

1 BUILDING: A portion of the main building or a detached subordinate
2 building located on the same lot, the use of which is customarily
3 incident to that of the main building, or to the use of the land.
4 Where a substantial part of the wall of an accessory building is a
5 part of the main building or where an accessory building is attached
6 to the main building in a substantial manner by a roof, such access-
7 ory building shall be counted as part of the main building.

8 ALLEY: A public or private way permanently reserved as a secondary
9 means of access to abutting property.

10 APARTMENT HOUSE: Same as "Dwelling, Multiple."

11 BOARDING HOUSE: A building in which there are not more than five
12 (5) guest rooms where lodging with or without meals is provided for
13 compensation.

14 BUILDING: Any structure having a roof supported by columns or walls
15 for the housing or enclosure of persons, animals or chattels. Where
16 a dwelling is separated by a division wall without openings, each
17 portion of such dwelling shall be deemed a separate building.

18 BUILDING, HEIGHT OF: The vertical distance measured from the adjoin-
19 ing curb level, to the highest point of ceiling of the top story in
20 the case of a flat roof; to the deck line of a mansard roof; and to
21 the mean height level between eaves and ridge of a gable, hip or
22 gambrel roof; provided, however, that where buildings are set back
23 from the street line, the height of the building may be measured
24 from the average elevation of the finished lot grade at the front of
25 the building.

26 BUILDING LINE: A line shown on the "Building Line Map" indicating
27 the minimum depth of a front yard or the minimum depth of a side
28 yard along the street side of a corner lot.

29 COURT: An open unoccupied space, other than a yard, on the same lot
30 with a building and bounded on two (2) or more sides by such building.

31 COURT APARTMENT: One, two or three multiple dwellings arranged
32 around two (2) or three (3) sides of a court which opens onto a street.

33 CURB LEVEL: The level of the established curb in front of the build-

1 ing measured at the center of such front. Where no curb level has
2 been established, the City Engineer shall establish such curb level
3 or its equivalent for the purpose of this Ordinance.

4 DWELLING: A building or portion thereof designed exclusively for
5 residential occupancy, including one-family, two-family and multiple
6 dwellings, but not including hotels or boarding houses.

7 DWELLING UNIT: Two or more rooms in a dwelling or apartment hotel
8 designed for occupancy by one family for living or sleeping purposes
9 and having only one (1) kitchen.

10 DWELLING, ONE-FAMILY: A detached building designed exclusively for
11 occupancy by one (1) family.

12 DWELLING, TWO-FAMILY: A building designed exclusively for occupancy
13 by two (2) families, living independently of each other.

14 DWELLING, MULTIPLE: A building or portion thereof, designed for
15 occupancy by three (3) or more families living independently of each
16 other, including row dwellings.

17 DWELLING, GROUP: One or more buildings, not more than two and one-
18 half ($2\frac{1}{2}$) stories in height, containing dwelling units and arranged
19 around two (2) or three (3) sides of a court which opens onto a
20 street, including one-family, two-family, multiple dwellings and court
21 apartments.

22 FAMILY: An individual or two (2) or more persons related by blood
23 or marriage, or a group of not more than five (5) persons (excluding
24 servants) who need not be related by blood or marriage, living to-
25 gether as a single housekeeping unit in a dwelling unit.

26 GARAGE, PRIVATE: A detached accessory building or portion of a main
27 building for the parking or temporary storage of automobiles of the
28 occupants of the premises.

29 GARAGE, PUBLIC: A building other than a private garage used for the
30 care, repair, or equipment of automobiles, or where such vehicles are
31 parked or stored for remuneration, hire or sale.

32 GUEST HOUSE: Living quarters within a detached accessory building
33 located on the same premises with the main building, for use by tem-

1 porary guests of the occupants thereof; such quarters having no
2 kitchen facilities and not rented or otherwise used as a separate
3 dwelling.

4 HOTEL: A building designed for occupancy as the more or less tempor-
5 ary abiding place of individuals who are lodged with or without meals,
6 in which there are six (6) or more guest rooms, and in which no prov-
7 ision is made for cooking in any individual room or suite.

8 LOT: Land held under separate ownership and occupied or to be
9 occupied by a building or unit group of buildings, together with such
10 yards, open spaces, lot width and lot area as are required by this
11 Ordinance, and having its principal frontage on a public street or an
12 easement approved by the Commission.

13 LOT LINE: The lines bounding a lot as herein defined.

14 LOT WIDTH: The horizontal distance between the side lot lines,
15 measured at right angles to the lot depth at a point midway between
16 the front and rear lot lines.

17 LOT DEPTH: The horizontal distance between the front and rear lot
18 lines, measured in the mean direction of the side lot lines.

19 LOT, CORNER: A lot not greater than seventy-five (75) feet in width and
20 situated at the intersection of two (2) or more streets having an angle
21 of intersection of not more than one hundred thirty-five (135) degrees.

22 LOT, REVERSED CORNER: A corner lot, the side street line of which
23 is substantially a continuation of the front lot line of the lots to
24 its rear.

25 LOT, INTERIOR: A lot other than a corner lot.

26 LOT, KEY: The first lot to the rear of a reversed corner lot and not
27 separated by an alley.

28 LOT, THROUGH: A lot having frontage on two (2) parallel or approxin-
29 ately parallel streets.

30 NON-CONFORMING BUILDING: A building or structure or portion thereof
31 lawfully existing at the time this Ordinance became effective, which
32 was designed, erected or structurally altered, for a use that does
33 not conform to the use regulations of the district in which it is

1 located, or a building or structure that does not conform to all the
2 height or area regulations of the district in which it is located.

3 **NON-CONFORMING USE:** A use which lawfully occupied a building or land
4 at the time this Ordinance became effective and which does not con-
5 form with the use regulations of the district in which it is located.

6 **PARKING SPACE, AUTOMOBILE:** Space within a building or public parking
7 area for the temporary parking or storage of one (1) automobile.

8 **SERVANTS QUARTERS:** Living quarters within an accessory building
9 located on the same premises with the main building, for the sole use
10 of persons employed thereon; such quarters having no kitchen facil-
11 ities and not rented or otherwise used as a separate dwelling.

12 **STORY:** That portion of a building included between the surface of
13 any floor and the surface of the floor next above it, or if there
14 be no floor above it, then the space between such floor and the ceil-
15 ing next above it. Any portion of a story exceeding fourteen (14)
16 feet in height shall be considered as an additional story for each
17 fourteen (14) feet or fraction thereof.

18 **STORY, HALF:** A story with at least two (2) of its opposite sides
19 situated in a sloping roof, the floor area of which does not exceed
20 two-thirds (2/3) of the floor area immediately below it.

21 **STREET:** A public or private thoroughfare which affords principal
22 means of access to abutting property.

23 **STRUCTURAL ALTERATIONS:** Any change which would prolong the life of
24 the supporting members of a building, such as bearing walls, columns,
25 beams or girders.

26 **TOURIST COURT:** A group of attached or detached buildings containing
27 individual sleeping or living units, designed for or used temporarily
28 by automobile tourists or transients, with garage attached or parking
29 space conveniently located to each unit, including auto courts, motels,
30 or motor lodges.

31 **TRAILER, AUTOMOBILE:** A vehicle without motive power, designed to be
32 drawn by a motor vehicle and to be used for human habitation or for
33 carrying persons and property, including a trailer coach or house

1 trailer.

2 **USE:** The purpose for which land or a building is arranged, designed
3 or intended, or for which either land or building is or may be
4 occupied or maintained.

5 **YARD:** An open space other than a court, on a lot, unoccupied and
6 unobstructed from the ground upward, except as otherwise provided
7 in this Ordinance.

8 **YARD, FRONT:** A yard extending across the full width of the lot,
9 the depth of which is the minimum horizontal distance between the
10 front lot line and a line parallel thereto on the lot as shown on
11 the "Building Line Map".

12 **YARD, REAR:** A yard extending across the full width of the lot be-
13 tween the main building and the rear lot line; the depth of the
14 required rear yard shall be measured horizontally from the nearest
15 part of a main building toward the nearest point of the rear lot line.

16 **YARD, SIDE:** A yard, between a main building and the side lot line,
17 extending from the front yard to the rear yard; the width of the
18 required side yard shall be measured horizontally from the nearest
19 part of a main building toward the nearest point of the side lot
20 unless otherwise shown on the "Building Line Map".

