

# ARTICLE II – ZONES

## CHAPTER 19.04 RESIDENTIAL ZONES

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### **19.04.010 PURPOSE**

1. The purpose of this Chapter is to achieve the following:
  - A. Reserve neighborhood areas for residential living with a broad range of dwelling unit densities (i.e., low-density estate, single-family detached and attached, multi-family, and housing for special needs) consistent with the General Plan and appropriate standards of public health, safety, welfare, and aesthetics.
  - B. Ensure adequate light, air, privacy, and open space for each dwelling.
  - C. Minimize traffic congestion and avoid the overloading of public services and utilities.
  - D. Protect residential neighborhoods from excessive noise, illumination, unsightliness, odor, smoke, and other objectionable influences.
  - E. Facilitate the provision of public improvements commensurate with anticipated increase in population, dwelling unit densities, and service requirements.
  - F. Provide lands to accommodate housing units which meet the diverse economic and social needs of the residents; locating development to achieve the following:
    1. Retain the scale and character of existing residential neighborhoods;
    2. Facilitate the upgrade of declining and mixed-density residential neighborhoods; and

3. Allow expansion into vacant and low-intensity use lands within infrastructure and environmental constraints.
  - G. Single-family dwelling units which legally existed in the residential zones prior to June 3, 1991 may remain as a permitted use. (MC 823 3/5/92; MC 1393 12/2/13)
2. The purpose of the individual residential zones is as follows: (MC 1393 12/2/13)

**A. RE (RESIDENTIAL ESTATE) ZONE**

This zone is intended for low density residential units located on large lots and conveying an "estate" character with a minimum lot size of 1 net acre per unit.

**B. RL (RESIDENTIAL LOW) ZONE**

This zone is intended to promote the development of low-density, large lot, single-family detached residential units with a minimum average lot size of 10,800 square feet. The RL zone allows a maximum density of 3.1 units per net acre.

**C. RS (RESIDENTIAL SUBURBAN) ZONE**

This zone is intended to promote the development of single-family detached units in a suburban setting with a minimum lot size of 7,200 square feet, and a maximum density of 4.5 units per net acre.

**D. RU (RESIDENTIAL URBAN) ZONE**

This zone is intended to promote the development of detached and attached units, duplex, mobile home parks, and small lot subdivisions as part of a planned residential development where the intent is to consolidate lots to achieve maximum open space. The RU zone requires a minimum lot size of 7,200 square feet. However, on existing lots of record, recorded prior to June 2, 1989, a minimum lot area of 6,200 square feet and existing lot widths and depths are permitted. The RU zone allows a maximum density of eight units per net acre, and permits the development of senior citizen and senior congregate care housing at a maximum density of 12 units per net acre with a marketing feasibility study and a conversion plan. Multi-family units which legally existed in the RU zone prior to June 3, 1991, may remain as a permitted use. (MC 821 2/17/92)

**E. RESIDENTIAL MULTI-FAMILY ZONES**

These zones are intended to promote the development of multi-family townhomes, condominiums, and apartments.

All multi-family zones require a reduced density if the minimum lot size for the zone is not met, and shall comply with maximum densities provided in Table 04.02.

Multi-family units which legally existed in the multi-family zones prior to June 3, 1991, may remain as a permitted use. (MC 821 2/17/92)

1. **RM (Residential Medium) Zone**

This zone requires a minimum lot size of 14,400 square feet with a maximum density of 12 units per net acre. Parcels less than 14,400 square feet in area shall be developed at RU density.

2. **RMH (Residential Medium High) Zone**

This zone requires a minimum lot size of 20,000 square feet with a maximum density of 24 units per net acre. Lots 14,400-20,000 square feet shall be development at RM density. Lots less than 14,400 square feet shall be developed at RU density.

3. **RH (Residential High) Zone**

This zone requires a minimum lot size of 20,000 square feet with a maximum density of 31 units per net acre. Lots 14,400-20,000 square feet shall be developed at RM density. Lots less than 14,400 square feet shall be developed at RU density.

All multi-family zones listed above permit the development of senior citizen and senior congregate care housing at a density up to 50% greater than that allowed in the zone with a marketing feasibility study and a conversion plan.

4. **RSH (Residential Student Housing) Zone**

This overlay zone is specifically designed to allow student housing complexes on lots located within 500 feet of California State University San Bernardino, and which are at least five acres in size, at a maximum density of 20 units per acre and with no more than 60 bedrooms per acre, 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. In the event that the project no longer houses California State University, San Bernardino students or is demolished, further use of the site will revert back to the underlying zone policies and standards. (MC 1132 12/19/02; MC 1406 7/21/14)

**19.04.020 PERMITTED, DEVELOPMENT PERMITTED AND  
CONDITIONALLY PERMITTED USES**

The following list represents those uses in the residential zones which are Permitted (P), subject to an Administrative or Development Permit (D), a Conditional Use Permit (C), a Fence Permit (F) or Prohibited (X):

**TABLE 04.01  
PERMITTED, DEVELOPMENT PERMITTED, AND  
CONDITIONALLY PERMITTED USES**

LAND USE ACTIVITY		RE	RL	RS	RU	RM	RMH	RH	RSH
1.	<b><u>Residential Uses</u></b>								
	A. Community Care Facility (6 or less)	P	P	P	P	P	P	P	X
	B. Condominium or Townhouse	D	D	D	D	D	D	D	X
	C. Convalescent Homes	X	X	X	C	D	D	D	X
	D. Day Care Center <sup>1</sup>	C	C	C	C	C	C	C	X
	E. Day Care Homes, Family 8 or less children <sup>2</sup> 9 to 15 children <sup>2</sup>	P	P	P	P	P	P	P	X
		D	D	D	D	D	D	D	X
	F. Dormitories/Fraternity/Sorority	X	X	X	X	C	C	C	X
	G. Homeless Facilities	X	X	X	X	C	C	C	X
	H. Manufactured Housing	D	D	D	D	D	D	D	X
	I. Mobile Home Parks or Subdivisions	D	D	D	D	D	D	D	X
	J. Multi-Family Dwellings	X	X	X	D	D	D	D	X
	K. Multi-Family Dwellings, Existing <sup>3</sup>	X	X	X	P	P	P	P	X
	L. Planned Residential Developments <sup>2</sup>	X	X	X	D	D	D	D	X
	M. Accessory Dwelling Unit <sup>7</sup>	P	P	P	P	P	P	P	P
	N. Senior Citizen/Congregate Care Housing	X	X	X	D	D	D	D	X
	O. Single-Family Dwellings	D	D	D	D	D	D	D	X
P. Single-Family Dwellings, Existing <sup>4</sup>	P	P	P	P	P	P	P	X	
Q. Small Lot Subdivision	X	X	X	D	D	D	D	X	
R. Student Housing Complex <sup>5</sup>	X	X	X	X	X	X	X	C	
2.	<b><u>Equestrian Uses</u></b>								
	A. Stables, Private	D	D	D	D	D	D	D	X
	B. Stables, Commercial	C	C	C	C	C	C	C	X
3.	<b><u>Agricultural Uses</u></b>	C	C	C	C	C	C	C	X
4.	<b><u>Recreational Uses</u></b>								
	A. Clubhouse	C	C	C	C	C	C	C	X
	B. Golf Course	C	C	C	C	C	C	C	X
	C. Golf Course Related Facilities	C	C	C	C	C	C	C	X
	D. Swimming Pool/Spa <sup>7</sup>	P	P	P	P	P	P	P	P
	E. Tennis Court, Private	D	D	D	D	D	D	D	X
	F. Trails, Equestrian	P	P	P	P	P	P	P	X

LAND USE ACTIVITY		RE	RL	RS	RU	RM	RMH	RH	RSH
<b>5.</b>	<b><u>Accessory Uses</u></b>								
	A. Antennae, Vertical/Satellite Dish	D	D	D	D	D	D	D	X
	B. Fences and Walls <sup>2</sup>	F	F	F	F	F	F	F	X
	C. Garage <sup>2</sup>	P	P	P	P	P	P	P	X
	D. Garage Sales	P	P	P	P	P	P	P	X
	E. Guest Houses <sup>7</sup>	P	P	P	P	X	X	X	X
	F. Patio/Gazebo <sup>2</sup>	P	P	P	P	P	P	P	X
	G. Storage <sup>2</sup>	P	P	P	P	P	P	P	X
<b>6.</b>	<b><u>Other</u></b>								
	A. Churches	C	C	C	C	C	C	C	X
	B. Private/Public Utility Facilities	D	D	D	D	D	D	D	X
	C. Private Schools	C	C	C	C	C	C	C	X
	D. Vocational/Trade Schools <sup>6</sup>	X	X	X	C	X	X	X	X
	E. Social Service Uses/Centers <sup>2</sup>	X	X	X	X	C	C	C	C
	F. Other such uses that the Director may find to be similar with those uses previously listed, pursuant to Section 19.02.070(3)								
<b>7.</b>	<b><u>Home Occupation</u></b> (Subject to [H] Home Occupation Permit)	H	H	H	H	H	H	H	X
<b>8.</b>	<b><u>Temporary Uses</u></b> (Subject to [T] Temporary Use Permit/ Special Event Permit)	T	T	T	T	T	T	T	X

<sup>1</sup> (MC 841 7/7/92)

<sup>2</sup> (MC 1381 12/19/12)

<sup>3</sup> (MC 821 2/17/92)

<sup>4</sup> (MC 823 3/2/92)

<sup>5</sup> (MC 1132 12/19/02)

<sup>6</sup> (MC 933 2/9/95)

<sup>7</sup> (MC 1393 12/2/13; MC 1559 5/5/2021)

### **19.04.030 DEVELOPMENT STANDARDS**

#### **1. GENERAL STANDARDS (MC 1559 5/5/21)**

The standards contained in Table 04.02 (Residential Development Standards) relating to density, lot area and configuration, building setbacks, building lot coverage and height, accessory building and structure height, distance between buildings, and private outdoor living space, apply to all residential zones, and shall be determined to be minimum requirements, unless states as maximum by this Development Code. (MC 1393 12/2/13)

**A.** Single-Family Dwellings located in the RU, RM, RMH, or RH zones shall be constructed in compliance with the development standards for the RS zone.

