

ORDINANCE NO. 1212

AN ORDINANCE OF THE CITY OF CHULA VISTA, CALIFORNIA, AMENDING CHAPTER 33 OF THE CHULA VISTA CITY CODE, ADOPTING PLANNING PROCEDURES AND CONCEPTS; ESTABLISHING LAND USE DISTRICTS OR ZONES, REGULATING THE USES OF LAND AND BUILDINGS, THE HEIGHT OF BUILDINGS, AND OPEN SPACES ABOUT BUILDINGS; REQUIRING PERMITS FOR CERTAIN BUILDINGS AND USES; DEFINING TERMS USED HEREIN; AND SPECIFYING THE PROCEDURE FOR THE AMENDMENT AND ADMINISTRATION, AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ANY OF THE PROVISIONS HEREOF; AND REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH

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

SECTION I: That Chapter 33 of the Chula Vista City Code be, and the same is hereby amended to be and to read as follows:

CHAPTER 33. ZONING.

ARTICLE 1. GENERAL.Sec. 33.101. Objectives of the Zoning Ordinance.

The comprehensive Zoning Ordinance is adopted to protect and promote the public health, safety, morals, peace, comfort, convenience, prosperity and general welfare. It is intended to implement the General Plan of the City of Chula Vista adopted by Resolution No. 3519 on September 22, 1964, and as amended.

Sec. 33.102. Nature of Zoning Ordinance.

The comprehensive Zoning Ordinance shall consist of a zoning map, described in Article 4, designating certain districts; regulations controlling the uses of land, the density of population, the uses and locations of structures, the height and bulk of structures, the open space about structures, the appearance of certain uses and structures, the areas and dimensions of sites, the location, size and illumination of signs, and requirements providing for off-street parking and off-street loading facilities.

Sec. 33.103. Principles of Zoning Ordinance.

This Zoning Ordinance has been adopted in accordance with the following principles:

1. This Ordinance is based on the Chula Vista General Plan as to the general pattern of future land uses, population densities, and other principles for future land development contained in said Plan. Amendments to this Ordinance are to be in general accordance with said Plan.
2. This Ordinance recognizes the need of all uses to be protected from other uses which are unrelated or incompatible. Each district is exclusive with respect to every other zoning district and industrial districts are protected from encroachment by residential uses as firmly as residential districts are protected from industrial encroachment.

3. This Ordinance recognizes the importance to the public welfare of order and beauty in the appearance of Chula Vista, implemented through provisions for the review of the appearance of many structures and buildings, and by provisions for site plan review and landscaping. Such provisions are intended to provide the minimum amount of regulation necessary to encourage orderliness of appearance.

4. Site area, yard, off-street parking and other standards in this Ordinance are based on the best accepted contemporary practices, and variance from the strict application of standards is available when individual hardship would otherwise occur.

5. For large-scale projects, an approved community plan or unit site plan may be substituted for strict compliance with otherwise applicable standard district regulations.

6. Uses which would adversely affect adjoining uses or the public welfare, unless designed in a particular way or permitted only in certain locations, or which cannot be readily placed in a particular zoning classification are allowed only as "conditional uses", subject to the authority of the Planning Commission.

7. Industrial uses are subject to control by performance standards, to enable potential nuisances to be measured factually and objectively and to protect any industry from arbitrary exclusion or persecution based solely on past characteristics of such industries.

Sec. 33.104. Interpretation and Application.

In interpreting and applying the provisions of this Ordinance, the Department and Commission shall construe said provisions to be minimum requirements. Where this Ordinance imposes a greater restriction than is imposed or required by other rules or regulations or ordinances, the provisions of this Ordinance shall control.

ARTICLE 2. PLANNING.Sec. 33.201. General Plans.

Section 65300 through 65360 of the Government Code of the State of California relating to the authority for and scope of general plans, the adoption of general plans, and the administration of general plans are hereby adopted and incorporated herein by reference as though set forth in full.

Sec. 33.202. Specific Plans; Authority for and Scope of Specific Plans.

The planning agency may, or if so directed by the legislative body shall, prepare specific plans based on the General Plan and drafts of such regulations, programs, and legislation as may, in its judgment, be required for the systematic execution of the General Plan and the planning agency may recommend such plans and measures to the legislative body for adoption.

Such specific plans may include:

1. Regulations limiting the location of buildings and other improvements with respect to existing or planned rights-of-way.

2. Regulations of the use of land and buildings, the height and bulk of buildings, and the open spaces about buildings.

3. Street and highway naming and numbering plans in order to establish the official names of streets and highways, to remove conflicts, duplication and uncertainty among such names, and to provide an orderly system for the numbering of buildings and properties.

4. Such other matters which will accomplish the purposes of this chapter, including procedure for the administration of such regulations.

5. Such other measures as may be required to insure the execution of the General Plan.

Sec. 33.203. Specific Plans; Procedure for Adoption.

Before recommending to the City Council that they adopt a specific plan or regulation or any amendment to any specific plan or regulation, the Planning Commission shall hold at least one public hearing. Notice of the time and place of said public hearing shall be given in the manner provided herein for notice of public hearings before the Planning Commission. Any hearing may be continued from time to time. The recommendation of any specific plan or regulation, or of any amendment to a specific plan or regulation, shall be by resolution of the Planning Commission carried by the affirmative votes of not less than a majority of its total voting members. A copy of any specific plan, regulation or amendment recommended pursuant to this article shall be submitted to the legislative body and shall be accompanied by a statement of the Planning Commission's reasons for such recommendation.

Sec. 33.204. Adoption by the City Council.

Upon receipt of a copy of any proposed specific plan or regulation or amendment to such plan or regulation, the City Council may, by resolution, adopt the plan or regulation. Before adopting the specific plan or regulation, the Council shall hold at least one public hearing giving notice ~~and~~ ~~office~~ in the manner provided in this chapter.

The legislative body shall not make any change or addition in any proposed specific plan, regulation or amendment thereto recommended by the Planning Commission until the proposed change or addition has been referred to the Planning Commission for a report and a copy of the report has been filed with the legislative body. Failure of the Planning Commission to report within twenty-eight (28) days after the reference or such longer period as may be designated by the legislative body, shall be deemed to be approval of the proposed change or addition. It shall not be necessary for the Planning Commission to hold a public hearing on such proposed change or addition.

Sec. 33.205. Administration of Specific Plans.

The City Council may determine and establish administrative rules and procedures for the application and enforcement of specific plans and regulations and may assign or delegate such administrative functions, powers, and duties to the planning or other agency as may be necessary or desirable.

No street shall be improved and no sewers or connections or other improvement shall be laid or authorized in any street within any territory for which the City Council has adopted a specific street or highway plan until the matter has been referred to the Planning Commission for a report as to conformity with such specific street or highway plan and a copy of the report has been filed with the City Council unless one of the following conditions applies:

1. The street has been accepted, opened, or has otherwise received the legal status of a public street prior to the adoption of the plan.
2. It corresponds with streets shown on the plan.
3. It corresponds with streets shown on a subdivision map or record of survey approved by the City Council.
4. It corresponds with streets shown on a subdivision map previously approved by the Planning Commission.

Such report shall be submitted to the City Council within twenty-eight (28) days after the matter was referred to the Planning Commission.

§ 33.301

CHULA VISTA CITY CODE

§ 33.302

ARTICLE 3.

ESTABLISHMENT AND DESIGNATION OF ZONES.

Sec. 33.301.

Zones Established.

The several zones hereby established and into which the City of Chula Vista is divided are designated as follows:

- A Agricultural Zone
- R-E Residential Estates Zone
- R-1 Single-Family Residence Zone
- R-2 One and Two-Family Residence Zone
- R-3 Apartment Residential Zone
- C-O Administrative and Professional Office Zone
- C-B Central Business Zone
- C-N Local Shopping Zone
- C-C Central Commercial Zone
- C-V Visitor Commercial Zone
- C-T Thoroughfare Commercial Zone
- I-R Research Industrial Zone
- I General Industrial Zone
- P-C Planned Community Zone
- F-1 Floodway Zone
- T Tidelands Zone
- Unclassified Uses

Sec. 33.302.

Modifying Districts.

The Districts set forth below are termed modifying districts. The regulations of each such district shall apply

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in lieu of or in addition to the regulations of the basic district listed in Section 33.301 with which the modifying district is combined:

- D Design Control Modifying District
- S Height of Buildings (stories) Modifying District
- P Precise Plan Modifying District
- F Floodway Modifying District

Sec. 33.303. Annexed Territory.

All territory hereafter annexed to the City of Chula Vista shall be classified as a part of that zoning district of the City of Chula Vista 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.

Sec. 33.304. General Regulations.

Except as otherwise provided:

1. 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.

2. 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.

3. 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.

4. No yard or other open space provided about any building for the purpose of complying with the provisions of this Ordinance 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 a building on any other building site.

§ 33.401

CHULA VISTA CITY CODE

§ 33.402

ARTICLE IV. ZONING MAPS.

Sec. 33.401. Zoning Maps.

This article consists of the Zoning Map or Maps of the City of Chula Vista, California. Said map or maps, properly attested, shall be and remain on file in the Office of the Chula Vista Planning Commission. The designations, locations, and boundaries of the districts set forth in Article 3 shall be shown on the Zoning Map or Maps of the City of Chula Vista, California. 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 Ordinance.

Sec. 33.402. Map 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:

1. *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.

2. *Determination by Commission.* Where uncertainty exists, the Commission shall, by written decision, determine the location of the zone boundary, which decision shall be a final determination thereof.

3. *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 center line of such vacated street or alley.

ARTICLE 5.

ZONES.

Sec. 33.501.

A - Agricultural Zone.

A. *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.

B. *Principal Permitted Uses.*

1. Agriculture, as defined herein.
2. One single-family dwelling per lot or parcel.
3. Public parks.
4. Accessory uses and buildings customarily incidental to any of the above uses, subject to the regulations for such as required in subsection 1 of Section 33.901 A of this chapter, including:
 - (a) Living quarters of persons regularly employed on the premises and transient labor (maximum of two (2) families, but not including labor camps, labor dwellings, or other accommodations or areas for transient labor. (See subsection C-2 of this section for provisions for labor dwellings or camps.)
 - (b) Guest houses, not rented or otherwise conducted as a business.
 - (c) Customary incidental home occupations, subject to the provisions of Section 33.1315 of this Code.
 - (d) Offices incidental and necessary to the conduct of a permitted use.
 - (e) Private garages, parking areas, and stables.
 - (f) Roadside stand not exceeding four hundred square feet in floor area, for the sale of agricultural products grown on the premises.

(g) Public and private non-commercial recreation areas, uses, and facilities, including country clubs and swimming pools.

C. *Conditional Uses.*

1. Poultry farms, kennels, riding stables, and guest ranches.*
2. Quarters, accommodations, or areas for transient labor in excess of two (2) families, such as labor dwellings or camps.*
3. Electric substations and gas regulators.*

D. *Signs.* Residential, civic, real estate and business signs subject to the following regulations.

1. *Location:* Wall, flat except that a conditional commercial use may display a freestanding sign if so authorized by the terms of a conditional use permit.
2. *Maximum Area:* Residential sign - one and one-half (1-1/2) square feet; Civic sign - three (3) square feet; Real Estate sign - three (3) square feet; Business sign - eight (8) square feet.
3. *Illumination:* No tube or filament shall be visible.
4. *Other Regulations:*

Signs shall not be moving nor shall light be intermittent or flashing.

Real estate signs shall be removed within five (5) days after the property to which they refer is rented, leased or sold.

No spinners, pennants, streamers, or similar temporary outdoor display material shall be permitted.

E. *Height Regulations.* No structure shall exceed two and one-half (2-1/2) stories or thirty-five feet (35') in height; except as provided in Section 33.1001.

* See special provisions set forth in § 33.901.

F. *Area, Lot Width and Yard Requirements.* The following minimum requirements shall be observed, except where modified for conditional uses:

Classi- fication	Lot Areas	Lot Width (Ft.)	Maximum Stories	Yards in Feet			
				Front and Exterior Side Yard	One Side Yard	Both 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 (8) 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.

G. *Other Required Conditions.*

1. Any building or enclosure in which animals or fowl, except domestic pets, are contained shall be distant at least two hundred feet (200') from any lot in any R or C District, or from any school or institution for human care.
2. Site plan and architectural approval required of all conditional uses as provided in Section 33.1313.
3. Off-street parking required for all uses, as provided in Article 8.

H. *Floor Area per Unit.* Minimum floor area regulations shall be as required in subsection H of Section 33.502.

I. *Two-Car Garage Requirement.* Two-car garage regulations shall be as required in subsection I of Section 33.502.

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Sec. 33.502. R-E Residential Estates Zone.

A. *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.

B. *Principal Permitted Uses.*

1. One single-family detached dwelling on each lot or parcel.
2. Crop and tree farming.

C. *Accessory Uses.*

1. Guest houses.
2. Customary incidental home occupations, subject to the provisions of Section 33.1315.
3. Private stables and corrals, subject to the provisions of subsection 29 of Section 33.901.
4. Private swimming pools, exclusively for the use of the residents and guests.
5. Foster homes or day nurseries, not to exceed three (3) children, not members of the family.
6. Temporary tract offices and tract signs, subject to the provisions of subsections 28 and 30 of Section 33.901.
7. Other accessory uses and buildings customarily appurtenant to a permitted use, subject to the provisions of subsection 1 of Section 33.901.

D. *Conditional Uses.* Site plan and architectural approval shall be required for the following conditional uses:

1. Public and private non-commercial recreation areas and facilities, such as country clubs and swimming pools.
2. Electric substations and gas regulators, subject to the provisions of subsection 13 of Section 33.901 A.

E. *Signs.* Residential, civic, and real estate signs, subject to the following regulations:

1. *Location:* Wall, flat, except that a freestanding civic sign may occupy the front yard but not closer than ten feet (10') to the front lot line, not more than six feet (6') in height.
2. *Maximum Area:* Residential sign - one and one-half (1-1/2) square feet; Civic sign - three (3) square feet; Real Estate sign - three (3) square feet. (for additional signs, see subsection 28 of Section 33.901 A.)
3. *Illumination:* No tube or filament shall be visible.
4. *Other Regulations:*

Signs shall not be moving nor shall light be intermittent or flashing.

Real estate signs shall be removed within five (5) days after the property to which they refer is rented, leased or sold.

There shall not be more than one (1) sign on any one (1) lot.

No spinners, pennants, streamers or similar temporary outdoor display material shall be permitted.

F. *Height Regulations.* No principal building shall exceed two and one-half (2-1/2) stories or thirty-five feet (35') in height, and no accessory building shall exceed one and one-half (1-1/2) stories or fifteen feet (15') in height, except as provided in Section 33.1001.

G. *Area, Lot Width, and Yard Requirements.*

1. The following minimum requirement shall be observed, except where increased for conditional uses. The minimum lot area required shall be one of the following for this district classification as designated on the Zoning Map:

Classi- fication	Min. Lot Areas Sq.Ft.	Min. Lot Width (Ft.)	Yards in Feet				
			Front	Exterior Side Yard	One Side Yard	Both Side Yards	Rear
R-E 4A	4 acres	200	50*	30*	20	50	50
R-E 2A	2 acres	200	50*	25*	20	50	50
R-E 40	40,000	150	40*	20*	15	35	50
R-E	20,000	100	25*	15*	10	25	40

* 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.

2. Every lot shall also have a minimum frontage upon a dedicated street of one hundred feet (100') unless such lot fronts upon an easement approved by the Commission as provided in this chapter or unless such lot has been approved by the City Council pursuant to the provisions of this Code or any ordinance which may hereinafter be enacted providing for the subdivision of land or the dedication of public streets.

Where a lot has an average width or frontage upon a dedicated street of less than specified herein or an area of less than specified herein and was held under separate ownership or was of record at the time this chapter became effective, such lot may be occupied by any use permitted in this section.

3. Notwithstanding requirements herein, minimum front yard shall be twenty-two feet (22') 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 lot line.

4. Provided the overall average net density of lots per acre falls within the required area classification, not over twenty-five percent (25%) of lots may be reduced to seventy-five percent (75%) of the area required.

5. All buildings, including accessory buildings and structures in the Residential Estates zone shall not cover more than forty percent (40%) of the lot.

H. *Floor Area per Unit.*

1. *Minimum floor area; Purpose and Intent.* It is the intent of this section 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 insure 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.

2. *Regulatory Provisions.* The minimum floor area per main dwelling unit in R-E (Residential Estates Zone) and R-1 (Single-family Residence Zone) shall be as follows:

(a) 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) 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) 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.

I. *Two-Car Garage Requirement.*

1. *Intent and Purpose.* It is the intent of this section to require that all dwelling units in the R-E zones shall also 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 four hundred (400) square 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. Said enclosed garage or appropriate carport, as provided herein, 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.

2. *Garage Conversions Regulations.* Prior to the issuance of a building permit for the conversion of any existing two-car garage for living purposes, the property owner desiring such conversion shall be required to provide the following conditions and approvals.

(a) Two paved off-street parking spaces with minimum dimensions of ten feet (10') by nineteen feet (19') for each of said parking spaces. Said parking spaces shall be located in back of the front yard setbacks; provided, however, that the front yard setback area may be used to accommodate the required off-street parking if the plans for said parking spaces are approved by the Zoning Administrator. The Zoning Administrator shall examine said plans to insure that the parking as proposed does not create any obstacles to vehicular or pedestrian traffic and would not be detrimental to the surrounding neighborhood. If the Zoning Administrator disapproves the parking plans, the property owner may file an application for a variance as provided in this chapter. Tandem parking as provided in this chapter will not satisfy the parking requirements.

(b) Proper enclosed storage space. The required storage unit shall contain a minimum of eighty (80) square feet of floor area and shall be no less than six feet (6') high, with no other dimension less than four feet (4'), and shall have direct exterior access.

(c) All plans for the conversions of existing garages for living purposes, as well as plans for new garages or carports, shall be submitted to the Planning Department for approval, to insure that the conversion is compatible in design and materials with the existing dwelling.

Sec. 33.503. R-1 Single-Family Residence Zone.

A. *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.

B. *Principal Permitted Uses.* One single-family dwelling on any lot.

C. *Accessory Uses.*

1. Rooming and boarding of not more than two (2) 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.

2. Customary incidental home occupations and professional offices subject to the provisions of Section 33.1315.

3. The keeping of cats and/or dogs not to exceed the number permitted by the Animal Ordinance for each dwelling unit.

4. Foster homes and day nurseries not to exceed three (3) children not members of the family.

5. Other accessory uses and accessory buildings customarily appurtenant to a permitted use, subject to the requirements of Section 33.901.

6. Temporary tract offices and tract signs, subject to the provisions of subsections 28 and 30 of Section 33.901 A.

D. *Conditional Uses.* Site plan and architectural approval shall be required for the following conditional uses:

1. Dwelling groups, subject to the provisions of subsection 12 of Section 33.901 A.

2. Electric substations and gas regulators, subject to the provisions of subsection 13 of Section 33.901 A.

E. *Signs.* Residential, civic, and real estate signs, subject to the following regulations:

1. *Location:* Wall, flat, except that a freestanding civic sign may occupy the front yard but not closer than ten feet (10') to the front lot line, not more than six feet (6') in height.
2. *Maximum Area:* Residential sign - one and one-half (1-1/2) square feet; Civic sign - three (3) square feet; Real Estate sign - three (3) square feet. (for additional signs, see subsection 38 of Section 33.901 A.)
3. *Illumination:* No tube or filament shall be visible.
4. *Other Regulations:*

Signs shall not be moving nor shall light be intermittent or flashing.

Real estate signs shall be removed within five (5) days after the property to which they refer is rented, leased or sold.

There shall not be more than one (1) sign on any one (1) lot.

No spinners, pennants, streamers or similar temporary outdoor display material shall be permitted.

F. *Height Regulations.* No principal building shall exceed two and one-half (2-1/2) stories or thirty-five feet (35') in height, and no accessory building shall exceed one and one-half (1-1/2) stories or fifteen feet (15') in height, except as provided in Section 33.1001.

G. *Area, Lot Width, and Yard Requirements.*

1. The following minimum requirements shall be observed, except where increased for conditional uses. The minimum requirements shall be one of the following district classification as designated on the Zoning Map:

Classi- fication	Lot Area (Sq. Ft.)	Lot Width (Ft.)	Yards in Feet				Rea
			Front	Exterior Side Yards	One Side Yard	Both Side Yards	
R-1-15	15,000	85	25*	10*	10	20	30
R-1-10	10,000	70	20*	10*	10	18	20
R-1	7,000**	60	15*	10*	10	13	20

* 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.

**Provided, however, in the case of submission of a subdivision map, the minimum lot size may be reduced to 6,000 square feet for twenty percent (20%) of the lots in said subdivision or any unit thereof, and to 5,000 square feet for ten percent (10%) of said lots.

R-1	6,000	60	15*	10*	10	13	20
R-1	5,000	50	15*	10*	5	10	15

NOTE: Notwithstanding any of the above R-1 provisions, the minimum distance between dwelling units shall be ten feet (10') and no dwelling unit may extend closer than three feet (3') to the side property line. Said three foot (3') side yard shall be level.

2. Every such lot shall also have a minimum frontage upon a dedicated street of sixty feet (60') unless such lot fronts upon an easement approved by the Commission as provided in this chapter or unless such lot has been approved by the City Council pursuant to the provisions of this Code or any ordinance which may hereinafter be enacted providing for the subdivision of land or the dedication of public streets.

Where a lot has an average width or frontage upon a dedicated street or an area of less than specified herein and was held under separate ownership or was of record at the time this chapter became effective, such lot may be occupied by any use permitted in this section.

3. All buildings, including accessory buildings and structures in the single-family residence zone shall not cover more than forty percent (40%) of the lot.

4. Notwithstanding requirements herein, minimum front yard shall be twenty-two feet (22') 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 lot line.

H. *Floor Area per Unit.* Minimum floor area and regulations shall be the same as required in the R-E zone, as set forth in Section 33.502 H.

I. *Two-Car Garage Requirement.* The two-car garage requirement and conversion regulations shall be the same as required in the R-E zone, as set forth in Section 33.502 I.

Sec. 33.504. R-2 One and Two-Family Residence Zone.

A. *Purpose.* The purpose of this zone is to stabilize and protect the residential characteristics of the designated areas and to promote and encourage a suitable environment for family life similar to the R-1 zone. The R-2 zone is intended to allow a higher density of residences than permitted in the R-1 zone and to provide for community services appurtenant thereto.

B. *Principal Permitted Uses.* The following are the principal permitted uses in an R-2 zone:

1. One single-family dwelling on any lot.
2. One duplex or two-family dwelling on any lot.
3. Dwelling groups, subject to the provisions of subsection 13 of Section 33.901 A.
4. Other accessory uses and accessory buildings customarily appurtenant to a permitted use, subject to the requirements of subsection 1 of Section 33.901 A.
5. Foster homes or day nurseries, not to exceed three (3) children, not members of the family.

C. *Accessory Uses.* The following are the accessory uses permitted in an R-2 zone:

1. Rooming and boarding of not more than two (2) persons per dwelling unit, 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.
2. Customary incidental home occupations subject to the provisions of Section 13.1315.
3. Temporary tract offices and tract signs subject to the provisions of subsections 28 and 30 of Section 33.901 A.

D. *Conditional Uses.* Site plan and architectural approval shall be required for all the following conditional uses in the R-2 zone:

1. Rooming and boarding houses for not over six (6) guests.
2. Off-street parking areas subject to the provisions of Article 8.
3. Electrical substations and gas regulators, subject to the provisions of subsection 13 of Section 33.901 A.
4. Attached Single Family Dwelling Units.

(a) *Purpose and Intent.* The basic use permitted in the R-2 zone is the lowest density of multiple-dwelling units, namely, the duplex. It is the purpose of the City Council to provide for the maintenance of this density and create greater diversity and flexibility of housing concepts by authorizing, through the grant of a conditional use permit, separate ownership of dwelling units and individual lots upon which they are located when the construction is essentially the same as the duplex dwelling unit permitted in R-2 zones. To achieve this goal, the conditional use permit established hereby would permit the reduction of lot sizes to 3,500 square feet and the sale of attached single-family dwellings located on such reduced lots in separate ownerships.

(b) *Permitted Use.* The lot area in an R-2 zone may be reduced to 3,500 square feet to accommodate one attached single-family dwelling unit on such lot, with a minimum average lot width of thirty feet (30') per dwelling unit. One side yard may be reduced to zero feet (0') and no more than one unit shall be allowed on any such lot.

E. *Signs.* Residential, civic, and real estate signs are permitted, subject to the following regulations:

1. *Location:* Wall, flat, except that a freestanding civic sign may occupy the front yard, but not closer than ten feet (10') to the front lot line, not more than six feet (6') in height.
2. *Maximum Area:* Residential sign - one and one-half (1-1/2) square feet; Civic sign - three (3) square feet; Real estate sign - three (3) square feet. (For additional signs, see subsection 28 of Section 33.901 A.)

3. *Illumination:* No tube or filament shall be visible.

4. *Other Regulations:*

Signs shall not be moving nor shall light be intermittent or flashing.

Real estate signs shall be removed within five (5) days after the property to which they refer is rented, leased or sold.

There shall not be more than one (1) sign on any one (1) lot.

No spinners, pennants, streamers or similar temporary outdoor display materials shall be permitted.

F. *Height Regulations.* No principal building shall exceed two and one-half (2-1/2) stories or thirty-five feet (35') in height, and no accessory building shall exceed one and one-half (1-1/2) stories or fifteen feet (15') in height, except as provided in Section 33.1001.

G. *Area, Lot Width, and Yard Requirements.*

1. The following minimum requirement shall be observed, except where increased for conditional uses:

Classi- fication	Lot Area (Sq.Ft.)	Lot Width (Ft.)	Yards in Feet				
			Front	Exterior Side Yard	One Side Yard	Both Side Yards	Rear
R-2	7,000	65	15*	10*	5	10	20
R-2**	3,500	30	15*	10*	0	5	20
R-2-X	As designated on the Zoning Map, but not less than 7,000 square feet. (Number shown in last digit indicates square footage of lot are in thousands.)						

