and approval of subdivision improvements.
- F.** Establishment of security amounts, and other financial provisions.
- G.** Approval of parcel maps without an agreement.
- H.** Acceptance of dedications on parcel maps without an agreement.

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19.02.050 DEFINITIONS

The words and phrases set out in this section, when used in this Development Code, shall, for the purposes of this Development Code only, have the following respective meanings. These definitions do not apply to any other chapter of the Municipal Code, and the same words and phrases may have different meanings in other chapters of the Municipal Code. (MC 1126 7/4/02; MC 1375 11/19/12)

Abutting (Adjacent). Two or more parcels sharing a common boundary, of at least 1 point.

Abandoned. To cease or suspend from developing or maintaining a building or use for a stated period of time.

Abandoned Activity. A business or activity with no reported sales or activity for a period of at least 180 days. Exceptions are temporary closures for repairs, alterations, or other similar situations.

Access. Safe, adequate, and usable ingress or egress to a property or use.

Accessory Building or Structure. A structure detached from a principal structure on the same lot, incidental to the principal building, and not designed for human habitation.

Accessory Use. A use that is incidental to the principal use on the same lot. (MC 1381 12/19/12)

Action. The decision made by the review authority on a land use application, including appropriate findings, environmental determination and conditions of approval, where applicable.

Adult-Oriented Businesses. See Section 19.06.030 (2)(A) for specific definition of terms.

Agriculture. The use of land for farming, dairying, pasteurizing and grazing, horticulture, floriculture, viticulture, apiaries, animal and poultry husbandry, and accessory activities, including, but not limited to storage, harvesting, feeding or maintenance of equipment excluding stockyards, slaughtering or commercial food processing.

Airport or Heliport. Any area of land designated and set aside for the landing and taking off of any aircraft regulated by Federal Aviation Administration.

Alley. A public or private way, at the rear or side of property, permanently reserved as an ancillary means of vehicular or pedestrian access to abutting property.

Alteration. Any construction or physical change in the internal arrangement of rooms or the supporting members of a building or structure, or change in the appearance of any building or structure.

Ancillary Use. A use incidental to and customarily associated with a specific principal use, located on the same lot or parcel.

Animal Boarding. The provision of overnight shelter and care for small animals on a commercial basis. This classification includes activities such as feeding, exercising, training, grooming, and incidental medical care. (MC 1381 12/19/12)

Animal Hospital. A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment; the ancillary use of the premises as a kennel or a place where animals or pets are boarded for remuneration.

Antenna. A device for transmitting or receiving radio, television, or any other transmitted signal.

Apartment/Multi-family. A portion of a structure designed and used for occupancy by 2 or more individual persons or families living independently of each other, including duplex, triplex, fourplex, and other multi-unit configurations.

Applicant. Owner(s) or lessee(s) of property, or their agent(s), or person(s) who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this Development Code, or the agent(s) of such persons.

Artist Colony. A single or integrated group of structures providing live/work space for individuals who are engaged in a creative effort including but not limited to, studio arts, photography, music, dance theater and arts related businesses and services. Such colonies may include a retail component in addition to the live/work space provided. (MC 997 8/7/97)

Attached. Any structure that has an interior wall or roof in common with another structure.

Automobile Sales Lot. An open area used for the display, sale and/or rental of new or used automobiles.

Automobile Service Station. An area which provides for the servicing or fueling of motor vehicles, including tube and tire repairs, battery charging, storage of merchandise and supplies related to the servicing of motor vehicles, sale of gasoline and other fuel and lubricants, motor vehicle washing, grease racks, and motor vehicle repairs, excluding body and fender work, engine overhauling and replacement, transmission work and other similar activities.

Automotive Stereo Shops. Establishments that either exclusively or as a substantial portion (+50%) of their floor area, sell and install automotive stereos and accessories. This category shall not apply to the establishment of a new Automotive Stereo shop in the Auto Center Plaza area. (MC 1381 12/19/12)

Automobile Wrecking. The wrecking or dismantling of motor vehicles or trailers, or the storage of, sale of or dumping of dismantled, partly dismantled, or wrecked motor vehicles or their parts.

Awning. A roof-like cover that is attached to and projects from the wall of a building for the purpose of shielding from the elements.

Banquet Hall. An establishment operated for profit wherein the facilities are leased on a temporary basis for private wedding receptions, parties, banquets, and other similar events. Such events shall not be open to the general public and may include food preparation facilities and areas for dancing, dining and other entertainment, including live entertainment, activities customarily found in association with banquets or receptions. (MC 1381 12/19/12)

Bar. An establishment that provides on-site alcoholic beverage sales for drinking on the premises and does not admit persons under the age of twenty-one (21). This classification includes businesses with Alcoholic Beverage Control (ABC) licenses of 40, 42, 48, 49 or 61. (MC 1381 12/19/12)

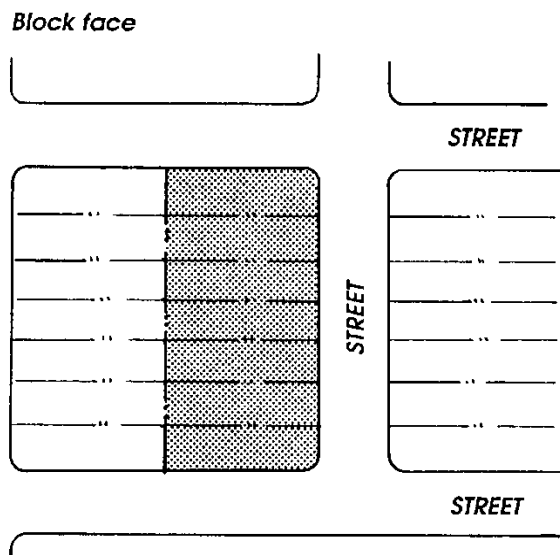
Basement. A story partly or completely underground. A basement shall be counted as a story for purposes of height measurement where any portion of a basement has more than ½ of its height above grade.

Bed and Breakfast. A transient lodging establishment primarily engaged in providing overnight or otherwise temporary lodging for the general public and may provide meals to the extent otherwise permitted by law.

Berm. A mound or embankment of earth.

Block. A parcel of land surrounded by public streets, highways, freeways, railroad rights-of-way, flood control channels, creeks, washes, rivers or unsubdivided acreage or any combination thereof.

Block Face. One complete side of a block, usually facing a public street.



Blood Bank. A place where blood is collected from donors, typed, separated into components, stored, and prepared for transfusion to recipients. A blood bank may be a separate free-standing facility or part of a larger laboratory in a hospital, and may also include plasma centers. (MC 1381 12/19/12)

Boarding House. A structure where lodging and meals for 7 or more boarders is provided for compensation.

Building. Any structure having a roof supported by columns or walls.

Building Area. The net portion of the lot remaining after deducting all required setbacks from the gross area of the lot.

Building Coverage. The percent of lot area which may be covered by all the footprints of buildings or structures on a lot.

Building Height. The building height is the vertical distance from the finished grade to the highest point of the structure, excluding chimneys and vents. Refer to Section 19.20.030 (13) for specific provisions (e.g., building pad, foundation, etc.).

Building, Principal. A building in which the principal use is conducted.

Building Site. The ground area of a building together with all open spaces required by this Development Code.

Carport. A permanent roofed structure not completely enclosed to be used for vehicle parking.

Certificate of Occupancy. A permit issued by the Planning and Building Services Department prior to occupancy of a structure to assure that the structure is ready for occupancy with all defects corrected and all construction debris removed and the site graded to final grade. Additionally, all on-site amenities (i.e., paving, landscaping, etc.) shall be in place prior to the issuance of the permit.