**B.** Accessory Dwelling Units shall be constructed in compliance with the requirements of Section 19.04.030(2)(P).

**TABLE 04.02  
RESIDENTIAL DEVELOPMENT STANDARDS**

Standard	RE	RL	RS	RU	RM	RMH	RH	RSH (MC 1132 12/19/02)	CO	CG-2	CR-2
Lot Area Maximum Units/ Net Acre	1	3.5	4.5	8 12 Sr.	12 18 Sr.	24 36 Sr.	31 47 Sr.	20 (60 bedrooms)	47 Sr.	12W/ 21E 18W/ 31E Sr.	47 130 Sr.
Lot Area (s.f.) (Minimum required for new development)	1 ac.	10,800 av. 9,720 min.	7,200	7,200 (1)	14,400 (2)	20,000 (3)	20,000 (3)	5 ac.	1 ac.	1 ac.	1 ac-R 20,000 MU
Lot Width (feet)	150	80	60	60	60	60	60	150	60	60	60
Corner Lot Width	150	88	66	66	66	66	66	150	66	66	66
Lot Depth (feet)	100	100	100	100	100	100	100	150	100	100	100
Front Setback (feet)		25 (8) 35	25 (8) 20	25 (8) 20	25 (8) 20	20 (8) 15	20 (8) 15	40	15	10	-0-
Rear Setback (feet) (4)	20	20 av. 15 min.	20 av. 15 min.	10	10	10	10	20	10	10	-0-
Side Setback minimum (feet)	5	5	5	5	1-story: 5' plus 1' for ea. 15' of wall length			30	1-story: 5' plus 1' for ea. 15' of wall length		-0-
DU Separation (4)	15	15	15	15	2-story: 10' plus 1' for ea. 15' of wall length				2-story: 10' plus 1' for ea. 15' of wall length		
Side Setback Street Side (feet) (MC 876 6/7/93)	15	15	15	15	15	15	15	30	10	10	-0-
Building Lot Coverage (Maximum %)	35	35	35	40	50	50	50	50	50	50	100
Distance Between Buildings (feet)	10	10	10	20	20	20	20	25	20	20	20
Private Outdoor Living Space (s.f.)	NA	NA	NA	300 s.f. or 25% of unit size whichever is less					300 s.f. or 25% of unit size whichever is less		
Common Usable Outdoor Living Space (s.f.)	NA	NA	NA	30% of net site area				35% of unit size (9)	30% of net site area		
Maximum Structure Height in Stores (feet)	3 (45)	2.5 (35)	2.5 (35)	2.5 (35)	3 (5) (42)	3 (5) (42)	4 (5) (56)	4 (56)	4 (5) (56)	2 (30)	(100) (6)
Maximum Avg. No. of Attached Dwelling Units	6 (7)	6 (7)	6 (7)	8	12	12	12	30	12	12	NA

av. = Average  
min. = Minimum

W = West of I-215  
E = East of I-215

MU = Mixed Use  
R = Residential

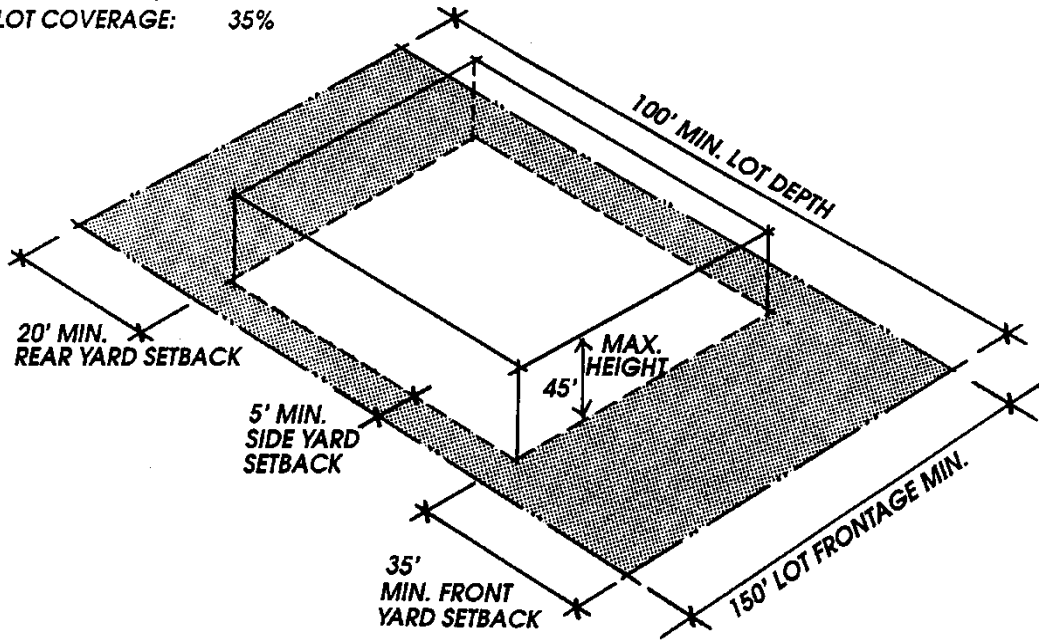
ac. = Acre  
s.f. = square feet

Sr. = Senior

- (1) For lots of record prior to June 2, 1989, the minimum lot area is 6,200 s.f. and existing lot widths and depths are permitted.
- (2) The min. lot size may be less than 14,400 s.f. for parcels existing prior to November 1, 2012. (MC 1381 12/19/12)
- (3) The min. lot size may be less than 20,000 s.f. for parcels existing prior to November 1, 2012. (MC 1381 12/19/12)
- (4) See Section 19.04.030(2)(A) for accessory structure setback requirements.
- (5) Except within 75 feet of the Residential Suburban (RS) zone where the height shall be limited to 2.5 stores or 35 feet.
- (6) See Section 19.06.030(2)(E) for allowable 50 foot additional bonus height.
- (7) Attached dwelling units are only permitted in the Hillside Management Overlay District.
- (8) A 5-foot reduction in the minimum front yard setback is allowable for individual lots when yard averaging is used in conjunction with new subdivisions. (MC 888 1/6/94)
- (9) A minimum of 5% of the outdoor living space must be private (balcony or patio), and a minimum of 25% of the outdoor living space must be common usable space (not including parking lot landscaping, or landscaped setback areas). The balance (5%) may be either common or private usable open space. See Chapter 19.04, Section 19.04.030 (2)(U)(3).