* 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.

**applies to attached single-family dwellings only; see subsection D of this section.

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NOTE: Notwithstanding any of the foregoing provisions, the minimum distance between dwelling units shall be ten feet (10'), and no dwelling unit may extend closer than five feet (5') to the side property line, except for attached single-family dwellings.

2. All buildings, including accessory buildings and structures in the R-2 zone shall not cover more than fifty percent (50%) of the lot.

3. Notwithstanding requirements herein, minimum front yard shall be twenty-two feet (22') 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 lot line.

H. *Floor Area per Unit.*

1. *Minimum floor area; Purpose and Intent.* It is the intent of this section to establish minimum floor areas for dwelling units in the R-2 zone. The purpose of establishing such minimum floor areas is to insure 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.

2. *Regulatory Provisions.* The minimum floor area per main dwelling unit in R-2 (one and two-family residence zone) for any duplex shall be as follows:

(a) 650 square feet for each dwelling unit containing one bedroom.

(b) 850 square feet for each dwelling unit containing two bedrooms, or one bedroom and den, family room or any other such room designated for miscellaneous purposes.

(c) 1,000 square feet for each dwelling containing three bedrooms, or two bedrooms and den, family room or any other such room designated for miscellaneous purposes.

(d) 1,100 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.

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The minimum floor area for a single-family residence in the R-2 zone shall be the same as in the R-1 zone.

I. *Other Required Conditions.* Off-street parking shall be required for all uses, as provided in Section 33.502 I.

Sec. 33.505. R-3 Apartment Residential Zone.

A. *Purpose.* The purpose of the R-3 zone is to provide appropriate locations where apartment house neighborhoods of varying degrees of density may be established, maintained, and protected. The regulations of this district are designed to promote and encourage an intensively developed residential environment, with appropriate environmental amenities such as open areas, landscaping and off-street parking. To this end the regulations permit, in accordance with the respective density districts, multiple dwellings ranging from garden apartments to multi-story apartment houses, and necessary public services and activities subject to proper controls. Also permitted, subject to special control, are certain retail and service activities intended for the convenience and service of the residents of the district.

B. *Principal Permitted Uses.*

1. Dwellings, Multiple - (R-3).
2. Dwelling, Multiple, Low-Rise - (R-3-G).
3. Dwellings, Multiple, High-Rise - (R-3-H).
4. Dwellings, Town Houses - (R-3-T).
5. Duplexes.

C. *Accessory Use.*

1. Rooming and boarding of not more than six (6) persons.
2. Licensed nursing homes for not more than six (6) persons.
3. Customary incidental home occupations subject to provisions of Section 33.1315.
4. Other accessory uses and accessory buildings customarily appurtenant to a permitted use subject to requirements of subsection 1 of Section 33.901 A.
5. Temporary tract offices and tract signs subject to the provisions of subsections 28 and 31 of Section 33.901 A.

D. *Conditional Uses.* Site plan and architectural approval shall be required for all of the following conditional uses:

1. Single-family homes.
2. Rooming and boarding houses for more than six (6) guests.
3. Except in R-3-T, day nurseries or nursery schools.
4. Except in R-3-T, incidental services, such as restaurants and retail sales to serve residents, provided there is no exterior display or advertising and such activities are conducted in spaces which are integral parts of a main building.
5. Commercial parking garages and off-street parking lots, in accordance with the provisions of Article 8.
6. Electric substations and gas regulators, subject to the provisions of subsection 13 of Section 33.901 A.

E. *Signs.* Residential, civic and real estate signs are permitted, subject to the following regulations:

1. *Location:* Wall, flat except that a freestanding civic sign may occupy the front yard but not closer than ten feet (10') to the front lot line, not more than six feet (6') in height.
2. *Maximum Area:* Residential sign - one (1) square foot for each dwelling unit on the lot to a maximum of twenty (20) square feet for a lot with a single frontage or two (2) signs aggregate thirty (30) square feet for a corner lot; Civic sign - three (3) square feet; Real estate sign - three (3) square feet. (For additional signs, see subsection 28 of Section 33.901 A.)
3. *Illumination:* No tube or filament shall be visible.
4. *Other Regulations:*

Signs shall not be moving nor shall light be intermittent or flashing.

Real estate signs shall be removed within five (5) days after the property to which they refer is rented, leased or sold.

There shall not be more than two (2) permanent signs per lot.

A temporary Real estate sign may be displayed in addition to a Residential sign.

No spinners, pennants, streamers or similar temporary outdoor display materials shall be permitted.

F. *Height Regulations.*

1. *R-3, R-3-T and R-3-G.* No principal building shall exceed either three and one-half (3-1/2) stories or forty-five feet (45') in height and no accessory building shall exceed either two (2) stories or twenty-five feet (25') in height, except as provided in Section 33.1001.

2. *R-3-H.* No principal building shall include more than ten (10) stories, total, and no accessory building shall exceed two (2) stories or twenty-five feet (25') in height.

G. *Area, Lot Width, and Yard Requirements.*

1. The following minimum requirements shall be observed except where increased for conditional uses. The minimum requirements shall be one of the following as designated on the Zoning Map:

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District Classi- fication	Building Site (Sq.Ft.)	Site Width (Ft.)	Area Per Dwelling (Sq.Ft.)	Usable**** Open Space		Yards in Feet		
				Per Dwell- ing Unit	*** Front	Ext. Side Yard	One Int.S. Yard	Both Int.S. Yards
R-3	7,000	65	1,350	400	15*	10*	5**	10**
R-3-T	2,000	22	2,000	300	15*	10*	0	0
R-3-G	7,000	65	2,500	600	15*	10*	5**	10**
R-3-H	10,000	80	800	200	15*	10*	20**	50**

* 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

**Side and rear yards specified above for the R-3 zones shall be increased at the rate of two feet (2') per side yard and rear yard for each story over one and one-half (1-1/2) contained in the multi-family dwelling.

***A front yard of twenty-five feet (25') shall be required for all parcels fronting upon streets designated as major or secondary thoroughfares on the adopted Chula Vista General Plan. The front yard shall be increased an additional five feet (5') for each story in excess of three (3).

****The required Usable Open Space per Dwelling Unit specified above shall be increased for each dwelling unit in a multi-family dwelling which contains more than two (2) bedrooms, at the rate of twenty percent (20%) for each bedroom over two (2).

2. In the R-3, R-3-T and R-3-G zones, coverage shall not exceed fifty percent (50%) of the area of the site. In the R-3-H zone, coverage shall not exceed twenty-five percent (25%) of the site.

3. All portions of the front yard area except for pedestrian walks and necessary vehicular driveways shall be landscaped and provided with adequate sprinklers or appropriate automatic irrigation devices. Street trees shall be provided as part of an approved site plan. Any parking visible from the street shall be screened with an appropriate planting screen not less than three and one-half feet (3-1/2') in height.

H. *Floor Area per Dwelling Unit.* The minimum floor area per dwelling unit shall be as follows:

1. 400 square feet for each efficiency dwelling unit.
2. 500 square feet for each dwelling unit having one (1) bedroom.
3. 650 square feet for each dwelling unit having two (2) bedrooms.
4. 750 square feet for each dwelling unit having three (3) bedrooms; an additional 100 square feet is required for each additional bedroom exceeding three (3).

I. *Other Required Conditions.*

1. Off-street parking required for all uses as provided in Article 8.
2. Planned Unit Development procedures, as set forth in subsection C of Section 33.601, shall be utilized together with rezoning for any new R-3-T district.
3. Trash storage areas shall be provided in accordance with subsection 32 of Section 33.901 A.
4. Site plan and architectural review, in accordance with Section 33.1313.
5. All landscaping shall conform to the requirements as specified in the Landscaping Manual of the City of Chula Vista and as approved by the Director of Planning.

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C-O Administrative and Professional Office Zone.

A. *Purpose.* The purpose of the C-O zone is to provide appropriate locations where professional and administrative office zones may be established, maintained and protected. The regulations of this district are designed to promote a quiet and dignified environment for business administration, professional and government activities, free from the congestion and traffic of the usual retail business district. To this end, the regulations permit office buildings and medical and financial facilities; appropriate commercial facilities primarily for the service of the occupants of the district are permitted subject to special controls. The intensity of development of such a district is intended to reflect its environmental setting with building height and coverage generally similar to and harmonious with those of neighboring districts.

B. *Principal Permitted Uses.*

1. Medical and dental offices and clinics, medical, optical and dental laboratories, not including the manufacture of pharmaceutical or other products for general sale or distribution.
2. Administrative and executive offices.
3. Professional offices (for lawyers, engineers, architects).
4. Financial offices, including banks, and real estate and other general business offices.
5. Any other office use which is determined by the Commission to be of the same general character as the above permitted uses.

C. *Accessory Uses.*

1. Incidental services and incidental uses, such as restaurants, prescription pharmacies, and retail sales to serve occupants and patrons of the permitted uses, when conducted and entered from within the building; provided there is no display or advertising visible from the public street.
2. Accessory uses and buildings customarily appurtenant to a permitted use, such as incidental storage facilities.

D. *Conditional Uses.*

1. R-3 residential uses, as regulated therein.
2. Public and quasi-public uses appropriate to the district, such as professional, business and technical schools, of a public service type, but not including corporation yards, storage or repair yards and warehouses.
3. Nursery schools, schools and studios for arts and crafts, photography, music, dance and art galleries, in accordance with the provisions of Section 33.901.
4. Office and artists' supply stores.
5. Commercial parking lots and parking garages, in accordance with the provisions of Article 8.
6. Radio and television broadcasting (excluding towers).
7. Restaurants.
8. Electric substations and gas regulators, subject to the provisions of subsection 13 of Section 33.901 A.

E. *Signs.* Civic, real estate and business signs are permitted subject to the following regulations:

1. *Location:* Wall, flat except that a civic or real estate sign may be freestanding but may not be more than six feet (6') in height nor closer than ten feet (10') to any street right-of-way.

2. *Maximum Area:*

Civic or business sign - twenty (20) square feet plus one (1) addition square foot for each three (3) lineal feet of property frontage over one hundred (100) feet to a maximum of fifty (50) square feet. Total area may be permitted on each street frontage on corner lots.

Real estate sign for the sale or rental of an individual property - twenty (20) square feet.

One directional sign located in each driveway entering or leaving the premises, not to exceed

three (3) square feet in area and eight feet (8') in height.

3. *Illumination:*

No tube, bulb or filament shall be visible except bulbs for indirect lighting of sign from the ground.

The use of exposed neon tubing shall be limited to sign lettering only and shall constitute not more than twenty-five percent (25%) of the sign area permitted.

4. *Other Regulations:*

No sign shall be moving nor shall light be intermittent or flashing.

Real estate signs shall be removed within five (5) days after the property to which they refer is rented, leased or sold.

There shall not be more than one (1) sign on any one establishment, except that a temporary real estate sign may be displayed in addition to one (1) permitted sign.

No spinners, pennants, streamers or similar temporary outdoor display materials shall be permitted.

For additional provisions see Section 33.901.

F. *Height Regulations.* No principal building shall exceed three and one-half (3-1/2) stories or forty-five feet (45') in height, and no accessory building shall exceed one and one-half (1-1/2) stories or fifteen feet (15') in height, except as provided in Section 33.1001.

G. *Area, Lot Width and Yard Requirements.* The following minimum requirements shall be observed, except where increased for conditional uses:

Lot Area (Sq.Ft.)	Yards in Feet		
	Front & Ext. Side Yards	Side	Rear
7,000	10	None, except when abutting any R zone, then not less than five feet (5')	Zero feet (0'), when abutting any district or alley then not less than ten feet (10') minimum from the alle property line

All portions of the front yard area except for pedestrian walks and necessary vehicular driveways shall be landscaped and provided with adequate sprinklers or appropriate automatic irrigation devices, as specified in the Landscaping Manual of the City of Chula Vista. Street trees shall be provided as part of an approved site plan. Any parking visible from the street shall be screened with an appropriate planting screen not less than four feet (4') in height.

H. *Other Required Conditions.*

1. Off-street parking required for all uses, as provided in Article 8.
2. In any C-0 district directly across a street or thoroughfare (excluding a freeway) from any R district, parking and loading facilities shall be distant at least ten feet (10') from said street and said setback shall be permanently landscaped.
3. Non-residential uses permitted in this zone shall be located in buildings designed for non-residential uses, except that such uses may be located in existing residential structures existing at the time of the adoption of this article, remodeled for said use and subject to site plan approval by the Planning Commission. Such buildings may be enlarged, providing that all provisions of this article are complied with.
4. Site plan and architectural approval required for all uses as required in Section 33.1313.
5. Outdoor storage of merchandise, material or equipment shall be permitted only when incidental to a permitted or accessory use located on the same premises, and provided that:

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(a) Storage area shall be completely enclosed by walls, fences or buildings and shall be part of an approved site plan.

(b) No outdoor storage of materials or equipment to a height greater than that of any enclosing wall, fence or building shall be permitted.

Sec. 33.507. C-B Central Business Zone.

A. *Purpose.* To stabilize, improve and protect the commercial pedestrian characteristics of the central business area of the community and to provide for the orderly growth of new central business commercial development in the area designated for said district in the General Plan. The regulations of this zone are designed to encourage all uses to be of a retail commercial nature.

B. *Principal Permitted Uses.*

1. Stores, shops and offices supplying commodities or performing services for residents of the City as a whole or the surrounding community, such as department stores, specialty shops, banks, business offices, and other financial institutions and personal service enterprises.
2. Restaurants, cocktail lounges and nightclubs, subject to the provisions of Section 33.901.
3. Business and technical schools, including photography, art, music and dance, subject to the provisions of Section 33.901.
4. Cleaning agencies (limited dry cleaning only).
5. Bonafide antique shops, but not including second-hand or junk stores.
6. Laundry (coin-operated and pick-up agencies).
7. Cabinet shops, electrical (small appliance), plumbing and heating shops, printing and publishing or lithographic shops.
8. Blueprinting and photocopying.
9. Automobile service stations subject to the provisions of subsection 26 of Section 33.901 A.
10. Hotels and Motels, subject to the provisions of Section 33.901.
11. Any other retail business or service establishment which the Commission finds to be consistent with the purposes of this article and which will not impair the present or potential use of adjacent properties.

12. Parking garages and lots, operating independently from any retail sales, in accordance with the provisions of subsection 26 of Section 33.901 A.

C. *Conditional Uses.*

1. Automobile rental agencies.

2. Electrical substations and gas regulator stations, subject to the provisions of subsection 31 of Section 33.901 A.

3. Social and fraternal organizations, subject to the provisions of Section 33.901.

4. Theaters.

5. Bowling alley, dance hall, roller skating rink and plant nurseries, subject to the provisions of Section 33.901.

6. Furniture upholstering shops.

7. R-3 residential use above the ground floor as regulated in the R-3 zoning district, provided that R-3 yard requirements may be modified where appropriate.

8. Building height in excess of three and one-half (3-1/2) stories when adjacent to any R or C-O zone.

D. *Accessory Uses.* All accessory uses and buildings customarily appurtenant to a permitted use.

E. *Signs.* (Withheld at this time pending committee action.)

F. *Height Regulations.* None, except that no building shall exceed three and one-half (3-1/2) stories or thirty-five feet (35') in height when located adjacent to any C-0 or residential zone except as provided in Section 33.507 C.

G. *Area, Lot Coverage and Yard Requirements.* The following minimum requirements shall be observed, except where increased for conditional uses:

Lot Area (Sq.Ft.)	Yards in Feet		
	Front & Ext. <u>Side Yards</u>	<u>Side</u>	<u>Rear</u>
2,500	0*	Zero feet (0'), except when abutting an R district, then not less than fifteen feet (15')	Zero feet (0'), except when abutting an R district, then not less than required for said R district or ten feet (10') minimum from the alley

* 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.

H. *Other Required Conditions.*

1. All uses shall be conducted wholly within a completely enclosed building, except for service stations, off-street parking and loading facilities, nurseries and sidewalk cafes.
2. In any C-B zone directly across a street or thoroughfare (excluding a freeway) from any R-district, the parking and loading facilities shall be distant at least ten feet (10') from said street, and the buildings and structures at least twenty feet (20') from said street and said space permanently landscaped with no parking allowed within this area.
3. Site plan and architectural approval required for all uses as provided in Section 33.1313.
4. Off-street parking and loading facilities required for all uses, as provided in Article 8.
5. All landscaping shall conform to the requirements as specified in the Landscaping Manual of the City of Chula Vista and as approved by the Planning Director.

Sec. 33.508. C-N Neighborhood Commercial Zone.

A. *Purpose and Intent.* The purpose of this article is to provide a shopping center for convenience shopping in a residential neighborhood where analysis or residential population demonstrates that such facilities are necessary and desirable. C-N zoning shall be applied to property having a minimum area of three (3) acres and a maximum area of eight (8) acres. It is the intent of the City Council to insure that the character of the C-N zone will be compatible with and will compliment the surrounding residential area. Therefore, parking areas must be landscaped as required herein, in order to relieve the barren appearance which most parking lots possess. It is further the intent of this article to prescribe the number, type, size and design of all signs to protect the general welfare of the surrounding residential property owners and of the merchants and property owners within the shopping center by avoiding wasteful and costly competition among sign users resulting from the uncontrolled use of signs.

B. *Principal Permitted Uses.* The following are the principal permitted uses in a C-N district:

1. Grocery, fruit or vegetable store.
2. Bakery.
3. Drug store.
4. Barber shop and beauty shop.
5. Clothes cleaning pickup agencies with incidental pressing.
6. Business or professional office.
7. Restaurant, cafe or soda fountain, not including entertainment, dancing or sale of liquor, beer or other alcoholic beverages for consumption on the premises or drive-in car service, subject to the provisions of Section 33.901.
8. Commercial parking lots for passenger vehicles, subject to the requirements of Article 8.
9. Service station (one per shopping center, in accordance with the provisions of subsection 27 of Section 33.901 A, unless additional stations are approved by conditional use permit pursuant to the provisions of subsection C of this section).

10. Liquor store (package, off-sale only).
11. Coin-operated laundry, with maximum capacity washing units of twenty pounds (20 lbs.) and comparable drying equipment and clothes cleaning agency.
12. Any other retail business or service establishment supplying commodities or performing services for residents of the neighborhood which is determined by the Planning Commission to be of the same general character as the above-mentioned retail business or service uses, and open during normal business hours of the above uses.
13. Accessory uses and buildings customarily appurtenant to a permitted use, such as incidental storage facilities.

C. *Uses Subject to Conditional Use Permit.* The following uses shall be permitted, provided a conditional use permit is issued in accordance with the provisions of Section 33.1303:

1. Automobile service stations in addition to the one station allowed per shopping center, subject to the provisions of subsection 27 of Section 33.901 A.
2. Sale of beer or other alcoholic beverages for consumption on the premises only where the sale is incidental to the sale of food.
3. Electrical substations and gas regulator stations, subject to the provisions of subsection 13 of Section 33.901 A.

D. *Signs.* The property owner or developer of any shopping facility in the C-N zone shall, prior to the occupancy of any portion of the facility, submit to the Director of Planning for his review and approval precise drawings for all signs to be used. Such drawings shall show design, color, sign layout, locations, sizes, and materials to be used prior to the occupancy of such signs. All subsequent occupants of the facility shall adhere to the standards set forth in the approved drawings, two (2) copies of which shall be provided to and filed in the Planning Department. Civic, real estate and business signs are subject to the following regulations:

1. *Location and Maximum Area:*

Each business establishment within the shopping center may have a permanent identification sign, designed so as to be an integral part of the building or attached flat against the building or parapet.

The horizontal dimension of a sign shall not exceed fifty percent (50%) of the width of the store or office street frontage nor shall the vertical dimension of such sign exceed two and one-half feet (2-1/2').

One (1) freestanding sign, not exceeding fifty (50) square feet in area and twenty feet (20') in height shall be permitted to identify the commercial center. The permitted sign area for corner sites may be increased by fifty percent (50%) if two (2) freestanding signs are utilized instead of one (1); and provided, further, that the signs are oriented toward two (2) different streets. Such sign or signs should be designed to list each type of business in the center and/or the name of the center or the principal business. Such signs must receive site plan and architectural approval as provided in Section 33.1313. Service station signs shall be classified as identification signs for the purpose of computing allowable area and height.

Decals or painted lettering signs on display windows not exceeding 144 square inches for each entrance.

Signs announcing openings and special events may be permitted for each establishment for a reasonable period of time not to exceed thirty (30) days.

Signs advertising specials, sales, or products not to exceed ten percent (10%) of the window area shall be permitted.

Signs which extend above the ridge line of the roof, or which move or flash, are prohibited.

No signs other than those approved on the plans or as permitted herein shall be placed on the building or premises.

A real estate sign for the sale or rental of an individual property - twenty (20) square feet maximum.

2. *Illumination:*

No tube, bulb or filament shall be visible except bulbs for indirect lighting of sign from the ground.

The use of exposed neon tubing shall be limited to sign lettering only and shall constitute not more than twenty-five percent (25%) of the sign area permitted.

3. *Other Regulations:*

No sign shall be moving nor shall light be intermittent or flashing.

Real estate signs shall be removed within five (5) days after the property to which they refer is rented, leased or sold.

No spinners, pennants, streamers or similar temporary outdoor display materials shall be permitted.

E. *Building Height Limit.* No principal building shall exceed two and one-half (2-1/2) stories or thirty-five feet (35') in height, and no accessory building shall exceed one and one-half (1-1/2) stories or fifteen feet (15') in height, except as provided in Section 33.1001.

F. *Landscaping.*

1. An area of not less than ten percent (10%) of all parking lots shall be devoted to landscaping. Additional landscaping may be required upon staff recommendation.

2. The site shall be landscaped in conformance with the Landscaping Manual of the City of Chula Vista and approved by the Planning Director of the City of Chula Vista.

3. If the parcel or lots within a C-N district are developed individually, the Planning Commission may require landscaping on those lots being developed at

the time. In such cases, the Planning Commission shall ascertain that the proposed parking area would be in conformity with any future parking area.

G. *Lot Area and Yard Requirements.* The following minimum requirements shall be observed, except where increased for conditional uses:

Lot Area (Sq.Ft.)	Yards in Feet		
	Front & Ext. <u>Side Yards</u>	<u>Side</u>	<u>Rear</u>
5,000	15' for bldgs. 0' for signs	None, except when abutting a residential district, then not less than fifteen feet (15')	None, except when abutting an R district, then not less than fifteen feet (15') provided however, that where such yard is contiguous and parallel with an alley one-half of the width of such alley shall be assumed to be a portion of such yard

NOTE: All signs, including the overhang, and light poles shall not overhang any property line.

H. *Other Required Conditions.* The following additional conditions shall apply in a C-N zone:

1. Except as otherwise provided, all uses shall be conducted wholly within a completely enclosed building except for service stations (as stipulated in their conditional use permit), nurseries, and off-street parking and loading facilities and sidewalk cafes.
2. Goods for sale shall consist primarily of new merchandise and shall be sold at retail on the premises.
3. Site plan and architectural approval are required for all uses, as provided in Section 33.1313.
4. Off-street loading and parking required for all uses, as provided in Article 8.
5. The number of employees in any business establishment shall be limited to those necessary for the conduct of the on-site business and no person shall be engaged in the activity of processing, fabricating or repairing goods for delivery or sale at other locations.

6. A market analysis showing demand for new or additional C-N facilities shall be submitted together with any application for rezoning of a new C-N district, or extension by one (1) acre or more of any existing C-N district.
7. All curb cuts and internal traffic circulation for ingress and egress shall be approved by the Chula Vista Planning Commission subject to a recommendation from the City Traffic Engineer.
8. Shopping centers proposed to be located in a C-N zone shall be presented as a planned development, each unit shall then proceed in accordance with the approved planned development.
9. All buildings shall be designed so as to be compatible with surrounding neighborhood and the general character of the development shall continue and promote the established theme of the community.
10. No business shall be open between the hours of 11:00 p.m. and 7:00 a.m., unless specifically approved by the Chula Vista Planning Commission.
11. Each year, prior to issuing a business license or the renewal of a business license, establishments within the neighborhood shopping center shall present evidence of compliance with the requirements of this ordinance, particularly in regard to the nature of the business as set forth in subsections 2 and 5 of this section.
12. All trash shall be placed in containers. Space for storage of trash containers shall be enclosed with a permanent wall or fence. Covered trash containers shall be provided for deposit of trash by shoppers, the location of which shall be subject to the approval of the Zoning Administrator.

I. *Uses Expressly Prohibited.*

1. Residential uses.
2. Any combination of residential and non-residential uses on a lot, parcel of land or in any structure thereon.
3. Industrial uses.

4. Public address systems and/or loudspeakers outside of any building.

J. *Walls*. A six foot (6') high solid masonry wall shall be erected along the property line or zoning boundary line to separate C-N zone and/or uses from abutting residential zones. Said wall to be reduced to forty-two inches (42") in height in the front setback area. Said wall may be eliminated by the Planning Commission if they find the residential areas would be sufficiently screened without the wall.

K. *Non-Conforming Centers*. All existing shopping centers which may, in the future, be classified in the neighborhood-commercial (C-N) zone shall, within the time established herein, be made to conform to the requirements and regulations of the zone as applicable. The Planning Department shall submit a letter to the property owner and managers of the businesses being conducted within said shopping center, outlining the requirements and changes necessary to bring the center into conformance with the zone requirements. All of said changes shall be accomplished within one (1) year of the date of such notification.

Sec. 33.509. C-C Central Commercial Zone.

A. *Purpose.* To stabilize, improve and protect the commercial characteristics of the major community business centers. The C-C zone designation shall only be applied in the general location of such centers as designated in the Chula Vista General Plan.

B. *Principal Permitted Uses.*

1. Stores, shops and offices supplying commodities or performing services for residents of the City as a whole or the surrounding community, such as department stores, specialty shops, banks, business offices, and other financial institutions and personal service enterprises.
2. Restaurants, cocktail lounges, night clubs, theaters, and similar enterprises, subject to the provisions of Section 33.901.
3. Bonafide antique shops, but not including second-hand stores or junk stores.
4. Automobile service stations, subject to the provisions of subsection 26 of Section 33.901 A.
5. Parking structures and off-street parking lots, subject to the provisions of Section 33.901 A.
6. Electrical substation and gas regulator stations, subject to the provisions of subsection 13 of Section 33.901 A.
7. Any other retail business or service establishment which the Commission finds to be consistent with the purpose of this article and which will not impair the present or potential use of adjacent properties.
8. Accessory uses and buildings customarily appurtenant to a permitted use.

C. *Conditional Uses.*

1. Car washes, subject to the provisions of Section 33.901 A.
2. Skating rinks.

3. Signs in excess of maximum as established in subsection D hereof.
4. Automobile rental and towing service.
5. Billiard Parlors.
6. Bowling alleys, subject to the provisions of Section 33.901 A.
7. Social and fraternal organizations (non-profit), subject to the provisions of Section 33.901 A.
8. Trailer rentals.

D. *Signs.* (Withheld at this time pending committee action.)

E. *Height Regulations.* None, except that no building shall exceed three and one-half (3-1/2) stories or forty-five feet (45') in height when located adjacent to any C-O or residential zone.

F. *Area, Lot Coverage and Yard Requirements.* The following minimum requirements shall be observed, except where increased for conditional uses:

Lot Area (Sq.Ft.)	Yards in Feet		
	Front & Ext. Side Yards	Side	Rear
5,000	25' 0' for signs	None, except when abutting an R district, then not less than fifteen feet (15')	None, except when abutting an R district then not less than required for said R district.

G. *Other Required Conditions.*

1. All uses shall be conducted wholly within a completely enclosed building, except for outdoor restaurants, service stations, and off-street parking and loading facilities.
2. In any C-C zone directly across a street or thoroughfare (excluding a freeway) from any R-district, the parking and loading facilities shall be distant at least ten feet (10') from said street, and the

buildings and structures at least twenty feet (20') from said street and said space permanently landscaped.

3. The site shall be landscaped in conformance with the Landscaping Manual of the City of Chula Vista and approved by the Planning Director of Chula Vista. Street trees shall be provided as part of an approved site plan.

4. Not more than five (5) persons shall be engaged in the fabrication, repair and other processing of goods in any establishment, except when permitted by conditional use permit.

5. Site plan and architectural approval required for all uses, as provided in Section 33.1313.

6. Off-street parking and loading facilities required for all uses, as provided in Article 8.

7. All trash shall be placed in containers. Space for storage of trash containers shall be enclosed with a permanent wall or fence. Covered trash containers shall be provided for deposit of trash by shoppers.

8. Outdoor storage of merchandise, material or equipment shall be permitted only when incidental to a permitted or accessory use located on the premises, and provided that:

(a) Storage area shall be completely enclosed by walls, fences, or buildings, and shall be part of an approved site plan.

(b) No outdoor storage of materials or equipment shall be permitted to exceed a height greater than that of any enclosing wall, fence or building.

Sec. 33.510. C-V Visitor Commercial Zone.

A. *Purpose.* To provide for areas in appropriate locations where centers providing for the needs of tourists and travellers may be established, maintained and protected. The regulations of this zone are designed to encourage the provision of transient housing facilities, restaurants, service stations and other activities providing for the convenience, welfare or entertainment of the traveller.

B. *Principal Permitted Uses.*

1. Hotels, motels and motor hotels, subject to the provisions of Section 33.901, with such incidental businesses to serve the customer or patron, provided such incidental uses and businesses not otherwise permitted in this zone shall be operated in the same building and in conjunction with this permitted use.
2. Restaurants with a cocktail lounge as an integral part, subject to the provisions of Section 33.901.
3. Art galleries.
4. Handicraft shops and workshops.
5. Bonafide antique shops, but not including second-hand stores or junk stores.
6. Theaters.
7. Any other establishment serving visitors determined by the Commission to be of the same general character as the above permitted uses.
8. Accessory use and building customarily appurtenant to a permitted use.
9. Electrical substations and gas regulator stations, subject to the provisions of subsection 13 of Section 33.901 A.

C. *Conditional Uses.* The following uses may be permitted subject to the issuance of a conditional use permit subject to the findings set forth in Section 33.1303:

1. Car washes, subject to the provisions of Section 33.901.

2. Automobile service stations and towing service, subject to the provisions of Section 33.901.
3. Bait and tackle shops, including marine sales, supplies and rentals.
4. Bars or night clubs.
5. Commercial parking lots and parking garages, subject to the provisions of Article 8.
6. Commercial recreation facilities, as follows:
 - (a) Bowling alley, subject to the provisions of Section 33.901.
 - (b) Minature golf course, subject to the provisions of Section 33.901.
 - (c) Billiard hall.
 - (d) Public stables, subject to the provisions of Section 33.901.
 - (e) Skating rink.
7. Artists' supply and materials stores.
8. Clothing sales (new).
9. Plant nurseries.

D. *Signs.* Civic, real estate and business signs, subject to the following regulations:

1. *Location:* Wall, flat or projecting, provided that no projecting sign shall extend more than three feet (3') beyond the face of the wall to which affixed; freestanding, provided that no freestanding sign shall overhang any property line and shall be no higher than thirty feet (30') in height.
2. *Maximum Area:* The aggregate of all signs for any one establishment shall not exceed the following:
 - (a) One double-faced freestanding sign designating the uses or name of the premises not to exceed one (1) square foot for each lineal foot

of frontage to a maximum of one hundred (100) square feet.

(b) One wall or projecting identification sign shall be permitted fronting each street. The face of the signs shall be parallel to the face of the building and shall not exceed one (1) square foot for each lineal foot of frontage to a maximum total area of such signs of eighty (80) square feet. If no freestanding sign is used, this total area may be increased to one and one-half (1-1/2) square feet for each lineal foot of street frontage to a maximum total area on one hundred and fifty (150) square feet.

(c) One directional sign shall be permitted at each driveway entering or leaving the premises. Such signs shall not exceed two (2) square feet in area nor more than eight feet (8') in height.

(d) One temporary real estate sign for the sale or rental of an individual property, twenty (20) square feet.

3. *Illumination:* No tube, bulb or filament shall be visible except for indirect lighting from the ground. The use of neon tubing shall be limited to sign lettering only (25% maximum).

4. *Other Regulations:*

No sign shall be moving, nor shall light be intermittent or flashing.

Real estate signs shall be removed within five (5) days after the property to which they refer has been rented, leased or sold.

No spinners, penants, streamers or similar temporary outdoor display materials shall be permitted.

E. *Height Regulations.* No building or structure shall exceed three and one-half (3-1/2) stories or forty-five feet (45') in height; provided, however, that said limitation may be adjusted by conditional use permit subject to the findings set forth in Section 33.1302.

F. *Area, Lot Coverage and Yard Requirements.* The following minimum requirements shall be observed, except where increased as determined by the issuance of a conditional use permit.

Lot Area Coverage (Sq.Ft.)	Lot Coverage (Max. %)	Yards in Feet			
		Front	Exterior Side Yard	Side	Rear
10,000	40	20* for bldgs.	10* for bldgs.	None, except when abutting an R district, then not less than twenty-five feet (25')	10 feet except when abutting a R district, then not less than twenty-five feet (25'); none when abutting a side yard with no side yard re- quirement.

* 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.

G. *Miscellaneous.*

1. In any C-V zone directly across a street or thoroughfare (excluding a freeway) from any R zone, the parking and loading facilities shall be distant at least ten feet (10') from said street and the buildings and structures at least twenty feet (20') from said streets.
2. The site shall be landscaped in conformance with the Landscaping Manual of the City of Chula Vista and approved by the Planning Director of Chula Vista. Street trees shall be provided as part of an approved site plan.
3. Site plan and architectural approval required for all uses, as provided in Section 33.1313.
4. Off-street parking and loading facilities required for all uses, as provided in Article 8.
5. All uses shall be conducted wholly within a completely enclosed building, except for service stations

and off-street parking and loading facilities, recreation facilities, and outdoor restaurants.

6. Outdoor storage of merchandise, material or equipment shall be permitted only when incidental to a permitted or accessory use located on the same premises, and provided that:

(a) Storage area shall be completely enclosed by walls, fences or buildings, and shall be part of an approved site plan.

(b) No outdoor storage of materials or equipment shall be permitted to exceed a height greater than that of any enclosing wall, fence or building.

Sec. 33.511. C-T Thoroughfare Commercial Zone.

A. *Purpose.* To provide for areas in appropriate locations adjacent to thoroughfares where activities dependent upon or catering to thoroughfare traffic may be established, maintained and protected. The regulations of this district are designed to encourage the centers for retail commercial, entertainment, automotive, and other appropriate highway-related activities. C-T zones are to be established in zones of one (1) acre or larger, and shall be located only in the immediate vicinity of thoroughfares, or the service drives thereof.

B. *Principal Permitted Uses.*

1. Store, shops and offices supplying commodities or performing services for residents of the City as a whole or the surrounding community, such as department stores, banks, business offices and other financial institutions and personal service enterprises.
2. New car dealers and accessory sale of used cars (see subsection C hereof for used car lots); boat and equipment sales and rental establishments; automobile service stations, repair garages for minor repairs as defined herein, all subject to the provisions of Section 33.901.
3. Motor hotels and motels, subject to the provisions of Section 33.901.
4. Retail shops for the sale of auto parts and accessories, souvenirs, curios and other products primarily to serve the travelling public.
5. Restaurants, refreshment stands and cocktail lounges, subject to the provisions of Section 33.901.
6. Animal hospitals and veterinary clinics, subject to the provisions of Section 33.901.
7. Bakery and creamery establishments.
8. Printing and publishing or lithographic shops.
9. Commercial recreation facilities, such as swimming pools, bowling alleys, skating rinks, subject to the provisions of Section 33.901.

10. Plant nurseries.
11. Any other retail business or service establishment determined by the Commission to be of the same general character as the above permitted uses.
12. Accessory uses and buildings customarily appurtenant to a permitted use.
13. Electrical substations and gas regulator stations, subject to the provisions of subsection 13 of Section 33.901 A.

C. *Conditional Uses.*

1. Uses car lots and motorcycle sales and repair, subject to the provisions of Section 33.901.
2. Trailer and equipment sales and rental establishments and towing service.
3. Drive-in theaters, subject to the provisions of Section 33.901, and provided that the screen shall be so located and designed that it is not visible from adjacent thoroughfares, and said screen shall be set back not less than one hundred feet (100') from any street or thoroughfare.
4. Garages for major repairs, as defined herein, and car washing establishments, subject to the provisions of Section 33.901.
5. Carpenter shop, electrical, plumbing or heating shops.
6. Dance halls, subject to the provisions of subsection 3 of Section 33.901 A.
7. Truck and trailer service, including major repair.
8. Building material sales yard, not including concrete mixing.
9. Ambulance service.
10. Automobile storage, contractor's equipment storage yard, or storage, sale and rental of equipment commonly used by contractors.

- 11. Signs in excess of maximum, as established in subsection D of this section.
- 12. Bait and tackle shops.
- 13. Commercial recreation facilities (outdoor).
- 14. Upholstery shops.
- 15. Automobile paint and body shops.
- 16. Wholesale bakeries.
- 17. Laundries, except industrial, and cleaning and dyeing plants.
- 18. Used clothing sales.
- 19. Lumber yards.
- 20. Radiator repair shops

D. *Signs.* (Withheld, pending committee action).

E. *Height Regulations.* No building or structure shall exceed three and one-half (3-1/2) stories or forty-five feet (45') in height, except as provided in Section 33.1001.

F. *Area, Lot Coverage and Yard Requirements.* The following minimum requirements shall be observed, except where increased for conditional uses.

Lot Area (Sq.Ft.)	Lot Coverage (Max. %)	Yards in Feet		
		Front & Ext. Side Yard	Side	Rear
5,000	50	10* for bldgs. 0 for signs	None, except when abutting an R district, then not less than twenty-five feet (25').	10 feet, except when abutting R-district, th not less than twenty-five fe (25'). Zero w abutting a zer sideyard.

* 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.

G. *Other Required Conditions.*

1. In any C-T district directly across a street or thoroughfare (excluding a freeway) from any R district, the parking and loading facilities shall be distant at least ten feet (10') from said street, and the buildings and structures at least twenty feet (20') from said street. All access drives or curb cuts across a street from any R district is prohibited unless specifically approved by the staff.

2. The site shall be landscaped in conformance with the Landscaping Manual of the City of Chula Vista and approved by the Planning Director of Chula Vista. Street trees shall be provided as part of an approved site plan.

3. Site plan and architectural approval required for all uses, as provided in Section 33.1313.

4. Off-street parking and loading facilities required for all uses, as provided in Article 8.

5. All uses shall be conducted wholly within a completely enclosed building, except for outdoor restaurants, service stations, off-street parking and loading facilities, and other open uses specified under conditional use permits, as determined by the Planning Commission.

6. Outdoor storage of merchandise, material or equipment shall be permitted only when incidental to a permitted or accessory use located on the premises, and provided that:

(a) Storage area shall be completely enclosed by walls, fences or buildings, and shall be part of an approved site plan.

(b) No outdoor storage of materials or equipment shall be permitted to exceed a height greater than that of any enclosing wall, fence or building.

Sec. 33.512. I-R Research Industrial Zone.

A. *Purpose.* To provide an environment exclusively for and conducive to the development and protection of modern, large-scale administrative, research and specialized manufacturing organizations, all of a non-nuisance type.

B. *Permitted Uses.*

1. Administrative, executive and financial offices.
2. Laboratories; research, experimental, film, electronic or testing.
3. Manufacturing, printing, assembly or packaging of small scale products for sale from previously prepared materials such as cloth, plastic, paper, leather, precious or semi-precious metals or stones, but not including such operations as saw and planing mills, any manufacturing uses involving primary production of wood, metal or chemical products from raw materials, or any use listed as a prohibited use in this zone.
4. Any other research or light manufacturing use determined by the Commission to be of the same general character as the above permitted uses.
5. Electrical substations and gas regulator stations, subject to the provisions of subsection 13 of Section 33.901 A.
6. Manufacture of electric and electronic instruments and devices, such as television, radio and phonograph equipment.
7. Wholesale business storage or warehousing for products of the types permitted to be manufactured in the zone.
8. Temporary tract offices and tract signs, subject to the provisions of subsections 28 and 30 of Section 33.901 A.
9. Advertising signs or structures and billboards.

C. *Conditional Uses.*

1. Retail commercial uses such as restaurants and service stations, necessary to serve in the I-R zone.

2. Manufacture of food products, pharmaceuticals and the like, but not including production of fish or meat products, sauerkraut, vinegar or the like, or the rendering or refining of fats and oils.

3. Light woodworking and light metal appliance and steel fabricating shops and machine shops.

D. *Signs.* Civic, real estate and business signs are permitted subject to the following regulations:

1. *Location:* Wall, flat or projecting; provided that no projecting sign shall extend more than three feet (3') beyond the face of the wall to which affixed. Freestanding, provided that no freestanding sign shall overhang any lot line and shall be no higher than thirty feet (30')/.

2. *Maximum Area:* The aggregate of all signs for any one establishment shall not exceed the following:

(a) One double-faced freestanding sign designating the uses or names of the premises not to exceed one (1) square foot for each lineal foot of frontage to a maximum of fifty (50) square feet.

(b) One wall sign for each business not to exceed one hundred (100) square feet. This total may be increased to one hundred and fifty (150) square feet if no freestanding sign is used. The horizontal dimension of a wall sign shall not exceed fifty percent (50%) of the width of the business or office street frontage nor shall the vertical dimension of such sign exceed two and one-half feet (2-1/2').

(c) One directional sign shall be permitted at each driveway entering or leaving the premises. Such sign shall not exceed two (2) square feet in area, nor more than eight feet (8') in height.

(d) One temporary real estate sign for the sale or rental of an individual property twenty (20) square feet.

3. *Illumination:* No tube, bulb or filament shall be visible except a bulb for indirect lighting from the ground.

4. *Other Regulations:*

No sign shall be moving, nor shall light be intermittent or flashing.

Real estate signs shall be removed within five (5) days after the property to which they refer has been rented, leased or sold.

No spinners, pennants, streamers or similar outdoor display materials shall be permitted.

E. *Prohibited Uses.* Manufacturing uses, involving primary production of the following products from raw materials, are prohibited in the I-R zone:

1. Asphalt, cement, charcoal and fuel briquettes.
2. Aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates of an explosive nature, potash, plastic materials and synthetic resins, pyroxylin, rayon yarn, any hydrochloric, nitric, phosphoric, picric and sulphuric acids.
3. Coal, coke and tar products, manufacturing of explosives, fertilizers, gelatin, animal glue and size.
4. Turpentine, matches, paint.
5. Rubber and saops, including fat rendering.
6. Flour mill.
7. The following processes: nitrating of cotton or other materials; magnesium foundry; reduction, refining, smelting and alloying of metal or metal ores; refining petroleum products, such as gasoline, kerosene, naphtha, lubricating oil, distillation of wood or bones; storage, curing or tanning of raw, green or salted hides or skins.
8. Stockyards, slaughter houses, except for poultry, and slag piles.
9. Storage of fireworks or explosives, except where incidental to a permitted use.

10. Service and maintenance centers for heavy equipment.

11. Any other use which is determined by the Commission to be of the same general character as the above uses.

F. *Height Regulations.* No structure shall exceed six (6) stories or seventy feet (70') in height, except as provided in Section 33.1001; however, no structure shall exceed two (2) stories or thirty-five feet (35') in height when located within two hundred feet (200') of any residential zone.

G. *Area, Lot Coverage and Yard Requirements.* The minimum lot areas required shall be one of the following for this zone classification, as designated on the Zoning Map, except where increased for conditional uses:

Lot Area (Sq.Ft.)	Lot Coverage (Max. %)	Yards in Feet			
		Front	Exterior Side Yard	Side	Rear
20,000	40	20*	15*	20	25
		0 for signs			

* 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.

H. *Other Required Conditions.*

1. All uses permitted by this article, except for administrative, executive and financial offices, and permitted retail commercial uses shall be subject to review in accordance with the performance standards procedure in Article 7.

2. All uses shall be conducted wholly within a completely enclosed building except for service stations, heliports and landing strips, and off-street parking and loading facilities and as noted in subsection 8 hereof.

3. Manufacturing and industrial processes shall use only gas or electricity as a fuel; provided, however, that oil burning equipment may be installed for standby purposes only.

4. In any I-R zone directly across the street from any R zone, the parking and loading facilities shall be distant at least twenty feet (20') from said street; and the building and structures at least fifty feet (50') from said street.

5. The site shall be landscaped in conformance with the Landscaping Manual of the City of Chula Vista and approved by the Planning Director of Chula Vista. Street trees shall be provided as part of an approved site plan.

6. Site plan and architectural approval required for all uses, as provided in Section 33.1313.

7. Off-street parking and loading facilities required for all uses, as provided in Article 8.

8. Outdoor storage of merchandise, material and equipment except vehicles, shall be permitted only when incidental to a permitted use located on the same lot, and provided that:

(a) Storage area shall be completely enclosed by solid walls or fences or buildings, or a combination thereof, not less than six feet (6') in height.

(b) There shall be no outdoor storage of merchandise, materials, equipment or other goods to a height greater than that of the building, wall or fence enclosing the storage area.

Sec. 33.513. I General Industrial Zone.

A. *Purpose.* To encourage sound industrial development by providing and protecting an environment exclusively for such development, subject to regulations necessary to insure the purity of the airs and waters in Chula Vista and San Diego County, and the protection of nearby residential, commercial and industrial uses of the land from hazards and noise or other disturbances.

B. *Permitted Uses.*

1. Any manufacturing, processing, assembling, re-search, wholesale, or storage uses except as herein-after modified.
2. Any manufacturing, processing or assembling use which is not of the character of the uses listed in subsection D hereof, as subject to review in conformance with the performance standards procedure set forth in Article 7, may be permitted without such review, provided that any proposed use may be required to comply with said procedure if it is considered possible by the Commission that such use may violate said performance standards.
3. Railroad yards and freight stations, and trucking and motor freight stations.
4. Car washing establishments.
5. Electrical generating plants and liquified natural gas plants.
6. Temporary tract offices and tract signs, subject to the provisions of subsections 28 and 31 of Section 33.901 A.
7. Advertising signs or structures and billboards.
8. Any of the following manufacturing uses, among others subject to review in accordance with the Performance Standards Procedure in Article 7:
 - (a) Automobile and metal appliance manufacturing and assembly, structural steel fabricating shops, machine shops, forges and foundries.
 - (b) Brewing or distilling of liquors, or perfume manufacture.

(c) Poultry slaughter house and meat packing, but not other stock yards or slaughter houses.

(d) Brick or pottery manufacturing; stone or monument works.

(e) Large scale bleaching, cleaning and dyeing establishments.

(f) Any other use which is determined by the Commission to be of the same general character as the above uses.

C. *Accessory Uses.*

1. Incidental services, such as restaurants to serve employees, when conducted and entered from within the building.

2. Other accessory uses and buildings customarily appurtenant to a permitted use.

D. *Conditional Uses.*

1. Restaurants, car washing establishments.

2. Service stations.

3. Any of the following manufacturing uses, involving primary production of the following products from raw materials, subject to review in accordance with the performance standards procedure, and provided that such uses are located not less than five hundred feet (500') from the nearest R zone, C-N or C-C zone, or A zone designated for future residential development in the Chula Vista General Plan.

(a) Asphalt, cement, charcoal and fuel briquettes.

(b) Aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, cresote, hydrogen and oxygen, industrial alcohol, nitrates of an explosive nature, potash, plastic materials and synthetic resins, pyroxylin, rayon yarn, and hydrochloric, nitric, phosphoric, picric and sulphuric acids.

(c) Coal, coke and tar products, manufacturing of explosives, fertilizers, gelatin, animal glue and size.

(d) Turpentine, matches, paint.

(e) Rubber and soaps.

(f) Flour mill.

(g) The following processes: nitrating of cotton or other materials; magnesium foundry; reduction, refining, smelting and alloying of metal or metal ores; refining petroleum products such as gasoline, kerosene, naptha, lubricating oil, distillation of wood or bones; storage, curing or tanning of raw, green or salted hides or skins.

(h) Stockyards and slaughter houses, except as allowed elsewhere in this article, and slag piles.

(i) Storage of fireworks or explosives, except where incidental to a permitted use.

(j) Automobile salvage and wrecking operations, and industrial metal and waste rag, glass or paper salvage operations, provided that all operations are conducted within a solid screen not less than eight feet (8') high, and that materials stored are not piled higher than said screen.

(k) Any other use which is determined by the Commission to be of the same general character as the above uses.

E. *Signs.* Civic, real estate and business signs are permitted, subject to the following regulations:

1. *Location:* Wall, flat or projecting, provided that no projecting sign shall extend more than three feet (3') beyond the face of the wall to which affixed. Freestanding, provided that no freestanding sign shall overhand any lot line and shall be no higher than thirty feet (30').

2. *Maximum Area:*

(a) One double-faced freestanding sign designating the uses or name of the premises not to exceed one (1) square foot for each lineal foot of frontage to a maximum of fifty (50) square feet.

(b) One wall sign for each business, not to exceed one hundred fifty (150) square feet. This total may be increased to two hundred (200) square feet if no freestanding sign is used. The horizontal dimension of a wall sign shall not exceed fifty percent (50%) of the width of the business or office street frontage nor shall the vertical dimension of such sign exceed two and one-half feet (2-1/2').

(c) One directional sign shall be permitted at each driveway entering or leaving the premises. Such sign shall not exceed two (2) square feet in area, nor more than eight feet (8') in height.

(d) One temporary real estate sign, not exceeding twenty (20) square feet, for the sale or rental of an individual property or business.

3. *Illumination:* No tube, bulb or filament shall be visible except a bulb for indirect lighting from the ground.

4. *Other Regulations:*

No sign shall be moving, nor shall light be intermittent or flashing.

Real estate signs shall be removed within five (5) days after the property to which they refer has been rented, leased or sold.

F. *Height Regulations.* Within two hundred feet (200') of any R zone or A zone designated for future residential use in the Chula Vista General Plan, no structure shall exceed three (3) stories or fifty feet (50') in height; otherwise, no building or structure shall be erected to such a height that it would be detrimental, in the opinion of the Commission, to the light, air or privacy of any other structure or use, existing or reasonably to be anticipate.

G. *Area, Lot Coverage and Yard Requirements.* The minimum lot area required shall be one of the following for this zone classification as designated on the Zoning Map, except where increased for conditional uses:

Classification	Lot Area (Sq.Ft.)	Yards in Feet			
		Front	Exterior Side Yard	Side	Rear
I-120	120,000	Bldgs. 25* Signs 0	Bldgs. 15* Signs 0	10 feet, except when adjoining an R zone or A zone designated for future development in the Chula Vista General Plan, then not less than fifty feet (50')	50
I-40	40,000	Bldgs. 25* Signs 0	Bldgs. 15* Signs 0	10 feet, except when adjoining an R zone or A zone designated for future development in the Chula Vista General Plan, then not less than fifty feet (50')	50
I-20	20,000	Bldgs. 25* Signs 0	Bldgs. 15* Signs 0	10 feet, except when adjoining an R zone or A zone designated for future development in the Chula Vista General Plan, then not less than fifty feet (50')	50

* 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.

H. *Other Required Conditions.*

1. All uses shall be subject to initial and continued compliance with the performance standards in Article 7.
2. Site plan and architectural approval required for all uses, as provided in Section 33.1313.
3. Off-street parking and loading facilities required for all uses, as provided in Article 8.
4. In any I zone directly across the street from any R zone or A zone designated for residential use in the Chula Vista General Plan, the parking and loading facilities shall be distant at least twenty feet (20') from said street, and the structures at least fifty feet (50') from said street.
5. The site shall be landscaped in conformance with the Landscaping Manual of the City of Chula Vista, and approved by the Planning Director of Chula Vista. Street trees shall be provided as part of an approved site plan.

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Sec. 33.514. P-C Planned Community Zone.

A. *Purpose.* The purposes of the Planned Community Zone are to:

1. Provide for the orderly pre-planning and long-term development of large tracts of land which may contain a variety of land uses, but are under unified ownership or development control, so that the entire tract will provide an environment of stable and desirable character.
2. Give the developer reasonable assurance that sectional development plans prepared by him in accordance with an approved Community Development Plan will be acceptable to the City. Sectional development plans may include subdivision plans and/or Planned Unit Development plans as provided for in this article.
3. Enable the City to adopt measures providing for the development of the surrounding area compatible with the Planned Community Zone.

B. *Provisions.* The following regulations shall apply in all P-C zones and all development shall be subject to other provisions of this chapter, except that where conflict in regulations occurs, the regulations specified in this section shall apply:

1. P-C zones may be established on parcels of land which are suitable for, and of sufficient size to be planned and developed in a manner consistent with the purposes of this section and the objectives of this chapter. No P-C zone shall include less than fifty (50) acres of contiguous lands.
2. All land in each P-C zone, or approved section thereof, shall be held in one ownership or under unified control unless otherwise authorized by the Planning Commission. For the purposes of this section, the written consent or agreement of all owners in a P-C zone to the Proposed General Development Plan and General Development Schedule shall be deemed to indicate unified control.

C. *Application.* A P-C zone may be initiated by the Planning Commission or by one or more owners or by a developer representing said owners upon application made in the manner

specified by this section. The application shall be accompanied by a General Development Plan and General Development Schedule as specified hereinafter:

1. A General Development Plan showing the topographic character of the land, any major regrading intended, the general location of all existing and proposed uses of the land, the approximate location of all trafficways, except those solely serving abutting uses, any public uses, such as schools, parks, playgrounds, open space and undisturbed natural land, provision for erosion control and fire prevention planting and, for residential uses, the approximate location of different densities of dwelling units. Where appropriate, said Plan shall include recommendations as to desirable or compatible uses in the area surrounding said development.

2. A General Development Schedule, indicating:

(a) Description of the project.

(b) The anticipated timing for each section of the development for which specific uses are intended or for which specific sectional development plans will be submitted.

(c) The approximate area of each section of the development and area of each separate land use.

(d) For residential development or residential sections of any P-C zone development:

(1) The approximate number of dwelling units proposed by type of dwelling. This may be stated as a range with maximum and minimum number of units of each type.

(2) The approximate total population anticipated in the entire development and in each major section. This may be stated as a range with a maximum and minimum number of persons.

(3) The approximate standards of height, open space, building coverage, and number of dwelling units per gross acre proposed for each section of the development.

(4) The approximate land area and number of sites proposed for public use of each type.

(5) The approximate retail sales area space in square feet and gross area in acres proposed for commercial development with standards for off-street parking and landscaping and circulation for vehicles and pedestrians.

(e) For commercial or industrial development or commercial or industrial sections of any proposed P-C zone:

(1) Types of uses proposed in the entire area and each major section thereof.

(2) Anticipated employment in the entire development and/or in each major section thereof. This may be stated as a range.

(3) Methods proposed to control or limit dangerous or objectionable elements, if any, which may be caused or emitted by proposed uses. Such dangerous or objectionable elements may include fire, explosion, noise or vibration, smoke, dust, odor, or other form of air pollution; heat, cold, dampness, electrical or other disturbance; glare; liquid or solid refuse or wastes; or other substance, condition or element which might adversely affect the surrounding area.

(4) The approximate standards of height, open space, buffering, landscaping, circulation, off-street parking and loading proposed for the intended structure or uses.

(f) For institutional, recreational or other non-residential development or sections of any P-C zone:

(1) Approximate types of uses proposed in the entire area and each major section thereof.

(2) Significant applicable information with respect to enrollment, residence, employment, patients, attendance, and other pertinent social or economic characteristics of development.

(3) The approximate standards of height, open space, buffering, landscaping, pedestrian and vehicular circulation, off-street

parking and loading, proposed for the intended structures or uses.

(g) The uses of land and standards of development considered suitable and desirable for lands adjacent to the proposed development.

D. *Findings Required.* The Planning Commission, after public hearing as provided in Section 33.1311 of this chapter, may recommend the establishment of a P-C zone, provided it finds that the facts submitted with the application and presented at the hearing establish beyond reasonable doubt that:

1. The proposed development as described by the General Development Plan and Development Schedule is in harmony with the provisions of the Chula Vista General Plan.
2. A Planned Community Development can be initiated by establishment of specific uses or specific sectional development plans within two (2) years of the establishment of the Planned Community Zone.
3. In the case of proposed residential development, that such development will constitute a residential environment of sustained desirability and stability; and that it will be in harmony with or provide compatible variety to the character of the surrounding area, and that the sites proposed for public facilities, such as schools, playgrounds and parks, are adequate to serve the anticipated population and appear acceptable to the public authorities having jurisdiction thereof.
4. In the case of proposed industrial and research uses, that such development will be appropriate in area, location, and over-all design to the purpose intended; that the design and development standards are such as to create a research or industrial environment of sustained desirability and stability; and that such development will meet performance standards established by this chapter.
5. In the case of institutional, recreational, and other similar non-residential uses, that such development will be appropriate in area, location and over-all planning to the purpose proposed, and that surrounding areas are protected from any adverse effects from such development.

6. That the streets and thoroughfares proposed are suitable and adequate to carry the anticipated traffic thereon.

7. That any proposed commercial development can be justified economically at the location(s) proposed and will provide adequate commercial facilities of the types needed at such location(s) proposed and will provide adequate commercial facilities of the types needed at such location(s).

8. That the area surrounding said development can be planned and zoned in coordination and substantial compatibility with said development.

E. *Planning Commission and City Council.*

1. If, from the facts presented, the Commission is unable to make the findings set forth above, it shall recommend disapproval of the application.

2. The Commission may recommend disapproval of the Planned Community General Development Plan and General Development Schedule; may recommend approval of said Plan and Schedule as submitted; or may recommend approval of said Plan and Schedule subject to specified modifications.

3. The Commission shall review the appropriate planning and zoning for the area surrounding said Planned Community General Development Plan, and the approximate time schedule for carrying out such action if such action is required. When necessary to insure compatible development for the entire community, or to avoid serious conflicts in land uses between the P-C zone and the surrounding area, action regarding the P-C zone and the appropriate planning and zoning of the surrounding area shall be taken concurrently.

4. Action by City Council on the application for a P-C zone shall be in accordance with Section 33.1311 of this chapter. If said City Council desires to modify said Plan and Schedule, such modification shall be referred back to the Planning Commission for written recommendations before adoption. The failure of the Commission to report within twenty-eight (28) days after reference shall be deemed to be approval of said modification.

Sec. 33.515. F-1 Floodway Zone.

A. *Purpose and Intent.* It is the purpose of the City Council in establishing the F-1 zoning restrictions, for use in areas subject to floods and inundation, to provide land use regulations to be applied on a uniform basis to such properties based upon documented and factual data from flood experience and engineering studies of possible and probable future flooding conditions, so as to prevent property damage and safeguard the health, safety and general welfare of the people. This zoning is intended to be applied to those areas which, by virtue of existing or potential construction of buildings and structures therein, or in surrounding areas, have or will have in the future the effect of creating aggravated flooding situations which theretofore, in their undeveloped state did not constitute dangers to the public health, safety or general welfare. These zones are further intended to provide such safeguards until such time as flood protective or control works in the nature of channels or levees have been constructed so as to minimize such danger in the outlying or fringe floodway areas.

B. *Definitions.* As used in this chapter, unless otherwise prescribed by the context, the following meanings shall apply:

1. "Design Flood" means the selected flood against which protection is provided, or eventually will be provided, by means of flood protective or control works. When a federal survey has been authorized, the design flood will be determined by the appropriate federal agency and in all other cases it will be determined by the Director of Public Works. It shall be the basis for design and operation of a particular project after full consideration of flood characteristics, frequencies and potentials, and economic and other practical considerations.

2. "Designated Floodway" means an area consisting of the channel of a stream and/or that portion of the adjoining flood plain which would serve both to adequately accommodate flood waters to be expected at frequent intervals in periods of heavy rainfall, and which would be required to reasonably provide for the construction of flood control projects for the passage of design flood by means of flood control channels, and including the lands necessary for the construction of project levees.

3. "Restrictive Zone" means the portion of the floodway in its natural state or as modified by grading and fill, delineated by the flood level to be expected in a storm of 100-year intensity, constituting the overflow area from the designated floodway or the outlying or fringe area located between the limits of the designated floodway and the limits of the flood plain, where inundation which could endanger life, property and general welfare may occur, but where frequency of flooding, and depths and velocities are generally low.

4. "Structure" as herein used does not include public utility facilities or electric, gas or communication lines lawfully present.

5. "Flood Proof Structure" is any structure which, in the opinion of the Director of Public Works, is designed and constructed to resist flotation, destruction or major damage by the maximum flood predicted for the structure site by the U. S. Army Corps of Engineers or the Director of Public Works.

C. *F-1 Designated Floodway Zone.* A designated floodway zone is hereby established to preserve a natural channel or open area to meet the need to carry abnormal flows of water in times of flood; to confine periodic floods to reasonable limits; to limit and minimize the structural developments tending to obstruct and divert the natural or directed flow and curb encroachment of floodwaters into the restrictive zone, thus limiting flood heights and flood destruction, and to prevent loss of life and excessive damage to property in the area of greatest flood hazard. The F-1 zone shall be applied to those areas within the City of Chula Vista conforming to the definition of the designated floodway as determined by the City Council of the City of Chula Vista, based upon studies made by the U. S. Army Corps of Engineers or the Director of Public Works. In the designated floodway zone, the following regulations shall apply:

1. *Uses Permitted.* No building or structure shall be constructed, erected, moved, converted, altered or enlarged in the designated floodway zone, nor shall any other condition be allowed which would tend to cause stream channel alteration, or affect the carrying capacity of a floodway or otherwise constitute a threat to life and property. The following uses are permitted subject to the approval of a conditional

use permit as herein provided, containing such conditions as the Planning Commission may specify to protect the public interest:

- (a) uses such as loading and unloading areas, parking lots and used car lots.
- (b) Open type private and public recreational facilities such as parks, golf courses, air fields, athletic fields, and drive-in theaters.
- (c) Circuses, carnivals or other similar transient amusement enterprises.
- (d) Storage yards for equipment and material not subject to major damage by flood waters.
- (e) The sale of food, refreshments and other commercial enterprises that would not require the construction of permanent structures.
- (f) Agricultural uses, including farming, grazing and livestock raising.
- (g) Any other use customarily accessory or incidental to the above uses, or uses of a similar nature which do not require the construction of permanent structures and which, in the opinion of the Planning Commission, conform to the intent and purpose of this zone.

2. *Conditional Use Permit.* Prior to the issuance of a conditional use permit for any of the uses authorized by this section, the plans for such use shall be submitted to the Planning Commission for review and approval or disapproval. In its review of plans submitted, the Planning Commission shall be guided by the following standards, keeping in mind that the purpose of this section is to prevent encroachment of flood waters on adjacent properties as well as preventing undue increase in flood heights and danger to life and property within this zone:

- (a) Any use permitted shall be of a type not appreciably damaged by flood waters, provided that no structures for human occupation shall be permitted.
- (b) No fill shall be permitted.

(c) On development lots the percentage of lot occupied by the main structure at the time of the adoption of this ordinance shall not be increased, and any new structure shall occupy not more than ten percent (10%) of the lot.

(d) Any structure permitted shall be floodproof and constructed and placed on the lot so as to offer the minimum obstruction to the flow of water, such as placing the structure with open ends parallel to the flow of water, rather than at right angles to such flow.

(e) Any structure permitted shall be firmly anchored to prevent the structure from floating away and thus threatening to further restrict bridge openings and other restricted sections of the channel or open area.

(f) Where, in the opinion of the Planning Commission, topographic data, engineering studies or other studies are needed to determine the effects of flooding on a proposed structure and/or the effect of the structure on the floodway, the Planning Commission may require the applicant to submit such data and/or studies prepared by competent engineers or other technical people.

(g) The granting of such approval shall not constitute a representation, guarantee, or warranty of any kind or nature of the City of Chula Vista or the Planning Commission, or by an officer or employee of either thereof, of the practicability or safety of any structure or other plan proposed and shall create no liability upon, or a cause of action against such public body, officer or employee for any damage that may result pursuant thereto.

Sec. 33.516. T Tidelands Zone.

All tidelands and submerged lands within the boundaries of the City of Chula Vista shall be designated as "Tidelands" or T zone. Tidelands shall be deemed to be all the land between the Ordinary High Water Mark and the Pierhead Line, per Miscellaneous Map 399, recorded September 12, 1960. Submerged land shall be that land which is always covered by water.

A. *Uses Permitted.* The following uses, after review and approval by the Planning Commission and the City Council, may be permitted in the T zone.

1. All uses permitted in the commercial zone consistent with the tidelands trust concerning commerce, fisheries and navigation.
2. Recreational uses such as marinas, parks, golf courses, small boat harbors, aquatic playground equipment and similar recreational facilities.
3. All industrial uses consistent with the tidelands trust concerning commerce, fisheries and navigation.

An application for approval shall be filed with the Planning Department in a manner prescribed by the Planning Commission and shall contain sufficient data and information to assure a full presentation of the proposed use and the type of improvements and structures to be constructed. The Director of Planning shall, at the earliest possible date, forward the application to the Planning Commission and thereafter to the City Council. Failure of the Planning Commission and the City Council to act on said application within twenty (20) days of the submission date shall be deemed approval of the application as submitted. The Planning Commission and the City Council may approve, conditionally approve, or disapprove such applications. No continuance or extension of time beyond the periods set forth herein shall be permitted except upon the stipulation of the applicant.

B. *Accessory Uses.* Any use other than those set forth in Section 33.516 A shall be permitted only after the Commission and Council find that:

1. Such use will be consistent with the character and development of the City in this area.
2. Such use will not violate the trust purposes for which Chula Vista held the tidelands grant from the State of California.

3. Such use will not result in an unreasonable deprivation of the public's right to the enjoyment of small boat harbors, marinas, aquatic playgrounds, and similar recreational facilities upon or about said tidelands or submerged lands.

4. Such use will not constitute a nuisance.

After decision by the Planning Commission and the Council, written notice shall be made to the applicant of such decision.

C. *Procedures.*

1. After decision by the Planning Commission, copies thereof shall be mailed to the applicant and to any party filing a written notice therefor with the secretary of the Commission of the Planning Director, and the application and any supporting documents, together with the written decision of the Planning Commission shall be forwarded to the City Clerk, who shall cause same to be placed upon the agenda of a regular meeting of the City Council within fifteen (15) days after receipt thereof.

2. If the applicant or any other interested party is dissatisfied with the decision of the Planning Commission, such person may file a notice of appeal within ten (10) days from the date such notification of the Planning Commission's decision was mailed to the applicant. Such notice of appeal shall be filed with the City Clerk. Such appeal shall be in writing and shall state wherein the appellant feels the Planning Commission's decision was in error, and his reasons thereof.

Sec. 33.517. Unclassified Uses.

All of the following, and all matters directly related thereto are declared to be uses possessing characteristics of such unique and special form as to make impractical their being included automatically in any classes of use as set forth in the various zones herein defined, and the authority for the location and operation thereof shall be subject to review and the issuance of a conditional use permit, provided, however, that conditional use permits may not be granted for a use in a zone in which it is specifically excluded by the provisions of this chapter.

The purpose of this review shall be to determine that the characteristics of such use shall not be incompatible with the type of uses permitted in surrounding areas and for the further purpose of stipulating such conditions as may reasonably assure that the basic purposes of this chapter shall be served. Factors to be considered and the manner in which conditional use applications are to be processed shall be as set forth in Sections 33.1303 et seq. of this chapter.

A. *Uses Considered.* The following uses may be considered for location in any zone, subject to the provisions set forth herein, and additional conditions set forth in Article 9:

1. Borrow pits and quarries for rock, sand and gravel.
2. Campgrounds.
3. Cemeteries.
4. Colleges, universities, private schools, elementary and secondary public schools.
5. Columbariums, crematoriums and mausoleums, provided that these uses are specifically excluded from all R zones unless inside of a cemetery.
6. Churches.
7. Dumps, public or private.
8. Hospitals (general, convalescent, rest homes, nursing homes, psychiatric, etc.)
9. Mortuaries.
10. Establishments or enterprises involving large assemblages of people or automobile as follows,

provided that these uses shall be deemed to be generally undesirable in the R zones.

- (a) Airports and heliports.
 - (b) Amusement parks and amusement enterprises.
 - (c) Arenas.
 - (d) Circuses, carnivals or fairgrounds (other than temporary uses).
 - (e) Museums.
 - (f) Open air theaters.
 - (g) Race tracks and rodeos.
 - (h) Recreational centers, commercially operated.
 - (i) Stadiums.
- 11. Fraternity and sorority houses.
 - 12. Golf courses.
 - 13. Passenger stations for rail or bus travel.
 - 14. Public and quasi-public uses.
 - 15. Radio or television transmitters.
 - 16. Mobile home park (excluded from all commercial and industrial zones).

B. *Yard Requirements.* The requirements for front, side, and rear yards applicable to the particular property and zone in which such use is proposed shall prevail unless, in the findings and conditions recited in the resolution dealing with each matter, specific exceptions, additions or modifications are made with respect thereto.

C. *Building Height Limit.* The requirements for building height limit applicable to the particular property and zone in which such use is proposed shall prevail unless, in the findings and conditions recited in the resolution dealing with each matter, specific exceptions, additions or modifications are made with respect thereto.

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D. *Off-Street Parking and Loading Facilities.* Off-street parking and loading facilities for the specific use proposed shall be determined by the Planning Commission in the event such requirements are not enumerated in Article 8 of this chapter.

E. *Site Plan and Architectural Approval.* Site plan and architectural approval required for all uses, as provided in Section 33.1313.

ARTICLE 6. MODIFYING DISTRICTS.Sec. 33.601. Modifying Districts; Defined.

A. *Purpose.* To permit special regulations to be invoked where appropriate or necessary in addition to the basic regulation otherwise set forth herein for the zones set forth in Article 5 of this chapter.

1. *D Design Control Modifying District.* Whenever the D district is established on the Zoning Map of the City of Chula Vista, the provisions of Section 33.1313 relating to site plan and architectural approval shall apply to all uses within said D district, regardless of whether or not such approval is otherwise required for such use herein.
2. *S Height of Buildings (Stories) Modifying District.*
 - (a) Whenever the S Modifying District is established on the Zoning Map of the City of Chula Vista, no building shall be built higher than the number of stories specified after the S on said map, and said number of stories shall take precedence over any height requirement specified otherwise in the Zone modified by this provision.
 - (b) For any building permitted under this section to be built higher than otherwise permitted in the zone modified by this provision, side and rear yards shall be increased by six feet (6') plus two additional feet (2') per story for every story over three.
3. *P Precise Plan Modifying District.* Whenever the P district is established on the Zoning Map of the City of Chula Vista, the uses of land and buildings, height of buildings, yards and other open spaces and other information shown on the Precise Plan and adopted for said district by the Planning Commission shall take precedence over the otherwise applicable provisions of the zone modified by this provision.
4. *F Flood Plain Restrictive District.* There is hereby established as a supplemental district, to be attached to existing zones, applicable to the restrictive zone as heretofore defined, a F Flood Plain Restrictive District. The F district shall be applied to areas within the City of Chula Vista conforming to

the definition of restrictive zone as determined by the City Council of the City of Chula Vista based upon studies made by the U. S. Army Corps of Engineers or the Director of Public Works. Such supplemental limitation is designed to prevent the loss of life and excessive damage to property in this outlying or fringe area subject to flooding.

(a) *Uses Permitted.* The following uses are permitted subject to the approval of a conditional use permit as herein provided, containing such conditions as the Planning Commission may specify to protect the public interests:

(1) All uses authorized in the F-1 zone.

(2) Structures and uses presently in existence shall be allowed to continue, provided that any expansion, remodeling or conversion thereof shall require a conditional use permit as herein provided.

(3) Those uses permitted pursuant to the basic zoning as it exists or as it may be amended from time to time.

(b) *Conditional Use Permit.* In approving conditional use permits in the F district, the Planning Commission shall be guided by the standards established in the F-1 zone, except that subsections 2(a), 2(b) and 2(c) of Section 33.515 C need not be applicable unless unusual circumstances are found to exist after a hearing by the Planning Commission.

(c) *Repeal.* It is intended that this district, supplemental to the basic underlying land use zone or zones, will be repealed by the City Council in those areas when, in the opinion of the Director of Public Works, the flood hazard has been eliminated by reason of a change of conditions.

(d) *Definitions.* See definitions set forth in subsection B of Section 33.515.

Sec. 33.602. PUD Planned Unit Development.

A. *Purpose.* The purpose of planned unit developments is to allow diversification in the relationships of various uses, building, structures, and open spaces in planned building groups and the allowable heights of buildings and structures, while insuring substantial compliance to the intent of the zone regulations and other provisions of this chapter, in order that the intent of this chapter in requiring adequate standards related to the public health, safety and general welfare shall be observed without unduly inhibiting the advantages of large-scale site planning for residential, commercial, industrial or institutional purposes.

B. *Required Conditions.*

1. No planned unit development shall have an area of less than five (5) acres for a proposed C-0, I-R or I zone use, or an area of less than two (2) acres for any other proposed use.
2. A planned unit development application, pursuant to Section 33.1312, which will require a change of zone shall be accompanied by an application for zoning amendment pursuant to Section 33.1201.

C. *Planned Unit Development Plan.* Application shall be accompanied by a Planned Unit Development Plan, showing the use or uses to be reserved for vehicular and pedestrian circulation, parking, public uses such as schools, playgrounds, parks, landscaping, and other open spaces; undisturbed natural land, erosion control and fire control planting; and architectural drawings and sketches demonstrating the general design and character of the proposed uses and physical relationship of the uses. Such other pertinent information, including density of dwelling units, coverage, and open space characteristics shall be included as may be necessary to a determination that the contemplated arrangement of buildings and uses makes it desirable to apply regulations and requirements differing from those ordinarily applicable under this chapter.

D. *Review by Planning Commission.* In order to approve a Planned Unit Development, the Planning Commission shall find the following:

1. *Financial Ability of Proponents.* The proponents of the Planned Unit Development have demonstrated, to the satisfaction of the Commission, that they are

financially able to carry out the proposed project; that they intend to start construction within one (1) year of the approval of the project and any necessary zone change, and intend to complete said construction within a reasonable time as determined by the Commission.

2. *Conformity to General Plan.* That the proposed Planned Unit Development conforms to the Chula Vista General Plan in terms of general location and general standards of development.

3. *Residential Developments.* In the case of proposed residential development: that such development will constitute a residential environment of sustained desirability and stability; that it will be in harmony with or complementary to the character of the surrounding neighborhood and will not result in an intensity of land utilization over twenty-five percent (25%) higher than, and will result in standards of open space at least as high as, permitted or specified otherwise for such development in this chapter.
(NOTE: This provision does not apply to the R-3 zone.)

4. *Commercial Developments.* In the case of proposed commercial development: that such development is needed at the proposed location to provide adequate commercial facilities of the type proposed; that traffic congestion will not likely be created by the proposed development, or will be obviated by presently projected improvements and by demonstrable provision in the plan for proper entrances and exist, and by internal provisions for traffic and parking; that such development, when including transient residential units, shall not result in an intensity of land utilization more than twenty-five percent (25%) higher than the intensities specified or permitted by applicable zoning provisions; that said development will be an attractive and efficient center which will fit harmoniously into and will have no adverse effects upon the adjacent or surrounding neighborhood.

5. *Industrial Developments.* In the case of proposed industrial developments: that such development is fully in conformity with the applicable performance standards, and will constitute an efficient and well organized development, with adequate provisions for railroad and/or truck access service and necessary storage; such such development will have no adverse effect upon adjacent or surrounding neighborhoods.

6. *Institutional Developments.* In the case of proposed institutional developments, such as colleges, hospitals, etc.: that said development is appropriate in type, area and location where proposed in the community and that proper provisions are made for service access, staff or employee parking, student or visitor parking, etc.; that surrounding thoroughfares have or will be developed to have adequate capacity to accommodate such institutional use; that the capacity of the institution and density and coverage of said use is not excessive for the area of the site; and that said use will fit harmoniously into and have no adverse effects on the surrounding area and will be properly screened and landscaped to avoid such adverse effects.

7. *Exceptions Justified.* That the development of a harmonious, integrated plan justifies exceptions, if such are required, to the normal requirements of this chapter.

8. *Scope of Planning Commission Action.* In carrying out this section, the Planning Commission shall consider the following principles:

(a) It is the intent of this section that site and building plans prepared for a Planned Unit Development shall be done by a professional designer or team of professional designers qualified to prepare said plans which shall be functionally and aesthetically suitable for the use proposed in the application and the Commission shall have the authority to require the applicant to engage such a qualified designer or design team.

(b) It is not the intent of this section that control of the design of a Planned Unit Development by the Commission be so rigidly exercised that individual initiative be stifled and substantial additional expense incurred; rather, it is the intent of this section that the control exercised by the minimum necessary to achieve the purpose of this section.

(c) The Planning Commission, in carrying out this section, shall also observe such of the principles set forth in Section 33.1313, "Site Plan and Architectural Approval", as are appropriate to the review of a Planned Unit Development.

