

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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SAN DIEGO, CA 92108-4421
(619) 767-2370



Thu 6a

December 19, 2006

TO: COMMISSIONERS AND INTERESTED PERSONS

**FROM: SHERILYN SARB, SOUTH COAST DEPUTY DIRECTOR
DEBORAH LEE, DISTRICT MANAGER, SAN DIEGO AREA OFFICE
LAURINDA OWENS, COASTAL PLANNER, SAN DIEGO AREA OFFICE**

**SUBJECT: STAFF RECOMMENDATION ON CITY OF CARLSBAD MAJOR
AMENDMENT 1-06C (CUP Code Revisions) For Commission Meeting of
January 10-12, 2006**

SYNOPSIS

The subject amendment request revises the certified Carlsbad Mello II LCP Implementation Program. On July 14, 2006, the City of Carlsbad Local Coastal Program Amendment No. 1-06C was submitted in the San Diego district office. The LCP amendment includes four separate components (A, B, C and D). The LCP submittal was not complete and the full package is still not filed. However, staff separated out this component for action. The subject component (C) addresses Conditional Use Permit (CUP) code revisions. It only involves an amendment to the implementation plan. Components A and B address the Habitat Management Plan (HMP) Implementation Plan and HMP Hardline Land Use Map and Zone Changes to Open Space and Component D addresses Density Bonus regulations; these will be reviewed separately at a later date.

SUMMARY OF AMENDMENT REQUEST

The subject amendment request proposes to comprehensively update the City's procedures and regulations governing uses allowed pursuant to a Conditional Use Permit (CUP). The Zone Code amendments would reformat the zoning ordinance to place all conditional uses and the designated approval authority in the individual land use zones (rather than in the CUP Chapter of the code). The amendment would also modify some commercial and industrial land use zones to allow "by right" specific commercial and industrial uses that previously required a CUP. Modifications are also proposed such that land use zones will no longer allow some previously allowed conditional uses because they are not considered compatible uses based upon accepted planning principles. In addition, through the proposed amendment, a Minor CUP process will be established that can be approved administratively by the Planning Director rather than through the public hearing process via the Planning Commission. Lastly, the amendment will also modify the approval authority from the Planning Commission to the City Council for specific unique and/or potentially controversial conditional uses.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending approval of the proposed LCP amendment, as submitted. The proposed changes are consistent with the certified Mello I, II, Agua Hedionda, Village Redevelopment Area, East Batiquitos Lagoon and West Batiquitos Lagoon LUPs and would not result in adverse impacts to permitted land uses, visual resources or public access.

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

BACKGROUND

The proposed revisions will affect several land use plan segments—all of which were approved in the years between 1980 through 1988 pursuant to various LCPAs. The LCP Amendment is necessary to ensure consistency between the proposed amended Zoning Ordinance and the Local Coastal Program. The proposed amendment will result in several changes to the CUP process of the zoning code

ADDITIONAL INFORMATION

Further information on the CUP Code Revisions LCP amendment No. 1-06C may be obtained from Laurinda R. Owens, Coastal Planner, at (619) 767-2370.

PART I. OVERVIEW

A. LCP HISTORY

Carlsbad Local Coastal Program (LCP)

The City's 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 remaining segments except Agua Hedionda. The Agua Hedionda Lagoon LCP segment remains as a deferred certification area until an implementation plan is certified. The subject amendment request affects the Mello II segment of the certified LCP.

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 the resolution and a staff recommendation are provided just prior to each resolution.

- I. MOTION:** *I move that the Commission reject the Implementation Program Amendment for the City of Carlsbad Implementation Plan Amendment #1-06C (CUP Code Revisions), 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 the Implementation Program Amendment for the CUP Code Revisions segment of the City of Carlsbad Local Coastal Program (LCPA No. 1-06C) 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 #1-06C AS SUBMITTED**

A. AMENDMENT DESCRIPTION

The primary purpose of the proposed amendment is to amend the regulations that govern the uses allowed upon the approval of a Conditional use Permit (CUP). The intent is to streamline the City's CUP process to determine if all of the uses permitted need a CUP, if some conditional use permits required by the City that presently require a public hearing can be changed to an administrative or ministerial permit, to make certain cellular facilities in preferred (non-residential) zones an administrative permit rather than a CUP, to delete the requirement for CUPs for minor accessory structures in existing City parks and facilities and to eliminate the CUP expiration dates and the need for CUP extensions.

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.

a) Purpose and Intent of the Ordinance. The purpose of the minor conditional use permit or conditional use permit is to allow special consideration for certain uses to be located in zones other than those in which they are classified as permitted because of their particular characteristics. Such uses may only be suitable in specific locations in a zoning classification or only if such uses are designed or laid out in a particular manner on the site or are subjected to specific conditions to assure compatibility within the zone and its surroundings. Since it would be impractical and detrimental to the safety and general welfare to permit such uses in all areas of the city in any one or more zones, the safety and general welfare will be promoted if such uses are authorized only by minor conditional use permit or conditional use permit in accordance with the standards set forth in the zoning code.

b) Major Provisions of the Ordinance. The major provisions of the ordinance include the authority to approve a minor conditional use permit or conditional use permit (i.e., the Planning Director, Planning Commission or City Council), findings of fact that must be made in order to approve a minor conditional use permit or conditional use permit, a list of conditions that may be added before such a permit is granted (i.e., regulations of use, fences or walks, regulation of noise, etc.). In addition, the ordinance includes information regarding application and fees, notices and hearings, and the type of processes for Minor Conditional Use Permit or CUP (i.e., Process One, Two or Three). The ordinance also sets forth the appeals process for such permits, expiration period, revocation procedures, amendments and other development standards and special regulations.

The proposed amendment revises the existing minor conditional use permit and conditional use permit process by removing all of the permitted uses and placing them instead in tables in the individual land uses zones rather than in the CUP chapter of the code. This format is considered to be more user-friendly in that permitted and conditionally permitted uses are listed in each specific zone chapter so that a person only needs to refer to one chapter to find the uses permitted and conditionally permitted in a particular zone.

In addition, the CUP chapter also includes added sections that address: purpose, authority, application and fees; public notice and hearings; decision making process; announcements of findings and decisions; and, appeals, expiration, revocation and amendment of conditional use permits. Most of these sections are currently included in the chapters of the zoning ordinance that address variances and Conditional Use Permits. These sections will be deleted from the variance/CUP chapters and moved to the CUP section. As a result of this change, the former chapter addressing variances will deal exclusively with variances. As such, the CUP chapter will be a comprehensive zoning ordinance chapter allocated to CUPs.

One of the major changes proposed through the subject amendment is to modify some types of commercial and industrial land use zones to allow “by right” specific commercial and industrial uses respectively that previously required the approval of a CUP because they are considered similar to, and compatible with, other permitted uses in each zone. For example, these uses include the following:

- Delicatessens in the C-1 Zone (Neighborhood Commercial), C-2 Zone (General Commercial), C-T Zone (Commercial Tourist), C-L Zone (Local Shopping Center Zone) and M Zones (Industrial) and Restaurants in the C-1 Zone (Neighborhood Commercial) - Both delicatessens and restaurants have historically been both desirable and compatible uses in the commercial zones of the city.
- Athletic clubs and gyms in the C-1 Zone (Neighborhood Commercial), C-2 Zone (General Commercial), C-T Zone (Commercial Tourist) and C-L Zone (Local Shopping Center) - Recently the City revised the parking requirements for athletic clubs’ gyms such that one space for each 200 sq.ft. of gross floor area required (which is the same parking standard for commercial uses). As such, gyms and athletic clubs are now regarded as being compatible uses in all commercial areas.
- Educational, training and tutoring schools for trades, cosmetology, pet grooming, music, dance, martial arts, gymnastics and language in the C-2 Zone (General Commercial), C-T Zone (Commercial Tourist) and C-L Zone (Local Shopping Center). These types of desirable community services are commonly located in commercial centers. They are referred to as “other educational facilities” which are not subject to the California Education Code or standards set forth by the State Board of Educations.

- Bookbinding/book printing/publishing in the C-M Zone (Heavy Commercial-Limited Industrial), M Zone (Industrial) and P-M Zone (Planned Industrial) - As noted in the City's staff report, these kinds of uses were formerly regarded as "dirty" manufacturing uses because of the chemicals that were used in the production process. However, with improvements in manufacturing technology which has significantly reduced or eliminated the use of such chemicals, these uses are now regarded as compatible uses within an office/industrial setting.

Another change proposed is to allow carnivals and circuses in non-residential zones to be approved administratively through a Special Events Permit rather than through a Conditional Use Permit by the Planning Commission. Historically, the City has approved a wide variety of popular events in the City such as the street fair, Carlsbad Marathon, etc., as a special event. Since a circus and/or a carnival are also of a "temporary nature" (typically no more than one or two weeks) the City finds they are more appropriately classified as "events" rather than permanent land uses.

The proposed amendment will also establish a minor CUP process for less controversial conditional uses that can be approved administratively by the Planning Director rather than through a public hearing before the Planning Commission. By eliminating the need for a formal public hearing, the processing time for such uses can be reduced by up to 50%. The City has found that all of the uses they have determined that can be processed as a minor CUP are the types of uses that are generally compatible with and good neighbors to the uses that are permitted in the respective zones. A few examples of these are:

- Auto storage/impound yards, parking facilities (as a primary use) and recreational vehicles stored in the C-M Zone (Heavy Commercial- Limited Industrial), M Zone (Industrial) and P-M Zones (Planned Industrial).
- Small animals and bee keeping in the E-A Zone (Exclusive Agricultural) and R-A Zone (Residential Agricultural).
- Veterinary clinics in the E-A Zone (Exclusive Agricultural), O Zone (Open Space), C-1 Zone (Neighborhood Commercial Use), C-2 Zone (General Commercial), C-M Zone (Heavy Commercial-Limited Industrial), M Zone (Industrial) and P-M Zone (Planned Industrial).
- Indoor theaters in the C-1 Zone (Neighborhood Commercial Use), C-2 Zone (General Commercial), C-T Zone (Commercial Tourist), C-M Zone (Heavy Commercial-Limited Industrial) and C-L Zone (Local Shopping Center).
- Small convenience stores (less than 2,501 sq.ft.) in the C-T Zone (Commercial Tourist).

- Wireless communication facilities that are located in preferred locations and comply with the stealth design guidelines consistent with City Council Policy Statement No. 64 (Wireless Communication Facilities)

Another major change proposed through the amendment to the CUP process is to modify the approval authority from the Planning Commission to the City Council for specific unique and/or potentially controversial conditional uses. The City has found that several other local governments routinely require that such uses be reviewed by the highest decision-making body in a particular city due to their nature. Some of these include the following:

- Amusement parks in the C-1 Zone (Neighborhood Commercial), C-2 Zone (General Commercial), C-T Zone (Commercial Tourist) and C-M Zone (Heavy Commercial-Limited Industrial)
- Cemeteries in all zones
- Oil and gas facilities in the C-M Zone (Heavy Commercial-Limited Industrial), M Zone (Industrial) and P-M Zone (Planned Industrial)
- Hazardous waste facilities in the C-M Zone (Heavy Commercial-Limited Industrial), M Zone (Industrial), P-M Zone (Planned Industrial) and P-U Zone (Public Utility)
- Public dumps in the M Zone (Industrial)

In addition, the proposed amendment will also result in prohibiting some types of previously allowed conditional uses in specific zones because they are not considered to be compatible uses based upon accepted planning principles. As noted in the City's staff report, as an example, the existing code currently permits gas stations, pool halls, escort services, bowling alleys, etc. in the Open Space and Exclusive Agricultural zones. This proposed code revision would eliminate these permitted use inconsistencies. Other examples of such inconsistencies include the following:

Parking facilities (as a primary use) in the R-D-M Zone (Residential Multiple-Density) and R-T Zone (Residential Tourist).

Timeshares in the O Zone (Open Space).

Airports in the O Zone (Open Space).

With regard to existing permitted uses, it appears that some of the uses are not entirely compatible with their respective zones. For example, in the EA Zone (Exclusive Agriculture), currently the following uses are permitted by a CUP: airports, cemeteries, churches, golf courses and veterinary clinics. Also in the R-T Zone (Residential Tourist) zone, cemeteries and churches are permitted. However, at this time, the City is not proposing to make changes to these permitted uses with this LCP amendment. The City intends to process a subsequent zone code amendment to review these zones and the permitted uses in the future. When that is done, the City will thoroughly review each use

in terms of its compatibility to zoning. The City has indicated that, as an example, the R-T Zone (Residential Tourist) will likely be deleted and the few remaining R-T sites will be rezoned to Commercial Tourist. The City also indicated that churches are constitutionally protected, and accordingly, it is preferable to continue to conditionally permit them in most of the City's zones. Further, the permitted uses within the C-T and Open Space Zones can be addressed by the Commission in its review of two pending City of Carlsbad LCP amendment requests addressing those zones.

In addition, the proposed amendment will add new definitions for some types of uses for which there were no definitions in the current Zoning Ordinance. These include: delicatessen, gas station, other educational facilities, and public/quasi-public office buildings and accessory utility buildings/facilities.

The proposed amendment will also correct omissions in the current CUP/zoning ordinance. For example, there is no codified parking standard for delicatessens. As such, a new parking standard of 1 space per 250 sq.ft. (which has historically been applied to this use) will be added to the code to address this use.

Lastly, the City proposes to revise the regulations addressing CUPs pertaining to the time specific expiration dates (i.e., 5-10 years) which also requires that CUP extensions occur after the expiration date. Previously, CUPs were approved for certain time limits such as five or 10 years. Once this time limit was reached, then the applicant would apply for an extension to the CUP. However, the City has found that upon research of other cities and municipalities, conditional use permits are approved in perpetuity subject to the condition that the City has continuing jurisdiction over the permit and may revoke the permit or modify or impose new conditions on the use through a public hearing. As such, a new section to the CUP code is being added that identifies the circumstances under which an approved CUP may be revoked or amended including:

- That the use has been exercised contrary to any of the terms or conditions of approval; or
- That the use is being or has been exercised as to be detrimental to the public health, safety or welfare or so as to constitute a nuisance; or
- That the use is in violation of any statute, ordinance, law or regulation.

Therefore, along with this amendment such that CUPs no longer have expiration dates nor require permit extensions, a new section of the CUP code will state that such uses are approved in perpetuity administratively by the Planning Director without the requirement to extend the CUP. However, the City is still requiring that one use –Wireless Communication Facilities--continue to be approved for a limited period of five (5 years). The reason for this requirement is to assure that such uses are compatible with the City Council Policy that strongly promotes the use of stealth design techniques so that the facilities are not seen or easily noticed and because of the rapidly evolving nature of the wireless communication facilities technology that will lead to on-going improved design methods. By requiring an extension to a CUP for such uses, the City can assure that such facilities are updated with the newest design. Lastly, the proposed amendment will

correct a number of formatting and typographical errors contained in the zoning ordinance.

c) Adequacy of the Ordinance to Implement the Certified LUP Segments. The standard of review for LCP implementation submittals or amendments is their consistency with and ability to carry out the provisions of the certified Land Use Plan (LUP) (i.e., Mello I, Mello II, Agua Hedionda, Village Redevelopment Area, East Batiquitos Lagoon and West Batiquitos Lagoon LUPs). The applicable Land Use Plan policies contain the following policies:

Mello I

Policy 3 – Parking

In the event of commercial and/or residential development pursuant to a coastal development permit; parking shall be in conformance with the requirements of the City of Carlsbad Zoning Ordinance.

(6) Visual/Land Resources

Sections 30244, 30251 and 30252 of the Coastal Act address the visual resource issues. In response to these Sections of the Coastal Act, PRC Troups recommends several actions, including:

- Sign control
- Parking requirements
[...]
- The purpose of these recommendations is to ensure that visual...resources are protected, preserved or where necessary mitigated prior to construction and that new development will not visually degrade the area. This is of particular concern to...land...adjacent to Interstate 5, a major coastal access route....

Mello II

Policy 7-10 Parking

Parking standards set forth within the City of Carlsbad Zoning Ordinance are appropriate for the future development of various land uses.

Policy 7-13 Visual Access

Visual access over more than 80 percent of the Carlsbad coastline is unobstructed because of public ownership. No future improvements which would obstruct this visual access shall be permitted.

Policy 8-3 Infill Development Design Review

While the Scenic Preservation Overlay Zone can be used to enhance the character of new development, the City of Carlsbad should adopt a policy whereby the unique characteristics of older communities (especially the Elm Street¹ corridor) can be protected through their redevelopment scheme. This policy should reflect design standards which are in accordance with the flavor of the existing neighborhood.

East Batiquitos Lagoon

6. Scenic and Visual Qualities

The scenic and visual qualities of the area are of great value to the region. Again, the focal point for these qualities is Batiquitos Lagoon. The viewshed to the lagoon and from the lagoon shoreline are important resources. Many of the requirements previously established by this document address visual quality components....

Carlsbad Village Redevelopment Plan

This LUP segment contains several policies addressing preservation of the “village-like” character of the downtown area of Carlsbad including special design guidelines and references to maintaining compatibility of new development with the scale and character of the village area.

As noted in the above policies, many of the respective LUPs for the City of Carlsbad contain policies that address protection of public views, preservation of community character and the provision of adequate parking. In the case of the proposed amendment, several uses will be permitted “by right” whereas before they needed a CUP. However, the City has carefully reviewed such uses to assure that they are similar to, and compatible with, other permitted uses in each of the respective zones where they will be permitted. As such, they should not result in any impacts to community character or public views, etc. Conversely, the proposed amendment will also result in eliminating several uses that are presently incompatible with their surrounding uses. On a related point, while the proposed revisions to the CUP process will result in allowing most uses to continue their permitted use without the need for further review (i.e., extension of a CUP), there is one use that the City has explicitly required to continue to be monitored on an on-going basis—Wireless Communication Facilities. The proposed CUP code revisions include a provision that Wireless Communication Facilities continue to be approved for a limited period of time (5 years). The reason for this is that this field is constantly changing its technology. There is also an on-going concern with the proliferation of these facilities everywhere. As technological advances occur, it is possible to replace older and obsolete facilities with newer facilities that pose less of a visual impact on the surrounding area. The City has developed a policy that encourages that such facilities be designed so that they are not easily seen or noticed in order to

¹ Now named Carlsbad Village Drive.

minimize their visual impacts (including preservation of public views to the ocean) on the surrounding communities.

The proposed changes to the CUP regulations will maintain visual resources by assuring that only uses that are compatible with other permitted uses in the area will be allowed. In so doing, the character of the respective communities will be maintained, consistent with the policies of the applicable certified Land Use Plans. In addition, the proposed changes will not adversely affect a scenic vista, damage any scenic resources, degrade the visual character of any site or result in increases to light or glare that would adversely affect day or night-time views. Any future development will continue to be subject to the amended CUP regulations and will be required to meet all of the standards set forth in those regulations that address these issues. As such, no adverse visual resources should result from the proposed amendment and the proposed changes are consistent with, and adequate to carry out, the provisions of the certified LUP.

With regard to consistency with policies in the LUP that address parking and coastal access, the proposed amendment will incorporate language to assure that delicatessens meet the parking requirements for other similar uses. As the zoning code now exists, there are no parking requirements for this permitted use. By requiring that such uses provide parking, it will be assured that no impacts on traffic and/or public access in any part of the City will occur. This is especially important since many of these areas are near the shoreline where parking is sought by both beach visitors and patrons of local businesses and restaurants. Many of the policies of the various Land Use Plans for the City of Carlsbad contain similar recommendations and goals that state that parking in the area is inadequate and that parking needs to be improved. The proposed changes to the CUP process will include requiring parking for delicatessens and assure that adequate parking will be provided consistent with the goals and policies of the certified LUPs. The provision of adequate parking for new development enhances public access to the coast by eliminating the need for patrons to park on the street or nearshore areas where such parking may usurp the parking utilized by the beach-going public.

The remainder of the changes to the CUP code do not result in a proposal for physical development of any site nor do they affect any regulation that would result in inadequate parking. The proposed amendment will not adversely affect public access. In addition, adequate parking is required for all of the uses that are presently permitted as a conditional use permit. The proposed parking revisions are consistent with the zoning ordinance.

In addition, through the proposed change to delete the expiration dates for CUPs, the City has included specific provisions to assure that if use that has been permitted through a CUP is later found to be detrimental to the safety or welfare of the community or is found to be in violation of any regulations, it may be revoked. With this safety check in place, it can be assured that CUPs that are approved in perpetuity as proposed, will continue to be monitored for consistency with the zoning code and should not have any adverse impacts on the surrounding area.

In summary, individual development proposals permitted through the CUP process will comply with the land use policies of their respective LUP segments of the certified LCP. Therefore, the proposed LCP amendment will have no significant adverse impacts on coastal resources and the proposed amendment request is found to be consistent with the irrespective certified LUPs and is adequate to carry them out.

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 an LCP submittal or, as in this case, an LCP amendment submittal, to find that the LCP, or LCP, as amended, does conform with CEQA provisions. The proposed changes will not result in an intensity of land use incompatible with the surrounding development or have adverse impacts on coastal resources. Therefore, the Commission finds that approval of the LCP amendment will not result in any significant adverse environmental impacts.

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RESOLUTION NO. 2006-036

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, ADOPTING A NEGATIVE DECLARATION FOR A ZONE CODE AMENDMENT AND LOCAL COASTAL PROGRAM AMENDMENT AND APPROVING SAID LOCAL COASTAL PROGRAM AMENDMENT TO REVISE THE PROCEDURES AND REGULATIONS GOVERNING USES ALLOWED UPON THE APPROVAL OF A CONDITIONAL USE PERMIT.

CASE NAME: CUP CODE REVISIONS


CASE NO.: ZCA 04-09/LCPA 04-15

WHEREAS, pursuant to the provisions of the Municipal Code, the Planning Commission did, on January 4, 2006, hold a duly noticed public hearing as prescribed by law to consider the a Negative Declaration, Zone Code Amendment, and Local Coastal Program Amendment, and recommended their adoption and approval; and

WHEREAS, the City Council of the City of Carlsbad, on the 14th day of February, 2006, held a duly noticed public hearing to consider said Negative Declaration, Zone Code Amendment, and Local Coastal Program Amendment, and at that time received recommendations, objections, protests, comments from all persons interested in or opposed to the Negative Declaration and/or ZCA 04-09/LCPA 04-15.

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.
2. That the Negative Declaration is adopted as shown on Exhibit "ND", attached hereto and made a part hereof, based on information presented at the public hearing and contained in Exhibit "PII", attached to Planning Commission Resolution No. 5958 on file with the City Clerk and incorporated herein by reference.
3. That the findings of the Planning Commission, as specified in Planning Commission Resolution No 5958, are incorporated by reference and are the findings of the City Council.
4. That the amendment to the Local Coastal Program (LCPA 04-15) is approved as shown in Planning Commission Resolution No. 5960, on file with the City Clerk and incorporated herein by reference and are the findings of the City Council.
5. That the approval of LCPA 04-15 shall not become effective until it is approved by the California Coastal Commission and the California Coastal Commission's approval becomes effective.

EXHIBIT #1
Resolutions of Approval
Carlsbad LCPA #1-06C/ CUP Code Revisions
 California Coastal Commission

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PASSED AND ADOPTED at a regular meeting of the City Council of the City of
Carlsbad on the 14th day of February 2006, by the following vote, to wit:

AYES: Council Members Lewis, Hall, Kulchin, Packard, Sigafoose

NOES: None

ABSENT: None

Claude A. Lewis
CLAUDE A. LEWIS, Mayor

ATTEST:

Lorraine M. Wood
LORRAINE M. WOOD, City Clerk



(SEAL)

Exhibit 3

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RESOLUTION NO. 2006-037

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, ADOPTING A MINOR CONDITIONAL USE PERMIT APPLICATION FEE.

WHEREAS, the City of Carlsbad has established a new Minor Conditional Use Permit (CUP) process whereby specific less-controversial conditional uses may be approved administratively by the Planning Director rather than at a public hearing before the Planning Commission; and

WHEREAS, there will be staff costs to the City associated with processing Minor CUP's pursuant to the provisions of the Municipal Code; and

WHEREAS, because the Minor CUP review process as proposed will duplicate the City's existing Administrative Variance (AV) review process, staff is recommending that the new Minor CUP application fee be equal to the existing AV application fee (\$630.00).

WHEREAS, this new \$630.00 fee will cover the staff costs for processing Minor CUP's.

WHEREAS, the City Council of the City of Carlsbad, on the 14th day of February, 2006, held a duly noticed public hearing to adopt a new Minor Conditional Use Permit application fee and at that time received recommendations, objections, protests, comments of all persons interested in or opposed to the new Minor Conditional Use Permit application fee; and

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Carlsbad, California, as follows:

1. That the above recitations are true and correct.
2. That the City Council approves the new Minor Conditional Use Permit application fee of \$630.00.

