

## Chapter 19.24

**R-1 – SINGLE-FAMILY RESIDENCE ZONE**

## Sections:

- 19.24.010 Purpose.
- 19.24.020 Permitted uses.
- 19.24.030 Accessory uses and buildings.
- 19.24.040 Conditional uses.
- 19.24.050 *Repealed.*
- 19.24.060 Height regulations.
- 19.24.070 Area, lot width and yard requirements.
- 19.24.080 Standards for application – R-1-7 zone classification.
- 19.24.090 Standards for application – R-1-5 zone classification.
- 19.24.100 Setbacks – Requirements generally.
- 19.24.110 Frontage requirements.
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- 19.24.130 Floor area per unit.
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- 19.24.150 Performance standards.
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- 19.24.170 Panhandle lots, flag lots, or lots served by an easement – Requirements and conditions.
- 19.24.180 Floor area ratio.
- 19.24.190 Building additions and remodeling.

**19.24.010 Purpose.**

The purpose of this zone is to stabilize and protect the residential characteristics of the areas so designated and to promote and encourage a suitable environment for family life. The R-1 zone is basically intended to provide communities primarily for single-family detached homes and the services appurtenant thereto. (Ord. 1212 § 1, 1969; prior code § 33.503(A)).

**19.24.020 Permitted uses.**

Principal permitted uses in the R-1 zone include:

- A. One single-family dwelling on any lot;
- B. Factory-built home/mobilehome on any lot, subject to the provisions of CVMC 19.58.145 and 19.58.330;
- C. All portions of the dwelling, factory-built home or mobilehome used for living or sleeping purposes shall be attached by common walls;
- D. Large family day care homes, subject to the provisions of CVMC 19.58.147. (Ord. 2260 § 1, 1988; Ord. 2161 § 1, 1986; Ord. 1941 § 1, 1981; Ord. 1212 § 1, 1969; prior code § 33.503(B)).

**19.24.030 Accessory uses and buildings.**

Accessory uses permitted in the R-1 zone include:

- A. Rooming and boarding of not more than two persons; provided, off-street parking space is available for any automobile owned or operated by any boarder or roomer, in addition to any space required for the principal residents of the dwelling;
- B. Customary incidental home occupations and professional offices, subject to the provisions of CVMC 19.14.490;
- C. The keeping of cats and/or dogs, not to exceed the number permitted by the animal ordinance for each dwelling unit;
- D. Full-time foster homes and small family day care homes, as defined in CVMC 19.04.095 and 19.04.098;
- E. Other accessory uses and accessory buildings customarily appurtenant to a permitted use, subject to the requirements of Chapter 19.58 CVMC;
- F. Satellite dish antennas as per the provisions of CVMC 19.22.030(F);
- G. Temporary tract offices and tract signs, subject to the provisions of CVMC 19.58.320 and 19.60.470;
- H. Agricultural uses as provided in CVMC 19.16.030;
- I. Satellite dish antennas as per the provisions of CVMC 19.22.030(F);
- J. Large family day care homes, subject to the provisions of CVMC 19.58.147;
- K. Accessory second dwelling units, subject to the provisions of CVMC 19.58.022. (Ord. 2897 § 4, 2003; Ord. 2269 § 5, 1988; Ord. 2160 § 1, 1986; Ord. 2145 § 1, 1986; Ord. 2138 § 1, 1986; Ord. 2124 § 5, 1985; Ord. 2117 § 1, 1985; Ord. 2111 § 4, 1985; Ord. 1575 § 1, 1974; Ord. 1494 § 1, 1973; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.503(C)).

**19.24.040 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-1 zone:

- A. Dwelling groups, subject to the provisions of CVMC 19.58.130;
- B. Electric substations and gas regulators, subject to the provisions of CVMC 19.58.140;
- C. Unclassified uses, see Chapter 19.54 CVMC;
- D. Private, noncommercial, recreational facilities, such as swimming pools, tennis courts, and

clubhouses (for additional provisions, see CVMC 19.58.100 and 19.58.270);

E. Professional offices (for additional provisions, see CVMC 19.58.244). (Ord. 2269 § 6, 1988; Ord. 2260 § 1, 1988; Ord. 2111 § 5, 1985; Ord. 1822 § 1, 1978; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.503(D)).

**19.24.050 Sign regulations.**

*Repealed by Ord. 2924 § 3, 2003.* (Ord. 1575 § 1, 1974; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.503(E)).

**19.24.060 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 § 3, 1986; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.503 (F)).

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

Area, lot width, and yard requirements in the R-1 zone are 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 single-family residence zone shall not cover more than 40 percent of the lot.

B. Minimum Dimensions. The following minimum dimensions shall be observed; provided, however, that such dimensions may be modified by the granting of a conditional use permit. The minimum requirements shall be one of the following district classifications as 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-1-15	15,000	85	25	10	10	20	20
R-1-10	10,000	70	20	10	10	15	20
R-1-7	7,000	60	15	10	10	13	20
	6,000	60	15	10	10	13	20
R-1-5	5,000	50	15	10	5	10	15

C. Existing developed lots of record (May 23, 1989) in the R-1-7 zone which measure less than 60 feet in width at the front setback may maintain the minimum side yards as noted above for the R-1-5 district for replacements or additions which constitute less than 50 percent of the floor area of the existing dwelling. (Ord. 2311 § 1, 1989; Ord. 1356 § 1, 1971; Ord. 1237 § 1, 1969; Ord. 1212 § 1, 1969; prior code § 33.503(G)).

**19.24.080 Standards for application – R-1-7 zone classification.**

The R-1-7 zone classification and the minimum dimensions requirement prescribed for said classification shall be considered to be the basic or standard lot size throughout the city; provided, however, that in those areas placed in the R-1-7 classification, if a subdivision map is filed, the minimum lot sizes for 20 percent of the lots created by said subdivision may be reduced to 6,000 square feet, and 10 percent of the lots thus created may be reduced to 5,000 square feet, said lots being subject to those minimum dimensional requirements as set forth hereinabove for such lot areas; provided, that the average lot size of all the lots within the subdivision shall equal a minimum of 7,000 square feet. (Ord. 1500 § 2, 1973; Ord. 1212 § 1, 1969; prior code § 33.503(H)(1)).

**19.24.090 Standards for application – R-1-5 zone classification.**

The incorporation of any properties into the R-1-5 classification shall be restricted to those areas deemed most appropriate in accordance with the basic principles set forth herein. Particular attention will be given to the character of the topography involved so as to insure the capability of accommodating lots of this size in a manner that would provide appropriate usable level space for each lot. The filing and approval of a final subdivision map will be required prior to any such R-1-5 zoning becoming effective, and in addition, a precise plan may be required as provided in CVMC 19.12.120. Said map should insure that the density of the subdivision will be properly related to that existing or proposed in surrounding areas, and that the development will not be incompatible with sound neighborhood density standards, and further, that public facilities will not be overburdened. Open space should be provided or available in the form of natural canyons, green belts, park areas or such other forms which would contribute to better land use and design and accommodate the recreational needs of families who would be living in

areas designated for 5,000 square foot minimum lot sizes. (Ord. 1212 § 1, 1969; prior code § 33.503(H)(2)).

**19.24.100 Setbacks – Requirements generally.**

Front and side yard setback requirements for particular zone classifications shall be provided and maintained in accordance with the schedule set forth hereinabove, or in accordance with those specified in the building line map. Those setback requirements as shown on the adopted building line map of the city shall be adhered to in any case where said requirements differ from setbacks established in said schedule. Furthermore, regardless of any minimum side yard requirements as indicated in said schedule, the minimum distance between dwelling units shall be 10 feet, and no dwelling unit may be constructed closer than three feet to any side property line with the exception of the R-1-5 zone classification which shall maintain a minimum of five feet. Said minimum three-foot dimension shall be measured on a horizontal plane on the level of the foundation of the dwelling unit. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.503(I)(1)).

