

Article 1: Base Zones

Division 2: Open Space Base Zones

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§131.0201 Purpose of Open Space Zones

The purpose of the open space zones is to protect lands for outdoor recreation, education, and scenic and visual enjoyment; to control urban form and design; and to facilitate the preservation of *environmentally sensitive lands*. It is intended that these zones be applied to lands where the *primary uses* are parks or open space or to private land where *development* must be limited to implement open space policies of adopted *land use plans* or applicable federal and state regulations and to protect the public health, safety, and welfare.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§131.0202 Purpose of the OP (Open Space--Park) Zones

(a) The purpose of the OP zones is to be applied to *public parks* and facilities in order to promote recreation and facilitate the implementation of *land use plans*. The uses permitted in these zones will provide for various types of recreational needs of the community.

(b) The OP zones are differentiated based on the uses allowed as follows:

- OP-1-1 allows developed, active parks
- OP-2-1 allows parks for passive uses with some active uses

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

(Amended 5-5-2015 by O-20481 N.S.; effective 6-4-2015.)

§131.0203 Purpose of the OC (Open Space--Conservation) Zone

The purpose of the OC zone is to protect natural and cultural resources and *environmentally sensitive lands*. It is intended that the uses permitted in this zone be limited to aid in the preservation of the natural character of the land, thereby implementing *land use plans*.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§131.0204 Purpose of the OR (Open Space--Residential) Zones

- (a) The purpose of the OR zones is to preserve privately owned property that is designated as open space in a *land use plan* for such purposes as preservation of public health and safety, visual quality, *sensitive biological resources*, *steep hillsides*, and control of urban form, while retaining private *development* potential. These zones are also intended to help implement the habitat preservation goals of the City and the *MHPA* by applying development restrictions to lands wholly or partially within the boundaries of the *MHPA*. *Development* in these zones will be limited to help preserve the natural resource values and open space character of the land.
- (b) The OR zones are differentiated based on the uses allowed as follows:
 - OR-1-1 allows open space with limited private residential *development*
 - OR-1-2 allows open space with limited private residential *development* and to implement the *MHPA*

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§131.0205 Purpose of the OF (Open Space--Floodplain) Zone

The purpose of the OF zone is to control *development* within *floodplains* to protect the public health, safety, and welfare and to minimize hazards due to *flooding* in areas identified by the FIRM on file with the City Engineer. It is the intent of the OF zone to preserve the natural character of *floodplains* while permitting *development* that will not constitute a dangerous condition or an impediment to the flow of *flood* waters. It is also the intent to minimize the expenditure of public money for costly *flood* control projects and to protect the functions and values of the *floodplains* relating to groundwater recharge, water quality, moderation of *flood* flows, wildlife movement, and habitat.

(Amended 4-22-2002 by O-19051 N.S.; effective 10-8-2002.)

§131.0215 Where Open Space Zones Apply

On the effective date of Ordinance O-18691, all open space zones that were established in Municipal Code Chapter 10, Article 1, Division 4 were amended and replaced with the base zones established in this division.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

(Amended 11-13-2008 by O-19801 N.S.; effective 12-13-2008.)

§131.0220 Use Regulations of Open Space Zones

The regulations of Section 131.0222 apply in the open space zones where indicated in Table 131-02B.

- (a) The uses permitted in any open space zone may be further limited by the following:
 - (1) Use limitations applicable to the Airport Land Use Compatibility Overlay Zone (Chapter 13, Article 2, Division 15);
 - (2) The presence of *environmentally sensitive lands*, pursuant to Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations); or
 - (3) Any other applicable provision of the San Diego Municipal Code.
- (b) Within the open space zones no *structure* or improvement, or portion thereof, shall be constructed, established, or altered nor shall any *premises* be used or maintained except for one or more of the purposes or activities listed in Table 131-02B. It is unlawful to establish, maintain, or use any *premises* for any purpose or activity inconsistent with this section or Section 131.0222.
- (c) All uses or activities permitted in the open space zones shall be conducted entirely within an enclosed building unless the use or activity is traditionally conducted outdoors.
- (d) *Accessory uses* in the open space zones may be permitted in accordance with Section 131.0125.
- (e) Temporary uses may be permitted in the open space zones for a limited period of time with a Temporary Use Permit in accordance with Chapter 12, Article 3, Division 4 (Temporary Use Permit Procedures).
- (f) For any use that cannot be readily classified, the City Manager shall determine the appropriate use category and use subcategory pursuant to Section 131.0110.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)
(Amended 10-25-2011 by O-20047 N.S.; effective 1-1-2012.)
(Amended 6-18-2013 by O-20261 N.S.; effective 7-19-2013.)

§131.0222 Use Regulations Table for Open Space Zones

The uses allowed in the open space zones are shown in Table 131-02B.

Legend for Table 131-02B

Symbol in Table 131-02B	Description of Symbol
P	Use or use category is permitted. Regulations pertaining to a specific use may be referenced.
L	Use is permitted with limitations, which may include location limitations or the requirement for a use or <i>development permit</i> . Regulations are located in Chapter 14, Article 1 (Separately Regulated Use Regulations).
N	Neighborhood Use Permit Required. Regulations are located in Chapter 14, Article 1 (Separately Regulated Use Regulations).
C	Conditional Use Permit Required. Regulations are located in Chapter 14, Article 1 (Separately Regulated Use Regulations).
-	Use or use category is not permitted.