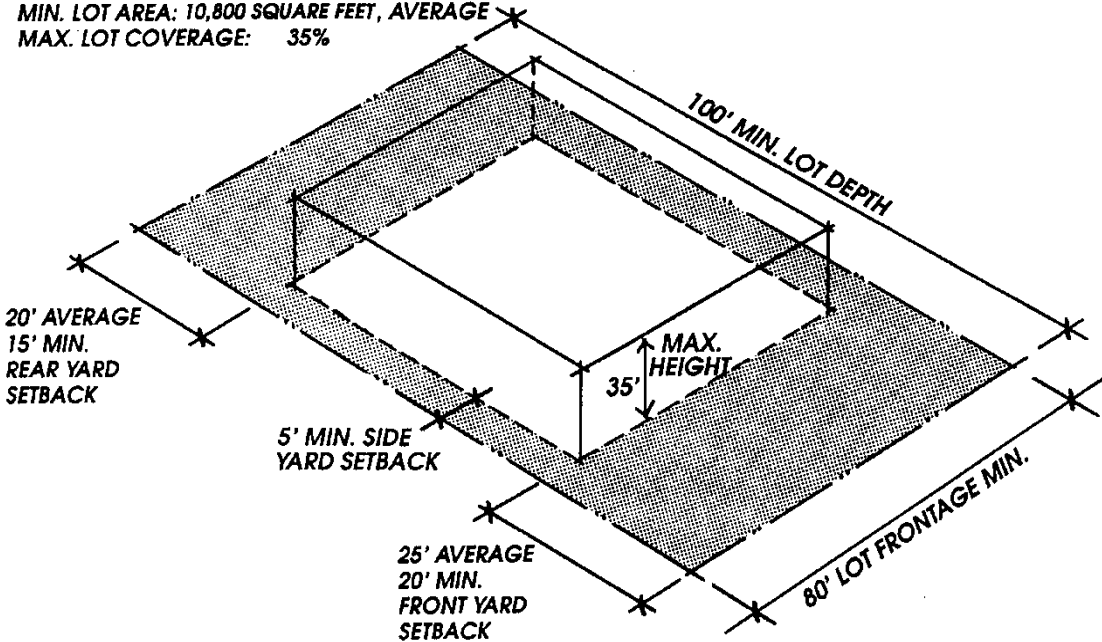
**SITE DEVELOPMENT STANDARDS  
RE (RESIDENTIAL ESTATE) ZONE**

MIN. LOT AREA: 1 ACRE  
MAX. LOT COVERAGE: 35%



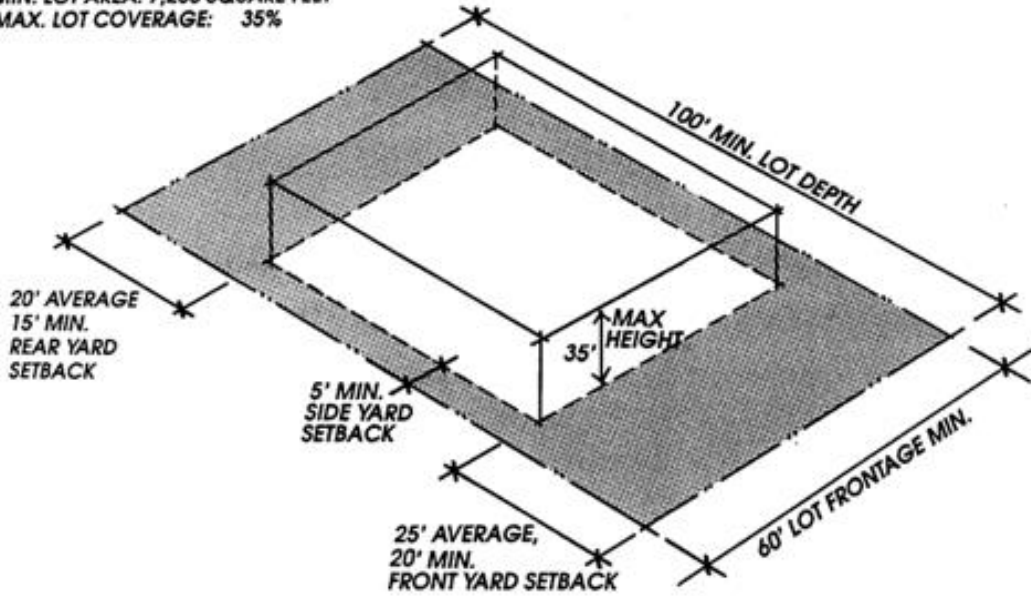
**SITE DEVELOPMENT STANDARDS  
RL (RESIDENTIAL LOW) ZONE**

MIN. LOT AREA: 10,800 SQUARE FEET, AVERAGE  
MAX. LOT COVERAGE: 35%



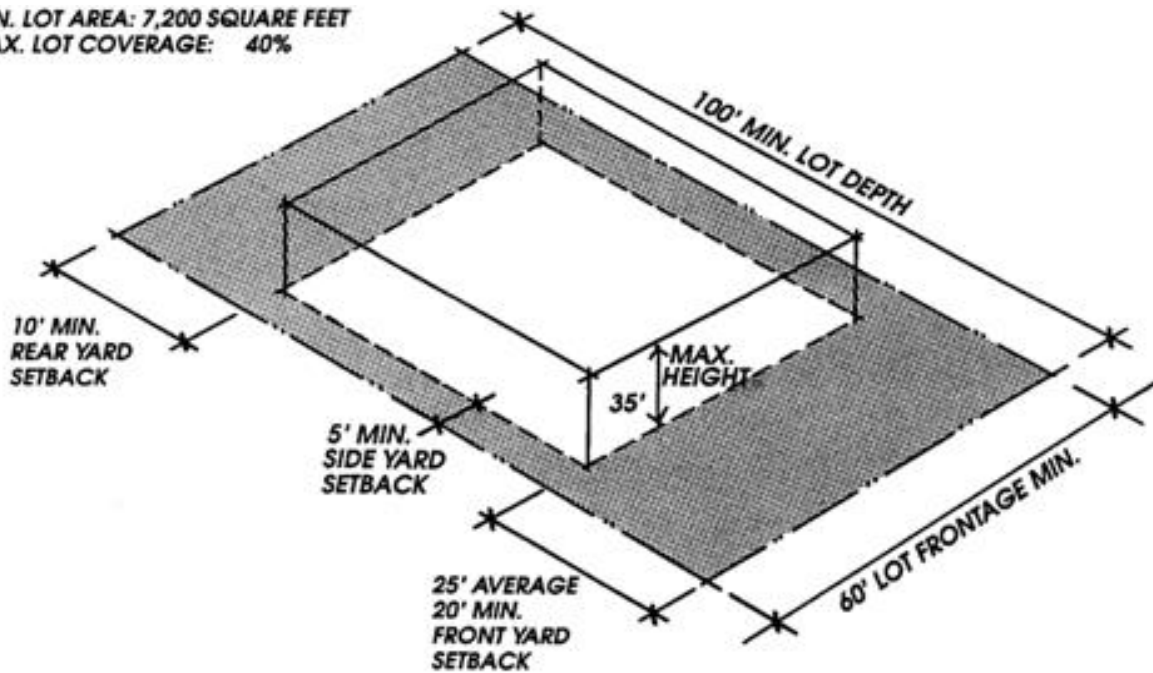
**SITE DEVELOPMENT STANDARDS  
RS (RESIDENTIAL SUBURBAN) ZONE**

MIN. LOT AREA: 7,200 SQUARE FEET  
MAX. LOT COVERAGE: 35%



**SITE DEVELOPMENT STANDARDS  
RU (RESIDENTIAL URBAN) ZONE**

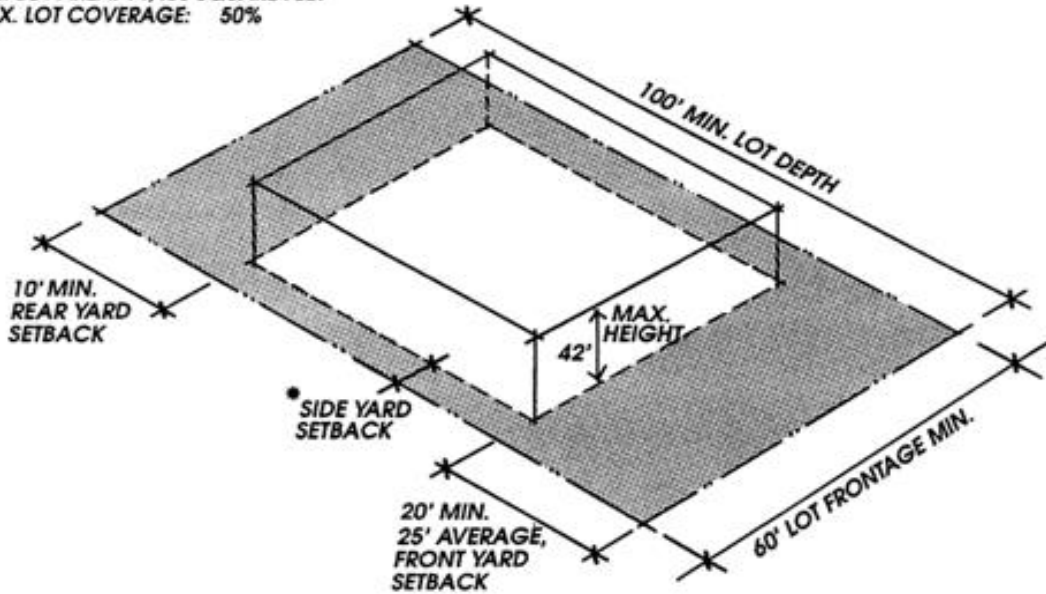
MIN. LOT AREA: 7,200 SQUARE FEET  
MAX. LOT COVERAGE: 40%





**SITE DEVELOPMENT STANDARDS  
RM (RESIDENTIAL MEDIUM) ZONE**

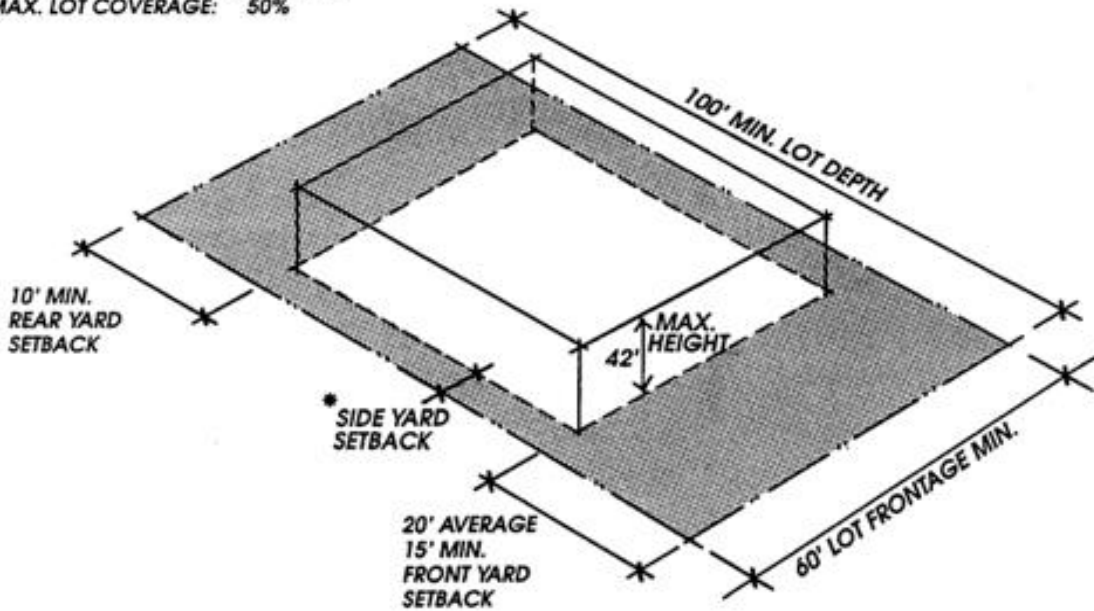
MIN. LOT AREA: 14,400 SQUARE FEET  
MAX. LOT COVERAGE: 50%



- \* 1 STORY: 5' MIN. SIDE YARD SETBACK PLUS 1' FOR EVERY 15' OF WALL LENGTH
- 2 STORY: 10' MIN SIDE YARD SETBACK PLUS 1' FOR EVERY 15' OF WALL LENGTH

**SITE DEVELOPMENT STANDARDS  
RMH (RESIDENTIAL MEDIUM HIGH) ZONE**

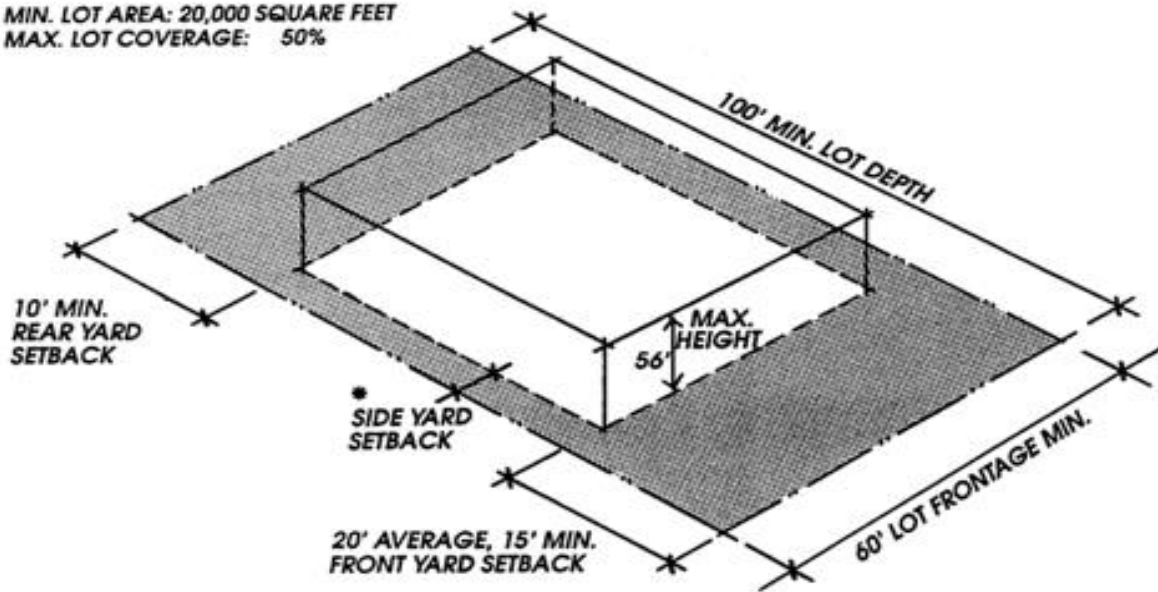
MIN. LOT AREA: 20,000 SQUARE FEET  
MAX. LOT COVERAGE: 50%



