



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

Sec. 19.14.050                      Public Hearing-Mandatory When.

- A. 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.
- B. Any person who disagrees with the ruling of the zoning administrator may appeal such ruling to the planning commission. In such cases, a public hearing as provided herein shall be mandatory.
- C. Notwithstanding the above provisions, the zoning administrator may, at his option, or upon appeal, refer applications for carnivals and circuses on which he is authorized to issue a permit to the city council for review. In such cases, a public hearing as provided herein shall be mandatory.

SECTION III: That Section 19.54.020 of Chapter of 19.54 of the Chula Vista Municipal Code be, and the same is hereby amended to read as follows:

Sec. 19.54.020                      Designated-Limitations and Standards.

The following uses may be considered for location in any zone, subject to the provisions set forth herein, and additional conditions set forth in Chapter 19.58 (references indicated for uses):

- A. Borrow pits and quarries for rock, sand and gravel;
- B. Campgrounds: See Section 19.58.040;
- C. Cemeteries: See Section 19.58.080;
- D. Colleges, universities, private schools, elementary and secondary public schools.

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- E. Columbariums, crematoriums and mausoleums, provided that these uses are specifically excluded from all R zones unless inside of a cemetery: See Section 19.58.080;
- F. Churches: See Section 19.58.110;
- G. Dumps, public or private;
- H. Hospitals, including, but not limited to, emergency, general, convalescent, rest homes, nursing homes (for the aged, crippled, mentally retarded of all ages), psychiatric, etc.: See Section 19.58.110. Further, that approval shall not be granted until the following findings can be made (homes for mentally retarded children):
  - 1. The size of the parcel to be used shall provide adequate light and air in proportion to the number of residents.
  - 2. The location of windows and open play areas shall be so situated as to not adversely impact adjoining uses.
  - 3. Spacing between these facilities shall be such that the character of the neighborhood is not affected by the grouping of these homes;
- I. Mortuaries: See Section 19.58.080;
- J. Establishments or enterprises involving large assemblages of people or automobiles, as follows, provided that these uses shall be deemed to be generally undesirable in the R zones:
  - 1. Airports and heliports: See Section 19.58.180,
  - 2. Amusement parks and amusement enterprises: See Section 19.58.040,
  - 3. Arenas: See Section 19.58.040,
  - 4. Fairgrounds: See Section 19.58.040,
  - 5. Museums,
  - 6. Open air theaters, except drive-in theaters: See Section 19.58.120B,

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7. Race tracks and rodeos: See Section 19.58.040,
  8. Recreational centers, commercially operated: See Section 19.58.040,
  9. Stadiums,
  10. Shooting clubs: See Section 19.58.200,
  11. Ambulance service (excluded from all residential zones unless located within a hospital complex);
- K. Golf courses: See Section 19.58.090;
- L. Passenger stations for rail or bus travel;
- M. Public and quasi-public uses;
- N. Radio or television transmitters;
- O. Trailers (commercial coaches): See Section 19.58.330;
- P. Senior housing developments: See Section 19.58.390.

Conditional use permit applications for the uses listed in this section except campgrounds, churches, amusement arcades and centers, trailers (commercial coaches) and borrow pits of not more than two acres, shall be considered by the city council subsequent to its receipt of recommendations thereon from the planning commission.

SECTION IV: That a new Section 19.58.042 be, and the same is hereby added to Chapter 19.58 of the Chula Vista Municipal Code to read as follows:

Sec. 19.58.042                      Carnivals and Circuses.