Table 131-02B
Use Regulations Table for Open Space Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator		Zones					
	1st & 2nd >>		OP-		OC-	OR ⁽¹⁾ -		OF ⁽¹⁾ -
	3rd >>		1-	2-	1-	1-		1-
	4th >>		1	1	1	1	2	1
Open Space								
Active Recreation	P	P ⁽²⁾	-	-	-	-	-	P ⁽⁷⁾
Passive Recreation	P	P	P ⁽⁶⁾	P ⁽⁶⁾	P ⁽⁶⁾	P ⁽⁶⁾	P ⁽⁶⁾	P ⁽⁶⁾
Natural Resources Preservation	P	P	P	P	P	P	P	P
Park Maintenance Facilities	P	P ⁽²⁾	-	-	-	-	-	-
Agriculture								
Agricultural Processing	-	-	-	-	-	-	-	P ⁽⁵⁾
Aquaculture Facilities	-	-	-	-	P	P	P	P ⁽⁷⁾
Dairies	-	-	-	-	-	-	-	-
Horticulture Nurseries & Greenhouses	-	-	-	-	-	-	-	-
Raising & Harvesting of Crops	-	-	-	-	P	P	P	P
Raising, Maintaining & Keeping of Animals	-	-	-	-	P ⁽⁴⁾	P ⁽⁴⁾	P ⁽⁴⁾	P ⁽⁴⁾
Separately Regulated Agriculture Uses								
Agricultural Equipment Repair Shops	-	-	-	-	-	-	-	-
Commercial Stables	-	C	-	-	C	C	C	C
Community Gardens	-	N	-	-	N	N	N	L
Equestrian Show & Exhibition Facilities	-	-	-	-	-	-	-	-
Open Air Markets for the Sale of Agriculture-Related Products & Flowers	-	-	-	-	L	L	L	L
Residential								
Mobilehome Parks	-	-	-	-	-	-	-	-
Multiple Dwelling Units	-	-	-	-	-	-	-	-
Rooming House [See Section 131.0112(a)(3)(A)]	-	-	-	-	-	-	-	-
Shopkeeper Units	-	-	-	-	-	-	-	-

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator		Zones					
	1st & 2nd >>		OP-		OC-	OR ⁽¹⁾ -		OF ⁽¹⁾ -
	3rd >>		1-	2-	1-	1-		1-
	4th >>		1	1	1	1	2	1
Single Dwelling Units	-	-	-	-	P		-	
Separately Regulated Residential Uses								
<i>Boarder & Lodger Accommodations</i>	-	-	-	-	L		-	
<i>Companion Units</i>	-	-	-	-	L		-	
Continuing Care Retirement Communities	-	-	-	-	-		-	
Employee Housing:								
6 or Fewer Employees	-	-	-	-	-		-	
12 or Fewer Employees	-	-	-	-	-		-	
Greater than 12 Employees	-	-	-	-	-		-	
Fraternities, Sororities and Student Dormitories	-	-	-	-	-		-	
Garage, Yard, & Estate Sales	-	-	-	-	L		-	
Guest Quarters	-	-	-	-	L		-	
Home Occupations	-	-	-	-	L		-	
<i>Junior Units</i>	-	-	-	-	L		-	
Live/work Quarters	-	-	-	-	-		-	
Residential Care Facilities:								
6 or Fewer Persons	-	-	-	-	P		-	
7 or More Persons	-	-	-	-	C		-	
Transitional Housing:								
6 or Fewer Persons	-	-	-	-	P		-	
7 or More Persons	-	-	-	-	C		-	
Watchkeeper Quarters	-	-	-	-	-		-	
Institutional								
Separately Regulated Institutional Uses								
Airports	-	-	-	-	-		-	
Botanical Gardens & Arboretums	P	P	-	-	-		-	

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator		Zones					
	1st & 2nd >>		OP-		OC-	OR ⁽¹⁾ -		OF ⁽¹⁾ -
	3rd >>		1-	2-	1-	1-		1-
	4th >>		1	1	1	1	2	1
Cemeteries, Mausoleums, Crematories	-	-	-	-	-	-	-	-
Correctional Placement Centers	-	-	-	-	-	-	-	-
Educational Facilities:								
Kindergarten Through Grade 12	-	-	-	-	-	-	-	-
Colleges / Universities	-	-	-	-	-	-	-	-
Vocational / Trade Schools	-	-	-	-	-	-	-	-
Electric Vehicle Charging Stations	L	L	L	L	L	L	L	L
Energy Generation & Distribution Facilities	-	-	-	-	-	-	-	-
Exhibit Halls & Convention Facilities	P ⁽²⁾	-	-	-	-	-	-	-
<i>Flood Control Facilities</i>	-	-	-	-	-	-	-	L
<i>Historical Buildings Used for Purposes Not Otherwise Allowed</i>	-	-	-	-	-	-	-	-
Homeless Facilities:								
Congregate Meal Facilities	-	-	-	-	-	-	-	-
Emergency Shelters	-	-	-	-	-	-	-	-
Homeless Day Centers	-	-	-	-	-	-	-	-
Hospitals, Intermediate Care Facilities & Nursing Facilities	-	-	-	-	-	-	-	-
Interpretive Centers	P	P ⁽²⁾	C	-	-	-	-	-
Museums	P	-	-	-	-	-	-	-
Major Transmission, Relay, or Communications Switching Stations	-	-	-	-	-	-	-	-
<i>Satellite Antennas</i>	L	L	L	L	L	L	L	L
<i>Social Service Institutions</i>	-	-	-	-	-	-	-	-
Solar Energy Systems	L	L	L	L	L	L	L	L
<i>Wireless Communication Facility:</i>								
<i>Wireless communication facility in the public right-of-way with subterranean equipment adjacent to a non-residential use</i>	L	L	-	L	L	L	L	L
<i>Wireless communication facility in the public right-of-way</i>	N	N	N	N	N	N	N	N

