

## Chapter 19.10

### ZONES ESTABLISHED

#### Sections:

- 19.10.010 Designated.
- 19.10.020 Modifying districts – Designated.
- 19.10.030 Classification of annexed territory.
- 19.10.040 Regulations applying to all zones and districts.

#### 19.10.010 Designated.

The several zones hereby established, and into which the city is divided, are designated, as follows:

- A. A, agricultural zone;
- B. R-E, residential estates zone;
- C. R-1, single-family residence zone;
- D. R-2, one- and two-family residence zone;
- E. R-3, apartment residential zone;
- F. C-O, administrative and professional office zone;
- G. C-B, central business zone;
- H. C-N, neighborhood commercial zone;
- I. C-C, central commercial zone;
- J. C-V, visitor commercial zone;
- K. C-T, thoroughfare commercial zone;
- L. I-R, research industrial zone;
- M. I-L, limited industrial zone;
- N. I, general industrial zone;
- O. P-C, planned community zone;
- P. F-1, floodway zone;
- Q. T, tidelands zone;
- R. Unclassified uses. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.301).

#### 19.10.020 Modifying districts – Designated.

The districts set forth below are termed “modifying districts.” The regulations of each such district shall apply in lieu of or in addition to the regulations of the basic district listed in CVMC 19.10.010 with which the modifying district is combined.

- A. D, design control modifying district;
- B. S, height of buildings (stories) modifying district;
- C. P, precise plan modifying district;
- D. E, equestrian modifying district;
- E. PUD, planned unit development modifying district;
- F. H, hillside modifying district. (Ord. 1849 § 1, 1979; Ord. 1512 § 1, 1973; Ord. 1364 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.302).

#### 19.10.030 Classification of annexed territory.

All territory hereafter annexed to the city shall be classified as a part of that zoning district of the city recommended by the planning commission and specified by the city council at the time of annexation thereof. Said district shall be in general accordance with the general plan. (Ord. 1212 § 1, 1969; prior code § 33.303).

#### 19.10.040 Regulations applying to all zones and districts.

Except as otherwise provided:

A. No building or part thereof or other structure shall be erected, altered, added to or enlarged, nor shall any land, building, structure or premises be used, designated or intended to be used for any purpose, or in any manner, other than is included among the uses hereinafter listed as permitted in the district in which such building, land or premises is located.

B. No building or part thereof or structure shall be erected, reconstructed or structurally altered to exceed in height the limit hereinafter designated for the district in which such building is located.

C. No building or part thereof or structure shall be erected, nor shall any existing building be altered, enlarged or rebuilt or moved into any district, nor shall any open space be encroached upon or reduced in any manner, except in conformity to the yard, building site area, and building location regulations hereinafter designated for the district in which such building or open space is located.

D. No yard or other open space provided about any building for the purpose of complying with the provisions of this title shall be considered as providing a yard or open space for any other building, and no yard or other open space on one building site shall be considered as providing a yard or open space for building on any other building site. (Ord. 1212 § 1, 1969; prior code § 33.304).

## Chapter 19.12

### LEGISLATIVE ZONING PROCEDURE

#### Sections:

- 19.12.010 Purpose, intent and scope of provisions – Zoning defined.
- 19.12.020 Authorization for requirements.
- 19.12.030 Rezoning – Application required – Filing fee.
- 19.12.040 Setback lines – Establishment and change procedure.
- 19.12.050 Modifying districts – Establishment or attachment procedure.
- 19.12.060 Hearings – Required when.
- 19.12.070 Hearings – Notice required – Methods and additional contents of notice.
- 19.12.080 Hearings – Notice required – Contents.
- 19.12.090 Commission – Authorization of actions and determination of restrictiveness of zones.
- 19.12.100 Commission – Approval actions – Procedure.
- 19.12.110 Commission – Denial actions – Appeal procedure.
- 19.12.120 Attachment of conditions – Public improvements and precise plan requirements.
- 19.12.130 Interim zoning – Procedure generally – Time limit.
- 19.12.140 Prezoning – Procedure generally – When effective.
- 19.12.150 Adopted redevelopment plans.

#### **19.12.010 Purpose, intent and scope of provisions – Zoning defined.**

Zoning is a legislative act involving police power asserted in the interests of the public health, safety and general welfare. The zoning process includes the creation and modification of the comprehensive zoning law which establishes designated zones with permitted uses and regulations, as well as the comprehensive and uniform application of said zoning regulations by the classification and reclassification of property into designated zones. It is the purpose of the council to provide a zoning procedure which will offer a clear and definite guide to property owners seeking zoning adjustments. It is intended that these procedures will protect the public welfare and sound community planning and assure the maximum degree of protection for individual property rights. (Ord. 1212 § 1, 1969; prior code § 33.1201(1)).

#### **19.12.020 Authorization for requirements.**

Whenever the public necessity, convenience, general welfare or good zoning practice justifies such action, and in substantial conformance with the general plan of the city, and after due consideration and report on same by the planning commission, the city council may, by ordinance, create, amend, supplement or change the uses and regulations of the comprehensive zoning law or include or place any property within the city into any zone as created and defined in this title. The procedure for adopting such ordinances may be noticed by a resolution of intention of the planning commission, or of the council, or by an affirmed application of one or more of the owners or parties having a legal interest in the property to be affected by the proposed action. (Ord. 1212 § 1, 1969; prior code § 33.1201(2)).

#### **19.12.030 Rezoning – Application required – Filing fee.**

Applications for any change in zone boundaries or classification or reclassification of zones made by one or more owners or parties of interest in the property within the area to be affected by the proposed action shall be filed with the director of planning, accompanied by such data and information which would insure a full presentation of the facts and circumstances to justify the reasonableness of the proposed action. Said application shall be in a form as approved by the planning commission and shall be affirmed by the applicant. Each application shall be accompanied by the required filing fee(s). (Ord. 2506 § 1, 1992; Ord. 1854 § 3, 1979; Ord. 1813 § 1, 1978; Ord. 1371 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.1201(3)).

#### **19.12.040 Setback lines – Establishment and change procedure.**

In those cases where setback lines have not been established or where they are established by subdivision maps or regulations of a particular zone or as shown on the official line map, said lines may be so established or changed by the adoption of an ordinance in accordance with the procedures set forth in CVMC 19.12.030 for a change of zoning. (Ord. 1214 § 1, 1969; Ord. 1212 § 1, 1969; prior code § 33.120(4)).

#### **19.12.050 Modifying districts – Establishment or attachment procedure.**

The procedure for the establishment or attachment of a modifying district shall be the same as the zone change procedure and shall be subject to

the conditions as required for said modifying district. (See Chapter 19.56 CVMC.) (Ord. 1364 § 1, 1971; prior code § 33.1201(5)).

**19.12.060 Hearings – Required when.**

Upon the filing of an application or the adoption of a resolution by the planning commission or city council, the matter shall be set for public hearing before the commission by the director of planning. (Ord. 1212 § 1, 1969; prior code § 33.1202).

**19.12.070 Hearings – Notice required – Methods and additional contents of notice.**

Notices of the time, place and purpose of such hearing shall be given in the following manner:

A. By at least one publication in a newspaper of general circulation in the city as provided in the Charter, not less than 10 days prior to the date set for hearing;

B. By mailing a postal card or letter to all of the owners of property within 300 feet of the exterior boundary of the property involved, as well as the owner of the subject property, said owners being established for this purpose by an examination of the assessment records held in the office of the city clerk; provided, however, that in such cases where the ownership has recently changed and such knowledge is available to the director of planning, notice shall also be sent in this manner to the current occupants of said property; or

C. In certain instances where mailed notice of hearing is deemed to be impractical, notice may be effected by posting upon the subject property, and within the area of the subject property, a notice bearing the same information as contained in the notice to be mailed. Said notice shall be mailed or posted at least 10 days prior to the date set for the public hearing, and the director of planning or his authorized representative shall sign an affidavit of mailing to be held in the record. It is further provided that no defect or irregularity in the giving of such notice shall invalidate the public hearing if said interested parties receive actual notice by any other means and are aware of the matter to be considered at the public hearing.

Where application is made for a change of classification or change of boundaries or a variance or for a conditional use permit, the director of planning or the planning commission shall have the discretion to include in notice of the hearing on such application notice that the planning commission will consider classification of other than that for which application is made and/or additional prop-

erties and/or uses. (Ord. 1212 § 1, 1969; prior code § 33.1202(A)).

**19.12.080 Hearings – Notice required – Contents.**

The notice shall contain the following information:

A. The boundaries, either by diagram, plat or brief description, of the area proposed to be zoned;

B. The zone into which said area is sought to be placed;

C. A statement that the planning commission reserves the right to make any of the following recommendations to the city council:

1. That said property be placed in the zone proposed in the notice,

2. That the property not be rezoned, or

3. That the property be placed in any other more restrictive zone described and defined in this title, which, in the opinion of the planning commission, best serves the public interest;

D. The date, time and place of hearing before the planning commission;

E. A statement that any property owner may appear and be heard before said planning commission.

Mailing of notices shall not be required for establishment or amendment of comprehensive zoning laws. (Ord. 1212 § 1, 1969; prior code § 33.1202(B)).

**19.12.090 Commission – Authorization of actions and determination of restrictiveness of zones.**

If, from the facts presented, the commission finds that the public necessity, convenience, general welfare or good zoning practice requires the adoption or modification of a portion of the comprehensive zoning law or the classification or reclassification of property to any zone, the commission may recommend, by the affirmative vote of not less than a majority of the total membership of the commission, by resolution, the adoption of an ordinance by the city council adopting or modifying a comprehensive zoning law, or classifying or reclassifying property into particular zones. The commission may recommend the inclusion of property in particular zones as requested by the applicant, or the inclusion of the property into any other more restrictive zone as defined and classified in this title, or into any of the commercial zones which are equally restrictive. For the purpose of determining the restrictiveness of zones, the order in which a zone appears in this title shall

govern: the lower the number of the section, the more restrictive the zone is in relation to other zones established by this title. If such required findings cannot be made, the commission shall deny the application. (Ord. 1212 § 1, 1969; prior code § 33.1203).

**19.12.100 Commission – Approval actions – Procedure.**

If the application is approved or a more restrictive zone recommended, the commission shall forward its resolution and the application with a report of its findings to the city clerk who shall cause the matter to be set for hearing before the city council in the same manner as required herein for setting a hearing before the planning commission. (Ord. 2374 § 1, 1990; Ord. 1212 § 1, 1969; prior code § 33.1203(1)).

**19.12.110 Commission – Denial actions – Appeal procedure.**

If an application for change or reclassification or adoption or amendment of the comprehensive zoning law is denied by the commission, the applicant or interested party may, within 10 days of the date of the mailing of the notification of denial, appeal to the city council by written notice of appeal filed with the city clerk. Such appeal shall be filed in duplicate and shall set forth specifically wherein the commission's findings were in error and wherein the public necessity, convenience, welfare or good zoning practice requires such change or reclassification. Upon receipt of such appeal, the city clerk shall set the matter for hearing in the manner prescribed herein, and shall forward the findings of fact of the planning commission to the city council. The city council may, after the public hearing and consideration of the matter, affirm the action of the planning commission or may grant the appeal or a modification thereof by the affirmative vote of not less than a majority of its total membership. (Ord. 2193 § 1, 1987; Ord. 1212 § 1, 1969; prior code § 33.1203(2)).

**19.12.120 Attachment of conditions – Public improvements and precise plan requirements.**

A. Neither the planning commission nor the city council may attach any conditions to the zoning of any property except for supplemental zones as provided in this title, and the property owner shall be authorized, without restriction, to use the property for the uses and purposes enumerated in the zone subject only to the regulations of the zone;

provided, however, that the commission may recommend or the council may require on its own motion that all public improvements, including streets and sidewalks and drainage facilities, as well as necessary dedications deemed needed to serve the uses authorized under the proposed zoning, be installed as a precedent to the zoning in order to prevent the imposition of a burden upon the community and the city created by said uses. The requirement for installation of public improvements may be deferred in accordance with the provisions as set forth in this title.

B. In addition to the requirement for the installation of public improvements in necessary dedications, the planning commission or the city council may require that a precise plan be submitted for the development of the property by attaching the P precise plan modifying district to the underlying zone. The precise plan includes, but is not limited to, the location, height, size, and setbacks of buildings or structures, open spaces, signs, and densities. The requirements and circumstances for applying the P precise plan modifying district are set forth in full in CVMC 19.56.040 through 19.56.048. The procedures for submission and approval of a precise plan are set forth in CVMC 19.14.570 through 19.14.580. (Ord. 1632 §§ 1, 3, 1975; Ord. 1222 § 1, 1969; prior code § 33.1204).