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PASSED AND ADOPTED at a regular meeting of the City Council of the City of
Carlsbad on the 14th day of February 2006, by the following vote, to wit:

AYES: Council Members Lewis, Hall, Kulchin, Packard, Sigafoose

NOES: None

ABSENT: None

Claude A. Lewis
CLAUDE A. LEWIS, Mayor

ATTEST:
Lorraine M. Wood
LORRAINE M. WOOD, City Clerk

(SEAL)



Exhibit 1

ORDINANCE NO. NS-791

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA AMENDING TITLE 21 OF THE MUNICIPAL CODE AND THE LOCAL COASTAL PROGRAM BY (1) REPEALING AND RENACTING CONDITIONAL USE PERMIT CHAPTER 21.42, TITLE 21, OF THE CARLSBAD MUNICIPAL CODE, (2) AMENDING CHAPTER 21.50, VARIANCES AND CONDITIONAL USE PERMITS, TO DELETE REFERENCES TO CONDITIONAL USE PERMITS, (3) AMENDING CHAPTER 21.04, DEFINITIONS, TO ADD DEFINITIONS FOR DELICATESSEN, EDUCATIONAL FACILITIES (OTHER), GAS STATION, AND PUBLIC AND QUASI PUBLIC BUILDINGS AND ACCESSORY UTILITY BUILDINGS AND FACILITIES, (4) AMENDING CHAPTER 21.44, PARKING, TO ADD A PARKING STANDARD FOR DELICATESSENS, AND (5) AMENDING THE SECTIONS ON ALLOWED USES AND CONDITIONAL USES WITHIN ALL ZONES.

CASE NAME: CUP CODE REVISIONS
CASE NO.: ZCA 04-09

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


SECTION I: That Title 21, Chapter 21.42, Conditional Use Permits, is repealed and reenacted as follows:

TITLE 21
MINOR CONDITIONAL USE PERMITS AND CONDITIONAL USE PERMITS
CHAPTER 21.42

- 21.42.010 Purpose
- 21.42.020 Authority.
- 21.42.030 Findings of fact.
- 21.42.040 Conditions which may be added prior to granting permit.
- 21.42.050 Application and fees.
- 21.42.060 Notices and hearings.
- 21.42.070 Decision making process
- 21.42.080 Announcement of findings and decision.
- 21.42.090 Mailing of notice of decision.
- 21.42.100 Appeals.
- 21.42.110 Expiration period.
- 21.42.120 Revocation.
- 21.42.130 Amendment.
- 21.42.140 Development standards and special regulations

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EXHIBIT #2
Proposed Zoning Code Changes
Carlsbad LCPA #1-06C/ CUP Code Revisions
 California Coastal Commission

1 21.42.010 Purpose

2 The purpose of the minor conditional use permit or conditional use permit is to allow special
3 consideration for certain uses to be located in zones other than those in which they are
classified as permitted because of their particular characteristics.

4 Such uses may only be suitable in specific locations in a zoning classification or only if such
5 uses are designed or laid out in a particular manner on the site or are subjected to specific
6 conditions to assure compatibility within the zone and its surroundings. Since it would be
impractical and detrimental to the peace, health, safety and general welfare to permit such uses
7 in all areas of the city in any one or more zones, the peace, health, safety and general welfare
will be promoted if such uses are authorized only by minor conditional use permit or conditional
8 use permit in accordance with the standards hereinafter set forth.

9 The privileges and conditions of a minor conditional use permit or conditional use permit
are a covenant that runs with the land, and, in addition to binding the permittee, bind each
10 successor in interest.

11 21.42.020 Authority.

12 The Planning Director or his designee may approve, conditionally approve or deny minor
conditional use permits and the Planning Commission or City Council may approve,
13 conditionally approve or deny conditional use permits, for uses in zones as prescribed in the this
title, upon making the findings of fact listed in 21.42.030 below.

14 21.42.030 Findings of fact.

15 A. A minor conditional use permit or conditional use permit shall be granted only if
the following facts are found to exist in regard thereto:

16 1. That the requested use is necessary or desirable for the development of the
community, and is in harmony with the various elements and objectives of the general plan,
17 including, if applicable, the certified local coastal program, specific plan or master plan.

18 2. That the requested use is not detrimental to existing uses or to uses
specifically permitted in the zone in which the proposed use is to be located.

19 3. That the site for the proposed conditional use is adequate in size and shape
to accommodate the yards, setbacks, walls, fences, parking, loading facilities, buffer areas,
20 landscaping and other development features prescribed in this code and required by the
planning director, planning commission or city council, in order to integrate the use with other
21 uses in the neighborhood.

22 4. That the street system serving the proposed use is adequate to properly
handle all traffic generated by the proposed use.

23 B. When the subject of the application for minor conditional use permit or
conditional use permit is protected by the First Amendment to the United States Constitution, or
24 Article I, Section 2 of the California Constitution then only the definite objective guidelines and
standards of this chapter and of any other chapter of this code applicable to the property shall
25 apply. The general health, safety and welfare requirements of this subsection shall not apply
and any requirements of this code which may not be constitutionally applied shall be severed
26 from the requirements which may be constitutionally applied and those applicable shall remain
in full force and effect.

- 1 21.42.040 Conditions which may be added prior to granting permit.
- 2 A. In granting a minor conditional use permit or conditional use permit, any and all
- 3 conditions necessary to protect the public health, safety and welfare, may be added thereto,
- 4 including but not limited to the following:
 - 5 1. Regulation of use;
 - 6 2. Special yards, open space, and buffers;
 - 7 3. Fences and walls;
 - 8 4. Dedicating and improving public improvements;
 - 9 5. Regulation of points of vehicular ingress and egress;
 - 10 6. Requiring placement and maintenance of landscaping;
 - 11 7. Regulation of signage, noise, vibration, odors, etc.;
 - 12 8. Regulation of time for certain uses on the subject property;
 - 13 9. Time schedule for developing the proposed use;
 - 14 10. Time period during which the proposed use may be continued;
 - 15 11. Any other conditions necessary for the development of the city in an orderly
 - 16 and efficient manner and in conformity with the intent and purpose set forth in this chapter.
- 17 21.42.050 Application and fees.
- 18 A. Application for a minor conditional use permit or conditional use permit may be
- 19 made by the owner of the property affected or the authorized agent of the owner. Application
- 20 shall be made in writing on a form provided by the planning department. The application shall
- 21 state fully the circumstances and conditions relied upon as grounds for the application and shall
- 22 be accompanied by adequate plans, a legal description of the property involved and all other
- 23 materials as specified by the planning department.
- 24 B. At the time of filing the application the applicant shall pay a processing fee in an
- 25 amount as specified by city council resolution.
- 26 21.42.060 Notices and hearings.
- 27 A. Upon the filing of an application for a minor conditional use permit, the planning
- 28 director shall give written notice by mail or personal delivery to the project applicant, the owner
- of the subject real property or the owner's duly authorized agent and to all property owners as
- shown on the latest equalized assessment roll within three hundred (300) feet of the subject
- property at least fifteen (15) days prior to a decision on the application.
- B. Upon the filing of an application for a conditional use permit, the planning
- commission or city council shall give public notice, as provided in Section 21.54.060(1) of the
- intention to consider at a public hearing the granting of a conditional use permit.
- 21.42.70 Decision making process
- A. Applications for minor conditional use permits or conditional use permits shall be
- acted upon in accordance with one of three decision processes identified below. As required by
- Chapter 21.208, commercial/visitor-serving uses located within the commercial/visitor-serving
- overlay zone shall be decided by process three.
 - 1. Process One – Minor Conditional Use Permit.
 - a. To determine whether the conditional use permit is decided by
 - process one, please refer to the use regulation table in each zone.
 - b. Any person so notified in accordance with Section 21.42.060(A)
 - above may file written objections or a written request to be heard within ten (10) days after
 - the mailing or personal delivery of the notice. If a written request to be heard is filed, the

1 planning director shall schedule an informal hearing and provide written notice to the
2 applicant and the requestor at least five (5) days prior to the hearing. The hearing is not a
formal public hearing.

3 c. An application for a minor conditional use permit may be approved,
conditionally approved or denied by the planning director based upon his/her review of the
4 facts as set forth in the application and review of the circumstances of the particular case.

5 d. The planning director may approve the minor conditional use permit if
all of the findings of fact in Section 21.42.030 are found to exist.

2. Process Two.

6 a. To determine whether the conditional use permit is decided by
process two, please refer to the use regulation table in each zone.

7 b. An application for certain conditional use permits may be approved,
conditionally approved or denied by the planning commission at a public hearing noticed in
8 accordance with Sections 21.54.060, 21.54.061 and 21.54.062.

9 c. The planning commission shall hear the matter, and may approve the
conditional use permit if, from the evidence presented at the hearing, all of the findings of
fact in Section 21.42.030 are found to exist.

3. Process Three.

10 a. To determine whether the conditional use permit is decided by
process three, please refer to the use regulation table in each zone.

11 b. An application for certain conditional use permits may be approved,
conditionally approved or denied by the city council at a public hearing noticed in
12 accordance with Sections 21.54.060, 21.54.061 and 21.54.062.

13 c. Before the city council decision, the planning commission shall hear
and consider the application for a conditional use permit and shall prepare a
14 recommendation and findings for the city council including all matters set out in Section
21.42.030. The action of the commission shall be filed with the city clerk, and a copy shall
15 be mailed to the applicant.

16 d. When the planning commission action is filed with the city clerk, the
clerk shall set the matter for public hearing before the city council, to be noticed and held in
accordance with the provisions of Chapter 21.54.

17 e. The city council shall hear the matter, and after considering the
findings and recommendations of the planning commission, may approve the conditional
18 use permit if, from the evidence presented at the hearing, all of the findings of fact in Section
21.42.030 are found to exist.

19 21.42.080 Announcement of findings and decision.

20 A. Not more than twenty (20) days following the termination of the proceedings for a
21 minor conditional use permit or a public hearing for a conditional use permit, the planning
director shall announce his/her findings by letter and the planning commission or city council
22 shall announce its findings by formal resolution. The letter or resolution shall recite, among other
things:

23 1. The facts and reasons which, in the opinion of the planning director, planning
commission or city council, make the granting or denial of the minor conditional use permit
24 or conditional use permit necessary to carry out the provisions and general purpose of this
title.

25 2. That the minor conditional use permit or conditional use permit be granted or
denied.

26 3. If the letter or resolution orders that the minor conditional use permit or
27 conditional use permit, be granted, it shall also recite such conditions and limitations as the
planning director, planning commission or city council may impose.

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1 21.42.090 Mailing of notice of decision.

2 A. Not later than seven (7) days following the announcement of a decision ordering
3 that a minor conditional use permit or conditional use permit be granted or denied, a copy of the
4 letter or resolution shall be mailed to the applicant at the address shown on the application filed
5 with the planning director, planning commission or city council.

5 21.42.100 Appeals.

6 A. In the case of minor conditional use permits, the action of the planning director
7 may be appealed to the planning commission in accordance with Section 21.54.140. The
8 planning commission's action to approve, conditionally approve or deny is final.

9 B. In the case of conditional use permits, the action of the planning commission may
10 be appealed to the city council in accordance with Section 21.54.150. The city council's action
11 to approve, conditionally approve or deny is final.

9 21.42.110 Expiration period.

10 A. Expiration of permit if not exercised. Any minor conditional use permit or
11 conditional use permit becomes null and void if not exercised within (18) months of the date of
12 approval.

13 B. Extension of permit if not exercised. The planning director/ planning
14 commission/city council may extend the time within which the right or privilege granted under a
15 minor conditional use permit or conditional use permit must be exercised for one (1) additional
16 year upon receipt of a written request from the applicant prior to the expiration of such minor
17 conditional use permit or conditional use permit. In granting such extension the planning
18 director/ planning commission/city council shall make a written finding that neighborhood
19 conditions have not substantially changed since the granting of such minor conditional use
20 permit or conditional use permit.

21 C. Expiration of permit. Such rights and privileges granted under a minor conditional
22 use permit or conditional use permit shall also expire at such time as the planning director/
23 planning commission/city council may designate in the approval of the minor conditional use
24 permit or conditional use permit.

25 D. All existing conditional use permits approved prior to the effective date of this
26 amended ordinance which include an expiration date and a requirement to extend the permit,
27 may be hereby approved administratively by the Planning Director in perpetuity without the
28 requirement to extend the conditional use permit.

21 21.42.120 Revocation.

22 A. The planning director/ planning commission/city council shall have continuing
23 jurisdiction over any minor conditional use permit or conditional use permit.

24 B. To consider the revocation of a minor conditional use permit, the planning
25 director shall hold an informal hearing after giving notice by the same procedure as for
26 consideration of a minor conditional use permit.

27 C. To consider the revocation of a conditional use permit the planning
28 commission/city council shall hold a public hearing after giving notice by the same procedure as
for consideration of a conditional use permit request.

D. The planning director/ planning commission/city council may revoke and
terminate the minor conditional use permit or conditional use permit in whole or in part, reaffirm
the minor conditional use permit or conditional use permit, modify the conditions or impose new
conditions.

1 E. The action of the planning director/ planning commission is appealable by the
2 same procedure as for the minor conditional use permit or conditional use permit.

3 F. A minor conditional use permit or conditional use permit may be revoked or
4 conditions modified or added on any one or more of the following grounds:

- 5 1. That the minor conditional use permit or conditional use permit was obtained
6 by fraud or misrepresentation; or
- 7 2. That the use for which such approval is granted is not being exercised; or
- 8 3. That the minor conditional use permit or conditional use permit is being or
9 recently has been exercised contrary to any of the terms or conditions of approval; or
- 10 4. That the use for which such approval was granted has ceased to exist or has
11 been suspended for one year or more; or
- 12 5. That the use is in violation of any statute, ordinance, law or regulation; or
- 13 6. That the use permitted by the minor conditional use permit or conditional use
14 permit is being or has been so exercised as to be detrimental to the public health, safety or
15 welfare or so as to constitute a nuisance.

16 21.42.130 Amendment.

17 Any approved minor conditional use permit or conditional use permit may be amended by
18 following the same procedure as for approval of a minor conditional use permit or conditional
19 use permit and upon payment of the application fee contained in the most recent fee schedule
20 adopted by the City Council.

21 21.42.140 Development Standards and Special Regulations

22 A. The following development standards applicable to the particular zone in which
23 any minor conditional use or conditional use is proposed to be located shall prevail, unless in
24 the findings and conditions recited in the letter or resolution dealing with each such matter,
25 specific exemptions are made with respect thereto:

- 26 1. Front and side yard setbacks;
- 27 2. Building height;
- 28 3. Lot area; and
- 1 Off street parking.

2 B. The minor conditional uses and conditional uses identified in this section shall be
3 subject to the following special regulations:

4 2. Agricultural farm worker housing (temporary):

5 a. A CUP is required unless exempted by Government Code Section
6 65589.4.

7 5. Apiary:

8 a. All hives or boxes housing bees shall be placed at least 400 feet from
9 any street, school, park, residential zone, or dwelling or place of human habitation other than
10 that occupied by the owner or caretaker of the apiary.

11 10. Aquaculture stands:

12 a. In considering the appropriateness of such facility the minimum
13 following criteria shall be considered:

- 14 i. Safe access,
- 15 ii. Adequate parking,
- 16 iii. Location and appearance of structure or facility,

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- iv. Appearance and location of signs,
- v. Compatibility with adjacent uses,
- vi. Scale of operation.

15. Arcades (coin-operated):

- a. No alcoholic beverages shall be permitted on premises.
- b. All activities shall be conducted within the confines of a structure designed to contain the noise created by such operation.
- c. An opening shall be provided through which an unobstructed view of the interior of the premises can be obtained from the exterior of the building.

20. Bars and cocktail lounges:

- a. An opening shall be provided through which an unobstructed view of the interior of the premises can be obtained from the exterior of the building.
- b. Parking shall be provided at the rate of not less than 1 space per 50 square feet of gross floor area.
- c. Surrounding grounds, including parking areas, shall be maintained in a neat and orderly condition at all times.
- d. Any structure housing such operation shall meet all applicable code provisions prior to occupancy.
- e. Licensee or agent shall not permit open containers of alcoholic liquor to be taken from the premise.
- f. No bar or cocktail lounge shall be located within 500 feet of any other bar or cocktail lounge.

25. Bed and breakfast uses:

- a. All proposed bed and breakfast uses shall be located within a historically or architecturally interesting structure which is located in a scenic or other area of the city with a unique character.
- b. A resident manager or owner must live at and be involved in the daily operation of the facility. Documents pertaining to the operation and maintenance of such facility shall be submitted for staff approval prior to building permit issuance.
- c. All bed and breakfast uses shall contain no less than 3 and no more than 8 individually decorated guest rooms. A common room shall be available for social interaction.
- d. If meals are served other than for guests staying at the facility, then the use shall be subject to the requirements of this code for the establishment of a restaurant.
- e. Parking spaces shall be provided at a ratio of 2 spaces for the owner/manager, plus 1 space for each guest room. Guest parking spaces may be covered or uncovered. One (1) covered parking space shall be provided for the owner/manager unit. No parking is permitted within the front yard setback.
- f. Exterior lighting shall be designed to limit direct light glare outside of the project site.
- g. No kitchens or other cooking facilities in the guest rooms.
- h. Occupancy of guest units shall be limited to 7 days.
- i. The application for a conditional use permit shall include the submittal of an architectural theme, colored elevations and site plan for review.

30. Biological habitat preserve:

- a. The biological habitat preserve shall not adversely impact the city's ability to provide public facilities and improvements such as, but not limited to, circulation element roadways, sewer or water infrastructure improvements and drainage improvements, as

1 provided for in the citywide facilities and improvements plan, and the certified local coastal
2 program.

3 b. The biological habitat preserve shall be consistent with the city's
4 habitat management plan or agency-approved habitat management plan.

5 c. The biological habitat preserve shall be consistent with the city's local
6 coastal program.

7 d. A conditional use permit shall not be required when a biological
8 habitat preserve is associated with a development proposal otherwise requiring environmental
9 review and discretionary approval by the city, or a coastal development permit.

10 e. Nothing in this section shall be construed as permitting encroachment
11 or impacts to environmentally sensitive habitat areas and wetlands not permitted elsewhere in
12 the certified local coastal program.

13 35. Bowling alleys:

14 a. No noise shall be audible outside of the structure.

15 b. If alcoholic beverages are offered for consumption on site, no open
16 container shall be permitted to be removed from the premises.

17 c. Parking requirements for any bar area not meeting the definition of
18 bona fide eating establishment shall be computed at 1 space per 50 square feet of gross floor
19 area.

20 40. Campsites (overnight):

21 a. Any campsite shall be located in, adjacent to, or shall be directly
22 associated with existing or planned parks and open space system and shall augment the city's
23 general plan.

24 b. An overnight campsite shall comply with all federal, state and local
25 laws.

26 c. The site plan for an overnight campsite shall be prepared by a
27 licensed architect or landscape architect.

28 d. No person shall occupy any part of an overnight campsite for more
than 90 days, in the aggregate, during any given year.

e. The design of an overnight campsite shall be subject to the following
conditions:

i. Upon site review, a perimeter 6-foot fence or wall may be
required. Interior 6 foot fencing shall be required to isolate major trash collection and storage
areas. Such fences or walls shall be of materials compatible with an approved architectural
scheme for the total development.

ii. Primary road surfaces, i.e., two-way throughways, shall be
blacktop, asphalt or equivalent road surfaces. One-way throughways with sufficient natural
drainage may be surfaced with decomposed granite or equivalent, otherwise hard surface equal
to two-way requirements will be required. The remaining travel surfaces (camp pads, footpaths,
maintenance roads) will be covered with decomposed granite or equivalent material.

iii. Associated signs, freestanding or attached to buildings shall be
designed and constructed in accordance with city ordinances.

iv. Unit site densities shall be computed from a slope analysis of
the project area: 0-5 percent slope = maximum 7 units/acre; 6-15 percent slope = maximum 3
units/acre; 16 plus percent slope = permanent open space.

v. Sites within the campground shall be clearly marked and shall
be not less than 2,500 square feet in area.

vi. Sites utilized by auto-truck campers, trailers, mobile coaches,
shall front on a roadway not less than 15 feet wide and which affords access to a public road.

1 vii. Said campground facility shall total not less than 10 acres, of
2 which not less than 60% of the site shall be utilized for recreation activities, other than buildings,
roadways, parking pads, trash or storage areas.

3 viii. Camping spaces shall be placed at random throughout the
project, so as not to reflect uniformity in appearance or design.

4 ix. Exterior lighting shall be a type so as not to make visible a
direct light source or cause glare outside the campground facility. Proposed light fixtures shall
5 be subject to review to assure compatibility with the architectural scheme of the total
development.

6 x. Landscaping and sprinkler system shall be constructed in
conformance with a plan prepared by a registered landscape architect and approved by the
7 planning director prior to building permit issuance. The sprinkler system shall be applied only to
those areas that are not in extensive recreational use. Such landscaping shall be in
conformance with but not limited to the following minimum standards:

8 (A) The campground site shall be planted with
9 combinations of flowers, turf, groundcovers, shrubs, and trees; said plantings shall
be distributed throughout the site to create a park-like effect.

10 (B) Trees shall be planted at a ratio of 1 for each 1,000
square feet of gross land area. Ten percent (10%) of all trees shall be of specimen
11 size. The remaining 90% shall be equally divided among 15, 5 and 1-gallon sizes.
Existing on-site trees may be utilized to fulfill tree requirements.

12 xi. An architectural concept plan including plans for all structures
and fences shall be adopted for the total development to assure harmony and compatibility of all
13 facilities within the campground.

14 xii. Documents pertaining to the maintenance of all facilities
including landscaping, and designating those persons responsible for same, shall be submitted
for staff approval prior to building permit issuance.

15 xiii. Other conditions may be imposed in connection with any
conditional use permit issued for a campsite, pursuant to conditional use permit ordinance
16 regulations then in effect.

17 45. Car wash:

18 a. The site shall be designed to reduce the visual impacts of buildings
and waiting cars on surrounding development and from public streets.

19 b. All structures shall be architecturally designed to ensure compatibility
with surrounding development.

20 c. A noise analysis addressing noise impacts on surrounding
development may be required.

21 d. A traffic study which analyzes the impact of the proposed carwash on
adjacent and nearby intersections may be required. The limits of this study shall be established
22 by the planning director.

23 e. Adequate parking and circulation shall be provided on-site to
accommodate the proposed use.

24 f. Waiting areas for cars shall be screened by a combination of
landscaping, fencing and berming.

25 g. All signs shall comply with an approved sign program.

26 h. Adequate means of eliminating grease and oils from drainage
systems shall be provided.

27 50. Drive-thru restaurants:

28 a. Drive-thru restaurants are prohibited within all zones in the city,
including coastal zone properties. The drive-thru restaurant prohibition applies citywide to all
existing and proposed specific plans, master plans, and related amendments. Drive-thru

1 restaurants that are either existing or have received final approvals on January 5, 1998 are
2 allowed to continue in existence subject to the terms and conditions of this code and the
3 conditional use permit or other discretionary permit permitting them and may apply for and may
4 be granted CUP extensions under this code.

55. Drug paraphernalia stores:

4 a. No drug paraphernalia store shall be located within 500 feet of any
5 school, church, residence, residential area, children's camp or club, child care facility,
6 community center, library, park, public beach or playground.

6 b. No drug paraphernalia store shall have a sign or advertisement which
7 displays, shows or represents drug paraphernalia or any illegal drug including but not limited to,
8 marijuana, hashish, cocaine, or any controlled substance as defined in the Health and Safety
9 Code of the state of California.

8 c. An opening shall be provided through which an unobstructed view of
9 the interior of the premises can be obtained from the exterior of the building.

60. Escort services:

10 a. An opening shall be provided through which an unobstructed view of
11 the interior of the premises can be obtained from the exterior of the building.

11 b. No such business shall be located within 500 feet of any residential
12 zone.

12 c. An application for a conditional use permit shall be referred to the
13 chief of police, which application shall be under oath, and shall include, among other things, the
14 true names and addresses of all persons financially interested in the business. The past criminal
15 record, if any, of all persons financially interested in the business shall be shown on such
16 application. The term "persons financially interested" shall include the applicant and all persons
17 who share in the profits of the business on the basis of gross or net revenue, including
18 landlords, lessors, lessees, and the owner of the building, fixtures or equipment. The application
19 shall also be accompanied by fingerprints of persons financially interested.