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator		Zones					
	1st & 2nd >>		OP-		OC-	OR ⁽¹⁾ -		OF ⁽¹⁾ -
	3rd >>		1-	2-	1-	1-		1-
	4th >>		1	1	1	1	2	1
with subterranean equipment adjacent to a residential use								
<i>Wireless communication facility</i> in the <i>public right-of-way</i> with above ground equipment	C	C	C	C	C	C	C	C
<i>Wireless communication facility</i> outside the <i>public right-of-way</i>	C	C	C	C	C	C	C	C
Retail Sales								
Building Supplies & Equipment	-	-	-	-	-	-	-	-
Food, Beverages and Groceries	-	-	-	-	-	-	-	-
Consumer Goods, Furniture, Appliances, Equipment	-	-	-	-	-	-	-	-
Pets & Pet Supplies	-	-	-	-	-	-	-	-
Sundries, Pharmaceuticals, & Convenience Sales	-	-	-	-	-	-	-	-
Wearing Apparel & Accessories	-	-	-	-	-	-	-	-
Separately Regulated Retail Sales Uses								
Agriculture Related Supplies & Equipment	-	-	-	-	-	-	-	-
Alcoholic Beverage Outlets	-	-	-	-	-	-	-	-
Farmers' Markets								
Weekly Farmers' Markets	-	-	-	-	-	-	-	-
Daily Farmers' Market Stands	-	-	-	-	-	-	-	-
<i>Marijuana Outlets</i>	-	-	-	-	-	-	-	-
Plant Nurseries	-	-	-	-	-	-	-	-
Retail Farms	-	-	-	-	-	-	-	-
Retail Tasting Stores	-	-	-	-	-	-	-	-
Swap Meets & Other Large Outdoor Retail Facilities	-	-	-	-	-	-	-	C ⁽⁷⁾
Commercial Services								

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator		Zones					
	1st & 2nd >>		OP-		OC-	OR ⁽¹⁾ -		OF ⁽¹⁾ -
	3rd >>		1-	2-	1-	1-		1-
	4th >>		1	1	1	1	2	1
Building Services	-	-	-	-	-	-	-	
Business Support	-	-	-	-	-	-	-	
Eating & Drinking Establishments	p ⁽²⁾		-	-	-	-	-	
Financial Institutions	-	-	-	-	-	-	-	
Funeral & Mortuary Services	-	-	-	-	-	-	-	
Instructional Studios	-	-	-	-	-	-	-	
Maintenance & Repair	-	-	-	-	-	-	-	
Off-site Services	-	-	-	-	-	-	-	
Personal Services	-	-	-	-	-	-	-	
Radio & Television Studios	-	-	-	-	-	-	-	
Tasting Rooms	-	-	-	-	-	-	-	
Visitor Accommodations	-	-	-	-	-	-	-	
Separately Regulated Commercial Services Uses								
Adult Entertainment Establishments:								
Adult Book Store	-	-	-	-	-	-	-	
Adult Cabaret	-	-	-	-	-	-	-	
Adult Drive-In Theater	-	-	-	-	-	-	-	
Adult Mini-Motion Picture Theater	-	-	-	-	-	-	-	
Adult Model Studio	-	-	-	-	-	-	-	
Adult <i>Motel</i>	-	-	-	-	-	-	-	
Adult Motion Picture Theater	-	-	-	-	-	-	-	
Adult Peep Show Theater	-	-	-	-	-	-	-	
Adult Theater	-	-	-	-	-	-	-	
Body Painting Studio	-	-	-	-	-	-	-	
Massage Establishment	-	-	-	-	-	-	-	
Sexual Encounter Establishment	-	-	-	-	-	-	-	

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator		Zones					
	1st & 2nd >>		OP-		OC-	OR ⁽¹⁾ -		OF ⁽¹⁾ -
	3rd >>		1-	2-	1-	1-		1-
	4th >>		1	1	1	1	2	1
Assembly and Entertainment Uses, Including Places of Religious Assembly	L ⁽²⁾	-	-	-	-	-	-	
Bed & Breakfast Establishments:								
1-2 Guest Rooms	-	-	-	-	N	-	-	
3-5 Guest Rooms	-	-	-	-	N	-	-	
6+ Guest Rooms	-	-	-	-	C	-	-	
Boarding Kennels/ Pet Day Care	-	-	-	-	-	-	-	
Camping Parks	C	C	-	-	-	-	C ⁽⁷⁾	
<i>Child Care Facilities:</i>								
Child Care Centers	C ⁽²⁾	-	-	-	-	-	-	
Large Family Child Care Homes	-	-	-	-	L	-	-	
Small Family Child Care Homes	-	-	-	-	L	-	-	
Eating and Drinking Establishments with a Drive-in or Drive-through Component	-	-	-	-	-	-	-	
Fairgrounds	-	-	-	-	-	-	C ⁽⁷⁾	
Golf Courses, Driving Ranges, and Pitch & Putt Courses	C	C	-	-	C ⁽⁹⁾	-	C ⁽¹⁰⁾	
Helicopter Landing Facilities	-	-	-	-	-	-	C ⁽¹⁰⁾	
Massage Establishments, Specialized Practice	-	-	-	-	-	-	-	
Mobile Food Trucks	L ⁽²⁾	L ⁽²⁾	-	-	-	-	-	
Nightclubs & Bars over 5,000 square feet in size	-	-	-	-	-	-	-	
Parking Facilities as a <i>primary use</i> :								
Permanent Parking Facilities	-	-	-	-	-	-	-	
Temporary Parking Facilities	-	-	-	-	-	-	-	
Private Clubs, Lodges and Fraternal Organizations	-	-	-	-	-	-	-	
Privately Operated, Outdoor Recreation Facilities over 40,000 square feet in size ⁽³⁾	C ⁽²⁾	-	-	-	-	-	-	
Pushcarts:								
Pushcarts on Private Property	L	-	-	-	-	-	-	

