

ORDINANCE NO. 163

ORDINANCE OF THE CITY OF CHULA VISTA, CALIFORNIA, PROVIDING FOR THE CREATION SAID CITY OF FIVE(S) ZONES, CONSISTING OF VARIOUS DISTRICTS, AND PRESCRIBING CLASSES OF BUILDINGS, STRUCTURES AND IMPROVEMENTS IN SAID SEVERAL ZONES AND USES THEREOF; DEFINING THE TERMS USED HEREIN, PRESCRIBING THE PENALTY FOR VIOLATION OF THE PROVISIONS HEREOF AND REPEALING ANY ORDINANCES OR PARTS ORDINANCES IN CONFLICT HEREWITH.

The Board of Trustees of the City of Chula Vista, California

ordain as follows:

Definitions.

Section 1. For the purpose of this ordinance, certain terms used herein are defined as follows: All words used in the present tense shall include the plural; all words in the plural number shall include the singular number, and all words in the singular shall include the plural number; the word "lot" includes the word "plot."

ALLEY: The word "alley", when used in this ordinance, means a public way intersecting a block or portion of a block, and designated on the zone Map herein-
or referred to.

ACCESSORY: The word "accessory" means a subordinate building or portion of a building the use of which is incidental to that of the main building, and located on the same lot or parcel of land.

APARTMENT: The word "apartment" means a room or suite of two or more rooms in a tenement or apartment house, occupied or suitable for occupation as a residence for one family doing its own cooking on the premises.

BUILDING: The word "building" means a structure for the support, shelter or enclosure of persons, animals or chattels; and when separated by division walls from the ground up and without openings, then each portion of such building shall be deemed a separate building.

BUSINESS OR COMMERCE: The word "business" and the word "commerce" mean the purchase, sale or other transaction involving the handling or disposition of an article, substance, or commodity for profit or livelihood, or the ownership, management of office buildings, offices, recreational or amusement enterprises.

DISTRICT: The word "district" means an entire city block, any part thereof, or more contiguous blocks.

INDUSTRIAL BUILDING: The term "industrial building" means a building devoted to the storage, repair, manufacture, preparation or treatment of any article, substance or commodity whatsoever and includes buildings, used as stables and garages.

INDUSTRY: The word "industry" when used in this ordinance means the storage, repair, manufacture, preparation or treatment of any article, substance or commodity whatsoever, and includes the operation of garages and stables.

LOT: The word "lot" means a parcel of land abutting on at least one street or alley. Where no alley exists, the rear line of a lot having a frontage on two parallel or approximately parallel streets shall be considered as equivalent to those streets, except where the full length or depth of such lot is less than one hundred twenty five (125) feet, in which case it shall be deemed one lot.

LOT LINES: The term "lot lines" means the established division lines between parcels of property, public or private.

PUBLIC STREETS: The term "public street" means the land dedicated to, or condemned for use as a public highway or established as such by use for public street purposes.

STORY: The word "story" means that portion of a building included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it, then the space between the floor and the ceiling above it.

STREET LINES: The term "street line" means the boundary line between street and abutting property.

USE: The word "use" means the purpose for which a building is designed, arranged or intended, or for which it is or may be occupied or maintained.

Section 2. In order to designate, regulate and restrict the location and regulations of commerce, business, trades and enterprises, and the locations of buildings designed, arranged or intended for special uses, five (5) classes of districts, which shall be known as "A" Zone "B" Zone "C" Zone "D" Zone and "E" Zone, which said several zones and the districts of each thereof, so far as said districts have been defined, are hereby established; and the boundaries of said districts and each of them, are shown upon "Zone Map" of the City of La Vista, attached hereto, made a part hereof, and hereby referred to for a

00163

icular description of said districts and each of them.

Section 3. Except as hereinafter provided, the use or uses of all buildings, improvements and premises existing in any of said zones or districts thereof, respectively, at the time of the adoption of this ordinance may be continued, except as hereinafter provided, no building, structure or improvement now existing shall be altered or enlarged, and no building structure or improvement shall be erected, constructed or established which is designed, arranged or intended for occupancy or use in any of said zones or districts restricted by this ordinance against such erection, obstruction or establishment.

