

ORDINANCE NO. 2020-31R

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AMENDING ARTICLE 1 OF CHAPTER 32 OF THE MUNICIPAL CODE; AND ARTICLE 1 (GENERAL PROVISIONS AND DEFINITIONS), ARTICLE 6 (RESIDENTIAL ZONES), ARTICLE 16 (COMMERCIAL ZONES), ARTICLE 26 (INDUSTRIAL ZONES), ARTICLE 39 (OFF-STREET PARKING), ARTICLE 40 (HISTORICAL RESOURCES), ARTICLE 57 (MISCELLANEOUS USE RESTRICTIONS), AND ARTICLE 70 (ACCESSORY DWELLING UNITS) OF THE ESCONDIDO ZONING CODE

APPLICANT: City of Escondido
PLANNING CASE NO.: PL 20-0636

The City Council of the City of Escondido, California, DOES HEREBY ORDAIN as follows:

SECTION 1. That proper notices of a public hearing have been given and public hearings have been held before the Planning Commission and City Council on this issue.

SECTION 2. The Planning Commission conducted a public hearing on November 10, 2020, to discuss and consider proposed amendments to the Municipal Code and Zoning Code; considered public testimony; and made a recommendation to the City Council.

SECTION 3. The City Council has duly reviewed and considered all evidence submitted at said hearings, including, without limitation:

- a. Written information;
- b. Oral testimony from City staff, interested parties, and the public;

- c. The staff report, dated December 16, 2020, which along with its attachments is incorporated herein by this reference as though fully set forth herein; and
- d. Additional information submitted during the Public Hearing.

SECTION 4. That upon consideration of the staff report, Planning Commission recommendation, Planning Commission staff report, all public testimony presented at the hearing held on this project, and the "Findings of Fact," attached as Exhibit "A" to this Ordinance and incorporated herein by this reference as though fully set forth herein, this City Council finds the Municipal Code and Zoning Code Amendments are consistent with the General Plan.

SECTION 5. This action is exempt from environmental review pursuant to California Environmental Quality Act Guidelines ("CEQA" and "CEQA Guidelines") by statutory and categorical exemptions. Because the project includes provisions that restate existing law, includes organizational and administrative actions, and breaks no new legal ground, the project is covered pursuant to several classes of exemption (CEQA Guidelines sections 15301 and 15304). The portion of the proposed code amendments that relate to accessory dwelling units are statutorily exempt from CEQA pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines Section 15282(h), which exempts adoption of ordinances regarding accessory dwelling units. The project is also covered by CEQA Guidelines Section 15061(b)(3), "common sense rule," in that by its general nature, the project is an activity undertaken that has no potential for a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

SECTION 6. That the specified sections of the Municipal Code and Zoning Code are amended as set forth in Exhibit “B” to this Ordinance and incorporated herein by this reference as though fully set forth herein.

SECTION 7. SEPARABILITY. If any section, subsection sentence, clause, phrase or portion of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions.

SECTION 8. That as of the effective date of this Ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed. Renumbering and relabeling of existing ordinance title, chapter, article, and/or section headings by this ordinance does not affect the continuing validity of existing laws. Any existing reference to an ordinance, title, chapter, article, or section heading which is renumbered or relabeled by this ordinance must be construed to apply to the corresponding provisions contained within this ordinance.

SECTION 9. The adoption of this ordinance is not intended to affect or disrupt the continuity of the City of Escondido’s (“City”) business or administration of its law, including but not limited to the following:

- Actions and proceedings that began before the effective date of this ordinance;
- Prosecution for ordinance violations committed before the effective date of this ordinance; and/or
- The amount, or collection, of license, fee, penalty debt, forfeiture, or obligations due and unpaid as of the effective date of this ordinance.

SECTION 10. That the City Clerk is hereby directed to certify to the passage of this Ordinance and to cause the same or a summary to be prepared in accordance with Government Code Section 36933, to be published one time within 15 days of its passage in a newspaper of general circulation, printed and published in the County and circulated in the City of Escondido.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Escondido at a regular meeting thereof the 13th day of January, 2021 by the following vote to wit:

AYE : Councilmembers: GARCIA, INSCOE, MARTINEZ, MORASCO, MCNAMARA

NOES : Councilmembers: NONE

ABSENT : Councilmembers: NONE

APPROVED:

DocuSigned by:
Paul McNamara
CAACE20782954D3
PAUL MCNAMARA, Mayor of the
City of Escondido, California

ATTEST:

DocuSigned by:
Zack Beck
A58535D0BDC1430...
ZACK BECK, City Clerk of the
City of Escondido, California

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO : ss.
CITY OF ESCONDIDO)

I, Zack Beck, City Clerk of the City of Escondido, hereby certify that the foregoing ORDINANCE NO. 2020-31R passed at a regular meeting of the City Council of the City of Escondido held on the 13th day of January, 2021, after having been read at the regular meeting of said City Council held on the 16^h day of December, 2020.

