

ORDINANCE NO. 2020-1

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 SUBDIVISION 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 subdivision and zoning regulations.

B. The Development Code amendments include clarification for city staff, text corrections, and maintenance of appropriate regulatory controls.

C. The proposed amendment is exempt from review under the California Environmental Quality Act (CEQA) Guidelines, Section 15061(b)(3), because the proposed amendment would not result in any physical change to the environment.

D. The City Clerk, in implementing the code amendments included herein, may make minor modifications to the text, format, or numeric citations within the Development Code to implement the intent of the amendments described below.

2. Code Amendment

A. Section 17.84.030, "Review; Approval; Notice," is amended to read as follows: "The City Planner shall conditionally approve or deny the application. The applicant shall be notified in writing of the City Planner's decision. The decision may be appealed in accordance with Chapter 18.04."

B. Section 18.02.045 of the Development Code, "Accessory Building(s)," paragraph A.2, is amended to add the following sentences at the end of the paragraph: "All detached accessory buildings in the E-1, A-1, and O-R zones are exempt from Section (c) herein. Metal detached accessory buildings may be permitted in all residential land-use zones subject to the Zoning Administrator in accordance with the provision of Section 18.64.030."

C. Section 18.02.682, "Swimming Pool," is amended to add the following sentence at the end of the definition: "Location of swimming pools shall be governed by Section 18.58.270 of this title."

D. Section 18.10.010, "Permitted Uses," is amended to read as follows: "F. Fruit trees, nut trees, vines and nurseries for producing in-ground trees, vines and other horticultural stock."

E. Section 18.10.010, "Permitted Uses," is amended to include "Greenhouses" in the list of permitted uses, and shall be renumbered accordingly.

F. Section 18.34.080, "Distance between Dwellings," is hereby repealed.

G. Section 18.35.030, "Permitted Uses," is amended to include "one adult dog or cat per dwelling unit (including non-conforming land uses)" in the list of permitted uses, and shall be renumbered accordingly.

H. Section 18.38.020, "Special Uses," is amended to replace "Auto laundry" with "Car wash."

I. Section 18.38.050, "Limitations on Use," paragraph C.4, is amended to read as follows: "Approval of an outdoor eating facility shall be subject to the provisions of Section 18.64.030, unless it is part of a project requiring a special or minor use permit in which case approval of the facility will be part of that procedure."

J. Section 18.54.050, "Number of Parking Spaces required," is amended to include "Automobile Service Stations" with reference to Section 18.62.060(J).

K. Section 18.54.120, "Development Standards," paragraph A.1.b, is amended to read as follows: "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 4 inch strips separated by 10 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."

L. Section 18.54.120, "Development Standards," Figure A, is amended to prescribe a 16 foot 6 inch long parking envelope with a 2 foot 6 inch vehicular overhang.

M. Section 18.58.020, "Special Setback Requirements - Exceptions," is amended to add the following sentences at the end of paragraph A: ", with the exception of properties located in the Mixed Use (M-U) or Downtown Vista Specific Plan (DVSP) zones. All special setbacks may be modified as an express condition of the approval of a Site Development Plan or Plot Plan by the Planning Commission or City Council at a public hearing."

N. Section 18.58.270 of the Development Code, "Location of Accessory Buildings," is amended to read as follows:

“Detached accessory buildings and swimming pools in any estate, farm or residential zone shall conform to the following regulations as to their location on the lot or building site:

A. They may be constructed anywhere the main building would be permitted.

B. They shall not be closer than five feet to the main building or to any other accessory building, except that chicken houses may be closer together than five feet.

