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Carlsbad, California - Code of Ordinances

CARLSBAD, CALIFORNIA MUNICIPAL CODE

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Chapter 21.10 - R-1 ONE-FAMILY RESIDENTIAL ZONE*

Sections:

21.10.010 - Intent and purpose.

□ □ □ □ □

A. The intent and purpose of the R-1 one-family residential zone is to:

1. Implement the residential low density (RL), residential low-medium density (RLM) and residential medium density (RM) land use designations of the Carlsbad general plan; and
2. Provide regulations and standards for the development of one-family dwellings and other permitted or conditionally permitted uses as specified in this chapter.

(Ord. NS-718 § 7 (part), 2004)

21.10.020 - Permitted uses.

□ □ □ □ □

- A. In an R-1 zone, notwithstanding any other provision of this title, only the uses listed in Table A, below, shall be permitted, subject to the requirements and development standards specified by this chapter, and subject to the provisions of [Chapter 21.44](#) of this title governing off-street parking requirements.
- B. The uses permitted by conditional use permit, as indicated in Table A, shall be subject to the provisions of [Chapter 21.42](#) of this title.
- C. A use similar to those listed in Table A may be permitted if the city planner determines such similar use falls within the intent and purposes of this zone, and is substantially similar to the specified permitted uses.

Table A

Permitted Uses

In the table, below, subject to all applicable permitting and development requirements of the municipal code:

"P" indicates use is permitted. (See note 4 below)

"CUP" indicates use is permitted with approval of a conditional use permit. (See note 4 below)

1 = Administrative hearing process

2 = Planning commission hearing process

3 = City council hearing process

"Acc" indicates use is permitted as an accessory use.

Use
Accessory buildings/structures (ex. garages, workshops, tool sheds, patio covers, decks, etc.) (defined: Se
Agricultural crops

Animal keeping (household pets) (subject to Section 21.53.084)
Animal keeping (horses) (see note 1, below)
Animal keeping (wild animals) (subject to Section 21.53.085)
Aquaculture (defined: Section 21.04.036)
Biological habitat preserve (subject to Section 21.42.140(B)(30)) (defined: Section 21.04.048)
Campsites (overnight) (subject to Section 21.42.140(B)(40))
Cemeteries
Churches, synagogues, temples, convents, monasteries and other places of worship
Dwelling, one-family (defined: Section 21.04.125) (see note 3, below)
Educational institutions or schools, public/private (defined: Section 21.04.140)

Notes:

1. On each lot or combination of adjacent lots under one ownership, there may be kept one horse for each ten thousand square feet in the lot or lots; provided, however, that any such horse may be kept only if it is fenced and stabled so that at no time it is able to graze, stray or roam closer than seventy-five feet to any building used for human habitation, other than buildings on the lot or lots, and as to those buildings, no closer than fifty feet.
2. A conditional use permit is not required for a golf course if it is approved as part of a master plan for a planned community development.
3. Mobile homes must be certified under the National Mobilehome Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 et seq.) on a foundation system pursuant to Section 18551 of the State Health and Safety Code.
4. Any use meeting the definition of an entertainment establishment, as defined in [Section 8.09.020](#) of the Carlsbad Municipal Code (CMC), shall be subject to the requirements of CMC [Chapter 8.09](#).

(Ord. NS-791 § 11, 2006; Ord. NS-746 § 6, 2005; Ord. NS-718 § 7 (part), 2004)

(Ord. No. CS-102, §§ XVII—XIX, 8-24-2010; Ord. No. CS-164, § 10, 12-6-2011; Ord. No. CS-189, §§ XI, XII, 10-2-2012; Ord. No. CS-249, § V 4-8-2014)

21.10.030 - Second dwelling units.

□ □ □ □ □

- A. The public good is served when there exists in a city housing which is appropriate for the needs of and affordable to all members of the public who reside within that city. Among other needs, there is in Carlsbad a need for affordable rental housing. Therefore, it is in the public interest for the city to promote a range of housing alternatives in order to meet the affordable rental housing needs of its citizens. This

section is intended to provide a rental housing alternative by establishing a procedure to create new second dwelling units.

