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ORDINANCE NO. 19-OR0729-1

**AN ORDINANCE OF THE CITY OF OCEANSIDE,
CALIFORNIA AMENDING THE ZONING MAP
DESIGNATION FROM AGRICULTURAL (A) TO PLANNED
DEVELOPMENT (PD) AND AMENDING THE ZONING
DISTRICT/ LAND USE DESIGNATION CONSISTENCY
MATRIX OF ARTICLE 2 OF THE 1992 ZONING ORDINANCE
(Z16-00005) TO SUPPORT THE NORTH RIVER FARMS
PROJECT, LOCATED ON NORTH RIVER ROAD IN THE
NORTHEASTERN PORTION OF THE CITY (APNs 157-100-83-
00 and 157-100-84-00)**

(Applicant: The North River Farms Project Owner, LLC)

WHEREAS, the North River Farms Project Owner, LLC (applicant) submitted a land use development application to permit development of as many as 585 new homes at an overall effective density of approximately 2.74 dwelling units per gross acre, a Village Core, approximately 68.1 acres of agricultural uses, and approximately 17.0 acres of park and open space features on a property located in the northeastern portion of the City at the western entry of the region known as South Morro Hills, along both sides of North River Road (Project). The Project site comprises APNs 157-100-83-00 and 157-100-84-00;

WHEREAS, the Project application was submitted to, and processed by, the City of Oceanside Planning Division as a concurrent application for Planning Case Nos. GPA16-00002, ZA16-00005, T16-00002, and D16-00012 in accordance with the rules and regulations of the Oceanside Municipal and Zoning Codes and state law, in furtherance of and in order to implement the Project herein described;

WHEREAS, the Zone Amendment would change the zoning designation of certain real property at the Northeastern portion of the City at the western entry of the region known as South Morro Hills (APNs 157-100-83-00 and 157-100-84-00) from Agricultural (A) to Planned Development (PD), as specified in Exhibits "A" and "B" attached hereto and incorporated by reference herein; and would amend the Zoning District/ Land Use Designation Consistency Matrix in Article 2 of the Zoning Ordinance (Appendix - A of the Zoning Ordinance) to include the PD District as consistent with both the Agricultural (A) and Single Family Detached (SFD) land use designations of the General Plan as described in Exhibit "C";

1 WHEREAS, Articles 1, 2, 3, 4 and 17 of the Zoning Ordinance are hereby attached as Exhibits
2 "D," "E," "F," "G," and "H" and incorporated by reference for the purpose of interpreting this
3 Ordinance;

4 WHEREAS, on January 28, 2019 the Planning Commission made a recommendation related
5 to the Zone Amendment (ZA 16-00005) in conjunction with General Plan Amendment (GPA16-
6 00002), at a duly noticed public hearing;

7 WHEREAS, after the January 28, 2019 hearing before the Planning Commission, revisions
8 to the Project were proposed by the Applicant that was determined to constitute a "substantial
9 modification," not previously considered by the Planning Commission, resulting in the Project as
10 revised being returned to the Planning Commission for consideration and recommendation;

11 WHEREAS, on May 6, 2019, the Planning Commission held a duly noticed public hearing
12 on the Project, considered the above identified Zone Amendment (ZA 16-00005);and the Planning
13 Commission recommended denial;

14 WHEREAS, on November 06, 2019, the City Council held a duly noticed public hearing on
15 the Project, and heard and considered written evidence and oral testimony by all interested parties on
16 the above identified Zone Amendment (ZA 16-00005);

17 WHEREAS, concurrent with this approval, on November 06, 2019, the City Council
18 approved a General Plan Amendment (GPA16-00002) by Resolution No. 2019-R0702-1 and to
19 enable potential adoption of the proposed Vesting Tentative Map and Planned Development Plan on
20 the Project site;

21 WHEREAS, a Partially Recirculated Final Environmental Impact Report ("RFEIR") was
22 prepared for certain portions of the EIR to be used, in conjunction with other environmental
23 documentation in accordance with CEQA, Public Resources Code sections 21000, et seq. and the
24 State CEQA Guidelines, California Code of Regulations, title 14, sections 15000, et seq. (State CEQA
25 Guidelines; and

26 WHEREAS, a Final Environmental Impact Report (Final EIR; SCH No. 2017111069),
27 RFEIR, Findings of Fact, and Mitigation and Monitoring and Reporting Program (MMRP) have been
28 prepared relative to the Project, and determined to be adequate, reflecting the independent judgment
29 and analysis of the City Council, and certified by the City Council;

30 WHEREAS, based upon such evidence and testimony and staff reports, this Council finds
31 that the Zone Amendment (ZA 16-00005) conforms to the General Plan of the City of Oceanside as
32

1 amended by concurrent actions described by the November 6, 2019 City Council Staff Report and is
2 in the best interest of the public health, safety, and welfare of the community;

3 WHEREAS, this Ordinance shall become effective and in force thirty (30) days after final
4 passage, after publication as required by law;

5
6 WHEREAS, based upon such evidence and testimony and staff reports, this Council finds the
7 Zone Amendment to Planned Development (PD) Zone will:

8 FINDINGS:

- 9 a) Ensure orderly and thorough planning and review procedures that will result in quality
10 urban design;
- 11 b) Encourage variety and avoid monotony by allowing greater freedom in selecting the means
12 to provide access, light, open space, and amenity;
- 13 c) Provide for development consistent with the General Plan without inviting speculative
14 rezoning applications;
- 15 d) Encourage allocation and improvement of common open space and provide for
16 maintenance of the open space at the expense of those who will directly benefit from it.
- 17 e) Encourage the assembly of properties that might otherwise be developed in unrelated
18 increments to the detriment of surrounding neighborhoods; and
- 19 f) Provide for the development of land uses consistent with the policies of the Land Use
20 Element of the General Plan, including those that encourage the development of a variety
21 of housing opportunities, resulting in a significant expansion of the housing stock in
22 Oceanside for a variety of income groups.

23 NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Oceanside as
24 follows:

25 1. The Zoning Amendment application ZA16-00005 for certain real property described in
26 Exhibit "A" (Legal Description) and Exhibit "B" (Zoning Amendment Map) attached hereto, and for
27 certain text amendments at Article 2, Inland - Zoning District/ Land Use Designation Consistency
28 Matrix (Appendix – A) described in Exhibit "C" (Zoning District/ Land Use Designation Consistency
29 Matrix), is hereby approved and adopted. The City Planner is directed to amend the appropriate
30 Zoning Map and Zoning District/Land Use Designation Consistency Matrix to show the adopted
31 Zoning Amendment. All exhibits are attached hereto and incorporated by reference as though set
32 forth in full.

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2. This ordinance shall not be codified.

3. The City Clerk of the City of Oceanside is hereby directed to publish this Ordinance once within fifteen (15) days after its passage in a newspaper of general circulation published in the City of Oceanside.

4. This ordinance shall take effect and be in force on the thirtieth (30th) day from and after its final passage.

5. Notice is hereby given that the time period within which judicial review must be sought on this decision is governed by Government Code Section 65009(c)(1)(B).

6. Severability: If any section, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

INTRODUCED at a regular meeting of the City Council of the City of Oceanside, California held on the 6th day of November 2019, and, thereafter,

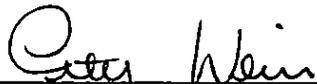
PASSED, ADOPTED by the City Council of the City of Oceanside, California, this 20th day of November, 2019 by the following vote:

AYES: WEISS, FELLER, RODRIGUEZ

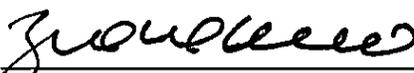
NAYES: KEIM, SANCHEZ

ABSENT: NONE

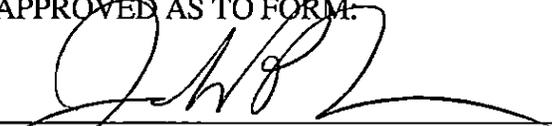
ABSTAIN: NONE



Mayor of the City of Oceanside

ATTEST:


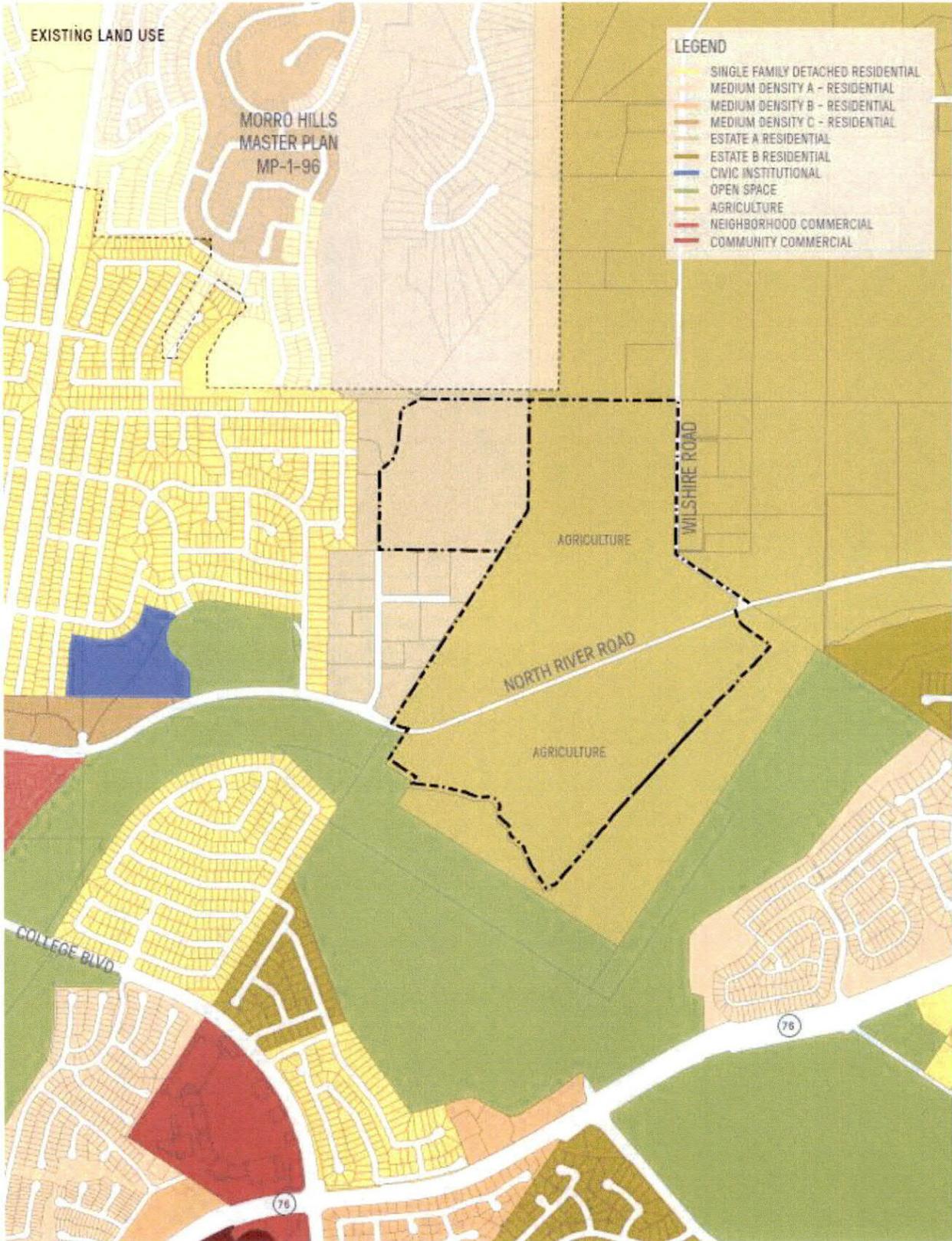
City Clerk

APPROVED AS TO FORM:


City Attorney

Exhibit A





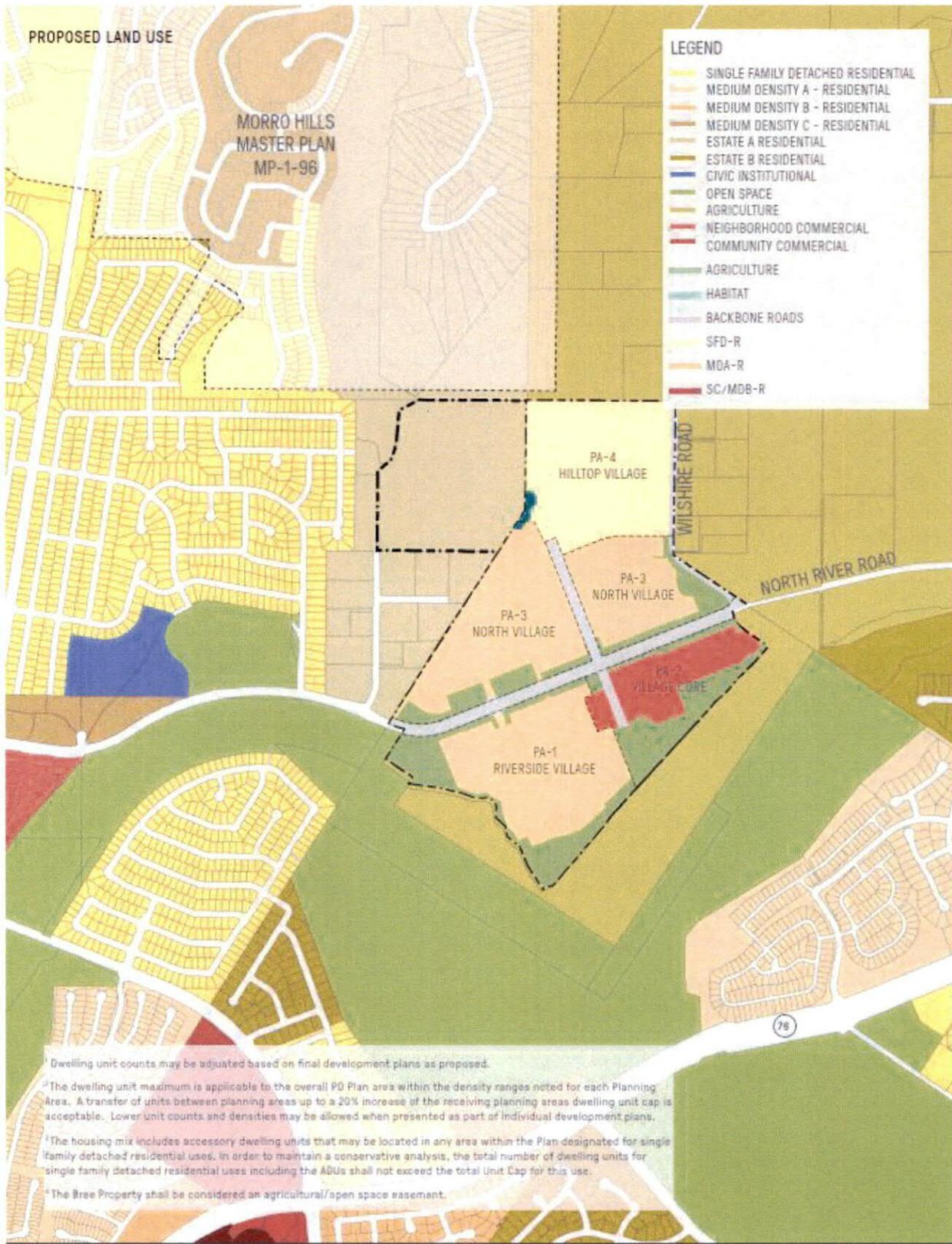
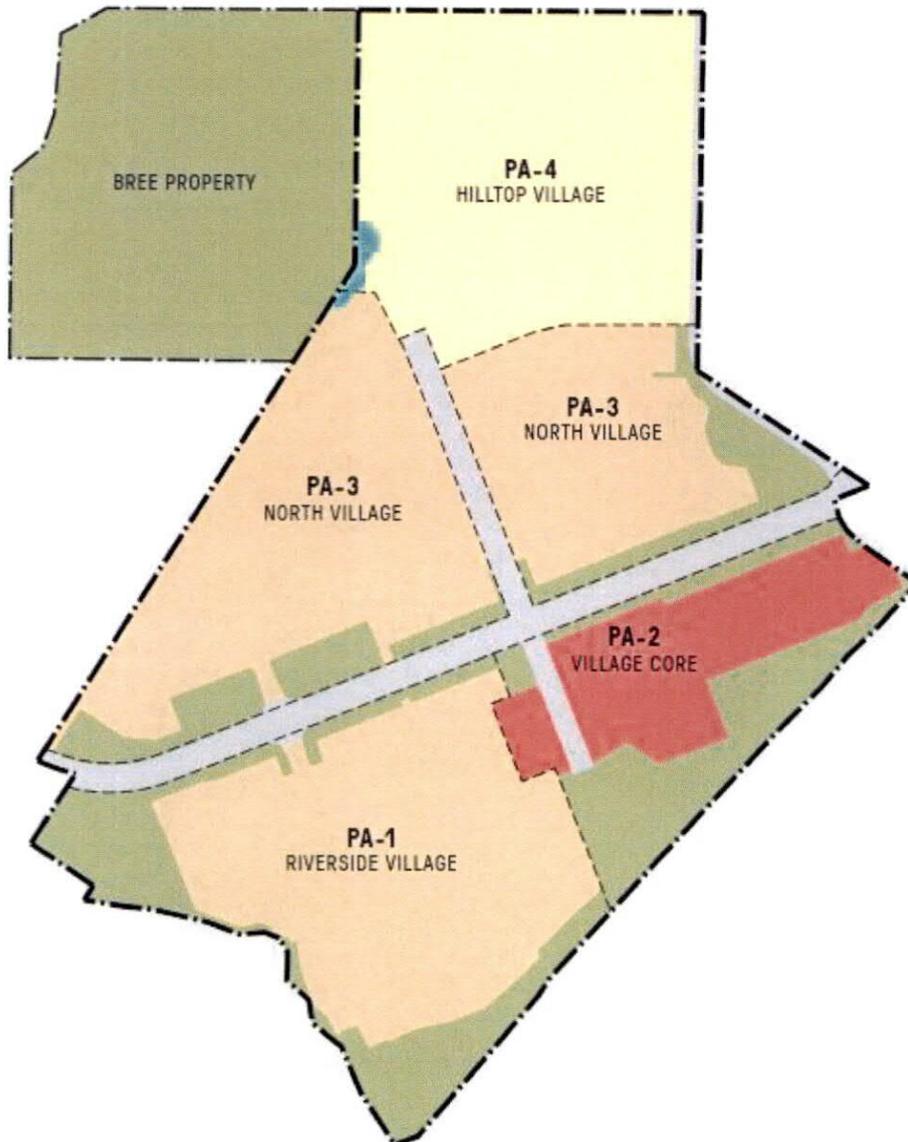


Exhibit B

PROPOSED LAND USE



¹ Dwelling unit counts may be adjusted based on final development plans as proposed.

² The dwelling unit maximum is applicable to the overall PD Plan area within the density ranges noted for each Planning Area. A transfer of units between planning areas up to a 20% increase of the receiving planning area dwelling unit cap is acceptable. Lower unit counts and densities may be allowed when presented as part of individual development plans.

³ The housing mix includes accessory dwelling units that may be located in any area within the Plan designated for single family detached residential uses. In order to maintain a conservative analysis, the total number of dwelling units for single family detached residential uses including the ADUs shall not exceed the total Unit Cap for this use.

⁴ The Bree Property shall be considered an agricultural/open space easement.

LEGEND

- AGRICULTURE
- HABITAT
- BACKBONE ROADS
- SFD-R
- MDA-R
- SC/MDB-R

Exhibit C

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												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		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	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.

CITY OF OCEANSIDE COMPREHENSIVE ZONING ORDINANCE

Article 1 Title, Components, and Purposes (City-wide)**Sections:**

- 110 Title
- 120 Components
- 130 Purposes
- 140 Consideration and Processing of Discretionary Applications

110 Title

This ordinance shall be known and cited as the "Zoning Ordinance of the City of Oceanside," "The Comprehensive Zoning Ordinance," or "The Zoning Ordinance."

120 Components

The Zoning Ordinance shall have the following components:

- A. Regulations, known as the zoning regulations, establishing various classes of zoning districts and governing the use of land and the placement of buildings and improvements within districts.
- B. A map or set of maps, known as the zoning map, delineating the boundaries of zoning districts within the City of Oceanside.

A copy of the zoning regulations and the zoning map, together with a record of all amendments, shall be kept on file with the City Clerk and shall constitute the original record. A copy of the zoning regulations and zoning map currently in effect shall also be kept on file with the City Planner.

