

**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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