

**Article 2 Organization, Applicability, and Interpretation (City-wide)**

**Sections:**

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**210 Organization**

A. Structure of Regulations. The zoning regulations are divided into five parts:

- Part I: General Provisions
- Part II: Base District Regulations
- Part III: Overlay District Regulations
- Part IV: Regulations Applying in All or Several Districts
- Part V: Administrative Regulations

B. Types of Regulations. Three types of zoning regulations control the use and development of property:

1. Land Use Regulations specify land uses permitted or conditionally permitted in each zoning district, and include special requirements, if any, applicable to specific uses. Land use regulations for base zoning districts are in Part II of the zoning regulations; land use regulations for overlay districts are in Part III. Certain regulations, applicable in all or several districts, are in Part IV.
2. Development Regulations control the height, bulk, location, and appearance of structures on development sites. Development regulations for base zoning districts are in Part II of the zoning regulations; development regulations for overlay districts are in Part III. Certain development regulations, applicable in more than one class of base or overlay districts, are in Part IV. These include parking and loading regulations; regulations for condominium conversions and mobile home park conversions; as well as site development regulations.
3. Administrative Regulations contain detailed procedures for the administration of zoning regulations, including requirements for public hearings on ordinance and map amendments, development plans, use permits, and variances; development agreements; amendments; appeals of zoning decisions; and enforcement. Administrative regulations are in Part V.

**220 General Rules for Applicability of Zoning Regulations**

- A. Applicability to Property. Zoning regulations of this Ordinance shall apply to all land within the City of Oceanside, including land owned by the City of Oceanside and other local, state, or federal agencies, where applicable, with the exception of lands within the boundaries of the D Downtown District where all D District land use and development regulations shall govern. Application of regulations to specific lots shall be governed by the zoning map.
- B. Applicability to Streets and Rights-of-Way. Public streets, utility, and other rights-of-way shall be in the same zoning district as contiguous property. Where contiguous properties are classified in different zoning districts, the centerline of the street or right-of-way shall be the district boundary, unless otherwise depicted on the zoning map.
- C. Compliance with Regulations. No land shall be used, and no structure shall be constructed, occupied, enlarged, altered, or moved in any zoning district except in accord with the provisions of this ordinance.
- D. Public Nuisance. Neither the provisions of this ordinance nor the approval of any permit authorized by this ordinance shall authorize the maintenance of any public nuisance.
- E. Compliance with Public Notice Requirements. Compliance with public notice requirements prescribed by this ordinance shall be deemed sufficient notice to allow the City to proceed with a public hearing and take action on an application, regardless of actual receipt of mailed or delivered notice.
- F. Requests for Notice. Where this ordinance requires that notice be given by first class mail to "any person who has filed a written request for such notice," the request shall be filed with the City Planner and shall be subject to the applicable fees set to cover mailing. A request for mailing of a single notice of a single decision shall not require payment of a fee.
- G. Conflict with Other Regulations. Where conflict occurs between the provisions of this ordinance and any other city code, ordinance, resolution, guideline, or regulation, the more restrictive provision shall control unless otherwise specified in this ordinance.
- H. Relation to Private Agreements. This ordinance shall not interfere with or annul any easement, covenant, or other agreement now in effect, provided that where this ordinance imposes greater restriction than imposed by an easement, covenant, or agreement, this ordinance shall control.
- I. Relation to Prior Ordinance. The provisions of this ordinance supersede all prior zoning ordinances, as amended, of the City of Oceanside, except that no provision of this ordinance shall validate or legalize any land use or structure established,

constructed, or maintained in violation of the prior zoning ordinance, as amended, unless specifically authorized by this ordinance.

- J. Zoning of Annexed Land. The City Planner shall conduct a study to determine the most appropriate General Plan designation for land proposed for annexation to the city, and shall recommend rezoning consistent with the General Plan designation. If rezoning is approved by the Planning Commission or Community Development Commission, as the case may be, and the City Council the zoning shall become effective upon annexation.
- K. Application During Local Emergency. The City Council may authorize deviations from any provision of this ordinance during a local emergency. Such deviations shall be authorized by resolution of the City Council without notice or public hearing.
- L. Severability. If any section, subsection, sentence, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, the remaining portions of this ordinance shall not be affected. It is expressly declared that this ordinance and each section, subsection, sentence, and phrase would have been adopted regardless of the fact that one or more other portions of this ordinance would be declared invalid or unconstitutional.

### **230 Applicability of Land Use and Development Regulations**

- A. Zoning Designation System. Land use and development regulations applicable to specific sites shall be shown on the zoning map by zoning designations consisting of classes of letter, or letter and number designators:
  - 1. A land use regulation designator, indicating the principal land uses permitted or conditionally permitted in each district, shall be a component of all zoning designations.
  - 2. A residential density designator, indicating a subdistrict with a specific range of dwelling unit densities consistent with the General Plan shall be a component of RE, RM, and RH (Urban) residential zoning designations.
  - 3. A CS subdistrict designator, indicating applicable subdistrict regulations consistent with the General Plan, shall be a required component of all CS Special Commercial zoning designations.
  - 4. A CZ district designator, shall be a component of zoning district designations on properties located within the coastal zone.
  - 5. Overlay district designators shall be included in a zoning designation if the provisions of one or more overlay districts are applicable to a site.