16 The chief of police shall make such investigation as is necessary to
17 determine the background of the applicant and other persons financially interested. The chief of
18 police shall report to the Planning Commission his findings and recommendations as to whether
19 to approve, deny, or conditionally approve or deny the conditional use permit in writing within
20 180 days after the application is submitted. The recommendations of the police chief shall be
21 based on the findings and may also be based on his judgment of potential enforcement
22 problems and reasons therefore from the proposed establishment. Failure to so report shall be
23 deemed approval of the application. The Planning Commission may deny an application based
24 on the findings and recommendations of the chief of police.

65. Gas stations:

22 a. Permits for gas stations shall be granted only in the event one
23 (1) or more of the following factual situations is found to exist:

23 i. The use is to be developed as part of a master-planned recreation
24 area, industrial park, regional or community shopping center.

24 ii. The use is to be developed as part of a freeway-service facility,
25 containing a minimum of two freeway oriented uses.

25 iii. The use is to be developed as part of a commercial facility that is
26 an integral part of a planned community development.

26 b. Development standards:

27 i. All structures shall be architecturally designed to be compatible with
28 surrounding neighborhood uses.

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ii. Landscape plans shall consist of the following:

- (A) Perimeter planter areas of a minimum of 6 feet in width and planter areas adjacent to the structure,
 - (B) Six-inch (6") concrete curb bounding all planter areas,
 - (C) Landscaping including a combination of flowers, shrubs, and trees,
 - (D) A sprinkler system providing total and effective coverage to all landscaped areas,
 - (E) A statement delineating a maintenance schedule and responsibility for maintenance of landscaped areas.
- iii. A 6-foot high masonry wall shall be constructed on all sides of the property that adjoin residential or residential-professional zoned property.
 - iv. All exterior lighting shall be shielded or oriented in such way so as not to glare on adjacent properties.
 - v. All displays and storage shall be contained within the main structure.
 - vi. Trash containers shall be contained within a 6 - foot high enclosure.
 - vii. All signs shall be in conformance with the city's sign ordinance.
 - viii. Full public improvements shall be provided as may be required for public convenience and necessity.

c. The development standards (see subparagraph b. above) shall apply to existing gas stations when renovated structurally, and any newly developed service stations. Provisions regarding location shall not apply to gas stations in existence as of September 15, 1970.

70. Greenhouses (greater than 2,000 square feet in area) and Packing/Sorting Sheds (greater than 600 square feet in area):

- a. Lighting shall be directed away from nearby residences and shall not create undue illumination.
- b. Fans shall not create a noise nuisance to nearby residences.
- c. Driveways shall be improved with dust control material and be maintained.
- d. Structure, including panels or coverings, shall be maintained and not become a safety hazard or nuisance to the neighborhood.
- e. The approving conditional use permit resolution shall contain the time limits of the permit and the provisions for periodic review.

75. Hazardous waste facilities:

a. Applications for specified hazardous waste facilities shall be processed in accordance with the requirements of this code and of Chapter 6.5 of Division 20 of the Health and Safety Code commencing with Section 25100. A conditional use permit for a specified hazardous waste facility shall not be approved unless all of the following findings can be made:

- i. That all of the findings required by this chapter for approval of a conditional use permit can be made,
- ii. That the project is consistent with Chapter IX Section C (General Areas) and Appendix IX-B (General Areas) of the San Diego County Hazardous Waste Management Plan, and,
- iii. That the project is consistent with Chapter IX Section B (Siting Requirements) and Appendix IX-A (Siting Criteria) of the San Diego County Hazardous Waste Management Plan.

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- 1 80. Hotel and motel uses:
- 2 a. The application for a conditional use permit shall include the submittal
- 3 of an architectural theme, colored elevations and site plan.
- 4 b. When adjoining residentially zoned property, hotels and motels under
- 5 this section must comply with the following provisions:
- 6 i. Front yard setbacks, buildings -- 25 feet or the same distance as
- 7 existing buildings on adjoining lots; driveway or parking area -- 10 feet; outdoor recreational
- 8 amenities -- 10 feet;
- 9 ii. A 6 foot-high masonry wall shall be constructed along all property lines
- 10 that are adjacent to residentially zoned properties (except where prohibited by approved
- 11 driveways).
- 12 85. Liquor stores:
- 13 a. There are specifically designated parking spaces that are sufficient for
- 14 the use.
- 15 b. Traffic flow on public streets or in parking areas will not cause
- 16 congestion or be detrimental to other nearby neighborhood commercial uses.
- 17 c. That all measures have been taken to insure compatibility of the use
- 18 with the surrounding neighborhood.
- 19 d. An opening shall be provided through which an unobstructed view of
- 20 the interior of the premises can be obtained from the exterior of the building.
- 21 e. Such establishment shall not be located within 500 feet of any other
- 22 licensed liquor store.
- 23 90. Mobile buildings:
- 24 a. The mobile building shall be occupied by a permitted or conditional
- 25 use allowed in the zone in which it is placed.
- 26 b. The occupancy shall be limited to a five-year term, unless extended
- 27 by the Planning Commission.
- 28 c. Newly placed mobile buildings shall not be installed on permanent
- foundations.
- d. All mobile buildings shall have wood or stucco siding and must be
- installed with skirting to screen the chassis, wheels, and temporary foundation system
- e. All mobile buildings must meet all applicable local, state, and federal
- codes including, but not limited to: manufacturer's certificate of origin, current and valid
- registration tags, adequate accessibility for disabled persons, temporary foundation system
- design and installation, utility connections, and zoning requirements such as building height and
- setbacks.
95. Oil and gas facilities (on-shore) including, but not limited to: processing
- plants, refineries, storage facilities, transfer stations, pipelines, warehouses, offices, tanker
- terminals, helicopter pads and the like:
- Such facilities are prohibited except upon findings by the city council that:
- i. Approval of the proposed project and facilities will pose no danger to
- life and property to residents of the neighborhood, community or city,
- ii. Approval of the proposed project will not pose a potential threat of
- damage or injuries to nearby residents,
- iii. The benefits of the proposed project clearly outweigh the possible
- adverse environmental effects,
- iv. There are no feasible alternatives to the proposed project, and
- v. The location and approval of the on-shore facilities at the particular
- location clearly outweigh any potential harm to public health, safety, peace, morals, comfort and
- general welfare of persons residing or working in the neighborhood or community and will not be

1 detrimental or injurious to property in the neighborhood, community or to the general welfare of
the city.

2 vi. Such facilities shall also require a planned industrial permit pursuant
3 to Chapter 21.34.

4 100. Parks, public:

5 a. All applications for a public park shall include a master park site plan
exhibit. The master park site plan exhibit shall include the general location of and maximum
6 anticipated site area and building area of proposed major and accessory park uses (i.e.; picnic
areas, playfields, playgrounds, athletic fields, swimming pools, tennis/volleyball courts,
gymnasiums, clubhouses, restrooms, trails, driveways, parking areas and fences).

7 b. The development of the specific uses that are identified on the master
park site plan shall not require an additional conditional use permit or an amendment to the
8 existing master park site plan conditional use permit.

9 c. Park improvements that do not add a new land use to the master park
site plan or increase the maximum anticipated site area or building area for a use by more than
10 20 percent of what is anticipated on the master park site plan may be approved administratively
by the Planning Director.

11 105. Pawnshops:

12 a. No pawnshop shall be located within 500 feet of any establishment
licensed to dispense (for on-site or off-site consumption) alcoholic beverages.

13 b. No pawnshop shall be located within 500 feet of any residentially
zoned property.

14 c. An opening shall be provided through which an unobstructed view of
the interior of the premises can be obtained from the exterior of the building.

15 110. Pool halls or billiard parlors:

16 a. No such establishment shall be located within 500 feet of any
establishment licensed to dispense alcoholic beverages for consumption on-site or off-site.

17 b. No establishment shall be permitted to dispense alcoholic beverages
for consumption on-site or off-site.

18 c. An opening shall be provided through which an unobstructed view of
the interior of the premises can be obtained from the exterior of the building.

19 d. Each structure housing such operation shall be constructed so as to
contain within the structure all noise and other objectionable byproducts of such operation.

20 115. Processing plants for farm crops, similar to those being grown on the
premises:

21 a. No processing plant shall be located within 50 feet of any lot line.

22 120. Recreational vehicle (RV) storage:

23 a. Only recreational vehicles as defined in Section 21.04.298 of this
code may be stored within any recreational vehicle storage area; all stored vehicles must be in
an operable condition and, if required, currently licensed.

24 b. Permitted recreational vehicle storage shall not be utilized as a sales
yard, or as storage for a sales yard. An occasional sale by an individual may be permitted.

25 c. The maintenance, restoration and/or repair of any vehicle shall not be
permitted within any recreational vehicle storage area, unless otherwise specifically permitted
26 by the conditional use permit.

27 d. The utilization of a stored vehicle as a living unit shall not be
permitted.

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1 e. An accessory building, for administrative and security purposes, may
2 be permitted by the conditional use permit.

3 f. All approved recreational vehicle storage areas shall be subject to the
4 following development standards:

5 i. All recreational vehicle storage areas shall be surfaced with 2
6 inches of asphalt on 4 inches of base, or with an alternative acceptable to the city engineer. In
7 addition, the interior circulation and parking and layout design shall be subject to the approval of
8 the city engineer.

9 ii. All setbacks shall be landscaped with trees, shrubs and other
10 plant material to the satisfaction of the planning director. However, in no case shall less than a
11 10 foot-wide planter along all street frontages and a 5 foot-wide planter along all interior lot lines
12 be landscaped as specified above. In addition, 3% of the remainder of the site shall be
13 landscaped with a variety of plant material and in locations throughout the storage area. These
14 areas shall be a minimum dimension in all directions of 4 feet and bounded by a minimum six-
15 inch (6") concrete or masonry curb. All landscaped areas shall be served by a water irrigation
16 system providing total and effective coverage to all landscaping.

17 iii. The storage area shall be screened from all views by a minimum 8
18 foot-high wall or fence. Said wall or fence shall entirely surround the site and shall observe a
19 minimum setback equal to the required planting areas specified by the previous development
20 standard set out in subparagraph (f)(ii). The decision making body may impose any additional
21 conditions necessary to mitigate adverse visual affects of the wall or fence

22 iv. On-site visitor and employee parking shall be provided within the
23 storage area at a ratio of 1 space per every 10,000 square feet of lot area, or as required by the
24 conditional use permit. However, in no case shall less than 3 on-site visitor/employee parking
25 spaces be provided.

26 v. Signing for a recreational vehicle storage area shall be limited to a
27 wall sign with a maximum total area of 20 square feet in all zones. No freestanding signs shall
28 be permitted.

125. Residential care facilities (serving more than six persons):

126 a. The facility shall meet all requirements for the approval of such use
127 imposed by the city community development director and fire marshal as a group "D"
128 occupancy, division 2.

129 b. The facility shall comply with all the rules, regulations and standards
130 required by the State Department of Social Services.

131 c. Off-street parking as required in Chapter 21.44 shall be provided.

132 d. The planning commission or the city council on appeal may modify
133 any of the above standards, if it is found that such modifications will not be detrimental to the
134 health and safety of the residents.

135. Residential uses located above the ground floor of a multi-storied
136 commercial building:

137 a. One (1) or more of the uses permitted by Section 21.26.010 is
138 required to be located on the ground floor of the building.

139. Residential uses in the P-M zone:

140 a. One-family dwellings, two-family dwellings and multiple-family
141 dwellings or a combination thereof, which serve to house the employees of businesses located
142 in the P-M zone, may be conditionally permitted subject to the following findings:

143 i. A planned development permit for the project has been approved,
144 or is approved concurrently with the conditional use permit, by the city council.

- 1 ii. The residential development is an integral part of an industrial park
or large industrial use.
- 2 iii. The residential development is designed to be compatible with the
industrial use it serves by means of landscaping, open space separations, etc.
- 3 iv. The industrial development served by the residential development
shall provide for convenient and efficient vehicular, bicycle or pedestrian transportation to and
4 from the residential development.
- 5 v. The maximum allowable density for the residential development
shall be established by the city council but in no event shall the density exceed 40 dwelling units
6 per acre.

7 140. Tattoo parlors:

- 8 a. No tattoo parlor shall be located within 500 feet of any licensed
alcoholic beverage dispensing operation offering said beverages for on-site or off-site
consumption.
- 9 b. No tattoo parlor shall be operated in conjunction with nor share any
operating space with any other business.
- 10 c. An opening shall be provided through which an unobstructed view of
the interior of the premises can be obtained from the exterior of the building.

11 150. Thrift shops:

- 12 a. An application for a conditional use permit shall be referred to the
chief of police, which application shall be under oath, and shall include, among other things, the
13 true names and addresses of all persons financially interested in the business. The past criminal
record, if any, of all persons financially or otherwise interested in the business shall be shown
14 on such application. The term "persons financially interested" shall include the applicant and all
persons who share in the profits of the business on the basis of gross or net revenue, including
landlords, lessors, lessees and the owner of the building, fixtures or equipment. The application
15 shall also be accompanied by fingerprints of persons financially interested.

16 The chief of police shall make such investigation as is necessary to
determine the background of the applicant and other persons financially interested. The chief of
17 police shall report to the planning commission his findings and recommendations as to whether
to approve, deny or conditionally approve or deny the conditional use permit in writing within
18 thirty days after the application is submitted. The recommendation of the police chief shall be
based on the findings and may also be based on his judgment of potential enforcement
19 problems and reasons therefore from the proposed establishment. Failure to so report shall be
deemed approval of the application. The planning commission may deny an application based
20 on the findings and recommendations of the chief of police. Charitable organizations shall be
specifically exempt from the report provisions of this section. For purposes of this section, a
"charitable organization" is one organized for religious, scientific, social, literary, educational,
21 recreational, benevolent, or other purpose not that of pecuniary profit.

- 22 b. No goods shall be taken on a consignment basis.

23 155. Time-share projects:

- 24 a. All projects in residential zones shall be subject to the development
standards and design criteria of Chapter 21.45 of this code, while all projects in nonresidential
25 zones shall be subject to the development and design criteria of the underlying zone, except
that:

- 26 i. The city council may reduce the required resident parking down
to 1 parking space per unit, based on the results of a parking study prepared by a registered
27 traffic engineer that demonstrates that adequate parking will be provided and the reduction will
not adversely affect the neighborhood.

1 ii. The city council may waive the storage area requirements of
2 Section 21.45.060. Any reduction in the storage requirements shall be supported by a finding
3 that the reduction is necessary for the development of the project and will not adversely affect
4 the neighborhood.

5 iii. If a time-share project on a residentially zoned property is
6 proposed with reduced standards, the applicant shall provide a conversion plan showing how
7 the project can be altered to bring it into conformance with the development standards and
8 design criteria of the planned development ordinance. A conversion shall be approved as and
9 be made a part of the permit for the project.

10 iv. If a time-share project is proposed in a nonresidential zone it
11 shall be conditioned to be converted to a hotel use if it cannot be successfully marketed as a
12 time-share project, and shall be subject to all conditions of Section 21.42.140 (B)(155).

13 v. All proposals for time-share projects shall be accompanied by a
14 detailed description of the methods proposed to be employed to guarantee the future adequacy,
15 stability and continuity of a satisfactory level of management and maintenance. A management
16 and maintenance plan shall be approved as and made a part of the permit for the project.

17 vi. All units in a time-share project shall be time-share units except
18 a permanent on-site management residence unit may be permitted. The maximum time-
19 increment for recurrent exclusive use of occupancy of a time-share unit shall be 4 months. A
20 note indicating this requirement shall be placed on the final map for the project.

21 vii. In addition to the 4 mandatory findings required for the issuance
22 of a conditional use permit under Section 21.42.030, the city council shall find that the time-
23 share project is located in reasonable proximity to an existing resort or public recreational area
24 and, therefore, can financially and geographically function as a successful time-share project
25 and that the project will not be disruptive to existing or future uses in the surrounding
26 neighborhood.

27 viii. Time-share projects may be allowed in the P-C zone if specified
28 in the master plan for the area in which they will be located and the land use designation for the
master plan area in which the proposed time-share project will be located is similar to the R-P,
R-3, RD-M, R-T, C-T or C-2 zones.

ix. All of the provisions of this section shall apply to the conversion
of an existing structure to a time-share project.

x. All time-share projects shall be processed in accordance with
this section except that subsequent to planning commission review, the matter shall be set for
public hearing before the city council. The city council may approve, conditionally approve or
deny the project. The decision of the city council is final.

xi. A subdivision map filed in accordance with Title 20 of this code
shall accompany any application for a time-share project.

160. Windmills (exceeding the height limit of the zone):

a. May be conditionally permitted provided the purpose of such windmills
is to generate usable electrical or mechanical energy and provided the windmill is architecturally
compatible with the other buildings on the site.

165. Wireless Communication Facilities (WCFs);

a. Shall comply with City Council Policy Statement No. 64. An
application for a WCF may be processed as a minor conditional use permit, pursuant to this
Chapter, if it is found to be consistent with the Preferred Location and the Stealth Design
Review and Approval Guidelines of City Council Policy Statement No. 64.

b. WCF conditional use permit applications that do not comply with the
Preferred Location and the Stealth Design Review and Approval Guidelines of City Council
Policy Statement No. 64 shall be processed as a conditional use permit by Process 2.

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- 170. Zoos (private):
 - a. The property for such private zoo has a minimum of 20,000 square feet,
 - b. No animal is kept within 20 feet of any property line,
 - c. A valid wild animal permit has been issued by the state.

SECTION II: That Chapter 21.50., Variances, of the Carlsbad Municipal Code is amended to read as follows:

Chapter 21.50
Variances

- 21.50.010 Variance--Granting authority.
- 21.50.020 Purpose of variance.
- 21.50.030 Required findings for variances.
- 21.50.040 Variance Notice and hearing.
- 21.50.050 Announcement of findings and decision by resolution.
- 21.50.060 Resolutions announcing findings and order to be numbered and kept as permanent record.
- 21.50.070 Mailing of notice of decision of planning commission.
- 21.50.080 Effective date of order--Appeal of planning commission decision.

21.50.010 Variance--Granting authority.

A. When practical difficulties, unnecessary hardships, or results inconsistent with the general purpose of this title result through the strict and literal interpretation and enforcement of the provisions hereof, the planning commission shall have authority, as an administrative act, subject to the provisions of this title, to grant upon such conditions as it may determine, such variance from the provisions of this title as may be in harmony with its general purpose and intent, so that the spirit of this title shall be observed, public safety and welfare secured and substantial justice done. In the coastal zone, a variance shall not be allowed to diminish or otherwise adversely affect the substantive requirements for protection of coastal resources. (Ord. NS-365 § 8, 1996; Ord. 9060 § 1800)

21.50.020 Purpose of variance.

A. The sole purpose of any variance shall be to prevent discrimination, and no variance shall be granted which would have the effect of granting a special privilege not shared by other property in the same vicinity and zone. (Ord. 9060 § 1801)

21.50.030 Required findings for variances.

A. Before any variance may be granted, it shall be shown:

1. That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification;
2. That the variance shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located and is subject to any conditions necessary to assure compliance with this finding;
3. That the variance does not authorize a use or activity which is not otherwise expressly authorized by the zone regulation governing the subject property;

1 4. That the variance is consistent with the general purpose and intent of the
2 general plan and any applicable specific or master plans;

3 5. In addition, in the coastal zone, that the variance is consistent with and
4 implements the requirements of the certified local coastal program and that the variance does
5 not reduce or in any manner adversely affect the protection of coastal resources as specified in
6 the zones included in this title, and that the variance implements the purposes of zones adopted
7 to implement the local coastal program land use plan.

8 21.50.040 Variance Notice and hearing.

9 A. Upon the filing of an application for a variance by a property owner of record, or
10 by a lessee with the consent of the owners which application sets forth fully the grounds for, and
11 the facts deemed to justify the granting of the variance, the planning commission shall give
12 public notice, as provided in Section 21.54.060(1) of the intention to consider at a public hearing
13 the granting of a variance.

14 21.50.050 Announcement of findings and decision by resolution.

15 A. Not more than twenty (20) days following the termination of the proceedings of
16 the public hearing on a variance, the planning commission shall announce its findings by formal
17 resolution, and the resolution shall recite, among other things, the facts and reasons which, in
18 the opinion of the planning commission, make the granting or denial of the variance, necessary
19 to carry out the provisions and general purpose of this title, and shall order that the variance, be
20 granted or denied, and if such resolution orders that the variance, be granted, it shall also recite
21 such conditions and limitations as the commission may impose.

22 21.50.060 Resolutions announcing findings and order to be numbered and kept as
23 permanent record.

24 A. The formal resolution of the planning commission announcing its findings and
25 order after hearing on an application for a variance, shall be numbered consecutively in the
26 order of their filing and shall become a permanent record in the files of the planning
27 commission.

28 21.50.070 Mailing of notice of decision of planning commission.

 A. Not later than 7 days following the announcement of a decision ordering that a
variance be granted or denied, a copy of the resolution shall be mailed to the applicant at the
address shown on the application filed with the planning commission.

 21.50.080 Effective date of order--Appeal of planning commission decision.

 A. The effective date of the planning commission's decision and method for appeal
of such decision shall be governed by Section 21.54.150 of this code.

 SECTION III: That Chapter 21.04 (Definitions) of the Carlsbad Municipal Code is
amended by the addition of Section 21.04.106 to read as follows:

 "21.04.106 Delicatessen.

 "Delicatessen" means a type of restaurant, totaling less than 1,600 square feet in total floor
area, selling ready-to-eat food and canned or bottled beverages to the public. Food is pre-

1 cooked or prepared at another location and only heated or toasted on the site. No stoves or
2 ovens for the cooking or preparation of food nor tableware or dish-washing facilities (other than
a standard sink) are permitted. No waiters or waitresses are employed on the premises.

3 SECTION IV: That Chapter 21.04 (Definitions) of the Carlsbad Municipal Code
4 is amended by the addition of Section 21.04.137 to read as follows:

5 "21.04.137 Educational facilities, other.

6 "Educational facilities, other" means educational, training and tutoring services not subject to
7 the California Education Code nor standards set by the State Board of Education, including but
and not limited to: trade, cosmetology, pet grooming, music, dance, martial arts, gymnastics and
8 language."

9 SECTION V: That Chapter 21.04 (Definitions) of the Carlsbad Municipal Code is
10 amended by the addition of Section 21.04.156 to read as follows:

11 "21.04.156 Gas station.

12 "Gas station" means a retail business used primarily for the sale of vehicular fuels; minor
13 servicing and repair of automobiles; and the sale and installation of lubricants, tires, batteries,
and similar vehicle accessories. A gas station may include a mini-mart convenience store as an
accessory use."

14 SECTION VI: That Chapter 21.04 (Definitions) of the Carlsbad Municipal Code is
15 amended by the addition of Section 21.04.297 to read as follows:

16 "21.04.297 Public and quasi-public office buildings and accessory utility buildings and
17 facilities.

18 "Public and quasi-public office buildings and accessory utility buildings and facilities" includes,
19 but are not limited to: government office buildings and accessory utility buildings and facilities
20 such as: water wells, water storage, pump stations, booster stations, transmission or distribution
21 electrical substations, operating centers, gas metering and regulating stations, or neighboring
telephone exchanges, with the necessary apparatus or appurtenances incident thereto. Such
uses do not include water, sewer or drainage pipelines or utility buildings/facilities that are built,
operated or maintained by a public utility to the extent that they are regulated by the California
Public Utilities Commission."

22 SECTION VII: That Section 21.44.020 (Parking spaces required), of the
23 Carlsbad Municipal Code is amended by the addition of Section 21.44.020(b)(2.5) to read as
24 follows:

25 "(2.5) Delicatessen - One space/two hundred and fifty square feet of gross floor area."
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1 SECTION VIII: That Chapter 21.07 (E-A Exclusive Agricultural Zone) of the
 2 Carlsbad Municipal Code, Section 21.07.040 (Uses and structures permitted by conditional use
 3 permit) and Section 21.07.030 (Permitted accessory uses and structures) are repealed, and
 4 Section 21.07.020 (Permitted uses and structures) is amended to read as follows:

5 "21.07.020 Permitted Uses.

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

10 B. The uses permitted by conditional use permit, as indicated in Table A, shall be
 11 subject to the provisions of Chapter 21.42.

12 C. A use similar to those listed in Table A, may be permitted if the Planning Director
 13 determines such similar use falls within the intent and purposes of this zone, and is substantially
 14 similar to the specified permitted uses.

15 D. A use category may be general in nature, where more than one particular use fits
 16 into the general category (ex: in some commercial zones "office" is a general use category that
 17 applies to various office uses). However, if a particular use is permitted by conditional use
 18 permit in another zone, the use shall not be permitted in this Exclusive Agricultural Zone (even
 19 under a general use category) unless it is specifically listed in Table A of this Chapter as
 20 permitted or conditionally permitted.