DocuSigned by:
Zack Beck
A58535D0BDC1430...
ZACK BECK, City Clerk of the
City of Escondido,
California

ORDINANCE NO. 2020-31R

PL 20-0636

FACTORS TO BE CONSIDERED / FINDINGS OF FACT

Municipal and Zoning Code Amendment Determinations:

1. Over the years, staff and customers have found certain sections of the Municipal Code and Zoning Code are vague, unclear, or conflicting, which results in confusion and disagreement in code interpretation. It is important that the City of Escondido review policies and procedures on an on-going basis to ensure a customer-focused government through transparent services and positive organizational culture.
2. The Planning Division maintains a regular process and schedule for maintaining the City's codes and regulations. Those issues that have been identified are being addressed as part of this clean-up effort, whereby all code amendments have been combined in a single batch, called an omnibus. Additional items to correct or improve the Zoning Code may be considered in the next annual omnibus code clean-up cycle.
3. The Planning Commission's recommendation is based on applicable factors pursuant to Section 33-1263 of the Escondido Zoning Code. The public health, safety, and welfare would not be adversely affected by the proposed batch of Zoning Code Amendments because they correct internal inconsistencies, improve readability, update references to other code sections or regulatory documents, codify prior interpretations, and make the code consistent with changing state or federal regulations. The proposed batch of Zoning Code amendments would be consistent with the goals and policies of the General Plan because they address changes in state laws, correct errors, and improve existing regulations to eliminate uncertainty for staff, customers, and the public. This effort is not intended to be a comprehensive update to the local code or change land use densities or intensities. The proposed Zoning Code amendments do not conflict with any specific plan.

PROPOSED ZONING CODE AMENDMENTS

PL 20-0636

CHAPTER 32. SUBDIVISIONS.

ARTICLE 1. GENERAL PROVISIONS.

Sec. 32.102. Definitions.

DENSITY: The number of residential dwelling units per acre of lot area excluding areas of remainder parcels, areas of nonresidential development, the panhandle portion of a flag lot, and areas of dedication for street rights-of-way, adjustments for floodways as defined by the Federal Emergency Management Agency (FEMA — see Flooding Map) or the City, slope categories, and other environmental factors as designated.

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS

Sec. 33-6. Interpretation.

(a) In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public peace, health, safety, convenience, comfort, prosperity or general welfare.

(1) The provisions of this Zoning Ordinance apply to all zones and all uses of land unless otherwise stated. The provisions shall be regarded and applied as the minimum requirements and maximum potential limits for the promotion of public health, safety, comfort, convenience, and general welfare of the City and its residents. When this Zoning Ordinance provides for discretion on the part of a City official or body, that discretion may be exercised to impose more stringent requirements than identified in this Zoning Ordinance, as may be necessary to promote orderly land use development and the purposes of this Zoning Ordinance.

(2) Any provisions of an adopted specific plan related to subjects contained in the Zoning Ordinance shall prevail over the provisions of the Zoning Ordinance to the extent of any conflict between the Zoning Ordinance and the specific plan.

(3) It is not intended by this chapter to abrogate, annul, impair or interfere with any existing or future provision of law or ordinance or with any easements, covenants or other agreements between parties; provided, however, that where this chapter imposes a greater restriction upon the use or occupation of buildings or premises or upon the height or location of buildings or structures or upon the lot area per family, size of yards and open spaces, number of garages or other requirements whatsoever, than is imposed or required by such existing laws, ordinances, easements, covenants or agreements, the provisions of this chapter shall govern.

(b) The Director shall have the responsibility and authority to interpret the meaning and applicability of all provisions and requirements of this Zoning Ordinance. Whenever the Director

determines that the meaning or applicability of any of the requirements of this Zoning Ordinance are subject to interpretation generally, or as applied to a specific case, the Director may issue an official interpretation. In any case where there is difficulty in interpreting and applying the provisions of this chapter to any specific case or situation, the Planning Commission shall upon request interpret the intent of this chapter by written policy and said interpretation shall be followed in applying said provisions.

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS

Sec. 33-7. Permits and licenses required.

(a) All departments, officials or public employees vested with the duty or authority to issue permits or licenses where required by law shall conform to the provisions of this chapter. No such license or permit for uses, buildings, or purposes where the same would be in conflict with the provisions of this title shall be issued. Any such license or permit, if issued in conflict with the provisions hereof, shall be null and void.

(b) Permits and licenses.

(1) Building permits, pursuant to Chapter 6 of the Municipal Code.

Before commencing any work pertaining to the erection, construction, reconstruction, moving, conversion, alteration or addition to any building or structure within the City of Escondido, a permit for each separate building or structure shall be secured from the building official of said city by the owner or his or her agent for said work, and it is unlawful to commence said work until and unless said permit shall have been obtained.

(A) An approved final building inspection from the building division shall be obtained prior to any use or occupancy of the building or structure or portion thereof.

(B) Certificate of occupancy required. No occupancy of a building or structure, or a proposed use of a building or structure, can occur before a certificate of occupancy is approved and issued and the project complies with all state building regulations and provisions of this Zoning Ordinance. A temporary certificate of occupancy may be issued by the building division when determined appropriate, subject to the approval of the City Building Official.

(2) