

Attachment B.

**Title 9 Land Use Ordinance Revisions to
Divisions 4, 5, 8, 10, 12, 14 and 16**

Ordinance No. _____
AN ORDINANCE AMENDING
CERTAIN CODIFIED ORDINANCES OF THE COUNTY OF IMPERIAL RELATING TO
TITLE 9 LAND USE ORDINANCE REVISIONS TO DIVISIONS 4, 5, 8, 10, 12, 14 AND 16.

The Board of Supervisors of the County of Imperial, State of California, hereby ordain as follows:

SECTION 1: Chapters 1 through 6 (Sections 90401.00 through 90401.18) of Division 4 of Title 9 of the Codified Ordinance of the County of Imperial is hereby enacted rescinded.

SECTION 2: Chapters 1 through 6 (Sections 90401.00 through 90401.18) of Division 4 of Title 9 of the Codified Ordinance of the County of Imperial is hereby re-enacted to read as follows:

TITLE 9

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

[CHAPTER 1: SIGNS](#)

[CHAPTER 2: PARKING](#)

[CHAPTER 3: FENCES](#)

[CHAPTER 4: HOME OCCUPATIONS](#)

[CHAPTER 5: ACCESSORY DWELLING UNITS \(ADUs\)](#)

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CHAPTER 1: SIGNS

- § 90401.00 PURPOSE/APPLICATION
- § 90401.01 DESIGN/DEVELOPMENT STANDARDS FOR MONUMENT SIGNS
- § 90401.02 DESIGN/DEVELOPMENT STANDARDS/POLE SIGNS
- § 90401.03 DESIGN/DEVELOPMENT STANDARDS/SIGNS ATTACHED TO BUILDINGS
- § 90401.04 DESIGN/DEVELOPMENT STANDARDS/OFF-SITE ADVERTISING SIGNS
- § 90401.05 DESIGN/DEVELOPMENT STANDARDS/TEMPORARY REAL ESTATE SIGNS
- § 90401.06 DESIGN/DEVELOPMENT STANDARDS/TEMPORARY SUBDIVISION SIGNS
- § 90401.07 DESIGN/DEVELOPMENT STANDARDS/PERMANENT SUBDIVISION AREA SIGNS
- § 90401.08 DESIGN/DEVELOPMENT STANDARDS/TEMPORARY CONSTRUCTION SIGNS
- § 90401.09 DESIGN/DEVELOPMENT STANDARDS/TEMPORARY CAMPAIGN SIGNS
- § 90401.10 DESIGN/DEVELOPMENT STANDARDS/AGRICULTURAL SIGNS
- § 90401.11 DESIGN/DEVELOPMENT STANDARDS/AGRICULTURAL INDUSTRY SIGNS
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- § 90401.17 NON-CONFORMING SIGNS
- § 90401.18 ILLUSTRATIONS

§ 90401.00 PURPOSE/APPLICATION

The purpose and intent of this Chapter is to provide and promote for the orderly and attractive construction, placement, and display of signs throughout the County of Imperial. It is the policy of the County of Imperial that the primary purpose of signs is for identification and public information. All signs shall be located on the property on which they are advertising unless otherwise specified. Signs that cause a distraction and present potential safety hazards, as well as, aesthetic problems or public nuisance problems are discouraged and/or prohibited. The provisions of this Chapter serve as specific development standards to be applied in addition to the sign codes required under the building construction provisions.

§ 90401.01 DESIGN AND DEVELOPMENT STANDARDS FOR MONUMENT SIGNS

Freestanding monument signs shall comply with all of the following standards.

- A. No monument sign shall be located within the existing road right-of-way or designated future road right-of-way.
- B. The maximum area of the sign shall not exceed 48 square feet per side.
- C. The maximum height of a monument sign shall not exceed six feet (6') above ground level, measured within radius of thirty feet (30') from the center of the sign.
- D. The monument sign shall be a minimum of ten feet (10') from any common property line, they shall be no closer than twenty feet (20') on center on any property or between properties.
- E. Lighting of monument signs shall be arranged and installed as not to produce glare on other properties in the vicinity or upon the adjacent highway.
- F. Monument signs shall be no closer than five feet (5') to a public right-of-way.
- G. Monument signs shall be constructed of durable materials and maintained in an aesthetic acceptable fashion.

§ 90401.02 DESIGN AND DEVELOPMENT STANDARDS FOR POLE SIGNS

Free standing pole signs (single, double or triple poles) shall comply with the following standards.

- A. The maximum area of the sign shall not exceed 200 square feet per side.
- B. Pole signs shall be located so that no part of the sign extends into or beyond any existing street right-of-way or any proposed street right-of-way.
- C. The maximum height of a pole sign shall not exceed twenty-four feet (24') to the top of the sign.
- D. Pole signs shall be a minimum of ten feet (10') from any side yard common property line and shall be a minimum of forty feet (40') on center, if on the same property or between properties.
- E. Lighting of pole signs shall be arranged so as not to produce glare on other adjacent properties in the vicinity or upon adjacent highways.
- F. Pole signs shall be at least three feet (3') back from public right-of-way lines.
- G. Pole signs shall be erected to withstand a minimum of 110 mile an hour wind velocities and meet all CBC requirements.

§ 90401.03 DESIGN AND DEVELOPMENT STANDARDS FOR SIGNS ATTACHED TO BUILDINGS

Signs attached to a building, not residential, or wall shall comply with all of the following standards.

- A. All signs attached to a building or a wall shall be attached flat against the building or wall and parallel thereto and shall not extend more than eighteen inches (18") from the surface of the building/wall. Exceptions to this provision are as follows:
 - 1. Signs may be mounted below the soffit of a canopy, or over-hang or below a porch and may be perpendicular to the building provided that they do not exceed twelve inches (12") above the soffit or beam and maintain a minimum of eight foot (8') vertical clearance above any travel way, corridor, exit or court.

2. Signs may be attached to a building above the wall or parapet provided the sign does not exceed four feet (4') in height, and does not exceed height limitations set forth elsewhere in this Title and does not contribute to the roof loading.
- B. Lighting of signs attached to buildings shall be arranged as not to produce glare on adjacent properties in the vicinity and the source of light shall not be visible from adjacent property or public street.
- C. The maximum area of the primary sign shall not exceed 100 square feet per side which include company logos.
- D. The maximum area of the secondary signs (sides & rear of building) shall not exceed 60 square feet per side which include company logos.

§ 90401.04 DESIGN AND DEVELOPMENT STANDARDS FOR OFF-SITE ADVERTISING SIGNS (BILLBOARDS)

Off-site advertising signs shall comply with all of the following standards.

- A. The total area of any side of any off-site advertising sign (billboard) shall not exceed 700 square feet. Nor shall the sign exceed a length of fifty feet (50'). In no case shall the square footage exceed the amounts specified by the sign regulation of the zone within which the sign is to be located.
- B. Each off-site advertising sign shall be located no less than 500 feet from any other off-site advertising sign located on the same side of the street or highway. No off-site advertising sign shall be located within 1320 feet of the business or activity, which it advertises. No off-site advertising sign may be located closer than twenty-five feet (25') from any other sign. No off-site advertising sign may be located closer than ten feet (10') from any public street or right-of-way.
- C. No part of an advertising sign shall be located within an existing right-of-way or proposed street right-of-way.
- D. Maximum height for off-site advertising signs shall be 30 feet to the top of the sign.
- E. Lighting of off-site advertising shall be arranged as not to produce glare on adjacent properties in the vicinity. The source of lighting shall not be visible from the adjacent property or public street and the lighting shall not cause glare or nuisance to adjacent street or highway traffic.
- F. Off-site advertising signs shall not be located along State, Federal or County highways, which either do not permit such signs or are regulated by another regulatory agency.
- G. Off-site advertising signs shall be installed according to the California Sign Code requirements.

§ 90401.05 DESIGN AND DEVELOPMENT STANDARDS FOR TEMPORARY REAL ESTATE SIGNS

Temporary real estate signs advertising a particular property on which the sign is located shall comply with the following standards.

- A. Not more than one (temporary real estate sign) shall be placed on any lot, parcel or section of land provided, however auxiliary rider signs may be allowed if attached to the same sign support and further provide that where a lot is bounded by more than one street, one sign with an auxiliary rider may be located along each street frontage.
- B. Temporary real estate signs shall not be illuminated.
- C. Temporary real estate signs shall be minimum of ten feet (10') from any street right-of-way or proposed street right-of-way or property line.
- D. If attached to a building a temporary real estate sign shall not extend above the roofline or the parapet wall of the building.

- E. If free standing, a temporary real estate sign shall not exceed eight feet (8') in height to the top of the sign.
- F. This section does not apply and shall not restrict the number of or size of temporary real estate signs erected outdoors within a courtyard, or mall space below the height of the enclosed building or within buildable areas or within display windows of existing buildings.
- G. This section shall not apply to temporary portable directional real estate signs used in conjunction with open house, real estate sales activity, provided that each portable directional sign not exceed nine square feet (9'), including the support and does not exceed the height of five feet (5') and is not located within any street right-of-way.
- H. All real estate signs shall be removed from the premises within fifteen (15) days after sale of the property or immediately upon being leased.

§ 90401.06 DESIGN AND DEVELOPMENT STANDARDS FOR TEMPORARY SUBDIVISION SIGNS

Temporary subdivision signs shall comply with the following standards:

- A. Temporary directional subdivision signs shall comply with the following:
 - 1. The sign shall be located at primary streets providing directions to the subdivision.
 - 2. Each sign shall not exceed five feet (5') in height and twenty-four square feet (24') in area.
 - 3. Temporary directional signs shall not be lit.
 - 4. Temporary directional signs shall be located a minimum of three feet (3') back from any street right-of-way or proposed street right-of-way.
- B. On-site subdivision signs shall comply with the following standards:
 - 1. The sign shall be located at primary entrance to the subdivision or entrance to or at the model homes.
 - 2. Each sign shall not exceed six feet (6') in height and shall not exceed thirty-two square feet (32') in area.
 - 3. Subdivision signs shall not be lit.

§ 90401.07 DESIGN AND DEVELOPMENT STANDARDS FOR PERMANENT SUBDIVISION AREA SIGNS

The permanent identification signs including signs for the identification of the subdivision, a mobile home park, an apartment, a townhouse, condominium, or any other residential development project shall comply with the following standards:

- A. Permanent subdivision identification signs may be either attached to an entrance fence or structure or be a monument sign. The sign shall not exceed four feet (4') in height, and thirty-two square feet (32') in size and shall be located in a maintained landscaped area on the parcel for which the advertising is intended.
- B. The sign shall not be illuminated, except for low silhouette spot lighting that does not create glare to adjoining properties or adjacent streets.
- C. The design and materials sign shall be approved by the Planning & Development Services Department Director prior to construction and shall meet all UBC requirements.

§ 90401.08 DESIGN AND DEVELOPMENT STANDARDS FOR TEMPORARY CONSTRUCTION SIGNS

Where building is under construction, temporary signs may be erected to identify the project owner, applicant, architect, landscape architect, contractor, builder, proposed business, lender, etc., provided that the following standards are met:

- A. There shall be no more than three (3) temporary construction signs per project.
- B. Each sign shall not exceed thirty-two square feet (32') in area.
- C. The signs shall not be illuminated.
- D. If attached to a building the signs shall not exceed above the roof line or parapet wall and if free standing the maximum height shall not exceed eight feet (8').
- E. The signs shall be stationary.
- F. The signs shall be removed within ten (10) days from final inspection date.

§ 90401.09 DESIGN AND DEVELOPMENT STANDARDS FOR TEMPORARY CAMPAIGN SIGNS

Temporary political, religious or civic campaign signs may be erected for a period of not to exceed 120 days and shall comply with the following standards:

- A. All signs shall be removed within 15 days following the conclusion of the campaign (Election Day).
- B. In residential areas each sign shall not exceed twenty square feet (20') in area or a height of six feet (6').
- C. Any sign still remaining twenty (20) days after the end of the campaign shall be subject to a \$50.00 fine per day.
- D. These signs shall not be located at road intersections in a manner that obstructs visibility to the motoring public or be a distraction to the vehicle operator.

§ 90401.10 DESIGN AND DEVELOPMENT STANDARDS FOR AGRICULTURAL SIGNS

Agricultural signs advertising agricultural products that are raised or produced on subject property may be erected in all agricultural zoned areas, provided they comply with the following standards:

- A. There shall not be more than one (1) agricultural sign per legal lot, however, if the lot or acreage fronts on more than one (1) highway, one sign shall be permitted along each such highway.
- B. The sign shall not exceed sixteen square feet (16') in area, for parcels less than ten (10) acres and twenty-four square feet (24') for all other acreage. No sign shall exceed eight feet (8') in height.
- C. The sign shall be a minimum of ten feet (10') from any street or proposed street right-of-way.
- D. The sign shall not be illuminated.
- E. The sign shall be stationary.
- F. The sign shall not be for off-site advertising use.

§ 90401.11 DESIGN AND DEVELOPMENT STANDARDS FOR AGRICULTURAL INDUSTRY SIGNS

A sign identifying agricultural industry as located on subject property may be erected in all agricultural zoned areas, provided they comply with the following standards:

- A. There shall not be more than two (2) agricultural industrial signs per legal lot.
- B. Each sign shall not exceed 48 square feet in area, nor exceed 20 feet in height.

- C. The sign shall be a minimum of ten feet from any street or road right-of-way.
- D. The sign shall not be illuminated.
- E. The sign shall be stationary.
- F. The sign shall not be for off-site advertising use.

§ 90401.12 DESIGN AND DEVELOPMENT STANDARD FOR INSTITUTIONAL IDENTIFICATION SIGNS

Signs that identify churches, public and private schools, colleges, hospitals, universities, fraternal, benevolent or social service organizations, located on the same property shall comply with the following standards. When such institutions are located in a commercial zone the sign regulations application to the commercial zone district shall apply.

- A. There shall be not more than two (2) institutional identification signs per street frontage per legal lot and shall not exceed a total of six (6) signs on any single lot.
- B. Each sign shall not exceed forty-eight square feet (48') in area.
- C. Signs shall not extend into any existing or proposed road or street right-of-way.
- D. Free standing signs shall not exceed eight feet (8') in height. Signs attached to buildings shall not exceed above the roof line or parapet wall.
- E. All signs shall be stationary.
- F. Lighting of institutional identifications signs shall be indirect, non-flashing, and shall not produce light or glare onto adjoining properties or adjacent roadways.
- G. Generally recognized and accepted religious symbols that are free standing or attached as part of the church or part of the freestanding sign are exempt.

§ 90401.13 EXEMPT SIGNS

The following signs except as provided elsewhere in this Title or in other State or Federal laws are exempt from the provisions of this Chapter.

- A. Highway directional signs installed, maintained by appropriate public agency.
- B. Railroad signal signs.
- C. Signs prohibiting trespassing and hunting.
- D. Warning signs required by law or erected by public agencies.
- E. Utility company signs identifying cables, conduits or hazards.
- F. Public notices and announcements authorized by courts and/or public officials.
- G. Advertising signs on buses, taxis, or other vehicles.
- H. Signs attached to bus stops, bus shelters, or kiosks.
- I. Signs on operational and registered automobiles and trucks that are painted on or attached flat against the vehicle to advertise the associated business, provided that the vehicle is primarily used for the business. The parking of vehicles in a manner that creates a billboard is prohibited.
- J. Window display signs.

- K. Signs that are painted and/or attached to the windshield of a vehicle, or boat.
- L. Public telephone identification signs.
- M. Signs of an instructive nature or which include information required by a county, state or federal enforcement agency, including telephone booth, gas pump instruction, instruction for recreational vehicle dump stations, brake and smog certification, restroom identification, and the like.
- N. Signs erected within enclosed buildings or malls.
- O. Signs erected outdoors within courtyards and malls below the height of the enclosed buildings within buildable portions of the building.
- P. Direction warning or identification signs for patrolling and drilling, geothermal drilling, and excavation activities.
- Q. Residential name and address signs not exceeding three square feet (3') in area.

§ 90401.14 PROHIBITED SIGNS

The following signs are prohibited in all zones, unless specifically designated within the zone.

- A. Site affixed or stationary signs which mechanically rotate or move.
- B. Any sign displaying any obscene, indecent or immoral material.
- C. Advertising signs that include the words stop, look and listen, or any other word phrases symbol, light, motion, sound, fume, mist, or substance that may interfere, mislead or confuse a driving public.
- D. Signs extending above roofs and roof signs except where specific provided within the provisions of this chapter.
- E. Signs projecting from the building, except for where specifically provided for within this Chapter.
- F. Wind activated signs.
- G. Any advertising device attached to a building, fence, pole or structure or vehicle, on display not specifically authorized by this Chapter.

§ 90401.15 SPECIAL SIGN PROVISIONS

- A. An electronic time and temperature sign as part of an approved on-site advertising sign is permitted as regulated by this Division.
- B. Exit, entrance and other on-site traffic and directional signs are permitted provided the signs do not exceed six feet (6') in height and contain no advertising message, other than directional instructions.
- C. Illuminated signs in storefront glazing visible for public street shall be considered signs and complies with this requirement.
- D. Special signing required for drive-in windows, drive through restaurants, drive through banks or similar businesses are allowed, provided a sign is necessary for the information, instruction or direction.
- E. Signs for uses approved in conjunction with conditional use permits shall be as specified in the conditions of approval for that permit.
- F. All digital signs, also known as changeable electronic variable message signs, will require a Conditional Use Permit.
- G. Any deviation from the sign code will require a Conditional Use Permit.

§ 90401.16 DESIGN AND DEVELOPMENT STANDARDS FOR WIND-FEATHERED BANNER FLAG SIGNS (FEATHER SIGNS)

Temporary Wind-feather banner flag signs are portable signs that advertise business name, logo, and business colors or associated message and shall comply with the following standards:

- A. Feather signs shall **ONLY** advertise messages related to the associated business and are consistent with other requirements in this Ordinance.
- B. No Feather sign (temporary sign) shall be used until a permanent sign is permitted.
- C. The signs area shall not exceed twenty-five square feet (20 ft²);
 - 1. Fabrics width shall not exceed thirty inches (30”).
- D. The sign shall not exceed ten feet (10') in height.
- E. Feather signs shall not be permanently fastened directly onto the roof/rooftops or exterior wall or face of any building or structure. All signs shall be ground mounted.
- F. The signs and pole shall be maintained in good conditions at all times, and nothing shall be added to the sign or pole, such as balloons or streamers.
- G. Feather signs shall only be allowed in the High Density Residential R-3, R-4, Commercial Zones C-1, C-2, C-3 and Industrial Zones M-1, M-2 and M-3.
- H. Feather signs shall only be allowed on the Frontage of Property and must be set back at least 5' feet from the property line, 5' from the property line of an adjacent property and 15' feet from the property line on corner lots.

§ 90401.17 NON-CONFORMING SIGNS

Non-conforming signs shall be subject to the requirements of Section 90105.06.

§ 90401.18 ILLUSTRATIONS

The following drawings are intended as illustrations to further explain the intent of this chapter.

ILLUSTRATIONS ONLY

(FOR FUTURE USE)

TITLE 9

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

CHAPTER 2: OFF-STREET PARKING

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§ 90402.00 PURPOSE/APPLICATION

The purpose of this Chapter is to reduce street congestion, promote safety, and provide for the convenience of the residents of the County by requiring provisions for adequate and well-designed parking in conjunction with the land use.

Parking required by this Title shall be provided at the time that any building or structure is erected, altered or enlarged, or a use is established, changed or expanded. Development involving individual or cumulative expansion in excess of forty percent (40%) or more of the existing use on the effective date of this Title shall comply with off-street parking requirements of this Chapter. [The forty- percent (40%) shall be applicable to valuation, size, volume, height, or any combination.]

The standards provided in this Chapter are deemed to be the minimum standards.

§ 90402.01 REQUIRED PARKING SPACES

Uses permitted by this Division shall provide off-street parking spaces according to the following schedule.

A. Residential uses:

1. Single-family dwelling, a duplex dwelling, a condominium, or a mobile home (manufactured) unit with three (3) bedrooms or less shall provide two (2)-parking spaces per unit. Units with more than three (3) bedrooms shall provide one-half (.5) parking spaces for each bedroom in excess of three (3) bedrooms per unit.
2. For multi-family projects, one guest space for every five (5) units in addition to the minimum under A-1.
3. For Accessory Dwelling Units, zero to one (1) bedroom dwelling units shall provide one (1) parking space. For Accessory Dwelling Units with two (2) or more bedrooms, parking requirements stated in Section 90402.01 A-1 (above) apply. Parking may be provided as tandem parking, on an existing driveway.

Exemptions:

Parking standards shall not be imposed for an Accessory Dwelling Unit in any one of the following instances (must provide proof) If the accessory dwelling unit:

- a) Is located within one-half mile of public transit
- b) Is located within an architecturally and historically significant historic district.
- c) Is part of the existing primary residence or an existing accessory structure.
- d) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
- e) When there is a car share vehicle located within one block of the accessory dwelling unit.

(Note: For purpose of this section, a room such as a den, study, library, sewing room, hobby room, work room or similar room shall be considered a bedroom.)

4. Junior accessory dwelling units shall not require parking as a condition to grant a permit.
- B. Boarding houses, rooming houses, residential hotels, fraternity or sorority houses, dormitories, or similar uses shall provide one (1) parking space per bedroom.
- C. Mobile home park:
1. Each park space shall provide two (2) parking spaces per mobile home,
 2. One (1) guest parking space for every five-(5) mobile home spaces within said park shall be provided.
- D. Retirement or rest homes, shall provide one (1) space per three residential bed spaces or bedrooms.
- E. Recreation, entertainment and tourism facilities.
1. Bowling alley, four (4) spaces per lane, or one (1) for every 500 square feet whichever is greater.
 2. Dance hall, ballroom, discotheque, one (1) per thirty square feet (30') of gross building area.
 3. A country club shall provide the cumulative combination of spaces required for the various uses within a country club, or one (1) per 50 square feet of building area.
 4. Equestrian establishment, requires parking plan review by Planning Department.
 5. Hotel or motel, one (1) space per room, plus two (2) spaces for a manager's quarters, plus one (1) space for every 1000 square feet of gross building area for general public parking. If hotel provides meeting room accommodations, parking as determined by Planning & Development Services Department shall be provided.
 6. Golf course, five (5) spaces per hole.
 7. Golf driving range, one (1) per tee.
 8. Miniature golf course, three (3) per hole.
 9. Movie theater, one (1) per two (2) seats.
 10. Pool and billiard parlors, three (3) per pool or billiard table, or one (1) per 100 square feet of building area.
 11. Shooting range or gun club, one (1) per member or one (1) per shooting station.
 12. Swimming pools, one (1) per 100 square feet of pool and deck area.
 13. Sports arena, one (1) per three seats.

14. Tennis club, health club, one (1) per 100 square feet of indoor recreational area, plus two (2) per tennis or racquet ball court.
 15. Video game arcades, one (1) per 100 square feet of gross building area.
- F. Office/Business:
1. Business facility or professional offices, one (1) per 250 square feet of gross building area.
 2. Financial institutions including banks, savings and loans, credit unions, etc., one (1) per 200 square feet of gross building area.
 3. Medical or dental office, veterinarian office, clinics, etc., one (1) per 200 square feet of gross building area.
- G. General retail sales.
1. General retail, one (1) per 250 square feet of gross building area.
 2. Furniture store, one (1) per 500 square feet of gross building area.
 3. Nursery, one (1) per 250 square feet of indoor display area and one (1) per 2000 square feet of outdoor sales area.
 4. Automobile sales, one (1) per 10,000 square feet of sales area plus one (1) per 250 square feet of office area.
 5. Heavy equipment, recreational vehicle truck sales, one (1) per 2500 square feet of sales area plus one per 250 square feet of office area.
 6. Restaurants, cafes, coffee shops, one (1) per 100 square feet of gross building area.
 7. Fast food restaurants, one (1) per 75 square feet of gross building area.
 8. Bars, taverns, cocktail lounges, one (1) per 75 square feet of gross building area.
- H. Service facilities.
1. Auto repair, tire sales, and service establishments, one (1) per 300 square feet of gross building area.
 2. Automobile service stations, one (1) per 300 square feet of gross building area.
 3. Barber and beauty shops, one (1) per 100 square feet of gross building area.
 4. Equipment rental facilities, one (1) per 1500 square feet of display and storage area, plus one (1) per 250 square feet of office area.
 5. Laundromat, self-service type, one (1) per three washing machine spaces.
 6. Mortuaries or funeral parlors, one (1) per three seats.
- I. Industrial uses:
1. Manufacturing or the assembly facilities, one (1) per 500 square feet of gross floor area and one (1) per 250 square feet of gross office area.
 2. Contractor's storage yards, one (1) per 3000 square feet of lot area.

3. Warehouse or wholesale distribution facilities, one (1) per 1000 square feet of storage area, plus one (1) per 250 square feet of office area.

J. Institutional uses:

1. Cemetery, one (1) per three seats in the chapel, plus one (1) per 250 square feet of office area, plus two (2) per 5 acres.
2. Church, one (1) per three seats affixed, or one (1) per 50 square feet of gross building area.
3. Auditorium, one (1) per two seats.
4. Convalescent hospitals are sanitariums, one (1) per 5 patient beds.
5. Hospitals, one (1) per two patient beds.

K. Educational and institutional schools.

1. Pre-schools, one (1) per six students for which the facility is licensed, plus one (1) per employee, plus three (3) additional spaces.
2. Elementary and junior high schools, one (1) per employee, plus one (1) per ten (10) students.
3. High school, one (1) per employee, plus one (1) per ten (10) students.
4. College, business schools, trade schools, one (1) per employee plus one (1) per two (2) students.
5. Child care center, one (1) per six (6) children, which the facility is licensed, plus one (1) per employee, plus two (2) additional spaces.

§ 90402.02 CALCULATIONS

If the calculation of parking needs results in the requirement for a fraction of a parking space, in excess of .45 an additional space is required. (Does not apply to **§90402.01 A**)

§ 90402.03 FLOOR AREA

Floor area shall mean gross floor area unless specified otherwise within this Title.

§ 90402.04 UNLISTED USE

Where a proposed use is not listed within this Chapter, the Planning & Development Services Department shall determine the parking needs based on the list of uses, which most nearly resemble the proposed use. The Department may use national or state standards or guidelines for determining parking needs.

§ 90402.05 SEATING CALCULATION

Where parking requirements are based on the number of seats, eighteen inches (18") per pew or bench seating shall be equivalent to one seat.

§ 90402.06 SEATING WHERE NO FIXED SEATING IS PROVIDED

Seven (7) square feet of floor area shall be equivalent of one seat for concentrated use. Fifteen-(15) square feet floor area shall be equivalent of one seat for non-concentrated use. The calculation is per the California Building Code.

§ 90402.07 PARKING SPACE DIMENSIONS

All parking spaces shall be a minimum of nine feet (9') in width and twenty feet (20') in length. Handicapped automobile parking spaces shall comply with the requirements of Chapter 2-71, Title 24, California Code of Regulations.

§ 90402.08 COMPACT CAR PARKING

Up to ten percent (10%) of the spaces required for a facility (provided that the facility has more than ten (10) spaces), may be designated for compact cars. Compact car size spaces shall not be less than eight feet (8') in width and eighteen feet (18') in length.

§ 90402.09 HANDICAPPED PARKING

All handicapped parking spaces and access areas between handicapped parking spaces and primary entrances of associated buildings or facilities shall be surfaced in a manner to facilitate wheel chair use.

§ 90402.10 OFF-STREET LOADING SPACE

In addition to any automobile parking required by this Chapter, for every building or facility occupied by a manufacturing, storage, warehouse, wholesale, retail store, market, passenger terminal, theater, hotel/motel restaurant, hospital, laundry, dry cleaning plant or other similar use, requiring receipt of or the distribution of vehicle or merchandise, adequate space for loading and unloading shall be provided and maintained on the same lot. Where a facility requires large vehicle (semi truck/trailer) deliveries, designated loading and unloading provisions shall be made and reviewed and approved by the Department of Public Works.

§ 90402.11 LOCATION OF PARKING

A. Residential

1. Required residential off-street parking space(s) shall be located on the premises that they are intended to serve.
2. Parking shall not be located within the front yard setback area. (Accessory Dwelling Units are exempt. These spaces may be provided as tandem parking on an existing driveway. Off-street parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction.)
3. Required spaces shall not be eliminated unless alternate spaces are provided.

B. Non-Residential

1. Off-street parking for other than residential uses shall be located on the same premise as the use it is intended to serve or within 300 feet thereof. Where required parking is provided on a site other than on the principle use site, the other site shall likewise be owned by the same property owner and said owner shall file an agreement with the County of Imperial (Planning & Development Services Department) to provide for the maintenance of the parking facility as long as the associated principle use is maintained. Said agreement shall be recorded against said property. In the event that the adjoining property is owned by other than the principle owner, for which the parking is required, an agreement by the owner of record of said parcel shall be filed with the Planning Department, and be recorded designating the lot as a parking facility for the adjacent use for as long as the associated use is maintained.

§ 90402.12 JOINT USE PARKING AREAS

If a parking area accommodates more than one use, off-street parking shall be provided in an amount equal to the total number of spaces required for the separate uses in accordance with this Chapter.

§ 90402.13 PARKING AREA DESIGN AND DEVELOPMENT STANDARDS

Off-street parking areas required to be provided by this Chapter shall be designed and developed in accordance with the following standards:

- A. All off-street parking areas, as well as, ingress and egress areas to parking areas shall be surfaced with the following materials.

For all multi-family residential, recreational, entertainment, and tourist facilities, commercial, industrial, and institutional and other high-density uses, parking areas shall be surfaced with one of the following materials, on top of a properly prepared base.

- 1. Three inches (3") of asphaltic concrete
 - 2. Three and one-half inches (3 1/2") of Portland cement concrete.
- B. For all other uses, except as specified above, the parking area shall be surfaced with one of the following materials.
 - 1. Three inches (3") of bituminous road mix
 - 2. Three inches (3") of asphaltic concrete
 - 3. Three and one-half inches (3 1/2") of Portland cement concrete.
 - 4. Three inches (3") of decomposed granite
 - 5. Three inches (3") of gravel.
 - C. A private drive-way or parking area serving a single family residential dwelling is exempt from the paving requirements specified within this section, and provided further that it is not a requirement of another agency, such as Air Pollution Control District or by Public Works.
 - D. In the case of uses subject to discretionary approvals, the required parking spaces shall be surfaced with materials and to the standards specified in accordance with the conditions of approval, notwithstanding this Chapter.
 - E. All parking spaces shall be clearly marked and/or striped.
 - F. Parking aisles shall comply with the following minimum standards.

<u>Arrangement</u>	<u>Minimum Aisle Width</u>
30 Degrees Single Row	12 feet
45 Degrees Single or Multiple Row	15 feet
60 Degrees Single or Multiple Row	20 feet
90 Degrees Single or Multiple Row	25 feet

- G. Off-street parking facilities shall be designed so that each space can function independently of any other parking space. Tandem parking may be allowed in residential zones only when a minimum of 3 off street parking spaces are provided.
- H. Private driveways for residential development on same lot shall be a minimum of fourteen feet (14') in width, with fifteen feet (15') of unobstructed vertical clearance. Driveways for commercial and industrial development shall be a minimum of twenty feet (20') in width with a minimum of eighteen feet (18') unobstructed vertical clearance. These requirements may be reduced by the mutual approval of the Planning Director and the Director of Public Works.
- I. No parking space shall be designed to require backing into a street or right-of-way.
- J. In no case shall any parking intended to meet off-street parking requirement be located within an existing right-of-way, proposed secondary or major highway or within an adopted official or specific plan line, setback area or lot line.
- K. All parking lots shall meet landscaping requirements in Division 3.

- L. Lights used to illuminate parking areas shall be directed away from any adjacent properties and streets.
- M. Design and Development Standards for EV Charging Spaces
 - 1. Residential Standards
 - a. SFD/Duplex
 - i. EVCS spaces shall be protected adequately to prevent damage by automobiles and weather; EVCS shall be designed to be tamper-resistant for children, vandalism and theft of electricity.
 - ii. EVCS spaces shall, at all times, include a complete set of instructions and warning signs posted.
 - b. MF Dwelling
 - i. At least one (1) EVCS space shall be located in a common use area that may be accessed by any and all residents.
 - ii. Any EVCS space provided shall be located adjacent to an accessible parking space or shall be located on an accessible route to the building, in accordance with State requirements.
 - iii. At a minimum, EVCS spaces dimensions shall be 18 feet in length by 9 feet width (18'L x 9'W minimum).
 - iv. At a minimum, one (1) 8-foot wide aisle shall be provided for every 25 EVCS spaces—with no less than 1 aisle provided.
 - v. The surface slope for all EVCS spaces shall not exceed 1 unit (vertical) in 48 units (horizontal).
 - 2. Nonresidential Standards:
 - a. EVCS shall be in an easily seen location for informational and security purposes.
 - b. EVCS shall be illuminated during evening business hours.
 - c. EVCS shall be located in highly desirable and convenient parking locations to encourage the use of EV.
 - d. EVCS shall be protected adequately to prevent automobile damage, vandalism, and weather.
 - e. EVCS shall, at all times, include a complete set of instructions and warning signs posted.
 - f. There shall be at least one (1) non-illuminated sign for each cluster of EVCS.
 - g. Private EVCS shall be located in a manner not to allow public access to EVCS.

§ 90402.14 OFF-STREET PARKING PLAN REVIEW

No use shall be established or changed and no development shall occur or be expanded and no building or grading permit or business license for any use or development shall be issued until an application with a plot plan review has been submitted and approved by the Planning Department.

§ 90402.15 APPLICATION REVIEW AND APPROVAL

Where discretionary or ministerial approval is required for the use or uses for which parking is being provided the off-street parking plot plan application shall be reviewed and approved or denied in conjunction with that discretionary or ministerial approval process.

No plot plan application shall be required for lots containing only one single-family dwelling.

§ 90402.16 ILLUSTRATIONS

The following drawings are intended as illustrations to further explain the intent of this chapter.

(FOR FUTURE USE)

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ILLUSTRATIONS

(FOR FUTURE USE)

ILLUSTRATIONS

(FOR FUTURE USE)

TITLE 9

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

CHAPTER 3: FENCE

§ 90403.00	PURPOSE
§ 90403.01	APPLICATION
§ 90403.02	PROHIBITED MATERIALS
§ 90403.03	LOCATION
§ 90403.04	CONSTRUCTION STANDARDS
§ 90403.05	PERMITS
§ 90403.06	HEIGHT LIMITS

§ 90403.00 PURPOSE

The purpose of this chapter is to provide standards and promote safety by requiring provisions for adequate and well-designed fence and garden walls.

§ 90403.01 APPLICATION

All fence and other land use separation walls or devices shall meet the regulations established by this chapter.

EXCEPTION:

The following shall not be required to obtain permits:

- A. Animal containment corrals in approved feed yards.
- B. Animal containment field fencing (temporary).
- C. Temporary security fencing for construction sites.
- D. Emergency or security fencing.
- E. Wood, stucco, wrought iron or chain link fencing less than 6' in height in any zone.

§ 90403.02 PROHIBITED MATERIALS

- A. Fences shall be constructed of approved "fencing" or construction materials. Materials such as tires, cans, broken glass, used car components, vehicles or other similar products are not allowed.
- B. Barbed, or razor edge wire is prohibited in all residential zones, or on property abutting residential zones.
- C. Electrified fences are prohibited in all zones except for use in animal containment in the "A" Zones, or security fencing in Federal, State or County institutions.

§ 90403.03 LOCATION

All fences shall be located on or within the property lines of the applicant's property. Fences on property line may be allowed if a mutual agreement by or between adjacent property owner is recorded at the County Recorder's Office. Absent an agreement between owners, the fence shall set back from property line by a minimum of 2 inches.

§ 90403.04 CONSTRUCTION STANDARDS

- A. All fences shall meet Code or accepted fence construction standards.

§ 90403.05 PERMITS

A construction permit for the placement of a fence is required for the following:

- A. Retaining walls that are over one (1) feet (914.4 mm) in height measured from natural grade to the top of the wall, or retaining walls that are supporting a sur-charge or impounding Class I, II or IIIA liquids, regardless of the height.
- B. All masonry fences in all zones that are more than four (4) feet in height, including masonry pilasters with solid grouted cells or concrete columns for wall reinforcement or support of chain link, wrought iron, etc. The construction shall follow specifications from the 2019 California Building Code adopted by the County of Imperial, and the construction shall be designed by a registered professional civil engineer or architect, licensed in the State of California. Plans, calculations and a soils report may be required.

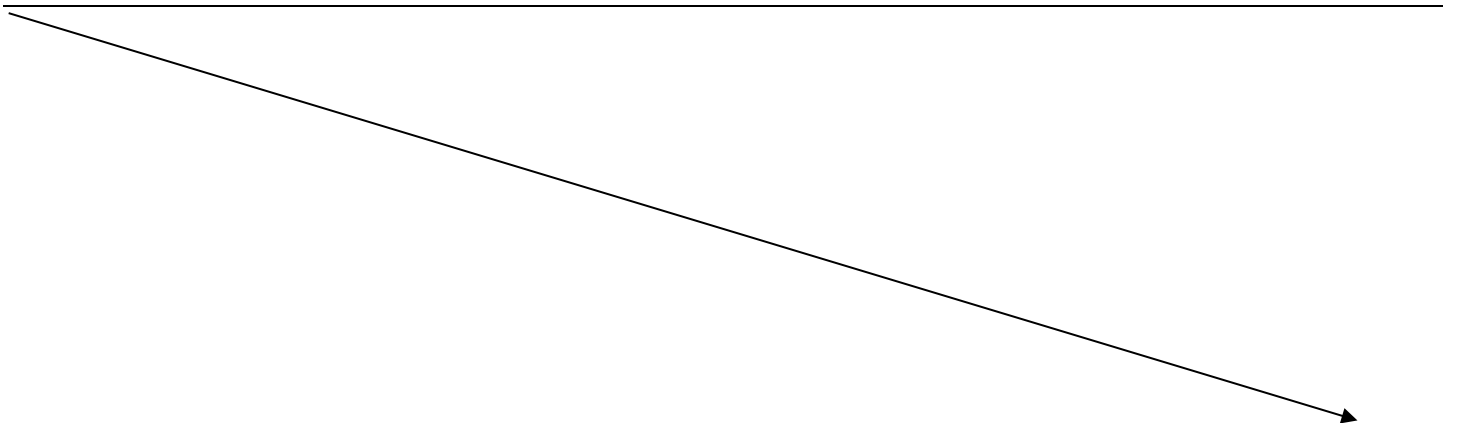
However, even though masonry walls four (4) feet or less in height are exempt from a building permit, the construction must still comply with the minimum requirements contained in the masonry fences handout, available at the Planning & Development Services Department's Building Division, and a compliance inspection for foundation, reinforcement and final must be requested.

- C. All other fences (e.g., wood, chain-link, wrought iron, etc.) in all zones that are more than eighty-four inches (84") in height.
- D. All razor edge, or barbwire in any authorized location except where used as animal containment or in State or Federal or County approved facilities.

§ 90403.06 HEIGHT LIMIT

- A. Within any "R" Zone, or "A" Zone with primary residential use or characteristics of a residential enclave, fencing located within the required front yard setback area shall not exceed thirty (30) inches in height if obscure, or forty-eight (48) inches if translucent. Decorative ornaments up to twelve (12) inches and not exceeding the width of post will be allowed above the heights shown above in 90403.05.
- B. Within any zone on a corner parcel, the fencing if installed shall not obstruct or hinder the line of sight for traffic conditions; and shall not exceed thirty (30) inches in height.

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TITLE 9

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

CHAPTER 4: HOME OCCUPATIONS

§ 90404.00	PURPOSE/APPLICATION
§ 90404.01	PERMITTED HOME OCCUPATIONS
§ 90404.02	HOME OCCUPATIONS PROHIBITED
§ 90404.03	MINIMUM STANDARDS
§ 90404.04	HOME OCCUPATION PERMIT REQUIRED
§ 90404.05	HOME OCCUPATION PERMIT APPLICATION
§ 90404.06	REVIEW AND APPROVAL
§ 90404.07	NOTIFICATION
§ 90404.08	CONDITIONS
§ 90404.09	PERMIT REVOCATION MODIFICATION
§ 90404.10	APPEAL

§ 90404.00 PURPOSE/APPLICATION

The purpose of this Chapter is to establish standards for home occupations. In general, a home occupation is a residential accessory use, so located and conducted or operated that the average neighbor under normal circumstances would not be aware of its existence. The standards for home occupations in this Chapter are intended to insure compatibility where other permitted uses and most certainly with residential character of the neighborhood.

§ 90404.01 PERMITTED HOME OCCUPATIONS

Home occupations are single person (home occupant and not employee) uses that may include but are not necessarily limited to the following.

- A. Artist, sculptor, photographic studio.
- B. Architect, engineer, or other one person professional service.
- C. Author or composer.
- D. Cottage food operation (Section 114365: California Health & Safety Code)
- E. Dressmaker, seamstress or tailor.
- F. Home crafts such as model making, rug weaving, or lapidary work.
- G. Office of a minister, rabbi or a priest.
- H. Office of a salesman, sales representative, or manufacturer's representative, provided no retail or wholesale transactions are made on the premises.
- I. Office of an architect, artist, broker, consultant, engineer, instructor in the arts and crafts, insurance agent, land surveyor, musician, bookkeeper, accountant, typist, notary public, or private investigator, provided no on-site sales, limited consulting, visitation, by the public occur.
- J. Telephone answering service, (not telemarketing services).
- K. Saw sharpening service.
- L. Key and locksmith service.

§ 90404.02 HOME OCCUPATIONS PROHIBITED

Permitted home occupations do not and shall not be deemed to include any of the following or similar uses:

- A. Antique shop (repair or sales).
- B. Appliance repair.
- C. Barber or beauty shop.
- D. Cabinet making or woodworking
- E. Car repair or small engine repair.
- F. Day care, school or pre-school.
- G. Funeral chapel or funeral home.
- H. Gift shop.
- I. Medical or dental clinic, hospital.
- J. Renting of trailers, autos, trucks or motorcycles.
- K. Restaurant.
- L. Stable or kennel.
- M. Veterinary clinic or hospital.
- N. No cannabis manufacturing shall be allowed as a Home Occupation including, but not limited to, Cottage Food Operation and In-home Retail Sales.

§ 90404.03 MINIMUM STANDARDS

Home occupations shall comply with all of the following standards:

- A. The home occupation shall be conducted solely by the occupant of the residence.
- B. The home occupation shall be conducted entirely within the primary or approved secondary structure.
- C. Not more than twenty percent (20%) of the gross floor area of any residence shall be used for such purpose.
- D. A detached accessory building may be used for a home occupation activity if approved by the Planning Director.
- E. No use shall require external alterations or involve construction features or the use of electrical or mechanical equipment that would change the fire rating of the structure or the structural integrity of the structure.
- F. There shall be no outside storage of any kind relating to the home occupation.
- G. The home occupation shall be a business that can and shall be conducted by appointment only.
- H. The home occupation shall not require the services of commercial freight deliveries other than normal postal type services.
- I. No home occupations shall create noise, dust, vibrations, smells, smoke, glare, electrical interference, fire hazard, or any other hazards or nuisance to any greater or frequent extent than that usually experienced by the average residential occupancy.
- J. There shall be no sales of products or merchandise on the premises.
- K. There shall be no sign permitted on the site indicating the service provided.

§ 90404.04 HOME OCCUPATION PERMIT REQUIRED

No home occupation shall be recognized or established until an application for a home occupation permit has been submitted and approved by the Planning Director.

§ 90404.05 HOME OCCUPATION PERMIT APPLICATION

An application for home occupation permit shall include the following:

- A. Name and address of the applicant.
- B. Name and address of the property owner(s).
- C. Assessor's Parcel Number.
- D. Description of the home occupation including:
 - 1. Trade name of business.
 - 2. Resale number, if any.
 - 3. Detail description of the proposed occupation.
 - 4. Tools, machinery, equipment required or to be used in the process of the home occupation.
 - 5. Other information determined necessary by the Planning Director.
- E. Fees for Home Occupation permit, please refer to Land Use Process Fee Schedule (Section 90901.03, "Project Not Specified")

§ 90404.06 REVIEW AND APPROVAL

The home occupation permit application shall be reviewed and approved or denied by the Planning Director, under the following procedures:

- A. Upon receipt of an application, the Director shall within 10 days determine if the application is complete or incomplete.
- B. Upon determining the application to be complete, and within 5 days thereafter, the Planning & Development Services Department shall send direct mail notice per Section 90404.07.
- C. If at the end of the 10-day notice period, opposition is received, the Director shall schedule a public administrative hearing and reach a determination.
- D. If at the end of the 10 day notice period, no opposition (written or verbal) has been received, the Director shall reach a determination without notice or hearing.

§ 90404.07 NOTIFICATION

No home occupation permit shall be issued until notice of pending permit has been issued to all property owners within 500 feet of subject property for a period of ten (10) calendar days.

§ 90404.08 CONDITIONS

The Director and/or the Commission may impose reasonable standards or conditions upon an approved permit, including but not limited to the following:

- A. Time limit
- B. Hours of operation
- C. Advertising restrictions
- D. Annual compliance review/report
- E. Surety, Insurance and bonds
- F. On-site area restriction

§ 90404.09 PERMIT REVOCATION MODIFICATION

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

§ 90404.10 APPEAL

An appeal of Director's decision under Section 90404.06(d) may be filed within 10 days of said decision. Said appeal must be in writing, stating the reasons for the appeal, and must include requisite fees. The Director shall schedule the appeal for the Planning Commission for which notice can be adequately provided. No appeal from the Planning Commissions determination shall be allowed.

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TITLE 9

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

CHAPTER 5: ACCESSORY DWELLING UNITS

§ 90405.00	PURPOSE
§ 90405.01	DEFINITION
§ 90405.02	CONDITIONAL USE PERMIT (REQUIRED)
§ 90405.03	ACCESSORY DWELLING UNITS
§ 90405.04	GENERAL PLAN CONSISTENCY
§ 90405.05	INFRASTRUCTURE/ SERVICE CAPACITY
§ 90405.06	STANDARDS (GENERAL)
§ 90405.07	STANDARDS (MINIMUM)
§ 90405.08	OWNER'S AFFIDAVIT
§ 90405.09	REVIEW AND APPROVAL PROCEDURE
§ 90405.10	LAND USE REVIEW FOR R-1 AND R-2 ZONED PROPERTY (NON CUP)
§ 90405.11	JUNIOR ACCESSORY DWELLING UNITS

§ 90405.00 PURPOSE

The purpose and intent of this Chapter is to provide by ordinance for the creation of 2nd units in single-family and multifamily residential zones, as specified. Allowing accessory dwelling units within these zones provides additional rental housing stock, and which are an essential component of the housing supply in California. Law authorizes the ordinance for the creation of accessory units to include specified provisions regarding areas where Accessory Dwelling Units may be located, standards, including the imposition of parking standards, and lot density.

§ 90405.01 DEFINITIONS

A. Accessory Dwelling Unit: means an attached or detached 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. An accessory dwelling unit also includes the following:

1. An efficiency dwelling unit as defined in Division 14 Section 91401.04
2. A manufactured home as defined in Division 14 Section 91401.12;
3. Tiny homes as defined in Division 14 Section 91401.19, as long as it complies with the Building Code.

B. Living Area: means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

C. Local Agency: means city, county or city and county whether general law or chartered (for the purpose of this section).

D. Junior Accessory Dwelling Unit: A unit that is no more than 500 square feet in size and contained entirely within an existing single-family structure. junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

E. Passageway: means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

§ 90405.02 CONDITIONAL USE PERMIT (REQUIRED)

The provisions of this Chapter shall be applicable to zones where residences are not the primary use, A-2, A-3, S-1 & S-2.

This Chapter does not preempt the use in any zone nor does it provide a guarantee that an Accessory Dwelling Unit (ADU) will be granted, it only provides the standards if an ADU is to be approved.

For non-residential zones C-2, C-3, M-1, M-2 AM-1 & AM-2 care takers residence, owners residence, security guard residence and managers quarters shall constitute be an Accessory Dwelling Unit to a primary use.

Exception: Notwithstanding the above, a CUP is not required for "R-1" Low Density Residential Lots, and "R-2" Medium Density Residential Lots.

§ 90405.03 ACCESSORY DWELLING UNITS:

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

- A. The unit shall not be intended for sale separate from the primary residence and may be rented.
- B. The lot is zoned for single-family (R-1) or multifamily (R-2) use and contains an existing, single-family dwelling.
- C. The existing accessory dwelling unit is either attached to the existing dwelling or located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.
- D. The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square ft.
- E. The total area of floor space for the detached accessory dwelling unit shall not exceed 1,200 square feet.
- F. No passageway shall be constructed in conjunction with the construction of an accessory dwelling unit.
- G. No setback shall be required for an existing garage that is converted to an accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.
- H. Local building code requirements that apply to detached dwellings, as appropriate.
- I. Approval by the local health officer where a private sewage disposal system is being used, if required.

§ 90405.04 GENERAL PLAN CONSISTENCY

An Accessory Dwelling Unit may only be allowed in a specific zone if it can be found consistent with the provisions of the General Plan.

§ 90405.05 INFRASTRUCTURE/SERVICE CAPACITY

An Accessory Dwelling Unit shall only be allowed in a specific zone if the County finds that the required public services can be provided efficiently, effectively and safely, and further creates no adverse effect on capacity of services such as water, sewer, police and/or fire protection. The County's review of such an application shall be based on cumulative considerations.

§ 90405.06 STANDARDS (GENERAL)

For R-1 and R-2 Zoned Accessory Dwelling Units may only be established until an acceptable building permit application and site plan have been submitted to, and approved by County Planning & Development Services Department, as well as meeting the following development standards:

- A. meets or can meet all required setbacks for that zone
- B. provides or can provide required parking for combined total primary and ADU structure
- C. meets or can meet separation requirement for fire and safety codes
- D. has legal and physical access to public streets
- E. has or will have potable water to ADU
- F. has or will have approved sewer system or is connected to public system
- G. has adequate accessibility for fire protection

§ 90405.07 STANDARDS (MINIMUM)

No Accessory Dwelling Unit (ADU) may be allowed unless it complies with the following minimum standards:

- A. The lot/parcel upon which a second residential unit may be placed shall be a minimum of 9,000 net square feet in the R-1 Zone and 20,000 net square feet in the A-1, A-2 or A-3 zones.
- B. The ADU shall not exceed the allowable density of the zone in which it is to be placed.
- C. The principal dwelling on the lot shall contain a minimum gross area of at least 1000 square feet.
- D. Only one (1) ADU may be allowed per legal parcel, regardless of the zone, or size of parcel.
- E. The total square footage of floor area for the second residential unit shall not exceed the 50 percent of the square footage of the primary residence.
- F. The ADU shall contain a separate kitchen and bathroom facilities and have a separate entrance.
- G. The ADU shall comply with all development standards of the Zone within which it is to be placed, including front, rear and side yard setbacks.
- H. Off street parking for the ADU shall be provided for the Zone within which it is to be placed.
- I. The ADU shall be constructed according to the provisions of the latest adopted edition of the California Building Code, or in case of manufactured home meet the requirements of the California Code of Regulations, Title 25 (CCR).
- J. The ADU shall be constructed in such a manner as to be compatible with the existing principal dwelling unit and neighborhood in terms of design, height, material and landscaping.
- K. The ADU shall comply with applicable health and safety standards of the County of Imperial, a State of California.
- L. A mobile home or a manufactured home shall be permitted under same terms and conditions as a conventional home. The placement of a manufactured home shall not be allowed to violate CCR requirements.

§ 90405.08 OWNER AFFIDAVIT:

In conjunction with a County application (ministerial and/or discretionary) the property owner(s) shall submit a signed affidavit that they currently reside on the subject property and will continue to do so after the second residential unit has been placed on the said property. The property owner(s) shall supply documented proof of residence on the property where the second residential unit is proposed to be located. Said documented proof could include such documents as a copy of a current utility bill or other document acceptable to the Planning & Development Services Department.

§ 90405.09 REVIEW AND APPROVAL PROCEDURE:

The property owner shall submit a completed County application (ministerial), and site plan applicable review fees. The site plan will include a parking plan and landscaping plan in accordance with Section 90302.00 and Section 90402.00.

Site Plan: Every Application for a land use permit shall include a detailed "site plan". The site plan shall include such information deemed necessary by the Planning & Development Services Department and at a minimum shall include the following:

1. All property boundary lines
2. All property boundary dimensions
3. All existing structures (below and above ground)
4. All proposed structures (below and above ground)
5. Distance from all structures to property lines and between structures
6. North orientation
7. Scale
8. Access from adjacent street/road
9. All utility locations, (i.e. electrical, plumbing)
10. Name and telephone number of person(s) preparing plan
11. Location of known hazard areas, if any
12. Assessor's Parcel Number
13. Public Use Easement, if any
14. Parking
15. Landscaping
16. Drainage

The site plan shall be drawn upon substantial paper (8½" x 11") using black ink, if 18" x 22" or larger paper plans must include at least one digital version of the plans. "Blue print", and one-piece xerox copies are acceptable. The Department shall reject any site plan that is incomplete, inaccurate, illegible or otherwise unacceptable.

§ 90405.10 LAND USE REVIEW

The Planning & Development Services Department will review the building permit (ministerial) application and site plan package to ensure consistency with the County General Plan and Land Use Ordinance. The department shall, within a maximum of thirty (30) days from receipt, determine whether an application is complete or incomplete.

- Any project application deemed complete shall be reviewed for compliance with the General Plan and Land Use Ordinance. If found to be inconsistent, the project will be rejected.
- Any project application deemed incomplete shall be returned to the applicant with a written letter for transmittal explaining the reasons of rejection.
- When a project application has been deemed complete and in compliance with the County General Plan and Land Use Ordinance, the project will be processed pursuant to the Sections 91001.00 through 91014.02 (building permits).

§ 90405.11 JUNIOR ACCESSORY DWELLING UNITS

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

A. There shall be no more than one dwelling unit per one residential lot zoned for single-family residences with a single family residential unit already built on it.

B. The single family dwelling shall be owner-occupied (owner may reside in either remaining portion of structure or the newly created junior accessory dwelling unit.) Owner- occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.

C. A deed restriction shall be recorded, which shall run with the land, shall be filed with the permitting agency, and shall include the following:

1. A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.
2. A restriction on the size and attributes of the junior accessory dwelling that conforms to this section.

D. A Junior accessory building must be constructed within the existing walls of the structure and require the inclusion of an existing bedroom.

E. Shall include a separate entrance from the main entrance to the structure, within an interior entry to the main living area. A permitted junior accessory dwelling may include a second interior doorway for sound attenuation.

F. Shall include an efficiency kitchen, which shall include all of the following:

1. A sink with a maximum waste line diameter of 1.5 inches.
2. A cooking facilities with appliances that do not require electrical service greater than 120 volts, or natural or propane gas.
3. A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

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

1. An application for a permit pursuant to this section shall, notwithstanding Sections 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, be considered ministerially, without discretionary review or a hearing. A permit shall be issued within 120 days of submission of an application for a permit pursuant to this section. A local agency may charge a fee to reimburse the local agency for costs incurred in connection with the issuance of a permit pursuant to this section.
2. For the purposes of any fire or life protection ordinance or regulation, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit. This section shall not be construed to prohibit a city, county, city and county, or other local public entity from adopting an ordinance or regulation relating to fire and life protection requirements within a single-family residence that contains a junior accessory dwelling unit so long as the ordinance or regulation applies uniformly to all single-family residences within the zone regardless of whether the single-family residence includes a junior accessory dwelling unit or not.
3. For the purposes of providing service for water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.
4. This section shall not be construed to prohibit a local agency from adopting an ordinance or regulation, related to parking or a service or a connection fee for water, sewer, or power, that applies to a single-family residence that contains a junior accessory dwelling unit, so long as that ordinance or regulation applies uniformly to all single-family residences regardless of whether the single-family residence includes a junior accessory dwelling unit.

TITLE 9

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

CHAPTER 6: CANNABIS & INDUSTRIAL HEMP OPERATIONS

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

§ 90406.00 PURPOSE

The purpose and intent of this Chapter is to incorporate, adopt, and regulate, where permitted, the State of California's Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) of 2017, including any amendments thereto.

§ 90406.01 INTERPRETATION AND APPLICABILITY

- A. Nothing in this Chapter is intended, nor shall it be construed, to burden any defense to criminal prosecution otherwise afforded by California Law.
- B. Nothing in the Chapter is intended, nor shall it be construed, to exempt any Cannabis or Industrial Hemp-related activity from any applicable local or state construction, environmental, electrical, plumbing, land use, labor or employment laws or any other building or land use standards or permitting requirements.
- C. Nothing in this Chapter is intended, nor shall it be construed, to make legal any Commercial Cannabis Activity that is otherwise prohibited or non-compliant under California law.
- D. All Commercial Cannabis and Industrial Hemp-related Activities within the unincorporated areas of Imperial County shall be subject to the provisions of this Chapter, regardless of whether the use existed or occurred prior to adoption of this Chapter.

§ 90406.02 DEFINITIONS

Unless otherwise specified herein, the terms used in this Chapter shall be used as defined in the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) and Title 14 of the Imperial County Codified Ordinances.

§ 90406.03 PERSONAL CULTIVATION STANDARDS

All Personal Cultivation of Cannabis shall be in accordance with MAUCRSA, California Health and Safety Code Division 10 Article 2 Section 11362.2, Title 14 of the Imperial County Codified Ordinances, and this section. Personal Cultivation of Cannabis shall be subject to the following additional restrictions:

- A. Personal Cultivation of Cannabis shall only be allowed in zones that provide for Residential Use as a primary use per Title 9 Division 5.
- B. All Personal Cultivation of Cannabis shall be conducted either inside a private residence, or within a fully enclosed and secured accessory structure located in the rear yard of a private residence that is not visible by normal unaided vision from a public place and does not exceed one hundred square feet (100 ft²).
- C. Personal growth of cannabis is limited to six plants per legal private residence.
- D. The growing area shall not impact areas that are required to satisfy parking requirement (i.e. garage) for the primary use of the lot.
- E. The maximum electrical panel for the Personal Cultivation area shall be fifty (50) amps. Except for temporary use in case of emergency power loss, the use of generators to supply power to any system or activity associated with Personal Cultivation is prohibited.
- F. Light systems used for Personal Cultivation shall not exceed two thousand (2,000) watts total, and shall be shielded, including adequate coverings on windows, so as to confine light and glare to the interior of the structure. Lighting systems shall conform to all applicable building and electrical codes.
- G. The Personal Cultivation area shall be equipped with odor control filtration and ventilation system(s) adequate to prevent odor, humidity, or mold problems on the premises and adjacent parcels.

§ 90406.04 COMMERCIAL CANNABIS ACTIVITY ZONING

Commercial Cannabis activities are permitted within the unincorporated areas of the County of Imperial, in accordance with the most current State and County Regulations and prescribed as follows:

- A. Cannabis Operations: All Forms (unless otherwise directed below)
Imperial County permits commercial cannabis: including Cultivation, Nursery, Manufacturing (including processing & storage), Distribution, Testing Laboratories, and Retail (adult-use and medicinal) with Delivery within the Gateway Industrial (GI) Zone of the Gateway of the America's Specific Plan Area, the Light Industrial (MLI1) Zone of the Mesquite Lake Specific Plan (for cultivation, microbusiness and retail only), and the Medium Industrial (MLI2) and Heavy Industrial (MLI3) Zones of the Mesquite Lake Specific Plan Area.

The cultivation of commercial cannabis (non-volatile materials) is also permitted within the Government/Special Public (G/S) Zone and the Imperial Center Commercial Zone (IC CZ) of the Imperial Center Specific Plan.

- B. Cannabis Operations: Retail with Delivery (Retail Sales Only)
Imperial County permits commercial cannabis: including, Retail with Delivery (adult-use and medicinal) within the Gateway Commercial (GC) and Gateway Central Commercial Overlay (GCCO) Zones of the Gateway of the America's Specific Plan Area, as well as the Light Industrial (MLI1), Medium Industrial (MLI2) and Heavy Industrial (MLI3) Zones of the Mesquite Lake Specific Plan Area and within the Imperial Center Commercial Zone (IC CZ) of the Imperial Center Specific Plan.

§ 90406.05 COMMERCIAL CANNABIS ZONING (Conditional Use Permit):

Commercial Cannabis activities are permitted with an approved Conditional Use Permit (CUP) within the unincorporated areas of the County of Imperial, in accordance with the most current State and County Regulations and prescribed as follows:

- A. Cannabis Operations: All Forms (unless otherwise directed below)
Imperial County permits with an approved Conditional Use Permit (CUP) commercial cannabis: including Cultivation, Nursery, Manufacturing (including processing & storage), Distribution, Testing Laboratories, Retail (adult-use and medicinal) with Delivery within the Light Industrial (M-1) and Medium Industrial (M-2) Zones of Imperial County, Gateway Industrial (GI), the Agricultural Related Light Industrial (AM-1) (Manufacturing only) and Agricultural Related Medium Industrial (AM-2) Zones (Manufacturing only). The manufacturing of commercial cannabis (volatile materials) is also permitted within the Government/Special Public (G/S) Zone with a CUP.
- B. Cannabis Operations: Retail with Delivery, Distribution and Testing
Imperial County permits with an approved Conditional Use Permit (CUP) commercial cannabis operations for Retail with Delivery, Distribution and Testing (adult-use and medicinal) within the General Commercial (C-2) Zone. Retail with Delivery is also allowed in the Heavy Commercial (C-3) Zones of Imperial County.

§ 90406.06 INDUSTRIAL HEMP ACTIVITY ZONING

Industrial Hemp activities are permitted within the unincorporated areas of the County of Imperial, in accordance with the most current State and County Regulations and prescribed as follows:

- A. Industrial Hemp Cultivation:
Imperial County permits Industrial Hemp: including, the cultivation, harvesting, and testing, and light processing within the General Agricultural (A-2) and Heavy Agricultural (A-3), Agricultural Related Light Industrial (AM-1) and Agricultural Related Medium Industrial (AM-2) Zones of Imperial County as well as Gateway Industrial (GI), Gateway Commercial (GC), Gateway Central Commercial Overlay (GCCO) Zones of the Gateway Specific Plan (on undeveloped areas that are currently being used for cultivation), the Medium Industrial (MLI2) and Heavy Industrial (MLI3) of the Mesquite Lake Specific Plan (on undeveloped areas that are currently being used for cultivation), and the Government/Special Public (G/S) Zone.
- B. Industrial Hemp Operations: Processing:
Imperial County permits the processing of Industrial Hemp into semi-finished and finished products within the Light Industrial (M-1) and Medium Industrial (M-2) Zones of Imperial County, Agricultural Related Light Industrial (AM-1) and Agricultural Related Medium Industrial (AM-2) Zones of Imperial County, the Medium Industrial (MLI2) and Heavy Industrial (MLI3) of the Mesquite Lake Specific Plan, as well as the Government/Special Public (G/S) Zone (non-volatile materials).

§ 90406.07 INDUSTRIAL HEMP ACTIVITY ZONING (Conditional Use Permit):

Industrial Hemp activities are permitted with an approved Conditional Use Permit (CUP) within the unincorporated areas of the County of Imperial, in accordance with the most current State and County Regulations and prescribed as follows:

- A. Industrial Hemp Operations with a Conditional Use Permit (CUP)
Imperial County permits the manufacturing of Industrial Hemp into semi-finished and finished products with an approved Conditional Use Permit (CUP) within the Heavy Agricultural (A-3) Zones, and within the Government/Special Public (G/S) Zone (for manufacturing with volatile materials).

SECTION 1: Chapters 1 through 20 (Sections 90501.00 through 90501.20) of Division 5 of Title 9 of the Codified Ordinance of the County of Imperial is hereby enacted rescinded.

SECTION 2: Chapters 1 through 20 (Sections 90501.00 through 90501.20) of Division 5 of Title 9 of the Codified Ordinance of the County of Imperial is hereby re-enacted to read as follows:

TITLE 9

DIVISION 5: ZONING AREAS ESTABLISHED

CHAPTER 1:	GENERAL PROVISIONS
CHAPTER 2:	R-1 (LOW DENSITY RESIDENTIAL ZONE)
CHAPTER 3:	R-2 (MEDIUM DENSITY RESIDENTIAL ZONE)
CHAPTER 4:	R-3 (MEDIUM-HIGH DENSITY RESIDENTIAL ZONE)
CHAPTER 5:	R-4 (MOBILE HOME PARK OR SUBDIVISION/HIGH DENSITY RESIDENTIAL ZONE)
CHAPTER 6:	A-C (CONDITIONAL AGRICULTURAL ZONE)
CHAPTER 7:	A-1 (LIMITED AGRICULTURE)(WITHIN URBAN BOUNDARIES ONLY)
CHAPTER 8:	A-2 (GENERAL AGRICULTURAL ZONE)
	A-2-R (GENERAL AGRICULTURAL/RURAL ZONE)
CHAPTER 9:	A-3 (HEAVY AGRICULTURAL)
CHAPTER 10:	AM-1 (AGRICULTURAL RELATED LIGHT INDUSTRIAL)
CHAPTER 11:	AM-2 (AGRICULTURAL RELATED MEDIUM INDUSTRIAL)
CHAPTER 12:	C-1 (LIGHT COMMERCIAL)
CHAPTER 13:	C-2 (MEDIUM COMMERCIAL)
CHAPTER 14:	C-3 (HEAVY COMMERCIAL)
CHAPTER 15:	M-1 (LIGHT INDUSTRIAL)
CHAPTER 16:	M-2 (MEDIUM INDUSTRIAL)
CHAPTER 17:	M-3 (HEAVY INDUSTRIAL)
CHAPTER 18:	S-1 (OPEN SPACE/RECREATION)
CHAPTER 19:	S-2 (OPEN SPACE/PRESERVATION)
CHAPTER 20:	G/S (GOVERNMENT/SPECIAL)

CHAPTER 1: GENERAL PROVISIONS

§ 90501.00	PURPOSE
§ 90501.01	SINGLE BASE ZONING AREA
§ 90501.02	ESTABLISHMENT OF BASE ZONE AREA
§ 90501.03	CREATION OF OVERLAY ZONES
§ 90501.04	ZONING MAPS
§ 90501.05	BOUNDARIES OF ZONES
§ 90501.06	REGULATIONS IN ZONES
§ 90501.07	ARCHITECTURAL DESIGN STANDARDS.
§ 90501.08	“U” ZONE (URBAN AREAS)

§ 90501.09	“PE” (PRE-EXISTING ALLOWED/RESTRICTED) ZONE
§ 90501.10	“H” ZONE, AIRPORT HEIGHT RESTRICTION
§ 90501.11	“MU” ZONE, MIXED USE ZONE
§ 90501.12	ACCESSORY BUILDINGS/STRUCTURES
§ 90501.13	ACCESSORY DWELLING UNIT
§ 90501.14	THROUGH LOTS
§ 90501.15	YARD ENROACHMENTS
§ 90501.16	SWIMMING POOLS
§ 90501.17	FIREWORKS
§ 90501.18	SPECIFIC PLANS
§ 90501.19	ELECTRIC VEHICLES CHARGING STATION REQUIREMENTS
§ 90501.20	UNLAWFUL ACCUMULATION OF WASTE

§ 90501.00 PURPOSE

In order to protect the public health, safety and welfare, to provide for orderly development, classify, regulate and where applicable segregate land uses and building uses; to regulate the height and size of buildings; to regulate the area of yards and other open spaces around buildings; to regulate the density of population, and to provide the economic and social advantages resulting from orderly planned land uses and resources. The following classes of use zones and their sub-zones are established as shown in Section 90501.02.

§ 90501.01 SINGLE BASE ZONING AREA

Every lot or parcel of land or portion thereof within the unincorporated areas of the County of Imperial shall be classified in only one of the base zoning areas established in this section.

EXCEPTION

Parcels greater than 40 acres in net area may be divided by zoning district boundaries (A-2/A-3 Traffic corridor). Parcels less than 40 acres net and currently divided by a zoning boundary shall have the larger of the current designation apply to the entire parcel. Where a zoning map shows two zones on the same parcel the parcel shall have the larger of the two zones applicable to the entire parcel regardless of the map depiction. Unless identified by a Community/ Urban or Specific Plan Area

§ 90501.02 ESTABLISHMENT OF BASE ZONE AREA

In order to classify, regulate, restrict, manage and segregate the use of lands and buildings; to regulate, manage and restrict the height, bulk and construction of buildings; to regulate the area of yards and other open spaces around buildings; and to regulate intensity of land use and uses and the density of population, the following base zoning areas are established.

1. Residential Areas
 - R-1 Low Density Residential Area [maximum density of one unit/lot]
 - R-2 Medium Density Residential Area (one to two units/lot)
 - R-3 Medium-High Density Residential Area (density of more than two attached units/lot)
 - R-4 Manufactured Home (Mobile Home Park) Areas/Subdivision
2. Agricultural Areas
 - A-1 Limited/light Agricultural Area [Rural Residential- allowed within Urban Areas only]
 - A-2 General Agricultural Area
 - A-3 Heavy Agricultural Area
 - A-A Conditional Agricultural Area
 - AM-1- Agricultural related Light Industrial
 - AM-2- Agricultural related Medium Industrial
3. Commercial Areas
 - C-1 Light Commercial Area [Neighborhood Commercial]
 - C-2 Medium Commercial Area [General Commercial]
 - C-3 Heavy Commercial Area
4. Industrial Areas

M-1 Light Industrial Area
M-2 Medium Industrial Area
M-3 Heavy Industrial Area

5. Open Space Areas
S-1 Open Space/Recreational
S-2 Open Space/Preservation
6. Government/Special Public Areas
G.S.- Government/Special Public

§ 90501.03 CREATION OF OVERLAY ZONING AREAS

In order to further refine, classify, regulate, restrict and segregate the use of land and buildings; to regulate and restrict the high bulk and construction of building; regulate the area of yards and other open space around buildings and to regulate intensity of land uses and the density of population the following overlay zoning area boundaries are established. New overlay district zones established will be subject to zone change approval for establishment.

1. L-(x) Lot Size Minimum (i.e. A-2-L-1 is A-2, Lot 1 acre minimum)
2. G- Geothermal Overlay
3. REG Renewable Energy / Geothermal Overlay
4. GH- Geological Hazard Area
5. FP- Flood Plain Hazard Area
6. H- Airport Approach Height Restriction
7. SH- Specific Hazard Restriction
8. MP- Multi-Purpose (Restricted)
9. PE- Pre-Existing Allowed/Restricted (i.e. C-2-PE)
10. U- Urban Areas (upon permit/development applicable Urban area regulations will be followed)
11. N- No Residential
12. SPA- Specific Plan Area
13. MU Mixed Use
14. C Conditional Zone Change

In addition to being classified in a base zoning area, a lot or parcel of land or a portion of land thereof maybe classified into one or more combination of overlay district established by this section.

§ 90501.04 ZONING MAPS

The boundaries of the zoning area established by this Title are not included within this chapter but are shown on official zoning maps maintained by and at the Imperial County Planning & Development Services Department. A small-scale version is in Division 25. The official zoning maps (on 11x17", or 18x24" or a 24"x36" format) and all notation, references, and other information shown there on shall be as much a part of this Title as if the matter and information said forth on such maps were fully described and contained herein. The original zoning maps and amendments thereto are contained in Section 92501.00 et seq. For public purposes, and due to increased computer capabilities only a copy signed by the Director, and "sealed" with the Planning Department's embossed stamp, shall be deemed the official zone map. Any copy of said maps without seal shall not be considered official or up to date.

§ 90501.05 BOUNDARIES OF ZONES

Where uncertainty exists as to the boundaries of any zone shown on said map, the following rules shall apply:

- A. Where such boundaries are indicated as "approximately" following street and alley lines or lot lines, such lines shall be construed to be such boundaries;
- B. In case any uncertainty exists, the Planning Commission shall determine the location of boundaries;

- C. Where any public street or alley is officially vacated or abandoned, the regulations applicable to abutting property shall apply to such vacated or abandoned street or alley;
- D. Where any private right-of-way or easement of any railroad; railway, canal, transportation or public utility company is vacated or abandoned, the regulations applicable to abutting property shall apply to such vacated or abandoned property.

§ 90501.06 REGULATIONS IN ZONES

The following regulations shall apply in the respective zones unless otherwise provided in this Division:

A. USES PERMITTED

Except as hereinafter provided:

1. No building, structure or manufactured home shall be erected or installed and no existing building or manufactured home shall be moved, altered, added to or enlarged, nor shall any land, building or premises be used, designed or intended to be used for any purpose or in any manner other than a use listed in this Division, or amendments thereto, as permitted in the respective zone in which such land, building or premises is located.
2. No use, existing upon the effective date of this Division, of any building, manufactured home, structure or land, shall be enlarged or altered as to the extent, area or manner provided for the zone in which the building, structure or land is located.
3. While a non-conforming use exists on any lot no other new use shall be permitted, even though such other use would otherwise be a conforming use, unless and until the non-conforming use is removed and/or the property owner agrees in a written agreement with County to abate within a specified period of time as determined by the Planning Director. This decision can be appealed to the Board of Supervisors.

B. BUILDING HEIGHT

Where a building height is given, this shall be the maximum building height except as hereinafter provided:

No building shall be erected nor any existing building be moved, reconstructed or structurally altered to exceed in height the limit established by this Division or amendments hereto, for the zone in which such building is located.

C. YARDS

Where a yard distance is given this shall be a minimum distance, except as hereinafter provided:

1. No building or mobile home shall be erected or installed nor shall any existing building or mobile home be moved, altered, enlarged or rebuilt, nor shall any open spaces surrounding any building be encroached upon or reduced in any manner except in conformity with the yard regulations established by this Division, or amendments thereto, for the zone in which such building is located.
2. No yard or other open space provided about any building for the purpose of complying with the regulations of this Division, or amendments thereto, shall be considered as providing a yard or open space for any other building or structure.
3. Where lots comprising forty (40) percent or more of the frontage on one side of a street between intersecting streets are developed with buildings having an average front yard with a variation of not more than ten (10) feet, no building hereafter erected or structurally altered shall project beyond the average front yard line so established. In determining such front yard depth, buildings located more than thirty-five (35) feet from the front yard property line or buildings facing a side street on a corner lot shall not be counted.

4. The front yard shall be measured from the front property line except that where there is an official plan line or a future street line the front yard shall be measured from said official plan line or future street line.

D. AREA REQUIREMENTS

Where the lot area per dwelling is given this shall be the minimum lot area per dwelling unit, provided, however, that when a lot has less area than herein required and was recorded at the time of the passage of this Title, said lot may be occupied by one dwelling unit.

E. LOT WIDTH

Where a lot width is given this shall be a minimum distance.

§ 90501.07 ARCHITECTURAL DESIGN STANDARDS

A. Architectural standards

In order that buildings, structures, signs, grounds and landscaping will be in harmony with other structures and improvements in the area and with the General Plan for the harmonious appearance of the area, and not of obnoxious, undesirable or unsightly appearance, the following items shall be considered in approving plans of proposed improvements in any Architectural Design zone.

1. The height, bulk and area of building
2. The setback distance from the property line
3. The color and material of the exterior of the structures
4. The type and pitch of roof
5. The size and spacing of windows, doors and other openings
6. The size, type and location of signs
7. Towers, chimneys, roof structures, flag poles, radio and television antennae
8. Plot plan, landscaping and automobile parking areas
9. The relationship of the existing buildings and structures in the general vicinity
10. Lighting of the building, signs and grounds
11. Size and shape of parcel.

B. Compliance

No building or structure shall be erected and no existing building or structure shall be moved, altered, painted, added to, or enlarged in the "D" Architectural Design zone without conforming to the provisions of this Section.

C. Procedure

1. Plans of the exterior architectural design and appearance of all buildings and structures
2. Plot plans
3. Advertising sign plans and parking area plans as well as building set-back plans shall be submitted to the Planning & Development Services Department for review and approval by the Planning Director or the Planning Commission, or its designated representatives.
 - a. In order that the proposed buildings, structures, signs and landscaping will be in harmony with other structures and improvements in the area and with the General Plan for the harmonious appearance of the area and not of obnoxious, undesirable or unsightly appearance.
 - b. In the event that it is determined that such proposed buildings or structures are not harmonious or are unsightly in appearance, the Planning Director or Planning Commission or its designated representative shall confer with the applicant in an endeavor to have the plans changed, so that the buildings or structures shall be harmonious and attractive in appearance. In the case where the applicant is not satisfied with the actions of the Planning Director, his/her decision may be appealed to the Planning Commission. In the

event that the applicant is not satisfied with the determination of the Planning Commission, the applicant may appeal the decision to the Board of Supervisors. Said Board of Supervisors shall hold a public hearing on said appeal and shall render its decision.

§ 90501.08 "U" ZONE (URBAN AREAS)

Land classified in the "U" zone shall also be classified in another zone. The "U" zone is therefore intended to be an Overlay zone to designate areas that are within an Urban area of an incorporated city or an Urban area as designated on the County's General Plan. With regard to Urban areas around incorporated cities, it is the intent of the County of Imperial to adhere to the standards, rules, regulations and ordinances of said Urban jurisdiction. To that end, the Board of Supervisors directs staff to work with their respective counterparts in the Urban area and to use to the extent feasible and possible the Urban area regulations in implementing any proposed land use action.

§ 90501.09 "PE" (PRE-EXISTING ALLOWED/RESTRICTED) ZONE

Land classified in the "PE" (Pre-Existing Allowed/Restricted) zone shall also be classified in another zone. The intent of the "PE" designation following the base use designation is to allow an existing base zoned use to continue with its current use, even though through the strict interpretation of the General Plan and Zoning Ordinances, such use is a Pre-Existing, non-conforming use. The intent is to allow the owner/operator of such an identified use to continue to operate such use, maintain and modify the structural facilities as required under the Health and Safety Codes to enlarge the facilities by no more than 30 percent of its current assessed value, and to replace such a facility should it be destroyed by fire, flood or act of God.

§ 90501.10 "H" ZONE, AIRPORT HEIGHT RESTRICTION

The following regulations shall apply in the "H" Airport Use Zone unless otherwise provided in this Division. Land shall be classified in this zone only upon application of the owners of such land. Property once placed in the "H" Airport Use Zone shall not be reclassified to another zone until one (1) year has elapsed from the date of a duly advertised public hearing pertaining to such proposed zoning.

A. USES PERMITTED

Airports and aircraft landing fields and all necessary accessory buildings, structures, and uses including aircraft runways, taxi strips, control towers, radio masts, storage and tie down areas, hangars and open spaces; and reasonably necessary facilities for air passengers, air freight, air mail and air express; and reasonably necessary facilities for demonstrating, testing and servicing of aircraft, and the feeding and housing of passengers and employees and the parking of their automobiles and all public utility facilities necessary for these uses.

B. COVENANTS

There shall be recorded in the Office of the County Recorder of Imperial County, a covenant by the owners of the property for the benefit of the County of Imperial to the effect that the property will be used only for the uses permitted in the "H" Airport Use Zone for a period of not less than ten (10) years from the date the property is placed in such "H" Airport Use Zone.

§ 90501.11 "MU" ZONE, MIXED USE ZONE

The mixed-use overlay zone is established to encourage a mixture of compatible and synergistic land uses such as residential with compatible non-residential uses including office, retail, personal services, public spaces and other community amenities.

A. ZONES ESTABLISHED

The Mixed Use Overlay Zone may be established within base zones C1 and C2 to provide development opportunities for integrated complementary residential and commercial development on the same parcel or a contiguous group of parcels. Singular, stand-alone uses are permitted when they foster an overall mixture of uses in the zone. A wide range of uses is permitted, and it is the intent of the overlay zone to foster a mixture of product types. Development solely as commercial or residential districts is strongly discouraged. Design and development standards for the mixed use overlay zone is directed toward encouraging pedestrian activity and ensuring that mixed commercial and residential uses are designed to be compatible both within the development and with other surrounding areas.

B. SITE PLAN REVIEW AND REQUIRED FINDINGS

New development in the Mixed Use overlay zone is subject to a Site Plan Review Permit in accordance with this Ordinance. Prior to submittal of a Site Plan Review Permit application, a pre-application conference with the Planning Division staff is encouraged.

§ 90501.12 ACCESSORY BUILDINGS/STRUCTURES

The following regulations shall apply to the location or development of any accessory building/structure, unless otherwise provided in this Division:

- A. No detached accessory buildings in the R-1, R-2, R-3 or R-4 zones may exceed three (3) stories, or thirty-five (35) feet in height.
- B. No detached accessory buildings in the R-1, R-2, R-3 or R-4 zones shall be located in front of or in the front yard of the primary use unless otherwise allowed herein.
- C. On a corner lot no detached accessory buildings in the R-1, R-2, R-3 or R-4 zones shall be located at a distance less than fifteen (15) feet from the side street line.
- D. No accessory buildings in the R-1, R-2, R-3 or R-4 zones, if more than one (1) story in height shall be located nearer than five (5) feet to any interior property line.
- E. No accessory buildings on the rear twenty five (25) feet of a reversed corner lot in the R-1, R-2, R-3 or R-4 zones shall be located nearer to the side lot line on the street side of such reversed corner lot than the front yard depth required on the key lot in the rear.
- F. A private garage of not to exceed one thousand (1000) square feet may be a part of the main building if the garage and the main building have a common wall of not less than five (5) feet in length, or if not more than six (6) feet from the main building and connected thereto by a roof of not less than five (5) feet in width. Such attached garage may extend into the required rear yard for a setback distance of not more than twenty (20) feet.

- 1. EXCEPTION: If an attached private garage is located outside of an Urban Area, as identified by the land use designation or a zoning overlay, the building/structure's area may exceed the above requirement (as indicated on the table below), which may require the approval of an Administrative Permit, processed according to Section(s) 90404.04-10, if:
 - a. The parcel/lot's zoning is A-2, A-3, S-1, and S-2.
 - b. The building/structure is not located in the front yard or front yard setback.
 - c. The building/structure meets the setbacks established for the primary use.
 - d. The square footage of the building/structure does not exceed a 2:1 (garage to house) ratio to the square footage of the house for structures 4,000 sq. ft. or greater.
 - e. The building/structure meets any and all wastewater and water well requirements regarding separation and sanitation.

Acres	Garage (maximum) Sq. Ft.	House (minimum) Sq. Ft.
<0.5	1,000	1,000
0.5<1	1,500	1,500
1<2	2,000	2,000
2<3	3,000	2,000
3<4	4,000*	2,000
4<5	5,000*	2,500
5<6	6,000*	3,000
6<7	7,000*	3,500
7+	8,000*	4,000

* Garages 4,000 SF and over not to exceed twice the SF of living space and requires an administrative permit.

- G. One (1) detached access building for use as a private garage or similar private use may be permitted to occupy the front yard, outside of the front and side yard setbacks, of an interior lot in the R-1, R-2, R-3 and R-4 zones, when the slope of the front half of such lot is greater than two (2) foot rise or fall in the horizontal distance of four (4) feet from the established street elevation at the front property line, provided that no such building shall exceed fifteen (15) feet in height.
- H. Swimming pools refer to Section 90501.16

§ 90501.13 ACCESSORY DWELLING UNIT

Notwithstanding any other provisions of this Division, where a lot in the R-1 zone has an area of nine thousand (9,000) square feet or more and with adequate provisions for ingress and egress, a building permit may be granted for the construction of an accessory dwelling unit and allowable accessory building, however the maximum site area coverage shall not be exceeded. Notwithstanding any other provisions of this Division, where a lot in the R-2 zone has an area of six thousand (6,000) square feet or more and with adequate provisions for ingress and egress, a building permit may be granted for the construction of an accessory dwelling unit and allowable accessory building, however, the minimum site area shall be four thousand five hundred (4,500) square feet of lot area per each family dwelling unit.

§ 90501.14 THROUGH LOTS

On through lots, either line separating such lot from a public thoroughfare may be designated by the owner as the front lot line. In such cases, the minimum rear yard shall be the average of the yards on lots next adjoining. If such lot next adjoining are undeveloped, the minimum rear yard shall conform to the front yard setback for the zone in which the property is located.

§ 90501.15 YARD ENCROACHMENTS

Where yards are required in this Title, they shall be not less in depth or width than the minimum dimension specified for any part, and they shall be at every point open and unobstructed from the ground upward, except as permitted by the following:

- A. Cornices, eaves, or other similar architectural features not providing additional floor space within the building may extend into a required front or side yard not to exceed two (2) feet.
- B. Open, unclosed, uncovered porches, platforms or landing places which do not extend above the level of the first floor of the building, may extend into any front or side yard setback not more than six (6) feet, provided, however, than an open work railing of not more than thirty (30) inches in height may be installed or constructed on any such porch, platform or landing place.
- C. Cornices, garages, eaves, gazebos, patios, and other canopied structures may occupy not more than fifty (50) percent of a rear yard.
- D. Detached accessory buildings may occupy side and rear yards except as otherwise provided in this Division.

§ 90501.16 SWIMMING POOLS

- A. Swimming pools may occupy rear or side yards if enough room design and setbacks is possible to maintain, but but not allowed in the front yard.
- B. The distance between the swimming pool and the property line shall be five (5) feet or equal to the depth of the pool; whichever is greater.
- C. The distance between the swimming pool and a weight bearing structure shall be at least equal to the depth of the pool or special engineering for the case is required according to one story or multi story building and swimming pool dimensions and depth.
- D. A minimum of five feet separation between the building wall and the pool wall is required in order to provide for safe walking surface and to avoid major demolition or modification to existing structures containing electrical systems or metal parts that would require compliance with equipotential bonding as required in California Electrical Code Art 280.026 A, B, C.

§ 90501.17 FIREWORKS

The storage and assembly of commercial and agricultural fireworks, black powder and explosives excluding military munitions and industrial explosives, in the A-2, A-2-R and A-3 Zones, with an approved Conditional Use Permit, for non-retail purposes. Proposal must meet the following criteria:

- A. Parcel must be at least five (5) acres or more in size.
- B. Project site must be located no less than one (1) mile from any school, hospital or other similar institution and any area zoned or planned for residential uses.
- C. All structures, facilities or equipment must be no less than 200 feet from any public road or structure used for human habitation.
- D. The entire perimeter of the site shall be secured and maintained with a fence no less than six (6) feet in height or other approved barrier(s).
- E. Project shall comply with all applicable County, State and/or Federal statutes or laws regulating such uses including the applicable California Fire Code and National Fire Protection Association standards.
- F. Project applicant must possess a valid State and/or Federal pyrotechnics license(s).

§ 90501.18 SPECIFIC PLANS

Specific Plans, such as Gateway and Mesquite Lake, may have zoning designations and development standards built into their Specific Plan document. These zoning designation development standards, and mitigation measures are explained in detail within the Specific Plan documents which are attached herein as “Exhibits” at the end of this “Title”. In the event that zoning and development standards are not specifically identified within a given Specific Plan, then this “Title” shall apply.

§ 90501.19 ELECTRIC VEHICLES CHARGING STATION REQUIREMENTS

1) Electric Vehicle (EV) Charging Space Calculation:

- a) Single Family Dwelling/Duplex: For each new dwelling unit, a dedicated 208/240-volt branch circuit shall be installed in the raceway required by California Green Building Standards Code, Section 4.106.4.1 to allow for future installation of Electric Vehicle Supply Equipment (EVSE) to provide Electric Vehicle Charge Station (EVCS) readiness. The branch circuit and associated overcurrent protective device shall be rated at 40 amperes minimum. Other electrical components, including receptacles or blank cover, related to requirement shall be installed in accordance with the California Electrical Code.
- b) Multifamily (MF) Dwellings, 3 to 16 units: 3% of the total number of provided parking spaces shall be EVCS capable of future installation of EVSE as required by California Green Building Standards Code, Section 4.106.4.2 to provide EVCS readiness. Calculations for the number of EV charging spaces shall be rounded up to the nearest whole number, and at no case shall the number of dedicated parking space(s) be less than 1.
- c) MF Dwellings, 17 or more units: 3% of the total number of provided parking spaces provided shall be EVCS capable of future installation of EVSE as required by California Green Building Standards Code, Section 4.106.4.2 to provide EVCS-readiness. In addition, at a minimum, 50% of the EVCS ready parking spaces shall have the necessary EVSE installed to provide an active EVCS for daily use; if 100% of the EVCS provided by the development are active for daily use, the number of required regular parking spaces may be reduced by 10%. Calculations for the number of EVCS spaces shall be rounded up to the nearest whole number, and at no case shall the number of active EVCS space(s) for daily use be less than 1.
- d) Where determined by the Imperial County Planning & Development Services Director, any nonresidential uses shall provide service capacity necessary and EVSE for 3% of the total provided parking spaces but at no case less than the requirements shown on Table in Subsection 90501.19 (f). In addition, at a minimum, 50% of the EVCS ready parking spaces shall have the necessary EVSE installed to provide an active EVCS for daily use; if 100% of the provided EVCS are active for daily use, the number of regular parking may be reduced by 10%. Calculations for the number of EVCS spaces shall be rounded up to the nearest whole number, and at no case shall the number of active EVCS for daily use space(s) be less than 1.

e) Table 90501.19 (e)

TOTAL NUMBER OF PARKING SPACES	NUMBER OF REQUIRED EV CHARGING SPACES
0-25	1
26-50	2
51-100	3
101 and over	3%*

*Calculations for spaces shall be rounded up to the nearest whole number.

- f) Residential Exception for unfeasible conditions: The Planning & Development Services Director may determine if any of the above requirements in Subsection a., b., c., and d. are not feasible based upon one or more of the following conditions:
- i. Where there is no commercial power supply;
 - ii. Where there is insufficient electrical supply that the utility is unable to provide;
 - iii. Where there is evidence substantiating that meeting the requirements will alter the local utility infrastructure design requirements on the utility side of the meter so as to increase the utility side cost to the homeowner or developer by more than \$400.00 per dwelling unit.
- 2) Any EV charging spaces provided in accordance to the Land Use Ordinance shall count towards meeting the minimum parking spaces required by Division 4, Chapter 2 (Parking).
 - 3) All EV charging spaces shall be provided in accordance to the California Green Standards and Electrical Codes.
 - 4) Future EV charging spaces shall qualify as low-emitting, fuel-efficient vehicle(s) and carpool vehicle(s) designated parking requirements, pursuant to Section 5.106.5.2 of the California Green Building Standards Code.
 - 5) The EV charging spaces shall be developed in accordance to Section 90402.13 (M) but in no case in violation of any State or Federal laws.

§ 90501.20 UNLAWFUL ACCUMULATION OF WASTE

Every person who causes or permits to be accumulated on private property any trash, rubbish, garbage, swill, cans, bottles, paper, ashes, refuse, which may support any verminous vectors of public health is guilty of a misdemeanor and/or infraction.

TITLE 9

DIVISION 5: ZONING AREAS ESTABLISHED

CHAPTER 2: R-1 (LOW DENSITY RESIDENTIAL ZONE)

- § 90502.00 PURPOSE AND APPLICATION
- § 90502.01 PERMITTED USES
- § 90502.02 USES PERMITTED BY CONDITIONAL USE PERMIT
- § 90502.03 PROHIBITED USES
- § 90502.04 MINIMUM LOT/PARCEL SIZE
- § 90502.05 MINIMUM LOT AREA/DWELLING UNIT
- § 90502.06 YARD AND SETBACKS
- § 90502.07 HEIGHT
- § 90502.08 MINIMUM DISTANCE BETWEEN STRUCTURES
- § 90502.09 PARKING
- § 90502.10 SIGNS
- § 90502.11 LANDSCAPING
- § 90502.12 YARD/PROPERTY MAINTENANCE
- § 90502.13 ANIMALS
- § 90502.14 GARAGE/YARD SALES

§ 90502.15	SPECIAL PROCEDURES/STANDARDS
§ 90502.16	FENCING

§ 90502.00 PURPOSE AND APPLICATION

The purpose of the LOW DENSITY RESIDENTIAL ZONE (R-1) is to designate areas that are and will be suitable for traditional smaller lot(s) with single family homes and related compatible or accessory uses. Typically the R-1 Zones are to be characterized by single family residential subdivisions. The maximum density for the R-1 Zone shall not exceed five (5) dwelling units per (net) acre, except that an increase for density bonus consideration, and/or an increase under Division 3, Chapter 1, may be considered. No new R-1 development shall be allowed unless full infrastructure, which at a minimum shall include sewer, water treatment and streets meeting County standards are provided.

§ 90502.01 PERMITTED USES IN THE R-1 ZONE

The following uses are permitted in the R-1 Zone provided they meet the requirements of this Title:

- a) Community related recreational facility owned publicly or by an association of area property owner(s).
- b) Community vegetable gardens
- c) Electrical Vehicles Charging Stations as an Accessory Use. (incidental to Primary Use)
- d) Elementary school (public, charter, private)
- e) Guest house, provided it does not contain a kitchen and has no independent utility connections
- f) High school (public)
- g) Home Occupation per Division 4, Chapter 4 of Title 9 Land Use Ordinance (Home Occupation Permit required)
- h) Junior high school (public)
- i) Large Family Daycare Home as defined by CA Health & Safety Code Section 1597.46
- j) One (1) Accessory dwelling unit or Junior accessory dwelling unit, subject to Division 4 Chapter 5 of Title 9 Land Use Ordinance
- k) One Mobile home; or one manufactured home; or one factory built home
- l) Public fire station/Police station
- m) Public parks/playgrounds with swimming areas
- n) Residential accessory structure(s) (including cargo containers provided they meet architectural standards as defined herein Division 14)
- o) Residential care facility serving five (5) or less.
- p) R.V. only as a temporary use during construction of the single family residence, and not to exceed one year total time and only with an active building permit, (reference 90405 et seq.)
- q) Single family dwelling [conventional/or manufactured]
- r) Small Family Daycare as defined by CA Health & Safety Code Section 1597.44 & 1597.45
- s) Solar energy extraction generation (on-site consumption only)

§ 90502.02 USES PERMITTED ONLY WITH A CONDITIONAL USE PERMIT

The following uses are permitted in the R-1 Zone provided they meet the requirements of this Title:

- a) Ambulance station
- b) Animals in excess of those allowed in Section 90502.13
- c) Church
- d) Club or Lodge
- e) Convalescent hospital
- f) Country Club
- g) Flood control facilities by a public entity
- h) Golf Course/ Driving Range
- i) Hospital
- j) Library
- k) Mortuary, mausoleum, cemetery
- l) Museum
- m) Pre-school (greater than 20 children)
- n) Pre-school (less than 20 children)
- o) Private non-profit service clubs or lodges (no alcoholic license)

- p) Radio, T.V., or commercial communication, transmitter, receiver, or translators
- q) Residential care facility serving more than 5 people
- r) Retirement Home
- s) Senior citizen complex
- t) Temporary real estate office/trailer connected with the sale of a given subdivision
- u) Tennis or swim club
- v) Utility substation or utility District conveyance control facility that routinely House employees

§ 90502.03 PROHIBITED USES

All other uses not specifically permitted by Section 90502.01 or 90502.02 are hereby strictly prohibited in the R-1 Zones.

§ 90502.04 MINIMUM LOT/PARCEL SIZE

Except as otherwise provided within this Title, no lot/parcel or portion thereof within the R-1 Zone shall contain less than 6000 sq. ft. net. Except as otherwise provided herein no lot/parcel shall have an access width of less than 50 foot net, to a public street, except for “cul-de-sac” lots which will have at least 33 feet of frontage as measured at right-of-way line. Lots created specifically for public purpose and continued public ownership may be less than 6000 square feet.

§ 90502.05 MINIMUM LOT AREA/DWELLING UNIT

Except as otherwise provided within this Title, there shall be no more than one (1) dwelling unit per legal parcel in the R-1 zone. In no case shall the density allowed exceed that specified in the General Plan, and/or 5 units per acre, (net) and/or 4500 square feet of land per unit.

§ 90502.06 YARDS AND SETBACKS

The following yard and setback requirements shall apply in the R-1 Zone:

- A. FRONT YARD. Except as otherwise provided, the front yard minimum setback for all buildings shall be as follows:
 - 1. Standard - 25 feet for existing lots unless the lot is less than 90 feet in depth in which case the setback is 20 feet. Furthermore, if a minimum of three (3) covered or enclosed off street parking spaces are provided behind the setback line a minimum of 20 feet may be allowed.
 - 2. Option 1 - 20 feet minimum (averaged) for new subdivisions provided the setback dimensions vary from an absolute minimum of 10 feet, provided further that any lot with a setback of 20 feet or less shall provide a minimum of three (3) covered or enclosed off street parking spaces, behind the setback line.
 - 3. Option 2 - 10 feet minimum on any new or existing lot where a minimum of three (3) off street parking spaces are located entirely within the rear yard, with access to a street or public (paved) alley (20' in width) from the rear yard, or with access to the street by means of a single driveway not less than 16 feet in width.

NOTE Designated or required on-site parking areas shall be accessible and usable at all times, shall be outside of the front and side yard setbacks and may not be eliminated or constructed upon in any way that would reduce the minimum number of spaces required. Once option 1 or 2 is allowed, no further variance from the parking requirement shall be granted.

- B. SIDE YARD. Except as otherwise provided, the side yard minimum setback for all buildings shall be as follows:
 - 1. There shall be a minimum five feet (5') on each side of an R-1 structure to property line except as follows:

2. On corner lots, the side yard facing a street shall have a 15 feet setback.
 3. On designated zero lot line R-1 structures, one side may be zero provided that the opposite side is ten feet (10') minimum, and provided further that the zero lot line portion of the structure meets California Building Code (CBC) fire protection standards. At a minimum, the zero lot line dividing wall shall be fire rated for at least 2 hours and provide a noise attenuation to less than 40 db.
- C. REAR YARD. Except as otherwise provided, the rear yard minimum setback for all buildings shall be as follows:
1. 25 feet minimum for all primary structures on lots that do not have an alley. Structures attached to the primary structure that are open on at least three sides, such as open patios may be allowed to encroach into the rear yard setback by 10 feet (maximum) provided they remain open at all times. Converting such patios shall then be strictly prohibited.
 2. 20 feet minimum for all primary structures on lots that do not have an alley. Provided that a patio open on at least two sides is incorporated into the primary structure's building "footprint," and that does not encroach into the rear yard setback. Provided further that said patio is a minimum of 10 feet by 10 feet in size.
 3. 10 feet minimum for all primary structures on lots that have a minimum alley of 20 feet width. Provided that a patio open on at least two sides is incorporated into the primary structure's building "footprint," and that does not encroach into the rear yard setback. Provided further that said patio is a minimum of 10 feet by 10 feet in size.
 4. 5 feet for detached accessory structures for lots that do not have an alley.
 5. 0 feet for detached accessory structures that abut an alley of 20 feet minimum in width, provided the wall facing the alley meet minimum California Building Code fire protection standards.

NOTE: Any such structure found to have been converted or restored to its previous use without County approval (permits) shall not be allowed and shall be ordered to be removed by the Building Official if and when found to have been enclosed or converted.

D. INNOVATIVE OPTION (A)

Where the design for all off-street parking in an R-1 area is entirely within the back yard, and no driveway from the front yard, as well as no on-street parking is allowed, the front setbacks may vary from a minimum of 5 feet and the side yard setbacks may be 0 feet on one side (protected to CBC minimum or two hour minimum fire resistance) with 5 feet on the opposite side and the rear yard shall be a minimum of 15 feet to the primary structure, accessory structures shall be the standard setback options under A., B. and C.

E. INNOVATIVE OPTION (B)

In new subdivisions where the developer submits concurrent with the subdivision application a "site plan review" that clearly shows all lots, their layout, their infrastructure, and the landscaping, as well as, parking and where said subdivision provides for bicycle paths, or walking paths mixed with public open space areas, including parks, playgrounds, community facilities, and/or other INNOVATIVE concepts that support a community atmosphere, the following allowances may be considered during the site review process, and subsequently approved for the subdivision.

1. Lot size reduction to 5,000 square feet minimum, for 25% of total lots
2. Street width without parking minimum 32 feet curb/curb
3. 0 lot line for side yard on one side only and minimum 5 feet on the opposite side yard
4. 10 feet front yard setback for lots with 4 cars off street parking behind setback
5. 15 feet front yard setback for lots with 3 cars off street parking behind setback
6. 20 feet front yard setback for 2 cars off street parking behind setback
7. One-way streets
8. Alleys (one way)

NOTE: Porches, porticos, fireplaces, columns and similar construction elements shall be considered the building for setback purposes. Bay windows, oriel windows no more than thirty (30) inches deep, and balconies on second story no more than forty-eight (48) inches deep will be allowed to encroach within the required setbacks.

§ 90502.07 HEIGHT

The following height limits shall apply to all R-1 Zones (all heights measured from AGL (average ground level) of lot):

- A. Primary residential buildings shall not exceed three (3) stories in height, or 40 feet whichever is less.
- B. Detached accessory structures shall not exceed two (2) stories or 25 feet whichever is less.
- C. Radio and/or television antenna incidental to the structure, or chimneys, or any other architectural feature shall not exceed 60 feet in height.

§ 90502.08 MINIMUM DISTANCE BETWEEN STRUCTURES

The following requirements apply to the minimum distances between structures in the R-1 Zone.

- A. There shall be a minimum of ten (10) feet between primary residential use buildings, except for 0 lot line approved subdivisions.
- B. There shall be a minimum distance of six (6) feet between a residential building and any detached accessory building, except that any detached structure used to house, keep or maintain animals, permitted in this zone shall be separated as follows:
 - 30 ft. from primary residence
 - 80 ft. from front lot line
 - 25 ft. from any side or rear lot line
 - 100 ft. from any school or public park
 - 100 ft. from any water well
- C. Swimming pools refer to 90501.16

NOTE: A covered walk way or breeze way is not considered attached.

§ 90502.09 PARKING

Off-street parking shall be provided in the R-1 Zone according to the standards contained in Sections 90402.00 through 90402.16 of this Title. RV's, trailers and other vehicles may be stored on site only if they are within the rear yard and not readily visible or accessible to public view with a primary use on the property.

§ 90502.10 SIGNS

The following signs shall be permitted in the R-1 Zone; however, all signs shall be subject to Section 90401.00 et. seq. as applicable.

- 1. Temporary real estate signs not exceeding 10 square feet, and advertising the property for sale or lease, and meeting requirements of Division 4, Chapter 1.
- 2. Temporary construction signs related to construction on said property, meeting requirements of Division 4, Chapter 1.
- 3. Temporary political, religious, civic and campaigning signs not to exceed three (3) months, meeting requirements of Division 4, Chapter 1.
- 4. Institutional signs.
- 5. Signs approved in conjunction with a Conditional Use Permit approved for the site.

§ 90502.11 LANDSCAPING

Every R-1 lot, parcel or use shall meet the requirements of Section 90302.06.

§ 90502.12 YARD/PROPERTY MAINTENANCE

The areas within an R-1 lot area shall at all times be maintained so as to not create a fire or life safety, or health hazards either to the occupants or the public.

§ 90502.13 ANIMALS

The breeding, keeping or maintaining of large or medium size animals is strictly prohibited, except as follows:

- A. R-1 lots greater than ½ but less than 1 acre net may keep two medium animals per acre provided the separation distances under Section 90502.08 can be achieved.
- B. R-1 lots greater than ¾ acre net may keep and maintain one large animal per ¾ acre up to 5 acres, and one large animal for every 5 acres of lot area thereafter (i.e. 40 acre lot equals 12 large animals). Small animals (i.e. goats, sheep, etc.) shall be allowed at the ratio of 1 large animal equals two small animals. Separation as required under Section 90502.08 shall be met.
- C. R-1 lots allow for the keeping of small fowl, rabbits, birds, provided as follows: they are for domestic or hobby purposes; are maintained within proper enclosed/containment structures; are not free to leave the property; and the number of such animals does not exceed 5 of any one or combination thereof.
- D. The keeping of small domestic pets such as cats and dogs are allowed for non-commercial uses, and the number of such animals does not exceed 5 of any one or combination thereof.
- E. Special project animals considered to be a student oriented fair project that may be sponsored by an agricultural organization such as FFA or 4H may allow for the keeping of one large animal or two medium animals per parcel provided that they are:
 - 1. For the duration of the FFA/4H or agricultural fair schedule or 7 months maximum whichever is less;
 - 2. The property owner files an affidavit with the Planning & Development Services Department to verify it is a legitimate special project, including the name of the club, club leader and other information required by the Planning Director.

NOTE: The keeping of animals as designated is only allowed to the extent that said animals do not constitute a nuisance or public health hazard.

§ 90502.14 GARAGE/YARD SALES

Garage or yard sales are permitted without special use permits, provided they meet the following conditions:

- A. Sales last no longer than two (2) consecutive days.
- B. Sales are held no more than two (2) times a year.
- C. Sales are contained within the property.
- D. No goods purchased for re-sale are evident.
- E. Directional signs shall be removed immediately after sale ends.
- F. Directional signs shall not exceed 9 square feet.
- G. Directional signs may be placed on public right-of-way provided they do not interfere with traffic.
- H. Directional signs on private property shall have property owners (not tenants) permission.
- I. Directional or other signs not removed within 24 hours after sale ends shall be fined \$50.00.
- J. No signs shall be posted on utility posts/pole, or other highway information or directional sign.
- K. Violation of one or all of items (a) through (j) is a misdemeanor and may be cited as such.

§ 90502.15 SPECIAL PROCEDURES/STANDARDS

A mobile home or a recreational vehicle may be permitted as a temporary dwelling within the R-1 zone, provided it complies with and meets the following standards.

- A. TEMPORARY DWELLING

1. A building permit for the construction of the conventional single-family residence shall be obtained either prior to or concurrently with the installation/utility permit of the mobile home.
2. The mobile home or recreational vehicle shall be removed from the property as follows:
 - a. Within twelve (12) months from the time the mobile home or recreational vehicle is placed on the property, and/or
 - b. Within ten (10) days from the time of final inspection for the conventional dwelling has been approved, and/or
 - c. Within five (5) days from the time a building permit has lapsed due to lack of activity or other reason(s), as determined by the Building Official.
3. The Planning & Development Services Department has received adequate assurances, which may include surety in a form acceptable to County.
4. The Planning Director may, upon written request from the property owner, grant an extension for the mobile home or the recreational vehicle for a period of not to exceed six (6) months. Extension of time may only be approved upon the following conditions:
 - a. An active building permit is on file with the Planning & Development Services Department of the County of Imperial, and actual construction is in progress.
 - b. The construction of the dwelling unit on the site has progressed to a stage of inspection and approval, which is at least in the framing, rough electrical, rough mechanical, and rough plumbing stage.
 - c. The construction of a single-family dwelling is nearing completion.
5. Any mobile home or recreational vehicle permitted as a temporary dwelling, shall be removed at any time if so determined by the Planning Director.

The electrical service supplying the mobile home or recreational vehicle on a temporary basis shall be terminated at the time that the electrical is approved for the conventional dwelling. Under no conditions shall two (2) electrical services remain on the premises.

B. TEMPORARY VISITORS USE

While the use of Recreational Vehicles (R.V.'s) is not allowed as temporary or permanent residential dwellings, the incidental and occasional utilization of an R.V. may be allowed under the following conditions:

1. Any legal residence may have an R.V. connected to approved utilities and occupied for a period not to exceed two weeks annually per Title 12, Section 4 et al.
2. The R.V. connections are installed to meet applicable Health and Safety Code Regulations, and permitted by Planning & Development Services Department.
3. The R.V. connections are for the primary use and are not independent service connections.
4. The R.V. is not allowed in or upon any public street or right-of-way.

§ 90502.16 FENCING

Fencing, if installed, shall at a minimum meet the requirements of Section 90403 et seq. Under no conditions shall the use of barbed, razor edged, or electrified fencing be allowed within this zone.

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TITLE 9

DIVISION 5: ZONING AREAS ESTABLISHED

CHAPTER 3: R-2 (MEDIUM DENSITY RESIDENTIAL ZONE)

§ 90503.00	PURPOSE AND APPLICATION
§ 90503.01	PERMITTED USES IN THE R-2 ZONE
§ 90503.02	USES PERMITTED BY CUP ONLY
§ 90503.03	PROHIBITED USES
§ 90503.04	MINIMUM LOT/PARCEL SIZE
§ 90503.05	MINIMUM LOT AREA/DWELLING UNIT
§ 90503.06	YARDS AND SETBACKS
§ 90503.07	HEIGHT
§ 90503.08	MINIMUM DISTANCE BETWEEN STRUCTURES
§ 90503.09	PARKING
§ 90503.10	LANDSCAPING
§ 90503.11	SIGNS
§ 90503.12	YARD/PROPERTY MAINTENANCE
§ 90503.13	ANIMALS
§ 90503.14	GARAGE/YARD SALES
§ 90503.15	SPECIAL PROCEDURE/DEVELOPMENT STANDARDS
§ 90503.16	FENCING

§ 90503.00 PURPOSE AND APPLICATION

The purpose of the medium density R-2 Zone is to designate and establish standards for single family and duplex, residential uses. This zone is typified with single family and duplex structures. The density shall not exceed ten (10) dwelling units per net acre. While duplex structures typify this zone, other innovative housing techniques including clustering, zero lot line and garden housing unit, may be permitted. No new R-2 development shall be allowed unless full infrastructure, which at a minimum shall include sewer, water treatment and streets meeting County standards is provided.

§ 90503.01 PERMITTED USES IN THE R-2 ZONE

The following uses are permitted in the R-2 Zone provided they meet the requirements of this Title:

- a) Community recreational facilities owned by an association or publicly
- b) Community vegetable gardens
- c) Day care facility limited to fourteen (14) children or less
- d) Duplex, Apartment, Condominium, Etc.
- e) Elementary School (public)
- f) Electrical Vehicles Charging Stations as an Accessory Use. (incidental to Primary Use)
- g) Fire station
- h) High School (public)
- i) Home occupation per Division 4, Chapter 4 (home occupation permit required)
- j) Junior High School (public)
- k) Parks, playgrounds and swimming areas (public or association maintained)
- l) Residential accessory structure (including cargo containers provided they meet architectural standards as defined herein Division 14)
- m) Residential care facility serving 5 or less individuals
- n) Single-family dwelling (one unit typical- two units maximum/legal lot), (per Section 90405.00).
- o) Small Family Daycare as defined by CA Health & Safety Code Section 1597.44 & 1597.45
- p) Solar energy extraction generation provided that it is for on-site consumption only.
- q) Temporary mobile home/recreational vehicle used during construction only (see Section 90502.15 for standards)

§ 90503.02 USES PERMITTED ONLY WITH A CONDITIONAL USE PERMIT

The following uses are permitted in the R-2 Zone provided they meet the requirements of this Title:

- a) Ambulance station
- b) Cemetery
- c) Church
- d) Community care facility
- e) Country club
- f)
- g) Golf course/Driving Range
- h) Hospital
- i) Library
- j) Mausoleum
- k) Medical offices
- l) Museums
- m) Pre-school
- n) Private non-profit club or lodge
- o) Radio, TV or commercial communication transmitter, receiver or translator
- p) Rehabilitation facilities
- q) Residential care facility serving six (6) or more
- r) Sanitarium
- s) Senior Retirement Home
- t) Schools (private)
- u) Tennis/swim club
- v) Utility substations

§ 90503.03 PROHIBITED USES

All uses not specifically permitted by Sections 90503.01 or 90503.02 are strictly prohibited.

§ 90503.04 MINIMUM LOT/PARCEL SIZE

Except as otherwise provided within this Title no lot, parcel or portion thereof within the R-2 Zone shall be less than 6000 square feet for one dwelling and 3000 square feet/dwelling for multiple dwellings. No parcel within this zone shall have less than 60 feet of street frontage, except for cul-de-sac designs, which will be no less than 33 feet as measured at the right-of-way line.

§ 90503.05 MINIMUM LOT AREA/DWELLING UNIT

Except as otherwise provided within this Title there shall be a minimum of 3000 square feet of lot area per dwelling unit in the R-2 zone, provided however that the basic lot minimum is 6000 square feet, for the first unit.

§ 90503.06 YARDS AND SETBACKS

The following yard and setback requirements shall apply in the R-2 Zone:

- A. FRONT YARD. Except as otherwise provided, the front yard minimum setback for all buildings shall be as follows:
 - 1. 25 feet minimum if at a minimum two off-street parking spaces per unit plus one visitor parking space for every two units is provided, which must be behind the setback line.
 - 2. 20 feet minimum if at a minimum two off-street parking spaces per unit plus one visitor parking space for every two units is provided and that all said parking (except visitor parking) is within an enclosed garage.
- B. SIDE YARD. Except as otherwise provided, the side yard minimum setback for all buildings shall be as follows:
 - 1. There shall be a minimum side yard of five feet (5') on each side of the building, except as follows:

2. On a corner lot the side yard facing the street shall have a 15' setback.
 3. On designated zero lot line construction, one side may be zero provided the opposite side is a minimum of ten feet (10') (except corner lots) and provided further that the zero lot line side of the structure meets all California Building Code and California Fire Code requirements, for fire protection, or two hour fire resistant construction, whichever is greater.
- C. REAR YARD. Except as otherwise provided, the rear yard minimum setback for all buildings shall be as follows:
1. 25 feet minimum for all primary structures on lots that do not have an alley. Structures attached to the primary structure that are open on at least three sides, such as open patios may be allowed to encroach into the rear yard setback by 10 feet (maximum) provided they remain open at all times. Converting such patios shall then be strictly prohibited.
 2. 20 feet minimum for all primary structures on lots that do not have an alley. Provided that a patio open on at least two sides is incorporated into the primary structure's building "footprint," and that does not encroach into the rear yard setback. Provided further that said patio is a minimum of 10 feet by 10 feet in size.
 3. 10 feet minimum for all primary structures on lots that have a minimum width alley of 20 feet. Provided that a patio open on at least two sides is incorporated into the primary structure's building "footprint," and that does not encroach into the rear yard setback. Provided further that said patio is a minimum of 10 feet by 10 feet in size.
 4. 5 feet for detached accessory structures for lots that do not have an alley.
 5. 0 feet for detached accessory structures that abut an alley of 20 feet minimum in width, provided the wall facing the alley meet minimum California Building Code fire protection standards.

NOTE: Any such structure found to have been converted without County approval (permits) shall not be allowed and shall be ordered removed by the Building Official if and when found to have been enclosed or converted.

§ 90503.07 HEIGHT

The following height limits shall apply to all R-2 zones (all heights measured from AGL (average ground level) of lot):

- A. Primary residential buildings shall not exceed three (3) stories in height, or 40 feet whichever is less.
- B. Detached accessory structures shall not exceed two (2) stories or 25 feet whichever is less.
- C. Radio and/or television antenna incidental to the structure, or chimneys, or any other architectural feature shall not exceed 60 feet in height.

§ 90503.08 MINIMUM DISTANCE BETWEEN STRUCTURES

- A. There shall be a minimum of ten feet (10') between residential use structures, unless constructed with common walls meeting a minimum of 2 hour fire rated separation.
- B. There shall be a minimum of six feet (6') between any residential use and any detached accessory structure(s).

§ 90503.09 PARKING

Off-street parking shall be provided in the R-2 Zone according to the standards contained in Sections 90402.00 through 90402.16 of this Title. RV's, trailers and other vehicles may be stored on site only if they are within the rear yard and not readily visible or accessible to public view with a primary use on the property.

§ 90503.10 LANDSCAPING

Every R-2 lot/parcel shall be landscaped to meet the requirements of Section 90302.05.

§ 90503.11 SIGNS

The following signs shall be permitted in the R-2 Zone; however, all signs shall be subject to Section 90401.00 et.seq as applicable.

1. Temporary real estate signs not exceeding 10 square feet, and advertising the property for sale or lease, and meeting requirements of Division 4, Chapter 1.
2. Temporary construction signs related to construction on said property, meeting requirements of Division 4, Chapter 1.
3. Temporary political, religious, civic and campaigning signs not to exceed three (3) months, meeting requirements of Division 4, Chapter 1.
4. Institutional signs.
5. Signs approved in conjunction with a Conditional Use Permit approved for the site.

§ 90503.12 YARD/PROPERTY MAINTENANCE

The areas within an R-2 lot area shall at all times be maintained so as to not create a fire or life safety, or health hazards either to the occupants or the neighbors.

§ 90503.13 ANIMALS

In cases where a single-family dwelling unit exists, restrictions apply per Section 90502.13.

§ 90503.14 GARAGE/YARD SALES

Garage or yard sales are permitted without special use permits, provided they meet the following conditions:

- A. Sales last no longer than two (2) consecutive days.
- B. Sales are held no more than two (2) times a year.
- C. Sales are contained within the property.
- D. No goods purchased for re-sale are evident.
- E. Directional signs shall be removed immediately after sale ends.
- F. Directional signs shall not exceed 9 square feet.
- G. Directional signs may be placed on public right-of-way provided they do not interfere with traffic.
- H. Directional signs on private property shall have property owners (not tenants) permission.
- I. Directional or other signs not removed within 24 hours after sale ends shall be fined \$50.00.
- J. No signs shall be posted on utility posts/pole, or other highway information or directional sign.
- K. Violation of one or all of items (a) through (j) is a misdemeanor and may be cited as such.

§ 90503.15 SPECIAL PROCEDURE/DEVELOPMENT STANDARDS

- A. The R-2 Zone allows for a maximum of ten (10) dwelling units per (net) acre. This may be a mixture of units on any one legal parcel. The density shall be the limiting factor on the number of dwelling units per legal lot.
- B. The R-2 Zone does allow for a mixture of a single family or duplex structures, i.e. one house and a duplex, provided all requirements including density can be met.
- C. TEMPORARY DWELLINGS/RV:

While the use of Recreational Vehicles (R.V.'s) is not allowed as temporary or permanent residential dwellings, the incidental and occasional utilization of an R.V. may be allowed under the following conditions:

1. Any legal residence may have an RV connected to approved utilities and occupied for a period not to exceed two weeks annually per Title 12, Section 4 et al.
2. The R.V. connections are installed to meet applicable Health and Safety Code Regulations, and permitted by Planning & Development Services Department.
3. The R.V. connections are for the primary use and are not independent service connections.
4. The R.V. is not allowed in or upon any public street or right-of-way.

§ 90503.16 FENCING

Fencing, if installed, shall at a minimum meet the requirements of Section 90403 et seq. Under no conditions shall the use of barbed, razor edged, or electrified fencing be allowed within this zone.

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TITLE 9

DIVISION 5: ZONING AREAS ESTABLISHED

CHAPTER 4: R-3 (MEDIUM-HIGH DENSITY RESIDENTIAL ZONES)

§ 90504.00	PURPOSE AND APPLICATION
§ 90504.01	PERMITTED USES IN THE R-3 ZONE
§ 90504.02	USES PERMITTED BY CUP ONLY
§ 90504.03	PROHIBITED USES
§ 90504.04	MINIMUM LOT/PARCEL SIZE
§ 90504.05	MINIMUM LOT AREA/DWELLING UNIT
§ 90504.06	YARDS AND SETBACKS
§ 90504.07	HEIGHT
§ 90504.08	MINIMUM DISTANCE BETWEEN STRUCTURES
§ 90504.09	PARKING
§ 90504.10	LANDSCAPING
§ 90504.11	SIGNS
§ 90504.12	YARD PROPERTY MAINTENANCE
§ 90504.13	ANIMALS
§ 90504.14	YARD/GARAGE SALES
§ 90504.15	SPECIAL PROCEDURES
§ 90504.16	FENCING

§ 90504.00 PURPOSE AND APPLICATION

The purpose of the medium-high density residential (R-3) zone is to designate and establish standards, as well as, areas appropriate for a variety of light and medium density to high density residential living environments, including therein, apartments, townhouses, and condominiums. The maximum density is established at 29 dwelling units per net acre. The R-3 zoning designation may be allowed in any urban area of the County provided it has adequate utility services, streets and other public facility capacities. No new R-3 development shall be allowed unless full infrastructure, which at a minimum, include water, sewer treatment and streets meeting County standards is provided.

§ 90504.01 PERMITTED USES IN THE R-3 ZONE

The following uses are permitted in the R-3 Zone provided they meet the requirements of this Title:

- a) Apartments
- b) Community vegetable gardens
- c) Condominiums
- d) Day Care Center (not to exceed a capacity of 1 child for every two dwelling units located on the property, provided the lot contains a minimum of 3 dwelling units.)
- e) Day Care Home not to exceed 5 people
- f) Duplex
- g) Electrical Vehicles Charging Stations as an Accessory Use. (incidental to Primary Use)
- h) Park or Play Grounds
- i) Pre-school, Elementary School, Junior High School, Senior High School, College, or University (public)
- j) Public Agency or Public Building
- k) Public Recreation Facilities
- l) Public Swimming Pool
- m) Quadruplex
- n) Residential Accessory Structure (including cargo containers provided they meet architectural standards as defined herein Division 14)
- o) Residential Care Facility (serving 5 or fewer persons)
- p) Senior Retirement Home
- q) Single-Room Occupancy (SRO) Units and Boarding/Rooming Houses
- r) Solar energy extraction generation provided that it is for on-site consumption only.
- s) Supportive Housing
- t) Temporary On-site Construction Office

- u) Temporary On-site Real Estate Tract Sales/Rental Office
- v) Townhouse
- w) Transitional Housing (as defined in Section 50675.2 of the Health and Safety Code)
- x) Triplex

§ 90504.02 USES PERMITTED ONLY WITH A CONDITIONAL USE PERMIT

The following uses are permitted in the R-3 Zone provided they meet the requirements of this Title:

- a) Ambulance Service
- b) Auto Parking Garage
- c)
- d) Cemetery
- e) Charitable or Public Service Organization
- f) Church
- g) Club or Lodge
- h) Community Care Facility
- i) Community Center
- j) Fraternity or Sorority
- k) Golf Course/Driving Range
- l) Library
- m) Mausoleum/Columbarium
- n) Museum
- o) Public Tennis or Swim Club
- p) Radio, Television or Commercial Communication Transmitter
- q) Rehabilitation Facility
- r) Residential Hotel/SRO's
- s) Retirement or Rest Home
- t) Sanitarium
- u) Sewage Treatment Plant
- v) Utility Sub-station
- w) Water Treatment Plant

§ 90504.03 PROHIBITED USES

All other uses not permitted by Section 90504.01 or 90504.02 are hereby strictly prohibited.

§ 90504.04 MINIMUM LOT/PARCEL SIZE

Except as otherwise provided within this Title no lot, parcel or portion thereof within the R-3 Zone shall be less than 6000 square feet, and shall provide a minimum of 2000 square feet/dwelling for multiple dwellings. No parcel within this zone shall have less than 60 feet of street frontage, except of cul-de-sac entrances.

§ 90504.05 MINIMUM LOT AREA

There shall be a minimum of 2,000 net square feet of lot area per dwelling unit in the R-3 zone, provided however that the basic lot minimum is 6,000 square feet, for the first unit.

§ 90504.06 YARDS AND SETBACKS

The following yard and setback requirements shall apply in the R-3 zone:

- A. FRONT YARD. Except as otherwise provided, the front yard minimum setback for all buildings shall be as follows:
20 feet minimum unless a minimum of 2 off-street parking spaces per unit, plus one visitor parking space for every three units is provided in which case the minimum may be 15 feet.
- B. SIDE YARD. Except as otherwise provided, the side yard minimum setback for all buildings shall be as follows:

1. The minimum side yard shall be at least 5 feet on each side of the building except for the following:
 2. On a corner lot, the side yard facing the street shall meet the same setback as the front yard.
 3. On designated 0 lot line construction, one side may be 0 provided the opposite side is minimum of 10 feet and provided further that the 0 lot line side of the structure meets all UBC and UFC requirements for fire protection.
- C. REAR YARD. Except as otherwise provided, the rear yard minimum setback for all buildings shall be as follows:
1. 15 foot minimum for all primary structures on lots that do not have an alley.
 2. 10 foot minimum for all primary structures on lots that do have a minimum width alley of 20 feet.
 3. 5 feet for accessory structures for lots that do not have an alley.
 4. 0 feet for accessory structures that abut an alley that have a minimum 20 foot width.

§ 90504.07 HEIGHT

The following heights shall apply to all R-3 zones (all heights measured from AGL (average ground level) of lot):

- A. Buildings and structures located in the R-3 zone shall not exceed six (6) stories or 80 feet.
- B. Detached accessory structures shall not exceed two stories or 25 feet whichever is less.
- C. Radio and/or television antenna incidental to the structure or chimneys or another architectural feature shall not exceed 60 feet in height.

§ 90504.08 MINIMUM DISTANCE BETWEEN STRUCTURES

Requirements for minimum distances between structures in the R-3 Zone are as follows:

- A. There shall be a minimum distance of 20 feet between residential buildings/structures.
- B. There shall be a minimum of 10 feet between a residential building/structure and any accessory building or structure; or between accessory buildings or structures.

§ 90504.09 PARKING

Off-street parking shall be provided in the R-3 zone according to the standards contained in Sections 90402.00 through 90402.16. Where off-street parking is provided vis-à-vis enclosed garages or carports, that are not readily visible from the street, 10% increase in unit density area along with a front yard setback reduction to 15 feet may be allowed.

§ 90504.10 LANDSCAPING

Every R-3 lot/parcel shall be landscaped to meet the requirements of Section 90302.15.

§ 90504.11 SIGNS

The following signs shall be permitted in the R-3 Zone; however, all signs shall be subject to Section 90401 as applicable.

1. Temporary real estate signs not exceeding 10 square feet, and advertising the property for sale or lease, and meeting requirements of Division 4, Chapter 1.
2. Temporary construction signs related to construction on said property, meeting requirements of Division 4, Chapter 1.
3. Temporary political, religious, civic and campaigning signs not to exceed three (3) months, meeting requirements of Division 4, Chapter 1.
4. Institutional signs.
5. Signs approved in conjunction with a Conditional Use Permit approved for the site.

§ 90504.12 YARD/PROPERTY MAINTENANCE

The areas within an R-3 lot area shall at all times be maintained so as to not create a fire or life safety, or health hazard either to the occupants of the structures or to adjacent neighboring properties.

§ 90504.13 ANIMALS

In cases where a single-family dwelling unit exists, restrictions apply per Section 90502.13.

§ 90504.14 YARD/GARAGE SALES

Garage or yard sales are permitted without special use permits, provided they meet the following conditions:

- A. Sales last no longer than two (2) consecutive days.
- B. Sales are held no more than two (2) times a year.
- C. Sales are contained within the property.
- D. No goods purchased for re-sale are evident.
- E. Directional signs shall be removed immediately after sale ends.
- F. Directional signs shall not exceed 9 square feet.
- G. Directional signs may be placed on public right-of-way provided they do not interfere with traffic.
- H. Directional signs on private property shall have property owners (not tenants) permission.
- I. Directional or other signs not removed within 24 hours after sale ends shall be fined \$50.00.
- J. No signs shall be posted on utility posts/pole, or other highway information or directional sign.
- K. Violation of one or all of items (a) through (j) is a misdemeanor and may be cited as such.

§ 90504.15 SPECIAL PROCEDURE

- A. While the R-3 zone allows for multi-family housing such as duplex, triplex, quadruplex, etc. The development within an R-3 zone does not allow one or multiple single-family detached structures or one or multiple manufactured structure.
- B. In any R-3 zone containing more than ten units, provisions for an on-site manager and/or contact person shall be made.

§ 90504.16 FENCING

Fencing, if installed, shall at a minimum meet the requirements of Section 90403 et seq. Under no conditions shall the use of barbed, razor edged, or electrified fencing be allowed within this zone.

TITLE 9

DIVISION 5: ZONING AREAS ESTABLISHED

CHAPTER 5: R-4 (MOBILE HOME PARK OR SUBDIVISION ZONE/HIGH DENSITY RESIDENTIAL)

§ 90505.00	PURPOSE & APPLICATION
§ 90505.01	PERMITTED USES IN THE R-4 ZONE
§ 90505.02	USES PERMITTED WITH CONDITIONAL USE PERMIT ONLY
§ 90505.03	PROHIBITED USES
§ 90505.04	MINIMUM LOT SIZE
§ 90505.05	MINIMUM LOT AREA
§ 90505.06	YARDS AND SETBACKS
§ 90505.07	HEIGHT
§ 90505.08	MINIMUM DISTANCE BETWEEN STRUCTURES
§ 90505.09	PARKING
§ 90505.10	SIGNS
§ 90505.11	LANDSCAPING
§ 90505.12	YARD MAINTENANCE
§ 90505.13	ANIMALS
§ 90505.14	SPECIAL PROCEDURES
§ 90505.15	SITE DEVELOPMENT PLAN REVIEW REQUIRED
§ 90505.16	SPECIAL DEVELOPMENT STANDARDS AND CONDITIONS
§ 90505.17	FENCING

§ 90505.00 PURPOSE & APPLICATION

The purpose of the High Density Residential and Mobile Park/Subdivision Zone, is to allow for areas that are suitable for high density residential environments and mobile home (manufactured home) residential living environments and regulate development within these areas to be in compliance with California Code of Regulations (CCR) Title 25.

§ 90505.01 PERMITTED U

The following uses are permitted in the R-4 Zone provided they meet the requirements of this Title:

- a) Accessory facilities, such as laundry, a storage facility and a convenience store, with an RV/Mobile home park
- b) All permitted R-3 uses listed in § 90504.01
- c) Commercial Office, related to the park or subdivision
- d) Community Recreational Facilities
- e) Day Care Facility limited to one child per 3 mobile homes
- f) Electrical Vehicles Charging Stations as an Accessory Use. (incidental to Primary Use)
- g) Manager's/Caretaker or proprietor's quarters
- h) Mobile Home (manufactured home) (one per legal lot within a mobile home park subdivision zone)
- i) Residential accessory structure, (including cargo containers provided they meet architectural standards as defined herein Division 14). When located in a mobile home park or park subdivision only after installation of a mobile home.
- j) Single-Room Occupancy (SRO) Units and Boarding/Rooming Houses
- k) Solar energy extraction generation provided that it is for on-site consumption only.

§ 90505.02 USES PERMITTED ONLY WITH A CONDITIONAL USE PERMIT

The following uses are permitted in the R-4 Zone provided they meet the requirements of this Title:

- a) All R-3 uses listed under 90504.02
- b) Community Care Facility
- c) Community sewage treatment facility

- d) Flood control facility, water storage or groundwater recharge facility
- e) Public agency or utility building or facility
- f) Utility sub-station

§ 90505.03 PROHIBITED USES

All other uses not permitted by Section 90505.01 and 90505.02 herein are prohibited in the R-4 (Mobile Home Park) Zone, including dwellings other than manufactured homes.

§ 90505.04 MINIMUM LOT SIZE

Except as otherwise provided within this Title, no portion of any lot within the R-4 Zone shall be less than 6,000 square feet, except that lots within a designated and permitted mobile home park shall meet the requirements of Title 25 of CCR.

§ 90505.05 MINIMUM LOT AREA

In a mobile home park subdivision, there shall be no more than one dwelling unit per legal lot in the R-4 Zone.

§ 90505.06 YARDS AND SETBACKS

The following yard and setback requirements shall apply in the R-4 Zone:

- A. Front Yard. Except as otherwise provided, the front yard minimum setback for all buildings shall be as follows:

The front yard minimum setback for all structures shall be 20 feet from property line.

- B. Side Yard. Except as otherwise provided, the side yard minimum setback for all buildings shall be as follows:

1. For mobile home parks, there shall be a side yard on each side of the property or main building of not less than 5 feet and not less than 10 feet on the other side, except that on a corner lot, the side fronting on the street shall be the same as the front yard setback.
2. For development other than mobile home parks, the minimum side yard shall be at least 5 feet on each side of the building except for the following:
 - a. On a corner lot, the side yard facing the street shall meet the same setback as the front yard.
 - b. On designated 0 lot line construction, one side may be 0 provided the opposite side is minimum of 10 feet and provided further that the 0 lot line side of the structure meets all UBC and UFC requirements for fire protection.

- C. Rear Yard. Except as otherwise provided, the rear yard minimum setback for all buildings shall be as follows:

1. 15 foot minimum for all primary structures on lots that do not have an alley.
2. 10 foot minimum for all primary structures on lots that do have a minimum width alley of 20 feet.
3. 5 feet for accessory structures for lots that do not have an alley.
4. 0 feet for accessory structures that abut an alley that have a minimum 20 foot width.

§ 90505.07 HEIGHT

The following heights shall apply to all R-4 zones (all heights measured from AGL (average ground level) of lot):

1. Buildings and structures shall not exceed 2 stories or 30 feet, whichever is less.
2. Radio and/or television antenna, chimneys and other similar structures shall not exceed 60 feet.

§ 90505.08 MINIMUM DISTANCES BETWEEN STRUCTURES

The following requirements apply to the minimum distances between structures in the R-4 Zone:

- A. There shall be a minimum distance of 10 feet between primary residential use structures.
- B. There shall be a minimum of 6 feet between a primary residential structure and any accessory structure.

SPECIAL NOTE: In addition to the above this zone shall comply with setback requirements of Title 25, at a minimum. Where a "park" is governed by CCR Title 25, the CCR requirements shall govern.

§ 90505.09 PARKING

Off-street parking shall be provided in the R-4 Zone according to the standards contained in Sections 90402.00 through 90402.16 of this Title.

§ 90505.10 SIGNS

The following signs shall be permitted in the R-4 Zone; however, all signs shall be subject to Section 90401 as applicable.

1. Temporary real estate signs not exceeding 10 square feet, and advertising the property for sale or lease, and meeting requirements of Division 4, Chapter 1.
2. Temporary construction signs related to construction on said property, meeting requirements of Division 4, Chapter 1.
3. Temporary political, religious, civic and campaigning signs not to exceed three (3) months, meeting requirements of Division 4, Chapter 1.
4. Institutional signs.
5. Signs approved in conjunction with a Conditional Use Permit approved for the site.

§ 90505.11 LANDSCAPING

Every R-4 lot/parcel or use shall meet the requirements of Section 90302.02.

§ 90505.12 YARD/PROPERTY MAINTENANCE

The areas within an R-4 Zone/lot shall at all times be maintained so as to not create a fire or life safety, or health hazard either to the occupants of the structures or to adjacent neighboring properties.

§ 90505.13 ANIMALS

In cases where a single-family dwelling unit exists, restrictions apply per Section 90502.13.

§ 90505.14 SPECIAL PROCEDURES

The following special procedures, development and standards apply to the R-4 Zone.

- A. No development shall be permitted within the R-4 Zone prior to the recordation of a final subdivision map in accordance to the procedures of Imperial County or following issuance of a Permit to Operate to a permitted mobile home park.
- B. Each mobile home placed on an individual lot/parcel shall be:
 - 1. Placed on a permanent foundation system
 - 2. Be installed according to manufacturer's instructions and State requirements and either be recessed into the grounds or be otherwise enclosed so that no portion of the under carriage is visible

Note that a mobile home shall not be recessed into the ground if it is connected to liquefied petroleum gas. Any recessed mobile home shall have a finished floor elevation of a minimum of 12 inches above adjacent street and shall make provisions for proper drainage.

§ 90505.15 SITE DEVELOPMENT PLAN REVIEW REQUIRED

No mobile home park shall be established, no development shall occur and no building or grading permit shall be issued for any use or development in the mobile home park until an application for a site development plan review has been submitted and approved by the Director of Planning. At a minimum the site development plan review shall contain the following:

- A. Name and address of applicant
- B. Name and address of property owners
- C. Assessor's Parcel Number
- D. Legal description
- E. A site development plan, drawn to scale specified by the Director of Planning, include the following:
 - 1. Topography and proposed grading
 - 2. Proposed private access drive-ways and parking areas
 - 3. Location of all mobile home pads
 - 4. Location of all permanent buildings and structures
 - 5. Parks, open space and recreational areas
 - 6. Proposed landscaping
 - 7. North arrow
 - 8. Manager's office/residential location
- F. Elevation of all permanent common buildings
- G. Phasing of development
- H. A detail description of the facility improvements including:
 - 1. Curbs, gutter, sidewalks, and street widths
 - 2. Water supply system
 - 3. Sewage collection and disposal system
 - 4. Public utility system
 - 5. Fencing
- I. Any other reports or approvals as required and/or specified as a mitigation measure by any environmental document for the implementation of a mobile home park.

§ 90505.16 SPECIFIC DEVELOPMENT STANDARDS AND CONDITIONS

Development within a mobile home park zone or within a mobile home park shall comply with the following minimum standards:

- A. The project shall be consistent with the General Plan and all development shall be consistent with the goals and policies of the County's General Plan.

B. Access, access driveways and parking.

1. All access driveways within a mobile home park shall be not less than 25 feet in width.
2. Guest parking shall be distributed throughout the mobile home park as required by this Title and the department.
3. All vehicular parking areas and driveways shall be surfaced and graded in accordance with the requirements for local public streets as contained in County ordinance.
4. All mobile home parks spaces shall have frontage on internal private/public driveways. No mobile home space shall have direct access to a public street or public alley way.
5. All mobile home park sites shall have access from an abutting improved and dedicated County street or State highway.

C. Public street and highway dedications.

1. Streets and highway dedications adjacent to a mobile home park may be required by the Director of Planning in conjunction with Public Works Director, according to the following standards.
 - a. If the park is adjacent to a major highway, as shown on the Imperial County's Circulation Plan, the owner shall dedicate or make an irrevocable offer of dedication of all property lying within 55 feet of the center line of such highway for public highway purposes at no cost to the County.
 - b. If the park is adjacent to a secondary highway as shown on the Imperial County's Circulation Plan, the owner shall dedicate or make an irrevocable offer of dedication of all property lying within 45 feet of the center line of such highway for public highway purposes at no cost to the County.
 - c. If the park lies adjacent to the projected alignment of a planned local street which is necessary for circulation within the general area or neighborhood, the owner shall dedicate or make an irrevocable offer of dedication of all property lying within 30 feet of the center line of such street for public street and no cost to the County.
 - d. If the park is adjacent to an adopted specific plan or official plan line, the owner shall dedicate or make an irrevocable offer of dedication of all property lying within the specified right-of-way line for public highway purposes, and no cost to the County.
2. Required street and highway improvements shall include any necessary tie to existing pavement and shall be under permit of the County Public Works Department or the State Division of Highways (CalTrans) as appropriate.

D. Recreational areas and facilities.

1. If a mobile home park contains 10 or more mobile home spaces, or if a mobile home park combined with a recreational vehicle park contains a combination of 10 or more mobile home spaces and recreational spaces, an open area of land devoted to and landscaped for recreational uses shall be provided within the park.
2. Such recreational areas shall not be less than 5,000 square feet, plus any additional 100 square feet for each space in excess of 10.
3. Required recreational areas may be divided into more than one location, provided that no single location, however, is less than 3,000 square feet.

4. No building or mobile home shall occupy a required recreational area, except buildings and structures necessary or used and devoted to the recreational use, such as a recreational building, swimming pools, accessory buildings, saunas, playgrounds (with or without equipment), picnic areas, etc.
5. No required front yard, side, or rear yard of the park or any mobile home space, recreational vehicle space or storage area shall be counted to with the requirement for recreational space.
6. The required recreational space shall be accessible to all occupants of the park and shall not be used for any other purpose other than recreational use of the occupants of the park.

E. Enclosures.

1. Each mobile home park shall be completely enclosed within a fence, hedge or combination thereof subject to the approval of the Director of Planning.
2. Such enclosures may have driveway or pedestrian way opening subject to the approval of the Director of Planning.
3. Within the front yard a required enclosure shall be no more than 4 feet in height.
4. Within any other portion of the park required enclosures shall be a minimum of 6 feet in height.
5. When deemed necessary by the Director or the Planning Commission, in order to maintain standards compatible with an existing development, on adjacent properties, specific types of fences may be required.

F. Utility Installation.

1. All public utility transmission lines located within the park shall be underground.
2. Utility connections to each mobile home space shall be placed underground.

G. Drainage.

1. The drainage system shall be installed prior to occupancy of the park and shall be continuously maintained in accordance with the plan approved by the Department.
2. The plan shall include, but not limited to the following:
 - a. All drainage originating on the park site shall be contained on the same site, unless the plan for acceptance of such drainage to off-site canals approved by the Department of Public Works and Planning & Development Services Department.
 - b. The method for transporting off-site drainage through and away from a mobile home park shall be in accordance with the Department of Public Works standards and accommodate a minimum of a 100-year flood.
 - c. In the event that any drainage sump is located within the park, it must have a water holding capacity of more than 18 inches in depth and shall be completely enclosed with a secured fence.

H. Water Distribution and Sewage Disposal System.

1. A water distribution system shall be installed prior to occupancy of the park and shall be continuously maintained in accordance with the plan approved by the Imperial County Planning & Development Services Department and Imperial County Public Health Department or California Department of Public Health, as applicable.

2. A sewage disposal system shall be installed prior to occupancy of the park and shall be continuously maintained in accordance with State Water Resources Control Board, Division of Drinking Water Standards as applicable.

I. State Permit Requirements.

- a. Mobile home park owner/operator shall secure all necessary building permits and all operating licenses as required by the State of California, through the Imperial County Planning & Development Services Department.

Garage or yard sales are permitted without special use permits, provided they meet the following conditions:

- a. Sales last no longer than two (2) days.
- b. Sales are held no more than two (2) times a year.
- c. Sales are contained within the property.
- d. No goods purchased for re-sale are efferent.
- e. Directional signs shall be removed immediately after sale ends.
- f. Directional signs shall not exceed 9 square feet.
- g. Directional signs may be placed on public right-of-way provided they do not interfere with traffic.
- h. Directional signs on private property shall have property owner's (not tenants) permission.
- i. Violation of one or all of items (a) through (h) is a misdemeanor and may be cited.

§ 90505.17 FENCING

Fencing, if installed, shall at a minimum meet the requirements of Section 90403 et seq. Under no conditions shall the use of barbed, razor edged, or electrified fencing be allowed within this zone.

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TITLE 9

DIVISION 5: ZONING AREAS ESTABLISHED

**CHAPTER 6: (RESERVED FOR FUTURE USE)
A-C (CONDITIONAL AGRICULTURAL ZONE)**

§ 90506.00

TO BE ADDED AT A FUTURE DATE

NOTE: The intent of this zone is to allow agricultural uses in certain "open space" (S-2) areas and areas outside of currently designated agricultural areas.

COMMENT: This section will be written at a future date and only upon consultation with the Farm Bureau.

TITLE 9

DIVISION 5: ZONING AREAS ESTABLISHED

CHAPTER 7: A-1 (LIMITED AGRICULTURE) (WITHIN URBAN BOUNDARIES ONLY)

§ 90507.00	PURPOSE AND APPLICATION
§ 90507.01	PERMITTED USES IN THE A-1 ZONE
§ 90507.02	USES PERMITTED WITH A CONDITIONAL USE PERMIT
§ 90507.03	PROHIBITED USES
§ 90507.04	MINIMUM LOT SIZE
§ 90507.05	YARDS AND SETBACKS
§ 90507.06	HEIGHT LIMITS
§ 90507.07	MINIMUM DISTANCE BETWEEN STRUCTURES
§ 90507.08	PARKING
§ 90507.09	SIGNS
§ 90507.10	LANDSCAPING
§ 90507.11	ANIMALS
§ 90507.12	GARAGE/YARD SALES
§ 90507.13	SPECIAL REVIEW PROCEDURE AND DEVELOPMENT STANDARDS

§ 90507.00 PURPOSE AND APPLICATION

The purpose of the A-1 designation is to designate areas and allow uses that are suitable for larger residential living environments. The uses are generally limited to those typical of and compatible with quiet residential neighborhoods. The minimum lot size shall be one-half acre (net), unless required to be larger by other regulatory requirements, such as health and safety standards. The minimum lot size in the A-1 Zone may be reduced if public infrastructure including sewer and potable water are available from either a district or a city. The A-1 designation is only allowed within urban designated areas as reflected on the land use diagram of the County General Plan.

COMMENT: The acreage here needs to be "net" vs. "gross" due to the fact that the absolute minimum amount of land needed for sewage disposal is 20,000 square feet of usable land, and the County already has numerous locations where this creates problems.

§ 90507.01 PERMITTED USES IN THE A-1 ZONE

The following uses are permitted in the A-1 Zone provided they meet the requirements of this Title:

- a) Accessory agricultural building, structures, and uses, including farm buildings, housing of agricultural workers, garages and implement shelter, provided no livestock or any building or enclosure used in connection with livestock shall be located nearer than one hundred (100) feet to the front lot line, nor nearer than fifty (50) feet to any existing dwelling on any contiguous property, or to any public park or school.
- b) Accessory Dwelling Unit provided it complies with Imperial County code sections Title 9 Section 90405.01 and Title 8 Section 8.80.150 Subsection C.
- c) Agricultural accessory structure(s) (including cargo containers)
- d) Agricultural crops, private greenhouses and horticultural collections, flowers and vegetable gardens, fruit trees, nut trees, vines and nurseries for producing trees, vines and horticultural stock
- e) Agricultural uses, (light farming only)
- f) Apiaries
- g) Breeding and raising of animals pursuant to the requirements of this Chapter
- h) Crop and tree farming, pasturing and grazing, provided, however, that not to exceed one horse, mule, or cow; five hogs, goats, sheep or other similar livestock be permitted for each one half (1/2) acre of the area of the parcel of land upon which the same are kept (except suckling animals), except that the pasturing of livestock to feed on vegetable matter grown on said premises may be permitted. Feeding of garbage, (cooked or raw), shall not be permitted, nor shall a "feed lot" style operation be allowed. Other animals similar to those listed by example and having similar impact may be allowed at the same ratio of the "similar" animal.
- i) Daycare Home for less than five (5) people
- j) Electrical Vehicles Charging Stations as an Accessory Use. (incidental to Primary Use)
- k) Employee Housing

- l) Growing of agricultural crops for domestic use of the resident occupant
- m) Hatching, raising and fattening of chickens, turkeys or other fowl or poultry and rabbits, fish or frogs for domestic or commercial use provided that no commercial poultry pen or coop or commercial rabbitry shall be maintained within fifty (50) feet of any dwelling or other building used for human habitation. There shall be no killing or dressing of any such animals or poultry on the premises for commercial purposes.
- n) Home occupation per Division 4, Chapter 4 (Home Occupation Permit required)
- o) Keeping of horses and other large animals on lots having an area of one (1) acre or more, providing that the number of horses on any one lot or parcel shall not exceed one horse for every three quarters (3/4) acre, or keeping of farm animals under recognized youth programs. The keeping of such animals shall conform to all other provisions of law governing same, and no horses, nor any stable, barn or corral shall be kept or maintained within fifty (50) feet of any dwelling or other building used for human habitation, or within one hundred (100) feet of the front lot line of the lot upon which is located or within one hundred (100) feet of any public park, school, hospital, or similar institution.
- p) Mobile Home or Recreational Vehicle, temporary during construction of a single family dwelling,
- q) Park or Playground (public)
- r) Preschool, Elementary School, Junior High School, Senior High School, College or University
- s) Public buildings
- t) Public Swimming Pool (public)
- u) Residential accessory structures
- v) Residential care facilities serving six (6) or fewer people
- w) Signs advertising the products produced or sold locally or identifying the premises or occupants.
- x) Single family dwelling (conventional or manufactured)
- y) Single-Room Occupancy (SRO) Units and Boarding/Rooming Houses
- z) Solar energy extraction generation provided that it is for on-site consumption only. .
- aa) Storage of agricultural products
- bb) Storage of products for use on the premises
- cc) Transitional Housing (as defined in Section 50675.2 of the Health and Safety Code)
- dd) The keeping of poultry, rabbits and similar small animals
- ee) The sale of agricultural, horticultural or farming products grown or produced on the premises of the owner.
- ff) Wind driven electrical generator for on-site consumption

§ 90507.02 USES PERMITTED ONLY WITH A CONDITIONAL USE PERMIT

The following uses are permitted in the A-1 Zone provided they meet the requirements of this Title:

- a) Animal shelters
- b) Birds, including show or racing pigeons, and other small fowl not in excess of 25 per half acre
- c) Cemeteries, Mausoleums, Columbariums
- d) Church
- e) Club or Lodge
- f) Community Care Facility
- g) Community Center
- h) Community Recreational Facility
- i) Construction office/yard, temporary only
- j) Country Club
- k) Emergency shelters
- l) Equestrian Establishment
- m) Facilities for abused people
- n) Fish, frog and shrimp farms
- o) Golf Course, Golf Driving Range
- p) Gun Club
- q) Heliports
- r) Library
- s) Museum
- t) Mineral Exploration
- u) Mineral Extraction
- v) Mortuaries
- w) Oil, gas and geothermal exploration
- x) Potable water treatment and Wastewater Treatment Plant

- y) Preschool, Elementary School, Junior High School, Senior High School, College or University
- z) Public Agency or Public Utility building or structure
- aa) Race Track or Test Track, including automobile, bicycle, horse or motorcycle
- bb) Rehabilitation Facility
- cc) Resource Extraction
- dd) Rest home, Retirement Home
- ee) Sanitarium
- ff) Scale repair facility
- gg) Senior Citizen Center
- hh) Solar Energy generation at more than ten (10) kilowatts
- ii) Tennis or Swim Club
- jj) Utility and Communication Facilities
- kk) Utility Substations not specifically exempted by other statutes

§ 90507.03 PROHIBITED USES

All other uses not permitted by Sections 90507.01 or 90507.02 are strictly prohibited.

§ 90507.04 MINIMUM LOT SIZE

Except as otherwise provided, no portion of any lot within the A-1 Zone shall be less than one-half acre (net), except in the case of a conveyance to or from a governmental agency, public entity, public utility or community water company or water district, for public purposes, public utility purposes or for rights-of-way, provided such governmental use occupies said parcel. The minimum lot size may be required to be larger than one (1) acre if an OWTS will be used, as required by County Ordinance §8.80.150..

§ 90507.05 YARDS AND SETBACKS

The following yard and setback requirements shall apply in the A-1 Zone:

- A. Front Yard. Except as otherwise provided, the front yard minimum setback for all buildings shall be as follows:
 - 1. 25 feet from the edge of right-of-way, or
 - 2. 60 feet from the legal center line of any existing or proposed County road. In no case shall the minimum setback be less than 25 feet from the edge of right-of-way as established by the County.

- B. Side Yard. Except as otherwise provided, the side yard minimum setback for all buildings shall be as follows:

There shall be a side yard on each side of any building of not less than five (5) feet, except that on the street side of a corner lot, the building shall be setback at least fifteen (15) feet from the edge of right-of-way/property line.

- C. Rear Yard. Except as otherwise provided, the rear yard minimum setback for all buildings shall be as follows:

There shall be a rear yard setback of not less than five (5) feet, except in the case of a through lot, the designated rear yard shall be equal to the front yard setback.

§ 90507.06 HEIGHT LIMIT

Height limits in any district shall be as follows:

- 1. Residential buildings shall not exceed three (3) stories or forty (40) feet.
- 2. Detached accessory structures shall not exceed two (2) stories or thirty (30) feet.

3. Radio and television antennae, chimneys and other similar structures shall not exceed sixty (60) feet.

§ 90507.07 MINIMUM DISTANCE BETWEEN STRUCTURES

The following requirements apply to the minimum distance separation between structures in the A-1 Zone.

- A. There shall be a minimum distance of ten (10) feet between residential buildings/structures.
- B. There shall be a minimum distance of ten (10) feet between residential buildings and any accessory building. However, there shall be a minimum of fifty (50) feet between any residential building and an accessory structure used to house animals, including pens, coops and other structures. Structures used to house animals shall be a minimum of 100 feet from any public park, school, hospital or similar institution, and a minimum of fifty (50) feet from any adjacent residential structure.

§ 90507.08 PARKING

Off street parking in the A-1 Zone shall be provided in accordance with the standards contained in Sections 90402.00 et seq.

§ 90507.09 SIGNS

The following signs shall be permitted in the A-1 Zone; however, all signs shall be subject to Section 90401 as applicable.

1. Temporary real estate signs not exceeding 20 sq. ft., and advertising the property for sale or lease, and meeting requirements of Division 4, Chapter 1.
2. Temporary construction signs related to construction on said property, meeting requirements of Division 4, Chapter 1.
3. Temporary political, religious, civic and campaigning signs not to exceed three (3) months, meeting requirements of Division 4, Chapter 1.
4. Signs approved in conjunction with a Conditional Use Permit approved for the site.
5. Temporary agricultural signs as allowed by Section 90401.10.

§ 90507.010 LANDSCAPING

Landscaping for non-residential development in the A-1 zone shall be the same as the M-1 zone (excluding crop and tree farming). Landscaping for residential development shall be the same as the R-1 zone.

§ 90507.11 ANIMALS

The breeding, keeping or maintaining of large or medium size animals shall be limited to the allotted amount as set forth in Section 90507.01 for non-residential uses; however, for residential uses, the following requirements shall apply in the A-1 zone:

- A. Lots greater than $\frac{1}{2}$ but less than 1 acre net may keep two medium animals per acre provided the separation distances under Section 90507.07 can be achieved.
- B. Lots greater than $\frac{3}{4}$ acre net may keep and maintain one large animal per $\frac{3}{4}$ acre up to 5 acres, and one large animal for every 5 acres of lot area thereafter (i.e. 40 acre lot equals 12 large animals). Small animals (i.e. goats, sheep, etc.) shall be allowed at the ratio of 1 large animal equals two small animals. Separation as required under Section 90502.08 shall be met.

- C. Lots allow for the keeping of small fowl, rabbits, birds, provided as follows: they are for domestic or hobby purposes; are maintained within proper enclosed/containment structures; are not free to leave the property; and the number of such animals does not exceed 5 of any one or combination thereof.
- D. The keeping of small domestic pets such as cats and dogs are allowed for non-commercial uses, and the number of such animals does not exceed 5 of any one or combination thereof.
- E. Special project animals considered to be a student oriented fair project that may be sponsored by an agricultural organization such as FFA or 4H may allow for the keeping of one large animal or two medium animals per parcel provided that they are:
 - 2. For the duration of the FFA/4H or agricultural fair schedule or 7 months maximum whichever is less;
 - 2. The property owner files an affidavit with the Planning & Development Services Department to verify it is a legitimate special project, including the name of the club, club leader and other information required by the Planning Director.

NOTE: The keeping of animals as designated is only allowed to the extent that said animals do not constitute a nuisance or public health hazard.

§ 90507.12 GARAGE/YARD SALES

Garage or yard sales are permitted without special use permits, provided they meet the following conditions:

- A. Sales last no longer than two (2) consecutive days.
- B. Sales are held no more than two (2) times a year.
- C. Sales are contained within the property.
- D. No goods purchased for re-sale are evident.
- E. Directional signs shall be removed immediately after sale ends.
- F. Directional signs shall not exceed 9 square feet.
- G. Directional signs may be placed on public right-of-way provided they do not interfere with traffic.
- H. Directional signs on private property shall have property owners (not tenants) permission.
- I. Directional or other signs not removed within 24 hours after sale ends shall be fined \$50.00.
- J. No signs shall be posted on utility posts/pole, or other highway information or directional sign.
- K. Violation of one or all of items (a) through (j) is a misdemeanor and may be cited as such.

§ 90507.13 SPECIAL REVIEW PROCEDURE AND DEVELOPMENT STANDARDS

The following special review procedures and development standards shall apply in the A-1 Zone.

- A. The breeding and raising of livestock permitted pursuant to this section shall be limited to one horse, one donkey, one mule, one cow, one buffalo, one llama, five goats, five sheep, or five other similar size animals per half acre.
- B. Temporary farm stand for the sale of allowed agriculture, horticultural or farming products, permitted within the A-1 Zone shall comply with the following standards:
 - 1. The floor area of the farm stand shall not exceed 600 square feet.
 - 2. The farm stand shall not be located closer than 25 feet from the driveway line of the front yard.
 - 3. The stand shall be erected in such a manner that it can be readily removed.
 - 4. The owner shall remove the stand at his or her own expense, when the stand is not in use for a period of one hundred twenty (120) consecutive days.

5. Customer parking, at the ratio of one car per 100 square feet, with a minimum of two (2) car spaces shall be provided, and shall be surfaced to prevent fugitive dust emissions.
- C. The breeding and raising of livestock in numbers greater than that allowed by subsection A, by minors in conjunction with a student oriented fair project sponsored by a bona fide agricultural organization, such as FFA or 4-H, shall be permitted upon application to and approval by the Director of Planning for a temporary permit. The contents of the application shall contain the following information:
1. Name and address of applicant.
 2. Name and address of property owner.
 3. Assessor's Parcel Number.
 4. Legal description of the property.
 5. Name of organization sponsoring applicant.
 6. Plot plan showing location of proposed pens, coops, or areas for raising of animals, and principal residential structures, both on site and immediate adjacent to subject site.
 7. The signature of the owner of the real property.

D. TEMPORARY VISITORS USE

While the use of Recreational Vehicles (R.V.'s) is not allowed as temporary or permanent residential dwellings, the incidental and occasional utilization of an R.V. may be allowed under the following conditions:

1. An R.V. may be connected to utilities and occupied for a period not to exceed two weeks annually per Title 12, Section 04 et al.
2. The R.V. connections are installed to meet applicable Health and Safety Code Regulations, and has been approved by Planning & Development Services Department.
3. The R.V. connections are for the primary use and are not independent service connections.
4. The R.V. is not allowed in or upon any public street or right-of-way or setback area.

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TITLE 9

DIVISION 5: ZONING AREA ESTABLISHED

CHAPTER 8: A-2 (GENERAL AGRICULTURE ZONE) A-2-R (GENERAL AGRICULTURAL/RURAL ZONE)

§ 90508.00	PURPOSE AND APPLICATION
§ 90508.01	PERMITTED USES IN THE A-2 ZONE
§ 90508.02	USES PERMITTED WITH CONDITIONAL USE PERMIT
§ 90508.03	PROHIBITED USES
§ 90508.04	MINIMUM LOT/PARCEL SIZE
§ 90508.05	MINIMUM LOT AREA/DWELLING
§ 90508.06	YARDS AND SETBACKS
§ 90508.07	HEIGHT
§ 90508.08	MINIMUM DISTANCE BETWEEN STRUCTURES
§ 90508.09	PARKING
§ 90508.10	SIGNS
§ 90508.11	LANDSCAPING
§ 90508.12	SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS

§ 90508.00 PURPOSE AND APPLICATION

The purpose of the A-2 (General Agriculture), [40 Acre minimum] Zone is to designate areas that are suitable and intended primarily for agricultural uses (limited) and agricultural related compatible uses.

§ 90508.01 PERMITTED USES IN THE A-2 ZONE

The following uses are permitted in the A-2 Zone provided they meet the requirements of this Title:

- a) Agricultural accessory structure(s) (including cargo containers)
- b) All agricultural and grazing uses, including breeding and/or grazing of animals as follows:
 1. On parcels greater than 30 acres, no limit for temporary or transitory grazing provided primary food source is a product grown on site and any import is a supplement and does not generate significant vector breeding (Strictly prohibited unless approved by CUP are: livestock feed lots; hog ranches, dairies, animal sales yards, cotton gins, dehydration units, labor camps, packing plants and other similar intense uses).
 2. On parcels less than 30 acres and parcels contiguous to four (4) or more homes:
 - a. Large animals (cattle, horses, etc.) not to exceed one (1) per half (½) acre;
 - b. Medium animals (goats, sheep, swine, etc.) not to exceed five (5) per half (½) acre;
 - c. Small animals (poultry, rabbits, etc.) not to exceed five (5);
 - d. (All such animals shall be maintained at least 50 feet from any residence).
- c) Animal Grooming, (no boarding of animals)
- d) Any Agricultural use permitted in the A-1 Zone, under § 90507.01 (a)
- e) Aquaculture to allow for the growing and harvesting of algae, fish, frogs, shrimp and similar aquatic products. This includes shipping but does not include processing.
- f) A "temporary" mobile home or recreational vehicle serving as a temporary residence during construction of a single family home, meeting the requirements specified in 90508.12 (c)
- g) Day Care home for less than five (5) people
- h) Electrical Vehicles Charging Stations as an Accessory Use. (incidental to Primary Use)
- i) Farm stand for products grown locally (no processing) subject to Section 90509.12 (A)
- j) General retail sales for products grown on site (no processing)
- k) Home Occupation per Division 4, Chapter 4 (home occupation permit required)
- l) Industrial Hemp: including the cultivation, harvesting and testing, and light processing, subject to Division 4 Chapter 6 of Title 9 Land Use Ordinance and Title 14 of the Imperial County Codified Ordinance
- m) Mineral exploration
- n) Oil, gas and geothermal exploration meeting requirements specified in Division 17
- o) One Single family dwelling
- p) Residential accessory structure(s)
- q) Residential care facility serving five (5) or fewer persons

- r) Single day fund raising event provided it is held no more than twice per year in an approved (meeting all Health and Safety, Traffic & Fire Code regulations) structure or facility. Any such event shall notify the Planning & Development Services Department, Public Works, EHS and Fire at least sixty (60) days prior to the event and request a written approval. The County shall inspect the facilities and may upon compliance with applicable regulations approve the use. If the facility does not or cannot meet the minimum requirements the County shall not approve and the event shall not be held at the specified location. (Temporary Use Permit)
- s) Solar energy extraction generation provided that it is for on-site consumption only
- t) The growing and harvesting of all types of crops including but not limited to the following: Berry crops, Bush crops, Field crops, , Flowers and horticultural Specialties, Green house, Nursery, Nut and fruit trees, Timber, Vegetables, Vine crops
- u) Wildlife Preserve
- v) Wind driven electrical generator for on-site consumption of electricity

§ 90508.02 USES PERMITTED ONLY WITH A CONDITIONAL USE PERMIT

The following uses are permitted in the A-2 Zone provided they meet the requirements of this Title:

- a) Abattoir or animal slaughter house and/or meat packing facilities
- b) Accessory Dwelling Unit (one additional) unit per legal parcel, not to exceed two (2) per legal parcel which cannot then be subdivided at a later date
- c) Agricultural related trucking business (trucking predominantly agricultural products)
- d) Airports or aircraft landing fields Airport for private non-commercial use and agricultural air applicators
- e) Animal hospitals, kennels and veterinarians office
- f) Animal Kennel or boarding facility
- g) Animal sales yards or stockyard
- h) Animal shelters
- i) Animal training facility
- j) Battery Storage Facility (must be connected to an existing electrical power generation plant such as solar, geothermal, wind, natural gas, or other renewable energy generator, as an accessory unit to said power plant)
- k) Breeding and raising of animals in excess of the limits specified in 90508.01
- l) Cemetery or Mausoleum
- m) Cheese & other dairy product manufacturing
- n) Chickory processing facilities
- o) Circus or carnival, Country Club, or other amusement facilities
- p) City, County, State, and Federal enterprises, inclg buildings, facilities and uses of departments or institutions thereof which are necessary or advantages to the general welfare of the community
- q) Cold storage facilities for agricultural products only
- r) Commercial nurseries
- s) Communication Towers: including radio, television, cellular, digital, along with the necessary support equipment such as receivers, transmitters, antennas, satellite dishes, relays, etc. (subject to requirements of this zone and Division 24; Section 92401 "Communications Facilities Ordinance" et al).
- t) Concrete or Asphalt Batch Plant (Temporary, less than 180 days)
- u) Contract Harvesting businesses (not trucking business)
- v) Cotton gins
- w) Dairies
- x) Dehydration mills
- y) Electrical generation plants (less than 50 mw) excluding nuclear or coal fired and meeting requirements in Division 17
- z) Electrical substations in an electrical transmission system (500 kv/230 kv/161 kv).
- aa) Equestrian establishments, stables and riding academies
- bb) Facilities for the transmission of electrical energy (100-200 kv)
- cc) Farm equipment rental agencies
- dd) Farm implement sales and farming related metal fabrication
- ee) Farm labor housing for onsite farm employees (Employee Housing)
- ff) Fireworks; assembly and storage according to §90501.17
- gg) Flood Control Facility
- hh) Fruit and vegetable packing plants

- ii) Geothermal test facilities, Intermediate projects, and major exploratory wells, meeting requirements in Division 17
- jj) Grain storage and loading facilities
- kk) Gun Club
- ll) Hay processing and storage
- mm) Heliports
- nn) Hunting and fishing clubs
- oo) Land application of sludge or similar "waste" material to agricultural land
- pp) Livestock feed yards or stockyards to include onsite agricultural material composting
- qq) Major facilities relating to the generation and transmission of electrical energy, provided such facilities are not, under State or Federal law, to be approved exclusively by an agency or agencies of the State and/or Federal governments and provided that such facilities shall be approved subsequent to coordination and review with the Imperial Irrigation District for electrical matters.
- rr) Major Geothermal projects per Division 17
- ss) Manufacturing building materials from agricultural products
- tt) Meat and fish packing plants
- uu) Poultry farming including hatching, breeding, butchering, processing or shipping of chickens, turkeys or other fowl or poultry, including eggs
- vv) Public Agency Structure
- ww) Resource extraction and energy development as per Division 17
- xx) Scale repair facility (truck or other large unit)
- yy) Seed mills
- zz) Small ethanol plant with a capacity not to exceed one million gallons a year
- aaa) Solar Energy Electrical Generator
- bbb) Special Occasion Facility
- ccc) Temporary Real Estate offices
- ddd) Temporary Construction office/yard
- eee) Trade Fairs and Exhibits (temporary, less than ten (10) days)
- fff) Transfer Station for solid waste
- ggg) Transportation, Treatment Units (TTU's) which are used to process/treat hazardous and/or non-hazardous waste/material and which may or may not require permit from such agencies as Department of Health Services, Regional Water Quality Control Board and Air Pollution Control Board. TTU's shall not be allowed in any zone without the issuance of a Conditional Use Permit. TTU's shall only be considered for permitting if there is an existing industrial, manufacturing or commercial use, and then only for a limited period not to exceed ninety (90) days
- hhh) Waste to energy facility less than 10 megawatt
- iii) Water and/or Wastewater Treatment Plant
- jjj) Wind Driven Electrical Generator, for commercial sale as per Division 17

§ 90508.03 PROHIBITED USES

All other uses not expressly permitted by Section 90508.01 or 90508.02 are prohibited.

§ 90508.04 MINIMUM LOT/PARCEL SIZE

No portion of any lot within the A-2 Zone shall contain less than forty (40) acres gross (existing parcels at time of adoption of this Title are legal), except in the case of a conveyance to or from a governmental agency or public entity, for public purpose, public utility purpose (non-fee) right-of-way. The intent is to maintain agricultural and in the largest farmable parcel configurations.

EXCEPTION: (The lot sizes in any Lot Reduction Exception may require minimum net land area per dwelling unit if an OWTS will be used, as required by County Ordinance §8.80.150..

LOT REDUCTION EXCEPTION #1

Notwithstanding Section 90508.04, the Planning Director or Planning Commission may approve a parcel map creating no more than two (2) parcels where one or both of the parcels is smaller than the applicable minimum parcel size only if the following conditions can be met.

- a. The subdivision is to authorize conveyance of an existing single family dwelling which was actually constructed prior to April 1, 1976.
- b. The subdivider agrees to convey and surrender development rights to the County covering a sufficient remainder of property to guarantee that the reduction in the lot area will not result in an increase in the density of residential uses than otherwise permitted in the zone in which the property is located. Such a conveyance shall be in a form approved by the Planning Director and shall be recorded with the final parcel map.
- c. Compliance is made with all other requirements contained in this Title.

LOT REDUCTION EXCEPTION #2

Notwithstanding Section 90508.04, the Planning Director or Planning Commission may approve a parcel map creating no more than four (4) parcels where one or all of the parcels is smaller than the applicable minimum parcel size only if all of the following conditions and findings can be met.

CONDITIONS

There are existing small parcels within identified existing enclaves that meet all (a.-e.) of the following parameters:

- a. The existing and the proposed parcels meet or can meet minimum health and safety standards for potable water, for fire protection, for police protection and for sewage disposal.
- b. There are six (6) or more existing small contiguous parcels (1/2 to 10 acres maximum) within a confined area.
- c. There are at least six (6) existing residences within the enclave.
- d. The enclave consists of parcels sized to allow further division while still meeting minimum parcel sizes that can meet the requirements of this Division.
- e. The further division of land within the enclave does not promote the enlargement of the outer boundary of the area.