**19.24.110 Frontage requirements.**

Every lot in the R-1 zone having an area between 5,000 square feet and 5,999 square feet shall have a minimum lot frontage upon a dedicated street of 50 feet, and every lot having an area of 6,000 square feet or greater shall have a minimum lot frontage upon a dedicated street of 60 feet, unless such lots front upon an approved easement or private road as provided for in this chapter (see CVMC 19.24.170) or unless such lots have 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 § 33.503(I)(2)).

**19.24.120 Setbacks – Rear yards – Exceptions permitted when.**

In the R-1 zone, single-story structures attached to the main building may be located within 10 feet of the rear property line, but shall not be closer than five feet from any retaining wall or toe of slope and said structure shall not occupy more than 30 percent of the rear yard area. Rear yards that have an elevation difference of six feet or more from the adjoining lot or parcel may reduce said 10 feet one foot for every foot over six feet but not more than

five feet. Two-story portions of the building shall not be closer than the required rear yard setback. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.503(I)(3)).

**19.24.130 Floor area per unit.**

Minimum floor area in the R-1 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 any 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.

Exception: Except in the case of the 1,000 square feet dwelling units, an applicant may reduce the above minimums by 200 square feet per unit for 30 percent of the dwellings within an approved subdivision; provided, the average house size within the development conforms to the minimum requirements specified above. (Ord. 1500 § 3, 1973; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.503(J)).

**19.24.140 Off-street parking.**

The two-car garage requirement applies in the R-1 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 § 33.503(K)).

**19.24.150 Performance standards.**

All uses in the R-1 zone may be subject to the initial and continued compliance with the performance standards in Chapter 19.66 CVMC. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.503(L)).

**19.24.160 Fencing requirements.**

See CVMC 19.58.150 for fencing requirements in the R-1 zone. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.503(M)).

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

Panhandle lots, flag lots, or lots served by an easement shall be provided in the R-1 zone subject to the requirements and conditions of CVMC 19.22.150. (Ord. 1868 § 2, 1979).

**19.24.180 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 § 4, 1993; Ord. 2144 § 3, 1986).

**19.24.190 Building additions and remodeling.**

See CVMC 19.22.170 for limitations to remodeling or additions to existing dwellings. (Ord. 2144 § 3, 1986).

public highway, street, lane, alley or other public place within the corporate limits of the city. (Ord. 2992 § 1, 2005; Ord. 2764 § 1, 1998).

**8.24.045 Solid waste generated off-site – Placement in city trash containers – Prohibited.**

City solid waste and litter containers are placed in city parks, at bus stops and other public areas for the use of the public to control litter and solid waste which is generated at or near the location where the solid waste containers are located; they are not to be used as disposal sites for solid waste which is generated off-site, except as defined as incidental waste in CVMC 8.25.020. Therefore, it is unlawful for any person to place, dump, deposit or throw away solid waste of any kind or character whatsoever other than incidental waste in city litter or solid waste containers, if such was generated at a location other than where the solid waste or litter container is located. (Ord. 2992 § 1, 2005; Ord. 2764 § 1, 1998).

**8.24.050 Solid waste – Disposal on private property prohibited – Exception.**

It is unlawful for any person to place, dump, deposit or throw away any solid waste or other waste discards of any kind or character whatsoever, upon any private property adjacent to or abutting upon any public highway, or public place, or upon any private property whatsoever, within the corporation limits of the city, unless such person first obtains the written permission of the owner of such property so to do. It is further unlawful for such person to deposit or place such materials in any solid waste container owned or used by the owner of such property, unless such person first obtains the written permission of the owner so to do. This section is not intended to preclude a person from disposing of waste generated at a business in containers provided for customers of the business, such as empty food containers being placed in public waste containers at a fast food restaurant. (Ord. 2992 § 1, 2005; Ord. 2764 § 1, 1998).

**8.24.060 Owner or occupant responsibility to maintain sanitary premises.**

Every owner, tenant, occupant or person owning or having the care and control of any premises in the city shall keep said premises or those under his/her care and control in a clean and sanitary condition, and no person shall permit any solid waste or any other substance which may be or will become

offensive to be deposited or to remain in or upon any premises owned or occupied by him or under his care and control, except as otherwise expressly permitted by this chapter. It shall be the responsibility of such person to provide for weekly scheduled solid waste collection service by means of the city's contract or franchise agent and pay for such services pursuant to this chapter. However, any such person subject to the mandatory requirement may remove or convey their own waste to a state-permitted landfill or transfer station by applying for an exemption in writing in advance and receiving such exemption pursuant to CVMC 8.24.180. Any dispute as to such exemption may be appealed to the city manager. (Ord. 2992 § 1, 2005; Ord. 2764 § 1, 1998).

**8.24.070 Solid waste – Collection prohibited when – Burning prohibited.**

A. No person shall collect, remove or convey, or cause or permit to be collected, removed or conveyed, any residential, commercial or industrial solid waste upon or along any public street, alley or any other public place in the city; provided, however, the prohibitions of this section shall not apply to authorized employees of the city, or to any person or firm or employees thereof, with whom the city or a local school district has entered into a contract or franchise for the collection, removal or disposal of solid waste, or to the occupant or owner of any residence personally removing their own solid waste from said residence or commercial establishment or as may otherwise be permitted or required by federal or state laws that legally supersede the provisions of this chapter. Occupants or owners removing or conveying their own waste shall comply with the provisions of this chapter and all local state and federal regulation regarding the safe transportation and disposal of wastes.

B. It is unlawful for any person to burn or bury any solid waste as a means of disposing of said waste. (Ord. 2992 § 1, 2005; Ord. 2764 § 1, 1998).

**8.24.080 Solid waste – Containers approved for use by small quantity generators (single-family residential and small businesses with cart service) and large quantity generators (bin or roll-off service) for solid waste, yard waste and recyclables.**

A. It is unlawful for any small quantity generator in a residential area to keep or store any solid waste and recyclables within containers except those provided by the city contract or franchise

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3. No parts of a vehicle, boat, camper or trailer shall be located outside of a garage, carport or solid fence, gate or wall not less than six feet in height for a period of more than 72 hours. (Ord. 2308 § 1, 1989; Ord. 2176 § 5, 1986; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901 (B)(26)).

**19.58.270 Retail sales for guests only.**

Community buildings, private clubs, lodges and social or recreational establishments may engage in retail sales for guests only; provided, that:

A. There shall be no external evidence of any commercial activity, nor any access to any space used for commercial activity other than from within the building;

B. There shall be no harm to adjacent existing or potential residential development due to excessive traffic generation or noise or other circumstances. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(27)).

**19.58.280 Service stations.**

Service stations are subject to the following requirements and conditions:

**10.80.110 Costs – Assessment and collection procedures.**

If the administrative costs and the cost of removal which are charged against the owner of a parcel of land pursuant to Section 38771, et seq., of the Government Code and Chapter 1.30 CVMC are not paid within 30 days of the date of the order, or the final disposition of an appeal therefrom, such costs shall be assessed against the parcel of land pursuant to Section 38773.5 of the Government Code and shall be transmitted to the tax collector for collection. Said assessment shall have the same priority as other city taxes. (Ord. 2670 § 1, 1996; Ord. 2668, 1996; Ord. 1676 § 1, 1976; Ord. 1338 § 1, 1971; prior code § 19.2307(B)(4)).

**10.80.120 Removal of vehicles from streets authorized when.**

Any regularly employed and salaried officer of the police department may remove or cause to be removed:

A. Any vehicle which is parked or left standing upon a street or highway for 72 or more consecutive hours;

B. Any vehicle which is parked on a highway in violation of any provision of this title, the Vehicle Code or other law or ordinance forbidding standing or parking, when the use of such highway or a portion thereof is necessary for the cleaning, repair or construction of the highway or for the installation of underground utilities, and signs giving notice that such vehicle may be removed are erected and placed at least 24 hours prior to the removal;

C. Any vehicle parked upon a highway which has been authorized by the council or other competent authority for a purpose other than the normal flow of traffic, or for the movement of equipment, articles or structures of unusual size, and the parking of said vehicle would prohibit or interfere with such use or movement, providing that signs giving notice that such vehicle may be removed are erected or placed at least 24 hours prior to the removal of such vehicle;

D. Any vehicle parked or left standing, when the city council by resolution or ordinance has prohibited such parking and has authorized the removal by ordinance. No vehicle may be removed unless signs are posted giving notice of the removal. (Ord. 2718 § 1, 1998; Ord. 2670 § 1, 1996; Ord. 2668, 1996; Ord. 973 § 1, 1966; prior code § 19.3.5).

**Chapter 10.84****PARKING RESTRICTED ON PRIVATE PROPERTY**

## Sections:

- 10.84.010 Purpose and intent of provisions – Parked vehicles declared nuisance – When.  
 10.84.020 Parking prohibited on portions of private property.  
 10.84.030 Citation of vehicles parked in prohibited areas.  
 10.84.035 Citation authority.  
 10.84.036 *Repealed.*

**10.84.010 Purpose and intent of provisions – Parked vehicles declared nuisance – When.**

The purpose and intent of the council in adopting CVMC 10.84.010 through 10.84.030 is to establish procedures for the notification, citation and removal of vehicles from private property in the front yard, unfenced exterior and parkway areas of the city. (Ord. 2718 § 1, 1998; Ord. 2670 § 1, 1996; Ord. 1676 § 2, 1976).

**10.84.020 Parking prohibited on portions of private property.**

No vehicle, vacation trailer, camping trailer, boat, boat trailer, camper or recreational vehicle may be parked or placed within the front yard or exterior side yard (i.e., street side of a corner lot) setback, except as follows:

- A. In a garage or carport.  
 B. On a paved driveway.  
 C. On a dust-free area adjacent to a paved driveway. "Adjacent" shall mean within 10 feet of the edge of the driveway. (Refer to CVMC 19.62.150 for further limitations.) Note: "Dust-free" shall mean grass or decomposed granite/paving per city standards adopted to accomplish a dust-free surface.

D. When parking is not available under subsections (A) through (C) of this section, then consideration shall be given by the zoning administrator to select a parking area on the opposite side of the lot or other appropriate locations on the property as per CVMC 19.62.110. The applicant or other interested persons may appeal the decision of the zoning administrator to the planning commission. The appeal shall be filed in writing with the planning department within 10 days of the administrator's action, and accompanied by the required appeal



fee(s). Appeals to the city council from the actions of the planning commission shall follow the same procedure.

Unmounted campers and camper shells may not be placed in the front yard, driveway, or unscreened (by solid six-foot-high fence or hedge) exterior side yard setback area for a period of more than 72 hours. (Ord. 2670 § 1, 1996; Ord. 2506 § 1, 1992; Ord. 2176 § 3, 1986; Ord. 1676 § 2, 1976).

#### **10.84.030 Citation of vehicles parked in prohibited areas.**

Any police officer of the city of Chula Vista or other employee with citation authority may cite a vehicle for a violation of CVMC 10.52.040 and 10.84.020; provided, however, a warning in the form provided by the police department of the city shall first be placed upon the vehicle. Seventy-two (72) hours after the placement of such warning, the citation may be issued. (Ord. 2670 § 1, 1996; Ord. 2176 § 4, 1986; Ord. 1676 § 2, 1976).

#### **10.84.035 Citation authority.**

The planning and building director, code enforcement officers and other employees designated by the planning and building director shall have the authority to enforce Chapters 10.52, 10.84 and 19.62 CVMC by issuing written notice of the violation. (Ord. 2790, 1999; Ord. 2670 § 1, 1996; Ord. 2176 § 4, 1986).

#### **10.84.036 Notice of violation.**

*Repealed by Ord. 2718 § 1, 1998.* (Ord. 2670 § 1, 1996; Ord. 2176 § 4, 1986).

## **Chapter 10.86**

### **PERMIT PARKING IN RESIDENTIAL ZONES**

#### **Sections:**

- 10.86.010 Purpose and intent.
- 10.86.020 Permit parking in excess of time limitations.
- 10.86.030 Citation of permit vehicles.

#### **10.86.010 Purpose and intent.**

The purpose and intent of the city council in adopting CVMC 10.86.010 through 10.86.030 is to establish procedures for the issuance of permits to residential property owners or tenants to enable such persons to park their vehicles in the street adjacent to their homes for periods in excess of the time limitation established for parking on such streets. The city engineer shall maintain within a register a Schedule XVI listing all streets or portions of streets that are designated for "Permit Parking on Certain Residential Streets with Time Limited Parking." (Ord. 2670, 1996; Ord. 1904 § 1, 1980).

#### **10.86.020 Permit parking in excess of time limitations.**

Any owner or tenant resident of property located on a residential street which has time-limited parking may obtain at no cost, by showing proof of residence and vehicle registration at said address, a permit from the city engineer which authorizes said vehicle to be parked on residential streets, as designated on said permit, where a time limitation has been imposed, in excess of said time limitation. (Ord. 2670, 1996; Ord. 2638 § 1, 1995; Ord. 1904 § 1, 1980).

#### **10.86.030 Citation of permit vehicles.**

Police officers or other persons charged with the duty of enforcement of traffic regulations in the city shall not issue citations to any vehicle displaying the authorized permit issued by the city engineer regardless of the length of time that said vehicle may be parked on any residential street on which a two-hour parking time limitation has been imposed; provided, however, such permits shall not authorize parking in excess of the 72-hour limitation as imposed by CVMC 10.52.100. (Ord. 2670, 1996; Ord. 1904 § 1, 1980).

**19.62.110 Limitation on areas to be used.**

No part of any front yard or exterior side yard (i.e., street side of a corner lot) shall be used for off-street parking or access, except as noted in CVMC 10.84.020 and 19.62.150, unless so authorized by the zoning administrator, pursuant to an approved site plan. (Ord. 2743 § 3, 1998; Ord. 2176 § 6, 1986; Ord. 1212 § 1, 1969; prior code § 33.801(F)(5)).

**19.62.120 Parking areas – Lighting arrangements.**

Lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining premises in any R zone. (Ord. 1212 § 1, 1969; prior code § 33.801(F)(6)).

**19.62.130 Waiver or modification of provisions permitted when.**

The commission may, by resolution, waive or modify the provisions as herein set forth, establishing required parking areas for such uses as electrical power generating plants, electrical transformer stations, utility or corporation storage yards or other uses requiring a very limited number of persons as compared to the number of persons required by the usual industry of comparable size expressed in square footage. (Ord. 1212 § 1, 1969; prior code § 33.801(G)).

**19.62.140 Off-street loading – Number and size of spaces to be maintained.**

A. For every building or part thereof having a gross floor area of 10,000 square feet or more, which is to be occupied by a commercial or industrial use requiring the receipt of distribution by vehicles of materials or merchandise, there shall be provided and maintained, on the same lot with such building, at least one off-street loading space plus one additional such loading space for each additional 40,000 square feet or major fraction thereof.

B. Each loading space shall be not less than 10 feet in width, 25 feet in length, and 14 feet in height clearance.

C. If such space occupies any part of any required yard or court spaces, it may not be located closer than 50 feet to any lot in any R zone, unless enclosed by a masonry wall not less than eight feet in height. (Ord. 1212 § 1, 1969; prior code § 33.802).

**19.62.150 Residential parking – Front setback restrictions – Generally.**

No required parking spaces or required maneuvering area may be located in the front or exterior setback area (except as noted in CVMC 10.84.020); the total combination of driveways and adjacent parking areas shall not occupy more than 50 percent of the front or exterior side yard. (Ord. 2176 § 6, 1986; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.803(A)).

