

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

Chapter 21.24

RD-M RESIDENTIAL DENSITY-MULTIPLE ZONE*

Sections:

- 21.24.010 Intent and purpose.
- 21.24.020 Permitted uses.
- 21.24.030 Building height.
- 21.24.040 Front yard.
- 21.24.050 Side yard.
- 21.24.060 Setbacks—Subterranean parking.
- 21.24.070 Rear yard.
- 21.24.080 Yards—Structures over thirty-five feet in height.
- 21.24.090 Accessory structures.
- 21.24.100 Lot area.
- 21.24.110 Lot coverage.
- 21.24.120 Lot width.
- 21.24.130 Improvements required.
- 21.24.140 Special conditions for certain lots.

* **Prior ordinance history:** Ord. Nos. 9060, 9251, 9336, 9455, 9513, 9534, 9638, 9658, 9674, 9785, 9804, 1256, 1261, NS-186, NS-243, NS-274, NS-283, NS-355, NS-409, NS-662, NS-663, and NS-675.

21.24.010 Intent and purpose.

A. The intent and purpose of the RD-M residential density-multiple zone is to:

1. Implement the residential medium density (RM), residential medium high density (RMH) and residential high density (RH) R-8 (Residential 4-8 du/ac), R-15 (Residential 8-11.5-15 du/ac), R-23 (Residential 15-19-23 du/ac), R-30 (Residential 26.5-30 du/ac), R-35 (Residential 32.5-35 du/ac) and R-40 (Residential 37.5-40 du/ac), residential medium density (RM), residential medium high density (RMH) and residential high density (RH) land use designations of the Carlsbad general plan; and
2. 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 § 14, 2004)

21.24.020 Permitted uses.

- A. In the RD-M 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. Uses similar to those listed in Table A may be permitted if the city planner determines such similar use falls within the intent and purpose of this zone and is substantially similar to a specified permitted use.

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

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 6 below)

“CUP” indicates use is permitted with approval of a conditional use permit. (See note 6 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 (ex. garages, workshops, tool sheds, patio covers, decks, etc.) (see note 1 below) (defined: Section 21.04.020)			X
Accessory dwelling unit (accessory to a one-family dwelling only) (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	
Bed and breakfasts (subject to Section 21.42.140(B)(25); defined: Section 21.04.046)		1	
Biological habitat preserve (subject to Section 21.42.140(B)(30); defined: Section 21.04.048)		2	
Campsites (overnight) (subject to Section 21.42.140(B)(40))		2	
Cemeteries		3	
Child day care center (subject to Chapter 21.83; defined: Section 21.04.086)		1	
Churches, synagogues, temples, convents, monasteries and other places of worship		2	
Dwelling, one-family (see notes 2, and 3 and 7 below) (defined: Section 21.04.125)	X		
Dwelling, two-family (see note 7 below; defined: Section 21.04.130)	X		
Dwelling, multiple-family (see note 7 below; if the multiple-family dwelling is not subject to note 7, it shall be 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 4 below)		3	
Home occupation (subject to Section 21.10.040)			X
Housing for senior citizens (subject to Chapter 21.84)		2	
Mobile buildings (subject to Section 21.42.140(B)(90); defined: Section 21.04.265)		2	
Mobile home (see notes 2, 3 and 5 below) (defined: Section 21.04.266)	X		
Packing/sorting sheds > 600 square feet (subject to Section 21.42.140(B)(70))		1	

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

Use	P	CUP	Acc
Professional care facilities (defined: Section 21.04.295)		2	
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		
Residential care facilities (serving more than six persons) (subject to Section 21.42.140(B)(125); defined: Section 21.04.300)		2	
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		
Time-share projects (subject to Section 21.42.140(B)(155); defined: Section 21.04.357)		3	
Transitional housing (defined: Section 21.04.362)	X		
Wireless communication facilities (subject to Section 21.42.140(B)(165); defined: Section 21.04.379)		1 / 2	
Zoos (private) (subject to Section 21.41.140(B)(170); defined: Section 21.04.4000)		2	

