# OCEANSIDE ZONING ORDINANCE

## TABLE OF CONTENTS


| | | | Page |
|---|---|---|---|
| **PART I - GENERAL PROVISIONS** | | | |
| **Article 1** | **Title, Components and Purposes** | | **1-1** |
| | 110 | Title | 1-1 |
| | 120 | Components | 1-1 |
| | 130 | Purposes | 1-1 |
| | 140 | Consideration of Discretionary Applications | 1-3 |
| **Article 2** | **Organization, Applicability, and Interpretation** | | **2-1** |
| | 210 | Organization | 2-1 |
| | 220 | General Rules for Applicability of Zoning Regulations | 2-1 |
| | 230 | Applicability of Land Use and Development Regulations | 2-3 |
| | 240 | Rules for Interpretation | 2-8 |
| | 250 | Effect of this Ordinance on Approved Projects | 2-8 |
| **Article 3** | **Definitions** | | **3-1** |
| | 310 | Purpose and Applicability | 3-1 |
| | 320 | Rules for Construction of Language | 3-1 |
| | 330 | Definitions | 3-2 |
| **Article 4** | **Use Classifications** | | **4-1** |
| | 410 | Purpose and Applicability | 4-1 |
| | 420 | Uses Not Classified | 4-1 |
| | 430 | Residential Use Classifications | 4-1 |
| | 440 | Public and Semipublic Use Classifications | 4-2 |
| | 450 | Commercial Use Classifications | 4-5 |
| | 460 | Industrial Use Classifications | 4-12 |
| | 470 | Agricultural and Extractive Use Classifications | 4-14 |
| | 480 | Accessory Use Classifications | 4-15 |
| | 490 | Temporary Use Classification | 4-15 |

**PART II - BASE DISTRICT REGULATIONS**


| | | | |
|---|---|---|---|
| **Article 10** | **Residential Districts** | | **10-1** |
| | 1010 | Specific Purposes | 10-1 |
| | 1020 | Definitions: Residential Unit Types | 10-3 |
| | 1030 | Residential Unit Type Regulations | 10-4 |
| | 1040 | RE, RS, RM, RH, and RT Districts: Land Use Regulations | 10-9 |
| | 1050 | RE, RS, RM, RH, and RT Districts: Property Development Regulations | 10-13 |
| | 1060 | Review of Plans | 10-31 |
| **Article 11** | **C Commercial Districts** | | **11-1** |
| | 1110 | Specific Purposes | 11-1 |
| | 1120 | CN, CC, CG, CL, CR, CV, CS, and CP Districts: Land Use Regulations | 11-4 |
| | 1130 | CN, CC, CG, CL, CR, CV, CS, and CP Districts: Property Development Regulations | 11-16 |
| | 1140 | Review of Plans | 11-26 |
| **Article 13** | **I Industrial Districts** | | **13-1** |
| | 1310 | Specific Purposes | 13-1 |
| | 1320 | IL, IG, and IP Districts: Land Use Regulations | 13-2 |
| | 1330 | IL, IG, and IP Districts: Property Development Regulations | 13-11 |
| | 1340 | Review of Plans | 13-15 |
| **Article 14** | **A Agricultural District** | | **14-1** |
| | 1410 | Specific Purposes | 14-1 |
| | 1420 | Land Use Regulations | 14-1 |
| | 1430 | Development Regulations | 14-5 |
| | 1440 | Review of Plans | 14-5 |
| | 1450 | Agricultural Activities | 14-6 |
| **Article 15** | **OS Open Space District** | | **15-1** |
| | 1510 | Specific Purposes | 15-1 |
| | 1520 | Land Use Regulations | 15-1 |
| | 1530 | Development Regulations | 15-4 |
| | 1540 | Review of Plans | 15-4 |

**Article 16 PS Public and Semipublic District 16-1**

1610 Specific Purposes 16-1
1620 Land Use Regulations 16-1
1630 Development Regulations 16-5
1640 Review of Plans 16-5

**Article 17 PD Planned Development District 17-1**

1701 Specific Purposes 17-1
1702 Land Use Regulations 17-2
1703 Development Regulations 17-2
1704 Initiation 17-3
1705 Required Plans and Materials 17-3
1706 Planning Commission Action 17-3
1707 Status of PD Plan and Development Plan 17-4
1708 Status of Specific Plan 17-5
1709 Zoning Map Designation 17-6
1710 Building Permits 17-6