ARTICLE 7. PERFORMANCE STANDARDS.Sec. 33.701. Purpose of Performance Standards.

The purpose of performance standards in the control of industrial uses in Chula Vista are: to permit potential industrial nuisances to be measured factually and objectively; to ensure that all industries will provide methods to protect the community from hazards and nuisances which can be prevented by processes of control and nuisance elimination; to protect industries from arbitrary exclusion or persecution based solely on the nuisance production by any particular type of industry in the past.

Sec. 33.702. General.

No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosion or other hazard; noise or vibration; smoke, dust, odor or other form of air pollution; heat, cold, dampness, electrical or other disturbances; glare; liquid or solid refuse or wastes; or other substance, condition or element in such a manner or in such an amount as to affect adversely the surrounding area or adjoining premises; the foregoing are hereinafter referred to as "dangerous or objectionable elements." No use shall be undertaken or maintained unless it conforms to the regulations of this section in addition to the regulations set forth for the district in which such use is situated.

1. *Performance Standards; Applicability.* Only those uses specified in the I and I-R zones as subject to performance standards, and uses accessory thereto, are subject to Performance Standards Review Procedure specified in Article 7 in obtaining a Zoning Permit, unless either the Building Inspector or the Director of Planning has reasonable grounds to believe that any other proposed use, regardless of zone, is likely to violate performance standards, in which event the applicant shall comply with the Performance Standards Procedures.

2. *Enforcement Provisions Applicable to Other Uses.* Even though compliance with Performance Standards

Procedure in obtaining a Zoning Permit is not required for a particular use, initial and continued compliance is required of every use regardless of zone, and provisions for enforcement of continued compliance with performance standards shall be invoked by the Building Inspector against any use if there are reasonable grounds to believe that performance standards are being violated by such use.

3. *Non-Conforming Uses.* Any use established before the effective date of this chapter, and non-conforming as to performance standards shall have five (5) years in which to conform therewith.

4. *Locations where Determinations are to be Made for Enforcement of Performance Standards.* The determination of the existence of any dangerous and objectionable elements shall be made at the location of the use creating the same and at any points where the existence of such elements may be more apparent (herein referred to as "at any point"); provided, however, that the measurements necessary for enforcement of performance standards set forth in Section 33.703, namely those measurements having to do with noise, vibration, odors or glare, shall be taken at the following points of measurement:

(a) In any district except the I zone; at the lot line of the establishment or use.

(b) In the I zone; five hundred feet (500') from the establishment or use or at the boundary or boundaries of the zone if closer to the establishment or use, or at any point within an adjacent zone other than an I zone.

Sec. 33.703. Dangerous and Objectionable Elements.

A. *Noise.* At the points of measurement specified in subsection 4(b) above, the maximum sound pressure level radiated in each standard octave band by any use of facility (other than transportation facilities or temporary construction work) shall not exceed the values for octave bands lying within the several frequency limits given in Table I, after applying the corrections shown in Table II. The sound pressure level shall be measured with a sound level meter

and associated Octave Band Analyzer, conforming to standards prescribed by the American Standards Association.

(American Standards Sound Level Meters for Measurement of Noise and Other Sounds, Z-24.3-1944 (Revised--S1.4 - 1961), American Standards Association, Inc., New York, N.Y.; American Standard Specification for an Octave Band Filter Set for the Analysis of Noise and Other Sounds, Z24.10-1953, or latest approved revision thereof, American Standards Association, Inc., New York, N.Y.; or Preferred Frequencies for Acoustical Measurements, S1.6-1960 or latest approved revision thereof, American Standards Association, Inc., New York N.Y., shall be used.)

TABLE I

A.* Frequency Ranges Containing Standard Octave Bands in Cycles per Second	Octave Band Sound Pressure Level in Decibels re 0.0002 dyne/cm ²
0 to 74	72
75 to 149	67
150 to 299	59
300 to 599	52
600 to 1199	46
1200 to 2399	40
2400 to 4799	34
4800 and above	32

B.** Octave Band, Center Frequency (Cycles per Second)	Maximum Permitted Sound Level (in decibels)
31.5	76
63	71
125	65
250	57
500	50
1000	45
2000	39
4000	34
8000	32

* Refers to octave bands as indicated in ASA S1.6-1960, "Preferred Frequencies for Acoustical Measurements", compiled by American Standards Association in 1960.

** Refers to pre-1960 octave bands.

TABLE II

<u>Type of Location of Operation, or Character of Noise</u>	<u>Correction in Decibels</u>
1. Emission only between 7:00 a.m. and 7:00 p.m.	+5*
2. Noise source operates less than: 3 minutes per one hour period - 12 minutes per one-hour period	+10 + 5
3. Property is located in the I zone and is not within 500 feet of any R zone**	+ 5*
4. Noise of impulsive character (hammering, etc.)	- 5***
5. Noise of periodic character (hum, screech, etc.)	- 5***

* Apply one plus correction only.

** Or an area designated for future residential development
in the Chula Vista General Plan.

*** Apply one minus correction only.

B. *Vibration*. No vibration (other than from transportation facilities or temporary construction work) shall be permitted which is discernible without instruments at the points of measurement specified in subsection A of this section.

C. *Odors*. No emission shall be permitted of odorous gasses or other odorous matter in such quantities as to be readily detectable at the points of measurement specified in subsection A of this section. Any process which may involve the creation or emission of any odors shall be provided with an adequate secondary safeguard system of control, so that control will be maintained if the primary safeguard system should fail. There is hereby adopted, as a guide in determining such quantities of offensive odors, Table III, "Odor Thresholds", in Chapter 5, "Air Pollution Abatement Manual", Copyright 1951, by Manufacturing Chemists Association, Inc., Washington, D.C., as subsequently amended.

D. *Glare.* No direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding or otherwise, so as to be visible at the points of measurement specified in subsection 4 of Section 33.702 shall be permitted. This restriction shall not apply to signs or lighting of buildings or grounds for advertising or protection otherwise permitted by the provisions of this chapter.

E. *Fire and Explosion Hazards.* All activities involving, and all storage of, flammable and explosive materials shall be provided at any point with adequate safety devices against the hazard of fire and explosion and adequate fire fighting and fire suppression equipment and devices standard in the industry. Such equipment and devices shall be subject to the approval of the City Fire Chief. Burning of waste materials in open fires is prohibited at any point.

F. *Radio or Electric Disturbance.* No activities shall be permitted which emit electrical disturbance adversely affecting the operation at the point of any equipment other than that of the creator of such disturbance.

G. *Smoke, as per Section 24242 of the State Health and Safety Code.* A person shall not discharge into the atmosphere for a period or periods aggregating more than three minutes in any one hour which is:

1. As dark or darker in shade as that designated as No. 2 on the Ringlemann Chart, as published by the United States Bureau of Mines, or
2. Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection 1 above.

H. *Fly Ash, Dust, Fumes, Vapors, Gases, and Other Forms of Air Pollution, as per Section 24243 of the State Health and Safety Code.* A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which will cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to animals, vegetation, business or property. In no event shall any emission, from any chimney or other source, or any solid or liquid particles in concentrations exceed 0.4 grains per cu. ft. of the conveying gas at any point.

I. *Liquid or Solid Wastes.* No discharge at any point into public sewer, private sewage system, stream or bay or into the ground shall be permitted, except in accord with the standards approved by the State Department of Health, or standards specified in the Metropolitan Sewer Agreement and/or applicable local ordinances (Ordinance No. 1097 and Resolution No. 4695) for similar uses of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment, or otherwise cause the emission of dangerous or offensive elements. No materials or wastes shall be deposited on any property in such form or manner that they may be transferred off the property by natural causes or forces and any wastes which might be attractive to rodents or insects shall be stored outdoors only in closed containers.

Sec. 33.704. Performance Standards Procedures.

A. *Purpose.* The purpose of the performance standards procedures is to insure that an objective, unbiased determination is made in those cases where there may be substantial doubt as to whether an individual land use or group of land uses comply with the performance standards of this chapter, and to formulate practical ways for the alleviation of such non-compliance.

B. *Determination of Compliance.* Subsequent to a study of a proposed use, the Zoning Administrator may determine that there are reasonable grounds to believe that the proposed use may violate the performance standards set forth in this article and may initiate an investigation.

C. *Required Data.* Following the initiation of an investigation, the Zoning Administrator may require the owner or operator of any proposed use to submit such data and evidence as is needed to make an objective determination. The evidence may include, but is not limited to, the following items:

1. Plans of the existing or proposed construction and development.
2. A description of the existing or proposed machinery, processes and products.

3. Specifications for the mechanisms and techniques used or proposed to be used in restricting the possible emission of any of the dangerous and objectionable elements as set forth in this article.

4. Measurements of the amount or rate of emission of said dangerous and objectionable elements.

Failure to submit data required by the Zoning Administrator shall constitute grounds for denying a zoning permit for any use of land.

D. *Report by Expert Consultants.* The Zoning Administrator may require any person, firm or corporation to retain an expert consultant or consultants to study and report as to compliance or non-compliance with the performance standards, and to advise how a proposed use can be brought into compliance with the performance standards. Such consultants shall be fully qualified to give the required information and shall be persons or firms mutually agreeable to the Zoning Administrator and to the owner or operator of the use in question. In the event of inability to select a mutually agreeable consultant, the Planning Commission shall select the consultant. The cost of the consultant's services shall be borne by the owner or operator of said use.

E. *Zoning Administrator's Action.* Within thirty (30) days following the receipt of the required evidence, or receipt of the reports of expert consultants, the Zoning Administrator shall make a determination as to compliance or non-compliance with the performance standards. If the Zoning Administrator determines the existing or proposed use is in compliance, he shall authorize the issuance of any permits which may have been withheld pending said determination.

F. *Required Alterations.* The Zoning Administrator may require modifications or alterations in the existing or proposed construction or the operational procedures to insure that compliance with the performance standards will be maintained. The operator shall be given a reasonable length of time to effect any changes prescribed by the Zoning Administrator for the purpose of securing compliance with the performance standards.

G. *Planning Commission to Hear Appeal.* The Zoning Administrator's action with respect to the performance standards procedure may be appealed to the Planning Commission within ten (10) days following said action. In the absence of such appeal, the Zoning Administrator's determination shall be final.

H. *Continued Enforcement.* The Building Inspector shall investigate any purported violation of performance standards and, if there is reasonable grounds for the same, shall notify the Zoning Administrator of the occurrence or existence of a probable violation thereof. The Zoning Administrator shall investigate the alleged violation, and for such investigation, may request that the Planning Commission employ qualified experts. If, after public hearing on due notice, he finds that a violation occurred or exists, a copy of said findings shall be forwarded to the Planning Commission. The services of any qualified experts, employed by the Zoning Administrator to advise in establishing a violation, shall be paid by the violator if said violation is established, otherwise by the City.

I. *Cancellation of Permits.* If, after the conclusion of the time granted for compliance with the performance standards, the Zoning Administrator finds the violation is still in existence, any permits previously issued shall be void and the operator shall be required to cease operation until the violation is remedied.

ARTICLE 8.

OFF-STREET PARKING AND LOADING.

Sec. 33.801.

Purpose of Off-Street Parking and Loading Procedures.

A. *General.* There shall be provided, at the time any building or structure is erected or is enlarged or increased in capacity, or any use is established, off-street parking spaces for automobiles in accordance with the requirements herein; provided, however, that when an addition is made to an existing building, only the square feet in the addition need be used in computing the required parking.

B. *Size and Access.*

1. No parking area, except for a single-family or duplex residence, may be located so as to require or encourage the backing of automobiles or other vehicles across any street lot line, to effect egress from the places of parking.

2. Access to parking spaces for a single-family dwelling may be not less than nine feet (9') in width throughout and paved in accordance with engineering specifications as adopted by the Chula Vista Planning Commission.

3. Driveways used to serve two (2) to four (4) dwelling units shall be not less than twelve feet (12') if the furthest unit is eighty feet (80') or less from the front property line, and a minimum of fifteen feet (15') if the distance is over eighty feet (80') long. Driveways used to serve five (5) or more dwelling units shall be not less than fifteen feet (15') for one single lane entrance; the combination of two (2) separate driveways (an entrance and an exit) shall be not less than twenty-five feet (25') except that a combined entrance and exit (2-way access) need not exceed eighteen feet (18') in width. Driveways for parking areas serving other than residential units shall be a minimum of fifteen feet (15') wide for one-way traffic and twenty-four feet (24') wide for two-way traffic. The minimum vertical clearance shall be ten feet (10') to allow for the passage of emergency vehicles, based on minimum standards administered by the City Traffic Engineer.

4. All aisles and turning areas shall be adequate to provide safe and efficient access to and from parking

spaces, based on minimum standards administered by the City Traffic Engineer.

5. Tandem parking shall not qualify as required parking unless specifically approved by the Planning Commission.

C. *Floor Area; Defined.* "Floor Area", in the case of offices, merchandising or service types of uses, shall mean the gross floor area used or intended to be used by tenants, and including floor area for service to the public as customers, patrons, clients or patients, including areas occupied by fixtures and equipment used for display or sales of merchandise.

D. *Alternatives to On-Site Parking.* For any new non-residential use, structure or building, required off-street parking which, due to the size or location of the parcel, cannot be provided on the premises, may be provided on other property not more than two hundred feet (200') distant by publicly available pedestrian access from said use, structure or building, subject to a binding agreement with the City as to permanent reservation of said space and access thereto; or if the proposed non-residential use lies within the boundary of a Parking District, off-street parking requirements shall be considered to be met.

E. *Number of Parking Spaces Required.* The number of off-street parking spaces required shall be as set forth in the following:

<u>Business or Use</u>	<u>No. of Spaces Required</u>
Automobile or Machinery Sales and Service Garages (See subsection 6 of Section 33.901 A.)	1 for each 400 sq.ft. of floor area.
Banks, Post Offices, Business and Professional Offices	1 for each 300 sq.ft. of floor area; minimum of 4.
Bowling Alleys	5 for each alley.
Car wash (coin-operated) self-service, or attendant operated	3 for each stall, plus 1 for each employee.
Children's Homes	1 for each 4 beds plus 1 for each employee.

Churches and Private Schools	1 for each 3.5 seats in an auditorium or 1 for each 17 classroom seats; whichever is greater.
Dance Halls and Assembly Halls without fixed seats, Exhibition Halls, except Church assembly rooms in conjunctions with Auditorium, Non-profit Clubs and Lodges.	1 for each 50 sq.ft. of floor area used for assembly or dancing.
Dwellings, Single-family, Duplex	2 for each family or dwelling unit, both spaces shall be in a garage with a minimum area of 400 sq.ft. (See Section 33.502 for remodeling of garages.)
Dwellings, Twnhouses	2 for each dwelling unit; both spaces shall be in a garage or carport, a minimum area of 400 sq. ft.
Dwellings, Multiple	1 per unit for each studio or 1-bedroom apartment.* 1-1/2 per unit for each 2-bedroom apartment.* 2 per unit for each 3-bedroom or larger apartment.* For every 10 parking spaces required, 1 of this total may be a "compact" space.

* In addition to the above requirements, 1/2 space per unit for guest parking shall be provided for the first 20 units and 1/4 space per unit for any units in excess of 20. Half of the required guest parking spaces may include parallel curb parking spaces on dedicated public streets. Only curb parking contiguous to the site shall be utilized to provide the required number of guest parking spaces

NOTE: No parking space shall be located within 20 feet of any curb return of intersection streets; 8 feet of any side property line, unless approved by the City Traffic Engineer.

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Funeral Homes, Mortuaries	1 for each 4 seats of the aggregate number of seats provided in all assembly rooms of the mortuary.
Furniture and Appliance Stores; Household Equipment or Furniture Repair Shop	1 for each 600 sq. ft. of floor area
Hospitals	1-1/2 for each bed
Nursing Homes and Convalescent Hospitals and Homes for Aged	1 for each three beds
Houseboats	See Dwellings.
Hotels, Motels, Motor Hotels	1 space for each living or sleeping unit, plus 1 space for every 25 rooms or portion thereof to be provided on the same lot as use.
Manufacturing Plants, Research or Testing Laboratories, Bottling Plants	1 for each 1-1/2 persons employed at any one time in the normal operation of the plant or 1 for each 800 sq. ft., whichever is greater.
Medical and Dental Clinics or Offices	5 spaces for each doctor or dentist.
Restaurants, Bars and Night Clubs	1 for each 2-1/2 permanent seats, excluding any dance floor or assembly area without fixed seats which shall be calculated separately as one space per 50 sq. ft. of floor area.
Restaurants; Drive-in, Take-Out, Snack Stands	15 spaces (minimum)
Retail Stores, Shops, etc. except as provided for furniture stores, above	1 for each 200 sq. ft of floor space
Rooming and Lodging Houses	1 for each bedroom.
Schools	Elementary - 1 per teacher or employee, plus 5 spaces

Schools (Continued)	Jr. High - 1 per teacher or employee, plus 5 spaces High - 1 per 4 students
Sports Arenas, Auditoriums, Theaters, Assembly Halls and Meeting Rooms	1 for each 3-1/2 seats of maximum seating capacity
Trailer Parks	1-1/2 for each dwelling unit.
Wholesale Establishments, Warehouses, Service and Maintenance Centers, Communication Equipment Buildings	1 for each 1-1/2 persons employed at one time in the normal operation of the establishment, or 1 for each 1,000 sq. ft., whichever is greater.

In computing parking requirements, a resultant fractional space of one-half (1/2) shall count as a full space.

NOTE: In the case of any building, structure or premises, the use of which is not specifically mentioned herein, the provisions for a use which is mentioned and to which said use is similar, in the opinion of the Commission, shall apply.

F. *Parking Areas, Development and Maintenance.* Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot and also an automobile, farm equipment, or other open-air sales lot, shall be developed and maintained in accordance with the following requirements:

1. *Curbing.* Off-street parking areas for more than three (3) vehicles shall be provided with a suitable concrete curb or horizontal timber barrier not less than six inches (6") in height, located not less than two feet (2') from any street walkway or alley right-of-way line. All curbs or barriers shall be permanently anchored in a manner satisfactory to the Director of Public Works, to confine vehicles entirely within said premises, except in those cases where a wall is provided on the boundaries of the premises which, in the opinion of the Zoning Administrator, is of such construction as to suitably protect the adjoining property.

2. *Screening.* Off-street parking areas for more than five (5) vehicles shall be effectively screened on each side which adjoins or faces premises situated in any R zone, or institutional premises, by a ten foot (10')

wide landscaped strip and a masonry wall or fence of acceptable design. Such wall or fence shall be not less than three and one-half feet (3-1/2') or more than six feet (6') in height and shall be maintained in good condition without any advertising thereon. The requirements specified herein may be eliminated in whole or in part where, in the opinion of the Zoning Administrator, such requirements are not necessary for the proper protection of abutting residentially zoned property because of substantial grade differentials, the existence of adequate walls or other equally valid reasons.

3. *Landscaping.* The total parking area shall be landscaped in accordance with the Landscape Manual of the City of Chula Vista.

4. *Surfacing.* Any off-street parking areas shall be surfaced in accordance with Engineering specifications as adopted by the Chula Vista Planning Commission, so as to provide a durable and dustless surface, and shall be so graded and drained as to dispose of all surface water accumulated within the area, and shall be so arranged and marked as to provide the orderly and safe loading or unloading and parking and storage of vehicles. The Planning Commission may, by resolution, waive or modify the parking standards for for any use within the agricultural zone, or any use deemed as temporary (operating for six [6] months or less).

5. *Designated Area.* No part of any front yard shall be used for off-street parking or access, except such parts of said yard as are designated and improved therefor.

6. *Lighting.* 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.

G. *Waiving or Modification of Provisions.* 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.

Sec. 33.803. Off-Street Loading.

1. For every building or part thereof having a gross floor area of ten thousand (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 (1) off-street loading space plus one (1) additional such loading space for each additional forty thousand (40,000) square feet or major fraction thereof.

2. Each loading space shall be not less than ten feet (10') in width, twenty-five feet (25') in length, and fourteen feet (14') in height clearance.

3. If such space occupies any part of any required yard or court spaces, it may not be located closer than fifty feet (50') to any lot in any R zone, unless enclosed by a masonry wall not less than eight feet (8') in height.

Sec. 33.804. Off-Street Parking; Residential.

1. *Front Setback Restrictions.* No parking spaces or required maneuvering area may be located in the front setback area; provided, however, that driveways used solely for ingress and egress which do not constitute a portion of the required parking or aisle widths as designated on the parking table chart adopted by the City of Chula Vista may occupy a maximum of fifty percent (50%) of said front yards.

2. *Front Setback; Exception for Parking Purposes.* 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.

ARTICLE 9.

SPECIAL PROVISIONS.

Sec. 33.901.

Special Provisions Applying to Particular Uses.

A. *Purpose.* 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 of Chula Vista and provide uniform standards and guidelines for such development.

1. *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 requirement of this chapter applicable to the main building. Unless attached, an accessory building in an R zone shall be at least six feet (6') 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 thirty percent (30%) of the lot, or back of the front seventy feet (70') of the lot.

(2) An accessory building or covered patio located seventy feet (70') 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 thirty percent (30%) of the area of any required rear yard, except that no accessory building in a rear yard shall be required to have less than four hundred (400) square feet.

(4) A covered patio or detached accessory building located in the rear thirty percent (30%) of the lot, or back of the front seventy feet (70') of the lot, shall be located either on a property line or not less than three feet (3') 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 ten feet (10') to the nearest point of the main building. No kitchen or cooking facilities shall be permitted in any guest house.

2. *Agricultural Processing Plants in an A Zone*, which process agricultural products produced on the premises or within a contiguous agricultural area, shall be so located as to provide convenient trucking access with a minimum of interference to normal traffic and shall provide parking and loading spaces. Proponent shall show that adequate measures shall be taken to control odor, dust, noise and waste disposal so as not to constitute a nuisance, and shall show that the proposed source of water will not deprive others of normal supply.

3. *Amusement Center, Bowling Alley, Dance Hall and Similar Commercial Recreation Facilities* shall provide parking with ingress and egress designed so as to minimize traffic congestion; shall be not less than twenty feet (20') away from any adjacent residential zone; shall provide a minimum six foot (6') high solid masonry wall separating the entire area from abutting residential property (except that said fence or wall shall be reduced to three and one half feet [3-1/2'] in a landscaped front setback area containing no parking or loading facilities); and shall show that adequate controls or measures will be taken to prevent offensive noise and vibration.

4. *Animal Hospital and Veterinarian Facilities* shall be located no closer than one hundred feet (100') to any residential zone, or restaurant, hotel or motel in any zone, and shall show that adequate measures and controls shall be taken to prevent offensive noise and odor before a Zoning Permit is granted. (See Section 33.703.) No incineration of refuse or animal carcasses shall be permitted on the premises.

5. *Automobile Car Washes.*

(a) All equipment used for the facility shall be soundproofed so that any noise emanating therefrom, as measured from any point on adjacent property, shall be no more audible than the noise emanating from the normal street traffic at a comparable distance.

(b) Hours of operation shall be from 7:00 p.m. to 11:00 p.m., unless specifically approved by the Chula Vista Planning Commission.

(c) Vacuuming facilities shall be located to discourage the stacking of vehicles entering the car wash area and causing traffic congestion adjacent to any areas used for ingress or egress.

(d) The minimum setback from the car wash structure to the front property line shall be determined by the Zoning Administrator, upon submission of plans for architectural approval.

(e) Signs for car wash facilities in the C-T zone shall be submitted to the Planning Commission for approval; sign restrictions are applicable as written in all other Commercial and Industrial zones.

6. *Automobile Sales Facilities, New and Used*, shall provide customer off-street parking equal to one-tenth (1/10) of the car storage capacity of the facility, with ingress and egress designed to minimize traffic congestion, and shall provide a six foot (6') high masonry wall separating the entire area from abutting residential property.

7. *Cemetery, Crematory, Mausoleum, Columbarium* shall provide entrance on a major or secondary thoroughfare with ingress and egress so designed as to minimize

traffic congestion, and shall provide a minimum six foot (6') high evergreen hedge or provide a minimum of twenty feet (20') of permanently maintained landscaped strip on all property lines abutting any R zone or residential street.

8. *Club, Country; Golf Course.*

(a) No building shall be located within twenty feet (20') of any property line.

(b) Facilities, such as restaurants and bars, may be permitted when conducted and entered from within the building.

(c) Swimming pools, tennis courts, and the like shall be located not less than twenty-five feet (25') from any property line, and, when adjoining property in an R or C zone, shall be effectively landscaped, subject to the approval of the Planning Director.

9. *Clubs, Community Buildings, Social Halls, Lodges and Fraternal Organizations in R Zones.*

(a) All buildings must be a minimum of ten feet (10') from the side lot lines, and twenty-five feet (25') from the rear lot line.

(b) There shall be no external evidence of any incidental commercial activities nor any access to any space used for such activity other than from within the building.

(c) Any such use must be able to provide access without causing heavy traffic on local residential streets.

10. *Church, Hospital, Convalescent Hospital or Other Religious or Eleemosynary Institution* in any R zone shall be located on collector street or thoroughfare with a minimum parcel of one (1) acre, shall maintain a ten foot (10') wide minimum landscaped strip or solid six foot (6') fence or masonry wall on all property lines abutting said R zone (except that said fence or wall may be reduced to three and one-half feet [3-1/2'] in a landscaped front setback area not containing parking facilities), and shall have side

yard and rear yard setbacks of at least twenty feet (20') and a front yard setback of at least twenty feet (20').

11. *Drive-Ins.*

(a) *Drive-In Establishments, Except Theaters,* shall be permitted only where:

(1) They are clearly required by public convenience and necessity.

(2) They do not break up continuity of retail store frontage for pedestrians.

(3) They will not cause traffic hazards or undue traffic congestion.

(4) An enclosed area with containers is provided for waste and trash.

(5) They will not be a nuisance to residences or other surrounding uses.

