

CALIFORNIA COASTAL COMMISSION

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June 24, 2005

Fri 5a

TO: COMMISSIONERS AND INTERESTED PERSONS

**FROM: DEBORAH LEE, SOUTH COAST DEPUTY DIRECTOR
SHERILYN SARB, DISTRICT MANAGER, SAN DIEGO
BILL PONDER, COASTAL PROGRAM ANALYST**

**SUBJECT: STAFF RECOMMENDATION ON CITY OF CARLSBAD LCP
SEGMENT MAJOR AMENDMENT NO. 3-04D (Residential Zoning),
(For Public Hearing and Possible Commission Action at the Meeting of
July 13-15, 2005)**

SYNOPSIS

The subject LCP amendment was filed as complete on January 7, 2005. A one-year time extension was granted on March 17, 2005. As such, the last date for Commission action is April 7, 2006. LCPAs #3-04B (Stormwater Regs) and 3-04H (Thompson Tabata) have not yet been acted on by the Commission and will be scheduled for Commission hearing at a later date. The other components of this submittal were approved at previous Commission hearings.

SUMMARY OF AMENDMENT REQUEST

The LCP amendment submittal includes eight separate components involving changes to both the certified LCP land use plan and the implementation plan. The subject component would amend the Carlsbad Local Coastal Program Implementation Plan (Zoning Ordinance) to achieve consistency between amended residential policies in the General Plan/Land Use Plan (LUP), and the residential regulations in the Zoning Ordinance and also to ensure consistency between City policies and state law. No new land use or zoning designations are proposed, or modifications to existing density ranges contained in the certified LCP land use plans.

The proposed amendments are part of a larger City initiated, multi-part project called the General Plan/Zoning Consistency Program. One component of that program is to determine the zone that is intended to implement each of the General Plan/LUP designations. The subject amendment includes that component with focus on the residential land use designations and zones. The proposed amendments will add an intent and purpose statement within each zone chapter, that specifies the land use designation that the zone is intended to implement.

To make the Zoning Ordinance more user friendly, the City proposes identifying all permitted and conditionally permitted uses in each zone chapter, so that a person only has to look in one chapter to find the uses permitted in a zone. The current "hierarchy" format would be replaced with the proposed "permitted uses" table. Existing sections listing or referring to permitted and conditional uses will be incorporated into the new use table.

In addition, the proposed revisions will revise the minimum lot sizes for each residential zone to assure development will meet the density range compatible with the certified LUP designations. Currently, the zoning structure would allow residential subdivision with an ultimate density significantly lower than the low end of the density range in the General Plan/LCP land use designation. The proposed amendment is designed to no longer allow density below the low end of the density range within each land use designation. State Government Code Section 65863 restricts the City's ability to approve projects at a density below the density used to demonstrate compliance with Housing Element Law. The law requires that the City not approve projects below the growth control point unless it finds that it can still accommodate its fair share of the regional housing need on the remaining residential sites in the City.

Finally, the amendments will also provide for clustered property development that recognizes that the impacts to environmentally and topographically constrained land may preclude the full development of a site as a standard single-family subdivision. The revisions would allow the development of small-lot subdivisions in existing R-1 neighborhoods when the proposed site is contiguous to a higher intensity land use or an existing project of comparable or higher density. The revisions would allow the development of small-lot subdivisions, two-family and multiple-family dwellings, on existing R-1 zoned properties when the project site contains sensitive biological resources as identified in the Carlsbad Habitat Management Plan. The amendment would permit the development of small-lot subdivisions in multi-family zones (except when the multiple-family zone implements the RH land use designation) as an alternative product type to attached dwelling units.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending approval of the proposed LCP amendment as submitted. The proposed rezonings would not result in adverse impacts to public access or sensitive resources. Although the amendment may result in greater density within the Coastal Zone than has been achieved by the City in the past, no modifications are proposed to the Land Use Plan designations or to the LCP policies/ordinances that protect coastal resources. Additionally, although the amendment could result in more density being required on sensitive Habitat Management Plan/LCP properties, the amendment provides that such development must be clustered to avoid impacts to coastal resources, and it would remain consistent with the density range in the certified Land Use Plan. As such, the amendment is consistent with the habitat protection policies and the certified Land Use Plans and can be approved as submitted.

The resolutions and motions begin on page 3. The findings for approval of the Implementation Plan Amendment as submitted also begin on page 4.

Further information on the submittal may be obtained from **Bill Ponder** at the San Diego Area Office of the Coastal Commission at 7575 Metropolitan Drive, Suite 103, San Diego, CA 92108-4402, (619) 767-2370.

PART I. OVERVIEW

A. LCP HISTORY

The City of Carlsbad certified LCP contains six geographic segments as follows: Agua Hedionda, Mello I, Mello II, West Batiquitos Lagoon/Sammis Properties, East Batiquitos Lagoon/Hunt Properties and Village Redevelopment. Pursuant to Sections 30170(f) and 30171 of the Public Resources Code, the Coastal Commission prepared and approved two portions of the LCP, the Mello I and II segments in 1980 and 1981, respectively. The West Batiquitos Lagoon/ Sammis Properties segment was certified in 1985. The East Batiquitos Lagoon/Hunt Properties segment was certified in 1988. The Village Redevelopment Area LCP was certified in 1988; the City has been issuing coastal development permits there since that time. On October 21, 1997, the City assumed permit jurisdiction and has been issuing coastal development permits for all segments except Agua Hedionda. The Agua Hedionda Lagoon LCP segment is a deferred certification area until an implementation plan for that segment is certified. The subject amendment request affects all the LCP segments.

B. STANDARD OF REVIEW

Pursuant to Section 30513 of the Coastal Act, the Commission may only reject zoning ordinances or other implementing actions, as well as their amendments, on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. The Commission shall take action by a majority vote of the Commissioners present.

C. PUBLIC PARTICIPATION

The City has held Planning Commission and City Council meetings with regard to the subject amendment request. All of those local hearings were duly noticed to the public. Notice of the subject amendment has been distributed to all known interested parties.

PART II. LOCAL COASTAL PROGRAM SUBMITTAL - RESOLUTIONS

Following a public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce each resolution and a staff recommendation are provided just prior to each resolution.

- I. MOTION:** *I move that the Commission reject Implementation Program Amendment #3-04D for the City of Carlsbad LCP as submitted.*

STAFF RECOMMENDATION OF CERTIFICATION AS SUBMITTED:

Staff recommends a **NO** vote. Failure of this motion will result in certification of the Implementation Program Amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO CERTIFY IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED:

The Commission hereby certifies Implementation Program Amendment #3-04D for the City of Carlsbad certified LCP as submitted and adopts the findings set forth below on grounds that the Implementation Program Amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan and certification of the Implementation Program Amendment will meet the requirements of the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program Amendment on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program.

PART III. FINDINGS FOR APPROVAL OF THE CITY OF CARLSBAD IMPLEMENTATION PLAN AMENDMENT #3-04D AS SUBMITTED

A. AMENDMENT DESCRIPTION. The subject request is to amend the City's certified LCP implementation plan (Zoning Ordinance). Several amendments are proposed to both the General Plan and Zoning Ordinance to achieve consistency between the land use designations and zone classifications; however, no portion of the LCP land use plans (LUPs) are being amended.

Several amendments are proposed to each residential zone to ensure the zones implement and are consistent with the residential land use designations in the certified LUPs. Table E, below, indicates each residential land use designation and the zones intended to implement them. Permitted residential land uses for each designation and zone are also indicated.

The amendment is applied citywide, and will potentially affect the following LUP segments of the Carlsbad LCP: Mello I, Mello II, Agua Hedionda, Village Redevelopment Area, East Batiquitos Lagoon, and West Batiquitos Lagoon.

ZONING ORDINANCE /LOCAL COASTAL PROGRAM AMENDMENT

1	Reformat residential zone chapters to list all permitted and conditionally permitted uses; and amend or delete some permitted uses for consistency with the General Plan.
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2	Clarify which land use designation each zone is intended to implement.
3	Modify residential standards to ensure consistency with General Plan policies (ex. amend the minimum lot area in certain zones to ensure the zone can implement the General Plan density requirements).
4	Amend the Planned Development (PD) regulations to allow a PD in the R-1 Zone when a site contains sensitive habitat; and amend the PD regulations to no longer allow "small-lot single-family" development in the RH land use designation.
5	Other miscellaneous text amendments for consistency purposes.

TABLE E
RESIDENTIAL LAND USE DESIGNATIONS AND IMPLEMENTING ZONES

GENERAL PLAN	IMPLEMENTING ZONES	LAND USE
RL (0-1.5 du/ac)	R-1 R-A PC* RMHP**	One-family dwellings
		Second dwelling units permitted as accessory to one-family dwellings
		When a site contains sensitive habitat, other dwelling types may be permitted with a planned development permit, subject to the density range.
RLM (0-4 du/ac)	R-1 R-A PC* RMHP**	One-family dwellings
		Second dwelling units permitted as accessory to one-family dwellings
		When a site contains sensitive habitat, other dwelling types may be permitted with a planned development permit, subject to the density range.
RM (4-8 du/ac)	R-1 R-2 RD-M PC* RMHP**	One-family dwellings
		Two-family dwellings
		Multiple-family dwellings
		Second dwelling units permitted as accessory to one-family dwellings
RMH (8-15 du/ac)	R-3 RD-M PC* RMHP** R-P	Two-family dwellings
		Multiple-family dwellings
		One-family dwellings (when developed as two or more detached units on one lot or on small individual lots with a planned development permit) <i>note: a single one-family dwelling shall be permitted on any residential lot that existed as of the effective date of the ordinance.</i>
		Second dwelling units permitted as accessory to one-family dwellings
RH (15-23)	R-3 RD-M	Two-family dwellings
		Multiple-family dwellings

du/ac)	R-W R-P PC* RMHP**	One-family dwellings (when developed as two or more detached units on one lot) <i>note: a single one-family dwelling shall be permitted on any residential lot that existed as of the effective date of the ordinance.</i>
		Second dwelling units permitted as accessory to one-family dwellings

The proposed amendments are summarized in Table F, below.

TABLE F

SUMMARY OF ZONING ORDINANCE AMENDMENTS

ALL RESIDENTIAL ZONE CHAPTERS	
1	Within each zone chapter, add an intent and purpose statement that specifies the land use designation that the zone is intended to implement.
2	List all permitted and conditionally permitted uses in each zone chapter, and eliminate the current "hierarchy" format.
3	All sections in each zone referring to permitted uses will be replaced with the proposed "permitted uses" table.
4	Reformat each chapter to be consistent with the "new" ordinance format.
5	Text amendments to refer to new section numbers and correct typographical errors.
R-A ZONE	
6	Clarify that the minimum lot area in the R-A zone when it implements the RL land use designation is one-half acre.
7	Delete "minimum lot area per dwelling" section.
R-1 ZONE	
8	Create a new section for "home occupations" standards.
9	Reduce the minimum lot area to 6,000 square feet when the R-1 zone implements the RM land use designation. Also, clarify that the minimum lot area in the R-1 zone when it implements the RL land use designation is one-half acre.
10	Delete "minimum lot area per dwelling" section.
R-2 ZONE	
11	Reduce the minimum lot area to 6,000 square feet for one-family dwellings.
12	Add the language from the General Plan that allows a two-family dwelling on any R-2 zoned lot that existed prior to December 1986.
13	Delete "minimum lot area per dwelling" section.
R-3 ZONE	
14	One-family dwellings (on individual lots) are proposed to no longer be permitted in the R-3 zone; however, a provision will be added to allow a one-family dwelling on a lot that existed as of the effective date of the ordinance approving this amendment.
RD-M ZONE	

15	Clarify that one-family dwellings on individual lots are only permitted when RD-M implements the RM land use designation; and detached one-family dwellings on one lot are permitted when RD-M implements RMH or RH. Also, add a provision to allow a one-family dwelling on a lot in the RMH or RH designations that existed as of the effective date of the ordinance approving this amendment.
16	Reduce the minimum lot area to 6,000 square feet for one-family dwellings when the RD-M zone implements the RM land use designation. Also, eliminate the 7,500 square foot minimum lot area required in the low medium density (RLM).
17	Eliminate the minimum lot coverage requirement when RD-M implements RLM.
18	Eliminate the "dwelling units per lot" section.
R-W ZONE	
19	Change the term "dwellings" in the permitted uses section to "two-family" and "multiple-family" dwellings, with a provision for a one-family dwelling on an existing lot or as two or more detached dwellings on one lot.
R-P ZONE	
20	Clarify that when the R-P zone is used to implement the O (office) land use designation only office/professional uses are permitted; and when R-P is used to implement a residential land use designation (RMH or RH) only residential uses are permitted.
21	In reference to the list of uses permitted when the R-P zone implements the O designation, a statement is proposed to be added that clarifies, as follows: <i>"A use category may be general in nature, where more than one particular use fits into the general category (ex. in some commercial zones "offices" is a general use category that applies to various office uses). However, if a particular use is permitted by conditional use permit in any zone, the use shall not be permitted in a zone (even under a general use category), unless it is specifically listed in the zone as permitted or conditionally permitted."</i>
RMHP ZONE	
22	Clarify in the "intent and purpose" section that the RMHP zone can implement all residential land use designations.
PLANNED DEVELOPMENTS CHAPTER	
23	Add provisions in the planned development chapter to allow "small lot subdivisions, two-family and multiple-family dwellings" on R-1 zoned properties that contain sensitive biological resources as identified in the City's Habitat Management Plan (HMP).
24	Delete the "RH" land use designation from areas where a small lot subdivision would be allowed.
25	Add the RW zone to Table A (permitted residential uses).

In addition, some of the proposed amendments are intended to ensure consistency between City policies and State law. The provisions of Government Code Section 65863 are proposed to be incorporated into the General Plan. Section 65863 establishes limitations on the City's ability to approve residential densities below the density used to demonstrate that the General Plan Housing Element is consistent with housing element law.

B. FINDINGS FOR APPROVAL

The standard of review for LCP implementation submittals or amendments is their consistency with and ability to carry out the provisions of the certified LUP.

1. Purpose and Intent of the Residential Zone Changes.

- a) **R-A RESIDENTIAL AGRICULTURAL ZONE** Implement the Residential Low Density (RL) and Residential Low-Medium Density (RLM) land use designations of the Carlsbad General Plan and LCP; provide regulations and standards for the development of one-family dwellings, and other permitted or conditionally permitted uses. Allow the development of small-lot subdivisions, two-family and multiple-family dwellings, on existing R-1 zoned properties when the project site contains sensitive biological resources as identified in the Carlsbad Habitat Management Plan; Permit the development of small-lot subdivisions in multi-family zones (except when the multiple-family zone implements the RH land use designation) as an alternative product type to attached dwelling units.
- b) **R-1 ONE-FAMILY RESIDENTIAL ZONE** Implement the Residential Low Density (RL), Residential Low-Medium Density (RLM), and Residential Medium Density (RM) land use designations of the Carlsbad General Plan and LCP; provide regulations and standards for the development of one-family dwellings, and other permitted or conditionally permitted uses.
- c) **R-2 TWO-FAMILY RESIDENTIAL ZONE.** Implement the Residential Medium Density (RM) land use designation of the Carlsbad General Plan and LCP; provide regulations and standards for the development of residential dwellings, and other permitted or conditionally permitted uses.
- d) **R-3 MULTIPLE-FAMILY RESIDENTIAL ZONE.** Implement the Residential Medium-High Density (RMH) and Residential High Density (RH) land use designations of the Carlsbad General Plan and LCP; provide regulations and standards for the development of residential dwellings, and other permitted or conditionally permitted uses.
- e) **R-P RESIDENTIAL PROFESSIONAL ZONE.** Implement the Office and Related Commercial (O), Residential Medium-High Density (RMH) and Residential High density (RH) land use designations of the Carlsbad General Plan and LCP. Provide regulations and standards for the development of office and residential uses, and other permitted or conditionally permitted uses.

- f) **R-W RESIDENTIAL WATERWAY ZONE.** Implement the Residential High Density (RH) land use designation of the Carlsbad General Plan and LCP; provide an area in which residential development centered about a navigable waterway may be accommodated.
- g) **RD-M RESIDENTIAL DENSITY-MULTIPLE ZONE.** Implement the Residential Medium Density (RM), Residential Medium-High Density (RMH), and Residential High Density (RH) land use designations; provide regulations and standards for the development of residential dwellings, and other permitted or conditionally permitted uses.
- h) **RMHP RESIDENTIAL MOBILE HOME PARK ZONE.** Provide locations where mobile homes and mobile home parks may be established, maintained and protected. Implement the goals and objectives of the General Plan and LCP, including all residential land use designations and the housing element
- i) **PLANNED DEVELOPMENT CHAPTER AMENDMENT.** Recognize the need for a diversity of housing and product types; Provide a method for clustered property development that recognizes that the impacts of environmentally and topographically constrained land preclude the full development of a site as a standard single-family subdivision; allow the development of small-lot subdivisions in existing R-1 neighborhoods when the proposed site is contiguous to a higher intensity land use or an existing project of comparable or higher density; allow the development of small-lot subdivisions, two-family and multiple-family dwellings, on existing R-1 zoned properties when the project site contains sensitive biological resources as identified in the Carlsbad Habitat Management Plan; Permit the development of small-lot subdivisions in multi-family zones (except when the multiple-family zone implements the RH land use designation) as an alternative product type to attached dwelling units.

2. Major Provisions of the LCP Implementation Plan Amendment.

The proposed amendments will add an intent and purpose statement within each zone chapter, that specifies the land use designation that the zone is intended to implement.

The proposed amendments will identify all permitted and conditionally permitted uses in each zone chapter, and eliminate the current "hierarchy" format. Most of the existing residential zone chapters currently have a "hierarchy" format, where one zone refers to the zone before it for permitted uses. For example, the R-2 zone states all uses permitted in the R-1 zone are permitted, and the R-3 zone states all uses in the R-2 zone are

permitted. This leads to a situation where the R-3 zone, which is a multiple-family zone, permits single-family development, which creates a problem when R-3 is used to implement the multiple-family land use designations (RMH & RH). When the "hierarchy" format is eliminated, it will be clear what uses are permitted in each zone, and that single-family (one family dwellings on individual lots) is no longer permitted in the R-3 zone, except in the case of a single one-family dwelling on an existing lot; or two or more detached dwellings on one lot (subject to the density of the underlying land use designation).

With regard to conditional (CUP) uses, currently most CUP uses are listed in a separate chapter (Conditional Uses Chapter). Also, each residential zone chapter may list other CUP uses in addition to those listed in the CUP chapter. To make the Zoning Ordinance more user friendly, the City proposes identifying all permitted and conditionally permitted uses in each zone chapter, so that a person only has to look in one chapter to find the uses permitted in a zone. All sections in each zone referring to permitted uses would be replaced with the proposed "permitted uses" table. Existing sections listing or referring to permitted uses will be incorporated into the new use table.

In addition, the proposed revisions will revise the minimum lot sizes for each residential zone to assure development will meet the density range compatible with the certified LUP designations. Currently, the zoning structure would allow residential subdivision with an ultimate density significantly lower than the low end of the density range in the General Plan/LCP land use designation. The proposed amendment is designed to no longer allow density below the low end of the density range within each land use designation. State Government Code Section 65863 restricts the City's ability to approve projects at a density below the density used to demonstrate compliance with Housing Element Law. The law requires that the City not approve projects below the growth control point unless it finds that it can still accommodate its fair share of the regional housing need on the remaining residential sites in the City.

Finally, the amendments will also provide for clustered property development that recognizes that the impacts of environmentally and topographically constrained land may preclude the full development of a site as a standard single-family subdivision. The revisions would allow the development of small-lot subdivisions in existing R-1 neighborhoods when the proposed site is contiguous to a higher intensity land use or an existing project of comparable or higher density. The revisions would allow the development of small-lot subdivisions, two-family and multiple-family dwellings, on existing R-1 zoned properties when the project site contains sensitive biological resources as identified in the Carlsbad Habitat Management Plan. The amendment would permit the development of small-lot subdivisions in multi-family zones (except when the multiple-family zone implements the RH land use designation) as an alternative product type to attached dwelling units.

3. Adequacy to Implement the Certified LUP Segments.

The proposed amendments will implement the certified LUP segments in the following way:

1. R-A ZONE. The proposed zone code amendments will clarify that the minimum lot area in the R-A zone when it implements the RL land use designation is one-half acre. The changes will delete the "minimum lot area per dwelling" section (21.08.070) of the zoning ordinance. The "minimum lot area per dwelling" section was established with the original 1956 Zoning Ordinance and exists in only three zones (R-A, R-1 and R-2). It is no longer necessary, since the City uses the minimum lot area standards and density provisions of the General Plan to regulate lot area per dwelling. Also, in the single-family zones (R-A & R-1) the lot area per dwelling is the same as the minimum lot area, so it is a repetitive section.

2. R-1 ZONE. The proposed changes will reduce the minimum lot area to 6,000 square feet when the R-1 zone implements the RM land use designation. Also, the changes will clarify that the minimum lot area in the R-1 zone when it implements the RL land use designation is one-half acre. The R-1 zone is one of the zones that implements the RM land use designation. However, the current minimum lot area in the R-1 zone is 7,500 square feet, which is too large to achieve the density of the RM land use designation (4 – 8 dwelling units per acre). Therefore, to ensure the R-1 zone is able to implement the RM designation, the City is proposing to reduce the minimum lot area to 6,000 square feet when it implements RM.

The required minimum lot width (60') and depth (90') will remain the same for a 6,000 square foot lot; therefore, the appearance of the lot will be the same as a 7,500 square foot lot from street view, but would not be as deep.

Also, the R-1 zone is one of the zones that implements RL, and like the R-A zone, as discussed above, the City is proposing to clarify that when the R-1 zone implements RL the minimum lot area is one-half acre.

3. R-2 ZONE. The proposed changes will reduce the minimum lot area to 6,000 square feet for one-family dwellings and add language from the General Plan that allows a two-family dwelling on any R-2 zoned lot that existed prior to December 1986. The only land use designation the R-2 zone implements is RM. However, the current minimum lot area in the R-2 zone is 7,500 square feet, which is too large for single-family development to achieve the density of the RM land use designation (4 – 8 dwelling units per acre). Therefore, to ensure the R-2 zone is able to implement the RM designation, the City is proposing to reduce the minimum lot area to 6,000 square feet for one-family dwellings. The existing 7,500 square foot minimum lot area would remain for two-family and multiple-family projects.

The language from the General Plan allows a two-family dwelling on any R-2 zoned lot that existed prior to Dec. 1986, regardless of density. This provision grandfathers-in lots created before Dec. 1986 that do not meet the current minimum lot area requirements. Since this provision is related to minimum lot area standards and uses permitted on a lot it should also be included in the certified LCP (zoning ordinance).

4. R-3 ZONE. One-family dwellings (on individual lots) are proposed to no longer be permitted in the R-3 zone; however, a provision is proposed to allow a one-family dwelling on an existing lot.

The R-3 zone implements the RMH and RH land use designations. RMH and RH are designations intended for two-family and multiple-family development, as well as detached one-family dwellings on one lot (subject to density requirements). Therefore, to be consistent with the General Plan/LCP, the City found the R-3 zone cannot permit single-family development (one-family dwellings on individual lots).

The only exception to this would be a one-family dwelling on an existing lot, which is consistent with the provision proposed to be added to the General Plan/LCP. Any proposal to subdivide or build more than one dwelling will be required to be consistent with the intent and density of the underlying land use designation. Also, in the R-3 zone and RMH designation, one-family dwellings on "small-lots" is permitted with a planned development permit, subject to the density requirements.

5. RD-M ZONE. The RD-M zone currently contains minimum lot area standards based upon the density associated with the RLM, RM, RMH or RH land use designations. The existing standards require a minimum lot area of 7,500 square feet when RD-M implements the RLM designation, and a minimum lot area of 10,000 square feet when RD-M implements RM, RMH or RH.

With regard to the minimum lot area when RD-M implements RM, 10,000 square feet is too large for single-family development to achieve the density of the RM land use designation (4 – 8 dwelling units per acre). Therefore, to ensure the RD-M zone is able to implement the RM designation, the City reduced the minimum lot area to 6,000 square feet for one-family dwellings when it implements RM.

With regard to the minimum lot area when RD-M implements RLM, that standard is proposed to be eliminated because RD-M is not an appropriate zone to implement the RLM designation. RD-M allows for a mix of residential uses from one-family to multiple-family, which is not consistent when the zone is used to implement a strictly single-family land use designation, like RLM. The City found the RD-M zone should no longer be used to implement the RLM designation and the minimum lot area requirement associated with RLM should be deleted.

The "dwelling units per lot" section in the RD-M zone was established in 1982, prior to the City's Growth Management Program. The section was intended to give the City more discretion to establish a maximum density within the density range for projects where the upper end of the range would not be compatible with surrounding properties.