Carnivals and circuses shall be subject to the following development standards:

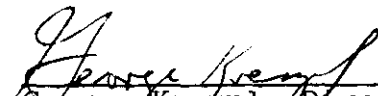
- A. Carnivals shall be restricted to locations where the ingress and egress from the site shall be designed so as to minimize traffic congestion and hazards and provide adequate parking;
- B. Adequate controls or measures shall be taken to prevent offensive noise, vibration, dust and glare from any indoor or outdoor activity onto adjacent property or uses;

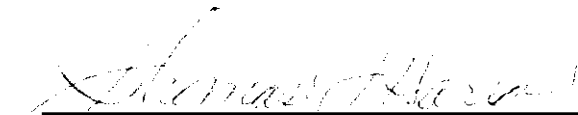
- C. The time of operation and the duration shall be limited by consideration of the impacts on the surrounding uses or the community as a whole. The frequency of operation at a particular location shall be a consideration in determining whether or not to grant the permit. Carnivals and circuses shall have adequate insurance, pursuant to City Council Policy, to indemnify the city from liability. A business license shall be required.
- D. The site shall be cleared of weeds and obstructions. Fire regulations shall be met as established by the Fire Marshal including inspection prior to opening. Security guards as required by the Police Department shall be provided. Uniformed parking attendants to be determined by the Traffic Engineer. The number of sanitary facilities shall be as determined by the Department of Building and Housing. All electrical installations shall be inspected and approved by the Department of Building and Housing.
- E. The zoning administrator has the right to impose additional standards or waive any of the above standards on the finding that said standards are or are not necessary to protect the public health, safety and general welfare.
- F. A bond shall be posted to cover any work and compliance with conditions to be done once the carnival is over. Any violation of the above regulations which has been substantial shall be sufficient grounds for the zoning administrator to revoke the conditional use permit and require removal of the circus or carnival from the property.

SECTION V: 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

  
George Krempf, Director of  
Planning

  
Thomas J. Harron, City Attorney

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FIRST READ AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA, CALIFORNIA, HELD August 7, 19 84, AND FINALLY PASSED AND ADOPTED AT A REGULAR MEETING THEREOF HELD August 14, 19<sup>85</sup>, BY THE FOLLOWING VOTE, TO-WIT:

AYES: Councilmen : Moore, Cox, Malcolm, Scott  
NAYES: Councilmen : None  
ABSTAIN: Councilmen : None  
ABSENT: Councilmen : McCandliss

Gregory R. Cox  
Mayor of the City of Chula Vista

ATTEST Jennie M. Fulasz  
City Clerk

STATE OF CALIFORNIA )  
COUNTY OF SAN DIEGO ) ss.  
CITY OF CHULA VISTA )

I, JENNIE M. FULASZ, CMC, CITY CLERK of the City of Chula Vista, California, DO HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of ORDINANCE NO. 2075, and that the same has not been amended or repealed.

DATED \_\_\_\_\_

(seal)

\_\_\_\_\_  
City Clerk

RESOLUTION NO. PCA-84-3

RESOLUTION OF THE CITY OF CHULA VISTA PLANNING COMMISSION RECOMMENDING TO THE CITY COUNCIL THE ADOPTION OF AN AMENDMENT TO CHAPTERS 19.04, 19.14, 19.54 AND 19.58 OF THE MUNICIPAL CODE RELATING TO CARNIVALS AND CIRCUSES

WHEREAS, it has been determined that a special review process for carnivals and circuses should be established in recognition of their temporary nature since normal processing could have the effect of prohibiting said uses, and

WHEREAS, the Planning Commission set the time and place for a hearing on said amendment and notice of said hearing, together with its purpose, was given by its publication in a newspaper of general circulation in the city at least ten days prior to the hearing, and

WHEREAS, the hearing was held at the time and place as advertised, namely 7:00 p.m., June 27, 1984, in the Council Chambers, 276 Fourth Avenue, before the Planning Commission and said hearing was thereafter closed, and

NOW, THEREFORE, BE IT RESOLVED THAT FROM THE FACTS PRESENTED AT THE HEARING, THE PLANNING COMMISSION recommends the adoption of amendments to Title 19 of the Municipal Code as shown on Exhibit "A" attached hereto and made a part of.

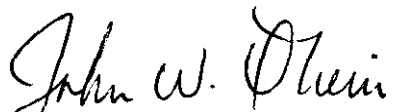
That a copy of this resolution be transmitted to the City Council.

