

SECTION 24.01 GENERAL PROVISIONS

24.01.110 PURPOSE AND SCOPE

- A. For the purpose of promoting and protecting the public health, safety, morals, convenience and welfare of the people of the City of Imperial, to safeguard and enhance the appearance and quality of development of the City of Imperial, and to provide for the social, physical and economic advantages resulting from comprehensive and orderly planned use of land resources, a Zoning Ordinance defining classifications of zones and regulations within those zones hereby is established and adopted by the City Council.

24.01.120 PRIVATE AGREEMENTS

- A. The provisions of this Ordinance are not intended to abrogate any easements, covenants, or other existing agreements which are more restrictive than the provisions of the Ordinance.

24.01.130 REPEAL OF CONFLICTING ORDINANCES

- A. Whenever the provisions of this Ordinance impose more restrictive regulations upon construction or use of buildings or structures or the use of lands or premises than are imposed or required by other ordinances previously adopted, the provisions of this Ordinance or rules or regulations promulgated thereunder shall govern.

24.01.140 ESTABLISHMENT OF ZONES

- A. In order to classify, regulate, restrict, and separate the use of land, buildings and structures in the various districts and to regulate the areas of yards and other open areas abutting and between buildings and structures and to regulate the density of population, the City hereby is divided into the following zones:

1. Residential Zones

RR	Residential Rural Zone
RL	Residential Low Density Zone
R-1	Residential Single Family Zone
RC	Residential Condominium Zone
RA	Residential Apartment Zone

2. Commercial Zones

C-1	Commercial Neighborhood Zone
C-2	Commercial General Zone
VC	Village Commercial Zone

24.01.140 ESTABLISHMENT OF ZONES A DIVISION OF CITY INTO ZONES (cont.)

3. Industrial Zones

I-1	General Industrial Zone
I-2	Rail-Served Industrial Zone

4. Special Purpose Zones

MHP	Mobile Home Park Zone
PD	Planned Development Overlay Zone
SP	Specific Plan Overlay Zone
A	Agriculture Zone

B. Adoption of Zones - Maps

Several zones and boundaries of those zones are hereby established and adopted as shown, delineated and designated on the "Official Zoning Map" of the City of Imperial, Imperial County, California, which map, together with all notations, references, data, zone boundaries, and other information thereon, is made a part hereof and is adopted concurrently herewith.

C. Filing

The original and current Official Zoning Map shall be kept on file with the City Clerk or Planning Director and shall constitute the original record. A copy of said map shall be also filed with the Planning Department.

D. Changes to the Zoning Map

Changes in the boundaries of the zones shall be made by Ordinance (pursuant to Section 24.19.600 et al) and shall be reflected on the Official Zoning Map.

24.01.150 CLARIFICATION OF AMBIGUITY

If ambiguity arises concerning the appropriate zone or classification of a particular use within the meaning and intent of this Title, or if ambiguity exists with respect to matters of height, yard requirements, area requirements or zone boundaries as set forth herein, it shall be the duty of the Planning Director to ascertain all pertinent facts and forward said findings and interpretations, to the Planning Commission for a recommendation and then transmit said recommendation to the Council. If said recommendation is approved by the Council, thereafter such interpretation shall govern.

24.01.160 EFFECTS OF ZONING

A. Application of Provisions

The provisions of this Ordinance governing the use of land, buildings, and structures, the size of yards abutting buildings and structures, the height and bulk of buildings, the density of population, the number of dwelling units per acre, standards of performance, and other provisions hereby are declared to be in effect upon all land included within the boundaries of each and every zone established by this Ordinance.

B. Buildings under Construction

Any building for which a building permit has been issued under the provisions of earlier ordinances of the City which are in conflict with this Ordinance, and on which construction has been started before the effective date of this Ordinance, may nevertheless be continued and completed in accordance with the plans and specifications upon which the permit was issued.