Notes:

- 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).
- Within the **RM-R-8** land use designation, a one-family dwelling/subdivision is permitted.
- Within the **R-15RMH**, and **R-23RH**, and **R-30** land use designations, one-family dwellings are permitted when developed as two or more detached units on one lot provided the minimum density of the designation can be attained. In the R-35 and R-40 land use designations, one family dwellings are not permitted. 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, unless the lot has been rezoned by the City Council to meet RHNA requirements as detailed in the programs of the Housing Element, in which case it shall meet the minimum density of the designation. Any proposal to subdivide land or construct more than one dwelling shall be subject to the density and intent of the underlying residential land use designation.
- 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.
- Mobile homes must be certified under the National Mobilehome Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 et seq.) on a foundation system pursuant to Section 18551 of the State Health and Safety Code.
- 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.
- Housing developments that contain a minimum of 20 percent affordability to lower-income households as required by Government Code section 65583(c)(1) and 65583.2(h) and that are on specific sites rezoned by the City Council to meet RHNA requirements as detailed in the programs of the Housing Element shall be permitted "by right" as that term is defined in Government Code Section 65583.2(h) and shall be subject to the mitigation measures of Supplemental Environmental Impact Report EIR 2022-0007, certified by City Council Resolution 202X-XXX.

(Ord. CS 324 § 2, 2017; Ord. CS-249 § XI, 2014; Ord. CS-224 §§ XVIII, XIX, 2013; Ord. CS-191 § XIII, 2012; Ord. CS-189 § XXI, 2012; Ord. CS-178 § XV, 2012; Ord. CS-164 § 10, 2011; Ord. CS-102 §§ XXXVIII—XL, 2010; Ord. NS-791 § 17, 2006; Ord. NS-746 § 11, 2005; Ord. NS-718 § 14, 2004)

21.24.030 Building height.

No building shall exceed a height of thirty-five feet. When the RD-M zone implements the R-35 and R-40 land use designations, no building shall exceed a height of forty-five feet. In all designations RD-M implements, protrusions may exceed the maximum heights permitted as described in Section 21.46.020. (Ord. NS-718 § 14, 2004)

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

21.24.040 Front yard.

- A. There shall be a front yard of not less than twenty feet in depth with exceptions as follows:
1. Fifteen feet shall be permitted providing carport or garage openings do not face onto the front yard; and
 2. Ten feet shall be permitted providing carport or garage openings do not face onto the front yard, and that the remaining front yard is landscaped with a combination of flowers, shrubs, trees and irrigated with a sprinkler system. Landscape plans and irrigation system plans shall be approved by the city planner prior to issuance of a building permit for a proposed structure. (Ord. CS-164 § 10, 2011; Ord. NS-718 § 14, 2004)

21.24.050 Side yard.

- A. Every lot shall have side yard as follows:
1. Interior lots shall have a side yard on each side of the lot of not less than five feet in width;
 2. Corner lots and reversed corner lots shall have side yards as follows:
 - 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 any side of a lot which is adjacent to a street, the side yard shall be ten feet, with exception that: the required ten-foot side yard abutting a street may be reduced to five feet, providing parking spaces do not open directly onto the street and, that the side yard is landscaped and maintained as prescribed in Section 21.24.040;
 3. A zero foot side yard setback shall be permitted to one interior side yard, provided:
 - a. That the owners of both lots common to the proposed zero foot side yard are in agreement;
 - b. That the remaining side yard shall be not less than twenty-five percent of the total lot width measured at the front setback line;
 - c. That the building permit application and other permit applications required by this code (if any) for the project shall include a site plan that shows the proposed building location, parking, and side yard setback for both lots common with the proposed zero foot side yard, to the satisfaction of the city planner; and
 - d. That an easement or other recorded agreement for maintenance purposes be granted to provide access to the adjoining lot when there is no side yard. (Ord. CS-164 § 10, 2011; Ord. CS-102 § XLI, 2010; Ord. NS-718 § 14, 2004)