PASSED AND APPROVED BY THE PLANNING COMMISSION OF CHULA VISTA, CALIFORNIA, this 27th day of June 1984, by the following vote, to-wit:


AYES: Commissioners R. Johnson, Pressutti, Green, E. Guiles, Shipe, Cannon and O'Neill

NOES: None

ABSENT: None

  
\_\_\_\_\_  
John W. O'Neill, Chairman

ATTEST:

  
\_\_\_\_\_  
Ruth M. Smith, Secretary

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EXHIBIT A

PROPOSED REVISIONS TO THE MUNICIPAL CODE  
RELATING TO CARNIVALS

SECTION I: That a Section 19.04.045 be, and the same is hereby added to Chapter 19.04 of the Chula Vista Municipal Code to read as follows:

Sec. 19.04.045                      Carnivals.

"Carnival" means a traveling enterprise offering amusements with organized entertainment or exhibits and includes mechanical rides.

SECTION II: That Section 19.14.030 and 19.14.050 of Chapter 19.14 of the Chula Vista Municipal Code be, and the same is hereby amended to read as follows:

Sec. 19.14.030                      Zoning Administrator-Actions  
Authorized Without Public Hearing.

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

- A. Conditional use permit: The zoning administrator shall be empowered to issue conditional use permits, as defined herein, in the following circumstances:
1. Where the use to be permitted does not involve the construction of a new building or other substantial structural improvements on the property in question.
  2. Where the use requiring the permit would make use of an existing building and does not involve substantial remodeling thereof.
  3. For signs as defined herein, and temporary tract houses, as limited herein.
  4. The zoning administrator is authorized to consider and to approve, deny, or modify applications for conditional use permits for carnivals and circuses. The zoning administrator shall set the matter for public hearing in the manner provided herein.

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Sec. 19.14.050 Public Hearing-Mandatory When.

- A. 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.
- B. Any person who disagrees with the ruling of the zoning administrator may appeal such ruling to the planning commission. In such cases, a public hearing as provided herein shall be mandatory.
- C. Notwithstanding the above provisions, the zoning administrator may, at his option, or upon appeal, refer applications for carnivals and circuses on which he is authorized to issue a permit to the city council for review. In such cases, a public hearing as provided herein shall be mandatory.

SECTION III: That Section 19.54.020 of Chapter of 19.54 of the Chula Vista Municipal Code be, and the same is hereby amended to read as follows:

Sec. 19.54.020 Designated-Limitations and Standards.

The following uses may be considered for location in any zone, subject to the provisions set forth herein, and additional conditions set forth in Chapter 19.58 (references indicated for uses):

- A. Borrow pits and quarries for rock, sand and gravel;
- B. Campgrounds: See Section 19.58.040;
- C. Cemeteries: See Section 19.58.080;
- D. Colleges, universities, private schools, elementary and secondary public schools.
- E. Columbariums, crematoriums and mausoleums, provided that these uses are specifically excluded from all R zones unless inside of a cemetery: See Section 19.58.080;
- F. Churches: See Section 19.58.110;
- G. Dumps, public or private;

H. Hospitals, including, but not limited to, emergency, general, convalescent, rest homes, nursing homes (for the aged, crippled, mentally retarded of all ages), psychiatric, etc.: See Section 19.58.110. Further, that approval shall not be granted until the following findings can be made (homes for mentally retarded children):

1. The size of the parcel to be used shall provide adequate light and air in proportion to the number of residents.
2. The location of windows and open play areas shall be so situated as to not adversely impact adjoining uses.
3. Spacing between these facilities shall be such that the character of the neighborhood is not affected by the grouping of these homes;

I. Mortuaries: See Section 19.58.080;

J. Establishments or enterprises involving large assemblages of people or automobiles, as follows, provided that these uses shall be deemed to be generally undesirable in the R zones:

1. Airports and heliports: See Section 19.58.180,
2. Amusement parks and amusement enterprises: See Section 19.58.040,
3. Arenas: See Section 19.58.040,
4. ~~Carnivals, carnivals or~~ Fairgrounds: See Section 19.58.040,
5. Museums,
6. Open air theaters, except drive-in theaters: See Section 19.58.120B,
7. Race tracks and rodeos: See Section 19.58.040,
8. Recreational centers, commercially operated: See Section 19.58.040,
9. Stadiums,
10. Shooting clubs: See Section 19.58.200,
11. Ambulance service (excluded from all residential zones unless located within a hospital complex);

- K. Golf courses: See Section 19.58.090;
- L. Passenger stations for rail or bus travel;
- M. Public and quasi-public uses;
- N. Radio or television transmitters;
- O. Trailers (commercial coaches): See Section 19.58.330;
- P. Senior housing developments: See Section 19.58.390.

Conditional use permit applications for the uses listed in this section except campgrounds, churches, amusement arcades and centers, trailers (commercial coaches) and borrow pits of not more than two acres, shall be considered by the city council subsequent to its receipt of recommendations thereon from the planning commission.

SECTION III: That a new Section 19.58.042 be, and the same is hereby added to Chapter 19.58 of the Chula Vista Municipal Code to read as follows:

Sec. 19.58.042                      Carnivals and Circuses.

Carnivals and circuses shall be subject to the following development standards:

- A. Carnivals shall be restricted to locations where the ingress and egress from the site shall be designed so as to minimize traffic congestion and hazards and provide adequate parking;
- B. Adequate controls or measures shall be taken to prevent offensive noise, vibration, dust and glare from any indoor or outdoor activity onto adjacent property or uses;
- C. The time of operation and the duration shall be limited by consideration of the impacts on the surrounding uses or the community as a whole. To minimize the adverse impact on the community, no more than four (4) circuses or carnivals shall be permitted in the city during any twelve month period. Carnivals and circuses shall have adequate insurance, pursuant to City Council Policy, to indemnify the city from liability. A business license shall be required.

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- D. The site shall be cleared of weeds and obstructions. Fire regulations shall be met as established by the Fire Marshal including inspection prior to opening. Security guards as required by the Police Department shall be provided. Uniformed parking attendants to be determined by the Traffic Engineer. The number of sanitary facilities shall be as determined by the Department of Building and Housing. All electrical installations shall be inspected and approved by the Department of Building and Housing.
- E. The zoning administrator has the right to impose additional standards or waive any of the above standards on the finding that said standards are or are not necessary to protect the public health, safety and general welfare.
- F. A bond shall be posted to cover any work and compliance with conditions to be done once the carnival is over. Any violation of the above regulations which has been substantial shall be sufficient grounds for the zoning administrator to revoke the conditional use permit and require removal of the circus or carnival from the property.

\_\_\_\_\_ Additions

////// Deletions

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ORDINANCE NO. 2075


AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHAPTERS 19.04, 19.14, 19.54 AND 19.58 OF THE CHULA VISTA MUNICIPAL CODE RELATING TO CARNIVALS AND CIRCUSES

By a unanimous vote on August 14, 1984, (Councilwoman McCandliss was absent), the Council placed the ordinance on second reading and adoption.

Previously, carnivals, circuses and fairgrounds were listed as unclassified uses requiring Planning Commission approval. The revision to the Code allows the applications to be handled by the Zoning Administrator who would have the option of referring the matter directly to the City Council in which case a public hearing would be required. There will be no limitation on the number of circuses or carnivals allowed each year; however, the time of operation and the duration shall be limited by consideration of the impacts on the surrounding uses or the community as a whole. Further, the frequency of operation at a particular location shall be a consideration in determining whether or not to grant the permit.

Copies of the ordinance are available at the office of the City Clerk, City Hall, 276 Fourth Avenue, Chula Vista, CA.

Dated: 8/16/84

  
Jennie M. Fulasz, CMC, City Clerk