21 Words used in the present tense include the future; words in
22 the singular number include the plural; and those in the plural
23 number include the singular. The word "Building" includes the word
24 "Structure", and the word "shall" is mandatory and not directory.
25 The term "Council" when used shall mean the City Council of the City
26 of Chula Vista and the "Commission" shall mean the City Planning
27 Commission of the City of Chula Vista. The word "City" when used
28 shall mean the incorporated City of Chula Vista.

29 **SECTION 4: ZONES AND BOUNDARIES THEREOF--YARDS.**

30 **A. ZONES.** In order to carry out the purpose and provisions
31 of this ordinance of the City is hereby divided into seven (7) zones,
32 known as:
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- 1 "R1" One-family Zone
2 "R2" Multiple Dwelling Zone
3 "R3" Multiple Dwelling Zone
4 "C1" Commercial Zone
5 "C2" Commercial Zone
6 "M1" Limited Industrial Zone
7 "M2" Light Industrial Zone

8 B. ZONE BOUNDARIES. Where uncertainty exists as to the boundaries
9 of any zone shown on said "Zoning Map," the following rules shall apply:

10 1. STREET, ALLEY OR LOT LINES--Where indicated zone boundaries
11 are approximately street, alley or lot lines, such lines shall be
12 construed to be the boundaries, otherwise such boundaries shall be
13 determined by use of the scale appearing on the zoning map unless
14 specifically indicated by dimensions.

15 2. DETERMINATION BY COMMISSION. Where uncertainty exists, the
16 commission shall, by written decision determine the location of the
17 zone boundary, which decision shall be a final determination thereof.

18 3. VACATED STREET OR ALLEY. Where a street or alley is offic-
19 ially vacated the property formerly in said street or alley shall be
20 included within the zone of adjoining property on either side thereof.
21 In the event said street or alley was a boundary between two or more
22 different zones, the new zone boundary shall be the former center
23 line of such vacated street or alley.

24 C. BUILDING LINES. The front yards of all lots and side yards along
25 the street side of a reversed corner lot are shown upon a map attached
26 hereto and made a part of this ordinance, being designated as the
27 "Building Line Map" and said map and all the notations, references and
28 other information shown thereon shall be as much a part of this Ordinance
29 as if the matters and information set forth by said map were all fully
30 described herein.

31 SECTION 5: CONFORMANCE TO ZONE REGULATIONS. Except as hereafter provided:

32 A. USE. No building shall be hereafter erected, reconstructed,
33 altered, enlarged, moved, or maintained, nor shall any building or land

1 be used, designed or intended to be used for any purpose other than is
2 permitted in the zone in which such building or land is located, and then
3 only after applying for and securing all permits and licenses required by
4 law and ordinance.

5 B. HEIGHT. No building shall be hereafter erected, nor shall any
6 existing building be moved, reconstructed, altered, enlarged, or main-
7 tained to exceed the height limit established for the zone in which such
8 building is located.

9 C. AREA. No building shall be hereafter erected, nor shall any
10 existing building be moved, reconstructed, altered, enlarged, or main-
11 tained, except in conformity with the area regulations of the zone in
12 which it is located.

13 No lot area shall be so reduced, diminished or maintained, that
14 the yards, other open spaces, or total lot area shall be smaller than
15 prescribed by this ordinance, nor shall the density of population be in-
16 creased in any manner except in conformity with the area regulations of
17 the zone in which it is located.

18 No required yard or other open space provided around any build-
19 ing for the purpose of complying with the provisions of this ordinance
20 shall be considered as providing a yard or open space for any other build-
21 ing; nor shall any required yard or other open space on an adjoining lot
22 be considered as providing a yard or open space on a lot whereon a build-
23 ing is to be erected.

24 Every building hereafter erected shall be located on a lot as
25 herein defined. In no case shall there be more than one (1) main resi-
26 dential building and its accessory buildings/^{on}one (1) lot. Group dwellings,
27 court apartments, and a unit group of dwellings may be considered as one
28 (1) main residential building.

29 No building permit shall be issued for a building on a corner
30 lot when such building is to be oriented in such a manner as to reduce the
31 front yard requirement on the street on which such corner lot has its
32 frontage at the time this Ordinance became effective.

33 SECTION 6: "R1" ONE-FAMILY ZONE REGULATIONS.

1 A. USES PERMITTED.

- 2 1. One family dwellings.
- 3 2. Parks, playgrounds, community centers, the civic center, or
- 4 governmental buildings owned or operated by a governmental
- 5 agency.
- 6 3. Schools, elementary and high, and churches (except rescue
- 7 mission or temporary revival), with open spaces as required
- 8 in Section 13-A-3, may be permitted if their location is
- 9 first approved by the Commission.
- 10 4. Farming and truck gardening, including the keeping of poultry,
- 11 rabbits, cows and goats, provided (a) that farming, truck
- 12 gardening and the keeping of poultry or rabbits shall not in-
- 13 volve the sale of products or commodities raised on the pre-
- 14 mises, except on a lot having an area of more than thirty
- 15 thousand (30,000) square feet, in which case such use shall
- 16 be incident to the residential use of property, and no retail
- 17 stand or other commercial structure shall be located thereon;
- 18 and (b) that cows or goats shall not be kept for commercial
- 19 purposes.
- 20 5. Transitional uses shall be permitted as follows:
- 21 (a) A two family dwelling on a lot in the "R1" zone where
- 22 the side of such lot abuts upon a lot in the "R3", com-
- 23 mercial or industrial zone. Further, the area require-
- 24 ments for such two family dwelling shall be the same as
- 25 in the "R2" zone.
- 26 (b) A home occupation or the office of a physician or dentist,
- 27 on a lot in the "R1" zone where the side of such lot abuts
- 28 upon a lot in a commercial or industrial zone, provided
- 29 such use is conducted within a one-family dwelling and
- 30 the residential character of such dwelling is not changed.
- 31 (c) Provided that no transitional use shall extend more than
- 32 fifty (50) feet from the boundary of the less restricted
- 33 zone which it adjoins.

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- 1 6. Uses customarily incident to any of the above uses, including
2 the office of a physician, dentist, minister of religion, or
3 other person authorized by law to practice medicine or heal-
4 ing provided (a) that such office shall not be used for the
5 general practice of medicine, surgery, dentistry, or healing
6 other than as a religious vocation, but may be used for con-
7 sultation and emergency treatment as an adjunct to a principal
8 office; (b) that such office is situated in the same dwell-
9 ing unit as the home of the occupant; and (c) that there
10 shall be no assistants employed.
- 11 7. Accessory buildings and uses, including a private garage, re-
12 creation room, guest house, servants quarters, or private
13 stable, provided that no guest house or servants quarters is
14 located on a lot having an area of less than eight thousand
15 (8,000) square feet, and provided further, that a detached
16 accessory building shall be located not less than seventy (70)
17 feet from the front lot line nor less than five (5) feet from
18 any other street line, servants quarters, guest house, recrea-
19 tion room, and a private garage or any combination of such
20 uses may be included in one building of one or two stories in
21 height.
- 22 8. Name plates and signs as follows: one name plate for each
23 dwelling unit, not exceeding one and one-half ($1\frac{1}{2}$) square
24 feet in area, indicating the name of the occupant, or the
25 occupation in the case of those specified in Paragraphs 5
26 and 6 of this subsection; one unlighted identification sign
27 not exceeding twelve (12) square feet in area for buildings
28 other than dwellings; one church bulletin board, not exceeding
29 twelve (12) square feet in area; an unlighted sign or signs
30 not exceeding a total area of twelve (12) square feet, apper-
31 taining to the prospective rental or sale of the property on
32 which they are located. No other name plate, advertising
33 sign, or bill-board shall be permitted.

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1 B. BUILDING HEIGHT LIMIT: Two and one-half ($2\frac{1}{2}$) stories and not
2 exceeding thirty-five (35) feet, except as otherwise provided in Section
3 14-A.

4 C. AREA REQUIREMENTS:

5 1. FRONT YARD. A front yard having a depth of not less than that
6 specified on the "Building Line Map", shall be provided and
7 maintained.

8 2. SIDE YARDS. A side yard shall be provided and maintained on
9 each side of a main building. Such side yard shall be not
10 less than ten (10) per cent of the width of the lot, but need
11 not exceed five (5) feet and shall not be less than three (3)
12 feet in width, except as otherwise specified on the "Building
13 Line Map" on the street side of a corner lot.