- \* 1 STORY: 5' MIN. SIDE YARD SETBACK PLUS 1' FOR EVERY 15' OF WALL LENGTH
- 2 STORY: 10' MIN SIDE YARD SETBACK PLUS 1' FOR EVERY 15' OF WALL LENGTH

**SITE DEVELOPMENT STANDARDS  
RH (RESIDENTIAL HIGH) ZONE**

MIN. LOT AREA: 20,000 SQUARE FEET  
MAX. LOT COVERAGE: 50%



- 1 STORY: 5' MIN. SIDE YARD SETBACK PLUS 1' FOR EVERY 15' OF WALL LENGTH
- 2 STORY: 10' MIN SIDE YARD SETBACK PLUS 1' FOR EVERY 15' OF WALL LENGTH

**2. RESIDENTIAL ZONES SPECIFIC STANDARDS**

In addition to the general development requirements contained in Chapter 19.20 (Property Development Standards), the following standards shall apply to specific residential zones:

**TABLE 04.03  
RESIDENTIAL ZONES SPECIFIC STANDARDS**

Specific Standards	RE	RL	RS	RU	RM	RMH	RH	RSH	CO	CG-2	CR-2
A. Accessory Structure	+	+	+	+	+	+	+		+	+	+
B. Day Care Facility	+	+	+	+	+	+	+		+	+	+
C. Day Care Home, Large Family	+	+	+	+	+	+	+		(MC 841 7/7/92)		
D. Density Bonus/Affordable Housing or Amenities	+	+	+	+	+	+	+		+	+	+
E. Front/Rear Yard Averaging		+	+		+	+	+				
F. Golf Courses & Related Facilities	+	+	+	+	+	+	+				
G. Guest House	+	+	+	+							
H. Minimum Room Size	+	+	+	+	+	+	+		+	+	+
I. Minimum Dwelling Size	+	+	+	+	+	+	+		+	+	+
J. Mobile Home & Manufactured Housing	+	+	+	+	+	+	+				
K. Mobile Home Park or Subdivision	+	+	+	+	+	+	+				
L. Multiple Family Housing				+	+	+	+			+	+
M. Multi-Family Housing, Existing				+	+	+	+		(MC 821 2/17/92)		
N. Planned Residential Development				+							
O. Recreational Vehicle Storage	+	+	+	+	+	+	+				
P. Accessory Dwelling Unit	+	+	+	+	+	+	+		(MC 1393 12/2/13)		
Q. Senior Citizen/ Congregate Care Housing				+	+	+	+		+	+	+
R. Single-Family Dwellings, Existing	+	+	+	+	+	+	+		+	+	+
									(MC 923 3/5/92)		
S. Small Lot Subdivisions				+							
T. Social Service Uses/ Centers					+	+	+		+	+	+
									(MC 1393 12/2/13)		
U. Vocational/Trade Schools				+							
V. Student Housing Complex								+	(MC 1132 12/19/02)		

Key: “+” applies in the zone.

**A. ACCESSORY STRUCTURES**

Accessory structures in residential zones are subject to Development review and shall be compatible with the materials and architecture of the main dwelling of the property. Accessory structures may only be constructed on a lot containing a main dwelling unit. Accessory structures may be built to the interior side and rear property lines provided that such structures are not closer than 10 feet to any other structure. Building Code requirements may further restrict the distance to be maintained from property lines or other structures. The accessory structure may be a maximum of 50% of the main structure footprint and a maximum of 16 feet in height. (MC 1393 12/2/13)

**B. DAY CARE CENTER DESIGN STANDARDS**

Day Care Centers are permitted for 15 or more children, subject to Conditional Use Permit review, pursuant to Section 19.04.020 (Table 04.01) and Section 19.06.020 (Table 06.01). The centers shall be constructed in the following manner: (MC 1393 12/2/13)

1. The facility shall conform to all property development standards of the zone in which it is located.
2. Large facilities shall not be located within 500 feet of another day care center.
3. An outdoor play area of no less than 75 square feet per child, but in no case less than 450 square feet in area shall be provided. The outdoor play area shall be located in the rear area. Stationary play equipment shall not be located in required side and front yards.
4. A six-foot high solid decorative fence or wall shall be constructed on all property lines, except in the front yard. In the front yard, the open fence shall not exceed 48 inches in height, and a solid wall shall not exceed 36 inches in height. Materials, textures, colors, and design of the fence or wall shall be compatible with on-site development and adjacent properties. All fences or walls shall provide for safety with controlled points of entry.
5. On-site landscaping shall be consistent with that prevailing in the neighborhood and shall be installed and maintained, pursuant to Chapter 19.28 (Landscaping Standards). Landscaping shall be provided to reduce noise impacts on surrounding properties.
6. All on-site parking shall be provided pursuant to the provisions of Chapter 19.24 (Off-Street Parking). On-site vehicle turnaround or separate entrance and exit points, and adequate passenger loading spaces, shall be provided.
7. All on-site lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of an intensity appropriate to the use it is serving.
8. All on-site signage shall comply with the provisions of Chapter 19.22. (Sign Standards).

9. The center shall contain a fire extinguisher and smoke detector devices and meet all standards established by the City Fire Marshall.
10. A center within a residential zone may operate up to 14 hours per day.
11. Outdoor activities may only be conducted between the hours of 8:30 A.M. to 8:00 P.M. (MC 841 7/7/92)

**C. DAY CARE HOMES, LARGE FAMILY**

Large family day care homes may be located no closer than 500 feet, in any direction, from an existing large family day care home, measured from property line to property line except that they may be located no closer than 250 feet measured from property line to property line from any existing large family day care home not fronting on the same street. (MC 841 7/7/92; MC 859 1/20/93)

**D. DENSITY BONUS**

This section contains two density bonus provisions. The first entitlement is based upon the provision of affordable housing pursuant to State Government Code Section 65915. The second provision is intended to provide density bonus incentives for the incorporation of on-site amenities.

**1. Affordable Housing**

State Government Code Section 65915 provides for the granting of a density bonus or other incentives of equivalent financial value when a developer of housing agrees to construct at least 1 of the following:

- a. Twenty percent of the total units of a housing development for persons and families or lower income, as defined in Section 50079.5 of the Health and Safety Code.
- b. Ten percent of the total units of a housing development for very low income households, as defined in Section 50105 of the Health and Safety Code.
- c. Fifty percent of the total dwelling units of a housing development for qualifying residents, as defined in Section 51.2 of the Civil Code.

A request for a density bonus and regulatory concessions and/or incentives shall require Conditional Use Permit review and be subject to the following provisions:

- a. For the purpose of this Section, "density bonus" shall mean a density increase of 25% over the otherwise maximum allowable residential density under this Development Code and the General Plan. When determining the number of housing units which are to be affordable, the density bonus shall not be included.
- b. The purposes for implementing this section are as follows:

- 1) The City shall within 90 days of receipt of a written proposal, notify the developer in writing of the procedures governing these provisions.
- 2) The Council may approve the density bonus and regulatory concessions and/or incentives only if all of the following findings are made:
  - a) The developer has proven that the density bonus and adjustment of standards is necessary to make the project economically feasible;
  - b) That additional adjustment of standards is not required in order for the rents for the targeted units to be set, pursuant to Government Code Section 65915(c); and
  - c) The proposed project is compatible with the purpose and intent of the General Plan and this Development Code.
- c. The density bonus shall only apply to housing developments consisting of five or more dwelling units.
- d. The density bonus provision shall not apply to senior citizen and senior congregate care housing projects that utilize the senior citizen housing density provisions of this Development Code.
- e. Prior to the issuance of a building permit for any dwelling unit in a development for which "density bonus units" have been awarded or incentives have been received, the developer shall submit documentation which identifies the restricted units and shall enter into a written agreement with the City to guarantee for 30 years their continued use and availability to low and moderate-income households. The agreement shall extend more than 30 years if required by the Construction or Mortgage Financing Assistance Program, Mortgage Insurance Program, or Rental Subsidy Program. The terms and conditions of the agreement shall run with the land which is to be developed, shall be binding upon the successor in interest of the developer, and shall be recorded in the Office of the San Bernardino County Recorder.

The agreement shall include the following provisions:

- 1) The developer shall give the City the continuing right-of-first-refusal to purchase or lease any or all of the designated units at the fair market value;
- 2) The deeds to the designated units shall contain a covenant stating that the developer or his/her successor in interest shall not sell, rent, lease, sublet, assign, or otherwise transfer any interests for same without the written approval of the City confirming that the sales price of the units is consistent with the limits established for low- and moderate-income households, which shall be related to the Consumer Price Index;

- 3) The City shall have the authority to enter into other agreements with the developer or purchasers of the dwelling units, as may be necessary to assure that the required dwelling units are continuously occupied by eligible households.
- f. "Density bonus units" shall be generally dispersed throughout a development project and shall not differ in appearance from other units in the development.
- g. The City shall provide, in addition to a density bonus, at least 1 of the following regulatory concessions and/or incentives to ensure that the multi-family residential project will be developed at a reduced cost:
  - 1) A reduction or modification of Development Code requirements which exceed the minimum building standards approved by the State Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 123 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required.
  - 2) Approval of mixed use development in conjunction with the multi-family residential project if commercial, office, industrial, or other land uses will reduce the cost of the development and if the project will be compatible internally as well as with the existing or planned development in the area where the proposed housing project will be located.
  - 3) Other regulatory incentives or concessions proposed by the developer or the City which result in identifiable cost reductions.

