

CALIFORNIA COASTAL COMMISSION

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



W30a

LCP-6-OCN-18-0069-2 (BASE ZONE DISTRICTS)

JULY 10, 2019

EXHIBITS

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- Exhibit 1 – Resolution No. 2018-P26
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RESOLUTION NO. 18-R0395-1

A RESOLUTION OF THE CITY COUNCIL AND COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF OCEANSIDE AMENDING THE LOCAL COASTAL PROGRAM BY REPEALING ARTICLES 5, 7, 8, 10, 11, 12, 14, 14.5, 17, 32, 34, 40 AND 41 OF THE 1986 ZONING ORDINANCE AMENDING ARTICLES 10, 11, 13, 30 AND 41 OF THE COMPREHENSIVE ZONING ORDINANCE AND REQUESTING CALIFORNIA COASTAL COMMISSION CERTIFICATION OF ARTICLES 10C, 11C, 13C, 30 AND 41 AS PART OF THE LOCAL COASTAL PROGRAM

(City of Oceanside --Applicant)

(LCPA16-00005)

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

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

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

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

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

WHEREAS, the Planning Division has prepared recommendations for text amendments in order to consolidate applicable 1986 Zoning Ordinance standards for

EXHIBIT NO. 1

Resolution



Oceanside LCP-6-OCN-18-0069-2
California Coastal Commission

1 industrial base zoning districts as well as administrative procedures within the City's updated
2 Zoning Ordinance and establish Zoning Ordinance Articles 10C, 11C, 13C, 30 and 41 as part of
3 the Implementation Plan of the LCP; (ZA16-00008, LCPA16-00005); and

4
5 WHEREAS, on May 21, 2018 and June 11, 2018, the Planning Commission conducted
6 duly-noticed public hearings as prescribed by law and recommended City Council approval of
7 said zoning ordinance text amendment and Local Coastal Program amendment by unanimous
8 vote; and

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

13 WHEREAS, the City Council and Community Development Commission conducted a
14 joint duly-noticed public hearing on August 8, 2018, to consider Zone Amendment (ZA16-
15 00008) and Local Coastal Program Amendment (LCPA16-00005), and the recommendation of
16 the Planning Commission thereon, and heard and considered written and oral testimony
17 regarding the proposed amendments; and

18 WHEREAS, based upon such evidence, testimony and staff reports, this Council finds
19 that the Local Coastal Program Amendment (LCPA16-00005) conforms with and is adequate to
20 carry out the land use plan of the Local Coastal Program.

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

- 23 1. Pursuant to Public Resources Code §30510(a), the Oceanside City Council hereby
24 certifies that the Local Coastal Program Amendment (LCPA16-00005) is intended to be
25 carried out in a manner fully in conformity with the Coastal Act, and is hereby adopted.
- 26 2. Pursuant to the California Environmental Quality Act of 1970, and the State Guidelines
27 thereto amended to date, a Notice of Exemption has been issued for the project by the
28 Resource Officer for the City of Oceanside.
- 29 3. Pursuant to Coastal Commission Local Coastal Program Regulations §13551(b), this

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

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

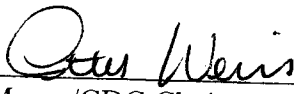
PASSED AND ADOPTED by the Oceanside City Council/Community Development Commission this 8 day of August, 2018, by the following vote:

AYES: Weiss, Feller, Kern, Lowery

NAYS: Sanchez

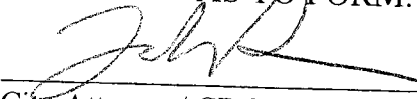
ABSENT: None

ABSTAIN: None



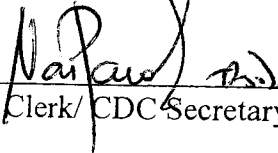
Mayor/CDC Chair of the City of Oceanside

APPROVED AS TO FORM:



City Attorney/ CDC General Counsel

ATTEST:



City Clerk/ CDC Secretary

RECEIVED
SEP 11 2018
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

ORDINANCE NO. 18-OR0424-1

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE REPEALING ARTICLES 5, 7, 8, 10, 11, 12, 14, 14.5, 17, 32, 34, 40, 41 OF THE 1986 ZONING ORDINANCE AND AMENDING ARTICLES 10, 11, 13, 30 AND 41 AND ADDING ARTICLES 10C, 11C, 13C TO THE COMPREHENSIVE ZONING ORDINANCE

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

WHEREAS, the Planning Division has prepared recommendations for text amendments to the 1992 Oceanside Zoning Ordinance (ZA16-00008) in order to consolidate applicable 1986 Zoning Ordinance standards for residential, commercial and industrial base zoning districts as well as administrative procedures within the City's updated Zoning Ordinance and establish Zoning Ordinance Articles 10C, 11C, 13C, 30 and 41 as part of the Implementation Plan of the Local Coastal Program (LCP) upon certification of (LCPA16-00005) by the California Coastal Commission; and

WHEREAS, on May 21, 2018 and June 11, 2018, the Planning Commission conducted duly-noticed public hearings as prescribed by law and recommended City Council approval of said zoning ordinance text amendments by unanimous vote; and

WHEREAS, the City Council conducted a duly-noticed public hearing on August 8, 2018, to consider Zone Amendment ZA16-00008, and the recommendation of the Planning Commission thereon, and heard and considered written and oral testimony regarding the proposed Zone Amendment; and

WHEREAS, based upon such evidence, testimony and staff reports, this Council finds that Zone Amendment ZA16-00008 conforms to the General Plan and Local Coastal Program of the City of Oceanside; and

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

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

EXHIBIT NO. 2

Ordinance



Oceanside LCP-6-OCN-18-0069-2
California Coastal Commission

1 **SECTION 1.** Zone Amendment (ZA16-00008), repealing articles 5, 7, 8, 10, 11, 12,
2 14, 14.5, 17, 32, 34, 40 and 41 of the 1986 Zoning Ordinance and amending Articles 10, 11, 13,
3 30 and 41 of the Comprehensive Zoning Ordinance in order to establish Articles 10C, 11C, 13C
4 and 41 as part of the Implementation Plan of the City's Local Coastal Program, as specified in
5 Exhibit A and B, is hereby adopted.

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

9 **SECTION 3.** Severability.

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

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

8 **SECTION 5.** For properties within the Coastal Zone, this ordinance shall be effective
9 upon certification of Local Coastal Plan Amendment (LCPA16-00005) by the California Coastal
0 Commission. Development proposals "in the pipeline" with complete application submittals
1 shall not be subject to the amended zoning regulations unless re-filed as new project applications
2 after the effective date of the ordinance. For properties outside of the Coastal Zone, this
3 ordinance shall be effective 30 days after its adoption.

4 INTRODUCED at a regular meeting of the City Council of the City of Oceanside,
5 California, held on the 8 day of August , 2018, and, thereafter,

6 ///

7 ///

8 ///

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ARTICLE 5R-1 SINGLE FAMILY RESIDENTIAL ZONE (R-1 ZONE)

Section 500: PURPOSE. The purpose of a Single Family Residential Zone is to classify and set standards for the orderly development of single family residences in a manner that will be compatible with surrounding properties and the protection of their values.

Section 501: GENERAL CRITERIA. The following general criteria are hereby established for use in the classification or reclassification of land to the R-1 Zone:

- (a) General Plan — Compliance with the General Plan shall be established.
- (b) Location — Single family residential areas shall be located with primary access on a public street.
- (c) Need — A demonstrated public need shall be established.
- (d) Public Services — The existing public services such as schools, police, and fire protection shall be available or adequate alternatives shall be provided to insure availability of those services upon occupancy.
- (e) Utilities — The existing utility system (water, sewer, drainage, electrical, gas and communications facilities) are adequate or new systems shall be constructed to adequately serve single family residential developments.

Section 502: PERMITTED USES. In a R-1 zone the following uses only are permitted, and as hereinafter specifically provided and allowed by this Article subject to the provisions of Article 27 governing off-street parking requirements.

- (1) One family dwellings.
- (2) Accessory buildings and structures, including private garages, to accommodate not more than four cars.
- (3) Fruit trees, nut trees, vines and other horticultural stock.
- (4) Agricultural crops.



- ~~(5) The renting of not more than two (2) rooms to not more than four (4) persons, or providing of table board to not more than four (4) boarders, or both, but not to exceed a total of four (4) in any combination thereof.~~
- ~~(6) Horses under the following conditions:~~
- ~~(a) No horse shall be maintained on a lot or parcel containing less than ten thousand square feet of area.~~
 - ~~(b) Not more than two horses may be maintained on a lot or parcel containing less than one and one-half acres nor more than four horses on lots or parcels containing less than four acres but more than one and one-half acres. Lots containing more than four acres in area shall be permitted two horses per acre.~~
 - ~~(c) No stall or barn shall be kept or maintained within forty feet of any window or door of any building used for human habitation nor within forty feet of any portion of a required yard space on adjoining property if such property is devoted to a use other than agriculture.~~
- ~~(7) A two family dwelling when the lot upon which it is located has a side line abutting a lot or lots zoned R-3, O-P, R-T, C-1, C-2, or F, but in no case shall the property used for such two family dwelling consist of more than one lot nor be more than ninety (90) feet in width, whichever is the least.~~
- ~~(8) Maintaining of a mail and telephone address for commercial and business licensing purposes. This shall not be construed as allowing the active conduct of a business or trade within the residential zone.~~
- ~~(9) Additional uses may be permitted as contained in Article 15 subject to the issuance of a Conditional Use Permit.~~
- ~~(10) Zero lot line development, including "twin homes" and patio homes only in R-1-6,000 zones, subject to the development standards contained in Section 513 and the approval of a Development Plan in accordance with Article 16.~~

~~Section 503: DENSITY — LOT AREA PER DWELLING UNIT. All dwelling units in the R-1 Zone shall have a minimum lot area per~~

~~dwelling unit of not less than 6,000 square feet. Notwithstanding the R-1 base density allowance established in Section 313(4), for purposes of determining inclusionary housing standards for development in the R-1 zone, the base density allowance in the R-1 zone shall be one dwelling unit per 12,100 square feet of lot area (i.e. 3.6 dwelling units per acre).~~

~~Section 504: FRONT YARD. See Section 1701.~~

~~Section 505: SIDE YARDS. See Section 1702.~~

~~Section 506: REAR YARD. See Section 1703.~~

~~Section 507: LOT SIZE. See Section 1704.~~

~~Section 508: LOT WIDTH. See Section 1706.~~

~~Section 509: MAXIMUM LOT COVERAGE. See Section 1707.~~

~~Section 510: LOT DEPTH. See Section 1708.~~

~~Section 511: HEIGHT. See Section 1709.~~

~~Section 512: PLACEMENT OF BUILDINGS. See Section 1710.~~

~~Section 513: STANDARDS FOR ZERO LOT DEVELOPMENT (including Patio and "Twin" homes). The purpose of this section is to provide a housing alternative to the conventional single family home and condominium project for retirement-oriented communities. Provisions of small lot units throughout the City in areas already containing the full range of urban services will provide this alternative at an affordable price and with the necessary outdoor living space for this segment of the housing market.~~

- ~~(1) Front Yard: No front yard setback shall be less than ten (10) feet. In all cases where the garage is designed so that the entrance is straight in from the street, the minimum setback for the garage is twenty feet.~~
- ~~(2) Side Yard: No side yard requirements shall be required provided that at least ten feet are left between structures. On corner lots the side street setback shall be at least ten feet.~~
- ~~(3) Rear Yard: A rear yard setback of at least fifteen feet shall be provided except that an open patio awning will be permitted to be constructed to within ten feet of the rear property line.~~

- ~~(4) Lot Size: No lot shall contain less than 3,500 square feet. On hilly terrain the area may be reduced to 3,200 square feet, however, no lot shall contain less than 3,000 square feet of level pad area.~~
- ~~(5) Lot Width: No lot shall contain less than forty feet of lot frontage. On cul-de-sac lots, the forty feet width must be achieved at a distance within the front yard setback.~~
- ~~(6) Lot Coverage: The maximum lot coverage on any lot shall not exceed 50 percent.~~
- ~~(7) Lot Depth: The minimum lot depth shall not be less than eighty (80) feet.~~
- ~~(8) Density: The maximum density permitted shall not exceed the density as indicated on the Land Use Element of the General Plan.~~
- ~~(9) Location: Projects established under this section shall generally be located in areas already experiencing urban development. The location must be served by the full range of public and urban facilities (transit, police and fire protection, water and sewer facilities, shopping, etc.). Sites located in undeveloped areas will be discouraged. Such projects located in the immediate area of other such projects developed under this section will also be discouraged in order to maintain a reasonable intensity of development and alternate housing choices in any given area.~~
- ~~(10) Off-Street Parking Requirements: A one-car garage with a minimum inside area of 240 square feet.~~
- ~~(11) Elevations: All developments using this section shall provide elevations of substantial variations to include a mixture of roof lines and exterior material.~~
- ~~(12) Park Land Development: Each development shall be required to provide and improve park land or pay in-lieu fees to the City at 1.25 times the standards established in the Subdivision Ordinance. The option of paying in-lieu fees shall be solely at the discretion of the Planning Commission. All units built under this section shall be defined as single family units for the purpose of computing this requirement. Improvement of the park land shall be~~

~~approved by the Parks and Recreation Commission. Complete landscaping and irrigation will be required. Minimum improvements must be no less in value than the corresponding in-lieu fees. An estimate of costs must be submitted with the development plan.~~

~~(13) Park Land Maintenance: Park land shall either be owned and maintained by a homeowners' association or dedicated and maintained by the City through a park maintenance district. Such district must be formed prior to the sale of any units in the development.~~

~~(14) Conditions, Covenants and Restrictions: Any project developed under this section shall be required to submit C.C.&R's to the Planning Commission for review and the City Attorney for approval. Such C.C.&R's shall address exterior maintenance, protection of views, construction and material of accessory structures, age limits of occupants, number of occupants per building and other matters as deemed necessary by the developer and/or Planning Commission. Provision shall be made for a homeowners' association to enforce such C.C.&R's.~~

~~(15) Procedures: Subdividers choosing to use this section shall be required to file a development plan in accordance with Section 1611 of the Zoning Ordinance.~~

~~The development plan herein required shall be submitted and processed in accordance with provisions of Article 20 of the Zoning Ordinance. The approval of such development plan does not exempt a development from any provision of the Subdivision Ordinance of the City of Oceanside, nor does such a plan become a substitute for either a tentative or final map of a subdivision.~~

~~The provisions of this section are to offer an alternate procedure by which zoning standards, other than usage, may be made applicable to new subdivisions. The acceptance of an plan following the procedures and standards incorporated herein shall be discretionary with the Planning Commission.~~

ARTICLE 7R-3 — MEDIUM DENSITY RESIDENTIAL ZONE (R-3 ZONE)

~~Section 700: PURPOSE. The purpose of the Medium Density Residential (R-3) Zone is to classify and set standards for the orderly development of multiple family residences in a manner that will be compatible with surrounding properties and the protection of their values. It is intended that this zone be used adjacent to major or secondary street, shopping areas, or other intense uses.~~

~~Section 701: GENERAL CRITERIA. The following general criteria are hereby established for use in the classification or reclassification of land to Medium Density Residential Zone (R-3):~~

- ~~(a) General Plan — Compliance with the General Plan shall be established.~~
- ~~(b) Location — Medium density residential areas shall be located with primary access to a major or secondary street as shown on the Major Street Plan having a pavement width of not less than 56 feet unless specifically exempted by the Planning Commission and/or City Council.~~
- ~~(c) Need — A demonstrated public need shall be established.~~
- ~~(d) Public Services — The existing public services such as schools, police, and fire protection must be available or adequate alternatives shall be provided to insure availability of these services to residents upon occupancy.~~
- ~~(e) Utilities — The existing utility system (water, sewer, drainage, electrical, gas and communications facilities) are adequate or new systems shall be constructed to adequately serve medium density residential developments.~~
- ~~(f) All projects, with the exception of a single family dwelling or a two-family dwelling, must file a Development Plan pursuant to the provisions of Article 16, Section 1611 of this ordinance.~~

~~Section 702: PERMITTED USES. In the R-3 Zone only the following uses are permitted and as hereinafter specifically provided and allowed by this Article, subject to the off-street parking provisions of Article 27 governing these requirements.~~

- ~~(1) Any use permitted in the R-2 Zone.~~
- ~~(2) Group houses.~~
- ~~(3) Apartment projects up to 19 units.~~
- ~~(4) Rest homes.~~
- ~~(5) A public parking area when developed under appropriate provisions of Article 27 where the lot on which it is located abuts upon lots zoned for commercial or industrial purposes.~~
- ~~(6) Additional uses may be permitted as contained in Article 15 subject to the issuance of a conditional use permit.~~

~~Section 703: DENSITY LOT AREA PER DWELLING UNIT. The minimum lot area per dwelling unit in the R-3 zone shall be as follows:~~

- ~~(1) For those lots located on the west side of Interstate 5, the minimum lot area per dwelling unit shall be 1,000 square feet.~~
- ~~(2) For those lots located on the east side of Interstate 5, the minimum lot area per dwelling unit shall be no less than 1,500 square feet.~~
- ~~(3) Notwithstanding the R-3 base density allowance established in Section 313(4), for purposes of determining inclusionary housing standards for development in the R-3 zone, the following base density allowances shall apply:
 - ~~a. R-3 properties located on the west side of Interstate 5 shall have a base density allowance of one (1) dwelling unit per 1,500 square feet of lot area (i.e., 29 dwelling units per acre).~~
 - ~~b. R-3 properties located on the east side of Interstate 5 shall have a base density allowance of one (1) dwelling unit per 2,900 square feet of lot area (i.e., 15 dwelling units per acre).~~~~

~~Section 704: FRONT YARD. See Section 1701.~~

~~Section 705: SIDE YARDS. See Section 1702.~~

~~Section 706: REAR YARD. See Section 1703.~~

~~Section 707: LOT SIZE. See Section 1704.~~

~~Section 708: LOT WIDTH. See Section 1706.~~

~~Section 709: MAXIMUM LOT COVERAGE. See Section 1707.~~

~~Section 710: LOT DEPTH. See Section 1708.~~

~~Section 711: HEIGHT. See Section 1709.~~

~~Section 712: PLACEMENT OF BUILDING. See Section 1710.~~

~~Section 713: LANDSCAPING. See Section 1731.~~

~~Section 714: LANDSCAPING MAINTENANCE STANDARDS. See Section 1732.~~

~~Section 715: (Deleted by Ordinance No. 84-05)~~

ARTICLE 8~~O-P OFFICE PROFESSIONAL ZONE (O-P ZONE)~~

~~Section 800: PURPOSE. The purpose of the Office Professional (O-P) Zone is to classify and set standards for those businesses, office, administrative, or professional land uses which by their nature are of relative low intensity and, therefore, when properly located and designed are compatible with adjacent residential zoning and the development therein.~~

~~Section 801: GENERAL CRITERIA. The following general criteria are hereby established for use in the classification or reclassification of land to the O-P Zone:~~

- ~~(a) General Plan — Compliance with the General Plan shall be established.~~
- ~~(b) Location — Office Professional uses shall be located with primary access to an arterial, major or collector street as shown on the Major Street Plan.~~
- ~~(c) Need — A demonstrated public need shall be established.~~
- ~~(d) Utilities — The existing utility system (water, sewer, drainage, electrical, gas and communications facilities) are adequate or new systems shall be constructed to adequately serve office-professional developments.~~
- ~~(e) Development Plans. Before development of an O-P zoned land, a development plan shall be filed with and approved by the Planning Commission pursuant to provisions of Article 16, Section 1611 governing Development Plans.~~

~~Section 802: PERMITTED USES. In an O-P Zone only the following uses are permitted as hereinafter specifically provided and allowed, subject to the provisions of Article 27 governing off-street parking requirements.~~

- ~~(1) The following professional services:~~
 - ~~(a) Accountants, attorneys, consultants.~~
 - ~~(b) Brokers, insurance agencies.~~

- ~~(c) Doctors, oculists, optometrists, chiropractors, and others practicing the healing arts for human beings.~~
- ~~(d) Engineers, architects, planners and real estate brokers.~~
- ~~(e) Banks, credit bureaus and collections agencies.~~
- ~~(f) Pharmacies (drug stores) and coffee shops as an appurtenant use to professional office buildings provided that such uses are located inside the main office building and further provided that such uses do not occupy more than 50 percent of the gross floor area of the floor on which they are located.~~
- ~~(g) Institutions of a philanthropic or eleemosynary nature, except correctional and mental.~~
- ~~(h) A public parking area when developed under appropriate provisions of Article 27 where the lots on which it is located abuts upon lots zoned for commercial or industrial purposes.~~
- ~~(i) Rest homes.~~
- ~~(j) Child care nurseries when there is provided on the lot, or adjacent to the premises, a single play lot not less than six hundred square feet in area plus an additional seventy five (75) square feet of area for each child in excess of nine. Such play lot shall not be located on any required front or side yard.~~
- ~~(k) Additional uses may be permitted as contained in Article 15 subject to the issuance of a conditional use permit.~~

~~Section 803: FRONT YARD. See Section 1701 (c).~~

~~Section 804: SIDE YARDS. See Section 1702 (c) (1).~~

~~Section 805: REAR YARD. See Section 1703.~~

~~Section 806: LOT SIZE. See Section 1704 (c).~~

~~Section 807: LOT WIDTH. See Section 1706 (f).~~

~~Section 808: PERMISSIBLE LOT COVERAGE. See Section 1707~~

~~(e).~~

~~Section 809: LOT DEPTH. See Section 1708.~~

~~Section 810: HEIGHT. See Section 1709.~~

~~Section 811: PLACEMENT OF BUILDINGS. See Section 1710.~~

~~Section 812: LANDSCAPING. See Section 1731.~~

~~Section 813: LANDSCAPING MAINTENANCE STANDARDS. See Section 1732.~~

~~Section 814: WALLS. See Section 1721 (e).~~

~~Section 815: (Deleted by Ordinance No. 84-05)~~

~~Section 816: ZONE TRANSFER. Notwithstanding any other provisions of this Ordinance, any property included in the Residential Professional Zone (R-P) are hereby transferred to and included in the Office Professional (O-P) Zone created and provided for in this Article.~~

ARTICLE 10~~C-1 - NEIGHBORHOOD COMMERCIAL ZONE (C-1 ZONE)~~

~~Section 1000: PURPOSE. The purposed of the Neighborhood Commercial (C-1) Zone is to classify and set standards for those retail and service commercial uses which by their nature are of moderate intensity, are necessary in order to provide convenient daily shopping facilities to residential home and apartment dwellers, and are generally adjacent to or within close proximity to residential zoning or development and, therefore, require extraordinary physical treatment in order to guarantee compatibility with and protection to surrounding properties and their values.~~

~~Section 1001: CRITERIA. The following general criteria are hereby established for use in the classification or reclassification of land to the Neighborhood Commercial zone:~~

- ~~(a) General Plan - Compliance with the General Plan shall be established.~~
- ~~(b) Location - Neighborhood commercial centers should serve several neighborhoods and be located with primary access to a major street, preferably at the intersection of a major and collector street or two major streets. Land so utilized should be topographically suited to such use without major earth movement, resulting in unsafe or unsightly cut or fill slopes.~~
- ~~(c) Need - A demonstrated public need shall be established within the general area.~~
- ~~(d) Site area - A minimum of two acres based upon the guide of one acre of neighborhood commercial for every 1,000 persons up to a maximum of ten acres. This criteria shall not apply to any parcel of land which is zoned C-1 on the effective date of this Ordinance.~~
- ~~(e) Utilities - The existing utility system (water, sewer, drainage, electrical, gas and communications facilities) are adequate or new systems will be constructed which will be adequate to serve a neighborhood commercial land use and shall be underground.~~

- ~~(f) Development Plan. Concurrent with an application for reclassification to the C-1 Neighborhood Commercial Zone, a Development Plan shall be filed with and approved by the Planning Commission pursuant to the provisions of Article 16, Section 1611 governing Development Plans.~~

~~Section 1002: PERMITTED USES. In a C-1 zone only the following uses are permitted subject to the provisions of Article 27 governing off-street parking requirements.~~

- ~~(1) Any use permitted in the O-P zone.~~
- ~~(2) Bakeries.~~
- ~~(3) Barber shops or beauty parlors.~~
- ~~(4) Book or stationery stores.~~
- ~~(5) Dress or millinery shops.~~
- ~~(6) Drug stores.~~
- ~~(7) Dry cleaning.~~
- ~~(8) Dry goods or notion stores.~~
- ~~(9) Florist shops.~~
- ~~(10) Grocery stores (except convenience food stores).~~
- ~~(11) Hardware stores.~~
- ~~(12) Jewelry stores.~~
- ~~(13) Meat markets or delicatessen stores.~~
- ~~(14) Restaurants full service with full alcohol, tea rooms, or cafes (excluding dancing or entertainment).~~
- ~~(15) Restaurants fast food.~~
- ~~(16) Shoe stores or repair stores.~~
- ~~(17) Tailors, clothing or wearing apparel shops.~~
- ~~(18) Similar establishments catering directly to consumers.~~
- ~~(19) Other uses may be permitted as contained in Article 15 subject to the issuance of a conditional use permit.~~

~~Section 1003: FRONT YARD. See Section 1701 (d).~~

~~Section 1004: SIDE YARDS. See Section 1702 (e).~~

~~Section 1005: REAR YARDS. See Section 1703 (e).~~

~~Section 1006: LOT SIZE. See Section 1704 (e).~~

~~Section 1007: HEIGHT. See Section 1709.~~

~~Section 1008: LANDSCAPING. See Section 1731.~~

~~Section 1009: LANDSCAPING MAINTENANCE STANDARDS. See Section 1732.~~

~~Section 1010: LIMITATIONS ON PERMITTED USES. Every use permitted shall be subject to the following conditions and limitations:~~

~~(1) The outdoor display of merchandise visible from a public right-of-way is expressly prohibited except for motor vehicles, boats, horticultural plants, lumber, promotional activities by nonprofit organizations, and equipment rental, subject to any other provision of this ordinance, or other regulations applicable to the conduct of such businesses. "Parking lot" sales as permitted by Section 1011 (16) and coin-operated news racks are excluded from this prohibition.~~

~~(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 therein.~~

~~(3) Storage shall be limited to accessory storage of commodities sold at retail on the premises.~~

~~(4) Where the property abuts properties in the R-1, R-2, R-3 or O-P zones, except where separated by a dedicated alley, there shall be erected and maintained along such property line a block, stone, brick, stucco, or concrete wall at least six feet in height. This provision shall be met before a certificate of occupancy permit may be issued by the Building Official.~~

~~(5) The showing of films, movies, video tapes, or any other mechanical reproduction of visual presentation for which a fee is charged either as an admission fee, a cover charge, or a minimum charge for other services rendered, is hereby expressly forbidden except in~~

~~those establishments duly authorized and licensed
under the ordinances of the City of Oceanside as
"Theatres".~~

~~Section 1011: (Deleted by Ordinance No. 84-05)~~

~~Section 1012: (Deleted by Ordinance No. 84-05)~~

ARTICLE 11C-2 - GENERAL COMMERCIAL (C-2 ZONE)

~~Section 1100: PURPOSE. The purposed of the General Commercial (C-2) Zone is to classify and set standards for retail and service commercial uses which by their nature are of relatively high intensity, are necessary to provide a wide range of shopping facilities and goods, professional and administrative offices, and entertainment establishments, and are generally within close proximity to residential zoning or development and, therefore, require a physical treatment which will guarantee compatibility with and protection to surrounding properties and their values.~~

~~Section 1101: GENERAL CRITERIA. The following general criteria are hereby established for consideration of the classification or reclassification of land to the C-2 zone:~~

- ~~(a) General Plan - Compliance with the General Plan shall be established.~~
- ~~(b) Location - General Commercial areas shall be located with primary access to a major or secondary street as shown on the Major Street Plan.~~
- ~~(c) Need - A demonstrated public need shall be established.~~
- ~~(d) Site area - A minimum of ten acres based upon the guide of three quarters (3/4) of an acre of General Commercial for every 1,000 persons up to a maximum of thirty acres. This provision shall not apply to those lots contiguous to existing commercial zoned areas not meeting this minimum site area requirement.~~
- ~~(e) Utilities - The existing utility system (water, sewer, drainage, electrical, gas and communications facilities) are adequate or new systems shall be constructed to adequately serve general commercial developments and shall be underground.~~
- ~~(f) Development Plan. Concurrent with an application for reclassification to the C-2 Commercial Zone, a development plan shall be filed with and approved by the Planning Commission pursuant to the provisions of Article 16, Section 1611, governing development plans.~~

~~For any parcels currently zoned C-2 on which no specific or development plan exists and said parcels contain two and one-half acres or more, a development plan must be approved by the Planning Commission pursuant to the provisions of Article 16, Section 1611, governing development plans prior to the issuance of building permits.~~

~~Section 1102: PERMITTED USES. In a C-2 zone the following uses are permitted subject to the provisions of Article 27 governing off-street parking requirements.~~

- ~~(1) Any use permitted in the C-1 zone.~~
- ~~(2) Automobile repairing.~~
- ~~(3) Restaurant Fast Food.~~
- ~~(4) Restaurants full service with full alcohol and live entertainment.~~
- ~~(5) Newspaper, printers.~~
- ~~(6) Photo engraving.~~
- ~~(7) Upholstering shops.~~
- ~~(8) Retail, wholesale or service businesses catering directly to the consumer.~~
- ~~(9) Frozen food lockers.~~
- ~~(10) Kennels/Vets provided all facilities shall be maintained inside an adequately soundproofed building.~~
- ~~(11) Any commercial use not listed in a less restrictive zoning district.~~
- ~~(12) Other uses may be permitted as contained in Article 41C 15 subject to the issuance of a conditional use permit.~~
- ~~(13) Tattooing establishments, subject to compliance with Article 36.~~

~~Section 1103: FRONT YARD. See Section 1701 (c).~~

~~Section 1104: SIDE YARDS. See Section 1702 (d).~~

~~Section 1105: REAR YARDS. See Section 1703 (b).~~

~~Section 1106: HEIGHT. See Section 1709.~~

~~Section 1107: LIMITATIONS ON PERMITTED USES. See Section 1010.~~

~~Section 1108: LANDSCAPING. See Section 1731.~~

~~Section 1109: LANDSCAPING MAINTENANCE STANDARDS. See Section 1732.~~

~~Section 1110: (Deleted by Ordinance No. 84-05)~~

~~Section 1111: (Deleted by Ordinance No. 84-05)~~

ARTICLE 12LIGHT INDUSTRIAL ZONE (M-1 ZONE)

~~Section 1200: PURPOSE. It is the purpose of the Light Industrial Zone to allow a wide diversity of industrial uses under minimum development and operational controls in areas where such uses will not have an adverse effect upon adjacent residential areas. The uses permitted are those generally regarded as "Light Industry", conducted primarily indoors, but which may require limited outdoor storage or assembly areas.~~

~~Section 1201: GENERAL CRITERIA. The following general criteria are hereby established for use in the classification or reclassification of land to the M-1 zone.~~

- ~~(a) General Plan - Compliance with the General Plan shall be established in accordance with Article 3, Section 313 of this ordinance.~~
- ~~(b) Location - Manufacturing areas shall be located with primary access to a major or secondary street as shown on the Major Street Plan.~~
- ~~(c) Utilities - The existing utility system (water, sewer, drainage, electrical, gas and communications facilities) must be adequate or new systems shall be constructed to adequately serve the proposed development.~~
- ~~(d) Development Plans - Before development of any M-1 zoned land, a development plan shall be filed with and approved by the Planning Commission pursuant to provisions of Article 16, Section 1611 governing development plans.~~

~~Section 1202: PERMITTED USES. Subject to the development standards of this Article and the provisions of Article 27 governing off-street parking requirements, industrial uses conducted primarily within a building may be permitted. Such uses include but are not limited to the following:~~

- ~~(1) Any use permitted in the I-P zone.~~
- ~~(2) Automobile painting. All painting, sanding and baking shall be conducted wholly within a building.~~
- ~~(3) Auction houses or stores.~~

- ~~(4) Bakeries.~~
- ~~(5) Body and fender works, including painting. All painting, sanding and baking shall be conducted wholly within a building.~~
- ~~(6) Bottling plants.~~
- ~~(7) Cabinet shops.~~
- ~~(8) Carpet cleaning plants.~~
- ~~(9) Cleaning and dyeing plants.~~
- ~~(10) Electric or neon sign manufacture.~~
- ~~(11) Electrical appliance assembly such as:
 - ~~(a) Electronic instruments and devices.~~
 - ~~(b) Radios and phonographs, including manufacture of small parts such as coils.~~~~
- ~~(12) Frozen food lockers.~~
- ~~(13) Fruit and vegetable canning preserving and freezing.~~
- ~~(14) Food products manufacture, storage and process of, except lard, pickie, sauerkraut, sausage or vinegar.~~
- ~~(15) Fruit packing houses.~~
- ~~(16) Furniture manufacturers.~~
- ~~(17) Garment manufacturers.~~
- ~~(18) Glass studios, staining, beveling, and silvering in connection with sale of mirrors and glass for decorating purposes.~~
- ~~(19) Laboratories, experimental, motion picture, testing.~~
- ~~(20) Laundries.~~
- ~~(21) Lumber yards (retail no planing mills or burners).~~
- ~~(22) Machine shops.~~
- ~~(23) Nurseries (retail).~~
- ~~(24) Parcel service delivery.~~
- ~~(25) Plastics, fabrication from.~~

- ~~(26) Plumbing shops, supply yards.~~
- ~~(27) Public scales.~~
- ~~(28) Rubber, fabrication of products made from finished rubber (having 15 employees or less).~~
- ~~(29) Sheet metal shops.~~
- ~~(30) Shoe manufacture.~~
- ~~(31) Soap manufacture (cold mix only).~~
- ~~(32) Textile manufacture.~~
- ~~(33) Veterinarians, small animal hospitals.~~
- ~~(34) Wholesale businesses, warehouses, storage buildings or enterprises.~~
- ~~(35) Equipment rental yards.~~
- ~~(36) Other uses may be permitted as contained in Article 15 subject to the issuance of a conditional use permit.~~

~~Section 1203: ACCESSORY USES. The following accessory uses are permitted only where they are integrated with and clearly incidental to a primary permitted use. All uses shall be conducted primarily within a building.~~

- ~~(a) Administrative, professional, educational offices and financial institutions.~~
- ~~(b) Development of prototypes required in research and development laboratories.~~
- ~~(c) Employee cafeterias, auditoriums, coffee shops, or restaurants.~~
- ~~(d) Exhibition of products produced on the premises or available for wholesale distribution.~~
- ~~(e) Gasoline pumps to serve only the owner's own vehicles.~~
- ~~(f) Outdoor off-street parking or parking structures.~~

~~Section 1204: FRONT YARDS. See Section 1701 (f).~~

~~Section 1205: SIDE YARDS. See Section 1702 (c).~~

~~Section 1206: REAR YARDS. See Section 1703 (e).~~

~~Section 1207: YARD REQUIREMENTS WHEN ABUTTING RESIDENTIAL ZONES.~~

- ~~(a) M-1 zones separated from R zones by public rights-of-way. Any M-1 zoned property which is separated from a R zone by a public right-of-way (except railroad rights-of-way) shall maintain a minimum 15 feet deep landscaped setback, with the exception of driveway areas. Landscaping shall be provided as required under the provisions of Section 1731 of this ordinance.~~
- ~~(b) M-1 zones abutting R zones. Any M-1 zoned property which abuts a R zoned property shall in addition to the walls required in Section 1721 (c) provide a 10 feet deep landscaped buffer area. Landscaping so required shall consist of a combination of trees, shrubs and ground cover to provide a noise barrier and plant materials and sizes shall be subject to approval of the City Planner and City Landscape Architect and all other provisions of Section 1731 of this ordinance.~~

~~Section 1208: LOT WIDTH. See Section 1706 (h).~~

~~Section 1209: HEIGHT. See Section 1709 (e).~~

~~Section 1210: OFF-STREET PARKING. See Article 27.~~

~~Section 1211: REQUIRED WALLS. See Section 1721 (c).~~

~~Section 1212: LANDSCAPING. See Section 1731.~~

~~Section 1213: LANDSCAPING MAINTENANCE. See Section 1732.~~

~~Section 1214: SCREENING.~~

- ~~(a) Screening of outdoor storage and assembly areas — Those uses which require outside storage areas, except those uses which are customarily conducted in the open, such as nurseries, equipment rental yards, etc. shall be enclosed on all sides with a solid concrete, masonry, or decorative block wall at least six feet in height. Materials stored therein shall not be stacked to exceed the height of such wall or fence. A view obscuring fence not to exceed eight (8) feet in height, made of materials such as woven wire, welded wire, chain link or wrought iron may be allowed to within ten (10) feet of the side street side property line. The area between this fence and the property~~

~~line shall be landscaped in accordance with provisions of Article 17, Section 1731.~~

~~(b) Screening of mechanical equipment - Provisions of Article 17, Section 1729 shall apply.~~

~~(c) Refuse storage - Provisions of Article 17, Section 1730 shall apply.~~

~~Section 1215: PERFORMANCE STANDARDS. All uses permitted in the M-1 district shall be subject to the following limitations:~~

~~(1) Noise or vibration created by or resulting from any industrial machinery or process shall not be audible beyond the limits of the industrial zoned area and shall conform to the standards adopted in the Noise Element of the General Plan.~~

~~(2) Odors, glare, heat or lighting created by or resulting directly from any use shall not be perceptible at any point beyond the industrial area.~~

~~(3) Discharge into the atmosphere of air contaminants shall be subject to all requirements of the San Diego Air Quality and Air Pollution Control Board.~~

~~(4) Water supply, drainage, rubbish and waste disposal systems and practices shall conform with all applicable codes and standards.~~

~~(5) Industrial activities shall be of such nature as not to cause damage or nuisance to the health, safety, peace or general welfare of persons residing or working in the vicinity of the industrial park.~~

ARTICLE 14"F" — FLOOD PLAIN AREAS (F AREA)

~~Section 1400: PERMITTED USE. In a Flood Plain Area wherein all areas have, after investigation, been declared by the City Council by resolution as unfit for human habitation by reason of topography, elevation and other physical factors contributing to the hazard of flood and inundation, no building shall be erected, reconstructed or structurally altered nor shall any building be used for any purpose except as hereafter provided and allowed by this article. The flood plain areas are hereby declared to be superimposed over the normal zoning existing or hereafter created.~~

~~The properties indicated by the superimposed Flood Plain Area designation shall be limited only to the following uses irregardless of the basic zoning classifications:~~

- ~~(1) Agricultural uses; or~~
- ~~(2) Other uses not involving buildings designed or occupied for living purposes, public assembly or both, or for the manufacture or storage of products and materials except those incidental and necessary to the permitted uses, unless such properties comply with the following additional requirements over and above those set forth in the Article governing the basic zoning classification:~~
 - ~~(a) Foundation walls, footings and type of construction shall be such as will prevent damage to the structure during flood conditions.~~
 - ~~(b) The floor levels of the main floor of any dwelling in the various areas enumerated as Flood Plain Areas shall not be lower than the elevation designated as being the part below which such areas are subject to flood.~~

~~This Section does not permit the excavation or quarrying of any rock, sand, gravel or other material in any such areas declared as hazardous for such use, nor does it permit any operation which will, by its nature or structure or materials used in connection therewith, impede or tend to impede, retard or change the direction of the flow of water in any river, stream, wash or arroyo, or that will catch or collect debris carried by water flowing in such~~

~~areas, unless such areas are so used in conformity with any rules and regulations established by the City Council.~~

~~Section 1401: AREAS AFFECTED. Such areas shall be graphically defined on the Zoning Map.~~

ARTICLE 14.5HILLSIDE DEVELOPMENT REGULATIONS

~~Section 1401.50: PURPOSE AND INTENT. The purpose and intent of this article is to assure that development in hillside areas results in minimum disturbance of the natural terrain and features, and does not result in soil erosion, silting or degradation of water courses, flooding, landslides, and severe cutting and scarring of the natural terrain. To achieve this purpose, criteria and development standards have been established.~~

~~Section 1401.51: APPLICABILITY. The Hillside Development Regulations shall apply to all lands within a natural slope of 20 percent or more with a minimum elevation differential of fifty (50) feet excluding lands proposed to be developed for manufacturing or industrial uses or as regional or sub-regional commercial centers as defined in the Development Guidelines for Hillsides, except within the Coastal Zone boundaries wherein these Regulations shall apply to all lands within a natural slope of 20 percent or more with a minimum elevation differential of twenty-five (25) feet. Where any other provisions of this article conflict with any provisions of the Comprehensive Zoning Ordinance, the provisions of this article shall prevail. Previously approved and legally valid Development Plans, Tentative Maps, Conditional Use Permits, Parcel Maps, Variances and existing single-family lots shall not be subject to the standards and requirements of the Hillside Development Regulations.~~

~~Section 1401.52: EXCEPTIONS AND MODIFICATION.~~

- ~~(a) At the request of the applicant, the City Council or Planning Commission, as applicable, may grant exceptions from, and modifications to the specific requirements and standards of this article upon the finding that (1) such exceptions or modifications fulfill the purpose and intent of this article, and (2) the exception demonstrates a superior and more compatible relationship to preexisting surrounding uses. The finding shall state the reasons for the exception or modification, and shall be included in the resolution approving the application or permit.~~
- ~~(b) At the request of the applicant, the City Planner may defer or waive any of the "Additional Information~~

~~Requirements", if the information is otherwise already available in the records of the City or if the information is clearly premature or irrelevant for the processing of the application or permit. The City Planner shall consider the advice of the Public Services Review Committee in reaching his decision and his decision on such a request shall be final. The reasons for such deferment or waiver shall be stated in the staff report to the Planning Commission and City Council.~~

~~Section 1401.53: LANDS NOT TO BE DEVELOPED. In order to achieve the purpose and intent of this article the following lands shall not be developed:~~

- ~~(a) Lands in slopes over 40 percent with a minimum elevation differential of 25 feet.~~
- ~~(b) Riparian corridors or rivers, intermittent or perennial streams or lakes and their associated vegetation. As a minimum, riparian corridors shall include channelways and banks. An exemption may be granted for stream crossings provided streambeds and banks are preserved to the maximum extent possible.~~

~~It is the policy of the City's Land Use Element of the General Plan that the above described lands have been determined to be undevelopable and shall not be included in the calculation of the overall development potential of the project.~~

~~Section 1401.54: ADDITIONAL INFORMATION REQUIREMENTS. Every application shall be accompanied by such drawings, maps, plans, specifications and graphic or written material as may be required by the City Planner to describe clearly and accurately the proposed work and its effect on the terrain and existing improvements.~~

~~The following information shall be submitted to the Planning Division in addition to that which may be required for the subject application(s) by other provisions of the Comprehensive Zoning Ordinance:~~

- ~~(a) Slope analysis showing lands in slopes of 20 percent to 40 percent and over 40 percent.~~
- ~~(b) The location of all significant trees or clusters of trees, outcroppings, watercourses, lakes, ponds, and other significant natural features.~~

- ~~(e) An engineering geologic report shall be required on all lands of 20 percent to 40 percent slope. This report shall be based on adequate field observations and/or tests prepared by a certified engineering geologist and an onsite soils report prepared by a soils engineer registered with the State of California. Reports shall, as onsite conditions dictate, be prepared in accordance with guidance for practice issued by the California Division of Mines and Geology.~~
- ~~(d) Preliminary landscaping plans which show areas to be replanted and areas to remain in a natural state. Preliminary plans shall follow the informational requirements and plans specifications of the City Landscape Manual.~~
- ~~(e) Preliminary drainage plans which clearly reflect the location on natural and artificial drainageways to be included in project plans.~~
- ~~(f) Preliminary grading plans containing such information as may be required by the City Engineer.~~

~~Section 1481.55: PROCEDURES FOR PLAN REVIEW.~~

- ~~(a) On all parcels which are subject to the Hillside Development Regulations, preliminary landscaping, grading, and drainage plans shall be processed concurrently with the Specific, Master, and/or Development Plans, Tentative Maps, Conditional Use Permits and/or Tentative Parcel Maps.~~
- ~~(b) Final landscaping, grading, and drainage plans shall be in substantial conformance with approved preliminary plans. Final landscaping plans must be approved in accordance with procedures established in the City Landscape Manual prior to issuance of grading and building permits.~~
- ~~(c) The Landscape Planner shall determine that landscaping is reasonably capable of successful establishment, prior to occupancy in accordance with procedures established in the City Landscape Manual.~~
- ~~(d) Any application or plan shall be denied if it:~~
 - ~~(1) Fails to contain all the information required by this article or any other article of the Zoning~~

~~Ordinance as being necessary to process the subject application or plan.~~

~~(2) Fails to comply with any provision of this article.~~

~~(3) Conflicts with the intent and purpose of this article.~~

~~Section 1401.56: HAZARDS TO PUBLIC SAFETY CRITERIA. Portions of any site having a 20 percent to 40 percent slope shall not be used for the placement of structures for human occupancy unless the required geologic and soils engineering reports clearly demonstrate and certify that any proposed structures will not create nor contribute to the creation of on-site or off-site instability related hazards to persons or property nor contribute to the worsening of any such existing hazards.~~

~~Section 1401.57: GENERAL CRITERIA. The following site design and improvement techniques are allowed and supersede conflicting zoning regulations: Commonwall or attached structures, structural and street designs which adapt improvements to the natural terrain, zero side yards and parking spaces for compact cars.~~

ARTICLE 17GENERAL PROVISIONS, DEVELOPMENT STANDARDS,CONDITIONS AND EXCEPTIONSSetbacks, Height, Area, Landscaping

~~The purpose of this section is to establish certain development standards pertaining to setbacks, height limits, placement of buildings, etc. The development standards set forth are only minimum standards and shall not necessarily mean that the standards are the ideal standards for all developments.~~

~~Section 1701: FRONT YARD. The following minimum front yard setback requirements shall be met: (for special conditions and exceptions, see further provisions in this article).~~

- ~~(a) Every lot in the R-A, R-1, R-2, R-3, R-P and S-P zones shall maintain a front yard setback of twenty (20) feet.~~
- ~~(b) Every lot which allows apartment development and is located west of Interstate 5 shall have a minimum front yard setback of not less than fifteen (15) feet.~~
- ~~(c) Every lot in the O-P and R-C zones shall maintain a front yard setback of not less than fifteen (15) feet.~~
- ~~(d) Every lot in the C-1 zone shall maintain a front yard setback of not less than ten (10) feet. At least sixty (60) percent of any required front yard setback shall be landscaped under the provisions of Article 17, Section 1731.~~
 - ~~(1) A minimum of five (5) feet deep landscaped setback area shall be provided on any C-2 zoned lot with the exception of those areas which are used as driveways.~~
 - ~~(2) All lots fronting on Mission Avenue shall maintain a fifty (50) feet setback from the centerline of the street.~~
 - ~~(3) Lots located between Wisconsin Avenue and Monterey Drive and fronting on Hill Street shall maintain a forty-five (45) feet setback from the centerline of Hill Street.~~
 - ~~(4) Lots located on Hills Street between Wisconsin Avenue and the southern City limits shall~~

~~maintain a fifty (50) feet setback from the centerline of Hill Street.~~

- ~~(5) Additional setbacks and landscaping may be required by the Planning Commission as a condition of approval of a Development Plan.~~
- ~~(e) Every lot in the M-1 zone shall maintain a minimum front yard setback equal to the height of the primary structure on the lot but in no case shall such setback be less than fifteen (15) feet. At least 60 percent of any required front yard shall be landscaped under the provisions of Section 1731.~~
- ~~(f) Every lot in the M-2 zone shall maintain a front yard setback of not less than 10 percent of the average lot depth but need not exceed twenty-five (25) feet. At least fifty (50) percent of any required front yard setback shall be landscaped under the provisions of Article 17, Section 1731.~~

~~Section 1702: SIDE YARDS. The following minimum side yard setback requirements shall be met: (for special conditions and exceptions, see further provisions in this Article).~~

- ~~(a) Interior lots in the R-A, R-1, R-2, and R-3 and SF zones shall have a minimum side yard setback of not less than ten (10) percent of the width of the lot provided that such side yard setback shall not be less than three (3) feet and need not exceed five (5) feet.~~
- ~~(b) Corner lots in the above zones shall have a minimum side yard setback of ten (10) feet on the side that is adjacent to the street.~~
- ~~(c) One zero (0) side yard setback is allowed in the above zones provided that the opposite side yard setback has at least ten (10) feet and further provided that all appropriate provisions of the Uniform Building Code are met. In addition, when a property owner has been required to dedicate a vertical public coastal access way along the side yard of a parcel, the area dedicated may count toward a side yard setback foot to foot up to five (5) feet on that parcel.~~
- ~~(d) Side yard setbacks are not required for lots located in the O-P, R-P, C-1, C-2 and R-G zones except that corner lots shall maintain a side yard setback as defined in 1702 (a) and 1702 (b).~~

- ~~(1) Interior lots — Side yard setbacks are not required for lots located in the M-1 zone unless specified in a development plan.~~
- ~~(2) Corner lots — Corner lots in the M-2 zone shall have a minimum side yard setback of ten (10) feet. At least fifty (50) percent of any such required side yard shall be landscaped under the provisions of Section 1731.~~

~~Section 1703: REAR YARDS. The following minimum rear yard setbacks shall be met: (for special conditions and exceptions see further provisions in this Article).~~

- ~~(a) Every lot in the R-A, R-1, R-2, R-3 and SP zones shall maintain a minimum rear yard setback of fifteen (15) feet except for the following:~~

- ~~(1) A minimum rear yard setback of ten (10) feet shall be maintained for enclosed patios and patio awnings.~~
- ~~(2) Lots which rear upon an alley shall maintain a five (5) foot setback.~~
- ~~(3) When two lots are separated by a slope bank of twenty (20) feet or more the uphill lot need not provide any setback provided that all building codes and grading ordinance provisions are met and that a five (5) foot high fence be built on the property.~~
- ~~(4) Lots which rear upon land to be permanently maintained as open space need not have a rear setback.~~

- ~~(b) Rear yard setbacks are not required for lots located in the O-P, R-P, C-1, R-C and C-2 zones. All lots in the above zones which abut lots zoned for residential purposes shall maintain a rear yard setback of not less than fifteen (15) feet except when such lots rear upon an alley, a minimum rear yard setback of five (5) feet shall be maintained.~~

- ~~(1) Interior Lots — Rear yard setbacks are not required for lots located in the M-1 zone.~~
- ~~(2) Every through lot in the M-1 zone shall maintain a minimum rear yard setback equal to the height of the primary structure on the lot. A minimum~~

~~of ten (10) feet depth of this setback area adjacent to the property line, except for driveway areas, shall be landscaped under the provisions of Section 1731. The remaining required setback area may be used for off-street parking.~~

- ~~(c) Rear Yard - No minimum rear yards are necessary for lots in the M-2 zone except as required by Development Plan.~~
- ~~(d) Notwithstanding any other provisions of this Section, buildings or structures located on lots contiguous to the shoreline shall be compatible in scale with existing development and shall not extend further seaward than the line established on the "Stringline Setback Map," which is kept on file in the Planning Division. Appurtenances such as open decks, patios and balconies may be allowed to extend seaward of the Stringline Setback line, providing that they do not substantially impair the views from adjoining properties.~~

~~Section 1704: LOT SIZE.~~

- ~~(a) The minimum required area of a lot in the R-1, R-2, and R-3 zones shall be not less than 6,000 square feet unless otherwise shown on the zoning map.~~
- ~~(b) The minimum required area of a lot in the R-A zone shall be not less than one (1) acre unless shown otherwise on the zoning map.~~
- ~~(c) The minimum required area of a lot in the D-P, R-P, and R-C zone shall not be less than 10,000 square feet unless shown otherwise on the zoning map.~~
- ~~(d) The minimum required area of a parcel in the C-1 zone shall be not less than two (2) acres unless otherwise shown on the zoning map.~~

~~Section 1705: DENSITY - LOT AREA PER DWELLING UNIT. Provisions of Article 4 - Section 403, Article 5 - Section 503, Article 6 - Section 607, and Article 7 - Section 703 shall apply. Notwithstanding the base density allowances established in Section 313(4), for the purposes of determining inclusionary housing requirements, the following base density allowances shall apply:~~

- ~~(a) R-1 properties shall have a base density allowance of one (1) dwelling unit per 12,100 square feet of lot area (i.e., 3.6 dwelling units per acre).~~
- ~~(b) R-3 properties located on the west side of Interstate 5 shall have a base density allowances of one (1) dwelling unit per 1,500 square feet of lot area (i.e., 29 dwelling units per acre).~~
- ~~(c) R-3 properties located on the east side of Interstate 5 shall have a base density allowance of one (1) dwelling unit per 2,900 square feet of lot area (i.e., 15 dwelling units per acre).~~
- ~~(d) R-T properties shall have a base density allowance of one (1) dwelling unit per 1,500 square feet of lot area (i.e., 29 dwelling units per acre).~~

~~Section 1706: LOT WIDTH. (For special conditions and exceptions see further provisions in this Article).~~

- ~~(a) In the R-A and R-1 zones, every lot created after the effective date of this ordinance shall have a minimum lot width as follows:~~

~~Lots designated on the zoning map as requiring a minimum lot area between:~~

~~0 to 9,999 square feet 60 foot lot width~~

~~10,000 to 14,999 square feet 70 foot lot width~~

~~15,000 to 19,000 square feet 100 foot lot width~~

~~20,000 and over square feet 125 foot lot width~~

- ~~(b) Lots in the R-2 and R-3 zones created after the effective date of this ordinance shall maintain a lot width of not less than sixty (60) feet at the rear line of the required front yard.~~
- ~~(c) Corner lots - Corner lots in any zone shall have a minimum lot width of seventy (70) feet.~~
- ~~(d) Cul-de-sacs - Lots located on a cul-de-sac shall have a minimum lot width at the front property line of forty (40) feet.~~

- ~~(c) Curved street sections — Lots located on a curved street section shall have a minimum lot width at the front property line of forty-five (45) feet.~~
- ~~(f) Lots in the O-P and R-P zones shall maintain a minimum lot width of not less than seventy (70) feet unless otherwise shown on the zoning map.~~
- ~~(g) Lots in the R-C zone shall maintain a minimum lot width of one hundred (100) feet for any new lots created after the effective date of this ordinance. This provision shall not be applicable to any lot or combination of existing lots having a lot width less than one hundred (100) feet.~~
- ~~(h) Lots in the M-1 zone shall maintain a minimum lot width of one hundred (100) feet for any new lot created after the effective date of this ordinance.~~
- ~~(i) Lots in the M-2 zone shall maintain a minimum lot width of one hundred (100) feet for any new lot created after the effective date of this ordinance.~~

~~Section 1707: MAXIMUM LOT COVERAGE.~~

- ~~(a) All buildings in the R-A and R-1 zones including accessory buildings and structures shall not cover more than forty (40) percent of the area of the lot.~~
- ~~(b) All buildings in the R-2 zone including accessory buildings and structures shall not cover more than fifty (50) percent of the area of the lot.~~
- ~~(c) All buildings in the R-3, R-P, and O-P zones including accessory buildings and structures shall not cover more than sixty (60) percent of the area of the lot.~~

~~Section 1708: LOT DEPTH. (For special conditions and exceptions, see further provisions in this Article).~~

~~All lots in the R-A, R-1, R-2, R-3, R-T, R-P, O-P, R-C and S-P zones shall have a minimum depth of one hundred (100) feet unless modified by the Planning Commission or City Council.~~

~~Section 1709: HEIGHT. No building or structures shall be erected or enlarge unless such building or structure complies with the height regulations for the zone in which the building or structure is located or proposed to be located. For purposes of determining the height of a building or structure, the~~

~~average finished grade of the parcel on which the building or structure is located shall be used.~~

~~The maximum permitted height of any building or structure shall be as follows:~~

- ~~(a) No building or structure located in the R-A, R-1, R-2, PRD or SP zone shall exceed a height of 35 feet or two stories, whichever is less.~~
- ~~(b) No building or structure used for residential purposes in the R-3, O-P, R-T, R-C, PRD, or SP zones shall exceed a height of 35 feet or three stories, whichever is less.~~
- ~~(c) No building or structure in the R-C, O-P, C-1, C-2, M-1, M-2 or PC zones shall exceed a height of 45 feet or four stories, whichever is less.~~

~~Penthouses or roof structures for the housing of elevators, stairways, ventilator fans, air conditioning or similar equipment required to operate and maintain the building, fire or parapet walls, skylights, towers, church steeples, flag poles, chimneys, antennas and similar structures may be erected above the height limits prescribed hereinabove provided the same may be safely erected and maintained at such height, in view of the surrounding conditions and circumstances, but no penthouses or roof structures or any space above the height limit shall be allowed for the purpose of providing additional floor space.~~

- ~~(d) Projects that exceed base density allowances and reserve units for low-income households in accordance with Municipal Code Section 14C.7 are eligible for one additional story, not to exceed eight (8) additional feet above the maximum allowable height for the surrounding zoning district. While this concession is granted to qualified projects without the benefit of a variance, it does not preclude the discretionary review process, through which project approval may be contingent upon neighborhood compatibility, mitigation of massing impacts, compliance with the California Environmental Quality Act, and other considerations that may have the effect of limiting the overall bulk and scale. For development within the coastal zone, any modification(s) to height limit shall be consistent with all visual resource policies,~~

~~including but not limited, to public view, community character, and bul/seale.~~

~~Section 1710: PLACEMENT OF BUILDINGS. Placement of buildings on any lot shall conform to the following:~~

- ~~(a) No building shall occupy any portion of a required yard.~~
- ~~(b) The distance between buildings used for human habitation and accessory buildings shall be ten (10) feet.~~
- ~~(c) A non dwelling accessory building may be built to the rear lot line and to one side lot line only within the rear forty (40) percent of the lot provided to where a lot rears upon an alley, the building shall maintain a distance of not less than five (5) feet from the rear lot line.~~
- ~~(d) On a reversed corner lot an accessory building may be built to the interior side lot line when located to the rear of the required side yard, but no building shall be erected closer to the property line of any abutting lot to the rear than the equivalent of the required interior side yard on such reversed corner lot, and further provided that if such reversed corner lot rears upon an alley, an accessory building shall maintain a distance of five (5) feet from the rear lot line.~~

~~Section 1711: HEIGHT OF BUILDINGS ON THROUGH LOTS. On through lots one hundred fifty (150) feet or less in depth, the height of a building on such lot may be measured from the sidewalk level of the street on which the building fronts. On through lots more than one hundred fifty (150) feet in depth, the height regulations and basis of height measurements for the street permitted the greater height shall apply to a depth of not more than one hundred fifty (150) feet from that street.~~

~~Section 1712: YARD REGULATIONS. Except as provided in this Article, every required yard shall be open and unobstructed from the ground to the sky. No yard or open space provided around any building for the purpose of complying with the provisions of this ordinance shall be considered as providing a yard or open space for any other building, and no yard or open space on any adjoining property shall be considered as providing a yard or open space on a building site whereon a building is to be erected.~~

~~Section 1713: MODIFICATION OF SIDE YARD REQUIREMENT ON CORNER LOTS. When the common boundary line separating two contiguous lots is covered by a building or permitted group of buildings, such lots shall constitute a single building site and the yard spaces as required by this ordinance shall then not apply to such common boundary line.~~

~~Section 1714: YARD REQUIREMENTS WHEN MORE THAN ONE MAIN BUILDING EXISTS. Where two or more buildings are, by definition of this ordinance, considered main buildings, then the front yard requirement shall apply only to the building closest to the front lot line.~~

~~Section 1715: COMMISSION MAY ESTABLISH FORMULA FOR MODIFYING YARD REQUIREMENTS. The Planning Commission may, by resolution, adopt a formula or establish standard practices by which to determine appropriate setbacks for high-rise structures and may modify required yards in all zones where geometric shape, dimensions, and topography are such as to make the literal application of such required yards impractical. After the adoption of such formula or standard practices, they shall be applied as an administrative act.~~

- ~~(1) The rear line representing the depth of a modified front yard on any lot shall be established in the following manner:~~
 - ~~(a) A point shall be established on each improved or unimproved lot having a nonconforming or conforming front yard between which are located lots needing adjustment, and such point shall be located at the intersection of the rear line of such front yard with a line that constitutes the depth of the lot.~~
 - ~~(b) A straight line shall be drawn from such point across any intervening unimproved lot or lots, to a point similarly established on the next lot in either direction on which a main building exists which establishes a conforming or nonconforming front yard.~~
 - ~~(c) Where the elevation of the ground at a point twenty-five (25) feet from the front property line and midway between the side property lines differs more than five (5) feet from the average grade elevations of the street level, or when the slope (measured in the general direction of the side lot lines) is twenty (20) percent or more on~~

~~at least one-fourth of the depth of the lot, the front yard may be reduced one (1) foot for each foot of difference in elevation, provided the total reduction shall not exceed fifty (50) percent of the required depth. These modifications do not apply where over seventy-five (75) percent of the difference in elevation occurs within five (5) feet of the front line.~~

~~Section 1717: YARD REQUIREMENTS FOR PROPERTY ABUTTING HALF-STREETS. A building or structure shall not be erected or maintained on a lot which abuts a street or highway having only a portion of its required width dedicated and where no part of such dedication would normally revert to said lot if the highway were vacated unless the yards provided and maintained in connection with such building or structure have a width or depth of that portion of the lot needed to complete the road width, plus the width or depth of the yards required on the lot by this ordinance if any. This section applies to all zones and whether or not yards are required.~~

~~This section does not require a yard of such width or depth as to reduce the buildable width of a corner lot to less than forty (40) feet.~~

~~Section 1718: MEASUREMENT OF FRONT YARDS. Front yard requirements shall be measured from the front property line or the indicated right-of-way line of a street for which a precise plan exists.~~

~~Section 1719: VISION CLEARANCE, CORNER AND REVERSED CORNER LOTS. All corner lots and reversed corner lots subject to yard requirements shall maintain for safety vision purposes a triangular area, one angle of which shall be formed by the front and side lot lines separating the lot from the streets, and the sides of such triangle forming the corner angle shall each be fifteen (15) feet in length, measured from the aforementioned angle. The third side of said triangle shall be a straight line connecting the last two mentioned points which are distant fifteen (15) feet from the intersection of the front and side lot lines, and within the area comprising said triangle no tree, fence, shrub, or other physical obstruction higher than forty-two (42) inches above the established grade shall be permitted.~~

~~Section 1720: PERMITTED INTRUSIONS INTO REQUIRED YARDS. The following intrusions may project into any required yard, but in no case shall such intrusion extend more than two (2) feet~~

~~into such required yards nor closer than thirty (30) inches from the lot line, whichever is more restrictive.~~

- ~~(1) Cornices, eaves, belt courses, sills, buttresses or other similar architectural features.~~
- ~~(2) Fireplace structures not wider than eight (8) feet measured in the general direction of the wall of which it is a part.~~
- ~~(3) Open stairways, balconies, and fire escapes.~~
- ~~(4) Uncovered porches and platforms which do not extend above the floor level of the first floor, provided that they may extend six (6) feet into the front yard.~~
- ~~(5) Planting boxes or masonry planters not exceeding forty-two (42) inches in height.~~
- ~~(6) Guard railings for safety protection around ramps.~~

~~On lots with side or rear yards adjoining alleys, the rear and side yard requirements shall not be applicable to apartments and dwellings constructed so as to constitute a second story over garages, provided that only those yards which are immediately adjacent to the alley are affected by this section.~~

~~Section 1721: MAXIMUM HEIGHT OF WALLS, FENCES, OR HEDGES.~~

- ~~(a) In any "R" zone a wall, fence, or hedge forty-two (42) inches in height may be located and maintained on any part of a lot. On an exterior lot a wall, fence, or hedge not more than six (6) feet in height may be located any where on the lot to the rear of the rear line of the required front yard, except that on corner lots and reversed corner lots a six (6) foot fence may be located anywhere on the lot to the rear of the rear line of the required front yard, or as provided for in Section 1719, whichever is greater.~~
- ~~(b) The provisions of this Section shall not apply to fences required by State law to surround and enclose utility installations.~~
- ~~(c) Where a retaining wall protects a cut below the natural grade, and is located on the line separating lots, such retaining wall may be topped by a fence, wall or hedge of the same height that would otherwise be permitted at the location if no retaining wall existed.~~

- ~~(d) Where a retaining wall contains a fill, the height of the retaining wall built to retain the fill shall be considered as contributing to the permissible height of a fence, solid wall or hedge, providing that in any event a protective fence or wall not more than forty-two (42) inches in height may be erected at the top of the retaining wall.~~
- ~~(e) Required Walls — When any use other than a residential use is placed on a lot abutting property in any R zone, there shall be erected and maintained along such abutting property line a block, stone, brick, stucco or concrete wall at least six (6) feet in height except in a required front yard setback, where the height shall be forty-two (42) inches.~~

~~Section 1722: HEIGHT OF TREES, SHRUBS, AND FLOWERS. Shrubs, flowers, plants, or hedges not more than forty-two (42) inches in height are permitted in the required front and side street side yards. Trees are permitted in any required yard except as provided in Section 1719.~~

~~Section 1723: REQUIRED INCREASE OF SIDE YARD WHERE MULTIPLE OR ROW DWELLINGS FRONT UPON A SIDE YARD. The minimum width of the side yard upon which a primary entrance to a dwelling unit is provided shall be no less than ten (10) feet.~~

~~Section 1724: REQUIRED INCREASE OF SIDE YARD WHERE MULTIPLE OR ROW DWELLINGS REAR UPON A SIDE YARD. Where two-family dwellings or multiple family dwellings, group houses, court apartments or row dwellings are arranged so that the rear of such dwellings abut upon the side yards, and such dwellings have openings onto such side yards used as secondary means of access to the dwellings, the required side yards to the rear of such dwellings shall be increased by one (1) foot for each dwelling unit having such an entrance or exit opening into or served by such yard, provided such increase need not exceed five (5) feet.~~

~~Section 1725: DIVISION OF THROUGH STREETS. Through lots one hundred eighty (180) feet or more in depth may be improved as two separate lots, with the dividing line midway between the street frontages, and each resulting one-half shall be subject to the controls applying to the street upon which such one-half faces. If each resulting one-half is below the minimum lot areas as determined by this ordinance, then no division may be made and only one single family dwelling may be erected upon such lot. If the whole of any through lot is improved as one~~

~~building site, the main building shall conform to the zone classification of the frontage occupied by such main building, and no accessory building shall be located closer to either street than the distance constituting the required front yard on such street.~~

~~Section 1726: GREATER LOT AREA MAY BE REQUIRED. Greater lot areas than those prescribed in the various zones may be required when such greater areas are established by the adoption of a specific plan in the manner prescribed by law, designating the location and size of such greater required areas.~~

~~Section 1727: SUBSTANDARD LOTS.~~

- ~~(a) When a lot has less than the minimum required area or width as set forth in any of the zones contained herein, or in a specific plan, and was of record on the effective date of this ordinance, such lot shall be deemed to have complied with the minimum required lot area or width as set forth in any such zone or specific plan. The lot area per dwelling unit shall, however, remain as specified in the applicable zone except that in no case shall this provision prevent the erection of a single-family dwelling on any substandard lot.~~
- ~~(b) Excess parcels of land created as a result of freeway or street construction or widening shall be deemed buildable lots providing each parcel has a minimum of 2,500 square feet.~~

~~Section 1728: PARKING OF TRAILERS OUTSIDE OF TRAILER PARKS. It shall be unlawful for any person to place for storage or to park for more than forty-eight (48) consecutive hours a trailer, detached camper, or mobile home in the front of a residential building or within the required yard of any lot in any zone as established by the terms of this ordinance. All such vehicles parked or stored outside of the boundaries of a duly licensed trailer park shall be completely disconnected from any and all utilities, and no living quarters shall be maintained or business practiced in any such stored vehicle or detached camper, provided, however, that the Building Division may issue permits for the parking and use of not more than two (2) trailers on a major construction site when such vehicles are used for field offices or temporary quarters for watchman. Parking under the provisions of this exception shall be limited to not more than nine (9) consecutive months on any one site~~

~~unless an extension of such time limit is specifically authorized by the City Council.~~

~~Section 1728.01: TEMPORARY REAL ESTATE OFFICE. One temporary real estate office, not a part of a model home complex, may be located on any new subdivision in any zone, provided that such office, if in any "R" zone, shall be removed at the end of a two (2) year period measured from the issuance date of the first building permit for any home in the phase upon which the office is to be located, or upon the occupancy of ninety (90) percent of said phase, whichever comes first. The location of the temporary office shall be approved by the Planning Division and Building Division and shall in no way create a traffic or safety hazard.~~

~~Section 1729: MECHANICAL EQUIPMENT. All ground mechanical equipment shall be completely screened behind a permanent structure and all roof top mechanical equipment shall be placed behind a permanent parapet wall or screen of approved weatherproof material to be approved by the Building Official and Chief of Housing and shall be completely restricted from all view. Such screening shall be as high as the highest portion of the equipment or ducting and shall be permanently maintained.~~

~~Section 1730: REFUSE STORAGE. All outdoor trash, garbage, and refuse storage shall be screened on all sides from public view. Such areas shall be so located as to be easily accessible for trash pick up. In multiple family residential development centralized trash areas shall not be located further than one hundred fifty (150) feet away from any dwelling unit. The refuse storage area dimension shall be five (5) feet high, six (6) feet deep, and eight (8) feet wide and shall be constructed of decorative concrete block or masonry walls. Gates shall be mounted on the face of the storage area so that they swing fully open with no protrusion into the roll-out path of the bin and shall be constructed of durable wood or comparable materials.~~

~~Section 1731: LANDSCAPING REQUIREMENTS. All open areas with the exception of vehicular accessways and parking areas, pedestrian walkways, and recreational facilities shall be landscaped. A minimum of sixty (60) percent landscaping shall be provided within the required front and side street side yard setback areas, respectively. All landscaped areas shall have a permanent irrigation system providing one hundred (100) percent coverage.~~

~~(1) General Provisions~~

- ~~(a) No planting area shall be less than twenty-four (24) square feet with the exception of raised planter boxes around or in close proximity to buildings.~~
- ~~(b) At least one tree of a species approved by the Engineering Division shall be installed for every ten (10) single row parking stalls or every twenty (20) double row parking stalls within the parking lot.~~
- ~~(c) Landscaping shall consist of combinations of trees, shrubs, and ground covers with careful consideration given to eventual size and spread, susceptibility to disease and pests, durability, and adaptability to existing soil and climatic conditions.~~
- ~~(d) Each unused space resulting from the design or layout of parking spaces or accessory structures shall be used for planting purposes if over twenty-four (24) square feet.~~
- ~~(e) All planted areas shall contain a permanent irrigation system and shall be enclosed by a six (6) inch high concrete curb. Where planter areas abut a sidewalk or cement concrete driveway, no curb shall be required.~~
- ~~(f) The landscaping plan shall be drawn to a minimum scale of one (1) inch for each fifty (50) feet, shall indicated the square footage of each planting area, shall tabulate the square footage of all landscaped areas and percentage of the total site devoted to landscaping, shall identify at the planting area the type of plant, shall list the botanical and common names of all plants with the quantity of each and their container size, and shall clearly portray the permanent irrigation system.~~
- ~~(2) Parking Areas in R-3 and R-P Zones — Every parking area established in an "R" zone to be used as an accessory to a commercial establishment or for the renting of spaces shall:~~
 - ~~(a) Provide and maintain landscaping in any portion of the public right-of way abutting the property~~

~~that is not being used for sidewalks, curbs, or street paving.~~

~~(b) Devote at least fifteen (15) percent of the area of the lot within the boundaries to the planting and maintenance of trees, shrubs, plants, or lawn.~~

~~(3) Parking Areas in Commercial and Industrial Zones — A minimum of eight (8) percent of the total net area (which net area shall be computed by excluding streets) of the development shall be landscaped. Approximately one-half of such landscaped area shall be generally dispersed throughout the parking lot with the remainder distributed as planted areas around buildings, peripheral planters around the site, parkways, street tree wells, and other appropriate locations.~~

~~Section 1732: MAINTENANCE STANDARDS. — The maintenance standards shall be followed in upkeep of the landscaped areas after they have been developed and planted.~~

~~(1) Growth Control — All plant growth in required landscaped areas shall be controlled by pruning, trimming or otherwise, so that the plant material will not:~~

~~(a) Interfere with the installation, maintenance and repair of any public utilities.~~

~~(b) Restrict pedestrian or vehicular access.~~

~~(c) Constitute a traffic hazard.~~

~~(2) Cultivation and Watering — All planted areas shall be watered sufficiently to promote vigorous growth of all trees, shrubs and ground cover plants. Planted areas shall be maintained in a relatively weed-free condition. All planting shall be periodically pruned, trimmed, edged and fertilized in accordance with generally accepted horticultural practices.~~

~~(3) Replanting — All trees, shrubs, and plants which have been planted and which, due to accident, damage, disease, or other cause, fail to show a healthy growth, shall be replaced. Replacement plants shall conform to all standards that govern the original planting installation.~~

~~Section 1733: (Deleted by Ordinance No. 84-05)~~

~~Section 1734: CLARIFICATION OF AMBIGUITY. If ambiguity arises concerning the appropriate classification of a particular use within the meaning and intent of this ordinance, or if ambiguity exists with respect to matters of height, yard requirements, area requirements or zone boundaries, as set forth herein and as they may pertain to unforeseen circumstances, including technological changes in methods of operation in processing of materials, it shall be the duty of the Planning Commission to ascertain all pertinent facts and by Resolution of record set forth its findings and its interpretations, and such resolution shall be forwarded to the City Council and, if approved by the City Council, thereafter such interpretation shall govern.~~

~~Section 1735: MOBILE HOME ON INDIVIDUAL LOT. The intent and purpose of this ordinance is to allow mobile homes on permanent foundations to be placed on lots zoned for single family dwellings provided the mobile home is compatible with existing single family dwellings in the area.~~

~~(a) A mobile home certified under the National Mobile Home Construction and Safety Standard Act of 1974 (42 U.S.C. Section 5401, et. Seq.) may be placed on a permanent foundation on any parcel on which a single family dwelling would be allowed upon issuance of a building permit provided that:~~

- ~~(1) It may be occupied only as a residential use.~~
- ~~(2) It is attached to a permanent foundation system in compliance with all applicable building regulations, and Section 18551 of the Health and Safety Code.~~
- ~~(3) All development standards and requirements of the underlying zone pertaining to conventional single family homes are complied with.~~
- ~~(4) It must have a minimum width of nineteen (19) feet.~~
- ~~(5) Be covered with an exterior material customarily used on conventional dwellings, such as wood, stucco, masonry or masonite. The exterior covering material shall extend to the ground, except that when a solid concrete or masonry perimeter foundation is used, the exterior~~

~~covering material need not extend below the top of the foundation.~~

~~(6) Have a pitched roof with eave overhang consisting of shingles or other material customarily used for conventional dwellings.~~

~~(b) Modifications of the criteria as set forth in 5 and 6 of the above may be granted by the City Council when it can be shown that such modifications will not be detrimental to the public interest or surrounding property owners.~~

~~(c) This section will not affect the requirements of an approved Conditional Use Permit for both Mobile Home Parks and Mobile Home Subdivisions.~~

ARTICLE 32RESIDENTIAL TOURIST ZONE (R-T ZONE)

~~Section 3200: PURPOSE. The R-T Zone is intended to accommodate tourist and year-round visitor-serving facilities by providing permanent and transient residential and related uses to serve all income levels. The R-T Zone is primarily designated on shorefront property in order to optimize public access to the beach.~~

~~Section 3201: GENERAL CRITERIA. The following general criteria are hereby established for use in the classification or reclassification of land to the R-T Zone:~~

- ~~(a) Consistency with the General Plan, the Coastal Land Use Plan, the Redevelopment Plan, Development Criteria, and Land Use Regulations shall be established.~~
- ~~(b) Residential-Tourist zoned properties shall be located with primary access to a public street.~~
- ~~(c) The existing utility system (water, sewer, drainage, electrical, gas and communication systems) shall be found to be adequate or new systems shall be constructed to adequately serve R-T developments. All utilities shall be underground.~~
- ~~(d) All projects with the exception of a single family home must file a Development Plan pursuant to the provisions of City of Oceanside Article 16, Section 1611 governing Development Plans. These projects in the Redevelopment Area must be approved by the Community Development Commission, with an advisory recommendation by the Planning Commission.~~

~~Section 3202: PERMITTED USES. Only the following uses are permitted in the R-T Zone subject to the provisions of Article 27 governing off-street parking requirements:~~

- ~~(1) Single-family, subject to R-1 standards.~~
- ~~(2) Multiple-family residences.~~
- ~~(3) Condominiums and stock cooperatives.~~
- ~~(4) Tourist cottages and summer rentals.~~

- ~~(5) Public and semi-public uses.~~
- ~~(6) Mobile Home Parks with a Conditional Use Permit.~~
- ~~(7) Certain other uses with a Conditional Use Permit (as allowed in Article 15).~~

~~Section 3203: HEIGHT OF BUILDINGS. Building height is limited to 35 feet unless a Conditional Use Permit is issued in accordance with Article 15. Height standards in the Redevelopment Area are governed by the Development Criteria and Land Use Regulations. No building or structure shall exceed any adopted height restrictions that may appear in any other adopted Plan or Policy of the City including Proposition A passed by the voters April 13, 1982.~~

~~Section 3204: BUILDING SETBACKS. The minimum front yard, side yard, and rear yard setbacks shall be 10 feet for front, 3 feet for side yards, and 6 feet for rear yards unless alternate setbacks are approved through the development plan process.~~

- ~~(1) Proposals for alternate front yard, side yard or rear yard setbacks will be judged on the merits of each individual proposal and the architectural compatibility of all proposed structures with existing or proposed structures on adjoining parcels. Functional site layout with special attention to design of recreational, parking and landscaped areas may produce an acceptable proposal with minimum or no setbacks. Abutting property owners shall be advised of proposals for no setback on side and rear yards prior to approval of same.~~
- ~~(2) Single family residential buildings shall have a concrete driveway approach to parking areas at least 20 feet in length by 9 feet wide per parking space.~~
- ~~(3) Buildings along The Strand should be designed so that when viewed from the beach, the visual impact of the bulk of the structure is minimized to the maximum extent possible.~~

~~Section 3205: RESIDENTIAL BUILDING DENSITY. In all residential development, the density should not exceed the maximum standard of 43 dwelling units per acre, except that higher densities may be approved by the Planning Commission when development is in a master planned development. For the purposes of determining inclusionary housing standards, the base density allowance for R-T properties shall be 29 dwelling units~~

~~per acre (i.e. one dwelling unit per 1,500 square feet of lot area).~~

~~Section 3206: AREA. The minimum required area of a lot in the R-T Zone shall not be less than 6,000 square feet, unless otherwise shown on the zoning map.~~

~~Section 3207: LOT WIDTH. Every lot created after the effective date of this ordinance shall maintain a width of not less than 60 feet at the rear line of the required front yard.~~

~~Section 3208: LIMITATIONS ON PERMITTED USE. When any non residential use is to be placed on a lot abutting property in any residential zone, there shall be erected and maintained along such abutting property line a block, stone, brick, stucco, or concrete wall at least six (6) feet in height, except in a required front yard setback, where the height shall be forty-two (42) inches. This provision shall be met before a certificate of occupancy permit may be issued for such use by the Building Official. For purposes of this section only, hotels and motels shall not be considered as residential uses.~~

~~Section 3209: SIGNS. The height, width, depth, colors and design features, including lighting and structural support of each and all signs to be erected outside of buildings or attached to any building shall be subject to Article 33, Sign Ordinance of the City of Oceanside.~~

~~Section 3210: LANDSCAPING. The following criteria shall apply:~~

- ~~(1) A coordinated landscape design shall be developed for each site which contributes to a continuous and integrated design.~~
- ~~(2) All landscaping shall be of a type which is easily maintained.~~
- ~~(3) All landscaped areas shall contain an approved permanent irrigation system and, if adjacent to a street or parking area, shall be enclosed by a six (6) inch high concrete curb unless otherwise expressly approved by the Commission.~~
- ~~(4) Landscaping should be provided in all front yards and side yards abutting a public street, and it is required that all other areas not used for driveway, parking, building or loading should also be landscaped. Special attention should be given to~~

~~landscaping on the interior as well as the exterior of parking lots for multiple vehicles.~~

- ~~(5) The utilization of depressed parking lots and/or mounded, landscaped buffers of parking areas is encouraged.~~
- ~~(6) Parkways, if any, within the public right of way, except at approved sidewalk or driveway approach locations, shall be landscaped.~~
- ~~(7) Landscaping plans are subject to regulations as defined in the City of Oceanside Guidelines and Specifications for Landscape Development (April 19, 1982; Resolution No. 82-79).~~

~~Section 3211: PUBLIC ACCESS TO BEACH. Permanent facilities shall be provided for pedestrian access from the nearest public street on the bluff top to the public beach. Between Ninth Street and Wisconsin Avenue, such access will be provided on the average of every eight hundred (800) feet, but in no event will there be fewer than seven (7) such pedestrian access routes. Between Ninth Street and Wisconsin Avenue, no fewer than four (4) permanent facilities shall be provided for vehicular access from the nearest public street on the bluff top to the beach.~~

~~Section 3212: PARKING. Parking shall be provided in accordance with Article 27 of the Zoning Ordinance governing off-street parking requirements.~~

ARTICLE 34V-C VISITOR COMMERCIAL ZONE (V-C-ZONE)

~~Section 3400: PURPOSE. The Visitor Commercial Zone provides recreation-oriented and visitor serving commercial activities near recreation and scenic areas with immediate access to freeways and major thoroughfares. This classification encompasses specialized commercial uses which are directly dependent, supportive or related to the coast including the Harbor area, the San Luis Rey River area, and the municipal pier area.~~

~~Section 3401: GENERAL CRITERIA. The following general criteria are hereby established for use in the classification or reclassification of land to the V-C Zone:~~

- ~~(a) Compliance with the General Plan, the Coastal Land Use Plan, including all specific plans that are a part of the Coastal Land Use Plan, the Redevelopment Plan, Development Criteria, and Land Use Regulations shall be established.~~
- ~~(b) The existing utility system (water, sewer, drainage, electrical, gas and communications facilities) shall be determined to be adequate to serve Visitor Commercial developments. They shall be underground.~~
- ~~(c) A Development Plan shall be filed with and approved by the Planning Commission pursuant to the provisions of Article 16, Section 1611 governing Development Plans. Those projects in the Redevelopment Area must be approved by the Community Development Commission with an advisory recommendation by the Planning Commission.~~

~~Section 3402: PERMITTED USES. In the V-C Zone, only the following uses are permitted. All uses are subject to the provisions of Article 27 governing off-street parking requirements.~~

- ~~(1) Boat sales, supplies and service.~~
- ~~(2) Commercial fishing, diving and sportfishing establishments, supplies and service.~~
- ~~(3) Recreational equipment rental and sales.~~

- ~~(4) Restaurants full service with full alcohol and live entertainment, cafes and snack bars.~~
- ~~(5) Restaurants fast food.~~
- ~~(6) Delicatessens.~~
- ~~(7) Gift, sundries, and souvenir shops.~~
- ~~(8) Hotels, motels, tourist cottages, excepting time share condominiums and accessory uses.~~
- ~~(9) Community buildings and public uses.~~
- ~~(10) Office uses above the first story.~~
- ~~(11) Certain other uses with a Conditional Use Permit (as allowed in Article 15).~~
- ~~(12) Other coastal related uses subject to the issuance of a Conditional Use Permit.~~

~~Section 3403: BUILDING SETBACKS. Although a minimum front yard, side yard, and rear yard setbacks are not specified herein for all types of land uses, developers should be guided by the following criteria:~~

- ~~(1) Proposals for front yard, side yard or rear yard will be judged on the merits of each individual proposal and the architectural compatibility of all proposed structures with existing or proposed structures on adjoining parcels. Functional site layout with special attention to design of recreational, parking and landscaped areas may produce an acceptable proposal with minimum or no setbacks. Abutting property owners shall be advised of proposals for no setback on side and rear yards prior to approval of same.~~
- ~~(2) Buildings along The Strand should be designed so that when viewed from the beach, the visual impact of the bulk of the structure is minimized to the maximum extent possible.~~

~~Section 3404: LOT WIDTH. Lots in the V-C Zone shall maintain a minimum lot width of 100 feet for any new lots created after the effective date of this ordinance. This provision shall not be applicable to any existing lot or combination of existing lots having a lot width less than 100 feet.~~

~~Section 3405: LOT DEPTH. All lots shall have a minimum depth of 100 feet unless modified by the Planning Commission or City Council.~~

~~Section 3406: HEIGHT. No buildings or structure shall exceed a height of 45 feet or four stories at any point measured vertically from the finished grade below or any adopted height restriction that may appear in any other adopted plan or policy of the City including Proposition A passed by the voters April 13, 1982.~~

~~Section 3407: LANDSCAPING. The following criteria shall apply:~~

- ~~(1) A coordinated landscape design shall be developed for each site which contributes to a continuous and integrated design.~~
- ~~(2) All landscaping shall be of a type which is easily maintained.~~
- ~~(3) All landscaped areas shall contain an approved permanent irrigation system and if adjacent to a street or parking area shall be enclosed by a six inch high concrete curb unless otherwise expressly approved by the Commission.~~
- ~~(4) Landscaping should be provided in all front yards and side yards abutting a public street, and it is required that all other areas not used for driveway, parking, building or loading should also be landscaped. Special attention should be given to landscaping on the interior as well as the exteriors of parking lots for multiple vehicles.~~
- ~~(5) The utilization of depressed parking lots and/or rounded, landscaped buffers of parking areas is encouraged.~~
- ~~(6) Parkways, if any, within the public right-of-way, except at approved sidewalk or driveway approach locations, shall be landscaped.~~
- ~~(7) Landscaping plans are subject to regulations as defined in the City of Oceanside Guidelines and Specifications for Landscape Development (April 14, 1982; Resolution No. 32-79).~~

~~Section 3408: SIGNS. The height, width, depth, colors and design features, including lighting and structural support of~~

~~each and all signs to be erected outside of buildings or attached to any buildings shall be subject to the Article 33 Sign Ordinance of the City of Oceanside.~~

~~Section 3409: PUBLIC ACCESS TO BEACH. Permanent facilities shall be provided for pedestrian access from the nearest public street on the bluff top to the public beach. Between Ninth Street and Wisconsin Avenue, such access will be provided on the average of every 800 feet, but in no event will there be fewer than seven such pedestrian routes. Between Ninth Street and Wisconsin Avenue, no fewer than four permanent facilities shall be provided for vehicular access from the nearest public street on the bluff top to the beach.~~

~~Section 3410: PARKING. Parking shall be provided in accordance with Article 27 of the Zoning Ordinance governing off-street parking standards.~~

ARTICLE 40AFFORDABLE HOUSING DENSITY BONUS

~~Section 4000: Purpose. This section establishes policies which facilitate the development of affordable housing to serve a variety of needs within the City. To encourage provision of moderate, low and very low income housing, senior housing, and ancillary child care facilities, the City shall provide developers/property owners meeting the requirements of this section a density bonus and additional incentives or concessions. The regulations set forth in this section shall apply citywide.~~

~~Section 4001: Definitions. As used in this section, the following terms shall have the following meanings:~~

- ~~(1) "Density Bonus" means either: (a) a density increase over the maximum allowable residential density allowance under applicable zoning and Land Use Element of the General Plan as of the date of application. The provisions of this Ordinance shall apply only to residential development of five or more units. The number of housing units to be reserved for very low, low or moderate income households or senior housing does not include the density bonus units.~~
- ~~(2) "Concession" or "incentive" shall have the meaning set forth in Government Code section 655915(k).~~
- ~~(3) "Equivalent Financial Value" concerns a condominium conversion project seeking a density bonus and refers to the cost to the developer/property owner based on the land cost per dwelling unit. The land cost per dwelling unit is determined by the difference in the value of the land with and without the density bonus.~~
- ~~(4) "Low Income Households" as currently defined in section 50079.5 of the Health and Safety Code and any subsequent amendments or revisions.~~
- ~~(5) "Very Low Income Households" as currently defined in section 50105 of the Health and Safety Code and any subsequent amendments or revisions.~~
- ~~(6) "Moderate Income Households" as currently defined in section 50093 of the Health and Safety Code and any subsequent amendments or revisions.~~

- ~~(7) "Senior Citizen Housing Development" as currently defined by Sections 51.3 and 51.12 of the Civil Code and any subsequent amendments or revisions.~~
- ~~(8) "Common Interest Development" as currently defined in Section 1351 of the Civil Code and any subsequent amendments or revisions.~~
- ~~(9) "Child Care Facility" means a child day care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and school-age child care center, as defined by Government Code Section 65915.~~

~~Section 4002: Implementation. The City shall grant a density bonus, in the amount specified in subsection D below, to an applicant who proposes a housing development consisting of five or more dwelling units and meeting at least one of the following criteria:~~

- ~~(1) At least ten percent (10%) of the total units of the housing development are designated for low income households; or~~
- ~~(2) At least five percent (5%) of the total units of the housing development are designated for very low income households; or~~
- ~~(3) A senior citizen housing development, as defined in Sections 51.3 and 51.12 of the Civil Code, or mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.~~
- ~~(4) Ten percent (10%) of the total dwelling units in a common interest development as provided in Section 1351 of the Civil Code for persons and families of moderate income, provided that all units in the development are offered to the public for purchase.~~
- ~~(5) Circumstances may arise in which the public interest would be served by allowing some or all of the designated affordable units associated with a density bonus project to be produced and operated at an alternative development site. Where the City and applicant form such an agreement, both the market-rate and affordable components of the project shall be considered a single housing development for the purposes of this chapter, and the applicant shall be subject to the same requirements of~~

~~this chapter pertinent to the designated affordable units to be provided on the alternative site.~~

~~Section 4003: Amount of Density Bonus. The amount of density bonus granted to a qualifying project shall be based on the category and percentage of affordable units proposed, as reflected in the following matrices.~~

- ~~(1) For housing developments meeting the criteria of Section C(1) above, the density bonus shall be calculated as follows:~~

TABLE 1
Density Bonus for Low Income Units

Percentage Low Income Units	Percentage Density Bonus
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
16	29
17	30.5
18	32
19	33.5
20	35

- ~~(2) For housing developments meeting the criteria of Section C(2) above, the density bonus shall be calculated as follows:~~

TABLE 2
Density Bonus for Very Low Income Units

Percentage Very Low Income Units	Percentage Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35

- ~~(3) For housing development meeting the criteria of Section C(3) above, the density bonus shall be 20 percent (20%).~~

- ~~(4) For housing development meeting the criteria of Section C(4) above, the density bonus shall be calculated as follows:~~

TABLE 3
Density Bonus for Moderate Income Units

Percentage Moderate Income Units	Percentage Density Bonus
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35

- ~~(5) All density calculations resulting in fractional units shall be rounded up to the next whole number, unless otherwise indicated.~~
- ~~(6) The granting of a density bonus shall not be interpreted, in and of itself, to require a general plan amendment.~~

~~local coastal plan amendment, zoning change, or other discretionary approval.~~

~~(7) An applicant may elect to accept a lesser percentage of density bonus.~~

~~(8) The calculations are in accordance with Government Code Section 65915 and are subject to any subsequent amendments or revisions thereto.~~

~~Section 4004: Land Donation. When an applicant donates land to the City to satisfy the affordable housing obligation established under this Ordinance, the applicant shall be entitled to a density bonus as follows:~~

TABLE 4
Density Bonus for Land Donation

Percentage Very Low Income	Percentage Density Bonus	Percentage Low Income	Percentage Density Bonus
10	15	10	7.5
11	16	11	8
12	17	12	8.5
13	18	13	9
14	19	14	9.5
15	20	15	10
16	21	16	10.5
17	22	17	11
18	23	18	11.5
19	24	19	12
20	25	20	12.5
21	26	21	13
22	27	22	13.5
23	28	23	14
24	29	24	14.5
25	30	25	15
26	31	26	15.5
27	32	27	16
28	33	28	16.5
29	34	29	17
30	35	30	17.5

~~Density bonus calculations are in accordance with Section 65915 of the Government Code and are subject to any amendments or revisions thereto. Applicants seeking density bonus for both the provision of affordable units and the donation of land shall be limited to a maximum combined density bonus of~~

~~thirty-five percent (35%). In order to qualify for the above density bonus, the land donation must meet the following conditions:~~

- ~~(1) The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application if no subdivision map is proposed.~~
- ~~(2) The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low or low income households in an amount not less than 10 percent (10%) of the total units of the housing development.~~
- ~~(3) The transferred land is of sufficient size to permit development of the minimum number of units required by the prior paragraph (2), has the appropriate general plan and zoning designations, is appropriately zoned with appropriate development standards for development at the appropriate density, and is or will be served by adequate public facilities and infrastructure.~~
- ~~(4) No later than the date of approval of the final subdivision map, parcel map, or residential development application for the first density bonus market-rate unit, the transferred land shall have all City required discretionary permits and approvals, other than building permits, necessary for the development of the very low or low income units on the transferred land, except the City may subject the proposed development to subsequent design review if the design is not otherwise reviewed by the City prior to the time of transfer.~~
- ~~(5) The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with Government Code Section 65915, which shall be recorded on the property at the time of the transfer.~~
- ~~(6) The land is transferred to the City or to a housing developer approved by the City. The City may require the applicant to identify and transfer the land to the developer.~~
- ~~(7) The transferred land shall be within the boundary of the proposed development or, if the City agrees, within one-quarter mile of the boundary of the proposed development.~~

- ~~(8) In the event the transferred land is not within the boundary of the proposed development or within one-quarter mile of the boundary thereof, the transferred land must be situated within a transit-oriented area of the City, as identified on the regional Smart Growth Concept Map, prepared by the San Diego Association of Governments, or within one-quarter mile of high-frequency bus service (i.e., providing 15-minute headways).~~
- ~~(9) A financing plan for funding the affordable units shall be identified no later than the date of the approval of the final subdivision map, parcel map or residential development application for the market-rate component of the density bonus project.~~

~~Section 4005: Child Care Facility.~~

- ~~(1) When an applicant proposes to construct a housing development that conforms to the requirements of this section and includes a child care facility that will be located on the premises of, as a part of, or adjacent to, the project, the City shall grant either:~~
- ~~(a) An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility; or~~
 - ~~(b) An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility.~~
- ~~(2) In order to qualify for the additional density bonus or incentive, the child care facility must meet the following criteria:~~
- ~~(a) The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable.~~
 - ~~(b) Of the children who attend the child care facility, the children of very low income households, low income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low income households, low income households, or families of moderate income.~~

~~Section 4006: Condominium Conversions.~~ When an applicant for approval to convert apartments to a condominium project agrees to provide at least thirty-three percent (33%) of the total units of the proposed condominium to persons and families of low or moderate income, or fifteen percent (15%) of the total units of the proposed condominium project to very low income households, and agrees to pay for the reasonably necessary administrative costs incurred by the City pursuant to this subsection, the City shall grant either:

- ~~(1) A density bonus of twenty-five percent (25%) over the number of existing rental apartments, to be provided within the existing structure or structures proposed for conversion; or~~
- ~~(2) An incentive of equivalent financial value.~~

~~The City may place such reasonable conditions on the granting of a density bonus or other incentives of equivalent financial value as it finds appropriate, including, but not limited to, conditions which assure continued affordability of units to subsequent purchasers who are persons and families of very low, low or moderate income households. The City shall enforce an equity sharing agreement, as set forth by Section 65015 of the Government Code, for these units.~~

~~Section 4007: Density Bonus Agreement.~~ To be eligible for a density bonus, the applicant must submit an Affordable Housing Plan and, prior to securing any discretionary permits or approvals for the market-rate units, sign a binding agreement with the City which sets forth the conditions and guidelines to be met in the implementation of this Ordinance. The agreement will also establish specific compliance standards and remedies upon failure by the applicant to make the affordable units available to intended residents. As the means of ensuring compliance, the agreement shall require the recordation of a deed restriction against both the market-rate and affordable components of the density bonus project. The deed restriction shall remain in place and preclude issuance of the certificate of occupancy for the market-rate units until such time as the affordable units have been constructed or other security acceptable to the City is provided in lieu of the deed restriction. If the applicant proposes to phase development of the market-rate units, deed restrictions shall be recorded and implemented on a phase by phase basis.

~~Section 4008: Density Bonus Application.~~

- ~~(1) Application for density bonus shall be made concurrent with submittals required for the processing of associated~~

~~discretionary permits (e.g. development plans). The request for density bonus shall be articulated as part of the description and justification for the development project, in accordance with the City's Development Processing Guide. The request for density bonus shall specify the percentage of density bonus sought, per Subsections D(1) - D(4) of this Ordinance, and indicate how the affordable housing obligations of this Ordinance will be met.~~

- ~~(2) The review process for a density bonus project shall be the same as that required for associated discretionary permits. Discretionary actions on density bonus projects shall be subject to the same appeal process applied to associated discretionary permits.~~
- ~~(3) The application and approval of a density bonus and any associated incentives or concessions shall not require a separate permit or approval process from that otherwise required for the same project without a density bonus request.~~
- ~~(4) The granting of a density bonus shall not, in and of itself, require a general plan amendment, local coastal plan amendment, zone change, or other discretionary action.~~
- ~~(5) For development within the coastal zone, the request density bonus and any requested incentives(s), concession(s), and/or waiver(s) or reduction(s) of development standards shall be consistent with all applicable resource protection standards of the certified Oceanside Local Coastal Program Land Use Plan(s) with the exception of density.~~

~~Section 4009: Concessions and Incentives.~~

- ~~(1) In addition to the applicable density bonus, qualifying projects shall receive the following number of incentives or concessions:~~
 - ~~(a) One incentive or concession for projects that propose at least ten percent (10%) of the total units for lower income households, at least five percent (5%) for very low income households, or at least ten percent (10%) for persons and families of moderate income in a common interest development.~~

- ~~(b) Two incentives or concessions for projects that propose at least twenty percent (20%) of the total units for lower income households, at least ten percent (10%) for very low income households, or at least twenty percent (20%) for persons and families of moderate income in a common interest development.~~
- ~~(c) Three incentives or concessions for projects that propose at least thirty percent (30%) of the total units for lower income households, at least fifteen percent (15%) for very low income households, or at least thirty percent (30%) for persons and families of moderate income in a common interest development.~~
- ~~(d) Proposals seeking concessions or incentives deemed necessary to exceed the base density allowance would not be subject to the otherwise required conditional use permit.~~
- ~~(2) For purposes of this Ordinance, concessions or incentives shall include, without limitation:~~
 - ~~(a) A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable, financially sufficient, and actual cost reductions.~~
 - ~~(b) Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.~~
 - ~~(c) Other regulatory incentives or concessions proposed by the developer or the City that result in~~

~~identifiable, financially sufficient, and actual cost reductions.~~

~~(3) This section does not limit or require the City to provide direct financial incentives, including the provision of publicly owned land, or the waiver of fees or dedication requirements. However, the City will consider deferral of application processing fees on a case-by-case basis.~~

~~(4) The City shall grant the concession or incentive requested by the applicant unless the City makes a written finding, based upon substantial evidence, of any of the following:~~

~~(a) The concession or incentive is not required in order to provide for affordable housing costs as defined in Section 59052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified.~~

~~(b) The concession or incentive would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact, without rendering the development unaffordable to low or moderate income households.~~

~~(c) The concession or incentive would be contrary to state or federal law.~~

~~Section 4010: Waiver or Reduction of Development Standards.~~

~~(1) An applicant may submit to the City a proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted under this section, and may request a meeting with the City. Nothing in this subdivision shall be interpreted to require a local government to waive or reduce development standards if the waiver or reduction would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health, safety, or the physical environment, and for~~

~~which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Nothing in this subdivision shall be interpreted to require a local government to waive or reduce development standards that would have an adverse impact on any real property that is listed in the California Register of Historical Resources, or to grant any waiver or reduction that would be contrary to state or federal law.~~

- ~~(2) A proposal for the waiver or reduction of development standards pursuant to this subdivision shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to subdivision (1) of this Ordinance.~~

~~Section 4011: Vehicular Parking Ratio. Upon request of the developer, the following maximum parking ratio, inclusive of handicapped and guest parking, shall apply, pursuant to Section 65915 of the Government Code:~~

- ~~(1) Zero to one bedroom: one on-site parking space.~~
- ~~(2) Two to three bedrooms: two on-site parking spaces.~~
- ~~(3) Four or more bedrooms: two and one-half parking spaces.~~

~~If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number. A development may provide on-site parking through tandem parking or uncovered parking, but not through on-street parking. The applicant may also request a concession or an incentive pursuant to subsection L hereof to further lower the vehicle parking ratios from those described herein.~~

~~Section 4012: Requirements for Participation. In order for a developer/property owner to be eligible for density bonus or other incentives, the following requirements must be met:~~

- ~~(1) A unit will be counted toward meeting the affordable housing requirement if it is either vacant or occupied by a very low, low or moderate income tenant, as applicable, or a Senior Citizen (if density bonus was based on a Senior Citizen Housing Development).~~
- ~~(2) The affordable units must be proportional to the overall project in terms of unit mix, floor plan, square footage, and exterior design. Further, the~~

~~range of affordable units must be reasonably dispersed throughout the development.~~

- ~~(3) The time period of availability to the intended population shall be for at least 30 years. A longer period of availability may be required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.~~
- ~~(4) The maximum allowable rents to comply with the law are determined by a formula designated by the State Department of Housing and Community Development based on the area median income. This formula is indicated in Section 65915(e) of the Government Code.~~
- ~~(5) Owner occupied units shall be available at affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code.~~
- ~~(6) For sale affordable units may be subject to an equity sharing agreement, in the event that public subsidies are involved in the construction and/or purchase of said units.~~
- ~~(7) The owner of the affordable units for which a density bonus was granted must provide to the Neighborhood Services Department a yearly accounting of the total units occupied, the total units vacant, the total units occupied by lower or very low income households, the total number of units occupied by Senior Citizens and the total units required to be set aside under all applicable affordability covenants.~~

ARTICLE 41REASONABLE ACCOMMODATIONA. Specific Purposes

~~The specific purposes of the Reasonable Accommodation provisions outlined in this section are to:~~

- ~~1. Provide a procedure to request reasonable accommodation, through the application of zoning and land use regulations, policies and procedures, for disabled persons seeking an equal opportunity to use and enjoy a dwelling unit under the federal Fair Housing Act and the California Fair Employment and Housing Act.~~
- ~~2. Define "reasonable accommodation" as a modification or exception to the regulations, policies and procedures for the siting, development and use of housing or housing-related facilities that would eliminate or reduce regulatory barriers and thereby provide a disabled person with equal opportunity to housing of their choice.~~
- ~~3. Establish eligibility for reasonable accommodation for persons (1) with a physical or mental impairment that substantially limits one or more major life activities; (2) who are regarded as having such an impairment; and (3) who have a record of such an impairment.~~
- ~~4. Recognize "physical or mental impairment" as including, but not being limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus infection, mental retardation, emotional illness, drug addition (other than addiction caused by current, illegal use of a controlled substance) and alcoholism.~~
- ~~5. Stipulate that reasonable accommodations shall be granted to individual residents and shall not run with the land unless it is determined that (1) the modification is physically integrated into the dwelling unit(s) and cannot~~

~~readily be removed or altered to comply with applicable codes; or (2) the accommodation will be utilized by another disabled person.~~

~~H. Applicability~~

- ~~1. A request for reasonable accommodation may be made by any individual with a disability, his or her representative, or a developer or provider of housing for individuals with disabilities, when the application of a land use or zoning provision, regulation or policy acts as a barrier to fair housing opportunities.~~
- ~~2. A request for reasonable accommodation may include a modification or exception to the rules, standards, development and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability with equal opportunity to housing of their choice.~~
- ~~3. Nothing in this ordinance shall require the City to waive or reduce application processing fees associated with a reasonable accommodation request.~~

~~G. Review Authority and Procedure~~

- ~~1. Requests for reasonable accommodation associated with administrative review of land use and/or development proposals shall be considered by the City Planner or designee. Modification or exception to applicable regulations, policies and procedures shall not, in and of itself, necessitate discretionary review and approval (e.g. Variance or Use Permit). Written determination from the City Planner on administrative requests shall be provided within 45 days of the submittal of a complete application.~~
- ~~2. Requests for reasonable accommodation associated with discretionary review of land use and/or development proposals shall be considered by the authority charged with such review under other provisions of this ordinance. Discretionary review of requests for reasonable accommodation shall only be required when such requests coincide with land use and/or development proposals subject to discretionary review. Procedures for discretionary review of requests for reasonable accommodation including public notification, public hearings, appeals and time extensions shall be those set forth in this ordinance for those entitlements concurrently under review.~~

- ~~2. Adverse decisions regarding reasonable accommodation rendered by the City Planner or designee may be appealed to the Planning Commission by the applicant. Adverse decisions regarding reasonable accommodation rendered by the Planning Commission may be appealed to the City Council by the applicant. Appeals of decisions regarding reasonable accommodation shall follow procedures established in Article 46 of the 1992 Zoning Ordinance.~~

~~B. Findings and Decision~~

- ~~1. Findings. Written determination to grant or deny a request for reasonable accommodation shall be consistent with applicable federal and state law and based on consideration of the following:~~

- ~~a. The housing which is the subject of the request will be inhabited by the person(s) considered disabled in accordance with federal and state law.~~
- ~~b. The requested accommodation is reasonable and necessary to make the housing available to the disabled person(s).~~
- ~~c. The requested accommodation would not result in adverse impacts on surrounding properties and land uses.~~
- ~~d. The requested accommodation would not impose an undue financial or administrative burden on the City.~~
- ~~e. The requested reasonable accommodation would not require a fundamental alteration of a City program or law, including but not limited to land use and zoning regulations, and the City's Local Coastal Program.~~

- ~~2. Alternatives. In evaluating the reasonableness of a requested accommodation, the review authority may consider whether there are reasonable alternatives that would provide an equivalent level of benefit to the disabled individual or group of individuals.~~

- ~~3. Conditions. In granting a request for reasonable accommodation, the reviewing authority may impose conditions of approval to ensure that the above findings can be met. Conditions may include, but are not limited to, ensuring that any removable structures or physical design features constructed or installed in association with a reasonable accommodation be removed once they are not needed to provide access to the dwelling unit for current occupants.~~

~~G. Application Requirements~~

~~1. Requests for reasonable accommodation shall be submitted on an application form provided by the Planning Division. Applications for reasonable accommodation shall include the following information:~~

- ~~a. The applicant's name, address and telephone number.~~
- ~~b. The street address and assessor's parcel number of the property for which the request is being made.~~
- ~~c. The current actual use of the subject property.~~
- ~~d. The basis for the claim that the individual or group of individuals is considered disabled under the federal Fair Housing Act and the California Fair Employment and Housing Act.~~
- ~~e. The zoning provision, regulation or policy from which reasonable accommodation is being requested.~~
- ~~f. Explanation of why of the requested reasonable accommodation is necessary to make the specific property accessible to the disabled individual.~~
- ~~g. Credible documentation shall be provided to allow the City to fully evaluate the factual basis of the request. Application materials shall be provided in a manner that allows the City to independently assess its merits.~~

~~F. Expiration. Any reasonable accommodation approved in accordance with the terms of this article shall expire within twenty four (24) months from the effective date of approval or at an alternative time specified as a condition of approval unless:~~

- ~~1. A building permit has been issued and construction has commenced;~~
- ~~2. A certificate of occupancy has been issued; or~~
- ~~3. A time extension has been granted.~~

~~G. Time Extension. The City Planner or other approving authority may approve a single one-year time extension for a reasonable accommodation. An application for a time extension shall be made in writing to the approving authority no less than thirty (30) days prior to the expiration date.~~

~~H. Revocation. Any reasonable accommodation approved in accordance with the terms of this article may be revoked if any of the conditions or terms of such reasonable~~

~~accommodation are violated, or if any law or ordinance is
violated in connection therewith.~~

Article 10C Coastal Residential Districts (Coastal Zone – Except Downtown Area)Sections:

<u>1010C</u>	<u>Specific Purposes</u>
<u>1020C</u>	<u>General Criteria</u>
<u>1030C</u>	<u>R-1/CZ, R-3/CZ and R-T/CZ Districts: Land Use Regulations</u>
<u>1040C</u>	<u>R-1/CZ, R-3/CZ and R-T/CZ Districts: Property Development Regulations</u>
<u>1050C</u>	<u>Review of Plans</u>

1010C Specific Purposes

In addition to the general purposes listed in Article 1, the specific purposes of the coastal residential districts are to:

- A. Provide appropriately located areas for residential development that are consistent with the General Plan and with standards of public health and safety established by the City Code.
- B. Ensure adequate light, air, privacy, and open space for each dwelling, and protect residents from the harmful effects of excessive noise, population density, traffic congestion, and other adverse environmental effects.
- C. Promote development of housing affordable by low and moderate income households by providing a density bonus for projects in which a portion of the units are affordable for such households.
- D. Protect residential areas from fires, explosions, landslides, toxic fumes and substances, and other public safety hazards.
- E. Protect adjoining single family residential districts from excessive loss of sun, light, quiet, and privacy resulting from proximity to multifamily development.
- F. Achieve design compatibility with surrounding neighborhoods.
- G. Provide sites for public and semipublic land uses needed to complement residential development or requiring a residential environment.
- H. Ensure the provision of public services and facilities needed to accommodate planned population densities.

All references to gross acre in this Article exclude undevelopable land, as defined by the General Plan Land Use Element.

1020C General Criteria

The following general criteria are hereby established for use in the classification or reclassification of land to the R-1/CZ, R-3/CZ and R-T/CZ zone:

1. General Plan – Compliance with the General Plan shall be established.
2. Location – R-1/CZ and R-T/CZ residential areas shall be located with primary access on a public street. R-3/CZ residential areas shall be located with primary access to a major or secondary street as shown on the Major Street Plan having a pavement width of not less than 56 feet unless specifically exempted by the Planning Commission and/or City Council.
3. Need – A demonstrated public need shall be established.
4. Public Services – The existing public services such as schools, police, and fire protection shall be available or adequate alternatives shall be provided to insure availability of those services upon occupancy.
5. Utilities – The existing utility system (water, sewer, drainage, electrical, gas and communications facilities) are adequate or new systems shall be constructed to adequately serve the proposed development(s).

1030C R-1/CZ, R-3/CZ and R-T/CZ Districts:Land Use Regulations

In the following schedule, the letter "P" designates use classifications permitted in residential districts. The letter "U" designates use classifications permitted on approval of a use permit, as provided in Article 41. The letters "P/U" designate use classifications permitted on the site of a permitted use, but requiring a use permit on the site of a conditional use. Letters in parentheses in the "Additional Regulations" column refer to "Additional Use Regulations" following the schedule.

All projects on R-3/CZ designated properties, with the exception of a single family dwelling or a two-family dwelling, must file a development plan pursuant to the provisions of Article 43 of the Oceanside Zoning Ordinance.

R-1/CZ, R-3/CZ and R-T/CZ
DISTRICTS:
LAND USE REGULATIONS

P - Permitted
U - Use Permit
- - Not Permitted

	<u>R-1/CZ</u>	<u>R-3/CZ</u>	<u>R-T/CZ</u>	<u>Additional Regulations</u> <u>A, B, C, D, E, F, G, H,</u> <u>I, J, K, L, M, N, Z</u>
<u>Accessory Uses & Structures</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Airports, Heliports, Landing Fields</u>	<u>-</u>	<u>-</u>	<u>U</u>	
<u>Amusement Parks</u>	<u>-</u>	<u>-</u>	<u>U</u>	
<u>Apartments - 20 units or more</u>	<u>-</u>	<u>U</u>	<u>U</u>	
<u>Apartments - less than 20 units</u> <u>(subject to R-3 standards)</u>	<u>-</u>	<u>P</u>	<u>P</u>	
<u>Religious Assembly</u>	<u>U</u>	<u>U</u>	<u>U</u>	<u>(O)</u>
<u>Clubs & Lodges</u>	<u>U</u>	<u>U</u>	<u>U</u>	
<u>Cemetery</u>	<u>-</u>	<u>-</u>	<u>U</u>	
<u>Day Care, General</u>	<u>U</u>	<u>U</u>	<u>U</u>	
<u>Day Care, Limited</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Food and Beverage Kiosk</u>	<u>-</u>	<u>-</u>	<u>U</u>	
<u>Golf Courses (mini), Driving ranges</u>	<u>-</u>	<u>-</u>	<u>U</u>	
<u>Golf Course (public or private)</u>	<u>U</u>	<u>U</u>	<u>U</u>	
<u>High-rise Structures</u>	<u>U</u>	<u>U</u>	<u>U</u>	<u>(X)</u>
<u>Horticulture, Limited</u>	<u>P</u>	<u>P</u>	<u>-</u>	
<u>Hospitals</u>	<u>U</u>	<u>U</u>	<u>U</u>	
<u>Hotels, Motels, Timeshares</u>	<u>-</u>	<u>-</u>	<u>U</u>	
<u>Mobile Home Parks</u>	<u>U</u>	<u>U</u>	<u>U</u>	
<u>Recreational Vehicle Parks</u>	<u>-</u>	<u>U</u>	<u>-</u>	<u>(Y)</u>
<u>Multifamily Residential</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>(P, O, R, S)</u>
<u>Natural Mineral Resources</u>	<u>U</u>	<u>U</u>	<u>U</u>	
<u>Single Family Residential</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>(C, P, O, U, V)</u>
<u>Parking Lots or Structures</u>	<u>-</u>	<u>P</u>	<u>U</u>	<u>(T)</u>
<u>Public Buildings or Lands owned</u> <u>and/or operated by City, State, Fed.</u>	<u>U</u>	<u>U</u>	<u>U</u>	
<u>Utilities, Major</u>	<u>U</u>	<u>U</u>	<u>U</u>	
<u>Utilities, Minor</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Residential Care, General</u>	<u>U</u>	<u>U</u>	<u>-</u>	
<u>Residential Care, Limited</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Equestrian Facilities</u>	<u>U</u>	<u>-</u>	<u>-</u>	
<u>Schools/ Colleges (public or private)</u>	<u>U</u>	<u>U</u>	<u>U</u>	
<u>Sewage Disposal Plants</u>	<u>U</u>	<u>U</u>	<u>U</u>	
<u>Tourist Cottages & Summer Rentals</u>	<u>-</u>	<u>-</u>	<u>P</u>	

R-1/CZ, R-3/CZ, and R-T/CZ Districts:
Additional Use Regulations

- (A) See Section 3002: Relocated Buildings (use permit required)
- (B) See Section 3003: Exterior Materials in R Districts
- (C) See Section 3041: Child Care Facility
- (D) See Section 3007: Home Occupations
- (E) See Section 3031: Bed and Breakfast Inns
- (F) See Section 3030: Timeshare Resorts
- (G) See Article 39: Wireless Communication Facilities
- (H) See Section 3005: Nonresidential Accessory Structures and Section 3006: Accessory Dwelling Units
- (I) See Section 3119: Driveways and Carport Design and Location in R Districts
- (J) See Section 3008: Swimming Pools and Hot Tubs
- (K) See Section 3033: Mobile Homes
- (L) See Section 3034: Animals
- (M) See Section 3035: Live/Work Quarters
- (N) See Article 35: Nonconforming Uses and Structures
- (O) See Section 3004: Religious Assembly Yard Requirements
- (P) R-1/CZ & R-3/CZ Zone: A two-family dwelling may be constructed when the lot upon which it is located has a side line abutting a lot or lots zoned R-3, O-P, R-T, C-1 or C-2, but in no case shall the property used for such two-family dwelling consist of more than one lot nor be more than ninety (90) feet in width, whichever is the least.
- (Q) R-1/CZ & R-3/CZ Zone: Zero lot line development, including "twin homes" and patio homes are permitted, subject to the development standards contained in Section 3025 and the approval of a Development Plan.
- (R) R-3/CZ Zone: Two-family dwellings are permitted, provided if a one-family dwelling existed on such lot on the effective date of this ordinance a second one-family dwelling may be erected, provided also that on corner lots two single-family homes may be

erected if one house faces the street upon which such lot fronts and the other house faces upon the side street.

- (S) R-3/CZ Zone: A three-family or a four-family dwelling is permitted, when the side line of the lot abuts lots zoned for R-T/CZ, C-1/CZ or C-2/CZ but in no case shall the property used for such three or four-family dwelling consist of more than one lot, or be more than ninety feet in width, whichever is the least.
- (T) R-3/CZ Zone: A public parking area is permitted, when developed under appropriate provisions of Article 31 where the lot on which it is located abuts upon lots zoned for commercial or industrial purposes.
- (U) R-T/CZ Zone: Single family residential, subject to R-1/CZ development standards.
- (V) Bedrooms in a dwelling unit may be rented for occupancy by not more than six persons
- (W) RESERVED
- (X) The Planning Commission shall determine from the evidence presented at the hearing that all of the following facts exist:
 - (a) The proposed building or structure at the particular location and under the proposed conditions of development has complied with good planning practices, including provisions for height, building bulk, yards, open space, lot coverage, grading and related public health, safety and convenience features, and will provide for the preservation of the general welfare of the community as if developed to the height limits imposed by the provisions of the appropriate zone.
 - (b) The proposed building or structure will comply with the regulations and conditions specified in the Building Code for such structures.
 - (c) The granting of an exception will not adversely affect any adopted plan of any governmental agency.

The Planning Commission may modify or further restrict setback requirements, maximum height, off-street parking, and landscaping requirements upon a specified finding being made that it is necessary to provide for a more aesthetically pleasing project or necessary for the preservation of health, safety, peace or general welfare of persons living in or near the project.

- (Y) See Section 3029: Recreational Vehicle Parks.
- (Z) See Section 3012: Maximum Dwelling Unit Occupancy

1050 R-1/CZ, R-3/CZ, and R-T/CZ Districts:
Property Development Regulations

The following schedule prescribes development regulations for residential districts. The

schedule establishes basic requirements for permitted and conditional uses; letters in parentheses in the "Additional Regulations" column refer to "Additional Development Regulations" following the schedule.

R-1/CZ, R-3/CZ and R-T/CZ Districts:
PROPERTY DEVELOPMENT REGULATIONS

	<u>R-1/CZ</u>	<u>R-3/CZ</u>	<u>RT</u>	<u>Additional Regulations</u> <u>(A,B,C,D,E,M,Q,Z,DD)</u>
<u>Density:</u>				
<u>Min. Site Area / Unit (sq.ft.)</u>	<u>6,000</u>	<u>1,000 (lots west of I-5)</u> <u>1,500 (lots east of I-5)</u>	<u>1,000</u>	
<u>Minimum Lot size:</u>	<u>6,000</u>	<u>6,000</u>	<u>6,000</u>	
<u>Minimum Lot depth (ft.):</u>	<u>100</u>	<u>100</u>	<u>100</u>	
<u>Minimum Lot Width (ft.):</u>	<u>60-125</u>	<u>60</u>	<u>60</u>	<u>(X)</u>
<u>Minimum Yards:</u>				<u>(G,T,W,AA,BB,CC)</u>
<u>Front (ft.)</u>	<u>20</u>	<u>20</u>	<u>10</u>	<u>(F,Q,S)</u>
<u>Side (ft.)</u>	<u>10% lot width</u> <u>3ft (min) /5ft (max)</u>	<u>10% lot width</u> <u>3ft (min) /5ft (max)</u>	<u>3</u>	<u>(U)</u>
<u>Corner Side (ft.)</u>	<u>10</u>	<u>10</u>	<u>3</u>	
<u>Rear (ft.)</u>	<u>15</u>	<u>15</u>	<u>0</u>	<u>(V)</u>
<u>Constant Stringline Setback</u>				<u>(H)</u>

R-1/CZ, R-3/CZ, and R-T/CZ Districts:PROPERTY DEVELOPMENT REGULATIONS (continued)

	<u>R-1/CZ</u>	<u>R-3/CZ</u>	<u>R-T/CZ</u>	<u>Additional Regulations</u> <u>(A,B,C,D,E,M,Q,Z,DD)</u>
<u>Maximum Height (ft.)</u>	<u>lesser of 35ft. or 2 stories</u>	<u>lesser of 35ft. or 3 stories</u>	<u>lesser of 35ft. or 3 stories</u>	<u>(L,Y)</u>
<u>Maximum Coverage</u>	<u>40%</u>	<u>60%</u>	-	
<u>Minimum Site Landscaping</u>				<u>(J)</u>
<u>Fences and Walls</u>	<u>See Section 3040</u>			<u>(X)</u>
<u>Off-Street Parking/Loading</u>	<u>See Article 31</u>			<u>(L,N)</u>
<u>Signs</u>	<u>See Article 33</u>			
<u>Screening</u>	<u>See Section 3021</u>			
<u>Refuse Storage Areas</u>	<u>See Section 3022</u>			
<u>Underground Utilities</u>	<u>See Section 3023</u>			
<u>Performance Standards</u>	<u>See Section 3024</u>			
<u>Nonconforming Structures</u>	<u>See Article 35</u>			
<u>Vehicular Access</u>	<u>See Section 3114</u>			
<u>Outdoor Storage</u>				<u>(R)</u>

Exhibit B

ZA16-06008 LCPA 16-00005

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R-1/CZ, R-3/CZ, and R-T/CZ DISTRICTS:
Additional Development Regulations

- (A) See Section 3032: Affordable Housing Density Bonus
- (B) The Planning Commission, for projects with more than four units, or the City Planner, for projects with four or fewer units, may authorize an increase in density up to the maximum potential density for a project exceeding standards established by City Policy if the Commission or the City Planner, as the case may be, finds the project conforms to the provisions of Section 2.3 of the Land Use Element of the General Plan. No permit shall be granted that would directly or indirectly allow the maximum potential density to be exceeded unless specifically allowed by Section 1.13(H) of the Land Use Element of the General Plan for the Loma Alta, Fire Mountain and South Oceanside Neighborhood Planning Areas. An increase in density up to the maximum potential density may also be approved when the applicant elects to reserve units for low-income households in accordance with Municipal Code section 14C.7. In such cases, projects remain subject to the provisions of Section 2.3 of the land Use Element of the General Plan.
- (C) See Section 3013: Development on Substandard Lots.
- (D) See Section 3014: Development on Lots Divided by District Boundaries.
- (E) The minimum site area shall be 12,000 square feet for General Day Care, General Residential Care, and Public and Private Schools.
- (F) See Section 3016: Front Yards in R Districts.
- (G) Permitted Projections into Required Yards.
- (1) In All Districts. See Section 3015: Building Projections into Yards and Courts.
- (2) Accessory Structures. See Section 3005: Nonresidential Accessory Structures; Section 3006: Accessory Dwelling Units; and Section 3119: Driveways and Carport Design and Location in R Districts.
- (H) Buildings or structures located on lots contiguous to the shoreline, shall be compatible in scale with the existing development and shall not extend further seaward than the line established on the Stringline Setback Map. Appurtenances such as open decks, patios, and balconies may be allowed to extend seaward of the Stringline Setback line, providing that they do not substantially impair the views from adjoining properties.
- (I) No buildings or structures shall be erected or enlarged unless such building or structure complies with the height regulations for the zone in which the building or structure is located or proposed to be located. For purposes of determining the height of a building or structure, the average finished grade of the parcel on which the

building or structure is located shall be used.

On through lots one hundred fifty (150) feet or less in depth, the height of a building on such lot may be measured from the sidewalk level of the street on which the building fronts. On through lots more than one hundred fifty (150) feet in depth, the height regulations and basis of height measurements for the street permitted the greater height shall apply to a depth of not more than one hundred fifty (150) feet from that street.

- (J) All open areas with the exception of vehicular accessways and parking areas, pedestrian walkways, and recreational facilities shall be landscaped. A minimum of sixty (60) percent landscaping shall be provided within the required front and side yard setback areas, respectively. All landscaped areas shall have a permanent irrigation system providing one hundred (100) percent irrigation.
- (K) The maximum height of a fence or wall, including retaining walls shall be 6 feet except in required front yards abutting a street where the maximum height shall be 42 inches. Fences in front yards abutting a street may be up to 5-feet in height, if the fence material above 42 inches is decorative in appearance and 75 percent open. "Chainlink" or similar materials are not an acceptable decorative material for fences above 42 inches in height. In addition, all fences and walls shall be subject to the driveway visibility requirements of Section 3115 and all retaining walls over 4 feet in height shall be planted and irrigated. Tennis court fencing shall be a maximum height of 12 feet and shall not be located within any required yard.
- (L) See Article 31: Off-Street Parking and Loading Regulations.
- (M) Any portion of a lot subject to an easement for a major overhead electrical transmission line, vehicular access easement, permanently maintained open space easement, or public-access corridor shall be excluded in determining compliance with the minimum lot area and yard requirements, and the yard development standards shall be measured from the easement line closest to the structure.
- (N) Vehicles shall not be parked in a required front, yard area and shall not project beyond the front building line of the principal structure on a site, provided that such vehicles may be parked on an approved driveway. Vehicles may not be connected to utilities or be used for habitation. Boats, trailers, and other non-motorized vehicles parked on driveways are subject to the provisions of Oceanside Traffic Code 13.25. All vehicles parked in side or rear yard areas must meet the following guidelines:
 - (1) Vehicles must be parked behind a 6' high view-obscuring fence.
 - (2) Vehicles must be parked on an acceptable surface of gravel, brick, or other paving surface.
 - (3) Vehicles or portions thereof, which are visible from public or adjacent private property, must be maintained in good appearance and condition at all times, i.e. free of rust, dilapidated tarps or coverings, or deteriorated paint.

- (4) Vehicles must not block exterior windows or doors of habitable space in a dwelling.
- (5) Vehicles must not block access to utility boxes or meters.
- (6) At least one 36" clear side yard access aisle to the rear yard must be maintained on the property.

Exemption:

Owners of 51 percent or more of the land in a defined planning neighborhood or subdivision may file an exemption to the above front yard parking limitations by obtaining from the City and completing an Application for Exemption and providing a supporting petition with the required number of property owner signatures. The completed application and petition must be submitted to the Development Services Department on approved forms and shall include the following:

- (1) A statement of purpose and explanation of why the exemption should apply to the defined planning neighborhood or subdivision;
- (2) A map indicating the boundaries of all lots in the proposed exemption area;
- (3) Proof of notification of intent to apply for neighborhood exemption to all owners of record within the defined planning neighborhood or subdivision.

The Development Services Department shall verify that all information submitted on the application meets the designated criteria and shall verify all petition signatures. The Development Services Department shall not act on an application and petition unless in the sole discretion of the Development Services Director, the application is complete and all criteria have been met.

If the Application for Exemption is approved, the following restrictions shall apply for additional parking in the front yard setback area:

- (1) Additional parking areas must meet the driveway design requirements of Oceanside Zoning Ordinance Section 3119.A.
- (2) The total paved parking area in the front yard setback, including the existing approved driveway, must not exceed one-third coverage of the front yard area.
- (3) The additional parking area must not create any vehicular or pedestrian sight hazards or block emergency ingress/egress to any habitable space in a dwelling.
- (4) Vehicles are not permitted to drive across sidewalks.
- (5) Additional driveway curb cuts are not permitted.

