

ORDINANCE NO. 2137

AN EMERGENCY ORDINANCE OF THE CITY OF CHULA VISTA
ADOPTING RELEVANT PORTIONS OF THE COUNTY OF SAN
DIEGO ZONING ORDINANCE FOR THE RECENTLY ANNEXED
MONTGOMERY AREA BY ADDING CHAPTER 19.70 TO THE CHULA
VISTA MUNICIPAL CODE

WHEREAS, on November 5, 1985, the voters within the unincorporated three and one-half square mile area generally known as Montgomery voted to annex to the City of Chula Vista, and

WHEREAS, the annexation will place the Montgomery area within the jurisdiction of the City of Chula Vista on December 31, 1985, and

WHEREAS, on September 24, 1985, the City Council of the City of Chula Vista adopted Resolution No. 12177 which stated the City Council's position on the proposed Montgomery annexation, and

WHEREAS, the City Council Position Paper stated that County zoning regulations will continue to be enforced as a City ordinance while a study is conducted to determine the relationship of existing development within the Montgomery area, and

WHEREAS, the staff of the City of Chula Vista has determined that County zoning for the Montgomery area is in substantial compliance with the adopted Chula Vista General Plan.

NOW, THEREFORE, the City Council of the City of Chula Vista hereby ordains as follows:

SECTION I: That Title 19 of the Chula Vista Municipal Code be, and the same is hereby amended by adding Chapter 19.70 to read as follows:

CHAPTER 19.70 ZONING REGULATIONS FOR MONTGOMERY.

Sec. 19.70.010 Intent.

A. The City Council of the City of Chula Vista intends to maintain the zoning regulations of the County of San Diego in the Montgomery area which will be a part of the City of Chula Vista on December 31, 1985.

This area is specifically described in the annexation maps as filed with the Local Agency Formation Commission and encompasses the area formerly served by the Montgomery Fire Protection District. This chapter shall only apply to the Montgomery area.

- B. In the event that conflicts arise as to the provisions of this chapter and any other provisions of the Chula Vista Municipal Code, the latter shall take precedence, except as to those items specifically relating to land use regulation.
- C. In the event that this chapter, any section within this chapter, or any portion of any section in this chapter are held to be invalid by a court of competent jurisdiction, the remainder of this chapter shall be in full force and effect.

Sec. 19.70.020 Adoption of County Zoning Regulations.

For the purpose of regulating the use of land, the height of buildings, the area of lots, building sites, yard spaces and other matters relating to zoning the City Council of the City of Chula Vista hereby adopts San Diego County Ordinance No. 5281 (New Series), commonly referred to as to Zoning Ordinance San Diego County as the Zoning Ordinance for the Montgomery area as though fully set forth herein. Said ordinance is adopted in its entirety except for Sections 1000-1019 and Part 7.

Sec. 19.70.030 Terms.

- A. Wherever the phrase "Board of Supervisors" appears in Section 19.70.020, it shall be read as the City Council of the City of Chula Vista.
- B. Wherever the phrase "San Diego County Planning Commission", "Planning Commission" or "Board of Planning and Zoning Appeals" appears in Section 19.70.020, it shall be read as the Chula Vista Planning Commission.
- C. Wherever the phrase "Zoning Administrator" appears in Section 19.70.020, it shall be read as the Zoning Administrator of the City of Chula Vista.
- D. Wherever the phrase "minor use permit", "administrative permit" or "major use permit" appear in Section 19.70.020, it shall be read as conditional use permit.

Sec. 19.70.040 Fees.

Notwithstanding any provisions to the contrary in Section 19.70.020, the Master Fee Schedule of the City of Chula Vista shall be used to determine the appropriate fee for the processing of zoning applications, land use application and variances.

Sec. 19.70.050 Duties of Zoning Administrator.

The City Council of the City of Chula Vista recognizes that the adoption of the County of San Diego Zoning Ordinance for the Montgomery area will create ambiguities with the zoning regulations for the remainder of the City of Chula Vista. The City Council, therefore, authorizes the Zoning Administrator to use the Council's expressed intent for the Montgomery area to resolve these ambiguities in an administrative process.

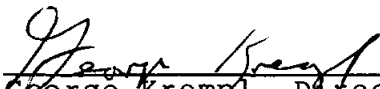
SECTION II: This ordinance shall take effect immediately as an emergency ordinance in that the City Council has declared it to be necessary to preserve the public peace, health and safety for the following reasons:

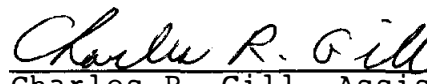
1. This ordinance implements the stated position of the City Council for the Montgomery area which voted on November 5, 1985 to annex to the City of Chula Vista. This ordinance will ensure continuity in the enforcement of zoning regulations which are adopted for the expressed purpose of preserving the public peace, health and safety.

2. The annexation of the Montgomery area to the City of Chula Vista is a complex administrative process. This process involves the coordination, expansion and implementation of police services, fire services, street maintenance, engineering services, and building services for the area. The efficient implementation of these services to the Montgomery area requires an immediate statement of the zoning regulations to be in effect on December 31, 1985 to preserve the public peace, health and safety. The failure to have such an ordinance in effect by December 31, 1985 will result in unnecessary confusion and inefficiency to the detriment of the public's peace, health and safety.

Presented by

Approved as to form by


George Krempf, Director of
Planning


Charles R. Gill, Assistant
City Attorney

1069a

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF
CHULA VISTA, CALIFORNIA, AT FIRST READING THIS 17th DAY OF December
19 85, BY THE FOLLOWING VOTE, TO-WIT:

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

Gregory R. Cox
Mayor of the City of Chula Vista

TEST 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. 2137, and that the same has
not been amended or repealed.

DATED _____

(seal) _____
City Clerk