**Article 18 MR-P Military Reservation and Public District 18-1**

1810 Specific Purposes 18-1
1820 Governing Regulations 18-1
1830 Reclassification 18-1

**Article 19 MHP Mobile Home Park District 19-1**

1901 Specific Purposes 19-1
1902 Definitions 19-1
1903 Land Use Regulations 19-2
1904 Development Regulations 19-4
1905 Initiation 19-10
1906 Required Plans and Materials 19-10
1907 Planning Commission Action 19-11
1908 Status of MHP Development Plan 19-11
1909 Building Permits 19-12
1910 Existing Mobile Home Parks 19-12
1911 Conversion of an Existing Mobile Home Park 19-13

**PART III - OVERLAY ZONING DISTRICTS**


**Article 21 H Historic Overlay District 21-1**

2101 Specific Purposes 21-1
2102 Definitions 21-2
2103 Applicability and Zoning Map Designator 21-3
2104 Land Use and Development Regulations 21-3
2105 Criteria for Establishment of H District 21-4
2106 Criteria for Designating Historical Sites 21-4
2107 Conservation Plan Required 21-5
2108 Application Requirements 21-5
2109 Review and Approval 21-6
2110 Establishment of H Districts and Historical Site Designation 21-7
2111 Demolition and Design Review Procedures 21-7
2112 Existing Improvements 21-10
2113 Maintenance of Structures and Premises 21-10

**Article 22 SP Scenic Park Overlay District 22-1**

2201 Specific Purposes 22-1
2202 Applicability and Zoning Map Designator 22-1
2203 Land Use Regulations 22-1
2204 Development Regulations 22-2
2205 Development Plan Review 22-4

**Article 23 NC Neighborhood Conservation Overlay District 23-1**

2301 Specific Purposes 23-1
2302 Area Requirements 23-1
2303 Status of NC Neighborhood Conservation Overlay District and Approved Plan 23-1
2304 Allowable Modifications to Use Regulations and Development Standards 23-2
2305 Application for Designation 23-2
2306 Adoption of NC Overlay District and Neighborhood Conservation Plan 23-3
2307 Zoning Map Designator 23-4
2308 Building Permits 23-4

**Article 24 PBD Planned Block Development 24-1**

2401 Purpose 24-1
2402 Area Requirements 24-1
2403 Status of PBD Planned Block Development Overlay District and Approved Plan 24-1
2404 Allowable Modifications to Use Regulations and Development Standards of the underlying Zoning District 24-2
2405 Application for Designation 24-2
2406 Adoption of PBD Overlay District and Development Plan 24-3
2407 Effective Date; Lapse of Approvals; Time Extensions; Changed Plans 24-4
2408 Zoning Map Designator 24-6
2409 Building Permits 24-6

**Article 25 IS Interim Study Overlay District 25-1**

2501 Specific Purpose and Applicability 25-1
2502 Zoning Map Designator 25-1
2503 Land Use Regulations 25-1
2504 Development Regulations 25-2
2505 Expiration of IS District Ordinance; Renewal 25-2
2506 Resubmittal of Development Proposals 25-2

**Article 26 MP Master Plan Overlay District 26-1**

2601 Specific Purposes 26-1
2602 Applicability and Zoning Map Designator 26-1
2603 Land Use Regulations 26-2
2604 Development Regulations 26-2
2605 Initiation 26-2
2606 Required Plan and Materials 26-2
2607 Minimum Lot Size; Maximum Number of Dwelling Units 26-3
2608 Approval of a Master Plan 26-3
2609 Amendments to Adopted Master Plan 26-4
2610 Expiration and Renewal; Changed Plans 26-4
2611 Development Plan Review 26-4

**Article 27 N Nonconforming Use Amortization Overlay District 27-1**

2701 Specific Purposes 27-1
2702 Applicability and Zoning Map Designator 27-1
2703 Requirements for Establishment of District 27-1
2704 Alternative Schedule for Termination of Nonconforming Use 27-2