130 Purposes

The broad purposes of the Zoning Ordinance are to protect and promote the public health, safety, and general welfare, and to implement the policies of the City of Oceanside General Plan, as provided in the California Government Code, Title 7, Chapters 3 and 4 and in the California Constitution, Article 11, Section 7. More specifically, the Zoning Ordinance is intended to:

- A. Provide a precise guide for the physical development of the City in order to:
 - 1. Preserve the character and quality of residential neighborhoods;
 - 2. Foster convenient, harmonious, and workable relationships among land uses; and
 - 3. Achieve progressively the arrangement of land uses described in the Land Use Element of the General Plan.
-

CITY OF OCEANSIDE COMPREHENSIVE ZONING ORDINANCE

- B. Promote the economic stability of existing land uses that are consistent with the Land Use Element of the General Plan and protect them from intrusions by inharmonious or harmful land uses.
- C. Prevent excessive population densities and overcrowding of land or buildings.
- D. Ensure the provision of adequate open space.
- E. Permit the development of office, commercial, industrial, and related land uses that are consistent with the Land Use Element of the General Plan, in order to strengthen the city's economic base.
- F. Conserve and enhance the city's architectural and cultural resources.
- G. Prevent the pollution of the air and bodies of water, and to encourage the wise use and sound management of the natural resources throughout the city in order to preserve the integrity, stability, and beauty of the city and the value of the land.
- H. Preserve the natural beauty of the topography of the city and ensure appropriate development with regard to these natural features and promote the maximum aesthetic values for all land, land uses, buildings and structures in the city.
- I. Conserve and enhance key visual features of Oceanside's setting, including the shoreline and the strand, the Guajome Regional Park, the Mission San Luis Rey historic area, and undeveloped hillsides and ridgelines, consistent with the Land Use Element of the General Plan.
- J. Require the provision of adequate off-street parking and loading facilities, and promote the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the city, having particular regard to the avoidance of congestion in the streets and the provision of safe and convenient vehicular and pedestrian movements.
- K. Ensure that service demands of new development will not exceed the capacities of existing public facilities and services.
- L. Manage and control residential and nonresidential growth by timing and phasing the extension or construction of public facilities and services consistent with the General Plan and in accordance with the planned long-term buildout of community areas as provided in capital-improvement programs.
- M. Promote housing of such types, sizes and cost as will allow city residents of whatever economic condition to reside in safe, sanitary dwelling units.
- N. Encourage innovative and desirable approaches to designed development.
- O. Promote a distinctive sense of place as well as community identity within the city.

P. Implement adopted growth-management policies.

140 Consideration and Processing of Discretionary Applications

In the consideration of any discretionary application pursuant to the provisions of this ordinance, the City official or body charged with review responsibility shall not approve any such application unless it is established that the development will be appropriately timed and phased such that the development will be supported by adequate public facilities and services, and such that appropriate measures can be taken to mitigate adverse environmental impacts. Adequacy of public facilities and services shall be determined in accordance with the planned long-term buildout of community areas as provided in capital-improvement programs in which facilities are actually available or funded and the General Plan elements in effect at the time of the consideration of the application.

When a discretionary application is contingent upon approval of a General Plan amendment and/or zoning amendment, the Planning Commission shall make a recommendation to the City Council regarding the discretionary application and the General Plan amendment and/or zoning amendment. The City Council shall then review and take final action on both the discretionary application and the general plan and/or zoning ordinance amendment.

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

Sections:

- 210 Organization
- 220 General Rules for Applicability of Zoning Regulations
- 230 Applicability of Land Use and Development Regulations
- 240 Rules for Interpretation
- 250 Effect of this Ordinance on Approved Projects

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.

CITY OF OCEANSIDE COMPREHENSIVE ZONING ORDINANCE

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

Base District Designator	Base District Name	Article
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

CITY OF OCEANSIDE COMPREHENSIVE ZONING ORDINANCE

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:

Overlay District Designator	Overlay District Name	Article
<hr/>		
-		
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

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 left side of the chart and the land use along the top 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.

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.

Article 3 Definitions (Citywide)

Sections:

- 310 Purpose and Applicability
- 320 Rules for Construction of Language
- 330 Definitions

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.

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- 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 Domestic Farm: Animals of this type which are normally kept and raised on farms or ranches, including horses, donkeys, llamas, alpacas, mules, cows, sheep, goats and hogs.

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.

Agritourism: A form of commercial enterprise that links agricultural production and/or processing with tourism in order to attract visitors onto a farm, ranch or other agricultural business for the purposes of entertaining and/or educating the visitors and generating income for the farm, ranch or business owner.

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

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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).

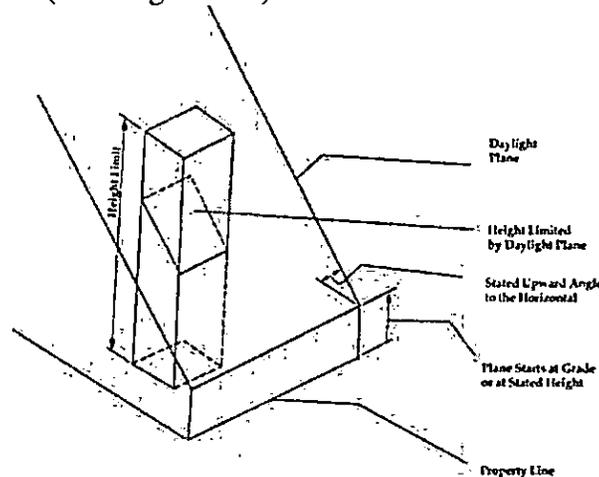


Diagram 3.1 DAYLIGHT PLANE (DIAGRAM IS ILLUSTRATIVE)

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

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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.

Farm or Ranch: Any place from which \$1,000 or more of agricultural products were produced and sold, or normally would have been sold, during a given year.

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).

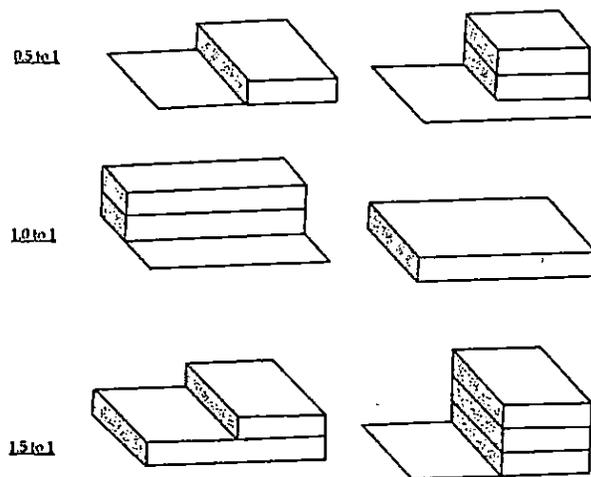


Diagram 3.2 FLOOR AREA RATIO DIAGRAM

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

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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).

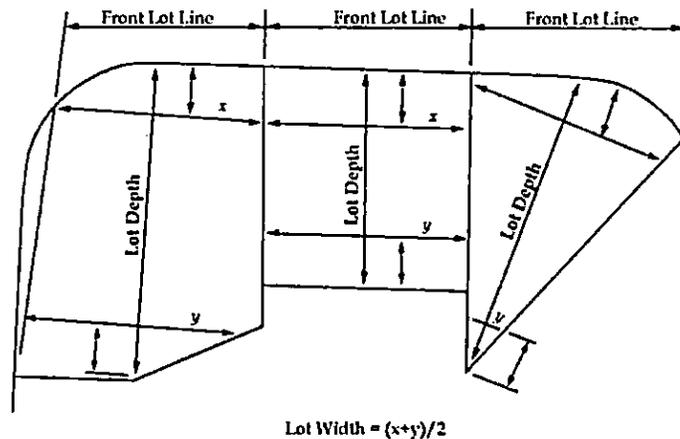


Diagram 3.3 LOT DEPTH AND LOT WIDTH DIAGRAM

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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 20 feet 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).

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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)

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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.

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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.

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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.

Article 4 Use Classifications (Inland & Coastal Districts – Exclusive of Downtown)

Sections:

- 410 Purpose and Applicability
- 411 Uses Not Classified
- 412 Residential Use Classifications
- 413 Public and Semipublic Use Classifications
- 414 Commercial Use Classifications
- 415 Industrial Use Classifications
- 416 Agricultural and Extractive Use Classifications
- 417 Accessory Use Classifications
- 418 Temporary Use Classifications

410 Purpose and Applicability

Use classifications describe one or more uses having similar characteristics, but do not list every use or activity that may appropriately be within the classification. The City Planner shall determine whether a specific use shall be deemed to be within one or more use classifications or not within any classification in this Title. The City Planner may determine that a specific use shall not be deemed to be within a classification, whether or not named within the classification, if its characteristics are substantially incompatible with those typical of uses named within the classification. The City Planner's decision may be appealed to the Planning Commission.

411 Uses Not Classified

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.

412 Residential Use Classifications

- A. Day Care, Limited. Non-medical care and supervision of up to and including fourteen persons on a less than 24-hour basis within a licensee's home for children and adults.
- B. Group Residential. Shared living quarters without separate kitchen or bathroom facilities for each room or unit. This classification includes roominghouse/boarderhouse, dormitories, fraternities, sororities, and private residential clubs, but excludes residential hotels (see Single-Room Occupancy (SRO) Residential Hotels).
- C. Live/Work Quarters. An area comprising one or more rooms in a building originally designed for industrial or commercial occupancy that includes cooking space, sanitary

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facilities, and working space for artists, artisans and similarly activities and Custom Industry uses as defined herein.

- D. Multifamily Residential. Two or more dwelling units on a site. This classification includes mobile home and factory-built housing.
- E. Residential Care, Limited. Twenty-four-hour non-medical care for six or fewer persons in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living.
- F. Single-Family Residential. Buildings containing one dwelling unit located on a single lot. This classification includes mobile home and factory-built housing.
- G. RV Parks. A facility renting or leasing space on a short-term or long-term basis to owners or users of recreational vehicles, not for permanent residence.
- H. Transitional Housing. Buildings configured as rental housing developments but operated under program requirements that call for the termination of assistance and recirculation of assisted units to other eligible program recipients at some predetermined future point in time, which shall be no less than six months and no more than 24 months from initial occupancy. Transitional housing offers either on or off-site access to social services, counseling, and other programs to assist formerly homeless residents in the transition to permanent housing. This classification does not include facilities licensed for residential care by the State of California or homeless shelters.
- I. Supportive Housing. Rental housing developments receiving assistance under the Multifamily Housing Program regulated through California Code of Regulations, Title 25, Article 7, Section 4. Such housing is occupied by a target population, as defined by Health and safety Code Section 53260(d), and linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing has no limit on length of stay.

413 Public and Semipublic Use Classifications

- A. Airport. Runways and related facilities for airplane landing and take-off.
- B. Cemetery. Land used or intended to be used for the burial of human remains and dedicated for cemetery purposes. Cemetery purposes include columbariums, crematoriums, mausoleums, and mortuaries operated in conjunction with the cemetery.
- C. Child Care. Non-medical care and supervision on a less than 24-hour basis in any care facility of any capacity, and not within a licensee's home for persons under the age of 18.
- D. Clubs and Lodges. Meeting, recreational, or social facilities of a private or nonprofit organization primarily for use by members or guests. This classification includes union

halls, social clubs, youth, and senior centers.

1. Small scale. Establishments occupying no more than 5,000 square feet.
- E. Convalescent Facilities. Establishments providing care on a 24-hour basis for persons requiring regular medical attention, but excluding facilities providing surgical or emergency medical services.
- F. Cultural Institutions. Nonprofit institutions displaying or preserving objects of interest in one or more of the arts or sciences. This classification includes libraries, museums, and art galleries.
1. Small-scale. Establishments occupying no more than 5,000 square feet.
- G. Day Care, General. Non-medical care and supervision on a less than 24-hour basis in any care facility of any capacity, and not within a licensee's home for persons over the age of 18.
- H. Detention Facilities. Publicly owned and operated facilities providing housing, care, and supervision for persons confined by law.
- I. Emergency Health Care. Facilities providing emergency medical service with no provision for continuing care on an inpatient basis.
- J. Emergency Shelter. Housing with minimal supportive services for homeless persons that is limited to occupancy of 120 days or less in a 365-day period. No individual or household may be denied emergency shelter because of an inability to pay. Such accommodations may include basic supportive services such as food, shower and rest room facilities, laundry room, storage areas, and limited administrative or intake offices.
- K. Government Offices. Administrative, clerical, or public contact offices of a government agency, including postal facilities, together with incidental storage and maintenance of vehicles.
1. Small-scale. Establishments occupying no more than 5,000 square feet.
- L. Heliports. Pads and facilities enabling takeoffs and landings by helicopters.
- M. Hospitals. Facilities providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons, primarily on an inpatient basis. This classification includes incidental facilities for outpatient treatment, as well as training, research, and administrative services for patients and employees.
- N. Maintenance and Service Facilities. Facilities providing maintenance and repair services for vehicles and equipment, and materials storage areas. This classification includes

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corporation yards, equipment service centers, and similar facilities.

- O. Marinas. A boat basis with docks, mooring facilities, supplies and equipment for boats.
- P. Park and Recreation Facilities. Noncommercial parks, playgrounds, recreation facilities, and open spaces.
- Q. Public Safety Facilities. Facilities for public safety and emergency services, including police and fire protection.
 - 1. Small-scale. Establishments occupying no more than 5,000 square feet.
- R. Religious Assembly. Facilities for religious worship and incidental religious education and other religious facility related supportive and social services. This use classification specifically excludes private schools as defined in this section.
 - 1. Small-scale. Establishments occupying no more than 5,000 square feet.
- S. Residential Care, General. Twenty-four hour non-medical care for seven or more persons, including wards of the juvenile court, in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living.
- T. Resource Centers. Neighborhood facilities that are City-sponsored or under the control of the City and are used for neighborhood safety, enhancement, education, health care, and other similar neighborhood programs.
- U. Schools, Public or Private. Educational institutions having a curriculum comparable to that required in the public schools of the State of California.
- V. Utilities, Major. Generating plants, electrical substations, aboveground electrical transmission lines, lone switching buildings, refuse collection, transfer, recycling or disposal facilities, water reservoirs, flood control or drainage facilities, water or waste water treatment plants, transportation or communications utilities, and similar facilities of public agencies or public utilities. A structure that may have a significant effect on surrounding uses shall be regulated under this classification.
- W. Utilities, Minor. Utility facilities that are necessary to support legally established uses and involve only minor structures such as electrical distribution lines, underground water and sewer lines, and recycling centers within convenience zones, as defined by the California Beverage Container Recycling and Litter Reduction Act.

414 Commercial Use Classifications

- A. Adult Business. An Adult Business is any business, where employees, independent contractors, or patrons expose "specified anatomical areas" or engage in "specified sexual activities," or any business which offers to its patrons services or entertainment

characterized by an emphasis on matter depicting, exposing, describing, discussing or relating to "specified sexual activities or "specified anatomical areas".

A use which has a majority of its conduct of activities, floor area, stock-in-trade, or revenue derived from, material characterized by an emphasis on matter depicting, exposing, describing, discussing or relating to "specified sexual activities" or "specified anatomical areas", shall be considered to be an Adult Business.

Adult Businesses do not include bona fide medical establishments operated by properly licensed and registered medical personnel with appropriate medical credentials for the treatment of patients.

Adult Businesses include, but are not limited to the following:

1. Adult Bookstore/Novelty Store/Video Store. An establishment which has: (1) a substantial or significant portion of its gross revenues or of its stock in trade, books, magazines, and other periodicals or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas"; or (2) a substantial or significant portion of its stock in trade, instruments, devices or paraphernalia designed for use in connection with "Specified Sexual Activities".
2. Adult Entertainment Business. Any establishment that (1) is customarily only open to adults and excludes minors by reason of age, and (2) devotes a substantial or significant portion of its stock in trade to the sale or display of instruments, devices, or paraphernalia which are designed for use in connection with "Specified Sexual Activities".
3. Adult Cabaret. A nightclub, bar, restaurant, or similar commercial establishment which regularly features: (1) persons who appear in a state of nudity; or (2) live performances which are characterized by the exposure of "Specified Anatomical Areas" or by "Specified Sexual Activities"; or (3) films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "Specified Sexual Activities" or "Specified Anatomical Areas".
4. Adult Motel. A motel or similar establishment offering public accommodations for any consideration, which provides patrons with material distinguished or characterized by an emphasis on depiction or description of "Specified Sexual Activities" or "Specified Anatomical Areas".
5. Adult Motion Picture Theater. An enclosed building used for presenting motion picture films, video cassettes, cable television, or any other such visual media, distinguished or characterized by an emphasis on matter depicting, describing or relating to

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"Specified Sexual Activities" or "Specified Anatomical Areas" for observation by patrons therein.

6. **Adult Theater.** A theater, concert hall, auditorium, or other similar establishment, either indoor or outdoor in nature, which regularly features live performances which are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by patrons.
7. **Figure Studio.** Any premises on which the business of furnishing nude models who pose for the purpose of being photographed, sketched, painted, drawn or observed by persons who pay a fee, or other consideration or compensation, or a gratuity, for the right or opportunity to depict or observe the model, or for admission to, or for permission to remain upon, or as a condition for remaining upon, the premises.

The term model shall include: Any person, male or female, who poses nude to be photographed, sketched, painted, drawn or observed.

The term nude shall include: Completely without clothing; or with any pubic area exposed; or with the pubic area covered in such a manner that the private parts are visible or the form thereof discernible; or with the breasts exposed by female so that the nipples thereof are exposed.

"Figure studio" does not include any studio or classroom which is operated by any public agency, or any private post-secondary educational institution authorized by California state law to issue and confer a diploma or degree.

8. **Peep-Show Establishment.** Peep-Show Establishment as defined in the Oceanside City Code.

B. **Ambulance Services.** Provision of emergency medical care or transportation, including incidental storage and maintenance of vehicles.

C. **Animal Sales and Services.**

1. **Animal Boarding.** Provision of shelter and care for animals on a commercial basis. This classification includes activities such as feeding, exercising, grooming, and incidental medical care.
2. **Animal Grooming.** Provision of bathing and trimming services for animals on a commercial basis. This classification includes boarding of domestic animals for a maximum period of 48 hours.
3. **Animal Hospitals.** Establishments where animals receive medical and surgical treatment. This classification includes only facilities that are entirely enclosed, soundproofed, and air-conditioned. Grooming and temporary (30 days) boarding of animals is included if incidental to the hospital use.

4. Animals: Retail Sales. Retail sales and boarding of animals provided such activities take place within an entirely enclosed building. This classification includes grooming if incidental to the retail use, and boarding of animals not offered for sale for a maximum period of 48 hours.

- D. Artists' Studios. Work and display space for artists and artisans, including individuals practicing one of the fine arts or performing arts, or skilled in an applied art or craft.
 1. Small-scale. Establishments occupying no more than 5,000 square feet.

- E. Banks and Savings and Loans. Financial institutions that provide retail banking services to individuals and businesses. This classification is limited to institutions engaged in the on-site circulation of cash money including businesses offering check-cashing facilities.
 1. Drive-through/Drive-up Service. Institutions providing self-service banking facilities that are not associated with a primary banking or savings and loan building located on the same site.
 2. Self-service Facilities (ATM's). Institutions providing self-service banking facilities that are not associated with a primary banking or savings and loan building located on the same site.

- F. Bars and Cocktail Lounges. Any premises designed, used or intended to be used for the selling or serving of alcoholic beverages to the public for consumption on the premises, and in which food is not sold or served to the public as in a bona fide restaurant. Ancillary tasting facilities associated with craft breweries and craft wineries shall not be considered to constitute bars or cocktail lounges as here defined.

- G. Bath Houses. Any establishment or business which has as its primary activity or service the provision of communal or private bathing in a sauna, jacuzzi or other therapeutic bath, save and except for bathing conducted as part of a hydrotherapy treatment practiced by or under the supervision of a medical practitioner who is formally associated therewith.

- H. Brewery, Craft. A small-scale beer manufacturing facility that includes designated floor area (comprising no less than 20 percent and no more than 40 percent of the total floor area) for product sampling and/or retail sales of beer conforming to state requirements. Retail sales of craft brewery merchandise including mugs, pint glasses, growlers, tap handles, coasters, apparel, signs, bottle openers, and books are also permitted. A craft brewery shall produce a minimum of 250 barrels annually and not exceed a maximum output of 15,000 barrels annually (with a barrel of beer being equal to 31 U.S. gallons). Facilities housing a craft brewery shall not exceed 15,000 square feet of floor area. The category of a craft brewery (based upon floor area and scale of operation) shall determine the appropriate review and approval process, as specified below. Such facilities shall be subject to the following limitations:

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1. Other than business name and/or logo, such uses shall not display exterior signage (including advertising directed to the exterior from interior spaces) that promotes the availability of alcoholic beverages.
2. There shall be no amusement or video machines maintained on the premises.
3. There shall be no “happy hour” or regular periods of reduced-priced alcoholic beverages.
4. Amplified live entertainment shall require issuance of an Administrative Use Permit.
5. Ancillary food service involving outdoor equipment (e.g., food trucks) shall require issuance of an Outdoor Facilities Permit.
6. Delivery/distribution activities involving Class 4 or higher vehicles shall not occur between the hours of 10 p.m. and 7 a.m.
7. Hours of operations shall not extend beyond 10 p.m., unless extended hours of operation are approved through a Conditional Use Permit.

