

ORDINANCE NO.**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE, CALIFORNIA AMENDING ARTICLES 4, 11, 13, AND 36 OF THE OCEANSIDE ZONING ORDINANCE REGARDING STOREFRONT CANNABIS FACILITIES**

WHEREAS, the City of Oceanside, pursuant to its police power, may adopt regulations to protect the health, safety and welfare of the public, Cal. Const. art. XI, § 7, Cal. Govt. Code § 37100, and thereby is authorized to declare what use or condition constitutes a public nuisance; and

WHEREAS, Section 38771 of the California Government Code authorizes the City through its legislative body to declare actions and activities that constitute a public nuisance; and

WHEREAS, in 1970, Congress enacted the Controlled Substances Act (21 U.S.C. Section 801 et seq.) which, among other things, makes it illegal to import, manufacture, distribute, possess, or use marijuana ("cannabis") for any purpose in the United States and further provides criminal penalties for cannabis possession, cultivation and distribution; and

WHEREAS, the People of the State of California have enacted Proposition 215, the Compassionate Use Act of 1996 (codified at Health and Safety Code Section 11362.5 et seq.) (the "CUA"), which exempts qualified patients and their primary caregivers from criminal prosecution under enumerated Health and Safety Code sections for use of cannabis for medical purposes; and

WHEREAS, the California Legislature enacted Senate Bill 420 in 2003, the Medical Marijuana Program Act (codified at Health and Safety Code Section 11362.7 et seq.) ("MMPA"), as amended, which created a state-wide identification card scheme for qualified patients and primary caregivers; and

WHEREAS, on October 11, 2015, the Governor signed into law Senate Bill 643, Assembly Bill 266, and Assembly Bill 243, collectively referred to as the Medical Marijuana Regulation and Safety Act ("MMRSA"), effective January 1, 2016, which establishes a state licensing system for medical cannabis cultivation, manufacturing, delivery, and dispensing, regulating these activities with licensing requirements and regulations that are only applicable if cities and counties also permit cannabis cultivation, manufacturing, dispensing, and delivery

1 within their jurisdictions. Under the MMRSA, cities and counties may continue to ban medical
2 cannabis cultivation, manufacturing, dispensing, and/or delivery, in which case the new law
3 would not allow or permit these activities within the cities and counties; and

4 WHEREAS, marijuana remains a schedule I substance pursuant to federal law, 21 U.S.C.
5 § 812, Schedule 1 (c)(10), and federal law does not provide for any medical use defense or
6 exception (*Gonzales v. Raich*, 545 U.S. 1 (2005); *United States v. Oakland Cannabis Buyers'*
7 *Coop.*, 532 U.S. 483 (2001)); and

8 WHEREAS, in *City of Riverside v. Inland Empire Patients Health and Wellness Center,*
9 *Inc.*, 56 Cal. 4th 729 (2013), the California Supreme Court held that neither the CUA nor the
10 MMPA preempt local regulation; and

11 WHEREAS, the MMRSA expressly allows cities and counties to ban cannabis businesses
12 consistent with current state law, including *City of Riverside v. Inland Empire Patients Health*
13 *and Wellness Center, Inc.*, 56 Cal. 4th 729 (2013); and

14 WHEREAS, the City Council added Chapter 7, Article XIII to the Oceanside City Code
15 on January 20, 2016 to prohibit cannabis cultivation and delivery activities within the City of
16 Oceanside for the express and specific purpose of preserving the City's authority to ban and/or
17 adopt future regulations pertaining to cannabis cultivation and delivery as is required by
18 California Health and Safety Code section 11372.777(c)(4), effective January 1, 2016, added by
19 the MMRSA; and

20 WHEREAS, on March 16, 2016, the Oceanside City Council added section 7.113 to
21 Chapter 7, Article XIII of the Oceanside City Code to permit and regulate medical cannabis
22 delivery services that originate from licensed dispensaries in other jurisdictions; and

23 WHEREAS, in adopting Ordinances [16-OR0041-1](#), and [16-OR0156-1](#), the City Council
24 of the City of Oceanside made findings regarding the impacts associated with commercial
25 cannabis activities and these findings are incorporated herein by reference and ratified; and

26 WHEREAS, Proposition 64 was adopted by the electorate on November 8, 2016 and
27 authorizes the personal cultivation of up to six cannabis plants in a private residence for non-
28 medical purposes; and

1 WHEREAS, Proposition 64 allows cities to enact reasonable regulations for the
2 cultivation of non-medical cannabis that occurs inside a residence or accessory structure and may
3 completely prohibit outdoor non-medical cultivation until such time as the California Attorney
4 General determines that the non-medical use of cannabis is lawful in California under federal
5 law. No such determination has yet been made; and

6 WHEREAS, Proposition 64 regulates the commercial activity of non-medical cannabis
7 enterprises and assigns certain state agencies with regulatory tasks regarding commercial non-
8 medical cannabis. Proposition 64 authorizes specified state agencies to issue licenses for
9 commercial non-medical cannabis businesses; and

10 WHEREAS, Proposition 64 includes Business and Professions Code section 26200 which
11 recognizes that a city may regulate or completely prohibit within its jurisdiction the establishment
12 or operation of one or more types of non-medical cannabis businesses licensed by the state; and

13 WHEREAS, at the time Proposition 64 was adopted, the City of Oceanside's permissive
14 Zoning Code did not list commercial cannabis activities as permitted uses in any zoning district
15 in the City and, therefore, such uses were not allowed anywhere in the City; and

16 WHEREAS, the City Council adopted Ordinance 17-OR0234-1 on April 19, 2017
17 prohibiting all commercial non-medical cannabis businesses; and

18 WHEREAS, the California State Legislature adopted SB 94 in June 2017. The budget
19 trailer bill took effect immediately and repeals the Medical Cannabis Regulation and Safety Act
20 ("MCRSA"), passed in 2015, and incorporates many of MCRSA's provisions into Prop 64. The
21 new comprehensive regulatory system, intended to regulate all commercial cannabis uses, is
22 called the Medicinal and Adult-Use Cannabis Regulation and Safety Act ("MAUCRSA"). SB
23 94 clarifies that cities and counties retain full land use authority as to cannabis businesses; cities
24 and counties may prohibit such businesses entirely, allow only some, or allow them with locally
25 developed regulations that fit local needs. SB 94 also establishes that local jurisdictions retain
26 the authority to regulate cannabis businesses, may take enforcement action concerning Fire and
27 Building Codes, conduct inspections, and implement audits; and

28 WHEREAS, under SB 94, the state is now required to notify a local jurisdiction when it

1 receives an application for commercial cannabis activity in that jurisdiction. The city or county
2 then has 60 business days to notify the state whether the applicant is in compliance with local
3 regulations. Although proof of authorization from a city or county is not required, an applicant
4 may voluntarily include this information with its state application. The state is also prohibited
5 from issuing a cannabis license if issuance would violate any local ordinance; and

6 WHEREAS, on April 11, 2018, the City Council adopted Ordinance 18-OR0199-1 to
7 allow, subject to certain requirements and limitations, commercial medical cannabis businesses,
8 (excluding dispensaries) in specified industrial and agricultural zoning districts, subject to a
9 conditional use permit and the issuance of a Local License pursuant to Chapter 7, Article XIII of
10 the Oceanside City Code; and

11 WHEREAS, after a duly noticed public hearing conducted on June 20, 2018, the City
12 Council introduced an ordinance to amend articles 4, 14 and 36 of the Oceanside Zoning
13 Ordinance to: 1. allow commercial cultivation in the Agricultural zone subject to a Local License
14 and CUP, without a 1000 foot buffer otherwise required in Article 36 on the condition that
15 cultivation does not exceed 20 percent lot coverage; 2. to permit waivers of the 1000 foot
16 separation requirement for commercial cannabis businesses in the Industrial zone on a case by
17 case basis; and 3. clarify that the existing law does not allow cultivation in the Industrial zone;
18 and

19 WHEREAS, on June 20, 2018, the City Council also directed staff to draft amendments
20 to the Oceanside City Code and Zoning Ordinance to permit no more than two medical cannabis
21 delivery establishments (M-Type 9) located in Oceanside; and

22 WHEREAS, on August 8, 2018, the City Council adopted Ordinance No. 18-OR0399-1:
23 1. eliminating zoning ordinance text limiting medical cannabis cultivation and nursery facilities
24 to 22,000 square feet per legal lot but retaining the twenty percent lot coverage cap; 2. eliminating
25 the 1,000 foot buffer between all medical cannabis cultivation and nursery facilities; and 3.
26 allowing the waiver of locational requirements for medical cannabis facilities pursuant to Section
27 3605 of the Article 36 of the Zoning Ordinance; and 4. clarifying that the land use classification
28 definition for medical cannabis manufacturing excludes propagation of medical cannabis; and

WHEREAS, on September 5, 2018, the City Council adopted OR0449-1 amending

Chapter 7 of the Oceanside City Code and applicable provisions of the Oceanside Zoning Ordinance to allow the City to issue no more than two Local Licenses and conditional use permits for medical cannabis non-storefront delivery establishments (M-Type 9 Non-Storefront Retailer); and

WHEREAS, on August 21, 2019, the City Council adopted a resolution capping the number of Local Licenses for cultivation to no more than the twelve identified at that council meeting and directed staff to prepare appropriate amendments to the Oceanside City Code and Zoning Ordinance to allow the twelve cultivators with Local Licenses and conditional use permits to engage in cannabis cultivation for adult use; and

WHEREAS, on June 24, 2020, the City Council adopted Ordinance 20-OR0463-1 to allow adult cannabis cultivation in certain districts; and

WHEREAS, on August 5, 2020, the City Council approved placing a Cannabis Business tax on the November 2020 General Municipal Election; and

WHEREAS, on November 3, 2021, Measure M Cannabis Business Tax was approved by the voters; and

WHEREAS, on December 16, 2020, the City Council approved Resolution 20-R0707-1 establishing the initial Cannabis Business Tax rates pursuant voter approved Measure M.

WHEREAS, on March 24, 2025, the Planning Commission approved Resolution 2025-P08, recommending City Council adoption of text amendments to Chapter 7 Article XIII of the Oceanside City Code and Articles 4, 11, 13, and 36 of the Oceanside Zoning Ordinance to allow up to four storefront retail cannabis licenses in certain commercial and industrial districts; and

WHEREAS, the Planning Commission also expressed desire for the City Council to 1) explore a separate program allowing limited retail cannabis sales associated with an existing cannabis cultivation facility, similar to a winery, in South Morro Hills, 2) relax the locational criteria in the local license evaluation criteria and regulated use separations of OZO Article 36, and 3) remove the requirement for applicants to retain a location prior to receiving a local license; and

WHEREAS, pursuant to the provisions of the California Environmental Quality Act (hereinafter "CEQA") (California Public Resources Code Sections 21000 et seq.) and State CEQA guidelines (Sections 15000 et seq.), the City has determined that this Ordinance is exempt pursuant to Section 15061(b)(3) of Title 14 the California Code of Regulations.

1 NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF OCEANSIDE DOES
2 ORDAIN AS FOLLOWS:

3 SECTION 1: The City Council finds that all the facts, findings, and conclusions set forth
4 above in this Ordinance are true and correct.

5 SECTION 2: Amendments to Articles 4, 11, 13, and 36 of the Oceanside Zoning
6 Ordinance as specified in Exhibit A are adopted.

7 SECTION 4. The City Clerk of the City of Oceanside is hereby directed to publish this
8 Ordinance, or the title hereof as a summary, pursuant to state statute, once within fifteen (15)
9 days after its passage in a newspaper of general circulation published in the City of Oceanside.

10 SECTION 5. If any section, sentence, clause or phrase of this Ordinance is for any reason
11 held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such
12 decision shall not affect the validity of the remaining portions of this Ordinance. The City
13 Council hereby declares that it would have passed this Ordinance and adopted this Ordinance
14 and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more
15 sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

16 SECTION 6. The amendments to the City Code shall be effective 30 days after adoption
17 for those areas outside of the Coastal Zone. Because this ordinance does not identify any zones
18 within the Coastal Zone where any commercial cannabis businesses may be established, the
19 amendments to Chapter 7 apply citywide. Therefore, the text amendments shall not be effective
20 within the Coastal Zone until the City Council adopts a resolution approving a local coastal
21 program amendment to amend these sections and said amendment is unconditionally certified by
22 the Coastal Commission.

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 INTRODUCED at a regular meeting of the City Council of the City of Oceanside, California,
2 held on the ____ day of _____ 2025, and, thereafter,

3 PASSED AND ADOPTED at a regular meeting of the City Council of the City of Oceanside,
4 California, held on the _____ day of _____ 2025 by the following vote:

5 AYES:

6 NAYS:

7 ABSENT:

ABSTAIN:

8
9 ATTEST:

MAYOR OF THE CITY OF OCEANSIDE

APPROVED AS TO FORM:

10
11
12 CITY CLERK _____

11
12 CITY ATTORNEY _____
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

Sections:

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

410 Purpose and Applicability

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

411 Uses Not Classified

Any new use, or any use that cannot be clearly determined to be in an existing use classification is prohibited. Provided, however, that any new use may be incorporated into the zoning regulations by a Zoning Ordinance text amendment, as provided in Article 45.

412 Residential Use Classifications

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

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

413 Public and Semipublic Use Classifications

- A. Airport. Runways and related facilities for airplane landing and take-off.
- B. Cemetery. Land used or intended to be used for the burial of human remains and dedicated for cemetery purposes. Cemetery purposes include columbariums, crematoriums, mausoleums, and mortuaries operated in conjunction with the cemetery.
- C. Child Care. Non-medical care and supervision on a less than 24-hour basis in any care facility of any capacity, and not within a licensee's home for persons under the age of 18.
- D. Clubs and Lodges. Meeting, recreational, or social facilities of a private or nonprofit organization primarily for use by members or guests. This classification includes union halls, social clubs, youth, and senior centers.
 - 1. Small scale. Establishments occupying no more than 5,000 square feet.

***Bold/underlined/italicized or stricken text indicates City Council adopted revisions, in effect in inland areas only. California Coastal Commission acceptance of a LCPA for coastal zone properties is currently pending**

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

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

414 Commercial Use Classifications

- A. Adult Business. An Adult Business is any business, where employees, independent contractors, or patrons expose "specified anatomical areas" or engage in "specified sexual activities," or any business which offers to its patrons services or entertainment characterized by an emphasis on matter depicting, exposing, describing, discussing or relating to "specified sexual activities or "specified anatomical areas".

CITY OF OCEANSIDE COMPREHENSIVE ZONING ORDINANCE

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

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

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

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

indoor or outdoor in nature, which regularly features live performances which are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by patrons.

7. **Figure Studio.** Any premises on which the business of furnishing nude models who pose for the purpose of being photographed, sketched, painted, drawn or observed by persons who pay a fee, or other consideration or compensation, or a gratuity, for the right or opportunity to depict or observe the model, or for admission to, or for permission to remain upon, or as a condition for remaining upon, the premises.

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

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

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

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

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

C. **Animal Sales and Services.**

1. **Animal Boarding.** Provision of shelter and care for animals on a commercial basis. This classification includes activities such as feeding, exercising, grooming, and incidental medical care.
2. **Animal Grooming.** Provision of bathing and trimming services for animals on a commercial basis. This classification includes boarding of domestic animals for a maximum period of 48 hours.
3. **Animal Hospitals.** Establishments where animals receive medical and surgical treatment. This classification includes only facilities that are entirely enclosed, soundproofed, and air-conditioned. Grooming and temporary (30 days) boarding of animals is included if incidental to the hospital use.
4. **Animals: Retail Sales.** Retail sales and boarding of animals provided such activities take place within an entirely enclosed building. This classification includes grooming if incidental to the retail use, and boarding of animals not offered for sale for a

CITY OF OCEANSIDE COMPREHENSIVE ZONING ORDINANCE

maximum period of 48 hours.

D. Artists' Studios. Work and display space for artists and artisans, including individuals practicing one of the fine arts or performing arts, or skilled in an applied art or craft.

1. Small-scale. Establishments occupying no more than 5,000 square feet.

E. Banks and Savings and Loans. Financial institutions that provide retail banking services to individuals and businesses. This classification is limited to institutions engaged in the on-site circulation of cash money including businesses offering check-cashing facilities.

1. Drive-through/Drive-up Service. Institutions providing self-service banking facilities that are not associated with a primary banking or savings and loan building located on the same site.

2. Self-service Facilities (ATM's). Institutions providing self-service banking facilities that are not associated with a primary banking or savings and loan building located on the same site.

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

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

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

1. Other than business name and/or logo, such uses shall not display exterior signage (including advertising directed to the exterior from interior spaces) that promotes the availability of alcoholic beverages.

