

CHAPTER 30.16
RESIDENTIAL ZONES

30.16.010. Development Standards.

A. The development standards described in the tables below shall apply to the Residential zones and are minimums unless otherwise stated. These standards shall apply to all land and buildings other than accessory buildings, permitted in their respective residential zones. In addition to the development standards provided in this Chapter, each specific plan identified in Chapter 30.84, Specific Plans, may have separate development standards for Residential zones in their jurisdictional boundaries. Refer to individual specific plans, as referenced in Chapter 30.84, for development standards in Residential zones within adopted specific plans. (Ord. 94-02)

For building height, see Section 30.16.010B6. For Off-Street Parking requirements, see Chapter 30.54. (Ord. 2010-13)

1. **RURAL RESIDENTIAL ZONES (Ord. 89.41)**

ZONE REQUIREMENTS	RR	RR-1	RR-2
a. Density (Maximum dwelling units per net acre)	0.123 (8 acres for floodplain) 0.26-0.50 (2-4 acres depending on slope)	1.0	2.0
b. Midrange Density (See Section 30.16.01B1 & B2)	0.125 (8 acres for floodplain) 0.38 (3 acres depending on slope)	0.75	1.5
c. Net Lot Area	2,4, or 8 acres	1.0 acre	21,500 sq. ft.
d. Lot Width (ft.)	110	110	100
e. Cul-de-sac Lot Width (ft.)	30 at front setback	30 at front setback	30 at front setback
f. Panhandle Width on a Flag Lot (ft.)	20	20	20
g. Lot Depth (ft)	150	150	150
h. Front Yard Setback (ft)	30	30	30
i. Side Yard Setback (ft.) for each interior side ^{4,5}	15/15 (Ord. 2006-06)	15/15	10/10
j. Side Yard Setback (ft) street side ⁵	20	15	15
k. Rear Yard Setback (ft.)	25	25	25
l. Lot Coverage (maximum percentage)	35%	35%	35%

2. SINGLE-FAMILY RESIDENTIAL ZONES

ZONE REQUIREMENT	R-3	R-5	R-8	R-11/RS-11
a. Density (Maximum dwelling units per net acre)	3.0	5.0	8.0	11.0
b. Midrange Density (See Section 30.16.010B1 & B2)	2.5	4.0	6.5	9.5
c. Net Lot Area (sq. ft.)	14,500	8,700	5,400	3,950
d. Lot Width (ft.)	80	70	60	40
e. Cul-de-sac Lot Width (ft.)	30 at front setback	30 at front setback	30 at front setback	30 at front setback
f. Panhandle Width on a Flag Lot (ft.)	20	20	20	20
g. Lot Depth (ft.)	100	100	90	90
h. Front Yard Setback (ft.)	25	25	25	20 ²
i. Side Yard Setback (ft) for each interior side ^{4,5}	10/10	10/10	5/10	(RS-11) 5/5 (R-11) 5/0-5 ¹
j. Side Yard Setback (ft) street side ⁵	10	10	10	10
k. Rear Yard Setback (ft.)	25	25	25	20
l. Lot Coverage (maximum percentage)	35%	35%	40%	40%
m. Floor Area Ratio		.6	.6	.6 (Standard Lot Sizes) .5 (Substandard Lot) ³

3. HIGHER DENSITY SINGLE-FAMILY AND MULTIPLE-FAMILY RESIDENTIAL ZONES

ZONE REQUIREMENT	R-15	R-20	R-25	MHP
a. Density (Maximum dwelling units per net acre)	15.0	20.0	25.0	11.0
b. Midrange Density (See Section 30.16.010B1&B2)	13.0	17.5	22.5	9.5
c. Net Lot Area (sq. ft.)	20,000	20,000	20,000	
d. Lot Width (ft)	100	100	100	
e. Lot Depth (ft)	150	150	150	
f. Front Yard Setback (ft)	20	20	20	
g. Side Yard Setback (ft.) for each interior side (Standard Lot) ⁵	15/15	15/15	15/15	
h. Side Yard Setback (Substandard Lot) street side ^{3,5}	5/5	5/5	5/5	
i. Street Side Yard Setback, (Standard Lot) (ft.) ⁵	20	20	20	
j. Street Side Yard Setback (Substandard Lot) ^{3,5}	10	10	10	
k. Rear Yard Setback (ft.)	15	15	15	
l. Rear Yard Setback Where Alley Exists	20	20	20	
m. Lot Coverage (maximum percentage)	40	40	40	
n. Building Height (See 30.16.010B6)				
o. Distance between buildings on the same lot less than 16 ft. in height	15	15	15	
p. Distance between buildings on the same lot greater than 16 ft. in height	20	20	20	

FOOTNOTES

1. Requires a minimum 5 ft. side yard setback for both side yards, unless a zero lot line development is proposed. For zero lot line development, a 5 ft. minimum side yard setback is required for one side yard with a zero yard setback where the two units have common walls.
2. See Section 30.16.010C4 and D10.

3. Note: Substandard lot under floor area ratio refers to a lot that does not meet the standard for lot area (Ord. 84-91)
4. See Section 30.16.010B9 (Ord. 90-15)
5. See "Lot, Interior" in Section 30.04.

B. ALL RESIDENTIAL ZONES. The following development standards shall apply to all residential zones.:

1. In determining the mid-range or maximum number of dwelling units allowed for a property, multiply net acreage by the mid-range density or maximum density given in 30.16.010A. Any fraction of a dwelling unit shall be reduced to the next lower whole unit not less than one.

2. Net acreage is the slope adjusted gross acreage not including acreage of the flood plains, beaches, permanent bodies of water, significant wetlands, major power transmission easements, railroad track beds, existing and future rights-of-way and easements for public or private streets/roads, and the area contained within the panhandle portion of a panhandle lot in a zone where the minimum required lot size is 10,000 square feet or less. The portion of access roadways or easements internal to a project that are used exclusively to provide access to rear-loaded garages are not required to be deducted from gross acreage. Driveways providing access to dwelling unit(s) on one lot are not deducted from gross acreage. Environmental constraints may reduce density. (Ord. 2003-10).

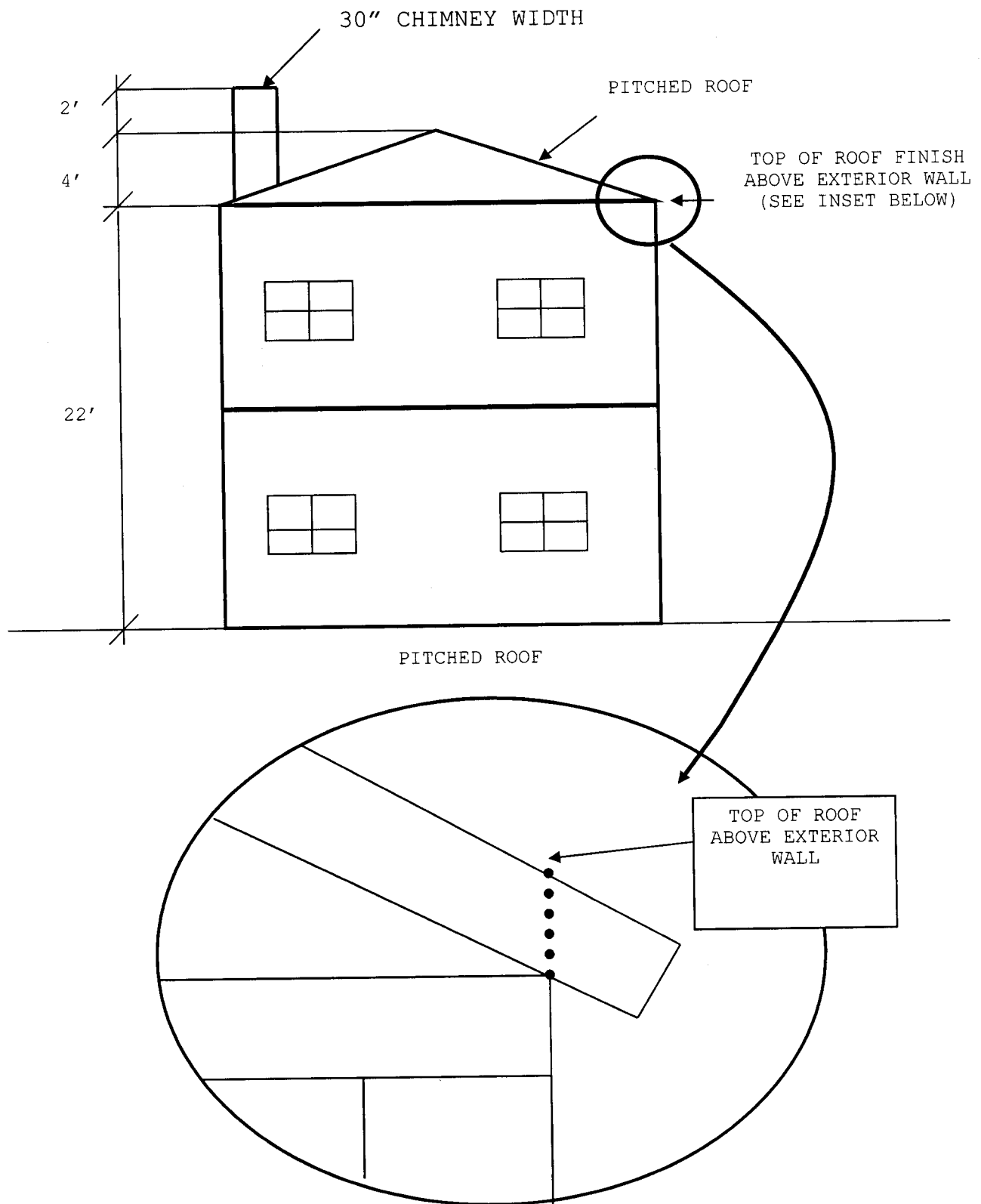
a. The slope adjustment shall be required and is as follows:

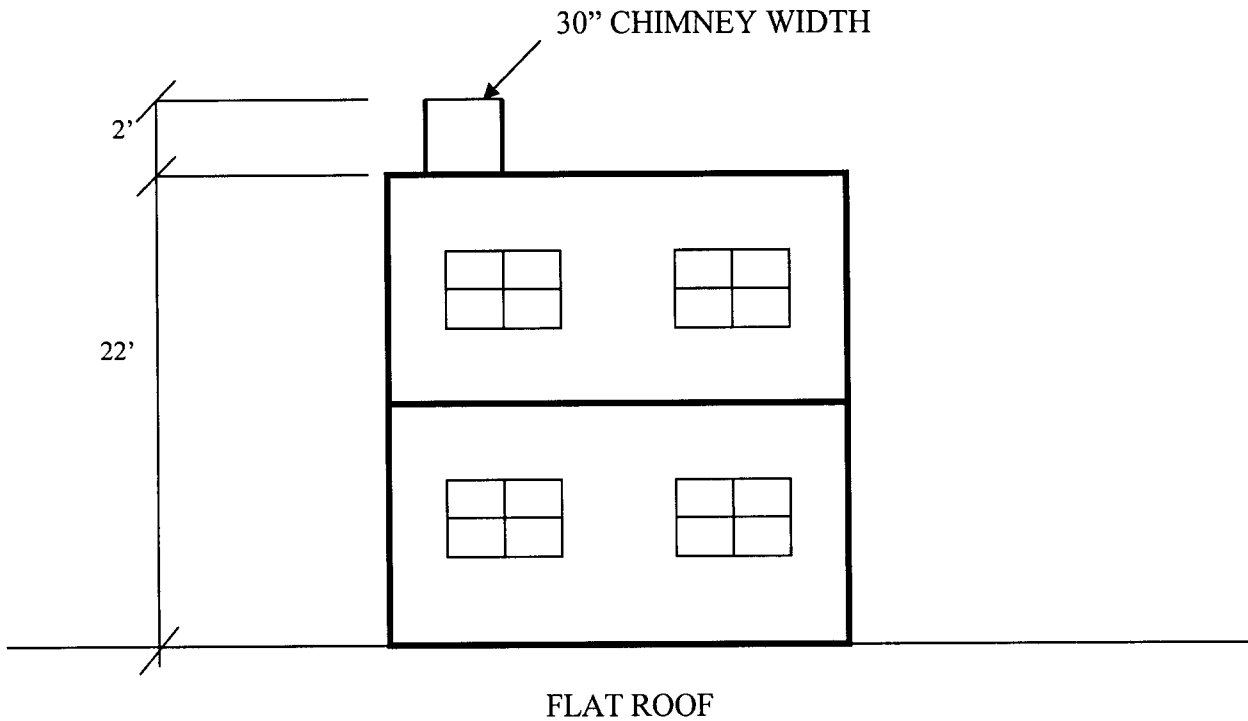
- (1) All land in 0-25% slope of natural grade is allowed to use 100% of acreage.
- (2) All land in 25-40% slope of natural grade is allowed to use 50% of acreage.
- (3) All land in 40% + slope of natural grade is allowed to use 0% of acreage.
- (4) Five-foot contour maps available from the City shall be used for calculating the slope adjustment.

b. The density of development shall be based on net acreage. Projects proposing to create a total of four units/residential lots or less may exceed mid-range density regulations without having to comply with the following findings, so long as the project will not exceed maximum density. In order to exceed mid-range density up to the maximum density for projects containing 5 or more dwelling units or residential lots, allowed for the subject site, the following findings must be made by the appropriate agency:

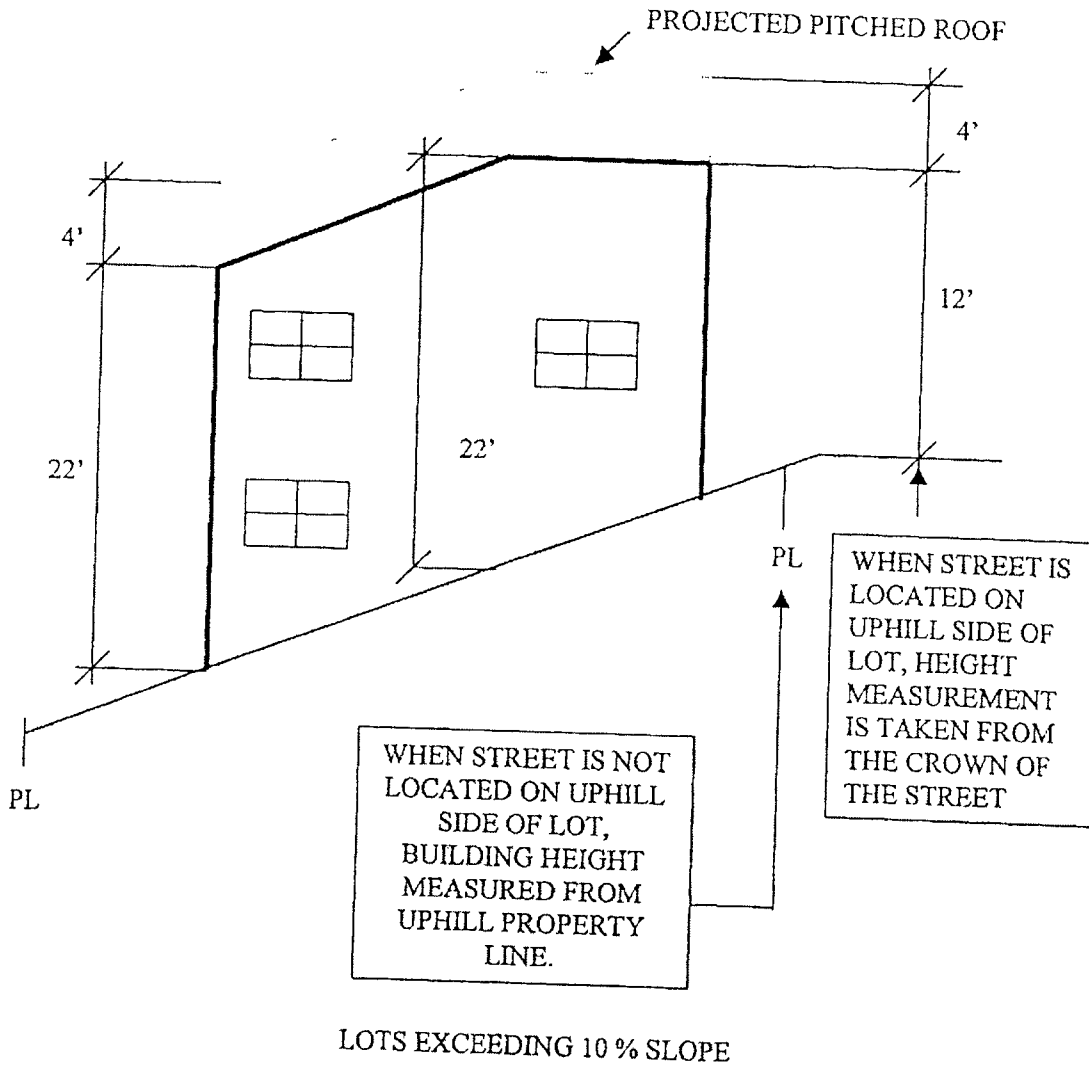
- (1) The project shows high sensitivity to the neighboring properties and area to ensure compatibility with land uses and community character, and;
 - (2) The project design significantly exceeds the minimum standards for development (lot size, setbacks, lot width and depth, landscape standards and design standards) and;
 - (3) The project either:
 - ° Provides needed public improvements that are significantly beyond the requirements for the project, or;
 - ° Provides private or public recreational facilities that significantly exceed the project's requirements.
 - ° Or provides other significant benefits.
3. Street setbacks shall be measured from the ultimate street right-of-way according to the City Engineer or the maximum required street width if the street is proposed to be private or is now a private street.
4. When landscaping is required, landscaping shall consist predominantly of trees, shrubs, ground cover and decorative rocks, except for necessary walks, drives and fences. All required landscaping shall be maintained in a healthy and thriving condition, free from weeds, trash, and debris.
5. Varieties of plants chosen for landscaping may be restricted through the development review process to protect or preserve views. All required plantings shall be maintained in good growing condition, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with required landscaping, buffering, and screening requirements. All landscaping shall be maintained in a manner that will not depreciate adjacent property values or otherwise adversely affect adjacent properties.
6. The following standards shall apply to building height limits for residential buildings. (Ord. 2003-10).
 - a. The standard height limit for residential buildings shall be the lesser of two stories or the following height, all as measured to the top of a flat roof (or in the case of a pitched roof to the top of the roof immediately above the exterior plane of the wall below, including roofing material):
 - **26 ft.** - RR to RR-1 zones citywide, RR through RR-2 in the Olivenhain Community.
 - **22 ft.** - RR-2 (except Olivenhain Community) and higher zones, and substandard lots in the Olivenhain Community.

