

## TITLE 9

### **DIVISION 4: SIGNS, PARKING, FENCE, HOME OCCUPATIONS, ACCESSORY DWELLING UNITS AND CANNABIS & INDUSTRIAL HEMP OPERATIONS**

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#### **CHAPTER 1: SIGNS**

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#### **§ 90401.00 PURPOSE/APPLICATION**

The purpose and intent of this Chapter is to provide and promote for the orderly and attractive construction, placement, and display of signs throughout the County of Imperial. It is the policy of the County of Imperial that the primary purpose of signs is for identification and public information. All signs shall be located on the property on which they are advertising unless otherwise specified. Signs that cause a distraction and present potential safety hazards, as well as, aesthetic problems or public nuisance problems are discouraged and/or prohibited. The provisions of this Chapter serve as specific development standards to be applied in addition to the sign codes required under the building construction provisions.

#### **§ 90401.01 DESIGN AND DEVELOPMENT STANDARDS FOR MONUMENT SIGNS**

Freestanding monument signs shall comply with all of the following standards.

- A. No monument sign shall be located within the existing road right-of-way or designated future road right-of-way.
- B. The maximum area of the sign shall not exceed 48 square feet per side.

- C. The maximum height of a monument sign shall not exceed six feet (6') above ground level, measured within radius of thirty feet (30') from the center of the sign.
- D. The monument sign shall be a minimum of ten feet (10') from any common property line, they shall be no closer than twenty feet (20') on center on any property or between properties.
- E. Lighting of monument signs shall be arranged and installed as not to produce glare on other properties in the vicinity or upon the adjacent highway.
- F. Monument signs shall be no closer than five feet (5') to a public right-of-way.
- G. Monument signs shall be constructed of durable materials and maintained in an aesthetic acceptable fashion.

**§ 90401.02 DESIGN AND DEVELOPMENT STANDARDS FOR POLE SIGNS**

Free standing pole signs (single, double or triple poles) shall comply with the following standards.

- A. The maximum area of the sign shall not exceed 200 square feet per side.
- B. Pole signs shall be located so that no part of the sign extends into or beyond any existing street right-of-way or any proposed street right-of-way.
- C. The maximum height of a pole sign shall not exceed twenty-four feet (24') to the top of the sign.
- D. Pole signs shall be a minimum of ten feet (10') from any side yard common property line and shall be a minimum of forty feet (40') on center, if on the same property or between properties.
- E. Lighting of pole signs shall be arranged so as not to produce glare on other adjacent properties in the vicinity or upon adjacent highways.
- F. Pole signs shall be at least three feet (3') back from public right-of-way lines.
- G. Pole signs shall be erected to withstand a minimum of 110 mile an hour wind velocities and meet all CBC requirements.

**§ 90401.03 DESIGN AND DEVELOPMENT STANDARDS FOR SIGNS ATTACHED TO BUILDINGS**

Signs attached to a building, not residential, or wall shall comply with all of the following standards.

- A. All signs attached to a building or a wall shall be attached flat against the building or wall and parallel thereto and shall not extend more than eighteen inches (18") from the surface of the building/wall. Exceptions to this provision are as follows:
  - 1. Signs may be mounted below the soffit of a canopy, or over-hang or below a porch and may be perpendicular to the building provided that they do not exceed twelve inches (12") above the soffit or beam and maintain a minimum of eight foot (8') vertical clearance above any travel way, corridor, exit or court.
  - 2. Signs may be attached to a building above the wall or parapet provided the sign does not exceed four feet (4') in height, and does not exceed height limitations set forth elsewhere in this Title and does not contribute to the roof loading.
- B. Lighting of signs attached to buildings shall be arranged as not to produce glare on adjacent properties in the vicinity and the source of light shall not be visible from adjacent property or public street.

- C. The maximum area of the primary sign shall not exceed 100 square feet per side which include company logos.
- D. The maximum area of the secondary signs (sides & rear of building) shall not exceed 60 square feet per side which include company logos.

**§ 90401.04 DESIGN AND DEVELOPMENT STANDARDS FOR OFF-SITE ADVERTISING SIGNS (BILLBOARDS)**

Off-site advertising signs shall comply with all of the following standards.

- A. The total area of any side of any off-site advertising sign (billboard) shall not exceed 700 square feet. Nor shall the sign exceed a length of fifty feet (50'). In no case shall the square footage exceed the amounts specified by the sign regulation of the zone within which the sign is to be located.
- B. Each off-site advertising sign shall be located no less than 500 feet from any other off-site advertising sign located on the same side of the street or highway. No off-site advertising sign shall be located within 1320 feet of the business or activity, which it advertises. No off-site advertising sign may be located closer than twenty-five feet (25') from any other sign. No off-site advertising sign may be located closer than ten feet (10') from any public street or right-of-way.
- C. No part of an advertising sign shall be located within an existing right-of-way or proposed street right-of-way.
- D. Maximum height for off-site advertising signs shall be 30 feet to the top of the sign.
- E. Lighting of off-site advertising shall be arranged as not to produce glare on adjacent properties in the vicinity. The source of lighting shall not be visible from the adjacent property or public street and the lighting shall not cause glare or nuisance to adjacent street or highway traffic.
- F. Off-site advertising signs shall not be located along State, Federal or County highways, which either do not permit such signs or are regulated by another regulatory agency.
- G. Off-site advertising signs shall be installed according to the California Sign Code requirements.

**§ 90401.05 DESIGN AND DEVELOPMENT STANDARDS FOR TEMPORARY REAL ESTATE SIGNS**

Temporary real estate signs advertising a particular property on which the sign is located shall comply with the following standards.

- A. Not more than one (temporary real estate sign) shall be placed on any lot, parcel or section of land provided, however auxiliary rider signs may be allowed if attached to the same sign support and further provide that where a lot is bounded by more than one street, one sign with an auxiliary rider may be located along each street frontage.
- B. Temporary real estate signs shall not be illuminated.
- C. Temporary real estate signs shall be minimum of ten feet (10') from any street right-of-way or proposed street right-of-way or property line.
- D. If attached to a building a temporary real estate sign shall not extend above the roofline or the parapet wall of the building.
- E. If free standing, a temporary real estate sign shall not exceed eight feet (8') in height to the top of the sign.

- F. This section does not apply and shall not restrict the number of or size of temporary real estate signs erected outdoors within a courtyard, or mall space below the height of the enclosed building or within buildable areas or within display windows of existing buildings.
- G. This section shall not apply to temporary portable directional real estate signs used in conjunction with open house, real estate sales activity, provided that each portable directional sign not exceed nine square feet (9'), including the support and does not exceed the height of five feet (5') and is not located within any street right-of-way.
- H. All real estate signs shall be removed from the premises within fifteen (15) days after sale of the property or immediately upon being leased.

**§ 90401.06 DESIGN AND DEVELOPMENT STANDARDS FOR TEMPORARY SUBDIVISION SIGNS**

Temporary subdivision signs shall comply with the following standards:

- A. Temporary directional subdivision signs shall comply with the following:
  - 1. The sign shall be located at primary streets providing directions to the subdivision.
  - 2. Each sign shall not exceed five feet (5') in height and twenty-four square feet (24') in area.
  - 3. Temporary directional signs shall not be lit.
  - 4. Temporary directional signs shall be located a minimum of three feet (3') back from any street right-of-way or proposed street right-of-way.
- B. On-site subdivision signs shall comply with the following standards:
  - 1. The sign shall be located at primary entrance to the subdivision or entrance to or at the model homes.
  - 2. Each sign shall not exceed six feet (6') in height and shall not exceed thirty-two square feet (32') in area.
  - 3. Subdivision signs shall not be lit.

**§ 90401.07 DESIGN AND DEVELOPMENT STANDARDS FOR PERMANENT SUBDIVISION AREA SIGNS**

The permanent identification signs including signs for the identification of the subdivision, a mobile home park, an apartment, a townhouse, condominium, or any other residential development project shall comply with the following standards:

- A. Permanent subdivision identification signs may be either attached to an entrance fence or structure or be a monument sign. The sign shall not exceed four feet (4') in height, and thirty-two square feet (32') in size and shall be located in a maintained landscaped area on the parcel for which the advertising is intended.
- B. The sign shall not be illuminated, except for low silhouette spot lighting that does not create glare to adjoining properties or adjacent streets.
- C. The design and materials sign shall be approved by the Planning & Development Services Department Director prior to construction and shall meet all UBC requirements.

**§ 90401.08 DESIGN AND DEVELOPMENT STANDARDS FOR TEMPORARY CONSTRUCTION SIGNS**

Where building is under construction, temporary signs may be erected to identify the project owner, applicant, architect, landscape architect, contractor, builder, proposed business, lender, etc., provided that the following standards are met:

- A. There shall be no more than three (3) temporary construction signs per project.
- B. Each sign shall not exceed thirty-two square feet (32') in area.
- C. The signs shall not be illuminated.
- D. If attached to a building the signs shall not exceed above the roof line or parapet wall and if free standing the maximum height shall not exceed eight feet (8').
- E. The signs shall be stationary.
- F. The signs shall be removed within ten (10) days from final inspection date.

