

PROJECT REPORT

TO: **PLANNING DIRECTOR ACTION (PDA)**

AGENDA DATE: May 8, 2024

FROM: **PLANNING & DEVELOPMENT SERVICES**

AGENDA TIME: 3:30 PM

Zone Change #24-0001
PROJECT TYPE: Revisions to Division 4, Chapter 5 SUPERVISOR DIST: All

LOCATION: Countywide (Unincorporated Areas of the County) APN: All

PARCEL SIZE: N/A

GENERAL PLAN (existing) N/A GENERAL PLAN (proposed) N/A

ZONE (existing) N/A ZONE (proposed) N/A

GENERAL PLAN FINDINGS CONSISTENT INCONSISTENT MAY BE/FINDINGS

PLANNING COMMISSION DECISION: HEARING DATE: N/A

APPROVED DENIED OTHER

PLANNING DIRECTORS DECISION: HEARING DATE: 05/08/2024

APPROVED DENIED OTHER

ENVIROMENTAL EVALUATION COMMITTEE DECISION: HEARING DATE: N/A

INITIAL STUDY: N/A

NEGATIVE DECLARATION MITIGATED NEG. DECLARATION EIR

DEPARTMENTAL REPORTS / APPROVALS:

PUBLIC WORKS	<input type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
AG	<input type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
APCD	<input type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
E.H.S.	<input type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
FIRE / OES	<input type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
OTHER	<input type="checkbox"/>		<input type="checkbox"/>	

REQUESTED ACTION:

IT IS RECOMMENDED THAT YOU CONDUCT A PUBLIC HEARING AND THAT YOU HEAR ALL THE OPPONENTS AND PROPONENTS OF THE PROPOSED PROJECT. STAFF WOULD THEN RECOMMEND THAT YOU TAKE THE FOLLOWING ACTIONS:

1. FIND THAT THE PROJECT IS EXEMPT FROM CEQA PER ARTICLE 5, SECTION 15061(B)(3), AND THAT NO FURTHER ENVIRONMENTAL DOCUMENTATION IS NECESSARY; AND,
2. APPROVE THE RESOLUTION THAT RECOMMENDS THE BOARD OF SUPERVISORS ADOPT AN ORDINANCE UPDATE, WITH MINOR EDITS, TO THE TITLE 9 LAND USE ORDINANCE DIVISION 4, CHAPTER 5.

STAFF REPORT
Planning Director Action
May 8, 2024

Project Name: **Zone Change #24-0001 - Revisions to Division 4, Chapter 5**

Applicant: **Imperial County Planning and Development Services
Department**

Location: **Countywide**

Project Description:

The Imperial County Planning and Development Services Department (ICPDS) has initiated Zone Change #24-0001. The purpose of this latest revision to Title 9 Land Use Ordinance, Division 4, Chapter 5 “Accessory Dwelling Units” is for consistency with the Housing and Community Development’s latest Accessory Dwelling Unit (ADU) Handbook. These revisions apply Countywide.

Land Use Analysis:

The proposed changes are consistent with the Imperial County’s General Plan, the Title 9 Land Use Ordinance and the Housing and Community Development’s latest ADU Handbook (dated July 2022), along with the recently adopted Housing Element (2021-2029).

Environmental Review:

These revisions apply Countywide and are meant to reflect consistency with recent State law and regulations. No environmental impacts are expected to occur. No General Plan land use designations nor zone map changes are being proposed to specific parcels, but it would trigger text revisions to the Title 9 Land Use Ordinance, Division 4, Chapter 5. No direct parcels are affected by these revisions, except the requirements for future building permit applications and land use project applications may change.

Staff Recommendations:

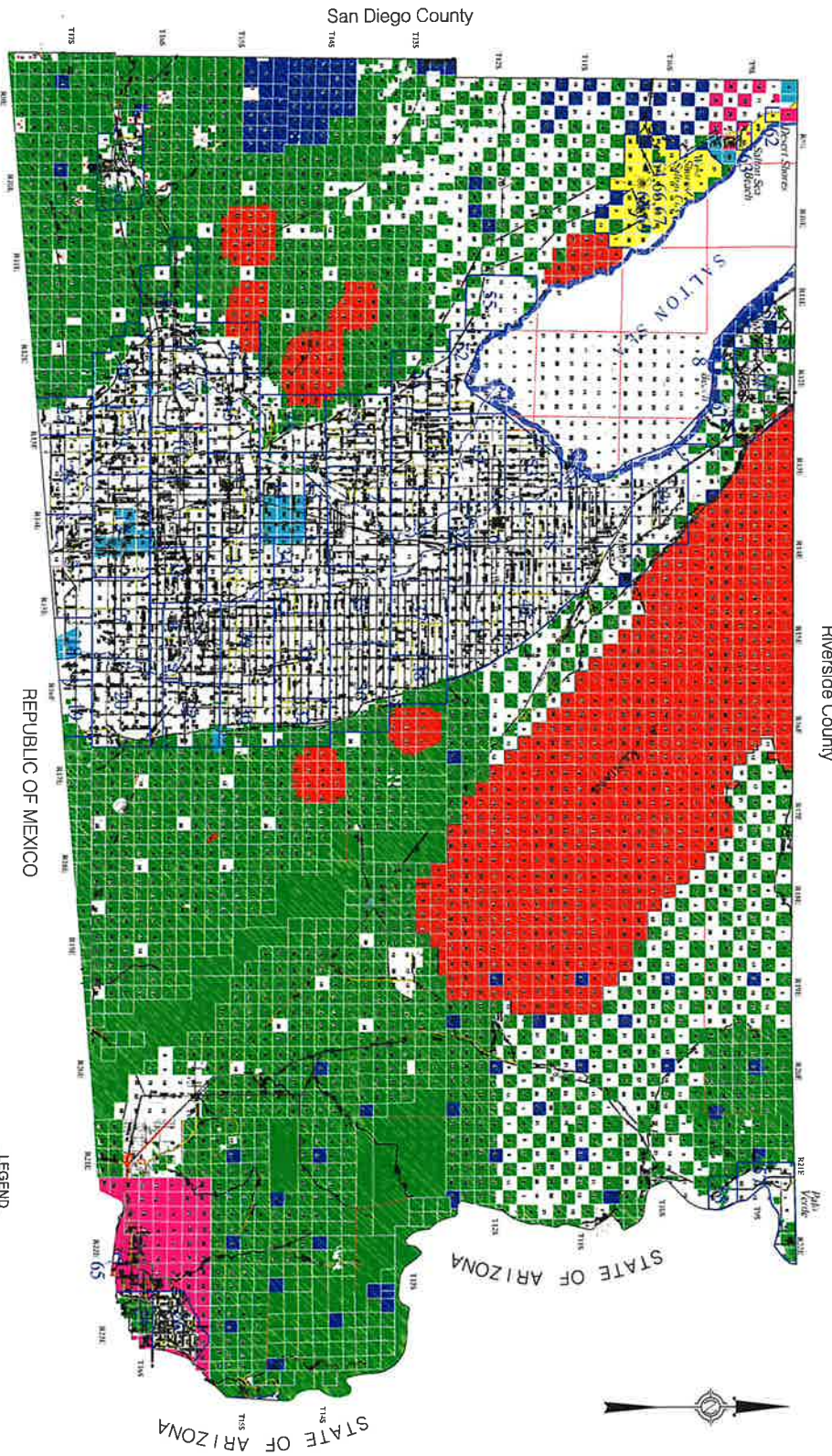
It is requested that you conduct a public hearing and that you hear all the opponents and proponents of the proposed project. Staff would then recommend that you take the following actions:

1. Find that the project is exempt from CEQA per Article 5, Section 15061(b)(3), and that no further environmental documentation is necessary; and,
2. Approve the Resolution that recommends the Board of Supervisors adopt an Ordinance update, with minor edits, to the Title 9 Land Use Ordinance Division 4, Chapter 5.

Attachments:

- A. Location Map
- B. Planning Director Action Resolution
- C. Ordinance Language
- D. ADU Pre-Approved Plans

Attachment A.
Location Map



San Diego County

Riverside County

REPUBLIC OF MEXICO

STATE OF ARIZONA

- LEGEND**
- Indian Reservations
 - Private Lands (as defined on various Mexican)
 - Specific Plan Area Zone (SPAZ)
 - Military
 - State
 - BLM

Revision Notes:

March 5, 2002 - Zones Change on APN 003-180-23 & 29 up to 53-01
 October 16, 2002 - APN Correction in various sections 26 & 33 of T. 16 S. 9 21 E. the Indian Reservation area
 February 19, 2003 - Zones Change on APNs 039-180-22 & 63-00, 2002-52-57N & H-57K
 January 31, 2013 - Added Imperial Point SPA updates.

NOTE: Efforts have been made to insure zoning accuracy; however, this map may be revised at any time. Therefore this map is generally accurate, for zoning information only! Neither the County of Imperial nor the Planning/Building Department are responsible for erroneous information or improper use of this map.
 Adopted by M. O. # (c) on June 9, 1998 effective July 1, 1998.



Director _____

Revision Dates:
March 5, 2002 - Map Correction
October 16, 2002 - Map Correction
February 19, 2003 - Map Correction
January 15, 2004 - Map Correction
January 31, 2013 - Map Correction

IMPERIAL COUNTY

Title 9 Division 25 Section 92570.00

**MAP
70**

Attachment B.
PDA Resolution

RESOLUTION NO.