This height standard is subject to the following exceptions:





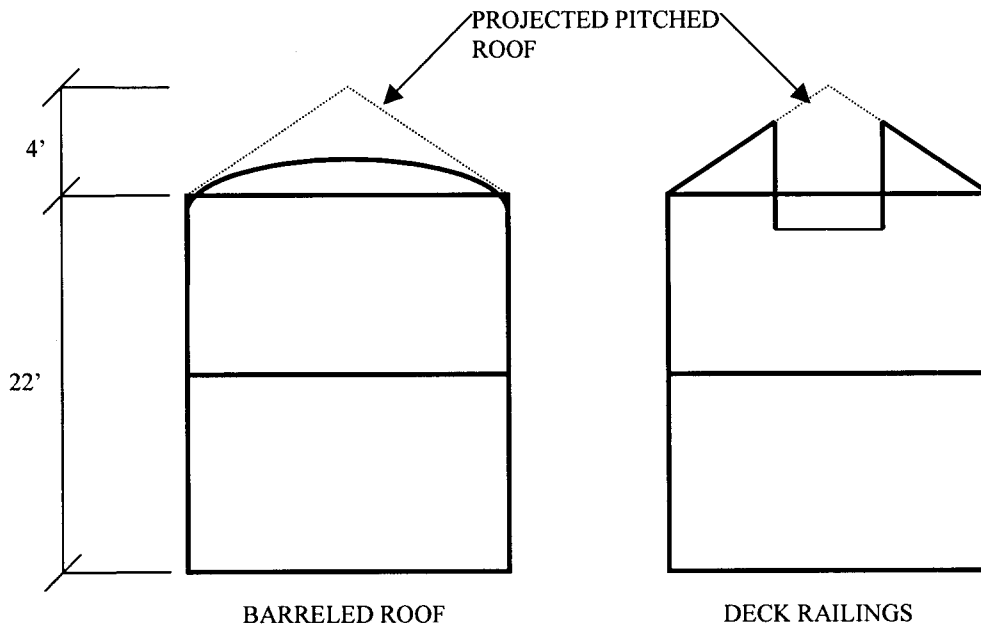
- (1) On lots in R-3 to R-25 zones with greater than ten (10) percent slope, the building height at the uphill side of the lot shall not exceed twelve (12) feet above the crown of the right of way. Where a street does not abut the uphill side of the sloped lot or a panhandle portion of a lot exists, this measurement shall be made at the property line located at the uphill side of the lot (excluding the panhandle of a lot) except as provided below. In no case shall the building exceed the applicable standard height limit at any point unless provided by the Code. Lot slope shall be determined in accordance with 30.16.010B6e below. (Ord. 2003-10).



(2)

In all zones, elements such as towers (maximum diagonal dimension of 12 feet), hips, gables, and spires may extend no more than 4' above the permitted standard height limit. A roof that extends above the permitted standard height limit shall have a minimum 3 12 pitch. Barreled roofs and roof decks shall be permitted provided the design of the roof or deck railings do not extend beyond the envelope of a projected pitch roof as authorized by this Section. An additional maximum of a 2' projection (beyond the elements extending up to 4 ft. listed above) may be authorized by staff for chimneys, provided: 1) the perimeter of the chimney does not exceed 120 linear inches; and 2) the width of the chimney is no wider than 40" in any direction; and 3) a required non-decorative spark arrestor assembly may be added to the 2' chimney; and 4) the building height plus projections do not exceed 30 feet in height. (Ord. 2006-06)

- (3) Existing residential structures in the New Encinitas Community constructed at a height exceeding the aforementioned 22 ft./26 ft. height may be remodeled or added to at the height of the existing structure. The height of the existing structure shall be documented through a height survey or other manner found satisfactory by the Director, and the proposed addition/remodel must also maintain substantially the same design character as the existing structure, also to the satisfaction of the Director. (Ord. 2003-10).



- b. All building permit applications for residential buildings shall provide building height information at a sufficient number of locations to substantiate that no point of the structure exceeds the standard building height limit, projections do not exceed the height restrictions, and the structure contains no more than two (2) stories. (Ord. 2003-10).

- c. Natural grade shall be determined as follows: (Ord. 2003-10).

Natural grade may be determined by the Planning and Building Director, or authorized agency when a discretionary application is being reviewed, with consideration given to:

- (1) The prevailing topography of the site which has existed for some period of time prior to review of a project under consideration. Documentation of the grade shown on photographs, historical topographic surveys and/or in geotechnical reports prepared by certified professionals may be utilized on a case by case basis to determine the natural grade for purposes of development. The review shall take into account the vegetation on the site, the existing earth forms at the time of the review and the expectation that a reasonable person would consider the grade to be natural. Small earth form irregularities in topography, such as pits or mounds and similar features may be disregarded;
- (2) Grading or other modifications of earth forms which result in gaining an advantage for future development, shall not be considered natural grade when substantial evidence can reasonably document that the grading or modifications of earth forms have resulted in circumvention of the regulations in the Municipal Code.

- d. Finished pad elevation shall be determined as follows:

An approved subdivision map may establish the finished building pad elevation from which building height is measured with consideration given to on-site and surrounding uses and terrain. Where the property is located significantly below the level of existing streets (as determined by the Planning and Building Director) a pad elevation, from which the building height is measured, may be approved subject to a Use or Design Review Permit.

- e. The slope of a lot shall be determined as follows:

- (1) For the purpose of determining whether a lot has a greater than 10% slope, the average lot slope within the building envelope (setback lines) must be established. The average lot slope is determined by calculating the total change in elevation from setback line to setback line (rise/run), and is established by placing three run-lines across the property and taking the combined average slope of the three lines. The lines are to follow the slope of the property, i.e. are to be placed at right angles to the contour lines.

- (2) For properties in which the run-lines parallel the property lines, two run-lines shall be placed along the peripheral setback lines, with the third line placed down the center of the property. For situations in which the slope crosses the property at an angle, the three run-lines shall be placed in such a way as to reveal average slope of the entire building envelope, to the satisfaction of the Director of Planning and Building. For properties of an irregular shape and topography, additional run-lines may be required on the site plan to the satisfaction of the Director of Planning and Building. (Ord. 2003-10).
- (3) Bluff-top properties with one property line located at the lower portion of the bluff shall not be subject to a designation of greater than 10% lot slope, unless, using the method of measurement described above, the portion of the property between the edge of bluff and the opposite setback line is determined to exceed 10%. A bluff exists when the vertical elevation between the top and the toe of the bluff is ten feet or more.
- (4) All building permit applications for new residential construction or additions on which slope determination is an issue must provide topographic information in order for lot slope to be determined. For properties with an average slope of 5% or less, and for properties on which the owner is not disputing the degree of slope being greater than 10%, the topographic information may be provided by a note on the site plan indicating percentage of slope. For lots sloping greater than 5% on which slope determination is an issue, topographic information based on a permanent assumed benchmark shall be depicted on the site plan. The topographic information can be provided by the property owner, contractor, architect, designer, land surveyor or civil engineer. If substantial evidence is presented which indicates that the topographic information is inaccurate, a certified survey shall be provided from a professional land surveyor or civil engineer.

7. Floor Area Ratio (FAR) shall limit the amount of floor area of a building on a lot. FAR is determined by dividing the total bulk floor area by the gross lot area of the lot or lots on which one or more structures are located. The bulk floor area is the area per UBC included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts, courts and architectural projections not utilized as livable area. The floor area bulk of a building or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. Bulk floor area excludes: (Ord. 92-21)
- a. Floor area covered by a roof of open construction, such as a trellis, sunscreen or lattice work, where the total square footage of the open spaces of the covering is fifty percent (50%) or more of the total square footage of the floor area below. (Ord. 92-21)
 - b. Floor area whose walls are of open construction, such as a trellis, sunscreen or lattice work, or partial wall where fifty percent (50%) or more of the total square footage of the vertical planes of the perimeter of the bulk floor area is open. (Ord. 92-21)
 - c. Floor area which has less than five feet of headroom between the floor and the ceiling. (Ord. 89-41)
 - d. That portion of the floor in the basement. (Ord. 89-41)
 - e. Floor area used solely for the capture, distribution or storage of solar energy. (Ord. 89-41)
 - f. Up to 400 square feet per dwelling unit for a garage or carport. (Ord. 92-21)

8. An animal kennel that was lawfully established and was in existence on March 29, 1989 may expand and rebuild in accordance with the development standards for the zone in which it is located. When an expansion increases the intensity of the use, a major use permit shall be required. An increase in intensity would include, but not be limited to, an increase in animals, customers, and traffic, and a relocation or expansion of high activity areas (dog runs). When structural alterations are proposed that do not increase the intensity of the use, a design review permit shall be required pursuant to Chapter 23.08 of the Municipal Code. Such structural alterations would include, but not be limited to: building elevation redesign; landscaping, walkways and fences/walls, additions to utility rooms, office space and lobby space. The permit (Major Use Permit and/or Design Review Permit) shall be revoked only if the kennel is operated in a manner contrary to law or the use is removed by the owner. (Ord. 90-16)
9. Additions to existing nonconforming residential structures that were legally constructed prior to March 29, 1989, shall have an interior side yard setback in accordance with the following: (Ord. 94-11)
 - a. The existing interior side yard setback of the existing building may be maintained except that in no case shall the interior side yard setback of the addition be less than:
 - (1) 10' for a 15' required side yard setback.
 - (2) 5' for a 10' required side yard setback.
 - b. Second story additions are allowed for an existing nonconforming two story dwelling based on the setbacks of subsection 9a above. (Ord. 94-11)
 - c. Additions in conformance with subsection 9a above shall be limited to one story for an existing nonconforming single story dwelling unless it is determined that no view issues exist. Should no view issues exist based on the filing of a Conceptual Review application and subsequent site analysis, the Director of Planning and Building shall approve a second story addition based on the setbacks of subsection 10a above. The adjacent property owners shall be notified of the decision and be given the opportunity of an *appeal. Should view issues exist a Design Review application must be filed and a public hearing scheduled before the Community Advisory Board. (2003-08).