C. Approved Tentative Tract Maps or Tentative Parcel Maps

Any approved tentative tract map or tentative parcel map which has been approved pursuant to the provisions of earlier ordinances of the City and which is in conflict with this Ordinance may nevertheless be continued and completed in accordance with the provisions of its approval provided it is completed within the time limit in effect at the time of its approval, without extension of time thereof, and provided it complies with all other ordinances and laws in effect at the time of this approval. Final tract maps may be approved pursuant to this Section, and building and other permits may be issued for any lots created pursuant to this Section consistent with such approval.

24.01.170 ENFORCEMENT

A. Enforcement by City Officials

The City Council, the Planning Commission, the City Attorney, the City Manager, the Police Chief, the Building Official, the Planning Director, the City Clerk, and all officials charged with the issuance of licenses or permits, shall enforce the provisions of this Ordinance. Any permit, certificate, or license issued in conflict with the provisions of this Ordinance shall be void.

B. Actions Deemed a Nuisance

Any building or structure erected hereafter, or any use of property contrary to the provisions of a duly approved Site Plan Review, Variance, Conditional Use Permit, and/or this Ordinance shall be and the same hereby is declared to be unlawful and a public nuisance per se and subject to abatement in accordance with local Ordinance.

24.01.170 ENFORCEMENT (continued)

C. Remedies

All remedies concerning this Ordinance shall be cumulative and not exclusive. The conviction and punishment of any person hereunder shall not relieve such persons from the responsibility of correcting prohibited conditions or removing prohibited buildings, structures, signs, or improvements, and shall not prevent the enforced correction or removal thereof.

D. Penalties

Any person, partnership, organization, firm or corporation, whether as principal, agent, employee or otherwise, violating any provisions of this Ordinance or violating or failing to comply with any order to regulation made hereunder, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable as provided by local ordinance.

24.01.180 DEFINITIONS

For the purposes of the Ordinance, certain words, phrases, and terms used herein shall have the meaning assigned to them by this Section.

When not inconsistent with the context, words used in the present tense include the future; words in the singular number include the plural; and those in the plural number include the singular. The word "shall" is mandatory; the word "may" is permissive.

ABUT shall mean two adjoining parcels of property with a common property line, including two or more lots adjoining only at a corner, except where such common property line is located in a public street right-of-way.

ACCESS OR ACCESS WAY shall mean the place, means, 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 Ordinance.

ACCESSORY BUILDING shall mean a building, part of a building, or structure, which is incidental or subordinate to the main building or use on the same building site.

ACCESSORY LIVING QUARTERS shall mean a living quarters on the same building site as a dwelling, designed or used for housing servants, guests or family members, having no cooking facilities or kitchen and not rented or otherwise used as a separate dwelling.

ACCESSORY USE shall mean a use incidental, related, appropriate and clearly subordinate to the main use of the lot or building, which accessory use does not alter the principal use of such lot or building.

ADULT ARCADE: See Adult Motion Picture Arcade.

ADULT BOOKSTORE shall mean an establishment that devotes more than fifteen (15) percent of the total floor area utilized for the display of books and periodicals to the display and sale of the following:

Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records, or other forms of visual or audio representations which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.

ADULT BOOKSTORE (continued) An adult bookstore does not include an establishment that sells books or periodicals as an incidental or accessory part of its principal stock-in-trade and does not devote more than fifteen (15) percent of the total floor area of the establishment to the sale of books and periodicals.

24.01.180 DEFINITIONS (continued)

ADULT CABARET shall mean a nightclub, bar, theater, restaurant or similar establishment which regularly features live performances which are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas and/or which regularly features films, motion pictures, video cassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas for observation by patrons.

ADULT DRIVE-IN THEATER shall mean an open lot or part thereof, with appurtenant facilities, devoted primarily to the presentation of motion pictures, films, theatrical productions and other forms of visual productions, for any form of consideration, to persons in motor vehicles or on outdoor seats, and presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons.

ADULT HOTEL OR MOTEL shall mean a hotel, motel or similar establishment offering public accommodations for any form of consideration which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

ADULT MINI-MOTION PICTURE THEATER shall mean an establishment, with a capacity of more than five but less than 50 persons, where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which is distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas for observation by patrons.

