

## TITLE 9

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

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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 60 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 \$75 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)

**TITLE 9**

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

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**CHAPTER 2: OFF-STREET PARKING**

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- § 90402.01 REQUIRED PARKING SPACES
- § 90402.02 CALCULATIONS
- § 90402.03 FLOOR AREA
- § 90402.04 UNLISTED USE
- § 90402.05 SEATING CALCULATION
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- § 90402.07 PARKING SPACE DIMENSIONS
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- § 90402.14 OFF-STREET PARKING PLAN REVIEW
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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, with one (1) bedroom shall provide one (1) parking space. For Accessory Dwelling Units with two (2) or more bedrooms shall provide two (2) parking spaces. 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:  
Pursuant to Government Code Section 65852.2, subdivisions (d)(1-5), 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:
  - c-1) Is located within one-half mile of public transit
  - c-2) Is located within an architecturally and historically significant historic district.
  - c-3) Is part of the existing primary residence or an existing accessory structure.
  - c-4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
  - c-5) When there is a car share vehicle located within one block of the accessory dwelling unit.

4. Junior accessory dwelling units shall not require parking as a condition to grant a permit.

(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.)

- 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.

<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.

(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

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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 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.

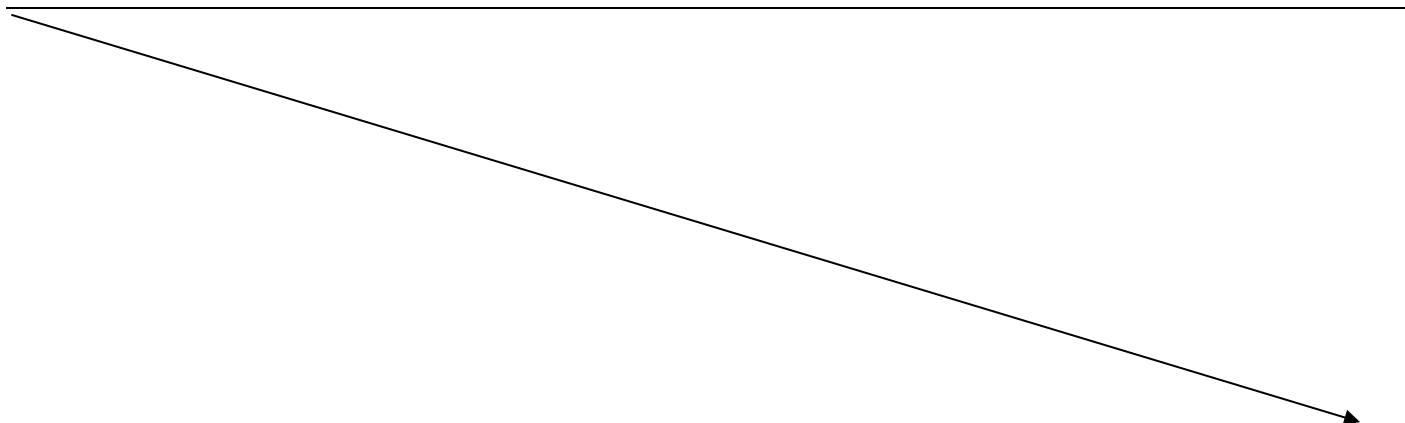
However, even though masonry walls four (4) feet or less in height are not required to be designed by a professional civil engineer or architect, a building permit for the construction is required and shall comply with the minimum requirements contained in the masonry fences handout, available at the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

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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.
- 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**

