

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE FOR A ZONE AMENDMENT (ZA-4-09) AMENDING ARTICLE 1050(HH) OF THE ZONING ORDINANCE TO PROHIBIT THE CREATION OF 2,500-SQUARE-FOOT LOTS FOR THE DEVELOPMENT OF SINGLE-FAMILY DETACHED HOMES WITHIN THE RH DISTRICT OF THE SEASIDE NEIGHBORHOOD, AS BOUNDED BY SOUTH HORNE STREET, WEITZEL STREET, MICHIGAN STREET, SOUTH FREEMAN STREET AND MISSOURI STREET

WHEREAS, on April 15, 2009, the City Council approved the Coast Highway Vision and Strategic Plan, which included as part of its implementation strategy a recommended prohibition on the creation of 2,500-square-foot lots for the development of single-family detached homes (i.e. "rowhomes") in the RH District of the Seaside neighborhood; and

WHEREAS, on July 9, 2009, the Planning Division conducted a publicly noticed community workshop at which a majority of participants expressed support for a prohibition on the creation of 2,500-square-foot lots for the development of single-family detached homes in the RH District of the Seaside neighborhood; and

WHEREAS, the creation of 2,500-square-foot lots for the development of single-family detached homes would continue to be conditionally permitted in all other RH Districts within the City; and

WHEREAS, on October 26, 2009, the Planning Commission of the City of Oceanside, after holding a duly advertised public hearing as required by law, adopted Resolution No. 2009-P45 recommending approval of the subject request; and

WHEREAS, on November 18, 2009, the City Council of the City of Oceanside held a duly advertised public hearing to consider said Zone Amendment and the recommendation of the Planning Commission thereon and heard and considered written evidence and oral testimony by all persons regarding the proposed Zone Amendment; and

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

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

- 6 1. The Zoning Amendment conforms to the General Plan of the City of Oceanside.
- 7 2. By precluding the massing disparities that vertically-oriented rowhomes create
8 when situated adjacent to low-profile bungalow development, the Zoning Amendment achieves
9 consistency with the specific purposes of residential districts as established in Article 1010 of
10 the Zoning Ordinance, which calls for projects that: ensure adequate light, air, privacy and open
11 space for each dwelling; protect single-family residential districts from excessive loss of sun,
12 light, quiet and privacy resulting from proximity to multifamily development; and achieve
13 design compatibility with surrounding neighborhoods.

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

- 15 1. Article 1050(HH) of the Zoning Ordinance is hereby amended to include the
16 following additional text (as underlined):

17 Except in the RH District bounded by South Horne Street, Weitzel Street, Michigan
18 Street, South Freeman Street and Missouri Street, Single-Family Detached Units on a minimum
19 of 2,500-square-foot lots are allowed with a Conditional Use Permit within the RM-B, RM-C
20 and RH Districts when determined to be compatible with existing and future land uses and
21 plans.

- 22 2. Notice is hereby given that the time within which judicial review must be sought
23 on this decision is governed by CCP Section 1094.6.

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1 3. The City Clerk of the City of Oceanside is hereby directed to publish the title of
2 this Ordinance once within fifteen (15) days after its passage in the North County Times, a
3 newspaper of general circulation published in the City of Oceanside. This Ordinance shall take
4 effect and be in force on the thirtieth (30th) day from and after its final passage.

5 INTRODUCED at a regular meeting of the City Council of the City of Oceanside,
6 California, held on the 18th day of November, 2009, and, thereafter,

7 PASSED AND ADOPTED at a regular meeting of the City Council of the City of
8 Oceanside, California, held on the _____ day of _____, 2009, by the following
9 vote:

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11 AYES:
12 NAYS:
13 ABSENT:
14 ABSTAIN:

15 _____
16 Mayor of the City of Oceanside

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18 ATTEST:

17 APPROVED AS TO FORM:

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20 _____
21 City Clerk

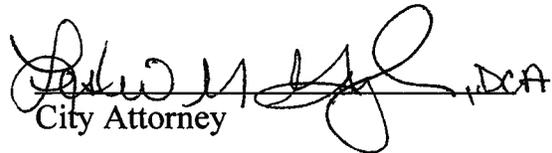
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21 City Attorney

Exhibit A: Zoning Text Amendment

Article 1050(HH)

Text added to the original language is underlined below:

(HH) Except in the RH District bounded by South Horne Street, Weitzel Street, Michigan Street, South Freeman Street and Missouri Street, Single Family Detached Units on a minimum of 2,500 square foot lots are allowed with a Conditional Use Permit within the RM-B, RM-C and RH Districts when determined to be compatible with existing and future land uses and plans. The following minimum development regulations are also required:

Lot Width 25-feet

Open Space-None except
for required yards

Lot Depth 100-feet

Setbacks

Front 10-feet

Side 3-feet

Corner Side 10-feet (Maybe reduced if determined
that corner clear zone can be maintained)

Garage Access: Vehicular access to garages shall be from the rear-yard via a public alley or private drive.