14 3. REAR YARD. There shall be a rear yard of not less than twenty-
15 five (25) per cent of the depth of the lot but such rear yard
16 need not exceed twenty-five (25) feet.

17 4. LOT AREA. Every lot shall have a minimum average width of
18 fifty (50) feet and a minimum area of ~~six~~^{seven} thousand (~~6,000~~^{7,000})
19 square feet. The minimum lot area per dwelling unit shall
20 also be ~~six~~^{seven} thousand (~~6,000~~^{7,000}) square feet, except for a tran-
21 sitional dwelling use. Where a lot has an average width of
22 less than fifty (50) feet or an area of less than ~~six~~^{seven} thousand
23 (~~6,000~~^{7,000}) square feet and was held under separate ownership or
24 was of record at the time this ordinance became effective,
25 said lot may be occupied by any use permitted in this section.
26 For Area exceptions refer to Section 14-B.

27 SECTION 7: "R2" MULTIPLE DWELLING ZONE REGULATIONS

28 A. USES PERMITTED

29 1. All uses permitted in the "R1" Zone.

30 2. Two-family dwellings.

31 3. Two one-family dwellings.

32 4. Transitional uses shall be permitted as follows:

33 (a) A multiple dwelling on a lot in an "R2" zone where the

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1 side of such lot abuts upon a lot in a commercial or
2 industrial zone. Further, the area requirements for
3 such multiple dwelling shall be the same as in "R3"
4 zone.

5 (b) A home occupation or the office of a physician or
6 dentist, on a lot in the "R2" zone where the side of
7 such lot abuts upon a lot in a commercial or indus-
8 trial zone, provided such use is conducted within a
9 one-family dwelling and the residential character of
10 such dwelling is not changed.

11 (c) Provided that no transitional use shall extend more
12 than fifty (50) feet from the boundary of the less
13 restricted zone which it adjoins.

14 5. Uses customarily incident to any of the above uses; acces-
15 sory buildings; and name plates and signs-same as provided
16 for in "R1" zone, Section 6-A-8.

17 B. BUILDING HEIGHT LIMIT. Two and one-half ($2\frac{1}{2}$) stories and not
18 exceeding thirty-five (35) feet, except as otherwise provided in Section
19 14-A.

20 C. AREA REQUIREMENTS.

21 1. FRONT YARD. A front yard having a depth of not less than that
22 specified on the "Building Line Map", shall be provided and
23 maintained.

24 2. SIDE YARDS. Same as required in the "R1" Zone-Section 6-C,2.

25 3. REAR YARD. Same as required in the "R1" Zone-Section 6-C,3.

26 4. LOT AREA. Every lot shall have a minimum average width of
27 fifty (50) feet and a minimum area of six thousand (6,000)
28 square feet. The minimum lot area per dwelling unit shall
29 be three thousand (3,000) square feet, except for a transi-
30 tional dwelling use.

31 Where a lot has a width of less than fifty (50) feet or
32 an area of less than six thousand (6,000) square feet and was
33 held under separate ownership or was of record at the time

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1 this ordinance became effective, said lot may be occupied by
2 any use permitted in this section.

3 For Area exceptions refer to Section 14-B.

4 SECTION 8: "R3" MULTIPLE DWELLING ZONE REGULATIONS.

5 A. USES PERMITTED.

- 6 1. All uses permitted in the "R1" and "R2" Zones.
- 7 2. Court Apartments.
- 8 3. Hotels, ~~or Apartment hotels,~~ *and apartment houses.*
- 9 4. Boarding houses.
- 10 5. Fraternity or sorority houses.
- 11 6. Private non-profit clubs or lodges.
- 12 7. Museums or libraries owned and operated by a governmental
13 agency, with open spaces as required in Section 13-A, 3.
- 14 8. Hospitals or sanitariums (except animal hospitals, clinics,
15 and hospitals or sanitariums for contagious, mental, or
16 drug or liquor-addict cases), with open spaces as required
17 in Section 13-A, 3.
- 18 9. Transitional use shall be permitted as follows:
 - 19 (a) A home occupation or the office of a physician or dentist,
20 on a lot in the "R3" Zone where the side of such lot
21 abuts upon a lot in a commercial or industrial zone,
22 provided such use is conducted within a one-family dwell-
23 ling and the residential character of such dwelling is not
24 changed.
- 25 10. Uses customarily incident to any of the above uses.
- 26 11. Accessory buildings-same as provided for in "R1" Zone, Section
27 6-A, 7.
- 28 12. Name plates and signs-same as provided for in "R1" zone,
29 Section 6-A, 8, except that two lighted identification signs
30 may be displayed for multiple dwellings, hotels and for
31 buildings other than dwellings.

32 B. BUILDING HEIGHT LIMIT. Three (3) stories and not exceeding forty-
33 five (45) feet, except as otherwise provided in Section 14-A.

- 1 1. FRONT YARD. A front yard having a depth of not less than
2 that specified on the "Building Line Map", shall be pro-
3 vided and maintained.
- 4 2. SIDE YARDS. Same as required in the "R1" Zone-Section 6-C,
5 2, except that for three (3) story buildings, one (1) foot
6 shall be added to the width of each required side yard.
- 7 3. REAR YARD. Same as required in the "R1" Zone-Section 6-C,3.
- 8 4. LOT AREA. Every lot shall have a minimum average width of
9 fifty (50) feet and a minimum area of six thousand (6,000)
10 square feet. The minimum lot area per dwelling unit shall
11 be one thousand (1,000) square feet.

12 Where a lot has a width of less than fifty (50) feet or
13 an area of less than six thousand (6,000) square feet and was
14 held under separate ownership or was of record at the time
15 this Ordinance became effective, said lot may be occupied by
16 any use permitted in this section. Provided, however, that
17 none of the above area regulations shall apply to hotels when
18 no cooking is done in any individual room or suite.

19 For area exceptions refer to Section 14-B

20 SECTION 9: "C1" LIMITED COMMERCIAL ZONE REGULATIONS.

21 A. USES PERMITTED.

- 22 1. All uses permitted in the "R1", "R2", and "R3" Zones.
- 23 2. Appliance or Furniture Store (New Merchandise only) and bona
24 fide Antique Store (not used furniture store).
- 25 3. Automobile parking lot, storage garage, or automobile display
26 room.
- 27 4. Bakery.
- 28 5. Bank.
- 29 6. Barber shop or beauty parlor.
- 30 7. Book or stationery store.
- 31 8. Clothes clearing agency or pressing establishment.
- 32 9. Confectionery store.
- 33 10. Dressmaking or millinery shop.

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- 1 11. Drug, tobacco or liquor (on or off sale) store.
- 2 12. Dry goods or notions store.
- 3 13. Florist or gift shop.
- 4 14. Grocery, fruit, or vegetable store.
- 5 15. Hardware, paint, or sporting goods store.
- 6 16. Jewelry store.
- 7 17. Laundry agency.
- 8 18. Meat market or delicatessen store.
- 9 19. Motion picture theatre.
- 10 20. Offices, business or professional, including wholesale office
- 11 where no merchandise is stocked.
- 12 21. Photographer or Photographic supplies, blue print and photo-
- 13 stat business.
- 14 22. Restaurant or cafe (excluding dancing).
- 15 23. Shoe store or shoe repair shop.
- 16 24. Tailor, clothing or wearing apparel shop.
- 17 25. Other uses which in the judgment of the Commission, as evi-
- 18 denced by a resolution in writing, are similar to and no
- 19 more objectionable than any of those enumerated above. All
- 20 stores, shops or businesses specified in this subsection,
- 21 or hereafter authorized by the Commission, shall be retail
- 22 establishments only.
- 23 26. Uses customarily incident to any of the above uses, and ac-
- 24 cessory buildings.

25 B. BUILDING HEIGHT LIMIT. Three (3) stories and not exceeding
26 forty-five (45) feet, except as otherwise provided in Section 14-A.