**19.12.130 Interim zoning – Procedure generally – Time limit.**

Without following the procedures otherwise required preliminary to the adoption of a zoning ordinance, the city council, to protect the public safety, health and welfare, may adopt, as an urgency measure, an interim ordinance prohibiting any uses which may be in conflict with a contemplated zoning proposal which the city council, planning commission or planning department is considering or studying or intends to study within a reasonable time. Such urgency measure shall require four-fifths vote of the city council for adoption. Such interim ordinance shall be of no further force and effect 90 days from the date of adoption thereof; provided, however, that after said notice, pursuant to CVMC 19.12.060 through 19.12.080, and public hearing, the city council may, by a four-fifths vote, extend such interim ordinance for one year. Not more than two such extensions may be adopted. When such interim ordinance has been adopted, every subsequent ordinance adopted pursuant to this section, covering the whole or part of the same property, shall automatically terminate and be of no further force and effect upon the ter-

mination of the first such ordinance or any extension thereof as herein provided. Where a property owner alleges that a moratorium would cause undue hardship on his property to the extent that it would constitute a “taking” of property, the owner may request a public hearing by the city council to determine if the property owner is entitled to relief from the effects of the moratorium. The city council shall hold said public hearing within three weeks from receipt of a written request from the property owner. At the public hearing, the property owner shall set forth all reasons why relief is appropriate and the city council may approve, conditionally approve or deny relief from the restrictions of the interim ordinance. (Ord. 2235 § 2, 1987; Ord. 1212 § 1, 1969; prior code § 33.1205(1)).

**19.12.140 Prezoning – Procedure generally – When effective.**

The city council may prezone unincorporated territory adjoining the city for the purpose of determining the zoning that will apply to such property in the event of subsequent annexation to the city. The method of accomplishing this prezoning shall be as provided by CVMC 19.12.010 through 19.12.120. At the time of application for prezoning, the applicant shall deposit with the planning department the required fee(s) in accordance with Section 57004 of the Government Code. Such zoning shall become effective at the same time that the annexation becomes effective. (Ord. 2506 § 1, 1992; Ord. 1212 § 1, 1969; prior code § 33.1205(2)).

**19.12.150 Adopted redevelopment plans.**

If, and in the event that, the city council adopts or has heretofore adopted a redevelopment plan in accordance with the provisions of Section 33000, et seq., of the Health and Safety Code of the state, and said plan has been adopted in general conformance with the procedures as set forth in this chapter for adoption of zoning ordinances as applicable to particular pieces of land, said redevelopment plan shall constitute the zoning requirements regulating permitted uses and the manner of development of the land and shall supersede any zoning regulations previously adopted regulating such permitted uses and development standards; provided, however, if any aspect or element of development of the property has not been delineated in the redevelopment plan, the regulations contained in the underlying zoning or in the provisions of this title relating to the particular use involved shall be deemed to be applicable. (Ord. 1900 § 1, 1980).

**Chapter 19.14**

**ADMINISTRATIVE PROCEDURES,  
CONDITIONAL USES AND VARIANCES**

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**19.14.010 Purpose and intent of provisions.**

The purpose of this chapter is to consolidate all of the administrative procedures and requirements so as to provide clear instructions to property owners and developers and carry out the purpose of this title. The administrative procedures incorporated herein are the conditional use permit, which is required for those uses specifically permitted within certain zones but allowed only upon finding of certain facts and subject to necessary conditions; the variance, which authorizes the relaxation or variation from rules and regulations established in certain zones subject to the finding of certain facts and necessary conditions; and the planned community district procedures and the planned unit development procedures. In order to expedite the granting of a variance, a zoning administrator is established herein. The permits which are required and set forth in this chapter are the zoning permit itself, which stipulates the desired use for such permit within the zone where the subject property is located; site plan and architectural approval; the performance standard permit and the home occupation permit. (Ord. 1212 § 1, 1969; prior code § 33.1301).

**19.14.020 Zoning administrator – Creation of position.**

In order to relieve the planning commission of certain routine functions necessary to the proper administration of this chapter, a zoning administrator is created, who shall be the director of planning and building or his authorized deputy, with such authority as is granted to him by this chapter. (Ord. 2790, 1999; Ord. 1212 § 1, 1969; prior code § 33.1302(A)).

**19.14.030 Zoning administrator – Actions authorized without public hearing.**

The zoning administrator is authorized to consider and to approve, disapprove or modify applications on the following subjects, and/or issue the following required permits without setting the matter for a public hearing:

A. Conditional Use Permit. The zoning administrator shall be empowered to issue conditional use permits, as defined herein, in the following circumstances:

1. Where the use to be permitted does not involve the construction of a new building or other substantial structural improvements on the property in question;

2. Where the use requiring the permit would make use of an existing building and does not involve substantial remodeling thereof;

3. For signs, as defined herein, and temporary tract houses, as limited herein;

4. The zoning administrator is authorized to consider and to approve, deny, or modify applications for conditional use permits for carnivals and circuses. The zoning administrator shall set the matter for public hearing in the manner provided herein;

5. Churches;

6. Establishments that include the sale of alcoholic beverages for off-site use or consumption, located in the C-N zone. The zoning administrator shall hold a public hearing in accordance with CVMC 19.14.060 through 19.14.090 upon giving notice thereof in accordance with CVMC 19.12.070 and 19.12.080. A conditional use permit shall not be granted unless the zoning administrator or other issuing authority finds in his or her sole discretion, and based on substantial evidence in view of the entire record, that all of the facts required by CVMC 19.14.080 exist, and that approval of the permit will not result in an overconcentration of such facilities. Overconcentration may be found to exist based on (a) the number and location of existing facilities; (b) compliance with State Alcohol Beverage Control overconcentration standards in effect at the time of project consideration; (c) the impact of the proposed facility on crime; and (d) the impact of the proposed facility on traffic volume and traffic flow. The police department or other appropriate city departments may provide evidence at the hearing. A permit to operate may be restricted by any reasonable conditions including, but not limited to, limitations on hours of operation.

The city council shall be informed of the decision on each such permit by the city clerk when the decision is filed in accordance with CVMC 19.14.090. The decision of the zoning administrator may be appealed.

Such appeal shall be directed to the city council, rather than the planning commission, and must be filed within 10 days after the decision is filed with the city clerk, as provided in CVMC 19.14.100. If appealed within the time limit, said appeal shall be considered in a public hearing conducted by the city council, in the same manner as other appeals pursuant to CVMC 19.14.120 and 19.14.130; except, that the council must make the same written findings required of the zoning administrator herein in order to grant the permit.

B. Variances. The zoning administrator shall be authorized to grant variances for limited relief in the case of:

1. Modification of distance or area regulations;

2. Additions to structures which are nonconforming as to side yard, rear yard, or lot coverage, providing the additions meet the requirements of this title affecting the property;

3. Walls or fences to exceed heights permitted by ordinances.

Modifications requested in said applications for relief to be administered with the requirement for a public hearing shall be limited to deviations not to exceed 20 percent of the requirements imposed by ordinances.

C. Site, Architectural, and Landscape Plan Approvals. The zoning administrator shall be empowered to grant site plan, architectural plan and landscape plan approval as provided herein.

D. Performance Standard Procedure. The zoning administrator shall be authorized to issue a zoning permit for uses subject to performance standards procedures, as provided herein.

E. Home Occupations. The zoning administrator shall be authorized to grant permits for home occupations, as defined and regulated in CVMC 19.14.490.

F. Fees. A fee, in the amount as presently designated or as may be in the future amended in the master fee schedule, shall accompany each application for a variance or conditional use permit or modifications thereto considered by the zoning administrator without a public hearing.

In regard to applications on any of the aforementioned subjects, the zoning administrator shall set a reasonable time for the consideration of the same and give notice thereof to the applicant and to other interested persons as defined in this title. In the event objections or protests are received, the zoning administrator shall set the matter for public hearing as provided herein. (Ord. 2616 § 5, 1994; Ord. 2526 § 1, 1992; Ord. 2506 § 1, 1992; Ord. 2290 § 1, 1989; Ord. 2075 § 2, 1984; Ord. 2011 § 1, 1982; Ord. 1813 § 1, 1978; Ord. 1371 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.1302(B)).

#### **19.14.040 Variances – Public hearing required when – Exceptions.**

In the case of applications for variances, other than those for limited relief as set forth in CVMC 19.14.030, the zoning administrator shall set the matter for public hearing in the manner provided herein. (Ord. 1212 § 1, 1969; prior code § 33.1302 (C)).

#### **19.14.050 Public hearing – Mandatory when.**

A. The zoning administrator may, at her/his option, refer any of the matters on which she/he is authorized to rule and/or issue a permit to the planning commission for review. In addition, a project applicant may request that any such matter be referred directly to the planning commission for action. In such cases, a public hearing as provided herein shall be mandatory.

B. Any person who disagrees with the ruling of the zoning administrator may appeal such ruling to the planning commission. In such cases, a public hearing as provided herein shall be mandatory. Any person who disagrees with a sign design ruling of the zoning administrator may appeal such ruling to the design review committee. In such cases, the sign project ruling under appeal shall be reviewed by the design review committee in accordance with CVMC 19.14.582.

C. Notwithstanding the above provisions, the zoning administrator may, at his option, or upon appeal, refer applications for carnivals and circuses on which he is authorized to issue a permit to the city council for review. In such cases, a public hearing as provided herein shall be mandatory. (Ord. 2575 § 1, 1993; Ord. 2365 § 1, 1990; Ord. 1212 § 1, 1969; prior code § 33.1302(D)).

#### **19.14.060 Conditional use permit – Defined – Purpose and intent.**

The granting of a conditional use permit is an administrative act to authorize permitted uses subject to specific conditions because of the unusual characteristic or need to give special consideration to the proper location of said uses in relation to adjacent uses, the development of the community and to the various elements of the general plan. It is the purpose of this chapter to set forth the findings necessary for such administrative action and to establish a procedure for granting conditional use permits. (Ord. 1212 § 1, 1969; prior code § 33.1303).

#### **19.14.070 Conditional use permit – Application – Fee – Public hearing.**

A. Applications for conditional use permits or modifications thereto shall be made to the planning commission in writing on a form prescribed by the planning commission and shall be accompanied by plans and data sufficient to show the detail of the proposed use or building. The application shall be accompanied by a fee as presently designated, or as may in the future be amended, in the master fee schedule. The director of planning shall cause the

matter to be set for hearing in the same manner as required for setting zoning matters for hearing. The director of planning or the planning commission shall have the discretion to include in the notice of the hearing on such application notice that the planning commission will consider classifications of other than that for which application is made and/or additional properties and/or uses.

In those cases where the application conforms to the requirements of CVMC 19.14.030(A), the application shall be directed to the zoning administrator.

B. In the case of hazardous waste facilities as defined in CVMC 19.04.107, applications for conditional use permits or modifications thereto shall be made pursuant to CVMC 19.58.178, and shall be considered by the planning commission with a recommendation to be forwarded to the city council for final review and action. The requirements of CVMC 19.14.090 shall apply to both the planning commission recommendation and the city council resolution, with the following modifications:

1. The written findings, in addition to the requirements of CVMC 19.14.080, shall address those matters as set forth in CVMC 19.58.178(K).

2. The decision of the planning commission shall constitute a recommendation only, and shall not become final or subject to appeal as provided in CVMC 19.14.100 to 19.14.130.

3. The city council's decision shall be considered final, and the city clerk shall transmit a copy of the resolution as provided by CVMC 19.14.130. (Ord. 2542 § 2, 1993; Ord. 2011 § 1, 1982; Ord. 1813 § 1, 1978; Ord. 1371 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.1304).

**19.14.080 Conditional use permit – Prerequisites for granting.**

After the public hearing, the planning commission or the zoning administrator may, by resolution, grant a conditional use permit if the planning commission or the zoning administrator finds from the evidence presented at said hearing that all of the following facts exist:

A. That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or the community;

B. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity;

C. That the proposed use will comply with the regulations and conditions specified in this title for such use;

D. That the granting of this conditional use will not adversely affect the general plan of the city or the adopted plan of any governmental agency;

E. That the proposed conditional use, if located in the coastal zone, is consistent with the certified local coastal program and is consistent with the intent of the zoning district. (Res. 11903, 1985; Ord. 1212 § 1, 1969; prior code § 33.1305(A)).

**19.14.090 Conditional use permit – Public hearing procedure – Finding of facts.**

The planning commission or the zoning administrator shall make a written finding which shall specify acts relied upon in rendering said decision and attaching such conditions and safeguards as deemed necessary and desirable, not more than 10 days following the decision of the commission or the zoning administrator, and shall fully set forth wherein the facts and circumstances fulfill or fail to fulfill the requirements of this section and CVMC 19.14.080. A copy of this written finding of facts shall be filed with the city clerk, with the director of planning and building, and mailed to the applicant. The decision of the planning commission or zoning administrator shall be final on the eleventh day following its filing in the office of the city clerk, except where appeal is taken as provided herein. (Ord. 2790, 1999; Ord. 2374 § 2, 1990; Ord. 1212 § 1, 1969; prior code § 33.1305(B)).

