

**CHAPTER 27.**  
**BRAWLEY ZONING ORDINANCE.**

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## Article I. General Provisions

**Section 27.1. Authority.** The zoning ordinance codified in this chapter is adopted pursuant to authority granted to cities by Title 7, Division I, Chapter 4, Article 2, Sec. 65850 of the Government Code (State Planning and Zoning Law).

**Section 27.2. Short Title.** The zoning ordinance codified in this chapter shall be known as the “Brawley Zoning Ordinance.”

**Section 27.3. Replacement of Previous Ordinance.** The provisions of this zoning ordinance, insofar as they are substantially the same as the provisions of any ordinance or portions of any ordinance repealed by the zoning ordinance codified in this chapter, shall be construed as restatements and continuations thereof, and not as new enactments.

### **Section 27.4. Purpose.**

(a) The purpose of this zoning ordinance is to classify, designate, regulate and restrict the use of land, buildings and other structures so as to ensure that the goals and objectives of the General Plan are realized, and to ensure protection and enhancement of the public health, safety and general welfare. It is the further purpose of this zoning ordinance to designate sufficient land within the City of Brawley for residential, commercial, industrial, agricultural, open space and recreational uses. The further purpose of this zoning ordinance is to ensure adequate provision of community facilities and utilities, such as streets, schools, parks, water, and sewage disposal facilities, which in turn will promote the City of Brawley as a wholesome, serviceable, and environmentally attractive community in which to live and work.

(b) The relationship between the Brawley General Plan land use designations and zone districts are listed in Table 27.4. This table indicates how properties citywide should be zoned to be consistent with the land use policy map. The table shows nine of the ten General Plan Land Use categories (Transportation Corridor has been omitted) and the seventeen (17) zoning categories.

**Section 27.5. Prohibition.** No person or persons shall use any premises in any zone except as hereinafter specifically permitted by this zoning ordinance, and subject to all the regulations and conditions enumerated in this zoning ordinance. Wherever this zoning ordinance prohibits the “use” of any premises for any purpose, such premises, and any building, structure, or improvement located on such premises shall not be used, occupied, altered or improved for any such prohibited purpose, and no building, structure or improvement on such premises shall be erected, constructed, established, maintained, allowed to remain, altered, moved onto or enlarged which is designed, arranged, or intended to be occupied or used for any prohibited purpose.

**Table 27.4.** Relationship of Zoning Categories and General Plan Designations

Zoning Categories	General Plan Land Use Designations								
	Agricultural	Rural Residential	Low Density Residential	Medium Density Residential	Commercial	Industrial	Light Industrial/Business Park	Open Space	Public Facilities
R-A: Residential Agricultural		X							
R-E: Residential Estates		X							
R-1: Residential Single-Family			X						
R-2: Residential Low Density			X	X					
MHS: Mobile Home Subdivision			X	X					
R-3: Residential Medium Density				X					
MHP: Mobile Home Park				X					
PD: Planned Development		X	X	X	X	X	X	X	X
C-P: Service and Professional					X				
C-1: Neighborhood Commercial					X				
C-2: Medium Commercial					X				
C-3: Heavy Commercial					X				
M-1: Light Manufacturing						X	X		
M-2: Heavy Manufacturing						X			
R: Recreation								X	
P-F: Public Facilities	X	X	X	X	X	X	X	X	X
A-1: Light Agricultural	X								

Note: Zoning categories are from existing zoning ordinance and may be modified or amended in the future.

**Section 27.6. Minimum Requirements of this Zoning Ordinance.** In interpreting and applying the provisions of this zoning ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience, morals and general welfare.

**Section 27.7. Replacement of Other Ordinances.** The provisions of this zoning ordinance shall not be deemed or construed to repeal, amend, modify, alter or change any other ordinance or any part thereof not specifically repealed, amended, modified, altered or changed herein, except in such particulars or matters as this zoning ordinance is more restrictive than such other ordinance, or part thereof; and that in all particulars where this zoning ordinance is not more restrictive, each such other ordinance shall remain in full force and effect.

**Section 27.8. Compliance with Other Ordinances and Laws.** Nothing in this zoning ordinance shall be construed to authorize the use of any lot or parcel of land in violation of this zoning ordinance or any other applicable statute, ordinance or regulation.

**Section 27.9. Reference to Any Portion of this Zoning Ordinance.** Whenever reference is made to any portion of this zoning ordinance, or of any other law or ordinance, the reference applies to all amendments and additions now or hereafter made.

**Section 27.10. Severability.** If any provision, or portion of any provision, of this zoning ordinance, or the application thereof to any person or circumstances is held invalid, the remainder of the zoning ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

**Section 27.11. Continuation of Previously Granted Variances.** All variances previously granted pursuant to the provisions of Ordinance No. 638 shall be deemed to legally continue in effect under Sections 27.271 through 27.289 (Variances and Conditional Use Permits) of this zoning ordinance, and shall be subject to all the conditions and provisions governing such variances upon the effective date of this zoning ordinance.

**Section 27.12. Continuation of Previously Granted Conditional Use Permits.** All conditional use permits previously granted pursuant to the provisions of Ordinance No. 638 shall be deemed to legally continue in effect under Sections 27.271 through 27.289 (Variances and Conditional Use Permits) of this zoning ordinance, and shall be subject to all the conditions and provisions governing such conditional use permits upon the effective date of this zoning ordinance.

**Section 27.13. Continuation of Existing Nonconforming Uses.** Any use established or conducted, or any building or improvement lawfully existing as a nonconforming use prior to the effective date of this zoning ordinance pursuant to Ordinance No. 638, shall be deemed to be lawfully continued under this zoning ordinance and the determination of the termination date established by this zoning ordinance shall be computed from the original date said use became nonconforming under Ordinance No. 638.

**Section 27.14. License Approval Continued.** The rights granted by any previously issued permit, license or other approval under any ordinance repealed by this zoning ordinance shall not be affected by such repeal, but such rights shall hereafter be exercised in accordance with the provisions of this zoning ordinance.

**Section 27.15. Violations of Previously Adopted Ordinance.** Any use established or conducted, or any building or improvement existing, in violation of Ordinance No. 638, upon the effective date of this zoning ordinance shall not be deemed to have acquired the status of a nonconforming use by virtue of the adoption of this zoning ordinance or any provision thereof. To the extent that such use, building, or improvement was a violation of Ordinance No. 638, or any ordinance, statute, or law, or is a violation of this zoning ordinance, it shall be deemed to be a continuing violation.

**Section 27.16. Administration and Enforcement.** The planning director is hereby vested with the duty of administering and enforcing this zoning ordinance.

**Section 27.17. Delegation of Power or Duty by the Planning Commission.** Whenever by ordinance an administrative power is granted to or an administrative duty imposed upon the planning commission, the planning commission may authorize or instruct the planning director to exercise such administrative power, or perform such administrative duty.

**Section 27.18. Assumption of Power or Duty of Public Officer.** Whenever a power is granted to or a duty imposed upon a public officer by this zoning ordinance, the power may be exercised or the duty may be performed by the planning commission, a deputy of the public officer, or a person authorized, pursuant to law or ordinance, by said officer, unless this zoning ordinance specifically provides otherwise.

**Section 27.19. Adherence to Other Applicable Ordinances.** The provisions of other applicable state and City of Brawley statutory and ordinance provisions shall be observed and compliance rendered with the more stringent regulations taking precedence.

**Section 27.20. Publicly Owned Property Acquisition.** When the city council, pursuant to Chapter 3, Title 7 of the Government Code, approves the acquisition of any square, park or other public ground or open space by any public entity, it may in its approval designate for what purpose and to what extent said property may be used.

**Section 27.21. Use of Publicly Owned Property.** When the city council so approves the acquisition of publicly owned property, such property may be used for any use designated pursuant to this zoning ordinance by the city council in addition to those permitted in the zone in which such property is located.

**Section 27.22. Environmental Guidelines.** The City of Brawley will utilize locally adopted guidelines to implement the provisions of the California Environmental Quality Act (CEQA) and State CEQA Guidelines.

**Sections 27.23.–27.29. Reserved.**

## Article II. Definitions

**Section 27.30. Applicability.** For the purpose of carrying out of the intent of this zoning ordinance, the words, phrases and terms included herein shall be deemed to have the meaning ascribed to them in this article.

### Section 27.31. “A”.

**Abandonment** means to cease or discontinue a use or activity without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

**Abut** or **abutting** means the same as adjoining.

**Access** means the place, or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by this zoning ordinance.

**Accessory use** means a use customarily incidental to, related and clearly subordinate to a principal use established on the same lot or parcel of land, which accessory use does not alter said principal use or adversely affect other properties in the area.

**Adjacent** means two or more lots or parcels of land separated only by an alley, street, highway or recorded easement, or two or more objects that lie near or close to each other.

**Adjoining** means two or more lots or parcels of land sharing a common boundary line, or two or more objects in contact with each other.

**Adult uses/terminology** (The definition of adult uses specifies the following types of establishments.)

**Adult arcade** means an establishment where, for any form of consideration, one or more motion picture projectors, slide projectors, or similar machines for viewing by five or fewer persons each are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas. (See the end of the list of adult-use establishments for the ordinance’s definition of “specified sexual activities” or “specified anatomical areas”.)

**Adult bookstore** means an establishment that has more than 50% of its stock-in-trade and offers for sale, for any form of consideration, any one or more of the following:  
1) books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified

anatomical areas; or 2) instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

**Adult cabaret** means a nightclub, bar restaurant, or similar establishment that presents live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities, or films, motion pictures, video cassettes, slides, or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

**Adult motion picture theater** means an establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown and in which more than 50% of the total presentation time is devoted to the showing of material characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

**Adult theater** means a theater, concert hall, auditorium, or similar establishment characterized by (activities featuring) the exposure of specified anatomical areas or by specified sexual activities.

**Massage parlor** means an establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional person licensed by the state. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

**Sexual encounter establishment** means an establishment other than a hotel, motel, or similar establishment offering public accommodations, which, for any form of consideration, provides a place where two or more persons may congregate, associate, or consort in connection with specified sexual activities or the exposure of specified anatomical areas. This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in sexual therapy.

**Specified anatomical areas** as used herein, means and includes any of the following:

- 1) less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or
- 2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**Specified sexual activities** as used herein, means and includes any of the following:

- 1) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus,

or female breasts; 2) sex acts, normal or perverted, actual or simulate, including intercourse, oral copulation, or sodomy; 3) masturbation, actual or simulated; or 4) excretory functions as part of or in connection with any of the activities set forth in numbers (1) through (3) of this definition.

**Agriculture** (see also farm) means the use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.

**Alley** means an unnamed public or private right-of-way less than forty feet wide which affords a means of vehicular access to the side or rear of properties abutting a street or highway not intended for general traffic circulation.

**Alteration** means any change, addition, or modification in construction or occupancy of an existing structure.

**Amendment** means a change in the wording, context or substance of this zoning ordinance, or a change in the zoning maps, which are part of this zoning ordinance when adopted by ordinance of the city council in the manner prescribed by law.

**Animal hospital** means an institution specializing in giving clinical, temporary, and emergency services of a medical or surgical nature to animals.

**Apartment house** means a building, or a portion of a building, designed or used for occupancy by three or more families living independently of each other, and containing three or more dwelling units.

**Area** means net area unless otherwise specified.

**Area, net** means that area of a lot or parcel of land exclusive of:

1. Public alleys, highways or streets;
2. Proposed public facilities such as alleys, highways, streets or other necessary public sites when included within a proposed development project; or
3. Other public or private easements when the owner of the servient tenement does not have the right to use the entire surface of the land.

**Assessor** means the assessor of the county of Imperial.

**Automobile dismantling yard** means any premises used for the dismantling or wrecking of vehicles required to be registered under the Vehicle Code of the State of California including the buying, selling or dealing in such vehicle or the integral parts or component materials thereof, and the storage, sale or dumping of dismantled, partially dismantled or wrecked operative and inoperative vehicles. Automobile dismantling shall not include the incidental storage of

inoperative or disabled vehicles in connection with the legal operation of an automobile repair garage, automobile body and fender repair shop or automobile impound yard.

**Automobile impound yard** means facilities designated or maintained by a governmental agency for the temporary storage of vehicles legally removed or impounded by a peace officer from public or private property as prescribed by law.

### Section 27.32. “B”.

**Bachelor apartment** means two or more connecting guest rooms which do not contain cooking facilities and are designed, used or intended to be used, rented or hired out as living accommodations for any person as a single living unit.

**Bar or cocktail lounge** means any premises wherein alcoholic beverages are sold at retail for consumption on the premises and minors are excluded by law. It shall not mean a premises wherein such beverages are sold in conjunction with the sale of food for consumption on the premises and the sale of said beverages comprises less than 25 percent of the gross receipts.

**Basement** means that portion of a building between floor and ceiling, which is partly below and partly above grade, but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.

**Building** means any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals, chattel or property of any kind.

**Building, accessory** means a detached subordinated building less than 30% of the floor area of the main building, the use of which is customarily incidental to that of the main building or to the principal use of the land and which is located on the same lot or parcel of land with the main building or principal use of the land. Accessory buildings shall be included in the calculation of floor area ratio.

**Building coverage** means the percent of lot area which may be covered by all the footprints of buildings or above-ground structures on a lot.

**Building height** means the vertical distance from the grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.

**Building, main** means a building in which is conducted a principal use of the lot or parcel of land upon which it is situated. In a residential or agricultural zone any dwelling shall be deemed to be a main building upon the lot or parcel of land on which it is situated.

### Section 27.33. “C”.

**Carport** means a structurally permanent roofed structure constructed with building materials similar to the roof of the main building with not more than two enclosed sides, used or intended to be used for automobile shelter.

**Cellar** means that portion of a building between floor and ceiling which is wholly or partly below grade and so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling.

**Cemetery** means land used or intended to be used for the burial or interment of the dead and dedicated for cemetery purposes. Cemetery includes columbaria and mausoleums, and may include mortuaries and chapels when operated in conjunction with and within the boundary of such cemetery.

**Centerline** means a line established by the city engineer as the centerline of a street, alley, right-of-way, or easement. For the purposes of this zoning ordinance, where a proposed centerline is designated on an official survey map, the proposed centerline shall be deemed to be the official centerline. Centerlines established by the county surveyor or county engineer, where such is applicable, shall be deemed to be official centerlines.

**Child care center** means a facility which provides non-medical care to children in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis.

**Children's home** means one or more buildings used for the semi-permanent twenty-four-hour care of orphans or other children deprived of parental care, operated by a public agency or a philanthropic or charitable organization, but shall not include commercial enterprises operated by such organizations or a correctional institution.

**City** means the City of Brawley.

**City Council** means the legislative body of the City of Brawley.

**Club, country** means a private club organized and operated for social purposes and possessing outdoor recreational facilities such as golf courses, tennis courts or polo grounds.

**Club, private** means any building or premises used by an association of persons, whether incorporated or unincorporated, organized for some common purpose, but not including a group organized solely or as one of the basic purposes of the club to render a service or facilitate the sale of a product customarily carried on as a for profit or nonprofit commercial enterprise.

**Cocktail lounge** (see Bar).

**Code** means the Municipal Code of the City of Brawley.

**Coffee house** means any premises where coffee is sold at retail for consumption on the premises.

**Commercial center** means a group of commercial establishments planned, constructed, and managed as a total entity with customer and employee parking provided on-site.

**Commission** means the planning commission of the City of Brawley.

**Communication equipment building** means a building housing operational mechanical or electronic switching equipment of a telephone or similar communication system, and personnel necessary for operation of such equipment.

**Conditional use** means a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, development and operating conditions, or relation to the neighborhood, would not be detrimental to public health, safety, or general welfare.

**Condominium** means an estate in real property consisting of an undivided interest in common of a portion of a parcel of real property together with a separate interest in space in a residential, commercial or industrial building on such real property, such as an apartment, office or store.

**Contiguous** means the same as adjoining.

**Convalescent home** means the same as rest home.

**Convenience store** means a local retail store of small size that sells items generally necessary or desirable for everyday living, such as prepackaged food products, household items, and other goods.

**Council** means the city council of the City of Brawley.

**County** means the county of Imperial.

**Court** means an open, unoccupied space, bounded on two sides by the walls of a building. An inner court is a court entirely enclosed within the exterior walls of a building. All other courts are outer courts.

**Crematorium** means a building with a furnace for cremating dead bodies.

#### **Section 27.34. "D".**

**Dairy** means any premises where three or more cows or goats, or any combination thereof equaling three or more animals, are kept or maintained for the purpose of producing milk.

**Day care center** (see Family day care home).

**Density** means the number of dwelling units permitted per net acre of land.

**Detached living quarters** means the same as guest house.

**Duplex** means the same as Dwelling, two-family.

**Dwelling, multiple** means a building or portion thereof, designed for occupancy by two or more families living independently of each other, and containing two or more dwelling units.

**Dwelling, one-family** means a detached building designed or used exclusively for occupancy by one family and containing one dwelling unit.

**Dwelling, two-family** means a building designed or used exclusively for occupancy by two families and containing two dwelling units.

**Dwelling unit** means one or more rooms in a building or portion thereof, designed, intended to be used or used for occupancy by one family for living and sleeping quarters, and containing only one kitchen.

#### **Section 27.35. “E”.**

**Easement** means the right of a person, government agency, or public utility company to use public or private land owned by another for a specific purpose.

**Emergency shelter** means housing with minimal supportive services for homeless persons that is limited to occupancy of 6 months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

**Explosives** means any explosive substance, having a power equal to or greater than that of ordinary black powder, including but not limited to blasting caps, detonating, fulminating or electric caps, gun powder and dynamite, but shall not include fixed ammunition for small arms.

**Expressway** means a divided multi-lane major arterial street for through traffic with access and intersection control.

#### **Section 27.36. “F”.**

**Family** means a person or persons, related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit. Family shall also include a group of not more than five persons, including roomers but not servants, unrelated by blood, marriage or adoption, when living together as a single housekeeping unit in a dwelling unit.

**Family day care home** means a home which regularly provides care, protection, and supervision of six or fewer children (small family day care home) or 7 to 12 children (large family day care home), including children under the age of 10 years who reside at the home, in the provider’s own home, for periods of less than 24 hours per day, while the parents or guardians are away.

**Farm or farmland** (see also agriculture) means a parcel of land in one ownership that is used primarily for the commercial, soil-dependent or non soil-dependent cultivation of agricultural crop production and/or for the raising of livestock. The term “one ownership” shall include an individual, corporation, business trust, estate, trust, partnership, association, or two or more persons having a joint or common interest in the land.

**Flea market** means an occasional or periodic sales activity held for more than one day each week within a building, structure, or open area where groups of individual sellers offer goods, new and used, for sale to the public, not to include private garage sales.

**Floor area** means the total enclosed horizontal area of all the floors of a building measured from the exterior surface of the outside walls of the enclosed area including all floors below ground level but exclusive of vent shafts and courts.

**Floor area ratio** means the numerical value obtained through dividing the above-ground floor area of a building or buildings by the total area of the lot or parcel of land on which such building or buildings are located.

**Freeway** means a highway in respect to which the owners of adjoining lands have no right or easement of access to or from their adjoining lands, or in respect to which such owners have only limited or restricted right or easement of access and which is declared to be such in compliance with the Streets and Highway Code of the State of California, including principal roadways, interchange roadways connecting one freeway with another, and ingress and egress ramps connecting the freeway with other streets or highways, but not including frontage roadways.

**Funeral home** means a building or part thereof used for human funeral services. Such building may contain space and facilities for: a) embalming and the performance of other services used in preparation of the dead for burial; b) the performance of autopsies and other surgical procedures; c) the storage of caskets, funeral urns, and other related funeral supplies; and d) the storage of funeral vehicles, but shall not include facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted.

#### **Section 27.37. “G”.**

**Garage** means any building, with not less than three enclosed sides, which is used or intended to be used for automobile shelter or storage.

**Geothermal** means having to do with heat generated in the interior of the earth.

**Glare** means a sensation of brightness within the visual field that causes annoyance, discomfort, or less in visual performance and visibility.

**Grade, ground-level** means the average level of the finished ground surface surrounding a building, measured at the center of all walls of the building.

**Gradient** means the rate of vertical change of a ground surface expressed as a percentage figure and determined by dividing the vertical distance by the horizontal distance.

**Granny flat** (see also Second unit) means an attached or a detached residential dwelling unit on a parcel zoned for a single-family residence which provides complete independent living facilities for the sole occupancy of one or two adult persons who are 62 years of age or over, and the area of floor space of the attached dwelling unit does not exceed 30 percent of the existing living area or the area of the floor space of the detached dwelling unit does not exceed 1,200 square feet.

**Guest house** means living quarters located within an accessory building located on the same premises with a main building and occupied solely by members of the family, temporary guests or persons regularly employed on the premises. Such quarters shall have no kitchen and shall not be rented or otherwise used as a separate dwelling unit.

#### **Section 27.38. "H".**

**Halfway house** means a licensed home for inmates on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently. Such placement is pursuant to the authority of the State Department of Corrections.

**Handicapped** means a person determined to have a physical impairment or mental disorder expected to be of long or indefinite duration.

**Hazardous substances** means any substances or materials that by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance.

**Height** (See Building Height).

**Heliport** means any helicopter landing area used, designed or intended to be used for the receiving or discharging of passengers and cargo, and includes any appurtenant facilities for passengers, cargo, or for the servicing, repair, shelter or storage of helicopters.

**Highway** means a freeway, major highway or secondary highway.

**Highway, Major** means an expressway or prime arterial designated as such in the Circulation Element of the General Plan of the City of Brawley.

**Highway, Secondary** means a minor arterial, collector, secondary arterial, or local/industrial collector shown as such in the Circulation Element of the General Plan of the City of Brawley.

**Hog Ranch** means any premises where three or more weaned hogs are kept or maintained.

**Home occupation** means an occupation, profession, activity, or use that is clearly a customary, incidental, and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood.

**Hospital** means an institution providing physical or mental health services, inpatient or overnight accommodations, and medical or surgical care of the sick and injured. Hospital includes sanitarium and sanatorium.

**Hotel** means any building or portion of any building with access provided through a common entrance, lobby or hallway to six or more guest rooms, having no cooking facilities, and which rooms are designed, intended to be used or are used, rented or hired out as temporary or overnight accommodations for guests.

**Hotel, extended stay** means any building or portion of any building with access provided through a common entrance, lobby or hallway to six or more guest rooms, with cooking facilities, and which rooms are designed, intended to be used or are used, rented or hired out as extended or temporary accommodations for guests. Guests shall not be permitted to stay for more than 90 consecutive days without vacating the hotel for 90 consecutive days.

**Household pet** means any domesticated animal commonly maintained in residence with a person or family.

#### **Section 27.39. “I”.**

**Industrial center** means a group of industrial establishments planned, constructed, and managed as a total entity with customer and employee parking provided on-site.

**Industrial park** means a planned, coordinated development of a tract of land with two or more separate industrial buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design and orientation, and open space.

**Industry, heavy** means a use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

**Industry, light** means a use engaged in the manufacture, predominantly from previously prepared materials, of finished products, or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing.

#### **Section 27.40. “J”.**

**Junk and salvage yard** means any premises on which any portion *is* used for the keeping or storage of junk for future sale or barter, including but not limited to iron and scrap metals, paper, rags, glass, wood and similar materials, and shall include the dismantling of machinery or the storage or keeping for sale of parts and equipment resulting from dismantling or wrecking operations on said property or elsewhere. Junk and salvage yard shall also include the baling of cardboard, cardboard boxes, paper and paper cartons.

**Section 27.41. “K”.**

**Kitchen** means any space within a building designed, intended to be used or used for the cooking or the preparation of food.

**Section 27.42. “L”.**

**Land reclamation project** means a project established to restore otherwise unsuitable land to useful purposes through the use of fill materials such as rubbish, waste, soil and other unwanted materials. Land reclamation project includes a dump or waste disposal facility.

**Landscaping** means the planting and maintenance of some combination of trees, shrubs, vines, ground covers, flowers or lawns. In addition, the combination or design may include natural features, such as rock and stone and structural features, including but not limited to fountains, reflecting pools, art works, screens, walls, fences and benches.

**Lot** means:

1. A parcel of real property which is shown as a lot in a subdivision recorded as a final map with a number or other designation, on a plat recorded in the office of the county recorder of Imperial County, or
2. A parcel of land, the dimensions or boundaries of which are defined by a record of survey recorded pursuant to the provisions of the Subdivision Map Act of the State of California, in the office of the county recorder of Imperial County, or
3. A parcel of land registered under the Land Title Law (Torrens Title), and held under separate ownership from adjacent property on the effective date of this zoning ordinance.

**Lot area** means the total area, measured in a horizontal plane, included within the lot lines of a lot or parcel of land.

**Lot, corner** means a lot or parcel of land situated at the intersection of two or more streets and/or highways, which streets or highways have an angle of intersection, measured within said lot or parcel of land, of not more than one hundred thirty-five degrees.

**Lot coverage** means the area of a site covered by buildings or roofed areas, excluding allowed projecting eaves, balconies, and similar features.

**Lot depth** means the horizontal distance measured between the midpoints of the front and rear lot lines.

**Lot, interior** means a lot or parcel of land other than a corner lot.

**Lot, key** means an interior lot adjoining the rear lot line of a reversed corner lot.

**Lot line, front** means a line separating an interior lot from a street or highway, or a line separating the narrower street frontage of a corner lot from the street or highway.

**Lot line, rear** means a lot line which is opposite and most distant from the front lot line. For a triangular or gore-shaped lot, the rear lot line shall mean a line ten feet in length within the lot which is parallel to the front lot line, or parallel to the chord of a curved front lot line, and at the maximum distance from the front lot line.

**Lot line, side** means any lot boundary line which is not front lot line or a rear lot line.

**Lot, reversed corner** means a corner lot, the side lot line of which is substantially a continuation of the front lot line of a lot or parcel of land which adjoins the rear lot line of said corner lot.

**Lot, through** means an interior lot having a frontage on two streets and/or highways.

**Lot width** means the horizontal distance between the side lot lines measured at right angles to the lot depth line at a distance midway between the front and rear lot lines.

#### **Section 27.43. "M".**

**Manufactured housing** (see also mobilehome) means a factory-built, single-family structure that is manufactured under the authority of 42 U.S. Code Section 5401, the National Manufactured Home Construction and Safety Standards act, is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame.

**Medical clinic** means any facility providing physical or mental health service and medical or surgical care of the sick or injured, but shall not include inpatient or overnight accommodations. Medical clinic includes health center, health clinic and doctors' offices.

**Mobilehome** means a residential dwelling unit at least twelve feet in width and designed to be movable on its own wheels and capable of being placed either on a permanent foundation or on other approved supports.

**Mobilehome park** means any lot or parcel of land where mobile home spaces are rented or leased for the placement of two or more mobilehomes, regardless of whether or not a charge is made for such accommodations.

**Mobilehome subdivision** means a subdivision of land with lots or parcels created for the purpose of locating individual mobilehomes on each lot or parcel.

**Motel** means one or more buildings containing guest rooms or dwelling units, with one or more such rooms or units having a separate entrance leading directly from the outside of the building or from an inner court. Such facilities are designed, used or intended to be used, rented or hired out for temporary or overnight accommodations for guests, and are offered primarily to automobile tourists or transients by signs or other advertising media. Motel includes auto courts, motor lodges, tourist courts and motor hotels.

**Motorhome** means a self-propelled vehicle, designed or used for human habitation, and constructed to travel on public thoroughfares in accordance with the Vehicle Code of the State of California.

**Motor vehicle** means a self-propelled device by which any person or property may be propelled, moved, or drawn upon a street or highway, excepting a device moved by human power or used exclusively upon stationary rails or tracks.

#### **Section 27.44. “N”.**

**Nonconforming structures** means any structure or improvement that was lawfully established and in compliance with all applicable ordinances and laws at the time the ordinance codified in this zoning ordinance or any amendment thereto became effective, but which, no longer complies with all of the applicable regulations and standards of the zone in which the structure or improvement is located.

**Nonconforming use** means any use of land or property that was lawfully established and in compliance with all applicable ordinances and laws at the time this zoning ordinance or any amendment thereof became effective, but which, due to the application of this zoning ordinance or any amendment thereto, no longer complies with all of the applicable regulations and standards of the zone in which the use is located.

**Nursery school** means a school providing day care for pre-elementary school age children.

#### **Section 27.45. “O”.**

**Open space** means an area that is intended to provide light and air, and is designed for either environmental, scenic, or recreational purposes. Open space may include, but is not limited to, lawns, decorative planting, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas, stormwater retention basins and water courses. Open space shall not be deemed to include driveways, parking lots, or other surfaces designed or intended for vehicular travel.

**Open space, common** means open space within or related to a development, not in individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of the development.

**Open space, private** means an open space area held in private ownership, the use of which is normally limited to the occupant of a single dwelling unit or building.

**Ordinance** means an ordinance of the City of Brawley.

**Outdoor advertising or billboard** means the use of a sign or signs soliciting public support or directing public attention to the sale, lease, hire or use of any objects, products, services or functions which are not produced, sold or otherwise available on the premises where such sign is erected or maintained.

**Outdoor seating** means an area directly adjacent to a building which includes seating for patrons or other persons using the building.

#### **Section 27.46. "P".**

**Parcel of land** means a contiguous quantity of land in the possession of, or owned by, or recorded as the property of, the same claimant or person.

**Parking space** means an area of not less than one hundred eighty square feet (or 112.5 square feet for compact car spaces), designed for the parking of one motor vehicle, that has access from a public street or alley.

**Parking space, handicapped** means a parking space designated specifically for vehicles driven by the handicapped with dimensions conforming to Uniform Building Code requirements for a handicapped parking space.

**Parkway** means a parkway designed as such in the Circulation Element of the General Plan of the County of Imperial, or in the City of Brawley General Plan Circulation Element.

**Person** means any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, syndicate, district, political subdivision, foreign country or any other group of combination acting as a unit.

**Pet** means an animal that is tamed or domesticated and kept as a companion or treated with fondness.

**Petroleum bulk plant** means any premises used for the wholesale distribution and storage of gasoline, oil or petroleum products, but shall not include the storage of liquid petroleum gas, a tank farm, or be connected to a pipe constituting, in effect, a petroleum terminal.

**Planning agency** means an entity or entities, such as the planning commission and the planning director identified by the city council of the City of Brawley assigned with responsibility to carry out the planning functions of the City of Brawley.

**Planning commission** means a group of at least seven individuals appointed by the city council of the City of Brawley to carry out specific planning functions prescribed by City of Brawley ordinance(s).

**Planning director** means the Director of Planning for the City of Brawley.

**Project** means the entire parcel of real property, including all structures and improvements thereon, for which any part is proposed to undergo a change in use or physical improvement including demolition or construction of structures, grading, paving or other substantial change.

**Public utility service center** means any buildings or premises used for the office, warehouse, storage yard, or maintenance garage of a public utility including microwave repeater stations when incorporated as a part of the service yard use.

#### **Section 27.47. “Q”.**

**Quarry** means any place on a lot or parcel of land where dirt, soil, sand, gravel, rock, clay, decomposed granite or other similar material is removed by excavation or otherwise. Quarry shall include mining operations for the removal of ores, precious stones, or other solid materials.

#### **Section 27.48. “R”.**

**Recreational/entertainment center** means a building or part of a building devoted to recreational activities, including video games, pinball machines, table games, and other similar forms of entertainment.

**Recreational vehicle** means a travel trailer, motorhome or truck camper and is a vehicle designed to be operated or towed on public thoroughfares in accordance with the provisions of the State Vehicle Code.

**Recreational vehicle park** means a lot or parcel where two or more recreational vehicles are stored or occupied as temporary residences, regardless of whether or not a charge is made for such accommodations.

**Residence** means one or more rooms designed, used or intended to be used as permanent living quarters for a family and not as temporary or overnight accommodations.

**Rest home** means a home offering or providing lodging, meals, nursing, dietary or other personal services to convalescents, invalids or aged persons but does not include surgery or the care of persons with contagious or communicable diseases. Rest home includes convalescent home and home for the aged.

**Right-of-way** means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or other special use.

**Room** means a habitable undivided portion of the interior of a dwelling, excluding bathrooms, kitchens, closets, hallways, and service porches.

**Room, guest** means one room which does not contain cooking facilities and is designed, used or intended to be used as temporary sleeping accommodations for any person.

**Roominghouse** and **boardinghouse** means a lodging house, or other building or structure maintained, advertised or held out to the public as a place where sleeping or rooming accommodations are furnished to the whole, or any part of the public whether with or without meals. Roominghouse includes fraternity and sorority houses.

#### **Section 27.49. "S".**

**Sanitarium** and **sanatorium** means the same as hospital.

**Second unit** (see also Granny flat) means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. A second unit includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated.

**Service station** means any premises where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning are conducted. Service stations shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, and body fender work are conducted.

**Setback** means the required minimum horizontal distance between the building line and the related front, side, or rear property line.

**Shopping center** means a group of three or more commercial establishments planned, constructed, and managed as a total entity with customer and employee parking provided on-site.

**Story** means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the roof above. Story includes a basement, but not a cellar (see definitions under Basement and Cellar).

**Story, half** means a story with at least two of its opposite sides situated immediately under a sloping roof, with the floor area of said story not in excess of two-thirds of the floor area of the floor immediately below it.

**Street** means a public or private right-of-way, other than a parkway, major or secondary highway, freeway, or alley, whose function is to carry vehicular traffic and/or provide vehicular access to abutting property.

**Structure** means anything constructed or erected which requires a fixed location on the ground, or is attached to something having a fixed location on the ground.

**Structure, advertising** means a structure existing, erected or maintained to serve exclusively as a stand, frame or background for the support or display of signs.

**Supportive Housing** means housing with no limit on length of stay that is occupied by the target population and is linked to on-site or off-site services that assist residents retain the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. On-site and off-site services may include, but are not limited to, after-school tutoring, child care, and career counseling.

#### **Section 27.50. “T”.**

**Trailer** means a vehicle designed for carrying persons or property on its own structure and for being drawn by a motor vehicle. Trailer includes semi-trailers.

**Transitional Housing** means buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.

#### **Section 27.51. “U”.**

**Use** means construction, establishment, maintenance, alteration, moving onto, enlargement, operation or occupancy.

#### **Section 27.52. “V”.**

**Variance** means a legal exception to the zoning ordinance granted to a person whose property, due to unusual size, shape, topography, location or surroundings would be denied privileges enjoyed by other properties in the vicinity if the zoning ordinance provisions were strictly interpreted. A variance runs with the property and it normally transfers to a new owner upon sale or transfer of real property. A variance cannot be granted for property which authorizes a use or activity which is not otherwise expressly authorized by City of Brawley zoning regulations governing the property.

#### **Section 27.53. “W”.**

**Writing** means any form of message recorded in English and capable of visual comprehension.

**Section 27.54. “X”.**

No definitions.

**Section 27.55. “Y”.**

**Yard** means an open space on a lot or parcel of land, other than a court, unoccupied and unobstructed by a building from the ground upward.

**Yard, front** means a yard extending across the full width of the lot or parcel of land. The depth of a required front yard shall be a specified horizontal distance between the front lot line, where the front lot line is coterminous with the street line of a fully widened street or highway, or the ultimate street line of a partially widened street or highway, and a line parallel thereto on the lot or parcel of land.

**Yard, rear** means a yard extending across the full width of the lot parcel of land. The depth of a required rear yard shall be a specified horizontal distance between the rear lot line and a line parallel thereto on the lot or parcel of land.

**Yard, side** means a yard extending from the required front yard, or the front lot line where no front yard is required, to the required rear yard or to the rear lot line where no rear yard is required. The width of a required side yard shall be a specified horizontal distance between each side lot line and a line parallel thereto on the lot or parcel of land. Where a side yard shall be a specified horizontal distance between the side lot line on the street or highway side, here said lot line is coterminous with the street line of a fully widened street or highway, or the ultimate street line of a partially widened street or highway, and a line parallel thereto on the lot or parcel of land.

**Section 27.56. “Z”.**

**Zero lot line** means the location of a building on a lot in such a manner that one or more of the building’s sides rests directly on a lot line.

**Sections 27.57.–27.59. Reserved.**

### **Article III. Establishment of Zones**

**Section 27.60. Zoning Maps.** The zoning maps of the City of Brawley are adopted by reference and shall hereafter be in effect and exist pursuant to and as part of this zoning ordinance and shall be known and designated as the “zoning maps.”

**Section 27.61. Zoning Boundary Uncertainties.** Where uncertainty exists as to boundaries of any zone shown upon a zoning map, or any part thereof, the following provisions shall apply:

1. Where boundaries are indicated as approximately following lot lines or the centerline of highways, streets or alleys, such lines shall be construed to be such boundaries.
2. In the case of un-subdivided property where a zone boundary divides a lot, the location of such boundaries shall be determined by use of the scale appearing on said zoning map.
3. Where a public highway, street or alley, or any portion thereof is officially vacated or abandoned, the area comprising such vacated highway, street or alley shall acquire the zone classification of the property to which it reverts.
4. Areas in dedicated highways, streets or alleys, or in railroad rights-of-way, other than as are designated on the zoning map as being classified in one of the zones provided in this zoning ordinance, shall be deemed to be in zone R-1 (single-family residential), and in the case of highways, streets or alleys permitted to be used only for purposes lawfully allowed, and in the case of railroad rights-of-way be permitted to be used solely for the purpose of accommodating tracks, signals, other operative devices and the movement of rolling stock.
5. If a zone boundary divides a lot into two parts and the portion in one zone is of such size and shape that no part of said portion is more than fifty feet from the nearest point on the zone boundary, then said portion may be used for any purpose permitted in the zone established on the remaining portion of the lot, provided that:
  - a. The lot is shown as a single lot on a final subdivision map that was recorded in the office of the county recorder after the effective date of the ordinance or amendment establishing said zone boundary; and
  - b. The lot has been held in undivided ownership at all times since the recording of said final map.

**Section 27.62. Prezoning of Areas Prior to Annexation.** The prezoning of areas prior to annexation by the City of Brawley provides local implementation of the authority granted cities by Section 65859 of the Government Code.

**Section 27.63. Prezoning Procedure.** Prior to annexing any property to the City of Brawley, the city council shall prezone the property to the zoning classification consistent with the General

Plan Land Use Element. Prior to taking final action on the rezoning of any property, the council shall request the planning commission to provide a recommendation on which zoning classification should be applied to which properties. The planning commission and city council shall hold public hearings on the proposed rezoning plan prior to taking any official action. The city clerk shall notify persons whose property will be affected by the rezoning action as required by Sections 65090 and 65091 of the Government Code.

**Section 27.64. Effective Date of Zoning.** The zoning classifications adopted pursuant to this article for rezoning of property adjoining the City of Brawley shall become effective at the same time as the annexation of such property to the City of Brawley becomes effective.

**Sections 27.65.–27.69. Reserved.**

## Article IV. Residential Districts

**Section 27.70. Residential Districts.** Residential Districts included in this zoning ordinance are as follows:

1. Zone R-A (Residential-Agricultural). Zone R-A is established to provide for subdivisions with large lots which are compatible with agricultural areas in and adjacent to the City of Brawley. In order to encourage single-family development in rural areas adjacent to the existing urban areas, provisions are included to allow the maintenance of limited agricultural pursuits. Additional accessory uses, necessary and incidental to single-family developments, are also permitted.
2. Zone R-E (Residential-Estate). Zone R-E is established to provide for subdivisions with large lots which are compatible with all single-family residential areas in the City of Brawley. In order to encourage single-family development in rural areas adjacent to the existing urban areas, provisions are included to allow the maintenance of limited agricultural pursuits. Additional accessory uses, necessary and incidental to single-family developments, are also permitted.
3. Zone R-1 (Single-Family Residential). Zone R-1 is established to provide for residential areas to be developed exclusively for single-family dwellings. Additional accessory uses, necessary and incidental to single-family development, are also permitted.
4. Zone R-2 (Low Density Multiple-Family Residential). Zone R-2 is established to provide for areas suitable to accommodate low density single-family and multiple-family residential developments. One-family and two-family dwellings may be established, subject to the size of the lot or parcel of land to be built upon.
5. Zone R-3 (Medium Density Multiple-Family Residential). Zone R-3 is established to provide for areas suitable for location of medium-density residential developments in the form of apartment buildings and condominiums with limited height, and with provisions to support community services.
6. Zone MHS (Mobilehome Subdivision). Zone MHS is established in order to provide for areas where mobile homes can be placed as permanent dwelling units on individual lots, tracts, or parcels. By providing this zone where the economical housing provided by mobile homes can be made available to persons of all socio-economic groups, the City of Brawley will implement the goals of the General Plan.
7. Zone MHP (Mobilehome Park). Zone MHP is established in order to provide for areas suitable for development of mobile home parks and travel trailer parks. By providing a zone where the economical housing provided by the mobile home or travel trailer can be made available to persons of all socio-economic groups, the City of Brawley will implement the goals of the General Plan.

**Section 27.71. Purpose.** The residential zones are established to provide for residential districts of varying population densities for the location of single-family and multiple-family structures and mobilehomes. The necessary appurtenant and accessory structures and facilities are allowed in residential zones when associated with the primary residential use.

**Section 27.72. Residential Permitted Uses, Accessory Uses, Conditional Uses, and Prohibited Uses.**

(a) Permitted uses (uses permitted by right) in the residential zoning districts are largely residential, but may include uses which are accessory to the residential use, such as recreational facilities and other uses clearly recognized as necessary to the primary residential use.

(b) Certain uses may not be suitable in every location within residential districts and therefore require planning director or planning commission discretionary review through the conditional use permit process described in Section 27.270 of this zoning ordinance, Table 27.72, Uses by Residential Zoning District, lists those uses that are suitable:

1. Permitted by right;
2. Permitted as accessory to the residential use;
3. Permitted as conditional uses; and
4. Prohibited in the residential zoning districts.

(c) The planning commission may also permit other uses similar to the uses permitted by right in Table 27.72 that the planning commission finds to fall within the intent and purpose of these zones, that will not be more obnoxious or materially detrimental to the public welfare or to property in the vicinity of said uses, and which the planning commission finds to be of a comparable nature and of the same class as the uses permitted by right in Table 27.72.

**Section 27.73. Residential Development Standards.** General development standards for the residential zoning districts are provided in Table 27.73. These standards include (a) minimum lot size, (b) minimum lot width, (c) minimum lot depth, (d) minimum front yard setback, (e) minimum side yard setback, (f) minimum rear yard setback, (g) maximum building coverage, (h) maximum density, (i) maximum height, (j) off-street parking, (k) signs, (l) landscape, (m) minimum building separation, and (n) accessory buildings. These provisions are intended to provide the minimum acceptable standards for development within the residential districts necessary to ensure quality development. The development standards are supplemented by special development standards described in Section 27.74 of this zoning ordinance.

**Section 27.74. Special development standards.** Refer to Article XII (Special Development Standards and Uses) of this zoning ordinance for applicable special residential development standards.

**Sections 27.75.–27.79. Reserved.**

**Table 27.72. Uses by Residential Zoning District**

<b>Residential Zoning District Uses</b>	<b>R-A</b>	<b>R-E</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>MHS</b>	<b>MHP</b>
Academies of learning (private)	C	C	C	C	C	X	X
Access for other uses not permitted in zone	X	X	X	X	X	X	X
Accessory buildings or structures (private garages/carports)	P	P	P	P	P	P	P
Agriculture crops (including roadside sales)	P	X	X	X	X	X	X
Agriculture crops (excluding roadside sales)	P	X	P	X	X	X	X
Agricultural crops for personal use	P	P	P	P	X	X	X
Apartment buildings	X	X	X	X	P	X	X
Carnivals	C*	C*	C*	C*	C*	X	X
Child care centers	C	C	C	C	C	X	X
Children's homes	X	X	X	X	C	X	X
Christmas tree/wreath sales	X	X	X	X	C*	X	X
Churches, temples, house of religious worship	C	C	C	C	C	X	X
Church school facilities	C	C	C	C	C	X	X
Circus	C*	C*	C*	C*	C*	X	X
Club houses	X	X	X	X	A	X	A
Colleges and universities (exclude trade)	C	C	X	X	C	X	X
Communication equipment buildings	X	X	C	C	C	X	X
Condominium buildings	X	X	X	X	P	X	X
Convalescent hospitals, homes	X	X	X	X	C	X	X
Country clubs	C	C	C	C	C	X	X
Crops, nursery stock (exclude roadside sales)	P	P	X	X	X	P	X
Double-wide mobilehomes	P	P	P	P	P	P	P
Dwellings, multifamily	X	X	X	X	P	X	X
Dwellings, single-family	P	P	P	P	P	X	X
Dwellings, two-family	X	X	X	P	P	X	X
Educational, philanthropic, charitable institutions	X	X	X	X	X	X	X
Electric distribution substations, microwave facilities	P*	P*	P*	P*	P*	P*	P*
Family day care homes, large (see Section 27.202)	P	P	P	P*	P*	X	X
Family day care homes, small	P	P	P	P*	P*	X	X
Fire stations	C	C	C	C	C	C	C
Flowers and vegetable gardens	P	P	P	P	P	P	P
Fraternal organizations	X	X	X	X	P	X	X
Fruit trees, nut trees, grape vines, orchard	P	P	X	X	P	X	X
Golf courses	C	C	C	C	C	X	X
Granny flat	P*	P*	P*	P*	P*	X	X
Guest houses	C*	C*	C*	X	X	X	X
Hatcheries, poultry or fowl	X	X	X	X	X	X	X
Hatching, raising and fattening of animals	P <sup>3,4</sup>	P <sup>3,4</sup>	C	X	X	X	X
Horses, cows, sheep, goats, rabbits, chickens for personal use	P <sup>2,4</sup>	P <sup>2,4</sup>	C	X	X	X	X
Hospitals	X	X	X	X	C	X	X

<b>Residential Zoning District Uses</b>	<b>R-A</b>	<b>R-E</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>MHS</b>	<b>MHP</b>
Killing or dressing of animals for commercial	X	X	X	X	X	X	X
Libraries	C	C	C	C	C	X	X
Microwave stations	X	X	X	X	X	X	X
Mobilehome park	X	X	X	X	X	X	P
Model home	C*	C*	C*	C*	C*	X	X
Modular homes	P	P	P	P	P	X	X
Museums	C	C	C	C	C	X	X
Nursery schools	X	X	X	X	C	X	X
Nursing homes/nursing care	C	X	X	X	C	X	X
Parking (supplemental for commercial)	C*	C*	C*	C*	C*	X	X
Police stations	C	C	C	C	C	X	X
Post office	X	X	X	X	X	X	X
Private greenhouses or horticultural collections	P	P	P	P	P	X	X
Radio and television stations and towers (35 feet max)	X	X	X	X	C	X	X
Real estate tract office	C*	C*	C*	C*	C*	X	X
Recreational vehicle parks	C	C	X	X	X	X	P
Rest homes	X	X	X	X	C	X	X
Retired Organizations	C	C	C	C	C	X	X
Rooming/boarding houses, including bed and breakfast	X	X	X	X	P	X	X
Schools, public and private	C	C	C	C	C	X	X
Second dwelling units (attached or detached)	P*	P*	P*	P*	P*	X	X
Servants quarters	C*	C*	C*	X	X	X	X
Single-wide mobilehomes	X	X	X	X	X	P	P
Stations, bus, railroad and taxi	X	X	X	X	X	X	X
Storage, construction materials, public projects	C	C	C	C	C	C	X
Storage sheds	A	A	A	A	A	A	A
Supportive Housing	P	P	P	P	P	P	P
Swimming Pools	A	A	A	A	A	A	A
Telephone repeater stations	X	X	X	X	C	X	X
Tractor and other farm implement repair/service shops	X	X	X	X	X	X	X
Transitional Housing	P	P	P	P	P	P	P
Travel trailer park	X	X	X	X	X	X	P
Welding Shops	X	X	X	X	X	X	X

Key:

- P = Use Permitted by right.
- P\* = Use permitted subject to conditions outlined in zoning ordinance.
- C = Use requires planning commission conditional use permit.
- C\* = Use requires planning director conditional use permit.
- X = Use is prohibited.
- A = Use permitted as accessory use only.

Notes:

1. Household pets, provided that no more than three mammals over four months of age are kept for each dwelling unit. This provision shall not be construed to permit any animal, other than cats or dogs, to be kept, capable of inflicting harm or endangering the health and safety of any person or property.

2. The keeping of horses, cows, sheep, goats, rabbits, and chickens for personal use, provided the lot or parcel in question is at least one-half acre (21,780 square feet) in area. The number of animals per lot or parcel shall be limited to no more than one horse, one cow, one sheep, one goat, two rabbits, and ten chickens for every one-half acre of lot area. A combination of the above (i.e., two horses, no cows) may be approved by the city manager. No stable, barn, corral, pen or chicken coop shall be kept or maintained closer than fifty feet to any adjacent property owner's dwelling or other building used for human habitation, or within the front yard setback of each lot line of the lot upon which it is located, or within the front yard setback one hundred feet of any public park, school, hospital, or similar institution.
3. Hatching, raising, and fattening of chickens, rabbits, or cattle for domestic use only. There shall be no killing or dressing of any such animals or poultry on the premises for commercial purposes.
4. Except as hereinafter provided in subsections (a), (b), and (c), it shall be unlawful for any person to keep or maintain or cause to be kept or maintained, a stand of bees, cattle, horses, mules, donkeys, sheep, swine, goats, guinea hens, pigeons, rooster, peacocks, poultry, or wild, exotic, or undomesticated animals within the City of Brawley.
  - a. Birds. Where more than ten birds are kept on any premises, whether for pleasure or profit, a conditional use permit shall be required.
  - b. Poultry, rabbits, chinchillas, furbearing animals, amphibians, and other small animals. Where more than two such animals are kept on any premises, whether for pleasure or profit, a conditional use permit shall be required. In no case shall such conditional use permit allow more than ten such animals.
  - c. Upon written application in such form as may be prescribed by the city manager and upon inspection of the premises, a permit may be granted by the city manager allowing a person to keep and maintain a reasonable number of pigeons upon condition that the same are kept penned or caged at all times.

In fixing the number of pigeons to be permitted, the city manager shall consider the purpose thereof, the facilities to be used, and the surrounding neighborhood. Such permit may be revoked upon notice to the permit holder and after public hearing by the city council. Any of the following shall be sufficient grounds for revocation of such permit: (i) such pigeons have not been properly kept and maintained; (ii) that excessive numbers are or have been kept and maintained; (iii) that due to changed circumstances the same constitute either a public or private nuisance.
  - d. The city manager may grant permission to keep or raise any of such prohibited species during such times that any of such species are participants in a show, rodeo, circus, exhibition, parade, or other similar event. The city manager shall specify the time that said permission shall be effective.

**Table 27.73. Residential Development Standards**

Development Standards (1)	Residential Zoning Districts						
	R-A	R-E	R-1	R-2	R-3	MHS	MHP(3)
(a) Minimum Lot Size (2)(4)(9)	1.0 acre	20,000 sf	6,000 sf	6,000 sf.(18)	7,500 sf	5,000 sf	45,000 sf
(b) Minimum Lot Width (2)(10)							150 ft/
Standard Lot	75 ft–100 ft(8)	75 ft–100 ft(8)	50 ft–80 ft (8)	50 ft–80 ft(8)	50 ft–80 ft(8)	50 ft–80 ft(8)	40 ft MH/30 ft RV(7)
Cul-de-sac Lot (at front setback line)	75 ft	75 ft	50 ft	50 ft	50 ft	30 ft	n/a
Flag Lot (at front setback line)	75 ft	75 ft	50 ft	50 ft	50 ft	50 ft	n/a
Flag Lot (for access extension)	20 ft	20 ft	20 ft	20 ft	30 ft	30 ft	30 ft
(c) Minimum Lot Depth (2)	n/a	n/a	n/a	n/a	n/a	75 ft	n/a
(d) Minimum Front Yard Setback (11)							
From Ultimate Street R-O-W	25 ft–35 ft(8)	25 ft–35 ft(8)	20 ft–35 ft(8)	20 ft	15 ft	20 ft–30 ft(8)	20 ft–30 ft(8)
Flag Lot (from connection with access extension)	25 ft–35 ft(8)	25 ft–35 ft(8)	20 ft–35 ft(8)	20 ft	15 ft	20 ft–30 ft(8)	20 ft–30 ft(8)
(e) Minimum Side Yard Setback (12)							
Interior Side	7 ft–10 ft	7 ft–10 ft	5 ft	5 ft(6) (17)	5 ft (6) (17)	10 ft	10 ft
Street Side	7 ft–10 ft	7 ft–10 ft	10 ft	10 ft(6)	10 ft (6)	10 ft	10 ft
Flag Lot	7 ft–10 ft	7 ft–10 ft	5 ft	5 ft(6) 17)	5 ft (6) (17)	10 ft	10 ft
(f) Minimum Rear Yard Setback (13)							
Standard Lot	25 ft	25 ft	20 ft	20 ft	20 ft	20 ft	20 ft
Flag Lot and Cul-de-sac Lot	25 ft	25 ft	20 ft	20 ft	20 ft	20 ft	20 ft
Adjacent to Alley or Street R-O-W	25 ft	25 ft	20 ft	20 ft	20 ft	20 ft	20 ft
(g) Maximum Building Coverage	55%	55%	55%	55%	65%	55% (14)	60% (14)
(h) Maximum Density	1 DU/acre	1 DU/20,000 sf	1 DU/6,000 sf	See Note (18)	1 DU/2,500 sf	1 DU/5,000 sf	1 MH/2,500 sf 1 RV/1,500 sf
(i) Maximum Height							
Primary Structure	2 S/35 ft (5)	2 S/35 ft (5)	2 S/35 ft (5)	35 ft	35 ft	1 S/17 ft	1 S/17 ft
Accessory Structure	1 S/17 ft	1 S/17 ft	1 S/17 ft	1 S/17 ft	1 S/17 ft	1 S/17 ft	1 S/17 ft

Development Standards (1)	Residential Zoning Districts						
	R-A	R-E	R-1	R-2	R-3	MHS	MHP(3)
(j) Off-Street Parking	Refer to Article XI Parking and Loading						
(k) Signs	Refer to Article XIV Signs						
(l) Landscape	Refer to Section 27.180						
(m) Minimum Building Separation (16)	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
(n) Accessory Buildings	Refer to Article XII Special Development Standards and Uses						

**Notes:**

- (1) See Article II for definitions of terms used for development standards.
- (2) Development standard applies to proposed subdivisions of land.
- (3) Mobilehomes not on individual lots must comply with California Code of Regulations, Title 25 Housing and Community Development standards.
- (4) Net Area—means that area of a lot or parcel of land exclusive of public alleys, highways or streets; proposed public facilities such as alleys, highways, streets or other necessary public sites when included within a proposed development project; or Other public or private easement when the owner of the servient tenement does not have the right to use the entire surface of the land.
- (5) Whichever is less.
- (6) Add three feet for each story over two.
- (7) Travel trailer or recreational vehicle space.
- (8) Lot width and front yard setback requirements are based on required lot area as identified below:

Lot Area (Square feet)	Setback (front yard)	Minimum Required Width (Feet)	
		Interior Lots	Corner Lots
6,000–7,500	20 feet	50	55
7,501–9,000	25 feet	55	60
9,001–10,500	25 feet	60	65
10,501–12,500	25 feet	65	65
12,501–14,500	30 feet	70	70
14,501–16,500	30 feet	75	75
16,501 and greater	35 feet	80	80

- (9) Refer to Sec s 27.161–27.164.
- (10) Refer to Section 27.165 Minimum Lot Width.
- (11) Refer to Section 27.169 Specialized front yard requirements.
- (12) Refer to Section 27.170 Specialized side yard requirements.
- (13) Refer to Section 27.171 Specialized rear yards adjoining an alley.
- (14) Accessory structures shall be included in the calculation for percent of area covered.
- (15) 1,500 sf per DU for lots of 10,000 sf or less and 1,000 sf per DU for lots of more than 10,000 sf.
- (16) May be less between main residential structure and carport.
- (17) An interior side yard setback of 0 (zero) feet may be used for subdivision tracts for zero lot line housing development if the remaining side yard for each lot in the subdivision is no less than 10 feet.
- (18) A minimum lot size of 3,000 sf is allowed for each dwelling unit for two attached dwelling units using the 0 (zero) feet interior side yard setback allowed in Note (17).
- (19) 0 foot setback allowed for carports that:
  - (a) Never included garages or carports;
  - (b) Were originally constructed with single-car garages or carports that remain available for use;
  - (c) Include garages or carports that were legally converted; or
  - (d) Provide required parking in full compliance with the provisions of Section 27. 143 of this Ordinance.
 Otherwise, a minimum front yard setback of 10 feet shall be maintained for carports.

ft = feet; sf = square feet; S = story; DU = Dwelling Unit; R-O-W = Right-of-way;  
 n/a = Development standard not applicable to zoning district.

## Article V. Commercial Districts

**Section 27.80. Commercial Districts.** Commercial Districts included in this zoning ordinance are as follows:

1. Zone C-P (Service and Professional). Zone C-P is established to provide areas for the development of certain business and professional offices and related uses in locations within or in close proximity to residential areas where such uses can conveniently serve the public. This zone would permit the development of light traffic generating uses to be located on heavily traveled highway frontages, or adjacent to commercial or industrial zones, in order to lessen the impact of the more dynamic uses on residential uses.
2. Zone C-1 (Neighborhood Commercial). Zone C-1 is established to provide for restricted neighborhood commercial needs. Business and professional offices and limited retail stores are permitted. Provisions are included to allow public educational institutions and the establishment of necessary public service facilities. The standards of development in Zone C-1 are designed to protect adjacent zones, promote orderly development and avoid the creation of traffic congestion within the neighborhood.
3. Zone C-2 (Medium Commercial). Zone C-2 is established to provide for the majority of the City of Brawley's commercial needs. This zone would include the central business district where a wide range of retail and service establishments( could be provided.
4. Zone C-3 (Heavy Commercial). Zone C-3 is established to provide areas for intense commercial activity serving the commercial needs of not only the City of Brawley, but the region as well. This zone would permit the development of wholesale businesses and adult businesses that would be incompatible with professional offices and related uses in close proximity to residential areas, public educational institutions and necessary public service facilities, and limited or wide ranging retail and service establishments allowed in the other commercial zones.

**Section 27.81. Purpose.** The commercial zones are established to provide for areas where business may be conducted, goods sold and distributed, services rendered, government services offered, and such other activities as are related to the functioning of commercial areas. The several commercial zones are intended to fulfill the need for all shopping areas. The standards of development are designed to make the various commercial areas compatible with adjacent developments to the maximum extent possible.

**Section 27.82. Commercial Permitted Uses, Accessory Uses, Conditional, and Prohibited Uses.**

(a) Permitted uses (uses permitted by right) in the Commercial zoning districts are largely commercial service, retail, and wholesale oriented, but may include uses which are accessory to the commercial use, such as a public facility and other uses clearly recognized as necessary to the primary commercial use.

(b) Certain uses may not be suitable in every location within commercial districts and therefore require planning director or planning commission discretionary review through the conditional permit process described in Section 27.270 of this zoning ordinance. Table 27.82, Uses by Commercial Zoning District, lists those uses that are:

1. Permitted by right;
2. Permitted as accessory to the commercial use;
3. Permitted as conditional uses; and
4. Prohibited in the commercial zoning districts.

(c) The planning commission may also permit other uses similar to the uses permitted by right in Table 27.82 that the planning commission finds to fall within the intent and purpose of these zones, that will not be more obnoxious or materially detrimental to the public welfare or to property in the vicinity of said uses, and which the planning commission finds to be of a comparable nature and of the same class as the uses permitted by right in Table 27.82.