27 C. AREA REQUIREMENTS.

- 28 1. FRONT YARD. A front yard having a depth of not less than
- 29 that specified on the "Building Line Map", shall be provided
- 30 and maintained.
- 31 2. SIDE YARDS. Where the side of a lot in the "C1" zone abuts
- 32 upon the side of a lot in an "R1", "R2", or "R3" zone, there
- 33 shall be a side yard of not less than ten (10) per cent of

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1 the width of the lot, but such side yard need not exceed five
2 (5) feet and shall not be less than three (3) feet in width,
3 except as otherwise specified on the "Building Line Map" on
4 the street side of a corner lot. In all other cases, a side
5 yard for a commercial building shall not be required.

6 Buildings hereafter erected and used exclusively for resi-
7 dential purposes shall comply with the side yard regulations
8 of the "R1" District Section 6-C,2.

9 3. REAR YARD. There shall be a rear yard of not less than twenty
10 (20) per cent of the depth of the lot, but such rear yard need
11 not exceed twenty (20) feet.

12 4. LOT AREA. Buildings hereafter erected and used exclusively
13 for dwelling purposes shall comply with the lot area require-
14 ments of the "R3" Zone, Section 8-C, 4.

15 For area exceptions refer to Section 14-B.

16 SECTION 10: "C2" COMMERCIAL ZONE REGULATIONS.

17 A. USES PERMITTED.

- 18 1. All uses permitted in the "R1", "R2", "R3", and "C1" zones.
19 2. Retail stores or businesses.
20 3. Amusement enterprises, including a baseball park, pool hall,
21 bowling alley, boxing arena, dance hall, and the like.
22 4. Automobile service station.
23 5. Cleaning establishment, using cleaning fluid which is non-
24 explosive, and non-inflammable at temperatures below 138.5
25 degrees fahrenheit.
26 6. Feed or fuel store.
27 7. Hospitals or sanitariums (except animal hospitals).
28 8. Ice storage house, not more than five (5) tons capacity.
29 9. Medical or dental clinic and laboratories.
30 10. Mortuary or Undertaking establishment.
31 11. Nursery.
32 12. Plumbing shop.
33 13. Printing, lithographing or publishing.

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- 1 14. Public Garage, including automobile repairing, and incidental
2 body and fender work, painting or upholstering.
3 15. Public Services, including electric distributing substation,
4 fire or police station, telephone exchange, and the like.
5 16. Sign painting shop.
6 17. Studios (except motion picture).
7 18. Tourist court or motel (not including trailer parks or camps).
8 19. Upholstering shop and used furniture stores.
9 20. Other uses, which, in the judgment of the Commission as evi-
10 denced by a resolution in writing are similar to and no more
11 objectionable than any of those mentioned above.
12 21. Uses customarily incident to any of the above uses and accessory
13 buildings when located on the same lot. Provided that there
14 shall be no manufacturing, assembling, compounding, processing
15 or treatment of products other than that which is clearly inci-
16 dental and essential to a retail store or business and where
17 all such products are sold at retail on the premises.

18 B. BUILDING HEIGHT LIMIT. Four (4) stories and not exceeding sixty-
19 five (65) feet, except as otherwise provided in Section 14-A.

20 C. AREA REQUIREMENTS.

- 21 1. FRONT YARD. A front yard having a depth of not less than that
22 specified on the "Building Line Map", shall be provided and
23 maintained.
24 2. SIDE YARDS. Same as required in the "C1" Zone-Section 9-C, 2.
25 3. REAR YARD. There shall be a rear yard of not less than twenty
26 (20) per cent of the depth of the lot, but such rear yard need
27 not exceed twenty (20) feet. Provided that where the rear of a
28 lot in the "C2" Zone abuts upon the side or rear of a lot in
29 the "C1", "C2", "M1", or "M2" Zone there shall be a rear yard of
30 not less than ten (10) feet. Buildings hereafter erected and
31 used exclusively for residential purposes shall comply with the
32 rear yard regulations of the "R1" Zone-Section 6-C, 3.
33 4. LOT AREA. Buildings hereafter erected and used exclusively for
dwelling purposes shall comply with the lot area requirements

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1 of the "R3" Zone-Section 8-C, 4.

2 For Area exceptions refer to section 14-B.

3 SECTION 11; "M1" LIMITED INDUSTRIAL ZONE REGULATIONS.

4 A. USES PERMITTED.

- 5 1. All uses permitted in the "R1", "R2", "R3", "C1" and "C2" zones.
- 6 2. Advertising signs or structures and bill boards.
- 7 3. Animal Hospital.
- 8 4. Automobile painting, rebuilding, reconditioning, body and
9 fender works; truck repairing or over-hauling.
- 10 5. Bakery, wholesale.
- 11 6. Bottling plant.
- 12 7. Carpet or rug cleaning plant.
- 13 8. Cleaning and dyeing plant.
- 14 9. Creamery.
- 15 10. Distributing plant (except petroleum products).
- 16 11. Feed and Fuel yard.
- 17 12. Food products manufacture, except fish and meat products,
18 sauerkraut, vinegar, yeast and the rendering or refining of
19 fats and oils.
- 20 13. Fruit or vegetable packing plant.
- 21 14. Ice and cold storage plant.
- 22 15. Laboratory, experimental and the like.
- 23 16. Laundry.
- 24 17. Lumber yard, building material storage yard, contractors
25 storage yard or plant.
- 26 18. Machine shop or blacksmith shop.
- 27 19. Public utility service yard, electric receiving or trans-
28 forming station.
- 29 20. Sheet metal shop.
- 30 21. Warehouse or storage building.
- 31 22. Wholesale business.
- 32 23. Trailer parks, subject to the requirements of Ordinance no.
33 342 of the City of Chula Vista.

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1 24. Trucking yard or terminal.

2 25. Other uses which in the judgment of the Commission as evi-
3 denced by a resolution in writing are similar to and no
4 more objectionable than those enumerated above.

5 26. Uses customarily incident to the above uses, and accessory
6 buildings.

7 B. BUILDING HEIGHT LIMIT. Four (4) stories and not exceeding sixty-
8 five (65) feet, except as otherwise provided in Section 14-A.

9 C. AREA REQUIREMENTS.

10 1. FRONT YARD. A front yard having a depth of not less than
11 that specified on the "Building Line Map", shall be provided
12 and maintained.

13 2. SIDE YARDS. Same as required in the "C1" Zone-Section 9-C, 2.

14 3. REAR YARD. Same as required in the "C2" Zone-Section 10-C, 3.

15 4. LOT AREA. Buildings hereafter erected and used exclusively
16 for dwelling purposes shall comply with the lot area require-
17 ments of the "R3" Zone-Section 8-C, 4.

18 For Area exceptions refer to Section 14-B.

19 SECTION 12: "M2" LIGHT INDUSTRIAL ZONE REGULATIONS.

20 A. USES PERMITTED.

21 1. All uses permitted in the "R1", "R2", "R3", "C1", "C2", and
22 "M1" zones.

23 2. Any other use, except those uses which are or may become ob-
24 noxious or offensive by reason of the emission of odor, dust,
25 smoke, noise, gas fumes, cinders, vibration, refuse matter,
26 or water carried waste, as determined by the Commission.

27 3. Uses customarily incident to any of the above uses, and ac-
28 cessory buildings.

29 B. BUILDING HEIGHT LIMIT. Four (4) stories and not exceeding sixty-
30 five (65) feet, except as otherwise provided in Section 14-A.

31 C. AREA REQUIREMENTS.

32 1. FRONT YARD. A front yard having a depth of not less than that
33 specified on the "Building Line Map", shall be provided and
maintained.

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- 1 2. SIDE YARD. Same as required in the "C1" Zone-Section 9-C, 2.
- 2 3. REAR YARD. Same as required in the "C2" Zone-Section 10-C, 3.
- 3 4. LOT AREA. Buildings hereafter erected and used exclusively for
- 4 dwelling purposes shall comply with the lot area requirements
- 5 of the "R3" Zone-Section 8-C, 4.