The section also established that density could not be approved above the low end of the density range without the Planning Commission or City Council finding a higher density is justified. This is inconsistent with the density regulations established by the Growth Management Program. The Growth Management Program was established in 1986, which provided the City with more discretion to control residential density and

established the Growth Management Control Point (GMCP). Therefore, as of 1986 density is not permitted to exceed the GMCP without Planning Commission or City Council approval. The Growth Management Program essentially accomplishes the intended purpose of the "dwelling units per lot" section in the RD-M zone, and therefore, the section is no longer necessary.

6. R-W ZONE. The R-W zone currently lists "dwellings" as a permitted use, which can be interpreted to encompass all dwelling types, including one-family dwellings. However, the R-W zone is used to implement the RH land use designation (R-W is applied to only one small development area located on the north side of Agua Hedionda Lagoon, and there are very few remaining undeveloped parcels). The RH land use designation is not intended for single-family development; therefore, the uses permitted in the R-W zone are proposed to be limited to two-family and multiple dwellings, as well as one-family dwellings when developed as detached units on one lot (subject to the density requirements).

7. R-P ZONE. The R-P zone allows both office and residential uses. However, there is no land use designation in the General Plan/LCP that is intended to allow both office and residential uses. Therefore, the R-P zone currently is not consistent with any land use designation.

The City considered various options to correct this. One option was to create a General Plan/LCP land use designation that would allow both residential and office, perhaps a "mixed-use" land use designation. The City noted the R-P zone was likely created as a "transitional" zone between residential and commercial areas. However, it does not function as a "mixed-use" zone because there is no land use designation to allow residential uses in combination with non-residential uses. Also, the R-P zone has no standards for "mixed-use" development. The City found that although it may consider creating a mixed-use designation and zone in the future, it should be done as a new designation and zone, not as a modification to the R-P zone.

Another option the City considered to correct the R-P zone inconsistency with the General Plan/LCP was to eliminate the zone and replace it with either a residential or office zone, depending on the existing land use. After surveying the R-P zoned properties (84 parcels), the City found that the majority are developed with either residential or offices uses, not both. The option the City decided on was to modify the R-P zone to clarify that when the zone implements the O land use designation only office uses are permitted; and when the zone implements RMH or RH designations only residential uses are permitted. This corrects the inconsistency with the General Plan/LCP because the uses permitted are dependant on the underlying land use designation. Two separate tables listing the permitted uses are proposed for the R-P zone, one for uses in the O designation, and one for uses in the RMH and RH designations.

In the R-P zone, when the zone implements the O land use designation, there are currently several "office" type uses listed as permitted, including accountants, attorneys, architects, engineers, planners, insurance agencies, real estate, etc. All of these uses are "office" uses, and have similar land use characteristics. Therefore, rather than having a

long list of different office businesses, the City found that all of the "office" uses be categorized under the "general" use category of "offices".

8. RMHP ZONE. Government Code Section 65852.7 states that a mobile home park shall be permitted "on all land planned and zoned for residential land use as designated by the applicable general plan." Therefore, The City found that the RMHP zone (mobile home park zone) could be used to implement all residential land use designations.

9. PLANNED DEVELOPMENTS CHAPTER. The density of the RH designation cannot be achieved when applying the minimum lot area standard for a small lot subdivision. Therefore, the City found the PD standards should be amended to remove the reference for minimum lot area in the RH designation. The minimum small lot area standard will still apply to the RMH and other designations.

With the adoption of the HMP, the developable area of several properties was reduced to 25% of the total lot area. To protect the habitat areas and provide property owners the opportunity to achieve the density potential on their land, the City found on those constrained sites, including those designated for single-family development in the R-1 zone, that residential units be allowed to be clustered outside the habitat areas. A planned development permit in these areas would allow clustered development of one-family, two-family and multiple-family dwellings, which will help to achieve the density potential on lots severely constrained by habitat.

The subject LCP amendment has the potential to increase density in the City. As such, coastal resources may be subject to greater development pressure. However, the proposed revisions are designed to assure the zoning regulations are adequate to implement the density ranges provided for in the certified Land Use Plans. In addition, in calculating density, the certified LCP contains the following ordinance:

21.53.230 Residential density calculations, residential development restrictions on open space and environmentally sensitive lands.

(a) For the purposes of Titles 20 and 21 of this code, residential density shall be determined based on the number of dwelling units per developable acre of property.

(b) The following lands are considered to be undevelopable and shall be excluded from density calculation:

- (1) Beaches;
- (2) Permanent bodies of water;
- (3) Floodways;
- (4) Natural slopes with an inclination of greater than forty percent except as permitted pursuant to Section 21.95.120(B) of this code;
- (5) Significant wetlands;
- (6) Significant riparian or woodland habitats;
- (7) Land subject to major power transmission easements;
- (8) Land upon which other significant environmental features as determined by the environmental review process for a project are located;
- (9) Railroad track beds.

(c) No residential development shall occur on any property listed in subsection (b). Subject to the provisions of Chapters 21.33 and 21.110, the city council may permit limited development of such property if, when considering the property as a whole,

the prohibition against development would constitute an unconstitutional deprivation of property. The planning commission or city council, whichever is the final decision-making body for a residential development may permit accessory facilities, including, but not limited to, recreational facilities, view areas, and vehicular parking areas, to be located in floodplains (subject to Chapter 21.110) and on land subject to major power transmission easements.

(d) Residential development on slopes with an inclination of twenty-five to forty percent, inclusive, shall be designed to minimize the amount of grading necessary to accommodate the project. For projects within the coastal zone, the grading provisions of the Carlsbad local coastal program and Chapters 21.38 and 21.203 of the municipal code shall apply. (Ord. NS-524 § 6, 2000; Ord. NS-446 § 2, 1998; Ord. 9795 § 1, 1986)

Chapter 21.53.230 specifies what lands are considered to be undevelopable and thus excluded from density calculation. These lands include sensitive areas such as beaches, floodways, steep slopes, wetlands, and significant riparian or woodland habitats that are also protected under the resource protection policies of the LCP and the HMP. Therefore, the allowable density is calculated for the acreage of the least sensitive portion of the property only. The remainder of the land is not considered developable in the City's certified LCP.

The various Carlsbad LUP segments also have policies which state that grading and erosion control on sensitive "dual criteria" (naturally vegetated and over 25% grade) slopes is prohibited unless the application of the policy would preclude any reasonable use of the property. The LUP policies require that any permitted density should be clustered on the non-sensitive, flatter, portions of the site and natural landforms should not be significantly altered. Therefore, if the maximum permitted density cannot be accommodated on a parcel consistent with the resource protection policies of the LUP, the resource protection policies shall prevail.

The Commission notes that although the subject amendment would result in greater density, no modifications are proposed to policies/ordinances that protect coastal resources. The Commission has allowed greater density to be clustered on lots with coastal resources provided such clustering was done on developable areas and no impacts to coastal resources would occur. The Commission finds that the proposed amendment would be consistent with this practice and can be approved as submitted.

The proposed amendments will assist in achieving some of the goals and objectives of the City's General Plan/LUP. For example, requiring housing development to be consistent with the minimum density of the underlying land use designation will assist in achieving the Housing Element goal to provide "new housing developed with a diversity of types, prices, tenures, densities and locations and in sufficient quantity to meet the demand of anticipated City and regional growth." Also, allowing housing development to be clustered outside of habitat areas in all residential land use designations, including RL and RLM, will assist in achieving the Carlsbad LCP goals to protect environmentally sensitive land, protect wildlife habitat, and minimize the impacts from new development on environmental resources. With the proposed revisions, approved development will remain consistent with the land use designations contained in the certified land use plans.

PART IV. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 21080.5 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program. Instead, the CEQA responsibilities are assigned to the Coastal Commission and the Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required, in a LCP submittal or, as in this case, a LCP amendment submittal, to find that the approval of the proposed LCP, or LCP, as amended, conforms to CEQA provisions, including the requirement in CEQA section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternative or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. 14 C.C.R. §§ 13542(a), 13540(f), and 13555(b). The proposed zoning amendments will not result in adverse impacts on coastal resources or public access. The Commission finds that there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the LCP amendment may have on the environment. Therefore, in terms of CEQA review, the Commission finds that approval of the LCP amendment will not result in any significant adverse environmental impacts.

RESOLUTION NO. 2004-301

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, ADOPTING A NEGATIVE DECLARATION AND ADDENDUM FOR A GENERAL PLAN AMENDMENT, ZONE CODE AMENDMENT AND LOCAL COASTAL PROGRAM AMENDMENT; AND APPROVING SAID GENERAL PLAN AMENDMENT AND LOCAL COASTAL PROGRAM AMENDMENT.

CASE NAME: RESIDENTIAL GENERAL PLAN AND ZONING
CONSISTENCY AMENDMENTS

CASE NO.: GPA 03-13/ZCA 03-02/LCPA 03-12

The City Council of the City of Carlsbad, California, does hereby resolve as follows:

WHEREAS, the Planning Commission did on June 16, 2004 and July 21, 2004, hold duly noticed public hearings as prescribed by law to consider the Negative Declaration and Addendum, General Plan Amendment (GPA 03-13), Zone Code Amendment (ZCA 03-02) and Local Coastal Program Amendment (LCPA 03-12) to amend the residential policies and land use designations in the Land Use Element of the General Plan and the residential regulations in the Zoning Ordinance to achieve consistency between the General Plan and Zoning Ordinance; and also to ensure consistency between City policies and State Law.

WHEREAS, the Planning Commission adopted Planning Commission Resolutions No. 5650, 5651 and 5653 recommending to the City Council that the Negative Declaration and Addendum be adopted, and GPA 03-13 and LCPA 03-12 be approved; and

WHEREAS, the City Council did on the 21st day of September, 2004 hold a duly noticed public hearing as prescribed by law to consider the Negative Declaration and Addendum, General Plan Amendment and Local Coastal Program Amendment, and;

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, the City Council considered all factors relating to the Negative Declaration and Addendum, General Plan Amendment and Local Coastal Program Amendment;

NOW, THEREFORE, the City Council of the City of Carlsbad, California does hereby resolve as follows:

1. That the above recitations are true and correct.

EXHIBIT NO. 1
APPLICATION NO.
Carlsbad
LCPA No. 3-04D
City Ordinance Resolution

1
2 2. That the findings of the Planning Commission in Planning Commission
3 Resolutions No. 5650, 5651 and 5653 constitute the findings of the City Council in this matter.

4 3. That the Negative Declaration and Addendum are adopted as shown in
5 Planning Commission Resolution No. 5650 on file with the City Clerk and incorporated herein
6 by reference.

7 4. That the findings of the Planning Commission in Planning Commission
8 Resolution No. 5651 constitute the findings of the City Council in this matter and are hereby
9 accepted, approved in concept, and GPA 03-13 shall be formally approved with GPA 02-05,
10 GPA 03-05, GPA 03-08, GPA 03-13, GPA 04-01, GPA 04-04, GPA 04-07, GPA 04-08, and
11 GPA 04-11.

12 5. That the amendment to the Local Coastal Program (LCPA 03-12), is
13 approved as shown in Planning Commission Resolution No. 5653, on file with the City Clerk
14 and incorporated herein by reference.

15 6. That the approval of LCPA 03-12 shall not become effective until it is
16 approved by the California Coastal Commission and the California Coastal Commission's
17 approval becomes effective.

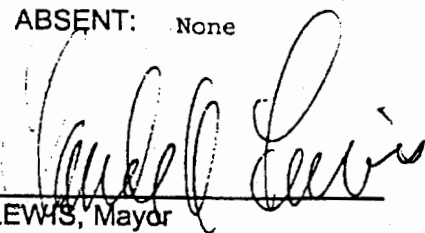
18 7. That any development application, excluding preliminary applications,
19 submitted to the City prior to the approval of this Resolution shall not be subject to the amended
20 provisions of the General Plan (GPA 03-13).

21
22 ...
23 PASSED AND ADOPTED at a regular meeting of the City Council of the City of
24 Carlsbad on the 21st day of September 2004, by the following vote, to wit:

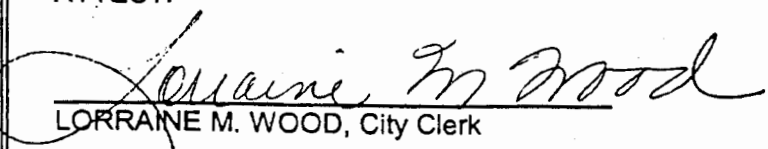
25 AYES: Council Members Lewis, Finilla, Kulchin, Hall and Packard.

26 NOES: None

27 ABSENT: None

28
29 
30 CLAUDE A. LEWIS, Mayor

31 ATTEST:

32 
33 LORRAINE M. WOOD, City Clerk

34 (SEAL)

**ZONING ORDINANCE AMENDMENT
CHAPTER 21.08 – R-A ZONE
STRIKE-OUT & UNDERLINE VERSION**

EXHIBIT NO. 2
APPLICATION NO. Carlsbad LCPA No. 3-04D
Ordinance (Strikeout/Underline Version)

Chapter 21.08

R-A RESIDENTIAL AGRICULTURAL ZONE

Sections:

<u>21.08.010</u>	<u>Intent and purpose.</u>
21.08.01 <u>20</u>	Permitted uses
21.08.015	Second dwelling units.
21.08.02 <u>30</u>	Building height.
21.08.03 <u>40</u>	Front yard.
21.08.04 <u>50</u>	Side yards.
21.08.05 <u>60</u>	Placement of buildings.
21.08.06 <u>70</u>	Minimum lot area.
21.08.070	Lot area per dwelling.
21.08.080	Lot width.
21.08.090	Lot coverage.
21.08.100	Development standards.

21.08.010 Intent and purpose.

- A. The intent and purpose of the R-A Residential Agricultural zone is to:
1. Implement the Residential Low Density (RL) and Residential Low-Medium Density (RLM) land use designations of the Carlsbad General Plan; and
 2. Provide regulations and standards for the development of one-family dwellings, and other permitted or conditionally permitted uses, as specified in this chapter.

21.08.0120 Permitted uses.

A. In an R-A zone, notwithstanding any other provision of this title, only the following uses listed in Table A. below, only are shall be permitted, and as hereinafter specifically provided and allowed subject to the requirements and development standards specified in this section chapter, and subject to the provisions of Chapter 21.44 governing off-street parking requirements:

- (1) One family dwellings;
- (2) ~~Accessory buildings and structures, including private garages to accommodate not more than four cars, provided additional garage or implement shelters may be erected, maintained and used on sites of ten acres or more, and provided that such structures shall not occupy any required yard space;~~
- (3) ~~Greenhouses less than two thousand square feet in area. Greenhouses greater than two thousand square feet are permitted by approved conditional use permit only. In either instance all requirements for yard setbacks and height shall be met;~~
- (4) Agricultural crops;
- (5) ~~Stands for the display of agricultural products raised on the premises;~~
- (6) ~~The following poultry and animals under the following conditions:~~
 - ~~(A) Poultry, rabbits, chinchillas or any fur bearing animals used for fur, food or scientific purposes, either for domestic or commercial uses, provided that all such animals shall be confined at all times within an enclosure;~~

(B) Horses, and the grazing of sheep or bovine animals (excluding dairies), provided that on sites containing four acres or less such domestic animals shall not exceed a number equal to two horses or two sheep or two bovine animals per acre of ground devoted to feed for same (excluding feed lots);

(C) The keeping of all domestic animals provided for in this section shall conform to all other provisions of law governing the same, and no fowl or animal, or any pen, coop, stable or barn, shall be kept or maintained within forty feet of any building used for human habitation located on adjoining property, or within forty feet of any street or public property;

(7) Maintaining mail address for commercial and business license purposes only, provided no stock in trade, supplies, professional equipment, apparatus or business equipment except such as are accessory to a permitted use are kept on the premises, and provided that no employees or assistants are engaged for services on the premises except in connection with uses specifically listed as permissible in this section, provided further, that one motor vehicle together with the equipment, tools and stock in trade maintained therein where such motor vehicle is used as a means of transportation by the resident of the premises, and further provided, that such tools or equipment are not used for the performance of services upon the premises and the stock in trade is not sold from the premises;

(8) Mobile homes certified under the National Mobilehome Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 et seq.) on a foundation system pursuant to Section 18551 of the State Health and Safety Code;

(9) Signs subject to the provisions of Chapter 21.41;

(10) Satellite television antennae subject to the provisions of Section 21.53.130 of this code;

(11) Small family day care homes;

(12) Large family day care homes, subject to the provisions of Chapter 21.83 of this title. (Ord. NS 409 § 3, 1997; Ord. 9804 § 6 (part), 1986; Ord. 9785 § 3, 1986; Ord. 9674 § 2 (part), 1983; Ord. 9599 § 1 (part), 1981; Ord. 9502 § 5, 1978; Ord. 9427 § 4, 1975; Ord. 9224 § 2 (part), 1969; Ord. 9060 § 400)

B. The uses permitted by conditional use permit, as indicated in Table A, shall be subject to the provisions of Chapters 21.42 and 21.50.

TABLE A
Permitted Uses

In the table, below, subject to all applicable permitting and development requirements of the Municipal Code:			
<ul style="list-style-type: none"> • "P" indicates use is permitted • "CUP" indicates use is permitted with approval of a conditional use permit. • "Acc" indicates use is permitted as an accessory use. 			
USE	P	CUP	Acc
Accessory buildings/structures (ex. garages, workshops, tool sheds, patio covers, decks, etc.) (see note 1, below) (defined: Sec. 21.04.020)			X
Agricultural crops	X		
Agricultural labor housing		X	
Agricultural stand (for display of products raised on premises) ("stand" defined: Sec. 21.04.320)	X		
Animal keeping (household pets), subject to Sec. 21.53.084			X
Animal keeping/grazing (horses, sheep or bovine animals), excluding dairies (see notes 2 & 4, below)	X		

TABLE A, cont'd
Permitted Uses

<u>USE</u>	<u>P</u>	<u>CUP</u>	<u>Acc</u>
<u>Animal keeping (poultry, rabbits, chinchillas and any fur bearing animals for domestic or commercial purposes) (see notes 3 & 4, below)</u>			<u>X</u>
<u>Animal keeping (wild animals), subject to Sec. 21.53.085</u>			<u>X</u>
<u>Aquaculture (defined: Sec. 21.04.036)</u>		<u>X</u>	
<u>Biological habitat preserve, subject to Sec. 21.42.010(15)(A) (defined: Sec. 21.04.048)</u>		<u>X</u>	
<u>Campsites (overnight), subject to Sec. 21.42.010(2)(H)</u>		<u>X</u>	
<u>Cemeteries</u>		<u>X</u>	
<u>Churches</u>		<u>X</u>	
<u>Dumps (public/temporary) (defined: Sec. 21.04.110)</u>		<u>X</u>	
<u>Dwelling, one-family (defined: Sec. 21.04.125)</u>	<u>X</u>		
<u>Family day care home (large), subject to Chap. 21.83 (defined: Sec. 21.04.147)</u>			<u>X</u>
<u>Family day care home (small), subject to Chap. 21.83 (defined: Sec. 21.04.148)</u>			<u>X</u>
<u>Golf courses (see note 5, below)</u>		<u>X</u>	
<u>Greenhouses (2,000 square feet maximum)</u>	<u>X</u>		
<u>Greenhouses > 2,000 square feet, subject to Sec. 21.42.010(2)(F)</u>		<u>X</u>	
<u>Home occupation, subject to Sec. 21.10.040</u>			<u>X</u>
<u>Mobile home (see note 6, below) (defined: Sec. 21.04.266)</u>	<u>X</u>		
<u>Packing/sorting sheds (600 square feet maximum)</u>	<u>X</u>		
<u>Packing/sorting sheds > 600 square feet, subject to Sec. 21.42.010(2)(F)</u>		<u>X</u>	
<u>Plant nursery/nursery supplies</u>		<u>X</u>	
<u>Public buildings</u>		<u>X</u>	
<u>Public/quasi-public accessory utility buildings/facilities (see note 7, below)</u>		<u>X</u>	
<u>Satellite TV antennae, subject to Sec. 21.53.130 – 21.53.150 (defined: Sec. 21.04.302)</u>			<u>X</u>
<u>Schools, public/private (defined: Sec. 21.04.140)</u>		<u>X</u>	
<u>Second dwelling unit, subject to Sec. 21.10.030 (defined: Sec. 21.04.303)</u>			<u>X</u>
<u>Signs, subject to Chap. 21.41 (defined: Sec. 21.04.305)</u>			<u>X</u>
<u>Temporary bldg./trailer (real estate or construction), subject to Sec. 21.53.090 and 21.53.110</u>	<u>X</u>		
<u>Zoos (private), subject to Sec. 21.42.010(2)(K) (defined: Sec. 21.04.400)</u>		<u>X</u>	

Note:

1) Private garages (defined: Sec. 21.04.150) shall accommodate not more than four cars; however, additional garage or implement shelters may be erected, maintained and used on sites of ten acres or more, provided that such structures shall not occupy any required yard space.

2) On sites of four (4) acres or less, there shall not be more than two (2) horses, or two (2) sheep or two (2) bovine animals per acre of ground devoted to feed such animals (excluding feed lots).

3) Poultry, rabbits and other fur bearing animals shall be confined at all times within an enclosure.

4) The keeping of all domestic animals provided for in this section shall conform to all other provisions of law governing the same, and no fowl or animal, or any pen, coop, stable, or barn, shall be kept or maintained within forty (40) feet of any building used for human habitation located on adjoining property, or within forty (40) feet of any street or public property.

5) A conditional use permit is not required for a golf course if it is approved as part of a master plan for a planned community development.

6) Mobile homes must be certified under the National Mobilehome Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 et seq.) on a foundation system pursuant to Section 18551 of the State Health and Safety Code.

7) Public/quasi-public accessory utility buildings/facilities include, but are not limited to, water wells, water storage, pump stations, booster stations, transmission/distribution electrical substations, operating centers, gas metering/regulating stations, or telephone exchanges, with the necessary accessory equipment incidental thereto.

~~21.08.015~~ — ~~Second dwelling units.~~

~~Second dwelling units are permitted according to the provisions of Section 21.10.015 of this title. The development standards of this zone shall apply. (Ord. NS-663 § 1, 2003; Ord. NS-283 § 4, 1994)~~

21.08.0230 Building height.

A. No building in the R-A zone shall exceed a height of thirty feet and two stories if a minimum roof pitch of 3:12 is provided or twenty-four feet and two stories if less than a 3:12 roof pitch is provided for lots under twenty thousand square feet.

B. Single-family residences on lots with a lot area of twenty thousand square feet or greater and within an R-A zone and specifying a -20 or greater area zoning symbol shall not exceed thirty-five feet and three stories with a minimum roof pitch of 3:12 provided. (Ord. NS-204 § 6, 1992; Ord. NS-180 § 11, 1991; Ord. 9060 § 401)

21.08.0340 Front yard.

A. Every lot in an R-A zone shall have a front yard which has a depth not less than twenty feet, except that on key lots and lots which side upon commercially or industrially zoned property, the required front yard need not exceed fifteen feet. (Ord. 9060 § 502)

21.08.0450 Side yards.

A. In the R-A zone every lot shall have side yards as follows:

(a) 1. Interior lots shall have the following side yards:

(1) a. A side yard shall be provided on each side of the lot which side yard has a width equal to ten percent of the lot width; provided, that such side yard shall not be less than five feet in width and need not exceed ten feet;

(2) b. The planning director may approve a reduction in width of one side yard provided that the opposite side yard is increased in width by an amount equal to the reduction. The reduced side yard shall not be less than five feet in width nor shall it abut a lot or parcel of land with an adjacent reduced side yard, nor shall the increased side yard have a width of less than ten feet;

(3) c. In the event special circumstances exist, such as extreme topographical features and/or irregular shaped lots (such as those which front on cul-de-sacs), the planning director may approve the application of a reduced side yard adjacent to a reduced side yard, subject to the following condition:

(a) i. A minimum of ten feet between buildings shall be maintained.