Check-Cashing, Cash Advance, and Loan Facilities. Establishments that engage, in whole or in part, in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose, such facilities do not include a state or federally chartered bank, savings and loan association, credit union, or industrial loan company. (MC 1381 12/19/12)

1. This category shall include any business licensed by the California Commissioner of Corporations to make deferred deposit transactions pursuant to *California Financial Code* Section 23000 *et seq.*, sometimes referred to as “payday advance,” “cash advance,” or “payday loan” services.
2. This category shall not include any ancillary check-cashing facility that is located entirely within a major retailer over 15,000 square feet in size.

City. The City of San Bernardino.

Clinic. A place for outpatient medical services to human patients.

Club. An association of persons (whether or not incorporated) organized for some common purpose, but not including a group organized primarily to render a service customarily carried on as a business.

Clustered Subdivision. A subdivision development in which building lots are sized to conform to the “footprint” of the structures and sited closer together than conventional development, usually in groups or clusters, provided that the total density does not exceed that permitted under conventional zoning and subdivision regulations. The additional land that remains undeveloped is preserved as open space and recreation land. Private development easements around the structures are permitted for inclusion of private landscaping, pools, spas, yards, etc.

Combination Residence/Office Use. A structure used for a residence and an office where no major external structural alterations or additions are made and no advertising is permitted except for up to a 3 square foot attached sign identifying the name of the occupant or business.

Commercial Cannabis Activity. Any activity engaging in the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis products as provided for in Chapter 5.10 of the Municipal Code. (MC 1519 7/17/19)

Commercial Vehicle. A vehicle customarily used as part of a business for the transportation of goods or people.

Commission. The Planning Commission of the City of San Bernardino.

Community Apartment. A development in which an undivided interest in the land is coupled with the right of exclusive occupancy of an apartment located on the land.

Community Care Facility. Consistent with Health and Safety Code (Section 1267.8) the intermediate care facility shall include provisions for developmentally disabled habilitative - nursing or congregate living.

Community Garden. Any plot of land managed and maintained by community residents or community-based organizations for growing fruits, vegetables, herbs, or ornamental plants for consumption and use by local residents. The garden may be divided into individual or family plots, or it may be cultivated collectively. (MC 1363 8/1/11)

Conditional Use/Development Permit. A discretionary entitlement which may be granted under the provisions of this Development code and which when granted authorizes a specific use to be made of a specific property, subject to compliance with all terms and conditions imposed on the entitlement.

Condominium. A development consisting of an undivided interest in common for a portion of a parcel coupled with a separate interest in space in a residential or commercial building on the parcel.

Construction Commencement. The start of construction of substantial site and structural improvements after a building permit has been issued, subject to determination by the Director.

Convalescent Home. A place of residence for people who require constant nursing care and have significant deficiencies with activities of daily living. Residents may include the elderly and younger adults with physical or mental disabilities. Residents in a convalescent home or skilled nursing facility may also receive physical, occupational, and other rehabilitative therapies following an accident or illness. (MC 1381 12/19/12)

Convenience Store. The retail sale of groceries, staples, sundry items, and/or alcoholic beverages where the gross floor area is less than 5,000 square feet. This category shall not include any convenience store located on the same parcel with an automobile service station. (MC 1381 12/19/12)

Council. The Mayor/Common Council of the City of San Bernardino.

County. The County of San Bernardino, hereafter referred to as “County.”

Court. An open, unoccupied space, other than a yard, on the same lot with a building and bounded on 2 or more sides by the walls of a building.

Day Care Center, Children. A facility which provides non-medical care to children under 18 years of age in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24 hour basis. Day care center means any child care facility other than a family day care home and includes infant centers, pre-schools, and extended day care facilities. (MC 841 7/7/92)

Day Care Home, Children. A single-family residence, which is occupied and used as such and provides family day care to children under 18 years of age. Day care home includes:

Day Care Home – Small Family. The use of a single-family residence to provide family day care to 8 or fewer children, including children under the age of 10 years who reside at the home, in conformance with California Code of Regulations Title 22, Division 12. (MC 1381 12/19/12)

Day Care Home – Large Family. The use of a single-family residence to provide family day care to 9-14 children, inclusive, including children under the age of 10 years who reside at the home, in conformance with California Code of Regulations Title 22, Division 12. (MC 1381 12/19/12)

Days. Shall always be consecutive calendar days unless otherwise stated.

Defensible Space. A design concept term used to describe a series of physical design characteristics that maximize resident control of behavior, particularly crime, within a public, semiprivate, or private area, structure, or community. (MC 809 10/8/91)

Density. The number of dwelling units per gross acre, unless otherwise stated, for residential uses.

Department. The San Bernardino City Planning and Building Services Department, hereafter referred to as the “Department.”

Design. Includes the planning and engineering of the following: street alignments, grades and widths; drainage and sanitary facilities and utilities, including alignment and grades thereof; location and size of all required easements and rights-of-way; fire roads and fire breaks; lot size and configuration; traffic access; grading; land to be dedicated for park or recreational purposes; building and other such specific physical requirements.

Detached. Any building or structure that does not have a wall or roof in common with any other building or structure.

Development. The placement or erection of any solid material or structure; discharge or disposal of any dredged material or any gaseous liquid, solid or thermal waste; grading, removing, dredging, mining or extraction of any soil or materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure including any facility of any private, public or municipal utility; and the removal of any major vegetation. As used in this Development Code, “structure” includes but is not limited to any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line. A “project,” as defined in Government Code Section 65931, is included with this definition.

Development Code. A unified text incorporating those areas of regulation more typically presented in separate zoning and subdivision ordinances and related chapters of the Municipal Code, hereafter referred to as the “Development Code.”

Director. The Director of the San Bernardino Community Development Department, hereinafter referred to as “Director” or designee. (MC 1393 12/2/13)

Dormitory. A structure intended principally for sleeping accommodations, and where no individual kitchen facilities are provided, where such structure is related to an educational or public institution or is maintained and operated by a recognized non-profit welfare organization.

Dwelling. A structure or portion thereof designed for residential occupancy, not including hotels or motels.

Dwelling, Multiple. A structure containing 2 or more dwelling units or a combination of 2 or more separate single family dwelling units.

Dwelling Unit. One or more rooms including bathroom(s) and a kitchen, designed as a unit for occupancy by 1 family for living and sleeping purposes.

Easement. A grant of 1 or more property rights by the property owner for the use by the public, a corporation or another person or entity.

Educational Institution. A school, college or university, supported wholly or in part by public funds or giving general academic instruction equivalent to the standards prescribed by the State Board of Education.

Educational Service. A private educational institution, such as a charter school, university, etc., but does not include a vocational/trade/tech school. (MC 1381 12/19/12)

Emergency Shelter. As used in Government Code Sections 65582, 65583 and 65589.5 (Senate Bill 2), and as defined in Health and Safety Code Section 50801(e), “emergency shelter” means 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. Emergency shelters shall be occupied only by homeless persons unable to pay for housing. Facilities occupied by individuals who pay for their housing shall not be permitted as emergency shelters. Also referred to as “homeless shelter”, “homeless facility” or “social service center with a residential component.” (MC 1342 12/6/10)