6 For Area exceptions refer to Section 14-B.

7 SECTION 13: GENERAL PROVISIONS.

8 A. AREA.

- 9 1. BUILDING LINES. The distance at which a building line is
- 10 established from a street line as specified on the "Building
- 11 Line Map" shall determine the minimum depth of the front yards
- 12 along a frontage or the minimum depth of a side yard along
- 13 the street side of a corner lot as the case may be.
- 14 2. GROUP DWELLINGS. REARING ON SIDE YARDS. Dwellings may be
- 15 arranged to rear upon side yards or have their service en-
- 16 trances opening thereon, provided the following regulations
- 17 are complied with:
- 18 (a) In the case of group dwellings or court apartments, the
- 19 required side yards shall be increased by six (6) inches
- 20 for each dwelling unit or portion thereof abutting such
- 21 side yard, but such side yard need not exceed seven (7)
- 22 feet. The average width of the court shall not be less
- 23 than three (3) times the width of the side yard required
- 24 in this provision.
- 25 (b) In the case of a unit group of dwellings (including one-
- 26 family, two-family or multiple dwellings not more than
- 27 two and one-half ($2\frac{1}{2}$) stories in height arranged so as
- 28 to rear upon one side yard and front upon the other, the
- 29 width of each side yard shall be not less than twenty
- 30 (20) per cent of the width of the lot.
- 31 (c) In the grouping of dwellings as permitted in this para-
- 32 graph, the minimum distance between detached dwellings
- 33 shall not be less than ten (10) feet, and the front and

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1 rear yard requirements for lots in the district in which
2 such dwellings are located, shall be complied with.

3 3. YARDS FOR CHURCHES AND INSTITUTIONS. In the "R1", "R2", and
4 "R3" Zones no building shall be hereafter erected, enlarged,
5 or used for a church, hospital, sanitarium, institution,
6 library, museum, or other similar use permitted under the use
7 regulations of this Ordinance unless such church, library, or
8 museum is located at least ten (10) feet from the lot or bound-
9 ary line of adjoining property in an "R1", "R2" or "R3" Zone,
10 and such hospital, sanitarium or other similar institution is
11 located at least twenty-five (25) feet from said lot or bound-
12 ary line. Provided, further, that no required front yard, nor
13 any side yard as required above, shall be used for the parking
14 of automobiles.

15 4. LOCATION OF ACCESSORY BUILDINGS. Where servants quarters,
16 guest house, recreation room, and a private garage or any com-
17 bination of such uses are included in one building, that por-
18 tion thereof designed for servants quarters, guest house or
19 recreation room shall not be located nearer than five (5) feet
20 to any lot line.

21 No accessory building on a reversed corner lot shall pro-
22 ject beyond the front yard line required on the key lot in the
23 rear, nor be located nearer than five (5) feet to the side lot
24 line of such key lot; provided, however, that such accessory
25 building need not be located more than twenty (20) feet from
26 the side street line of a reversed corner lot.

27 5. THROUGH LOT-FRONT YARD. At each end of a through lot there
28 shall be a front yard of the depth specified on the "Building
29 Line Map"; provided, however, that one of such front yards may
30 serve as a required rear yard.

31 SECTION 14: EXCEPTIONS.

32 A. HEIGHT: STRUCTURES PERMITTED ABOVE HEIGHT LIMIT. Roof structures
33 for the housing of elevators, stairways, tanks, ventilating fans or similar

1 equipment required to operate and maintain the building, and fire or
2 parapet walls, skylights, towers, steeples, roof signs, flagpoles, chimneys,
3 smokestacks, wireless masts, water tanks, silos, or similar structures may
4 be erected above the height limits herein prescribed, but no penthouse or
5 roof structure, or any space above the height limit shall be allowed for
6 the purpose of providing usable floor space.

7 B. AREA.

- 8 1. FRONT YARD-KEY-LOT- Irrespective of the front yard specified
9 on the "building Line Map" for a key lot, the minimum front
10 yard on such key lot may be the average of the required front
11 yard for the adjoining interior lot and the required side yard
12 along the street side of a reversed corner lot.
- 13 2. FRONT YARD-BETWEEN PROJECTING BUILDINGS. Where a lot is sit-
14 uated between two lots, one or both of which has a main build-
15 ing (within twenty-five (25) feet of its side lot lines) pro-
16 jecting beyond the front yard line specified on the "Building
17 Line Map" at the time this Ordinance became effective, the
18 front yard requirement on such lot may be the average of the
19 front yard of said main building on one side and the required
20 front yard, or may be the average of the front yards of said
21 main buildings on either side, as the case may be.
- 22 3. FRONT AND SIDE YARDS WAIVED. The front and side yard require-
23 ments shall be waived where dwellings, hotels or boarding
24 houses are erected above the ground floor of a building when
25 said ground floor is designed exclusively for commercial or
26 industrial purposes.
- 27 4. REAR YARD-INCLUDES ONE-HALF ALLEY. In computing the depth of
28 a rear yard where such yard opens onto an alley, one-half ($\frac{1}{2}$)
29 the width of such alley may be assumed to be a portion of the
30 required rear yard.
- 31 5. REAR AND SIDE YARD-ACCESSORY BUILDING. An Accessory building
32 not exceeding one (1) story nor fourteen (14) feet in height
33 may occupy not more than fifty (50) per cent of the area of a

1 required rear yard, provided that (a) in the "R1" and "R2"
2 Zones, where a portion of such accessory building is located
3 in the rear of a main building, it shall be at least fifteen
4 (15) feet therefrom; (b) in the "R3" Zone, where a portion
5 of such accessory building is located directly in the rear of
6 a main building, it shall be at least ten (10) feet therefrom;
7 (c) in the "R1", "R2" and "R3" Zones, where such accessory
8 building is so located in the rear yard that no portion there-
9 of is directly in the rear of a main building it shall be at
10 least five (5) feet therefrom; and (d) in the "R1" and "R2"
11 Zones, such accessory building or portion thereof may be lo-
12 cated in a side yard if situated at least seventy (70) feet
13 from the front lot line and at least five (5) feet from both
14 the main building and the side lot line.

15 In no case, however, shall a two (2) story accessory
16 building occupy any part of a required rear yard nor be lo-
17 cated nearer than five (5) feet to any lot line.

18 6. LOT AREA-INCLUDES ONE-HALF ALLEY. In computing the lot area
19 of a lot which abuts upon one or more alleys, one-half ($\frac{1}{2}$)
20 the width of such alley or alleys may be assumed to be a por-
21 tion of the lot.

22 7. THROUGH LOT-ACCESSORY BUILDING. An accessory building not
23 exceeding one (1) story nor fourteen (14) feet in height may
24 be located in one of the required front yards of a through
25 lot, if such building is set back from the front lot line a
26 distance of not less than ten (10) per cent of the depth of the
27 lot and at least five (5) feet from any side lot line.

28 8. PROJECTIONS INTO YARDS.

29 (a) Cornices, eaves, belt courses, sills, canopies, or other
30 similar architectural features (not including bay windows)
31 may extend or project into a required side yard not more
32 than two (2) inches for each one (1) foot of width of
33 such side yard and may extend or project into a required

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front, side or rear yard not more than one (1) foot provided the width of such side yard is not reduced to less than three (3) feet.

(b) Fire escapes may extend or project into any front, side or rear yard not more than four (4) feet.

(c) Open, unenclosed stairways or balconies, not covered by a roof or canopy, may extend or project into a required rear yard not more than four (4) feet, and such balconies may extend into a required front yard not more than thirty (30) inches.

(d) Open, unenclosed porches, platforms or landing places, not covered by a roof or canopy, which do not extend above the level of the first floor of the building, may extend or project into any front, side or rear yard, or into a court, not more than six (6) feet.

(e) Openwork ornamental fences, hedges, landscape architectural features, may be located in any front, side or rear yard if maintained at a height of not more than three and one-half ($3\frac{1}{2}$) feet above the average ground level adjacent thereto. Provided, further, that an open-work type railing not more than three and one-half ($3\frac{1}{2}$) feet in height may be installed or constructed on any balcony, stairway, porch, platform or landing place mentioned above in subparagraph (c) and (d).

(f) A fence, lattice work screen, or wall, not more than six (6) feet in height, or a hedge or thick growth of shrubs or trees, maintained so as not to exceed six (6) feet in height, may be located along the side or rear lot line, provided they do not extend into the side yard required along the side street on a corner lot, which in this case shall also include that portion of the rear yard abutting the intersecting street wherein accessory buildings are prohibited.

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1 (g) None of the above structures or features shall be so
2 located and maintained as to preclude complete access
3 at all times about a main building. Gates or other
4 suitable openings at least two and one-half (2 $\frac{1}{2}$) feet
5 in width shall be considered as providing such access.

