

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370



November 19, 2015

Th 26b

TO: COMMISSIONERS AND INTERESTED PERSONS

FROM: SHERILYN SARB, DEPUTY DIRECTOR, SD COAST DISTRICT
GABRIEL BUHR, COASTAL PROGRAM MANAGER, SD COAST DISTRICT
TONI ROSS, COASTAL PROGRAM ANALYST, SD COAST DISTRICT

SUBJECT: PROPOSED MINOR AMENDMENT #LCP-6-OCN-15-0032-3 (ZONE CODE UPDATE) TO THE CITY OF OCEANSIDE LOCAL COASTAL PROGRAM IMPLEMENTATION PLAN

The City of Oceanside is requesting that its certified Local Coastal Program Implementation Plan (IP) be amended through minor revisions to the text of the Zoning Ordinance. Specifically the proposed revisions include the repeal of Article 1 (Declaration of Purpose); Article 3 (Establishment of Zones); Article 21 (Procedures, Hearings, Notices and Fees); Article 22 (Interpretation, Purpose, Conflict, Severability); Article 23 (Permits, Licensing, Enforcement); Article 24 (Penalty); and Article 30 (Enactment and Repeal) and subsequently proposing replacement articles including new Article 1 (Title, Components, and Purposes); Article 2 (Organization, Applicability and Interpretation); Article 40 (Environmental Review); Article 46 (Appeals and Calls for Review); and Article 47 (Enforcement). The proposed amendment involves changes to the certified LCP Implementation Plan only. The amendment request was received and filed complete on October 12, 2015; therefore, the date by which the Commission must take action, absent an extension of the time limits by the Commission, is December 11, 2015.

Procedure

Pursuant to Section 30514(c) of the Coastal Act and Section 13554(a) of the Commission's Regulations (Cal. Code of Regs., tit. 14), the Executive Director has determined that the proposed amendment is "minor" in nature. Section 13554(a) defines a minor amendment as changes in wording which make the use as designated in the zoning ordinances, maps or other implementing actions more specific and which do not change the kind, location, intensity or density of use and are consistent with the certified land use plan.

Pursuant to Section 13555, the Executive Director will report this determination to the Coastal Commission at the following date and location:

DATE and TIME: December 10, 2015	LOCATION:	Portola Plaza Hotel
9:00 a.m.		2 Portola Plaza
		Monterey, CA 93940

At that time, any objections to this determination, received within ten days of the transmittal of this notice, will also be reported to the Commission. This proposed minor amendment will be deemed approved unless one-third of the appointed members of the Commission request that it be processed in accordance with Section 13555(b) of the Code of Regulations as a major amendment. Otherwise, the minor amendment will become effective ten days from the date the Commission concurs with the Executive Director's designation.

If you have any questions or need additional information regarding this proposed amendment, please contact Toni Ross at the above office. Any objections to the "minor" amendment determination must be received within ten working days of the date of this notice.

Amendment Description

Currently the City of Oceanside utilizes two different zoning ordinances, one of which applies to lands within the coastal zone and serves as the City's certified Implementation Plan (IP), the second of which applies to lands outside the coastal zone. However, moving forward, the City would like to have one zoning document that would apply Citywide. As such, the City has begun to update and merge these two documents. City and Commission staffs have been working cooperatively to expedite those changes which do not raise Land Use Plan or Coastal Act consistency concerns. The proposed articles for removal and replacement have been identified by both staffs as minor in nature as they do not change land uses or have any potential to impact coastal resources. All proposed modifications are consistent with Chapter 3 of the Coastal Act. It is anticipated that as the efforts to combine these two zoning ordinances continue to move forward, the City will submit the more substantive revisions to its certified IP moving toward the goal of having one certified zoning document to be applied Citywide.

The subject amendment proposes to remove seven existing articles from the IP, and proposes to replace them with five new and updated articles. The proposed revisions are attached in the two separate documents. The first (Exhibit No. 3) includes all articles proposed for removal and are shown as "strikeout." The second (Exhibit No. 4) includes all newly proposed articles. The proposed changes can be categorized into three groups, articles to be removed and replaced, articles to be removed with no replacement, and new articles.

A) ARTICLES TO BE REMOVED AND REPLACED

1. Article 1 (Declaration of Purpose). Article 1 identifies the purpose of the implementation plan. This article will be replaced with an updated and more expansive Article 1 (Title, Components and Purposes) that includes similar declaration of purpose along with additional more specific purposes and identifies the components of the ordinance.
2. Article 3 (Establishment of Zones). Article 3 lists all the zoning designations in the coastal zone. Currently the inland and coastal areas of the City have two separate types of zoning designations. As proposed, Article 3 will be replaced by Article 2

(Organization, Applicability, and Interpretation), which combines inland and coastal zoning designations into one article. The merging of the two articles will not result in any change to land use within the Coastal Zone.

3. Article 21 (Procedures, Hearings, Notices and Fees). Article 21 is an administrative article that includes procedures for applying for zone changes, including application, fees, hearings, and noticing requirements. As proposed, this chapter will be replaced with Article 46 (Appeals and Calls for Review) which includes similar provisions. In addition, associated with a future submittal, Article 45 (Amendments) will include similar provisions with regards to amendments to the City's IP.

4. Article 22 (Interpretation, Purpose, Conflict and Severability). Article 22 includes provisions for interpretation of zoning provisions when ambiguous, or when multiple applicable regulations apply, or when a policy shall be deemed invalid. This article will be replaced through the proposal of new Article 2 (Organization, Applicability, and Interpretation). Article 2 includes Section 240 (Rules for Interpretation) which contains similar and consistent provisions to those that were removed.

5. Article 24 (Penalty). Article 24 includes provisions for penalties associated with unpermitted development. This article will be replaced by new Article 47 (Enforcement) which includes these same penalty provisions.

B) ARTICLES TO BE REMOVED WITH NO REPLACEMENT

1. Article 30 (Enactment & Repeal). Article 30 memorialized the removal of a previous zoning ordinance from 1958 and replacement with the current coastal zone zoning ordinance dated 1986. Because the zoning ordinance dated 1958 was developed before the Coastal Act and was never a part of the City's LCP, removal of Article 30 can be considered a minor revision.

C) NEW ARTICLES

1. Article 40 (Environmental Review). Article 40 includes process, responsibilities and duties associated with the requirements of the California Environmental Quality Act (CEQA). The certified LCP does not contain any provision for purposes of CEQA. The inclusion of such procedures does not raise any LCP or Coastal Act consistency concerns and can be found to conform with CEQA provisions.

Therefore, as proposed, the amendment would not result in any impacts to public access or coastal resources and would not change the kind, location, intensity or density of use and can be found in conformance with the certified Land Use Plan as amended herein.

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RESOLUTION NO. 15-R0556-1

A RESOLUTION OF THE CITY COUNCIL AND COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF OCEANSIDE AMENDING THE LOCAL COASTAL PROGRAM BY REPEALING ARTICLES 1, 3, 21, 22, 23, 24 AND 30 OF THE 1986 ZONING ORDINANCE AND AMENDING ARTICLES 1, 2, 40, 46 AND 47 OF THE 1992 ZONING ORDINANCE AND ESTABLISHING THE AMENDED TEXT AS PART OF THE IMPLEMENTING DOCUMENT OF THE COASTAL PROGRAM AND REQUESTING CALIFORNIA COASTAL COMMISSION CERTIFICATION OF SAID AMENDMENT

(City of Oceanside –Applicant)

(LCPA15-00002)

WHEREAS, the California Coastal Act (Public Resources Code §30000, et seq.) (the "Coastal Act") requires that the City adopt a Local Coastal Program (LCP) which meets the requirements of the Coastal Act at the local level and implements its provisions and policies;

WHEREAS, on January 25, 1985, the California Coastal Commission ("Commission") approved with suggested modifications, the City's Land Use Plan ("LUP") and, pursuant to Public Resources Code §30512.2, found the City's LUP to be consistent with the policies and requirements of Chapter 3 of the Coastal Act and to meet the basic stated goals specified in Public Resources Code §30001.5;

WHEREAS, on December 8, 2008, the California Coastal Commission (CCC) established with the City of Oceanside that development proposals in those portions of the Coastal Zone located outside of the Downtown Redevelopment Area would be reviewed for consistency under the standards of the City's 1986 Zoning Ordinance, in light of the fact that the previously applicable 1992 Zoning Ordinance had never received CCC certification; and

WHEREAS, on May 11, 2009, the City acknowledged in correspondence to the CCC an obligation to use the 1986 Zoning Ordinance as the standard for review of development proposals within those portions of the Coastal Zone located outside of the Downtown Redevelopment Area; and

WHEREAS, it is the desire of the City Council to establish a common framework of zoning regulations for coastal and inland areas, inclusive

EXHIBIT NO. 1

Resolution of Approval

Oceanside LCP No. 6-OCN-15-0032-3 (Zone Code Update)
California Coastal Commission

1 WHEREAS, the Planning Division has prepared recommendations for text amendments to
2 the 1992 Oceanside Zoning Ordinance (ZA15-00005) to ensure consistent and fair application of
3 standards and procedures city-wide, while retaining certain community specific regulations that
4 are necessary to maintain desirable neighborhood characteristics; and

5 WHEREAS, on July 27, 2015, the Planning Commission conducted a duly-noticed public
6 hearing as prescribed by law and recommended City Council approval of said zoning ordinance
7 text amendment and Local Coastal Program amendment by unanimous vote; and

8 WHEREAS, a Notice of Exemption was prepared by the Resource Officer of the City of
9 Oceanside for this project pursuant to the California Environmental Quality Act of 1970 and the
10 State Guidelines thereto amended to date and hereby approved by the City Council in
11 conjunction with its recommendations on the application; and

12 WHEREAS, the City Council and Community Development Commission conducted a
13 joint duly-noticed public hearing on September 16, 2015, to consider Zone Amendment ZA15-
14 00005 and Local Coastal Program Amendment LCPA15-00002, and the recommendation of the
15 Planning Commission thereon, and heard and considered written and oral testimony regarding
16 the proposed amendments; and

17 WHEREAS, based upon such evidence, testimony and staff reports, this Council finds
18 that the Local Coastal Program Amendment (LCPA15-00002) conforms with and is adequate to
19 carry out the land use plan of the Local Coastal Program.