- (O) Each street frontage on an interior lot double frontage lot and the two shortest street frontages on a corner lot shall be deemed a front lot line and front yard and corner side yard setback requirements of the base district shall be met.
- (P) Minimum horse yard areas, consisting of seventy-two hundred (7,200) square feet of useable area shall be maintained on a residential lot for the stabling and servicing of up to two (2) horses. One additional horse is allowed for each thirty-six hundred (3,600) square feet of useable horse yard area, not to exceed a maximum of four (4) horses per lot, unless a Conditional Use Permit is approved by the City Planner to exceed four (4) horses. Useable area for horse yards shall be defined as an area with no slopes greater than 10 to 1. The horse yard shall be able to site the following facilities exclusive of side and rear-yard setbacks.
- (1) A minimum of one (1) 24 foot by 24 foot pen for the stabling and servicing of one horse.
 - (2) A minimum of two (2) 24 foot by 24 foot pens for the stabling and serving of two horses.
 - (3) A minimum area of 150 square feet for hay and tack storage.
 - (4) A minimum area of 250 square feet for waste storage.
 - (5) A minimum 50 foot diameter lunge (exercise) area.
 - (6) Vehicular access for hay delivery and horse trailers.
 - (7) No horse shall be stabled within forty (40) feet of any window or door of any on or off-site building used for human habitation. Additionally, all structures, including barns and stables, shall comply with all applicable development regulations. Corrals shall maintain a minimum side and rear-yard setback of five (5) feet and a front-yard setback of twenty-five (25) feet.
- (Q) Projects exceeding base density allowances are subject to alternative inclusionary housing requirements as established in Municipal Code Chapter 14C. When such projects reserve units for low-income households in accordance with Municipal Code section 14C.7, they are eligible for the following concessions to building height and parking standards:
- Building Height: One additional story, not to exceed eight (8) additional feet above the maximum height for the surrounding zoning district.
- Parking: One (1.0) parking space per market-rate studio and one-bedroom unit; 1.5 parking spaces per market-rate unit exceeding one bedroom; 0.5 parking space per reserved studio unit; one (1.0) parking space per reserved one-bedroom unit; 1.25 parking spaces per reserved two-bedroom unit; 1.5 parking spaces per reserved unit exceeding two bedrooms.

While these concessions to building height and parking standards are granted without the benefit of a variance, they do not preclude the discretionary review process, through which project approval will be contingent upon neighborhood compatibility, mitigation of massing impacts, compliance with the California Environmental Quality Act, and other considerations that may have the effect of limiting the overall bulk and scale of proposed development.

- (R) In R-3/CZ and R-T/CZ Districts, each unit shall be provided with a minimum 160 cubic feet of enclosed outdoor storage area which shall be provided in garages, carports or patio areas and in which one dimension shall be at least 6 feet. Individual garages serving one unit shall be exempt from this requirement.
- (S) Every lot which allows apartment development and is located west of Interstate 5 shall have a minimum front yard setback area of not less than fifteen feet.
- (T) Lots located on Coast Highway between Wisconsin Avenue and the southern City limits shall maintain a fifty foot setback from the centerline of Coast Highway.
- (U) One zero side yard setback is allowed in the R-1/CZ and R-3/CZ zones provided that the opposite side yard setback has at least ten feet and further provided that all appropriate provisions of applicable Building Code(s) are met. In addition, when a property owner has been required to dedicate a vertical public coastal access way along the side yard of a parcel, the area dedicated may count toward a side yard setback foot to foot up to five feet on that parcel.
- (V) A minimum rear yard setback of ten (10) feet shall be maintained for enclosed patios and patio awnings.

Lots which rear upon an alley shall maintain a five (5) foot setback.

When two lots are separated by a slope bank of twenty (20) feet or more the uphill lot need not provide any setback provided that all building codes and grading ordinance provisions are met and that a five (5) foot high fence be built on the property.

Lots which rear upon land to be permanently maintained as open space need not have a rear setback.

- (W) Except as provided in this Article, every required yard shall be open and unobstructed from the ground to the sky. No yard or open space provided around any building for the purpose of complying with the provisions of this ordinance shall be considered as providing a yard or open space for any other building, and no yard or open space on any adjoining property shall be considered as providing a yard or open space on a building-site whereon a building is to be erected.
- (X) In the R-1/CZ zone, every lot created after the effective date of this ordinance shall have a minimum lot width as follows:

Lots designated on the zoning map as requiring a minimum lot area between:
0 to 9,999 square feet – 60 foot lot width

10,000 to 14,999 square feet – 70 foot lot width

15,000 to 19,999 square feet – 100 foot lot width

20,000 and over square feet – 125 foot lot width

Lots in the R-3 zone created after the effective date of this ordinance shall maintain a lot width of not less than sixty (60) feet at the rear line of the required front yard.

Corner lots – Corner lots in any zone shall have a minimum lot width of seventy (70) feet.

Cul-de-sacs – Lots located on a cul-de-sac shall have a minimum lot width at the front property line of forty (40) feet.

Curved street sections – Lots located on a curved street section shall have a minimum lot width at the front property line of forty-five (45) feet.

(Y) Penthouses or roof structures for the housing of elevators, stairways, ventilator fans, air conditioning or similar equipment required to operate and maintain the building, fire or parapet walls, skylights, towers, church steeples, flag poles, chimneys, antennas and similar structures may be erected above the height limits prescribed hereinabove provided the same may be safely erected and maintained at such height, in view of the surrounding conditions and circumstances, but no penthouses or roof structures or any space above the height limit shall be allowed for the purpose of providing additional floor space.

Projects that exceed base density allowances and reserve units for low-income households in accordance with Municipal Code Section 14C.7 are eligible for one additional story, not to exceed eight (8) additional feet above the maximum allowable height for the surrounding zoning district. While this concession is granted to qualified projects without the benefit of a variance, it does not preclude the discretionary review process, through which project approval may be contingent upon neighborhood compatibility, mitigation of massing impacts, compliance with the California Environmental Quality Act, and other considerations that may have the effect of limiting the overall bulk and scale of development.

(Z) Placement of buildings on any lot shall conform to the following:

- (1) No building shall occupy any portion of a required yard.
- (2) The distance between buildings used for human habitation and accessory buildings shall be ten (10) feet.
- (3) A non dwelling accessory building may be built to the rear lot line and to one side lot line only within the rear forty (40) percent of the lot provided to where a lot rears upon an alley, the building shall maintain a distance of not less than five (5) feet from the rear lot line.
- (4) On a reversed corner lot an accessory building may be built to the interior side

lot line when located to the rear of the required side yard, but no building shall be erected closer to the property line of any abutting lot to the rear than the equivalent of the required interior side yard on such reversed corner lot, and further provided that if such reversed corner lot rears upon an alley, an accessory building shall maintain a distance of five (5) feet from the rear lot line.

- (AA) Where two or more buildings are, by definition of this ordinance, considered main buildings, then the front yard requirement shall apply only to the building closest to the front lot line.
- (BB) The minimum width of the side yard upon which a primary entrance to a dwelling unit is provided shall be no less than ten (10) feet.
- (CC) Where two-family dwellings or multiple-family dwellings, group houses, court apartments or row dwellings are arranged so that the rear of such dwellings abut upon the side yards, and such dwellings have openings onto such side yards used as secondary means of access to the dwellings, the required side yards to the rear of such dwellings shall be increased by one (1) foot for each dwelling unit having such an entrance or exit opening into or served by such yard, provided such increase need not exceed five (5) feet.
- (DD) The following base density allowances shall apply for the purpose s of determining inclusionary housing requirements:

 - (1) R-1/CZ properties shall have a base density allowance of one (1) dwelling unit per 12,100 square feet of lot area (i.e., 3.6 dwelling units per acre).
 - (2) R-3/CZ properties located on the west side of Interstate 5 shall have a base density allowance of one (1) dwelling unit per 1,500 square feet of lot area (i.e., 29 dwelling units per acre).
 - (3) R-3/CZ properties located on the east side of Interstate 5 shall have a base density allowance of one (1) dwelling unit per 2,900 square feet of lot area (i.e., 15 dwelling units per acre).
 - (4) R-T/CZ properties shall have a base density allowance of one (1) dwelling unit per 1,500 square feet of lot area (i.e., 29 dwelling units per acre).

1060 Review of Plans

All projects shall be reviewed in accordance with applicable procedures of the Coastal Permit Handbook.

Article 11C Coastal Commercial Districts(Coastal Zone – Except Downtown Area)Sections:1110C Specific Purposes1120C General Criteria1130C VC/CZ, C-1/CZ, C-2/CZ and OP/CZ Districts: Land Use Regulations1140C VC/CZ, C-1/CZ, C-2/CZ and OP/CZ Districts: Property Development Regulations1150C Review of Plans1110C Specific Purposes

In addition to the general purposes listed in Article 1, the specific purposes of commercial district regulations are to:

- A. Provide appropriately located areas consistent with the General Plan for a full range of office, retail commercial, and service commercial uses needed by residents of, and visitors to, the city and region.
- B. Strengthen the city's economic base, and provide employment opportunities close to home for residents of the city and surrounding communities.
- C. Create suitable environments for various types of commercial uses, and protect them from the adverse effects of inharmonious uses.
- D. Minimize the impact of commercial development on adjacent residential districts.
- E. Ensure that the appearance and effects of commercial buildings and uses are harmonious with the character of the area in which they are located.
- F. Ensure the provision of adequate off-street parking and loading facilities.
- G. Provide sites for public and semipublic uses needed to complement commercial development or compatible with a commercial environment.

The additional purposes of each Coastal Commercial district are as follows:

VC/CZ Visitor Commercial District. To provide recreation-oriented and visitor serving commercial activities near recreation and scenic areas with immediate access to freeways and major thoroughfares. This classification encompasses specialized commercial uses which are directly dependent, supportive or related to the coast.

C-1/CZ Neighborhood Commercial District. To classify and set standards for those retail and service commercial uses which by their nature are of moderate intensity; are necessary in order to provide convenient daily shopping facilities to residents; and are generally adjacent to or within proximity to residential zoning or development and, therefore, require extraordinary physical treatment in order to guarantee compatibility with and protection to surrounding properties and their values.

C-2/CZ Limited Commercial District. To classify and set standards for retail and service commercial uses which by their nature are of relatively high intensity; are necessary to provide a wide range of shopping facilities and goods, professional and administrative offices, and entertainment establishments; and are generally within proximity to residential zoning or development and, therefore, require a physical treatment which will guarantee compatibility with and protection of surrounding properties and their value.

OP/CZ Office Professional District. To classify and set standards for those businesses, office, administrative, or professional land uses which by their nature are of relatively low intensity and, therefore, when properly located and designated are compatible with adjacent residential zoning and the development therein.

1120C General Criteria

1. Compliance with the General Plan, the Coastal Land Use Plan, including all specific plans that are part of the Coastal Land Use Plan, Development Criteria, and Land Use Regulations shall be established.
2. Uses on OP/CZ sites shall be located with primary access to an arterial, major or collector street as shown on the Major Street Plan.
3. Neighborhood commercial centers on C-1/CZ sites should serve several neighborhoods and be located with primary access to a major street, preferably at the intersection of a major and collector street or two major streets. Land so utilized should be topographically suited to such use without major earth movement, resulting in unsafe or unsightly cut or fill slopes.
4. The existing utility system (water, sewer, drainage, electrical, gas and communications facilities) shall be determined to be adequate to serve developments and shall be underground.
5. A demonstrated public need shall be established.

1130C VC/CZ, C-1/CZ, C-2/CZ and OP/CZ Districts: Land Use Regulations

In the following schedules, the letter "P" designates use classifications permitted in coastal commercial districts. Letters "U" and "A" designate use classifications permitted on approval of a use permit or administrative use permit respectively. Use classifications that are not listed are prohibited. Letters in parentheses in the "Additional Regulations" column reference regulations following the schedule or located elsewhere in this ordinance. Where letters in parentheses are opposite a use classification heading, referenced regulations shall apply to all use classifications under the heading.

VC/CZ, C-1/CZ, C-2/CZ and OP/CZ
DISTRICTS:

P - PermittedU - Use PermitACUP - Administrative Use Permit- - Not PermittedLAND USE REGULATIONS

	<u>VC/CZ</u>	<u>C-1/CZ</u>	<u>C-2/CZ</u>	<u>OP/CZ</u>	<u>Add. Reg.</u>
	<u>(A,C,D,E,I,J,O,R,S,T,U,Y)</u>				
<u>Airports, Heliports, Landing Fields</u>	-	<u>U</u>	<u>U</u>	<u>U</u>	<u>(B)</u>
<u>Ambulance Services</u>	-	-	<u>U</u>	<u>U</u>	
<u>Amusement Parks</u>	<u>U</u>	<u>U</u>	<u>P</u>	-	
<u>Arcades</u>	-	-	<u>U</u>	-	<u>(F)</u>
<u>Automobile repairing</u>	-	-	<u>P</u>	-	
<u>Automobile service stations</u>	<u>U</u>	<u>U</u>	<u>U</u>	-	<u>(G)</u>
<u>Bakeries</u>	-	<u>P</u>	<u>P</u>	-	
<u>Barber shops/ beauty parlor</u>	-	<u>P</u>	<u>P</u>	-	
<u>Bars & cocktail lounges</u>	<u>U</u>	-	<u>U</u>	-	
<u>(not associated with restaurant)</u>					
<u>Bathhouses</u>	-	-	<u>U</u>	-	
<u>Boat sales, supplies & service</u>	<u>P</u>	-	<u>P</u>	-	
<u>Book or stationary stores</u>	-	<u>P</u>	<u>P</u>	-	
<u>Breweries, Craft</u>					<u>(W)</u>
<u>Tier 1</u>	-	-	<u>A</u>	-	
<u>Tier 2 and/or abutting residential</u>	-	-	<u>U</u>	-	
<u>Zones, churches, or schools</u>					
<u>Campgrounds & RV parks</u>	-	-	<u>U</u>	-	
<u>Car washes</u>	-	-	<u>U</u>	-	<u>(G)</u>
<u>Clubs, meeting places, lodges etc.</u>	-	<u>U</u>	<u>U</u>	<u>U</u>	
<u>Coastal related uses (other)</u>	<u>U</u>	-	<u>P</u>	-	

C Commercial Land Use Regulations (continued)

	<u>VC/CZ</u>	<u>C-1/CZ</u>	<u>C-2/CZ</u>	<u>OP/CZ</u>	<u>Add. Reg.</u>
<u>Columbariums, crematories, mausoleums, mortuaries</u>		<u>U</u>	<u>U</u>	<u>U</u>	
<u>Commercial fishing, diving and sportfishing; supplies and service</u>	<u>P</u>	-	<u>P</u>	-	
<u>Community buildings and public uses</u>	<u>P</u>	-	<u>P</u>	-	
<u>Convenience food store</u>	<u>U</u>	<u>U</u>	<u>U</u>	-	
<u>Dance halls</u>	-	-	<u>U</u>	-	
<u>Daycare facilities</u>	-	<u>U</u>	<u>U</u>	<u>U</u>	
<u>Delicatessens</u>	<u>P</u>	-	<u>P</u>	-	
<u>Dress or millinery shops</u>	-	<u>P</u>	<u>P</u>	-	
<u>Drive-in facilities</u>	<u>U</u>	<u>U</u>	<u>U</u>	-	(N)
<u>Drug stores</u>	-	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Dry cleaning</u>	-	<u>P</u>	<u>P</u>	-	
<u>Dry goods or notion stores</u>	-	<u>P</u>	<u>P</u>	-	
<u>Florist shops</u>	-	<u>P</u>	<u>P</u>	-	
<u>Food and beverage kiosk</u>	<u>U</u>	<u>U</u>	<u>U</u>	-	
<u>Frozen food locker</u>	-	-	<u>P</u>	-	
<u>Gift, sundries, souvenir shops</u>	<u>P</u>	-	<u>P</u>	-	
<u>Miniature golf courses, driving ranges (separate from standard golf course)</u>	-	<u>U</u>	<u>U</u>	-	
<u>Golf course (public or private)</u>	-	<u>U</u>	<u>U</u>	<u>U</u>	
<u>Greenhouses (no retail sales)</u>	-	-	<u>U</u>	-	(R)
<u>Grocery stores (except convenience food stores)</u>	-	<u>P</u>	<u>P</u>	-	
<u>Gun shops</u>	-	-	<u>U</u>	-	
<u>Hardware stores</u>	-	<u>P</u>	<u>P</u>	-	
<u>High-rise structures</u>	<u>U</u>	<u>U</u>	<u>U</u>	<u>U</u>	(K)
<u>Hospitals</u>		<u>U</u>	<u>U</u>	<u>U</u>	
<u>Hotels & motels</u>	<u>U</u>	<u>U</u>	<u>U</u>	-	(H)
<u>Institutions (philanthropic/elemosynary)</u>		<u>P</u>	<u>P</u>	<u>P</u>	
<u>Jewelry stores</u>	-	<u>P</u>	<u>P</u>	-	
<u>Kennels/ vet facilities (within a soundproofed building)</u>	-	-	<u>P</u>	-	
<u>Light equipment rental yards</u>			<u>U</u>	<u>U</u>	
<u>Liquor store</u>	<u>U</u>	<u>U</u>	<u>U</u>	-	
<u>Locker clubs</u>	-	-	<u>U</u>	-	
<u>Massage parlors</u>	-	-	<u>U</u>	-	
<u>Meat market or delicatessens</u>	-	<u>P</u>	<u>P</u>	-	

C Commercial Land Use Regulations (continued)

	VC/CZ	C-1/CZ	C-2/CZ	OP/CZ	Add. Reg.
<u>Medical professional</u>	-	P	P	-	
<u>Motor vehicle rental and sales</u>	-	-	U	-	
<u>Natural mineral resources development</u>	-	U	U	U	
<u>Newspaper, printers</u>	-	-	P	-	
<u>Office professional</u>	-	P	P	P	
<u>Office uses above 1st story</u>	P	-	P	-	
<u>Public parking facilities</u>	-	P	P	P	
<u>Natural mineral resources development (and related uses)</u>	-	U	U	U	
<u>Parking lots or structures (commercial)</u>	U	U	U	U	
<u>Pawnshops</u>	-	-	U	-	
<u>Photo engraving</u>	-	-	P	-	
<u>Personal storage facilities</u>	-	-	U	-	
<u>Poolrooms and billiard parlors</u>	-	-	U	-	
<u>Private security agency</u>	-	U	P	U	
<u>Public buildings or lands owned and/or operated by Federal, State or City</u>	U	U	P	U	
<u>Public utility stations, yards, wells and other similar facilities</u>	U	U	U	U	
<u>Race tracks (animal or auto) rodeos, fairgrounds and similar facilities</u>	-	-	U	-	
<u>Radio/ television transmitters-commercial</u>	-	-	U	-	(Q)
<u>Recreational equipment rental/sales</u>	P	-	P	-	
<u>Recreation facilities (private commercial)</u>	U	U	U	-	(L)
<u>Religious assembly</u>	-	U	U	U	(M)
<u>Residential</u>					
<u>20 units or more</u>	-	U	U	U	(V)
<u>less than 20 units (subject to R-3 stds)</u>	-	U	U	U	(V)
<u>Restaurants, cafés and snack bars</u>	P	P	P	-	
<u>Restaurants, tea rooms or cafes (excluding dancing or entertainment)</u>	-	P	P	-	
<u>Restaurants with cocktail lounges (including dance floor)</u>	-	-	P	-	
<u>Restaurant fast food</u>	P	P	P	-	
<u>Restaurant fast food w/ drive-thru or drive-up</u>	U	U	U	-	
<u>Retail, wholesale or service businesses catering directly to the consumer</u>	-	-	P	-	

C Commercial Land Use Regulations (continued)

	<u>VC/CZ</u>	<u>C-1/CZ</u>	<u>C-2/CZ</u>	<u>OP/CZ</u>	<u>Add. Reg.</u>
<u>Sanitary landfills</u>	-	<u>U</u>	<u>U</u>	<u>U</u>	
<u>Schools and Colleges</u>	-	<u>U</u>	<u>U</u>	<u>U</u>	
<u>Secondhand stores</u>	-	<u>U</u>	<u>U</u>	-	
<u>Self-service laundromats</u>	-	<u>U</u>	<u>U</u>	-	
<u>Sewage disposal plants</u>	<u>U</u>	<u>U</u>	<u>U</u>	<u>U</u>	
<u>Shoe stores or repair stores</u>	-	<u>P</u>	<u>P</u>	-	
<u>Shooting gallery</u>	-	-	<u>U</u>	-	
<u>Swap lots</u>	-	-	<u>U</u>	-	
<u>Tailors, clothing or apparel stores</u>	-	<u>P</u>	<u>P</u>	-	
<u>Tattoo parlors</u>	-	-	<u>P</u>	-	
<u>Theaters - open air, drive-ins</u>	-	-	<u>U</u>	<u>U</u>	
<u>Theaters</u>	-	-	<u>U</u>	-	
<u>Timeshare resorts</u>	<u>U</u>	-	<u>P</u>	-	(P)
<u>Trade and specialty schools</u>	-	<u>U</u>	<u>U</u>	<u>U</u>	
<u>Upholstering shops</u>	-	-	<u>P</u>	-	
<u>Wineries, Craft</u>	-	-	-	-	(X)
<u>Tier 1</u>			<u>A</u>		
<u>Tier 2 and/or abutting residential zones, churches, or schools</u>			<u>U</u>		

C Districts: Additional Use Regulations

- (A) See Section 3002: Relocated Buildings (Administrative Use Permit required).
- (B) See Section 3036: Helicopter Takeoff and Landing Areas.
- (C) All "regulated uses" are subject to compliance with Article 36.
- (D) Commercial uses having open parking or wall openings within 100 feet of an R district shall not operate between 10 p.m. and 7 a.m. unless authorized by a use permit.
- (E) The exterior walls of any use regulated by Article 36 shall be located so as to comply with the provisions of that Article.

- (F) See Section 3027: Arcades and Game Centers. Card rooms, as defined and regulated by Chapter 8 of the City Code, are not permitted in the Coastal Zone.
- (G) See Section 3011: Service Stations and Automobile Washing.
- (H) See Section 3031: Bed and Breakfast Inns.
- (I) See Section 3005: Nonresidential Accessory Structures.
- (J) See Article 35: Nonconforming Uses and Structures.
- (K) The Planning Commission shall determine from the evidence presented at the hearing that all of the following facts exist:
 - (a) The proposed building or structure at the particular location and under the proposed conditions of development has complied with good planning practices, including provisions for height, building bulk, yards, open space, lot coverage, grading and related public health, safety and convenience features, and will provide for the preservation of the general welfare of the community as if developed to the height limits imposed by the provisions of the appropriate zone.
 - (b) The proposed building or structure will comply with the regulations and conditions specified in the Building Code for such structures.
 - (c) The granting of an exception will not adversely affect any adopted plan of any governmental agency.
- The Planning Commission may modify or further restrict setback requirements, maximum height, off-street parking, and landscaping requirements upon a specified finding being made that it is necessary to provide for a more aesthetically pleasing project or necessary for the preservation of health, safety, peace or general welfare of persons living in or near the project.
- (L) See Section 3029: Recreational Vehicle Parks.
- (M) See Section 3004: Religious Assembly Yard Requirements.
- (N) Uses on separate freestanding sites that are outside shopping centers and have adjoining parking shall not be closer than 500 feet to a public or private school, park, or playground. Identifiable containers and napkins shall be used for all

carryout food, and all litter shall be promptly removed. A use permit may require the operator to contract with a cleanup service if it is determined that a litter problem exists.

- (O) See Section 3010: Live Entertainment.
- (P) See Section 3030: Time-Share Resort Projects.
- (Q) See Article 39: Wireless Communication Facilities
- (R) Any Horticulture, Limited or Crop Production use must conform to the City's Grading Ordinance including the requirement that the grading and/or agricultural operation will not cause significant damage to any environmentally sensitive areas nor cause elimination of any significant wildlife habitat or riparian area. Sufficient buffering of the operation should be provided from adjacent residential uses.
- (S) Agricultural Sales Stands, in conjunction with a Horticulture, Limited or Crop Production use, shall be permitted subject to the locational and development standards of Section 3038.
- (T) See Section 3020: Outdoor Facilities; outdoor storage, outdoor display of materials, outdoor food service, outdoor storage containers, working outdoors and temporary outdoor sales events and activities shall comply with the standards of this section.
- (U) See Section 3038: Agricultural Sales; Seasonal Agricultural Specialty Sales requires a business license and is subject to the operational standards of Section 3038.
- (V) See Section 1140, Additional Regulation (O).
- (W) See Section 414 H
- (X) See Section 414 MM

1140 VC/CZ, C-1/CZ, C-2/CZ, and OP/CZ Districts: Property Development Regulations

The following schedule prescribes development regulations for the VC/CZ, C-1/CZ, C-2/CZ and OP/CZ districts. The columns prescribe basic requirements for permitted and conditional uses in each district. Letters in parentheses in the "Additional Regulations" column reference regulations following the schedule or located elsewhere in the zoning ordinance.

VC/CZ, C-1/CZ, C-2/CZ and OP/CZ DISTRICTS DEVELOPMENT REGULATIONS

	<u>VC/CZ</u>	<u>C-1/CZ</u>	<u>C-2/CZ</u>	<u>OP/CZ</u>	<u>Add. Reg.</u>
<u>Minimum Lot Area (sq. ft.)</u>		<u>1 ac</u>		<u>10,000</u>	<u>(A,B)</u>
<u>Minimum Lot Width (ft.)</u>	<u>100</u>			<u>70</u>	<u>(B)</u>
<u>Minimum Corner Lot width (ft.)</u>		<u>70</u>	<u>70</u>	<u>70</u>	<u>(B)</u>
<u>Minimum Lot Depth</u>	<u>100</u>			<u>100</u>	<u>(B)</u>
<u>Minimum yards:</u>					<u>(O)</u>
<u>Front (ft.)</u>	see add. regs	<u>10</u>	per add. regs	<u>15</u>	<u>(C)</u>
<u>Side (ft.)</u>		<u>0</u>	<u>0</u>	<u>0</u>	<u>(C)</u>
<u>Corner Side (ft.)</u>		<u>10</u>	<u>10</u>	<u>10</u>	<u>(C)</u>
<u>Rear (ft.)</u>		<u>0</u>	<u>0</u>	<u>0</u>	<u>(C,P)</u>
<u>Maximum Height (ft.)</u>					<u>(D,E)</u>
	<u>45'4 stories</u>	<u>45'4 st.</u>	<u>45'4 st.</u>	<u>35'3stories (res.)</u> <u>45'4 stories (other)</u>	
<u>Maximum Lot Coverage</u>				<u>60%</u>	
<u>Minimum Site Landscaping</u>					<u>(F,G,N,O)</u>
<u>Fences and Walls</u>	<u>See Section 3040</u>				<u>(H,I)</u>
<u>Off-Street Parking</u>	<u>See Article 31</u>				<u>(J)</u>
<u>Vehicular Access</u>	<u>See Section 3114</u>				<u>(K)</u>
<u>Signs</u>	<u>See Article 33</u>				
<u>Outdoor Facilities</u>	<u>See Section 3020</u>				<u>(L)</u>
<u>Screening of</u>					
<u>Mechanical Equipment</u>	<u>See Section 3021</u>				<u>(L)</u>
<u>Employee Eating Areas</u>	<u>See Section 3028</u>				<u>(M)</u>
<u>Refuse Storage Areas</u>	<u>See Section 3022</u>				
<u>Underground Utilities</u>	<u>See Section 3023</u>				
<u>Performance Standards</u>	<u>See Section 3024</u>				
<u>Nonconforming Structures</u>	<u>See Article 35</u>				

VC/CZ, C-1/CZ, C-2/CZ and OP/CZ Districts:
Additional Development Regulations

- (A) See Section 3013: Development on Substandard Lots.
- (B) Smaller lot requirements may be permitted with an approved development plan and tentative subdivision maps.
- (C) See Section 3015: Building Projections into Yards and Courts. Double-frontage lots shall provide front yards on each frontage.
- (D) See Section 3017: Measurement of Height.
- (E) See Section 3018: Exceptions to Height Limits.
- (F) Planting Areas.
 - (1) Sites in all commercial districts shall comply with the planting area requirements and design standards of Section 3019.
 - (2) Required yards shall be enclosed by a solid concrete or masonry wall at least 6 feet in height or shall be planting areas, provided that a wall within 15 feet of a street property line shall not exceed 3.5 feet in height.
 - (3) The minimum percentage of the site to be landscaped may be reduced 1 percent for each 20 percent increment of street frontage with a 25-foot-wide landscaped strip.
- (G) See Section 3019: Landscaping, Irrigation and Hydro seeding.
- (H) Maximum height of a fence or wall shall be 6 feet.
- (I) A 6-foot solid masonry or concrete wall shall adjoin the property line of the site of a new ground-floor residential use abutting an existing non-residential use or the property line of a new non-residential use abutting the site of an existing ground-floor residential use. However, where the portion of the site within 10 feet of the property line is occupied by planting area or by a building having no openings except openings opposite a street property line, the City Planner may grant an exception to this requirement. A wall within 15 feet of a street property line shall not exceed 3 feet in height.

- (J) Parking of automobiles, motorhomes, motorcycles, and other such motor vehicles is not permitted in a required front, corner side, side, or rear yard setback areas. See Section 3115, Driveways; Visibility.
- (K) See Article 31: Off-Street Parking and Loading Regulations.
- (L) See Article 39: Wireless Communication Facilities.
- (M) Outdoor eating facilities for employees shall be provided for all industrial and office buildings or developments containing more than 10,000 square feet of building area. See Section 3028: Employee Eating Areas.
- (N) All open areas with the exception of vehicular accessways and parking areas, pedestrian walkways, and recreational facilities shall be landscaped. A minimum of sixty (60) percent landscaping shall be provided within the required front and side street side yard setback areas, respectively.
- (O) Every lot which allows apartment development and is located west of Interstate 5 shall have a minimum front yard setback of not less than fifteen (15) feet.
- Every lot in the C-1 zone shall maintain a front yard setback of not less than ten (10) feet. At least sixty (60) percent of any required front yard setback shall be landscaped.
- A minimum of five (5) feet deep landscaped setback area shall be provided on any C-2 zoned lot with the exception of those areas which are used as driveways.
- All lots fronting on Mission Avenue shall maintain a fifty (50) feet setback from the centerline of the street.
- Lots located between Wisconsin Avenue and Monterey Drive and fronting on Coast Highway shall maintain a forty-five (45) feet setback from the centerline of Coast Highway.
- Lots located along Coast Highway between Wisconsin Avenue and the southern City limits shall maintain a fifty (50) feet setback from the centerline of Coast Highway.
- Additional setbacks and landscaping may be required by the Planning Commission as a condition of approval of a development plan.
- (P) All lots in the O-P, C-1 and C-2 zones which abut lots zoned for residential purposes shall maintain a rear yard setback of not less than fifteen (15) feet except when such lots rear upon an alley, a minimum rear yard setback of five (5) feet shall be maintained.

(Q) Residential dwelling units may be permitted in commercial zones subject to the following criteria:

- (1) The residential use is a secondary use to an office or other commercial use.
- (2) The residential use shall be located above (vertical mixed-use) or on the same lot site (horizontal mixed-use) as the primary commercial use.
- (3) The total number of units shall not exceed the formula of one dwelling unit per 1,000 square feet of lot area.
- (4) For new construction off-street parking shall be provided at a ratio of one space for each dwelling unit. Twenty-five percent (25%) of the parking spaces required by the office or commercial use may be included within the parking spaces provided by the residential units.
- (5) For existing structures no additional parking need be provided when the Planning Commission finds that adequate off-site parking is provided elsewhere in close proximity to the property.

1150 Review of Plans

All projects shall be reviewed in accordance with applicable procedures of the Coastal Permit Handbook.

Article 13C M-1/CZ Light Industrial Zone (Coastal Zone - Except Downtown Area)Sections:1310C Specific Purposes1320C Land Use Regulations1330C Property Development Regulations1340C Review of Plans1310C Specific Purposes

In addition to the general purposes listed in Article 1, the specific purpose of the M-1/CZ Light Industrial Zone regulations is to allow a wide diversity of industrial uses under minimum development and operational controls in areas where such uses will not have an adverse effect upon adjacent residential areas. The uses permitted are those generally regarded as "Light Industry", conducted primarily indoors, but which may require limited outdoor storage or assembly areas.

1320C General Criteria

The following general criteria are hereby established for use in the classification or reclassification of land to the M-1/CZ zone.

1. Compliance with the General Plan, the Coastal Land Use Plan, including all specific plans that are part of the Coastal Land Use Plan, Development Criteria, and Land Use Regulations.
2. Manufacturing areas shall be located with primary access to a major or secondary street as shown on the Major Street Plan.
3. The existing utility system (water, sewer, drainage, electrical, gas and communications facilities) must be adequate or new systems shall be constructed to adequately serve the proposed development.
4. Before development of any M-1/CZ zoned land, a development plan shall be filed with and approved by the Planning Commission.

1330C Land Use Regulations

In the following schedules, the letter "P" designates use classifications permitted in the coastal industrial district. The letter "U" designates use classifications permitted on approval of a use permit. Use classifications that are not listed are prohibited. Letters

in parentheses in the "Additional Regulations" column reference regulations following the schedule or located elsewhere in this ordinance. Where letters in parentheses are opposite a use classification heading, referenced regulations shall apply to all use classifications under the heading.

M-1/CZ
DISTRICT:
LAND USE REGULATIONS

P - Permitted
U - Use Permit
-- Not Permitted

	<u>M-1/CZ</u>	<u>Add. Reg.</u>
		<u>(A, D, E, I, J, N, O)</u>
<u>Auction houses or stores</u>	<u>P</u>	
<u>Airports, Heliports, Landing Fields</u>	<u>U</u>	<u>(B)</u>
<u>Automobile painting, body and/or fender repair</u> <i>(within enclosed building)</i>	<u>P</u>	
<u>Automobile service stations</u>	<u>U</u>	<u>(C)</u>
<u>Bakeries</u>	<u>P</u>	
<u>Boat building (indoor construction only</u> <i>outside rigging areas permitted)</i>	<u>U</u>	
<u>Bottling plants</u>	<u>P</u>	
<u>Breweries</u>	<u>P</u>	
<u>Breweries, Craft</u>	<u>P</u>	<u>(F)</u>
<u>Cabinet shops</u>	<u>P</u>	
<u>Carpet cleaning plants</u>	<u>P</u>	
<u>Cleaning and dyeing plants</u>	<u>P</u>	
<u>Daycare facilities</u> <i>(nurseries for employees in Industrial Parks)</i>	<u>P</u>	
<u>Electrical appliance assembly</u>	<u>P</u>	
<u>Equipment rental yards</u>	<u>P</u>	
<u>Frozen food lockers</u>	<u>P</u>	
<u>Food and vegetable canning, preserving, freezing</u>	<u>P</u>	
<u>Food products manufacture, storage and process of</u> <i>(except lard, pickle, sauerkraut, sausage or vinegar)</i>	<u>P</u>	
<u>Fruit packing houses</u>	<u>P</u>	
<u>Garment manufacture</u>	<u>P</u>	
<u>Glass studios, staining, beveling,</u> <u>and silvering of glass and mirrors</u>	<u>P</u>	
<u>High-rise structures</u>	<u>U</u>	<u>(H)</u>
<u>Kennels/ vet facilities (within</u> <i>a soundproofed building)</i>	<u>P</u>	

<u>Laboratories, experimental, motion picture, testing</u>	<u>P</u>	
<u>Laundries</u>	<u>P</u>	
<u>Light equipment rental yards</u>	<u>P</u>	
<u>Lumber yards (retail)</u>	<u>P</u>	
<u>Machine shops</u>	<u>P</u>	
<u>Manufacturing uses (within enclosed buildings)</u>	<u>P</u>	
<u>Mini storage/ self storage facilities</u>	<u>U</u>	
<u>Motor vehicle rental/sales (automobile, motor bike/cycle rentals, truck, trailer, camper, motorcycle, new or used sales, rentals or swap lots)</u>	<u>U</u>	
<u>Natural mineral resources development</u>	<u>U</u>	
<u>Nurseries (retail)</u>	<u>P</u>	
<u>Offices (Industries & Public Utilities)</u>	<u>P</u>	(C)
<u>Parcel service delivery</u>	<u>P</u>	
<u>Parking lots or structures (commercial)</u>	<u>U</u>	
<u>Plastics, fabrication from</u>	<u>P</u>	
<u>Plumbing shops, supply yards</u>	<u>P</u>	
<u>Public buildings on lands or lands owned and/or operated by Federal, State, county or City</u>	<u>P</u>	
<u>Public scales</u>	<u>P</u>	
<u>Radio and television transmitters (commercial)</u>	<u>U</u>	(M)
<u>Recreational facilities (private commercial)</u>	<u>U</u>	(F, L)
<u>Religious assembly</u>	<u>U</u>	(K)
<u>Research facilities</u>	<u>P</u>	
<u>Rubber, fabrication of products made from finished rubber (15 employees or less)</u>	<u>P</u>	
<u>Sanitary land fills</u>	<u>U</u>	
<u>Sewage disposal plants</u>	<u>U</u>	
<u>Shoe manufacture</u>	<u>P</u>	
<u>Sheet metal shops</u>	<u>P</u>	
<u>Sign manufacture</u>	<u>P</u>	
<u>Soap manufacture (cold mix only)</u>	<u>P</u>	
<u>Textile manufacture</u>	<u>P</u>	
<u>Trade, specialty schools</u>	<u>U</u>	
<u>Veterinarians - small animal hospitals</u>	<u>P</u>	
<u>Wholesale businesses, warehouses, storage buildings</u>	<u>P</u>	
<u>Wineries</u>	<u>P</u>	
<u>Wineries, Craft</u>	<u>P</u>	(Q)

M-1/CZ District: Additional Use Regulations

- (A) See Section 3002: Relocated Buildings (Administrative Use Permit required).
- (B) See Section 3036: Helicopter Takeoff and Landing Areas.
- (C) Office and commercial uses not specifically listed within any of the industrial zones may be permitted in any industrial zone subject to the approval of a Conditional Use Permit and under the following criteria:
 - (1) The amount of square footage to be used for office and commercial uses shall not exceed 25% of the gross floor area of any development as shown on a development plan or 25% of any freestanding building not part of a development plan.
 - (2) Off-street parking shall be in accordance with applicable parking ordinance provisions.
 - (3) The uses shall not interfere with the primary industrial uses located in the area.
 - (4) An applicant may request that the Planning Commission waive the maximum square footage requirement if it can clearly be shown that the proposed use would comply with the spirit and intent of this section.
 - (5) As part of the application package the names and addresses of all owners and tenants within 300 feet of the proposed use shall be submitted.
 - (6) The above requirement will not be required if, as part of an approved master development plan, office and commercial uses have been clearly delineated as approved uses.
- (D) Commercial uses having open parking or wall openings within 100 feet of an R district shall not operate between 10 p.m. and 7 a.m. unless authorized by a use permit.
- (E) The exterior walls of any use regulated by Article 36 shall be located so as to comply with the provisions of that Article.
- (F) See Section 3027: Arcades and Game Centers. Card rooms, as defined and

regulated by Chapter 8 of the City Code, are not permitted in the Coastal Zone.

- (G) See Section 3011: Service Stations and Automobile Washing.
- (H) The Planning Commission shall determine from the evidence presented at the hearing that all of the following facts exist:

 - (a) The proposed building or structure at the particular location and under the proposed conditions of development has complied with good planning practices, including provisions for height, building bulk, yards, open space, lot coverage, grading and related public health, safety and convenience features, and will provide for the preservation of the general welfare of the community as if developed to the height limits imposed by the provisions of the appropriate zone.
 - (b) The proposed building or structure will comply with the regulations and conditions specified in the Building Code for such structures.
 - (c) The granting of an exception will not adversely affect any adopted plan of any governmental agency.

The Planning Commission may modify or further restrict setback requirements, maximum height, off-street parking, and landscaping requirements upon a specified finding being made that it is necessary to provide for a more aesthetically pleasing project or necessary for the preservation of health, safety, peace or general welfare of persons living in or near the project.

- (I) See Section 3005: Nonresidential Accessory Structures.
- (J) See Article 35: Nonconforming Uses and Structures.
- (K) See Section 3004: Religious Assembly Yard Requirements.
- (L) See Section 3010: Live Entertainment.
- (M) See Article 39: Wireless Communication Facilities.
- (N) See Section 3020: Outdoor Facilities; outdoor storage, outdoor display of materials, outdoor food service, outdoor storage containers, working outdoors and temporary outdoor sales events and activities shall comply with the standards of this section.

(O) See Section 3024: Performance Standards.

(P) See Section 414 H (1-7).

(O) See Section 414 MM (1-7).

1330 M-1/CZ District: Property Development Regulations

The following schedule prescribes development regulations for the M-1/CZ district. The columns prescribe basic requirements for permitted and conditional uses. Letters in parentheses in the "Additional Regulations" column reference regulations following the schedule or located elsewhere in the zoning ordinance.

M-1/CZ DISTRICTS DEVELOPMENT REGULATIONS

	<u>M-1/CZ</u>	<u>Add. Reg.</u>
		<u>(A, B, C)</u>
<u>Minimum Lot Width (ft.)</u>	<u>100</u>	
<u>for Corner Lots (ft.)</u>	<u>70</u>	
<u>for Cul-de-sac Lots (ft.)</u>	<u>40</u>	
<u>for curved street section Lots (ft.)</u>	<u>45</u>	
<u>Minimum yards:</u>		
<u>Front (ft.)</u>	<u>15</u>	<u>(O)</u>
<u>Side (ft.)</u>	<u>0</u>	<u>(P)</u>
<u>Rear (ft.)</u>	<u>0</u>	<u>(C, O)</u>
<u>Maximum Height (ft.)</u>	<u>45⁷/4 st.</u>	<u>(O, R)</u>
<u>Minimum Site Landscaping</u>		<u>(F, G, N, O, T, S)</u>
<u>Fences and Walls</u>	<u>See Section 3040</u>	
<u>Off-Street Parking</u>	<u>See Article 31</u>	
<u>Vehicular Access</u>	<u>See Section 3114</u>	<u>(H)</u>
<u>Signs</u>	<u>See Article 33</u>	
<u>Outdoor Facilities</u>	<u>See Section 3020</u>	
<u>Screening of</u>		
<u>Mechanical Equipment</u>	<u>See Section 3021</u>	
<u>Employee Eating Areas</u>	<u>See Section 3028</u>	<u>(M)</u>
<u>Refuse Storage Areas</u>	<u>See Section 3022</u>	
<u>Underground Utilities</u>	<u>See Section 3023</u>	
<u>Performance Standards</u>	<u>See Section 3024</u>	
<u>Nonconforming Structures</u>	<u>See Article 35</u>	

M-1/CZ District:
Additional Development Regulations

- (A)** See Section 3013: Development on Substandard Lots.
- (B)** Smaller lot requirements may be permitted with an approved development plan and tentative subdivision maps.
- (C)** See Section 3015: Building Projections into Yards and Courts. Double-frontage lots shall provide front yards on each frontage.
- (D)** See Section 3017: Measurement of Height.
- (E)** See Section 3018: Exceptions to Height Limits.
- (F)** See Section 3019: Landscaping, Irrigation and Hydro seeding.
- (G)** See Section 3040: Fences and Walls.
- (H)** See Article 31: Off-Street Parking and Loading Regulations.
- (L)** RESERVED
- (M)** Outdoor eating facilities for employees shall be provided for all industrial and office buildings or developments containing more than 10,000 square feet of building area. See Section 3028: Employee Eating Areas.
- (N)** Additional setbacks and landscaping may be required by the Planning Commission as a condition of approval of a development plan.
- (O)** Every lot in the M-1/CZ shall maintain a minimum front yard setback equal to the height of the primary structure on the lot but in no case shall such setback be less than fifteen (15) feet. At least 60% of any required front yard shall be landscaped.
- P.** Interior lots - Side yard setbacks are not required for lots located in the M-1/CZ zone unless specified in a development plan.
- Q.** Interior lots - Rear yard setbacks are not required for lots located in the M-1/CZ zone.
- R.** Every through lot in the M-1/CZ zone shall maintain a minimum rear yard setback

equal to the height of the primary structure on the lot. A minimum of ten (10) feet depth of this setback area adjacent to the property line, except for driveway areas, shall be landscaped. The remaining required setback area may be used for off-street parking.