**§ 90401.09 DESIGN AND DEVELOPMENT STANDARDS FOR TEMPORARY CAMPAIGN SIGNS**

Temporary political, religious or civic campaign signs may be erected for a period of not to exceed 120 days and shall comply with the following standards:

- A. All signs shall be removed within 15 days following the conclusion of the campaign (Election Day).
- B. In residential areas each sign shall not exceed twenty square feet (20') in area or a height of six feet (6').
- C. Any sign still remaining twenty (20) days after the end of the campaign shall be subject to a \$50.00 fine per day.
- D. These signs shall not be located at road intersections in a manner that obstructs visibility to the motoring public or be a distraction to the vehicle operator.

**§ 90401.10 DESIGN AND DEVELOPMENT STANDARDS FOR AGRICULTURAL SIGNS**

Agricultural signs advertising agricultural products that are raised or produced on subject property may be erected in all agricultural zoned areas, provided they comply with the following standards:

- A. There shall not be more than one (1) agricultural sign per legal lot, however, if the lot or acreage fronts on more than one (1) highway, one sign shall be permitted along each such highway.
- B. The sign shall not exceed sixteen square feet (16') in area, for parcels less than ten (10) acres and twenty-four square feet (24') for all other acreage. No sign shall exceed eight feet (8') in height.
- C. The sign shall be a minimum of ten feet (10') from any street or proposed street right-of-way.
- D. The sign shall not be illuminated.
- E. The sign shall be stationary.
- F. The sign shall not be for off-site advertising use.

§ **90401.11 DESIGN AND DEVELOPMENT STANDARDS FOR AGRICULTURAL INDUSTRY SIGNS**

A sign identifying agricultural industry as located on subject property may be erected in all agricultural zoned areas, provided they comply with the following standards:

- A. There shall not be more than two (2) agricultural industrial signs per legal lot.
- B. Each sign shall not exceed 48 square feet in area, nor exceed 20 feet in height.
- C. The sign shall be a minimum of ten feet from any street or road right-of-way.
- D. The sign shall not be illuminated.
- E. The sign shall be stationary.
- F. The sign shall not be for off-site advertising use.

§ **90401.12 DESIGN AND DEVELOPMENT STANDARD FOR INSTITUTIONAL IDENTIFICATION SIGNS**

Signs that identify churches, public and private schools, colleges, hospitals, universities, fraternal, benevolent or social service organizations, located on the same property shall comply with the following standards. When such institutions are located in a commercial zone the sign regulations application to the commercial zone district shall apply.

- A. There shall be not more than two (2) institutional identification signs per street frontage per legal lot and shall not exceed a total of six (6) signs on any single lot.
- B. Each sign shall not exceed forty-eight square feet (48') in area.
- C. Signs shall not extend into any existing or proposed road or street right-of-way.
- D. Free standing signs shall not exceed eight feet (8') in height. Signs attached to buildings shall not exceed above the roof line or parapet wall.
- E. All signs shall be stationary.
- F. Lighting of institutional identifications signs shall be indirect, non-flashing, and shall not produce light or glare onto adjoining properties or adjacent roadways.
- G. Generally recognized and accepted religious symbols that are free standing or attached as part of the church or part of the freestanding sign are exempt.

§ **90401.13 EXEMPT SIGNS**

The following signs except as provided elsewhere in this Title or in other State or Federal laws are exempt from the provisions of this Chapter.

- A. Highway directional signs installed, maintained by appropriate public agency.
- B. Railroad signal signs.
- C. Signs prohibiting trespassing and hunting.
- D. Warning signs required by law or erected by public agencies.

- E. Utility company signs identifying cables, conduits or hazards.
- F. Public notices and announcements authorized by courts and/or public officials.
- G. Advertising signs on buses, taxis, or other vehicles.
- H. Signs attached to bus stops, bus shelters, or kiosks.
- I. Signs on operational and registered automobiles and trucks that are painted on or attached flat against the vehicle to advertise the associated business, provided that the vehicle is primarily used for the business. The parking of vehicles in a manner that creates a billboard is prohibited.
- J. Window display signs.
- K. Signs that are painted and/or attached to the windshield of a vehicle, or boat.
- L. Public telephone identification signs.
- M. Signs of an instructive nature or which include information required by a county, state or federal enforcement agency, including telephone booth, gas pump instruction, instruction for recreational vehicle dump stations, brake and smog certification, restroom identification, and the like.
- N. Signs erected within enclosed buildings or malls.
- O. Signs erected outdoors within courtyards and malls below the height of the enclosed buildings within buildable portions of the building.
- P. Direction warning or identification signs for patrolling and drilling, geothermal drilling, and excavation activities.
- Q. Residential name and address signs not exceeding three square feet (3') in area.

**§ 90401.14 PROHIBITED SIGNS**

The following signs are prohibited in all zones, unless specifically designated within the zone.

- A. Site affixed or stationary signs which mechanically rotate or move.
- B. Any sign displaying any obscene, indecent or immoral material.
- C. Advertising signs that include the words stop, look and listen, or any other word phrases symbol, light, motion, sound, fume, mist, or substance that may interfere, mislead or confuse a driving public.
- D. Signs extending above roofs and roof signs except where specific provided within the provisions of this chapter.
- E. Signs projecting from the building, except for where specifically provided for within this Chapter.
- F. Wind activated signs.
- G. Any advertising device attached to a building, fence, pole or structure or vehicle, on display not specifically authorized by this Chapter.

§ **90401.15 SPECIAL SIGN PROVISIONS**

- A. An electronic time and temperature sign as part of an approved on-site advertising sign is permitted as regulated by this Division.
- B. Exit, entrance and other on-site traffic and directional signs are permitted provided the signs do not exceed six feet (6') in height and contain no advertising message, other than directional instructions.
- C. Illuminated signs in storefront glazing visible for public street shall be considered signs and complies with this requirement.
- D. Special signing required for drive-in windows, drive through restaurants, drive through banks or similar businesses are allowed, provided a sign is necessary for the information, instruction or direction.
- E. Signs for uses approved in conjunction with conditional use permits shall be as specified in the conditions of approval for that permit.
- F. All digital signs, also known as changeable electronic variable message signs, will require a Conditional Use Permit.
- G. Any deviation from the sign code will require a Conditional Use Permit.

§ **90401.16 DESIGN AND DEVELOPMENT STANDARDS FOR WIND-FEATHERED BANNER FLAG SIGNS (FEATHER SIGNS)**

Temporary Wind-feather banner flag signs are portable signs that advertise business name, logo, and business colors or associated message and shall comply with the following standards:

- A. Feather signs shall **ONLY** advertise messages related to the associated business and are consistent with other requirements in this Ordinance.
- B. No Feather sign (temporary sign) shall be used until a permanent sign is permitted.
- C. The signs area shall not exceed twenty-five square feet (20 ft<sup>2</sup>);
  - 1. Fabrics width shall not exceed thirty inches (30").
- D. The sign shall not exceed ten feet (10') in height.
- E. Feather signs shall not be permanently fastened directly onto the roof/rooftops or exterior wall or face of any building or structure. All signs shall be ground mounted.
- F. The signs and pole shall be maintained in good conditions at all times, and nothing shall be added to the sign or pole, such as balloons or streamers.
- G. Feather signs shall only be allowed in the High Density Residential R-3, R-4, Commercial Zones C-1, C-2, C-3 and Industrial Zones M-1, M-2 and M-3.
- H. Feather signs shall only be allowed on the Frontage of Property and must be set back at least 5' feet from the property line, 5' from the property line of an adjacent property and 15' feet from the property line on corner lots.

§ **90401.17 NON-CONFORMING SIGNS**

Non-conforming signs shall be subject to the requirements of Section 90105.06.



§ 90401.18 ILLUSTRATIONS

The following drawings are intended as illustrations to further explain the intent of this chapter.

**ILLUSTRATIONS ONLY**

(FOR FUTURE USE)

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**TITLE 9**

**DIVISION 4: SIGNS, PARKING, FENCE, HOME OCCUPATIONS, ACCESSORY DWELLING UNITS AND CANNABIS & INDUSTRIAL HEMP OPERATIONS**

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**CHAPTER 2: OFF-STREET PARKING**

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- § 90402.02 CALCULATIONS
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- § 90402.04 UNLISTED USE
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**§ 90402.00 PURPOSE/APPLICATION**

The purpose of this Chapter is to reduce street congestion, promote safety, and provide for the convenience of the residents of the County by requiring provisions for adequate and well-designed parking in conjunction with the land use.