20 NOW, THEREFORE, the City Council of the City of Oceanside DOES RESOLVE as
21 follows:

- 22
- 23 1. Pursuant to Public Resources Code §30510(a), the Oceanside City Council hereby
24 certifies that the Local Coastal Program Amendment (LCPA15-00002) is intended to be
25 carried out in a manner fully in conformity with the Coastal Act, and is hereby adopted.
 - 26 2. Pursuant to the California Environmental Quality Act of 1970, and the State Guidelines
27 thereto amended to date, a Notice of Exemption has been issued for the project by the
28 Resource Officer for the City of Oceanside.
 3. Pursuant to Coastal Commission Local Coastal Program Regulations §13551(b), this

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Local Coastal Plan Amendment shall take effect upon Coastal Commission approval.

4. Notice is hereby given that the time within which judicial review must be sought on the decision is governed by Public Resources Code §30801.

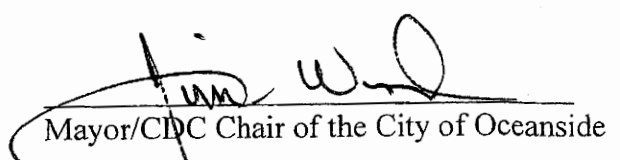
PASSED AND ADOPTED by the Oceanside City Council/Community Development Commission this 16th day of September, 2015, by the following vote:

AYES: WOOD, FELLER, KERN, LOWERY, SANCHEZ

NAYS: NONE

ABSENT: NONE

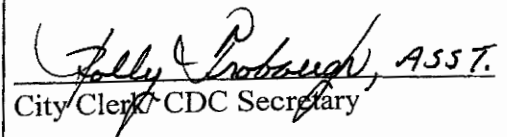
ABSTAIN: NONE



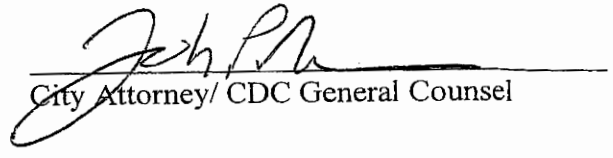
Mayor/CDC Chair of the City of Oceanside

APPROVED AS TO FORM:

ATTEST:



City Clerk/ CDC Secretary



City Attorney/ CDC General Counsel

ORDINANCE NO. 15-OR0614-1

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2 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY**
3 **OF OCEANSIDE REPEALING ARTICLES 1, 3, 21, 22, 23, 24**
4 **AND 30 OF THE 1986 ZONING ORDINANCE, AMENDING**
5 **ARTICLES 1, 2, 40, 46 AND 47 OF THE 1992 ZONING**
6 **ORDINANCE AND ESTABLISHING THE AMENDED TEXT**
7 **AS PART OF THE IMPLEMENTING DOCUMENT OF THE**
8 **LOCAL COASTAL PROGRAM**

9 WHEREAS, it is the desire of the City Council to establish a common framework of
10 zoning regulations for coastal and inland areas, inclusive of the downtown planning area; and

11 WHEREAS, the Planning Division has prepared recommendations for text amendments
12 to the 1992 Oceanside Zoning Ordinance (ZA15-00005) to ensure consistent and fair
13 application of standards and procedures city-wide, while retaining certain community specific
14 regulations that are necessary to maintain desirable neighborhood characteristics; and

15 WHEREAS, on July 27, 2015, the Planning Commission conducted a duly-noticed
16 public hearing as prescribed by law and recommended City Council approval of said zoning
17 ordinance text amendments by unanimous vote; and

18 WHEREAS, the City Council conducted a duly-noticed public hearing on September 16,
19 2015, to consider Zone Amendment ZA15-00005, and the recommendation of the Planning
20 Commission thereon, and heard and considered written and oral testimony regarding the
21 proposed Zone Amendment; and

22 WHEREAS, based upon such evidence, testimony and staff reports, this Council finds
23 that Zone Amendment ZA15-00005 conforms to the General Plan and Local Coastal Program
24 of the City of Oceanside; and

25 WHEREAS, a Notice of Exemption was prepared by the Resource Officer of the City of
26 Oceanside for this project pursuant to the California Environmental Quality Act of the 1970
27 and State Guidelines;

28 NOW, THEREFORE, the City Council of the City of Oceanside does ordain as follows:

SECTION 1. Zone Amendment (ZA15-00005), repealing Articles 1, 3, 21, 22, 23, 24
and 30 of the 1986 Zoning Ordinance and amending Articles 1, 2, 40, 46 and 47 of the 1992
Zoning Ordinance and introducing the revised text of the Oc

EXHIBIT NO. 2

Ordinance

Oceanside LCP No. 6-OCN-15-0032-3 (Zone
Code Update)
California Coastal Commission

1 of the implementing document of the City's Local Coastal Program, as specified in Exhibit A,
2 is hereby adopted.

3 **SECTION 2.** The City Clerk of the City of Oceanside is hereby directed to publish
4 this Ordinance, or the title hereof as a summary, pursuant to state statute, once within fifteen
5 (15) days after its passage in a newspaper of general circulation published in the City of
6 Oceanside.

7 **SECTION 3.** Severability.

8 If any section, sentence, clause or phrase of this Ordinance is for any reason held to be
9 invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision
10 shall not affect the validity of the remaining portions of this Ordinance. The City Council
11 hereby declares that it would have passed this Ordinance and adopted this Ordinance and each
12 section, sentence, clause or phrase thereof, irrespective of the fact that any one or more
13 sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

14 **SECTION 4.** Notice is hereby given that the time within which judicial review must
15 be sought on this decision is governed by Government Code Section 65009(c).

16 **SECTION 5.** For properties within the Coastal Zone, this ordinance shall be effective
17 upon certification of Local Coastal Plan Amendment (LCPA15-00002) by the California
18 Coastal Commission. For properties outside of the Coastal Zone, this ordinance shall be
19 effective 30 days after its adoption.

20 INTRODUCED at a regular meeting of the City Council of the City of Oceanside,
21 California, held on the 16th day of September, 2015, and, thereafter,

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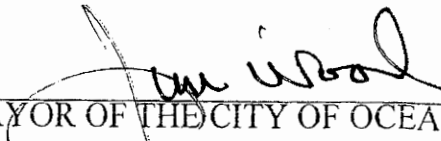
1 PASSED AND ADOPTED at a regular meeting of the City Council of the City of
2 Oceanside, California, held on the 7th day of October, 2015, by the following vote:

3 AYES: WOOD, FELLER, KERN, SANCHEZ

4 NAYS: NONE

5 ABSENT: LOWERY

6 ABSTAIN: NONE

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8 MAYOR OF THE CITY OF OCEANSIDE

9 ATTEST:

APPROVED AS TO FORM:

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11 CITY CLERK

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13 CITY ATTORNEY

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24 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE REPEALING ARTICLES 1,
25 3, 21, 22, 23, 24 AND 30 OF THE 1986 ZONING ORDINANCE, AMENDING ARTICLES 1, 2, 40, 46 AND
26 47 OF THE 1992 ZONING ORDINANCE AND ESTABLISHING THE AMENDED TEXT AS PART OF
27 THE IMPLEMENTING DOCUMENT OF THE LOCAL COASTAL PROGRAM
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ARTICLE 1

DECLARATION OF PURPOSE

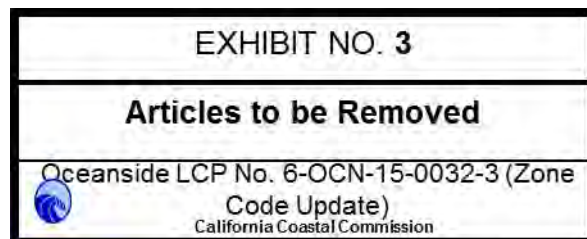
~~Section 100: PURPOSE OF ORDINANCE. The official Zoning Ordinance for the City of Oceanside is hereby adopted and established to serve as an implementation tool to further the objectives of and establish consistency with the Land Use Element of the General Plan, to protect the public health, safety and general welfare of the residents and to provide economic and social benefits from an orderly planned use of land resources.~~

~~Section 101: NAME OF ORDINANCE. This ordinance shall be known as "The Comprehensive Zoning Ordinance".~~

~~Section 102: PROVISIONS NOT AFFECTED BY HEADINGS. Article and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of any section hereof.~~

~~Section 103: TENSES. The present tense includes the future, and the present.~~

~~Section 104: NUMBER. The singular number includes the plural, and the plural the singular.~~



ARTICLE 3

ESTABLISHMENT OF ZONES, THE BOUNDARIES THEREOF
AND LIMITING THE USES OF LAND THEREON

Section 300: NAMES OF ZONES.

~~R-A Residential Agricultural Zone~~
~~R-1 Single Family Residential Zone~~
~~S-P Scenic Park Zone~~
~~R-2 Two Family Residential Zone~~
~~R-3 Medium Density Residential Zone~~
~~PRD Planned Residential Development Zone~~
~~R-T Residential Tourist Zone~~
~~O-P Office Professional Zone~~
~~C-1 Neighborhood Commercial Zone~~
~~R-C Recreation Commercial Zone~~
~~P-C Planned Commercial~~
~~C-2 General Commercial Zone~~
~~I-P Industrial Park Zone~~
~~M-1 Light Industrial Zone~~
~~M-2 General Industrial Zone~~
~~PCD Planned Community Development Zone~~
~~O Open Space~~
~~F Flood Plain Zone~~
~~A-2 ½ Suburban Agricultural Zone~~
~~A-5 General Agricultural Zone~~
~~A-20 Dairy Agricultural Zone~~
~~MR Military Reservation~~

~~MH ————— Manufactured Housing~~
~~VC ————— Visitor-Commercial~~
~~PUT ————— Public Utility and Transportation~~
~~H ————— Harbor~~
~~SS ————— South Strand~~

~~Where areas are shown upon the zoning map enclosed within a heavy dashed line, the area thus shown is intended to approximate the future location for that type of land use indicated by the symbol therein enclosed within a circle, see Section 1610, 1611, and 1612. Uncircumscribed symbols within such designated areas represent present classification.~~

~~Section 301: DEGREES OF RESTRICTIVENESS. To satisfy the requirements of the California Government Code, Section 65860 (Assembly Bill 1301), "restrictiveness" is defined in relation to uses and intensity of development allowed within the various zones.~~

- ~~(1) Zones which categorically prohibit a wide variety of uses (F, O, R-A) are the most restrictive.~~
- ~~(2) Zones which allow all uses (PCD) are the least restrictive.~~
- ~~(3) Zones designed primarily for one particular land use (residential, commercial, industrial or agriculture) are restrictive to the degree which they limit intensity of development within that land use category (example: R-1 is more restrictive than R-3).~~
- ~~(4) Figure 1 indicates the relative restrictiveness of the various zones:~~

Figure 1

DEGREES OF RESTRICTIVENESS

Most Restrictive

MR-P

F

O

PUT

~~R-A~~

~~S-P ——— O-P ——— I-P ——— A-2 1/2~~

~~R-1 ——— C-1 ——— M-1 ——— A-5~~

~~PRD ——— R-C ——— M-2 ——— A-20~~

~~R-2 ——— P-C ———~~

~~R-3 ——— C-2~~

~~RT ——— VC~~

~~H~~

~~PCD~~

~~Least Restrictive~~

~~Section 302: ESTABLISHMENT OF ZONES BY MAP. The location and boundaries of the various zones are such as are shown and delineated on the zoning map of the City of Oceanside, which map is attached hereto and made part of this ordinance.~~

~~Section 303: DIVISION OF ZONINE MAP. The zoning map may, for convenience, be divided into parts and each such part may, for purposes of more readily identifying areas within such zoning map, be subdivided into units and such parts and units may be separately employed for purposes of amending the zoning map or for any official reference to the zoning map.~~

~~Section 304: CHANGES IN BOUNDARIES. Changes in the boundaries of the zones shall be made by ordinance adopting an amended zoning map, or part of said map, or unit of a part of said zoning map, which said amended maps, or parts or units of parts, when so adopted, shall be published in the manner prescribed by law and become a part of this ordinance.~~

~~Section 305: UNCERTAINTY OF BOUNDARIES. Where uncertainty exists as to the boundaries of any zone shown upon a zoning map or any part of unit thereof, the following shall apply:~~

- ~~(1) Where such boundaries are indicated as approximately following street and alley lines or lot lines, such lines shall be constructed to be such boundaries.~~
- ~~(2) In the case of unsubdivided property, and where a zone boundary divides a lot, the location of such boundaries, unless the same are indicated by~~

~~dimensions, shall be determined by use of the scale appearing on said zoning map.~~

- ~~(3) Where a public street or alley is officially vacated or abandoned, the area comprising such vacated street or alley shall acquire the classification of the property to which it reverts.~~
- ~~(4) Areas of dedicated streets or alleys and railroad rights-of-way, other than such as are designated on the zoning map as being classified in one of the zones provided in this ordinance, shall be deemed to be unclassified and, in the case of streets, permitted to be used only for purposes lawfully allowed and, in the case of railroad rights-of-way, permitted to be used solely for the purpose of accommodating tracks, signals, other operative devices and movement of rolling stock.~~

~~Section 306: PREZONING OF PROPERTIES OUTSIDE OF CITY. The City Council recognizes the fact that a City's social and economic life is seldom limited to the area within its corporate limits; that real need exists to consider zoning and physical planning on the basis of the existing and developing area rather than only the areas currently within the City limits; that State Law, through the medium of the Conservation and Planning Act, recognizes the existence of the relationship between a City and the areas adjacent thereto and has incorporated in such State Law a mandate that cities shall pre-plan areas contiguous thereto if, in the opinion of the City, such areas bear a relationship to its planning. In recognition of such policy and purpose and the possibility of annexation of adjoining lands, the City undertakes to establish an expansion of a consistent land use pattern that shall prevail, if and when areas contained within such expanded plans annex to the City. For that purpose precise prezoning maps may be developed and adopted in the same manner prescribed by this ordinance for the classification of property within the City, including procedures for and concurrent consideration of conditional use permits, specific and development plans.~~

~~Section 307: ZONING STATUS OF ANNEXING OR CONSOLIDATING PROPERTIES. If a precise prezoning map for an area has been adopted, then such annexing or consolidating property contained therein shall, upon becoming a part of the City, possess the classification indicated on the precise prezoning map, and such portion of the prezoning map governing properties so annexed or consolidated shall become a part of the City's zoning map and~~

~~thereafter be subject to all of the provisions of this ordinance. If a precise rezoning map for an area has not been adopted, the Planning Commission shall conduct studies and prepare recommendations setting forth the land use and rezoning patterns which are consistent and compatible with surrounding land uses and zoning patterns as designated on the General Plan and Official Zoning Map. Rezoning designations shall be processed and adopted by the Planning Commission and City Council in the same manner as amendments to pursuant to provisions of Article 20 of the Zoning Ordinance. If the property is to be annexed to the City, such rezoning studies shall be conducted prior to or concurrently with the request for annexation and such zoning shall be adopted at the time the annexation is approved.~~

~~Section 308: INTERIM ZONING. Without following the procedures otherwise required preliminary to the adoption of a Zoning Ordinance, the legislative body to protect the public safety, health and welfare, may adopt as an urgency measure an interim ordinance prohibiting any uses which may be in conflict with a contemplated zoning proposal which the legislative body, Planning Commission or the Planning Department is considering, or studying or intends to study within a reasonable time. Such urgency measure shall require a 4/5ths vote of the legislative body for adoption. Such interim ordinance shall be of no further force and effect four (4) months from the date thereof; provided however, that after notice pursuant to Section 65856 and public hearings, the legislative body may extend such interim ordinance for eight (8) months and subsequently extend such interim ordinance for one year. Any such extension shall also require a 4/5ths vote for adoption. Not more than the two such extensions may be adopted. Alternatively, an interim ordinance may be adopted by a 4/5ths vote following notice pursuant to Section 65856 of the Government Code and public hearing, in which case it shall be of no further force and effect one year from the date of adoption thereof. Provided, however, that after notice pursuant to Section 65856 of the Government Code and public hearing, the legislative body may by a 4/5ths vote extend such interim ordinance for one year. Where any such interim ordinance has been adopted, every subsequent ordinance adopted pursuant to this section, covering the whole or part of the same property, shall automatically terminate and be of no further force or effect upon the termination of the first such ordinance or an extension thereof as herein provided.~~

~~Section 309: LIMITATION OF LAND USE. Except as provided in this ordinance no building shall be erected, reconstructed or structurally altered, nor shall any building or land be used for~~

~~any purpose except as hereinafter specifically provided and allowed in the same zone in which such building and land is located.~~

~~Section 310: AREA ZONING SYMBOLS. Where a number follows the zoning symbol on the zoning map it shall represent the number of thousands of square feet of area required in lieu of the minimum area established in each zone as herein defined. If no number follows the zoning symbol, the areas prescribed in the Article governing such zone shall apply.~~

~~Section 311: TERMINATION OF POTENTIAL ZONE CLASSIFICATIONS. The potential classifications shown on the Official Zoning Map after the effective date of adoption of this Ordinance shall remain in effect and permanent zones may be adopted after having been processed in the manner prescribed for amendments to this Ordinance. The Ordinance adopting such permanent zone shall include the concurrent adoption of a development plan which has been filed and approved with the application for a change in classification. No new potential classifications shall be considered or approved after the effective date of this ordinance.~~

~~Section 312: CLASSIFYING OF UNCLASSIFIED PROPERTY. Any property, which for any reason is not designated on the zoning map as being classified in any of the zones established hereby, shall be deemed to be classified R-A.~~

~~Section 313: CONSISTENCY OF ZONES WITH THE GENERAL PLAN. To satisfy the requirements of the California Government Code, Section 65860 (Assembly bill 1301), the following definitions and matrix shall be used to determine the consistency of any given zone with the various land uses as indicated in the current Land Use Element of the General Plan.~~

~~(1) Maximum Density. In residential areas zoned for a particular type of development (single family homes, apartments, Planned Residential Developments, duplexes, etc.) where the zone allows a greater density than specified on the General Plan, the maximum density allowed shall be as specified on the General Plan unless further restricted by a Development Plan.~~

~~(2) Cluster Development.~~

~~(a) Residential cluster development is defined as a clustering or grouping of dwelling units for the protection of environmentally fragile areas as~~

~~specified in the General Plan Land Use and Open Space Elements. Cluster grouping can occur around cul-de-sacs, in canyons, or on a mesa (preserving slopes) or along a single side of the street (terracing). The intent of the General Plan was to minimize grading, preserve open space and minimize costly extension of City services.~~

~~(b) As indicated on the matrix, several zones are consistent with clustering by minimum lot size or definition. Other zones will be consistent only if development plans indicate cluster development as defined above.~~

~~(3) Holding Zones. The R-A zone by definition of purpose is the standard holding zone which can be applied throughout the City to provide a compatible transition between agricultural uses and future urban uses. In outlying areas of the City not adjacent to existing urban development, any of the general agricultural zones may also serve as holding zones to preclude premature urban zoning.~~

~~(4) Zoning Consistency Matrix. To determine if a zone is consistent with a particular land use, find the zone along the left side of the chart, and the land use along the top of the chart. Read down and across to the intersection and interpret the appropriate symbol. Only those zones which are indicated as "consistent" will be allowed within any particular land use category.~~

F	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	Applied where necessary for public safety
O	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	Allows for Open Space Preservation
MR																	X		Applies only to Military Installations
RA	X	X	X	X	X	X	X	X	X	X	X	X	X	X	*				Holding Zone
A2 1/2	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	Can serve as Holding Zone
A5	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	Can serve as Holding Zone

A20	3	3	3	3	3	3	3	3	3	3	3	3	3		X	*			Can serve as Holding Zone	
SP	X	1*	1	1	1	2						*	*			*				
R1	1	1	X	X		2						*	*			*				
PRD	1	X	X	X	X	X	X*					*	*			*				
R2	1	1	1	X		2						*	*			*				
R3	1	1	1	1	X	2	X*					*	*			*				
RT	1*	1*	1*	1*	X			X*				*	*			*				
MH	1	1	1	1	1	2						*	*			*				
RC								X*				*	*			*				
VC								X*	X*			*	*			X*	X*			
PC								X*	X	X		*	*			*				
OP								X*	X	X		*	*			*				
G1								X*	X	X		*	*			*				
G2					*			X*	X			*	*			*				
IP										X	X	*	*							
M1										X	X	*	*							
M2										X		*	*							
PCD	1	1	1	1	1	2	X*	X	X	X	X	*	*	X	X	*				
PUT	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*			
H																*	X			
SS																				
RP									X											
TC								X												

No mark — Inconsistent (zone not allowed in that land use category)

X — Consistent by definition of zone restrictiveness (Section 301)

* — Consistent with CUP or special approval (Article 15)

1 — Subject to density limit as shown on General Plan

~~2 — Development plan must show cluster development~~

~~3 — Consistent when serving as holding zones in outlying areas~~

ARTICLE 21

PROCEDURES, HEARINGS, NOTICES AND FEES

~~Section 2100: APPLICATION PROCEDURE FOR ORDINANCE AMENDMENTS, ZONE CHANGE OR RECLASSIFICATION, SPECIFIC PLANS, DEVELOPMENT PLANS, CONDITIONAL USE PERMITS AND VARIANCES. Amendments to the zoning ordinance, zone boundaries, or classifications of property uses within such zones, specific plans, development plans, conditional use permits and variances may be initiated by:~~

- ~~(a) The verified application of all owners of the subject property or by a purchaser or lessee thereof with consent of all such owners which application sets forth fully the grounds for and the facts to justify the request.~~
- ~~(b) Resolution of Intention of the Planning Commission.~~
- ~~(c) Resolution of Intention of the City Council.~~

~~Section 2101: APPLICATION PROCEDURE FOR TEMPORARY USE PERMIT. Applications for Temporary Use Permits shall be made to the office of the City Manager at least fourteen (14) days prior to the Council meeting at which the request is to be heard, and shall contain all pertinent information including a map showing the area on which the permit is requested, the names of the organization and principals within the organization making the request, and the general nature of the use for which the request is made. No notice or publication shall be required prior to the Council hearing the request, and the granting, granting with conditions, or denial of such requests shall be discretionary with the Council.~~

~~Section 2102: (Deleted by Ordinance No. 84-05)~~

~~Section 2103: ACCEPTABILITY OF SIGNATURES ON APPLICATIONS. If signatures of persons other than the owners of property making the application are~~

~~required or offered in support, or in opposition to, an application, they may be received as evidence of notice having been served upon them of the pending application or as evidence of their opinion on the pending issue, but they shall in no case infringe upon the free exercise of the powers vested in the City of Oceanside as represented by the Planning Commission and the City Council.~~

~~Section 2104: APPLICATIONS A PART OF PERMANENT RECORD. Applications filed pursuant to this ordinance shall be numbered consecutively in the order of their filing, and shall become a permanent part of the official records of the agency to which application is made, and there shall be attached thereto and permanently filed therewith copies of all notices and actions with certificates and affidavits of posting, mailing or publications pertaining thereto.~~

~~Section 2105: FILING FEES. Fees to be paid upon the filing of an application for reclassification, zone change, specific plan, development plan, conditional use permit, variance, environmental assessment, environmental impact report deposits, general plan amendments, and appeals shall be established by resolution of the City Council. Fees for amendments for any of the above applications shall be the same as said application fees unless established otherwise by the City Council.~~

~~Section 2106: PUBLIC HEARINGS. All applications described in Section 2100 of this Article shall be set by the Secretary of the Planning Commission for public hearings when such hearings are to be held before the Planning Commission, and by the Clerk of the City Council for hearings to be held before the City Council. The date of the hearings shall be not less than ten (10) days from the time of filing of such verified application or the adoption of such resolution or the making of a motion.~~

~~Section 2107: NOTICES. Notice of time and place of public hearing shall be given in the following manner:~~

- ~~(a) Notice of any public hearing for a proposed amendment to this ordinance, a zone change or reclassification to the map which is a part of this ordinance, a specific or development plan, or to a conditional use permit,~~

~~shall be given by at least one publication in a newspaper of general circulation in the City of Oceanside not less than ten (10) days before the date of said public hearing.~~

~~(b) Notice of public hearing to consider a zone change or reclassification, a specific or development plan, a conditional use permit or variance shall be given by mailing a written notice not less than ten (10) days prior to the date of such hearing to the owners of the property within a radius of three hundred (300) feet of the exterior boundaries of the property to be changed, using for this purpose the last known name and address of such owners as are shown in the County Assessor's books on file in the County Assessor's Office of the County of San Diego, State of California.~~

~~(c) Both such methods may be employed at the direction of the Planning Commission.~~

~~Section 2108: REQUIRED WORDING OF NOTICES. Public notice of hearings on any application shall consist of the words "Notice of Proposed _____", setting forth the type of application, the description of the property under construction, the nature of the proposed change or use, and the time and place at which the public hearing or hearings on the matter will be held.~~

~~Section 2109: INVESTIGATIONS. The Planning Commission shall cause to be made by its own members, or members of its staff, such investigation of facts bearing upon an application set for hearing that will assure action on each case consistent with the purpose of this ordinance, previous amendments or variances.~~

~~Section 2110: ESTABLISHMENT OF RULES FOR CONDUCT OF HEARINGS. The Planning Commission may establish rules governing the conduct of public hearings conducted by it.~~

~~Section 2111: HEARINGS MAY BE CONTINUED WITHOUT RECOURSE TO PUBLIC NOTICE. If, for any reason, testimony on any case set for public hearing cannot be completed on the date set for such hearing, the person presiding as such~~

~~public hearing may, before adjournment or recess thereof, publicly announce the time and place to, and at which, said hearing will be continued, and no further notice is required.~~

~~Section 2112: — PERMANENT FILES SHALL INCLUDE SUMMARY OF TESTIMONY. A summary of all pertinent testimony offered at public hearings held in connection with an application filed pursuant to this ordinance, and the names of persons testifying shall be recorded and made a part of the permanent files of the case.~~

~~Section 2113: — PLANNING COMMISSION DECISION AND FINDINGS. The Planning Commission, following the termination of the public hearing, shall:~~

- ~~(a) — Within thirty (30) days, or other time prescribed by statute, announce its decision to approve or disapprove the application by resolution which shall clearly state the facts and reasons for the decision rendered and any conditions or limitations imposed.~~
- ~~(b) — Within fifteen (15) days, or other time prescribed by statute, after adoption of said resolution, whether the application is approved or disapproved, notify the applicant by forwarding through the mails a copy of the resolution to the address on the application and to any other person who has filed a written request for such notification. Said resolution shall also be filed with the City Council on the same day as said mailing.~~
- ~~(c) — Keep all reports as a permanent record in the files of the Commission.~~
- ~~(d) — Formal resolutions of the Planning Commission shall be numbered consecutively in the order of their filing and shall be part of the permanent record in the files of the Commission.~~

~~Section 2114: — EFFECTIVE DATE OF PLANNING COMMISSION DECISION. The order of the Planning Commission in approving or disapproving a development plan, conditional use permit, or variance shall become final and effectively twenty (20) days after the adoption of the resolution approving or disapproving the development plan, conditional use permit or variance unless within such twenty (20) day~~

period an appeal in writing is filed with the City Council by either an applicant or an interested party.

Section 2115: ~~APPEAL PROCEDURE.~~ Anyone so desiring may appeal the decision of the Planning Commission to the City Council in writing within twenty (20) days, or other time prescribed by statute, after adoption of the decision resolution. The City Council within the same twenty (20) days, or other time prescribed by statute, may also in either a regular or special meeting initiate such appeal.

Section 2116: ~~CITY COUNCIL PUBLIC HEARING.~~ Consideration of an appeal of the Planning Commission decision on a development plan, conditional use permit or variance shall be by public hearing which shall be advertised as provided in Sections 2106 through 2108 of this Chapter and shall occur within thirty (30) days of the filing or initiation of such appeal.

Section 2117: ~~REFERRAL BACK TO PLANNING COMMISSION.~~ The City Council may, because of a desire for additional information, or due to the submission of significant new material or evidence when considering an appeal on a development plan, conditional use permit or variance, refer the matter back to the Planning Commission for further study and report. If so referred, the Planning Commission Secretary shall state to the City Council the date upon which said matter will appear on the Planning Commission agenda, whereupon said date shall immediately be publicly announced to the City Council.

Section 2118: ~~PLANNING COMMISSION FAILURE TO REPORT.~~ Failure of the Planning Commission to report back to the City Council within forty (40) days after referral shall be deemed to be approval by the Planning Commission of the proposed modifications.

Section 2119: ~~PLANNING COMMISSION REFERRAL TO CITY COUNCIL.~~ The Planning Commission referral report to the City Council shall be considered in public hearing before the City Council.

Section 2120: (Deleted by Ordinance No. 84-05)

Section 2121: ~~DECISION OF THE CITY COUNCIL SHALL BE FINAL.~~
Action by the City Council on application for a development plan, conditional use permit or variance shall be by majority vote of the quorum of the City Council and shall be final and conclusive.

Section 2122: ~~DEVELOPMENT PLAN, CONDITIONAL USE PERMITS, OR VARIANCES MAY BE REVOKED.~~ The Planning Commission may, after a public hearing held in the manner prescribed in Article 21 governing development plans, conditional use permits and variances, revoke or modify any plan, permit or variance issued on any one or more of the following grounds:

- (a) ~~That the approval was obtained by fraud or incorrect information.~~
- (b) ~~That the use for which such approval is granted is not being exercised.~~
- (c) ~~That the use for which such approval was granted has ceased to exist or has been suspended for one year or more.~~
- (d) ~~That the plan, permit or variance granted is being, or recently has been exercised contrary to the terms or conditions of such approval, or in violation of any statute, ordinance, law or regulations.~~
- (e) ~~That the use for which the approval was granted was so exercised as to be detrimental to the public health or safety, or so as to constitute a nuisance.~~

Section 2123: ~~EXPIRATION.~~ Any development plan, conditional use permit, or variance shall become null and void if not exercised within one (1) year from the date of final approval, or within the time otherwise specified in the final approval. If a development plan, conditional use permit, or variance is granted concurrently with the approval of a tentative subdivision map, then the plan, permit, or variance shall become null and void upon the expiration of the tentative subdivision map.

If such plan, permit, or variance is exercised within such one year period, it shall be valid for the life of the operation thereof unless the life span of said plan, permit or

~~variance is specified therein or said plan, permit, or variance is revoked by the Planning Commission or City Council. For the purposes of this section, "exercised" shall mean that the appropriate building permits, parcel or subdivision maps, or operating licenses have been obtained and are in full force and effect.~~

~~The above expiration date shall not apply to any such plan, permit, or variance granted prior to the effective date of this ordinance and which plan, permit or variance was being legally utilized at the time this ordinance became effective, shall continue in full force and effect in the manner approved, unless such plan, permit or variance is violated, is not utilized for a period of six (6) consecutive months or more, or the use for which such plan, permit or variance was approved ceases to exist.~~

~~Section 2124: EXTENSION. The regularly scheduled expiration date of a development plan, conditional use permit, or variance may be extended by the authority which gave final administrative approval to the original plan, permit or variance. Such an extension shall be processed and considered pursuant to the procedures set forth herein for the granting of the plan, permit or variance, except that the final decision to grant or deny such extensions shall be made by the approving authority in all cases. The application and any fee for such extension must be received prior to the scheduled expiration date of such plan, permit or variance or it shall be deemed expired, null and void.~~

~~The decision to grant or deny an extension of the expiration date of a plan, permit or variance shall rest in the sole discretion of the approving authority.~~

~~Prior to the granting the extension of such a plan, permit or variance, the approving authority must find based upon substantial evidence in the record that:~~

- ~~(a) The applicant has made a diligent, good faith effort to exercise his plan, permit or variance within the one (1) year period following its final approval.~~
- ~~(b) The applicant has been prevented or otherwise inhibited in his efforts to exercise such plan, permit or variance by unreasonable conditions beyond~~

~~his control. Such conditions may include but not necessarily be limited to requirements imposed by the City or other governmental agencies.~~

~~(c) Substantial evidence does not currently exist which would justify revocation of the plan, permit or variance. Such evidence must not have existed at the time of approval of the original plan, permit or variance, or if such evidence did exist, it must not have been capable of production at that time with the exercise of reasonable diligence.~~

~~(d) The plan, permit or variance will not be contrary to or in violation of any current policy, ordinance, rule or regulation. The granting of the extension may be so conditioned as to bring the plan, permit or variance into conformity and consistency with current policies, ordinances, rules and regulations.~~

~~The approving authority may, if it approves such an extension, make a further finding that, in the interests of justice and equity, no filing fees should be imposed as a part of the application and such fees shall thereafter be refunded to the applicant.~~

~~No more than two (2) extensions may be granted for a development plan, conditional use permit, or variance. Each extension shall be for a period of up to two (2) years.~~

~~Section 2125: APPEAL TO THE CITY COUNCIL. Anyone so desiring may appeal the Planning Commission's decision in regard to the extension of a development plan, conditional use permit, or variance to the City Council by following the procedure as set forth in Section 2114: APPEAL PROCEDURE.~~

ARTICLE 22

INTERPRETATION PURPOSE CONFLICT SEVERABILITY

Section 2200: ~~INTERPRETATION.~~ In interpreting and applying the provisions of this ordinance they shall be held to be the minimum requirement for the promotion of the public health, safety, comfort, convenience and general welfare. It is not intended by this ordinance to interfere with or abrogate or annul any easement, covenant or other agreement between parties. When this ordinance imposes a greater restriction upon the use of building or land, or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants or agreements, the provisions of this ordinance shall control.

Section 2201: ~~CONSTITUTIONALITY OR INVALIDITY.~~ If any section, subsection, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of this remaining portions of this ordinance; it being hereby expressly declared that this ordinance, and each section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, adopted, approved and ratified irrespective of the fact that any one or more sections, subsections, clauses or phrases be declared invalid or unconstitutional.

Section 2202: ~~CLARIFICATION OR AMBIGUITY.~~ If ambiguity arises concerning the appropriate classification of a particular use within the meaning and intent of this ordinance, or if ambiguity exists with respect to matters of height, yard requirements, area requirements or zone boundaries, as set forth herein and as they may pertain to unforeseen circumstances, including technological changes in methods of operation in processing of materials, it shall be the duty of the Planning Commission to ascertain all pertinent facts and by Resolution of record set forth its findings and its interpretations, and such resolution shall be forwarded to the City Council and, if approved by the City Council, thereafter such interpretation shall govern.

ARTICLE 23

PERMITS LICENSES ENFORCEMENT

Section 2300: ~~CERTIFICATE OF OCCUPANCY PERMIT.~~ To assure compliance with the parking requirements and other provisions of the zoning ordinance, a Certificate of Occupancy shall be obtained from the Building Department before:

- (1) ~~Any new building be initially occupied or used;~~
- (2) ~~Any existing building be altered or a change of type or class of use by made; and~~
- (3) ~~A change of use of any unimproved premise be made.~~

Section 2301: ~~NO CONFLICTING LICENSES OR PERMITS SHALL BE ISSUED.~~ All departments, officials or public employees vested with the duty or authority to issue permits or licenses where required by law shall conform to the provisions of this ordinance. No such license or permit for uses, buildings or purposes where the same would be in conflict with the provisions of this ordinance shall be issued. Any such license or permit, if issued in conflict with the provisions hereof, shall be null and void.

Section 2302: ~~ENFORCEMENT.~~ The Building Official, or his duly designated representative is hereby designated as the enforcing agent of this ordinance and any amendments thereto. Any appeals from the decision of the enforcing agent in the administration of the zoning ordinance shall be made to the Planning Commission. The decision of the Planning Commission in such matters shall be final and conclusive unless otherwise designated by this ordinance.

ARTICLE 24

PENALTY

Section 2400: ~~VIOLATORS PUNISHABLE BY FINE AND IMPRISONMENT.~~ Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than three hundred dollars (\$300) or by imprisonment in the County Jail for a period of not more than ninety (90) days, or both such fine and imprisonment.

Section 2401: ~~EACH DAY A SEPARATE OFFENSE.~~ Each person, firm or corporation found guilty of a violation shall be deemed guilty of a separate offense for every day during any portion of which any violation of any provision of this ordinance is committed, continued or permitted by such person, firm or corporation, and shall be punishable thereof as provided for in this ordinance, and any use, occupation or buildings or structure maintained contrary to the provision hereof shall constitute a public nuisance.

ARTICLE 30

ENACTMENT AND REPEAL

Section 3000: ~~REPEALING CLAUSE.~~ Ordinance No. 655 of the City of Oceanside, and all ordinances amendatory of said ordinance shall be and the same are hereby repealed, as are also all other ordinances and parts of ordinances insofar as such other ordinance or ordinances conflict with the provisions hereof. The land use map, which is a part of Ordinance No. 655 and as amended by subsequent ordinances, shall continue in full force and effect as amended by this ordinance and any nonconformity under or violation of said Ordinance No. 655 and the land use map, established by such ordinance and amendments thereto shall not have its status altered or changed by the repeal of Ordinance No. 655 and the adoption of this ordinance except as the provisions of this ordinance and the map which is a part thereof or any amendments thereto may, by their provisions, alter their status.

Section 3001: ~~This ordinance shall become effective at midnight on the thirtieth day from and after the date of the final passage and adoption thereof.~~

Section 3002: ~~The City Clerk shall certify to the passage and adoption of this ordinance; and said Ordinance shall be published once in the daily Blade Tribune, a newspaper of general circulation published and circulated in the City of Oceanside, California.~~

Section 3003: ~~Passed and adopted by the City Council of the City of Oceanside, California at a regular meeting of said City Council held on the 8th day of January, 1958 by the following vote, to wit:~~

AYES: ~~Jones, Lewis, McComas, Turnbull and Sklar~~

NAYS: ~~None~~

ABSENT: ~~None~~

(Signed) ERWIN SKLAR

Mayor of the City of Oceanside, California

DATE: ~~January 10, 1958~~

ATTEST:

TOM LAPHAM

City Clerk of the City of Oceanside, California

No. 4710 ~~January 20, 1958~~

OCEANSIDE ZONING ORDINANCE

PART I - GENERAL PROVISIONS

Article 1 Title, Components, and Purposes (City-wide)

Sections:

- 110 Title
- 120 Components
- 130 Purposes
- 140 Consideration of Discretionary Applications

110 Title

This ordinance shall be known and cited as the "Zoning Ordinance of the City of Oceanside," "The Comprehensive Zoning Ordinance," or "The Zoning Ordinance."

120 Components

The Zoning Ordinance shall have the following components:

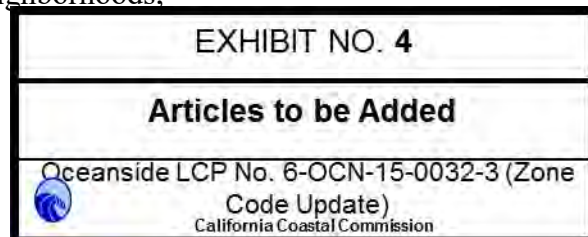
- A. Regulations, known as the zoning regulations, establishing various classes of zoning districts and governing the use of land and the placement of buildings and improvements within districts.
- B. A map or set of maps, known as the zoning map, delineating the boundaries of zoning districts within the City of Oceanside.

A copy of the zoning regulations and the zoning map, together with a record of all amendments, shall be kept on file with the City Clerk and shall constitute the original record. A copy of the zoning regulations and zoning map currently in effect shall also be kept on file with the City Planner.