- B. The provisions of this section shall apply to single-family zones R-A, R-E and R-1, areas designated by a master plan for single-family detached dwellings in P-C zones and lots within multifamily zones R-2, R-3, R-P, R-T, R-W and RD-M, which are developed with single-family residences.
- C. Second dwelling units developed within the coastal zone require a minor coastal development permit issued according to the provisions of [Section 21.201.080](#) and a building permit. Second dwelling units outside of the coastal zone require a building permit.
- D. The completed minor coastal development permit and/or building permit application for a second dwelling unit shall include the following information:
 - 1. The name(s) of the owner(s);
 - 2. The address of the dwelling units;
 - 3. The assessor's parcel number;
 - 4. Building elevations and a general floor plan of the second dwelling unit;
 - 5. A scaled drawing showing the lot dimensions, the location of the primary and second dwelling unit, location of all vehicular parking and the total square footage of both units;
 - 6. Description and location of water and sanitary (sewer) services; and
 - 7. An owner signed and notarized a notice of restriction, to be recorded against the property, declaring that:
 - a. The property owner(s) shall reside in either the main dwelling unit or the second dwelling unit, unless a lessee leases both the main dwelling and the second dwelling unit;
 - b. The obligations and restrictions imposed on the second dwelling unit per this chapter are binding on all present and future property owners.
- E. Second dwelling units shall comply with the following:
 - 1. The second dwelling unit shall either be attached to the main dwelling unit and located within the habitable area of the main dwelling unit or detached from the main dwelling unit and located on the same lot as the main dwelling unit;
 - 2. The second dwelling unit shall have a separate entrance;
 - 3. The second dwelling unit must meet the setback, lot coverage and other development standards applicable to the zone which are not addressed within this subsection. In the coastal zone, any housing development processed pursuant to this chapter shall be consistent with all certified local coastal program provisions, with the exception of density, or as otherwise specified within this subsection;
 - 4. Attached second dwelling units shall conform to the height limits applicable to the zone and detached second dwelling units shall be limited to one story, except that second dwelling units constructed above detached garages shall be permitted and shall conform to the height limits applicable to the zone;
 - 5. Garage conversions are prohibited unless replacement off-street garage parking is provided concurrently and in compliance with the requirements of [Chapter 21.44](#);
 - 6. Second dwelling units shall not be permitted on a lot or parcel having guest or accessory living quarters, or a residential care facility. Existing guest or accessory living quarters may be converted into a second dwelling unit provided that all zoning and structural requirements are met;
 - 7. One additional paved off-street (covered or uncovered) parking space shall be provided for the second dwelling unit and shall comply with the requirements of [Chapter 21.44](#). The additional parking space may be provided through tandem parking (provided that the garage is set back a minimum of twenty feet from the property line) or in the front yard setback;
 - 8. Adequate water and sewer capacity and facilities for the second dwelling unit must be available or made available;
 - 9. All necessary public facilities and services must be available or made available;

10. The second unit may be rented and shall not be sold separately from the main dwelling unit unless the lot on which such units are located is subdivided. The lot upon which the second unit is located shall not be subdivided unless each lot which would be created by the subdivision will comply with the requirements of this title and [Title 20](#); and further provided, that all structures existing on each proposed lot will comply with the development standards applicable to each lot;
11. The total area of floor space for an attached or detached second unit shall not exceed six hundred forty square feet;
12. The second dwelling unit shall be architecturally compatible with the main dwelling unit, in terms of appearance, materials and finished quality;
13. A second dwelling unit which conforms to the requirements of this section shall be allowed to exceed the permitted density for the lot upon which it is located and shall be deemed to be a residential use consistent with the density requirements of the general plan and the zoning designation for the lot;
14. Second dwelling units intended to satisfy an inclusionary requirement shall comply with the requirements of [Chapter 21.85](#), including but not limited to the applicable rental rates and income limit standards.

