

Article 3 Definitions (Citywide)

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310 Purpose and Applicability

The purpose of this article is to ensure precision in interpretation of the zoning regulations. The meaning and construction of words and phrases defined in this article shall apply throughout the zoning regulations, except where the context clearly indicates a different meaning or construction. Definitions specifically applicable to properties within the Coastal Zone (CZ) beyond the Downtown (D-District) limits are identified by a "CZ" designation.

320 Rules for Construction of Language

In addition to the General Provisions of the City Code, the following rules of construction shall apply:

- A. The particular shall control the general.
- B. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:
 - 1. "And" indicates that all connected words or provisions shall apply.
 - 2. "Or" indicates that the connected words or provisions may apply singly or in any combination.
 - 3. "Either ... or" indicates that the connected word or provisions shall apply singly but not in combination.
- C. In case of conflict between the text and a diagram, the text shall control.
- D. All references to departments, commissions, boards, or other public agencies are to those of the City of Oceanside, unless otherwise indicated.
- E. All references to public officials are to those of the City of Oceanside, and include designated deputies of such officials, unless otherwise indicated.
- F. All references to days are to calendar days unless otherwise indicated. If a deadline falls on a weekend or holiday, it shall be extended to the next working day.
- G. Article and section headings contained herein shall not be deemed to govern, limit,

modify or in any manner affect the scope, meaning or intent of any section hereof.

- H. The present tense includes the future, and the future the present.
- I. The singular number includes the plural, and the plural the singular.
- J. References in the masculine and feminine genders are interchangeable.
- K. The words "activities" and "facilities" include any part thereof.

330 Definitions:

Abatement: The complete removal or alteration to conform to the provisions of the Comprehensive Zoning Ordinance.

Abutting or adjoining: Having district boundaries or lot lines in common.

Accessory Building or Use: A building, part of a building or structure, or use which is subordinate and incidental to that of the main building, structure or use on the same lot. If an accessory building is attached to the main building by at least a four-foot common wall, such accessory building shall be considered a part of the main building.

Acre, Gross: A measure of land area. For purposes of calculating residential density or intensity of development, a "gross developable acre" shall exclude undevelopable land, as defined by the General Plan Land Use Element, and existing, dedicated rights-of-way.

Alley: A public way permanently reserved primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

Alter: To make a change in the exterior appearance or the supporting members of a structure, such as bearing walls, columns, beams, or girders, that will prolong the life of the structure.

Animal, Domestic: Small animals of the type generally accepted as pets, including dogs, cats, rabbits, hens, fish and the like, but not including roosters, ducks, geese, pea fowl, goats, sheep, hogs or the like.

Animal, Exotic: Any wild animal not customarily confined or cultivated by man for domestic or commercial purposes but kept as a pet or for display.

Animal, Large: An animal larger than the largest breed of dogs. This term includes horses, cows, and other mammals customarily kept in corrals or stables.

Animal, Small: An animal no larger than the largest breed of dogs. This term includes fish, birds, and mammals customarily kept in kennels.

Apartment: A room, or suite of two or more rooms in a multiple dwelling, occupied or suitable for occupancy as a residence for one family.

Apartment House: A building or a portion of a building, designed for occupancy by three or more families living independently of each other, and containing three or more dwelling units.

Area, (Lot, Parcel, or Site): The horizontal area within the property lines excluding public-access corridors, vehicular access easements, easements for major overhead electrical transmission lines, permanently maintained open space easements or lots, and areas to be included in future street rights-of-way as established by easement, dedication, or ordinance.

Areas, Specified Anatomical: Human genitals (pubic region), buttocks, or female breasts below a point immediately above the areola when less than completely and opaquely covered; or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Balcony: A platform that projects from the wall of a building, typically above the first level, and is surrounded by a rail balustrade or parapet.

Basement: The portion of a building between floor and ceiling which is partly below and partly above ground but so located that the vertical distance from grade to the floor below is more than the vertical distance from grade to ceiling.

Block: All property fronting upon one side of a street between intersecting and intercepting streets, or between a street and a railroad right-of-way, waterway, terminus, or dead end street, or City boundary. Any intercepting street shall determine only the boundary of the block on the side of the street which it intercepts.

Blockface: The properties abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad right-of-way, unsubdivided land, water-course, or city boundary.

Building: Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, chattels, or property of any kind.