FINDINGS

To allow divisions of land within an identified enclave the Commission and/or Board of Supervisors must be able to make the following findings:

- a. The division is within an impacted enclave that will not adversely impact surrounding agricultural operations,
- b. The division enhances agricultural land protection by converting existing impacted land more efficiently and by keeping other agricultural land protected
- c. The division is within an existing enclave of six (6) or more shall (1/2 to 10 acre) parcels, and six (6) or more existing residences,
- d. The parcel (s) shall not be less than .5 acres net if a full soils report shows adequate soil conditions to support development and long term sewage disposal capacity. Larger size parcels will be required, if the soil report or other factors necessitate,
- e. The area can be provided adequate fire and police protection services. A written statement from the Fire Department and the Sheriff/Police Department shall be required,
- f. The division can mitigate and comply with added traffic impacts,

- g. The proposed division has an adequate supply of water to each parcel, through an acceptable conveyance system, and can or will provide potable water to each parcel,
- h. Each existing, as well as proposed parcel, abuts a public road or highway and/or has legal and physical access via a County road,
- i. The long term impacts of additional sewage disposal system within the enclave is verified and can sustain the additional loads as shown by acceptable engineering studies.

§ 90508.05 MINIMUM LOT AREA/DWELLING UNIT

There shall be no more than one principal single family dwelling per legal lot in the A-2 Zone, except with a conditional use permit. There shall be a minimum one acre per dwelling unit, for the first unit, and there shall be a minimum of 30,000 square feet for any additional dwelling unit that may be allowed. However, when an OWTS is proposed for any dwelling unit, the lot area per dwelling unit shall be a minimum of (2.5) two and a half acres as set forth in County Ordinance §8.80.150..

§ 90508.06 YARDS AND SETBACKS

The following yard setback requirements shall apply in the A-2 Zone:

- A. FRONT YARD. Except as otherwise provided, the front yard minimum setback for all buildings shall be as follows:

The minimum front yard setback for all buildings within the A-2 Zone shall be 30 feet from the front yard property line or edge of public right-of-way, or in absence of a known (identifiable) property line, 80 feet from centerline of any existing or proposed secondary road or highway. In no case shall the front yard minimum setback be less than 30 feet from the edge of right-of-way.

- B. SIDE YARD. Except as otherwise provided, the side yard minimum setback for all buildings shall be as follows:

Side yard setback on each side of any building of not less than five (5) feet, except that on street sides of a corner lot, the building shall be setback a minimum of thirty (30) feet from the edge of right-of-way.

- C. REAR YARD. Except as otherwise provided, the rear yard minimum setback for all buildings shall be as follows:

There shall be a rear yard setback of not less than ten (10) feet for all structures, except that in the case of through lots that designate rear yard shall be the equivalent of the front yard.

§ 90508.07 HEIGHT

The following height limits apply in the A-2 Zone.

- A. Residential buildings shall not exceed three (3) stories in height or forty (40) feet.
- B. Radio and television antennae, chimney and other residential accessory features, structures, shall not exceed sixty (60) feet in height and as may be required by Airport Land Use Compatibility Plan (ALUCP).
- C. Non-Residential structures and commercial communication towers shall not exceed one hundred twenty (120) feet in height, and shall meet ALUC Plan requirements.
- D. All height limits shall also be subject to the restrictions of other divisions including airport approach zones, etc.

§ 90508.08 MINIMUM DISTANCE BETWEEN STRUCTURES

The following requirements shall apply to the minimum distance between structures in the A-2 Zone.

- A. There shall be least ten (10) feet between any residential structure and a residential accessory structure.
- B. There shall be at least fifteen (15) feet between residential structures.
- C. There shall be at least fifty (50) feet between any residential structure and a non-residential structure housing animals, including pens, coops, stables, barns.
- D. There shall be a minimum of one hundred (100) feet between any sanitary disposal system and a groundwater well.
- E. There shall be at least one hundred (100) feet between any structure/pen housing animals and a groundwater well or potable water supply.

§ 90508.09 PARKING

Off-street parking in the A-2 Zone shall be provided in accordance with the requirements of Section 90402.01A (Residential Uses). Each single family dwelling shall meet this requirement. Additional parking shall be required for accessory or secondary uses.

§ 90508.10 SIGNS

The following signs shall be permitted in the A-2 Zone; however, all signs shall be subject to Section 90401 as applicable.

- 1. Temporary real estate signs not exceeding 20 sq. ft., and advertising the property for sale or lease, and meeting requirements of Division 4, Chapter 1, of this Title.
- 2. Temporary construction signs related to construction on said property, meeting requirements of Division 4, Chapter 1.
- 3. Temporary political, religious, civic and campaigning signs not to exceed three (3) months, meeting requirements of Division 4, Chapter 1.
- 4. Signs approved in conjunction with a Conditional Use Permit approved for the site.
- 5. Temporary agricultural signs as allowed by Section 90401.10.

§ 90508.11 LANDSCAPING

Landscaping for non-residential development in the A-2 zone shall be the same as the M-1 zone (excluding crop and tree farming). Landscaping for residential development shall be the same as the R-1 zone.

§ 90508.12 SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS

The following special review procedures and development standards shall apply in the A-2 Zone.

- A. Temporary farm stand for the sale of agriculture, horticultural or farming products, permitted within the A-2 Zone shall comply with the following standards:
 - 1. Comply with standards of Division 17 of the Food & Agricultural Code and Chapter 12.5 of the California Health & Safety Code.
 - 2. The floor area of the farm stand shall not exceed 600 square feet.
 - 3. The farm stand shall not be located closer than 25 feet from the driveway line of the front yard.
 - 4. The stand shall be erected in such a manner that it can be readily removed.

5. The owner shall remove the stand at his or her own expense, when the stand is not in use for a period of sixty (60) consecutive days.
 6. Customer parking, at the ratio of one car per 100 square feet, with a minimum of two (2) car spaces shall be provided, and shall be surfaced to prevent fugitive dust emissions.
- B. A mobile home or recreational vehicle permitted as a temporary dwelling during construction of a conventional dwelling shall comply with the following standards.
1. Building permits for construction of a conventional single family residence shall be obtained prior to or concurrent with the installation of the permit for the mobile home or RV.
 2. The mobile home shall be removed from the premises if:
 - a. 6 months has passed since the mobile home or recreational vehicle was installed;
 - b. 7 days has passed since the conventional dwelling was approved for occupancy;
 - c. The building permit has lapsed due to lack of activity.
 3. One extension of time for a period not to exceed six (6) months may be directed by the Director of Planning, upon written request by the property owner. Extension may only be approved subject to the following condition:
 - a. An active building permit is on file with Imperial County Planning & Development Services Department.
 - b. The construction of a conventional dwelling unit on the site has progressed to a stage of inspection and approval, for the framing, rough electric, rough mechanical and top out.

C. TEMPORARY VISITORS USE

While the use of Recreational Vehicles (R.V.'s) is not allowed as temporary or permanent residential dwellings, the incidental and occasional utilization of an R.V. may be allowed under the following conditions:

1. An R.V. may be connected to utilities and occupied for a period not to exceed two weeks annually per Title 12.04 et al. of the Imperial County Codified Ordinance.
2. The R.V. connections are installed to meet applicable Health and Safety Code Regulations, and permitted by Planning & Development Services Department.
3. The R.V. connections are for the primary use and are not independent service connections.
4. The R.V. is not allowed in or upon any public street or right-of-way.

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TITLE 9

DIVISION 5: ZONING AREA ESTABLISHED

CHAPTER 9: A-3 (HEAVY AGRICULTURE)

§ 90509.00	PURPOSE & APPLICABILITY
§ 90509.01	PERMITTED USES IN THE A-3 ZONE
§ 90509.02	USES PERMITTED WITH CONDITIONAL USE PERMIT ONLY
§ 90509.03	PROHIBITED USES
§ 90509.04	MINIMUM LOT SIZE
§ 90509.05	MINIMUM LOT AREA PER DWELLING UNIT
§ 90509.06	YARDS AND SETBACKS
§ 90509.07	HEIGHT
§ 90509.08	MINIMUM DISTANCE BETWEEN SETBACKS
§ 90509.09	PARKING
§ 90509.10	LANDSCAPING
§ 90509.11	SIGNS
§ 50509.12	SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS

§ 90509.00 PURPOSE & APPLICABILITY

The purpose of the A-3 (Heavy Agriculture) [40 acres or larger typical] Zone is to designate areas that are suitable for agricultural land uses; to prevent the encroachment of incompatible uses onto and within agricultural lands; and to prohibit the premature conversion of such lands to non-agricultural uses. It is a land use that is to promote the heaviest of agricultural uses in the most suitable land areas of the County. Uses in the A-3 zoning designation are limited primarily to agricultural related uses and agricultural activities that are compatible with agricultural uses.

§ 90509.01 PERMITTED USES IN THE A-3 ZONE

The following uses are permitted in the A-3 Zone provided they meet the requirements of this Title:

- a) Agricultural accessory structure(s) (including cargo containers)
- b) Agricultural industry and agricultural services when incidental to and secondary to the primary use of the agricultural parcel and by the same land owner.
- c) All uses shown in § 90508.01 but not § 90507.01
- d) Animal sales yards or stockyard
- e) Contract harvesting, when incidental to and secondary to the primary use of the premise for agriculture.
- f) Cotton gins
- g) Creameries, cheese processing, yogurt manufacturing
- h) Dehydration mills
- i) Electrical Vehicles Charging Stations as an Accessory Use. (incidental to Primary Use)
- j) Farm stands, temporary in nature, and incidental to the permitted primary use are allowed. Retail sales of processed products, processed under A-3 Zone provided that they are incidental to and secondary to the primary use, subject to Section 90509.12 (A)
- k) Feedlots
- l) Fruit, vegetable and plant product processing including, cold storage, packaging, preserving, canning, and shipping when the agricultural products are produced or grown by the owner of the processing facility on the premise or on land leased, rented or owned by the owner of the processing facility
- m) Home Occupation per Division 4, Chapter 4 of Title 9 Land Use Ordinance (Home Occupation permit required)
- n) Honey extraction
- o) Industrial Hemp: including the cultivation, harvesting and testing, and light processing, subject to Division 4 Chapter 6 of Title 9 Land Use Ordinance and Title 14 of the Imperial County Codified Ordinance
- p) Miscellaneous uses. Accessory building, structures including cargo tank containers, if incidental to and accessory to the primary permitted use, flood control facilities, home occupation, hunting or fishing clubs without permanent structures, water storage or groundwater recharge facilities, water systems, sewage treatment facilities, wildlife or natural preserves.
- q) Residential accessory structure(s) (including cargo containers)
- r) Single family dwelling

- s) Solar energy extraction generation provided that it is for on-site consumption only
- t) The breeding and raising of animals including, bee keeping, cattle or livestock grazing, birds, dairy stock, fish and frogs, hogs, horse, donkeys, mules, poultry, rabbits, and sheep.
- u) The growing and harvesting of all agricultural crops, including berry crops, bush crops, field crops (both dry and irrigated), flowers, and horticultural specialties, greenhouse, nursery, nut, timber, vegetable and vine.
- v) Residential accessory structures, farm labor housing under California law
- w) Transmission lines, including supporting towers, poles microwave towers, utility substations.

Special Note: The uses under agricultural industries may be in the form of a co-operative, corporation, limited partnership or sole proprietorship provided, if the facility continues to be used for agricultural related processing. In the event the facility ceases to operate, it shall not be converted to another non-agricultural related processing or other commercial/industrial use.

§ 90509.02 USES PERMITTED ONLY WITH A CONDITIONAL USE PERMIT

The following uses are permitted in the A-3 Zone provided they meet the requirements of this Title:

- a) Abattoir or animal slaughter house
- b) Accessory Dwelling Unit (one additional) unit per legal parcel, not to exceed two (2) per legal parcel which cannot then be subdivided at a later date
- c) Agricultural animal products processing including, meat and fish packing, canning and shipping, provided the livestock is produced or grown by the owner of the process facility on the premise or on land, leased, rented or owned by the owner of the processing facility. This section does not allow for slaughterhouses, rendering plants or tanning operations or any similar animal or agricultural waste or by product processing
- d) Agricultural chemical storage, shipping and packing facilities (no manufacturing)
- e) Agricultural related trucking facility (hauling primarily agricultural products)
- f) Airports or aircraft landing fields for private non-commercial use and agricultural air applicators
- g) Animal hospitals, kennels and veterinarian office
- h) Animal shelters
- i) Battery Storage Facility (must be connected to an existing electrical power generation plant such as solar, geothermal, wind, natural gas, or other renewable energy generator, as an accessory unit to said power plant)
- j) Bio-mass energy conversion plant
- k) Cemeteries, columbariums, crematories and mausoleums
- l) Chickory processing facilities
- m) City, County, State and Federal enterprises, including buildings, facilities and uses of departments or institutions thereof which are necessary or advantageous to the general welfare of the community
- n) Cold storage facility for agricultural products
- o) Communication Towers: including radio, television, cellular, digital, along with the necessary support equipment such as receivers, transmitters, antennas, satellite dishes, relays, etc.. (subject to requirements of this zone and Division 24; Section 92401 "Communications Facilities Ordinance" et al).
- p) Composting Facility
- q) Concrete or asphalt batch plants (Temporary and in conjunction with an active capital improvement project)
- r) Dams and/or Reservoir
- s) Drainage control systems
- t) Equestrian establishments, stables and riding academies
- u) Ethanol plants with a capacity not to exceed one million gallons a year
- v) Explosive material storage and handling
- w) Farm labor housing for contract labor
- x) Farm machinery and equipment repair facilities
- y) Fertilizer mixing, storage and transport facilities (not manufacturing)
- z) Fireworks; assembly and storage according to §90501.17
- aa) Flower mills
- bb) Fruit and vegetable packing and processing plants
- cc) Geothermal test facilities, Intermediate projects, and major exploratory wells meeting the requirements in Division 17
- dd) Glucose processing
- ee) Government office or public buildings
- ff) Grain elevators for commercial storage and shipping
- gg) Guest ranches

- hh) Hay processing and storage
- ii) Heliport
- jj) Hog ranches
- kk) Hospitals, sanitariums and rest homes
- ll) Industrial Hemp: manufacturing into semi-finished and finished products, subject to Division 4 Chapter 6 of Title 9 Land Use Ordinance and Title 14 of the Imperial County Codified Ordinance
- mm) Labor camps
- nn) Land application of sludge or similar product/waste to agricultural land
- oo) Major facilities relating to the generation and transmission of electrical energy, provided such facilities are not, under state or federal law, to be approved exclusively by an agency or agencies of the state and/or federal governments and provided that such facilities shall be approved subsequent to coordination and review with the Imperial Irrigation District for electrical matters, meeting the requirements in Division 17
- pp) Major geothermal projects, meeting the requirements in Division 17
- qq) Mining and mineral extraction or rock, gravel, sand and crushing processing
- rr) Non-hazardous waste facility
- ss) Oil extraction
- tt) Private airports
- uu) Public agency or public utility buildings and structures
- vv) Race tracks (non-motorized)
- ww) Restricted Produce Sales. This "restricted" produce sales would allow for the retail sales of minor food items and souvenirs generally attributable to items sold at roadside and fruit stands, provided, however, that such use is otherwise allowable by State and local laws.
- xx) Septic disposal systems
- yy) Shooting range
- zz) Solar energy plants meeting the requirements in Division 17
- aaa) Special Occasion Facility
- bbb) Surface mining operations
- ccc) Tasting rooms
- ddd) Temporary construction yard/office
- eee) Temporary Real Estate tract offices and signs
- fff) Transfer stations (solid waste non-hazardous)
- ggg) Transportation Treatment Units (TTU's) which are used to process/treat process hazardous and/or non-hazardous waste/material and which may or may not be required permit from such agencies as Department of Health Services, Regional Water Quality Control Board and Air Pollution Control Board shall only be permitted through a Conditional Use Permit. TTU's shall not be allowed in any other zone and only with the issuance of a Conditional Use Permit. TTU's shall only be considered for permitting in the zones if there is an existing industrial, manufacturing or commercial use to which the TTU would be an accessory use, and then only for a limited period not to exceed ninety (90) days.
- hhh) Veterinary clinics
- iii) Waste to energy facilities
- jjj) Water treatment plants
- kkk) Wineries
- lll) Wool pulling and scouring

§ 90509.03 PROHIBITED USES

All other uses not permitted specifically by Sections 90509.01 and 90509.02 of this Chapter are prohibited.

§ 90509.04 MINIMUM LOT SIZE

No portion of any lot parcel within the A-3 Zone shall contain less than 40 acres gross, except in the case of conveyances to or from a governmental agency, public entity, public utility, community water company or mutual water company, or parcels less than 40 acres(net or gross) at time of adoption of this ordinance. The intent is to maintain all agricultural land in the largest farmable parcel size.

EXCEPTION:

LOT REDUCTION EXCEPTION #1

Notwithstanding Section 90509.04, the Planning Director or Planning Commission may approve a parcel map creating no more than two (2) parcels where one (1) or both of the parcels is smaller than the applicable minimum parcel size and only if the following conditions can be met:

- a. The subdivision is to authorize conveyance of a single family dwelling which was actually constructed prior to April 1, 1976.
- b. The subdivider agrees to convey and surrender development rights to the County covering a sufficient remainder of property to guarantee that the reduction in the lot area will not result in an increase in the density of residential uses than otherwise permitted in the zone in which the property is located. Such a conveyance shall be in a form approved by the Planning Director and shall be recorded with the final parcel map.
- c. Compliance is made with all other requirements contained in this Title.

LOT REDUCTION EXCEPTION #2

Notwithstanding Section 90508.04, the Planning Director or Planning Commission may approve a parcel map creating no more than four (4) parcels where one or all of the parcels is smaller than the applicable minimum parcel size and only if all of the following conditions and findings can be met:

CONDITIONS:

There are existing small parcels within identified existing enclaves that meet all (a.-e.) of the following parameters.

- a. The existing and the proposed parcels meet or can meet minimum health and safety standards for potable water, for fire protection, for police protection and for sewage disposal.
- b. There are six (6) or more existing small, contiguous parcels (1/2 to 10 acres maximum) within a confined area.
- c. There are at least six (6) existing residences within the enclave.
- d. The enclave consists of parcels sized to allow further division while still meeting minimum parcel sizes the can meet the requirements of this division.
- e. The further division of land within the enclave does not promote the enlargement of the outer boundary of the area.

FINDINGS:

To allow divisions of land within an identified enclave the Commission and/or Board of Supervisors must be able to make the following findings:

- a. The division is within an impacted enclave that will not further adversely impact surrounding agricultural operations,
- b. The division enhances agricultural land protection by converting existing impacted land more efficiently and by keeping other agricultural land protected
- c. The division is within an existing enclave of six (6) or more (<10 acre) parcels, and six (6) or more existing residences,
- d. The parcel (s) shall not be less than .5 acres net if a full soils report shows adequate soil conditions to support development and long term sewage disposal capacity. Larger size parcels will be required, if the soil report or other factors necessitate,

- e. The area can be provided adequate fire and police protection services. A written statement from the Fire Department and the Sheriff/Police Department shall be required,
- f. The division can mitigate and comply with added traffic impacts,
- g. The proposed division has an adequate supply of water to each parcel, through an acceptable conveyance system, and can or will provide potable water to each parcel,
- h. Each existing, as well as proposed parcel, abuts a public road or highway and/or has legal and physical access via a County road,
- i. The long term impacts of additional sewage disposal system within the enclave is verified and can sustain the additional loads as shown by acceptable engineering studies.

§ 90509.05 MINIMUM LOT AREA PER DWELLING UNIT

There shall be not more than one (1) principal single-family dwelling on any legal parcel in the A-3 Zone, except that by a conditional use permit, a caretaker residence may be allowed in addition to the principal residence. Where due to a proven need two (2) caretakers residences are needed to service an existing on-site use, two (2) may be allowed upon adequate findings. Where one (1) or more residence is allowed in an A-3 zone, they shall not be allowed to be subdivided from the existing parcel at a later date. However, when an OWTS is proposed for any dwelling unit, the lot area per dwelling unit shall meet the standards set forth in County Ordinance §8.80.150..

§ 90509.06 YARDS AND SETBACKS

The following yard and setback requirements shall apply in the A-3 Zone.

A. Front Yard. Except as otherwise provided, the front yard minimum setback for all buildings shall be as follows:

- 1. 30 feet minimum from front yard property line or 80 feet from centerline of adjacent street
- 2. 30 feet from the front yard property line for all non-residential structures.
- 3. 300 feet from centerline of adjacent major collector roads, if any, for any animal, livestock pens
- 4. 100 feet from centerline of adjacent street for any agricultural processing facility

B. Side Yard. Except as otherwise provided, the side yard minimum setback for all buildings shall be as follows:

There shall be a side yard setback on each side of a building of not less than 10 feet.

C. Rear Yard. Except as otherwise provided, the rear yard minimum setback for all buildings shall be as follows:

There shall be a rear yard of not less than 10 feet for all structures.

§ 90509.07 HEIGHT

The following height limits apply in the A-3 Zone.

- A. Residential buildings shall not exceed three (3) stories in height or forty (40) feet.
- B. Radio and television antennae, chimney and other residential accessory features, structures, shall not exceed sixty (60) feet in height and as may be required by the Airport Land Use Compatibility Plan (ALUCP).

- C. Non-Residential structures and commercial communication towers shall not exceed one hundred twenty (120) feet in height, and as may be required by the Airport Land Use Compatibility Plan (ALUCP).
- D. All height limits shall also be subject to the restrictions of other divisions including airport approach zones, etc.

§ 90509.08 MINIMUM DISTANCE BETWEEN STRUCTURES

The following requirements shall apply to the minimum distance between structures in the A-3 Zone.

- A. There shall be least ten (10) feet between any residential structure and a residential accessory structure.
- B. There shall be at least fifteen (15) feet between residential structures.
- C. There shall be at least fifty (50) feet between any residential structure and a non-residential structure housing animals, including pens, coops, stables, barns.
- D. There shall be a minimum of one hundred (100) feet between any sanitary disposal system and a groundwater well.
- E. There shall be at least one hundred (100) feet between any structure/pen housing animals and a groundwater well or potable water supply.

§ 90509.09 PARKING

Off-street parking shall be provided in the A-3 Zone according to the standards contained in Sections 90402.00 through 90402.16 of this Title.

§ 90509.10 LANDSCAPING

Landscaping for non-residential development in the A-3 zone shall be the same as the M-1 zone (excluding crop and tree farming). Landscaping for residential Development shall be the same as the R-1 zone.

§ 90509.11 SIGNS

The following signs shall be permitted in the A-3 Zone; however, all signs shall be subject to Section 90401 as applicable:

1. Temporary real estate signs, not exceeding 20 square feet, in advertising property for sale or lease and meeting the requirements of Division 4, Chapter 1.
2. Temporary construction signs related to construction on said property, again meeting requirements of Division 4, Chapter 1.
3. Temporary political, religious, civic and campaign sign not exceeding three (3) months in duration and meeting the requirements of Division 4, Chapter 1.
4. Signs related to agricultural products grown on-site or for sale on-site.
5. Institutional identification signs when approved in conjunction with the CUP.

§ 90509.12 SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS

The following special review procedures and development standards shall apply in the A-3 Zone.

- A. Temporary farm stand for the sale of agriculture, horticultural or farming products, permitted within the A-3 Zone shall comply with the following standards:

1. Comply with standards of Division 17 of the Food & Agricultural Code and Chapter 12.5 of the California Health & Safety Code.
 2. The floor area of the farm stand shall not exceed 600 square feet.
 3. The farm stand shall not be located closer than 25 feet from the driveway line of the front yard.
 4. The stand shall be erected in such a manner that it can be readily removed.
 5. The owner shall remove the stand at his or her own expense, when the stand is not in use for a period of one hundred twenty (120) consecutive days.
 6. Customer parking, at the ratio of one car per 100 square feet, with a minimum of two (2) car spaces shall be provided, and shall be surfaced to prevent fugitive dust emissions.
- B. A mobile home or recreational vehicle permitted as a temporary dwelling during construction of a conventional dwelling shall comply with the following standards.
1. Building permits for construction of a conventional single family residence shall be obtained prior to or concurrent with the installation of the permit for the mobile home.
 2. The mobile home shall be removed from the premises if:
 - a. 6 months has passed since the mobile home or recreational vehicle was installed;
 - b. 7 days has passed since the conventional dwelling was approved for occupancy;
 - c. The building permit has lapsed due to lack of activity.
 3. One extension of time for a period not to exceed six (6) months may be directed by the Director of Planning, upon written request by the property owner. Extension may only be approved subject to the following condition:
 - a. An active building permit is on file with Imperial County Planning & Development Services Department.
 - b. The construction of a conventional dwelling unit on the site has progressed to a stage of inspection and approval, for the framing, rough electric, rough mechanical and top out.

C. TEMPORARY VISITORS USE

While the use of Recreational Vehicles (R.V.'s) is not allowed as temporary or permanent residential dwellings, the incidental and occasional utilization of an R.V. may be allowed under the following conditions:

1. An R.V. may be connected to utilities and occupied for a period not to exceed two weeks annually per Section 12.04 et al.
2. The R.V. connections are installed to meet applicable Health and Safety Code Regulations, and permitted by Planning & Development Services Department.
3. The R.V. connections are for the primary use and are not independent service connections.
4. The R.V. is not allowed in or upon any public street or right-of-way.

TITLE 9

DIVISION 5: ZONING AREA ESTABLISHED

CHAPTER 10: AM-1 (AGRICULTURAL RELATED LIGHT INDUSTRIAL)

§ 90510.00	PURPOSE & APPLICATION
§ 90510.01	PERMITTED USES IN THE AM-1 ZONE
§ 90510.02	USES PERMITTED WITH A CONDITIONAL USE PERMIT
§ 90510.03	PROHIBITED USES
§ 90510.04	MINIMUM LOT/PARCEL SIZE
§ 90510.05	MINIMUM LOT/AREA IMPROVEMENT STANDARDS
§ 90510.06	YARDS AND SETBACKS
§ 90510.07	HEIGHT
§ 90510.08	MINIMUM DISTANCE BETWEEN STRUCTURES
§ 90510.09	PARKING
§ 90510.10	SIGNS
§ 90510.11	LANDSCAPING

§ 90510.00 PURPOSE & APPLICATION

The purpose of the AM-1 (Agriculture related Light Industrial) zone is to:

- A. Provide a zone that is consistent with the intent of the General Plan to protect agriculture and at the same time allow limited but compatible industrial uses within the agriculture land use categories;
- B. Provide areas that are suitable for agricultural related Light Industrial land uses, yet are still compatible with and create no adverse impacts on adjacent agricultural land uses;
- C. Provide an opportunity for existing Industrial uses, or for existing M-1 & M-1-N zones to become consistent with the General Plan without becoming pre-existing non-conforming uses.

§ 90510.01 PERMITTED USES IN THE AM-1 ZONE

The following uses are permitted in the AM-1 Zone provided they meet the requirements of this Title:

- a) Accessory Dwelling Unit per Section 90405.02 incidental to primary use (i.e. caretakers residence; owners residence, security guard residence)
- b) Agricultural accessory structure(s) (including cargo containers)
- c) Agriculture chemical (fertilizer, pesticides, etc.) sales & shipping (not manufactured)
- d) Agricultural signs less than 100 square feet and less than 15 feet high. See Section 90510.10.
- e) All agricultural (farming) uses in the A-2 zone as listed under 90508.01
- f) Animal grooming
- g) Animal kennel or boarding facility
- h) Animal training facility
- i) Cold storage facilities for agriculture products
- j) Contract harvesting business
- k) Electrical Vehicles Charging Stations as an Accessory Use. (incidental to Primary Use)
- l) Equestrian establishment
- m) Farm implement manufacturing (Light Manufacturing & assembly with less than 20 employees)
- n) Farm implement rental facility
- o) Farm implement repair (facility with less than 20 employees)
- p) Farm implement sales including parts (new)
- q) Farm implement sales including parts (used)
- r) Farmers market facility
- s) Feed stores (rental & wholesale) (Not regional distribution centers)
- t) Fuel (bulk) sales
- u) Gardening & landscape supply store

- v) Industrial Hemp: including the cultivation, harvesting and testing, and light processing, subject to Division 4 Chapter 6 of Title 9 Land Use Ordinance and Title 14 of the Imperial County Codified Ordinance
- w) Industrial Hemp: manufacturing into semi-finished and finished products, subject to Division 4 Chapter 6 of Title 9 Land Use Ordinance and Title 14 of the Imperial County Codified Ordinance
- x) Mineral exploration
- y) Packaging facility for agricultural products
- z) Poultry butchering including processing & shipping
- aa) Processing facility for agricultural products
- bb) Seed processing facility
- cc) Seed stores (retail & wholesale)
- dd) Solar energy extraction generation provided that it is for on-site consumption only.
- ee) Veterinary clinic/hospital

§ 90510.02 USES PERMITTED ONLY WITH A CONDITIONAL USE PERMIT

The following uses are permitted in the AM-1 Zone provided they meet the requirements of this Title:

- a) Agriculture chemical manufacturing
- b) Commercial Cannabis (Manufacturing), subject to Division 4 Chapter 6 of Title 9 Land Use Ordinance and Title 14 of the Imperial County Codified Ordinance
- c) Composting facility
- d) Communication Towers: including radio, television, cellular, digital, along with the necessary support equipment such as receivers, transmitters, antennas, satellite dishes, relays, etc. (subject to requirements of this zone and Division 24; Section 92401 "Communications Facilities Ordinance" et al).
- e) Farm labor bus transport facility
- f) Farm labor housing
- g) Heliports
- h) Mineral extraction facility
- i) Race track for horse or dog racing
- j) Rendering facility
- k) Slaughterhouse
- l) Solar power generation meeting the requirements in Division 17.
- m) Solid waste transfer station
- n) Waste to energy facility
- o) Wind electric power generation, meeting the requirements in Division 17.

§ 90510.03 PROHIBITED USES

All uses not expressly permitted either under 90510.01 or 90510.02 are strictly prohibited. In addition, where an agricultural industrial use/business is allowed in an AM-1 zone, it shall not be converted to a non-agricultural use, for a minimum of seven (7) years from date of Certificate of Occupancy for any project developed after adoption of this Title or five (5) years from adoption of this Title for any project operating in compliance with this zone at date of adoption.

Prior to such a conversion, the property owner/operator shall file a written request for a zone change in allowed use. The County may approve or deny such a request upon a public hearing before the Planning Commission and/or the Board of Supervisors. To allow the change the County must be able to find that the proposed change meets all of the following:

- A. The proposed use does not create or impose an adverse impact on the adjoining agricultural land uses.
- B. The proposed use has or will have adequate infrastructure which at a minimum shall include adequate sized and designed roads, waste water treatment and related infrastructure.
- C. The average daily trips (ADT) count for the proposed new project is less than or equal to the average ADT for the existing project. If the new project exceeds the average ADT, a traffic study shall be required and all required mitigation measures implemented.
- D. Applicant has met the burden of proof to show that there are no other alternatives available to him/her except for the conversion to a non-agricultural land use.

§ 90510.04 MINIMUM LOT/PARCEL SIZE

No portion of or any lot within the AM-1 zone shall contain less than 1 acre net.

§ 90510.05 MINIMUM LOT/AREA IMPROVEMENT STANDARDS

In order for structures and/or facilities and/or land uses allowed in the AM-1 zone to be consistent with the intent of the General Plan they shall meet the minimum requirements of this Title, applicable State & Federal regulations and the following standards:

A. TRAFFIC

Any AM-1 use that generates in excess of 100 ADT (to and from the facility) shall prepare a traffic study and shall implement all traffic mitigation measures, including turn lanes, signal lights, signage etc., as determined by the Department of Public Works.

B. AIR QUALITY

Any AM-1 use shall comply with and obtain permits from the Air Quality Control District prior to construction/operation, if determined necessary by the Air Pollution Control Officer.

C. WATER & WASTEWATER

Any AM-1 use that requires by Federal, State or local law/code or employs people shall provide treated (potable) water meeting the California drinking water standard. Likewise any such facility shall provide for wastewater treatment meeting California Regional Water Quality Control Board (CRWQCB) standards.

D. AG COMPATIBILITY

It shall be the obligation through studies, if necessary, for the proponent/owner of an AM-1 facility/use to prove that the use is compatible with the adjacent agricultural land uses.

§ 90510.06 YARDS AND SETBACKS

The following yard setback requirements shall apply in the AM-1 zone:

A. Front Yard. Except as otherwise provided, the front yard minimum setback for all buildings shall be as follows:

1. 25' minimum from public right-of-way, and/or
2. 80' from centerline of existing or proposed secondary arterial and/or
3. 60' from centerline of existing or proposed local street, and/or
4. 65' from centerline of existing or proposed collector

B. Side Yard. Except as otherwise provided, the side yard minimum setback for all buildings shall be as follows:

1. 10' on each side.
2. Except that on a corner lot, the side facing a street shall be the same as the front yard.
3. Except that the side yard may be 0' setback where the construction of the wall including parapet is of four (4) hour fire resistant construction and provided the overall height of the structure is less than 20 feet.

- C. Rear Yard. Except as otherwise provided, the rear yard minimum setback for all buildings shall be as follows:
 - 1. 10' minimum
 - 2. The rear yard may be 0' setback where the construction of the wall including parapet is of four (4) hour fire resistant construction and provided the overall height of the structure is less than 20 feet.

§ 90510.07 HEIGHT

The following height limit shall apply in the AM-1 Zone:

- A. Primary Structure- 80 feet
- B. Accessory Structure(s)- 30 feet
- C. Architectural Appurtenances such as TV & radio antennae, communication towers, silo elevators shall not exceed 100 feet.
- D. All height limits shall meet and be subject to other Divisions within this Title and other applicable regulations such as the Airport Land Use Compatibility Plan.

NOTE: Height shall be measured from the Average Ground Level (AGL) of the parcel.

§ 90510.08 MINIMUM DISTANCE BETWEEN STRUCTURES

The following minimum distances between structures in the AM-1 zone shall be provided:

- A. There shall be at least 20 feet between the primary structure and any accessory structure.
- B. There shall be at least 50 feet between a Light Industrial use structure and a residence.
- C. There shall be at least 100 feet between any structure housing animals or processing animals and a residence.

§ 90510.09 PARKING

The parking for the AM-1 zone shall be the same as required for the M-1 zone.

§ 90510.10 SIGNS

The following signs shall be permitted in the AM-1 Zone; however, all signs shall be subject to Section 90401 as applicable.

- A. Temporary Real Estate signs advertising the property for sale or rent, and not to exceed 20 square feet.
- B. Temporary construction signs not to exceed 40 square feet.
- C. Temporary political, religious or civic campaign signs, not to exceed three (3) months.
- D. Agricultural signs not to exceed 100 square feet.
- E. Institutional identification signs.
- F. Off-site directional signs.

§ 90510.11 LANDSCAPING

Landscaping in the AM-1 zone shall be the same as the M-1 zone.

TITLE 9

DIVISION 5: ZONING AREA ESTABLISHED

CHAPTER 11: AM-2 (AGRICULTURALLY RELATED- MEDIUM INDUSTRIAL)

§ 90511.00	PURPOSE & APPLICATION
§ 90511.01	PERMITTED USES
§ 90511.02	USES PERMITTED WITH A CONDITIONAL USE PERMIT
§ 90511.03	PROHIBITED USES
§ 90511.04	MINIMUM LOT/PARCEL SIZE
§ 90511.05	MINIMUM LOT/AREA IMPROVEMENT STANDARDS
§ 90511.06	YARDS AND SETBACKS
§ 90511.07	HEIGHT
§ 90511.08	MINIMUM DISTANCE BETWEEN STRUCTURES
§ 90511.09	PARKING
§ 90511.10	LANDSCAPING

§ 90511.00 PURPOSE & APPLICATION

The purpose of the AM-2 (Agricultural related Industrial) Zone is to:

- A. Provide a zone that is consistent with the intent of the General Plan to protect agriculture and at the same time allow limited but compatible and consistent agricultural related industrial land uses within the agricultural land use categories as defined in the General Plan.
- B. Provide uses that are suitable for Agricultural related Medium intensity Industrial land uses, yet are still consistent with the General Plan and compatible with the agricultural land uses in the vicinity, that are intended not to create adverse impacts on adjacent agricultural land or adjacent infrastructure.
- C. Provide an opportunity for existing Industrial uses or for existing M-2 and M-2-N Zones to become consistent with the General Plan without becoming pre-existing, non-conforming uses.
- D. Provide an opportunity for on-farm processing of agricultural related products and produce that while industrial in nature, can be safely, effectively done within the agricultural designated land uses without adversely affecting either the surrounding agricultural land uses and without becoming a detriment on planned industrial areas.

§ 90511.01 PERMITTED USES IN THE AM-2 ZONE

The following uses are permitted in the AM-2 Zone provided they meet the requirements of this Title:

- a) Agricultural accessory structure(s) (including cargo containers)
- b) Agricultural chemical manufacturing
- c) Agricultural chemical (fertilizer, pesticide, etc.) sales, handling and shipping (not disposal)
- d) Agricultural signs, less than 100 square feet and less than 15 feet in height. See Section 90511.10)
- e) All agricultural (farming) uses in the A-3 Zone as listed under 90509.01
- f) Animal grooming and training facility
- g) Animal kennel or boarding facility
- h) Aquaculture product packaging, processing and shipping plant
- i) Cold storage facilities for agricultural products
- j) Composting facility
- k) Contract harvesting businesses
- l) Cotton gins
- m) Creamery and other dairy product processing
- n) Dehydration plant
- o) Electrical Vehicles Charging Stations as an Accessory Use. (incidental to Primary Use)
- p) Equestrian establishment

- q) Farm implement manufacturing (medium manufacturing and assembly with more than 20 employees)
- r) Farm implement rental facility
- s) Farm implement repair facility (facility with more than 20 employees)
- t) Farm implement sales and parts (new)
- u) Farm implement sales (used) (include dismantling)
- v) Farmers Market
- w) Farm labor bus transport facility
- x) Farm labor housing
- y) Feed stores (rental and wholesale)
- z) Fuel (bulk) sales
- aa) Gardening and landscape supply store
- bb) Industrial Hemp: including the cultivation, harvesting and testing, and light processing, subject to Division 4 Chapter 6 of Title 9 Land Use Ordinance and Title 14 of the Imperial County Codified Ordinance
- cc) Industrial Hemp: manufacturing into semi-finished and finished products, subject to Division 4 Chapter 6 of Title 9 Land Use Ordinance and Title 14 of the Imperial County Codified Ordinance
- dd) Mineral exploration
- ee) Packing facility for agricultural products
- ff) Poultry butchering including processing and shipping
- gg) Processing facility for agricultural products
- hh) Accessory Dwelling Unit incidental to primary use (i.e. caretakers residence, owners residence, security guards residence) per Section 90405.02
- ii) Seed processing facility
- jj) Seed store, retail and wholesale
- kk) Slaughterhouse
- ll) Solar energy extraction generation provided that it is for on-site consumption only.
- mm) Vegetable and other produce packaging, processing and shipping plant
- nn) Veterinary clinic/hospital
- oo) Winery

§ 90511.02 USES PERMITTED ONLY WITH A CONDITIONAL USE PERMIT

The following uses are permitted in the AM-2 Zone provided they meet the requirements of this Title:

- a) Agricultural pesticide manufacturing
- b) Asphalt and concrete batch plants
- c) Blacksmith shop
- d) Candle manufacturing
- e) Coffee roasting
- f) Commercial Cannabis Manufacturing, subject to Division 4 Chapter 6 of Title 9 Land Use Ordinance and Title 14 of the Imperial County Codified Ordinance
- g) Communication Towers: including radio, television, cellular, digital, along with the necessary support equipment such as receivers, transmitters, antennas, satellite dishes, relays, etc. (subject to requirements of this zone and Division 24; Section 92401 "Communications Facilities Ordinance" et al).
- h) Manufacturing, compounding, assembling or treating or articles or merchandise from previously prepared materials as follows: bone, quartz, feather, felt, fur, hair, horn, paper, leather, tobacco, wood, manufacturing of batteries, manufacturing of ice, manufacturing of soap, manufacturing of textiles
- i) Mineral extraction facility
- j) Paper and straw board manufacturing
- k) Pickle and sauerkraut manufacturing
- l) Race track for horse or dog racing
- m) Rendering facility
- n) Soap manufacturing
- o) Solid waste transfer station
- p) Starch manufacturing
- q) Sugar manufacturing
- r) Taxidermist
- s) Temporary contractor's yard
- t) Vinegar manufacturing
- u) Waste to energy facility

§ 90511.03 PROHIBITED USES

All uses not expressly permitted in 90511.01 or 90511.02 are strictly prohibited.

§ 90511.04 MINIMUM LOT/PARCEL SIZE

No portion of any lot within the AM-2 zone shall contain less than 2 acres (net).

§ 90511.05 MINIMUM LOT/AREA IMPROVEMENT STANDARDS

In order for structures and/or facilities and/or land uses allowed in the AM-2 zone to be consistent with the intent of the General Plan they shall meet the minimum requirements of this Title, applicable State & Federal regulations and the following standards:

A. TRAFFIC

Any AM-2 use that generates in excess of 100 ADT (to and from the facility) shall prepare a traffic study and shall implement all traffic mitigation measures, including turn lanes, signal lights, signage etc., as determined by the Department of Public Works.

B. AIR QUALITY

Any AM-2 use shall comply with and obtain permits from the Air Quality Control District prior to construction/operation, if determined necessary by the Air Pollution Control Officer.

C. WATER & WASTEWATER

Any AM-2 use that requires by Federal, State or local law/code or employs people shall provide treated (potable) water meeting the California drinking water standard. Likewise any such facility shall provide for wastewater treatment meeting California Regional Water Quality Control Board (CRWQCB) standards.

D. AG COMPATIBILITY

It shall be the obligation through studies, if necessary, for the proponent/owner of an AM-2 facility/use to prove that the use is compatible with the adjacent agricultural land uses.

§ 90511.06 YARDS AND SETBACKS

The following yard setback requirements shall apply in the AM-2 zone:

A. Front Yard. Except as otherwise provided, the front yard minimum setback for all buildings shall be as follows:

1. 25' minimum from public right-of-way, and/or
2. 80' from centerline of existing or proposed secondary arterial and/or
3. 60' from centerline of existing or proposed local street, and/or
4. 65' from centerline of existing or proposed collector

B. Side Yard. Except as otherwise provided, the side yard minimum setback for all buildings shall be as follows:

1. 10' on each side, except that on a corner lot, the side facing a street shall be the same as the front yard.

2. The side yard may be 0' setback where the construction of the wall including parapet is of four (4) hour fire resistant construction and provided the overall height of the structure is less than 20 feet.
- C. Rear Yard. Except as otherwise provided, the rear yard minimum setback for all buildings shall be as follows:
1. 10' minimum
 2. The side yard may be 0' setback where the construction of the wall including parapet is of four (4) hour fire resistant construction and provided the overall height of the structure is less than 20 feet.

§ 90511.07 HEIGHT

The following height limit shall apply in the AM-2 Zone:

- A. Primary Structure- 80 feet
- B. Accessory Structure(s)- 30 feet
- C. Architectural Appurtenances such as TV & radio antennae, communication towers, silo elevators shall not exceed 100 feet.
- D. All height limits shall meet and be subject to other Divisions within this Title and other applicable regulations such as the Airport Land Use Compatibility Plan.

NOTE: Height shall be measured from the Average Ground Level (AGL) of the parcel.

§ 90511.08 MINIMUM DISTANCE BETWEEN STRUCTURES

The following minimum distances between structures in the AM-2 zone shall be provided:

- A. There shall be at least 20 feet between the primary structure and any accessory structure.
- B. There shall be at least 50 feet between a Light Industrial use structure and a residence.
- C. There shall be at least 100 feet between any structure housing animals or processing animals and a residence.

§ 90511.09 PARKING

The parking for the AM-2 zone shall be the same as required for the M-1 zone.

§ 90511.10 SIGNS

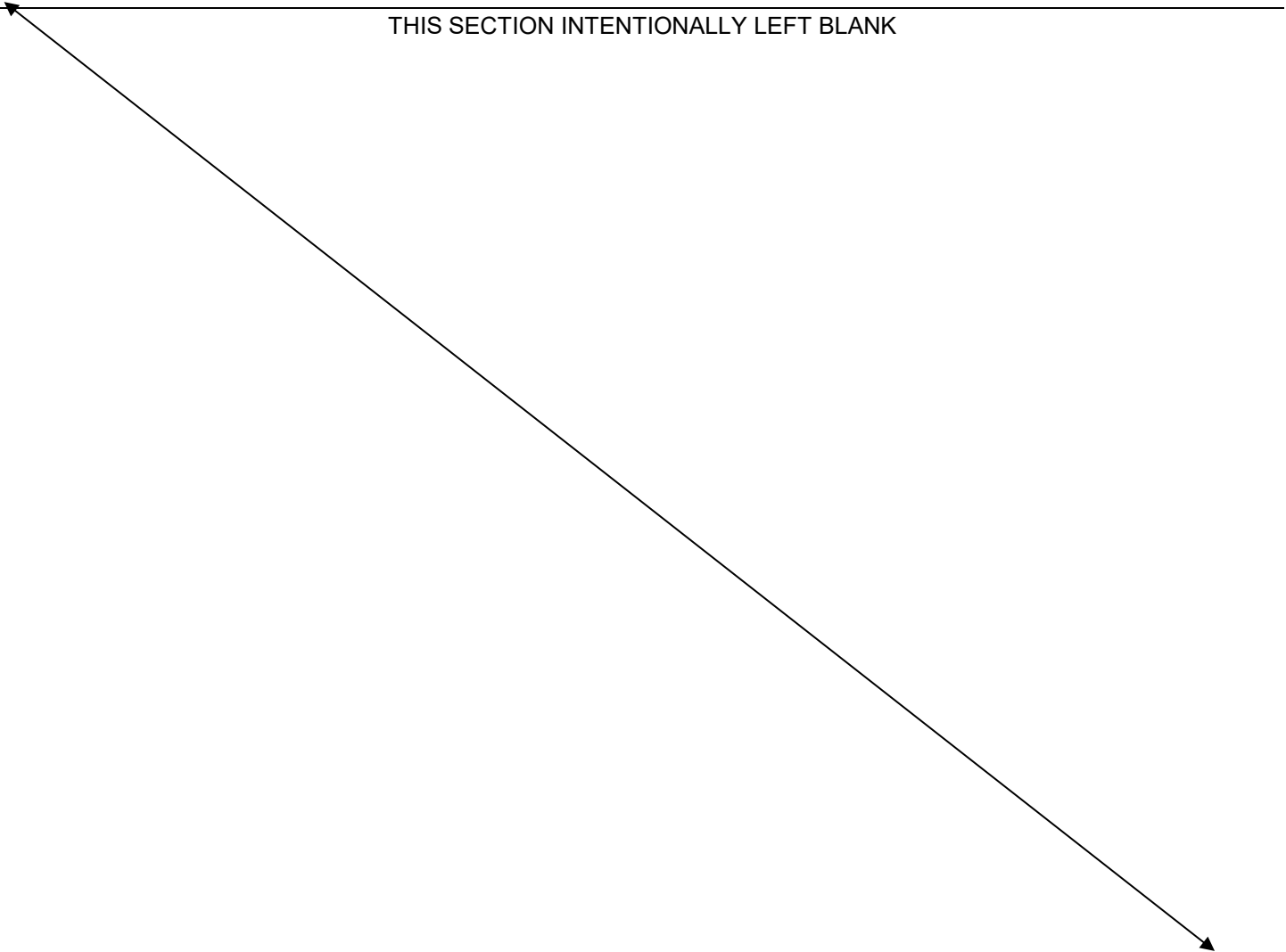
The following signs shall be permitted in the AM-2 Zone; however, all signs shall be subject to Section 90401 as applicable.

- A. Temporary Real Estate signs advertising the property for sale or rent, and not to exceed 20 square feet.
- B. Temporary construction signs not to exceed 40 square feet.
- C. Temporary political, religious or civic campaign signs, not to exceed three (3) months.
- D. Agricultural signs not to exceed 100 square feet.
- E. Institutional identification signs.
- F. Off-site directional signs.

§ 90511.11 LANDSCAPING

Landscaping in the AM-2 zone shall be the same as the M-1 zone.

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TITLE 9

DIVISION 5: ZONING AREA ESTABLISHED

CHAPTER 12: C-1 (LIGHT COMMERCIAL)

§ 90512.00	PURPOSE & APPLICABILITY
§ 90512.01	PERMITTED USES IN THE C-1 ZONE
§ 90512.02	USES PERMITTED WITH CONDITIONAL USE PERMIT ONLY
§ 90512.03	PROHIBITED USES
§ 90512.04	MINIMUM LOT SIZE
§ 90512.05	MINIMUM LOT AREA PER DWELLING UNIT
§ 90512.06	YARDS AND SETBACKS
§ 90512.07	HEIGHT
§ 90512.08	MINIMUM DISTANCE BETWEEN STRUCTURES
§ 90512.09	PARKING
§ 90512.10	LANDSCAPING
§ 90512.11	SIGNS
§ 90512.12	YARD AND PROPERTY MAINTENANCE
§ 90512.13	SPECIAL PROCEDURES/DEVELOPMENT STANDARDS

§ 90512.00 PURPOSE & APPLICABILITY

The purpose of the C-1 (Light Commercial) Zone is to designate areas for low density commercial activities that are oriented to serving and compatible with nearby residential areas. The C-1 Zone may also be combined with the combination use MP Zone (Multi-Purpose Overlay) referenced Title 9, Division 3, Chapter 6 to achieve innovative unique and inventive office or commercial development. The C-1 Zone typically includes small retail service oriented commercial activities. The C-1 Zones are generally located in residential neighborhoods along major or secondary highways.

§ 90512.01 PERMITTED USES IN THE C-1 ZONE

The following uses are permitted in the C-1 Zone provided they meet the requirements of this Title:

- a) Art gallery
- b) Artist studio
- c) Automobile parking areas when developed as required by this Division if adjacent to a residential zone
- d) Automobile service station (containing not more than 6 pumps)
- e) Auto parts and accessory retail store
- f) Bakeries
- g) Banks
- h) Barber/beauty shop
- i) Bar/tavern/cocktail lounge
- j) Bath house (including saunas, spa, Turkish, steam or tanning)
- k) Bicycle sales (including rental and service)
- l) Book store
- m) Business or professional office
- n) Caretaker, security or proprietor residential quarters (Accessory Dwelling Unit per Section 90405.02)
- o) Charitable or public service organizations
- p) Christmas tree sales (temporary)
- q) Church
- r) Clinic (medical for out-patient use only)
- s) Clothing and apparel stores (small not large department stores)
- t) Commercial accessory structure(s) (including cargo containers)
- u) Community or senior service center
- v) Computer Stores (retail and repair)
- w) Confectionery stores
- x) Convenience Market
- y) Dress making or millinery shops
- z) Drive-in food market or dairy
- aa) Driving school

- bb) Drug and pharmacy store
- cc) Dry cleaning, pressing and laundry agencies
- dd) Dry goods and notions stores
- ee) Electric appliance stores and repairs
- ff) Electrical Vehicles Charging Stations as a Primary Use
- gg) Elementary School
- hh) Fast food restaurant
- ii) Financial institutions
- jj) Florists shops
- kk) Food store
- ll) Gift and cards store
- mm) Government office or government building
- nn) Grocery, fruit and vegetable stores
- oo) Hardware stores (general), excluding outside storage of material
- pp) Health club, tennis or swim club (in door use only)
- qq) High school
- rr) Hotels and motels (including bed and breakfasts)
- ss) Household pets (with no outside kennel)
- tt) Ice cream parlor (including yogurt)
- uu) Ice storage houses or not more than 5 ton capacity
- vv) Ice vending machines
- ww) Instruction school
- xx) Interior decorating
- yy) Jewelry stores
- zz) Junior high school
- aaa) Laboratory for medical, dental, optical, or biological
- bbb) Laundry mat/laundry
- ccc) Lawn mower, including repair, sales and service (including service and repairs, provided it is contained within a building)
- ddd) Library
- eee) Locksmith and key shop
- fff) Martial arts school
- ggg) Meat markets or delicatessen stores
- hhh) Museum
- iii) Newspaper, magazine stand
- jjj) Offices, business, professional or public utility
- kkk) Photographic shops
- lll) Pre-school
- mmm) Public buildings
- nnn) Real estate offices
- ooo) Research and development office
- ppp) Restaurant/cafe/coffee shop/team rooms where all customers are served at a table or counter (excluding dancing and entertainment)
- qqq) Retail appliance store (including service and repairs, provided it is contained within a building)
- rrr) Retail store, general
- sss) Satellite dish (sales and repair)
- ttt) School
- uuu) Self-service laundries
- vvv) Shoe stores, shoe repair or shoe sales
- www) Single-Room Occupancy Units (SRO) and Boarding/Rooming Houses
- xxx) Solar energy extraction generation provided that it is for on-site consumption only.
- yyy) Specialized stores including meat, vegetable, health foods.
- zzz) Stationary and office supply
- aaaa) Tailor, clothing or wearing apparel shops
- bbbb) Taxidermists
- cccc) Telegraph
- dddd) Ticket agency
- eeee) Tobacco store
- ffff) Trade school
- gggg) Travel agency

- hhhh) Utility sub-station
- iiii) Variety Store
- jjjj) Video Rental

The above specified stores, shops and businesses shall be retail establishments selling new merchandise exclusively and shall be permitted only under the following conditions:

Such stores, shops or businesses except automobile service stations shall be conducted entirely within an enclosed building

Products made incidental to a permitted use shall be sold at retail on the premises.

Any exterior sign displayed shall pertain only to a use conducted within the building.

The accessory building and structures necessary to such use located on the same lot or parcel of land, including a storage garage for the exclusive use of the patrons of the above stores or businesses.

§ 90512.02 USES PERMITTED ONLY WITH A CONDITIONAL USE PERMIT

The following uses are permitted in the C-1 Zone provided they meet the requirements of this Title:

- a) Airports or aircraft landing fields
- b) Ambulance
- c) Apartment building
- d) Auto wash
- e) Automobile parking garage or parking lot
- f) Billboard and advertising structures
- g) Cemeteries, columbariums, crematories and mausoleums
- h) Cemetery
- i) Circus or carnival
- j) City, County, State and Federal enterprises, including buildings, facilities and uses of departments or institutions thereof which are necessary or advantageous to the general welfare of the community
- k) Club or lodge
- l) Communication Towers: including radio, television, cellular, digital, along with the necessary support equipment such as receivers, transmitters, antennas, satellite dishes, relays, etc. (subject to requirements of this zone and Division 24; Section 92401 "Communications Facilities Ordinance" et al).
- m) Community care facility
- n) Convalescent home
- o) Day nurseries and nursery schools
- p) Educational institutions including schools, elementary and high
- q) Electrical generation plants
- r) Electrical substations in an electrical transmission system (500 kv/230 kv/161 kv)
- s) Establishments or enterprises involving large assemblages of people or automobiles, including amusement parks, circuses, carnivals, exposition, fairground, open-air theatres, race tracks, recreational and sport centers
- t) Facilities for abused women
- u) Facilities for the transmission of electrical energy (100-200 kv)
- v) Farm implement sales and metal fabrication
- w) Fire or police station
- x) Fraternity or sorority house
- y) Heliport
- z) Hospital
- aa) Hospitals, sanitariums and rest homes
- bb) Hotels
- cc) Institutions of a philanthropic nature
- dd) Labor or union hall
- ee) Libraries, museums, private clubs and golf courses
- ff) Major facilities relating to the generation and transmission of electrical energy, provided such facilities are not, under state or federal law, to be approved exclusively by an agency or agencies of the state and/or federal governments and provided that such facilities shall be approved subsequent to coordination and

review with the Imperial Irrigation District for electrical matters. Such uses shall include, but not limited to the following:

- gg) Mausoleums
- hh) Mini storage
- ii) Miniature golf course
- jj) Mobile home parks
- kk) Mortuaries
- ll) Movie Theater
- mm) Nursery
- nn) Park or playground
- oo) Parks, playgrounds and community buildings
- pp) Pool or billiard parlor
- qq) Post office
- rr) Printing (topography or blueprints)
- ss) Public agency or utility buildings or facilities
- tt) Recycling Collection Facility, per Title 8, Chapter 8.68
- uu) Rehabilitation facility
- vv) Residential hotel
- ww) Rest home
- xx) Retirement home
- yy) Sanitarium
- zz) Swap meets
- aaa) Swimming (public)
- bbb) Tennis club (outdoor-public)
- ccc) Used car sales and repair facilities
- ddd) Video game arcade

§ 90512.03 PROHIBITED USES

All other uses not permitted specifically by Sections 90512.01 and 90512.02 of this Chapter are prohibited in the C-1 Zone.

§ 90512.04 MINIMUM LOT SIZE

Except as otherwise provided within this Title no lot, parcel or portion thereof within the C-1 Zone shall be less than 8,000 square feet net, except in the case of conveyances to or from a governmental agency, public entity, public utility. No parcel within this zone shall have less than 60 feet of street frontage.

§ 90512.05 MINIMUM LOT AREA PER DWELLING UNIT

Where a residential use is permitted on a C-1 Zone lot or parcel, there shall be a minimum of 1,500 square feet of lot area per dwelling unit, in addition to the minimum lot size.

§ 90512.06 YARDS AND SETBACKS

The following yard and setback requirements shall apply in the C-1 Zone.

- A. Front Yard. Except as otherwise provided, the front yard minimum setback for all buildings shall be as follows:
 - 1. 10 feet from front yard property line or right-of-way of public street or easement.
 - 2. 0 feet from property line or right-of-way line upon the approval of a full site plan review by Public Works, Fire/OES, and Planning/Building.
- B. Side Yard. Except as otherwise provided, the side yard minimum setback for all buildings shall be as follows:

None required provided that adequate fire segregation is provided between all structures as required under the California Building Code and California Fire Code.

- C. Rear Yard. Except as otherwise provided, the rear yard minimum setback for all buildings shall be as follows:

Shall be a minimum of 20 feet rear yard, except for lots that have public alley access. The Director of Planning may reduce the rear yard requirement to a minimum of 5 feet, provided written concurrence is obtained from the Imperial County Fire/OES and Imperial County Public Works Department.

- D. Front, rear and side yard setbacks for residential occupancies permitted within the C-1 Zone shall meet the same setbacks as those contained in the R-3 Zone.

§ 90512.07 HEIGHT

Building and/or structures within the C-1 Zone shall not exceed 5 stories or 50 feet whichever is less.

§ 90512.08 MINIMUM DISTANCES BETWEEN STRUCTURES

There are no minimum distances between structures in the C-1 Zone.

§ 90512.09 PARKING

Off-street parking shall be provided in the C-1 Zone according to the standards contained in Sections 90402.00 through 90402.15 of this Title. Where off-street parking is prohibited vis-à-vis enclosed parking garages that are not readily visible from the street a 5% reduction in the density may be allowed.

§ 90512.10 LANDSCAPING

Every C-1 lot/parcel shall be landscaped to meet the requirements of Section 90302.04.

§ 90512.11 SIGNS

The following signs shall be permitted in the C-1 Zone; however, all signs shall be subject to Section 90401 as applicable.

1. Temporary real estate signs, advertising property for sale or lease not to exceed 20 square feet.
2. Temporary construction signs.
3. Temporary political signs, not to exceed three (3) months.
4. Institutional signs.
5. Signs attached to buildings.
6. Monument signs.
7. Pole signs advertising on-site identification uses only.
8. Off-site advertising signs when approved by a conditional use permit.

All signs shall meet requirement of Division 4, Chapter 1.

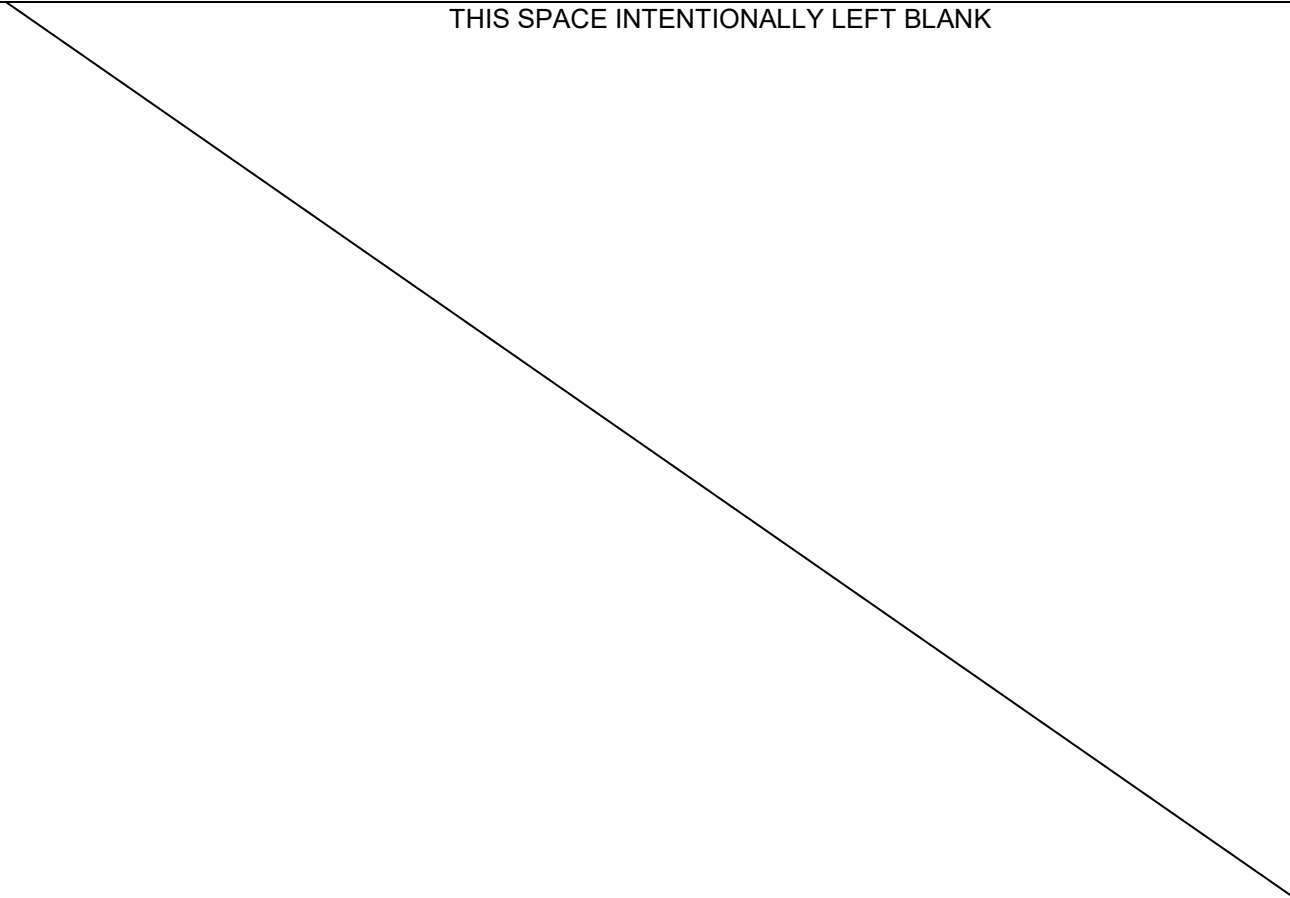
§ 90512.12 YARD AND PROPERTY MAINTENANCE

All areas within the C-1 Zone shall be, at all times, maintained as not to create a fire or life safety or health hazard either to the occupants of the structures or to neighboring properties.

§ 90512.13 SPECIAL PROCEDURES/DEVELOPMENT STANDARDS

Any residential development allowed within the C-1 Zone either as an outright use or as a conditional use shall comply with the provisions and standards as contained in the R-2 Zone and meet all applicable Health and Safety regulations.

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TITLE 9

DIVISION 5: ZONING AREA ESTABLISHED

CHAPTER 13: C-2 (MEDIUM COMMERCIAL)

§ 90513.00	PURPOSE & APPLICABILITY
§ 90513.01	PERMITTED USES IN THE C-2 ZONE
§ 90513.02	USES PERMITTED WITH CONDITIONAL USE PERMIT ONLY
§ 90513.03	PROHIBITED USES
§ 90513.04	MINIMUM LOT/PARCEL SIZE
§ 90513.05	MINIMUM LOT AREA PER DWELLING UNIT
§ 90513.06	YARDS AND SETBACKS
§ 90513.07	HEIGHT
§ 90513.08	MINIMUM DISTANCE BETWEEN STRUCTURES
§ 90513.09	PARKING
§ 90513.10	LANDSCAPING
§ 90513.11	SIGNS
§ 90513.12	YARD AND PROPERTY MAINTENANCE
§ 90513.13	SPECIAL PROCEDURES/DEVELOPMENT STANDARDS

§ 90513.00 PURPOSE & APPLICABILITY

The purpose of the C-2 (Medium Commercial) Zone is to designate areas for a wide range of retail, commercial activities, including shopping centers, and other medium to high density commercial uses. The C-2 Zones are generally located along major highways or collectors.

§ 90513.01 PERMITTED USES IN THE C-2 ZONE

The following uses are permitted in the C-2 Zone provided they meet the requirements of this Title:

- a) All permitted uses in the C-1 zone under § 90512.01
- b) Ambulance
- c) Antique stores
- d) Appliance stores, including service and repair provided no outside storage or repair
- e) Auditoriums for public use
- f) Auto leasing facilities
- g) Auto rental
- h) Auto sales lots (new)
- i) Auto sales lots (used)
- j) Auto service, tire sales and repair
- k) Auto wash
- l) Bakery
- m) Bingo parlor, bowling alley, card room
- n) Boats sales, including service and parts, provided repairs are completed indoors
- o) Call Center
- p) Camera stores
- q) Carpet cleaning
- r) Catering
- s) Charitable public service organizations
- t) Classifying or experimental, not involving any materials of using explosive or hazardous materials
- u) Clinic (medical or physical therapy for outpatient use only)
- v) Clothing and apparel stores
- w) Club or lodge
- x) Commercial accessory structure(s) (including cargo containers)
- y) Computer stores (large retail/repair)
- z) Convalescent hospital
- aa) Dance hall, ballroom or discotheque
- bb) Dance school
- cc) Department stores
- dd) Electrical Vehicles Charging Stations as a Primary Use

- ee) Emergency Shelters
- ff) Equipment (small equipment rental, repair)
- gg) Farmers market
- hh) Feed stores
- ii) Fire/police station
- jj) Floor covering, drapery and upholstery stores
- kk) Furniture cleaning, refinishing upholstery
- ll) Furniture stores
- mm) Gardening and landscaping stores
- nn) General surplus
- oo) Golf/driving range
- pp) Gun stores (including repair)
- qq) Hardware (general), including lumber sales provided there is no outside storage of materials
- rr) Health club
- ss) Hobby supplies
- tt) Home or office furniture stores
- uu) Hospital
- vv) Janitorial service
- ww) Labor/union hall
- xx) Laboratory testing
- yy) Laboratory, including medical, optical and biological
- zz) Lapidary
- aaa) Lawn equipment, including repair located entirely within structures
- bbb) Leather goods and luggage
- ccc) Liquor stores
- ddd) Manager, caretaker or proprietors residential quarters (Accessory dwelling unit)
- eee) Military surplus
- fff) Miniature golf course
- ggg) Mini-warehouse (no outside storage)
- hhh) Mobile home sales, including rental and service
- iii) Mortuary or funeral parlor
- jjj) Motorcycle sales, including service and repair
- kkk) Movie theater (walk-in)
- lll) Music
- mmm) Newspaper or magazine stores
- nnn) Nursery
- ooo) Office machine/equipment
- ppp) Paint and wallpaper stores
- qqq) Pawn shops
- rrr) Pest control
- sss) Pet grooming
- ttt) Pet stores
- uuu) Photographic development
- vvv) Photographic studio
- www) Photographic supplier
- xxx) Picture framing
- yyy) Plumbing supply, provided no outside storage
- zzz) Pool or billiard parlor
- aaaa) Pottery stores
- bbbb) Printing
- cccc) Public agency
- dddd) Recreational vehicle sales and service
- eeee) Rehabilitation facility
- fff) Sanitarium
- gggg) Self-service auto wash
- hhhh) Single-Room Occupancy Units (SRO) and Boarding/Rooming Houses
- iiii) Skating rink, roller or ice skating rink
- jjjj) Special Occasion Facility
- kkkk) Solar energy extraction generation provided that it is for on-site consumption only.
- llll) Sporting goods

- m) Swim instruction school
- n) Tennis or swim club
- o) Theaters (Live)
- p) Toy stores
- q) Transitional Housing (as defined in Section 50675.2 of the Health and Safety Code)
- r) Truck fueling station without repair
- s) Truck sales, including rental provided no repair or service
- t) Used clothing and household goods
- u) Utility building
- v) Veterinarians office
- w) Video game arcade
- x) Wedding chapels

§ 90513.02 USES PERMITTED ONLY WITH A CONDITIONAL USE PERMIT

The following uses are permitted in the C-2 Zone provided they meet the requirements of this Title:

- a) Adult book stores
- b) Adult movie theater
- c) Airport (private)
- d) Airport (public)
- e) Amusement park
- f) Auto body repair and painting
- g) Auto parking garage
- h) Billboards/Off site advertising signs
- i) Bus depot
- j) Cemeteries, columbarium, mortuary, crematoriums and mausoleums
- k) Circus or carnival
- l) College or university
- m) Commercial Cannabis Retail Sales, Distribution and Testing subject to Division 4 Chapter 6 of Title 9 Land Use Ordinance and Title 14 of the Imperial County Codified Ordinance
- n) Communication Towers: including radio, television, cellular, digital, along with the necessary support equipment such as receivers, transmitters, antennas, satellite dishes, relays, etc. (subject to requirements of this zone and Division 24; Section 92401 "Communications Facilities Ordinance" et al).
- o) Community care facility
- p) Community sewage treatment facility
- q) Community water treatment facility
- r) Contractors storage yard, provided it is incidental to a contractor's business that is that is wholly enclosed within a building or solid screen fence
- s) Drive-in movie theater
- t) Equestrian establishment
- u) Flea market
- v) Flood control facility
- w) Fraternity or sorority house
- x) Heliport
- y) Massage parlor
- z) Park or playground
- aa) Photographic processing plant or wholesale supply
- bb) Race track
- cc) Recreational vehicle storage facilities
- dd) Recreational vehicle park
- ee) Recycling Collection Facility, per Title 8, Chapter 8.68
- ff) Residential hotel
- gg) Shooting range or gun club
- hh) Sports arena (indoor)
- ii) Sports arena (outdoor)
- jj) Swimming pool
- kk) Taxi depot
- ll) Temporary fruit stands
- mm) Trade fairs
- nn) Transfer station
- oo) Veterinary hospital

- pp) Waste or energy facility
- qq) Water purification plants
- rr) Water storage and recharge facilities
- ss) Zoo

§ 90513.03 PROHIBITED USES

All other uses not permitted by Sections 90513.01 and 90513.02 above are prohibited in the C-2 Zone.

§ 90513.04 MINIMUM LOT/PARCEL SIZE

Except as otherwise provided within this Title no portion of any lot within the C-2 Zone shall contain less than 20,000 square feet, except in the case of conveyances to or from a governmental agency, public entity, public utility.

§ 90513.05 REMOVED

§ 90513.06 YARDS AND SETBACKS

The following yard and setback requirements shall apply in the C-2 Zone.

- A. Front Yard. Except as otherwise provided, the front yard minimum setback for all buildings shall be as follows:

None provided that any structure built on property line or on the right-of-way line shall meet all California Building Code and California Fire Code requirements, for fire protection and shall be so located as to not create visual obstruction to traffic.

- B. Side Yard. Except as otherwise provided, the side yard minimum setback for all buildings shall be as follows:

None required provided, except that any structure built on property line shall meet all California Building Code and California Fire Code requirements.

- C. Rear Yard. Except as otherwise provided, the rear yard minimum setback for all buildings shall be as follows:

Shall be a rear yard of not less than 20 feet, except that no rear yard shall be required in the event that a public alley exists and is adequate size to accommodate large commercial vehicles for the loading and unloading of products to the site.

- D. Yards and setbacks for residential developments approved to be developed on C-2 Zones, shall meet the requirements of the R-3 Zone, as far as setbacks.

§ 90513.07 HEIGHT

Building and/or structures within the C-2 Zone shall not exceed 6 stories or 75 feet, whichever is less.

§ 90513.08 MINIMUM DISTANCE BETWEEN STRUCTURES

There is no minimum distance between structures in the C-2 Zone.

§ 90513.09 PARKING

Off-street parking shall be provided in the C-2 Zone according to the standards contained in Sections 90402.00 through 90402.15 of this Title.

§ 90513.10 LANDSCAPING

Every C-2 lot/parcel shall be landscaped to meet the requirements of Section 90302.04.

§ 90513.11 SIGNS

The following signs shall be permitted in the C-2 Zone; however, all signs shall be subject to Section 90401.00 as applicable.

1. Temporary real estate signs, advertising property for sale or lease not to exceed 20 square feet.
2. Temporary construction signs.
3. Temporary political signs, not to exceed three (3) months
4. Institutional signs.
5. Signs attached to buildings.
6. Monument signs.
7. Pole signs advertising on-site identification uses only.
8. Off-site advertising signs when approved by a conditional use permit.

All signs shall meet requirement of Division 4, Chapter 1.

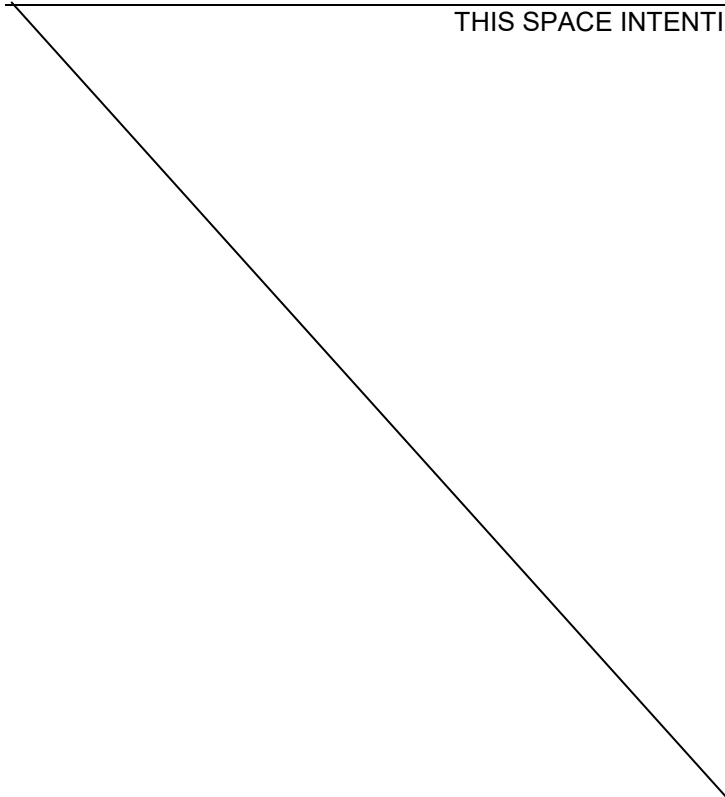
§ 90513.12 YARD AND PROPERTY MAINTENANCE

All areas within the C-2 lot/area shall be, at all times, maintained as not to create a fire or life safety or health hazard either to the occupants of the structures, property or the neighbors' property.

§ 90513.13 SPECIAL PROCEDURES/DEVELOPMENT STANDARDS

Any residential development authorized in the C-2 Zone shall meet the requirements of the R-2 Zone, and applicable Health and Safety regulations.

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TITLE 9

DIVISION 5: ZONING AREA ESTABLISHED

CHAPTER 14: C-3 (HEAVY COMMERCIAL)

§ 90514.00	PURPOSE & APPLICABILITY
§ 90514.01	PERMITTED USES
§ 90514.02	USES PERMITTED WITH CONDITIONAL USE PERMIT ONLY
§ 90514.03	PROHIBITED USES
§ 90514.04	MINIMUM LOT/PARCEL SIZE
§ 90514.05	MINIMUM LOT AREA PER DWELLING UNIT
§ 90514.06	YARDS AND SETBACKS
§ 90514.07	HEIGHT
§ 90514.08	MINIMUM DISTANCE BETWEEN STRUCTURES
§ 90514.09	PARKING
§ 90514.10	LANDSCAPING
§ 90514.11	SIGNS
§ 90514.12	YARD AND PROPERTY MAINTENANCE
§ 90514.13	SPECIAL PROCEDURES/DEVELOPMENT STANDARDS

§ 90514.00 PURPOSE & APPLICABILITY

The purpose of the C-3 (Heavy Commercial) Zone is to designate areas for use and services normally associated with the traveling public or for the regional Commercial convenience. The C-3 Zones shall be located adjacent to major highways, freeways, or other significant circulation corridors.

§ 90514.01 PERMITTED USES IN THE C-3 ZONE

The following uses are permitted in the C-3 Zone provided they meet the requirements of this Title:

- a) All permitted uses in the C-2 Zone under § 90513.01
- b) Amusement park
- c) Auto self-service
- d) Auto service station
- e) Auto station (small)
- f) Auto towing
- g) Automobile parking garage or lot
- h) Bus depot
- i) Commercial accessory structure(s) (including cargo containers)
- j) Drive-in
- k) Drive-in food market
- l) Post office
- m) Public agency or utility
- n) Rail station
- o) Solar energy extraction generation provided that it is for on-site consumption only.
- p) Special Occasion Facility
- q) Sports arena (in door)
- r) Taxi depot

§ 90514.02 USES PERMITTED ONLY WITH A CONDITIONAL USE PERMIT

The following uses are permitted in the C-3 Zone provided they meet the requirements of this Title:

- a) Airport
- b) Billboards/Off site advertising signs
- c) Campgrounds, RV park, or mobile home park
- d) Circus or carnival
- e) College or university
- f) Commercial Cannabis Retail Sales, subject to Division 4 Chapter 6 of Title 9 Land Use Ordinance and Title 14 of the Imperial County Codified Ordinance

- g) Communication Towers: including radio, television, cellular, digital, along with the necessary support equipment such as receivers, transmitters, antennas, satellite dishes, relays, etc. (subject to requirements of this zone and Division 24; Section 92401 "Communications Facilities Ordinance" et al).
- h) Drainage facilities
- i) Electrical Vehicles Charging Stations as a Primary Use
- j) Golf course
- k) Heliport
- l) Movie theater
- m) Race track or test track
- n) Recreational vehicle park
- o) Recycling Collection Facility, per Title 8, Chapter 8.68
- p) Sports arena (outdoor)
- q) Trade fair and exhibits
- r) Travel center with incidental short term truck parking
- s) Truck repair (provided all repairs are in enclosed building)
- t) Utility substations
- u) Waste water treatment plants
- v) Water purification plants
- w) Water treatment plants

§ 90514.03 PROHIBITED USES

All other uses not permitted by Sections 90514.01 and 90514.02 above are prohibited in the C-3 Zone.

§ 90514.04 MINIMUM LOT/PARCEL SIZE

Except as otherwise provided within this Title no portion of any lot within the C-3 Zone shall contain less than 20,000 square feet, except in the case of conveyances to or from a governmental agency, public entity, public utility.

§ 90514.05 MINIMUM LOT AREA PER DWELLING UNIT

Where a residential use occupancy is allowed in the C-3 Zone, there shall be a minimum of 1,500 square feet of lot area per dwelling unit, including dwelling units that are permitted by conditional use permit.

§ 90514.06 YARDS AND SETBACKS

The following yard and setback requirements shall apply in the C-3 Zone.

- A. Front Yard. Except as otherwise provided, the front yard minimum setback for all buildings shall be as follows:

None provided that any structure built on property line or on the right-of-way line shall meet all California Building Code and California Fire Code requirements, for fire protection and shall be so located as to not create visual obstruction to traffic.

- B. Side Yard. Except as otherwise provided, the side yard minimum setback for all buildings shall be as follows:

None required provided, except that any structure built on property line shall meet all California Building Code and California Fire Code requirements.

- C. Rear Yard. Except as otherwise provided, the rear yard minimum setback for all buildings shall be as follows:

Shall be a rear yard of not less than 20 feet, except that no rear yard shall be required in the event that a public alley exists and is adequate size to accommodate large commercial vehicles for the loading and unloading of products to the site.

D. Yards and setbacks for residential developments approved to be developed on C-3 Zones, shall meet the requirements of the R-3 Zone, as far as setbacks.

§ 90514.07 HEIGHT

Building and/or structures within the C-3 Zone shall not exceed 6 stories or 75 feet, whichever is less.

§ 90514.08 MINIMUM DISTANCE BETWEEN STRUCTURES

There is no minimum distance between structures in the C-3 Zone.

§ 90514.09 PARKING

Off-street parking shall be provided in the C-3 Zone according to the standards contained in Sections 90402.00 through 90402.15 of this Title.

§ 90514.10 LANDSCAPING

Every C-3 lot/parcel shall be landscaped to meet the requirements of Section 90302.04.

§ 90514.11 SIGNS

The following signs shall be permitted in the C-3 Zone; however, all signs shall be subject to Section 90401 as applicable.

1. Temporary real estate signs, advertising property for sale or lease not to exceed 20 square feet.
2. Temporary construction signs.
3. Temporary political signs (not to exceed three (3) months).
4. Institutional signs.
5. Signs attached to buildings.
6. Monument signs.
7. Pole signs advertising on-site identification uses only.
8. Off-site advertising signs when approved by a conditional use permit.

All signs shall meet requirement of Division 4, Chapter 1 of this Title.

§ 90514.12 YARD AND PROPERTY MAINTENANCE

All areas within the C-3 lot/area shall be, at all times, maintained as not to create a fire or life safety or health hazard either to the occupants of the structures, property or the neighbors' property.

§ 90514.13 SPECIAL PROCEDURES/DEVELOPMENT STANDARDS

Any residential development authorized in the C-3 Zone shall meet the requirements of the R-2 Zone, and applicable Health and Safety regulations.

TITLE 9

DIVISION 5: ZONING AREA ESTABLISHED

CHAPTER 15: M-1 (LIGHT INDUSTRIAL)

§ 90515.00	PURPOSE AND APPLICATION
§ 90515.01	PERMITTED USES IN THE M-1 ZONE
§ 90515.02	USES PERMITTED WITH A CONDITIONAL USE PERMIT
§ 90515.03	PROHIBITED USES
§ 90515.04	MINIMUM LOT SIZE
§ 90515.05	MINIMUM LOT AREA PER DWELLING UNIT
§ 90515.06	YARDS AND SETBACKS
§ 90515.07	HEIGHT LIMIT
§ 90515.08	MINIMUM DISTANCE BETWEEN STRUCTURES
§ 90515.09	PARKING
§ 90515.10	SIGNS
§ 90515.11	LANDSCAPING

§ 90515.00 PURPOSE AND APPLICATION

The purpose of the M-1 (Light Industrial) Zone is to designate areas for wholesale commercial, storage, trucking, assembly type manufacturing and other similar light industrial uses. Processing or fabrication is limited to activities conducted entirely within a building, that does not emit fumes, odor, dust, smoke or gas, beyond the confines of the building within which the activity occurs, or produces significant levels of noise or vibration beyond the perimeter of the building.