21 TABLE A
 22 PERMITTED USES

23 In the table, below, subject to all applicable permitting and development requirements of the
 24 Municipal Code:

- "P" indicates use is permitted
- "CUP" indicates use is permitted with approval of a conditional use permit.
 - 1 = Administrative hearing process
 - 2 = Planning Commission hearing process
 - 3 = City Council hearing process
- "Acc" indicates use is permitted as an accessory use.

USE	P	CUP	Acc.
Accessory uses and structures (See note 5)			X
Agricultural farm worker housing (temporary) (Subject to 21.42.140.B.2) (See also note 1)		3	
Airports		3	
Animals and poultry – small (less than 25) (See note 2)	X		
Animals and poultry – small (more than 25) (See note 2)		1	
Apiary/bee keeping (Subject to Sec. 21.42.140.B.5)		1	
Aquaculture (defined: Sec. 21.04.036)		2	
Aviary		1	
Biological habitat preserve (Subject to Sec. 21.42.140.B.030) (defined: Sec. 21.04.048)		2	
Campsites (overnight) (Subject to Sec. 21.42.140.B.040)		2	
Cattle, sheep, goats, and swine production (See note 3)	X		
Cemeteries		3	

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1	Churches, synagogues, temples, convents, monasteries, and other places of worship		2	
2	Columbariums, crematories, and mausoleums (not within a cemetery)		2	
3	Crop production	X		
	Drive-thru facilities (not restaurants)		2	
4	Dwelling, single family (farm house)			X
	Fairgrounds		3	
5	Family day care home (large) (defined: Sec. 21.04.147) (Subject to Ch 21.83)			X
6	Family day care home (small) (defined: Sec. 21.04.148) (Subject to Ch 21.83)			X
7	Floriculture	X		
	Golf courses		2	
8	Greenhouses, > 2,000 square feet (Subject to Sec. 21.42.140.B.070)		1	
9	Greenhouses (2,000 square feet maximum)	X		
10	Guest house			X
	Hay and feed stores		1	
11	Horses, private use	X		
	Mobile buildings (Subject to Sec. 21.42.140.B.090) (defined Section 21.04.265)		2	
12	Mobile home (See note 6)			X
13	Nursery crop production	X		
14	Other uses or enterprises similar to the above customarily carried on in the field of agriculture	X		
15	Packing/sorting sheds > 600 square feet (Subject to Sec. 21.42.140.B.070)		1	
	Plant nurseries & nursery supplies		1	
16	Processing plant (for crops) (Subject to Sec. 21.04.140.B.115)		1	
17	Produce/flower stand for display and sale of products produced on the same premises (See note 4)	X		
18	Public/quasi-public buildings and facilities and accessory utility buildings/facilities (defined: Sec. 21.04.297)		2	
19	Radio/television/microwave/broadcast station/tower		2	
20	Recreation facilities		2	
	Satellite television antennae (Subject to Sec. 21.53.130, et seq.)			X
21	Signs (Subject to Chapter 21.41) (defined: Sec. 21.04.305)			X
22	Stables/Riding Academies (defined: Sec. 21.04.310 and 21.04.315)		2	
23	Stadiums		3	
	Tree farms	X		
24	Truck farms	X		
	Veterinary clinic/animal hospital (small animals) (defined: Sec. 21.04.378)		1	
25	Windmills (exceeding height limit of zone) (Subject to Sec. 21.42.140.B.160)		2	
26	Wireless communications facilities (Subject to Sec. 21.42.140.165) (defined: Sec. 21.04.379)		1/2	
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Zoos (private) (Subject to Sec. 21.42.140.B.170) (defined: Sec. 21.04.400)	2
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Notes:

1. Farm worker housing: Provided the number of units shall not exceed two per gross acre of land area and no such housing is located closer than fifty feet from any lot line.
2. Small animals and poultry: Provided that not more than twenty-five of any one or combination thereof shall be kept within fifty feet of any habitable structure, nor shall they be located within three hundred feet of a habitable structure on an adjoining parcel zoned for residential uses, nor shall they be located within one hundred feet of a parcel zoned for residential uses when a habitable structure is not involved. In any event, the distance from the parcel zoned for residential uses shall be the greater of the distances so indicated.
3. Cattle, small animals, etc: Provided that the number of any one or combination of said animals shall not exceed one animal per half acre of lot area. Said animals shall not be located within fifty feet of any habitable structure, nor shall they be located within three hundred feet of a habitable structure on an adjoining parcel zoned for residential uses, nor shall they be located within one hundred feet of a parcel zoned for residential uses when a habitable structure is not involved. In any event, the distance from the parcel zoned for residential uses shall be the greater of the distances so indicated.
4. Produce/flower stands: Provided that the floor area shall not exceed two hundred square feet and is located not nearer than twenty feet to any street or highway.
5. Accessory uses/ structures: Include but are not limited to: private garages, children's playhouses, radio and television receiving antennas, windmills, silos, tank houses, shops, barns, offices, coops, lath houses, stables, pens, corrals, and other similar accessory uses and structures required for the conduct of the permitted uses.
6. Mobile home: Certified under the National Mobile home 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."

SECTION IX: That Chapter 21.08 (R-A Residential Agricultural Zone) of the Carlsbad Municipal Code, Section 21.08.020, (Permitted uses), is amended to read as follows:

"21.08.020 Permitted Uses.

A. In an R-A 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 in this chapter, and subject to the provisions of Chapter 21.44 governing off-street parking requirements.

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

C. A use similar to those listed in Table A may be permitted if the Planning Director determines such similar use falls within the intent and purposes of this zone, and is substantially similar to the specified permitted uses.

**TABLE A
PERMITTED USES**

In the table, below, subject to all applicable permitting and development requirements of the Municipal Code:

- "P" indicates use is permitted
- "CUP" indicates use is permitted with approval of a conditional use permit.
 - 1 = Administrative hearing process
 - 2 = Planning Commission hearing process
 - 3 = City Council hearing process
- "Acc" indicates use is permitted as an accessory use.

USES	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

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1	Agricultural crops	X		
2	Agricultural stand (for display of products raised on premises) ("stand" defined: Sec. 21.04.320)	X		
3	Animal keeping (household pets) (Subject to Sec. 21.53.084)			X
4	Animal keeping/grazing (horses, sheep or bovine animals), excluding dairies (See notes 2 & 4, below)	X		
5	Animal keeping (poultry, rabbits, chinchillas and any fur bearing animals for domestic or commercial purposes) (See notes 3 & 4, below)			X
6	Animal keeping (wild animals) (Subject to Sec. 21.53.085)			X
7	Aquaculture (defined: Sec. 21.04.036)		2	
8	Biological habitat preserve (Subject to Sec. 21.42.140.B.030) (defined: Sec. 21.04.048)		2	
9	Campsites (overnight) (Subject to Sec. 21.42.140.B.040)		2	
10	Cemeteries		3	
11	Churches, synagogues, temples, convents, monasteries, and other places of worship		2	
12	Educational institutions or schools, public/private (defined: Sec. 21.04.140)		2	
13	Dwelling, one-family (defined: Sec. 21.04.125)	X		
14	Family day care home (large), subject to Chap. 21.83 (defined: Sec. 21.04.147)			X
15	Family day care home (small), subject to Chap. 21.83 (defined: Sec. 21.04.148)			X
16	Golf courses (See note 5, below)		2	
17	Greenhouses (2,000 square feet maximum)	X		
18	Greenhouses > 2,000 square feet (Subject to Sec. 21.42.140.B.070)		1	
19	Home occupation (Subject to Sec. 21.10.040)			X
20	Mobile buildings (Subject to Sec. 21.42.140.B.090) (defined: Sec. 21.04.265)		2	
21	Mobile home (See note 6, below) (defined: Sec. 21.04.266)	X		
22	Packing/sorting sheds (600 square feet maximum)	X		
23	Packing/sorting sheds > 600 square feet (Subject to Sec. 21.42.140.B.070)		1	
24	Plant nursery/nursery supplies		1	
25	Public/quasi-public buildings and facilities and accessory utility buildings/facilities (defined: Sec. 21.04.297)		2	
26	Satellite TV antennae (Subject to Sec. 21.53.130 - 21.53.150) (defined: Sec. 21.04.302)			X
27	Second dwelling unit (Subject to Sec. 21.10.030) (defined: Sec. 21.04.303)			X
28	Signs (Subject to Chap. 21.41) (defined: Sec. 21.04.305)			X
29	Stables/Riding Academics (defined: Sec. 21.04.310 and 21.04.315)		2	
30	Temporary bldg./trailer (real estate or construction) (Subject to Sec. 21.53.090 and 21.53.110)	X		
31	Wireless communications facilities (Subject to Sec. 21.42.140.165) (defined: Sec. 21.04.379)		1/2	
32	Zoos (private) (Subject to Sec. 21.42.140.B.170) (defined: Sec. 21.04.400)		2	

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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.

SECTION X: That Chapter 21.09 (R-E Rural Residential Estate Zone) of the Carlsbad Municipal Code, Section 21.09.025 (Second Dwelling Units), Section 21.09.030 (Permitted accessory uses and structures) and Section 21.09.040 (Uses and structures permitted by conditional use permit) are repealed, and Section 21.09.020, (Permitted uses), is amended to read as follows:

"21.09.020 Permitted uses.

A. In an R-E 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.

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

C. A use similar to those listed in Table A may be permitted if the Planning Director determines such similar use falls within the intent and purposes of the zone, and is substantially similar to the specified permitted uses.

**TABLE A
PERMITTED USES**

In the table, below, subject to all applicable permitting and development requirements of the Municipal Code:			
•	"P" indicates the use is permitted.		
•	"CUP" indicates that the use is permitted with approval of a conditional use permit.		
	1 = Administrative hearing process		
	2 = Planning Commission hearing process		
	3 = City Council hearing process		
•	"Acc" indicates the use is permitted as an accessory use.		
	USE	P	CUP
	Acc		
	Agricultural farm worker housing (temporary) (Subject to 21.42.144.B.2.)		3
	Animals and poultry – small (≤25)		1

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1	Apiary/bee keeping (Subject to Sec. 21.42.140.B.005)		1	
2	Aquaculture (defined: Sec. 21.04.036)		2	
3	Aviary		1	
4	Barns, private garages, playhouses, windmills, silos, radio and television receiving antennas, stables and other similar accessory uses required for the conduct of the permitted uses			X
5	Biological habitat preserve (Subject to Sec. 21.42.140.B.030) (defined: Sec. 21.04.048)		2	
6	Campsites (overnight) (Subject to Sec. 21.42.140.B.040)		2	
7	Cemeteries		3	
8	Churches, synagogues, temples, convents, monasteries, and other places of worship		2	
9	Crop production	X		
10	Drive -thru facilities, (not restaurants)		2	
11	Educational institutions or schools, public/private (defined: Sec. 21.04.140)		2	
12	Fairgrounds		3	
13	Family day care home (large) (defined: Sec. 21.04.147) (Subject to Ch 21.83)			X
14	Family day care home (small) (defined: Sec. 21.04.148) (Subject to Ch 21.83)			X
15	Floriculture	X		
16	Golf Courses		2	
17	Grazing of ruminant animals (See note 1 below)	X		
18	Greenhouses >2000 square feet (Subject to Sec. 21.42.140.B.070)		1	
19	Greenhouses less than or equal to two thousand square feet, provided all requirements for yards, setbacks and height are met			X
20	Hay and feed store		1	
21	Horses and other grazing animals (See note 2 below)			X
22	Maintaining mail address for commercial and business license purposes only (See note 3 below)			X
23	Mobile buildings (Subject to Sec. 21.42.140.B.090) (defined: Sec. 21.04.265)		2	
24	Mobile homes (See note 4 below)	X		
25	One one-family dwelling unit per lot	X		
26	Packing/sorting sheds > 600 square feet (Subject to Sec. 21.42.140.B.070)		1	
27	Plant nurseries & nursery supplies		1	
28	Poultry, rabbits, chinchillas and other small animals (see note 5 below)			X
	Produce stand		1	
	Public/quasi-public buildings and facilities and accessory utility buildings/facilities (defined: Sec. 21.04.297)		2	
	Recreation facilities		2	
	Satellite television antennae (Subject to Sec. 21.53.130)	X		
	Second dwelling units (Subject to Sec. 21.10.030.) The development standards of this zone shall apply.			X
	Signs (Subject to Chapter 21.41) (defined: Sec. 21.04.305)	X		
	Stables/Riding Academics (defined: Sec. 21.04.310 and		2	

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1	21.04.315)			
2	Veterinary clinic/animal hospital (small animals) (defined: Sec. 21.04.378)		1	
3	Wireless communications facilities (Subject to Sec. 21.42.140.B.165) (defined: Sec. 21.04.379)		1/2	
4	Youth farm projects that are sponsored by nonprofit organizations such as 4-H			X
5	Zoos (private) (Subject to Sec. 21.42.140.B.170) (defined: Sec. 21.04.400)		2	

Notes:

1. Provided that there is a minimum of ten acres of land used exclusively for such grazing and the number of horses and cattle does not exceed four per acre, or small animals, such as goats and sheep, does not exceed twelve per acre. For combining of animals, one large animal is equivalent to three small animals.
2. Provided that such animals shall not exceed one for each twenty thousand square feet of land specifically designated for such animal.
3. 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 chapter; provided, further, that no more than one motor vehicle may contain equipment, tools and stock in trade maintained therein, provided such tools and equipment are not used for the performance of services upon the premises and the stock in trade is not sold from the premises. (Ord. 9502 § 6, 1978; Ord. 9498 § 4 (part), 1978).
4. 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.
5. Provided that all such animals shall at all times be confined to an enclosure, and that not more than twenty-five of any one animal or combination of such animals may be maintained at any time on any single lot.

SECTION XI: That Chapter 21.10 (R-1 One-Family Residential Zone) of the Carlsbad Municipal Code, Section 21.10.020 (Permitted uses), is amended to read as follows:

"21.10.020 Permitted Uses.

A. In an R-1 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.

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

C. A use similar to those listed in Table A may be permitted if the Planning Director determines such similar use falls within the intent and purposes of this zone, and is substantially similar to the specified permitted uses.

TABLE A
PERMITTED USES

In the table, below, subject to all applicable permitting and development requirements of the Municipal Code:				
	• "P" indicates use is permitted			
	• "CUP" indicates use is permitted with approval of a conditional use permit.			
	1 = Administrative hearing process			
	2 = Planning Commission hearing process			
	3 = City Council hearing process			
	• "Acc" indicates use is permitted as an accessory use.			
	USE	P	CUP	Acc
	Accessory buildings/structures (ex. garages, workshops,			X

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1	tool sheds, patio covers, decks, etc.) (defined: Sec. 21.04.020)			
2	Agricultural crops	X		
3	Animal keeping (household pets) (Subject to Sec. 21.53.084)			X
4	Animal keeping (horses) (See note 1, below)			X
5	Animal keeping (wild animals) (Subject to Sec. 21.53.085)			X
6	Aquaculture (defined: Sec. 21.04.036)		2	
7	Biological habitat preserve (Subject to Sec. 21.42.140.B.030) (defined: Sec. 21.04.048)		2	
8	Campsites (overnight) (Subject to Sec. 21.42.140.B.040)		2	
9	Cemeteries		3	
10	Churches, synagogues, temples, convents, monasteries, and other places of worship		2	
11	Dwelling, one-family (defined: Sec. 21.04.125) (See note 3, below)	X		
12	Educational institutions or schools, public/private (defined: Sec. 21.04.140)		2	
13	Family day care home (large) (Subject to Chap. 21.83) (defined: Sec. 21.04.147)			X
14	Family day care home (small) (Subject to Chap. 21.83) (defined: Sec. 21.04.148)			X
15	Golf courses (See note 2, below)		2	
16	Greenhouses (2,000 square feet maximum)	X		
17	Greenhouses > 2,000 square feet (Subject to Sec. 21.42.140.B.070)		1	
18	Home occupation (Subject to Sec. 21.10.040)			X
19	Mobile buildings (Subject to Sec. 21.42.140.B.090) (defined Section 21.04.265)	X	2	
20	Packing/sorting sheds (600 square feet maximum)	X		
21	Packing/sorting sheds > 600 square feet (Subject to Sec. 21.42.140.B.070)		1	
22	Public/quasi-public buildings and facilities and accessory utility buildings/facilities (defined: Sec. 21.04.297)		2	
23	Satellite TV antennae (Subject to Sec. 21.53.130 - 21.53.150) (defined: Sec. 21.04.302)			X
24	Second dwelling unit (Subject to Sec. 21.10.030) (defined: Sec. 21.04.303)			X
25	Signs (Subject to Chap. 21.41) (defined: Sec. 21.04.305)			X
26	Temporary bldg./trailer (real estate or construction) (Subject to Sec. 21.53.090 and 21.53.110)	X		
27	Wireless communications facilities (Subject to Sec. 21.42.140.165) (defined: Sec. 21.04.379)		1/2	
28	Zoos (private) (Subject to Sec. 21.42.140.B.170) (defined: Sec. 21.04.400)		2	

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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.

SECTION XII: That Chapter 21.12 (R-2 Two-Family Residential Zone) of the Carlsbad Municipal Code, Section 21.12.020 (Permitted uses) is amended to read as follows:

"21.12.020 Permitted Uses.

A. In the R-2 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.

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

C. A use similar to those listed in Table A may be permitted if the Planning Director determines such similar use falls within the intent and purposes of the zone, and is substantially similar to the specified permitted uses.

**TABLE A
PERMITTED USES**

In the table, below, subject to all applicable permitting and development requirements of the Municipal Code:

- "P" indicates the use is permitted.
- "CUP" indicates that the use is permitted with approval of a conditional use permit.
 - 1 = Administrative hearing process
 - 2 = Planning Commission hearing process
 - 3 = City Council hearing process
- "ACC" indicates the 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)		2	
Biological habitat preserve (Subject to Sec. 21.42.140.B.030) (defined: Sec. 21.04.048)		2	
Campsites (overnight) (Subject to Sec. 21.42.140.B.040)		2	
Cemeteries		3	
Churches, synagogues, temples, convents, monasteries, and other places of worship		2	

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1	Dwelling, one-family (defined: Sec. 21.04.125)	X		
2	Dwelling, two-family (See note 3, below) (defined: Sec. 21.04.130)	X		
3	Dwelling, multiple-family (See note 4, below) (defined: Sec. 21.04.135)	X		
4	Educational institutions or schools, public/private (defined: Sec. 21.04.140)		2	
5	Family day care home (large) (Subject to Chap. 21.83) (defined: Sec. 21.04.147)			X
6	Family day care home (small) (Subject to Chap. 21.83) (defined: Sec. 21.04.148)			X
7	Golf courses (see note 5, below)		2	
8	Greenhouses (2,000 square feet maximum)	X		
9	Greenhouses > 2,000 square feet (Subject to Sec. 21.42.140.B.70)		1	
10	Home occupation (Subject to Sec. 21.10.040)			X
11	Mobile buildings (Subject to Sec. 21.42.140.B.90) (defined Sec. 21.04.265)		2	
12	Mobile home (See note 6, below) (defined: Sec. 21.04.266)	X		
13	Packing/sorting sheds (600 square feet maximum)	X		
14	Packing/sorting sheds > 600 square feet (Subject to Sec. 21.42.140.B.70)		1	
15	Public/quasi-public buildings and facilities and accessory utility buildings/facilities (defined: Sec. 21.04.297)		2	
16	Satellite TV antennae (Subject to Sec. 21.53.130 – 21.53.150) (defined: Sec. 21.04.302)			X
17	Second dwelling unit (accessory to a one-family dwelling only) (Subject to Sec. 21.10.030) (defined: Sec. 21.04.303)			X
18	Signs (Subject to Chap. 21.41) (defined: Sec. 21.04.305)			X
19	Temporary bldg./trailer (real estate or construction) (Subject to Sec. 21.53.090 and 21.53.110)	X		
20	Wireless communications facilities (Subject to Sec. 21.42.140.165) (defined: Sec. 21.04.379)		1/2	
21	Zoos (private) (Subject to Sec. 21.42.140.B.170) (defined: Sec. 21.04.400)		2	
22	Notes:			
23	1. Private garages (defined: Sec. 21.04.150) shall accommodate not more than two cars per dwelling unit.			
24	2. When associated with a two-family or multiple-family dwelling, accessory buildings shall not include guesthouses or accessory living quarters (defined: Sec. 21.04.165).			
25	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.			
26	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.			
27	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.			
28	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."			

SECTION XIII: That Chapter 21.16 (R-3 Multiple Family Residential Zone) of the Carlsbad Municipal Code, Section 21.16.020 (Permitted uses) is amended to read as follows:

"21.12.020 Permitted Uses.

A. In the R-3 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.

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

C. A use similar to those listed in Table A may be permitted if the Planning Director determines such similar use falls within the intent and purposes of this zone, and is substantially similar to the specified permitted uses.

TABLE A
PERMITTED USES

In the table, below, subject to all applicable permitting and development requirements of the Municipal Code:

- "P" indicates the use is permitted.
- "CUP" indicates that the use is permitted with approval of a conditional use permit.
 - 1 = Administrative hearing process
 - 2 = Planning Commission hearing process
 - 3 = City Council hearing process
- "ACC" indicates the 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)		2	
Bed and breakfasts (Subject to Sec. 21.42.140.B.5) (defined: Sec. 21.04.046)		1	
Biological habitat preserve (Subject to Sec. 21.42.140.B.30) (defined: Sec. 21.04.048)		2	
Campsites (overnight) (Subject to Sec. 21.42.140.B.40)		2	
Cemeteries		3	
Child day care center (Subject to Chap. 21.83) (defined: Sec. 21.04.086)	X		
Churches, synagogues, temples, convents, monasteries, and other places of worship		2	
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		

1	Educational institutions or schools, public/private (defined: Sec. 21.04.140)		2	
2	Family day care home (large) (Subject to Chap. 21.83) (defined: Sec. 21.04.147)			X
3	Family day care home (small), (Subject to Chap. 21.83) (defined: Sec. 21.04.148)			X
4	Greenhouses (2,000 square feet maximum)	X		
5	Greenhouses >2,000 square feet (Subject to Sec. 21.42.140.B.70)		1	
6	Golf courses (See note 4, below)		2	
7	Home occupation (Subject to Sec 21.10.040)			X
8	Housing for senior citizens (Subject to Chap. 21.84)	X		
9	Mobile buildings (Subject to Sec. 21.42.140.B.90) (defined Sec. 21.04.265)		2	
10	Mobile home (See notes 3 & 5, below) (defined: Sec. 21.04.266)	X		
11	Packing/sorting sheds (600 square feet maximum)	X		
12	Packing/sorting sheds >600 square feet (Subject to Sec. 21.42.140.B.70)		1	
13	Professional care facilities (defined: Sec. 21.04.295)		2	
14	Public/quasi-public buildings and facilities and accessory utility buildings/facilities (defined: Sec. 21.04.297)		2	
15	Residential care facilities (serving more than six persons) (Subject to Sec. 21.42.140.B.125) (defined: Sec. 21.04.300)		2	
16	Satellite TV antennae (Subject to Sec. 21.53.130 - 21.53.150) (defined: Sec. 21.04.302)			X
17	Second dwelling unit (accessory to a one-family dwelling only) (Subject to Sec. 21.10.030) (defined: Sec. 21.04.303)			X
18	Signs (Subject to Chap. 21.41) (defined: Sec. 21.04.305)			X
19	Temporary bldg./trailer (real estate or construction) (Subject to Sec. 21.53.090 and 21.53.110)	X		
20	Timeshare projects (Subject to Sec. 21.42.140.E.155) (defined: Sec. 21.04.357)		3	
21	Wireless communications facilities (Subject to Sec. 21.42.140.165) (defined: Sec. 21.04.379)		1/2	
22	Zoos (private) (Subject to Sec. 21.42.140.B.170) (defined: Sec. 21.04.400)		2	
23	Notes:			
24	1. Private garages (defined: Sec. 21.04.150) shall accommodate not more than two cars per dwelling unit.			
25	2. When associated with a two-family or multiple-family dwelling, accessory buildings shall not include guesthouses or accessory living quarters (defined: Sec. 21.04.165).			
26	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 October 28, 2004, 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 provisions of the General Plan and intent of the underlying residential land use designation.			
27	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.			
28	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. 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.*			

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1 SECTION XIV: That Chapter 21.18 (R-P Residential Professional Zone) of the
 2 Carlsbad Municipal Code, Section 21.18.020 (Permitted uses) is amended to read as follows:

3 "21.18.020 Permitted Uses.

