

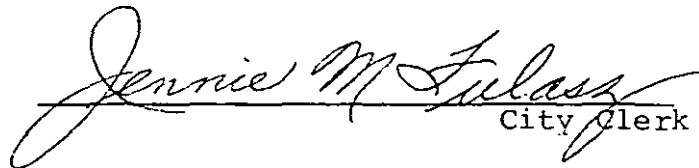
ORDINANCE NO. 1855

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHAPTERS 19.58, 19.04, AND 19.40 OF THE CHULA VISTA MUNICIPAL CODE TO PROVIDE FOR THE REGULATION OF CERTAIN "ADULT RECREATION" AND RELATED LAND USES, AND CERTIFYING THE NEGATIVE DECLARATION

By a unanimous vote on February 13, 1979, the City Council adopted the ordinance which regulates the location of "adult recreation" businesses in the city. In general, the ordinance defines a "sexual encounter studio" and describes the location requirements as follows:

"An adult-oriented recreation business shall only be located in the C-T zone, and no such business shall be located within 500 feet of residentially zoned territory which is located upon the same street or streets, or is within 500 feet of residentially zoned or residentially used properties as measured along street right-of-ways from the proposed location to the boundary line of said residentially zoned or used properties, or is located within 500 feet measured radially of any building site containing a school, park, church or playground. No adult-oriented recreation business, furthermore, shall be located within 1000 feet of another adult-oriented recreation business."

Copies of the ordinance are available from the office of the City Clerk, City Hall, 276 Fourth Avenue.


City Clerk

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ORDINANCE NO. 1955

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHAPTERS 19.58, 19.04, AND 19.40 OF THE CHULA VISTA MUNICIPAL CODE TO PROVIDE FOR THE REGULATION OF CERTAIN "ADULT RECREATION" AND RELATED LAND USES, AND CERTIFYING THE NEGATIVE DECLARATION

The City Council of the City of Chula Vista finds as follows:

That in accordance with the attached Negative Declaration, IS-78-67 and the findings therein, the proposed amendments to the Municipal Code will not have a significant impact upon the environment, and the City Council hereby certifies that the Negative Declaration was prepared in accordance with the California Environmental Quality Act of 1970, as amended.

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

SECTION I: That Chapter 19.58 of the Chula Vista Municipal Code be, and the same is hereby amended by adding thereto a new Section 19.58.024 to read as follows:

Sec. 19.58.024 Adult Oriented Recreation Businesses.

A. The following described businesses are deemed to be adult oriented recreation businesses, and shall only be permitted by conditional use permit in the C-T zone.

1. Adult bookstores.
2. Adult motion picture theaters.
3. Adult mini-motion picture theaters.
4. Cabarets.
5. Coin operated adult entertainment facilities.
6. Massage parlors.
7. Body painting studios.
8. Dance halls.
9. Model studios.
10. Sexual encounter studios and rap parlors.

B. Additional findings: Before the Planning Commission grants a conditional use permit for an adult recreation business, it must, in addition to the findings required by Section 19.14.080 of this Code, find, from the evidence presented:

1. That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this ordinance will be observed.
2. That the proposed use will not tend to create conditions of blight or tend to depreciate the value of nearby properties.
3. That the proposed use will not enlarge or encourage the development of a "skid row" area.
4. That the establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation.
5. That all applicable regulations of this Code will be observed.

C. Location requirements: An adult oriented recreation business shall only be located in the C-T zone, and no such business shall be located within 500 feet of residentially zoned territory, which is located upon the same street or streets, or is within 500 feet of residentially zoned or residentially used properties as measured along street right of ways from the proposed location to the boundary line of said residentially zoned or used properties, or is located within 500 feet measured radially of any building site containing a school, park, church or playground. No adult oriented recreation business, furthermore, shall be located within 1000 feet of another adult oriented recreation business.

SECTION II: That Chapter 19.04 of the Chula Vista Municipal Code be, and the same is hereby amended by adding the following definitions sections.

Sec. 19.04.007 Adult Bookstore.

"Adult bookstore" means an establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activity" or "specified anatomical area" (as defined below), or an establishment with a segment or section devoted to the sale or display of such material.

Sec. 19.04.007A Adult Motion Picture Theater.

"Adult motion picture theater" means an enclosed building with a capacity of 50 or more persons used for presenting material having as a dominant purpose distinguished or characterized by an emphasis on matter depicting, describing or relating to a "specified sexual activity" or a "specified anatomical area" (as defined below) for observation by patrons therein.

Sec. 19.04.007B Adult Mini-Motion Picture Theater.

"Adult mini-motion picture theater" means an enclosed building with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to a "specified anatomical area" or a "specified sexual activity" (as defined below), for observation by patrons therein.

