

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF OCEANSIDE FOR ZONE AMENDMENT (ZA-1-09) TO MODIFY SECTIONS OF THE OCEANSIDE ZONING ORDINANCE REGULATING HIGH DENSITY RESIDENTIAL OCCUPANCIES "MINI-DORMS" WITHIN A DWELLING UNIT

(City of Oceanside – Applicant)

WHEREAS, Article 3 Section 330 definitions, Article 4 Section 420 and 4(a) Section 420 regarding uses not classified, Article 10 footnote (c) regarding "Single-family" residential uses being permitted within all residential zone districts, and Article 30, Section 3012 (B) regarding maximum dwelling unit occupancies of the Zoning Ordinance contain language that regulate high density residential occupancies within a dwelling unit ;

WHEREAS, the City has determined that the zoning regulations contained within these Articles should be modified in order to ensure that the residents of Oceanside are protected from the harmful effects of excessive noise, population density, and traffic congestion typically associated with "Mini-Dorms";

WHEREAS, on May 18, 2009, the Planning Commission of the City of Oceanside, after holding a duly advertised public hearing as required by law, adopted Resolution No. 2009-P28 recommending approval of Zone Amendment ZA-1-09, subject to the addition of a requirement to obtain a business license associated with a High Density Residential Occupancy Permit and deletion of the text: provided no more than two bedrooms shall be rented in each unit, of Article 10 footnote (c), to the City Council for final action;

WHEREAS, on May 18, 2009 the Housing Commission of the City of Oceanside reviewed the subject requested Zoning Ordinance text amendments regarding high density residential occupancies within a dwelling unit , and upon due consideration took action on a 6-2 vote to forward a recommendation of approval to the City Council for final action;

1 WHEREAS, on August 19, 2009, the City Council of the City of Oceanside held a duly
2 advertised public hearing to consider said Zone Amendment application and the
3 recommendation of the Planning Commission thereon and heard and considered written
4 evidence and oral testimony by all persons regarding the proposed Zone Amendment;

5 WHEREAS, following the August 19, 2009 meeting staff met with disability advocates,
6 and in order to clarify that the definition of "rooming house" is not intended to include those
7 dwelling units protected by state and federal law Section 330 was further modified;

8 WHEREAS, on December 16, 2009, the City Council of the City of Oceanside held a
9 duly advertised public hearing to re-consider said Zone Amendment application with the
10 change noted above and the recommendation of the Planning Commission thereon and heard
11 and considered written evidence and oral testimony by all persons regarding the proposed Zone
12 Amendment;

13 WHEREAS, the City Council determined that it is appropriate to amend the zoning
14 regulations to regulate high density residential occupancies within a dwelling unit in order to
15 ensure that the residents of Oceanside are protected from the harmful effects of excessive noise,
16 population density, and traffic congestion typically associated with "Mini-Dorms";

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

20 WHEREAS, based upon such evidence, testimony and staff reports, this Council finds
21 as follows:

22 1. The Zoning Amendment conforms to the General Plan and Local Coastal
23 Program of the City of Oceanside.

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

25 1. That Zone Amendment Application ZA-1-09, amending the text of the Zoning
26 Ordinance No. _____ as specified in Exhibit "A" is hereby approved and the City
27 Planner is hereby directed to amend the Zoning Ordinance text as specified by this Ordinance.
28

1 2. Interlineated provisions of Exhibit "A", as incorporated, have been included for
2 informational purposes and reflect the amended sections of the Zoning Ordinance No. ____
3 which have been stricken, removed or otherwise modified by the enactment of this Ordinance.

4 3. Notice is hereby given that the time within which judicial review must be sought on
5 this decision is governed by Govt.C. Section 65009(c).

6 4. This Ordinance shall not be codified.

7 5. The City Clerk of the City of Oceanside is hereby directed to publish the title of this
8 Ordinance and the text of Exhibit "A" once within fifteen (15) days after its passage in the
9 North County Times, a newspaper of general circulation published in the City of Oceanside.
10 This Ordinance shall take effect and be in force on the thirtieth (30th) day from and after its
11 final passage.