**Section 27.83. Commercial Development Standards.** General development standards for the commercial zoning districts are provided in Table 27.83. These standards include (a) minimum lot size, (b) minimum lot width, (c) minimum lot depth, (d) minimum front yard setback, (e) minimum side yard setback, (f) minimum rear yard setback, (g) maximum building coverage, (h) maximum floor area ratio, (i) maximum height, (j) off-street parking, (k) signs, (l) landscape, (m) minimum building separation, and (n) accessory buildings. These provisions are intended to provide the minimum acceptable standards for development within the commercial districts necessary to ensure quality development. The development standards are supplemented by special development standards described in Article XII of this zoning ordinance.

**Section 27.84. Special Development Standards.**

(a) Outside Display. All display and storage in the C-P zone shall be located wholly within an enclosed building. All display and storage in the C-1 and C-2 zones shall be located wholly within an enclosed building except for the following:

1. Automobile service station but excluding outside display of other than automobile tires, batteries and similar equipment and accessories or petroleum products; parking lots.

(b) Outside Display C-3. All display and storage in Zone C-3 shall be located wholly within an enclosed building except for the following:

1. Automobile sales; automobile service station but excluding outside display of other than automobile tires, batteries and similar equipment and accessories or petroleum products;
2. Boat sales; Christmas trees, wreaths; florist shops; nursery stock, plant material, only; parking lots; trailer sales.

(c) Walls. Each lot or parcel of land in zone C-P, C-1, C-2, and C-3 which has a side or rear lot line adjoining property with a legal nonconforming residential use, or adjoining property in a residential zone (or agricultural zone for C-2 and C-3) shall have a solid masonry wall, not less than five feet in height nor more than six feet in height, established along said side and rear lot lines adjoining said properties or zones. Alternate walls instead of solid masonry walls will be allowed with the planning commission's approval.

(d) Emergency shelters. All emergency shelters in the C-1, C-2 and C-3 zones shall meet the objective requirements described below:

1. Emergency shelters shall be limited to a maximum of 30 beds.
2. Parking requirements shall be the same as for nursing homes and convalescent hospitals as described in Section 27.143 of Article XI.
3. All waiting and intake areas shall be within an enclosed building and shall have a legal occupancy rating of 8 people.
4. Each emergency shelter shall accommodate a minimum daytime staff of one staff member per 8 occupied beds (1-8 beds = 1 staff; 9-18 beds = 2 staff; etc.) and a minimum nighttime staff of one staff per 12 occupied beds (1-12 beds = 1 staff; 13-24 beds = 2 staff; etc).
5. No parcel with an emergency shelter use shall be established closer than 300 feet from another parcel with an emergency shelter use.
6. The length of stay within an emergency shelter shall be limited to a maximum of 6 months.
7. The exterior lighting of the building housing the emergency shelter shall be provided to adequately illuminate all sides of the building to allow for security to monitor all sides of the structure.
8. Security staff or electronic cameras with video monitors that can be viewed by nighttime staff shall be provided to monitor the exterior of the building housing the emergency shelter. The exterior of the building shall be monitored by security staff or electronic cameras between 10:00 pm and 6:00 am.

**Sections 27.85.–27.89. Reserved.**

**Table 27.82. Uses by Commercial Zoning District**

<b>Commercial Zoning District Uses</b>	<b>C-P</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>
Academies of learning (Private)	P	P	X	X
Access for other uses not permitted in zone	C*	C*	C*	C*
Accessory buildings or structures	P	P	P	P
Adult businesses	X	X	X	C
Agricultural equipment sales offices and display yards for farm equipment sales	X	X	X	P
Agricultural equipment, rental or sales	X	X	X	P
Animal hospital, large animals	X	X	C	C
Apartment houses	P	X	X	X
Appliance stores, household	X	X	P	P
Art supply stores	X	X	P	P
Auction sales, indoors, excluding animals	X	X	P	P
Auditoriums and conference rooms	X	X	P	P
Automobiles—used, retail sales, storage	X	X	P	P
Automobile brake repair shops, muffler, painting, radiator, upholstery	X	X	P	P
Automobile laundries, car washes	C*	C*	P	P
Automobile rental agencies	P	P	P	P
Automobile repair garages (indoor), excluding body, fender, painting, upholstery	X	C	PI	P
Automobile repair, incidental to service station	X	C	P	P
Automobile sales, new and used	X	X	P	P
Automobile service stations	X	C	C	C*
Automobile supply stores	X	X	P	P
Bakery goods distributors	X	X	X	P
Bakery shops, baking	X	P	P	P
Banks, savings and loans and credit unions	P	P	P	P
Barber and beauty shops	P	P	P	P
Bars and cocktail lounges	X	C	C	C
Bicycle sales and service	X	P	P	P
Bicycle, scooter and similar rentals	X	X	P	P
Billiard and pool halls	X	X	P	P
Blueprinting shops	X	P	P	P
Boats—used, retail sales, repair incidental to sales (indoor) and storage	X	X	P	P
Book binderies	X	X	X	P
Book stores	X	P	P	P
Bowling alleys	X	X	P	P
Building material storage during construction	P	P	P	P

<b>Commercial Zoning District Uses</b>	<b>C-P</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>
Caretaker's residence	X	C	C	C
Carnivals	C*	C*	C*	C*
Catering services	X	P	P	P
Ceramics manufacturing incidental to sales (kiln 16 cubic feet maximum)	X	X	X	P
Child care centers	C	C*	P	P
Children's homes	C	C*	C	C
Christmas tree/wreath sales	C*	C*	C*	C*
Churches, temple and other places of worship	P	P	P	P
Circuses	C*	C*	C*	C*
Cleaning and dyeing agencies	X	P	P	P
Clothing apparel, children's	X	P	P	P
Clothing stores	X	P	P	P
Communication equipment buildings	C	C	P	P
Community social centers	X	X	P	P
Confectionary or candy stores	X	P	P	P
Construction office temporary on site	P	P	P	P
Convalescent hospital, homes	P	X	X	X
Crops, field, tree, bush, berry and row, growing of	X	X	X	P
Dance halls	X	X	P	P
Day care centers (greater than 12 persons)	C	C	C	C
Delicatessens	X	P	P	P
Dental clinics, including laboratories	P	P	P	P
Department stores	X	X	P	P
Dress shops	X	P	P	P
Drug stores	P	P	P	P
Dry cleaning, self service	X	P	P	P
Educational, philanthropic, charitable institutions	P	X	X	X
Electric distribution substations, microwave facilities (75 feet max height)	P*	P*	P*	P*
Emergency shelters	X	P*	P*	P*
Employment agencies	X	P	P	P
Equipment rental services	X	X	P	P
Farmers markets	X	X	C*	C*
Feed and grain sales	X	X	P	P
Fire stations	C	C	C	C
Fireworks Stands	X	P*	P*	P*
Florist shops	X	P	P	P
Furniture and household goods, storage/transfer	X	X	X	P
Furniture stores	X	X	P	P
Furrier shops	X	X	P	P

<b>Commercial Zoning District Uses</b>	<b>C-P</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>
Gas measurement stations	X	X	C	C
Gift shops	X	P	P	P
Glass edging, beveling, and silvering in w/sales	X	X	P	P
Glass installation	X	X	P	P
Golf courses, including miniature	X	X	P	P
Gymnasiums	X	X	P	P
Hardware shops	X	P	P	P
Hat cleaning and blocking establishments	X	X	P	P
Health centers	X	X	C	C
Health food stores	X	X	P	P
Heliports/helistops	C	C	C	C
Hobby supply stores	X	X	P	P
Hospitals	C	C	C	C
Hotels, transient occupants only	X	X	P	P
Ice cream shops	X	P	P	P
Ice sales, not including ice plants	X	P	P	P
Interior decorating shops	X	P	P	P
Jewelry stores with incidental repair	X	P	P	P
Laboratories, film, research or testing	C	C	C	C
Laboratories, medical and dental	C	C	C	C
Laundries, hand	X	X	P	P
Laundries	X	X	X	C
Laundries, self-service	X	P	P	P
Laundry agencies	X	P	P	P
Leather goods stores	X	X	P	P
Libraries	P	P	P	P
Liquor stores	X	X	P	P
Locksmith shops	X	X	P	P
Lodge halls	C	C*	P	P
Mail order houses, not including warehousing	X	X	P	P
Manufacturing's agent, carrying only samples	X	X	P	P
Manufacturing, limited	X	X	X	C*
Markets, food	X	P	P	P
Massage parlors	X	X	X	C
Meat markets, not including slaughtering	X	P	P	P
Medical clinics, including labs and/or pharmacies	P	P	P	P
Menageries	X	X	X	C
Microwave stations including towers (35 feet maximum)	C	C	C	P
Microwave tower exceeding 35 feet	X	C	C	C

<b>Commercial Zoning District Uses</b>	<b>C-P</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>
Millinery shops	X	X	P	P
Mini-storage	X	X	X	C
Mimeographing and addressograph services	X	X	P	P
Mobile and temporary food and beverage establishments.	X	X	C	C
Mobilehome park	X	X	X	C
Model homes not occupied as a residence	X	C*	C*	C*
Mortuaries	X	X	P	P
Motels, transient occupancy only	X	X	P	P
Museums	X	X	P	P
Museums, enclosed building	P	P	P	P
Music stores	X	X	P	P
News stores	X	P	P	P
Notions or novelty stores	X	P	P	P
Nurseries, growing of nursery stock	X	X	P	P
Nursery schools	P	P	P	P
Offices, business and professional	P	P	P	P
Outdoor advertising	X	X	X	P
Paint and wallpaper stores	X	P	P	P
Parking lots	P	P	P	P
Parking buildings	X	P	P	P
Parks and playgrounds, publicly owned	P	P	P	P
Pawn shops	X	C	C*	C*
Pet shops	X	X	P	P
Pet supply shops	X	X	P	P
Photo-engraving	X	X	X	P
Photographic equipment and supply store	X	P	P	P
Photography studios	X	X	P	P
Plumbing shops	X	X	P	P
Police stations	P	P	P	P
Post offices	P	P	P	P
Pottery stores	X	X	P	P
Printers and publishers	X	X	X	P
Private clubs	C	X	P	P
Public utility service centers	X	X	X	C
Radio and television towers over 35 feet in height	X	C	C	C
Radio and television stations and towers (35 feet maximum)	X	C	C	C
Radio and television stores	X	X	P	P
Recreational vehicle parks	X	X	C	C
Reducing salons	X	X	P	P

<b>Commercial Zoning District Uses</b>	<b>C-P</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>
Refreshment stands	X	X	P	P
Residences	C	C	X	X
Rest home	C	X	C	C
Restaurants and other eating establishments	X	P	P	P
Retail stores	X	P	P	P
Revival meetings, in a tent (30 days/6 months maximum)	X	X	X	C*
Rooming/boarded houses	C*	C	C	C
Schools, business and professional	X	X	P	P
Second-hand stores	X	X	P	P
Service station	C	C	C	C*
Shoe repair shops	X	P	P	P
Shoe stores	X	P	P	P
Shoeshine stands	X	X	P	P
Shooting galleries	X	X	C	C
Silk screens, manufacture and processing of	X	X	C	C
Skating rinks	X	X	C	C
Sporting good stores	X	X	P	P
Stationary stores	X	P	P	P
Stations, bus, railroad and taxi	X	X	C	C
Storage, building materials for on-site construction	P	P	P	P
Storage, construction materials public projects	C*	C*	C*	C*
Swap meets	X	X	C*	C*
Swimming pools	A	A	A	A
Tailor shops	X	X	P	P
Tattoo studios	X	X	X	C
Theaters, not including drive-in	X	X	P	P
Theaters, drive-in	X	X	X	C
Tile sales, ornamental	X	X	P	P
Tobacco shops	X	C*	P	P
Tourist information centers	X	C*	P	P
Toy shops	X	X	P	P
Trailer sales, not truck trailers	X	X	P	P
Trailers, rental of house trailers	X	X	X	P
Trailers, rental (2 ton maximum)	X	X	X	P
Trucks, sales and rentals	X	X	X	P
Truck shops	X	X	C	C
Turkish baths	X	X	X	C
Typewriter sales and incidental repairs	X	X	P	P
Watch repair shops	X	P	P	P

<b>Commercial Zoning District Uses</b>	<b>C-P</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>
Water wells, reservoirs (storage/distribution systems)	X	C	C	C
Wearing apparel shops	X	P	P	P
Wholesale business with samples, no general warehousing	X	X	X	P

Key:

- P = Use permitted by right.
- PI = Use permitted by right indoors only.
- P\* = Use permitted subject to conditions outlined in zoning ordinance.
- C = Use requires planning commission conditional use permit.
- C\* = Use requires planning director conditional use permit.
- X = Use is prohibited.
- A = Use permitted as accessory use only.

**Table 27.83. Commercial Development Standards**

<b>Development Standards (1)</b>	<b>Commercial Zoning Districts</b>			
	<b>C-P(11)</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>
(a) Minimum Lot Size (2)(4)(5)	5,000 sf	5,000 sf	5,000 sf	5,000 sf
(b) Minimum Lot Width (2)(6)				
Standard Lot	50 ft	50 ft	50 ft	50 ft
Cul-de-sac Lot (at front setback line)	50 ft	50 ft	50 ft	50 ft
Flag lot (at front setback line)	50 ft	50 ft	50 ft	50 ft
Flag Lot (for access extension)	30 ft	30 ft	30 ft	30 ft
(c) Minimum Lot Depth (2)	n/a	n/a	n/a	n/a
(d) Minimum Front Yard Setback (7)				
From Ultimate Street R-O-W	15 ft	15 ft	15 ft	15 ft
Flag Lot (from connection with access extension)	15 ft	15 ft	15 ft	15 ft
(e) Minimum Side Yard Setback (8)				
Interior Side	5 ft (3)	5 ft (3)	10 ft (3)	10 ft (3)
Street Side	5 ft	10 ft	0 ft	0 ft
Flag Lot	5 ft (3)	5 ft (3)	10 ft (3)	10 ft (3)
(f) Minimum Rear Yard Setback (9)				
Standard Lot	20 ft (3)	10 ft (3)	10 ft (3)	10 ft (3)
Flag Lot and Cul-de-sac Lot	20 ft (3)	10 ft (3)	10 ft (3)	10 ft (3)
Adjacent to Alley / Street R-O-W	20 ft (3)	10 ft (3)	10 ft (3)	10 ft (3)
(g) Maximum Building Coverage	50%	50%	60%	60%
(h) Maximum Floor Area Ratio	0.5:1	0.5:1	0.6:1	0.6:1
(i) Maximum Height				
Primary Structure	2 S/35 ft	2 S/35 ft	3 S/45 ft	3 S/45 ft
(j) Off-Street Parking	Refer to Article XI Parking and Loading			
(k) Signs	Refer to Article XIV Signs			
(l) Landscape	Refer to Section 27.180			
(m) Minimum Building Separation	(10)	(10)	(10)	(10)
(n) Accessory Buildings	Refer to Article XII Special Development Standards and Uses			

## Notes:

- (1) See Article II for definitions of terms used for development standards.
- (2) Development standard applies to proposed subdivisions of land.
- (3) Adjacent to Residential Zone Districts.
- (4) Net Area - means that area of a lot or parcel of land exclusive of: public alleys, highways or streets; proposed public facilities such as alleys, highways, streets or other necessary public sites when included within a proposed development project; or other public or private easements when the owner of the servient tenement does not have the right to use the entire surface of the land.

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- (5) Refer to Sec s 27.161 - 27.164.
  - (6) Refer to Section 27.165 Minimum lot width.
  - (7) Refer to Section 27.169 Specialized front yard requirements.
  - (8) Refer to Section 27.170 Specialized side yard requirements.
  - (9) Refer to Section 27.171 Specialized rear yard adjoining an alley.
  - (10) In accordance with the Building Code
  - (11) For residential use in the CP Zone, apply development standards for R-1 or R-3 Zones as applicable.
- ft = feet; sf = square feet; S = story; DU = Dwelling Unit; R-O-W = Right-of-way;  
n/a = Development standard not applicable to zoning district.
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## Article VI. Manufacturing and Industrial Districts

**Section 27.90. Manufacturing and Industrial Districts.** Manufacturing and Industrial Districts included in this zoning ordinance are as follows:

1. Zone M-1 (Light Manufacturing and Industrial). Zone M-1 provides for the establishment of industrial uses, in an area in close proximity to residential and commercial zones, including the establishment of necessary public service facilities compatible with the requirements of this zone. Standards are provided to control the intensity and development of uses and to limit the performance of activities in the zone to levels permitting no objectionable or obnoxious influences such as smoke, noise, fumes, vibration, radiation, light or glare that might adversely affect the tenants and purposes of this zone or any adjacent zone.
2. Zone M-2 (Heavy Manufacturing and Industrial). Zone M-2 provides areas where intensive industrial activities may be located, and where the necessary transportation facilities are provided to support movement of the completed products off the industrial sites without causing traffic hazards in the area surrounding the M-2 zones. Since some of the industrial land uses allowed in this zone may cause objectionable levels of smoke, noise, fumes, vibration, radiation, light or glare, performance standards are included to protect neighboring residential areas and other environmentally sensitive land use. Appropriate buffers are provided between the M-2 zones and other zones where possible to minimize potential land use conflicts.

**Section 27.91. Purpose.** The manufacturing and industrial zones are established to provide land areas on which a wide variety and complexity of industrial and manufacturing uses and processes may function efficiently and harmoniously. Specialized uses and public service facilities, required or desirable in an area devoted to manufacturing and industrial purposes, are included in the use lists of each zone. The installation and operation of facilities and equipment, necessary and appropriate to the uses of each zone, are regulated with consideration for the special requirements of adjacent zones. Performance standards are prescribed to assist in controlling industrial concentrations, activities and equipment for the mutual benefit of all persons, businesses and uses in and around the zoned area.

**Section 27.92. Manufacturing and Industrial Permitted Uses, Accessory Uses, Conditional Uses, and Prohibited Uses.** (a) Permitted uses (uses permitted by right) in the Manufacturing and Industrial zoning districts are primarily manufacturing, warehouse/distribution, wholesaling, large-scale warehouse retail, automobile dealerships, support commercial services and public uses. Industrial uses are where necessary transportation facilities are provided to support movement of goods and employees.

(b) Certain uses may not be suitable in every location within manufacturing and industrial zoning districts and therefore require planning director or planning commission discretionary review through the conditional use permit process described in Section 27.270 of this zoning ordinance. Table 27.92, Uses by Manufacturing and Industrial Zoning District, lists those uses that are:

1. Permitted by right;
2. Permitted as accessory to the manufacturing and industrial use;
3. Permitted as conditional uses and
4. Prohibited in the manufacturing and industrial zoning districts.

(c) The planning commission may also permit other uses similar to the uses permitted by right in Table 27.92 that the planning commission finds to fall within the intent and purpose of these zones, that will not be more obnoxious or materially detrimental to the public welfare or to property in the vicinity of said uses, and which the planning commission finds to be of a comparable nature and of the same class as the uses permitted by right in Table 27.92.

**Section 27.93. Manufacturing and Industrial Development Standards.** General development standards for the manufacturing and industrial zoning districts are provided in Table 27.93. These standards include (a) minimum lot size, (b) minimum lot width, (c) minimum lot depth, (d) minimum front yard setback, (e) minimum side yard setback, (f) minimum rear yard setback, (g) maximum building coverage, (h) maximum floor area ratio, (i) maximum height, (j) off-street parking, (k) signs, (l) landscape, and (m) accessory buildings. These provisions are intended to provide the minimum acceptable standards for development within the manufacturing and industrial districts necessary to ensure quality development. The development standards are supplemented by special development standards described in Article XII of this zoning ordinance.

**Section 27.94. Special Development Standards.** In addition to the development standards contained in Article XII (Special Development Standards and Uses) of this zoning ordinance, the following special standards shall apply:

1. Outdoor storage. Any outdoor area used for storage shall be completely enclosed by a masonry wall, not less than six (6) or more than eight (8) feet in height.
2. Fences and walls. Fences and walls as provided in Article XII (Special Development Standards and Uses) of this zoning ordinance.
3. Walls. Each lot or parcel of land in zone M-1 and M-2 which has a side or rear lot line adjoining property with a legal nonconforming residential use, or adjoining property in a residential or agricultural zone, shall have a solid masonry wall, not less than five feet in height nor more than six feet in height, established along said side and rear lot lines adjoining said properties or zones

**Table 27.92 Uses by Manufacturing and Industrial Zoning District**

<b>Industrial Zoning District Uses</b>	<b>M-1</b>	<b>M-2</b>
Abrasives, manufacture	X	P
Absorption plants, gas (petroleum and chemical)	X	C
Access for other use not permitted in zone	C*	C*
Accessory storage buildings or structures	P	P
Acids, manufacturing, corrosive	X	C
Acids, manufacturing, non-corrosive	X	C
Adhesives, manufacturing	X	P
Aggregate dryers	X	C
Agricultural equipment sales offices and display	C	P
Aircraft fuel, propellants and lubrication materials, storage	C	P
Airports	C	C
Alcohols, distillation	X	P
Aluminum products, manufacture	X	P
Ammunition manufacturing	X	C
Animal hospital	PI	PI
Animal research institutes	C	C
Antiques, restoration	PI	P
Appliance, assembly	PI	P
Appliances, manufacture	X	P
Asbestos products, manufacture	X	P
Asphalt plants	X	C
Assaying	X	P
Automobile body fender repair shops	PI	P
Automobile brake repair shops, muffler, painting, radiator, upholstery	PI	P
Automobile dismantling yards.	X	C
Automobile impound yards	C	P
Automobile laundries, car washes	P	P
Automobile parts, assembly	PI	PI
Automobile parts, manufacture	X	P
Automobile rental agencies	P	P
Automobile repair garages	PI	P
Automobile sales, new and used	P	P
Automobile seat covers manufacture	PI	P
Automobile service station	P	P
Awnings, manufacturing	PI	P
Babbitt metal and products, manufacture	X	P

<b>Industrial Zoning District Uses</b>	<b>M-1</b>	<b>M-2</b>
Bags, manufacture	PI	PI
Bags, manufacturing, except burlap bags/sacks	PI	PI
Bakery goods, manufacture and distribution	PI	P
Barrels, manufacture and storage	X	P
Batching and mixing plants, asphalt, cement or concrete	X	C
Batteries, manufacture and rebuilding	X	P
Beverage manufacture, storage and distribution (nonalcoholic)	PI	P
Bicycles, manufacture/repair	PI	P
Blacksmith shops	PI	P
Blueprinting shops	P	P
Boat repair	PI	P
Boiler works	X	C
Bone products, manufacture	X	C
Book binderies	P	P
Bottle washing plants	PI	P
Bottling plants	PI	P
Box factories	X	P
Breeding farms, cattle or horses	X	C
Bricks, manufacture	X	P
Brushes, manufacture	PI	P
Building material sales	P	P
Building mover's/wrecker's storage yard (excluding junk/salvage yard)	X	P
Bus terminals, storage and rentals	P	P
Bus, storage and rentals	X	P
Buttons, manufacturing	PI	P
Cabinet making	PI	P
Candles, manufacture	PI	P
Candy and confectioneries, manufacture	PI	P
Canneries, except meat and fish	X	P
Canneries, meat or fish	X	C
Canning and blending of lubricating oil	X	C
Cans, manufacturing and reconditioning	X	P
Canvas manufacture	X	P
Canvas products, manufacture	PI	P
Caretaker's residence	C*	A
Carpentry shops	PI	P
Casting (rare and precious metals)	PI	PI
Casting, metal, including die and machine casting	X	P

<b>Industrial Zoning District Uses</b>	<b>M-1</b>	<b>M-2</b>
Catering services	PI	P
Cellophane manufacturing	X	C
Cellophane products, manufacture	PI	P
Cellulose manufacturing	X	C
Celluloid manufacture	X	C
Cement blocks, manufacture	X	P
Cement manufacturing	X	C
Cement products, manufacture	X	P
Cement, bulk storage	X	P
Cemeteries	C	C
Cemeteries, pets	C	C
Ceramics manufacturing (kiln 16 cubic feet maximum)	PI	PI
Ceramics, manufacture	P	P
Chalk, manufacture	X	P
Charcoal manufacture	X	C
Chemical milling	X	P
Chemicals, manufacture	X	P
Christmas tree/wreaths sales	P	P
Churches, temples and other places of worship	C	C
Circus winter quarters	X	C
Clay processing plants	X	P
Clay products, manufacture	X	P
Cleaning and dyeing, wholesale	PI	P
Cleaning compounds manufacturing	X	C
Cleaning compounds, blending	X	P
Clocks, manufacture	PI	P
Cloth products, manufacture	C*	P
Clothing manufacturing	PI	P
Coal tars and coal tar products manufacturing	X	C
Coffee roasting and packaging	PI	P
Coffins, manufacture	P	P
Coke ovens	X	C
Cold storage	P	P
Communication equipment buildings	P	P
Concrete pipe manufacture	X	P
Concrete products manufacture	X	P
Contractors equipment rental and sales	P	P
Contractors' yards	P	P

<b>Industrial Zoning District Uses</b>	<b>M-1</b>	<b>M-2</b>
Cooperage works	X	P
Cork products, manufacture	P	P
Correctional institutions	X	C
Cosmetics, manufacture	P	P
Cotton cleaning, compressing and re-baling	X	P
Cotton ginning and baling	X	P
Creosote manufacture	X	C
Creosoting plants	X	C
Crops, field, tree, bush, berry and row, growing of	P	P
Dairies, cattle or goat	X	C
Dairy products distribution depots	P	P
Dairy products, manufacture of	X	C
Dental clinic	P	P
Detergents, manufacture	X	P
Disinfectants, manufacture	X	P
Doughnuts, manufacture	P	P
Dyeing of yams	X	P
Dyestuff, manufacture	X	P
Egg candling	P	P
Electric distribution substations, microwave facilities (maximum height is 75 feet)	P*	P*
Electric generating plants, including microwave facilities	C	C
Electric substations and generating plants, including microwave facilities	X	P
Electrical, electronic and electromechanical instruments and equipment, manufacture	P	P
Electroforming and coating, metal	X	P
Electroplating works	X	C
Emery cloth, manufacture	X	P
Equipment rental services	P	P
Excelsior, manufacture	X	P
Explosive storage (excess of 100 lbs. For 24 hours)	X	C
Explosives manufacturing	X	C
Fairgrounds	P	P
Farm or industrial buildings/shelters	P	P

<b>Industrial Zoning District Uses</b>	<b>M-1</b>	<b>M-2</b>
Feather products manufacture	X	P
Feed and grain sales	P	P
Feed mills	X	C
Felt and felt products, manufacture	X	P
Felt products, manufacture	P	P
Film exchanges, processing	P	P
Fire stations	P	P
Fireworks Stands	P*	P*
Flammable liquid storage/wholesale	P	P
Flour mills	X	P
Food commissaries	P	P
Food lockers, frozen	P	P
Food preparation (flour or paste) manufacture	P	P
Forging works	X	C
Forging works (no drop hammer more than 6,000 lbs psi)	X	P
Foundries	X	P
Freight terminals, rail/truck	P	P
Fumigating contractors	P	P
Fur and hide curing and tanning	X	P
Fur products, manufacture	P	P
Furniture and household goods, storage/transfer	P	P
Furniture manufacture	P	P
Galvanizing shops	X	P
Gas heater testing laboratories	P	P
Gas measurement and pumping stations	P	P
Gas meter and control stations	P	P
Gas storage of natural, above surface (500,000 cubic feet maximum)	X	C
Gas storage of natural, above surface, over 500,000 cubic feet	X	C
Gas, oxygen and other compressed, storage	X	P
Gases manufacturing	X	P
Gasoline services, aircraft use	P	P
Gelatine manufacturing	X	C
Glass manufacturing including blast furnace	X	C
Glass products, manufacture (16 cubic feet maximum for crucible)	P	P
Glass, fiber products, manufacture	X	P
Glass installation	P	P
Glass, manufacture (no blast furnace)	X	P
Grain drying and fermenting	X	P

<b>Industrial Zoning District Uses</b>	<b>M-1</b>	<b>M-2</b>
Grain elevators	X	P
Grease manufacturing	X	C
Grinding wheels and stones, manufacture	X	P
Guncotton products manufacturing	X	C
Gunpowder manufacturing	X	C
Gunsmith	P	P
Gypsum manufacturing/processing	X	C
Gypsum products, manufacture	X	P
Hair products, manufacture	X	P
Hair products, manufacturing (exclude mattresses and furniture)	P	P
Hatcheries, poultry or fowl	C	C
Hats, manufacture	P	P
Hay barns, commercial	P	P
Hazardous waste facilities	X	C
Heating and air-conditioning equipment manufacture	X	P
Heliports	C	C
Hog ranches	X	C
Honey processing/packaging	P	P
Horn products, manufacture	P	P
Hospitals	C	C
Ice cream, manufacture	P	P
Ice, manufacture	P	P
Incinerators, commercial	X	C
Industrial waste disposal facilities	X	C
Instruments and equipment, scientific, manufacture	C*	P
Ironworks, ornamental	P	P
Jewelry, manufacture	P	P
Juice extracting and bottling, vegetable/fruit	C	C
Junk and salvage yards	X	C
Jute fabrication	X	P
Kennels, dog and cat	P	P
Knitting mills	X	P
Laboratories, medical and dental	P	P
Laboratories, research and testing	P	P
Lamp, black, manufacturing	X	C
Land reclamation projects	C	C
Lapidary shops	P	P
Lard manufacturing	X	C

<b>Industrial Zoning District Uses</b>	<b>M-1</b>	<b>M-2</b>
Laundries	P	P
Lawn mower sharpening	P	P
Leather products, manufacture	C	P
Leather products, manufacture (from prepared materials)	P	P
Lime manufacturing	X	C
Linen and towel suppliers	P	P
Linoleum manufacture	X	P
Liquefied petroleum gas bulk storage/sales	C	C
Lithography shops	X	P
Livestock feed yards	X	C
Livestock sales yards	X	C
Lumber mills	X	C
Lumber yards	P	P
Lumber yards, cutting (no milling)	P	P
Lumber, chemical treatment and impregnation	X	C
Machine shops	P	P
Machine tool repair shops	P	P
Machinery and machine tools, manufacture	X	P
Machinery storage yards including sales/displays	P	P
Malt products, manufacture	X	P
Matches, manufacture	X	P
Mattresses, manufacture and renovation of	X	P
Meat packing plants, no slaughter	X	P
Medical clinics	P	P
Metal engraving	P	P
Metal heat treating	X	P
Metal pickling	X	P
Metal plating and finishing	X	P
Metal products, fabrication	X	PI
Metal products, fabrication (indoor)	PI	P
Microwave stations including towers (35 feet maximum)	P	P
Microwave towers exceeding 35 feet	C	C
Mini-storage	C	C
Mirrors, manufacture	P	P
Mortuaries	P	P
Motion picture production	P	P
Musical instruments, manufacture	X	P
Neon signs, manufacture	P	P