§ 90515.01 PERMITTED USES IN THE M-1 ZONE

The following uses are permitted in the M-1 Zone provided they meet the requirements of this Title:

- a) Accessory Dwelling Unit, Caretakers Residence or Managers Residence per Section 90405.02
- b) Ambulance station
- c) Antique Store
- d) Appliance Repair store
- e) Appliance Store
- f) Art Gallery
- g) Artist Studio
- h) Auditoriums
- i) Auto Body Repair within enclosed facility
- j) Auto Leasing Store
- k) Auto Parking Garages (two (2) stories or less and enclosed)
- l) Auto Rental
- m) Auto Service Station
- n) Auto Service within enclosed facility
- o) Auto Tire Repair
- p) Auto Wash
- q) Auto Wash- self service
- r) Automobile Dealership- New (including parts)
- s) Automobile Dealership- Used (including parts)
- t) Automobile Parts and Accessories Store
- u) Automobile Tire Store including Service
- v) Bakery
- w) Ball Room
- x) Barber/Beauty
- y) Bars
- z) Bath House
- aa) Bicycle Sales and Rental Service
- bb) Bingo Parlor
- cc) Boats sales, including Service and Parts
- dd) Book Store- Adult

- ee) Book Store- General
- ff) Bottled Gas Distributorship (no manufacturing or packaging)
- gg) Bowling Alley
- hh) Bus Depots
- ii) Business or Professional Office
- jj) Cafes
- kk) Card Room
- ll) Cargo Containers (provided they have an approved building permit)
- mm) Carpet Cleaning
- nn) Catering
- oo) Christmas Tree Sales
- pp) Circus or Carnival (not to exceed 5 days)
- qq) Clinic (health maintenance)
- rr) Clothing and Apparel sales, manufacturing, distribution
- ss) Clubs
- tt) Cocktail Lounges
- uu) Coffee Shop
- vv) Cold Storage facilities
- ww) College and Universities
- xx) Computer sales, repair, manufacturing
- yy) Contractors Storage Yard
- zz) Convenience Market
- aaa) Dance Hall
- bbb) Data center (within enclosed building)
- ccc) Department Store
- ddd) Discotheque
- eee) Drapery and Upholstery Store
- fff) Drug and Pharmaceutical sales and manufacturing
- ggg) Educational Institutions
- hhh) Electrical Appliance sales, repair and distribution
- iii) Electrical Equipment repair, assembly within enclosed facility
- jjj) Electronic Equipment Assembly (enclosed)
- kkk) Electrical Generation with rate and capacity not to exceed 15 kilowatts
- lll) Electrical Vehicles Charging Stations as a Primary Use
- mmm) Emergency Shelters
- nnn) Equipment and Building Materials
- ooo) Equipment- Heavy Truck, Trailer Rental
- ppp) Equipment- (small rental facility)
- qqq) Farmers Market
- rrr) Fast Food preparation, sales or distribution
- sss) Feed and fuel facility
- ttt) Financial Institution
- uuu) Fire/Police Station
- vvv) Floor Covering
- www) Florists
- xxx) Food Store
- yyy) Freight Storage Yard
- zzz) Funeral Parlor
- aaaa) Furniture Cleaning, Refinishing & Upholstery
- bbbb) Furniture Store
- cccc) Gardening and Landscape Store
- dddd) Gift and Card Store
- eeee) Golf Driving Range
- ffff) Government Buildings
- gggg) Gun, including Repair Store
- hhhh) Hardware- General including Lumber
- iiii) Health Club
- jjjj) Hobby Supplies
- kkkk) Home or Office Furnishing
- llll) Hotel/Motel

mmmm) Ice Cream Parlors
 nnnn) Ice Vending Machine
 oooo) Industrial Hemp: manufacturing into semi-finished and finished products, subject to Division 4 Chapter 6 of Title 9 Land Use Ordinance and Title 14 of the Imperial County Codified Ordinance
 pppp) Industrial Storage
 qqqq) Interior Decorator
 rrrr) Janitorial
 ssss) Jewelry and Watches
 tttt) Labor/Union Halls
 uuuu) Laboratory- Medical, Dental, Optical and Biological
 vvvv) Laboratory Testing
 wwww) Lapidary
 xxxx) Laundromat
 yyyy) Lawnmower (sales/repair)
 zzzz) Leather Goods, sales and manufacturing
 aaaaa) Libraries
 bbbbb) Light Machine Shop Fabrication within enclosed facility
 ccccc) Liquor Store
 dddd) Locksmith
 eeeee) Lumber
 ffff) Lumber Yard
 ggggg) Manager / Caretaker / Security Guard Residence (One only)
 hhhh) Medical and Physical Therapy
 iiiii) Microwave Relay Stations
 jjjjj) Military Surplus store
 kkkkk) Mini Warehouse (no outside storage)
 lllll) Miniature Golf Course
 mmmmm) Mobile Home Sales and Service
 nnnnn) Mortuary
 ooooo) Motorcycle Sales and Service
 ppppp) Movie Theatre
 qqqqq) Moving and Storage Warehouse
 rrrrr) Museums
 sssss) Musical Instrument Sales and Service
 ttttt) Newspaper, Magazine printing, distribution and sales
 uuuuu) Nursery
 vvvvv) Office Machine Equipment Sales & Service
 wwwww) Oil and Gas Exploration
 xxxxx) Paint and Wallpaper Sales & Service
 yyyyy) Pawn Shop
 zzzzz) Pest Control
 aaaaaa) Pet Grooming
 bbbbbb) Pet Store
 cccccc) Photographic Processing Plant
 ddddd) Photographic Supply Store
 eeeee) Photography Studio
 fffff) Picture Framing
 gggggg) Plastic Assembly
 hhhhhh) Plumbing Supply
 iiiiii) Pool or Billiard Parlor
 jjjjj) Post Office
 kkkkkk) Pottery
 lllll) Printing, Lithography or Blue Printing
 mmmmmm) Public Utility Buildings
 nnnnnn) Real Estate Office
 oooooo) Recreational Vehicle Sales & Service
 pppppp) Research and Development Office/Laboratory
 qqqqqq) Resource Extraction and Energy Development
 rrrrrr) Restaurants
 ssssss) Sheet Metal Shop within enclosed facility

ttttt)	Shoe repair and manufacturing
uuuuuu)	Shoe Shine
vvvvvv)	Sign Fabrication
wwwwww)	Skating Rink
xxxxxx)	Small Appliance assembly and repair
yyyyyy)	Solar energy extraction generation provided that it is for on-site consumption only.
zzzzzz)	Specialized Store
aaaaaaa)	Sporting Good
bbbbbbb)	Stationary
ccccccc)	Tailor or Dress Maker
ddddddd)	Taverns
eeeeeee)	Taxi Depots
ffffff)	Taxidermist
ggggggg)	Telegraph
hhhhhhh)	Tennis, Swim, Athletic Club
iiiiiii)	Theatre
jjjjjjj)	Ticket Agency
kkkkkkk)	Tire Re-Treading, Less than 10 employees
lllllll)	Tobacco
mmmmmmm)	Toy manufacturing
nnnnnnn)	Trade Schools
oooooooo)	Transitional Housing (as defined in Section 50675.2 of the Health and Safety Code)
ppppppp)	Transmission Lines
qqqqqqq)	Travel Agency
rrrrrrr)	Truck Fueling Station
sssssss)	Truck, including Sales, Rental, Service
ttttttt)	Used Clothing
uuuuuuu)	Utility Substations
vvvvvvv)	Veterinary including Veterinary Hospital (indoor only)
wwwwwww)	Video Game Arcade
xxxxxxx)	Wedding Chapel
yyyyyyy)	Welding or Blacksmithing provided it is adequately fenced with obscured fencing
zzzzzzz)	Wholesale Distribution
aaaaaaaa)	Wind Driven Electrical Generator, capacity not to exceed 15 kilowatts

Note: Pre-School, Elementary School, Junior High and High Schools are not permitted in the M-1 Zone.

§ 90515.02 USES PERMITTED ONLY WITH A CONDITIONAL USE PERMIT

The following uses are permitted in the M-1 Zone provided they meet the requirements of this Title:

- a) Airports or aircraft landing fields
- b) Amusement Park
- c) Animal hospitals, kennels and veterinarians
- d) Asphalt production and products
- e) Asphalt/Concrete Batch Plant
- f) Auto Towing/Dismantling
- g) Auto wrecking
- h) Bakery- Large (more than 25 employees)
- i) Battery Storage
- j) Billboards/Off site advertising signs
- k) Bulk fuel storage facilities
- l) Call Center
- m) Cemeteries, columbariums, crematories and mausoleums
- n) Chemical Storage (Non-Toxic, Non-Explosive)
- o) Churches or other places used exclusively for religious worship
- p) Circus
- q) City, County, State and Federal enterprises including buildings, facilities and uses of departments or institutions thereof which are necessary or advantageous to the general welfare of the community

- r) Commercial Cannabis (All Forms), subject to Division 4 Chapter 6 of Title 9 Land Use Ordinance and Title 14 of the Imperial County Codified Ordinance
- s) Communication Towers: including radio, television, cellular, digital, along with the necessary support equipment such as receivers, transmitters, antennas, satellite dishes, relays, etc. (subject to requirements of this zone and Division 24; Section 92401 "Communications Facilities Ordinance" et al).
- t) Cotton gins
- u) Dairies
- v) Data center yard
- w) Dehydration mills
- x) Electrical Power Generation Plants
- y) Equestrian Establishment
- z) Establishments or enterprises involving large assemblages of people or automobiles, including amusement parks, circuses, carnivals, exposition, fairground, open air theatres, race tracks, recreational and sport centers
- aa) Farm implement sales and metal fabrication
- bb) Geothermal Test Facilities, intermediate projects and major exploratory wells
- cc) Golf Course
- dd) Grain storage and loading facilities
- ee) Heliport
- ff) Hospitals, sanitariums and rest homes
- gg) Institutions of a philanthropic nature
- hh) Labor camp
- ii) Libraries, museums, private clubs and golf courses
- jj) Major facilities relating to the generation and transmission of electrical energy, provided such facilities are not, under state or federal law, to be approved exclusively by an agency, or agencies of the state and/or federal governments, and provided that such facilities shall be approved subsequent to coordination and review with the Imperial Irrigation District for electrical matters. Such uses shall include, but not be limited to, the following:
 - Electrical generation plants
 - Facilities for the transmission of electrical energy (100-200 kV)
 - Electrical substations in an electrical transmission system (500 kv/230 kv/161 kV)
- kk) Meat and fish packing plants
- ll) Mineral Exploration
- mm) Newspaper, Magazine or Book Printing
- nn) Portable Restroom Facilities
- oo) Race Track
- pp) Railroad Station
- qq) Recreational Vehicle Storage Facilities
- rr) Recycling Facility
- ss) Rock shops and related facilities
- tt) Seed mills
- uu) Shooting Range (indoor only)
- vv) Small ethanol plants with a capacity not to exceed one million gallons a year
- ww) Sports Arena- Indoor/Outdoor
- xx) Surface mining operations
- yy) Swap meets
- zz) Swimming Pool
- aaa) Transfer Station
- bbb) Trucking Services and Terminals; Trucking Firms
- ccc) Waste Energy Facility
- ddd) Well Drilling Service

§ 90515.03 PROHIBITED USES

All other uses not permitted by Section 90515.01 or 90515.02 of the Chapter are prohibited in the M-1 Zone.

§ 90515.04 MINIMUM LOT SIZE

The minimum lot size requirement in the M-1 Zone, is 10,000 square feet.

§ 90515.05 MINIMUM LOT AREA PER DWELLING UNIT

There is no requirement for a minimum area per dwelling unit in the M-1 District since it does not allow dwelling units, except as accessory security or caretakers unit to the permitted use. Any residential use must meet R-1 setback requirements.

§ 90515.06 YARDS AND SETBACKS

Yards and setbacks in the M-1 Zone are as follows.

A. FRONT YARD.

The front yard minimum setback for all buildings shall be as follows.

1. 10 feet from the property line or public right-of-way line.
2. 0 feet if approved by the Planning Director with the written concurrence from Public Works Department and the Fire Marshall.

In no case shall buildings be located in the right-of-way or on the property line, unless it meets the latest edition of the California Building Code.

B. SIDE YARD

None required.

C. REAR YARD

None required.

§ 90515.07 HEIGHT LIMIT

Buildings and structures in the M-1 District shall not exceed six (6) stories or 80 feet.

§ 90515.08 MINIMUM DISTANCE BETWEEN STRUCTURES

There is no requirement for a minimum distance between structures in the M-1 Zone, except that required by the California Building Code.

§ 90515.09 PARKING

Off street parking in the M-1 Zone shall be provided in accordance with Section 90402.01 (f).

§ 90515.10 SIGNS

The following signs shall be permitted in the M-1 Zone; however, all signs shall be subject to Section 90401 as applicable.

1. Temporary real estate signs not exceeding 20 square feet, advertising the property for sale or lease, and meeting requirements of Division 4, Chapter 1.
2. Temporary construction signs related to construction on said property, meeting requirements of Division 4, Chapter 1.
3. Temporary political, religious, civic and campaigning signs not to exceed three (3) months, meeting requirements of Division 4, Chapter 1.
4. Signs approved in conjunction with a Conditional Use Permit approved for the site.

§ 90515.11 LANDSCAPING

Landscaping in the M-1 Zone shall be provided according to Section 90302.03

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TITLE 9

DIVISION 5: ZONING AREA ESTABLISHED

CHAPTER 16: M-2 (MEDIUM INDUSTRIAL)

§ 90516.00	PURPOSE & APPLICATION
§ 90516.01	PERMITTED USES IN THE M-2 ZONE
§ 90516.02	USES PERMITTED WITH A CONDITIONAL USE PERMIT
§ 90516.03	PROHIBITED USES
§ 90516.04	MINIMUM LOT SIZE
§ 90516.05	MINIMUM LOT AREA PER DWELLING UNIT
§ 90516.06	YARDS AND SETBACKS
§ 90516.07	HEIGHT LIMIT
§ 90516.08	MINIMUM DISTANCE BETWEEN STRUCTURES
§ 90516.09	PARKING
§ 90516.10	SIGNS
§ 90516.11	LANDSCAPING

§ 90516.00 PURPOSE & APPLICATION

The purpose of the M-2 (Medium Industrial) zone is to designate areas for wholesale commercial, storage, trucking, assembly type manufacturing, general manufacturing, research and development, medium intensity fabrication and other similar medium intensity processing facilities. The processing or fabrication within any of these facilities is to be limited to activities conducted either entirely within a building or within securely fenced (obscured fencing) areas. Provided further that such facilities do not omit fumes, odor, dust, smoke or gas beyond the confines of the property line within which their activity occurs, or produces significant levels of noise or vibration beyond the perimeter of the site.

§ 90516.01 PERMITTED USES IN THE M-2 ZONE

The following uses are permitted in the M-2 Zone provided they meet the requirements of this Title:

- a) Alcohol and alcoholic beverage manufacturer
- b) All M-1 uses permitted under §90515.01
- c) Asphalt and asphalt products manufacturing
- d) Automobile assembly
- e) Automobile body and fender works
- f) Automobile dismantling for used parts storage, only if operated and maintained entirely within a building
- g) Automobile painting
- h) Automobile upholstery
- i) Bag cleaning
- j) Boiler or tank works
- k) Brick, tile or terra cotta
- l) Building materials and manufacturing
- m) Candle making
- n) Carbon manufacturing
- o) Cargo Containers (provided they have an approved building permit)
- p) Celluloid or pyroxylin manufacturing
- q) Cement and cement product manufacturing
- r) Contractors equipment yards
- s) Contractors general
- t) Contractors storage yards
- u) Cotton gins or oil mills
- v) Crumb rubber processing
- w) Data centers
- x) Disinfectant manufacturing
- y) Electrical Vehicles Charging Stations as a Primary Use
- z) Feed mills
- aa) Fertilizer and insecticide manufacturing

- bb) Fish and meat packing plant
- cc) Grain elevators
- dd) Graphite manufacturing
- ee) Gypsum manufacturing
- ff) House movers or wreckers
- gg) Industrial Hemp: manufacturing into semi-finished and finished products, subject to Division 4 Chapter 6 of Title 9 Land Use Ordinance and Title 14 of the Imperial County Codified Ordinance
- hh) Ink, lime, linoleum, matches, paper and straw board, petroleum products, pickles, sauerkraut, soap, starch, sugar, tar and tar products, vinegar, accessory buildings and/or structures necessary to such use located on the same lot or parcel of land as the primary structure or use
- ii) Insulation materials manufacturing
- jj) Mini Storage (outside storage allowed provided it is screened)
- kk) Oil reclamation plant
- ll) Petroleum products storage
- mm) Railroad repair shop
- nn) Railroad yard
- oo) Seed mill
- pp) Solar energy extraction generation provided that it is for on-site consumption only.
- qq) Wool pulling and scouring

§ 90516.02 USES PERMITTED ONLY WITH A CONDITIONAL USE PERMIT

The following uses are permitted in the M-2 Zone provided they meet the requirements of this Title:

- a) Acid manufacturing
- b) Ammonia, chlorine and bleaching powder manufacturing
- c) Animal sales yards
- d) Animal slaughter plant
- e) Animal stock yards
- f) Automobile wrecking yard (operated entirely within a fenced area where all portions of the site are obscure from any adjacent parcel)
- g) Battery Storage
- h) Billboards/Off site advertising signs
- i) Blast furnace
- j) Chemical manufacturing
- k) Commercial Cannabis (All Forms), subject to Division 4 Chapter 6 of Title 9 Land Use Ordinance and Title 14 of the Imperial County Codified Ordinance
- l) Communication Towers: including radio, television, cellular, digital, along with the necessary support equipment such as receivers, transmitters, antennas, satellite dishes, relays, etc. (subject to requirements of this zone and Division 24; Section 92401 "Communications Facilities Ordinance" et al).
- m) Distillation of coal, wood or tar
- n) Fat rendering
- o) Gelatin manufacturing
- p) Glass manufacturing
- q) Incinerators
- r) Junk yards
- s) Labor camps
- t) Major facilities relating to the generation and transmission of electrical energy, provided such facilities are not, under state or federal law, to be approved exclusively by an agency, or agencies of the state and/or federal governments, and provided that such facilities shall be approved subsequent to coordination and review with the Imperial Irrigation District for electrical matters. Such uses shall include, but not be limited to, the following:
 - Electrical generation plants
 - Facilities for the transmission of electrical energy (100-200 kV)
 - Electrical substations in an electrical transmission system (500 kv/230 kv/161 kV)
- u) Recycling Facility
- v) Rubber and rubber products manufacturing
- w) Smelting of tin, copper or iron ore
- x) Solid Waste Facilities
- y) Storage and handling of radio-active materials

- z) Surface mining
- aa) Transportation treatment units (TTU's)
- bb) Trucking firms, truck and automobile storage yards

§ 90516.03 PROHIBITED USES

All other uses not permitted by Section 90516.01 or 90516.02 of this Division are prohibited in the M-2 zone.

§ 90516.04 MINIMUM LOT SIZE

Minimum lot size requirement in the M-2 zone is 20,000 square feet.

§ 90516.05 MINIMUM LOT AREA PER DWELLING UNIT

There is no requirement for a minimum area per dwelling unit in the M-2 zone since it does not allow dwelling units as an outright use except as an accessory and/or security or caretakers unit which may be permitted incidental to the primary use. Any residential use must meet R-1 setback requirements.

§ 90516.06 YARDS AND SETBACKS

Yards and setbacks in the M-2 zone are as follows:

A. FRONT YARD

Minimum front yard setback for all buildings shall be as follows:

1. 10 feet from property line or public right-of-way line
1. 0 feet if approved by the Planning Director with written concurrence from the Public Works Department and Fire Marshall

In no case shall buildings be located in the right-of-way or on the property line unless it meets the latest edition of the California Building Code.

B. SIDE YARD

None required

C. REAR YARD

None required

§ 90516.07 HEIGHT LIMIT

Buildings and structures in the M-2 zone shall not exceed six (6) stories or 80 feet.

§ 90516.08 MINIMUM DISTANCE BETWEEN STRUCTURES

There is no requirement for minimum distance between structures in the M-2 zone except as required by the Uniform Building Codes.

§ 90516.09 PARKING

Off street parking in the M-2 zone shall be as provided in accordance with Section 90402.01 (F).

§ 90516.10 SIGNS

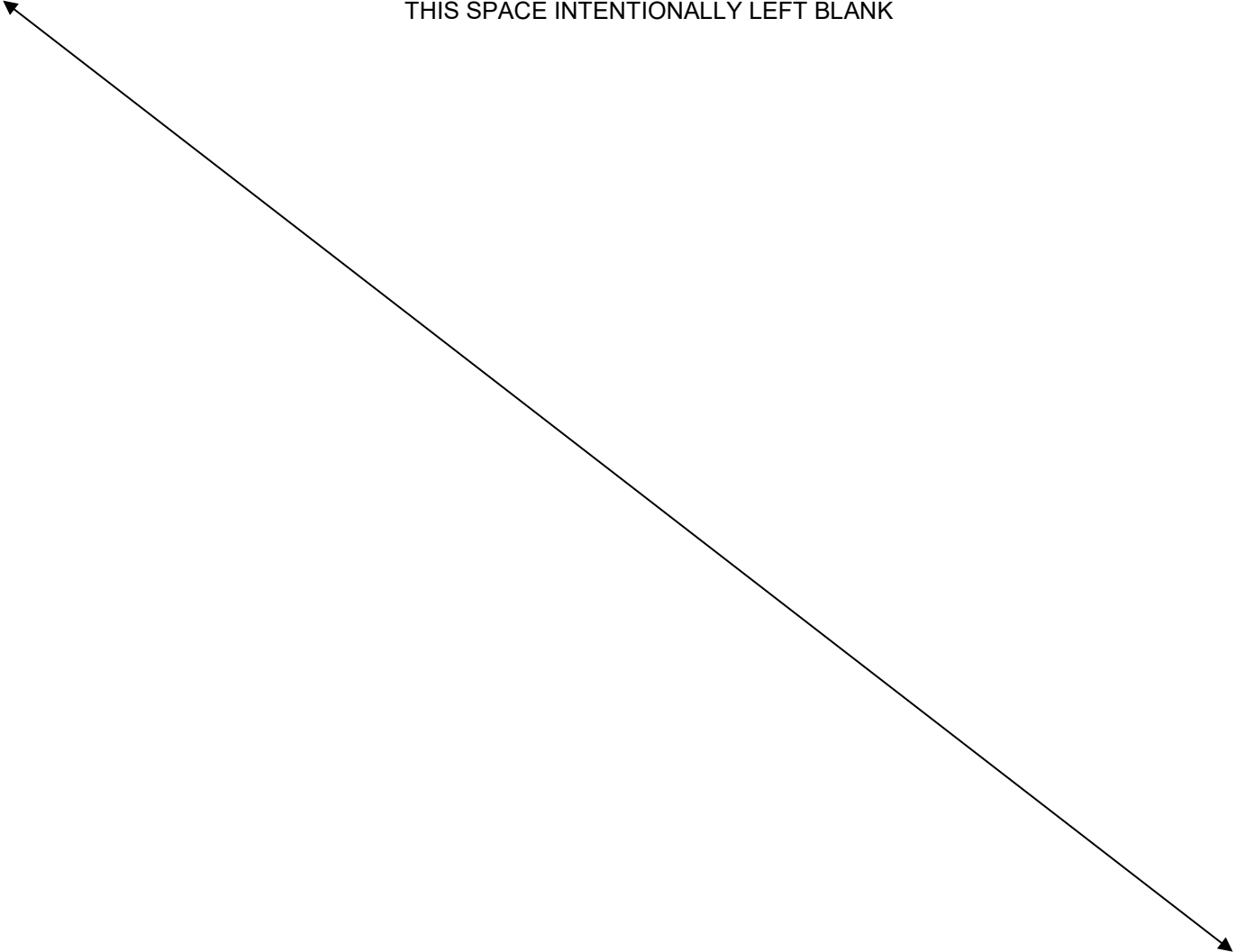
The following signs shall be permitted in the M-2 Zone; however, all signs shall be subject to Section 90401 as applicable.

1. Institutional Identification Signs
2. Monument Signs not to exceed 100 square feet
3. Pole Signs
4. Signs attached to buildings
5. Temporary Construction Signs
6. Temporary Political Signs, not to exceed 3 months
7. Temporary Real Estate signs, advertising property for sale or lease not to exceed 20 square feet.

§ 90516.11 LANDSCAPING

Landscaping in the M-2 zone shall be provided according to Section 90302.03.

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TITLE 9

DIVISION 5: ZONING AREA ESTABLISHED

CHAPTER 17: M-3 (HEAVY INDUSTRIAL)

§ 90517.00	PURPOSE & APPLICATION
§ 90517.01	PERMITTED USES
§ 90517.02	USES PERMITTED WITH A CONDITIONAL USE PERMIT
§ 90517.03	PROHIBITED USES
§ 90517.04	MINIMUM LOT SIZE
§ 90517.05	MINIMUM LOT AREA PER DWELLING UNIT
§ 90517.06	YARDS AND SETBACKS
§ 90517.07	HEIGHT LIMIT
§ 90517.08	MINIMUM DISTANCE BETWEEN STRUCTURES
§ 90517.09	PARKING
§ 90517.10	SIGNS
§ 90517.11	LANDSCAPING

§ 90517.00 PURPOSE & APPLICATION

The purpose of the M-3 (Heavy Industrial) zone is to designate areas for the most intense, heaviest type of manufacturing processing or fabrication facilities. Processing or fabrication in these areas is allowed to be conducted entirely within a building or outside of a building, provided however the facility does not omit fumes, odors, dust, smoke or gas beyond the confines of the property upon which the activity occurs, nor produces significant levels of noise or vibrations beyond the perimeter of the site in accordance with the County's General Plan.

§ 90517.01 PERMITTED USES IN THE M-3 ZONE

The following uses are permitted in the M-3 Zone provided they meet the requirements of this Title:

- a) Abattoir or animal slaughter house
- b) Acid manufacturing
- c) All M-2 uses permitted under § 90516.01, not including § 90515.01
- d) Ammunition manufacturing
- e) Automobile assembly plants
- f) Automobile wrecking yard provided it is conducted entirely within a fenced area where all portions of the site are obscure from any adjacent parcel
- g) Battery Storage
- h) Cargo Containers (provided they have an approved building permit)
- i) Creosote manufacturing
- j) Curing, tanning and storage of raw hides or skins
- k) Distillation of bones
- l) Distillation of coal, wood or tar
- m) Drop forge industries
- n) Explosive manufacturing and storage
- o) Fat rendering
- p) Gas manufacturing
- q) Graphite manufacturing
- r) Incinerators
- s) Iron, steel, brass or copper foundries or fabrication plants
- t) Lumber mills
- u) Major facilities relating to the generation and transmission of electrical energy, provided such facilities are not, under state or federal law, to be approved exclusively by an agency, or agencies of the state and/or federal governments, and provided that such facilities shall be approved subsequent to coordination and review with the Imperial Irrigation District for electrical matters. Such uses shall include, but not be limited to, the following:
 - Electrical generation plants
 - Facilities for the transmission of electrical energy (100-200 kV)

Electrical substations in an electrical transmission system (500 kv/230 kv/161 kv)

- v) MRF (Material recovery facility)
- w) Ore reduction plants
- x) Petroleum refineries
- y) Quarry or stone mills
- z) Recycling facility
- aa) Regional Landfill
- bb) Rolling mills
- cc) Rubber and rubber products manufacturing
- dd) Smelting of tin, copper, zinc or iron ore
- ee) Solar energy extraction generation provided that it is for on-site consumption only.
- ff) Transformation facility

§ 90517.02 USES PERMITTED ONLY WITH A CONDITIONAL USE PERMIT

The following uses are permitted in the M-3 Zone provided they meet the requirements of this Title:

a) Communication Towers: including radio, television, cellular, digital, along with the necessary support equipment such as receivers, transmitters, antennas, satellite dishes, relays, etc. (subject to requirements of this zone and Division 24; Section 92401 "Communications Facilities Ordinance" et al).

§ 90517.03 PROHIBITED USES

All uses not permitted by Section 90517.01 of this Division are prohibited in the M-3 zone.

§ 90517.04 MINIMUM LOT SIZE

The minimum lot size required in the M-3 zone is 20,000 square feet.

§ 90517.05 MINIMUM LOT AREA PER DWELLING UNIT

There is no requirement for minimum area for a dwelling unit in the M-3 zone since it does not allow dwelling units except as accessory, security or caretaker units. Any residential use must meet R-1 setback requirements.

§ 90517.06 YARDS AND SETBACKS

Yards and setbacks in the M-3 zone are as follows:

A. FRONT YARD

The minimum front yard setback for all buildings shall be as follows:

1. 10 feet from property line or public right-of-way line
2. 0 feet if approved by the Planning Director with the written concurrence from the Public Works Department and the Fire Marshall.

B. SIDE YARD

None required.

C. REAR YARD

None required.

§ 90517.07 HEIGHT LIMIT

Buildings constructed in the M-3 zone shall not exceed six (6) stories or 80 feet.

§ 90517.08 MINIMUM DISTANCE BETWEEN STRUCTURES

There are no requirements for a minimum distance between structures in the M-3 zone except that required by the California Building Codes.

§ 90517.09 PARKING

Off street parking in the M-3 zone shall be as provided in accordance with Section 90402.01 (F).

§ 90517.10 SIGNS

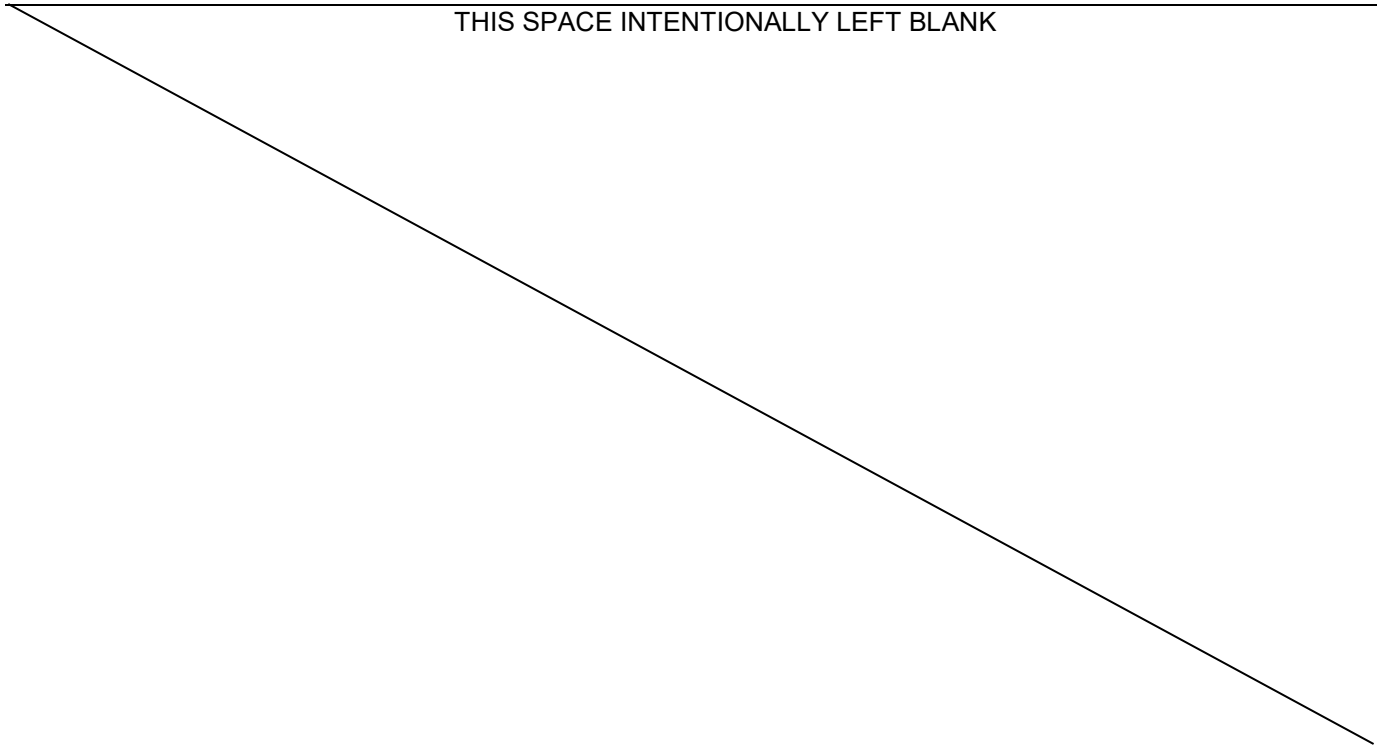
The following signs shall be permitted in the M-3 Zone; however, all signs shall be subject to Section 90401 as applicable.

1. Institutional Identification Signs
2. Monument Signs not to exceed 100 square feet
3. Pole Signs
4. Signs attached to buildings
5. Temporary Construction Signs
6. Temporary Political Signs, not to exceed 3 months
7. Temporary Real Estate signs, advertising property for sale or lease not to exceed 20 square feet.
8. Temporary Subdivision Signs

§ 90517.11 LANDSCAPING

Landscaping in the M-3 zone shall be provided according to Section 90302.03.

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TITLE 9

DIVISION 5: ZONING AREA ESTABLISHED

CHAPTER 18: S-1 (OPEN SPACE/RECREATIONAL)

§ 90518.00	PURPOSE & APPLICATION
§ 90518.01	PERMITTED USES IN THE S-1 ZONE
§ 90518.02	USES PERMITTED WITH A CONDITIONAL USE PERMIT
§ 90518.03	PROHIBITED USES
§ 90518.04	MINIMUM LOT SIZE
§ 90518.05	MINIMUM LOT AREA PER DWELLING UNIT
§ 90518.06	YARDS AND SETBACKS
§ 90518.07	HEIGHT LIMIT
§ 90518.08	MINIMUM DISTANCE BETWEEN STRUCTURES
§ 90518.09	PARKING
§ 90518.10	SIGNS
§ 90518.11	LANDSCAPING
§ 90518.12	ANIMALS

§ 90518.00 PURPOSE & APPLICATION

The purpose of the S-1 zone is to designate areas that recognize the unique Open Space and Recreational character of Imperial County including the deserts, mountains and water front areas. Primarily the S-1 Zone is characterized by low intensity human utilization and small scale recreation related uses. Any new subdivision in the S-1 zone will require all necessary infrastructure, including potable water, sewer and roads to County standards.

§ 90518.01 PERMITTED USES IN THE S-1 ZONE

The following uses are permitted in the S-1 Zone provided they meet the requirements of this Title:

- a) Accessory Structure including cargo container (provided they have an approved building permit and are subordinate to a primary building/use)
- b) Crop and tree farming (not allowed within Ocotillo/Nomirage Community Area Plan)(ONCAP)
- c) Directional signs of not to exceed six (6) square feet in area but not including commercial advertising
- d) Duck clubs (not allowed within ONCAP)
- e) Fish farms (not allowed within ONCAP)
- f) Forest industries
- g) Grazing
- h) Gun clubs
- i) Harvesting of any wild crop
- j) Home Occupation per Division 4, Chapter 4 (home occupation permit required Hotels and motels
- k) Marinas, boat liveries and boat launching ramps
- l) Mobile home/RV Park provided 50% of the total use is for RV use
- m) Residence (one per legal parcel)
- n) RV Park
- o) Solar energy extraction generation provided that it is for on-site consumption only

§ 90518.02 USES PERMITTED ONLY WITH A CONDITIONAL USE PERMIT

The following uses are permitted in the S-1 Zone provided they meet the requirements of this Title:

- a) Accessory Dwelling Unit
- b) Airports
- c) Breeding and raising of animals in excess of the limits specified in Section 90502.13
- d) Churches and other places used exclusively for religious worship
- e) City, County, State and Federal enterprises including buildings and facilities
- f) Communication Towers: including radio, television, cellular, digital, along with the necessary support equipment such as receivers, transmitters, antennas, satellite dishes, relays, etc.. (subject to requirements of this zone and Division 24; Section 92401 "Communications Facilities Ordinance" et al).
- g) Contractors office and storage yard (temporary)

- h) Daycare or nursery school
- i) Equestrian establishments, stables, or riding academies (not allowed within ONCAP)
- j) Establishments or enterprises involving large assemblages of people or automobiles including amusement parks, circuses, carnivals, expositions, fairs, open air theatres, race tracks, recreational and sport centers
- k) Facilities for abused people
- l) Hospital sanitariums
- m) Institutions of a philanthropic nature
- n) Major facilities relating to the generation and transmission of electrical energy provides such facilities are not under State or Federal law, to approved exclusively by an agency, or agencies of the State or Federal government, and provided such facilities shall be approved subsequent to coordination review of the Imperial Irrigation District for electrical matters. Such uses shall include but be limited to the following:
 - Electrical generation plants
 - Facilities for the transmission of electrical energy (100-200 kV)
 - Electrical substations in an electrical transmission system (500 kv/230 kv/161 kV)
- o) Meteorological Tower
- p) Oil, gas & geothermal exploration
- q) Planned unit development
- r) Recreational vehicle storage facilities
- s) Real Estate tract office and signs (temporary)
- t) Special Occasion Facility
- u) Surface mining operations

§ 90518.03 PROHIBITED USES

All other uses not permitted by Section 90518.01 or 90518.02 of the Chapter are prohibited in the S-1 Zone.

§ 90518.04 MINIMUM LOT SIZE

The minimum lot size for the S-1 zone is 1 acre and any parcel existing at less than 1 acre at the adoption of this Ordinance shall be deemed an legal parcel.

§ 90518.05 MINIMUM LOT AREA PER DWELLING UNIT

The minimum lot area per dwelling unit in the S-1 zone shall be 1 acre for each residence allowed by this Chapter.

§ 90518.06 YARDS AND SETBACKS

Yards and setbacks in the S-1 zone are as follows:

A. FRONT YARD.

The front yard minimum setback for all buildings shall be as follows.

25 feet from the edge of right-of-way or property line or 80 feet from center line or adjacent street, whichever is greater

B. SIDE YARD

10 feet minimum.

C. REAR YARD

10 feet minimum.

§ 90518.07 HEIGHT LIMIT

Buildings or structures in the S-1 zone shall not exceed 35 feet, except for communication towers, which are 100 feet.

§ 90518.08 MINIMUM DISTANCE BETWEEN STRUCTURES

The following requirements apply to the minimum distances between structures in the S-1 Zone.

- A. There shall be a minimum of ten (10) feet between primary residential use buildings, except for 0 lot line approved subdivisions.
- B. There shall be a minimum distance of six (6) feet between a residential building and any detached accessory building, except that any detached structure used to house, keep or maintain animals, permitted in this zone shall be separated as follows:
 - 30 ft. from primary residence
 - 80 ft. from front lot line
 - 25 ft. from any side or rear lot line
 - 100 ft. from any school or public park
 - 100 ft. from any water well

NOTE: A covered walkway or breezeway is not considered attached.

§ 90518.09 PARKING

Off-street parking shall be provided in the S-1 Zone according to the standards contained in Sections 90402.00 through 90402.15 of this Title. RV's, trailers and other vehicles provided they belong to the property owner may be stored on site only if they are within the rear yard and not readily visible or accessible to public view.

§ 90518.10 SIGNS

The following signs shall be permitted in the S-1 Zone; however, all signs shall be subject to Section 90401 as applicable.

1. Temporary real estate signs not exceeding 20 sq. ft., and advertising the property for sale or lease, and meeting requirements of Division 4, Chapter 1, of this Title.
2. Temporary construction signs related to construction on said property, meeting requirements of Division 4, Chapter 1.
3. Temporary political, religious, civic and campaigning signs not to exceed three (3) months, meeting requirements of Division 4, Chapter 1.
4. Institutional Signs
5. Signs attached to buildings.
6. Monument signs.
7. Pole signs advertising on-site identification uses only.
8. Signs approved in conjunction with a Conditional Use Permit approved for the site.

§ 90518.11 LANDSCAPING

Every S-1 lot, parcel or use shall meet the requirements of Section 90302.06.

§ 90518.12 ANIMALS

The keeping of animals in the S-1 zone shall comply with Section 90502.13.

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TITLE 9

DIVISION 5: ZONING AREA ESTABLISHED

CHAPTER 19: S-2 (OPEN SPACE/PRESERVATION)

§ 90519.00	PURPOSE & APPLICATION
§ 90519.01	PERMITTED USES IN THE S-2 ZONE
§ 90519.02	USES PERMITTED WITH A CONDITIONAL USE PERMIT
§ 90519.03	PROHIBITED USES
§ 90519.04	MINIMUM LOT SIZE
§ 90519.05	MINIMUM LOT AREA PER DWELLING UNIT
§ 90519.06	YARDS AND SETBACKS
§ 90519.07	HEIGHT LIMIT
§ 90519.08	MINIMUM DISTANCE BETWEEN STRUCTURES
§ 90519.09	PARKING
§ 90519.10	SIGNS
§ 90519.11	LANDSCAPING
§ 90519.12	ANIMALS

§ 90519.00 PURPOSE & APPLICATION

The S-2 Zone is considered to be the Open Space Preservation Zone. The primary intent here is to preserve the cultural, biological, and open space areas that are rich and natural as well as cultural resources. The S-2 Zone is dominated by native desert habitat and stark topographic features. While certain uses are allowed within the S-2 Zone, such uses must be compatible with the intent of the Open Space and Conservation Element of the General Plan.

§ 90519.01 PERMITTED USES IN THE S-2 ZONE

The following uses are permitted in the S-2 Zone provided they meet the requirements of this Title:

- a) Accessory agricultural buildings, structures and uses including farm buildings, housing of agricultural product, garages and implementation shelters, provided no livestock or any building or enclosure used in connection with livestock shall be closer than 100 feet to the property lines. (not allowed within ONCAP)
- b) Accessory structure including cargo container (provided they have an approved building permit and are subordinate to a primary building/use)
- c) All permitted uses in S-1 zone under § 90518.01 except for mobile home and/or RV park
- d) Apiaries
- e) Home Occupation per Division 4, Chapter 4 (home occupation permit required)
- f) Keeping of poultry, or similar small animals.
- g) Mineral Extraction
- h) Pasturing and grazing, provided however, that it shall not exceed one large animal (horse, mule, cow, etc.) or five medium size animal (hogs, goat, sheep) for each acre of the area of the parcel of land upon which the same are kept, except the temporary pasturing of livestock to feed on vegetable manner grown on said premises made be permitted. The feeding of garbage (cooked or raw), produce, or import materials shall be strictly prohibited. (not allowed with ONCAP)
- i) Public buildings
- j) Residence, one per legal parcel.
- k) Solar energy extraction generation provided that it is for on-site consumption only.
- l) Stands for the sale of agricultural, horticultural, or farming products grown on the premises.
- m) Storage of agricultural products.
- n) Storage of products used for premises.

§ 90519.02 USES PERMITTED ONLY WITH A CONDITIONAL USE PERMIT

The following uses are permitted in the S-2 Zone provided they meet the requirements of this Title:

- a) Airports, airparks, heliparks.
- b) Asphaltic/concrete batch plants

- c) Boat delivery and launching ramps.
- d) Communication Towers: including radio, television, cellular, digital, along with the necessary support equipment such as receivers, transmitters, antennas, satellite dishes, relays, etc. (subject to requirements of this zone and Division 24; Section 92401 "Communications Facilities Ordinance" et al).
- e) Community recreational buildings.
- f) Contractors office and storage yard (temporary)
- g) Equestrian establishment.
- h) General Store, 2000 square feet maximum.
- i) Major facilities relating to the generation and transmission of electrical energy provides such facilities are not under State or Federal law, to approved exclusively by an agency, or agencies of the State or Federal government, and provided such facilities shall be approved subsequent to coordination review of the Imperial Irrigation District for electrical matters. Such uses shall include but be limited to the following:
 - Electrical generation plants
 - Facilities for the transmission of electrical energy (100-200 kV)
 - Electrical substations in an electrical transmission system (500 kv/230 kv/161 kV)
- j) Mobile home/RV Park.
- k) Off road vehicle and or motorcycle events.
- l) Oil, and gas and geothermal exploration.
- m) Parks and picnic grounds.
- n) Recreational camps, resorts, guest and dude ranches, organized camps.
- o) Recreational vehicle storage compounds/mini storage provided at least 75% of total use is for RV storage
- p) Riding, hiking, and bicycle trials.
- q) Seasonal Vendor Area
- r) Special Occasion Facility
 - s) Surface mining
 - t) Tourist information centers.
 - u) Youth camps.

§ 90519.03 PROHIBITED USES

All other uses not permitted by Section 90519.01 or 90519.02 shall be prohibited in the S-2 Zone.

§ 90519.04 MINIMUM LOT SIZE

The minimize lot size of the S-2 zone is 20 acres (net).

§ 90519.05 MINIMUM LOT AREA PER DWELLING UNIT

There shall be a minimum of one (1) acre (net) of lot area per dwelling unit.

§ 90519.06 YARDS AND SETBACKS

Yards and setbacks in the S-2 zone are as follows:

A. FRONT YARD.

The front yard minimum setback for all buildings shall be as follows:

30 feet minimum from property line or 80 feet from center line of adjacent road.

B. SIDE YARD

20 Feet minimum.

C. REAR YARD

20 feet minimum

§ 90519.07 HEIGHT LIMIT

Maximum height limit in the S-2 zone shall be 40 feet, except for communication towers which are 100 feet

§ 90519.08 MINIMUM DISTANCE BETWEEN STRUCTURES

The following requirements apply to the minimum distances between structures in the S-2 Zone.

- A. There shall be a minimum of ten (10) feet between primary residential use buildings, except for 0 lot line approved subdivisions.
- B. There shall be a minimum distance of six (6) feet between a residential building and any detached accessory building, except that any detached structure used to house, keep or maintain animals, permitted in this zone shall be separated as follows:
 - 30 ft. from primary residence
 - 80 ft. from front lot line
 - 25 ft. from any side or rear lot line
 - 100 ft. from any school or public park
 - 100 ft. from any water well

NOTE: A covered walk way or breeze way is not considered attached.

§ 90519.09 PARKING

Off-street parking shall be provided in the S-2 Zone according to the standards contained in Sections 90402.00 through 90402.15 of this Title. RV's, trailers and other vehicles provided they belong to the property owner, may be stored on site only if they are within the rear yard and not readily visible or accessible to public view.

§ 90519.10 SIGNS

The following signs shall be permitted in the S-2 Zone; however, all signs shall be subject to Section 90401 as applicable.

- 1. Temporary real estate signs not exceeding 20 sq. ft., and advertising the property for sale or lease, and meeting requirements of Division 4, Chapter 1, of this Title.
- 2. Temporary construction signs related to construction on said property, meeting requirements of Division 4, Chapter 1.
- 3. Temporary political, religious, civic and campaigning signs not to exceed three (3) months, meeting requirements of Division 4, Chapter 1.
- 4. Signs attached to buildings.
- 5. Monument signs.
- 6. Pole signs advertising on-site identification uses only.
- 7. Institutional Signs
- 8. Signs approved in conjunction with a Conditional Use Permit approved for the site.

§ 90519.11 LANDSCAPING

Every S-2 lot, parcel or use shall meet the requirements of Section 90302.06.

§ 90519.12 ANIMALS

The keeping of animals in the S-2 zone shall comply with Section 90502.13.

TITLE 9

DIVISION 5: ZONING AREA ESTABLISHED

CHAPTER 20: G/S (GOVERNMENT/SPECIAL PUBLIC ZONE)

§ 90520.00	PURPOSE & APPLICATION
§ 90520.01	PERMITTED USES IN THE G/S ZONE
§ 90520.02	USES PERMITTED WITH A CONDITIONAL USE PERMIT
§ 90520.03	PROHIBITED USES
§ 90520.04	MINIMUM LOT SIZE
§ 90520.05	MINIMUM LOT AREA PER DWELLING UNIT
§ 90520.06	YARDS AND SETBACKS
§ 90520.07	HEIGHT LIMIT
§ 90520.08	MINIMUM DISTANCE BETWEEN STRUCTURES
§ 90520.09	PARKING
§ 90520.10	SIGNS
§ 90520.11	LANDSCAPING
§ 90520.12	REVERSION IF PRIVATIZED

§ 90520.00 PURPOSE & APPLICATION

The purpose of the G/S zone is to designate areas that allow for the construction, development and operation of governmental facilities and special public facilities, primarily this zone allows for all types of government owned and/or government operated facilities, be they office or other uses. It also allows for special public uses such as security facilities, jails, solid and/or hazardous wastes facilities and other similar special public benefit uses.

§ 90520.01 PERMITTED USES IN THE G/S ZONE

The following uses are permitted in the G/S Zone provided they meet the requirements of this Title:

- a. Airport (public)
- b. Adult care facilities
- c. Agricultural Products (growing, harvesting and processing)
- d. Business and Industry Incubation Space (non-volatile materials)
- e. Cargo container (provided they have an approved building permit)
- f. Child care facilities
- g. Commercial Cannabis (Cultivation non-volatile materials), subject to Division 4 Chapter 6 of Title 9 Land Use Ordinance and Title 14 of the Imperial County Codified Ordinance
- h. County buildings
- i. Electrical Vehicles Charging Stations as an Accessory Use. (Incidental to Primary Use)
- j. Incarceration
- k. Industrial Hemp: including the cultivation, harvesting and testing, and light processing, subject to Division 4 Chapter 6 of Title 9 Land Use Ordinance and Title 14 of the Imperial County Codified Ordinance
- l. Industrial Hemp (non-volatile materials): manufacturing into semi-finished and finished products, subject to Division 4 Chapter 6 of Title 9 Land Use Ordinance and Title 14 of the Imperial County Codified Ordinance
- m. Maintenance facilities
- n. Offices
- o. Parks, organized camps
- p. Public buildings
- q. Research and development (non-volatile materials)
- r. Schools
- s. Solar energy extraction generation provided that it is for on-site consumption only.
- t. Solid waste recycling facility

§ 90520.02 USES PERMITTED ONLY WITH A CONDITIONAL USE PERMIT

The following uses are permitted in the G/S Zone provided they meet the requirements of this Title:

- a. Airport (private)
- b. Business and Industry Incubation Space (volatile materials)
- c. Commercial Cannabis Manufacturing (volatile materials), subject to Division 4 Chapter 6 of Title 9 Land Use Ordinance and Title 14 of the Imperial County Codified Ordinance
- d. Communication Towers: including radio, television, cellular, digital, along with the necessary support equipment such as receivers, transmitters, antennas, satellite dishes, relays, etc.. (subject to requirements of this zone and Division 24; Section 92401 "Communications Facilities Ordinance" et al).
- e. Hazardous materials disposal
- f. Hazardous materials processing
- g. Hazardous materials recycling
- h. Hazardous materials treating
- i. Industrial Hemp (volatile materials): manufacturing into semi-finished and finished products, subject to Division 4 Chapter 6 of Title 9 Land Use Ordinance and Title 14 of the Imperial County Codified Ordinance
- j. Major facilities relating to the generation and transmission of electrical energy provides such facilities are not under State or Federal law, to approved exclusively by an agency, or agencies of the State or Federal government, and provided such facilities shall be approved subsequent to coordination review of the Imperial Irrigation District for electrical matters. Such uses shall include but be limited to the following: Electrical generation plants (less than 50 mw) Facilities for the transmission of electrical energy (100-200 kV) Electrical substations in an electrical transmission system (500 kv/230 kv/161 kV)
- k. Research and development (volatile materials)
- l. Solid waste landfill facility
- m. Training facility
- n. Water treatment facility
- o. Wastewater treatment facility

§ 90520.03 PROHIBITED USES

All other uses not permitted by Section 90520.01 of this Division are prohibited in the G/S zone.

§ 90520.04 MINIMUM LOT SIZE

The minimize lot size of the G/S zone is 20,000 square feet.

§ 90520.05 MINIMUM LOT AREA PER DWELLING UNIT

Dwelling units are not permitted in the G/S zone except as ancillary facilities such as caretakers or security facilities, therefore no minimum lot area per dwelling unit is required.

§ 90520.06 YARDS AND SETBACKS

None required.

§ 90520.07 HEIGHT LIMIT

Buildings or structures in the G/S zone shall not exceed six (6) stories or 80 feet, except communication towers which are 100 feet.

§ 90520.08 MINIMUM DISTANCE BETWEEN STRUCTURES

No minimum distance separation requirements are required except to meet the California Codes.

§ 90520.09 PARKING

Off-street parking shall be provided as required by the Department of Public Works and Planning & Development Services Department.

§ 90520.10 SIGNS

No restriction on the placement or maintenance of signs shall apply in the G/S zone.

§ 90520.11 LANDSCAPING

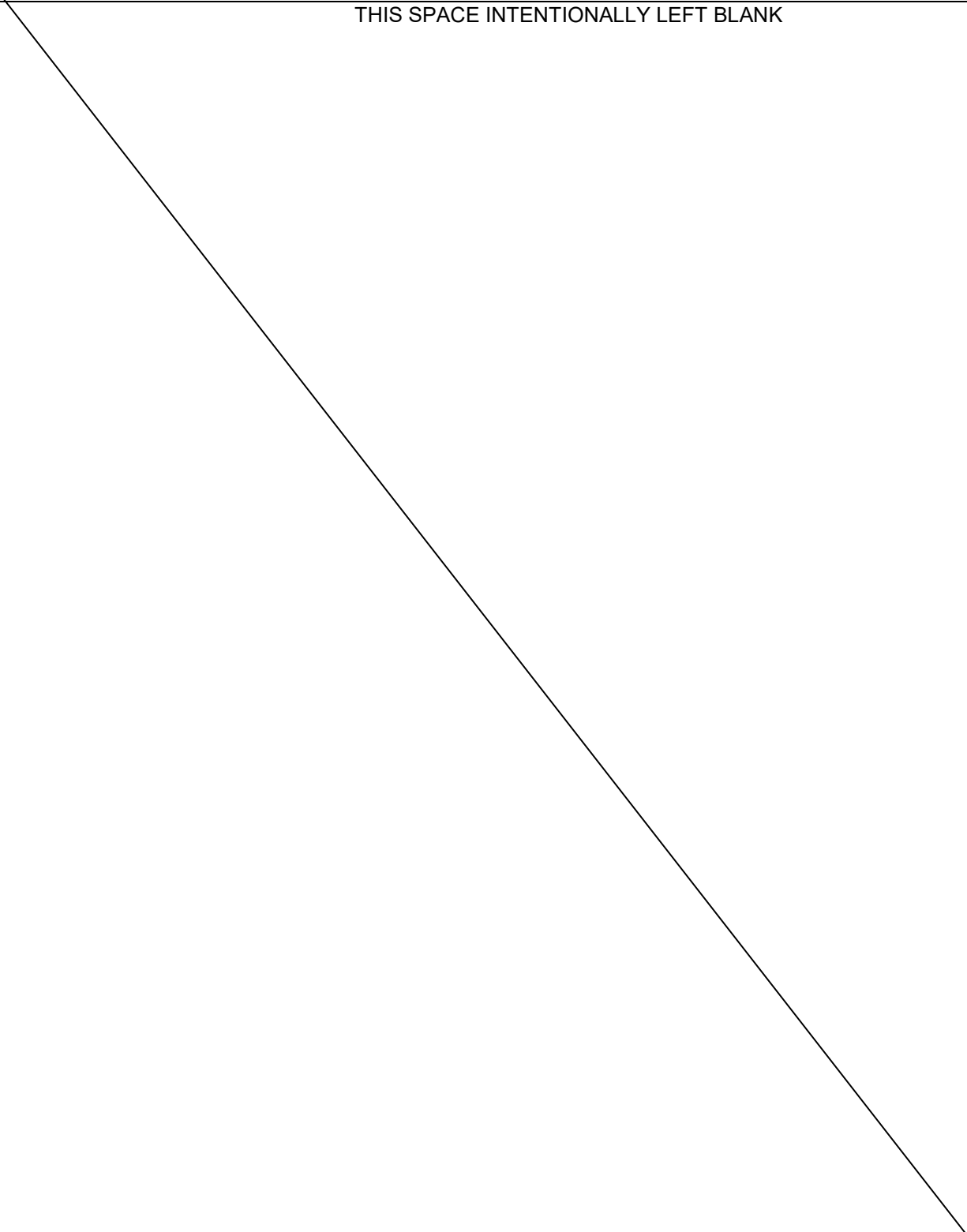
Every G/S zoned facility shall provide landscaping consistent with the requirements of the C-2 zone.

§ 90520.12 REVERSION IF PRIVATIZED

In the event a parcel that is zoned G/S by virtue of the fact that it is under public ownership is sold or otherwise privatized, the zone of the parcel shall be automatically changed to that of S-2.

Any privately owned G/S facility shall only be allowed to operate the business or facility in existence at time of adoption of this Ordinance. Any change in use shall first require a change of zone.

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APPENDIX A

GATEWAY OF THE AMERICAS SPECIFIC PLAN

APPENDIX B
MESQUITE LAKE SPECIFIC PLAN

APPENDIX C
RIO BEND SPECIFIC PLAN

APPENDIX D

IMPERIAL LAKES (SKI LAKES) SPECIFIC PLAN

APPENDIX E

McCABE RANCH SUBDIVISION SPECIFIC PLAN

APPENDIX F
RIVER FRONT SPECIFIC PLAN

SECTION 1: Chapters 1 through 12 (Sections 90801.00 through 90801.10) of Division 8 of Title 9 of the Codified Ordinance of the County of Imperial is hereby enacted rescinded.

SECTION 2: Chapters 1 through 12 (Sections 90801.00 through 90801.10) of Division 8 of Title 9 of the Codified Ordinance of the County of Imperial is hereby re-enacted to read as follows:

TITLE 9

DIVISION 8: SUBDIVISION ORDINANCE

[CHAPTER 1: GENERAL PROVISIONS AND DEFINITIONS](#)
[CHAPTER 2: FEES AND DEPOSITS \(DEPARTMENT OF PUBLIC WORKS ONLY\)](#)
[CHAPTER 3: SUBDIVISION-TENTATIVE MAP PROCEDURE](#)
[CHAPTER 4: DESIGN STANDARDS OF SUBDIVISIONS](#)
[CHAPTER 5: MINOR SUBDIVISIONS - REQUIREMENTS](#)
[CHAPTER 6: MAJOR SUBDIVISIONS - REQUIREMENTS](#)
[CHAPTER 7: LOT LINE ADJUSTMENTS](#)
[CHAPTER 8: LOT MERGERS INITIATED BY PROPERTY OWNER](#)
[CHAPTER 9: LOT MERGER INITIATED BY THE COUNTY](#)
[CHAPTER 10: REVERSION TO ACREAGE](#)
[CHAPTER 11: RECORD OF SURVEYS](#)
[CHAPTER 12: ENFORCEMENT - PENALTY- CERTIFICATES OF COMPLIANCE](#)

CHAPTER 1: GENERAL PROVISIONS AND DEFINITIONS

§ 90801.00	TITLE/PURPOSE
§ 90801.01	SUBDIVISIONS REQUIRED
§ 90801.02	EXCEPTIONS TO SUBDIVISIONS
§ 90801.03	PUBLIC NECESSITY- DETERMINATION OF RIGHT-OF-WAY, EASEMENTS AND LICENSE
§ 90801.04	DEFINITIONS
§ 90801.05	COMPLIANCE WITH SUBDIVISION REQUIREMENTS
§ 90801.06	ADVISORY AGENCY DESIGNATION - MAJOR/ MINOR SUBDIVISIONS
§ 90801.07	APPEAL BOARD DESIGNATION
§ 90801.08	ENVIRONMENTAL IMPACT REVIEW
§ 90801.09	SOIL REPORTS
§ 90801.10	ADDITIONAL SUBDIVISION STANDARDS (SEWER SYSTEMS AND OWTS)

§ 90801.00 TITLE/PURPOSE

This Division shall be known as the "Subdivision Ordinance" and may be cited as such. It is the purpose of this ordinance to regulate and control the division of land within the County of Imperial and to supplement the

provisions of the California Subdivision Map Act concerning design, improvement and survey data of subdivisions. This division specifies the form and content of all maps required by the Subdivision Map Act, and the procedures to be followed in securing the official approval of the County. To accomplish this purpose, the regulations contained in this Division are determined to be necessary to preserve the public, health, safety, and general welfare; to provide orderly growth and protection for the proper use of lands; to provide consistency with the General Plan and to insure provisions for adequate traffic circulation, utilities, and other minimum services in the County.

§ 90801.01 SUBDIVISIONS REQUIRED

The Subdivision Map Act (Government Code, Section 66410 et seq.) requires Imperial County to regulate and control the design and improvement of all subdivisions. Generally a subdivision is any division of land for the purpose of sale, lease, and/or financing. The Subdivision Map Act distinguishes subdivisions in various forms; however, a tentative map is required in Imperial County for all **new or proposed** subdivisions.

The purpose of a tentative map is to show the design and improvements of **a new or** proposed subdivision and the existing conditions in and around it.

§ 90801.02 EXCLUSIONS TO SUBDIVISIONS

The following are considered to be exclusions pursuant to Government Code, Section 66412 and this Division.

- A. The financing or leasing of apartments, offices, stores, or similar space within apartment buildings, industrial buildings, commercial buildings, mobilehome parks, or trailer parks.
- B. Mineral, oil, or gas leases.
- C. Land dedicated for cemetery purposes under the Health and Safety Code.
- D. A lot line adjustment between four or fewer existing adjoining parcels, where the land taken from one parcel is added to an adjoining parcel, and where a greater or lesser number of parcels than originally existed is not thereby created, provided the lot line adjustment is approved by the local agency, or advisory agency. The advisory or lead agency shall limit its review and approval to a determination of whether or not the parcels resulting from the lot line adjustment or lot merger will conform to the local general plan, zoning and building ordinances. The advisory agency or lead agency shall not impose conditions or exactions on its approval of a lot line adjustment except to conform to local general plan, applicable specific plan, zoning and building ordinances, to require the prepayment of real property taxes prior to the approval of the lot line adjustment, or to facilitate the relocation of existing utilities, infrastructure, or easements. No tentative map, parcel map, or final map shall be required as a condition to the approval of a lot line adjustment. The lot line adjustment shall be reflected in a deed, which shall be recorded. No record of survey shall be required for a lot line adjustment unless required by Section 8762 of the Business and Professions Code. **The lead agency shall approve or disapprove a lot line adjustment pursuant to the Permit Streamlining Act (Chapter 4.5 (commencing with Section 65920) of Division 1).**
- E. Any separate assessment under Section 2188.7 of the Revenue and Taxation Code.
- F. Unless a parcel or final map was approved by the County of Imperial, the conversion of a community apartment project, as defined in Civil Code Section 1351 (d), to a condominium, as defined in Section 783 of the Civil Code, but only if all of the following requirements are met:
 - 1. At least 75 percent of the units in the project were occupied by record owners of the project on March 31, 1982.
 - 2. A final or parcel map of the project was properly recorded, if the property was subdivided, as defined in Government Code Section 66424, after January 1, 1964, with all of the conditions of that map remaining in effect after the conversion.
 - 3. The County certifies that the above requirements were satisfied if the County, by ordinance, provides for that certification.
- G. Unless a parcel or final map was approved by the County, the conversion of a stock cooperative, as defined in Civil Code, Section 1351 (m) of the Code, to a condominium, as defined in Section 783 of the Civil Code, but only if all of the following requirements are met:
 - 1. At least 51 percent of the units in the cooperative were occupied by stockholders of the cooperative on January 1, 1981, or individually owned by stockholders of the cooperative on January 1, 1981. As used in this paragraph, a cooperative unit is "individually owned" if an only if the stockholder of that unit owns or partially owns an interest in no more than one unit in the cooperative.
 - 2. No more than 25 percent of the shares of the cooperative were owned by any one person, as defined in Section 17, including an incorporator or director of the cooperative, on January 1, 1981.

3. A person renting a unit in a cooperative shall be entitled at the time of conversion to all tenant rights in state or local law, including, but not limited to, rights respecting first refusal, notice, and displacement and relocation benefits.
 4. The County certifies that the above requirements were satisfied if the County, by ordinance, provides for that certification.
- H. The leasing of, or the granting of an easement to, a parcel of land, or any portion or portions thereof, in conjunction with the financing, erection, and sale or lease of a wind powered electrical generation device on the land, if the project is subject to discretionary action by the County.
 - I. The leasing or licensing of a portion of a parcel, or the granting of an easement, use permit, or similar right on a portion of a parcel, to a telephone corporation as defined in Section 234 of the Public Utilities Code, exclusively for the placement and operation of cellular radio transmission facilities, including, but not limited to: antennae support structures, microwave dishes, structures to house cellular communications transmission equipment, power sources, and other equipment incidental to the transmission of cellular communications, if the project is subject to discretionary action by the advisory agency or legislative body.
 - J. Leases of agricultural land for agricultural purposes. As used in this subdivision, "agricultural purposes" means the cultivation of food or fiber, or the grazing or pasturing of livestock.
 - K. The leasing of, or the granting of an easement to, a parcel of land, or any portion or portions thereof, in conjunction with the financing, erection, and sale or lease of a solar electrical generation device on the land, if the project is subject to review under other local agency ordinances regulating design and improvement or, if the project is subject to other discretionary action by the advisory agency or legislative body.
 - L. The leasing of, or the granting of an easement to, a parcel of land or any portion or portions of the land in conjunction with a biogas project that uses, as part of its operation, agricultural waste or byproducts from the land where the project is located and reduces overall emissions of greenhouse gases from agricultural operations on the land if the project is subject to review under other local agency ordinances regulating design and improvement or if the project is subject to discretionary action by the advisory agency or legislative body.

§ 90801.03 PUBLIC NECESSITY - DETERMINATION OF RIGHTS-OF-WAY, EASEMENT AND LICENSE

Prior to any governmental agency, public entity, public utility, or a subsidiary of a public utility effecting any conveyance of a portion of any parcel of land including fee title, the agency shall first submit the following to the Imperial County Planning & Development Services Department for a determination on whether or not a parcel map is required. The determination under this Ordinance shall be administrative and shall determine whether upon substantial evidence that public policy necessitates a Parcel Map.

A. AUTHORITY OF THE PLANNING DIRECTOR

The Planning Director is hereby granted authority to investigate and review proposed conveyances of fee interest, leasehold interests, easements or licenses for rights-of-way that physically divide property and where access to parcels may be effected by any governmental agency, public entity, public utility, or a subsidiary of a public utility or the determination pursuant to Government Code, Section 66428(2) whether public policy necessitates a parcel map. Nothing in this section shall preclude the Planning Director from considering advise from other Departments or Consultants.

B. FEES

The required fee for review shall be Time and Materials (T/M) pursuant to this Title.

C. REQUEST FOR REVIEW

A written request shall be provided to the Planning & Development Services Department for the review of proposed rights-of-way and shall be accompanied by the information required below and any other information the Department deems necessary.

D. REQUEST AND CONTENT

Each review under this Section shall be filed with the Planning & Development Services Department and shall include the following information:

1: General Information Required:

- a. Agency name and contact person including address and telephone number
- b. Property owner(s)'s name, mailing address and telephone number
- c. Legal description of the proposed conveyance
- d. Assessors Parcel Number(s)
- e. Specific explanation of the proposed easement or right-of-way alignment
- f. Preliminary Title Report (no more than six (6) months old), and current vesting deed(s)
- g. Any supporting documentation necessary for staff to adequately review request

2: Site Plan:

Every submittal for determination under this Section shall include a detailed "site plan", **signed sealed and dated by a person legally authorized to practice land surveying**. The site plan shall include the following information:

- a. All property boundary lines based upon an accurate boundary line survey
- b. All property boundary dimensions
- c. All existing structures (below & above ground) with labels identifying each one
- d. All proposed structures (below and above ground) with labels identifying each one
- e. Distance from all structures to property lines and between structures
- f. North orientation
- g. Scale
- h. Access from adjacent street/road and identify street/road names
- i. All utility locations, (i.e. electrical, plumbing) from the exterior of the parcel to the interior and show how they connect (i.e. overhead)
- j. Assessor's Parcel Number(s)
- k. Public Use Easement, if any
- l. Parking
- m. Drainage

E. ADMINISTRATIVE PROCESS BY DIRECTOR

In order to streamline the review process and clearly delineate the standards and rules, the following administrative procedure is established and shall be followed by the Department for processing the request:

1. Within thirty (30) days of receipt, the request shall either be deemed complete or be returned to the agency if deemed incomplete with a written explanation.
2. Within the ten (10) working days from the date the request is deemed complete, the Department will consult with the Department of Public Works, and Fire/OES Department and other applicable departments.
3. Within thirty (30) days from the date the request was deemed complete, the Planning Director shall determine whether public policy necessitates a Minor Subdivision/Parcel Map.
4. The Planning Director shall inform the agency in writing of the determination. Upon receipt of the letter of determination there shall be a ten (10) calendar day period during which any party may appeal the decision of the Director to the Planning Commission.

F. AUTHORITY OF PLANNING COMMISSION

The Planning Commission, upon appeal, shall have the authority to over rule the Planning Director's determination. The Planning Commission's determination is final with no appeal to the Board of Supervisors.

§ 90801.04 DEFINITIONS

Words and/or phrases used herein that are defined in the Subdivision Map Act but not specifically defined in this Chapter shall have the same meaning as is given to them in the Subdivision Map Act at time of adoption

of this Title. Whenever the following words or phrases are used in this Division they shall have the meaning ascribed to them in this Section. Where there is a difference the most restrictive definition shall apply. See also definitions under Division 14.

1. "Acreage" shall mean any parcel of land which is not a lot, as defined in this Section, and those areas where a legal subdivision has not been made previously or where a legal subdivision has declared such parcel as "acreage".
2. "Advisory Agency" shall mean the Planning Commission, or the Planning Director as specified in this Ordinance.
3. "Alley" means a secondary means of access to property and is located at the rear or side of the property. Minimum alley width shall be 20 feet.
4. "Block" shall mean the area of land within a subdivision, which area is entirely bounded by streets, highways or ways, except alleys, or the exterior boundary or boundaries of the subdivision.
5. "Board" means the Board of Supervisors of Imperial County.
6. "Building Official" means the Director of the Planning & Development Services Department of Imperial County.
7. "Business and Professions Code" (B&P) shall mean the Business and Professional Code of the State of California.
8. "Certificate of Compliance" means a document describing a unit or contiguous units of real property and stating that the other units or the division thereof complies with applicable provisions of the Subdivision Map Act and County Ordinances enacted pursuant thereto. A recorded final subdivision map, parcel map, or parcel map waiver certificate shall constitute a Certificate of Compliance with respect to the parcels of real property described therein.
9. "Community apartment project" shall be defined as provided in Civil Code Section 1351(d).
10. "Comprehensive General Plan" means the comprehensive General Plan of the County of Imperial, including all elements thereof, as adopted by the Board of Supervisors.
11. "Condominium" shall mean an estate in real property consisting of an undivided interest in common in or upon a portion of a parcel of real property together with a separate interest in space in a residential, industrial or commercial building on the real property, such as an apartment, office or store. A condominium may include, in addition, a separate interest in other portions of the real property.
12. "Contiguous Units" means adjacent parcels of land which shall be considered contiguous even if it is separated by roads, streets, utility easements or railroad right-of-way.
13. "Conversion" shall mean the creation of separate ownership of existing real property together with a separate interest in space of residential, industrial or commercial buildings.
14. "County" means the County of Imperial.
15. "County Surveyor" means the County Surveyor of Imperial County.
16. "Day" shall mean a calendar day unless otherwise specified.
17. "Department" shall mean the Planning & Development Services Department of Imperial County.

18. "Department of Transportation" means the Department of Transportation of the State of California.
19. "Design" means the configuration, layout and/or orientation including:
 - a. street alignments, grades and widths;
 - b. drainage and sanitary facilities and utilities, including alignments and grades thereof;
 - c. location and size of all required easements and rights of way;
 - d. d. fire and water facilities;
 - e. lot size and configuration;
 - f. traffic access;
 - g. grading;
 - h. land to be dedicated for park or recreational purposes; and
 - i. such other specific requirements in the plan and configuration of the entire subdivision as may be necessary or convenient to insure conformity to or implementation of the General Plan required by Article 5 (commencing with Section 65300) of Chapter 3 of Division 1 of the Government Code or any applicable specific plan required pursuant to Section 66473.5.
20. "Development" shall mean the use or uses to which the land which is the subject of a map shall be put, the buildings to be constructed on it, and all alterations of the land and construction incident thereto.
21. "Easement" shall mean an easement dedicated to the County, which shall be continuing and irrevocable unless formally abandoned by the County, and any other easement whether owned by a public utility, or private entity.
22. "Environmental Constraint Note" means any note or notes required by the conditions of approval to be shown on an Environmental Constraint Sheet and reference made thereto on the final map. This shall be required when constraints involving, but not limited to, any of the following are conditioned by the Planning Director, Planning Commission or the Board of Supervisors: archaeological sites, geologic mapping, grading, building, building setback lines, flood hazard zones, seismic lines and setbacks, fire protection, water availability and sewage disposal.
23. "Environmental Constraint Sheet" means a duplicate of the final map or parcel map on which are shown the Environmental Constraint Notes. This sheet shall be filed simultaneously with the final map or parcel map, with the County Surveyor, and labeled "Environmental Constraint Sheet" in the top margin.
24. "Environmental Impact Report (EIR)" shall mean a detailed statement prepared pursuant to the provisions of the California Environmental Quality Act (CEQA), State Public Resources Code, Section 21000 et seq., and State and County CEQA Guidelines promulgated pursuant thereto, describing and analyzing the significant environmental effects of a project and discussing ways to mitigate or avoid the effects.
25. "Final Map" shall mean a map showing a subdivision of five (5) or more parcels for which a tentative and final are required by the Subdivision Map Act and this Division, prepared in accordance with the provisions of the Subdivision Map Act and this Division and designed to be filed for recordation in the office of the County Recorder.
26. "Fire Chief" means the Chief of the Fire Protection Agency or designee having jurisdiction of the area in which a land division is located.
27. "General Plan" shall mean the General Plan for the County of Imperial, adopted November 9, 1993, and all amendments thereto.

28. "Government Code" shall mean the Government Code of the State of California.
29. "Health Officer" means the Health Officer of Imperial County.
30. "Improvement" shall mean any landscaping, street work and utilities to be installed, or agreed to be installed, by the subdivider on the land to be used for public or private streets, highways, ways, and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as conditioned precedent to the approval and acceptance of the final map thereof. "Improvement" shall also mean other specific improvements or types of improvements, the installation of which, either by or by a combination of, the subdivider, public agencies, private utilities, or any other entity approved by the County, is necessary to ensure consistency with, or implementation of, the General Plan, or any applicable specific plan. Improvements shall be constructed in accordance with standard engineering specifications, where applicable.
31. "Improvement Standards" means the standards set forth in this and other ordinances related to the development of land as a subdivision or parcel map division.
32. "Interior Lot" means a lot which has side lot lines approximately parallel and has frontage on only one street.
33. "Land Use Ordinance" means the Imperial County Ordinance Title 9, as amended.
34. "Legal and Physical Access" means direct access without obstruction including encroachment permits for ingress and egress on to a public maintained road or State Highway.
35. "Lot Area" means the horizontal areas within the boundary lines of a lot exclusive of:
 - a. The area of any street right-of-way or road easement;
 - b. Any flood control easement or walkway which is required as a condition of approval of the subdivision map on which the lot is shown; and
 - c. Any portion of the lot which is less than 35 feet wide for a distance of 50 feet or more and which is designated or used to provide vehicular or pedestrian access to the part of such lot which is designed for use as a building site.
36. "Lot Line Adjustment" means an alteration to adjust a line or lines between adjoining legal lots. It is not a subdivision or re-subdivision procedure and is intended to be used only in those situations where the provisions of the Subdivision Map Act and this Ordinance are applicable to subdivisions and re-subdivisions do not apply.
37. "Lot" or "Parcel" shall mean a unit or portion of land separate from other units or portions by description, as on a Final or Parcel Map, Certificate of Compliance or by such other map approved by the County under the provisions of the Subdivision Map Act and of County ordinances in effect at the time of approval, for the purpose of sale, lease, or financing.
38. "Major Subdivision" means a land division creating five (5) or more parcels, five (5) or more condominiums as defined in Section 1351 of the Civil Code, a community apartment project containing five (5) or more parcels, or the conversion of a dwelling to a stock cooperative containing five (5) or more dwelling units.
39. "Merger" shall mean the joining of two (2) or more contiguous parcels of land under one ownership into one (1) parcel.
40. "Minor Subdivision" means a land division where any of the following occur:

- a. The land is divided into four (4) or fewer parcels,
- b. The land before division contains less than five (5) acres, each parcel created by the division abuts upon a maintained public street or highway, and no dedication or improvements are required,
- c. Each parcel created by the land division has a gross area of 20 acres or more and each parcel has an approved access to a maintained public street or highway,
- d. The land consists of a parcel or parcels of land having approved access to a public street or highway, which comprises a part of a tract of land zoned for industrial or commercial development, and has the approval as to street alignments and width,
- e. Each parcel created by the land division has a gross area of not less than 40 acres or is not less than a quarter of a quarter section.

The land being subdivided is solely for the creation of an environmental subdivision pursuant to Section 66418.2 of the Business and Professions Code.

- 41. "Notice of Violation" means a document describing the manner in which a unit or contiguous units or real property has been divided or has resulted from a division in violation of the Subdivision Map Act and County Ordinances enacted pursuant thereto. Said document shall name and be directed to the record owners of said property.
- 42. "Parcel Map" shall mean a map showing a subdivision of four (4) or fewer parcels when required by the Subdivision Map Act and this division, **or a map prepared for purposes other than showing a subdivision of four or fewer parcels,** when prepared in accordance with the provisions of the Subdivision Map Act and this division and designed to be filed for recordation in the office of the County Recorder.
- 43. "Peripheral Street" shall mean an existing street whose right of way is contiguous to the exterior boundary of a subdivision.
- 44. "Private Street" shall mean any street, access way, or the like, lying in whole or in part within a subdivision for which dedication and ownership is privately held and is utilized as access to a development. Private streets, where allowed, shall be constructed to meet County minimum standards and private streets shall not be considered as meeting legal and physical access requirements unless the use approved within a "gated" community or subdivision.
- 45. "Public Access" means:
 - a. A dedication to public use or to the County of Imperial of the required width for road purposes
 - b. A permanent written easement for road purposes of the required width from the State or Federal Government.
- 46. "Recorder" means the Recorder of Imperial County.
- 47. "Remainder Parcel" shall mean a portion of any unit or units of improved or unimproved land as designated by the Subdivider consistent with Government Code, Section 66424.6.
- 48. "Revised Tentative Map" means a modification of an approved tentative map wherein the design of the land division is changed from the approved tentative map, but there is no substantial change in concept from the original approved map.
- 49. "Specific Plan" means a plan adopted by the Board that is based upon the comprehensive General Plan of Imperial County, as provided in Section 65450 et seq. of the Government Code.
- 50. "Standard Engineering Specifications" shall mean those standard subdivision improvement plans and specifications as prepared and/or approved by the Public Works Director/County Engineer.

51. "Stock Cooperative" shall be defined as provided in Section 1351(m) of the Civil Code.

52. "Street" means a state highway, county road, street, alley, thoroughfare or easement for ingress or egress.
53. "Subdivider" means a person, firm, corporation, partnership, or association who proposes to divide, divides, or causes to be divided real property into a subdivision for themselves(ves) or for others. Employees and consultants of such persons or entities, acting in such capacity, are not "Subdividers".
54. "Subdivision" means the division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized County assessment roll as a unit or as contiguous units, for the purpose of sale, lease, or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement, canals, or railroad rights-of-way. "Subdivision" includes a condominium project, as defined in Section 1351(f) of the Civil Code, a community apartment project as defined in Section 1351(d), and the conversion of five (5) or more existing dwelling units to a stock cooperative, as defined in Section 1351(m) of the Civil Code. "Subdivision" includes any division of land by gift or inheritance, but excludes a division for probate homestead. Any conveyance of land to a governmental agency, public entity, public utility, or subsidiary of a public utility for rights-of-way shall not be considered a division of land for purposes of computing the number of parcels.
55. "Subdivision Map Act" shall mean Government Code, Section 66410 et seq., inclusive.
56. "Storm Frequency of One in 100 Years" means a storm that will probably be equaled or exceeded on the average of once every 100 years. It does not follow, however, that such a storm will be equaled or exceeded once in every 100 year period, or that having occurred once, it will not occur again for 100 years. It may occur several times in a 100 year period, but over a sufficient length of time the average is expected to be once in 100 years.
57. "Tentative Map" shall mean a map made for the purpose of showing the design and improvements of a proposed subdivision and the existing conditions in and around it. "Tentative map" shall include a tentative map prepared in connection with a parcel map pursuant to the provisions of Section 90805.00 et seq. and a Final Map pursuant to the provision of Section 90806.00 et seq.
58. "Vesting Tentative Map" means a Tentative Map, which meets the requirements of Section 66452 of the Government Code and Section 90803.03 of this Division.

§ 90801.05 COMPLIANCE WITH SUBDIVISION REQUIREMENTS

No person shall create a subdivision except in accordance with the provisions of the Subdivision Map Act and this Division. No land shall be subdivided and developed for any purpose which is inconsistent with the General Plan or applicable specific plan of the County.

The type and intensity of land use as shown on the General Plan and any applicable specific plan, together with the requirements of the Subdivision Map Act and this Division shall determine the type of streets, roads, highways, utilities and other public services that shall be provided by the subdivider.

§ 90801.06 ADVISORY AGENCY DESIGNATION-MAJOR/MINOR SUBDIVISIONS

As set forth in Section 90102.03 of this Title, as further provided herein, the Advisory Agency has the following responsibilities with respect to this Division as follows:

A. MAJOR SUBDIVISION/REVERSION TO ACREAGE

The Planning Commission is the advisory agency to the Board of Supervisors on all major subdivisions and Reversions to Acreage. The Board of Supervisors renders the final decision.

B. MINOR SUBDIVISION

The Planning Director shall act as the hearing officer and is vested with original jurisdiction to investigate, consider, and approve or deny all minor subdivisions. This decision can be appealed to the Planning Commission and only then to the Board of Supervisors.

C. MERGERS

The Planning Director shall act as the hearing officer and is vested with original jurisdiction to investigate, consider, and approve or deny all mergers. These can be appealed to the Planning Commission and only then to the Board of Supervisors.

D. LOT LINE ADJUSTMENTS

The Planning Director shall act as the officer vested with original jurisdiction to investigate, and approve or deny all lot line adjustments. These can be appealed to the Planning Commission and only then to the Board of Supervisors.

E. CERTIFICATE OF COMPLIANCE

The Planning Director shall act as the hearing officer and is vested with original jurisdiction to investigate, consider, and approve or deny all certificates of compliance which can be appealed to the Planning Commission who render the final decision (not appealable to the Board of Supervisors).

F. SUBDIVISION ENFORCEMENT

The Planning Director conducts and decides all Notice of Violation hearings pursuant to Government Code Section 66499.36. There are no appeals from the Planning Director's decision.

G. APPEALS FROM THE PLANNING DIRECTORS DECISION

Appeals filed shall be consistent and in the form and content as required in Division 1, Section 90102.04 of this Title. Appeals from the Planning Commission shall be consistent and in the form and content as required pursuant to Section 90104.05 of this Title.

§ 90801.07 APPEAL BOARD DESIGNATION

The Planning Commission is hereby designated as the appeal board for minor subdivision appeals from the Planning Director's decision.

§ 90801.08 ENVIRONMENTAL IMPACT REVIEW

All tentative maps and tentative parcel maps shall be subject to environmental review in accordance with the most current "Rules and Regulations to Implement CEQA, as Amended", adopted by the Board of Supervisors.

§ 90801.09 SOILS REPORTS

A. A soil report, prepared by a civil engineer registered in this State and based upon adequate test boring shall be submitted to the Planning & Development Services Department and the Public Works Department for every subdivision. This report shall be provided prior to recordation, unless waived in writing by Public Works Director.

- B. A preliminary soils report may be waived by the Public Works Director providing said Public Works Director provides in writing to the Planning Director findings that due to the information and/or knowledge the County possesses as to the soil qualities within the subdivision, no preliminary analysis is necessary.

- C. If the County has knowledge of, or the preliminary soils report indicates, the presence of critically expansive soils or other soils problems which, if not corrected, would lead to structural defects, a soils investigation of each lot in the subdivision may be required by the Public Works Director. Soils investigation shall be done by a civil engineer registered in this State, who shall recommend the corrective action which is likely to prevent structural damage to each structure proposed to be constructed in the area where such soils problem exist.

- D. In the case of major subdivisions, the Board of Supervisors may only approve the subdivision or a portion thereof where such soil problems exist if it determines the required action is likely to prevent structural damage to each structure to be constructed and a condition to the issuance of any building permit shall be required that the engineered requirements or action be incorporated in the construction of each structure.
- E. In the case of a minor subdivision, the Planning Director, Planning Commission, or Board of Supervisors may approve the subdivision or a portion thereof where such soil problems exist if it determines the required action is likely to prevent structural damage to each structure to be constructed and a condition to the issuance of any building permit may require that the approved required action be incorporated in the construction of each structure.

§ 90801.10 ADDITIONAL SUBDIVISION STANDARDS (SEWER SYSTEMS AND OWTS)

All proposed subdivisions shall meet the standards set forth in Section 8.80.150 of the County's Codified Ordinance, regarding sewer systems and OWTS.