Parking required by this Title shall be provided at the time that any building or structure is erected, altered or enlarged, or a use is established, changed or expanded. Development involving individual or cumulative expansion in excess of forty percent (40%) or more of the existing use on the effective date of this Title shall comply with off-street parking requirements of this Chapter. [The forty- percent (40%) shall be applicable to valuation, size, volume, height, or any combination.]

The standards provided in this Chapter are deemed to be the minimum standards.

**§ 90402.01 REQUIRED PARKING SPACES**

Uses permitted by this Division shall provide off-street parking spaces according to the following schedule.

**A. Residential uses:**

1. Single-family dwelling, a duplex dwelling, a condominium, or a mobile home (manufactured) unit with three (3) bedrooms or less shall provide two (2)-parking spaces per unit. Units with more than three (3) bedrooms shall provide one-half (.5) parking spaces for each bedroom in excess of three (3) bedrooms per unit.
2. For multi-family projects, one guest space for every five (5) units in addition to the minimum under A-1.
3. For Accessory Dwelling Units, zero to one (1) bedroom dwelling units shall provide one (1) parking space. For Accessory Dwelling Units with two (2) or more bedrooms, parking requirements stated in Section 90402.01 A-1 (above) apply. Parking may be provided as tandem parking, on an existing driveway.

Exemptions:

Parking standards shall not be imposed for an Accessory Dwelling Unit in any one of the following instances (must provide proof) if the accessory dwelling unit:

- a) Is located within one-half mile of public transit
- b) Is located within an architecturally and historically significant historic district.
- c) Is part of the existing primary residence or an existing accessory structure.
- d) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
- e) When there is a car share vehicle located within one block of the accessory dwelling unit.

(Note: For purpose of this section, a room such as a den, study, library, sewing room, hobby room, work room or similar room shall be considered a bedroom.)

4. Junior accessory dwelling units shall not require parking as a condition to grant a permit.
- B. Boarding houses, rooming houses, residential hotels, fraternity or sorority houses, dormitories, or similar uses shall provide one (1) parking space per bedroom.
- C. Mobile home park:
1. Each park space shall provide two (2) parking spaces per mobile home,
  2. One (1) guest parking space for every five-(5) mobile home spaces within said park shall be provided.
- D. Retirement or rest homes, shall provide one (1) space per three residential bed spaces or bedrooms.
- E. Recreation, entertainment and tourism facilities.
1. Bowling alley, four (4) spaces per lane, or one (1) for every 500 square feet whichever is greater.
  2. Dance hall, ballroom, discotheque, one (1) per thirty square feet (30') of gross building area.
  3. A country club shall provide the cumulative combination of spaces required for the various uses within a country club, or one (1) per 50 square feet of building area.
  4. Equestrian establishment, requires parking plan review by Planning Department.
  5. Hotel or motel, one (1) space per room, plus two (2) spaces for a manager's quarters, plus one (1) space for every 1000 square feet of gross building area for general public parking. If hotel provides meeting room accommodations, parking as determined by Planning & Development Services Department shall be provided.
  6. Golf course, five (5) spaces per hole.
  7. Golf driving range, one (1) per tee.
  8. Miniature golf course, three (3) per hole.
  9. Movie theater, one (1) per two (2) seats.

10. Pool and billiard parlors, three (3) per pool or billiard table, or one (1) per 100 square feet of building area.
11. Shooting range or gun club, one (1) per member or one (1) per shooting station.
12. Swimming pools, one (1) per 100 square feet of pool and deck area.
13. Sports arena, one (1) per three seats.
14. Tennis club, health club, one (1) per 100 square feet of indoor recreational area, plus two (2) per tennis or racquet ball court.
15. Video game arcades, one (1) per 100 square feet of gross building area.

F. Office/Business:

1. Business facility or professional offices, one (1) per 250 square feet of gross building area.
2. Financial institutions including banks, savings and loans, credit unions, etc., one (1) per 200 square feet of gross building area.
3. Medical or dental office, veterinarian office, clinics, etc., one (1) per 200 square feet of gross building area.

G. General retail sales.

1. General retail, one (1) per 250 square feet of gross building area.
2. Furniture store, one (1) per 500 square feet of gross building area.
3. Nursery, one (1) per 250 square feet of indoor display area and one (1) per 2000 square feet of outdoor sales area.
4. Automobile sales, one (1) per 10,000 square feet of sales area plus one (1) per 250 square feet of office area.
5. Heavy equipment, recreational vehicle truck sales, one (1) per 2500 square feet of sales area plus one per 250 square feet of office area.
6. Restaurants, cafes, coffee shops, one (1) per 100 square feet of gross building area.
7. Fast food restaurants, one (1) per 75 square feet of gross building area.
8. Bars, taverns, cocktail lounges, one (1) per 75 square feet of gross building area.

H. Service facilities.

1. Auto repair, tire sales, and service establishments, one (1) per 300 square feet of gross building area.
2. Automobile service stations, one (1) per 300 square feet of gross building area.
3. Barber and beauty shops, one (1) per 100 square feet of gross building area.
4. Equipment rental facilities, one (1) per 1500 square feet of display and storage area, plus one (1) per 250 square feet of office area.

5. Laundromat, self-service type, one (1) per three washing machine spaces.
  6. Mortuaries or funeral parlors, one (1) per three seats.
- I. Industrial uses:
1. Manufacturing or the assembly facilities, one (1) per 500 square feet of gross floor area and one (1) per 250 square feet of gross office area.
  2. Contractor's storage yards, one (1) per 3000 square feet of lot area.
  3. Warehouse or wholesale distribution facilities, one (1) per 1000 square feet of storage area, plus one (1) per 250 square feet of office area.
- J. Institutional uses:
1. Cemetery, one (1) per three seats in the chapel, plus one (1) per 250 square feet of office area, plus two (2) per 5 acres.
  2. Church, one (1) per three seats affixed, or one (1) per 50 square feet of gross building area.
  3. Auditorium, one (1) per two seats.
  4. Convalescent hospitals are sanitariums, one (1) per 5 patient beds.
  5. Hospitals, one (1) per two patient beds.
- K. Educational and institutional schools.
1. Pre-schools, one (1) per six students for which the facility is licensed, plus one (1) per employee, plus three (3) additional spaces.
  2. Elementary and junior high schools, one (1) per employee, plus one (1) per ten (10) students.
  3. High school, one (1) per employee, plus one (1) per ten (10) students.
  4. College, business schools, trade schools, one (1) per employee plus one (1) per two (2) students.
  5. Child care center, one (1) per six (6) children, which the facility is licensed, plus one (1) per employee, plus two (2) additional spaces.

**§ 90402.02 CALCULATIONS**

If the calculation of parking needs results in the requirement for a fraction of a parking space, in excess of .45 an additional space is required. (Does not apply to **§90402.01 A**)

**§ 90402.03 FLOOR AREA**

Floor area shall mean gross floor area unless specified otherwise within this Title.

§ **90402.04 UNLISTED USE**

Where a proposed use is not listed within this Chapter, the Planning & Development Services Department shall determine the parking needs based on the list of uses, which most nearly resemble the proposed use. The Department may use national or state standards or guidelines for determining parking needs.

§ **90402.05 SEATING CALCULATION**

Where parking requirements are based on the number of seats, eighteen inches (18") per pew or bench seating shall be equivalent to one seat.

§ **90402.06 SEATING WHERE NO FIXED SEATING IS PROVIDED**

Seven (7) square feet of floor area shall be equivalent of one seat for concentrated use. Fifteen-(15) square feet floor area shall be equivalent of one seat for non-concentrated use. The calculation is per the California Building Code.

§ **90402.07 PARKING SPACE DIMENSIONS**

All parking spaces shall be a minimum of nine feet (9') in width and twenty feet (20') in length. Handicapped automobile parking spaces shall comply with the requirements of Chapter 2-71, Title 24, California Code of Regulations.

§ **90402.08 COMPACT CAR PARKING**

Up to ten percent (10%) of the spaces required for a facility (provided that the facility has more than ten (10) spaces), may be designated for compact cars. Compact car size spaces shall not be less than eight feet (8') in width and eighteen feet (18') in length.

§ **90402.09 HANDICAPPED PARKING**

All handicapped parking spaces and access areas between handicapped parking spaces and primary entrances of associated buildings or facilities shall be surfaced in a manner to facilitate wheel chair use.

§ **90402.10 OFF-STREET LOADING SPACE**

In addition to any automobile parking required by this Chapter, for every building or facility occupied by a manufacturing, storage, warehouse, wholesale, retail store, market, passenger terminal, theater, hotel/motel restaurant, hospital, laundry, dry cleaning plant or other similar use, requiring receipt of or the distribution of vehicle or merchandise, adequate space for loading and unloading shall be provided and maintained on the same lot. Where a facility requires large vehicle (semi truck/trailer) deliveries, designated loading and unloading provisions shall be made and reviewed and approved by the Department of Public Works.