(b) 2. Corner lots and reversed corner lots shall have the following side yards:

(1) a. On the side lot line which adjoins another lot, the side yard shall be equal to ten percent of the lot width; provided that such side yard shall not be less than five feet in width and need not exceed ten feet;

(2) b. On the side street, the width of the required side yard shall be ten feet and such side yard shall extend the full length of the lot. (Ord. 1256 § 7 (part), 1982; Ord. 9343 § 1, 1973; Ord. 9060 § 403)

21.08.0560 Placement of buildings.

A. Placement of buildings on any lot shall conform to the following:

~~(1)~~ 1. Interior Lots:

~~(A)~~ a. No building shall occupy any portion of a required yard,

~~(B)~~ b. Any building, any portion of which is used for human habitation, shall observe a distance from any side lot line the equivalent of the required side yard on such lot and from the rear property line the equivalent of twice the required side yard on such lot,

~~(C)~~ c. The distance between buildings used for human habitation and between buildings used for human habitation and accessory buildings shall be not less than ten feet,

~~(D)(i)~~ d. All accessory structures shall comply with the following development standards:

~~(a)~~ i. The lot coverage shall include accessory structures in the lot coverage calculations for the lot,

~~(b)~~ ii. The distance between buildings used for human habitation and accessory buildings shall be not less than ten feet,

~~(c)~~ iii. When proposed on a lot adjoining native vegetation, accessory structures within a fire suppression zone must be reviewed and approved by the fire department,

~~(d)~~ iv. Accessory buildings, by definition, do not share a common wall with the main dwelling unit structure,

~~(e)~~ v. Buildings shall not exceed one story,

~~(f)~~ vi. Building height shall not exceed fourteen feet if a minimum roof pitch of 3:12 is provided or ten feet if less than a 3:12 roof pitch is provided,

~~(g)~~ e. Second dwelling units constructed above detached garages, located within a lot's buildable area, pursuant to Section 21.10.015 30.E.4.(e)(3)(D) of this title are not subject to the one-story/fourteen-foot height limitation imposed on accessory structures,

~~(ii)~~ f. Habitable detached accessory structures shall comply with all requirements of the zone applicable to placement of a dwelling unit on a lot including setbacks,

~~(iii)~~ g. Detached accessory structures, which are not dwelling units and contain no habitable space, including but not limited to garages, workshops, tool sheds, decks over thirty inches above grade, and freestanding patio covers shall comply with the following additional development standards when located within a lot's required setback areas:

~~(a)~~ i. The maximum allowable building area per structure shall not exceed a building coverage of four hundred forty square feet,

~~(b)~~ ii. The following setbacks shall apply: A front yard setback of twenty feet, a rear yard setback of five feet, a side yard setback of five feet, and an alley setback of five feet,

~~(c)~~ iii. The maximum plumbing drain size shall be one and one-half inches in diameter so as to prohibit toilets, showers, bathtubs and other similar fixtures,

~~(d)~~ iv. The additional development standards listed above (subsections ~~(1)(D)(iii)(a)~~ 21.08.060A.1.g.i through ~~(e)iii~~ of this section) shall apply to the entire subject accessory structure, not just the portion encroaching into a lot's setback area,

~~(iv)~~ h. The provisions of this section are applicable notwithstanding the permit requirements contained in Section 18.04.015 of this code;

~~(2)~~ 2. Corner Lots and Reversed Corner Lots:

- (A) a. No building shall occupy any portion of a required yard,
- (B) b. The distance between buildings used for human habitation and between buildings used for human habitation and accessory buildings shall not be less than ten feet,
- (C) c. Any building, any portion of which is used for human habitation, shall observe a distance from the rear property line the equivalent of twice the required interior side yard on such lot,
- (D)(i) d. All accessory structures shall comply with the following development standards:
- (a) i. The lot coverage shall include accessory structures in the lot coverage calculations for the lot,
- (b) ii. The distance between buildings used for human habitation and accessory buildings shall be not less than ten feet,
- (c) iii. When proposed on a lot adjoining native vegetation, accessory structures within a fire suppression zone must be reviewed and approved by the fire department,
- (d) iv. Accessory buildings, by definition, do not share a common wall with the main dwelling unit structure,
- (e) v. Buildings shall not exceed one story,
- (f) vi. Building height shall not exceed fourteen feet if a minimum roof pitch of 3:12 is provided or ten feet if less than a 3:12 roof pitch is provided,
- (g) e. Second dwelling units constructed above detached garages, located within a lot's buildable area, pursuant to Section 21.10.045 30.E.4.(e)(3)(D) of this title are not subject to the one-story/fourteen-foot height limitation imposed on accessory structures,
- (ii) f. Habitable detached accessory structures shall comply with all requirements of the zone applicable to placement of a dwelling unit on a lot including setbacks,
- (iii) g. Detached accessory structures, which are not dwelling units and contain no habitable space, including but not limited to garages, workshops, tool sheds, decks over thirty inches above grade, and freestanding patio covers shall comply with the following additional development standards when located within a lot's required setback areas:
- (a) i. The maximum allowable building area per structure shall not exceed a building coverage of four hundred forty square feet,
- (b) ii. The following setbacks shall apply: A front yard setback of twenty feet, a rear yard setback of five feet, a side yard setback of five feet, and an alley setback of five feet,
- (c) iii. The maximum plumbing drain size shall be one and one-half inches in diameter so as to prohibit toilets, showers, bathtubs and other similar fixtures,
- (d) iv. The additional development standards listed above (subsections (2)(D)(iii)(a) 21.08.060A.2.g.i through (e) iii of this section) shall apply to the entire subject accessory structure, not just the portion encroaching into a lot's setback area,
- (iv) h. The provisions of this section are applicable notwithstanding the permit requirements contained in Section 18.04.015 of this code. (Ord. NS-355 §§ 3, 4, 1996; Ord. NS-243 §§ 2--4, 1993; Ord. 9060 § 404)

21.08.0670 Minimum lot area.

A. The minimum required area of a lot in the R-A zone when the zone implements the RL land use designation, shall be not less than one-half acre (21,780 square feet), unless a greater minimum lot area is specified on the zoning map (ex. R-A-2.5 = two and one-half (2 ½) acre minimum lot area).

B. The minimum required area of a lot in the R-A zone, when the zone implements the RLM land use designation, shall be not less than seven thousand five hundred (7,500) square feet, unless otherwise shown on the zoning maps. (Ord. 9336 § 2, 1972; Ord. 9060 § 405)

~~21.08.070 Lot area per dwelling.~~

~~The lot area per dwelling unit shall be not less than the minimum required lot area. (Ord. 9060 § 406)~~

21.08.080 Lot width.

(a) A. In the R-A zone every lot shall have a minimum lot width as follows:

- (1) 1. Lots required to have an area up to ten thousand square feet, sixty feet;
- (2) 2. Lots required to have an area of at least ten thousand square feet and up to twenty thousand square feet, seventy-five feet;
- (3) 3. Lots required to have an area of twenty thousand square feet or more, eighty feet.

(b) B. The official or decision-making body with the authority to otherwise approve the subdivision may approve panhandle or flag-shaped lots where the lot width and yards shall be measured in accord with this section if the following circumstances are found to exist. For a minor subdivision application with two or more panhandle lots, the authority for approval shall be with the planning commission.

(1) 1. The property cannot be served adequately with a public street without panhandle lots due to unfavorable conditions resulting from unusual topography, surrounding land development, or lot configuration;

(2) 2. Subdivision with panhandle lots will not preclude or adversely affect the ability to provide full public street access to other properties within the same block of the subject property.

(c) C. In approving a panhandle lot a determination shall be made as to what portion of such lot shall be the buildable lot; for purposes of this chapter, the buildable portion shall be the entire lot exclusive of any portion of the lot less than thirty-five feet in width that is used for access to the lot. Also, a determination shall be made on which property lines of the buildable lots are the front, sides and rear for purposes of providing required yards.

(d) D. Any panhandle lot approved pursuant to this section shall meet the following requirements:

(1) 1. The area of the buildable portion of the lot shall be a minimum ten thousand square feet or the minimum required by the zone whichever is greater. In zone districts permitting less than ten thousand square-foot lots, the buildable portion of the lot may be less than ten thousand square feet provided the official or decision-making body with the authority to otherwise approve the subdivision finds from evidence submitted on a site plan that all requirements of this section will be met; however, in no case shall the buildable portion of the lot be less than eight thousand square feet in area. If a site plan for a subdivision with panhandle

lots, with a buildable portion of less than ten thousand square feet, is approved, development within such subdivision shall conform to the plan as approved.

~~(2)~~ 2. The width requirements for the buildable portion of the lot shall be met as required for lots in the zone district.

~~(3)~~ 3. The yard requirements of the zone district shall be met as required for interior lots.

~~(4)~~ 4. The length of the portion of the lot fronting on a public street or publicly dedicated easement afforded access to the buildable lot shall not be greater than one hundred fifty feet for a single lot or two hundred feet when two such lots are adjoining. The minimum width for such access portion shall be twenty feet except where the access portion is adjacent to the same portion of another such lot, in which case the required minimum frontage shall be fifteen feet, provided a joint easement, ensuring common access to both such portions, is recorded.

~~(5)~~ 5. An improved driveway shall be provided within the access portion of the lot from the public street or public easement to the parking area on the buildable lot at least fourteen feet wide for single lots and twenty feet wide when serving more than one lot. The minimum overhead clearance shall be ten feet. The driveway shall be constructed to accommodate public service vehicles with a minimum of two-inch thick asphalt concrete paving on proper base with rolled edges.

~~(6)~~ 6. Drainage from the lot shall be channeled down the private access to a public street or special drainage means must be provided to the satisfaction of the city engineer.

~~(7)~~ 7. Each lot shall have three nontandem parking spaces with an approach not less than twenty-four feet in length with proper turnaround space to permit complete turnaround for forward access to the street. This parking and access arrangement shall be designed to the satisfaction of the city engineer.

~~(8)~~ 8. Structures permitted in the access portion of the lot shall be limited to mailboxes, fences, trash enclosures, landscape containers and nameplates. Except for mailboxes, these structures shall not be greater than forty-two inches in height if located within twenty feet of the street property line or greater than six feet in height beyond this point.

~~(9)~~ 9. The property owner of such a lot shall agree to hold the city or any other public service agency harmless from liability for any damage to the driveway when being used to perform a public service.

~~(10)~~ 10. Any other condition the official or decision-making body with the authority to otherwise approve the subdivision may determine to be necessary to properly develop such property. (Ord. 9467 § 2, 1976; Ord. 9060 § 407)

21.08.090 Lot coverage.

A. Lot coverage with buildings and structures shall not exceed forty percent of the lot. Buildings and structures used for growing or raising plants are not counted as coverage. (Ord. 9427 § 5, 1975; Ord. 9060 § 408)

21.08.100 Development standards.

A. No one-family dwelling unit, whether it be conventionally built, modular or a mobile home, shall be located on a lot in this size zone unless such zone dwelling unit complies with the following development standards:

(1) 1. Each dwelling unit shall have a two-car garage, with a minimum dimension of twenty square feet which is architecturally integrated with and has an exterior similar to the dwelling unit, with the following exceptions:

(A) a. One additional paved off-street (covered or uncovered) parking space shall be provided for a second dwelling unit and shall comply with the requirements of Chapter 21.44 of this title. The additional parking space may be provided through tandem parking (provided that the garage is set back a minimum of twenty feet from the property line) or in the front yard setback.

(2) 2. All dwelling units shall have a permanent foundation. For mobile homes a foundation system installed pursuant to Section 18551 of the State Health and Safety Code shall satisfy the requirements of this section.

(3) 3. Exterior siding material shall be stucco, masonry, wood or brick unless an alternative exterior material is approved by the planning director. The planning director may approve a siding material other than those listed in this section only if he finds that use of such material is in harmony with other dwelling units in the neighborhood.

(4) 4. All roofs shall have a pitch of at least three inches in twenty inches unless another pitch is approved by the planning director. No roof shall be made of corrugated, extruded or stamped metal.

(5) 5. All dwelling units shall have a minimum width of twenty feet. (Ord. NS-283 § 12, 1994; Ord. 1261 § 38, 1983; Ord. 9599 § 2 (part), 1981)

**ZONING ORDINANCE AMENDMENT
CHAPTER 21.10 – R-1 ZONE
STRIKE-OUT & UNDERLINE VERSION**

Chapter 21.10

R-1 ONE-FAMILY RESIDENTIAL ZONE

Sections:

- 21.10.010 Intent and purpose.
21.10.0420 Permitted uses.
21.10.04530 Second dwelling units.
21.10.040 Home Occupations.
21.10.0250 Building height.
21.10.0360 Front yards.
21.10.0470 Side yards.
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21.10.0690 Minimum lot area.
~~21.10.070~~ ~~Lot area per dwelling.~~
~~21.10.08100~~ Lot width.
~~21.10.09110~~ Lot coverage.
~~21.10.1020~~ Development standards.
~~21.10.1430~~ Servability.

21.10.010 Intent and purpose.

A. The intent and purpose of the R-1 One-Family Residential zone is to:

1. Implement the Residential Low Density (RL), Residential Low-Medium Density (RLM), and Residential Medium Density (RM) land use designations of the Carlsbad General Plan; and

2. Provide regulations and standards for the development of one-family dwellings, and other permitted or conditionally permitted uses, as specified in this chapter.

21.10.0420 Permitted uses.

A. In an R-1 zone, notwithstanding any other provision of this title, only the following uses listed in Table A, below, only are shall be permitted, and as hereinafter specifically provided and allowed subject to the requirements and development standards specified by this chapter, and subject to the provisions of Chapter 21.44 governing off-street parking requirements:

— (1) One family dwellings;

— (2) Accessory buildings and structures, including private garages to accommodate vehicles owned, operated and used by residents of the dwelling unit and which are compatible with the surrounding neighborhood in which the residence is located;

— (3) Greenhouses less than two thousand square feet in area. Greenhouses greater than two thousand square feet are permitted by approved conditional use permit only. In either instance, all requirements for yard setback and height shall be met;

— (4) Agricultural crops;

— (5) On each lot or combination of adjacent lots under one ownership, there may be kept one horse for each ten thousand square feet in the lot or lots; provided, however, that any such horse may be kept only if it is fenced and stabled so that at no time is it able to graze, stray or roam

closer than fifty feet to any building used for human habitation, other than buildings on the lot or lots, and as to those buildings, no closer than forty feet;

~~— (6) A two-family dwelling when the lot upon which it is located has a sideline abutting a lot or lots zoned R-3, R-T, R-P, C-1, C-2, C-M or M, but in no case shall the property used for such two-family dwelling consist of more than one lot nor be more than ninety feet in width, whichever is the least;~~

~~— (7) Home occupations which are not disruptive to the residential character of the neighborhood and which are subject to the following conditions:~~

~~— (A) Home occupations shall be conducted as a secondary use by a resident or residents of the premises.~~

~~— (B) No employees shall be employed on the premises.~~

~~— (C) All home occupation activities shall be conducted entirely within the residential structure, except for permitted agricultural or horticultural uses.~~

~~— (D) There shall be no external alteration of appearance of the residential structure which would reflect the existence of the home occupation.~~

~~— (E) No storage of materials, goods, equipment, or stock-in-trade shall be permitted where visible from the exterior of the property. No deliveries or pickups by heavy-duty commercial vehicles shall be permitted.~~

~~— (F) Sale of goods or services shall not be conducted on the property, except for agricultural goods grown on the premises. This provision shall not be construed to prohibit taking orders for sale where delivery of goods or performance of services does not occur on the property.~~

~~— (G) The home occupation shall not cause any external effect which is inconsistent with the residential zone or disrupts the neighborhood, including but not limited to, noise from equipment, traffic, lighting, offensive odor, or electrical interference.~~

~~— (H) No advertising, signs, or displays of any kind indicating the existence of the home occupation shall be permitted on the premises.~~

~~— (I) The home occupation shall not cause the elimination of required off-street parking.~~

~~— (J) The home occupation may not utilize an area greater than twenty percent of the combined total floor area of all on-site structures.~~

~~— (K) A city business license is required for the conduct of a home occupation;~~

~~— (8) Packing or sorting sheds of a total floor area of six hundred square feet or less. Packing and sorting sheds greater than six hundred square feet are permitted by approved conditional use permit only;~~

~~— (9) Mobile homes certified under the National Mobilehome Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 et seq.) on a foundation system pursuant to Section 18551 of the State Health and Safety Code;~~

~~— (10) Signs subject to the provisions of Chapter 21.41;~~

~~— (11) Small family day care homes;~~

~~— (12) Large family day care homes, subject to the provisions of Chapter 21.83 of this title;~~

~~— (13) Satellite television antennae subject to the provisions of Section 21.53.130 of this code.~~

~~(Ord. NS 409 § 5, 1997; Ord. 9804 § 6 (part), 1986; Ord. 9785 § 5, 1986; Ord. 9731 § 2, 1984; Ord. 9686 § 1, 1983; Ord. 9624 § 2 (part), 1983; Ord. 9559 § 1 (part), 1980; Ord. 9502 § 7, 1978; Ord. 9455 § 3 (part), 1976; Ord. 9427 § 6, 1975; Ord. 9239 § 1, 1969; Ord. 9224 § 2 (part), 1969; Ord. 9170 § 1; Ord. 9060 § 500)~~

B. The uses permitted by conditional use permit, as indicated in Table A, shall be subject to the provisions of Chapters 21.42 and 21.50.

TABLE A
Permitted Uses

In the table, below, subject to all applicable permitting and development requirements of the Municipal Code:			
<ul style="list-style-type: none"> • "P" indicates use is permitted • "CUP" indicates use is permitted with approval of a conditional use permit. • "Acc" indicates use is permitted as an accessory use. 			
USE	P	CUP	Acc
Accessory buildings/structures (ex. garages, workshops, tool sheds, patio covers, decks, etc.) (defined: Sec. 21.04.020)			X
Agricultural crops	X		
Animal keeping (household pets), subject to Sec. 21.53.084			X
Animal keeping (horses) (see note 1, below)			X
Animal keeping (wild animals), subject to Sec. 21.53.085			X
Aquaculture (defined: Sec. 21.04.036)		X	
Biological habitat preserve, subject to Sec. 21.42.010(15)(A) (defined: Sec. 21.04.048)		X	
Campsites (overnight), subject to Sec. 21.42.010(2)(H).		X	
Cemeteries		X	
Churches		X	
Dwelling, one-family (defined: Sec. 21.04.125)	X		
Family day care home (large), subject to Chap. 21.83 (defined: Sec. 21.04.147)			X
Family day care home (small), subject to Chap. 21.83 (defined: Sec. 21.04.148)			X
Golf courses (see note 2, below)		X	
Greenhouses (2,000 square feet maximum)	X		
Greenhouses > 2,000 square feet, subject to Sec. 21.42.010(2)(F)		X	
Home occupation, subject to Sec. 21.10.040			X
Mobile home (see note 3, below) (defined: Sec. 21.04.266)	X		
Packing/sorting sheds (600 square feet maximum)	X		
Packing/sorting sheds > 600 square feet, subject to Sec. 21.42.010(2)(F)		X	
Public buildings		X	
Public/quasi-public accessory utility buildings/facilities (see note 4, below)		X	
Satellite TV antennae, subject to Sec. 21.53.130 – 21.53.150 (defined: Sec. 21.04.302)			X
Schools, public/private (defined: Sec. 21.04.140)		X	
Second dwelling unit, subject to Sec. 21.10.030 (defined: Sec. 21.04.303)			X
Signs, subject to Chap. 21.41 (defined: Sec. 21.04.305)			X
Temporary bldg./trailer (real estate or construction), subject to Sec. 21.53.090 and 21.53.110	X		
Zoos (private), subject to Sec. 21.42.010(2)(K) (defined: Sec. 21.04.400)		X	

Note:

1) On each lot or combination of adjacent lots under one ownership, there may be kept one (1) horse for each ten thousand (10,000) square feet in the lot or lots; provided, however, that any such horse may be kept only if it is fenced and stabled so that at no time is it able to graze, stray or roam closer than fifty (50) feet to any building used for human habitation, other than buildings on the lot or lots, and as to those buildings, no closer than forty (40) feet.

2) A conditional use permit is not required for a golf course if it is approved as part of a master plan for a planned community development.

3) Mobile homes must be certified under the National Mobilehome Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 et seq.) on a foundation system pursuant to Section 18551 of the State Health and Safety Code.

4) Public/quasi-public accessory utility buildings/facilities include, but are not limited to, water wells, water storage, pump stations, booster stations, transmission/distribution electrical substations, operating centers, gas metering/regulating stations, or telephone exchanges, with the necessary accessory equipment incidental thereto.

21.10.01530 Second dwelling units.

(a) A. The public good is served when there exists in a city, housing which is appropriate for the needs of and affordable to all members of the public who reside within that city. Among other needs, there is in Carlsbad a need for affordable rental housing. Therefore, it is in the public interest for the city to promote a range of housing alternatives in order to meet the affordable rental housing needs of its citizens. This section is intended to provide a rental housing alternative by establishing a procedure to create new second dwelling units.

(b) B. The provisions of this section shall apply to single-family zones R-A, R-E and R-1, areas designated by a master plan for single-family detached dwellings in P-C zones and lots within multifamily zones R-2, R-3, R-P, R-T, R-W and RD-M, which are developed with single-family residences.

(c) C. Second dwelling units developed within the coastal zone require a minor coastal development permit issued according to the provisions of Section 21.201.085 of this title and a building permit. Second dwelling units outside of the coastal zone require a building permit.

(d) D. The completed minor coastal development permit and/or building permit application for a second dwelling unit shall include the following information:

- (1) 1. The name(s) of the owner(s);
- (2) 2. The address of the dwelling units;
- (3) 3. The assessor's parcel number;
- (4) 4. Building elevations and a general floor plan of the second dwelling unit;
- (5) 5. A scaled drawing showing the lot dimensions, the location of the primary and second dwelling unit, location of all vehicular parking and the total square footage of both units;
- (6) 6. Description and location of water and sanitary (sewer) services; and
- (7) 7. An applicant-signed Affidavit of Compliance declaring that: (a) the second dwelling unit is not in conflict with existing conditions, covenants and restrictions (CC and R's) applicable to the title of the subject property; (b) the property owner(s) shall reside in either the main dwelling unit or the second dwelling unit unless a lessee leases both the main dwelling and the second dwelling unit; (c) the property owners agree to rent the second dwelling unit at a monthly rental rate which shall not exceed an income of a low-income household, adjusted for household size, at eighty percent of the San Diego County median income.

(e) E. Second dwelling units shall comply with the following:

(1) 1. The second dwelling unit shall either be attached to the main dwelling unit and located within the habitable area of the main dwelling unit or detached from the main dwelling unit and located on the same lot as the main dwelling unit.

(2) 2. The second dwelling unit shall have a separate entrance.

(3) 3. The second dwelling unit must meet the setback, lot coverage, and other development standards applicable to the zone, which are not addressed within this subsection. In the coastal zone, any housing development processed pursuant to this chapter shall be consistent with all certified local coastal program provisions, with the exception of density, or as otherwise specified within this subsection.

(4) 4. Attached second dwelling units shall conform to the height limits applicable to the zone and detached second dwelling units shall be limited to one story, except that second dwelling units constructed above detached garages shall be permitted, and shall conform to the height limits applicable to the zone.

(5) 5. Garage conversions are prohibited unless replacement off-street garage parking is provided concurrently and in compliance with the requirements of Chapter 21.44 of this title.

(6) 6. Second dwelling units shall not be permitted on a lot or parcel having guest or accessory living quarters, or a residential care facility. Existing guest or accessory living quarters may be converted into a second dwelling unit provided that all zoning and structural requirements are met.

(7) 7. One additional paved off-street (covered or uncovered) parking space shall be provided for the second dwelling unit and shall comply with the requirements of Chapter 21.44 of this title. The additional parking space may be provided through tandem parking (provided that the garage is set back a minimum of twenty feet from the property line) or in the front yard setback.

(8) 8. Adequate water and sewer capacity and facilities for the second dwelling unit must be available or made available.

(9) 9. All necessary public facilities and services must be available or made available.

(10) 10. The second unit may be rented and shall not be sold separately from the main dwelling unit unless the lot on which such units are located is subdivided. The lot upon which the second unit is located shall not be subdivided unless each lot which would be created by the subdivision will comply with the requirements of this title and Title 20; and further provided, that all structures existing on each proposed lot will comply with the development standards applicable to each lot.

(11) 11. The total area of floor space for an attached or detached second unit shall not exceed six hundred forty square feet.

(12) 12. The second dwelling unit shall be architecturally compatible with the main dwelling unit, in terms of appearance, materials and finished quality.

(13) 13. A second dwelling unit which conforms to the requirements of this section shall be allowed to exceed the permitted density for the lot upon which it is located and shall be deemed to be a residential use consistent with the density requirements of the general plan and the zoning designation for the lot.

(14) 14. The size of the lot upon which a second dwelling unit is proposed shall not be less than the minimum lot size required of the zone. (Ord. NS-663 § 3, 2003; NS-402 § 8, 1997; Ord. NS-283 § 3, 1994)

21.10.040 Home Occupations.

A. Home occupations which are not disruptive to the residential character of the neighborhood shall be permitted as an accessory use, subject to the following conditions:

1. Home occupations shall be conducted as a secondary use by a resident or residents of the premises;

2. No employees shall be employed on the premises;

3. All home occupation activities shall be conducted entirely within the residential structure, except for permitted agricultural or horticultural uses;

4. There shall be no external alteration to the appearance of the residential structure that would reflect the existence of the home occupation;

5. No storage of materials, goods, equipment, or stock in trade shall be permitted where visible from the exterior of the property;

6. No deliveries or pickups by heavy duty commercial vehicles shall be permitted;

7. Sale of goods or services shall not be conducted on the property, except for agricultural goods grown on the premises. This provision shall not be construed to prohibit taking orders for sale where delivery of goods or performance of services does not occur on the property;

8. The home occupation shall not cause any external effect that is inconsistent with the residential zone or disrupts the neighborhood, including but not limited to, noise from equipment, traffic, lighting, offensive odor, or electrical interference;

9. No advertising, signs, or displays of any kind indicating the existence of the home occupation shall be permitted on the premises;

10. The home occupation shall not cause the elimination of required off-street parking;

11. The home occupation may not utilize an area greater than twenty (20) percent of the combined total floor area of all on-site structures; and

12. A city business license is required for the conduct of a home occupation.

21.10.02~~50~~ Building height.