Craft breweries shall be regulated under the following tiered review and approval process:

1. Tier 1: Produces at least 250 and no more than 10,000 barrels annually and does not exceed 10,000 square feet of floor area. Tier 1 facilities are subject to approval of an Administrative Conditional Use Permit (ACUP) when not abutting residential zoning districts, schools, and/or churches. Tier 1 facilities abutting residential zoning districts, schools, and/or churches are subject to approval of a Conditional Use Permit (CUP).
 2. Tier 2: Produces at least 750 and no more than 15,000 barrels annually and does not exceed 15,000 square feet of floor area. Tier 2 facilities are subject to approval of a Conditional Use Permit (CUP).
- I. Building Materials and Services. Retailing, wholesaling, or rental of building supplies or equipment. This classification includes lumber yards, tool and equipment sales or rental establishments, and building contractors' yards, but excludes establishments devoted exclusively to retail sales of paint and hardware, and activities classified under Vehicle/Equipment Sales and Services, including vehicle towing services.
- J. Catering Services. Preparation and delivery of food and beverages for off-site consumption with provision for on-site pickup or consumption not to exceed 1,000 square feet. (See also Eating and Drinking Establishments.)
- K. Commercial Recreation and Entertainment. Provision of participant or spectator recreation or entertainment. This classification includes theaters, sports stadiums and arenas, amusement parks, bowling alleys, billiard parlors, pool rooms, dance halls, ice/roller skating rinks, golf courses, miniature golf courses, scale-model courses, shooting galleries, tennis/racquetball courts, arcades and games centers having five or more coin-operated game machines and card rooms.

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1. Dance Establishment. Any premises wherein a public dance, as defined in the Oceanside City Code, is held.
 2. Pool Rooms, Billiard Rooms, and Shooting Galleries. Pool rooms, billiard rooms, and shooting galleries as defined in the Oceanside City Code.
 3. Arcades and Game Centers. Any place having five or more coin-operated, slug-operated, or any type of amusement or entertainment machines for which payment is necessary for operation. These include, but are not limited to pinball machines and video games, but do not include merchandise vending machines or mini-jukeboxes (See Section 3027, Arcades and Game Centers).
 4. Limited. Indoor movie theaters and performing arts theaters.
 5. Small-scale. Establishments occupying no more than 5,000 square feet.
- L. Communications Facilities. Broadcasting, recording, and other communication services accomplished through electronic or telephonic mechanisms, but excluding Utilities (Major). This classification includes radio, television, or recording studios; telephone switching centers; and telegraph offices.
- M. Food and Beverage Kiosk. An establishment that provides walk-up and/or drive-thru food and beverage services only through a kiosk window for off-site consumption. The sale and consumption of alcoholic beverages is prohibited.
- N. Food and Beverage Sales. Retail sales of food and beverages for off-site preparation and consumption. Typical uses include groceries, liquor stores, or delicatessens. Establishments at which 20 percent or more of the transactions are sales of prepared food for on-site or take-out consumption shall be classified as Catering Services or Eating and Drinking Establishments.
1. Convenience Markets. Retail sales of food, beverage and small convenience items typically found in establishments with long or late hours of operation. This definition excludes delicatessens and other specialty food shops having a sizeable assortment of fresh fruits and vegetables, and fresh-cut meat or fish.
 2. Liquor Store. A place or business engaged in the primary business of off-sale alcoholic beverages. For the purposes of this ordinance, primary business shall mean 25 percent or more of the shelf area of a business.
- O. Funeral and Interment Services. Establishments primarily engaged in the provision of services involving the care, preparation or disposition of human dead other than in cemeteries. Typical uses include crematories, columbariums, mausoleums or mortuaries.
- P. Home Improvement. Retailing or wholesaling of goods to be used for home improvements or the furnishing of homes. This classification is limited to specialty businesses in which

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the primary inventory of the business includes one of the following merchandise; furniture, carpet and other floor coverings, window coverings, wall coverings, bed and bath products, kitchen remodels, doors and windows, garage doors, glass, paint, mattresses, cabinets and shelves, fireplaces, patios, lighting materials, pool and spas, and similar uses. This use classification does not include a comprehensive home improvement store.

- Q. Horticulture, Limited. The raising of fruits, vegetables, flowers, ornamental trees and shrubs on sites of 2.5 acres or less, as a wholesale commercial enterprise, provided that nursery equipment or materials necessary for the operation shall be stored on-site within structures. Wholesale commercial horticulture accessory to a dwelling unit shall be regulated as a home occupation. On-site Agricultural Sales Stands may be allowed subject to the location and development standards of Section 3038.
- R. Laboratories. Establishments providing medical or dental laboratory services; or establishments with less than 2,000 square feet providing photographic, analytical, or testing services. Other laboratories are classified as Limited Industry.
- S. Maintenance and Repair Services. Establishments providing appliance repair, office machine repair, or building maintenance services. This classification excludes maintenance and repair of vehicles or boats and ships (see Vehicle/Equipment Repair and Marine Sales and Services).
- T. Marine Sales, Rentals, and Services. Establishments providing supplies and equipment for shipping or related services, or pleasure boating and recreation. Typical uses include chandleries, yacht brokerage, sales, boat yards, boat docks, and sail-making lofts.
- X. Nurseries. Wholesale or retail establishments for the selling of plants, shrubs, trees and related products in which all merchandise other than plants is kept within an enclosed building or a fully screened enclosure, and fertilizer or chemicals of any type are stored and sold in package form only. Nurseries may include the growing and propagation of plants as part of the operation. This classification excludes medical Cannabis Nurseries.
- V. Offices, Business and Professional. Offices of firms or organizations providing professional, executive, management, or administrative services, such as architectural, engineering, real estate, insurance, investment, legal, and medical/dental offices. This classification includes medical/dental laboratories incidental to an office use, but excludes banks and savings and loan associations.
- W. Payday Loan/Paycheck Advance Establishment. A person or entity that for compensation, engages in whole or in part, in the business of lending limited amounts of funds for a short-term, against the borrower's future paychecks. The aforementioned definition excludes State or federally chartered banks, savings associations, credit unions, or industrial loan companies offering direct deposit advance service to their customer that is incidental to their main purpose or business.
- X. Pawn Shops. Establishments engaged in the buying or selling of new or secondhand

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merchandise and offering loans secured by personal property and subject to Chapter 22 of the Municipal Code.

- Y. Personal Improvement Services. Provision of instructional services or facilities, including: photography, fine arts, crafts, dance or music studios; driving, business or trade schools; diet centers, or reducing salons; and health/fitness studios, spas or clubs.
1. Health/Fitness Studios, Spas or Clubs. Establishments with equipment for exercise and physical conditioning.
 2. Massage Establishments. Establishments providing massage service.
 3. Small Scale. Establishments occupying no more than 5,000 square feet.
- Z. Personal Services. Provision of services of a personal nature. This classification includes: tattooing establishments, body piercing establishment, escort services, barber and beauty shops, seamstresses, tailors, shoe repair shops, laundry and dry cleaning agencies (excluding large-sale plants - see Section 15.C.1), photo-copying, word processing, packaging, postal and office supply support facilities, and self-service laundries.
1. Tattooing Establishment. Any establishment or business engaged in "tattooing" as defined in the Oceanside City Code, excluding "micropigmentation" or "permanent cosmetic makeup" typically provided at beauty salon or day spas.
 2. Body Piercing Establishment. Any establishment or business engaged in "body piercing". Body piercing means the creation of an opening in the body of a human being for the purpose of inserting jewelry or other decoration. This includes, but is not limited to, piercing of an ear, lip, tongue, nose, eyebrow, naval, male genitals, female breasts or female genitals. "Body piercing" does not include piercing an ear with a disposable, single-use stud or solid needle that is applied using a mechanical device to force the needle or stud through the ear.
 3. Escort Services. Any premises where patrons can purchase the social company or companionship of another person.
 4. Limited. Excludes laundry and dry cleaning agencies and self-service laundries.
 5. Small-scale. Establishments occupying no more than 2,500 square feet.
- AA. Research and Development Services. Establishments primarily engaged in industrial or scientific research, including limited product testing. This classification includes electronic research firms, pharmaceutical research laboratories, and medical testing and analysis, but excludes manufacturing, except of prototypes. This classification excludes Medical Cannabis Testing Laboratories.
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BB. Restaurants, Fast Food. A bona fide restaurant establishment where the principal business is the sale of prepared or rapidly prepared food and beverages to guests via counter, walk up, or window service for consumption on or off the premises. The sale beer and wine for on-site consumption is permitted. As used in this definition, a “bona fide” restaurant shall have suitable kitchen facilities for cooking and/or preparation of meals. The word “meals” means the assortment of food commonly ordered at various hours of the day.

1. Restaurants, Fast Food with Drive-thru or Drive-up. A restaurant establishment providing service from a building to patrons in vehicles through an outdoor service window (Drive-thru) or delivery service to vehicles parked in designated parking spaces (Drive-up). The sale and consumption of alcoholic beverages at a restaurant with a Drive-thru or Drive-up window is prohibited.

CC. Restaurant Full Service. A bona fide restaurant establishment where the principal business is the sale of food and beverages to guests via table service for consumption on the premises. The sale of beer and wine for on-site consumption shall be considered incidental to the full service restaurant. Delivery service to vehicles parked in designated parking spaces (i.e. drive-up) is allowed as an ancillary service to the Restaurant Full Service. As used in this definition, a “bona fide” full service restaurant shall have

suitable kitchen facilities for cooking of complete meals. The word “meals” means the assortment of foods commonly ordered at various hours of the day; the service of only such foods as sandwiches or salads does not meet the bona fide restaurant definition.

1. Restaurants Full Alcohol. A bona fide restaurant establishment authorized to sell distilled spirits for consumption on licensed premises. The sale of liquor is included as an appurtenant use to full service restaurants having table seating and service for more than 50 guests.
2. Restaurants Full Service with Live Entertainment – (Small Scale). Restaurant establishments providing live entertainment to patrons with 5 or fewer performers at restaurant facilities with no dance floor during typical lunch and dinner hours (11:00 a.m. – 11:00 p.m.) and having 75 percent food sales compared to alcohol sales.

DD. Retail Sales. The retail sale of merchandise not specifically listed under another use classification. This classification includes department stores, clothing stores, comprehensive home improvement stores, furniture stores, and businesses retailing the following goods: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies (including limited processing), electronic equipment, records, sporting goods, kitchen utensils, hardware, appliances, antiques, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, and new automotive parts and accessories (excluding service and installation).

1. Limited. Excludes comprehensive home improvement stores, furniture, hardware, paint and wallpaper, carpeting and floor covering, and new automotive parts and accessories.