(b) *Theaters* shall be located only on major or secondary thoroughfares, shall provide ingress and egress so designed as to minimize traffic congestion; shall be located not less than two hundred feet (200') from any R zone, and so screened from such district that any noise shall not disturb residents or prospective residents, and shall maintain lighted signs and other lights only in such a way as not to disturb neighboring residents. Any projection screen image shall be so located or screened as not to be easily visible from any major or secondary thoroughfare.

12. *Dwelling Groups.* A Zoning Permit, for the erection of a dwelling group, may be issued subject to site plan and architectural approval, provided such dwelling group conforms to all the following conditions and requirements.

(a) The area of the lot on which the dwelling group is to be erected shall be at least equal to the aggregate of the minimum lot areas otherwise required for the individual dwelling in the group.

(b) Each dwelling in the group shall front either on a street or other permanent open space, or at least fifty feet (50') in every dimension.

(c) The distance between principal buildings shall be not less than the aggregate side yards required for principal buildings on adjoining lots in the zone in which the group is located. The distances between principal building and the nearest lot line shall not be less than required for a principal building in the zone in which located.

(d) An access roadway or drive shall be provided, having a right-of-way at least fifteen feet (15') wide for not more than four (4) rear dwelling units or not less than eighteen feet (18') wide for five (5) or more rear dwelling units, providing vehicular access from a public street.

(e) Every dwelling in the dwelling group shall be within sixty feet (60') of an access roadway or drive.

(f) Except as modified in this section, such dwelling group shall conform to all the requirements of this chapter for the zone in which it is to be located.

13. *Electric Substations* when located in A, R, C-O, C-V and C-N zones shall conform to the following requirements:

(a) All buildings and equipment shall be required to observe the same yards applicable to buildings in each specific zone.

(b) The property shall be surrounded by a solid masonry wall, or chainlink fence subject to staff approval, not less than six feet (6') in height, with locked gates at all points of access. Facilities may also be housed inside an approved structure. The wall may be waived by the Planning Commission if they find there would be no detrimental effect on the adjacent areas by elimination of this requirement.

(c) The wall shall be set back not less than twenty feet (20') from principal street frontage and the space between said wall and street lot line provided with permanent landscaping and adequate sprinklers or appropriate automatic irrigation devices.

14. *Fences, Walls and Hedges.*

(a) A fence, wall or hedge, subject to the provisions of Sections 19.1501 and 19.1502 of this Code, not more than three and one-half feet (3-1/2') in height, may be maintained and located on any part of a lot.

(b) A fence, wall or hedge, not more than six feet (6') in height, may be maintained and located on any part of an interior lot to the rear of the required front yard.

(c) A fence, wall or hedge, not more than six feet (6') in height, may be located on any part of a corner lot to the rear of the required front yard, provided it is not closer than ten feet (10') from the side street property line of said lot (except as otherwise provided in paragraph (f) of this subsection).

(d) Portions of fences or walls over six feet (6') in height, to enclose tennis courts or other game areas, and located where six foot (6') fences are otherwise permitted, shall be composed of wire mesh capable of admitting at least ninety percent (90%) of available light as measured on a light meter. Such fences over six feet (6') in height may be permitted subject to a conditional use permit based on a finding that such fences will not constitute a nuisance to abutting property.

(e) In any C or I zone, fences, walls or hedges up to a maximum of nine feet (9') in height may be allowed subject to a conditional use permit based on a finding that such fence, wall or hedge will not constitute a nuisance to abutting property.

(f) A fence, wall or hedge, not more than six feet (6') in height or less, may be maintained and located within a required front yard or side street setback area, provided it is at the top of a slope with a difference in vertical height of three feet (3') or more subject to a conditional use permit based on a finding that such fence, wall or hedge will not constitute a nuisance to abutting property or a traffic hazard to the area.

15. *Fertilizer Plants and Yards* shall be no closer than two hundred feet (200') to any residential district; shall provide automobile parking and truck loading area, together with ingress and egress so designed as to minimize traffic hazard and congestion; shall show that odor, dust, noise and drainage will not constitute a nuisance to surrounding properties.

16. *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 two hundred feet (200') 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.

17. *Heliports or Landing Strips for Aircraft*, except part of an approved residential subdivision providing for aircraft landing, taxiing and hangaring, shall be located no closer than six hundred feet (600') from any R zone; shall provide runways so oriented that aircraft landing and taking off do not normally pass below two hundred feet (200') directly over dwellings; proponents shall show that adequate controls or measures will be taken to prevent offensive dust, noise, vibrations or bright lights; proponents shall show that the field in question conforms to standards of the Federal Aeronautics Authority for the particular class of field.

18. *Kennels (Commercial) for Dogs and Cats; Riding Academies and Public Stables* shall be located not less than two hundred feet (200') from any adjoining zone which prohibits such uses; shall provide automobile and truck ingress and egress; shall provide parking and loading spaces so designed as to minimize traffic hazard and congestion; and proponent shall show that odor, dust, noise or drainage shall not constitute a nuisance or a hazard to adjoining property or uses.

19. *Labor Camps*. No structure shall be located closer than twenty feet (20') from any property line, and not closer than fifty feet (50') from the front lot line. When adjoining a R zone, no structure shall be closer than one hundred feet (100') from the adjoining property line. The aggregate site area shall contain not less

three thousand (3,000) square feet of land area for each tent or trailer space or cabin or for each three (3) workers, and no structure shall be closer than ten feet (10') from any other structure. A usable recreation area shall be provided for each labor camp, and shall contain not less than two hundred (200) square feet of area for each dwelling space or unit or each three (3) workers. Access road and parking area shall have a durable and dustless surface and area shall be so graded as to dispose of all surface water accumulated within the area. A temporary certificate of occupancy will be issued for a period not to exceed one (1) year, subject to renewal.

20. *Mobile Home Parks.* (See Trailers).

- (a) Any mobile home site shall have a minimum site area of five (5) acres, and shall be developed to a density not in excess of four thousand (4,000) square feet per mobile home in aggregate area of the land so developed.
- (b) Any mobile home park shall contain one or more developed recreation spaces with an aggregate area of two hundred (200) square feet per mobile home site in said park.
- (c) The mobile homes in any mobile home park shall not occupy in the aggregate more than seventy-five percent (75%) of the area of the site.
- (d) All areas used for automobile access and parking shall comply with the applicable provisions of this chapter. Two car tandem parking may be considered upon review of site plan.
- (e) All areas not used for access, parking, circulation, buildings and services shall be completely and permanently landscaped and the entire site maintained in good condition.
- (f) All buildings and mobile home sites shall be located not less than twenty feet (20') from all dedicated streets.
- (g) Site plan and architectural approval for the mobile home park shall be required as provided in Section 33.1313.

21. *Motels.* Any motel or motor hotel site shall have a minimum site area of twenty thousand (20,000) square feet and shall contain not less than one thousand (1,000) square feet per sleeping unit for one (1) story units, eight hundred (800) square feet per sleeping unit for two (2) story units, or six hundred (600) square feet per sleeping unit for units over two (2) stories. The buildings shall not occupy in the aggregate more than forty percent (40%) of the area of the lot. All areas not used for access, parking, circulation, buildings and services shall be completely and permanently landscaped and the entire site shall be maintained in good condition.

22. *Nursing Homes.*

(a) Approval must be obtained from proper agencies concerning health and safety conditions, and said home must be licensed by such agencies.

(b) An off-street loading area shall be provided.

(c) If an unenclosed incinerator is provided, it shall be located on the rear one-half of the property and the stack shall not be closer than thirty feet (30') to any neighboring dwelling. The effluent from such stack shall comply with the Performance Standards of this chapter.

23. *Poultry Farm.*

(a) Any building housing over ten (10) chickens or other poultry shall be distant not less than one hundred feet (100') from every lot line.

(b) Proponent shall show that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining property or uses.

24. *Repair of Vehicles in R Zone.* Repair of all motorcycles, motor trucks and motor vehicles, as defined in the Vehicle Code of the State of California, is prohibited in any residential zone unless all of the following conditions are met:

(a) All repair of vehicles shall be conducted within a totally enclosed garage or behind a fence or wall not less than six feet (6') in height.

(b) No more than one (1) vehicle shall be in a state of disrepair or in inoperable condition at any one time on any lot.

(c) No repair of vehicles shall be conducted as a business.

(d) No vehicle in a state of disrepair or in an inoperable condition may be located outside of a totally enclosed garage or a fence or wall not less than six feet (6') in height, for a period of more than forty-eight (48) hours.

(e) No repair of vehicles shall take place between the hours of 10:00 p.m. and 8:00 a.m.

(f) No storage of vehicle parts shall be located in any place where repair of vehicles is prohibited herein. Any area used for such storage shall not exceed one hundred (100) square feet in area.

(g) Nothing in this section is intended to prohibit the making of minor repairs, such as tire changing or repair, replacement of spark plugs and minor engine adjustments, lubrication or battery and brake adjustments by an owner on his vehicle anywhere on said owner's lot.

25. *Retail Sales for Guests Only.* Community buildings, private clubs, lodges, 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.

26. *Service Stations, Public Garages and Parking Lots* shall be permitted only where:

(a) They are clearly required by public convenience and necessity.

- (b) They do not break up continuity of retail store frontage for pedestrians.
- (c) They will not be a nuisance to residences or other surrounding uses.
- (d) They will not cause traffic hazards or undue traffic congestion.
- (e) Pump islands are not less than fifteen feet (15') from a street lot line.
- (f) They conform architecturally to the surrounding area.
- (g) Outside sales or displays are restricted to an area beneath a canopy, and all items sold on the site are items normally incidental to service station business.
- (h) Street trees are provided.
- (i) An enclosed area with containers is provided for waste and trash.
- (j) Any area used for trailer rental is screened from the highway or street.

27. *Shooting Clubs.* An outdoor shooting club shall be located not less than one-half (1/2) mile from any developed residential, commercial or industrial area, or place of public assembly. A conditional use permit for an indoor or outdoor shooting club may be granted to be in force for one (1) year only, after which a certificate may be resumed for a period of one (1) year at the expiration of each temporary certificate, provided the above requirements can continue to be met.

28. *Signs and Structures.*

- (a) No person except a public officer or employee in performance of a public duty shall paste, post, paint, print, nail, tack, erect, place or otherwise fasten any sign, pennant or notice of any kind, or cause the same to be done, facing or visible from a public street in the City of Chula Vista except as provided herein and elsewhere in this chapter. To insure compliance with this

subsection, a separate Zoning Permit shall be required for any such sign, pennant or notice not specifically included in an original zoning permit, except as provided hereinafter.

(b) No sign shall be erected at the intersection of any streets in such a manner as to create a traffic hazard by obstructing vision; or at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign.

(c) No sign or sign structure shall be painted or located upon or above the roof of any building.

(d) Moving signs and sign structures, pennants, whirligigs, and flashing lights are prohibited. Flags, other than official government, philanthropic, education, civic or religious flags, are prohibited.

(e) For any new subdivision of five (5) or more lots, there may be one (1) indirectly illuminated tract sign for each principal entrance to the subdivision, advertising the sale of dwelling units or lots on the same premises or subdivision on which the sign is maintained. The maximum area for such a sign shall be limited to two hundred (200) square feet. The sign shall be removed within ten (10) days after the sale of all the homes within the subdivision, or sooner, subject to staff review.

(f) Additional signs may be located on a model home site, subject to the following requirements:

(1) Signs to advertise the features within a model home on the lot where such signs are located.

(2) Two signs totalling twelve (12) square feet for each model home in the subdivision.

(3) All signs shall be removed upon sale of model homes or discontinuance of said use.

(g) Directional advertising signs deemed necessary for the sale of subdivision lots may be authorized subject to a conditional use permit issued by the

Zoning Administrator in accordance with the provisions of this chapter, and the following conditions:

- (1) The number of signs and the location and size and design of each sign shall be approved specifically in the conditional use permit.
- (2) Said conditional use permit may be issued for a reasonable period in which to accomplish the desired advertising, and in no case shall such a conditional use permit be issued for a period of more than six (6) months; provided, however, that the Zoning Administrator may grant two extensions for one-year periods without renotification or rehearing.
- (3) The Zoning Administrator shall determine the location and number of signs, either single or double-faced, which may be allowed per lot. If more than one (1) sign per lot is requested, notice as provided herein shall clearly indicate the location of all signs existing or proposed.
- (4) Directional signs within the City of Chula Vista may pertain only to those subdivisions which are located within the City of Chula Vista.
- (5) No freestanding sign shall exceed a height of three and one-half feet (3-1/2') measured vertically from the base at ground level to the apex of said sign, nor shall any sign exceed four and one-half (4-1/2) square feet in area.
- (6) The signs may be either single or double-faced or V-shaped, provided the angle between the two faces does not exceed forty-five degrees (45°).
- (7) There may be included a suitable permanent sign for the name of the subdivision at the entrance to identify the subdivision.
- (8) The applicant shall file a letter of approval from each property owner or occupant

on whose property proposed directional signs are to be located.

(h) In any R zone, announcement or name signs shall not be over one and one-half (1-1/2) square feet in area; except that a church, school, community center or other public or institutional building may have for its own use an announcement sign or bulletin board not over twenty-four (24) square feet in area, which, if not attached flat against a building, shall be at least twelve feet (12') from all street lines.

(i) No sign or sign structure not pertaining to the principal use of any property shall exceed twenty feet (20') in height above existing grade in any case; illumination of any such signs and sign structures shall be only indirectly lit with white light; no such sign or sign structure may be combined with an otherwise permitted sign pertaining to the use of the property.

(j) Signs and sign structures may be permitted for a set time period stated as a condition of a conditional use permit in zones in which signs and sign structures are permitted as conditional uses. The Zoning Administrator may allow temporary signs in any zone for a time period not to exceed sixty (60) days.

29. *Signs; Political; Control of.*

(a) *Purpose and Intent.* It is the intent of this section to exempt political signs from the regulations of this chapter relative to the placement of outdoor advertising signs in all zones of the City, and to thereby encourage participation by the electorate in political activity during the period of political campaigns, but to permit such uses subject to regulations that will assure that political signs will be located, constructed and removed in a manner so as to assure the public safety and general welfare and to avoid the creation of a public nuisance caused by the un-stinted proliferation of political advertising which would be offensive to the senses and would interfere with the comfort and enjoyment of life or property. It is the purpose of the Council, in adopting this chapter, to provide such regulations

as will contribute to the public safety and general welfare and insure the right of political expression to all members of the community.

(b) *Political Signs Permitted; Subject to Regulations.* Notwithstanding any other provisions of this chapter, political signs are permitted in any zone listed in the City subject to the following regulations:

- (1) No political sign shall be located in any agricultural or residential zone in the City (A, R-E, R-1, R-2 and R-3 zones) unless they shall conform to the following regulations:

No sign may exceed twelve (12) square feet. Double-faced signs as defined in this chapter may be permitted and no more than one sign may be posted upon any parcel or lot.

Said signs must be posted at least ten feet (10') from the front property line; provided, further, that in the case of corner lots, said signs must be placed at least ten feet (10') from the property lines of the intersecting streets and said signs shall be located at least five feet (5') from side property lines.

No sign shall exceed three and one-half feet (3-1/2') in height in the front setback area, and such signs shall not exceed six feet (6') in height in any area unless said sign is attached flush to any building. The measurement shall be taken from the ground level to the top of said sign.

- (2) The following regulations shall apply to political signs located in any zone.

All applicable regulations of signs in any zone shall apply to political signs.

Political signs may be posted in any zone not more than sixty (60) days prior to the date of an election and shall be removed within ten (10) days immediately thereafter.

In order to place any sign upon a vacant parcel or lot, or unoccupied building or structure, the candidate or person desiring to place such sign must first submit to the Planning Department of the City of Chula Vista written authorization from the owner or lessees of said parcel or lot, building or structure.

(3) *Violation.* Any political sign which has been posted, erected or maintained in violation of this subsection shall be, and it is hereby declared to be a public nuisance which is injurious or offensive to the senses, obstructs the free use of property and interferes with the comfort and enjoyment of life or property. Such violations shall be treated as public nuisances pursuant to the provisions of State Law, and may be removed by the City five (5) days after giving written notice to the owner or lessee of any parcel, lot building or structure. The fee for removing said signs by City work forces shall be three dollars (\$3.00) per sign, and the occupant of the property shall be billed for said costs, provided that in the case of vacant land, billing shall be submitted to the person or persons found to be responsible for placing the signs.

30. *Stables (Private), and Paddocks* shall be located on the rear half of the lot not closer than fifteen feet (15') to any property line, nor closer than one hundred feet (100') from any dwelling not including the owner's. The minimum lot area upon which a horse may be kept is one (1) acre and two (2) horses may be kept on such an area. One (1) additional horse may be kept for each twenty thousand (20,000) square feet by which the parcel of land exceeds one (1) acre.

31. *Tract Office (Temporary).* Within the boundaries of a subdivision where lots are offered for sale to the public for the first time, buildings and structures erected in compliance with the provisions of the prevailing zone may be used as follows:

(a) One building for a temporary real estate sales office and not more than six (6) dwelling

for temporary demonstration or model home purposes. In addition, a subdivision containing more than sixty (60) lots may use up to ten (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 (2) years after the filing in the Office of the County Recorder of the final subdivision map thereon, or sixty (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 two hundred and fifty dollar (\$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 Building and Housing Inspection 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; character of the street; and the expected duration of model home area use.

32. *Trailers (See Mobile Home Parks), Mobile Homes, Travel Trailers, Camp Cars and Campers.* It is unlawful to use a trailer for living or sleeping purposes except when parked within a licensed mobile home park, as provided elsewhere in this chapter, or when used on a temporary basis not to exceed a period of seven (7) days by guests or visitors of residents of the City of Chula Vista, and said trailer is parked upon the property of the resident. It is unlawful to use a trailer for 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 house trailers for watchmen, supervisory or

of 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 Building and Housing Inspection of the City, after an application, in writing, is submitted by the general contractor specifying:

- (a) The number of trailers and names of all personnel to occupy the same.
- (b) The reasons why their presence is necessary at the site at times other than normal work hours.
- (c) The period for which such permit is sought.
- (d) All trailers for which a permit was issued shall be removed from the premises ten (10) days after final inspection is given.

33. *Trash Storage.*

(a) New construction of structures in all multiple family, commercial, and industrial zones shall require a provision for trash storage. These areas shall be enclosed within a minimum five foot (5') high masonry wall built to standards adopted by the City of Chula Vista for a freestanding wall (#4 steel and fully grouted) and shall be designed to accommodate the trash containers used by the trash service company contracted with the City of Chula Vista.

(b) The number of containers required shall be not less than required by the sanitary service operator on the site and a specified number by the Zoning Administrator for all commercial, industrial or other uses as determined by the actual use.

(c) Trash areas shall be kept neat and clean.

(d) The precise location of any trash area shall be approved by the Director of Planning upon review of the site plan.

34. *Commercially Zoned Double Frontage Lots.* Any commercially zoned parcel which has double frontage,

one such frontage being on a local street, across which street is residentially zoned land, shall observe the following regulations:

(a) Vehicular access to the local street shall be discouraged and permitted only upon Planning Commission approval.

(b) A six foot (6') high decorative masonry wall shall be constructed across the entire width of the parcel at a minimum of ten feet (10') behind the edge of the sidewalk or as otherwise designated by the Planning Commission. The design of the wall shall be uniform throughout the area in which located, and such design shall be subject to the approval of the Director of Planning.

(c) The area between the wall and the edge of the sidewalk shall be permanently landscaped. Such landscaped area shall be provided with an automatic irrigation system and shall be permanently maintained and kept free of debris. A landscape plan shall be submitted to the Director of Planning for approval prior to any planting.

(d) The wall and landscaping shall be provided prior to the final building inspection of any improvements to be constructed on the premises.

(e) If any dwelling units which face the local street exist on such parcel, the dwelling units shall be removed prior to the new commercial development or enlarging of existing commercial development, unless such dwellings are converted for commercial purposes (this situation does not negate the other provisions of this section).

(f) If new or enlarged commercial development occurs adjacent to the existing dwelling units which face a local street, a fence separating the property shall also be constructed on the side lot line, the length of such fence to be determined by the Director of Planning. Such a fence may be of wood construction.

ARTICLE 10. EXCEPTIONS AND MODIFICATIONS.Sec. 33.1001. Exceptions, Modifications and Interpretations.

The requirements and regulations specified hereinbefore in this chapter shall be subject to the following exceptions, modifications and interpretations:

A. *Existing Lots of Record.* 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 width of not less than forty feet (40').

2. The sum of the side yard widths on any such lot need not exceed thirty percent (30%) 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 ten percent (10%) of the width of the lot.

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

4. In any subdivision where the lots of record are generally twenty-five feet (25') 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, twenty-five feet (25').

(b) For any two (2) such lots whose side lines adjoin, fifty feet (50').

(c) For any five (5) or more such lots, sixty feet (60'), or as otherwise required in the zone.

B. *Agricultural Uses Permitted.* 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 (1) acre. Any buildings, such as accessory

farm buildings, packing sheds, wholesale nursery, etc., shall be subject to a conditional use permit.

C. *Height Limits.* Height limitations stipulated in this chapter shall not apply:

1. To church spires, belfries, cupolas and domes, monuments, electric generating stations and liquified natural gas tanks, water towers, fire and hose towers, observation towers, distribution and transmission towers, lines and poles, windmills, chimneys, smokestacks, flag poles, radio towers, masts and aerials, or to parapet walls extending not more than four feet (4') above the limiting height of the building.

2. 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 (1') 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.

3. To bulkheads, elevator and stair penthouses, water tanks, barns, silos, monitors and scenery lofts, provided no lineal dimension of any such structure exceeds fifty percent (50%) 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 shall occupy more than twenty-five percent (25%) of the area of the lot and shall be distant less than twenty-five feet (25') in all parts from every lot line not a street lot line.

D. *Front Yard Exceptions and Modifications.* In any R zone, where the average depth of at least two (2) existing front yards on lots within one hundred feet (100') of the lot in question and within the same block front is different from the least front yard depth prescribed elsewhere in this chapter, 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 one hundred feet (100') of the lot in question, or the average depth of

existing front yards on the two (2) lots immediately adjoining, or, in the case of a corner lot, the depth of the front yard on the lot immediately adjoining.

E. *Projections into Required Yards.*

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

(a) Cornices, canopies, eaves or other architectural features may project a distance not exceeding four feet (4') into any front or rear yard and forty percent (40%) into any side yard to a maximum of four feet (4'). In the case of a side yard which is less than five feet (5'), a two foot (2') projection is permitted, provided that such projection does not extend closer than one foot (1') to the property line.

(b) Fire escapes may project a distance not exceeding four feet, six inches (4'6").

(c) An uncovered stair and any necessary landings may project a distance not to exceed six feet (6'), provided such stair and landing shall not extend above the first floor of the building except for a railing not exceeding three feet (3') in height.

(d) Bay windows, balconies and chimneys may project a distance not exceeding three feet (3'), provided that such features do not occupy, in the aggregate, more than one-third (1/3) of the length of the building wall on which they are located.

2. 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 (5') minimum from lot grade or not less than six feet (6') above curb grade.

F. *Alleys in C and I Zones.* In any C or I zone, one-half (1/2) 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 twenty-five feet (25') from the opposite side of said alley.

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ARTICLE 11.

NON-CONFORMING USES.

Sec. 33.1101.

General Provisions.

A. *Purpose of Non-Conforming Use Provisions.* Many non-conforming uses within the City of Chula Vista are detrimental to the orderly development of the City and adverse to the general welfare of persons and property, in that said non-conforming uses constitute a special benefit or monopoly. In conformance with good zoning practices, it is the policy of the City that non-conforming uses shall be eliminated as soon as it is economically feasible and equitable to do so.

B. *Continuing Existing Uses?*² Except as hereinafter specified, any use, building or structure, existing at the time of the enactment of this ordinance, may be continued, even though such use, building or structure may not conform with the provisions contained herein for the zone in which it is located; provided, however, that this section does not apply to any use, building or structure established in violation of any zoning ordinance previously in effect in Chula Vista, unless said use, building or structure now conforms with the provisions herein.

Except as otherwise provided by law, nothing in this ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority.

C. *Construction Approved Prior to Ordinance?*² A building, structure or part thereof which does not conform to the regulations for the zone in which it is situated, but for which a building permit was issued and construction started prior to the enactment of this Ordinance, may be completed in accordance with such plans, providing the work is prosecuted continuously and without delay. Such building shall be deemed to be a non-conforming use and shall thereafter be subject to the regulations set forth herein.

D. *Conditional Uses.* Any use legally existing on the effective date of this ordinance which is listed as a conditional use in the zone wherein located, shall be and remain a non-conforming use until a Conditional Use Permit is obtained as provided in this ordinance.

2. *This ordinance became effective on*

Sec. 33.1102. Non-Conforming Uses, Substitution, Extension, Discontinuance, etc.

A non-conforming use shall not be enlarged, extended, reconstructed, substituted or structurally altered, except in conformity with the order of a duly constituted authority, unless the use is changed to a use permitted in the zone in which such building or premises is located, and except as follows:

A. *Substitution or Extension.*

1. When authorized in accordance with the provisions herein, a non-conforming use which is determined by the Commission to be of the same or a more desirable nature may be substituted for another non-conforming use.
2. Whenever a non-conforming use has been changed to a conforming use, such use shall not be changed to a non-conforming use thereafter.
3. When authorized by the Commission, in accordance with the provisions herein, a building devoted to a non-conforming use may be enlarged or completed upon the same lot or parcel where such completion is necessary and incidental to its use.

B. *Cessation of Use; Defined.* A use shall be deemed to have ceased when it has been discontinued either temporarily or permanently, whether with the intent to abandon said use or not.