Building, Main: The principal building on a lot or building-site designed or used to accommodate the primary use to which the premises are devoted; where a permissible use involves more than one structure designed or used for the primary purpose, as in the case of group houses, each such permissible building on one lot as defined by this ordinance shall be constructed as comprising a main building.

Building-Site: The ground area of one lot, or (b) the ground area of two or more lots when used in combination for a building or group of buildings, together with all open spaces as required by this ordinance.

Bungalow Court: A group of three or more detached one-story, one-family or two-family dwelling located upon a single lot, together with all open spaces required by this ordinance.

California Environmental Quality Act (CEQA): California Public Resources Code, Section 2100 et seq.

Canopy: An ornamental roof like structure attached to a building and projecting over a window, doorway or pedestrian walkway.

Caretaker's Quarters: A dwelling unit on the site of a commercial, industrial, public, or semipublic use, occupied by a guard or caretaker.

City: The City of Oceanside.

City Code: The Code of the City of Oceanside, as amended.

Coastal Zone: A geographic zone adjacent to the shoreline, the boundaries of which are determined by the California Coastal Act of 1976, as amended.

Collection Buildings: Buildings with a gross floor area of 225square feet or less used for the deposit and storage of household articles or recyclables donated to a nonprofit organization.

Commercial Horse Stable: Any parcel where five or more equines are boarded, maintained, kept, housed, lodged, fed, trained, sold, bred or where instruction is offered as a commercial activity.

Conditionally Permitted: Permitted subject to approval of a conditional use permit or temporary conditional use permit.

Convenience Market: Retail sales of food, beverages and small convenience items-primarily for off-premises consumption and typically found in establishments with long or late hours of operation and a relatively small building. This definition excludes delicatessens and other specialty food shops and establishments having a sizeable assortment of fresh fruits and vegetables, and fresh cut meat or fish.

Court: An open space of prescribed dimensions opposite a required window of a habitable room in a multifamily dwelling that is unoccupied and unobstructed by structures from the ground upward to the sky, except as otherwise provided in this ordinance.

Coverage, Lot or Site: The percentage of a site covered by solid or open frame roofs, soffits, or overhangs and by decks more than 30 inches in height.

Covered Parking: A structure having a roof and housing a single parking space or multiple parking spaces which are enclosed on at least three sides. In the case of a structure housing multiple parking spaces only the rear and end walls need to be enclosed.

Dairy: Any premises where three or more cows, three or more goats, or any combination thereof, are kept, milked or maintained.

Daylight Plane: An inclined plane, beginning at a stated height above grade at a side or rear property line, and extending into the site at a stated upward angle to the horizontal, which may limit the height or horizontal extent of structures at any specific point on the site where the daylight plane is more restrictive than the height limit or the minimum yard applicable at

such point on the site (See diagram 3.1).

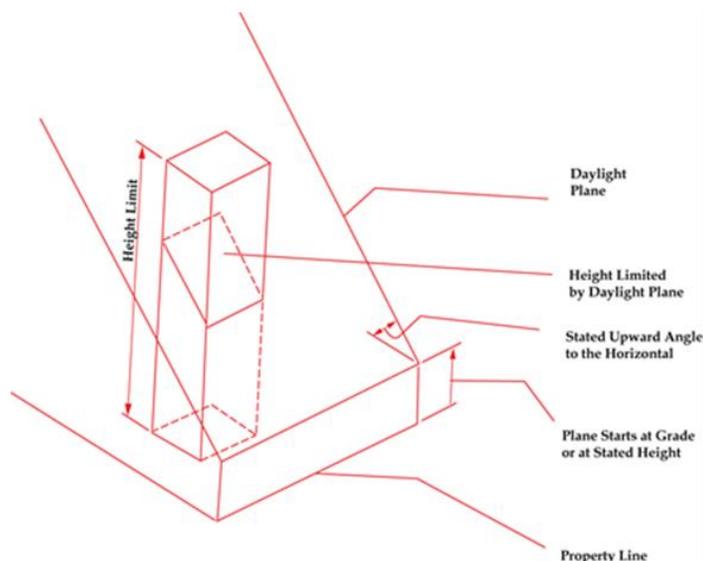


Diagram 3.1 DAYLIGHT PLANE (DIAGRAM IS ILLUSTRATIVE)

Deck: A platform, either freestanding or attached to a building, that is supported by pillars or posts (see also: Balcony).

