
CHAPTER 83.01 GENERAL PERFORMANCE STANDARDS

Sections:

- 83.01.010 Purpose
- 83.01.020 Applicability
- 83.01.030 Modification of Standards
- 83.01.040 Air Quality
- 83.01.050 Electrical Disturbances
- 83.01.060 Fire Hazards
- 83.01.070 Heat
- 83.01.080 Noise
- 83.01.090 Vibration
- 83.01.100 Waste Disposal

83.01.010 Purpose

The purpose of this Chapter is to establish uniform performance standards for development within the County that promotes compatibility with surrounding areas and land uses.

Performance standards are designed to mitigate the environmental impacts of existing and proposed land uses within a community. Environmental impacts include air quality, glare, heat, noise, runoff control, and waste disposal. These general performance standards are intended to protect the health and safety of businesses, nearby residents, and workers and to prevent damaging effects to surrounding properties.

Adopted Ordinance 4011 (2007)

83.01.020 Applicability

- (a) **New and existing uses in all land use zoning districts.** The provisions of this Chapter apply to all new and existing uses in all land use zoning districts. The standards of this Chapter elaborate upon and otherwise augment the development standards specified for individual land use zoning districts in Division 2 (Land Use Zoning Districts and Allowed Land Uses) and in Division 4 (Standards for Specific Land Uses and Activities).
- (b) **Compliance of alterations or modifications.** Uses of the land that existed on the effective date of this Division shall not be altered or modified so as to conflict with, or further conflict with, these standards.

- (c) **Evidence of compliance with standards.** If requested by the Director or the Review Authority, applicants shall provide evidence to the Director that the proposed development is in compliance with the standards in this Division and other applicable standards in this Development Code before the issuance of a Building Permit or business license.

Adopted Ordinance 4011 (2007)

83.01.030 Modification of Standards

- (a) **Modification by specific reference.** The provisions of this Division shall prevail should they conflict with the provisions of a land use zoning district or specific plan, unless the land use zoning district or plan standard specifically overrides or modifies the provisions of this Division by specific reference.
- (b) **Modification by establishment of overlay or approval of planned development or variance.** An overlay, approved Planned Development, or approved Variance may modify the provisions of this Division.

Adopted Ordinance 4011 (2007)

83.01.040 Air Quality

- (a) **Equipment permit and inspection requirements.** Required permits shall be obtained from either the Mojave Air Pollution Management District or the South Coast Air Quality Management District depending on the location of the subject property and equipment for equipment that may cause air pollution. Before the equipment may be constructed, plans and specifications shall be submitted to the appropriate District for approval
- (b) **Permits from Air Quality Management Districts.** Permits shall be obtained from either the Mojave Air Pollution Management District or the South Coast Air Quality Management District depending on the location of the subject property and equipment. If requested by the Director, uses, activities, or processes that require Air Quality Management District approval to operate shall file a copy of the permit with the Department within 30 days of its approval.

Adopted Ordinance 4011 (2007)

83.01.050 Electrical Disturbances

No activity, land use, or process shall cause electrical disturbance that adversely affects persons or the operation of equipment across lot lines and that does not conform to the regulations of the Federal Communications Commission. Existing or proposed uses that generate electrical disturbances that are be considered hazardous or a public nuisance shall be contained, modified, or shielded to prevent disturbances.

Adopted Ordinance 4011 (2007)

83.01.060 Fire Hazards

This Section establishes standards for storage of solid materials susceptible to fire hazards and flammable liquids and gases where allowed in compliance with Division 2 (Land Use Zoning Districts and Allowed Land Uses).