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Division 8 Adopted November 24, 1998 (Amended August 3, 2004) (Amended October 31, 2006) (Amended December 9, 2014) (Amended April 18, 2017)

TITLE 9

DIVISION 8: SUBDIVISION ORDINANCE

CHAPTER 2: FEES AND DEPOSITS (DEPARTMENT OF PUBLIC WORKS ONLY)

§ 90802.00	APPLICATION AND PROCESSING FEES
§ 90802.01	FINAL MAP AND PARCEL MAP EXAMINATION FEE
§ 90802.02	IMPROVEMENT INSPECTION AND FEES
§ 90802.03	ENVIRONMENTAL CONSTRAINT SHEET REVIEW FEES
§ 90802.04	AMENDMENT OF A PARCEL MAP AND AMENDMENT OF CERTIFICATE FEES
§ 90802.05	REVIEWING AND PROCESSING RECORD OF SURVEY FEES
§ 90802.06	EXEMPTION FROM FEES

§ 90802.00 APPLICATION AND PROCESSING FEES

Application and processing fees for the Planning & Development Services Department to process applications are contained in Division 9. This Division only applies to Public Works to complete the map processing after a tentative map has been approved.

§ 90802.01 FINAL MAP AND PARCEL MAP EXAMINATION FEES

A. Final Subdivision Maps.

The person or party submitting the final map for review and recordation shall be responsible for the actual cost of the plan checking, map checking, and other necessary activities. At the time a final map is submitted to the Department of Public Works for examination and certification, the subdivider shall deposit \$3,000. In the event that the costs exceed that amount, the additional cost shall be paid to the Department of Public Works prior to recording the final maps. This shall be done within 45 days of recordation. Within 45 days after recordation and after all work has been accounted for, any monies remaining from the deposit, minus any costs, shall be refunded to depositor.

B. Parcel Maps.

The person or party **submitting the parcel map for review and recordation** shall be responsible for the actual cost of plan check, map check and other necessary engineering activities. At the time of submitting a parcel map to the Department of Public Works for examination and certification, the person or party shall deposit \$1,500 with the Department of Public Works. In the event the costs exceed this amount, the additional amount shall be paid prior to recording the parcel map. Any monies remaining of the deposit after all the costs have been deducted and work accounted for shall be refunded.

The Planning & Development Services Department shall not commence processing an application unless and until all requisite fees are paid. The Planning & Development Services Department and the Public Works Department shall not record a final subdivision document of any type until all fees, taxes, liens or other obligations due to the County are satisfied.

§ 90802.02 IMPROVEMENT INSPECTION AND FEES

All construction and installation of improvements for major subdivisions and minor subdivisions shall be subject to inspection by the Department of Public Works. The subdivider shall arrange for such inspection prior to starting construction or installation of improvements. All monuments and inspection of monuments shall be paid by the subdivider. Subdivider shall pay said actual costs upon demand. Until all fees and costs herein above described have been paid to the County by subdivider, the improvements will be considered to be incomplete and no final map or parcel map shall be certified or approved for recording or recorded.

§ 90802.03 ENVIRONMENTAL CONSTRAINT SHEET REVIEW FEES

Fees for reviewing, processing, and filing an Environmental Constraint Sheet map required to be filed pursuant to this Section shall be \$315.00. Such fees are payable to the Department of Public Works.

§ 90802.04 AMENDMENT OF A PARCEL MAP OR FINAL MAP AND AMENDMENT OF CERTIFICATE FEES

Fees for amendment of a parcel map or final map shall be \$115.00. Fees for amendment of a certificate shall be \$75.00. Such fees are payable to the Department of Public Works.

§ 90802.05 REVIEWING AND PROCESSING OF RECORD OF SURVEY FEES

- A. The fees for reviewing and processing a Record of Survey Map required to be filed pursuant to this Division shall be Time and Materials.
- B. The fees for amending or correcting a Record of Survey Map in accordance with Business and Professions Code Section 8770.5 shall be hourly.
- C. The fee for examining, indexing, and filing the corner record card, in accordance with Business and Professions Code, Section 8773.2 shall not exceed the amount required for the recording of a deed pursuant to Government Code, Section 27361, et. seq. as currently provided or may be amended hereafter. All such fees are payable to the Department of Public Works.

§ 90802.06 EXEMPTION FROM FEES

Neither the state nor any county, city, district, or other political subdivision, nor any public officer or body, acting in his or her official capacity on behalf of the state, or any county, city, district, or other political subdivision, shall pay or deposit any fee for the review of survey documents prepared for official purposes.

TITLE 9

DIVISION 8: SUBDIVISION ORDINANCE

CHAPTER 3: SUBDIVISIONS - TENTATIVE MAP PROCEDURE

- § 90803.00 TENTATIVE MAP REQUIRED
- § 90803.01 TENTATIVE MAP ASSIGNMENT
- § 90803.02 TENTATIVE MAP TO CONFORM TO RULES OF PLANNING DIRECTOR, PLANNING COMMISSION AND THE BOARD OF SUPERVISORS
- § 90803.03 VESTING TENTATIVE MAPS
- § 90803.04 GRADING PLAN
- § 90803.05 EXPIRATION OF APPROVED TENTATIVE MAP AND VESTING TENTATIVE MAP- EXTENSION OF TIME
- § 90803.06 REVISED TENTATIVE MAP

§ 90803.00 TENTATIVE MAP REQUIRED

Any person proposing to create a subdivision shall file a tentative map pursuant to this Division and applicable applications pursuant to Title 9. The County shall not consider nor approve a final map unless prior thereto a tentative map of the subdivision has been previously filed and approved.

§ 90803.01 TENTATIVE MAP NUMBER ASSIGNMENT

- A. Prior to filing of a tentative map, a map number shall be obtained from the Planning & Development Services Department. Any number that is not used within two (2) years from the date it is issued shall become null and void.
- B. When the tentative map is a parcel map it shall be preceded by a “PM” designation.
- C. When the tentative map is a tract map it shall be preceded by the word “Tract”.
- D. When applying for a map number, the subdivider shall provide information to show who is the record owner of the property, the assessor’s parcel number, legal description of the property, along with the name of the person requesting the number.
- E. When a number has been assigned by the County Planning & Development Services Department for a particular parcel or contiguous parcels of land, the subdivider shall place the map number upon each tentative map of the land division and neither the number nor the area of the parcel of land for which the number is issued shall thereafter be changed or altered in any manner upon the tentative map of the land division unless and until a new number has been assigned by the Planning & Development Services Department.

§ 90803.02 TENTATIVE MAP TO CONFORM TO RULES OF PLANNING DIRECTOR, PLANNING COMMISSION AND THE BOARD OF SUPERVISORS

All tentative maps shall be in the form prescribed by the Planning Director, Planning Commission or the Board of Supervisors and shall contain at a minimum the following:

- A. Tentative Tract Maps and Vesting Tentative Tract Maps: 18”x24” minimum sheet size (2 hard copies and 1 digital format CD are required).

- B. Tentative Parcel Maps drawn on the County's standard "Tentative Parcel Map" form or on standard engineering paper at a minimum of 18"x24" in size.
- C. Legal description and all Assessor's Parcel Numbers.

- D. Name and address of owner(s).
- E. Name, address, license number, seal or stamp, signature and date of signing of the person preparing the map.
- F. Show entire existing and proposed lot lay out and design accurately.
- G. Map must be drawn to scale.
- H. Show all existing and proposed structures and their disposition (above and below surface) with dimensions.
- I. Show all existing and proposed easements, rights-of-way, public and private roads, canals and drains.
- J. Show north arrow, scale and date.
- K. Show all existing and proposed utilities (i.e. water, sewer and electrical).
- L. Show approximate existing and proposed net and gross acreage of all lots.
- M. Show roads/streets and rights-of-way providing legal and physical access to the property.
- N. Show radius of all curves.
- O. Show name, location and width of proposed roads/streets.
- P. Show existing culverts, bridges, drain pipes and other existing drainage facilities.
- Q. Indicate proposed drainage facilities including facilities for storm water run-off and provide for erosion control, including prevention of sedimentation or damage to off-site property.
- R. Land subject to overflow, inundation or flood hazard or identified as being in the flood zone per FEMA Flood Rate Maps, must be shown in detail.
- S. Soils report must be provided, prior to recordation of the map unless required by Planning Department during application processing.
- T. Current Preliminary Title Report (no more than six months old), current vesting deed(s) and supporting documentation must be provided.
- U. Existing uses around the proposed subdivision must be shown.
- V. Land identified as being in the earthquake fault zone by the state geologist, pursuant to the Alquist-Priolo Earthquake Fault Act is to be clearly depicted.
- W. Written statement from Imperial County Division of Environmental Health stating the type of sewer and water supply necessary for the subdivision is to be provided.
- X. Additional Tract Map requirements:
 - 1. Contours on a 2 foot interval for 0-2% slopes and 5 foot intervals for steeper slopes.
 - 2. Subdividers Statement.

The tentative final map shall be accompanied with a detailed statement showing the general intent for the development of the property. This shall include proposed usage, names and locations of adjacent

streets, names and recording data of adjoining subdivisions. There shall also be a justification and/or reasons for exceptions requested from the provisions of the Ordinance.

3. Phased map requires a detailed phase plan, timing each phase with an over-all plan not to exceed 10 years.
4. A vicinity map.
5. Land and parks to be dedicated to public are to be depicted.

§ 90803.03 VESTING TENTATIVE MAPS

- A. This section is enacted pursuant to Section 66498.1 of the Government Code, and is intended to establish procedures necessary to implement the provisions of the Subdivision Map Act and this Title. The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with County Ordinances policies and standards described in Section 66474.2 of the Government Code, however that approval shall confer a vested right to proceed with the development in substantial compliance with the County ordinances, policies, and standards which are in effect at the time the vesting tentative map is approved or conditionally approved. The rights conferred by this Section shall expire if a final map is not approved/recorded prior to the expiration of the vesting tentative map.
- B. Whenever a vesting tentative map and applicable application are filed with fees paid, it shall be processed in the same manner as a tentative map unless modified by this Section, and shall have printed conspicuously on its face the words "Vesting Tentative Map".
- C. Whenever the intended development of a vesting tentative map is inconsistent with the zoning ordinance in existence at the time of the filing of the map, that inconsistency shall be noted on the map, and the map may be denied or approved upon condition that the zoning is changed to eliminate the inconsistency. A conditionally approved vesting tentative map shall confer the vested right to proceed with the development in substantial compliance with the amended zoning and the map, as approved.
- D. Notwithstanding any provision herein to the contrary, any permit approval, extension, or entitlement of a vesting tentative map shall be conditioned or denied under either of the following circumstances:
 1. A failure to do so would place the residents of the subdivision or the immediate community, or both in a condition dangerous to their health or safety, or both.
 2. The condition of denial is required in order to comply with state or federal law. In addition, the conditions of approval of a vesting tentative map may be amended through a minor change in order to protect against conditions dangerous to the public health or safety.

§ 90803.04 GRADING PLAN

There shall be filed with each tentative map a grading plan showing any and all grading proposed or required for the creation of building sites within the subdivision or for construction or installation of improvements to serve the subdivision. This grading plan shall clearly show all on-site grading and shall show how off-site drainage resulting from the subdivision is managed or controlled to prevent adverse impacts.

§ 90803.05 EXPIRATION OF APPROVED TENTATIVE MAP AND VESTING TENTATIVE MAPS – EXTENSION OF TIME

- A. TENTATIVE TRACT MAPS:

An approved or conditionally approved tentative tract map shall expire 24 months after such approval unless within that period of time a final map shall have been approved and filed with the County Recorder. Prior to the expiration date, the subdivider may apply in writing for an extension of time. Each application shall be made to the Planning Director at a minimum of 90 days prior to the expiration date of the tentative map and shall be accompanied by the fee set forth in County Ordinances Section 90901.03. The Planning Director shall approve or deny such request or shall forward to the Planning Commission a recommendation for approval or denial of the application. The Planning Director or Planning Commission may extend the date on which the map expire for one (1) year and, on further application before expiration thereof, may further extend it upon application for one (1) year terms up to six (6) years. The decision of the Planning Commission may be appealed to the Board. An appeal must be filed within 10 days of the Planning Commissions decision by filing a written appeal with the Clerk of the Board of Supervisors accompanied by the fee set forth in County Ordinance.

B. TENTATIVE PARCEL MAPS:

An approved or conditionally approved tentative parcel map shall expire 24 months after such approval unless within that period of time a parcel map shall have been approved and filed with the County Recorder. Prior to the expiration date, subdivider may apply in writing for an extension of time. Each application shall be made to the Planning Director at a minimum ninety (90) days prior to expiration date of the tentative map and shall be accompanied by the fee set forth in County Ordinances Section 90901.03. The Planning Director may extend the date on which the map expires for one year and, on further application thereof, may further extend it upon application for successive terms for up to six (6) years. If the Planning Director denies the request for an extension, the applicant may appeal that decision to the Planning Commission within 10 days from the date of the decision by filing an appeal with the Planning Department, accompanied by the fee set forth in County Ordinance Section 90901.03.

- C. Any extension of time shall not be granted unless the land division conforms to the Comprehensive General Plan, is consistent with existing zoning, and does not adversely affect the general health, safety, and welfare of the public.

D. VESTING TENTATIVE MAPS:

A vesting tentative map shall expire 24 months after such approval unless within that time period a final map is recorded, the rights conferred on the vesting tentative map shall automatically extend for one (1) year. Whenever several final maps are recorded on various phases of a project covered by a single vesting tentative map, the one (1) year initial time period shall begin for each phase when the final map for that phase is recorded. The one (1) year initial time period shall be automatically extended by any time used for processing a complete application for a grading permit if the time used to process the application exceeds thirty (30) days from the date that a complete application is filed. The Planning Director or Planning Commission may extend the date on which the map expires for one (1) year and, on further application before expiration thereof, may further extend it upon application for one (1) year terms up to eight (8) years. The decision of the Planning Commission may be appealed to the Board. Any appeal must be filed within 10 days of the Planning Commissions decision by filing a written appeal with the Clerk of the Board of Supervisors accompanied by the fee set forth in County Ordinance. When the subdivider submits a complete application for a building permit during the period of time specified in this section, the vested rights shall continue until the building permit, or any extension thereto, expires.

- E. If the subdivider is required to expend One Hundred Twenty Five thousand (\$125,000) Dollars or more to construct, improve or finance the construction or improvement of public improvements outside the property boundaries of the land division, excluding improvements of public rights-of-way which abut the boundary of the property to be subdivided and which are reasonably related to the development of that property, each filing of a final map shall extend the expiration of the approved or conditionally approved land division map by 36 months from the date of expiration, as provided in this

Section, or the date of the previously filed final map, whichever is later. The extensions shall not extend the land division more than 10 years from its approval or conditional approval. The number of phased final maps which may be filed shall be determined by the Board of Supervisors at either the time of the approval or conditional approval of the subdivision.

The amount of One Hundred Twenty Five thousand (\$125,000) Dollars shall be increased by the Registrar of Contractors according to the adjustment for inflation set forth in the statewide cost index for class B construction, as determined by the State Allocation Board at its January meeting. The adjustment by the Registrar of Contractors shall be effective on the first day of the month occurring more than thirty (30) calendar days after the registrar of contractors made that adjustment. The adjusted amount shall apply to tentative and vesting tentative maps whose applications were received after the effective date of the adjustment.

F. EXTENSIONS OF TIME FOR MAPS AFFECTED BY MORATORIUMS AND LAWSUITS:

The period of time specified in Sub sections A and B above shall not include any period of time during which a development moratorium, imposed after approval of the tentative map, is in existence; provided however, that the length of the moratorium does not exceed five (5) years. Once a moratorium is terminated, the map shall be valid for the same period of time as was left to run on the map at the time that the moratorium was imposed. However, if the remaining time is less than 120 days, the map shall be valid for 120 days following the termination of said moratorium. A development moratorium shall include a water/sewer moratorium as well as other actions of public agencies which regulate land use, development, or the provisions of services to the land, other than the County which thereafter prevents, prohibits, or delays the approval of a final or a parcel map.

G. The period of time specified in Subsections A, B and D above shall not include the period of time during which a lawsuit involving the approval or conditional approval of the tentative map is or was pending in a court of competent jurisdiction if the stay of the time period is approved by the Advisory Agency pursuant to this section. After service of the initial petition or complaint in the lawsuit upon the County, the subdivider may apply to the Planning Department for a stay pursuant to this section.

1. Applications for a stay shall be made to the Planning Director on the forms provided by the Planning Department, shall be accompanied by the filing fee set forth in County Ordinance Section 90901.03 and shall include such information and documents as may be required by the Planning Director. The Planning Director shall forward to the Planning Commission a recommendation for approval or denial of the request for a stay. The Planning Commission shall act on the requested stay within 50 days after the application is received by the Planning Director. The decision of the Planning Commission may be appealed to the Board. Any appeal must be filed with the Clerk of the Board of Supervisors accompanied by the fee set forth in County Ordinance Section 90901.03.

§ 90803.06 REVISED TENTATIVE MAP

Where a subdivider desires to revise or alter a proposed subdivision for which a tentative map has been approved and has not yet expired or been recorded, the subdivider may file with the Planning & Development Services Department a revised tentative map including payment of the fees prescribed in County Ordinances.

A. A revised tentative map shall meet the following requirements:

1. The proposed revised subdivision shown on such map shall substantially conform to the street and lot pattern shown on the approved tentative map.
2. The proposed revised subdivision shown on such map shall include only one contiguous area consisting of all or a portion of the original subdivision shown on the approved tentative map together with such additional land, if any, as the subdivider desires to include.

3. The revised map shall contain and include all of the information required on the original tentative map and shall be accompanied by such data as is required to be filed with tentative maps.
- B. A revised tentative map may be filed within 90 days prior to the expiration of the approved original tentative map.
 - C. Upon the filing of a revised tentative map and payment of the applicable fee, such revised tentative map shall be treated in all respects as an original tentative map and shall be reported on, approved, conditionally approved or disapproved in the same manner as a tentative map, provided, however, that the subdivider shall have 12 months from the approval or conditional approval of the revised tentative map within which to record a final map. Any additional extensions shall be consistent with Section 90803.05.

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Division 8 Adopted November 24, 1998 (Amended August 3, 2004) (Amended October 31, 2006) (Amended December 9, 2014) (Amended April

TITLE 9

DIVISION 8: SUBDIVISION ORDINANCE

CHAPTER 4: DESIGN STANDARDS OF SUBDIVISIONS

§ 90804.00	CONFORMANCE
§ 90804.01	LOT REDUCTIONS
§ 90804.02	DESIGN STANDARDS OF SUBDIVISION
§ 90804.03	DEDICATIONS
§ 90804.04	SUBDIVISION STANDARDS (RESIDENTIAL ZONES)
§ 90804.05	SUBDIVISION STANDARDS FOR COMMERCIAL & INDUSTRIAL ZONES
§ 90804.06	MONUMENTS

§ 90804.00 CONFORMANCE

- A. All land divisions shall conform to the comprehensive General Plan of Imperial County, with all applicable specific plans, with the requirements of the Title 9 and all other ordinances, except as hereinafter provided.
- B. The requirements set forth within this Title are minimum requirements, and the County may impose greater requirements if so justified.

§ 90804.01 LOT REDUCTIONS

- A. The Board of Supervisors has found that certain dwellings were constructed within agricultural zones prior to the enforcement of minimum parcel size requirements which effectively prevent conveyances of lots smaller than the applicable minimum parcel size. The Board establishes as follows, for those circumstances where dwellings already in existence may be conveyed on undersized parcels, provided adequate assurance is given that residential development on the remainder parcel will not result in an increase in the density of residential uses permitted in the zone in which the property is located.

A minor subdivision creating no more than two (2) parcels in an A-2, A-2-R or A-3 zone may be approved if one or both parcels contains an area less than the minimum lot size for the particular zone, provided that:

1. The subdivision is to authorize conveyance of land occupied by a single family dwelling which was actually constructed prior to April 1, 1976.
 2. The subdivider agrees to convey and surrender development rights to the County covering a sufficient remainder of property to guarantee that the reduction in the lot area will not result in an increase in the density of residential uses than otherwise permitted in the zone in which the property is located. Such a conveyance shall be in a form approved by the Planning Director and shall be recorded with the final parcel map as required by Section 90805.02(E).
 3. Compliance is made with all other requirements contained in this Division.
- B. Acreage limitations for parcel maps submitted in connection with geothermal projects shall be set forth in Section 91701 et seq.
 - C. Applications for lot reductions shall be made, in writing, stating fully the reasons and justification for the requested exception, and shall be submitted with the application for a land division.
 - D. Notwithstanding Sections 90508.04 and/or 90509.04, the Planning Director or Planning Commission may approve a parcel map creating no more than four (4) parcels where one or all of the parcels is

smaller than the applicable minimum parcel size only if all of the following conditions and findings can be met.

CONDITIONS

There are existing small parcels within identified existing enclaves that meet all (1.-5.) of the following conditions:

1. The existing and the proposed parcels meet or can meet minimum health and safety standards for potable water, for fire protection, for police protection and for sewage disposal.
2. There are six (6) or more existing small contiguous parcels (1/2 to 10 acres maximum) within a confined area.
3. There are at least six (6) existing residences within the enclave.
4. The enclave consists of parcels sized to allow further division while still meeting minimum parcel sizes that can meet the requirements of this Division.
5. The further division of land within the enclave does not promote the enlargement of the outer boundary of the area.

FINDINGS

To allow divisions of land within an identified enclave the Commission and/or Board of Supervisors must be able to make the following findings:

1. The division is within an impacted enclave that will not further adversely impact surrounding agricultural operations.
2. The division enhances agricultural land protection by converting existing impacted land more efficiently and by keeping other agricultural land protected.
3. The division is within an existing enclave of six (6) or more shall (<10 acre) parcels, and six (6) or more existing residences.
4. The parcel(s) shall not be less than .5 acres net if a full soils report shows adequate soil conditions to support development and long term sewage disposal capacity. Larger size parcels will be required, if the soils report or other factors necessitate.
5. The area can be provided adequate fire and police protection services. A written statement from the Fire Department and Sheriff/Police Department shall be required.
6. The division can mitigate and comply with added traffic impacts.
7. The proposed division has an adequate supply of water to each parcel, through an acceptable conveyance system, and can or will provide potable water to each parcel.
8. Each existing, as well as proposed parcel, abuts a public road or highway and/or has legal and physical access via a County road.
9. The long term impacts of additional sewage disposal system within the enclave is verified and can sustain the additional loads as shown by acceptable engineering studies.

§ 90804.02 DESIGN STANDARDS OF SUBDIVISIONS

All subdivisions for which a tentative map is required by this Division shall conform to the following requirements as to design:

- A. Every lot shall contain the minimum lot area specified in the applicable zoning ordinance for the zone

in which said lot is located at the time the final map is submitted to the Board of Supervisors for its

approval. Provided, however, if no minimum lot area is established by the zoning ordinance, every lot shall contain a net area of no less than 6,000 square feet, in areas where full public services exists otherwise it shall be 20,000 square feet.

- B. Every lot shall front on a dedicated street or a street offered for dedication.
- C. Every lot shall be at least 50 feet wide exclusive of side yards required in the zone in which the lot is located, provided, however, that no lot shall measure less than 60 feet wide measured at the right-of-way line.
- D. Lot widths, depths, and area requirements may be modified when the subdivision is within or contiguous to a subdivided area and when the modifications are necessary to match existing development. Such modifications shall be approved by the Board of Supervisors in each and every case.
- E. Lots whose side lines are approximately radial to the center of a cul-de-sac or the center of the intersection of two dead-end streets shall have at least 33 feet of frontage measured at the right-of-way line.
- F. Through lots shall not be allowed unless vehicular access rights are relinquished to one of the abutting streets.
- G. The side lines of lots shall be at right angles or radial to the street upon which the lots front with a maximum deviation of up to 10 degrees allowed.
- H. Lot depth shall be at least 80 feet and shall be no greater than four (4) times the average width.
- I. Whenever practicable, subdivisions of residential property, abutting major and arterial routes shown on the circulation element of the General Plan, railroads, transmission lines or open flood control channels, shall be designed so that the lots face away from such right-of-way.
- J. Lot size shall not be less than the minimum required by the zoning classifications applicable to the subject property, and shall be consistent with the Comprehensive General Plan for Imperial County.
- K. Corner lots shall be designed to provide a building site equal to that required for interior lots in the same zone.
- L. When lots are crossed by major public utility easements, each lot shall have a net usable area of not less than 5,000 square feet, exclusive of the utility easement.
- M. Panhandle shaped lots or flag shaped lots, if permitted, shall have a minimum frontage of 40 feet or minimum access for emergency vehicles whichever is more on a dedicated street. Panhandles may not serve any lot except the lot in which said panhandle is a part nor shall any panhandle have a length of more than two thirds (2/3) the distance from the street on which the panhandle fronts to the rear lot line.

§ 90804.03 DEDICATIONS

- A. The subdivider shall offer to dedicate right-of-way for streets within the subdivision in accordance with Imperial County Standards.
- B. No subdivision map shall be approved unless the street or streets providing primary access to the subdivision are dedicated to and maintained by a city, county, or state and said street or streets meet County Standards or right-of-way width.
- C. Streets which are proposed along the exterior boundaries of a subdivision shall have a dedicated width of no less than 40 feet together with a one-foot wide strip of land abutting its outer edge, to be known as a "barrier strip", which shall be offered to the County for street purposes and over which access

rights are relinquished.

- D. All streets proposed to be terminated at the exterior boundary of a subdivision shall include a one-foot wide strip of land, to be known as a "barrier strip", across said street width at its termination at said exterior boundary which shall be, offered for street purposes and over which access rights are relinquished.
- E. Where it is necessary to extend a street beyond the boundaries of a subdivision to provide adequate circulation for residents of the subdivision, the subdivider shall cause the required rights-of-way to be dedicated to the County and shall improve said easements in accordance with the County Standards.
- F. Where a drainage facility or flood control facility is necessary for the use of lot owners or for the protection of lots, adequate rights-of-way for such drainage facilities or flood control facilities shall be offered for dedication to the County or to such other public entities that the Board of Supervisors designates and shall be shown on the map.
- G. Where it is necessary to extend a drainage facility or flood control facility beyond the boundaries of the subdivision for adequate drainage or flood control needs, the required rights-of-way shall be offered for dedication.
- H. Drainage facilities and flood control facilities within and without the subdivision shall be provided so as to carry storm run-off both tributary to and originating within the subdivision.
- I. The subdivider may be required to dedicate or to offer to dedicate land for park purposes, pay fees in lieu thereof, or do a combination of both.
- J. The subdivider shall offer to dedicate, in accordance with the County Standards, the necessary rights-of-way for bicycle routes under the following circumstances:
 - 1. When such routes, shown on the Circulation Element of the Imperial County General Plan, pass through or about the subdivision; and
 - 2. When a subdivider is required to dedicate rights-of-way for streets in subdivisions containing 200 or more lots, and such routes are necessary and feasible for the use and safety of the residents.

§ 90804.04 SUBDIVISION STANDARDS (RESIDENTIAL ZONES)

All residential developments in the R-1, R-2, R-3 or R-4 Zones shall comply with the following:

- A. Street and road dedication shall be made to the County in the manner described by the Imperial County Public Works Department for all existing or proposed local, secondary or collector highways. The required dedication shall be 30 feet from centerline for local streets, 45 feet from centerline for secondary streets, 55 feet from centerline for collector highways, or as required by adopted, official or specific plans. In the case where a street is on the boundary of a development, a minimum of 40 feet shall be dedicated to the County.
- B. All street improvements shall include the required base and pavement to tie existing pavement to proposed entrances, exits, etc. Existing pavement shall be soft cut at a match point. If the project site abuts a state highway, road improvements shall be provided as required by the California Department of Transportation.
- C. Obstructions within street right-of-ways shall be removed or as specified by Imperial County Public Works Department.
- D. Curbs, gutters and sidewalks shall be constructed for all Major Subdivisions.
- E. All access drives, parking areas and vehicular maneuvering areas shall be surfaced with a minimum of three inches (3") of asphaltic concrete paving or material of higher quality.

- F. All new on-site utility services shall be placed underground, unless the utility supplier requests otherwise.

- G. All subdivision require drainage plans for the management and disposal of all surface drainage water originating on-site and shall be approved by the Imperial County Public Works Department in coordination with the Imperial County Public Health Department, Imperial County Division of Environmental Health as needed. Easements or right-of-way deeds shall be granted to the County of Imperial for drainage purpose.
- H. All subdivisions shall provide for methods of potable water supply and sewage disposal that shall meet the requirements of and be approved by the Imperial County Division of Environmental Health or the California Department of Health Services, whichever has primary jurisdiction. At a minimum, all subdivisions shall be connected to a water system that meets the design and operational standards of the California Safe Drinking Water Act (California Health and Safety Code, commencing with Section 116270) and regulations adopted pursuant thereto. The Act and its implementing regulations shall apply to all systems serving subdivisions regardless of size.
- I. All subdivisions shall provide for methods of sewage disposal that shall meet the requirements of and be approved by the Imperial County Division of Environmental Health and/or the Regional Water Quality Control Board (Colorado River Basin) of the California Department of Water Resources.
- J. All subdivisions shall provide fire protection facilities and access ways which meet the requirements of and are approved by the Imperial County Fire Department/Office of Emergency Services.
- K. When residential subdivisions abut property zoned for non-residential purposes, a six (6) foot solid masonry wall shall be constructed entirely within the proposed development along the exterior boundary abutting the adjoining property zoned for non-residential purposes. The wall height shall be reduced to thirty (30) inches within the required front yard setback area. The proposed wall design and materials shall be approved by the Planning & Development Services Department and the Public Works Department.
- L. All major subdivisions shall provide a lighting plan and all exterior lighting shall be directed away from adjacent properties, and away from or shielded from public roads.
- M. For developments with ten (10) or more dwellings, a minimum of five (5) percent of the net total parcel area shall be designated and developed as useable open space provided however no less than 400 square feet of useable area shall be designed and developed. The required useable area may be divided into more than one (1) location, provided no single location is less than 400 square feet.
- N. During all on-site grading and construction activities, adequate measures shall be implemented to control fugitive dust emissions.

§ 90804.05 SUBDIVISION STANDARDS FOR COMMERCIAL & INDUSTRIAL ZONES

All development in the C-1, C-2, C-3, M-1, M-2 and M-3 Zones shall comply with the following:

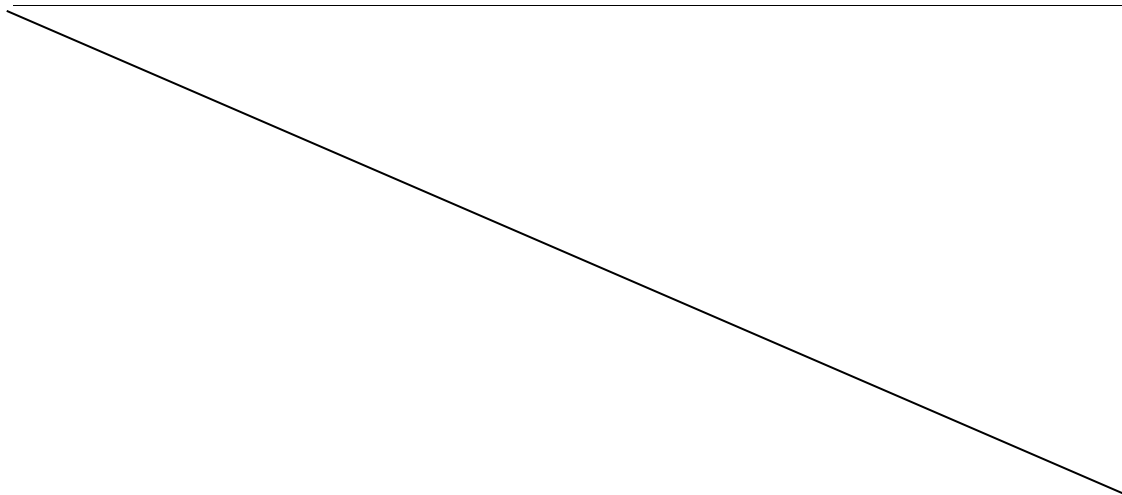
- A. Street and road dedications shall be made to the County in a manner prescribed by Imperial County Public Works Department, for all existing or proposed local, secondary or collector highways. The required dedication shall be 30 feet from centerline for local streets, 45 feet from centerline for secondary streets, 55 feet from centerline for collector streets.
- B. All subdivisions shall provide road or street improvements as required by the Department of Public Works, and to the standards contained within this Title.
- C. Obstruction within street rights-of-way shall be removed as specified by Imperial County Public Works Department.
- D. Curbs, gutters and sidewalks shall be constructed for all major subdivisions when required as part of the street improvement.

- E. All access driveways, parking areas and vehicular maneuvering areas shall be surfaced with a minimum of three (3) inches of asphaltic concrete paving or higher quality material.
- F. All new on-site utility services shall be placed underground.
- G. All subdivisions require drainage plans for the management and disposal of all surface drainage water originating on site shall be approved by the Department of Public Works in coordination with the Imperial County Public Health Department, Imperial County Division of Environmental Health, as needed. Easements or right-of-ways deeds shall be granted to the County of Imperial for drainage purposes.
- H. All subdivisions shall provide for a method of potable water supply as required and approved by Imperial County Division of Environmental Health or the California Department of Health Services, whichever has primary jurisdiction. At a minimum, all subdivisions shall be connected to a water system that meets the design and operational standards of the California Safe Drinking Water Act (California Health and Safety Code, commencing with Section 116270) and regulation adopted pursuant thereto. The Act and its implementing regulations shall apply to all systems serving subdivisions regardless of size.
- I. All subdivisions shall provide for methods of sewage disposal that shall meet the requirements of and be approved by the Imperial County Division of Environmental Health and/or the Regional Water Quality Control Board (Colorado River Basin) of the California Department of Water Resources.
- J. All subdivisions shall provide for fire protection facilities and access ways as may be required by the Imperial County Fire Department.
- K. When the subdivision abuts property zoned for single family residential use, a six (6) foot high masonry wall shall be constructed entirely within the proposed development along the exterior boundary abutting the adjoining property. The wall height shall be reduced to three (3) feet within the required front yard setback area.
- L. All industrial subdivisions require a lighting plan and all exterior lighting shall be shielded and directed away from adjacent properties and away from or shielded from public roads.
- M. The subdivider shall comply with the Public Works Director's conditions requiring construction of necessary drainage and flood control structures to conform to Imperial County standards.
- N. The subdivider shall provide proof satisfactory to the County that there exists an adequate potable water supply available to each lot or parcel and that subdivider shall install or agrees to install minimum pressure water supply pipe of a diameter conforming to County standards.
- O. The subdivider shall form a water district or mutual water company created to insure the continuity, maintenance, and operation of an adequate water system to the subdivision.
- P. The subdivider shall provide all necessary easements and rights-of-way to accommodate all streets, drainage and flood control structures and facilities and sewer systems extending beyond the boundaries of the subdivision.
- Q. Should the Board of Supervisors determine by reason of the size and shape of the proposed lots, the nature of the terrain to be subdivided, the soil condition of the lots or the development of the area in the vicinity of the proposed subdivision, a public sewer disposal system serving the lots will be required to preserve the public health, the Board of Supervisors shall require the subdivider to install or agree to install a public sewer disposal system serving said lots as a pre condition to the approval of any final map. Said system shall conform to County standards.
- R. The subdivider shall as a condition to the subdivision construct or shall cause to be constructed at his/her cost a street lighting system conforming to County standards. There shall be an association or special district created to maintain said lighting system.

§ 90804.06 MONUMENTS

- A. Every final or parcel map shall show the following monuments which shall be set by a licensed land surveyor or registered civil engineer authorized to practice land surveying at the time of making the survey.
1. Boundary monuments. The exterior boundary of the subdivision shall be monumented with permanent monuments of no less than two inch diameter iron pipes at least eighteen inches long at the intermediate points along the boundary no more than one thousand (1,000) feet apart and the beginning and end of points of all curves. If any existing record and identified monument meeting the foregoing requirements is found in good condition at any such corner or point, such monument may be used in lieu of any new monument.
 2. Center line of street monuments shall be installed.
 3. Lot corner monuments. All lot corners except when coincident with exterior boundary corner, shall be monumented with permanent monuments of one of the following types: (i) a minimum of three quarter (3/4) inch diameter iron pipe at least eighteen inches long bearing the certificate number of the licensee setting the monument; (ii) copper or brass identification disks permanently set in concrete sidewalks or curbs so as to not be easily disturbed.
 4. Such additional monuments to mark the limiting lines of streets as the County Surveyor may require.
 5. All other monuments set or proposed to be set.
 6. Bench marks shall be set as directed by the Department of Public Works.
- B. The monumentation of the exterior boundary of a remainder parcel or the centerline of streets need not be placed or shown on a parcel map, if acceptable to the County Surveyor.
- C. All monuments and their installation shall conform to the County standards.

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TITLE 9

DIVISION 8: SUBDIVISION ORDINANCE

CHAPTER 5: MINOR SUBDIVISIONS - REQUIREMENTS

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§ 90805.04	DISTRIBUTION OF APPLICATION AND TENTATIVE MAP
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§ 90805.00 MINOR SUBDIVISIONS

The purpose of this Chapter is to establish procedures for the processing of applications for minor subdivisions, generally described as where any of the following occurs:

- A. The land is divided into four (4) or fewer parcels,
- B. The whole land before division contains less than five (5) acres, each parcel created by the division abuts upon a maintained public street or highway, and no dedications or improvements are required,
- C. Each parcel created by the land division has a gross area of 20 acres or more and each parcel has an approved access to a maintained public street or highway,
- D. The land consists of a parcel or parcels of land having approved access to a public street or highway, which comprises a part of a tract of land zoned for industrial or commercial development, and has approval as to street alignments and widths,

Each parcel created by the land division has a gross area of no less than 40 acres, or not less than a quarter of a quarter section,

E.

- F. The land being subdivided is solely for the creation of an environmental subdivision pursuant to Government Code Section 66418.2

- G. Reversion to acreage of land previously subdivided and consisting of four (4) or less contiguous parcels under the same ownership, where the provisions of Government Code 66499.20.1 are complied with,
- H. Merging and re-subdividing four (4) or less contiguous parcels, where the provisions of Government Code Section 66499.20.2 are complied with.

§ 90805.01 APPLICATION

A written application (form provided by the Planning & Development Services Department) for a minor subdivision shall be made to the Planning & Development Services Department. The application shall be accompanied by the proposed Tentative Map, fees, project description, current preliminary title report with current vesting deed and supporting documentation (i.e. environmental studies if needed), identification agreement and payment of fees agreement as required by this Title. The proposed Tentative map shall show how the parcels are to receive water, sewer and legal access from a County maintained road.

§ 90805.02 DEDICATION

No minor subdivision application shall be filed or approved by the Planning Director unless and until the minimum requirements of Division 8, Chapter 4 are complied with and the following conditions are satisfied:

- A. Except as hereinafter provided there shall be offered for dedication pursuant to Chapter 4 of this Division rights-of-way and/or streets in accordance with Imperial County Standards.
- B. Streets providing access to the land to be divided shall be offered for dedication to the County in accordance with Imperial County Standards.
- C. Offers of dedication for streets which will be accepted before final approval of the parcel map and streets which are proposed to be terminated at the exterior boundary of the subdivision shall include a one-foot wide strip of land, to be known as a "barrier strip" across said street width at its termination at said exterior boundary which shall be offered for street purposes and over which access rights are relinquished.
- D. Easements for public utilities and drainage shall be offered for dedication in the manner set forth in this Division and as required by the Planning Director, when it's determined that such offers of dedication are necessary to serve the subdivision and/or are reasonable and logical extensions of such facilities as exist in the vicinity.
- E. Where a minor subdivision would create a parcel smaller than the applicable minimum lot size as permitted by Section 90804.01, an instrument conveying residential development rights, shall be executed and shall be recorded by the subdivider with the final parcel map. Said instrument shall by its terms be binding on the owner, his or her heirs, assigns or successors in interest, and may be terminated upon the rezoning of the property or upon the merger of parcels into lots of sufficient size to comply with the minimum parcel size. Said instrument shall be noticed on the parcel map.

§ 90805.03 APPLICATION PROCEDURE

Every application submitted shall be deemed "received" on the date of submittal and shall be stamped and dated by the Department staff. The Department shall, within a maximum of thirty (30) days from receipt, determine whether an application is complete or incomplete, and determine if the subdivision is exempt from CEQA or if further environmental documentation is required. Any application deemed complete shall be reviewed, processed by staff, and scheduled for the next hearing body as applicable under this Division.

Any application deemed incomplete shall be returned to the applicant with a written letter of transmittal, explaining the reasons for the return of the application and what information is lacking or other reason for being incomplete.

A re-submittal of a rejected application shall be deemed the equivalent of a new application and all procedures and time frames shall be as a new application.

Under no conditions shall the Department accept an incomplete application and commence processing it, unless and until all necessary information and supporting documentation is provided.

Failure of an applicant to submit the correct fees shall constitute an immediate rejection without further review.

§ 90805.04 DISTRIBUTION OF APPLICATION AND TENTATIVE MAP

Within ten (10) days of acceptance of an application for processing, the Planning & Development Services Department shall forward at least one (1) copy to the following agencies where applicable:

- A. California Department of Transportation;
- B. Any municipality entitled thereto;
- C. The Flood Control District or person designated who will perform flood control and drainage studies;
- D. Any city, community services district, school or other authorized district requesting a copy;
- E. Any utility providers serving the area with its facilities;
- F. Any others as may be appropriate.

§ 90805.05 HEARING SCHEDULING

The Department shall schedule the minor subdivision for Planning Director Action by allowing adequate review time for staff and responsible departments/agencies, within the time limits established by law. Under no circumstances shall a project be heard by the Planning Director without all required noticing having been provided.

§ 90805.06 NOTICING (PUBLIC/APPLICANT)

The Department shall strictly adhere to the following noticing requirement.

Refer to Division 1, Chapter 4, Section 90104.03.

§ 90805.07 HEARING PROCEDURE

The Planning Director shall conduct a public hearing and approve or deny the minor subdivision based on the merits of the subdivision.

The Planning Director, Planning Commission or Board of Supervisors shall deny the subdivision if it does not meet all requirements of this Ordinance, or if any of the following findings are made:

- A. That the proposed land divisions is not consistent with applicable general and specific plans.
- B. That the design or improvement of the proposed land division is not consistent with applicable general and specific plans.
- C. That the site of the proposed land division is not physically suitable for the type of development.
- D. That the site of the proposed land division is not physically suitable for the proposed density of the development.

- E. That the design of the proposed land division or proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- F. That the design of the proposed land division or the type of improvements are likely to cause serious public health problems.
- G. That the design of the proposed land division or the type of improvements will conflict with easement, acquired by the public at large, for access through, or use of, property within the proposed land division.

A tentative map may be approved if it is found that alternate easements for access or for use will be provided and that they will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by order of a court of competent jurisdiction.

Notwithstanding subsection E. above, a tentative map may be approved if an environmental impact report was prepared with respect to the project and a finding was made, pursuant to the California Environmental Quality Act, that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

§ 90805.08 APPEAL FROM PLANNING DIRECTOR/PLANNING COMMISSION ON MINOR SUBDIVISIONS

Upon the filing of an appeal from the Director's decision, the Director shall then schedule a hearing on the issue before the Planning Commission, at the next regularly scheduled meeting for which noticing requirements can be met. A decision of the Planning Commission on minor subdivisions shall be appealable to the Board of Supervisors.

Any person may appeal the decision of the Planning Director on a minor subdivision provided such an appeal meets the following requirements:

- A. A written appeal is filed within ten (10) calendar days from the Planning Directors decision on minor subdivisions.
- B. The appeal is filed with the Planning & Development Services Department.
- C. The requisite fees are included.
- D. The written appeal clearly states the following:
 - 1. Name of person(s) filing appeal
 - 2. Address & phone number of person(s) filing
 - 3. Project/decision being appealed
 - 4. Reason for filing appeal
 - 5. Facts, condition(s), information, error, or other specifics to warrant appeal
 - 6. Prior effort(s) made to arrive at acceptable solution, if any
 - 7. Action being requested (i.e. deny project, approve project, modify conditions, etc.)
 - 8. Signature of applicant.

Any person may appeal the decision of the Planning Commission, provided such appeal meets the following requirements:

- A. A written appeal is filed within ten (10) calendar days from the Planning Commission's decision,
- B. The request is filed with the Clerk of the Board of Supervisors,
- C. The requisite fees are included,

D. The written appeal clearly states the following:

1. Name of person(s) filing appeal
2. Address & phone number of person(s) filing appeal
3. Project/decision being appealed
4. Reason for filing appeal
5. Facts, condition(s), information, error, or other specifics to warrant appeal
6. Prior effort(s) made to arrive at acceptable solution, if any
7. Action being requested (i.e. deny project, approve project, modify conditions, etc.)
8. Signature of appellant.

The Clerk of the Board shall not accept an appeal if filed after 5:00 p.m. on the 10th calendar day from the Planning Commission decision date, and further shall not accept an appeal unless it is in writing and clearly states the information above. The Clerk shall immediately submit a copy of such an appeal to the Planning & Development Services Department and County Counsel.

The Clerk of the Board of Supervisors shall then schedule a hearing for a date and time for which required public notice can be provided.

The Board of Supervisors may deny the scheduling of an appeal hearing if it is determined that the appeal has no standing, or the appeal request does not provide the information required above, or the same policy, procedure or direction has already been heard by the Board of Supervisors in prior case(s).

In the event the Board of Supervisors elects not to schedule an appeal all appeal fees shall be returned to appellant.

Once an appeal has been scheduled by the Board of Supervisors, no appeal fees shall be refunded unless the Board of Supervisors votes to refund on a 4/5 vote.

Any decision made by the Board of Supervisors shall be final with no further appeal to an administrative body, except as provided by law.

§ 90805.09 FINAL DECISIONS

Any decision made by a hearing body (Planning Director, Planning Commission, and/or Board of Supervisors) shall be deemed a final decision unless appealed to the next administrative hearing body as provided under Section 90101.10. No hearing body shall be allowed to re-hear or re-consider its decision, except as provided for under Section 90101.10.

§ 90805.10 PARCEL MAP WAIVER PROCEDURES

Upon compliance with the provisions hereinafter set forth the Planning Director, Planning Commission or Board of Supervisors can consider the waiver of a Parcel Map and, in lieu thereof, issue a Certificate of Compliance and the issuance to the applicant of a Parcel Map Certificate of Compliance, where no parcel map needs be filed or recorded for the following described proposed subdivisions:

- A. A proposed subdivision creating no more than two parcels, each parcel of which abuts and has approved access to a maintained public street or highway and for which no improvements are required as determined by the Planning Director and where physical features indicate the parcel boundaries. A record of survey shall be filed in lieu of the final parcel map.
- B. A proposed subdivision creating no more than four parcels, each of which has a minimum gross area of forty (40) acres or more or is not less than a quarter of a quarter section and for which no improvements are required as determined by the Planning Director, and where physical features such

as field breaks, roads, canals and drains indicate boundaries. If the parcel map is based upon a field survey, a record of survey shall be filed in lieu of the final parcel map.

- C. The subdivider shall provide in writing a request for a waiver of the Parcel Map. The request shall accompany the minor subdivision application. Details on the tentative map must support the parcel map waiver request.

§ 90805.11 ASSIGNMENT OF CERTAIN RESPONSIBILITIES REGARDING PARCEL MAP WAIVER (CERTIFICATES OF COMPLIANCE) TO THE PLANNING DIRECTOR

The responsibilities of the Board of Supervisors pursuant to Government Code Section 66428 are hereby assigned to the Planning Director with respect to the waiver of the parcel map requirements of the Codified Ordinances of Imperial County with respect to those parcels described in Section 90805.10 herein above.

§ 90805.12 CONDITIONS OF A PARCEL MAP WAIVER

Upon approval of a parcel map waiver by the Planning Director, Planning Commission or the Board of Supervisors, the conditions of approval shall be amended to include condition(s) for the recordation of a Certificate of Compliance. Notwithstanding all other conditions of approval of a minor subdivision, at a minimum the following conditions shall be applied:

- A. Secure Tax Certificate(s) from the Tax Collector(s) Office.
- B. Provide full legal description(s) and closure reports (if applicable) acceptable to the Planning & Development Services Department for review by the Department of Public Works, prepared, signed and stamped by a California Licensed Land Surveyor or a California Registered Civil Engineer (authorized to practice land surveying), typed on plain bond paper (8 1/2x11"). Letterhead will not be acceptable. The descriptions of land shall clearly indicate that the documents were prepared for a "Parcel Map Waiver".
- C. Provide recording fees as required for the recordation of the Certificate of Compliance, legal descriptions and Tax Certificate(s).
- D. Provide a record of survey for recordation, submitted to the County Surveyor for review.
- E. Provide the payment of fees for the review of the record of survey by the County Surveyor, payable to the Department of Public Works.

§ 90805.13 DEDICATION PROCEDURES

Pursuant to Government Code Section 66447, all dedications or offers of dedications required by the provisions of this Division shall be by separate instrument. An offer of dedication shall be in such terms as to be binding on the owners, their heirs, assigns or successors in interest and shall continue until the County accepts or rejects such offer. Any such dedication or offer of dedication shall be free of any burden or encumbrance which would interfere with the purpose for which the dedication is required. The applicant shall provide a current preliminary title report, current vesting deed(s) and supporting documents or equivalent proof of title satisfactory to the County Surveyor.

§ 90805.14 REQUIRED DEDICATIONS

As a condition precedent to the approval of a parcel map for a minor subdivision filed pursuant to the Subdivision Map Act and this Division, it shall be required that the applicant:

- A. Improve in accordance with Imperial County Standards all rights-of-way offered for dedication for street purposes which are accepted by the County prior to the approval of the parcel map.
- B. Install other improvements and facilities in accordance with the requirements set forth in County

Standards.

- C. Install necessary hydrants with water facilities and sanitary sewers pursuant to Imperial County Standards.

§ 90805.15 AGREEMENT TO IMPROVE

The applicant may elect to agree to construct or install improvements required by Section 90804.03 which are to be located in public easements on rights-of-way. In the event an applicant elects to agree to construct or install improvements, he/she shall provide a good and sufficient improvement security as defined in Government Code Section 66499, and shall prepare and deposit with the Clerk of the Board of Supervisors

detailed plans and specifications of the improvements to be constructed and such plans and specifications shall be in a form acceptable to County Counsel.

§ 90805.16 PARCEL MAP REQUIREMENTS

- A. All parcel maps shall conform to the requirements of the Subdivision Map Act and this Division and also shall conform to the requirements specified in the report of the Planning Director/Planning Commission approving or conditionally approving the tentative parcel map, unless an appeal is made by the applicant or any interested party to the Planning Commission and/or Board of Supervisors and said body modifies, rejects or overrules the recommendations of the Planning Director/Planning Commission, in which event the map also shall conform to the requirements of the Planning Director/Planning Commission as modified by the Planning Commission and/or Board of Supervisors.
- B. After the approval or conditional approval of the tentative map and prior to the expiration of such map, the subdivider may cause the real property included within the map, or any part thereof, to be surveyed and a parcel map thereof prepared in accordance with the approved or conditionally approved tentative map.

§ 90805.17 PUBLIC WORKS AND PLANNING DIRECTOR TO APPROVE MAPS

No final parcel map shall be filed with the County Recorder until said map has been approved (signed) by the Planning Director, the Chairman of the Planning Commission upon appeal, or the Chairman of the Board of Supervisors upon appeal.

§ 90805.18 ADDITIONAL CERTIFICATES ON PARCEL MAPS

In addition to the certificates and other material required by the Subdivision Map Act and this Division, every parcel map shall bear a certificate by the Planning Director that the map complies with the approved tentative parcel map. **If the parcel map is approved by the Planning Director, the certificate required by this section may be combined with the approval of the parcel map as required by section 90805.17 into one certificate or statement.**

§ 90805.19 MAP BOUNDARY REQUIREMENTS

- A. Surveys made in preparation of parcel maps shall be in accordance with standard practices and principles of surveying and all applicable provision of the Subdivision Map Act. **At the time of making the survey for the parcel map, unless the survey is not required pursuant to Section 90805.21, the engineer or surveyor shall set sufficient durable monuments to conform with the standards described in Section 90804.06 so that another engineer or surveyor may readily retrace the survey. He shall also set such additional monuments as may be required. At least one exterior boundary line of the land being subdivided shall be adequately monumented or referenced before the map is recorded. Interior monuments need not be set at the time the map is recorded, if the engineer or surveyor certifies on the map that the monuments will be set on or before a specified later date, and if the subdivider furnishes to the legislative body security guaranteeing the payment of the cost of setting such monuments.**
- B. The entire boundary of a land division must appear on the first map sheet of the parcel map showing:
 - 1. A boundary survey of the land division, including all courses and distances necessary to compute a closure,
 - 2. Sufficient data, either graphically and/or by disertation, to justify the method by which the boundary was determined, including a description of all monuments found or set, giving data

relating thereto, adjoining maps or property lines of record,

- C. The County Surveyor may waive showing portions of the boundary if sufficient survey information is of record.

§ 90805.20 PARCEL MAP PROVISIONS AND DATA REQUIREMENTS

Parcel maps shall conform to all of the following provisions:

- A. Each map shall be legibly drawn, printed or reproduced by a process guaranteeing a permanent record. Certificates or statements, affidavits, and acknowledgements may be legibly stamped or printed upon the map with opaque ink to assure permanent legibility. The size of each sheet shall be 18"x26" or 460 by 660 millimeters. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch or 25 millimeters.

- B. Each sheet shall bear the number as assigned by the County Planning & Development Services Department, which shall be followed by a subtitle consisting of a general description of all the property being divided by reference to record maps, and to section surveys. Reference shall be spelled out and worded identically with original records, with complete reference to proper book and page of record and shall be shown on every sheet of a multi-sheet map.
- C. All sheets shall be numbered, the relation on one sheet to another clearly shown, and the number of sheets used shall be set forth on each sheet. An adequate number of sheets shall be submitted to clearly present all pertinent data.
- D. When required by the County Surveyor, a location map shall be placed on the parcel map which indicates the location of the proposed land division and its relationship to existing streets and highways.
- E. The certificates and acknowledgements, required by the Subdivision Map Act and this Ordinance, shall appear on the first sheet only. Statements shall include the following:
 - 1. Owner's statement
 - 2. Trustee's statement, if applicable
 - 3. Recorder's statement
 - 4. Surveyor's/Engineer's statement
 - 5. County Surveyor's statement
 - 6. County Planning Director's statement
 - 7. Subdivision Guarantee if any dedication is being made for public use (may be made by separate instrument and referenced on the map)
 - 8. Planning Commission Statement or Board of Supervisor's statement if the parcel map is approved upon appeal as provided in Section 90805.08
 - 9. Tax Collector's statement (may be made by separate instrument and referenced on the map)
- F. The Engineer's or Surveyor's statement shall be as defined by Section 66449 of the Subdivisions Map Act. If a field survey was performed, the parcel map shall contain a statement by the engineer or surveyor responsible for the preparation of the map that states that all monuments are of the character and occupy the positions indicated, or that they will be set in those positions on or before a specified date, and that the monuments are, or will be, sufficient to enable the survey to be retraced. The monument statement shall not be combined with the Engineer's or Surveyor's statement.
- G. The assigned map number, scale, and north arrow shall be shown on each sheet of the map. The particular number of the sheet and the total number of sheets comprising the map shall be shown on each of the sheets, and its relation to each adjoining sheet shall be clearly shown. The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end. A complete boundary survey shall be shown on one (1) sheet of every phase of unitized subdivision. Said boundary shall also reflect the original boundary as shown on the tentative map of said subdivision.
- H. The exterior boundary of the land shown on a land division map shall be indicated by a distinctive delineation and clearly designated. The exterior boundary of the land included within the subdivision shall not include a designated remainder or omitted parcel. The designated parcel or omitted parcel shall be clearly labeled as such.
- I. A statement labeled "Surveyor's Notes" or "Engineer's Note" shall be shown on the first map sheet after the signature sheet of a multi-sheet map. The statement shall include the basis of bearings; the monuments that were found; the monuments and points that were set, and a key to the symbols and abbreviations and such other information required by the County Surveyor. The basis of bearings shall be based upon the California Coordinate System (CCS83) Zone VI (as defined by the Public Resources Code, Sections 8801-8819).
- J. Lots shall be numbered consecutively, commencing with the Number "1", with no omissions or duplications. Each lot shall be shown in its entirety on one (1) sheet; unless, due to size and/or shape, and after using an acceptable scale, the County Surveyor determines the parcel(s) or lot(s) cannot reasonably be shown on a single sheet. Lots used for streets, alleys, or barrier strips shall be lettered.

Easements shall be clearly identified.

The following data shall be shown on each parcel map:

1. Dates of survey and the name and registration number of the person authorized to practice land surveying by the State of California and who is responsible for the preparation of the map;
 2. Locations and names (without abbreviations) of all adjoining, existing and proposed streets and the locations of alleys. Proposed public area and easements shall also be identified.
 3. Gross area of land division, and the net acreage, computed to the nearest .01 acres, all lot lines shall be shown by solid lines.
 4. Centerline of all streets and lengths, tangent, radius and central angle or radial bearings on all points on curves and the bearings of radial lines to each lot corner on a curve; the width of each street, the width of the portion being dedicated and the width of existing dedications; and the widths of right-of-way of railroads, flood control or drainage channels and other easements appearing on the map.
 5. Sufficient data to determine readily the bearing and length of each line. Recorded survey data as required by the County Surveyor.
 6. Sufficient primary survey control points.
 7. Ties and recording references to adjacent record maps and to section corners, quarter section corners and also to section lines and quarter section lines when adjacent or within the map.
 8. Centerline data and width of all easements to which the division of land is subject. If the easements are not definitely located by record, a statement as to the easement shall appear on the title sheet of the land division. Distances and bearings on the side lines of lots which are cut by an easement shall be so shown as to indicate clearly the actual location. Alignment data alongside lot lines of easements shall be provided when not controlled by paralleling lines or centerline. The easement shall be clearly labeled and identified and, if already on record, proper reference to the records given. Easements dedicated in land divisions shall be included on the owner's Certificate of Dedication. Easements shall be shown on the map by broken lines.
 9. Clear indication of stakes, monuments or other evidence found on the ground to determine the boundaries of the tract, data to determine physical description, size, ground position, tag number and record reference of survey markers, untagged monuments accepted as control shall be tagged or replaced by the surveyor or engineer making the survey.
 10. No setback lines shall appear on the final map.
 11. New street names shown on a land division map must be approved by the County.
- L. Environmental Constraint Sheet.
1. Additional survey and map information may be required in the form of an Environmental Constraint Sheet which is to be filed with the Imperial County Surveyor simultaneously with the recording of the parcel map. The additional information may include, but need not be limited to: flood hazard zones, seismic lines and setbacks, geologic mapping, and archaeological sites. The Environmental Constraint Sheet is for informational purposes and is not intended to affect record title interest.
 2. When an Environmental Constraint Sheet is required, a note shall be placed below the Surveyor's notes on the parcel map in one-fourth (1/4) inch high bold block letters, stating:

ENVIRONMENTAL CONSTRAINT SHEET

Environmental Constraint Sheet affecting this map is on file in the Office of the Imperial County Surveyor in Environmental Constraint Sheet Book _____, Page _____. This affects Lot Numbers _____ or Parcel Number _____.

§ 90805.21 PARCEL MAPS COMPILED FROM RECORDED DATA

A parcel map of four (4) or less parcels may be compiled from recorded or filed data, if such is acceptable to the County Surveyor.

§ 90805.22 FILING OF A PRELIMINARY PARCEL MAP

After a tentative parcel map is approved, the Subdivider may cause a parcel map to be prepared and submitted to the County Surveyor.

- A. When the subdivider files his final map for review by the office of the County Surveyor, four (4) positive prints shall be distributed as follows (electronic versions may be provided in lieu of hard copies):
 - 1. One (1) to the County Surveyor,
 - 2. One (1) to the Planning Director.
 - 3. One (1) to the Health Officer.
 - 4. One (1) to Office of Emergency Services.
- B. The parcel map with map checking fee as required by Chapter 2 of Division 8 of this Ordinance.
- C. Required improvement plans with plan checking fee as required by Chapter 2 of Division 8 of this Ordinance.
- D. Evidence of title in the form of a current preliminary title report issued by a California title company showing the names of persons having any record title interest in the land to be divided, together with the nature of their respective interests herein, current vesting deed(s) and supporting documents. In the event that any dedication is to be made for public use of any property shown on a parcel map, a subdivision guarantee shall be issued by a California title company.
- E. Prior to the recordation of the parcel map, the following items shall be provided and approved:
 - 1. A copy of the approved conditions along with a written report and support information as to compliance with each condition.
 - 2. Evidence of title in the form of a current title report issued by a California title company, showing the names of persons having any record title interest in the land to be divided, together with the nature of their respective interests therein. In the event that any dedication is to be made for public use of any property shown on a parcel map, a subdivision guarantee shall be issued by a California title company. The consent of the owner or owners of any contingent reversionary interest in the lands to be subdivided is not necessary and need not be named in the guarantee of title.
 - 3. All requests for waivers of signatures as provided in the Subdivision Map Act.

§ 90805.23 COUNTY SURVEYOR REVIEW PROCESS

- A. When a parcel map and all agreements, securities and other required documents have been submitted and found to be in correct form by the County Surveyor, he or she shall complete his or her certificate or statement within twenty (20) days from the time the parcel map is submitted for approval. The County Surveyor shall sign, date and below or immediately adjacent to the signature, indicate his or her registration or license number and the stamp or seal and state that:
1. He or she has examined the map,
 2. The land division as shown is substantially the same as it appeared on the tentative map and any approved alterations thereof,
 3. All provisions of the Subdivision Map Act and all County ordinances applicable at the time of approval of the tentative map have been complied with,
 4. He or she is satisfied that the map is technically correct.
- B. The County Surveyor shall deliver the parcel map and a report of the subdivider's compliance with the conditions of approval to the Planning & Development Services Department or other appropriate officer if the tentative map was approved upon appeal for review and approval of the parcel map and signature. When the map is approved by the Planning Director, Chairman of the Planning Commission, or Chairman of the Board of Supervisors, as the case may be, the County Surveyor may accept or reject dedications and offers of dedication that are made by separate instrument with the map, and may sign certificates for the County. The County Surveyor shall deliver the approved map and documents to the County Recorder within the same 20-day period.

§ 90805.24 DELIVERY OF PARCEL MAP TO THE COUNTY RECORDER

- A. Upon the approval by the County Surveyor, the parcel map shall be transmitted to the County Recorder.
- B. The subdivider shall present to the Recorder evidence that, at the time of the filing of a final map or parcel map, the parties consenting to the filing are all of the parties having a record title interest in the real property being divided whose signatures are required, as shown by the records in the Office of the Recorder; otherwise the map shall not be filed.
- C. The Recorder shall have not more than ten (10) days within which to examine the final map or parcel map and either accept or reject it for filing.
- D. If the Recorder accepts the parcel map for filing, such acceptance shall be certified on the face thereof.
- E. The Recorder, upon filing the final map, shall attach the recording data to the polyester tape film duplicate original and thereupon deliver the same to the County Surveyor who shall retain custody thereof.

§ 90805.25 CERTIFICATE OF CORRECTION

After a parcel map is filed in the Office of the County Recorder, the recorded map may be modified by a Certificate of Correction.

The subdivider may apply to the County Surveyor for a Certificate of Correction upon finding that one (1) or more of the following conditions apply:

- A. To correct an error in any course or distance shown thereon.
- B. To show any course or distance that was omitted therefrom.

- C. To correct an error in the description of the real property shown on the map,
- D. To indicate monuments set after the death, disability or retirement from practice of the engineer or surveyor charged with responsibilities for setting monuments.

TITLE 9

DIVISION 8: SUBDIVISION ORDINANCE

CHAPTER 6: MAJOR SUBDIVISION - REQUIREMENTS

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§ 90806.00 MAJOR SUBDIVISIONS

The purpose of this Chapter is to establish procedure for the processing of applications for Major Subdivisions and approval of tract maps, generally described as follows:

A land division creating more than five (5) parcels, five (5) or more condominiums as defined in Section 783 of the Civil Code, a community apartment project containing five (5) or more parcels, or for the conversion of a dwelling to a stock cooperative containing five (5) or more dwelling units.

§ 90806.01 APPLICATION

A written application (form provided by the Planning & Development Services Department) for a major subdivision as defined in Chapter 1 of this Division shall be made to the Planning & Development Services Department by California Licensed Surveyor or California Civil Engineer (Licensed to practice in the category

of work to be performed). The application shall be accompanied by the tentative tract map, fees, environmental documentation, preliminary title report and support documentation as required in this title.

§ 90806.02 DEDICATION

- A. The subdivider shall offer to dedicate right-of-way for streets within the subdivision in accordance with Imperial County Standards.
- B. No final subdivision map shall be approved unless the street or streets providing primary access to the subdivision are dedicated to and maintained by a city, county, or state and said street or streets meet County standards and right-of-way width.
- C. Streets which are proposed on the boundaries of a subdivision shall have a dedicated width of not less than 40 feet together with a strip of land one (1) foot wide on its out edge which shall be offered to the County for street purposes and over which access rights are relinquished.
- D. All streets proposed to be terminated at the subdivision boundary shall include a strip of land one (1) foot wide across said street at its point of termination which shall be portions of the adjacent lots, offered for street purposes and over which access rights are relinquished.
- E. Where it is necessary to extend a street beyond the boundaries of a subdivision to provide adequate circulation for residents of the subdivision, the subdivider shall cause the required easements to be dedicated to the County and shall improve said easements in accordance with the County standards.
- F. Where a drainage facility or flood control facility is necessary for the use of lot owners or for the protection of lots, adequate rights-of-way for such drainage facilities or flood control facilities shall be offered for dedication to the County or to such other public entities as the Board of Supervisors designates and shall be shown on the map.
- G. Where it is necessary to extend a drainage facility or flood control facility beyond the boundaries of the subdivision for adequate drainage or flood control needs, the required rights-of-way shall be offered for dedication.
- H. Drainage facilities and flood control facilities within and without the subdivision shall be provided so as to carry storm run-off both tributary to and originating within the subdivision.
- I. The subdivider may be required to offer to dedicate and for park purposes, pay fees in lieu thereof, or do a combination of both.
- J. The subdivider shall offer to dedicate, in accordance with the County standards, the necessary rights-of-way for bicycle routes under the following circumstances:
 - 1. When such routes are shown on the Circulation Element of the Imperial County General Plan pass through or about the subdivision; and
 - 2. When a subdivider is required to dedicate rights-of-way for streets in subdivisions containing 200 or more lots and such route is necessary and feasible for the use and safety of the residents.

§ 90806.03 APPLICATION PROCEDURE

Every application submitted shall be deemed "received" on the date of submittal and shall be date stamped and dated by the Department staff. The Department shall within a maximum of thirty (30) days from receipt determine whether an application is complete or incomplete, and if further environmental documentation is required. Any application deemed complete shall be reviewed, processed by staff, and scheduled for the next hearing body as applicable under this Division.

Any application deemed incomplete shall be returned to the applicant with a written letter of transmittal, explaining the reasons for the rejection.

A re-submittal of a rejected application shall be deemed the equivalent of a new application and all procedures and time frames shall be as a new application.

Under no conditions shall the Department accept an incomplete application and commence processing it, unless and until all necessary information and supporting documentation is provided.

Failure of an applicant to submit the correct fees shall constitute an immediate rejection without further review.

§ 90806.04 AUTHORITY OF THE PLANNING DIRECTOR

The Planning Director and/or his/her staff shall review every application and determine whether the major subdivision is consistent with the adopted General Plan.

If the major subdivision is not consistent with the General Plan, the application shall be rejected with reasons and any alternatives stated. In processing any application, staff shall prepare a full staff report including a recommendation based on planning principles, regulations in effect, and all legal requirements, before the Planning Commission may consider the project.

§ 90806.05 DISTRIBUTION OF APPLICATION AND TENTATIVE MAP

Within ten (10) days of acceptance the application for processing, the Planning & Development Services Department shall forward at least one (1) copy to the following agencies where applicable:

- A. California Department of Transportation;
- B. Any municipality entitled thereto;
- C. The Flood Control District or person designated who will perform flood control and drainage studies;
- D. Any city, community services district, school or other authorized district requesting a copy;
- E. Any utility surveyor serving the area with its facilities;
- F. Any others as may be appropriate.

§ 90806.06 HEARING SCHEDULING

The Department shall schedule the major subdivision for a Planning Commission hearing by allowing adequate review time for staff and responsible departments/agencies, within the time limits established by law. Under no circumstances shall a project be heard by the Planning Commission without all required noticing having been provided.

§ 90806.07 NOTICING (PUBLIC/APPLICANT)

The Department shall strictly adhere to the following noticing requirements:

- A. A one time publication in a newspaper of greatest circulation (within County) at a minimum of ten (10) days prior to the hearing date, and

- B. Direct mail notice to applicant, all parties of record interest, all parties having filed a written request to receive notices, all contiguous property owners; and, one of the following:

1. In the R-1, R-2, R-3, R-4 Zones, all adjacent property owners whose property is within 500 feet of the exterior boundary of the subject parcel,
2. In the commercial or industrial zone, all adjacent property owners whose property is within 1/2 mile of the exterior boundary of the subject parcel,
3. In all zones, except as specified in 'A' and 'B' above, all adjacent property owners whose property is within 1,000 feet of the exterior boundary of subject parcel.

MAJOR SUBDIVISIONS TO BE HEARD BY THE ENVIRONMENTAL EVALUATION COMMITTEE (EEC)

1. A one time publication in a newspaper of greatest circulation (within County) at a minimum of five (5) days prior to hearing date, and
2. Direct mail notice to applicant and any party having requested a notice in writing.

§ 90806.08 HEARING PROCEDURE

The Planning Commission shall conduct a public hearing and recommend approval or denial of the major subdivision based on the merits of the subdivision.

The Planning Commission or Board of Supervisors shall deny if the subdivision does not meet all requirements of this ordinance, or if any of the following findings are made:

- A. That the proposed land divisions is not consistent with applicable general and specific plans.
- B. That the design or improvement of the proposed land division is not consistent with applicable general and specific plans.
- C. That the site of the proposed land division is not physically suitable for the type of development.
- D. That the site of the proposed land division is not physically suitable for the proposed density of the development.
- E. That the design of the proposed land division or proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- F. That the design of the proposed land division or the type of improvements are likely to cause serious public health problems.
- G. That the design of the proposed land division or the type of improvements will conflict with easements, acquired by the public at large, for access through, or use of, property within the proposed land division.

A subdivision may be approved if it is found that alternate easements for access or for use will be provided and that they will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by order of a court of competent jurisdiction.

Notwithstanding subsection E. above, a tentative map may be approved if an environmental impact report was prepared with respect to the project and a finding was made, pursuant to the California Environmental Quality Act, that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

§ 90806.09 PLANNING COMMISSION DUTIES (MAJOR SUBDIVISIONS)

The Planning Commission as a recommending body is authorized to carry out the following actions with reference to processing of major subdivisions:

- A. After the completion of a public hearing on the proposed subdivision, recommend to the Board of Supervisors, approval, conditional approval, or disapproval in whole or in part of tentative maps filed pursuant to this Division and/or the Subdivision Map Act. The Planning Commission shall take such action within fifty (50) days (or any longer period hereinafter prescribed by State law) after the filing of the tentative map with the Planning & Development Services Department. This time limit may be longer if necessary to comply with other laws including, but not limited to CEQA.
- B. The Planning & Development Services Department shall forward the Planning Commission the recommendation to the Board of Supervisors. The Clerk of the Board of Supervisors shall then schedule a hearing. The Board of Supervisors shall conduct a public hearing.

§ 90806.10 ACTION BY THE BOARD OF SUPERVISORS

The Board of Supervisors shall have the following options:

- A. Deny the major subdivision should it make any of the findings under Section 90806.08.
- B. Deny the major subdivision if it determines that the proposed subdivision is not compatible with surrounding zoning, or is detrimental to the surrounding property (or the County in general), or represents incompatible land uses, or may cause substantial adverse environmental consequences.
- C. Approve the major subdivision as recommended by the Planning Commission along with findings of approval and conditions.
- D. Continue the public hearing on the matter to a date/time certain for the purpose of having additional information made available to the Board of Supervisors.

Any decision made by the Board of Supervisors shall be final with no further appeal to an administrative body, except as provided by law.

§ 90806.11 MAPS TO CONFORM TO REQUIREMENTS OF BOARD OF SUPERVISORS

All final maps for major subdivisions shall conform to the requirements of the Subdivision Map Act and this Division and County Standards. After the approval or conditional approval of the tentative map and prior to the expiration of such map, the subdivider may cause the real property included within the map, or any part thereof, to be surveyed and a final map thereof prepared in accordance with the approved tentative map.

§ 90806.12 BOARD OF SUPERVISORS TO APPROVE MAPS

No final map shall be filed with the County Recorder until approved by the Board of Supervisors.

§ 90806.13 REQUIRED OFFER OF DEDICATION

As a condition precedent to the approval by the Board of Supervisors of any final map, all parcels of land shown thereon and intended for any public use shall be offered for dedication for public use except those parcels, other than streets, intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants and servants.

§ 90806.14 GRANT OF OPEN SPACE EASEMENT

In the event that a grant of an open space easement is to be made over any portion of the subdivision, the final map shall contain a certificate signed and acknowledged by those parties having any record title interest in the subdivided land granting such open space easement and stating the conditions of the grant.

§ 90806.15 SCHOOL SITE DEDICATION REQUIREMENTS

As a condition of approval of a final map, a subdivider who develops or completes the development of one (1) or more subdivisions within a school district shall dedicate to the school district such land as the Board of Supervisors deems to be necessary to insure the residents of the subdivision adequate elementary or secondary school services.

§ 90806.16 SCHOOL SITE DEDICATION PROCEDURE

The requirement of dedication shall be made pursuant to County standards and shall be imposed at the time of the approval of the tentative map. If within thirty (30) days after the requirement of dedication is imposed by the County, the school district does not offer to accept the dedication, the requirement shall be automatically terminated. The required dedication may be made any time before, concurrently with, or up to sixty (60) days after the filing of the final map on any portion of the subdivision.

§ 90806.17 PAYMENTS TO SUBDIVISION FOR SCHOOL SITE DEDICATIONS

The school district, if it accepts the dedication shall repay to the subdivider of the dedicated land, plus the sum equal to the total of the following amounts:

- A. The cost of any improvement to the dedicated land since acquisition by the subdivider.
- B. The taxes assessed against the dedicated land from the date of the school district's offer to enter into the binding commitment to accept the dedication.
- C. Any other costs incurred by the subdivider in maintenance of such dedicated land, including interest costs incurred on any loan covering such land.

§ 90806.18 EXEMPTION FROM SCHOOL SITE DEDICATION REQUIREMENTS

The provisions of Section 90806.15, 90806.16, 90806.17 shall not be applicable to a subdivider who has owned the land being subdivided for more than ten (10) years prior to the filing of the tentative maps.

§ 90806.19 TYPE OF MAP REQUIRED

Unless otherwise provided in this Division a final subdivision map shall be prepared and filed pursuant to an approved tentative map for every major subdivision for which a tentative map is required by this Division.

§ 90806.20 ADDITIONAL CERTIFICATES TO BE SUBMITTED PRIOR TO THE APPROVAL OF FINAL SUBDIVISION MAP

In addition to certificates and other material required by the Subdivision Map Act and this Division, prior to acceptance and approval of every final subdivision map, every such map shall bear the following certificates or endorsements:

- A. A certificate by the County Treasurer and the Tax Collector to the effect that there are no taxes due but not yet payable and there are not unpaid special assessments or bonds which may be paid in full shown by the records in their offices against the subdivision or any part thereof. Said certificate may be submitted with the final map.
- B. A certificate by the Clerk of the Board of Supervisors that the provisions of Division 2, Title 7 of the Government Code have been complied with regarding deposits for taxes on the property within the subdivision as well as a certificate stating that the Board approves the map. Said certificates may be

submitted with the final map.

- C. Certificate of County Recorder as to the filing of the map.

- D. Certificate of the Planning Director indicating said final map conforms with the tentative map previously approved for the subdivision.

§ 90806.21 BOUNDARY REQUIREMENTS

- A. Surveys made in preparation of final maps shall be in accordance with standard practices and principals of surveying and all applicable provisions of the Subdivisions Map Act.
- B. The entire boundary of a subdivision must appear on the first map sheet of a final map showing:
 - 1. A boundary survey of the land division, including all courses and distances necessary to compute a closure,
 - 2. Sufficient data to prove the method by which the boundary was determined, including a description of all corners found or set, adjoining maps or property lines or record,
 - 3. Phased units in relation to the boundary.
- C. The County Surveyor may waive the boundary map if sufficient survey information is of record.
- D. Whenever the Country Surveyor has established the centerline of a street, that data shall be considered in making the surveys and in preparing the final map, and all monuments found shall be indicated and proper reference made to field books or maps of public record, relating to the monuments. If the points were reset by ties, that fact shall be stated. The final map shall show City and County boundaries adjoining the division of land.

§ 90806.22 FILING OF A PRELIMINARY FINAL MAP

- A. When the subdivider files this final map for preliminary checking in the office of the County Surveyor, five (5) positive prints shall be distributed as follows:
 - 1. Two (2) to the County Surveyor,
 - 2. One (1) to the Planning Director,
 - 3. One (1) to the Health Officer,
 - 4. One (1) to the Office of Emergency Services.
- B. The final map shall be accompanied by the map checking fee as set forth in this Title.
- C. Required improvement plans shall be submitted to the Public Works Department and accompanied with the plan checking fee as set forth in Chapter 2 of Division 8.
- D. Prior to the recordation of the final map, the following items shall be provided and approved:
 - 1. A copy of the approved conditions, along with a written report and support information as to compliance with each condition.
 - 2. Evidence of title in the form of a current preliminary title report issued by a California title company, showing the names of persons having any record title interest in the land to be divided, together with the nature of their respective interests therein. In the event that any dedication is to be made for public use of any property shown on a final map, a subdivision guarantee shall be issued by a California title company. The consent of the owner or owners of any contingent reversionary interest in the lands to be subdivided is not necessary and need not be named in the guarantee of this title.

3. All requests for waivers of signatures as provided in the Subdivision Map Act.
4. Letters from utility purveyors that will serve the land division certifying that satisfactory provisions have been made with each of the said public utility purveyors as to location of their facilities.

§ 90806.23 FINAL MAP PROVISIONS AND DATA REQUIREMENTS

- A. Final maps shall conform to all of the following provisions:
1. Each map shall be legibly drawn, printed or reproduced by a process guaranteeing a permanent record in black on tracing cloth or good quality polyester base film, including certificates, except that such certificates may be legibly stamped or printed upon the map with opaque material when recommended by the County Surveyor and authorized by the County Recorder. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility. The size of each sheet shall be 18x26". A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch.
 2. Each sheet shall bear the number as assigned by the Planning & Development Services Department which shall be followed by a subtitle consisting of a general description of all the property being divided by reference to record maps, and to section surveys or ranchos. Reference shall be spelled out and worded identically with original records, with complete reference to proper book and page of record and shall be shown on every sheet of a multi-sheet map.
 3. All sheets shall be numbered, the relation on one sheet to another clearly shown, and the number of sheets used shall be set forth on each sheet. An adequate number of sheets shall be submitted to clearly present all pertinent data.
 4. When required by the County Surveyor, a location map shall be placed on the parcel map which indicates the location of the proposed land division and its relationship to existing streets and highways.
 5. The certificates and acknowledgements, required by the Subdivision Map Act and this Ordinance, shall appear on the first sheet only. Statements shall include the following:
 - a. Owner's statement
 - b. Trustee's statement
 - c. Recorder's statement
 - d. Surveyor's/Engineer's statement
 - e. County Surveyor's statement
 - f. County Planning Director's statement
 - g. Clerk of the Board of Supervisor's statement
 - h. Board of Supervisor's statement
 - i. Tax Collector's statement
 6. The surveyor's or engineer's certificate shall state that the survey was made by him or her or under his/her direction, that the survey is true and complete as shown, that all monuments are of the character and occupy the positions indicated and are sufficient to enable the survey to be retraced, that the map conforms to the approved tentative map and conditions of approval thereof, and that all provisions of the applicable state and local ordinances have been complied with.
 7. The number, scale, north point and sheet number shall be shown on each sheet of the map. The map shall be drawn at a suitable engineer's scale to identify and describe all essential

details clearly. If more than two (2) map sheets are used, an index showing the division of land, with lots numbered as shown on the map, shall be shown. A complete boundary survey shall be shown on one (1) sheet of every phase of unitized subdivision. Said boundary shall also reflect the original boundary as shown on the tentative map of said subdivision.

8. The exterior boundary of the land shown on a land division map shall be indicated by a distinctive delineation and clearly designated.
 9. A statement labeled Surveyor's Notes or Engineer's note shall be shown on the first map sheet after the signature sheet of a multi-sheet map. The statement shall include the basis of bearings; the monuments that were found; the monuments and points that were set, and a key to the symbols and abbreviations and such other information required by the County Surveyor.
 10. Lots shall be numbered consecutively, commencing with the Number "1", with no omissions or duplications. Each lot shall be shown in its entirety on one (1) sheet; unless, due to size and/or shape, and after using an acceptable scale, the County Surveyor determines the parcel(s) or lot(s) cannot reasonably be shown on a single sheet. Lots used for streets, alleys, or barrier strips shall be lettered. Easements shall be clearly identified.
- B. The following data shall be shown on each final map:
1. Dates of survey and the name and registration number of the person authorized to practice land surveying by the State of California and who is responsible for the preparation of the map;
 2. Locations and names (without abbreviations) of all adjoining, existing and proposed streets and the locations of alleys. Proposed public area and easements shall also be identified.
 3. Gross area of land division, and the net acreage, computed to the nearest .01 acres, all lot lines shall be shown by solid lines.
 4. Centerline of all streets and lengths, tangent, radius and central angle or radial bearings on all points on curves and the bearings of radial lines to each lot corner on a curve; the width of each street, the width of the portion being dedicated and the width of existing dedications; and the widths of right-of-way of railroads, flood control or drainage channels and other easements appearing on the map.
 5. Sufficient data to determine readily the bearing and length of each line. Recorded survey data as required by the County Surveyor.
 6. Sufficient primary survey control points.
 7. Ties to and recording references to adjacent record maps and to section corners, quarter section corners and also to section lines and quarter section lines when adjacent or within the map.
 8. Centerline data and width of all easements to which the subdivision is subject. If the easements are not definitely located by record, a statement as to the easement shall appear on the title sheet of the subdivision. Distances and bearings on the side lines of lots which are cut by an easement shall be so shown as to indicate clearly the actual location. Alignment data alongside lot lines of easements shall be provided when not controlled by paralleling lines or centerline. The easement shall be clearly labeled and identified and, if already on record, proper reference to the records given. Easements dedicated in subdivision shall be included in the owner's Certificate of Dedication. Easements shall be shown on the map by broken lines.

9. Clear indication of stakes, monuments or other evidence found on the ground to determine the boundaries of the tract, data to determine physical description, size, ground position, tag number and record reference of survey markers, untagged monuments accepted as control shall be tagged or replaced by the surveyor or engineer making the survey.
10. No setback lines shall appear on the final map.
11. New street names shown on a subdivision map must be approved by the County Surveyor.
12. Environmental Constraint Sheet.
 - a. Additional survey and map information may be required in the form of an Environmental Constraint Sheet which is to be filed with the Imperial County Surveyor simultaneously with the recording of the parcel map. The additional information may include, but need not be limited to: flood hazard zones, seismic lines and setbacks, geologic mapping, and archaeological sites. The Environmental Constraint Sheet is for informational purposes and is not intended to affect record title interest.
 - b. When an Environmental Constraint Sheet is required, a note shall be placed below the Surveyor's notes on the parcel map in one-fourth (1/4) inch high bold block letters, stating:

ENVIRONMENTAL CONSTRAINT SHEET

Environmental Constraint Sheet affecting this map is on file in the Office of the Imperial County Surveyor in Environmental Constraint Sheet Book _____, Page _____ . This affects Lot Numbers _____ or Parcel Number _____.