2. Pharmacies and Medical Supplies. Establishments primarily selling prescription drugs, and medical supplies and equipment.
 3. Medical Cannabis Delivery (M-Type 9 Non-Storefront Retailer). A M-Type 9 licensed non-storefront retailer conducting retail medical cannabis sales exclusively by delivery as defined in Business and Professions Code section 26001(p) and applicable state regulations. For the purpose of licensing, a medical cannabis delivery non-storefront shall not be considered a medical marijuana dispensary.
- EE. Secondhand Furniture, Appliance, "Collectible" and Clothing Sales. The retail sale of used furniture, appliances, "collectibles" and clothing, and secondhand dealers who are subject to Chapter 22 of the Municipal Code. This classification excludes antique shops primarily engaged in the sale of antique furniture and accessories.
1. Small-scale. Establishments occupying no more than 5,000 square feet.
- FF. Sex Supermarket/Sex Mini-Mall. The establishment or operation within the same building of more than one of any of the following Adult Businesses: adult bookstore or adult video store, adult cabaret, adult entertainment business, adult motion picture theater, adult theater, or peep-show establishment.
- GG. Swap Meets, Recurring. Retail sale or exchange of handcrafted or secondhand merchandise for a maximum period of 48 hours, conducted by a sponsor on a more than twice yearly basis.
- HH. Tobacco and Drug Paraphernalia Establishment. Any tobacco and drug paraphernalia establishment, as defined in the Oceanside City Code.
- II. Travel Services. Establishments providing travel information and reservations to individuals and businesses. This classification excludes car rental agencies.
- JJ. Vehicle/Equipment Sales and Services.
1. Automobile Washing. Washing, waxing, or cleaning of automobiles or similar light vehicles.
 2. Commercial Parking Facility. Lots offering short-term or long-term parking to the public for a fee.
 3. Service Stations. Establishments engaged in the retail sale of gas, diesel fuel, lubricants, parts, and accessories. This classification includes incidental maintenance and repair of automobiles and light trucks, but excludes body and fender work or repair of heavy trucks or vehicles.
 4. Vehicle/Equipment Repair. Repair of automobiles, trucks, motorcycles, mobile homes,

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recreational vehicles, or boats, including the sale, installation, and servicing of related equipment and parts. This classification includes auto repair shops, body and fender shops, wheel and brake shops, and tire sales and installation, but excludes vehicle dismantling or salvage and tire retreading or recapping.

(a) Limited. Excludes body and fender shops.

5. Vehicle/Equipment Sales and Rentals. Sale or rental of automobiles, motorcycles, trucks, tractors, construction or agricultural equipment, mobile homes, and similar equipment, including storage and incidental maintenance.

6. Vehicle Storage. Storage of operative or inoperative vehicles. This classification includes storage of parking tow-aways, impound yards, and storage lots for automobiles, trucks, buses and recreational vehicles, but does not include vehicle dismantling.

(a) Limited. Storage of operable passenger automobiles, standard and small vans and motorcycles.

KK. Visitor Accommodations.

1. Bed and Breakfast Inns. Establishments offering lodging on a less than weekly basis in a converted single-family or multi-family dwelling, with incidental eating and drinking service for registered guests. A Bed and Breakfast may only serve breakfast, or similar early morning meals to its registered guests per Restricted Food Service Facility Regulations Section 113893 of the California Retail Food Code. The price of food must be included in the price of the overnight transient occupancy accommodation. Bed and breakfasts may include incidental amenities for registered guests including spa facilities or swimming pools.

(a) Small-scale. Establishments renting four or fewer rooms.

2. Hotels, Motels, and Time-Share Facilities. Establishments offering commercial lodging on a less than monthly basis. This classification includes incidental eating, drinking, and banquet services intended for the convenience of guests.

3. Single-Room Occupancy (SRO) Residential Hotels. Buildings with six or more guest rooms without kitchen facilities in individual rooms, or kitchen facilities for the exclusive use of guests, and which are also the primary residences of the hotel guests.

4. Vacation Club. Prepaid point or credit based establishments offering lodging on a less than weekly basis and having kitchens. This classification includes eating, drinking and banquet services.

LL. Warehousing and Storage, Limited. Provision of storage space for household or commercial goods within an enclosed building. Access to individual storage units shall be via an

interior access way. Exterior entry to individual storage units shall not be permitted. This classification includes facilities with a maximum of 5,000 square feet of gross floor area, but excludes Wholesale, Distribution and Storage, and Vehicle Storage. "Limited" vehicle storage as part of a Warehousing and Storage, Limited, facility is permitted subject to the approval of a Conditional Use Permit.

MM. Winery, Craft. A small-scale winemaking facility that includes designated floor area (comprising no less than 20 percent and no more than 40 percent of the total floor area) for product sampling and/or retail sales of wine conforming to state requirements. Retail sales of craft winery merchandise including wine glasses, wine bottles, decanters, corkscrews, home décor, apparel, signs, books, and other wine paraphernalia are also permitted. A craft winery shall produce a minimum of 300 cases annually and not exceed a maximum output of 10,000 standard cases annually

(with a standard case of wine containing twelve 750 ml bottles or nine liters of wine). Facilities housing a craft winery shall not exceed 15,000 square feet of floor area. The category of a craft winery (based upon floor area and scale of operation) shall determine the appropriate review and approval process, as specified below. Such facilities shall be subject to the following limitations:

1. Other than business name and/or logo, such uses shall not display exterior signage (including advertising directed to the exterior from interior spaces) that promotes the availability of alcoholic beverages.
2. There shall be no amusement or video machines maintained on the premises.
3. There shall be no "happy hour" or regular periods of reduced-priced alcoholic beverages.
4. Amplified live entertainment shall require issuance of an Administrative Use Permit (ACUP).
5. Ancillary food service involving outdoor equipment (e.g., food trucks) shall require issuance of an Outdoor Facilities Permit.
6. Delivery/distribution activities involving Class 4 or higher vehicles shall not occur between the hours of 10 p.m. and 7 a.m.
7. Hours of operations shall not extend beyond 10 p.m., unless extended hours of operation are approved through a Conditional Use Permit.

Craft wineries shall be regulated under the following tiered review and approval process:

1. Tier 1: Produces at least 300 and no more than 7,000 standard cases annually and does not exceed 10,000 square feet of floor area. Tier 1 facilities are subject to approval of an Administrative Conditional Use Permit (ACUP) when not abutting residential zoning districts, schools, and/or churches. Tier 1 facilities abutting residential zoning districts, schools, and/or churches are subject to a Conditional Use Permit (CUP).

2. Tier 2: Produces at least 900 and no more than 10,000 standard cases annually and does not exceed 15,000 square feet of floor area. Tier 2 facilities shall be subject to approval of a Conditional Use Permit (CUP).

415 Industrial Use Classifications

- A. Food Processing. Establishments primarily engaged in the manufacturing or processing and packaging of food or beverages for human consumption and wholesale distribution.
 1. Limited. Establishments of less than 2500 square feet of floor area.
- B. Industry, Custom. Establishments primarily engaged in on-site production of goods by hand manufacturing involving the use of hand tools and small-scale equipment. This use may include affiliated office and support facilities and limited showroom and a retail sales area when clearly secondary and associated with the primary business.
 1. Limited. Includes mechanical equipment not exceeding two horsepower or a single kiln not exceeding eight kilowatts and the incidental direct sale to consumers of only those goods produced on-site. Typical uses include ceramic studios, candle-making shops, and custom jewelry manufacture.
- C. Industry, General. Manufacturing of products, primarily from extracted or raw materials, or bulk storage and handling of such products and materials. Uses in this classification typically involve a high incidence of truck or rail traffic, and/or outdoor storage of products, materials, equipment, or bulk fuel. This classification includes chemical manufacture or processing, large scale laundry and dry cleaning plants, auto dismantling within an enclosed building, oil and gas refining, stonework and concrete products manufacture, small animal production and processing within an enclosed building and power generation.
 1. Large Scale Laundry and Dry Cleaning Plants. A laundry or dry cleaning facility having any of the following or similar type equipment:
 - (a) Boiler(s) exceeding a total of 15 horsepower;
 - (b) Dry cleaning machine(s) exceeding 60 pounds total capacity;
 - (c) Dryer(s) exceeding 50 pounds total capacity;
 - (d) Wet cleaning washer(s) exceeding 50 pounds total capacity.
- D. Industry, Limited. Manufacturing of finished parts or products, primarily from previously prepared materials; and provision of industrial services; both within an enclosed building. This classification includes processing, fabrication, assembly, treatment, and packaging, but excludes basic industrial processing from raw materials, and Vehicle/Equipment Services. This classification may include affiliated office and support facilities and a limited showroom and retail sales area when clearly secondary and associated with the primary business.

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1. Small-Scale. Limited to a maximum gross floor area of 5,000 square feet.
- E. Industry, Research and Development. Establishments primarily engaged in the research, development, and controlled production of high-technology electronic, industrial or scientific products or commodities for sale. Uses include biotechnology, films, and non-toxic computer component manufacturers, specifically excluding uses which produce offensive odors, dust, and/or noise. This classification may include affiliated office and support facilities and a limited showroom and retail sales area when clearly secondary and associated with the primary business.
- F. Wholesaling, Distribution and Storage. Storage and distribution facilities. This classification may include affiliated office and support facilities and a limited showroom and retail sales area when clearly secondary and associated with the primary business.
1. Trucking Terminals. Storage and distribution facilities having more than six heavy trucks on the premises at one time, but excluding trucking accessory to a Limited or General Industry classification.
 2. Small-Scale. Wholesaling, distribution and storage having a maximum gross floor area of 5,000 square feet and having no more than two docks or service bays.
- G. Medical Cannabis Distribution Site. A location where cannabis obtained from a licensed medical cannabis cultivator or medical cannabis products from a licensed medical cannabis manufacturer is temporarily stored, prior to delivery to a licensed medical cannabis dispensary and as part of performing a medical cannabis distributor's duties under state law. A medical cannabis distributor is a person engaged in the procurement, sale, and transport of medical cannabis and medical cannabis products between licensees.
- H. Medical Cannabis Manufacturing. The production, preparation and compounding of cannabis and cannabis products, without the use of a volatile solvent. Nonvolatile cannabis manufacturing includes and is not limited to the extraction of a substance from a cannabis plant with nonvolatile solvents, the infusion or mixture of cannabis into another substance, the preparation of an edible item that includes cannabis, and the packaging and labeling of cannabis or cannabis products. Nonvolatile cannabis manufacturing does not include medical cannabis cultivation.
- I. Medical Cannabis Testing Laboratory. Laboratory, facility, or entity that offers or performs tests of medical cannabis or medical cannabis products and that is both of the following: (1) Accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activity in the state. (2) Licensed by the state of California to perform medical cannabis testing consistent with Business and Professions Code section 26001.

416 Agricultural and Extractive Use Classifications

- A. Agricultural Accessory Structure. Structures that are incidental to the principal permitted or conditionally permitted agricultural use or structure on a site and are customarily on the same site. This classification includes shade structures, hay barns, animal enclosures such as corrals or pens, and agricultural related accessory structures, but excludes horse stables and greenhouses.