- 4 A. In a R-P Residential zone, notwithstanding any other provision of this title, only
 5 the uses listed in Tables A and B, below, shall be permitted, subject to the requirements and
 6 development standards specified by this chapter, and subject to the provisions of Chapter 21.44
 7 governing off-street parking requirements.
 8 B. The uses permitted by conditional use permit, as indicated in Tables A and B,
 9 shall be subject to the provisions of Chapter 21.42.
 10 C. Uses similar to those listed in Tables A and B may be permitted if the planning
 11 director determines such similar use falls within the intent and purpose of this zone, and is
 12 substantially similar to a specified permitted use.
 13 D. A use category may be general in nature, where more than one particular use fits
 14 into the general category (ex. in some commercial zones "offices" is a general use category that
 15 applies to various office uses). However, if a particular use is permitted by conditional use
 16 permit in any zone, the use shall not be permitted in this R-P zone (even under a general use
 17 category), unless it is specifically listed in the zone as permitted or conditionally permitted.

18 TABLE A
 19 Uses Permitted When the R-P Zone Implements the
 20 "O" (Office) General Plan Land Use Designation

21 In the table, below, subject to all applicable permitting and development requirements of the
 22 Municipal Code:

- 23 • "P" indicates the use is permitted.
- 24 • "CUP" indicates that the use is permitted with approval of a conditional use permit.
 25 1 = Administrative hearing process
 26 2 = Planning Commission hearing process
 27 3 = City Council hearing process
- 28 • "ACC" indicates the use is permitted as an accessory use.

USE	P	CUP	Acc
Accessory buildings/structures, which are customarily appurtenant to a permitted use (ex. incidental storage facilities) (see note 1, below) (defined: Sec. 21.04.020)			X
Agricultural farm worker housing (temporary) (Subject to Sec. 21.42.104.B.2)		3	
Aquaculture (defined: Sec. 21.04.036)		2	
Banks/financial services (no drive-thru)	X		
Biological habitat preserve (Subject to Sec. 21.42.010.B.030) (defined: Sec. 21.04.048)		2	
Campsites (overnight) (Subject to Sec. 21.42.140.B.040)		2	
Cemeteries		3	
Child day care center (Subject to Chap. 21.83) (defined: Sec. 21.04.086)	X		
Churches, synagogues, temples, convents, monasteries, and other places of worship		2	
Clubs - non-profit, business, civic, professional, etc. (defined: Sec. 21.04.090)		2	
Educational institutions or schools, public/private (defined: Sec. 21.04.140)		2	

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1	Delicatessen (defined: Sec 21.04.106)		1	
	Greenhouses (2,000 square feet maximum)	X		
2	Greenhouses > 2,000 square feet (Subject to Sec. 21.42.140.B.070)		1	
3	Golf courses (see note 2, below)		2	
4	Medical uses (excluding hospitals), including offices for medical practitioners, clinics, and incidental laboratories and pharmacies (prescription only)	X		
5	Mobile buildings (Subject to Sec. 21.42.140.B.090) (defined Sec. 21.04.265)		2	
6	Office uses, (may include incidental commercial uses such as blueprint services, photocopy services and news stands)	X		
7	Packing/sorting sheds (600 square feet maximum)	X		
8	Packing/sorting sheds > 600 square feet (Subject to Sec. 21.42.B.070)		1	
9	Parking facilities (primary use) (i.e.: day use, short-term, non-storage)		2	
10	Public/quasi-public buildings and facilities and accessory utility buildings/facilities (defined: Sec. 21.04.297)		2	
11	Radio/television/microwave/broadcast station/tower		2	
12	Satellite TV antennae (Subject to Sec. 21.53.130 - 21.53.150) (defined: Sec. 21.04.302)			X
13	Schools (business, vocational, and for such subjects as dance, drama, cosmetology, music, martial arts, etc.)	X		
14	Signs, subject to Chap. 21.41 (defined: Sec. 21.04.305)			X
15	Temporary bldg./trailer (construction) (Subject to Sec. 21.53.110.)	X		
	Transit passenger terminals (bus & train)		2	
16	Wireless communications facilities (Subject to Sec. 21.42.140.165) (defined: Sec. 21.04.379)		1/2	
17	Zoos (private) (Subject to Sec. 21.42.140.B.170) (defined: Sec. 21.04.400)		2	
18	Notes:			
19	1. Accessory uses shall be developed as an integral part of a permitted use within or on the same structure or parcel of land.			
20	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."			

TABLE B
Uses Permitted When the R-P Zone Implements the "RMH" or "RH" General Plan Land Use Designations

In the table, below, subject to all applicable permitting and development requirements of the Municipal Code:

- "P" indicates the use is permitted.
- "CUP" indicates that the use is permitted with approval of a conditional use permit.
1 = Administrative hearing process
2 = Planning Commission hearing process
3 = City Council hearing process
- "ACC" indicates the use is permitted as an accessory use.

USE	P	CUP	Acc
Accessory buildings/structures (ex. garages, workshops,			X

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1	tool sheds, patio covers, decks, etc.) (see notes 1 and 2, below) (defined: Sec. 21.04.020)			
2	Agricultural crops	X		
3	Animal keeping (household pets) (Subject to Sec. 21.53.084)			X
4	Animal keeping (wild animals) (Subject to Sec. 21.53.085)			X
5	Aquaculture (defined: Sec. 21.04.036)		2	
6	Bed and breakfasts (Subject to Sec. 21.42.140.B.25) (defined: Sec. 21.04.046)		1	
7	Biological habitat preserve (Subject to Sec. 21.42.140.B.30) (defined: Sec. 21.04.048)		2	
8	Campsites (overnight) (Subject to Sec. 21.42.140.B.40)		2	
9	Cemeteries		3	
10	Child day care center (Subject to Chap. 21.83) (defined: Sec. 21.04.086)	X		
11	Churches, synagogues, temples, convents, monasteries, and other places of worship		2	
12	Clubs - non-profit; business, civic, professional, etc. (defined: Sec. 21.04.090)		2	
13	Dwelling, one-family (see note 3, below) (defined: Sec. 21.04.125)	X		
14	Dwelling, two-family (see note 4, below) (defined: Sec. 21.04.130)	X		
15	Dwelling, multiple-family (Subject to Sec. 21.53.120 if more than 4 units are proposed) (defined: Sec. 21.04.135)	X		
16	Educational institutions or schools, public/private (defined: Sec. 21.04.140)		2	
17	Family day care home (large) (Subject to Chap. 21.83) (defined: Sec. 21.04.147)			X
18	Family day care home (small) (Subject to Chap. 21.83) (defined: Sec. 21.04.148)			X
19	Golf courses (see note 5, below)		2	
20	Greenhouses (2,000 square feet maximum)	X		
21	Greenhouses > 2,000 square feet (Subject to Sec. 21.42.140.B.70)		1	
22	Home occupation (Subject to Sec. 21.10.040)			X
23	Housing for senior citizens (Subject to Chap. 21.84)	X		
24	Mobile buildings (Subject to Sec 21.42.140.B.90) (defined Sec. 21.04.265)		2	
25	Mobile home (see note 3 & 6, below) (defined: Sec. 21.04.266)	X		
26	Packing/sorting sheds (600 square feet maximum)	X		
27	Packing/sorting sheds > 600 square feet (Subject to Sec. 21.42.140.B.70)		1	
28	Parking facilities (primary use) (i.e.: day use, short-term, non-storage)		2	
	Professional care facilities (defined: Sec. 21.04.295)		2	
	Public/quasi-public buildings and facilities and accessory utility buildings/facilities (defined: Sec. 21.04.297)		2	
	Residential care facilities (serving more than six persons)(Subject to Sec. 21.42.140. B. 125) (defined: Sec.		2	

21.04.300)			
Satellite TV antennae (Subject to Sec. 21.53.130 - 21.53.150) (defined: Sec. 21.04.302)			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		
Timeshare projects (Subject to Sec. 21.42.140. B. 155) (defined: Sec. 21.04.357)		2	
Transit passenger terminals (bus & train)		2	
Wireless communications facilities (Subject to Sec. 21.42.140.B.165) (defined: Sec. 21.04.379)		1/2	
Zoos (private) (Subject to Sec. 21.42.140.B.170) (defined: Sec. 21.04.400)		2	
<p>Note:</p> <p>1. Private garages (defined: Sec. 21.04.150) shall accommodate not more than two cars per dwelling unit.</p> <p>2. When associated with a two-family or multiple-family dwelling, accessory buildings shall not include guesthouses or accessory living quarters (defined: Sec. 21.04.165).</p> <p>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 October 28, 2004, 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.</p> <p>4. A two-family dwelling shall not be permitted within the RH land use designation.</p> <p>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.</p> <p>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.</p>			

SECTION XV: That Chapter 21.20 (R-T Residential Tourist Zone) of the Carlsbad Municipal Code, Sections 21.20.020 (Conditional uses), 21.20.025 (Housing for senior citizens by site development plan), and 21.20.026 (Second dwelling units) are repealed and Section 21.20.010 (Permitted uses) is amended to read as follows:

- "21.20.010 Permitted uses.
- A. In an R-T 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.
- B. The uses permitted by conditional use permit, as indicated in Table A, shall be subject to the provisions of Chapter 21.42.
- C. A use similar to those listed in Table A may be permitted if the Planning Director determines such similar use falls within the intent and purposes of this zone, and is substantially similar to the specified permitted uses.

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TABLE A
PERMITTED USES

In the table, below, subject to all applicable permitting and development requirements of the Municipal Code:

- "P" indicates the use is permitted.
- "CUP" indicates that the use is permitted with approval of a conditional use permit.
 - 1 = Administrative hearing process
 - 2 = Planning Commission hearing process
 - 3 = City Council hearing process
- "Acc" indicates the use is permitted as an accessory use.

USE	P	CUP	Acc
Accessory Buildings (Subject to Sect. 21.20.080 of this Chapter)			X
Accessory buildings and structures, including private garages to accommodate not more than two cars per dwelling unit	X		
Aquaculture (defined: Sec. 21.04.036)		2	
Aquariums		2	
Athletic clubs, gymnasiums, and health clubs		2	
Bait shop (accessory to rec. facility)		1	
Bathhouses		3	
Beds and breakfasts (Subject to Sec. 21.42.140.B.025) (defined: Sec. 21.04.046)		1	
Biological habitat preserve (Subject to Sec. 21.42.140.B.030) (defined: Sec. 21.04.048)		2	
Boarding house (defined: 21.04.055)		2	
Boat launching/docking facility		2	
Boat part shop (accessory to rec. facility)		2	
Boat repair (accessory to rec. facility)		2	
Boat rides		2	
Campsites (overnight) (Subject to Sec. 21.42.140.B.040)		2	
Cemeteries		3	
Churches, synagogues, temples, convents monasteries, and other places of worship		2	
Clubs - non-profit; business, civic, professional, etc. (defined: Sec. 21.04.090)		2	
Commercial use (accessory to rec. facility)		2	
Country Clubs		2	
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 (Subject to Sect. 21.20.080 of this Chapter)			X
Dwellings	X		
Fraternal associations and lodges (except college fraternities/sororities)		2	
Fraternities and Sororities		2	
Games of skill		2	
Golf Courses		2	
Greenhouses > 2,000 square feet (Subject to Sec.		1	

1	21.42.140.B.070)			
2	Habitable detached accessory structures (Subject to Sect. 21.20.080 of this Chapter)			X
3	Hotels and motels (Subject to Sec. 21.42.140.B.080)		2	
4	Large family day care homes, subject to the provisions of Chapter 21.83 of this title.	X		
5	Lodging house (defined: Sec. 21.04.205)		2	
6	Mobile buildings (subject to Section 21.42.140.B.090) (defined: Sec. 21.04.265)		2	
7	Packing/sorting sheds > 600 square feet (Subject to Sec. 21.42.140.B.070)		1	
8	Parks (private)		2	
9	Playgrounds/playfields		2	
10	Public meeting halls, exhibit halls, and museums		2	
11	Public/quasi-public buildings and facilities and accessory utility buildings/facilities (defined: Sec. 21.04.279)		2	
12	Recreation facilities		2	
13	Refreshment facilities		1	
14	Satellite television antennae subject to the provisions of Section 21.53.130 of this code	X		
15	Second dwelling units are permitted according to the provisions of Section 21.10.030 of this title on lots, which are developed with detached single-family residences. The development standards of this zone shall apply.			X
16	Signs (See Note 1, below)	X		
17	Small family day care homes.	X		
18	Sporting clubs		2	
19	Sporting goods shops (acc. to rec. facilities)		2	
20	Timeshare projects (Subject to Sec. 21.42.140.B.155) (defined: Sec. 21.04.357)		3	
21	Wireless communications facilities (Subject to Sec. 21.42.140.165) (defined: Sec. 21.04.279)		1/2	
22	Zoos (private) (Subject to Sec. 21.42.140.B.170) (defined: Sec. 21.04.400)		2	

Notes:
 1. Signs. (A.) Nameplates not exceeding two square feet in area containing the name of the occupant of the premises, (B) One lighted sign not exceeding twenty square feet in area identifying permitted uses, provided such sign is stationary and non-flashing, is placed on the wall of the building, does not extend above or out from the front wall, and contains no advertising matter except the name and street address of the building upon which it is placed, (C) One unlighted sign not exceeding twelve square feet in area pertaining only to the sale, lease or hire of only the particular building, property or premises upon which displayed, or to identify public parking lots as permitted in this zone, (D) Location of the above signs shall not be closer to the front property line than midway between the front property line and the front setback line, and under no conditions closer than seven and one-half feet from the front property line; except that on key lots and lots which side upon commercially or industrially zoned property, the sign may be placed not closer than five feet to the property line."

SECTION XVI: That Chapter 21.22 (R-W Residential Waterway Zone) of the Carlsbad Municipal Code, Section 21.22.020 (Permitted uses) is amended to read as follows:

"21.22.020 Permitted Uses.

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A. In an R-W 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.

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

C. A use similar to those listed in Table A may be permitted if the Planning Director determines such similar use falls within the intent and purposes of this zone, and is substantially similar to the specified permitted uses.

TABLE A
PERMITTED USES

In the table, below, subject to all applicable permitting and development requirements of the Municipal Code:

"P" indicates use is permitted

"CUP" indicates use is permitted with approval of a conditional use permit.

1 = Administrative hearing process

2 = Planning Commission hearing process

3 = City Council hearing process

"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)		2	
Biological habitat preserve (Subject to Sec. 21.42.140.B.030) (defined: Sec. 21.04.048)		2	
Boat launching/docking facilities (See note 3, below)	X		
Campsites (overnight) (Subject to Sec. 21.42.140.B.040)		2	
Cemeteries		3	
Churches, synagogues, temples, convents, monasteries, and other places of worship		2	
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		
Educational institutions or schools, public/private (defined: Sec. 21.04.140)		2	
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. 21.42.140.B.070)		1	
Golf courses (See note 5, below)		2	
Home occupation, (Subject to Sec. 21.10.040)			X
Housing for senior citizens, subject to Chap. 21.84	X		
Mobile buildings (Subject to Section 21.42.140.B.90)		2	

1	(defined Section 21.04.265)			
2	-Mobile home (See notes 4 & 6, below) (defined: Sec. 21.04.266)	X		
3	Packing/sorting sheds > 600 square feet (Subject to Sec. 21.42.140.B.70)		1	
4	Public/quasi-public buildings and facilities and accessory utility buildings/facilities (defined: Sec. 21.04.297)		2	
5	Satellite TV antennae, subject to Sec. 21.53.130 - 21.53.150 (defined: Sec. 21.04.302)			X
6	Second dwelling unit (accessory to a one-family dwelling only), subject to Sec. 21.10.030 (defined: Sec. 21.04.303)			X
7	Signs, subject to Chap. 21.41 (defined: Sec. 21.04.305)			X
8	Temporary bldg./trailer (real estate or construction), subject to Sec. 21.53.090 and 21.53.110	X		
9	Windmills (exceeding height limit of zone) (Subject to 21.42.140.B.160)		1/2	
10	Zoos (private) (Subject to Sec. 21.42.140.B.170) (defined: Sec. 21.04.400)		2	
11	Notes:			
12	1. Private garages (defined: Sec. 21.04.150) shall accommodate not more than two cars per dwelling unit.			
13	2. When associated with a two-family or multiple-family dwelling, accessory buildings shall not include guesthouses or accessory living quarters (defined: Sec. 21.04.165).			
14	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.			
15	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 October 28, 2004, 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 provisions of the General Plan and intent of the underlying residential land use designation.			
16	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.			
17	6. Mobile homes must be certified under the National Mobile home 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."			

18 SECTION XVII: That Chapter 21.24 (RDM Residential Density-Multiple
 19 Zone) of the Carlsbad Municipal Code, Section 21.24.020 (Permitted Uses) is amended
 20 to read as follows:

21 "21.18.020 Permitted Uses.

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

26 B. The uses permitted by conditional use permit, as indicated in Table A, shall be
 27 subject to the provisions of Chapter 21.42.

28 C. Uses similar to those listed in Table A 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.

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TABLE A
PERMITTED USES

In the table, below, subject to all applicable permitting and development requirements of the Municipal Code:

- "P" indicates use is permitted
- "CUP" indicates use is permitted with approval of a conditional use permit.
 1. = Administrative hearing process
 2. = Planning Commission hearing process
 3. = City Council hearing process
- "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)		2	
Bed and breakfasts, (Subject to Sec. 21.42.140.B.025) (defined: Sec. 21.04.046)		1	
Biological habitat preserve (Subject to Sec. 21.42.140.B.030) (defined: Sec. 21.04.048)		2	
Campsites (overnight) (Subject to Sec. 21.42.140.B.040)		2	
Cemeteries		3	
Child day care center (Subject to Chap. 21.83) (defined: Sec. 21.04.086)	X		
Churches, synagogues, temples, convents, monasteries, and other places of worship		2	
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		
Educational institutions or schools, public/private (defined: Sec. 21.04.140)		2	
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. 21.42.140.B.070)		1	
Golf courses (See note 4, below)		2	
Home occupation (Subject to Sec. 21.10.040)			X
Housing for senior citizens (Subject to Chap. 21.84)		2	
Mobile buildings (Subject to Section 21.42.140.B.90) (defined Section 21.04.265)		2	
Mobile home (See notes 2, 3 & 5, below) (defined: Sec. 21.04.266)	X		

1	Packing/sorting sheds >600 square feet (Subject to Sec. 21.42.140.B.70)		1	
2	Professional care facilities (defined: Sec. 21.04.295)		2	
3	Public/quasi-public buildings and facilities and accessory utility buildings/facilities (defined: Sec. 21.04.297)		2	
4	Residential care facilities (serving more than six persons) (Subject to Sec. 21.42.140.B.125) (defined: Sec. 21.04.300)		2	
5	Satellite TV antennae (Subject to Sec. 21.53.130 - 21.53.150) (defined: Sec. 21.04.302)			X
6	Second dwelling unit (accessory to a one-family dwelling only) (Subject to Sec. 21.10.030) (defined: Sec. 21.04.303)			X
7	Signs, subject to Chap. 21.41 (defined: Sec. 21.04.305)			X
8	Temporary bldg./trailer (real estate or construction) (Subject to Sec. 21.53.090 and 21.53.110)	X		
9	Timeshare projects (Subject to Sec. 21.42.140.B.155) (defined: Sec. 21.04.357)		3	
10	Wireless communications facilities (Subject to Sec. 21.42.140.165) (defined: Sec. 21.04.379)		1 / 2	
11	Zoos (private)(Subject to Sec. 21.41.140.B.170) (defined: Sec. 21.04.400)		2	
12	Notes:			
13	1. When associated with a two-family or multiple-family dwelling, accessory buildings shall not include guesthouses or accessory living quarters (defined: Sec. 21.04.165).			
14	2. Within the RM land use designation, a one-family dwelling/subdivision is permitted.			
15	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 October 28, 2004, 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.			
16	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.			
17	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."			

18 SECTION XVIII: That Chapter 21.25 (C-F Community Facilities Zone) of the
 19 Carlsbad Municipal Code, Section 21.25.050 (Uses permitted by conditional use permit) is
 20 repealed and Section 21.25.040 (Permitted uses) is amended to read as follows:

- 21 "21.25.040 Permitted uses.
- 22 A. In a C-F zone, notwithstanding any other provision of this title, only the uses
 23 listed in Table A, below, shall be permitted, subject to the requirements and development
 24 standards specified by this chapter, and subject to the provisions of Chapter 21.44 governing
 25 off-street parking requirements.
- 26 B. The uses permitted by conditional use permit, as indicated in Table A, shall be
 27 subject to the provisions of Chapter 21.42.
- 28 C. A use similar to those listed in Table A may be permitted if the Planning Director
 determines such similar use falls within the intent and purposes of this zone, and is substantially
 similar to the specified permitted uses.
- 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 "office" is a general use category that
 applies to various office uses). However, if a particular use is permitted by conditional use

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1 permit in another zone, the use shall not be permitted in this C-F Community Facilities Zone
 2 (even under a general use category) unless it is specifically listed in Table A of this Chapter as
 3 permitted or conditionally permitted.

4 **TABLE A**
USES PERMITTED

5 In the table, below, subject to all applicable permitting and development requirements of the
 6 Municipal Code:

- 7 • "P" indicates the use is permitted.
- 8 • "CUP" indicates that the use is permitted with approval of a conditional use permit.
- 9 1 = Administrative hearing process
- 10 2 = Planning Commission hearing process
- 11 3 = City Council hearing process
- 12 • "Acc" indicates the use is permitted as an accessory use.

13 USE	P	CUP	Acc
14 Adult and/or senior daycare and/or recreation facility (private or non-private)		2	
15 Agricultural farm worker housing (temporary) (Subject to 21.42.140.B.02)		3	
16 Biological habitat preserve (Subject to Sec. 21.42.140.B.030) (defined: Sec. 21.04.048)		2	
17 Charitable service (private/semi-private)		2	
18 Child daycare facility (see Note 2 below)	X		
19 Churches, synagogues, temples, convents, monasteries, and other places of worship		2	
20 Civic associations, (e.g., League of Women Voters, etc.)		2	
21 Clubs - non-profit; business, civic, professional, etc.(defined: Sec. 21.04.090)		2	
22 Fraternal associations and lodges (except college fraternities/sororities)		2	
23 Mobile Buildings (Subject to Section 21.42.140.B.090) (defined: Sec. 21.04.265)		2	
24 Office area (see note 2 below)	X		
25 Religious reading room (separate from church)		1	
26 Social clubs (non-commercial)		3	
27 Veterans' organizations (including meeting facilities)		2	
28 Welfare and charitable services (private or semi-private) with no permanent residential uses (e.g., Good Will, Red Cross, Traveler's Aid)		2	
Wireless communications facilities (Subject to Sec. 21.42.140.165) (defined: Sec. 21.04.379)		1 / 2	
Youth organizations (e.g., Boy Scouts, Girl Scouts, Boys & Girls Clubs, YMCA and YWCA, except lodgings)		2	

Notes:
 1. If any office area is proposed with a use, the office area must be ancillary to the main use; it cannot be the principal use.
 2. Stand-alone child daycare facility is permitted subject to the approval of a site development plan pursuant to Chapter 21.06. If a child daycare facility is developed in conjunction with another community facilities use, which requires a conditional use permit, then the requirement for a site development plan for the child daycare use is waived.
 3. All uses shall be conducted wholly within a building except such uses as athletic fields, outdoor play areas, and other uses customarily conducted in the open."

SECTION IX: That Chapter 21.26 (C-1 Neighborhood Commercial Zone) of the Carlsbad Municipal Code, Section 21.26.015 (Uses and structures permitted by conditional use permit) is repealed and Section 21.26.010 (Permitted uses) is amended to read as follows:

"21.26.010 Permitted Uses.

- A. In a C-1 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.
- B. The uses permitted by conditional use permit, as indicated in Table A, shall be subject to the provisions of Chapter 21.42.
- C. A use similar to those listed in Table A may be permitted if the Planning Director determines such similar use falls within the intent and purposes of the zone, and is substantially similar to the specified permitted uses.
- 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 "office" is a general use category that applies to various office uses). However, if a particular use is permitted by conditional use permit in another zone, the use shall not be permitted in this C-1 Neighborhood Commercial Zone (even under a general use category) unless it is specifically listed in Table A of this Chapter as permitted or conditionally permitted.

TABLE A
 PERMITTED USES

In the table, below, subject to all applicable permitting and development requirements of the Municipal Code:

- "P" indicates use is permitted
- "CUP" indicates use is permitted with approval of a conditional use permit.
 1 = Administrative hearing process
 2 = Planning Commission hearing process
 3 = City Council hearing process
- "Acc" indicates use is permitted as an accessory use.