A. In the R-1 zone no building shall exceed a height of thirty feet and two stories if a minimum roof pitch of 3:12 is provided or twenty-four feet and two stories if less than a 3:12 roof pitch is provided for lots under twenty thousand square feet. Single-family residences on lots with a lot area of twenty thousand square feet or greater and within a R-1 zone and specifying a -20 or greater area zoning symbol shall not exceed thirty-five feet and three stories with a minimum roof pitch of 3:12 provided. (Ord. NS-204 § 7, 1992; Ord. NS-180 § 12, 1991; Ord. 9060 § 501)

21.10.03~~60~~ Front yard.

A. Every lot in the R-1 zone shall have a front yard which has a depth not less than twenty feet, except that on key lots and lots which side upon commercially or industrially zoned property, the required front yard need not exceed fifteen feet. (Ord. 9060 § 502)

21.10.04~~70~~ Side yards.

A. In the R-1 zone every lot shall have side yards as follows:

(a) 1. Interior lots shall have the following side yards:

(1) a. A side yard shall be provided on each side of the lot, which side yard has a width equal to ten percent of the lot width; provided, that such side yard shall not be less than five feet in width and need not exceed ten feet.

(2) b. The planning director may approve a reduction in width of one side yard provided that the opposite side yard is increased in width by an amount equal to the reduction. The reduced side yard shall not be less than five feet in width nor shall it abut a lot or

parcel of land with an adjacent reduced side yard, nor shall the increased side yard have a width of less than ten feet.

(3) c. In the event special circumstances exist, such as extreme topographical features and/or irregularly shaped lots (such as those which front on cul-de-sacs), the planning director may approve the application of a reduced side yard adjacent to a reduced side yard, subject to the following condition: A minimum of ten feet between buildings shall be maintained.

(b) 2. Corner lots and reversed corner lots shall have the following side yards:

(1) a. On the side lot line which adjoins another lot, the side yard shall be equal to ten percent of the lot width; provided that such side yard shall not be less than five feet in width and need not exceed ten feet,

(2) b. On the side street, the width of the required side yard shall be ten feet and such side yard shall extend the full length of the lot. (Ord. 1256 § 7 (part), 1982; Ord. 9343 § 2, 1973; Ord. 9060 § 503)

21.10.0580 Placement of buildings.

A. Placement of buildings on any lot shall conform to the following:

(1) 1. Interior Lots:

(A) a. No building shall occupy any portion of a required yard,

(B) b. Any building, any portion of which is used for human habitation, shall observe a distance from any side lot line the equivalent of the required side yard and from the rear property line the equivalent of twice the required side yard on such lot,

(C) c. The distance between buildings used for human habitation and between buildings used for human habitation and accessory buildings shall be not less than ten feet,

(D)(i) d. All accessory structures shall comply with the following development standards:

(a) i. The lot coverage shall include accessory structures in the lot coverage calculations for the lot,

(b) ii. The distance between buildings used for human habitation and accessory buildings shall be not less than ten feet,

(c) iii. When proposed on a lot adjoining native vegetation, accessory structures within a fire suppression zone must be reviewed and approved by the fire department,

(d) iv. Accessory buildings, by definition, do not share a common wall with the main dwelling unit structure,

(e) v. Buildings shall not exceed one story,

(f) vi. Building height shall not exceed fourteen feet if a minimum roof pitch of 3:12 is provided or ten feet if less than a 3:12 roof pitch is provided,

(g) e. Second dwelling units constructed above detached garages, located within a lot's buildable area, pursuant to Section 21.10.04530.E.4. (e)(3)(D) of this title are not subject to the one-story/fourteen-foot height limitation imposed on accessory structures,

(ii) f. Habitable detached accessory structures shall comply with all requirements of the zone applicable to placement of a dwelling unit on a lot including setbacks,

(iii) g. Detached accessory structures, which are not dwelling units and contain no habitable space, including but not limited to garages, workshops, tool sheds, decks over 30 inches above grade, and freestanding patio covers shall comply with the following additional development standards when located within a lot's required setback areas:

(a) i. The maximum allowable building area per structure shall not exceed a building coverage of four hundred forty square feet,

(b) ii. The following setbacks shall apply: A front yard setback of twenty feet, a rear yard setback of five feet, a side yard setback of five feet, and an alley setback of five feet,

(c) iii. The maximum plumbing drain size shall be one and one-half inches in diameter so as to prohibit toilets, showers, bathtubs and other similar fixtures,

(d) iv. The additional development standards listed above (subsections (1)(D)(iii)(a) 21.10.080A.1.g.i through (e) iii of this section) shall apply to the entire subject accessory structure, not just the portion encroaching into a lot's setback area,

(iv) h. The provisions of this section are applicable notwithstanding the permit requirements contained in Section 18.04.015 of this code,

(2) 2. Corner Lot and Reversed Corner Lots:

(A) a. No building shall occupy any portion of a required yard,

(B) b. The distance between buildings used for human habitation and between buildings used for human habitation and accessory buildings shall be not less than ten feet,

(C) c. Any building, any portion of which is used for human habitation shall observe a distance from the rear property line to the equivalent of twice the required interior side yard on such lot,

(D) (i) d. All accessory structures shall comply with the following development standards:

(a) i. The lot coverage shall include accessory structures in the lot coverage calculations for the lot,

(b) ii. The distance between buildings used for human habitation and accessory buildings shall be not less than ten feet,

(c) iii. When proposed on a lot adjoining native vegetation, accessory structures within a fire suppression zone must be reviewed and approved by the fire department,

(d) iv. Accessory buildings, by definition, do not share a common wall with the main dwelling unit structure,

(e) v. Buildings shall not exceed one story,

(f) vi. Building height shall not exceed fourteen feet if a minimum roof pitch of 3:12 is provided or ten feet if less than a 3:12 roof pitch is provided,

(g) e. Second dwelling units constructed above detached garages, located within a lot's buildable area, pursuant to Section 21.10.04530.E.4. (e)(3)(D) of this title are not subject to the one-story/fourteen-foot height limitation imposed on accessory structures,

(ii) f. Habitable detached accessory structures shall comply with all requirements of the zone applicable to placement of a dwelling unit on a lot including setbacks,

(iii) g. Detached accessory structures, which are not dwelling units and contain no habitable space, including but not limited to garages, workshops, tool sheds, decks

over thirty inches above grade, and freestanding patio covers shall comply with the following additional development standards when located within a lot's required setback areas:

- (a) i. The maximum allowable building area per structure shall not exceed a building coverage of four hundred forty square feet,
- (b) ii. The following setbacks shall apply: A front yard setback of twenty feet, a rear yard setback of five feet, a side yard setback of five feet, and an alley setback of five feet,
- (c) iii. The maximum plumbing drain size shall be one and one-half inches in diameter so as to prohibit toilets, showers, bathtubs and other similar fixtures,
- (d) iv. The additional development standards listed above (subsections (2)(D)(iii)(a) 21.10.080A.2.g.i through (e)iii of this section) shall apply to the entire subject accessory structure, not just the portion encroaching into a lot's setback area,
- (iv) h. The provisions of this section are applicable notwithstanding the permit requirements contained in Section 18.04.015 of this code. (Ord. NS-355 §§ 5, 6, 1996; Ord. NS-243 §§ 5--7, 1993; Ord. 9060 § 504)

21.10.0690 Minimum lot area.

A. The minimum required area of a lot in the R-1 zone, when the zone implements the RL land use designation, shall be not less than one-half acre (21,780 square feet), unless a greater minimum lot area is specified on the zoning map (i.e. R-1-40,000 = 40,000 square foot minimum lot area).

B. The minimum required area of a lot in the R-1 zone, when the zone implements the RLM land use designation, shall be not less than seven thousand five hundred (7,500) square feet, unless otherwise shown on the zoning map.

C. The minimum required area of a lot in the R-1 zone, when the zone implements the RM land use designation, shall be not less than six thousand (6,000) square feet, unless otherwise shown on the zoning map.

~~21.10.070 Lot area per dwelling.~~

~~The lot area per dwelling unit shall be not less than the minimum required lot area. (Ord. 9060 § 506)~~

21.10.08100 Lot width.

(a) A. In the R-1 zone every lot shall have a minimum lot width as follows:

- (1) 1. Lots required to have an area up to ten thousand square feet, sixty feet;
- (2) 2. Lots required to have an area of at least ten thousand square feet and up to twenty thousand square feet, seventy-five feet;
- (3) 3. Lots required to have an area of twenty thousand square feet or more, eighty feet.

(b) B. The official or decision-making body with the authority to otherwise approve the subdivision may approve panhandle or flag-shaped lots where the lot width and yards shall be measured in accord with this section if the following circumstances are found to exist. For a minor subdivision application with two or more panhandle lots, the authority for approval shall be with the planning commission.

(1) 1. The property cannot be served adequately with a public street without panhandle lots due to unfavorable conditions resulting from unusual topography, surrounding land development, or lot configuration;

(2) 2. Subdivision with panhandle lots will not preclude or adversely affect the ability to provide full public street access to other properties within the same block of the subject property.

(e) C. In approving a panhandle lot, a determination shall be made as to what portion of such lot shall be the buildable lot; for purposes of this chapter, the buildable portion shall be the entire lot exclusive of any portion of the lot less than thirty-five feet in width that is used for access to the lot. Also, a determination shall be made on which property lines of the buildable lots are the front, sides and rear for purposes of providing required yards.

(d) D. Any panhandle lot approved pursuant to this section shall meet the following requirements:

(1) 1. The area of the buildable portion of the lot shall be a minimum ten thousand square feet or the minimum required by the zone whichever is greater. In zone districts permitting less than ten thousand square-foot lots, the buildable portion of the lot may be less than ten thousand square feet provided the official or decision-making body with authority to otherwise approve the subdivision finds from evidence submitted on a site plan that all requirements of this section will be met; however, in no case shall the buildable portion of the lot be less than eight thousand square feet in area. If a site plan for a subdivision with panhandle lots with a buildable portion of less than ten thousand square feet is approved, development within such subdivision shall conform to the plan as approved.

(2) 2. The width requirements for the buildable portion of the lot shall be met as required for lots in the zone district.

(3) 3. The yard requirements of the zone district shall be met as required for interior lots.

(4) 4. The length of the portion of the lot fronting on a public street or publicly dedicated easement afforded access to the buildable lot shall not be greater than one hundred fifty feet for a single lot or two hundred feet when two such lots are adjoining. The minimum width for such access portion shall be twenty feet except where the access portion is adjacent to the same portion of another such lot, in which case the required minimum frontage shall be fifteen feet, provided a joint easement ensuring common access to both such portions is recorded.

(5) 5. An improved driveway shall be provided within the access portion of the lot from the street or public easement to the parking area on the buildable lot at least fourteen feet wide for single lots and twenty feet wide when serving more than one lot. The minimum overhead clearance shall be ten feet. The driveway shall be constructed to accommodate public service vehicles with a minimum of two-inch thick asphalt concrete paving on proper base with rolled edges.

(6) 6. Drainage from the lot shall be channeled down the private access to a public street or special drainage means must be provided to the satisfaction of the city engineer.

(7) 7. Each lot shall have three nontandem parking spaces with an approach not less than twenty-four feet in length with proper turnaround space to permit complete turnaround for forward access to the street. The parking and access arrangement shall be designed to the satisfaction of the city engineer.

(8) 8. Structures permitted in the access portion of the lot shall be limited to mailboxes, fences, trash enclosures, landscape containers and nameplates. Except for mailboxes,

the structures shall not be greater than forty-two inches in height if located within twenty feet of the street property line or greater than six feet in height beyond this point.

(9) 9. The property owner of such a lot shall agree to hold the city or any other public service agency harmless from liability for any damage to the driveway when being used to perform a public service.

(10) 10. Any other condition the official or decision-making body with the authority to otherwise approve the subdivision may determine to be necessary to properly develop such property. (Ord. 1261 § 40 (part), 1983; Ord. 9598 § 1, 1981; Ord. 9467 § 3, 1976; Ord. 9103 § 1, 1975; Ord. 9060 § 508)

21.10.09110 Lot coverage.

A. Lot coverage with buildings and structures shall not exceed forty percent of the lot. Buildings and structures used for growing or raising plants or animals are not counted as coverage. (Ord. 9427 § 7, 1975; Ord. 9060 § 508)

21.10.1020 Development standards.

A. No one-family dwelling unit, whether it be conventionally built, modular or a mobile home, shall be located on a lot in this zone unless such dwelling unit complies with the following development standards:

(1) 1. Each dwelling unit shall have a two-car garage, with a minimum dimension of twenty feet square which is architecturally integrated with and has an exterior similar to the dwelling unit with the following exception:

(A) a. One additional paved off-street (covered or uncovered) parking space shall be provided for a second dwelling unit and shall comply with the requirements of Chapter 21.44 of this title. The additional parking space may be provided through tandem parking (provided that the garage is set back a minimum of twenty feet from the property line) or in the front yard setback.

(2) 2. All dwelling units shall have a permanent foundation. For mobile homes a foundation system installed pursuant to Section 18551 of the State Health and Safety Code shall satisfy the requirements of this section.

(3) 3. Exterior siding materials shall be stucco, masonry, wood or brick unless an alternative exterior material is approved by the planning director. The planning director may approve a siding material other than those listed in this section only if he finds that use of such material is in harmony with other dwelling units in the neighborhood.

(4) 4. All roofs shall have a pitch of at least three inches in twenty inches unless another pitch is approved by the planning director. No roof shall be made of corrugated, extruded or stamped metal.

(5) 5. All dwelling units shall have a minimum width of twenty feet. (Ord. NS-283 §15, 1994; Ord. 1261 § 40 (part), 1983; Ord. 9599 § 2 (part), 1981)

21.10.1430 Severability.

A. If any section, subsection, sentence, clause, phrase or part of this chapter is for any reason found by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter, which shall be in full force and effect. The city council hereby declares that it would have adopted this chapter with each section, subsection, sentence, clause, phrase or part thereof regardless of the fact that

any one or more sections, subsections, sentences, clauses, phrases, or parts be declared invalid or unconstitutional. (Ord. NS-663 § 4, 2003)

**ZONING ORDINANCE AMENDMENT
CHAPTER 21.12 – R-2 ZONE
STRIKE-OUT & UNDERLINE VERSION**

Chapter 21.12

R-2 TWO-FAMILY RESIDENTIAL ZONE

Sections:

<u>21.12.010</u>	<u>Intent and purpose.</u>
21.12.01 20	Permitted uses.
21.12.01 5	Second dwelling units.
21.12.02 30	Building height.
21.12.03 40	Front yard.
21.12.04 50	Side yards.
21.12.05 60	Placement of buildings.
21.12.06 70	Minimum lot area.
21.12.07 0	Lot area per dwelling.
21.12.08 90	Lot width.
21.12.09 100	Lot coverage.

21.12.010 Intent and purpose.

- A. The intent and purpose of the R-2 Two-Family Residential zone is to:
1. Implement the Residential Medium Density (RM) land use designation of the Carlsbad General Plan; and
 2. Provide regulations and standards for the development of residential dwellings, and other permitted or conditionally permitted uses, as specified in this chapter.

21.12.01~~20~~ Permitted uses.

A. In the R-2 zone, notwithstanding any other provision of this title, only the following uses listed in Table A, below, only are shall be permitted, and as hereinafter specifically provided and allowed subject to the requirements and development standards specified by this chapter, and subject to the provisions of Chapter 21.44 governing off-street parking requirements;

(1) ~~Any use permitted in the R-1 single-family zone, except no animals other than household pets shall be permitted;~~

(2) ~~Accessory buildings and structures, including private garages to accommodate not more than two cars per dwelling unit;~~

(3) ~~Two-family dwelling, provided if a one-family dwelling existed on such lot on the effective date of the ordinance codified in this title a second one-family dwelling may be erected, provided also that on corner lots two single-family homes may be erected if one house faces the street upon which such lot fronts and the other house faces upon the side street;~~

(4) ~~Repealed by Ord. 9731 § 3;~~

(5) ~~A three-family or a four-family dwelling when the side lot line of the lot abuts lots zoned for R-T, R-P, C-1, C-2, C-M or "M," but in no case shall the property used for such three or four-family dwelling consist of more than one lot, or be more than ninety feet in width, whichever is the least;~~

(6) ~~Signs subject to the provisions of Chapter 21.41;~~

(7) ~~Satellite television antennae subject to the provisions of Section 21.53.130 of this code.~~

(8) ~~Small family day-care homes;~~

(9) Large family day care homes, subject to the provisions of Chapter 21.83 of this title. (Ord. NS 565 § 1, 2001; Ord. 9804 § 6 (part), 1986; Ord. 9785 § 6, 1986; Ord. 9731 § 3, 1984; Ord. 9674 § 2 (part), 1983; Ord. 9060 § 600)

B. The uses permitted by conditional use permit, as indicated in Table A, shall be subject to the provisions of Chapters 21.42 and 21.50.

TABLE A
Permitted Uses

In the table, below, subject to all applicable permitting and development requirements of the Municipal Code:			
<ul style="list-style-type: none"> • "P" indicates use is permitted • "CUP" indicates use is permitted with approval of a conditional use permit. • "Acc" indicates use is permitted as an accessory use. 			
USE	P	CUP	Acc
Accessory buildings/structures (ex. garages, workshops, tool sheds, patio covers, decks, etc.) (see notes 1 & 2, below) (defined: Sec. 21.04.020)			X
Agricultural crops	X		
Animal keeping (household pets), subject to Sec. 21.53.084			X
Animal keeping (wild animals), subject to Sec. 21.53.085			X
Aquaculture (defined: Sec. 21.04.036)		X	
Biological habitat preserve, subject to Sec. 21.42.010(15)(A) (defined: Sec. 21.04.048)		X	
Campsites (overnight), subject to Sec. 21.42.010(2)(H)		X	
Cemeteries		X	
Churches		X	
Dwelling, one-family (defined: Sec. 21.04.125)	X		
Dwelling, two-family (see note 3, below) (defined: Sec. 21.04.130)	X		
Dwelling, multiple-family (see note 4, below) (defined: Sec. 21.04.135)	X		
Family day care home (large), subject to Chap. 21.83 (defined: Sec. 21.04.147)			X
Family day care home (small), subject to Chap. 21.83 (defined: Sec. 21.04.148)			X
Golf courses (see note 5, below)		X	
Greenhouses (2,000 square feet maximum)	X		
Greenhouses > 2,000 square feet, subject to Sec. 21.42.010(2)(F)		X	
Home occupation, subject to Sec. 21.10.040			X
Mobile home (see note 6, below) (defined: Sec. 21.04.266)	X		
Packing/sorting sheds (600 square feet maximum)	X		
Packing/sorting sheds > 600 square feet, subject to Sec. 21.42.010(2)(F)		X	
Public buildings		X	
Public/quasi-public accessory utility buildings/facilities (see note 7, below)		X	
Satellite TV antennae, subject to Sec. 21.53.130 – 21.53.150 (defined: Sec. 21.04.302)			X
Schools, public/private (defined: Sec. 21.04.140)		X	
Second dwelling unit (accessory to a one-family dwelling only), subject to Sec. 21.10.030 (defined: Sec. 21.04.303)			X
Signs, subject to Chap. 21.41 (defined: Sec. 21.04.305)			X
Temporary bldg./trailer (real estate or construction), subject to Sec. 21.53.090 and 21.53.110	X		
Zoos (private), subject to Sec. 21.42.010(2)(K) (defined: Sec. 21.04.400)		X	

Note:

- 1) Private garages (defined: Sec. 21.04.150) shall accommodate not more than two cars per dwelling unit.

2) When associated with a two-family or multiple-family dwelling, accessory buildings shall not include guest houses or accessory living quarters (defined: Sec. 21.04.165).

3) If a one-family dwelling existed on a lot on the effective date of the ordinance codified in this title, a second one-family dwelling may be erected. Also, on corner lots two one-family dwellings may be erected if one house faces the street upon which such lot fronts and the other house faces upon the side street.

4) A multiple-family dwelling with a maximum of four (4) units may be erected when the side lot line of a lot abuts R-P, commercial or industrial zoned lots, but in no case shall the property consist of more than one lot, or be more than ninety feet in width.

5) A conditional use permit is not required for a golf course if it is approved as part of a master plan for a planned community development.

6) Mobile homes must be certified under the National Mobilehome Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 et seq.) on a foundation system pursuant to Section 18551 of the State Health and Safety Code.

7) Public/quasi-public accessory utility buildings/facilities include, but are not limited to, water wells, water storage, pump stations, booster stations, transmission/distribution electrical substations, operating centers, gas metering/regulating stations, or telephone exchanges, with the necessary accessory equipment incidental thereto.

~~21.12.015~~ Second dwelling units.

~~Second dwelling units are permitted according to the provisions of Section 21.10.015 of this title on lots which are developed with detached single family residences. The development standards of this zone shall apply. (Ord. NS 663 § 5, 2003; Ord. NS 283 § 7, 1994)~~

~~21.12.0230~~ Building height.

A. No building in the R-2 zone shall exceed a height of thirty feet and two stories if a minimum roof pitch of 3:12 is provided or twenty-four feet and two stories if less than a 3:12 roof pitch is provided for lots under twenty thousand square feet. Buildings on lots with a lot area of twenty thousand square feet or greater shall not exceed thirty-five feet and three stories with a minimum roof pitch of 3:12 provided. (Ord. NS-204 § 8, 1992; Ord. NS-180 § 13, 1991; Ord. 9060 § 601)

~~21.12.0340~~ Front yard.

A. Every lot in the R-2 zone shall have a front yard which has a depth not less than twenty feet, except that on key lots and on lots which side upon commercially or industrially zoned property, the depth of the required front yard need not exceed fifteen feet. (Ord. 9060 § 602)

~~21.12.0450~~ Side yards.

A. In the R-2 zone every lot shall have side yards as follows:

(a) 1. Interior lots shall have the following side yards:

(1) a. A side yard shall be provided on each side of the lot which side yard has a width equal to ten percent of the lot width; provided that such side yard shall not be less than five feet in width and need not exceed ten feet;

(2) b. The planning director may approve a reduction in width of one side yard provided that the opposite side yard is increased in width by an amount equal to the reduction. The reduced side yard shall not be less than five feet in width nor shall it abut a lot or parcel of land with an adjacent reduced side yard, nor shall the increased side yard have a width of less than ten feet;

(3) c. In the event special circumstances exist, such as extreme topographical features and/or irregular shaped lots (such as those which front on cul-de-sacs), the planning director may approve the application of a reduced side yard adjacent to a reduced side yard, subject to the following condition:

(a) i. A minimum of ten feet between buildings shall be maintained.