A RESOLUTION OF THE PLANNING DIRECTOR OF THE COUNTY OF IMPERIAL, CALIFORNIA RECOMMENDING THE BOARD OF SUPERVISORS APPROVE ZONE CHANGE #24-0001; REVISIONS TO TITLE 9 LAND USE ORDINANCE DIVISION 4, CHAPTER 5 “ACCESSORY DWELLING UNITS (ADUs)”

WHEREAS, the Imperial County Planning and Development Services Department (ICPDS) has submitted Zone Change #24-0001. The purpose of this latest revision to Division 4, Chapter 5 is for consistency with the Housing and Community Development’s latest Accessory Dwelling Unit (ADU) Handbook. These revisions apply Countywide; and

WHEREAS, the project is exempt from the California Environment Quality Act (CEQA) per governmental code 15061(B)(3); and

WHEREAS, timely public notice of the Planning Director’s public hearing on the project has been given, and the Planning Director has considered all oral and written evidence presented by interested parties at a public hearing held with respect to this item on May 8, 2024, and,

NOW THEREFORE, the Planning Director of the County of Imperial **DOES HEREBY RESOLVE** as follows:

SECTION 1. The Planning Director has considered the proposed Zone Change #24-0001 prior to approval. The Planning Director finds and determines that the Zone Change is adequate and prepared in accordance with the requirements of the State Planning and Zoning Law, the County’s Land Use Ordinance, Title 9 as amended, and the California Environmental Quality Act (CEQA) which analyzes environmental effects, based upon the following findings and determinations.

SECTION 2. That in accordance with State Planning and Zoning law, the County’s Land Use Ordinance, Title 9 as amended, and the County of Imperial regulations, the following findings for the approval and certification of Zone Change #24-0001 are being made as follows:

1. That the Planning Director independently reviewed, analyzed, and considered the proposed Zone Change Revisions to Division 4, Chapter 5, and the entire Record of Proceedings prior to approval of this project.
2. That these Findings reflect the independent judgment of the County.
3. The Findings are supported by substantial evidence.
4. That the Project will not individually or cumulatively have an unmitigated adverse effect on fish and wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

5. That the Record of Proceedings consists of the Revisions to Division 4, Chapter 5, the County staff reports; the documents referenced therein; all other planning documents prepared and/or utilized by the County staff; documents submitted by members of the public and public agencies in connection with the Project; minutes and transcripts of all public meetings and public hearings; all written and verbal public testimony presented during a noticed public hearing for the proposed Project which such testimony was taken and any and all other materials which constitute the record of proceeding pursuant to Public Resources Code, Section 21167.6(e); and matters of common knowledge to the County staff and Planning Director, including, but not limited to the County General Plan, the County Land Use Ordinance, and County policies, which may be found at the Clerk of Board's Office located at the Imperial County Planning & Development Services Department at 801 Main Street, El Centro, CA 92243.
6. Furthermore, the Planning Director recommends approval to the Board of Supervisors for the Revisions to Division 4, Chapter 5, based on the following findings:

FINDINGS

1. The Codified Ordinances with Revisions to Division 4, Chapter 5, are consistent with State requirements.
2. The Project is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
3. The Project is not likely to cause serious health problems.
4. There will be no adverse impacts upon wildlife or natural resources, and no intrusion upon any known habitat, nor is it likely to have a future impact.

NOW, THEREFORE, based on the above findings, the Planning Director of the County of Imperial **DOES HEREBY RECOMMENDS APPROVAL TO THE BOARD OF SUPERVISOR** for Zone Change #24-0001, Revisions to Division 4, Chapter 5.

Jim Minnick, Director
Planning & Development Services

Attachment C.
Ordinance Language

TITLE 9

DIVISION 4: SIGNS, PARKING, FENCE, HOME OCCUPATIONS, ACCESSORY DWELLING UNITS, CANNABIS & INDUSTRIAL HEMP OPERATIONS, AND ELECTRICAL VEHICLE CHARGING STATIONS

CHAPTER 2: OFF-STREET PARKING

§ 90402.00	PURPOSE/APPLICATION
§ 90402.01	REQUIRED PARKING SPACES
§ 90402.02	CALCULATIONS
§ 90402.03	FLOOR AREA
§ 90402.04	UNLISTED USE
§ 90402.05	SEATING CALCULATION
§ 90402.06	SEATING WHERE NO FIXED SEATING IS PROVIDED
§ 90402.07	PARKING SPACE DIMENSIONS
§ 90402.08	COMPACT CAR PARKING
§ 90402.09	HANDICAPPED PARKING
§ 90402.10	OFF-STREET LOADING SPACE
§ 90402.11	LOCATION OF PARKING
§ 90402.12	JOINT USE PARKING AREAS
§ 90402.13	PARKING AREA DESIGNED DEVELOPMENT STANDARDS
§ 90402.14	OFF-STREET PARKING PLAN REVIEW
§ 90402.15	APPLICATION REVIEW AND APPROVAL
§ 90402.16	ILLUSTRATIONS

§ 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 with~~ one (1) bedroom ~~dwelling units~~ shall provide one (1) parking space. For Accessory Dwelling Units with two (2) or more bedrooms shall provide two

~~(2) parking spaces, parking requirements stated in Section 90402.01 A-1 (above) apply.~~
Parking may be provided as tandem parking, on an existing driveway.