- B. Agricultural Food and Product Processing, Limited. Agricultural establishments primarily engaged in the manufacturing or processing and packaging of food or non-alcoholic beverages for human consumption and distribution or agricultural materials, non-food crops, commodities, or bi-products into products, including craft or artisan goods, for retail sale or distribution. The facility shall be accessory to a farm or ranch where the food or product processing involves a primary or signature ingredient produced on the premises or within southern California. Additional ingredients shall be sourced locally or regionally when available. Tours, tastings, sampling and retail sales may be permitted as an accessory use only. Tasting rooms shall not exceed 25% of the square-footage of the facility or 2,500 square-feet, whichever is less. This classification excludes Medical Cannabis Cultivation Facilities.

- C. Agricultural Home Stay. Overnight visitor accommodations located on a farm or ranch that produces agricultural products as its primary source of income. A Home Stay facility shall have six or fewer guestrooms and is restricted to a maximum of 15 guests. The homestay may serve meals and light foods or snacks to its registered guests at any time per Restricted Food Service Facility Regulations Section 113893 of the California Retail Food Code. A home stay established within an existing house or detached structure(s) shall be permitted. Home Stays may include incidental amenities for registered guests including spa facilities or swimming pools.

- D. Agricultural Sales Stand. A 500 square-foot or less sales stand accessory to a property devoted to the growing of agricultural crops that are offered for sale on the premises. Sales shall be limited to agricultural products. No other merchandise shall be offered. All agricultural products sold at the site must be grown by the operator either on the site, or within the region.

- E. Agricultural Sales Store. A store or stand larger than 500 square-feet for the retail sale of agricultural products primarily produced on the premises of a farm or ranch, within southern California. Retail sales of merchandise that is produced by or affiliated with the agricultural operation or has an agricultural theme, including artisan goods, may be permitted as an accessory use only.

- F. Agricultural Supply Services. Retail sale of products supporting agricultural uses including, but not limited to , tack, feed and hay, seed, soil and mulch, hardware, farm equipment, machinery, irrigation supplies, and similar support services for farming operations.

- G. Animal Boarding. Provision of shelter and care for domestic farm animals or domestic animals on a commercial basis. This classification includes activities such as feeding, exercising, grooming, and incidental medical care.
- H. Animal, Horse and Dog Training and Shows. Animal training, holistic natural animal health care, and dog shows with 50 dogs or less. Shows with greater than 50 dogs shall require a special events permit.
- I. Animal Husbandry. Raising of animals or production of animal products, such as eggs or dairy products, on an agricultural or wholesale commercial basis. Typical uses include grazing, ranching, animal breeding, and dairy farming. For purposes of this section, domestic farm animals includes horses, donkeys, llamas, alpacas, mules, cows, sheep, goats, hogs. Similar animals shall be permitted subject to review and approval by the City Planner. Domestic animals and Exotic animals as defined in Article 3 of the Zoning Ordinance are excluded from this section.
- J. Assembly, ceremonies, and weddings. An activity involving assembly or the intention of attracting people for ceremonial, educational, and celebratory purposes at one specific location. Such assembly includes, but is not limited to: receptions, weddings, recitals, exhibits, private parties, and social gatherings.
- K. Aquaculture. Facility dedicated to the propagation, cultivation, maintenance, and harvesting of fish, shellfish and plants in marine, brackish, and fresh water. This classification includes aquaponics defined as the symbiotic cultivation of plants and aquatic animals in a balanced recirculating environment. Aquaculture is subject to registration and approval by the California Department of Fish and Wildlife.
- L. Aviculture. The breeding and keeping of domestic birds including chicken, turkey, ostriches, goose, fowl, pheasant, quail, pigeons, and similar birds. This classification excludes exotic animals.
- M. Bee Keeping. The keeping of bees shall be permitted pursuant to Section 29000 of the California Food and Agriculture Code. An apiary is defined as a managed honey bee colony(s) or hive(s) that are kept in a structure(s) intentionally provided for honey bee housing, shall be located a minimum of 50-feet from roads and 100 feet from neighboring dwelling units. An apiary with more than 20 colonies shall be located 100 feet from roads and 300 feet from neighboring dwellings. Beekeepers shall register the apiary with the San Diego County Agricultural Commissioner within 30 days of establishing the apiary. Beekeepers shall follow best management practices prescribed by the Agricultural Commissioner.
- N. Campgrounds. An area of an agricultural property dedicated for short term camping as either day use or overnight use. Campsites may include tents, temporary shelters, or permanent structures such as cabins. Restroom facilities shall be provided on the premises. Trailer and RV sites may be provided, but shall not exceed 25% of the designated camp

sites. For the purposes of this section, “short term camping” shall mean occupancy of a campground by the same persons, equipment, or vehicles for a maximum time limit of 7 consecutive days, not to exceed a total of 30 days in any calendar year. No campground shall be located closer than one thousand, five hundred (1,500) feet from any other campground as measured in a straight line from the defined boundary of each campground.

- O. Commercial Recreation, Outdoor. The use of agricultural properties for outdoor recreational activities including, but not limited to hiking, biking, axe throwing, archery, zip lines, and similar uses.
- P. Composting. A facility where agricultural material or green material is decomposed in a controlled environment into compost, soil amendment, or other products. “Agricultural Material” means waste material of plant or animal origin, which results directly from the conduct of agriculture, animal husbandry, horticulture, aquaculture, vermiculture, viticulture and similar activities undertaken for the production of food or fiber for human or animal consumption or use, which is separated at the point of generation, and which contains no other solid waste. Material that is defined as “food material” or “vegetative food material” is not agricultural material. Agricultural material includes, but is not limited to, manures, orchard and vineyard prunings, grape pomace, and crop residues. “Green Material” means any plant material except food material and vegetative food material that is separated at the point of generation, contains no greater than 1.0 of percent physical contaminants by dry weight. Green material includes, but is not limited to, tree and yard trimmings, untreated wood wastes, natural fiber products, wood waste from silviculture and manufacturing, and construction and demolition wood waste. Green material does not include food material, vegetative food material, biosolids, mixed material, material separated from commingled solid waste collection or processing, wood containing lead-based paint or wood preservative, or mixed construction and demolition debris. Agricultural material that meets this definition of “green material” may be handled as either agricultural material or green material. Additional materials not specifically listed may be considered as part of a use permit.
- Q. Crop Production. Raising and harvesting of tree crops, row crops, greenhouse crops or field crops on sites of greater than 2.5 acres on an agricultural or wholesale commercial basis, including packing and processing. Medical Cannabis Cultivation Facilities are excluded from the definition of Crop Production.
- R. Cultural Institutions. Nonprofit institutions displaying or preserving objects of interest in one or more of the arts or sciences. This classification includes libraries, museums, and art galleries.
- S. Educational Programs. An educational program or facility accessory to a farm or ranch dedicated to teaching students about agriculture, food, natural resources, as well as research and development. Programs are typically affiliated with schools or organizations or operated by the proprietor of the farm or ranch. This classification excludes intermittent field trips or visits to a farm or ranch by schools or organizations unless the field trips are considered part of an enterprise.

- T. Farm Brewery. A small-scale craft beer manufacturing facility that includes floor area for product sampling and retail sales of beer primarily produced on the premises. The facility shall be accessory to a farm or ranch where a primary or signature ingredient is produced on the premises or within southern California. Additional ingredients shall be sourced locally or regionally when available. A farm brewery shall produce a minimum output of 2,000 barrels annually and shall not exceed a maximum output of 16,000 barrels annually (with a barrel of beer equal to 31 U.S. gallons). A craft brewery shall not occupy more than 15,000 square feet of floor area. Tours, tastings and retail sales may be permitted as an accessory use only. A craft brewery must contain an ancillary tasting and/or retail component that comprises no less than 20 percent and no more than 40 percent of the facility's total floor area.
- U. Farm Distillery. A small-scale craft distilled spirits manufacturing facility that includes floor area for product sampling and retail sales of distilled spirits primarily produced on the premises. The facility shall be accessory to a farm or ranch where a primary or signature ingredient is produced on the premises or within southern California. Additional ingredients shall be sourced locally or regionally when available. A farm distillery shall produce no more than 120,000 750 ml bottles per year or 100,000 gallons, whichever is less. A craft farm distillery shall not occupy more than 15,000 square feet of floor area. Tours, tastings and retail sales may be permitted as an accessory use only. A farm distillery must contain an ancillary tasting and/or retail component that comprises no less than 20 percent and no more than 40 percent of the facility's total floor area. Direct sales of bottles shall be limited to no more than 2.25 liters per day per customer who has attended an instructional tasting conducted by the craft licensee.
- V. Farm Tours. An agricultural operation that allows the general public to tour farm or ranch facilities for recreational or educational purposes. Farm tours are generally guided group tours conducted by a representative of the farming operation. The sale of agricultural products or related merchandise shall be subject to the provisions for Agricultural Sales Stands or Agricultural Sale Stores. Farm tour operations shall be subject to the performance standards outlined in Article 14 of the Zoning Ordinance. A designated parking area shall be provided on the property.
- W. Farmworker Housing. Farmworker housing, as defined in Section 17008(a) of the California Health and Safety Code, may be provided by the employer and maintained in connection with the work or place where work is being performed and must comply with all provisions of Section 17000 of the California Health and Safety Code. Farmworker housing not maintained in connection with any workplace and provided by someone other than an agricultural employer must comply with all provisions of Section 17008(b) of the California Health and Safety Code.
- X. Medical Cannabis Cultivation Facility means a facility wherein medical cannabis is propagated, planted, grown, harvested, dried, cured, graded, labeled, tagged for tracking or trimmed, or that does all or any combination of those activities. This definition excludes the cultivation of no more than six nonmedical marijuana plants by a person

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- twenty-one years of age of older for personal use in a private residence provided the cultivation is in a fully enclosed structure that is secure, not visible from a public space and otherwise exempt from state licensing requirements.
- Y. **Medical Cannabis Nursery** means a facility that produces only clones, immature plants, seeds, and other agricultural products used specifically for the propagation and cultivation of medical cannabis.
- Z. **Mining and Processing**. Places or plants primarily devoted to surface or subsurface mining of metallic and nonmetallic minerals, oil or gas, together with essential on-site processing and production of only nonmetallic mineral products. Typical places are borrow pits, quarries, oil and gas drilling rigs, or concrete batch plants. This classification specifically excludes any activities that are directly or indirectly associated with off-shore oil and gas exploration, production, or processing.
- AA. **Petting Zoo**. A zoo accessory to a farm or ranch where visitors may handle and feed domestic farm animals in a controlled environment.
- BB. **Research & Development Agricultural Products**. Research, development, and controlled production of agricultural products or commodities for sale ancillary to a farm or ranch. This classification may include affiliated office, laboratory, and support facilities and a showroom and retail sales area when clearly secondary and associated with the farm or ranch. This classification excludes Medical Cannabis Cultivation Facilities and Medical Cannabis Nurseries per Section 1420.
- CC. **Restaurants and Cafes, Farm**. A restaurant or café located accessory to a farm or ranch where farm products and value-added farm products are the primary food offerings. Food prepared in the eating establishment shall be sourced on site or within the region to the extent possible. Facilities may include either indoor or outdoor eating areas. The sale of beer and wine for consumption on the premises shall be considered incidental. The sale of distilled spirits for consumption on the premises shall be permitted incidental to a bona fide eating establishment subject to approval of a Conditional Use Permit.
- DD. **Retail Nursery**. A nursery operation that grows and/or imports plants and trees for direct sale to consumers. This classification excludes Medical Cannabis Nursery per Section 1420.
- EE. **Seasonal Attractions**. Activities or events occurring on a temporary basis during various growing seasons or holiday periods. Attractions include, but are not limited to, Christmas tree farms, pumpkin patches, and harvest events. A Special Event Permit shall be required. Agricultural crops that are exclusively produced on the premises of a farm or ranch and are offered for sale on the premises shall not be considered a seasonal attraction and can be conducted through and agricultural sales stand, agricultural sales store, or u-pick operation.
- FF. **U-Pick**. Farming operation that allows the general public to directly harvest and purchase produce or other products from a farm or ranch. U-pick operations shall be subject to the
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performance standards outlined in Article 14 of the Zoning Ordinance.