- d. New construction on vacant lots or to replace demolished units shall comply with the established interior side yard setbacks unless otherwise permitted pursuant to Chapter 30.76 (Nonconformity Regulations) of the Municipal Code.
 - e. Second story additions to existing single story residential structures which comply with the setback standards in effect at the time of building permit application shall be processed in accordance with the standards contained in Chapter 30.16 of this Code. (Ord. 94-11)
10. Additions or enclosures for existing third story rooms and/or decks that were legally constructed prior to March 29, 1989 may be approved through the design review process if it can be found that the addition and/or deck enclosure:
- a. Maintains some of the significant views enjoyed by residents of nearby properties, and
 - b. That the remodeled building is compatible in bulk and mass with buildings on neighboring properties, and
 - c. That the Floor Area Ratio prescribed for the zoning district in which the project is located is not exceeded. (Ord 92-30)
11. For single family residential zones, the following development standards shall apply: (Ord. 2003-10).
- a. Front yard setbacks within subdivisions of 5 or more lots should vary in a manner consistent with the pattern of development in the surrounding neighborhood and consistent with the provisions of the underlying zoning.
 - b. Garage placement/design standards for single-family subdivisions:
 - (1) Garages shall be located to minimize or reduce their visual presence, to the extent practical.
 - (2) In RR to R-3 Zones, the placement of garages on a single-family lot shall vary, e.g., (a) located in the rear of the lot but accessed from the front, (b) located in the front portion of the lot with either direct access or side loaded, or (c) accessed from the alley or side street, or combination. In R-5 to RS-11 Zones, the placement of garages on the lot is encouraged to vary, to the extent practical.
 - (3) To the extent practical, access to the garage shall be from the alley or side street, if available.
 - c. For a new tract front yard setbacks may be reduced up to 25 percent on a maximum of one-half of the dwelling units within a residential tract; however, no street setbacks shall be less than twenty (20) feet to the garage for front-entry garages, and fifteen (15) feet to the garage for side-entry garages.

12. Non-conforming "Residential Care, General" facilities, if determined by City review as being lawfully established and in existence on the date of adoption of this code section, may expand or rebuild in accordance with the development standards for the zone where it is located. When an expansion increases the intensity of the use, a major use permit shall be required. An increase in land use intensity may include, but not be limited to: an increase in the number of residents, traffic and/or noise impacts, or a relocation or expansion of outdoor activity areas. (Ord. 2005-03)

C. SINGLE-FAMILY RESIDENTIAL ZONES (RR-2/R-3/R-5/R-8/RS-11). In the single-family residential zones, the following development standards shall apply in addition to A & B of this Section: (Ord. 2003-10).

1. Residences shall be oriented with the rear of the residence toward collector and larger streets where possible, consistent with the pattern of development in the neighborhood. (Ord. 2003-10).
2. Walkways connecting with City sidewalk/trail systems shall where practical be provided in new residential developments. (Ord. 2003-10).
3. Driveway or other concrete or asphalt concrete areas available for parking shall not exceed fifty (50) percent where practical of the required front yard area. (Ord. 2003-10).
4. The front yard setback for R-11 zones may be reduced to 15 feet provided that the subject parcel is substandard in either size or the depth of the lot, and an alley abuts the rear of the parcel where the required parking is to be located. No paving (impervious surfaces) shall be permitted in the front yard other than a pedestrian sidewalk to the front entry with the rest of the front yard being landscaped when the front setback is so reduced. (Ord. 2003-10).
5. To the extent practical, access to the garage shall be from the alley or side street, if available. (Ord. 2003-10).

D. HIGHER DENSITY SINGLE-FAMILY AND MULTIPLE-FAMILY RESIDENTIAL ZONES (R-11/R-15/R-20/R-25). (Ord. 89-41) In the higher density single-family and multiple-family residential zones, including the conversion of apartments to condominiums, the following development standards shall apply in addition to A & B of this Section:

1. A minimum of ten (10) percent of the floor area of the unit shall be provided as private open space for both ground floor units and units contained wholly on the second floor. For units wholly on the second floor this open space may be provided by outdoor decks.
2. Architecturally compatible trash enclosures, and adequate areas for collecting and loading recyclable materials, screened from view of the roadway, and convenient to all dwelling units within the project, shall be provided. (Ord. 93-14)
3. A minimum of fifteen (15) feet wide of screen type landscaping shall be provided and maintained on the project side of any property line separating the project from a rural residential or single-family residential zone.
4. A minimum of 250 cubic feet of lockable, enclosed storage area per unit shall be provided within a garage/carport area, or within the main building.
5. Fully screened recreation vehicle parking areas shall be provided or the development shall prohibit all parking of recreation vehicles.
6. A minimum of thirty (30) trees per net acre shall be required as part of the project landscaping; the trees shall consist of a combination of box specimen and fifteen (15) gallon sizes. Smaller sized trees may be approved provided said trees reach a desired maturity height within 3 years after project occupancy.
7. A masonry wall, or equal six (6) feet in height from the highest finished grade may be required along the project's rear and side property lines, unless the property line separates two higher density residential projects. Where the adjacent grade of abutting property is four (4) feet or more lower or higher than the project

site, the masonry wall shall be a minimum of six (6) feet in height. No walls are required in front or street side yards unless needed for noise attenuation and/or privacy. All masonry walls greater than 4 feet in height shall be planted with vine cover material (or equal landscaping).

8. The following recreation facilities shall be provided unless waived during the Design Review process:

- a. Childrens' play area
- b. Swimming pool
- c. Family picnic area

9. Auxiliary structures/equipment and utilities. The following development standards related to auxiliary structures/equipment and utilities shall apply:

- a. All roof appurtenances including, but not limited to air conditioning units, and mechanical equipment shall be shielded and architecturally screened from view from on-site parking areas, adjacent public streets and adjacent properties;
- b. All ground-mounted mechanical equipment, including heating and air condition units, and trash receptacle areas and adequate areas for collecting and loading recyclable materials, shall be completely screened from surrounding properties by use of a wall, fence, or landscaping, or shall be enclosed within a building; (Ord 93-14)
- c. All utility connections shall be designed to coordinate with the architectural elements of the site so as not to be exposed except where necessary. Pad-mounted transformers and/or meter box locations shall be included in the site plan with an appropriate screening treatment. All new and existing utility connections within the boundaries of the project shall be placed underground, with the exception of existing overhead power transmission lines in excess of 34.5 KV and long-distance and main trunk communications facilities. Transformer, terminal boxes, meter cabinets, pedestals, concealed ducts and other facilities may be placed above ground provided they are screened with landscaping.
- d. Trash receptacles and adequate areas for collecting and loading recyclable materials enclosed by a six-foot high masonry wall with view-obstructing gates shall be provided in an acceptable location; (Ord. 93-14)

e. Outdoor storage and sales areas shall be entirely enclosed by solid masonry walls not less than six (6) feet in height to adequately screen such areas from view. Reasonable substitutions such as masonry, wood or metal pilasters with wrought iron or chain link and view obscuring material may be approved during Design Review.

10. The front yard setbacks may be reduced to 15 feet provided that the subject parcel is substandard in either size or the depth of the lot, and an alley abuts the rear of the parcel where the required parking is to be located. No paving (impervious surfaces) shall be permitted in the front yard other than a pedestrian sidewalk to the front entry with the rest of the front yard being landscaped. (Ord. 89-41)

E. ACCESSORY STRUCTURES. In all residential zones, the following development standards related to accessory structures shall apply (refer to Chapter 30.48: Accessory Use Regulations for additional standards related to accessory uses, location, quantity permitted, size, etc. of permitted accessory structures): (Ord. 97-17)

1. A detached accessory structure shall meet the setback requirements of the main building for the front and street side yard areas.

2. An accessory structure shall comply with applicable floor area ratio standards with the exception to play houses, storage sheds, and other structures that do not require a building permit. (Ord. 89-41)

3. A detached accessory structure may be located within a required interior side yard or rear yard setback area provided that such structure is located no closer than five (5) feet to an interior side or rear lot line, and shall not cover more than 50% of the required interior side or rear yard. (Ord. 2006-06)

4. A detached accessory structure shall be at least six (6) feet from the main structure or other structures on the property with eaves not less than 4 feet from the main structure or other structure. A detached accessory structure shall have no projections beyond the five (5) foot setback established by Section 30.16.010E3 except for roof eaves. Roof eaves may project a maximum of two (2) feet into the required five (5) foot setback.

5. Accessory structures located within a required side yard or rear yard setback area shall be limited to one (1) story and 12 feet in height. Roofs pitched not less than 3:12 may extend an additional 2 ft. to a maximum 14 feet, to peak of roof. Detached accessory structures that meet the main building setbacks and do not project into any required setback area may have a building height as outlined for residential structures. See Section 30.16.010B6. See subsection 30.16.010E10 below for standards related to minor accessory structures.