Sec. 19.04.035 Body Painting Studio.

"Body painting studio" means a business establishment wherein the patrons may apply paint or similar matter to another unclothed or partially unclothed person.

Sec. 19.04.047 Cabaret.

"Cabaret" means a place of business which features topless dancers, bottomless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers.

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Sec. 19.04.051 Coin-Operated Adult Entertainment Facility.

"Coin-operated adult entertainment facility" means a business establishment containing one or more coin-operated entertainment devices, such as moving picture apparatus or similar devices, which depict a "specified anatomical area" or a "specified sexual activity" (as defined below), for observation by patrons.

Sec. 19.04.063 Dance Hall.

"Dance hall" means a business establishment wherein the patrons thereof may dance with another person for a fee other than a price of admission to such establishment.

Sec. 19.04.153 Massage Parlor.

"Massage parlor" means a massage establishment as defined in Section 5.36.030.

Sec. 19.04.155 Model Studio.

"Model studio" means a business establishment wherein the patrons may view, paint, draw or photograph a live model who is unclothed or partially unclothed.

Sec. 19.04.205 Sexual Encounter Studio and Rap Parlor.

"Sexual encounter studio" means a business establishment wherein the patrons thereof are invited to discuss sexual matters or engage in sexual activities with an unclothed or partially unclothed person and who pay a fee for such discussion or activities; provided, however, that this definition shall not encompass any sexual activities or practices prohibited under the laws of the State of California and does not constitute a condonation of any sexual activities by the City of Chula Vista. This definition shall not include therapy sessions conducted by physicians, therapists and counsellors licensed and regulated by the State of California.

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Sec. 19.04.270 Specified Anatomical Area.

"Specified anatomical area" means:

- (a) Human genitals in a state of sexual stimulation or arousal.
- (b) Less than completely and opaquely covered (1) human genitals, pubic regions, (2) buttocks, and (3) female breasts below a point immediately above the top of the areola; and
- (c) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Sec. 19.04.271 Specified Sexual Activity.

"Specified sexual activity" for the purpose of this Code, means:

- (a) Acts of human masturbation, sexual intercourse or sodomy;
- (b) Fondling or other erotic touching of human genitals, pubic regions, buttocks, or female breasts.

SECTION III: That Section 19.40.030 of the Chula Vista Municipal Code be, and the same is hereby amended to read as follows:

Sec. 19.40.030 Conditional Uses.

Conditional uses in a C-T zone include:




- A. Used car lots and motorcycle sales and repair, subject to the provisions of Section 19.58.070;
- B. Trailer and equipment sales and rental establishments and towing service;
- C. Drive-in theaters, subject to the provisions of Section 19.58.120, and provides 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 from any street or thoroughfare;
- D. Automobile service stations, garages for major and minor repairs, as defined herein, and car-washing establishments, subject to the provisions of Section 19.58.060 and 19.58.280;
- E. Carpenter shop, electrical, plumbing or heating shops;
- F. Dancehalls, subject to the provisions of Section 19.58.040;
- G. Truck and trailer service, including major repair;
- H. Building material sales yard, not including concrete mixing;
- I. Automobile storage, contractor's equipment storage yard, or storage, sale and rental of equipment commonly used by contractors;
- J. Signs in excess of maximum, as established in Section 19.40.040;
- K. Bait and tackle shops;
- L. Commercial recreation facilities (outdoor);
- M. Upholstry shops;
- N. Automobile paint and body shops;
- O. Wholesale bakeries;
- P. Laundries, except industrial; and cleaning and dyeing plants;
- Q. Used clothing sales;
- R. Lumberyards;
- S. Radiator repair shops;
- T. Unclassified uses, see Chapter 19.54;
- U. Knitting and weaving shops;
- V. Cardrooms;

- W. R-3 residential uses as regulated in the R-3 zoning district, subject to the provisions of Section 19.40.160;
- X. Adult oriented recreation businesses, subject to the provisions of Section 19.58.024 of this Code.

SECTION IV: This ordinance shall take effect and be in full force on the thirty-first day from and after its adoption.

Presented by

Approved as to form by

  
 D. J. Peterson, Director of Planning George D. Lindberg, City Attorney

FIRST READ at a regular meeting of the CITY COUNCIL of the CITY OF CHULA VISTA, CALIFORNIA, held February 6, 1979, and finally PASSED AND ADOPTED at a regular meeting thereof held February 13, 1979, by the following vote, to-wit:

AYES: Councilmen: Scott, Cox, Egdahl, Hyde, Gillow
 NAYES: Councilmen: None
 ABSENT: Councilmen: None


 Mayor of the City of Chula Vista

ATTEST 
 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