<b>Industrial Zoning District Uses</b>	<b>M-1</b>	<b>M-2</b>
Newspapers, printing and publishing	P	P
Offices, business and professional	P	P
Oil drilling equipment yards	X	P
Oil pumping stations	P	P
Oil reclaiming plants	X	C
Oil tool exchanges	X	P
Oil well valves, storage, repair	P	P
Oleomargarine, manufacturing	P	P
Optical goods, manufacturing	P	P
Ore grinding, metallic or nonmetallic	X	C
Ore reduction plants	X	C
Outdoor advertising	P	P
Packaging business	P	P
Packing plants (no pickling)	P	P
Paint and varnish, manufacture	X	C
Paint spray booths	P	P
Paper mâché products manufacture	X	P
Paper or wood pulp, manufacture	X	C
Paper products manufacture	P	P
Paper shredding	X	P
Parcel delivery terminals	P	P
Parking lots	P	P
Parking buildings	P	P
Perfumes, manufacture	C	P
Pest control operators and services	P	P
Petroleum bulk plants (over 2,500 barrels per day)	X	C
Petroleum bulk plants (2,500 barrels per day maximum)	C	P
Petroleum refineries	X	C
Pharmaceuticals, manufacture	P	P
Photo-engraving	P	P
Pickling and processing of food products	X	C
Pipe storage yards	X	P
Planing mills	X	C
Plastics manufacturing (except pyroxylin)	X	P
Plumbing shops	P	P
Police stations	P	P
Potato chips manufacture	P	P
Pottery manufacture	X	P

<b>Industrial Zoning District Uses</b>	<b>M-1</b>	<b>M-2</b>
Poultry or rabbit markets, including slaughter	X	C
Pounds, animals	C	P
Printing and engraving	P	P
Produce markets	C*	P
Produce markets, wholesale	P	P
Public utility service yard	P	P
Publishers, book and periodical	P	P
Pumice products, manufacturing	X	P
Pyroxylin manufacture	X	C
Quarries	X	C
Radio and television stations and towers (35 feet maximum)	C*	P
Radio and television towers over 35 feet in height	C	C
Railroad repair shops	X	C
Railroad spur lines	P	P
Railroad terminals	X	C
Railroad yards	X	C
Recycling centers	C	C
Refrigeration repair and service shops	P	P
Rendering plants	X	C
Riding academies and stables with boarding or horses	C	C
Rifle, pistol or skeet ranges	C	C
Road department maintenance storage yard	P	P
Rock crushing plants	X	C
Rock, sand and gravel, storage/dist (under 2,000 ton storage)	P	P
Rock, sand and gravel, storage/dist (over 2,000 ton storage)	X	C
Rope manufacture	X	P
Rubber or gutta-percha, processing	X	C
Rubber products (previously prepared materials) no tire manufacture	P	P
Rubber products manufacture	X	P
Rubber reclaiming plants	X	C
Rubber stamps, manufacture	P	P
Rug cleaning plants	P	P
Rugs manufacturing	X	P
Salvage yards and junk yards	C	C
Sandblasting plants, shot or grit	X	P
Sandpaper manufacture	X	P
Sash and door manufacture	X	P
Sausage and prepared meat products manufacturing	X	P

<b>Industrial Zoning District Uses</b>	<b>M-1</b>	<b>M-2</b>
Saw mills	X	P
Screw machine products manufacturing	X	P
Service stations, liquid petroleum gas	X	P
Sewage treatment and disposal plants	C	C
Sewer pipe manufacturing	X	P
Sheet metal products manufacturing	X	P
Sheet metal shops	P	P
Shell products manufacturing	P	P
Shoddy (shredded cloth) manufacturing	X	P
Shooting galleries	C	C
Sign painting shops	P	P
Signs and sign structures manufacturing	X	P
Silk screens, manufacture and processing of	P	P
Silos	P	P
Slaughter houses	X	C
Smelters	X	C
Smoking of meat or fish	X	P
Soap manufacturing	X	C
Soap manufacturing (excluding fat rendering)	X	P
Soft drinks, manufacture and bottling	P	P
Sound reproduction supplies and equipment manufacturing	X	P
Specialty processing plants using gravel, etc.	X	P
Springs manufacturing	X	P
Starch manufacturing	X	P
Starch, liquid, mixing and bottling	P	P
Stations, bus, railroad and taxi	P	P
Statuary manufacture	X	P
Steel barrels/drums manufacture	X	P
Steel products fabrication	X	P
Steel works and rolling mills	X	C
Stencils and stencil materials, manufacture	P	P
Stone and monument work	X	P
Stone products manufacturing	X	P
Strawboard manufacturing	X	P
Talc processing and packing	X	P
Tallow, manufacturing	X	C
Tank houses	P	P
Tanneries	X	C

<b>Industrial Zoning District Uses</b>	<b>M-1</b>	<b>M-2</b>
Taxidermy shops	P	P
Terra cotta manufacture	X	P
Textile products, manufacturing	P	P
Tile manufacture (ceramic and masonry)	X	P
Tinsmith shops	X	P
Tire retreading and recapping	X	P
Tires manufacturing	X	C
Toiletries, manufacture of, not including soaps	P	P
Tools manufacture	X	P
Toys, manufacture	P	P
Trade schools	P	P
Trailer sales and rentals	P	P
Trailers manufacturing	X	P
Tree surgeon	P	P
Truck sales and rentals	P	P
Truck storage	P	P
Upholstering shops	P	P
Vegetable oils, manufacturing, processing/bottling	X	P
Venetian blinds, manufacture	P	P
Veterinary office	P	P
Vinegar manufacturing	X	P
Vitamin products, manufacture	P	P
Vitreous ware manufacture	X	P
Volatile oil repackaging	X	C
Wall board manufacturing	X	C
Warehouses, storage	P	P
Watches, manufacture and repair	P	P
Water company service and storage yards	P	P
Water wells, reservoirs (storage/distribution systems)	P	P
Waxes and polishes manufacturing	X	P
Weighing, public scales	P	P
Welding, electric and gas	P	P
Wholesale and retail outlets	P	P
Wholesale brokers	P	P
Wholesale businesses	P	P
Windmills	C	C
Window shade manufacture, screen assembly	P	P
Wineries	X	C

<b>Industrial Zoning District Uses</b>	<b>M-1</b>	<b>M-2</b>
Wire manufacturing	X	P
Wood carvings manufacturing	X	P
Wood distillation	X	P
Wooden goods and products, manufacture	P	P
Wool pulling and scouring	X	C
Woolen goods manufacturing	X	P
X-ray laboratories	C*	C*
Yarn products, manufacture (no yarn dyeing)	P	P
Yeast manufacture	X	P
Key: P = Use permitted by right. PI = Use permitted by right indoors only. P* = Use permitted subject to conditions outlined in zoning ordinance. C = Use requires planning commission conditional use permit. C* = Use requires planning director conditional use permit. X = Use is prohibited. A = Use permitted as accessory use only.		

**Table 27.93. Manufacturing and Industrial Development Standards**

<b>Development Standards (1)</b>	<b>Industrial Zoning District</b>	
	<b>M-1</b>	<b>M-2</b>
(a) Minimum Lot Size (2)(4)(5)	5,000 sf	10,000 sf
(b) Minimum Lot Width (2)(6)		
Standard Lot	50 ft	60 ft
Cul-de-sac Lot (at front setback line)	50 ft	60 ft
Flag lot (at front setback line)	50 ft	50 ft
Flag Lot (for access extension)	30 ft	30 ft
(c) Minimum Lot Depth (2)	n/a	n/a
(d) Minimum Front Yard Setback (7)		
From Ultimate Street R-O-W	20 ft	20 ft
Flag Lot (from connection with access extension)	20 ft	20 ft
(e) Minimum Side Yard Setback (8)		
Interior Side	10 ft (3)	10 ft
Street Side	10 ft	10 ft
Flag Lot	10 ft (3)	10 ft
(f) Minimum Rear Yard Setback (9)		
Standard Lot	10 ft (3)	10 ft (3)
Flag Lot and Cul-de-sac Lot	10 ft (3)	10 ft (3)
Adjacent to Alley or Street R-O-W	10 ft (3)	10 ft (3)
(g) Maximum Building Coverage	70%	70%
(h) Maximum Floor Area Ratio	0.7:1	0.7:1
(i) Maximum Height		
Primary Structure(10)	40 ft	40 ft
(j) Off-Street Parking	Refer to Article XI Parking and Loading	
(k) Signs	Refer to Article XIV Signs	
(l) Landscape	Refer to Section 27.180	
(m) Accessory Buildings	Refer to Article XII Special Development Standards and Uses	

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 Notes:

- (1) See Article II for definitions of terms used for development standards.
- (2) Development standard applies to proposed subdivisions of land.
- (3) Adjacent to Residential Zone Districts.
- (4) Net Area—means that area of a lot or parcel of land exclusive of: public alleys, highways or streets; proposed public facilities such as alleys, highways, streets or other necessary public sites when included within a proposed development project; or other public or private easements when the owner of the servient tenement does not have the right to use the entire surface of the land.
- (5) Refer to Sec s 27.161–27.164.
- (6) Refer to Section 27.165 Minimum lot width.
- (7) Refer to Section 27.169 Specialized front yard requirements.
- (8) Refer to Section 27.170 Specialized side yard requirements.
- (9) Refer to Section 27.171 Specialized rear yard adjoining an alley.
- (10) Maximum height for specialized buildings that are an integral part of industrial production is 150 feet unless restricted by the Airport Land Use Plan.
- (11) If proposed M-1/M-2 use is next to residential area or property zoned for residential use, then the project shall implement appropriate mitigation measures (i.e., buffer zone, landscaping, etc.)”.

ft = feet; sf = square feet; S = story; DU = Dwelling Unit; R-O-W = Right-of-way;

n/a = Development standard not applicable to zoning district.

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**Section 27.95. Manufacturing and Industrial Performance Standards.** The following performance standards shall apply to any existing or proposed land use, or other activity, permitted in any manufacturing and industrial zone.

1. Noise or Sound. Any existing or proposed use, or portions thereof, generating sounds that are or may be considered a nuisance or hazard on any adjacent property due to the intermittence, beat frequency or shrillness of the sounds, shall have the source of the noise or sound muffled or controlled in such manner as will prevent the issuance, continuance or recurrence of the disturbing sounds. Construction work shall be exempt from this requirement during the period of construction while a valid building permit is in force.
2. Smoke or Other Particulate Matter. Any existing or proposed use or portion thereof producing smoke or other particulate matter shall not discharge such contaminants into the atmosphere, from any single source of emission whatsoever, for any period or periods aggregating more than three minutes in any one hour, when any such contaminant is:
  - a. As dark or darker in shade than the density reading designated as No. 1 on the Ringelmann Chart, as published by the United States Bureau of Mines; or
  - b. Of such opacity as to obscure an observer’s view to a degree equal to or greater than smoke described as the equivalent of the density reading designated as No. 1 on the Ringelmann Chart as published by the United States Bureau of Mines.

3. Dust, Dirt and Ash. Any existing or proposed use or portion thereof producing dust, dirt or ash which can or may cause damage to the health of any individual, animal or vegetation, damage to property, or the physical soiling or discoloration of the surfaces of any structure or materials located outside the property lines of the lot or parcel of land from which such emission emanates shall have the source of the contaminant muffled or controlled in such manner as will prevent the issuance, continuance or recurrence of any emission that is or may be detectable beyond the property lines of the subject premises.
4. Odors, Toxic Gases and Noxious Matter. Any existing or proposed use or portion thereof producing odors, toxic gases or noxious matter in such quantities as can or may be readily detectable at any point along or outside the property lines of the premises and when such emissions are or may become a public nuisance or hazard, the use responsible shall have the source of the contaminant muffled or controlled in such manner as will prevent the issuance, continuance or recurrence of any emission detectable beyond the property lines of the subject premises.
5. Vibration. Any existing or proposed use or portion thereof generating vibrations that can or may be considered a nuisance or hazard on any adjacent property shall have the source of the vibration muffled or controlled in such manner as will prevent the issuance, continuance or recurrence of the disturbing vibrations.
6. Heat and Glare. Any existing or proposed use or portion thereof that constitutes or may be considered a nuisance or hazard on any adjacent property, such as from arc welders, acetylene torches, furnaces or similar equipment, shall shield or control all sources of heat or glare in such manner as will prevent the issuance, continuance or recurrence of the disturbing emissions.
7. Electromagnetic Disturbances and Radiation. Any existing or proposed use or portion thereof that can or may generate any electrical disturbances or produce any radioactive emanations that can or may be considered a nuisance or hazard shall shield or control the source of the electrical or radioactive emanations in such manner as will prevent the issuance, continuance or recurrence of any hazardous or disturbing emanations.

**Sections 27.96.–27.99. Reserved.**

## **Article VII. Recreational District**

**Section 27.100. Recreational District.** Zone R (Recreational) is intended for use in areas where public and private recreational facilities may be established. The zone is designed to permit uses offering entertainment, amusement and various leisure time activities in an atmosphere conducive to relaxation.

**Section 27.101. Recreational Permitted Uses, Accessory Uses, and Conditional Uses.**

(a) Permitted uses (uses permitted by right) in the Recreational zoning district are primarily recreational, but may include uses which are accessory to the recreational use, such as commercial operations and other uses clearly recognized as necessary to the primary recreational use.

(b) Certain uses may not be suitable in every location within the recreational district and therefore require planning director or planning commission discretionary review through the conditional use permit process described in Section 27.270 of this zoning ordinance, Table 27.101 Uses by Recreational District, lists those uses that are:

1. Permitted by right;
2. Permitted as accessory to the recreational use;
3. Permitted as conditional uses; and
4. Prohibited in the recreational zoning district.

(c) The planning commission may also permit other uses similar to the uses permitted by right in Table 27.101 that the planning commission finds to fall within the intent and purpose of this zone, that will not be more obnoxious or materially detrimental to the public welfare or to property in the vicinity of said uses, and which the planning commission finds to be of a comparable nature and of the same class as the uses permitted by right in Table 27.101.

**Section 27.102. Recreational Development Standards.** General development standards for the recreational zoning district are provided in Table 27.102. The standards include:

(a) minimum lot size; (b) minimum lot width; (c) minimum lot depth; (d) minimum front yard setback; (e) minimum side yard setback; (f) minimum rear yard setback, (g) maximum building coverage; (h) maximum floor area ratio; (i) maximum height; (j) off-street parking; (k) signs; (l) landscape; and (m) minimum building separation; and (n) accessory buildings. These provisions are intended to provide the minimum acceptable standards for development within the recreational district necessary to ensure quality development. The development standards are supplemented by special development standards described in Article XII of this zoning ordinance.

**Sections 27.103.–27.109. Reserved.**

**Table 27.101 Use by Recreational District**

<b>Recreational District Uses</b>	<b>R</b>
Accessory buildings or structures	A
Airports	C
Archery ranges	P
Athletic fields, including grandstands and stadiums (1)	P
Auditoriums	P
Bicycle, scooter and similar rentals	P
Bird farms (1)	P
Bowling Alleys	P
Building materials storage during construction	A
Campgrounds, picnic areas (no structure for permanent human occupancy) (1)	P
Camps, youth	C
Caretaker's residence	A
Carnivals	C*
Circuses	C*
Country clubs (1)	P
Courts, badminton, tennis, volleyball, croquet	P
Crops, nursery stock, (excluding roadside sales)	P
Dance pavilions; outdoor (1)	P
Dwelling, single-family	P
Fairgrounds (2)	P
Fire stations	C
First-aid stations	A
Fishing and casting ponds (1)	P
Golf courses, including miniature (1)	P
Golf driving ranges	C
Museums	P
Observatories	P
Parking lots	P
Parks and playgrounds (1)	P
Pets (household) maximum of 3 over 4 months (cats/dogs)	A
Polo grounds (1)	P
Refreshment stands	A
Restaurants and other eating establishments	A
Retail stores	C
Riding academies and stables with boarding of horses	P
Riding/hiking trails (1)	P
Rifle, pistol or skeet ranges	C
Rodeos (not horse racing) (1)	C*
Shooting galleries	C
Skating rinks	C
Sports Arenas (1)	P
Storage of cattle, sheep, goats, horses (2)	P
Swimming pools	P
Theaters, drive-in	C

<b>Recreational District Uses</b>	<b>R</b>
Theaters, outdoor but not including drive-in (1)	P
Tourists information centers	P
Key:	
P = Use permitted by right.	
PI = Use permitted by right indoors only.	
C = Use requires planning commission conditional use permit.	
C* = Use requires planning director conditional use permit.	
X = Use is prohibited.	
A = Use permitted as accessory use only.	
(1) = Requires minimum of one acre of land.	
(2) = Requires minimum of five acres of land.	

**Table 27.102. Recreational Development Standards**

<b>Development Standards (1)</b>	<b>R</b>
(a) Minimum Lot Size (2)(4)(5)	20,000 sf
(b) Minimum Lot Width (2)(6)	100 ft (10)
(c) Minimum Lot Depth	n/a
(d) Minimum Front Yard Setback (7)	
From Ultimate Street R-O-W	20 ft
Flag Lot (from connection with access extension)	20 ft
(e) Minimum Side Yard Setback (8)	
Interior Side	10 ft
Street Side	10 ft
Flag Lot	10 ft
(f) Minimum Rear Yard Setback (9)	
Standard Lot	10 ft
Flag Lot and Cul-de-sac Lot	10 ft
Adjacent to Alley or Street R-O-W	10 ft
(g) Maximum Building Coverage	25%
(h) Maximum Floor Area Ratio	0.25:1
(i) Maximum Height	
Primary Structure	2 S/35 ft (3)
Accessory Structure	1 S/17 ft (3)
(j) Off-Street Parking	Refer to Article XI Parking and Loading
(k) Signs	Refer to Article XIV Signs
(l) Landscape	Refer to Section 27.180
(m) Minimum Building Separation	10 ft
(n) Accessory Buildings	Refer to Article XII Special Development Standards and Uses

## Notes:

- (1) See Article II for definitions of terms used for development standards.
- (2) Development standard applies to proposed subdivisions of land.
- (3) Whichever is less.
- (4) Net Area—means that area of a lot or parcel of land exclusive of: public alleys, highways or streets; proposed public facilities such as alleys, highways, streets or other necessary public sites when included within a proposed development project; or other public or private easements when the owner of the servient tenement does not have the right to use the entire surface of the land.
- (5) Refer to Sec s 27.161–27.164.
- (6) Refer to Section 27.165 Minimum lot width.
- (7) Refer to Section 27.169 Specialized front yard requirements.
- (8) Refer to Section 27.170 Specialized side yard requirements.

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(9) Refer to Section 27.171 Specialized rear yard adjoining an alley.

(10) Except as otherwise provided in Section 27.165.

ft = feet; sf = square feet; S = story; DU = Dwelling Unit; R-O-W = Right-of-way; n/a = Development standard not applicable to zoning district.

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## Article VIII. Public Facilities District

**Section 27.110. Public Facilities District.** Zone PF (Public Facilities) is established to encourage an orderly and harmonious development of public facilities.

**Section 27.111. Public Facilities Uses.** (a) Permitted uses, accessory uses, and conditional uses within the Public Facilities zoning district are described in Table 27.111.

(b) Certain uses may not be suitable in every location in the public facilities district and therefore may require planning director or planning commission discretionary review through the conditional use permit process described in Section 27.270. Table 27.111, Uses by Public Facilities District, lists uses that are suitable:

1. Permitted by right;
2. Permitted as accessory to the public use;
3. Permitted as conditional uses; and
4. Prohibited in the public facilities zoning district.

(c) The planning commission may also permit other uses similar to the uses permitted by right in Table 27.111 that the planning commission finds to fall within the intent and purpose of these zones, that will not be more obnoxious or materially detrimental to the public welfare or to property in the vicinity of said uses, and which the planning commission finds to be of a comparable nature and of the same class as the uses permitted by right in Table 27.111.

**Table 27.111. Uses by Public Facilities District**

<b>Public Facilities District Uses</b>	<b>P-F</b>
Accessory buildings or structures	A
Airports	C
Carnivals	C*
Cemeteries	C
Child care centers	C
Community social centers	P
Convalescent hospitals/homes	C
Day care centers (greater than 12 persons)	C
Educational institutions (public)	P
Electrical distribution substations, microwave facilities	P*
Electrical generating plants, microwave facilities	C
Fire stations	P
Golf courses (open to public)	P
Government offices	P
Gymnasiums (public)	P
Hospitals	C
Libraries	P
Lodge halls	C*
Microwave stations including towers (35 feet max.)	C*
Microwave stations towers exceeding 35 feet	C*
Museums	C
Museums (enclosed buildings)	C*
Nursing homes, nursing care	C
Nursery school	C
Parking lots	P
Parking buildings	P
Parks and playgrounds	P
Police stations	P
Post offices	P
Public utility service centers, plants and yards	P
Radio and television stations and towers (35 feet max.)	C
Stations, bus, railroad and taxi	C
Swimming pools (public)	C
Key:	
P	= Use permitted by right.
P*	= Use permitted subject to conditions outlined in zoning ordinance.
C	= Use requires planning commission conditional use permit.
C*	= Use requires planning director conditional use permit.
A	= Use permitted as accessory use only.

Notes:

(a) Accessory uses include any accessory uses permitted in the underlying zone to which this supplemental use

Public Facilities District Uses	P-F
<p>zone is added, provided that all display and storage, other than parking for motor vehicles having a rated capacity of not more than two tons, shall be within an enclosed building.</p> <p>(b) Conditional uses include any conditional uses permitted in the underlying zone to which this supplemental use zone is added.</p> <p>(c) Permitted uses include any principal uses permitted in the underlying zone to which this supplemental use zone is added, provided that all display and storage , other than parking for motor vehicles having a rate capacity of not more than two tons, shall be within an enclosed building.</p>	

**Section 27.112. Public Facilities Development Standards.** General development standards for the public facilities zoning district are provided in Table 27.112. The standards include: (a) minimum lot size; (b) minimum lot width; (c) minimum lot depth; (d) minimum front yard setback; (e) minimum side yard setback; (f) minimum rear yard setback; (g) maximum building coverage; (h) maximum floor area ratio; (i) maximum height, (j) off-street parking; (k) signs; (l) landscape; (m) minimum building separation; and (n) accessory buildings. These provisions are intended to provide the minimum acceptable standards for development within the public facilities district necessary to ensure quality development. The development standards are supplemented by special development standards described in Article XII of this zoning ordinance.

**Sections 27.113.–27.119. Reserved.**

**Table 27.112. Public Facilities Development Standards**

<b>Development Standards (1)</b>	<b>PF</b>
(a) Minimum Lot Size (2)(3)(4)	7,500 sf
(b) Minimum Lot Width (2)(5)	50 ft
(c) Minimum Lot Depth	100 ft (9)
(d) Minimum Front Yard Setback (6) (10)	
From Ultimate Street R-O-W	20 ft
Flag Lot (from connection with access extension)	20 ft
(e) Minimum Side Yard Setback (7)	
Interior Side	10 ft
Street Side	10 ft
Flag Lot	10 ft
(f) Minimum Rear Yard Setback (8)	
Standard Lot	10 ft
Flag Lot and Cul-de-sac Lot	10 ft
Adjacent to Alley or Street R-O-W	10 ft
(g) Maximum Building Coverage	40%
(h) Maximum Floor Area Ratio	80%
(i) Maximum Height Primary Structure	3S/45 ft
(j) Off-Street Parking	Refer to Article XI Parking and Loading
(k) Signs	Refer to Article XIV Signs
(l) Landscape	Refer to Section 27.180
(m) Minimum Building Separation	10 ft
(n) Accessory Buildings	Refer to Article XII Special Development Standards and Uses

## Notes:

- (1) See Article II for definitions of terms used for development standards.
- (2) Development standard applies to proposed subdivisions of land.
- (3) Net Area—means that area of a lot or parcel of land exclusive of: public alleys, highways or streets; proposed public facilities such as alleys, highways, streets or other necessary public sites when included within a proposed development project; or other public or private easements when the owner of the servient tenement does not have the right to use the entire surface of the land.
- (4) Refer to Sec s 27.161–27.164.
- (5) Refer to Section 27.165 Minimum lot width.
- (6) Refer to Section 27.169 Specialized front yard requirements.
- (7) Refer to Section 27.170 Specialized side yard requirements.
- (8) Refer to Section 27.171 Specialized rear yard adjoining an alley.
- (9) Except as otherwise provided in Section 27.165.
- (10) Setback requirement same as for adjacent property to the rear of project site.

ft = feet; sf = square feet; S = story; R-O-W = Right-of-way; n/a = Development standard not applicable to

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zoning district.

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## Article IX. Planned Development District

**Section 27.120. Planned Development District.** The Planned Development (PD) district is established to allow flexible development plans to be prepared for the Special Study Areas identified in the General Plan Land Use Element which may benefit from unique or special land use and design controls not otherwise possible under conventional zoning regulations. Purposes of the PD district include permitting a compatible mixture of land uses, allowing for planned commercial and industrial areas, and a variety of housing styles and densities. This article establishes the procedures for securing the Planned Development zone designation, and for granting a Planned Development Permit for any project located in a PD district.

**Section 27.121. Planned Development Ordinance Required.** A PD zone may only be established by an ordinance specifying, among other things, the goals, objectives, use and development standards for the district. Such standards shall apply to all development within the district.

**Section 27.122. Establishment or Amendment of Planned Development District.** The following procedures shall apply to the establishment or amendment of any Planned Development District:

1. Minimum Property Size. The proposed PD district property must contain a minimum of fifty acres of land.
2. Submission of Specific Plan. A property may be zoned Planned Development District when the Change of Zone Application is accompanied by a Zoning Map that includes the following information.
  - a. General Plan Land Use Categories with Associated Acreages;
  - b. Proposed Land Uses;
  - c. Density Ranges;
  - d. Maximum Number of Proposed Dwelling Units; and/or
  - e. Floor Area Ratios.

Such Change of Zone Application shall be followed by the submittal of a Specific Plan concurrent with submittal of more detailed development plans such as tentative map or site plan. A Specific Plan may also be submitted concurrently with a Change of Zone Application.

The Specific Plan shall be prepared in accordance with Section 65451 of the Government Code that includes a detailed development plan indicating the uses, development standards and infrastructure requirements to serve the proposed plan. Whenever a Planned Development District does not contain any standards for a particular aspect of development, the planning director shall determine the zoning ordinance standards most applicable to the individual Planned Development District.

3. Planning Commission Review. The planning commission shall review and hold a public hearing on the Specific Plan and proposed change to the Planned Development (PD) zone. The application shall be heard as a rezoning matter pursuant to the requirements of Section 27.250. through Section 27.255. of this zoning ordinance. The planning commission shall recommend action on the proposal to the city council.

4. City Council. The city council has the sole authority to act on the specific plan and proposed rezoning after considering the planning commission recommendations. If the council approves the specific plan and zone change, the PD zone shall be indicated on the official zoning map by the base PD designations and a number indicating which specific plan is applicable (e.g., PD-8). Specific plan numbers shall be assigned chronologically.

**Section 27.123. Site Plan review.** All development within a PD zone shall be reviewed pursuant to procedures specified in Section 27.260. through Section 27.269 of this zoning ordinance.

**Sections 27.124.–27.129. Reserved.**

## **Article X. Light Agricultural District**

**Section 27.130. Light Agricultural District.** The light agricultural zone is intended for areas adjacent to existing agricultural land on the urban fringe of the City of Brawley in areas which contain relatively large parcels of property which are conducive to growing a limited quantity of crops, and the keeping of horses, cows, sheep, goats, chickens, and rabbits for personal use and/or for the production of milk, eggs, and other products for personal use. This zone is also intended to permit commercial and light industrial activities which support agriculture or are connected to the agricultural industry. Examples of such uses would be trucking firms, tractor repair shops, and welding shops.

### **Section 27.131. Light Agricultural Permitted Uses, Accessory Uses, Conditional Uses and Prohibited Uses.**

(a) Permitted uses (uses permitted by right) in the light agricultural zoning district are primarily agricultural and residential.

(b) Certain uses may not be suitable in every location within the light agricultural district and therefore require planning director or planning commission discretionary review through the conditional use permit process described in Section 27.270 of this zoning ordinance. Table 27.131, Uses by Light Agricultural District, lists those uses that are suitable:

1. Permitted by right;
2. Permitted as accessory to the light agricultural use;
3. Permitted as conditional uses; and
4. Prohibited in the light agricultural zoning district.

(c) The planning commission may also permit other uses similar to the uses permitted by right in Table 27.131 that the planning commission finds to fall within the intent and purpose of this zone, that will not be more obnoxious or materially detrimental to the public welfare or to property in the vicinity of said uses, and which the planning commission finds to be of a comparable nature and of the same class as the uses permitted by right in Table 27.131.

**Section 27.132. Light agricultural development standards.** General development standards for the light agricultural zoning district are provided in Table 27.132. The standards include: (a) minimum lot size; (b) minimum lot width; (c) minimum lot depth; (d) minimum front yard setback; (e) minimum side yard setback; (f) minimum rear yard setback; (g) maximum building coverage; (h) maximum floor area ratio; (i) maximum height; (j) off-street parking; (k) signs; (l) landscape; (m) minimum building separation; and (n) accessory buildings. These provisions are intended to provide the minimum acceptable standards for development within the light agricultural district necessary to ensure quality development. The development standards are supplemented by special development standards described in Article XII of this zoning ordinance.