ADULT MODEL STUDIO shall mean any establishment open to the public where, for any form of consideration or gratuity, featuring models who display specified anatomical areas to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons, other than the proprietor, paying such consideration or gratuity. This provision shall not apply to any school of art which is operated by an individual, firm, association, partnership, corporation or institution which meets the requirements established in the Education Code of the State of California for the issuance or conferring of, and is in fact authorized thereunder to issue and confer, a diploma.

24.01.180 DEFINITIONS (continued)

ADULT MOTION PICTURE ARCADE shall mean any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

ADULT MOTION PICTURE THEATRE shall mean an establishment, with the capacity of fifty (50) or more persons, where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which is distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas for observation by patrons.

ADULT THEATER shall mean theater, concert hall, auditorium or similar establishment, either indoor or outdoor in nature, which for any form of consideration, regularly features live performances which are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by patrons.

ALLEY shall mean any dedicated or implied dedication of an access or way intended for vehicular use to the rear or side of a property served by a street.

AMBIENT LEVEL shall mean that general noise level in the area at the given time.

ANATOMICAL AREAS: See Specified Anatomical Areas.

ANIMAL HOSPITAL shall mean a place where animals are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use.

ANIMALS, LARGE shall include equine or cleft-hoofed animals and shall include other such animals described and assumed by their size, weight, and/or appearance to be large animals.

ANIMALS, SMALL shall mean pygmy goats, miniature horses, domestic, and those other such comparably-sized animals distinguished from those described as large animals, not including dogs or cats. (See also City Code 4-117).

APARTMENT shall mean a building or portion thereof designed and used for occupancy by two (2) or more individual persons or families living independently of each other.

24.01.180 DEFINITION (continued)

ARCADES (VIDEO GAME) shall mean a place of business where five (5) or more electronic or electrical coin operated games are operated for compensation.

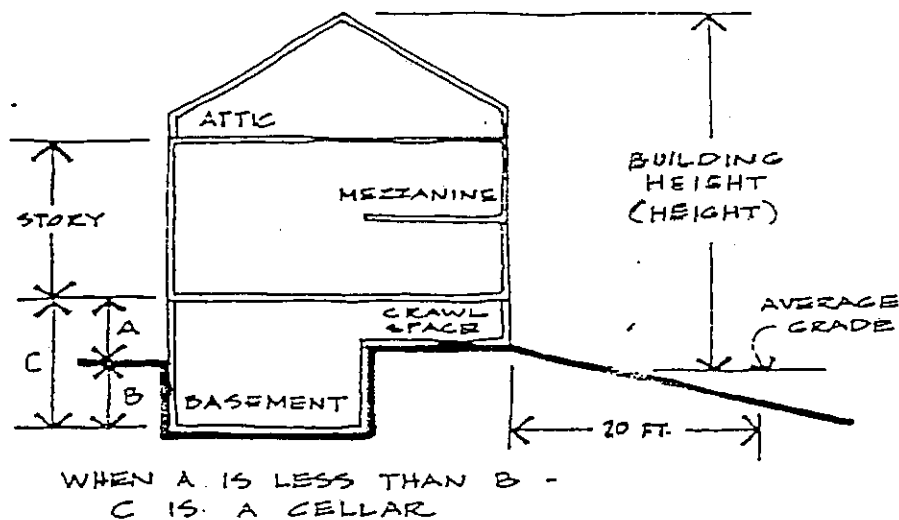
AUTOMOBILE SERVICE STATION shall mean a lot or portion of a lot used for the servicing of motor vehicles. Such servicing may include sale of motor fuel and oils, lubrication, incidental car washing, waxing and auto accessories. Such servicing shall not include major vehicle services such as tire recapping, sale of major auto accessories, wheel repair or parts, sale or rebuilding of engines, battery manufacturing or rebuilding, radiator repair or steam cleaning, body repair, painting or upholstery, or installation of auto glass.