**19.14.100 Conditional use permit – Appeals – Procedure generally.**

The applicant or other interested persons may appeal the decision of the zoning administrator to the planning commission within 10 days after the decision is filed with the city clerk, and the hearing on said appeal shall be processed by the planning commission in the same manner as a conditional use permit within the original jurisdiction of the planning commission. The applicant or other interested persons shall have the same right of appeal from any determination of the planning commission in such instances as set forth in CVMC 19.14.110 through 19.14.130. (Ord. 1212 § 1, 1969; prior code § 33.1305(C)).

**19.14.110 Conditional use permit – Appeals – Form – Contents – Effect of filing.**

The applicant or other interested person may appeal from the decision of the planning commis-

sion granting or denying any conditional use permit as provided in CVMC 19.14.240 and 19.14.250 to the city council within 10 days after said decision is filed with the city clerk. Said appeal shall be in writing and filed in triplicate with the city clerk upon forms provided by the planning department and shall specify wherein there was error in the decision of the planning commission. If an appeal is filed within the time limit specified, it automatically stays proceedings in the matter until a determination is made by the city council.

Where an application is denied by the planning commission by less than four votes, the applicant shall have the right to either a rehearing at the next planning commission meeting or an appeal to the city council without payment of additional fees. The choice of alternatives shall be discretionary with the applicant. All other proceedings pertaining to appeals shall continue to apply. (Ord. 1212 § 1, 1969; prior code § 33.1306(A)).

#### **19.14.120 Conditional use permit – Appeals – City clerk duties.**

Upon the filing of the appeal, the city clerk shall set the matter for public hearing, giving the same notice as required in CVMC 19.12.060 through 19.12.080. The city clerk shall send the planning department a duplicate copy of the appeal and request the planning commission to transmit to the city council a copy of its decision and findings, minutes of the hearing and all other evidence, maps, papers and exhibits upon which the planning commission made its decision. (Ord. 1212 § 1, 1969; prior code § 33.1306(B)).

#### **19.14.130 Conditional use permit – Appeals – City council action – Resolution contents and transmittal.**

Upon the hearing of such appeal, the city council may, by resolution, affirm, reverse or modify in whole or in part any determination of the planning commission, subject to the same limitations and requirements of findings as are placed upon the planning commission by this chapter. The resolution must contain a finding of facts showing wherein the conditional use meets or fails to meet the requirements of CVMC 19.14.080 through 19.14.100. Not later than 10 days following the adoption of said resolution, the city clerk shall transmit a copy of the resolution and finding to the director of planning, to the director of building and housing, and shall mail a copy to the applicant. (Ord. 2074 § 1, 1984; Ord. 1212 § 1, 1969; prior code § 33.1306(C)).

#### **19.14.140 Variance – Defined – Purpose and intent – Prohibited when.**

The granting of a variance is an administrative act to allow a variation from the strict application of the regulations of the particular zone, and to provide a reasonable use for a parcel of property having unique characteristics by virtue of its size, location, design or topographical features, and its relationship to adjacent or surrounding properties and developments. The purpose of the variance is to bring a particular parcel up to parity with other property in the same zone and vicinity insofar as a reasonable use is concerned, and it is not to grant any special privilege or concession not enjoyed by other properties in the same zone and vicinity. The variance may not be used to correct improper zoning. It is the purpose of this chapter to set forth the findings necessary for such administrative action and to establish a procedure for granting variances. In no case shall a variance be granted to permit a use other than a use permitted in the district in which the subject property is situated. (Ord. 1212 § 1, 1969; prior code § 33.1307).

#### **19.14.150 Variance – Application.**

Application shall be made by the property owner to the zoning administrator on a form prescribed for that purpose by the city. (Ord. 1212 § 1, 1969; prior code § 33.1308(A)).

#### **19.14.160 Variance – Fee required.**

The fee, no part of which shall be refundable, for a variance or modification thereof shall be the required fee(s). (Ord. 2506 § 1, 1992; Ord. 2011 § 1, 1982; Ord. 1813 § 1, 1978; Ord. 1371 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.1308(B)).

#### **19.14.170 Variance – Accompanying documents required.**

The following accompanying maps and drawings are required: maps and drawings required to demonstrate that the conditions set forth in CVMC 19.14.150 through 19.14.230 apply to subject property, together with any other data required. (Ord. 1212 § 1, 1969; prior code § 33.1308(C)).

#### **19.14.180 Variance – Public hearing – Procedure – Notice required.**

A public hearing shall be held by the zoning administrator in the following manner:

The zoning administrator shall publish a notice of hearing in a newspaper of general circulation in the city not less than five days prior to the date of said hearing. Notice of hearing may also be made,

at the option of the zoning administrator or commission, as the case may be, by mail to owners of record of surrounding property within 300 feet of the property for which said variance is requested. The zoning administrator or the planning commission shall have the discretion to include in notice of hearing on such application notice that the planning commission will consider classification of other than that for which application is made and/or additional properties and/or uses. Failure of owners to receive notice of hearing shall in no way affect the validity of action taken. (Ord. 2374 § 2, 1990; Ord. 1212 § 1, 1969; prior code § 33.1308(D)).

**19.14.190 Variance – Prerequisites for granting.**

The zoning administrator shall grant a variance only when the following facts are found:

A. That a hardship peculiar to the property and not created by any act of the owner exists. Said hardship may include practical difficulties in developing the property for the needs of the owner consistent with the regulations of the zone; but in this context, personal, family or financial difficulties; loss of prospective profits; and neighboring violations are not hardships justifying a variance. Further, a previous variance can never have set a precedent, for each case must be considered only on its individual merits;

B. That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity, and that a variance, if granted, would not constitute a special privilege of the recipient not enjoyed by his neighbors;

C. That the authorizing of such variance will not be of substantial detriment to adjacent property, and will not materially impair the purposes of this chapter or the public interest;

D. That the authorizing of such variance will not adversely affect the general plan of the city or the adopted plan of any governmental agency;

E. That in the coastal zone, granting of variances is consistent with and implements the certified local coastal program, and that the granting of such variances does not reduce or in any way adversely affect the requirements to protect coastal resources as specified in the zones included in this title, and that the variance implements the purposes of the zones adopted in implementation of the local coastal program.

The director of planning and building or planning commission may grant a variance to a regula-

tion prescribed by this title only with respect to fences, walls, hedges, screening, or landscaping; site area, width, frontage or depth; front, rear, or side yards; basic floor area; height of structures; or distances between structures, courts or usable open space as the variance was applied for, or in modified form, if, on the basis of the application and the evidence submitted, the director of planning and building makes the following findings of fact that establish that the circumstances prescribed in subsections (A) through (C) of this section apply:

1. Because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the title deprives such property of privileges enjoyed by other property owners in the same land use classification in the coastal zone;

2. That the strict application of the specified provision would deprive the applicant of privileges enjoyed by the owners of other property classified in the same use classification in the coastal zone; and

3. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the same use classification in the coastal zone. (Ord. 2790, 1999; Res. 11903, 1985; Ord. 1212 § 1, 1969; prior code § 33.1308 (E)).

**19.14.200 Variance – Grounds for denial – Recurrent conditions.**

No grant of a variance shall be authorized if the zoning administrator finds that the condition or situation of the specific piece of property, or the intended use of said property for which variance is sought, or one or the other in combination, is so general or recurrent in nature as to make reasonably practicable the formulation of a general regulation for such condition or situation. (Ord. 1212 § 1, 1969; prior code § 33.1308(F)).

**19.14.210 Variance – Zoning administrator authority – Notice of action.**

The zoning administrator may approve said variance or may grant said variance subject to specified conditions or may deny said variance. The zoning administrator shall notify the applicant forthwith of action taken. (Ord. 2374 § 2, 1990; Ord. 1212 § 1, 1969; prior code § 33.1308(G)).

**19.14.220 Variance – Prerequisite to issuance of zoning permit.**

Following the issuance of a variance by the zoning administrator, the building inspector shall issue

a zoning permit as provided in CVMC 19.14.500 through 19.14.550. (Ord. 1212 § 1, 1969; prior code § 33.1308(H)).

**19.14.230 Variance – Transferability.**

Unless specified otherwise at the time variance is granted, the variance applies to subject property for an indefinite time and is transferable to any future owner of subject property. (Ord. 1212 § 1, 1969; prior code § 33.1308(I)).

**19.14.240 Variance – Appeals – Procedure generally – Effect of filing – Public hearing.**

The applicant or other interested party may appeal the decision of the zoning administrator to the planning commission within 10 days after said decision is filed with the city clerk. Said appeal shall be in writing and filed in triplicate with the planning department on forms provided by said department, and shall specify wherein there was an error in the decision of the zoning administrator. If an appeal is filed within the time limit specified, it stays proceedings in the matter until a determination is made by the planning commission. The planning commission shall set the matter for hearing as set forth herein for action by the commission on conditional use permits in CVMC 19.14.080 through 19.14.100.

Where an application is denied by the planning commission by less than four votes, the applicant shall have the right to either a rehearing at the next planning commission meeting or an appeal to the city council without payment of additional fees. The choice of alternatives shall be discretionary with the applicant. All other proceedings pertaining to appeals shall continue to apply. (Ord. 2084 § 1, 1984; Ord. 1212 § 1, 1969; prior code § 33.1309 (A)).

**19.14.250 Variance – Appeals – City council action.**

The same appeal rights as set forth in CVMC 19.14.110 through 19.14.130 for conditional use permits shall be applicable. (Ord. 1212 § 1, 1969; prior code § 33.1309(B)).

**19.14.260 Conditional use permit or variance – Time limit for utilization – Void when – Extensions – Validity.**

Any conditional use permit or zone variance granted by the city as herein provided shall be conditioned upon the privileges granted being utilized within one year after the effective date thereof. A

variance or conditional use permit shall be deemed to be utilized if the property owner has substantially changed his position in reliance upon the grant thereof. Evidence of change of position would include completion of construction or any expenditures of money by the property owner preparatory to construction and shall also include the use of the property as granted. If there has been a lapse of work for three months after commencement, the conditional use permit or zone variance shall be void. The commission may, by resolution, grant an extension of time contained in a currently valid zone variance or conditional use permit without a public hearing upon appeal of the property owner; provided, that there has been no material change of circumstances since the granting of the variance or conditional use permit which would be injurious to the neighborhood or otherwise detrimental to the public welfare. The fee for an extension of time for a variance or conditional use permit shall be the required fee(s). (Ord. 2506 § 1, 1992; Ord. 2011 § 1, 1982; Ord. 1212 § 1, 1969; prior code § 33.1310).

**19.14.270 Procedures for enforcing conditional use permits and variances.**

A. The director of planning and building shall investigate evidence presented to him or her to determine whether probable cause exists that any of the following has occurred or is substantially likely to occur regarding any variance or conditional use permit:

1. Fraud. That the variance or conditional use permit approval was obtained by fraud;

2. Non-Use. That the uses and privileges authorized by the variance or conditional use permit have not been initiated in the manner and within the 12 months specified in CVMC 19.14.260, and no extension of time has been granted;

3. Abandonment. That the property or any structure thereon subject to the variance or conditional use permit has been abandoned or the use authorized has ceased for a period exceeding 12 months;

4. Violation of Conditions. That the variance or conditional use permit is being or has been exercised contrary to the conditions of said permit, or in violation of any applicable licenses, permits, regulations or laws;

5. Violation of Use. That the variance or conditional use permit is being or has been exercised in excess of the use right granted;

6. Public Health, Safety and Welfare. That the use for which the variance or conditional use permit was obtained is being or has been exercised so as to be detrimental to the public health, safety, or general welfare or so as to constitute a public nuisance.

If the director of planning and building has probable cause to believe that any of the foregoing has occurred or is substantially likely to occur, he/she shall issue a recommendation as to what action should be taken. The recommendation shall be submitted to the individual or body which issued the conditional use permit or variance (hereinafter referred to as "permitting authority").

B. The permitting authority shall hold a public hearing to consider the director of planning and building's recommendation regarding the conditional use permit or variance.

C. Notice of any public hearing to consider violations of variances and conditional use permits shall be given consistent with the procedures set forth in CVMC 19.12.070. The notice shall contain the following information:

1. The date, time, and place of the public hearing;

2. The identity of the permitting authority;

3. A general explanation of the matter to be considered including the nature of the planning director's recommendation;

4. A general description, either in text or by diagram, of the location of the property.

D. Procedures for Public Hearing. The following procedures shall be followed for public hearings provided for in this section:

1. Recommendation and Reports. The director of planning and building's recommendation and any accompanying staff reports, if any, shall be made available to the public prior to commencement of the public hearing provided for herein.

2. Recordation. The public hearing may, at the written request of an interested party, be recorded by either a recording device or stenographer.

3. Testimony. Any witness offering evidence or testimony may be placed under oath and subject to cross-examination at the request of the permitting authority or any party interested in the matter which is the subject of the hearing.