- S. Any M-1/CZ zoned property which is separated from a residential zone by a public right-of-way (except rail road right-of ways) shall maintain a minimum 15 feet deep landscaped setback, with the exception of driveway areas.
- T. Any M-1/CZ zoned property which abuts a residential zoned property shall, in addition to the walls required, provide a 10 feet deep landscaped buffer area. Landscaping so required shall consist of a combination of trees, shrubs and ground cover to provide a noise barrier and plant materials and sizes shall be subject to approval of the City Planner and City Landscape Architect and all other provisions.

1340 Review of Plans

All projects shall be reviewed in accordance with applicable procedures of the Coastal Permit Handbook.

PART IV - REGULATIONS APPLYING IN ALL OR SEVERAL DISTRICTS**Article 30 Site Regulations (Citywide)****Sections:**

3001 Specific Purposes and Applicability
3002 Relocated Buildings
3003 Exterior Materials in R Districts
3004 Religious Assembly Yard
Requirements
3005 Nonresidential Accessory
Structures
3006 Accessory Dwelling Units
3007 Home Occupations
3008 Swimming Pools and Hot Tubs
3010 Live Entertainment
3011 Service Stations and Automobile
Washing
3012 Maximum Dwelling Unit
Occupancy
3013 Development on Substandard Lots
3014 Projects Divided by District
Boundaries
3015 Building Projections into Yards
and Courts
3016 Front Yards in R Districts
3017 Measurement of Height
3018 Exceptions to Height Limits
3019 Landscaping, Irrigation and
Hydroseeding
3020 Outdoor Facilities
3021 Screening of Mechanical
Equipment
3022 Solid Waste/Recyclable Material
Storage Areas
3023 Underground Utilities
3024 Performance Standards
3025 Standards for Zero-lot
Development
3026 Hazardous Materials Storage
3027 Arcades and Game Centers
3028 Employee Eating Areas
3029 Recreational Vehicle Parks
3030 Time-Share Resorts
3031 Bed and Breakfast Inns
3032 Affordable Housing Density Bonus
3033 Mobile Homes

3034 Animals
3035 Live/Work Quarters
3036 Helicopter Takeoff and Landing
Areas
3037 Recycling Facilities
3038 Agricultural Sales Stands
3039 Hillside Development Provisions
3040 Fences and Walls
3041 Child Care Facility
3042 Mixed-use Plans
3043 Reasonable Accommodations
3044 Emergency Shelters

3001 Specific Purposes and Applicability

This chapter contains land use and development regulations, other than parking, loading, and sign regulations, that are applicable to sites in all or several districts. These regulations shall be applied as specified in Part II: Base District Regulations, Part III: Overlay District Regulations, and as presented in this article.

3002 Relocated Buildings

In addition to the requirements of Chapter 6, Section 6.27 of the City Code (Moving of Buildings), a use permit for relocation of a building shall be required. This permit, to be issued by the City Planner, shall establish conditions necessary to ensure that the relocated building will be compatible with its surroundings in terms of architectural character, height and bulk, and quality of exterior appearance.

3003 Exterior Materials in Residential Districts

In all residential districts, the exterior walls of all structures, other than accessory structures, shall have a nonmetallic finish, with the exception of aluminum siding, which may be allowed on approval by the City Planner.

3004 Religious Assembly Yard Requirements

Yards, height and bulk, and buffering requirements shall be as specified by a use permit, provided that if the structure is located in or adjacent to a residential district the minimum interior side yard shall be 15 feet and the minimum rear yard shall be 25 feet. Yards adjoining street property lines shall not be less than required for a permitted use.

3005 Nonresidential Accessory Structures

A. In Commercial, Downtown, and Residential Districts.

1. Timing. Nonresidential accessory structures shall not be established or constructed prior to the start of construction of a principal structure on a site, except that construction trailers may be permitted as outlined in the Oceanside Traffic Code.
2. Location. Except as provided in this subsection, nonresidential accessory structures shall not occupy a required front or corner side yard or court, or project beyond the front building line of the principal structure on a site. No accessory uses shall be permitted off-site.
3. Maximum Height. The maximum height of a nonresidential accessory structure shall be 12 feet, subject to the provisions of this subsection, provided that pitched roofs shall not exceed a height of 15 feet.
4. Relation to Property Lines.

- a. A nonresidential accessory structure shall be located a minimum of 10 feet from a rear property line and shall meet the front yard, corner side yard, and side yard setback requirements of the zoning district in which it is located.
 - b. Detached nonresidential accessory structures with a projected roof area less than or equal to 120 square feet that are used as tool and storage sheds, playhouses, or similar uses may occupy a required side or rear yard area. Such structures may not exceed eight feet in height and shall meet the front yard and corner side yard setback requirements of the zoning district in which they are located.
 - c. Patio Covers, Patio Enclosures, Balconies, and Gazebos: These structures shall be located a minimum of 10 feet from a rear property line and shall meet the front yard, corner side yard, and side yard setback requirements of the zoning district in which it is located.
 - d. Swimming Pools: An unenclosed swimming pool and related equipment may occupy a required rear or side yard but shall be located a minimum of five feet from a property line and shall meet the front yard and corner side yard setback requirements of the zoning district in which it is located (See Section 3008).
 - e. Uncovered patios and porches, terraces, platforms, decks, and other similar structures less than 30 inches in height: These structures may occupy a required front, corner side, side, or rear yard, but must be located a minimum of 3 feet from a side or rear property line and may only project 6 feet into a front yard or corner side yard for a length of 15 feet parallel to the adjoining property line (See Section 3015).
 - f. Garages: Any garage taking access from a corner side yard or the secondary street frontage on a double frontage lot shall be setback a minimum of 20 feet, as measured from the front of the garage to the property line, back of sidewalk, or back of curb, which ever is most restrictive. Garages taking access off of an alley shall meet the general requirements of this ordinance.
5. RE, R-1/CZ and RS Districts. In an RS, R-1/CZ or RE district, the total gross floor area of accessory structures more than 30 inches in height shall not exceed 800 square feet or 6 percent of lot area, whichever is more, provided that the lot coverage standards of the underlying zoning district are not exceeded.
 6. Districts 5, 5A & 7A. In these districts, the total gross floor area of accessory structures more than 48 inches in height shall not exceed 800 square feet or 6 percent of lot area, whichever is more.

7. Districts 10, 14, & 15. Accessory structures shall comply with all regulations applicable to the principal structure on a site. Off-site accessory uses shall be allowed only with a use permit issued by the City Planner.
- B. In I, OS and PS Districts. Nonresidential accessory structures shall comply with all regulations applicable to the principal structure on a site.
- C. In PD District. The location of nonresidential accessory structures shall comply with the adopted PD or Specific Plan for a PD district.
- D. In All Other Districts. The location of nonresidential accessory structures shall comply with the regulations applicable to the principal structure on a site.

3006 Accessory Dwelling Units

The purpose of this section is to provide regulations for the establishment of accessory dwelling units (ADU) in areas zoned to allow single-family or multifamily use pursuant to Government Code Section 65852.2 et seq. and the goals and policies of the City's Housing Element. ADUs provide an important source of affordable housing in existing residential neighborhoods where adequate public facilities and services are available.

Consistent with state law, an ADU which conforms to the requirements of this subsection shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a single-family residential use which is consistent with the existing general plan and zoning designations for the lot. An ADU shall not be considered development for the purposes of the imposition of development impact fees.

A. Definition:

1. Accessory Dwelling Unit (ADU): An attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation and shall be located on the same parcel as a single-family dwelling. An ADU also includes an efficiency unit as defined in Section 17958.1 and Section 18007 of the Health and Safety Code respectively. An ADU may serve as a rental unit or be occupied by a person or persons including, but not limited to family members, guests, or caretakers.
2. Efficiency Unit: An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code may be permitted for occupancy by no more than two persons. The efficiency unit shall have a minimum floor area of 150 square-feet and shall have a bathroom facility and a partial kitchen with a kitchen sink, cooking appliance, and refrigerator.
3. Manufactured Home: A manufactured home, as defined in Section 18007 of the Health and Safety Code, means a structure that was constructed on or after

June 15, 1976, is transportable in one or more sections, is eight body feet or more in width, or 40 body feet or more in length, in the travelling mode, or, when erected on site, is 320 or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. A manufactured home shall comply with the standards established under the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C., Sec. 5401).

B. Where permitted:

1. ADUs are permitted in all zone districts allowing single-family or multi-family use, on lots developed or proposed to be developed, with a single-family dwelling.
2. An ADU may be established as a new detached structure, or within the existing space of a single-family residence or detached accessory structure, including, but not limited to, a studio, pool house, or other similar structure, or as an attached addition to a single-family residence.
3. Only one ADU may be created per legal lot. An ADU shall not be permitted on lots developed with duplexes or multi-family housing.

C. Permit Requirements:

1. The City shall ministerially approve an application for a building permit to create an ADU, within 120 days after receiving the application.
2. ADUs within the coastal zone shall be subject to applicable requirements of the Local Coastal Program.
3. ADUs shall comply with all applicable Building Code requirements.
4. ADUs shall not be required to provide fire sprinklers if they are not required for the primary residence.

D. Development Standards:

1. Unit Type, Size & Location

- a. Attached Unit: An ADU constructed within or attached to an existing primary dwelling shall contain at least 350 square-feet, but shall not exceed 50 percent of the total existing or proposed living area of the existing primary dwelling or 1,200 square feet, whichever is less. In addition, the living area of the existing primary dwelling shall not be reduced by more than 20 percent to accommodate an attached ADU. An efficiency unit no smaller than 150 sq. ft. shall be permitted subject to compliance with all

applicable development standards.

- b. Detached Unit: An ADU structurally independent and detached from the existing primary dwelling shall not exceed 1,200 sq. ft. An efficiency unit no smaller than 150 sq. ft. shall be permitted subject to compliance with all applicable development standards.
- c. The existing unit may be considered the ADU and a new dwelling unit built, if all applicable standards and requirements of this ordinance are met.
- d. No passageway shall be required in conjunction with the construction of an ADU.
- e. Mobile homes, as defined in Section 18008 of the health and Safety Code, shall not be allowed as an ADU pursuant to Section 3033(C) Mobile Homes.

2. Required Setbacks:

- a. ADUs shall meet the setback requirements of the underlying zoning district.
- b. No setback shall be required for an existing garage or accessory structure converted, or a portion thereof, to an ADU. An ADU constructed above an existing garage shall provide a setback of no more than five feet from the side and rear lot lines.
- c. An ADU contained within the existing space of a single-family residence or accessory structure must have independent exterior access from the existing residence, and the side and rear setbacks must be sufficient for fire safety as determined by the Fire Department.

3. Height and Maximum Lot Coverage:

ADUs shall meet the height and maximum lot coverage requirements of the underlying zoning district.

4. Parking:

- a. One additional off-street parking space shall be required per unit; with exceptions per section 3006.D.4.e.
- b. Additional parking spaces shall be a minimum dimension of 9 foot by 19 foot except as specified below.
- c. Required off-street parking shall be permitted in front, side, and rear setback areas subject to the following:

- i. Parking may be located on an existing driveway but shall not block sidewalk access or encroach into the public right-of-way.
- ii. Parking spaces within a side yard adjacent to a dwelling must have a minimum clear space width of 11-feet. Vehicles must not block exterior windows or doors of habitable space in a dwelling or access to utility boxes or meters.
- iii. Tandem parking, defined as two or more automobiles parked on a driveway or in any other location on a lot, lined up behind one another, shall be permitted subject to compliance with the above-referenced parking requirements.
- iv. Except for an approved driveway, vehicles must be parked on an acceptable surface of concrete, asphalt, gravel, brick, permeable paver or other stable, dust-free surface deemed acceptable by the Planning Division.
- v. No more than 30% of a front yard shall be dedicated to vehicle parking, except lots with a substandard width shall not exceed 50%.
- vi. Ingress and egress to parking spaces shall be provided via an approved driveway location only. Except for driveways, access to on-site parking spaces shall not include sidewalks, curbs, or landscape areas.
- d. When a garage, carport, or covered parking structure that provides the required spaces for the primary dwelling is demolished in conjunction with the construction of an ADU, or converted to an ADU, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, tandem spaces, or by the use of mechanical automobile parking lifts.
- e. Parking Exemption: Pursuant to Section 65852.2, the City shall not impose parking standards for an ADU in any of the following instances:
 - i. The ADU is located within one-half mile of public transit.
 - ii. The ADU is located within an architecturally and historically significant historic district.
 - iii. The ADU is part of the existing primary residence or an existing accessory structure.
 - iv. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
 - v. When there is a car share vehicle located within one block of the

accessory dwelling unit.

5. Design: The ADU shall be architecturally compatible with the primary dwelling in terms of design, building materials, roof pitch, colors, and exterior finishes.
6. Utilities: ADUs shall comply with water and sewer requirements as determined by the Water Utilities Department; subject to the following:
 - a. ADUs shall not be considered new residential uses for the purposes of calculating utility connection fees or capacity charges, including water and sewer service.
 - b. The City shall not require an applicant to install new or separate utility connection or impose a related connection fee or capacity charge for ADUs that are contained within an existing residence or accessory structure.
 - c. For new attached and detached ADUs, the fee must be proportionate to the burden of the unit on the water or sewer system and may not exceed the reasonable cost of providing the service.
 - d. Where a private sewage disposal system is being used by the ADU, approval by the local health officer may be required.

E. Conditions:

1. An ADU shall not be sold separate from the primary residence.
2. An ADU may serve as a rental unit or be occupied by family members, guests, or in-home health care providers, and others at no cost.
3. Neither the ADU nor the primary dwelling unit shall be rented for less than 31 days.
4. Required parking spaces shall be kept clear and used exclusively for vehicle parking. Such space shall not be used for storage or other uses.
5. The property owner shall record a covenant, approved as to form by the City Attorney, declaring compliance with each and every condition referenced in this section.

3007 Home Occupations

- A. Permit Required. A home occupation in an A, O, MHP or residential district, inclusive of Downtown Districts 5, 5A and 7, shall require a business license, obtained by filing a completed application form with the Business License Office. A permit shall be issued upon determining that the proposed home occupation complies with the requirements of this section.

B. Contents of Application. An application for a home occupation license shall contain:

- 1. The names, address, and telephone number of the applicant;**
- 2. A complete description of the proposed home occupation, including amount and location of floor space occupied, provisions for storage of materials, number and type of vehicles used, and provisions for parking.**

C. Required Conditions. Home occupations shall comply with the following regulations:

- 1. A home occupation shall be conducted entirely within a building (with the exception of a Horticulture, Limited use) and the combination of office/workspace and storage space shall occupy no more than 400 square feet of floor area (with the storage space not to exceed 200 square feet of floor area). No outdoor storage, or storage in required garage parking areas shall be permitted. The amount and type of flammable, hazardous or toxic materials stored on-site in conjunction with a home occupation shall not be in excess of the amount normally found in the district.**
- 2. The existence of a home occupation shall not be apparent beyond the boundaries of the site. No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or other hazard or nuisance to any greater or more frequent extent than that usually experienced in a district under circumstances where no home occupation exists. All noise shall comply with the City's Noise Control Ordinance (Chapter 38 of the Code of the City of Oceanside).**
- 3. No signage shall be permitted.**
- 4. No one other than a resident of the dwelling shall be employed on-site or report to work at the site in the conduct of a home occupation. This prohibition also applies to independent contractors.**
- 5. No kilns exceeding 10 cubic feet in size shall be permitted, and a home occupation shall comply with the performance standards prescribed by Section 3026.**
- 6. Not more than one truck with a maximum capacity of one ton incidental to a home occupation shall be kept on the site. No signage identifying the existence of the home occupation shall be permitted on the vehicle.**
- 7. The number of parking spaces available to a dwelling unit housing a home occupation shall not be reduced to less than two. At the minimum, a two car garage with minimum dimensions of 20 feet by 19 feet shall be provided for the parking of vehicles (Two 10 foot by 19 foot parking spaces). Materials and**

goods shall not be stored and no permanent work area, workbench, or structures shall be built within the required garage parking area.

8. A home occupation shall not create pedestrian, automobile, or truck traffic in excess of the normal amount in the district.
9. The delivery of materials, goods, or products to and from the location of a home occupation shall be limited to the hours of 7:00 a.m. to 7:00 p.m., with the exception of newspaper deliveries.
10. The size of delivery vehicles used in conjunction with the delivery of materials, goods, or products to and from the location of a home occupation shall be limited to a single unit truck with a maximum of 28 foot length and a maximum gross vehicle weight of 24,000 pounds.
11. No motor vehicle repair, beauty shop, barbershop, or retail sales shall be permitted, and a home occupation shall not include an office, a sales room, or any other space open to any business visitors, customers, or clients, and there shall be no advertising of the address of the home occupation that results in attracting persons to the premises.

The license for a home occupation that is not operated in compliance with these regulations shall be revoked by the Business License Inspector, with the concurrence of the Building Official and the City Manager after 30 days written notice unless the home occupation is altered to comply.

D. Appeals. All appeals of the City's decision shall be processed in accordance with the Code of the City of Oceanside.

3008 Swimming Pools and Hot Tubs

Swimming pools and hot tubs shall be fenced, as required by Section 6.29 of the City Code. Additional fencing, separation, or fixed windows shall be required where, in the judgment of the Building Official, such features are needed for safety.

An unenclosed swimming pool, hot tub (spa), and related equipment shall be set back a minimum of 5 feet from a rear or side property line. Pools and hot tubs (spa) shall not be allowed within the front yard or corner side yard setback area.

3009 RESERVED

3010 Live Entertainment

The following regulations shall apply to any use offering scheduled live entertainment, as defined, three or more times per calendar year:

- A. Exits shall not be opposite a residential district adjoining the site, unless limited to emergency use only.

B. A use permit shall establish conditions ensuring that no litter problem will exist.

C. A use permit for live entertainment shall apply only to the type of entertainment approved, and a different type of entertainment shall require approval of a new use permit.

3011 Service Stations and Automobile Washing

The following supplementary development regulations shall apply to the Service Stations and Automobile Washing use classifications.

A. Minimum Separation. Minimum separation between site boundaries shall be 500 feet, except that one such use may be located at each corner of a street intersection.

B. Site Layout. Conditions of approval of a use permit may require buffering, screening, planting areas, or hours of operation necessary to avoid adverse impacts on properties in the surrounding area.

C. Planting Areas. Perimeter planting areas shall be as required for parking lots by Article 31, except where a building adjoins an interior property line. Required interior planting areas may adjoin perimeter-planting areas.

D. Storage of Materials and Equipment. The provisions of Section 3020 Outdoor Facilities shall apply, except that a display rack for automobile products no more than 4 feet wide may be maintained at each pump island of a service station. If display racks are not located on pump islands, they shall be placed within 3 feet of the principal building, and shall be limited to one per street frontage. Storage of inoperative vehicles is prohibited. The location of display racks and vending machines shall be specified by the use permit.

3012 Maximum Dwelling Unit Occupancy

To ensure consistency with the density policies of the General Plan and with the rights of individuals living as a household but not related by blood or marriage, occupancy by persons living as a single household in a dwelling unit shall be limited as follows:

A. A dwelling unit shall have 150 square feet of gross floor area for each of the first 10 occupants and 300 square feet for each additional occupant to a maximum of 20. In no case shall a dwelling unit be occupied by more than 20 persons.

B. A Residential High Occupancy Permit to be renewed on an annual basis and, approved by the City Planner, shall be required for occupancy of a dwelling unit by more than 6 persons 18 years or older. The City Planner shall not issue a Residential High Occupancy Permit unless evidence is presented that all vehicles (one space per adult) will be stored on the site in conformance with the provisions of this ordinance.

3013 Development on Substandard Lots

A legally created lot having a width or area less than required for the base district in which it is located may be occupied by a permitted or conditional use if it meets the following requirements or exceptions:

- A. The substandard lot shall be subject to the lot merger provisions of the Subdivision Ordinance of the City of Oceanside, Article XI, Parcel Mergers and Unmergers.
- B. No demolition permit shall be issued to remove a structure other than an accessory structure that is on a substandard lot and also partially sited on a contiguous lot in the same ownership unless a lot is created conforming to the minimum width and area requirements of the district in which it is located.
- C. A substandard lot shall be subject to the same yard and density requirements as a standard lot, provided that in residential district, one dwelling unit may be located on a substandard lot that meets the requirements of this section.
- D. An existing legal lot comprising a minimum size of 5,000 square feet or greater and a minimum width of 50 feet or greater shall not be considered substandard for purposes of this section.

3014 Projects Divided by District Boundaries

This section shall apply to any project of one or more lots, which are divided by one or more zoning districts.

Except as provided herein, each lot or portion of a lot is subject to all regulations applicable to the zoning district in which it is located.

Notwithstanding the rule set forth in the preceding paragraph, parking serving a principal use on a site shall be permitted in either of the following situations:

- 1. All zoning districts in the project are within the same zoning classification.
- 2. A Conditional Use Permit is approved permitting parking in a project subject to different zoning classifications. The Planning Commission or Community Development Commission, as the case may be, may approve a Conditional Use Permit authorizing such parking if it finds the following:
 - a. The site on which the parking is to be located is contiguous to the site on which the principal use is located and is not separated by any public right-of-way, including but not limited to an alley.
 - b. All property is under the same ownership.
 - c. The parking area will be buffered from any adjacent residential uses or

districts by the use of a 6-foot high decorative wall and sufficient landscaping including trees for screening.

- d. Lighting of the parking area will be properly shielded so as to prevent glare on any adjacent property.
- e. The allowance for parking on the site will not be detrimental to the public health, safety and general welfare of persons residing or working in or adjacent to the neighborhood of such use.
- f. In residential districts, the area of the site used for parking for a use not permitted within a residential district is not more than 0.5 acres.
- g. In all non-residential districts, the site used for parking for a use not permitted within the district is not more than 20% of the principal site.

3015 Building Projections into Yards and Courts

A. Inland and Downtown Zoning Districts

Projections into required yards and courts shall be permitted as follows:
Cornices, Eaves, Mechanical Equipment, Fireplaces and Ornamental
Features: 2 feet.

Uncovered Patios and Porches, Terraces, Platforms, Decks, and other Similar
Structures not more than 30 inches in height: These structures may occupy a
required front, corner side, side, or rear yard, but must be located a minimum of 3
feet from a side or rear property line, and may only project 6 feet into a front or
corner side yard for a length of 15 feet parallel to the adjoining property line.

Bay Windows, Awnings, and Canopies: 2 feet provided that a minimum side yard
setback of 3 feet must be maintained.

B. Coastal Areas exclusive of Downtown District

The following intrusions may project into any required yard, but in no case shall
such intrusion extend more than two (2) feet into such required yards nor closer
than thirty (30) inches from the lot line, whichever is more restrictive.

- (a) Cornices, eaves, belt courses, sills, buttresses or other similar architectural
features.
- (b) Fireplace structures not wider than eight (8) feet measured in the general
direction of the wall of which it is a part.
- (c) Open stairways, balconies, and fire escapes.
- (d) Uncovered porches and platforms which do not extend above the floor level
of the first floor, provided that they may extend six (6) feet into the front
yard.
- (e) Planting boxes or masonry planters not exceeding forth-two (42) inches in

- height.
 (f) Guard railings for safety protection around ramps.

On lots with side or rear yards adjoining alleys, the rear and side yard requirements shall not be applicable to apartments and dwellings constructed so as to constitute a second story over garages, provided that only those yards which are immediately adjacent to the alley are affected by this section.

3016 Front Yards in Residential Districts

A. (Inland and Downtown Zoning Districts)

Where lots comprising 40 percent of the frontage on a blockface in residential district are improved with buildings, the required front yard shall be the average of the front yard depths for structures on each developed site in the same district on the blockface. In computing the average, the actual depth shall be used up to a maximum depth 10 feet greater than the normally required front yard for any site having a yard depth exceeding the minimum requirement.

B. (Coastal Areas exclusive of Downtown District)

The depth of required front yards may be modified on lots located between lots having nonconforming front yards. A nonconforming front yard shall mean an area between the front lot line and the closest part of the main building having a depth less than the required front yard.

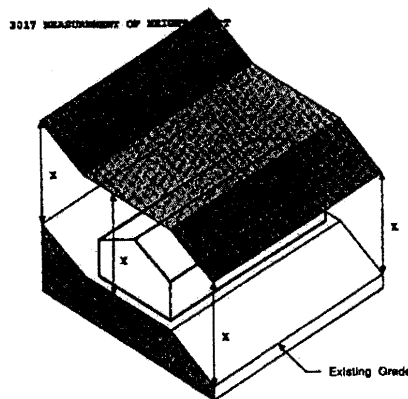
The rear line representing the depth of a modified front yard on any lot shall be established in the following manner:

- (a) A point shall be established on each improved or unimproved lot having a nonconforming or conforming front yard between which are located lots needing adjustment, and such point shall be located at the intersection of the rear line of such front yard with a line that constitutes the depth of the lot.
- (b) A straight line shall be drawn from such point across any intervening unimproved lot or lots, to a point similarly established on the next lot in either direction on which a main building exists which establishes a conforming or nonconforming front yard.
- (c) Where the elevation of the ground at a point twenty-five (25) feet from the front property line and midway between the side property lines differs more than five (5) feet from the average grade elevations of the street level, or when the slope (measured in the general direction of the side lot lines) is twenty (20) percent or more on at least one-fourth of the depth of the lot, the front yard may be reduced one (1) foot for each foot of difference in elevation, provided the total reduction shall not exceed fifty (50) percent of the required depth. These modifications do not apply where over seventy-five (75) percent of the difference in elevation occurs within five (5) feet of the front line.

3017 Measurement of Height**A. (Inland and Downtown Zoning Districts)**

Height shall be measured from existing grade (the grade existing prior to the initial development/grading of the site) at all points on the site to a warped plane an equal height above all points on the site (See Diagram 3017), with the following exception:

Where a finished grade elevation, different than the existing grade elevation, is approved as part of a discretionary application such as a Tentative Map, Development Plan, Use Permit, Variance, or Coastal Permit, height shall be measured from the approved finished grade elevation at all points on the site to a warped plane an equal height above all points on the site. In approving a finished grade elevation that is different than the existing grade elevation, compatibility with the existing elevation of adjacent and surrounding properties shall be considered.

**B. (Coastal Areas exclusive of Downtown District)**

No building or structures shall be erected or enlarged unless such building or structure complies with the height regulations for the zone in which the building or structure is located or proposed to be located. For purposes of determining the height of a building or structure, the average finished grade of the parcel on which the building or structure is located shall be used.

3018 Exceptions to Height Limits**A. (Inland and Downtown Zoning Districts)**

Towers, spires, cupolas, chimneys, elevator penthouses, water tanks, flagpoles, monuments, theater scenery lofts, radio and television antennas, transmission towers, fire towers, and similar structures and necessary mechanical appurtenances covering not more than 10 percent of the ground area covered by the structure to which they are accessory may exceed the maximum permitted height in the district in which the site is located. Such exceptions shall be subject to the following regulations:

A structure may exceed the district height limit by 10 feet and a use permit may be approved for features extending more than 10 feet above the base district height limit. Living area shall not be permitted in that portion of a structure which exceeds the height limit of the base district. The Strand is subject to the height limitations of Proposition A, passed April 13, 1982, and no exceptions are permitted.

B. (Coastal Areas exclusive of Downtown District)

Roof structures for the housing of elevators, stairways, ventilator fans, air conditioning or similar equipment required to operate and maintain the building, fire or parapet walls, skylights, towers, church steeples, flag poles, chimneys, antennas and similar structures may be erected above the height limits set forth in Section 3017 B. provided the same may be safely erected and maintained at such height, in view of the surrounding conditions and circumstances, but no roof structures or any space above the height limit shall be allowed for the purpose of providing additional floor space.

3019 Landscaping, Irrigation, and Hydroseeding

A. General Requirement. Minimum site landscaping and required planting areas shall be installed in accord with the standards and requirements of this section, which shall apply to all projects, except single-family residences (See the City of Oceanside Specifications and Guidelines for Landscape Development).

1. Landscape plans shall be prepared by a licensed landscape architect. No significant or substantive changes to approved landscaping or irrigation plans shall be made without prior written approval by the City Planner, City Engineer, and the landscape architect. Substantial changes shall require approval of the Planning Commission or Community Development Commission, as the case may be.
2. Completion of required landscaping and irrigation improvements shall be required prior to the issuance of an occupancy permit for new construction.

B. Standards.

1. Required planting areas shall be permanently maintained. As used in this section, "maintained" includes: watering, weeding, pruning, insect, disease, and other types of pest control, and replacement of plant materials and irrigation equipment as needed to preserve the health and appearance of plant materials. Failure to adequately maintain required landscaping may result in prosecution or revocation of development approvals.
2. Landscape materials shall not be located such that, at maturity:
 - a. They interfere with safe sight distances for vehicular, bicycle or pedestrian traffic;
 - b. They conflict with overhead utility lines, overhead lights, or walkway

lights; or

c. They block pedestrian or bicycle ways.

C. Landscaping Plans Required. Applications for development plan approval for projects subject to this section shall include plans and written material showing how any applicable site landscaping or planting area requirements are to be met. The degree of specificity of such plans and written material shall relate to the type of permit or request for approval being sought.

D. Materials. Landscape/Irrigation design shall comply with Xeriscape Principles set forth by Article V, Chapter 37 of the Oceanside City Code. Landscape plans shall demonstrate a recognizable pattern or theme for the overall development by choice and location of materials. To accomplish this, landscape plans shall conform to the following:

1. Plant materials shall be selected for: energy efficiency and drought tolerance; adaptability and relationship to Oceanside environment; color, form and pattern; ability to provide shade; soil retention, fire restrictiveness, etc. The overall landscape plan shall be integrated with all elements of the project, such as buildings, parking lots and streets, to achieve desirable microclimate and minimize energy demand.
2. Plant materials shall be sized and spaced to achieve immediate effect and shall normally not be less than a 15-gallon container for trees, 5-gallon container for shrubs, and a 1-gallon container for mass planting. The City Planner may approve smaller containers for fast-growing plants (e.g. crib wall planting).
3. The use of crushed rock or gravel for large area coverage shall be avoided (except for walks and equestrian paths).
4. Non turf areas, such as shrub beds, shall be top-dressed with a bark chip mulch or approved alternative.
5. Where shrubs or low-level vegetation are used, vegetative matter at maturity shall cover at least 75 percent of actual planted area.
6. Trees and other vegetation shall be utilized to soften ridgelines created by subdivisions.
7. The use of landscape materials shall be designed to minimize sun exposure of paved surfaces and structures.

E. Design Standards.

1. Parking lots shall have perimeter planting areas as prescribed by the following schedule and, in addition, shall have 5 percent of the area within the perimeter planting strips devoted to planting areas distributed throughout the parking

lot.

Width of Perimeter Planting Strip (ft.)

<u>Parking Lot</u> <u>Dimension Adjoining</u> <u>Property Line</u>	<u>Adjoining</u> <u>Street</u> <u>Property Line</u>	<u>Adjoining</u> <u>Residential</u> <u>District</u>	<u>Adjoining</u> <u>Other</u> <u>Districts</u>
Up to 100 feet	3	3	3
More than 100 feet	10	5	5

2. A parking structure in a commercial or industrial district having at-grade parking adjoining a street shall have a 10-foot planting area adjoining the street property line.
3. Where landscaped areas are provided, they shall be a minimum of 3 feet in width, except window planter boxes. Landscaped areas containing trees shall be a minimum of 4 feet in its narrowest dimension.
4. The end of each row of parking stalls shall be separated from driveways and drive aisles by a landscaped planter, sidewalk, or other means.
5. For every six contiguous parking stalls within a parking lot area, a minimum of one tree shall be provided within a landscaped planter to breakup the expanse of pavement. Where a row of parking stalls contains twelve or less contiguous parking stalls, a minimum of one tree shall be provided within a landscaped planter at each end of the row of parking stalls.
6. Where autos will extend over landscaping, the required planting area shall be increased 2 feet in depth by decreasing the length of the parking stall by 2 feet. Where autos will overhang into both sides of an interior landscaped strip or well, the minimum inside curb-to-curb interior planter dimension shall be 7 feet.
7. Landscaping shall be provided on the upper levels of parking structures where these structures are visible from public streets, pedestrian pathways, or adjacent buildings.

F. Irrigation Plans. Irrigation plans shall be submitted with working documents (plans). Irrigation systems shall be designed to comply with the Water Conservation Ordinance and Xeriscape Requirements. The landscape plans shall contain all construction details for an automatic system including, but not limited to, the following:

1. Location, type and size of lines;
2. Location, type and gallonage output of heads;

3. Location and sizes of valves;
4. Location and type of controller;
5. Installation details;
6. Location and type of backflow prevention device (as per Health Code);
7. Available water pressure and water meter outlet size;
8. Irrigation application schedule and flow rates.
9. Approved moisture sensors and/or rain check devices (where applicable).
10. Approved Flow sensors (where applicable).

G. Hydroseeding. Plans indicating location and type of hydroseeding shall be submitted with development plans when such planting is to be utilized for permanent landscape treatment or for natural area restoration. Hydroseeding plans shall contain installation specifications including, but not limited, to:

1. Seed mix and application rate and slurry components and application rates. A native seed mix containing a minimum of 10 percent shrub and perennial seeds shall be utilized in areas where permanent landscape restoration is required. Species selected shall include plant materials native to the area.
2. Fertilizer, mulch materials, soil preparation and watering specifications.

3020 Outdoor Facilities

The specific purposes of the Outdoor Facilities provisions are to maintain consistent development standards for the entire City while providing for an exceptional visual environment; provide for a quality working and business environment at the same time as enhancing the community's appearance; and provide a streamline approach to achieving compliance with specific design criteria.

A. Where Permitted And Development Standards.

1. Outdoor Storage of Merchandise, Materials or Equipment:

Outdoor storage of merchandise, materials or equipment shall be permitted within the CN, CC, CG, CL, CR, CS-HO, CS-L, CV, IL, IG, PS, C-1/CZ, C-2/CZ, M-1/CZ, PUT/CZ Districts and the Commercial Subdistricts within the D District if the following standards are met:

- (a) Storage area shall be less than 35% of site area.

- (b) Storage area shall meet the screening requirements of Section 3020(D) and applicable standards of Section 3040.
- (c) Storage area shall be located to the side or rear of the main building on the site.
- (d) Merchandise, materials and equipment shall not be stored in required parking areas, driveways, fire lanes, setback areas, landscape areas or on sidewalks or walkways.
- (e) Storage area shall not directly abut a residential district (Separation by a street or alley will be considered as not directly abutting).
- (f) Storage area shall be limited to materials, products or equipment used, produced, sold or manufactured on the site of a legally conforming business.
- (g) Storage area does not remove native plant habitat and is in compliance with all local, state and federal environmental protection laws.
- (h) Storage area shall meet all federal, state, regional and City requirements for discharge and drainage including, but not limited to requirements of Regional Water Quality Control Board (RWQCB) and National Pollution Discharge Elimination System (NPDES).
- (i) There are no hazardous materials stored within the storage area.
- (j) Storage area is visually buffered from all residential districts, public parks, scenic open space areas, Interstate 5, Highway 78 and Expressway 76. Buffering shall be consistent with the screening of outdoor facilities requirements set forth in Section 3020(D).
- (k) The storage area and the stored materials are maintained in a clean and orderly manner.

ALTERNATIVE PROCESS: An outdoor storage area not meeting the above standards within these districts is prohibited unless supported by environmental review and the issuance of an Alternate Outdoor Storage Permit by the City Planner. A Permit shall not be issued for storage of materials within a public right-of-way. An Alternate Outdoor Storage Permit shall be administratively issued if all of the following findings are made:

Findings:

- I. The proposed use is in accord with the objectives of the ordinance and the purposes of the district where the site is located.
- II. The proposed use is reasonably necessary to the operation of the

business at the site.

III. All environmental impacts can be mitigated in accordance with the California Environmental Quality Act.

IV. The proposed use will not be detrimental to the public health, safety or welfare or persons residing or working in or adjacent to the neighborhood of such use and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City.

V. The proposed alternative is tasteful and assists in creating a quality public environment.

2. Outdoor Display of Merchandise, Materials or Equipment

Outdoor merchandise display of retail merchandise is permitted in Commercial (C), Industrial (I) and Downtown (D) districts subject to the following development standards:

(a) An application is not required if the proposed Outdoor Merchandise Display is consistent with the standards listed below. An application is required for an Alternative Outdoor Display. See (f) below for additional information on processing an Alternative Outdoor Display application.

(b) The outdoor display area shall not exceed 50% of the building frontage length. If a store fronts on more than one street, only one frontage may be used to display the items. Displayed items shall be identical to items sold within the building onsite. Displays shall be temporary and removed at the end of each business day. Displayed items shall be located within 5 feet of the front building wall.

(c) Parking lot circulation and required parking spaces shall remain unobstructed at all times. Private sidewalks, courtyards, or entries shall provide a minimum four foot wide pedestrian area clear and unobstructed. Additionally, all fire, building and disabled access requirements shall be met.

(d) Displayed merchandise shall not impede sight distance requirements.

(e) Display of merchandise is permitted only by the tenant/owner of an existing business on the site. Display of merchandise on vacant property is prohibited.

(f) No display of merchandise from cars, trucks, or other vehicles is permitted.

(g) Signs associated with the display of merchandise are not permitted.

(h) All displays shall be located within hardscape areas. Displays are not permitted on landscaped or areas not hard-surfaced.

- (i) Displayed merchandise shall not obscure or interfere with any official notice, public safety sign or device.
- (j) All merchandise displayed shall be maintained in a state of order, security, safety and repair. No damaged merchandise shall be displayed.
- (k) No single item taller than 12 feet is permitted. No more than two items may be stacked. Stacking of items above 6 feet is prohibited.
- (l) Items shall not be displayed in bins, boxes or on racks.
- (m) Food and beverage sales are prohibited.
- (n) Lighting of outdoor merchandise displays is prohibited. No electricity shall be utilized by an outdoor merchandise display.
- (o) No noise shall be generated by an outdoor merchandise display.
- (p) The tenant shall maintain the sidewalk and parkway area adjacent to the building in good order and repair and shall keep the area clean.
- (q) Outdoor merchandise displays may be allowed on public property subject to the above standards and the following specific requirements:
 - (1) Display of merchandise within the public right-of-way is permissible only after approval of an encroachment permit issued by the City Engineer.
 - (2) Displayed merchandise shall only be allowed within the four feet of public right-of-way nearest the property line and parallel to the curb in front of the business to which it relates.
 - (3) A minimum four-foot wide sidewalk area, clear of any obstructions and in conformance with all fire, building and disabled access requirements, shall be maintained in front of the displayed merchandise.

ALTERNATIVE PROCESS: Alternatives to the above restrictions may be proposed. Applications for Alternative Outdoor Display shall be submitted on forms provided by the City. The proposed Alternative Outdoor Display is subject to the review and approval of the Building Official and City Planner. The alternative shall be renewed at time of business license renewal or issuance. The following findings must be made by the Building Official and City Planner, to approve the proposed alternative:

Findings:

- I. There is reasonable justification for the alternative proposed.
- II. The public health, safety and general welfare are not compromised

by the proposed alternative.

III. The alternative is tasteful and assists in creating a top quality-shopping environment.

3. Sidewalk Cafes and Outdoor Food Service Accessory to an Eating and Drinking Establishment

Sidewalk cafes or outdoor food service accessory to an Eating and Drinking Establishment shall be permitted within the CN, CC, CL, CG, CR, CS, CV, IL, IP, C-1/CZ, C-2/CZ, M-1/CZ and D Districts subject to the review and the approval of an Outdoor Eating Permit issued by the City Planner if the following standards are met:

- (a) The outdoor eating area is less than 500 square feet.
- (b) Existing parking spaces or landscape areas are not removed unless the new parking or landscape areas are shown to comply with the regulations of this Zoning Ordinance.
- (c) The outdoor eating area does not directly abut a residential district or a sensitive habitat area (Separation by a street or alley will be considered as not directly abutting).
- (d) The serving of alcoholic beverages is subject to the approval of the State of California Department of Alcohol Beverage Control (ABC), and the City of Oceanside's Police Chief and City Planner.
- (e) No outdoor preparation of food or beverages is permitted, except as permitted for outdoor barbecues pursuant to California Health and Safety Code, Article 9, Section 27641.
- (f) Live entertainment is prohibited within the outdoor eating area.
- (g) The outdoor eating area is not located within any setback area or public right-of-way, with the exception of sites west of Interstate 5 and sites within the Mission Historic Core area. Outdoor eating areas in these areas may be located within public right-of-ways or front or corner side-yard setback areas.

An outdoor eating area in the public right-of-way shall require an encroachment permit issued by the City Engineer.

An outdoor eating area within a public right-of-way or a front or corner side-yard setback area may require additional landscaping, decorative paving and/or fencing subject to the satisfaction of the City Planner.

- (h) All outdoor eating areas shall meet the established "Outdoor Eating Area

Guidelines", including the fencing requirements, as confirmed by the City Planner.

ALTERNATIVE PROCESS: Outdoor Eating and Drinking Establishments not meeting all of the above standards are prohibited unless supported by an Administrative Use Permit issued by the City Planner or approval of the Community Development Commission for projects within the D District. Permit applications shall be reviewed based on the standards set forth in items (a) through (h) above, the Outdoor Eating Area Guidelines and the findings required for approval of a conditional use permit.

1. Outdoor Storage Containers

For the purposes of this section an Outdoor Storage Container is defined as a metal container previously used as a shipping container, truck trailer or other similar use and not exceeding 8' in width by 40' in length or a total enclosed area of 320 square feet.

Outdoor storage containers may be used for storage purposes in the CN, CC, CG, CL, IL, IG, A PS, C-1/CZ, C-2/CZ, M-1/CZ and PUT/CZ Districts if the following standards are met:

(a) Outdoor storage containers within the CN, CC, C-1/CZ, CG, C-2/CZ and CL districts shall be limited to two containers per business. Outdoor storage containers within the IL, IG, A, M-1/CZ, PUT/CZ and PS Districts shall not be limited in quantity as long as they meet the following standards.

Storage containers shall be allowed for existing development. New development or major modifications (greater than 20% increase in existing square footage) to existing development shall require the incorporation of the storage needs of the site into a permanent facility.