BASEMENT shall mean a story partly or wholly underground. A basement shall be counted as a story for purposes of height measurement where more than one-half (1/2) of its height is above grade.

BOARDING OR ROOMING HOUSE shall mean a building containing a dwelling unit where lodging is provided with or without meals for compensation for five (5) or more persons.

BUILDING shall mean any structure having a roof and is enclosed on all sides, constructed for the shelter, enclosure of persons, animals or property of any kind.

BUILDING HEIGHT shall mean the vertical distance from the average grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the highest point of the highest gable of a pitch or hip roof, but exclusive of vents, air conditioners, chimneys, or other such incidental appurtenances.



24.01.180 DEFINITIONS (continued)

BUILDING SITE shall mean a legally created parcel or contiguous parcels of land in single or joint ownership, which provides the area and the open spaces required by this Ordinance, exclusive of all vehicular and pedestrian rights-of-way and all other easements that prohibit the surface use of the property by the owner thereof.

CANOPY shall mean a small roof or awning attached to the wall of a structure which is supported by no means other than its attachment to the wall.

CARPORT shall mean a permanent roofed structure with not more than two (2) enclosed sides used or intended to be used for vehicle storage for the occupants of the premises.

CITY shall mean the City of Imperial.

CLINIC shall mean a place for medical services to patients human or animal not involving the overnight housing of patients.

CLUB shall mean an association of persons (whether or not incorporated) for a common purpose, but not including groups organized solely or primarily to render a service as a business for profit.

COFFEE SHOP shall mean a completely enclosed restaurant facility wherein the customers are served at a counter and/or tables.

COMMISSION shall mean the Planning Commission of the City of Imperial.

COMMUNITY APARTMENT shall mean a development in which an undivided interest in the land is coupled with the right of exclusive occupancy of an apartment located thereon.

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

CONDOMINIUM CONVERSION shall mean the conversion of rental units, residential or commercial, into a condominium project.

CONVALESCENT HOME shall mean a facility licensed by the State Department of Public Health, the State Department of Social Welfare, or the County of Imperial, which provides bed and ambulatory care for patients with post-operative convalescent, chronically ill or dietary problems, and persons aged or infirm or with Alzheimer disease unable to care for themselves; but not including alcoholics, drug addicts, or persons with mental or contagious diseases or afflictions.

24.01.180 DEFINITIONS (continued)

COUNCIL shall mean the City Council of the City of Imperial.

COUNTY shall mean the County of Imperial.

COUNTY RECORDER shall mean the County Recorder of the County of Imperial.

DAY NURSERY (Including Pre-School and Nursery Schools) shall mean any building, buildings or portion thereof used for the daytime care of six (6) or more children at any location other than their normal place of residence, excluding any children who normally reside on the premises.

DENSITY shall mean the total number of dwelling units permitted on a net acre of land exclusive of all existing public or private streets and right-of-way.

DEVELOPMENT shall mean any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

DIRECTOR shall mean the Planning Director of the City of Imperial or his duly authorized deputy in the absence of the Director.

DORMITORY shall mean a building intended or used principally for sleeping accommodations, where such building is related to an educational institution.

DRIVE-IN OR DRIVE-THROUGH RESTAURANT shall mean a place of business which sells food products and/or beverages and which:

Delivers such food products and/or beverages to customers outside of the building in which they are prepared by means of service, a window, counter, or similar method or device, or

Delivers such food products and/or beverages to customers outside of the building which is designed in such a manner that a majority of the customers will remove such food products and/or beverages from the building for consumption either on the premises or in the immediate vicinity.

DWELLING shall mean a building or portion thereof designed exclusively for residential occupancy.

DWELLING, GUEST shall mean living quarters within an accessory building for use by non-paying guests of the resident family and having no cooking facilities or kitchen.

24.01.180 DEFINITIONS (continued)

DWELLING, MULTIPLE shall mean a building containing two (2) or more dwelling units or a combination of two (2) or more separate single-family dwelling units on one lot or parcel.