USE	P	CUP	Acc
Accountants	X		
Agricultural farm worker housing (temporary) (Subject to 21.42.140.B.02)		3	
Airports		3	
Alcoholic treatment centers		2	
Amusement parks		3	
Aquaculture (defined: Sec. 21.04.036)		2	

1	Arcades – coin operated (Subject to Sec. 21.42.140.B.015) (defined: Sec. 21.04.091)		1
2	Athletic clubs, gymnasiums, health clubs, and physical conditioning businesses	X	
3	Attorneys	X	
4	Bakeries	X	
4	Barbershops or beauty parlors	X	
5	Biological habitat preserve (Subject to Sec. 21.42.140.B.030) (defined: Sec. 21.04.048)		2
6	Book or stationery stores	X	
6	Bowling alley (Subject to Section 21.42.140.B.035) (defined: Sec. 21.04.057)		2
7	Campsites (overnight) (Subject to Sec. 21.42.140.B.040)		2
8	Car wash (Subject to Section 21.42.140.B.045)		2
9	Cemeteries		3
9	Child day care centers, subject to the provisions of Chapter 21.83 of this Title.	X	
10	Churches, synagogues, temples, convents, monasteries, and other places of worship		2
11	Columbariums, crematories, and mausoleums (not within a cemetery)		2
12	Delicatessen (defined: Sec. 21.04.106)	X	
13	Doctors, dentists, optometrists, chiropractors and others practicing the healing arts for human beings, and related uses such as oculists, pharmacies (prescription only), biochemical laboratories and X-ray laboratories	X	
14	Dressmaking or millinery shops	X	
16	Drive-thru facility (not restaurants)		2
16	Drugstores	X	
17	Dry goods or notion stores	X	
17	Educational facilities, other (defined: Sec. 21.04.137)	X	
18	Educational institutions or schools, public/private (defined: Sec. 21.04.140)		2
19	Engineers, architects and planners	X	
20	Fairgrounds		3
20	Florist shops	X	
20	Fortunetellers, as defined in Section 5.50.010(c)	X	
21	Gas stations (Subject to Sec. 21.42.140.B.065)		2
22	Golf courses		2
22	Greenhouses > 2,000 square feet (Subject to Sec. 21.42.140.B.070)		1
23	Grocery or fruit stores	X	
24	Hardware stores	X	
24	Hospitals (defined: Sec. 21.04.170)		2
25	Hospitals (mental) (defined: Sec. 21.04.175)		2
25	Hotels and motels (Subject to Sec. 21.42.140.B.080)		2
26	Institutions of a philanthropic or eleemosynary nature, except correctional or mental	X	
27	Jewelry stores	X	

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1	Laundries or clothes cleaning agencies	X	
	Laundromats	X	
2	Liquor store (Subject to Sec. 21.42.140.B.085) (defined: Sec. 21.04.203)		2
3	Meat markets	X	
4	Mobile buildings (Subject to Sec. 21.42.140.B.090) (defined Section 21.04.265)		2
5	Mortuaries		2
	Packing/sorting sheds >600 square feet (Subject to Sec. 21.42.140.B.070)		1
6	Paint stores	X	
7	Pawnshops (Subject to Sec. 21.42.140.B.105)		3
	Pet supply shops	X	
8	Pool halls, billiards parlors (Subject to Sec. 21.42.104.B.110) (defined: Sec. 21.04.292)		2
9	Private clubs, fraternities, sororities and lodges, excepting those the chief activity of which is a service customarily carried on as a business	X	
10	Public/quasi-public buildings and facilities and accessory utility buildings/facilities (defined: Sec. 21.04.297)		2
11	Racetracks		2
12	Radio/television/microwave/ broadcast station/tower		2
13	Realtors	X	
	Recreation Facilities		2
14	Recycling collection facilities, large (Subject to Chapter 21.105 of this Title) (defined: Sec. 21.105.015)		2
15	Recycling collection facilities, small (Subject to Chapter 21.105 of this Title.) (defined : Sec. 21.105.015)		1
16	Residential uses located above the ground floor of a multi-story, commercial building (Subject to Section 21.42.140.B.130)		2
17	Restaurants (bona fide public eating establishment) (Defined: Sec.21.04.056)	X	
18	Restaurants (excluding drive-thru restaurants), tea rooms or cafes (excluding dancing or entertainment and on-sale liquor)	X	
19	Satellite television antennae (Subject to Sec. 21.53.130)	X	
20	Shoe stores or repair shops	X	
21	Signs subject to Chapter 21.41	X	
22	Stadiums		3
23	Tailors, clothing or wearing apparel shops	X	
24	Tattoo parlors (Subject to Sec. 21.42.140.B.140)		3
25	Theaters (motion picture or live) – indoor		2
	Theaters, stages, amphitheaters – outdoor		2
26	Thrift shops (Subject to Sec. 21.42.104.B.150)		2
	Transit passenger terminals (bus & train)		2
27	Veterinary clinic/animal hospital (small animals)		1
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(defined: Sec. 21.04.378)			
Windmills (exceeding height limit of zone) (Subject to Sec. 21.42.140.B.160)		2	
Wireless communications facilities (Subject to Sec. 21.42.140.165) (defined: Sec. 21.04.379)		1/2	
Zoos (private) (Subject to Sec. 21.42.140.B.170) (defined: Sec. 21.04.400)		2	
Notes:			
1. All uses shall be conducted wholly within a building except such uses as gasoline stations, electrical transformer substations, nurseries for sale of plants and flowers and other enterprises customarily conducted in the open;			
2. Products made incident to a permitted use shall be sold only at retail on the premises, and not more than five persons may be employed in the manufacturing, processing and treatment of products permitted herein;			
3. Storage shall be limited to accessory storage of commodities sold at retail on the premises."			

SECTION XX: That Chapter 21.27 (O Office Zone) of the Carlsbad Municipal Code, Section 21.27.030 (Uses and structures permitted by conditional use permit) is repealed and Section 21.27.020 (Permitted uses) is amended to read as follows:

"21.27.020 Permitted Uses.

A. In an O 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.

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

C. A use similar to those listed in Table A may be permitted if the Planning Director determines such similar use falls within the intent and purposes of this zone, and is substantially similar to the specified permitted uses.

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 "office" is a general use category that applies to various office uses). However, if a particular use is permitted by conditional use permit in another zone, the use shall not be permitted in this Office Zone (even under a general use category) unless it is specifically listed in Table A of this Chapter as permitted or conditionally permitted.

TABLE A
PERMITTED USES

In the table, below, subject to all applicable permitting and development requirements of the Municipal Code:

- "P" indicates use is permitted
- "CUP" indicates use is permitted with approval of a conditional use permit.
 - 1 = Administrative hearing process
 - 2 = Planning Commission hearing process
 - 3 = City Council hearing process
- "Acc" indicates use is permitted as an accessory use.

USE	P	CUP	Acc
Accountants	X		
Administrative and executive offices	X		
Advertising agencies	X		

1	Agricultural farm worker housing (temporary) (Subject to 21.42.140.B.02)		3
2	Airports		3
	Alcoholic treatment centers		2
3	Aquaculture (defined: Sec. 21.04.036)		2
	Architects, planners and engineers	X	
4	Athletic clubs, gymnasiums, health clubs, and physical conditioning businesses		2
5	Attorneys	X	
6	Banks and other financial institutions without drive-through facilities	X	
7	Biological habitat preserve (Subject to Sec. 21.42.140.B.030) (defined: Sec. 21.04.048)		2
8	Campsites (overnight) (Subject to Sec. 21.42.140.B.040)		2
	Cemeteries		3
9	Churches, synagogues, temples, convents, monasteries, and other places of worship		2
10	Columbariums, crematories, and mausoleums (not within a cemetery)		2
11	Commercial artists	X	
	Company and corporate headquarters	X	
12	Delicatessen (defined: Sec. 21.04.106)		1
13	Dentists, doctors, chiropractors and incidental related uses such as pharmacies (prescription only), biochemical, X-ray laboratories, medical offices and clinics (excluding hospitals)	X	
14	Drive-thru facilities (not restaurants)		2
15	Educational facilities, other (defined: Sec. 21.04.137)		1
16	Educational institutions or schools, public/private (defined: Sec. 21.04.140)		2
	Electronic data processing and record keeping services	X	
17	Fairgrounds		3
18	General contractor (offices only, no equipment or material storage)	X	
	Golf courses		2
19	Government offices	X	
20	Greenhouses > 2,000 square feet (Subject to Sec. 21.42.140.B.070)		1
21	Hospitals (defined: Sec 21.04.170)		2
	Hospitals (mental) (defined: Sec. 21.04.175)		2
22	Insurance agencies and services	X	
	Labor union offices (no hiring halls)	X	
23	Management consultants	X	
24	Mobile buildings (Subject to Section 21.42.140.B.090) (defined Section 21.04.265)		2
25	Offices, business and professional, including incidental commercial facilities such as blueprint and photocopy shops and duplicating services	X	
26	Packing/sorting sheds > 600 square feet (Subject to Sec. 21.42.140.B.070).		1
27	Parking facilities (primary use) (i.e.: day use, short-term,	X	

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1	non-storage)		
2	Photographers	X	
3	Public/quasi-public buildings and facilities and accessory utility buildings/facilities (defined: Sec. 21.04.297)		2
4	Radio/television/microwave/ broadcast station/tower		2
5	Real estate and related services	X	
6	Recreation facilities		2
7	Restaurants (bona fide public eating establishment) (Subject to 21.42.140.B.) (Defined: Sec.21.04.056)		2
8	Satellite television antennae subject to the provisions of Section 21.53.130 of this code	X	
9	Signs subject to the provisions of this chapter and Chapter 21.41	X	
10	Stadiums		3
11	Stockbrokers	X	
12	Title and trust companies	X	
13	Transit passenger terminals (bus & train)		2
14	Travel agencies	X	
15	Veterinary clinic/animal hospital (small animals) (defined: Sec. 21.04.378)		1
16	Windmills (exceeding height limit of zone) (Subject to 21.42.140.B.160)		2
17	Wireless communications facilities (Subject to Sec. 21.42.140.165) (defined: Sec. 21.04.379)		1 / 2
18	Zoos (private) (Subject to Sec. 21.42.140.B.170) (defined: Sec. 21.04.400)		2"

15 SECTION XXI: That Chapter 21.28 (C-2 General Commercial Zone) of the
 16 Carlsbad Municipal Code, Section 21.28.015 (Uses and structures permitted by conditional use
 17 permit) is repealed and Section 21.28.010 (Permitted Uses) is amended to read as follows:

18 "21.28.010 Permitted Uses.

19 A. In a C-2 zone, notwithstanding any other provision of this title, only the uses
 20 listed in Table A, below, shall be permitted, subject to the requirements and development
 21 standards specified by this chapter, and subject to the provisions of Chapter 21.44 governing
 22 off-street parking requirements.

23 B. The uses permitted by conditional use permit, as indicated in Table A, shall be
 24 subject to the provisions of Chapter 21.42.

25 C. A use similar to those listed in Table A may be permitted if the Planning Director
 26 determines such similar use falls within the intent and purposes of this zone, and is substantially
 27 similar to the specified permitted uses.

28 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 "office" is a general use category that
 applies to various office uses). However, if a particular use is permitted by conditional use
 permit in another zone, the use shall not be permitted in this C-2 General Commercial Zone
 (even under a general use category) unless it is specifically listed in Table A of this Chapter as
 permitted or conditionally permitted.

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TABLE A
PERMITTED USES

In the table, below, subject to all applicable permitting and development requirements of the Municipal Code:

- "P" indicates use is permitted
- "CUP" indicates use is permitted with approval of a conditional use permit.
 - 1 = Administrative hearing process
 - 2 = Planning Commission hearing process
 - 3 = City Council hearing process
- "Acc" indicates use is permitted as an accessory use.

USE	P	CUP	Acc
Agricultural farm worker housing (temporary) (Subject to 21.42.140.B.02)		3	
Airports		3	
Alcoholic treatment centers		2	
Amusement parks		3	
Any use permitted in the C-1 zone	X		
Aquaculture (defined: Sec. 21.04.036)		2	
Arcades - coin operated (Subject to Section 21.42.140.B.015) (defined: Sec. 21.04.091)		1	
Athletic clubs, gymnasiums, health clubs, and physical conditioning businesses	X		
Auto repairing	X		
Bars, cocktail lounges (Subject to Sec 21.42.140.B.020) (defined: Sec. 21.04.041)		2	
Biological habitat preserve (Subject to Sec. 21.42.140.B.030) (defined: Sec. 21.04.048)		2	
Blueprinting, photocopying and duplicating services	X		
Bowling alley (Subject to Section 21.42.140.B.035) (defined: Sec. 21.04.057)		2	
Campsites (overnight) (Subject to Sec. 21.42.140.B.040)		2	
Car wash (Subject to Sec 21.42.140.B.045)		2	
Cemeteries		3	
Churches, synagogues, temples, convents, monasteries, and other places of worship		2	
Columbariums, crematories, and mausoleums (not within a cemetery)		2	
Commercial printing and photoengraving	X		
Delicatessen (defined: Sec. 21.04.106)	X		
Drive-thru facilities (not restaurants)		2	
Educational facilities, other (defined: Sec. 21.04.137)	X		
Educational institutions or schools, public/private (defined: Sec. 21.04.140)		2	
Fairgrounds		3	
Gas stations (Subject to Section 21.42.140.B.065)		2	
Golf courses		2	
Greenhouses > 2,000 square feet (Subject to Sec. 21.42.140.B.070)		1	
Hospitals (defined: Sec 21.04.170)		2	
Hospitals (mental) (defined: Sec. 21.04.175)		2	
Hotels and motels (Subject to Sec. 21.42.140.B.080)		2	

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1	Liquor store (Subject to Sec. 21.42.140.B.085) (defined: Sec 21.04.203)		2
2	Mobile buildings (Subject to Section 21.42.140.B.090) (defined Section 21.04.265)		2
3	Mortuaries		2
4	Packing/sorting sheds > 600 square feet (Subject to Sec. 21.42.140.B.070)		1
5	Pawnshops (Subject to Sec 21.42.104.B.105)		3
6	Pet shops	X	
7	Pool halls, billiard parlors (Subject to Section 21.42.140.B.110) (defined: Sec. 21.04.292)		2
8	Public/quasi-public buildings and facilities and accessory utility buildings/facilities (defined: Sec. 21.04.297)		2
9	Racetracks		2
10	Radio/television/microwave/ broadcast station/tower		2
11	Recreation facilities		2
12	Recycling collection facilities, small (Subject to Chapter 21.105 of this Title.) (defined: Sec. 21.105.015)		1
13	Recycling collection facilities, large (Subject to Chapter 21.105 of this Title) (defined: Sec. 21.105.015)		2
14	Residential uses located above the ground floor of a multi-story, commercial building (subject to Section 21.42.140.B.130)		2
15	Retail, wholesale or service businesses catering directly to the consumer	X	
16	Satellite television antennae subject to the provisions of Section 21.53.130 of this code.	X	
17	Signs (Subject to the provisions of Chapter 21.41)	X	
18	Stadiums		3
19	Tattoo parlors (Subject to Sec. 21.42.140.B.140)		3
20	Theaters (motion picture or live) – indoor		2
21	Theaters, stages, amphitheaters – outdoor		2
22	Thrift shops (Subject to Sec. 21.42.104.B.150)		2
23	Transit passenger terminals (bus & train)		2
24	Upholstering shops	X	
25	Veterinary clinic/animal hospital (small animals) (defined: Sec. 21.04.378)		1
26	Windmills (exceeding height limit of zone) (Subject to 21.42.140.B.160)		2
27	Wireless communications facilities (Subject to Sec. 21.42.140.165) (defined: Sec. 21.04.379)		1 / 2
28	Zoos (private) (Subject to Sec. 21.42.140.B.170) (defined: Sec. 21.04.400)		2
<p>Note:</p> <ol style="list-style-type: none"> 1. All uses shall be conducted wholly within a building except such uses as gasoline stations, electrical transformer substations, horticultural nurseries and other enterprises customarily conducted in the open. 2. Products made incident to a permitted use and manufactured or processed on the premises shall be sold only at retail on the premises, and not more than five persons may be employed in such manufacturing, processing and treatment of products. 3. Storage shall be limited to accessory storage of commodities sold at retail on the premises.* 			

SECTION XXII: That Chapter 21.29 (C-T Commercial – Tourist Zone) of the Carlsbad Municipal Code, Section 21.29.030 (Permitted uses) is amended to read as follows:

21.29.030 Permitted uses

A. In the C-T zone only the uses listed in Table A, below, shall be permitted, subject to the requirements and development standards specified by this chapter.

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

C. A use similar to those listed in Table A may be permitted if the Planning Director determines such similar use falls within the intent and purposes of this zone, and is substantially similar to the specified permitted uses.

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 another zone, the use shall not be permitted in this C-T zone (even under a general use category) unless it is specifically listed in Table A of this Chapter as permitted or conditionally permitted.

TABLE A
Permitted Uses

In the table, below, subject to all applicable permitting and development requirements of the Municipal Code:

- "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 uses/structures, which are customarily appurtenant to a permitted use (e.g., incidental storage facilities) (see note 1, below) (defined: Section 21.04.020)			X
Agricultural farm worker housing (temporary) (Subject to Section 21.42.140.B.002)		3	
Airports		3	
Amusement parks		3	
Aquaculture (defined: Section 21.04.036)		2	
Aquariums		2	
Arcades (coin-operated) (Subject to Sect. 21.42.140.B.015) (defined: Section 21.04.091)		1	
Art galleries	X		
Athletic clubs, gymnasiums, health clubs	X		
ATM kiosks (see note 1, below)			X
Automobile rental (no auto repair)	X		
Bait shops (accessory to a recreation facility)		1	
Bars, cocktail lounges (Subject to Sect. 21.42.140.B.020) (defined: Section 21.04.041)		2	
Bed & Breakfasts (Subject to Sect. 21.42.140.025) (defined: Section 21.04.046)		1	
Biological habitat preserve (Subject to Sect. 21.42.140.B.030) (defined: Section 21.04.048)		2	
Boat launching/docking facilities		2	
Botanical gardens	X		

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1	Bowling alley, subject to Section 21.42.140.B.035) (defined: Section 21.04.057)		2	
2	Campsites (overnight) (Subject to Sect. 21.42.140.B.040)		2	
3	Carwash (accessory to an automobile service station), subject to Section 21.42.140.B.45		2	
4	Cemeteries		3	
5	Churches, synagogues, temples, convents, monasteries, and other places of worship		2	
6	Commercial artisan studios/ retail (e.g., jewelry arts, painting, pottery, glass blowing, etc.)	X		
7	Cultural activities and facilities		2	
8	Delicatessen (defined: Sect. 21.04.106)	X		
9	Drive-thru facilities (not restaurant)		2	
10	Educational institutions or schools, public/private (defined: Sec. 21.04.140)		2	
11	Entertainment activities and facilities		2	
12	Fairgrounds		3	
13	Farmers markets		2	
14	Florists	X		
15	Food stores (specialty) (e.g., ice cream, candy, deli, bakery, pastry shop, fish market)	X		
16	Gas stations (Subject to Sec. 21.42.140.B.065)		2	
17	Golf courses (see note 2, below)		2	
18	Greenhouses > 2,000 square feet (Subject to Sect. 21.42.140.B.070)		1	
19	Grocery/produce/convenience stores (not to exceed 2,500 sq. ft.)	X		
20	Hotels/motels	X		
21	Mobile buildings (temporary) (Subject to Section 21.42.140.B.090) (defined: Section 21.04.265)		2	
22	News/magazine stands (see note 1, below)			X
23	Nightclubs, dance clubs, and other establishments that play live or recorded music or make regular use of amplified sound.		2	
24	Outdoor dining (incidental), subject to Section 21.26.013	X		
25	Packing/sorting sheds > 600 square feet, subject to Sect. 21.42.140.B.070)		1	
26	Parking facilities (primary use) (i.e. day use, short-term, non-storage)		2	
27	Photography equipment sales/services (cameras, supplies, film development)	X		
28	Pool halls/billiard parlors (Subject to Sect. 21.42.140.B.110 (defined: Section 21.04.292)		2	
	Produce stands		1	
	Public meeting halls, exhibit halls, and museums		2	
	Public/quasi-public buildings and facilities and accessory utility buildings/facilities (defined: Sect. 21.04.297)		2	
	Racetracks		2	
	Radio/television/microwave/broadcast station/tower		2	
	Recreation facilities		2	
	Recycling collection facilities (small) (Subject to Chapter		1	

1	21.105 of this Title) (defined: Section 21.05.015)			
2	Recycling collection facilities (large) (Subject to Chapter 21.105 of this Title) (defined: Section 21.05.015)		2	
3	Restaurants, cafes, coffee shops, including take-out only (no drive-thru)	X		
4	Restaurants (located adjacent to residentially developed or designated property, no drive-thru)		2	
5	Retail (specialty - catering to tourists) (e.g., antique stores, bookstores, souvenir/gift/novelty shops, specialty apparel shops)	X		
6	Satellite TV antennas, subject to Sec. 21.53.130 - 21.53.150 (see note 1, below) (defined: Section 21.04.302)			X
7	Services (personal), limited to drycleaners, laundromats, and personal grooming (e.g., barbershops, beauty salons, day spas)	X		
8	Signs, subject to Chapter 21.41 (see note 1, below) (defined: Section 21.04.305)			X
9	Sporting equipment/apparel sales/rental	X		
10	Stadiums		3	
11	Theaters (motion picture or live) - indoor		2	
12	Theaters, stages, amphitheaters - outdoor		2	
13	Timeshare projects (Subject to Sect. 21.42.140.B.155) (defined: Section 21.04.357)		3	
14	Tourist information centers	X		
15	Transit passenger terminals (bus & train)		2	
16	Travel agencies	X		
17	Vacation rental office	X		
18	Video rental/sales	X		
19	Windmills (exceeding height limit) (Subject to Sect. 21.42.140.B.160)		2	
20	Wireless communications facilities (Subject to Sect. 21.42.140.B.165)		1 / 2	
21	Zoos (private) (Subject to Sect. 21.42.140.B.170)		2	
22	Notes:			
23	1. Accessory uses shall be developed as an integral part of a permitted use within or on the same structure or parcel of land.			
24	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."			

21 SECTION XXIII: That Chapter 21.30 (C-M Heavy Commercial - Limited
 22 Industrial Zone) of the Carlsbad Municipal Code, Section 21.30.011 (Uses and structures
 23 permitted by conditional use permit) is repealed and Section 21.30.010, (Permitted uses) is
 24 amended to read as follows:

25 "21.30.010 Permitted Uses.
 26 A. In a C-M zone, notwithstanding any other provision of this title, only the uses
 27 listed in Table A, below, shall be permitted, subject to the requirements and development
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standards specified by this chapter, and subject to the provisions of Chapter 21.44 governing off-street parking requirements.

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

C. A use similar to those listed in Table A may be permitted if the Planning Director determines such similar use falls within the intent and purposes of this zone, and is substantially similar to the specified permitted uses.

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 "office" is a general use category that applies to various office uses). However, if a particular use is permitted by conditional use permit in another zone, the use shall not be permitted in this C-M Heavy Commercial-Limited Industrial Zone (even under a general use category) unless it is specifically listed in Table A of this Chapter as permitted or conditionally permitted.

TABLE A
PERMITTED USES

In the table, below, subject to all applicable permitting and development requirements of the Municipal Code:

- "P" indicates use is permitted
- "CUP" indicates use is permitted with approval of a conditional use permit.
 - 1 = Administrative hearing process
 - 2 = Planning Commission hearing process
 - 3 = City Council hearing process
- "Acc" indicates use is permitted as an accessory use.