6. Swimming pools and spas may be located within the required interior or rear yard provided they are no closer than three (3) feet to interior side and rear lot lines. Swimming pools may occupy more than 50% of the required rear yard. Pool equipment may be located no closer than three (3) feet to interior side, street side or rear lot lines, and shall be fully screened (i.e. landscaping or fencing) from any adjacent property. Swimming pools and spas shall comply with all fencing requirements as set forth in Section 30.16.010 Subsection F(3) of this Code. (Ord. 97-17)

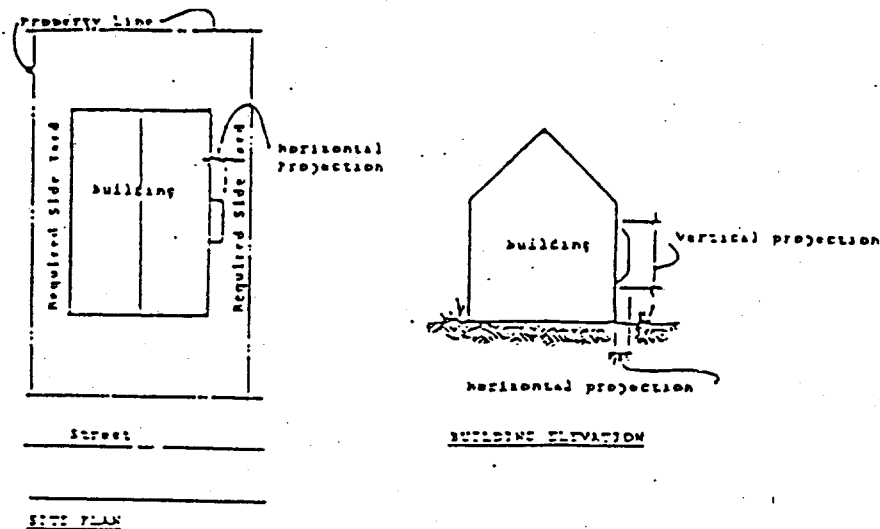
7. Canopies, covers for a patios/decks with the floor less than 30 inches above grade, and breezeways attached to the main building or connecting the main building with a detached accessory building, may extend into a required rear or interior side yard provided that portions of such structures extending into the required yard area meet the following: (Ord. 89-41)

a. The canopy, covered patio/deck, or breezeway shall not exceed twelve (12) feet in height or project closer than five (5) feet to an interior side yard lot line or closer than ten (10) feet at the rear lot line; (Ord. 89-41)

b. The canopy, covers for a patio/deck or breezeway shall be entirely open on at least three sides except for necessary supporting columns. A roof connecting a main building and an accessory building shall be open on two sides. (Ord. 89-41)

8. Architectural features of the primary structure, such as porches, steps, eaves, awnings, chimneys, decks, balconies, stairways, wing walls, or bay windows, window seats, fireplaces, planters, roof overhangs and other architectural projections which do not create additional livable area may project into any front or rear yard not more than four (4) feet. Such projections are permitted to project into any side yard area no more than that identified below: (Ord. 92-21)

Required Side Yard Setback	Maximum Vertical Projections	Maximum Horizontal Projections
5'	6'	2'
10'	8'	3'
15'	N/A	5'
20'	N/A	5'



The maximum vertical projection is the vertical height of a projection that would be permitted in the side yard setback area. The height is measured from the lowest point of the architectural feature to the highest point within the side yard setback. (Ord. 89-41)

9. A tennis court fence may be located within an interior side yard or rear yard; provided that the structure is located no closer than five feet to an interior side or rear lot line and said fence does not exceed 12 feet in height. (Ord. 89-41)

10. Minor accessory structures refers to non-habitable structures such as small play houses and storage sheds that are accessory to a residential use and that are not otherwise regulated by this chapter and that are not regulated with a building permit under the City's Adopted Building Code. Such structures may be permitted to encroach to interior side and rear property lines subject to the following limitations:

- a. Minor accessory structures may be located within the interior side yard and rear yard setback provided that a minimum of five (5) feet is maintained for clear access between the minor accessory structure and any other structure, *other than a fence, retaining wall, or similar structure.*

b. Minor accessory structures shall be limited to one (1) story with a maximum height limit of ten (10) feet.

c. Minor accessory structures shall not exceed 120 square feet of floor area or projected roof area per structure. No more than four (4) minor accessory structures shall be allowed on any site.

d. Accessory structures that otherwise meet the above limitations but require a permit under the City's Adopted Codes for plumbing, electrical, mechanical, or any other purposes shall not be considered a minor accessory structure and shall be subject to the issuance of a building permit and shall be subject to the typical setback and height standards outlined for accessory structures.

e. When located within 5 feet of a side or rear property line, minor accessory structures may not cumulatively extend for more than 50% of the length of a rear property line or for more than 25% of the length of a side property line.

11. For those parcels located under the Coastal Bluff Overlay Zone Section 30.34.020B shall apply.

F. FENCES AND WALLS. In all residential zones, the following development standards related to fences and walls shall apply:

1. FENCE REGULATIONS: The following development standards shall apply to fences and walls. (Ord. 93-18)

a. FRONT YARD: In any front yard within 15 feet from the property line or road easement, a fence shall be limited to 4 feet in height, but may be constructed to a maximum of 6 feet provided that the top 2 feet of the fence is of material being at least 50% open which provides for visibility through that portion of the fence, except as provided herein and in subsection D and E of Section 30.16.010. (Ord. 93-18)

b. STREET SIDE, INTERIOR SIDE and REAR YARD: In any street side yard, interior side yard or rear yard, a fence shall be limited to 6 feet in height, except as provided herein and in subsection D and E of Section 30.16.010. (Ord 93-18)

c. STREET CORNER, SIGHT DISTANCE: Within 15 feet of an intersection of 2 streets or a private easement providing vehicular access to 2 or more primary dwelling units, a fence may not exceed 4 feet. A greater

setback may be required by the Director of Public Works if the proposed wall or fence is determined to be in an unsafe location. (Ord. 2014-12)

2. NOISE ATTENUATION WALL: A 6 foot solid wall may be approved in any required setback upon review of a noise study prepared by a recognized acoustical engineer demonstrating the need for a noise attenuation wall and, if required by the Director of Public Works, an analysis of adjacent road intersection demonstrates that adequate sight distance is maintained. (Ord. 2014-12)

The residential fence standards contained in Section 30.16.010 F1 and F2 above are summarized as follows:

Maximum Fence Height

FRONT	STREET	STREET CORNER	INTERIOR SIDE REAR
4' Solid+	6' Solid	4' Solid	6' Solid
2' 50% open			
6' solid w/ 15' setback	4' within 15' from corner	6' solid w/ 15' setback	

3. POOL FENCING REQUIREMENTS: A minimum 5 foot fence with self-latching gate shall be provided to enclose all pools and spas as set forth in Section 11.04.020 L of the Municipal Code which adopts title 7, Chapter 3.5 of the County of San Diego Code by reference. (Ord. 93-18)

4. TEMPORARY FENCE MATERIALS: Fiberglass sheeting, bamboo sheeting, or other similar temporary material shall not be permitted as a fencing material on street yard frontages. (Ord. 93-18)

5. TENNIS COURT FENCING: Fences surrounding tennis courts may be located within an interior side yard or rear yard provided that the fence is located no closer than five feet to an interior side or rear lot line and said fence does not exceed 12 feet in height. (Ord. 93-18)

6. BARBED WIRE AND ELECTRICAL FENCING: Barbed wire and electrical fencing are prohibited in all residential zones, except for the following: (Ord. 93-18)

- a. Barbed wire is permitted for agricultural uses only.

b. High voltage electrical fencing is permitted for containment of large animals subject to the following regulations: (Ord. 93-18)

(1) Electrical fencing may be maintained on the property line at a maximum of 6 feet in height. When the electrical fence is adjacent to a public road or access easement, the electrical fence shall be located on the inside of a nonelectrical fence.

2) Permits shall be obtained from the Building Department unless exempt. UL (Underwriters Laboratory) approved and other recognized agencies approved electrical fencing is exempt from permits.

(3) Appropriate signage shall be posted to give notice of the electrical fencing.

30.16.020 Special Provisions.

A. LOT AREA AVERAGING. The purpose of lot area averaging is to allow flexibility in lot design so as to minimize grading and preserve steep natural slopes and other environmental resources. The intent is that lots shall relate to the topography so as to ensure the preservation of unique topographic features, riparian or woodland areas, and other significant features of community importance. Lot area averaging shall not be used to create recreational or other open space for the exclusive use of the residents of the subdivision or for the use of the general public on a fee or membership basis, or for any other purpose for which approval of a Planned Residential Development or Specific Plan would be the appropriate process. (Ord. 93-08)

1. Use Permit Required. Lot area averaging for subdivisions creating four (4) or fewer lots in a residential zone may be approved pursuant to a minor conditional use permit, and subdivisions creating five (5) or more lots are subject to major conditional use permit approval as described in Chapter 30.74.
2. General Requirements. Except where specifically modified in this section, all coverage, height, parking, and other requirements shall be as described in Chapter 30.16. Lot area averaging projects shall be subject to the following criteria:
 - a. The density of development (number of available lots) is calculated by the method described in this Chapter. Lots designed for residential use may be smaller than that allowed by the underlying zoning; however, the density allowed by the underlying zoning of the subdivision shall not be exceeded except as permitted through approval of a density bonus pursuant to Section 30.16.020C.
 - b. The area(s) to be left as open space is determined and the available residential lots are distributed within the non-open space area of the property.
 - c. All lots and easements in the subdivision designated for open space shall be permanently reserved in a manner that makes the City of Encinitas a party to and entitled to enforce the reservation. For purposes of this Section, Open Space shall mean those areas deemed by the City to be of significant community importance including, but not limited to, riparian and woodland habitat, sensitive biological areas, unique topology, and so forth.

- d. None of the lots, except any remainder parcels, can be further subdivided. A note on the final map and a covenant to that effect shall be recorded.
- e. Private streets shall be permitted.

B. **PLANNED RESIDENTIAL DEVELOPMENT.** The Planned Residential Development (PRD) regulations are intended to facilitate development of areas zoned for residential use by permitting greater flexibility and, consequently, more creative and imaginative designs for the development of such residential areas than is generally possible under conventional zoning and subdivision regulations. These regulations are further intended to promote more economical and efficient use of land while providing a harmonious variety of housing choices, a higher level of residential amenities, and preservation of natural resources and open space. Affordable housing opportunities are encouraged through the application of this Section, the Density Bonus provisions pursuant to Section 30.16.020C, and the Accessory Apartment provisions pursuant to Section 30.48.040W. A PRD may be approved for any residentially-zoned property. Attached unit development within a PRD is permitted in a single-family zone provided that the Planning Commission finds that such development is compatible with, and will not adversely affect neighboring properties.