§ **90402.11 LOCATION OF PARKING**

A. Residential

1. Required residential off-street parking space(s) shall be located on the premises that they are intended to serve.
2. Parking shall not be located within the front yard setback area. (Accessory Dwelling Units are exempt. These spaces may be provided as tandem parking on an existing driveway. Off-street parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction).

3. Required spaces shall not be eliminated unless alternate spaces are provided.

B. Non-Residential

1. Off-street parking for other than residential uses shall be located on the same premise as the use it is intended to serve or within 300 feet thereof. Where required parking is provided on a site other than on the principle use site, the other site shall likewise be owned by the same property owner and said owner shall file an agreement with the County of Imperial (Planning & Development Services Department) to provide for the maintenance of the parking facility as long as the associated principle use is maintained. Said agreement shall be recorded against said property. In the event that the adjoining property is owned by other than the principle owner, for which the parking is required, an agreement by the owner of record of said parcel shall be filed with the Planning Department, and be recorded designating the lot as a parking facility for the adjacent use for as long as the associated use is maintained.

**§ 90402.12 JOINT USE PARKING AREAS**

If a parking area accommodates more than one use, off-street parking shall be provided in an amount equal to the total number of spaces required for the separate uses in accordance with this Chapter.

**§ 90402.13 PARKING AREA DESIGN AND DEVELOPMENT STANDARDS**

Off-street parking areas required to be provided by this Chapter shall be designed and developed in accordance with the following standards:

- A. All off-street parking areas, as well as, ingress and egress areas to parking areas shall be surfaced with the following materials.

For all multi-family residential, recreational, entertainment, and tourist facilities, commercial, industrial, and institutional and other high-density uses, parking areas shall be surfaced with one of the following materials, on top of a properly prepared base.

1. Three inches (3") of asphaltic concrete
2. Three and one-half inches (3 1/2") of Portland cement concrete.

- B. For all other uses, except as specified above, the parking area shall be surfaced with one of the following materials.

1. Three inches (3") of bituminous road mix
2. Three inches (3") of asphaltic concrete
3. Three and one-half inches (3 1/2") of Portland cement concrete.
4. Three inches (3") of decomposed granite
5. Three inches (3") of gravel.

- C. A private drive-way or parking area serving a single family residential dwelling is exempt from the paving requirements specified within this section, and provided further that it is not a requirement of another agency, such as Air Pollution Control District or by Public Works.

- D. In the case of uses subject to discretionary approvals, the required parking spaces shall be surfaced with materials and to the standards specified in accordance with the conditions of approval, notwithstanding this Chapter.

- E. All parking spaces shall be clearly marked and/or striped.

F. Parking aisles shall comply with the following minimum standards.

| <b><u>Arrangement</u></b>         | <b><u>Minimum Aisle Width</u></b> |
|-----------------------------------|-----------------------------------|
| 30 Degrees Single Row             | 12 feet                           |
| 45 Degrees Single or Multiple Row | 15 feet                           |
| 60 Degrees Single or Multiple Row | 20 feet                           |
| 90 Degrees Single or Multiple Row | 25 feet                           |

G. Off-street parking facilities shall be designed so that each space can function independently of any other parking space. Tandem parking may be allowed in residential zones only when a minimum of 3 off street parking spaces are provided.

H. Private driveways for residential development on same lot shall be a minimum of fourteen feet (14') in width, with fifteen feet (15') of unobstructed vertical clearance. Driveways for commercial and industrial development shall be a minimum of twenty feet (20') in width with a minimum of eighteen feet (18') unobstructed vertical clearance. These requirements may be reduced by the mutual approval of the Planning Director and the Director of Public Works.

I. No parking space shall be designed to require backing into a street or right-of-way.

J. In no case shall any parking intended to meet off-street parking requirement be located within an existing right-of-way, proposed secondary or major highway or within an adopted official or specific plan line, setback area or lot line.

K. All parking lots shall meet landscaping requirements in Division 3.

L. Lights used to illuminate parking areas shall be directed away from any adjacent properties and streets.

M. Design and Development Standards for EV Charging Spaces

1. Residential Standards

a. SFD/Duplex

- i. EVCS spaces shall be protected adequately to prevent damage by automobiles and weather; EVCS shall be designed to be tamper-resistant for children, vandalism and theft of electricity.
- ii. EVCS spaces shall, at all times, include a complete set of instructions and warning signs posted.

b. MF Dwelling

- i. At least one (1) EVCS space shall be located in a common use area that may be accessed by any and all residents.
- ii. Any EVCS space provided shall be located adjacent to an accessible parking space or shall be located on an accessible route to the building, in accordance with State requirements.
- iii. At a minimum, EVCS spaces dimensions shall be 18 feet in length by 9 feet width (18'L x 9'W minimum).
- iv. At a minimum, one (1) 8-foot wide aisle shall be provided for every 25 EVCS spaces—with no less than 1 aisle provided.
- v. The surface slope for all EVCS spaces shall not exceed 1 unit (vertical) in 48 units (horizontal).

2. Nonresidential Standards:

- a. EVCS shall be in an easily seen location for informational and security purposes.



- b. EVCS shall be illuminated during evening business hours.
- c. EVCS shall be located in highly desirable and convenient parking locations to encourage the use of EV.
- d. EVCS shall be protected adequately to prevent automobile damage, vandalism, and weather.
- e. EVCS shall, at all times, include a complete set of instructions and warning signs posted.
- f. There shall be at least one (1) non-illuminated sign for each cluster of EVCS.
- g. Private EVCS shall be located in a manner not to allow public access to EVCS.

**§ 90402.14 OFF-STREET PARKING PLAN REVIEW**

No use shall be established or changed and no development shall occur or be expanded and no building or grading permit or business license for any use or development shall be issued until an application with a plot plan review has been submitted and approved by the Planning Department.

**§ 90402.15 APPLICATION REVIEW AND APPROVAL**

Where discretionary or ministerial approval is required for the use or uses for which parking is being provided the off-street parking plot plan application shall be reviewed and approved or denied in conjunction with that discretionary or ministerial approval process.

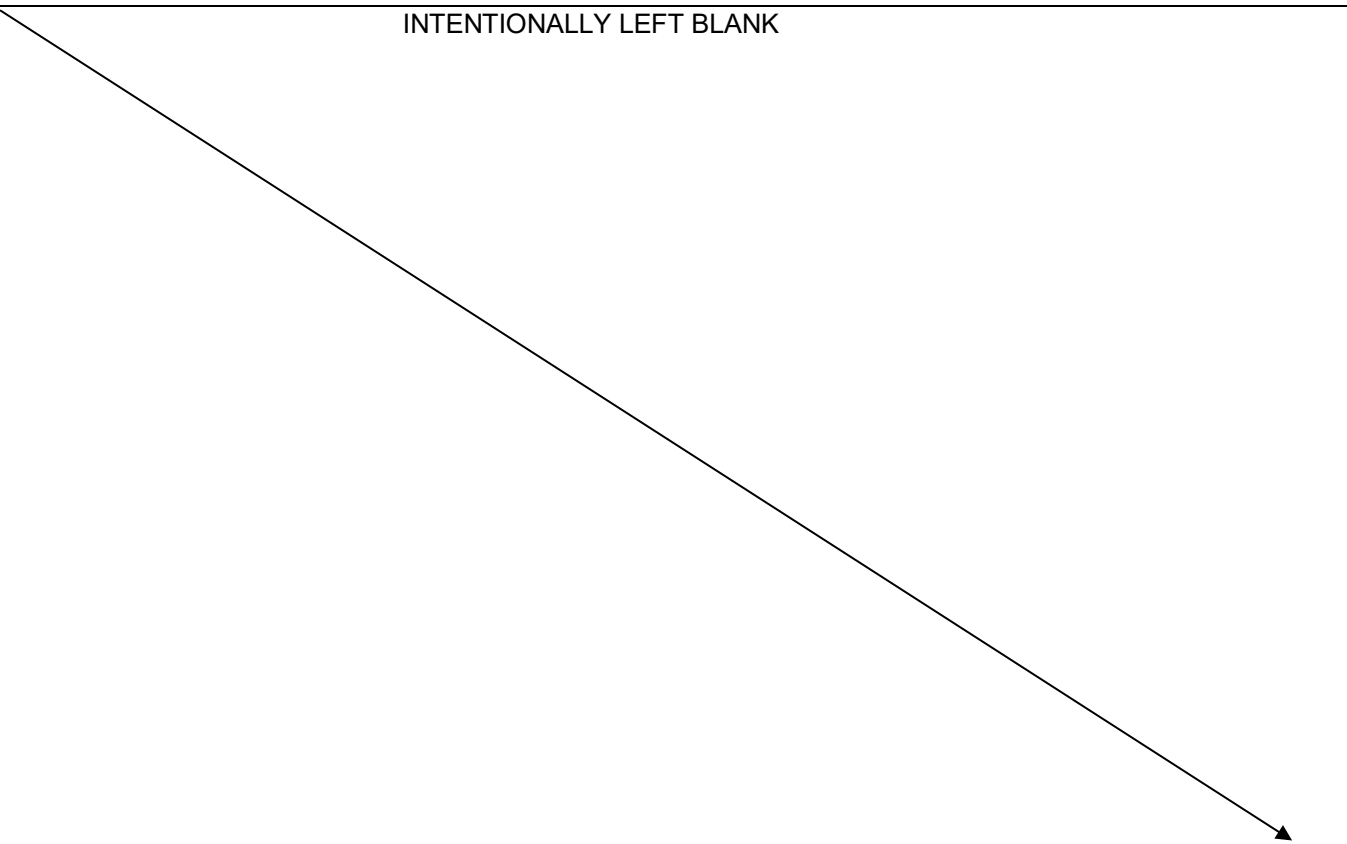
No plot plan application shall be required for lots containing only one single-family dwelling.