12 REINTRODUCED at a regular meeting of the City Council of the City of Oceanside,
13 California, held on the 16th day of December, 2009, and, thereafter,

14 PASSED AND ADOPTED by the City Council of the City of Oceanside, California,
15 this ____ the day of _____, 2010 by the following vote:

16 AYES:

17 NAYS:

18 ABSENT:

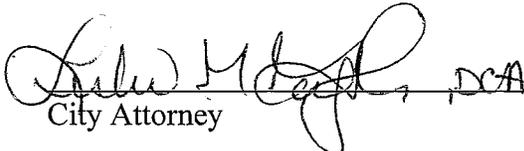
19 ABSTAIN:
20
21
22

Mayor of the City of Oceanside

24 ATTEST:

APPROVED AS TO FORM:

25
26
27 _____
City Clerk


City Attorney

City of Oceanside

Zoning Ordinance Suggested Text Changes

Article 10 States, "Single-family residential uses are permitted within all Residential Zone Districts as follows:

Current: (C) "Rooms in a dwelling unit may be rented for occupancy by not more than four persons who are not members of a single housekeeping unit, provided that not more than two bedrooms shall be rented in each unit."

Proposed: (C) "~~Rooms~~ **Bedrooms** in a dwelling unit may be rented for occupancy by not more than **four six** persons who are not members of a single housekeeping unit, provided that not more than two bedrooms shall be rented in each unit."

The Oceanside Zoning Ordinance (Article 30 Section 3012 Maximum Dwelling Unit Occupancy) also establishes the following land use regulation dealing with occupancies:

Current: **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 Use Permit, approved by the City Planner, shall be required for occupancy of a dwelling unit by more than 10 persons 18 years or older. The City Planner shall not issue a Use Permit unless evidence is presented that all vehicles used by occupants will be stored on the site in conformance with the provisions of this ordinance.

Proposed: **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 a Use Permit**, approved by the City Planner, shall be required for occupancy of a dwelling unit by more than ~~6~~ **10** persons 18 years or older. The City Planner shall not issue a **Residential High Occupancy Permit Use Permit** unless evidence is presented that all vehicles (**one space per adult**) ~~used by occupants~~ will be stored on the site in conformance with the provisions of this ordinance.

The Oceanside Zoning Ordinance (Article 3 Section 330 Definitions) defines Family for the purpose of dealing with occupancies as:

Current: Family: *Two or more persons living together as a single housekeeping unit in a dwelling unit, provided that this shall not exclude the renting of rooms in a dwelling unit as permitted by district regulations.*

Proposed: **Rooming Houses/ Boarding Houses**: **A dwelling unit that is rented, leased, let, or hired under three or more separate oral or written leases, subleases, or any other contractual agreement designed to effectuate the same result, with or without meals, for compensation, as permanent guests pursuant to an arrangement for compensation for definite periods, by the month or greater term. Housing protected by federal or state law, including housing for persons protected under the Fair Housing Act (42USC section 3604 (f)) and the California Fair Housing Act (California Government Code section 12920 et seq.), shall not constitute a "rooming house".**

The Oceanside Zoning Ordinance (Article 4 Section 420 and Redevelopment Areas Article 4(a) Section 420 Uses Not Classified) currently identifies existing uses not classified as follows:

Current: Any new use, or any use that cannot be clearly determined to be in an existing use classification, may be incorporated into the zoning regulations by a Zoning Ordinance text amendment, as provided in Article 45.

Proposed: Any new use, or any use that cannot be clearly determined to be in an existing use classification **is prohibited.** **Provided, however, that any new use** may be incorporated into the zoning regulations by a Zoning Ordinance text amendment, as provided in Article 45.

The Oceanside Zoning Ordinance (Article 4 Section 430 and Redevelopment Areas Article 4(a) Section 430 Residential Use Classifications) currently defines "Group Residential" as follows:

Current: B. *Group Residential:* Shared living quarters without separate kitchen or bathroom facilities for each room or unit. This classification includes boardinghouse, dormitories, fraternities, sororities, and private residential clubs, but excludes residential hotels (see Single-Room Occupancy (SRO) Residential Hotels).

Proposed: B. *Group Residential:* Shared living quarters without separate kitchen or bathroom facilities for each room or unit. This classification includes **roominghouse**/boardinghouse, dormitories, fraternities, sororities, and private residential clubs, but excludes residential hotels (see Single-Room Occupancy (SRO) Residential Hotels).