1. *Cessation of Use of Building Designed for Non-Conforming Use.* A building or structure which was originally designed for a non-conforming use shall not be put to a non-conforming use again when such use has ceased twelve (12) months or more.
2. *Cessation of Use of Building not Designed for Non-Conforming Use.* A building or structure which was not originally designed for a non-conforming use shall not be put to a non-conforming use again when such use has ceased for six (6) months or more.
3. *Cessation of Use of Non-Conforming Use of Land.* A non-conforming use of land, not involving any building or structure (except minor structures such as fences, signs and buildings less than four hundred

(400) square feet in area) shall not be resumed when such use has ceased for six (6) months or more.

C. *Uses Subject to Mandatory Discontinuance.* A non-conforming use is illegal and shall be discontinued in Chula Vista after the useful economic value of the principal structures used in said uses has been realized by the owners of such structures:

1. All non-conforming signs, billboards or commercial advertising structures.
2. All non-conforming uses involving no structure or structures of an assessed value of five hundred dollars (\$500.00) or less.
3. Uses permitted in an I-R or I zone when non-conforming in any C-N zone.
4. Non-conforming residential uses located in an I-R or I zone.

D. *Timing of Discontinuance of Non-Conforming Uses.* For determination of the time when such uses must be discontinued, the following tests and procedures are established:

1. *Non-Conforming Signs; Conformity of Discontinuance.* (Withheld at this time, pending study.)

2. *Non-Conforming Structures Having a Replacement Value of Five Hundred Dollars (\$500.00) or Less; Discontinuance.* Non-conforming structures having a permit value or by an appraisal made by the Building Inspector of five hundred dollars (\$500.00) or less shall be abated in three (3) years from date of notification.

3. *Required Removal of Other Non-Conforming Uses and/or Structures.*

- (a) Every non-conforming building in any of the R zones, except residential buildings, churches and schools, which non-conforming building was

designed or intended for a use not permitted in the R zone in which it is located, shall be completely removed or altered to structurally conform to the uses permitted in the zone in which it is located, and the use of such building shall be changed to conform with the uses permitted in the zone in which it is located within the herein specified times, upon notice from the Planning Commission, which time is measured from the date of construction, or from the date of the last transfer of title prior to the effective date of this article, whichever is the lesser.

(b) The provisions herein shall also apply to every non-conforming building or use in the Industrial zones which is used for, or devoted to, any residential purpose, hospital (except emergency hospitals), hotels, institution or home for the treatment of convalescent persons, alcoholics, the wounded or mentally infirm, lodging houses, schools, trailers used for human habitation or trailer camps; and which non-conforming building was designed or intended for a use not permitted in the I zone in which it is located.

(c) In no case where the property is improved by structures requiring a building permit shall this period of time be less than ten (10) years from date of notification by the Planning Commission, except as provided in subsection (1) following. As used in this section, the designations "Type I Building," "Type II Building," "Type III Building," "Type IV Building," and "Type V Building" are employed as defined in the building code.

(1) Where property is unimproved or is occupied by structures of a type for which the building code does not require a building permit, or any trailer park, five (5) years after receipt of notification from the Planning Commission.

(2) Type IV or Type V buildings (light incombustible frame and wood frame) fifteen (15) years.

(3) Type I, Type II or Type III buildings (fire resistant, ordinary masonry or heavy timber construction) twenty-five (25) years.

(d) Where more than one type of building has been constructed on the property and such buildings are used as a part of the business conducted on the property, the longest period of time permitted before removal is required for any such building by the provisions of this article shall apply to all such buildings.

(e) Where buildings have been constructed on the property at different times, and where the abatement period is measured by the date of construction, the date of removal shall be measured from the date of the construction of the building most recently constructed.

4. *Non-Conforming Uses by Virtue of Performance Standards; Conformance.* All uses non-conforming at the time of the adoption of this ordinance, by reason of non-compliance with performance standards established herein shall adopt measures necessary to conform therewith within five (5) years of the adoption of this ordinance.

5. *Replacement of Damaged or Destroyed Non-Conforming Uses.* Any non-conforming building damaged more than sixty percent (60%) of its value, as established by the Director of Building and Housing Inspection, at the time of damage by fire, flood, explosion, wind, earthquake, war, riot or other calamity or Act of God, shall not be restored or reconstructed and used as before such happening; but if less than sixty percent (60%) damaged, it may be restored, reconstructed or used as before, provided that such be initiated within six (6) months and be substantially completed within twelve (12) months of such happening.

6. *Modification of Non-Conforming Use Provisions.* Requirements prohibiting restoration or reconstruction or requiring discontinuance of non-conforming uses may be modified by the Planning Commission for dwellings located in any R zone or to buildings non-conforming only on the basis of yard or height requirements.

E. *Repairs to Non-Conforming Uses; Limitation.* Such repairs and maintenance work, as required to keep it in sound condition, may be made to a non-conforming building or structure, provided no structural alterations shall be made except such as are required by law or ordinance or authorized as permitted herein by the Zoning Administrator.

ARTICLE 12. LEGISLATIVE PROCEDURES - ZONING AND PREZONING.Sec. 33.1201. Changes and Amendments to the Comprehensive Ordinance and Classification or Reclassification of Property.

1. *Zoning; Definition, Purpose and Intent.* 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 to assure the maximum degree of protection for individual property rights.

2. *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 of Chula Vista, 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 of Chula Vista into any zone as created and defined in this chapter. The procedure for adopting such ordinances may be notices 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.

3. *Form and Contents of Applications for Rezoning.* Applications for any change in zone boundaries, 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 a filing fee of fifty dollars (\$50.00).

4. *Establishment and Change of Setback Lines.* 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 setback lines may be so established or changed by the adoption of an ordinance in accordance with the procedures set forth herein for a change of zoning.

Sec. 33.1202. Procedure for Zoning Hearings Before the Planning Commission.

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.

A. *Notice; Method.* Notices of the time, place and purpose of such hearing shall be given in the following manner:

1. By at least one publication in a newspaper of general circulation in the City as provided in the Charter of the City of Chula Vista, not less than ten (10) days prior to the date set for hearing;
2. Notice by mailing a postal card or letter to all of the owners of property within three hundred feet (300') 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
3. In certain instances where mailed notice of hearing is deemed to be impractical, notice may be affected 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 ten (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 received actual notice by any other means and are aware of the matter to be considered at the public hearing.

4. *Director may Include Additional Matters in Notice of 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 properties and/or uses.

B. *Notice; Contents.* The notice shall contain the following information:

1. The boundaries, either by diagram, plat or brief description of the area proposed to be zoned.
2. The zone into which said area is sought to be placed.
3. A statement that the Planning Commission reserves the right to make any of the following recommendations to the City Council.
 - (a) That said property be placed in the zone proposed in the notice;
 - (b) That the property not be rezoned; or
 - (c) That the property be placed in any other more restrictive zone described and defined in this chapter, which, in the opinion of the Planning Commission, best serves the public interest.
4. The date, time and place of hearing before the Planning Commission.
5. 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.

Sec. 33.1203. Action by the City Planning Commission.

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 article, 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 chapter shall govern, to wit: the lower the number of the section, the more restrictive the zone is in relation to other zones established by this chapter. If such required findings cannot be made, the Commission shall deny the application.

1. *Approval.* 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. If the Planning Commission should fail to make a finding and determination within twenty-eight (28) days of the submission of the application, or resolution of the Commission of Council, the matter shall be deemed denied and the interested party shall be notified in writing.

2. *Denial.* 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 ten (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 require 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, provided that any modification of a recommended ordinance or a grant of appeal from the denial of the Planning Commission shall first be referred to the Planning Commission for report and recommendation by the Planning Commission, but the Planning Commission shall not be required to hold a public hearing thereon. Failure of the Planning Commission to report within forty (40) days after the reference shall be deemed to be approval of the proposed modification or grant of appeal and the Council may thereafter adopt, by ordinance, the modification thus referred by the Planning Commission.

Sec. 33.1204. Conditions; Zoning.

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 chapter, 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 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 Code.

1. *Interim Zoning.* 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 ninety (90) days from the date of adoption thereof; provided, however, that after said notice pursuant to Section 33.1202 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 termination of the first such ordinance or any extension thereof as herein provided.

2. *Prezoning.* 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 Section 33.1201 through Section 33.1204 of this chapter. Such zoning shall become effective at the same time that the annexation becomes effective.

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ARTICLE 13.

ADMINISTRATIVE PROCEDURES - CONDITIONAL USE
AND VARIANCES.

Sec. 33.1301.

Administrative Procedures; Purpose and Intent.

The purpose of this article 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 the this chapter. 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; 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 article are the zoning permit itself, which stipulates that 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.

Sec. 33.1302.

Zoning Administrator; Created.

A. *Creation of Zoning Administrator.* In order to relieve the Planning Commission of certain routine functions necessary to the proper administration of this chapter, a Zoning Administrator is hereby created who shall be the Planning Director or his authorized deputy, with such authority as is granted to him by this article.

B. *Authority of Zoning Administrator.* 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:

1. *Conditional Use Permit.* The Zoning Administrator shall be empowered to issue Conditional Use Permits, as defined herein, in the following circumstances:

(a) 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.

(b) Where the use requiring the permit would make use of an existing building and does not involve substantial remodeling thereof.

(c) For signs, as defined herein, and temporary tract houses, as limited herein.

2. *Variances.* The Zoning Administrator shall be authorized to grant variances for limited relief in the case of:

(a) Modification of distance or area regulations.

(b) Additions to structures which are non-conforming as to sideyard, rear yard, or lot coverage (providing the additions meet the requirements of the Zoning Ordinance affecting the property).

(c) 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 twenty percent (20%) of the requirements imposed by ordinances.

3. *Site Plan and Architectural Approval.* The Zoning Administrator shall be empowered to grant site plan and architectural approval as provided herein.

4. *Performance Standards Procedure.* The Zoning Administrator shall be authorized to issue a Zoning Permit for uses subject to Performance Standards Procedure, as provided herein.

5. *Home Occupations.* For home occupations, as defined and regulated herein.

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 chapter. In the event objections or protests are received, the Zoning Administrator shall set the matter for public hearing as provided herein.

C. *Variances; Public Hearing Required.* In the case of applications for variances other than those for limited relief as set forth in subsection B, the Zoning Administrator shall set the matter for public hearing in the manner provided herein.

D. *Referral to Planning Commission.*

1. The Zoning Administrator may, at his option, refer any of the matters on which he is authorized to rule and/or issue a permit to the Planning Commission for review. In such cases, a public hearing as provided herein shall be mandatory.

2. 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.

Sec. 33.1303. Conditional Use Permits; Definition, 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 article to set forth the findings necessary for such administrative action and to establish a procedure for granting conditional use permits.

Sec. 33.1304. Application for Conditional Use Permit and Hearings.

Applications for conditional use permits 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 of thirty-five dollars (\$35.00). 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 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 properties and/or uses. In those cases where the application conforms to the requirements of Section 33.1302, subsection B, the application shall be directed to the Zoning Administrator.

Sec. 33.1305. Action by the Planning Commission or the Zoning Administrator.

A. 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:

1. 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.
2. 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.
3. That the proposed use will comply with the regulations and conditions specified in this Code for such use.
4. That the granting of this conditional use will not adversely affect the General Plan of the City of Chula Vista or the adopted plan of any governmental agency.

B. Said public hearing shall be set not less than fourteen (14) days nor more than thirty (30) days from the date of the application and 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 ten (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. A copy of this written finding of facts shall be filed with the City Clerk, with the Director of Building and Housing, and mailed to the applicant. The decision of the Planning Commission or Zoning Administrator shall be final on the eleventh (11th) day following its filing in the Office of the City Clerk, except where appeal is taken as provided herein.

C. *Appeal in Those Cases where the Conditional Use Permit is being Processed by the Zoning Administrator.* The applicant or other interested persons may appeal the decision of the Zoning Administrator to the Planning Commission within ten (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 Section 33.1306.

Sec. 33.1306. Action of the City Council.

A. *Appeal.* The applicant or other interested person may appeal from the decision of the Planning Commission granting or denying any conditional use permit as provided in Section 33.1309 to the City Council within ten (10) days after said decision is filed with the City Clerk. Said appeal shall be in writing and file/ 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.

B. *Setting the Hearing.* Upon the filing of the appeal, the City Clerk shall set the matter for public hearing, giving the same notice as required in Section 33.1202. 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.

C. *Decision of the City Council.* 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 article. The resolution must contain a finding of facts showing wherein the conditional use meets or fails to meet the requirements of Section 33.1305. A vote of four members of the Council shall be necessary to change or modify the decision of the Planning Commission. Not later than ten (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.

Sec. 33.1307. Variances; Definition, Purpose and Intent.

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 article 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.

Sec. 33.1308. Application for Variances and Hearings.

A. *Application.* Application shall be made by the property owner to the Zoning Administrator on a form prescribed for that purpose by the City of Chula Vista.

B. *Fee.* The fee shall be thirty-five dollars (\$35.00), no part of which shall be refundable.

C. *Accompanying Documents.* Accompanying maps and drawings required: maps and drawings required to demonstrate that the conditions set forth in this section apply to subject property, together with any other data required.

D. *Public Hearing.* A public hearing shall be held by the Zoning Administrator in the following manner:

1. Such hearing shall be held not more than three (3) weeks from date of application.

2. The Zoning Administrator shall publish a notice of hearing in a newspaper of general circulation in the City of Chula Vista not less than five (5) days prior to 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 three hundred (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 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.

E. *Necessary Findings.* The Zoning Administrator shall grant a variance only when the following facts are found:

1. 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.

2. 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.

3. 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.

4. That the authorizing of such variance will not adversely affect the General Plan of the City of Chula Vista or the adopted plan of any governmental agency.

F. *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.

G. *Zoning Administrator's Action.* The Zoning Administrator shall act upon any application within twenty (20) days and 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.

H. *Building Inspector.* Following the issuance of a variance by the Zoning Administrator, the Building Inspector shall issue a zoning permit as provided in Section 33.1316 of this article.

I. *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.

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 Section 33.1305.

B. *City Council*. The same appeal rights as set forth in Section 33.1306 for conditional use permits shall be applicable.

Sec. 33.1310. Failure to Utilize a Conditional Use Permit or Variance and Extension of Time.

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 (3) 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. Unless otherwise specified in the conditional use permit or zone variance, said privileges shall run with the land and be valid for an indefinite period of time. The decision of the Planning Commission in granting or denying an extension of time may be appealed as provided in Section 33.1309.

sec. 33.1311. P-C Zone Procedures.

Where use is made of the P-C Zone, as provided in this chapter, the following procedures shall be followed:

A. *Planning Commission Action.* Following a public hearing, and upon making the required findings, the Planning Commission shall make a recommendation to the City Council for approval or modified approval of a proposed P-C zone, and shall also adopt a resolution recommending that the City Council adopt the General Development Plan as submitted or as modified. Such recommendation and at least two (2) copies of the recommended General Development Plan shall be forwarded to the City Council for its consideration. If unable to make the required findings, the Planning Commission shall deny said application or, if the proposed amendment was initiated by Council action, shall report to the City Council the results of its deliberations and the reasons it was unable to make the required findings.

B. *City Council Action.* Upon receipt of a recommendation by the Planning Commission for approval or modified approval of any P-C zone, the City Council shall set a public hearing on the matter; or upon receipt of a report by the Planning Commission that it has been unable to make the necessary findings in the case of a proposed amendment initiated by the City Council, the City Council may set a public hearing on the matter.

1. Following its public hearing, the City Council may adopt an amendment to the Zoning Ordinance establishing a P-C zone, or may deny the proposed amendment. The City Council shall make no modification of the proposed amendment as recommended by the Planning Commission unless and until such modification shall have been referred to the Planning Commission for additional study, report and recommendation. Such additional study, report and recommendation shall be made by the Planning Commission within thirty (30) days of the date of the referral, unless and except as the City Council may grant the Planning Commission additional time for its review of the matter.

2. At the time of adoption of a P-C zone amendment, the City Council shall adopt, by resolution, the General Development Plan; which resolution as adopted or as may be thereafter modified, in accordance with this article, shall establish the regulations for said P-C zone and shall become a part thereof.

3. Following the adoption of the P-C zone amendment and the General Development Plan, all development within the district shall thereafter be in substantial conformity with the said adopted General Development Plan or such modifications thereto as may have been approved.

C. *Planned Development Permit.*

1. Following the approval of a P-C zone, the developer may apply for a planned development permit. Such application shall be accompanied by precise plans for the improvement of said district or of a development unit within the P-C zone. Precise plans include, but are not limited to, a legal description, a subdivision map, a Planned Unit Development Plan, architectural drawings for a building permit, and these shall be accompanied by such other material and information as may be required to initiate actual development or construction.

2. The application for planned development permit, based on a Planned Unit Development, shall follow the procedures specified in this chapter for such Planned Unit Development.

3. The application for a planned development permit, based on approval of a subdivision, shall follow the requirements set forth in Chapter 28 of this Code.

4. The application for a planned development permit, based on issuance of a building permit to use a previously approved building site shall be subject to site plan and architectural approval as provided in this chapter.

5. There shall be no fees charged for the consideration of an application for, or issuance of, a planned development Permit other than those fees established by other sections of this Code for approval of Planned Unit Development, subdivision maps, site plan and architectural approval, building permits, inspection fees, and the like.

D. *Failure to Proceed.*

1. Except in the case of P-C zone established upon the initiation of the Planning Commission or the City Council, application for the issuance of a planned

development permit shall be made for the first development unit of a P-C zone within two (2) years of the date upon which such zone was established. Applications for subsequent planned development permits shall be made generally in keeping with the schedule established in the General Development Plan.

2. Failure to make such applications shall be considered cause for the Planning Commission to initiate public hearings to review the zoning classification of the area, and to make recommendations to the City Council for appropriate rezoning of the area.

E. *Modifications of the General Development Plan.*

1. From time to time, it may be necessary and desirable to modify the approved General Development Plan. Modification of such a plan may be initiated by the City Council, the Planning Commission, or by the property owner, his authorized agent or developer.

2. Requests for modifications shall be submitted by the Planning Commission in written form and shall be accompanied by such additional maps, statements, or other information as may be required to support the proposed modification. The Planning Commission shall consider the proposed modification at its next regular meeting.

3. If the proposed modification involves an addition of a new use or group of uses not shown on the original General Development Plan or the rearrangement of uses within the zone, or if the Planning Commission for any other reasons deems it necessary, a public hearing shall be held on the proposed modification.

4. Modification to an approved General Development Plan shall be made only by resolution of the City Council. Within thirty (30) days after receipt of a recommendation from the Planning Commission, the City Council shall approve or deny the proposed modification.

Sec. 33.1312. Planned Unit Development Approval.

A. *Approval.* Where use is made of the planned unit development process, as provided in this chapter, a zoning permit shall not be issued for such development or part thereof until the Planning Commission has approved a Planned Unit Development application for said development as provided in this section.

1. *Application.* Application shall be made on a form prescribed for this purpose by the City of Chula Vista not less than two (2) weeks prior to a regularly scheduled meeting of the Planning Commission.

2. *Multiple Ownership.* Where property is held by more than one (1) owner, the application for the Planned Unit Development must be accompanied by the written consent of all property owners.

3. *Fee.* The application shall be accompanied by a fee of one hundred dollars (\$100.00), no part of which shall be refundable.

4. *Public Hearing.* A public hearing shall be held by the Planning Commission as provided herein:

(a) Such hearing shall be held not more than thirty (30) days from date of application.

(b) The Commission shall publish a notice of hearing in a newspaper of general circulation in the City of Chula Vista not less than ten (10) days prior to the date of said hearing. Failure of owners to receive notice of hearing shall in no way affect the validity of action taken.

5. *Planning Commission Action.* The Planning Commission shall act upon an application for Planned Unit Development approval within thirty (30) days, pending any necessary zoning amendment. In taking action, the Commission may deny a permit, may grant a permit as submitted, or may grant a permit subject to additional conditions. Such conditions may include a performance bond of not more than ten percent (10%) of the estimated cost of said Planned Unit Development. 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.

6. *Building Inspector.* Following the issuance of a conditional use permit for a Planned Unit Development by the Planning Commission, the Building Inspector shall issue a zoning permit as provided in Section 33.1316 of this article, and shall ensure that development is undertaken and completed in conformance with the approved plans.

7. *Revocation of Permit.* A conditional use permit for a Planned Unit Development 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 to the permittee notice of intention to revoke such permit at least ten (10) days prior to review of said permit by said Commission. After conclusion of such review, the Planning Commission may revoke such permit. In any case where a conditional use permit has not been used within one (1) year after the date of granting thereof, then without further action, the conditional use permit granted shall be null and void, and provided, further, that any change in zoning classification granted together with said permit shall also be revoked without further action.

B. *Appeals.* The purpose of appeal procedure is to provide recourse in case it is alleged that there is error in any order, requirement, permit, decision or determination made by an administrative official or advisory body in the administration or enforcement of this chapter.

1. Any person aggrieved by the action of an administrative official or advisory body in the administration or enforcement of this chapter may make application to the City Clerk in the manner prescribed by the City Council within ten (10) days from the date of action that is appealed; provided, however, that any appeal from an authorized action of the Zoning Administrator shall first be made to the Planning Commission, as provided herein.

2. Application shall be accompanied by a verification by at least one of the petitioners, attested before a Notary Public or other person authorized by law to administer oaths and/or sworn declarations.

3. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom appeal is taken shall certify that a stay would, in his opinion, cause imminent peril to life and property.

4. A public hearing shall be held by the City Council within thirty (30) days from date of application.

(a) Notice of the time, place and purpose of the hearing shall be given by publication of notice of hearing in a newspaper of general circulation in the City of Chula Vista, not less than five (5) days prior to date of hearing. Failure of owners to receive notice of hearing shall in no way affect the validity of action taken.

5. A full record, in writing, shall be submitted by the officer or body whose action is appealed, setting forth reasons for action taken.

6. The Council shall find whether, in its opinion, error was made.

7. The Council may, within the provisions of this chapter, affirm, reverse or modify the action appealed as it seems just and equitable, and exercise all rights of any other officer or commission.

Sec. 33.1313. Site Plan and Architectural Approval.

A. *Approval.* 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 of Chula Vista. 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.

1. *Application.* Application shall be made to the Zoning Administrator on a form prescribed for this purpose by the City of Chula Vista.

2. *Fee.* The fee shall be fifteen dollars (\$15.00), no part of which shall be refundable.

3. *Accompanying Maps and Drawings Required.* The application shall be accompanied by such maps, colors to be used, the types of materials proposed to be used, location and type of all signs to be placed on

the buildings, site plans, all elevations and other drawings as are necessary to enable the Zoning Administrator to make the determinations set forth below.

4. *Endorsement of Sketches.* 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 (2) copies of all sketches.

5. *Principles to be Observed.* In carrying out the purposes of this section, 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 section 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 section that any control exercised be the minimum necessary to achieve the over-all objective of this section.

(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 over-all 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 of Chula Vista,

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but the size, or number of signs in any area, subject to site plan approval, may be reduced below this maximum number or limits set by such ordinances.

(f) Whenever deemed appropriate by the Zoning Administrator, landscaping 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 above factors 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.

6. *Building Inspector.* Following site plan and architectural approval by the Zoning Administrator as provided herein, and provided all other applicable requirements of this chapter have been met, the Building Inspector shall issue a zoning permit, as provided in Section 33.1315 of this article, and shall ensure that development is undertaken and completed in conformity to the approved plans. Appeals from determinations by the Zoning Administrator shall be to the Planning Commission, upon written request for a hearing before said Commission. In the absence of such request being filed within seven (7) days after determination by said Administrator, said determination shall be final.

Sec. 33.1314. Home Occupations.

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. 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:

1. Involve the use of power equipment using motors of more than a total of one (1) horsepower capacity or the equivalent thereof, unless a use permit therefor shall have been issued by the Planning Commission.
2. Generate vehicular traffic in excess of that associated with a residential use.
3. Create a nuisance by reason of noise, dust, odor, vibration, fumes, smoke, electrical interference, or other causes.
4. There shall be no 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 upon any conditions or limitation of any permit issued, unless such violation is corrected within fifteen (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.
5. 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.

Sec. 33.1315. Zoning Permits.

The purpose of the zoning permit is to secure compliance with the provisions of this chapter by property owners requesting building permits. From and after the effective date of this chapter, 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.

A. *Application.* Application shall be made by the property owner or agent thereof on a form prescribed by the City of Chula Vista.

B. *Accompanying Documents.* 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 chapter are fulfilled.

C. *Compliance with Chapter.* 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 of this chapter, and that all other reviews and actions, if any, called for in this chapter have been complied with and all necessary approvals secured therefor.

D. *Limitation on Use.* 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.

E. *Revocation.* The zoning permit may be revoked in either of the following situations:

1. 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 ten (10) days prior to revocation. After conclusion of said ten (10) days, permit may be revoked.
2. In any case where the zoning permit has not been used within six (6) months after the date of granting thereof, then without further action, the permit granted shall be null and void.

Sec. 33.1316. Fees for Appeals.

A fee of fifteen dollars (\$15.00) shall be paid for any appeal filed pursuant to this article.

ARTICLE 14. DEFINITIONS.Sec. 33.1401. Definitions.

Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of this chapter, and words used in the present tense include the future; the singular number shall include the plural, and the plural the singular; the word "building" shall include the word "structure" and the word "used" shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used, and the word "shall" is mandatory and not directionary.

Whenever any of the following terms are used, it shall mean the corresponding officer, department, board or commission of the City of Chula Vista, California, herein referred to as the City: Assessor, City Council (or Council), City Planning Commission (or Commission), Director of Public Works, Director of Planning, Zoning Administrator, Building Inspector. In each case, the term shall be deemed to include an employee of any such officer or department of the City who is lawfully authorized to perform any duty or exercise any power as his or its representative or agent.

"Access" shall mean an opening in a fence, wall or structure, or a walkway or driveway permitting pedestrian or vehicular approach to or within any structure or use.

"Accessory Use of Structure" shall mean a use or structure subordinate to the principal use of a building on the same lot, and serving a purpose customarily incidental to the use of the principal building.

"Agent of Owner" is any person who can show certified written proof that he is acting for the property owner.