2. There shall be no amusement or video machines maintained on the premises.

***Bold/underlined/italicized or stricken text indicates City Council adopted revisions, in effect in inland areas only. California Coastal Commission acceptance of a LCPA for coastal zone properties is currently pending**

3. There shall be no “happy hour” or regular periods of reduced-priced alcoholic beverages.
4. Amplified live entertainment shall require issuance of an Administrative Use Permit.
5. Ancillary food service involving outdoor equipment (e.g., food trucks) shall require issuance of an Outdoor Facilities Permit.
6. Delivery/distribution activities involving Class 4 or higher vehicles shall not occur between the hours of 10 p.m. and 7 a.m.
7. Hours of operations shall not extend beyond 10 p.m., unless extended hours of operation are approved through a Conditional Use Permit.

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

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

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

- Q. Horticulture, Limited. The raising of fruits, vegetables, flowers, ornamental trees and shrubs on sites of 2.5 acres or less, as a wholesale commercial enterprise, provided that nursery equipment or materials necessary for the operation shall be stored on-site within structures. Wholesale commercial horticulture accessory to a dwelling unit shall be regulated as a home occupation. On-site Agricultural Sales Stands may be allowed subject to the location and development standards of Section 3038.
- R. Laboratories. Establishments providing medical or dental laboratory services; or establishments with less than 2,000 square feet providing photographic, analytical, or testing services. Other laboratories are classified as Limited Industry.
- S. Maintenance and Repair Services. Establishments providing appliance repair, office machine repair, or building maintenance services. This classification excludes maintenance and repair of vehicles or boats and ships (see Vehicle/Equipment Repair and Marine Sales and Services).
- T. Marine Sales, Rentals, and Services. Establishments providing supplies and equipment for shipping or related services, or pleasure boating and recreation. Typical uses include chandlery, yacht brokerage, sales, boat yards, boat docks, and sail-making lofts.
- X. Nurseries. Wholesale or retail establishments for the selling of plants, shrubs, trees and related products in which all merchandise other than plants is kept within an enclosed building or a fully screened enclosure, and fertilizer or chemicals of any type are stored and sold in package form only. Nurseries may include the growing and propagation of plants as part of the operation. This classification excludes Cannabis Nurseries.
- V. Offices, Business and Professional. Offices of firms or organizations providing professional, executive, management, or administrative services, such as architectural, engineering, real estate, insurance, investment, legal, and medical/dental offices. This classification includes medical/dental laboratories incidental to an office use, but excludes banks and savings and loan associations.
- W. Payday Loan/Paycheck Advance Establishment. A person or entity that for compensation, engages in whole or in part, in the business of lending limited amounts of funds for a short-term, against the borrower's future paychecks. The aforementioned definition excludes State or federally chartered banks, savings associations, credit unions, or industrial loan companies offering direct deposit advance service to their customer that is incidental to their main purpose or business.
- X. Pawn Shops. Establishments engaged in the buying or selling of new or secondhand merchandise and offering loans secured by personal property and subject to Chapter 22 of the Municipal Code.
- Y. Personal Improvement Services. Provision of instructional services or facilities, including: photography, fine arts, crafts, dance or music studios; driving, business or trade schools;

CITY OF OCEANSIDE COMPREHENSIVE ZONING ORDINANCE

diet centers, or reducing salons; and health/fitness studios, spas or clubs.

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

***Bold/underlined/italicized or stricken text indicates City Council adopted revisions, in effect in inland areas only. California Coastal Commission acceptance of a LPCA for coastal zone properties is currently pending**

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

CC. Restaurant Full Service. A bona fide restaurant establishment where the principal business is the sale of food and beverages to guests via table service for consumption on the premises. The sale of beer and wine for on-site consumption shall be considered incidental to the full-service restaurant. Delivery service to vehicles parked in designated parking spaces (i.e. drive-up) is allowed as an ancillary service to the Restaurant Full Service. As used in this definition, a “bona fide” full service restaurant shall have suitable kitchen facilities for cooking of complete meals. The word “meals” means the assortment of foods commonly ordered at various hours of the day; the service of only such foods as sandwiches or salads does not meet the bona fide restaurant definition.

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

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

1. Limited. Excludes comprehensive home improvement stores, furniture, hardware, paint and wallpaper, carpeting and floor covering, and new automotive parts and accessories.
2. Pharmacies and Medical Supplies. Establishments primarily selling prescription drugs, and medical supplies and equipment.
3. Cannabis Delivery (Type 9 Non-Storefront Retailer). A Type 9 licensed non-storefront retailer conducting retail cannabis sales exclusively by delivery as defined in Business and Professions Code section 26001(~~sp~~) and applicable state regulations. For the

CITY OF OCEANSIDE COMPREHENSIVE ZONING ORDINANCE

purpose of licensing, a cannabis delivery non-storefront shall not be considered a cannabis dispensary.

3.4. Cannabis Storefront Retailer (Type 10). Commercial retailer of cannabis products with a physical location that is open to customers, as defined by Business and Professions Code section 26001(ay). Cannabis Storefront Retailers shall not include drive-through, drive-up, or curbside delivery services.

EE. Secondhand Furniture, Appliance, "Collectible" and Clothing Sales. The retail sale of used furniture, appliances, "collectibles" and clothing, and secondhand dealers who are subject to Chapter 22 of the Municipal Code. This classification excludes antique shops primarily engaged in the sale of antique furniture and accessories.

1. Small-scale. Establishments occupying no more than 5,000 square feet.

FF. Sex Supermarket/Sex Mini-Mall. The establishment or operation within the same building of more than one of any of the following Adult Businesses: adult bookstore or adult video store, adult cabaret, adult entertainment business, adult motion picture theater, adult theater, or peep-show establishment.

GG. Swap Meets, Recurring. Retail sale or exchange of handcrafted or secondhand merchandise for a maximum period of 48 hours, conducted by a sponsor on a more than twice yearly basis.

HH. Tobacco and Drug Paraphernalia Establishment. Any tobacco and drug paraphernalia establishment, as defined in the Oceanside City Code.

II. Travel Services. Establishments providing travel information and reservations to individuals and businesses. This classification excludes car rental agencies.

JJ. Vehicle/Equipment Sales and Services.

1. Automobile Washing. Washing, waxing, or cleaning of automobiles or similar light vehicles.

2. Commercial Parking Facility. Lots offering short-term or long-term parking to the public for a fee.

3. Service Stations. Establishments engaged in the retail sale of gas, diesel fuel, lubricants, parts, and accessories. This classification includes incidental maintenance and repair of automobiles and light trucks, but excludes body and fender work or repair of heavy trucks or vehicles.

4. Vehicle/Equipment Repair. Repair of automobiles, trucks, motorcycles, mobile homes, recreational vehicles, or boats, including the sale, installation, and servicing of related equipment and parts. This classification includes auto repair shops, body and fender

CITY OF OCEANSIDE COMPREHENSIVE ZONING ORDINANCE

shops, wheel and brake shops, and tire sales and installation, but excludes vehicle dismantling or salvage and tire retreading or recapping.

(a) Limited. Excludes body and fender shops.

5. Vehicle/Equipment Sales and Rentals. Sale or rental of automobiles, motorcycles, trucks, tractors, construction or agricultural equipment, mobile homes, and similar equipment, including storage and incidental maintenance.
6. Vehicle Storage. Storage of operative or inoperative vehicles. This classification includes storage of parking tow-aways, impound yards, and storage lots for automobiles, trucks, buses and recreational vehicles, but does not include vehicle dismantling.

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

KK. Visitor Accommodations.

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

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

2. Hotels, Motels, and Time-Share Facilities. Establishments offering commercial lodging on a less than monthly basis. This classification includes incidental eating, drinking, and banquet services intended for the convenience of guests.
3. Single-Room Occupancy (SRO) Residential Hotels. Buildings with six or more guest rooms without kitchen facilities in individual rooms, or kitchen facilities for the exclusive use of guests, and which are also the primary residences of the hotel guests.
4. Vacation Club. Prepaid point or credit-based establishments offering lodging on a less than weekly basis and having kitchens. This classification includes eating, drinking and banquet services.

LL. Warehousing and Storage, Limited. Provision of storage space for household or commercial goods within an enclosed building. Access to individual storage units shall be via an interior access way. Exterior entry to individual storage units shall not be permitted. This classification includes facilities with a maximum of 5,000 square feet of gross floor area,

but excludes Wholesale, Distribution and Storage, and Vehicle Storage. "Limited" vehicle storage as part of a Warehousing and Storage, Limited, facility is permitted subject to the approval of a Conditional Use Permit.

MM. Winery, Craft. A small-scale winemaking facility that includes designated floor area (comprising no less than 20 percent and no more than 40 percent of the total floor area) for product sampling and/or retail sales of wine conforming to state requirements. Retail sales of craft winery merchandise including wine glasses, wine bottles, decanters, corkscrews, home décor, apparel, signs, books, and other wine paraphernalia are also permitted. A craft winery shall produce a minimum of 300 cases annually and not exceed a maximum output of 10,000 standard cases annually (with a standard case of wine containing twelve 750 ml bottles or nine liters of wine). Facilities housing a craft winery shall not exceed 15,000 square feet of floor area. The category of a craft winery (based upon floor area and scale of operation) shall determine the appropriate review and approval process, as specified below. Such facilities shall be subject to the following limitations:

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

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

1. Tier 1: Produces at least 300 and no more than 7,000 standard cases annually and does not exceed 10,000 square feet of floor area. Tier 1 facilities are subject to approval of an Administrative Conditional Use Permit (ACUP) when not abutting residential zoning districts, schools, and/or churches. Tier 1 facilities abutting residential zoning districts, schools, and/or churches are subject to a Conditional Use Permit (CUP).
2. Tier 2: Produces at least 900 and no more than 10,000 standard cases annually and

does not exceed 15,000 square feet of floor area. Tier 2 facilities shall be subject to approval of a Conditional Use Permit (CUP).

415 Industrial Use Classifications

- A. Cannabis Distribution Site. A location where cannabis obtained from a licensed cannabis cultivator or cannabis products from a licensed cannabis manufacturer is temporarily stored, prior to delivery to a licensed cannabis dispensary and as part of performing a cannabis distributor's duties under state law. A cannabis distributor is a person engaged in the procurement, sale, and transport of cannabis and cannabis products between licensees.
- B. Cannabis Manufacturing. The production, preparation and compounding of cannabis and cannabis products, without the use of a volatile solvent. Nonvolatile cannabis manufacturing includes and is not limited to the extraction of a substance from a cannabis plant with nonvolatile solvents, the infusion or mixture of cannabis into another substance, the preparation of an edible item that includes cannabis, and the packaging and labeling of cannabis or cannabis products. Nonvolatile cannabis manufacturing does not include cannabis cultivation.
- C. Cannabis Testing Laboratory. Laboratory, facility, or entity that offers or performs tests of cannabis or cannabis products and that is both of the following: (1) Accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activity in the state. (2) Licensed by the state of California to perform cannabis testing consistent with Business and Professions Code section 26001.
- D. Food Processing. Establishments primarily engaged in the manufacturing or processing and packaging of food or beverages for human consumption and wholesale distribution.
 - 1. Limited. Establishments of less than 2500 square feet of floor area.
- E. Industry, Custom. Establishments primarily engaged in on-site production of goods by hand manufacturing involving the use of hand tools and small-scale equipment. This use may include affiliated office and support facilities and limited showroom and a retail sales area when clearly secondary and associated with the primary business.
 - 1. Limited. Includes mechanical equipment not exceeding two horsepower or a single kiln not exceeding eight kilowatts and the incidental direct sale to consumers of only those goods produced on-site. Typical uses include ceramic studios, candle-making shops, and custom jewelry manufacture.
- F. Industry, General. Manufacturing of products, primarily from extracted or raw materials, or bulk storage and handling of such products and materials. Uses in this classification typically involve a high incidence of truck or rail traffic, and/or outdoor storage of products,

materials, equipment, or bulk fuel. This classification includes chemical manufacture or processing, large scale laundry and dry-cleaning plants, auto dismantling within an enclosed building, oil and gas refining, stonework and concrete products manufacture, small animal production and processing within an enclosed building and power generation.

1. Large Scale Laundry and Dry Cleaning Plants. A laundry or dry-cleaning facility having any of the following or similar type equipment:

- (a) Boiler(s) exceeding a total of 15 horsepower;
- (b) Dry cleaning machine(s) exceeding 60 pounds total capacity;
- (c) Dryer(s) exceeding 50 pounds total capacity;
- (d) Wet cleaning washer(s) exceeding 50 pounds total capacity.

- G. Industry, Limited. Manufacturing of finished parts or products, primarily from previously prepared materials; and provision of industrial services; both within an enclosed building. This classification includes processing, fabrication, assembly, treatment, and packaging, but excludes basic industrial processing from raw materials, and Vehicle/Equipment Services. This classification may include affiliated office and support facilities and a limited showroom and retail sales area when clearly secondary and associated with the primary business.

1. Small-Scale. Limited to a maximum gross floor area of 5,000 square feet.

- H. Industry, Research and Development. Establishments primarily engaged in the research, development, and controlled production of high-technology electronic, industrial or scientific products or commodities for sale. Uses include biotechnology, films, and non-toxic computer component manufacturers, specifically excluding uses which produce offensive odors, dust, and/or noise. This classification may include affiliated office and support facilities and a limited showroom and retail sales area when clearly secondary and associated with the primary business.

- I. Wholesaling, Distribution and Storage. Storage and distribution facilities. This classification may include affiliated office and support facilities and a limited showroom and retail sales area when clearly secondary and associated with the primary business.

1. Trucking Terminals. Storage and distribution facilities having more than six heavy trucks on the premises at one time, but excluding trucking accessory to a Limited or General Industry classification.

2. Small-Scale. Wholesaling, distribution and storage having a maximum gross floor area of 5,000 square feet and having no more than two docks or service bays.

416 Agricultural and Extractive Use Classifications

- A. Agricultural Accessory Structure. Structures that are incidental to the principal permitted or

***Bold/underlined/italicized or stricken text indicates City Council adopted revisions, in effect in inland areas only. California Coastal Commission acceptance of a LPCA for coastal zone properties is currently pending**

conditionally permitted agricultural use or structure on a site and are customarily on the same site. This classification includes shade structures, hay barns, animal enclosures such as corrals or pens, and agricultural related accessory structures, but excludes horse stables and greenhouses.

- B. Agricultural Food and Product Processing, Limited. Agricultural establishments primarily engaged in the manufacturing or processing and packaging of food or non-alcoholic beverages for human consumption and distribution or agricultural materials, non-food crops, commodities, or bi-products into products, including craft or artisan goods, for retail sale or distribution. The facility shall be accessory to a farm or ranch where the food or product processing involves a primary or signature ingredient produced on the premises or within southern California. Additional ingredients shall be sourced locally or regionally when available. Tours, tastings, sampling and retail sales may be permitted as an accessory use only. Tasting rooms shall not exceed 25% of the square-footage of the facility or 2,500 square-feet, whichever is less. This classification excludes Cannabis Cultivation Facilities.
- C. Agricultural Home Stay. Overnight visitor accommodations located on a farm or ranch that produces agricultural products as its primary source of income. A Home Stay facility shall have six or fewer guestrooms and is restricted to a maximum of 15 guests. The homestay may serve meals and light foods or snacks to its registered guests at any time per Restricted Food Service Facility Regulations Section 113893 of the California Retail Food Code. A home stay established within an existing house or detached structure(s) shall be permitted. Home Stays may include incidental amenities for registered guests including spa facilities or swimming pools.
- D. Agricultural Sales Stand. A 500 square-foot or less sales stand accessory to a property devoted to the growing of agricultural crops that are offered for sale on the premises. Sales shall be limited to agricultural products. No other merchandise shall be offered. All agricultural products sold at the site must be grown by the operator either on the site, or within the region.
- E. Agricultural Sales Store. A store or stand larger than 500 square-feet for the retail sale of agricultural products primarily produced on the premises of a farm or ranch, within southern California. Retail sales of merchandise that is produced by or affiliated with the agricultural operation or has an agricultural theme, including artisan goods, may be permitted as an accessory use only.
- F. Agricultural Supply Services. Retail sale of products supporting agricultural uses including, but not limited to, tack, feed and hay, seed, soil and mulch, hardware, farm equipment, machinery, irrigation supplies, and similar support services for farming operations.
- G. Animal Boarding. Provision of shelter and care for domestic farm animals or domestic animals on a commercial basis. This classification includes activities such as feeding, exercising, grooming, and incidental medical care.
- H. Animal, Horse and Dog Training and Shows. Animal training, holistic natural animal health care, and dog shows with 50 dogs or less. Shows with greater than 50 dogs shall require a

CITY OF OCEANSIDE COMPREHENSIVE ZONING ORDINANCE

special events permit.