Section 4. The City Planning Commission may, upon the verified petition of a property owner filed with said Commission, stating fully the grounds of application, and all facts relied upon by petitioner, recommend to the Board of Trustees of said City exceptions to any of said restrictions established by this ordinance in any of said zones or districts and the said Board of Trustees may by ordinance permit the erection, alteration, reconstruction or enlargement of any building, structure or improvement in any of said zones which is restricted against said building, structure or improvement, upon such terms and conditions as said Board of Trustees may deem proper under the special circumstances so shown to exist, whenever said Board of Trustees shall be satisfied from a consideration and investigation of the facts stated in such petition that such exception or permit is necessary for the preservation and enjoyment of any substantial property right or rights of the petitioner, and not materially detrimental to the public welfare, or injuries to the property and improvements in said zone or district thereof, Upon the filing of such petition, the City Planning Commission shall render a report to said Board of Trustees thereon, within thirty (30) days thereafter, and mail a post paid notice of the fact of the rendition of such report to said petitioner, and if said report and recommendation be against the petitioner, he may appeal to said Board of Trustees by written notice or appeal filed with the City Clerk. If the Board of Trustees deems it necessary or expedient so to do, it may set the matter for hearing upon such notice to interested parties as it may deem proper, and the decision of said Board of Trustees upon said appeal shall be final and conclusive as to all matters and things involved in said petition.

00163

ZONE A.

Section 5. No buildings, structures ~~Zone A.~~ or improvement shall be erected, constructed, established, altered or enlarged in the "A" Zone which is designed, arranged or intended to be occupied or used for any purpose other than a single family dwelling, together with the usual accessories located on the same lot or parcel of land, including a private garage containing space for not more than four (4) automobiles, provided that only one such single family dwelling house shall be erected, constructed, established, altered or enlarged on any one lot or parcel of land, which said lot or parcel of land shall not be less than forty (40) feet in width, other provisions of this ordinance to the contrary notwithstanding, and provided that the above provision pertaining to the minimum width of lots in said "A" Zone shall not apply to any lot officially recorded in a map or plat in the office of the County Recorder of San Diego County, prior to the date of the adoption of this ordinance; provided further, however, that no such single family dwelling shall be erected, constructed, established, altered or enlarged upon any portion or portions of any such recorded lot or lots as shown upon any official map or plat recorded in the office of the County Recorder of San Diego County, unless such portion or portions of such lot or lots shall be not less than forty (40) feet in width. No Bill Board shall be constructed or maintained in said A Zone.

ZONE B

Section 6. No building, structure or improvement shall be erected, constructed, established, altered or enlarged in the "B" Zone which is designated, arranged or intended to be occupied or used for any purpose other than dwellings, tenements, apartments, bungalow courts, flats, multiple dwellings, restaurants, hotels, lodging houses, churches, private clubs, public or semi-public institutions of an educational, philanthropic or eleemosynary nature, railroad passenger station and the usual accessories located on the same lot or parcel of land with any of said buildings, including the office of a physician, dentist or other person authorized by law to practice medicine, and including private garage containing necessary and convenient space for automobiles; The renting of one or more rooms or the providing of table board in a dwelling or apartment occupied as a private residence, provided no window or other display or sign used to advertise such use; A public dining room or restaurant located in a hotel, provided that the public entrance to such dining room or restaurant is from the lobby of the hotel, and further provided that no window or other display or sign is used to advertise such use.

No Billboard shall be constructed or maintained in said B Zone.

00163

ZONE C

Section 7. No building, structure or improvement shall be erected, constructed, established, altered or enlarged in the "C" Zone which is designed, arranged or intended to be occupied or used for any purpose other than a store or shop for the conduct of a wholesale or retail business, a place of amusement, an office or offices, studios, conservatories, dancing academies, carpenter shop, cleaning and eyeing works, painting, paper hanging and decorating store, dress-maker, laundry, millinery store, photograph gallery, plumbing shop, furniture storage, proofing or plastering establishment, tailor, tinsmith, undertaker, hospitals and sanitariums, upholsterer, dog hospitals, cat hospitals, commercial garages, boarding houses, and other similar enterprises or institutions; or for any other purposes permitted by this ordinance in the "A" Zone or "B" Zone.

Bill Boards shall be constructed maintained in in said C. Zone.

ZONE D

Section 8. No building, structure, or improvement shall be erected, constructed, established, altered or enlarged in the "D" Zone which is designed, arranged or intended to be occupied or used for any of the following specified trades, industries or purposes; ammonia, chlorine or bleaching powder manufacture; asphalt manufacture or refining; brick and tile terra cotta manufacture or storage; boiler works, creosote treatment or manufacture; creamatory; distillation of coal, wood or bones; fat rendering; fertilizer manufacture; gas (illuminating or heating) manufacture; glue manufacture; gun powder, fireworks or explosive manufacture and storage; incineration or reduction of garbage; oil, dead animals or refuse; iron foundry, lamp black manufacture; lime, cement and plaster of paris manufacture; paint manufacture, petroleum, pumping, refining, and storage; pickle, sauerkraut, sausage or vinegar manufacture; railroad yard or roundhouse; rawhides and skins, curing and tanning; rolling mill, scrap iron, junk or rags storage or baling; slaughter of animals or fowls; smelting of iron; soap manufacture; stock yards; stone mill and quarry; sulphurous, sulphuric, nitric, or hydrochloric acid manufacture; tallow, grease and lard manufacture and refining or roofing or tar waterproofing manufacture; tobacco (chewing) manufacture; or similar obnoxious purposes. Any building or structure designed to be used for any other trade or business, or for purposes of, storage, industry, commerce or residence of any kind, may be erected in said "D" Zone, if not prohibited by any ordinance now in force or which may be hereafter enacted.