**§ 90402.16 ILLUSTRATIONS**

The following drawings are intended as illustrations to further explain the intent of this chapter.

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## ILLUSTRATIONS

(FOR FUTURE USE)

## **ILLUSTRATIONS**

(FOR FUTURE USE)

**TITLE 9**

**DIVISION 4: SIGNS, PARKING, FENCE, HOME OCCUPATIONS, ACCESSORY DWELLING UNITS AND CANNABIS & INDUSTRIAL HEMP OPERATIONS**

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**CHAPTER 3: FENCE**

- § 90403.00 PURPOSE
- § 90403.01 APPLICATION
- § 90403.02 PROHIBITED MATERIALS
- § 90403.03 LOCATION
- § 90403.04 CONSTRUCTION STANDARDS
- § 90403.05 PERMITS
- § 90403.06 HEIGHT LIMITS

**§ 90403.00 PURPOSE**

The purpose of this chapter is to provide standards and promote safety by requiring provisions for adequate and well-designed fence and garden walls.

**§ 90403.01 APPLICATION**

All fence and other land use separation walls or devices shall meet the regulations established by this chapter.

EXCEPTION:

The following shall not be required to obtain permits:

- A. Animal containment corrals in approved feed yards.
- B. Animal containment field fencing (temporary).
- C. Temporary security fencing for construction sites.
- D. Emergency or security fencing.
- E. Wood, stucco, wrought iron or chain link fencing less than 6' in height in any zone.

**§ 90403.02 PROHIBITED MATERIALS**

- A. Fences shall be constructed of approved "fencing" or construction materials. Materials such as tires, cans, broken glass, used car components, vehicles or other similar products are not allowed.
- B. Barbed, or razor edge wire is prohibited in all residential zones, or on property abutting residential zones.
- C. Electrified fences are prohibited in all zones except for use in animal containment in the "A" Zones, or security fencing in Federal, State or County institutions.

**§ 90403.03 LOCATION**

All fences shall be located on or within the property lines of the applicant's property. Fences on property line may be allowed if a mutual agreement by or between adjacent property owner is recorded at the County Recorder's Office. Absent an agreement between owners, the fence shall set back from property line by a minimum of 2 inches.

§ 90403.04 CONSTRUCTION STANDARDS

- A. All fences shall meet Code or accepted fence construction standards.

§ 90403.05 PERMITS

A construction permit for the placement of a fence is required for the following:

- A. Retaining walls that are over one (1) feet (914.4 mm) in height measured from natural grade to the top of the wall, or retaining walls that are supporting a sur-charge or impounding Class I, II or IIIA liquids, regardless of the height.
- B. All masonry fences in all zones that are more than four (4) feet in height, including masonry pilasters with solid grouted cells or concrete columns for wall reinforcement or support of chain link, wrought iron, etc. The construction shall follow specifications from the 2019 California Building Code adopted by the County of Imperial, and the construction shall be designed by a registered professional civil engineer or architect, licensed in the State of California. Plans, calculations and a soils report may be required.

However, even though masonry walls four (4) feet or less in height are exempt from a building permit, the construction must still comply with the minimum requirements contained in the masonry fences handout, available at the Planning & Development Services Department's Building Division, and a compliance inspection for foundation, reinforcement and final must be requested.

- C. All other fences (e.g., wood, chain-link, wrought iron, etc.) in all zones that are more than eighty-four inches (84") in height.
- D. All razor edge, or barbwire in any authorized location except where used as animal containment or in State or Federal or County approved facilities.

§ 90403.06 HEIGHT LIMIT

- A. Within any "R" Zone, or "A" Zone with primary residential use or characteristics of a residential enclave, fencing located within the required front yard setback area shall not exceed thirty (30) inches in height if obscure, or forty-eight (48) inches if translucent. Decorative ornaments up to twelve (12) inches and not exceeding the width of post will be allowed above the heights shown above in 90403.05.
- B. Within any zone on a corner parcel, the fencing if installed shall not obstruct or hinder the line of sight for traffic conditions; and shall not exceed thirty (30) inches in height.

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## TITLE 9

### **DIVISION 4: SIGNS, PARKING, FENCE, HOME OCCUPATIONS, ACCESSORY DWELLING UNITS AND CANNABIS & INDUSTRIAL HEMP OPERATIONS**

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#### **CHAPTER 4: HOME OCCUPATIONS**

|            |                                    |
|------------|------------------------------------|
| § 90404.00 | PURPOSE/APPLICATION                |
| § 90404.01 | PERMITTED HOME OCCUPATIONS         |
| § 90404.02 | HOME OCCUPATIONS PROHIBITED        |
| § 90404.03 | MINIMUM STANDARDS                  |
| § 90404.04 | HOME OCCUPATION PERMIT REQUIRED    |
| § 90404.05 | HOME OCCUPATION PERMIT APPLICATION |
| § 90404.06 | REVIEW AND APPROVAL                |
| § 90404.07 | NOTIFICATION                       |
| § 90404.08 | CONDITIONS                         |
| § 90404.09 | PERMIT REVOCATION MODIFICATION     |
| § 90404.10 | APPEAL                             |

#### **§ 90404.00 PURPOSE/APPLICATION**

The purpose of this Chapter is to establish standards for home occupations. In general, a home occupation is a residential accessory use, so located and conducted or operated that the average neighbor under normal circumstances would not be aware of its existence. The standards for home occupations in this Chapter are intended to insure compatibility where other permitted uses and most certainly with residential character of the neighborhood.

#### **§ 90404.01 PERMITTED HOME OCCUPATIONS**

Home occupations are single person (home occupant and not employee) uses that may include but are not necessarily limited to the following.

- A. Artist, sculptor, photographic studio.
- B. Architect, engineer, or other one person professional service.
- C. Author or composer.
- D. Cottage food operation (Section 114365: California Health & Safety Code)
- E. Dressmaker, seamstress or tailor.
- F. Home crafts such as model making, rug weaving, or lapidary work.
- G. Office of a minister, rabbi or a priest.
- H. Office of a salesman, sales representative, or manufacturer's representative, provided no retail or wholesale transactions are made on the premises.
- I. Office of an architect, artist, broker, consultant, engineer, instructor in the arts and crafts, insurance agent, land surveyor, musician, bookkeeper, accountant, typist, notary public, or private investigator, provided no on-site sales, limited consulting, visitation, by the public occur.
- J. Telephone answering service, (not telemarketing services).
- K. Saw sharpening service.

- L. Key and locksmith service.

**§ 90404.02 HOME OCCUPATIONS PROHIBITED**

Permitted home occupations do not and shall not be deemed to include any of the following or similar uses:

- A. Antique shop (repair or sales).
- B. Appliance repair.
- C. Barber or beauty shop.
- D. Cabinet making or woodworking
- E. Car repair or small engine repair.
- F. Day care, school or pre-school.
- G. Funeral chapel or funeral home.
- H. Gift shop.
- I. Medical or dental clinic, hospital.
- J. Renting of trailers, autos, trucks or motorcycles.
- K. Restaurant.
- L. Stable or kennel.
- M. Veterinary clinic or hospital.
- N. No cannabis manufacturing shall be allowed as a Home Occupation including, but not limited to, Cottage Food Operation and In-home Retail Sales.