Density: The average number of residential dwelling units per gross developable acre of land expressed as "units per acre". Density is calculated by dividing the number of residential dwelling units by the total number of gross developable acres of land. Lands considered undevelopable per Section 1.25 or the Land Use Element of the General Plan shall not be included in density calculations.

Distribution Line: An electric power line bringing power from a distribution substation to consumers.

District: A portion of the city within which the use of land and structures and the location, height, and bulk of structures are governed by this ordinance.

Drive-in Facilities: Any place of business, excluding gasoline service stations, which transact any part or all of its business directly with customers within a vehicle.

Dwelling: A building or portion thereof designed exclusively for residential purposes, including single-family, two-family, and multiple dwellings, but not including hotels.

Dwelling, Multifamily: A building containing two or more dwelling units.

Dwelling, Multiple (CZ): A building, or portion thereof, designed for occupancy by three or more families living independently of each other, and containing three or more dwelling units.

Dwelling, Single-Family: A building containing one dwelling unit.

Dwelling, Two-Family (CZ): A building designed exclusively for occupancy by two families living independently of each other, and containing two dwelling units.

Dwelling Unit: Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, as required by this Ordinance, for not more than one family.

Dwelling Unit, Accessory: 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 be located on the same parcel as a single-family dwelling is situated.

Entertainment, Live: Regulations pertaining to live entertainment in this ordinance apply to the following activities where they occur on a scheduled basis three or more days during a calendar year on the site of a use other than a Public or Semipublic use:

- A. A musical, theatrical, dance recital, cabaret, or comedy act performed by one or more persons, regardless of whether performers are compensated;
- B. Any form of dancing by patrons or guests at a business establishment;
- C. A fashion show, except when conducted within an enclosed building used primarily for the manufacture or sale of clothing.

Environmental Impact Report (EIR): A detailed report describing and analyzing the potentially significant environmental effects of a project and discussing ways to mitigate or avoid the effects in compliance with the requirements of the California Environmental Quality Act (CEQA) and its implementing guidelines.

Exemption, Categorical: An exception from the requirements of the California Environmental Quality Act (CEQA) for a class of projects, based on a finding by the California Secretary for Resources that the class of projects does not have a significant effect on the environment.

Floor Area, Gross: The total enclosed area of all floors of a building measured to the outside face of the structural members in exterior walls, and including halls, stairways, elevator shafts at each floor level, service and mechanical equipment rooms, and basement or attic areas having a height of more than 7 feet, but excluding area used exclusively for vehicle parking or loading and, in industrial areas, storage sheds with less than 150 square feet of space, bunkers, electrical substations, smoking shelters, instrument shelters and similar enclosures.

Floor Area Ratio (FAR): The gross floor area of a building or buildings on a lot divided by the lot area or site area (See diagram 3.2).

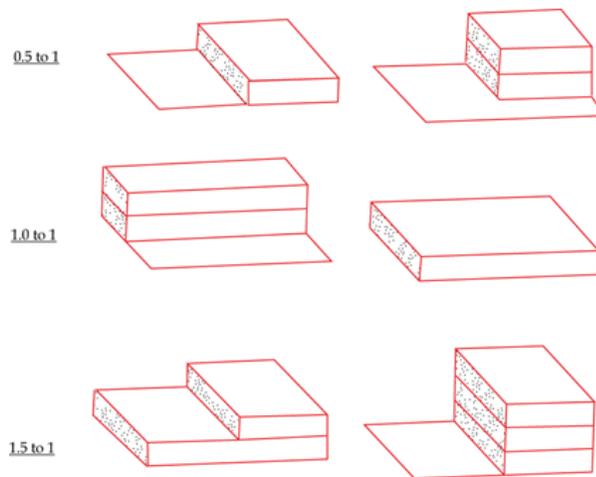


Diagram 3.2 FLOOR AREA RATIO DIAGRAM

Garage, Private: An accessory building or an accessory portion of the main building, enclosed on all sides and designed or used primarily for the shelter or storage by the occupants of the main building.

Garage, Public: A building other than a private garage used for the care, repair or equipping of automobiles, or where such vehicles are kept for rental, lease, hire or sale.

General Plan: The City of Oceanside General Plan, as amended.

Grade (CZ): The average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, the above-ground level shall be measured at the sidewalks.

Grade, Existing: The surface of the ground or pavement at a stated location as it exists prior to disturbance in preparation for a project regulated by this ordinance.

Grade, Street: The top of the curb, or the top of the edge of the pavement or traveled way where no curb exists.