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B. Establishment of Base Zoning Districts. Base zoning districts into which the city is divided are established as follows:

<b>Base District Designator</b>	<b>Base District Name</b>	<b>Article</b>
RE-A	Residential Estate District: (0.5 to 0.9 units/ acre)	10
RE-B	Residential Estate District (1 to 3.5 units/ acre)	10
RS	Single-Family Residential District: (3.6 to 5.9 units/ acre)	10
R-1/CZ	Single Family Residential District - CZ	10C
RM-A	Medium-Density Residential District: (6 to 9.9 units/ acre)	10
RM-B	Medium-Density Residential District: (10 to 15 units/ acre)	10
RM-C	Medium-Density Residential District: (15.1 to 20.9 units/ acre)	10
RH	High-Density Residential District: (21 to 28.9 units/ acre)	10
RH-U	High-Density Residential District: (29 to 43 units/ acre)	10
R-3/CZ	Medium Density Residential District - CZ	10C
RT	Residential Tourist District	10
R-T/CZ	Residential Tourist District - CZ	10C
CN	Neighborhood Commercial District	11
C-1	Neighborhood Commercial District – CZ	11C
CC	Community Commercial District	11
CG	General Commercial District	11
C-2/CZ	General Commercial District - CZ	11C
CL	Limited Commercial District	11
CR	Commercial Recreation District	11
CV	Visitor-Commercial District	11
VC/CZ	Visitor Commercial District - CZ	11C
CS-HO	Special Commercial District Hwy-Oriented	11
CS-L	Special Commercial District Limited:	11
CP	Commercial Professional District	11
OP/CZ	Office Professional District - CZ	11C
D	Downtown District	12C
IL	Limited Industrial District	13
M-1/CZ	Light Industrial District - CZ	13C
IG	General Industrial District	13
IP	Industrial Park District	13
A	Agricultural District	14
OS	Open Space District	15
O/CZ	Open Space District - CZ	15C
PS	Public and Semipublic District	16
PUT/CZ	Public Utility & Transportation - CZ	16C

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PD	Planned Development District	17
MR-P	Military Reservation and Public District	18
MHP	Mobile Home Park District	19
H	Harbor District	20C

C. Establishment of Overlay Zoning Districts. Overlay zoning districts, one or more of which may be combined with a base district, are established as follows:

<b>Overlay District Designator</b>	<b>Overlay District Name</b>	<b>Article</b>
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H	Historic Overlay District	21
SP	Scenic Park Overlay District	22
NC	Neighborhood Conservation Overlay District	23
PBD	Planned Block Development Overlay District	24
IS	Interim Study Overlay District	25
MP	Master Plan Overlay District	26
N	Nonconforming Use Amortization Overlay District	27
EQ	Equestrian Overlay District	28
SMH	Senior Mobile Home Park Overlay District	29

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D. References to Classes of Base Districts. References to R districts refer to all residential districts; references to C districts refer to all commercial districts; and references to I districts refer to all industrial districts.

E. Zoning Consistency Matrix. To determine if a zone is consistent with a particular land use designation of the General Plan, find the zone along the top of the chart and the land use along the left side of the chart. Read down and across to the intersection and interpret the appropriate symbol. Only those zones that are indicated as "consistent" by an "A" or "C" letter designation (per Appendix A - Inland, or Appendix B – Coastal Zone) will be allowed within any particular land use category.

**Inland - Zoning District/ Land Use Designation Consistency Matrix (Appendix – A)**

	D	PD	OS	A	PS	RT	RH-U	RH	RM-C	RM-B	RM-A	RS	RE-B	RE-A	CP	CS-HO	CS-L	CV	CP	CL	CG	CN	CC	IP	IG	IL	MHP
LIGHT INDUSTRIAL		A	A		A																			A		C	
GENERAL INDUSTRIAL		A	A		A																			A	C	A	
RESEARCH PARK		A	A		A																			C			
COMMUNITY COMMERCIAL		A	A		A																		C				
NEIGHBORHOOD COMMERCIAL		A	A		A															A	A	C					
GENERAL COMMERCIAL		A	A		A													A	A	C	C						
SPECIAL COMMERCIAL		A	A		A											A	A										
COASTAL					A													C	C								
INTERSTATE & HIGHWAY		A	A		A											C		A	A								
SCENIC & RECREATION		A	A		A												C										
MISSION SAN LUIS REY			A		A												C										
COLLEGE & VANDERGRIFT		A	A		A												C										
PROFESSIONAL		A	A		A										C												
ESTATE A			A	A*	A									C													
ESTATE B			A	A*	A								C	A													
SINGLE FAMILY DETACHED			A		A							C	A														A
MEDIUM DENSITY A		A	A		A						C	A															A
MEDIUM DENSITY B		A	A		A	A				C	A	A															A
MEDIUM DENSITY C		A	A		A	A			C	A	A	A															A
HIGH DENSITY		A	A		A	A		C	A																		A
URBAN HIGH DENSITY		A	A		A	C	C	A																			A
CIVIC INSTITUTIONAL		A	A		C																						
PRIVATE INSTITUTIONAL		A	A		C																						
AGRICULTURAL			A	C	A																						
OPEN SPACE		A	C		A																						
SMA REDEVELOPMENT/ HARBOR	C																										
SMA STERLING		C	A		A																						
SMA RANCHO DEL ORO		C	A		A																						
SMA DEL ORO HILLS		C	A		A																						