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	1st & 2nd >>		OP-		OC-	OR ⁽¹⁾ -		OF ⁽¹⁾ -
	3rd >>		1-	2-	1-	1-		1-
	4th >>		1	1	1	1	2	1
Pushcarts in Public-Right-of-Way	N	-	-	-	-	-	-	
Recycling Facilities:								
Large Collection Facility	-	-	-	-	-	-	-	
Small Collection Facility	-	-	-	-	-	-	-	
Large Construction & Demolition Debris <i>Recycling Facility</i>	-	-	-	-	-	-	-	
Small Construction & Demolition Debris <i>Recycling Facility</i>	-	-	-	-	-	-	-	
Drop-off Facility	L	L	-	-	-	-	-	
Green Materials Composting Facility	-	-	-	-	-	-	-	
Mixed Organic Composting Facility	-	-	-	-	-	-	-	
Large Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables from Commercial & Industrial Traffic	-	-	-	-	-	-	-	
Large Processing Facility Accepting All Types of Traffic	-	-	-	-	-	-	-	
Small Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables From Commercial & Industrial Traffic	-	-	-	-	-	-	-	
Small Processing Facility Accepting All Types of Traffic	-	-	-	-	-	-	-	
Reverse Vending Machines	-	-	-	-	-	-	-	
Tire Processing Facility	-	-	-	-	-	-	-	
Sidewalk Cafes	-	-	-	-	-	-	-	
Sports Arenas & Stadiums	-	-	-	-	-	-	-	
Theaters that are outdoor or over 5,000 square feet in size	P ⁽²⁾	-	-	-	-	-	-	
Urgent Care Facilities	-	-	-	-	-	-	-	
Veterinary Clinics & Animal Hospitals	-	-	-	-	-	-	-	
Zoological Parks	C	-	-	-	-	-	-	
Offices								
Business & Professional	-	-	-	-	-	-	-	
Government	-	-	-	-	-	-	-	

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	3rd >>		1-	2-	1-	1-		1-
	4th >>		1	1	1	1	2	1
Medical, Dental, & Health Practitioner	-	-	-	-	-	-	-	
Regional & Corporate Headquarters	-	-	-	-	-	-	-	
Separately Regulated Office Uses								
Real Estate Sales Offices & Model Homes	-	-	-	-	L	-	-	
<i>Sex Offender</i> Treatment & Counseling	-	-	-	-	-	-	-	
Vehicle & Vehicular Equipment Sales & Service								
Commercial Vehicle Repair & Maintenance	-	-	-	-	-	-	-	
Commercial Vehicle Sales & Rentals	-	-	-	-	-	-	-	
Personal Vehicle Repair & Maintenance	-	-	-	-	-	-	-	
Personal Vehicle Sales & Rentals	-	-	-	-	-	-	-	
Vehicle Equipment & Supplies Sales & Rentals	-	-	-	-	-	-	-	
Separately Regulated Vehicle & Vehicular Equipment Sales & Service Uses:								
Automobile Service Stations	-	-	-	-	-	-	-	
Outdoor Storage & Display of New, Unregistered Motor Vehicles as a <i>Primary Use</i>	-	-	-	-	-	-	-	
Distribution and Storage								
Equipment & Materials Storage Yards	-	-	-	-	-	-	-	
Moving & Storage Facilities	-	-	-	-	-	-	-	
Distribution Facilities	-	-	-	-	-	-	-	
Separately Regulated Distribution and Storage Uses:								
Impound Storage Yards	-	-	-	-	-	-	-	
Junk Yards	-	-	-	-	-	-	-	
Temporary Construction Storage Yards Located Off-site	-	-	-	-	-	-	-	
Industrial								
Heavy Manufacturing	-	-	-	-	-	-	-	
Light Manufacturing	-	-	-	-	-	-	-	