(Ord. NS-718 § 7 (part), 2004)

(Ord. No. CS-102, § XX, 8-24-2010; Ord. No. CS-166, §§ 1, 2, 12-13-2011; Ord. No. CS-178, § IX, 4-24-2012)

21.10.040 - Home occupations.

□ □ □ □ □

- A. Home occupations which are not disruptive to the residential character of the neighborhood shall be permitted as an accessory use, subject to the following conditions:
1. Home occupations shall be conducted as a secondary use by a resident or residents of the premises;
 2. No employees shall be employed on the premises;
 3. All home occupation activities shall be conducted entirely within the residential structure, except for permitted agricultural or horticultural uses;
 4. There shall be no external alteration to the appearance of the residential structure that would reflect the existence of the home occupation;
 5. No storage of materials, goods, equipment or stock in trade shall be permitted where visible from the exterior of the property;
 6. No deliveries or pickups by heavy duty commercial vehicles shall be permitted;
 7. Sale of goods or services shall not be conducted on the property, except for agricultural goods grown on the premises. This provision shall not be construed to prohibit taking orders for sale where delivery of goods or performance of services does not occur on the property;
 8. The home occupation shall not cause any external effect that is inconsistent with the residential zone or disrupts the neighborhood, including, but not limited to, noise from equipment, traffic, lighting, offensive odor or electrical interference;
 9. No advertising, signs or displays of any kind indicating the existence of the home occupation shall be permitted on the premises;
 10. The home occupation shall not cause the elimination of required off-street parking;
 11. The home occupation may not utilize an area greater than twenty percent of the combined total floor area of all on-site structures; and

12. A city business license is required for the conduct of a home occupation.
(Ord. NS-718 § 7 (part), 2004)

21.10.050 - Building height.

A. In the R-1 zone no building shall exceed a height of thirty feet and two stories if a minimum roof pitch of 3:12 is provided or twenty-four feet and two stories if less than a 3:12 roof pitch is provided for lots under twenty thousand square feet. Single-family residences on lots with a lot area of twenty thousand square feet or greater and within a R-1 zone and specifying a -20 or greater area zoning symbol shall not exceed thirty-five feet and three stories with a minimum roof pitch of 3:12 provided.

(Ord. NS-718 § 7 (part), 2004)

21.10.060 - Front yard.

A. Every lot in the R-1 zone shall have a front yard which has a depth not less than twenty feet, except that on key lots and lots which side upon commercially or industrially zoned property, the required front yard need not exceed fifteen feet.

(Ord. NS-718 § 7 (part), 2004)

21.10.070 - Side yards.

A. In the R-1 zone every lot shall have side yards as follows:

1. Interior lots shall have the following side yards:

a. A side yard shall be provided on each side of the lot, which side yard has a width equal to ten percent of the lot width; provided, that such side yard shall not be less than five feet in width and need not exceed ten feet;

i. The width of one side yard may be reduced, subject to the following:

(A) The opposite side yard shall be increased in width by an amount equal to the reduction or shall be a minimum of ten feet in width, whichever is greater;

(B) The reduced side yard shall not be less than five feet in width nor shall it abut a lot or parcel of land with an adjacent reduced side yard;

(C) In the event special circumstances exist, such as extreme topographical features and/or irregularly shaped lots (such as those which front on cul-de-sacs), a reduced side yard may be permitted adjacent to a reduced side yard, provided a minimum of ten feet between buildings is maintained.

2. Corner lots and reversed corner lots shall have the following side yards:

a. On the side lot line which adjoins another lot, the side yard shall be equal to ten percent of the lot width; provided that such side yard shall not be less than five feet in width and need not

exceed ten feet; and

- b. On the side street, the width of the required side yard shall be ten feet and such side yard shall extend the full length of the lot.