§ 90806.24 FILING OF THE FINAL MAP

- A. After the preliminary final map is determined to be correct, the County Surveyor shall notify the subdivider to prepare and submit the original and duplicate original of the final map together with all required agreements for improvements and securities and all other required documents as may be necessary for consideration of the final map. If the final map or documents are not determined complete by the County Surveyor, they shall be returned to the subdivider for corrections.
- B. The original and duplicate original map shall be inscribed on polyester base film, including the required signatures, and shall meet the requirement of the County Surveyor.

§ 90806.25 ACTION BY THE COUNTY SURVEYOR

- A. When a final map and all agreements, securities and other required documents have been submitted and found to be in correct form, the County Surveyor shall, within twenty (20) days thereafter, file a final map and documents and then shall certify that:
 1. The County Surveyor has examined the map,
 2. The subdivision as shown is substantially the same as it appeared on the tentative map and any approved alterations thereof,
 3. All provisions of the Subdivision Map Act and all County ordinances applicable at the time of

approval of the tentative map have been complied with,

4. He/she is satisfied that the map is technically correct.
- B. The County Surveyor shall deliver the final map report of condition compliance to the Planning & Development Services Department for review and the Planning Director's signature. The County Surveyor shall within twenty (20) days thereafter, approve the map if it conforms to all the requirements of the Subdivision Map Act and this Ordinance applicable at the time of approval or conditional approval of the tentative map and any rulings made thereunder. When the map is approved, the County Surveyor may accept or reject dedications and offers of dedication that are made by certificate on such map, and may sign the certificate for the County. The County Surveyor shall file the approved map and documents with the Clerk of the Board for transmittal by the Clerk of the County Recorder.

§ 90806.26 ACTION BY THE BOARD OF SUPERVISORS

The Board, upon filing of the final map shall at the meeting at which it receives the map or at its next regular meeting after the meeting at which it receives the map, approve the map if it conforms to all requirements of the Subdivision Map Act and this Ordinance applicable at the time of approve or conditional approval of the tentative map and rulings made thereunder.

§ 90806.27 REQUIRED IMPROVEMENTS

- A. Before approving a final map for a major subdivision, the Board of Supervisors shall require:
1. That the subdivider grade and improve or agree to grade and improve all land dedicated or to be dedicated for streets and easements. Bicycle routes shall be laid out on a final map in such manner and with such improvements as are necessary for the use of the lot owners in the subdivision, to address local neighborhood traffic and also address drainage. All improvements shall be in accordance with the Imperial County Standards.
 2. That the subdivider comply with the Public Works Director's conditions requiring construction of necessary drainage and flood control structures to conform to Imperial County Standards.
 3. That the subdivider provide proof satisfactory to the County that there exists an adequate potable water supply available to each lot or parcel and that subdivider install or agree to install minimum pressure water supply pipe of a diameter conforming to County Standards.
 4. That there is a water district or mutual company created to insure the continuity, maintenance, and operation of an adequate water system to the subdivision.
 5. That the subdivider provide all necessary easements and rights-of-way to accommodate all streets, drainage and flood control structures and facilities and sewer systems existing beyond the boundaries of the subdivision.
- B. Where the Board of Supervisors determines by reason of the size and shape of the proposed lots, the nature of the terrain to be subdivided, the soil condition of the lots or the development of the area in the vicinity of the proposed subdivision, a public sewer disposal system serving the lots will be required to preserve the public health, the Board of Supervisors will require the subdivider to install or agree to install a public sewer disposal system serving said lots as a condition precedent to the approval of any final map. Said system shall conform to County Standards.
- C. If required as condition to subdivision the subdivider shall construct or shall cause to be constructed at his cost a street lighting system conforming to County Standards. There shall be a taxing authority or special district board to maintain said lighting system.

§ 90806.28 AGREEMENT TO IMPROVE

- A. If, at the time of approval of the final map by the Board of Supervisors, any public improvements required pursuant to the Subdivision Map Act or this Division have not been completed and accepted in accordance with County Standards applicable at the time of approval or conditional approval of the tentative map, the Board of Supervisors, as a condition precedent to the approval of the final map, shall require the subdivider to enter into one of the following agreements:
1. An agreement with the County upon mutually agreement terms to thereafter to complete such improvements at the Subdividers expense.
 2. An agreement with the County to thereafter (i) initiate and consummate proceedings under an appropriate special assessment act for the financing and completion of all such improvements or (ii) if not completed under such special assessment act, to complete such improvements at the Subdividers expense.
- B. Where the subdivider agrees to construct improvements, he/she shall prepare and deposit with the Clerk of the Board of Supervisors or with the County Surveyor detailed plans and specifications of the improvements to be constructed and such plans and specifications shall be made a part of any agreement or contract and of the Government Code Section 66499, securities required for same.

§ 90806.29 IMPROVEMENTS SECURITY REQUIRED

Any improvement agreement, contract or act required or authorized by the Subdivision Map Act or by this Division shall be secured in the manner provided for in Section 66499 of the Government Code.

The improvement security shall be in amounts set forth or authorized in Section 66499 of the Government Code. If the improvement security is other than the bond or bonds furnished by duly authorized corporate security, an additional amount shall be included as determined by the Board of Supervisors as necessary to cover the cost and reasonable expenses and fees, including reasonable attorney fees, which may be incurred by the County in successfully enforcing the obligations secured. The improvement security shall also secure the faithful performance of any changes or alterations to the work to the extent that such changes or alterations do not exceed ten (10) percent of the original estimated cost of the improvement.

§ 90806.30 IMPROVEMENT SECURITY RELEASE

The improvements security required hereunder shall be released in the following manner:

- A. Security given for faithful performance of any act or agreement shall be released upon the final completion and acceptance of the act or work subject to the provisions of subparagraph (B) hereof.
- B. The Public Works Director may release a portion of the securities in conjunction with the acceptance of the performance of the act or work, as it progresses upon application by the subdivider. In no event shall the Public Works Director authorize a release of the improvement security which would reduce such security to an amount below that required to guarantee the completion of the act or work and any other obligations imposed by this ordinance, the Subdivision Map Act or the improvement agreement.
- C. Security given to secure payment to the contractor, his subcontractors and to persons furnishing labor, materials or equipment may, six (6) months after the completion and acceptance of each act or work, be reduced to an amount equal to an amount of all claims therefore filed and which notice has been given to the Board of Supervisors, plus an amount reasonably determined by the Public Works Director to be required to assure the performance of any obligations security thereby. The balance of the security shall be released upon the settlement of all such claims and obligations for which the security was given.

- D. No security given for the guarantee or warranty of work shall be released until the expiration of the period thereof.

§ 90806.31 MONUMENTS

- A. Every final map shall show the following monuments which shall be set by a licensed surveyor or registered engineer.
 - 1. Boundary monuments. The exterior boundary of the subdivision shall be monumented with permanent monuments at the intermediate points along the boundary not more than one thousand (1,000) feet apart and at the beginning and end of points of all curves; provided, if any existing record and identified monument meeting the foregoing requirements is found at any such corner or point. Such monument may be used in lieu of a new monument.
 - 2. A center line of street monument shall be installed.
 - 3. Lot corner monuments. All lot corner except when coincident with exterior boundary corner, shall be monumented with permanent monuments of one of the following types: (i) three quarter (3/4) inch diameter iron pipe; (ii) lead plug and copper identification disks or chipped and "x" set in concrete sidewalks or curbs; (iii) two by two by twelve (2x2x12) inch redwood hub with copper identification disk.
 - 4. Such additional monuments to mark the limiting lines of streets as the Public Works Director may require.
 - 5. All other monuments set or proposed to be set.
 - 6. Bench marks shall be set as directed by Department of Public Works.
- B. All monuments and their installation shall conform to the County Standards.
- C. All of the foregoing monuments shall be set prior to the approval of the map by the Board of Supervisors unless the setting thereof is deferred in accordance with Section 66496 of the Government Code; provided, however, the setting of exterior boundary monuments shall not be deferred unless the Public Works Director determines that such monuments might be disturbed by the construction of improvements.
- D. Where the setting of monuments is deferred following filing of a final map, such monuments shall be set within thirty (30) days after the completion of the required improvements and the acceptance thereof by the County.

§ 90806.32 DELIVERY OF FINAL MAP TO THE COUNTY RECORDER

- A. Upon approval by the Board, or upon approval by the County Surveyor if he/she is so authorized, the Clerk of the Board shall certify that all required certificates, security and deposits have been filed and shall transmit the final map or parcel map to the Recorder.
- B. The subdivider shall present to the Recorder evidence that, at the time of the filing of a final map, the parties consenting to the filing are all of the parties having a record title interest in the real property being divided whose signatures are required, as shown by the records in the Office of the Recorder; otherwise, the map shall not be filed.
- C. The Recorder shall have not more than ten (10) days within which to examine the final map and either accept or reject it for filing.

D. If the Recorder accepts the final map for filing, such acceptance shall be certified on the face thereof.

- E. The Recorder, upon filing the final map, shall attach the recording data to the polyester type film duplicate original and thereupon deliver the same to the County Surveyor who shall retain custody thereof.

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TITLE 9

DIVISION 8: SUBDIVISION ORDINANCE

CHAPTER 7: LOT LINE ADJUSTMENTS

§ 90807.00	LOT LINE ADJUSTMENTS/PROCEDURES
§ 90807.01	APPLICATION
§ 90807.02	SITE PLAN
§ 90807.03	APPLICATION PROCEDURE
§ 90807.04	HEARING SCHEDULING
§ 90807.05	NOTICING (PUBLIC/APPLICANT)
§ 90807.06	FINAL DECISIONS
§ 90807.07	APPEAL FROM PLANNING DIRECTOR ACTION ON LOT LINE ADJUSTMENTS
§ 90807.08	FINAL ACTION

§ 90807.00 LOT LINE ADJUSTMENTS/PROCEDURES

The purpose of this Chapter is to establish procedures for the processing of applications for Lot Line Adjustments. A lot line adjustment is a modification of a boundary line between four or fewer existing adjoining legal parcels where the modification complies with the following criteria:

- A. No new parcels are created, and no existing parcels are deleted.
- B. No parcel is reduced below the minimum lot area or minimum setback and minimum distances between structures required by the zoning designation set forth in Imperial County Land Use Ordinance and the General Plan of Imperial County.
- C. The proposed adjustment is exempt from the Subdivision Map Act, and no tentative map, final map or parcel map, shall be required as a condition to the approval of a lot line adjustment.
- D. Public rights-of-way are not altered in any way unless approved by the Director of Public Works.

§ 90807.01 APPLICATION

A written application (form provided by the Planning & Development Services Department) for a lot line adjustment as defined in Chapter 1 of this Division shall be made to the Planning & Development Services Department. The applications shall be accompanied by the fee as required in this Title.

§ 90807.02 SITE PLAN

Every application for a Lot Line Adjustment shall include a detailed "site plan". The site plan shall include such information deemed necessary by the Planning & Development Services Department, and at a minimum shall include the following:

1. Must show the entirety of all parcels and all property boundary lines
2. All property boundary dimensions
3. All existing structures (below & above ground)
4. All proposed structures (below and above ground)
5. Distance from all structures to property lines and between structures
6. North orientation
7. Scale
8. Access from adjacent street/road
9. All utility locations (i.e. electrical, plumbing)

10. Name and telephone number of person(s) preparing plan
11. Location of known hazard areas, if any

12. Assessor's Parcel Number, legal description and property size
13. Must show all easements, rights-of-way, etc.
14. Parking areas
15. Drainage
16. Must show proposed lot line adjustment. This line must be shown as dashed and labeled proposed Lot Line. Dimension of existing and proposed lines must be shown.

§ 90807.03 APPLICATION PROCEDURE

Every application submitted shall be deemed "received" on the date of submittal and shall be signed and dated by the Department staff. The Department shall within a maximum of thirty (30) days from receipt determine whether an application is complete or incomplete. Any application deemed complete shall be reviewed, processed by staff, and scheduled for the next hearing body as applicable under this Division.

Any application deemed incomplete shall be returned to the applicant with a written letter of transmittal, explaining the reasons for the rejection.

A re-submittal of a rejected application shall be deemed the equivalent of a new application and all procedures and time frames shall be as a new application.

Under no conditions shall the Department accept an incomplete application and commence processing it, unless and until all necessary information and supporting documentation is provided.

Failure of an applicant to submit the correct fees shall constitute an immediate rejection without further review.

The Planning Director shall conduct a public hearing and approve or deny the lot line adjustment based on consistency with the following determination if the application is categorically exempt under CEQA, or if further environmental documentation is required.

- A. Whether the lot line adjustment conforms to State law and County Ordinances,
- B. The lot line adjustment is consistent with County Zoning and Building law,
- C. That the lot line adjustment is not a re-subdivision pursuant to Government Code, Section 66499.20,
- D. That the lot line adjustment does not create any new lots or parcels or delete any lots or parcels,
- E. Determine what CEQA documentation is necessary to be filed for the applicants,
- F. Determine what conditions are necessary for compliance with Land Use Ordinance, and to facilitate the relocation of existing utilities, infrastructure, easements or improvements.

§ 90807.04 HEARING SCHEDULING

The Department shall schedule the lot line adjustment for Planning Director Action by allowing adequate review time for staff and responsible departments/agencies, yet within time limits established by law. Under no circumstances shall a project be heard by the Planning Director without all required noticing having been provided.

§ 90807.05 NOTICING (PUBLIC/APPLICANT)

The Department shall strictly adhere to the following noticing requirement.

Refer to Division 1, Chapter 4, Section 90104.03.

§ 90807.06 FINAL DECISIONS

Any decision made by a hearing body (Planning Director, Planning Commission, and/or Board of Supervisors) shall be deemed a final decision unless appealed to the next administrative hearing body as provided under Section 90101.10. No hearing body shall be allowed to re-hear or re-consider its decision, except as provided for under Section 90101.10.

§ 90807.07 APPEAL FROM PLANNING DIRECTOR ACTION ON LOT LINE ADJUSTMENTS

Upon the filing of an appeal from the Director's decision, the Director shall then schedule a hearing on the issue before the Planning Commission, at the next regularly scheduled meeting for which noticing requirements can be met. A decision of the Director on lot line adjustments shall not be appealable to the Board of Supervisors and must be heard by the Planning Commission.

Any person may appeal the decision of the Planning Director on a lot line adjustment provided such an appeal meets the following requirements:

- A. A written appeal is filed within ten (10) calendar days from the Planning Director's decision on land use projects or decisions.
- B. The appeal is filed with the Planning & Development Services Department.
- C. The requisite fees are included.
- D. The written appeal clearly states the following:
 - 1. Name of person(s) filing appeal
 - 2. Address & phone number of person(s) filing
 - 3. Project/decision being appealed
 - 4. Reason for filing appeal
 - 5. Facts, condition(s), information, error, or other specifics to warrant appeal
 - 6. Prior effort(s) made to arrive at acceptable solution if any
 - 7. Action being requested (i.e. deny project, approve project, modify conditions, etc.)
 - 8. Signature of applicant.

The Planning Commission's decision is final with no further appeal.

§ 90807.08 FINAL ACTION

Upon compliance with all conditions of approval and submittal and completion of all of the following, the Planning Director shall record a Lot Line Adjustment Certificate of Compliance.

- 1. Full legal description and closure sheets acceptable to the Planning & Development Services Department stamped and signed by a California Licensed Land Surveyor or a California Registered Civil Engineer (licensed to practice in the category of work to be performed) on plain bond paper 8 ½" x 11".
- 2. Letter of approval by the County Surveyor on the new legal description.
- 3. Current tax certificate issued.
- 4. Recording fees.
- 5. A Record of Survey shall be required pursuant to Section 8762 of the Business and Professions Code if monuments are set at the new lot lines, unless the boundary is monumented as part of

a land division with a recorded map.

TITLE 9

DIVISION 8: SUBDIVISION ORDINANCE

CHAPTER 8: LOT MERGERS INITIATED BY PROPERTY OWNER

- § 90808.00 PURPOSE
- § 90808.01 APPLICATION
- § 90808.02 SITE PLAN
- § 90808.03 APPLICATION PROCEDURE
- § 90808.04 HEARING SCHEDULING
- § 90808.05 NOTICING (PUBLIC/APPLICANT)
- § 90808.06 FINAL DECISIONS
- § 90808.07 APPEAL FROM PLANNING DIRECTOR ACTION ON LOT MERGERS
- § 90808.08 FINAL ACTION

§ 90808.00 PURPOSE

The purpose of this Chapter is to establish procedures for the processing of Lot Merger applications initiated by the record property owner. Merger can only be considered where:

- A. All the lots or parcels are contiguous.
- B. The lots or parcels were created by a parcel map or tract map in compliance with the Subdivision Map Act and Imperial County Ordinance at the time of creation, or were legal lots prior to enactment of the Subdivision Map Act.
- C. The lots or parcels cannot be separated by or affected by an easement, right-of-way, road, alley or canal (including public utility easements).
- D. Affect or restrict any access to lots or parcels.

§ 90808.01 APPLICATION

A written application (form provided by the Planning & Development Services Department) for a lot merger as defined in Chapter 1 of this Division shall be made to the Planning & Development Services Department. The applications shall be accompanied by the fee as required in this Title.

§ 90808.02 SITE PLAN

Every application for a lot merger shall include a detailed "site plan". The site plan shall include such information deemed necessary by the Planning & Development Services Department, and at a minimum shall include the following:

- 1. Must show the entirety of all parcels and all property boundary lines
- 2. All property boundary dimensions
- 3. All existing structures (below & above ground)
- 4. All proposed structures (below and above ground)
- 5. Distance from all structures to property lines and between structures
- 6. North orientation
- 7. Scale
- 8. Access from adjacent street/road

9. All utility locations (i.e. electrical, plumbing)
10. Name and telephone number of person(s) preparing plan
11. Location of known hazard areas, if any

12. Assessor's Parcel Number, legal description and property size
13. Must show all easements, rights-of-way, etc.
14. Parking areas
15. Drainage
16. Must show proposed property line to be removed. These lines must be shown as dashed and labeled to be removed.

§ 90808.03 APPLICATION PROCEDURE

Every application submitted shall be deemed "received" on the date of submittal and shall be signed and dated by the Department staff. The Department shall within a maximum of thirty (30) days from receipt determine whether an application is complete or incomplete. Any application deemed complete shall be reviewed, processed by staff, and scheduled for the next hearing body as applicable under this Division.

Any application deemed incomplete shall be returned to the applicant with a written letter of transmittal, explaining the reasons for the rejection.

A re-submittal of a rejected application shall be deemed the equivalent of a new application and all procedures and time frames shall be as a new application.

Under no conditions shall the Department accept an incomplete application and commence processing it, unless and until all necessary information and supporting documentation is provided.

Failure of an applicant to submit the correct fees shall constitute an immediate rejection without further review.

The Planning Director shall conduct a public hearing and approve or deny the lot merger based on consistency with the following determination if the application is categorically exempt under CEQA, or if further environmental documentation is required.

- A. All the lots or parcels are contiguous.
- B. Whether the lot merger conforms to State law and County Ordinance.
- C. The lot merger is between lots or parcels that were created by a parcel or tract map consistent with the Subdivision Map Act and County Ordinance in effect at the time they were created.
- D. The lots or parcels are not separated or effected by any easement, right-of-way, road, alley or canal (including public utility easements).
- E. The parcel as merged will not be deprived access as a result of the merger.
- F. Access to the adjoining parcels will not be restricted by the merger.
- G. The parcel as merged will not conflict with the location of any existing structures on the property.
- H. No new lot lots are created through the merger.

§ 90808.04 HEARING SCHEDULING

The Department shall schedule the lot merger for Planning Director Action by allowing adequate review time for staff and responsible departments/agencies, yet within time limits established by law. Under no circumstances shall a project be heard by the Planning Director without all required noticing having been provided.

§ 90808.05 NOTICING (PUBLIC/APPLICANT)

The Department shall strictly adhere to the following noticing requirement.

Refer to Division 1, Chapter 4, Section 90104.03.

§ 90808.06 FINAL DECISIONS

Any decision made by a hearing body (Planning Director, Planning Commission, and/or Board of Supervisors) shall be deemed a final decision unless appealed to the next administrative hearing body as provided under Section 90101.10. No hearing body shall be allowed to re-hear or re-consider its decision, except as provided for under Section 90101.10.

§ 90808.07 APPEAL FROM PLANNING DIRECTOR ACTION ON LOT MERGERS

Upon the filing of an appeal from the Director's decision, the Director shall then schedule a hearing on the issue before the Planning Commission, at the next regularly scheduled meeting for which noticing requirements can be met. A decision of the Director on lot mergers shall not be appealable to the Board of Supervisors and must be heard by the Planning Commission.

Any person may appeal the decision of the Planning Director on a lot merger provided such an appeal meets the following requirements:

- A. A written appeal is filed within ten (10) calendar days from the Planning Directors decision on lot merger.
- B. The appeal is filed with the Planning & Development Services Department.
- C. The requisite fees are included.
- D. The written appeal clearly states the following:
 1. Name of person(s) filing appeal
 2. Address & phone number of person(s) filing
 3. Project/decision being appealed
 4. Reason for filing appeal
 5. Facts, condition(s), information, error, or other specifics to warrant appeal
 6. Prior effort(s) made to arrive at acceptable solution, if any
 7. Action being requested (i.e. deny project, approve project, modify conditions, etc.)
 8. Signature of applicant.

The Planning Commission's decision is final with no further appeal.

§ 90808.08 FINAL ACTION

Upon compliance with all conditions of approval and submittal and completion of all of the following, the Planning Director shall record a Lot Merger Certificate of Compliance.

1. Full legal description and closure sheets acceptable to the Planning Department stamped and signed by a California Licensed Land Surveyor or a California Registered Civil Engineer (licensed to practice in the category of work to be performed) on plain bond paper 8 ½" x 11".
2. Letter of approval by the County Surveyor on the new legal description.
3. Current tax certificate issued.

4. Recording fees.

TITLE 9

DIVISION 8: SUBDIVISION ORDINANCE

CHAPTER 9: LOT MERGER INITIATED BY THE COUNTY

§ 90809.00	LOT MERGERS/PROCEDURES
§ 90809.01	NOTICE OF INTENTION TO DETERMINE STATUS
§ 90809.02	HEARING ON DETERMINATION OF STATUS
§ 90809.03	DETERMINATION OF MERGER
§ 90809.04	APPEALS TO THE PLANNING COMMISSION
§ 90809.05	DETERMINATION WHEN NO HEARING IS REQUESTED

§ 90809.00 LOT MERGERS/PROCEDURES

Two or more contiguous parcels or units held by the same owner shall be considered merged if one (1) of the parcels or units does not conform to the minimum parcel or lot size required by this Division and if all the following requirements are satisfied:

- A. The lots or parcels are not in an urban planned or urban zoned area.
- B. At least one of the affected parcels is undeveloped by any structure for which a building permit was issued, and for which a building permit was not required at the time of construction, or is developed only with an accessory structure or accessory structures.
- C. With respect to affected parcels, one (1) or more of the following conditions must exist:
 - 1. Comprises less than 6,000 square feet in area (or in an agricultural zone, less than 40 acres) or is less than the minimum parcel size required for the existing zone.
 - 2. Was not created in compliance with applicable laws and ordinances in effect of the time of its creation.
 - 3. Does not meet the current standards for sewer and domestic water supply.
 - 4. Does not meet the slopes stability standards.
 - 5. Has no legal or physical access which is adequate for vehicle and safety equipment access and movability.
 - 6. Development could create a health or safety hazard.
 - 7. Is inconsistent with the General Plan any applicable specific plan other than the minimum lot size or density standards.
- D. For purposes of determining whether contiguous parcels are held by the same owner, ownership shall be determined as the date that the notice of intention to determine status is recorded pursuant to this Division.
- E. Subsection (C) shall not apply if any of the conditions provided in Government Code, Section 66451.11 (b), (A), (B), (C), or (D) exist.

§ 90809.01 NOTICE OF INTENTION TO DETERMINE STATUS

Prior to recording a Notice of Merger, the Planning & Development Services Department shall mail, by certified mail, a NOTICE OF INTENTION TO DETERMINE STATUS to the current record owner of the property. The notice shall state that the affected parcel may be merged pursuant to this Section, that, within thirty (30) days from the date NOTICE OF INTENTION was recorded, the owner may request a hearing

before the Planning Director to present evidence that the property does not meet the criteria for merger. The NOTICE OF INTENTION TO DETERMINE STATUS shall be filed for record with the County Recorder by the Planning & Development Services Department on the same day that the notice is mailed to the property owner.

§ 90809.02 HEARING ON DETERMINATION OF STATUS

The owner of the affected property may file a written request for a hearing with the Planning & Development Services Department within thirty (30) days after recording the NOTICE OF INTENTION TO DETERMINE THE STATUS. Upon receipt of the request, the Department shall set a time, date and a place for the hearing before the Planning Director and notify the owner by certified mail. The hearing shall be conducted within sixty (60) days following the receipt of the owner's request, and may be postponed or continued by mutual consent of the Planning Director and the property owner. At the hearing, the property owner shall be given the opportunity to present any evidence that the affected property does not meet the requirement for merger specified in this Division.

At the conclusion of the hearing, the Planning Director shall determine whether the affected parcels are merged or are not to be merged and shall notify the owner of the determination. The NOTICE OF DETERMINATION shall be mailed to the property owner by the Department within five (5) days of the date of the hearing.

§ 90809.03 DETERMINATION OF MERGER

If the Planning Director reaches the determination that the parcels are to be merged, a NOTICE OF MERGER shall be filed for record with the County Recorder by the Planning & Development Services Department within thirty (30) days of the conclusion of the hearing, unless a decision has been appealed pursuant to this Division. The NOTICE OF MERGER shall specify the name and record owner and the description of property, assessor's parcel number, and address. The NOTICE OF MERGER under this Section shall be in the form approved by the Planning Director and shall be approved by the Planning Director prior to being filed for record with the County Recorder.

If the Planning Director makes determination that the parcels shall not be merged, a release of NOTICE OF INTENTION TO DETERMINE STATUS shall be filed for record with the County Recorder by the Planning & Development Services Department within thirty (30) days after the Planning Commission's determination, and a clearance letter shall be mailed to the owner by the Planning & Development Services Department.

§ 90809.04 APPEALS TO THE PLANNING COMMISSION

The determination of the Planning Director may be appealed to the Planning Commission within ten (10) calendar days of the date of mailing the NOTICE OF DETERMINATION. The Planning Commission shall hear the appeal within sixty (60) days from the date of the appeal. If after the hearing the Planning Commission grants the appeals and determines that the affected parcels have not been merged pursuant to this Section, the Planning & Development Services Department shall within thirty (30) days after the Planning Commission's determination, file for record with the County Recorder a release a NOTICE OF INTENTION TO DETERMINE STATUS and mail a clearance letter to the owner.

§ 90809.05 DETERMINATION WHEN NO HEARING IS REQUESTED

If the property owner does not file a request for hearing within thirty (30) days after recording of the NOTICE OF INTENTION TO DETERMINE STATUS the Planning & Development Services Department may at any time there after make a determination that the parcels are or are not to be merged. If they are to be merged, a notice of merger shall be recorded within ninety (90) days after the mailing of the NOTICE OF INTENTION TO DETERMINE STATUS.

TITLE 9

DIVISION 8: SUBDIVISION ORDINANCE

CHAPTER 10: REVERSION TO ACREAGE

§ 90810.00	REVERSION TO ACREAGE BY PARCEL MAP OR FINAL MAP
§ 90810.01	INITIATION OF PROCEEDINGS BY OWNERS
§ 90810.02	INITIATION OF PROCEEDINGS BY BOARD OF SUPERVISORS
§ 90810.03	DATA FOR REVERSION TO ACREAGE
§ 90810.04	HEARING PROCESS
§ 90810.05	RETURN OF FEES, DEPOSITS, RELEASE OF SECURITIES
§ 90810.06	DELIVERY OF PARCEL MAP OR FINAL MAP
§ 90810.07	EFFECT OF FILING REVERSION MAP WITH THE COUNTY RECORDER

§ 90810.00 REVERSIONS TO ACREAGE BY PARCEL MAP OR FINAL MAP

Subdivided property may be reverted to acreage pursuant to provisions of this Chapter.

§ 90810.01 INITIATION OF PROCEEDINGS BY OWNERS

Proceedings to revert subdivided property to acreage may be initiated by petition of all of the owners of record of the property. The petition shall be in a form prescribed by the Public Works Director. The petition shall contain the information required by Section 90810.03 and such other information as required by the Public Works Director.

§ 90810.02 INITIATION OF PROCEEDINGS BY BOARD OF SUPERVISORS

The Board of Supervisors on its own motion may by resolution initiate proceedings to revert property to acreage. The Board of Supervisors shall direct the Public Works Director to obtain the necessary information to initiate and conduct the proceedings.

§ 90810.03 DATA FOR REVERSION TO ACREAGE

Petitioners shall file the following:

- A. Evidence of title to the real property and Preliminary Title Report (not more than six (6) months since issuance);
- B. Evidence of the consent of all of the owners of an interest in the property;
- C. Evidence that none of the improvements required to be made or have been made within two (2) years from the date the final map or parcel map was filed for record, or within the time allowed by agreement, for completion of the improvements, whichever is later;
- D. Evidence that no lots shown on the final map or parcel map have been sold within five (5) years from the date such final map was filed for record;
- E. A tentative map in the form prescribed by Chapter 3 of this Division;
- F. Applicable applications for minor subdivision or major subdivision as prescribed in Chapter 5 and 6 of

this Division;

- G. A parcel map or final map in the form prescribed by Chapters 5 and 6 of this Division which delineates dedications which will not be vacated and dedications required as a condition to reversion.

H. Applicable fees.

§ 90810.04 HEARING PROCESS

Hearing process as prescribed in Chapter 5 and 6 of this Division for minor subdivision or major subdivisions along with the process for the approval of a parcel map or tract map. All reversions to acreage must be heard by the Board of Supervisors.

The Board of Supervisors may approve a reversion to acreage only if it finds and records in writing that:

- A. Dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes and;
- B. Either:
 - 1. All owners of an interest in the real property within the subdivision have consented to reversion; or
 - 2. None of the improvements required to be made have been made within two (2) years from the date the final or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is later; or
 - 3. No lots shown on the parcel map or final map have been sold within five (5) years from the date such map was filed for record.
- C. The Board of Supervisors may require the following as conditions of reversion:
 - 1. The owners dedicate or offer to dedicate streets or easements.
 - 2. The retention of all or a portion of previously paid subdivision fees, deposits or improvement securities if the same are necessary to accomplish any of the provisions of this Division.

§ 90810.05 RETURN OF FEES, DEPOSITS, RELEASE OF SECURITIES

Upon filing of the parcel map or final map for reversion of acreage with the County Recorder, all fees and deposits for improvements shall be returned to the subdivider, and all improvement securities shall be released by the Board of Supervisors.

§ 90810.06 DELIVERY OF PARCEL MAP OR FINAL MAP

After the hearing before the Board of Supervisors and approval of the reversion, the parcel map or final map shall be delivered to the County Recorder.

§ 90810.07 EFFECT OF FILING REVERSION MAP WITH THE COUNTY RECORDER

Reversion shall be effective upon the parcel map or final map being filed for record by the County Recorder. Upon filing, all dedication and offers of dedication not shown on the parcel map or final map for reversion shall be no longer in force and effect.

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TITLE

DIVISION 8: SUBDIVISION
ORDINANCE

§ 90811.00 COUNTY SURVEYOR
§ 90811.01 FILING REQUIREMENTS

§ 90811.00 COUNTY SURVEYOR

Pursuant to Section 27550 of the Government Code of the State of California, the County Surveyor shall be appointed by the Board of Supervisors of the County of Imperial and shall serve at the pleasure of the Board. Pursuant to the provisions of Section 23200 of Chapter 2 of Division 3 of Title 2 of the Codified Ordinances of the County of Imperial, the Board of Supervisors has appointed the Director of Public Works as the County Surveyor. The County Surveyor shall have those powers, duties, and responsibilities set forth as Article 1, Chapter 11, Division 2, of Title 3 and Division 3 of Title 7 of the Government Code of the State of California and in Article 5, Chapter 15, Division 3 of the Business and Professional Code of the State of California.

§ 90811.01 FILING REQUIREMENTS

Except where not required pursuant to Section 8765 of the Business and Professional Code of the State of California, within 90 days after the establishment of points or lines the licensed land surveyor or registered civil engineer shall file with the County Surveyor for the County of Imperial a record of survey relating to land boundaries or property lines as required by Section 8762 of the Business and Professions Code of the State of California.

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TITLE 9

DIVISION 8: SUBDIVISION ORDINANCE

CHAPTER 12: ENFORCEMENT - PENALTY - CERTIFICATES OF COMPLIANCE

§ 90812.00	ENFORCEMENT
§ 90812.01	NOTICE OF VIOLATION
§ 90812.02	UNAUTHORIZED DEVELOPMENT, PERMITS AND APPROVALS WITHHELD FOR ILLEGAL SUBDIVISIONS
§ 90812.03	BUILDING PERMIT APPLICATIONS TO BE REVIEWED FOR COMPLIANCE
§ 90812.04	INSPECTION OF BUILDING PERMIT FOR SUBDIVISION VIOLATION
§ 90812.05	CERTIFICATES OF COMPLIANCE
§ 90812.06	FINDING NECESSARY PRIOR TO ISSUANCE OF CERTIFICATES OF COMPLIANCE
§ 90812.07	NECESSARY CONSIDERATIONS PRIOR TO ISSUANCE OF CERTIFICATE OF COMPLIANCE
§ 90812.08	AUTHORITY OF THE PLANNING DIRECTOR
§ 90812.09	APPLICATION
§ 90812.10	ADMINISTRATIVE PROCESS BY DIRECTOR
§ 90812.11	FINAL DECISION
§ 90812.12	APPEAL FROM PLANNING DIRECTOR DETERMINATION
§ 90812.13	FINAL ACTION

§ 90812.00 ENFORCEMENT

Whenever the public informs the County or the County Assessor or the head of any other County department finds that the provisions of this Division or the Subdivision Map Act have been violated, he/she shall report such violation to the Public Works Director and the Planning Director. It shall be the duty of said Planning Director to investigate such report and enforce the provisions of this Division and the Subdivision Map Act.

§ 90812.01 NOTICE OF VIOLATION

Whenever the Planning Director has knowledge that real property has been divided, or has resulted from division, in violation of the provisions of the Subdivision Map Act or County Ordinances enacted pursuant thereto applicable at the time such violation occurred, he/she shall cause to be filed for record with the County Recorder a notice of violation. Such notice of violation, when recorded, shall be deemed to be constructive notice of the violation to all successors in interest in such real property.

§ 90812.02 UNAUTHORIZED DEVELOPMENT, PERMITS AND APPROVALS WITHHELD FOR ILLEGAL SUBDIVISIONS

- A. No person shall convey any parcel or parcels of real property nor shall any permits be issued nor any construction commenced upon property for which a subdivision map is required by this Division or the Subdivision Map Act, until such map thereof in full compliance with the provisions of this Division and the Subdivision Map Act has been filed for record by the County Recorder.
- B. Conveyance of any part of a division of real property for which a final or parcel map is required by this Division or the Subdivision Map Act shall not be made by parcel or block number, initial or other designation, unless such map has been filed for record by the County Recorder.

§ 90812.03 BUILDING PERMIT APPLICATIONS TO BE REVIEWED FOR COMPLIANCE

Whenever any person submits an application to the Planning & Development Services Department for a building permit, the application together with the plot plan shall be reviewed for determination as to whether such proposed construction would create a subdivision. The Department shall not issue any building permit

for such proposed construction until it is determined that the proposed construction would not constitute a violation of the Subdivision Map Act or this Division.

§ 90812.04 INSPECTION OF BUILDING PERMIT FOR SUBDIVISION VIOLATION

Upon review if it is determined that a permit or approval is being sought to develop real property which has been divided or which has resulted from a division in violation of the Subdivision Map Act or the Subdivision Map Ordinance, or upon receipt of a written request for a determination from the owner of such real property, the Planning Director, or an appeal, the Planning Commission shall determine whether such real property is or is not approved for development, and shall so inform the owner thereof and the provisions under Section 90812.07.

§ 90812.05 CERTIFICATES OF COMPLIANCE

Any owner of real property may request in writing that the Planning Director make a determination whether such real property complies with applicable provisions of the Subdivision Map Act and Subdivision Map Ordinance.

§ 90812.06 FINDING NECESSARY PRIOR TO ISSUANCE OF CERTIFICATE OF COMPLIANCE

Prior to issuing a Certificate of Compliance or Conditional Certificate of Compliance the Planning Director or the Planning Commission shall make the findings required in Section 90805.07 of this Division and shall deny the issuance of said Certificate of Compliance if any such findings are in the negative.

§ 90812.07 NECESSARY CONSIDERATIONS PRIOR TO ISSUANCE OF CERTIFICATE OF COMPLIANCE

Subject to the provisions contained in Section 90812.05 of this Division in determining whether the approval or conditional approval should be granted for development of real property divided or resulting from a division in violation of the Subdivision Map Act or the Subdivision Map Ordinance, the Planning Director shall consider:

- A. Whether the owner of the real property can rescind the agreement by which he/she acquired the real property and recover the consideration paid therefore.
- B. Whether the real property meets the requirements of the applicable zoning regulations.
- C. Whether the real property is served by a public sewer or is approved by the Health Department for installation of a sewage disposal system in accordance with the Septic Tank Ordinance.
- D. Whether the real property has a potable water supply satisfactory to the Public Health Officer.
- E. Whether the real property has legal and physical access to a County maintained road.
- F. Whether the current owner would have been required to dedicate land for any public purpose or construct or install any improvements pursuant to the terms of the Subdivision Map Act or the Subdivision Ordinance had the subdivision by which said real property was created been submitted for approval at the time the current owner acquired the property.

§ 90812.08 AUTHORITY OF THE PLANNING DIRECTOR

The Planning Director is hereby granted authority to investigate all requests in the form of an application for determination under this Division.

§ 90812.09 APPLICATION

A written application (form provided by Planning & Development Services Department) for a Certificate of Compliance shall be filed with the Department, accompanied by all information required along with requisite fee as required in this Title, a title trace of the parcels origin, a Title Report, a site plan and any other information the Department deems necessary.

Applications: (General)

1. Property owners name, address and telephone number
2. Legal description
3. Assessor's Parcel Number(s)
4. Specific explanation of requested action, i.e. detailed project description
5. Signature of applicant; and if not property owner, signature of owner(s) or an Owner's Affidavit
6. Preliminary Title Report not more than six (6) months old
7. Any supporting documentation necessary for staff to adequately review request
8. Title trace of parcel(s) origin
9. Each parcel application must be accompanied by a fee as set forth in this Title for each parcel to be certified. No Certificate of Compliance application proposing the certification of multiple lots will be accepted unless submitted in conjunction with a lot merger, lot line adjustment or waived parcel map.

A. Site Plan:

Every application for determination under this Section shall include a detailed "site plan". The site plan shall include such information deemed necessary by the Planning & Development Services Department, and at a minimum shall include the following:

1. All property boundary lines
2. All property boundary dimensions
3. All existing structures (below and above ground)
4. All proposed structures (below and above ground)
5. Distance from all structures to property lines and between structures
6. North orientation
7. Scale
8. Legal and physical access from adjacent street/road
9. All utility locations (i.e. electrical/plumbing)
10. Name and telephone number of person(s) preparing plan
11. Location of known hazard areas, if any
12. Assessor's Parcel Number
13. Public use easement, if any
14. Parking
15. Drainage

The site plan shall be drawn upon substantial paper (11"x14" minimum) using black ink. "Blue print", and one-piece xerox copies are acceptable. The Department shall reject any site plan that is incomplete, inaccurate, illegible or otherwise not acceptable.

§ 90812.10 ADMINISTRATIVE PROCESS BY DIRECTOR

Within thirty (30) days of receipt, the application shall either be deemed complete or be returned in writing to applicant if deemed incomplete. Within ten (10) working days from the date the application is deemed complete, the Department will consult with the Department of Public Works, and Fire/OES Department and other applicable departments. Within thirty (30) days from the date the application was deemed complete. The Planning Director shall determine the following:

- A. If the real property was divided in compliance with the provisions of the Subdivision Map Act and County Ordinances that were applicable at the time the property was divided, he/she shall cause a Certificate of Compliance to be filed for record with the County Recorder.
- B. If the property was divided in violation of the Subdivision Map Act or this ordinance, but that a proposed development may be approved as being not contrary to the public health, welfare or safety, a Certificate of Compliance may be issued by the Planning Director contingent upon the completion of specified conditions. Such conditions as would have been applicable to the division of the property at the time that the current owner of record acquired the property.

§ 90812.11 FINAL DECISION

Any decision made by a hearing body (Planning Director or Planning Commission) shall be deemed a final decision.

§ 90812.12 APPEAL FROM PLANNING DIRECTOR DETERMINATION

Upon the filing of an appeal from the Director's decision, the Director shall then schedule a hearing on the issue before the Planning Commission, at the next regularly scheduled meeting for which noticing requirements can be met. A decision of the Director on the Certificate of Compliance shall not be appealable to the Board of Supervisors and must be heard by the Planning Commission.

Any person may appeal the decision of the Planning Director provided such an appeal meets the following requirements:

- A. A written appeal is filed within ten (10) calendar days from the Planning Director's decision on the Certificate of Compliance.
- B. The appeal is filed with the Planning & Development Services Department.
- C. The requisite fees are included.
- D. The written appeal clearly states the following:
 - 1. Name of person(s) filing appeal
 - 2. Address and phone number of person(s) filing
 - 3. Project/decision being appealed
 - 4. Reason for filing appeal
 - 5. Facts, condition(s), information, error, or other specifics to warrant appeal
 - 6. Prior effect(s) made to arrive at acceptable solution if any
 - 7. Action being requested (i.e. deny project, approve project, modify conditions, etc.)
 - 8. Signature of applicant

The Planning Commission's decision is final with no further appeal.

§ 90812.13 FINAL ACTION

Upon compliance with all conditions of approval and submittal and completion of all of the following, the Planning Director shall record a Certificate of Compliance.

- 1. Full legal description and closure sheets acceptable to the Planning & Development Services Department stamped and signed by a California Licensed Land Surveyor or a California Registered Civil Engineer (licensed to practice in the category of work to be performed) on plain

bond paper 8 ½" x 11".

2. Letter of approval by the County Surveyor on the new legal description.
3. Current tax certificate issued.
4. Recording fees.

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SECTION 1: Chapters 1 through 11 (Sections 91001.00 through 91011.06) of Division 10 of Title 9 of the Codified Ordinance of the County of Imperial is hereby enacted rescinded.

SECTION 2 Chapters 1 through 11 (Sections 91001.00 through 91011.06) of Division 10 of Title 9 of the Codified Ordinance of the County of Imperial is hereby re-enacted to read as follows:

TITLE 9

DIVISION 10: BUILDING & GRADING REGULATIONS

- [CHAPTER 1: TITLE, PURPOSE, AND DEFINITIONS](#)
- [CHAPTER 2: GENERAL PROVISIONS](#)
- [CHAPTER 3: CALIFORNIA BUILDING CODE](#)
- [CHAPTER 4: CALIFORNIA PLUMBING CODE](#)
- [CHAPTER 5: CALIFORNIA ELECTRICAL CODE](#)
- [CHAPTER 6: CALIFORNIA RESIDENTIAL CODE](#)
- [CHAPTER 7: CALIFORNIA MECHANICAL CODE](#)
- [CHAPTER 8: UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS](#)
- [CHAPTER 9: INTERNATIONAL ZONING CODE](#)
- [CHAPTER 10: PHOTOVOLTAIC SOLAR PROJECTS](#)
- [CHAPTER 11: GRADING REGULATIONS](#)

CHAPTER 1: TITLE, PURPOSE AND DEFINITIONS

- § 91001.00 TITLE
- § 91001.01 PURPOSE
- § 91001.02 DEFINITIONS

§ 91001.00 TITLE

This Division (Title 9, Division 10 inclusive) shall be known and may be referred to in all proceedings, actions, and transactions, as the "IMPERIAL COUNTY BUILDING & GRADING REGULATIONS". These regulations, as referred to herein, are contained in the official compilation and publication of the adoption, amendment and repeal of building regulations to the California Code of Regulations, Title 24, also referred to as the California Building Standards Code comprised of twelve parts as follows: Part 1- Administrative Code; Part 2-Building Code; Part 2.5_ Residential Code; Part 3- Electrical Code; Part 4- Mechanical Code; Part 5-Plumbing Code; Part 6- Energy Code; Part 7- (no longer published in Title 24) Industrial Safety Standards; Part 9 Fire Code; Part 10; Existing Building Code; (Also includes Part 8 – Historical Building Code & Part 12 Reference Standards Code)) and Part 11 Green Building Code.

§

91001.01 PURPOSE

The provisions in this Division shall be liberally construed and applied to promote its intent which is:

- A. To provide minimum standards to safeguard life, health, and property by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and/or structures within the unincorporated areas of Imperial County.
- B. To encourage and instruct the public to build safely and economically.

Words and/or phrases not specifically defined herein or within any of the referenced codes or within Division 14 shall have the meaning as defined in Webster's Dictionary.

In addition to the definitions specified in any of the Codes adopted by this Division, or within Division 14, whenever the following names, terms or phrases are used herein, or in any of said codes, such names, terms or phrases shall have the meaning ascribed to them as follows:

- A. "Administrative Authority" shall mean the Building Official as designated by this Division.
- B. "Appointing Authority" shall mean the Board of Supervisors of Imperial County.
- C. "City Attorney" shall mean the County Counsel of Imperial County.
- D. "City Council" shall mean the Board of Supervisors of Imperial County.
- E. "City" shall mean the unincorporated areas of Imperial County.
- F. "Chief of the Fire Department" shall mean the Imperial County Fire Marshal, or such other person designated from time to time by the Board of Supervisors, having charge of, and responsibility for fire protection in the unincorporated areas of Imperial County.
- G. "Habitable Space" shall mean space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage, garages, shade structures, patios, utility spaces and/or similar areas, are not considered habitable space.
- H. "Mayor" shall mean the Chairman of the Board of Supervisors of Imperial County.
- I. "Municipality" shall mean the Imperial County as a political entity.
- J. "State" shall mean the State of California.
- K. "Person" shall mean any person, firm, business, partnership, corporation or association.

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TITLE 9

DIVISION 10: BUILDING & GRADING REGULATIONS

CHAPTER 2: GENERAL PROVISIONS

- § 91002.00 BUILDING AND SAFETY DIVISION OF THE COUNTY PLANNING & DEVELOPMENT SERVICES DEPARTMENT
- § 91002.01 PLANNING DIRECTOR DESIGNATED AS THE BUILDING OFFICIAL
- § 91002.02 INTERFERENCE WITH BUILDING OFFICIAL
- § 91002.03 DUTIES OF THE BUILDING OFFICIAL
- § 91002.04 RIGHT OF ENTRY
- § 91002.05 DANGEROUS, INSANITARY AND UNLAWFUL CONSTRUCTION
- § 91002.06 PERMIT REQUIRED
- § 91002.07 DEMOLITION PERMIT FEE REFUND
- § 91002.08 PARCEL REQUIRED TO BE MARKED (STAKING)
- § 91002.09 TEMPORARY SANITATION FACILITIES
- § 91002.10 WASTE COLLECTION AND DISPOSAL
- § 91002.11 APPLICATIONS FOR PERMIT
- § 91002.12 COMPLIANCE WITH TITLE 9 OF THE CODIFIED ORDINANCE OF THE COUNTY OF IMPERIAL
- § 91002.13 PERMIT FEES
- § 91002.14 EMERGENCY WORK
- § 91002.15 FEE REFUNDS
- § 91002.16 EXPIRATION OF PERMITS
- § 91002.17 FEE FOR ISSUANCE OF RENEWAL OF EXPIRED PERMITS
- § 91002.18 BOARD OF APPEALS
- § 91002.19 APPEALS
- § 91002.20 APPEALS TO THE BOARD OF SUPERVISORS
- § 91002.21 NON-LIABILITY OF COUNTY OFFICERS AND EMPLOYEES
- § 91002.22 BUILDINGS AND STRUCTURES TO WHICH THIS DIVISION IS NOT APPLICABLE
- § 91002.23 LOCATION OF UNIFORM CODES / CALIFORNIA CODES
- § 91002.24 CONFLICT WITH STATE LAW
- § 91002.25 OWNER CONSTRUCTION
- § 91002.26 PREFABRICATED BUILDING
- § 91002.27 SHADE STRUCTURES
- § 91002.28 CLOTHES, WASHER AND DRYER PROTECTION
- § 91002.29 CARGO CONTAINERS
- § 91002.30 SPECIAL REQUIREMENTS FOR GEOLOGIC HAZARD ZONE
- § 91002.31 FEES
- § 91002.32 VIOLATIONS AND PENALTIES
- § 91002.33 CITATIONS
- § 91002.34 CERTIFICATE OF OCCUPANCY
- § 91002.35 VECTOR TREATMENT
- § 91002.36 SEPARATION WALLS
- § 91002.37 FOUNDATION PATES OR SILLS
- § 91002.38 INSTALLATION TEST (MH-UNIT/COMMERCIAL MODULAR)

§ 91002.39 AIR CONDITIONING REQUIREMENTS § 91002.40 APPLYING
BUILDING CODES TO TINY HOMES

§ 91002.00 BUILDING AND SAFETY DIVISION OF THE COUNTY PLANNING & DEVELOPMENT SERVICES DEPARTMENT

There is hereby established in the County of Imperial the "BUILDING AND SAFETY DIVISION", which is a division of the Planning & Development Services Department and which shall be under the jurisdiction of the Imperial County Planning Director.

§ 91002.01 PLANNING DIRECTOR DESIGNATED AS THE BUILDING OFFICIAL

The Planning Director is hereby designated by the Board of Supervisors as the Building Official and is authorized and directed to enforce the provisions of this Division and is further charged with enforcement of the provisions contained in Part 1.5 of Division 13 of the Health and Safety Code of the State of California, and any other State or Federally mandated requirement pertaining to land use and development. The Planning Director may elect to designate a Deputy Building Official, Inspectors, and/or Assistants to assist in the duties of enforcement of the provisions contained in Part 1.5 of Division 13 of the Health and Safety Code of the State of California, and any other State or Federally mandated requirement pertaining to land use and development

§ 91002.02 INTERFERENCE WITH BUILDING OFFICIAL

No person, firm or corporation shall interfere in any way with the performance of the Building Official with respect to the enforcement of the provisions of this Division and the enforcement of the provisions contained in Part 1.5 of Division 13 of the Health and Safety Code. The Building Official shall immediately report in writing to the District Attorney and the Board of Supervisors any instance of such attempted interference.

§ 91002.03 DUTIES OF THE BUILDING OFFICIAL

The Building Official shall maintain public office hours necessary to efficiently administer the provisions of this Division, and amendments thereto, and shall perform the following duties:

- A. Require the submission of, examine and check plans and specifications, drawings, descriptions, and/or diagrams necessary to clearly show the character, kind and extent of work covered by application(s) for permit and upon approval thereof including compliance with all applicable local, state and federal laws, shall issue the requested permit, only when and if all requirements of law have been met.
- B. Keep a permanent, accurate account of all fees for permits issued and other monies collected and received as provided by this Division, the names of the persons upon whose account the same were paid, the date and amount thereof, together with the locations or premises to which they relate.
- C. Administer and fully enforce the provisions of this Division in a manner consistent with accepted public protection practice and inspect all work authorized by any permit to assure full compliance with the provisions of this Division or amendments thereto, approving or disapproving said work in whole or in part as conditions require.

- D. Issue a "Certificate of Occupancy" for work approved by the authorized Division staff, as required.
- E. Disapprove and reject all work done or being done or material(s) used or being used which do not in all respects fully comply with the provisions of this Division and amendments thereto.
- F. Order changes in workmanship and/or materials essential to obtain compliance with all provisions of this Division.
- G. Investigate any construction or work regulated by this Division and issue such appropriate notices and orders as provided in Section 91002.05 and elsewhere in this Division.
- H. Keep a complete record of all the essential transactions of this office.
- I. Transfer all fees collected by the Division to the proper authority provided by law to receive such funds.
- J. Issue orders and citations necessary to fully enforce the provisions of this Division, and assist in the prosecution thereof if necessary.

§ 91002.04 RIGHT OF ENTRY

The Building Official and all duly appointed assistant(s), deputies and/or inspectors, shall carry proper credentials and upon exhibiting the same, shall have the right of entry, during usual business hours to inspect any and all buildings and/or premises in the performances of their duties. Business hours are defined as the hours between 6:00 AM and 9:00 PM Monday through Saturday and 8:00 a.m. to 8:00 p.m. on Sunday.

§ 91002.05 DANGEROUS, INSANITARY AND UNLAWFUL CONSTRUCTION

- A. Whenever the Building Official receives a complaint or report or simply discovers that any construction, or work, or any building or any structure regulated by this Division is dangerous, unsafe, unsanitary, a nuisance or a menace to life, health or property or otherwise in violation of this Division, said Building Official shall investigate such report or complaint or condition. All reports or complaints filed with the Building Official shall be treated as confidential information.

If said investigation(s) results in a determination by the Building Official that there exists one or more violations of the regulations contained in this Division, he shall order the person using and/or maintaining and/or responsible for the use or maintenance thereof to discontinue such use and/or maintenance. The Building Official may order the supplier of gas or electricity to cease supplying the same when necessary to the preservation of life, health and/or property.

- B. Every order referred to herein shall be in writing addressed to the person responsible for maintaining such condition, which unless otherwise determined shall be the owner of the property upon which said condition or conditions exist.
- C. Refusal and/or failure to comply with any such notices or orders within a reasonable time after such notice or order has been presented by the Building Official pursuant to this section shall constitute a violation of this Division.

- D. Any official notice and/or order, and/or citation shall be mailed via certified, return receipt mail, or shall be personally served upon the property owner of record and any other person determined by the Building Official to receive such notice.

§ 91002.06 PERMIT REQUIRED

Unless otherwise provided herein, it shall be unlawful for any person, firm or corporation including local government to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building, structure or facility or to install, alter, move, repair, or replace or cause to be installed any plumbing, gas or drainage work or any fixtures or water heating equipment or electrical equipment within the unincorporated areas of the County of Imperial without first obtaining a permit to do such work from the Building Official. The permits described by this section are required in addition to any other permits required herein, or that may be required by any other law whether specified herein or not. A separate permit shall be obtained for the work herein described for each building or structure or facility wherein said work is to be performed. It shall also be unlawful and a misdemeanor to perform any such work in violation of this Ordinance or the technical standards of adopted Code.

§ 91002.07 DEMOLITION PERMIT FEE REFUND

Once the required demolition permit is obtained, the owner or applicant will be entitled to a refund of the paid fee, minus the \$15 of administrative fee, as incentive for compliance, if the proposed work is performed, field verified and finalized by a County Inspector before the expiration time limitation of the permit (before 180 days of its issuance, pursuant to the 2019 California Building Code Section 105.5). A County check will be mailed to verified mailing address on the permit application.

§ 91002.08 PARCEL REQUIRED TO BE MARKED (STAKED)

The Building Official may, prior to the issuance of any permit and/or prior to the first inspection, require that the corners of the lot/parcel be clearly marked or located. If in the opinion of the Building Official, the corner markers need to be located by a "surveyor", the applicant (permittee) shall be required to obtain a surveyor and have the corners properly marked.

§ 91002.09 TEMPORARY SANITATION FACILITIES

Temporary sanitation facilities shall be provided for all construction sites, at the ratio of one (1) water closet and one urinal for each twenty persons per workplace. Said facilities shall be in place prior to any inspections being performed by the Department.

EXCEPTION: Minor permits as determined by the Building Official, such as replacement of electrical services or plumbing work, may not require facilities. Furthermore, if the work site has unrestricted access to an adjacent facility with adequate restrooms temporary facilities need not be provided.

§ 91002.10 WASTE COLLECTION AND DISPOSAL

Applicants shall provide solid waste disposal bins for all construction projects. Bins shall be of sufficient capacity to meet the waste disposal needs of the project. If a construction site is being managed in a manner that would allow the off-site migration of litter, the

construction site shall install appropriate temporary fencing in order to prevent off-site migration of litter.

All solid waste generated onsite shall be collected by an approved solid waste hauler that is permitted to haul solid waste. All construction wastes generated onsite shall either be transported by a permitted hauler to either an approved recycling facility or a permitted solid waste disposal facility.

§ 91002.11 APPLICATIONS FOR PERMIT

A. All applications for permits provided herein shall be made upon the appropriate forms provided by the County of Imperial. The application shall contain at a minimum, the following information:

1. Assessor's Parcel Number
2. Legal Description
3. Name of property owner
4. Address and phone number of property owner (mailing)
5. Street address of project site
6. A description of work to be performed
7. Intended use of structure
8. Size or volume of work proposed
9. Estimated construction cost (total)
10. Name and address of contractor (if required)
11. Name and address of engineer/architect (if required)
12. Proof of Workman's Compensation (if required)

The Building Official shall require plans, specifications or drawings and such other information deemed as necessary. A detailed site plan shall be required with each permit application, except that projects needing only a basic review (ex. minor maintenance, minor repairs, etc.), as determined by the Building Official.

B. A site plan may not be required for permits involving routine maintenance, remodeling or alteration of existing industrial or commercial facilities that are subject to Section 91002.10 (exception), as determined by the Building Official.

C. A copy of each application filed with the Planning & Development Services Department or any other County Department pursuant to the provisions of this Division shall be transmitted to the Imperial County Assessor, and shall be open to public inspection.

D. The plans/construction drawings submitted as part of the application shall be deemed and managed by the Department as confidential information and shall not be open to random public inspection. Technical drawings and plans shall only be available to the public under the following conditions.

1. Court order
2. To the property owner of record upon proper I.D.
3. To the public with a signed release from the property owner and the architect or engineer of record
4. To the contractor of record
5. To County Counsel.

§ 91002.12 COMPLIANCE WITH TITLE 9 OF THE CODIFIED ORDINANCES OF THE COUNTY OF IMPERIAL

The Building Official shall require that applications made pursuant to this Division contain satisfactory proof of compliance with all provisions contained in Title 9 of the Codified Ordinance of the County of Imperial.

EXCEPTION:

In lieu of the above, and at the option of the Building Official, any person, firm, or corporation, regularly employing (30 hrs./week or more) one or more person(s) qualified for the purpose of maintenance, making installations, additions, repairs, etc. on his/her or its premises, shall file with the Building Official at least semi-annually, a report or reports, describing all such maintenance, repairs, alterations, installations or additions (Reporting may be quarterly if required by Building Official).

At the time said report is filed, such person, firm or corporation shall pay the permit fee that may be required as provided within this ordinance. All work shall have been done and installed in accordance with the provisions of this ordinance, and such work shall be subject to inspection by the Building Official to the extent necessary as determined by the Building Official.

§ 91002.13 PERMIT FEES

- A. Except as otherwise set forth in this Division, fees for each permit issued by the Building Official pursuant to this Division shall be paid -before issuance of such permit. The fees are those schedule of fees contained in the adopted code and any other fees as delineated within Title 9, Division 9.
- B. Where work for which a permit is required by this Division, other than emergency work as defined in Section 91002.13, is commenced prior to obtaining such permit, the fees required hereby shall be doubled, but the payment of such double fee shall not relieve any person from compliance with the requirements hereof or from the penalties prescribed herein.
- C. All fees collected by the Building Inspection Division shall be turned over to the County Treasurer and shall be deposited in the General Fund of Imperial County, and/or such special trust funds as approved.
- D.. The following entities requiring permits under this chapter shall be exempt from payment of building permit fees, (Reference Gov. Code 6103.7) but shall not be exempt from compliance with the provisions of this Division: (shall pay actual costs that the County may incur including for contract plan checking, and special expertise consultation):
 - 1. County of Imperial
 - 2. Incorporated cities
 - 3. State/Federal Government Agencies
 - 4. No other agency or organization shall be exempt from fees.

5. The Imperial Irrigation District (I.I.D.), shall be required to obtain permits for the construction of any structure for human occupancy; warehouse or storage facility. Permits shall not be required for structures used exclusively for power/water distribution (i.e. for structures having none or limited human occupancy (i.e. remote controlled power plants, substations, etc.)
6. Special districts shall be defined as "a service district providing a public service for a given area, such as fire protection, water and/or sewer distribution, etc. and whose governing body is duly-elected by the district constituents". Special districts shall be treated the same as Number 5 above.
7. School district(s) shall be defined as... "All facilities, structures, buildings, not used for instruction of students, classrooms, auditoriums and, under direct control of the Office of the State Architect, shall be subject to all provisions of this Division. Such facilities shall include, but not be limited to, administration facilities, bus repair shops, garages, etc." School districts shall not be exempt from fees except that they shall only be required to pay actual costs.

§ 91002.14 EMERGENCY WORK

Any person who commences any work for which a permit is required by this Division without first obtaining a permit therefore shall, if subsequently granted a permit to perform such work, pay double the permit fee fixed herein. The provisions of this subparagraph do not apply to emergency work when it is proved to the satisfaction of the Building Official that such work was urgently necessary and that it was not practical to obtain a permit therefore prior to commencement of the work. However, if the person responsible for performing said emergency work fails to obtain a permit within 72 hours after said emergency work is commenced, the double fee as herein provided shall be charged. The provisions of this subparagraph are to apply in addition to the imposition of any other penalties, sanctions, or legal remedies provided elsewhere in the Code for violations thereof.

§ 91002.15 FEE REFUNDS

- A. The recipient of a permit issued pursuant to the provisions of this Division shall be entitled to a refund in the amount of 70% of the fees he/she has actually paid for such permit if all the provisions of subparagraphs (1), (2) and (3) hereunder are complied with:
 1. The permit is canceled prior to the commencement of work or construction covered by the permit and no on-site inspections have been made;
 2. A written request for a refund is received by the division not more than 180 days from the date said permit was issued, and
 3. After receipt of the permittee's application for refund, the Building Official is satisfied that said permittee is entitled to such refund.

- B. The payment of refunds as provided in paragraph (A) above shall be made in the manner provided for payment of claims against the County of Imperial. Refunds shall not be made for plan checking fees, zoning and administration cost paid pursuant to this Division.

§ 91002.16 EXPIRATION OF PERMITS

Every permit issued by the Building Official pursuant to the provisions of this Division shall expire and become null and void upon the occurrence of either of the following, except that no permit shall continue to be active for more than 36 consecutive months:

- A. If the work authorized by the permit has not been commenced within one hundred eighty (180) days from the date of issuance of said permit; or
- B. If, after the work authorized by said permit has been commenced, such work has been suspended or abandoned for a period of one hundred eighty (180) days. The 180 days shall be determined from the last inspection date on the inspection record.

§ 91002.17 FEE FOR ISSUANCE OF RENEWAL OF EXPIRED PERMIT

In the event a permit expires and becomes null and void pursuant to the provisions contained in Section 91002.15, and/or a permit is suspended or revoked by the Building Official, the following renewal fees shall be required:

- A. If a permit expires pursuant to Section 91002.15; the renewal fee shall be one half (1/2) the original total fee, EXCEPT SMI (Seismic Motion Instrumentation) building inspections (if no work has commenced) General Plan and Development Impact Fees provided:
 - 1. The suspension described in Section 91002.14 has not exceeded one year in duration; and
 - 2. The plans and specifications submitted for the original permit are resubmitted without any changes made thereto.
- B. If a permit is suspended, revoked or voided by the Building Official, the renewal fee shall be twice the original fee.

§ 91002.18 BOARD OF APPEALS

There is hereby created a Board of Appeals consisting of seven (7) members, the members shall be qualified in accordance with the following:

- Two (2) General Building Contractors
- One (1) Plumbing Contractor
- One (1) Electrical Contractor
- One (1) Mechanical/Air Conditioning Contractor
- One (1) Layperson
- One (1) Architect or Engineer

These members shall be appointed by the Board of Supervisors. Of the members so appointed, two (2) will be appointed for a term of one (1) year; one (1) will be appointed for a term of two (2) years; two (2) will be appointed for a term of four (4) years. Upon expiration of each of these terms the succeeding terms for the original appointee or his successor will be four (4) years in length. The Building Official shall act as secretary to the Board of Appeals. The secretary shall maintain or cause to be maintained minutes of meetings and shall record all proceeding before said Board of Appeals by mechanical means.

The Board of Appeals may from time to time make written recommendations to the Board of Supervisors as to changes or additions relating to the suitability of materials and types of construction or additions relating to the specified herein.

§ 91002.19 APPEALS

Any person aggrieved by the decision of the Building Official as to a matter within the purview of this Division shall have the right to appeal such decision to the Board of Appeals in accordance with rules and regulations relating to appeal procedures adopted by said Board of Appeals.

An appeal may be made by filing an application therefore, with the Building Official. Such application must be accompanied by a filing fee as specified in Division 9, of Four Hundred Dollars (\$400.00).

§ 91002.20 APPEALS TO BOARD OF SUPERVISORS

The decision of the Board of Appeals on any appeal shall be final, unless within ten (10) days after said decision, a written appeal to the Board of Supervisors is filed by the applicant with the Planning Department. Said appeal shall state the specific reason(s) upon which the appeal is made.

1. The written appeal clearly states the following:
 - a. Name of person(s) filing appeal,
 - b. Address and phone number of person(s) filing appeal,
 - c. Project/decision being appealed,
 - d. Reason for filing appeal,
 - e. Facts, condition(s), information, error, or other specifics to warrant appeal,
 - f. Prior effort(s) made to arrive at acceptable solution if any,
 - g. Action being requested (i.e. deny project, approve project, modify conditions, etc.),
 - h. Signature of appellant.

The appeal shall be accompanied by a filing fee of Six Hundred Fifty Dollars. Said appeal shall be heard at a scheduled public hearing by the Board of Supervisors following the date of the filing of said appeal. Notice of the time and place of said hearing shall be given to the appellant by mailing such notice to the appellant, postage prepaid, at his/her last known address at least five (5) days prior to the date set for such hearing. A copy of said notice shall also be sent to the Building Official and to all members of the Board of Appeals. The Board of Supervisors shall not consider any appeal until the appeal has first been considered by the Building Board of Appeals, and said Appeals Board has rendered a decision and filed a written report with the Board of Supervisors.

§ 91002.21 NON-LIABILITY OF COUNTY OFFICERS AND EMPLOYEES

This Division shall not be construed as imposing upon the County of Imperial, or upon any of its officers or employees any liability or responsibility for injury or damage resulting from any building, plumbing, or electrical work approved or performed hereunder.

§ 91002.22 BUILDINGS AND STRUCTURES TO WHICH THIS DIVISION IS NOT APPLICABLE

Provisions of this Division are not applicable to livestock feed pens, or livestock sun shades less than 2000 square foot (aggregate).

§ 91002.23 LOCATION OF CODES

One copy of all codes incorporated by reference or otherwise made a part of this Division shall be placed on file in the Planning & Development Services Department for examination and use by the public.

§ 91002.24 CONFLICT WITH STATE LAW

Notwithstanding any other provision of this Division, nothing herein contained shall be construed in a manner contrary to the provisions and requirements of Part 1.5 of Division 13 of the Health and Safety Code of the State of California, or any other applicable statute, law, rule or regulation of the State of California.

§ 91002.25 OWNER CONSTRUCTION

Nothing in this Division shall be construed as prohibiting any person from doing his/her own work nor from employing any person to work on a building or structure to which the provisions of this Division apply, provided there is full compliance with Section 3800 of the California Labor Code and other applicable state/federal laws

Where state or federal laws require specific licenses or certificates, the Building Department shall not issue a permit to an owner or other person(s) unless they prove possession of such certificate or license.

The Building Official shall have final decision authority to determine whether or not an "owner/builder" qualifies to perform his/her own work and whether or not to then issue a permit. If the Department issues a permit to an owner/builder and subsequently discover that the work being done is not being performed by the owner/builder, and/or a licensed contractor with appropriate required issuance, the Department shall immediately revoke the permit. To re-issue said permit shall cost double the original or current fee.

§ 91002.26 PREFABRICATED BUILDINGS

Prefabricated buildings, which are to be located in Imperial County are subject to all provisions of this Division regulating the construction of all new buildings, unless such factory-built housing is manufactured in accordance with requirements contained in Part 6 of Division 13, Health and Safety Code (commencing with Section 19960) and Chapter 3, Title 25 of the California Code of Regulations.

§ 91002.27 SHADE STRUCTURES

No permits are required for detached shade structures constructed of cloth or any material allowed by code for nursery, storage or recreational purposes not including service systems, up to an area of 120 square feet and no more than one (1) story or 10 feet high, keeping the required setbacks.

§ 91002.28 CLOTHES WASHER AND DRYER PROTECTION

Clothes washer and dryer installed at exterior of buildings must be protected from weather by a laundry room, closet or a roof shade with a minimum of 6 feet beyond the sides and at front of the appliances.

§ 91002.29 CARGO CONTAINERS

A. For Storage

1. Portable cargo containers, and other similar structures shall be subject to building permits. Containers shall be installed on foundations designed by California Registered Engineers; use standard design for garages; or shall be set as a portable unit with the floor elevated to provide six (6) inch separation between untreated wood, or metal and the ground.
2. Cargo containers shall be located at least five (5) feet from a side or rear yard property line and ten (10) feet from another building and shall be located as required for accessory structures (i.e. incidental storage) per the zoning ordinance.
3. The area occupied by the container(s) shall comply with the maximum area limitations for storage per the zoning code.
4. Containers shall not be "stacked" on top of each other or joined in any manner.
5. The use shall be limited to incidental storage and shall not be used to store hazardous materials unless approved by the Fire Department.
6. The use shall not allow human occupancy of the containers.
7. Containers that have been factory-built with any electrical, plumbing, heating or air conditioning system, shall not be connected to a power source.
8. Containers shall be maintained in good condition and free of graffiti at all times.

B. Conversion to Building Modules

Purpose

1. The purpose of this information is to define the requirements for the conversion of cargo containers to buildings, as accepted by Imperial County Planning & Development Services (ICPDS).

Background

The use of cargo containers (also known as shipping containers) in building construction is growing due to sustainability and economic demands.

Cargo containers are manufactured all over the world to meet the standards set by the International Convention of Safe Containers (CSC). The CSC is an international agreement ratified by various countries including United States. Inspection and testing services at the point of manufacture of the cargo containers are provided by a Certified Inspection and Testing Agency (CITA) specifically authorized to certify containers by an administration signatory to the CSC. The selected CITA inspects the cargo containers at the point of manufacture, and if they pass the inspection, places a CSC safety approval placard (CSC plate) on each container and assigns a unique CSC tracking number to each container. The inspected containers will also have the selected CITA organization logo affixed to them.

A Cargo Container is also referred to as a "module". Two or more modules may be joined together to form a unit module. Cargo container conversions to building modules are limited to 2 stories in height.

1. Container Conversions Approved by California Department of Housing and Community Development as Factory-Built Housing (FBH):

- Cargo container conversions reviewed and approved by the California Department of Housing and Community Development (HCD) are accepted by Imperial County Planning and Development Services (ICPDS) as approved.
- Cargo Container conversions, as Factory Built Housing (FBH), are subject to the review of zoning regulations and the review of the building location on the property by the Department. Clearance approval from other County agencies shall be obtained where required.
- Plan review and inspection of factory-built housing modules shall follow the guidelines specified in Information Bulletin, P/BC 2020-112, "Plan Check Guidelines for State Approved Factory-Built Housing".
- Onsite modifications to those container conversions previously approved by HCD are subject to the review and approval by ICPDS if the building is not more than two (2) stories in height. Otherwise, onsite modifications are not permitted, unless approved by HCD.

2. Selection of Containers for Conversion

The cargo containers selected for conversion to buildings shall meet all of the following requirements:

- 2.1 Container shall be general purpose container conforming to ISO1496-1 and ISO 6346 issued by the International Organization for Standardization.
- 2.2 Container shall have an affixed CSC approval placard, and it shall have been surveyed and verified by a Licensed Marine Surveyor as undamaged. The container must not have been used after the above survey. A copy of the survey and verification forms completed and signed by the Licensed Marine Surveyor shall be placed in the container and shall be made available to the in-plant and project inspectors.
- 2.3 Container shall have one of the following CITA logos affixed to it:
 - ABS (American Bureau of Shipping)
 - BV (Bureau Veritas)
 - DNV (Det Norske Veritas AS)
 - DNV GL (Det Norske Veritas Germanischer LloydGL (Germanischer Lloyd))
 - LR (Lloyd's Register)

Containers bearing other CITA logos may be used subject to ICPDS's approval. The modular building manufacturer shall submit for ICPDS review the CITA rules and guidelines for container certification.

- Container used in a building shall be of all the same type and from the same manufacturer.

2.4 Container used in a building shall have been manufactured within twenty-four months of the date of ICPDS approval of the site specific building design drawings.

2.5 Container shall be undamaged and have no previous repairs.

2.6 Container type shall be standard dry cargo container, used for the one-way transportation of dry goods only. Container shall not have been used for transporting hazardous materials. Container shall not have been painted with paint containing lead.

2.7 Manufacturer's original design/fabrication drawings for the container, with English translation, shall be provided to the project inspectors for the verification and evaluation of the as-built container material and member properties, and connection details.

2.8 Copies of original design/fabrication drawings of the selected cargo container shall be included as a part of the modular building construction documents. These drawings shall be identified as "For Reference Only". The structural engineer of record shall develop as-built drawings for the cargo container showing the complete as-built information required for verification and evaluation of the unmodified cargo container. This information shall be included as a part of the modular building construction documents. The structural engineer of record shall stamp and sign the as-built drawings.

3 Structural Integrity Verification of Each Unmodified Container

- Condition assessment per ASCE 41-13 Section 4.3.3 and non-destructive weld test (NOT) as an alternate means of compliance with the requirements of ASCE 41-13 Section 9.2.2.4.2 (Comprehensive testing) shall be performed in the U.S. by a laboratory accepted by ICPDS after the container is purchased by the company performing the conversion to a building and prior to the start of construction or rehabilitation on the container. The owner shall pay for the structural integrity verification of each unmodified container. The following guidelines shall be used:

3.1 A detailed written report verifying the condition and sealed by a California licensed professional engineer shall be prepared by the laboratory documents the visual inspections, test results, and general condition assessment for each container. Copies shall be distributed to ICPDS, for review as a part of approval requirements, and the owner. A copy of the above report shall be placed in the module and shall be made available for inspections both in the plan and at the site.

4. Basic Requirements

All Portions of container buildings shall conform to all requirements of the California Building Code. The building structure, all structural elements and details shall be analyzed and

justified through established engineering principles, in accordance with the current CBC requirements.

4.1 Lateral Force Resisting System:

In all cases, a continuous load path of wind and seismic forces from point of origination to foundations must be maintained and demonstrated by sections and details on the approved plans. All connections must be detailed and supported by calculations.

For the corrugated roof metal deck, the roof diaphragm capacity may be determined per the Steel Deck Institute Diaphragm Design Manual. For the floor with plywood sheathing over cold formed steel joists, the floor diaphragm capacity shall be determined per North American Standard for Cold Formed Steel Framing- Lateral Design (AISI S213-07 w/S1-09, 2012).

Adjacent modules within the unit shall be positively connected to each other such that the unit will perform as one module. Adjacent unit shall be either positively connected to each other such that the units together will perform as one structure or structurally separated with adequate gap between them such that each unit will perform as a separate structure. Diaphragms, chords, and collectors shall be designed and detailed to satisfy Section 12.10 of ASCE 7-10.

The required structural separation between the container building and any adjacent structure (elevators, stairs, etc.) shall be shown on the modular building design drawings and the approved plans.

4.2 Allowable Strength of Containers Based on Test Results:

Allowable structural strength of a **whole container** (without openings or any parts of original box removed or cut) will be taken of the strength obtained from the test results.

All test reports and results of allowable strength of containers used as building components shall be provided by an approved testing agency.

4.3 Altered Containers:

When a container is altered by cutting, removing or replacing structural elements, allowable strength derived from test results will not be acceptable unless it meets the following conditions:

- If steel frame elements are replaced, a similar or higher grade of steel shall be used. Cross section of new element must be equal to or larger than the element removed. All new welds and connections must be equal to or larger than original connections and complying with the applicable ASTM steel standards.
- When openings are made in container walls for doors, windows and others, opening must be framed with steel elements resembling or exceeding elements in the original frame and complying with the applicable ASTM steel standards.
- When the length (in the plan view) of openings in any one wall does not exceed 20% of the total length of the wall, allowable strength can be derived from test results as explained in Section 3.2 above with a reduction equal to the maximum ratio of openings in any of the four walls of the container.
- When the length of openings in any one wall exceeds 20% of the total wall length, test results cannot be used to calculate allowable strength of the containers. Structural calculations must be provided to justify allowable strength

based on acceptable engineering practices. Steel grade and yielding strength of original container elements must be documented or determined by tests.

- In all cases, a continuous load path of gravity forces from the point of origination to foundation must be maintained and demonstrated by sections and details. All connection designs must be detailed and supported by calculations.
- Continuous deputy inspection shall be required for all field welding.

4.4 Architectural Criteria:

1. Due to the fact that most of the containers have a wood floor decking that is possibly impregnated with toxic chemicals to deter rodents and other pests, such floors shall be removed and disposed of in an acceptable manner. The wood floor deck shall be replaced with steel plate, plywood or OSB in accordance with the engineer's design and in accordance with the construction type of the proposed new structure.
2. The existing structure will need to be tested for lead based paint. If any lead based paint is found in the proposed structure, it will need to be addressed in accordance with EPA lead based paint remediation guidelines for existing structures with lead based paint.

4.5 Protection Against Deterioration:

To reduce problems of deterioration, dry rot, or rust, drainage shall be provided to prevent water from ponding beneath buildings. Under-floor ventilation, under floor clearance, and the treatment of wood members in close proximity to exposed ground, shall be in accordance with the CBC 2019 Edition.

The minimum thickness of steel deck diaphragms and steel structural members permitted is 20 gage. The minimum thickness of non-structural steel roof decking and wall siding is 26 gage, protected with a durability coating. Steel members shall be given a rust inhibitive coating.

4.6 Electrical, Mechanical and Plumbing:

Electrical, mechanical and plumbing permits shall be required. All utility installations shall conform to the requirements of Title 24, Parts 3, 4 and 5.

Provisions shall be made for grounding the electrical system and equipment for each individual building and this shall be shown on the drawings.

A bonded common grounding electrode shall be provided for each metal building, exposed metal frame, ramp, stair and the electrical system per current code requirements.

A means of access shall be provided per Section 1208.1 of the California Building Code to all under-floor utilities such as electrical, mechanical and plumbing.

4.7 Permanent Foundations:

Container Buildings shall be installed on permanent foundations in compliance with the 2019 California Building Code. The distance below the underside of the plywood floor sheathing to the exposed soil shall not be less than 18 inches unless the plywood is pressure treated. In cases where the existing marine grade plywood floor sheathing is to be replaced by new

plywood sheathing and the distance to the exposed soil is less than 18 inches, the new plywood shall be pressure treated and have the exposure durability classification- Exterior. All pressure treated plywood shall be verified to be harmless to humans or shall be encapsulated. Encapsulating details shall be submitted to ICPDS for review.

4.8 Roof Drainage:

The design and installation of roof drainage system shall comply with Section 1502 of the 2019 California Building Code.

4.9 Other code requirements:

Container building shall comply with the California Energy Code (Title 24, Part 6) Accessibility Regulations of the 2019 California Building Code and the 2019 California Green Code (Title 24, part 11) requirements.

Container buildings shall comply with the Fire Department regulations when applicable.

All of the above information is to be included in the final verified reports by the contractor and the County Inspector.

The permit fee for containers shall be based on the fee schedule as set forth in this ordinance Section 91002.12

§ 91002.30 SPECIAL REQUIREMENTS FOR GEOLOGIC HAZARD ZONE

In addition to the requirements of this Ordinance, any applications for a building permit for a structure used for human occupancy that lies within a special studies zone delineated by the State Geologist pursuant to Section 2621, et seq., of the Public Resources Code, shall comply with all of the provisions of Title 9, Division 15, of the Codified Ordinances of Imperial County, and State law and no building permit subject hereto shall be granted except in accordance with the provisions thereof.

§ 91002.31 FEES

Each applicant for a permit that is subject to the provisions of Section 91002.26 shall, pay the fees provided for elsewhere in this Division.

§ 91002.32 VIOLATIONS AND PENALTIES

Any person, firm, or corporation violating any provision of this Division shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not to exceed \$1000.00 or by imprisonment in County Jail for not to exceed six months, or by both fine and imprisonment. Each separate day or any portion thereof during which any violation of this Code occurs or continues, shall constitute a separate offense, and upon conviction thereof shall be punishable as herein provided.

§ 91002.33 CITATION(S)

The Building Official or his designee(s) having the authority under Division 13 to issue citations, against any person, firm or corporation that is in violation of any provision of this ordinance and/or any section, article, or regulation of the adopted codes, may issue a citation to effect compliance with all applicable laws, ordinances, and/or regulations.

The citation shall be issued only by duly qualified personnel and upon the format approved by the Courts.

§ 91002.34 CERTIFICATE OF OCCUPANCY

No vacant land in any zone established under the provisions of this Division shall hereafter be occupied or used, except for agricultural uses, and no building hereafter erected, structurally altered, or moved in any such zone shall be occupied or used until a Certificate of Occupancy shall have been issued by the County Building Official.

- A. Certificates of Occupancy for a new building, or the enlargement, alterations or moving of an existing building, shall be applied for and shall be issued within ten

(10) days after the erection or alteration, subject to all Agencies signing off of such building shall have been completed in conformity with the provisions of this and other pertinent laws of the County. A Certificate of Occupancy shall not be required for any of the following:

1. Any buildings not intended primarily for occupancy by human beings.
 2. Any buildings designed and constructed for use as a dwelling by not more than two (2) families.
 3. Any building designed and constructed for use in housing poultry, livestock, hay, grain, or farm implements and supplies.
- B. Certificates of Occupancy for the use of vacant land, or the change in the use of land as herein provided, shall be applied for before any such land shall be occupied or used for any purpose except that of grazing, tilling the soil and the growing therein of farm, garden or orchard products, and a Certificate of Occupancy shall be issued within ten (10) days after the application has been made, provided such use is in conformity with the provisions of this and other pertinent laws of the County.
- C. Certificates of Occupancy shall state that the building, or proposed use of a building or land, complies with the provisions of this Title, or that a variance or a conditional use permit has been issued for this proposed use. A record of all certificates shall be kept on file in the office of the County Building Official and copies shall be furnished on request, to any person having a propriety or tenancy interest in the building or land affected.
- D. No fee shall be charged for any original Final Certificate. For an original temporary certificate, a \$150 fee shall be charged. For copies of any original Certificates a \$10 fee shall be charged.
- E. Certificates of Occupancy for non-conforming uses existing at the time of the passage of this Title or any amendment thereto may be issued by the County Building Official upon request, and the Certificate shall state that the use is a non-conforming use existing prior to the adoption of this Title and therefore may be continued as provided in this Title.

§ 91002.35 VECTOR TREATMENT

The County of Imperial has noted significant structural damage in wood frame buildings due to “termite” infestation. This has the potential to adversely affect the housing stock in the County and result in added housing costs. It is therefore required that all new construction, including additions to existing structures be “pre-treated” for termite control. Proof of pre-treatment shall be provided prior to framing inspection.

§ 91002.34 SEPARATION WALLS

Separation walls between “R” occupancies and U” occupancies shall be 1 hour rated.

§

91002.36 FOUNDATION PLATES OR SILLS

Foundation plates or sills resting on concrete or masonry foundations shall comply with Section 2304.3.1 of the California Building Code. Foundations plates or sills shall be bolted or anchored to the foundation with not less than ½ inch diameter (12.7 mm) steel bolts or approved anchors spaced to provide equivalent anchorages the steel bolts or anchoring epoxy formulated and tested in accordance with ICC-ES appropriate code listings. Bolts shall be embedded at least 7 inches (178 mm) into concrete or masonry, and spaced not more than 6 feet (1829 mm) apart. There shall be a minimum of two bolts or anchor straps per piece with one bolt or anchor strap located not more than 12 inches (305 mm) or less than 4 inches (102 mm) from each end of each piece. A properly sized nut and washer shall be tightened on each bolt to the plate (0.229 inch x 3 inch x 3 inch). Except that such anchors shall be distributed along the length of the braced wall line. Other anchorage device having equivalent capacity are permitted.