4. Relevancy. Evidence or testimony must be relevant or material to the fact or facts at issue. Any relevant evidence may be admitted if it is the sort of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which would otherwise make

improper the admission of such evidence in civil actions. All irrelevant and unduly repetitious evidence may be excluded.

5. Hearsay. Hearsay evidence shall be admissible, but the fact that evidence is hearsay may affect the weight given to the evidence in reaching any determination of any question of fact. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but may not be sufficient by itself to support a decision unless it would be admissible over objection in civil actions.

6. Privileges. The rules regarding privileges shall be effective to the extent they are raised and otherwise required by law to be recognized at the hearing.

7. Procedural Compliance. The hearing need not be conducted under rules relating to evidence. Failure of the permitting authority to strictly enforce rules of evidence and reject certain matters which may be irrelevant or immaterial shall not be sufficient to constitute reversible error on the part of the permitting authority if basic procedural due process is granted to all affected parties and a fair hearing has been conducted. Errors which do not affect substantial rights will be disregarded and no presumption of prejudicial error is raised by the failure to strictly adhere to procedural requirements.

E. The permitting authority, after public hearing, shall make a finding or findings whether any or all of the factors articulated in subsection (A) of this section apply to a conditional use permit or variance.

F. Based on its findings, the permitting authority may do any one or a combination of the following:

1. Maintain the existing variance or conditional use permit without modification;

2. Modify or delete any provision or condition of the variance or conditional use permit;

3. Establish any new condition or provision;

4. Revoke the variance or conditional use permit;

5. Establish any fine or charge which may be paid in lieu of revocation, modification, or imposition of a condition.

G. Written Decision. The permitting authority must issue a written decision explaining the factual basis for its decision. Notice of the permitting authority's written decision and action shall be mailed to the affected party and any interested party requesting such notice consistent with CVMC 19.12.070. Said notice shall be filed with the city clerk.

H. Right of Appeal. Within 10 days after the notice of the written decision is filed, unless the date is waived by the appellate body upon a showing of good cause, any interested party who participated in the public hearing or the director of planning and building may appeal the written decision to the appropriate appellate body as follows:

1. If the permitting authority is the zoning administrator, appeal shall be filed with the planning commission;

2. If the permitting authority is the planning commission, appeal shall be filed with the city council;

3. If the permitting authority is the city council, no further appeal is available.

I. The appeal shall include a statement of the reasons supporting the appeal, including a demonstration that any issues being raised were raised during the public hearing.

J. After an appeal is filed and accepted, the appellate body shall hold a public hearing consistent with the provisions set forth in this section. The appellate body may, in its discretion, consider additional evidence not presented at the public hearing.

K. The appellate body may reverse, uphold, or modify in any manner a written decision or take any action consistent with this section, after public hearing, upon a written appellate decision. Notice of the written appellate decision shall be mailed to the affected party and any interested party requesting such notice consistent with CVMC 19.12.070. Said notice shall be filed with the city clerk.

L. Appeal to City Council. If the appellate body is not the city council, an appeal may be filed by any interested party who participated in the appeal or by the director of planning and building who may request an appeal to the city council within 10 days after the notice of the written appellate decision is filed, unless waived by the city council upon a showing of good cause. The appeal shall include a statement of the reasons supporting the appeal, including a demonstration that any issues being raised were raised during the public hearing.

M. Any written decision regarding an appeal shall be final on the eleventh day after its filing, unless an appeal is timely filed, if such an appeal is available to an issuing body, or a waiver is obtained. All written decisions issued by the city council shall become final when notice of such written decision is filed.

N. After the written decision becomes final, it shall be filed with the director of planning and building and a copy may be filed with the county recorder of San Diego County. Uses and structures

must be brought into compliance with the final decision or otherwise brought into compliance with the underlying zone. Where a variance or conditional use permit is revoked, it shall become void. (Ord. 2790, 1999; Ord. 2520 § 1, 1992).

**19.14.330 Planned unit development – Approval prerequisite to zoning permit issuance.**

Where use is made of the planned unit development procedure, as provided in this chapter, a zoning permit shall not be issued for such development or part thereof until the planning commission and city council have approved a planned unit development application for said development as provided in this chapter. (Ord. 1500 § 6, 1973; Ord. 1212 § 1, 1969; prior code § 33.1312(A)).

**19.14.340 Planned unit development – Application – Documents required.**

Application shall be made on a form prescribed for this purpose by the city not less than three weeks prior to a regularly scheduled meeting of the planning commission. Application shall be accompanied by a zone change application establishing the modifying district. (Ord. 1500 § 6, 1973; Ord. 1212 § 1, 1969; prior code § 33.1312(A)(1)).

**19.14.350 Planned unit development – Multiple ownership property requirements.**

Where property is held by more than one owner, the application for the planned unit development must be accompanied by the written consent of all property owners or initiated by the city council. (Ord. 1500 § 6, 1973; Ord. 1212 § 1, 1969; prior code § 33.1312(A)(2)).

**19.14.360 Planned unit development – Fees.**

The fee for planned unit development or modification thereof shall be the required fee(s). (Ord. 2506 § 1, 1992; Ord. 2011 § 1, 1982; Ord. 1961 § 1, 1982; Ord. 1500 § 6, 1973; Ord. 1371 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.1312(A)(3)).

**19.14.370 Planned unit development – Public hearing – Time – Notice required.**

A public hearing shall be held by the planning commission and city council as provided herein:

A. Such hearing before the city council shall be set for public hearing by the city clerk within 20 days after planning commission action;

B. The secretary of the commission and city clerk shall publish notice of hearings in a newspa-

per of general circulation in the city not less than 10 days prior to the date of said hearings. Failure of owners to receive notice of hearings shall in no way affect the validity of action taken. (Ord. 2374 § 2, 1990; Ord. 1500 § 6, 1973; Ord. 1212 § 1, 1969; prior code § 33.1312(A)(4)).

**19.14.380 Planned unit development – Planning commission action.**

In taking action, the commission may recommend to the city council denial of a planned unit development, may recommend approval of the planned unit development as submitted, or may recommend approval of a planned unit development subject to additional conditions. Any planned unit development as authorized shall be subject to all conditions imposed, and shall be excepted from other provisions of this chapter only to the extent specified in said permit or shown by an approved plan. (Ord. 2374 § 2, 1990; Ord. 1500 § 6, 1973; Ord. 1212 § 1, 1969; prior code § 33.1312(A)(5)).

**19.14.390 Planned unit development – City council action and authority.**

The city council, after the public hearing and consideration of the matter, may affirm the action of the planning commission, deny the action of the planning commission, or modify conditions recommended by the planning commission. An affirmative vote of at least three members of the city council shall be necessary to change or modify the recommendations of the planning commission. (Ord. 1500 § 6, 1973; Ord. 1212 § 1, 1969; prior code § 33.1312(A)(6)).

**19.14.400 Planned unit development – Zoning permit – Issuance authority – Inspections.**

Following the approval of a planned unit development by the city council, the zoning administrator shall issue a zoning permit as provided in CVMC 19.14.500 through 19.14.550, and the building inspector shall ensure that development is undertaken and completed in conformance with the approved plans. (Ord. 1500 § 6, 1973; Ord. 1212 § 1, 1969; prior code § 33.1312(A)(7)).

**19.14.410 Planned unit development – Zoning permit – Revocation conditions – Procedure.**

A zoning permit may be revoked in any case where the conditions of such permit have not been or are not being substantially complied with. The planning commission shall give the permittee

notice of intention to revoke such permit at least 10 days prior to review of said permit by said commission. After conclusion of such review, the planning commission may recommend to the city council that the permit be revoked. The city council shall then review the permit and may uphold or reverse the action of the planning commission. (Ord. 1500 § 6, 1973; Ord. 1212 § 1, 1969; prior code § 33.1312(A)(8)).

**19.14.420 Site plan and architectural approval – Purpose – Prerequisite for certain uses.**

The purpose of site plan and architectural approval is to determine compliance with this chapter and to promote the orderly and harmonious development of the city. A zoning permit shall not be issued until site plan and architectural approval has been obtained for the following uses: for any use requiring site plan and architectural approval in the zone regulations, and for any use requiring a conditional use permit. (Ord. 1212 § 1, 1969; prior code § 33.1313(A)).

**19.14.430 Site plan and architectural approval – Application.**

Application shall be made to the zoning administrator on a form prescribed for this purpose by the city. (Ord. 1212 § 1, 1969; prior code § 33.1313(A)(1)).

**19.14.440 Site plan and architectural approval – Fee.**

The fee, no part of which shall be refundable, shall be the required fee(s). (Ord. 2506 § 1, 1992; Ord. 1813 § 1, 1978; Ord. 1212 § 1, 1969; prior code § 33.1313(A)(2)).

**19.14.450 Site plan and architectural approval – Accompanying maps and drawings required.**

The application shall be accompanied by the information required in CVMC 19.56.042 for a precise plan and other drawings as are necessary to enable the zoning administrator to make the determinations under this chapter. (Ord. 1632 § 1, 1975; Ord. 1212 § 1, 1969; prior code § 33.1313(A)(3)).

**19.14.460 Site plan and architectural approval – Zoning administrator determination authority – Endorsement required when.**

The zoning administrator shall determine from data submitted whether the proposed use will meet

the requirements of this chapter and shall approve the application upon making a positive finding. The application may be disapproved, may be approved as submitted, or may be approved subject to conditions, specified changes or additions. The approval of the zoning administrator shall be noted by endorsement upon two copies of all sketches. (Ord. 1212 § 1, 1969; prior code § 33.1313(A)(4)).

**19.14.470 Site plan and architectural approval  
– Principles to be observed.**

In carrying out the purpose of this title, the zoning administrator shall consider in each specific case any or all of the following principles as may be appropriate:

A. It is not a purpose of this title that control of design character should be so rigidly enforced that individual initiative is stifled in the layout of any particular building or site and substantial additional expense incurred; rather, it is the intent of this title that any control exercised be the minimum necessary to achieve the overall objective of this title.

B. Good design character is based upon the suitability of building and site design for its purposes; upon the appropriate use of sound materials; and upon the principles of harmony and proportion in the overall design.

C. Good design character is not, in itself, more expensive than poor design, and is not dependent upon the particular style of design selected.

D. The siting of any structure on the property, as compared to the siting of other structures in the immediate neighborhood, shall be considered.

E. The size, location, design, color, number, lighting and materials of all signs and outdoor advertising structures shall be reviewed. No sign shall be approved in excess of the maximum limits set by any ordinance of the city.

F. Landscaping in accordance with the landscaping manual of the city shall be required on the site and shall be in keeping with the character or design of the site and existing trees shall be preserved whenever possible.

G. Ingress, egress and internal traffic circulation shall be so designed as to promote convenience and safety.

H. All the factors specified in this section shall be related to the setting or established character of the neighborhood or surrounding area.

I. Undergrounding of overhead utilities may be required by the zoning administrator subject to approval of the planning commission. (Ord. 1653 § 1, 1975; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.1313(A)(5)).

**19.14.480 Site plan and architectural approval  
– Zoning permit issuance  
prerequisite – Building inspector  
authority – Appeals.**

A. Following site plan and architectural approval by the zoning administrator as provided in this chapter, and provided all other applicable requirements of this chapter have been met, the chief building officer shall issue a zoning permit, as provided in CVMC 19.14.500 through 19.14.550, and shall ensure that development is undertaken and completed in conformity to the approved plans. A copy of the decision resolution of the zoning administrator shall be filed with the director of planning and building and mailed to the applicant. Appeals from determinations by the zoning administrator shall be to the planning commission, upon written request for a hearing before the commission. In the absence of such request being filed within seven days after determination by the administrator, the determination shall be final.

B. The appeal shall be filed with the director of planning and building on the form required by the director of planning and building, and be accompanied by the nonrefundable required fee therefor. The appeal shall include a statement of the reasons supporting the appeal, including a demonstration that any issues being raised were raised before the zoning administrator. Upon the proper filing of the appeal, the director of planning and building shall cause the matter to be set for public hearing, giving the same notice as required in CVMC 19.12.070 and 19.12.080.

C. Upon the hearing of an appeal, the planning commission may, by resolution, affirm, reverse or modify, in whole or in any part, any determination of the zoning administrator. The resolution shall contain findings of facts showing wherein the project meets or fails to meet any applicable site plan and architectural principles in CVMC 19.14.470, the provisions of the design manual or any design standards required for the project, or other nonconformity with the requirements of this chapter. A copy of the decision resolution of the planning commission shall be filed with the city clerk and mailed to the applicant. The decision of the planning commission shall be final on the eleventh day after its filing, except where further appeal is taken as provided herein.

D. The applicant or other interested person may appeal the decision of the planning commission granting or denying site plan and architectural approval to the city council within 10 days after said decision is filed with the city clerk. Said appeal

shall be filed with the city clerk in writing upon forms provided by the director of planning and building and be accompanied by the nonrefundable required fee therefor. The appeal shall include a statement of the reasons supporting the appeal, including a demonstration that any issues being raised were raised during the public hearing. If a proper appeal is filed within the time limits specified, it automatically stays proceedings in the matter until a determination is made by the city council on the appeal.