Greenhouse: A building or structure constructed chiefly of glass, glass-like, translucent material, cloth or lath, which is devoted to the protection or cultivation of flowers, or other tender plants.

Group Houses (CZ): Two or more separate buildings, each containing one or more dwelling units, and including row houses.

Height: A vertical dimension measured from existing grade to the uppermost point of a structure, unless otherwise specified.

Height, Building (CZ): The vertical distance measured from the average level of the highest and lowest point of that portion of the building-site covered by the building to the ceiling of the uppermost story.

Home Occupation: Occupations conducted in a dwelling unit, garage, or accessory building in a residential district that are incidental to the principal residential use of a lot or site.

Illumination, Direct: Illumination by means of light that travels directly from its source to the viewer's eye.

Illumination, Indirect: Illumination by means only of light cast upon an opaque surface from a concealed source.

Kennel: A place where four or more adult dogs or cats are kept, whether by owners of the dogs and cats or by persons providing facilities and care, whether or not for compensation. An adult dog or cat is an animal of either sex, altered or unaltered, that has reached the age of four months.

Kitchen: Any room or portion of a room designed, intended or used for cooking or the preparation of food.

Landscaping: An area devoted to or developed and maintained with native or exotic plantings, lawn, ground cover, gardens, trees, shrubs, and other plant materials, decorative outdoor landscape elements, pools, fountains, water features, paved or decorated surfaces of rock, stone, brick, block, or similar material (excluding driveways, parking, loading, or storage areas), and sculptural elements. Plants on rooftops, porches or in boxes attached to buildings are not considered landscaping.

Landscaping, Interior: A landscaped area or areas within the shortest circumferential line defining the perimeter or exterior boundary of the parking or loading area, or similar paved area, excluding driveways or walkways providing access to the facility (as applied to parking and loading facilities or to similar paved areas).

Landscaping, Perimeter: A landscaped area adjoining and outside the shortest circumferential line defining the exterior boundary of a parking or loading area, or similar paved area, excluding driveways or walkways providing access to the facility (as applied to parking and loading facilities or to similar paved areas).

Light Equipment Rental Yard: Any outdoor enclosure or area used for storage, pickup and delivery of light equipment. Light equipment shall mean general maintenance and construction equipment generally capable of being used by the average homeowner or businessman and transported by passenger vehicle or pickup truck.

Lot: A site or parcel of land under one ownership that has been legally subdivided, resubdivided, or combined.

Lot, Corner: A site bounded by two or more adjacent street lines that have an angle of intersection of not more than 135 degrees. The front yard of a corner lot shall adjoin the shortest street property line, provided that where street property lines are substantially the same length, the City Planner shall determine the location of the front yard.

Lot Depth: The horizontal distance from the midpoint of the front-lot line to the midpoint of the rear-lot line, or to the rear most point of the lot where there is no rear-lot line. (See Diagram 3.3 – Lot Depth and Lot Width and Lot or Property Line, Front and Lot or Property Line, Rear definitions).

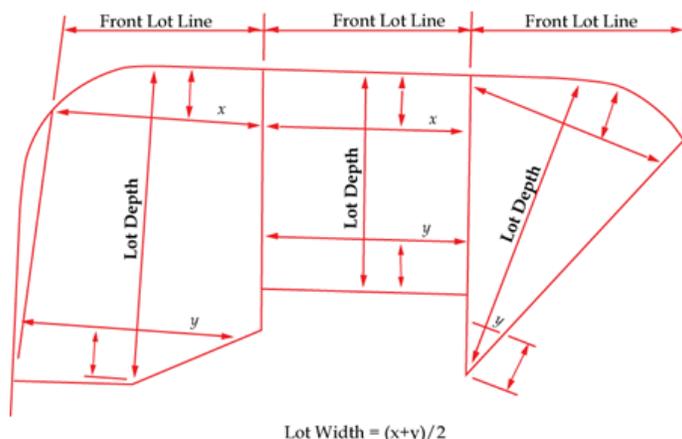


Diagram 3.3 LOT DEPTH AND LOT WIDTH DIAGRAM

Lot, Double-Frontage: An interior lot having frontage on more than one street or a corner lot having frontage on more than two streets. Each street frontage of an interior lot and the two shortest street frontages of a corner lot shall be deemed a front lot line and front yard setback requirements of the underlying district shall be met on both street frontages.