- I. Animal Husbandry. Raising of animals or production of animal products, such as eggs or dairy products, on an agricultural or wholesale commercial basis. Typical uses include grazing, ranching, animal breeding, and dairy farming. For purposes of this section, domestic farm animals includes horses, donkeys, llamas, alpacas, mules, cows, sheep, goats, hogs. Similar animals shall be permitted subject to review and approval by the City Planner. Domestic animals and Exotic animals as defined in Article 3 of the Zoning Ordinance are excluded from this section.
- J. Assembly, ceremonies, and weddings. An activity involving assembly or the intention of attracting people for ceremonial, educational, and celebratory purposes at one specific location. Such assembly includes, but is not limited to: receptions, weddings, recitals, exhibits, private parties, and social gatherings.
- K. Aquaculture. Facility dedicated to the propagation, cultivation, maintenance, and harvesting of fish, shellfish and plants in marine, brackish, and fresh water. This classification includes aquaponics defined as the symbiotic cultivation of plants and aquatic animals in a balanced recirculating environment. Aquaculture is subject to registration and approval by the California Department of Fish and Wildlife.
- L. Aviculture. The breeding and keeping of domestic birds including chicken, turkey, ostriches, goose, fowl, pheasant, quail, pigeons, and similar birds. This classification excludes exotic animals.
- M. Bee Keeping. The keeping of bees shall be permitted pursuant to Section 29000 of the California Food and Agriculture Code. An apiary is defined as a managed honey bee colony(s) or hive(s) that are kept in a structure(s) intentionally provided for honey bee housing, shall be located a minimum of 50-feet from roads and 100 feet from neighboring dwelling units. An apiary with more than 20 colonies shall be located 100 feet from roads and 300 feet from neighboring dwellings. Beekeepers shall register the apiary with the San Diego County Agricultural Commissioner within 30 days of establishing the apiary. Beekeepers shall follow best management practices prescribed by the Agricultural Commissioner.
- N. Campgrounds. An area of an agricultural property dedicated for short term camping as either day use or overnight use. Campsites may include tents, temporary shelters, or permanent structures such as cabins. Restroom facilities shall be provided on the premises. Trailer and RV sites may be provided, but shall not exceed 25% of the designated camp sites. For the purposes of this section, "short term camping" shall mean occupancy of a campground by the same persons, equipment, or vehicles for a maximum time limit of 7 consecutive days, not to exceed a total of 30 days in any calendar year. No campground shall be located closer than one thousand, five hundred (1,500) feet from any other campground as measured in a straight line from the defined boundary of each campground.
- O. Cannabis Cultivation Facility means a facility wherein cannabis is propagated, planted, grown, harvested, dried, cured, graded, labeled, tagged for tracking or trimmed, or that does

*Bold/underlined/italicized or stricken text indicates City Council adopted revisions, in effect in inland areas only. California Coastal Commission acceptance of a LCPA for coastal zone properties is currently pending

CITY OF OCEANSIDE COMPREHENSIVE ZONING ORDINANCE

all or any combination of those activities. This definition excludes the cultivation of no more than six cannabis plants by a person twenty-one years of age or older for personal use in a private residence provided the cultivation is in a fully enclosed structure that is secure, not visible from a public space and otherwise exempt from state licensing requirements.

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

of an enterprise.

- V. Farm Brewery. A small-scale craft beer manufacturing facility that includes floor area for product sampling and retail sales of beer primarily produced on the premises. The facility shall be accessory to a farm or ranch where a primary or signature ingredient is produced on the premises or within southern California. Additional ingredients shall be sourced locally or regionally when available. A farm brewery shall produce a minimum output of 2,000 barrels annually and shall not exceed a maximum output of 16,000 barrels annually (with a barrel of beer equal to 31 U.S. gallons). A craft brewery shall not occupy more than 15,000 square feet of floor area. Tours, tastings and retail sales may be permitted as an accessory use only. A craft brewery must contain an ancillary tasting and/or retail component that comprises no less than 20 percent and no more than 40 percent of the facility's total floor area.
- W. Farm Distillery. A small-scale craft distilled spirits manufacturing facility that includes floor area for product sampling and retail sales of distilled spirits primarily produced on the premises. The facility shall be accessory to a farm or ranch where a primary or signature ingredient is produced on the premises or within southern California. Additional ingredients shall be sourced locally or regionally when available. A farm distillery shall produce no more than 120,000 750 ml bottles per year or 100,000 gallons, whichever is less. A craft farm distillery shall not occupy more than 15,000 square feet of floor area. Tours, tastings and retail sales may be permitted as an accessory use only. A farm distillery must contain an ancillary tasting and/or retail component that comprises no less than 20 percent and no more than 40 percent of the facility's total floor area. Direct sales of bottles shall be limited to no more than 2.25 liters per day per customer who has attended an instructional tasting conducted by the craft licensee.
- X. Farm Tours. An agricultural operation that allows the general public to tour farm or ranch facilities for recreational or educational purposes. Farm tours are generally guided group tours conducted by a representative of the farming operation. The sale of agricultural products or related merchandise shall be subject to the provisions for Agricultural Sales Stands or Agricultural Sale Stores. Farm tour operations shall be subject to the performance standards outlined in Article 14 of the Zoning Ordinance. A designated parking area shall be provided on the property.
- Y. Farmworker Housing. Farmworker housing, as defined in Section 17008(a) of the California Health and Safety Code, may be provided by the employer and maintained in connection with the work or place where work is being performed and must comply with all provisions of Section 17000 of the California Health and Safety Code. Farmworker housing not maintained in connection with any workplace and provided by someone other than an agricultural employer must comply with all provisions of Section 17008(b) of the California Health and Safety Code.
- Z. Mining and Processing. Places or plants primarily devoted to surface or subsurface mining of metallic and nonmetallic minerals, oil or gas, together with essential on-site processing and production of only nonmetallic mineral products. Typical places are borrow pits, quarries, oil and gas drilling rigs, or concrete batch plants. This classification specifically excludes any activities that are directly or indirectly associated with off-shore oil and gas exploration,

production, or processing.

- AA. Petting Zoo. A zoo accessory to a farm or ranch where visitors may handle and feed domestic farm animals in a controlled environment.
- BB. Research & Development Agricultural Products. Research, development, and controlled production of agricultural products or commodities for sale ancillary to a farm or ranch. This classification may include affiliated office, laboratory, and support facilities and a showroom and retail sales area when clearly secondary and associated with the farm or ranch. This classification excludes Cannabis Cultivation Facilities and Cannabis Nurseries per Section 1420.
- CC. Restaurants and Cafes, Farm. A restaurant or café located accessory to a farm or ranch where farm products and value-added farm products are the primary food offerings. Food prepared in the eating establishment shall be sourced on site or within the region to the extent possible. Facilities may include either indoor or outdoor eating areas. The sale of beer and wine for consumption on the premises shall be considered incidental. The sale of distilled spirits for consumption on the premises shall be permitted incidental to a bona fide eating establishment subject to approval of a Conditional Use Permit.
- DD. Retail Nursery. A nursery operation that grows and/or imports plants and trees for direct sale to consumers. This classification excludes Cannabis Nursery per Section 1420.
- EE. Seasonal Attractions. Activities or events occurring on a temporary basis during various growing seasons or holiday periods. Attractions include, but are not limited to, Christmas tree farms, pumpkin patches, and harvest events. A Special Event Permit shall be required. Agricultural crops that are exclusively produced on the premises of a farm or ranch and are offered for sale on the premises shall not be considered a seasonal attraction and can be conducted through and agricultural sales stand, agricultural sales store, or u-pick operation.
- FF. U-Pick. Farming operation that allows the general public to directly harvest and purchase produce or other products from a farm or ranch. U-pick operations shall be subject to the performance standards outlined in Article 14 of the Zoning Ordinance.
- GG. Wineries. An agricultural processing facility used for the fermenting and processing of fruit juice into wine; or the refermenting of still wine into sparkling wine. Tours, tastings and retail sales may be permitted as an accessory use only.

417 Accessory Use Classifications

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

418 Temporary Use Classifications

***Bold/underlined/italicized or stricken text indicates City Council adopted revisions, in effect in inland areas only. California Coastal Commission acceptance of a LCPA for coastal zone properties is currently pending**

CITY OF OCEANSIDE COMPREHENSIVE ZONING ORDINANCE

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

Article 11 C Commercial Districts (Inland)

Sections:

- 1110 Specific Purposes
- 1120 CN, CC, CG, CL, CR, CV, CS, and CP Districts: Land Use Regulations
- 1130 CN, CC, CG, CL, CR, CV, CS, and CP Districts: Property Development Regulations
- 1140 Review of Plans

1110 Specific Purposes

In addition to the general purposes listed in Article 1, the specific purposes of commercial district regulations are to:

- A. Provide appropriately located areas consistent with the General Plan for a full range of office, retail commercial, and service commercial uses needed by residents of, and visitors to, the city and region.
- B. Strengthen the city's economic base, and provide employment opportunities close to home for residents of the city and surrounding communities.
- C. Create suitable environments for various types of commercial uses, and protect them from the adverse effects of inharmonious uses.
- D. Minimize the impact of commercial development on adjacent residential districts.
- E. Ensure that the appearance and effects of commercial buildings and uses are harmonious with the character of the area in which they are located.
- F. Ensure the provision of adequate off-street parking and loading facilities.
- G. Provide sites for public and semipublic uses needed to complement commercial development or compatible with a commercial environment.

The additional purposes of each C district are as follows:

CN Neighborhood Commercial District. To provide sites for businesses serving the daily needs of nearby residential areas while establishing development standards that prevent significant adverse effects on residential uses adjoining a CN district.

CC Community Commercial District. To provide sites for commercial centers containing a wide variety of commercial establishments, including businesses selling home furnishings, apparel, durable goods, and specialty items and generally having a citywide market area. Support facilities such as entertainment and restaurants are permitted, subject to certain

limitations to avoid adverse effects on adjacent uses.

CG General Commercial District. To provide opportunities for the full range of retail and service businesses deemed suitable for location in Oceanside, including businesses not permitted in other commercial districts because they attract heavy vehicular traffic or have certain adverse impacts; and to provide opportunities for certain limited manufacturing uses that have impacts comparable to those of permitted retail and service uses to occupy space not in demand for retailing or services.

CL Limited Commercial District. To provide opportunities for a limited range of retail and service businesses that do not generate significant amounts of traffic, nor have high public service demands. Automobile-oriented uses, such as service stations and drive-up restaurants, are not permitted or are limited.

CR Commercial Recreation District. To provide sites for recreation-oriented residential and commercial activities conveniently located near recreational and scenic areas with easy access to freeways, expressways and arterials.

CV Visitor-Commercial District. To provide opportunities for recreation-oriented and visitor-serving commercial activities conveniently located near recreational and scenic areas. This district is intended for specialized commercial uses directly dependent, supportive or related to the Coast, including the Harbor, the San Luis River area, and the municipal pier.

CS Special Commercial District. To provide opportunities for residential, commercial, public and semipublic uses appropriate for the special commercial areas identified by the General Plan. Subdistrict designators are established as:

- HO for highway oriented commercial areas;
- L for limited commercial areas including the Mission Area and certain scenic areas.

CP Commercial Professional District. To provide a landscaped environment for offices that is protected from the more intense levels of activity associated with retail commercial development.

The specific purposes of the Mixed-Use Plan are to:

- A. Establish a procedure for the development of parcels as a mixed-use development.
- B. Ensure orderly and thorough planning and review procedures that will result in quality urban design.
- C. Encourage variety and avoid monotony in developments by allowing greater freedom in selecting the means to provide access, light, open space and amenities.

CITY OF OCEANSIDE COMPREHENSIVE ZONING ORDINANCE

- D. Provide a mechanism whereby the City may authorize desirable developments consistent with the General Plan without inviting speculative rezoning applications, which, if granted, often could deprive other owners of development opportunities without resulting in construction of the proposed facilities.
- E. Encourage the preservation of serviceable existing structures of historic value or artistic merit by providing the opportunity to use them imaginatively for purposes other than that for which they were originally intended.
- F. Encourage the assembly of properties that might otherwise be developed in unrelated increments to the detriment of surrounding neighborhoods.

1120 CN, CC, CG, CL, CR, CV, CS, and CP Districts: Land Use Regulations

In the following schedules, the letter "P" designates use classifications permitted in commercial districts. The letter "L" designates use classifications subject to certain limitations prescribed by the "Additional Use Regulations" that follow. The letter "U" designates use classifications permitted on approval of a use permit. The letters "P/U" designate use classifications permitted on the site of a permitted use, but requiring a use permit on the site of a conditional use. Use classifications that are not listed are prohibited. Letters in parentheses in the "Additional Regulations" column reference regulations following the schedule or located elsewhere in this ordinance. Where letters in parentheses are opposite a use classification heading, referenced regulations shall apply to all use classifications under the heading.

CN, CC, CG, CL, CR, CV, CS, AND CP DISTRICTS: LAND USE REGULATIONS

- P - Permitted
- U - Use Permit
- L - Limited, (See Additional Use Regulations)
- - Not Permitted
- A- Administrative Conditional Use Permit

	CN	CC	CG	CL	CR	CV	CS- HO	CS -L	CP	Add. Reg.
Residential										(A)
Day Care, Ltd.	P	P	P	P	P	P	P	P	P	
Single-family	L1	-	L1	L1	L1	-	L1	L1	P	
RV Parks	-	-	U	-	-	U	-	-	-	(L)
Public and Semipublic										(A,T)
Child Care	L-11	L-11	L-11	L-11	L-11	L-11	L-11	L-11	L-11	
Clubs and Lodges	L27	L27	L27	L27	L27	-	L27	U	L27	

CITY OF OCEANSIDE COMPREHENSIVE ZONING ORDINANCE

	CN	CC	CG	CL	CR	CV	CS- HO	CS -L	CP	Add. Reg.
Convalescent Facilities -	-	-	-	-	-	-	-	-	U	
Cultural Institutions	L27	L27	L27	L27	L27	L27	L27	L27	L27	
Day Care, General	U	U	U	U	U	U	U	U	U	
Emergency										
Health Care	L15	L15	L15	-	-	-	L15	L15	L15	
Emergency Shelter	U	U	U	U	-	-	U	-	U	
Government Offices	L27	L27	L27	L27	-	-	L27	-	P	(T)
Heliports	-	-	-	-	U	-	-	-	U	(B)
Hospitals	-	U	-	-	-	-	U	-	U	
Park and Recreation										
Facilities	-	P	-	-	P	P	P	P	P	(C)
Public Safety Facilities	U	U	U	U	U	U	U	U	U	
Religious Assembly	A	A	A	A	-	-	-	A	A	(M)
Residential										
Care, General	L30	L30	L30	L30	-	-	L30	L30	U	
Resource Centers	A	A	A	A	A	A	A	A	A	
Schools, Public or										
Private	A	A	A	A	-	-	A	A	A	
Transitional Housing	U	-	U	U	-	-	U	-	U	
Utilities, Major	L19	L19	L19	L19	L19	L19	L19	L19	L19	(Q)
Utilities, Minor	P	P	P	P	P	P	P	P	P	
Commercial Uses										(A,D,J,T)
Adult Businesses	-	L3	L3	-	-	-	-	-	-	(K)
Ambulance Services	L15	L15	L15	-	-	-	L15	-	P	
<u>Animal Sales and Services:</u>										
Animal Boarding	A	A	A	A	-	-	-	-	-	
Animal Grooming	P	P	P	P	-	-	-	L16	-	
Animal Hospitals	P	P	P	P	-	-	P	L16	-	
Animals Retail Sales	P	P	P	P	-	-	P	L16	-	
Artists' Studios	P	P	P	P	L26	L26	-	L26	-	(K)
<u>Banks and</u>										
<u>Savings & Loans:</u>	P	P	P	P	-	-	P	P	P	
Drive-thru/										
Drive-up Service	A	A	A	A	-	-	A	A	A	
Self Service										
Facilities (ATMs)	L21	L21	L21	L21	L21	L21	L21	L21	L21	