- GG. Wineries. An agricultural processing facility used for the fermenting and processing of fruit juice into wine; or the refermenting of still wine into sparkling wine. Tours, tastings and retail sales may be permitted as an accessory use only.

417 Accessory Use Classifications

- A. Accessory Uses and Structures. Uses and structures that are incidental to the principal permitted or conditionally permitted use or structure on a site and are customarily found on the same site. This classification includes accessory dwelling units ("second units") and home occupations.

418 Temporary Use Classifications

- A. Agricultural Specialty Sales, Seasonal. Retail sale of seasonal specialty items for a period not to exceed 45 days (e.g. Christmas Tree Sales, Pumpkin Sales).
- B. Yard/Garage Sales. A sales event advertised by any means at a residential location where members of the public may purchase identifiable or tangible items of personal property; provided however, it shall not mean any event which constitutes a sales activity, wholesale or retail, by any business which has a current business license issued by the City. Items sold shall be limited to personal property owned by the occupant of the property and/or surrounding neighbors.

Article 17 PD Planned Development District (Inland)

Sections:

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

1701 Specific Purposes

The specific purposes of the PD Planned Development District are to:

- A. Establish a procedure for the development of parcels of land in order to reduce or eliminate the rigidity, delays, and inequities that otherwise would result from application of zoning standards and procedures designed primarily for small parcels.
- B. Ensure orderly and thorough planning and review procedures that will result in quality urban design.
- C. Encourage variety and avoid monotony in large developments by allowing greater freedom in selecting the means to provide access, light, open space, and amenity.
- D. Provide a mechanism whereby the City may authorize desirable developments consistent with the General Plan without inviting speculative rezoning applications, which, if granted, often could deprive other owners of development opportunities without resulting in construction of the proposed facilities.
- E. Encourage allocation and improvement of common open space in residential areas, and provide for maintenance of the open space at the expense of those who will directly benefit from it.
- F. Encourage the preservation of serviceable existing structures of historic value or artistic merit by providing the opportunity to use them imaginatively for purposes other than that for which they were originally intended.
- G. Encourage the assembly of properties that might otherwise be developed in

unrelated increments to the detriment of surrounding neighborhoods.

1702 Land Use Regulations

No use, other than a use existing at the time of establishment of a PD District, shall be permitted in a PD district except in accord with a valid PD Plan or Specific Plan. Any permitted or conditional use authorized by this ordinance may be included in an approved PD Plan or an adopted Specific Plan, consistent with the General Plan land use designation(s) for land within the PD district.

1703 Development Regulations

- A. Minimum Area. The minimum net area of a PD district shall be 4 acres. A PD district may be subdivided into lots smaller than four acres, provided a Tentative Map is approved concurrent with a PD Plan or Specific Plan.
- B. Residential Unit Density. Residential unit types included in a PD Plan shall conform to the applicable residential unit type for the General Plan land use designations for land within the PD district as prescribed by Section 2.33 of the General Plan. The total number of dwelling units in a PD Plan shall not exceed the maximum number permitted by the General Plan density for the total area of parcels designated for residential use and for open space. A PD Plan that would exceed the base density for the area, as shown on the Land Use Element of the General Plan, may be approved only if the Planning Commission finds that the plan conforms to the provisions of Section 2.3 of the Land Use Element of the General Plan.
- C. Performance Standards. The performance standards prescribed by Section 3024 shall apply.
- D. Other Development Regulations. Other development regulations shall be as prescribed by the PD Plan or Specific Plan. The development standards of an existing overlay district may be modified by the PD Plan or Specific Plan.

1704 Initiation

An amendment to reclassify property to PD shall be initiated by a property owner or authorized agent, the Planning Commission, or the City Council. If the property is not under a single ownership, all owners shall join in the application, and a map showing the extent of ownerships shall be submitted with concept plans and materials.

1705 Required Plans and Materials

In addition to the plans and materials required to accompany an application for a zoning map amendment by Article 45, an application for rezoning to a PD district shall include a PD Plan or Specific Plan and a Development Plan incorporating the materials required for

design review by Article 43. The City Planner also may require one or more of the following items, based on the type, location, and potential impacts of proposed development:

- A. A map showing proposed district boundaries and the relationship of the district to uses and structures within a 300-foot radius of the district boundaries.
- B. A map or aerial photo of the proposed district and 100 feet beyond its boundary showing sufficient topographic data to indicate clearly the character of the terrain; the type, location, and condition of mature trees and other natural vegetation; and the location of existing development.
- C. The proposed pattern of land use, with acreage and residential density computations.
- D. The proposed street and lot pattern.
- E. Any other informational items deemed necessary by the City Planner in order to fully analyze and review the proposed development.

1706 Planning Commission Action

The Planning Commission shall consider an application for reclassification to a PD district as prescribed in Article 45 and shall at the same time consider the proposed PD Plan or Specific Plan, and the Development Plan accompanying the application. A recommendation of the Planning Commission to reclassify to a PD district shall be accompanied by a recommendation of approval for a PD Plan or a Specific Plan, and a Development Plan. The City Planner may require either a PD Plan or a Specific Plan.

- A. Required Findings. The Planning Commission shall recommend approval or conditional approval of a PD Plan or a Specific Plan, and a Development Plan, upon finding that:
 - 1. The PD Plan or Specific Plan and the Development Plan are consistent with the adopted Land Use Element of the General Plan and other applicable policies and are compatible with surrounding development;
 - 2. The PD Plan or Specific Plan and the Development Plan will enhance the potential for superior urban design in comparison with the development under the base district regulations that would apply if they were not approved;
 - 3. Deviations from the base district regulations that otherwise would apply are justified by compensating benefits of the PD Plan or Specific Plan and the Development Plan; and
 - 4. The PD Plan or Specific Plan and the Development Plan includes adequate

provisions for utilities, services, and emergency vehicle access; and public service demands will not exceed the capacity of existing and planned systems.

1707 Status of PD Plan and Development Plan

- A. Effective Date. A PD Plan and the Development Plan shall be effective on the same date as the ordinance creating the PD district for which they were approved.
- B. Lapse of Approvals. A PD Plan and Development Plan shall expire two years after the effective date of approval or conditional approval or at an alternate time specified as a condition of approval unless:
1. 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
 2. An occupancy permit has been issued; or
 3. The approval is extended; or
 4. In cases where a PD Plan and Development Plan is approved concurrently with a Tentative Map, and a Final Map or Parcel Map is recorded, the PD Plan and Development Plan shall be effective for an additional 24 months from the date of recordation of the Final Map or Parcel Map.

An approved PD Plan and Development Plan may specify a development staging program exceeding two years, provided the development staging program is reviewed and approved by the Planning Commission and the City Council as a part of the PD Plan and Development Plan.

- C. Time Extension. The Commission may extend a PD Plan and Development Plan for a period or periods not to exceed a total of three years, if it finds the time extension is consistent with the purposes of this article. Application for a time extension shall be made in writing to the City Planner not less than 30 days or more than 90 days prior to expiration. Denial of a request for time extension of a PD Plan shall be subject to appeal, as prescribed in Article 46.
- D. Changed Plans. A request for changes in conditions of approval of a PD Plan and Development plan, or a change to the PD Plan and Development plan that would affect a condition of approval, shall be treated as a new application. The City Planner may waive the requirement for a new application if the changes requested are minor, do not involve substantial alterations or addition to the plan or the conditions of approval, and are consistent with the intent of the project's approval or otherwise found to be in substantial conformance. An application for approval of a new PD Plan and Development Plan or for a revision of a PD Plan and Development Plan shall be considered by the Planning Commission at a public hearing with notice given as

prescribed for a Development Plan in Article 43.

1708 Status of Specific Plan

A Specific Plan adopted by resolution of the City Council shall be administered as prescribed by the Council, consistent with the Government Code, Section 65450 et. seq.

1709 Zoning Map Designation

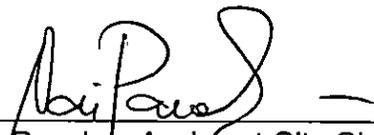
A PD district shall be noted by the designation "PD," followed by the number of the PD district based on order of adoption.

1710 Building Permits

Proposed structures or alterations must be consistent with the adopted PD Plan or Specific Plan, and the Development Plan for the issuance of building permits.

STATE OF CALIFORNIA }
COUNTY OF SAN DIEGO } §
CITY OF OCEANSIDE }

I, Vaida Pavolas, Assistant City Clerk of the City of Oceanside, do hereby certify that the foregoing is a true and correct copy of *City Ordinance No. 19-OR0729-1 amending the zoning map designation from Agricultural (A) to Planned Development (PD) and amending the Zoning District/Land Use Designation Consistency Matrix of Article 2 of the 1992 Zoning Ordinance (Z16-00005) to support the North River Farms Project, located on North River Road in the Northeastern portion of the City (APNs 157-100-83-00 and 157-100-84-00) (Applicant: The North River Farms Project Owner, LLC)* as duly introduced on November 6, 2019, and adopted on November 20, 2019, a regular meeting, by the City Council of Oceanside. This Ordinance has been published as required pursuant to law and the original is filed in the City Clerk's Office (GC 40806).



Vaida Pavolas, Assistant City Clerk
City of Oceanside, California

Date: November 20, 2019