6 SECTION 15: NON-CONFORMING BUILDINGS AND USES.

7 A. NON-CONFORMING BUILDINGS.

- 8 1. MAINTENANCE PERMITTED. A non-conforming building may be
9 maintained, except as otherwise provided in this section.
- 10 2. REPAIRS-ALTERATIONS. Repairs and alterations may be made
11 to a non-conforming building provided that in a building or
12 structure which is non-conforming as to use regulations, no
13 structural alterations shall be made except those required by
14 law or ordinances.
- 15 3. ADDITIONS-ENLARGEMENTS-MOVING.
- 16 (a) A building non-conforming as to use regulations shall
17 not be added to or enlarged in any manner unless such
18 building, including such additions and enlargements,
19 are made to conform to all the regulations of the zone
20 in which it is located.
- 21 (b) A building non-conforming as to height or area regula-
22 tions, shall not be added to or enlarged in any manner
23 unless such addition or enlargement conforms to all the
24 regulations of the zone in which it is located.
- 25 (c) No non-conforming building shall be moved in whole or in
26 part to any other location on the lot unless every por-
27 tion of such building is made to conform to all the re-
28 gulations of the zone in which it is located.
- 29 4. RESTORATION DAMAGED BUILDINGS. A non-conforming building
30 which is damaged or partially destroyed by fire, flood, wind,
31 earthquake, or other calamity or act of God or the public
32 enemy, to the extent of not more than fifty (50) per cent of
33 its value at that time, may be restored, provided the total

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1 cost of such restoration does not exceed fifty (50) per cent
2 of the value of the building at the time of such damage. In
3 the event such damage or destruction exceeds fifty (50) per
4 cent of the value of such non-conforming building or struc-
5 ture, no repairs or reconstruction shall be made unless every
6 portion of such building is made to conform to all regulations
7 for new buildings in the zone in which it is located.

8 B. NON-CONFORMING USE OF BUILDINGS.

9 1. CONTINUATION AND CHANGE OF USE. Except as otherwise provided
10 in this subsection; (a) the non-conforming use of a build-
11 ing, existing at the time this Ordinance became effective, may
12 be continued; (b) the use of a non-conforming building may
13 be changed to a use of the same or more restricted classifica-
14 tion. Where the use of a non-conforming building is hereafter
15 changed to a use of a more restricted classification, it shall
16 not thereafter be changed to a use of a less restricted class-
17 ification; and (c) a vacant non-conforming building may be
18 occupied by a use for which the building was designed or in-
19 tended if so occupied within a period of one (1) year after
20 the effective date of this Ordinance, and the use of a non-
21 conforming building which becomes vacant after the effective
22 date of this Ordinance, may also be occupied by a use for
23 which the building was designed or intended if so occupied
24 within a period of one (1) year after the building becomes
25 vacant.

26 2. EXPANSION PROHIBITED. A non-conforming use of a building
27 conforming to the use regulations, shall not be expanded or
28 extended into any other portion of such building nor changed
29 except to a conforming use. If such a non-conforming use or
30 portion thereof is discontinued or changed to a conforming
31 use, any future use of such building or portion thereof shall
32 be in conformity with the regulations of the zone in which such
33 building is located.

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1 C. NON-CONFORMING USE OF LAND.

2 1. CONTINUATION OF USE. The Non-conforming use of land (where no
3 building is involved), existing at the time the Ordinance be-
4 came effective, may be continued, provided: (a) That no such
5 use of land shall in any way be expanded or extended either on
6 the same or adjoining property. (b) That if such non-conform-
7 ing use of land or any portion thereof is discontinued or changed,
8 any future use of such land shall be in conformity with the pro-
9 visions of this Ordinance.

10 D. Any exception from the terms of this Ordinance provided for in this
11 Section shall not apply to non-conforming buildings, the non-conforming use
12 of buildings, or the non-conforming use of land where the non-conformance is
13 in violation of any Law or Ordinance of the City of Chula Vista in effect on
14 the first day prior to the effective date of this Ordinance or where the non-
15 conformance is pursuant to a variance granted by the Planning Commission or
16 the City Council of the City of Chula Vista pursuant to any such Ordinance in
17 effect prior to the effective date of this Ordinance in which case the terms
18 and conditions of such Variance shall determine the extent of such non-conformance.

19 SECTION 16: VARIANCES AND ADJUSTMENTS.

20 A. AUTHORITY OF COMMISSION. Where practical difficulties, unnecessary
21 hardships, or results inconsistent with the general purposes of this Ordinance
22 may result from the strict and literal interpretation and enforcement of the
23 provisions thereof, the Commission, upon the verified application of any pro-
24 perty owner or lessee of the property affected, shall have authority to grant
25 upon such terms and conditions as it deems necessary, such variances therefrom
26 as may be in harmony with their general purpose and intent, so that the spirit
27 of this Ordinance shall be observed, public safety and welfare secured and
28 substantial justice done.

29 B. VARIANCE REQUIREMENTS. No variance shall be granted unless the ap-
30 plicant can produce facts to show that practical difficulties and unnecessary
31 hardships, within the meaning of the provisions of this Ordinance, would re-
32 sult from the strict compliance with the provisions thereof and, further no
33 variance shall be granted unless it appears, and the Commission specifies in

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1 its written findings the facts which establish beyond a reasonable doubt;
2 (a) That there are exceptional circumstances or conditions applicable to the
3 property involved or to the intended use thereof, that do not apply generally
4 to the property or class of uses in the same zone; (b) That such variance is
5 necessary for the preservation of a substantial property right of the applicant;
6 (c) That the granting of such variance will not be materially detrimental to
7 the public welfare or injurious to the property or improvements in the zone or
8 district in which the property is located.

9 C. VARIANCE APPLICATIONS-FORM AND CONTENTS. Applications for variances
10 shall be filed with the Secretary of the Commission in duplicate upon forms and
11 accompanied by such data as may be prescribed by the Commission so as to assure
12 the fullest practicable presentation of facts for the permanent record, together
13 with a filing fee of ten dollars (\$10.00) and the cost of publication of notice
14 as herein required.

15 D. HEARING DATE. Notice upon the filing of such application, the Com-
16 mission shall set a date for hearing the same which date shall be not less than
17 ten (10) days nor more than fifty (50) days after the filing of said application.
18 Not less than ten (10) days prior to the date of such public hearing, public
19 notice of the time, place and purpose thereof shall be given by both of the
20 following methods:

- 21 1. By publication of a notice in a newspaper having a general circula-
22 tion in the City; if any; and
- 23 2. By mailing a postal card or letter notice to the owners of all pro-
24 perty within five hundred (500) feet of the exterior boundaries of
25 the property involved, using for this purpose the last known name
26 and address of such owners as shown upon the records of the City
27 Clerk. Provided, that no post card or letter notice need be mailed
28 to any such owner who signs a petition in favor of the requested
29 variance. Provided, further, that public hearings need not be held
30 on applications for variance from the height or area regulations un-
31 less deemed necessary by the Commission.

32 00398 E. DETERMINATION BY COMMISSION. If from the facts presented with the ap-
33 plication, at the public hearing, or by investigation by or at the instance of
the Commission, said Commission makes the findings set forth in subsection B

of this section, it may grant the requested variance in
1 whole or in part, upon such terms and conditions as it may deem necessary
2 to conform with the general intent and purpose of this Ordinance. If the
3 Commission fails to make said findings, it shall deny the application.
4 Each decision by the Commission authorizing a variance from the regula-
5 tions herein established must be by resolution adopted by a majority of its
6 membership, setting forth the written finding of facts required by sub-
7 section B of this section. The Commission shall make its findings and
8 determination within forty (40) days from the date of hearing on such ap-
9 plication or the date of filing when no hearing is held, and shall forth-
10 with transmit a copy thereof to the applicant.

11 F. VARIANCE EFFECTIVE-APPEAL. No variance granted or authorized by
12 the Commission, as provided above, shall become effective until after an
13 elapsed period of ten (10) days from the date the written determination
14 is made, during which time written appeal therefrom may be taken to the
15 Council by any person aggrieved or affected by any determination by the
16 Commission in connection with any application for variance or upon the
17 failure of the Commission to make its determinations on any application
18 within the forty (40) day limit referred to above. Such appeal shall be
19 filed in triplicate with the City Clerk and shall state the grounds there-
20 for and wherein the Commission failed to conform to the requirements of
21 this Ordinance. The City Clerk shall forthwith transmit one copy of said
22 appeal to the City Attorney and the other copies to the Commission. Said
23 appeal stays all proceedings in furtherance of the action appealed from
24 until the determination of the appeal.