DWELLING, SINGLE FAMILY shall mean a detached building designed exclusively for residential occupancy.

DWELLING UNIT shall mean one or more rooms in a single family dwelling, apartment house or hotel designed as a unit for occupancy by one family for living and sleeping purposes.

EDUCATIONAL INSTITUTIONS shall mean public and other non-profit institutions conducting regular academic instruction at kindergarten, elementary, secondary, collegiate levels, and including graduate school, universities, non-profit research institutions and religious institutions.

FAMILY shall mean an individual or two (2) or more persons related by blood, marriage or adoption, or a group of not more than six (6) persons, not related by blood, marriage, or adoption, living together as a single housekeeping unit in a single dwelling unit. Family shall also mean the persons living together in a licensed "residential facility" as that term is defined in California Health & Safety Code Section 1502(a) (1), which services six (6) or fewer persons, including the licensee, the members of the licensee's family, and persons employed as facility staff.

FEED LOT OR FEED YARD shall mean a portion of land used for enclosing and fattening of livestock for market, and not operated in connection with a bona fide farm.

FENCE shall mean a boundary or barrier of posts, wire, mesh, etc., used to protect or enclose.

GARAGE shall mean a detached accessory building or a portion of a main building on the same lot for the parking and temporary storage of vehicles of the occupants of the premises.

GENERAL PLAN shall mean the General Plan of the City of Imperial, and shall consist of the General Plan Maps and Text adopted by the City Council.

GRADE shall mean the average level of the finished ground surfaces surrounding a building.

GROSS AREA shall mean the total horizontal area within the lot lines of a lot or parcel of land before public streets, easements or other areas to be dedicated or reserved for public use are deducted from such lot or parcel.

24.01.180 DEFINITIONS (continued)

GUEST ROOM shall mean a room which is designed to be occupied by one (1) or more guests for sleeping purposes, and having no kitchen facilities.

HIGHWAY shall mean a street shown as a freeway, major, primary, or secondary highway on the General Plan of the City.

HOSPITAL shall mean an institution for the diagnosis, care, and treatment of human illness, including surgery and primary treatment.

HOTEL shall mean a structure or portion thereof or a group of attached guest rooms or suites occupied on a transient basis for compensation.

KENNEL, COMMERCIAL shall mean any kennel maintained for the purpose of boarding, breeding, raising or training dogs or cats over the age of four months for a fee or for sale.

KENNEL, NONCOMMERCIAL shall mean any property where four (4) or more dogs or cats, over the age of four months, are kept or maintained for the use or enjoyment of the occupants for noncommercial purposes.

LIVING AREA shall mean the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

LOADING SPACE shall mean an off-street space or berth used for the loading or unloading of commercial vehicles.

LOT shall mean:

A parcel of real property with a separate and distinct number or other designation shown on a plat recorded in the office of the County Recorder, or

A parcel of real property delineated on an approved record of survey, parcel map or subdivision map as filed in the office of the County Recorder or in the office of the Planning Department, and abutting at least one (1) public street or right-of-way or easement determined by the City Engineer to be adequate for the purpose of access, or

A parcel of real property abutting at least one (1) public street or right-of-way or easement determined by the City Engineer to be adequate for the purpose of access and held under separate ownership from abutting property prior to February 1, 1972.

24.01.180 DEFINITIONS (continued)

LOT, CORNER shall mean a lot located at the intersection or interception of two (2) or more streets at an angle of not more than one hundred thirty-five (135) degrees. If the angle is greater than one hundred thirty-five (135) degrees, the lot shall be considered an "Interior Lot".

LOT COVERAGE shall mean the ratio between the ground floor area of the building or buildings and the net area of the lot, exclusive of the ultimate street right-of-way.

LOT DEPTH shall mean the average horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

LOT, FLAG shall mean a lot which utilizes a narrow strip as its means of providing frontage on a street and/or providing vehicular access to the lot.

LOT, INTERIOR shall mean a lot other than a corner lot.