CITY OF OCEANSIDE COMPREHENSIVE ZONING ORDINANCE

	CN	CC	CG	CL	CR	CV	CS- HO	CS -L	CP	Add. Reg.
Building Materials & Services	P	P	P	U	-	-	P	-	-	(T)
<u>Cannabis Storefront Retailers</u>	<u>U</u>	<u>U</u>	<u>U</u>	<u>U</u>	<u>-</u>	<u>-</u>	<u>U</u>	<u>L10</u>	<u>-</u>	<u>(K)</u>
Catering Services	P	P	P	P	-	-	P	P	-	
Comm.Recreation & Entertainment	L27	L27	L27	L28	L27	L27	L27	L16	-	(F, K)
Communication Facilities	-	P	P	-	-	-	-	-	P	
Food & beverage Kiosk	A	A	A	A	A	A	A	A	A	(T)
Food & Beverage Sales	L5	L5	L5	L5	L5	L5	P	L5	-	(K,T)
Funeral and Interment Services	L6	L6	L6	-	-	-	L6	L6	-	
Home Improvement	P	P	P	P	-	-	P	-	-	(T)
Horticulture, Limited	P	P	P	P	P	P	P	P	P	(R,S)
Laboratories	-	-	P	-	-	-	-	-	P	
Maintenance & Repair Services	P	P	P	P	-	-	-	-	-	(T)
Marine Sales and Services	-	-	P	-	-	P	-	-	-	(T)
Nurseries	L31	L31	L31	-	-	-	L31	L31	-	(T)
Offices, Business & Professional	P	P	P	P	L2	L2	P	L2	P	(T)
Payday Loan/ Paycheck Adv.	-	L3	L3	-	-	-	-	-	-	(K,T)
Pawn Shops	-	U	U	-	-	-	-	-	-	
Personal Improvement Services	L25	L25	L25	L25	L25	-	L25	L25	L25	(K)
Personal Services	P	P	P	P	L27	L27	P	L27	L27	(K)
Tattooing Establishments	-	P	P	P	-	-	-	-	-	(K)
Research and Development Services	-	-	P	-	-	-	-	-	P	(T)
<u>Restaurants:</u>										
Full Service	P	P	P	P	P	P	P	P	L4	(K,T)
w/ Full Alcohol	U	U	U	U	U	U	U	U	U	(K,T)
w/ Live Entert'mt	L28	L27	L27	L28	L27	L27	L27	L27	L27	(O,T)
Fast Food	P	P	P	P	P	P	P	P	L4	(K,T)
w/ Drive-thru Service	L23	A	A	-	A	-	A	-	-	(N)

CITY OF OCEANSIDE COMPREHENSIVE ZONING ORDINANCE

w/ Drive-Up Service	L23	A	A	-	A	-	A	-	-	(N)
	CN	CC	CG	CL	CR	CV	CS- HO	CS -L	CP	Add. Reg.
Retail Sales	P	P	P	P	L8	L8	P	P	-	(T)
Secondhand Sales	L26	L26	L26	L26	-	-	L26	L26	-	(T)
Swap Meets, recurring			U							
Travel Services	P	P	P	P	P	P	P	P	P	
Vehicle/Equipment Sales & Services:										
Automobile Washing	U	U	U	U	-	-	U	-	-	(G,T)
Service Stations	U	U	U	U	U	-	U	U	-	(G,T)
Repair	L29	L29	L29	L29	-	-	L29	L20	-	(T)
Sales & Rentals	U	U	U	U	L14	L14	U	-	-	(T)
Visitor Accommodations:										
Bed & Breakfast Inns	A	A	A	A	A	A	A	A	A	(H)
Hotels, Motels and Time-Shares	U	U	U	U	U	U	U	L12	-	(P)
SRO Hotels	-	U	U	-	-	-	-	-	-	
Warehousing and Storage, Ltd.	-	-	L9	-	-	-	-	-	-	(T)
Industrial:										
Food Processing	L22	L22	L22	L22	-	-	L22	L22	-	
Industry, Custom	-	-	L8	-	-	-	-	-	-	(T)
Industry, Limited	-	-	L8	-	-	-	-	-	-	(T)
Wholesaling, Distribution & Storage	-	-	L8	-	-	-	-	-	-	(T)
Agriculture and Extractive Uses:										
Crop Production	L24	L24	L24	L24	L24	L24	L24	L24	L24	(R,S)
Accessory Uses	P/U	P/U	P/U	P/U	P/U	P/U	P/U	P/U	P/U	(I,S,T)
Nonconforming Uses										(J)
Temporary Uses										
Ag. Special, Seasonal Sales	P	P	P	P	P	-	P	P	-	(U)
Mixed Uses	L-33	L-33	L-33	L-33	L-33	L-33	L-33	L-33	L-33	

C Districts: Additional Use Regulations

- L-1 Not permitted on ground level.
- L-2 Permitted as part of a mixed-use project, occupying less than 25 percent of the gross floor area.
- L-3 Adult Bookstore/Novelty Store/Video Store, and Adult Entertainment Businesses as defined in Article 4, are allowed with an Administrative Regulated Use Permit, subject to the requirements of Article 36 of this Ordinance.
- L-4 Permitted as a secondary use occupying no more than 1000 square feet in a building; Administrative Use Permit required for more space up to 5 percent of gross floor area of a building.
- L-5 An Administrative Conditional Use Permit is required for convenience stores. Convenience stores shall not be located within 500 feet of a site occupied by a public or private school, park or recreational facilities, and no exterior vending machines shall be permitted. Convenience stores may be operated only between the hours of 6 a.m. and 10 p.m. Longer hours may be approved with the use permit if the use is found not to have an adverse effect on neighboring uses.
- L-6 Only mortuaries allowed - subject to a Administrative Conditional Use Permit.
- L-7 Conditional Use Permit required. Repair services and automobile washing are prohibited.
- L-8 Only "limited," or "small-scale," facilities, as defined in Use Classifications allowed with an Administrative Conditional Use Permit.
- L-9 Storage tanks, distribution terminals, emission-control systems, pumping stations, service yards, transportation facilities, pipelines, or any other facilities supporting offshore oil and gas drilling operations shall be prohibited.
- L-10 ReservedCannabis Storefront Retailers prohibited within the Mission San Luis Rey Commercial Village area. Outside of the Commercial Village area cannabis storefront retailers require a conditional use permit pursuant to Article 36 of the Zoning Ordinance.
- L-11 See Article 30: Section 3041, Child Care Facility. Allowed within the RE, RS, RM, RH, RT, CN, CC, CG, CL, CR, CV, CS, CS-HO, CS-L, CP, IL, IG, IP, A, OS, PS and the D Districts subject to obtaining a Child Care Facility Permit issued by the City Planner and subject to the City's adopted Child Care Guidelines. If new development (construction) is proposed for a child care facility, an Administrative Development Plan Review is required. An Administrative Development Plan Review may be conducted independently or concurrently

with the Child Care Facility Permit review.

- L-12 Up to 200 rooms allowed with a Conditional Use Permit.
- L-13 Reserved.
- L-14 Recreational vehicles and recreational equipment rentals only.
- L-15 Administrative Conditional Use Permit required if use is an Ambulance Service or an Emergency Health Care facility which utilizes ambulance service and either use is also located within 1,000 feet of an R district or the boundaries of a site occupied by a Public or Private School or Park and Recreation Facility. Conditions may be imposed in approving such a permit to limit vehicle speeds or use of sirens. In the CS-L district, Emergency Health Care facility permitted with a Conditional Use Permit. No permitted within the Mission San Luis Rey Historic Core Area.
- L-16 Only permitted outside the Mission San Luis Rey Historic Core Area. "Small-scale" Commercial Recreation and Entertainment allowed, all others require an Administrative Conditional Use Permit.
- L-17 Reserved.
- L-18 Only "small-scale" facilities allowed with the approval of an Administrative Use Permit.
- L-19 A Conditional Use Permit is required for generating plants, electrical substations, lone switching buildings, refuse collection, transfer, recycling or disposal facilities, water reservoirs, water or wastewater treatment plants or transportation and similar facilities of public agencies or public utilities. Aboveground electrical transmission lines are not permitted unless determined to be consistent with a utility corridor plan approved by the Planning Commission. Flood control or drainage facilities are permitted if they are consistent with approved master drainage and/or flood-control plans.
- L-20 Limited or "small-scale" facilities allowed with a Conditional Use Permit outside the Commercial Village Core designated in the Mission SLR Historic Guidelines within a multi-tenant structure.
- L-21 Walk-up automatic teller machines (ATMs) allowed if included within or attached to a building serving another use; freestanding structures for walk-up ATMs allowed with an Administrative Use Permit.
- L-22 Large Scale facilities may be allowed if they include a retail component and an area for consumption of the products produced on the site (i.e., tables, chairs, etc.). An administrative use permit, approved by the City Planner, would define the minimum area devoted to retail customer service and office support to the principle food processing activity, but a minimum of 1/3 of the gross square footage of the building facility shall be used as a guideline for the retail service/office support area.

- L-23 One drive-thru/drive-up restaurant allowed with an Administrative Conditional Use Permit in a Shopping Center of 10 acres or greater.
 - L-24 Allowed on sites of more than 2.5 acres with the approval of an Administrative Use Permit issued by the City Planner.
 - L-25 "Small-scale" facilities allowed. All others require an Administrative Conditional Use Permit. Within the CS-HO and CS-L, a personal improvement use greater than 5,000 square feet is allowed only in a community shopping center and requires an Administrative Conditional Use Permit. "Regulated" uses are subject to compliance with Article 36.
 - L-26 "Small-scale" facilities allowed. All others require the approval of an Administrative Use Permit issued by the City Planner.
 - L-27 "Small-scale" facilities allowed. All others require the approval of an Administrative Conditional Use Permit. "Regulated" uses are subject to compliance with Article 36. Card rooms require a Conditional Use Permit.
 - L-28 Only "small-scale" facilities allowed. Card rooms require a Conditional Use Permit. "Regulated" uses are subject to compliance with Article 36.
 - L-29 Glass installation and tinting, cellular phone installation, and stereo installation allowed with an Administrative Use Permit. All others require a Conditional Use Permit.
 - L-30 Limited to senior, residential care assisted-living units for persons age 55 and older with the approval of an Administrative Conditional Use Permit.
 - L-31 An Administrative Use Permit is required for nurseries having growing or propagation areas greater than 2.5 acres.
 - L-32 See Article 30: Section 3041, Child Care Facility. Allowed within the RE, RS, RM, RH, RT, CN, CC, CG, CL, CR, CV, CS, CS-HO, CS-L, CP, IL, IG, IP, A, OS, PS and the D Districts subject to obtaining a child Care Facility Permit issued by the City Planner and subject to the City's adopted Child Care Guidelines. If new development (construction) is proposed for a child care facility, a Development Plan Review is required. A Development Plan Review may be conducted independently or concurrently with the Child Care Facility Permit review.
 - L-33 Mixed use development is permitted and requires the approval of a "Mixed-Use Development Plan" and Conditional Use Permit to determine compatibility with surrounding development and uses in the area.
 - (A) See Section 3002: Relocated Buildings (Administrative Use Permit required).
 - (B) See Section 3036: Helicopter Takeoff and Landing Areas.
-

- (C) Limited to facilities on sites 2 acres or less.
- (D) In the CN district, a commercial use having open parking or wall openings within 100 feet of an R district shall not operate between 10 p.m. and 7 a.m. unless authorized by a use permit.
- (E) RESERVED
- (F) See Section 3027: Arcades and Game Centers. Card rooms, as defined and regulated by Chapter 8 of the City Code, are not permitted in the Coastal Zone.
- (G) See Section 3011: Service Stations and Automobile Washing.
- (H) See Section 3031: Bed and Breakfast Inns.
- (I) See Section 3005: Nonresidential Accessory Structures.
- (J) See Article 35: Nonconforming Uses and Structures.
- (K) All "regulated uses", are subject to compliance with Article 36.
- (L) See Section 3029: Recreational Vehicle Parks.
- (M) See Section 3004: Religious Assembly Yard Requirements.
- (N) Uses on separate freestanding sites that are outside shopping centers and have adjoining parking shall not be closer than 500 feet to a public or private school, park, or playground. Identifiable containers and napkins shall be used for all carryout food, and all litter shall be promptly removed. A use permit may require the operator to contract with a cleanup service if it is determined that a litter problem exists.
- (O) See Section 3010: Live Entertainment.
- (P) See Section 3030: Time-Share Resort Projects.
- (Q) See Section 3025: Antennas and Microwave Equipment.
- (R) Any Horticulture, Limited or Crop Production use must conform to the City's Grading Ordinance including the requirement that the grading and/or agricultural operation will not cause significant damage to any environmentally sensitive areas nor cause elimination of any significant wildlife habitat or riparian area. Sufficient buffering of the operation should be provided from adjacent residential uses.
- (S) Agricultural Sales Stands, in conjunction with a Horticulture, Limited or Crop Production use, shall be permitted subject to the locational and development standards

CITY OF OCEANSIDE COMPREHENSIVE ZONING ORDINANCE

of Section 3038.

- (T) See Section 3020: Outdoor Facilities; outdoor storage, outdoor display of materials, outdoor food service, outdoor storage containers, working outdoors and temporary outdoor sales events and activities shall comply with the standards of this section.
- (U) See Section 3038: Agricultural Sales; Seasonal Agricultural Specialty Sales requires a business license and is subject to the operational standards of Section 3038.
- (V) See Section 3042: Mixed Use Plans.

1130 CN, CC, CG, CL, CR, CS, CV, and CP Districts: Property Development Regulations

The following schedule prescribes development regulations for the CN, CC, CG, CL, CR, CS, CV, and CP districts. The columns prescribe basic requirements for permitted and conditional uses in each district. Letters in parentheses in the "Additional Regulations" column reference regulations following the schedule or located elsewhere in the zoning ordinance.

CN, CC, CG, CL, CR, CS, CV, and CP DISTRICTS DEVELOPMENT REGULATIONS

	CN	CC	CL CG	CR CS CV	CP	Add. Reg.
Residential Development						(A,X)
Nonresidential Development						(X)
Lot Area (min/sq. ft.)	10,000	10,000	10,000	10,000	10,000	(B,C)
Minimum Lot Width (ft.)	-	-	-	-	-	(C)
<u>Minimum yards:</u>						
Front (ft.)	15	15	15	15	20	(D,F)
Side (ft.)	-	-	-	-	-	(D,E,F)
Corner Side (ft.)	10	15	10	10	20	(D,F)
Rear (ft.)	-	-	-	-	10	(D,E,F)
Height (max)	50 ft.	50	50	50	50	(G,H,V,W)
Lot Coverage (max)	50%	50%	75%	50%	50%	

CITY OF OCEANSIDE COMPREHENSIVE ZONING ORDINANCE

	CN	CC	CL CG	CR CS CV	CP	Add. Reg.
Maximum Base FAR	1.0	1.0	1.0	1.0	1.0	
Maximum FAR Bonus	0.2	0.5	0.2	0.2	0.5	(I)
Minimum Site Landscaping	15%	15%		15%	15% (J,K, AA)	
< 5 acres			10%			
> 5 acres			15%			
Maximum Vertical Wall Dimension (ft.)	(L)	(L)	(L)	(L)	(L)	
Maximum Horizontal Wall Dimension (ft.)	-	200	-	-	200	(M)
Fences and Walls		See Section 3040				
Req. Building Lines	-	-	(P)	(P)	-	
Off-Street Parking and Loading						(Q, R, Z)
Vehicular Access		See Section 3114				
Signs		See Article 33				
Outdoor Facilities		See Section 3020				
Views into Buildings						(S)
Screening of Mechanical Equipment		See Section 3021				
Employee Eating Areas						(T)
Refuse Storage Areas		See Section 3022				
Underground Utilities		See Section 3023				
Performance Standards		See Section 3024				
Nonconforming Structures		See Article 35				

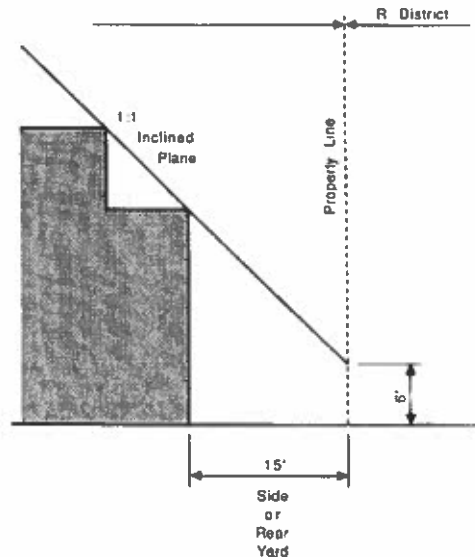
Renewable Energy Facilities	See Section 3047	(Y)
Electric Vehicle Parking and Charging Facilities	See Section 3048	(Z)
Urban Forestry	See Section 3049	(AA)
Transportation Demand Management (TDM)	See Section 3050	(BB)

**CN, CC, CG, CL, CR, CS, CV, and CP Districts:
Additional Development Regulations**

- (A) Dwelling units shall be subject to the standards for height limits, maximum density, court provisions, and outdoor living areas for the RM-A District, as prescribed by Section 1050. Recreational vehicle parks shall be subject to the requirements of Section 3029.
 - (B) See Section 3013: Development on Substandard Lots.
 - (C) Smaller lot requirements may be permitted with an approved development plan and tentative subdivision maps.
 - (D) See Section 3015: Building Projections into Yards and Courts. Double-frontage lots shall provide front yards on each frontage.
 - (E) A 15-foot side or rear yard shall adjoin an R district, and structures shall not intercept a 1:1 or 45-degree daylight plane inclined inward from a height of 6 feet above existing grade at the R district boundary line (See Diagram E).
 - (F) At least 50 percent of each required yard shall be landscaped. This area may be counted in determining compliance with minimum site landscaping requirements. The remainder of the required yard area may be used for necessary drives and walks.
 - (G) See Section 3017: Measurement of Height.
 - (H) See Section 3018: Exceptions to Height Limits.
 - (I) Additional FAR shall be permitted for:
 - (1) Underground parking: 0.05 for each 10 percent increment of required parking that is provided underground or in structures up to a maximum of 0.4.
-

- (2) Transfer of FAR from historic buildings: twice the amount of unused FAR (restricted by recorded covenants or deed restriction) up to a maximum of 0.2.
- (3) Participation in a Planned Block Development (60,000 square feet or more of site area) approved by the City under the provisions of Article 24.