- 1. **Use Permit Required.** All Planned Residential Development proposals are subject to approval of a major conditional use permit as described in Chapter 30.74.
- 2. **Pre-application Conference.** Prior to submitting an application for a use permit for a planned residential development, it is recommended that a prospective applicant should consult with the Planning and Building Department to obtain information and to review the proposed application. At the applicant's request and after payment of a pre-application fee, the Department will schedule a conference to be attended by the applicant, representatives of the various City Departments, and a subcommittee of the Planning Commission composed of the Chair and Vice-Chair. (Ord. 96-07)
- 3. **General Requirements.**
 - a. Planned residential developments shall relate harmoniously to the topography of the site, shall make suitable provision for the preservation of steep slopes, water courses, drainage areas, wooded areas, rock outcroppings, and similar natural features, and shall otherwise be designed to retain such natural features to the greatest extent possible.
 - b. Lots and structures shall be designed to follow and not significantly alter the natural contour of the land.

4. Development Criteria. All height and other requirements not specifically modified by this section shall be as described in Chapter 30.16. All parking requirements not specifically modified by this section shall be as described in Chapter 30.54.

a. Density. The density of development (number of available lots or units) is calculated as described in this Chapter. The maximum density allowed by the project area's underlying residential zoning shall not be exceeded except as permitted through approval of a density bonus pursuant to Section 30.16.020C.

When a proposed project area contains two or more residential zones, the maximum number of dwelling units shall be the total of the dwelling units permitted under each of the component zones. The dwelling units in a PRD containing two or more residential zones may be distributed within the development without regard to the boundaries of the component zones provided that the authorized agency makes the following findings:

- (1) The density transfer is compatible with existing development in the surrounding area; and
- (2) The transferred density is consistent with applicable General Plan land use designations and policies.

b. The area(s) to be left as open space is determined and the available residential lots are distributed within the non-open space area of the property;

c. None of the lots, including the open space lot(s) but excluding any remainder parcels, can be further subdivided. A note on the final map and a covenant to that effect shall be recorded.

d. Minimum Lot Area, Lot Width and Depth, Lot Coverage. Lot areas, lot width and depth, and lot coverages for a PRD shall be determined as part of the approval for a major conditional use permit.

e. Setback Requirements.

- (1) Perimeter. Buildings will be set back a minimum of 20 feet from all exterior property boundaries unless the Planning Commission finds that a lesser setback is appropriate, based on site-specific design.

(2) No building, except as provided hereafter, shall be closer than five (5) feet from any interior vehicular or pedestrian way, court, plaza, open parking lot or any other surfaced area reserved for public use or for the use in common by residents of the planned development. Such setback shall be generally measured from the nearest edge of a surfaced area; provided however, that where no sidewalk exists in conjunction with a public or private street, such setback shall be measured from the nearest edge of the street right-of-way or private road easement.

(3) Between Buildings. A minimum of 10 feet shall be provided between all single-story buildings (except minor accessory structures as defined in this Chapter) located on the same lot.

(4) Setback for Garages having straight-in access from a public or private street. There shall be a minimum setback of twenty (20) feet from a garage to the nearest edge of a sidewalk, or where no sidewalk exists, the easement or right-of-way edge of a private or public street. The setback may be reduced to five feet provided that the width of the street or private driveway is adequate to accommodate parking on one side. Garages directly facing a street or driveway having less than the twenty foot setback shall be equipped with an automatic garage door opener.

(5) All other minimum setback requirements (except for bluff setbacks and setbacks from environmental resources) may be determined by the Planning Commission as part of the conditional use permit approval for a PRD.

f. Prior to approval of a PRD, the applicant shall submit plans illustrating the proposed building envelopes on individual lots.

5. Open Space. A PRD shall contain developed and undeveloped open space areas. Developed open space areas are intended to provide recreational facilities for either the common use and enjoyment of the residents and guests of the PRD or public use, while undeveloped open space is intended to preserve the site's natural features. Land occupied by buildings, streets, driveways, vehicle parking spaces and/or storage, and trash and recycling storage may not be counted toward meeting this requirement. (Ord. 2003-10).

a. Amount of Required Open Space. A minimum of 40% of the site area shall consist of open space for all portions of a PRD.

b. Developed (Recreational) Open Space. From the required open space as determined in (a) above, developed open space shall be provided at a minimum ratio of three hundred sixty-five (365) square feet for each single family unit, and two hundred sixty (260) square feet for each multi-family unit. This requirement may be satisfied with active and/or passive recreational facilities including, but not limited to the following: spas, saunas, swimming pools, cabanas, recreation rooms, ball courts, athletic fields, barbecue areas, "tot lots", and flat grassy play areas with an average slope of less than fifteen (15) percent.

As provided in Section 23.98.050(E), the developed (recreational) open space may be credited toward the City requirements for park land dedication.

c. Undeveloped Open Space. The remainder of the required open space may be either improved or left in its native state to preserve significant natural features such as steep slopes, sensitive biological habitat, rock outcroppings, water courses, drainage areas, and the like. Areas devoted to natural or improved flood control channels and those areas encumbered by flood control or drainage easements, as well as riding and hiking trails designated on a community or sub-regional plan map, may be counted toward satisfying this portion of the open space requirement.

That portion of the required open space the City deems worthy of preserving in its native state shall be protected by a recorded open space easement (or other instrument satisfactory to the City) to which the City is a part. (Ord. 2003-10).

d. To increase its functionality, open space areas shall have a minimum dimension of at least ten (10) feet in width, and should be linked together to the extent feasible.

e. All parts of the required developed (recreational) open space shall be reserved for use in common by the residents and guests of the PRD. Alternatively, an applicant may elect to dedicate the open space to the City for public use, if such dedication is acceptable to the City. Areas designated for permanent open space shall be reserved for the use and enjoyment of the residents and their guests in a manner which makes the City a party to and entitled to enforce the reservation. If the developed open space is dedicated to the City for public use, adequate provisions for public use shall be made to the satisfaction of the Planning and Building Department and Parks Department. This is not to exclude public use of riding and hiking trails located within undeveloped open space as identified in subsection 5c above. (Ord. 2003-10).

f. Phasing. If the PRD is to be developed in phases, the PRD plan shall coordinate improvement of the open space, construction of buildings, and other improvements so that each development stage achieves a proportionate share of the total open space and recreational amenities.

6. Street Improvements. All public streets within or abutting the proposed planned development shall be dedicated and improved to City specifications for the particular classification of street. When the developer desires to retain any private streets within the development, such streets and their maintenance shall conform to the applicable provisions of Municipal Code Chapter 24.29, and shall be consistent with the private road standards as adopted by the City Council.

7. Parking and Recreational Vehicle Storage. Recreational vehicle storage facilities are not required. However, all open parking areas and any provided storage facilities shall be adequately screened with landscaping from nearby residences within the development, residentially-zoned properties adjacent to the development boundaries, and any significant public views into the project. Parking spaces reserved for the storage of recreational vehicles or equipment shall not be counted toward fulfilling the development's minimum parking requirement.

8. The minimum lot size, design, setback (except for bluff setbacks and setbacks from environmental resources) and coverage standards for residential zones may be modified or reduced through a PRD project to allow for smaller lots, including individual "postage-stamp" lots with individual attached dwelling units.

9. In planned residential developments, the need for trash receptacle areas and adequate areas for collecting and loading recyclable materials will be evaluated on a case by case basis. If it is determined that a development project must provide the aforementioned areas, trash enclosures and adequate areas for collecting and loading recyclable materials must be architecturally compatible with the development, screened from view of the roadway and convenient to all dwelling units within the project. (Ord. 93-14)

C. DENSITY BONUSES PURSUANT TO GOVERNMENT CODE SECTION 65915. When a developer of residential units agrees to construct any one of the types of residential projects described in Government Code Section 65915(b), and which complies with all standards set forth in Government Code Section 65915, the City shall grant a density increase of 25 percent over the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan and one other concession or incentive in accordance with Section 65915 of the Government Code and all of the following: (Ord. 95-04)

1. Approval of a density bonus and any other regulatory concession(s) shall be obtained through a MUP application. In the coastal zone, approval of a coastal development permit shall also be required. (Ord. 95-04)
2. Very low, lower income, and housing units reserved for qualifying residents as defined by Civil Code Section 51.2 shall be maintained for a minimum of thirty (30) years through execution and recordation of a covenant between the developer (property owner) and the City.
3. In lieu of a density bonus and other concessions, the City may instead provide other incentives of equivalent financial value based upon the land cost per dwelling unit, provided they are not inconsistent with the policies and development standards of the certified Local Coastal Program. (Ord. 95-04)
4. In the coastal zone, the density bonus shall be calculated based on the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan. The otherwise maximum allowable residential density shall mean the maximum potential density modified by applying all site-specific environmental development constraints identified within the coastal zoning ordinances and land use element certified by the Coastal Commission. The density bonus shall be applicable to housing developments consisting of five or more units. (Ord. 95-04)
5. In the coastal zone, any housing development approved pursuant to Government Code Section 65915 shall be consistent, to the maximum extent feasible and in a manner most protective of coastal resources, with all otherwise applicable certified Local Coastal Program policies and development standards. Approval of development proposed under this Section shall require a finding that the development, if it had been proposed without the 25 percent density increase, would have been fully consistent with the policies and development standards of the certified Local Coastal Program. In cases where a 25 percent density increase is granted pursuant to Government Code Section 65915 and results in development inconsistent with otherwise applicable certified Local Coastal Program policies and development standards, such as height, parking, and setback requirements, the relief granted from such standards shall be considered an additional incentive under Government Code Section 65915 (h). (Ord. 95-04)

30.16.030. MOBILE HOME PARK ZONE (MHP).

A. The provisions of this Section, inclusive, shall be known as the Mobilehome (Manufactured Home) Regulations. The purpose of these provisions are:

1. To supplement the zone regulations applied to mobilehomes with additional standards and procedures which will promote a satisfactory living environment for residents of mobilehomes and will permit a mix of mobilehomes and other types of housing within the county.
2. To better facilitate utilization of mobilehomes as a housing resource.
3. To permit greater diversity in the types of mobilehome parks.