(b) 2. Corner lots and reversed corner lots shall have the following side yards:

(1) a. On the side lot line which adjoins another lot, the side yard shall be equal to ten percent of the lot width; provided that such side yard shall not be less than five feet in width and need not exceed ten feet;

(2) b. On the side street, the width of the required side yard shall be ten feet and such side yard shall extend the full length of the lot. (Ord. 1256 § 7 (part), 1982; Ord. 9343 § 3, 1973; Ord. 9060 § 603)

21.12.0560 Placement of buildings.

A. Placement of buildings on any lot shall conform to the following:

(1) 1. Interior Lots:

(A) a. No building shall occupy any portion of a required yard,

(B) b. Any building, any portion of which is used for human habitation, shall observe a distance from any side lot line the equivalent of the required side yard on such lot and from the rear property line the equivalent of twice the required side yard on the same lot,

(C) c. The distance between buildings used for human habitation and between buildings used for human habitation and accessory buildings shall be not less than ten feet,

(D) (i) d. All accessory structures shall comply with the following development standards:

(a) i. The lot coverage shall include accessory structures in the lot coverage calculations for the lot,

(b) ii. The distance between buildings used for human habitation and accessory buildings shall be not less than ten feet,

(c) iii. When proposed on a lot adjoining native vegetation, accessory structures within a fire suppression zone must be reviewed and approved by the fire department,

(d) iv. Accessory buildings, by definition, do not share a common wall with the main dwelling unit structure,

(e) v. Buildings shall not exceed one story,

(f) vi. Building height shall not exceed fourteen feet if a minimum roof pitch of 3:12 is provided or ten feet if less than a 3:12 roof pitch is provided,

(g) e. Second dwelling units constructed above detached garages, located within a lot's buildable area, pursuant to Section 21.10.01-530.E.4. (e)(3)(D) of this title are not subject to the one-story/fourteen-foot height limitation imposed on accessory structures,

(ii) f. Habitable detached accessory structures shall comply with all requirements of the zone applicable to placement of a dwelling unit on a lot including setbacks,

(iii) g. Detached accessory structures, which are not dwelling units and contain no habitable space, including but not limited to garages, workshops, tool sheds, decks over thirty inches above grade, and freestanding patio covers shall comply with the following additional development standards when located within a lot's required setback areas:

(a) i. The maximum allowable building area per structure shall not exceed a building coverage of four hundred forty square feet,

(b)- ii. The following setbacks shall apply: A front yard setback of twenty feet, a rear yard setback of five feet, a side yard setback of five feet, and an alley setback of five feet,

(e) iii. The maximum plumbing drain size shall be one and one-half inches in diameter so as to prohibit toilets, showers, bathtubs and other similar fixtures;

(d)- iv. The additional development standards listed above (subsections (1)(D)(iii)(a) 21.12.060A.1.g.i through (e)iii of this section) shall apply to the entire subject accessory structure, not just the portion encroaching into a lot's setback area,

(iv) h. The provisions of this section are applicable notwithstanding the permit requirements contained in Section 18.04.015 of this code;

(2) 2. Corner Lots and Reversed Corner Lots:

(A) a. No building shall occupy any portion of a required yard,

(B) b. The distance between buildings used for human habitation and between buildings used for human habitation and accessory buildings shall be not less than ten feet,

(C) c. Any building, any portion of which is used for human habitation shall observe a distance from the rear property line the equivalent of twice the required interior side yard on such lot,

(D)(i) d. All accessory structures shall comply with the following development standards:

(a) i. The lot coverage shall include accessory structures in the lot coverage calculations for the lot,

(b) ii. The distance between buildings used for human habitation and accessory buildings shall be not less than ten feet,

(e)- iii. When proposed on a lot adjoining native vegetation, accessory structures within a fire suppression zone must be reviewed and approved by the fire department,

(d)- iv. Accessory buildings, by definition, do not share a common wall with the main dwelling unit structure,

(e)- v. Buildings shall not exceed one story,

(f) vi. Building height shall not exceed fourteen feet if a minimum roof pitch of 3:12 is provided or ten feet if less than a 3:12 roof pitch is provided,

(g) e. Second dwelling units constructed above detached garages, located within a lot's buildable area, pursuant to Section 21.10.04530.E.4. (e)(3)(D) of this title are not subject to the one-story/fourteen-foot height limitation imposed on accessory structures,

(ii) f. Habitable detached accessory structures shall comply with all requirements of the zone applicable to placement of a dwelling unit on a lot including setbacks,

(iii) g. Detached accessory structures, which are not dwelling units and contain no habitable space, including but not limited to garages, workshops, tool sheds, decks over thirty inches above grade, and freestanding patio covers shall comply with the following additional development standards when located within a lot's required setback areas:

(a) i. The maximum allowable building area per structure shall not exceed a building coverage of four hundred forty square feet;

(b) ii. The following setbacks shall apply: A front yard setback of twenty feet, a rear yard setback of five feet, a side yard setback of five feet, and an alley setback of five feet,

(e) iii. The maximum plumbing drain size shall be one and one-half inches in diameter so as to prohibit toilets, showers, bathtubs and other similar fixtures,

(d) iv. The additional development standards listed above (subsections (2)(D)(iii)(a) 21.12.060A.2.g.i through (e)iii of this section) shall apply to the entire subject accessory structure, not just the portion encroaching into a lot's setback area,

(iv) h. The provisions of this section are applicable notwithstanding the permit requirements contained in Section 18.04.015 of this code. (Ord. NS-355 §§ 7, 8, 1996; Ord. NS-243 §§ 8--10, 1993; Ord. 9060 § 604)

21.12.0670 Minimum lot area.

A. The minimum required area of a lot in the R-2 zone shall be not less than seven thousand five hundred (7,500) square feet; except that when a lot is developed with a one-family dwelling, the minimum required lot area shall be not less than six thousand (6,000) square feet, unless otherwise shown on the zoning map. (Ord. 9336 § 4, 1972; Ord. 9060 § 605)

B. All legally existing R-2 zoned lots, as of December 1, 1986, may be developed with a two-family dwelling regardless of the density allowed by the underlying general plan designation if they can comply with all applicable development standards in effect at the time of their development, and if the findings to exceed the growth management control point density, as specified in Section 21.90.045 of this title, can be made.

21.12.070 Lot area per dwelling unit.

~~The minimum lot area per dwelling unit in the R-2 zone shall be not less than twenty-five hundred square feet; provided, that for lots having six thousand square feet of area or more, the minimum lot area per dwelling unit shall be not less than three thousand square feet. (Ord. 9060 § 606)~~

21.12.0880 Lot width.

A. In the R-2 zone, every lot created after the effective date of the ordinance codified in this title shall maintain a width at the rear line of the required front yard of not less than the following:

(1) 1. Lots required to have a minimum lot area of less than ten thousand square feet, sixty feet;

(2) 2. Lots required to have a minimum lot area between ten thousand square feet to, but not including twenty thousand square feet, seventy-five feet;

(3) 3. Lots required to have an area of twenty thousand square feet or more, eighty feet. (Ord. 9060 § 607)

21.12.0990 Lot coverage.

A. All buildings, including accessory buildings and structures, shall not cover more than fifty percent of the area of a lot. (Ord. 9060 § 608)

**ZONING ORDINANCE AMENDMENT
CHAPTER 21.16 – R-3 ZONE
STRIKE-OUT & UNDERLINE VERSION**

Chapter 21.16

R-3 MULTIPLE-FAMILY RESIDENTIAL ZONE

Sections:

21.16.010 Intent and purpose.

~~21.16.0120~~ Permitted uses.

~~21.16.015~~ Uses and structures permitted by conditional use permit.

~~21.16.016~~ Housing for senior citizens by site development plan.

~~21.16.017~~ Second dwelling units.

~~21.16.018~~ Child day care centers by administrative permit.

~~21.16.0230~~ Building height.

~~21.16.0340~~ Front yards.

~~21.16.0450~~ Side yards.

~~21.16.0560~~ Placement of buildings.

~~21.16.0670~~ Minimum lot area.

~~21.16.0780~~ Lot width.

~~21.16.0890~~ Lot coverage.

21.10.010 Intent and purpose.

A. The intent and purpose of the R-3 Multiple-Family Residential Zone is to:

1. Implement the Residential Medium-High Density (RMH) and Residential High Density (RH) land use designations of the Carlsbad General Plan; and

2. Provide regulations and standards for the development of residential dwellings, and other permitted or conditionally permitted uses, as specified in this chapter.

~~21.16.0420~~ Permitted uses.

A. In the R-3 zone, notwithstanding any other provision of this title, only the following uses listed in Table A, below, are shall be permitted, as specifically provided and allowed subject to the requirements and development standards specified by this chapter, and subject to the provisions of Chapter 21.44 governing off-street parking requirements:

~~(1) Any use permitted in the R-2 zone;~~

~~(2) Child care nurseries when there is provided on the lot, or adjacent to the premises, a single play lot not less than six hundred square feet in area plus an additional seventy five square feet of area for each child in excess of nine. Such play lot shall not be located in any required front or side yard;~~

~~(3) Group houses (bungalow courts);~~

~~(4) Multiple dwellings;~~

~~(5) Repealed by Ord. 9800 § 2;~~

~~(6) A public parking area developed as required by Section 21.44.180 when the lot on which it is located in the R-3 zone abuts upon a lot zoned for commercial or industrial purposes;~~

~~(7) Signs subject to the provisions of Chapter 21.41;~~

~~(8) Satellite television antennae subject to the provisions of Section 21.53.130 of this code;~~

~~(9) Small family day care homes;~~

(10) Large family day care homes, subject to the provisions of Chapter 21.83 of this title. (Ord. NS 409 § 6 (part), 1997; Ord. 9804 § 6 (part), 1986; Ord. 9800 § 2, 1986; Ord. 9785 § 7, 1986; Ord. 9674 § 2 (part), 1983; Ord. 9455 § 4 (part), 1976; Ord. 9224 § 2 (part), 1969; Ord. 9135 § 1; Ord. 9060 § 700)

B. The uses permitted by conditional use permit, as indicated in Table A, shall be subject to the provisions of Chapters 21.42 and 21.50.

TABLE A
Permitted Uses

In the table, below, subject to all applicable permitting and development requirements of the Municipal Code:			
<ul style="list-style-type: none"> • "P" indicates use is permitted • "CUP" indicates use is permitted with approval of a conditional use permit. • "Acc" indicates use is permitted as an accessory use. 			
USE	P	CUP	Acc
Accessory buildings/structures (ex. garages, workshops, tool sheds, patio covers, decks, etc.) (see notes 1 & 2, below) (defined: Sec. 21.04.020)			X
Agricultural crops	X		
Animal keeping (household pets), subject to Sec. 21.53.084			X
Animal keeping (wild animals), subject to Sec. 21.53.085			X
Aquaculture (defined: Sec. 21.04.036)		X	
Bed and breakfasts, subject to Sec. 21.42.010(12)(A) (defined: Sec. 21.04.046)		X	
Biological habitat preserve, subject to Sec. 21.42.010(15)(A) (defined: Sec. 21.04.048)		X	
Campsites (overnight), subject to Sec. 21.42.010(2)(H)		X	
Cemeteries		X	
Child day care center, subject to Chap. 21.83 (defined: Sec. 21.04.086)	X		
Churches		X	
Dwelling, one-family (see note 3, below) (defined: Sec. 21.04.125)	X		
Dwelling, two-family (defined: Sec. 21.04.130)	X		
Dwelling, multiple-family, subject to Sec. 21.53.120 if more than 4 units are proposed (defined: Sec. 21.04.135)	X		
Family day care home (large), subject to Chap. 21.83 (defined: Sec. 21.04.147)			X
Family day care home (small), subject to Chap. 21.83 (defined: Sec. 21.04.148)			X
Greenhouses (2,000 square feet maximum)	X		
Greenhouses > 2,000 square feet, subject to Sec. 21.42.010(2)(F)		X	
Golf courses (see note 4, below)		X	
Home occupation, subject to Sec 21.10.040			X
Housing for senior citizens, subject to Chap. 21.84	X		
Mobile home (see notes 3 & 5, below) (defined: Sec. 21.04.266)	X		
Packing/sorting sheds (600 square feet maximum)	X		
Packing/sorting sheds > 600 square feet, subject to Sec. 21.42.010(2)(F)		X	
Parking lot/structure (commercial), public/private		X	
Professional care facilities (defined: Sec. 21.04.295)		X	
Public buildings		X	
Public/quasi-public accessory utility buildings/facilities (see note 6, below)		X	
Recreational vehicle storage, subject to Sec. 21.42.010(9) (defined: Sec. 21.04.299)		X	
Residential care facilities (serving more than six persons), subject to Sec. 21.42.010(8)(A) (defined: Sec. 21.04.300)		X	

TABLE A, cont'd
Permitted Uses

<u>USE</u>	<u>P</u>	<u>CUP</u>	<u>Acc</u>
<u>Satellite TV antennae, subject to Sec. 21.53.130 – 21.53.150 (defined: Sec. 21.04.302)</u>			<u>X</u>
<u>Schools, public/private (defined: Sec 21.04.140)</u>		<u>X</u>	
<u>Second dwelling unit (accessory to a one-family dwelling only), subject to Sec. 21.10.030 (defined: Sec. 21.04.303)</u>			<u>X</u>
<u>Signs, subject to Chap. 21.41 (defined: Sec. 21.04.305)</u>			<u>X</u>
<u>Temporary bldg./trailer (real estate or construction), subject to Sec. 21.53.090 and 21.53.110</u>	<u>X</u>		
<u>Timeshare projects, subject to Sec. 21.42.010(10)(A) (defined: Sec. 21.04.357)</u>		<u>X</u>	
<u>Zoos (private), subject to Sec. 21.42.010(2)(K) (defined: Sec. 21.04.400)</u>		<u>X</u>	

Note:

- 1) Private garages (defined: Sec. 21.04.150) shall accommodate not more than two cars per dwelling unit.
- 2) When associated with a two-family or multiple-family dwelling, accessory buildings shall not include guest houses or accessory living quarters (defined: Sec. 21.04.165).
- 3) One-family dwellings are permitted when developed as two or more detached units on one lot. Also, a single one-family dwelling shall be permitted on any legal lot that existed as of [INSERT EFFECTIVE DATE OF ORDINANCE], and which is designated and zoned for residential use. Any proposal to subdivide land or construct more than one dwelling shall be subject to the density and intent of the underlying residential land use designation.
- 4) A conditional use permit is not required for a golf course if it is approved as part of a master plan for a planned community development.
- 5) Mobile homes must be certified under the National Mobilehome Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 et seq.) on a foundation system pursuant to Section 18551 of the State Health and Safety Code.
- 6) Public/quasi-public accessory utility buildings/facilities include, but are not limited to, water wells, water storage, pump stations, booster stations, transmission/distribution electrical substations, operating centers, gas metering/regulating stations, or telephone exchanges, with the necessary accessory equipment incidental thereto.
- 7) A parking lot/structure (commercial) is permitted with approval of a CUP when the lot on which it is located in the R-3 zone abuts upon a lot zoned for commercial or industrial purposes.

21.16.015 — Uses and structures permitted by conditional use permit:

Subject to the provisions of Chapters 21.42 and 21.50, the following uses and structures are permitted by conditional use permit:

- (1) Residential care facilities serving more than six persons;
- (2) Professional care facilities;
- (3) Bed and breakfast uses. (Ord. 9800 § 3, 1986; Ord. 9513 § 3, 1978; Ord. 9455 § 4 (part), 1976)

21.16.016 — Housing for senior citizens by site development plan:

Housing for senior citizens may be permitted by site development plan issued according to the provisions of Chapter 21.84 of this title. Unless otherwise specified in Chapter 21.84, the development standards of this zone shall apply. (Ord. NS 662 § 1, 2003; Ord. NS 274 § 2, 1994; Ord. 9638 § 1 (part), 1982)

21.16.017 — Second dwelling units:

Second dwelling units are permitted according to the provisions of Section 21.10.015 of this title on lots which are developed with detached single-family residences. The development standards of this zone shall apply. (Ord. NS 663 § 6, 2003; Ord. NS 283 § 8, 1994)

~~21.16.018~~ ~~Child day care centers by administrative permit.~~

~~Child day care centers may be permitted by administrative permit, subject to the provisions of Chapter 21.83 of this title. (Ord. NS 409 § 6 (part), 1997)~~

21.16.0230 Building height.

A. In the R-3 zone no building shall exceed a height of thirty-five feet. (Ord. 9060 § 701)

21.16.0340 Front yard.

A. Every lot in the R-3 zone shall have a front yard of not less than twenty feet, except that on key lots and lots which side upon commercially or industrially zoned property the depth of the required front yard need not exceed fifteen feet. (Ord. 9060 § 702)

21.16.0450 Side yards.

A. In the R-3 zone every lot shall have side yards as follows:

(1) 1. Interior lots shall have a side yard on each side of the lot which side yard has a width not less than ten percent of the width of the lot; provided, that such side yard shall be not less than five feet in width and need not exceed ten feet;

(2) 2. Corner lots and reversed corner lots shall have the following side yards:

(A) a. On the side lot line which adjoins another lot, the side yard shall be the same as that required on an interior lot,

(B) b. On the side street side the width of the required side yard shall be ten feet and said side yard shall extend the full length of the lot. (Ord. 9060 § 703)

21.16.0560 Placement of buildings.

A. Placement of buildings on any lot shall conform to the following:

(1) 1. Interior Lots:

(A) a. No building shall occupy any portion of a required yard,

(B) b. Any building, any portion of which is used for human habitation shall observe a distance from any side lot line the equivalent of the required side yard on such lot and from the rear property line the equivalent of twice the required side yard on such lot,

(C) c. The distance between buildings used for human habitation and between buildings used for human habitation and accessory buildings shall be not less than ten feet,

(D) (i) d. All accessory structures shall comply with the following development standards:

(a) i. The lot coverage shall include accessory structures in the lot coverage calculations for the lot,

(b) ii. The distance between buildings used for human habitation and accessory buildings shall be not less than ten feet,

(c) iii. When proposed on a lot adjoining native vegetation, accessory structures within a fire suppression zone must be reviewed and approved by the fire department,

(d) iv. Accessory buildings, by definition, do not share a common wall with the main dwelling unit structure,

(e) v. Buildings shall not exceed one story,

- (f) vi. Building height shall not exceed fourteen feet if a minimum roof pitch of 3:12 is provided or ten feet if less than a 3:12 roof pitch is provided,
- (g) e. Second dwelling units constructed above detached garages, located within a lot's buildable area, pursuant to Section 21.10.04530.E.4. ~~(e)(3)(D)~~ of this title are not subject to the one-story/fourteen-foot height limitation imposed on accessory structures,
- (ii) f. Habitable detached accessory structures shall comply with all requirements of the zone applicable to placement of a dwelling unit on a lot including setbacks,
- (iii) g. Detached accessory structures, which are not dwelling units and contain no habitable space, including but not limited to garages, workshops, tool sheds, decks over thirty inches above grade, and freestanding patio covers shall comply with the following additional development standards when located within a lot's required setback areas:
- (a) i. The maximum allowable building area per structure shall not exceed a building coverage of four hundred forty square feet,
- (b) ii. The following setbacks shall apply: A front yard setback of twenty feet, a rear yard setback of five feet, a side yard setback of five feet, and an alley setback of five feet,
- (c) iii. The maximum plumbing drain size shall be one and one-half inches in diameter so as to prohibit toilets, showers, bathtubs and other similar fixtures;
- (d) iv. The additional development standards listed above (subsections ~~(1)(D)(iii)(a)~~ 21.16.060A.1.g.i through ~~(e)iii~~ of this section) shall apply to the entire subject accessory structure, not just the portion encroaching into a lot's setback area.
- (iv) h. The provisions of this section are applicable notwithstanding the permit requirements contained in Section 18.04.015 of this code;
- (2) 2. Corner Lots and Reversed Corner Lots:
- (A) a. No building shall occupy any portion of a required yard,
- (B) b. The distance between buildings used for human habitation and between buildings used for human habitation and accessory buildings shall be not less than ten feet,
- (C) c. Any building, any portion of which is used for human habitation shall observe a distance from the rear property line the equivalent of twice the required interior side yard on such lot,
- (D)(i) d. All accessory structures shall comply with the following development standards:
- (a) i. The lot coverage shall include accessory structures in the lot coverage calculations for the lot,
- (b) ii. The distance between buildings used for human habitation and accessory buildings shall be not less than ten feet,
- (c) iii. When proposed on a lot adjoining native vegetation, accessory structures within a fire suppression zone must be reviewed and approved by the fire department,
- (d) iv. Accessory buildings, by definition, do not share a common wall with the main dwelling unit structure,
- (e) v. Buildings shall not exceed one story,
- (f) vi. Building height shall not exceed fourteen feet if a minimum roof pitch of 3:12 is provided or ten feet if less than a 3:12 roof pitch is provided,

(g) e. Second dwelling units constructed above detached garages, located within a lot's buildable area, pursuant to Section 21.10.01530.E.4. ~~(e)(3)(D)~~ of this title are not subject to the one-story/fourteen-foot height limitation imposed on accessory structures,

~~(ii)~~ f. Habitable detached accessory structures shall comply with all requirements of the zone applicable to placement of a dwelling unit on a lot including setbacks,

~~(iii)~~ g. Detached accessory structures, which are not dwelling units and contain no habitable space, including but not limited to garages, workshops, tool sheds, decks over thirty inches above grade, and freestanding patio covers shall comply with the following additional development standards when located within a lot's required setback areas:

~~(a)~~ i. The maximum allowable building area per structure shall not exceed a building coverage of four hundred forty square feet,

~~(b)~~ ii. The following setbacks shall apply: A front yard setback of twenty feet, a rear yard setback of five feet, a side yard setback of five feet, and an alley setback of five feet,

~~(c)~~ iii. The maximum plumbing drain size shall be one and one-half inches in diameter so as to prohibit toilets, showers, bathtubs and other similar fixtures,

~~(d)~~ iv. The additional development standards listed above (subsections ~~(2)(D)(iii)(a)~~ 21.16.060A.2.g.i through ~~(e)iii~~ of this section) shall apply to the entire subject accessory structure, not just the portion encroaching into a lot's setback area,

~~(iv)~~ h. The provisions of this section are applicable notwithstanding the permit requirements contained in Section 18.04.015 of this code. (Ord. NS-355 §§ 9, 10, 1996; Ord. NS-243 §§ 11--13, 1993; Ord. 9060 § 704)

21.16.0670 Minimum lot area.

A. The minimum required area of a lot in the R-3 zone shall be not less than seven thousand five hundred square feet, unless otherwise shown on the zoning map. (Ord. 9336 § 5, 1972; Ord. 9060 § 705)

21.16.0780 Lot width.

A. Every lot created after the effective date of the ordinance codified in this chapter, shall maintain a width not less than fifty feet at the rear line of the required front yard; provided, however, if the zoning map indicates a minimum required area of six thousand square feet or more, the minimum width of a lot shall be not less than sixty feet at the rear line of the required front yard. (Ord. 9060 § 707)

21.16.0890 Lot coverage.

A. All buildings, including accessory buildings and structures, shall not cover more than sixty percent of the area of a lot. (Ord. 9060 § 708)

**ZONING ORDINANCE AMENDMENT
CHAPTER 21.18 – R-P ZONE
STRIKE-OUT & UNDERLINE VERSION**

Chapter 21.18

R-P RESIDENTIAL PROFESSIONAL ZONE*

Sections:

- 21.18.010 Intent and purpose.
- 21.18.020 Permitted uses and structures.
- ~~21.18.030 Permitted accessory uses and structures.~~
- ~~21.18.040 Uses and structures permitted by conditional use permit.~~
- ~~21.18.043 Child day care centers permitted by administrative permit.~~
- ~~21.18.045 Housing for senior citizens by site development plan.~~
- ~~21.18.046 Second dwelling units.~~
- 21.18.0530 Development standards.
- 21.18.0640 Special conditions and standards.

* Prior ordinance history: Ord. 9060 §§ 800--808 as amended by Ords. 9224 and 9336.

21.18.010 Intent and purpose.

A. The intent and purpose of the R-P residential- professional zone is to:

1. Implement the Office and Related Commercial (O), Residential Medium-High Density (RMH) and Residential High density (RH) land use designations of the Carlsbad General Plan; and

~~(1)~~ 2. Provide areas for the development of certain low-intensity business and professional offices and related uses in locations in conjunction with or adjacent to residential areas; and

~~(2)~~ 3. Provide transitional light traffic-generating commercial areas between established residential areas and nearby commercial or industrial development; and (Ord. 9391 § 1 (part), 1974)

4. Provide regulations and standards for the development of office and residential uses, and other permitted or conditionally permitted uses, as specified in this chapter.

21.18.020 Permitted uses and structures.

A. In the R-P zone, notwithstanding any other provision of this title, only the following uses and structures listed in Tables A and B. below, are shall be permitted, subject to the provisions requirements and development standards specified by of this chapter, and subject to development standards provided in Chapters 21.41 and the provisions of Chapter 21.44 governing off-street parking requirements;.

- ~~(1) Administrative and executive offices;~~
- ~~(2) Accountants and attorneys;~~
- ~~(3) Clinic, medical and dental, including incidental laboratories and pharmacies;~~
- ~~(4) Engineers, architects and planners;~~
- ~~(5) Insurance agencies and services;~~
- ~~(6) Investment agencies and services, including financial institutions;~~
- ~~(7) Labor union offices;~~
- ~~(8) Libraries;~~
- ~~(9) Medical offices and clinics, including incidental mortuaries;~~

~~(10) Offices, business and professional, including incidental commercial facilities such as blueprint and photocopy shops, business machine sales, computer and data processing centers, news stores, duplicating and mimeographing services and tobacco shops;~~

~~(11) Parking lots and parking buildings;~~

~~(12) Public buildings other than schools;~~

~~(13) Administrative offices for publishing houses and newspapers;~~

~~(14) Real estate and related services;~~

~~(15) Schools, business, vocational and professional, including art, barber, beauty, dance, drama, music and swimming;~~

~~(16) Subdivision sales complex;~~

~~(17) Any uses permitted in the R-3 zone district;~~

~~(18) Other similar uses which the planning commission may determine fall within the intent and purposes of this zone district, are of a comparable nature to the uses enumerated in this chapter, and will not be detrimental to property in the vicinity;~~

~~(19) Signs subject to the provisions of Chapter 21.41;~~

~~(20) Satellite television antennae subject to the provisions of Section 21.53.130 of this code. (Ord. 9804 § 6 (part), 1986; Ord. 9785 § 9, 1986; Ord. 8674 § 2 (part), 1983; Ord. 9391 § 1 (part), 1974)~~

B. The uses permitted by conditional use permit, as indicated in Tables A and B, shall be subject to the provisions of Chapters 21.42 and 21.50.

C. Uses similar to those listed in Tables A and B may be permitted if the planning director determines such similar use falls within the intent and purpose of this zone, and is substantially similar to a specified permitted use.

D. A use category may be general in nature, where more than one particular use fits into the general category (ex. in some commercial zones "offices" is a general use category that applies to various office uses). However, if a particular use is permitted by conditional use permit in any zone, the use shall not be permitted in a zone (even under a general use category), unless it is specifically listed in the zone as permitted or conditionally permitted.