130 Purposes

The broad purposes of the Zoning Ordinance are to protect and promote the public health, safety, and general welfare, and to implement the policies of the City of Oceanside General Plan, as provided in the California Government Code, Title 7, Chapters 3 and 4 and in the California Constitution, Article 11, Section 7. More specifically, the Zoning Ordinance is intended to:

- A. Provide a precise guide for the physical development of the City in order to:
 - 1. Preserve the character and quality of residential neighborhoods;



2. Foster convenient, harmonious, and workable relationships among land uses; and
 3. Achieve progressively the arrangement of land uses described in the Land Use Element of the General Plan.
- B. Promote the economic stability of existing land uses that are consistent with the Land Use Element of the General Plan and protect them from intrusions by inharmonious or harmful land uses.
 - C. Prevent excessive population densities and overcrowding of land or buildings.
 - D. Ensure the provision of adequate open space.
 - E. Permit the development of office, commercial, industrial, and related land uses that are consistent with the Land Use Element of the General Plan, in order to strengthen the city's economic base.
 - F. Conserve and enhance the city's architectural and cultural resources.
 - G. Prevent the pollution of the air and bodies of water, and to encourage the wise use and sound management of the natural resources throughout the city in order to preserve the integrity, stability, and beauty of the city and the value of the land.
 - H. Preserve the natural beauty of the topography of the city and ensure appropriate development with regard to these natural features and promote the maximum aesthetic values for all land, land uses, buildings and structures in the city.
 - I. Conserve and enhance key visual features of Oceanside's setting, including the shoreline and the strand, the Guajome Regional Park, the Mission San Luis Rey historic area, and undeveloped hillsides and ridgelines, consistent with the Land Use Element of the General Plan.
 - J. Require the provision of adequate off-street parking and loading facilities, and promote the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the city, having particular regard to the avoidance of congestion in the streets and the provision of safe and convenient vehicular and pedestrian movements.
 - K. Ensure that service demands of new development will not exceed the capacities of existing public facilities and services.
 - L. Manage and control residential and nonresidential growth by timing and phasing the extension or construction of public facilities and services consistent with the General Plan and in accordance with the planned long-term buildout of community areas as provided in capital-improvement programs.
 - M. Promote housing of such types, sizes and cost as will allow city residents of whatever economic condition to reside in safe, sanitary dwelling units.

- N. Encourage innovative and desirable approaches to designed development.
- O. Promote a distinctive sense of place as well as community identity within the city.
- P. Implement adopted growth-management policies.

140 Consideration of Discretionary Applications

In the consideration of any discretionary application pursuant to the provisions of this ordinance, the City official or body charged with review responsibility shall not approve any such application unless it is established that the development will be appropriately timed and phased such that the development will be supported by adequate public facilities and services, and such that appropriate measures can be taken to mitigate adverse environmental impacts. Adequacy of public facilities and services shall be determined in accordance with the planned long-term buildout of community areas as provided in capital-improvement programs in which facilities are actually available or funded and the General Plan elements in effect at the time of the consideration of the application.

Inland - Zoning District/ Land Use Designation Consistency Matrix (Appendix – A)

	D	PD	OS	A	PS	RT	RH-U	RH	RM-C	RM-B	RM-A	RS	RE-B	RE-A	CP	CS-HO	CS-L	CV	CP	CL	CG	CN	CC	IP	IG	IL	MHP
LIGHT INDUSTRIAL		A	A		A																			A		C	
GENERAL INDUSTRIAL		A	A		A																			A	C	A	
RESEARCH PARK		A	A		A																			C			
COMMUNITY COMMERCIAL		A	A		A																		C				
NEIGHBORHOOD COMMERCIAL		A	A		A															A	A	C					
GENERAL COMMERCIAL		A	A		A													A	A	C	C						
SPECIAL COMMERCIAL		A	A		A											A	A										
COASTAL					A													C	C								
INTERSTATE & HIGHWAY		A	A		A												C	A	A								
SCENIC & RECREATION		A	A		A												C										
MISSION SAN LUIS REY			A		A												C										
COLLEGE & VANDERGRIFT		A	A		A												C										
PROFESSIONAL		A	A		A										C												
ESTATE A			A	A*	A									C													
ESTATE B			A	A*	A								C	A													
SINGLE FAMILY DETACHED			A		A							C	A														A
MEDIUM DENSITY A		A	A		A						C	A															A
MEDIUM DENSITY B		A	A		A	A				C	A	A															A
MEDIUM DENSITY C		A	A		A	A			C	A	A	A															A
HIGH DENSITY		A	A		A	A		C	A																		A
URBAN HIGH DENSITY		A	A		A	C	C	A																			A
CIVIC INSTITUTIONAL		A	A		C																						
PRIVATE INSTITUTIONAL		A	A		C																						
AGRICULTURAL			A	C	A																						
OPEN SPACE		A	C		A																						
SMA REDEVELOPMENT/ HARBOR	C																										
SMA STERLING		C	A		A																						
SMA RANCHO DEL ORO		C	A		A																						
SMA DEL ORO HILLS		C	A		A																						

In the above matrix, the letter “C” designates Zoning Districts which are found to be consistent with the corresponding Land Use Element designation and implement its policies. The letter “A” designates Zoning Districts which may be applied within the corresponding Land Use Element designation if found to be consistent with that designated land use and surrounding land uses.

*Note: The A District may be applied to the Residential Estate Land Use Element designation when the property is designated as agricultural preserve pursuant to the California Land Conservation Act of 1965.

Coastal Zone - Zoning District/ Land Use Designation Consistency Matrix (Appendix- B)

	ESTATE 0-2	VERY LOW 0-3.5	LOW 0-7	MEDIUM 0-15	HIGH 15+	CLUSTER	MULTI-USE TOWNCENTER	GENERAL COMMERCIAL	PROFESSIONAL	GENERAL INDUSTRIAL	LIGHT INDUSTRIAL	NATURAL RESOURCE OVERLAY	AIRPORT OVERLAY	OPEN SPACE	AGRICULTURE	INSTITUTIONAL	MILITARY RESERVATION	HARBOR	REMARKS	
O	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X			X	Allows for Open Space Preservation
R1	1	1	X	X		2						*	*			*				
R3	1	1	1	1	X	2	X*					*	*			*				
RT	1*	1*	1*	1*	X			X*				*	*			*				
VC								X*	X*			*	*			X*		X*		
OP					*		X*	X	X			*	*			*				
C1							X*	X	X			*	*			*				
C2					*		X*	X				*	*			*				
M1										X	X	*	*							
PUT	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*				
H																*		X		

No mark - Inconsistent (zone not allowed in that land use category)

X - Consistent with definition of zone restrictiveness

* - Consistent with CUP or special approval

1 - Subject to density limit as shown on General Plan

2 - Development plan must show cluster development

Article 2 Organization, Applicability, and Interpretation (City-wide)

Sections:

- 210 Organization
- 220 General Rules for Applicability of Zoning Regulations
- 230 Applicability of Land Use and Development Regulations
- 240 Rules for Interpretation
- 250 Effect of this Ordinance on Approved Projects

210 Organization

A. Structure of Regulations. The zoning regulations are divided into five parts:

- Part I: General Provisions
- Part II: Base District Regulations
- Part III: Overlay District Regulations
- Part IV: Regulations Applying in All or Several Districts
- Part V: Administrative Regulations

B. Types of Regulations. Three types of zoning regulations control the use and development of property:

1. Land Use Regulations specify land uses permitted or conditionally permitted in each zoning district, and include special requirements, if any, applicable to specific uses. Land use regulations for base zoning districts are in Part II of the zoning regulations; land use regulations for overlay districts are in Part III. Certain regulations, applicable in all or several districts, are in Part IV.
2. Development Regulations control the height, bulk, location, and appearance of structures on development sites. Development regulations for base zoning districts are in Part II of the zoning regulations; development regulations for overlay districts are in Part III. Certain development regulations, applicable in more than one class of base or overlay districts, are in Part IV. These include parking and loading regulations; regulations for condominium conversions and mobile home park conversions; as well as site development regulations.
3. Administrative Regulations contain detailed procedures for the administration of zoning regulations, including requirements for public hearings on ordinance and map amendments, development plans, use permits, and variances; development agreements; amendments; appeals of zoning decisions; and enforcement. Administrative regulations are in Part V.

220 General Rules for Applicability of Zoning Regulations

A. Applicability to Property. Zoning regulations of this Ordinance shall apply to all land within the City of Oceanside, including land owned by the City of Oceanside and other

local, state, or federal agencies, where applicable, with the exception of lands within the boundaries of the D Downtown District where all D District land use and development regulations shall govern. Application of regulations to specific lots shall be governed by the zoning map.

- B. Applicability to Streets and Rights-of-Way. Public streets, utility, and other rights-of-way shall be in the same zoning district as contiguous property. Where contiguous properties are classified in different zoning districts, the centerline of the street or right-of-way shall be the district boundary, unless otherwise depicted on the zoning map.
- C. Compliance with Regulations. No land shall be used, and no structure shall be constructed, occupied, enlarged, altered, or moved in any zoning district except in accord with the provisions of this ordinance.
- D. Public Nuisance. Neither the provisions of this ordinance nor the approval of any permit authorized by this ordinance shall authorize the maintenance of any public nuisance.
- E. Compliance with Public Notice Requirements. Compliance with public notice requirements prescribed by this ordinance shall be deemed sufficient notice to allow the City to proceed with a public hearing and take action on an application, regardless of actual receipt of mailed or delivered notice.
- F. Requests for Notice. Where this ordinance requires that notice be given by first class mail to "any person who has filed a written request for such notice," the request shall be filed with the City Planner and shall be subject to the applicable fees set to cover mailing. A request for mailing of a single notice of a single decision shall not require payment of a fee.
- G. Conflict with Other Regulations. Where conflict occurs between the provisions of this ordinance and any other city code, ordinance, resolution, guideline, or regulation, the more restrictive provision shall control unless otherwise specified in this ordinance.
- H. Relation to Private Agreements. This ordinance shall not interfere with or annul any easement, covenant, or other agreement now in effect, provided that where this ordinance imposes greater restriction than imposed by an easement, covenant, or agreement, this ordinance shall control.
- I. Relation to Prior Ordinance. The provisions of this ordinance supersede all prior zoning ordinances, as amended, of the City of Oceanside, except that no provision of this ordinance shall validate or legalize any land use or structure established, constructed, or maintained in violation of the prior zoning ordinance, as amended, unless specifically authorized by this ordinance.
- J. Zoning of Annexed Land. The City Planner shall conduct a study to determine the most appropriate General Plan designation for land proposed for annexation to the city, and shall recommend rezoning consistent with the General Plan designation. If

rezoning is approved by the Planning Commission or Community Development Commission, as the case may be, and the City Council the zoning shall become effective upon annexation.