B. Application. The provisions of this Section, inclusive, shall be known as the Standard Mobilehome Park Regulations. These provisions shall apply to all uses classified in the Mobilehome Residential Use Type.

C. Use Permit Required. A standard mobilehome park may be authorized where permitted by the use regulations upon the issuance of a major use permit as provided by the Use Permit Procedure.

D. Pre-Application Conference. Prior to submitting an application for a use permit for a mobilehome park, a prospective applicant should consult with the Community Development Department to obtain information and to inform the Department of the applicant's intentions. If requested by the applicant, the Department will schedule a conference to be attended by the applicant and representatives of the various City departments, and other agencies as the Department consider necessary. Such a conference shall provide an opportunity to review the applicant's intended plan, and identify potential requirements or subjects requiring particular attention prior to the applicant entering into binding commitments or incurring substantial expense in preparing plans, surveys, and other data. The applicant shall provide a map showing the proposed mobilehome park site, existing topography, adjoining road rights-of-way, and public access.

E. General Standards: Standard Mobile Parks.

1. Minimum Area. A standard mobilehome park shall be not less than 5 acres in area.
2. Density. A standard mobilehome park shall conform to the applicable Density Regulations.
3. Reclassification. Prior to final construction approval for any new or expanded standard mobilehome park, the owner shall obtain a zone reclassification to a MHP zone. Such reclassification requirement may be waived by the Director when a tentative subdivision map is filed. Concurrently with the related use permit appreciation.
4. Factory-Built Housing. Factory-built housing shall be attached to a permanent foundation system and conform to all other requirements of Section 18611 of the Health and Safety Code.

F. General Development Criteria: Standard Mobilehome Parks.

1. Compatibility with Adjacent Land Uses. The standard mobilehome park shall be designed and developed in a manner compatible with and complementary to existing and potential residential development in the immediate vicinity of the project site. Site planning on the perimeter shall give consideration to protection of the property and its residents from adverse surrounding influences, as well as protection of the surrounding areas from potentially adverse influences within the development. A mobilehome park shall relate harmoniously to the topography of its site, make suitable provision for reservation of water courses, wooded areas, rough terrain, and similar natural features and areas, and shall otherwise be so designed as to use such natural features and amenities to best advantage.
2. Setback: Perimeter. Mobilehome and building within a standard mobilehome park shall maintain the following setbacks.

(a) A side yard and rear yard setback of at least 15 feet from the exterior boundary of the mobilehome park.

(b) A setback of 50 feet from the centerline of any street along the exterior boundary of the mobilehome park, except that when such street has a right-of-way greater than 60 feet, a setback of 20 feet shall be maintained from the nearest edge of the street right-of-way.

3. Setbacks: No recreational area or facility specified in the major use permit as being intended for the use of more than one family shall be permitted within 100 feet of an external boundary which adjoins, or is separated only by a boundary street from land in any residential zone; provided, however, that where permanent intervening open space at least 100 feet in width exists on adjacent property, this restriction may be modified.

4. Open Space. At least one substantial area of group usable open space shall be provided. Such area shall:

(a) Be of such size and shape that each side of the rectangle inscribed within it is at least 100 feet in length.

(b) Include outdoor recreational facilities for both active and passive recreation.

5. Recreational Facilities. Completely enclosed indoor recreation facilities shall be provided and shall consist of not less than 10 square feet for each dwelling unit. Outdoor recreational facilities shall provide for both active and passive recreation. This recreation area shall be landscaped, improved and maintained.

6. Interior Access Drives. Interior private access drives shall be paved with at least 2 inches of asphaltic concrete to a width of not less than 25 feet. All corners shall have a minimum 25 foot radius.

7. Storage Area. Common storage areas shall be provided with an enclosed fenced area for the residents of the mobilehome park for the storage of recreational vehicles, trailers, travel trailers, and other licensed or unlicensed vehicles. This area shall total not less than 50 square feet for each mobilehome lot. All storage on a mobilehome lot shall be in accordance with the provisions of Title 25 of the California Administrative Code.

8. Sewer and Water. Each mobilehome lot in a mobilehome park shall be provided with water and sewer connections in accordance with Title 25 of the California Administrative Code. Water shall be provided by a water supplier having a valid permit from the California Department of Health or the Department of Health Services. Public sewers shall be provided by a public agency which has obtained discharge requirements approved by the appropriate California Water Quality Control Board. Individual sewer disposal systems shall be approved by the Department of Health Services.

9. Undergrounding. All sewer and water facilities, electric, gas, telephone, and television signal distribution systems shall be placed underground.

10. Antennas. A master antenna television (MATV) system shall be provided with underground cable service to at least all mobilehome and other buildings containing dwelling units. This MATV system shall be provided at no charge for service. This requirement may be met by the provision of an underground cable television (CATV) system by a county-licensed CATV operator. No other television antennas shall be permitted unless authorized by the major use permit.

11. Fire Protection. On and off-site fire hydrants and other fire protection facilities shall be installed as specified in the major use permit and shall be of a type approved by the Chief of the local fire protection district.

12. Night Lighting. Artificial light shall be provided and maintained for walks, driveways, parking areas, and other facilities as specified in Title 25 of the California Administrative Code, to assure safe and convenient nighttime use.

13. **Street Access.** Each mobilehome park shall have direct vehicular access from a publicly maintained street. This requirement does not apply to the expansion of an existing mobilehome park when adequate access is obtained through the existing portion of the mobilehome park.

G. **Mobilehome Lot Development Criteria: Standard Mobilehome Parks.** For purposes of Mobilehome Lot Development Criteria as used in this section, mobilehome shall also include factory-built housing as defined in Section 19971 of the Health and Safety Code.

1. **Density of Occupation.** Each mobilehome lot shall be designed to be occupied by one mobilehome and uses thereto.
2. **Lot Size.** Each mobilehome shall have the minimum size indicated below based on its occupancy.

<u>Occupancy</u>	<u>Minimum Lot Size</u> (Excluding interior access drives)
A mobilehome not more than 14' in width containing 1 dwelling unit	1,850 square feet
A mobilehome more than 14' in width containing 1 dwelling unit	3,000 square feet per dwelling unit

3. **Coverage.** Not more than 75 percent of the area of a mobilehome lot shall be covered by the mobilehome and its accessory structures.
4. **Setback from Interior Access Drive.** Each mobilehome lot shall have a front yard setback of not less than 5 feet extending the entire width of the mobilehome lot. A front yard will be measured from the nearest element of the mobilehome or any mobilehome accessory structure to the closest edge of the interior access drive.

5. Side Yard Setback. Each mobilehome lot shall have a side yard in accordance with Title 25 of the California Administrative Code of not less than 3 feet in width along the entire length of the mobilehome lot. A mobilehome lot containing a mobilehome having a height of more than one story shall have a side yard of not less than 5 feet in width along the entire length of the mobilehome lot.

6. Rear Yard Setback. Each mobilehome lot shall have a rear yard in accordance with Title 25 of the California Administrative Code of not less than 3 feet and shall extend across the entire width of the mobilehome lot. A mobilehome lot containing a mobilehome having a height of more than one story shall have a rear yard of not less than 5 feet along the entire width of the mobilehome lot.

7. Access. All mobilehome lots and recreation facilities shall have access only from an interior access drive.

8. Homes on a Permanent Foundation. No dwelling unit shall be placed on a permanent foundation in a mobilehome park where tenants rent or lease spaces to accommodate their individually owned units. These provisions shall not apply to subdivided parks where the dwelling units are not owned by the tenants or to parks where the minimum term of lease for a space is 55 years.

9. Number of Dwelling Units to be Specified. Each lot in a mobilehome park shall be designated on the plot plan of the related use permit and shall specify the number of dwelling units permitted.

H. Modification of Requirements. Modification of the development criteria subsections F and G may be granted by the approving authority when it determines that such modification would not be detrimental to the subject development, adjacent properties and residents, the public interest, or the General Plan. No modification shall be granted from any requirements specified in Title 25 of the California Administrative Code which are not subject to local modification.

I. Accessory Uses and Structures Permitted. The following accessory uses and structures may be permitted in mobilehome parks provided that they conform to the requirements of Title 25 of the California Administrative Code:

1. Convenience Structures. Awnings; portable, demountable, or permanent cabanas; storage cabinets and buildings; fences or windbreaks; carports; garages or porches; greenhouses; lathhouses; and other accessory structures permitted by Title 25 of the California Administrative Code.

2. Recreational Facilities. Parks, playgrounds, riding and hiking trails, golf courses, lakes, stables and riding rings, recreational buildings, clubhouses, community centers, and similar uses and facilities; provided that all such uses and facilities are designed for and limited to use by residents of the mobilehome park and their guests, and that such uses and facilities are not authorized on the individual mobilehome lots.

J. SUBDIVISION OF EXISTING MOBILEHOME PARKS, ADDITIONAL REQUIREMENTS. A standard mobilehome park may be subdivided in accordance with the applicable provisions of City's Municipal Code relating to subdivisions and shall also comply with the following additional requirements.

1. Parks Established by Use Permit. Prior to approval of a Final Map for a standard mobilehome park, the owner shall apply for modification of the related use permit to add a condition to require reservation and maintenance of all common areas for common use and enjoyment of the residents in a manner which makes the City or a public district or a public agency a party to an entitled to enforce the reservation. Such reservation shall include arrangements, satisfactory to County Counsel, to assure maintenance of all buildings, structures, streets and landscaping located within said common areas.