(E) REQUIRED DAYLIGHT PLANE AT ADJOINING DISTRICT (DIAGRAM)



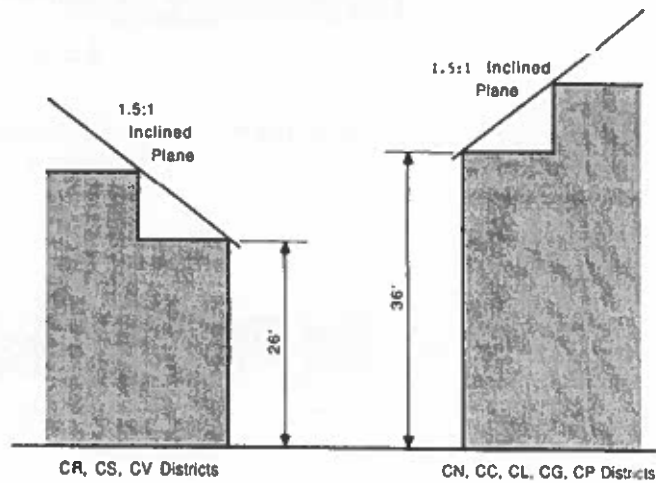
(J) Planting Areas.

- (1) All Commercial Districts. Sites in all C districts shall comply with the planting area requirements and design standards of Section 3019.
- (2) CN, CG, CL, and CS Districts. Required yards shall be enclosed by a solid concrete or masonry wall at least 6 feet in height or shall be planting areas, provided that a wall within 15 feet of a street property line shall not exceed 3.5 feet in height.
- (3) CN, CC, CR, CS, CV, and CP Districts. The minimum percentage of the site to be landscaped may be reduced 1 percent for each 20 percent increment of street frontage with a 25-foot-wide landscaped strip.

(K) See Section 3019: Landscaping, Irrigation and Hydro seeding.

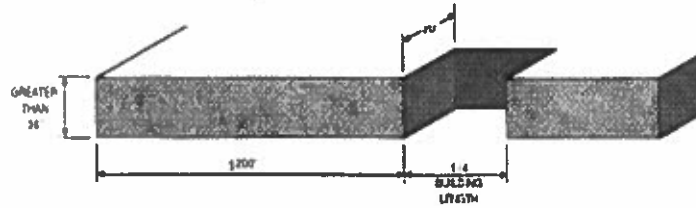
- (L) The maximum vertical wall height at the setback line shall be 26 feet in the CR and CV districts and 50 feet in all other districts. Walls shall be set back at least 1.5 feet for every foot above the maximum vertical wall height limit. During development plan review, exceptions from this standard may be granted by the Planning Commission for department stores, hotels,

or other uses with unique requirements (See Diagram L).

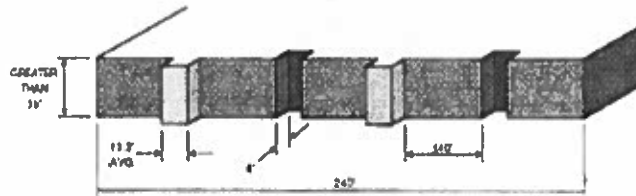


(L) REQUIRED SETBACKS ABOVE BASE WALL HEIGHT (DIAGRAM)

- (M) This requirement shall apply to building elements above 36 feet. A wall surface shall be no longer than 200 feet without a break: a recess or offset measuring at least 20 feet in depth and one-quarter of the building in length or a series of recesses or offsets, at intervals of not more than 40 feet, that vary the depth of the building wall by a minimum of 4 feet. Not less than 25 percent of the building wall shall be varied in this way (See Diagram M).



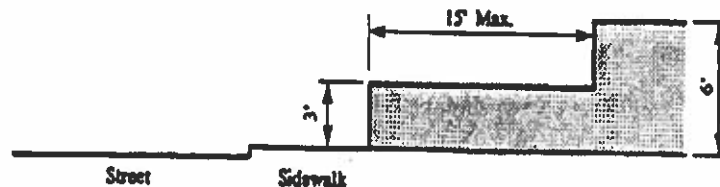
(M) MAXIMUM WALL LENGTH AND REQUIRED BREAK
(The diagram is illustrative)



(M) AVERAGING OPTION FOR MAXIMUM WALL LENGTH (DIAGRAM)

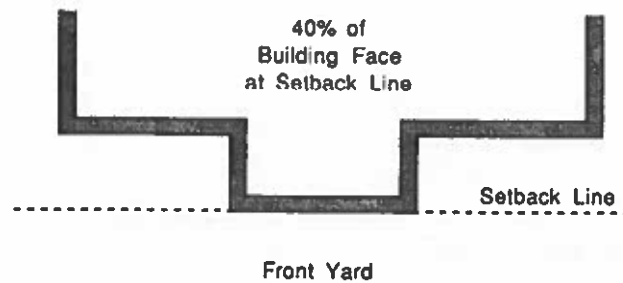
- (N) Maximum height of a fence or wall shall be 6 feet.
- (O) A 6-foot solid masonry or concrete wall shall adjoin the property line of the site of a new ground-floor residential use abutting an existing non-residential use or the property line of a new non-residential use abutting the site of an existing ground-floor residential use. However, where the portion of the site within 10 feet of the property line is occupied by planting area or by a building having no openings except openings opposite a street property line, the City Planner may grant an exception to this requirement. A wall within 15 feet of a street property line shall not exceed 3 feet in height (See Diagram O Required Walls).

**(O) REQUIRED WALLS: RESIDENTIAL USE
ABUTTING NONRESIDENTIAL USE (DIAGRAM)**



- (P) In the CG, CL, CR, and CV districts that are within the Coastal Zone, a minimum of 40 percent of the front building surface on a street with a collector classification or greater, as designated in the Master Street Plan, shall be at the front-yard setback line (See Diagram P).

(P) BUILDING FACE AT SETBACK LINE (DIAGRAM)



In the CS-L Special Commercial Mission Historic Area District building lines shall be required as follows:

- (1) Village Core (as designated in the Development Guidelines for the Mission Area): At the first level a minimum of 50 percent of the front building face shall be at the front-yard setback line;
 - (2) Major Streets (as designated in the Development Guidelines): A minimum of 25 percent of the front building face shall be at the front-building setback line.
- (Q) Parking of automobiles, motorhomes, motorcycles, and other such motor vehicles is not permitted in a required front, corner side, side, or rear yard setback areas. See Section 315, Driveways; Visibility.
- (R) See Article 31: Off-Street Parking and Loading Regulations.
- (S) See Article 39: Wireless Communications Facility, satellite Dish and Antenna Standards.
- (T) On frontages designated on the Zoning Map, 50 percent of the first story of that portion of a building facing a street shall consist of opening, clear or tinted glass windows providing views of merchandise displayed, building interiors, or courtyards.

Exceptions: This requirement may be waived by the City Planner with respect to the following building types:

- (1) corner buildings, provided that at least 20 percent of the site facing the street affords views into the building; or
 - (2) architecturally and historically significant buildings.
- (U) Outdoor eating facilities for employees shall be provided for all industrial and office buildings or developments containing more than 10,000 square feet of building area. See Section 3028: Employee Eating Areas.
-

- (V) The maximum height of structures may be increased beyond 50 feet with the approval of a use permit.
- (W) RESERVED
- (X) See Section 3042: Mixed-Use Plans.
- (Y) Certain commercial projects are required to implement renewable energy facilities, in accordance with ZO Section 3047.
- (Z) Certain commercial projects are required to implement electric vehicle parking and charging facilities, in accordance with ZO Section 3048.
- (AA) Certain commercial projects are required to implement urban forestry measures, in accordance with ZO Section 3049.
- (BB) Certain commercial projects are required to prepare and implement transportation demand management (TDM) plans, in accordance with ZO Section 3050.

1140 Review of Plans

All projects shall require development plan review, as per Article 43, unless otherwise specified in this ordinance.

Article 13 I Industrial Districts (Inland)

Sections:

- 1310 Specific Purposes
- 1320 IL, IG, and IP Districts: Land Use Regulations
- 1330 IL, IG, and IP Districts: Property Development Regulations
- 1340 Review of Plans

1310 Specific Purposes

In addition to the general purposes listed in Article 1, the specific purposes of the industrial district regulations are to:

- A. Provide appropriately located areas consistent with the General Plan for a broad range of manufacturing and service uses.
- B. Strengthen the city's economic base, and provide employment opportunities close to home for residents of the city and surrounding communities.
- C. Provide a suitable environment for various types of industrial uses, and protect them from the adverse impacts of inharmonious uses.
- D. Ensure that the appearance and effects of industrial uses are compatible with the character of the area in which they are located.
- E. Minimize the impact of industrial uses on adjacent residential districts.
- F. Ensure the provision of adequate off-street parking and loading facilities.

The additional purposes of each I district are as follows:

IL Limited Industrial District. To provide areas appropriate for a wide range of (1) moderate to low-intensity industrial uses capable of being located adjacent to residential areas with minimal buffering and attenuation measures and (2) commercial services and light manufacturing, and to protect these areas, to the extent feasible, from disruption and competition for space from unrelated retail uses or general industrial uses.

IG General Industrial District. To provide and protect industrial lands for the full range of manufacturing, industrial processing, general service, and distribution uses deemed suitable for location in Oceanside; and to protect Oceanside's general industrial areas, to the extent feasible, from disruption and competition for space from unrelated retail and commercial uses that could more appropriately be located elsewhere in the city. Performance standards will minimize potential environmental impacts.

IP Industrial Park District. To provide and protect industrial lands for the development of communities of high technology, research and development facilities, limited industrial activities (including production and assembly but no raw materials processing or bulk handling), small-scale warehousing and distribution, industrial office centers, and related uses in a campus or park-like setting.

1320 IL, IG, and IP Districts: Land Use Regulations

In the following schedule, the letter "P" designates use classifications permitted in industrial districts. The letter "L" designates use classifications subject to certain limitations prescribed by the "Additional Use Regulations" which follow. The letter "U" designates use classifications permitted on approval of a use permit. The letters "P/U" designate use classifications permitted on the site of a permitted use, but requiring a use permit on the site of a conditional use. Use classifications that are not listed are prohibited. Letters in parentheses in the "Additional Regulations" column reference regulations following the schedule, or located elsewhere in this Ordinance. Where letters in parentheses are opposite a use classification heading, referenced regulations shall apply to all use classifications under the heading.

**IL, IG, AND IP DISTRICTS:
LAND USE REGULATIONS**

P - Permitted
U - Use Permit
L - Limited, (See Additional Use Regulations)
-- Not Permitted
A-Administrative Conditional Use Permit

	IL	IG	IP	Add. Reg.
Residential				(A)
Day Care, limited	P	P	P	
Public and Semipublic				(A)(N)
Airports	U	-	-	(Q)
Child Care	L-10	L-10	L-10	
Clubs and Lodges	A	-	A	
Day Care, General	U	U	U	
Emergency Health Care	U	U	U	
Emergency Shelter	L-24	U	U	(S)
Government Offices	P	P	P	
Heliports	L1	L1	L1	(B)
Maintenance & Service Facilities	P	P	-	(N)
Park & Rec. Facilities	P	P	P	(C)
Public Safety Facilities	L15	L15	L15	
Religious Assembly	L13	-	L13	(K)
Resource Centers	A	A	A	
Schools, Public or Private	U	-	U	
Utilities, Major	L9	L9	L9	(J)
Utilities, Minor	P	P	P	
Recycling, small-scale				
Commercial Uses				(A, I, N)
Adult Businesses	P	P	-	(R)
Ambulance Services	L19	L19	-	
<u>Animal Sales and Services:</u>				
Animal Boarding	L18	L18	-	
Animal Grooming	P	P	-	
Animal Hospitals	P	P	-	
Artists' Studios		P	P	
<u>Banks and Savings and Loans:</u>	P	-	P	
<u>Drive-through/</u>				
<u>Drive-Up Service</u>	A	-	A	

<u>Self Service Facilities (ATMs)</u>	<u>L2</u>	<u>L2</u>	<u>L2</u>	
	IL	IG	IP	Add. Reg.
Banks and Savings and Loans:	P		P	
Drive-through				
Drive-Up Service	A		A	
Self Service Facilities (ATMs)	L2	L2	L2	
Building Materials and Services	P	P	-	(N)
Cannabis Non-Storefront Delivery (Type 9) (R)			L-28 L-28	-
<u>Cannabis Storefront Retailers (Type 10)</u>	<u>U</u>	<u>U</u>	-	(R)
Catering Services	L12	L12	L12	
Commercial Recreation and Entertainment	A	A	A	
Communication Facilities	P	P	P	
Food & Beverage Kiosk	-	-	-	(N)
Food & Beverage Sales	L17	L17	L17	(N)
Home Improvement	P	P	P	(N)
Horticulture, Limited	P	P	P	(L)(M)
Laboratories	P	P	P	(N)
Maintenance & Repair Services	P	P	-	(N)
Marine Sales and Services	P	P	-	(N)
Nurseries	L22	L22	-	(N)
Offices, Business and Professional	L8	L8	L8	
Personal Improvement Services	L15	L15	L15	(R)
Personal Services	L5	L5	L5	
Tattooing Establishments	P	P	-	(R)
Research and Development Services	P	P	P	(N)
Restaurants Full Service	L3	L3	L3	(N)
Restaurants Fast Food	L3	L3	L3	(N)
Retail Sales	L20	L20	L20	(N)

Travel Services

P P P

	IL	IG	IP	Add. Reg.
<u>Vehicle/Equipment Sales and Services:</u>				(N)
Automobile Washing	U	U	-	(N)
Commercial Parking Facility	A	A	-	
Service Stations	L21	L21	L21	(D)(N)
Vehicle/Equipment Repair	P	P	-	(N)
Vehicle/Equipment Sales and Rentals	L6	L6	-	(N)
Vehicle Storage	A	A	-	(N)
<u>Visitor Accommodations:</u>				
Hotels, Motels and Timeshares	U	-	-	(P)
Warehousing and Storage, Limited	U	U	U	(N)
Industrial				(A)(H)(I)(N)
Cannabis Distribution Site	L25	L25	-	(R)
Cannabis Manufacturing Facility	L26	L26	-	(R)
Cannabis Testing Laboratory	L27	L27	-	
Food Processing	P	P	-	(N)
Industry, Custom	P	P	P	(N)
Industry, General	-	P	U	(N)
Industry, Limited	P	P	P	(N)
Industry, R & D	P	P	P	(N)
Trucking Terminals	U	P	-	(N)
Wholesaling, Distribution and Storage	L11	P	L7	(N)
Agricultural and Extractive Uses				
Animal Husbandry	L14	L14	L14	
Crop Production	L14	L14	L14	(L)(M)
Accessory Uses	P/U	P/U	P/U	(E)(F)(H) (I)(M)(N)
Nonconforming Uses				(G)
Temporary Uses				
Ag.Sales Seasonal	P	P	P	(O)

IL, IG, and IP Districts: Additional Use Regulations

- L-1 Conditional Use Permit and Heliport permit from California Department of Transportation, Division of Aeronautics, required, and no heliport may be located within 1,000 feet of an R district.
- L-2 Walk-up automatic teller machines (ATMs) allowed if included within or attached to a building serving another use; freestanding structures for walk-up ATMs allowed with an Administrative Use Permit.
- L-3 Permitted as a secondary use in a building and occupying no more than 2,500 square feet; Administrative Conditional Use Permit required for more space or for Restaurants Full Service with full alcohol beverage service. No freestanding structure allowed.
- L-4 Reserved.
- L-5 Photocopying, word processing, packaging, postal support and office supplies, and printing permitted. Other personal service uses allowed (except self-service laundries) if "small-scale". These uses are to be ancillary to the industrial uses within the area.
- L-6 No new or used automobile, truck or motorcycle retail sales permitted, except indoor automobile sales allowed with an Administrative Use Permit. Wholesale sales and rentals allowed with Conditional Use Permit if adequate storage and parking can be provided.
- L-7 Only limited or small-scale facilities, as defined in Article 4, Use Classifications, allowed with a Conditional Use Permit.
- L-8 Offices permitted except medical/dental offices require an Administrative Conditional Use Permit.
- L-9 A Conditional Use Permit is required for generating plants, electrical substations, lone switching buildings, refuse collection, transfer, recycling or disposal facilities, water reservoirs, water or wastewater treatment plants, or transportation and similar facilities of public agencies or public utilities. Above ground electrical transmission lines are not permitted unless determined to be consistent with a utility corridor plan approved by the Planning Commission. Flood control or drainage facilities are permitted if they are consistent with approved master drainage and/or flood-control plans.
- L-10 See Article 30: Section 3041, Child Care Facility. Allowed within the RE, RS, RM, RH, RT, CN, CC, CG, CL, CR, CV, CS, CS-HO, CS-L, CP, IL, IG, IP, A, OS, PS and the D Districts subject to obtaining a Child Care Facility Permit issued by the City Planner and subject to the City's adopted Child Care Guidelines. If new development (construction) is proposed for a child care facility, a Development Plan Review is required. A Development Plan Review may be conducted independently or concurrently with the Child Care Facility Permit review.
- L-11 Permitted if building area is 50,000 square feet or less or when it is associated with a permitted use. Allowed with a Conditional Use Permit if independent building facilities floor area is greater than 50,000 square feet.