- (a) **Combustible solids.** Land uses that include the storage of solid materials susceptible to fire hazards shall be subject to the following storage standards in the indicated land use zoning districts.
- (1) **Regional Industrial (IR) land use zoning district.**
 - (A) **Inside storage.** A structure utilized for the storage, manufacture, or use of flammable solid materials shall be located no less than 40 feet from any lot line and any other on-site structures or shall adhere to standards specified in Subsection 2, below.
 - (B) **Outdoor storage.** Outdoor storage of flammable solid materials shall be no less than 50 feet from any lot line and any other on-site structures.
 - (2) **All other manufacturing or industrial uses legally established within any other land use zoning district.** The storage, manufacture, or use of highly flammable solid materials shall take place in enclosed spaces having fire resistance of no less than two hours and protected with an automatic fire extinguishing system.
- (b) **Flammable liquids and gases.** Land uses that involve the storage of flammable liquids and gases shall be subject to the following standards when established within the land use zoning districts indicated.
- (1) **Setbacks.** County Code Title 2, Division 3 (Fire Protection and Explosives and Hazardous Materials) shall establish setback requirements for flammable liquids and gases.
 - (2) **Storage capacity.** The total storage capacity of flammable liquids and gases on a parcel shall not exceed the quantities indicated in Table 83-1 (Storage Standards for Flammable Liquids and Gases).

Table 83-1 Storage Standards for Flammable Liquids and Gases		
Stored Substance	Land Use Zoning District	Maximum Capacity
<i>SCF = Standard cubic feet at 60° F and 29.92" Hg (i.e., mercury)</i>		
Liquids	Regional Industrial District (IR)	120,000 gallons
	All other manufacturing or industrial uses legally established within any other land use zoning district	60,000 gallons

Table 83-1 Storage Standards for Flammable Liquids and Gases		
Stored Substance	Land Use Zoning District	Maximum Capacity
<i>SCF = Standard cubic feet at 60° F and 29.92" Hg (i.e., mercury)</i>		
Liquefied Petroleum Gas (LPG)	All manufacturing or industrial uses established in any land zoning use district	Per County Code Title 2, Division 3 (Fire Protection and Explosives and Hazardous Materials)
	All commercial uses legally established in any land use zoning district	15,000 gal/tank 20,000 gallons maximum aggregate total
	All agricultural uses legally established in any land use zoning district and aggregate total	15,000 gal/tank and aggregate total
Gases other than liquefied petroleum gas	Regional Industrial District (IR)	300,000 SCF above ground 600,000 SCF below ground
	All other manufacturing or industrial uses legally established within any other land use zoning district	150,000 SCF above ground 300,000 SCF below ground

(c) **Liquefied petroleum gas (LPG).**

(1) **General requirements**

(A) **Agricultural, commercial, industrial, or manufacturing uses and land use zoning districts.** Liquefied petroleum gas (LPG) storage and distribution facilities for agricultural, commercial, industrial, or manufacturing uses shall be allowed subject to a Use Permit in compliance with Division 2 (Land Use Zoning Districts and Allowed Land Uses). The location, installation, operation, and maintenance of LPG storage and distribution facilities shall be subject to:

(I) The standards in this Subsection.

(II) The conditions, requirements, and standards imposed by the Review Authority in compliance with this Chapter.

(B) **Residential uses and land use zoning districts.** County Code Title 2, Division 3 (Fire Protection and Explosives and Hazardous Materials) shall establish standards for residential uses and residential land use zoning districts for LPG storage.

(C) **Conflict between land use district and Use Permit requirements.** In the event of a conflict between the provisions of this Subsection 83.01.060(c) (Liquefied Petroleum Gas [LPG]) and the provisions of a land use zoning

district, including the requirement for Use Permit, the provisions of this Section shall prevail and control.

- (2) **Fire protection requirements for all parcels.**
- (A) Setbacks for LPG storage and distribution facilities from structures and property lines shall be those specified by County Code Title 2, Division 3 (Fire Protection and Explosives and Hazardous Materials).
 - (B) LPG storage tanks shall be centrally located on the parcel to the satisfaction of the Fire Department.
- (3) **Additional fire protection requirements for specific types of parcels.** For parcels that have no more than one occupied structure less than 5,000 square feet in size and where the water system provides substandard flows per International Standards Organization (ISO) standards for structure protection, additional fire protection requirements shall be as follows:
- (A) **Where parcel size is 10 acres or more:** Fire flow shall be calculated for exposures only in compliance with County Code Title 2, Division 3 (Fire Protection and Explosives and Hazardous Materials).
 - (B) **Where parcel size is at least five acres but less than 10 acres:**
 - (I) A one hour approved protective coating shall be applied to the LPG storage tank.
 - (II) Fire flow shall be calculated for exposures only, in compliance with County Code Title 2, Division 3 (Fire Protection and Explosives and Hazardous Materials).
 - (C) **Where parcel size is at least two and one-half acres, but less than five acres:**
 - (I) A two hour approved protective coating shall be applied to the tank.
 - (II) Fire flow shall be calculated for exposures only, in compliance with County Code Title 2, Division 3 (Fire Protection and Explosives and Hazardous Materials).
- (4) **Additional fire protection requirements for any parcel with adequate fire flow available per ISO Standards:**
- (A) Fire hydrant(s) shall serve the parcel in compliance with County Code Title 2, Division 3 (Fire Protection and Explosives and Hazardous Materials).
 - (B) Fire flow shall provide for exposure protection (ISO Calculation) and LPG storage tank protection/suppression.