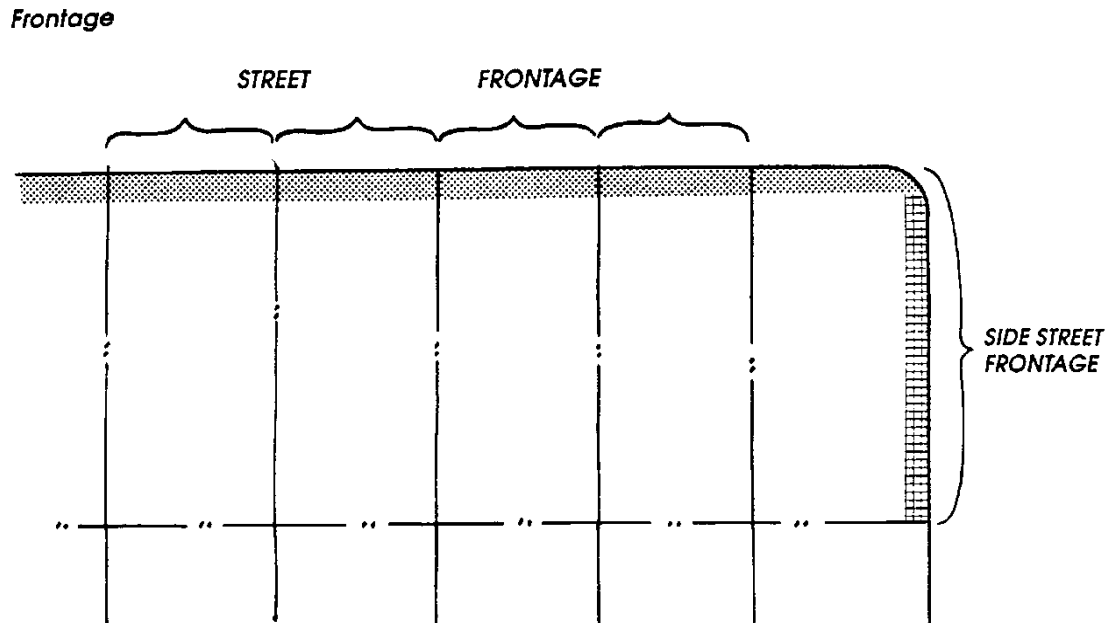
Entertainment (Live). Any act, play, revue, pantomime, scene, dance act, or song and dance act, or any combination thereof, performed by 1 or more persons whether or not they are compensated for the performance.

Extended Lodging Facility. A limited service lodging facility containing one hundred (100) or more guest rooms in one or more buildings containing individual guestrooms or suites of rooms which provides some additional services such as kitchen facilities, amenities, recreational facilities, and/or meals. Lengths of stay are defined in Section 19.06.030(2)(Z)(11) of this Development Code. (MC 1126 7/4/02)

Family. One or more persons living together in a dwelling unit, with common access to, and common use of all living, kitchen and eating areas within the dwelling unit. (MC 1354 7/5/11)

Fraternity/Sorority House. A building rented or owned, and occupied by a regularly organized college fraternity or sorority as a place of residence. (MC 1381 12/19/12)

Frontage. The side of a lot abutting a street (the front lot line), except the side of a corner lot.



Front Wall. The nearest wall of a structure to the street upon which the structure faces, but excluding cornices, canopies, eaves, or any other architectural embellishments.

Fuel Dealer. A business that sells heating oil, propane and other fuels directly to end users. Business operations may include deliveries of fuel to customers. Fuel dealers are separate uses from automobile service stations. (MC 1381 12/19/12)

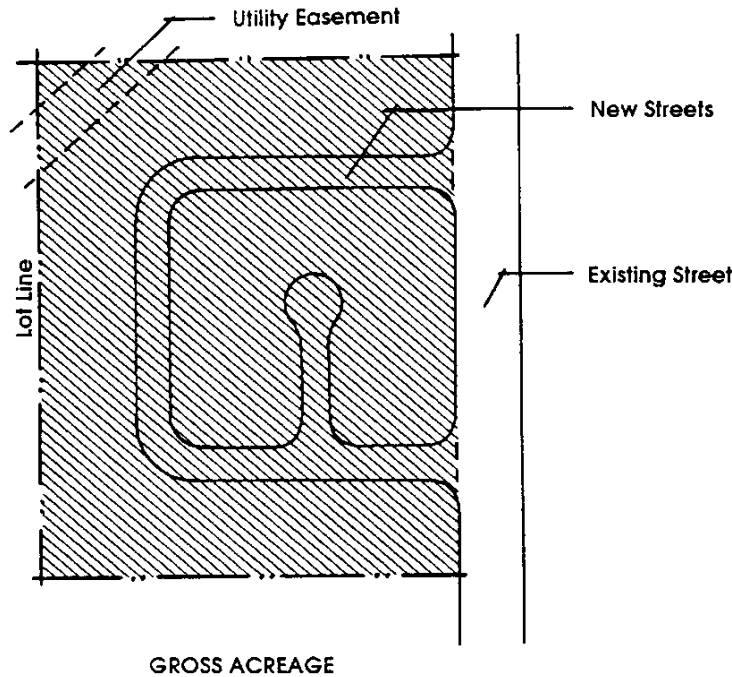
Garage. An enclosed building, or a portion of an enclosed building used for the parking of vehicles.

General Plan. The City of San Bernardino General Plan as adopted by the Mayor and Common Council, who may amend the Plan from time to time, hereafter referred to as the “General Plan.”

General Plan Land Use District. A portion of the City, as identified on the City’s General Plan Land Use Map, within which certain uses of land are defined and specified. (MC 1393 12/2/13)

Grade. The degree of rise or descent of a sloping surface (see Slope).

Gross Acreage. The total area within the lot lines of a lot or parcel of land before public streets, easements or other areas to be dedicated or reserved for public use are deducted from such lot or parcel, and does not include adjacent lands already dedicated for such purposes.



Gross Floor Area. The area included within the surrounding exterior finish wall surface of a building or portion thereof, exclusive of courtyards.

Guest House. Living quarters, having no kitchen facilities, located on the same premises with a main building and occupied for the sole use of members of the family, temporary guest, or persons permanently employed on the premises.

Half Story. A story under a gable, hip or gambrel roof, plates of which are not more than 2 feet above the floor of such story.

Health/Athletic Club. An establishment with equipment for exercise and physical conditioning. This classification includes spas, gyms, tennis clubs, racquet ball clubs, pools, diet centers, reducing salons, fitness studios, health studios, and massage therapy as an accessory use to another health and fitness center use. (MC 1381 12/19/12)

Home Occupation. An activity conducted in compliance with Chapter 19.54 carried out by an occupant conducted as an accessory use within the primary dwelling unit.

Hospital. An institution, designed within an integrated campus setting for the diagnosis, care, and treatment of human illness, including surgery and primary treatment.

Hotel. A full service lodging facility containing one hundred (100) or more guest rooms which provides some additional services such as restaurants, meeting rooms, amenities, and recreational facilities and stays are fourteen (14) days or less. (MC 1126 7/4/02)

Indoor Retail Concession Mall. Any indoor, multi-tenant retail or discount mall, operated during regular business hours, wherein the majority of square footage is used (or offered) for concession or leased floor area and/or wall space for which a fee, commission, or lease is charged. Individual licensed vendors shall be permitted to engage in sales of either new or used merchandise. (MC 825 3/17/92)

Infill Development. Development that occurs on up to 4 contiguous vacant lots scattered within areas that are already largely developed or urbanized. Generally, these sites are vacant because they were once considered of insufficient size for development, because an existing building located on the site was demolished or because there were other, more desirable sites for development.

Junk and Salvage Facility. Primary or accessory use of structures and/or land for storage, dismantling and/or selling of cast-off, unused, scrap or salvage material of any sort.

Kennel. Any lot where 4 or more dogs, cats, or other small animals over the age of 4 months are kept, whether such keeping is for pleasure, profit, breeding, or exhibiting, including places where said animals are boarded, kept for sale, or hire.

Kitchen. Any room, all or part of which is designed and/or used for storage, refrigeration, cooking and the preparation of food.

Landscaping. An area devoted to or developed and maintained predominantly with native or exotic plant materials including lawn, groundcover, trees, shrubs, and other plant materials; and also including accessory decorative outdoor landscape elements such as pools, fountains, paved or decorated surfaces (excluding driveways, parking, loading, or storage areas), and sculpture elements.

Land Use Zoning District. A portion of the City within which certain uses of land and structures are defined, and regulations are specified.