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator		Zones					
	1st & 2nd >>		OP-		OC-	OR ⁽¹⁾ -		OF ⁽¹⁾ -
	3rd >>		1-	2-	1-	1-		1-
	4th >>		1	1	1	1	2	1
Marine Industry	-	-	-	-	-	-	-	-
Research & Development	-	-	-	-	-	-	-	-
Testing Labs	-	-	-	-	-	-	-	-
Trucking & Transportation Terminals	-	-	-	-	-	-	-	-
Separately Regulated Industrial Uses								
<i>Hazardous Waste</i> Research Facility	-	-	-	-	-	-	-	-
<i>Hazardous Waste</i> Treatment Facility	-	-	-	-	-	-	-	-
Marijuana Production Facilities	-	-	-	-	-	-	-	-
Marine Related Uses Within the Coastal Overlay Zone	-	-	-	-	-	-	-	-
Mining and Extractive Industries	-	-	-	-	-	C ⁽⁸⁾	C ⁽⁷⁾	
Newspaper Publishing Plants	-	-	-	-	-	-	-	-
Processing & Packaging of Plant Products & Animal By-Products Grown Off-Premises	-	-	-	-	-	-	-	-
Very Heavy Industrial Uses	-	-	-	-	-	-	-	-
Wrecking & Dismantling of Motor Vehicles	-	-	-	-	-	-	-	-
Signs								
Allowable Signs	P	P	P	P	P	P	P	P
Separately Regulated Signs Uses								
Community Entry Signs	-	-	-	-	-	-	-	-
Neighborhood Identification Signs	-	-	-	-	-	-	-	-
Comprehensive Sign Program	-	-	-	-	-	-	-	-
Revolving Projecting Signs	-	-	-	-	-	-	-	-
Signs with Automatic Changing Copy	-	-	-	-	-	-	-	-
Theater Marquees	-	-	-	-	-	-	-	-

Footnotes for Table 131-02B

- ¹ All uses in the OR zone, except passive recreation and natural resource preservation, shall be located within the allowable development area in accordance with Section 131.0250.
- ² This use is permitted only if consistent with an approved park general development plan or master plan and is subject to any requirements identified in the plan. Vending in certain public places must comply with the provisions of sections 63.0102(b)(13) and (14) and 63.20.20.
- ³ The 40,000 square feet includes all indoor and outdoor areas that are devoted to the recreational use; it does not include customer parking areas.
- ⁴ Excluding the maintaining, raising, feeding, or keeping of swine. The maintaining, raising, feeding, or keeping of more than 10 domestic animals requires a *premises* of at least 5 acres.
- ⁵ Excluding storage of vehicles, containers, chemicals, and other items that may be hazards during or after a *flood*.
- ⁶ The City Manager will determine if a particular use is appropriate as a passive use in conformance with an approved development plan, park plan, or other plans applicable to the property.
- ⁷ No *structures*, except portable *structures*, are permitted within a *floodway*.
- ⁸ This use is only allowed in the OR-1-2 zone subject to the regulations in Section 141.1006 and the regulations in Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations).
- ⁹ No driving ranges or night use are permitted within the *MHPA*.
- ¹⁰ No fill or permanent structures shall be authorized for such development in the Coastal Overlay Zone.
- ¹¹ Within the Coastal Overlay Zone, no structures are permitted within a floodway.

(Amended 4-23-2008 by O-19739 N.S.; effective 5-23-2008.)
(Amended 11-13-08 by O-19799 N.S; effective 12-13-2008.)
(Amended 11-13-08 by O-19803 N.S; effective 12-13-2008.)
(Amended 11-13-08 by O-19804 N.S; effective 12-13-2008.)
(Amended 8-4-2011 by O-20081 N.S.; effective 10-6-2011.)
(Amended 2-22-2012 by O-20141 N.S.; effective 3-23-2012.)
(Amended 6-18-2013 by O-20261 N.S.; effective 7-19-2013.)
(Amended 3-25-2014 by O-20356 N.S.; effective 4-24-2014.)
(Amended 4-3-2014 by O-20357 N.S.; effective 10-15-2014.)
(Amended 5-5-2015 by O-20481 N.S.; effective 6-4-2015.)
(Amended 7-10-2015 by O-20512 N.S.; effective 8-9-2015.)
(Amended 8-7-2015 by O-20555 N.S.; effective 9-6-2015.)
(Amended 4-5-2016 by O-20634 N.S.; effective 5-5-2016.)

(Amended 8-4-2016 by O-20704 N.S.; effective 8-27-2016.)
(Amended 12-1-2016 by O-20752 N.S.; effective 12-31-2016.)
(Amended 2-22-2017 by O-20793 N.S.; effective 4-12-2017.)
(Amended 9-15-2017 by O-20857 N.S.; effective 10-15-2017.)
(Amended 10-17-2017 by O-20859 N.S.; effective 11-16-2017.)

§131.0230 Development Regulations of Open Space Zones

- (a) Within the open space zones no *structure* or improvement shall be constructed, established, or altered, nor shall any *premises* be used unless the *premises* complies with the regulations and standards in this division and with any applicable development regulations in Chapter 13, Article 2 (Overlay Zones) and Chapter 14 (General and Supplemental Regulations).
- (b) A Neighborhood Development Permit or Site Development Permit is required for the types of *development* identified in Table 143-03A.
- (c) The regulations in this division apply to all *development* in the open space base zones whether or not a permit or other approval is required except where specifically identified.

(Added 12-9-1997 by O-18451 N.S.; amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)

§131.0231 Development Regulations Table for Open Space Zones

The following development regulations apply in the open space zones as shown in Table 131-02C.