LOT, LEGAL (See Parcel)

LOT LINE shall mean any line bounding a lot as herein defined.

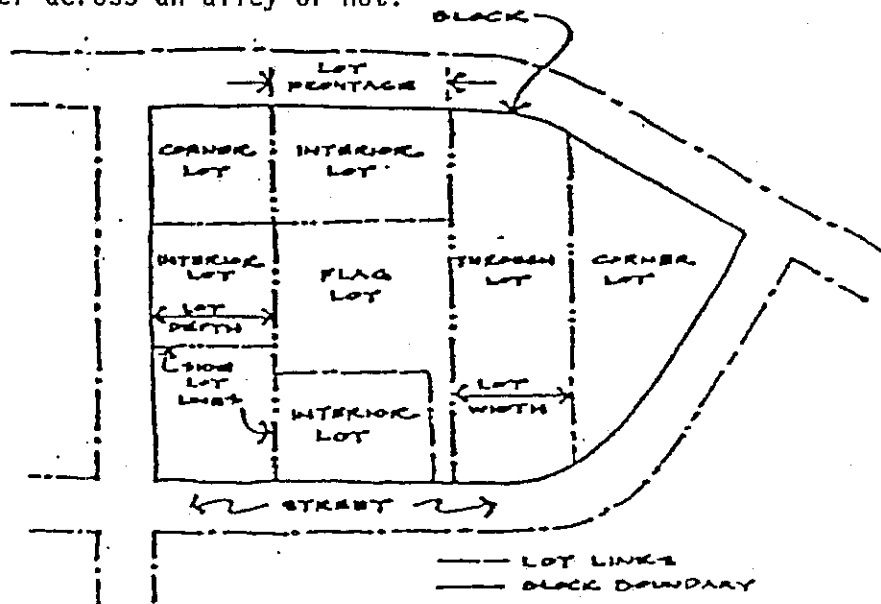
LOT LINE, FRONT On an interior lot, the front lot line is the property line abutting the street. On a corner or reverse corner lot, the front lot line is the shorter property line abutting a street, except in those cases where the subdivision or parcel map specifies another line as the front lot line. On a through lot or a lot with three (3) or more sides abutting a street or a corner or reverse corner lot with lot lines of equal length, the Director shall determine which property line shall be the front lot line for the purposes of compliance with yard and setback provisions of the Ordinance. On a private street or easement, the front lot line shall be designated as the edge of the easement.

LOT LINE, INTERIOR shall mean a lot line not abutting a street.

LOT LINE, REAR shall mean a lot line not abutting a street, which is opposite and most distant from the front lot line. In the case of an irregular-shaped lot, a line within the lot, parallel to and at a maximum distance from the front lot line, having a length of not less than ten (10) feet. A lot which is bounded on all sides by streets may have no rear lot line.

24.01.180 DEFINITIONS (continued)

LOT, REVERSE CORNER shall mean a corner lot, the side line of which is substantially a continuation of the front lot lines of the lot to its rear, whether across an alley or not.



LOT LINE, SIDE shall mean any lot line not a front lot line or rear lot line.

LOT, THROUGH shall mean a lot having frontage on two dedicated parallel or approximately parallel streets.

LOT WIDTH shall mean the average horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

MOBILE HOME shall mean a movable or transportable vehicle, other than a motor vehicle, designed as a permanent structure intended for occupancy for one family and having no foundation other than jacks, piers, wheels, or skirtings.

MOBILE HOME UNIT SPACE shall mean a plot of ground within a mobile home park designed for the accommodation of one mobile home unit.

MOTEL shall mean the same as "hotel".

NET ACRE shall mean all land within a given area or project including residential lots, and other open space which directly serves the residents of the net acre; but exclusive of all public or private streets and other easements.

24.01.180 DEFINITIONS (continued)

NONCONFORMING BUILDING shall mean a building or portion thereof which was lawful when established but which does not conform to the provisions of this Ordinance.