**Sections 27.133.–27.139. Reserved.**

**Table 27.131. Uses by Light Agricultural District**

<b>Light Agricultural District Uses</b>	<b>A-1</b>
Accessory buildings or structures, including private garages, carports, barns, stables, corrals and chicken coops.	A
Agricultural crops for personal use only	P
Agricultural equipment sales office and display yards for the sale of farm equipment	P
Animals, horses, cows, goats, rabbits, chickens and other farm animals for personal use	P
Any permitted in the R-1 or R-A zone	A
Commercial feed lots or slaughter houses for cattle	X
Commercial fruit stands and other stands which sell agricultural products to the general public	P
Swine, keeping of	P
Tractor and other farm implement repair and/or service shops	P
Welding shops which repair agricultural equipment	C*
Key:	
P	= Use permitted by right.
C	= Use requires planning commission conditional use permit.
C*	= Use requires planning director conditional use permit.
X	= Use is prohibited.
A	= Use permitted as accessory use only.

**Table 27.132. Light Agricultural Development Standards**

<b>Development Standards (1)</b>	<b>A-1</b>
(a) Minimum Lot Size (2)(4)(5)	40 acres
(b) Minimum Lot Width (2)(6)	100 ft
(c) Minimum Lot Depth	n/a
(d) Minimum Front Yard Setback (7) (10)	
From Ultimate Street R-O-W	25–35 ft
Flag Lot (from connection with access extension)	25–35 ft
(e) Minimum Side Yard Setback (8)	
Interior Side	10 ft
Street Side	10 ft
Flag Lot	10 ft
(f) Minimum Rear Yard Setback (9)	
Standard Lot	25 ft
Flag Lot and Cul-de-sac Lot	25 ft
Adjacent to Alley or Street R-O-W	25 ft
(g) Maximum Building Coverage (11)	2.5% for 40 acres and greater
(h) Maximum Floor Area Ratio (12)	0.25 for 40 acres and greater
(i) Maximum Height	
Primary Structure	2 S/35 ft (13)
(j) Off-Street Parking	Refer to Article XI Parking and Loading
(k) Signs	Refer to Article XIV Signs
(l) Landscape	Refer to Section 27.180(3)
(m) Minimum Building Separation	10 ft
(n) Accessory Buildings	Refer to Article XII Special Development Standards and Uses

## Notes:

- (1) See Article II for definitions of terms used for development standards.
- (2) Development standard applies to proposed subdivisions of land.
- (3) All commercial and light industrial uses, established after the effective date of the ordinance codified in this zoning ordinance and in the A-1 zone, shall have landscaping established and maintained across the entire front lot line of the property within the required front yard setback area. Subject landscaping shall be subject to the requirements of Sec s 27.261 through 27.268 (Site Plan Review).
- (4) Net Area—means that area of a lot or parcel of land exclusive of: public alleys, highways or streets; proposed public facilities such as alleys, highways, streets or other necessary public sites when included within a proposed development project; or other public or private easements when the owner of the servient tenement does not have the right to use the entire surface of the land.
- (5) Refer to Sec s 27.161 - 27.164.
- (6) Refer to Section 27.165 Minimum lot width.

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- (7) Refer to Section 27.169 Specialized front yard requirements.  
 (8) Refer to Section 27.170 Specialized side yard requirements.  
 (9) Refer to Section 27.171 Specialized rear yard adjoining an alley.  
 (10) Front yard setback requirements are based on lot area as identified below:

Lot Area	Setback
(Square Feet)	(Front Yard)
10,000–10,999	25
11,000–11,999	30'
12,000–12,999	30'
13,000–13,999	35'
14,000–14,999	35'
15,000–15,999	35'
16,000–Over	35'

(11) 5% for lots from 10 to 40 acres in size; 10% for lots less than 10 acres in size.

(12) .05:1 for lots from 10 to 40 acres in size; .1:1 for lots less than 10 acres in size.

(13) Maximum height for specialized buildings that are an integral part of agricultural processing is 150 feet, unless restricted by Airport Land Use Plan.

ft = feet    sf = square feet    S = story    R-O-W = Right-of-way  
 n/a = Development standard not applicable to zoning district.

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## Article XI. Parking and Loading

### Section 27.140. Location of parking and loading facilities.

(a) Residential Uses. Required parking facilities shall be located on the same lot or parcel of land which is to be served. Such facilities shall have direct access to a public street and shall be located on the site where the erection of garages or carports is permitted.

(b) Commercial or Industrial Uses. Required parking facilities shall be located:

1. On the same lot or parcel of land as the use such parking facilities are intended to serve; or
2. On an adjacent lot or parcel of land held under joint ownership of both adjoining property owners and intended to serve the subject use; or
3. On an adjacent lot or parcel of land separated only by an alley from the use which such facilities are intended to serve, and which is either under the same ownership or where reciprocal access and parking agreements exist; or
4. Within the boundaries of a Business Parking and Improvement area.

(c) Loading Facilities. Required loading facilities shall be located on the same lot or parcel of land as the use served.

(d) Ingress and Egress. Required parking and loading facilities shall be provided with adequate ingress and egress from and to a public street, highway, or alley.

### Section 27.141. Combined Parking or Loading Facilities.

(a) For Uses on Separate Lots or Parcels of Land. Required parking facilities may be provided collectively for two or more buildings located on separate lots or parcels of land, provided that both parcels are under the same or joint ownership, and provided that the total parking spaces combined does not equal less than the parking space requirements for the individual uses. The parking agreement or arrangement shall be recorded with the County Recorder.

(b) For Uses With Varying Requirements Located on the Same Lot or Parcel of Land.

1. In the event that uses having varying parking and loading requirements are located on the same lot or parcel of land, the facilities provided, including collective parking facilities, shall equal the sum total of the requirements for the various individual uses computed separately in accordance with provisions of this article. This requirement does not apply to shopping centers.
2. Parking and loading facilities designated for one use may not be counted or considered as also providing required parking or loading facilities for any other use.

**Section 27.142. Ownership of the Parking Area.** Property on which required parking is established, shall be under the same ownership as the use it is intended to serve. Any joint ownership or operation resulting from the establishment of collective parking facilities as provided in Section 27.141 shall be construed as complying with this provision.

**Section 27.143. Required Parking Spaces.** The parking standards included in Table 27.143 indicate the spaces and facilities required for off-street parking that shall apply at the time the subject building or structure is erected or placed on the ground. Uniform Building Code requirements for handicapped parking spaces shall also be provided as part of the required off-street parking. These standards shall also apply when an existing building is altered or enlarged by the addition of dwelling units or guest rooms, or the use in question is intensified by the addition of floor space, seating capacity, or change of use.

**Table 27.143. Required Parking Spaces**

<b>Land Use</b>	<b>Parking Spaces Required for Facilities</b>
<b>RESIDENTIAL USES</b>	
(1) Single-family dwellings	Two spaces for each dwelling unit.
(2) Two-family (duplex) dwelling	Two spaces for each dwelling unit.
(3) Apartment houses and condominiums containing three or more units	a. One and one-half spaces for each studio unit; b. One and three-quarters spaces for each one bedroom unit; c. Two spaces for each unit with two or more bedrooms;
(4) Rooming and boarding houses	One parking space for each guest room.
(5) Hotels	One parking space for each guest room.
(6) Motels	One parking space for each guest room.
(7) Mobilehome parks	One parking space for each mobilehome space, and in addition, one parking space for each two mobile home spaces in the park for guest parking. Said guest parking shall be conveniently located within the mobilehome park.
(8) Mobilehome subdivisions	Two parking spaces for each lot occupied by a single mobilehome.
(9) Second units	One space in addition to two spaces for primary dwelling unit.
(10) Senior housing	1.2 spaces per dwelling unit.
<b>COMMERCIAL USES</b>	
(1) Retail stores, shop, supermarkets, and food stores	One space for each four hundred square feet of gross floor area.
(2) Shopping centers	One space for each three hundred square feet of gross floor area.
3) Restaurants, cafes, night clubs, bars and taverns and restaurants with only delivery service.	One space for each fifty square feet of gross floor area where the public is served, and one additional space for each two employees on the largest shift and one additional parking space for each vehicle used in connection with the business.
(4) Offices, business and professional	One parking space for each three hundred square feet of gross floor space.
(5) Medical buildings and dental buildings	One parking space for each two hundred square feet of gross floor area.
(6) Chapels and mortuaries	One parking space for every four seats, if the seats are fixed or one space for each thirty square feet of seating area where there are not fixed seats. In addition, one space shall be provided for each employee and one space for each vehicle owned by the establishment and used in the business.

<b>Land Use</b>	<b>Parking Spaces Required for Facilities</b>
(7) Nursing homes and convalescent hospitals	One parking space for each three beds licensed to be located in the facility. In addition, one space for each employee on the largest shift.
(8) Theaters and similar places of public assembly, including churches	One parking space for each four seats, if the seats are fixed, or one space for each thirty square feet of open assembly area where seats are not fixed, excluding platform and stage areas.
(9) Automobile sales, lots, boat sales, trailer sales, retail nurseries, and other businesses not conducted inside a building or other structure	One parking space for each one thousand square feet of open area devoted to display or sales, plus one additional space for each employee on the largest shift. Where such area exceeds ten thousand square feet, one additional space for each five thousand square feet over ten thousand square feet of area, shall be provided. In addition, one additional space for each four hundred square feet of sales office space shall be provided.
<b>MANUFACTURING AND INDUSTRIAL USES (INCLUDING OPEN INDUSTRIAL USES)</b>	
(1) Industrial uses of all types, except buildings used exclusively for warehouse purposes	1.5 parking spaces for each two employees on the largest shift, or for each four hundred square feet of floor area, whichever is greater, and one additional parking space for each vehicle used in connection with the business.
(2) Public utility facilities, including, but not limited to electric, gas, water, telephone and telegraph facilities not having business offices on the premises	1.5 parking spaces for each two employees on the largest shift, and one parking space for each vehicle used in connection with the use. A minimum of two parking spaces shall be provided for each such use regardless of building space or number of employees.
(3) Warehouses or buildings used exclusively for storage purposes	1.5 parking spaces for each twenty-five hundred square feet of floor area or one space for each two employees, whichever is greater, and one parking space for each vehicle used in connection with the use.
<b>OTHER LAND USES</b>	
(1) Child care centers	One parking space for every employee and a 40-foot loading zone.
(2) Hospitals	One parking space for each three beds, plus one space for each staff doctor, plus one space for each three employees other than staff doctors.
(3) Children's homes	One parking space for each employee on the largest shift.
(4) Educational facilities, including elementary schools, secondary schools, kindergartens, and parochial schools	One parking space for each classroom, plus one space for each three students of legal driving age, and one space for each three nonteaching employees.
(5) Recreational vehicle parks	One parking space for each recreational vehicle space, plus one additional space for each employee of the park.
(6) Caretaker's residence	Two parking spaces required.

<b>Land Use</b>	<b>Parking Spaces Required for Facilities</b>
(7) Self-storage facilities	Two spaces plus one additional space for each fifty storage cubicles.
(8) Automobile rental agencies	One space for each two hundred square feet of gross floor area, plus one space for each vehicle to be stored on the lot.
(9) Automobile service	One and one-half spaces for each pump station up to the first six pumps, and one space for each additional pump.
(10) Automobile service and repair garages	Three spaces for each service bay (service bay shall not be counted as parking space).
(11) Banks and other financial institutions	One space for every two hundred square feet of gross floor area.
(12) Bowling alleys	One space for each alley, plus one additional space for each five fixed seats in any gallery, plus one space for each two employees on the largest shift. Additional parking shall be required for restaurants or cocktail lounges located within the bowling alley as specified in this ordinance.
(13) Commercial buildings (not otherwise specified herein)	One parking space for each four hundred square feet of gross floor area, and one additional space for each employee.
(14) For other uses not specified herein	To be determined by the planning commission upon a recommendation by the planning director.

**Section 27.144. Computation of Required Off-Street Parking Spaces.**

(a) Consideration of Fractional Remainders. When a fractional figure is found as a remainder in computations made to determine required off-street parking facilities, said fraction shall be construed as a whole number.

(b) Parking in Buildings. Where required parking computations are based on floor area, floor space devoted to parking within a building, or necessary interior driveways and ramps thereto, shall be excluded.

**Section 27.145. Motor Vehicle Maneuvering and Parking Space Layout.**

(a) Parking Space Dimensions.

1. All full size parking spaces shall have a minimum width of nine feet, and a minimum length of twenty feet. Specific Uniform Building Code requirements will be followed for handicapped parking space dimensions.
2. A maximum of twenty-five percent of required parking spaces may be compact car spaces. Compact car spaces shall have a minimum width of seven and one-half feet, and a minimum length of fifteen feet.

(b) Maneuvering Areas Adjacent to Parking Spaces. Maneuvering areas adjacent to parking spaces shall be designed in accordance with City of Brawley standard detail No. A-3 and in accordance with the following:

<u>Parking Lot Design</u>	<u>Maneuvering Area</u>
90 degrees	24 feet
45 degrees	20 feet
60 degrees	16 feet

(c) Required Driveways for Residential Use. Driveways shall be provided to allow ingress and egress to and from required parking areas as specified below. Driveways, other than maneuvering areas, providing vehicular access to residential uses in any zone shall conform to the following:

1. Driveways serving not more than four dwelling units shall have a width of not less than ten feet.
2. Driveways serving five or more dwelling units shall have a width of not less than thirty feet. In lieu of a thirty foot driveway, two driveways of not less than fifteen feet each may be substituted. Where used, such driveways shall have directional signs provided to ensure one-way ingress and egress respectively.

(d) Required Driveways for Commercial and Industrial Uses. Driveways with a minimum width of thirty feet shall be provided to allow ingress and egress to and from required parking areas. In lieu of a thirty foot driveway, two driveways of not less than fifteen feet each may be substituted.

Where used, such driveways shall have directional signs provided to ensure one-way ingress and egress respectively.

(e) Turnaround Areas. Any required garage, carport, or parking space located more than one hundred feet from the street or highway from which access is taken, and served by a driveway not less than thirty feet in width, shall have a motor vehicle turnaround area at least thirty feet in width and thirty feet in length located adjacent thereto.

**Section 27.146. Parking Area Circulation.**

(a) Parking lots designed for four or more vehicles shall be designed to provide for ample maneuvering areas to permit vehicular traffic to move into and out of the parking area without the backing of any vehicles onto a street or highway.

(b) Parking areas having more than one driveway shall have directional signs provided in each driveway indicating the direction of traffic flow.

**Section 27.147. Development of Parking Facilities.**

(a) Paving. All parking areas, maneuvering areas, and any driveways used for access thereto shall be paved to City of Brawley engineering standards.

(b) Marking of Parking Spaces. Wherever five or more motor vehicle parking spaces are required for residential development and for all non-residential development, each space shall be clearly marked with paint or other easily distinguishable material.

(c) Bumper Guards or Wheel Stops. Bumper guards or wheel stops, where appropriate, shall be provided for all required motor vehicle parking spaces except spaces established in a garage or carport.

(d) Buffer Walls. Where required parking facilities for six or more motor vehicles are located adjacent to a residential zone, a solid masonry wall, not less than five feet in height shall be constructed along the common lot line between the parking area and the residentially zoned parcel. Where such wall is located within ten feet of any street, highway, or alley, and would interfere with the line-of-sight vision of the driver of a motor vehicle, said wall shall not exceed a height of forty-eight inches.

(e) Parking lot landscaping.

1. Interior.

- a. A minimum of ten percent of the interior area of parking lots containing twelve or more spaces shall be landscaped according to a planning director approved landscaping plan. For parking lots with less than twelve spaces, a minimum of five percent of the interior area shall be landscaped according to a landscaping plan to be approved by city staff.

- b. The end areas of all rows of parking stalls shall have planter areas which contain at least two fifteen gallon trees. The end planters shall be five feet by twenty feet in the case of ninety-degree angle parking and shall be triangular in shape in the case of forty-five-degree or sixty-degree angle parking stalls as indicated on Exhibit F-1. In addition to the planters to be located at the end areas of parking rows, there shall be provided one four-foot by four-foot (interior dimension) planter for each five parking spaces in the area between the end planters. All four-foot by four-foot planters shall contain one fifteen-gallon tree. The location of the four-foot by four-foot planters shall be as indicated on Exhibit F-1.
- c. All parking lots containing twelve or more spaces shall be shaded by trees or by a combination of covered parking structures and trees, which shall be placed throughout the parking lot area to provide adequate shade for pedestrians and vehicles. Shade trees shall be placed so as to shade at least thirty percent of the total parking lot area with tree canopies within fifteen years after approval of the landscaping plan. All newly planted shade trees in parking lot areas shall be a minimum size of fifteen gallons when planted and shall be of a species that does not lose leaves during the winter months. The maximum distance between trees shall be forty feet. Tree locations shall not interfere with parking lot lighting fixtures or illumination patterns. Covered parking structures may be used to provide up to one-half of the required thirty percent shading in lieu of some of the trees.

## 2. Peripheral Planting Areas Adjacent to Streets.

All parking lots located adjacent to city streets shall provide for a peripheral planting area not less than five feet in width between the sidewalk and property line. The required peripheral planting area shall be included in the calculation of landscaped area and shall be landscaped with grass, low shrubs, or other vegetation or material as approved by the planning commission. At least one fifteen-gallon shade tree shall be planted for each forty feet of street frontage. If palm trees are utilized, they shall be a minimum height of fifteen feet when planted.

(f) Lighting of outdoor parking areas for twelve or more parking spaces shall be designed and arranged to prevent glare or direct illumination into any adjacent residential zone, while providing adequate lighting for public safety. Lighting shall be required for all parking lots with 12 or more spaces.

### **Section 27.148. Site Plan for Parking Lots.**

(a) A site plan shall be submitted to the planning department, pursuant to the provisions of Section 27.260 (Site Plan Review) of this zoning ordinance, prior to the establishment of any required parking facilities. All parking lots shall be designed in accordance with the dimensions spelled out and depicted in City of Brawley standard detail No. A-3. The site plan shall be submitted to the planning director for approval.

(b) The site plan shall indicate type, location and size of all proposed landscaping.

(c) The required site plan and landscaping plan shall be prepared by a registered architect, landscape architect, or civil engineer.

**Section 27.149. Loading Facilities.**

(a) Provisions. Where the need is determined by the planning director, commercial, industrial, and institutional buildings hereafter erected or established shall have and maintain loading spaces.

1. Loading spaces shall be not less than twelve feet in width, forty feet in length, and with fourteen feet of vertical clearance.
2. Loading spaces shall be located and designed so that trucks need not back into a public street or alley. No part of an alley or street shall be used for loading unless the area has been established as a loading area by the City of Brawley.
3. When the lot upon which the loading spaces are located abuts an alley paved to City of Brawley standards, such loading spaces may have access from said alley provided that the alley is not adjacent to a residential district
4. No loading space for vehicles over two tons capacity shall be located closer than thirty-five feet to a residential zone.
5. Required off-street loading spaces shall be located on the same site as the use being served.
6. Space allocated for any off-street loading facilities shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities, or portion thereof.
7. No loading space which is provided for the purpose of complying with the provisions of this zoning ordinance shall hereafter be eliminated, reduced, or converted in any manner below the requirements established by this zoning ordinance, unless equivalent facilities are provided in conformance with this zoning ordinance.

(b) Loading Spaces Required. The following minimum off-street loading space shall be provided for uses other than residential, with adequate means for ingress and egress. The following schedule shall include and apply to all commercial and industrial structures in the City of Brawley.

Total Square Feet of Building Space Gross Floor Area	Loading Spaces Required
Less than 2,500 square feet	1
2,500 square feet to 20,000 square feet	2
20,001 square feet to 50,000 square feet	3
More than 50,000 square feet	4

**Section 27.150. Parking Lots as a Supplemental Use.** In addition to compliance with all other applicable Sections of this zoning ordinance, the following regulations shall apply to parking lots as a supplemental use in zones where they are permitted as a principal use:

1. Parking shall be permitted when the lot or parcel of land in the zone in which parking as a supplemental use is permitted adjoins or is separated only by an alley from any commercial or manufacturing zone.
2. Parking shall be limited to motor vehicle parking lots exclusively, but shall exclude vehicles over two tons rated capacity.
3. The area developed with parking as a supplemental use shall have direct vehicular access to an improved public street, highway or alley, or to the qualifying commercial or industrial zone.

**Section 27.151. Oversized Vehicle Parking Provisions.** Where the need is determined by the planning director, commercial, industrial, and institutional buildings hereafter erected or established shall have and maintain up to 10 percent of required off-street parking spaces for oversized vehicles.

1. Oversized vehicle spaces shall not be less than twelve feet in width, twenty-five feet in length, and with fourteen feet of vertical clearance.
2. Required off-street oversized spaces shall be located on the same site as the use being served.

**Sections 27.152.–27.159. Reserved.**

## **Article XII. Special Development Standards and Uses**

**Section 27.160. Purpose.** The special regulations included in Sections 27.160 through 27.196 are supplementary provisions intended to provide clarification and amplification of the provisions and standards governing development in each zone.

**Section 27.161. Area Accepted as the Required Area.** The required area of a lot or parcel of land shall be not less than the area indicated in the corresponding zoning district in which the lot or parcel is located, except under the following special conditions:

1. Recorded Subdivisions. Required area shall mean that area of a lot or parcel of land shown as a part of a final subdivision map that has been approved by the city council and recorded as provided for in the Subdivision Map Act and the subdivision ordinance. Where the area of a lot in a recorded subdivision is less than the minimum area required in the zone, it shall be considered to meet the minimum area requirements of the zoning ordinance.
2. Lot Area Required. Where a property owner has the right of possession to a lot or parcel of land by virtue of a recorded deed or contract of sale, “required area” shall be interpreted to mean the area of said lot or parcel as provided in subject deed or contract of sale, provided the deed or contract of sale was recorded prior to the adoption of this zoning ordinance or any previous ordinance which set minimum area requirements on said lot or parcel of land. A building permit will be issued to construct any structure permitted in the zone where said lot or parcel of land is located, provided all yards as required by this zoning ordinance can be provided, and all other regulations contained in this zoning ordinance are complied with.

**Section 27.162. Creation of a Lot or Parcel Having Less Than Required Area.** Except as otherwise provided in this article, a person shall not divide any lot or parcel of land, and shall not convey any lot or parcel of land or any portion thereof, if as a result of such conveyance the area of any lot or parcel of land so reduced, or a lot or parcel of land so created, is in violation of the requirements of this article.

**Section 27.163. Use of a Lot or Parcel Having Less Than Required Area.** Where a portion of a lot or parcel of land is sold or transferred and as a result of such sale or transfer one or more parcels are created of such an area as to no longer conform to the requirements of this article, then in the determination of the permissible number and location of any buildings on any lot or parcel of land so created by such sale or transfer, the portion sold or transferred and the remainder shall be considered as one parcel.

**Section 27.164. Required Area Reduced for Street or Highway Purposes.** If a lot or parcel of land has not less than the area required in the zoning district, and subsequently a portion is acquired for street or highway purposes, in any manner including dedication, condemnation or purchase, and if the remainder of such lot or parcel of land has not less than seventy-five percent

of the required area, then such remainder shall be considered as having the required area for the zoning district where such parcel or lot is located.

**Section 27.165. Minimum Lot Width.** Unless otherwise provided in this article, the required width of a lot or parcel of land shall be not less than the width designated in the zone.

**Section 27.166. Required Width of Lots or Parcels Accepted as Having the Required Area.** A lot or parcel of land accepted as having the required area, as provided in the corresponding zoning district in which the lot or parcel is located, shall also be accepted as having the required minimum width for the zone where said lot or parcel is located.

**Section 27.167. Minimum Street or Highway Frontage.** Each lot or parcel of land shall have a street or highway frontage of not less than thirty-five feet where the front property line coincides with the street or highway line, including front property lines fronting on a street knuckle or bulb of a cul-de-sac.

**Section 27.168. Required Width Reduced by Public Use.** If a lot or parcel of land has not less than the required width and after creation of such lot or parcel of land a portion of its width is acquired for public use in any manner including, but not limited to dedication, condemnation or purchases, and if the remainder of such lot or parcel of land has not less than seventy percent of the required width, but in no event less than forty feet, such remainder shall be considered as having the required width.

**Section 27.169. Specialized Front Yard Requirements.**

(a) Key lots. The depth of the required front yard on key lots or parcels of land shall not be less than the average depth of the required front yard of the adjoining interior lot or parcel of land and the required side yard of the adjoining reversed corner lot or parcel of land.

(b) Lots on sloping terrain. On lots where there is an elevation difference of ten feet or more between the curb level and a point halfway between the front and rear property lines measured at the center of the lot, the front yard required shall be at least thirty percent of the minimum lot width required in the zone.

**Section 27.170. Specialized Side Yard Requirements.**

(a) Width.

1. Interior lots or parcels of land which have widths of less than fifty feet, and were in existence prior to the adoption of this zoning ordinance or a previous ordinance regulating minimum lot widths may have side yards of not less than three feet.
2. Required side yards in residential zones shall be increased three feet in width for each story of a building established above a height of two stories.

(b) Commercial or Industrial Zones Adjoining a Residential Zone. Where a commercial or industrial zone adjoins a residential zone, each lot or parcel of land in said commercial or industrial zone adjoining a lot or parcel of land in a residential zone shall have a side yard as prescribed in the zone, but in no event less than ten feet in width along the contiguous property line. The required side yard in commercial and industrial zones shall be increased three feet in width for each story of a building established above a height of two stories.

**Section 27.171. Specialized Rear Yards Adjoining an Alley.**

(a) Rear yards adjoining an alley. Where a required rear yard adjoins an alley, one-half of the width of such alley may be considered as a part of the depth of a required rear yard.

(b) Commercial or industrial zones adjoining a residential zone. Where a commercial or industrial zone adjoins a residential zone each lot or parcel of land in said commercial or industrial zone adjoining a lot or parcel of land in a residential zone shall have a rear yard as prescribed in the zone, but in no event less than ten feet in depth along the contiguous property line. The required rear yard in commercial and industrial zones shall be increased three feet in width for each story of a building established above a height of two stories.

**Section 27.172. Location of Accessory Buildings in Yards.** Location of accessory buildings with regard to side and rear lot lines shall conform to the following requirements:

1. One-story garages may be located within five feet of any side lot line or rear lot line on interior lots. Corner lots shall require a minimum ten-foot setback from the street line of any street or highway.
2. One-story carports may be placed over a driveway in a side yard, provided no part of the structure is closer than three feet to the side property line.
3. Storage sheds not exceeding one hundred fifty square feet may be located within any required side or rear yard area provided no part of the structure is located closer than three feet to the side or rear property line. Storage sheds located on corner lots shall not be located closer than ten feet to any street or highway right-of-way line.
4. Accessory buildings having more than one-story shall conform to the side and rear yard requirements for main buildings in the zone where such accessory buildings are located.
5. Other one-story accessory buildings, or covered patios, other than a garage or carport, may be located within five feet of any side or rear property line, except that no accessory building shall be located closer than ten feet to a street right-of-way line on corner lots.

**Section 27.173. Location of other structures and projections into yards.**

(a) In addition to accessory buildings permitted by Section 27.172, the following structures may be erected or projected into any required yard:

1. Fences and walls as provided in Section 27.179 Special Development Standards, of this zoning ordinance;
2. Signs as provided in Article XIV Signs, of this zoning ordinance;
3. Landscape elements including trees, shrubs and other plants.

(b) The following projections may extend into a required front, side, or rear yard a distance not to exceed six feet, provided such projections are not constructed closer than three feet of any front, side or rear property line:

1. Cornices, eaves, belt courses, sills, buttresses or other similar architectural features;
2. Fireplace structures and bays, not wider than eight feet measured in the general direction of the wall of which it is a part, provided said fireplace or bay does not project more than three feet into any required front or rear yard setback;
3. Open and unenclosed fire escapes, balconies, stairways and door stoops;
4. Awnings;
5. Planting boxes or masonry planters, not to exceed a height of forty-two inches;
6. Air conditioning equipment (side and rear yards only);
7. Verandas;
8. Pools, decks, and spas.

(c) The following structures may be erected or projected into required rear and side yard areas only:

1. Satellite dish antennas.

**Section 27.174. Use of Yards.**

(a) Boats, RVs, Trailers or Trailer Coaches. Boats, RVs, trailers or trailer coaches shall not be stored or parked in any required front yard or side yard adjacent to a street or highway in residential zones.

(b) Storage in Yards. No storage shall be permitted in any required front or side yards adjacent to a street or highway.

**Section 27.175. Structures Above Height Limit or Adjusted Height Limit.** The following structures may be established above the height limit permitted in the zone except that such structures shall not be allowed above the height limit for the purpose of providing additional

floor area or where such additional height conflicts with the Airport Land Use Plan. The height of such structures need not be included in measuring the height of a building supporting said structure:

1. Penthouses or roof structures for the housing of elevators;
2. Stairways, tanks, air conditioning, ventilating fans or similar equipment required to operate and maintain the building; and
3. Fire and parapet walls, skylights, towers, steeples, flagpoles, signs and sign structures, chimneys, smokestacks, receiving antennas, water tanks, silos, and other similar structures.

**Section 27.176. Dedication and Improvement.** No buildings or other structures shall be used or occupied on any lot or parcel of land which abuts or fronts on an existing or proposed City of Brawley street, unless the half-width of the street which is located on the same side of the centerline as such lot or parcel of land has been dedicated to the City of Brawley for a street and/or improved as provided in this article.

**Section 27.177. Exceptions to Dedication and Improvement.**

(a) This article shall not prohibit the issuance of a building permit for the construction of any types of buildings or structures even if required street improvements have not been completed, provided that an improvement agreement between the developer and the City of Brawley has been signed, and that the developer intends to complete the improvements within one year.

(b) This article shall not apply to the following buildings or structures which, if they comply with all other provisions of this zoning ordinance, may be used without complying with the provisions of this article:

1. Electrical distribution and transmission substations;
2. Outdoor advertising signs;
3. Temporary uses permitted in this zoning ordinance for a period not to exceed thirty days.