E. Upon the filing of the appeal, the city clerk shall set the matter for public hearing, giving the same notice as required in CVMC 19.12.070 and 19.12.080. The city clerk shall send the director of planning and building a duplicate copy of the appeal and shall transmit to the city council the minutes of the hearing before the planning commission and/or zoning administrator (if any), and all other evidence, maps, papers and exhibits upon which the planning commission made its decision.

F. After hearing the appeal, the city council may, by resolution, affirm, reverse or modify, in whole or in any part, any determination of the zoning administrator or the planning commission. The council resolution by which the appeal is decided shall contain findings of facts showing wherein the project meets or fails to meet the applicable site plan and architectural principles in CVMC 19.14.470, the provisions of the design manual, or any design standards required for the project, or other nonconformity with the requirements of this chapter. A copy of the decision resolution of the city council shall be filed with the city clerk and mailed to the applicant. (Ord. 2790, 1999; Ord. 2587 § 1, 1994; Ord. 1212 § 1, 1969; prior code § 33.1313(A)(6)).

**19.14.485 Landscape plan approval – Purpose – Required when.**

The purpose of landscape plan approval is to determine compliance with this title and the provisions of the landscape manual of the city. Landscape plan approval shall be required for the following projects: multiple-family, commercial, industrial, planned unit development, unclassified uses, remodeling over \$20,000 for the above uses, developments with precise plans, parking lots with five or more stalls and graded slopes. (Ord. 2616 § 3, 1994; Ord. 2011 § 2, 1982).

**19.14.486 Landscape plan approval – Application – Accompanying documents – Fee.**

A. Applications for landscape plan approval shall be made to the zoning administrator, and shall be accompanied by the drawings and information prescribed by the landscape manual. Each application shall also be accompanied by the required filing fee(s).

B. Appeal. The zoning administrator shall approve, conditionally approve or deny landscape plans. The applicant may appeal a denial or conditions imposed upon approval by filing a written appeal to the planning commission, in accordance with CVMC 19.14.050, within 10 days of receipt of notification of denial or conditional approval from the zoning administrator. Such appeal shall be in writing on the form promulgated by the affected director, accompanied by the required fee, and shall specify wherein the action of the zoning administrator is inconsistent with the landscape manual and/or other applicable ordinances, manuals or policies of the city. The planning commission may grant, conditionally grant, or deny the appeal. The decision of the planning commission is final, and shall be based upon the landscape manual, and/or other applicable ordinances, manuals, or policies of the city. (Ord. 2616 § 4, 1994; Ord. 2506 § 1, 1992; Ord. 2011 § 2, 1982).

**19.14.490 Home occupations – Permit required when – Restrictions and requirements – Revocation when – Appeals.**

In any R zone, a customary home occupation may be permitted subject to a home occupation permit granted by the planning director which is merely incidental and secondary to residence use. Each such permit shall be accompanied by the required filing fee(s). The following are typical home occupations: fine arts, handicrafts, dress-making, millinery, laundering, preserving, home cooking, route salesman; or secondary office of a doctor, dentist, lawyer, architect, engineer, teacher or member of another recognized profession. The home occupation shall not:

A. Involve the use of power equipment using motors of more than a total of one horsepower capacity or the equivalent thereof, unless a use permit therefor shall have been issued by the planning commission;

B. Generate vehicular traffic in excess of that associated with a residential use;

C. Create a nuisance by reason of noise, dust, odor, vibration, fumes, smoke, electrical interference, or other causes;

D. Permit any external display of products, merchandise, or any sign to identify the home occupation.

A home occupation permit shall be revoked by the planning director upon violation of any requirement of this chapter, or of any conditions or limitation of any permit issued, unless such violation is corrected within 15 days of notice of such violation, and any such permit may be revoked for repeated violation of the requirements of this section or of the conditions of such permit.

In the event of denial of any permit, or the revocation thereof, or of objection to the limitations placed thereon, appeal may be made in writing to the planning commission, whose decision shall be final. (Ord. 2506 § 1, 1992; Ord. 2011 § 1, 1982; Ord. 1212 § 1, 1969; prior code § 33.1314).

#### **19.14.500 Zoning permit – Required when – Exceptions.**

The purpose of the zoning permit is to secure compliance with the provisions of this title by property owners requesting building permits. From and after August 8, 1969, no owner shall establish or permit the establishment of any new or changed use of any land or building until a zoning permit therefor has been issued by the building inspector; provided, however, that no zoning permit shall be required for the practice of horticulture or for grazing of livestock. (Ord. 1212 § 1, 1969; prior code § 33.1315).

#### **19.14.510 Zoning permit – Application.**

Application shall be made by the property owner or agent thereof on a form prescribed by the city, and shall be accompanied by the required filing fee(s). (Ord. 2506 § 1, 1992; Ord. 2011 § 1, 1982; Ord. 1212 § 1, 1969; prior code § 33.1315(A)).

#### **19.14.520 Zoning permit – Accompanying documents required.**

The application shall be accompanied by drawings required by the building code and, in addition, by a plot plan showing the lot lines and dimensions and locations of improvements with dimensions and any other data necessary to show that yard requirements and all other provisions of this title are fulfilled. (Ord. 1212 § 1, 1969; prior code § 33.1315(B)).

#### **19.14.530 Zoning permit – Issuance prerequisites – Compliance required.**

It shall be the duty of the building inspector to issue a zoning permit; provided, he is satisfied that the structure, building, or premises, and the proposed use thereof, conform with all requirements within this title, and that all other reviews and actions, if any, called for in this title have been complied with and all necessary approvals secured therefor. (Ord. 1212 § 1, 1969; prior code § 33.1315 (C)).

#### **19.14.540 Zoning permit – Use limitations – Display of permit required.**

Land or buildings may be occupied and used only for the use for which the zoning permit is issued. Said zoning permit shall be displayed on the site. (Ord. 1212 § 1, 1969; prior code § 33.1315 (D)).

#### **19.14.550 Zoning permit – Grounds for revocation – Notice required – Time limit for use.**

The zoning permit may be revoked in either of the following situations:

A. In any case where the conditions of such permit have not been or are not complied with, the permittee shall be given notice of intention to revoke such permit at least 10 days prior to revocation. After conclusion of said 10 days, the permit may be revoked.

B. In any case where the zoning permit has not been used within six months after the date of granting thereof, then, without further action, the permit granted shall be null and void. (Ord. 1212 § 1, 1969; prior code § 33.1315(E)).

#### **19.14.570 Precise plan approval.**

Where use is made of the precise plan procedure, as provided in this title, a zoning permit shall not be issued for such development or part thereof until the planning commission and city council have approved a precise plan application for said development as provided in CVMC 19.14.571 through 19.14.580. (Ord. 1632 § 2, 1975).

#### **19.14.571 Precise plan approval – Application and fee.**

Application shall be made on a form prescribed for this purpose by the city and shall be accompanied or preceded by a zone change application establishing the P modifying district. The required fee(s) shall accompany the precise plan applica-

tion. (Ord. 2506 § 1, 1992; Ord. 1961 § 1, 1982; Ord. 1632 § 2, 1975).

**19.14.572 Precise plan approval – Required information.**

The application shall include:

A. The name and address of the applicant and of all persons owning any or all of the property proposed to be used. The application must be signed by the owner/option holder, or written permission must be given authorizing an agent to sign the application;

B. All data and maps as specified in CVMC 19.56.042. (Ord. 1632 § 2, 1975).

**19.14.573 Precise plan approval – Public hearings.**

A public hearing shall be held by the planning commission and city council as provided herein:

A. The hearing before the city council shall be set by the city clerk within 30 days after planning commission action.

B. The secretary of the planning commission and city clerk shall publish notice of hearings in a newspaper of general circulation in the city not less than 10 days prior to the date of said hearings. Failure of owners to receive notice of hearings shall in no way affect the validity of action taken. Any requested exceptions to the requirements of the underlying zone shall be specified in the public hearing notice. (Ord. 2374 § 2, 1990; Ord. 1632 § 2, 1975).

**19.14.574 Precise plan approval – Planning commission action.**

In taking action the commission may recommend to the city council denial of a precise plan, approval of the precise plan as submitted, or approval of a precise plan subject to additional conditions. The planning commission may recommend approval if, from the facts presented, the commission can make the necessary findings noted in CVMC 19.14.576. Recommendation for approval shall require the affirmative vote of not less than a majority of the total membership of the planning commission. Any precise plan, as authorized, shall be subject to all conditions imposed, and shall be excepted from other provisions of this title only to the extent specified in the resolution of approval or shown by an approved plan. (Ord. 2374 § 2, 1990; Ord. 1632 § 2, 1975).

**19.14.575 Precise plan approval – City council action.**

The city council, after the public hearing and consideration of the matter, may affirm the action of the planning commission, deny the action of the planning commission, or modify conditions recommended by the planning commission. An affirmative vote of at least three members of the city council shall be necessary to change or modify the recommendations of the planning commission. (Ord. 1632 § 2, 1975).

**19.14.576 Precise plan approval – Findings.**

The planning commission may recommend approval of the plan and the city council may grant approval of the plan if all of the following facts are found:

A. That such plan will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity;

B. That such plan satisfies the principle for the application of the P modifying district as set forth in CVMC 19.56.041;

C. That any exceptions granted which deviate from the underlying zoning requirements shall be warranted only when necessary to meet the purpose and application of the P precise plan modifying district;

D. That approval of this plan will conform to the general plan and the adopted policies of the city. (Ord. 1632 § 2, 1975).

**19.14.577 Precise plan approval – Modifications of the precise plan.**

Requests for modifications shall be submitted to the planning director in written form and shall be accompanied by the required filing fee(s) and such additional maps, statements or other information as may be required to support the modification. If the proposed modification is deemed by the director of planning to be insignificant in nature, the changes may be approved by the director subject to the filing of a written report to the planning commission and city council. If, in the opinion of the director of planning, the proposed changes are significant in scope, the applicant will be notified within 10 days of the written request that a new application and hearing will be required. (Ord. 2506 § 1, 1992; Ord. 2011 § 1, 1982; Ord. 1632 § 2, 1975).

**19.14.578 Precise plan approval – Zoning administrator.**

Following the recommendations by the planning commission and approval of a precise plan by the city council, the zoning administrator shall issue a zoning permit as provided in CVMC 19.14.500 through 19.14.550, and the building inspector shall ensure that development is undertaken and completed in conformance with the approved plans. (Ord. 1632 § 2, 1975).

**19.14.579 Precise plan approval – Multiple-family dwellings and commercial or industrial projects.**

Notwithstanding the provisions of other sections of this chapter, the review of precise plans for multiple-family dwelling, commercial, or industrial projects shall be procedurally governed by the rules adopted by the design review committee, created under CVMC 19.14.581. (Ord. 1893 § 1, 1980; Ord. 1771 § 2, 1977).

**19.14.580 Precise plan approval – Multiple-family dwellings and commercial or industrial projects – Zoning administrator.**

Following the approval or conditional approval of a precise plan for a multiple-family dwelling, commercial, or industrial project by the design review committee, or upon appeal, by the planning commission or city council, the zoning administrator shall issue a zoning permit, as provided in CVMC 19.14.500 through 19.14.550, and the building inspector shall ensure that the development is undertaken and completed in conformance with the approved plan. (Ord. 1893 § 1, 1980; Ord. 1771 § 2, 1977).

**19.14.581 Design review committee – Creation.**

In order to relieve the planning commission of certain routine functions necessary to the proper administration of this chapter, to intensify this municipality's efforts to improve its townscape, and to promote the orderly growth and amenity of the city and environs, there is established a design review committee with such authority as is granted by this chapter. The design review committee's purpose is to ensure that development within the city of Chula Vista is orderly, of a high quality, and consistent with city-approved design guidelines. (Ord. 2822 § 1, 2000; Ord. 1771 § 3, 1977).

**19.14.582 Design review committee – Duties and responsibilities.**

A. The design review committee shall review plans for the establishment, location, expansion or alteration of uses or structures in all R-3 zones, all commercial and industrial zones, and development and redevelopment within redevelopment project area boundaries, and shall approve, conditionally approve or deny such plans, except when projects are within the boundaries of a redevelopment project, in which case the committee shall recommend approval, conditional approval or denial to the redevelopment agency of the city. The committee shall render decisions on minor proposals as defined in agency Resolution No. 71.

B. The design review committee shall also review plans for the establishment, location, expansion or alteration of multiple-family dwelling uses, major use permits and commercial or industrial projects or structures located within the 1985 Montgomery annexation area, and governed by Chapter 19.70 CVMC.