**19.62.160 Residential parking – Front setback restrictions – Exceptions.**

In those cases where street improvements are at their ultimate width, the front setback area, for parking purposes, may be measured from the back of the sidewalk. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.803(B)).

**19.62.170 Residential parking – Two-car garage requirement – Intent and purpose.**

It is the intent of this section and CVMC 19.62.180 and 19.62.190 to require that all dwelling units in the A, R-E, R-1 and R-2 zones as well as single-family and two-family developments in the P-C zone shall have constructed on the same lot, as a necessary and essential accessory building to the residential use of said lot, a two-car enclosed garage containing a minimum of 400 square feet and minimum dimension of 20 feet. The purpose of said requirement is to provide adequate off-street parking so as to alleviate the congestion on residential streets and space for the necessary storage of materials in an enclosure. The enclosed garage is necessary to protect the general welfare of residential areas by preventing the establishment of parking spaces in an open parking lot situation inappropriate to residential development and the open and disorderly display of gardening equipment, tools, boxes and other materials which would be stored in enclosures to avoid an unsightly appearance. (Ord. 2151 § 1, 1986; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.803(C)(1)).

**19.62.180 Residential parking – Two-car garage requirement – Garage setbacks.**

Notwithstanding requirements contained in this chapter, minimum front yard shall be 22 feet from the inside edge of the sidewalk to the door of a garage or structure of a carport in the case of a driveway approximately perpendicular to the front property line. Any garage that has its access from

an alley shall be located 25 feet from the opposite side of the alley with a minimum setback of five feet from the alley. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.803(C)(2)).

**19.62.190 Residential parking – Procedure for conversion to living purposes – Approval required.**

Prior to the issuance of a building permit for the conversion of any existing garage or carport for living purposes, the property owner desiring such conversion shall be required to meet the following conditions:

A. A new enclosed two-car garage as set forth in CVMC 19.62.170 shall be provided to replace the garage or carport being converted. Tandem parking as provided in this chapter will not satisfy the parking requirements.

B. All plans for the conversions of existing garages or carports for living purposes, as well as plans for new garages, shall be submitted to the planning department for approval to insure that the conversion is compatible in design and materials with the existing dwelling. Plans for garage conversions shall show either:

1. The exterior of the garage unchanged; or
2. The exterior of the garage fully altered to match the existing house elevation in colors, materials and trim.

C. A filing fee as set forth in the master fee schedule shall accompany each application for a garage conversion. (Ord. 2151 § 2, 1986; Ord. 2011 § 1, 1982; Ord. 1669 § 1, 1976; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.803(C)(3)).

**19.62.200 Enforcement of this chapter.**

The planning and building director, code enforcement officers and other employees designated by the planning and building director shall have the authority to enforce this chapter in accordance with the procedures as set forth in Chapters 1.40 and 1.41 CVMC. Any violation of this chapter shall constitute an infraction, and the administrative citation provisions contained in Chapter 1.41 CVMC shall be applicable. (Ord. 2790, 1999; Ord. 2718 § 1, 1998; Ord. 2176 § 7, 1986).

**Chapter 19.64**

**NONCONFORMING USES**

Sections:

- 19.64.010 Declaration of policy.
- 19.64.020 Continuance of existing uses.
- 19.64.030 Completion of construction started prior to certain date.
- 19.64.040 Existing conditional uses to be considered nonconforming when.
- 19.64.050 Enlargement, extension or reconstruction prohibited – Exceptions.
- 19.64.060 Substitution or extension restrictions.
- 19.64.070 Cessation of use defined – Time limits.
- 19.64.080 Uses subject to mandatory discontinuance.
- 19.64.090 Timing of discontinuance – Generally.
- 19.64.110 Discontinuance of structures having certain replacement value required – Time limit.
- 19.64.120 Removal of other uses and structures required – Notification – Time limits.
- 19.64.130 Uses not conforming to performance standards – Time limit for conformance.
- 19.64.140 Uses without conditional use permit or subject to fence requirements – Time limit for conformance.
- 19.64.150 Nonresidential structures – Replacement restrictions.
- 19.64.155 Residential – Replacement permitted.
- 19.64.160 Modification of provisions permitted when.
- 19.64.170 Repair or alteration permitted when.
- 19.64.180 Uses not conforming to setback or height requirements – Alteration or enlargement permitted when.
- 19.64.190 Reconstruction permits.

**19.64.010 Declaration of policy.**

Many nonconforming uses within the city are detrimental to the orderly development of the city and adverse to the general welfare of persons and property, in that said nonconforming uses constitute a special benefit or monopoly. In conformance with good zoning practices, it is the policy of the city that nonconforming uses shall be eliminated as soon as it is economically feasible and equitable to do so. (Ord. 1212 § 1, 1969; prior code § 33.1101(A)).

more than 60 lots may use up to 10 such lots for model home purposes. Such temporary uses shall be made only in conjunction with the sale or rental of land or buildings within such subdivisions, and such use or uses shall terminate two years after the filing in the office of the county recorder of the final subdivision map thereon, or 60 days after the sale of the last house, whichever comes first. After the time limit has expired, all commercial activity shall cease and the temporary office building, if any, shall be converted to a conforming use or removed at the owner's expense. At the termination of such office use, all necessary alterations to convert the temporary office to residential use or removal of said building shall be made.

B. If alterations are needed in the initial conversion from a house to a temporary office, the following shall be done: a \$250.00 penal bond shall be filed with the city clerk to assure said work will be completed. Upon a recommendation from the director of planning and building or his authorized deputy, he shall approve or reject the final alteration work.

C. The zoning administrator shall determine the need for off-street parking, based on the location of model homes in relationship to adjoining subdivisions, the size of the subdivision, the character of the street, and the expected duration of model home area use. (Ord. 2790, 1999; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(32)).

#### 19.58.330 Trailers.

(See definition in CVMC 19.04.298.)

A. It is unlawful to use a camping trailer, motor home, camper, or travel trailer for living or sleeping purposes except when parked within a licensed recreational vehicle park or mobilehome park, as provided elsewhere in this title, or when used on a temporary basis not to exceed a period of seven days by guests or visitors of residents of the city and said vehicle is parked upon the property of the resident.

B. It is unlawful to use a trailer, excluding commercial coach units, as a business office in any zone; except, that a general contractor and/or property owner or lessee may obtain a temporary permit for the parking of one or more mobilehomes, motor homes, campers or travel trailers for watchmen, supervisory or other special personnel, or for use as a temporary office at or immediately adjoining a major construction site upon commencement of such construction. Any such permit shall be issued only by the director of planning and building of the

city after an application, in writing, is submitted by the general contractor specifying:

1. The number and type of such vehicles;
2. The reasons their presence is necessary at the site at times other than normal work hours;
3. The period for which the permit is sought;
4. The vehicles for which a permit was issued shall be removed from the premises 10 days after final inspection.

C. Commercial coach units may be utilized for a maximum of 25 percent of the total industrial and/or commercial floor area available to a particular use; provided, that if visible from a public street or from adjoining properties, the coach units shall be made architecturally compatible with and complementary to the balance of the structures on the same and adjacent sites.

D. Commercial coach units may be utilized as temporary building space in conjunction with public or quasi-public uses located in residential zones, and in conjunction with public, quasi-public, and private uses, such as banks, insurance offices, savings and loan institutions, public utility offices, and similar public-service-based uses in commercial and industrial zones; provided, that a conditional use permit is procured for each commercial coach so utilized. All conditional use permits granted for the utilization of commercial coaches as temporary building space shall be limited to a period of not more than two years; provided, however, that the permittee may apply to the planning commission for an extension of time, which the commission may grant for a maximum of one additional year.