**Section 27.178. Under Width Streets.** No building or structure shall be erected or maintained on a lot or parcel of land which abuts a street or highway having only a portion of its required width dedicated, unless the yards provided and maintained in connection with such building or structure have sufficient width or depth in that portion of the lot or parcel of land needed to complete the street or highway width, plus whatever width or depth of yards is required on the lot or parcel of land by this zoning ordinance.

### **Section 27.179. Fences, Walls and Hedges.**

#### **(a) Maximum Fence and Wall Height in Required Side and Rear Yards.**

1. A fence or wall not more than six feet in height may be located along the side or rear yard lines, provided such fence, or wall does not extend into the required front yard, and further provided that these provisions shall not be so interpreted to prohibit the erection of a fence enclosing an elementary or high school site, if such fence does not project beyond the front line of the building.
2. Fences may have a maximum height of eight feet on all boundaries within the M zones. Such fences, if equipped with overhead angle barriers, should have the barriers turned toward the property along the street sides, and the combined height of fence and angle barriers is not to exceed the eight-foot limit.

**(b) Maximum Fence and Wall Height in Required Front Yards.** Except as otherwise permitted in this zoning ordinance, fences and walls shall not exceed a height of forty-eight inches in any residential zone within the required front yard; provided, however, that fences and walls shall not exceed a height of seventy-two inches in the A-1, commercial, and industrial zones and multi-family projects with greater than 3 units or hinder driver's line of sight.

**(c) Barriers to Separate an Area from a Street or Highway.** A barrier wall not to exceed six feet in height, serving to separate an area including several lots or parcels of land from the adjoining street or highway, may be established within five feet of a street or highway provided said wall is approved by the planning director and is erected in accordance with the provisions of Sections 27.260 through 27.269 (Site Plan Review) of this zoning ordinance.

**(d) Permitted Openings in Required Walls.** Where a solid masonry wall is required by this zoning ordinance, openings not greater than twenty feet are permitted for ingress and egress, unless a driveway greater than twenty feet in width already exists or is required for safe access.

**(e) Graffiti deterrence.** Where solid masonry walls are used or required, an anti-graffiti coating shall be applied and landscaping shall be planted and maintained along those portions of the wall subject to public view to reduce the incidence of graffiti.

**(f) Barriers to Separate An Area from a Sidewalk.** Landscaping shall be installed and maintained per the zoning ordinance between the sidewalk and barrier.

**Section 27.180. Landscaping.** In all areas subject to landscaping as required herein, including stormwater retention basins, the landscaping shall be developed in accordance with the provisions in this Section and Sections 27.260 through 27.269 (Site Plan Review) of this zoning ordinance.

1. **Dimensions.** Four feet shall be the minimum horizontal dimension of any required landscaped area, or any form of fixed planter box.

2. Screening. Where plants are indicated for screening such screening shall consist of the use of evergreen shrubs, closely spaced and maintained.
3. Maintenance. All landscaped areas and landscaping shall be maintained in a neat, clean and healthful condition. This shall include proper pruning (so as not to interfere with foot or vehicular traffic or City of Brawley maintenance equipment), mowing of lawns, weeding, removal of litter, fertilizing, replacement of plants when necessary, and the regular watering of all plantings.
4. Irrigation or Watering. Required landscaped areas shall be provided with a suitable, fixed and permanent method for watering or sprinkling of plants. This operating watering system shall consist of piped water lines terminating in an appropriate number of sprinklers and/or hose bibs to ensure a sufficient amount of water for plants within the landscaped area or alternate method approved by the planning director.
5. Planter Boxes. For tree plantings in areas adjacent to or within parking areas, a planter box shall be used to protect the tree from damage.

**Section 27.181. Intersection Visibility and Corner Cut Off.** (a) There shall be no obstruction to visibility from the adjacent streets within the corner cut off area of any corner lot and adjacent parkways. The corner cut off area is defined as and shall consist of that triangular area bounded by the two intersecting curb lines and a straight line connecting points on such curb lines minimum thirty feet from the point of intersection of the prolongation of such front and side curb lines.

(b) The foregoing provisions shall not be applicable to permanent buildings, utility poles, trees trimmed at the trunk to a height at least ten feet above the level of the curb, saplings or plant species of open growth habits and not planted in the form of a hedge and which are so planted and maintained as to leave at all times a clear and unobstructed view across such corner cut off area; supporting members of appurtenances to permanent buildings existing in the corner cut off area on the date this zoning ordinance becomes effective, and official warning signs and signals.

**Section 27.182. Design of Multi-Family Apartment and Condominium Projects.** The purpose of these standards is to provide direction to builders and developers who are contemplating the development of apartment projects and condominium projects in the City of Brawley. A major objective of the planning commission and city council is to promote high quality development in the City of Brawley. These design standards were prepared in order to encourage such development and will be implemented by the planning director during the site plan review process. The further purpose of these standards is to ensure the enhancement of the public health, safety, and general welfare of all citizens in the City of Brawley.

The intent of the design standards is to ensure that the built environment within the City of Brawley is compatible with the goals and objectives of the General Plan regarding the enhancement of the quality of life in the City of Brawley, and regarding the promotion and enhancement of the health, safety, and general welfare of the citizens of Brawley. The design

standards ensure that adequate access is provided internally within multi-family projects, that adequate lighting is provided at night for pedestrian areas and vehicle parking areas, and that abundant landscaping is provided to enhance the aesthetic quality of multi-family projects. These design standards are in addition to other development standards contained in this zoning ordinance.

1. Design Standards Applicability. All multi-family applications for site plan review, zone changes, conditional use permits, and variances shall incorporate the design standards contained in this Section. Provided, however, that a deviation from these standards may be requested to be reviewed and approved by the planning commission by either the applicant or city staff.
2. Deviations from Standards. A deviation from the design standards shall not be permitted unless the planning commission makes specific findings that special circumstances or conditions warrant a deviation. In no case shall a deviation be granted which does not conform to the General Plan. A deviation may be granted by the planning commission if the applicant can demonstrate, by substantial evidence, that the deviation promotes the further enhancement of the health, safety, and welfare of the citizens of Brawley, and/or further improves the aesthetic qualities of the subject project.
3. General Provisions.
  - a. New developments or the alteration or expansion of existing multi-family projects shall be viewed not only as independent projects, but also as part of a street, cluster, or neighborhood within the entire community. Site plan designs shall respect the natural environment, existing development, topography, views and general vehicular, pedestrian, bicycle and equestrian circulation systems in the neighborhood.
  - b. Natural features shall be used to an advantage as design elements; such as, natural vegetation and trees, landforms, drainage courses, and views. Conversely, undesirable site features can be minimized through proper site planning, building orientation, and screening.
  - c. The developers of all multi-family projects are encouraged to establish a recognizable design theme, which is compatible with surrounding planned or existing developments. The design theme should be based upon prominent design features existing in the immediate area (i.e., trees, landforms, historic buildings or landmarks, etc.). Subtle variations which provide visual interest, but do not create abrupt changes or cause discord in the overall character of the neighborhood are encouraged. In addition, transitions between different projects, including provision of buffer areas, landscaping, and other similar treatments shall be provided as necessary. It is not, however, the intent that one style of architecture should be dominant, but rather that individual structures create and enhance a high quality and harmonious appearance.

- d. Where a common area or facility is proposed within a multi-family condominium project, a homeowners association or other approved mechanism shall be established prior to the issuance of any certificates of occupancy. The homeowner's association or other approved mechanism shall be responsible for maintenance of private roads, private drainage structures, parking areas, landscaped areas, common areas, irrigation facilities, signing, and recreational facilities (i.e., swimming pools, tennis courts, spas, etc.).

#### 4. Site Design.

- a. New developments shall be designed to create aesthetically pleasing visual transitions with surrounding development. Proposed buildings shall have vertical and horizontal variations wherever possible to create visual interest. The bulk of new buildings shall relate to the prevailing or planned scale of adjacent developments.
- b. Proposed residential buildings shall be oriented with energy conservation objectives in mind. Window areas and eave overhangs shall be designed to minimize sun exposure in the summer months and maximize sun exposure in the winter months. Trees and other landscaping shall be located to shade buildings and parking areas and to decrease heat absorption on the site.
- c. Gateways are visual elements which create a sense of entry and shall be included in all multiple family projects. Gateway treatments can range in scale, and may identify an entrance to the development project or a single building. Gateways shall include enriched paving, raised medians, signage, and other features as appropriate.

#### 5. Protection of Views.

- a. New developments shall be designed so as to respect the views of existing developments, wherever feasible. View corridors which are oriented toward an existing or proposed amenity such as a park, open space, or natural feature should be designed through large developments whenever possible.
- b. Multiple story structures should not block the view of single story structures which are oriented toward the mountains, parks, or other public or private open spaces with special aesthetic qualities.

#### 6. Trash Enclosures and Outdoor Storage Areas.

- a. All multi-family projects shall provide trash enclosures constructed to City of Brawley standards. One enclosure shall be provided for each 10 dwelling units. Apartment projects shall bear the responsibility to move container(s) for City of Brawley collection for future development.

7. Protection of Private Open Spaces.

- a. Multi-family two story buildings shall be designed so that second story windows are not located adjacent to the private open spaces of adjacent properties. This requirement is to prevent the invasion of the privacy of adjacent property owners.
- b. Private open spaces such as patio areas shall be fenced with a six foot masonry block wall or other material as approved by the planning commission.

8. Internal Circulation Systems.

- a. Internal circulation systems shall provide for the safe and efficient movement of vehicular, bicycle, and pedestrian traffic within the project. Interior streets shall be paved to City of Brawley engineering standards.
- b. Pedestrian walkways with a minimum width of four feet shall be provided between parking areas, recreational facilities, and residential units. All pedestrian walkways shall be concrete with a smooth finish and concrete thickness shall be a minimum of three inches.
- c. Internal circulation systems shall be planned to reduce conflicts between vehicular, bicycle, and pedestrian traffic by separating them to the extent possible.

9. Lighting.

- a. Street lights conforming to City of Brawley standard shall be provided at all vehicle entrances and exits from multiple family projects. The street lights shall contain 250 watt high pressure sodium luminaries.
- b. Pedestrian walkways shall be lighted during hours of darkness with a minimum lighting intensity of 0.2 foot-candles. The lighting fixtures shall be mounted on free standing ornamental poles, and shall contain bulbs with the wattage to be determined by a lighting intensity diagram prepared by a registered electrical or civil engineer, or by a registered architect.

10. Recreational Facilities and Open Space.

- a. All multi-family projects containing four or more units shall provide a tot lot. The minimum area for tot lots shall be dependent upon the number of residential units in the project according to the following tables. All tot lots shall be fenced with a chain link fence at least five feet in height.

Number of Units	Size of Tot Lot
Less than 10 units	200 square feet
10–25	450 square feet
26–49	700 square feet
50–74	900 square feet
75–99	1,100 square feet
100–149	1,400 square feet
150 or more	1,600 square feet

- b. All multi-family projects are encouraged to provide a swimming pool for use by project residents. The size of the swimming pool should be dependent on the number of units as outlined in the table below:

Number of Units	Size of Pool
Less than 20 Units	16 feet by 32 feet (512 square feet)
21–50	20 feet by 40 feet (800 square feet)
51–150	25 feet by 45 feet (1,125 square feet)
151–250	30 feet by 50 feet (1,500 square feet)
More than 250 units	35 feet by 70 feet (2,450 square feet)

The swimming pool may be shaped in any reasonable configuration provided the pool contains the square footage outlined in the above table.

- c. All multi-family projects shall provided at least 25% of the net site area as landscaped open space area for use by residents of the development. The landscaping and trees installed within all open space areas shall be according to a City of Brawley approved landscaping plan as outlined below.

#### 11. Landscaping.

- a. All multi-family projects shall provide abundant landscaping which should be designed as an integral part of project design; enhance building design, public views, and open spaces; and should provide buffers and transitions as needed. The landscape design should provide for solar access and shade to facilitate and promote energy conservation.

- b. All multi-family project sites shall include a minimum of twenty-five percent (25%) of the site area as landscaped areas. All setback areas adjacent to streets shall be fully landscaped and improved for aesthetic purposes. All site plans shall include a calculation of the landscaped areas on the site.
- c. Areas between individual buildings on the same site shall be landscaped and improved as appropriate.
- d. All landscaped areas shall have a combination of planted trees, shrubs, vines, ground cover, flowers, and lawns which are compatible with the surrounding environment. The combination may include crushed rock ground cover not to exceed 20 percent of the total of any landscaped area. The crushed rock used shall be decorative rock with an appropriate color that is compatible with the landscaped area. Mounding of landscaped areas is encouraged to provide visual interest and relief and to partially screen parking areas. The selected combination of objects for landscaping shall be arranged in a harmonious manner as determined by the planning director. One-third of the total number of trees planted on a site shall be of the 24 inch box size or larger and shall be planted extensively along adjacent streets. A combination of Indian Laurel, Jacaranda, Mulberry, California Fan Palms, and other approved species shall be used and shall be interspersed to create visual interest. One tree shall be planted for each 1,500 square feet of landscaped area on the site; however, at least four trees shall be planted on small sites.
- e. Landscape design shall be coordinated with drainage plans for individual projects to maximize percolation of surface water and minimize runoff from the site. Swale designs in landscaped and grass areas may be employed to retard runoff and maximize percolation.
- f. All landscaped areas shall be served by an underground irrigation sprinkler system, and shall include an automatic irrigation system and drip system, as appropriate, for large shrubs, trees, and lawn areas. Irrigation systems in small areas such as tree wells, planters, and medians, shall be designed to prevent water from flowing off from planted areas.
- g. Required landscaped areas shall be maintained in a neat, clean, orderly, and healthful condition. This shall, at a minimum, include pruning, mowing of lawns, weeding, removal of litter, fertilization, replacement of plants and trees when needed, and the regular watering of all vegetation.
- h. All multiple family project developers shall submit a landscaping plan incorporating the above provisions, for planning director approval.
- i. All required landscaping shall be planted, and the irrigation sprinkler system installed, prior to the issuance of certificates of occupancy for residential units.

## 12. Parking Facilities.

- a. All parking lots and parking areas shall be screened with decorative masonry walls minimum four feet in height, and shall be landscaped to the maximum extent possible, as appropriate, for visual aesthetic purposes.
- b. All parking lots and parking areas shall be paved to City of Brawley engineering standards.
- c. All parking lots and parking areas shall be lighted as described in the section on lighting.
- d. The site plan design for all multi-family projects shall take into consideration conflicts with adjacent uses and intersections when driveway locations are being planned. Driveway locations shall be as far as possible from street intersections. The site design shall provide for safe and efficient traffic flow into all parking lots and areas located on the project site.

### **Section 27.183. Reasonable Accommodation.**

1. **Purpose.** The purpose of this chapter is to establish a formal procedure for individuals with disabilities seeking equal access to housing to request a reasonable accommodation as provided by the federal Fair Housing Amendments Act of 1988 and California's Fair Employment and Housing Act, and to establish criteria to be used when considering such requests. Reasonable accommodation means providing individuals with disabilities, or developers of housing for individuals with disabilities, flexibility in the application of land use and zoning regulations or policies (including the modification or waiver of certain requirements), when it is necessary to eliminate barriers to housing opportunities.
2. **Definitions.** Whenever the following terms are used in the Chapter, they shall have the meanings established by this Section:
  - a. "Acts": The Federal Housing Amendments Act of 1988 and California's Fair Employment and Housing Act ("Acts").
  - b. "Individual with a disability": As defined under Acts, a person who has a physical or mental impairment that limits one or more major life activities, anyone who is regarded as having such impairment, or anyone who has a record of such impairment.
3. **Procedures.**
  - a. A written request for reasonable accommodation shall be made on a form provided by the City by any individual with a disability, his or her representative or a developer or provider of housing for individuals with disabilities when the application of a land use or zoning regulation or policy acts as a barrier to fair housing opportunities.

- b. A request for reasonable accommodation shall state the basis of the request including but not limited to a modification or exception to the regulations, standards and practices for the siting, development and use of housing or housing related facilities that would eliminate regulatory barriers and provide an individual with a disability equal opportunity to housing of his or her choice.
  - c. The Planning Director or designee may request additional information necessary for making a determination on the request for reasonable accommodation that complies with fair housing law protections and the privacy rights of the individuals with a disability to use the specified housing. If additional information is requested, the 45 day time period for making a determination on the request stops running until the additional information is provided.
  - d. The Planning Director or designee shall issue a written determination within 45 days and either grant with modifications, or deny a request for reasonable accommodation.
  - e. While a request for a reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.
- 4. Findings.** The written decision to grant, grant with modifications, or deny a request for reasonable accommodation shall be consistent with Acts, shall, if granted, be granted to an individual and shall not run with the land (unless the Planning Director or designee determines that such a modification is physically integrated into the residential structure and cannot easily be removed), and shall be based on consideration of the following factors:
- a. Whether the housing, which is the subject of the request for reasonable accommodation, will be used by an individual with disabilities under the Acts;
  - b. Whether the requested accommodation is necessary to make housing available to an individual with disabilities protected under the Acts;
  - c. Whether the requested accommodations would impose an undue financial or administrative burden on the City;
  - d. Whether the requested accommodation would require a fundamental alteration in the nature of the City's land use and zoning program and;
  - e. Whether there are any alternative reasonable accommodations which may provide an equivalent level of benefit to the applicant.
- All written decisions shall give notice of the applicant's right to appeal and to request reasonable accommodations in the appeals process as set forth in Section 27.335.
- 5. Notice.** Notice of the determination shall be provided to abutting owners of the property which is subject of the request for reasonable accommodation. The notice shall provide a general description of the accommodation that was deemed necessary for the use of the house or dwelling unit, as a result of the applicant's disability.

**6. Appeal of Determination.**

- a. A determination by the Planning Director shall be final unless appealed to the Planning Commission within 15 days.
- b. Only the aggrieved applicant and abutting owners who received notice of the reasonable accommodation determination have a right to appeal the decision.
- c. An appeal shall be made in writing, pursuant to procedures established in Section 27.287 of the Municipal Code.

**Sections 27.184 - 189. Reserved.**

### **Article XIII. Development Standards for Certain Conditional and Regulated Uses**

#### **Section 27.190. Development Standards for Certain Conditional and Regulated Uses.**

Certain uses identified in this article that require a conditional use permit to exist and operate or which operate under other regulations have specific development standards that apply to such uses in addition to those identified through the conditional use permit process described in Section 27.270 of this zoning ordinance.

**Section 27.191. Electric Distribution Substations.** The following regulations shall apply to electric distribution substations where they are permitted:

1. An electrical distribution or transmission substation shall not be established on a lot or parcel containing less than five thousand square feet.
2. A front yard shall be provided with a setback of no less than five feet.
3. All buildings, structures, and landscaping shall be, insofar as practical, harmonious and compatible with surrounding properties.
4. Landscaping shall be developed and maintained in all required setback areas and also to provide adequate screening of interior development as prescribed in Section 27.180 of this zoning ordinance.
5. A solid masonry wall not less than eight feet in height shall be constructed around the perimeter of the site, in accordance with Section 27.179 of this zoning ordinance.
6. A site plan shall be submitted to the planning director, pursuant to the provisions of Sections 27.260 through 27.269 (Site Plan Review), indicating compliance with the regulations of this Section, and with the standards of development required for the zone in which the facility is located.

**Section 27.192. Automobile Impound Yards.** In addition to compliance with all other applicable statutes, ordinances and regulations, the following regulations shall apply to automobile impound yards where they are permitted as a use:

1. All operations or storage shall be conducted within an enclosed building or within an area completely enclosed with a solid masonry wall not less than eight feet in height, in accordance with Section 27.179 of this zoning ordinance.
2. No storage shall be permitted at a height greater than that of the fence or wall enclosing the use.
3. Except as otherwise permitted in the zone where established, no automobile dismantling or junk and salvage operation shall be conducted.

**Section 27.193. Churches.** In addition to compliance with all other applicable statutes, ordinances and regulations, the following regulations shall apply to churches where they are permitted as a use:

1. Landscaping shall be developed and maintained to provide adequate screening of parking areas and in required setbacks.
2. All buildings, structures and landscaping shall be, insofar as is practical, harmonious and compatible with the development of surrounding properties.
3. Approval of a church pursuant to this Section does not permit any school, day nursery, kindergarten or any congregation of persons for purposes other than religious instruction, worship or guidance.
4. The site plan required by Section 27.270 through 27.299 (Variances and Conditional Use Permits) of this zoning ordinance shall, in addition to other requirements, indicate compliance with the provisions of this section.

**Section 27.194. Mobilehome parks.** All mobilehome parks constructed in the City of Brawley shall be subject to the following regulations:

1. The parcel or lot proposed to be developed as a mobilehome park shall be properly zoned for such use. The MHP (mobilehome park) zone is the required zone for development of a mobilehome park.
2. All mobilehome parks shall be subject to the regulations contained in the mobilehome park section of this zoning ordinance and applicable state laws.
3. Any property owner desiring to develop a mobilehome park shall submit the park plans to the Imperial County planning and building department for plan checking and building permit issuance, following Site Plan Review approval by the City of Brawley. (Imperial County has assumed responsibility for inspection of mobilehome parks from the State of California).

**Section 27.195. Recreational vehicle parks.** All recreational vehicle parks constructed in the City of Brawley shall be subject to the following regulations:

1. The parcel or lot proposed to be developed as a recreational vehicle park shall be properly zoned for such use. The MHP (Mobilehome Park) zone is the required zone for development of a recreational vehicle park.
2. All recreational vehicle parks shall be subject to the applicable regulations contained in Section 27.73 (Mobilehome Parks) of this zoning ordinance and applicable state regulations.

3. Any property owner desiring to develop a recreational vehicle park shall submit the park plans to the Imperial County planning and building department for plan checking and building permit issuance. (Imperial County has assumed responsibility for inspection of recreational vehicle parks from the State of California).

**Section 27.196. Placement of Mobilehomes on Lots Zoned Residential.** All mobilehomes placed on residential zoned lots or parcels shall comply with the following regulations:

1. Mobilehomes may be placed on lots zoned for residential use (R-A, R-E, R-1, R-2, and R-3).
2. A building permit issued by the building official shall be required for the installation of a mobilehome on a foundation system on a lot zoned for single family residential purposes.
3. An application for a building permit to install a mobilehome on a foundation system shall be accompanied by the appropriate fee pursuant to the applicable codes.
4. A mobilehome shall not be located on a permanent foundation on a private lot unless it was constructed after September 15, 1971, and was issued an insignia of approval by the California Department of Housing and Community Development or was constructed after July 1, 1976 and was issued an insignia of approval by the U.S. Department of Housing and Urban Development, and such mobilehome has not been altered in violation of applicable codes.
5. A mobilehome placed on a foundation system on a lot zoned for a single-family dwelling shall comply with the following provisions:
  - a. The mobilehome shall be used for residential purposes only.
  - b. The mobilehome shall be subject to all provisions of the applicable ordinances of the City of Brawley relating to residential structures.
  - c. The mobilehome shall comply with all the requirements for the applicable zone in which the mobilehome is to be located, including, but not limited to, building setback standards, side and rear yard requirements, standards for enclosures, access, and vehicle parking.
  - d. The mobilehome shall be attached to a permanent foundation system in compliance with the regulations of the Department of Housing and Community Development of the State of California as the same now exists or may hereafter be amended.
  - e. The mobilehome shall have a minimum width of twenty feet.

- f. The mobilehome shall be covered with an exterior material customarily used on conventional dwellings and approved by the building official. The exterior covering material shall extend to the ground, except that when a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation.
  - g. The mobilehome shall have a roof with a pitch of not less than a two-inch vertical rise for each twelve inches of horizontal run, and consisting of shingles or other roofing material customarily used for conventional dwellings and approved by the building official.
  - h. The mobilehome shall have a roof with eaves to make it compatible with the single-family dwelling in the area.
  - i. The building official, in the issuance of a permit to install a mobilehome on a foundation system, shall enforce the requirements of Section 18551 of the California Health and Safety Code.
6. Modification of Criteria. No modification or variance may be granted from the above requirements pertaining to mobilehome installations, unless approved by the planning commission.
  7. Surrender of Registration. Prior to occupancy of a mobilehome installed on a foundation, the building official shall issue a certificate of occupancy pursuant to Section 18551 of the California Health and Safety Code. Thereupon, any vehicle license plates, certificate of ownership and certificate of registration issued by a state agency shall be surrendered to the building official for delivery to the Department of Housing and Community Development.
  8. Taxation of Mobilehomes on Foundation System. A mobilehome which has been placed on a foundation system pursuant to this zoning ordinance shall thereafter be subject to local property taxation pursuant to Section 18551 of the California Health and Safety Code.

**Section 27.197. Recycling Centers for Aluminum Cans, Bottles, Newspapers, and Cardboard.** Where recycling centers are established in a zone by conditional use permit, the following requirements shall be complied with:

1. All recycling operations and processing equipment shall be contained in an enclosed building which is enclosed on all four sides.
2. Storage of material to be recycled (cans, newspapers, etc.) may be done outside; however, the storage area shall be enclosed by a masonry wall or solid wood fence not less than six feet in height, in accordance with Section 27.179 of this-zoning ordinance.

3. Material shall not be stacked inside the storage area to a height that exceeds the top of the enclosure fence.
4. The planning commission may attach other conditions to the conditional use permit as outlined in subsection (b) of Section 27.274 of this zoning ordinance.

**Section 27.198. Salvage Yards and Junkyards, Including Automobile Dismantling.** Where salvage yards or junkyards are permitted in a zone by conditional use permit, the following requirements shall be complied with:

1. All operations or storage shall be conducted within an enclosed building, or within an area completely enclosed with a solid masonry wall not less than eight feet in height, in accordance with Section 27.179 of this zoning ordinance.
2. No storage or junk shall be permitted at a height greater than that of the fence or wall enclosing the property.
3. The planning commission may attach other conditions to the conditional use permit as outlined in subsection (b) of Section 27.274 of this zoning ordinance.

**Section 27.199. Siting of Hazardous Waste Facilities.**

(a) A hazardous waste disposal, collection, or storage facility shall require an M-2 (heavy industrial) zone and a conditional use permit.

(b) The planning commission may approve the siting of a hazardous waste disposal, collection, or storage facility if the proposed facility complies with the siting requirements as contained in the Imperial County Hazardous Waste Management Plan and with any other conditions as may be imposed by the planning commission.

(c) An application for a conditional use permit to locate a hazardous waste disposal, collection or storage facility in the City of Brawley shall comply with the following:

1. Submission of a completed CUP application and zone change application form;
2. Payment of filing fee;
3. Submission of site plan;
4. Submission of an environmental assessment;
5. Submission of a draft environmental impact report (if required by planning commission);
6. Submission of a written technical report containing as a minimum the following information:

- a. Description of the proposed hazardous waste facility to include an analysis of what types and quantities of hazardous materials the facility would accept,
- b. An analysis of the containment, storage, onsite processing, and disposal methods for the hazardous materials,
- c. If hazardous waste is to be transported offsite, a description of the method of transport and the proposed transportation routes to and from the facility,
- d. The proposed life of the facility and the proposed method of detoxification and closure of the facility,
- e. Other information as requested by the City of Brawley's development review committee or the planning commission.

(d) Before a conditional use permit is activated and operations begin, the applicant shall furnish a one hundred percent performance bond from a reputable surety company for the estimated cost to clean up the site after the facility is closed.

#### **Section 27.200. Home occupations.**

(a) Purpose. Residential districts within the City of Brawley are established and maintained for the purpose of creating quiet and safe neighborhood environments, which environments exclude all businesses, trades, professions and industries, except that certain home occupations may be permitted if such uses comply with the most restrictive interpretation of conditions and criteria established hereinafter.

(b) Operational Regulations. The applicant for a Home Occupation Permit shall comply with the following operations regulations:

1. Any products produced for sale must be hand manufactured or grown on the premises using only tools or mechanical equipment. Mechanical equipment may not exceed two (2) horsepower per piece of mechanical equipment or a total of six (6) horsepower for all such equipment or, an eight (8) kilowatt kiln or, the equivalent in a gas fired fixture.
2. All sales or products, and the performance of all services which requires the presence of a client must take place off the premises with the exception of a telephone or mail communication.
3. There shall be no signs indicating the existence of the home occupation.
4. Only one vehicle of one ton manufacture rating or use is permitted for business related purposes.

5. Only a resident of the premises may participate in a home occupation. In no instance may a partner live elsewhere or may nonresident employees be on the premises.
6. Outdoor storage of materials or products on the premises is not permitted.
7. Indoor storage of materials or products shall not exceed 1,000 cubic feet for the entire premises or any more restrictive limitations imposed by the Building and Housing Codes, or the County Health Department.
8. Home occupations must be conducted within a structure on the premises.
9. The home occupation must not cause the elimination, or reduction in any manner of required off-street parking.
10. The home occupation must be consistent with, and not disruptive to normal residential use, nor cause any detrimental external effects to the residential zone, such as increased noise, traffic, lighting, odor, or in violation of any applicable government codes in association with the home occupation.
11. There shall be no illegal discharge of any materials, fluids or gases into the sewer system or any other manner of discharging such items in violation of any applicable government code.

(c) An application for a home occupation permit shall be made in a form prescribed by the director of planning. A payment of City of Brawley fee shall accompany the submission of an application for home occupation permit.

(d) Planning Director Review. The director of planning may approve, approve with conditions, or deny an application for a home occupation permit.

(e) Revocation of Home Occupation Permit. A home occupation permit shall be revoked by the planning director upon violation of any requirement of this Code, or of any condition or requirement of any permit granted, unless such violation is corrected within 15 days of notice of such violation, and any such permit may be revoked for repeated violation of the requirements of this Section or of the conditions of such permit, or where the planning director finds that the continuation of the home occupation permit will have a detrimental effect upon the surrounding neighborhood.

(f) Appeal of Denial of Home Occupation. In the event of the approval or the denial of any permit, or the revocation thereof, or of any objection to the limitations or conditions, or the lack of limitations or conditions placed thereon, appeal may be made in writing to the planning commission in accordance with the provisions of Section 27.287 of this zoning ordinance.