- a) Property owner identifies on-street parking along frontage of subject property
- b) Where no on-street parking along the subject property frontage is available, property owner shall provide additional parking on-site.

c) Additional State Provisions 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:

- Ac-1) Is located within one-half mile of public transit (as defined in Code Section)
- c-2b) Is located within an architecturally and historically significant historic district.
- c-3c) Is part of the existing primary residence or an existing accessory structure.
- c-4d) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
- c-5e) 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 California Code of Regulations, Title 24, Part 2, Volume 1, Chapter 11A Housing Accessibility and 11B Accessibility to Public Buildings, Public Accommodations, Commercial Buildings and Public Housing.

§ 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 though 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.

<u>Arrangement</u>	<u>Minimum Aisle Width</u>
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.

(FOR FUTURE USE)

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ILLUSTRATIONS

(FOR FUTURE USE)

ILLUSTRATIONS

(FOR FUTURE USE)

TITLE 9

DIVISION 4: SIGNS, PARKING, FENCE, HOME OCCUPATIONS, ACCESSORY DWELLING UNITS, CANNABIS & INDUSTRIAL HEMP OPERATIONS, AND ELECTRICAL VEHICLE CHARGING STATIONS

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 four (4) feet (1219.2 mm) in height measured from bottom of the footing 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.

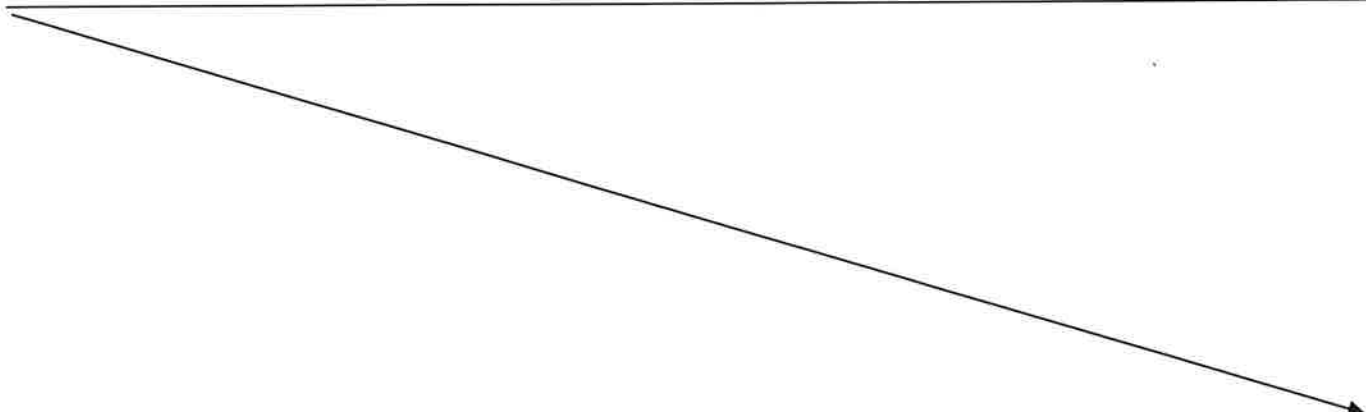
However, even though masonry walls four (4) feet or less in height are not required to be designed by a professional civil engineer or architect, a building permit for the construction is required and shall comply with the minimum requirements contained in the masonry fences handout, available at the 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, CANNABIS & INDUSTRIAL HEMP OPERATIONS, AND ELECTRICAL VEHICLE CHARGING STATIONS

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.
- 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, CANNABIS & INDUSTRIAL HEMP OPERATIONS, AND ELECTRICAL VEHICLE CHARGING STATIONS

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 Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) 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. Pursuant to Government Code (GC) Section 65852.150, the creation of ADUs that can offer affordable rents for very low-, low- or moderate-income households are encouraged.

§ 90405.01 DEFINITIONS

A. Accessory Dwelling Unit: means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety 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.
- F. Multifamily Dwelling: A structure with two or more attached dwellings on a single lot is considered a multifamily dwelling structure per State ADU law. Multiple detached single-unit dwellings on the same lot are not considered multifamily dwellings for the purpose of State ADU law.