Liquor Stores. A retail store principally involved in the business of selling alcoholic beverages, including “hard liquor,” where sold for the consumption off the premises. This classification includes stores or facilities that are covered by a State license for “general alcohol sales” (Class 21 ABC license). (MC 1381 12/19/12)

Live-Work. A structure or complex of structures that integrates space for both residential and nonresidential uses within an individual unit. Nonresidential uses should operate with limited noise, odor and other similar impacts, consistent with applicable City ordinances. (MC 1381 12/19/12)

Lot. A parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon. The classifications of lots are:

Corner – A lot located at the intersection of 2 or more streets at an angle of not more than 135 degrees. If the angle is greater than 135 degrees, the lot shall be considered an “interior lot.”

Flag – A lot having access or an easement to a public or private street by a narrow, private right-of-way.

Interior – A lot abutting only 1 street.

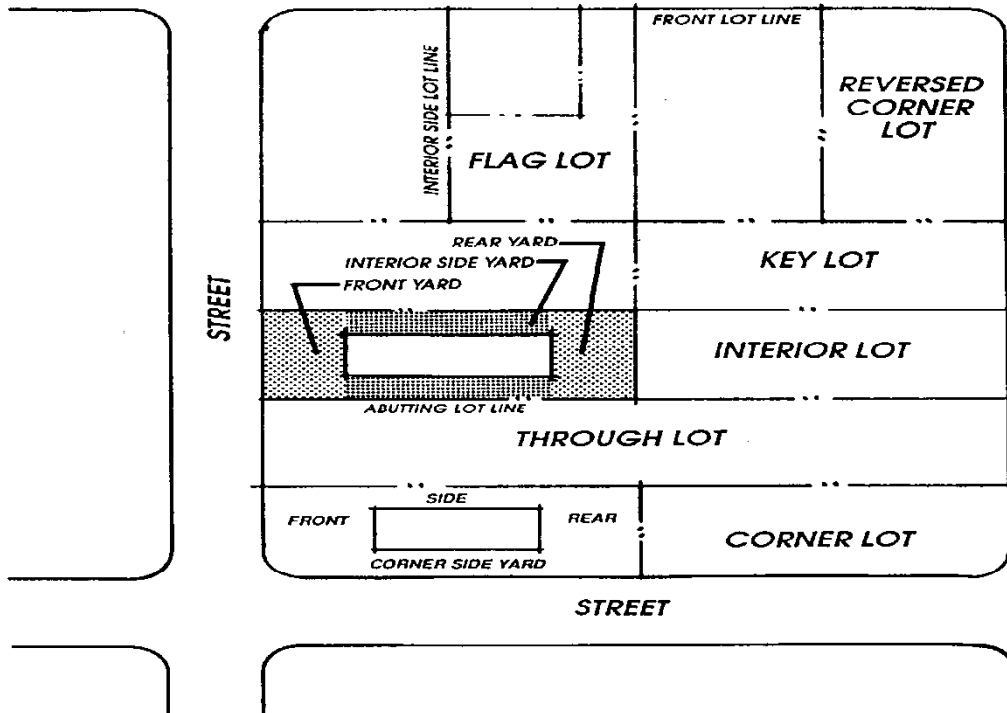
Key – A lot with a side line that abuts the rear line of any 1 or more adjoining lots.

Reverse Corner – A corner lot, the rear of which abuts the side of another lot.

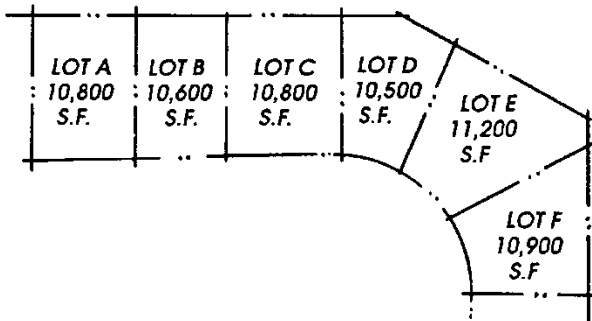
Through – A lot having frontage on 2 generally parallel streets, with only 1 primary access.

Lot Area. The total horizontal area included within the lot lines of a lot.

Illustration of Terms



Lot Averaging. The design of individual adjoining lots within a residential subdivision in which the average lot area equals the minimum prescribed area for the RL, Low Residential Land Use Zoning District. To maintain an average, some lots may be reduced to a maximum of 10% below the minimum lot size, while a corresponding number of lots shall each maintain a lot area of at least 10% above the minimum lot size. Allowable density shall be within the prescribed maximums.



LOT A	10,800 S.F.
LOT B	10,600 S.F.
LOT C	10,800 S.F.
LOT D	10,500 S.F.
LOT E	11,200 S.F.
LOT F	10,900 S.F.
TOTAL	64,800 S.F.

64,800 S.F. ÷ 6 LOTS = 10,800 S.F. AVE.
AVERAGE SIZE REQUIRED: 10,800 S.F.

Lot Depth. The average distance between the front and rear lot lines or between the front line and the intersection of the two side lines, if there is no rear line.

Lot Frontage. The portion of the lot contiguous to the street.

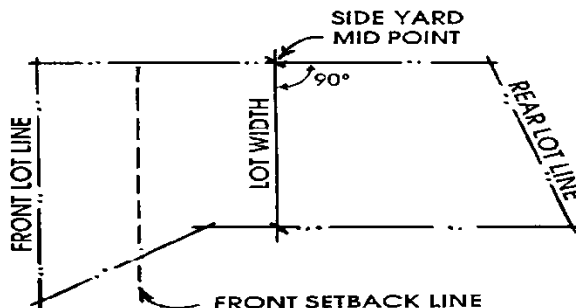
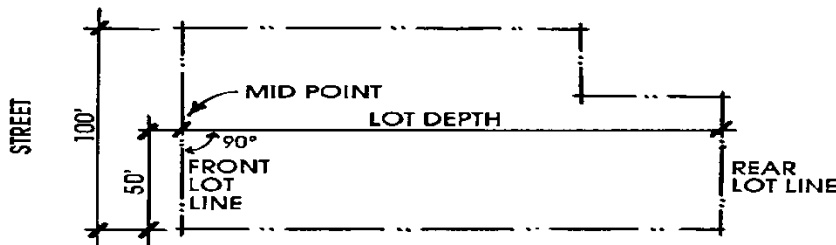
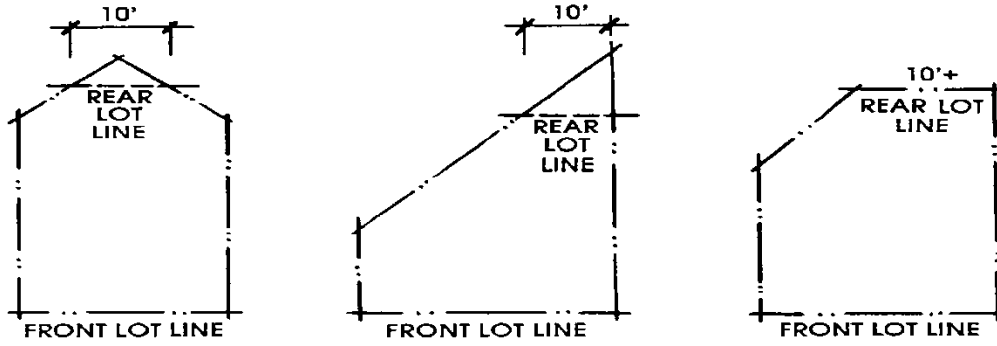
Lot Line. Any boundary of a lot. The classifications of lot lines are:

Front. On an interior lot, the line separating the parcel from the street. On a corner lot, the shorter lot line abutting a street. (If the lot lines on a corner lot are equal in length, the front lot line shall be determined by the Director.) On a through lot, the lot line abutting the street providing the primary access to the lot.

Interior. Any lot line not abutting a street.