- K. Application During Local Emergency. The City Council may authorize deviations from any provision of this ordinance during a local emergency. Such deviations shall be authorized by resolution of the City Council without notice or public hearing.
- L. Severability. If any section, subsection, sentence, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, the remaining portions of this ordinance shall not be affected. It is expressly declared that this ordinance and each section, subsection, sentence, and phrase would have been adopted regardless of the fact that one or more other portions of this ordinance would be declared invalid or unconstitutional.

230 Applicability of Land Use and Development Regulations

- A. Zoning Designation System. Land use and development regulations applicable to specific sites shall be shown on the zoning map by zoning designations consisting of classes of letter, or letter and number designators:
 - 1. A land use regulation designator, indicating the principal land uses permitted or conditionally permitted in each district, shall be a component of all zoning designations.
 - 2. A residential density designator, indicating a subdistrict with a specific range of dwelling unit densities consistent with the General Plan shall be a component of RE, RM, and RH (Urban) residential zoning designations.
 - 3. A CS subdistrict designator, indicating applicable subdistrict regulations consistent with the General Plan, shall be a required component of all CS Special Commercial zoning designations.
 - 4. A CZ district designator, shall be a component of zoning district designations on properties located within the coastal zone.
 - 5. Overlay district designators shall be included in a zoning designation if the provisions of one or more overlay districts are applicable to a site.
- B. Establishment of Base Zoning Districts. Base zoning districts into which the city is divided are established as follows:

Base District Designator	Base District Name	Article
RE-A	Residential Estate District: (0.5 to 0.9 units/ acre)	10
RE-B	Residential Estate District (1 to 3.5 units/ acre)	10
RS	Single-Family Residential District: (3.6 to 5.9 units/ acre)	10
R-1/CZ	Single Family Residential District - CZ	10C
RM-A	Medium-Density Residential District: (6 to 9.9 units/ acre)	10
RM-B	Medium-Density Residential District: (10 to 15 units/ acre)	10
RM-C	Medium-Density Residential District: (15.1 to 20.9 units/ acre)	10
RH	High-Density Residential District: (21 to 28.9 units/ acre)	10
RH-U	High-Density Residential District: (29 to 43 units/ acre)	10
R-3/CZ	Medium Density Residential District - CZ	10C
RT	Residential Tourist District	10
R-T/CZ	Residential Tourist District - CZ	10C
CN	Neighborhood Commercial District	11
C-1	Neighborhood Commercial District – CZ	11C
CC	Community Commercial District	11
CG	General Commercial District	11
C-2/CZ	General Commercial District - CZ	11C
CL	Limited Commercial District	11
CR	Commercial Recreation District	11
CV	Visitor-Commercial District	11
VC/CZ	Visitor Commercial District - CZ	11C
CS-HO	Special Commercial District Hwy-Oriented	11
CS-L	Special Commercial District Limited:	11
CP	Commercial Professional District	11
OP/CZ	Office Professional District - CZ	11C
D	Downtown District	12C
IL	Limited Industrial District	13
M-1/CZ	Light Industrial District - CZ	13C
IG	General Industrial District	13
IP	Industrial Park District	13
A	Agricultural District	14
OS	Open Space District	15
O/CZ	Open Space District - CZ	15C
PS	Public and Semipublic District	16
PUT/CZ	Public Utility & Transportation - CZ	16C
PD	Planned Development District	17
MR-P	Military Reservation and Public District	18
MHP	Mobile Home Park District	19
H	Harbor District	20C

- C. Establishment of Overlay Zoning Districts. Overlay zoning districts, one or more of which may be combined with a base district, are established as follows:

Overlay District Designator	Overlay District Name	Article
H	Historic Overlay District	21
SP	Scenic Park Overlay District	22
NC	Neighborhood Conservation Overlay District	23
PBD	Planned Block Development Overlay District	24
IS	Interim Study Overlay District	25
MP	Master Plan Overlay District	26
N	Nonconforming Use Amortization Overlay District	27
EQ	Equestrian Overlay District	28
SMH	Senior Mobile Home Park Overlay District	29

- D. References to Classes of Base Districts. References to R districts refer to all residential districts; references to C districts refer to all commercial districts; and references to I districts refer to all industrial districts.
- E. Zoning Consistency Matrix. To determine if a zone is consistent with a particular land use designation of the General Plan, find the zone along the left side of the chart and the land use along the top of the chart. Read down and across to the intersection and interpret the appropriate symbol. Only those zones that are indicated as "consistent" by an "A" or "C" letter designation (per Appendix A - Inland, or Appendix B – Coastal Zone) will be allowed within any particular land use category.

240 Rules for Interpretation

- A. Zoning Regulations. Where uncertainty exists regarding the interpretation of any provision of this ordinance or its application to a specific site, the City Planner shall determine the intent of the provision.
- B. Zoning Map. Where uncertainty exists regarding the boundary of a zoning district, the following rules shall apply:
1. District boundaries shown as approximately following the property line of a lot shall be construed to follow such property line.
 2. On unsubdivided land, or where a district boundary divides a lot, the location of the district boundary shall be determined by using the scale appearing on the zoning map, unless the boundary location is indicated by dimensions printed on the map.

3. District boundaries shown as approximately following right-of-way lines of freeways, streets, alleys, railroads, or other identifiable boundary lines shall be construed to follow such right-of-way or boundary lines.
 4. District boundaries shown as lying within right-of-way lines of freeways, streets, alleys, railroads, or other identifiable boundary lines shall be construed to follow the centerline of such right-of-way or boundary lines.
 5. Should any uncertainty remain as to the location of a district boundary or other feature shown on the zoning map, the location shall be determined by the City Planner.
- C. Appeals. An interpretation of the zoning regulations or zoning map by the City Planner may be appealed to the Planning Commission or Community Development Commission, as the case may be, as provided in Article 46.

250 Effect of this Ordinance on Approved Projects

A. Approved Projects.

1. Use permits, variances, development plans and master development plans, and tentative subdivision maps, which are valid on the effective date of this ordinance shall remain valid until their expiration date. These projects can be built in accord with the development standards in effect at the time of approval, provided that the approval is valid at the time building permits are issued and that such permit is subject to any time limits imposed pursuant to Chapter 6 of the Oceanside City Code (Building Construction Regulations). If no expiration date was established, the use permit, variance, development plan approval, or master development plan approval shall lapse two years after the effective date of the ordinance unless:
 - (a) A grading permit has been issued and grading has been substantially completed and/or a building permit has been issued, and construction diligently pursued; or
 - (b) The occupancy permit has been issued; or
 - (c) The use approved by the use permit is established; or
 - (d) The approval is extended; or
 - (e) In cases where a use permit, variance, development plan or master development plan is approved concurrently with a Tentative Map and a Final Map or Parcel Map is recorded, the use permit, variance, development plan or master development plan shall be effective for an additional 24 months from the date of recordation of the Final or Parcel Map.
2. No provision of this ordinance shall require any change in the plans, construction or designated use of any structure for which a building permit has been issued prior to the effective date of this ordinance or any subsequent amendment.

3. Any reapplication for an expired permit must meet the standards in effect at the time of reapplication.

PART V: ADMINISTRATION

Article 40 Environmental Review (City-wide)

Sections:

4001 Environmental Review

4001 Environmental Review

The City of Oceanside is the Lead Agency, responsible for the administration of the California Environmental Quality Act (CEQA) for all applications determined to be projects, as defined by the CEQA Guidelines.

A project that is not ministerially or categorically exempt from CEQA and is the subject of an application for a discretionary approval, including but not limited to a General Plan Amendment, Zoning Map Amendment, Tentative Map, Development Plan, Use Permit, Variance, Master Plan, Specific Plan, PD Plan, HD Plan, MHP Plan, or NC Plan shall be subject to environmental review and shall be the subject of a Negative Declaration or an Environmental Impact Report (EIR).

A. Lead Agency Responsibilities. The City Planner shall perform environmental review of an application in accordance with CEQA and the CEQA Guidelines. Environmental review shall include:

1. Determination that an application is a project as defined by CEQA;
2. Review for exemption status;
3. Preparation of an initial study for applications determined not to be exempt;
4. Preparation of the appropriate CEQA document (Negative Declaration or Environmental Impact Report); and
5. Processing of the CEQA document.

The City Planner shall determine the potential for significant environmental impacts associated with an application and require the preparation of a Negative Declaration or Environmental Impact Report. The City Planner's decision may be appealed by the applicant or other interested party to the Planning Commission, Community Development Commission or Harbor Board of Directors, as the case may be. Final adoption of the CEQA document is the responsibility of the discretionary body having the final discretionary approval responsibility.

B. Duties of Other Agencies. Agencies and bodies other than the lead agency shall have the powers and responsibilities assigned to responsible and trustee agencies by CEQA and CEQA guidelines.

Article 46 Appeals and Calls for Review (City-wide)

Sections:

- 4601 Purpose and Authorization for Appeals and Calls for Review
- 4602 Rights of Appeal
- 4603 Time Limits for Appeals and Calls for Review
- 4604 Initiation of Appeals and Calls for Review
- 4605 Procedures for Appeals and Calls for Review
- 4606 Effective Date
- 4607 New Application

4601 Purpose and Authorization for Appeals and Calls for Review

- A. Appeals. To avoid results inconsistent with the purposes of this ordinance, decisions of the City Planner on projects other than those located within the Redevelopment Project Area may be appealed to the Planning Commission, and decisions of the Planning Commission may be appealed to the City Council. Decisions of the City Planner for proposals within the Redevelopment Project Area may be appealed to the Community Development Commission.
- B. Calls for Review. As an additional safeguard to avoid results inconsistent with the purposes of this ordinance, decisions of the Planning Commission may be called up for review by the City Council.

4602 Rights of Appeal

Rights of appeal are prescribed in the individual articles of this ordinance authorizing each decision that is subject to appeal.

4603 Time Limits for Appeals and Calls for Review

- A. Appeals by Applicant Only. Appeals of decisions appealable only by an applicant shall be initiated within 10 days of the date of the decision, except that in the instance where a time extension application for a Tentative Map is denied, the subdivider shall initiate an appeal within 15 days of the date of the denial decision, pursuant to the State Subdivision Map Act.
- B. Appeals by Interested Parties. Appeals of decisions appealable by any interested party shall be initiated within 10 days of the decision, except that in the instance where a time extension application for a Tentative Map is denied, an interested party shall initiate an appeal within 15 days of the date of the denial decision. No other persons other than an applicant or an interested party may appeal a decision.