Lot or Property Line, Front: On an interior lot, a lot line separating the lot from the street. On a corner lot, the shortest lot line abutting a street, provided that where the two lot lines abutting a street are substantially the same length, the Planning Director shall determine the location of the front lot line. (See Lot, Corner and Lot, Double-Frontage definitions, above)

Lot, Key: The first lot to the rear of a reversed corner lot, whether or not separated by an alley.

Lot or Property Line, Rear: A lot line, not a front lot line, that is most parallel or approximately parallel to the front lot line. Where no lot line is within 45 degrees of being parallel to the front lot line, the rearmost point of the lot shall be used for the purpose of measuring lot depth and a line 10 feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, shall be deemed the rear lot line for the purpose of measuring the rear yard setback.

Lot or Property Line, Interior: A lot line not abutting a street or alley.

Lot or Property Line, Side: Any lot line that is not a front lot line or a rear lot line.

Lot or Property Line, Street: A lot line abutting a street.

Lot, Reversed Corner: A corner lot, the side street line of which is substantially a continuation of the front lot line of the lot upon which the rear of said corner lot abuts.

Lot, Through: A lot having frontage on two parallel or approximately parallel streets.

Lot Width: The mean of the horizontal distance between the side lot lines measured at right angles to the lot depth at points 20feet from the front lot line and 20 feet from the rear lot line, or from the rearmost point of the lot depth in cases where there is no rear lot line (See Diagram 3.3 - Lot Depth and Lot Width).

Master Plan: An overall plan for development, consistent with the requirements of Section 2606.

Municipal Code: The Municipal Code of the City of Oceanside, as amended.

Negative Declaration: A written statement by the Lead Agency describing the reasons that a proposed project will not have a significant effect on the environment and does not require the preparation of an Environmental Impact Report (EIR).

Nonconforming Sign: A sign, outdoor advertising structure, or display of any character that was lawfully erected or displayed, but which does not conform with standards for location, size or illumination for the district in which it is located by reason of adoption or amendment of this ordinance, or by reason of annexation of territory to the city.

Nonconforming Lot: A lot or position thereof which was legally subdivided, but which because of changes to the Subdivision or Zoning Ordinances does not conform to lot width, depth or area requirements of the zone in which it is located.

Nonconforming Structure: A structure that was lawfully erected but which does not conform with the property development regulations prescribed in the regulations for the district in which the structure is located by reason of adoption or amendment of this ordinance or by reason of annexation of territory to the city.

Nonconforming Use: A use of a structure of land that was lawfully established and maintained, but which does not conform with the use regulations or required conditions for the district in which it is located by reason of adoption or amendment of this ordinance or by reason of annexation of territory to the city.

Off-Street Loading Facilities: A site or portion of a site devoted to the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives, and landscaped areas.

Off-Street Parking Facilities: A site or portion of a site devoted to the off-street parking of motor vehicles, including parking spaces, aisles, access drives, and landscaped areas.

Open Space, Private: A usable open space adjoining and directly accessible to a dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests.

Open Space, Common/Shared: A usable open space within a residential development reserved for the exclusive use of all residents of the development and their guests.

Open Space, Total: The sum of private usable open space and common usable open space.

Open Space, Usable: Outdoor or unenclosed area on the ground, or on a roof, balcony, deck, porch or terrace designed and accessible for outdoor living and recreation, but excluding parking facilities, driveways, utility or service areas, required front or street side yards, any landscaped area not usable for outdoor living or recreation, or areas with slopes greater than 5 percent. The area and dimensional requirements of the underlying district shall be met.

Opposite: Walls, windows, signs, districts, or property lines shall be deemed opposite if a line perpendicular to a vertical plane through one element and having its widest horizontal dimension would intersect a similar vertical plane through another element.

Outdoor Living Area: (See Open Space, Usable)

Patio Cover: A solid or open roof structure not exceeding 12 feet in height and covering a patio, platform or deck area. Patio covers may be detached or attached to another structure. Patio covers may be enclosed, but shall only be used for recreational, outdoor living purposes and not as carports, garages, storage rooms or habitable rooms.

Permitted: Permitted without a requirement for approval of a use permit.

Porch: A covered platform, usually having a separate roof, at an entrance to a dwelling, or an open or enclosed gallery or room, which is not heated or cooled, that is attached to the outside of a building.

Pre-existing: In existence prior to the effective date of this ordinance.

Project: Any proposal for new or changed use, or for new construction, alteration, or enlargement of any structure, that is subject to the provisions of this ordinance.