- L-12 Permitted and the area for on-site consumption of food shall not exceed 1000 square feet.
- L-13 Religious Assembly allowed with the approval of an Administrative Conditional Use Permit, allowing for a maximum of 5 years if the following findings can be made:
- a. The location proposed is not in an area considered "prime" for immediate industrial development.
 - b. Parking must be provided as required by the parking regulations for churches under Article 31, except that parking may be shared with other industrial users in the vicinity if it can be shown that the uses will not be occurring simultaneously.
 - c. Buildings shall meet the requirements imposed by the current applicable edition of the Uniform Building Code for assembly occupancy.
 - d. The church activities do not interfere with the primary industrial uses in the area. The analysis of whether there is such interference shall include consideration of the immediate existing users in the vicinity and any public health and safety issues in establishing a religious assembly use at that location.
- L-14 Allowed on sites of more than 2.5 acres with the approval of an Administrative Use Permit issued by the City Planner.
- L-15 "Small-scale" facilities allowed with an Administrative Use Permit.
- L-16 "Adult" (no K-12) schools allowed with a Conditional Use Permit.
- L-17 Permitted as a secondary use in a building and occupying no more than 1000 square feet. Administrative Conditional use permit required for more space. No freestanding structure or convenience market allowed.
- L-18 Indoor boarding only. Outdoor exercise area in conjunction with indoor boarding allowed.
- L-19 Administrative Conditional Use Permit required if use is located within 1,000 feet of an R district or the boundaries of a site occupied by a Public or Private School or Park and Recreation facility. Otherwise permitted by right. Conditions may be imposed in approving such a permit to limit vehicle speeds or use of sirens.
- L-20 The following retail uses are allowed. "Limited" retail under the following uses shall mean "a maximum of 5000 square feet or 25% of the business floor area whichever is greater".

Auto Stereo, Mobile Phone & Alarm Service & Installation - "limited" retail allowed

Auto Parts - "limited" retail allowed

Appliance Sales and Service - "limited" retail allowed

Art Supplies - "limited" retail allowed

Bicycle Sales and Service - "limited" retail allowed

Blue Prints & Reprographic Services - allowed

Floral Supplies - "limited" retail allowed

Home Health/Medical Equipment - retail, rentals, service or wholesale allowed

Industrial Equipment Sales, Service & Rentals (Large Equipment: Compressors, Lifts, Backhoes, etc.) - allowed

Locksmiths - allowed

Office Furniture and Supplies - retail of office furniture and "limited" retail of office supplies allowed.

Photo Labs and Studios - retail allowed as part of on-site production facility

Pest Control - allowed (Administrative Use Permit if hazardous Materials: Section 3026)

Printers and Publishers - "limited" retail allowed

Playground Equipment Sales & Service - retail, rentals, service or wholesale allowed

Restaurant Equipment Sales & Service - retail, rentals, service or wholesale allowed

Sporting Goods (Fitness Machines, Kayaks, Rafts, Equestrian Supplies, etc.) - specialized store with large-scale equipment allowed. No comprehensive sporting goods stores.

- L-21 Conditional Use Permit required. Food and Beverage Sales and convenience market allowed as part of the Service Station if within the same building. Car wash allowed as an affiliated part of the Service Station on the site.
- L-22 An Administrative Use Permit is required for nurseries having growing or propagation areas greater than 2.5 acres.
- L-23 See Article 30: Section 3041, Child Care Facility. Allowed within the RE, RS, RM, RH, RT, CN, CC, CG, CL, CR, CV, CS, CS-HO, CS-L, CP, IL, IG, IP, A, OS, PS and the D Districts subject to obtaining a child Care Facility Permit issued by the City Planner and subject to the City's adopted Child Care Guidelines. If new development (construction) is proposed for a child care facility, a Development Plan Review is required. A Development Plan Review may be conducted independently or concurrently with the Child Care Facility Permit review.
- L-24 Emergency shelters are permitted in all IL zoning districts with the exception of those IL

properties located adjacent to Oceanside Boulevard between Interstate 5 and Hoover Street, where emergency shelters are allowed with a Conditional Use Permit.

- L-25 Cannabis Distribution Site, as defined in Article 4, is a regulated use subject to compliance with Article 36, the Local License requirement in Chapter 7 of the Oceanside City Code, and all applicable state licensing requirements.
- L-26 Cannabis Manufacturing Facility, as defined in Article 4, is a regulated use subject to compliance with Article 36, the Local License requirement in Chapter 7 of the Oceanside City Code, and shall be limited to manufacturing level 1 for sites that manufacture cannabis products using nonvolatile solvents, or no solvents. A manufacturing level 1 Type 6 state licensee shall only manufacture cannabis products for sale by a retailer with a state-issued Type 10 license.
- L-27 A Cannabis Testing Laboratory, as defined in Article 4, requires an Administrative Conditional Use Permit, a Local License pursuant to Chapter 7 of the Oceanside City Code, and shall comply with all applicable state licensing requirements.
- L-28 ~~Pursuant to Chapter 7 of the Oceanside City Code, no further Cannabis Delivery (Type 9 Non-storefront Retailer) licenses shall be issued. Should existing Cannabis Delivery businesses cease operation, the license will be forfeit and eliminated, as defined in Article 4, is a regulated use subject to compliance with Article 36, the Local License requirement in Chapter 7 of the Oceanside City Code, and all applicable state licensing requirements.~~

-
- (A) See Section 3002: Relocated Buildings (use permit required).
- (B) See Section 3036: Helicopter Takeoff and Landing Areas.
- (C) Limited to facilities on sites of 2 acres or less.
- (D) See Section 3011: Service Stations and Automobile Washing.
- (E) See Section 3005: Nonresidential Accessory Structures.
- (F) Maximum: one dwelling unit per site as caretaker's housing.
- (G) See Article 35: Nonconforming Uses and Structures.
- (H) See Section 3026: Hazardous Materials Storage.
- (I) Facilities intended to serve off-shore oil and gas exploration, drilling, or production, including storage tanks, distribution terminals, emissions-control systems, service yards, transportation facilities, pipelines, or any other facilities supporting such activities shall be prohibited.
-

- (J) See Article 39.
- (K) See Section 3004: Religious Assembly Yard Requirements
- (L) Any Horticulture, Limited or Crop Production use must conform to the City's Grading Ordinance including the requirement that the grading and/or agricultural operation will not cause significant damage to any environmentally sensitive areas nor cause elimination of any significant wildlife habitat or riparian area. Sufficient buffering of the operation should be provided from adjacent residential uses.
- (M) Agricultural Sales Stands, in conjunction with a Horticulture, Limited or Crop Production use, shall be permitted subject to the locational and development standards of Section 3038.
- (N) See Section 3020: Outdoor Facilities; outdoor storage, outdoor display of materials, outdoor food service, outdoor storage containers, working outdoors and temporary outdoor sales events and activities shall comply with the standards of this section.
- (O) See Section 3038: Agricultural Sales; Seasonal Agricultural Specialty Sales requires a business license and is subject to the operational standards of Section 3038.
- (P) See Section 3030: Timeshare Resort Projects.
- (Q) See Art. II, Chapter 3 B / Oceanside City Code: Airport Approach Zoning.
- (R) Regulated uses as defined in Article 4 are subject to compliance with Article 36.
- (S) See Section 3044: Emergency Shelters.

1330 IL, IG, and IP Districts: Property Development Regulations

The following schedule prescribes development regulations for the IL, IG, and IP districts. The first four columns prescribe basic requirements for permitted and conditional uses. Letters in parentheses in the "Additional Regulations" column reference regulations following the schedule or located elsewhere in this ordinance.

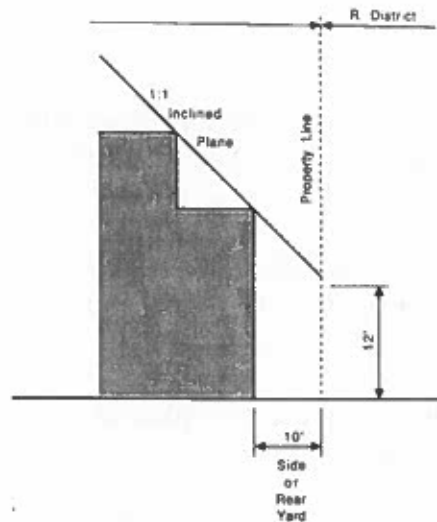
IL, IG, and IP DISTRICTS: DEVELOPMENT REGULATIONS

Use Classifications	IL	IG	IP	Add. Reg.
Minimum Lot Area (sq. ft.)	20,000	40,000	40,000	(A)(B)
Minimum Lot Width (ft.)	100	150	-	(A)(B)
Minimum Yards:				
Front (ft.)	10	10	20	(C)(O)
Side (ft.)	-	-	-	(C)(D)(O)
Corner Side (ft.)	10	10	20	(C)(O)
Rear (ft.)	-	-	-	(C)(D)(O)
Maximum Height of Structures (ft.)	80	80	80	(E)(F)
Maximum Lot Coverage	75%	75%	40%	
Maximum FAR	1.0	1.0	0.8	
Minimum Site Landscaping	12%	12%	15%	(G)(H)(R)
Maximum Horizontal Wall Dimension (ft.) 200	200	200		(I)
Fences and Walls	See Section 3040			
Off-Street Parking and Loading	See Section 3048			(L)(Q)
Vehicular Access	See Article 31			
Signs	See Article 33			
Outdoor Facilities	See Section 3020			(M)
Screening of Mech.Equipment	See Section 3021			(M)
Employee Eating Areas	See Section 3028			(N)
Refuse Storage Areas	See Section 3022			
Underground Utilities	See Section 3023			
Performance Standards	See Section 3024			
Nonconforming Uses and Structures	See Article 35			
Renewable Energy Facilities	See Section 3047			(P)
Electric Vehicle Parking and Charging Facilities	See Section 3048			(Q)

Urban Forestry	See Section 3039	(R)
Transportation Demand Management (TDM)	See Section 3050	(S)

IL, IG and IP Districts: Additional Development Regulations

- (A) See Section 3013: Development on Substandard Lots.
- (B) Smaller lot dimensions may be permitted with an approved development plan and tentative subdivision map.
- (C) See Section 3015: Building Projections into Yards and Courts. Double-frontage lots shall provide front yards on each frontage.
- (D) A 10-foot interior side or rear yard shall adjoin an R district, and structures shall not intercept a 45-degree daylight plane inclined inward from a height of 12 feet above existing grade at the R district property line (See Diagram D).



(D) REQUIRED DAYLIGHT PLANE AT ADJOINING DISTRICTS

(The diagram is illustrative)

- (E) See Section 3017: Measurement of Height.
- (F) Additional height above the maximum height standard may be allowed with a Conditional Use Permit. See also Section 3018: Exceptions to Height Limits.
- (G) Planting Areas.
 - (1) IL and IP Districts. A minimum of 50 percent of all required yards shall be planting areas. This area may be counted in determining compliance with minimum site landscaping requirements. The remainder of the required yard area may be used for

necessary drives and walks.

- (2) IG District. Required yards shall be enclosed by a solid concrete or masonry wall at least 6 feet in height or shall be planting areas. A wall within 15 feet of a street property line shall not exceed 3.5 feet in height.
- (H) See Section 3019: Landscaping, Irrigation and Hydroseeding.
- (I) This requirement shall apply to building elements above 36 feet. A wall surface shall be no more than 200 feet long without a break: a recess or offset measuring at least 20 feet in depth and one-quarter of the building in length. The City Planner may waive this requirement for industrial facilities on the basis of the engineering requirements for the specific process used, which make it infeasible to provide the required break.
- (J) Reserved.
- (K) Reserved.
- (L) See Article 31.
- (M) See Article 39.
- (N) Outdoor eating facilities for employees shall be provided for all industrial and office buildings or developments containing more than 10,000 square feet of building area. See Section 3028: Employee Eating Areas.
- (O) Parking of automobiles, motorhomes, motorcycles, and other such motor vehicles is not permitted in a required front, corner side, side, or rear-yard setback areas. See Section 3115, Driveways; Visibility.
- (P) Certain industrial projects are required to implement renewable energy facilities, in accordance with ZO Section 3047.
- (Q) Certain industrial projects are required to implement electric vehicle parking and charging facilities, in accordance with ZO Section 3048.
- (R) Certain industrial projects are required to implement urban forestry measures, in accordance with ZO Section 3049.
- (S) Certain industrial projects are required to prepare and implement transportation demand management (TDM) plans, in accordance with ZO Section 3050.

1340 Review of Plans

All projects shall require development plan review per Article 43, unless otherwise specified in this Ordinance.

Article 36 Separation of Regulated Uses (City-wide)**Sections:**

- 3601 Statement of Purpose
- 3602 Regulated Uses
- 3603 Definitions
- 3604 Locational Requirements
- 3605 Waiver of Locational Requirements
- 3606 First Amendment Application – Administrative Regulated Use Permit
- 3607 Applicability of Other regulations
- 3608 Severance Clause
- Appendix A: Findings for Adult Oriented Businesses and Tattoo Establishments

3601 Statement of Purpose

In the development and execution of this ordinance, it is recognized that there are certain land uses including adult oriented businesses and tattoo establishments which create conditions harmful to the public health, welfare, and safety when such uses are allowed to become numerous or concentrated within a limited geographical area, or when such uses exist near residential neighborhoods, family-oriented uses or sites commonly used by minors. Special regulations separating such uses from each other and from nearby residential areas, family-oriented uses, or sites commonly used by minors, are therefore necessary to protect the community from consequent blight, depreciated property values, law enforcement problems, and interference with residential neighborhoods as well as interference with activities oriented toward families or minors.

3602 Regulated Uses

The uses subject to compliance with this Article are as follows:

- A. Adult Bookstores/ Novelty Stores/ Video Stores
- B. Adult Cabaret
- C. Adult Entertainment Business
- D. Adult Motel
- E. Adult Motion Picture Theaters
- F. Adult Theaters
- G. Arcades and game Centers
- H. Bars and Cocktail Lounges
- I. Bath Houses
- J. Body Piercing Establishments
- K. Dance Establishments
- L. Escort Services
- M. Figure Studios
- N. Liquor Stores
- O. Massage Establishments
- P. Cannabis Facility
- Q. Payday Loans/ Paycheck Advance Establishments
- R. Peep-Show Establishments

-
- S. Pool Rooms, Billiard Rooms, and Shooting Galleries
 - T. Tattooing Establishments
 - U. Tobacco and Drug Paraphernalia Establishments

Regulated Uses that have First Amendment protections shall require an Administrative Regulated Use Permit (ARUP) as called out in Section 3606. The balance of the Regulated Uses listed in this Section, shall require a use permit issued in accord with Article 41, however, the City Council shall have final authority to approve or disapprove the use permit.