C. The responsibility of the design review committee shall be limited to the review of site plans, landscaping, and the exterior design of buildings, for consistency with city-approved design guidelines. In reviewing a residential project, the DRC shall consider the costs/benefits of any recommended improvement as reported by the applicant.

D. The design review committee shall review all appeals filed to contest sign design rulings of the zoning administrator.

E. The design review committee shall base its findings and actions upon the provisions of the effected design manuals of the city.

F. The design review committee shall prepare and adopt operational procedures, bylaws and business forms.

G. The design review committee shall submit annual reports on its operations to the city planning commission and redevelopment agency.

H. The fee for a hearing before the design review committee is the required fee(s).

I. The zoning administrator has the discretion, with the concurrence of the applicant, to act in the place of the design review committee in the case of minor projects, including signs; commercial, industrial or institutional additions which constitute less than a 50 percent increase in floor area or 20,000 square feet, whichever is less; and residential projects of four units or less. The zoning administrator may also act in the place of the design review committee in the case of new commercial, industrial or institutional projects with a total floor area

of 20,000 square feet or less when such projects are located within a planned community area with its own design guidelines and design review process. A decision of the zoning administrator may be appealed to the design review committee in the same manner as set forth in CVMC 19.14.583. The fee for zoning administrator design review shall be the required fee(s). (Ord. 2822 § 1, 2000; Ord. 2603 § 2, 1994; Ord. 2506 § 1, 1992; Ord. 2365 § 2, 1990; Ord. 2350 § 1, 1990; Ord. 2309A § 4, 1989; Ord. 2142 § 1, 1986; Ord. 2036 § 1, 1983; Ord. 1961 § 1, 1982; Ord. 1893 § 1, 1980; Ord. 1771 § 3, 1977).

#### **19.14.583 Design review committee – Appeal procedure.**

A. Except on decisions involving the redevelopment projects, the applicant or other interested persons may file an appeal from the decision of the design review committee to the planning commission within 10 working days after the decision is filed with the city clerk. The applicant has the choice of filing an appeal from the design review committee directly to either the planning commission or city council. The appeal shall be in writing and filed in triplicate with the planning department on forms prescribed for the appeal, and shall specify therein the argument against the decision of the design review committee. If an appeal is filed within the time limit specified, it automatically stays proceedings in the matter until a determination is made by the planning commission or city council. All appeals regarding projects within redevelopment projects shall be filed with the director of community development and forwarded to the agency.

B. Upon the hearing of such appeal, the planning commission may, by resolution, affirm, reverse or modify, in whole or in part, any determination of the design review committee. The resolution must contain a finding of facts showing wherein the project meets or fails to meet the requirements of this chapter and the provisions of the design review manual.

C. The decision of the planning commission may be appealed to the city council in the same manner as set forth in this section for appeals to the planning commission. (Ord. 2822 § 1, 2000; Ord. 2036 § 1, 1983; Ord. 1994 § 1, 1982; Ord. 1771 § 3, 1977).

#### **19.14.584 Design review committee – Membership qualifications.**

A. The design review committee shall consist of five members appointed by the majority vote of the council. The membership shall be comprised of

persons sensitive to design consideration and interested in townscape matters. Persons qualified for membership shall include architects, landscape architects, land planners, developers, and other design professionals with suitable experience.

B. All members should be familiar with and able to read and interpret architectural drawings, and be able to judge the effect of a proposed project, structure or sign upon the surrounding neighborhood and community. (Ord. 2822 § 1, 2000; Ord. 1771 § 3, 1977).

#### **19.14.586 Design review committee – Removal or vacancy.**

Any member of the design review committee may be removed by a majority vote of the city council. A vacancy shall be filled in the same manner as an original appointment and the person filling the vacancy shall serve for the remainder of the removed member's unexpired term. If a member is absent without cause from three consecutive regular meetings, the office becomes automatically vacant. A member is not absent without cause if the absence is due to illness, business or vacation. (Ord. 1771 § 3, 1977).

#### **19.14.587 Design review committee – Quorum.**

A. Three members shall constitute a quorum. Action by the design review committee requires a majority vote of the quorum.

B. If a project is scheduled for a meeting of the design review committee for final approval, and a quorum is not available for the scheduled meeting, the applicant may choose to have the matter considered by the DRC at its next meeting, may request a special DRC meeting to consider the matter, may request that the DRC application be considered by the planning commission (at no additional cost to the applicant) at its next available meeting (subject to public noticing requirements) for action, or may request that the DRC application be referred directly to the city council (at no cost to the applicant) at its next available meeting (subject to public noticing requirements) for action. (Ord. 2822 § 1, 2000; Ord. 1771 § 3, 1977).

#### **19.14.588 Design review committee – Schedule of meetings.**

The design review committee shall meet at least twice each month. Special meetings may be held in accordance with provisions of the Government Code of the state. The meetings shall not be held on any legal holiday. (Ord. 1771 § 3, 1977).

**19.14.589 Design review committee – Election of officers.**

At the first regularly scheduled meeting of the design review committee, and on each July thereafter, the members shall elect a chairman and vice-chairman from among its members to serve a term of one year, and until the successor of each takes office. (Ord. 1771 § 3, 1977).

**19.14.590 Fees for appeals and requested actions before the planning commission and zoning administrator.**

For all appeals from actions of the planning commission or zoning administrator or any appeal filed pursuant to Chapter 19.12 or 19.14 CVMC, the fee shall be the required fee(s). In addition, any request for action by the planning commission not specifically covered within the fee structure established by this chapter shall be subject to the required fee(s) therefor. (Ord. 2506 § 1, 1992; Ord. 2011 § 1, 1982; Ord. 1813 § 2, 1978).

**19.14.591 Continuance of project.**

Any action by the DRC to continue a project shall be done with the concurrence of the applicant. If the applicant does not agree to a continuance of the project the design review committee shall render a decision. If the project is denied an explanation of the reasons for denial shall be provided. (Ord. 2822 § 1, 2000).

**19.14.592 Implementation of design review committee functions in designated areas by Chula Vista redevelopment corporation.**

In accordance with Chapter 2.55 CVMC, and notwithstanding any provision of this chapter, the Chula Vista redevelopment corporation shall carry out the duties of the design review committee within those geographic areas of the city that the city council designates as areas within which the Chula Vista redevelopment corporation has the authority to exercise planning and redevelopment functions. (Ord. 3009 § 4, 2005).

**19.14.600 Design review approval – Time limit for implementation – Extensions.**

Design review approval will be conditioned on the plan being implemented within one year after the effective approval date thereof. Implementation of the plan would include completion of construction or substantial expenditures of money by the property owner preparatory to construction. If

there has been a lapse of work for three months after commencement, the approved plans shall be void. The design review committee or the zoning administrator may grant an extension of time for a currently valid plan upon appeal of the property owner; provided, that there has been no material change of circumstances since the original grant of approval which would be injurious to the neighborhood or otherwise detrimental to the public welfare. The application for an extension of time shall be accompanied by the required fee(s). (Ord. 2506 § 1, 1992; Ord. 2309A § 1, 1989).

**Chapter 19.16****EXCEPTIONS AND MODIFICATIONS**

## Sections:

- 19.16.010 Applicability of provisions.
- 19.16.020 Existing lots of record – Defined – Permitted when.
- 19.16.030 Agricultural uses – Permitted when – Conditional use permit required when.
- 19.16.040 Height limitations – Exemptions from applicability designated.
- 19.16.050 Front yards – Permitted modifications.
- 19.16.060 Projections into required yards – Permitted when – Fences required when.
- 19.16.070 Alleys and rear yard depth in C or I zone.
- 19.16.080 Lots altered by condemnation.

**19.16.010 Applicability of provisions.**

The requirements and regulations specified hereinbefore in this title shall be subject to the exceptions, modifications and interpretations set forth in this chapter. (Ord. 1212 § 1, 1969; prior code § 33.1001).

**19.16.020 Existing lots of record – Defined – Permitted when.**

A. An “existing lot of record” shall mean any lot that existed in its present configuration prior to April 22, 1949, or if the subject property conformed to the regulations of the zoning ordinances of April 22, 1949; May, 1964; and the January, 1967, revision.

B. Any improved or unimproved lot that was in conformance with the regulations of the jurisdiction in which it was located, shall, upon annexation to the city, be deemed to be an existing lot of record.

C. In any zone for which a minimum lot area is established, a lot of record having less than the required area and/or width may be used; provided, the owner thereof owns no adjoining, vacant property; and provided further:

1. For the purposes of calculating required side yards, any such lot shall be deemed to have a width of not less than 40 feet;

2. The sum of the side yard widths on any such lot need not exceed 30 percent of the width of the lot, but in no case shall the width of any side yard, if required in said zone, be less than 10 percent of the width of the lot;

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3. The depth of the rear yard of any such lot need not exceed 20 percent of the depth of the lot, but in no case shall it be less than 10 feet;

4. In any subdivision where the lots of record are generally 25 feet in width, the building site shall be a parcel of land, the least width of which shall be as follows:

a. For a single lot of record in one recorded ownership upon the effective date of this chapter, 25 feet,

b. For any two such lots whose side lines adjoin, 50 feet,

c. For any five or more such lots, 60 feet, or as otherwise permitted in the zone. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.1001(A)).

**19.16.030 Agricultural uses – Permitted when – Conditional use permit required when.**

Crop and tree farming, as defined herein, shall be permitted as an interim use in any zone, provided the area in which said use is located has not been subdivided or plotted so as to result in parcels of less than one acre. Any buildings, such as accessory farm buildings, packing sheds, wholesale nurseries, etc., shall be subject to a conditional use permit. (Ord. 1212 § 1, 1969; prior code § 33.1001(B)).

**19.16.040 Height limitations – Exemptions from applicability designated.**

Height limitations stipulated in this title shall not apply:

A. To church spires, belfries, cupolas and domes, monuments, electric generating stations and liquefied natural gas tanks, water towers, fire and hose towers, observation towers, distribution and transmission towers, lines and poles, windmills, chimneys, smokestacks, flagpoles, radio towers, masts and aerials, or to parapet walls extending not more than four feet above the limiting height of the building;

B. To places of public assembly in churches, schools and other permitted public and semi-public buildings; provided, that these are located on the ground floor of such buildings; and provided further, that for each one foot by which the height of such building exceeds the maximum height otherwise permitted in the zone, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the zone;

C. To bulkheads, elevator and stair penthouses, water tanks, barns, silos, monitors and scenery

lofts, provided no lineal dimension of any such structure exceeds 50 percent of the corresponding street lot line frontage; or to towers and monuments, fire towers, hose towers, cooling towers, gas holders or other structures where the manufacturing process requires a greater height; provided, however, that no such structures above the heights otherwise permitted in the zone occupy more than 25 percent of the area of the lot and are distant less than 25 feet in all parts from every lot line not a street lot line. (Ord. 1212 § 1, 1969; prior code § 33.1001 (C)).

**19.16.050 Front yards – Permitted modifications.**

In any R zone, where the average depth of at least two existing front yards on lots within 100 feet of the lot in question and within the same block front is different from the least front yard depth prescribed elsewhere in this title, the required depth of the front yard on such lot may be modified. In such case, this shall not be less than the average depth of all existing front yards within 100 feet of the lot in question, or the average depth of existing front yards on the two lots immediately adjoining, or in the case of a corner lot, the depth of the front yard on the lot immediately adjoining. (Ord. 1212 § 1, 1969; prior code § 33.1001(D)).

**19.16.060 Projections into required yards – Permitted when – Fences required when.**

A. Certain architectural features may project into required yards or courts as follows:

1. Cornices, canopies, eaves or other architectural features may project a distance not exceeding four feet into any front or rear yard and 40 percent into any side yard to a maximum of four feet. In the case of a side yard which is less than five feet, a two-foot projection is permitted; provided, that such projection does not extend closer than one foot to the property line;

2. Fire escapes may project a distance not exceeding four feet, six inches;

3. An uncovered stair and any necessary landings may project a distance not to exceed six feet, provided such stair and landing shall not extend above the first floor of the building except for a railing not exceeding three feet in height;

4. Bay windows, balconies and chimneys may project a distance not exceeding three feet; provided, that such features do not occupy, in the aggregate, more than one-third of the length of the building wall on which they are located; except,

that in the R-3 and C-O zones bay windows, stairways and balconies may not project into any required side or rear yard abutting an R-E, R-1 or R-2 zone;

5. An open, unenclosed stairway not covered by a roof or canopy may extend or project into a required rear or side yard not more than three feet, except as provided in subsection (A)(4) of this section.

B. In the case of lots backing on a street or thoroughfare, where access to said lot is from another street or thoroughfare, the rear lot line shall be fenced with a masonry wall of a design approved by the zoning administrator. The height of said wall shall be five feet minimum from lot grade or not less than six feet above curb grade. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.1001 (E)).

**19.16.070 Alleys and rear yard depth in C or I zone.**

In any C or I zone, one-half of the width of an abutting alley may be included in the measurement of the depth of a required rear yard; provided, however, that any building having access from an alley shall be located not less than 25 feet from the opposite side of said alley. (Ord. 1212 § 1, 1969; prior code § 33.1001(F)).