Exhibit B: Seaside RH District

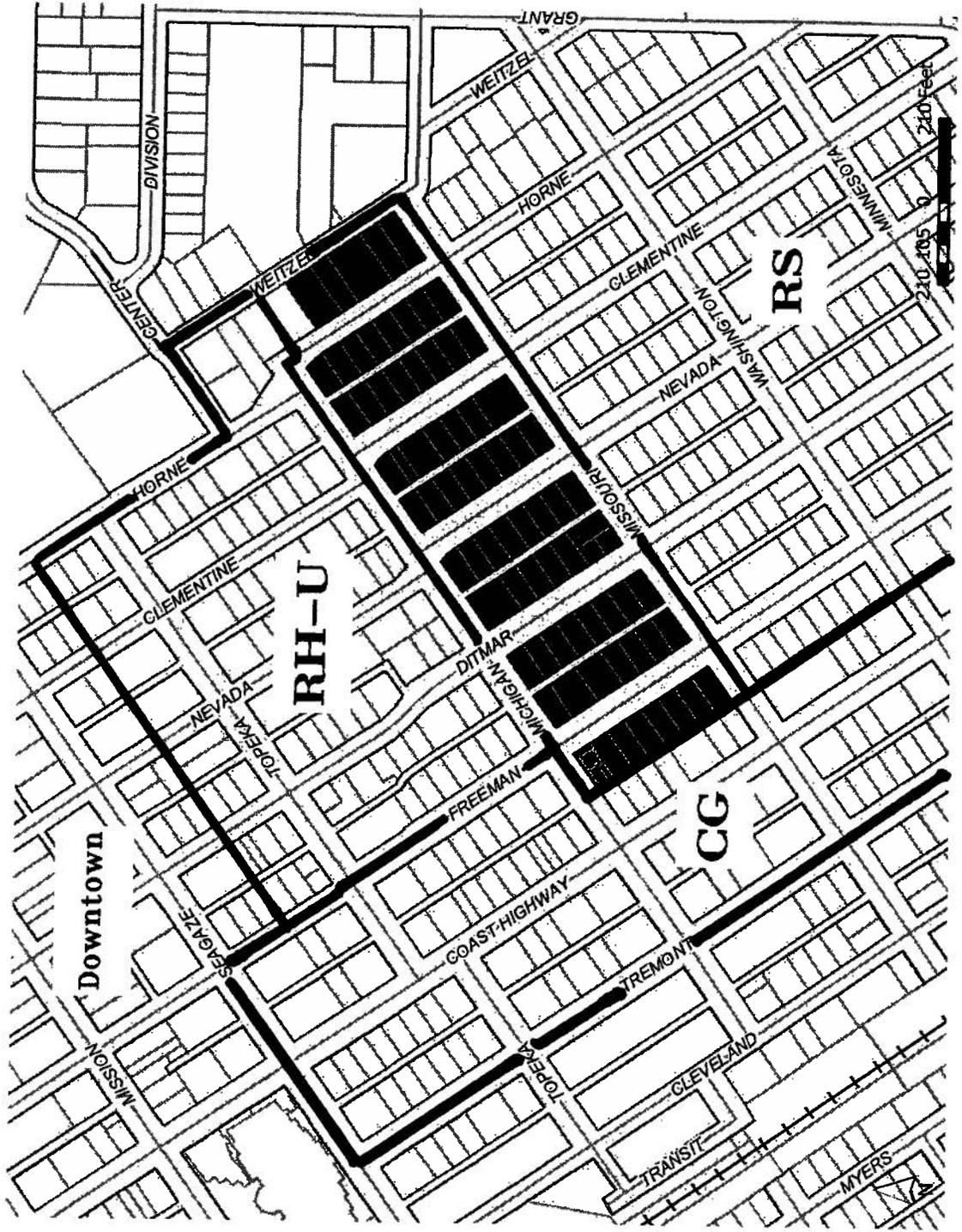


Exhibit C: Existing Rowhome Development