E. A mobilehome, certified under the National Mobile Home Construction and Safety Standards Act of 1974 (USC Section 5401, et seq.), may be placed on a permanent foundation on a private lot in the A and R-1 zones and on lots designated for single-family detached dwelling units in the P-C zone; provided, that:

1. It may be occupied only as a residential use;
2. All development standards of the underlying zone pertaining to conventional single-family development are complied with; and
3. The foundation is in compliance with all applicable building regulations. (Ord. 2790, 1999; Ord. 1941 § 1, 1981; Ord. 1711 § 2, 1976; Ord. 1518 § 1, 1974; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(33)).

#### 19.58.340 Recycling and solid waste storage.

A. All subdivisions or any new construction requiring a building permit and costing more than



- 19.58.270 Retail sales for guests only.
- 19.58.280 Service stations.
- 19.58.290 Shooting clubs.
- 19.58.310 Stables and corrals.
- 19.58.320 Tract office, temporary.
- 19.58.330 Trailers.
- 19.58.340 Recycling and solid waste storage.
- 19.58.345 Recycling collection centers.
- 19.58.350 Commercially zoned double frontage lots.
- 19.58.360 Zoning wall or fence.
- 19.58.370 Outside sales and display – Permanent and temporary.
- 19.58.380 Special events.
- 19.58.390 Senior housing development.
- 19.58.400 Recreational vehicle storage yards.
- 19.58.410 Prohibition of flashing lights.
- 19.58.420 Water distribution facilities.

#### 19.58.010 Purpose of provisions.

The purpose of these special provisions is to establish clear and definite terms and conditions governing the development of certain uses, possessing unique characteristics or problems, which will enable diverse uses to be accommodated harmoniously within the City, and to provide uniform standards and guidelines for such development. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(A)).

#### 19.58.020 Accessory buildings.

A. An accessory building may be erected detached from the principal building or, except when a stable, may be erected as an integral part of the principal building or it may be attached thereto by a breezeway or similar structure.

B. Any accessory building attached to the main building shall be made structurally a part of the main building and shall comply in all respects with the requirements of this title applicable to the main building. Unless attached, an accessory building in an R zone shall be at least six feet from any dwelling existing or under construction on the same lot or any adjacent lot. Except in the R-3-T zone, the following shall apply:

1. No building may occupy any portion of a required yard; except, that a detached garage or carport, covered patio enclosed on not more than two sides, or other accessory one-story building may disregard any rear or side yard requirements if located in the rear 30 percent of the lot, or back of the front 70 feet of the lot;

2. An accessory building or covered patio located 70 feet or less from the front property line

shall have the same side yard as that required for the main building, regardless of whether said accessory building is detached from the main building;

3. A covered patio, detached garage or carport, or other accessory one-story building, may cover an area not to exceed 30 percent, except as allowed for parking structures in multiple-family zones (see CVMC 19.28.100), of the area of any required rear yard; except, that no accessory building in a rear yard shall be required to have less than 400 square feet;

4. A covered patio or detached accessory building located in the rear 30 percent of the lot, or back of the front 70 feet of the lot, shall be located either on a property line or not less than three feet from such line.

C. All accessory buildings shall be considered in the calculation of lot coverage; garden shelters, greenhouses, storage shelters and covered patios shall be permitted as accessory buildings; provided, that these uses are not equipped for use as living quarters.

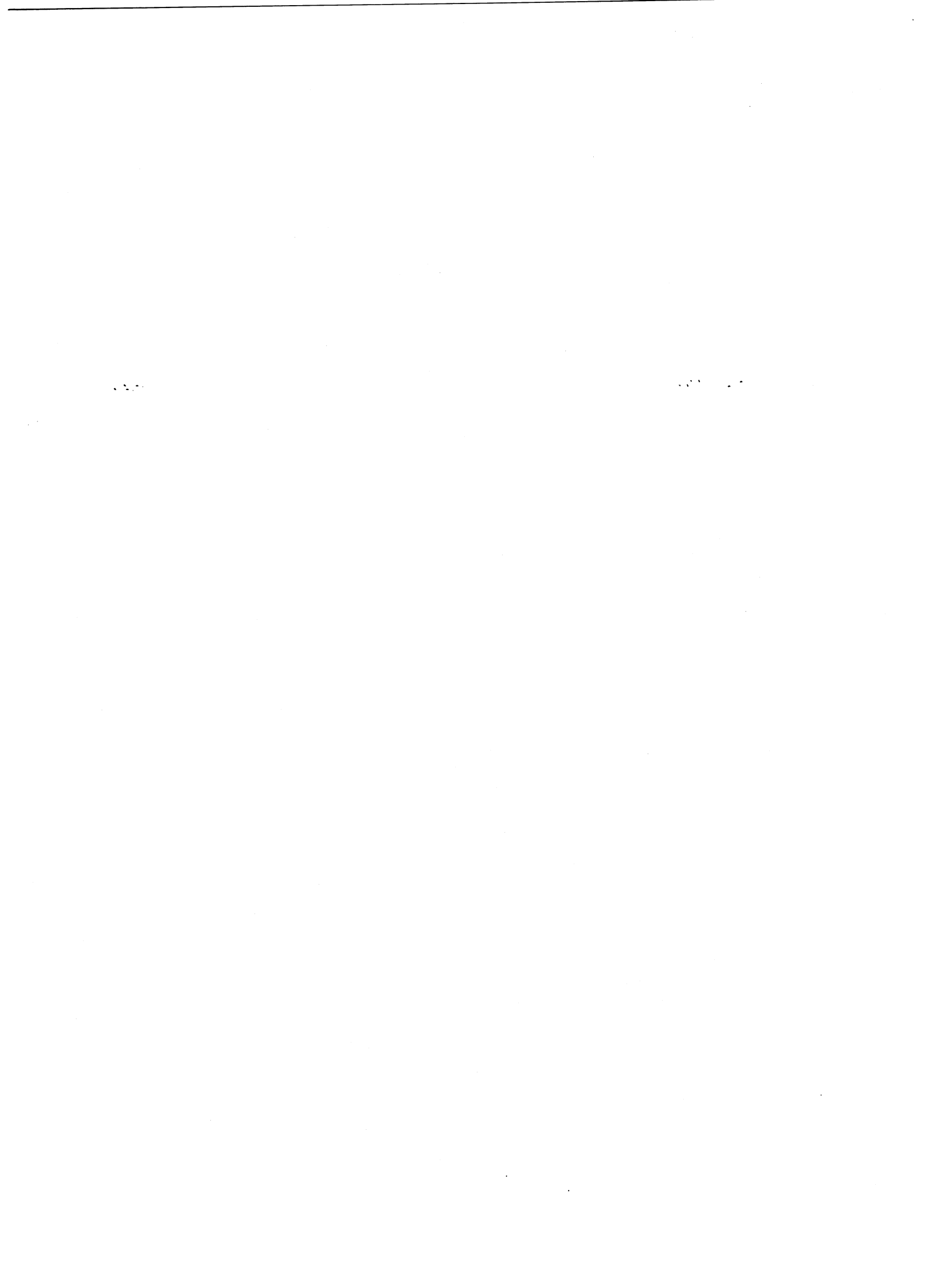
D. Guest house accessory buildings shall not be closer than 10 feet to the nearest point of the main building. (Ord. 2145 § 2, 1986; Ord. 2124 § 7, 1985; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(1)).

#### 19.58.022 Accessory second dwelling units.

A. The purpose of this section is to provide regulations for the establishment of accessory second dwelling units in compliance with California Government Code Section 65852.2. Said units may be located in residential zone districts where adequate public facilities and services are available, and impacts upon the residential neighborhood directly affected would be minimized. Accessory second dwelling units are a potential source of affordable housing and shall not be considered in any calculation of allowable density of the lot upon which they are located, and shall also be deemed consistent with the General Plan and zoning designation of the lot as provided. Accessory second dwelling units shall not be considered a separate dwelling unit for the purpose of subdividing the property into individual condominium or lot ownership.