2. Parks Established Without Use Permit. An existing mobilehome park which was not established pursuant to the Mobilehome Park Regulations may be subdivided only upon determination by the Director that such mobilehome park was legally established in accordance with the Nonconformity Regulations.

In addition, prior to approval of a Final Map for such mobilehome park, the owner shall obtain a major use permit which includes a condition to require reservation and maintenance of all common areas in the manner specified in "a" above.

3. All Existing Mobilehome Parks. All applications to subdivide an existing mobilehome park shall be accompanied by the following additional information and/or documents.

- (a) The number of spaces within the existing park.
- (b) A list of names and addresses of all tenants within the park for use by the Department in giving notice.
- (c) The date of manufacture and size of each mobilehome and the current replacement value affected by the relocation. The replacement value shall be determined in the same manner as used by standard insurance replacement criteria.
- (d) The estimated cost of relocation of each mobilehome affected by the proposed change of use.
- (e) The length of tenancy by each tenant.
- (f) The estimated income, age and number of tenants affected by the proposed change of use.
- (g) The number of alternative sites available to the tenants including written commitments from the owners of those parks to accept the relocated units and tenants.
- (h) A time table for vacating the existing park.
- (i) A statement and concept plan indicating what use the park site is intended to accommodate.
- (j) Evidence satisfactory to the Director that mutually acceptable agreements have been reached on the part of the park owner and all tenants to vacate the park upon recording of a Final Map. Such evidence may include, but is not limited to, the following:
 - i. Written agreements to relocate mobilehomes; and
 - ii. Assistance of low-and moderate-income tenants in the form of payment by the park owner of 80%, up to a maximum of \$2,000, of the cost of relocating the mobilehome to another mobilehome park within 100 miles.

(k) If such evidence specified in "10" above is not included in the application for subdivision, then the Director shall recommend reasonable conditions to mitigate any adverse impact on tenants of the mobilehome park to the approving authority to be included as a condition in the resolution of conditional approval for said subdivision.

4. Notwithstanding the provisions of Subsection C. above, a park owner who elects to give a 5-year notice to subdivide may file a tentative map if evidence is provided that the following provisions will be completed before approval of the tentative map:

(a) The mobilehome park owner shall provide evidence that a notice to vacate pursuant to Section 798.56(f) of the Civil Code has been issued, and

(b) Informed each tenant of the rent and location of a number of available spaces equal to the number of occupied units to be displaced, and

(c) Assisted each tenant in relocating the tenant's mobilehome to any new space within 100 miles in accordance with the following schedule:

<u>IF TENANT VACATES BEFORE END OF</u>	<u>PORTION OF EXPENSES PAID BY OWNER</u>	<u>UP TO A MAXIMUM OF</u>
1st year	80%	\$2,000
2nd year	60%	1,500
3rd year	40%	1,000
4th year	20%	500
5th year	-0-	-0-

30.16.040 PACKING PLANT

A. Purpose. The provisions of this Section, inclusive, shall be known as the Packing Plant Regulations. The purpose of this section is: (Ord. 94-11)

1. To allow existing greenhouse operations to operate as a packing plant for fresh agricultural and horticultural products produced both on and off premises.

2. To permit greater diversity for existing greenhouse structures.
3. Existing greenhouses shall mean those greenhouses legally existing on the date of adoption of this section (DATE OF ADOPTION).
4. The provisions of this section shall apply when the use of the property for packing of products exceeds 50% of the area and/or physical use of the premises during a six month period of time.

B. Application. The provisions of this Section, inclusive, shall be known as the Packing Plant Regulations. These provisions shall apply to existing greenhouses in residential zones only.

C. Major Use Permit Required. An existing greenhouse operation that meets the General Standards listed below may revise its use to operate a packing plant upon issuance of a Major Use Permit. A Traffic Study prepared in conformance with traffic engineering industry standards and an Environmental Initial Assessment (AEIS) to determine impacts as required pursuant to the California Environmental Quality Act (CEQA) will be required unless information is submitted which will support the finding that the project is exempt from the requirement to prepare the traffic and/or environmental documents.

All required and/or applicable permits including, but not limited to the following, are to be obtained: Building Permits, Fire Permits, Coastal Development Permits and Engineering Permits.

D. General Standards (Applicable upon issuance of a Major Use Permit):

1. Applicability. Existing greenhouse operations are permitted to revise the use to packing of fresh agricultural and horticultural products. These products can be produced either on or off premises. No other products other than agricultural and horticultural and other prepackaged customarily associated products may be packed or processed on the premises.

2. Minimum Lot Size. The minimum lot size for a parcel containing the packing plant operation is 2.5 acres. In the event that two or more contiguous lots are needed to comply with the minimum lot size standard, it will be necessary to process a lot consolidation application for development purposes. At such time that the operation ceases to exist and all applicable structures are removed from the premises, a request to rescind the lot consolidation may be submitted to the City of Encinitas to return the lots to the status prior to lot consolidation.

- b. To permit greater diversity for existing greenhouse structures.
 - c. Existing greenhouses shall mean those greenhouses legally existing on the date of adoption of this section (DATE OF ADOPTION).
 - d. The provisions of this section shall apply when the use of the property for packing of products exceeds 50% of the area and/or physical use of the premises during a six month period of time.
2. Application. The provisions of this Section, inclusive, shall be known as the Packing Plant Regulations. These provisions shall apply to existing greenhouses in residential zones only.
3. Major Use Permit Required. An existing greenhouse operation that meets the General Standards listed below may revise its use to operate a packing plant upon issuance of a Major Use Permit. A Traffic Study prepared in conformance with traffic engineering industry standards and an Environmental Initial Assessment (AEIS) to determine impacts as required pursuant to the California Environmental Quality Act (CEQA) will be required unless information is submitted which will support the finding that the project is exempt from the requirement to prepare the traffic and/or environmental documents.
- All required and/or applicable permits including, but not limited to the following, are to be obtained: Building Permits, Fire Permits, Coastal Development Permits and Engineering Permits.
4. General Standards (Applicable upon issuance of a Major Use Permit):
- a. Applicability. Existing greenhouse operations are permitted to revise the use to packing of fresh agricultural and horticultural products. These products can be produced either on or off premises. No other products other than agricultural and horticultural and other prepackaged customarily associated products may be packed or processed on the premises.
 - b. Minimum Lot Size. The minimum lot size for a parcel containing the packing plant operation is 2.5 acres. In the event that two or more contiguous lots are needed to comply with the minimum lot size standard, it will be necessary to process a lot consolidation application for development purposes.
At such time that the operation ceases to exist and all applicable structures are removed from the premises, a request to rescind the lot consolidation may be submitted to the City of Encinitas to return the lots to the status prior to lot consolidation.

3. Location. The property is to be located on a Circulation Element Road or on a property where the traffic impacts to the residential street would have similar or less of an impact than a greenhouse operation, as shown by a complete traffic study to be submitted at the time of application.
4. Density. The packing plant shall conform to the applicable density regulations of the underlying zone if dwelling units are a part of the project.
5. Setbacks. The packing plant structures shall conform to the applicable setbacks for the zone where the property is located. All other standards not established in this section, including hours of operation, will be determined through the Major Use Permit.
6. Drainage Fees and Traffic Fees. Drainage fees and traffic fees will be calculated pursuant to the current fee schedule. Drainage fees are based on all new impervious surfaces; traffic fees are based on average daily trips, to the satisfaction of the Director of Public Works. (Ord. 2014-12)
7. Parking. The number of standard parking spaces required will be based on 1 parking space per 300 square feet of gross floor area of the buildings unless a parking study by a qualified traffic engineer indicates fewer parking spaces would adequately handle the generated parking. No off-site parking will be counted toward the total parking space requirement. Loading/unloading spaces (docks) are to be located at the interior of the lot and screened from view of the neighbors.
8. On site circulation. Interior circulation shall be required to facilitate the ease of vehicular movement without creating a disturbance to adjoining properties or street systems.

E. Performance Standards

1. Noise. A noise study is required to provide evidence that the packing plant noise levels do not exceed the noise levels for the particular zone where the property is located. Heavy equipment and refrigeration machines are to be located in the interior of the building as far away as possible from the walls nearest to the property lines to avoid noise intrusion upon the neighbors.
2. Lighting. All light sources shall be shielded in such a manner that the light is directed away from streets or adjoining properties.
3. Screening. The packing plant is to be designed in such a way that it is screened so as to not have a visual or noise impact on adjacent residential neighborhoods.

c. Location. The property is to be located on a Circulation Element Road or on a property where the traffic impacts to the residential street would have similar or less of an impact than a greenhouse operation, as shown by a complete traffic study to be submitted at the time of application.

d. Density. The packing plant shall conform to the applicable density regulations of the underlying zone if dwelling units are a part of the project.

e. Setbacks. The packing plant structures shall conform to the applicable setbacks for the zone where the property is located. All other standards not established in this section, including hours of operation, will be determined through the Major Use Permit.

f. Drainage Fees and Traffic Fees. Drainage fees and traffic fees will be calculated pursuant to the current fee schedule. Drainage fees are based on all new impervious surfaces; traffic fees are based on average daily trips, to the satisfaction of the Director of Engineering Services.

g. Parking. The number of standard parking spaces required will be based on 1 parking space per 300 square feet of gross floor area of the buildings unless a parking study by a qualified traffic engineer indicates fewer parking spaces would adequately handle the generated parking. No off-site parking will be counted toward the total parking space requirement. Loading/unloading spaces (docks) are to be located at the interior of the lot and screened from view of the neighbors.

h. On site circulation. Interior circulation shall be required to facilitate the ease of vehicular movement without creating a disturbance to adjoining properties or street systems.

5. Performance Standards

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b. Lighting. All light sources shall be shielded in such a manner that the light is directed away from streets or adjoining properties.

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