§ **90405.03 ACCESSORY DWELLING UNITS:**

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

- A. The unit may be sold separately from the primary residence pursuant to Government Code Section 65852.26
- B. ADU's must be allowed in any zone that permits residential uses. The accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling, including detached garages.
- C. The maximum floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area or 850 square feet, whichever is greater (or 1,000 square feet for ADU's with more than one bedroom). (Gov. Code, Section 65852.2, subs. (c)(2)(B) and (C).)
- D. Any new detached ADU with a floor area above 1,200 square ft, shall be subject to an approved Conditional Use Permit (CUP). (Gov. Code, Section 65852.2, subs. (a)(1)(D)(v))
- E. No passageway shall be constructed in conjunction with the construction of an accessory dwelling unit.
- F. No setback shall be required for an existing structure that is converted to an accessory dwelling unit pursuant to Government Code Section 65852.2 subdivision (a)(1)(D)(vii).
- G. A setback of no more than four 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.
- ~~J.—When ADU/JADUs are created through the conversion of an existing structure or accessory building (i.e barn, garage, or carport) of converted parking structure, replacement of off-street parking spaces cannot shall not be required by the local agency, unless otherwise directed by the Imperial County Planning Department.~~
- ~~J.~~
- K. A lot where there are multiple detached single-family dwellings is eligible for a creation of one ADU per lot by converting space within the proposed or existing space of a single-family dwelling or existing structure and by building a new detached ADU subject to certain development standards.
- L. If lot coverage requirements do not allow such an ADU, an automatic exception or waiver should be given to appropriate development standards such as lot coverage, floor area, or open space requirements.
- ~~M.—Maximum unit size requirements must allow an ADU of at least 850 square feet, or 1,000 square feet for ADUs with more than one bedroom.~~
- ~~N.M.~~ Any requirement for a zoning clearance or separate zoning review or any other minimum or maximum size for an accessory dwelling unit, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, front setbacks, and minimum

lot size, for either attached or detached dwellings that does not permit at least an 800 square foot accessory dwelling unit with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.

O-N. Should an applicant want to expand an accessory structure to create an ADU beyond 150 square feet, this ADU would be subject to the size maximums outlined in State ADU law or in the local agency's adopted ordinance.

P-O. Pursuant to Government Code Section 65852.2 subdivision (e) allows a detached ADU, a conversion ADU and, if the property is in a single-family residential zone and the primary residence is single-family, a JADU. The four categories of ADUs allowed are:

- a. One ADU (i.e. attached) and one JADU are permitted per lot within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure that meets specified requirements such as exterior access and setbacks for fire and safety.
- b. One detached new construction ADU that does not exceed four-foot side and rear yard setbacks. This ADU may be combined on the same lot with a JADU and may be required to meet a maximum unit size requirement of 800 square feet and a height limitation of 16 feet.
- c. Multiple ADUs within the portions of multifamily structures that are not used as livable space. Local agencies must allow at least one of these types of ADUs and up to 25 percent of the existing multifamily units. Any height limitation that does not allow at least the following, as applicable:
 - (i) A height of 16 feet for a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit.
 - (ii) A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code. A local agency shall also allow an additional two feet in height to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit.
 - (iii) A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed multifamily, multistory dwelling
 - (iv) A height of 25 feet or the height limitation in the local zoning ordinance that applies to the primary dwelling, whichever is lower, for an accessory dwelling unit that is attached to a primary dwelling. This clause shall not require a local agency to allow an accessory dwelling unit to exceed two stories.

The above four categories may be combined. For example, local governments must allow (A) and (B) together or (C) and (D) together.

P. All newly constructed ADUs are subject to the California Energy Code requirement (excluding manufactured homes) to provide solar systems if the unit(s) is a newly constructed, non-manufactured, detached ADU.

Q. School districts are authorized to, but do not have to, levy impact fees for ADUs greater than 500 square feet pursuant to Section 17620 of the Education Code. ADUs less than 500 square feet are not subject to school impact fees.

Q. The maximum ADU and JADU application review time is 60 days. (Gov. Code Section 65852.2, subd. (a)(3) and (b).)

§ **90405.04 GENERAL PLAN CONSISTENCY**

An Accessory Dwelling Unit shall be deemed consistent with the General Plan pursuant to GC 65852.2 subdivision (a)(1)(C).

§ **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.

ADUs converted from existing space and JADUs shall not be considered by a local agency, special district, or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, unless constructed with a new single-family dwelling. The connection fee or capacity charge shall be proportionate to the burden of the proposed ADU, based on its square footage or plumbing fixtures as compared to the primary dwelling. ADU Law does not cover monthly charge fees. (Gov. Code, § 65852.2, subd. (f)(2).)

§ **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

All ADU and JADU permits shall comply with this Division, with Title 9 Land Use Ordinance Division 5 and with the latest State ADU law, specifically Government Code Section 65852.2 subdivision (e) and Civil Code Sections 4740 and 4741.