TABLE A
Uses Permitted when the R-P Zone
Implements the O Land Use Designation

In the table, below, subject to all applicable permitting and development requirements of the Municipal Code:			
<ul style="list-style-type: none">• <u>"P" indicates use is permitted</u>• <u>"CUP" indicates use is permitted with approval of a conditional use permit.</u>• <u>"Acc" indicates use is permitted as an accessory use.</u>			
USE	P	CUP	Acc
<u>Accessory buildings/structures, which are customarily appurtenant to a permitted use (ex. incidental storage facilities) (see note 1. below) (defined: Sec. 21.04.020)</u>			<u>X</u>
<u>Aquaculture (defined: Sec. 21.04.036)</u>		<u>X</u>	
<u>Banks/financial services (no drive-thru)</u>	<u>X</u>		
<u>Biological habitat preserve, subject to Sec. 21.42.010(15)(A) (defined: Sec. 21.04.048)</u>		<u>X</u>	
<u>Campsites (overnight), subject to Sec. 21.42.010(2)(H)</u>		<u>X</u>	

TABLE A, cont'd
Uses Permitted when the R-P Zone
Implements the O Land Use Designation

<u>USE</u>	<u>P</u>	<u>CUP</u>	<u>Acc</u>
<u>Carnivals/circuses</u>		<u>X</u>	
<u>Cemeteries</u>		<u>X</u>	
<u>Child day care center, subject to Chap. 21.83 (defined: Sec. 21.04.086)</u>	<u>X</u>		
<u>Churches</u>		<u>X</u>	
<u>Clubs, non-profit (defined: Sec. 21.04.090)</u>		<u>X</u>	
<u>Greenhouses (2,000 square feet maximum)</u>	<u>X</u>		
<u>Greenhouses > 2,000 square feet, subject to Sec. 21.42.010(2)(F)</u>		<u>X</u>	
<u>Golf courses (see note 2, below)</u>		<u>X</u>	
<u>Medical uses (excluding hospitals), including offices for medical practitioners, clinics, and incidental laboratories and pharmacies (prescription only)</u>	<u>X</u>		
<u>Mortuaries</u>		<u>X</u>	
<u>Office uses, (may include incidental commercial uses such as blueprint services, photocopy services and news stands)</u>	<u>X</u>		
<u>Packing/sorting sheds (600 square feet maximum)</u>	<u>X</u>		
<u>Packing/sorting sheds > 600 square feet, subject to Sec. 21.42.010(2)(F)</u>		<u>X</u>	
<u>Parking lot/structure (commercial), public/private</u>		<u>X</u>	
<u>Professional care facilities (defined: Sec. 21.04.295)</u>		<u>X</u>	
<u>Public buildings</u>		<u>X</u>	
<u>Public/quasi-public accessory utility buildings/facilities (see note 3, below)</u>		<u>X</u>	
<u>Radio/television/microwave station/tower</u>		<u>X</u>	
<u>Recreational vehicle storage, subject to Sec. 21.42.010(9) (defined: Sec. 21.04.299)</u>		<u>X</u>	
<u>Residential care facilities (serving more than six persons), subject to Sec. 21.42.010(8)(A) (defined: Sec. 21.04.300)</u>		<u>X</u>	
<u>Satellite TV antennae, subject to Sec. 21.53.130 - 21.53.150 (defined: Sec. 21.04.302)</u>			<u>X</u>
<u>Schools, public/private (defined: Sec 21.04.140)</u>		<u>X</u>	
<u>Schools (business, vocational, and for such subjects as dance, drama, cosmetology, music, martial arts, etc.)</u>	<u>X</u>		
<u>Signs, subject to Chap. 21.41 (defined: Sec. 21.04.305)</u>			<u>X</u>
<u>Temporary bldg./trailer (construction), subject to Sec. 21.53.110.</u>	<u>X</u>		

Note:

1) Accessory uses shall be developed as an integral part of a permitted use within or on the same structure or parcel of land.

2) A conditional use permit is not required for a golf course if it is approved as part of a master plan for a planned community development.

3) Public/quasi-public accessory utility buildings/facilities include, but are not limited to, water wells, water storage, pump stations, booster stations, transmission/distribution electrical substations, operating centers, gas metering/regulating stations, or neighboring telephone exchanges, with the necessary accessory equipment incidental thereto.

TABLE B
Uses Permitted when the R-P Zone
Implements the RMH or RH Land Use Designations

In the table, below, subject to all applicable permitting and development requirements of the Municipal Code:			
<ul style="list-style-type: none"> • "P" indicates use is permitted • "CUP" indicates use is permitted with approval of a conditional use permit. • "Acc" indicates use is permitted as an accessory use. 			
USE	P	CUP	Acc
Accessory buildings/structures (ex. garages, workshops, tool sheds, patio covers, decks, etc.) (see notes 1 and 2, below) (defined: Sec. 21.04.020)			X
Agricultural crops	X		
Animal keeping (household pets), subject to Sec. 21.53.084			X
Animal keeping (wild animals), subject to Sec. 21.53.085			X
Aquaculture (defined: Sec. 21.04.036)		X	
Bed and breakfasts, subject to Sec. 21.42.010(12)(A) (defined: Sec. 21.04.046)		X	
Biological habitat preserve, subject to Sec. 21.42.010(15)(A) (defined: Sec. 21.04.048)		X	
Campsites (overnight), subject to Sec. 21.42.010(2)(H)		X	
Cemeteries		X	
Child day care center, subject to Chap. 21.83 (defined: Sec. 21.04.086)	X		
Churches		X	
Dwelling, one-family (see note 3, below) (defined: Sec. 21.04.125)	X		
Dwelling, two-family (see note 4, below) (defined: Sec. 21.04.130)	X		
Dwelling, multiple-family, subject to Sec. 21.53.120 if more than 4 units are proposed (defined: Sec. 21.04.135)	X		
Family day care home (large), subject to Chap. 21.83 (defined: Sec. 21.04.147)			X
Family day care home (small), subject to Chap. 21.83 (defined: Sec. 21.04.148)			X
Golf courses (see note 5, below)		X	
Greenhouses (2,000 square feet maximum)	X		
Greenhouses > 2,000 square feet, subject to Section 21.42.010(2)(F)		X	
Home occupation, subject to Sec. 21.10.040			X
Housing for senior citizens, subject to Chap. 21.84	X		
Mobile home (see note 3 & 6, below) (defined: Sec. 21.04.266)	X		
Packing/sorting sheds (600 square feet maximum)	X		
Packing/sorting sheds > 600 square feet, subject to Section 21.42.010(2)(F)		X	
Parking lot/structure (commercial), public/private		X	
Professional care facilities (defined: Sec. 21.04.295)		X	
Public buildings		X	
Public/quasi-public accessory utility buildings/facilities (see note 7, below)		X	
Recreational vehicle storage, subject to Sec. 21.42.010(9) (defined: Sec. 21.04.299)		X	
Residential care facilities (serving more than six persons), subject to Sec. 21.42.010(8)(A) (defined: Sec. 21.04.300)		X	
Satellite TV antennae, subject to Sec. 21.53.130 – 21.53.150 (defined: Sec. 21.04.302)			X
Schools, public/private (defined: Sec. 21.04.140)		X	
Second dwelling unit (accessory to a one-family dwelling only), subject to Sec. 21.10.030 (defined: Sec. 21.04.303)			X
Signs, subject to Chap. 21.41 (defined: Sec. 21.04.305)			X

TABLE B. cont'd
Uses Permitted when the R-P Zone
Implements the RMH or RH Land Use Designations

<u>USE</u>	<u>P</u>	<u>CUP</u>	<u>Acc</u>
<u>Temporary bldg./trailer (real estate or construction), subject to Sec. 21.53.090 and 21.53.110.</u>	<u>X</u>		
<u>Timeshare projects, subject to Sec. 21.42.010(10)(A) (defined: Sec. 21.04.357)</u>		<u>X</u>	
<u>Zoos (private), subject to Sec. 21.42.010(2)(K) (defined: Sec. 21.04.400)</u>		<u>X</u>	

Note:

- 1) Private garages (defined: Sec. 21.04.150) shall accommodate not more than two cars per dwelling unit.
- 2) When associated with a two-family or multiple-family dwelling, accessory buildings shall not include guest houses or accessory living quarters (defined: Sec. 21.04.165).
- 3) One-family dwellings are permitted when developed as two or more detached units on one lot. Also, a single one-family dwelling shall be permitted on any legal lot that existed as of [INSERT EFFECTIVE DATE OF ORDINANCE], and which is designated and zoned for residential use. Any proposal to subdivide land or construct more than one dwelling shall be subject to the density and intent of the underlying residential land use designation.
- 4) A two-family dwelling shall not be permitted within the RH land use designation.
- 5) A conditional use permit is not required for a golf course if it is approved as part of a master plan for a planned community development.
- 6) Mobile homes must be certified under the National Mobilehome Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 et seq.) on a foundation system pursuant to Section 18551 of the State Health and Safety Code.
- 7) Public/quasi-public accessory utility buildings/facilities include, but are not limited to, water wells, water storage, pump stations, booster stations, transmission/distribution electrical substations, operating centers, gas metering/regulating stations, or neighboring telephone exchanges, with the necessary accessory equipment incidental thereto.

~~21.18.030 — Permitted accessory uses and structures.~~

~~Accessory uses and buildings customarily appurtenant to a permitted use, such as incidental storage facilities, are permitted in the R-P zone. (Ord. 9391 § 1 (part), 1974)~~

~~21.18.040 — Uses and structures permitted by conditional use permit.~~

~~Subject to the provisions of Chapters 21.42 and 21.50, the following uses and structures are permitted by conditional use permit:~~

- ~~(1) Circuses and carnivals and private clubs;~~
- ~~(2) Health facilities, long term;~~
- ~~(3) Radio, television and microwave stations or towers;~~
- ~~(4) Professional care facilities. (Ord. NS-179 § 1, 1991; Ord. 1256 § 13 (part), 1982; Ord. 9391 § 1 (part), 1974)~~

~~21.18.043 — Child day care centers permitted by administrative permit.~~

~~Child day care centers may be permitted by administrative permit, subject to the provisions of Chapter 21.83 of this title. (Ord. NS-409 § 7, 1997)~~

~~21.18.045 — Housing for senior citizens by site development plan.~~

~~Housing for senior citizens may be permitted by site development plan issued according to the provisions of Chapter 21.84 of this title. Unless otherwise specified in Chapter 21.84, the development standards of this zone shall apply. (Ord. NS-662 § 2, 2003; Ord. NS-402 §§ 9, 10, 1997; Ord. NS-274 § 1, 1994)~~

~~21.18.046~~ ~~Second dwelling units.~~

~~Second dwelling units are permitted according to the provisions of Section 21.10.015 of this title on lots which are developed with detached single family residences. The development standards of this zone shall apply. (Ord. NS 663 § 7, 2003; Ord. NS 283 § 17, 1994)~~

21.18.0530 Development standards.

A. Subject to the general development standards of Chapters 21.41 and 21.44, no lot shall be created or structure constructed in the R-P zone that does not conform to the following specific standards:

(1) 1. Lot Area Minimum. In the R-P zone the minimum area of all lots hereafter created shall be seven thousand five hundred square feet.

(2) 2. Lot Width Minimum. Every lot hereafter created in the R-P zone shall maintain a minimum lot width at the rear line of the required front yard on the basis of the following:

Lot Area	Required Width
Less than 10,000 sq. ft.	60 feet
Less than 20,000 sq. ft.	75 feet
More than 20,000 sq. ft.	80 feet

(3) 3. Front Yard. Every lot in the R-P zone shall have a front yard of not less than twenty feet in depth, except key lots which side upon commercially or industrially-zoned property shall maintain a front yard of not less than fifteen feet.

(4) 4. Side Yard. In the R-P zone every lot shall have side yards as follows:

(A) a. Interior lots shall have side yards that have width equal to ten percent of the lot width, provided that such side yard shall not be less than five feet in width and need not exceed ten feet in width.

(B) b. Corner lots shall have a side yard on the side lot line adjacent to another lot of a width within the limitations for an interior lot above and a side yard adjacent to the street of ten feet.

(5) 5. Rear Yard. In the R-P zone every lot shall have a rear yard of a depth equal to twenty percent of the lot width, provided that such rear yard need not exceed twenty feet.

(6) 6. Separation of Buildings. In addition to the required yards, buildings shall be set as follows:

(A) a. Minimum distance between habitable buildings, ten feet;

(B) b. Minimum distance between habitable buildings and accessory structures, ten feet;

(C)(i) 7. All accessory structures shall comply with the following development standards:

(a) a. The lot coverage shall include accessory structures in the lot coverage calculations for the lot,

(b) b. The distance between buildings used for human habitation and accessory buildings shall be not less than ten feet,

(c) c. When proposed on a lot adjoining native vegetation, accessory structures within a fire suppression zone must be reviewed and approved by the fire department,

- (d) d. Accessory buildings, by definition, do not share a common wall with the main dwelling unit structure,
- (e) e. Buildings shall not exceed one story,
- (f) f. Building height shall not exceed fourteen feet if a minimum roof pitch of 3:12 is provided or ten feet if less than a 3:12 roof pitch is provided,
- (g) 8. Second dwelling units constructed above detached garages, located within a lot's buildable area, pursuant to Section 21.10. 01530.E.4. ~~(e)(3)(D)~~ of this title are not subject to the one-story/fourteen-foot height limitation imposed on accessory structures,
- (ii) 9. Habitable detached accessory structures shall comply with all requirements of the zone applicable to placement of a dwelling unit of a lot including setbacks,
- (iii) 10. Detached accessory structures, which are not dwelling units and contain no habitable space, including but not limited to garages, workshops, tool sheds, decks over thirty inches above grade, and freestanding patio covers shall comply with the following additional development standards when located within a lot's required setback areas:
- (a) a. The maximum allowable building area per structure shall not exceed a building coverage of four hundred forty square feet,
- (b) b. The following setbacks shall apply: A front yard setback of twenty feet, a rear yard setback of five feet, a side yard setback of five feet, and an alley setback of five feet,
- (c) c. The maximum plumbing drain size shall be one and one-half inches in diameter so as to prohibit toilets, showers, bathtubs and other similar fixtures,
- (d) d. The additional development standards listed above (subsections ~~(7)(C)(iii)(a)~~ 21.18.040A.10.a through ~~(e)c~~ of this section) shall apply to the entire subject accessory structure, not just the portion encroaching into a lot's setback area,
- (iv) 11. The provisions of this section are applicable notwithstanding the permit requirements contained in Section 18.04.015 of this code;
- (D) 12. Except for an accessory structure which is not a dwelling unit and contains no habitable space and complies with the development standards specified in this chapter, no building shall be located in any of the required yards.
- (7) 13. Height Limits. In the R-P zone the maximum building height shall be thirty-five feet.
- (8) 14. Lot Coverage. In the R-P zone all buildings shall not cover more than sixty percent of the total lot area.
- (9) 15. Parking Off-Street. Parking shall not be provided in the required front or side yards. (Ord. NS-243 §§ 14--16, 1993; Ord. NS-240 § 1, 1993; Ord. 9606 § 1 (part), 1981; Ord. 9391 § 1 (part), 1974)

21.18.0640 Special conditions and standards.

A. In addition to the established development standards, when applicable the following conditions shall be met:

- (1) 1. Outside Display and Storage. No outdoor display of products or storage shall be permitted.
- (2) 2. Residential Structure Conversion. All existing residential structures converted to commercial purposes shall be brought into conformance with all the requirements of this title and Title 18 of this code.

~~(3)~~ 3. Walls. Any lot proposed for nonresidential development which adjoins a lot located in a residential zone district shall have a solid masonry wall of six feet in height installed along the common lot line, except in the front yard area where the wall shall be reduced to forty-two inches in height.

~~(4)~~ 4. Enclosure of Activities. All nonresidential uses shall be located in a completely enclosed building. (Ord. 9391 § 1 (part), 1974)

**ZONING ORDINANCE AMENDMENT
CHAPTER 21.22 – R-W ZONE
STRIKE-OUT & UNDERLINE VERSION**

Chapter 21.22

R-W RESIDENTIAL WATERWAY ZONE

Sections:

- 21.22.010 Intent and purpose.
~~21.22.0120~~ Permitted uses.
~~21.22.015~~ ~~Housing for senior citizens by site development plan.~~
~~21.22.016~~ ~~Second dwelling units.~~
~~21.22.0230~~ Building height.
~~21.22.0340~~ Front yard.
~~21.22.0450~~ Side yard.
~~21.22.0560~~ Rear yard.
~~21.22.0670~~ Accessory structures.
~~21.22.0780~~ Minimum lot area.
~~21.22.0890~~ Lot width.
~~21.22.09100~~ Lot coverage.
~~21.22.10110~~ Waterway access.

21.22.010 Intent and purpose.

- A. The intent and purpose of the R-W Residential Waterway zone is to:
 1. Implement the Residential High Density (RH) land use designation of the Carlsbad General Plan; and
 2. Provide an area in which residential development centered about a navigable waterway may be accommodated; and
 3. Provide regulations and standards for the development of residential dwellings, and other permitted or conditionally permitted uses, as specified in this chapter.

~~21.22.0120~~ Permitted uses.

A. This zone is created to provide an area in which residential development centered about a navigable waterway may be accommodated. In an R-W zone, notwithstanding any other provision of this title, only the following uses listed in Table A, below, only shall be permitted in the R-W Residential Waterway Zone, unless as may be otherwise provided for in subject to the requirements and development standards specified by this chapter, and subject to the provisions of Chapter 21.44 governing off-street parking requirements.

- (1) Dwellings;
(2) Accessory buildings and structures, including private garages to accommodate not more than two cars per dwelling unit;
(3) Boat launching and docking facilities for the sole use of inhabitants of the R-W zone of any subdivision in which the facility is located;
(4) One sign not exceeding two square feet in area and displaying only the names and address of the occupants;
(5) Satellite television antennae subject to the provisions of Section 21.53.130 of this code;
(6) Small family day care homes;

(7) Large family day care homes, subject to the provisions of Chapter 21.83 of this title. (Ord. NS 409 § 10, 1997; Ord. 9804 § 6 (part), 1986; Ord. 9785 § 11, 1986; Ord. 9189 § 1 (part); Ord. 9060 § 950)

B. The uses permitted by conditional use permit, as indicated in Table A, shall be subject to the provisions of Chapters 21.42 and 21.50.

TABLE A
Permitted Uses

In the table, below, subject to all applicable permitting and development requirements of the Municipal Code:			
<ul style="list-style-type: none"> • "P" indicates use is permitted • "CUP" indicates use is permitted with approval of a conditional use permit. • "Acc" indicates use is permitted as an accessory use. 			
USE	P	CUP	Acc
Accessory buildings/structures (ex. garages, workshops, tool sheds, patio covers, decks, etc.) (see notes 1 & 2, below) (defined: Sec. 21.04.020)			X
Animal keeping (household pets), subject to Sec. 21.53.084			X
Animal keeping (wild animals), subject to Sec. 21.53.085			X
Aquaculture (defined: Sec. 21.04.036)		X	
Biological habitat preserve, subject to Sec. 21.42.010(15)(A) (defined: Sec. 21.04.048)		X	
Boat launching/docking facilities (see note 3, below)	X		
Campsites (overnight), subject to Sec. 21.42.010(2)(H)		X	
Cemeteries		X	
Churches		X	
Dwelling, one-family (see note 4, below) (defined: Sec. 21.04.125)	X		
Dwelling, two-family (defined: Sec. 21.04.130)	X		
Dwelling, multiple-family, subject to Sec. 21.53.120 if more than 4 units are proposed (defined: Sec. 21.04.135)	X		
Family day care home (large), subject to Chap. 21.83 (defined: Sec. 21.04.147)			X
Family day care home (small), subject to Chap. 21.83 (defined: Sec. 21.04.148)			X
Greenhouses > 2,000 square feet, subject to Sec. 21.42.010(2)(F)		X	
Golf courses (see note 5, below)		X	
Home occupation, subject to Sec. 21.10.040			X
Housing for senior citizens, subject to Chap. 21.84	X		
Mobile home (see notes 4 & 6, below) (defined: Sec. 21.04.266)	X		
Packing/sorting sheds > 600 square feet, subject to Sec. 21.42.010(2)(F)		X	
Public buildings		X	
Public/quasi-public accessory utility buildings/facilities (see note 7, below)		X	
Satellite TV antennae, subject to Sec. 21.53.130 – 21.53.150 (defined: Sec. 21.04.302)			X
Schools, public/private (defined: Sec. 21.04.140)		X	
Second dwelling unit (accessory to a one-family dwelling only), subject to Sec. 21.10.030 (defined: Sec. 21.04.303)			X
Signs, subject to Chap. 21.41 (defined: Sec. 21.04.305)			X
Temporary bldg./trailer (real estate or construction), subject to Sec. 21.53.090 and 21.53.110	X		
Zoos (private), subject to Sec. 21.42.010(2)(K) (defined: Sec. 21.04.400)		X	

Note:

- 1) Private garages (defined: Sec. 21.04.150) shall accommodate not more than two cars per dwelling unit.
- 2) When associated with a two-family or multiple-family dwelling, accessory buildings shall not include guest houses or accessory living quarters (defined: Sec. 21.04.165).
- 3) Boat launching and docking facilities are permitted only for the sole use of residents of any subdivision in which the facility is located, and which is within the R-W zone.
- 4) One-family dwellings are permitted when developed as two or more detached units on one lot. Also, a single one-family dwelling shall be permitted on any legal lot that existed as of [INSERT EFFECTIVE DATE OF ORDINANCE], and which is designated and zoned for residential use. Any proposal to subdivide land or construct more than one dwelling shall be subject to the density and intent of the underlying residential land use designation.
- 5) A conditional use permit is not required for a golf course if it is approved as part of a master plan for a planned community development.
- 6) Mobile homes must be certified under the National Mobilehome Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 et seq.) on a foundation system pursuant to Section 18551 of the State Health and Safety Code.
- 7) Public/quasi-public accessory utility buildings/facilities include, but are not limited to, water wells, water storage, pump stations, booster stations, transmission/distribution electrical substations, operating centers, gas metering/regulating stations, or telephone exchanges, with the necessary accessory equipment incidental thereto.

~~21.22.015 Housing for senior citizens by site development plan.~~

~~Housing for senior citizens may be permitted by site development plan issued according to the provisions of Chapter 21.84 of this title. Unless otherwise specified in Chapter 21.84, the development standards of this zone shall apply. (Ord. NS 662 § 4, 2003; Ord. NS 274 § 4, 1994; Ord. 9638 § 1 (part), 1982)~~

~~21.22.016 Second dwelling units.~~

~~Second dwelling units are permitted according to the provisions of Section 21.10.015 of this title on lots which are developed with detached single family residences. The development standards of this zone shall apply. (Ord. NS 663 § 9, 2003; Ord. NS 283 § 19, 1994)~~

21.22.0230 Building height.

A. No building in the R-W zone shall exceed a height of thirty-five (35) feet. (Ord. NS-180 § 15, 1991; Ord. 9189 § 1 (part); Ord. 9060 § 951)

21.22.0340 Front yard.

A. Every lot shall have a front yard of not less than ten feet in depth. (Ord. 9189 § 1(part); Ord. 9060 § 952)

21.22.0450 Side yard.

A. Every lot shall have side yards as follows:

(1) 1. Interior lots shall have a side yard on each side of the lot of not less than four feet in width;

(2) 2. Corner lots and reversed corner lots shall have the following side yards:

(A) a. On the side lot line which adjoins another lot, the side yard shall be the same as that required on an interior lot,

(B) b. On the side street side the width of the required side yard shall be eight feet. (Ord. 9189 § 1 (part); Ord. 9060 § 953)

21.22.0560 Rear yard.

A. There shall be a rear yard of not less than eight feet in depth. (Ord. 9189 § 1 (part); Ord. 9060 § 954)

21.22.0670 Accessory structures.

(1) A. All accessory structures shall comply with the following development standards:

(A) 1. The lot coverage shall include accessory structures in the lot coverage calculations for the lot.

(B) 2. The distance between buildings used for human habitation and accessory buildings shall be not less than ten feet.

(C) 3. When proposed on a lot adjoining native vegetation, accessory structures within a fire suppression zone must be reviewed and approved by the fire department.

(D) 4. Accessory buildings, by definition, do not share a common wall with the main dwelling unit structure.

(E) 5. Buildings shall not exceed one story.

(F) 6. Building height shall not exceed fourteen feet if a minimum roof pitch of 3:12 is provided or ten feet if less than a 3:12 roof pitch is provided.

(G) 7. Second dwelling units constructed above detached garages, located within a lot's buildable area, pursuant to Section 21.10.04530.E.4. (e)(3)(D) of this title are not subject to the one-story/fourteen-foot height limitation imposed on accessory structures.

(2) B. Habitable detached accessory structures shall comply with all requirements of the zone applicable to placement of a dwelling unit on a lot including setbacks.

(3) C. Detached accessory structures, which are not dwelling units and contain no habitable space, including but not limited to garages, workshops, tool sheds, decks over thirty inches above grade, and freestanding patio covers shall comply with the following additional development standards when located within a lot's required setback areas:

(A) 1. The maximum allowable building area per structure shall not exceed a building coverage of four hundred forty square feet.