(Ord. NS-718 § 7 (part), 2004)

(Ord. No. CS-164, § 10, 12-6-2011; Ord. No. CS-178, § X, 4-24-2012)

21.10.080 - Placement of buildings.

□ □ □ □ □

A. Placement of buildings on any lot shall conform to the following:

1. Interior Lots.

- a. No building shall occupy any portion of a required yard;
- b. Any building, any portion of which is used for human habitation, shall observe a distance from any side lot line the equivalent of the required side yard and from the rear property line the equivalent of twice the required side yard on such lot;
- c. The distance between buildings used for human habitation and between buildings used for human habitation and accessory buildings shall be not less than ten feet;
- d. All accessory structures shall comply with the following development standards:
 - i. The lot coverage shall include accessory structures in the lot coverage calculations for the lot,
 - ii. The distance between buildings used for human habitation and accessory buildings shall be not less than ten feet,
 - iii. When proposed on a lot adjoining native vegetation, accessory structures within a fire suppression zone must be reviewed and approved by the fire department,
 - iv. Accessory buildings, by definition, do not share a common wall with the main dwelling unit structure,
 - v. Buildings shall not exceed one story,
 - vi. Building height shall not exceed fourteen feet if a minimum roof pitch of 3:12 is provided or ten feet if less than a 3:12 roof pitch is provided;
- e. Second dwelling units constructed above detached garages, located within a lot's buildable area, pursuant to [Section 21.10.030\(E\)\(4\)](#) are not subject to the one-story/fourteen-foot height limitation imposed on accessory structures;
- f. Habitable detached accessory structures shall comply with all requirements of the zone applicable to placement of a dwelling unit on a lot including setbacks;
- g. Detached accessory structures which are not dwelling units and contain no habitable space, including, but not limited to, garages, workshops, tool sheds, decks over thirty inches above grade and freestanding patio covers shall comply with the following additional development standards when located within a lot's required setback areas:
 - i. The maximum allowable building area per structure shall not exceed a building coverage of four hundred forty square feet,
 - ii. The following setbacks shall apply: a front yard setback of twenty feet, a rear yard setback of five feet, a side yard setback of five feet, and an alley setback of five feet,
 - iii. The maximum plumbing drain size shall be one and one-half inches in diameter so as to prohibit toilets, showers, bathtubs and other similar fixtures,
 - iv. The additional development standards listed above (subsections (A)(1)(g)(i) through (iii) of this section) shall apply to the entire subject accessory structure, not just the portion

encroaching into a lot's setback area; and

- h. The provisions of this section are applicable notwithstanding the permit requirements contained in [Section 18.04.015](#).
2. Corner Lot and Reversed Corner Lots.
- a. No building shall occupy any portion of a required yard;
 - b. The distance between buildings used for human habitation and between buildings used for human habitation and accessory buildings shall be not less than ten feet;
 - c. Any building, any portion of which is used for human habitation shall observe a distance from the rear property line to the equivalent of twice the required interior side yard on such lot;
 - d. All accessory structures shall comply with the following development standards:
 - i. The lot coverage shall include accessory structures in the lot coverage calculations for the lot,
 - ii. The distance between buildings used for human habitation and accessory buildings shall be not less than ten feet,
 - iii. When proposed on a lot adjoining native vegetation, accessory structures within a fire suppression zone must be reviewed and approved by the fire department,
 - iv. Accessory buildings, by definition, do not share a common wall with the main dwelling unit structure,
 - v. Buildings shall not exceed one story,
 - vi. Building height shall not exceed fourteen feet if a minimum roof pitch of 3:12 is provided or ten feet if less than a 3:12 roof pitch is provided;
 - e. Second dwelling units constructed above detached garages, located within a lot's buildable area, pursuant to [Section 21.10.030\(E\)\(4\)](#) are not subject to the one-story/fourteen-foot height limitation imposed on accessory structures;
 - f. Habitable detached accessory structures shall comply with all requirements of the zone applicable to placement of a dwelling unit on a lot including setbacks;
 - g. Detached accessory structures which are not dwelling units and contain no habitable space, including, but not limited to, garages, workshops, tool sheds, decks over thirty inches above grade and freestanding patio covers shall comply with the following additional development standards when located within a lot's required setback areas:
 - i. The maximum allowable building area per structure shall not exceed a building coverage of four hundred forty square feet,
 - ii. The following setbacks shall apply: a front yard setback of twenty feet, a rear yard setback of five feet, a side yard setback of five feet, and an alley setback of five feet,
 - iii. The maximum plumbing drain size shall be one and one-half inches in diameter so as to prohibit toilets, showers, bathtubs and other similar fixtures,
 - iv. The additional development standards listed above (subsections (A)(2)(g)(i) through (iii) of this section) shall apply to the entire subject accessory structure, not just the portion encroaching into a lot's setback area; and
 - h. The provisions of this section are applicable notwithstanding the permit requirements contained in [Section 18.04.015](#).