25 Upon receipt of the appeal the Commission shall, within ten (10) days,
26 transmit to the Council the original application and copies of all other
27 papers constituting the record upon which the action was taken together
28 with a written report disclosing in what respects the application for var-
29 iance and facts offered in support thereof met or failed to meet the var-
30 iance requirements set forth in subsection B of this section. The Council
31 may by resolution affirm, reverse, or modify, in whole or in part any de-
32 cision, determination or requirement of the Commission but before granting
33 any appealed petition which was denied by the Commission or before changing

1 any of the conditions imposed by the Commission in a variance granted by
2 the Commission, the Council must set the matter for hearing giving the
3 same notice as that provided in paragraph 2, subsection D of this section
4 and must make a written finding of fact setting forth wherein the Commis-
5 sion's findings were in error and wherein the property of particular use
6 involved meets the requirements set forth in subsection B of this section.

7 A four-fifths (4/5) vote of the whole of the Council shall be re-
8 quired to grant, in whole or in part, any appealed application denied by
9 the Commission.

10 SECTION 17: CHANGES AND AMENDMENTS.

11 A. PROCEDURE FOR CHANGE. Whenever the public necessity, convenience,
12 general welfare, or good zoning practice require, the Council may by
13 ordinance, after report thereon by the Commission and subject to the pro-
14 cedure provided in this section, amend, supplement or change the regulations,
15 zone boundaries, or classifications of property, now or hereafter estab-
16 lished by this Ordinance. An amendment, supplement, reclassification
17 or change may be initiated by a resolution of intention by the Commission
18 or the City Council or by a verified application of one or more of the
19 owners or lessees of the property within the area proposed to be changed.

20 B. APPLICATIONS FOR CHANGE-FORM AND CONTENTS. Applications for any
21 change of zone boundaries or reclassification of zones, shall be filed
22 with the City Clerk, accompanied by such data and information so as to as-
23 sure the fullest practicable presentation of facts for the permanent record.

24 Each such application shall be verified by at least one of the owners
25 or lessees of property within the area proposed to be changed, attesting
26 under oath to the truth and correctness of all facts and information pre-
27 sented with the application.

28 C. HEARING DATE NOTICE. Upon the filing of such application or the
29 adoption of such resolution by the Council, the matter shall be referred
30 to the Commission for report and recommendation and shall be set for public
31 hearing before the Commission. Notices of the time, place and purpose of
32 such hearing shall be given by the following methods:

33 1. By at least one publication in a newspaper of general circulation

1 in the City, designated for that purpose by the Council and
2 not less than ten (10) days prior to the date of hearing;
3 and such other notice as may be required by any Law of the
4 State of California.

5 D. DECISION BY COMMISSION AND COUNCIL. If, from the facts presented,
6 the Commission finds that public necessity, convenience, general welfare,
7 or good zoning practice, require the change or reclassification involved
8 or any portion thereof, the Commission may recommend such change to the
9 Council, and otherwise it shall deny the application. The commission shall
10 make its findings and determination in writing within forty (40) days from
11 the date of filing of any such application and shall forthwith transmit a
12 copy thereof to the applicant. If the application is approved, the Com-
13 mission shall transmit the application, together with its report and re-
14 commendations relative thereto to the City Council. The City Council,
15 after conducting a public hearing, with published notice as provided in
16 paragraph 1 subsection C of this section, may by ordinance effect such
17 amendment, supplement, change or reclassification or any portion thereof.

18 E. DENIAL-APPEAL. If an application for change or reclassification
19 is denied by the Commission as provided above, the applicant may, within
20 twenty (20) days from the date the notification of denial was mailed to
21 said applicant, appeal to the Council by written notice of appeal filed
22 with the City Clerk. Said appeal shall be filed in duplicate and shall
23 set forth specifically wherein the Commission's findings were in error and
24 wherein the public necessity, convenience, welfare or good zoning practice
25 require such change or reclassification. Said appeal must be referred to
26 the Commission, and thereupon the Commission shall make a report to the
27 Council disclosing in what respect it failed to find that the public neces-
28 sity, convenience, general welfare, or good zoning practice requires the
29 change or reclassification involved. The Council may by a four-fifths
30 (4/5) vote of the whole of said Council, grant any appealed application,
31 but before making any change in the recommendation of the Commission, the
32 Council must set the matter for public hearing, giving the same notice as
33 provided in paragraphs 1 and 2, subsection C of this section, and must make

1 a written finding of fact setting forth wherein the Commission's findings
2 were in error.

3 The procedure of the Council in effecting a change or a reclassifica-
4 tion of property initiated by resolution of intention, rather than by ap-
5 plication of property owners, or for an amendment or supplement to the
6 text which has been disapproved or partially disapproved by the Commission,
7 shall be the same as that outlined above in this subsection for the grant-
8 ing of an appealed application, except that the published notice of hear-
9 ing, as provided above, shall suffice on any matter involving only an
10 amendment or supplement to the text of this Ordinance.

11 F. CHANGE IN BUILDING LINE MAP. A building line shown on the "Build-
12 ing Line Map" may be changed, or new building lines may be established
13 thereon, by following the same procedure set forth in this section for
14 changes and amendments.

15 Where property is in acreage at the time this Ordinance became ef-
16 fective but is subsequently divided into lots and blocks by recording a
17 subdivision map, the Commission shall thereafter recommend to the Council
18 the establishment of appropriate building lines on the "Building Line Map"
19 along streets within the subdivided area. In those cases where acreage
20 property is in the "R1", "R2", or "R3" zones and no building line is
21 shown on the "Building Line Map" a minimum front yard of twenty-five (25)
22 feet shall be provided and maintained pending the establishment of an
23 appropriate building line as herein provided.

24 SECTION 18: FEES.

25 A. FEE FOR APPLICATIONS. Before accepting for filing any applica-
26 tion hereafter mentioned, the Commission shall charge and collect such
27 fees as are prescribed by Ordinance which shall be payable to the City
28 Clerk.

29 SECTION 19: PERMITS-LICENSES-COMPLIANCE.

30 A. COMPLIANCE. All Departments, Officials, or Public Employees,
31 vested with the duty or authority to issue licenses, permits, or certi-
32 ficates of occupancy where required by law, shall conform to the provi-
33 sions of this Ordinance. No such permit or license for buildings, uses,

1 or purposes where the same would be in conflict with the provisions of
2 this Ordinance shall be issued. Any such permit or license, if issued
3 in conflict with the provisions hereof, shall be null and void, and the
4 City of Chula Vista shall in no way be liable for damages for the issuance
5 thereof.

6 B. COMPLIANCE BY CITY. The provisions of this Ordinance shall apply
7 to all buildings, improvements, lots and premises, owned, leased, operated
8 or controlled by the City or any department thereof, or by any other muni-
9 cipal or quasi-municipal corporation or governmental agency.

10 SECTION 20: PLATS. Each application for a building permit shall be made
11 on a printed form to be furnished by the Building Inspector and shall con-
12 tain accurate information and dimensions as to the size and the location
13 of the lot; the size and location of the buildings on the lot; the di-
14 mensions of all yards and open spaces; and such other information as may
15 be necessary for the enforcement of these regulations. Where complete and
16 accurate information is not readily available from existing records, the
17 Building Inspector may require the applicant to furnish a survey of the
18 lot prepared by a licensed surveyor. A careful record of the original of
19 such applications shall be kept in the office of the Building Inspector.

20 SECTION 21: INTERPRETATION-PURPOSE-CONFLICT. In interpreting and apply-
21 ing the provisions of this Ordinance, they shall be held to be the minimum
22 requirements for the promotion of the public health, safety, comfort, con-
23 venience and general welfare. It is not intended by this Ordinance to
24 interfere with or abrogate or annul any easement, covenant or other agree-
25 ment between parties. Where this Ordinance imposes a greater restriction
26 upon the use of buildings or land, or upon the height of buildings, or
27 requires larger open spaces than are imposed or required by other ordin-
28 ances, rules, regulations, or by easements, covenants, or agreements, the
29 provisions of this Ordinance shall control.

30 Whenever there is any question regarding the interpretation of the pro-
31 visions of this Ordinance or their application to any specific case or
32 situation, the Commission shall interpret the intent of this Ordinance by
33 written decision and such interpretation shall be followed in applying

1 said provisions.