(b) Containers shall not be located in any required setback or yard area, required landscape area, required drive aisle, driveway, or parking area. Maximum height of a storage container shall be 12 feet from the ground.

(c) Containers shall be located to the rear 50% of the site and shall not be visible from an adjoining property or from a public or private street. Storage containers not so located may be placed on a site if the containers are adequately screened and buffered in accordance with (d) below.

(d) Screening shall be provided so that the outdoor storage container is not visible or is buffered from surrounding properties or public or private streets or the container shall be architecturally compatible with the primary buildings and the nature of the business. Enhanced fencing, landscaping, buffering, and/or architectural treatments shall be required for visible containers. Buffering may include the use of decorative design

features including painting, murals, etc. if approved by the City Planner.

Exception: Outdoor storage containers, located within IL, M-1/CZ and IG districts, that are surrounded by other industrial uses and are not visible from a major arterial may be allowed to extend beyond the height of a fence or wall without providing additional buffering and/or screening.

(e) Containers are not permitted on vacant property.

(f) The containers and their screening and landscaping shall be maintained in good repair. Any dilapidated, dangerous, or unsightly containers shall be repaired or removed. Graffiti shall be removed in accordance with the City's Graffiti Ordinance.

(g) Containers shall be used for storage purposes only. Storage is limited to materials, products or equipment used, produced, sold or manufactured on the site of a legally conforming business.

(h) Outdoor storage containers meeting the requirements of Section 3020.4 shall not require a building permit but must be in compliance with all building code requirements. Containers with adequate structural strength may be placed directly on concrete or asphalt paving in lieu of a designed foundation or other foundation as approved by the Building Official. There shall be no plumbing or electricity connected to the container and all wheels (except for small, non-inflatable rollers) shall be removed.

ALTERNATIVE PROCESS: Outdoor storage containers not meeting all of the above standards within these districts require the approval of an Administrative Conditional Use Permit issued by the City Planner. The standards set forth in items (a) through (h) above and the required findings for Administrative Conditional Use Permits shall be used in reviewing permit applications.

EXEMPTION: Outdoor storage containers used for storage on active construction sites shall be exempt from the above standards except that the absence of construction activity for a period of 3 months shall require the removal of the outdoor storage container.

5. "Coffee" and Food Carts

Coffee and food carts are permitted in commercial, industrial, public and semipublic, public utility and transportation and D Districts subject to the current "Coffee Cart Guidelines" of the City of Oceanside and require the submittal of an application and approval of a Permit issued by the City Planner.

6. Working Outdoors in Commercial and Industrial Districts

All work shall be done within an enclosed building in all Commercial and Industrial Districts unless outside work was previously approved through a discretionary action, it complies with the Outdoor Work Guidelines for the City of Oceanside or is conducted pursuant to an Outdoor Work Permit issued by the City Planner.

(a) Outdoor Work Permit: An outdoor work area not complying with the Outdoor Work Guidelines requires an environmental review and approval of an outdoor work permit issued by the City Planner. A permit shall not be issued for outdoor work within a public right-of-way. Permit applications shall be reviewed with reference to the Guidelines and no permit shall be issued without compliance with the following findings:

Findings:

I. The proposed use is in accord with the objectives of the ordinance and the purposes of the district where the site is located.

II. The proposed work is reasonably necessary to the operation of the business at the site.

III. All environmental impacts can be mitigated in accordance with the California Environmental Quality Act.

IV. The proposed work will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the neighborhood of such work and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City.

7. Temporary Outdoor sales/Activities within Commercial Districts

Temporary Outdoor Sales/Activities shall be defined as outdoor sales, events or promotions of a limited duration or frequency, including but not limited to, parking lot sales, tent sales and seasonal or promotional sales or events.

(a) Sales Events/ Activities for Onsite Commercial Businesses and/or Small-scale Sales Events/Activities of Non-profit Organizations.

Outdoor Sales Events or Activities of onsite commercial businesses within C Districts shall meet the following standards unless alternate standards are approved as part of a Development Plan or Conditional Use Permit for the site:

(1) Sales events and activities directly outside an individual storefront or within a parking lot area shall be limited to a total of 1 per month for each center or for each business if not located within a center. Each event shall be limited to 3 days.

(2) The sales event or activity shall meet the standards of 7(b) below.

(3) Sales events not meeting the above requirements may apply for an Outdoor Sale Event/Activity Permit issued by the City Planner. The standards in 7(b) along with the following required findings shall be used in evaluating and making decisions on Permit applications.

Findings:

I. The proposed use is in accord with the objectives of the ordinance and the purposes of the district where the site is located.

II. There is reasonable justification for the alternative proposed.

II. The proposed use will not be detrimental to the public health, safety or welfare or persons residing or working in or adjacent to the neighborhood of such use and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City.

IV. The proposed alternative is tasteful and assists in creating a quality commercial and public environment.

(b) Outdoor Sales Events and Activities Standards.

The following standards apply to outdoor sales events and activities as listed within (a) above and within the C Districts:

(1) Sales or promotional commercial activities of on-site businesses shall be directly related to existing uses within the center.

(2) Location of each event shall be restricted to private property and shall not adversely impact parking lot circulation. A maximum of 25% of the required parking spaces for the sponsoring business or 25% of the spaces within a commercial center containing multiple tenants may be utilized for the display and sale of merchandise. No handicapped spaces shall be used for the event. No encroachment into the public right-of-way shall be permitted.

(3) All merchandise shall be setback a minimum of 5 feet from a public right-of-way.

(4) A sidewalk/pedestrian clearance of 4 feet shall be provided at all times on all sidewalk/pedestrian areas and at the entrance to all stores.

(5) Any structure used in conjunction with a sales event or activity shall be subject to all building and fire department requirements.

(6) All exterior lighting utilized in conjunction with a temporary sales event

or activity shall conform to the requirements of the Outdoor Lighting Ordinance.

(7) All food sales shall be conducted in compliance with health department regulations.

(8) All businesses participating in a temporary outdoor sales event or activity must have a valid business license to conduct business at the site of the event.

(9) Non-profit groups participating in a temporary outdoor sales event or activity in front of a store must have approval from the business where the event is to be located. Non-profit groups participating in a parking lot sales event or activity must have written approval from the owner of the commercial center.

(10) All noise/sound generated by a temporary outdoor sales event or activity shall conform to the noise level limits established by the noise ordinance for commercial districts. If the event is located next to a residential district, all noise generated shall conform to the noise level limits of the affected residential district.

(11) Signage shall meet the standards of the Sign Ordinance for temporary signs.

(12) Items for sale shall be displayed in a clean and orderly manner.

(c) Outdoor Sales Events and Activities not Related to Onsite Businesses in C Districts or Large-scale events of Non-profit Organizations

These events may require review and permitting under the Special Events Permit Ordinance of the Oceanside City Code (Chapter 30A).

B. Outdoor Facilities Permit Conditions: Grounds For Denial.

A permit for approval of outdoor facilities or working outdoors may require yards, screening, or planting areas necessary to prevent adverse impacts on surrounding properties, travel or pedestrian corridors, sensitive habitat areas or on the visual character of scenic areas as identified in the General Plan. If such impacts cannot be prevented, the City Planner shall deny the permit application.

C. Outdoor Facilities Exceptions.

Notwithstanding the provisions of subsections "A" and "B" above, outdoor storage and outdoor display shall be permitted in conjunction with the following use classifications in districts where they are permitted or conditionally permitted:

1. Nurseries: provided outdoor storage and display is limited to plants only.

2. Vehicle/Equipment Sales and Rentals: provided outdoor storage and display shall be limited to vehicles or equipment offered for retail sale and rental only.

D. Screening Of Outdoor Facilities.

Outdoor storage areas and outdoor work areas shall be screened from surrounding properties, public right-of-ways, parks and scenic open space areas as follows:

1. Screening shall be by a solid, uniform fence or wall with a maximum height as specified in the Ordinance. Solid fencing or walls shall be constructed of wood, brick, block, stone or frame-stucco.

(a) Solid fencing may include the use of chain link with slats or mesh screening if it is determined by the City Planner to be an appropriate screening alternative for the site.

(b) Where a solid fence or wall is not practical and or advantageous, or complete screening cannot be achieved, the business owner may submit and receive approval of a landscape plan under an Alternate Outdoor Storage Permit or Outdoor Work Permit for the screening of the use. The landscape plan shall demonstrate that appropriate screening or buffering of the use can be achieved by the proposed plant materials within a two year time period and that the appropriate irrigation shall be installed and maintained to keep the landscaping in a viable state.

(c) Enhanced design treatments and/or landscaping may be required by the City Planner or as a condition of approval for a discretionary action for new or expanded uses or development.

2. Screening shall not be unsightly, shall be reasonably straight and shall be maintained in good repair. Any dilapidated, dangerous, or unsightly fences or walls shall be repaired or removed. Graffiti shall be removed in accordance with the City's Graffiti Ordinance.

3. The height of merchandise, materials and equipment displayed, stored onsite or used for outdoor work shall not exceed the height of the screening wall or fence.

(a) Exception: Outdoor storage or work areas within the IL, M-1/CZ and IG districts that are surrounded by other industrial uses and are not visible from major a arterial may exceed the height of a fence or wall.

In addition, storage or work areas may require special treatments for the walls or fencing, or additional landscaping and/or screening to alleviate visual impacts from travel and pedestrian corridors and residential, public park and scenic open space areas and for public health and safety to the satisfaction of

the City Planner.

E. Appeals. Decisions of the City Planner may be appealed by the applicant to the Planning Commission in accord with Article 46 or to the Community Development Commission.

3021 Screening of Mechanical Equipment

A. General Requirement. Except as provided in subsection (B) below, all exterior mechanical equipment, except solar collectors and operating mechanical equipment in an IG District located more than 100 feet from a C, D, R, PS, PD, or OS district boundary, shall be screened from view on all sides. Equipment to be screened includes, but is not limited to, heating, air conditioning, refrigeration equipment, plumbing lines, duct work, and transformers. Screening of the top of equipment may be required by the City Planner, if necessary to protect views from residential district.

B. Utility Meters. Utility meters shall be screened from view from public rights-of-way, but need not be screened on top or when located on the interior side of a single-family dwelling. Meters, in a required front yard or in a corner side yard adjoining a street, shall be enclosed in subsurface vaults.

C. Screening Specifications. Screening materials may have evenly distributed openings or perforations averaging 50 percent of the surface area and shall effectively screen mechanical equipment so that it is not visible from a street or adjoining lot.

3022 Solid Waste/Recyclable Material Storage Areas

Solid waste/recyclable material storage areas shall be provided prior to occupancy for all commercial, industrial, and public/semipublic uses, and for multiple family residential developments of four or more units. Locations, horizontal dimensions, materials, and general design parameters, of solid waste/recyclable material storage areas shall be as prescribed by the City Planner and City Engineer.

3023 Underground Utilities

All existing and new electrical, telephone, CATV and similar distribution lines providing direct service to a development site shall be installed underground within the site and along the site's frontage in the public right-of-way if frontage improvements are required to develop the site. The underground utilities provisions of the City of Oceanside Subdivision Ordinance shall apply to all projects requiring development plan approval.

3024 Performance Standards

The following performance standards shall apply to all use classifications in all zoning districts:

- A. Noise. All uses and activities shall comply with the provisions of the Oceanside Noise Regulations (City Code).
- B. Vibration. No use, activity, or process shall produce vibrations that are perceptible without instruments by a reasonable person at the property lines of a site.
- C. Dust and Odors. No use, process, or activity shall produce objectionable dust or odors that are perceptible without instruments by a reasonable person at the property lines of a site.
- D. Glare.
 - 1. From Glass. Mirror or highly reflective glass shall not cover more than 20 percent of a building surface visible from a street unless an applicant submits information demonstrating to the satisfaction of the City Planner that use of such glass would not significantly increase glare visible from adjacent streets or pose a hazard for moving vehicles.
 - 2. From Outdoor Lighting. Parking lot lighting shall comply with Article 31. Security lighting in any district may be indirect or diffused, or shall be shielded or directed away from residential district within 100 feet. Lighting for outdoor court or field games within 300 feet of residential district shall require approval of a use permit, unless included as part of an approved Master Plan.
- E. Combustibles and Explosives. The use, handling, storage, and transportation of combustibles and explosives shall comply with the provisions of the Oceanside Fire Prevention Code (City Code) and any other applicable laws.
- F. Radioactive Materials. The use, handling, storage, and transportation of radioactive materials shall comply with the provisions of the California Radiation Control Regulations (California Administrative Code, Title 17), the Oceanside Fire Prevention Code (City Code), and any other applicable laws.
- G. Hazardous and Extremely Hazardous Materials. The use, handling, storage, and transportation of hazardous and extremely hazardous materials shall comply with the provisions of the California Hazardous Materials Regulations (California Administrative Code, Title 22, Division 4), Section 3026: Hazardous Materials of this ordinance, and any other applicable laws.
- H. Heat and Humidity. Uses, activities, and processes shall not produce any unreasonable, disturbing, or unnecessary emissions of heat or humidity, at the property line of the site on which they are situated, that cause material distress, discomfort, or injury to a reasonable person.
- I. Electromagnetic Interference. Uses, activities, and processes shall not cause electromagnetic interference with normal radio or television reception in

residential-districts, or with the function of other electronic equipment beyond the property line of the site on which they are situated.

- J. Evidence of Compliance. The City Planner shall require such evidence of ability to comply with performance standards as he deems necessary prior to issuance of a zoning certificate.

3025 Standards For Zero Lot Development (Including Patio and "Twin" homes)

(Coastal Areas exclusive of Downtown District)

The purpose of this section is to provide a housing alternative to the conventional single family home and condominium project for retirement-oriented communities. Provisions of small lot units throughout the City in areas already containing the full range of urban services will provide this alternative at an affordable price and with the necessary outdoor living space for this segment of the housing market.

1. Front Yard: No front yard setback shall be less than ten (10) feet. In all cases where the garage is designed so that the entrance is straight in from the street, the minimum setback for the garage shall be twenty feet.
2. Side Yard: No side yard requirements shall be required provided that at least ten feet are left between structures. On corner lots the side street setback shall be at least ten feet.
3. Rear Yard: A rear yard setback of at least fifteen feet shall be provided except that an open patio awning will be permitted to be constructed to within ten feet of the rear property line.
4. Lot Size: No lot shall contain less than 3,500 square feet. On hilly terrain the area may be reduced to 3,200 square feet, however, no lot shall contain less than 3,000 square feet of level pad area.
5. Lot Width: No lot shall contain less than forty feet of lot frontage. On cul-de-sac lots, the forty feet width must be achieved at a distance within the front yard setback.
6. Lot Coverage: The maximum lot coverage on any lot shall not exceed 50 percent.
7. Lot Depth: The minimum lot depth shall not be less than eighty (80) feet.
8. Density: The maximum density permitted shall not exceed the density as indicated on the Land Use Element of the General Plan.
9. Location: Projects established under this section shall generally be located in areas already experiencing urban development. The location must be served by the full range of public and urban facilities (transit, police and fire protection, water and sewer facilities, shopping, etc.). Sites located in undeveloped areas will

be discouraged. Such projects located in the immediate area of other such projects developed under this section will also be discouraged in order to maintain a reasonable intensity of development and alternate housing choices in any given area.

10. Off-Street Parking Requirements: A one-car garage with a minimum interior area of 240 square feet.

11. Elevations: All developments using this section shall provide elevations of substantial variations to include a mixture of roof lines and exterior material.

12. Park Land Development: Each development shall be required to provide and improve park land or pay in-lieu fees to the City at 1.25 times the standards established in the Subdivision Ordinance. The option of paying in-lieu fees shall be solely at the discretion of the Planning Commission. All units built under this section shall be defined as single family units for the purpose of computing this requirement. Improvement of the park land shall be approved by the Parks and Recreation Commission. Complete landscaping and irrigation will be required. Minimum improvements must be no less in value than the corresponding in-lieu fees. An estimate of costs must be submitted with the development plan.

13. Park Land Maintenance: Park land shall either be owned and maintained by a homeowners' association or dedicated and maintained by the City through a park maintenance district. Such district must be formed prior to the sale of any units in the development.

14. Conditions, Covenants and Restrictions: Any project developed under this section shall be required to submit C.C. &R's to the Planning Commission for review and the City Attorney for approval. Such C.C.&R's shall address exterior maintenance, protection of views, construction and material of accessory structures, age limits of occupants, number of occupants per building and other matters as deemed necessary by the developer and/or Planning Commission. Provision shall be made for a homeowners' association to enforce such C.C. &R's.

15. Procedures: Subdividers choosing to use this section shall be required to file a development plan in accordance with Article 43 of the Zoning Ordinance.

The development plan herein acquired shall be submitted and processed in accordance with provisions of Article 43 of the Zoning Ordinance. The approval of such development plan does not exempt a development from any provision of the Subdivision Ordinance of the City of Oceanside, nor does such a plan become a substitute for either a tentative or final map of a subdivision.

The provisions of this section are to offer an alternate procedure by which zoning standards, other than usage, may be made applicable to new subdivisions. The acceptance of a plan following the procedures and standards incorporated herein shall be discretionary with the Planning Commission.

3026 Hazardous Materials Storage

- A. Purpose.** The following supplemental regulations are intended to ensure that the use, handling, storage and transport of hazardous substances comply with all applicable requirements of the California Health and Safety Code and that the City is notified of emergency response plans, unauthorized releases of hazardous substances, and any substantial changes in facilities or operations that could affect the public health, safety or welfare. It is not the intent of these regulations to impose additional restrictions on the management of hazardous wastes, which would be contrary to state law, but only to require reporting of information to the City that must be provided to other public agencies.
- B. Definitions.** For purposes of this section, "hazardous substances" shall include all substances on the comprehensive master list of hazardous substances compiled and maintained by the California Department of Health Services pursuant to Section 25282 of the California Health and Safety Code.
- C. Permit Required.** A use permit shall be required for any new commercial, industrial, or institutional use or accessory use, or major addition or alteration to an existing use, that involves the manufacture, storage, handling, or processing of hazardous substances in the following quantities and would require permits as hazardous chemicals under the Uniform Fire Code adopted by the City:
1. 120 Gallons or more of corrosive liquids;
 2. 1000 pounds or more of oxidizing materials;
 3. 500 pounds or 500 gallons or more of Nitromethane;
 4. 1 ton or more of Ammonia Nitrate or Ammonia Nitrate Fertilizer; and,
 5. Any amounts of Acutely Toxic, Highly Toxic, or Pyrophoric materials. The City Planner, in consultation with the Fire Chief, may grant an exception to the use permit requirement for uses utilizing insignificant or minor amounts of Acutely Toxic, Highly Toxic, or Pyrophoric materials.
 6. Any amount of underground storage of bulk flammable and combustible liquids, subject to provisions of Section 3026 (E).
- D. Hazardous Materials Release Response Plans.** All businesses located in the city and required by Chapter 6.95 of the California Health and Safety Code to prepare hazardous materials release response plans shall submit copies of all such plans, including any corrected plans or revised plans, to the Fire Chief at the same time these plans are submitted to the public agency administering these provisions of the California Health and Safety Code. These submittal requirements shall be a condition of approval of a development plan, use permit, or building permit for (1) new development where space may be occupied by such a business, and (2) any alteration or addition to an existing building or structure occupied by a business

subject to these provisions of the California Health and Safety Code.

E. Underground Storage Tanks. Underground storage of hazardous substances shall comply with all applicable requirements of Chapter 6.7 of the California Health and Safety Code and Article 79 of the Uniform Fire Code. Any business located in the city that uses underground storage tanks shall:

1. Notify the Fire Chief of any unauthorized release of hazardous substances within 24 hours after the release has been detected and the steps taken to control the release; and
2. Notify the Fire Chief and the City Planner of any proposed abandoning, closing or ceasing operation of an underground storage tank and the actions to be taken to dispose of any hazardous substances. These notification requirements shall be a condition of approval of a development plan, use permit, or building permit for (1) new development that involves installation of underground tanks, and (2) any alteration or addition to an existing building or structure on a site where underground storage tanks exist.

F. Above-Ground Storage Tanks. Aboveground storage tanks (500 gallons or less) for any flammable liquids shall be allowed with the approval of the Fire Chief. A use permit shall be required for above-ground storage tanks over 500 gallons in size, with the exception that farming operations and remote construction sites shall be exempt from the use permit requirement, but must, in all cases, obtain approval of the Fire Chief.

3027 Arcades and Game Centers

The following supplemental regulations shall apply to the operation of arcades and game centers, as defined in Article 36, including mechanical or electronic games or any other similar machine or device (See Article 36, Separation of Regulated Uses).

- A. Purpose. The intent of these regulations is to control the location and hours of operation of arcades and game centers to prevent truancy and discourage minors from congregating in areas close to commercial establishments that sell alcoholic beverages.
- B. Adult Manager. At least one adult manager shall be on the premises during the time an arcade or game center is open to the public.
- C. Hours of Operation for Minors under 18 Years of Age. No arcade or game center owners, manager or employees shall allow a minor under 18 years of age to play a mechanical or electronic game machine during the hours the public schools of the district in which the arcade or game center is located are in session, or after 9 p.m. on nights preceding school days, or after 10 p.m. on any night. It is the responsibility of the owner or manager of the arcade or game center to obtain a current schedule of school days and hours.

D. Restrictions. The Planning Commission may impose reasonable restrictions on the physical design, location, and operation of an arcade or game center in order to minimize the effects of noise, congregation, parking, and other nuisance factors that may be detrimental to the public health, safety and welfare of the surrounding community.

3028 Employee Eating Areas

The following supplemental development regulations shall apply to outdoor eating facilities.

A. Outdoor eating facilities shall be provided for each building or development based on the following schedule:

<u>Building Area</u>	<u>Required Outdoor Eating Area</u>
<u>Less than 10,000 sq.ft.</u>	<u>0</u>
<u>10,000 to 25,000 sq.ft.</u>	<u>300 sq.ft.</u>
<u>25,000 to 50,000 sq.ft.</u>	<u>500 sq.ft.</u>
<u>50,000 to 100,000 sq.ft.</u>	<u>1000 sq.ft.</u>
<u>Greater than 100,000 sq.ft.</u>	<u>2000 sq.ft.</u>

B. The area shall be easily accessible to employees and shall be located to offer a sense of separateness. In development complexes with multiple buildings, the amount of square footage required for each building shall be consolidated and provided for in centrally located, common areas accessible to the employees of the complex.

C. The area shall be landscaped and provided with attractive outdoor furniture, i.e., metal, wood, or concrete picnic tables, benches/chairs and trash receptacles.

D. The size and location of landscaping and furniture required above shall be reviewed as part of the required discretionary action necessary for the proposed development. If no discretionary action is required, a site plan showing the location, landscaping and facilities required above shall be submitted to the City Planner for approval prior to the issuance of any building permits.

E. Exceptions. This section shall not apply to industrial and office buildings that are located within 1,000 feet of an approved mini-park or a city park which is accessible by walking as determined by the City Planner.

3029 Recreational Vehicle Parks

The following supplemental development regulations shall apply to Recreational Vehicle (RV) Parks.

A. Definitions. For purposes of this section, "recreational vehicle" means a camp car, motor home, travel trailer or tent trailer, with or without motive power, or other motorized or non-motorized vehicle used for camping or recreational activities.

B. Limitations on Use.

- 1. Recreational vehicle sites in RV parks shall be occupied only by recreational vehicles rented on a daily or weekly basis, except that one space, a minimum of 3,600 square feet in size, may be designated as a permanent mobile home site for the residence of the park manager. No permanent external appurtenances such as carports, cabanas or decks may be attached to any recreational vehicle parked in an RV park, and the removal of wheels and placement of a recreational vehicle on a foundation is prohibited. Neither recreational vehicles nor the occupants of such space shall remain in an RV park more than a total of 21 days during a 30-day period. Park occupancy records shall be maintained and, upon request, be made available to the City.**
- 2. An RV park manager or owner shall not sell, lease or rent recreational vehicles or hold out for sale, rent or lease any recreational vehicle located within the park.**
- 3. Accessory uses, including recreational facilities, coin-operated laundry facilities and office space for park management are permitted.**

C. Site Area. Minimum: 2.5 acres; Maximum: 5 acres. Upon Planning Commission approval, the maximum site area may be increased to 25 acres within the CV or VC/CZ District if found to be necessary to implement Local Coastal Program policies.

D. Minimum Lot Site. 1,250 square feet.

E. Maximum Density. 15 RV sites per acre.

F. Minimum Vehicle Setbacks.

From an interior street: 5 feet.

From any required screening wall or earth berm: 5 feet.

From a common utilities area or recreational area: 6 feet.

From a residential district: 34 feet.

Between vehicles: 10 feet.

G. Maximum Height: 15 feet, except for recreation facilities which may be 30 feet high.

H. Screening.

- 1. Abutting Public Streets. A 6-foot-high solid wall, or earth berm shall be**

installed and maintained along the entire front setback area except for the areas required for vehicular access in which case the wall or berm must be sufficiently lowered for a long enough distance to assure adequate sight distance for the expected speed of traffic.

Walls exceeding 150 feet in length shall include a break: a recess or offset of 5 feet for a distance of 10 feet every 50 feet.

Encroachments within the setback area shall be permitted to accommodate the required break.

2. Interior Property Lines. A 6-foot-high solid wall shall be installed and maintained on interior property lines.

I. Landscaping. At least 35 percent of the site area shall be landscaped. A landscape plan shall be prepared (see Section 3019).

J. Recreation Area Required. At least 90 square feet of recreation area shall be provided for each RV space. Such recreation area shall include:

1. Outdoor Recreation Space: Areas for games and activities such as shuffleboard, horseshoes, putting greens and swimming pools.

2. Clubhouse Space: Areas for indoor activities such as reading and games, rest rooms, show facilities, and cooking facilities.

K. Outdoor Facilities. Central trash collection and storage areas shall be provided.

L. Internal Circulation. Internal street widths shall be:

25 feet if no parking is permitted;

33 feet if parallel parking on one side is permitted; or

40 feet if parallel parking on two sides is permitted.

Each RV park shall have a main access point with a minimum traveled-way width of 40 feet, and at least one secondary or emergency access approved by the Police Chief and Fire Chief if only one main access is provided. The main access shall be located on a collector or higher rated roadway as identified in the City Master Street Plan and shall conform to City standards for allowable access spacing.

Pedestrian access into the park shall be separated from vehicular access.

3030 Time-Share Resorts

Time-share resort projects shall be subject to the following supplemental regulations:

A. Vehicle Access. Primary automobile access shall be located on a collector or higher-rated roadway as identified in the City Master Street Plan and shall

conform to City Standards for allowable access spacing. For purposes of this section, The Strand shall be considered a collector roadway.

B. Parking. Parking shall be provided per Article 31 standards.

C. Application Requirements. A time-share resort project application shall be accompanied by the following documents which shall be subject to approval of the City Planner:

- 1. Sales Plan:** A Sales Plan shall address the times, areas and methods that will be used to sell the time-share resort estates or uses. Factors to be defined in the plan shall include, but not be limited to: the location, length, and marketing methods that will be used, distinguishing on-site and off-site marketing and signage; and an estimate of the potential numbers of individuals and automobiles expected during various stages of the sales effort. The plan also shall describe measures that will be implemented to reduce traffic during peak hours.
- 2. Management Plan:** A Management Plan shall describe the methods employed by the applicant to guarantee the future adequacy, stability, and continuity of a satisfactory level of management and maintenance of a time-share resort project. For projects in the Coastal Zone, the Management Plan also shall demonstrate how at least 25 percent of the units shall be reserved for transient occupancy, as required by the Local Coastal Program.
- 3. Contingency Plan:** A Contingency Plan shall address the actions to be taken by the applicant if the time-share resort project is an economic failure or fails to sell 50 percent of the time-share resort estates or uses within two years of receiving a permit to occupy the first unit.
- 4. Conversion Plan:** If a time-share resort project application involves conversion of existing residential dwellings, a Conversion Plan approved by the City Planner shall be required. For purposes of Article 32, Residential Condominium and Stock Cooperative Conversions, a time-share resort unit shall be considered a condominium or dwelling unit. Conversions to time-share resort projects shall be exempt from Section 3209(C): Tenant's Right to Purchase, but shall be subject to all other requirements of Article 32.

3031 Bed and Breakfast Inns

The following regulations shall apply to bed and breakfast inns.

A. Where Permitted. Bed and breakfast inns are permitted in Downtown districts 4A, 4B, 5, 5A, 6A, 6B, 6C, 12, 13, any other commercial or agricultural district, and in the RM, RH, R-3/CZ, RT/CZ, and RT districts; and in an RE, R-1/CZ or RS district only in owner-occupied historic sites designated under the provisions of Article 21. Bed and breakfast inns with two or less rooms shall be permitted in the agricultural district.

B. Use Permit Required. A use permit issued by the Community Development Commission shall be required for bed and breakfast inns located within the redevelopment area. Bed and breakfast inns located in the agricultural district with three to twelve guest rooms shall require an administrative use permit. An administrative use permit shall be required for bed and breakfast inns in other residential and commercial districts. Applications shall be submitted to the Planning Division accompanied by: the required fee; plans and elevations showing any proposed modifications to the existing exterior of the structure, descriptions of landscaping, exterior finishes, signs, and parking to be provided; and any other information required by the Division to determine whether the proposed bed and breakfast inn conforms to all the requirements of this ordinance. The Planning Commission or Community Development Commission, as the case may be, (for use permits) or the City Planner (for administrative use permits) shall approve a bed and breakfast inn upon finding that:

1. In agricultural and residential districts the bed and breakfast inn will be operated by a property owner living on the premises;
2. The bed and breakfast inn conforms to the design and development standards of Subsection (C) of this section and is compatible with adjacent buildings in terms of building materials, colors and exterior finishes;
3. Public and utility services including emergency access are adequate to serve the bed and breakfast inn.

C. Design and Development Standards.

1. Number of Guest Rooms. No more than six rooms shall be rented for lodging, provided that this restriction may be waived for bed and breakfast inns on a historical site designated under the provisions of Article 21. No more than twelve rooms shall be rented for lodging in the agricultural district.
2. Parking. A minimum of one independently accessible, off-street parking space shall be provided for each guestroom plus one for the resident owner. This requirement may be reduced to one space for each two rooms for a bed and breakfast inn on a designated historical site provided that the Planning Commission, Community Development Commission or the City Planner, as the case may be finds that on-street parking in the vicinity is not subject to time restrictions that would interfere with the hours normally required for guest parking.
3. Signs. No identifying sign shall be displayed other than a sign no larger than 6 square feet identifying the name of the establishment. The face of the sign may be indirectly illuminated by an exterior light source entirely shielded from view, but no internal illumination from an interior light source shall be permitted.

D. Appeals. Decisions of the Planning Commission shall be subject to appeal to the

City Council. Decisions of the City Planner shall be subject to appeal to the Planning Commission.

3032 Affordable Housing Density Bonus

A. Purpose. This section establishes policies which facilitate the development of affordable housing to serve a variety of needs within the City. To encourage provision of moderate, low and very low income housing, senior housing, and ancillary child care facilities, the City shall provide developers/property owners meeting the requirements of this section a density bonus and additional incentives or concessions. The regulations set forth in this section shall apply citywide.

B. Definitions. As used in this section, the following terms shall have the following meanings:

- (1) "Density Bonus" means either: (a) a density increase over the maximum allowable residential density allowance under applicable zoning and Land Use Element of the General Plan as of the date of application. The provisions of this Ordinance shall apply only to residential development of five or more units. The number of housing units to be reserved for very low, low or moderate income households or senior housing does not include the density bonus units.
- (2) "Concession" or "incentive" shall have the meaning set forth in Government Code section 655915(k).
- (3) "Equivalent Financial Value" concerns a condominium conversion project seeking a density bonus and refers to the cost to the developer/property owner based on the land cost per dwelling unit. The land cost per dwelling unit is determined by the difference in the value of the land with and without the density bonus.
- (4) "Low Income Households" as currently defined in section 50079.5 of the Health and Safety Code and any subsequent amendments or revisions.
- (5) "Very Low Income Households" as currently defined in section 50105 of the Health and Safety Code and any subsequent amendments or revisions.
- (6) "Moderate Income Households" as currently defined in section 50093 of the Health and Safety Code and any subsequent amendments or revisions.
- (7) "Senior Citizen Housing Development" as currently defined by Sections 51.3 and 51.12 of the Civil Code and any subsequent amendments or revisions.
- (8) "Common Interest Development" as currently defined in Section 1351 of the Civil Code and any subsequent amendments or revisions.

(9) "Child Care Facility" means a child day care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and school-age child care center, as defined by Government Code Section 65915.

C. Implementation. The City shall grant a density bonus, in the amount specified in subsection D below, to an applicant who proposes a housing development consisting of five or more dwelling units and meeting at least one of the following criteria:

- (1) At least ten percent (10%) of the total units of the housing development are designated for low income households; or
- (2) At least five percent (5%) of the total units of the housing development are designated for very low income households; or
- (3) A senior citizen housing development, as defined in Sections 51.3 and 51.12 of the Civil Code, or mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.
- (4) Ten percent (10%) of the total dwelling units in a common interest development as provided in Section 1351 of the Civil Code for persons and families of moderate income, provided that all units in the development are offered to the public for purchase.
- (5) Circumstances may arise in which the public interest would be served by allowing some or all of the designated affordable units associated with a density bonus project to be produced and operated at an alternative development site. Where the City and applicant form such an agreement, both the market-rate and affordable components of the project shall be considered a single housing development for the purposes of this chapter, and the applicant shall be subject to the same requirements of this chapter pertinent to the designated affordable units to be provided on the alternative site.

D. Amount of Density Bonus. The amount of density bonus granted to a qualifying project shall be based on the category and percentage of affordable units proposed, as reflected in the following matrices.

- (1) For housing developments meeting the criteria of Section C(1) above, the density bonus shall be calculated as follows:

TABLE 1
Density Bonus for Low Income Units

<u>Percentage Low Income Units</u>	<u>Percentage Density Bonus</u>
<u>10</u>	<u>20</u>
<u>11</u>	<u>21.5</u>

<u>12</u>	<u>23</u>
<u>13</u>	<u>24.5</u>
<u>14</u>	<u>26</u>
<u>15</u>	<u>27.5</u>
<u>16</u>	<u>29</u>
<u>17</u>	<u>30.5</u>
<u>18</u>	<u>32</u>
<u>19</u>	<u>33.5</u>
<u>20</u>	<u>35</u>

(2) For housing developments meeting the criteria of Section C(2) above, the density bonus shall be calculated as follows:

TABLE 2
Density Bonus for Very Low Income Units

<u>Percentage Very Low Income Units</u>	<u>Percentage Density Bonus</u>
<u>5</u>	<u>20</u>
<u>6</u>	<u>22.5</u>
<u>7</u>	<u>25</u>
<u>8</u>	<u>27.5</u>
<u>9</u>	<u>30</u>
<u>10</u>	<u>32.5</u>
<u>11</u>	<u>35</u>

(3) For housing development meeting the criteria of Section C (3) above, the density bonus shall be 20 percent (20%).

(4) For housing development meeting the criteria of Section C(4) above, the density bonus shall be calculated as follows:

TABLE 3
Density Bonus for Moderate Income Units

<u>Percentage Moderate Income Units</u>	<u>Percentage Density Bonus</u>
<u>10</u>	<u>5</u>
<u>11</u>	<u>6</u>
<u>12</u>	<u>7</u>
<u>13</u>	<u>8</u>
<u>14</u>	<u>9</u>
<u>15</u>	<u>10</u>
<u>16</u>	<u>11</u>
<u>17</u>	<u>12</u>
<u>18</u>	<u>13</u>
<u>19</u>	<u>14</u>

<u>Percentage Moderate Income Units</u>	<u>Percentage Density Bonus</u>
<u>20</u>	<u>15</u>
<u>21</u>	<u>16</u>
<u>22</u>	<u>17</u>
<u>23</u>	<u>18</u>
<u>24</u>	<u>19</u>
<u>25</u>	<u>20</u>
<u>26</u>	<u>21</u>
<u>27</u>	<u>22</u>
<u>28</u>	<u>23</u>
<u>29</u>	<u>24</u>
<u>30</u>	<u>25</u>
<u>31</u>	<u>26</u>
<u>32</u>	<u>27</u>
<u>33</u>	<u>28</u>
<u>34</u>	<u>29</u>
<u>35</u>	<u>30</u>
<u>36</u>	<u>31</u>
<u>37</u>	<u>32</u>
<u>38</u>	<u>33</u>
<u>39</u>	<u>34</u>
<u>40</u>	<u>35</u>

(5) All density calculations resulting in fractional units shall be rounded up to the next whole number, unless otherwise indicated.

(6) The granting of a density bonus shall not be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval.

(7) An applicant may elect to accept a lesser percentage of density bonus.

(8) The calculations are in accordance with Government Code Section 65915 and are subject to any subsequent amendments or revisions thereto.

E. Land Donation. When an applicant donates land to the City to satisfy the affordable housing obligation established under this Ordinance , the applicant shall be entitled to a density bonus as follows:

TABLE 4
Density Bonus for Land Donation

<u>Percentage Very Low Income</u>	<u>Percentage Density Bonus</u>		<u>Percentage Low Income</u>	<u>Percentage Density Bonus</u>
<u>10</u>	<u>15</u>		<u>10</u>	<u>7.5</u>
<u>11</u>	<u>16</u>		<u>11</u>	<u>8</u>
<u>12</u>	<u>17</u>		<u>12</u>	<u>8.5</u>

<u>Percentage Very Low Income</u>	<u>Percentage Density Bonus</u>
<u>13</u>	<u>18</u>
<u>14</u>	<u>19</u>
<u>15</u>	<u>20</u>
<u>16</u>	<u>21</u>
<u>17</u>	<u>22</u>
<u>18</u>	<u>23</u>
<u>19</u>	<u>24</u>
<u>20</u>	<u>25</u>
<u>21</u>	<u>26</u>
<u>22</u>	<u>27</u>
<u>23</u>	<u>28</u>
<u>24</u>	<u>29</u>
<u>25</u>	<u>30</u>
<u>26</u>	<u>31</u>
<u>27</u>	<u>32</u>
<u>28</u>	<u>33</u>
<u>29</u>	<u>34</u>
<u>30</u>	<u>35</u>

<u>Percentage Low Income</u>	<u>Percentage Density Bonus</u>
<u>13</u>	<u>9</u>
<u>14</u>	<u>9.5</u>
<u>15</u>	<u>10</u>
<u>16</u>	<u>10.5</u>
<u>17</u>	<u>11</u>
<u>18</u>	<u>11.5</u>
<u>19</u>	<u>12</u>
<u>20</u>	<u>12.5</u>
<u>21</u>	<u>13</u>
<u>22</u>	<u>13.5</u>
<u>23</u>	<u>14</u>
<u>24</u>	<u>14.5</u>
<u>25</u>	<u>15</u>
<u>26</u>	<u>15.5</u>
<u>27</u>	<u>16</u>
<u>28</u>	<u>16.5</u>
<u>29</u>	<u>17</u>
<u>30</u>	<u>17.5</u>

Density bonus calculations are in accordance with Section 65915 of the Government Code and are subject to any amendments or revisions thereto. Applicants seeking density bonus for both the provision of affordable units and the donation of land shall be limited to a maximum combined density bonus of thirty-five percent (35%). In order to qualify for the above density bonus, the land donation must meet the following conditions:

- (1) The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application if no subdivision map is proposed.
- (2) The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low or low income households in an amount not less than 10 percent (10%) of the total units of the housing development.
- (3) The transferred land is of sufficient size to permit development of the minimum number of units required by the prior paragraph (2), has the appropriate general plan and zoning designations, is appropriately zoned with appropriate development standards for development at the appropriate density, and is or will be served by adequate public facilities and infrastructure.
- (4) No later than the date of approval of the final subdivision map, parcel map, or residential development application for the first density bonus market-rate unit, the transferred land shall have all City required discretionary permits and approvals, other than building permits, necessary for the

development of the very low or low income units on the transferred land, except the City may subject the proposed development to subsequent design review if the design is not otherwise reviewed by the City prior to the time of transfer.

- (5) The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with Government Code Section 65915, which shall be recorded on the property at the time of the transfer.
- (6) The land is transferred to the City or to a housing developer approved by the City. The City may require the applicant to identify and transfer the land to the developer.
- (7) The transferred land shall be within the boundary of the proposed development or, if the City agrees, within one-quarter mile of the boundary of the proposed development.
- (8) The transferred land shall be within the boundary of the proposed development or, if the City agrees, within one-quarter mile of the boundary of the proposed development. In the event the transferred land is not within the boundary of the proposed development or within one-quarter mile of the boundary thereof, the transferred land must be situated within a transit-oriented area of the City, as identified on the regional Smart Growth Concept Map, prepared by the San Diego Association of Governments, or within one-quarter mile of high-frequency bus service (i.e., providing 15-minute headways).
- (9) A financing plan for funding the affordable units shall be identified no later than the date of the approval of the final subdivision map, parcel map or residential development application for the market-rate component of the density bonus project.

F. Child Care Facility.

- (1) When an applicant proposes to construct a housing development that conforms to the requirements of this section and includes a child care facility that will be located on the premises of, as a part of, or adjacent to, the project, the City shall grant either:
 - (a) An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility; or
 - (b) An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility.
- (2) In order to qualify for the additional density bonus or incentive, the child care facility must meet the following criteria:

(a) The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable.

(b) Of the children who attend the child care facility, the children of very low income households, low income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low income households, low income households, or families of moderate income.

G. Condominium Conversions. When an applicant for approval to convert apartments to a condominium project agrees to provide at least thirty-three percent (33%) of the total units of the proposed condominium to persons and families of low or moderate income, or fifteen percent (15%) of the total units of the proposed condominium project to very low income households, and agrees to pay for the reasonably necessary administrative costs incurred by the City pursuant to this subsection, the City shall grant either:

(1) A density bonus of twenty-five percent (25%) over the number of existing rental apartments, to be provided within the existing structure or structures proposed for conversion; or

(2) An incentive of equivalent financial value.

The City may place such reasonable conditions on the granting of a density bonus or other incentives of equivalent financial value as it finds appropriate, including, but not limited to, conditions which assure continued affordability of units to subsequent purchasers who are persons and families of very low, low or moderate income households. The City shall enforce an equity sharing agreement, as set forth by Section 65915 of the Government Code, for these units.

H. Density Bonus Agreement. To be eligible for a density bonus, the applicant must submit an Affordable Housing Plan and, prior to securing any discretionary permits or approvals for the market-rate units, sign a binding agreement with the City which sets forth the conditions and guidelines to be met in the implementation of this Ordinance. The agreement will also establish specific compliance standards and remedies upon failure by the applicant to make the affordable units available to intended residents. As the means of ensuring compliance, the agreement shall require the recordation of a deed restriction against both the market-rate and affordable components of the density bonus project. The deed restriction shall remain in place and preclude issuance of the certificate of occupancy for the market-rate units until such time as the affordable units have been constructed or other security acceptable to the City is provided in lieu of the deed restriction. If the applicant proposes to phase development of the market-rate units, deed restrictions shall be recorded and implemented on a phase by phase basis.