3603 Definitions

The definitions appearing in Article 3 and the land use classifications appearing in Article 4 and 4a of this ordinance shall apply to any terms used in Article 36. The term “cannabis facility” shall have the same meaning in Oceanside City Code section 7.116 and shall include a cannabis cultivation facility, a cannabis nursery, a cannabis manufacturer and/or distributor, a cannabis delivery service (Type 9 Non-storefront retailer), a cannabis storefront retailer (Type 10), but shall not include the term cannabis testing laboratory.

3604 Locational Requirements

- A. It shall be unlawful for any Regulated Use to be located closer than one thousand (1,000) feet to any other Regulated Use, except as noted herein. This distance shall be measured in a straight line, without regard to intervening structures from the closest point on the exterior structure walls of each business.

The separation requirement in this section 3604(A) shall not be applied to prevent a cannabis manufacturer from engaging in cannabis distribution at the same premises provided a state license and Local License is issued to allow both activities from the same premises or to require separation between cannabis cultivation facilities, cannabis nurseries, or cannabis cultivation facilities and cannabis nurseries located on the same or separate lots.

- B. It shall be unlawful for any Regulated Use listed as Items A, B, C, D, E, F, M, P or R of Section 3602 to be located closer than one thousand (1,000) feet from any residential district or any parcel of land which contains any one or more of the following specific land uses:

1. Public or Private School;
2. Park, playground or public beach;
3. Church or other similar religious facility, and
4. Child care or pre-school facility.

(Items 1-4 shall collectively be referred to as “the Sensitive Land Uses”)

It shall be unlawful for any Regulated Use not enumerated in this Section B to be located any closer than five hundred (500) feet from any residential district or any Sensitive Land Uses.

-
- C. The Regulated Use enumerated as T (Tattooing Establishment) in Section 3602 above, shall not be located closer than five hundred (500) feet to any other tattooing establishment, or be located within five hundred (500) feet of any residential district or to any of the Sensitive Land Uses enumerated in Section 3604.B. 1, 2, or 4, unless an intervening freeway exists, in which case a Tattooing Establishment may be located within five hundred (500) feet of such residential district. An intervening freeway only applies to Interstate 5 (I-5) and State Routes 76 (SR-76) and 78 (SR-78). No other locational requirements shall apply to tattooing establishments.
- D. **Cannabis storefront retailers must be located at least 1,000 feet from a middle school (grades 6-8 exclusive) or high school (grades 9-12 exclusive), and at least 550 feet from all other schools.**
- E. **Notwithstanding subsection 3604(F), t**The distance between any Regulated Use and any residential district shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior structure wall of the use to the closest district line of any residential district. The distance between any Regulated Use and any Sensitive Land Uses enumerated in Subdivisions (1) or (2) of Section 3604.B shall be measured in a straight line, without regard to intervening structures, from the closest point of the exterior structure wall of the regulated use to the closest point of the parcel line of such enumerated land use. The distance between any Regulated Use and any Sensitive Land Uses enumerated in Subdivisions (3) or (4) of Section 3604.B shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior structure wall of the Regulated Use to the closest point on the exterior structure wall of such enumerated land use.
- F. **The measurement of distance between a proposed cannabis storefront retail location and any public and private schools shall be determined by measuring the shortest distance along a legal path (including public walkways, sidewalks, roads and streets) from the main entrance of the proposed site to the nearest boundary of the school site. Geographical features that could act as obstacles, including trails and rivers and man-made barriers like fences, walls, or private roads that impede access and/or movement shall not be utilized when determining the direct path of travel distance. The City may require the distance measurement to be confirmed by a licensed land surveyor.**

3605 Waiver of Locational Requirements

Any person proposing a permitted Regulated Use as listed in Section 3602 may apply for a waiver of the locational requirements provided in Section 3604, except that no waiver shall be available **for the separations required by Section 3604(D) or** where the proposed Regulated Use is subject to Section 3606 or is otherwise afforded First Amendment Protections. Such waiver application shall be filed and processed concurrently with the conditional use permit entitlement request, if applicable, for the proposed use. The City Planner shall set the use permit application, and/or the waiver application, for public hearing before the Planning Commission or Community Development Commission as the case may

be, provided that at least ten (10) days written notice of such hearing is given to owners and occupants of all property lying within all applicable distances set forth in the locational requirements.

The Planning Commission shall make recommendations to the City Council for the approval or disapproval of such waiver. No waiver shall be approved unless all of the following findings are made regarding the proposed use:

1. It will not be contrary to the public interest.
2. It will not be contrary to the spirit or intent of this Article.
3. It will not impair nearby property or the integrity of the underlying district.
4. It will not encourage the development of an adult entertainment area or otherwise promote community blight.
5. It will not negatively impact any governmental programs of redevelopment, revitalization, or neighborhood preservation.

3606 First Amendment Application – Administrative Regulated Use Permit

A. Approval of a Regulated Use protected by the First Amendment of the United States Constitution or Article 1, Section 2 of the California Constitution shall require approval of an Administrative Regulated Use Permit (ARUP) by the City Planner and shall not require approval of a Conditional Use Permit (CUP). The ARUP shall be approved by the City Planner provided:

1. The proposed use is allowed by Articles 11, 12 and/or 13 of the Zoning Ordinance;
2. The proposed use meets the locational requirements in Section 3604; and
3. The proposed use meets the operational requirements, if any, set forth for such proposed use in the Oceanside City Code or any other provision of law. No waiver of the locational requirements shall be permitted.

B. The City Planner shall determine within ten (10) business days whether the ARUP application is complete. The City Planner's decision to approve or deny the ARUP application shall be made within sixty (60) days after the application is complete. The City Planner's decision shall be deemed final for purposes of this section upon the date it is mailed by first-class mail, postage prepaid, including a copy of the affidavit or certificate of mailing, to the applicant and all adjacent property owners within five hundred (500) feet of the proposed Regulated Use, as measured in accordance with Section 3604.D. The final City Planner's decision shall not be subject to any administrative appeal. Judicial review of the City Planner's decision shall be in accordance with the procedures set forth in the California Code of Civil Procedure section 1094.8.

3607 Applicability of Other Regulations

The provisions of this article are not intended to provide exclusive regulation of the regulated uses. Such uses must comply with any and all applicable regulations imposed in other articles of this zoning ordinance, other city ordinances, and state and federal law.

3608 Severance Clause

If any section, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, or phrases of this ordinance, or the ordinance in its entirety, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of such section, sentence, clause or phrase.

APPENDIX A

Findings – Adult Oriented Businesses

- A. The City of Oceanside has certain provisions found in its Zoning Ordinance relating to locational criteria including zoning and buffer requirements for adult-oriented businesses that are in need of refinement. The City Council finds that it is necessary and appropriate to amend various provisions of the Zoning Ordinance to add, refine and update the provisions relating to planning and zoning standards for adult-oriented businesses operating within Oceanside. The public health, safety and welfare of the City and its residents require the enactment of this Ordinance in order to: (1) mitigate and reduce the judicially recognized potential adverse secondary effects of adult-oriented businesses, including but not limited to crime, the prevention of blight in neighborhoods and the increased threat of the spread of sexually transmitted diseases; (2) protect the quality of life and neighborhoods in the City, the City's retail and commercial trade, and local property values, and minimize the potential for nuisances related to the operation of sexually oriented businesses; and (3) protect the peace, welfare and privacy of persons who own, operate and/or patronize sexually oriented businesses.
- B. The City Council finds that the revisions to the City's Zoning Ordinance implemented by this Ordinance are necessary in order to respond to recent developments within the regulation of adult uses and case law and in order to protect the City from the potential adverse secondary effects of adult-oriented businesses, including crime, the protection of the City's retail trade, maintenance of property values, protecting and preserving the quality of the City's neighborhoods and the City's commercial districts, and the protection of the City's quality of life, based on the referenced studies and the findings set forth herein. Specifically, the revisions and amendments to the City's Zoning Ordinance included in this Ordinance are essential and necessary to ensure the orderly land use regulation as to adult-oriented business uses within the City and thereby protect the public peace, safety and general welfare in the City of Oceanside.
- C. The City Council, in adopting this Ordinance, takes legislative notice of the existence and content of the following studies concerning the adverse secondary side effects of adult-oriented businesses in other cities: Austin, Texas (1986); Indianapolis, Indiana (1984); Garden Grove, California (1991); Seattle, Washington (1989); Houston, Texas (1997); Phoenix, Arizona (1979); Tucson, Arizona (1990); Chattanooga, Tennessee (2003); Los Angeles, California (1977); Whittier, California (1978); Spokane, Washington (2001); St. Cloud, Minnesota (1994); Littleton, Colorado (2004); Oklahoma City, Oklahoma (1986); Dallas, Texas (1997 and 2007); Ft. Worth, Texas (2004); Kennedale, Texas (2005); Greensboro, North Carolina (2003); Amarillo, Texas (1977); Cleveland, Ohio (1977); Newport News, Virginia (1996); Jackson County, Missouri (2008); Louisville, Kentucky (2004); New York, New York (1994); New York Times Square (1994); Beaumont, Texas (1982); the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses (June 6, 1989, State of Minnesota); A Methodological Critique of the Linz-Paul Report: A Report to the San Diego City Attorney's Office (2003); Summaries of Key Reports Concerning the Negative Secondary Effects of Sexually Oriented Businesses, by Louis Comus III (2001). The City Council finds that these studies are relevant to the problems addressed

by the City in enacting this Ordinance to regulate the adverse secondary side effects of adult-oriented businesses, and more specifically finds that these studies provide convincing evidence that:

1. Adult-oriented businesses, as a category of uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, liner, traffic, noise, and sexual assault and exploitation.
 2. The studies from other cities establish by convincing evidence that adult-oriented businesses often have a deleterious effect on nearby businesses and residential areas, causing, among other adverse secondary effects, an increase in crime and a decrease in property values. Buffering and locational regulations for adult-oriented businesses should be developed to prevent deterioration and/or degradation of the vitality of the community before the problem exists, rather than waiting for problems to be created.
- D. In developing this Ordinance, the City Council is mindful of legal principles relating to regulation of adult-oriented businesses, and the City Council does not intend to suppress or infringe upon any expressive activities protected by the First Amendment of the United States and California Constitutions but instead desires to enact reasonable time, place, and manner regulations that address the adverse secondary effects of adult-oriented businesses. The City Council takes legislative notice of the:
1. Decisions of the United States Supreme Court regarding local regulation of adult-oriented businesses including, but not limited to: *City of Littleton v. Z.J. Gifts D-4, L.L.C.*, 541 U.S. 774 (2004); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *City of Erie v. Pap's A.M. ("Kandyland")*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *N.Y. State Liquor Authority v. Bellanca*, 452 U.S. 714 (1981); *Sewell v. Georgia*, 435 U.S. 982 (1978); *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990); *City of Dallas v. Stanglin*, 490 U.S. 19 (1989).
 2. Decisions of the Ninth Circuit Court of Appeals addressing adult-oriented businesses including but not limited to: *Alameda Books, Inc. v. City of Los Angeles*, 631 F.3d 1031 (9th Cir. 2011); *Fantasyland Video, Inc. v. County of San Diego*, 505 F.3d 996 (9th Cir. 2007); *Tollis, Inc. v. County of San Diego*, 505 F.3d 935 (9th Cir. 2007); *Gammoh v. City of La Habra*, 395 F.3d 1114 (9th Cir. 2005), amended 402 F.3d 875; *World Wide Video of Washington, Inc. v. City of Spokane*, 368 F.3d 1186 (9th Cir. 2004); *Dream Palace v. County of Maricopa*, 384 F.3d 990 (9th Cir. 2004); *Talk of The Town v. Department of Finance and Business Services*, 343 F.3d 1063 (9th Cir. 2003); *Deja Vu-Everett-Federal Way, Inc. v. City of Federal Way*, 46 Fed.Appx. 409 (9th Cir. 2002);

Clark v. City of Lakewood, 259 F.3d 996 (9th Cir. 2001); Isbell v. City of San Diego, 258 F.3d 1108 (9th Cir. 2001); Isbell v. City of San Diego, 450 F.Supp.2d 1143 (S.D. Cal. 2006); Diamond v. City of Taft, 215 F.3d 1052 (9th Cir. 2000); L.J. Concepts, Inc. v. City of Phoenix, 215 F.3d 1333 (9th Cir. 2000); Lim v. City of Long Beach, 217 F.3d 1050 (9th Cir. 2000); Young v. City of Simi Valley, 216 F.3d 807 (9th Cir. 2000); 4805 Convoy, Inc. v. City of San Diego, 183 F.3d 1108 (9th Cir. 1999); North v. City of Gilroy, 78 F.3d 594 (9th Cir. 1996); Spokane Arcade, Inc. v. City of Spokane, 75 F.3d 663 (9th Cir. 1996); Topanga Press, Inc. v. City of Los Angeles, 989 F.2d 1524 (9th Cir. 1993); Kev, Inc. v. Kitsap County, 793 F.2d 1053 (9th Cir. 1986); and Lydo Entertainment v. Las Vegas, 745 F.2d 1211 (9th Cir. 1984).

3. Decisions of the State of California addressing adult-oriented businesses including: Madain v. City of Stanton, 185 Cal.App.4th 1277 (2010); Krontz v. City of San Diego, 136 Cal.App.4th 1126 (2006); Lacy Street Hospitality Service, Inc. v. City of Los Angeles, 125 Cal.App.4th 526 (2004); Department of Alcoholic Beverage Control v. Alcoholic Beverage Control Appeals Board and Renee Vicary, 99 Cal.App.4th 880 (2002); Tily B., Inc. v. City of Newport Beach, 69 Cal.App.4th 1 (1998); Sundance Saloon, Inc. v. City of San Diego, 213 Cal.App.3d 807 (1989); 7978 Corporation v. Pitchess, 41 Cal.App.3d 42 (1974); Deluxe Theater & Bookstore, Inc. v. City of San Diego, 175 Cal.App.3d 980 (1985); E.W.A.P., Inc. v. City of Los Angeles, 56 Cal.App.4th 310 (1997); City of Vallejo v. Adult Books, 167 Cal.App.3d 1169 (1985); City of National City v. Wiener, 3 Cal.4th 832 (1992); and People v. Superior Court (Lucero), 49 Cal.3d 14 (1989).
- E. The negative secondary effects from adult-oriented businesses constitutes a harm which the City has a substantial government interest in preventing and/or abating. This substantial government interest in preventing secondary effects, which is the City's rationale for this Ordinance, exists independent of any comparative analysis between adult-oriented and non-adult-oriented businesses. Additionally, the City's interest in regulating adult-oriented businesses extends to preventing future secondary effects of either current or future adult-oriented businesses that may locate in the City. The City finds that the cases and documentation relied on in this Ordinance are reasonably believed to be relevant to said secondary effects. The City refers to and incorporates by reference, the record of cases and documentation relating to secondary effects associated with adult- oriented businesses which will remain on file with the City Clerk.
- F. Locational criteria are a legitimate and reasonable means of ensuring that adult businesses are conducted in a manner so as to minimize their adverse secondary effects and thereby protect the health, safety, and welfare of the City's residents, protect citizens from increased crime, preserve the quality of life, preserve property values and the character of surrounding neighborhoods and businesses, and deter the spread of urban blight. The locational requirements contained in this Ordinance do not unreasonably restrict the establishment or operation of constitutionally protected adult businesses in Oceanside and a sufficient and reasonable number of alternative locations for adult-oriented businesses are provided by this Ordinance. The City Council takes legislative notice of the United States Supreme Court decision in Renton that requires that adult businesses be provided a reasonable opportunity to open and operate. The

City Council also takes legislative notice of the Ninth Circuit's decisions in *Topanga Press, Lim and Isbell* with respect to availability of sites for adult businesses and finds that under the distance and locational restrictions imposed by this Ordinance there are sufficient sites available for adult-oriented businesses within Oceanside.