Rear. A lot line, not intersecting a front line, which is most distant from and most closely parallel to the front lot line. In the case of an irregularly shaped lot or a lot bounded by only three lot lines, a line within the lot having a length of 10 feet, parallel to and most distant from the front lot line shall be interpreted as the rear lot line for the purpose of determining required yards, setbacks, and other provisions of this Development Code.

Side. Any lot line which is not a front or rear lot line.



Lot Width. The horizontal distance between the side lot lines, measured at right angles to the lot depth at a midway point between the front and rear lot lines.

Manufactured Home. A factory built or manufactured home including mobile homes, as permitted by State of California and Federal laws.

Median. A paved or planted area separating a street or highway into 2 or more lanes of opposite direction of travel.

Microbrewery. A small scale production of beer, with or without food service, including on-site storage and shipping of products produced on the premises; food service may be provided ancillary to the use. (MC 997 8/7/97)

Mini-Mall. Small-scale, up to 30,000 square feet, multi-tenant shopping center. (MC 1381 12/19/12)

Mixed Use Development. The development of a parcel(s) or structure(s) with 2 or more different land uses such as, but not limited to a combination of residential, office, manufacturing, retail, public, or entertainment in a single or physically integrated group of structures.

Mobile Home. Same as “Manufactured Home,” but subject to the National Manufactured Housing Construction and Safety Act of 1974.

Mobile Vendor. An individual providing sales of retail and/or food items from a moveable cart in a public place. (MC 997 8/7/97)

Motel. A limited service lodging facility which provides some additional services such as restaurants, amenities, and/or recreational facilities, and stays are fourteen (14) days or less. (MC 1126 7/4/02)

Multi-Family Residential. Three (3) or more dwelling units in a single building on a site. (MC 1381 12/19/12)

Neighborhood Grocery Stores. A full-service grocery store ranging in size from 5,001 to 15,000 square feet in gross floor area, that sells fresh fruit, vegetables, meat and fish, has food prepared on-site, and which may or may not sell alcohol. (MC 1093 4/4/01; MC 1381 12/19/12)

Net Site Area. The total area within the lot lines of a parcel of land after public street easements or other areas to be dedicated or reserved for public use are deducted from such lot or parcel.

Nonconforming Structure. A structure which conformed to applicable laws when constructed but does not conform to the provisions of this Development Code.

Nonconforming, Illegal. A structure, lot, or use which did not conform to applicable laws when constructed or initiated, and does not conform to the provisions of this Development Code.

Nonconforming Lot. A lot, the area, frontage or dimensions of which do not conform to the provisions of this Development Code.

Nonconforming Use. A use complying with applicable laws when established but does not conform to the provisions of this Development Code.

Nurseries/Garden Supplies. Establishments that sell plants and related items (hoses, hardscaping materials, fountains, fertilizer, etc.) in which all merchandise other than plants is kept within an enclosed building or a fully screened enclosure, and fertilizer of any type is stored and sold in package form only. (MC 1375 11/19/12)

Outdoor Sales/Displays. A promotional sales event conducted by 1 or more businesses which is held outside the confines of the commercial structure(s) in which such business is normally conducted and which sale involves the outdoor display within a paved or concreted area on the same lot as the structure(s) of merchandise which is normally displayed within the structure(s). Sale events shall be conducted solely on private property and not encroach within public rights-of-way. (MC 972 7/4/96)

Parcel. A parcel of land under one ownership that has been legally subdivided or combined and is shown as a single parcel on the latest equalized assessment roll.

Parkway. The area of a public street that lies between the curb and the adjacent property line or physical boundary definition such as fences or walls, which is used for landscaping and/or passive recreational purposes.

Party Supply Stores. Establishments that either exclusively or as a substantial portion of their floor area, sell or rent party supplies and equipment. This category shall not include party supply stores of at least 2,500 square feet and located in a multi-tenant center of at least 20,000 square feet, or party supply stores established in a single-tenant building of at least 10,000 square feet of floor area; and approved under a Conditional Use Permit. (MC 1381 12/19/12)

Pawn Shops. Businesses that loan money or other items of value to any person, firm or corporation, upon any personal property, personal security or the purchasing of personal property and reselling or agreeing to resell such articles at prices previously agreed upon. This category shall not include any legally established pawnshop in an unreinforced masonry building to be relocated to another building within 50 feet of the current location. (MC 1381 12/19/12)

Person. Any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, company, joint stock association, corporation, estate, trust, organization, business, business trust, public agency, school district, State of California, and its political subdivisions or instrumentalities, receiver, syndicate or any group or combination thereof, acting as a unit, including any trustee, receiver or assignee.

Permitted Use. Any use allowed in a zone and subject to the provisions applicable to that district. (MC 1393 12/2/13)

Planned Residential Development (PRD). A type of development characterized by comprehensive planning for the project as a whole, clustering of structures to preserve usable open space and other natural features, and a mixture of housing types within the prescribed densities.

Principal Use. The primary or predominant use of any lot, building or structure.

Public Park. A park, playground, swimming pool, beach, pier, reservoir, golf course or athletic field within the City which is under the control, operation or management of the City, the County, or the State.

Public Right-of-Way. A strip of land acquired by reservation, dedication, prescription or condemnation and intended to be occupied by a road, trail, water line, sanitary sewer and/or other public uses.

Quarry. A place where rock, ore, stone and similar materials are excavated, processed for sale or for off-site use.

Queue Line. An area for temporary waiting of motor vehicles while obtaining a service or other activity.

Recreational Vehicle. A vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for recreational or sporting purposes. The term recreational vehicle includes, but is not limited to, travel trailers, pickup campers, camping trailers, motor coach homes, converted trucks or buses, boats and boat trailers, and all-terrain vehicles.

Recycling. The process by which waste products are reduced to raw materials and transformed into new products, including automobiles.

Recycling Center. Small collection facilities which occupy an area of less than 500 square feet, and which accept by donation, redemption or purchase, recyclable materials from the public, unless required as a Certified Recycling Center by the California Public Resources Code, or donation drop boxes operated by a valid non-profit organization. (MC 1381 12/19/12)

Religious Institution. A structure which is used primarily for religious worship and related religious activities.

Repairs/Services, Miscellaneous. Small-scale businesses under 5,000 square feet in gross floor area, which provide on-site repair and service of items, such as computers, appliances, electronics, plumbers, etc., but excluding vehicle repair and the installation of vehicle components, such as car stereos, window tinting, etc. (MC 1381 12/19/12)

Residential Care Facility. A family home, group care facility, or similar facility for 24 hour non-medical care of persons in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual.

Resort Hotel. A group of buildings containing guest rooms and providing outdoor recreational activities.

Rest Home. Premises used for the housing of and assisted caring for the aged and infirm. There shall be only incidental convalescent care not involving either a nurse or physician residing on the premises. There shall be no surgery, physical therapy or other similar activities.

Restaurant. A use providing preparation and retail sale of food and beverages, including cafes, coffee shops, sandwich shops, ice cream parlors, fast food take-out (i.e., pizza), and similar uses, and may include licensed “on-site” provision of alcoholic beverage for consumption on the premises when accessory to such food service.

Restaurant, Drive-Thru. A use providing preparation and retail sale of food and beverages, as defined under “Restaurant” with the added provision of 1 or more drive-thru lanes for the ordering and dispensing of food and beverages to patrons remaining in their vehicles.

Restaurant, Take-Out Only. A use providing preparation and retail sale of food and beverages, as defined under “Restaurant”, but which contains no seating area for eat-in or outdoor dining. (MC 1381 12/19/12)

Review Authority. The person, committee, Commission or Council responsible for the review and/or final action on a land use entitlement.

Rounding of Quantities. The consideration of distances, unit density, density bonus calculations, or other aspects of development or the physical environment expressed in numerical quantities which are fractions of whole numbers; the numbers are to be rounded to the nearest highest whole number when the fraction is .5 or more, and to the next lowest whole number when the fraction is less than .5, except as otherwise provided in this Development Code.