I. Density Bonus Application.

- (1) Application for density bonus shall be made concurrent with submittals required for the processing of associated discretionary permits (e.g. development plans). The request for density bonus shall be articulated as part of the description and justification for the development project, in accordance with the City's Development Processing Guide. The request for density bonus shall specify the percentage of density bonus sought, per Subsections D(1) - D(4) of this Ordinance, and indicate how the affordable housing obligations of this Ordinance will be met.**
- (2) The review process for a density bonus project shall be the same as that required for associated discretionary permits. Discretionary actions on density bonus projects shall be subject to the same appeal process applied to associated discretionary permits.**
- (3) The application and approval of a density bonus and any associated incentives or concessions shall not require a separate permit or approval process from that otherwise required for the same project without a density bonus request.**
- (4) The granting of a density bonus shall not, in and of itself, require a general plan amendment, local coastal plan amendment, zone change, or other discretionary action.**

J. Concessions and Incentives.

- (1) In addition to the applicable density bonus, qualifying projects shall receive the following number of incentives or concessions:**
 - (a) One incentive or concession for projects that propose at least ten percent (10%) of the total units for lower income households, at least five percent (5%) for very low income households, or at least ten percent (10%) for persons and families of moderate income in a common interest development.**
 - (b) Two incentives or concessions for projects that propose at least twenty percent (20%) of the total units for lower income households, at least ten percent (10%) for very low income households, or at least twenty percent (20%) for persons and families of moderate income in a common interest development.**
 - (c) Three incentives or concessions for projects that propose at least thirty percent (30%) of the total units for lower income households, at least fifteen percent (15%) for very low income households, or at least thirty percent (30%) for persons and families of moderate income in a common interest development.**

- (d) Proposals seeking concessions or incentives deemed necessary to exceed the base density allowance would not be subject to the otherwise required conditional use permit.
- (2) For purposes of this Ordinance, concessions or incentives shall include, without limitation:
 - (a) A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable, financially sufficient, and actual cost reductions.
 - (b) Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.
 - (c) Other regulatory incentives or concessions proposed by the developer or the City that result in identifiable, financially sufficient, and actual cost reductions.
- (3) This section does not limit or require the City to provide direct financial incentives, including the provision of publicly owned land, or the waiver of fees or dedication requirements. However, the City will consider deferral of application processing fees on a case-by-case basis.
- (4) The City shall grant the concession or incentive requested by the applicant unless the City makes a written finding, based upon substantial evidence, of any of the following:
 - (a) The concession or incentive is not required in order to provide for affordable housing costs as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified.
 - (b) The concession or incentive would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact, without rendering the development unaffordable to low or moderate income households.

(c) The concession or incentive would be contrary to state or federal law.

K. Waiver or Reduction of Development Standards.

(1) An applicant may submit to the City a proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted under this section, and may request a meeting with the City. Nothing in this subdivision shall be interpreted to require a local government to waive or reduce development standards if the waiver or reduction would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Nothing in this subdivision shall be interpreted to require a local government to waive or reduce development standards that would have an adverse impact on any real property that is listed in the California Register of Historical Resources, or to grant any waiver or reduction that would be contrary to state or federal law.

(2) A proposal for the waiver or reduction of development standards pursuant to this subdivision shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to subdivision (L) of this Ordinance.

L. Vehicular Parking Ratio. Upon request of the developer, the following maximum parking ratio, inclusive of handicapped and guest parking, shall apply, pursuant to Section 65915 of the Government Code:

(1) Zero to one bedroom: one on-site parking space.

(2) Two to three bedrooms: two on-site parking spaces.

(3) Four or more bedrooms: two and one-half parking spaces.

If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number. A development may provide on-site parking through tandem parking or uncovered parking, but not through on street parking. The applicant may also request a concession or an incentive pursuant to subsection L hereof to further lower the vehicle parking ratios from those described herein.

M. Requirements for Participation. In order for a developer/property owner to be eligible for density bonus or other incentives, the following requirements must be met:

(1) A unit will be counted toward meeting the affordable housing requirement if it is either vacant or occupied by a very low, low or moderate income tenant,

as applicable, or a Senior Citizen (if density bonus was based on a Senior Citizen Housing Development).

- (2) The affordable units must be proportional to the overall project in terms of unit mix, floor plan, square footage, and exterior design. Further, the range of affordable units must be reasonably dispersed throughout the development.
- (3) The time period of availability to the intended population shall be for at least 30 years. A longer period of availability may be required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.
- (4) The maximum allowable rents to comply with the law are determined by a formula designated by the State Department of Housing and Community Development based on the area median income. This formula is indicated in Section 65915(c) of the Government Code.
- (5) Owner-occupied units shall be available at affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code.
- (6) For-sale affordable units may be subject to an equity sharing agreement, in the event that public subsidies are involved in the construction and/or purchase of said units.
- (7) The owner of the affordable units for which a density bonus was granted must provide to the Neighborhood Services Department a yearly accounting of the total units occupied, the total units vacant, the total units occupied by lower or very low-income households, the total number of units occupied by Senior Citizens and the total units required to be set aside under all applicable affordability covenants.

3033 Mobile Homes

A. Purpose. Mobile homes are part of the housing stock of the City of Oceanside. It is the intent of the City to provide opportunities for the placement of mobile homes in A and R districts and in mobile home parks within MHP districts, and to insure that such mobile homes are designed and located so as to be harmonious within the context of the surrounding houses and neighborhood.

B. General Requirements. Mobile homes may be used for residential purposes as follows:

1. If such mobile homes are located in an approved mobile home park in conformity with the conditions imposed upon development and use of the mobile home park; or
2. If such mobile homes are located in an R district; or

3. If such mobile homes have been approved by the City Planner for a location in an A district as a primary residence or as caretaker housing, or in an I district as caretaker housing.

All mobile home parks shall have a minimum lot area of 2 acres and may be allowed only through approval of an MHP District under the provisions of Article 19.

C. Location and Design Criteria.

A mobile home within a mobile home park shall meet the design standards as required by the Mobile Home Park (MHP) Development Plan or in accordance with Section 1904 of this ordinance where no MHP Development Plan is existing.

A mobile home may be located in any A district or in any R district where a conventional single-family detached dwelling, is permitted subject to the same restrictions on density and to the same property development regulations, provided that such mobile home meets the design and locational criteria of this subsection.

More specifically, the location and design of mobile homes shall comply with the following criteria in order to protect neighborhood integrity, provide for harmonious relationship between mobile homes and surrounding uses, and minimize problems that could occur as a result of locating mobile homes on residential lots.

1. Location Criteria: Mobile homes, outside of a mobile home park, shall not be allowed:

- a. On substandard lots that do not meet the dimensional standards of Article 10;
- b. As a second or additional unit on an already developed lot;
- c. As an accessory building or use on an already developed lot, except for a caretaker's quarters in an I or A district;
- d. On lots with an average slope of more than 10 percent, or on any portion of a lot where the slope exceeds 15 percent; or
- e. On a designated historical building site.

2. Design Criteria: Mobile homes shall be compatible in design and appearance with residential structures in the vicinity and shall meet the following standards:

- a. Each mobile home must be at least 16 feet wide;

- b. It must be built on a permanent foundation approved by the Building Official;
- c. It must have been constructed after June 15, 1976, and must be certified under the National Manufactured Home Construction and Safety Standards Act of 1974;
- d. The unit's skirting must extend to the finished grade;
- e. Exterior siding must be compatible with adjacent residential structures, and shiny or metallic finishes are prohibited;
- f. The roof must have a pitch of not fewer than 3 inches vertical rise per 12 inches horizontal distance;
- g. The roof covering must be clay or concrete tile, composition shingles, or wood shakes or shingles complying with the most recent edition of the Uniform Building Code as amended by local ordinances;
- h. The roof must have eaves or overhangs of not less than 1 foot;
- i. The floor must be no higher than 20 inches above the exterior finished grade; and
- j. Required covered parking shall be compatible with the mobile home design and with other buildings in the area.

D. Cancellation of State Registration. Whenever a mobile home is installed on a permanent foundation, any registration of said mobile home with the State of California shall be canceled, pursuant to state laws and regulations. Before any occupancy certificate may be issued for use of such a mobile home, the owner shall provide to the Building Official satisfactory evidence showing: that the state registration of the mobile home has been or will, with certainty, be canceled; if the mobile home is new and has never been registered with the state, the owner shall provide the Building Official with a statement to that effect from the dealer selling the home.

3034 Animals

- A. Purpose. Supplemental regulations governing the care and keeping of animals are intended to provide for the compatibility between such animals and neighboring land uses. These are in addition to the general requirements governing animals established by the Oceanside City Code.
- B. Domestic and Exotic Animals. In a residential district, or in conjunction with any residential uses in any other district, not more than six domestic or three exotic animals as defined by this ordinance and the City Code – not more than three of which may be dogs – may be kept on a lot, subject to the following requirements:

1. Such animals, except cats, shall not be permitted to run at large, but shall be, at all times, confined within a suitable enclosure or otherwise be under the control of the owner on the property;
2. Any enclosure shall be located in an interior side or rear yard and set back at least five feet from the property line; and
3. Newborn and baby animals up to the age of three months shall not be counted in determining compliance with the numerical limits of this subsection.

C. Other Animals.

1. In an R district, one horse, may be kept for each 10,000 square feet of lot area, up to a maximum of four horses, provided that customary provisions are made for practical care and maintenance of them. A use permit, issued by the City Planner, shall be required for more than four horses.

All enclosures shall be located a minimum of thirty-five feet from any building used as a dwelling other than that of the owner of such animals and shall be located a minimum of twenty-five feet from a front property line. Additionally, all structures shall comply with the setback requirements of the base-zoning district.

2. In an open space and agricultural district, domestic farm animals, domestic animals and exotic animals may be kept on a lot 20,000 square feet or more in area, subject to the following requirements:
 - a. The number of domestic or exotic animals shall not exceed six;
 - b. Individual parcels of 2.5 acres or larger in the agricultural district shall be permitted ten domestic farm animals. One additional adult animal shall be permitted for every quarter acre of the property over 2.5 acres;
 - c. Such animals shall not be permitted to run at large, but shall be confined, at all times, within a suitable enclosure; and
 - d. Any enclosure shall be set back at least 25 feet from the property line and shall be located a minimum of thirty-five feet from any building used as a dwelling other than that of the owner of such animals.

3035 Live/Work Quarters

This section establishes regulations governing the adaptation of space in existing commercial buildings for joint live/work quarters for artists and artisans, including individuals practicing one of the fine arts or performing arts, or skilled in an applied art or craft, or the operation of a Custom Industry business activity.

A. Definitions. For purposes of this section, "live/work quarters" is an area comprising one or more rooms in a building originally designed for industrial or commercial occupancy that includes cooking space and sanitary facilities and working space for artists, artisans and similarly situated individuals, or Custom Industry business activities as defined in Section 460 of this Ordinance.

B. Permit Required. An Administrative Conditional Use Permit and/or Administrative Development Plan for live/work quarters, issued by the City Planner to the owner or owners of the property, shall be required. Applications shall be submitted to the Planning Division accompanied by: the required fee; plans showing all proposed improvements; a description of existing and planned uses within the building where the proposed live/work quarters will be located; and any other information required to determine compliance with this ordinance. The City Planner may approve a live/work quarters application upon finding that:

1. The live/work quarters conform to the design and development standards of subsection (C) of this section; and
2. The property owner or owners agree to the conditions of approval of subsection (D) of this section to which the application shall be subject.

C. Design and Development Standards.

1. Each live/work quarters shall be separated from other live/work quarters or other uses in the building, and access to live/work quarters shall be provided only from common access areas, halls or corridors.
2. Each live/work quarters shall have a separate access from other live/work quarters and other uses in the building.
3. The minimum floor area of a live/work quarters shall be 750 square feet, and not more than 33 percent of the floor area shall be used or arranged for residential purposes.

D. Conditions of Approval.

1. For proper security, all exterior doors providing access to live/work quarters shall remain locked at all times.
2. Access to each live/work quarters shall be clearly identified in order to provide for emergency services.
3. No one other than a resident of the live/work quarters and a maximum of three (3) additional resident or non-resident employees shall be employed on site or be permitted to work in the live/work quarters.
4. Live/work quarters shall not be used for classroom instruction, welding or any open flame work.

5. Live/Work space devoted to any affiliated office area or similar support facility, limited showroom, or a retail sales area shall only be secondary and incidental in nature to the primary business activity.
 6. The approval of a live/work facility is subject to the establishment of an abatement period for any such activity that is non-conforming with the underlying land use and/or zoning designation affecting the property.
- E. Appeals. Decisions of the City Planner may be appealed to the Planning Commission or Community Development Commission, as the case may be, in accordance with the provisions of Article 46.

3036 Helicopter Takeoff and Landing Areas

- A. Purpose. These regulations establish locational criteria and development standards for helicopter takeoff and landing areas to protect the public health, safety and welfare, and to minimize land-use conflicts, noise impacts, and operational hazards.
- B. Definitions.
1. "Approach-Departure Path" shall mean the flight track of the helicopter as it approaches or departs from a designated takeoff and landing area, including a heliport, helipad, or helistop.
 2. "Heliport" shall mean an area, either at ground level or elevated on a structure, that is used or intended to be used for the takeoff and landing of helicopters, and includes some or all the various facilities useful to helicopter operations, including helicopter parking, waiting room, fueling and maintenance equipment.
 3. "Helipad" or "Helistop" shall mean a heliport without auxiliary facilities such as waiting room, helicopter parking, fueling and maintenance equipment.
 4. "Takeoff and Landing Area" shall mean that area of the helicopter facility where the helicopter actually lands and takes off, and includes the touchdown area.
- C. Permit Required. A use permit may be issued by the Planning Commission, for the construction and operation of a heliport, helipad, or helistop upon finding that:
1. The helipad, heliport, or helistop conforms to the locational criteria and standards established in Subsections (D) and (E) of this section, and the requirements of the California Department of Transportation, Division of Aeronautics;

2. The heliport, helipad, or helistop is compatible with the surrounding environment;
3. The proposed operation of the helicopter facility does not pose a threat to public health, safety or welfare; and
4. The heliport, helipad, or helistop will not be used to serve offshore oil drilling or related exploration activities.

The Commission may impose conditions on approval of the use permit to prevent adverse impacts on surrounding properties; if such impacts can not be mitigated to an acceptable level, the use permit application shall be denied.

D. Locational Criteria.

1. Relation to Transportation System. The heliport, helipad, or helistop shall be located within one-half mile of a freeway, prime arterial or major arterial, as designated on the City's Master Street Plan.
2. Minimum Separation. Minimum separation between heliports, helipads, and helistops shall be 1.5 miles, except for facilities specifically intended for emergency use, such as medical evacuation, and temporary landing sites.
3. Protected Areas. No heliport, helipad, or helistop shall be located within 1,000 feet of an R district or the site of a public or private school provided that helipads or helistops specifically intended for emergency use may be within 500 feet of an R district, or a public or private school. Temporary landing sites within 1,000 feet of a public or private school may be allowed with a temporary use permit subject to approval of: (a) the local school district within whose boundaries the site will be located; and (b) the California Department of Transportation.

E. Site Development Standards.

1. Approach and departure paths 65 feet wide shall be obstruction free for a minimum distance of 400 feet.
2. Setbacks from property lines shall be as follows:
 - a. Takeoff and landing area - 50 feet;
 - b. Helicopter maintenance facilities - 25 feet;
 - c. Administrative or operations building - 15 feet.
3. Any lighting used for nighttime operations shall be directed away from adjacent properties and public rights-of-way.

4. A telephone shall be provided on or adjacent to the heliport, helipad or helistop.
5. Helipads or helistops intended for emergency use shall have a landing pad with a standard landing area designated and the words "Emergency Only". The initial direction of the departure routes shall be indicated on the takeoff and landing area.

F. Application Requirements. The following additional information shall be submitted with a use permit application:

1. An area map, at a scale of 1" = 800' showing existing land use within a two-mile radius of the facility site and the proposed flight paths.
2. A plot plan of the site and vicinity, including all land within a 400-foot radius of the takeoff and landing area, that shows clearly the height of the takeoff and landing area; the height of existing, approved and proposed structures, and trees within 50 feet of the approach and takeoff flight paths; and the maximum allowable building height under existing zoning.
3. A description of the proposed operations, including the type of use, names and descriptions of helicopters expected to use the facility, and anticipated number and timing of daily flights.
4. A helicopter noise study including a map of the approach and departure flight paths at a scale of 1" = 800' showing existing day/night average noise levels in decibels (LDN noise contours), future day/night average noise levels with the proposed facility and anticipated flight operations, and single-event maximum sound levels associated with the types of helicopters expected to use the facility.

3037 Recycling Facilities

This section establishes regulations governing recycling, consistent with the requirements of Government Code Section 66787.6 and the California Beverage Container Recycling and Litter Reduction Act of 1986, as amended.

A. Definitions.

1. "Recyclable Material" is reusable material including, but not limited to metals, glass, plastic and paper which are intended for reuse, remanufacture, or reconstitution for the purpose of using the altered form. Recyclable material does not include refuse or hazardous materials, but may include used motor oil collected and transported in accordance with Section 25250.11 and 25143.2(b)(4) of the California Health and Safety Code.
2. "Recycling Facility" is a center for the collection and/or processing of recyclable materials. A certified recycling facility or certified processor means a recycling facility certified by the California Department of Conservation as

meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986. On-site storage containers or processing facilities used solely for the recycling of material generated by residential property, business or manufacturers are not recycling centers for the purposes of this section.

a. "Collection Facility" is a center for the acceptance by donation, redemption, or purchase of recyclable materials from the public.

(1) Small collection facilities occupy less than 500 square feet and may include:

(a) A mobile unit;

(b) Bulk reverse vending machines or a grouping of reverse vending machines occupying more than 50 square feet;

(c) Kiosk-type units that may include permanent structures; or

(d) Unattended containers placed for the donation of recyclable materials.

(2) Large collection facilities occupy more than 500 square feet and may include permanent structures as well as mobile units, bulk reverse vending machines, Kiosk-type units.

b. "Processing Facility" is a building or enclosed space used for the collection and processing of recyclable materials. Processing means the preparation of material for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and re-manufacturing.

(1) A light-processing facility occupies less than 45,000 square feet and includes equipment for baling, briquetting, crushing, compacting, grinding, shredding and sorting of source-separated recyclable materials, except ferrous metals other than food and beverage containers, and repairing of reusable materials.

(2) A heavy-processing facility is any processing facility other than a light-processing facility.

3. "Reverse Vending Machine(s)" is an automated mechanical device that accepts at least one or more types of empty beverage containers including aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip. A reverse vending machine may sort and process containers mechanically, provided that the entire process is enclosed within the machine.

a. A single-feed revenue vending machine is designed to accept individual

containers one at a time.

b. A bulk reverse vending machine is designed to accept more than one container at a time and to compute the refund or credit due on the basis of weight.

4. "Mobile Recycling Unit" means an automobile, truck, trailer, or van and appurtenant bins, boxes or containers used for the collection of recyclable materials.

B. Permits Required.

No person shall permit the placement, construction, or operation of any recycling facility without first obtaining a permit as follows:

<u>Type of Facility</u>	<u>Districts Permitted</u>	<u>Permit Required</u>
<u>Single-Feed Reverse Vending Machine(s)</u>	<u>All commercial, industrial and D</u>	<u>None</u>
<u>Bulk Reverse Vending Vending Machine and Small Collection</u>	<u>CN, C-1/CZ, CC, CL, CG, C-2/CZ, CP, I and D</u>	<u>Use Permit Issued by City Planner</u>
<u>Large Collection</u>	<u>CG, C-2/CZ, IG, and IL</u>	<u>Use Permit</u>
<u>Light Processing</u>	<u>IG</u>	<u>Use Permit</u>
<u>Heavy Processing</u>	<u>IG</u>	<u>Use Permit</u>

C. Permits for Multiple Sites.

1. The City Planner may grant a single use permit to allow more than one reverse vending machine(s) or small collection facility located on different sites under the following conditions:

- a. The operator of each of the proposed facilities is the same;
- b. The proposed facilities are determined by the City Planner to be similar in nature, size and intensity of activity; and
- c. All the applicable criteria and standards set forth in Section 3038(D) are met for each such proposed facility.

D. Design Criteria and Standards.

1. Reverse Vending Machine(s).

- a. Each machine shall be located within 30 feet of the entrance to the primary commercial use on the site and shall not obstruct pedestrian or vehicular circulation.
- b. No required parking space shall be occupied.
- c. Each machine shall occupy no more than 50 square feet of space, including any protective enclosure, and shall not exceed 8 feet in height.
- d. Each machine shall be clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative.
- e. The maximum sign area is 4 square feet per machine, exclusive of operating instructions of subsection (d).
- f. Adequate nighttime lighting shall be provided, if warranted.
- g. No machine located within 300 feet of a residential district shall be visible from residences or public right-of-way located in a residential district.

2. Small Collection Facilities.

- a. Small collection facilities shall be no larger than 500 square feet, shall be set back at least 10 feet from a front or side property line, and shall not obstruct pedestrian or vehicular circulation.
- b. No power-driven processing equipment shall be used except for reverse vending machines.
- c. All containers shall be constructed and maintained with durable waterproof and rustproof material, covered when the site is not attended, secured from authorized entry or removal of material, and of a capacity sufficient to accommodate materials collected.
- d. All recyclable material shall be stored in containers or in a mobile unit vehicle.
- e. Attended facilities located within 100 feet of the boundary of an R district shall operate only between 9 a.m. and 7 p.m.
- f. Containers for the 24-hour donation of materials shall be at least 30 feet from the boundary of an R district unless there is a recognized service corridor and acoustical shielding between the containers and residential

use;

- g. Containers shall be clearly marked to identify the type of material that may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and display a notice stating that no material shall be left outside the recycling enclosure or containers.
- h. The maximum sign area shall be 16 square feet exclusive of informational requirements and operational instruction of subsection (g) above. Directional signs bearing no advertising message may be installed with the approval of the City Planner if necessary to facilitate traffic circulation, or if the facility is not visible from the public right-of-way.
- i. No additional parking spaces will be required for customers of a small collection facility located at the established parking lot of a host use. One space will be provided for the attendant, if needed.
- j. Mobile recycling units shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present.
- k. No required parking spaces shall be occupied by the facility.

3. Large Collection Facilities.

- a. A large collection facility shall be located at least 250 feet from a residential district.
- b. Each facility shall be in an enclosed building or within an area enclosed by an opaque fence at least 6 feet in height with landscaping.
- c. Six parking spaces shall be for customers and one parking space shall be provided for each commercial vehicle operated by the recycling facility.
- d. Power-driven processing, including aluminum foil and can compacting, baling, plastic shredding, or other light-processing activities necessary for efficient temporary storage and shipment of material may be allowed if noise and other conditions are met.

4. Processing Facilities.

- a. Processors will operate in a wholly enclosed building except for incidental storage, or within an area enclosed on all sides by an opaque fence or wall not less than 8 feet in height and landscaped on all street frontages located at least 150 feet from a residential district.
- b. Power-driven processing shall be permitted provided all noise-level

requirements are met. Light-processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting of source-separated recyclable materials and repairing of reusable materials.

c. If the facility is open to the public, space will be provided for a minimum of 10 customers or the peak load, whichever is higher, except where the City Planner determines that allowing over-flow traffic is compatible with surrounding businesses and public safety.

d. One parking space will be provided for each commercial vehicle operated by the processing center.

5. All Collection and Processing Facilities.

a. No facility shall occupy a required front or corner side yard, and all regulations applicable to the principal structure on the site shall apply to collection and processing facilities except as provided in this section.

b. Facilities shall be designed to be compatible with the architectural character of adjacent structures. Shiny or metallic finishes may be prohibited as a condition of approval of a use permit.

c. A large collector or processing facility may accept used motor oil for recycling from the generator in accordance with Section 25250.11 of the California Health and Safety Code.

d. All exterior storage of material shall be in sturdy containers or enclosures that are covered, secured, and maintained in good condition. Storage containers for flammable material shall be constructed of non-flammable material. No storage, excluding truck trailers and overseas containers, will be visible above the height of the fencing.

e. Noise levels shall not exceed 60 dBA as measured at the property line of an R district or otherwise shall not exceed 70 dBA.

f. All facilities shall be administered by on-site personnel during hours the facility is open. If a large collection or processing facility is located within 500 feet of an R district, it shall not be in operation between 7 p.m. and 7 a.m.

g. Any containers provided for after-hours donation of recyclable materials shall be of sturdy, rustproof construction; shall have sufficient capacity to accommodate materials collected; and shall be secure from authorized entry or removal of materials.

h. The site of the facility shall be kept free of litter and any other undesirable material. Containers shall be clearly marked to identify the type of material that may be deposited. Facility shall display a notice stating that no

material shall be left outside the recycling containers.

- i. Sign requirements shall be those provided for the zoning district in which the facility is located. In addition, each facility shall be clearly marked with the name and phone number of the facility operator and the hours of operation.
- j. No dust, fumes, smoke vibration or odor above ambient level may be detectable on neighboring properties.

3038 Agricultural Sales Stands

Agricultural sales stands meeting the following locational and development standards may be allowed within an A, R, C, I, PS or OS district.

A. Agricultural Sales Stands.

- 1. A business license shall be required to operate an agricultural sales stand and shall only be permitted in conjunction with a Horticulture, Limited or Crop Production use on sites of 0.5 acres or greater.
- 2. The property on which an agricultural sales stand is located must be devoted to the growing of agricultural crops that are offered for sale on the premises and have its own water meter or well.
- 3. Sales at the stand shall be limited to agricultural products. No other merchandise shall be offered.
- 4. All agricultural products sold at the site must be grown by the operator either on the site, or within San Diego County. The operator shall be required to file a list with the business license of the agricultural products to be sold and where the agricultural products were grown. This list shall be posted at the stand.
- 5. The stand shall not exceed an area of 500 square feet and a height of 12 feet, provided that pitched roofs shall not exceed a height of 15 feet.
- 6. Off-street parking shall be provided to accommodate a minimum of five cars. The parking lot area shall be kept in a dust-free condition at all times the stand is in operation.
- 7. Trash, boxes and other by-products of the operation shall be removed from the site daily.
- 8. If the site is located along a public or private street, the stand shall be located a minimum of 10-feet from the edge of the right-of-way or easement and is subject to approval of the City Engineer.
- 9. The hours of operation shall be between sunrise and sunset.

10. Signs shall be limited to a total of four with each one being eight square feet or smaller. Signs shall be placed flat against the agricultural stand and shall not extend above the top of any wall. If a tent structure is used, a cloth sign suspended between the support structures is acceptable. No freestanding or temporary portable signs shall be permitted.

11. No sales of agricultural products from a vehicle of any kind shall be permitted.

12. No electricity and no refrigeration shall be allowed within the stand.

3039 Hillside Development Provisions

A. Specific Purposes

The specific purposes of the Hillside Development Provisions are to:

1. Maintain an environmental equilibrium consistent with existing vegetation, soils, geology, slopes, and drainage patterns, and to preserve the natural topography, including swales, canyons, knolls, ridgelines, and rock outcrops, wherever feasible.
2. Avoid development that would result in unacceptable fire, flood, slide, or other safety hazards.
3. Avoid unwarranted, high maintenance costs for public facilities.
4. Provide a mechanism for flexible design of residential development projects in hillside areas so that development may be concentrated in those areas with the greatest environmental carrying capacity and areas with low environmental carrying capacity developed at very low density or reserved as permanent open space.
5. Avoid residential densities that would generate traffic requiring extensive grading to provide an adequate street system.
6. Preserve the natural appearance of hillsides by assuring that development density and intensity relates to the slope of the land, and is compatible with hillside preservation.
7. Assure proper design is utilized in grading, landscaping, and in the development of structures and roadways to preserve the natural appearance of hillsides.
8. Encourage creatively designed hillside development requiring a minimal amount of grading.

B. Definitions

For purposes of this section, the following words shall have the meanings set out in this section:

1. "Encroachment" shall be defined as any area of greater than 40 percent slope (2.5:1 slope) with a minimum elevation differential of 25 feet in which the natural landform is altered by grading or any other form of construction or development, or is rendered incapable of supporting native vegetation due to the displacement required for the proposed development.
2. "Hillside" means a part of a hill between the summit and the foot.
3. "Ridge" means an elongated crest or series of crests of a hill.
4. "Slope" shall be defined as an inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance. Property boundaries shall not be used to establish slope or hillside limits.

Slopes shall be measured between successive 10-foot contour intervals and between successive 40-foot contour intervals. If the horizontal distance between successive 10 foot contour intervals is less than or equal to 25 feet, the slope shall be considered to be a 40 percent slope (2.5:1 slope). Similarly, if the horizontal distance between any 40 foot contour interval is less than or equal to 100 feet, the slope shall be considered to be a 40 percent slope (2.5:1 slope).

5. "Undevelopable land" includes land with a slope in excess of 40 percent with a minimum elevation differential of 25 feet and riparian corridors and/or associated vegetated areas of rivers, intermittent streams, perennial streams, or lakes. Such lands shall not be included in density calculations, which establish the development potential of a site.
6. "Lands considered to possess significant natural topographical features" include natural slopes of 20 percent or more with a minimum elevation differential of 50 feet, major canyons and/or water courses, significant rock outcroppings, trees, and native vegetation.
7. "Visible" means capable of being seen by a person standing within 300 feet of a proposed structure on any existing public street or street on a recorded subdivision map that provides access to three or more dwelling or building sites. The visible area of a structure, including the roof, shall not include portions that will be shielded from view by landscaping within a five-year period, as determined by the Planning Commission at the time of development plan review.

C. Applicability

The Hillside Development Provisions shall be applied to all residential

development proposals on property, portions of which have a natural gradient in excess of 20 percent (20 feet of vertical distance for each 100 feet of horizontal distance) with a minimum elevation differential of 25 feet. A Hillside Development Plan shall be required for all residential development, consistent with the provisions of this Section and Article 43.

Lands designated for public and semipublic, commercial, or industrial development may require significant landform alteration and grading to ensure their viability. While it is desirable to have such developments design to the spirit and intent of this section, it is recognized that the ability of such developments to meet the provisions and standards of this section will be limited.

D. Land Use Regulations

Land use regulations shall be those of the base district in which the property lies.

E. Development Regulations

Development regulations shall be those of the base district in which the property lies, unless modified by another overlay district, provided that the requirements in the following schedule shall be in addition to those of the base district, and shall apply to all development proposed on slopes in excess of 20 percent with a minimum elevation differential of 25 feet, and shall govern where conflicts arise. The first column of the schedule prescribes basic requirements for permitted and conditional uses. Letters in parentheses in the "Additional Regulations" column refer to "Additional Development Regulations" following the schedule.

HILLSIDE DEVELOPMENT REGULATIONS

<u>Basic</u> <u>Regulations</u>	<u>Additional</u> <u>Regulations</u>
<u>Lands Not to be Developed</u>	(A)
<u>Lands Considered to Possess</u> <u>Significant Natural</u> <u>Topographical Features</u>	(R)
<u>Minimum Lot Area</u>	(B)
<u>Minimum Site Area</u> <u>Per Unit (sq. ft.)</u>	(B)
<u>Minimum Yards:</u>	
<u>Front (ft.)</u>	15 (C)(D)

<u>Side (ft.)</u>	<u>15% of width;</u>	<u>(D)(E)</u>
	<u>10 ft. min.</u>	
	<u>20 ft. max.</u>	
<u>Corner Side (ft.)</u>	<u>10% of width;</u>	<u>(D)</u>
	<u>10 ft. min.</u>	
	<u>15 ft. max.</u>	
<u>Rear (ft.)</u>	<u>25% of depth</u>	<u>(D)</u>
<u>Maximum Height (ft.)</u>	<u>30</u>	<u>(F)(G)(H)(I)</u>
<u>Grading Limitations</u>		<u>(J)(Q)</u>
<u>Special Streets</u>		<u>(K)</u>
<u>Building Design</u>		<u>(L)</u>
<u>Visible Bulk</u>		<u>(L)(M)</u>
<u>Screening of Mechanical Equipment</u>		<u>(N)</u>
<u>Exterior Structural Supports</u>		<u>(O)</u>
<u>Driveways and Off-Street Parking</u>		<u>(P)</u>

Additional Hillside Development Regulations

(A) Undevelopable lands, as defined in this section, shall be preserved in their natural state and such land shall not be included in density calculations which establish the development potential of a site. The Planning Commission may approve a Hillside Development Plan application which proposes encroachment into slopes in excess of 40 percent (2.5:1 slope) with a minimum elevation differential of 25 feet, for the following purposes:

1. Public roadways identified in the Circulation Element of the City's General Plan.
2. Required public utility systems and system components.
3. Where no other access exists and where it is determined that no less environmentally damaging alternative exists, local public or private streets and driveways which are necessary for access to the more developable portions of a site on slopes equal to or less than 40 percent grade (2.5:1 slope).
4. In order to remediate any adverse geologic conditions as determined by the City Engineer, in consultation with the Planning Director, provided that no development is allowed in the area of encroachment and such land is not

included in the density calculations which establish the development potential of the site.

Neither the classification of land as 'undevelopable' nor any density calculation made pursuant to this ordinance shall be construed so as to prohibit the development or redevelopment of one single-family residential dwelling on any existing residentially zoned lot, provided the structure complies with the minimum requirements established for the development of single-family residential structures in this ordinance other than density or lot size requirements.

(B) As determined by applicable base district regulations.

(C) If the existing lot elevation at the rear of the normally required front yard (20 feet) at its centerline is 10 feet above or below the elevation of the adjoining street, the minimum front yard shall be 10 feet. In all cases the garage shall be set back at least 20 feet, as measured from the front of the garage to the front property line, back of sidewalk, or back of curb, whichever is most restrictive (See Diagram C and G).

(D) See Section 3015: Building Projections into Yards and Courts.

(E) Single-family detached units may be clustered, provided that the minimum side yard is 7.5 feet and the average of the units two side yards is at least 15 percent of the lot width.

Exceptions. The minimum side yard for a lot created prior to the effective date of this ordinance shall not be required to exceed 10 percent of the lot width.

(F) See Section 3017: Measurement of Height.

(G) Structures within 20 feet of the front property line shall not intercept a 1:1 daylight plane inclined inward from a height 20 feet above existing grade at the front setback line (See Diagram C and G).

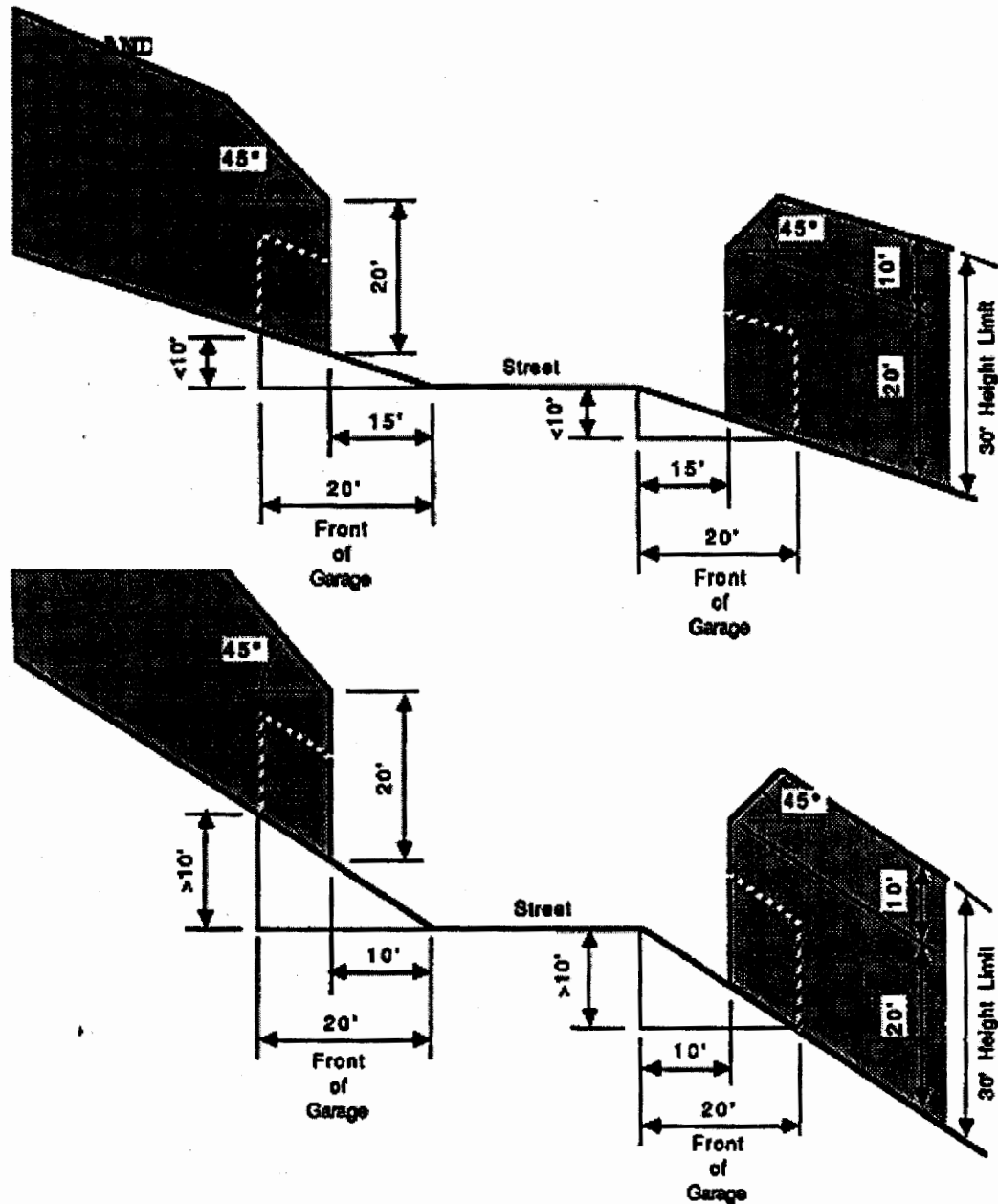
(H) Where structures are proposed on or near the top of hilltops and ridges and no other feasible or practical siting can be achieved within the property lines of the lot and yard requirements of this section, the building pad shall be excavated or sufficiently bermed so that the structure maintains a low-profile appearance, and the character of the ridgeline or hilltop is not substantially altered. In order to achieve this appearance, the Planning Commission may limit the height of structures to 12.5 feet above a ridge that does not have dense tree cover.

(I) See Section 3018: Exceptions to Height Limits.

(J) Alterations of existing natural or artificial contours of land shall be minimized. No manufactured slope shall exceed 30 feet in height, nor shall it exceed 400 feet in length unless the Planning Commission determines that no feasible alternative exists. Any natural contour altered by grading shall be rounded and shaped to simulate natural terrain, unless on an individual site this would diminish open space or significant

natural features of the site. Grading shall follow the natural topographic contours as much as possible, and standard prepared pads requiring extensive cut-and-fill grading shall not be allowed.

(C) AND (G) MINIMUM FROMT YARD: HILLSIDE DEVELOPMENT
DIAGRAM



(C) AND (G) MINIMUM FRONT YARD: HILLSIDE DEVELOPMENT
(The diagram is illustrative)

(K) Special streets, such as one way streets, split level streets, and dead end streets, shall be acceptable when their use is justified by detailed engineering and traffic circulation studies submitted by the applicant and supported by the City Planner in consultation with the City Engineer and the approval of the HD Plan by the Planning Commission includes a finding that such streets are necessary to achieve the purposes of this section.

(L) The following standards are intended to ensure that building designs on slopes of greater than or equal to 20 percent slope with a minimum elevation differential of 25 feet conform to the natural landform and enhance the character of the site.

1. Conventional flatland building styles should be avoided on portions of any site with slopes of 20 percent or greater unless approved by the Planning Commission in conjunction with a HD plan. Alternative building styles are encouraged and may include, but not be limited to, pier foundations, stilt construction, small pads for structures only, and split-level construction.
2. The dominant roof slope(s) shall substantially follow the slope of the natural grade. Flat roofs should be avoided.
3. Second-story setbacks of uphill structures facing streets are required so that the appearance of vertical mass and the visual impact on the surrounding area are reduced.

(M) The following standards are intended to reduce the apparent visible bulk of a building located on slopes of greater than or equal to 20 percent slope with a minimum elevation differential of 25 feet, as defined in this article:

1. No visible portion of a structure shall exceed 40 feet in length measured parallel to the surface of the structure, unless there is an off-set of 4 feet or more in depth and 6 feet or more in width. The off-set area shall be unoccupied and unobstructed by structures from the ground upward to the sky, provided that roof eaves may project two feet into the off-set area.
2. No roof plane shall exceed 600 square feet in area, measured parallel to the roof plane, and a change in pitch of 3 in 12 or greater, or a vertical offset of 2 feet or more shall separate each roof plane. The area of an offset roof plane or change in pitch satisfying this standard for a change in roof plane shall not be less than 150 square feet.
3. Exceptions. The Planning Commission, or the City Planner for projects of two units or less, may grant exceptions to regulations M(1) and M(2) above, upon finding that the proposed design and landscape plan minimize bulk visible from public streets, and the structure is in reasonable harmony with the character of the area.

- (N) See Section 3021: Screening of Mechanical Equipment.
- (O) Exterior structural supports and undersides of floors and decks not enclosed by walls and more than 15 feet high may be approved only if the Planning Commission finds that no alternative type of construction is feasible, and fire-safety and design considerations have been adequately addressed.
- (P) Driveways, which serve three or more houses and are not entirely visible from both ends, shall have passing turnouts. All driveways shall comply with minimum widths and maximum grades prescribed by the City Code and the City of Oceanside Engineers Design and Processing Manual. A dwelling unit adjoining a street having parking prohibited on both sides shall provide a minimum of two independently accessible off-street parking places for guests. Required parking for guests may be in a required front yard if the existing lot elevation is 10 feet above or below street elevation at the rear of the normally required front yard. Required parking for guests may also be provided for in centralized off-street parking areas that are located within 100 feet of every dwelling unit they are intended to serve.
- (Q) The volume of earth moved for cuts and fills shall be minimized. The larger amount of the total cut or total fill volumes divided by the total area in acres that is cut and filled (that is graded) shall equal the amount of hillside grading for the purposes of this section and the amount of hillside grading shall be limited to 7,500 cubic yards per acre or less. A reduced amount of grading shall be encouraged wherever possible.
- The Planning Commission may approve a Hillside Development Plan application which proposes hillside grading in an amount greater than 7,500 cubic yards per acre provided one or more of the following findings can be made:
1. The site possesses adverse geologic conditions that necessitate remedial work that may require significant amounts of grading.
 2. The site requires extensive grading to accommodate required public utility systems and system components.
 3. The site requires extensive grading to accommodate a public roadway identified in the Circulation Element of the City's General Plan.
- (R) Lands considered to possess significant natural topographical features, as defined by this Section and Section 1.24 of the Land Use Element, shall be preserved and integrated into project designs.