- G. Relying on the following, the City finds that adult-oriented businesses in its community may lead to detrimental secondary effects including prostitution and engagement in unlawful sexual activity. The City bases this conclusion on the experiences of Oceanside, as well as that of other California communities, such as La Habra and Arcadia, which the City has a reasonable basis to believe reflect the experiences of its own community, including numerous police reports and affidavits from those communities, and judicial decisions in the public record:
1. Evidence indicates that some dancers, models, entertainers, performers, and other persons who publicly perform specified sexual activities or publicly display specified anatomical areas in adult-oriented businesses (collectively referred to as "performers") have been found to engage in sexual activities with patrons of adult-oriented businesses on the site of the adult-oriented business.
 2. Evidence has demonstrated that performers employed by adult-oriented businesses have been found to offer and provide private shows to patrons who, for a price, are permitted to observe and participate with the performers in live sex shows.
 3. Evidence indicates that performers at adult-oriented businesses have been found to engage in acts of prostitution with patrons of the establishment.
 4. Evidence indicates that fully enclosed booths, individual viewing areas, and other small rooms whose interiors cannot be seen from public areas of the establishment regularly have been found to be used as locations for engaging in unlawful sexual activity.
 5. As a result of the above, and the increase in incidents of HIV, AIDS, and hepatitis B, which are sexually transmitted or blood borne diseases, the City has a substantial interest in adopting regulations that will reduce the possibility for the occurrence of prostitution and unlawful sex acts at adult-oriented businesses in order to protect the health, safety, and well-being of its citizens. The City finds this is relevant to Oceanside and the need to regulate the secondary effects of adult-oriented businesses within the community.
- H. The City Council recognizes and relies on the findings set forth in the 1986 Attorney General's Report on Pornography. A copy of the Attorney General's Report on Pornography is available for public review at the City Clerk's office.
- I. The City Council recognizes the possible harmful effects on children and minors exposed to the effects of adult-oriented businesses and recognizes the need to enact regulations which will minimize and/or eliminate such exposure. The City Council takes legislative notice of the Penal Code provisions authorizing local governments to regulate matter that is harmful to minors (i.e., Penal Code § 313 et seq.). The City

Council further takes legislative notice of the cases that recognize that protection of minors from sexually explicit materials is a compelling government interest, including *Crawford v. Lungren*, 96 F.3d 380 (9th Cir. 1996) and *Berry v. City of Santa Barbara*, 40 Cal.App.4th 1075 (1995).

- J. While the City Council is obligated to protect the rights conferred by the United States Constitution to adult-oriented businesses, it does so in a manner that ensures the continued and orderly use and development of property within the City and diminishes, to the greatest extent feasible, those undesirable adverse secondary effects which the above-mentioned studies have shown to be associated with the operation of adult-oriented businesses.
- K. Zoning and locational restrictions are a legitimate and reasonable means of helping to reduce the secondary effects from adult-oriented businesses and thereby protect the health, safety, and welfare of Oceanside residents, protect citizens from increased crime, preserve the quality of life, and preserve the character of surrounding neighborhoods and businesses, and deter the spread of urban blight. The zoning and locational requirements contained in this Ordinance do not unreasonably restrict the establishment or operation of constitutionally protected adult-oriented businesses in Oceanside.
- L. The City Council in recognizing that these standards do not preclude reasonable alternative avenues of communication and notes that the proliferation of adult-oriented material on the Internet, satellite television, direct television, CDs, DVDs, all provide alternative avenues of communication. Additionally, the City Council takes note that numerous web-based services, such as www.sugardvd.com and www.wantedlist.com, deliver adult videos and DVDs directly to customers' homes via the mail. The City Council recognizes the following review of one of these web-based services: "SugarDVD has made it so easy to rent and view adult movies, you may never leave your house again ... SugarDVD is discreet with quick turnaround times and a massive selection ... SugarDVD offers six rental plans, catering to the casual porn viewer and diehards who can never get enough hard-core fare." (Hustler Magazine, January 2006.) The City Council also considers and relies on published decisions examining the proliferation of communications on the Internet. *Reno v. American Civil Liberties Union*, 521 U.S. 844 (1997) [the principle channel through which many Americans now transmit and receive sexually explicit communication is the Internet]; *Anheuser-Busch v. Schmoke*, 101 F.3d 325 (4th Cir. 1996) [the Fourth Circuit rejected a First Amendment challenge to a Baltimore ordinance restricting alcohol advertisements on billboards acknowledging that the Internet is one available channel of communication]; *U.S. v. Hockings*, 129 F.3d 1069 (9th Cir. 1997); see also *U.S. v. Thomas*, 74 F.3d 701 (6th Cir. 1996) [recognizing the Internet as a medium for transmission of sexually explicit material in the context of obscenity prosecutions]. The Internet brings with it a virtually unlimited additional source of adult-oriented sexual materials available to interested persons in every community with a mere keystroke. An adult-oriented business no longer has to be "actually" physically located in a city to be available in the community.
- M. The City Council recognizes that adult devices (i.e. adult novelties and/or adult related products) such as dildos, fur-lined handcuffs, leather whips, anal beads, and devices that are physical representations of human genital organs, are not speech and enjoy no First

Amendment protections. (See *Ford v. State of Texas*, 753 S.W.2d 451, 452-453 (1988); *Sewell v. State of Georgia*, 233 S.E.2d 187, 188-189 (1977); *Chamblee Visuals, LLC v. City of Chamblee*, 506 S.E.2d 113, 115 (1998); and *Red Bluff Drive-In, Inc. v. Vance*, 648 F.2d 1020 (5th Cir. 1981).)

- N. It is not the intent of the City Council in enacting this Ordinance, or any provision thereof, to condone or legitimize the distribution of obscene material, and the City and its Council recognize that state law prohibits the distribution of obscene materials and expect and encourage law enforcement officials to enforce state obscenity statutes against such illegal activities in Oceanside.
- O. The City Council does not intend to regulate in any area preempted by California law including, but not limited to, regulation of obscene speech, nor is it the intent of the City Council to preempt regulations of the state Alcoholic Beverage Control Department ("ABC").
- P. Nothing in this Ordinance is intended to authorize, legalize, or permit the establishment, operation, or maintenance of any business, building, or use which violates any other City ordinance in any respect, or any statute of the State of California regarding public nuisances, unlawful or indecent exposure, sexual conduct, lewdness, obscene or harmful matter, or the exhibition or public display thereof.
- Q. On September 12, 2016, the Planning Commission Council held a duly noticed public hearing during which it allowed for public input and testimony concerning this proposed Ordinance. At the conclusion of the public hearing the Planning Commission recommended this Ordinance to the City Council for approval.
- R. On September 21, 2016, the City Council held a duly noticed public hearing during which it received input and testimony and considered the adoption of this Ordinance.

Findings – Tattoo Establishments

- A. The City Council has a reasonable basis to believe that there are land use compatibility issues relating the siting of tattoo facilities and their customers when located adjacent to residential uses. Through its zoning code provisions, the City of Oceanside seeks to maintain property values, protect tax revenues, provide neighborhood social and economic stability, attract business and industry, and encourage conditions that make the City of Oceanside a pleasant place to live and work.
- B. The City Council has a reasonable basis to believe that it is important from a land use compatibility perspective to buffer tattoo facilities from sensitive land uses such as residential zones, schools, parks, and day care facilities while allowing a wide range of potential alternative sites and, as well, to have a buffer between regulated uses to prevent their concentration within one part of the City. These buffer provisions will serve to: (1) protect the quality of life and neighborhoods in the City; (2) protect the City's retail and commercial trade; (3) minimize the potential for nuisances related to the operation of tattoo establishments; (4) protect the well-being, tranquility and privacy

of the home with the residential buffer; and (5) protect the peace, welfare, and privacy of persons who own, operate and/or patronize tattoo establishments.

- C. The City Council also desires to avoid the clustering of tattoo establishments so that the City does not experience a significant change in the character of the community. Tattoo establishments have the potential to have a detrimental impact individually or when located in close proximity to each other, can create a “skid row” atmosphere, and have a deleterious effect upon adjacent areas. For example, Oceanside’s downtown area has been the subject of substantial redevelopment and the addition of new businesses that are attractive to families and tourists. It is important that the character of the downtown area remain family and tourist-oriented. The buffer restrictions applicable to tattoo establishments serves to preserve this interest. Furthermore, the area of south Oceanside has seen a revitalization in the past several years and it is important that this residential zoned area be preserved, and that adjacent neighborhood serving commercial and visitor serving establishments be preserved and maintained. The City recognizes that the tattoo establishments serve as a specialty destination service and accordingly, is not compatible to place such facilities within 500 feet of a residential zone, unless there is an intervening freeway, because it would contribute to neighborhood blight and is not consistent with and would not serve to protect the commercial zones that are designed to offer the neighborhood needed commercial services.
- D. The City’s certified Local Coastal Program (“LCP”) provides that, “[i]n granting approvals for new development within the Coastal Zone, the City shall give priority to visitor serving commercial recreation facilities over private residential, general industrial or general commercial uses”. According to the City’s Land Use Plan (LUP), a component of the LCP, the visitor serving commercial land use category “encompasses specialized commercial uses which are directly dependent supportive or related to the coast. Such uses provide services or goods for coastal industries or recreationalists, and include boat sales, supplies, and services; diving, commercial fishing, and sport-fishing establishments; restaurants, snack bars, and convenience markets; gift, sundries, and novelty shops; tourist-cottages, campgrounds, and recreational vehicle parks; and recreational equipment rentals (such as bicycles, roller skates, surfboards).” A tattoo establishment is not a visitor serving use. This Ordinance advances the City’s interest in implementing its LCP.
- E. The City has a reasonable basis to believe, based on its own experience, along with those of other communities including Vista, Signal Hill, Santa Clara, Torrance, Hermosa Beach, and Ventura as to the secondary effects of tattoo establishments in its community may lead to detrimental effects including noise, light, traffic, and parking compatibility issues with neighboring residential zones. The City is aware of other communities experience and based on its own experience is concerned for the potential for criminal activity from tattoo parlors and their potential to attract the criminal element, especially gangs.
- F. Specifically, the City takes note of the Oceanside’s Police Crime Analysis report dated July 27, 2016 that documents increased criminal activity from tattoo facilities in Oceanside. Such criminal activity is not compatible with adjacent residential uses. The City takes note that within Oceanside, since January 2013, Oceanside PD has received

34 Calls for Police Service (CFS) at Oceanside's 3 tattoo parlors; About Face, Frontline and Body Temple. The About Face Tattoo shop is located downtown at 423 S. Coast Hwy and has generated the most CFS, with 17 calls between 2013 and July 2016. In addition, since January 2005, Oceanside PD has received 73 CFS at About Face Tattoo shop which accounts for 92% more CFS than the neighboring barbershop; and 564% more CFS than the neighboring day spa. CFS at all 3 tattoo shops include calls related to fights, public disturbances, property crimes, calls for violent activity; none of which are compatible with adjacent schools, daycares or residential zones. In one case, a known drug user was displaying a weapon which required police officers to deploy a taser in order to arrest the suspect.

- G. The City Council also takes note of the August 2014 investigation of a felony battery at Power Tattoo located in the neighboring city of Vista where an individual was assaulted by 20-30 people at a tattoo facility event. In addition, the City of Santa Clara Police Department conducted a study on secondary effects of crime from regulated businesses, which include tattoo shops, and concluded that these shops can be a magnet for organized crime, gang activity, loitering, and increased police calls. And, the City also takes note that in May 2011, the Los Angeles Police Department and federal agents with the Bureau of Alcohol, Tobacco, Firearms and Explosives, arrested nineteen alleged members of the gang Venice 13 at a tattoo parlor called 'Villainz Ink' that attracted a number of suspected criminal street gang members and associates who, in the course of a four-month investigation, sold illegal narcotics, committed numerous firearms violations, and sold a firearm to an ATF undercover agent.
- H. The City Council has a reasonable basis to be concerned over the criminal activity associated at tattoo facilities affiliated with the outlaw gang known as the Hells Angels based on the City's own experience and those of neighboring jurisdictions. The Hells Angels are involved in the production, transportation, and distribution of marijuana and methamphetamine. Additionally, the Hells Angels are involved in the transportation and distribution of cocaine, hashish, heroin, LSD (lysergic-acid diethylamide), ecstasy, PCP (phencyclidine), and diverted pharmaceuticals. The Hells Angels are involved in other criminal activity including assault, extortion, homicide, money laundering, and motorcycle theft." <https://www.justice.gov/criminal-ocgs/gallery/outlaw-motorcycle-gangs-omgs>. Moreover, according to a 2015 report by the National Gang Intelligence Center ("FBI Report"), the most common criminal activities committed by outlaw motorcycle gangs over the past two years have included weapons possession, threats and intimidation, assault, and drug trafficking. The FBI Report documents a March 2014 incident in which two Hells Angels members sought medical treatment for stab wounds sustained during an altercation with rival gang members on a freeway near Temecula, California. The injured Hells Angels members were not willing to cooperate with law enforcement or say who was responsible for their injuries. According to the report, outlaw motorcycle gang members are increasingly involved in self-owned businesses (in particular tattoo parlors) and that some of these businesses are used to facilitate criminal activity. <https://www.fbi.gov/image-repository/pub3.jpg/view>.
- I. Zoning and locational regulations for tattoo establishments are necessary to prevent deterioration and/or degradation of the vitality of the community before the problem exists, rather than waiting for problems to be created. Buffer requirements are a

legitimate and reasonable means of ensuring against the negative secondary effects of tattoo facilities and to balance the various land uses in order to minimize and control problems associated with such businesses and thereby protect the health, safety and welfare of Oceanside residents, preserve the quality of life, and preserve the character of surrounding neighborhoods. The buffer requirements of the City do not unreasonably restrict the establishment or operation of constitutionally protected adult businesses in Oceanside. The City Council recognizes that these buffer requirements do not preclude reasonable alternative avenues of communication and that there are several hundred potentially available sites for tattoo establishments. And, Oceanside is already home to three (3) existing tattoo establishments, a fourth is undergoing tenant improvements, and there is a wide menu of potential sites for other prospective users to select from in this seaside community.

- J. The City is concerned as to the health and well-being of adolescents within the community and is aware of prior studies conducted which have shown an association between adolescents who obtain tattoos and their involvement in high-risk behaviors that are detrimental to their health and welfare. The City Council has a reasonable basis to conclude that businesses offering tattoo services may result in negative impacts on sensitive uses, such as residential and educational institutions serving persons under 21 years of age. The City Council reasonably believes that in its community, a buffer from schools decreases the accessibility of such shops to high school aged persons. Similarly, in the south Oceanside area, minors are located in these adjacent residential zones and this buffer will serve to decrease the accessibility to minors as well. The prior study titled "Tattooing and High-Risk Behavior in Adolescents," shows that this type of use (tattoo establishments) demonstrates a link between the tattooing of high school aged persons and a propensity to engage in other high-risk behaviors including gang affiliation, substance abuse, and violence. The Council takes legislative note of *Sable Commission of California, Inc. v. FCC* (1989) 492 U.S. 115 wherein the Court found that there is a compelling interest in protecting the physical and psychological well-being of minors.
- K. The City of Oceanside has a reasonable basis to believe that there are serious health issues at play in the provision of tattoos. The City is aware that the practice of providing tattoos, through the use of implements which pierce the skin, create an increased risk of the transfer of blood borne diseases. Tattoo inks, dyes, and pigments have not been approved by the FDA and the health consequences of using these products are unknown. This applies to all tattoo pigments, including those used for ultraviolet (UV) and glow-in-the dark tattoos. Many pigments used in tattoo inks are industrial-grade colors suitable for printers' ink or automobile paint. And, the use of henna in temporary tattoos has not been approved by FDA. Henna is currently approved only for use as a hair dye.
- L. Tattooing carries the risk of infection and transmission of disease if unsanitary conditions are present or unsterile equipment is used. The Centers for Disease Control and Prevention ("CDC") and the United States Food and Drug Administration ("FDA") confirm the significant health risks of tattooing. CDC, *Body Art: Tattoos and Piercings* (Jan. 21, 2008) (noting risks of infection, tuberculosis, Hepatitis B and C, and HIV). FDA, *Tattoos and Permanent Makeup* (Nov. 29, 2000) (discussing the risks of infection,

removal problems, potential allergic reactions, and MRI complications). Research has also shown that some pigment migrates from the tattoo site to the body's lymph nodes. Lymph nodes are part of the lymphatic system, a collection of fluid-carrying vessels in the body that filter out disease-causing organisms. Whether the migration of tattoo ink has health consequences or not is still unknown. The National Center for Toxicological Research (NCTR) is doing further research to answer this and other questions about the safety of tattoo inks.

- M. The City Council is mindful of legal principles relating to regulation of tattoo establishments, and the City Council does not intend to suppress or infringe upon any expressive activities protected by the First Amendment of the United States and California Constitutions but instead desires to enact reasonable time, place, and manner regulations that address the adverse effects of tattoo establishments. The City Council has considered the following decisions: *Anderson v. Hermosa Beach* (9th Cir. 2010) 621 F.3d 1051; *Buehrle v. Key West* (11th Cir. 2015) 813 F.3d 973; *Ward v. Rock Against Racism* (1989) 491 U.S. 78; and *City of Renton v Playtime Theaters* (1986) 475 U.S. 41. As well, the City Council is mindful of the district court decision rendered this past June 2016 by USDC Stephen Wilson in the federal lower court matter of *Tiffany Garcia v. City of Torrance*.