**Table 131-02C
Development Regulations for Open Space Zones**

Development Regulations [See Section 131.0230 for Development Regulations of Open Space Zones]	Zone Designator	Zones					
	1 st & 2nd >>	OP-		OC-	OR-		OF ⁽¹⁾ -
	3rd >>	1-	2-	1-	1-	1-	1-
	4th >>	1		1	1	2	1
Max Permitted Residential Density (DU Per Lot)		--	--	1 ⁽²⁾	1 ⁽⁵⁾	--	
Min Lot Area (ac)		--	--	10	10	10	
Allowable Development Area (%)		--	--	25 ⁽³⁾	25 ⁽⁴⁾	--	
Min Lot Dimensions							
Lot Width (ft)		--	--	200	200	500	
Street Frontage (ft)		--	--	200	200	500	
Lot Depth (ft)		--	--	200	200	500	
Setback Requirements							
Min Front Setback (ft)		--	--	15 ⁽⁶⁾	25	--	
Min Side Setback (ft)		--	--	8 ⁽⁷⁾	20	--	
Min Street Side Setback (ft)		--	--	10 ⁽⁷⁾	25		
Min Rear Setback (ft)		--	--	20 ⁽⁸⁾	25	--	
Max Structure Height (ft)		--	--	30	30	--	
Max Lot Coverage (%)		--	--	--	10	--	
Max Floor Area Ratio		--	--	0.45	0.10	--	
Refuse and Recyclable Material Storage [See Section 142.0805]		applies	applies	applies	applies	applies	
Visibility Area [See Section 113.0273]		applies	applies	applies	applies	applies	

Footnotes for Table 131-02C

- ¹ Refer to Section 143.0146 for supplemental development regulations for the OF zone.
- ² See Section 131.0240(a).
- ³ See Section 131.0250(a).
- ⁴ See Section 131.0250(b).
- ⁵ See Section 131.0240(b).
- ⁶ See Section 131.0260(a).
- ⁷ See Section 131.0260(b).
- ⁸ See Section 131.0260(c).

(Added 12-9-1997 by O-18451 N.S.; amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)
(Amended 11-28-2005 by O-19444 N.S.; effective 2-9-2006.)
(Amended 11-13-08 by O-19799 N.S; effective 12-13-2008.)
(Amended 11-13-08 by O-19805 N.S; effective 12-13-2008.)
(Amended 4-5-2016 by O-20634 N.S.; effective 5-5-2016.)

§131.0240 Maximum Permitted Residential Density in Open Space Zones

- (a) Within the OR-1-1 zone, an exception to the permitted residential density of one *single dwelling unit per lot* may be requested as a rural cluster development through a Planned Development Permit in accordance with Process Four subject to the following:
 - (1) The proposed *development* shall comply with Chapter 14, Article 3, Division 4 (Planned Development Permit Regulations).
 - (2) Dwelling units shall be clustered within the allowable development area as described in Section 131.0250(a) and need not be located on individual *lots* provided the overall *density* does not exceed one dwelling unit per 10 acres.
 - (3) The remainder of the *premises* shall be maintained in its natural state.

- (b) Within the OR-1-2 zone, an exception to the permitted residential *density* of one *single dwelling unit per lot* may be requested as a rural cluster development through a Planned Development Permit in accordance with Process Four subject to the following:
 - (1) The proposed *development* shall comply with Chapter 14, Article 3, Division 4 (Planned Development Permit Regulations).
 - (2) Dwelling units shall be clustered within the allowable development area as described in Section 131.0250(b) and need not be located on individual *lots* provided the overall *density* does not exceed one dwelling unit per 10 acres, except as described in Section 131.0240(b)(4).
 - (3) The remainder of the *premises* shall be maintained in its natural state.
 - (4) Within *Proposition A Lands* an increase in *density* of up to one *dwelling unit per 4 acres of lot area* may be requested through a Planned Development Permit in accordance with Process Five subject to the regulations in Section 143.0402. The remainder of the *premises* shall be left undeveloped in perpetuity.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

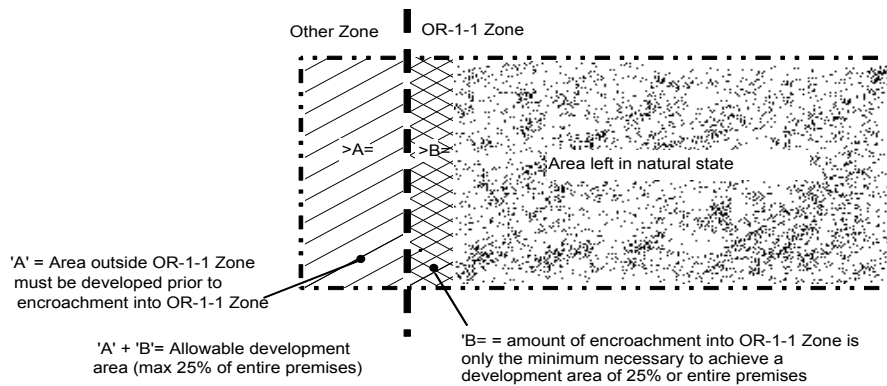
(Amended 4-8-2008 by O-19734 N.S; effective 5-8-2008.)

§131.0250 Allowable Development Area in OR Zones

- (a) Within the OR-1-1 zone, up to 25 percent of the *premises* may be developed subject to the following:
 - (1) If 25 percent or more of the entire site is not in its natural state due to existing *development*, any new *development* proposed shall occur within the disturbed portion of the site and no additional development area is permitted.
 - (2) If the OR-1-1 zone applies only to a portion of a *premises*, the following regulations apply:

- (A) If less than 25 percent of the *premises* is outside the OR-1-1 zone, the portion that is outside the OR-1-1 zone shall be developed before any *encroachment* into the OR-1-1 zoned portion. *Encroachment* into the OR-1-1 zone may be permitted to achieve a maximum development area of 25 percent of the entire site. See Diagram 131-02A.