- (I) Sprinklers shall use calculations, as adopted by County Code Title 2, Division 3 (Fire Protection and Explosives and Hazardous Materials).
- (II) Hose lines shall use the formula: *GPM = 5 times the square root of the tank capacity.*
- (C) Additional protection.
 - (I) Where the Fire Chief determines that water can be applied to the tank or exposures by the Fire Department in required amounts in eight minutes or less, no additional protection shall be required.
 - (II) Where the Fire Chief determines that water cannot be applied to the tank or exposures by the Fire Department in required amounts in eight minutes or less, one of the following protection measures shall be required:
 - (i) One hour approved protective coating shall be applied to the LPG storage tank; or
 - (ii) A fixed spray water system shall be installed as approved by the Fire Department.
- (5) **Additional fire protection requirements for any parcel not included in either Subsections (C)(III) or (C)(IV), above:**
 - (A) Either a one-hour or more protective coating shall be applied to the LPG storage tank, as required by the Fire Department, or a fixed spray water system shall be installed instead of coating the tank.
 - (B) Fire flow shall be calculated for exposure only, in compliance with the San Bernardino Code Title 2, Division 3 (Fire Protection and Explosives and Hazardous Materials).

Adopted Ordinance 4011 (2007)

83.01.070 Heat

Land uses in industrial districts shall not emit heat that would cause a temperature increase on any adjacent property in excess of 10 degrees Fahrenheit, whether the change is in the air, on the ground, or in a structure.

Adopted Ordinance 4011 (2007)

83.01.080 Noise

This Section establishes standards concerning acceptable noise levels for both noise-sensitive land uses and for noise-generating land uses.

(a) Noise measurement. Noise shall be measured:

- (1) At the property line of the nearest site that is occupied by, and/or zoned or designated to allow the development of noise-sensitive land uses;
- (2) With a sound level meter that meets the standards of the American National Standards Institute (ANSI Section SI4 1979, Type 1 or Type 2);
- (3) Using the "A" weighted sound pressure level scale in decibels (ref. pressure = 20 micronewtons per meter squared). The unit of measure shall be designated as dB(A).

(b) Noise impacted areas. Areas within the County shall be designated as “noise-impacted” if exposed to existing or projected future exterior noise levels from mobile or stationary sources exceeding the standards listed in Subsection (d) (Noise standards for stationary noise sources) and Subsection (e) (Noise standards for adjacent mobile noise sources), below. New development of residential or other noise-sensitive land uses shall not be allowed in noise-impacted areas unless effective mitigation measures are incorporated into the project design to reduce noise levels to these standards. Noise-sensitive land uses shall include residential uses, schools, hospitals, nursing homes, religious institutions, libraries, and similar uses.

(c) Noise standards for stationary noise sources.

- (1) **Noise standards.** Table 83-2 (Noise Standards for Stationary Noise Sources) describes the noise standard for emanations from a stationary noise source, as it affects adjacent properties:

Table 83-2 Noise Standards for Stationary Noise Sources		
Affected Land Uses (Receiving Noise)	7 am-10 pm Leq	10 pm-7 am Leq
Residential	55 dB(A)	45 dB(A)
Professional Services	55 dB(A)	55 dB(A)
Other Commercial	60 dB(A)	60 dB(A)
Industrial	70 dB(A)	70 dB(A)

Leq = (Equivalent Energy Level). The sound level corresponding to a steady-state sound level containing the same total energy as a time-varying signal over a given sample period, typically 1, 8 or 24 hours.

dB(A) = (A-weighted Sound Pressure Level). The sound pressure level, in decibels, as measured on a sound level meter using the A-weighting filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound, placing greater emphasis on those frequencies within the sensitivity range of the human ear.