**§ 90404.03 MINIMUM STANDARDS**

Home occupations shall comply with all of the following standards:

- A. The home occupation shall be conducted solely by the occupant of the residence.
- B. The home occupation shall be conducted entirely within the primary or approved secondary structure.
- C. Not more than twenty percent (20%) of the gross floor area of any residence shall be used for such purpose.
- D. A detached accessory building may be used for a home occupation activity if approved by the Planning Director.
- E. No use shall require external alterations or involve construction features or the use of electrical or mechanical equipment that would change the fire rating of the structure or the structural integrity of the structure.
- F. There shall be no outside storage of any kind relating to the home occupation.
- G. The home occupation shall be a business that can and shall be conducted by appointment only.
- H. The home occupation shall not require the services of commercial freight deliveries other than normal postal type services.
- I. No home occupations shall create noise, dust, vibrations, smells, smoke, glare, electrical interference, fire hazard, or any other hazards or nuisance to any greater or frequent extent than that usually experienced by the average residential occupancy.
- J. There shall be no sales of products or merchandise on the premises.
- K. There shall be no sign permitted on the site indicating the service provided.

**§ 90404.04 HOME OCCUPATION PERMIT REQUIRED**

No home occupation shall be recognized or established until an application for a home occupation permit has been submitted and approved by the Planning Director.

**§ 90404.05 HOME OCCUPATION PERMIT APPLICATION**

An application for home occupation permit shall include the following:

- A. Name and address of the applicant.
- B. Name and address of the property owner(s).
- C. Assessor's Parcel Number.
- D. Description of the home occupation including:
  - 1. Trade name of business.
  - 2. Resale number, if any.
  - 3. Detail description of the proposed occupation.
  - 4. Tools, machinery, equipment required or to be used in the process of the home occupation.
  - 5. Other information determined necessary by the Planning Director.
- E. Fees for Home Occupation permit, please refer to Land Use Process Fee Schedule (Section 90901.03, "Project Not Specified")

**§ 90404.06 REVIEW AND APPROVAL**

The home occupation permit application shall be reviewed and approved or denied by the Planning Director, under the following procedures:

- A. Upon receipt of an application, the Director shall within 10 days determine if the application is complete or incomplete.
- B. Upon determining the application to be complete, and within 5 days thereafter, the Planning & Development Services Department shall send direct mail notice per Section 90404.07.
- C. If at the end of the 10-day notice period, opposition is received, the Director shall schedule a public administrative hearing and reach a determination.
- D. If at the end of the 10 day notice period, no opposition (written or verbal) has been received, the Director shall reach a determination without notice or hearing.

**§ 90404.07 NOTIFICATION**

No home occupation permit shall be issued until notice of pending permit has been issued to all property owners within 500 feet of subject property for a period of ten (10) calendar days.

**§ 90404.08 CONDITIONS**

The Director and/or the Commission may impose reasonable standards or conditions upon an approved permit, including but not limited to the following:

- A. Time limit
- B. Hours of operation
- C. Advertising restrictions
- D. Annual compliance review/report
- E. Surety, Insurance and bonds
- F. On-site area restriction



**§ 90404.09 PERMIT REVOCATION MODIFICATION**

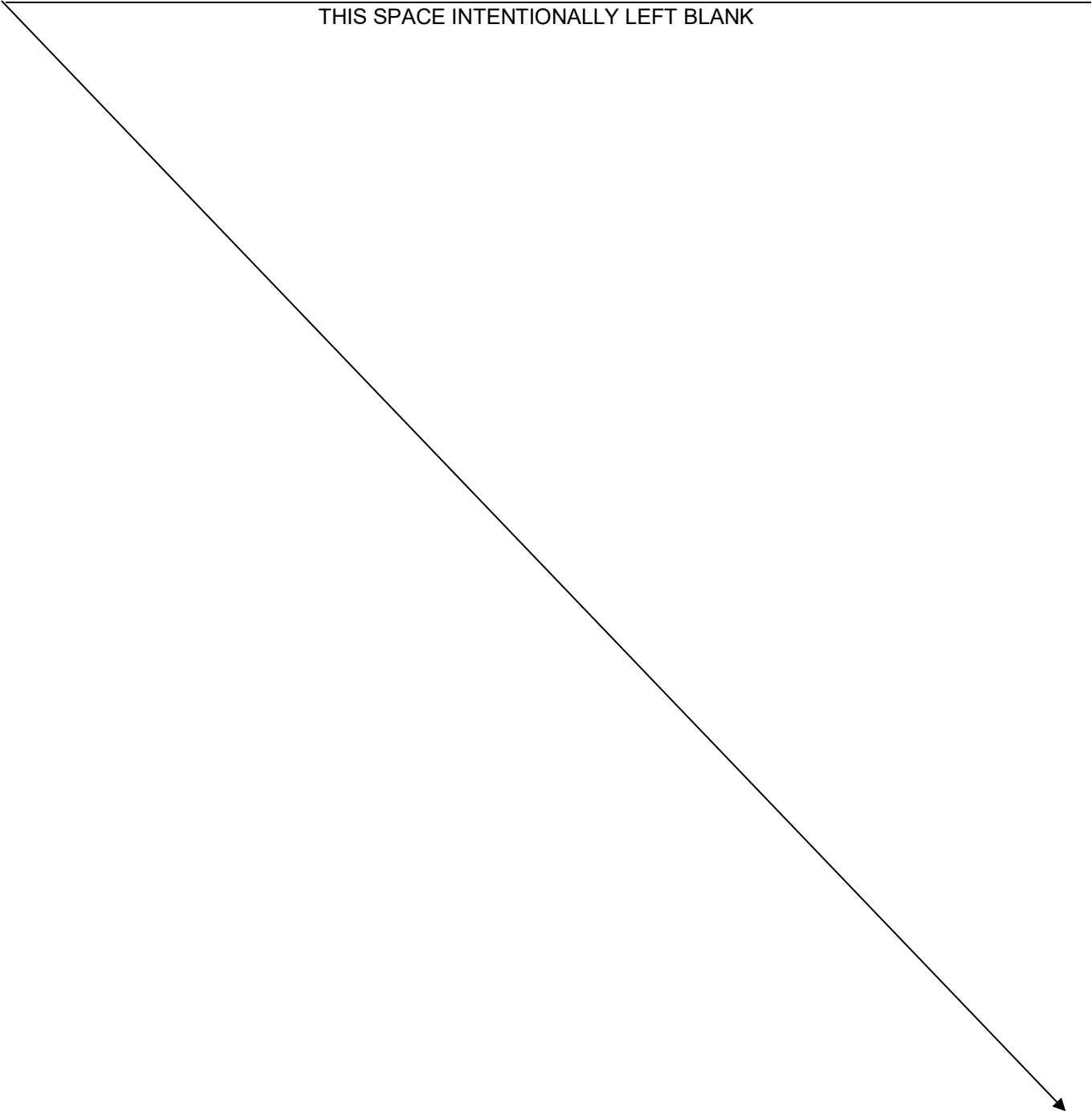
With cause, any permit issued pursuant to this Chapter may be revoked or modified by the Planning Director or the Planning Commission. "Cause" shall include, but not be limited, to a violation of the aforesaid minimum standards, and/or any conditions imposed.

**§ 90404.10 APPEAL**

An appeal of Director's decision under Section 90404.06(d) may be filed within 10 days of said decision. Said appeal must be in writing, stating the reasons for the appeal, and must include requisite fees. The Director shall schedule the appeal for the Planning Commission for which notice can be adequately provided. No appeal from the Planning Commissions determination shall be allowed.

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**TITLE 9**

**DIVISION 4: SIGNS, PARKING, FENCE, HOME OCCUPATIONS, ACCESSORY DWELLING UNITS AND CANNABIS & INDUSTRIAL HEMP OPERATIONS**

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**CHAPTER 5: ACCESSORY DWELLING UNITS**

- § 90405.00 PURPOSE
- § 90405.01 DEFINITION
- § 90405.02 CONDITIONAL USE PERMIT (REQUIRED)
- § 90405.03 ACCESSORY DWELLING UNITS
- § 90405.04 GENERAL PLAN CONSISTENCY
- § 90405.05 INFRASTRUCTURE/ SERVICE CAPACITY
- § 90405.06 STANDARDS (GENERAL)
- § 90405.07 STANDARDS (MINIMUM)
- § 90405.08 OWNER'S AFFIDAVIT
- § 90405.09 REVIEW AND APPROVAL PROCEDURE
- § 90405.10 LAND USE REVIEW FOR R-1 AND R-2 ZONED PROPERTY (NON CUP)
- § 90405.11 JUNIOR ACCESSORY DWELLING UNITS

**§ 90405.00 PURPOSE**

The purpose and intent of this Chapter is to provide by ordinance for the creation of 2<sup>nd</sup> units in single-family and multifamily residential zones, as specified. Allowing accessory dwelling units within these zones provides additional rental housing stock, and which are an essential component of the housing supply in California. Law authorizes the ordinance for the creation of accessory units to include specified provisions regarding areas where Accessory Dwelling Units may be located, standards, including the imposition of parking standards, and lot density.

**§ 90405.01 DEFINITIONS**

A. Accessory Dwelling Unit: means an attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

1. An efficiency dwelling unit as defined in Division 14 Section 91401.04
2. A manufactured home as defined in Division 14 Section 91401.12;
3. Tiny homes as defined in Division 14 Section 91401.19, as long as it complies with the Building Code.