NONCONFORMING LOT shall mean a lot, the area, frontage, or dimensions of which do not conform to the provisions of this Ordinance.

NONCONFORMING USE shall mean a use lawful when established but which does not conform to the provisions of this Ordinance.

OPEN SPACE (USABLE) One or more open areas adjacent to residential uses, the purpose of which is to provide an outdoor area designed for outdoor living and recreation, and which is located at, below, or above grade.

PARCEL/LEGAL LOT shall mean 1) a parcel of real property shown as a delineated parcel of land with a number or letter designation, on a subdivision map, or parcel map recorded in the office of the County Recorder and created in conformance with the State Subdivision Map Act; 2) a parcel of real property shown on a recorded record of survey map, lot division plat, or other official map filed in the office of the County Recorder or County Engineer, when such map or plat was filed as the result of and was made a condition of a lot division approved by the County of Imperial under the authority of prior or existing County Ordinances; 3) any parcel of real property which existed as a separate parcel on or before March 8, 1972 as evidenced by a valid deed recorded on or before that date; 4) a parcel of real property described in a recorded Certificate of Compliance, approved and filed by the City of Imperial in the County of Imperial in accordance with the State Subdivision Map Act and County or City Code.

PARKING AREA shall mean an open area, other than a street or alley, which contains motor vehicle parking spaces.

PARKING SPACE shall mean an unobstructed space or area other than a street or alley which is permanently reserved and maintained for the parking of one motor vehicle.

PERSON shall mean any individual, firm, copartnership, joint venture, association, syndicate, this and any other county, city and county, city, municipality, district or other political subdivision, or any other group or combination acting as a unit.

PLANNED DEVELOPMENT shall mean a large, integrated development located on a single building site, or on 2 or more building sites which may be separated only by a street or other right-of-way. In such development, the land and structures shall be planned and developed as a whole in a single development operation or a series of operations in accordance with a detailed, comprehensive plan encompassing such elements as the location of structures, the circulation pattern, parking facility, open space, and utilities, together with a program for provision, operation and maintenance of all areas, improvements, facilities and services provided for the common use of the persons occupying or utilizing the property.

24.01.180 DEFINITIONS (continued)

PLANNING DIRECTOR (see Director)

PREMISES shall mean an area of land with its appurtenances and buildings which because of its unity of use may be regarded as the smallest conveyable unit.

PRINCIPAL USE(S) shall mean the primary use(s) for which land or a building is or may be intended, occupied, arranged or designed.

REST HOME any place or institution which makes provision for bed care or for chronic or convalescent care for one or more persons exclusive of relatives, who by reason of illness or physical infirmity are unable to care for themselves; but in which no persons suffering from contagious or communicable disease are kept and in which no surgical or other primary treatments such as are customarily provided in sanitariums or hospitals are performed. Rest homes shall include all places defined in Title 17 of the California Administrative Code and licensed as nursing or convalescent homes.

RIGHT-OF-WAY shall mean an area or strip of land, either public or private, on which an irrevocable right of passage has been recorded for the use of vehicles or pedestrians or both.

SECOND HAND STORE shall mean an establishment which deals in used common household items including clothing, personal effects, households furnishings, appliances, and office equipment and furnishings.

SECOND UNIT shall mean an attached or detached single-family residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated.

SERVICE STATIONS shall mean the same as "Automobile Service Station".

SETBACK shall mean a required, specified distance between a building or structure and a lot line or lines, measured perpendicularly in a horizontal plane extending across the complete length of said lot line or lines.

SETBACK, FRONT YARD shall mean the area which defines the depth of the required front yard. Said setback shall be measured from the ultimate street right-of-way or the line established by the General Plan, whichever is greater, and be removed therefrom by the perpendicular distance prescribed for the front yard setback of the zone in which the property is located.

SETBACK, REAR YARD OR SIDE YARD shall mean the area which defines the width or depth of the required rear or side yard setbacks. Said setbacks shall be measured from the property line, removed therefrom by the perpendicular distance prescribed for the yard setback in the Zone. Where the side or rear yard abuts a street, the distance shall be measured as set forth in the "Setback Front Yard".