Regulated Use: Any use listed in Article 36, Section 3602.

Room, Habitable: A room meeting the requirements of the Housing Code (Chapter 6, Article 5 of the City Code) for sleeping, living, cooking, or dining purposes, excluding such enclosed places as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, unfinished attics, foyers, storage spaces, cellars, utility rooms, garages, and similar spaces.

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.

Setback Line: A line within a lot parallel to a corresponding lot line, which is the boundary of any specified front, side or rear yard, or the boundary of any public right-of-way whether acquired in fee, easement or otherwise, or a line otherwise established to govern the location

of buildings, structures or uses. Where no minimum front, side or rear yards are specified, the setback line shall be coterminous with the corresponding lot line.

Sexual Activities, Specified: Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, oral copulation, or sodomy; fondling or other erotic touching of human genitals (pubic region), buttocks, or female breasts.

Single Ownership: Holding record title, possession under a contract to purchase, or possession under a lease, by a person, firm, corporation, or partnership, individually, jointly, in common, or in any other manner where the property is or will be under unitary or unified control.

Site: A lot, or group of contiguous lots not divided by an alley, street, other right-of-way, or city limit, that is proposed for development in accord with the provisions of this ordinance, and is in a single ownership or has multiple owners, all of whom join in an application for development.

Slope: 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.

Slope, Measurement of: 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).

Story: The portion of a building included between the surface of any floor and the surface of the floor next above it. If there is not floor above it, then the space between such floor and the ceiling next above it shall be considered a story. If the finished floor level directly above the basement or cellar is more than six feet above grade, such basement or cellar shall be considered a story.

Street: A public or recorded private thoroughfare which affords primary means of access to abutting property.

Street Line: The boundary line between a street and the abutting property.

Specific Plan: A plan for a defined area that is consistent with the General Plan and with the provisions of the California Government Code, Section 65450 et seq. (Specific Plans).

Street, Secondary: A collector street other than a single family collector street as defined in the Major Street Plan, having a pavement width of not less than 56 feet.

Street, Side: A street which is adjacent to a corner lot and which extends in the general direction of the line determining the depth of the lot.

Structural Alterations: Any change in the supporting members of a building such as foundations, bearing walls, columns, beams, floor or roof joints, girders or rafters, or changes in roof or exterior lines.

Structure: Any edifice constructed or erected over 30 inches above the ground, including a building or a swimming pool, but not including a fence or a wall that does not exceed 6 feet in height.

Subdivision Ordinance: The Subdivision Ordinance of the City of Oceanside, as amended.

Swimming Pools and Hot Tubs: A swimming pool or hot tub is any confined body of water, located either above or below the existing finished grade of the site which exceeds (2) feet in depth and is designed, used, or intended to be used for swimming or bathing purposes.

Transmission Line: An electric power line bringing power to a receiving or distribution substation.

Tree, Mature: Any tree with a diameter of 10 inches or more, measured 24 inches above existing grade.

Use, Accessory: A use that is appropriate, subordinate, and customarily incidental to the main use of the site and which is located on the same site as the main use.

Used: This term includes the following meanings: arranged, designed, constructed, altered, rented, leased, sold, occupied, and intended to be occupied.

Visible: Likely to be noticed by a person of average height walking on a street or sidewalk two years after installation of any planting intended to screen a view.

Window, Required: An exterior opening in a habitable room meeting the area requirements of the Housing Code (Chapter 6, Article V of the City Code).

Yard: An open space on the same site as a structure, unoccupied and unobstructed by structures from the ground upward except as otherwise provided in this ordinance, including a front yard, side yard, or rear yard.

Yard, Front: A yard extending across the full width of a site, the depth of which is the minimum horizontal distance between the front property line and a line parallel thereto on the site.

Yard, Rear: A yard extending across the full width of a site, the depth of which is the minimum horizontal distance between the rear property line and a line parallel thereto on the site, except that on a corner lot the rear yard shall extend only to the side yard abutting the street.

Yard, Side: A yard extending from the rear line of the required front yard, or the front property line of the site where no front yard is required, to the front line of the required rear

yard, or the rear property line of the site where no rear yard is required, the width of which is the horizontal distance between the side property line and a line parallel thereto on the site, except that the side yard on the street side of a corner lot shall extend to the rear lot line.

Zoning Ordinance: The Zoning Ordinance of the City of Oceanside, as amended.