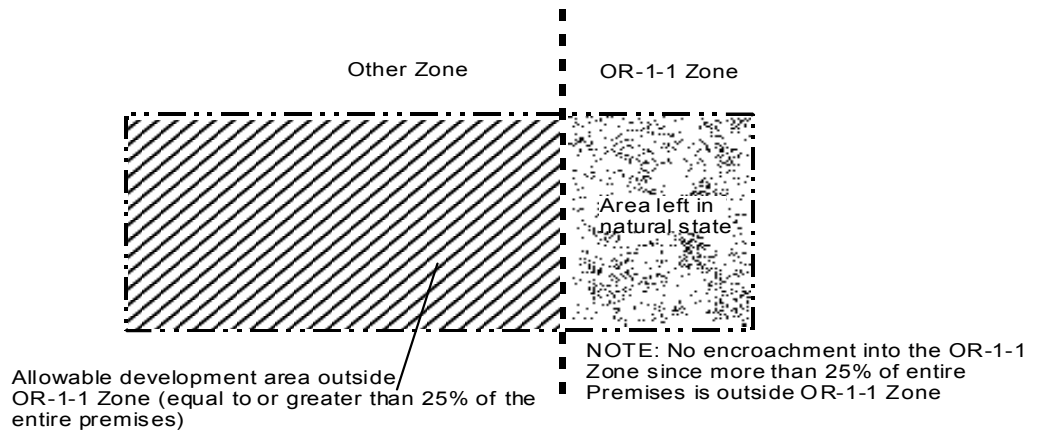
Diagram 131-02A
Allowable Development Area with Encroachment Into OR-1-1 Zone



- (B) If more than 25 percent of the *premises* is outside the OR-1-1 zone, the area outside the OR-1-1 zone may be developed and no additional development area is permitted. See Diagram 131-02B.

Diagram 131-02B

Allowable Development Area Without Encroachment into OR-1-1 Zone

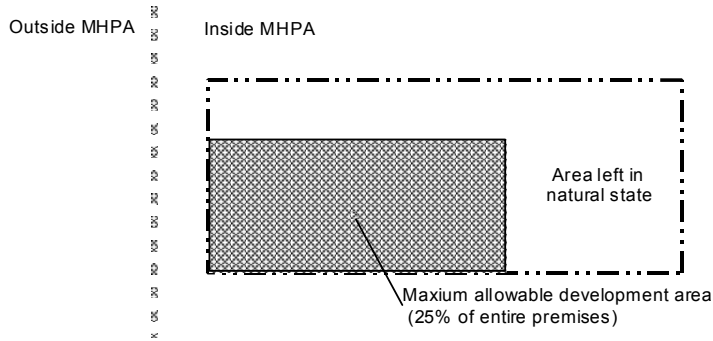


- (3) Within the Coastal Overlay Zone, only uses identified in Section 143.0130 (d) and (e) shall be permitted within *wetlands* subject to the provisions of Section 143.0141 (a) and (b).
- (4) Within the Coastal Overlay Zone, *coastal development* on *premises* with *steep hillsides* containing *sensitive biological resources*, or mapped as Viewshed or Geologic hazard on Map C-720, is subject to the encroachment limitations set forth in Section 143.0142(a).

- (b) A *premises* within the OR-1-2 zone, within or partially within the *MHPA* is subject to the following regulations:
 - (1) If the *premises* is located entirely within the boundary of the *MHPA*, a maximum of 25 percent of the site may be developed. See Diagram 131-02C.

Diagram 131-02C

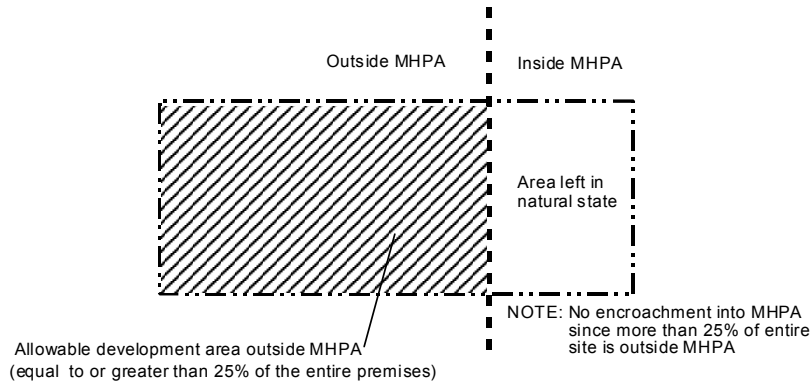
Allowable Development Area Entirely Within MHPA



- (2) If the *premises* is located partially within the boundary of the *MHPA*, any *development* proposed must occur on the portion of the *premises* not within the *MHPA*. See Diagram 131-02D. If the portion of the *premises* not within the *MHPA* is greater than 25 percent of the *premises* area, the allowable *development* area may include all of the area outside of the *MHPA*, except as limited by Sections 143.0141(b) and (g) and 143.0142(a)(2).