Ldn = (Day-Night Noise Level). The average equivalent A-weighted sound level during a 24-hour day obtained by adding 10 decibels to the hourly noise levels measured during the night (from 10 pm to 7 am). In this way Ldn takes into account the lower tolerance of people for noise during nighttime periods.

- (2) **Noise limit categories.** No person shall operate or cause to be operated a source of sound at a location or allow the creation of noise on property owned, leased, occupied, or otherwise controlled by the person, which causes the noise level, when measured on another property, either incorporated or unincorporated, to exceed any one of the following:
- (A) The noise standard for the receiving land use as specified in Subsection B (Noise-impacted areas), above, for a cumulative period of more than 30 minutes in any hour.
 - (B) The noise standard plus 5 dB(A) for a cumulative period of more than 15 minutes in any hour.
 - (C) The noise standard plus 10 dB(A) for a cumulative period of more than five minutes in any hour.
 - (D) The noise standard plus 15 dB(A) for a cumulative period of more than one minute in any hour.
 - (E) The noise standard plus 20 dB(A) for any period of time.
- (d) **Noise standards for adjacent mobile noise sources.** Noise from mobile sources may affect adjacent properties adversely. When it does, the noise shall be mitigated for any new development to a level that shall not exceed the standards described in the following Table 83-3 (Noise Standards for Adjacent Mobile Noise Sources).

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

- (e) **Increases in allowable noise levels.** If the measured ambient level exceeds any of the first four noise limit categories in Subsection (d)(2), above, the allowable noise exposure standard shall be increased to reflect the ambient noise level. If the ambient noise level exceeds the fifth noise limit category in Subsection (d)(2), above, the maximum allowable noise level under this category shall be increased to reflect the maximum ambient noise level.
- (f) **Reductions in allowable noise levels.** If the alleged offense consists entirely of impact noise or simple tone noise, each of the noise levels in Table 83-2 (Noise Standards for Stationary Noise Sources) shall be reduced by 5 dB(A).
- (g) **Exempt noise.** The following sources of noise shall be exempt from the regulations of this Section:
- (1) Motor vehicles not under the control of the commercial or industrial use.

- (2) Emergency equipment, vehicles, and devices.
- (3) Temporary construction, maintenance, repair, or demolition activities between 7:00 a.m. and 7:00 p.m., except Sundays and Federal holidays.
- (h) **Noise standards for other structures.** All other structures shall be sound attenuated against the combined input of all present and projected exterior noise to not exceed the criteria.

Typical Uses	12-Hour Equivalent Sound Level (Interior) in dBA Ldn
Educational, institutions, libraries, meeting facilities, etc.	45
General office, reception, etc.	50
Retail stores, restaurants, etc.	55
Other areas for manufacturing, assembly, testing, warehousing, etc.	65

In addition, the average of the maximum levels on the loudest of intrusive sounds occurring during a 24-hour period shall not exceed 65 dBA interior.

Adopted Ordinance 4011 (2007)

83.01.090 Vibration

- (a) **Vibration standard.** No ground vibration shall be allowed that can be felt without the aid of instruments at or beyond the lot line, nor shall any vibration be allowed which produces a particle velocity greater than or equal to two-tenths (0.2) inches per second measured at or beyond the lot line.
- (b) **Vibration measurement.** Vibration velocity shall be measured with a seismograph or other instrument capable of measuring and recording displacement and frequency, particle velocity, or acceleration. Readings shall be made at points of maximum vibration along any lot line next to a parcel within a residential, commercial and industrial land use zoning district.
- (c) **Exempt vibrations.** The following sources of vibration shall be exempt from the regulations of this Section.
- (1) Motor vehicles not under the control of the subject use.

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

Adopted Ordinance 4011 (2007)

83.01.100 Waste Disposal

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

Adopted Ordinance 4011 (2007)

THIS SPACE INTENTIONALLY LEFT BLANK.