In the above matrix, the letter “C” designates Zoning Districts which are found to be consistent with the corresponding Land Use Element designation and implement its policies. The letter “A” designates Zoning Districts which may be applied within the corresponding Land Use Element designation if found to be consistent with that designated land use and surrounding land uses.

\*Note: The A District may be applied to the Residential Estate Land Use Element designation when the property is designated as agricultural preserve pursuant to the California Land Conservation Act of 1965.

**Coastal Zone - Zoning District/ Land Use Designation Consistency Matrix (Appendix- B)**

	ESTATE 0-2	VERY LOW 0-3.5	LOW 0-7	MEDIUM 0-15	HIGH 15+	CLUSTER	MULTI-USE TOWNCENTER	GENERAL COMMERCIAL	PROFESSIONAL	GENERAL INDUSTRIAL	LIGHT INDUSTRIAL	NATURAL RESOURCE OVERLAY	AIRPORT OVERLAY	OPEN SPACE	AGRICULTURE	INSTITUTIONAL	MILITARY RESERVATION	HARBOR	REMARKS
<b>O</b>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	Allows for Open Space Preservation
<b>R1</b>	1	1	X	X		2						*	*			*			
<b>R3</b>	1	1	1	1	X	2	X*					*	*			*			
<b>RT</b>	1*	1*	1*	1*	X			X*				*	*			*			
<b>VC</b>								X*	X*			*	*			X*		X*	
<b>OP</b>					*		X*	X	X			*	*			*			
<b>C1</b>							X*	X	X			*	*			*			
<b>C2</b>					*		X*	X				*	*			*			
<b>M1</b>										X	X	*	*						
<b>PUT</b>	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*			
<b>H</b>																*		X	

- No mark - Inconsistent (zone not allowed in that land use category)
- X - Consistent with definition of zone restrictiveness
- \* - Consistent with CUP or special approval
- 1 - Subject to density limit as shown on General Plan
- 2 - Development plan must show cluster development

**240 Rules for Interpretation**

- A. Zoning Regulations. Where uncertainty exists regarding the interpretation of any provision of this ordinance or its application to a specific site, the City Planner shall determine the intent of the provision.
  
- B. Zoning Map. Where uncertainty exists regarding the boundary of a zoning district, the following rules shall apply:
  - 1. District boundaries shown as approximately following the property line of a lot shall be construed to follow such property line.
  - 2. On unsubdivided land, or where a district boundary divides a lot, the location of the district boundary shall be determined by using the scale appearing on the zoning map, unless the boundary location is indicated by dimensions printed on the map.
  - 3. District boundaries shown as approximately following right-of-way lines of freeways, streets, alleys, railroads, or other identifiable boundary lines shall be construed to follow such right-of-way or boundary lines.
  - 4. District boundaries shown as lying within right-of-way lines of freeways, streets, alleys, railroads, or other identifiable boundary lines shall be construed to follow the centerline of such right-of-way or boundary lines.
  - 5. Should any uncertainty remain as to the location of a district boundary or other feature shown on the zoning map, the location shall be determined by the City Planner.
  
- C. Appeals. An interpretation of the zoning regulations or zoning map by the City Planner may be appealed to the Planning Commission or Community Development Commission, as the case may be, as provided in Article 46.

**250 Effect of this Ordinance on Approved Projects**

- A. Approved Projects.
  - 1. Use permits, variances, development plans and master development plans, and tentative subdivision maps, which are valid on the effective date of this ordinance shall remain valid until their expiration date. These projects can be built in accord with the development standards in effect at the time of approval, provided that the approval is valid at the time building permits are issued and that such permit is subject to any time limits imposed pursuant to Chapter 6 of the Oceanside City Code (Building Construction Regulations). If no expiration date was established, the use permit, variance, development plan approval, or master development plan approval shall lapse two years after the effective date of the ordinance 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) The occupancy permit has been issued; or
  - (c) The use approved by the use permit is established; or
  - (d) The approval is extended; or
  - (e) In cases where a use permit, variance, development plan or master development plan is approved concurrently with a Tentative Map and a Final Map or Parcel Map is recorded, the use permit, variance, development plan or master development plan shall be effective for an additional 24 months from the date of recordation of the Final or Parcel Map.
2. No provision of this ordinance shall require any change in the plans, construction or designated use of any structure for which a building permit has been issued prior to the effective date of this ordinance or any subsequent amendment.
  3. Any reapplication for an expired permit must meet the standards in effect at the time of reapplication.