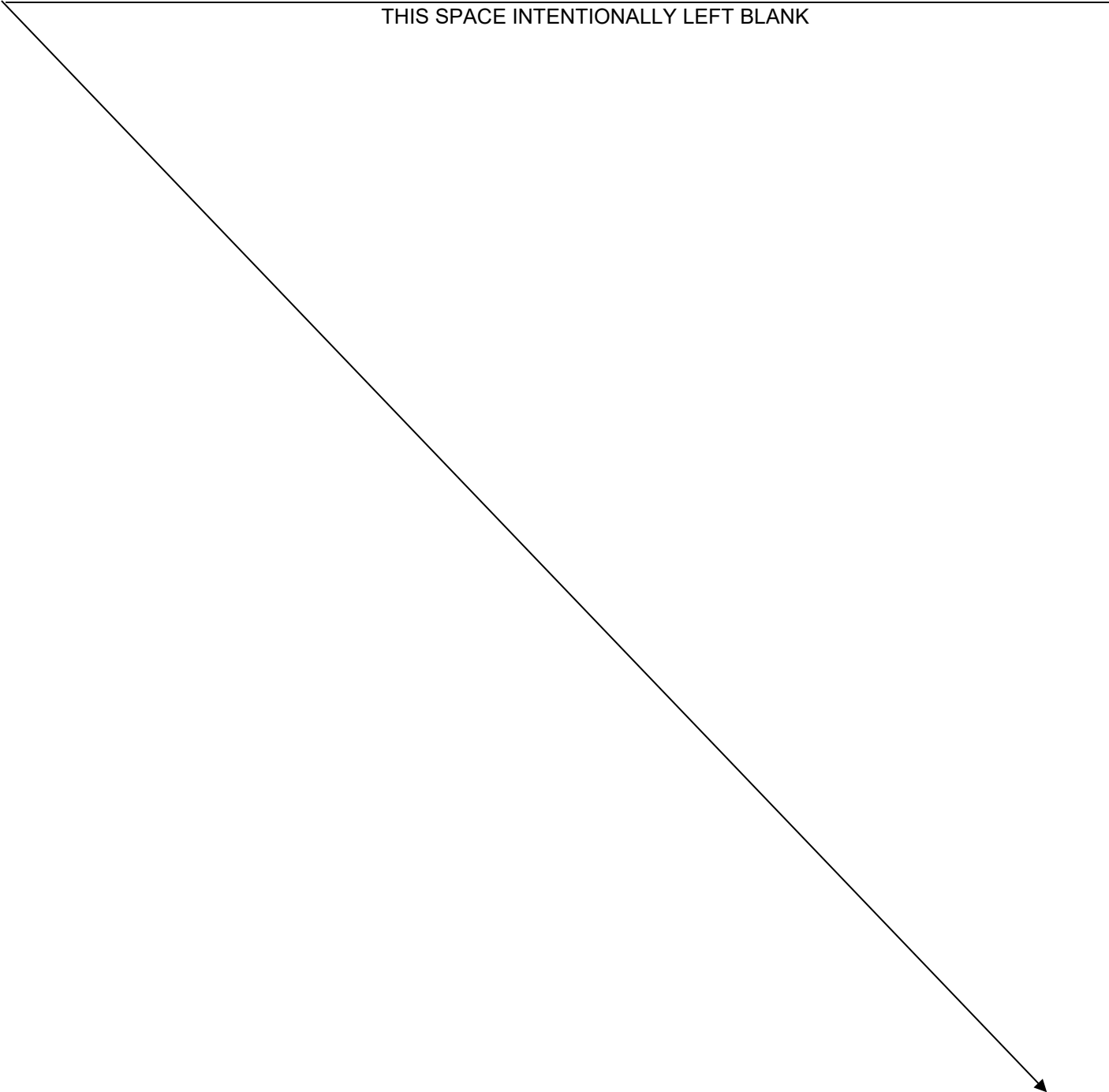
With cause, any permit issued pursuant to this Chapter may be revoked or modified by the Planning Director or the Planning Commission. "Cause" shall include, but not be limited, to a violation of the aforesaid minimum standards, and/or any conditions imposed.

**§ 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

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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 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) replacement of off-street parking spaces shall not be required by the local agency.
- 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. 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.
- 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.

- 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.
- R. 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. 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
  - 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).)
- U) 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.
- F. A Junior Accessory Dwelling Unit may have its own bathroom facility or share facilities with the primary dwelling.
- G. 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
- H. 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).