**2. Amenities Bonus Provision**

This provision allows an increase in the maximum permitted density of 15% in only the RU, RM, RMH, RH, CO-1 & 2, CG-2, and CR-2 land use zoning districts. Increases of up to 15% may be granted based upon the finding(s) that any proper combination of the following amenities are provided in excess of those required by the applicable zone:

- a. Architectural features that promote upscale multi-family development;
- b. Additional on-site or off-site mature landscaping which will benefit the project;
- c. Additional useable open space;
- d. Attached garages;
- e. Additional recreational facilities (i.e., clubhouse, play area, pool/Jacuzzi, tennis court, etc.); and
- f. Day care facilities.

This amenity bonus provision shall not be used as an addition to the affordable housing density bonus provision.

**E. FRONT/REAR YARD AVERAGING STANDARDS**

Front/rear setbacks required by the base district in Table 04.02 may be averaged on the interior lots within a single family detached or duplex subdivision.

The front/rear yard setback of a group of five adjacent dwelling units may vary up to five feet from that required. The average setback of all five units shall equal the minimum required for the base zone.

**F. GOLF COURSES AND RELATED FACILITIES STANDARDS**

Golf course developments are subject to Conditional Use Permit review and shall be constructed in the following manner:

1. State-of-the-art water conservation techniques shall be incorporated into the design and irrigation of the golf course.
2. Treated effluent shall be used for irrigation where available.
3. Perimeter walls or fences shall provide a viewshed window design along all public rights-of-way, incorporating a mix of pilasters and wrought iron fencing or equivalent treatment.
4. All accessory facilities, including but not limited to, club houses, maintenance buildings, and half-way club houses shall be designed and located to ensure compatibility and harmony with the golf course setting.

**G. GUEST HOUSE DESIGN STANDARDS (MC 1393 12/2/13)**

Guest houses shall be constructed in the following manner:

1. All guest houses shall conform to all development standards of the underlying zone.
2. There shall be no more than 1 guest house on any lot.
3. The floor area of the guest house shall not exceed 500 square feet.
4. The guest house shall not exceed the height of the main dwelling.
5. There shall be no kitchen or cooking facilities or wet bar facilities within a guest house.
6. The guest house shall conform to all of the setback regulations outlined in the applicable zone.
7. A guest house shall be used only by the occupants of the main dwelling, their non-paying guests, or domestic employees. The guest house shall not be rented.



**H. MINIMUM DWELLING SIZE STANDARDS**

The following minimum dwelling areas are computed by calculating the living area as measured from the outside of walls and excludes garages, carports, exterior courtyards, patios, or balconies.

1. The minimum area requirements for single-family residential units are as follows:

a.	<u>Zone</u>	<u>Minimum Area in Square Feet</u>	<u>Minimum Average Livable Area in Square Feet</u>
	RE	1,700	---
	RL	1,200	1,500
	RS	1,200	---
	RU	1,000	--- (MC 826 4/6/92)

- b. Infill Single-Family Dwellings

Minimum Livable Area in Square Feet  
1,000 sq. ft.\*

\*Note: The minimum setbacks of applicable zone shall be applied.

2. The minimum area requirements for apartments/multi-family are as follows:

<u>Livable Area in Square Feet</u>	<u>Bedrooms Maximum Number</u>	<u>Baths Minimum Number</u>
500	Bachelor	1
600	1	1
800	2	1½
1,000	3	2
1,200	3+	2

**I. MINIMUM ROOM SIZE STANDARDS**

Minimum room size standards are as follows:

<u>Room</u>	<u>Minimum Area in Square Feet</u>
Garage	400
All Other	Subject to adopted UBC Standards (MC 826 4/6/92)

**J. MOBILE HOME AND MANUFACTURED HOUSING DESIGN STANDARDS**

Manufactured or mobile homes are subject to Development Permit review and shall be installed in the following manner:

1. Mobile or manufactured homes may be used as single-family dwellings if the home is certified under the National Mobile Home Construction and Safety Standards Act of 1974.
2. Mobile or manufactured homes which are used as single-family residences shall be installed on an approved permanent foundation system in compliance with applicable codes.
3. Director shall determine that the subject lot together with the proposed mobile or manufactured home is compatible with surrounding development. This determination shall include an assessment of on-site design and development standards and materials, architectural aesthetics, setbacks, building height, accessory buildings, access, off-street parking and minimum square footage requirements, and any other criteria determined appropriate by the Director.
4. The following Specific Design Standards shall govern the installation and construction of manufactured and mobile homes.
  - a. All homes shall have a minimum eave dimension of 1 foot.
  - b. All siding shall be non-reflective and shall be installed from the ground up to the roof.
  - c. All roofs shall have a minimum pitch of 1:4.
  - d. All homes shall have a minimum width (across the narrowest portion) of 20 feet.

#### **K. MOBILE HOME PARK OR SUBDIVISION DESIGN STANDARDS**

Mobile home parks or subdivisions are subject to Development Permit review and shall be constructed in the following manner:

1. Individual mobile home space minimum setbacks shall be measured from the edge of internal streets and space lines as follows:
  - a. Front – 10 feet
  - b. Side – 5 feet on each side, or zero lot line on one side with 10 feet on the opposite side.
  - c. Rear – 10 feet
  - d. Structural separation – 10 foot minimum between dwelling units.
2. Maximum mobile home space coverage (mobile home and its accessory structure) shall be 75%.
3. Each mobile home shall be equipped with skirting, or provided with a support pad which is recessed to give the appearance of the mobile home being located on-grade.

4. All on-site utilities shall be installed underground.
5. The mobile home park shall be provided with parking as required by Chapter 19.24 (Off-street Parking Standards).
6. A common recreation area which may contain a recreation building shall be provided in the park for use by all tenants and their invited guests. The area shall be provided in one common location with a minimum aggregate area of 400 square feet of recreational space for each mobile home space.
7. All exterior boundaries of the mobile home park shall appear similar to conventional residential developments and shall be screened by a decorative wall, fence or other comparable device six feet in height, with a minimum six-foot wide landscaped area provided along the inside of the perimeter screen.
8. Common open space shall be landscaped in accordance with a landscape plan approved by the review authority and in a manner consistent with Chapter 19.28 (Landscaping Standards).
9. All mobile home park or subdivision developments shall provide recreational amenities within the site which may include: a swimming pool; spa; clubhouse; tot lot with play equipment; picnic shelter - barbecue area; court game facilities such as tennis, basketball, or racquetball; improved softball or baseball fields; or, day care facilities. The type of amenities shall be approved by the Director and provided according to the following schedule:

<u>Units</u>	<u>Amenities</u>
0-9	0
10-50	1
51-100	2
101-200	3
201-300	4

Add 1 amenity for each 100 additional units or fraction thereof.

**L. MULTI-FAMILY HOUSING STANDARDS**

Multi-family housing is permitted in the RU, RM, RMH, RH, CG-2, and CR-2 zones subject to Development Permit Review and shall be constructed in the following manner:

1. All multi-family developments with 12 or more dwelling units shall provide 30% useable open space for passive and active recreational uses. Useable open space areas shall not include: rights-of-way; vehicle parking areas; areas adjacent to or between any structures less than 15 feet apart; setbacks; patio or private yards; or, slope areas greater than 8%.
2. Each dwelling unit shall have a private (walled) patio or balcony not less than 300 square feet in area or 25% of the dwelling unit size, whichever is less.

3. All multi-family developments shall provide recreational amenities within the site which may include: a swimming pool; spa; clubhouse; tot lot with play equipment; picnic shelter - barbecue area; court game facilities such as tennis, basketball, or racquetball; improved softball or baseball fields; or, day care facilities. The type of amenities shall be approved by the Director and provided according to the following schedule:

<u>Units</u>	<u>Amenities</u>
0-11	0
12-50	1
51-100	2
101-200	3
201-300	4

Add 1 amenity for each 100 additional units or fraction thereof.

4. Off-street parking spaces for multi-family residential developments shall be located within 150 feet from the dwelling unit (front or rear door) for which the parking space is provided.
5. Each dwelling unit shall be provided a minimum of 150 cubic feet of private enclosed storage space within the garage, carport, or immediately adjacent to the dwelling unit.
6. Driveway approaches within multiple family developments of 12 or more units shall be delineated with interlocking pavers, rough-textured concrete, or stamped concrete and landscaped medians.
7. All parts of all structures shall be within 150 feet of paved access for single story and 50 feet for multi-story.
8. Common laundry facilities of sufficient number and accessibility consistent with the number of living units and the Uniform Building Code shall be provided.
9. Each dwelling unit shall be plumbed and wired for a washing machine and dryer.
10. Management and security plans shall be submitted for review and approval for multi-family developments with 12 or more dwelling units. These plans shall be comprehensive in scope.

**M. MULTI-FAMILY HOUSING, EXISTING**

Additions, alterations, and expansions to multi-family housing which legally existed prior to June 3, 1991, shall comply with the standards of the multi-family zone in which the project is located. (MC 821 2/17/92)

**N. PLANNED RESIDENTIAL DEVELOPMENT/SMALL LOT SUBDIVISIONS**

Planned Residential Development (PRD) including Clustered Subdivision and Small Lot Divisions are permitted in Residential Urban (RU), Residential Medium (RM), Residential Medium High (RMH), and Residential High (RH) zones subject to Development Permit review. Attached and detached single-family dwelling units are permitted. The purpose of allowing these types of developments is to promote residential amenities beyond those expected in conventional residential developments, to achieve greater flexibility in design, to encourage well planned neighborhood through creative and imaginative planning as a unit, to provide for appropriate use of land which is sufficiently unique in its physical characteristics or other circumstances to warrant special methods of development, to reduce development problems in hillside areas and to preserve areas of natural scenic beauty through the encouragement of integrated planning and design. (MC 1213 12/5/05)

**1. Density**

The underlying residential zone or the Hillside Management Overlay Zone shall determine the maximum number of dwelling units allowed in a PRD or Small Lot Subdivision. Where a parcel or parcels have more than one zone, the maximum number of dwelling units shall be determined by adding together the allowable density for each zone area. Density transfer throughout the PRD project area is permitted for the promotion of clustering units in those areas suited to development, and thus preserving the open space and natural features of the site. (See Hillside Management Overlay Zone for restrictions to on-site density transfer.)