§ **90405.07 STANDARDS (MINIMUM)**

Accessory Dwelling Units (ADUs) and JADUs may be allowed if they comply with the following minimum standards:

- A. The ADU shall not be counted as an additional unit towards the allowable density of the zone in which it is to be placed.
- B. Pursuant to GC 65852.2, subdivision (e) allows for larger numbers of ADUs through either single-family combinations (conversion, detached & JADU) or multifamily combinations (conversion and detached).
- C. The total square footage of floor area for the ADU shall not exceed the 50 percent of the square footage of the primary residence or 850 square feet, whichever is greater (or 1,000 square feet for ADU's with more than one bedroom), when the ADU is attached to an existing dwelling, per GC 65852.2, subdivision (a)(1)(D)(iv).
- D. The ADU shall contain a separate kitchen and bathroom facilities and have a separate entrance.
- E. Off street parking for the ADU shall be provided for the Zone within which it is to be placed. ~~Parking for an ADU shall not exceed one parking space per unit or bedroom, whichever is less. For ADUs with one~~

(1) bedroom shall provide one (1) parking space. For two (2) or more bedrooms shall provide two (2) parking spaces. These spaces may be provided as tandem parking on a driveway.

a. Property owner identifies on-street parking along frontage of subject property

E.b. Where no on-street parking along the subject property frontage is available, property owner shall provide additional parking on-site

- F. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU, or converted to an ADU, the local agency shall not require that those off-street parking spaces of the primary unit be replaced.
- G. Off-street parking spaces for the ADU shall be permitted in setback areas in locations determined by the local agency or through tandem parking unless specific findings are made.
- H. No parking shall be imposed for an ADU if:
 - 1. ADU is located within one-half mile walking distance of public transit.
 - 2. ADU is located within an architecturally and historically significant historic district.
 - 3. ADU is a part of the proposed or existing primary residence or an accessory structure.
 - 4. When on-street parking permits are required but not offered to the occupant of the ADU.
 - 5. When there is a car share vehicle located within one block of the ADU.
 - 6. When a permit application for an accessory dwelling unit is submitted with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot, provided that the accessory dwelling unit or the parcel satisfies any other criteria listed in this paragraph.
- 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, and 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.
- M. A setback of not more than four feet from the side and rear lot lines shall be required for an attached or detached ADU.
- N. The conversion of an existing accessory structure or a portion of the existing primary residence to an ADU is not subject to unit size requirements. For example, an existing 3,000 square-foot barn converted to an ADU would not be subject to the local unit size requirements, regardless of whether a local government has an adopted ADU ordinance. Should an applicant want to expand an accessory structure to create an ADU beyond 150 square feet, this ADU would be subject to the size maximums outlined in State ADU Law or in the local agency's adopted ordinance.
- O. No setback shall be required for an ADU created within an existing living area or accessory structure or an ADU created in a new structure in the same location as an existing structure, while not exceeding the existing dimensions, including height.
- P. An ADU created within the existing or proposed space of a single-family dwelling or accessory structure can be expanded beyond the physical dimensions of the structure. Per State ADU Law, only an ADU created within an existing accessory structure may be expanded up to 150 square feet without application of local development standards, but this expansion shall be limited to accommodating ingress and egress.

Q. The four categories of ADUs are:

- a) One ADU (i.e. attached) and one JADU are permitted per lot within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure that meets specified requirements such as exterior access and setbacks for fire and safety.
- b) One detached new construction ADU that does not exceed four-foot side and rear yard setbacks. This ADU may be combined on the same lot with a JADU and may be required to meet a maximum unit size requirement of 800 square feet and a height limitation of 16 feet.
- c) Multiple ADUs within the portions of multifamily structures that are not used as livable space. Local agencies must allow at least one of these types of ADUs and up to 25 percent of the existing multifamily structures.
- d) Up to two detached ADUs on a lot that has existing multifamily dwellings that are subject to height limits of 16 feet and four-foot rear and side yard setbacks.

The above four categories may be combined. For example, local governments must allow (A) and (B) together or (C) and (D) together.

- Q) Installation of fire sprinklers may not be required in ADUs (attached, detached, or conversion) where sprinklers were not required by building codes for the existing primary residence. However, if the same primary dwelling recently underwent significant alteration or is a new construction and is now required to have fire sprinklers, any ADU created after that alteration must be provided with fire sprinklers. (Gov. Code, § 65852.2, subds. (a)(1)(D)(xii) and (e)(3).)
- R) An applicant may apply to build up to two detached ADUs and at least one interior ADU up to 25 percent of the number of units in the proposed or existing multifamily dwelling.
- S) Newly constructed ADUs are subject to the California Energy Code requirement (excluding manufactured homes) to provide solar systems if the unit(s) is a newly constructed, non-manufactured, detached ADU (though some exceptions apply). Per the California Energy Commission (CEC), the solar systems can be installed on the ADU or on the primary dwelling unit. ADUs that are constructed within existing space, or as an addition to existing homes, including detached additions where an existing detached building is converted from non-residential to residential space, are not subject to the Energy Code requirement to provide solar systems.
- ~~T)~~ Impact fee exemptions and limitations are based on the size of the ADU. ADUs up to 750 square feet are exempt from impact fees, and ADUs that are 750 square feet or larger may be charged impact fees but only such fees that are proportional in size (by square foot) to those for the primary dwelling unit. (Gov. Code, § 65852.2, subd. (f)(3).)
- ~~T)~~ Property owners have the option of installing a new electrical meter if the local electrical utility company (Imperial Irrigation District) does not object to the installation of an additional service on the property, subject to the following conditions:
 - a) A second electrical service panel (meter) for ADU only must be installed adjacent to the existing electrical service panel for the primary residential dwelling. In the event of an emergency, the County Fire Department must be able to shut off all services in one location.
 - b) The new service only applies to ADUs and not attached garages. A subpanel would be required for a new garage.