- C. Time Limits. When the appeal period ends on a weekend or holiday, the time limits shall be extended to the next working day.
- D. Appeals of projects in the Coastal Zone. Projects located within the City's Coastal Zone, as delineated on the City's Post LCP Certification Permit and Appeal Jurisdiction map on file in the Planning Division, shall be subject to the appeal time limits described in the City of Oceanside Coastal Permit Handbook/Local Coastal Program.
- E. Calls for Review. Calls for review of decisions shall be initiated prior to the end of the appeal periods prescribed by Subsections (A), (B), (C), and (D), which is the effective date of the decision to be reviewed.

4604 Initiation of Appeals and Calls for Review

- A. Filing of Appeals. An appeal of a City Planner decision shall be filed in writing with the Planning Division, for projects located outside the Redevelopment Project Area, and with the City Clerk, for projects located within the Redevelopment Project Area. Appeals shall be accompanied by the required fees. In filing an appeal, the appellant shall specifically state the reasons or justification for an appeal. An appeal of a Planning Commission decision shall be filed in writing with the City Clerk and shall be accompanied by the required fees. In filing an appeal, the appellant shall specifically state the reasons or justification for an appeal. In all cases, the reasons or justifications given by the appellant shall form the basis on which the appeal hearing before the appropriate appellate body shall focus. Issues not raised by the appellant in the written appeal cannot be considered in the appeal hearing. The requirement of a fee for an appeal shall be waived for the following circumstances:
 1. The appeal of a City Planner or a Planning Commission decision is filed within the specified time period and is accompanied by the signatures of 50% of the property owners within the noticed area or 25 signatures of the property owners or tenants within the noticed area, whichever is less.
 2. The appeal is for a City Planner interpretation as per Section 240 of this Ordinance.
 3. The appeal is for a City Planner decision on an application where the submitted application did not require a fee.
- B. Calls for Review. A call for review shall be filed in writing by at least two members of the City Council with the City Clerk specifically stating the reasons for such review. No fee shall be required.
- C. Effect on Decisions. Decisions that are appealed or called up for review shall not become effective until the appeal is resolved, as provided in Section 4605.

4605 Procedures for Appeals and Calls for Review

- A. Appeal Hearing Date. An appeal filed by an applicant or interested party shall be scheduled for a hearing before the appellate body within 30 days of the Clerk's receipt of an appeal unless otherwise specified by State Law. A call for review filed by at least two members of the City Council shall be scheduled for a hearing before the appellate body within 30 days of the Clerk's receipt of a call for review unless otherwise specified by State Law.
- B. Notice and Public Hearing. An appeal or review hearing shall be a public hearing if the decision being appealed or reviewed required a public hearing. Notice of public hearings shall be given in the manner required for the decision being appealed.
- C. Plans and Materials. At an appeal or review hearing, the appellate body shall consider only the same application, plans, and related project materials that were the subject of the original decision and only the issue(s) raised by the appeal or the call for review. Compliance with this provision shall be verified prior to or during the hearing by the City Planner.
- D. Hearing. At the hearing, the appellate body shall review the record of the decision and hear testimony of the appellant, the applicant, and any other interested party.
- E. Decision and Notice. After the hearing, the appellate body shall affirm, modify, or reverse the original decision. When a decision is modified or reversed, the appellate body shall state the specific reasons for modification or reversal. Decisions on appeals or review shall be rendered by adoption of a resolution. The City Planner shall mail notice of a Planning Commission decision and the City Clerk shall mail notice of the appellate body's decision. Such notice shall be mailed within seven (7) working days after the date of the decision to the applicant, the appellant, and any other party requesting such notice.

4606 Effective Date

A decision by the City Council regarding an appeal or call for review shall become final on the date of the decision. A decision by the Planning Commission regarding an appeal shall become final on the date of the decision, unless appealed to the City Council.

4607 New Application

Following a decision on an appeal at the City Council level or an action taken on a decision called for review, an application may not be filed with the Planning Division for any matter or project that is the same or substantially similar for a period of one year, unless the decision is made without prejudice.

4608 California Coastal Commission Appeals

Projects located within the appealable areas of the City's Coastal Zone, as delineated on the City's Post LCP Certification Permit and Appeal Jurisdiction map on file in the Planning Division, shall be subject to the appeal procedures described in the City of Oceanside Coastal Permit Handbook/Local Coastal Program.

Article 47 Enforcement (City-wide)

Sections:

- 4701 Permits, Licenses, Certificates, and Approvals
- 4702 Enforcement Responsibilities
- 4703 Voidable Conveyances
- 4704 Revocation of Discretionary Permits
- 4705 Prosecution of Violations
- 4706 Penalties
- 4707 Additional Remedies - Abatement
- 4708 Additional Remedies - Civil Action

4701 Permits, Licenses, Certificates, and Approvals

All persons empowered by the City Code to grant permits, licenses, certificates, or other approvals shall comply with the provisions of this ordinance and grant no permit, license, certificate, nor approval in conflict with said provisions. Any permit, license, certificate, or approval granted in conflict with any provision of this ordinance shall be void.

4702 Enforcement Responsibilities

The City Planner and the Code Enforcement Office shall enforce all provisions of this ordinance related to discretionary permits and shall have responsibility for revocation of discretionary permits, as provided in Section 4704. The Building Official shall enforce the provisions of this ordinance pertaining to the erection, construction, reconstruction, moving, conversion, alteration, or addition to any building or structure. All other officers of the City shall enforce provisions related to their areas of responsibility.

4703 Voidable Conveyances

Any deed of conveyance, sale, or contract to sell made contrary to the provisions of this ordinance shall be voidable at the sole option of the grantee, buyer, or person contracting to purchase, or his heirs, personal representatives, or trustee in insolvency or bankruptcy, within one year after the date of execution of the deed of conveyance, sale, or contract to sell; but the deed of conveyance, sale, or contract to sell is binding upon any assignee or transferee of the grantee, buyer, or person contracting to purchase other than those above enumerated, and upon the grantor, vendor, or person contracting to sell or his assignee, heir, or devisee.

4704 Revocation or Modification of Discretionary Permits

- A. Duties of City Planner. Upon determination by the City Planner that there are reasonable grounds for considering revocation or modification of a use permit, variance, development approval, or other discretionary approval authorized by this ordinance, a revocation hearing shall be set by the City Planner, the Planning Commission, the

Historical Preservation Advisory Commission, Community Development Commission, Harbor Board of Directors or the City Council, whichever took final previous action on the permit, except for appeals.

- B. Notice and Public Hearing. Notice shall be given in the same manner required for a public hearing to consider approval. If no notice is required for the permit, none shall be required for the revocation hearing, provided that notice shall be mailed to the owner of the use or structure for which the permit was granted at least 10 days prior to the hearing. Contents of any notice shall be as prescribed by Subsection 4104(E).
- C. Hearing. The person or body conducting the hearing shall hear testimony of City staff and the owner of the use or structure for which the permit was granted, if present. At a public hearing, the testimony of any other interested person shall also be heard. A public hearing may be continued without additional public notice.
- D. Required Findings. The person or body conducting the hearing shall revoke, modify, amend, delete or add conditions to the permit upon making one or more of the following findings:
1. That the permit was issued on the basis of erroneous or misleading information or misrepresentation;
 2. That the terms or conditions of approval of the permit have been violated or that other laws or regulations have been violated;
 3. That there has been a discontinuance of the exercise of the entitlement granted by the permit for six consecutive months;
 4. That the permit granted is being, or recently has been exercised contrary to the terms or conditions of such approval, or in violation of any statute, ordinance, law or regulation.
 5. That the use for which the approval was granted was so exercised as to be detrimental to the public health or safety, or so as to constitute a nuisance.
- E. Decision and Notice. Within 10 working days of the conclusion of the hearing, the person or body that conducted the hearing shall render a decision, and shall mail notice of the decision to the owner of the use or structure for which the permit was revoked and to any other person who has filed a written request for such notice.
- F. Effective Date; Appeals. A decision to revoke a discretionary permit shall become final 10 days after the date of the decision, unless appealed.
- G. Right Cumulative. The City's right to revoke a discretionary permit, as provided in this section, shall be cumulative to any other remedy allowed by law.

4705 Prosecution of Violations

Unless otherwise provided, any person, firm or corporation violating any provision of this ordinance pertaining to land-use regulations (Article 36 and Sections 1040, 1120, 1220, 1320, 1430, 1530, 1630, 2104, 2203, 2404, 2503, and 2603) shall be guilty of a misdemeanor, and each day or partition thereof that such violation is in effect shall be a new and separate offense. Any person violating any other provision of this ordinance, including any condition of approval, shall be guilty of an infraction, and each day or portion thereof that such violation is in existence shall be a new and separate offense. In these cases, the fourth and any additional violations within one year shall each constitute a misdemeanor. In addition, the City Attorney shall, upon order of the City Council, commence action or proceedings for the abatement, removal and enjoinder of any violation in the manner provided by law.

4706 Penalties

Any person who violates any provision of this ordinance and is convicted of an infraction shall be punished by fines as prescribed in Government Code Section 36900. Any person who violates any provision of this ordinance and who is convicted of a misdemeanor shall be punishable by fines as prescribed by Government Code 36900 or six months in jail, or both. Payment of any fine or penalty shall not relieve a person, firm or corporation from the responsibility of correcting the condition consisting of the violation.

4707 Additional Remedies - Abatement

In addition to the penalties provided by this ordinance, any condition caused, maintained, or permitted to exist in violation of any of the provisions of this code or of any permit, license, certificate, privilege or approval granted pursuant to this code, shall be deemed a public nuisance subject to summary abatement as such pursuant to those nuisance abatement proceedings set forth in the Oceanside City Code and each day that such condition continues shall be regarded as a new and separate offense.

4708 Additional Remedies - Civil Action

In addition to the penalty provisions and other remedies provided by this ordinance and pursuant to Government Code Section 36900, the City Council, or City Manager may authorize the City Attorney to commence a civil action to redress any condition deemed a public nuisance pursuant to Section 4707. The redress sought in such civil action may include equitable relief, forfeiture of any permit, license, certificate, approval, privilege or benefit of any nature granted by the City, as well as any other civil remedy allowed under the laws of the State of California and the United States.