**2. Minimum Lot Size**

The minimum lot size for a detached single-family unit in a Small Lot Subdivision shall be 5,000 square feet. PRDs may create lot sizes to accommodate the creation of attached single-family dwelling units or Clustered Subdivisions.

**3. Site Coverage**

Structures shall not occupy more than 40% of the gross site area.

**4. Structure Height/Number of Attached Dwelling Units**

Detached single-family structures shall not exceed 2½ stories, or 35 feet. Attached single-family structures shall not exceed three stories or 42 feet. The maximum average number of single-family units attached in any manner to form a single structure shall be six.

**5. Setbacks**

The minimum front, rear, and side structural setback from the project perimeter boundary shall be 15 feet. The minimum dwelling unit side structural setback from other dwelling unit structures is 15 feet plus one foot for each 15 feet of structure length. In small lot subdivisions the minimum side setback is five feet with a 15-foot minimum dwelling unit separation.

**6. Open Space**

All Planned Residential Developments with 12 or more dwelling units shall provide 30% useable open space for passive and active recreational uses. Planned Residential Development consisting of single-family detached units may provide 15% useable open space in lieu of the required 30%.

Useable open space areas shall not include: rights-of-way; vehicle parking areas; areas adjacent to or between any structures less than 15 feet apart; setbacks; patios and private yards; or, slope areas greater than eight percent. Slopes greater than eight percent may be approved in the Hillside Management Overlay District by the Director as useable open space. (MC 1178 9/16/04)

**7. Amenities**

All Planned Residential Developments shall provide recreational amenities within the site which may include: a swimming pool; spa; clubhouse; tot lot with play equipment; picnic shelter - barbecue area; court game facilities such as tennis, basketball, or racquetball; improved softball or baseball fields; or, day care facilities. The type of amenities shall be approved by the Director and provided according to the following schedule:

<u>Units</u>	<u>Amenities</u>
0-11	0
12-50	1
51-100	2
101-200	3
201-300	4

Add 1 amenity for each 100 additional units or fraction thereof.

**8. Private Streets**

Private streets shall be permitted when there is a homeowners’ association established to maintain them. The streets shall be built to standards and specifications for public works construction.

**9. Maintenance and Completion of Open Space, Amenities, Landscaping, and Manufactured Slopes**

No lot or dwelling unit in the development shall be sold unless a corporation, homeowners’ association, assessment district or other approved appropriate entity has been legally formed with the right to assess all those properties which are jointly owned or benefited to operate and maintain all of the mutually available features of the development including, but not limited to, open space, amenities, landscaping or slope maintenance landscaping (which may be on private lots adjacent to street rights-of-way). Conditions, Covenants, and Restrictions (CC&Rs) may be developed and recorded for the development subject to the review and approval of the City Attorney.

The recorded CC&Rs shall permit the enforcement by the City, if required. No lot or dwelling unit shall be sold unless all approved and required open space, amenities, landscaping, or other improvements, or approved phase thereof, have been completed or completion is assured by a financing guarantee method approved by the City Engineer.

**10. Fire Department Standard**

All parts of the structures shall be within 150 feet of paved access for single-story and 50 feet for multi-story.

**11. Residential Specific Standards**

In addition to the PRD development requirements, the following specific standards contained within this chapter shall apply:

- a. Day care facilities
- b. Golf courses and related facilities
- c. Guest house
- d. Lighting
- e. Minimum room size
- f. Minimum dwelling size
- g. Mobile home and manufactured housing
- h. Mobile home park or subdivision
- i. Recreational vehicle storage

**O. RECREATIONAL VEHICLE STORAGE FACILITIES**

Developments within the multi-family zones and with 12 or more dwelling units shall provide recreational vehicle storage facilities. The storage facilities shall be reviewed as part of the Development Permit and shall be constructed in the following manner:

1. Centralized storage areas shall be provided for recreational vehicles, boats, etc., at a minimum of one space for each eight dwelling units. Any fractional space requirement shall be construed as requiring one full storage space pursuant to Chapter 19.24 (Off-Street Parking Standards).
2. Individual storage spaces shall measure not less than 12 feet by 30 feet, and shall have direct access to a driveway with a minimum paved width of 25 feet.
3. Storage areas shall be paved and drained.
4. Storage areas shall be completely screened from exterior view by a combination of landscaping, masonry walls, fences or other comparable screening devices 8 feet in height, subject to the approval of the Director.

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**P. ACCESSORY DWELLING UNITS (MC 1559 5/5/21)**

- 1. Purpose.** The purpose of this section is to allow and regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with California Government Code sections 65852.2 and 65852.22.
- 2. Effect of Conforming.** An ADU or JADU that conforms to the standards in this section will not be:
  - a.** Deemed to be inconsistent with the city’s general plan and zoning designation for the lot on which the ADU or JADU is located.
  - b.** Deemed to exceed the allowable density for the lot on which the ADU or JADU is located.
  - c.** Considered in the application of any local ordinance, policy, or program to limit residential growth.
  - d.** Required to correct a nonconforming zoning condition, as defined in subsection (3)(g) below. This does not prevent the City from enforcing compliance with applicable building standards in accordance with Health and Safety Code section 17980.12.
- 3. Definitions.** As used in this section, terms are defined as follows:
  - a.** “Accessory dwelling unit” or “ADU” means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. An accessory dwelling unit also includes the following:
    - i.** An efficiency unit, as defined by section 17958.1 of the California Health and Safety Code; and
    - ii.** A manufactured home, as defined by section 18007 of the California Health and Safety Code.
  - b.** “Accessory structure” means a structure that is accessory and incidental to a dwelling located on the same lot.
  - c.** “Complete independent living facilities” means permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated.
  - d.** “Efficiency kitchen” means a kitchen that includes each of the following:
    - i.** A cooking facility with appliances.
    - ii.** A food preparation counter or counters that total at least 15 square feet in area.
    - iii.** Food storage cabinets that total at least 30 square feet of shelf space.
  - e.** “Junior accessory dwelling unit” or “JADU” means a residential unit that
    - i.** is no more than 500 square feet in size,
    - ii.** is contained entirely within an existing or proposed single-family structure,
    - iii.** includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family structure, and
    - iv.** includes an efficiency kitchen, as defined in subsection (3)(d) above.



- f. “Living area” means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.
- g. “Nonconforming zoning condition” means a physical improvement on a property that does not conform with current zoning standards.
- h. “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU or JADU.
- i. “Proposed dwelling” means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
- j. “Public transit” means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
- k. “Tandem parking” means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

**4. Approvals.** The following approvals apply to ADUs and JADUs under this section:

- a. **Statutory Criteria.** If an ADU or JADU complies with each of the general requirements in subsection (5) below, it is allowed with only a building permit in the following scenarios established by statute:
  - i. **Converted on Single-family Lot:** One ADU as described in this subsection (4)(a)(i) and one JADU on a lot with a proposed or existing single-family dwelling on it, where the ADU or JADU:
    - a) Is either: within the space of a proposed single-family dwelling; within the existing space of an existing single-family dwelling; or within the existing space of an accessory structure, plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress; and
    - b) Has exterior access that is independent of that for the single-family dwelling; and
    - c) Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.
  - ii. **Limited Detached on Single-family Lot:** One detached, new-construction ADU on a lot with a proposed or existing single-family dwelling (in addition to any JADU that might otherwise be established on the lot under subsection (4)(a)(i) above), if the detached ADU satisfies each of the following limitations:
    - a) The side- and rear-yard setbacks are at least four-feet.
    - b) The total floor area is 800 square feet or smaller.
    - c) The peak height above grade is 16 feet or less.
  - iii. **Converted on Multifamily Lot:** One or more ADUs within portions of existing multifamily dwelling structures that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, if each converted ADU complies with state building standards for dwellings. Under this subsection (4)(a)(iii), at least one converted ADU is allowed within an existing multifamily dwelling, up to a quantity equal to 25 percent of the existing multifamily dwelling units.

**iv. Limited Detached on Multifamily Lot:** No more than two detached ADUs on a lot that has an existing multifamily dwelling if each detached ADU satisfies both of the following limitations:

- a) The side- and rear-yard setbacks are at least four-feet.
- b) The peak height above grade is 16 feet or less.

**b. Additional Criteria.**

i. An ADU that does not qualify under the criteria set forth in subsection (4)(a) above may be created with a building permit if it complies with the standards set forth in subsections (5) and (6) below.

**c. Process and Timing.**

i. An ADU application is considered and approved ministerially, without discretionary review or a hearing.

ii. The City must act on an application to create an ADU or JADU within 60 days from the date that the City receives a completed application. If the City does not act upon the completed application within 60 days, the application is deemed approved unless either:

- a) The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay, or
- b) When an application to create an ADU or JADU is submitted with a permit application to create a new single-family dwelling on the lot, the City may delay acting on the permit application for the ADU or JADU until the City acts on the permit application to create the new single-family dwelling, but the application to create the ADU or JADU will still be considered ministerially without discretionary review or a hearing.

**5. General ADU and JADU Requirements.** The following requirements apply to all ADUs and JADUs that are approved under subsections (4)(a) or (4)(b) above

**a. Zoning.**

i. An ADU or JADU subject only to a building permit under subsection (4)(a) above may be created on a lot in a residential or mixed-use zone.

ii. An ADU or JADU subject to an ADU permit under subsection (4)(b) above may be created on a lot that is zoned to allow single-family dwelling residential use or multifamily dwelling residential use.

**b. Access.** Each ADU and JADU must have direct exterior access that is separate from that of the primary dwelling.

**c. Fire Sprinklers.** Fire sprinklers are required in an ADU if sprinklers are required in the primary residence.

**d. Rental Term.** No ADU or JADU may be rented for a term that is shorter than 30 days.

**e. No Separate Conveyance.** An ADU or JADU may be rented, but no ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling (in the case of a single-family lot) or from the lot and all of the dwellings (in the case of a multifamily lot).