**Section 27.201. Second Units.** The purpose of this section is to set forth regulations to permit secondary residential units on parcels zoned for single-family detached homes. A second unit which conforms to the requirements of this subdivision shall not be considered to exceed the

allowable density for the lot upon which it is located, and shall be deemed to be a residential use which is consistent with the General Plan and zoning for the lot.

A second unit means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. A second unit includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. A second unit shall comply with the following development standards:

1. Occupancy of the secondary unit shall be limited to not more than two (2) persons.
2. For purposes of setbacks and other zoning regulations, the second unit shall be considered to be a part of the principal use of the property.
3. The total area of the floor space for a detached second unit shall not exceed 1,200 square feet.
4. There shall be a minimum of one standard off-street parking space serving the unit.
5. Such attached or detached unit shall be architecturally compatible with the main structure and shall be constructed of the same or similar materials.
6. All other zoning requirements shall be complied with unless an authorized variance is approved.
7. A deed restriction or declaration shall be recorded to run with the land prohibiting occupancy of more than one of the two units unless the owner or owners of record occupy one unit as their permanent legal residence.
8. A copy of this deed restriction must be given to each prospective occupant.
9. The unit is not intended for sale and may be rented.
10. Any increase in the floor area of an attached second unit shall not exceed thirty percent (30%) of the existing living area.
11. Local building code requirements which apply to detached dwellings shall be followed.

**Section 27.202. Family Day Care Home.** Small family day care homes (six or fewer children) are permitted by right in single-family residential districts, however large family day care homes (7 to 12 children) shall comply with the following standards:

1. Permit. A large family day care permit is a nondiscretionary application for day care providers caring for seven (7) to (12) children in the provider's place of residence, including children residing at the home. Application review shall be conducted by the

planning director and coordinated with other responsible agencies to ensure that the operation of the large family day care home is consistent with state and local fire and life safety regulations.

2. Application. Application for a large family day care permit shall be made on forms provided by the City of Brawley and shall include such plans as may reasonably be required by the director for a complete understanding of the request, and a filing fee as established by resolution of the city council. Plans submitted for review by the director of planning shall include the following:
  - a. Interior sketch of the floor plan of the home which identifies rooms and which rooms to be used for day care purposes and location of all exits from the home (doors, sliding glass doors).
  - b. Exterior sketch of yard area to be used for day care purposes which identifies location and heights of all walls and fences (including fencing for pools, spas, and ponds/fountains), type of fence material, location of all gates, major features of yard (paved areas, patio covers, pools, spas, ponds, storage sheds, air conditioning compressors).
3. A minimum of thirty-five (35) square feet of interior space within the residence must be provided per child. Rooms which may be included in this calculation include areas where day care activity will be conducted, including bedrooms used for sleeping, playrooms food preparation areas, and living/family rooms. Rooms which may not be included in this calculation include closets, halls, garages and bathrooms.
4. A minimum of thirty-five (35) square feet of outdoor play area must be provided per infant and a minimum of seventy-five (75) square feet must be provided per child older than (2) years of age. Areas which may not be included in this calculation include side yards less than ten (10) feet in width, and areas containing swimming pools, spas or other water bodies unless covered and deemed safe pursuant to state regulations. Front yards may be used to satisfy the outdoor space requirement provided the front yard is fenced, pursuant to Section 27.182. (Fences, walls, and hedges) of this zoning ordinance.
5. All outdoor play areas shall be enclosed with walls or fences.
6. Garages shall be prohibited for use as a family day care play area unless:
  - a. Alternative on-site parking is available to meet minimum residential parking requirements contained in Article XI; and
  - b. The garage is improved to meet building and fire code regulations as a habitable space.
7. No signs or other exterior evidence identifying the day care operation are permitted.

8. Rooms used for day care activities shall not be located above the first story, unless the residential unit is approved by the fire marshal for an automatic sprinkler system and the approved automatic sprinkler system is installed.
9. Homes shall have two (2) legal exits for fire purposes, pursuant to the requirements of the fire marshal.
10. Notice. Notice shall be mailed to all property owners/tenants residing within one hundred (100) feet of the parcel of land containing the large family day care use. Notice shall be given not less than fifteen (15) days nor greater than thirty (30) days prior to the date of planning director decision.
11. Nondiscretionary Review. The planning director shall approve, or deny a permit for larger family day care based on compliance or noncompliance with the standards specified in this section.
12. Appeal. The planning director decision on a large family day care permit application may be appealed to the planning commission in accordance with Section 27.287 of this zoning ordinance.

**Section 27.203. Circuses and Carnivals.** All circuses and carnivals conducted in the City of Brawley shall be subject to approval of a conditional use permit and the following regulations:

1. The circus or carnival company (applicant) shall pay any and all amounts as determined by the City of Brawley to defray all costs for the review of reports, field investigations, or other activities related to compliance with this permit/approval, City of Brawley ordinance, and/or any other laws that apply.
2. The applicant shall comply with all local, state, and/or federal laws, rules, regulations, and/or standards as they may pertain to this project, whether specified herein or not.
3. The applicant shall provide the City of Brawley with a certificate of insurance (liability) in the amount of \$1,000,000.00.
4. Sufficient garbage cans to collect all refuse shall be provided.
5. The site shall be cleaned up after the carnival within 24 hours of the close of operation.
6. In the event that the circus or carnival company utilizes electrical power from City of Brawley sources, the permittee shall pay the utility costs incurred by the carnival.
7. The applicant shall pay for all damages to City of Brawley property as a result of said carnival.
8. The applicant is responsible for providing an adequate number of security personnel for the duration of the Temporary Conditional Use Permit.

9. The applicant shall obtain a health permit license and City of Brawley business license prior to the opening of the circus or carnival. Said licenses shall be submitted to the planning director prior to opening of the circus or carnival.
10. The hours of operation for the circus or carnival may be prescribed by the planning director.

**Section 27.204. Housing for Senior Citizens (Granny Flat).** (a) The purpose of this section is to set forth regulations to permit housing for senior citizens on parcels zoned for single family detached homes. A housing unit for senior citizens which conforms to this zoning ordinance shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use which is consistent with the General Plan and Zoning of the lot.

(b) Housing for senior citizens means a dwelling unit to be constructed, or which is attached to or detached from, a primary residence on a parcel zoned for a single-family residence, if the dwelling unit is intended for the sole occupancy of one adult or two adult persons who are 62 years of age or over, and the area of floor space of the attached dwelling unit does not exceed 30 percent of the existing living area or the area of the floor space of the detached dwelling unit does not exceed 1,200 square feet.

**Section 27.205. Fireworks Stands.** All fireworks stands operating in the City of Brawley shall be subject to the provisions of Chapter 19H - Fireworks of the Brawley Municipal Code.

**Sections 27.206.–27.209. Reserved.**

## Article XIV. Signs

**Section 27.210. Purpose.** Signs are herein regulated in the interest of promoting traffic safety, safeguarding public health and safety, facilitating police and fire protection and preventing adverse community appearance. The sign regulations are designed to permit maximum legibility and effectiveness of signs, and to prevent their over-concentration, improper placement, and excessive height, bulk, and area. These regulations are intended to comply with the Brawley Municipal Code as amended from time to time.

**Section 27.211. Definitions.** For the purpose of this zoning ordinance, the following words and terms are defined as follows:

**Abandoned signing** means any sign, visible from a position on or off the property upon which erected, which attracts the attention of the public to something which existed at the time of its installation on the property, and which has subsequently ceased to exist on the property.

**Animated signs** means any sign which displays or employs action or movement, whether driven by mechanical means or wind actuated; signs which only rotate shall not be included in this category.

**Banner** means any sign consisting of paper, fabric, canvas, rubber, plastic, or the like, with no other material for rigid structural support. Such signs are considered temporary signs subject to the regulations of Section 27.218(f) of this ordinance.

**Copy** means the words, letters, symbols, illustrations, or other graphic characters used to convey the message of a sign.

**Degree of nonconformity** means the extent to which any sign or sign structure does not conform to the standards and requirements of this section, such as the height, sign face area, setback, vertical clearance, number of signs, or manner of keeping.

**Flashing sign** means any sign which contains a source of light, internal or external, that intermittently cuts on and off, or which creates the illusion of flashing or intermittent light through animation or other means.

**Freestanding sign** means any sign permanently anchored to the ground which stands alone on its own foundation and structural supports, and free of support from any building.

**Off-site** sign means any sign that may display a message, whether commercial or noncommercial, that does not necessarily relate to the premises upon which such sign is located.

**On-site** sign means any sign which pertains to the business operated, activity conducted, or products sold or manufactured on the premises upon which such sign is located.

**Permanent sign** means any sign set in the ground with its own foundation, or which is painted on or otherwise anchored to a building, wall, or other permanent structure.

**Portable signing** means any signing which is designed to be placed on the ground, rather than anchored to the ground or to any structure, and which may be moved without disassembly or excavation of the sign or sign structure.

**Sign** means any identification, illustration, description, symbol, statue, or other device, which is affixed either directly or indirectly upon a parcel, building, structure, or other surface, and used or intended to attract the attention of the public when visible from any position on or off the premises upon which it is displayed.

**Sign area** means the area, in square feet or square inches, which encloses both the copy and entire facing of the sign. Where a sign has two or more faces, the area of all faces shall be included in determining the sign area, except that only one face of a double faced sign shall be considered where the angle between faces does not exceed thirty degrees and the distance between faces does not exceed two feet.

**Temporary signing** means any signing which is set in the ground but not permanently set in its own footing or foundation, nor permanently anchored to a building, wall, or other structure.

**Unauthorized signing** means any signing, irrespective of the method of installation, which is erected on property without the permission of the property owner, or signing that is installed without a sign permit and/or encroachment permit.

**Vertical Clearance** means the vertical distance measured from the bottom edge of a sign face to the street grade of the nearest driving lane.

**Wall-mounted sign** means any sign attached to a wall of a building, whether or not parallel to the wall surface, including any sign painted on a wall surface or included on an awning.

**Window sign** means any sign painted, attached, glued, or otherwise affixed to a window, and designed to be viewed from adjoining streets, malls or parking lots.

**Section 27.212. Permits.** No person shall place, erect, construct or otherwise maintain any sign in the City of Brawley without first having obtained a sign permit, and an encroachment permit from either the City of Brawley or the state, if the sign is to be placed within any City of Brawley or state street or highway right-of-way. Temporary signs described in Section 27.218 do not require a sign permit, but do require an encroachment permit to be placed within City of Brawley or State street or highway right-of-way. In addition, any sign placed within the City of Brawley shall be constructed by a professional sign maker, and shall comply with all provisions of the zoning ordinance. Before a permit is issued, complete plans and specifications, and if required, complete engineering calculations, shall be submitted to the building inspector.

**Section 27.213. Safety.** No sign or advertising structure shall be permitted that endangers the safety of any person, property, or vehicle. Such signs shall be classified as hazardous structures by the building inspector, and shall either be removed or reconstructed to comply with all provisions of the Uniform Building Code. No sign shall be placed or erected that blocks the view of vehicle drivers when approaching an intersection.

**Section 27.214. Nonconforming Signs.** Any signs or advertising structures which become classified as nonconforming uses as a result of the adoption of this zoning ordinance shall be altered to conform with this zoning ordinance, or shall be removed within twenty-five years, calculated from the effective date of this zoning ordinance. However, the time line for removal of nonconforming window signs is 5 years from the date this zoning ordinance is effective.

**Section 27.215. Outdoor Advertising Signs Adjacent to Freeways or Limited-Access Highways.** No outdoor advertising sign in any zone shall be placed closer than six hundred sixty feet to any freeway right-of-way line if such outdoor advertising sign is designed to be viewed primarily by persons traveling on such freeway.

**Section 27.216. Maintenance of Signs.** All signs and advertising structures shall be maintained in a safe, neat, and orderly condition.

**Section 27.217. Signs in Yards.** Permitted temporary signs may be placed within any required yard, provided such temporary signs are not located closer than five feet to any property line.

**Section 27.218. Temporary Signs.**

(a) Each lot or parcel of land may have one temporary accessory sign not to exceed six square feet in area advertising only the sale, lease or hire of such premises, except that:

1. On a lot or parcel of land having a front lot line of one hundred feet or more, said sign may be increased to not more than thirty-two square feet in area; and
2. One additional sign may be established for each one hundred feet of said front lot line in excess of one hundred feet, provided that such sign is not more than thirty -two square feet in area. This section shall not apply to residential zones. Said signs shall be removed from the premises within thirty days after the property has been sold or leased.

(b) Political campaign signs may be placed on property within the City of Brawley, provided the following requirements and restrictions are complied with:

1. Any political campaign sign shall be removed within fifteen days after the election for which the political sign was relevant.
2. Any political sign placed on private property for a candidate for office shall not be placed without the permission of the property owner.

3. In residential zoning districts, a maximum of one political sign per lot or parcel is permitted. Such sign shall not exceed six square feet in area.
  4. In commercial and industrial zones, a maximum of two political signs per lot or parcel is permitted. Such signs shall not exceed thirty-two square feet in area.
  5. Political signs shall be non-flashing.
- (c) Each business may have window signage, provided that such signs do not exceed five percent of the surface area of the window.
- (d) Each business with an arcade may have one canopy sign that does not exceed five square feet in area.
- (e) Each lot or parcel of land zoned C-P, C-1, C-2, or C-3 may have one temporary sign (i.e., banner) subject to the approval of the planning director or his designee.
- (f) Any provision of this Code to the contrary notwithstanding, a Banner sign shall require approval of the planning director or his designee. Such sign shall be kept neat, clean and in good repair. Banner signs which are faded, torn, damaged or otherwise unsightly or in a state of disrepair shall be immediately repaired or removed. Banner signs may be allowed for a period or periods not to exceed 45 days within a 12 month period.

#### **Section 27.219. Double-Faced Signs.**

- (a) Signs may be constructed with two faces, and either or both faces may be used for sign copy.
- (b) Signs constructed with two faces where the distance between one face of such sign is more than three feet from the second face of said sign shall not be classified as double-faced signs.
- (c) Both faces of a double-faced sign shall be counted when calculating the area of the sign, except that only one face of a double-faced sign shall be considered where the angle between faces does not exceed thirty degrees and the distance between faces does not exceed two feet.
- (d) Double-faced signs may be placed in any commercial or industrial zone and can be illuminated or non-illuminated.
- (e) Double-faced signs may be either onsite or offsite signs.

#### **Section 27.220. Illumination.**

(a) Illuminated signs shall be located in such a manner as to prevent glare and annoyance to the public. All illuminated signs shall be located in such a manner to prevent light from being cast on any adjoining residentially zoned property.

(b) Flashing signs are not permitted in any zoning district.

**Section 27.221. Maximum Number and Type of Signs Allowed.** Table 27.221 identifies the maximum number and type of signs allowed in various zoning districts.

**Table 27.221. Maximum Number and Types of Signs Allowed by Zoning District**

Zoning District	Temporary	Permanent		
		Freestanding On-site/Off-site	Wall-Mounted On-site	Portable
Residential- Agricultural and Estate Districts		1 (a)/none	1 (a)	not permitted
Single-Family and Low Density Multiple-Family Residential and Mobilehome Subdivision Districts		1 (a)/none	1 (a)	not permitted
Medium Density Multiple-Family Residential Districts	See Section 27.218	1 (b)/none	1 (b)	not permitted
Mobile Home Park District		1 (b)/none	1 (b)	not permitted
Commercial Districts		1/1 (c)(g)	1 (d)(h)	1 (e)
Manufacturing and Industrial Districts		2/2 (c)(g)	1 (d)(h)	1 (e)
Recreational District		1 (f)	1(f)	1 (e)
Light Agricultural District		1 (f)	1 (f)	1 (e)

Notes:

- (a) Sign copy indicating name and address of resident or owner of premises.
- (b) Sign copy indicating name and address of project or mobile home park.
- (c) Sign copy advertising the business conducted or services rendered on the premises, or in the case of an off-site sign, the business conducted at another location. Sign may be double faced, and may be illuminated or non-illuminated.
- (d) Sign copy advertising the business conducted or services rendered on the premises. Sign may be illuminated or non-illuminated.
- (e) Requires approval of a conditional use permit by the planning director.
- (f) Sign copy advertising the business conducted or services rendered on the premises.
- (g) For commercial and manufacturing/industrial centers, one (1) freestanding on-site sign per street frontage is permitted.
- (h) For commercial and manufacturing/industrial centers, one wall-mounted sign per business within the center is permitted.

**Section 27.222. Permitted Sign Area and Height.**

(a) Table 27.222 identifies the maximum sign area and sign height allowed in various zoning districts.

(b) The following standards shall control the computation of sign area and height:

1. Computation of the area of individual signs. The area of a sign face shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or

wall when said fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.

2. Computation of the area of multifaced signs. The area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and not more than 40 inches apart, the sign area shall be computed by the measurement of one of the faces.
3. Computation of height. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to the lower of: existing grade prior to construction; or the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot be reasonably determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to elevation of the nearest point of the crown of a public street or the grade of the land at the primary entrance to the primary structure on the lot, whichever is lower.
4. Computation of the maximum total permitted sign area for a lot. The permitted sum of the area of all individual signs on a lot is determined by adding the maximum sign areas for freestanding, wall-mounted, and portable signs described in Table 27.222 for the applicable zone.

#### **Section 27.223. Vertical Clearance.**

(a) All Zoning Districts (Except Residential Zones). In any zone district the following provisions shall apply:

1. To ensure that a driver's view is not obstructed and that a sign does not create a hazard, the minimum vertical clearance for freestanding signs between the bottom of the sign face and the grade line of the nearest driving lane of any street or highway shall be fifteen (15) feet.

**Section 27.224. Maximum Allowable Horizontal Clearance for Wall-Mounted Signs.** In all zoning districts:

1. The maximum distance a wall-mounted sign may project from a wall shall be one foot.
2. No wall-mounted sign shall project into or over a public street right-of-way unless an encroachment permit has been obtained.

3. No wall-mounted sign shall project over the property line of an adjacent property unless written approval from the property owner involved has been obtained, and a copy of the written approval supplied to the planning department.

**Section 27.225. Sign Setback Requirements.**

(a) Temporary Signs and Portable Signs.

1. In all zoning districts, any temporary sign shall be set back at least five feet from any property line.
2. In all zoning districts, any portable sign shall be set back at least five feet from any property line.

(b) Freestanding, Permanent On-Site or Off-Site Signs.

1. In all commercial and industrial zones, freestanding signs shall be set back from any side or rear property line in accordance with the table below:

Height of Sign (Feet)	Setback Required
Less than 10 feet	1 foot
10 – 15 feet	2 feet
16 – 20 feet	3 feet
21 – 25 feet	4 feet

**Table 27.222. Maximum Sign Area and Height by Zoning District**

Zoning District	Temporary	Permanent		
		Freestanding (area/height)	Wall-Mounted (area/height)	Portable (area/height)
Residential-Agricultural and Estate Districts		3sq ft/6 ft	3sq ft/(a)	not permitted
Single-Family and Low Density Multiple-Family Residential and Mobilehome Subdivision Districts		1 sq ft/6 ft	1 sq ft/6 ft	not permitted
Medium Density Multiple-Family Residential Districts		20 sq ft/6 ft	20 sq ft/6 ft	not permitted
Mobile Home Park District		50 sf ft/25 ft	100 sq ft/(a)	not permitted
Service and Professional District (C-P) and Neighborhood Commercial District (C-1)	See Section 27.218	1 sq ft for each lineal foot of building frontage/25 ft	1 sq ft for each lineal foot of building frontage /(a)	0.5 sq ft for each lineal foot of building frontage /15 ft
Medium and Heavy Commercial District (C-2 and C-3)		2 sq ft for each lineal foot of building frontage/25 ft	2 sq ft for each lineal foot of building frontage /(a)	1 sq ft for each lineal foot of building frontage /15 ft
Manufacturing and Industrial Districts		2 sq ft for each lineal foot of building frontage /25 ft	2 sq ft for each lineal foot of building frontage /(a)	1 sq ft for each lineal foot of building frontage /15 ft
Recreational District		2 sq ft for each lineal foot of building frontage /25 ft	2 sq ft for each lineal foot of building frontage /(a)	1 sq ft for each lineal foot of building frontage /15 ft
Light Agricultural District		2 sq ft for each lineal foot of building frontage /25 ft	2 sq ft for each lineal foot of building frontage /(a)	1sq ft for each lineal foot of building frontage /15 ft

Note: (a) No wall-mounted sign shall exceed the upper limit of the wall to which the sign is attached.

**Section 27.226. Sign Permit Procedures.** The following procedures shall govern the application for and issuance of all sign permits under this ordinance.

1. Applications. All applications for sign permits of any kind shall be submitted to the building official on an application form or in accordance with the application requirements published by the building official.
2. Fees. Each application for a sign permit shall be accompanied by the applicable fees, which are established by city council resolution.
3. Application completeness. Within ten working days of receiving an application for a sign permit, the building official shall review it for completeness. If the building official finds that the application is complete, the application shall then be processed. If the building official finds that the application is incomplete, the building official shall, within such ten day period, send the applicant notice of the specific ways in which the application is deficient, with appropriate references to the applicable section of this zoning ordinance.
4. Action. Within 30 days of an application for a sign permit being deemed complete, the building official shall either:
  - a. Issue a sign permit if the sign that is the subject of the application conforms to the requirements of this zoning ordinance; or
  - b. Deny the sign permit if the sign that is the subject of the application fails to conform with the requirements of this zoning ordinance. In the case of denial, the building official shall specify the specific sections of the ordinance with which the sign is inconsistent.

**Section 27.227. Revolving Signs.** Revolving signs are not permitted.

**Section 27.228. Canopy Signs.** Canopy signs (inside arcade) maximum area 5 square feet and cannot block any neighbor's signage.

**Section 27.229. Reserved.**

## **Article XV. Administration of Zoning—Nonconforming Uses**

**Section 27.230. Nonconforming Uses.** A nonconforming use may be continuously maintained provided there is no alteration or addition to any structure nor any enlargement of area, space or volume occupied by or devoted to such use, except as otherwise provided in this zoning ordinance.

**Section 27.231. Repairs to a Nonconforming Use.** Ordinary repairs and maintenance not to exceed an aggregate cost equal to twenty-five percent of the currently appraised value of such structure may be made to a nonconforming structure, all or substantially all of which is designed, used or intended for a use not permitted in the zone where such structure is located.

### **Section 27.232. Additions or Expansions to a Nonconforming Use.**

1. No nonconforming building or structure shall be added onto or expanded in such a manner so as to increase the area or height of the structure.
2. The area devoted to any nonconforming land use shall not be enlarged or expanded.

### **Section 27.233. Repair and Reconstruction of Destroyed or Damaged Nonconforming Structures.**

1. Any nonconforming structure or structure containing a nonconforming use, which is damaged or partially destroyed by fire, explosion, act of God, collapse, or any other casualty, may be reconstructed to the condition of the structure immediately prior to the occurrence of such damage or destruction, provided, however, that the reconstruction cost does not exceed the appraised value of such structure immediately prior to the occurrence causing such damage or destruction, as determined by a member in good standing of a nationally recognized professional society of appraisers. Such reconstruction and repair shall be commenced within one year from the date of damage or destruction and shall be pursued diligently to completion. Such repair or reconstruction of a damaged nonconforming structure shall not extend the termination date of such structure as specified in this zoning ordinance.
2. In determining the reconstruction cost of any nonconforming structure, there shall not be included therein the cost of land or any factors other than those concerning the nonconforming structure itself.

**Section 27.234. Nonconforming Uses Limit Other Uses.** While a nonconforming use exists on any lot or parcel of land, no new use may be established thereon except under the following conditions:

1. Each existing and proposed use, including appurtenant structures, improvements and open space, shall be located on a lot or parcel of land having the required area as provided in the applicable zoning district.

2. The uses will be so located that the lot or parcel of land could be subdivided into smaller lots or parcels of land, each of which will contain not less than the required area, and on each of which, the number, density and location of the structures will comply with the requirements of this zoning ordinance when considered as a separate lot or parcel of land.

**Section 27.235. Termination of Nonconforming Uses.**

(a) Termination by Violation. Any of the following violations of this section shall immediately terminate the right to operate a nonconforming use, except as otherwise provided in this zoning ordinance:

1. Changing a nonconforming use to a use not permitted in the zone;
2. Increasing or enlarging the area, space or volume occupied by or devoted to such nonconforming use;
3. Addition to a nonconforming use of another use not permitted in the zone.

(b) Termination by Discontinuance. Discontinuance of a nonconforming use as indicated herein shall immediately terminate the right to operate such nonconforming use, except when extended as otherwise provided in this zoning ordinance:

1. Changing a nonconforming use to a conforming use;
2. Discontinuance of a nonconforming use for a period of twelve or more successive calendar months.

(c) Termination by Operation of Law. The following nonconforming uses and structures shall be discontinued and removed from their sites within the time specified in this section, except when extended as otherwise provided in this section:

1. Where the property is unimproved, one year;
2. Where the property is unimproved except for structures of a type for which a building permit is not required, three years;
3. Where the property is unimproved except for structures which contain less than one hundred square feet of gross floor area, three years;
4. Permanent on-site or off-site signs and supporting structures, twenty-five years;
5. Outdoor advertising signs and structures, twenty-five years;
6. Nonconforming farm animals (except swine) in residential zones only, fifteen years;

7. Nonconforming buildings and structures housing residential, commercial or industrial uses may be maintained for the time as set forth below based on the type of building construction as defined by the building code:
- a. Type IV and Type V buildings (light incombustible frame and wood frame) used as:
    - (i) Residential dwelling units, thirty-five years;
    - (ii) Stores and factories, twenty-five years;
    - (iii) Any other building use not herein enumerated, twenty-five years.
  - b. Type III buildings (heavy timber construction and ordinary masonry) used as:
    - (i) Residential dwelling units, offices, hotels, and motel, forty years;
    - (ii) Structures with businesses below and residences, offices, or a hotel above, forty years;
    - (iii) Warehouses, stores, and commercial garages, forty years;
    - (iv) Factories and industrial buildings, forty years.
  - c. Type I and Type II buildings (fire resistive) used as:
    - (i) Residential dwelling units, offices, hotels and motels, fifty years;
    - (ii) Theaters, warehouses, stores and garages, fifty years;
    - (iii) Factories and industrial buildings, fifty years.

(d) Substitution of Nonconforming Uses. A new nonconforming use shall not be substituted for an existing nonconforming use.

(e) Publicly Owned Nonconforming Uses. Any lawfully existing publicly owned nonconforming use, including but not limited to schools, parks, libraries, fire stations, and other public uses, may be added onto, expanded, extended or altered if such additions, extensions or alterations do not extend beyond the site boundaries of the original site and provided said addition, extension or alteration does not decrease the existing off-street parking facilities established pursuant to the provisions of this zoning ordinance.

**Sections 27.236.–27.239. Reserved.**

## **Article XVI. Administration of Zoning—Public Hearings, Applications and Fees**

### **Section 27.241. Notice of Public Hearing on Applications or Petitions for a Zone Change, Variance, or Conditional Use Permit.**

(a) Not less than ten days prior to the date of a public hearing on applications or petitions for a zone change, variance, or conditional use permit, the city clerk shall give notice of the hearing, which shall include the date, time, and place of such hearing, the identity of the hearing body or officer, a general explanation of the matter to be considered, and the legal description and street address of the subject property in the following manner or as amended by the Government Code from time to time:

1. Publication of the notice once in a newspaper of general circulation in the City of Brawley;
2. Mailing or delivering a written notice of the public hearing to the property owner or the owner's duly authorized agent, and the project applicant for a zone change, variance or conditional use permit;
3. Mailing or delivering written notice of the public hearing to each local agency expected to provide water, sewer, streets, roads, schools or other essential facilities or services to the project; and
4. Mailing or delivering written notice of the public hearing to all persons whose names and addresses appear on the latest available assessment roll of the county of Imperial as owning property within a horizontal distance of three hundred feet from the exterior boundaries of the subject property. Notice shall be per Government Code regulations as amended from time to time.

(b) If the planning director determines that the publication and mailing of notices may not give sufficient notice, he/she may direct the posting of notices at such locations as are deemed best suited to reach the attention of and inform those persons who may be affected.

(c) The planning director may also cause notice of the hearing to be sent to those public officers, departments, or agencies which may have an interest in the subject application.

**Section 27.242. Continuance of a Public Hearing.** If, for any reason, testimony on the case cannot be heard or completed at the time set for such hearing, the chairman of the planning commission (or planning director for conditional uses subject to director review and approval) may continue or extend the hearing to another date and time. Before the adjournment or recess of the planning commission or planning director hearing, the chairman or planning director shall publicly announce the time and place at which said hearing will be continued, and no further notice need be issued or shall be required.

**Section 27.243. Filing Fees and Other Fees.** For the purpose of defraying the expense involved in connection with any application for a zone change, variance, conditional use permit, or site plan review, fees based on adopted City of Brawley fee schedule shall be paid by the project applicant at the time the application is submitted.

**Section 27.244. Procedure for Withdrawal of an Application or Petition for a Variance, Conditional Use Permit, Zone Change, or Site Plan Review.** Any application or petition for a variance, conditional use permit or zone change may be withdrawn at any time prior to a public hearing by filing, with the planning director, a written request for withdrawal signed by all persons who signed the original application or petition, or their successors in interest.

**Section 27.245. Refund of Filing Fees.**

(a) If any application or petition is withdrawn as provided for in Section 27.244 prior to publication of notice of public hearing, the City of Brawley shall refund a portion of the filing fee representing the unexpended portion of the fee.

(b) In all cases there shall be no refund of any portion of the fee after the notice of public hearing has been published.

**Sections 27.246.–27.249. Reserved.**

## **Article XVII. Administration of Zoning—Zoning Ordinance Amendments**

**Section 27.250. Zoning Ordinance Amendments.** This zoning ordinance may be amended to change zones, to alter the boundaries of districts, to impose regulations not heretofore imposed, and to remove or modify any regulation heretofore imposed, pursuant to Title 7 of the Government Code (Planning and Land Use).

**Section 27.251. Initiation of Amendments.** Changes of zone and other amendments may be initiated by the city council or the planning commission.