§ 90405.08 OWNER AFFIDAVIT:

Should a property have both an ADU and JADU, JADU law requires owner occupancy of either the newly created JADU or the single-family residence. Under this specific circumstance, a lot with an ADU would be subject to owner-occupancy requirements. (Gov. Code, § 65852.22, subd. (a)(2).)

§ 90405.09 REVIEW AND APPROVAL PROCEDURE:

The property owner shall submit a completed County application (ministerial), and site plan and pay 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. The ADU application must be approved or denied within sixty (60) days of receipt of a complete application unless the ADU is proposed with a new primary residence.

- 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 (JADUs)

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

A. A detached new construction ADU is allowed to be combined on the same lot with a JADU in a single-family residential zone.

B. A JADU requires owner occupancy in the JADU or the remainder of the house per GC Section 65852.22, subdivision (a)(2), with exceptions for ownership by a government, 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 proposed or existing single-family residence. For purposes of this paragraph, enclosed uses within the residence, such as attached garages, are considered a part of the proposed or existing single-family residence.

E. Shall include a separate entrance from the main entrance to the proposed or existing single-family residence. If a permitted junior accessory dwelling unit does not include a separate bathroom, the permitted junior accessory dwelling unit shall include a separate entrance from the main entrance to the structure, with an interior entry to the main living area.

R. A Junior Accessory Dwelling Unit may have its own bathroom facility or share facilities with the primary dwelling.

F. Require the permitted junior accessory dwelling unit to include an efficiency kitchen, which shall include all of the following:

(A) A cooking facility with appliances.

(B) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit

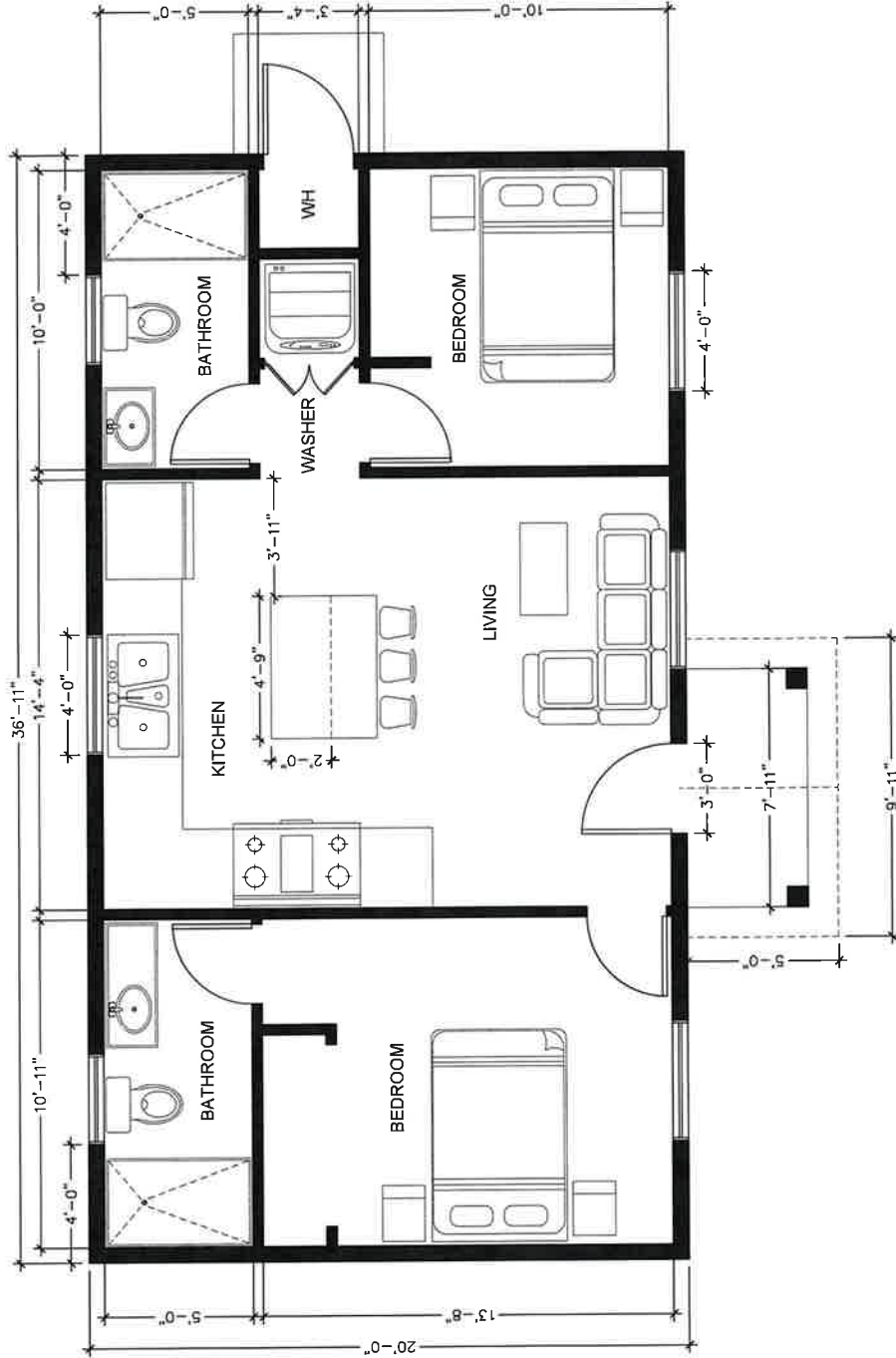
G. This subdivision shall not be interpreted to prohibit the requirement of an inspection, including the imposition of a fee for that inspection, to determine whether the junior accessory dwelling unit is in compliance with applicable building standards.