Bill Board shall be constructed or maintained in said D Zone.

ZONE E

Section 9. Any building structure or improvement may be erected, constructed, established, altered or enlarged in the E Zone without restriction as to its

00163

improvement, or the use or purpose thereof, is not prohibited by law or ordinance now in force, or which may be hereafter enacted.

Boards may be constructed and maintained in said E Zone.

Section 10. Except as hereinafter specifically provided, it is not intended by this ordinance to modify or abrogate or repeal any ordinances, rules, regulations or permits previously adopted or issued pursuant to law, relating to the use, management or conduct of buildings, structures, improvements or premises; provided however, that where this ordinance imposes a greater restriction on the erection, establishment, alteration or enlargement of buildings than is imposed or required by such ordinances, rules, regulations or permits, the provisions of this ordinance shall control.

Section 11. Any building may be altered or enlarged to the extent of not more than fifty per cent of its assessed value; provided, however, that if any building is altered or enlarged to more than fifty per cent of its assessed value, such building shall conform to the restrictions herein set forth in the zone or district in which such building is located, as shown on said City Map, except where permit is issued as provided in Section 4 thereof.

Section 12. The City Clerk of said City of Chula Vista shall not issue any permit for the erection, construction, establishment, alteration or enlargement of any building, structure or improvement in any of said zones contrary to the provisions of this ordinance; and every application for a building permit shall state therein the purpose for which the proposed building, structure or improvement is intended.

Section 13. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than Three Hundred (\$300.00) dollars, or by imprisonment in the City Jail of the City of Chula Vista or the County Jail of the County of San Diego, State of California for a period of not more than ninety (90) days, or by both such fine and imprisonment. Each person, firm or corporation shall be deemed guilty of a separate offense for every day during any portion of which any violation of any provision of this ordinance is committed, continued or permitted by such person, firm or corporation, and shall be punishable therefor as provided by this ordinance.

00163

and lines
Section 14. The zone boundaries/ shall be and are hereby made, fixed and established, as shown and delineated by the legend of and on the Zoning Map of the City of Chula Vista, California, "which is hereby referred to for a particular description thereof and hereby made a part of this ordinance. In unsubdivided property, the zone boundary lines on said Zone Map shall be determined by the scale contained on such map, and where uncertainty exists the zone boundary line shall be determined by the City Planning Commission upon written application from said Zone Map, and records thereof kept on file in the office of the City Planning Commission.

Section 15. Interpretation -Purpose: In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety comfort, convenience and general welfare. It is not intended by this ordinance to repeal, abrogate, annul or in any way to impair or interfere with any existing provision of law or ordinance or any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises, or relating to the erection, construction, establishment, alteration or enlargement of any buildings or improvements; nor is it intended by this ordinance to interfere with or abrogate or annul any easement, covenant or other agreements between parties; provided, however that where this ordinance imposes a greater restriction upon the erection, construction, establishment, alteration or enlargement of buildings, structures or improvements in said several zones or any of them, than is imposed or required by such existing provisions of law or ordinances or by such rules, regulations or permits or by such easements, covenants or agreements, the provisions of this ordinance shall control.

Section 16. No building, structure or improvement shall be occupied or used for any purpose other than the purpose permitted in the zone or district in which such building, structure or improvement is situated, except as provided in Sections 3 and 4 hereof.

Section 17. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance.

Board of Trustees of the City of Chula Vista, California hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 18. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than Two Hundred Ninety-Nine Dollars or by imprisonment in the City Jail of the City of Chula Vista, California for a period of not more than eighty days, or by both such fine and imprisonment.

Section 18. This ordinance shall take effect and be in force on the thirty-first day from and after its passage and approval.

Section 19. The City Clerk of said City of Chula Vista is hereby instructed to cause this ordinance to be published once in the Chula Vista Star, a weekly newspaper printed and published in and of general circulation in said City of Chula Vista, California.

Passed, adopted and approved by the Board of Trustees of the City of Chula Vista, California, this 8th day of March, 1927, by the following vote, to-wit:

PRESENT: TRUSTEES, Scott Lyons Wentworth Barnes Peters

ABSENT: TRUSTEES, None

ABSENT: TRUSTEES, None

ATTEST:

President of the Board of Trustees of
the City of Chula Vista, California.

C. S. Timmons
City Clerk of the City of Chula
Vista, California.

I hereby approve the foregoing Ordinance this 8th day of March, 1927.

President of the Board of Trustees of
the City of Chula Vista, California.

00163