Sales and Production of Handicraft Items. Small scale sales and production of products made from materials including, but not limited to clay, glass, plaster, precious metals, stone and wood.

Satellite Dish Antenna. An apparatus capable of receiving or transmitting communications from a satellite.

School. An institution of learning for minors, whether public or private, which offers instruction in those courses of study required by the California Education Code or which is maintained pursuant to standards set by the State Board of Education. This definition includes a nursery school, kindergarten, elementary school, junior high school, senior high school or any special institution of Education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college, or university.

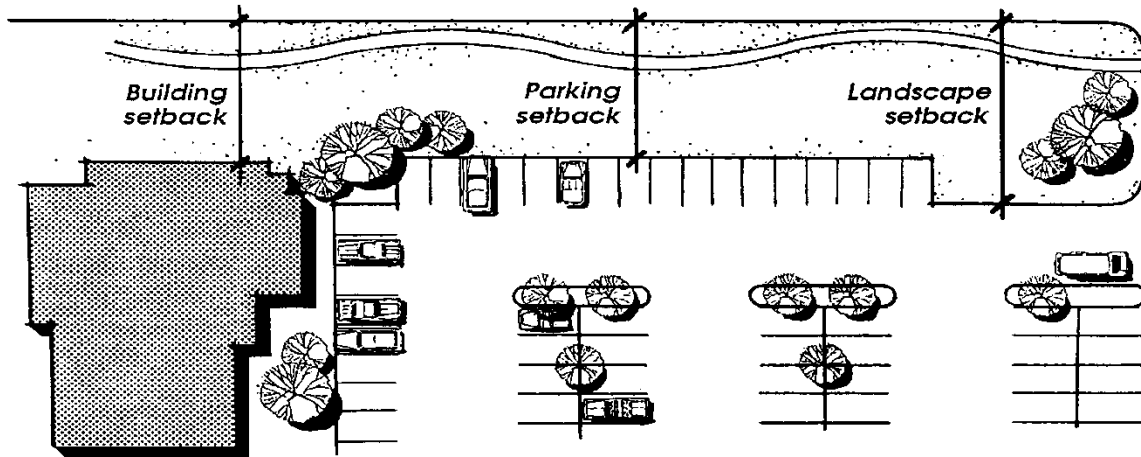
Second Hand Stores/Thrift Stores. Establishments that sell used merchandise such as clothing and shoes, household furniture, home furnishings and appliances, books and magazines, office furniture, used musical instruments, used phonographs and records, used fixtures and equipment, including resale shops, consignment shops, and similar businesses. This category shall not include the following:

1. Stores owned or operated by existing entities recognized as non-profit by the Secretary of State of the State of California, and in “good status” with the same.
2. Antique Stores – An antique, for the purposes of this ordinance, shall be a work of art, piece of furniture, decorative object, or the like, of or belonging to the past, and at least 50 years old. This includes any premise used for the sale or trade of articles of which 90% or more are over 50 years old or have collectible value.
3. Existing, legally established indoor concession malls and outdoor swap meets, unless otherwise prohibited. (MC 1381 12/19/12)

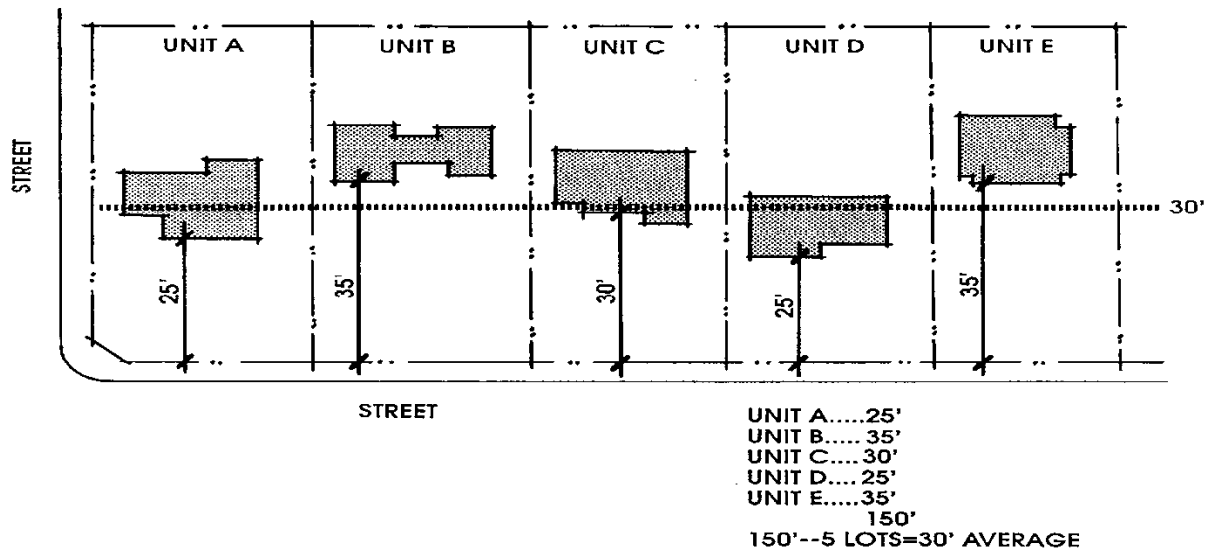
Self-Service Laundry. Any commercial establishment providing the use of self-service washing machines and dryers to the public, usually coin-operated. This category shall not include self-service laundries approved under a Conditional Use Permit to be established in a multi-tenant center of at least 20,000 square feet. (MC 1381 12/19/12)

Senior Congregate Care Housing. A structure(s) providing residence for a group of senior citizens (60 years of age or more) with central or private kitchen, dining, recreational, etc. facilities with separate bedrooms and/or living quarters.

Setback. The required distance that a building, structure, parking or other designated item must be located from a lot line.



Setback, Front/Rear Average. The average front/rear yard setback of a group of 5 adjacent dwelling units. The setback on any unit may vary up to 5 feet as long as the average setback of all 5 units equals the minimum required for the land use zoning district.

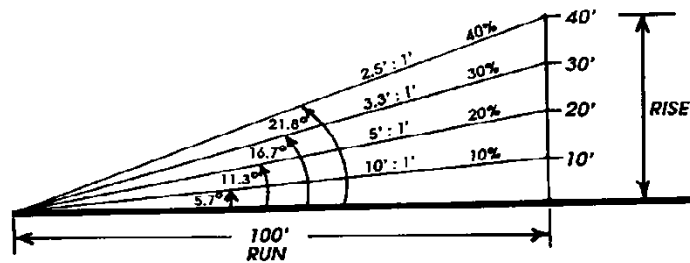


Sidewalk/Parking Lot Sale. A promotional sales event conducted by 1 or more businesses which is held outside the confines of the commercial or manufacturing structure(s) in which such business is normally conducted and which sale involves the outdoor display within a paved or concreted area on the same lot as the structure(s) of merchandise which is normally displayed within the structure(s). Sale events shall be conducted solely on private property and not encroach within the public rights-of-way.