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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**

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

- § 90406.00 PURPOSE
- § 90406.01 INTERPRETATION AND APPLICABILITY
- § 90406.02 DEFINITIONS
- § 90406.03 PERSONAL CULTIVATION STANDARDS
- § 90406.04 COMMERCIAL CANNABIS ACTIVITY ZONING
- § 90406.05 COMMERCIAL CANNABIS ACTIVITY ZONING (CUP)
- § 90406.06 INDUSTRIAL HEMP ACTIVITY ZONING
- § 90406.07 INDUSTRIAL HEMP ACTIVITY ZONING (CUP)

**§ 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 is also permitted within 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, the Agricultural Related Light Industrial (AM-1) (Manufacturing only) and Agricultural Related Medium Industrial (AM-2) Zones (Manufacturing only). Distribution are allowed in the Imperial Center Specific Plan Area 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).
- 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.

**§ 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.

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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**

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**CHAPTER 7: ELECTRICAL VEHICLE CHARGING STATIONS**

- § 90406.00 PURPOSE
- § 90406.01 INTERPRETATION AND APPLICABILITY
- § 90406.02 DEFINITIONS
- § 90406.03 ELECTRICAL VEHICLE CHARGING SYSTEM REQUIREMENTS
- § 90406.04 COMMERCIAL CANNABIS ACTIVITY ZONING
- § 90406.05 COMMERCIAL CANNABIS ACTIVITY ZONING (CUP)
- § 90406.06 INDUSTRIAL HEMP ACTIVITY ZONING
- § 90406.07 INDUSTRIAL HEMP ACTIVITY ZONING (CUP)

**§ 90407.00 PURPOSE/APPLICATION**

The purpose of this chapter is to promote and encourage the use of electric vehicles by creating an expedited, streamlined permitting process for electric vehicle charging stations while promoting public health and safety and preventing specific adverse impacts in the installation and use of such charging stations. (Ord. 2869, 2018).

The streamline permit process for Electric Vehicle Charging Stations shall be subject to Division 32 “Administrative Permit Streamline Ordinance” of the Imperial County Land Use Ordinance Title 9.

**§ 90407.01 PURPOSE/APPLICATION**

This chapter applies to the permitting of all electric vehicle charging systems in the unincorporated areas of Imperial County. Electric vehicle charging systems legally established or permitted prior to the effective date of this chapter are not subject to the requirements of this chapter unless physical modifications or alterations are undertaken that materially change the size, type, or components of an electric vehicle charging system in such a way as to require new permitting. Routine operation and maintenance or like-kind replacements shall not require a permit. (Ord. 2869, 2018)

**§ 90407.02 DEFINITIONS**

**ELECTRIC VEHICLE CHARGING STATION OR CHARGING STATION:** Means any level of electric vehicle supply equipment station that is designed and built in compliance with article 625 of the California Electrical Code and delivers electricity from a source outside an electric vehicle into a plug-in vehicle.

**ELECTRONIC SUBMITTAL:** Means the utilization of one or more of either electronic mail, the internet, or facsimile.

**FEASIBLE METHOD TO SATISFACTORILY MITIGATE OR AVOID THE SPECIFIC ADVERSE IMPACT:** Includes, but is not limited to, any cost-effective method, condition or mitigation imposed by the County on another similarly situated application in a prior successful application for a similar permit.

**SPECIFIC ADVERSE IMPACT:** Means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions, as they existed on the date the application was deemed complete. (Ord. 2869, 2018)

**§ 90407.03 ELECTRICAL VEHICLE CHARGING SYSTEM REQUIREMENTS**

- A. All electric vehicle charging systems shall meet the requirements of the California Electrical Code, the Society of Automotive Engineers, the National Electrical Manufacturers Association, and accredited testing laboratories such as Underwriters Laboratories, and rules of the Public Utilities Commission regarding safety and reliability.
- B. Installation of electric vehicle charging stations shall be incorporated into the load calculations of all new or existing electrical services and shall meet the requirements of the California Electrical Code. Electric vehicle charging equipment shall be considered a continuous load.
- C. Anchorage of either floor-mounted or wall-mounted electric vehicle charging stations shall meet the requirements of the California Building or Residential Code as applicable per occupancy, and the provisions of the manufacturer's installation instructions. Mounting of charging stations shall not adversely affect building elements. (Ord. 2869, 2018)