**19.16.080 Lots altered by condemnation.**

Any improved lot that does not conform to the minimum requirements of lot area, setbacks and/or frontage because of alteration or reduction by condemnation, shall be considered conforming; except, that setbacks may be changed by the planning commission if found to be harmful or injurious to adjacent properties or if it would constitute a traffic hazard. Any vacant lot made nonconforming, whether improved or unimproved, prior to condemnation shall be considered nonconforming and subject to review by the zoning administrator for feasibility of development prior to issuance of any building permit. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.1001(G)).

**Chapter 19.18**

**ZONING MAP**

Sections:

19.18.010 Adopted – Contents – Filed where.

19.18.020 Rules for interpretation.

**19.18.010 Adopted – Contents – Filed where.**

This chapter consists of the zoning map or maps of the city of Chula Vista. Said map or maps, properly attested, shall be and remain on file in the office of the planning department. The designations, locations, and boundaries of the districts set forth in Chapter 19.10 CVMC shall be shown on the zoning map or maps of the city. Said map or maps and all notations, references, data and other information shown thereon shall be and are hereby adopted and made a part of this title.

That certain property consisting of 602 acres located south of Telegraph Canyon Road, immediately adjacent to the Chula Vista Medical Center and east of Greg Rogers Community Park as described on General Development Plan map exhibit in PCM 89-7 be, and the same is hereby rezoned to the Planned Community District Zone.

That certain property consisting of 1030.1 acres located westerly of Upper and Lower Otay Lakes Reservoir as described on General Development Plan map exhibit in PCM 89-18 be, and the same is hereby rezoned to the Planned Community District Zone.

That certain 22 acres at 730-751 Medical Center Court be, and the same is hereby rezoned from R-I-H to C-O-P in accordance with planning commission Resolution No. PCZ-90-E adopted on the 8th day of November, 1989.

That certain property consisting of 12.4 acres located between EastLake Parkway and Greensview Drive as described on the EastLake II Land Use District Map (Parcels R-24 and R-25) Exhibit D in PCM-92-03 be, and the same is hereby zoned to the Residential Condominium 10 land use district together with the addition of the Residential Condominium 10 land use district to the EastLake II Planned Community District Regulations as set forth in Exhibit D in PCM-92-03.

That certain property located 2.23 acres at the northeast quadrant of I-805 and Bonita Road is rezoned from C-V-P (Visitor Commercial with Precise Plan) and A-8 (Agricultural, minimum 8 acres) to C-C (Central Commercial), Rancho del Rey.

That certain property located 0.3 acres on the west side of Del Monte, south of Main Street, is

rezoned from R-1-6-P (Single Family Residential with Precise Plan) to I-L-P (Limited Industrial with Precise Plan Modifier).

That certain property located 8.56 acres on the east side of Broadway, north of Main Street, and south of Anita Street, is rezoned from I-L-P (Limited Industrial with Precise Plan Modifier) to C-C-P (Central Commercial with Precise Plan Modifier).

That the 5.8 acres located at the southwest corner of Third Avenue and "J" Street be rezoned from C-O (Commercial Office and R-1, Single Family Residential) to C-C-P (Central Commercial Precise Plan).

That certain property consisting of approximately 22,509 acres located south of Jamul, two miles north of the United States-Mexico border, abutting the current western boundary of Chula Vista, and bounded on the east by State Route 94 to PC (Planned Community).

That certain property consisting of approximately 31.63 acres, located at the north terminus of North Fifth Avenue, more particularly known as Assessor's Parcel Nos. 562-324-02 and 562-324-04 (the "Project Site"), is hereby rezoned from I-L-P (Limited Industrial – Precise Plan) to C-C-P (Central Commercial – Precise Plan).

That certain property consisting of approximately 2.53 acres, located at 760 Broadway within the Southwest Redevelopment Project Area from C-T (commercial thoroughfare) to C-C-P (central commercial with precise plan) (Ordinance 2636) (Ord. 2636 § 2, 1995; Ord. 2614 § 2, 1994; Ord. 2578 § 8, 1993; Ord. 2577 § 3, 1993; Ord. 2539 § 3, 1993; Ord. 2538 § 3, 1993; Ord. 2536 § 3, 1992; Ord. 2514 § 1, 1992; Ord. 2351 § 19, 1990; Ord. 2346 § 1, 1989; Ord. 2323 § 1, 1989; Ord. 1212 § 1, 1969; prior code § 33.401).

#### **19.18.020 Rules for interpretation.**

Where uncertainty exists as to the boundaries of any of the aforesaid districts as shown on said zoning maps, the following rules shall apply:

A. Street, Alley or Lot Lines. Where indicated zone boundaries are approximately street, alley or lot lines, such lines shall be construed to be the boundaries; otherwise such boundaries shall be determined by use of the scale appearing on the zoning maps unless specifically indicated by dimensions.

B. Determination by Commission. Where uncertainty exists, the commission shall, by written decision, determine the location of the zone bound-

ary, which decision shall be a final determination thereof.

C. Vacated Street or Alley. Where a street or alley is officially vacated, the property formerly in such street or alley shall be included within the zone of the adjoining property on either side thereof. In the event such street or alley was a boundary between two or more different zones, the new zone boundary shall be the former centerline of such vacated street or alley. (Ord. 1212 § 1, 1969; prior code § 33.402).

## Chapter 19.20

### AGRICULTURAL ZONE

#### Sections:

- 19.20.010 Purpose and intent.
- 19.20.020 Permitted uses.
- 19.20.030 Accessory uses and buildings.
- 19.20.040 Conditional uses.
- 19.20.050 *Repealed.*
- 19.20.060 Height regulations.
- 19.20.070 Area, lot width and yard requirements.
- 19.20.080 Enclosures for animals.
- 19.20.090 Site plan and architectural approval.
- 19.20.100 Off-street parking.
- 19.20.110 Floor area per unit.
- 19.20.120 Off-street parking – Garages.
- 19.20.130 Performance standards.

#### **19.20.010 Purpose and intent.**

The purpose of the agricultural zone is to provide a zone with appropriate uses for areas rural in character, which are undeveloped and not yet ready for urbanization. The zone is intended to preserve in agricultural use land which may be suited for eventual development in urban uses, and which will encourage proper timing for the economical provision of utilities, major streets, and other facilities, so that orderly development will occur. (Ord. 1212 § 1, 1969; prior code § 33.501(A)).

#### **19.20.020 Permitted uses.**

Principal permitted uses in the agricultural zone include:

- A. Agriculture, as defined in CVMC 19.04.010 (see CVMC 19.58.030 for “processing plants”);
- B. One single-family dwelling per lot or parcel;
- C. Public parks;
- D. Factory-built home/mobilehome on any lot subject to the provisions of CVMC 19.58.145 and 19.58.530. (Ord. 1941 § 1, 1981; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.501(B)).

#### **19.20.030 Accessory uses and buildings.**

Accessory uses and buildings customarily incidental to any of the above uses permitted in the agriculture zone, subject to the regulations for such as required herein, include:

- A. Living quarters of persons regularly employed on the premises and transient labor, maximum of two families; but not including labor camps, labor dwellings, or other accommodations or areas for transient labor (see CVMC 19.58.200 for provisions for labor dwellings or camps);

B. Guest houses (see CVMC 19.04.106 for definition of “guest house”), subject to the provisions of CVMC 19.58.020(D), and not rented or otherwise conducted as a business;

C. Customary incidental home occupations, subject to the provisions of CVMC 19.14.490;

D. Offices incidental and necessary to the conduct of a permitted use;

E. Private garages and parking areas subject to the provisions of CVMC 19.58.230 and 19.58.280;

F. Roadside stands, not exceeding 400 square feet in floor area, for the sale of agricultural products grown on the premises;

G. Public and private noncommercial recreation areas, uses, and facilities, including country clubs and swimming pools subject to the provisions of CVMC 19.58.090;

H. Stables and corrals subject to the provisions of CVMC 19.58.310;

I. Accessory second dwelling units, subject to the provisions of CVMC 19.58.022. (Ord. 2897 § 2, 2003; Ord. 2145 § 2, 1986; Ord. 2124 § 3, 1985; Ord. 1364 § 1, 1971; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.501 (C)).

#### **19.20.040 Conditional uses.**

Conditional uses in the agricultural zone include:

A. Poultry farms, subject to the provisions of CVMC 19.58.240;

B. Kennels, subject to the provisions of CVMC 19.58.190;

C. Riding stables, subject to the provisions of CVMC 19.58.190;

D. Guest ranches, subject to the provisions of CVMC 19.58.270;

E. Quarters, accommodations, or areas for transient labor in excess of two families, such as labor dwellings or camps, subject to the provisions of CVMC 19.58.200;

F. Electric substations and gas regulators, subject to the provisions of CVMC 19.58.140;

G. Unclassified uses, see Chapter 19.54 CVMC;

H. Stables and corrals, subject to the provisions of CVMC 19.58.310;

I. Hay and feed stores, retail, subject to the provisions of CVMC 19.58.175;

J. Plant nurseries. (Ord. 1604 § 1, 1975; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.501(D)).

**19.20.050 Sign regulations.**

*Repealed by Ord. 2924 § 3, 2003. (Ord. 1575 § 1, 1974; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.501(E)).*

**19.20.060 Height regulations.**

No structure shall exceed two and one-half stories or 35 feet in height, except as provided in CVMC 19.16.040. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.501(F)).

**19.20.070 Area, lot width and yard requirements.**

The following minimum requirements shall be observed in the agricultural zone, except where modified for conditional uses (see CVMC 19.16.020, 19.16.050, 19.16.060 and 19.16.080 for exceptions and modifications):

Classification	Lot Areas	Lot Width (ft.)	Maximum Stories	Yards in Feet			
				Front and Exterior Side Yards	One Side Yard	Both Side Yards	Rear
A-8	8 acres	300	2-1/2	50*	20	50	50
A-X	as designated on zoning map but not less than eight acres						
*Or not less than that specified on the building line map shall be provided and maintained. The setback requirements shown on the adopted building line map for Chula Vista shall take precedence over the setbacks required in the zoning district.							

(Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.501(G)).

**19.20.080 Enclosures for animals.**

Any building or enclosure in which animals or fowl, except domestic pets, are contained in the agricultural zone shall be distant at least 200 feet from any lot in any R or C district, or from any school or institution for human care. (Ord. 1212 § 1, 1969; prior code § 33.501(H)(1)).

**19.20.090 Site plan and architectural approval.**

Site plan and architectural approval is required of all conditional uses in the agricultural zone, as provided in CVMC 19.14.420 through 19.14.480. (Ord. 1212 § 1, 1969; prior code § 33.501(H)(2)).

**19.20.100 Off-street parking.**

Off-street parking is required for all uses in the agricultural zone as provided in CVMC 19.62.170 through 19.62.190. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.501(H)).

**19.20.110 Floor area per unit.**

Minimum floor area regulations shall be as required in CVMC 19.24.130. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.501(I)).

**19.20.120 Off-street parking – Garages.**

A. Off-street parking is required for all uses, as provided in CVMC 19.62.010 through 19.62.130.

B. The two-car garage requirement for single-family homes shall apply, as provided in CVMC 19.62.170 through 19.62.190. For garage conversion regulations, see CVMC 19.62.170 through 19.62.190. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.501(J)).

**19.20.130 Performance standards.**

All uses in the agricultural zone may be subject to initial and continuing compliance with the performance standards in Chapter 19.66 CVMC. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.501(K)).

**Chapter 19.22****R-E – RESIDENTIAL ESTATES ZONE****Sections:**

- 19.22.010 Purpose.
- 19.22.020 Permitted uses.
- 19.22.030 Accessory uses and buildings.
- 19.22.040 Conditional uses.
- 19.22.050 *Repealed.*
- 19.22.060 Height regulations.
- 19.22.070 Area, lot width and yard requirements.
- 19.22.080 Minimum lot frontage.
- 19.22.090 Minimum lot area – Reduction permitted when.
- 19.22.100 Floor area per unit – Minimum – Purpose and intent.
- 19.22.110 Floor area per unit – Minimum – Regulatory provisions.
- 19.22.120 Off-street parking.
- 19.22.130 Performance standards.
- 19.22.140 Fencing requirements.
- 19.22.150 Panhandle lots, flag lots, or lots served by an easement – Requirements and conditions.
- 19.22.160 Floor area ratio.
- 19.22.170 Building additions and remodeling.

**19.22.010 Purpose.**

The purpose of the R-E zone is to promote and preserve an open, rural environment on large parcels of land. The R-E zone is designed to accommodate suburban single-family homes and compatible agricultural uses with requirements for the community services and facilities appurtenant thereto. (Ord. 1212 § 1, 1969; prior code § 33.502 (A)).