Single-Price Overstock/Discount Store. Establishments that sell a broad range of outlet, close-out, discontinued, liquidation, or overstock merchandise, and primarily at a single discount price in the low and very low price ranges, including but not limited to food stuffs, alcoholic beverages, apparel and accessories, costume jewelry, notions and wares, housewares, fountain refreshments, and toys. This category shall not include single-price overstock discount stores containing a minimum floor area of 9,000 square feet in size and approved under a Conditional Use Permit. (MC 1381 12/19/12)

Single Room Occupancy (SRO) Facility. A cluster of 7 or more units within a newly constructed residential hotel of weekly or longer tenancy providing sleeping or living facilities for 1 or 2 persons per unit, in which sanitary facilities may be provided within the units, and cooking facilities may be shared within the hotel. (MC 809 10/8/91)

Slope. The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.



$$\text{Slope Percentage} = \frac{\text{Rise}}{\text{Run}} \times 100 = \%$$

$$\text{Slope Ratio} = \frac{\text{Run}}{\text{Rise}} = (x) \text{ feet run to one foot rise} = x:1$$

% Grade	100%	50%	40%	33.3%	30%	25%	20%	15%	12%	10%	8%	6%
Degrees	45	26.6	21.8	18.4	16.7	14	11.3	8.5	6.8	5.7	4.6	3.4
Ratio	1:1	2:1	2.5:1	3:1	3.3:1	4:1	5:1	6.7:1	8.3:1	10:1	12.5:1	16.7:1

Small Lot Subdivision. Limited lot size subdivision (5,000 s.f. minimum lot size) for single family detached dwellings.

Smoke Shops. Establishments that either exclusively or as a substantial portion (+10%) of their floor area, sell cigarettes, cigars, pipes, bong, tobacco, and related paraphernalia. (MC 1381 12/19/12)

Social Service. A service or activity undertaken to advance the welfare of people in need. A social service may include, but is not limited to, the distribution of food and/or goods; rehabilitative or recovery assistance programs; self-help or other treatment or assistance; drug and alcohol recovery facilities (outpatient or residential); supporting office use; supporting medical office or clinic use; supporting vocational or trade training; supporting personal services; and, any other use similar use as determined by the Director. (MC 1548 10/21/20)

Social Service Facility. A facility operated by a non-profit group or agency (public and/or private) that is open to the public that provides any service, or combination of services, defined in this code as “social service” to people in need on a less than 24-hour basis. This classification is distinguished from licensed day care centers, health clinics, and places of public assembly where any social service or actively is deemed ancillary (i.e. does not occupy more than 25% of the gross floor area) to the primary use or function; and, any other use similar use as determined by the Director.

Social Service (Residential) Facility. A facility operated by a non-profit group or agency (public and/or private) that is open to the public that provides any service, or combination of services, defined in this code as “social service” to people in need in which the party being served remains onsite on an overnight basis. This classification is distinguished from emergency shelters providing 24-hour or overnight care and places of public assembly where any social service or actively is deemed ancillary (i.e. does not occupy more than 25% of the gross floor area) to the primary use or function; and, any other use similar use as determined by the Director.

Solar Facilities. The airspace over a parcel that provides access for a solar energy system to absorb energy from the sun.

Specialty Food Stores. Retail stores specializing in particular or distinctive food items, including but not limited to retailers whose primary business maintains an inventory of gourmet, health, or ethnic food items not commonly found in area supermarkets or convenience stores, with no alcohol sales and no more than 15 percent of the gross floor area devoted to the sale of related accessory items. (MC 1093 4/5/01; MC 1381 12/19/12)

Specific Plan. A plan consisting of text, maps, and other documents and exhibits regulating development within a defined area of the City, consistent with the General Plan and the provisions of Government Code Section 65450 et. seq.

Stable, Commercial. A structure for keeping of horses, mules or ponies which are boarded for compensation.

Stable, Private. An accessory structure for the keeping of horses and for the use of occupants of the premises.

Standard Industrial Classification (SIC) System. The classification of establishments by type of activity which is determined by its principal product or group of products produced or distributed, or services rendered. The purpose of the system is to facilitate the collection, tabulation, presentation and analysis of data relating to the establishments. This system is detailed in the Federal Office of Management and Budget's Standard Industrial Classification Manual, as amended.

Storage. A space where goods, materials and/or personal property is put for more than 24 hours.

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

Street. Any public or private thoroughfare, which affords a primary means of access to abutting property.

Student Housing Complex. A building or buildings containing multiple family dwellings which allow for each bedroom to be leased to students attending California State University, San Bernardino, which provides common area amenities for units ranging from one to no more than four bedrooms per unit. The site shall be adjacent to California State University, San Bernardino, bus service shall be available (within 500 feet of a bus stop), and retail services shall be within 2,000 feet of the site. The designation will be applied only to projects which demonstrate an affiliation with California State University, San Bernardino; and to parcels located within 500 feet of California State University, San Bernardino and specifically, only on the 8.28 acres on the south side of Northpark Boulevard, east of University Parkway, as designated in General Plan Amendment No. 01-06, and the 10.16 acres on the west side of Northpark Boulevard, northwest of the intersection of University Parkway and Northpark Boulevard in Tract 17703-2 Lot 1, and Tract 17703-3 Lots 1, 2, and 3. (MC 1132 12/19/02; MC 1406 7/21/14)

Structure. Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

Supermarket. A full-service, self-service retail store, larger than 15,000 square feet in gross floor area, which sells food and household supplies. (MC 1381 12/19/12)

Swap Meets. Any outdoor place, location, or activity where new or used goods or secondhand personal property is offered for sale or exchange to the general public by a multitude of individual licensed vendors, usually in compartmentalized spaces; and, where a fee may be charge to prospective buyer for admission, or a fee may be charged for the privilege of offering or displaying such merchandise. The term swap meet is interchangeable with and applicable to: flea markets, auctions, open air markets, farmers markets, or similarly named or labeled activities; but the term does not include the usual supermarket or department store retail operations. (MC 825 3/17/92)

Tattoo Parlors and/or Body Piercing Studios. Establishments that engage in any method of placing permanent designs, letters, scrolls, figures, symbols, or any other marks upon or under the skin with ink or any other substance, by the aid of needles or any other instruments designed to touch or puncture the skin, resulting in either the coloration of the skin, or the production of scars or scarring and/or establishments that create an opening in the body of a person for the purpose of inserting jewelry or other decoration. This category shall not include licensed physicians, nurses, electrologists, and cosmetologists and shall also not include jewelry stores that offer ear piercing. (MC 1381 12/19/12)

Temporary Use. A use established for a specified period of time, with the intent to discontinue the use at the end of the designated time period.

Tire Stores. Establishments less than 5,000 square feet in size which sell new and/or used automobile tires and accessories. This category shall not include legally established service stations and auto repair facilities. (MC 1381 12/19/12)

Traffic Safety Sight Area. A space that is set aside on a corner lot in which all visual obstructions, such as structures and plantings that inhibit visibility and thus cause a hazard to traffic and pedestrian safety are prohibited.

Transit Center. A passenger station for bus and rail mass transit systems including bus bays, railway platforms, administrative offices, security, quasi-public meeting rooms, public waiting areas, public restrooms; also providing minor ancillary services for administrative purposes and/or maintenance of vehicles or trains and provision for supportive paratransit services. (MC 1381 12/19/12)

Transportation/Distribution. Establishments whose sole purpose is to provide for the consolidation, division and/or distribution of bulk goods through the use of large trucks and trailers. This classification includes cross-dock trucking uses, which have only minimal warehousing facilities. (MC 1381 12/19/12)

Truck Stop. A commercial facility that provides fuel, parking and usually food and other services to long-haul trucks. Truck stops are usually located on or near a busy road and consist of a diesel grade fueling station with bays wide and tall enough for modern tractor/trailer rigs and have a large enough parking area to accommodate trucks or other heavy vehicles. Auto-related services, similar to automobile service stations may or may not also be an incidental use within the truck stop. (MC 1381 12/19/12)

Use. The purpose (type and extent) for which land or a building is arranged, designed, or intended, or for which either land or a structure is occupied or maintained.

Use Initiation. The implementation of a use on a parcel or occupancy of a structure, or construction of substantial site improvements after a building permit has been issued, subject to determination by the Director.

Variance. A discretionary entitlement which permits the departure from the strict application of the development standards contained in this Development Code.