(Ord. NS-718 § 7 (part), 2004)

21.10.090 - Minimum lot area.

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- A. The minimum required area of a lot in the R-1 zone, when the zone implements the RL land use designation, shall be not less than one-half acre (twenty-one thousand seven hundred eighty square feet), unless a greater minimum lot area is specified on the zoning map (i.e., R-1-40,000 = forty thousand square foot minimum lot area).
 - B. The minimum required area of a lot in the R-1 zone, when the zone implements the RLM land use designation, shall be not less than seven thousand five hundred square feet, unless otherwise shown on the zoning map.
 - C. The minimum required area of a lot in the R-1 zone, when the zone implements the RM land use designation, shall be not less than six thousand square feet, unless otherwise shown on the zoning map.
- (Ord. NS-718 § 7 (part), 2004)

21.10.100 - Lot width.

□ □ □ □ □

- A. In the R-1 zone every lot shall have a minimum lot width as follows:
 - 1. Lots required to have an area up to ten thousand square feet, sixty feet;
 - 2. Lots required to have an area of at least ten thousand square feet and up to twenty thousand square feet, seventy-five feet; and
 - 3. Lots required to have an area of twenty thousand square feet or more, eighty feet.
- B. The official or decision-making body with the authority to otherwise approve the subdivision may approve panhandle or flag-shaped lots where the lot width and yards shall be measured in accord with this section if the following circumstances are found to exist.
 - 1. The property cannot be served adequately with a public street without panhandle lots due to unfavorable conditions resulting from unusual topography, surrounding land development, or lot configuration; and
 - 2. Subdivision with panhandle lots will not preclude or adversely affect the ability to provide full public street access to other properties within the same block of the subject property.
- C. In approving a panhandle lot, a determination shall be made as to what portion of such lot shall be the buildable lot; for purposes of this chapter, the buildable portion shall be the entire lot exclusive of any portion of the lot less than thirty-five feet in width that is used for access to the lot. Also, a determination shall be made on which property lines of the buildable lots are the front, sides and rear for purposes of providing required yards.
- D. Any panhandle lot approved pursuant to this section shall meet the following requirements:
 - 1. The area of the buildable portion of the lot shall be a minimum ten thousand square feet or the minimum required by the zone whichever is greater. In zone districts permitting less than ten thousand square-foot lots, the buildable portion of the lot may be less than ten thousand square feet provided the official or decision-making body with authority to otherwise approve the subdivision finds from evidence submitted on a site plan that all requirements of this section will be met; however, in no case shall the buildable portion of the lot be less than eight thousand square feet in area. If a site plan for a subdivision with panhandle lots with a buildable portion of less than ten thousand square feet is approved, development within such subdivision shall conform to the plan as approved;
 - 2. The width requirements for the buildable portion of the lot shall be met as required for lots in the zone district;
 - 3. The yard requirements of the zone district shall be met as required for interior lots;
 - 4. The length of the portion of the lot fronting on a public street or publicly dedicated easement afforded access to the buildable lot shall not be greater than one hundred fifty feet for a single lot or

two hundred feet when two such lots are adjoining. The minimum width for such access portion shall be twenty feet except where the access portion is adjacent to the same portion of another such lot, in which case the required minimum frontage shall be fifteen feet, provided a joint easement ensuring common access to both such portions is recorded;