(B) 2. The following setbacks shall apply: A front yard setback of twenty feet, a rear yard setback of five feet, a side yard setback of five feet, and an alley setback of five feet.

(C) 3. The maximum plumbing drain size shall be one and one-half inches in diameter so as to prohibit toilets, showers, bathtubs and other similar fixtures.

(D) 4. The additional development standards listed above (subsections (3)(A) 21.22.070C.1. through (e)3 of this section) shall apply to the entire subject accessory structure, not just the portion encroaching into a lot's setback area.

(4) D. The provisions of this section are applicable notwithstanding the permit requirements contained in Section 18.04.015 of this code. (Ord. NS-355 § 13, 1996; Ord. NS-243 § 18, 1993; Ord. 9819 § 1 (part); Ord. 9060 § 955)

21.22.0780 Minimum lot area.

A. The minimum required area of a lot in the R-W zone shall not be less than five thousand square feet. (Ord. 9336 § 9, 1972; Ord. 9189 § 1 (part); Ord. 9060 § 956)

21.22.0890 Lot width.

A. Every lot shall have a width of not less than forty feet at the rear line of the required front yard. (Ord. 9189 § 1 (part); Ord. 9060 § 958)

21.22.09100 Lot coverage.

A. All buildings, including accessory buildings and structures, shall not cover more than seventy-five percent of the area of the lot. (Ord. 9189 § 1 (part): Ord. 9060 § 959)

21.22.10110 Waterway access.

A. Not less than seventy percent in number of the R-W zoned lots in any subdivision in an R-W zone shall have direct access to a navigable waterway.

B. For each twenty lots or portion thereof without direct access to a navigable waterway, there shall be provided a boat launching facility within the subdivision on an R-W zoned lot which does have direct access to a navigable waterway. The area of such lot not utilized for the boat launching facility shall be improved for parking and shall conform to the requirements of Sections 21.44.1080 and 21.44.2100.

C. "Direct access" for the purpose of this section shall mean that at least twenty feet or one-half, whichever is the longer, of a side or rear lot line shall border upon such navigable waterway.

D. "Navigable waterway" for the purpose of this section means an ocean inlet or lagoon, or other arm of the sea, actually usable for boating; and any channel actually usable for boating and docking facilities connecting with an ocean inlet or lagoon or other arm of the sea. (Ord. 9189 § 1 (part): Ord. 9060 § 961)

**ZONING ORDINANCE AMENDMENT
CHAPTER 21.24 – RD-M ZONE
STRIKE-OUT & UNDERLINE VERSION**

Chapter 21.24

RD-M RESIDENTIAL DENSITY-MULTIPLE ZONE

Sections:

<u>21.24.010</u>	<u>Intent and purpose.</u>
21.24.0120	Permitted uses.
21.24.020	Uses and structures permitted by conditional use permit.
21.24.025	Housing for senior citizens by site development plan.
21.24.026	Second dwelling units.
21.24.027	Child day care centers by administrative permit.
21.24.030	Building height.
21.24.040	Front yard.
21.24.050	Side yard.
21.24.060	Setbacks--Subterranean parking.
21.24.070	Rear yard.
21.24.080	Yards--Structures over thirty-five feet in height.
21.24.090	Accessory structures.
21.24.100	Lot area.
21.24.110	Lot coverage.
21.24.120	Dwelling units per lot.
21.24.1320	Lot width.
21.24.1530	Improvements required.
21.24.1640	Special conditions for certain lots.

21.24.010 Intent and purpose.

- A. The intent and purpose of the RD-M Residential Density-Multiple zone is to:
1. Implement the Residential Medium Density (RM), Residential Medium-High Density (RMH), and Residential High Density (RH) land use designations of the Carlsbad General Plan; and
 2. Provide regulations and standards for the development of residential dwellings, and other permitted or conditionally permitted uses, as specified in this chapter.

21.24.0120 Permitted uses.

A. This zone is created to provide means of development utilizing the densities in the low medium density through the high density areas delineated in the city general plan. The following uses only shall be permitted in the RD-M (residential density multiple) zone, unless as may be otherwise provided for in this chapter: In the RD-M zone, notwithstanding any other provision of this title, only the uses listed in Table A. below, shall be permitted, subject to the requirements and development standards specified by this chapter, and subject to the provisions of Chapter 21.44 governing off-street parking requirements:

- (1) Single dwellings;
- (2) Two-family dwellings;
- (3) Multiple dwellings;
- (4) Accessory buildings, but not to include guest houses or accessory living quarters;

- (5) Signs subject to the provisions of Chapter 21.41;
- (6) Satellite television antennae subject to the provisions of Section 21.53.130 of this code;
- (7) Small family day care homes;
- (8) Large family day care homes, subject to the provisions of Chapter 21.83 of this title. (Ord. NS 409 § 11 (part), 1997; Ord. 9804 § 6 (part), 1986; Ord. 9785 § 13, 1986; Ord. 9674 § 2 (part), 1983; Ord. 9251 § 1 (part), 1970; Ord. 9060 § 970)

B. The uses permitted by conditional use permit, as indicated in Table A, shall be subject to the provisions of Chapters 21.42 and 21.50.

TABLE A
Permitted Uses

In the table, below, subject to all applicable permitting and development requirements of the Municipal Code:			
<ul style="list-style-type: none"> • "P" indicates use is permitted • "CUP" indicates use is permitted with approval of a conditional use permit. • "Acc" indicates use is permitted as an accessory use. 			
USE	P	CUP	Acc
Accessory buildings/structures (ex. garages, workshops, tool sheds, patio covers, decks, etc.) (see note 1, below) (defined: Sec. 21.04.020)			X
Animal keeping (household pets), subject to Sec. 21.53.084			X
Animal keeping (wild animals), subject to Sec. 21.53.085			X
Aquaculture (defined: Sec. 21.04.036)		X	
Bed and breakfasts, subject to Sec. 21.42.010(12)(A) (defined: Sec. 21.04.046)		X	
Biological habitat preserve, subject to Sec. 21.42.010(15)(A) (defined: Sec. 21.04.048)		X	
Campsites (overnight), subject to Sec. 21.42.010(2)(H)		X	
Cemeteries		X	
Child day care center, subject to Chap. 21.83 (defined: Sec. 21.04.086)	X		
Churches		X	
Dwelling, one-family (see notes 2 and 3, below) (defined: Sec. 21.04.125)	X		
Dwelling, two-family (defined: Sec. 21.04.130)	X		
Dwelling, multiple-family, subject to Sec. 21.53.120 if more than 4 units are proposed (defined: Sec. 21.04.135)	X		
Family day care home (large), subject to Chap. 21.83 (defined: Sec. 21.04.147)			X
Family day care home (small), subject to Chap. 21.83 (defined: Sec. 21.04.148)			X
Greenhouses > 2000 square feet, subject to Sec. 21.42.010(2)(F)		X	
Golf courses (see note 4, below)		X	
Home occupation, subject to Sec. 21.10.040			X
Housing for senior citizens, subject to Chap. 21.84	X		
Mobile home (see notes 2, 3 & 5, below) (defined: Sec. 21.04.266)	X		
Packing/sorting sheds > 600 square feet, subject to Sec. 21.42.010(2)(F)		X	
Parking lot/structure (commercial), public/private		X	
Professional care facilities (defined: Sec. 21.04.295)		X	
Public buildings		X	
Public/quasi-public accessory utility buildings/facilities (see note 6, below)		X	
Recreational vehicle storage, subject to Sec. 21.42.010(9) (defined: Sec. 21.04.299)		X	
Residential care facilities (serving more than six persons), subject to Sec. 21.42.010(8)(A) (defined: Sec. 21.04.300)		X	

TABLE A, cont'd
Permitted Uses

USE	P	CUP	Acc
<u>Satellite TV antennae, subject to Sec. 21.53.130 – 21.53.150 (defined: Sec. 21.04.302)</u>			<u>X</u>
<u>Schools, public/private (defined: Sec 21.04.140)</u>		<u>X</u>	
<u>Second dwelling unit (accessory to a one-family dwelling only), subject to Sec. 21.10.030 (defined: Sec. 21.04.303)</u>			<u>X</u>
<u>Signs, subject to Chap. 21.41 (defined: Sec. 21.04.305)</u>			<u>X</u>
<u>Temporary bldg./trailer (real estate or construction), subject to Sec. 21.53.090 and 21.53.110</u>	<u>X</u>		
<u>Zoos (private), subject to Sec. 21.42.010(2)(K) (defined: Sec. 21.04.400)</u>		<u>X</u>	

Note:

1) When associated with a two-family or multiple-family dwelling, accessory buildings shall not include guest houses or accessory living quarters (defined: Sec. 21.04.165).

2) Within the RM land use designation, a one-family dwelling/subdivision is permitted.

3) Within the RMH and RH land use designations, one-family dwellings are permitted when developed as two or more detached units on one lot. Also, a single one-family dwelling shall be permitted on any legal lot that existed as of [INSERT EFFECTIVE DATE OF ORDINANCE], and which is designated and zoned for residential use. Any proposal to subdivide land or construct more than one dwelling shall be subject to the density and intent of the underlying residential land use designation.

4) A conditional use permit is not required for a golf course if it is approved as part of a master plan for a planned community development.

5) Mobile homes must be certified under the National Mobilehome Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 et seq.) on a foundation system pursuant to Section 18551 of the State Health and Safety Code.

6) Public/quasi-public accessory utility buildings/facilities include, but are not limited to, water wells, water storage, pump stations, booster stations, transmission/distribution electrical substations, operating centers, gas metering/regulating stations, or telephone exchanges, with the necessary accessory equipment incidental thereto.

~~21.24.020 Uses and structures permitted by conditional use permit.~~

~~Subject to the provisions of Chapters 21.42 and 21.50, the following uses and structures are permitted by conditional use permit:~~

- ~~(1) Bed and breakfast uses;~~
- ~~(2) Residential care facilities serving more than six persons;~~
- ~~(3) Professional care facilities;~~
- ~~(4) Public and private commercial parking lots and parking structures;~~
- ~~(5) Repealed by Ord. NS 409 § 11 (part). (Ord. NS 409 § 11 (part), 1997; Ord. 9800 § 6, 1986; Ord. 9513 § 4, 1978; Ord. 9455 § 5, 1976; Ord. 9251 § 1 (part), 1970; Ord. 9060 § 971)~~

~~21.24.025 — Housing for senior citizens by site development plan.~~

~~Housing for senior citizens may be permitted by site development plan issued according to the provisions of Chapter 21.84 of this title. Unless otherwise specified in Chapter 21.84, the development standards of this zone shall apply. (Ord. NS 662 § 5, 2003; Ord. NS 274 § 5, 1994; Ord. 9638 § 1 (part), 1982)~~

~~21.24.026 — Second dwelling units.~~

~~Second dwelling units are permitted according to the provisions of Section 21.10.015 of this title on lots which are developed with detached single family residences. The development standards of this zone shall apply. (Ord. NS 663 § 10, 2003; Ord. NS 283 § 20, 1994)~~

~~21.24.027 Child day care centers by administrative permit.~~

~~Child day care centers may be permitted by administrative permit, subject to the provisions of Chapter 21.83 of this title. (Ord. NS 409 § 11 (part), 1997)~~

21.24.030 Building height.

A. No building shall exceed a height of thirty-five feet. (Ord. 9534, 1979: Ord. 9251 § 1 (part), 1970: Ord. 9060 § 972)

21.24.040 Front yard.

A. There shall be a front yard of not less than twenty feet in depth with exceptions as follows:

(1) 1. Fifteen feet shall be permitted providing carport or garage openings do not face onto the front yard;

(2) 2. Ten feet shall be permitted providing carport or garage openings do not face onto the front yard and, that the remaining front yard is landscaped with a combination of flowers, shrubs, trees, and irrigated with a sprinkler system. Landscape plans and irrigation system plans shall be approved by the planning director prior to issuance of a building permit for a proposed structure. (Ord. 1256 § 13 (part), 1982; Ord. 9251 § 1 (part), 1970: Ord. 9060 § 973)

21.24.050 Side yard.

A. Every lot shall have side yard as follows:

(1) 1. Interior lots shall have a side yard on each side of the lot of not less than five feet in width;

(2) 2. Corner lots and reversed corner lots shall have side yards as follows:

(A) a. On the side lot line which adjoins another lot, the side yard shall be the same as that required on an interior lot,

(B) b. On any side of a lot which is adjacent to a street, the side yard shall be ten feet, with exception that: the required ten-foot side yard abutting a street may be reduced to five feet, providing parking spaces do not open directly onto the street and, that the side yard is landscaped and maintained as prescribed in Section 21.24.040.

(3) 3. A zero foot side yard setback shall be permitted to one interior side yard, provided:

(A) a. That the owners of both lots common to the proposed zero side yard are in agreement with the concept,

(B) b. That a specific plan is filed with the city for approval, showing the proposed building locations, parking, and side yard areas for both lots,

(C) c. That the remaining side yard shall be not less than twenty-five percent of the total lot width measured at the front setback line. (Ord. 9251 § 1 (part), 1970: Ord. 9060 § 974)

21.24.060 Setbacks--Subterranean parking.

A. Zero foot setback for subterranean parking shall be permitted provided the required setbacks for the dwelling structure are landscaped and maintained as prescribed in Section 21.24.040. (Ord. 9251 § 1 (part), 1970: Ord. 9060 § 975)

21.24.070 Rear yard.

A. There shall be a rear yard of not less than ten feet in depth. (Ord. 9251 § 1 (part), 1970: Ord. 9060 § 976)

21.24.080 Yards--Structures over thirty-five feet in height.

A. The above specified yard requirements apply only to those structures up to a height of thirty-five feet. For any other structure which has had its height increased by approval of a specific plan, the yards shall be increased at a ratio of one and one-half additional foot horizontally, for each eight feet of vertical construction. (Ord. 9251 § 1 (part), 1970: Ord. 9060 § 977)

21.24.090 Accessory structures.

(1) A. All accessory structures shall comply with the following development standards:

(A) 1. The lot coverage shall include accessory structures in the lot coverage calculations for the lot.

(B) 2. The distance between buildings used for human habitation and accessory buildings shall be not less than ten feet.

(C) 3. When proposed on a lot adjoining native vegetation, accessory structures within a fire suppression zone must be reviewed and approved by the fire department.

(D) 4. Accessory buildings, by definition, do not share a common wall with the main dwelling unit structure.

(E) 5. Buildings shall not exceed one story.

(F) 6. Building height shall not exceed fourteen feet if a minimum roof pitch of 3:12 is provided or ten feet if less than a 3:12 roof pitch is provided.

(G) B. Second dwelling units constructed above detached garages, located within a lot's buildable area, pursuant to Section 21.10.04530.E.4. (e)(3)(D) of this title are not subject to the one-story/fourteen-foot height limitation imposed on accessory structures.

(2) C. Habitable detached accessory structures shall comply with all requirements of the zone applicable to placement of a dwelling unit on a lot including setbacks.

(3) D. Detached accessory structures, which are not dwelling units and contain no habitable space, including but not limited to garages, workshops, tool sheds, decks over thirty inches above grade, and freestanding patio covers shall comply with the following additional development standards when located within a lot's required setback areas:

(A) 1. The maximum allowable building area per structure shall not exceed a building coverage of four hundred forty square feet.

(B) 2. The following setbacks shall apply: A front yard setback of twenty feet, a rear yard setback of five feet, a side yard setback of five feet, and an alley setback of five feet.

(C) 3. The maximum plumbing drain size shall be one and one-half inches in diameter so as to prohibit toilets, showers, bathtubs and other similar fixtures.

(D) 4. The additional development standards listed above (subsections (3)(A) 21.24.090D.1 through (C) 3 of this section) shall apply to the entire subject accessory structure, not just the portion encroaching into a lot's setback area.

(4) E. The provisions of this section are applicable notwithstanding the permit requirements contained in Section 18.04.015 of this code. (Ord. NS-355 § 14, 1996: Ord. NS-243 § 19, 1993: Ord. 9251 § 1 (part), 1970: Ord. 9060 § 978)

21.24.100 Lot area.

A. The minimum required area of a lot in the RD-M zone, when the zone implements the RM land use designation, shall be as follows:

1. For one-family dwellings: a lot area not less than six thousand (6,000) square feet.

2. For two-family and multiple dwellings: a lot area not less than ten thousand (10,000) square feet, except that the joining of two smaller lots shall be permitted although their total area does not equal the required lot area.

B. The minimum lot area of a lot in the RD-M zone, when the zone implements the RMH or RH land use designations, shall not be less than ten thousand (10,000) square feet specified below, except that the joining of the two smaller lots shall be permitted although their total area does not equal the required lot area.

Densities

Low-medium density 7,500-square feet

Medium-density through high density 10,000-square feet

(Ord. 9336 § 8, 1972: Ord. 9251 § 1 (part), 1970: Ord. 9060 § 979)

21.24.110 Lot coverage.

A. All buildings, including accessory buildings and structures, shall cover no more of the lot than sixty percent, permitted in the density areas specified as follows:

(1) Low-medium density.....Fifty percent;

(2) Medium-density through high density.....Sixty percent.

(Ord. 9251 § 1 (part), 1970: Ord. 9060 § 980)

~~21.24.120 Dwelling units per lot.~~

~~(a) The number of dwelling units permitted on a lot shall be consistent with the density specified by the general plan.~~

~~(b) Whenever the general plan establishes density in terms of ranges, the density for a project shall be the lowest established by the range unless the planning commission or the city council, whichever is the final decisionmaking body for a project, finds that a greater density within the range is justified under the provisions of the general plan.~~

~~(c) Whenever property which is zoned or which is proposed to be zoned RD-M is located in a transitional area between existing residential neighborhoods and other uses, or in a transitional area between property zoned for residential uses and property zoned for higher density residential uses or other uses, the city council may designate the maximum density permitted on the property at a point within the range established by the general plan. The density established for a project pursuant to subsection (b) of this section shall not exceed this maximum density. Designation of the maximum density shall be done at the time the property is zoned or, if the property has previously been zoned RD-M, then the designation shall be done in the same manner as a change of zone. Property which has a maximum density designation shall be subject to subsection (b). (Ord. 9658 § 1, 1983: Ord. 9251 § 1 (part), 1970: Ord. 9060 § 981)~~

21.24.1320 Lot width.

A. Every lot shall have a width of not less than sixty feet at the rear line of the required front yard. (Ord. 9251 § 1 (part), 1970: Ord. 9060 § 982)

21.24.1530 Improvements required.

A. Prior to an occupancy permit being issued by the ~~building and planning director~~ community development director for any new units constructed in the RD-M zone, it shall be necessary for the developer to upgrade or install those public improvements deemed necessary for public convenience and necessity.

B. Improvements as may be required by the city engineer shall be constructed to city standards and specifications.

C. In such case where there are not adjacent improvements or official street grade has not been established, the city engineer may recommend to the city council that a future street improvement agreement be entered into. (Ord. 1261 § 41, 1983; Ord. 9251 § 1 (part), 1970; Ord. 9060 § 984)

21.24.1640 Special conditions for certain lots.

A. In approving a site development plan, planned development permit, tentative map or other discretionary permit, for a property located in the RD-M zone and adjacent to an R-1 zone, the planning commission or city council may impose special conditions or requirements that include but are not limited to provisions for the following:

1. Special setbacks, yards, open space;
2. Special height and bulk of building regulations;
3. Additional landscaping;
4. Signs, fences and walls;
5. Special grading restrictions;
6. Regulation of point of ingress and egress;
7. Compatibility with surrounding properties and land uses;
8. Such other conditions as deemed necessary to ensure conformity with the general plan and other adopted policies, goals or objectives of the city. (Ord. NS-186 § 1, 1991)

**ZONING ORDINANCE AMENDMENT
CHAPTER 21.37 – RMHP ZONE
STRIKE-OUT & UNDERLINE VERSION**

Chapter 21.37

RMHP RESIDENTIAL MOBILE HOME PARK ZONE

Sections:

- 21.37.010 Intent and purpose.
- 21.37.020 Permitted uses.
- 21.37.030 Permit required.
- 21.37.040 Application.
- 21.37.050 Transmittal to the planning commission.
- 21.37.060 Planning commission report.
- 21.37.070 City council determination.
- 21.37.080 Final mobile home park plan.
- 21.37.090 Design criteria.
- 21.37.100 Development standards.
- 21.37.110 Removal of mobile home park zone.
- 21.37.120 Conversion.
- 21.37.130 Waiver of tentative and final map for mobile home park conversions.

21.37.010 Intent and purpose.

A. The intent and purpose of the mobile home park zone is to:

- (1) 1. Provide locations where mobile homes and mobile home parks may be established, maintained and protected;
- (2) 2. Provide a means to regulate and control the conversion of existing mobile home parks to another use;
- (3) 3. Promote and encourage an orderly residential environment with appropriate physical amenities;
- (4) 4. Implement the goals and objectives of the general plan, especially including all residential land use designations and the housing element. (Ord. 9564 § 2 (part), 1980)

21.37.020 Permitted uses.

~~Only the following uses are permitted on land containing the mobile home park zone:~~

A. In an RMHP zone, notwithstanding any other provision of this title, only the uses listed in Table A, below, shall be permitted, subject to the requirements and development standards specified by this chapter, and subject to the provisions of Chapter 21.44 governing off-street parking requirements.

~~(1) Mobile home parks consisting of mobile homes. A mobile home park may be a condominium, planned unit development, or rental park. Subject to the provisions of Section 18551 of the California Health and Safety Code, mobile homes may be placed on permanent foundation systems in condominium or planned unit development parks. Subject to the provisions of Sections 18551.1 and 18611 of the California Health and Safety Code mobile homes and factory built houses may be placed on permanent foundation systems in any mobile home park for which a permit was issued after January 1, 1982 and designated to accommodate homes on permanent foundation systems;~~

- (2) Mobile home accessory structures;
- (3) Buildings which are incidental to the mobile home park, including recreational buildings, laundry facilities and the like;
- (4) One identification sign for each entrance. This sign shall not have a height exceeding four feet or an area exceeding forty square feet;
- (5) Signs subject to the provisions of Chapter 21.41;
- (6) Satellite television antennae subject to the provisions of Section 21.53.130 of this code;
- (7) Small family day care homes;
- (8) Large family day care homes, subject to the provisions of Chapter 21.83 of this title. (Ord. NS 409 § 18, 1997; Ord. 9804 § 6 (part), 1986; Ord. 9785 § 23, 1986; Ord. 9674 § 2 (part), 1983; Ord. 9615 § 1, 1983; Ord. 9564 § 2 (part), 1980)

B. The uses permitted by conditional use permit, as indicated in Table A, shall be subject to the provisions of Chapters 21.42 and 21.50.

TABLE A
Permitted Uses

In the table, below, subject to all applicable requirements of the Municipal Code:			
<ul style="list-style-type: none"> • "P" indicates use is permitted • "CUP" indicates use is permitted with approval of a conditional use permit. • "Acc" indicates use is permitted as an accessory use. 			
USE	P	CUP	Acc
Buildings incidental to a mobile home park (ex. recreational buildings, laundry facilities, etc.)			X
Animal keeping (household pets), subject to Sec. 21.53.084			X
Animal keeping (wild animals), subject to Sec. 21.53.085			X
Aquaculture (defined: Sec. 21.04.036)		X	
Biological habitat preserve, subject to Sec. 21.42.010(15)(A) (defined: Sec. 21.04.048)		X	
Campsites (overnight), subject to Sec. 21.42.010(2)(H)		X	
Cemeteries		X	
Churches		X	
Family day care home (large), subject to Chap. 21.83 (defined: Sec. 21.04.147)			X
Family day care home (small), subject to Chap. 21.83 (defined: Sec. 21.04.148)			X
Golf courses (see note 1, below)		X	
Greenhouses > 2,000 square feet, subject to Sec. 21.42.010(2)(F)		X	
Home occupation, subject to Sec. 21.10.040			X
Mobil home accessory structures (defined: Sec. 21.04.267)			X
Mobile home parks (see note 2, below)	X		
Packing/sorting sheds > 600 square feet, subject to Sec. 21.42.010(2)(F)		X	
Public buildings		X	
Public/quasi-public accessory utility buildings/facilities (see note 3, below)		X	
Satellite TV antennae, subject to Sec. 21.53.130 – 21.53.150 (defined: Sec. 21.04.302)			X
Schools, public/private (defined: Sec. 21.04.140)		X	
Signs, subject to Chap. 21.41 (defined: Sec. 21.04.305)			X
Temporary bldg./trailer (real estate or construction), subject to Sec. 21.53.090 and 21.53.110	X		
Zoos (private), subject to Sec. 21.42.010(2)(K) (defined: Sec. 21.04.400)		X	

Note:

1) A conditional use permit is not required for a golf course if it is approved as part of a master plan for a planned community development.