**Article 28 EQ Equestrian Overlay District 28-1**

2801 Specific Purposes 28-1
2802 Applicability 28-1
2803 Zoning Map Designator 28-2
2804 Allowable Modifications to Development Standards 28-2
2805 Land Use Regulations 28-2
2806 Development Regulations 28-3
2807 Project Review 28-5
2808 Alteration of Standards to Permit Development Consistent with General Plan 28-6

**Article 29 Senior Mobile Home Park Overlay District 29-1**

2901 Specific Purposes 29-1
2902 Definitions 29-1
2903 Zoning Map Designator 29-2
2904 Qualification for Inclusion of Properties Within the Senior Mobile Home Park Overlay District 29-2
2905 Land Use Regulations 29-2
2906 Development Regulations and Incentives 29-9
2907 Project Review 29-10
2908 Limitations on Rentals 29-10
2909 Applicability 29-10
2910 Violations 29-10
2911 Severability 29-10

**PART IV - REGULATIONS APPLYING IN ALL OR SEVERAL DISTRICTS**

**Article 30 Site Regulations** **30-1**

3001 Specific Purposes and Applicability 30-2
3002 Relocated Buildings 30-2
3003 Exterior Materials in R Districts 30-2
3004 Religious Assembly Yard Requirements 30-2
3005 Nonresidential Accessory Structures 30-2
3006 Accessory Dwelling Units 30-4
3007 Home Occupations in A, O, MHP and R Districts 30-6
3008 Swimming Pools and Hot Tubs 30-8
3010 Live Entertainment 30-8
3011 Service Stations and Automobile Washing 30-9
3012 Maximum Dwelling Unit Occupancy 30-9
3013 Development on Substandard Lots 30-10
3014 Projects Divided by District Boundaries 30-10
3015 Building Projections into Yards and Courts 30-11

3016 Front Yards in R Districts 30-12
3017 Measurement of Height 30-12
3018 Exceptions to Height Limits 30-14
3019 Landscaping, Irrigation and Hydroseeding 30-14
3020 Outdoor Facilities 30-18
3021 Screening of Mechanical Equipment 30-30
3022 Solid Waste/Recyclable Materials Storage Areas 30-30
3023 Underground Utilities 30-30
3024 Performance Standards 30-30
3025 Replaced by new Article 39/39A (adopted 10-20-10) 30-32
3026 Hazardous Materials Storage 30-32
3027 Arcades and Game Centers 30-34
3028 Employee Eating Areas 30-34
3029 Recreational Vehicle Parks 30-35
3030 Time-Share Resort Projects 30-38
3031 Bed and Breakfast Inns 30-39
3032 Affordable Housing Density Bonus 30-40
3033 Mobile Homes 30-44
3034 Animals 30-46
3035 Live/Work Quarters 30-47
3036 Helicopter Takeoff and Landing Areas 30-49
3037 Recycling Facilities 30-52
3038 Agricultural Sales Stands 30-59
3039 Hillside Development Provisions 30-60
3040 Fences and Walls 30-72
3041 Child Care Facility 30-77
3042 Mixed-use Plans 30-78

**Article 31 Off-Street Parking and Loading Regulations 31-1**

3101 Specific Purposes 31-1
3102 Basic Requirements for Off-Street Parking and Loading 31-2
3103 Off-Street Parking and Loading Spaces Required 31-4
3104 Collective Provision of Parking 31-12
3105 Reduced Parking for Other Uses 31-13
3106 Parking In-Lieu Payments 31-13
3107 Parking Spaces for the Handicapped 31-13
3108 Bicycle Parking 31-14
3109 Parking Space Dimensions 31-15
3110 Application of Dimensional Requirements 31-15
3111 Aisle Dimensions 31-16
3112 Specific Parking Area Design 31-16
3113 Parking Access from Street 31-18
3114 Driveway Widths and Clearances 31-18
3115 Driveways; Visibility 31-19
3116 Parking Area Screening: Walls and Fences 31-19

3117 Lighting 31-19
3118 Parking Lot Landscaping 31-19
3119 Driveways and Covered Parking Structure Design and Location in R Districts 31-20
3120 Additional Design Standards for Parking Lots and Structures 31-20
3121 Location and Design of Off-Street Loading Spaces 31-20
3122 Bus Turnouts and Shelters 31-21