- f. Septic System.** If the ADU or JADU will connect to an onsite wastewater-treatment system, the owner must include with the application a percolation test completed within the last five years or, if the percolation test has been recertified, within the last 10 years.
  - g. Owner Occupancy.** All JADUs are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property, in either the primary dwelling or JADU, as the person’s legal domicile and permanent residence. However, the owner-occupancy requirement in this subsection (5)(g) does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.
  - h. Deed Restriction.** Prior to issuance of a building permit for an ADU or JADU, a deed restriction must be recorded against the title of the property in the County Recorder’s office and a copy filed with the Director. The deed restriction must run with the land and bind all future owners. The form of the deed restriction will be provided by the City and must provide that:

    - i.** The ADU or JADU may not be sold separately from the primary dwelling.
    - ii.** The ADU or JADU is restricted to the approved size and to other attributes allowed by this section.
    - iii.** The deed restriction runs with the land and may be enforced against future property owners.
    - iv.** The deed restriction may be removed if the owner eliminates the ADU or JADU, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request of the Director, providing evidence that the ADU or JADU has in fact been eliminated. The Director may then determine whether the evidence supports the claim that the ADU or JADU has been eliminated. Appeal may be taken from the Director’s determination consistent with other provisions of this Code. If the ADU or JADU is not entirely physically removed, but is only eliminated by virtue of having a necessary component of an ADU or JADU removed, the remaining structure and improvements must otherwise comply with applicable provisions of this Code.
    - v.** The deed restriction is enforceable by the Director or his or her designee for the benefit of the City. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the City is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the ADU or JADU in violation of the recorded restrictions or abatement of the illegal unit.
- 6. Specific ADU Requirements.** The following requirements apply only to ADUs that are approved under subsection (4)(b) above.
- a. Maximum Size.**

    - i.** The maximum size of a detached or attached ADU subject to this subsection (6) is 850 square feet for a studio or one-bedroom unit and 1,000 square feet for a unit with two or more bedrooms.
    - ii.** An attached ADU that is created on a lot with an existing primary dwelling is further limited to 50 percent of the floor area of the existing primary dwelling.



- ii. Any impact fee that is required for an ADU that is 750 square feet or larger in size must be charged proportionately in relation to the square footage of the primary dwelling unit. (E.g., the floor area of the ADU, divided by the floor area of the primary dwelling, times the typical fee amount charged for a new dwelling.)

**b. Utility Fees.**

- i. If an ADU or JADU is constructed with a new single-family home, a separate utility connection directly between the ADU or JADU and the utility and payment of the normal connection fee and capacity charge for a new dwelling are required.
- ii. Except as described in subsection (6)(b)(i), converted ADUs and JADUs on a single-family lot that are created under subsection (4)(a)(i) above are not required to have a new or separate utility connection directly between the ADU or JADU and the utility. Nor is a connection fee or capacity charge required.
- iii. Except as described in subsection (7)(b)(i), all ADUs and JADUs that are not covered by subsection (7)(b)(ii) require a new, separate utility connection directly between the ADU or JADU and the utility.
  - a) The connection is subject to a connection fee or capacity charge that is proportionate to the burden created by the ADU or JADU, based on either the floor area or the number of drainage-fixture units (DFU) values, as defined by the Uniform Plumbing Code, upon the water or sewer system.
  - b) The portion of the fee or charge that is charged by the City may not exceed the reasonable cost of providing this service.

**Q. SENIOR CITIZEN/CONGREGATE CARE HOUSING DESIGN STANDARDS**

Senior group housing developments are subject to Development Permit review and shall be constructed in the following manner:

1. A bus turnout and shelter on the on-site arterial frontage shall be dedicated if the project is located on a bus route as determined by the Director.
2. Dial-a-ride transportation shuttles shall be provided; number to be determined during project review.
3. The parcel upon which the senior group housing facility is to be established shall conform to all standards of the underlying zone.
4. The senior group housing shall conform with all local, state, and federal requirements.
5. The number of dwelling units shall be based on Table 4.02 (Residential Development Standards).

- 6.** The minimum floor area for each residential unit shall be as follows:
  - Studio: 410 square feet
  - One-bedroom: 510 square feet if kitchen-dining living areas are combined.  
570 square feet if kitchen-dining living areas are separate.
  - Two-bedroom: 610 square feet if kitchen-dining living areas are combined.  
670 square feet if kitchen-dining living areas are separate.
- 7.** The main pedestrian entrance to the development, common areas, and the parking facility shall be provided with handicapped access pursuant to Section 19.24.050.
- 8.** Indoor common areas and living units shall be handicap adaptable and be provided with all necessary safety equipment (e.g., safety bars, etc.) as well as emergency signal/intercom systems as determined by the Director.
- 9.** Adequate internal and external lighting including walkways shall be provided for security purposes. The lighting shall be energy efficient, stationary, deflected away from adjacent properties and public rights-of-way, and of an intensity compatible with the residential neighborhood.
- 10.** Common recreational and entertainment activities of a size and scale consistent with the number of living units shall be provided. The minimum size shall equal 100 square feet for each living unit.
- 11.** Common laundry facilities of sufficient number and accessibility, consistent with the number of living units and the Uniform Building Code shall be provided. The facilities shall have keyed access for tenants only.
- 12.** Each residential unit shall be plumbed and wired for a washing machine and dryer.
- 13.** The development may provide one or more of the following specific internal common facilities for the exclusive use of the residents:
  - a.** Central cooking and dining room(s).
  - b.** Beauty and barber shop.
  - c.** Small scale drug store not exceeding 1,000 square feet.
- 14.** Off-street parking shall be provided in the following manner:
  - a.** One covered parking space for each dwelling unit for the exclusive use of the senior citizen residents plus one space for every 5 units for guest parking.
  - b.** Three parking spaces for every four dwelling units for employee and guest use for congregate care residences.
  - c.** All off-street parking shall be located within 150 feet of the front door of the main entrance.

- d. Adequate and suitably striped paved areas for shuttle parking. Shaded waiting areas shall be provided adjacent to the shuttle stops.
  - e. Design standards relating to handicapped parking, access, surfacing, striping, lighting, landscaping, shading, dimensional requirements, etc. shall be consistent with the standards outlined in Chapter 19.24 (Off-Street Parking Standards).
  - f. Senior citizen/congregate care parking requirements may be adjusted on an individual project basis, subject to parking study based on project location and proximity to services for senior citizens including, but not limited to medical offices, shopping areas, mass transit, etc.
15. The project shall be designed to provide maximum security for residents, guests, and employees.
16. Trash receptacle(s) shall be provided on the premises. Trash receptacle(s) shall comply with adopted Public Works Department Standards and be of sufficient size to accommodate the trash generated. The receptacle(s) shall be screened from public view on at least three sides by a solid wall six feet in height and on the fourth side by a solid gate not less than five feet in height. The gate shall be maintained in good working order and shall remain closed except when in use. The wall and gate shall be architecturally compatible with the surrounding buildings and structures. The receptacle(s) shall be located within close proximity to the residential units which they are intended to serve.
17. Residential occupancy shall be limited to single persons over 60 years of age or married couples of which one spouse is over 60 years of age.
18. Developers of Senior Citizen/Congregate Care housing which have a density larger than that allowed in the underlying zone, shall provide a marketing analysis which analyzes long term feasibility and a conversion plan of Senior residential units to standard units, with a corresponding reduction in the number of units to equal the density allowed in the underlying zone if the project is not occupied by Seniors 60 years of age or older. The feasibility study and conversion plan shall not be required if the project is sponsored by any government housing agency, the City's Development Department or a non-profit housing development corporation. If the proposed project is to be located in the CO zone the conversion plan shall address the transformation of residential units into the uses allowed in the Commercial Office (CO) zone.
19. All parts of all structures shall be within 150 feet of paved access for single-story and 50 feet for multi-story.

**R. SINGLE FAMILY HOUSING, EXISTING**

Additions, alterations and expansions to single-family housing which legally existed prior to June 3, 1991, shall comply with the standards of the Residential Suburban (RS) zone. (MC 823 3/5/92; MC 888 1/6/94)

**S. SMALL LOT SUBDIVISION STANDARDS**

Standards for small lot subdivisions are located in Subsection N. (Planned Residential Development Standards) of this chapter.

**T. SOCIAL SERVICE FACILITIES (MC 1548 10/21/20)**

The following provisions are applicable to all social service facilities:

**1. Action**

Social Service Facilities may be established in commercial and industrial zones subject to approval of a Development Permit. Facilities located within one thousand (1,000) of a residentially zoned parcel may be permitted subject to approval of a Conditional Use Permit.

Social Service (Residential) Facilities may be established in multi-family residential and commercial zones subject to approval of a Conditional Use Permit.

**2. General Provisions**

**a. Hours of Operation.** Facilities shall only be permitted to operate between the hours of 8:00 a.m. and 8:00 p.m. daily, unless authorized by the Planning Commission.

**b. Waiting Areas.** All waiting areas shall be located on the same premise as the facility served, and shall not obstruct public access to sidewalks, rights-of-way, or adjacent properties. In residential zones all waiting areas shall be located indoors.

**c. Management Plan.** All facilities shall provide a management plan that includes the following:

- **Description of services provided.**

- **Facility Capacity.**

- **On-Site Management.** On-site supervision must be provided at all times that the center is in operation. The facility operator shall provide the name, phone number and email address of an on-site manager to whom one can provide notice if there are operating problems associated with the facility.

- **Residential Provisions (if applicable).**

- **Security Plan (security staffing, alarms, etc.).** The facility operator shall submit a security plan for approval by the Director. The plan shall include provisions for security staffing, alarms, and other elements the Director deems necessary to ensure the security of the site. A centrally monitored alarm system shall be installed and maintained in good working order.

- **Transportation Services Provided (if applicable).**

**d. Prohibited Activities.** Patrons shall not be permitted on the site if not waiting for or receiving services, and no consumption of alcoholic beverages shall be allowed on the premises. The facility operator shall post a sign detailing these requirements.



- e. **Food and Goods Distribution.** No distribution of food or goods to anyone not residing at the facility shall be permitted from any facility located in or within one thousand (1,000) feet of a residentially zoned parcel.
- f. **State Licensing.** When one is required, evidence of preliminary state agency approval or a current state agency license shall be provided to the department.

