

Note: **Highlights** indicate changes already approved by City Council Ordinance CS-432 but that are pending review by the California Coastal.

Chapter 21.22 R-W RESIDENTIAL WATERWAY ZONE

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* **Prior ordinance history:** Ord. Nos. 9060, 9189, 9336, 9638, 9785, 9804, NS-180, NS-243, NS-274, NS-283, NS-355, NS-409, NS-662, NS-663, and NS-675.

21.22.010 Intent and purpose.

A. The intent and purpose of the R-W residential waterway zone is to:

1. Implement the **residential high density (RH) R-23 (Residential 45-19-23 du/ac)** land use designation of the Carlsbad general plan;
2. Provide an area in which residential development centered about a navigable waterway may be accommodated; and
3. Provide regulations and standards for the development of residential dwellings and other permitted or conditionally permitted uses as specified in this chapter. (Ord. NS-718 § 13, 2004)

21.22.020 Permitted uses.

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

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Table A
Permitted Uses

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

“P” indicates use is permitted. (See note 7 below)

“CUP” indicates use is permitted with approval of a conditional use permit. (See note 7 below)

1 = Minor Conditional Use Permit (Process One), pursuant to Chapter 21.42 of this title.

2 = Conditional Use Permit (Process Two), pursuant to Chapter 21.42 of this title.

3 = Conditional Use Permit (Process Three), pursuant to Chapter 21.42 of this title.

“Acc” indicates use is permitted as an accessory use.

Use	P	CUP	Acc
Accessory buildings/structures (e.g., garages, workshops, tool sheds, patio covers, decks, etc.) (see notes 1 and 2 below) (defined: Section 21.04.020)			X
Accessory dwelling unit (subject to Section 21.10.030; defined: Section 21.04.121)			X
Animal keeping (household pets) (subject to Section 21.53.084)			X
Animal keeping (wild animals) (subject to Section 21.53.085)			X
Aquaculture (defined: Section 21.04.036)		2	
Biological habitat preserve (subject to Section 21.42.140(B)(30); defined: Section 21.04.048)		2	
Boat launching/docking facilities (see note 3 below)	X		
Campsites (overnight) (subject to Section 21.42.140(B)(40))		2	
Cemeteries		3	
Churches, synagogues, temples, convents, monasteries, and other places of worship		2	
Dwelling, one-family (see note 4 below) (defined: Section 21.04.125)	X		
Dwelling, two-family (defined: Section 21.04.130)	X		
Dwelling, multiple-family (subject to Section 21.53.120 if more than 4 units are proposed; defined: Section 21.04.135)	X		
Educational institutions or schools, public/private (defined: Section 21.04.140)		2	
Employee housing (serving six or fewer persons)	X		
Family day care home (large), subject to Chapter 21.83 (defined: Section 21.04.147)			X
Family day care home (small) (subject to Chapter 21.83; defined: Section 21.04.148)			X
Farmworker housing complex, small (subject to Section 21.10.125; defined: Section 21.04.148.4)		1	
Greenhouses > 2,000 square feet (subject to Section 21.42.140(B)(70))		1	
Golf courses (see note 5 below)		3	
Home occupation (subject to Section 21.10.040)			X
Housing for senior citizens (subject to Chapter 21.84)	X		
Junior accessory dwelling unit (accessory to a one-family dwelling; subject to Section 21.10.030; defined: Section 21.04.122)			X
Mobile buildings (subject to Section 21.42.140(B)(90); defined: Section 21.04.265)		2	
Mobile home (see notes 4 and 6 below) (defined: Section 21.04.266)	X		
Packing/sorting sheds > 600 square feet (subject to Section 21.42.140(B)(70))		1	

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Use	P	CUP	Acc
Public/quasi-public buildings and facilities and accessory utility buildings/facilities (defined: Section 21.04.297)		2	
Residential care facilities (serving six or fewer persons) (defined: Section 21.04.300)	X		
Satellite TV antennae (subject to Sections 21.53.130 through 21.53.150; defined: Section 21.04.302)			X
Signs, subject to Chapter 21.41 (defined: Section 21.04.305)			X
Supportive housing (defined: Section 21.04.355.1)	X		
Temporary bldg./trailer (real estate or construction), subject to Sections 21.53.090 and 21.53.110	X		
Transitional housing (defined: Section 21.04.362)	X		
Windmills (exceeding height limit of zone) (subject to Section 21.42.140(B)(160))		1 / 2	
Zoos (private) (subject to Section 21.42.140(B)(170); defined: Section 21.04.400)		2	

Notes:

1. Private garages (defined: Section 21.04.150) shall accommodate not more than two cars per dwelling unit.
2. When associated with a two-family or multiple-family dwelling, accessory buildings shall not include guesthouses or accessory living quarters (defined: Section 21.04.165).
3. Boat launching and docking facilities are permitted only for the sole use of residents of any subdivision in which the facility is located, and which is within the R-W zone.
4. One-family dwellings are permitted when developed as two or more detached units on one lot. Also, a single one-family dwelling shall be permitted on any legal lot that existed as of October 28, 2004, and which is designated and zoned for residential use. Any proposal to subdivide land or construct more than one dwelling shall be subject to the density provisions of the general plan and intent of the underlying residential land use designation.
5. A conditional use permit is not required for a golf course if it is approved as part of a master plan for a planned community development.
6. Mobile homes must be certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 et seq.) on a foundation system pursuant to Section 18551 of the State Health and Safety Code.
7. Any use meeting the definition of an entertainment establishment, as defined in Section 8.09.020 of the Carlsbad Municipal Code (CMC), shall be subject to the requirements of CMC Chapter 8.09.