**Section 27.252. Petition for a Change of Zone.** Any person may file a petition for a change of zone with the planning director, upon payment of a filing fee as required in Section 27.243 (Filing Fees and Other Fees) of this zoning ordinance, except that a person may not file, and the planning director shall not accept, a petition which is the same as, or substantially the same as, a petition upon which final action has been taken either by the planning commission or city council within six months prior to the date of said petition.

**Section 27.253. Contents of Petition for a Change of Zone.** A petition for a change of zone shall contain all information as is requested by the planning director. The accuracy of all information, maps and lists submitted shall be the responsibility of the applicant.

**Section 27.254. Change of Zone and the Duty of the Planning Commission.** Upon receiving a completed petition for a change of zone, and after the applicant has paid the appropriate filing fee, the planning director shall request the city clerk to set a public hearing date to consider the application as described in Section 27.241 (Notice of Public Hearing). The planning commission shall thereafter recommend to the city council whether the zone change should be approved, conditionally approved, or disapproved.

**Section 27.255. Review of Initial Study and Environmental Assessment.** Prior to taking any action on a zone change application, the planning commission shall first review the initial study and environmental assessment prepared by planning staff. The planning commission shall recommend to the city council whether an environmental impact report should be prepared, or whether a negative declaration of no significant environmental impact is appropriate. If a negative declaration is recommended, the planning commission shall also recommend appropriate mitigation measures, if applicable to the zone change application involved.

**Section 27.256. Amendment Impacting Schools.** A change of zone in conformance with the General Plan Land Use Element is conditioned upon owner mitigation of school impacts in accordance with the Brawley General Plan. Such mitigation, while required as a consequence of a zone change, is deferred until such time as development of the property occurs.

**Sections 27.257.–27.259. Reserved.**

## **Article XVIII. Administration of Zoning—Site Plan Review**

### **Section 27.261. Purpose.**

(a) Site plan review is hereby established in order to provide a visual and factual document that may be used to determine and control the physical design or use of a lot or parcel of land, building or structures. Site plan review is required for all proposed new construction of residential, commercial, industrial, and other types of buildings, as well as proposed rehabilitation of these types of buildings, requiring the provision of twelve (12) or more parking spaces to meet the requirements of Article XI (Parking and Loading) of this zoning ordinance. A site plan consists of plans, drawings, diagrams and pictures indicating the land uses, and the architecture, forms, and dimensions of all buildings and structures.

(b) A site plan is, or may be, required in order to determine whether or not a proposed development will properly comply with the provisions and development standards prescribed in this zoning ordinance or as prescribed by the planning commission or city council.

(c) Any person may also use a site plan to indicate his compliance, or plans and intentions to comply, with the regulations and standards prescribed in this zoning ordinance.

### **Section 27.262. Submission of a Site Plan.**

(a) Any use, development of land, structure, building or modification of standards for which a site plan has been requested by the planning commission or that is otherwise subject to a provision in this zoning ordinance requiring the submission of a site plan, shall not be established or constructed until such site plan has been approved by the planning director or planning commission as required by this zoning ordinance.

(b) The planning director and planning commission shall:

- a. Require a site plan for all variance applications and conditional use permit applications that involve a change of use, or development of land and construction of buildings or structures.
- b. Require any supplemental information or material including revised or corrected copies of any site plan or other document previously presented.

(c) The planning director shall prescribe the form and content of site plans and the information to be included either on the site plan itself or in a separate document.

**Section 27.263. Contents of Application for Site Plan Review.** An application for site plan review shall contain information and documents as required by the planning director.

**Section 27.264. Basis for Approval of Site Plans.** Approval or disapproval of any site plan shall be based upon the following factors and principles:

1. Every use and development of land, buildings or structures shall be in compliance with the applicable provisions of this zoning ordinance.
2. Every use, and development of land, buildings or structures shall be considered on the basis of the suitability of the site for the particular use or development intended, and the total development shall be arranged so as to avoid traffic congestion, ensure the protection of the public health, safety and general welfare, prevent adverse impacts to neighboring property, and shall be in conformity with all elements of the general plan.
3. Site plans submitted for Specific Plans (SPs) shall include complete side, front and rear elevations for all buildings and structures, and shall also include architectural renderings depicting color and type of exterior surfaces and roofs. The architectural character and style of the proposed buildings and structures shall be compatible with other land uses and structures in the immediate area.

**Section 27.265. Action upon Site Plans.** The planning director shall act upon all site plans that are not also the subject of a zone change, variance, or conditional use permit requiring planning commission approval. Planning director action does not require a public hearing. The planning commission shall act upon all site plans that are the subject of a zone change, variance, or conditional use permit requiring planning commission approval. The planning director or planning commission shall either:

1. Approve the submitted site plan;
2. Approve the submitted site plan with conditions;
3. Disapprove the submitted site plan.

**Section 27.266. Notice of Action Taken on a Site Plan.**

(a) The planning director shall notify the applicant of the action taken on a site plan by the director or planning commission.

(b) Said notification of action shall be by letter sent first class mail.

**Section 27.267. Expiration Date of Site Plans.** A site plan which has not been vested within the time period specified in said permit, or if no time is specified, within two years after adoption of or the granting of said permit, whichever is greater, becomes null and void and of no effect except that the planning director may extend such expiration date upon written request for an additional period not to exceed six months.

**Section 27.268. Variances and Conditional Use Permits not Subject to Separate Site Plan Review.** Where a site plan is required in an application for a variance or conditional use permit, said site plan shall be considered a part of said application and shall not require separate approval under the provisions of this zoning ordinance.

**Section 27.269. Reserved.**

## **Article XIX. Administration of Zoning—Variances and Conditional Use Permits**

### **Section 27.271. Authorization for Planning Commission and Planning Director.**

- (a) The planning commission shall hear and act upon a variance or conditional use permit application as provided in this zoning ordinance and pursuant to Title 7 of the Government Code (Planning and Land Use).
- (b) Conditional uses subject to planning director review and approval, as identified in use tables and text for the respective zoning districts, shall be heard and acted upon by the planning director as provided in this zoning ordinance and pursuant to Title 7 of the Government Code (Planning and Land Use).

### **Section 27.272. Procedure for Processing of Variances and Conditional Use Permits.**

- (a) Submission of an Application. Any person desiring a variance or conditional use permit required by, or provided for, in this zoning ordinance, may file an application or petition with the planning director. However, the planning director may not accept any application requesting a variance or conditional use permit for the same use, or substantially the same use, in any case where the planning director, planning commission, or the city council has taken a final action on a previous application within six months prior thereto, unless the applicant can show changed conditions and the planning commission (or planning director for conditional uses subject to director review and approval) agrees to accept the application on the basis of said changed conditions.
- (b) Initiation of Public Hearings. After receiving a completed application, and after the applicant has paid the required filing fee, the planning director shall request the city clerk to set a public hearing date to consider the application as described in Section 27.241 (Notice of public hearing).
- (c) Hearing by Planning Commission or Planning Director. Within sixty days after the filing of a completed application, the planning commission (or planning director for conditional uses subject to director review and approval) shall hold a public hearing on the application and take action on the application. The planning commission (or planning director for conditional uses subject to director review and approval) shall make findings to support its decision as required by Section 65906 of the Government Code.
- (d) Review of Environmental Initial Study and Assessment. Prior to taking any action on a variance application or conditional use permit application, the planning commission (or planning director for conditional uses subject to director review and approval) shall first review the environmental initial study and assessment prepared by city staff. The planning commission shall determine whether an environmental impact report should be prepared, or whether a negative declaration of no significant environmental impact is appropriate. If a negative declaration is recommended, the planning commission shall also apply appropriate mitigation measures, if applicable to the variance or conditional use permit application involved.

**Section 27.273. Application for a Variance or Conditional Use Permit.** A person applying for a variance or conditional use permit shall submit an application containing the following information and such other information as is requested by the planning director. The accuracy of all information, maps and lists submitted shall be the responsibility of the applicant. The planning commission (or planning director for conditional uses subject to director review and approval) may reject any application that does not supply the information requested.

**Section 27.274. Basis for Approval or Denial of a Conditional Use Permit.** The planning commission (or planning director for conditional uses subject to director review and approval) shall consider applications for a conditional use permit, and may, with such conditions as are deemed necessary, approve a conditional use permit which will not jeopardize, adversely affect, endanger, or otherwise constitute a menace to the public health, safety, or general welfare, or be materially detrimental to the property of other persons located in the vicinity of such use.

1. In making such determination, the planning commission (or planning director) shall make findings that the proposed use is in general accord with the following principles and standards:
  - a. The proposed conditional use shall not be in conflict with the general plan or any specific plan.
  - b. The nature, condition and development of adjacent uses, buildings and structures shall be considered, and no proposed conditional use shall be permitted where such use will adversely affect or be materially detrimental to said adjacent uses, buildings or structures.
  - c. The site for a proposed conditional use shall be adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this zoning ordinance, or as required by the planning commission as a condition in order to integrate said use with the uses in the neighborhood.
  - d. The site for a proposed conditional use shall be served by highways or streets adequate in width and improved as necessary to carry the kind and quantity of traffic such use would generate.
2. Conditions imposed by the planning commission (or planning director) for a conditional use permit may involve any pertinent factors affecting the establishment, operation and maintenance of the requested use, including, but not limited to:
  - a. Special yards, open spaces and buffer areas;
  - b. Fences and walls;

- c. Parking facilities, including vehicular ingress and egress and the surfacing of parking areas and driveways to specified standards;
  - d. Street and highway dedications and improvements including sidewalks, curbs and gutters;
  - e. Adequate water supply, fire protection, and sewer capacity;
  - f. Landscaping and maintenance of grounds;
  - g. Regulation of nuisance factors such as noise, vibrations, smoke, dust, dirt, odors, gases, noxious matter, heat, glare, electromagnetic disturbances and radiation;
  - h. Regulation of operating hours for activities affecting normal neighborhood schedules and functions;
  - i. Regulation of signs including outdoor advertising;
  - j. A specified validation period limiting the time in which development may begin;
  - k. Provisions for a bond or other surety that the proposed conditional use will be removed on or before a specified date;
  - l. A site plan indicating all details and data as prescribed in this ordinance subject to the provisions of Sections 27.260 through 27.269 (Site Plan Review) of this zoning ordinance.
  - m. Such other conditions as will make possible the development of the proposed conditional use in an orderly and efficient manner and in accord with all elements of the general plan or any specific plan.
3. The planning commission (or planning director) shall deny the requested conditional use permit where the findings indicate, and the planning commission determines, that the applicant has failed to show that the requested use will not jeopardize, adversely affect, endanger or otherwise constitute a menace to the public health, safety or general welfare or be materially detrimental to the property of other persons located in the vicinity of such use, and reasonable restrictions or conditions to permit the establishment of the proposed use will not prevent detriment or menace as indicated.

**Section 27.275. Basis for Approval or Denial of a Variance.** The planning commission shall consider applications for a variance, and the planning commission may grant a variance, with such conditions as are deemed necessary to protect the public health, safety, and general welfare.

- 1. In making such determination, the planning commission shall find:

- a. That there are special circumstances applicable to the property including size, shape, topography, location or surroundings;
  - b. That the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification;
  - c. That the variance granted shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated;
  - d. That the variance granted does not authorize a use or activity which is not otherwise expressly authorized by the zoning regulations applicable to the property;
  - e. That the proposed variance will not be materially detrimental to the public welfare or detrimental to the health and safety of persons located in the vicinity of the subject property; and
  - f. That the proposed variance is consistent with the character of the area in which the variance is granted in that previous variances have been granted, lot sizes are large, landscaping is mature and architecture is varied.
2. Conditions imposed by the planning commission for a variance may involve any pertinent factors affecting the establishment, operation or maintenance of the requested use, including, but not limited to:
- a. Granting a variance for a limited time only;
  - b. Granting a variance to a specific property owner only with the condition that such variance is not transferable to a new owner;
  - c. Granting, for a limited time only, an expansion or extension of a previously granted variance or the extension of the time limit for a nonconforming use, on condition that at the end of such time such prior variance or nonconforming use shall terminate and the property shall thereafter be used for such purposes as are permitted in the zone in which such property is located;
  - d. If the environmental assessment identifies any significant environmental impacts, the planning commission may require either an environmental impact report or appropriate mitigation measures as a condition of the filing of a negative declaration.

**Section 27.276. Notice of Action Taken on a Variance or Conditional Use Permit.** The planning director shall notify the applicant of the action taken on his or her application by the planning commission (or planning director for conditional uses subject to director review and approval).

**Section 27.277. Effective Date of a Variance or Conditional Use Permit.** A variance or conditional use permit which has been granted by the planning commission (or planning director for conditional uses subject to director review and approval) shall become final and effective fifteen days after receipt by the applicant of a written notice of action taken provided no appeal of the action taken has been filed within the said fifteen-day period.

**Section 27.278. Continuing Validity of a Variance or Conditional Use Permit.** A variance or conditional use permit that is valid and in effect, and was granted pursuant to the provisions of this zoning ordinance, shall adhere to the land and shall continue to be valid upon change of ownership of the land or any lawfully existing building or structure on said land, unless the planning commission (or planning director for conditional uses subject to director review and approval) attached a condition to the granting of said variance or conditional use permit whereby it could not be transferred to a new owner.

**Section 27.279. Assurance of Faithful Performance of Imposed Conditions.** Whenever the planning commission (or planning director for conditional uses subject to director review and approval) grants or modifies a variance or conditional use permit, and the grant or modification of said variance or conditional use permit is subject to one or more conditions, the planning commission (or planning director) may require that the applicant or owner of the property file with the city clerk a corporate surety bond, deposit of money, or savings and loan certificates or shares in an amount guaranteeing the faithful performance of said conditions.

**Section 27.280. Expiration Date of a Variance or Conditional Use Permit.** A variance or conditional use permit which is not used within the time specified in said permit, or if no time is specified, within two years after the granting of said permit, becomes null and void and of no effect, except that the planning commission (or planning director for conditional uses subject to director review and approval) may extend such expiration date upon written request for an additional period not to exceed six months.

**Section 27.281. Termination of Conditional Use Permit.** A conditional use permit shall cease to be of any force and effect if the use has ceased, or has been suspended for a consecutive period of two or more years.

**Section 27.282. Maintenance of a Nuisance.** Neither the provisions of this zoning ordinance nor the granting of any variance or conditional use permit authorizes or legalizes the maintenance of a nuisance, either public or private.

**Section 27.283. Regulations Apply to Conditional Use Permits and Variances.** Unless specifically modified by a conditional use permit or variance, all regulations prescribed in the zone in which such conditional use permit or variance is located shall apply.

**Section 27.284. Revocation of a Variance or Conditional Use Permit.** The planning commission (or planning director for conditional uses subject to director review and approval)

may revoke any previously granted variance or conditional use permit if the planning commission (or planning director) makes findings that:

1. Such variance or conditional use permit was obtained by fraud.
2. Such variance or conditional use permit has not been used within two years after the granting thereof.
3. Conditions relative to the subject property have changed and the variance or conditional use permit would no longer apply to the subject property.
4. The conditions which were attached to the variance or conditional use permit approval have not been complied with.

**Section 27.285. Notice of Action Taken on Revocation.** The planning director shall notify in writing the person owning or operating a use for which a variance or conditional use permit was revoked, including such other persons known to the planning director as having any right, title, or interest in the property.

**Section 27.286. Effective Date of Revocation.** An order by the planning commission (or planning director for conditional use subject to director review and approval) revoking a variance or conditional use permit shall become final and effective fifteen days after receipt by the owner or operator of such use of a written notice of the action taken, provided no appeal of the action taken has been filed within the said fifteen days.

**Section 27.287. Appeal of Planning Commission or Planning Director Decisions.**

(a) Within fifteen days after the planning commission or planning director has taken action on an application, any person dissatisfied with the action may file a written appeal with the city clerk appealing said decision to the city council if it was a planning commission action, or to the planning commission if it was a planning director action.

(b) Upon the filing of a notice of appeal, the city clerk shall set the matter for hearing before the city council or planning commission, whichever is applicable, within 30 days.

**Section 27.288. Points Considered on Appeal.** After hearing an appeal, the city council may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as should be made. The city council's decision on appeal shall not be limited to the points appealed, but may cover all phases and aspects of the matter including the addition or deletion of any condition.

**Section 27.289. Finality of Decisions Regarding Appeals.** The decision of the city council, upon an appeal from an action of the planning commission, is final and conclusive as to all things involved in the matter.

**Sections 27.290.–27.299. Reserved.**

**Article XX. Administration of Zoning—Zoning Ordinance Enforcement.**

**Section 27.301. Enforcement Procedure.** Any building or structure erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this zoning ordinance, and any use of land, buildings, or premises established, conducted, operated or maintained contrary to the provisions of this zoning ordinance shall be and the same is hereby declared to be unlawful; and the city attorney at the request of the planning director shall commence appropriate legal action or proceedings for the abatement, removal or the enjoining thereof, in the manner prescribed by law.

**Section 27.302. Investigation or Inspection of Property.** Every member of the planning commission and their authorized representatives may enter any premises, building, or structure at any reasonable hour for investigation or inspection as to whether or not any portion of such premises, building, or structure, is being used in violation of this zoning ordinance. Denial, prevention, obstruction, or attempts to deny, prevent, or obstruct such access is a misdemeanor.

**Section 27.303. Penalty for Violation of this Ordinance.** Violation of any provision of this zoning ordinance, or of any approval, conditional use permit, or variance granted hereunder is a misdemeanor. Conviction for such misdemeanor shall be punishable by a fine not to exceed five hundred dollars, or by imprisonment for not to exceed six months, or by both such fine and imprisonment or alternative sentence. Each separate day or any portion thereof during which any violation of this zoning ordinance occurs or continues constitutes a separate offense and upon conviction thereof shall be punishable as herein provided.

**Sections 27.304.–27.309. Reserved**

## Article XXI. Density Bonus Program

### Section 27.310. Intent and Purpose.

(a) The density bonus program is intended to establish policies which implement the general plan housing element and the State Government Code Section 65915 to provide incentives to encourage private development of affordable housing. The density bonus program is intended to provide adequate housing environment for moderate income, low income, very-low income and senior persons that is consistent with sound standards of public health and safety. It has the further purpose of maintaining and promoting residential living environments compatible and in harmony with the previously established patterns of development of existing low and moderate income housing. As such, the objective of the ordinance codified in this article is to provide the City of Brawley with a device to correct existing shortages of affordable housing and to meet projected growth needs within the City of Brawley. The content of this zoning ordinance is intended to provide incentives to build a range of housing that is affordable to City of Brawley residents.

(b) The City of Brawley finds and determines that the density bonus program be used and applied in areas where basic services such as water, sewer, other utilities and adequate road circulation already exist or can be reasonably extended. The City of Brawley further determines that the density bonus program shall be applied to a specific geographic area only in conjunction with an approved plan for development, including any necessary land division maps, site plans or other approvals, as required by the City of Brawley, and the applications for the density bonus program and related projects are to receive priority processing by all City of Brawley departments involved in the review and issuance of permits for the development.

(c) The City of Brawley further determines that when the density bonus program is applied to a specific area, it shall be used only for the construction of the project approved. This requirement shall not prohibit the City of Brawley from allowing non-substantial changes in an approved development plan that become necessary in the actual engineering of a project provided that such changes shall not increase the density of an approved project.

### Section 27.311. Applications.

(a) Pre-submittal Review Required. Projects applying for the density bonus program shall first request a pre-submittal review by the City of Brawley Development Review Committee (DRC). In their review the DRC shall consider:

1. Whether the proposed project meets the objectives and policies of the general plan and housing element;
2. Whether the number and location of other density bonus projects in the vicinity of the proposed project, and the condition of the other housing in the vicinity, may result in an undue concentration of lower-income households in the neighborhood to the detriment of such neighborhood;

3. The effect of granting the additional incentives for which the proposed project is eligible.
  - (b) A conditional use permit shall be required for a density bonus project. In their review the planning commission and city council shall review the above DRC findings, ensuring compliance with the zoning ordinance and the environmental assessment mitigation measures prepared for the project. Each project shall also comply with the Government Code Section 65915 as amended from time to time.
  - (c) Applications for the density bonus program shall be filed only in conjunction with a site plan or land division pursuant to the zoning ordinance site plan review or pursuant to the City of Brawley's subdivision ordinance. Notwithstanding the provisions of state law or City of Brawley ordinance, providing for different processing or time requirements for processing the various applications, an applicant, by filing an application, agrees that the two or more applications shall be considered together and that approval of a land division or site plan shall not be final until the density bonus and/or additional incentive has been approved.
  - (d) All applications shall include floor plans and elevations for each type of unit that is proposed to be constructed and/or substantially rehabilitated, and such additional information related to design or market area as may be required by the planning department.

### **Section 27.312. Basic Requirements.**

- (a) The density bonus program may be applied to projects within the existing underlying residential zones:
  1. R-1 (single-family residential);
  2. R-2 (low density multiple-family residential);
  3. R-3 (medium density multiple-residential).
- (b) The density bonus program may be proposed for use in conjunction with projects proposing a minimum of five dwelling units and/or lots to be constructed and/or substantially rehabilitated. To qualify for the density bonus program, a minimum rehabilitation of fifteen thousand dollars per unit must be proposed.
- (c) All proposals for use of the density bonus program must, at a minimum, agree to provide for one or more of the following:
  1. At least, ten percent of the total units allowed by the maximum density are designated for moderate-income households as defined in Section 50105 of the Health and Safety Code. In addition, the first occupant of a moderate income household density bonus project shall be moderate income and shall be required to participate in equity sharing on resale as described in Government Code Section 65915.

2. At least ten percent of the total units allowed by the maximum permitted density are designated for lower-income household as defined in Section 50079.5 of the Health and Safety Code; or
3. At least five percent of the total units allowed by the maximum permitted density are designated for very-low-income households as defined in Section 50105 of the Health and Safety Code; or
4. The project is qualified to be designated for senior citizens as defined by California Civil Code as amended from time to time.

(d) To be eligible for the use of the density bonus program zone and the density bonus contained herein, the project developer must sign a binding agreement with the City of Brawley which sets forth the conditions and guidelines to be met in the implementation of this zoning ordinance codified in this article. The agreement will also require recordation and will establish specific compliance standards and remedies available to the City of Brawley upon failure by the developer to make units accessible to intended households.

(e) The agreement shall be prepared by the developer, reviewed by the City of Brawley Development Review Committee, planning commission and approved by the city council.

**Section 27.313. Standards of Development.** Projects conforming to the requirements of the density bonus program shall be subject to the development standards prescribed in this section.

1. The density of a proposed project may exceed the maximum allowable density of the underlying zone by twenty percent. Additional density, up to a maximum of thirty-five percent of the maximum allowable density of the underlying zone, may be allowed for increasing the minimum percentage of moderate income, low income or very low income households as described below:
  - a. Moderate Income Households—Each additional percentage of moderate income housing above the ten percent of the total units allowed by the maximum density of the underlying zone shall allow for a density increase of 1.0 percent.
  - b. Low Income Households—Each additional percentage of low income housing above the ten percent of the total units allowed by the maximum density of the underlying zone shall allow for a density increase of 1.5 percent.
  - c. Very Low Income Households—Each additional percentage of very low income housing above the five percent of the total units allowed by the maximum density of the underlying zone shall allow for a density increase of 2.5 percent. For developers who dedicate land to jurisdictions for the provision of affordable housing for very low income households totaling a minimum of 10% of the units in the density bonus project, a 15% density bonus shall be granted. This 15% density bonus is increased

- by 1% for each 1% increase in very low income units above the minimum 10% requirement, up to a maximum density bonus of 35%.
2. The allowable general plan density of a project will be determined by the physical and service constraints of the property and the area in which the property is located; however, the density of each approved project must propose a minimum of five dwelling units and/or lots to be eligible for the density bonus program.
  3. In addition to the twenty percent density bonus, projects that qualify for the density bonus program are eligible for one additional incentive as per Government Code Section 65915. Eligible density bonus projects which provide for a higher percentage of moderate income, low income or very low income housing than the minimum percentage described in Sec 27.306(c) may request up to two additional incentives as specified in the following subsection per Government Code Section 65915. In lieu of a density bonus and additional incentives, the City of Brawley may provide other incentives of equivalent financial value based upon the land cost per dwelling unit.
    - a. Moderate Income Housing—Both condominium and planned unit developments (PUDs) shall be eligible for density bonuses. Density bonus projects providing a minimum of 20% moderate income housing above the maximum density of the underlying zone shall be granted one additional incentive. Projects providing a minimum of 30% above the maximum density of the underlying zone shall be granted two additional incentives
    - b. Low Income Housing—Density bonus projects providing a minimum of 20% moderate income housing above the maximum density of the underlying zone shall be granted one additional incentive. Projects providing a minimum of 30% above the maximum density of the underlying zone shall be granted two additional incentives.
    - c. Very Low Income Housing—Density bonus projects providing a minimum of 10% moderate income housing above the maximum density of the underlying zone shall be granted one additional incentive. Projects providing a minimum of 15% above the maximum density of the underlying zone shall be granted two additional incentives. Developers seeking to utilize this provision shall transfer the site to the jurisdiction no later than the date of approval of the final subdivision map, parcel map, or zoning application. In addition, the minimum size of the site shall be one acre, or a site and entitlements of sufficient size to permit development of at least 40 units.
  4. For purposes of this zoning ordinance, an additional incentive means any of the following that would result in identifiable, financially sufficient and actual cost reductions:
    - a. A reduction in a site development standard, or a modification of a zoning code requirement or architectural design requirement which would not result in a project

that would be below the minimum building standards approved by the State Building Standards Commission as provided in Part 2.5 of the Health and Safety Code;

- b. A reduction in setback and square footage requirements and/or reduction in the ratio of vehicular parking spaces that would otherwise be required by this zoning ordinance. If a reduction in the ratio of vehicle parking spaces is requested by the applicant as an incentive, the parking ratios shall not exceed one on-site space for each studio or one bedroom unit, 2 on-site spaces for each two or three bedroom unit or 2.5 on-site spaces for units with four or more bedrooms.
  - c. Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial or other land uses will reduce the cost of the housing development and if the commercial, office, industrial or other uses are compatible with the housing project and the existing or planned development in the area where the proposed housing will be located.
5. The City of Brawley shall not grant additional concessions or incentives if they make a written finding that either the additional concessions or incentives were not required to provide for affordable housing costs or rents or the concession or incentive would have a significant adverse impact upon public health and safety or the physical environment or on historic properties for which there is not satisfactory means of mitigation. However, the City of Brawley shall not apply any development standard that would have the effect of precluding the construction of a development meeting the density bonus thresholds or with the concessions or incentives permitted by Government Code Section 65915 as long as public health, safety, the environment, and historic properties are not adversely impacted.
6. The reserved density bonus units shall be constructed concurrently with or in advance of the market rate units. Under no circumstances shall more than one-fourth of the market rate units be built and sold or rented prior to completion of the reserved density bonus housing.

**Section 27.314. Special Provisions.** The density bonus program contains the following provisions:

- 1. Time period of availability to intended population:
  - a. With density bonus of twenty-five percent or less above the maximum allowed by the underlying zone, or if the City of Brawley in lieu of a density bonus provides other incentives of equivalent financial value based upon the land cost per dwelling unit, ten years;
  - b. With density bonus of more than twenty-five percent above the maximum allowed by the underlying zone and additional incentive(s), thirty years;

2. As a condition of approval of any subdivision map or site plan approved in conjunction with the density bonus program conditional use permit, property owner/developer shall agree to execute an “agreement authorizing affordable housing density bonus and imposing covenants and restrictions on real property” as required by the city council. The agreement shall enumerate the restrictions placed on the dwelling units reserved for moderate, low, and very-low income households, or for senior citizens.
3. In order to prevent the decrease in the proposed amount of units in the density bonus program it shall be stated in the agreement that the unit will be designated for the specified income level household, or senior citizen, for the duration of the agreement.
4. Density bonus units shall not be rented or sold to a tenant/owner whose income/age has not been certified in accordance with the agreement.
5. The agreement shall be enforced by a consultant agency approved by the City of Brawley. The agreement shall outline who will enforce the agreement and payment for said services. No City of Brawley funds shall be utilized for enforcement of the agreement.
6. The agreement shall state who may rent/own a density bonus unit and the certification procedure of said persons.
7. The agreement shall state the schedule for changes to the amount of rent and approval process for said changes.
8. The agreement shall have set procedures for enforcement regarding heirs, beneficiaries of an estate with a residential unit designated as a density bonus unit, and for violation of the sale of a for-sale unit. Procedures shall be approved by the City of Brawley.
9. The agreement shall also have a mitigation measure for when the agreement expires. Mitigation to be approved by the City of Brawley (i.e., the owner of rental units or its successors shall pay to the current or last tenant to occupy the density bonus unit(s) a relocation assistance payment equivalent to two months’ the current market-rate rent for a comparable unit within the density bonus development).
10. Any violation by the developer or its successors of the covenants or restrictions contained within the agreement shall constitute a violation of the City of Brawley ordinance. Any legal costs incurred by the City of Brawley shall be paid by the person who is in violation of said agreement. No City of Brawley funds shall be committed for this reimbursement.
11. Developer shall only sell the density bonus property to parties who execute and forward to the City of Brawley an expressed written assumption of the terms of the agreement.

12. In the event that the developer is unable to sell or rent the required amount of density bonus units, the developer shall submit a report to the City of Brawley depicting the efforts to meet the required amount of units. The report shall include the following:
  - a. Certified letters to three agencies who handle affordable housing describing the density bonus units, and the agreement to the City of Brawley;
  - b. Copies of the advertisements in newspapers describing the density bonus units, which are circulated throughout Imperial County.

If the City of Brawley, after reviewing said report, concludes that the developer has made a good-faith effort to comply with the requirements of the agreement, the City of Brawley may reduce the number of required units designated for density bonus units.

13. Agreement shall also state the Methodology for Designating Density Bonus Units. The methodology is to be approved by the City of Brawley and enforced by the consultant's agency.

**Sections 27.315.–27.330. Reserved**