B. For the purposes of this section, the following words are defined:

“Above” as used in this section means an accessory second dwelling unit that is attached and built over a primary residence including an attached garage.



6. The initial term of a certified farmers' market use permit shall be for a period not to exceed one year. Any extension or renewal of said use permit must be heard and acted upon by the city council, unless the city council expressly delegates such authority to the planning commission.

D. Parking. A certified farmers' market shall provide customer parking at a ratio of one space per 200 square feet of the maximum shopping area proposed. The term "shopping area" includes the area occupied by produce stands, vendor storage, walkways and aisles. If adequate parking is not available on-site, the operator shall provide off-site parking within 300 feet of the market area as measured along permanently available pedestrian routes. Said off-site parking shall be clearly identified as parking for the farmers' market, including signs at the market directing patrons to the off-site parking location.

E. If a certified farmers' market is located in a residential zone, it must be on property used primarily for public or quasi-public uses.

F. Any other conditions of approval set forth in the conditional use permit. (Ord. 2958 § 2, 2004).

#### **19.58.150 Fences, walls and hedges.**

A fence, wall or hedge subject to the provisions of CVMC 12.12.120 and 12.12.130, not more than three and one-half feet in height, may be maintained and located on any part of a lot. Those in excess of three and one-half feet may be located as follows:

A. A fence, wall or hedge not more than six feet in height may be maintained and located on any part of an interior or corner lot, to the rear of the required front and exterior side yard setbacks.

B. In any residential zone, a fence, wall or hedge, not more than six feet in height, may be maintained and located within a required exterior side yard subject to approval of the zoning administrator, who shall consider adjacent driveways, traffic hazards and topographic differences. A masonry wall shall consist of decorative features and a fence shall be interspersed with masonry pilasters, a maximum of 15 feet apart to insure a pleasing and aesthetic effect to the adjacent areas. Landscaping shall be required between the wall, fence, or hedge and the sidewalk if said wall, fence or hedge is not located at the edge of a sidewalk.

C. Portions of fences or walls over six feet in height, to enclose tennis courts or other game areas, and located where six-foot fences are otherwise permitted, shall be composed of wire mesh capable of admitting at least 90 percent of available

light as measured on a light meter. Such fences over six feet in height may be permitted subject to approval of the zoning administrator based on a finding that such fences will not constitute a nuisance to abutting property.

D. In any commercial or industrial zone, fences, walls or hedges may be allowed or required to a maximum height of nine feet if it is determined by the zoning administrator that said increase in height is necessary to protect the public health, safety or general welfare and would have no detrimental effect upon the surrounding neighborhood. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(14)).

#### **19.58.160 Fertilizer plants and yards.**

Fertilizer plants and yards shall be no closer than 200 feet to any residential district; shall provide automobile parking and truck loading areas, together with ingress and egress so designed as to minimize traffic hazard and congestion; and shall show that odor, dust, noise and drainage will not constitute a nuisance to surrounding properties. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(15)).

#### **19.58.170 Golf driving ranges.**

Golf driving ranges shall be located only on major or secondary thoroughfares except when incidental to a golf course. Floodlights used to illuminate the premises shall be so directed and shielded as not to be an annoyance to any developed residential property. The golf driving platform shall be not less than 200 feet from any adjacent R zone. The driving area shall be planted with grass, equipped with a sprinkler system, and maintained in good condition at all times. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(16)).

#### **19.58.175 Hay and feed stores.**

Retail hay and feed stores in A – agricultural zone shall conform to the following:

A. Whenever a hay and feed store is located within 100 feet of any residence not on the same lot as the store, storage of hay and feed shall be totally enclosed within the building(s) and properly ventilated.

B. Storage of readily combustible materials which exceed a volume of 2,500 cubic feet shall be permitted only upon approval by the fire marshal.

C. At the time of filing an application for a conditional use permit, the applicant shall show that odor and dust will not constitute a nuisance or haz-





**Chapter 15.08****BUILDING CODE\***

## Sections:

- 15.08.010 California Building Code, 2001 Edition adopted by reference.
- 15.08.020 Subsection 104.2.1 – General – Amended to designate assistant director of the building division as building official.
- 15.08.030 Subsection 105.1 – Board of appeals and advisors amended to confer suitability of alternate materials jurisdiction on board of appeals.
- 15.08.040 Exempted work – Subsection 106.2 is amended to delete exemptions for certain types of construction from the requirement to obtain a building permit.
- 15.08.041 Subsection 107.2 amended – Permit fees.
- 15.08.045 Subsection 107.3 amended – Plan review fees.
- 15.08.050 *Repealed.*
- 15.08.060 Subsection 108.1.2 added to Section 108.1 to authorize compliance survey inspections.
- 15.08.070 Subsection 709.4.1 amended to add an exception to the requirement for parapets.
- 15.08.080 Subsection 904.2.1 amended to require installation of automatic fire-extinguishing system in buildings greater than certain height.
- 15.08.090 Section 1503 amended to provide for more restrictive roof coverings.
- 15.08.100 Subsection 1511.5 added to Section 1511 to require equipment enclosures on roofs.

\* For statutory provisions regarding the authority of cities to regulate the building, construction and removal of buildings within the city, see Gov. Code § 38601; for other provisions of the State Housing Act, see Health and Safety Code § 17910, et seq.

Prior legislation: Prior code §§ 8.1 and 8.3; Ords. 778, 1315, 1570, 1727, 1770, 1901, 2027, 2155, 2341, 2439, 2506, 2507, 2639 and 2644.

**15.08.010 California Building Code, 2001 Edition adopted by reference.**

There is hereby adopted by reference the California Building Code, known as the California

Code of Regulations Title 24, Part 2, and Appendix Chapter 3, Division II; Appendix Chapter 15; Appendix Chapter 31, Division II and Division III of that certain document as copyrighted by the International Conference of Building Officials and the California Building Standards Commission. Chapter 11, Accessibility, is hereby exempted. Said document is hereby adopted as the building code of the city of Chula Vista for regulating the erection, construction, enlargement, alteration, repair, moving, demolition, conversion, occupancy, use, height, and area of all buildings and structures in the city, and providing for the issuance of permits and collection of fees therefor, and each and all such regulations, provisions, penalties, conditions and terms of the California Building Code, 2001 Edition, and Appendix Chapter 3, Division II; Appendix Chapter 15; Appendix Chapter 31, Division II and Division III are hereby referred to, adopted, and made a part hereof as though fully set forth herein, excepting such portions as are hereinafter deleted, modified, or amended. (Ord. 2872 § 1, 2002; Ord. 2780-B § 1, 1999).

**15.08.020 Subsection 104.2.1 – General – Amended to designate assistant director of the building division as building official.**

Subsection 104.2.1 of the California Building Code, as it applies in the city of Chula Vista, is hereby amended to read as follows:

Subsection 104.2.1 General. The Building Official is hereby authorized and directed to enforce all the provisions of this code. For such purposes the Building Official shall have the powers of a law enforcement officer.

The Building Official shall have the power to render interpretations of this code and to adopt and enforce rules and regulations supplemental to this code as may be deemed necessary in order to clarify the application of the provisions of this code. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this code. The Building Official shall be the Assistant Director of the Building Division.

(Ord. 2872 § 1, 2002; Ord. 2780-B § 1, 1999).



**15.08.030 Subsection 105.1 – Board of appeals and advisors amended to confer suitability of alternate materials jurisdiction on board of appeals.**

Subsection 105.1 of the California Building Code, as it applies in the city of Chula Vista, is hereby amended to read as follows:

Section 105.1 Board of Appeals and Advisors. To determine the suitability of alternate materials, methods of construction and to provide for reasonable interpretation of the provisions of this code, there shall be and is hereby created a Board of Appeals and Advisors consisting of seven members who are qualified by experience and training to pass upon matters pertaining to building construction. The Building Official shall be an ex-officio member who shall not be entitled to vote and who shall act as secretary to the Board. The Board of Appeals and Advisors shall be appointed by the Mayor and confirmed by the City Council. The Board shall render all decisions and findings in writing to the Building Official with a duplicate copy to the appellant. The decision of the Board is final. The Board of Appeals and Advisors shall recommend to the City Council such new legislation deemed necessary to govern construction in the City of Chula Vista.

