

ORDINANCE NO. 2273

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING VARIOUS SECTIONS, REPEALING SECTION 5.26.100 AND ADDING SECTION 19.58.115 TO THE CHULA VISTA MUNICIPAL CODE RELATING TO PUBLIC DANCES

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

SECTION I: The City Council does hereby adopt Negative Declaration IS-88-68.

SECTION II: That Section 5.26.100 of the Chula Vista Municipal Code be, and the same is hereby repealed.

*§ 26.100 - License/operation of bona fide eating place required for granting.*

*No license shall be issued to any applicant, unless such applicant engages in business of operating a bona fide eating place at the same location for which the license has been requested. "Bona fide eating place" means a place which is regularly and in a bona fide manner used and kept open for the serving of meals to guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods which may be required for ordinary hot meals, the kitchen of which must be kept in a sanitary condition with the proper amount of refrigeration for keeping in food on such premises and must comply with all the regulations of the health department. "Meals" means the usual assortment of hot foods commonly ordered at various hours of the day; the service of such foods and victuals only as sandwiches or salads shall not be deemed a compliance with this requirement. "Guests" shall mean persons who during the hours when meals are regularly served therein, come to a bona fide eating place for the purpose of obtaining, and actually obtaining and obtaining at such time, in good faith, a meal therein. Nothing in this section, however, shall be construed to require that any food be sold or purchased with any beverage. Ord. No. 1105, S. 1, 1st Pat., 1968; prior code § 11.10.*

SECTION III: That Section 19.04.063 of the Chula Vista Municipal Code be, and the same is hereby amended to read as follows:

Sec. 19.04.063 - Dance hall and Dance floor.

"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. "Dancefloor" means a defined floor area located within a business establishment designed for the purpose of dancing by patrons of the establishment.

SECTION IV: That Section 19.32.020 of the Chula Vista Municipal Code is hereby amended to read as follows:

Sec. 19.32.020 Permitted uses.

Principal permitted uses in the C-B zone are as follows:

- A. 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;
- B. Restaurants, cocktail lounges and night clubs (Dance floors subject to the provisions of Section 19.58.115 and Section 5.26);
- C. Business and technical schools, including photography, art, music and dance;
- D. Cleaning agencies (limited drycleaning only);
- E. Bona fide antique shops, but not including secondhand or junk stores;
- F. Laundry (coin operated and pick-up agencies);
- G. Cabinet shops, electrical (small appliance), plumbing and heating shops, printing and publishing or lithographic shops;
- H. Blueprinting and photocopying;
- I. Hotels and motels, subject to the provisions of Section 19.58.210;
- J. Any other retail business or service establishment which the commission finds to be consistent with the purposes of this title and which will not impair the present or potential use of adjacent properties;
- K. Parking garages and lots, operating independently from any retail sales, in accordance with the provisions of Section 19.58.230;
- L. Agricultural uses as provided in Section 19.16.030.

SECTION V: That Section 19.36.020 of the Chula Vista Municipal Code is hereby amended and a new Subsection I is hereby added to read as follows:

Sec. 19.36.020 Permitted uses.

Principal permitted uses in the C-C zone are as follows:

- A. 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;
- B. Restaurants, cocktail lounges and, night clubs/~~theaters and similar enterprises~~ (Dance floors subject to the provisions of Section 19.58.115 and Section 5.26);
- C. Bona fide antique shops, but not including secondhand stores or junk stores;
- D. Parking structures and off-street parking lots, subject to the provisions of Section 19.58.230;
- E. Electrical substations and gas regulator stations, subject to the provisions of Section 19.58.140;
- F. Any other retail business or service establishment which the commission finds to be consistent with the purpose of this title and which will not impair the present or potential use of adjacent properties;
- G. Accessory uses and buildings customarily appurtenant to a permitted use and satellite dish antenna in accordance with the provisions in Section 19.11.030 F.1-9;
- H. Agricultural uses as provided in Section 19.16.030;
- I. Theaters.

SECTION VI: That Section 19.38.030 the Chula Vista Municipal Code is hereby amended to read as follows:

Sec. 19.38.030 Conditional uses.