USE	P	CUP	Acc
Agricultural farm worker housing (temporary) (Subject to 21.42.140.B.02)		3	
Airports		3	
Alcoholic treatment centers		2	
Amusement parks		3	
Any use permitted in other commercial zones is permitted in the C-M zone, with exceptions as set out in Note 1, below	X		
Aquaculture (defined: Sec. 21.04.036)		2	
Arcades - coin operated (Subject to Sec 21.42.140.B.015) (defined: Sec. 21.04.091)		1	
Assembly of electrical appliances such as: (A) Electronic instruments and devices, (B) Radios and phonographs, including manufacture of small parts, such as coils	X		
Auction houses or stores	X		
Auto storage/impound yards (i.e.: overnight product storage)		2	
Biological habitat preserve (Subject to Sec. 21.42.140.B.030) (defined: Sec. 21.04.048)		2	
Boat building (limited to those craft which may be transported over a state highway without permit);	X		
Body and fender works, including painting	X		
Book printing & publishing	X		
Bookbinding	X		
Bowling alley (Subject to Section 21.42.140.B.035) (defined: Sec. 21.04.057)		2	

1	Building material storage yards	X	
	Cabinet shops	X	
2	Campsites (overnight) (Subject to Sec. 21.42.140.B.040)		2
	Carpet cleaning plants	X	
3	Cemeteries		3
4	Ceramic products, manufacture of, including figurines, using only previously pulverized clay and kilns fired only by electricity or low pressure gas	X	
5	Child day care center (Subject to Chap. 21.83) (defined: Sec. 21.04.086)		2
6	Churches, synagogues, temples, convents, monasteries, and other places of worship		2
7	Cleaning and dyeing plants	X	
8	Columbariums, crematories, and mausoleums (not within a cemetery)		2
9	Delicatessen (defined: Sec. 21.04.106)	X	
	Drive-thru facilities (not restaurants)		2
10	Dwelling on the same lot on which a factory is located when such dwelling is used exclusively by a caretaker or superintendent of such factory and his family. When such dwelling is established, all required yards in the R-3 zone shall be maintained	X	
11	Educational institutions or schools, public/private (defined: Sec. 21.04.140)		2
12	Fairgrounds		3
13	Feed and fuel yards	X	
14	Frozen food lockers	X	
15	Gas stations, subject to Section 21.42.140.B.065		2
16	Glass studios, staining, edging, beveling and silvering in connection with sale of mirrors and glass for decorating purposes	X	
17	Golf courses		2
18	Greenhouses > 2,000 square feet (Subject to Sec. 21.42.140.B.070)		1
19	Hazardous waste facility (subject to Sec. 21.42.140.B.075) defined: Sec. 21.04.167)		3
20	Hospital, industrial emergency (not full hospital or mental hospital)	X	
21	Kennels		2
	Laboratories, experimental, motion picture, testing	X	
22	Laundries	X	
	Lumber yards (no planing mills and burners);	X	
23	Machine shops	X	
	Mini-warehouses/ self storage		2
24	Mobile buildings (Subject to Section 21.42.140.B.090) (defined Section 21.04.265)		2
25	Mortuaries		2
	Musical instruments, manufacture of	X	
26	Newspaper/periodical printing & publishing		2
27	Oil and Gas facilities (on-shore) (Subject to Sec.21.42.140.B.095)		3

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1	Packing/sorting sheds > 600 square feet (Subject to Sec. 21.42.140.B.070).		1	
2	Parcel service delivery	X		
3	Parking facilities (primary use) (i.e.: day use, short-term, non-storage)		1	
4	Pawnshops (Subject to Sec 21.42.104.B.105)		3	
5	Plumbing shops and plumbing shop supply yards	X		
6	Pool halls, billiard parlors (Subject to Sec 21.42.140.B.110) (defined: Sec. 21.04.292)		2	
7	Public scales	X		
8	Public/quasi-public buildings and facilities and accessory utility buildings/facilities (defined: Sec. 21.04.297)		2	
9	Racetracks		2	
10	Radio/television/microwave/ broadcast station/tower		2	
11	Recreation facilities		2	
12	Recreational vehicle storage (Subject to Sec. 21.42.140.B.120) (defined: Sec. 21.04.299)		1	
13	Recycling collection facilities, large (Subject to Chapter 21.105) (defined: Sec. 21.105.015)		1	
14	Recycling collection facilities, small (Subject to Chapter 21.105) (defined: Sec. 21.105.015)		1	
15	Recycling process/transfer facility		2	
16	Restaurants (bona fide public eating establishment) (Defined: Sec.21.04.056)		2	
17	Satellite antennae (>1 per use) (defined: Sec 21.04.302)		1	
18	Satellite television antennae subject to the provisions of Section 21.53.130 of this code	X		
19	Sheet metal shops	X		
20	Signs subject to the provisions of Chapter 21.41	X		
21	Stadiums		3	
22	Tattoo parlors (Subject to Sec. 21.42.140.B.140)		3	
23	Theaters (motion picture or live) - indoor		2	
24	Thrift shops (Subject to Sec. 21.42.104.B.150)		2	
25	Tire rebuilding, recapping and retreading	X		
26	Transit passenger terminals (bus & train)		2	
27	Transit storage (ex: rolling stock)		2	
28	Veterinary clinic/animal hospital (small animals) (defined: Sec. 21.04.378)		1	
29	Wholesale businesses, storage buildings and warehouses	X		
30	Windmills (exceeding height limit of zone) (Subject to 21.42.140.B.160)		2	
31	Wireless communications facilities (Subject to Sec. 21.42.140.165) (defined: Sec. 21.04.379)		1/2	
32	Zoos (private) (Subject to Sec. 21.42.140.B.170) (defined: Sec. 21.04.400)		2	
33	Notes: 1. Any use permitted in the Commercial zones is allowed in the C-M zone, except: (A) Hotels, motels and auto courts, (B) Hospitals (however, industrial emergency hospitals are permitted), (C) Residential care facilities, (D) Professional care facilities, (E) Private clubs, fraternities, sororities and lodges, excepting those the chief activity of which is a service customarily carried on as a business, (F) Institutions of a philanthropic or eleemosynary nature, including correctional and mental."			

SECTION XXIV: That Chapter 21.32 (M Industrial Zone) of the Carlsbad Municipal Code, Section 21.32.010 (Permitted uses) is amended to read as follows:

"21.30.010 Permitted Uses.

A. In an 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.

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

C. A use similar to those listed in Table A may be permitted if the Planning Director determines such similar use falls within the intent and purposes of the zone, and is substantially similar to the specified permitted uses.

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 another zone, the use shall not be permitted in this M Industrial Zone (even under a general use category) unless it is specifically listed in Table A of this Chapter as permitted or conditionally permitted.

TABLE A
PERMITTED USES

In the table, below, subject to all applicable permitting and development requirements of the Municipal Code:

- "P" indicates use is permitted (however, see Note 2, below)
- "CUP" indicates use is permitted with approval of a conditional use permit.
 - 1 = Administrative hearing process
 - 2 = Planning Commission hearing process
 - 3 = City Council hearing process
- "Acc" indicates use is permitted as an accessory use.

USE	P	CUP	Acc
Agricultural farm worker housing (temporary) (Subject to 21.42.140.B.02)		3	
Airports		3	
Alcoholic treatment centers		2	
Any industrial use not specifically permitted herein must be reviewed as provided in Chapter 21.42 for a conditional use permit in order to locate industry in its proper and available location in the region and prevent conflict with the high degree of residential development existing in and around the city		X	
Aquaculture (defined: Sec. 21.04.036)		2	
Auto storage/impound yards (i.e.: overnight product storage)		2	
Auto wrecking yards (defined 21.04.040)		2	
Automobile painting. All painting, sanding and baking shall be conducted wholly within a building	X		
Bakeries	X		
Biological habitat preserve (Subject to Sec.		2	

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1	21.42.140.B.030) (defined: Sec. 21.04.048)		
	Body and fender works, including painting	X	
2	Book printing & publishing	X	
	Bookbinding	X	
3	Bottling plants	X	
	Breweries	X	
4	Campsites (overnight) (Subject to Sec. 21.42.140.B.040)		2
	Cemeteries		3
5	Churches, synagogues, temples, convents, monasteries, and other places of worship		2
6	Columbariums, crematories, and mausoleums (not within a cemetery)		2
7	Creameries	X	
8	Dairy products manufacture	X	
	Delicatessen (defined: Sec. 21.04.106)	X	
9	Drying, freighting or trucking yards or terminals	X	
	Drive-thru facilities (not restaurants)		2
10	Dumps (public) (defined: Sec. 21.04.110)		3
11	Educational institutions or schools, public/private (defined: Sec. 21.04.140)		2
	Electric or neon sign manufacture	X	
12	Fairgrounds		3
	Feed and fuel yards	X	
13	Food products manufacture, storage and process of, except lard, pickles, sauerkraut, sausage or vinegar	X	
14	Fruit and vegetable canning, preserving and freezing	X	
15	Fruit packing houses	X	
	Furniture manufacture	X	
	Garment manufacturers	X	
16	Gas stations (Subject to Sec. 21.42.140.B.65)		2
	Golf courses		2
17	Greenhouses > 2,000 square feet (Subject to Sec. 21.42.140.B.070)		1
18	Hazardous waste facility (Subject to Sec. 21.42.140. B.75) (defined: Sec. 21.04.167)		3
19	Hospitals (defined: Sec 21.04.170)		2
20	Hospitals (mental) (defined: Sec. 21.04.175)		2
	Ice and cold storage plants	X	
21	Kennels		2
	Lumber yards	X	
22	Machine shops	X	
	Manufacture of prefabricated buildings	X	
23	Mills, planing		2
	Mini-warehouses/ self storage		2
24	Mobile buildings (Subject to Sec. 21.42.140.B.90) (defined Sec. 21.04.265)		2
25	Mortuaries		2
26	Newspaper/periodical printing & publishing		2
	Oil and Gas facilities (on-shore) (Subject to Sec.21.42.140.B.95)		3
27	Packing/sorting sheds > 600 square feet (Subject to Sec.		1
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1	21.42.140.B.070).			
2	Parking facilities (primary use) (i.e.: day use, short-term, non-storage)		1	
3	Pawnshops (Subject to Sec 21.42.140.B.105)		3	
4	Plastics, fabrication from	X		
5	Public/quasi-public buildings and facilities and accessory utility buildings/facilities (defined: Sec. 21.04.297)		2	
6	Racetracks		2	
7	Radio/television/microwave/ broadcast station/tower		2	
8	Recreation facilities		2	
9	Recreational vehicle storage (Subject to Sec. 21.42.140.B.120) (defined: Sec. 21.04.299)		1	
10	Recycling collection facilities, large (Subject to Chapter 21.105) (defined: Sec. 21.105.015)		2	
11	Recycling collection facilities, small (Subject to Chapter 21.105) (defined: Sec. 21.105.015)		1	
12	Recycling process/transfer facility		2	
13	Rubber, fabrication of products made from finished rubber	X		
14	Satellite antennae (>1 per use) (defined: Sec 21.04.302)		1	
15	Satellite television antennae (Subject to Sec. 21.53.130)	X		
16	Sheet metal shops	X		
17	Shoe manufacturing	X		
18	Soap manufacture, cold mix only	X		
19	Stadiums		3	
20	Stone monument works	X		
21	Tattoo parlors (Subject to Sec. 21.42.140.B.140)		3	
22	Textile manufacture	X		
23	Thrift shops (Subject to Sec. 21.42.140.B.150)		2	
24	Tire rebuilding, recapping and retreading	X		
25	Transit passenger terminals (bus & train)		2	
26	Transit storage (ex: rolling stock)		2	
27	Truck steam cleaning equipment	X		
28	Veterinary clinic/animal hospital (small animals) (defined: Sec. 21.04.378)		1	
	Windmills (exceeding height limit of zone) (Subject to Sec. 21.42.140.B.160)		2	
	Wireless communications facilities (Subject to Sec. 21.42.140.165) (defined: Sec. 21.04.379)		1/2	
	Zoos (private) (Subject to Sec. 21.42.140.B.170) (defined: Sec. 21.04.400)		2	
	Notes: 1. Any use permitted in the C-M zone, except child day care centers, except that a dwelling conforming to the yard requirements of the R-3 zone shall be permitted on the same lot on which a factory is located, and which dwelling is used exclusively by a caretaker or superintendent of such factory and his family 2. Any use that is found to be objectionable or incompatible with the character of the city and its environs due to noise, dust, odors or other undesirable characteristics may be prohibited."			

SECTION XXV: That Chapter 21.33 (O-S Open Space Zone) of the Carlsbad Municipal Code, Sections 21.33.030 (Permitted accessory uses and structures) and 21.33.040

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1 (Uses and structures permitted by conditional use permit) are repealed, and Section 21.33.020,

2 (Permitted uses and structures) is amended to read as follows:

3 "21.33.020 Permitted Uses.

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

8 B. The uses permitted by conditional use permit, as indicated in Table A, shall be
9 subject to the provisions of Chapter 21.42.

10 C. A use similar to those listed in Table A may be permitted if the Planning Director
11 determines such similar use falls within the intent and purposes of the zone, and is substantially
12 similar to the specified permitted uses.

13 D. A use category may be general in nature, where more than one particular
14 use fits into the general category (ex: in some commercial zones "office" is a general use
15 category that applies to various office uses). However, if a particular use is permitted by
16 conditional use permit in another zone, the use shall not be permitted in this O-S Open
17 Space Zone (even under a general use category) unless it is specifically listed in Table A
18 of this Chapter as permitted or conditionally permitted.

19 TABLE A
20 PERMITTED USES

21 In the table, below, subject to all applicable permitting and development requirements of the
22 Municipal Code:

- 23 • "P" indicates use is permitted
- 24 • "CUP" indicates use is permitted with approval of a conditional use permit.
 - 25 1 = Administrative hearing process
 - 26 2 = Planning Commission hearing process
 - 27 3 = City Council hearing process
- 28 • "Acc" indicates use is permitted as an accessory use.

USE	P	CUP	Acc
Agricultural farm worker housing (temporary) (Subject to Sec. 21.42.140.B.02)		3	
Aquaculture (defined: Sec. 21.04.036)		2	
Aquaculture stands (display/sale) (Subject to Sec. 21.42.140.B.010)		2	
Athletic fields		2	
Barbecue and fire pits			X
Beaches and shoreline recreation, public	X		
Bicycle paths	X		
Biological habitat preserve (Subject to Sec. 21.42.140.B.030) (defined: Sec. 21.04.048)		2	
Campsites (overnight) (Subject to Sec. 21.42.140.B.040)		2	
Cemeteries		3	
Changing rooms			X
City picnic areas	X		
City playgrounds	X		
Clubhouses			X
Columbariums, crematories, and mausoleums (not within a cemetery)		2	

1	Cultural activities & facilities		2	
2	Educational institutions or schools, public/private (defined: Sec. 21.04.140)		2	
3	Entertainment activities & facilities		2	
4	Fairgrounds		3	
5	Fallow lands. (Ord. 9461 § 1 (part), 1976; Ord. 9385 § 2 (part), 1974)	X		
6	Fencing			X
7	Field and seed crops	X		
8	Golf courses		2	
9	Greenhouses > 2,000 square feet (Subject to Sec. 21.42.140.B.070)		1	
10	Horse trails	X		
11	Horticultural crops	X		
12	Marinas		2	
13	Mobile buildings (Subject to Sec. 21.42.140.B.090), (defined Sec. 21.04.265)		2	
14	Open space easements	X		
15	Orchards and vineyards	X		
16	Other similar accessory uses and structures required for the conduct of the permitted uses (Ord. 9385 § 2 (part), 1974)			X
17	Packing/sorting sheds > 600 square feet (Subject to Sec. 21.42.140.B.070).		1	
18	Park, public (Subject to Sec. 21.42.140.B. 100)		2	
19	Parking areas			X
20	Parks, public	X		
21	Pasture and rangeland	X		
22	Patios			X
23	Picnic areas (private)		2	
24	Playground equipment			X
25	Playgrounds/playfields		2	
26	Pool filtering equipment			X
27	Public access easement, nonvehicular	X		
28	Public lands	X		
29	Public restrooms			X
30	Public/quasi-public buildings and facilities and accessory utility buildings/facilities (defined: Sec. 21.04.297)		2	
31	Radio/television/microwave/ broadcast station/tower		2	
32	Recreation facilities		2	
33	Recycling collection facilities, large (Subject to Chapter 21.105 of this Title) (defined: Sec. 21.105.015)		2	
34	Recycling collection facilities, small (Subject to Chapter 21.105 of this Title.) (defined: Sec. 21.105.015)		1	
35	Scenic easements	X		
36	Slope easements	X		
37	Stables/Riding Academies (defined: Sec. 21.04.310 and 21.04.315)		2	
38	Stadiums		3	
39	Stairways.			X
40	Swimming pools		2	
41	Tennis courts		2	

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1	Theaters, stages, amphitheaters - outdoor		2	
2	-Transportation rights-of-way	X		
	Tree farms	X		
	Truck crops	X		
3	Vista points	X		
4	Windmills (exceeding height limit of zone) (Subject to 21.42.140.B.160)		2	
5	Wireless communications facilities (Subject to Sec. 21.42.140.165) (defined: Sec. 21.04.379)		1 / 2	
6	Zoos (private) (Subject to Sec. 21.42.140.B.170) (defined: Sec. 21.04.400)		2"	

7 SECTION XXVI: That Chapter 21.34 (P-M Planned Industrial Zone) of the
 8 Carlsbad Municipal Code, Sections 21.34.030 (Conditional uses) and 21.34.040 (Residential
 9 uses permitted by conditional use permit) are repealed, and Section 21.34.020 (Permitted
 10 uses) is amended to read as follows:

11 "21.34.020 Permitted Uses.

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

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

16 C. A use similar to those listed in Table A may be permitted if the Planning Director
 determines such similar use falls within the intent and purposes of the zone, and is substantially
 similar to the specified permitted uses.

17 D. A use category may be general in nature, where more than one particular use fits
 18 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
 19 permit in another zone, the use shall not be permitted in this P-M zone (even under a general
 use category) unless it is specifically listed in Table A of this Chapter as permitted or
 20 conditionally permitted.

21 TABLE A
 PERMITTED USES

22 In the table, below, subject to all applicable permitting and development requirements of the
 Municipal Code:

- 23 • "P" indicates use is permitted
- 24 • "CUP" indicates use is permitted with approval of a conditional use permit.
 1 = Administrative hearing process
 2 = Planning Commission hearing process
 3 = City Council hearing process
- 25 • "Acc" indicates use is permitted as an accessory use.

26 USE	P	CUP	Acc
27 Accessory uses and structures where related and incidental to a permitted use			X
28 Accountants (See note 1 below)	X		

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1	Administrative offices associated with and accessory to a permitted use	X		
2	Administrative offices (See note 1 below)	X		
	Advertising agencies (See note 1 below)	X		
3	Advertising--direct mail (See note 1 below)	X		
	Agricultural consultants (See note 1 below)	X		
4	Agricultural farm worker housing (temporary) (Subject to Sec. 21.42.140.B.02)			3
5	Air courier service (See note 1 below)	X		
	Airlines offices, general offices (See note 1 below)	X		
6	Airports			3
	Alcoholic treatment centers			2
7	Answering bureaus (See note 1 below)	X		
	Appraisers (See note 1 below)	X		
8	Aquaculture (defined: Sec. 21.04.036)			2
9	Arbitrators (See note 1 below)	X		
	Architect design and planners (See note 1 below)	X		
10	Athletic clubs, gymnasiums, health clubs, and physical conditioning businesses			2
11	Attorney (no legal clinics) (See note 1 below)	X		
	Attorney services (See note 1 below)	X		
12	Audio-visual services (See note 1 below)	X		
	Auto storage/impound yards (i.e.: overnight product storage)			2
13	Auto wrecking yards (defined 21.04.040)			2
14	Billing service (See note 1 below)	X		
	Biological habitat preserve (Subject to Sec. 21.42.140.B.30) (defined: Sec. 21.04.048)			2
15	Blueprinters (See note 1 below)	X		
16	Book printing & publishing	X		
	Bookbinding	X		
17	Bookkeeping service (See note 1 below)	X		
	Building designers (See note 1 below)	X		
18	Building inspection service (See note 1 below)	X		
	Burglar alarm systems (See note 1 below)	X		
19	Business consultants (See note 1 below)	X		
20	Business offices for professional and labor organizations (See note 1 below)	X		
21	Campsites (overnight) (Subject to Sec. 21.42.140.B.40)			2
	Cemeteries			3
22	Child day care center (Subject to Chap. 21.83) (defined: Sec. 21.04.086)			2
23	Churches, synagogues, temples, convents, monasteries, and other places of worship			2
24	Civil engineers (See note 1 below)	X		
	Collection agencies (See note 1 below)	X		
25	Columbariums, crematories, and mausoleums (not within a cemetery)			2
26	Commercial artists (See note 1 below)	X		
	Commodity brokers (See note 1 below)	X		
27	Communications consultants (See note 1 below)	X		

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1	Computer programmers (See note 1 below)	X		
	Computer service (time-sharing)	X		
2	Computer systems (See note 1 below)	X		
	Construction manager (See note 1 below)	X		
3	Corporate headquarters office (See note 1 below)	X		
	Corporate travel agencies and bureaus (See note 1 below)	X		
4	Credit rating service (See note 1 below)	X		
	Data communication service (See note 1 below)	X		
5	Data processing service (See note 1 below)	X		
	Data systems consultants (See note 1 below)	X		
6	Delicatessen (defined: Sec. 21.04.106)			1
	Diamond and gold brokers (See note 1 below)	X		
7	Display designers (See note 1 below)	X		
	Display services (See note 1 below)	X		
8	Drafting services (See note 1 below)	X		
	Drive-thru facilities (not restaurants)			2
9	Economics research (See note 1 below)	X		
	Educational consultants (See note 1 below)	X		
10	Educational institutions or schools, public/private (defined: Sec. 21.04.140)			2
11	Educational research (See note 1 below)	X		
12	Electric contractors (sales and administrative offices only) (See note 1 below)	X		
13	Electronics consultants (See note 1 below)	X		
	Energy management consultants (See note 1 below)	X		
14	Engineering offices (See note 1 below)	X		
	Environmental services (See note 1 below)	X		
15	Escrow service (See note 1 below)	X		
	Estimators (See note 1 below)	X		
16	Executive recruiting consultants (See note 1 below)	X		
	Executive search office (See note 1 below)	X		
17	Executive training consultants (See note 1 below)	X		
	Export consultants (See note 1 below)	X		
18	Fairgrounds			3
19	Financial planners and consultants (See note 1 below)	X		
	Fire protection consultants (See note 1 below)	X		
20	Foreclosure assistance (See note 1 below)	X		
	Foundation-educational research (See note 1 below)	X		
21	Franchise services (See note 1 below)	X		
	Fund-raising counselors (See note 1 below)	X		
22	Gas stations (Subject to Sec. 21.42.140.B.65)			2
	Gemologists (See note 1 below)	X		
23	General contractors (no equipment storage permitted) (See note 1 below)	X		
24	Geophysicists (See note 1 below)	X		
	Golf courses			2
25	Government contract consultants (See note 1 below)	X		
	Government facilities and offices	X		
26	Governmental agencies (general and administrative offices only) (See note 1 below)	X		
27	Graphics designers (See note 1 below)	X		
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1	Greenhouses > 2,000 square feet (Subject to Sec. 21.42.140.B.70)		1
2	Hazardous waste facility (Subject to Sec. 21.42.140. B.75) (defined: Sec. 21.04.167)		3
3	Hospitals (defined: Sec 21.04.170)		2
	Hospitals (mental) (defined: Sec. 21.04.175)		2
4	Hotels and motels (Subject to Sec. 21.42.140.B.80)		2
5	Human factors research and development (See note 1 below)	X	
6	Human services organization (administrative offices only) (See note 1 below)	X	
	Importers (See note 1 below)	X	
7	Incorporating agency (See note 1 below)	X	
	Industrial medical (workers comp.) (See note 1 below)	X	
8	Information bureaus (See note 1 below)	X	
9	Insurance companies (administrative offices only) (See note 1 below)	X	
10	Interior decorators and designers (no merchandise storage permitted) (See note 1 below)	X	
11	Investigators (See note 1 below)	X	
	Investment advisory (See note 1 below)	X	
12	Investment Securities	X	
	Kennels		2
13	Labor relations consultants (See note 1 below)	X	
	Leasing services (See note 1 below)	X	
14	Lecture bureaus (See note 1 below)	X	
	Literary agents (See note 1 below)	X	
15	Magazine subscription agents (See note 1 below)	X	
	Mailing list service (See note 1 below)	X	
16	Management consultants (See note 1 below)	X	
	Manufacturers agents (See note 1 below)	X	
17	Manufacturing and processing facilities	X	
	Marketing research and analysis (See note 1 below)	X	
18	Message receiving service (See note 1 below)	X	
19	Mini-warehouses/ self storage		2
	Mobile buildings (Subject to Sec. 21.42.140.B.90) (defined Section 21.04.265)		2
20	Mutual funds (See note 1 below)	X	
21	Newspaper/periodical printing & publishing		2
	Oil and Gas facilities (on-shore) (Subject to Sec.21.42.140.B.95)		3
22	On-site recreational facilities intended for the use of employees of the planned industrial zone	X	
23	Packing/sorting sheds > 600 square feet (Subject to Sec. 21.42.140.B.70).		1
24	Parking facilities (primary use) (I.e.: day use, short-term, non-storage)		1
25	Patent searchers (See note 1 below)	X	
26	Pension and profit sharing plans (See note 1 below)	X	
	Personal service bureau (See note 1 below)	X	
27	Photographic (industrial and commercial only) (See note 1	X	

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1	below)		
	Printing services (See note 1 below)	X	
2	Product development and marketing (See note 1 below)	X	
	Public relations services (See note 1 below)	X	
3	Public utility companies (See note 1 below)	X	
4	Public/quasi-public buildings and facilities and accessory utility buildings/facilities (defined: Sec. 21.04.297)		2
	Publicity services (See note 1 below)	X	
5	Publishers representatives (See note 1 below)	X	
	Racetracks		2
6	Radio communications (See note 1 below)	X	
7	Radio/television/microwave/ broadcast station/tower		2
	Real estate brokers (commercial and industrial only) (See note 1 below)	X	
8	Real estate developers (See note 1 below)	X	
9	Recording service (See note 1 below)	X	
	Recreation facilities		2
10	Recreational vehicle storage (Subject to Sec. 21.42.140.B.120) (defined: Sec. 21.04.299)		1
11	Recycling collection facilities, small (Subject to Chapter 21.105 of this Title.) (defined: Sec. 21.105.015)		1
12	Recycling collection facilities, large (Subject to Chapter 21.105 of this Title) (defined: Sec. 21.105.015)		2
13	Recycling process/transfer facility		2
	Relocation service (See note 1 below)	X	
14	Repossessing service (See note 1 below)	X	
	Research and testing facilities	X	
15	Research labs (See note 1 below)	X	
16	Residential uses in P-M Zone (Subject to Sec. 21.42.140.B.135)		3
17	Restaurants (bona fide public eating establishment - defined: Sec.21.04.056)		2
	Retail uses		2
18	Retirement planning consultants (See note 1 below)	X	
19	Safety consultants (See note 1 below)	X	
	Sales training and counseling (See note 1 below)	X	
20	Satellite antennae (>1 per use) (defined: Sec 21.04.302)		1
	Satellite television antennae (Subject to Sec. 21.53.130)	X	
21	Searchers of records (See note 1 below)	X	
	Securities systems (See note 1 below)	X	
22	Security firms (See note 1 below)	X	
	Signs (Subject to Chapter 21.41)	X	
23	Sound system consultants (See note 1 below)	X	
	Space planning consultants (See note 1 below)	X	
24	Space research and developments (See note 1 below)	X	
	Stadiums		3
25	Stock and bond brokers (See note 1 below)	X	
	Storage, wholesale and distribution facilities	X	
26	Surveyors (See note 1 below)	X	
27	Tax service and consultants (no consumer oriented uses) (See note 1 below)	X	

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1	Telephone cable companies (See note 1 below)	X	
	Telephone systems (See note 1 below)	X	
2	Title companies (See note 1 below)	X	
	Tour operators (See note 1 below)	X	
3	Trademark consultants (See note 1 below)	X	
	Transit passenger terminals (bus & train)		2
4	Translators and interpreters (See note 1 below)	X	
	Trust companies (See note 1 below)	X	
5	Veterinary clinic/animal hospital (small animals) (defined: Sec. 21.04.378)		1
6	Windmills (exceeding height limit of zone) (Subject to 21.42.140.B.160)		2
7	Wireless communications facilities (Subject to Sec. 21.42.140.165) (defined: Sec. 21.04.379)		1 / 2
8	Zoos (private) (Subject to Sec. 21.42.140.B.170) (defined: Sec. 21.04.400)		2
9	Notes:		
10	1. Business and professional offices which are not retail in nature, do not cater to the general public, and do not generate walk-in or drive-in traffic, and are incidental to the industrial uses in the vicinity."		