B. 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.

C. Local Agency: means city, county or city and county whether general law or chartered (for the purpose of this section).

D. Junior Accessory Dwelling Unit: A unit that is no more than 500 square feet in size and contained entirely within an existing single-family structure. junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

E. Passageway: means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

**§ 90405.02 CONDITIONAL USE PERMIT (REQUIRED)**

The provisions of this Chapter shall be applicable to zones where residences are not the primary use, A-2, A-3, S-1 & S-2.

This Chapter does not preempt the use in any zone nor does it provide a guarantee that an Accessory Dwelling Unit (ADU) will be granted, it only provides the standards if an ADU is to be approved.

For non-residential zones C-2, C-3, M-1, M-2 AM-1 & AM-2 care takers residence, owners residence, security guard residence and managers quarters shall constitute be an Accessory Dwelling Unit to a primary use.

Exception: Notwithstanding the above, a CUP is not required for "R-1" Low Density Residential Lots, and "R-2" Medium Density Residential Lots.

**§ 90405.03 ACCESSORY DWELLING UNITS:**

Accessory Dwelling Units (ADU)'s shall comply with the following:

- A. The unit shall not be intended for sale separate from the primary residence and may be rented.
- B. The lot is zoned for single-family (R-1) or multifamily (R-2) use and contains an existing, single-family dwelling.
- C. The existing accessory dwelling unit is either attached to the existing dwelling or located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.
- D. The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square ft.
- E. The total area of floor space for the detached accessory dwelling unit shall not exceed 1,200 square feet.
- F. No passageway shall be constructed in conjunction with the construction of an accessory dwelling unit.
- G. No setback shall be required for an existing garage that is converted to an accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.
- H. Local building code requirements that apply to detached dwellings, as appropriate.
- I. Approval by the local health officer where a private sewage disposal system is being used, if required.

**§ 90405.04 GENERAL PLAN CONSISTENCY**

An Accessory Dwelling Unit may only be allowed in a specific zone if it can be found consistent with the provisions of the General Plan.

**§ 90405.05 INFRASTRUCTURE/SERVICE CAPACITY**

An Accessory Dwelling Unit shall only be allowed in a specific zone if the County finds that the required public services can be provided efficiently, effectively and safely, and further creates no adverse effect on capacity of services such as water, sewer, police and/or fire protection. The County's review of such an application shall be based on cumulative considerations.

**§ 90405.06 STANDARDS (GENERAL)**

For R-1 and R-2 Zoned Accessory Dwelling Units may only be established until an acceptable building permit application and site plan have been submitted to, and approved by County Planning & Development Services Department, as well as meeting the following development standards:

- A. meets or can meet all required setbacks for that zone
- B. provides or can provide required parking for combined total primary and ADU structure
- C. meets or can meet separation requirement for fire and safety codes
- D. has legal and physical access to public streets
- E. has or will have potable water to ADU
- F. has or will have approved sewer system or is connected to public system
- G. has adequate accessibility for fire protection

**§ 90405.07 STANDARDS (MINIMUM)**

No Accessory Dwelling Unit (ADU) may be allowed unless it complies with the following minimum standards:

- A. The lot/parcel upon which a second residential unit may be placed shall be a minimum of 9,000 net square feet in the R-1 Zone and 20,000 net square feet in the A-1, A-2 or A-3 zones.
- B. The ADU shall not exceed the allowable density of the zone in which it is to be placed.
- C. The principal dwelling on the lot shall contain a minimum gross area of at least 1000 square feet.
- D. Only one (1) ADU may be allowed per legal parcel, regardless of the zone, or size of parcel.
- E. The total square footage of floor area for the second residential unit shall not exceed the 50 percent of the square footage of the primary residence.
- F. The ADU shall contain a separate kitchen and bathroom facilities and have a separate entrance.
- G. The ADU shall comply with all development standards of the Zone within which it is to be placed, including front, rear and side yard setbacks.
- H. Off street parking for the ADU shall be provided for the Zone within which it is to be placed.
- I. The ADU shall be constructed according to the provisions of the latest adopted edition of the California Building Code, or in case of manufactured home meet the requirements of the California Code of Regulations, Title 25 (CCR).
- J. The ADU shall be constructed in such a manner as to be compatible with the existing principal dwelling unit and neighborhood in terms of design, height, material and landscaping.
- K. The ADU shall comply with applicable health and safety standards of the County of Imperial, a State of California.
- L. A mobile home or a manufactured home shall be permitted under same terms and conditions as a conventional home. The placement of a manufactured home shall not be allowed to violate CCR requirements.

**§ 90405.08 OWNER AFFIDAVIT:**

In conjunction with a County application (ministerial and/or discretionary) the property owner(s) shall submit a signed affidavit that they currently reside on the subject property and will continue to do so after the second residential unit has been placed on the said property. The property owner(s) shall supply

documented proof of residence on the property where the second residential unit is proposed to be located. Said documented proof could include such documents as a copy of a current utility bill or other document acceptable to the Planning & Development Services Department.

**§ 90405.09 REVIEW AND APPROVAL PROCEDURE:**

The property owner shall submit a completed County application (ministerial), and site plan applicable review fees. The site plan will include a parking plan and landscaping plan in accordance with Section 90302.00 and Section 90402.00.

Site Plan: Every Application for a land use permit shall include a detailed "site plan". The site plan shall include such information deemed necessary by the Planning & Development Services Department and at a minimum shall include the following:

1. All property boundary lines
2. All property boundary dimensions
3. All existing structures (below and above ground)
4. All proposed structures (below and above ground)
5. Distance from all structures to property lines and between structures
6. North orientation
7. Scale
8. Access from adjacent street/road
9. All utility locations, (i.e. electrical, plumbing)
10. Name and telephone number of person(s) preparing plan
11. Location of known hazard areas, if any
12. Assessor's Parcel Number
13. Public Use Easement, if any
14. Parking
15. Landscaping
16. Drainage

The site plan shall be drawn upon substantial paper (8½" x 11") using black ink, if 18" x 22" or larger paper plans must include at least one digital version of the plans. "Blue print", and one-piece xerox copies are acceptable. The Department shall reject any site plan that is incomplete, inaccurate, illegible or otherwise unacceptable.

**§ 90405.10 LAND USE REVIEW**

The Planning & Development Services Department will review the building permit (ministerial) application and site plan package to ensure consistency with the County General Plan and Land Use Ordinance. The department shall, within a maximum of thirty (30) days from receipt, determine whether an application is complete or incomplete.

- Any project application deemed complete shall be reviewed for compliance with the General Plan and Land Use Ordinance. If found to be inconsistent, the project will be rejected.
- Any project application deemed incomplete shall be returned to the applicant with a written letter for transmittal explaining the reasons of rejection.
- When a project application has been deemed complete and in compliance with the County General Plan and Land Use Ordinance, the project will be processed pursuant to the Sections 91001.00 through 91014.02 (building permits).

§ **90405.11 JUNIOR ACCESSORY DWELLING UNITS**

A local agency may, by ordinance, provide for the creation of junior accessory dwelling units in single-family residential zones. The ordinance, may require a permit to be obtained for the creation of a Junior Accessory Dwelling Unit.

A. There shall be no more than one dwelling unit per one residential lot zoned for single-family residences with a single family residential unit already built on it.

B. The single family dwelling shall be owner-occupied (owner may reside in either remaining portion of structure or the newly created junior accessory dwelling unit.) Owner- occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.

C. A deed restriction shall be recorded, which shall run with the land, shall be filed with the permitting agency, and shall include the following:

1. A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.
2. A restriction on the size and attributes of the junior accessory dwelling that conforms to this section.

D. A Junior accessory building must be constructed within the existing walls of the structure and require the inclusion of an existing bedroom.

E. Shall include a separate entrance from the main entrance to the structure, within an interior entry to the main living area. A permitted junior accessory dwelling may include a second interior doorway for sound attenuation.

F. Shall include an efficiency kitchen, which shall include all of the following:

1. A sink with a maximum waste line diameter of 1.5 inches.
2. A cooking facilities with appliances that do not require electrical service greater than 120 volts, or natural or propane gas.
3. A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

G. This subdivision shall not be interpreted to prohibit the requirement of an inspection, including the imposition of a fee for that inspection, to determine whether the junior accessory dwelling unit is in compliance with applicable building standards.

1. An application for a permit pursuant to this section shall, notwithstanding Sections 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, be considered ministerially, without discretionary review or a hearing. A permit shall be issued within 120 days of submission of an application for a permit pursuant to this section. A local agency may charge a fee to reimburse the local agency for costs incurred in connection with the issuance of a permit pursuant to this section.
2. For the purposes of any fire or life protection ordinance or regulation, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit. This section shall not be construed to prohibit a city, county, city and county, or other local public entity from adopting an ordinance or regulation relating to fire and life protection requirements within a single-family residence that contains a junior accessory dwelling unit so long as the ordinance or regulation applies uniformly to all single-family residences within the zone regardless of whether the single-family residence includes a junior accessory dwelling unit or not.

