

**ORDINANCE NO. 2017-17**

**AN ORDINANCE OF THE CITY COUNCIL OF THE  
CHARTERED CITY OF VISTA, CALIFORNIA, AMENDING  
TITLES 17 AND 18 OF THE DEVELOPMENT CODE TO  
UPDATE VARIOUS GRADING AND ZONING REGULATIONS**

**The City Council of the City of Vista does ordain as follows:**

**1. Findings.** The City Council hereby finds and declares that:

A. The City Council wishes to amend Titles 17 and 18 of the Development Code to update various grading and zoning regulations.

B. The Development Code amendments include clarification for city staff, text corrections, modifications required by recently enacted State legislation, and maintenance of appropriate regulatory controls.

C. The Development Code amendments are exempt from further review under the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines, Sections 15304 (Minor Alterations to Land), 15305 (Minor Alterations in Land Use Limitations), and 15311 (Accessory Structures).

**2. Code Amendment**

A. The definition of "minor grading" in Section 17.56.040 of the Development Code is amended to replace the words and numerals in the first sentence which read "500 cubic yards" with the words and numerals "50 cubic yards."

B. Section 17.56.060 of the Development Code, "Permit Requirements," is amended so that the last sentence of the first paragraph reads as follows: "Note: the excepted activities herein require implementation of stormwater management controls as specified in Chapter 13.18 of the Municipal Code."

C. The following words shall be added to the end of paragraphs A.1 and A.2 of Section 18.02.045 of the Development Code, "Accessory Building(s)": "unless the City Planner approves a greater floor area limit for buildings that are permitted by right within the applicable zone, are not habitable, and are consistent with the General Plan."

D. Section 18.02.490 of the Vista Development Code, "Open Space, Common Usable," is amended to read as follows:

**"Common usable open space"** means recreational land areas within a multiple-dwelling unit project, including PRD's (planned residential

developments) and condominium housing that is not occupied or intruded upon by any structures (playground equipment, shade structures, decorative trellises and similar complementary structures excepted). Such open space may be classified as passive or active land areas that may be accessed and utilized by residents of all ages. Common usable open space areas must be surfaced with lawn, pavers, decking, sport-court-type surface, and other materials that allow the area to be used for recreation purposes. Typical common usable open space amenities include, but are not limited to, pools and spas, tot lots, fire pit/lounge areas, pedestrian trails, and sport courts. Common usable open space does not include land areas occupied by streets, driveways, parking areas, service areas, storm water basins, or recreation buildings. Sidewalks are not considered part of the common usable open space unless located within or adjacent to recreational areas, or designed as part of an open space trail system.”

E. Section 18.02.540 of the Development Code, “Poultry,” is amended to read as follows:

“**Poultry**” means domestic fowl, including hens, ducks, turkeys and peafowl; but excluding roosters and ornamental birds such as parakeets, canaries, finches, and similar types. “**Hens**” means female poultry.”

F. Section 18.10.010.H of the Development Code, “Permitted Uses,” is amended to add the following paragraph to the list of permitted poultry and animals:

“Two roosters on any one lot or parcel of land.”

G. Sections 18.31.010 through 18.31.030 of the Vista Development Code are amended to read as follows:

**Section 18.31.010 Definitions**

“Second 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. A second unit may take the following forms:

“Attached” means the second unit is attached to the primary residence.

“Detached” means the second unit is separated from the primary residence.

“Repurposed Existing Space” means existing space within the primary residence (e.g., master bedroom) has been converted into an independent living unit, or a second unit.

“Existing space” for the purpose of defining an allowable space that can be converted to a second unit means within the four walls and roofline of any legally permitted structure existing on or after January 1, 2017, that can be made safely habitable under local building codes at the determination of the Building Official regardless of any noncompliance with zoning standards.”

**Section 18.31.020 Zones**

An attached or detached second unit is permitted in the following zones: R-1, E-1, A-1 and O-R zone. A second unit located within repurposed existing space is permitted on any lot in a zone that allows single-family residences by right.

**Section 18.31.030 Requirements for a Second Unit**

A second unit shall be permitted provided all of the following standards are met:

- A. There must be no more than one existing single-family dwelling on the lot for which an application under this chapter is submitted.
- B. No zoning or building code violation exists on the lot which the second unit is to be located.
- C. The utility service for the second unit must be serviced through the existing single-family residence service.
- D. The second unit is not intended for sale separate from the primary residence and may be rented.
- E. The second unit is located on the same lot as the existing residence.
- F. Local building code requirements shall apply to the second unit, as appropriate.
- G. Second units shall not be required to provide fire sprinklers if they are not required for the primary residence, and may employ alternative methods for fire protection.
- H. The two units must share the same address. The owner may request the City Planner to differentiate the units by assigning additional numeric or alphabetical designations.
- I. The two units may be constructed simultaneously, provided that all requirements of this chapter are satisfied.”

H. Section 18.31.050 of the Development Code, “Development

Standards,” is amended to read as follows:

**“Section 18.31.050 Development Standards**

All second units must comply with the setbacks within the zone which are applicable to the primary structure, with the following exceptions:

A. No setback shall be required for the conversion of a legally permitted garage structure existing on or after January 1, 2017, to a second unit.