§

91002.37 INSTALLATION TEST (MH-UNIT/COMMERCIAL MODULAR)

At the discretion of the Building Official, the installation provisions that apply to MH-units, as required by Title 25, California Code of Regulations, Division 1, Chapter 2, Article 7, Section 1362, shall apply equally to commercial modular.

Installation tests (as printed in Section 1362) are as follows:

- a) The potable water distribution system of the MH-unit and the supply connection shall show no evidence of leakage under normal operating pressures. If water at normal operating pressure is not available, the water distribution system shall be tested by a fifty (50) psi air pressure test for a period of not less than fifteen (15) minutes without leaking.
- b) The MH-unit drainage piping system shall be connected to the lot drain inlet, and tested by allowing water to flow into all fixtures, and receptors, including the clothes washer standpipe, for a period of three (3) minutes. If water under pressure is not available, the drainage piping system shall be tested by letting at least three (3) gallons of water into each fixture and receptor. There shall be no visible evidence of leaks.
- c) The MH-unit fuel gas piping system shall be tested before it is connected to the lot gas outlet. The gas piping system shall be subjected to a pressure test with all appliance shut-off valves, except those ahead of fuel gas cooking appliances, in the open position. Appliance shut-off valves ahead of fuel gas cooking appliances may be closed.
 - (1) The test shall consist of air pressure at not less than ten (10) inches nor more than a maximum of fourteen (14) inches water column. (Six (6) ounces to a maximum eight (8) ounces). The system shall be isolated from the air pressure source and maintain this pressure for not less than two (2) minutes without perceptible leakage. Upon satisfactory completion of the test, if the appliance valves ahead of fuel gas cooking appliances have been shut off, they shall be opened and the gas cooking appliance connectors tested with soapy water or bubble solution while under the pressure remaining in the piping system. Solutions used for testing for leakage shall not contain corrosive chemicals. Pressures shall be measured with either a manometer, slope gauge, or gauge calibrated in either water inches or psi with increments of either one-tenth (1/10) inch or one-tenth (1/10) ounce, as applicable.

NOTE: The fuel-gas piping system shall not be over-pressurized. Pressurization beyond the maximum specified may result in damage to valves, regulators, appliances, etc.

- (2) Gas appliance vents shall be inspected to insure that they have not been dislodged in transit and are securely connected to the appliance.
- d) The electrical wiring and power supply feeder assembly of the MH-unit shall be tested for continuity and grounding. The electrical wiring system shall not be energized during the test. An MH-unit equipped with a power supply cord shall not be connected to the lot service equipment. An MH-unit equipped with a feeder assembly shall have the flexible metal conduit of the feeder assembly connected to the lot service equipment; however, the supply conductors, including the neutral conductor, shall not be connected.
 - (1) The continuity test shall be made with all interior branch circuit switches or circuit breakers and all switches controlling individual outlets, fixtures and appliances in the "on" position. The test shall be made by connecting one lead of the test instrument to the MH-unit grounding conductor at the point of supply to the feeder assembly, and applying the other lead to each of the supply conductors, including the neutral conductor. There shall be no evidence of any connection between any of the supply conductors and the grounding conductor. In addition, all noncurrent- carrying metal parts of electrical equipment, including fixtures and appliances, shall be tested to determine continuity between such equipment and the equipment grounding conductor.
 - (2) Upon completion of the continuity test, the power supply cord or feeder assembly shall be connected at the lot service equipment. A further continuity test shall then be made between the grounding electrode and the chassis of the MH-unit.
 - (3) If the final electrical connection has been approved by the enforcement agency and electrical energy is available at the lot equipment, a polarity test shall be conducted with the MH-unit energized.
- e) When an MH-unit consists of two (2) or more sections, all utility connections from one section to another shall be visually inspected and included in the tests.
- f) Upon approval of the installation and satisfactory completion of the gas and electrical tests, the lot equipment shall be approved for service connection.
- g) When installed, fire sprinkler systems shall be hydrostatically tested in accordance with Title 25, Chapter 3, Section 4320.

§ 91002.38 AIR CONDITIONING REQUIREMENTS

All habitable structures (conventional or manufactured) on property that is located within the unincorporated areas of the County of Imperial shall include a functional, heating and air-conditioning system that will maintain indoor temperatures of the structure at a minimum temperature of 68°F for heating and a maximum 75°F for cooling.

§ 91002.39 APPLYING BUILDING CODES TO TINY HOMES

INTRODUCTION

For the most part, a tiny home is a single-family dwelling on a very small scale. The California Residential Code 2019 Edition defines a tiny home as a dwelling that is 400 square feet or less in floor area, excluding lofts.

Tiny homes are dwellings. A dwelling is considered by building codes to be used as a non-transient occupancy for the purposes of living, which includes sleeping and cooking. Dwellings are not for transient use, where occupants unfamiliar with the building will stay temporarily, such as a hotel room.

Dwellings are therefore generally subjected to the same building code regulations as any other home.

SCOPE OF BUILDING CODES

Tiny Homes are built in different ways, and it is important to identify which types of tiny homes fall within the scope and application of building codes.

Types of tiny homes include the following:

- Recreational vehicles
- Manufactured Homes (Park Models)
- Modular dwellings
- Site-built dwellings

Building codes will apply only to tiny homes in the form of modular dwelling and site-built dwellings. Those taking the form of recreational vehicles and manufactured homes are not regulated by building codes but are under the regulation of park models and recreation vehicles standard. (See Div. 12, Ch. 2)

For the purposes of these guidelines, a tiny home is intended for permanent and non-transitory occupancy or residency. Also for the purposes of these guidelines, tiny homes are not attached to multiple units and would not be configured or used as a bunkhouse.

Modular Dwellings

Modular dwellings are built in whole or in part at a factory, and then taken to a site for installation. These types of dwellings are not built or labeled to the HUD standards for manufactured homes nor labeled as such. Modular dwellings are regulated by building codes.

Site-Built Dwellings

If a tiny home is a building used for occupancy that meets these definitions and is excluded by being considered an RV, manufactured home, mobile home, or park model, then the building code applies.

CODE APPLICATION

There are two nationally recognized, voluntary building construction codes promulgated in the United States that regulate the construction of single-family dwellings: NFPA 5000, Building Construction and Safety Code, promulgated by the National Fire Protection Association (NFPA),

and the international Building Code (IBC) promulgated by the International Code Council (ICC). Generally, the IBC establishes regulations for homes in the International Residential Code (IRC). Provisions in these documents for their 2018 editions are the base for our California Code of Regulations Title 24.

Tiny homes are separate buildings intended for non-transient living purposes. The occupancy that building codes establish for residential living is a dwelling unit: in NFPA 5000, the occupancy is a one-and two-family dwelling; in the IBC/IRC it is an R-3 occupancy.

Tiny homes are single-family dwellings, and under this occupancy description the building code will regulate them. A dwelling is defined as a building provided with permanent provisions for sleeping, cooking, eating, living, and sanitation.

Tiny homes are not accessory structures, as considered by building codes. A dwelling, no matter what the size, is a primary use and a permanent, habitable occupancy.

Following are building code-related issues that may affect the design and construction of tiny homes. This is not intended to be a complete code analysis. These are the general requirements that have the greatest effect, and these citations do not necessarily reflect all the exceptions, allowance, and trade-offs established by the codes.

- Room size and dimensions
- Mezzanines/Lofts
- Headroom
- Means of escape
- Egress Width
- Stairs
- Automatic Fire Sprinklers
- Smoke Alarms
- Carbon Monoxide Alarms
- Sanitation
- Light and Ventilation
- Electrical
- Accessibility
- Plumbing
- Mechanical
- Energy Compliance

CONCLUSION

Building codes apply to tiny homes if they are constructed in ways that fall within the scope of building codes. Recreational vehicles and manufactured homes do not fall within the scope of building codes.

Consideration should be given to the design elements as an equivalent alternate or alternate design as approved by the AHJ.

TITLE 9

DIVISION 10: BUILDING & GRADING REGULATIONS

CHAPTER 3: CALIFORNIA BUILDING CODE

§ 91003.00	ADOPTION OF THE CALIFORNIA BUILDING CODE
§ 91003.01	MODIFICATION OF THE CALIFORNIA BUILDING CODE
§ 91003.02	UNDERGROUND STORAGE TANKS (HAZARDOUS SUBSTANCES)
§ 91003.03	FEES
§ 91003.04	CITATIONS

§ 91003.00 ADOPTION OF THE CALIFORNIA BUILDING CODE

The California Building Code 2016 Edition and all of the Appendices or later version as adopted by the Building Standard Commission of the State of California, is hereby incorporated by reference and adopted as part of the Building Regulations of the County of Imperial, except as provided by Section 91003.01.

§ 91003.01 MODIFICATIONS OF THE CALIFORNIA BUILDING CODE

- A. Finish floor elevations in new residential (Group "R" Occupancy) shall be:
 - 1. Eighteen inches (18") above average lot elevation and/or twelve inches (12") above crown of adjacent street.
 - 2. In lieu of Subsection A (1) above, a grading plan to show adequate drainage away from said structure, signed by a Registered Civil Engineer or Architect may be provided.
- B. Finish floor elevations in all non-group "R" Occupancies (except structures used to store agricultural produce or animal pens/buildings) shall be a minimum of 6" above adjacent street crown or 12" above average lot elevation.
- C. Pursuant to the Health and Safety Code Sections 17958.5 and 17958.7, the County establishes the following local modifications. The requisite findings if applicable for such requirements are set forth in this ordinance.
- D. Section 2210 of the California Building Code is amended to read as follows:

2210 – Adoption

Except for the modifications as set forth in Sections 2211 and 2212 of this division and the requirements of the Building Code, the seismic design, fabrication, and erection of structural steel shall be in accordance with ANSI/AISC 341-16 the Seismic Provisions for Structural Steel Buildings, dated July 12, 2016,, published by the American Institute of Steel Construction, 1 East Wacker Drive, Suite 3100, Chicago, IL 60601, as if set out at length herein and hereinafter referred to as AISC-Seismic.

- E. Where other codes, standards, or specifications are referred to in AISC-Seismic, they are considered as acceptable methods or materials when approved by the Building Official.
- F. Swimming Pools; Fencing and Gates.
1. Definition. For the purposes of this section, a swimming pool is any confined body of water, over two (2) feet in depth, used or intended to be used for swimming bathing or wading purposes; this includes in-ground, above-ground or on-ground pools, hot tubs, spas and fixed-in-place wading pools.
 2. Swimming pool design shall comply with California Residential Code 2019 Edition, Appendix V, Swimming Pool Safety Act, and the California Electrical Code 2019 Edition Article 680.26 (B) equipotential bonding Sections (3)(4)(5)(6)(7) and Article 680.26 (c) Pool water and any other article as applicable to the specific pool design, as well as to comply with Division 5 Chapter 1 Section 90501.16 Swimming Pools of this County Ordinance.
 3. Fences, etc. Every swimming pool shall be enclosed by a wall, fence or other structure having a minimum height of five (5) feet and constructed or installed so as to obstruct access from a home and by persons other than the owners or occupants of the premises on which such swimming pool is located.
 4. Gates. Such fences shall include gates or doors therein. All gates and doors installed must be self-closing and self-latching, with latches placed at least five feet above the ground level. All gates opening through such enclosure shall be kept securely closed and latched at all times.
 5. Ingress and Egress. Such fence, gate or other protective device as required by these subsections shall be installed in such a manner as to comply with the fire regulations, State laws and the County ordinances. Alternative protective methods include:
 - a. The pool shall be equipped with an approved safety pool cover that meets all requirements of ASTM Specifications F 1346.
 - b. The residence shall be equipped with exit alarms on those doors and operable windows with a sill height of less than forty-eight (48) inches, providing direct access to the pool.
 - c. All doors providing direct access from the home to the swimming pool shall be equipped with a self-closing, self-latching device with a release mechanism placed no lower than 54 inches (1372mm) above the floor.
 6. Variances. The owner of any swimming pool may request approval of variance from the fencing requirements of this section by submitting to the Building Official a written application for such variance, setting forth a description of such pool and alternate safeguard or condition of the site by which unauthorized entry into such swimming pool may be restricted or prevented. The Building Official may approve such alternate safeguard or obstruction upon finding that one of the following conditions exist:

- a. That physical conditions of the site would make the erection of a fence or wall impractical.
- b. That proposed limitation of access or conditions of control which would be continuously effective would accomplish intent of the fencing requirements.

- G. Appeal. Any applicant for a variance as provided herein above may appeal the decision of the Building Official to the Board of Appeals. The procedure for such appeal shall be as herein before prescribed for hearing by said Board of Appeals.

§ **91003.02** *Rescinded via Minute Order #20 on January 29, 2008*

§ **91003.03** *Rescinded via Minute Order #20 on January 29, 2008*

§ **91003.04** **CITATION(S)**

The Building Official or his designee(s) having the authority by Division 13 to issue citations, against any person, firm or corporation that is in violation of any provision of this ordinance and/or any section, article, or regulation of the adopted codes, may issue a citation to effect compliance with all applicable laws, ordinances, and/or regulations.

The citation shall be issued only by duly qualified personnel and upon the format approved by the Courts.

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TITLE 9

DIVISION 10: BUILDING & GRADING REGULATIONS

CHAPTER 4: CALIFORNIA PLUMBING CODE

- § 91004.00 ADOPTION OF THE CALIFORNIA PLUMBING CODE
- § 91004.01 MODIFICATIONS OF THE CALIFORNIA PLUMBING CODE
- § 91004.02 WORK NOT REQUIRING A PERMIT
- § 91004.03 BUILDINGS LOCATED WITHIN TWO HUNDRED FEET OF A PUBLIC SYSTEM
- § 91004.04 PLUMBING PERMIT FEES
- § 91004.05 CITATION(S)

§ 91004.00 ADOPTION OF THE CALIFORNIA PLUMBING CODE

The 2019 California Plumbing Code, including the appendices, is hereby incorporated.

§ 91004.01 MODIFICATION OF THE CALIFORNIA PLUMBING CODE

A. Table H6.9 shall be deemed to be amended to read as follows:

Disposal fields shall be constructed as follows:

	Minimum	Maximum
Number of drain lines per field	2	---
Length of each line	---	100 ft. (30.5 m)
Bottom width of trench	18 inch (457.2 mm)	36 inches
Spacing of lines, center to center	6 feet (1.8 m)	---
Depth of earth cover of lines (preferred- 18 inches (457.2 mm))	12 inches (304.8 mm)	---
Grade of lines	Level	3 inches/100 feet (25 mm/m)
Filter material over drain lines	2 inches (50.8 mm)	---
Minimum total length of leach lines required in area of County bounded on the east by the Highline Canal, on the west by the Westside Main Canal, on the north by Gillespie Road, and on the south by the All American Canal	195 feet	

Minimum spacing between trenches or leaching beds shall be: four (4) feet (1.2 m) plus two (2) feet (.6m) for each additional foot (.3m) of depth in excess of one (1) foot (.3m) below the bottom of the drain line. Distribution drain lines in leaching beds shall not be more than six (6) feet (1.8mm) apart

on centers and no part of the perimeter of the leaching bed shall be more than three (3) feet (.9mm) from a distribution drain line.

B. Table H6.9 shall be deemed to be amended to include the following:

Minimum distance in clear required from:	Septic tank	Disposal field	Horizontal seepage pit
Private water cisterns and systems	50 feet	50 feet	50 feet
Unlined canals and water delivery channel	50 feet	50 feet	50 feet

C. Table H2.1 shall be deemed to be amended to read as follows:

Single family dwellings number of bedrooms	Multiple dwelling units or apartment one bedrooms each	Other uses Maximum fixture unit served per Table 4-1	Minimum septic tanks Capacity in gallons (liters)
1-3		1-20	1000 (3785)
4	2 units	25	1200 (4342)
5 or 6	3	33	1500 (5677.5)
	4	45	2000 (7570)
	5	55	2250 (8516.3)
	6	60	2500 (9462.5)
	7	70	2750 (10408.8)
	8	80	3000 (11355)
	9	90	3250 (12301.3)
	10	100	3500 (13247.5)

Extra bedroom, 150 gallons (567.8 liters) each.

Each dwelling unit over 10, 250 gallons (946.3 liters) each.

Extra fixture units over 100, 25 gallons (94.6 liter) per fixture units.

*Note: Septic tank sizes in this table include sludge storage capacity and the connection disposal of domestic food waste units without further volume increase.

§ 91004.02 WORK NOT REQUIRING A PERMIT

A. No permit shall be required for the following kinds of work: The stopping of leaks in drains, soil, waste, or vent pipe, provided however, that should any trap, drain pipe, soil, waste, or vent pipe be or become defective and it becomes necessary to remove and replace the same with new material in any part or parts, the same shall be considered new work and a permit shall be procured and inspection made, as provided by Code.

1. The clearing of stoppages, including the removal and reinstallation of water closets or;
2. The repair of leaks in pipes, valves or fixtures, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

Exemption from the permit requirements of this Code shall not be deemed as a grant of authorization for any work to be done in violation of the provisions of the Code or any other laws or ordinances of this jurisdiction.

- B. Whenever interceptor traps are installed on any lot contemporaneously with the construction or installation of a building sewer, an additional sewer permit shall be required for the connection of such trap to the appropriate inlet fitting provided in the building sewer.

§ 91004.03 BUILDINGS LOCATED WITHIN TWO HUNDRED FEET OF A PUBLIC SYSTEM

The drainage system in every building where persons reside, congregate or are employed, which building is within two hundred (200) feet of a public sanitary sewer to which the owner of said building may lawfully connect upon proper application and the payment of the required fees shall, when there is an existing violation of any provision of this Chapter, connect to such sewer in the most direct manner possible. Existing construction: No provision of this code shall be deemed to require a change in a portion of a plumbing or drainage system or other work regulated by this code in or on an existing building or lot where such work was installed and is maintained in accordance with law in effect prior to the effective date of this code, except where such plumbing or drainage system or other work regulated by this code is determined by the Authority Having Jurisdiction to be in fact dangerous, unsafe, insanitary, or nuisance and a menace to life, health, or property.

§ 91004.04 PLUMBING PERMIT FEES

The fees for a plumbing permit shall be as established in the Imperial County Codified Ordinance Title 9, Division 9, and Sections 90901.00 through 90904.05.

§ 91004.05 CITATION(S)

The Building Official or his designee(s) having the authority by Division 13 to issue citations, against any person, firm or corporation that is in violation of any provision of this ordinance and/or any section, article, or regulation of the adopted Codes, may issue a citation to effect compliance with all applicable laws, ordinances, and/or regulations.

The citation shall be issued only by duly qualified personnel and upon the format approved by the Courts.

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Approve, April 18, 2017)

TITLE 9

DIVISION 10: BUILDING & GRADING REGULATIONS

CHAPTER 5: CALIFORNIA ELECTRICAL CODE

§ 91005.00	ADOPTION OF CALIFORNIA ELECTRICAL CODE
§ 91005.01	TITLE
§ 91005.02	APPLICATION TO EXISTING ELECTRICAL SYSTEMS AND EQUIPMENT
§ 91005.03	ALTERNATE MATERIALS AND METHODS OF CONSTRUCTION
§ 91005.04	MODIFICATIONS
§ 91005.05	TESTS
§ 91005.06	POWERS AND DUTIES OF BUILDING OFFICIAL
§ 91005.07	UNSAFE ELECTRICAL SYSTEMS OR EQUIPMENT
§ 91005.08	BOARD OF APPEALS
§ 91005.09	VIOLATIONS
§ 91005.10	PERMITS
§ 91005.11	APPLICATION FOR PERMIT
§ 91005.12	PERMITS ISSUANCE
§ 91005.13	FEES
§ 91005.14	INSPECTIONS
§ 91005.15	CONNECTION APPROVAL
§ 91005.16	MODIFICATIONS OF THE NATIONAL ELECTRICAL CODE
§ 91005.17	WORK NOT REQUIRING A PERMIT
§ 91005.18	MAINTENANCE ELECTRICIANS
§ 91005.19	PUBLIC UTILITIES
§ 91005.20	CITATIONS

§ 91005.00 ADOPTION OF CALIFORNIA ELECTRICAL CODE

The 2019 California Electrical Code, by adoption of the 2017 Edition of the National Electrical Code, including all, administrative sections, and tables as compiled and published by the National Fire Protection Association is hereby incorporated by reference and adopted as part of the Building Regulations of the County of Imperial, except as provided by Section 91005.16.

§ 91005.01 TITLE

These regulations shall be known as the "California Electrical Code", may be cited as such and will be referred to as "this Code" or "CEC".

§ 91005.02 APPLICATION TO EXISTING ELECTRICAL SYSTEMS AND EQUIPMENT

A. Additions, Alterations or Repairs

Additions, alterations or repairs may be made to an electrical system and equipment without requiring the existing electrical system and equipment to

comply with all the requirements of this code, provided the addition, alteration or repair conforms to that required for a new electrical system and equipment and

provided further that no hazard to life, health or safety will be created by such additions, alterations or repairs.

Minor additions, alterations and repairs to existing electrical system and equipment may be made in accordance with the law in effect at the time the original installation was made, when approved by the Building Official.

B. Existing Installations

Electrical systems and equipment lawfully in existence at the time of the adoption of this Code may have their use, maintenance or repair continued if the use, maintenance or repair is in accordance with the original design and no hazard to life, health or property has been created by such electrical system and equipment.

C. Changes in Building Occupancy

Electrical systems and equipment which are a part of any building or structure undergoing a change in use or occupancy, as defined in the Building Code, shall comply with the requirements of this Code which are applicable to the new use or occupancy.

D. Maintenance

All electrical systems and equipment, both existing and new, and all parts thereof shall be maintained in a proper operating condition in accordance with the original design and in a safe and hazard-free condition. All devices or safeguards, which are required by this Code, shall be maintained in conformance with this Code. The owner or designated agency shall be responsible for the maintenance of the electrical system. To determine compliance with this subsection, the Building Official may cause any electrical system to be re-inspected.

E. Moved Building

Electrical systems and equipment which are a part of buildings or structures moved into or within this jurisdiction shall comply with the provisions of this Code for new installations.

§ 91005.03 ALTERNATE MATERIALS AND METHODS OF CONSTRUCTION

The provisions of this Code are not intended to prevent the use of any material or method of construction not specifically prescribed in this Code, provided any alternate material or method has been approved and its use authorized by the Building Official.

The Building Official may approved any alternate material or method, provided that the proposed design is satisfactory and complies with the provisions of this Code and that the material, method or work offered is, at least the equivalent of that prescribed in this Code with respect to suitability, strength, effectiveness, fire resistance, durability and safety.

The Building Official shall require that sufficient evidence or proof be submitted to substantiate any claims regarding the use of alternates. The details of an action granting approval of an alternate shall be recorded and entered in the files of the Code Enforcement Agency.

§ 91005.04 MODIFICATIONS

Whenever there are practical difficulties involved in carrying out the provisions of this Code, the Building Official may grant modifications for individual cases, provided that a specific reason makes the enforcement of strict letter of this Code impractical, the modification is in conformity with the intent and purpose of this Code, and that such modification does not lessen health, life and fire safety requirements. The details of actions granting modifications shall be recorded and entered in the files of the Code Enforcement Agency.

§ 91005.05 TESTS

Whenever there is insufficient evidence of compliance with any of the provisions of this Code or evidence that materials or construction does not conform to the requirements of this Code, or when deemed necessary for the protection of health and safety, the Building Official may require tests as evidence of compliance to be made at no expense to this jurisdiction.

Test methods shall be as specified by this Code or by other recognized test standards. In the absence of recognized and accepted test methods for the proposed alternate, the Building Official shall determine test procedures.

All tests shall be made by an approved agency. Reports of such tests shall be retained by the Building Official for the period required for the retention of public records.

§ 91005.06 POWERS AND DUTIES OF BUILDING OFFICIAL

A. General

The Building Official is hereby authorized and directed to enforce all the provisions of the California Electrical Code (CEC) and this Code. For such purposes, the Building Official shall have the powers of a law enforcement officer.

B. Deputies

In accordance with prescribed procedures and with the approval of the appointing authority, the Building Official may appoint a chief electrical inspector and other related technical officers and inspectors and other employees as shall be authorized from time to time.

C. Right of Entry

Whenever necessary to make an inspection to enforce the provisions of the CEC, or whenever the Building Official or an authorized representative has reasonable cause to believe that there exists in a building or upon a premises a condition or code violation which makes such building or premises unsafe, dangerous or hazardous, the Building Official or an authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Building Official by such Codes, provided that if such building or premises be occupied, the Building Official shall first present proper credentials and request entry. If such building or premises is unoccupied, the Building Official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and

request entry. If entry is refused, the Building Official or an authorized representative shall have recourse to every remedy provided by law to secure entry.

When the Building Official or an authorized representative shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, an owner or occupant or other persons having charge, care or control of the building or premises, after proper request is made as herein provided, shall promptly permit entry therein by the Building Official or authorized representative for the purpose of inspection and examination pursuant to the CEC.

D. Stop Orders

Whenever work is being done contrary to the provisions of the CEC, the Building Official may order the work stopped by notice in writing served on persons engaged in the doing or causing such work to be done, and such persons shall forthwith stop such work until authorized by the Building Official to proceed with the work.

E. Authority to Disconnect Utilities in Emergencies

The Building Official or authorized representative shall have the authority to disconnect electric power or energy service supplied to the building, structure or building service equipment therein regulated by the CEC in case of emergency where necessary to eliminate an immediate hazard to life or property. The Building Official shall whenever possible notify the serving utility, the owner and occupant of the building, structure or electrical system or equipment of the decision to disconnect prior to taking such action, and shall notify the serving utility, owner and occupant of the building, structure or building service equipment, in writing, of the disconnection immediately thereafter.

F. Authority to Condemn Electrical System and Equipment

Whenever the Building Official ascertains that an electrical system or equipment regulated in the CEC has become hazardous to life, health or property, the Building Official shall order in writing that such electrical system or equipment either be removed or restored to a safe condition, whichever is appropriate. The written notice itself shall fix a time limit for compliance with such order. Persons shall not use or maintain defective electrical system or equipment after receiving notice.

When equipment or an installation is to be disconnected, a written notice of such disconnection and reasons therefore shall be given within 24 hours of the order to disconnect to the serving utility, the owner and occupants of the building, structure or premises.

When an electrical system or equipment is maintained in violation of the CEC and in violation of a notice issued pursuant to the provisions of this Section, the Building Official shall institute appropriate action to prevent, restrain, correct or abate the violation.

G. Connection after Order to Disconnect

Persons shall not make connections from an energy or power supply nor supply power to an electrical system or equipment which has been disconnected or ordered to be disconnected by the Building Official or the use of which has been ordered to be disconnected by the Building Official until the Building Official authorizes the reconnection and use of the electrical system or equipment.

H. Liability

The Building Official, or an authorized representative charged with the enforcement of the CEC, acting in good faith and without malice in the discharge of duties, shall not thereby render the Building Official personally liable for any damage that may accrue to persons or property as a result of an act or omission in the discharge of duties. A suit brought against the Building Official or employee because of an act of omission performed by the Building Official in the enforcement of provisions of this Code shall be defended by legal counsel provided by this jurisdiction until final termination of such proceedings.

This Code shall not be construed to relieve from or lessen the responsibility of a person owning, operating or controlling any building, structure or building service equipment therein for any damages to persons or property caused by defects, nor shall the code enforcement agency assume such liability by reason of the inspections authorized by this Code or approvals issued under this Code.

I. Cooperation of Other Officials and Officers

The Building Official may request, and shall receive so far as is required in the discharge of duties, the assistance and cooperation of other officials of this jurisdiction.

§ 91005.07 UNSAFE ELECTRICAL SYSTEMS OR EQUIPMENT

For purposes of this Code, electrical systems or equipment regulated by the CEC which constitute a fire hazard or are otherwise dangerous to human life are unsafe. Use of electrical systems or equipment regulated by the CEC constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is considered an unsafe use.

Unsafe electrical systems or equipment are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in the Uniform Code for the Abatement of Dangerous Buildings or an alternate procedure as may be adopted by this jurisdiction. As an alternative, the Building Official or other employee or official of this jurisdiction as designated by the governing body may institute other appropriate action to prevent, restrain, correct or abate the violation.

§ 91005.08 BOARD OF APPEALS

A. General

In order to determine the suitability of alternate materials and methods of installation and to provide for reasonable interpretations of the CEC, there shall be and is hereby created a Board of Appeals consisting of members who are qualified by experience and training to pass upon matters pertaining to design,

construction, installation and maintenance of electrical systems and equipment. The Building Official shall be an ex officio member and shall act as secretary of the Board but shall not have a vote upon matters before the Board. The Board of Appeals shall be appointed by the governing body and shall hold office at its pleasure. The Board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Building Official. For purposes of this Chapter the Board of Appeals shall be the Board established by Section 91002.16.

B. Limitations of Authority

The Board of Appeals shall have no authority relative to interpretation of the administrative provisions of this Code nor shall the Board be empowered to waive requirements of the CEC.

§ 91005.09 VIOLATIONS

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use or maintain an electrical system or electrical equipment (or cause or permit the same to be done) in violation of this Code.

§ 91005.10 PERMITS

A. Permits Required

Except as specified in subsection (b) of this section, no electrical system regulated by this Code shall be installed, altered, repaired, replaced or remodeled unless a separate electrical permit for each building or structure has first been obtained from the Building Official.

B. Exempt Work

An electrical permit shall not be required for the following:

1. Portable motors or other portable appliances energized by means of a cord or cable having an attachment plug end to be connected to an approved receptacle when that cord or cable is permitted by this Code.
2. Repair or replacement of fixed motors, transformers or fixed approved appliances of the same type and rating in the same location.
3. Temporary decorative lighting.
4. Repair or replacement of current-carrying parts of any switch, contractor or control device.
5. Re-installation of attachment plug receptacles, but not the outlets therefor.
6. Repair or replacement of any overcurrent device of the required capacity in the same location.

7. Repair or replacement of electrodes or transformers of the same size and capacity for signs or gas tube systems.
8. Taping joints.
9. Removal of electrical wiring.
10. Temporary wiring for experimental purposes in suitable experimental laboratories.
11. The wiring for temporary theater, motion picture or television stagesets.
12. Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
13. Low-energy power controls and signal circuits of Classes II and III as defined in this code.
14. A permit shall not be required for the installation, alteration or repair of electrical wiring, apparatus or equipment or the generation, transmission, distribution or metering of electrical energy or in the operation of signals or the transmission of intelligence by a public or private utility in the exercise of its function as a serving utility.

Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

§ 91005.11 APPLICATION FOR PERMIT

A. Application

To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the Code Enforcement Agency for that purpose. Every such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use or occupancy for which the proposed work is intended.
4. Be accompanied by plans, diagrams, computations and specifications and other data as required in Subsection (B) of this section.
5. Be signed by permittee, or authorized agent, who may be required to submit evidence to indicate such authority.
6. Give such other data and information as may be required by the Building Official.

B. Plans and Specifications

Plans, engineering calculations, diagrams and other data shall be submitted in one or more sets with each application for a permit. The Building Official may require plans, computations and specifications to be prepared and designed by an engineer or architect licensed by the state to practice as such.

EXCEPTION: The Building Official may waive the submission of plans, calculations, etc., if the Building Official finds that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this Code.

C. Information on Plans and Specifications

Plans and specifications shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this Code and all relevant laws, ordinances, rules and regulations.

Plans for buildings more than two stories in height of other than Groups R, Division 3 and M Occupancies shall indicate how required structural and fire- resistive integrity will be maintained where a penetration will be made for electrical and communication conduits, pipes and similar systems.

§ 91005.12 PERMITS ISSUANCE

A. Issuance

The application, plans and specifications, and other data, filed by an applicant for permit shall be reviewed by the Building Official. Such plans may be reviewed by other departments of this jurisdiction to verify compliance with any applicable laws under their jurisdiction. If the Building Official finds that the work described in an application for a permit and the plans, specifications and other data filed therewith conform to the requirements of this Code and other pertinent laws and ordinances, and that the fees specified in Section 91005.13 have been paid, the Building Official shall issue a permit therefore to the applicant.

When the Building Official issues a permit, the plans and specifications shall be endorsed in writing or stamped "Approved". Such approved plans and specifications shall not be changed, modified or altered without authorizations from the Building Official, and all work regulated by this Code shall be done in accordance with the approved plans.

The Building Official may issue a permit for the construction of part of an electrical system before the entire plans and specifications for the whole system have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this Code. The holders of such permits shall proceed at their own risk without assurance that the permit for the entire building, structure or building service will be granted.

B. Retention of Plans

Health and Safety Code 19850 Maintenance of copy building plans. The Building Division of the County shall maintain an official copy, which may be on microfilm or other type of photographic copy of plans of every building during the life of the building, for which the Division issued a building permit. Except for plans of a common interest development as defined in Section 4100 or 6534 of the Civil Code plans need not be filed for:

- a) Single or multiple dwelling not more than two stories and basement in height.
- b) Garages and other structures appurtenant to building described under subdivision (a)
- c) Farm or ranch buildings
- d) Any one story building where the span between bearing walls does not exceed 25 feet. The exemption in this subdivision does not, however apply to steel frame or concrete buildings.

One set of approved plans and specifications shall be returned to the applicant and shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.

C, Validity of Permit

The issuance of a permit or approval of plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this Code, or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this Code or other ordinances of the jurisdiction shall not be valid.

The issuance of a permit based upon plans, specifications and other data shall not prevent the Building Official from thereafter requiring the correction of errors in said plans, specifications and other data, or from preventing building operations being carried on thereunder when in violation of this Code or of any other ordinances of this jurisdiction.

D. Expiration

Every permit issued by the Building Official under the provisions of this Code shall expire by limitation and become null and void, if the building or work authorized by such permit is not commenced within 180 days from the date the permit is issued, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained so to do, and the fee therefore shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

A permittee holding an unexpired permit may apply for an extension of the time within work may be commenced under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The Building Official may extend the time for action by the permittee for a period not exceeding 180 days upon written/verbal request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken.

E. Suspension or Revocation

The Building Official may, in writing, suspend or revoke a permit issued under the provisions of this Code whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation of the jurisdiction.

§ 91005.13 FEES

A. Any application for a permit filed pursuant to the provisions of this Code shall be accompanied by a fee as specified in Section 90902.03.

B. Plan Review Fees

When a plan or other data are required to be submitted by Subsection (B) of Section 91005.11, a plan review fee shall be paid at the time of submitting plans and specifications for review. Where plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate shown in the Imperial County Planning and Development Services Department Building Permit Fee Schedule.

C. Expiration of Plan Review

Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding 180 days upon request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

D. Investigation Fees: Work Without a Permit

1. Investigation

Whenever any work for which a permit is required by this Code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.

2. Fee

An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee that would be required by this Code if a permit were to be issued. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of either this code nor from any penalty prescribed by law.

E. Fee Refunds

1. The Building Official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.
2. The Building Official may authorize the refunding of not more than 70 percent of the permit fee paid when no work has been done under a permit issued in accordance with this Code.
3. The Building Official may authorize the refunding of not more than 70 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The Building Official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

§ 91005.14 INSPECTIONS

A. General

All electrical systems and equipment for which a permit is required by this Code shall be subject to inspection by the Building Official, and the electrical system shall remain accessible and exposed for inspection purposes until approved by the Building Official.

It shall be the duty of the permit applicant to cause the electrical system to remain accessible and exposed for inspection purposes. Neither the Building Official nor the jurisdiction shall be liable for the expense entailed in the removal or replacement of any material required to permit inspection. When the installation of an electrical system and equipment is complete, an additional and final inspection shall be made. Electrical systems and equipment regulated by this Code shall not be connected to the energy source until authorized by the Building Official.

Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this Code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel provisions of this Code or of other ordinances of the jurisdiction shall not be valid.

B. Inspection Requests

It shall be the duty of the person doing the work authorized by a permit to notify the Building Official that such work is ready for inspection. The Building Official may require that every request for inspection be filed at least one working day before such inspection is desired. Such request may be in writing or by telephone at the option of the Building Official.

It shall be the duty of the person requesting inspections required by this Code to provide access to and means for inspection of such work.

C. Operation of Electrical Equipment

The requirements of this Section shall not be construed to prohibit the operation of any electrical system or equipment installed to replace existing equipment. The request for inspection of such equipment must have been filed with the Building Official not more than 48 hours after such replacement work is completed and before any portion of such electrical system is concealed by any permanent portion of the building.

D. Other Inspections

In addition to the called inspections required by this Code, the Building Official may make or require other inspections of any work to ascertain compliance with the provisions of this Code and other laws which are enforced by the Code Enforcement Agency.

E. Re-Inspections

A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which inspection is called is not complete or when corrections call for are not made.

This provision is not to be interpreted as requiring re-inspection fees the first time a job is rejected for failure to comply with the requirements of this Code, but as controlling the practice of calling for inspections before the job is ready for such inspection or re-inspection.

Re-inspection fees may be assessed when the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the Building Official.

To obtain a re-inspection, the applicant shall file an application therefore in writing upon a form furnished for that purpose, and pay the re-inspection fee in accordance with the Imperial County Planning and Development Services Department Building Permit Fee Schedule.

In instances where re-inspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

1. Upon the completion of the electrical wiring in or on the building or structure of any nature, or premises, (except as otherwise exempted in this Division) the person, firm or corporation installing the same shall notify the Building Official, who shall inspect such installation, and if it is found by him to be fully in compliance with the provisions of this Division, he shall issue, a certificate of inspection or an approval tag authorizing the connection to the electrical service and the energizing of the installation.
2. Upon the completion of the electrical wiring in or on the building, it shall be unlawful for any person to lathe over, seal, cover or conceal any electrical wiring or other electrical equipment, for the installation of which a permit is required herein until such electrical wiring or other electrical equipment has been inspected and approved by the Building Official.

Said Building Official shall have the power to remove, or to require the removal of any obstruction which prevents proper inspection of any electrical equipment.

3. All defects shall be corrected within ten (10) days after inspection, or within such other reasonable time as is permitted by the Building Official.

§ 91005.15 CONNECTION APPROVAL

A. Energy Connections

An electrical system or equipment regulated by the CEC for which a permit is required shall not be connected to a source of energy or power until approved by the Building Official.

B. Temporary Connections

The Building Official may authorize the temporary connection of the electrical system or equipment to the source of energy or power for the purpose of testing the equipment, or for use under a temporary Certificate of Occupancy. If a temporary Certificate of Occupancy is issued, the Building Official may order this service terminated without notice if the service is used or maintained in violation of the terms under which it was approved.

§ 91005.16 MODIFICATIONS OF THE 2016 CALIFORNIA ELECTRICAL CODE

- A. The 2019 California Electrical Code is hereby amended to include the provisions contained in Sections 91005.02, 91005.03, 91005.04, 91005.05, 91005.06, 91005.07, 91005.08, hereinafter set forth shall apply.

- B. Section 89.101.3.3 Subsection (A-F), are deleted and revised to read: "A permit shall not be required for the installation, alteration, or repair of electrical wiring, apparatus, or equipment for the generation, transmission, distribution, or metering of electrical energy, or in the operation of signals or the transmission of intelligence by a public or private utility, provided said work is performed by the utilities own work force in providing its service." Permits shall be required for all new construction of generating plants, sub-station control buildings or buildings where employees of the Utility are regularly at work.

- C. Article 230-28 is hereby amended to read as follows:

"Where a service mast is used for the support of service drop conductors, it shall be 2" diameter nominal rigid metal conduit; and if necessary, by determination of the authority be supported by braces or guy wires to safely withstand all loads imposed." Where raceway-type service masts are used, all raceway fittings shall be identified for use with service masts. Only power service-drop conductors shall be permitted to be attached to a service mast.

- D. Article 250.8 is hereby amended to read as follows:

Grounding conductors and bonding jumpers shall be connected by exothermic welding, listed pressure connectors, listed clamps, or other listed means. Connection devices or fittings that depend solely on solder shall not be used.

The connection to the buried or driven ground rod shall be the "acorn type" connector only.

§ 91005.17 WORK NOT REQUIRING A PERMIT

No permit shall be required for minor repair work such as repairing flush and snap switches, replacing fuses, changing lamp sockets and receptacles, taping bare joints, repairing drop cords and the like. Nor shall a permit be required for the installation of wiring used for the installation and operation of any electric light, power or heating device or any apparatus which generates, transmits, transforms or utilizes electricity at a voltage not exceeding twenty-five (25) volts between conductors.

§ 91005.18 MAINTENANCE ELECTRICIANS

Any person, firm or corporation regularly employing one or more electricians for maintenance purposes, or for the purpose of making installations, additions, alterations, or repairs on their premises, shall file with the Building Official reports at least semi- annually, describing all such maintenance, installations, additions, alterations or repairs.

At the time said report is filed, such persons, firms or Corporations shall pay applicable permit fees provided for in this Ordinance, for each such activity reported. All such work shall be installed and done in accordance with the provisions of the Code, and all such work shall be subject to inspection.

§ 91005.19 PUBLIC UTILITIES

- A. The provisions of this Chapter shall not apply to any electrical work performed by a public utility in its process to provide service as a public utility, except as otherwise noted herein.
- B. The Term "Public Utility" as used, applies to all within the definition of that term as set forth in the Public Utilities Act of the State of California.

§ 91005.20 CITATION(S)

The Building Official or his designee(s) having the authority by Division 13 to issue citations, against any person, firm or corporation that is in violation of any provision of this ordinance and/or any section, article, or regulation of the adopted codes, may issue a citation to effect compliance with all applicable laws, ordinances, and/or regulations.

The citation shall be issued only by duly qualified personnel and upon the format approved by the Courts.

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Approve, April 18, 2017)

TITLE 9

DIVISION 10: BUILDING & GRADING REGULATIONS

CHAPTER 6: UNIFORM HOUSING CODE

- § 91006.00 ADOPTION OF THE CALIFORNIA RESIDENTIAL CODE
- § 91006.01 MODIFICATION OF THE CALIFORNIA RESIDENTIAL CODE
- § 91006.02 CITATIONS

§ 91006.00 ADOPTION OF THE CALIFORNIA RESIDENTIAL CODE (CODE)

The CALIFORNIA RESIDENTIAL 2019 Edition, as adopted by the Planning and Development Services Department and Title 25 is hereby incorporated by reference and adopted as part of the Building Regulations of the County of Imperial, as provided by Section 91006.01.

§ 91006.01 MODIFICATIONS OF THE CALIFORNIA RESIDENTIAL CODE

Section R104 of the California Residential Code is hereby amended to read as follows:

- A. Authority. As herein below set forth, the Building Official and the Director of Imperial County Division of Environmental Health, (hereinafter referred to as "Director" for purposes of this Chapter only) are hereby authorized and directed to administer and enforce all the provisions of this Code.
 - 1. The duties of the Building Official shall include but not be limited to the directing, administering, and enforcing of all provisions of this Code relating to erection, construction, enlargement, alterations, repair, moving, removal convergence or demolition of buildings or structure to which this Code applies.
 - 2. The duties of the Director shall include but are not limited to the directing, administering, enforcing of all provisions of this Code relating to the public health aspects of the maintenance, sanitation, occupancy and ventilation of buildings and structures to which this Code applies.
- B. Right to Entry.
 - 1. The Building Official or the Director, or duly appointed representatives of either such official, may enter and inspect any building or premises when necessary to secure compliance with, and prevent violation of, any provision of the Code, subject to the limitations hereinafter provided.
 - 2. Any occupied dwelling shall not be entered between the hours of 9:00 p.m. of any day and 6:00 a.m. of the succeeding day, without the consent of the owner or the occupants of the dwelling. An unoccupied dwelling shall not be entered without there first being secured a proper written order executed and issued by a court having jurisdiction to issue the order.

C. Responsibilities Defined.

Every owner remains liable for violations of duties imposed upon him/her by this Code even though an obligation is also imposed on the occupants of his/her building, and even though the owner has, by agreement, imposed on the occupant the duty of furnishing required equipment or of complying with this Code.

Every owner, or his/her agent, in addition to being responsible for maintaining his building in sound structural condition, shall be responsible for keeping the part of the building or premises which he occupies or controls in a clean, sanitary and safe condition including the shared or public areas in a building containing two or more dwelling units.

Every owner shall furnish and maintain required sanitary facilities and devices, equipment, or facilities for the prevention of insect and rodent infestation, and where infestation has taken place, shall be responsible for the extermination of any insects, rodents, or other pests when such extermination is not specifically made the responsibility of the occupant by law or ruling.

Every occupant of a dwelling unit in addition to being responsible for keeping a clean, sanitary, and safe condition that part of the dwelling or dwelling unit or premises which he occupies and controls, shall dispose of all his rubbish, garbage, and other organic waste in a manner required by the health ordinance and approved by the Director.

1. Section R109.1 of the California Residential Code is hereby amended to read as follows:

"All buildings or structures within this Code and all construction or work for which a permit is required shall be subject to inspection by the Building Official and the Director in accordance with the manner provided by this Code and Section 110 of the California Building Code and all appropriate provisions of the law."

2. Section R104 of the California Residential Code is hereby amended to read as follows:

"Whenever the term Building Official is used in this Chapter, it shall be deemed to mean Building Official or Director of Imperial County Division of Environmental Health."

§ 91006.02 CITATION(S)

The Building Official or his designee(s) having the authority by Division 13 to issue citations, against any person, firm or corporation that is in violation of any provision of this ordinance and/or any section, article, or regulation of the adopted codes, may issue a citation to effect compliance with all applicable laws, ordinances, and/or regulations.

The citation shall be issued only by duly qualified personnel and upon the format approved by the Courts.

TITLE 9

DIVISION 10: BUILDING & GRADING REGULATIONS

CHAPTER 7: ADOPTION OF THE CALIFORNIA MECHANICAL CODE

§ 91007.00 ADOPTION OF THE CALIFORNIA MECHANICAL CODE

§ 91007.01 FEES

§ 91007.02 CITATIONS

§ 91007.00 ADOPTION OF THE CALIFORNIA MECHANICAL CODE

The 2019 California Mechanical Code, including the appendix thereof and the standards therein, which has been adopted by the State Building Standards Commission, is hereby incorporated by reference and adopted as part of the Building Regulations of the County of Imperial, except as provided by Section 91007.01.

§ 91007.01 FEES

Applications for permits under this Chapter shall be accompanied by fees as set forth in the Imperial County Codified Ordinance Title 9, Division 9, and Sections 90901.00 through 90904.05.

§ 91007.02 CITATION(S)

The Building Official or his designee(s) having the authority by Division 13 to issue citations, against any person, firm or corporation that is in violation of any provision of this ordinance and/or any section, article, or regulation of the adopted codes, may issue a citation to effect compliance with all applicable laws, ordinances, and/or regulations.

The citation shall be issued only by duly qualified personnel and upon the format approved by the Courts.

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Division 10 Adopted November 24, 1998 (Amended December 16, 2003, August 3, 2004, October 31, 2006, January 29,

2008, & October 27, 2009) (Amended July 2, 2013 MO #12) (Amended December 9, 2014) (Amended Mar) (Board Approve, April 18, 2017)

TITLE 9

DIVISION 10: BUILDING & GRADING REGULATIONS

CHAPTER 8: UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS

- § 91008.00 ADOPTION OF THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS
- § 91008.01 MODIFICATIONS OF THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS
- § 91808.02 CITATION(S)

§ 91008.00 ADOPTION OF THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS

The Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, which has been adopted by the International Conference of Building Officials is hereby incorporated by reference and adopted as part of the Building Regulations of the County of Imperial, except as provided by Section 91008.01.

§ 91008.01 MODIFICATION OF THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS

1. Section 205 of the Dangerous Buildings Code shall be amended to read:

"The Board of Appeals created by Section 91002.16 of this Division shall hear all appeals provided for hereunder. Said Board may adopt reasonable rules and regulations for conducting its business and shall render all decisions and findings in writing. A copy of the decision and findings shall be transmitted to the appellant and to the Building Official. Appeals shall be processed in accordance with the provisions of Sections 91002.17 and 91002.18. Copies of all rules or regulations adopted by the Board shall be made freely accessible to the public."

2. Sections 802 and 912 shall not have application as a part of the Building Regulations of the County of Imperial.

§ 91008.02 CITATION(S)

The Building Official or his designee(s) having the authority by Division 13 to issue citations, against any person, firm or corporation that is in violation of any provision of this ordinance and/or any section, article, or regulation of the adopted codes, may issue a citation to effect compliance with all applicable laws, ordinances, and/or regulations.

The citation shall be issued only by duly qualified personnel and upon the format approved by the Courts.

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TITLE 9

DIVISION 10: BUILDING & GRADING REGULATIONS

CHAPTER 9: ADOPTION OF THE INTERNATIONAL ZONING CODE

- § 91009.00 ADOPTION OF THE INTERNATIONAL ZONING CODE
- § 91009.01 FEES
- § 91009.02 CITATIONS

§ 91009.00 ADOPTION OF THE INTERNATIONAL ZONING CODE

The International Zoning Code, 2018 Edition, which has been adopted by the International Code Council, is hereby incorporated by reference and adopted as part of the Building Regulations of the County of Imperial.

§ 91009.01 FEES

Fees for the sign permit shall be as per Section 90902.06.

§ 91009.02 CITATION(S)

The Building Official or his designee(s) having the authority by Division 13 to issue citations, against any person, firm or corporation that is in violation of any provision of this ordinance and/or any section, article, or regulation of the adopted codes, may issue a citation to effect compliance with all applicable laws, ordinances, and/or regulations.

The citation shall be issued only by duly qualified personnel and upon the format approved by the Courts.

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TITLE 9

DIVISION 10: BUILDING & GRADING REGULATIONS

CHAPTER 10: PHOTOVOLTAIC SOLAR PROJECTS

91010.00	APPLICATION FOR PERMIT
91010.01	PERMIT, CONDITIONS REQUIRED FOR ISSUANCE
91010.02	FEES
91010.03	APPLICANT'S LIABILITY
91010.04	CERTIFICATE OF OCCUPANCY
91010.00	APPLICATION FOR PERMIT

Applicants for permits shall apply to the Planning & Development Services Department for the photovoltaic system, and shall submit detailed plans and calculations of all proposed grading, structures, electrical installations, MCC buildings, substation, maintenance building, temporary offices and accessory structures; including fences and barricades used in connection with the proposed work. The department may require, in addition, an engineer's geological report and a soil engineering report in connection with the proposed work.

91010.01 PERMIT, CONDITIONS REQUIRED FOR ISSUANCE

Besides the data required to be submitted pursuant to Section 91010.00, approvals from the following County departments will be required before issuance of permit:

- Planning & Development Services
- Public Works
- Fire Department
- Air Pollution Control District
- Division of Environmental Health
- Agricultural Commissioner
- Chief Executive Officer

After all existing conditions have been reviewed and accepted by these departments, a permit for the photovoltaic solar project may be issued.

91010.02 FEES

The Planning & Development Services Department will assess a fee for zoning, general plan, seismic motion instrumentation, administrative processing, and California Building Standards Commission. Fees applied by the department for Supplemental Plan Check, and inspections to be provided specifically to structural, electrical systems, as well as substations are the result of years of experience working with diverse size of projects, energy production capacity and contractors critical path method throughout the Imperial County; All information from field and office has been gathered, interpolated, and prorated in order to establish a reliable mathematical formula summarized as follows:

A. STRUCTURAL PROJECT FOR SOLAR PHOTOVOLTAIC SYSTEMS (1 to 50 MW)

1. Inspections:
1 Megawatt = \$1,174.46 (Fixed) + \$313.78 (Per additional MW up to 50 MW)
2. Plan Check:

1 Megawatt = \$543.39 (Fixed) + \$4.40 (Per additional MW up to 50 MW)

B. ELECTRICAL PROJECT FOR SOLAR PHOTOVOLTAIC SYSTEMS (1 to 50 MW)

1. Inspections:
1 Megawatt = \$1,521.82 (Fixed) + \$734.85 (Per additional MW up to 50 MW)
2. Plan Check:

1 Megawatt = \$641.81 (Fixed) + \$5.65 (Per additional MW up to 50 MW)

C. STRUCTURAL PROJECT FOR SOLAR PHOTOVOLTAIC SYSTEMS (51 to 120 MW)

1. Inspections:

First 50 Megawatts = \$16,549.68 (Fixed) + \$573.83 (Per additional MW up to 120 MW)

2. Plan Check:

First 50 Megawatts = \$758.99 (Fixed) + \$60.81 (Per additional MW up to 120 MW)

D. ELECTRICAL PROJECT FOR SOLAR PHOTOVOLTAIC SYSTEMS (51 to 120 MW)

1. Inspections:

First 50 Megawatts = \$22,208.73 (Fixed) + \$461.47 (Per additional MW up to 120 MW)

2. Plan Check:

First 50 Megawatts = \$369.14 (Fixed) + \$102.02 (Per additional MW up to 120 MW)

E. STRUCTURAL PROJECT FOR SOLAR PHOTOVOLTAIC SYSTEM (121 to 200 MW)

1. Inspections:

First 120 Megawatts = \$56,717.78 (Fixed) + \$1,653.74 (Per additional MW up to 200 MW)

2. Plan Check:

First 120 Megawatts = \$5,015.49 (Fixed) + \$12.37 (Per additional MW up to 200 MW)

F. ELECTRICAL PROJECT FOR SOLAR PHOTOVOLTAIC SYSTEMS (121 to 200 MW)

1. Inspections:

First 120 Megawatts = \$54,511.63 (Fixed) + \$742.25 (Per additional MW up to 200 MW)

2. Plan Check:

First 120 Megawatts = \$7,510.54 (Fixed) + \$80.11 (Per additional MW up to 200 MW)

G. STRUCTURAL PROJECT FOR SOLAR PHOTOVOLTAIC SYSTEMS (Above 200 MW)

1. Inspections:

First 200 Megawatts = \$189,016.98

2. Plan Check:

First 200 Megawatts = \$6,005.09

H. ELECTRICAL PROJECT FOR SOLAR PHOTOVOLTAIC SYSTEM (Above 200 MW)

1. Inspections:

First 200 Megawatts = \$113,891.63

2. Plan Check:

First 200 Megawatts = \$13,919.34

*Additional fee above 200 Megawatts will be applied as calculated previously for:
1 to 50 MW, 51 to 120 MW, and 121 to 200 MW

I. STRUCTURAL AND ELECTRICAL PROJECT FOR SUBSTATIONS AND SWITCHYARDS
(Up to 200 MW)

1. Inspections:

First 10 Megawatts = \$1,968.76 (Fixed) + \$140.04 (Per additional MW up to 200 MW)

2. Plan Check:

First 10 Megawatts = \$507.04 (Fixed) + \$15.05 (Per additional MW up to 200 MW)

*Additional fee above 200 Megawatts will be applied as calculated previously for:
1 to 50 MW, 51 to 120 MW, and 121 to 200 MW.

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2004, October 31, 2006, January 29,
2008, & October 27, 2009) (Amended July 2, 2013 MO #12) (Amended December 9, 2014) (Amended Mar)
(Board

TITLE 9

DIVISION 10: BUILDING & GRADING REGULATIONS

Division 10 Adopted November 24, 1998 (Amended December 16, 2003, August 3, 2004, October 31, 2006, January 29, 2008, & October 27, 2009) (Amended July 2, 2013 MO #12) (Amended December 9, 2014) (Amended Mar) (Board Approve, April 18, 2017)

CHAPTER 11: GRADING REGULATIONS

§ 91011.00	WHEN PERMIT REQUIRED, EXCEPTIONS
§ 91011.01	APPLICATION FOR PERMIT
§ 91011.02	PERMIT, CONDITIONS REQUIRED FOR ISSUANCE
§ 91011.03	DECISION AS TO ISSUANCE, APPEAL TO BOARD
§ 91011.04	APPLICANT'S LIABILITY
§ 91011.05	VIOLATIONS
§ 91011.06	VIOLATIONS

§ 91011.00 WHEN PERMIT REQUIRED, EXCEPTIONS

- A. No person, firm, association, corporation or organization except public entities and their officers, employees or contractors who are performing work within publicly owned rights-of-way, shall, within the unincorporated territories of the County of Imperial, do any grading, excavation or earthwork construction without having first obtained a permit therefore from the County Engineer.
- B. This Chapter does not apply to performing the following work:
1. Grading in an isolated, self-contained area, provided there is no danger to the public, and that such grading will not adversely affect adjoining properties.
 2. Cemetery graves.
 3. Excavation authorized by a valid building permit.
 4. Construction of irrigation and drainage appurtenances.
 5. Agricultural land leveling.

§ 91011.01 APPLICATION FOR PERMIT

Applicants for permits shall apply to the Imperial County Engineer and shall submit detailed plans of all existing and proposed elevations and structures; property lines; irrigation and drainage systems; protective devices, including fences and barricades, used in connection with the proposed work. The Imperial County Engineer may require, in addition, an engineer's geological report and a soil engineering report in connection with the proposed work.

§ 91011.02 PERMIT, CONDITIONS REQUIRED FOR ISSUANCE

- A. After the data required to be submitted pursuant to Section 91010.01 has been reviewed by the County Engineer, he may issue a grading permit if all of the following conditions exist:

1. If the proposed grading, excavation or earthwork construction is of irrigateable land that said grading will not cause said land to be unfit for agricultural use.
 2. The depth of the grading, excavation or earthwork construction will not preclude the use of drain tile in irrigated lands.
 3. The grading, excavation or earthwork construction will not extend below the water table of the immediate area.
 4. Where the transition between the grading plane and adjacent ground has a slope less than the ratio of 1 ½ feet on the horizontal plane to one (1) foot on the vertical plane, the plans and specifications will provide for adequate safety precautions.
- B. Permit Fee – The Planning & Development Services Department will assess a fee for zoning, general plan and supplemental plan check for each grading project application. This permit fee will be independent of any calculated fees required by the Imperial County Department of Public Works to process the grading application and inspections to be provided.
- C. The Imperial County Engineer shall specify the duration of the permit. Permits may be renewed upon application to the Imperial County Engineer.

§ 91011.03 DECISION AS TO ISSUANCE, APPEAL TO BOARD OF SUPERVISORS

The County Engineer shall consider such application, pursuant to policies established by the Board of Supervisors and either grant to the permit, subject to any condition designed to accomplish the purpose of this Chapter or deny the same or refer the matter to the Board of Supervisors with or without recommendations. The denial of such application or the imposition of any conditions by the County Engineer shall be final unless within ten (10) days after such action the applicant shall appeal therefrom in writing to the Board of Supervisors by presenting such appeal to the Clerk of said Board. At its next regular meeting after the filing of such appeal with the Board of Supervisors, it shall consider the appeal, and any recommendations submitted therewith from the County Engineer. Said Board of Supervisors may issue such permit, if, in the opinion of said Board, the proposed grading, excavation or earthwork construction or use will not be in conflict with the purposes of this Chapter. The Board of Supervisors may refuse to issue such permit or may issue such permit subject to specified conditions designed to accomplish the purpose of this Chapter.

§ 91010.04 APPLICANT'S LIABILITY

No person, firm, organization or corporation shall be relieved from responsibility or liability in connection with any grading, earthwork construction or excavation undertaken by it by reason of the issuance of the permit by the Imperial County Engineer.

§ 91011.05 VIOLATIONS

It shall be unlawful for any person, firm, organization or corporation to violate any of the provisions of this Chapter.

§ 91011.06 CITATION(S)

The Building Official or his designee(s) having the authority by Division 13 to issue citations against any person, firm or corporation that is in violation of any provision of this ordinance and/or any section, article, or regulation of the adopted codes, may issue a citation to effect compliance with all applicable laws, ordinances, and/or regulations.

The citation shall be issued only by duly qualified personnel and upon the format approved by the Courts.

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Division 10 Adopted November 24, 1998 (Amended December 16, 2003, August 3, 2004, October 31, 2006, January 29, 2008, & October 27, 2009) (Amended July 2, 2013 MO #12) (Amended December 9, 2014) (Amended Mar) (Board

Division 10 Adopted November 24, 1998 (Amended December 16, 2003, August 3, 2004, October 31, 2006, January 29, 2008, & October 27, 2009) (Amended July 2, 2013 MO #12) (Amended December 9, 2014) (Amended Mar) (Board Approve, April 18, 2017)

SECTION 1: Chapters 1 and 2 (Sections 91201.00 through 91202.04) of Division 12 of Title 9 of the Codified Ordinance of the County of Imperial is hereby enacted rescinded.

SECTION 2 Chapters 1 and 2 (Sections 91201.00 through 91202.04) of Division 12 of Title 9 of the Codified Ordinance of the County of Imperial is hereby re-enacted to read as follows:

TITLE 9

DIVISION 12: MOBILE HOME PARKS PROGRAM

CHAPTER 1: ASSUMPTION OF RESPONSIBILITY FOR MOBILE HOME PARKS AND TRAVEL TRAILER PARKS

CHAPTER 2: PARK MODELS AND RECREATIONAL VEHICLES STANDARDS

CHAPTER 1: ASSUMPTION OF RESPONSIBILITY FOR MOBILE HOME PARKS AND TRAVEL TRAILER PARKS

§ 91201.00	ASSUMPTION OF RESPONSIBILITY FOR ENFORCEMENT
§ 91201.01	ENFORCEMENT RESPONSIBILITY AND ASSIGNMENT OF PERSONNEL
§ 91201.02	PURPOSE
§ 91201.03	PROGRAM AND OBJECTIVES
§ 91201.04	EFFECTIVE DATE
§ 91201.05	FEES

§ 91201.00 ASSUMPTION OF RESPONSIBILITY FOR ENFORCEMENT

Pursuant to Section 18300 of the Health and Safety Code, the County of Imperial hereby assumes responsibility for enforcement of Division 13 Part 2.1 (Section 18200 et. Seq.) of the Health and Safety Code as well as the responsibility for enforcing the building standards as published in the State Building Standards Code relating to mobile home parks, travel trailer parks, recreational trailer parks, temporary trailer parks, incidental camping areas, and tent camps, and the related administrative regulations (collectively referred to as "the Act").

§ 91201.01 ENFORCEMENT RESPONSIBILITY AND ASSIGNMENT OF PERSONNEL

The County of Imperial (Planning & Development Services Department) shall be the enforcement agency as defined by Section 18207 of the Health and Safety Code and will assign, at a minimum, one inspector plus other necessary qualified personnel within the Building Inspection Division of the Planning Department for actual enforcement. The Planning/Building Official shall be the County's responsible project manager and assigned liaison to the State for this purpose.

§ 91201.02 PURPOSE

The County of Imperial desires to implement the Mobile Home Park Act (Program) at the local level rather than through the Housing and Community Development Department, State of California.

This will allow park residents, owners, operators, and developers to work with the local agencies in a more convenient manner, assist the State in meeting its obligation and facilitates permit streamlining.

The County hereby adopts the program and objectives as set forth in the provisions of the Health and Safety Code Division 13 Part 2.1 (Section 18200 et. seq.) and related administrative regulations.

Specified local objectives include, but are not limited to the following: maintenance of open space and adequate light and ventilation; reduction of the threat of fire; and provisions of adequate public utilities, including water and sewer. The County intends to continue the standard of enforcement heretofore assumed by the State and to cause facilities to be brought into compliance as contemplated by the Act. Inspection of the mobile home parks which are in compliance will be undertaken to assure continued compliance with the Act. The County intends to enforce and implement the program to include all parks currently under jurisdiction of the Department of Housing and Community Development and any new parks.

§91201.04 EFFECTIVE DATE

The effective date of the assumption of responsibilities was and shall be December 31, 1984.

§91201.05 FEES

The County of Imperial hereby adopts the fee schedules as contained in the provision of the Health and Safety Code Division 13 Part 2.1 and the related administrative regulations, and as amended from time to time.

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CHAPTER 2: PARK MODELS AND RECREATIONAL VEHICLES STANDARD

- § **91202.00 GENERAL; NEED FOR STANDARD**
- § **91202.01 DEFINITIONS**
- § **91202.02 REGULATIONS**
- § **91202.03 UNLAWFUL OCCUPANCY**
- § **91202.04 RV REMOVAL**

§ 91202.00 GENERAL; NEED FOR STANDARD

Members of the engineering profession and others associated with the design, manufacture, and inspection of recreational park trailers have been aware of the need for a standard providing for healthful and safe portable, seasonal housing, arranged and equipped to assure suitable living conditions. They have also recognized that because of conditions of transport, size and use, existing standards for permanent buildings and recreational vehicles are not completely applicable to recreational park trailers. It is with these factors in mind that this standard has been developed.

In determining the acceptability of installation or procedures, equipment or materials, the authority having jurisdiction may base acceptance on compliance with this or other appropriate standards. In absence of these standards, said authority may require evidence of proper installation, procedure or use. The authority having jurisdiction may also refer to the listings or labeling practices of an organization concerned with product evaluation, which is in a position to determine compliance with appropriate standards for current production of listed items.

§ 91202.01 DEFINITIONS

Recreational Park Trailer. A trailer type unit that is primarily designed to provide temporary living quarters for recreational, camping, or seasonal use that meets the following criteria:

- a) Built on a single chassis mounted on wheels.

- b) Having a gross trailer area not exceeding 400 square feet (37.15 square meters) in the set up mode and if less than 320 square feet (29.72 square meters) in the setup mode would require a special movement permit for highway transit.
- c) Certified by manufacturer as a complying with ANSI A119.5

Recreational Vehicle. A vehicular type unit primarily designed as temporary living quarters for recreational, camping, travel or seasonal use, that either has its own motive power, or is mounted on, or towed by another vehicle. The basic entities are: camping trailer, fifth wheel trailer, motor home, travel trailer and truck camper.

These definitions are common to:

- The Recreational Park Trailer Standard
- The 2019 Mobile Home Residency Law
- The Health and Safety Code
- The Regulations for Mobile Home Parks and Recreational vehicle parks
- The Manufactured Home Procedural and enforcement regulations.

91202.02 REGULATIONS

Earlier RV Exemptions did not establish a bright line between RV's, which are designed for temporary, seasonal, or recreational use, and manufactured housing which is designed to be permanent, year- round dwelling.

In the fall of 2014, HUD determined that some manufacturers were producing park model recreational vehicles (PMRVs) also known as recreational park trailer, which were in excess of the recreational vehicle exemption's 400 square feet threshold.

HUD asserts that its requirement is distinguishable from the RV industry association's because (1) HUD's requirement for a manufacturer's notice applies to all RVs built and certified to ANSI A119.5-15 standards, not just RVs with the RV Industry Association seal; and (2) HUD requires its notice to be placed more conspicuously than the RV Industry Association seal and serves to inform consumers about the standards to which the unit was built, which the agency's belief differs from the purpose of an RV Industry Association seal.

"The Manufacturer of this unit certifies that it is a park model recreational vehicle designed only for recreational use, and not for use as a primary residence or for permanent occupancy. The new rule creates a clear distinction between manufactured housing and recreation vehicles. This provides regulatory certainty. The rule took effect on January 15, 2019.

A Recreational vehicle is a vehicle, regardless of size, which is not designed to be used as a permanent dwelling, and in which the plumbing, heating, and electrical system contained therein may be operated without connection to outside utilities and which are self-propelled or towed by a light duty vehicle.

New installation of recreational vehicles in an approved RV Park may be located and occupied for a maximum of 30 days, except that the transient use may be extended for temporary management, seasonal workers or as convenient subject to the following:

- a) Persons occupying vehicles with total hook-up capacity, including sewer, water and electricity, shall not occupy any space in a recreational vehicle park for a period exceeding 150 days in any 12-month period.
- b) Persons occupying vehicles with less than total hook-up capacity shall not occupy any recreational vehicle park for a period exceeding 90 days in any 12-month period.
- c) All vehicles within the park shall be kept mobile so that they may be moved within one hour if required.
- d) Adequate space shall be provided within each recreation vehicle space to accommodate one additional vehicle for the purpose of off-street parking.
- e) All Recreational vehicles within the park shall be duly licensed and active with the Department of Motor Vehicles (DMV) and operational at all times.
- f) The recreational vehicle park manager shall maintain a log of the names of persons and dates of occupancy of spaces. The log shall be made available to a Code Enforcement officer as to compliance with these occupancy limitations.

The County takes into consideration any special condition as location, physical environment, density of usage, type of operation, type of vehicles to be accommodated, and duration of occupancy, reasonable and necessary for the protection of life and property.

If a recreational vehicle (RV or PMRV) with a transient permit is extended and therefore considered a permanent dwelling, it shall conform to the definitions in Chapter 2 of Title 9 Division 10. A certification by a national recreational vehicle inspection association (NRVIA) must be submitted to the Planning & Development services Department. And, every five years since then and must be approved by the department, and the designated RV space or lot must have a permanent constructed utilities closet with the required dimensions, doors, _and ventilation; the appliances or equipment with the required hot and cold water; sewer and electrical connections, and transition fittings for the RV systems.

Technical Service Fee: Any person or RV Park issued a notice indicating violations pursuant to this section, shall obtain the required permit from the enforcement agency and pay the appropriate fee as prescribed in this article:

- a) Fees for technical services provided by the enforcing agency shall be:
 - a. One hundred ninety six dollars (\$196) providing the technical service does not exceed one hour. When the technical service exceeds one hour, the following fees shall apply:
 - i. Second and subsequent whole hours: eighty-two dollar **(\$82)**
 - ii. Each thirty (30) minutes, or fractional part thereof: forty-one dollars (\$41)

91202.03 UNLAWFUL OCCUPANCY

It is unlawful to rent a space for travel trailer, tent, or other vehicle used for living and/or sleeping, which is unsightly. It shall be refused by the owner or operator of the RV Park to every owner or occupant of a travel trailer, Tent, or other vehicle which is unsightly (including but not limited to: damaged roofing or siding materials, damaged/missing windows, doors or screen doors, cracked or peeling exterior paint, and more) or is a fire hazard, or health menace as determined by the Imperial County Planning & Development Services Department.

New Occupancy. The person who holds the license for the operation of an RV park shall not allow a newly installed recreational vehicle to be occupied unless he has ascertained that all code and ordinance requirements regarding that installation have been met.

"Defaulting Occupant" means an occupant who fails to pay for his/her occupancy in a park or who fails to comply with reasonable written rules and regulations of the park given to the occupant upon registration.

91202.04 RV REMOVAL

At the entry to a Recreational Vehicle Park, or within the separate designated section for recreational vehicles within a Mobile Home Park, there shall be displayed in plain view on the property a sign indicating that the recreational vehicle may be removed from the premises for the reasons specified under 91202.03 Unlawful occupancy. It shall contain the telephone number of the Local Traffic Law Enforcement Agency. Nothing in this Section shall prevent Management from additionally displaying a sign in other locations within the park.

A written 72-hour notice shall state that if the defaulting occupant does not remove the recreational vehicle from the premises of the park within 72 hours after receipt of the notice, Management has authority to have the Recreational Vehicle removed from the lot to the nearest secured storage facility . Subsequent to serving a copy of the notice specified in this article to the City Police or County Sheriff, whichever is appropriate, and after the expiration of 72 hours following service of the notice on the defaulting occupant, the Police or Sheriff shall remove or cause to be removed any person in the recreational vehicle. Management may then remove or cause the removal exercising reasonable and ordinary care of a defaulting occupant's recreational vehicle parked on the premises of the park to the nearest secured storage facility . The notice shall be void seven (7) days after the date of service of the notice.

SECTION 1: Chapter 1 (Sections 91401.00 through 91401.24) of Division 14 of Title 9 of the Codified Ordinance of the County of Imperial is hereby enacted rescinded.

SECTION 2 Chapter 1 (Sections 91401.00 through 91401.24) of Division 14 of Title 9 of the Codified Ordinance of the County of Imperial is hereby re-enacted to read as follows:

TITLE 9

DIVISION 14: DEFINITIONS/CLARIFICATIONS

[CHAPTER 1: DEFINITION\(S\)](#)
[CHAPTER 2: DRAWINGS/SKETCHES](#)
[CHAPTER 3: POLICY/CLARIFICATIONS](#)

CHAPTER 1: DEFINITIONS

§ 91401.00 ["A"](#)
§ 91401.01 ["B"](#)
§ 91401.02 ["C"](#)
§ 91401.03 ["D"](#)
§ 91401.04 ["E"](#)
§ 91401.05 ["F"](#)
§ 91401.06 ["G"](#)
§ 91401.07 ["H"](#)
§ 91401.08 ["I"](#)
§ 91401.09 ["J"](#)

§ 91401.10	"K"
§ 91401.11	"L"
§ 91401.12	"M"
§ 91401.13	"N"
§ 91401.14	"O"
§ 91401.15	"P"
§ 91401.16	"Q"
§ 91401.17	"R"
§ 91401.18	"S"
§ 91401.19	"T"
§ 91401.20	"U"
§ 91401.21	"V"
§ 91401.22	"W"
§ 91401.23	"X"
§ 91401.24	"Y"
§ 91401.25	"Z"

DEFINITIONS: Unless specifically defined within this section, or unless otherwise defined within this Title, word(s) and/or phrase(s) used in this Title shall be interpreted and/or have the meaning as defined in Webster's Dictionary. All words and phrases shall be interpreted to give this Title its most restrictive application.

§ 91401.00 "A"

- ABUT** To physically touch, border upon, or to share a common corner or property line. For the purpose of this Title, abutting properties shall also include those properties separated by any road, street, alley, or highway, except a State/Federal major highway, or any highway more than two lanes.
- ACCEPT** The term accept shall not be confused with received. For the purpose of this Title, an application submitted to the Department is considered as "received" only. The application may upon review be deemed by staff to be "accepted" or "complete" or "rejected". For purpose if this Title, "accept" means a determination whereby an application that has been fully reviewed, and which has all required information shall be deemed as "accepted".
- ACCESS** The place or way by which pedestrian and/or vehicles shall have safe, adequate, usable physical and legal ingress or egress to a property or use.
- ACCESS DRIVE** A physically improved way or means of approach to provide ingress/egress to a property.
- ACCESSORY BUILDING** A detached structure that is a subordinate building or structure to the primary use/structure, the use of which is customarily incidental to that of the main building or to the main use of the land, which is located on the same lot/parcel with the main building or use. For example, a detached carport, a workshop, or a hobby room.
- ACCESSORY FACILITY** Any improvement constructed, installed, or established to perform some particular function that is incidental to or facilitates the primary use.
- ACCESSORY USE** A structure/use that is:
- Subordinate to and serves a primary building or principal use; and
 - Is subordinate in area, extent, or purpose to the principal use; and
 - Contributes to the comfort, convenience or necessity of the principal building/use;
 - Is located on the same lot/parcel as the principal use.

For the purpose of Division 16, this term means “a use which is incidental and subordinate to the principal use of the parcel of land on which it is located”.

ACRE	A measure of land containing forty-three thousand five hundred and sixty (43,560) net square feet.
ACCESSORY DWELLING UNIT	<p>An attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provision for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family is situated. An accessory dwelling unit also include the following:</p> <ol style="list-style-type: none">1. An efficiency unit as defined in Division 14 Section 91401.042. A manufactured home as defined in Division 14 Section 91401.12.
ACTUAL CASH VALUE	Current market value as determined by a certified real property appraiser or actual sales price.
ADULT BOOKSTORE	A retail establishment selling publications and other material of a sexually explicit nature, or materials generally not for view by minors.
AGRICULTURE	Farming, including animal husbandry and the production and management of crops (including aquatic crops) for food, fiber, fuel, and ornament.
AIRPORT (PRIVATE)	A private airplane landing strip airport or airstrip intended for the sole use of the airport owner and his or her invitees.
AIRPORT (PUBLIC)	A publicly or privately owned airport that offers the use of its facilities to the public without prior notice or special invitation or clearance, and that has been issued a California Airport Permit by the Division of Aeronautics of the California Department of Transportation.
ALIQUOT	The division or measurement of land in one-half (1/2) or one-quarter (1/4) portions.
ALLEY	A public through fare, permanently reserved as a secondary means of access to abutting property. Alley(s) in and of themselves do not constitute legal and physical access.
ALLUVIAL FAN	A geomorphologic feature characterized by a cone or fan-shaped deposit of boulders, gravel, and fine sediments that have been eroded from mountain slopes, transported by flood flows, and then deposited on the valley floors, and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.
AMBIENT NOISE LEVEL	The composite of noise from all sources excluding the alleged offensive noise. In this context, it represents the normal or existing level of environmental noise at a given location for a specified time of the day or night.
AMUSEMENT PARK	An outdoor facility, which may include structures and buildings, where there are various facilities for entertainment, including rides, booths for the conduct of games or sales of items, and buildings for shows and entertainment.

ANIMAL HUSBANDRY	A branch of agriculture for the raising or nurturing and management of animals, including breeding, pasturing and ranching.
ANIMALS (PET)	Small domesticated animals such as dogs, cats, and birds, which are customarily kept for pleasure rather than utility.
ANIMALS (WILD)	Animals which are wild by nature and not customarily domesticated.
ANTENNA (FREESTANDING)	A metallic device or non-metallic for transmitting or receiving radio waves which is not attached to the roof of a building. "Freestanding antennas" includes antennas supported by guy wires and similar mechanisms.
APARTMENT HOUSE	Any building, or portion thereof, which contains three or more dwelling units for lease or rent.
APEX	The point of highest elevation on an alluvial fan, which on undistributed fans is generally the point where the major stream that formed the fan emerges from the mountain front.
APPEAL	A request for a review of an Administrator's interpretation of any provision of this ordinance.
APIARY	A shed or stand containing a number of bee hives.
APICULTURE	Beekeeping, which includes one or more hives or boxes occupied by bees (hives or boxes includes colonies), but does not include honey houses, extraction houses, warehouses or appliances.
APPROVED ACCESS	Access to a building or property via an authorized and legal means.
APPROVING AUTHORITY	The decision-making body or official designated by Title 9, Board Resolution, or by Ordinance to approve geothermal permits. In most cases, this will be the Board of Supervisors, Planning Commission, Planning Director, or other official as may be designated.
AQUACULTURE	The production and management of water based food sources, such as fish, shrimp and vegetable matter.
AREA OF SHALLOW FLOODING	A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
AREA OF SPECIAL FLOOD HAZARD	See "special flood hazard area".
AREA OF SPECIAL FLOOD-RELATED EROSION HAZARD	The land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Insurance Rate Map (FIRM).
AREA OF SPECIAL MUDSLIDE (i.e. mudflow) HAZARD	The area subject to severe mudslides (i.e. mudflows). The area is designated as Zone M on the Flood Insurance Rate Map (FIRM).
AUTOMOBILE SERVICE STATION	A retail business establishment primarily supplying gasoline and oil to motor vehicles, automobiles, light truck, and providing minor servicing and sales

of motor vehicles accessories (this shall not include a truck repair or service station).

AVIARY

Any place where domestic birds are kept for commercial purposes.

§ 91401.01 "B"

BAKERY

A commercial enterprise engaged in the production and resale/wholesale marketing of bakery goods, and which may include incidental retail sales.

BAR

A structure, or part of a structure, used primarily for the sale or dispensing of liquor by the drink.

BASE FLOOD

A flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood").

BASEMENT

Any area of the building having its floor subgrade – i.e., below ground level – on all sides.

**BEVERAGE CONTAINER
RECYCLING
COLLECTION CENTER**

An accessory use which includes a place, mobile unit, reverse vending machine, or other device where a certified recycling center accepts one (1) or more types of empty beverage containers from consumers, and pays or provides the redemption value and any applicable redemption bonus for one (1) or more types of empty beverage containers and intended for implementation of the California Beverage Container Recycling and Litter Reduction Act of 1986.

BIOFUEL

Bio-fuel is essentially the same as fossil fuel except that fossil fuels are ancient, accumulated over millions of years, while biofuels are produced from presently living organisms. Biofuels are generally produced from plants, algae, or animal fats. As those living organisms may consume carbon dioxide during their growth, biofuels have the added benefit that they may be carbon neutral.

BIOMASS

Biomass is fuel that is developed from organic materials, a renewable and sustainable source of energy used to create electricity or other forms of power. Examples of acceptable material in Imperial County that can make up biomass fuels are: scrap lumber, forest debris, certain crops, and manure.

BITUMINOUS ROAD MIX

A hard surface road paving material complying with the specifications of Section 38 of the January 1981 California Department of Transportation Standards and Specifications.

**BOARD OF
SUPERVISORS**

Board of Supervisors - A county's legislative body. Board members are elected by popular vote and are responsible for enacting ordinances, imposing taxes, making appropriations, and establishing county policy. For the purpose of this Title, the Board of Supervisors of the County of Imperial.

**BOARDING AND
ROOMING HOUSE**

A building or portion thereof, which is used to accommodate, for compensation, three or more boarders or roomers; not including members of the occupant's immediate family who might be occupying such building. The word "compensation" shall mean money, services, or other items of value, including services in kind.

BREAKAWAY WALLS	Any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which is not part of the structural support of the building and which is designed to break away under abnormally support high tides or wave action without causing any damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by flood waters. A breakaway wall shall have a safe design loading resistance of not less than ten and no more than twenty pounds per square foot. Use of breakaway walls must be certified by a registered engineer or architect and shall meet the following conditions: <ol style="list-style-type: none"> 1. breakaway wall collapse shall result from a water load less than that which would occur during the base flood, and 2. the elevated portion of the building shall not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood.
BUILDING	Any structure used, or intended for supporting or sheltering any use or occupancy. The term "building" may also be considered as a structure and visa versa.
BUILDING HEIGHT	The vertical distance from the average natural finished grade level of the site to the highest point of the structure.
BUILDING OFFICIAL	The Imperial County Director of the Planning & Development Services Department or his/her specified designee.
BUILDING SITE	The ground area of the building, or group of buildings, together with all open spaces as required by this Division.

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CAMPGROUND	A plot of ground upon which two (2) or more campsites are located, established, or maintained for occupancy by camping units of the general public as temporary living quarters for recreation, education, or vacation purposes.
CAMPING TRAILER	See "recreational vehicle".
CAMPING UNIT	Any tent trailer, R. V. cab, lean-to, or similar structure established or maintained and operated in a campground as temporary living quarters for recreation, education, or vacation uses
CARETAKER	An employee who must be on the property for a substantial portion of each day for security purposes or for the vital care of people, plants, animals, equipment, or other conditions of the site, and who does not have a possessory interest in the property.
CARGO CONTAINER	A metal storage unit designed to be transported by ship, rail or truck. Manufactured to standards including heavy duty fourteen gauge ribbed steel construction and with typical dimensions of 8ft. in width 10-14ft. in length, and an overall height of 8ft. 6in. "Cargo containers" may be used as an accessory storage unit, with an approved building permit, which is subordinate to, and the use of which is incidental to, that of the primary structure on the same lot.

For a cargo container located on residentially-zoned lots, in addition to an approved building permit, the container must be modified to "blend-in" with the existing residential structures on-site.

CARPORT	A permanent roofed structure with not more than two enclosed sides, used or intended to be used for automobile shelter and/or storage.
CEMETERY	An area for burial or entombment of the deceased.
CENTERLINE, (LEGAL)	A line designated by Official Survey to be the center of a future or existing fully developed easement, street, road, or highway, which may or may not coincide with the construction centerline.
CHEMICALS	Includes such compounds as adhesives, explosives, fertilizers, industrial fazes, ink, lacquer, paints, pesticides, pigments and dyes, sealants, shellac, synthetic rubber, thinner and varnishes, etc.
CHURCH	A building, where persons regularly assemble for worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship
CLUB	An association of persons, whether incorporated or unincorporated, for some common purpose, but not including groups organized primarily to render a service carried on as a business.
COASTAL HIGH HAZARD AREA	An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. It is an area subject to high velocity waters, including coastal and tidal inundation or tsunamis. The area is designated on a Flood Insurance Rate Map (FIRM) as Zone V1-V30, VE, or V.
COLUMBARIUM	"Columbarium" means a structure of vaults lined with recesses for incendiary urns for the ashes of cremated bodies.
COMMERCIAL COACH	"Commercial coach" means a vehicle, without an engine or other power, designed and equipped for human occupancy for industrial, professional, or commercial purposes, and not designed or used for living space.
COMMERCIAL PURPOSES	"Commercial purposes" means the raising or growing of any plant or plant crop; the raising, breeding, or training of any animal, bird, or fowl; or the providing of a service, each having profit as the primary aim.
COMMON PROPERTY LINE	"Common property line" means a lot line shared by two (2) or more contiguous properties.
COMMUNITY CARE FACILITY	"Community care facility" means any facility, place, or building which is maintained and operated to provide non-medical residential care, day treatment, adult day-care, or home finding agency services for children, adults, or children and adults, including, but not limited to, the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children, and as otherwise defined by Section 1502, California Health and Safety Code.