21.24.060 Setbacks—Subterranean parking.

Zero foot setback for subterranean parking shall be permitted provided the required setbacks for the dwelling structure are landscaped and maintained as prescribed in Section 21.24.040. (Ord. NS-718 § 14, 2004)

21.24.070 Rear yard.

There shall be a rear yard of not less than ten feet in depth. (Ord. NS-718 § 14, 2004)

21.24.080 Yards—Structures over thirty-five feet in height.

The above specified yard requirements apply only to those structures up to a height of thirty-five feet and to those structures when the RD-M Zone implements the R-35 and R-40 land use designations. For any other structure which has had its height increased by approval of a specific plan, the yards shall be increased at a ratio of one and one-half additional foot horizontally, for each eight feet of vertical construction. (Ord. NS-718 § 14, 2004)

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

21.24.090 Accessory structures.

- A. All accessory structures shall comply with the following development standards:
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. Accessory buildings, by definition, do not share a common wall with the main dwelling unit structure, except as otherwise permitted for accessory dwelling units pursuant to Section 21.10.030;
 5. Buildings shall not exceed one story; and
 6. 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.
- B. Accessory dwelling units constructed above detached garages, pursuant to Section 21.10.030 are not subject to the one-story/fourteen-foot height limitation imposed on accessory structures.
- C. Habitable detached accessory structures shall comply with all requirements of the zone applicable to placement of a dwelling unit on a lot including setbacks, except as otherwise permitted for accessory dwelling units pursuant to Section 21.10.030.
- D. 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 D.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.
- E. The provisions of this section are applicable notwithstanding the permit requirements contained in Section 18.04.015. (Ord. CS 324 § 17, 2017; Ord. NS-718 § 14, 2004)

21.24.100 Lot area.

- A. The minimum required area of a lot in the RD-M zone, when the zone implements the **R-8 RM** land use designation, shall be as follows:
1. For one-family dwellings: a lot area not less than six thousand square feet; and
 2. For two-family and multiple dwellings: a lot area not less than ten thousand square feet, except that the joining of two smaller lots shall be permitted although their total area does not equal the required lot area.
- B. The minimum lot area of a lot in the RD-M zone, when the zone implements the **R-15 RMH, or R-23 RH, R-30, R-35 or R-40** land use designations, shall not be less than ten thousand square feet, except that the joining of two smaller lots shall be permitted although their total area does not equal the required lot area. (Ord. NS-718 § 14, 2004)

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

21.24.110 Lot coverage.

All buildings, including accessory buildings and structures, shall cover no more of the lot than sixty percent. (Ord. NS-718 § 14, 2004)

21.24.120 Lot width.

Every lot shall have a width of not less than sixty feet at the rear line of the required front yard. (Ord. NS-718 § 14, 2004)

21.24.130 Improvements required.

- A. Prior to an occupancy permit being issued by the community and economic development director for any new units constructed in the RD-M zone, it shall be necessary for the developer to upgrade or install those public improvements deemed necessary for public convenience and necessity.
- B. Improvements as may be required by the city engineer shall be constructed to city standards and specifications.
- C. In such case where there are not adjacent improvements or official street grade has not been established, the city engineer may recommend to the city council that a future street improvement agreement be entered into. (Ord. CS-164 § 14, 2011; Ord. NS-718 § 14, 2004)

21.24.140 Special conditions for certain lots.

- A. In approving a site development plan, planned development permit, tentative map or other discretionary permit, for a property located in the RD-M zone and adjacent to an R-1 zone, the planning commission or city council may impose special conditions or requirements that include but are not limited to provisions for the following:
 - 1. Special setbacks, yards, open space;
 - 2. Special height and bulk of building regulations;
 - 3. Additional landscaping;
 - 4. Signs, fences and walls;
 - 5. Special grading restrictions;
 - 6. Regulation of point of ingress and egress;
 - 7. Compatibility with surrounding properties and land uses; and
 - 8. Such other conditions as deemed necessary to ensure conformity with the general plan and other adopted policies, goals or objectives of the city. (Ord. NS-718 § 14, 2004)