B. A setback of five (5) feet from side and rear lot lines is required for any second unit constructed above a garage.”

I. Section 18.31.070 of the Development Code, “Parking,” is amended to read as follows:

**“Section 18.31.070 Parking**

“A. One additional paved parking space must be provided for the second unit. The parking space must be provided on the lot on which the second unit is located, and may be provided as tandem parking within the paved driveway. The one additional parking space is in addition to the minimum number of parking spaces required for a single-family residence, as specified in Chapter 18.54 of this code.

B. Parking is not required for a second unit that is located within one-half mile of a passenger rail station.

C. Replacement parking: When a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of a second unit, replacement parking shall be located on the same lot as the second unit in any configuration.”

J. Section 18.31.080 of the Development Code, “Architectural Style,” is hereby repealed.

K. Section 18.31.090 of the Development Code, “Fees, Exaction Requirements,” is amended to read as follows:

**“Section 18.31.080 Fees**

Second units shall be subject to all applicable plan check and inspection fees for the Building Division’s review and inspection of the structure, as adopted by the City Council. Development impact fees shall not apply for sewer or water connections for second units; all other development impact fees applicable to

single-family residences shall apply.”

L. Section 18.31.100 of the Development Code, “Inspection Authority,” is hereby repealed.

M. Chapter 18.35 of the Development Code, “M-U Mixed Use Zone,” shall be modified in the manner described below:

1. Section 18.35.030, “Permitted Uses,” is amended to include “single-family dwellings” in the list of permitted uses, and shall be renumbered accordingly.

2. Section 18.35.050, “Minor Uses,” is amended to delete paragraph 7, “remodel or increase in square footage of single-family residential unit, existing as of the date of this ordinance.”

N. Chapter 18.38, “C-1 Commercial Zone,” Section 18.38.060, “Development Standards,” paragraph B, “Permitted Building Height,” is amended to replace the phrase “a height of 35 feet” with the phrase “a height of two stories or 35 feet, whichever is less.”

O. Chapter 18.52, “Signs on Private Property,” is amended to replace the map of “Freeway-Oriented Districts for Pole Signs, included as Exhibit A to Chapter 18.52 with a new map which adds Assessor’s Parcel Numbers 164-260-21, 164-260-44, 164-290-47, 164-290-48, 164-290-49, 164-290-50, and 164-290-51, and is in the form of Attachment A to this Ordinance.

P. Chapter 18.54, “Off Street Parking and Loading Requirements,” Section 18.54.120.A.1.b is amended to read as follows:

“b. The parking space envelope shall not be less than nine (9) feet by nineteen (19) feet in size. Open parking spaces shall be marked using two 5 inch strips separated by 8 inches, for a total width of 18 inches, and joined by a semi-circular arc at the incoming end so as to form an elongated “U” with all markings to be continuous, as depicted in Figure 18.54.120.A.”

Q. Section 18.58.480, “Home Occupations,” is amended so that the first sentence of this section is to read as follows:

“No occupation, as defined by Section 18.02.335, shall be conducted in any residential, mixed-use, estate, agricultural, or open space zoning district, except as may be permitted by a duly issued home occupation permit.”

R. Chapter 18.60, "Condominium Housing," Section 18.60.010.D is amended to read as follows:

"D. By obtaining a condominium housing permit by the procedure contained in this chapter, if the property is zoned R-M, M-U, or located within a specific plan that permits multi-family dwellings."

S. Chapter 18.66, "Special Land Uses," Section 18.66.030.D.1 is amended to read as follows:

"1. Time Limits. Each permit shall specify the length of time that the permit is effective."

T. The definition of "Affordability Period" contained in Section 18.90.020, "Definitions," is hereby amended to read as follows:

**"Affordability Period"** means a period of at least 55 years during which an affordable unit shall be occupied by an eligible household and made available at an affordable rent or affordable sales price."

**3. Severability.** If any word, sentence, paragraph, or other portion of this ordinance is deemed to be invalid or unenforceable for any reason by a court of competent jurisdiction, the City Council declares its intent that all remaining words, sentences, paragraphs or portions of the ordinance not held to be invalid or unenforceable shall remain in full force and effect, and shall, be so construed, as if the original ordinance did not contain the invalid or unenforceable language.

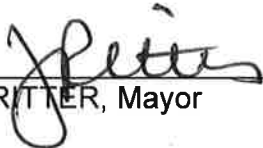
**4. Effective Date.** This Ordinance shall be effective on the thirty-first day following the date of its adoption.