C. They shall not encroach on any required front yard or side yard except that:

1. A private garage may be built to within ten feet of the street line if the slope of the half of the lot or building site abutting the street is greater than one-foot rise or fall in seven feet from the established street elevation or if the elevation of such half of the lot or building site is more than four feet above or below the established street elevation, provided such garage is not less than ten feet from any side or rear lot line; provided, however, where the Director of Planning or the Planning Commission finds that no hazard to pedestrian or vehicular traffic will be created thereby, a private garage may be built to the street lines if the slope of the half of the lot or building site abutting the street is greater than one-foot rise or fall in seven feet from the established street elevation, or if the elevation of such half of the lot or building site is more than four feet above or below the existing street elevation or the established street grade, provided such garage is not less than ten feet from any side or rear lot line.

2. With respect to detached accessory buildings and swimming pools, no side yard in excess of five feet need be maintained along the rear one-half of any interior side lot line or along that portion of any interior side lot line which is at least 50 feet from the rear line of the required front yard.

D. They may be constructed in a required rear yard except as follows:

1. They shall not occupy more than 50 percent of the area of any required rear yard, nor be located less than five feet from the rear or the side lot line.

2. In the case of a corner lot, they may occupy only the interior one-half of the required rear yard exclusive of the interior side yard.

3. In an A-1 zone, no accessory buildings or structures, except a fence, shall be constructed within a required rear yard.

E. All two-story accessory buildings must comply with the setbacks within the zone which are applicable to the primary structure.”

O. Section 18.58.370, “Fences and Walls,” is amended to add condition D: “Fences or walls shall maintain a minimum separation of three feet anywhere on a building site unless waived by the City Planner.”

P. Section 18.58.550, “Minimum Residential Building Area,” is amended to add paragraph G: “Minimum residential building areas may be modified as an

express condition of the approval of a Site Development Plan or Plot Plan by the Planning Commission or City Council at a public hearing to further implement the goals and objectives of the City's General Plan."

Q. Section 18.58.590, "Refuse Collection and Storage Areas," paragraph C.2 is hereby amended to read, "Dimensions. The dimensions of the solid waste and recycling collection area(s) shall be of sufficient size to accommodate containers consistent with current methods of collection in the area in which the development or project is located and all standards established by the franchise refuse contractor."

R. Section 18.58.590, "Refuse Collection and Storage Areas," paragraphs C.2.a and C.2.b are hereby repealed.

S. Section 18.64.030, "Exemptions from the Site Development Plan Process," is hereby amended to add exemption F: "Facade modifications to existing multi-tenant commercial/industrial development."

T. Section 18.76.010, "Temporary Use Permits – Zoning Administrator," paragraph A, "Permitted Uses," is amended to read as follows: "Temporary use permits may be issued for the following uses on any privately owned property zoned C-1, 2 or 3; M-1 or properties designated for commercial or industrial uses within specific plans provided that the operations permitted therein shall be for no more than ten days."

U. Section 18.76.020, "Administrative Temporary Use Permits," paragraph C.2 is amended to read as follows: "Other temporary or promotional activities of a duration of less than five days, as may be designated by the Zoning Administrator from time to time as those subject to the provisions of this section."

V. Section 18.76.020, "Administrative Temporary Use Permits," paragraph C.3 is amended to read as follows: "Sidewalk sales, promotional activities and other temporary activities or land uses that are to exceed a duration of five days, plus those uses listed in Section 18.76.010.A, shall be subject to approval by the Zoning Administrator in accordance with the provisions of Section 18.76.010."

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.

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5. Adoption. INTRODUCED and ADOPTED at a meeting of the City Council of the City of Vista held on January 14, 2020, by the following vote:

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

NOES: None

ABSTAIN: None

By:  _____
JUDY RITTER, Mayor

APPROVED AS TO FORM:
DAROLD PIEPER, CITY ATTORNEY

By:  _____

APPROVED
Darold Pieper
20191209092737

ATTEST:
KATHY VALDEZ, CITY CLERK

By:  _____

CERTIFICATION

I, Kathy Valdez, City Clerk of the City of Vista, California, certify that I caused the foregoing Ordinance No. 2020-1 to be posted on January 16, 2020, 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.

A handwritten signature in blue ink that reads "Kathy Valdez". The signature is written in a cursive style.

Kathy Valdez, City Clerk