(Ord. 2872 § 1, 2002; Ord. 2780-B § 1, 1999).

**15.08.040 Exempted work – Subsection 106.2 is amended to delete exemptions for certain types of construction from the requirement to obtain a building permit.**

Subsection 106.2 of the California Building Code, as it applies in Chula Vista, shall read as follows:

Subsection 106.2 EXEMPTED WORK. No person, firm, or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure in the city of Chula Vista or cause the same to be done without first obtaining a separate building permit for each such building or structure from the Building Official except as follows:

A. Fences up to seventy-two inches and freestanding masonry walls up to forty-eight inches in height above the highest adjacent grade.

B. Detached patio covers, not exceeding twelve feet in height, with a projected roof area not to exceed one hundred forty-four square feet and at least six feet from any building or structure on the same property.

C. One-story detached accessory buildings, not exceeding twelve feet in height used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed one hundred forty-four square feet and are located so as to comply with the provisions of Chula Vista Municipal Code, Section 19.58.020.

D. Oil derricks.

E. Movable cases, counters, and partitions not over five feet, nine inches in height.

F. Retaining walls which are not over three feet in height measured from the top of the footing to the top of the wall, unless supporting a surcharge or impounding flammable liquids.

G. Television and radio antennas less than thirty-five feet in height.

H. Awnings projecting not more than fifty-four inches and attached to, and supported by, the exterior walls of buildings of Group R-3, Division 3 or U Occupancy.

I. Platforms, walks and driveways not more than thirty inches above grade and not over any basement or story below.

J. Temporary motion picture, television and theater stage sets and scenery.

K. Prefabricated swimming pools accessory to a Group R, Division 3 Occupancy in which the pool walls are entirely above the adjacent grade and if the capacity does not exceed five thousand gallons.

L. Fish ponds, reflective pools or other decorative water containers with a wet sur-

face area of one hundred square feet or less and a maximum depth of eighteen inches to the flood rim.

M. Repairs which involve only the replacement of component parts of existing work with similar materials for the purpose of maintenance, and which do not aggregate over \$500.00 in valuation in any twelve-month period, and do not affect any electrical, plumbing or mechanical installations. Repairs exempt from permit requirements shall not include any addition, change, or modification in construction, exit facilities, or permanent fixtures or equipment.

Specifically exempted from permit requirements without limit to valuation are:

1. Painting, papering, decorating and similar work.
2. Installation of floor covering.
3. Cabinet work.
4. Outside paving of R-3 and U Occupancies parking surfaces. (CCR Title 24 Disabled Access Required.)
5. Re-roofing buildings of Group R and U Occupancies of less than five hundred square feet or less than fifty percent of roof covering replacement.

This section shall not be construed to require separate building permits for dwellings and accessory buildings or structures on the same property which are described in the building permit application, plot plan and other drawings.

Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of the city of Chula Vista.

(Ord. 2872 § 1, 2002; Ord. 2780-B § 1, 1999).

**15.08.041 Subsection 107.2 amended – Permit fees.**

Subsection 107.2 of the California Building Code is amended to read as follows:

Subsection 107.2 Permit Fees. Permit fees shall be as specified in the Master Fee Schedule of the City of Chula Vista.

(Ord. 2872 § 1, 2002).

**15.08.045 Subsection 107.3 amended – Plan review fees.**

Subsection 107.3 of the California Building Code is amended to read as follows:

Subsection 107.3 Plan Review Fees. When a plan or other data are required to be submitted by Subsection 106.3.2, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review shall be as specified in the Master Fee Schedule.

(Ord. 2872 § 1, 2002; Ord. 2831-A § 4, 2001).

**15.08.050 Section 107 amended by adding subsection 107.7, Exceptions, waiving fees for government entities, and subsection 107.8, Retention of plans, to charge fees not contained in the UBC.**

*Repealed by Ord. 2872 § 1, 2002.* (Ord. 2780-B § 1, 1999).

**15.08.060 Subsection 108.1.2 added to Section 108.1 to authorize compliance survey inspections.**

Subsection 108.1.2 is hereby added to Section 108.1 of the California Building Code, as it applies in Chula Vista, and said subsection shall read as follows:

Subsection 108.1.2 Compliance Survey Inspection. Upon receipt of a written request for a compliance survey from the owner and payment of the fee specified in the Master Fee Schedule, the Building Official may inspect an existing structure to ascertain its compliance with the provisions of this code and other applicable

hereby created a board of appeals consisting of members who are qualified by experience and training to pass on matters pertaining to building construction and who are not employees of the jurisdiction. The building official shall be an ex officio member of and shall act as secretary to said board but shall have no vote on any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

105.1.1 [For SFM] Right to Appeal. For clarification purposes, the applicable subsection of the Health and Safety Code section is repeated.

Section 18945. (a) Any person adversely affected by any regulation, rules, omission, interpretation, decision or practice of any state agency, respecting the administration of any building standard may appeal the issue for resolution to the Commission.

(b) If any local agency having authority to enforce a state building standard and any person adversely affected by any regulation, rule, omission, interpretation, decision or practice of such agency respecting such building standard both wish to appeal the issue for resolution to the commission, then both parties may appeal to the commission. The commission may accept such appeal only if the commission determines that the issues involved in such appeal have statewide significance.

105.2 Limitations of Authority. The board of appeals shall have no authority relative to interpretation of the administrative provisions of this code nor shall the board be empowered to waive requirements of this code.

SECTION 106 — PERMITS

106.1 Permits Required. Except as specified in Section 106.2, no building or structure regulated by this code shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate permit for each building or structure has first been obtained from the building official.

106.2 Work Exempt from Permit. A building permit shall not be required for the following:

1. One-story detached accessory buildings used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet (11.15 m<sup>2</sup>).
2. Fences not over 6 feet (1829 mm) high.
3. Oil derricks.
4. Movable cases, counters and partitions not over 5 feet 9 inches (1753 mm) high.
5. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.
6. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18 927 L) and the ratio of height to diameter or width does not exceed 2:1.
7. Platforms, walks and driveways not more than 30 inches (762 mm) above grade and not over any basement or story below.
8. Painting, papering and similar finish work.
9. Temporary motion picture, television and theater stage sets and scenery.

10. Window awnings supported by an exterior wall of Group R, Division 3, and Group U Occupancies when projecting not more than 54 inches (1372 mm).

11. Prefabricated swimming pools accessory to a Group R, Division 3 Occupancy in which the pool walls are entirely above the adjacent grade and if the capacity does not exceed 5,000 gallons (18 927 L).

12. [For SFM] State-owned buildings under the jurisdiction of the state fire marshal.

Unless otherwise exempted, separate plumbing, electrical and mechanical permits will be required for the above-exempted items.

Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

106.3 Application for Permit.

106.3.1 Application. To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the code enforcement agency for that purpose. Every such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use or occupancy for which the proposed work is intended.
4. Be accompanied by plans, diagrams, computations and specifications and other data as required in Section 106.3.2.
5. State the valuation of any new building or structure or any addition, remodeling or alteration to an existing building.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such other data and information as may be required by the building official.

106.3.2 Submittal documents. Plans, specifications, engineering calculations, diagrams, soil investigation reports, special inspection and structural observation programs and other data shall constitute the submittal documents and shall be submitted in one or more sets with each application for a permit. When such plans are not prepared by an architect or engineer, the building official may require the applicant submitting such plans or other data to demonstrate that state law does not require that the plans be prepared by a licensed architect or engineer. The building official may require plans, computations and specifications to be prepared and designed by an engineer or architect licensed by the state to practice as such even if not required by state law.