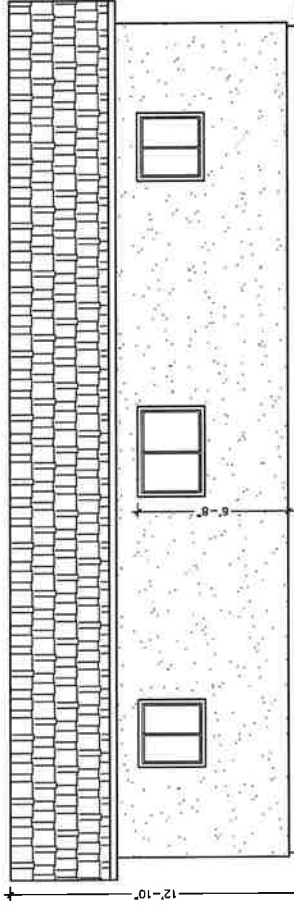
1. An application for a permit pursuant to this section shall, notwithstanding Sections 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, be considered ministerially, without discretionary review or a hearing. A permit shall be issued within sixty (60) 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.

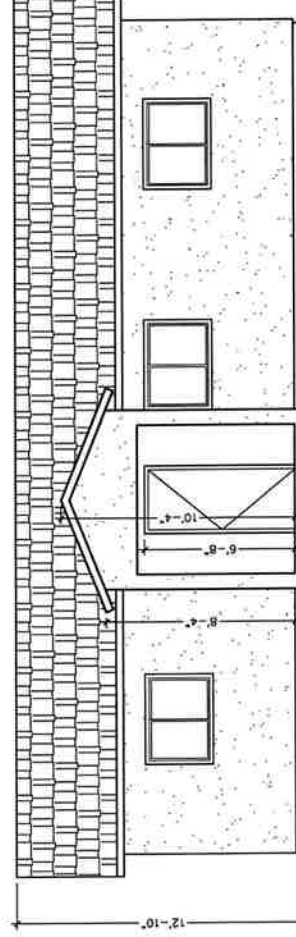
3. For the purposes of providing service for water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.
4. An ordinance shall not require additional parking as a condition to grant a permit pursuant to GC 65852.22, subdivision (b)(1).

Attachment D.
ADU Pre-Approved Plans

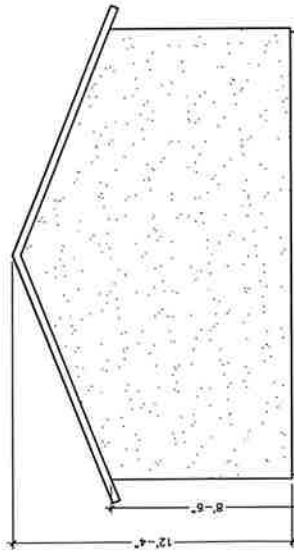




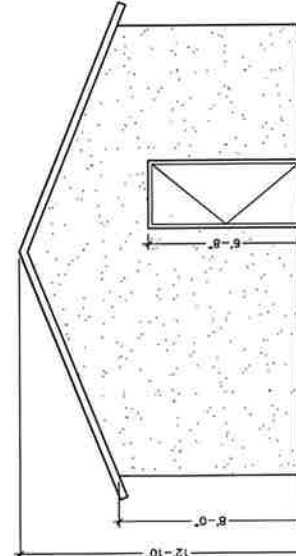
BACK



FRONT



LEFT



RIGHT