Veterinary Services. Any facility used for the purpose of giving licensed medical treatment to animals or pets and any other customarily incidental treatment of the animals, such as grooming, or selling of pet supplies, and which may or may not provide boarding. (MC 1381 12/19/12)

Wildlands. Any area of land that is essentially unimproved, in a natural state of hydrology, vegetation and animal life, and not under cultivation.

Yard. An open space on a parcel of land, other than a court, unobstructed and unoccupied from the ground upward, except for projections permitted by this Development Code.

Yard, Front. An area extending across the full width of the lot between the front lot line or the existing or future street right-of-way and a structural setback line parallel thereto. On corner lots, the shortest street frontage shall be the front yard in residential land use districts, while the longest street frontage shall be the front yard in commercial/industrial land use districts.

Yard, Interior Side. An area extending from the required front yard or, where there is no required front yard, from the front lot line to the required rear yard or, where there is no required rear yard, to the rear lot line and from the interior side lot line to a setback line parallel thereto.

Yard, Rear. An area extending across the full width of the lot between the rear lot line and a setback line parallel thereto. On flag lots, the rear yard location shall be determined through project review.

Yard, Side of Street. An area extending from the required front yard or, where there is no required front yard, from the front lot line to the rear lot line, and from the side street lot line, or the existing or future side street right-of-way (whichever is greater) to a structural setback line parallel thereto.

Zero Lot Line. The location of a structure on a lot in such a manner that 1 or more of the structure's sides rest directly on a lot line.

Zone. A portion of the City within which certain uses of land and structures are defined, and regulations are specified. (MC 1393 12/2/13)

19.02.060 ESTABLISHMENT OF ZONES**1. ESTABLISHMENT OF ZONES**

San Bernardino shall be divided into zones which consistently implement the General Plan. The following zoning districts are established: (MC 1393 12/2/13)

RE	(Residential Estate) Zone
RL	(Residential Low) Zone
RS	(Residential Suburban) Zone
RU	(Residential Urban) Zone
RM	(Residential Medium) Zone
RMH	(Residential Medium-High) Zone
RH	(Residential High) Zone
RSH	(Residential Student Housing) Zone
CO	(Commercial Office) Zone
CG-1	(Commercial General) Zone
CG-2	(Commercial General-2) Zone
CG-3	(Commercial General-3) Zone
CR-1	(Commercial Regional-Malls) Zone
CR-2	(Commercial Regional-Downtown) Zone
CR-3	(Commercial Regional-Tri-City/Club) Zone
CR-4	(Commercial Regional-Auto Plaza) Zone
CH	(Commercial Heavy) Zone
CCS-1	(Central City South-1) Zone
CCS-2	(Central City South-2) Zone
OIP	(Office Industrial Park) Zone
IL	(Industrial Light) Zone
IH	(Industrial Heavy) Zone
IE	(Industrial Extractive) Zone
OS	(Open Space) Zone
PCR	(Public/Commercial Recreation) Zone
PF	(Public Facility) Zone
PFC	(Public Flood Control) Zone
PP	(Public Park) Zone
SP	(Specific Plan) District
A	(Airport Overlay) District (AD-I, AD-II, AD-III, AD-IV, AD-V)
FC	(Freeway Corridor Overlay) Zone
FF	(Foothill Fire Zones Overlay) Zone (Zones A, B, and C)
FP	(Flood Plain Overlay) Zone
HM	(Hillside Management Overlay) Zone
HP	(Historic Preservation Overlay) Zone
MS	(Main Street Overlay) Zone
TD	(Transit Overlay District) Zone
UBP	(University Business Park) Zone (UBP-1, UBP-2, UBP-3)

2. ADOPTION OF ZONING MAP

The boundaries of the zoning districts established by this Section shall be shown upon the map designated as the “City of San Bernardino Official Zoning Map,” on file with the City Clerk, and available at the Community Development Department. This map shall be consistent with the adopted General Plan Land Use Map. Amendments shall follow the process outlined in Chapter 19.74 (Zoning Map Amendments). (MC 1387 4/3/13)

3. RULES APPLYING TO UNCERTAIN BOUNDARIES ON ZONING MAP

The following shall apply in determining uncertain boundaries of a district as shown on the Official Zoning Map:

- A. Where a boundary follows a public street or alley, the centerline of the street shall be the boundary.
- B. Where a district boundary divides a lot or parcel, the location of the boundary, unless indicated by dimension, shall be determined by referencing the adopted General Plan Land Use District Map and legal description of the parcel.
- C. Where any public right-of-way is officially vacated or abandoned, the zoning regulations applied to abutting property shall thereafter extend to the centerline of such vacated or abandoned right-of-way. (MC 1393 12/2/13)
- D. In case any uncertainty exists, the Director shall determine the location of the district boundary. (MC 1387 4/3/13)

4. PRE-ZONING

The City may pre-zone unincorporated property adjoining the City. This process shall comply with Chapters 19.50 (General Plan Amendments) and 19.74 (Zoning Map Amendments). The zoning shall become effective upon annexation. (MC 1387 4/3/13)

19.02.070 GENERAL REQUIREMENTS

1. APPLICATION

All land or structures shall be used and constructed in accordance with the regulations and requirements of this Development Code including obtaining applicable permits prior to use initiation.

2. CONFLICTING PERMITS AND LICENSES TO BE VOIDED

All permits or licenses shall be issued in conformance with the provisions of this Development Code. Any permit or license subsequently issued and in conflict with this Development Code shall be null and void.

3. SIMILAR USES PERMITTED

When a use is not specifically listed in this Development Code, it shall be understood that the use may be permitted if it is determined by the Director that the use is similar to other uses listed.

It is further recognized that every conceivable use cannot be identified in this Development Code, and anticipating that new uses will evolve over time, this Section establishes the Director's authority to compare a proposed use and measure it against those listed in this Development Code and the Standard Industrial Classification Manual for determining similarity.

In determining “similarity,” the Director shall make all of the following findings:

- A. The proposed use shall meet the intent of, and be consistent with the goals, objectives and policies of the General Plan;
- B. The proposed use shall meet the stated purpose and general intent of the district in which the use is proposed to be located;
- C. The proposed use shall not adversely impact the public health, safety and general welfare of the City's residents; and
- D. The proposed use shall share characteristics common with, and not be of greater intensity, density or generate more environmental impact, than those uses listed in the zone in which it is to be located. (MC 1393 12/2/13)

4. MINIMUM REQUIREMENTS

When interpreting and applying the regulations of this Development Code, the provisions shall be the minimum requirements, unless otherwise stated.

5. CONFLICT WITH OTHER REGULATIONS

Where conflicts occur between the provisions of this Development Code and the Building and Fire Codes, or other regulations of the City, the more restrictive shall apply.

It is not intended that this Development Code shall interfere with, repeal, abrogate or annul any easement, covenant, or other agreement in effect at the time of adoption. Where this Development Code imposes a greater restriction upon the use of structures or land, the provisions of this Development Code shall apply.

Nothing contained in this Development Code shall be deemed to repeal or amend any regulation of the City requiring a permit or license or both. Nor shall anything in this Development Code be deemed to repeal or amend the Building Code of the City.

6. LANGUAGE

In interpreting this Development Code, it is understood that the term “shall” is mandatory, “should” is not mandatory, and “may” is permissive.

7. IMPLEMENTATION

All applications which have been accepted as complete, pursuant to Government Code Section 65943, by the Department prior to the effective date of this Development Code, shall be processed in compliance with the regulations and requirements in effect at the time the application was accepted as complete. Applications for extensions of time shall be consistent with this Development Code.

19.02.080 DENSITY AND INTENSITY

The density and intensity limitations established in the Land Use Element of the General Plan shall apply to each lot, except as provided in this Development Code.

19.02.090 SEVERABILITY

If any chapter, section, subsection, sentence, clause, or phrase of this Development Code is for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Development Code. The Council hereby declares that it would have adopted this Development Code and each chapter, section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more portions of this Development Code might be declared invalid.