COMMUNITY CENTER	"Community center" means a building used for recreational, social, educational, or cultural activities, which is owned and operated by a public or nonprofit group or agency.
COMMUNITY NOISE EQUIVALENT (CNEL)	This is a composite and weighted average noise evaluation measure developed by the U.S. Environmental Protection Agency to describe the noise environment over a 24-hour period. Noises which occur from 10 p.m. to 7 a.m. on the "A" scale have added them a weighting of 10 decibels for this period and a weighting of 5 decibels for the period from 7 p.m. to 10 p.m. to account for people's increased sensitivity to noise at night.
COMMUNITY RECREATION FACILITY	"Community recreation facility" means a recreational facility, such as a park or swimming pool, including accessory structures, maintained and operated for the benefit of residents of a particular residential development, such as an apartment, condominium, townhouse, subdivision, or mobile home park.
COMPATIBLE USE	Any use which does not significantly detract from the principle use of the property or adjoining use.
CONTRACTOR'S SERVICES AND STORAGE YARD	An open area, which may include garages and sheds, for the storage of vehicles, equipment and materials which are associated with a contracting business or operation, where sales, manufacturing and processing activities are specifically excluded.
CONDITIONAL USE	"Conditional use" means a use permitted in a particular zoning district only upon showing that such use in a specified district will comply with all the conditions and standards for the location or operation of such use as specified in this Title and authorized by the Planning Director or the Planning Commission or the Board of Supervisors through the issuance of a conditional use permit.
CONDITIONAL USE PERMIT	"Conditional use permit" (CUP) means a permit issued by the Planning Director, or the Planning Commission or other decision making authority stating that the conditional use meets all conditions set forth in this Title and all others established by the Planning Commission or other decision making authority.(types of CUP's: Minor, Major & Intermediate).
CONDOMINIUM	"Condominium" means 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 a space in a residential, industrial, or commercial building on such real property. (See California Civil Code Section 783).
CONVALESCENT HOSPITAL	"Convalescent hospital" means a health facility having a duly-constituted governing body with overall administrative and professional responsibility and an organized medical staff which provides 24-hour inpatient care, including the following basic services: medical, nursing, surgical, anesthesia, laboratory, radiology, pharmacy, and doctoring services, or a health facility which provides skilled nursing care and supportive care to patients whose primary need is for availability of skilled nursing care on an extended basis.

COUNTRY CLUB	"Country club" means a land area and buildings containing recreational facilities, clubhouse, and usual accessory uses, open only to members and their guests for a membership fee.
COUNTY	"County" means the County of Imperial.
COUNTY OFFICIAL	"County official" means any employee of the County of Imperial.
CREMATORY	"Crematory" means a building or structure operated in conjunction with a columbarium, mausoleum, cemetery, or mortuary containing one (1) or more furnaces for the reduction of bodies of deceased persons to cremate remains.
CUL-DE-SAC	A passage or place with only one outlet, such as a dead-end street or blind.

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DAY-CARE CENTER	"Day-care center" means a public or private enterprise which provides full day-care services to four (4) or more children
DEAD STORAGE (RV)	"Dead storage" means the storage of the owner's or occupant's recreational vehicle on the site in such a manner that it is not connected to any utilities and/or occupied as living quarters, either temporarily or permanently.
DEAD STORAGE (M/H)	"Dead storage" means the storage of the owner's or occupant's mobile home on the site in such a manner that it is not connected to any utilities and/or occupied as living quarters, either temporarily or permanently.
DECIBEL, db	"Decibel" or "db" means a unit for describing the amplitude of sound, equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals (twenty (20) micro newtons per square meter).
DECISION-MAKING AUTHORITY	"Decision-making authority" means the Director of Planning, the Planning Commission, or the Board of Supervisors, depending on which has been assigned the responsibility and authority for reviewing and approving a particular permit pursuant to this Title, or other County Ordinance.
DEDICATION	"Dedication" means a conveyance of land to some public use, especially streets, made by the owner and accepted for such use by or on behalf of the public.
DEEP SOLAR PONDS AND HYPER-SALINE BRINE POND:	A salty and shallow body of water may present a unique opportunity for an on-demand source of renewable energy. In salty and shallow bodies of water, both natural and man-made, high salty water may sink to the bottom with the less saline water rising to the top, virtually stopping convection, decreasing heat loss through evaporation, and creating a high temperature gradient from the surface to the bottom of the water with the temperature of the brine at the bottom potentially approaching the boiling point. When this occurs, the high water temperature on the bottom can be used to heat a working fluid that is used to run an organic Rankine cycle generator utilizing an expansion turbine like in a conventional steam power plant.
DENSITY	"Density" means the number of dwelling units per unit of land.

DENSITY BONUS	"Density bonus" means a density increase over the otherwise maximum residential density allowable by the applicable General Plan land use category.
DESIGNATED URBAN AREA	"Designated urban area" means any area within the unincorporated County designated for urban development within the General Plan Land Use Element.
DEVELOPMENT	<p>"Development" means the division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, grading, or land disturbance; and any use or extension of the use of land.</p> <p>For the purpose of Division 16, it 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 or storage of equipment or materials</p>
DISCRETIONARY DECISION	"Discretionary decision" means a decision requiring the exercise of judgment or deliberation when the public official or body decided to approve or disapprove a particular activity.
DISTRICT ATTORNEY	"District Attorney" means the District Attorney of the County of Imperial or a designee.
DOMESTIC AGRICULTURE	"Domestic agriculture" means agriculture activities carried on for noncommercial purposes.
DOUBLE-FRONTAGE LOT	See "lot, through".
DUPLEX	"Duplex" means a building with two (2) attached dwelling units, each with its own roof, oriented in a common wall relationship as one (1) building.
DWELLING	Any building, or portion thereof, which contains not more than two dwelling units.
DWELLING (SINGLE FAMILY)	A detached building or structure designed for, or occupied exclusively by, not more than one family.
DWELLING (TWO FAMILY)	A detached building or structure designed for, or occupied exclusively by, not more than two families living independently of each other. May also be known as a duplex.
DWELLING (MULTIPLE FAMILY)	A building, or portion thereof, designed for or occupied by three or more families living independently of each other.
DWELLING UNIT	Any building, or portion thereof, which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation as required by the Uniform Building Code for not more than one family.

EASEMENT	A right given by the owner of land to another party for specific limited use of that land. e.g. a property owner may give or sell an easement on his/her property to allow utility facilities like power lines or pipelines, to allow light to reach a neighbor's windows, or to allow access to another property.
EDUCATIONAL INSTITUTION	A grade school, high school, college, or university giving general academic instruction equivalent to the standards prescribed by the State Board of Education.
EFFICIENCY DWELLING UNIT	Occupied by no more than two persons which have a minimum floor area of 220 square feet. An additional 100 square feet of floor area shall be provided for each occupant of such unit in excess of two. The unit shall be provided with a closet, a kitchen sink, cooking appliances and refrigeration facility, each having a clear working space of no less than 30 inches in front. Light and ventilation conforming to the California Residential Code shall be provided. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bath tub or shower.
EIGHTY ACRES	"Eighty acres" means an aliquot division of a section of land consisting of one-half (1/2) of one quarter (1/4) of a section.
ELDERLY HOUSEHOLD	A household within which, 1) at least one person is a senior citizen, and 2) all other residents except the spouse or person who resides with and provides primary physical or economic support of the senior citizen are at least 55 years of age or older.
EMERGENCY SHELTER	Immediate and short-term housing with supportive services for homeless persons that is limited to occupancy of six months or less. No individual or household may be denied emergency shelter because of an inability to pay.
ENCROACHMENT (FLOOD)	The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.
EXISTING MANUFACTURED HOME PARK OR SUBDIVISION	A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION	The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
EXTERIOR NOISE LEVEL	"Exterior noise level" means the noise level as measured near the exterior of a structure usually within fifty (50) feet of the structure.
ELECTRICAL VEHICLE CHARGING STATIONS	Is an element in an infrastructure that supplies electric energy for the recharging of electric vehicles

FACTORY BUILT HOUSE	A residential structure constructed in conformance with the State of California Factory Housing Code.
FAMILY	An individual, or two or more persons related by blood or marriage or a group of not more than five persons (excluding servants) who need not be related by blood or marriage living together in a dwelling unit.
FARMERS' MARKET	"Farmers' market" means a retail market where agricultural produce is offered for sale to the general public, either within an enclosed building or outdoors.
FARM LABOR HOUSING CONTRACT LABOR	"Farm labor housing, contract labor" means living quarters, single-family or group housing, provided by a labor contractor for farm laborers which are not full-time farm employees on lands owned or leased by the owner of the living quarters. Section 17021.5 and 17021.6 of the California Health and Safety Code
FARM LABOR HOUSING ON SITE EMPLOYEE	"Farm labor housing, on-site employee" means living quarters, either single-family or group housing, provided for full-time farm laborers employed on the site or on lands owned or leased by the owner of the living quarters.
FARM STAND	"Farm stand" means a permanent or temporary structure utilized for the sale of agriculture, horticultural, or farming products grown or produced by the owner or lessee of the property on which the structure is located. A. A "permanent farm stand" is one that is used throughout the year and no thirty (30) day time period elapses where the stand is not utilized. B. A "temporary" farm stand is one that is used seasonally and normally periods of time in excess of thirty (30) days pass where the stand is not utilized. A temporary farm stand shall not be used in excess of one hundred and eighty (180) cumulative days within a calendar year.
FAST-FOOD RESTAURANT	"Fast-food restaurant" means an establishment whose principal food business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building or off the premises
FESTIVALS AND SIMILAR EVENTS	Events such as amusement rides, art shows, concerts, craft fairs, itinerant shows and religious revival meetings.
FENCE	"Fence" means an artificially constructed barrier of any approved material or combination of materials erected to enclose or screen areas of land.
FLOOD, FLOODING OR FLOOD WATER	A general or temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e. mudflows); and the condition resulting from flood-related erosion.
FLOOD BOUNDARY AND FLOODWAY MAP (FBFM)	The official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the floodway.
FLOOD HAZARD BOUNDARY MAP	The official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated the areas of flood hazards.

FLOOD INSURANCE RATE MAP (FIRM)	The official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
FLOOD INSURANCE STUDY	The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.
FLOOD-RELATED EROSION	The collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical level or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as unforeseeable event which results in flooding.
FLOOD-RELATED EROSION AREA or FLOOD-RELATED EROSION PRONE AREA	A land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.
FLOOD-RELATED EROSION AREA MANAGEMENT	The operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works, and floodplain management regulations.
FLOODPLAIN OR FLOOD-PRONE AREA	Any land area susceptible to being inundated by water from any source – see “Flooding”.
FLOODPLAIN ADMINISTRATOR	The individual appointed to administer and enforce the floodplain management regulations.
FLOODPLAIN MANAGEMENT	The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.
FLOODPLAIN MANAGEMENT REGULATIONS	This ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.
FLOODPROOFING	Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents (Refer to FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 7-93 for guidelines on dry and wet flood proofing.)
FLOODWAY	The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as “Regulatory Floodway”.

FORTY ACRES	"Forty acres" means an aliquot division of a section of land consisting of one-quarter (1/4) of one-quarter (1/4) section of land.
FOUNDATION SYSTEM	An assembly of materials constructed below, or partially below grade, not intended to be removed from its installation site, which is designed to support the structure and engineered to resist the imposition of external natural forces as defined by the Health and Safety Code.
FUNCTIONAL DEPENDENT USE	A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes <u>only</u> docking facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does <u>not</u> include long-term storage or related manufacturing facilities.
FUNERAL HOME	"Funeral home" means an establishment with facilities for the preparation of the deceased for burial or cremation, for the viewing of the body, and for funerals

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GARAGE	"Garage" is a building or portion thereof in which a "motor vehicle" containing flammable or combustible liquids or gas in its tank is stored, repaired or kept.
GENERAL PLAN	"General plan" means the General Plan of the County of Imperial, as adopted by the Board of Supervisors pursuant to California Government Code.
GEOHERMAL ELECTRIC GENERATION PROJECT	A geothermal project whose prime purpose is the generation of electricity for commercial distribution and sale, and whose energy is derived primarily from geothermal resources, and which project may, but need not necessarily, include the production of the geothermal resource. Such project shall be classified as a major, intermediate, or minor, as appropriate.
GEOHERMAL INTERMEDIATE PROJECT	A geothermal project which does not fall within the definition of either a major or minor geothermal project; that is, a project using more than one production and/or one injection well, or having a geothermal resource flow of more than one hundred gallons per minute (or fifty thousand pounds per hour); and using no more than six wells (production or injection in any combination); or having an average resource flow of less than two thousand gallons per minute (or one million pounds per hour).
GEOHERMAL MAJOR EXPLORATORY WELL	Any well which in other respects may be to depths and of such size as to be fully capable of producing any resource encountered, or being utilized for injection of fluids, but which is not permitted to produce or inject beyond that necessary to evaluate any resource encountered. A major exploratory well may not be flowed or utilized for injection of fluids for more than three months in any twelve month period. A major exploratory well permit may not authorize more than six wells.
GEOHERMAL MAJOR PROJECT	A geothermal project for the large scale production or use of geothermal resources and which involves more than six wells (production or injection

in any combination) or the average resource flow of more than 2000 gpm (or one million pounds per hour).

GEOHERMAL MINOR EXPLORATORY WELL

A well less than one thousand feet deep drilled for monitoring purposes, and which is not permitted to produce or inject any resource. Minor exploratory wells may be flowed only to the extent necessary to clean out the well and take measurements and samples. A minor exploratory well permit may authorize up to twenty-five wells.

GEOHERMAL MINOR PROJECT

A geothermal project for the production or use of geothermal resources and using no more than one production and one injection well, and maximum geothermal resource flow of one hundred gallons per minute (or fifty thousand pounds per hour).

GEOHERMAL PROJECT

Any activity to discover, test, produce, or use geothermal resources. A project whose intended purpose is the discovery, test, production, or use of geothermal heat, minerals or other productions, or a project which encounters or produces resources over 140 degrees F or with over 10,000 parts per million total dissolved solids, is a geothermal project. The use of heat, mineral or other products which may initially have derived from geothermal resources produced by a separate project, shall not in itself classify a project as a geothermal project.

GEOHERMAL RESOURCE

Is defined by the California Public resources Code, Section 6903, as: "The natural heat of the earth, the energy in whatever form, below the surface of the earth present in, resulting from or created by, or which may be extracted from, such natural heat, and all minerals in solution or other products obtained from naturally heated fluids, brines, associated gases and steam, in whatever form, found below the surface of the earth, but excluding oil, hydrocarbon gas, or other hydrocarbon substances."

GEOHERMAL TEST FACILITY

A geothermal project which may include the drilling of wells, the construction of any or all of the components necessary to test and evaluate a production or utilization facility, and the operation of the test facility and all of its components including the production and injection of geothermal resources, for a period not to exceed five years after commencement of the project, and with no commercial activities permitted in connection with the project, beyond those which may be incidental to the test facility project.

GEOHERMAL WELL

Any well whose intended purpose is the discovery, test, production, disposal, or use of geothermal resources; or any well which encounters or produces resources over 140 degrees F or with over 10,000 parts per million total dissolved solids; or any well which is used to inject fluids into a known geothermal reservoir. All permits for geothermal projects shall indicate the maximum number of wells to be maintained and the maximum number of wells to be used. Any well "spudded" but not completely "abandoned" in accordance with law, shall count as a well being maintained regardless of its use or condition.

GLUCOSE PROCESSING

"Glucose processing" means the production of monosaccharide carbohydrates through the hydrolysis of starch and other carbohydrates.

GOVERNING BODY

The local governing unit, i.e. county or municipality, that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

GRADE	"Grade" means the average of the finish ground level at the center of all walls of a building. In case walls are parallel to and within five (5) feet of a sidewalk, said ground level shall be measured at the sidewalk.
GROSSFLOOR AREA	The area included within the surrounding exterior walls of all floors or levels of a building or portion thereof, exclusive of vent shafts and courts.
GROUNDWATER RECHARGE FACILITIES	"Groundwater recharge facilities" means those works, structures, and equipment, including, but not limited to, spreading basins, wells, pumps, canals, weirs, pipelines, and streams, which permit water to reach the saturated zone of an aquifer.
GROUP CARE FACILITY	"Group care facility" means a facility or detached dwelling unit providing twenty-four (24) hour non-medical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual.
GUEST RANCH	"Guest ranch" means a building or buildings and open space for use of transients only, providing housing and meals and having recreational activities of one (1) or more types, for compensation.
GUEST ROOM	Any room or rooms used or intended to be used by a guest for sleeping purposes. Every 100 square feet of superficial floor area in a dormitory shall be considered to be a guest room.
GUN CLUB	Any building or premises where there are facilities of any sort for the firing of handguns, rifles or other firearms.
GYMNASIUM	An indoor recreational or athletic facility for such uses as aerobics, gymnastics, racquetball, swimming, skating rinks, tennis and table tennis, trampoline operations and weight training; but not including amusement and recreational facilities as defined in this Article.

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HABITABLE STRUCTURE	"Habitable structure" means any structure intended for living purposes, including working, sleeping, cooking, eating, or recreation.
HARDSHIP	As related to Section 6, of this ordinance, "Variances" means the <u>exceptional</u> hardship that would result from a failure to grant the requested variance. The governing body requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is <u>not</u> exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.
HAZARDOUS WASTE	"Hazardous waste" means a waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may either: <ul style="list-style-type: none"> A. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness.

- B. Pose a substantial present or potential hazard to human health or environmental when improperly treated, stored, transported, or disposed of or otherwise managed.

HEDGE	"Hedge" means a fence or barrier formed of bushes set close together.
HEIGHT	"Height" means the vertical distance from the base to the top of any structure, measured from lowest ground level point of the structure.
HELIPORT	An area of land or water or a structural surface which is used, or intended for use, for the landing and take-off of helicopters, and any appurtenant areas which are used, or intended for use, for heliport buildings and other heliport facilities.
HERBICIDE	"Herbicide" means a substance used to destroy plants, especially weeds.
HIGHEST ADJACENT GRADE	The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
HIGHEST STRUCTURE	Any structure that is: <ol style="list-style-type: none">1. listed individually in the National Register or Historic Places (a listing maintained by the Department of Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;2. certified or preliminary determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminary determined by the Secretary to qualify as a registered historic district;3. individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or4. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.
HOG RANCH OR FARM	"Hog ranch or farm" means any premises used for the commercial breeding or raising of hogs which are kept confined, at a stockyard, and fed concentrated food for the purposes of developing or fattening the animals for retail or wholesale sale. (Hogs raised as an FFA, 4-H, or Junior Farmer project are not to be classified as a hog ranch or farm unless the express purpose is for the commercial wholesale or retail sales market.)
HOME OCCUPATION	"Home occupation" means any activity carried out for gain by a resident, conducted as an accessory use in the resident's dwelling unit.
HORTICULTURAL	"Horticultural" activity means the cultivation of an orchard or garden on small or large scale.
HOSPITAL	"Hospital" means any building or portion thereof used for the accommodation and medical care of sick, injured, or infirm persons and including sanitariums.
HOTEL	Any building containing six or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests.

HUNTING CLUB "Hunting club" means a designated area where wild game birds or animals may be hunted and that may allow a clubhouse. Normally membership or entry fee is required as a prerequisite to hunting.

HYPER-SALINE BRINE POND: See DEEP SOLAR PONDS.

§ 91401.08 "I"

IMPULSIVE NOISE "Impulsive noise" means a noise having a high peak level and short duration, usually less than one (1) second, with an abrupt onset and rapid decay.

INFRASOUND "Infrasound" means sound pressure level below twenty (20) Hz.

§ 91401.09 "J"

JUNIOR ACCESSORY DWELLING UNIT A unit that is no more than 500 square feet in size and contained entirely within an existing single-family structure. junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

JUNK "Junk" means all old or scrap copper, brass, lead, or any other non-ferrous metal; old or discarded rope, rags, batteries, paper, trash, rubber, debris, waste or used lumber, or salvaged wood; dismantled vehicles, machinery and appliances or parts of such vehicles, machinery or appliances; iron, steel or other old or scrap ferrous materials; old or discarded glass, tin ware, plastic or old or discarded household goods or hardware. Neatly stacked firewood for on-site use and hay bales for on-site animals located on a side yard or a rear yard is not considered junk.

JUNK YARD "Junk yard or salvage yard" means any lot or portion of thereof used for the storage of junk, including scrap metals, salvage or other scrap materials, unusable machinery, appliances, furniture, or equipment, or parts thereof, whether intended for personal use, such as hobby, storage, collection, restoration, etc., intended for sale or resale, but excluding the dismantling or wrecking of vehicles.

JUNK VEHICLE "Junk vehicle" means any vehicle, licensed or unlicensed, placed in storage within the unincorporated area of the County and which has any of the following characteristics:

- A. Inoperable. Any vehicle which lacks an engine, one or more wheels or other part, rendering said motor vehicle incapable of being driven under its own motor power, including wrecked, dismantled or partially dismantled or discarded vehicles.
- B. Habitat for Nuisance Animals or Insects. Any vehicle which has become the habitat for rats, mice, or snakes, or any other vermin or insects.
- C. Defective or Obsolete Condition. Any other vehicle which, because of its defective or obsolete condition, in any way constitutes a threat to the public health and safety. Such defective or obsolete condition may include any vehicle with a broken or

cracked windshield, window, headlight, taillight, or any other cracked or broken glass, or a broken or loose part, including a fender, door, bumper, hood, radio aerial, tail pipe or a decorative pipe.

Mere licensing of such vehicle shall not constitute a defense to the findings that the vehicle is not a junk vehicle.

“Vehicle” means every device in, upon, or by which a person or property is or may be transported or drawn upon a highway or street, excepting devices moved by human power or used exclusively upon stationary rails or tracks, and includes without limitation a motor vehicle, automobile, truck, motorcycle, tractor, buggy, wagon, farm machinery, or any combination thereof.

JUNK AND JUNK VEHICLES A NUISANCE

“Junk and Junk Vehicles a Nuisance” means it is hereby declared that any junk or junk vehicle(s) located upon private property constitutes a threat to public health and safety and is a nuisance. If any junk or junk vehicle is kept upon private property in violation hereof, the owner of or person occupying the property upon which it is located shall be prima facie liable for said violations.

A. EXCEPTIONS.

1. Structures. The provisions of this chapter do not apply to any junk or junk vehicles stored in a garage or other permitted enclosed structure.
2. Salvage Yard. The provisions of this chapter do not apply to any junk or junk vehicles stored with a lawfully operated auto salvage yard or junk yard within the unincorporated area of the County.
3. Restoration of Antique or Classic Vehicles. A person may restore one antique or classic vehicle which would otherwise constitute a “junk vehicle” on any lot under the following conditions:
 - a. “Antique vehicle” means a passenger car or truck that is at least 30 years old.
 - b. Submits a letter containing the name and address of the owner of the vehicle and the lot on which the vehicle is to be restored and the model, year and description of the vehicle, including its vehicle identification number.
 - c. Only one antique or classic vehicle may be restored on any lot at any one time.
 - d. The outdoor storage of any antique or classic vehicle undergoing restoration shall be limited to a period of four consecutive months, said period commencing at the date of acceptance by the County. The owner shall cover a vehicle completely when it is being stored outside. The cover shall be a one-piece opaque heavy tarp or commercial car cover, securely fastened at all times.

As used in this chapter, a "junk vehicle" shall not include a motor vehicle which has been rendered temporarily incapable (a period of less than sixty days) of being driven under its own motor power in order to perform ordinary service or repair operations.

JUNK AND JUNK VEHICLES PROHIBITED

"Junk and Junk Vehicles Prohibited" means it is unlawful for any person to store, accumulate, or allow remaining on any private property within the unincorporated area of the County any junk or junk vehicle(s).

§ 91401.10 "K"

KENNEL

"Kennel" means a structure or structures consisting of fenced pen, runs, or buildings for the keeping, raising, breeding, and housing of dogs or similar animals for commercial purposes.

KITCHEN

"Kitchen" means any room or area primarily intended or designated to be used or maintained for the cooking, storing preparation, or consumption of food.

§ 91401.11 "L"

LABOR CAMP

Any building, or group of buildings, where five or more farm helpers are housed. Where such farm help is employed principally in the general area.

LAND LEVELING

This shall mean the movement of dirt within and upon a parcel for purpose of providing a precise gradient to where a field can be irrigated properly and efficiently. This does not include excavations, stockpiling, removal of, or importation of earth.

LAND USE

"Land use" means a description of how land is utilized.

LAUNDROMAT

"Laundromat" means an establishment providing washing, drying, or dry cleaning machines on the premises for rental use to the general public for family laundering or dry cleaning purposes.

LEVEE

A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

LEVEE SYSTEM

A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

LIGHT MACHINING

"Light machining" means a limited machining business conducted within an enclosed building, requiring no outside storage, and which excludes punch presses of over twenty (20) tons rated capacity, drop hammers, automatic screw machines, and any other piece of equipment exceeding a twelve (12) horsepower rating.

LIVESTOCK

"Livestock" means any cattle, sheep, swine, goat, horse, mule, or other equine animals.

LIVESTOCK FEEDLOT	"Livestock feedlot" means an enclosed area where animals are confined and fed concentrated food to raise or fatten them for slaughter or commercial sale.
LIVING AREA	"Living area" means the interior habitable area of a dwelling unit, including the basement and attic, but excluding the garage or any accessory (non-habitable) structure.
LOCAL AGENCY	Means city, county or city and county whether general law or chartered.
LOT	"Lot" means a designated parcel, tract, or area of land established by plan, subdivision, or as otherwise permitted by law, to be used, developed, or built upon as a unit.
LOT AREA	"Lot area" means the total area within the lot lines of a lot, excluding any street rights-of-way and including only that area which is usable for its intended purpose.
LOT AREA, MINIMUM	"Lot area, minimum" means the smallest lot area established by this Title on which a use or structure may be located in a particular zoning district.
LOT, CORNER	"Corner lot" means a lot or parcel of land abutting two (2) or more streets at their intersection or a lot abutting one (1) street that forms an interior angle of less than one hundred and thirty-five (135) degrees. The frontage of a lot abutting one (1) street that forms an interior angle of one hundred and thirty-five (135) degrees or more shall be considered the front yard of an interior lot.
LOT COVERAGE	"Lot coverage" means that portion of the lot that is covered by buildings and structures.
LOT DEPTH	"Lot depth" means the distance measured from the front lot line to the rear lot line.
LOT, (FLAG)	"Flag lot" means a lot with access provided to the bulk of the lot by means of a narrow corridor.
LOT FRONTAGE	"Frontage lot" means the length of the front lot line measured at the street right-of-way excluding lot lines adjacent to street right-of-way where no access rights exist.
LOT, (INTERIOR)	"Interior lot" means a lot abutting one (1) street that forms an interior angle of one hundred and thirty-six (136) degrees or more.
LOT LINE	"Lot line" means a line of record that divides one (1) lot from another lot or from a public or private street or any other public space.
LOT LINE ADJUSTMENT	<p>"LLA". A lot line adjustment is a modification of a boundary line between two or more adjacent legal parcels where the modification complies with the following criteria</p> <ol style="list-style-type: none"> 1. No new parcels are created, and no existing parcels are deleted. 2. No parcel is reduced below the minimum lot area required by the zoning designation set forth in Imperial County Land Use Ordinance and the General Plan of Imperial County. 3. The proposed adjustment is exempt from the Subdivision Map Act, and no tentative map, final map or parcel map, shall be required as a condition to the approval of a lot line adjustment.

4. Public rights-of-way are not altered in any way unless approved by the Director of Public Works.

LOT LINE, FRONT	"Front lot line" means the property line dividing a lot from a street. On a corner lot, only one (1) street line shall be considered as a front line. The shorter frontage shall be considered the front lot line.
LOT LINE, REAR	"Rear lot line" means the lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, an imaginary line ten (10) feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.
LOT LINE, SIDE	"Side lot line" means any lot line other than front lot line or rear lot line.
LOT, REVERSED CORNER	"Reversed corner lot" means a corner lot in which the side street of which is substantially a continuation of the front lot line of the first lot to its rear.
LOT, THROUGH	"Through lot" means a corner lot whose side street line is substantially a continuation of the front lot lines of the first lot to its rear.
LOT WIDTH	"Lot width" means the distance measured parallel to the street between the side lot lines; in the event of a corner lot, the lesser dimension.
LOW FREQUENCY NOISE	"Low frequency noise" means sound pressure levels between twenty (20) and one hundred and twenty-five (125) Hz.
LOW INCOME HOUSEHOLD	A household in which the gross annual income adjusted for family size does not exceed eighty percent (80%) of the medium household income of the County of Imperial.
LOWER INCOME HOUSEHOLDS	"Lower income households" means households with incomes eighty percent (80%) or less of the County median income.
LOWEST FLOOR	The lowest floor of the lowest enclosed area, including <u>basement</u> (see "Basement" definition). <ol style="list-style-type: none">1. An unfinished or flood resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor <u>provided it conforms to applicable non-elevation design requirements, including, but not limited to:</u><ol style="list-style-type: none">a. the wet waterproofing standard in Section 5.1 C.3.b. the anchoring standards in Section 5.1 A.c. the construction materials and method standards in Section 5.1 B.d. the standards for utilities in Section 5.2.2. For residential structures, all subgrade enclosed areas are prohibited as they are considered to be basements (see "Basement" definition). This prohibition includes below-grade garages and storage areas.

§ 91401.12 "M"

MAIN BUILDING	"Main building" means the building in which the principal use of a lot is located.
MAJOR HIGHWAY	"Major highway" means a highway which is used, designed to be used, or is necessary to carry heavy volumes of traffic, and designated as a "major

highway" in the Circulation Element of the General Plan and described in the Imperial County Subdivision Standards.

MAJOR PROJECT	Any reference to a Major Project also includes an Electric Generation Project.
MANUFACTURED HOME	A dwelling unit manufactured, either whole or in part, at a factory location other than the lot upon which it is to be placed and which is transported from the factory to the site either whole or in parts.
MANUFACTURED HOME PARK OR SUBDIVISION	A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
MAUSOLEUM	"Mausoleum" means a tomb for one (1) or more deceased persons.
MEAN SEA LEVEL	For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.
MEDIUM HOUSEHOLD	The income figure which represents the "middle" of the income range in the County of Imperial. The medium figure indicates that half of all households have incomes larger than that value and half have less. The current medium income figure is obtained from the State Department of Housing and Community Development.
MINING	A form of mineral resource development involving the extraction and removal of more than 1,000 cubic yards of material from the same site, through such activities and uses as borrowed areas, sand, gravel and rock quarries, etc. Mining does not include extraction and removal of material from construction sites or following floods, landslides or natural disasters where the land is being restored to its prior condition.
MINING, ACCESSORY USES	Uses customarily incidental, appropriate and subordinate to mining located on the same site, such as stockpiling, sorting, screening, washing, crushing, batching, and maintenance facilities.
MINING, PUBLIC WORKS MAINTENANCE	Mining, and its accessory uses, for periods of less than 9 months, which have been declared in writing by the Public Works Department to be under its administrative control and which is necessary to alleviate immediate or foreseen threats to public health and safety, or the preservation of public facilities structures. Said uses include such operations as cleaning out and aligning of channels and floodways, removing material to avert potential landslides, and accessory processing such as stockpiling, sorting, screening, washing, crushing, and batching of on-site material.
MINERAL EXPLORATION	"Mineral exploration" means exploration by scientific means, in a manner similar to the exploration for petroleum products, for the purpose of determining the existence and extent of commercial mineral deposits.
MINIMUM DISTANCE BETWEEN BUILDINGS	"Minimum distance between buildings" means the distance between the walls of buildings, measured at the nearest point to an adjacent building.
MINISTERIAL DECISION	"Ministerial decision" means a decision requiring the application of the statutes, ordinances, or regulations to the facts as prescribed and involving little or no personal judgment by the public official or decision-making body as to the wisdom or manner of carrying out a project.

MINI-WAREHOUSE	"Mini-warehouse" means a structure containing separate storage spaces of varying sizes leased or rented on an individual basis.
MINOR PLAN MODIFICATION	"Minor plan modification" means a minor change or modification of an approved development plan which is not in conflict with the intent, policy, or expectations of original project approvals.
MOBILE HOME	"Mobile home" means a structure transportable in one (1) or more sections, designed and equipped to contain not more than two (2) dwelling units to be used with or without a foundation system. "Mobile home" does not include a recreation vehicle, commercial coach, or factory built housing.
MOBILE HOME ACCESSORY STRUCTURE	"Mobile home accessory structure" means any awning, cabana, ramada, storage cabinet, storage building, private garage, carport, fence, windbreak, or porch or any residential building or structure established for the use of the occupant of a mobile home on a lot.
MOBILE HOME PARK	"Mobile home park" means an area or tract of land where two (2) or more lots are rented or leased or held out for rent or lease to accommodate mobile homes for human occupancy.
MODULAR HOME	"Modular home" means a prefabricated dwelling unit constructed to Uniform Building Code; not a mobile home.
MORTUARY	"Mortuary" means a place in which the deceased are kept until burial.
MOTEL	A building occupied or intended to be occupied, for compensation, as the temporary residence for transient guests, primarily persons who have residence elsewhere, with access to each room or unit from an outside porch or landing (whether or not such outside porch or landing is enclosed with screen, glass, plastic or similar material) and with accessible parking spaces on the premises, or adjacent premises under the same ownership, for each unit.
MOTION PICTURE TELEVISION PRODUCTION	All use related to the production of motion pictures and television film and tape, including motion picture and television stages; exterior sets; laboratories; construction, repair and storage facilities; caretaker and temporary housing; and accessory fabrication activities.
MUDSLIDE	"Mudslide" means a general and temporary movement down a slope of a mass of sand, gravel, rock or soil, artificial fill, or a combination of these materials, caused or precipitated by the accumulation of water on or under the ground.
MUDSLIDE AREA- MUDSLIDE PRONE AREA	"Mudslide area" or "mudslide-prone area means an characterized by unstable slopes and land surfaces whose history, geology, soil and bedrock structure, and climate indicate a potential for mudslides.

§ 91401.13 "N"

NATURE OR WILDLIFE PRESERVE	"Nature or wildlife preserve" means an area set aside for the preservation of natural vegetation or wildlife where the general public may view the vegetation or wildlife, with or without charge.
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NEIGHBORHOOD	"Neighborhood" means an area of a community with characteristics that distinguish it from other community areas and which may include distinct ethnic or economic characteristics or boundaries defined by physical barriers, such as major highways and railroads, or natural features, such as rivers.
NEW CONSTRUCTION (FLOODPLAINS)	For floodplain management purposes, means structures for which the "start of construction" commenced on or after the effective date of floodplain management regulations adopted by this community, and includes any subsequent improvements to such structures.
NEW MANUFACTURED HOME PARK OR SUBDIVISION	A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
NOISE AUDIBLE	Sound pressure levels having a frequency greater than one hundred and twenty-five (125) Hz.
NONCONFORMING BUILDING	"Nonconforming building" means a structure or building the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment to this Title, but which fails by reason of such adoption, revision, or amendment to conform to the present requirements of the applicable zoning district or districts.
NONCONFORMING LOT	"Nonconforming lot" means a lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of this Title, but which fails by reason of such adoption, revision, or amendment to conform to the present requirements of the applicable zoning district or districts.
NONCONFORMING USE	"Nonconforming use" means a use which was lawful prior to the adoption, revision, or amendment of this Title, but which fails by reason of such adoption, revision, or amendment to conform to the present requirements of the applicable zoning district or districts.
NUISANCE	"Nuisance" means an interference with the enjoyment and use of property.

§ 91401.14 "O"

OBSTRUCTION	Includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across, or projecting into any watercourse which may alter, impede, retard, or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.
OCCUPANCY-OCCUPIED	"Occupancy" or "occupied" means the residing of an individual or individuals overnight in a dwelling unit, or the installation, storage, or use of equipment, merchandise, or machinery in any public, commercial, or industrial building.
OFFICIAL PLAN LINE	"Official plan line" means the future right-of-way of any road or highway as adopted by resolution of the Board of Supervisors.

OFF SITE	"Off site" means located outside the lot in question.
OFF-STREET PARKING	"Off-street parking" means an area for the temporary storage of motor vehicles that is directly accessible to but not located on a dedicated street right-of-way.
ONE-HUNDRED YEAR FLOOD or "100-year flood"	See "Base Flood".
ONE OWNERSHIP	"One (1) ownership" means ownership of real property by a person, persons, firm, corporation, or partnership, or any combination thereof, individually, jointly, or in common, whereby such property is under a single or unified control.
ONE-THIRD OCTAVE	"One-third (1/3) octave" means the frequency interval between two (2) sounds whose frequency ratio is one and one-quarter (1.25), e.g., from one hundred and forty-two (142) to one hundred and seventy-eight (178) Hz.
OPEN SPACE	"Open space" means any parcel or area of land or water which is essentially unimproved and devoted to one (1) or more of the following uses: preservation of natural resources; outdoor recreation; or public health and safety.
OPERATOR	Means any person, firm, or corporation drilling, maintaining, operating, pumping, or in control of any well or related facilities for power generation, mineral extraction, desalinization or any other use of geothermal resources; or conducting any activity under the authority of a permit issued for a geothermal project.
OVERLAY ZONE	"Overlay Zone" means a zoning district that modifies use, height, bulk, space, or other development standards of the base district with which it is combined (e.g., A-1-L-1, M-1-N).

§ 91401.15 "P"

PARCEL	See "lot."
PARK	"Park" means public or private land used for active or passive recreation.
PARKING LOT	An off-street parking facility containing four or more parking spaces.
PARKING AREA	"Parking area" means any public or private land area designated and used for parking motor vehicles, including parking lots, garages, private driveways, and legally designated areas of public streets.
PASSAGEWAY	Means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.
PERMANENT STORAGE	"Permanent storage" means the storage of motor vehicles, trailers, airplanes, boats, parts thereof, or building materials for a period of forty-eight (48) or more (consecutive hours).

PERMIT	"Permit" means written governmental permission issued by an authorized official empowering the holder thereof to do some act not forbidden by law but not allowed without such authorization.
PERMITTED USE	"Permitted use" means any use allowed by right in a zoning district and subject to the restriction applicable to that zoning district.
PERSON	"Person" means any individual, firm, co-partnership, joint venture, association, club, fraternal organization, corporation, estate, trust, receiver, organization, syndicate, city, county, municipality, district or other political subdivision, or any other group or combination acting as a unit.
PESTICIDE	"Pesticide" means an agent (as a chemical) used to destroy a pest.
PLANNING DIRECTOR	"Planning Director" means the Director of Planning & Development Services Department of the County of Imperial or a designee.
PLOT	"Plot" means a single unit parcel of land; or a parcel of land that can be identified and referenced to a recorded plan or map.
PLOT PLAN	"Plot plan" means a plan graphically describing proposed and existing buildings, structures, lot lines, dimensions and other required information submitted in conjunction with an application for discretionary or ministerial review and approval.
POULTRY RANCH	"Poultry ranch" means the raising, breeding, or hatching of poultry for commercial purposes.
PRESCHOOL	"Preschool" means a licensed public or private institution which provides structured educational services to children between the ages of two (2) and five (5).
PRINCIPAL DWELLING	"Principal dwelling" means the dwelling in which is conducted the principal residential use of the lot on which it is located.
PRINCIPAL USE	"Principal use" means the primary or predominant use of any lot.
PROHIBITED USE	"Prohibited use" means a use that is not permitted in a zoning district.
PROPERTY LINE	See "lot line."
PUBLIC HEARING	"Public hearing" means a meeting announced and advertised in advance and open to the public with the public given an opportunity to talk and participate.
PUBLIC SAFETY AND NUISANCE	As related to Section 6, of this ordinance, "Variances" means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.
PUBLIC WORKS DEPARTMENT	"Public Works Department" means the Public Works Department of the County of Imperial, including the County Surveyor's Office and Roads Division.

PUBLIC WORKS DIRECTOR

"Public Works Director" means the Director for the Public Works of the County of Imperial or a designee.

PV UTILITY SOLAR FACILITY Is an electrical generating facility designed to supply utility scale solar power by means of photovoltaics with stationary, single axis, and/or dual axis tracking systems. Utility Solar facility includes solar panels, PV cells, semiconductor wafers, modules, arrays, gen-tie transmission, substations, switchyards, modules & arrays, solar inverters to change the electric current from DC to AC, as well as mounting, cabling, and other electrical accessories. A battery storage system (i.e. lithium ion) may also be added. These are electrical generating facilities designed to supply utility scale solar power, e.g. by means of photovoltaics with stationary, single axis, and/or dual axis tracking systems. Two examples of the types of solar facilities acceptable in Imperial County are: PV solar facilities, and also concentrated solar power (CSP) technology using mirrors to reflect and concentrate sunlight onto receivers where it is collected and converted into heat used to produce electricity, e.g. parabolic trough technology.

§ 901401.16 "Q"

QUADRUPLEX "Quadruplex" means four (4) attached dwellings units in one (1) structure in which each unit has two (2) open space exposures and shares one (1) or two (2) walls with the adjoining unit or units.

QUALIFIED AFFORDABLE HOUSE DEVELOPMENT A housing development (for sale or rental) for more than five units which is eligible under this Chapter to receive a density bonus or other development incentive.

§ 91401.17 "R"

RECHARGE FACILITIES "Recharge facilities" means those works, structures, and equipment, including, but not limited to, spreading basins, wells, pumps, canals, weirs, pipelines, or streams, which permit water to reach the saturated zone of an aquifer.

RECREATIONAL VEHICLE "Recreational vehicle" means a motor home, slide-in camper, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational or emergency use.

RECREATIONAL VEHICLE PARK "Recreational vehicle park" means an area or tract of land where one (1) or more spaces are rented or held out for rent to owners or users of recreational vehicles or tents and which is occupied for sixty (60) consecutive days or less.

REGULATORY FLOODWAY The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

REHABILITATION "Rehabilitation" means the upgrading of a building previously in a dilapidated or substandard condition for human habitation or use.

REHABILITATION FACILITY "Rehabilitation facility" means any short-or long-term residential facility, serving more than six (6) individuals, designed to provide medical or social rehabilitation on an inpatient basis to individuals in a group giving

arrangement, in which meals and twenty-four (24) hour staffing is provided. Such facilities would include alcohol and chemical dependence recovery homes, group living quarters for physically or developmentally disabled adults or children, stress-reduction retreats, and residential facilities serving young adults or teenagers, which area operated by a nonprofit corporation for the purpose of providing moral or spiritual guidance to such persons. Rehabilitation facilities do not include hospitals, convalescent hospitals, sanatorium, rest homes, jails, prisons, or state-operated detention facilities.

REMEDY A VIOLATION	To bring the structure or other development into compliance with State or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing State or Federal financial exposure with regard to the structure or other development.
RENEWABLE ENERGY	"Renewable Energy" means all forms of energy developed through renewable resources such as Geothermal, Wind, Solar, Concentrated Solar, Deep Solar Pond, Hyper-Saline Brine Pond, Biofuels or new technology utilizing natural resources.
REPLACEMENT WELL	A geothermal well drilled to replace another well which is no longer maintained and is legally abandoned, or a geothermal well drilled to maintain a constant energy supply to a consuming facility necessitated by declining production from the original supply well(s).
RESIDENCE	"Residence" means a home, abode, or place where an individual family is actually living at a specified point in time.
RESIDENTIAL ACCESSORY STRUCTURES	"Residential accessory structure" means buildings and structures normally associated with dwellings, such as garages, carports, greenhouses, storage buildings, and swimming pools.
RESIDENTIAL FACILITIES	"Residential facility" means any family home, group care facility, or similar facility, determined by the Director of the State Department of Social Services, for twenty-four (24) hour non-medical care of person in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual, as provided in Section 1502, California Health and Safety Code.
RESIDENTIAL HOTEL	"Residential hotel" means a hotel offering accommodations on a weekly or monthly basis. Single-room occupancy units (SROs) and boarding/rooming houses can serve as an affordable housing option for lower-income households and those with special housing needs, including persons who are homeless or near-homeless, persons with substance abuse problems, and farmworkers.
REST HOME	"Rest home" means a health facility or a health facility which provides skilled nursing care to patients whose primary need is for availability of skilled nursing care on an extended basis.
RETAIL SERVICES	"Retail services" means establishments engaged in selling goods or merchandise to the general public for personal or household consumption.

RETIREMENT HOME	"Retirement home" means a group housing arrangement chosen voluntarily by residents who are over sixty-two (62) years of age and who are provided varying levels of non-medical supportive services or care and in which meals are provided in central eating facilities or prepared by employees of the retirement home and delivered to individual living areas.
RE-ZONE	"Re-zone" means to change the zoning classification of particular lot(s) or parcel(s) pursuant to provisions of this Title.
RIGHT-OF-WAY	"Right-of-way" means a strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, or other similar uses.
RIVERINE	Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
ROAD	See "street."
ROOF	"Roof" means the outside top covering of a building.
ROOMING HOUSE	See "boarding house."

§ 91401.18 "S"

SAND DUNES	Naturally occurring accumulations of sand in ridges or mounds landward of the beach.
SANITARY LANDFILL	"Sanitary landfill" means a disposal site employing an engineered method(s) of disposing of solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest practical volume, and applying cover material over all exposed wastes at the end of each operating day.
SALVAGE YARD	See "junk yard".
SCHOOL, ELEMENTARY OR HIGH	"Elementary school" or "high school" means an institution of learning which offers instruction in the several branches of learning and study required to be taught in the public schools by the Education Code of the State of California. (High schools include Junior and Senior.)
SEATAINERS (SEA CONTAINERS)	See "cargo containers"
SECONDARY HIGHWAY	"Secondary highway" means a street or highway designed to carry moderate volumes of traffic and designated as a "secondary highway" in the Circulation Element of the General Plan and described in the Imperial County Subdivision Standards.
SECONDARY RESIDENTIAL UNIT (SECOND UNIT)	"Secondary residential unit" or "second unit" means a detached or attached dwelling unit which provides complete independent living facilities for one (1) or more persons.
SELF-SERVICE LAUNDRY	An establishment for laundering where there is no pick-up or delivery service and no steam or hand laundry or any type; provided however that

all washing machines and accessory extractors and dryers shall be installed on a single floor without double-decking and there shall be no inter-mingling of customers' laundry.

SEPTAGE DISPOSAL SITE	"Septage disposal site" means a site designated for the disposal of material pumped from septic tanks, cesspools, seepage pits, holding tanks, and privies.
SERVICES, COMMERCIAL	Establishments providing services or entertainment, as opposed to products, to the general public.
SETBACK	The required minimum distance between the street centerline or any property line and any part of the structure or parking stall.
SETBACK, FRONT	An open yard area extending between side lot lines across the front of a lot, the depth of which is the required minimum horizontal distance between the front lot line and a line parallel thereto on the lot.
SETBACK, REAR	An open yard area extending across the rear of the lot between the inner site lot lines which is the required minimum horizontal distance between the rear lot line and on line parallel thereto on the lot.
SETBACK, SIDE	An open yard area extending from the front yard, or the front lot line where no front yard is required, to the rear yard; the width of the required side yard shall be measured horizontally from the nearest part of the side lot line.
SEWAGE COLLECTION AND DISPOSAL SYSTEM	Any system for the collection and disposal of sewage, domestic wastewater of a liquid nature, including various devices for the treatment of such sewage.
SEWAGE DISPOSAL SYSTEM	Any system for the disposal of sewage, domestic wastewater of a liquid nature, including various devices for the treatment of such sewage.
SEWAGE TREATMENT PLANT	"Sewage treatment plant" means a facility for treatment and disposal of sewage.
SHEET FLOW AREA	See "Area of shallow flooding".
"SHALL" AND "MAY"	"Shall" is mandatory; "May" is permissive.
SIDEWALK	"Sidewalk" means a paved, surfaced, or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.
SIGN	"Sign" means any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, or direct attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, color, illumination, or projected images.
SIGN, AGRICULTURAL	"Agricultural sign" means an on-sign identifying a farm, ranch, or agricultural activities or products.
SIGN, AGRICULTURAL INDUSTRY	"Agricultural industry sign" means a sign identifying industrial activities related to the manufacture or processing of agricultural products.

SIGN, ANIMATED OR MOVING	"Animated or moving sign" means any sign or part of a sign which changes physical position by any movement or rotation or which gives the visual impression of such movement or rotation.
SIGN AREA	"Sign area" means the entire face of a sign, including the advertising surface, and any framing, trim, or molding, but not including the supporting structure.
SIGN, BILLBOARD	See "sign, off-site."
SIGN, DIRECTIONAL	"Directional sign" means a sign limited to direction messages, principally for pedestrian or vehicular traffic, such as "one-way," "entrance," and "exit."
SIGN FACE	"Sign face" means the area or display surface used for the message.
SIGN, FLASHING	"Flashing sign" means any directly, indirectly illuminated sign which exhibits changing natural or artificial light or color effects by any means whatsoever.
SIGN, FREESTANDING	"Freestanding sign" means any non-movable pole or monument sign not affixed to a building.
SIGN, GOVERNMENTAL	"Governmental sign" means a sign erected and maintained pursuant to and in discharge of any governmental functions, or required by law, ordinance, or other governmental regulation.
SIGN, IDENTIFICATION	"Identification sign" means a sign giving the nature, logo, trademark, or other identifying symbol, address, or any combination of the name, symbol and address of a building, business, development, or establishment on the premises where it is located.
SIGN, ILLUMINATED	"Illuminated sign" means a sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed towards the sign.
SIGN, MONUMENT	"Monument sign" means a sign constructed upon a solid base or pedestal, the total width of which is at least fifty percent (50%) of the overall width of the sign.
SIGN, NAMEPLATE.	"Nameplate sign" means a sign, located on the premises, giving the name or address, or both, of the owner or occupant of a building or premises.
SIGN, OFF-SITE	"Off-site sign" means a sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.
SIGN, ON-SITE INFORMATIONAL	"On-site informational sign" means a sign commonly associated with, and not limited to, information and directions necessary or convenient for visitors coming on the property, including signs marking entrances and exits, parking areas, circulation direction, rest rooms, and pickup and delivery areas.
SIGN, POLE	"Pole sign" means a sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is six (6) feet or more above grade.

SIGN, POLITICAL, RELIGIOUS, OR CIVIC CAMPAIGN	"Political, religious, or civic campaign sign" means a temporary sign announcing or supporting candidates or issues in connection with any national, state, or local election, or civic or religious campaign.
SIGN, PORTABLE	"Portable sign" means a sign that is not permanent, affixed to a building, structure, or the ground.
SIGN, REAL ESTATE	"Real estate sign" means a sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.
SIGN, TEMPORARY	"Temporary sign" means a sign or advertising display constructed of cloth, canvas, fabric, plywood, or other light material and designed or intended to be displayed for a short period of time.
SIGN, TEMPORARY CONSTRUCTION	"Temporary construction sign" means a temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest in the structure or project.
SIGN, TEMPORARY SUBDIVISION	<p>"Temporary subdivision sign" means a temporary sign pertaining exclusively to the development or sale of residential land subdivisions and located within the same subdivision.</p> <p>"Subdivision" means the division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized County assessment roll as a unit or as contiguous units, for the purpose of sale, lease, or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement, canals, or railroad rights-of-way. "Subdivision" includes a condominium project, as defined in Section 1351(f) of the Civil Code, a community apartment project as defined in Section 1351(d), and the conversion of five (5) or more existing dwelling units to a stock cooperative, as defined in Section 1351(m) of the Civil Code. "Subdivision" includes any division of land by gift or inheritance, but excludes a division for probate homestead. Any conveyance of land to a governmental agency, public entity, public utility, or subsidiary of a public utility for rights-of-way shall not be considered a division of land for purposes of computing the number of parcels.</p>
SIGN, WALL	"Wall sign" means a sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and which does not project more than twelve (12) inches from such building or structure.
SIGN, WARNING	"Warning sign" means a sign limited to messages of warning, danger, or caution.
SIGN, WIND	"Wind sign" means a sign or objects, some or all of which is moved by wind as method of attracting attention.
SIGN, WINDOW	"Window sign" means a sign that is applied or attached to the exterior or interior of a window or located in such manner within a building that it can be seen from the exterior of the structure through a window.

SINGLE ROOM OCCUPANCY	"Single Room Occupancy" means a single room that is the primary residence of its occupant. The unit may contain food preparation or sanitary facilities.
SITE	"Site" means any lot or parcel of land or combination of contiguous parcels of land.
SITE DEVELOPMENT PLAN	"Site development plan" means a plan graphically describing proposed buildings, structures, and other required information submitted in conjunction with an application for discretionary review and approval.
SMALL FOWL	"Small fowl" means birds raised or grown for hobby purposes, show, or racing, normally no larger than a small chicken (e.g., pigeon, parrot, or cockatiel).
SOFFIT	"Soffit" means the horizontal underside of an eave.
SOLID WASTE	"Solid waste" means all putrescible and non-putrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semisolid wastes.
SOUND LEVEL MEASUREMENT	The sound pressure level measured with a sound level meter and associated octave band analyzer, conforming to the standards prescribed hereinafter, and by the American National Standards Institute relating to sound and noise measurements.
SPECIFIC PLAN LINE	"Specific plan line" means the designated centerline of any road or highway as adopted by resolution of the Board of Supervisors from which the ultimate right-of-way is determined in accordance with the Circulation Element of the General Plan.
SPECIAL FLOOD HAZARD AREA (SFHA)	An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on an FHBM as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V.
SPECIAL OCCASION FACILITY	An indoor or outdoor facility or area which is used for special occasions such as weddings, parties, concerts, conferences, charity events, and fundraiser events for a specified period of time in return for compensation.
STANDBY WELL	A geothermal well maintained ready for use, but which is put into use only upon another well being taken out of use.
START OF CONSTRUCTION	Includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does

it include the installation of the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STOCKYARD	"Stockyard" means an enclosed area where livestock are temporarily confined and fed concentrated food while waiting for shipping to market, slaughter, or resale.
STORY	"Story" means 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.
STORY, HALF	"Half story" means a story with at least two (2) of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds (2/3) of the floor area immediately below it.
STREAM	"Stream" means a watercourse having a source and terminus, banks, and channel through which waters flow at least periodically.
STREET,CUL-DE-SAC	"Cul-de-sac street" means a street with a single common ingress and egress and with a turnaround at the end.
STREET, LOCAL	"Local street" means a street designed to provide vehicular access to abutting property.
STREET, PRIVATE	"Private street" means a street owned and maintained by a person or persons and intended for access to a limited number of private lots.
STREET, PUBLIC	"Public street" means a street built to standards required and maintained by the County of Imperial.
STRUCTURAL	"Structural" means an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.
STRUCTURAL ALTERATION	Any change in roof lines or exterior walls, or in the beams, girders, floor joists, roof joists, or rafters. This includes any physical change which could affect the integrity of a wall, including partial or total removal, moving a wall to another location or expanding the wall in terms of height or length. Minor actions such as adding a doorway, walkway, passage or window, or attaching architectural features or adornments, are not considered to be structural alterations.
STRUCTURAL FLOOR	"Structural floor" means the floor sheathing, structural beams, floor joists, or concrete slab of a building.
STRUCTURE	A walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.
SUBSTANTIAL DAMAGE	Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred; or

Flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of such event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. This is also known as "repetitive loss".

SUBSTANTIAL IMPROVEMENT

Any reconstruction, rehabilitation, addition, or other proposed new development of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either

1. any project for improvement of a structure to correct existing violations or state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
2. any alterations of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

SUBDIVISION

"Subdivision" means the division of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized County assessment roll as a unit or as contiguous units for the purpose of sale, lease, or financing, whether immediate or future, except for leases of agriculture land for agricultural purposes.

SUBSTANTIAL IMPROVEMENT

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the actual cash value of the structure, either (a) before the improvement is started, or (b) if the structure has been damaged and is being restored before the damage occurred. Substantial improvement is started when the first alteration of any structural part of the building commences.

SUPER SERVICE STATION

An automobile service station which supplies gasoline and diesel fuel to motor vehicles and may include grease racks or elevators, wash racks or pits, tire repair, battery servicing and repairing, ignition service, sales of motor vehicles accessories and other customary services for automobiles, but not including painting, body work and/or steam cleaning.

SUPPORTIVE HOUSING

Housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

SURFACE MINING OPERATION

"Surface mining operation" means all or any part of the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine. Surface mining operations shall include, but are not limited to: (1) in place distillation or retorting or leaching; (2) the production and disposal of mining waste; and (3) prospecting and exploratory activities. Unless excluded under the provisions of California Public Resources Code Section 2712 or Section 3505 of Title 14, California Code of Regulations, borrow pitting, streambed

skimming, segregation, and stockpiling of mined materials (and recovery of same) are deemed to be surface mining operations.

SURROUNDING AREA An area extending 300 feet from the exterior boundaries of the subject property.

SWAP MEET An open-air market operating during daylight hours on weekends and holidays for the sale or exchange of merchandise at retail by a number of sellers.

§ 91401.19 "T"

TANDEM PARKING Means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

TEMPORARY STRUCTURE "Temporary structure" means a structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

TEMPORARY USE "Temporary use" means a use established for a fixed period of time with the intent to discontinue such use upon expiration of such time period.

TENSIOMETER An instrument for measuring the surface tension of liquids.

TEN ACRES "Ten acres" means an aliquot division of a section of land consisting of one-quarter (1/4) of one-quarter (1/4) of one-quarter (1/4) section of land not to be less than eight (8) gross acres.

THROUGH LOT See Lot, Through.

TINY HOME A dwelling that is 400 square feet or less in floor area, excluding lofts. Tiny houses shall comply with the 2019 California Code of Regulations, Title 24.

TOWNHOUSE "Townhouse" means a building with three (3) or more attached dwelling units, each with its own roof, oriented in a common wall relationship as one (1) building.

TRAILER "Trailer" means a structure mounted on wheels, towed or hauled by another vehicle, and used for short-term human occupancy, carrying materials, goods, or objects, or as a temporary office.

TRAILER COURT See "mobile home park."

TRANSFER/PROCESSING STATION "Transfer/processing station" means and includes those facilities utilized or receive solid wastes, temporarily store, separate, convert, or otherwise process the materials in the solid wastes, or to transfer the solid wastes directly from smaller to larger vehicles for transport. Transfer station does not include any facility, the principal function of which is to receive, store, separate, convert, or otherwise process, in accordance with state minimum standards, manure; nor does it include any facility, the principal function of which is to receive, store, convert, or otherwise process wastes

which have already been separated for reuse and are not intended for disposal

TRANSFER STATION, LARGE VOLUME "Large volume transfer station" means a transfer station which receives more than one hundred (100) tons of waste per operating day.

TRANSFER STATION, SMALL VOLUME "Small volume transfer station" means a transfer station which receives less than one hundred (100) tons of waste per operating day and requires a locally issued permit rather than a full Solid Waste Facility Permit.

TRANSITIONAL HOUSING Buildings configured as rental apartment developments, that operate under program requirements which 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, and no more than two years. Appropriate sites for the transitional housing development should include those close to public services and facilities including transportation.

TRAVEL TRAILER PARK See "recreational vehicle park."

TRIPLEX See "dwelling, triplex, townhouse."

TRUCK REPAIR "Truck repair" means a commercial activity engaged in the service and repair of trucks, including truck tire repair.

TWENTY ACRES "Twenty acres" means an aliquot division of a section of land consisting of one half (1/2) of one-quarter (1/4) of one-quarter (1/4) section of land not to be less than sixteen (16) gross acres.

TWO AND ONE-HALF ACRES "Two and one-half (2 1/2) acres" means an aliquot division of a section of land consisting of one-quarter (1/4) of one-quarter (1/4) of one-quarter (1/4) of one-quarter (1/4) section of land not to be less than two (2) gross acres.

TWO-FAMILY DWELLING OR DUPLEX See "dwelling, two-family."

§ 91401.20 "U"

USE "Use" means the purpose or activity for which land or buildings are designed, arranged, or intended, or for which either is or may be occupied or maintained.

§ 91401.21 "V"

V ZONE See "Coastal high hazard area".

VARIANCE "Variance" means permission to depart from the literal requirements of this Title.

VEHICLE WRECKING YARD "Vehicle wrecking yard" means any lot or portion thereof used for the personal or commercial dismantling or wrecking of motor vehicles or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles or their parts, but not including

the incidental storage of vehicles in connection with the operation of a repair period of any one (1) vehicle does not exceed sixty (60) days, and not including the active noncommercial repair of up to two (2) personal motor vehicles per legal lot within a one hundred and twenty (120) day period.

VERY LOW INCOME HOUSEHOLD

A household in which the gross annual income adjusted for family size does not exceed fifty percent (50%) of the medium household income for the County of Imperial.

VIOLATION

The failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

§ 91401.22 "W"

WASHROOM

"Washroom" means a room equipped with washing and, usually, toilet facilities.

WATER SURFACE ELEVATION

The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

WATER TREATMENT PLANT

"Water treatment plant" means a plant or facility for treatment or purification of water to make it usable.

WATERCOURSE

"Watercourse" means a natural or man-made, intermittent or perennial drainage channel which includes, but is not limited to, the terms river, tributary, stream, or creek.

WILD ANIMAL KEEPING

"Wild animal keeping" means keeping or maintaining any dangerous, wild, carnivorous, or exotic animal that is wild by nature and not customarily domesticated by man so as to live and breed in a tame condition.

WIND-DRIVEN ELECTRICAL GENERATORS, EXPERIMENTAL

"Experimental wind-driven electrical generators" means wind systems that are the first of their kind, and their use constitutes a testing of a new concept or design.

WIND-DRIVEN ELECTRICAL GENERATORS, PRODUCTION

"Production wind-driven electrical generators" means electrical generators that have progressed beyond the prototype stage, and the construction of a significant number on a continuing basis has occurred.

WIND-DRIVEN ELECTRICAL GENERATORS, PROTOTYPE

"Prototype wind-driven electrical generator" means electrical generators that have progressed beyond the experimental stage, and construction of a limited number to test operations in field conditions has occurred.

§ 91401.24 "Y"

YARD "Yard" means an open space that lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward, except as may be specifically provided in this Title.

YARD, FRONT "Front yard" means a space extending across the full width of the lot between the front lot line and the nearest line or point of the main building or of any accessory building or structure.

YARD, IMPOUND "Impound yard" means the outside storage of autos, trucks, or other vehicles for commercial purposes.

YARD, REAR "Rear yard" means a yard extending across the full width of the lot between the rear lot line and the nearest line or point of the main building or of any accessory building or structure.

YARD, SIDE "Side yard" means a yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the main building or of any accessory building or structure.

§ 91401.25 "Z"

ZONING "Zoning" means dividing of the County into districts and the establishment of regulations governing the use, placement, spacing, and size of land and buildings.

ZONING DISTRICT "Zoning district" means a specifically delineated area or district in the County within which regulations and requirements uniformly govern the use, placement, spacing, and size of land and buildings.

TITLE 9

DIVISION 14: DEFINITIONS/CLARIFICATIONS

CHAPTER 2: DRAWING(S)/SKETCHES

YET TO BE COMPLETED



TITLE 9

DIVISION 14: DEFINITIONS/CLARIFICATIONS

CHAPTER 3: POLICY/CLARIFICATION

SECTION 1: Chapters 1 through 6 (Sections 91601.00 through 91606.03) of Division 16 of Title 9 of the Codified Ordinance of the County of Imperial is hereby enacted rescinded.

SECTION 2 Chapters 1 through 6 (Sections 91601.00 through 91606.03) of Division 16 of Title 9 of the Codified Ordinance of the County of Imperial is hereby re-enacted to read as follows:

TITLE 9

DIVISION 16: FLOOD DAMAGE PREVENTION REGULATION

[CHAPTER 1: STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS](#)

[CHAPTER 2: DEFINITIONS](#)

[CHAPTER 3: GENERAL PROVISIONS](#)

[CHAPTER 4: ADMINISTRATION](#)

[CHAPTER 5: PROVISIONS FOR FLOOD HAZARD REDUCTION](#)

[CHAPTER 6: VARIANCE PROCEDURE](#)

CHAPTER 1: STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS

§ 91601.00 STATUTORY AUTHORIZATION

§ 91601.01 FINDINGS OF FACT

§ 91601.02 STATEMENT OF PURPOSE

§ 91601.03 METHODS OF REDUCING FLOOD LOSSES

§ 91601.00 STATUTORY AUTHORIZATION

The Legislature of the State of California has, in Government Code Sections 65302, 65560, and 65800, conferred upon local government the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Board of Supervisors of Imperial County does ordain as follows:

§ 91601.01 FINDINGS OF FACT

- A. The flood hazard areas of Imperial County are subject to periodic inundation which results in loss of life and property, health, safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood-proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

§ 91601.02 STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- A. To protect human life and health.
- B. To minimize expenditures of public money for costly flood control projects.
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
- D. To minimize prolonged business interruptions.
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard.
- F. To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas.

- G. To insure that potential buyers are notified that property is in an area of special flood hazard.
- H. To insure that those who occupy the areas of special flood hazard assume responsibility for their actions.

§ 91601.03 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities.
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- C. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters.
- D. Controlling, filling, grading, dredging and other development which may increase flood damage.
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

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TITLE 9

DIVISION 16: FLOOD DAMAGE PREVENTIONREGULATION

CHAPTER 2: DEFINITIONS

Unless specifically defined within this Division, words and phrases used in Division 16 (Flood Damage Prevention) shall be interpreted and/or have the meaning as defined in Chapter 1, Division 14 of Title 9, commencing with Section 91401.00.

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TITLE 9

DIVISION 16: FLOOD DAMAGE PREVENTION REGULATION (91600.00)

CHAPTER 3: GENERAL PROVISIONS

§ 91603.00	LANDS TO WHICH THIS ORDINANCE APPLIES
§ 91603.01	BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD
§ 91603.02	COMPLIANCE
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§ 91603.00 LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all areas of special flood hazards and areas of mudslide (i.e., mudflow) hazards within the jurisdiction of Imperial County.

§ 91603.01 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard, and areas of mudslide (i.e. mudflow) hazards identified by the Federal Emergency Management Agency or the Federal Insurance Administration in a scientific and engineering report entitled "Flood Insurance Study" with an accompanying Flood Insurance Rate Map(s) for Imperial County dated September 26, 2008 and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be part of this division is hereby adopted by reference and declared to be a part of this ordinance. The 24-14 Edition of the Flood Resistant Design and Construction Standard published by the American Society of Civil Engineers (ASCE) and the Structural Engineering Institute (SEI) is also adopted by reference. This Flood Insurance Study is on file at the 801 Main Street, El Centro, CA (Planning & Development Services Department). In addition, the Board of Supervisors hereby also includes any area of land located around the Salton Sea and lying at or below the -220 foot elevation contour. This Flood Insurance Study is the minimum area of applicability of this ordinance and may be supplemented by studies for other areas which allow implementation of this ordinance and which are recommended to the Board of Supervisors by the Floodplain Administrator.

§ 91603.02 COMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violations of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the Board of Supervisors from taking such lawful action as is necessary to prevent or remedy any violation.

§ 91603.03 ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

§ 91603.04 INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

- A. Considered as minimum requirements.
- B. Liberally construed in favor of the governing body.

C. Deemed neither to limit nor repeal any other powers granted by State statutes.

§ 91603.05 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards, and areas of mudslide hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Imperial County, any officer or employee thereof, the State of California or the Federal Insurance Administration Federal Emergency Management Agency for any damages that result from reliance on this ordinance or any administrative decision lawfully hereunder.

§ 91603.06 SEVERABILITY

This ordinance and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

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TITLE 9

DIVISION 16: FLOOD DAMAGE PREVENTION REGULATION (91600.00)

CHAPTER 4: ADMINISTRATION

§ 91604.00	ESTABLISHMENT OF DEVELOPMENT PERMIT
§ 91604.01	DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR
§ 91604.02	DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR
§ 91604.03	APPEALS

§ 91604.00 ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be obtained before construction or development begins within any area of special flood hazards or areas of mudslide (i.e., mudflow) established in Section 91603.01. Application for a Development Permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- A. Site plan, including but not limited to:
 - 1. for all proposed structures, spot ground elevations at building corners and 20-foot or smaller intervals along the foundation footprint, or one foot contour elevations throughout the building site; and
 - 2. proposed locations of water supply, sanitary sewer, and utilities; and
 - 3. if available, the base flood elevation from the Flood Insurance Study and/or Flood Insurance Rate Map; and
 - 4. if applicable, the location of the regulatory floodway; and
- B. Foundation design detail, including but not limited to:
 - 1. proposed elevation in relation to sea level, of the lowest floor (including basement) of all structures; and
 - 2. for a crawl-space foundation, location and total net area of foundation openings as required in Section 91605.00. C.3 and FEMA Technical Bulletins 1-93 and 7-93; and
 - 3. for foundations placed on fill, the location and height of fill, and compaction requirements (compacted to 95 percent using the Standard Proctor Test method); and
- C. Proposed elevation in relation to mean sea level to which any nonresidential structure will be flood-proofed, as required in Section 91605.00. C.2 and FEMA Technical Bulletin TB 3-93; and
- D. All appropriate certifications listed in Section 91604.02.D; and
- E. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

§ 91604.01 DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

The Building Official is hereby appointed to administer and implement this ordinance by granting or denying development permits in accordance with its provisions.

§ 91604.02 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

The duties and responsibilities of the floodplain administrator shall include, but not be limited to:

A. Permit Review.

1. Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
2. All other required State and Federal permits have been obtained.
3. The site is reasonably safe from flooding.
4. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined, but a floodway has not been designated. For purposes of this ordinance, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point.

B. Use of the Other Base Flood Data.

1. When base flood elevations data has not been provided in accordance with Section 91603.01 the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer this ordinance. Any such information shall be submitted to the Board of Supervisors for adoption; or
2. If no base flood elevation data is available from a federal or state agency, or other source, then a base flood elevation shall be obtained using one of two methods from the FEMA publication "Managing Floodplain Development in Approximate Zone A Areas – A Guide for Obtaining and Developing Base (100-year) Flood Elevations" dated July 1995 in order to administer this ordinance:
 - a. Simplified method
 - i. 100 year or base flood discharge shall be obtained using the appropriate regression equation found in a U.S. Geological Survey publication, or the discharge-drainage area method; and
 - ii. base flood elevation shall be obtained using the Quick-2 computer program developed by FEMA; or
 - b. Detailed method
 - i. 100 year or base flood discharge shall be obtained using the U.S. Army Corps of Engineers' HEC-HMS computer program; and
 - ii. Base flood elevation shall be obtained using the U.S. Army Corps of Engineers' HEC-RAS computer program.

C. Notification of other agencies whenever a watercourse is to be altered or relocated:

1. Notify adjacent communities and the California Department of Water Resources prior to such alteration or relocation;

2. Submit evidence of such notification to the Federal Insurance Administration, Federal Emergency Management Agency; and
 3. Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.
- D. Determination of Floodplain Development. Obtain and maintain for public inspection and make available as needed documentation of floodplain development:
1. The certification required in Section 91605.00 (C) and 91605.03 (lowest floor elevation).
 2. Certification required by Section 91605.00 (C) (elevation or floodproofing of nonresidential structures),
 3. The certification required in Section 91605.00 (C)(3) (wet flood-proofing standard).
 4. The certification elevation required in Section 91605.02 (B) (subdivision standards).
 5. The certification required in Section 91605.06 (A) (floodway encroachment).
 6. Reports required by Section 91605.07 (C) (mudflow standards).
- E. Map Determinations. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards, or areas of mudslide (i.e., mudflow). Where there appears to be a conflict between a mapped boundary and actual field conditions, grade and base flood elevations shall be used to determine the boundaries of the special flood hazard area. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided for in Chapter 6 below.
- F. Remedial Action. Take action to remedy violations of this ordinance as specified in Section 91603.02 herein.

§ 91604.03 APPEALS.

The Board of Supervisors of the County of Imperial shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator and/or the Building Board of Appeals in the enforcement or administration of this ordinance.

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TITLE 9

DIVISION 16: FLOOD DAMAGE PREVENTION REGULATION

CHAPTER 5: PROVISIONS FOR FLOOD HAZARD REDUCTION

§ 91605.00	STANDARDS OF CONSTRUCTION
§ 91605.01	STANDARDS FOR UTILITIES
§ 91605.02	STANDARDS FOR SUBDIVISIONS
§ 91605.03	STANDARDS FOR MANUFACTURED HOMES
§ 91605.04	STANDARDS FOR RECREATIONAL VEHICLES
§ 91605.05	FLOOD-RELATED EROSION-PRONE AREA
§ 91605.06	FLOODWAYS
§ 91605.07	MUDSLIDES (I.E., MUDFLOW) PRONE AREAS

§ 91605.00 STANDARDS FOR CONSTRUCTION

In all areas of special flood hazards the following standards are required:

A. Anchoring.

1. All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
2. A licensed architect or registered professional engineer shall assess all new construction and any substantial improvements.
3. All manufactured homes shall meet the anchoring standards of Section 91605.03.

B. Construction Materials and Methods. All new construction and substantial improvement shall be constructed:

1. With flood resistant materials as specified in FEMA Technical Bulletin TB 2-93, and utility equipment resistant to flood damage;
2. Using methods and practices that minimize flood damage;
3. With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and if
4. Within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

C. Elevation and Floodproofing. (See Division 14 of Title 9 for definitions for "basement", "lowest floor", "new construction", "substantial damage" and "substantial improvement".)

1. Residential construction, new or substantial improvement, shall have the lowest floor, including basement,
 - a. In an AO Zone, elevated above the highest adjacent grade to height two feet above the depth number specified in feet on the FIRM, or elevated at least four feet above the highest adjacent grade if no depth number is specified

- b. In an A Zone, elevated to at least two feet above the base flood elevation; said base flood elevation; said base flood elevation shall be determined by one of the methods in Section 91604.02 (B) of this ordinance.
 - c. In all other Zones, elevated at least two feet above the base flood elevation.
Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, and verified by the County building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.
2. Nonresidential construction, new or substantial improvement, shall either be elevated to conform with Section 91605.00 (C) (1) or together with attendant utility and sanitary facilities:
- a. be floodproofed below the elevation recommended under Section 91605.00 (C) (1) so that the structure is watertight with walls substantially impermeable to the passage of water;
 - b. have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - c. be certified by a registered professional engineer or architect that the standards of this Section 91605.00 (C)(2) are satisfied. Such certification shall be provided to the Floodplain Administrator.
3. All new construction or substantial improvement with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement shall follow the guidelines in FEMA Technical Bulletins TB 1-91 and TB 7-93, and must exceed the following minimum criteria:
- a. have a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. Openings may be equipped with screens, louvers, valves or other covering devices provided that they permit the automatic entry and exit of floodwater; or
 - b. be certified by a registered professional engineer or architect.
4. Manufactured homes shall also meet the standards in Section 91605.03.

§ 91605.01 STANDARDS FOR UTILITIES

- A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from systems into flood waters.
- B. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

§ 91605.02 STANDARDS FOR SUBDIVISIONS

- A. All preliminary subdivision proposals shall identify the special flood hazard area and the elevation of the base flood.
- B. All final subdivision plans will provide the elevation of proposed structure(s) and pads. If the site is filled above the base flood elevation, the lowest floor and pad elevations shall be certified by a registered professional engineer or surveyor and provided to the Floodplain Administrator.

- C. All subdivision proposals shall be consistent with the need to minimize flood damage.
- D. All subdivision proposals shall have public utility and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- E. All subdivisions shall provide adequate drainage to reduce exposure to flood hazards.

§ 91605.03 STANDARDS FOR MANUFACTURED HOMES

- A. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- B. All new construction and any substantial improvements shall be assessed by a licensed architect or registered professional engineer.
- C. All manufactured homes that are placed or substantially improved, within Zones A1-30, AH, and AE on the County's Flood Insurance Rate Map, on sites located:
 - a. outside of a manufactured home park or subdivision,
 - b. in a new manufactured home park or subdivision,
 - c. in an expansion to an existing manufactured home park or subdivision, or
 - d. in an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred "substantial damage" as the result of a flood,

shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated at least two feet above the base flood elevation and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

- D. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, AE, V1-30, V and VE on the County's Flood Insurance Rate Map that are not subject to the provisions of paragraph 91605.03 (C) will be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either the:
 - a. lowest floor of the manufactured home is at or above the base flood elevation (The State of California recommends at least two feet above the base flood elevation), or
 - b. manufactured homes chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade.

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, and verified by the county building inspector to be properly erected. Such certification and verification shall be provided to the Floodplain Administrator.

§ 91605.04 STANDARDS FOR RECREATIONAL VEHICLES

- A. All recreational vehicles placed on sited within Zones A1-30, AH, and AE on the County's Flood Insurance Rate Map will either:
 - 1. be on a site for fewer than 180 consecutive days, and be fully licensed and ready for highway use – a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is

attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions, or

2. meet the permit requirements of Chapter 4 (Sections 91604.00 – 91604.03) of this ordinance and the elevation and anchoring requirements for manufactured homes in Section 91605.03 (C).

§ 91605.05 FLOOD-RELATED EROSION-PRONE AREA

- A. The Floodplain Administrator shall require permits for proposed construction and other development within all flood-related erosion-prone areas as known to the County.
- B. Permit applications shall be reviewed to determine whether the proposed site alterations and improvements will be reasonably safe from flood-related erosion and will not cause flood-related erosion hazards or otherwise aggravate the existing hazard.
- C. If a proposed improvement is found to be in the path of flood-related erosion or would increase the erosion hazard, such improvement shall be relocated or adequate protective measures shall be taken to avoid aggravating the existing erosion hazard.
- D. With Zone E on the Flood Insurance Rate Map, a setback is required for all new development from the ocean, lake, bay, riverfront or other body of water to create a safety buffer consisting of a natural vegetative or contour strip. This buffer shall be designated according to the flood-related erosion hazard and erosion rate, in relation to the anticipated “useful life” of structures, and depending upon the geologic, hydrologic, topographic, and climatic characteristics of the land. The buffer may be used for suitable open space purposes, such as for agricultural, forestry, outdoor recreation and wildlife habitat areas, and for other activities using temporary and portable structures only.

§ 91605.06 FLOODWAYS

Located within areas of special flood hazard established in Section 91603.01 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered engineer or licensed architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- B. If Section 91605.06 (A) is satisfied, all new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions of Chapter 5 (Sections 91605.00 – 91605.07) herein.

§ 91605.07 MUDSLIDE (i.e., mudflow) PRONE AREAS

- A. The Floodplain Administrator shall review permits for proposed construction or other development to determine it is proposed within a mudslide area.
- B. Permits shall be reviewed to determine that the proposed development is reasonably safe from mudslide hazards. Factors to be considered in making this determination include but are not limited to:
 1. The type and quality of soils.

2. Evidence of ground water or surface water problems.

3. The depth and quality of any fill.
 4. The overall slope of the site.
 5. The weight that any proposed development will impose on the slope.
- C. Within areas which have mudslide hazards, the following requirements apply:
1. A person qualified in geology and soils engineering shall make a site investigation and further review.
 2. The proposed grading, excavation, new construction and substantial improvements shall be adequately designed and protected against mudslide damages.
 3. The proposed grading, excavations, new construction and substantial improvements do not aggravate the existing hazard by creating either on-site or off-site disturbance.
 4. Drainage, planting, watering and maintenance shall not endanger slope stability.
- D. Within Zone M on the Flood Insurance Rate Map, the County shall adopt a drainage ordinance which at least complies with the standards of Section 7001 through 7006 and Sections 7008 through 7015 of the most recent amendment of the Uniform Building Code:
1. The location of foundation and utility systems of new construction and substantial improvements.
 2. The location, drainage and maintenance of all excavations, cuts and fills and planted slopes.
 3. Protective measures including but not limited to retaining walls, buttress fills, sub-drains, diverted terraces, benchings, etc.
 4. Engineering drawings and specifications to be submitted for all corrective measures accompanied by supporting soils engineering and geology reports.

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TITLE 9

DIVISION 16: FLOOD DAMAGE PREVENTION REGULATION

CHAPTER 6: VARIANCE PROCEDURE

§ 91606.00	APPEALS BOARD
§ 91606.01	CONDITIONS FOR VARIANCES
§ 91606.02	APPEALS TO THE BOARD OF SUPERVISORS
§ 91606.03	FEES

§ 91606.00 APPEALS BOARD

- A. The Building Board of Appeals of Imperial County shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- B. The Building Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.
- C. In passing upon such applications, the Building Board of Appeals shall consider all technical evaluations, all relevant factors, standards specific in other sections of this ordinance, and:
1. The danger that materials may be swept onto other lands to the injury of others.
 2. The danger of life and property due to flooding or erosion damage.
 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing owner and future owners of the property.
 4. The importance of the services provided by the proposed facility to the County.
 5. The necessity to the facility of a waterfront location, where applicable.
 6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
 7. The compatibility of the proposed use with existing and anticipated development.
 8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
 9. The safety of access to the property in time of flood for ordinary and emergency vehicles.
 10. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.
 11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water system, streets and bridges.
- D. Generally, variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items Chapter 4 (91604.00-91604.03) and Chapter 5 (91605.00-91605.07) have been fully considered. As

the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

- E. Upon consideration of the factors of Section 91606.00 (C) above and the purposes of this ordinance, the Building Board of Appeals may attach such conditions to the granting of variance as it deems necessary to further the purpose of this ordinance.
- F. The Floodplain Administrator shall maintain the records of all appeal actions, including justification for their issuance, and report any variances issued its biennial report submitted to the Federal Insurance Administration, Federal Emergency Management Agency.

§ 91606.01 CONDITIONS FOR VARIANCES

- A. Variances may be issued for the reconstruction, rehabilitation or restoration of “historic” structures (as defined in Title 9 Division 14) upon a determination that the proposed repair or rehabilitation will not preclude the structure’s continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- B. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- C. Variances shall only be issued upon a determination that the variance is the “minimum necessary”, considering the flood hazard, to afford relief. “Minimum necessary” means to afford relief with a minimum of deviation from the requirements of this ordinance.
- D. Variances shall only be issued upon:
 - 1. A showing of good and sufficient cause.
 - 2. A determination that failure to grant the variance would result in exceptional “hardship” (as defined in Division 14 of Title 9) to the applicant.
 - 3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create a nuisance, (as defined in Division 14 of Title 9 – see “Public Safety and Nuisance”) cause fraud on or victimization of the public, (as defined in Division 14 of Title 9) or conflict with existing local laws or ordinances.
- E. Variances may be issued for new construction and substantial improvements and/or other development necessary for the conduct of a functionally dependent use provided that the provisions of Section 91606.01, A through D above are satisfied and that the structure or other development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.
- F. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the regulatory flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. A copy of the notice shall be recorded by the Flood- plain Administrator in the office of the Imperial County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

§ 91606.02 APPEALS TO THE BOARD OF SUPERVISORS

The decision of the Board of Appeals on any appeal or request for waiver shall be final, unless within ten (10) days after said decision a written appeal to the Board of Supervisors is filed by the applicant with the Building Official. Said appeal shall state the grounds upon which the appeal is made. Said appeal shall be heard at a public hearing at a regularly scheduled meeting of the Board of Supervisors within one month after the date of

filing of said appeal. Notice of the time and place of said hearing shall be given to the applicant by mailing such notice to him/her at his/her last known address at least five (5) days prior to the date set for such hearing. A copy of said notice shall also be sent to the Clerk of the Board of Supervisors and to all members of the Board of Appeals.

§

91606.03 FEES

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| A. | Review fee for building permits for structures lying within an area of special flood hazard. | \$75.00 |
| B. | Review fee for applications for subdivisions lying within an area of special flood hazard. | \$200.00 |
| C. | Fee for appeals or request for waiver to the Flood Hazard Review Board. | \$75.00 |
| D. | Fee for appeals to the Board of Supervisors. | \$400.00 |