**19.22.020 Permitted uses.**

Principal permitted uses in the R-E zone include:

- A. One single-family detached dwelling on each lot or parcel;
- B. Crop and tree farming. (Ord. 1212 § 1, 1969; prior code § 33.502(B)).

**19.22.030 Accessory uses and buildings.**

Accessory uses and buildings customarily incidental to any of the above uses shall be permitted in the R-E zone subject to the regulations herein:

- A. Guest houses (see CVMC 19.04.106 for definition of “guest house”), subject to the provisions of CVMC 19.58.020(D), and not rented or otherwise conducted as a business;

B. Customary incidental home occupations, subject to the provisions of CVMC 19.14.490;

C. Private stables and corrals, subject to the provisions of CVMC 19.58.310;

D. Full-time foster homes and small family day care homes, as defined in CVMC 19.04.095 and 19.04.098;

E. Temporary tract offices and tract signs, subject to the provisions of CVMC 19.58.320 and 19.60.470;

F. A satellite dish antenna may be located in a residential district when it complies with the following conditions:

1. It is ground-mounted;
2. It is not located in a front yard or exterior side yard, said yard to be measured from any portion of the building to the front or exterior side property line;
3. It complies with setback requirements of the underlying zone for accessory structures;
4. It does not exceed 12 feet in height above existing grade;
5. It shall be located on lots where at least a five-foot-high solid wall or fence is installed between the dish antenna and adjacent properties;
6. It shall be adequately screened from any adjacent residential zone, right-of-way, or private street easements, at horizontal grade level to the satisfaction of the zoning administrator;
7. It shall not be located in the H – hillside modifying district;
8. Only one satellite dish antenna shall be permitted per lot;
9. Satellite dish antennas with diameters measuring less than one meter may be installed in a manner consistent with typical television antennas;
10. Satellite dish antennas shall be used for private, noncommercial purposes;
11. All satellite dish antennas, in any zone constructed and erected prior to the effective date of the ordinance codified herein, which do not conform to the requirements of the provisions of this title for the particular zones in which they are located, shall be accepted as nonconforming antennas for a period of three years, to expire February 14, 1989. Thereafter, the satellite dish antennas shall be subject to immediate abatement via removal or through modification or relocation to comply with the standards of this section;
12. A building permit shall be required;
13. Replacement of an existing nonconforming antenna with another satellite dish antenna, or removal of a nonconforming antenna for a period

longer than 60 days, shall constitute abandonment of the nonconforming antenna, and is subject thereafter to the standards of this section;

G. Large family day care homes, subject to the provisions of CVMC 19.58.147;

H. Accessory second dwelling units, subject to the provisions of CVMC 19.58.022. (Ord. 2897 § 3, 2003; Ord. 2269 § 3, 1988; Ord. 2160 § 1, 1986; Ord. 2145 § 2, 1986; Ord. 2138 § 1, 1986; Ord. 2124 § 4, 1986; Ord. 2111 § 2, 1985; Ord. 2108 § 1, 1985; Ord. 1575 § 1, 1975; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.502(C)).

#### **19.22.040 Conditional uses.**

Site plan and architectural approval as provided in CVMC 19.14.420 through 19.14.480 shall be required for the following conditional uses in the R-E zone:

A. Public and private noncommercial recreation areas and facilities, such as country clubs and swimming pools (for additional provisions, see CVMC 19.58.100 and 19.58.270);

B. Electric substations and gas regulators, subject to the provisions of CVMC 19.58.140;

C. Unclassified uses, see Chapter 19.54 CVMC;

D. Dwelling groups, subject to the provisions of CVMC 19.58.130. (Ord. 2269 § 4, 1988; Ord. 2111 § 3, 1985; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.502(D)).

#### **19.22.050 Sign regulations.**

*Repealed by Ord. 2924 § 3, 2003.* (Ord. 1575 § 1, 1974; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.502 (E)).

#### **19.22.060 Height regulations.**

Principal buildings may not exceed two and one-half stories or 28 feet in height. However, an increase in building height may be allowed subject to approval of a conditional use permit. No accessory building shall exceed one and one-half stories or 15 feet in height except as provided in CVMC 19.16.040. The height of a residential structure is measured from the highest point of the roof line to finished grade. (Ord. 2144 § 2, 1986; Ord. 1212 § 1, 1969; prior code § 33.502(F)).

#### **19.22.070 Area, lot width and yard requirements.**

Area, lot width, and yard requirements in the R-E zone shall be as follows (see CVMC 19.16.020,

19.16.050, 19.16.060 and 19.16.080 for exceptions and modifications):

A. All buildings, including accessory buildings and structures, in the residential estates zone shall not cover more than 40 percent of the lot;

B. The following minimum requirements shall be observed, except as modified for conditional uses. The minimum lot area required shall be designated on the zoning map:

Classification	Minimum Lot Area (sq. ft.)	Minimum Lot Width (ft.)	Setbacks in Feet				
			Front	Exterior Side Yard	One Side Yard	Both Side Yards	Rear
R-E 4A	4 acres	200	25*	20*	15	30	25
R-E 2A	2 acres	200	25*	20*	15	30	25
R-E 40	40,000	150	25*	20*	15	30	25
R-E	20,000	100	25*	15*	10	20	25

\*Or not less than that specified on the building line map shall be provided and maintained. The setback requirements shown on the adopted building line map for Chula Vista shall take precedence over the setbacks required in the zoning district.

(Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.502(G)).

**19.22.080 Minimum lot frontage.**

Every lot in the R-E zone shall have a minimum frontage upon a dedicated street of 100 feet, unless such lot fronts upon an approved easement or private road as provided in this chapter (see CVMC 19.22.150) or unless such lot has been approved by the planning commission or city council pursuant to the provisions of this code or any ordinance which may hereafter be enacted providing for the subdivision of land or the dedication of public streets. (Ord. 1868 § 1, 1979; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.502(H)(1)).

**19.22.090 Minimum lot area – Reduction permitted when.**

In the R-E zone, if the overall net density of lots per acre meets the requirements of the particular zone classification, the minimum lot size may be reduced to 75 percent of said minimum for not more than 25 percent of the lots within the area being subdivided. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.502(H)(2)).

**19.22.100 Floor area per unit – Minimum – Purpose and intent.**

It is the intent of this section and CVMC 19.24.110 to establish minimum floor areas for dwelling units in the R-E and single-family zones. The purpose of establishing such minimum floor areas is to ensure adequate living space for residents in said zones consistent with the health,

safety and general welfare of the public, and to encourage new construction which will be aesthetically pleasing and will constitute an enhancement of the economic value of the immediate neighborhood and the entire community. (Ord. 1212 § 1, 1969; prior code § 33.502(I)(1)).

**19.22.110 Floor area per unit – Minimum – Regulatory provisions.**

The minimum floor area per main dwelling unit in the R-E zone shall be as follows:

A. One thousand (1,000) square feet for each dwelling unit containing one bedroom, two bedrooms, or one bedroom and den, family room or other such room designated for miscellaneous purposes;

B. One thousand two hundred (1,200) square feet for each dwelling unit containing three bedrooms or two bedrooms and den, family room or any other such room designated for miscellaneous purposes;

C. One thousand three hundred (1,300) square feet for each dwelling containing four bedrooms or three bedrooms and den, family room or any other such room designated for miscellaneous purposes, or more. (Ord. 1500 § 1, 1973; Ord. 1213 § 1, 1969; Ord. 1212 § 1, 1969; prior code § 33.502(I)(2)).

**19.22.120 Off-street parking.**

The two-car garage requirement applies in the R-E zone (see CVMC 19.62.170 through 19.62.190

for garage requirements and conversions). (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.502(J)).

**19.22.130 Performance standards.**

All uses in the R-E zone may be subject to initial and continuing compliance with the performance standards in Chapter 19.66 CVMC. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.502(K)).

**19.22.140 Fencing requirements.**

See CVMC 19.58.150 for fencing requirements in the R-E zone. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.502(L)).

**19.22.150 Panhandle lots, flag lots, or lots served by an easement – Requirements and conditions.**

A. Panhandle lots, flag lots or lots served by an easement proposed within a subdivision shall meet the criteria contained in this section.

B. No lot may be created or developed under this provision which could otherwise be served by a public street unless approved by the director of planning and the city engineer.

C. All development permitted under this provision shall be subject to the regulations and requirements of this title except as otherwise regulated in this section.

D. The division of any property under this provision shall be subject to the regulations of the State Map Act and subdivision ordinance of the city.

E. Not more than four lots served by a private road or easement shall be allowed under this provision unless this restriction is waived by the director of planning or city council.

F. The responsibility for the maintenance and cost of maintenance of all common areas, roads or easements and guest parking areas shall be shared under contractual agreement by the property owner of each lot; this shall be accomplished through the formation of a homeowner's association.

G. Development Criteria.

1. Road and easement widths shall be as follows: one lot, 15 feet; two lots, 20 feet; four lots, 20 feet; five or more lots, 24 feet, in accordance with private street standards as outlined in city's subdivision manual. These widths may be increased if it is determined by the director of planning that a sidewalk is required.

2. All driveways, guest parking areas and roadways shall be paved with a minimum of five inches of portland concrete cement.

3. Each lot shall contain an area not less than the minimum lot size of the underlying zone exclusive of all private roads, common areas and guest parking areas.

4. All on-site utilities shall be undergrounded.

5. Each dwelling shall be connected to a gravity sewer unless otherwise approved by the city engineer.

6. An on-site fire hydrant may be required by the fire department when such is deemed necessary.

7. Guest parking shall be provided as follows:

One lot, one space; two lots, three spaces; three lots, five spaces; four lots, six spaces.

The individual driveways to the garage shall not be construed as meeting the guest parking requirement.

8. Accessory structures shall not be located closer than 10 feet to any dwelling located on adjacent property.

9. The following setbacks shall be observed:

a. Front yard: 15 feet from any access drive and guest parking areas;

b. Any garage facing an access drive shall be a minimum of 22 feet from the drive;

c. Side yard: not less than that required by the underlying zone;

d. Rear yard: not less than that required by the underlying zone upon initial construction.

10. A minimum five-foot-high fence shall be provided on each side of the private drive behind the front setback and on those property lines abutting adjoining properties. This requirement may be modified or waived by the director of planning if it is found that said fence is not necessary for the protection of the adjoining properties.

11. If the property is graded to create a building pad for each lot, the minimum level area (no slope over five percent) of each pad shall be not less than 80 percent of the minimum lot size of the underlying zone, but in no case shall the minimum area be less than 5,000 square feet. Development proposed on existing natural topography, having an average natural slope of 10 percent or greater, and with less than 10 percent of the site to be graded, shall be subject to the approval of the director of planning, who shall consider whether such development will adversely affect adjacent properties or development.

12. Guest parking areas shall be adequately screened from on-site and adjacent residential properties.

H. No garage conversions shall be permitted.

I. Development shall be subject to site plan and architectural approval of the director of planning. (Ord. 2399 § 1, 1990; Ord. 1868 § 2, 1979).

**19.22.160 Floor area ratio.**

Construction of dwellings or any remodeling or additions to existing dwellings shall have a floor area ratio (FAR) which limits the maximum building area to 45 percent of the lot area for single-family dwellings on lots of 7,000 square feet or greater and 50 percent of the lot area or 3,150 square feet, whichever is less, for single-family dwellings on lots of less than 7,000 square feet. The floor area ratio calculation shall also include the square footage of patios, garages and other accessory structures present on the lot, but excluding covered patios open on at least two sides and covered porches open on at least one side with a total combined area of 300 square feet or less. For these purposes, an “accessory structure” is defined as any structure which rises four or more feet above finished grade. (Ord. 2559 § 3, 1993; Ord. 2144 § 2, 1986).

**19.22.170 Building additions and remodeling.**

A. Additions, Greater than 50 Percent. If an addition to a legal existing dwelling unit constitutes an increase of 50 percent or more of the floor area of the original building’s square footage, the existing building, including the addition, shall comply with current zoning code standards, except for the current building setback standards which would only apply to the addition.

B. Additions, Less than 50 Percent. If an addition to a legal existing dwelling unit constitutes less than 50 percent of the floor area of the original building’s square footage, the existing building may be expanded or altered along the existing horizontal side yard building plane; provided, all of the following criteria are met:

1. The proposed addition is located on a lot that is 60 feet wide or greater at the front setback line; and

2. The proposed addition maintains a minimum five-foot setback from the side property line; and

3. There is a minimum 10-foot separation between the horizontal building plane of the existing dwelling unit and the addition and the horizontal building plane of an existing residence on an adjacent lot; and

4. There is a minimum six-foot separation between the edge of the proposed addition and any

accessory building on-site or on an adjacent property.

C. Verification of Square Footage. For purposes of this section, the original dwelling unit’s square footage shall be determined by a dimensioned floor and site plan submitted by the applicant to the director of planning for review and verification. (Ord. 2711 § 1, 1997; Ord. 2144 § 2, 1986).