"Agriculture" shall mean the use of the land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, apiaries, animal husbandry (excluding swine), incidental to other agricultural uses, and the necessary accessory uses for storing produce; provided, however, that the operation of any such accessory use shall be secondary to that of normal uses and shall not include stockyards or the commercial feeding of garbage or offal to animals.

"Alley" shall mean a public or private way not more than thirty feet (30') wide, which affords only secondary access to abutting property.

"Apartment, Efficiency" shall mean a dwelling unit in a multi-family building, consisting of not more than one (1) habitable room, together with cooking and sanitary facilities.

"Automobile Repair, Major" shall mean general repair, rebuilding, reconditioning of engines, motor vehicles or trailers; collision service, including body, frame, or fender repair; over-all painting.

"Automobile Repair, Minor" shall mean replacement of parts and motor service to passenger cars and trucks not exceeding one and one-half (1-1/2) tons capacity, but not including other operations named under "Automobile Repair, Major" or similar thereto as determined by the Commission.

"Automobile or Trailer Sales Area" shall mean an open area, other than a street or an alley, used for display, sale or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.

"Automobile Service Station" shall mean a place where gasoline, or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, and where services are performed to include tube and tire repair battery charging, storage of merchandise to be sold on the premises as permitted herein, lubricating of automobiles, and automobile washing (not including mechanical wash), and minor repairs as described above.

"Basement" shall mean a story whose floor is more than twelve inches (12") below the average level of the adjoining ground, but where no more than one-half (1/2) of its floor-to-ceiling height is below the average contact level of the adjoining ground (as distinguished from a "cellar" which is a story where more than one-half (1/2) of its floor-to-ceiling height is below the average level of the adjoining ground). A basement, when usable as a dwelling, shall be counted as a story for purposes of height measurement, and as a half-story for purposes of side yard determination.

"Beginning of Construction" shall mean demolition, elimination and removal of an existing structure preparatory to new construction, or the incorporation of labor and materials in the foundation of a building or buildings.

"Block" shall mean a tract of land bounded by streets, dead ends of streets, railroad rights-of-way, water courses, large tracts of land in uses such as parks and golf courses, or a city boundary.

"Boarding or Lodging House" shall mean a dwelling or part thereof where meals and/or lodging are provided, for compensation, for three (3) or more persons not transients, other than members of the resident family.

"Boatel" shall mean any hotel or motor hotel provided with landing facilities to accommodate boats or other vessels.

"Building" shall mean any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or property.

"Building, Height of" shall mean the vertical distance from the average contact ground level of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof or the mean height level between eaves and ridge for gable, hip or gambrel roofs.

"Building Line Map". The front yards of all lots and side yards along the street side of a reversed corner lot are shown upon a map on file in the Planning Department, and made a part of this chapter, being designated as the "Building Line Map" and such map and all notations, references and other information shown thereon shall be as much a part of this chapter as if the matters and information set forth by such map were all fully described herein.

"Building, Main" shall mean a building in which is conducted the principal use of the building site on which it is situated. In any residential zone any dwelling shall be deemed to be a main building on the building site on which it is located.

"Bulkhead" shall mean a structure, including riprap or sheet piling constructed to separate land and water and establish a permanent shoreline.

"Carport" shall mean a private garage, as defined herein, which is designed to be open on one or more sides.

"Cellar" shall mean a story where more than one-half (1/2) of its floor-to-ceiling height is below the average contact ground level of the adjoining ground. A cellar shall be counted as a story, for the purpose of height regulations, only if used for dwelling purposes.

"Chula Vista General Plan" shall mean the General Plan for the City of Chula Vista, California, as adopted by the City Council on the 22nd day of September, 1964, and as amended from time to time.

"Commission" shall mean the City Planning Commission of the City of Chula Vista, California.

"Communication Equipment Building or Use" shall mean a building or lot housing electrical and mechanical equipment necessary for the conduct of a public communications business with or without necessary personnel. For the purpose of this chapter, a communication equipment building or use shall be considered a quasi-public use, where such use is referred to in the Zoning Regulations.

"Council" shall mean the City Council of the City of Chula Vista, California.

"Court" shall mean a yard on the same lot with a building which is bounded on two (2) or more sides by the exterior walls of buildings on the same lot.

"Coverage" shall mean the percent of the total site area covered by structures other than those excepted in this chapter.

"Crop and Tree Farming" shall mean the raising for commercial purposes of any truck, field or orchard crops or wholesale nursery or greenhouses, including necessary buildings incidental to such crop.

"Day Nursery" shall mean day care in a private dwelling unit for three (3) or more children, not members of the occupant's family.

"Development Unit" shall mean that portion, along with the uses contained therein, of a Planned Community

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District which is proposed for development at one time and under one planned development permit. Development Units may consist of portions of a Planned Community District or of the entire district.

"Distance between Residential Structures" shall mean the shortest horizontal distance between the vertical walls of two residential structures as herein defined. Location of points of measurement are subject to the exceptions contained in subsection E of Section 33.1001.

"Dock" shall mean a landing pier for boats; a wharf, a structure supported by piling or floats in such a manner as to allow free flow of water beneath said structure and in which any buildings constructed thereon are incidental to the use of said structure as a wharf or landing pier.

"Driveway" shall mean a private road, the use of which is limited to persons residing, employed or otherwise using or visiting the parcel on which located.

"Dwelling" shall mean any building or portion thereof designed or used exclusively as the residence of one or more persons, but not including a tent, cabin, trailer or mobile home.

"Dwelling, Single-Family" shall mean a building designed for or used exclusively for residence purposes by one family or housekeeping unit.

"Dwelling, Two-Family or Duplex" shall mean a building designed for or used exclusively for residence purposes by two families or housekeeping units, living independently of one another.

"Dwelling, Multiple" shall mean a building or portions hereof designed for or used exclusively for residence purposes by three (3) or more families or housekeeping units, living independently of one another.

"Dwelling, Townhouse" shall mean an attached or semi-attached building containing a single dwelling unit and located or capable of being located on a separate lot.

"Dwelling Group" shall mean a group of two (2) or more detached buildings used for dwelling purposes located

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on a parcel of land in one (1) ownership and having any yard or court in common.

"Dwelling Unit" shall mean one (1) room, or a suite of two (2) or more rooms, designed for or used by one (1) family for living and sleeping purposes and having only one (1) kitchen or kitchenette.

"Efficiency Living Unit" shall mean any room having cooking facilities and used for combined living, dining and sleeping purposes and meeting the requirements of Section 17315 of Part 7 of the State Housing Law, Title 8, Chapter 9, Article 8.

"Essential Services" shall mean the erection, construction, alterations, or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including any buildings, electrical substations, or water storage tanks.

"Family" shall mean an individual, or two (2) or more persons related by blood, marriage or adoption, or a group of not more than three (3) persons (excluding servants) who need not be related, living in a dwelling unit as a single housekeeping unit and using common cooking facilities.

"Filling Station". See Automobile Service Station.

"Garage, Private" shall mean a detached, fully enclosed accessory building or a portion of the principal building used only for the storage of passenger vehicles, boats or trailers by the persons resident or employed upon the premises; and provided that such garage, when in a residential zone or incidental to a residential use, shall not be used for the storage of more than one (1) commercial vehicle of one and one-half (1-1/2) tons or greater rated capacity per family residence upon the premises. The floor dimensions of a one-car

garage shall not be less than ten feet (10') by twenty feet (20'), and of a two-car garage, not less than twenty feet (20') by twenty feet (20').

"Garage, Public" shall mean a structure or portion thereof, other than a private garage, used for the storage, sale, care, repair or refinishing of self-propelled vehicles or trailers.

"General Development Plan" shall mean a description of the development proposed within a particular Planned Community Zone consisting at a minimum of a map and written statement setting forth, in general, the regulations governing, and the location and arrangement of, all proposed uses and improvements to be included in the development.

"Guest House" shall mean detached living quarters of a permanent type of construction, without kitchen or cooking facilities, clearly subordinate and incidental to the main building on the same lot, and intended for use by occasional guests of the occupants of the main building. A guest house shall not be separately rented, let or leased whether compensation be direct or indirect.

"Home Occupation" shall mean a commercial activity conducted which is clearly incidental and secondary to the use of the dwelling for residential purposes, and in accordance with Section 33.1314.

"Hospital" shall mean an institution in which patients are given medical or surgical care and which is licensed by the State to use the title "hospital" without qualifying descriptive word.

"Hotel" shall mean a building or group of buildings comprising individual sleeping or living units without kitchens, except as otherwise provided herein, for the accommodation of transient guests.

"Houseboat" shall mean any vessel used or intended to be used primarily as a dwelling unit, in contrast to a vessel used or intended to be used primarily for carrying persons or goods.

"Junk Yard" shall mean a place where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, handled, stored or abandoned, including auto wrecking yards, house wrecking

yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment when conducted entirely within a completely enclosed building, and not including sale of used cars in operable condition, or salvaged materials incidental to manufacturing operations.

"Kennel" shall mean any premises, except where accessory to an agricultural use, where four (4) or more dogs, four (4) months in age or older, are kept.

"Kitchen or Kitchenette" shall mean any room or part of a room which is designed, built, used or intended to be used for food preparation and dishwashing; but not including a bar, butler's pantry or similar room adjacent to or connected with a kitchen.

"Landscape Manual" shall refer to the Landscape Manual adopted by the City Council of the City of Chula Vista.

"Landscaping" shall mean planting, including trees, shrubs, lawn areas, ground covers, suitably designed, selected, installed and maintained so as to be permanently attractive. Decorative screens, fences, decorative rock or other paved surfaces are considered as elements of landscape development.

"Lot" shall mean a piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, together with such open spaces as required by this chapter, and having frontage on a public or an approved private street.

"Lot, Corner" shall mean a lot abutting upon two (2) or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five degrees (135°). The point of intersection of the street right-of-way lines is the "corner".

"Lot, Interior" shall mean a lot other than a corner lot.

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"Lot Depth" shall mean the mean horizontal distance between the front and the rear lot lines, or between the front lot line and the intersection of the two side lines if there should be no rear lot line.

"Lot Lines" shall mean the property lines bounding the lot.

"Lot Line, Front" shall mean the line separating the lot from the street. In the case of a corner lot, the front lot line is the shorter of any two adjacent street lot lines.

"Lot Line, Rear" shall mean a lot line which is opposite and most distant from the front lot line. For the purpose of establishing the rear lot line of a triangular or trapezoidal lot, or of a lot the rear line of which is formed by two or more lines, the following shall apply:

For a triangular or gore-shaped lot, a line ten feet (10') in length within the lot and farthest removed from the front lot line and at right angles to the lot depth line shall be used as the rear lot line; or

In the case of a trapezoidal lot, the rear line of which is not parallel to the front lot line, the rear lot line shall be deemed to be a line at right angles to the lot depth line and drawn through a point bisecting the recorded rear lot line; or

In the case of a pentagonal lot, the rear boundary of which includes an angle formed by two (2) lines, such angle shall be employed for determining the rear lot line in the same manner as prescribed for a triangular lot.

"Lot Line, Side" shall mean any lot line other than a front or rear lot line which intersects a front lot line. A side lot line separating a lot from a street is called a side street lot line.

"Lot Line, Street or Alley" shall mean a lot line separating the lot from a street or alley.

"Lot Width shall mean the horizontal distance between the side lot lines, measured at right angles to the

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depth at a point midway between the front and rear lot lines.

"Lot Area" shall mean the computed area contained within the lot lines.

"Lot, Through" shall mean a lot having frontage on two parallel or approximately parallel streets.

"Motor Hotel, including Motel and Hotel" shall mean a building or group of buildings comprising individual sleeping or living units, provided not more than thirty percent (30%) of the individual living units may contain kitchen facilities.

"Non-Conforming Structure" shall mean a structure which was lawfully erected prior to the adoption of this ordinance, but which, under the provisions herein, does not conform to the standards of coverage, yards, height of structures, or distances between structures prescribed in the regulation for the district in which the structure is located.

"Non-Conforming Use" shall mean a use of a structure or land, which was lawfully established and maintained prior to the adoption of this ordinance, but which, under the provisions herein, does not conform with the use regulations for the district in which it is located.

"Nursing Home" shall mean any premises with sleeping rooms where persons are lodged and furnished with meals and nursing care, not including persons suffering from contagious disease, mental diseases, alcoholism or drug addiction.

"Off-Shore" shall mean land below "mean higher high water" as defined by the U.S. Coast and Geodetic Survey.

"On-Shore" shall mean land above "mean higher high water" as defined by the U. S. Coast and Geodetic Survey.

"Open Space, Usable" shall mean any portion of a lot which has a minimum dimension of ten feet (10'), is landscaped and developed for recreational and leisure use, and is conveniently located and accessible to all the units. In addition, the following spaces shall contribute to required recreation and leisure areas:

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Private balconies and patios, provided that the minimum size of the balcony or patio is six feet by ten feet (6' x 10').

Roof areas designed and equipped to accommodate recreational and leisure activities.

Recreation rooms.

The following areas shall not contribute to required open space:

Driveways and parking areas.

Refuse storage areas.

Clothes drying areas.

"Parking Area, Private" shall mean an open area for the same uses as a private garage.

"Parking Area, Public" shall mean an open area, other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free, or as an accommodation for clients or customers.

"Parking Space" shall mean a permanently surfaced area of a size defined by Planning Commission Resolution, within a structure or in the open, excluding area necessary for access under the provisions of this chapter, designed or used for the parking of a motor vehicle. When the long dimension of a parking space adjoins a wall or fence more than six inches (6") in height, the width of such parking space shall be not less than ten feet (10').

"Performance Standards" shall be the regulations for the control of "dangerous or objectionable elements" as defined in section 33.703.

"Permitted Use". For the purpose of this chapter, a permitted use in any zone shall include any use listed as a "Principal Permitted Use" or "Accessory Use" and shall further include a "Conditional Use" as listed for the particular zone, provided a conditional use permit is obtained.

"Planned Development Permit" shall mean a permit issued by the City Planning Commission, authorizing the actual development and construction within a Planned Community Zone.

"Poultry Farm" shall mean any premises on which the primary use is the breeding, raising or maintaining of poultry for sale or eggs or poultry, or where the primary income from the premises is derived from the aforesaid occupation.

"Quasi-Public" shall mean used as, or seemingly public. For the purposes of this chapter, electrical substations shall be considered quasi-public uses, of a public service type.

"Recreation, Commercial" shall mean recreation facilities operated as a business and open to the general public for a fee.

"Recreation, Private, Non-Commercial" shall mean clubs or recreation facilities, operated by a non-profit organization and open only to bona fide members of such non-profit organization.

"Recreation, Public" shall mean publicly owned or operated recreation facilities.

"Residential Density" shall mean the average number of families living on one (1) acre of land in a given area. Net residential density is determined by dividing the total number of families in a defined area by the total acreage of all parcels of land within the area that are used for residential and accessory purposes. Gross residential density is obtained by dividing all land in a defined area used for residences, streets, local schools, local parks and local shopping facilities into the total number of families in said area.

"Shoreline" shall mean the boundary between land above and land below the "mean higher high water", as defined by the latest U. S. Coast and Geodetic Survey.

"Sign" shall mean any writing, pictorial representation, symbol, banner or any other figure of similar character of whatever material which is used to identify, announce, direct attention to or advertise, which is placed on the ground, on any bush, tree, rock, wall, post, fence, building, structure, vehicle or on any

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place whatsoever and which is visible from outside a building. The term "placed" shall include constructing, erecting, posting, painting, printing, tacking, mailing, glueing, sticking, carving, stringing, or otherwise fastening, affixing, or making visible in any manner whatsoever. The term "sign" shall not be deemed to include the flag of the State of California or of the United States of America or of any other nation.

"Sign, Advertising" shall mean a sign which advertises a business, profession, commodity, service or entertainment conducted, sold or offered elsewhere than on the premises where the sign is displayed, or a sign of the type described as a business which more than twenty-five percent (25%) of the area of the sign is devoted to advertising.

"Sign, Business" shall mean a sign which directs attention to a business, profession, commodity, service or entertainment conducted or manufactured upon the same lot. A sign advertising a particular product or line or products sold on the premises, but not constituting the principal activity of the establishment may be included, provided that not more than twenty-five percent (25%) of the area of the sign is devoted to such advertising.

"Sign, Civic" shall mean a sign which gives notice of the name, address, activities or services of a public or quasi-public agency, building or facility.

"Sign, Development" shall mean a sign which gives notice of the development and sale, lease or rental of a subdivision of five (5) or more lots, or of a building project containing five (5) or more residential or commercial units.

"Sign, Multi-sided" shall mean signs constructed back-to-back, with faces in approximately parallel planes (such as on both sides of a single panel or "V"-shape, provided the angle between the two [2] faces does not exceed forty-five degrees [45°]), shall count as only one (1) sign, both as to number and area, i.e., only one side need be counted. Every other sign having multiple sides or faces, including a sign constructed in the form of a cylinder or sphere or similar figure, shall be limited in total area as provided herein.

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"Stable, Private" shall mean an accessory stable, corral or paddock used or designed to shelter horses belonging to the occupants of a dwelling, and where no horses are kept for hire or sale.

"Stable, Riding" shall mean any stable where horses are kept for hire.

"Story" shall mean that portion of a building, included between the surface of any floor and the floor or ceiling next above it.

"Story, First" shall mean the lowest story or the ground story of any building, the floor of which is not more than twelve inches (12") below the average contact ground level at the exterior walls of the building, except that any basement or cellar used for residential purposes shall be deemed the first story.

"Story, Half" shall mean a partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four feet (4') above the floor of such story; provided, however, that any partial story used for one (1) or more dwelling units shall be deemed a full story.

"Story, Mezzanine" shall mean a story which covers one-third (1/3) or less of the area of the story directly underneath it.

"Street" shall mean a public right-of-way more than thirty feet (30') in width, which provides a public means of access to abutting property. The term "street" shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term. The term shall include the total width of the dedicated right-of-way.

"Street, Private" shall mean a right-of-way or easement in private ownership, not dedicated or maintained as a public street, which affords the principal means of access to two (2) or more sites.

"Structure" shall mean anything constructed, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground.

"Sign, Political" shall mean an outdoor advertising structure which is designed to influence the action of the voters, either for the passage or defeat of a measure appearing on the ballot at any state or local election, or which is designed to influence the action of the voters, either for the election or defeat of a candidate for nomination or election to any public office at any national, state or local election.

"Sign, Real Estate" shall mean a sign which gives notice of the sale, rental or lease of real estate.

"Sign, Residential" shall mean a sign which gives notice of the name or address of a residential building, the name or occupation of a resident thereof, or the conditions of use of a parking facility serving a residential use.

"Sign, Area of" shall mean the area in square feet of the smallest rectangle enclosing the total exterior surface; should the sign have more than one surface, the sign area shall be the aggregate area of all sign surfaces measured as above.

"Sign, Freestanding" shall mean a sign located directly on the ground, or on any support other than a building, whether or not the principal purpose of such support is to display the sign.

"Sign, Wall, Flat" shall mean a sign affixed to or painted on the wall of a building in such a manner that the surface of the sign is parallel with the prevailing surface of the wall upon which the sign is displayed and which does not project beyond such surface more than six inches (6") nor above the roof or cornice line of such building more than one foot (1').

"Sign, Wall, Projecting" shall mean a sign other than a flat wall sign affixed to a wall or other portion of a building, and not projecting above the roof or cornice line of such building more than one foot (1')

"Sign, Window" shall mean any sign secured to the inside or outside of any window or otherwise so located within any building so as to be normally visible from the exterior of any building.

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"Structural Alteration" shall mean any change in the structural members of a building, such as walls, columns, beams or girders.

"Tideland" shall mean lands between the "mean higher high water" and "mean lower low water" as defined by the U. S. Coast and Geodetic Survey.

"Town Houses" shall mean attached or semi-detached buildings, each containing a single dwelling unit and each located or capable of being located on a separate lot.

"Trailers" (including Camp Car, Camper and Mobile Homes) shall mean:

"Camp Car" shall mean a vehicle with its own motive power, which is designed for human habitation.

"Camper" shall mean a portable dwelling unit designed to be transported on a motor vehicle.

"Cargo Trailer" shall mean a vehicle designed to be drawn by a motor vehicle for the purpose of transporting cargo, including a boat or livestock.

"Mobile Home" shall mean a vehicle, other than a motor vehicle, designed for human habitation. The term "Mobile Home" shall include a trailer or a trailer coach.

A dependent mobile home is one not equipped with a toilet for sewage disposal.

An independent mobile home is one equipped with a toilet for sewage disposal.

"Trailer Camp, Trailer Park or Mobile Home Park" shall mean any lot or part thereof, or any parcel of land, which is used or offered as a location for one (1) or more camp trailers or mobile homes occupied as a residence.

"Underwater Land" shall mean land below the "mean lower low water" as defined by the U. S. Coast and Geodetic Survey.

"Unified Control" shall mean the written consent or agreement of all property owners.

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"Waterfront Land" shall mean any lot above the "mean higher high water" as defined by the U. S. Coast and Geodetic Survey having frontage directly upon the shoreline as defined herein.

"Yard, Front" shall mean an open space extending the full width of the lot measured between the building closest to the front lot line, which open space is between a building and the front lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this chapter.

"Yard, Front, Least Depth" shall mean the shortest distance, measured horizontally, between any part of a building other than parts herein excepted, and the front lot line.

"Yard, Front, Least Depth, How Measured". Such depth shall be measured from the front lot line; provided, however, that if the proposed location of the right-of-way line of such street as adopted by the City of Chula Vista (Plan Line Procedure) differs from that of the existing street, then the required front yard least depth shall be measured from the right-of-way line of such street as adopted; or said building shall comply with the official setback lines as adopted by said City.

"Yard, Rear" shall mean an open space between a building and the rear lot line, unoccupied and unobstructed from the ground upward and extending across the full width of the lot, except as specified elsewhere in this chapter.

"Yard, Rear, Least Depth" shall mean the shortest distance, measured horizontally, between any part of a principal building other than parts hereinafter excepted, and the rear lot line.

"Yard, Side" shall mean an open space extending from the front yard to the rear yard between a building and the nearest side lot line, unoccupied and unobstructed from the ground upward, except as specified elsewhere in this chapter. A side yard on the street side of a corner lot shall be known as an "exterior side yard".

"Yard, Side, Least Width" shall mean the shortest distance, measured horizontally, between any part of a building other than parts herein excepted, and the nearest side lot line.

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"Yard, Side, Least Width, How Measured". Such width shall be measured from the nearest side lot line and, in case the nearest side lot line is a side street lot line, from the right-of-way line of the existing street; provided, however, that if the proposed location of the right-of-way line of such street as adopted by the City of Chula Vista differs from that of the existing street, then the required side yard least width shall be measured from the right-of-way of such street as adopted; or, said building shall comply with any applicable official setback lines.

"Zone" shall mean a portion of the territory of the City of Chula Vista within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this chapter.

"Zoning Map" shall mean the Zoning Map or Maps of the City of Chula Vista, California, together with all amendments subsequently adopted.

"Zoning Permit" shall mean a document issued by the Building Inspector, authorizing buildings, structures or uses consistent with the terms of this chapter, and for the purpose of carrying out and enforcing its provisions.

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ARTICLE 15. ENFORCEMENT AND PENALTIES.Sec. 33.1501. In General.

All department officials and public employees of the City of Chula Vista vested with the duty or authority to issue permits shall conform to the provisions of this chapter, and shall issue no permit, certificate or license for uses, buildings or purposes in conflict with the provisions contained herein; and any such permit, certificate or license issued in conflict with the provisions of this chapter, intentionally or otherwise, shall be null and void. It shall be the duty of the Building Inspector of the City of Chula Vista and the Zoning Administrator and the Police Department to enforce the provisions of this chapter pertaining to the erection, construction, reconstruction, moving, conversion, alteration or addition to any building or structure and the use of any land, building or premise.

Sec. 33.1502. Violations; Declared Public Nuisances.

Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this chapter, and any use of any land, building or premise established, conducted, operated or maintained contrary to the provisions of this chapter shall be, and the same hereby is declared to be unlawful and a public nuisance; and the City Attorney of the City of Chula Vista shall immediately commence action or proceedings for the abatement and removal and enjoinder therein in the manner provided by law, and shall take such other steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate and remove such building or structure, and restrain and enjoin any person, firm or corporation from setting up, erecting, building, maintaining or using any such building or structure or using property contrary to the provisions of this chapter. The remedies provided for herein shall be cumulative and not exclusive.

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Sec. 33.1503. Violations; Penalties.

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing the violation of any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof, shall be punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for a term not exceeding six (6) months, or by both such fine and imprisonment. Such person, firm or corporation shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of the provisions of this chapter is committed or continued by such person, firm or corporation, and shall be punishable as herein provided.

SECTION II: That any and all ordinances heretofore adopted by the City Council of the City of Chula Vista concerning zoning of said property be, and the same are hereby repealed insofar as the provisions therein conflict with this ordinance.

SECTION III: This ordinance shall take effect and be in force on the thirty-first day from and after its passage and approval.

Presented by

Approved as to form by

Ruce H. Warren
Ruce H. Warren, Director of Planning

George D. Lindberg
George D. Lindberg, City Attorney

ADOPTED AND APPROVED by the CITY COUNCIL of the CITY OF CHULA VISTA, CALIFORNIA, this 8th day of July, 1969, by the following vote, to-wit:

AYES: Councilmen Sylvester, Hamilton, McCorquodale, McAllister, Scott

NAYES: Councilmen None

ABSENT: Councilmen None

John M. Conwell
Mayor of the City of Chula Vista

ATTEST Kenneth Campbell
City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.
CITY OF CHULA VISTA)

I, _____, City Clerk of the City of Chula Vista, California, DO HEREBY CERTIFY that the above is a full, true and correct copy of Ordinance No. _____, and that the same has not been amended or repealed. DATED _____.

City Clerk