F. Initiation

An application to approve an HD Hillside Development Plan shall be initiated by a property owner or authorized agent. If the property is not under a single ownership, all owners shall join the application, and a map showing the extent of ownership shall be submitted with the application.

G. Required Plans and Materials

A Hillside Development Plan application shall include the materials required for a development plan by Article 43 and any or all of the following items deemed necessary by the City Planner to determine compliance with the purposes of this article:

1. An existing conditions map of the HD plan area showing the location and identifications of all significant trees or clusters of trees, shrubs, vegetation, rock outcroppings, all ridges and hilltops, drainage courses, lakes, ponds and other significant natural features. Drainage course identification shall conform to perennial and intermittent streams as shown on USGS maps.
2. A slope map with minimum 2-foot contour lines at a scale of 1 inch = 100 feet clearly depicting areas under 20 percent slope, areas greater than to 20 percent slope with a 50 foot elevation differential, areas greater than or equal to 20 percent slope and less than or equal to 40 percent slope (2.5:1 slope) with less than a 25 foot elevation differential, areas greater than or equal to 20 percent slope and less than or equal to 40 percent slope (2.5:1 slope) with a minimum elevation differential of 25 feet, areas over 40 percent slope (2.5:1 slope) with less than a 25 foot elevation differential, and areas over 40 percent slope (2.5:1 slope) with a minimum elevation differential of 25 feet. Tabulations of gross site area and area within each slope range shall be shown on the map. The slope map shall be drawn at the same scale as, and indexed or keyed to, the existing conditions map, the grading plan, and the project site map, and shall show both existing and proposed topography, lot lines, structures, and infrastructures. The slope map shall be stamped and signed by either a registered civil engineer or land surveyor attesting to the fact that the slope analysis has been accurately calculated and identified consistent with this section and shall indicate the datum, source, and scale of topographic data used in the slope analysis.
3. A soils engineering report including, but not limited to, data regarding the nature, distribution, and strengths of existing soils; conclusions and recommendations for grading procedures; design criteria for any identified corrective measures; and opinions and recommendations covering the adequacy of sites to be developed. The investigation shall be compiled by a California-registered soils or geotechnical engineer.
4. A geology report including, but not limited to, the surface and subsurface geology of the site; degree of seismic hazard; conclusions and recommendations regarding the effect of geologic conditions on the proposed development; opinions and recommendations covering the adequacy of sites to be developed; and design criteria to mitigate any identified geologic hazards. The investigation and report shall be compiled by a California-registered geologist or engineering geologist.
5. A hydrology report including, but not limited to, the hydrologic conditions on the site; possible flood inundation with existing development and with future development under the General Plan and the HD Plan; downstream flood hazards, including cumulative impacts of development in the drainage basin; natural drainage courses; conclusions and recommendations regarding the effect of hydrologic conditions on the

proposed development; opinions and recommendations covering the adequacy of the site to be developed; and design criteria to mitigate any identified hydrologic hazards, including cumulative impacts consistent with these regulations. This report shall account for all runoff and debris from tributary areas and shall provide consideration for each lot or dwelling unit site in a proposed hillside development project. The investigation and report shall be compiled by a California-registered civil engineer experienced in hydrology and hydrologic investigation.

6. A three-dimensional scale model of the project site of a scale sufficient to evaluate the project as prescribed by the City Planner. The City Planner may waive this requirement if circumstances warrant.
7. A landscape plan consistent with the provisions of Article 30, Section 3019.
8. Any other informational items deemed necessary by the City Planner in order to fully analyze and review the proposed development.

H. Approval of a Hillside Development Plan

1. General Procedures. An application for approval of an HD Hillside Development Plan shall be processed as a Development Plan application in accord with the provisions of Article 43.
2. Approval Authority. A HD Plan shall be approved, approved with conditions, or disapproved by the Planning Commission, with the Commission's decision appealable to the City Council, as provided for in Article 46.
3. Required Findings. The Planning Commission shall approve or conditionally approve a proposed Hillside Development Plan upon finding that the Hillside Development Plan meets the required findings for a Development Plan as outlined in Article 43 and finding that it:
 - A. Conforms to the General Plan;
 - B. Complies with the land-use and development regulations of the base zoning district, the Hillside Development Provisions of this Section, and any other overlay districts applied to the property; and
 - C. Can be adequately, reasonably and conveniently served by public services, utilities and public facilities.

I. Effective Date; Lapse of Approval; Time Extensions; Changed Plans

1. Effective Date. Hillside Development Plans approved by the Planning Commission shall become effective on the date of adoption of the Planning Commission resolution, unless appealed, as provided for in Article 46.
2. Lapse of Approvals. Hillside Development Plan approvals shall lapse two years after

the effective date of approval or conditional approval or at an alternate time specified as a condition of approval unless:

A. A grading permit has been issued and grading has been substantially completed and/or a building permit has been issued, and construction diligently pursued; or

B. An occupancy permit has been issued;

C. The approval is extended; or

D. In cases where the Hillside Development Plan is approved concurrently with a Tentative Map and a Final Map or Parcel Map is recorded, the Hillside Development Plan shall be effective for an additional 24 months from the date of recordation of the Final Map or Parcel Map.

3. Time Extension. Upon application by the project applicant filed prior to the expiration of an approved or conditionally approved Hillside Development Plan, the time at which the Hillside Development Plan expires may be extended by the Planning Commission for a period or periods not to exceed a total of three years. Application for renewal shall be made in writing to the City Planner no less than 30 days or more than 90 days prior to expiration.

4. Changed Plans. A request for changes in conditions of approval of a Hillside Development Plan, or a change to the Hillside Development Plan that would affect a condition of approval shall be treated as a new application. The City Planner may waive the requirement for a new application if the changes requested are minor, do not involve substantial alterations or addition to the plan or the conditions of approval, and are consistent with the intent of the project's approval or otherwise found to be in substantial conformance.

J. Building Permits and Grading Permits

Proposed structures, alterations, and grading plans must be consistent with an approved Hillside Development Plan for issuance of building and grading permits.

3040 Fences and Walls

A. Specific Purposes

The specific purposes of the Fences and Walls provisions are to:

1. Maintain consistent development standards for the entire city while preserving a quality streetscape.
2. Allow adequate means to secure property when appropriate and based on a demonstrated need.

3. Provide screening requirements to mitigate impacts to adjoining properties.

4. Provide development standards along street right-of-ways requiring minimum sight requirements to preserve the public safety and general welfare.

B. Applicability

This section shall apply to all properties within the City.

C. Property Development Standards

FENCE AND WALL DEVELOPMENT STANDARDS

<u>District</u>	<u>Maximum Permitted Height</u>	<u>Add. Req.</u>
<u>1. All Districts</u>		
- <u>Temporary construction fences</u>	<u>8'</u>	<u>(a)</u>
- <u>Property management fences on undeveloped or vacant property</u>		<u>(b)</u>
<u>2. Commercial</u>		
- <u>Within front yard setback area abutting a street</u>	<u>3.5'</u>	
- <u>Within other yard setback areas</u>	<u>6'</u>	
- <u>Retaining wall</u>	<u>3.5'/6' - 3.5' in front yard/ 6' in other yard areas</u>	<u>(d)</u>
- <u>Abutting a residential district</u>	<u>8' - Solid, decorative masonry wall</u>	<u>(c)</u>
- <u>Outdoor storage/ work area</u>	<u>8'</u>	<u>(e)</u>
<u>3. Industrial</u>		
- <u>Within front yard setback area abutting a street</u>	<u>3.5'</u>	
- <u>Within other yard setback areas</u>	<u>8'</u>	
- <u>Retaining wall</u>	<u>3.5'/8' - 3.5' in front yard/ 8' in other yard areas</u>	<u>(d)</u>
- <u>Abutting a residential or commercial district</u>	<u>8' - Solid, decorative masonry wall</u>	<u>(c)</u>

- Outdoor storage/work area 8' (e)

4. A, O, PS, PUT/CZ, PD and MHP (f)
Districts

Additional Fence and Wall Development Standards

(a) At a minimum, all temporary construction fences shall meet the following standards:

1. Fences shall be allowed to remain on the site only as long as construction is actively occurring under an authorized grading, demolition or building permit. If construction activity lapses for a period of 3 months, the fence shall be removed or approval under the property management fence standards shall be obtained.
2. All fences shall be maintained in a reasonably straight and plumb alignment, and in good shape, quality and repair.
3. Fences may be located within any required yard area.
4. The maximum height of a fence shall be limited to 8 feet.
5. Fences may require special treatments and/or screening to mitigate visual impacts or for public health and safety.

(b) Property management fences may be allowed on undeveloped property or vacated sites (i.e. sites with vacant buildings or structures) if determined to be justified by the City. Justification for property management fences may include, but not be limited to, documented continued unauthorized use of property or the continued unauthorized dumping of materials or the unauthorized parking of vehicles.

An application is required and shall include a justification letter, site plan and property management plan. The property management plan shall include management details and maintenance responsibilities for repairs, weed control, landscaping, graffiti, signage, etc. on the site.

A permit from the Building Division is required prior to construction. Fences shall meet the following standards unless alternate standards are required under the permit process:

1. Fences shall be allowed to remain on the site only as long as the property is undeveloped or vacant.
2. Fences shall be of a permanent nature with permanent footings. Chainlink fences shall have a minimum of 2" O.D. vertical post and 1 1/4" O.D. top rails. Fencing shall be securely attached to the post and rails.

3. Fences shall not be unsightly and shall be maintained in reasonably straight and plumb alignment, and in good shape, quality and repair.

4. Fences on undeveloped property may be located within a required yard area.

Fences on vacated sites shall meet the setbacks of the underlying zoning district unless alternate setbacks are approved under the permit process.

5. Fences on undeveloped property shall be limited to a maximum height of 5 feet unless and alternate height is approved under the permit process.

Fences on vacated sites shall meet the height regulations of the underlying zoning district unless an alternate height is approved under the permit process.

6. Fences may require special heights, treatments, landscaping and/or screening to mitigate visual impacts and for public health and safety.

(c) A solid, decorative, masonry wall, with a minimum height of 6 feet and a maximum height as specified under each zoning district, is required along areas of the following:

1. Commercial and other non-residential projects abutting residential districts.

2. Industrial projects abutting commercial or residential districts.

(d) Any retaining wall over 4 feet in height and visible from a residential district, public right-of-way, park or open space area shall be an irrigated, plantable wall subject to the review and approval of the City. The height of a retaining wall shall be included in calculating the maximum height limit of a wall or fence.

(d) Outdoor storage and outdoor work areas are subject to the standards and screening requirements of Section 3020 (Outdoor Facilities) of this Zoning Ordinance.

(f) Development standards for fences and walls are as specified within corresponding Articles of this Ordinance.

D. Corner Clear Zone

Visibility at street corners shall meet the design standards established in the City of Oceanside Engineer's Design and Processing Manual.

E. Prohibited Fence Materials

Prohibited Materials: The use of barbed wire, electrified fence or razor wire fence in conjunction with any fence, wall, roof or by itself within any land use district, is prohibited unless required by any law or regulation of the City, the State of California, the Federal Government, a public utilities company, or

agency thereof, or when requested by the City during permit review. The following exceptions shall apply:

1. Barbed and razor wire may be allowed in commercial and Industrial districts if it is not visible from a public street or adjacent to a public park or residential district. Alternative materials, which do not negatively impact the visual environment, may be considered. The height of the wire shall be used in calculating the maximum height of the wall or fence.
2. In the Agricultural district, barbed and razor wire may be allowed. Electrified fencing may be allowed for animal enclosures if it meets all State and Federal regulations.

F. Wall Design Standards

Perimeter walls shall be designed to provide visual variation and to alleviate monotony through the use of articulated planes, landscaped recessions, pilasters or various textures and materials.

If pilasters are used, they shall be provided at a minimum of every change in direction, every 5-foot difference in elevation and every 70 feet of wall length.

G. Fence/Wall Treatments, Materials and Maintenance

The following standards are applicable to all fences and walls.

1. Tubular steel and wrought iron fencing shall be treated in accordance with the requirements of the current City of Oceanside Standard Details.
2. All fences and walls shall be treated, as appropriate, with anti-graffiti material and/or otherwise must comply with the City Code on graffiti, including the prompt removal of any graffiti.
3. Fence materials shall be limited to materials generally used in the fencing industry. Unless otherwise regulated by this ordinance or requested by the City through permit review, acceptable materials may include wood, block, stucco, wrought iron, steel, chainlink, "tennis" mesh and slats. Examples of non-standard, unacceptable materials include, but are not limited to, wooden pallets, opaque plastic sheeting, broken concrete or asphalt, and tires.
4. All fences shall be maintained in a reasonable straight and plumb alignment, and in good shape, quality and repair.

H. Permit Requirements

Fences and walls may require City permit approval in accordance with this Section or a building permit in accordance with the Uniform Building Code.

3041 Child Care Facility

A. Permit Required. A child care facility shall be permitted subject to the review and approval or conditional approval of a Child Care Facility Permit upon determining that the proposed facility complies with the requirements of the adopted Child Care Guidelines and applicable regulations of the Zoning Ordinance.

If new development (construction) is proposed for a Child Care facility, a Development Plan, meeting the regulations of Article 43 is required. A Development Plan may be conducted independently or concurrently with the Child Care Facility Permit.

B. Where Permitted and Development Standards. A child care facility is permitted in the RE, RS, R-1/CZ, RM, RH, R-3/CZ, RT, R-T/CZ, CN, CC, C-1/CZ, CG, C-2/CZ, CL, CR, CV, VC-CZ, CS, CS-HO, CS-L, CP, IL, IG, IP, A, OS, PS and the D Districts if it conforms to the standards of the adopted Child Care Guidelines and other applicable standards of the Zoning Ordinance.

3042 Mixed-use Plans

A. Any mixed-use development with commercial and residential land uses combined on one site requires the submission of a "Mixed-Use Development Plan" and Conditional Use Permit. Base District Regulations and Property Development Regulations for Residential Districts and Commercial Districts shall serve as the guideline for a mixed-use development. Any deviations from the development regulations shall be evaluated based upon the merits of the development plan. In addition, the "Mixed-Use Development Plan" is subject to the following requirements.

Specific Purposes

The specific purposes of the Mixed-Use Plan are to:

- A. Establish a procedure for the development of parcels as a mixed-use development.**
- B. Ensure orderly and thorough planning and review procedures that will result in quality urban design.**
- C. Encourage variety and avoid monotony in developments by allowing greater freedom in selecting the means to provide access, light, open space, and amenities.**
- D. Provide a mechanism whereby the City may authorize desirable developments consistent with the General Plan without inviting speculative rezoning applications, which, if granted, often could deprive other owners of development opportunities without resulting in construction of the proposed**

facilities.

- E. Encourage the preservation of serviceable existing structures of historic value or artistic merit by providing the opportunity to use them imaginatively for purposes other than that for which they were originally intended.
- F. Encourage the assembly of properties that might otherwise be developed in unrelated increments to the detriment of surrounding neighborhoods.

Land Use Regulations

No use, other than a use existing at the time of establishment of a Mixed-Use Plan, shall be permitted in a Mixed-Use Plan except in accord with a Mixed-use Plan. Any permitted or conditional use authorized by this ordinance may be included in an approved Mixed-Use Plan, consistent with the underlying General Plan land use designation(s).

Development Regulations

- A. Minimum Area. The area of a Mixed-Use Plan shall be 1-acre. However, smaller sites may be approved if found to meet the intent and purposes of a Mixed-Use Plan.
- B. Residential Unit Density. Residential unit types included in a Mixed-Use Plan shall not exceed 29 dwelling units per acre for the total area of parcels designated for mixed-use.
- C. Performance Standards. The performance standards prescribed by Section 3024 shall apply.
- D. Design. The Mixed-Use Plan shall be an integrated plan. Uses shall be placed as to share parking, traffic circulation, open space etc.
- E. Other Development Regulations. Other development regulations shall be as prescribed by the Mixed-Use Plan. The development standards of an existing overlay district may be modified by the Mixed-Use Plan if demonstrated to promote superior design.

Initiation

A Mixed-Use Plan shall be initiated by a property owner or authorized agent. If the property is not under a single ownership, all owners shall join in the application, and a map showing the extent of ownerships shall be submitted with concept plans and materials.

Required Plans and Materials

An application for a Mixed-Use Plan shall include a Mixed Use Development Plan

incorporating the materials required for design review by Article 43. The City Planner also may require one or more of the following items, based on the type, location, and potential impacts of proposed development:

- A. A map showing proposed plan boundaries and the relationship of the district to uses and structures within a 300-foot radius of the district boundaries.
- B. A map or aerial photo of the proposed plan and 100 feet beyond its boundary showing sufficient topographic data to indicate clearly the character of the terrain; the type, location, and condition of mature trees and other natural vegetation; and the location of existing development.
- C. The proposed pattern of land use, with acreage and residential density computations.
- D. The proposed street and lot pattern.
- E. Any other informational items deemed necessary by the Planning Director in order to fully analyze and review the proposed development.

Planning Commission Action

The Planning Commission shall consider an application for Mixed-Use Plan and Mixed-Use Development Plan accompanying the application. The Planning Commission may approve, approve with conditions or deny a proposed Mixed-Use Development Plan.

- A. Required Findings. The Planning Commission may approve or conditionally approve a Mixed-Use Plan and a Mixed-Use Development Plan, upon finding that:
 - 1. The Mixed-Use Development Plan is consistent with the adopted Land Use Element of the General Plan and other applicable policies and is compatible with surrounding development;
 - 2. The Mixed-Use Development Plan will enhance the potential for superior urban design in comparison with the development under the base district regulations that would apply if they were not approved;
 - 3. Deviations from the base district regulations that otherwise would apply are justified by compensating benefits of the Mixed-Use Development Plan; and
 - 4. The Mixed-Use Plan and Mixed-Use Development Plan includes adequate provisions for utilities, services, and emergency vehicle access; and public service demands will not exceed the capacity of existing and planned systems.

Status of Mixed-Use Plan and Mixed-Use Development Plan

- A. Effective Date. A Mixed-Use Plan and Mixed-Use Development Plan shall be effective on the date of their approval.

B. Lapse of Approvals. A Mixed-Use Plan and Mixed-Use Development Plan shall expire two years after the effective date of approval or conditional approval unless:

- 1. A grading permit has been issued and grading has been substantially completed and/or a building permit has been issued and construction diligently pursued; or**
- 2. An occupancy permit has been issued; or**
- 3. The approval is extended; or**
- 4. In cases where a Mixed-Use Plan and Mixed-Use Development Plan is approved concurrently with a Tentative Map, and a Final Map or Parcel Map is recorded, the Mixed-use Plan and Mixed-Use Development Plan shall be effective for an additional 24 months from the date of recordation of the Final Map or Parcel Map.**

An approved Mixed-Use Plan and Mixed-Use Development Plan may specify a development staging program exceeding two years, provided the development staging program is reviewed and approved by the Planning Commission as a part of the Mixed-Use Plan and Mixed-Use Development Plan.

C. Time Extension. The Commission may extend a Mixed-Use Plan and Mixed-Use Development Plan for a period or periods not to exceed a total of three years, if it finds the time extension is consistent with the purposes of this Article. Application for a time extension shall be made in writing to the City Planner not less than 30 days or more than 90 days prior to expiration. Denial of a request for time extension of a Mixed-Use Plan and Mixed-Use Development Plan may be appealed using the procedures as prescribed in Article 46.

D. Changed Plans. A request for changes in conditions of approval of a Mixed-Use Plan and Mixed-Use Development Plan, or a change to the Mixed-Use Plan and Mixed Use Development Plan that would affect a condition of approval, shall be treated as a new application. The City Planner may waive the requirement for a new application if the changes requested are minor, do not involve substantial alterations or addition to the plan or the conditions of approval, and are consistent with the intent of the project's approval or otherwise found to be in substantial conformance. An application for approval of a new Mixed-Use Plan and Mixed-Use Development Plan or for a revision of a Mixed-Use Plan and Mixed-Use Development Plan shall be considered by the Planning Commission at a public hearing with notice given as prescribed for a Development Plan in Article 43.

Building Permits

Proposed structures or alterations must be consistent with the adopted Mixed-Use Plan and the Mixed-Use Development Plan for the issuance of building permits.

3043 Reasonable Accommodations

A. Specific Purposes

The specific purposes of the Reasonable Accommodation provisions outlined in this section are to:

1. Provide a procedure to request reasonable accommodation, through the application of zoning and land use regulations, policies and procedures, for disabled persons seeking an equal opportunity to use and enjoy a dwelling unit under the federal Fair Housing Act and the California Fair Employment and Housing Act.
2. Define "reasonable accommodation" as a modification or exception to the regulations, policies and procedures for the siting, development and use of housing or housing-related facilities that would eliminate or reduce regulatory barriers and thereby provide a disabled person with equal opportunity to housing of their choice.
3. Establish eligibility for reasonable accommodation for persons (1) with a physical or mental impairment that substantially limits one or more major life activities; (2) who are regarded as having such an impairment; and (3) who have a record of such an impairment.
4. Recognize "physical or mental impairment" as including, but not being limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus infection, mental retardation, emotional illness, drug addition (other than addiction caused by current, illegal use of a controlled substance) and alcoholism.
5. Stipulate that reasonable accommodations shall be granted to individual residents and shall not run with the land unless it is determined that (1) the modification is physically integrated into the dwelling unit(s) and cannot readily be removed or altered to comply with applicable codes; or (2) the accommodation will be utilized by another disabled person.

B. Applicability

1. A request for reasonable accommodation may be made by any individual with a disability, his or her representative, or a developer or provider of housing for individuals with disabilities, when the application of a land use

or zoning provision, regulation or policy acts as a barrier to fair housing opportunities.

2. A request for reasonable accommodation may include a modification or exception to the rules, standards, development and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability with equal opportunity to housing of their choice.
3. Nothing in this ordinance shall require the City to waive or reduce application processing fees associated with a reasonable accommodation request.

C. Review Authority and Procedure

1. Requests for reasonable accommodation associated with administrative review of land use and/or development proposals shall be considered by the City Planner or designee. Modification or exception to applicable regulations, policies and procedures shall not, in and of itself, necessitate discretionary review and approval (e.g. Variance or Use Permit). Written determination from the City Planner on administrative requests shall be provided within 45 days of the submittal of a complete application.
2. Requests for reasonable accommodation associated with discretionary review of land use and/or development proposals shall be considered by the authority charged with such review under other provisions of this ordinance. Discretionary review of requests for reasonable accommodation shall only be required when such requests coincide with land use and/or development proposals subject to discretionary review. Procedures for discretionary review of requests for reasonable accommodation – including public notification, public hearings, appeals and time extensions – shall be those set forth in this ordinance for those entitlements concurrently under review.
3. Adverse decisions regarding reasonable accommodation rendered by the City Planner or designee may be appealed to the Planning Commission by the applicant. Adverse decisions regarding reasonable accommodation rendered by the Planning Commission may be appealed to the City Council by the applicant. Appeals of decisions regarding reasonable accommodation shall follow procedures established in Article 46 of the 1992 Zoning Ordinance.

D. Findings and Decision

1. Findings. Written determination to grant or deny a request for reasonable accommodation shall be consistent with applicable federal and state law and based on consideration of the following:

- a. The housing which is the subject of the request will be inhabited by the person(s) considered disabled in accordance with federal and state law.
 - b. The requested accommodation is reasonable and necessary to make the housing available to the disabled person(s).
 - c. The requested accommodation would not result in adverse impacts on surrounding properties and land uses.
 - d. The requested accommodation would not impose an undue financial or administrative burden on the City.
 - e. The requested reasonable accommodation would not require a fundamental alteration of a City program or law, including but not limited to land use and zoning regulations, and the City's Local Coastal Program.
2. Alternatives. In evaluating the reasonableness of a requested accommodation, the review authority may consider whether there are reasonable alternatives that would provide an equivalent level of benefit to the disabled individual or group of individuals.
 3. Conditions. In granting a request for reasonable accommodation, the reviewing authority may impose conditions of approval to ensure that the above findings can be met. Conditions may include, but are not limited to, ensuring that any removable structures or physical design features constructed or installed in association with a reasonable accommodation be removed once they are not needed to provide access to the dwelling unit for current occupants.

E. Application Requirements

1. Requests for reasonable accommodation shall be submitted on an application form provided by the Planning Division. Applications for reasonable accommodation shall include the following information:
 - a. The applicant's name, address and telephone number.
 - b. The street address and assessor's parcel number of the property for which the request is being made.
 - c. The current actual use of the subject property.
 - d. The basis for the claim that the individual or group of individuals is considered disabled under the federal Fair Housing Act and the California Fair Employment and Housing Act.
 - e. The zoning provision, regulation or policy from which reasonable accommodation is being requested.
 - f. Explanation of why of the requested reasonable accommodation is necessary to make the specific property accessible to the disabled individual.

g. Credible documentation shall be provided to allow the City to fully evaluate the factual basis of the request. Application materials shall be provided in a manner that allows the City to independently assess its merits.

F. Expiration. Any reasonable accommodation approved in accordance with the terms of this article shall expire within twenty four (24) months from the effective date of approval or at an alternative time specified as a condition of approval unless:

1. A building permit has been issued and construction has commenced;
2. A certificate of occupancy has been issued; or
3. A time extension has been granted.

G. Time Extension. The City Planner or other approving authority may approve a single one-year time extension for a reasonable accommodation. An application for a time extension shall be made in writing to the approving authority no less than thirty (30) days prior to the expiration date.

H. Revocation. Any reasonable accommodation approved in accordance with the terms of this article may be revoked if any of the conditions or terms of such reasonable accommodation are violated, or if any law or ordinance is violated in connection therewith.

3044 Emergency Shelters

The purpose of this section is to ensure that emergency shelters do not adversely impact adjacent properties and land uses. Emergency shelters, as defined in Section 330, shall be permitted without discretionary review in Light Industrial (IL) zoning districts, subject to the following standards:

- A. Compliance with IL Zoning Standards. Facilities shall comply with all development standards applicable to properties within Light Industrial (IL) zoning districts.
- B. Maximum Number of Beds. Facilities may provide up to 50 beds for the same number of clients per night.
- C. Hours of Operation. Facilities shall operate on a first come, first served basis, with clients only permitted on the premises between 4:00PM and 9:00AM. Clients must vacate the premises by 9:00AM and shall have no guaranteed bed for subsequent nights.
- D. Maximum Stay: Occupancy for any individual or family shall not exceed 120 days in a 365-day period. No individual or family shall reside in an emergency shelter for more than 30 consecutive days.

- E. Maximum Concentration: No facility shall be sited within 300 feet of another emergency shelter, as measured from the property boundaries.
- F. Minimum Separation from Residential Zoning Districts. Facilities sited within 300 feet of a residential zoning district, as measured from the building footprint of the facility to the nearest residentially zoned property, shall require a Conditional Use Permit.
- G. Minimum Staffing: At least one staff member per 10 beds shall be awake and on duty during operational hours. Facilities providing segregated quarters for men, women, families, etc. shall provide at least one staff member for each segregated sleeping area.
- H. Minimum Parking. Facilities shall provide one parking space per staff member and 0.35 spaces per bed. Facilities shall also provide secure bicycle parking facilities.
- I. Minimum Reception and Intake Area. Facilities shall provide at least 15 square feet of enclosed reception and intake area per bed.
- J. Lighting. Adequate exterior lighting shall be provided for security purposes. Lighting shall be shielded and directed downward to avoid glare on adjacent properties and the public right-of-way. Inoperable lighting shall be rendered operable within 72 hours.
- K. Sanitation Facilities. Facilities shall provide at least one toilet and one sink for every eight beds per gender, one shower for every eight beds per gender, and a private shower and toilet facility for each area designated for families with children.
- L. Ancillary Amenities and Services. Facilities may include the following ancillary amenities and services:
 - 1. Cooking/food preparation facilities (in compliance with the relevant standards of the San Diego County Environmental Health Department);
 - 2. Dining area;
 - 3. Laundry facilities;
 - 4. Recreation and/or meeting area;
 - 5. Outdoor recreation spaces (within a building courtyard or enclosed by a building, fencing, landscaping, or some combination thereof);
 - 6. Support services (e.g. counseling, job training and/or placement; health care);

7. Animal boarding and veterinary services;

8. Child care facilities for current clients.

M. Safety and Security Plan. Facilities shall prepare and submit a safety and security plan for review and approval by the Oceanside Police Department. The safety and security plan shall address the following:

1. Criteria for admittance;

2. Protocol for addressing the immediate shelter needs of individuals and/or families that cannot be accommodated;

3. Admittance and discharge procedures;

4. Staff screening and training procedures;

5. On-site security personnel;

6. Specific measures designed to minimize the congregation of clients in the vicinity of the facility during those hours when clients are not permitted on-site;

7. Noise control measures;

8. Litter control measures;

9. Fire and earthquake safety procedures, including an evacuation plan;

10. Description of the means by which the personal effects of clients will be secured;

11. Protocol for chronicling any and all incidences of violence, theft, vandalism, or other criminal and/or disruptive behavior;

12. Protocol for contacting law enforcement and other emergency services as circumstances warrant;

13. Protocol for responding to client grievances;

14. Protocol for responding to community concerns;

15. Description of potential ancillary services (e.g. counseling, health care, job training and/or placement);

N. State Laws and Regulations. Facilities shall comply with all applicable state laws and regulations.

Article 41 C Use Permits (Coastal Zone Exclusive of Downtown)

Sections:

- 4111 Purpose
- 4112 Uses Requiring Conditional Use Permit
- 4113 Trailers or Equipment Vans
- 4114 High Rise Structures
- 4115 Expandable Homes
- 4116 Residential Uses in Commercial Zones
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4111 Purpose

~~The following uses, and all matters directly related to such uses, are declared to be possessing such unique and special characteristics as to make it impractical for them to be automatically included within some or any of the zoning districts defined in this ordinance. The location and operation of any of these uses within the Coastal Zone exclusive of the Downtown District shall be subject to the review and issuance of either an Administrative Conditional Use Permit or a Conditional Use Permit (CUP), pursuant to Article 41.~~

4112 Uses Requiring Conditional Use permit

~~The following uses require conditional use permits within the zones indicated. Such permits shall be issued in accordance with the provisions of this Ordinance.~~

- ~~(1) — Allowed within zone by right.~~
- ~~(X) — Allowed within the zone after granting of CUP.~~
- ~~(A) — Allowed within the zone after granting of ACUP~~
- ~~(no mark) — Not allowed within zone.~~

	F	O	R1	R3	RT	OP	C1	C2	M1	VC	H
Airports, heliports, landing fields					X	X	X	X	X		
Ambulance services						X		X			
Amusement parks					X		X			X	
Apartments — 20 units +				X	X	X	X	X			
Apartments — less than 20 units (per R-3)				1	1	X	X	X			
Arcades								X			
Automobile service stations							X	X	X	X	
Bars and cocktail lounges (not associated with restaurant)								X		X	
Bathhouses								X			
Boat building, indoor construction only, outside rigging areas permitted									X		
Campgrounds and recreation vehicle parks		X						X			
Breweries, Craft											
Tier 1								A			
Tier 2 and/or abutting residential zones, Churches, or schools								X			
Car washes								X			
Card rooms								X			
Cemeteries		1									
Churches and accessory uses			X	X	X	X	X	X	X		
Clubs, lodges etc.											
(a) Nonprofit — neighborhood;			X	X	X	X	X	X			
(b) Nonprofit regional; (c) Profit					X	X	X	X			
Columbariums, crematories, mausoleums, mortuaries		X			X	X	X	X			
Convenience food stores							X	X		X	
Dance halls/ Dance establishments								X			
Day Care Facilities		X	X	X	X	X	X	X	X		
Drive-in facilities					X		X	X		X	
Escort services — include "out-call"					X			X			
Expandable home			X	X	X						
Food and Beverage Kiosk					X		X	X		X	
Miniature golf courses, driving ranges (separate from standard golf course)					X		X	X			
Golf course (public or private)		1	X	X	X	X	X	X			
Greenhouses (no retail sales in R-1)								X			
Gun shops								X			
High-rise structures (subject to provisions of Section 4113)			X	X	X	X	X	X	X	X	
Hospitals			X	X	X	X	X	X			
Hotels and motels					X		X	X		X	
Industrial uses not listed in M1 Zone									X		
Kennels								1	1		
Light equipment rental yards						X		X	1		
Liquor Stores							X	X		X	
Locker clubs								X			
Massage establishments								X			

	F	O	R1	R3	RT	OP	C1	C2	M1	VC	H
Mini storage/self storage facilities								X	X		
Mobile home parks			X	X							
Motor vehicle rental/sales (automobile, motor bike/cycle rentals, truck, trailer, camper, motorcycle, new or used sales, rentals or swap lots)								X	X		
Natural mineral resources development	X	X	X	X	X	X	X	X	X		
Parking lots or structures (commercial)					X	X	X	X	X	X	
Pawnshops								X			
Poolrooms, billiard rooms, shooting galleries								X			
Private security agency						X	X				
Public buildings or lands owned and/or operated by Federal, State, County or City	X	X	X	X	X	X	X	1	1	X	
Public utility stations, yards, wells and other similar facilities; electrical receiving and/or transforming stations	X	X	X	X	X	X	X	X	X	X	
Race tracks (animal or auto), rodeos, fairground and similar facilities								X	X		
Radio and television transmitters — commercial								X	X		
Recreation facilities (private commercial)		1					X	X	X	X	
Residential Care, General			X	X							
Restaurant Fast Food					X		X	X		X	
Riding and/or boarding stables, riding schools and related uses (min. site area 2 ac)			X								
Sanitary land fills	X	X	X	X	X	X	X	X	X		
Schools and Colleges		1	X	X	X	X	X	X			
Secondhand stores							X	X			
Self-service Laundromats							X	X			
Sewage disposal plants			X	X	X	X	X	X	X	X	
Shooting gallery								X			
Signs over 35 feet			X	X	X	X	X	X	X		
Swap lots								X			
Theaters — open air, drive-ins						X		X			
Theaters								X			
Temporary trailer or equipment vans (See Section 4112)			X	X	X	X	X	X	X		
Time share resort projects					X					X	X
Trade, specialty schools						X	X	X	X		
Warehouses — self storage									X		
Wineries, Craft											
Tier 1								A			
Tier 2 and/or abutting residential zones, Churches, or schools								U			
Worm farms			X								

4113—Trailers or Equipment Vans—

Temporary trailer or equipment vans will only be allowed for use by financial institutions, industrial plants, public agencies or public utilities.

- (1) ~~Prior to the filing of a conditional use permit application, the applicant shall first obtain on the application the endorsement of the Building Official, that the use would be proper within the requirements of the Building Code of the City of Oceanside.~~
- (2) ~~Approval of this use shall be given on a one-year basis and a six-month extension may be granted by the Planning Commission if it is necessary to complete arrangements for construction of a permanent structure to house the use.~~
- (3) ~~All utility services shall be connected in conformity to the City Building Code requirements.~~
- (4) ~~Sanitation facilities shall be connected to sewer or shall utilize a self-enclosed independent system unless toilet facilities are available to the applicant on the premises or the person by whom the work is performed.~~
- (5) ~~No living quarters will be allowed in the trailers or vans.~~

4114—High Rise Structures (*Section 4114 text moved under Add. Regs. in zoning districts*)

- (1) ~~The Planning Commission shall determine from the evidence presented at the hearing that all of the following facts exist:~~
 - (a) ~~The proposed building or structure at the particular location and under the proposed conditions of development has complied with good planning practices, including provisions for height, building bulk, yards, open space, lot coverage, grading and related public health, safety and convenience features, and will provide for the preservation of the general welfare of the community as if developed to the height limits imposed by the provisions of the appropriate zone.~~
 - (b) ~~The proposed building or structure will comply with the regulations and conditions specified in the Building Code for such structures.~~
 - (c) ~~The granting of an exception will not adversely affect any adopted plan of any governmental agency.~~
- (2) ~~The Planning Commission may modify or further restrict setback requirements, maximum height, off-street parking, and landscaping requirements upon a specified finding being made that it is necessary to provide for a more aesthetically pleasing project or necessary for the preservation of health, safety, peace or general welfare of persons living in or near the project.~~

4115—Expandable Homes

~~Expandable homes may be permitted subject to meeting the following criteria:~~

- ~~(1) This provision shall apply only to subdivisions of five or more lots.~~
- ~~(2) All exterior walls shall be completed as part of the initial construction.~~
- ~~(3) All necessary building and electrical permits will be required prior to the finishing of any unfinished room(s).~~
- ~~(4) All unfinished rooms shall be sealed off until completed.~~
- ~~(5) All plumbing shall be capped off.~~
- ~~(6) All electrical circuits shall be cut off at the panel.~~
- ~~(7) The Planning Commission may add additional requirements to insure adequate safety and compatibility to the existing neighborhood.~~

4116—Residential Uses in Commercial Zones (*Sec. 4116 modified and moved to Art. 11, Sec 1140 Q.*)

~~Residential dwelling units may be permitted in the C-2 and C-1 zones subject to the following criteria:~~

- ~~(1) The residential use is a secondary use to an office or commercial use.~~
- ~~(2) The residential shall be located above or on the same lot as the primary commercial use.~~
- ~~(3) The total number of units shall not exceed the formula of one dwelling unit per 1,000 square feet of lot area.~~
- ~~(4) For new construction off street parking shall be provided at a ratio of one space for each dwelling unit. Twenty five percent (25%) of the parking spaces required by the office or commercial use may be included within the parking spaces provided by the residential units.~~
- ~~(5) For existing structures no additional parking need be provided when the Planning Commission finds that adequate off site parking is provided elsewhere in close proximity to the property.~~

4117—Office and Commercial Uses in Industrial Zones (*Section 4117 moved to M-1 – Art. 13, Sec. 1330C, Add. Reg C*)

~~Office and commercial uses not specifically listed within any of the industrial zones may be permitted in any industrial zone subject to the approval of a Conditional Use Permit and under the following criteria:~~

- ~~(1) The amount of square footage to be used for office and commercial uses shall not exceed 25% of the gross floor area of any development as shown on a development plan or 25% of any freestanding building not part of a development plan.~~
- ~~(2) Off-street parking shall be in accordance with applicable parking ordinance provisions.~~
- ~~(3) The uses shall not interfere with the primary industrial uses located in the area.~~
- ~~(4) An applicant may request that the Planning Commission waive the maximum square footage requirement if it can clearly be shown that the proposed use would comply with the spirit and intent of this section.~~
- ~~(5) As part of the application package the names and addresses of all owners and tenants within 300 feet of the proposed use shall be submitted.~~
- ~~(6) The above requirement will not be required if, as part of an approved master development plan, office and commercial uses have been clearly delineated as approved uses.~~

4118 — Travel Trailer Parks (*Section deleted and replaced by Sec. 3029 RV Parks*)

~~Travel Trailer Parks may be established, after issuance of a Conditional Use Permit, under the following criteria:~~

- ~~(1) The General Plan designation must be High Density Residential.~~
- ~~(2) Zoning must be R-3.~~
- ~~(3) The number of spaces in any one park may not exceed twenty-five (25) trailers. When located within an existing mobile home park, the number of travel trailers shall not exceed twenty-five (25) or twenty-five percent (25%) of the total number of mobile home spaces in the park whichever is less.~~
- ~~(4) All units must meet applicable health and safety codes.~~
- ~~(5) Restroom and shower facilities must be provided within a reasonable distance from the travel trailers.~~
- ~~(6) Off-street parking at a ratio of one space per unit shall be provided.~~
- ~~(7) Landscaping shall be provided on a ratio of thirty-five percent (35%) of the lot area.~~

- ~~(8) A six-foot masonry wall surrounding a travel trailer park shall be provided.~~
- ~~(9) A waiver to the development standards identified above shall be considered if the park is created as a result of the displacement by a governmental agency of low and moderate income units located within the City of Oceanside.~~

~~4119 Churches in Industrial Zones (Section 4119 deleted and replaced by Art 30, Sec. 3004)~~

~~Churches may be established in the M-1 after issuance of a Conditional Use Permit, under the following criteria:~~

- ~~(1) The location proposed is not in an area considered "prime" for immediate industrial development.~~
- ~~(2) Parking must be provided as required by the parking regulations for churches, except that the parking may be shared with other industrial users in the vicinity if it can be shown that the uses will not be occurring simultaneously.~~
- ~~(3) Buildings shall meet the requirements of the Uniform Building Code for church occupancies.~~
- ~~(4) The church activities must not interfere with the primary industrial uses in the area.~~

~~4120 Time Share Resorts (Section 4120 deleted and replaced by Art 30, Sec. 3030)~~

~~Time share resort projects may be permitted under the zoning standards of the respective zone and other applicable City policies with the issuance of a Conditional Use Permit provided the following requirements are met:~~

- ~~(1) A time share resort project shall comply with the adopted plans, goals, objectives, policies and regulations of the City of Oceanside.~~
- ~~(2) A time share resort project shall file a Tentative Map and comply with Sections all other relevant sections of the Comprehensive Zoning Ordinance and Subdivision Ordinance.~~
- ~~(3) Time share resort projects shall have primary automobile access on a collector or higher rated roadway as identified on the City Master Street Plan. For purposes of this section, The Strand shall be considered a collector roadway.~~
- ~~(4) Parking for time share resort projects. Parking spaces shall be provided at a ratio of one space per bedroom. Guest parking for time share resort projects shall be provided at a ratio of one space for the first one to five time share units; and thereafter, at a ratio of one space per five time share resort units.~~

- (5) ~~A time-share resort project application shall submit the following plans to address and mitigate the unique land use impacts of time-share resort projects.~~
- (a) ~~Sales Plan — A Sales Plan shall address the times, areas and methods that will be used to sell the time-share resort estates or uses. Factors to be defined in the plan shall include, but are not limited to: the location, length, and marketing methods that will be utilized to include definitions as to on-site and off-site marketing and signage; and a discussion as to the potential numbers of individuals and automobiles expected during various stages of the sales effort and mitigation measures.~~
 - (b) ~~Management Plan — A Management Plan shall describe the methods employed by the applicant or his/her assignee to guarantee the future adequacy, stability, and continuity of a satisfactory level of management and maintenance of a time-share resort project. Means by which the City can service the project to protect the public health, safety, and general welfare shall be defined.~~
 - (c) ~~Contingency Plan — A Contingency Plan shall address the actions to be taken by the applicant or his/her assignee if the time-share resort project is an economic failure, or fails to sell 50% of the time-share resort estates or uses within two (2) years of receiving a permit to occupy the first unit.~~
 - (d) ~~Conversion Plan — If a time-share resort project application involves conversion of existing residential dwellings, a Conversion Plan shall be required consistent with City Policy.~~