**Article 32 Condominium Conversions 32-1**

3201 Specific Purposes 32-1
3202 Applicability 32-1
3203 Objectives 32-2
3204 Definitions 32-2
3205 Requirements 32-3
3206 Application Procedures 32-3
3207 Required Reports and Information 32-6
3208 Condominium Conversion Standards 32-10
3209 Tenant Benefits and Notification 32-12
3210 Housing Assistance Fee 32-16
3211 Effect of Proposed Conversions on the City's Low- and Moderate-Income

| | | |
|---|---|---|
| | Housing Supply | 32-16 |
| 3212 | Density Bonus for Including Low- and Moderate-Income Housing | 32-17 |
| 3213 | Retaliation | 32-18 |
| 3214 | Unlawful Detainer Defense | 32-18 |
| 3215 | Findings | 32-18 |
| 3216 | Appeals | 32-19 |

**Article 33A Signs** **33-1**

| | | |
|---|---|---|
| 3301 | Title, Purposes and Intent | 33-1 |
| 3302 | Basic Principles | 33-2 |
| 3303 | Definitions | 33-5 |
| 3304 | Allowable Signs | 33-16 |
| 3305 | Prohibited Signs | 33-28 |
| 3306 | General Sign Standards | 33-29 |
| 3307 | Procedures for Sign Approval | 33-30 |
| 3308 | Non-conforming Signs | 33-34 |
| 3309 | Enforcement | 33-36 |
| 3310 | Severability | 33-38 |

**Article 33B Signs**

| | | |
|---|---|---|
| 3311 | Title, Capacity and Scope | 33-40 |
| 3312 | Intent as to Public Forum | 33-40 |
| 3313 | Definitions | 33-40 |
| 3314 | General Prohibition | 33-41 |
| 3315 | Signs Exempt from Permit Requirements | 33-41 |
| 3316 | Kiosk Program Directional Signage | 33-42 |
| 3317 | Temporary Inanimate Signs | 33-44 |
| 3318 | Permanent Private party Signs on City Property | 33-45 |
| 3319 | Signs within the Small Craft Harbor Area | 33-46 |

**Article 34 Mobile Home Park Conversion** **34-1**

| | | |
|---|---|---|
| 3401 | Specific Purpose | 34-1 |
| 3402 | Definitions | 34-1 |
| 3403 | Permit Required | 34-2 |
| 3404 | Relocation Plan | 34-2 |
| 3405 | Findings for Conversion | 34-3 |
| 3406 | Conditions of Approval | 34-4 |
| 3407 | Waiver | 34-5 |

**Article 35 Nonconforming Uses and Structures 35-1**

3501 Purpose 35-1
3502 Nonconformity Resulting from Reclassification, Change of Ordinance or Annexation 35-1
3503 Determination of Nonconformity 35-1
3504 Nonconforming Use of Land When No Structure is Involved 35-2
3505 Abatement Period of Nonconformity 35-2
3506 Exception for Mobile Home Parks 35-2
3507 Abatement of Nonconforming Use of a Conforming Building 35-2
3508 Abatement of Nonconforming Buildings or Structures 35-3
3509 Termination of Nonconforming Status 35-3
3510 Reconstruction of Nonconforming Building Partially or Totally Destroyed 35-3
3311 Commission to Determine Conditions of Abatement 35-5
3512 Hearing, Notice 35-5
3513 Hearing, Evidence 35-5
3514 Hearing, Decision 35-5
3515 Decision, Notice to Owner 35-5
3516 Appeal 35-6
3517 Recordation 35-6

**Article 36 Separation of Regulated Uses 36-1**

3601 Statement of Purpose 36-1
3602 Regulated Uses 36-4
3603 Definitions 36-4
3604 Locational Requirements 36-10
3605 Waiver of Locational Requirements 36-11
3606 Applicability of Other Regulations 36-12
3607 Severance Clause 36-12

**Article 39 Wireless Communications Facility, Satellite Dish and Antenna Standards 39-1**

3901 Purpose and Intent 39-1
3902 Definitions 39-2
3903 Applicability 39-6
3904 Conditional Use Permit Required 39-7
3905 Administrative Conditional Use Permit 39-8
3906 Application Submittal Requirements 39-8
3907 Findings for Approval 39-11
3908 Standard Conditions of Approval 39-13
3909 Operation and Maintenance Standards 39-14
3910 Public Rights-of-Way 39-17
3911 Wireless Communication Facility Standards 39-18
3912 Locational and Siting Standards 39-22
3913 Site Development Standards 39-24