**5. Adoption.** INTRODUCED AND ADOPTED at a meeting of the City Council held on October 24, 2017 by the following vote:

AYES: Mayor Ritter, Aguilera, Rigby, Franklin, Green

NOES: None

ABSTAIN: None

  
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JUDY RITTER, Mayor

APPROVED AS TO FORM:  
Darold Pieper, City Attorney

ATTEST:  
Kathy Valdez, City Clerk

By:   
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APPROVED  
Jonathan B. Stone  
1124 100417

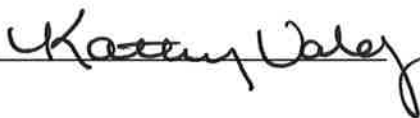
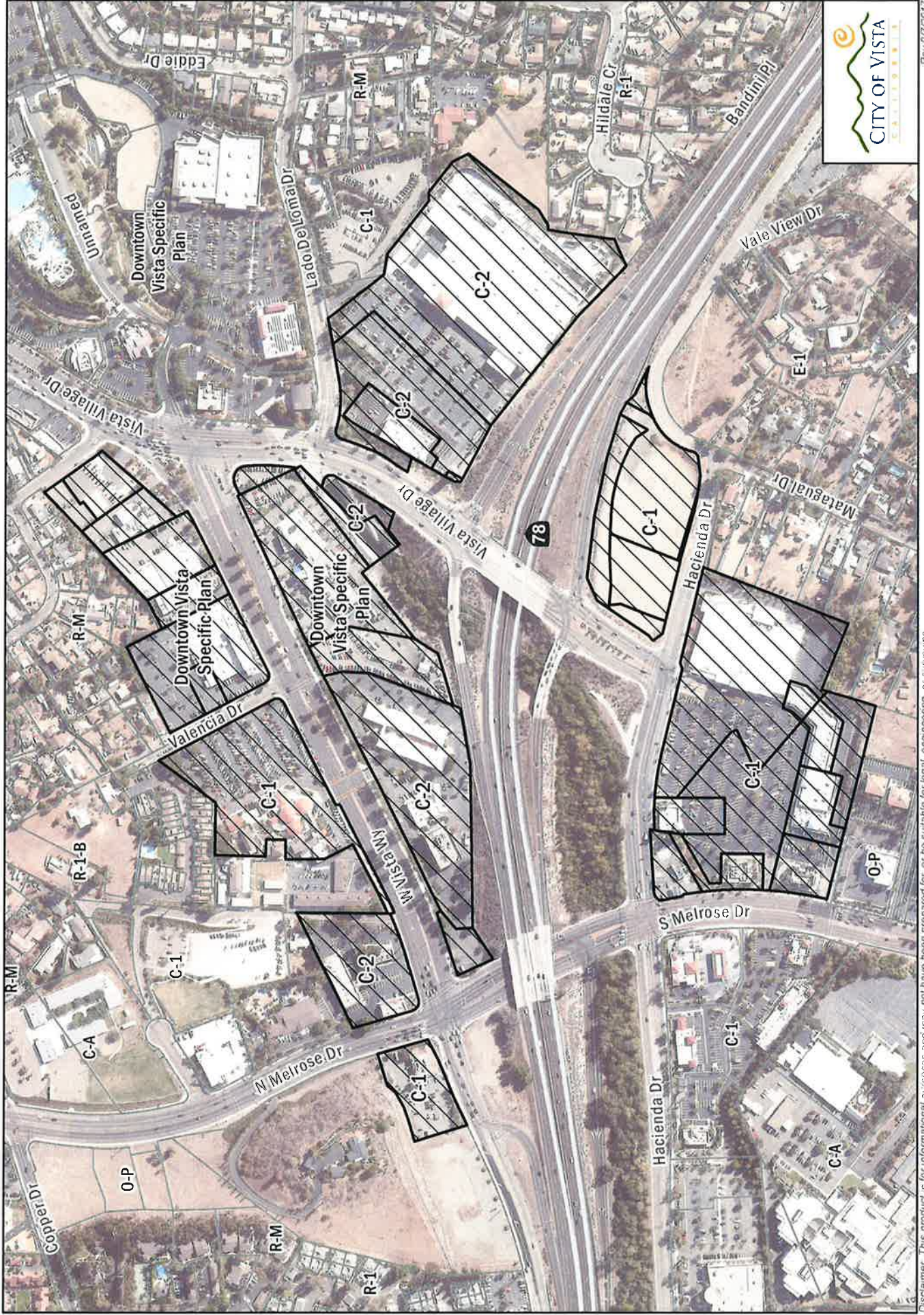
By:   
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Exhibit A: Map No. 4 of "Freeway-Oriented Districts for Pole Signs" in Chapter 18.52



# Freeway-Oriented Districts for Pole Signs



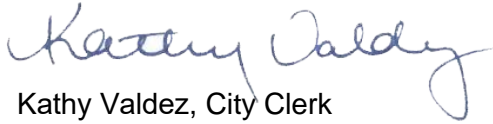
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Rev 9/7/2017



**CERTIFICATION**

I, Kathy Valdez, City Clerk of the City of Vista, California, certify that I caused the foregoing Ordinance No. 2017-17 to be posted on October 25, 2017, at the following locations within the City of Vista: 1) the Reference Desk of the Vista Branch of the San Diego County Public Library, 700 Eucalyptus Avenue; 2) the Lobby Counter at the Gloria E. McClellan Senior Center, 1400 Vale Terrace Drive; and 3) the City Clerk's Office, 200 Civic Center Drive.



Kathy Valdez, City Clerk