5. An improved driveway shall be provided within the access portion of the lot from the street or public easement to the parking area on the buildable lot at least fourteen feet wide for single lots and twenty feet wide when serving more than one lot. The minimum overhead clearance shall be ten feet. The driveway shall be constructed to accommodate public service vehicles with a minimum of two-inch thick asphalt concrete paving on proper base with rolled edges;
6. Drainage from the lot shall be channeled down the private access to a public street or special drainage means must be provided to the satisfaction of the city engineer;
7. Each lot shall have three nontandem parking spaces with an approach not less than twenty-four feet in length with proper turnaround space to permit complete turnaround for forward access to the street. The parking and access arrangement shall be designed to the satisfaction of the city engineer;
8. Structures permitted in the access portion of the lot shall be limited to mailboxes, fences, trash enclosures, landscape containers and nameplates. Except for mailboxes, the structures shall not be greater than forty-two inches in height if located within twenty feet of the street property line or greater than six feet in height beyond this point;
9. The property owner of such a lot shall agree to hold the city or any other public service agency harmless from liability for any damage to the driveway when being used to perform a public service;
10. Any other condition the official or decision-making body with the authority to otherwise approve the subdivision may determine to be necessary to properly develop such property.

(Ord. NS-718 § 7 (part), 2004)

(Ord. No. CS-178, § XI, 4-24-2012)

21.10.110 - Lot coverage.

- A. Lot coverage with buildings and structures shall not exceed forty percent of the lot. Buildings and structures used for growing or raising plants or animals are not counted as coverage.

(Ord. NS-718 § 7 (part), 2004)

21.10.120 - Development standards.

- A. No one-family dwelling unit, whether it be conventionally built, modular or a mobile home, shall be located on a lot in this zone unless such dwelling unit complies with the following development standards:

1. Garage(s), which are provided to meet the parking requirements for dwellings pursuant to [Section 21.44.020](#) of this title, shall be architecturally integrated with and have an exterior similar to the dwelling unit.
2. All dwelling units shall have a permanent foundation. For mobile homes a foundation system installed pursuant to Section 18551 of the State Health and Safety Code shall satisfy the

requirements of this section;

3. Exterior siding materials shall be stucco, masonry, wood or brick unless an alternative exterior material is approved by the city planner. The city planner may approve a siding material other than those listed in this section only if he or she finds that use of such material is in harmony with other dwelling units in the neighborhood;
4. All roofs shall have a pitch of at least three inches in twenty inches unless another pitch is approved by the city planner. No roof shall be made of corrugated, extruded or stamped metal;
5. All dwelling units shall have a minimum width of twenty feet.

(Ord. NS-718 § 7 (part), 2004)

(Ord. No. CS-102, § XXI, 8-24-2010; Ord. No. CS-164, § 10, 12-6-2011)

21.10.125 - Farmworker housing complex standards.

□ □ □ □ □

A. Purpose.

1. The purpose of this section is to establish standards to ensure that the development of farmworker housing complexes does not adversely impact adjacent parcels or the surrounding neighborhood and that they are developed in a manner which protects the health, safety, and general welfare of the nearby residents and businesses, and the character of the City of Carlsbad.
2. The Employee Housing Act allows for flexibility in housing types for farmworker housing, including conventional and nonconventional structures, such as: living quarters, boardinghouse, tent, bunkhouse, mobilehome, manufactured home, recreational vehicle and travel trailers. The laws and regulations governing these structures depends on the housing type; however, all employee housing must comply with: the Employee Housing Act (Health and Safety Code Section 17000 et. seq.) and the Employee Housing Regulations (Title 25 - Housing and Community Development), which outline specific requirements for the construction of housing, maintenance of grounds, buildings, sleeping space and facilities, sanitation and heating; and the provisions of this section.