Diagram 131-02D

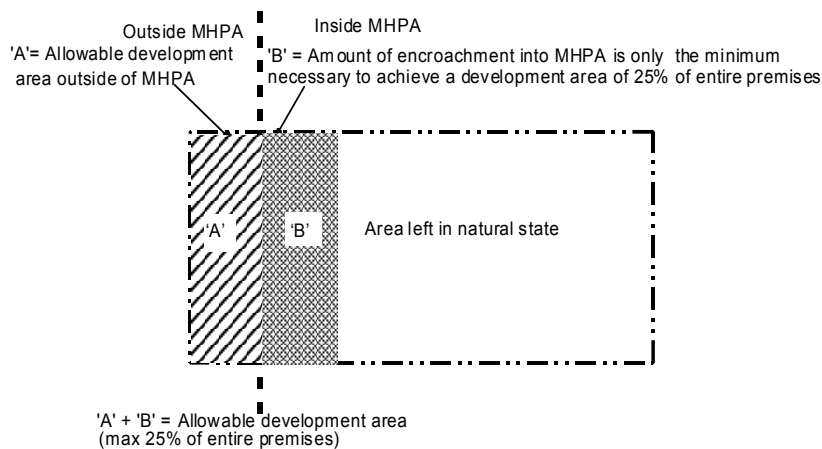
Allowable Development Area without Encroachment into MHPA



- (3) If the portion of the *premises* not within the *MHPA* boundary is less than 25 percent of the *premises* area, encroachment into the *MHPA* may be permitted to achieve a maximum development area of 25 percent of the *premises*. See Diagram 131-02E.

Diagram 131-02E

Allowable Development Area with Encroachment Into MHPA



- (4) Up to 5 percent of additional *development* area is permitted to accommodate essential public facilities only, as identified in the applicable land use plan as long as the total *development* area does not exceed 30 percent of the *premises*. This additional development area shall require mitigation.
- (5) The allowable development area shall be 1 acre for a *premises* with a total area of less than 4 acres provided the width of the *MHPA* is at least 1,000 feet where the *premises* is located. Mitigation will be required for any impacts from *development* in excess of 25 percent of the *premises* area.
- (6) The portions of the *premises* within the *MHPA* that are not included in the allowable development area shall be maintained in their natural state and may be used only for passive uses consistent with the *Multiple Species Conservation Program*.

- (7) *Development* within the OR-1-2 zone is subject to Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations) and the Biology Guidelines in the Land Development Manual.
 - (8) Any *development* within *the MHPA* shall occur in the least sensitive areas first, in accordance with the Biology Guidelines in the Land Development Manual.
 - (9) Any exception to the allowable development area regulations in this section is subject to Section 143.0150.
 - (10) Within the Coastal Overlay Zone, only uses identified in Section 143.0130 (d) and (e) shall be permitted within *wetlands* subject to the provisions of Section 143.0141 (a) and (b).
 - (11) Within the Coastal Overlay Zone, *coastal development on premises with steep hillsides containing sensitive biological resources*, or mapped as Viewshed or Geologic hazard on Map C-720, is subject to the encroachment limitations set forth in Section 143.0142(a).
- (Amended 6-12-2001 by O-18948 N.S.; effective 12-12-2001.)

EDITORS NOTE: The Land Development Manual includes:

- Coastal Bluffs and Beaches Guidelines
- Biology Guidelines
- Historical Resources Guidelines
- Submittal Requirements for Deviations within the Coastal Overlay Zone

See RR-292248 for the Coastal Bluffs and Beaches Guidelines of the Land Development Code; RR-292249 for the Biology Guidelines of the Land Development Code; RR-292250 for the Historical Resources Guidelines of the Land Development Code; RR-292251 for the Submittal Requirements for Deviations within the Coastal Overlay Zone of the Land Development Code.

§131.0260 Setback Requirements in the OR-1-1 Zone

Setbacks in the OR-1-1 Zone.

(a) *Front Setback*

- (1) For that portion of a *lot* that fronts a *cul-de-sac*, the minimum front *setback* may be reduced to 10 feet.
- (2) For *lots* where at least one-half of the front 50 feet of the *lot* depth has a minimum slope gradient of 25 percent, the *setback* closest to the *street frontage* may be reduced to a minimum of 6 feet.

(b) *Side and Street Side Setbacks*

- (1) For *lots* exceeding 50 feet in width, each side *setback* shall be at least 8 feet or 10 percent of the width of the *lot*, whichever is greater, except one side *setback* may observe 8 feet as long as the combined dimensions of both side *setbacks* equals at least 20 percent of the *lot* width.
- (2) For *lots* with 40 to 50 feet in width, each side *setback* is a minimum of 4 feet.
- (3) For *lots* with less than 40 feet in width, each side *setback* may be reduced to 10 percent of the *lot* width but shall not be reduced to less than 3 feet.
- (4) The *street side setback* is at least 10 feet or 10 percent of the *lot* width, whichever is greater.
- (5) For irregularly shaped *lots*, such as pie shaped *lots*, the *setbacks* are based on the average *lot* width for the first 50 feet of *lot* depth.
- (6) For consolidated *lots*, the width for determining *setback* requirements is the width of the *premises* after the consolidation.

(c) *Rear Setback*

The required rear *setback* is at least 20 feet, except as follows:

- (1) For *lots* with less than 100 feet in depth, the rear *setback* is at least 10 percent of the *lot* depth, but not less than 5 feet; and
- (2) For *lots* with greater than 200 in depth, the rear *setback* is at least 10 percent of the *lot* depth.

(Added 11-28-2005 by O-19444 N.S.; effective 2-9-2006.)