**3. Development Standards**

- a. **Outdoor Areas.** All outdoor areas shall be adequately screened to prevent adverse impacts on any adjacent properties.
- b. **Trash Receptacles.** Outdoor trash receptacles shall be available near the primary entrances and exits of the facility.
- c. **Residential Density.** The density of residential uses shall be determined at project review.
- d. **Distancing.** Facilities shall not be any closer than five hundred (500) feet from any of the following uses:
  - A public or private state licensed or accredited school.
  - A public park, playground, recreational area, or youth facility, including a nursery school, preschool, or day-care facility.
  - A place of public assembly.
  - A hospital.
  - Another social service facility.
- e. **Access.** The site shall have direct frontage along a major, secondary, or collector arterial. Vehicular access shall be provided from a major, secondary, or collector arterial.

**U. VOCATIONAL/TRADE SCHOOLS**

Vocational/trade schools are subject to a Conditional Use Permit and shall comply with the following standards:

1. Vocational/trade schools shall be permitted only at the facilities of an existing church, hospital or other not for profit organization fronting a major or secondary arterial.
2. The vocational/trade school curriculum may include GED courses, business, office and secretarial skill courses, dental or medical assistant courses, or other courses determined by the Director of Community Development to be compatible with the adjacent neighborhood. No courses in automotive repair, welding, construction, woodworking, or industrial manufacturing shall be taught due to their incompatibility with surrounding residential uses.
3. All curriculum activities shall be conducted entirely within an enclosed structure.
4. Off-street parking shall comply with the standards contained in Chapter 19.24 of this Development Code.

5. In addition to the required on-site parking, on-street parking may be permitted along the major or secondary arterial only.
6. Vehicular access to the vocational/trade school shall be restricted to the frontage along the major or secondary arterial. (MC 933 2/9/95)

**V. STUDENT HOUSING COMPLEX (MC 1132 12/19/02)**

1. Student Housing complexes are only permitted in the Residential Student Housing District on lots within 500 feet of California State University, San Bernardino, and on only the 8.28 acres on the south side of Northpark Boulevard, east of University Parkway, as designated in General Plan Amendment No. 01-06.
2. The minimum unit size shall be as follows:

1-bedroom	600 square feet
2-bedroom	800 square feet
3-bedroom	1,000 square feet
4-bedroom	1,200 square feet
3. Student housing complex units may be up to 20% smaller than the minimum dwelling unit size prescribed above if a common area is provided on each floor. The common area shall be no less than 300 square feet, and shall include: a television set, sofa and chairs; or a game table (pool table, card table, etc.), chairs and a sofa; desks, chairs and computer access facilities; or other such amenity as is consistent with an area used for common social activity, subject to approval by the Planning Commission.
4. All student-housing complexes shall provide 35% of each unit size as useable open space for passive and active recreational use. A minimum of 5% of the outdoor open space must be private (balcony or patio), and a minimum of 25% of the outdoor open space must be common useable. The balance (5%) may be either common or private useable open space. Useable open space areas shall not include: right-of-ways; vehicle parking areas; areas adjacent to or between any structures less than 15 feet apart; or slope areas greater than 8%. Useable open space areas shall be delineated on project site plans, and total square footage in open space shall be listed on the site plan.
5. Every bedroom shall be wired for computer Internet access in addition telephone access.
6. Every bedroom shall be equipped with an individual lock for use only by the tenant. Master keys shall be maintained for each building.
7. All student housing complexes shall provide indoor and outdoor recreational amenities within the site which may include: a swimming pool; spa; clubhouse; picnic shelter and barbeque area; court game facilities such as tennis, basketball, volleyball or racquetball; improved softball or baseball fields; or such other similar facilities as approved by the Planning Commission. The amenities shall be

equivalent to a minimum of 50 square feet per resident.

The type of amenities shall be provided according to the following schedule:

<u>Bedrooms</u>	<u>Amenities</u>
0-25	0
26-100	1
101-200	2
201-300	3
301-400	4

Add one amenity for each 100 additional bedrooms or fraction thereof.

8. One off street parking space shall be provided for each bedroom, plus three uncovered off-street guest parking spaces per 100 rooms. A minimum of 65% of the parking spaces shall be covered. The balance of the parking spaces shall be shaded by trees in such a manner that all parking spaces shall be fully shaded within five years of construction of the project.
9. Common laundry facilities at a ratio of one full size washer and one full size dryer per 10 units, and consistent with the Uniform Building Code shall be provided on each floor.
10. Access to student housing complexes shall be limited through the use of fencing or walls with locked gates. Gates shall be equipped with either key or card access and an intercom system for guests.
11. Each building within a student housing complex shall be locked, and equipped with either key or card access and an intercom system for guests.
12. A professional, non-student resident manager shall live within each project. In addition, a resident student manager, working a minimum of 16 hours a week, shall be provided for each floor of each building.
13. Management and security plans shall be submitted for review and approval by the Community Development Department and Police Department.
14. Each lease shall be for a minimum of one academic year. Short-term tenancy during the summer months may be permitted, with the approval of a Temporary Use Permit. No month-to-month tenancy or sub-leasing of individual rooms shall be permitted.
15. The applicant shall enter into and continuously maintain an affiliation agreement with California State University San Bernardino (“CSUSB”) and shall provide the City with a copy of such affiliation agreement prior to the approval of any building or grading permit for the project. The affiliation agreement shall include, but not be limited to, the following:
  - a. Require that the project conform to CSUSB on-campus housing policies. Require that all tenant leases incorporate CSUSB on-campus housing policies.

- b. Require that the design, engineering and construction of the project be approved by CSUSB.
  - c. Grant CSUSB an option to purchase and a right of first of to purchase the property and the project at fair market value with a guaranteed minimum and maximum price.
  - d. If a court finds that the project cannot limit the residents to students of CSUSB, then CSUSB shall have an immediate right to purchase the property at fair market value and, if it elects not to so purchase, then CSUSB shall have the immediate right to lease the property at fair market value so that the property will be part of the CSUSB campus and therefore occupancy can be limited to students. If CSUSB does not exercise either right on the property, then the property and project must continue to conform to all requirements in this Development Code and in the affiliation agreement except the requirement that the project limit residents to students of CSUSB.
  - e. If the affiliation agreement is terminated either mutually by the parties, or unilaterally by the property/project owner, then CSUSB shall have an immediate right to purchase the property at fair market value and, if it elects not to so purchase, then CSUSB shall have an immediate right to lease the property at fair market value so that the property will be part of the CSUSB campus and therefore occupancy can be limited to students. If CSUSB does not exercise either right on the property, then the property must convert to a use consistent with the underlying General Plan Land Use District.
  - f. Require that any successor in interest to the property and project, prior to the conveyance of title, enter into an affiliation agreement with CSUSB, the contents of which shall conform to the requirements of this section.
- 16.** Townhome Student Housing complexes are only permitted in the Residential Student Housing District on lots within 500 feet of California State University, San Bernardino, and only the 10. 16 acres on the west side of Northpark Boulevard, north of University Parkway in Tract 17703-2 Lot 1 and Tract 17703-3 Lots 1, 2 and 3. (MC 1416 7/21/14)
- a. Whenever the requirements of this Section 19.04.030(2)(V)( 16) conflicts with the underlying base zone, specific plan, or other requirements of the Development Code, the requirements of this Section 19.04.030(2)(V)(16) shall govern.
  - b. Townhome Student Housing complexes are only permitted in the Residential Student Housing District on lots within 500 feet of California State University, San Bernardino, and on only the 10. 16 acres on the west side of Northpark Boulevard, north of University Parkway.
  - c. The requirements specified above in Section 19. 04. 030(2)(V)(2), (3), (5), (6) and (13) shall apply to a Townhome Student Housing complex.

- d. The maximum density of a townhome student housing complex is 80 beds per acre.
- e. The minimum townhome unit size shall be as follows:

1-bedroom	600 square feet
2-bedroom	800 square feet
3-bedroom	1,000 square feet
4-bedroom	1,200 square feet
5-bedroom	1,400 square feet
6-bedroom	1,600 square feet
- f. A minimum of 5 percent of the bedrooms in the student housing project shall be designed as bedroom studios that meet Americans with Disabilities Act (ADA) standards, including a private bathroom and facilities for preparation of food including storage, refrigeration and cooking).
- g. Townhome Student Housing complexes are not required to provide a balcony or patio for each bedroom and/or each unit provided the site of the student housing project is within 1, 000 feet of a public park and the student housing project provides indoor and outdoor living space for passive and active recreational uses equivalent to a minimum of 15 percent of the gross floor area of dwellings in the project.
- h. Student housing complexes shall provide indoor and outdoor recreational amenities within the site which may include: a swimming pool; spa; clubhouse; picnic shelter and barbeque area; court game facilities such as tennis, basketball, volleyball or racquetball; improved softball or baseball fields; patios and balconies, or such other similar facilities. Each student housing complex shall have a minimum of one swimming pool and Jacuzzi. The amenities shall be equivalent to a minimum of 25 square feet per bedroom.
- i. Student housing shall provide off street parking to conform to the requirements specified in the Development Code for townhomes and the TD (Transit District Overlay) District.
- j. Common laundry facilities with a minimum of one full size washer and one full size dryer and consistent with the City's Building Code shall be provided in each townhome.
- k. Each townhome shall be lockable and equipped with either key or card access. Each bedroom shall be lockable and equipped with either key or card access.
- l. A professional, non- student resident manager shall live within each project. In addition, a resident student manager, working a minimum of 16 hours a week, shall be provided at a ratio of one per 100 beds.

- m.** The residents of the townhomes and bedrooms shall be limited to students enrolled at California State University San Bernardino (including students graduating during their lease terms and continuing occupancy until the end of their lease terms), faculty and staff at California State University San Bernardino, and on-site managers living in the student housing complex; persons affiliated with the California University system; and visiting faculty and staff from other colleges and universities, and students enrolled at other colleges and universities; and tenants who do not qualify under the standards in this section may be approved in writing by California State University San Bernardino.
- n.** Fraternities and sororities are permitted uses in townhome student housing complexes.
- o.** The height of buildings shall not exceed the height standards of the underlying zoning district.

#### **19.04.040 APPLICABLE REGULATIONS**

All uses shall be subject to the applicable regulations of this Development Code, including, but not limited to, Article IV, Administration provisions.