EXCEPTION: The building official may waive the submission of plans, calculations, construction inspection requirements and other data if it is found that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this code.

106.3.3 Information on plans and specifications. Plans and specifications shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and all relevant laws, ordinances, rules and regulations.

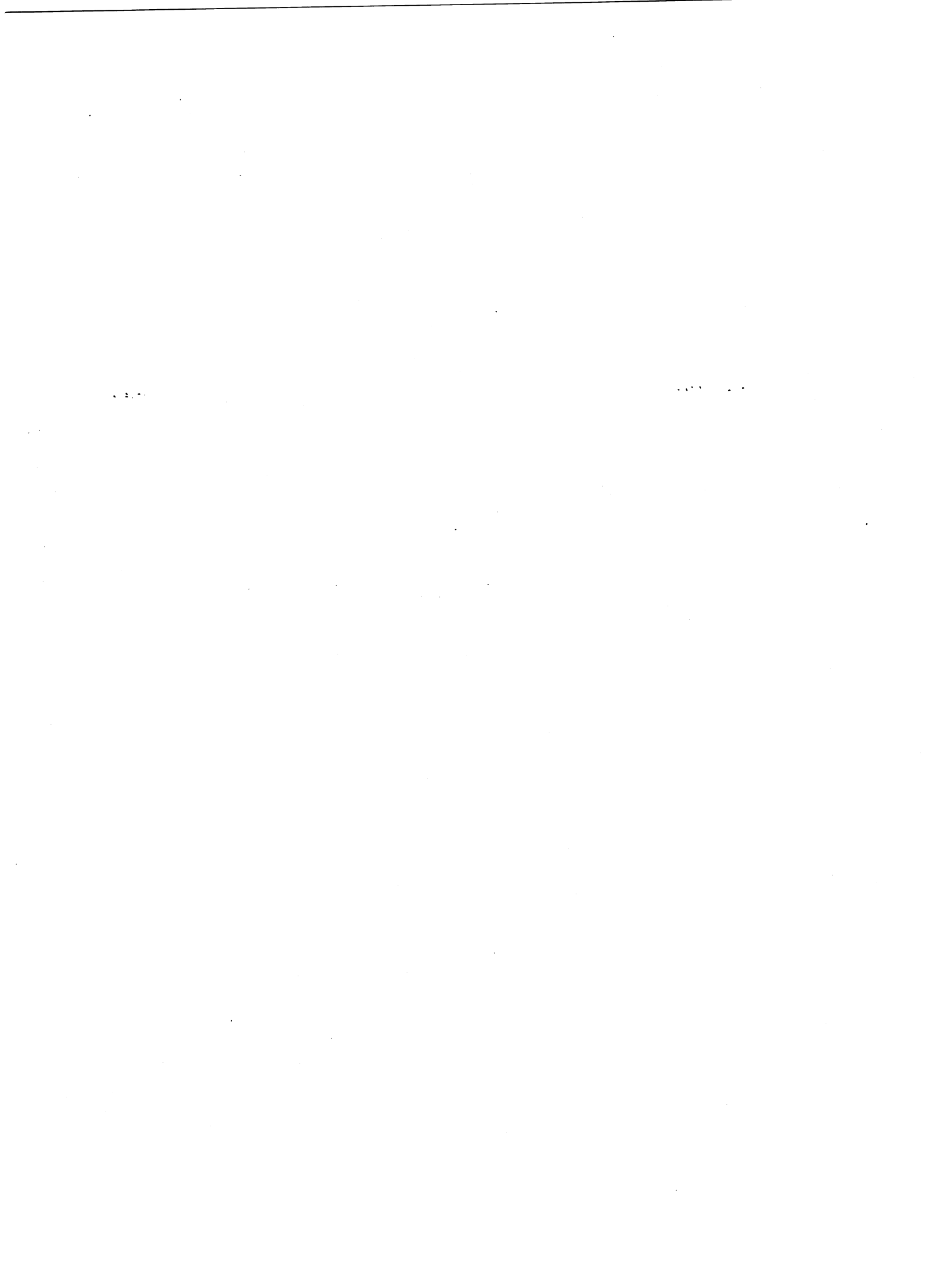
Plans for buildings of other than Group R, Division 3 and Group U Occupancies shall indicate how required structural and fire-

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There shall be a final inspection and approval of all buildings and structures when completed and ready for occupancy and use.

108.5 Required Inspections.

**108.5.1 [For HCD 1] General.** Reinforcing steel or structural framework of any part of any building or structure shall not be covered or concealed without first obtaining the approval of the building official.

Protection of joints and penetrations in fire-resistive assemblies shall not be concealed from view until inspected and approved.

The enforcing agency, upon notification, shall make the inspections prescribed by Sections 108.5.2, 108.5.3, 108.5.4, 108.5.5, 108.5.6 and 108.6.

**108.5.2 [For HCD 1] Foundation inspection.** Inspection shall be made after excavations for footings is complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. All materials for the foundation shall be on the job site; however, where concrete is ready mixed in accordance with approved nationally recognized standards, the concrete need not be on the job site. Where the foundation is to be constructed of approved treated wood, additional inspections may be required by the building official.

**108.5.3 [For HCD 1] Concrete slab or under-floor inspection.** Inspection shall be made after all in-slab or under-floor reinforcing steel building service equipment, conduit, piping accessories and other ancillary equipment items are installed, but before any concrete is placed or floor sheathing installed, including the sub-floor.

**108.5.4 [For HCD 1] Frame inspection.** Inspection shall be made after the roof, roof deck or sheathing, all framing, fire blocking and bracing are in place and all conduits, plumbing pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, and heating wires, conduits, plumbing pipes and ducts are approved.

**108.5.5 [For HCD 1] Lath or gypsum board inspection.** Inspection shall be made after all lathing and gypsum board, interior and exterior, are in place, but before any plastering is applied or before gypsum board joints and fasteners are taped and finished.

**108.5.6 [For HCD 1] Final inspection.** Inspection shall be made after finish grading and the building is completed and ready for occupancy.

**108.6 Special Inspections.** For special inspections, see Chapter 17.

**108.7 Other Inspections.** In addition to the called inspections specified above, the building official may make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws which are enforced by the code enforcement agency.

**108.8 Reinspections.** A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

This section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection.

Reinspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the

approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the building official.

To obtain a reinspection, the applicant shall file an application therefor in writing on a form furnished for that purpose and pay the reinspection fee in accordance with Table 1-A or as set forth in the fee schedule adopted by the jurisdiction.

In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

SECTION 109 — CERTIFICATE OF OCCUPANCY

**109.1 Use and Occupancy.** No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefor as provided herein.

EXCEPTION: Group R, Division 3 and Group U Occupancies.

Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid.

**109.2 Change in Use.** Changes in the character or use of a building shall not be made except as specified in Section 3405 of this code.

**109.3 Certificate Issued.** After the building official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the code enforcement agency, the building official shall issue a certificate of occupancy that shall contain the following:

1. The building permit number.
2. The address of the building.
3. The name and address of the owner.
4. A description of that portion of the building for which the certificate is issued.
5. A statement that the described portion of the building has been inspected for compliance with the requirements of this code for the group and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the building official.

**109.4 Temporary Certificate.** If the building official finds that no substantial hazard will result from occupancy of any building or portion thereof before the same is completed, a temporary certificate of occupancy may be issued for the use of a portion or portions of a building or structure prior to the completion of the entire building or structure.

**109.5 Posting.** The certificate of occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the building official.

**109.6 Revocation.** The building official may, in writing, suspend or revoke a certificate of occupancy issued under the provisions of this code whenever the certificate is issued in error, or on the basis of incorrect information supplied, or when it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

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, dressmaking, 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-