- B. The provisions of this section shall apply to: 1) single-family zones E-A, R-A, R-E, R-T, R-W, RD-M, L-C and R-1, areas designated by a master plan for single-family detached dwellings in P-C zones where agricultural uses are allowed; 2) lots within multifamily zones R-2, R-3, R-P and RMHP; 3) commercial, office and industrial zones C-1, O, C-2, C-T, C-M, C-L, M, P-M and P-U; and 4) open space zones O-S and CR-A/OS, which are developed with a farmworker housing complex.
- C. The property owner shall obtain all permits and/or approvals from the City of Carlsbad, as applicable, and the State Department of Housing and Community Development (HCD) pursuant to Title 25 of the California Code of Regulations. A farmworker housing complex may require a building permit, and if located in the coastal zone, may also require a coastal development permit issued according to the provisions of [Section 21.201](#) of this title.
- D. A farmworker housing complex shall meet the setback, lot coverage, height, and other development standards applicable to the zone in which it is located. Additionally, a farmworker housing complex shall be located not less than seventy-five feet from barns, pens, or other structures that house livestock or poultry, pursuant to Title 25 of the California Code of Regulations, and not less than fifty feet from any other agricultural and non-agricultural use.
- E. All permanent farmworker housing shall provide landscaping around the entire perimeter of the housing to shield the housing from adjacent structures.
- F. Parking shall be as required by [Chapter 21.44](#).
- G. Farmworker housing complexes shall comply, as applicable, with the following: 1) Employee Housing Act

(California Health and Safety Code Sections 17000 - 17062); 2) Mobilehome Parks Act (California Health and Safety Code Sections 18200 - 18700); and Special Occupancy Parks Act (California Health and Safety Code Sections 18860 - 18874).

- H. Within thirty days after approval from the City of Carlsbad for farmworker housing, the applicant shall record in the office of the County Registrar-Recorder/County Clerk a covenant running with the land for the benefit of the City of Carlsbad, declaring that the farmworker housing will continuously be maintained as such in accordance with [Chapter 21](#) of the Carlsbad Municipal Code and also that:
1. The applicant will obtain and maintain, for as long as the farmworker housing is operated, the appropriate permit(s) from State Department of Housing and Community Development (HCD) pursuant to the Employee Housing Act and the regulations promulgated thereunder;
 2. The improvements required by the City of Carlsbad related to the farmworker housing shall be constructed and/or installed, and continuously maintained by the applicant;
 3. The applicant will submit the annual verification form to the City Planner as required by [Section 21.10.125\(l\)](#); and
 4. Any violation of the covenant and agreement required by this section shall be subject to the enforcement procedures of [Title 1](#) of the Carlsbad Municipal Code.
- I. The property owner shall, if applicable: 1) complete and submit to the City Planner a verification form no later than thirty days after receiving a permit to operate from HCD; 2) a verification form shall be submitted to the City Planner annually to ensure compliance with [Title 21](#) of the Carlsbad Municipal Code; and 3) the verification form shall include: information regarding the agricultural use, housing type, number of dwelling units or beds, number of occupants, occupants' employment information, and proof that a permit to operate from HCD has been obtained and maintained.
- J. Farmworker housing complex shall be removed from the property within 90 days of termination of the property's use from agricultural production.

(Ord. No. CS-189, § XIII, 10-2-2012)

21.10.130 - Severability.

□ □ □ □ □

- A. If any section, subsection, sentence, clause, phrase or part of this chapter is for any reason found by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter, which shall be in full force and effect. The city council hereby declares that it would have adopted this chapter with each section, subsection, sentence, clause, phrase or part thereof regardless of the fact that any one or more sections, subsections, sentences, clauses, phrases, or parts be declared invalid or unconstitutional.

(Ord. NS-718 § 7 (part), 2004)