2 SECTION 22: ENFORCEMENT - PENALTIES. It shall be the duty of the Build-
3 ing Inspector to enforce the provisions of this Ordinance pertaining to
4 the erecting, construction, reconstruction, moving, conversion, alteration
5 of, or addition to, any building.

6 It shall be the duty of the Police Department of the City and all
7 officers of said City otherwise charged with the enforcement of the law,
8 to enforce this Ordinance.

9 Any person, firm or corporation, violating any of the provisions of
10 this Ordinance shall be guilty of a misdemeanor, and, upon conviction
11 thereof, shall be punishable by a fine of not more than five hundred
12 dollars (\$500.00) or by imprisonment, of not to exceed three (3) months,
13 or by both such fine and imprisonment. Such persons, firm or corporation
14 shall be deemed guilty for each day during any portion of which any viola-
15 tion is committed, continued or permitted and shall be punishable as here-
16 in provided.

17 The City Attorney, upon request of the Council, shall institute any
18 necessary legal proceedings to enforce the provisions of this Ordinance;
19 and he may be so authorized, in addition to the remedy herein provided,
20 to institute an action for an injunction to restrain, or any other appro-
21 priate action, or proceedings to enforce such provisions.

22 SECTION 23: VALIDITY. If any section, subsection, sentence, clause, or
23 phrase or portion of this Ordinance is for any reason held to be invalid
24 or unconstitutional by the decision of any court of competent jurisdictions,
25 such decision shall not affect the validity of the remaining portions of
26 this Ordinance. The Council hereby declares that it would have adopted
27 this Ordinance and each section, subsection, sentence, clause, phrase or
28 portion thereof, irrespective of the fact that any one or more sections,
29 subsections, clauses, phrases or portions be declared invalid or unconsti-
30 tutional.

31 SECTION 24: REPEAL. Ordinance Nos. 129, 163, ^{179, SECTION I of Ordinance No. 192,} 220, 260, 262, and 323 of
32 the City of Chula Vista, and all ordinances amendatory thereof or thereto,
33 and all ordinances or parts of ordinances in conflict with this ordinance,


1 are hereby repealed.

2 SECTION 25: PUBLICATION. This Ordinance shall be effective and enforced
3 thirty-one days after the final passage thereof, and the same shall be
4 published once in the Chula Vista Star, a newspaper of general circulation,
5 printed and published in the City of Chula Vista, California.

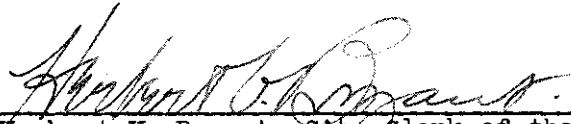
6 PASSED, ADOPTED AND APPROVED this 22nd day of MARCH, 1949,
7 by the following vote, to-wit:

8	AYES:	COUNCILMEN	<u>Riesland, Nashold, Dyson, Kidder, Koester</u>
9	NOES:	COUNCILMEN	<u>None</u>
10	ABSENT:	COUNCILMEN	<u>None</u>

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Lorenz C. Koester, Mayor of the
City of Chula Vista, California

ATTEST:


Herbert V. Bryant, City Clerk of the
City of Chula Vista, California.

00398

TO THE CITY COUNCIL OF THE CITY OF CHULA VISTA, CALIFORNIA:

CERTIFICATE OF SECRETARY OF THE PLANNING
COMMISSION

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

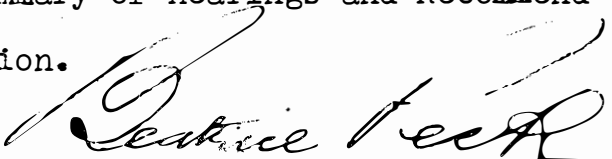
I, Beatrice Peck, Secretary of the Planning Commission of the City of Chula Vista, California, DO HEREBY CERTIFY that the attached copy of a proposed comprehensive zoning and building line ordinance entitled, "AN ORDINANCE OF THE CITY OF CHULA VISTA, CALIFORNIA PROVIDING FOR THE ESTABLISHMENT OF ZONES IN SAID CITY; AND REGULATING THE USES OF PROPERTY THEREIN; ADOPTING A MAP SHOWING SAID ZONES, AND A MAP SHOWING BUILDING LINES; PRESCRIBING THE CLASSES OF BUILDINGS, STRUCTURES AND IMPROVEMENTS IN SAID ZONES AND THE USE OF PROPERTY THEREIN; DEFINING THE TERMS USED IN THIS ORDINANCE; PROVIDING FOR ITS ADJUSTMENT, ENFORCEMENT, AND AMENDMENT; PRESCRIBING PENALTIES FOR THE VIOLATION OF THE PROVISIONS HEREOF; AND REPEALING ANY ORDINANCES OR PORTIONS OF ORDINANCES IN CONFLICT HEREWITH," is a true and correct copy of a proposed comprehensive zoning ordinance which was duly approved by the Planning Commission of the City of Chula Vista, at a regular adjourned meeting held January 17th, 1949 and recommended to the City Council of the City of Chula Vista for adoption by the following votes:

AYES: Members Davis, Guest, Fisher, Irely, Welton, Cloyed

NOES: Members None

ABSENT: Members None

I further CERTIFY that the following is a true and correct copy of the Report of Findings, Summary of Hearings and Recommendation of the said Planning Commission.


Secretary of the Planning Commission
of the City of Chula Vista.

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REPORT OF FINDINGS

The Planning Commission of the City of Chula Vista, finds that the adoption of the proposed comprehensive zoning and building line ordinance, attached hereto, is in the best interest of the City of Chula Vista and in accord with the orderly development thereof. The commission finds that enactment to the attached proposed ordinance is necessary to encourage the most appropriate use of land, conserve and stabilize the value of property, prevent undue concentration of population, street congestion and overly crowded building conditions, and generally to promote the general safety, health and welfare.

The commission further finds that existing zoning and building line ordinances are antiquated and largely ineffectual in preventing the overcrowding of, and the encroachment on residential areas by unhealthful and undesirable land uses.

In addition, the commission finds that the establishment of minimum lot sizes, set back, side yard and height regulations envisaged by the proposed ordinance will maintain and improve present residential neighborhoods.

It should be urged that the attached proposed ordinance has not been hastily arrived at, but represents the result of over one year's work and study by the Commission.

SUMMARY OF HEARINGS

In the consideration of the attached proposed ordinance the following notices and hearings were given and held in accordance with the provisions of the Conservation and Planning Act of 1947 of the State of California:

December 10th,
1948:

Notice of Public hearing to be held on December 21st, 1948 at 7:30 P.M. published in the Chula Vista Star, a newspaper of general circulation, printed and published in the City of Chula Vista.

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December 21st,
1948:

A public hearing held to consider the proposed comprehensive zoning and building line ordinance. Messrs. William Drew, J. E. Bacon, Herman S. Delano, and Mark Money discussed various phases of the ordinance and offered suggestions which were taken under advisement by the Commission and later either adopted or rejected as in the opinion of the Commission seemed in the general welfare and in accord with good planning.

December 24th,
1948:

Notice of a Second Public Hearing to be held on January 3rd, 1949 at 7:30 P.M. published in the Chula Vista Star, a newspaper of general circulation, printed and published in the City of Chula Vista.

January 3rd,
1949:

A second public hearing held to consider the proposed Ordinance. Mrs. G.P. Olsen, Cdr. W. H. Farrell, and Messrs. Dean Moffatt, Z. Dwight Kidder and William Drew discussed the Ordinance. Cdr. Farrell recommended its passage, Mrs. Olsen read and filed with the commission a letter embodying her objections. General discussion and suggestions were offered by the other speakers, all of which were taken under advisement by the commission and acted upon item by item. For more detailed report of the hearings reference is made to the Minutes of the Planning Commission for December 21st, 1948 and January 3rd, 1949, and to a stenographic report of each hearing filed with the record of the proceedings.

RECOMMENDATION OF PLANNING COMMISSION

The Planning Commission of the City of Chula Vista unanimously recommends the attached proposed ordinance for adoption, after a public hearing by the City Council. The commission notes that this proposed ordinance has not been hastily compiled, but represents the result of over one year's work and study.

DATED: January 17th, 1949.

THE PLANNING COMMISSION OF THE
CITY OF CHULA VISTA

By Edward N. Davis
Chairman