2) A mobile home park may be a condominium, planned unit development, or rental park consisting of mobile homes. Subject to the provisions of Section 18551 of the California Health and Safety Code, mobile homes may be placed on permanent foundation systems in condominium or planned-unit development parks. Subject to the provisions of Sections 18551.1 and 18611 of the California Health and Safety Code mobile homes and factory-built houses may be placed on permanent foundation systems in any mobile home park for which a permit was issued after January 1, 1982 and designated to accommodate homes on permanent foundation systems.

3) Public/quasi-public accessory utility buildings/facilities include, but are not limited to, water wells, water storage, pump stations, booster stations, transmission/distribution electrical substations, operating centers, gas metering/regulating stations, or telephone exchanges, with the necessary accessory equipment incidental thereto.

21.37.030 Permit required.

A. No person shall develop a mobile home park and no mobile home park shall be established unless a mobile home park permit has been issued according to this chapter.

B. The conversion to condominiums of mobile home parks existing on the effective date of the adoption of Chapter 21.37 may be exempt from the development standards identified in this chapter, providing that the planning commission and city council find that the mobile home park shall remain substantially in conformance with the existing facility allowing conversion and provided the conversion qualifies under Chapter 11, Division 31 of the Health and Safety Code (Health and Safety Section 50780 et seq.). Such conversion of existing mobile home parks shall still be subject to Sections 21.37.110 and 21.37.120. (Ord. 9836 § 1, 1987; Ord. 9564 § 2 (part), 1980)

21.37.040 Application.

A. Application for a mobile home park permit shall be made to the city council through the planning department and planning commission in accordance with the procedures set forth in this section:

~~(1)~~ 1. An application for a mobile home park permit may be made by the record owner or owners of the property on which the development is proposed to be constructed. The application shall be filed with the planning director and shall contain a legal description of the property involved and an explanation and description of the proposed use. The planning director may prescribe the form and content of such application.

~~(2)~~ 2. A fee as established by city council resolution shall be paid when application for a mobile home park permit is made.

~~(3)~~ 3. The application shall be accompanied by a development plan including the location of all mobile home lots and accessory buildings, a landscape plan and a grading plan including cross-sections of any proposed grading. The planning director may require any additional documents or information necessary to insure complete review of the project.

~~(4)~~ 4. If the applicant contemplates the construction of a mobile home park in phases, the application shall so state and shall include a proposed construction schedule.

~~(5)~~ 5. If the project is to provide open areas and recreational facilities to be used by the occupants of two or more dwelling units, it shall be stated in the application and the application shall include a plan, acceptable to the city, for the preservation and maintenance of the common elements of the property.

~~(6)~~ 6. If the proposed park will be a condominium or planned unit development, a tentative map prepared according to the requirements of Chapter 20.12 of this code shall be

filed at the time of the application for the mobile home park. No tentative map for a mobile home condominium or planned unit development shall be approved unless a mobile home park permit has first been approved. A tentative map for a mobile home condominium or planned unit development shall not be deemed submitted for approval until the date of the first planning commission hearing on the permits. (Ord. 1256 §§ 7 (part) and 13 (part), 1982; Ord. 9564 § 2 (part), 1980)

21.37.050 Transmittal to the planning commission.

A. The planning director shall transmit the application for a mobile home park permit, together with his recommendation thereon, to the planning commission for public hearing when all necessary reports and processing have been completed. When an application is relative to another discretionary permit, it may be considered by the planning commission concurrent with their consideration of such discretionary permit. Notice of the public hearing shall be given as provided in Section 21.54.060(1) of this code. (Ord. 1256 § 7 (part), 1982; Ord. 9564 § 2 (part), 1980)

21.37.060 Planning commission report.

A. The planning commission shall hear and consider the application for a mobile home park permit and shall prepare a report and recommendation for the city council. A copy of the report and recommendation shall be mailed to the applicant and shall be filed with the city clerk who shall set the matter for public hearing before the city council. Notice of the public hearing shall be given as provided in Section 21.54.060(1) of this code. (Ord. 9758 § 8, 1985; Ord. 9564 § 2 (part), 1980)

21.37.070 City council determination.

(a) A. The city council may approve, conditionally approve, or disapprove a mobile home park permit. Such determination shall be made in accord with this code, the general plan and any applicable specific plans.

(b) B. A permit shall not be approved or conditionally approved unless the council finds that the design and improvement of the project are consistent with the development standards and design criteria established by this chapter. (Ord. 9564 § 2 (part), 1980)

21.37.080 Final mobile home park plan.

A. After approval of the mobile home park permit, the applicant shall prepare a reproducible copy of the approved mobile home park site plan known hereafter as the final mobile home park plan, which shall incorporate all requirements of the mobile home park permit approval.

B. The final mobile home park plan shall be submitted to the planning director for signature. Prior to signing the final mobile home park plan, the planning director shall determine that all applicable requirements have been incorporated into the plan and that all conditions of approval have been satisfactorily met or otherwise guaranteed. (Ord. 1256 § 10 (part), 1982; Ord. 9564 § 2 (part), 1980)

21.37.090 Design criteria.

A. The following design criteria shall apply to all mobile home parks:

(1) 1. The overall plan shall be comprehensive, embracing land, mobile homes, buildings, landscaping and their interrelationships, and shall conform to adopted plans for all governmental agencies for the area in which the proposed development is located.

(2) 2. The plan shall provide for adequate circulation, off-street parking, open recreational areas and other pertinent amenities. Mobile homes, buildings, structures and facilities in the park shall be well integrated, oriented and related to the topographic and natural landscape features of the site.

(3) 3. The proposed development shall be compatible with existing and planned land use and with circulation patterns on adjoining properties. It shall not constitute a disruptive element to the neighborhood or community.

(4) 4. Common areas and recreational facilities shall be located so as to be readily accessible to the occupants of the dwelling units and shall be well related to any common open spaces provided. (Ord. 9564 § 2 (part), 1980)

21.37.100 Development standards.

A. A mobile home park shall comply with the following development standards:

(1) 1. A mobile home park shall be not less than five acres for a condominium or planned unit development park and fifteen acres for a rental park.

(2) 2. Fifteen percent of the mobile home sites may be three thousand square feet in area to accommodate a twenty foot wide mobile home. The remaining sites shall have a minimum of three thousand five hundred square feet in area.

(3) 3. Each mobile home lot shall have a width of not less than fifty feet.

(4) 4. Not more than one single-family mobile home or factory-built home may be placed on a mobile home lot. Each mobile home or factory-built house shall contain one dwelling unit only. No mobile home or factory-built house shall be less than twenty-four feet wide, except for the fifteen percent affordable housing units which may be twenty feet wide.

(5) 5. Each mobile home site shall have a front yard of not less than five feet. The front yard so required shall not be used for vehicle parking, except such portion thereof as is devoted to driveway use.

(6) 6. On corner mobile home sites, the side yard adjoining the mobile home park street shall not be less than five feet.

(7) 7. Except for corner lots, each mobile home lot shall have a side yard of not less than three feet and a rear yard of not less than three feet.

8. The minimum separation between mobile homes or between a mobile home and a building shall be as follows: from side to side, ten feet; from side to rear, eight feet; from rear to rear, six feet.

9. Notwithstanding the separation requirement, a private garage may be located immediately adjacent to a mobile home if the interior of the garage wall adjacent to the mobile home is constructed of materials approved for one-hour fire resistive construction. If there are openings in the mobile home wall adjacent to the garage wall, a minimum of three feet separation shall be maintained between the mobile home and a private garage which does not meet the requirements for one-hour fire resistive construction.

10. Private garages shall maintain a minimum side yard and rear yard of not less than three feet.

(A) 11. Carports/awnings must be constructed of noncombustible materials and may be constructed to the lot line provided there is a minimum of three feet clearance from a mobile home or any other structures on the adjacent lots.

(B) 12. A maximum of two storage cabinets shall be permitted on each mobile home lot. The aggregate floor area of the cabinets shall not exceed one hundred square feet nor shall the height of the cabinets exceed ten feet. Storage cabinets may be located on a lot line or adjacent to a mobile home or mobile home accessory building or structure or beneath an awning or carport; provided, that it does not obstruct the required exiting or openings for light and ventilation of a mobile home or a cabana, or prevent service or inspection of mobile home equipment and utility connections or encroach within a designated open space area.

(C) 13. Expansion or alteration of buildings which are nonconforming by reason of inadequate yards shall comply with Section 21.48.090. Miscellaneous accessory structures such as lath houses, greenhouses, storage buildings (greater than one hundred square feet in floor area), etc., may be erected on a mobile home lot, provided they are located a minimum of six feet from any mobile home, outside any required yard and the occupied area of a lot does not exceed seventy-five percent of the lot.

(S) 14. When used for access to a parking facility, a side yard shall be wide enough for a ten foot wide unobstructed driveway. All such side yard driveways shall be paved with cement or asphaltic concrete.

(9) 15. Window awnings, not including structures, may project not more than four feet into any front yard and the following features may be erected or project into any required yard:

(A) a. Vegetation, including trees, shrubs and other plants;

(B) b. Necessary appurtenances for utility service;

(C) c. Mailboxes.

(10) 16. The area of the mobile home and all mobile home accessory structures shall not cover more than seventy-five percent of the mobile home site.

(11) 17. Each mobile home site shall include a paved area suitable for providing automobile shelter with space for at least two automobiles. Recreation and laundry areas combined shall have sufficient parking facilities to accommodate one automobile for every five mobile home sites up to fifty lots and one space for each ten lots thereafter.

(12) 18. Mobile home park streets shall be provided in such a pattern as to provide convenient traffic circulation within the mobile home park. Such streets shall be built to the following standards:

(A) a. No roadway shall be less than thirty four feet in width;

(B) b. There shall be concrete curbs on each side of the streets;

(C) c. The mobile home park streets shall be paved according to standards established by the city engineer;

(D) d. Mobile home park streets shall be lighted in accordance with the standards established by the city engineer.

(13) 19. Visitor parking shall be provided at a ratio of one space per four mobile home units. On-street parking may be counted towards meeting this requirement.

(14) 20. The city council may permit decentralization of the recreational facilities in accordance with principles of good planning.

(15) 21. Utilities.

(A) a. All utilities shall be underground.

(B) b. Television reception shall be by means of cable television or one antenna or several common antennae if the size or configuration of the mobile home park requires more than one. Individual TV antennas on a coach shall be prohibited.

(C) 22. Common trash-bin enclosures shall be provided. They shall be of masonry construction and compatible with the mobile home park.

(16) 23. Service buildings and facilities shall be strategically located throughout the park for convenient access from mobile homes. No service building shall be closer than twenty feet to any property adjacent to the mobile home park.

(17) 24. Mobile home parks shall be enclosed by solid masonry fences, six feet in height, subject to planning director approval, along dedicated street frontages and interior property lines.

(18) 25. All new mobile homes shall bear a valid insignia of approval issued by the State Department of Housing and Community Development. (Ord. NS-602 § 4, 2001; Ord. NS-24 § 1, 1988; Ord. 9804 § 4, 1986; Ord. 9782 § 1, 1985; Ord. 1256 § 7 (part), 1982; Ord. 9564 § 2 (part), 1980)

21.37.110 Removal of mobile home park zone.

(a) A. The removal of the mobile home park zone shall be accomplished according to the procedure for change of zone established by Chapter 21.52 of this code.

(b) B. No change of zone shall be approved unless the city council, after recommendation of the planning commission, finds:

(1) 1. That the change of zone is consistent with the housing element;

(2) 2. That for the property used for a mobile home park, the applicant has provided notice of termination of tenancy required by the California Civil Code Section 798.56 (f) and that all requirements of the Civil Code regarding termination of tenancy will be met;

(3) 3. That for property used for a mobile home park, a plan satisfactory to the city council to mitigate the impact on residents of the park has been prepared. Such plan shall include a phase-out schedule which establishes a timetable for the change of use and shall include an assistance plan, including programs to aid residents who will be displaced by the change of use in locating and securing new residences. Such aid may include financial assistance. The following factors shall guide the council in approving or disapproving the plan:

(A) a. The age of the mobile home park,

(B) b. The number of low income individuals or households needing assistance for relocation,

(C) c. The availability of relocation housing, sites for mobile home relocation, or both, having reasonably equivalent amenities, within the North County area within fifteen miles of the Pacific Ocean.

(e) C. In making decisions pursuant to this section, the council shall consider the effect of the decision on the housing needs of the community and balance those needs against the public service needs of the residents and available fiscal and environmental resources. (Ord. 9564 § 2 (part), 1980)

21.37.120 Conversion.

(a) A. "Conversion" means a use of the mobile home park for a purpose other than the rental, or the holding out for rent, of two or more mobile home sites to accommodate mobile homes used for human habitation. A conversion may affect an entire park or any portion thereof.

"Conversion" includes, but is not limited to, a change of the park or any portion thereof to a condominium, stock cooperative, planned unit development, or any form of ownership wherein spaces within the park are to be sold. "Conversion" does not include a change in the use of the property requiring a change of zone.

~~(b)~~B. No conversion shall be allowed unless a mobile home permit has been approved by the city council pursuant to Chapter 21.37, except that existing mobile home parks may be exempt from the development standards identified in this chapter pursuant to Section 21.37.030. In processing the mobile home park permit for existing mobile home parks found not to be subject to the development standards of this chapter, the planning commission and city council may add reasonable conditions to the permit. Applications for conversions of existing mobile home parks may be made by property owners, or by the residents with property owner concurrence.

~~(c)~~C. No conversion permit shall be issued unless the city council finds:

~~(1)~~ 1. That the notice required by California Civil Code Section 798.56(f) has been or will be given;

~~(2)~~ 2. Each of the tenants of the proposed condominium, stock cooperative project, planned unit development or other form of ownership has been or will be given notice of an exclusive right to contract for the purchase of their respective site or mobile home lot upon the same terms and conditions that such site will be initially offered to the general public or terms more favorable to the tenant. The right shall run for a period of not less than one hundred eighty days from the date of issuance of the subdivision public report pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his intention not to exercise the right;

~~(3)~~ 3. That the conversion is consistent with the general plan; a specific finding of consistency with the housing element shall be made.

~~(d)~~D. Following recordation of a certificate of compliance, or conditional certificate of compliance, owners/tenants of mobile homes on any unpurchased remaining interest shall not be economically displaced for a period of one year from the date of recordation. A rent increase may be levied during this year provided the increase is equal to or less than the average annual rent increase levied during the previous three years.

~~(e)~~E. As a condition of the waiver of tentative map pursuant to Section 21.37.130, the owner of the unpurchased remaining interest shall have a relocation plan approved by the city council for those tenants who choose to relocate their mobile homes. The relocation plan shall also provide assistance for residents who are renting a coach in the park who will be displaced by the purchase of their space. The following factors shall guide the council in approving or disapproving the plan:

~~(1)~~ 1. The age and condition of the mobile home units;

~~(2)~~ 2. The number of low-income individuals or households needing assistance for relocation;

~~(3)~~ 3. The availability of relocation housing, sites for mobile home relocation, or both, having reasonably equivalent amenities, within the North County area within fifteen miles of the Pacific Ocean; and

~~(4)~~ 4. The necessity for financial assistance for relocation.

~~(f)~~F. Conditions, covenants and restrictions (CC&R's) for any conversion shall be submitted to the planning director for approval prior to final map, or final action and the CC&R's shall provide for the periodic maintenance of the exteriors of the mobile homes. The

conditions, covenants and restrictions cannot be altered or dissolved without written city approval. (Ord. 9836 §§ 2--5, 1987; Ord. 9684, 1983; Ord. 9564 § 2 (part), 1980)

21.37.130 Waiver of tentative and final map for mobile home park conversions.

A. Other provisions of this chapter notwithstanding, the city council may, by resolution, waive the requirement for a tentative and final map for a single parcel subdivision for the conversion of an existing mobile home park to condominiums. Prior to granting such a waiver, the city council shall make the following findings:

(1)- 1. This waiver shall be granted only to conversion of existing mobile home parks on a single parcel.

(2) 2. A petition, requesting the conversion, shall be signed by the property owner and at least two-thirds of the residents of the mobile home park and shall be submitted to the planning director.

(3)- 3. The proposed subdivision shall not result in the economic displacement from the subject mobile home park of tenants/owners on remaining unpurchased interests located within the subject mobile home park unless the owner complies with Section 21.37.120(e).

(4)- 4. A mobile home park permit shall be concurrently approved by the city council with the granting of this waiver. Even though a project may be deemed exempt, the permit application shall include an analysis of conformance with present development.

(5) 5. The subdivision shall comply with such requirements then in effect as may have been established by the Subdivision Map Act or this chapter pertaining to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of the Subdivision Map Act or this chapter.

B. The subdivider requesting a waiver as provided for in this section shall make application therefore on such forms as may be provided for by the ~~director of planning~~ director.

C. Upon the grant of a waiver as provided for under this section, the city engineer shall prepare a certificate of compliance or conditional certificate of compliance, as appropriate, for recordation in the office of the county recorder for the purpose of documenting the approval of the subdivision. The city engineer shall not record or release for recordation a conditional certificate of compliance prepared pursuant to this section unless and until the owner or owners of the property to be subdivided have entered into an agreement with the city to provide for the satisfactory completion of all conditions of the certificate of compliance and shall have provided improvement security, as appropriate, as provided for in Chapter 5 of the Subdivision Map Act. (Ord. 9836 § 6, 1987)

**ZONING ORDINANCE AMENDMENT
CHAPTER 21.45
PLANNED DEVELOPMENTS
STRIKE-OUT & UNDERLINE VERSION**

PLANNED DEVELOPMENT CHAPTER AMENDMENT

- Section 21.45.010 of the Municipal Code (Planned Developments, Intent and purpose) is proposed to be amended as follows:

21.45.010 Intent and purpose.

The purpose of the planned development ordinance is to:

A. Recognize the need for a diversity of housing and product types;
B. Provide a method for clustered property development that recognizes that the impacts of environmentally and topographically constrained land preclude the full development of a site as a standard single-family subdivision;

C. Establish a process to approve the following: separate ownership of dwelling units with lots or exclusive use areas of less than seven thousand five hundred square feet in size or as otherwise allowed by the underlying zone; condominium ownership in multiple-unit buildings; and conversion of existing residential development to condominiums;

D. Allow the development of small-lot subdivisions in existing R-1 neighborhoods when the proposed site is contiguous to a higher intensity land use or an existing project of comparable or higher density;

E. Allow the development of small-lot subdivisions, two-family and multiple-family dwellings, on existing R-1 zoned properties when the project site contains sensitive biological resources as identified in the Carlsbad Habitat Management Plan;

EF. Permit the development of small-lot subdivisions in multi-family zones (except when the multiple-family zone implements the RH land use designation) as an alternative product type to attached dwelling units; and

FG. Encourage and allow more creative and imaginative design by including relief from compliance with standard residential zoning regulations. To offset this flexibility in development standards, planned developments are required to incorporate amenities and features not normally required of standard residential developments. (Ord. NS-612 § 1 (part), 2001)

- Section 21.45.040 of the Municipal Code (Planned Developments, Permitted zones and uses) is proposed to be amended as follows:

21.45.040 Permitted zones and uses.

A. Permitted Zones. The planning director, planning commission or city council may approve a permit for a planned development in the R-1, R-2, R-3, RD-M, R-W and P-C residential zones or combination of zones subject to the requirements of this chapter. When approved, a planned development permit shall become the zoning regulations applicable to the subject property.

B. Permitted Uses. In addition to any principal use, accessory use, transitional use or conditional use permitted in the underlying zone, planned developments that are proposed in the following residential zones may include the following residential uses listed in Table A, Permitted Residential Uses, below.

TABLE A
PERMITTED RESIDENTIAL USES

Zone	Single-family Detached Dwelling	Two-Family Dwelling	Multiple Dwelling
R-1	X (1) (5)	X (2) (5)	N/A (5) (6)
R-2	X (5)	X (5)	X (2) (5)
R-3	X	X	X
RD-M	X	X	X
R-W	N/A	X	X
P-C (3)	X	X	X
Accessory Uses (4)	X	X	X

- (1) Only permitted when: 1) the project site is contiguous to a higher intensity land use or an existing project of comparable or higher density; or 2) the project site contains sensitive biological resources as identified in the Carlsbad Habitat Management Plan.
- (2) Only permitted when: 1) the proposed project site is contiguous to a lot or lots zoned R-3, R-T, R-P, C-1, C-2, C-M or M, but in no case shall the project site consist of more than one lot nor be more than ninety feet in width, whichever is less; or, 2) the project site contains sensitive biological resources as identified in the Carlsbad Habitat Management Plan.
- (3) Permitted uses shall be consistent with the master plan.
- (4) Refer to Table F for specific uses.
- (5) "Housing for senior citizens" is not permitted in R-1 and R-2 zones.
- (6) Only permitted when the project site contains sensitive biological resources as identified in the Carlsbad Habitat Management Plan.

- The "minimum lot size or exclusive use area" row in Table D of Section 21.45.070 of the Municipal Code (Planned Developments, Small lot, single-family, two-family dwelling development standards) is proposed to be amended as follows:

Minimum Lot Size or Exclusive Use Area	<ol style="list-style-type: none"> 1. Single-family: 5,000 square feet; except that lots sizes less than 5,000 square feet to a minimum lot size of 3,500 square feet may be used when the site has a general plan designation of RMH or RH and when unique circumstances such as one of the following exists: <ol style="list-style-type: none"> a. The project is for lower income or seniors housing; b. The site is located west of Interstate 5; c. The dwelling units are designed with alley-loaded garages; or d. The site is either located contiguous to a Circulation Element roadway or within 1200 feet of a commuter rail/transit center, commercial center or employment center. 2. Two-family: 3,750 square feet when developed as a twin home; 7,500 square feet when developed as a duplex.
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- The “second dwelling units” row in Table F of Section 21.45.090 of the Municipal Code (Planned Developments, Residential additions and accessory uses) is proposed to be amended as follows:

SF	Second Dwelling Units	Must comply with all development standards of Sections 21.10.04 530 and 21.45.070.			See (2), (3).	Building
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**ZONING ORDINANCE AMENDMENT
MISCELLANEOUS TEXT CHANGES
STRIKE-OUT & UNDERLINE VERSION**

MISCELLANEOUS ZONING ORDINANCE AMENDMENTS

- The listing of "Section 21.04.135" in the list of "sections" at the beginning of Chapter 21.04 of the Municipal Code (Definitions) is proposed to be amended as follows:

21.04.135 Dwelling, multiple-family.

- Section 21.04.030 of the Municipal Code (Definitions - Apartment) is proposed to be amended as follows:

21.04.030 Apartment.

"Apartment" means a room, or a suite of two or more rooms in a multiple-family dwelling, occupied or suitable for occupancy as a residence for one family. (Ord. 9060 § 205)

- Section 21.04.115 of the Municipal Code (Definitions - Dwelling) is proposed to be amended as follows:

21.04.115 Dwelling.

"Dwelling" means a building or portion thereof designed exclusively for residential purposes, including one-family, two-family and multiple-family dwellings, but does not include commercial living units. (Ord. NS-284 § 2, 1994; Ord. 9060 § 222)

- Section 21.04.135 of the Municipal Code (Definitions - Dwelling, multiple) is proposed to be amended as follows:

21.04.135 Dwelling, multiple-family.

"Multiple-family dwelling" means a building, or portion thereof, designed for occupancy by three or more families living independently of each other, and containing three or more dwelling units. (Ord. 9060 § 226)

- Section 21.38.025 of the Municipal Code (Planned Community Zone, Second dwelling units) is proposed to be amended as follows:

21.38.025 Second dwelling units.

Second dwelling units are permitted according to the provisions of Section 21.10.04~~530~~ of this title in areas designated by a master plan for single-family detached dwellings. For second dwelling units proposed on standard lots (minimum seven thousand five hundred square feet in area) which are developed with detached single-family residences, the development standards of Chapter 21.10 shall apply. For second dwelling units proposed on substandard lots (less than seven thousand five hundred square feet in area) which are developed with detached single-family residences, the development standards of Chapter 21.45 shall apply. (Ord. NS-663 § 11, 2003; Ord. NS-283 § 6, 1994)

- Section 21.09.025 of the Municipal Code (Rural Residential Estate Zone, Second dwelling units) is proposed to be amended as follows:

21.09.025 Second dwelling units.

Second dwelling units are permitted according to the provisions of Section 21.10.04~~5~~30 of this title. The development standards of this zone shall apply. (Ord. NS-663 § 2, 2003: Ord. NS-283 § 5, 1994)

- Section 21.20.026 of the Municipal Code (Residential Tourist Zone, Second dwelling units) is proposed to be amended as follows:

21.20.026 Second dwelling units.

Second dwelling units are permitted according to the provisions of Section 21.10.04~~5~~30 of this title on lots which are developed with detached single-family residences. The development standards of this zone shall apply. (Ord. NS-663 § 8, 2003: Ord. NS-283 § 18, 1994)

- Section 21.20.080(1)(G) of the Municipal Code (Residential Tourist Zone, Accessory structures) is proposed to be amended as follows:

(G) Second dwelling units constructed above detached garages, located within a lot's buildable area, pursuant to Section 21.10.004~~5~~30.E.4. ~~(e)(3)(D)~~ of this title are not subject to the one-story/fourteen-foot height limitation imposed on accessory structures.