**§ 90407.04 DUTIES OF THE COUNTY'S BUILDING OFFICIAL**

- A. All documents required for submission of an electric vehicle charging system application shall be made publicly available on the County's website.
- B. By resolution, the Board of Supervisors shall adopt a checklist of all requirements with which electric vehicle charging systems shall comply to be eligible for expedited review.
- C. The electric vehicle charging system permit process and checklist shall substantially conform to recommendations contained in the most current version of the Plug-In Electric Vehicle Infrastructure Permitting Checklist contained in the Zero-Emission Vehicles in California: Community Readiness Guidebook adopted by the Governor's Office of Planning and Research.
- D. The County building official shall allow the electronic submittal of the electric vehicle charging station application. (Ord. 2869, 2018)

**§ 90407.06 PERMIT REQUIREMENTS**

- A. Review of the permit application shall be limited to the County building official's review of whether the application meets local, State and Federal health and safety requirements. The application shall be administratively reviewed by the County building official as a nondiscretionary permit.
- B. The County shall not condition approval of an application on the approval of an association, as that term is defined by Civil Code section 4080.
- C. An application for an electric vehicle charging station shall be deemed complete and the permit available for issuance, when the building official determines that the application satisfies all the requirements found on Section 90407.07.
- D. If an application is deemed incomplete, a written plan check correction notice will be available to the applicant within ten (10) working days, detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permit issuance shall be given to the applicant for resubmission.
- E. The County building official, in consultation with the Planning & Development Services Director, may require an applicant to apply for a conditional use permit if the building official finds, based on substantial evidence, that the electric vehicle charging station could have a specific, adverse impact upon the public health and safety. The building official's decision to require a conditional use permit may be appealed by the applicant to the Planning Commission pursuant to chapter 1.06 of this Code.
- F. If a conditional use permit is required, the application for the conditional use permit may be denied if the Planning Commission makes written findings, based upon substantial evidence in the record, that the proposed installation would have a specific, adverse impact upon the public health or safety and

there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. Such findings shall include the basis for the rejection of potential feasible alternatives for preventing the specific, adverse impact. Such decisions may be appealed to the Board of Supervisors pursuant to chapter 1.06 of this Code. (Ord. 2869, 2018)

§ **90407.07 PERMITTING ELECTRIC VEHICLE CHARGING STATIONS SCORECARD**

	<b>SCORING CRITERIA</b>	<b>COMPLETE IF</b>
	Streamlining Ordinance creating an expedited, streamlined permitting process for electric vehicle charging stations (EVCS) including level 2 and direct current fast chargers (DCFC) has been adopted.	Streamlining ordinance has been adopted
	Permitting checklists covering L2 and DCFC Checklist of all requirements needed for expedited review posted on city or county website.	Permitting checklist is available and easily found on city or county website
	Administrative approval of EVCS projects that meet expedited checklist are administratively approved through building or similar non-discretionary permit.	The streamlining ordinance states that permit applications that meet checklist requirements will be approved through nondiscretionary permit (or similar)
	Approval limited to health and safety review EVCS project review limited to health and safety requirements found under local, state, and federal law.	The streamlining ordinance states that no discretionary use permit is required and permit approval will be limited to health and safety review
	Electronic signatures accepted AHJ accepts electronic signatures on permit applications.	Electronic signatures accepted on City or County website (usually specified in the ordinance)
	EVCS not subject to association approval EVCS permit approval not subject to approval of an association (as defined in Section 4080 of the Civil Code).	The streamlining ordinance states that EVCS permits do not require association approval
	One complete deficiency notice AHJ commits to issuing one complete written correction notice detailing all deficiencies in an incomplete application and any additional information needed to be eligible for expedited permit issuance.	The streamlining ordinance dictates that a written correction notices must detail all deficiencies

Scorecard taken from the Governor's Office of Business and Economic Website.