3914 Safety and Monitoring Standards 39-26
3915 Duration, Revocation and Discontinuance 39-27
3916 Existing Facilities 39-29
3917 Upgrades with New Technology 39-29
3918 Green Technology 39-29
3919 Distributed Antenna Systems 39-30
3920 Federal Preemption 39-30

**Article 39A Amateur Radio Antenna and Support Structure Standards 39A-1**

3901A Purpose, Scope and Intent 39A-1
3902A Administrative Conditional Use Permit, When Required 39A-1
3903A Operation and Maintenance Standards 39A-3
3904A Site Development Standards 39A-4
3905A Duration, Transfer, Revocation and Discontinuance 39A-5

**PART V - ADMINISTRATION**


| | | | |
|---|---|---|---|
| **Article 40** | **Environmental Review** | | **40-1** |
| | 4001 | Environmental Review | 40-1 |
| **Article 41** | **Use Permits and Variances** | | **41-1** |
| | 4101 | Purposes | 41-1 |
| | 4102 | Authority of the City Planner, Planning Commission, Harbor Board, Community Development Commission and City Council | 41-2 |
| | 4103 | Application for Use Permit or Variance | 41-2 |
| | 4104 | Notice, Administrative Decision, and Public Hearing | 41-3 |
| | 4105 | Required Findings | 41-4 |
| | 4106 | Conditions of Approval | 41-5 |
| | 4107 | Effective Date | 41-6 |
| | 4108 | Lapse of Approvals; Time Extension; Transferability; Discontinuance; Revocation | 41-6 |
| | 4109 | Changed Plans | 41-7 |
| | 4110 | Appeals | 41-7 |
| **Article 43** | **Development Plan Review** | | **43-1** |
| | 4301 | Purpose and Applicability | 43-1 |
| | 4302 | Review Requirements | 43-1 |
| | 4303 | Initiation of Development Plan Review | 43-3 |
| | 4304 | Application for Development Plan | 43-3 |
| | 4305 | Notice, Administrative Hearing, and Public Hearing | 43-5 |
| | 4306 | Required Findings | 43-6 |
| | 4307 | Conditions of Approval | 43-7 |
| | 4308 | Effective Date; Lapse of Approvals; Time Extensions; Changed Plans | 43-7 |
| | 4309 | Appeals | 43-8 |

**Article 44 Development Agreements** **44-1**

4401 Purpose 44-1
4402 Application Requirements 44-1
4403 Pre-Application Process 44-3
4404 Department Review and Recommendation 44-4
4405 Public Hearing Required 44-4
4406 Planning Commission Action 44-4
4407 City Council Action 44-4
4408 Annual Review 44-6
4409 Application of Existing Rules, Regulations, and Policies 44-8
4410 Modification and Termination 44-9
4411 Administration 44-9

**Article 45 Amendments** **45-1**

4501 Applicability 45-1
4502 Initiation of Amendments 45-1
4503 Required Application Materials for Amendments Initiated by Property Owners, Residents, or Business Owners 45-1
4504 Public Hearing Scope and Notice 45-2
4505 Duties of Planning Commission 45-3
4506 Duties of City Council 45-3
4507 Revisions of Proposed Amendments 45-4
4508 Resubmittal of Application 45-4

**Article 46 Appeals and Calls for Review** **46-1**

4601 Purpose and Authorization for Appeals and Calls for Review 46-1
4602 Rights of Appeal 46-1
4603 Time Limits for Appeals and Calls for Review 46-1
4604 Initiation of Appeals and Calls for Review 46-2
4605 Procedures for Appeals and Calls for Review 46-3
4606 Effective Date 46-3
4607 New Application 46-3
4608 California Coastal Commission Appeals 46-4

**Article 47 Enforcement** **47-1**

4701 Permits, Licenses, Certificates, and Approvals 47-1
4702 Enforcement Responsibilities 47-1
4703 Voidable Conveyances 47-1
4704 Revocation of Discretionary Permits 47-1
4705 Prosecution of Violations 47-3
4706 Penalties 47-3
4707 Additional Remedies - Abatement 47-3
4708 Additional Remedies - Civil Action 47-3