11 SECTION XXVI: That Chapter 21.36 (P-U Public Utility Zone) of the Carlsbad
 12 Municipal Code, Section 21.36.110 (Uses and structures permitted by conditional use permit) is
 13 repealed and Section 21.36.020 (Permitted uses) is amended to read as follows:

14 "21.36.020 Permitted Uses.

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

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

19 C. A use similar to those listed in Table A may be permitted if the Planning Director
 determines such similar use falls within the intent and purposes of the zone, and is substantially
 similar to the specified permitted uses.

20 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 "office" is a general use category that
 21 applies to various office uses). However, if a particular use is permitted by conditional use
 permit in another zone, the use shall not be permitted in this P-U Zone (even under a general
 22 use category) unless it is specifically listed in Table A of this Chapter as permitted or
 conditionally permitted.

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TABLE A
PERMITTED USES

In the table, below, subject to all applicable permitting and development requirements of the Municipal Code:

- "P" indicates use is permitted
- "CUP" indicates use is permitted with approval of a conditional use permit.
 - 1 = Administrative hearing process
 - 2 = Planning Commission hearing process
 - 3 = City Council hearing process
- "Acc" indicates use is permitted as an accessory use.

USE	P	CUP	Acc
Agricultural farm worker housing (temporary) (Subject to Sec. 21.42.140.B.02)		3	
Agriculture: Only the following agricultural uses, and buildings accessory to such agricultural uses, are permitted in the P-U zone: (a) Field and seed crops, (b) Truck crops, (c) Horticultural crops, (d) Orchards and vineyards, (e) Pasture and rangeland, (f) Tree farms, (g) Fallow lands, (h) Greenhouses;	X		
Airports		3	
Alcoholic treatment centers		2	
Any other use which the planning commission or city council may determine to be similar to the permitted uses in the zone and to fall within the intent and purposes of the zone (See Note 1)	X		
Aquaculture (defined: Sec. 21.04.036)		2	
Aquaculture stands (display/sale) (Subject to Sec. 21.42.140.B.10)		2	
Biological habitat preserve (Subject to Sec. 21.42.140.B.30) (defined: Sec. 21.04.048)		2	
Campsites (overnight) (Subject to Sec. 21.42.140.B.40)		2	
Cemeteries		3	
Columbariums, crematories, and mausoleums (not within a cemetery)		2	
Energy transmission facilities, including rights-of-way and pressure control or booster stations for gasoline, electricity, natural gas, synthetic natural gas, oil or other forms of energy sources	X		
Fairgrounds		3	
Generation and transmission of electrical energy	X		
Golf courses		2	
Governmental maintenance and service facilities	X		
Greenhouses > 2,000 square feet (Subject to Sec. 21.42.140.B.70)		1	
Hazardous waste facility (subject to Sec. 21.42.140.B.75) (defined: Sec. 21.04.167)		3	
Hospitals (defined: Sec 21.04.170)		2	
Hospitals (mental) (defined: Sec. 21.04.175)		2	
Mobile buildings (Subject to Section 21.42.140.B.090) (defined Section 21.04.265)		2	
Packing/sorting sheds > 600 square feet (Subject to Sec.		1	

1	21.42.140.B.70).			
2	Petroleum products pipeline booster stations	X		
3	Processing, using and storage of: (a) Natural gas, (b) Liquid natural gas, (c) Domestic and agricultural water supplies;	X		
4	Public utility district maintenance, storage and operating facilities	X		
5	Radio/television/microwave/ broadcast station/tower2		2	
6	Recreation facilities		2	
7	Recreational facilities (public or private, passive or active);	X		
8	Recycling collection facilities, large (Subject to Chapter 21.105 of this Title) (defined: Sec. 21.105.015)		2	
9	Recycling collection facilities, small (Subject to Chapter 21.105 of this Title.) (defined: Sec. 21.105.015)		1	
10	Recycling process/transfer facility		2	
11	Satellite television antennae (Subject to the provisions of Sec. 21.53.130 of this code)	X		
12	Signs subject to the provisions of Chapter 21.41	X		
13	Stadiums		3	
14	Transit passenger terminals (bus & train)		2	
15	Using and storage of fuel oils	X		
16	Wastewater treatment, disposal or reclamation facilities	X		
17	Windmills (exceeding height limit of zone) (Subject to 21.42.140.B.160)		2	
18	Wireless communications facilities (Subject to Sec. 21.42.140.165) (defined: Sec. 21.04.379)		1/2	
19	Zoos (private) (Subject to Sec. 21.42.140.B.170) (defined: Sec. 21.04.400)		2	
20	Notes:			
21	1. Providing there shall not be permitted any use which creates noxious gas or odor, excessive sound vibration or significant atmospheric pollution."			

SECTION XXVII: That Chapter 21.37 (RMHP Residential Mobile Home Park Zone) of the Carlsbad Municipal Code, Section 21.37.020 (Permitted uses) is amended to read as follows:

"21.37.020 Permitted Uses.

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.

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

C. A use similar to those listed in Table A may be permitted if the Planning Director determines such similar use falls within the intent and purposes of the zone, and is substantially similar to the specified permitted uses.

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TABLE A
PERMITTED USES

In the table, below, subject to all applicable permitting and development requirements of the Municipal Code:

- "P" indicates use is permitted
- "CUP" indicates use is permitted with approval of a conditional use permit.
 - 1 = Administrative hearing process
 - 2 = Planning Commission hearing process
 - 3 = City Council hearing process
- "Acc" indicates use is permitted as an accessory use.

USE	P	CUP	Acc
Aquaculture (defined: Sec. 21.04.036)		2	
Animal keeping (household pets) (Subject to Section 21.53.084)			X
Animal keeping (wild animals) (Subject to Section 21.53.085)			X
Biological habitat preserve (Subject to Sec. 21.42.140.B.30) (defined: Sec. 21.04.048)		2	
Buildings incidental to a mobile home park (ex. recreational buildings, laundry facilities, etc.)			X
Campsites (overnight) (Subject to Sec. 21.42.140.B.40)		2	
Cemeteries		3	
Churches, synagogues, temples, convents, monasteries, and other places of worship		2	
Educational institutions or schools, public/private (defined: Sec. 21.04.140)		2	
Family day care home (large) (Subject to Chapter 21.83 (defined: Section 21.04.147)			X
Family day care home (small) (Subject to Chapter 21.83 (defined: Section 21.04.148)			X
Golf courses		2	
Greenhouses > 2,000 square feet (Subject to Sec. 21.42.140.B.70)		1	
Home occupation (Subject to Section 21.10.040)			X
Mobile buildings (Subject to Sec. 21.42.140.B.90) (defined Section 21.04.265)		2	
Mobile home accessory structures (defined: Section 21.04.267)			X
Mobile home parks (See note 2, below)	X		
Packing/sorting sheds > 600 square feet (Subject to Sec. 21.42.140.B.70).		1	
Public/quasi-public buildings and facilities and accessory utility buildings/facilities (defined: Sec. 21.04.297)		2	
Satellite TV antennae (Subject to Sections 21.53.130--21.53.150) (defined: Section 21.04.302)			X
Signs, subject to Chapter 21.41 (defined: Section 21.04.305)			X
Temporary building/trailer (real estate or construction) (Subject to Sections 21.53.090 and 21.53.110)	X		
Wireless communications facilities (Subject to Sec. 21.42.140.165) (defined: Sec. 21.04.379)		1 / 2	

Zoos (private) (Subject to Sec. 21.42.140.B.170) (defined: Sec. 21.04.400)	2
Notes:	
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."	

SECTION XXVIII: That Chapter 21.39 (L-C Limited Control Zone) of the Carlsbad Municipal Code, Section 21.39.020 (Permitted uses) is amended to read as follows:

"21.39.020 Permitted Uses.

A. In an L-C 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 in this chapter, and subject to the provisions of Chapter 21.44 governing off-street parking requirements.

B. A use similar to those listed in Table A may be permitted if the Planning Director determines such similar use falls within the intent and purposes of this zone, and is substantially similar to the specified permitted uses.

C. A use category may be general in nature, where more than one particular use fits into the general category (ex: in some commercial zones "office" is a general use category that applies to various office uses). However, if a particular use is permitted by conditional use permit in another zone, the use shall not be permitted in this Limited Control Zone (even under a general use category) unless it is specifically listed in Table A of this Chapter as permitted.

TABLE A
PERMITTED USES

In the table, below, subject to all applicable permitting and development requirements of the Municipal Code:

- "P" indicates use is permitted
- "CUP" indicates use is permitted with approval of a conditional use permit.
 - 1 = Administrative hearing process
 - 2 = Planning Commission hearing process
 - 3 = City Council hearing process
- "Acc" indicates use is permitted as an accessory use.

USE	P	CUP	Acc
Animals and poultry – small (less than 25) (See note 2)	X		
Cattle, sheep, goats, and swine production (See note 3)	X		
Crop production	X		
Family day care home (large and small) (Subject to Ch 21.83 of this Title)	X		
Floriculture	X		
Greenhouses, less than 2,000 square feet)	X		
Horses, private use	X		
Nursery crop production	X		

1	Other uses or enterprises similar to the above customarily carried on in the field of agriculture	X		
2	Produce stand for display and sale of products produced on the same premises (See note 4)	X		
3	Tree farms	X		
4	Truck farms	X		
5	Notes:			
6	1. Farm worker housing: Provided the number of units shall not exceed two per gross acre of land area and no such housing is located closer than fifty feet from any lot line.			
7	2. Small animals and poultry: Provided that not more than twenty-five of any one or combination thereof shall be kept within fifty feet of any habitable structure, nor shall they be located within three hundred feet of a habitable structure on an adjoining parcel zoned for residential uses, nor shall they be located within one hundred feet of a parcel zoned for residential uses when a habitable structure is not involved. In any event, the distance from the parcel zoned for residential uses shall be the greater of the distances so indicated.			
8	3. Cattle, small animals, etc: Provided that the number of any one or combination of said animals shall not exceed one animal per half acres of lot area. Said animals shall not be located within fifty feet of any habitable structure, nor shall they be located within three hundred feet of a habitable structure on an adjoining parcel zoned for residential uses, nor shall they be located within one hundred feet of a parcel zoned for residential uses when a habitable structure is not involved. In any event, the distance from the parcel zoned for residential uses shall be the greater of the distances so indicated.			
9	4. Produce stands: Provided that the floor area shall not exceed two hundred square feet and is located not nearer than twenty feet to any street or highway.			
10	5. Accessory uses/ structures: Include but are not limited to: private garages, children's playhouses, radio and television receiving antennas, windmills, silos, tank houses, shops, barns, offices, coops, lath houses, stables, pens, corrals, and other similar accessory uses and structures required for the conduct of the permitted uses.			
11	6. Mobile home: Certified under the National Mobile home 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."			

SECTION XXIX: That Chapter 21.31 (C-L Local Shopping Center Zone) of the Carlsbad Municipal Code, Section 21.31.30 (Permitted Uses) is amended to read as follows:

"21.31.030 Permitted uses.

A. In the C-L zone only the uses listed in Table A, below, shall be permitted, subject to the requirements and development standards specified by this chapter.

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.

C. A use similar to those listed in Table A may be permitted if the Planning Director determines such similar use falls within the intent and purposes of this zone, and is substantially similar to the specified permitted uses.

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 another zone, the use shall not be permitted in this C-L zone (even under a general use category) unless it is specifically listed in Table A of this Chapter as permitted or conditionally permitted.

TABLE A
USES PERMITTED IN THE C-L Zone

In the table, below, subject to all applicable permitting and development requirements of the Municipal Code:

- "P" indicates the use is permitted.
- "CUP" indicates that the use is permitted with approval of a conditional use permit.

USE	P	CUP	ACC
Accessory buildings/structures, which are customarily appurtenant to a permitted use (ex: incidental storage facilities (See note 1, below) (defined: Sec. 21.04.020)			X
Adult and/or senior daycare and/or recreation facility (private or non-private)		2	
Agricultural farm worker housing (temporary) (Subject to 21.42.104.B.145)		3	
Alcoholic treatment center		2	
All uses permitted in Chapter 21.25 not otherwise listed herein (CF- Community Facilities Zone)		2	
Arcades - coin operated (Subject to Section 21.42.140.B.015) (defined: Sec. 21.04.091)		1	
Athletic clubs, gymnasiums, and health clubs	X		
Bars, cocktail lounges (Subject to Section 21.42.140.B.020) (defined: Sec. 21.04.041)		2	
Biological habitat preserve (Subject to Sec. 21.42.140.B.030) (defined: Sec. 21.04.048)		2	
Bowling alley (Subject to Section 21.42.140.B.035) (defined: Sec. 21.04.057)		2	
Car wash (Subject to Section 21.42.140.B.045)		2	
Child day care centers (Subject to Chapter 21.83) (defined: Sec: 21.04.086)	X		
Clubs - non-profit; business, civic, professional, etc. (defined: Sec. 21.04.090)		2	
Drive-through facilities (non restaurant)		2	
Drug Paraphernalia store (subject to Section 21.42.140.B.55)		3	
Educational facilities, other (defined: Sec. 21.04.137 (See note 2, below)	X		
Escort service (Subject to Sec. 21.42.140.B.60)		3	
Gas stations (Subject to Section 21.42.140.B.065.)		2	
Greenhouses > 2,000 square feet (Subject to Sec. 21.42.140.B.070)		1	
Kiosks, vending carts, and push carts (see Note 1, below)			X
Liquor store (Subject to Sec. 21.42.140.B.085) (defined: Sec 21.04.203)		2	
Manufacturing/fabrication of goods (ancillary) (Subject to Section 21.31.070) (see Note 1, below)			X
Medical uses (excluding hospitals), including offices for medical practitioners, clinics, incidental laboratories, and pharmacies (prescription only)	X		
Mobile buildings (Subject to Section 21.42.140.B.090) (defined Section 21.04.265)		2	
News/magazine stands (see Note 1, below)			X
Nightclubs, dance clubs, and other establishments that play live or recorded music or make regular use of amplified		2	

1	sound.			
2	Office uses, that provide services directly to consumers, including, but not limited to, banking, financial, insurance, and real estate services, (See note 3, below)	X		
3	Outdoor dining (incidental) (Subject to Section 21.26.013)			X
4	Outdoor sales of seasonal agricultural goods (Christmas trees, pumpkins, and similar products) (Subject to Section 21.31.080(L) (See note 1, below)			X
5	Packing/sorting sheds > 600 square feet (Subject to Sec. 21.42.140.B.070)		1	
6	Pet shops/pet supplies	X		
7	Plant nurseries and nursery supply		1	
8	Pool halls, billiard parlors (Subject to Section 21.42.104.B.110) (defined: Sec. 21.04.292)		2	
9	Public meeting halls, exhibit halls, and museums		2	
10	Public/quasi-public buildings and facilities and accessory utility buildings/ facilities (defined: Sec. 21.04.297)		2	
11	Radio/television/microwave/broadcast station/tower		2	
12	Recycling collection facilities, large (Subject to Chapter 21.105 of this Title) (defined: Sec. 21.105.015)		2	
13	Recycling facilities, small (collection, temporary storage) (Subject to Chapter 21.105 of this Title. See also Section 21.31.080 of this Chapter) (defined: Sec. 21.105.015)		1	
14	Recycling, reverse vending machine (Subject to Chapter 21.105 of this Title. See also Section 21.31.080 of this Chapter) (defined: Section 21.105.025) (see Note 1, below)			X
15	Religious reading room (separate from church)		1	
16	Residential uses located above the ground floor of a multi-story, commercial building (subject to Section 21.42.140.B.130)		2	
17	Restaurants, cafés, and coffee shops, including take-out only service (no drive-through)	X		
18	Retail uses that provide goods sold directly to consumers, and focusing on the needs of the local neighborhood, including sales of liquor (See Note 4, below)	X		
19	Satellite television antennas (Subject to Sections 21.53.130 through 21.53.150)	X		
20	Services, provided directly to consumers, and focusing on the needs of the local neighborhood, including, but not limited to, personal grooming, dry cleaning, and tailoring services.	X		
21	Signs (Subject to Chapter 21.41 of this Title)			X
22	Temporary building/trailer (construction) (Subject to Section 21.53.110)	X		
23	Theaters (motion picture or live) – indoor		2	
24	Theaters, stages, amphitheaters – outdoor		2	
25	Veterinary clinic/animal hospital (small animals) (defined: Sec. 21.04.378)		1	
26	Wireless communications facilities (Subject to Sec. 21.42.140.165) (defined: Sec. 21.04.379)		1/2	

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Notes:

1. Accessory buildings and structures and ancillary uses shall be developed as an integral part of a permitted use within or on the same structure or parcel of land.
2. Educational facilities/schools. No individual school shall occupy more than 10,000 sq. ft. of gross leaseable floor area within any local shopping center.
3. Offices. The total floor area of an office uses shall not exceed 40% of the gross leaseable floor area within any local shopping center.
4. Retail sales may also include those types of goods and services that are typically offered by "community" retail establishments, when "community" retail establishments are included in the local shopping center, subject to the definition of a local shopping center, Section 21.31.020, and the function of the Local Shopping Center land use class as described in the Carlsbad General Plan."

SECTION XXX: That Chapter 21.100 (T-C Transportation Corridor Zone) of the Carlsbad Municipal Code, Section 21.100.030 is repealed, and Section 21.100.020 is amended to read as follows:

21.100.020 Permitted Uses.

A. In a T-C 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.

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

C. A use similar to those listed in Table A may be permitted if the Planning Director determines such similar use falls within the intent and purposes of the zone, and is substantially similar to the specified permitted uses.

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 "office" is a general use category that applies to various office uses). However, if a particular use is permitted by conditional use permit in another zone, the use shall not be permitted in this T-C Zone (even under a general use category) unless it is specifically listed in Table A of this Chapter as permitted or conditionally permitted.

TABLE A
PERMITTED USES

In the table, below, subject to all applicable permitting and development requirements of the Municipal Code:

- "P" indicates use is permitted
- "CUP" indicates use is permitted with approval of a conditional use permit.
 - 1 = Administrative hearing process
 - 2 = Planning Commission hearing process
 - 3 = City Council hearing process
- "Acc" indicates use is permitted as an accessory use.

USE	P	CUP	Acc
Agriculture (See note 2 below)	X		
Light-rail transit related facilities (See note 1 below)	X		
Parking lots		2	
Public streets. (Ord. 9818 § 1 (part), 1986)	X		
Railroad museum		2	
Railroad tracks and related facilities	X		

1	Recreational facilities (public) (See note 3 below)	X		
2	Recreation use open to the public (See note 4 below)		2	
3	Signs, except for billboards, subject to the provisions of Chapter 21.41	X		
4	Notes:			
5	1. Consisting of: (A) Tracks, (B) Energy transmission facilities, including rights-of-way and pressure control or booster stations for gasoline, electricity, natural gas, synthetic natural gas, oil or other forms of energy sources, (C) Maintenance/repair facilities, (D) Stations;			
6	2. Only the following agricultural uses, and buildings accessory to such agricultural uses, are permitted in the T-C zone: (A) Field and seed crops, (B) Truck crops, (C) Horticultural crops, (D) Orchards and vineyards, (E) Tree farms, (F) Fallow lands;			
7	3. Limited to: (A) Passive open space, (B) Bicycle paths, (C) Pedestrian trails;			
8	4. Tennis courts, picnic areas and similar temporary uses."			

SECTION XXXI: That Chapter 21.04 of the Carlsbad Municipal Code is amended by the addition of Section 21.04.379 to read as follows:

"21.04.379 Wireless communication facility.

"Wireless communication facility" means any component, including antennas and all related equipment, buildings, and improvements for the provision of personal wireless services defined by the Federal Telecommunications Act of 1996 and as subsequently amended. Personal wireless services include but are not limited to cellular, personal communication services (PCS), enhanced specialized mobile radio (ESMR), paging, ground based repeaters for satellite radio services, micro-cell antennae and similar systems which exhibit technological characteristics similar to them."

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1 SECTION XXXII: That the findings of the Planning Commission as set forth in
2 Planning Resolution 5959 constitute the findings of the City Council.

3 EFFECTIVE DATE: This ordinance shall be effective thirty days after its
4 adoption, and the City Clerk shall certify to the adoption of this ordinance and cause it to be
5 published at least once in a publication of general circulation in the City of Carlsbad within
6 fifteen days after its adoption. *(Notwithstanding the preceding, this ordinance shall not be*
7 *effective within the City's Coastal Zone until approved by the California Coastal Commission.)*

8 INTRODUCED AND FIRST READ at a regular meeting of the Carlsbad City
9 Council on the 14TH day of February 2006, and thereafter.

10 PASSED AND ADOPTED at a regular meeting of the City Council of the City of
11 Carlsbad on the 21st day of February 2006, by the following vote, to wit:

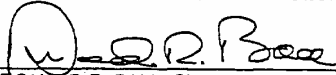
12 AYES: Council Members Hall, Kulchin, Packard, Sigafosse

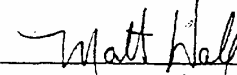
13 NOES: None

14 ABSENT: Mayor Lewis

15 ABSTAIN: None

16
17 APPROVED AS TO FORM AND LEGALITY

18 
19 _____
20 RONALD R. BALL, City Attorney
21 2/22/06

22 
23 _____
24 MATT HALL, Mayor Pro-Tem

25 ATTEST:

26 
27 _____
28 LORRAINE M. WOOD, City Clerk



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