The following uses may be permitted in the C-V zone subject to the issuance of a conditional use permit subject to the findings set forth in Section 19.14.060:

- A. Car washes, subject to the provisions of Section 19.58.060;
- B. Automobile service stations and towing service, subject to the provisions of Section 19.48.280;
- C. Bait and tackle shops, including marine sales, supplies and rentals;
- D. Bars or night clubs (Dance floors subject to the provisions of Section 19.58.115 and Section 5.26);
- E. Commercial parking lots and parking garages, subject to the provisions of Sections 19.62.010 through 19.62.130;

- F. Commercial recreation facilities, subject to the conditions of Section 19.58.040, as follows:
  - 1. Bowling alley,
  - 2. Miniature golf course,
  - 3. Billiard hall,
  - 4. Skating rink;
- G. Public stables, subject to the provisions of Section 19.58.310;
- H. Artists' supply and materials stores;
- I. Clothing sales (new);
- J. Unclassified uses, See Chapter 19.54;
- K. Roof-mounted satellite dish subject to the standards set forth in Section 19.30.040;
- L. Recycling collection centers, subject to the provisions of Section 19.58.340.

SECTION VII: That Section 19.40.020 of the Chula Vista Municipal Code is hereby amended to read as follows:

Sec. 19.40.020 Permitted uses.

Principal permitted uses in a C-T zone are as follows:

- A. 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, banks, business offices and other financial institutions and personal service enterprises;
- B. New car dealers and accessory sale of used cars (see Section 19.40.030 for used car lots); boat and equipment sales and rental establishments, subject to the provisions of Section 19.58.070;
- C. Motor hotels and motels, subject to the provisions of Section 19.58.210;
- D. Retail shops for the sale of auto parts and accessories, souvenirs, curios and other products primarily to serve the travelling public;
- E. Restaurants and cocktail lounges (Dance floors subject to the provisions of Section 19.58.115 and Section 5.26);
- F. Animal hospitals and veterinary clinics, subject to the provisions of Section 19.58.050;
- G. Bakery and creamery establishments;
- H. Printing and publishing or lithographic shops;
- I. Commercial recreation facilities, such as swimming pools, bowling alleys, skating rinks, subject to the provisions of Section 19.58.040;
- J. Plant nurseries;
- K. Any other retail business or service establishment determined by the commission to be of the same general character as the above permitted uses;

- L. Accessory uses and buildings customarily appurtenant to a permitted use and satellite dish antenna in accordance with the provisions of Section 19.22.030F.1-9 and 11 through 13;
- M. Electrical substations and gas regulator stations, subject to the provisions of Section 19.58.140;
- N. Agricultural uses as provided in Section 19.16.030.
- O. Adult-oriented recreation businesses, subject to the provisions of Section 19.58.024.

SECTION VIII: That a new Section 19.58.115 is hereby added to the Chula Vista Municipal Code to read as follows:

Sec. 19.58.115 Dance floors.

Dance floors in conjunction with restaurants, bars, cocktail lounges or night clubs shall be subject to the following standards;

- A. Any structure containing a dance floor shall maintain a minimum setback of twenty feet from any residential zone;
- B. Ingress and egress from the site shall be designed so as to minimize traffic congestion and hazards;
- C. Adequate controls or measures shall be taken to prevent offensive noise and vibration from within the establishment adversely affecting adjacent properties or uses;
- D. Parking requirements, as established in Section 19.62.050.

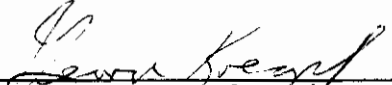
The zoning administrator may modify or waive any of the above regulations upon a determination that the provision is being satisfied by another acceptable means. The zoning administrator may require additional conditions of approval based on an analysis of the site.

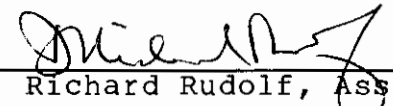
Any violation of the above regulations or other conditions attached to the permit shall be sufficient grounds for the City Council to suspend or revoke the dance floor license pursuant to Section 5.26.120.

SECTION IX: 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 Kremp, Director of  
 Planning  
 4284a

 4/16/88  
 \_\_\_\_\_  
 D. Richard Rudolf, Assistant  
 City Attorney

FIRST READ AT A REGULAR MEETING OF THE CITY COUNCIL OF THE  
CITY OF CHULA VISTA, CALIFORNIA, HELD June 21, 19 88, AND  
FINALLY PASSED AND ADOPTED AT A REGULAR MEETING THEREOF HELD July 12,  
19 88, BY THE FOLLOWING VOTE, TO-WIT:

AYES: Councilmen N. Tier, Malcolm, Cox, Moore, McCandliss  
NAYES: Councilmen None  
ABSTAIN: Councilmen None  
ABSENT: Councilmen None

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. 2273, and that the same has not been amended or repealed.

DATED \_\_\_\_\_



CITY OF  
CHULA VISTA

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