(Ord. CS-384 §§ 10, 15, 2020; Ord. CS-324 § 2, 2017; Ord. CS-249 § X, 2014; Ord. CS-224 § XVII, 2013; Ord. CS-191 § XII, 2012; Ord. CS-189 § XX, 2012; Ord. CS-164 § 10, 2011; Ord. CS-102 §§ XXXV—XXXVII, 2010; Ord. NS-791 § 16, 2006; Ord. NS-746 § 10, 2005; Ord. NS-718 § 13, 2004)

21.22.030 Building height.

No building in the R-W zone shall exceed a height of thirty-five feet. (Ord. NS-718 § 13, 2004)

21.22.040 Front yard.

Every lot shall have a front yard of not less than ten feet in depth. (Ord. NS-718 § 13, 2004)

21.22.050 Side yard.

A. Every lot shall have side yards as follows:

1. Interior lots shall have a side yard on each side of the lot of not less than four feet in width;
2. Corner lots and reversed corner lots shall have the following side yards:
 - a. On the side lot line which adjoins another lot, the side yard shall be the same as that required on an interior lot, and
 - b. On the side street side the width of the required side yard shall be eight feet. (Ord. NS-718 § 13, 2004)

21.22.060 Rear yard.

There shall be a rear yard of not less than eight feet in depth. (Ord. NS-718 § 13, 2004)

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21.22.070 Accessory structures.

- A. All accessory structures shall comply with the following development standards, except as otherwise permitted for accessory dwelling units pursuant to Section 21.10.030:
1. The lot coverage shall include accessory structures in the lot coverage calculations for the lot;
 2. The distance between buildings used for human habitation and accessory buildings shall be not less than ten feet;
 3. When proposed on a lot adjoining native vegetation, accessory structures within a fire suppression zone must be reviewed and approved by the fire department;
 4. Buildings shall not exceed one story;
 5. Building height shall not exceed fourteen feet if a minimum roof pitch of 3:12 is provided or ten feet if less than a 3:12 roof pitch is provided; and
- B. Habitable detached accessory structures shall comply with all requirements of the zone applicable to placement of a dwelling unit on a lot including setbacks.
- C. Detached accessory structures which are not dwelling units and contain no habitable space, including, but not limited to, garages, workshops, tool sheds, decks over thirty inches above grade and freestanding patio covers shall comply with the following additional development standards when located within a lot's required setback areas:
1. The maximum allowable building area per structure shall not exceed a building coverage of four hundred forty square feet;
 2. The following setbacks shall apply: a front yard setback of twenty feet, a rear yard setback of five feet, a side yard setback of five feet, and an alley setback of five feet;
 3. The maximum plumbing drain size shall be one and one-half inches in diameter so as to prohibit toilets, showers, bathtubs and other similar fixtures; and
 4. The additional development standards listed above (subsections (C)(1) through (3) of this section) shall apply to the entire subject accessory structure, not just the portion encroaching into a lot's setback area.
- D. The provisions of this section are applicable notwithstanding the permit requirements contained in Section 18.04.015. (Ord. CS-384 § 19, 2020; Ord. CS-324 § 16, 2017; Ord. NS-718 § 13, 2004)

21.22.080 Minimum lot area.

The minimum required area of a lot in the R-W zone shall not be less than five thousand square feet. (Ord. NS-718 § 13, 2004)

21.22.090 Lot width.

Every lot shall have a width of not less than forty feet at the rear line of the required front yard. (Ord. NS-718 § 13, 2004)

21.22.100 Lot coverage.

All buildings, including accessory buildings and structures, shall not cover more than seventy-five percent of the area of the lot. (Ord. NS-718 § 13, 2004)

21.22.110 Waterway access.

- A. Not less than seventy percent in number of the R-W zoned lots in any subdivision in an R-W zone shall have direct access to a navigable waterway.

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- B. For each twenty lots or portion thereof without direct access to a navigable waterway, there shall be provided a boat launching facility within the subdivision on an R-W zoned lot which does have direct access to a navigable waterway. The area of such lot not utilized for the boat launching facility shall be improved for parking and shall conform to the requirements of Sections 21.44.080 and 21.44.100.
- C. Direct access” for the purpose of this section means that at least twenty feet or one-half, whichever is the longer, of a side or rear lot line shall border upon such navigable waterway.
- D. Navigable waterway” for the purpose of this section means an ocean inlet or lagoon, or other arm of the sea, actually usable for boating; and any channel actually usable for boating and docking facilities connecting with an ocean inlet or lagoon or other arm of the sea. (Ord. NS-718 § 13, 2004)