24.01.180 DEFINITIONS (continued)

SEXUAL ENCOUNTER ESTABLISHMENT shall mean 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 area. This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the State of California engages in sexual therapy. For the purposes of these regulations, sexual encounter establishment shall include massage or rap parlor and other similar establishments.

SHOPPING CENTER shall mean a building or group of buildings housing commercial retail, office, eating and drinking establishments and other related uses.

SIGN shall mean any structure, device, material or substance placed, attached or applied in any manner on or above a building, structure or site so as to be visible at or beyond the property boundaries and which displays by shape, color, light or symbol and attention arrestor device, model, banner, numeral, letter, work, trademark, logo, emblem or other representation used as or in the nature of an advertisement or solicitation of a business, profession, service, person, group, organization, firm, enterprise, industry, product, commodity, merchandise, place or event.

SITE PLAN shall mean a document or group of documents containing sketches, text, drawings, maps, photographs, and other material intended to present and explain certain elements of a proposed development, including physical design, siting of buildings, structures, interior vehicular and pedestrian access, the provision of improvements, and the interrelationship of these elements.

SPECIFIC ANATOMICAL AREAS

Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areolae; or

Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

24.01.180 DEFINITIONS (continued)

SPECIFIED SEXUAL ACTIVITIES

The fondling or other touching of human genitals, pubic region, buttocks, anus, or female breasts; or

Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or

Masturbation, actual or simulated; or

Excretory functions as part of or in connection with any of the activities set forth in 1 through 3 above.

STABLE, COMMERCIAL shall mean a stable for horses, mules or ponies which are rented, used or boarded on a commercial basis for compensation.

STABLE, PRIVATE shall mean an accessory building for the keeping of horses, mules or ponies owned by the occupants of the premises and not rented, used or boarded on a commercial basis for compensation.

STATE shall mean the State of California.

STORY shall mean that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it.

STREET shall mean a County road, State highway, public road, street or alley, or private thoroughfare or easement (or proposed private thoroughfare or easement shown on a recorded parcel map) not less than 10 feet in width connecting with a County road, State highway, public road, street or alley which affords primary access to an abutting lot.

STRUCTURE shall mean that which is built or constructed, an edifice or building or any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

STRUCTURAL ALTERATION shall mean any change in or alteration to a structure involving a bearing wall column, beam or girder, floor or ceiling joists, roof rafters, roof diaphragms, foundations, piles, retaining walls, or similar components.

SWAP LOT shall mean a building, structure, enclosure, lot or other area into which persons are admitted to display, exchange, barter, sell or bargain for new or used merchandise, carried on in a swap lot.

USE shall mean the purpose for which land or a building is occupied, arranged, designed, or intended, or for which either land or building is or may be occupied or maintained.

USED FURNITURE & APPLIANCES (see Second Hand Store)

24.01.180 DEFINITIONS (continued)

VEHICLE MAJOR SERVICES shall mean tire recapping, sale of major auto accessories, wheel repair or parts, sale or rebuilding of engines, battery manufacturing or rebuilding, radiator repair or steam cleaning, body repair, painting or upholstery, or installation of auto glass.

VIDEO GAME (See Arcade)

WHOLESALE shall mean the selling of any type of goods for purpose of resale.

YARD shall mean any open space on the same lot with a building or dwelling group, which open space is unoccupied and unobstructed except for the projections permitted by this Ordinance.

YARD, FRONT shall mean a space between the front yard setback and the front lot line or future street line, and extending the full width of the lot.

YARD, REAR shall mean a space between the rear yard setback and the rear lot line, extending the full width of the lot.

YARD, SIDE shall mean a space extending from the front yard, or from the front yard lot line where no front yard is required by this Ordinance, to the rear yard, or rear lot line between a side lot line and the side yard setback line.

ZONING CODE OR ORDINANCE shall mean the Zoning Regulations of the City of Imperial.