3. For the purposes of providing service for water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.
4. This section shall not be construed to prohibit a local agency from adopting an ordinance or regulation, related to parking or a service or a connection fee for water, sewer, or power, that applies to a single-family residence that contains a junior accessory dwelling unit, so long as that ordinance or regulation applies uniformly to all single-family residences regardless of whether the single-family residence includes a junior accessory dwelling unit.

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## TITLE 9

### **DIVISION 4: SIGNS, PARKING, FENCE, HOME OCCUPATIONS, ACCESSORY DWELLING UNITS AND CANNABIS & INDUSTRIAL HEMP OPERATIONS**

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#### **CHAPTER 6: CANNABIS & INDUSTRIAL HEMP OPERATIONS**

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#### **§ 90406.00 PURPOSE**

The purpose and intent of this Chapter is to incorporate, adopt, and regulate, where permitted, the State of California's Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) of 2017, including any amendments thereto.

#### **§ 90406.01 INTERPRETATION AND APPLICABILITY**

- A. Nothing in this Chapter is intended, nor shall it be construed, to burden any defense to criminal prosecution otherwise afforded by California Law.
- B. Nothing in the Chapter is intended, nor shall it be construed, to exempt any Cannabis or Industrial Hemp-related activity from any applicable local or state construction, environmental, electrical, plumbing, land use, labor or employment laws or any other building or land use standards or permitting requirements.
- C. Nothing in this Chapter is intended, nor shall it be construed, to make legal any Commercial Cannabis Activity that is otherwise prohibited or non-compliant under California law.
- D. All Commercial Cannabis and Industrial Hemp-related Activities within the unincorporated areas of Imperial County shall be subject to the provisions of this Chapter, regardless of whether the use existed or occurred prior to adoption of this Chapter.

#### **§ 90406.02 DEFINITIONS**

Unless otherwise specified herein, the terms used in this Chapter shall be used as defined in the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) and Title 14 of the Imperial County Codified Ordinances.

#### **§ 90406.03 PERSONAL CULTIVATION STANDARDS**

All Personal Cultivation of Cannabis shall be in accordance with MAUCRSA, California Health and Safety Code Division 10 Article 2 Section 11362.2, Title 14 of the Imperial County Codified Ordinances, and this section. Personal Cultivation of Cannabis shall be subject to the following additional restrictions:

- A. Personal Cultivation of Cannabis shall only be allowed in zones that provide for Residential Use as a primary use per Title 9 Division 5.



- B. All Personal Cultivation of Cannabis shall be conducted either inside a private residence, or within a fully enclosed and secured accessory structure located in the rear yard of a private residence that is not visible by normal unaided vision from a public place and does not exceed one hundred square feet (100 ft<sup>2</sup>).
- C. Personal growth of cannabis is limited to six plants per legal private residence.
- D. The growing area shall not impact areas that are required to satisfy parking requirement (i.e. garage) for the primary use of the lot.
- E. The maximum electrical panel for the Personal Cultivation area shall be fifty (50) amps. Except for temporary use in case of emergency power loss, the use of generators to supply power to any system or activity associated with Personal Cultivation is prohibited.
- F. Light systems used for Personal Cultivation shall not exceed two thousand (2,000) watts total, and shall be shielded, including adequate coverings on windows, so as to confine light and glare to the interior of the structure. Lighting systems shall conform to all applicable building and electrical codes.
- G. The Personal Cultivation area shall be equipped with odor control filtration and ventilation system(s) adequate to prevent odor, humidity, or mold problems on the premises and adjacent parcels.

**§ 90406.04 COMMERCIAL CANNABIS ACTIVITY ZONING**

Commercial Cannabis activities are permitted within the unincorporated areas of the County of Imperial, in accordance with the most current State and County Regulations and prescribed as follows:

- A. Cannabis Operations: All Forms (unless otherwise directed below)  
Imperial County permits commercial cannabis: including Cultivation, Nursery, Manufacturing (including processing & storage), Distribution, Testing Laboratories, and Retail (adult-use and medicinal) with Delivery within the Gateway Industrial (GI) Zone of the Gateway of the America's Specific Plan Area, the Light Industrial (MLI1) Zone of the Mesquite Lake Specific Plan (for cultivation, microbusiness and retail only), and the Medium Industrial (MLI2) and Heavy Industrial (MLI3) Zones of the Mesquite Lake Specific Plan Area.

The cultivation of commercial cannabis (non-volatile materials) is also permitted within the Government/Special Public (G/S) Zone and the Imperial Center Commercial Zone (IC CZ) of the Imperial Center Specific Plan.

- B. Cannabis Operations: Retail with Delivery (Retail Sales Only)  
Imperial County permits commercial cannabis: including, Retail with Delivery (adult-use and medicinal) within the Gateway Commercial (GC) and Gateway Central Commercial Overlay (GCCO) Zones of the Gateway of the America's Specific Plan Area, as well as the Light Industrial (MLI1), Medium Industrial (MLI2) and Heavy Industrial (MLI3) Zones of the Mesquite Lake Specific Plan Area and within the Imperial Center Commercial Zone (IC CZ) of the Imperial Center Specific Plan.

**§ 90406.05 COMMERCIAL CANNABIS ZONING (Conditional Use Permit):**

Commercial Cannabis activities are permitted with an approved Conditional Use Permit (CUP) within the unincorporated areas of the County of Imperial, in accordance with the most current State and County Regulations and prescribed as follows:

- A. Cannabis Operations: All Forms (unless otherwise directed below)  
Imperial County permits with an approved Conditional Use Permit (CUP) commercial cannabis: including Cultivation, Nursery, Manufacturing (including processing & storage), Distribution, Testing Laboratories, Retail (adult-use and medicinal) with Delivery within the Light Industrial (M-1) and Medium Industrial (M-2) Zones of Imperial County, Gateway Industrial (GI), the Agricultural Related Light Industrial (AM-1) (Manufacturing only) and Agricultural Related Medium Industrial (AM-2)

Zones (Manufacturing only). The manufacturing of commercial cannabis (volatile materials) is also permitted within the Government/Special Public (G/S) Zone with a CUP.

- B. Cannabis Operations: Retail with Delivery, Distribution and Testing  
Imperial County permits with an approved Conditional Use Permit (CUP) commercial cannabis operations for Retail with Delivery, Distribution and Testing (adult-use and medicinal) within the General Commercial (C-2) Zone. Retail with Delivery is also allowed in the Heavy Commercial (C-3) Zones of Imperial County.

**§ 90406.06 INDUSTRIAL HEMP ACTIVITY ZONING**

Industrial Hemp activities are permitted within the unincorporated areas of the County of Imperial, in accordance with the most current State and County Regulations and prescribed as follows:

- A. Industrial Hemp Cultivation:  
Imperial County permits Industrial Hemp: including, the cultivation, harvesting, and testing, and light processing within the General Agricultural (A-2) and Heavy Agricultural (A-3), Agricultural Related Light Industrial (AM-1) and Agricultural Related Medium Industrial (AM-2) Zones of Imperial County as well as Gateway Industrial (GI), Gateway Commercial (GC), Gateway Central Commercial Overlay (GCCO) Zones of the Gateway Specific Plan (on undeveloped areas that are currently being used for cultivation), the Medium Industrial (MLI2) and Heavy Industrial (MLI3) of the Mesquite Lake Specific Plan (on undeveloped areas that are currently being used for cultivation), and the Government/Special Public (G/S) Zone.
- B. Industrial Hemp Operations: Processing:  
Imperial County permits the processing of Industrial Hemp into semi-finished and finished products within the Light Industrial (M-1) and Medium Industrial (M-2) Zones of Imperial County, Agricultural Related Light Industrial (AM-1) and Agricultural Related Medium Industrial (AM-2) Zones of Imperial County, the Medium Industrial (MLI2) and Heavy Industrial (MLI3) of the Mesquite Lake Specific Plan, as well as the Government/Special Public (G/S) Zone (non-volatile materials).

**§ 90406.07 INDUSTRIAL HEMP ACTIVITY ZONING (Conditional Use Permit):**

Industrial Hemp activities are permitted with an approved Conditional Use Permit (CUP) within the unincorporated areas of the County of Imperial, in accordance with the most current State and County Regulations and prescribed as follows:

- A. Industrial Hemp Operations with a Conditional Use Permit (CUP)  
Imperial County permits the manufacturing of Industrial Hemp into semi-finished and finished products with an approved Conditional Use Permit (CUP) within the Heavy Agricultural (A-3) Zones, and within the Government/Special Public (G/S) Zone (for manufacturing with volatile materials).

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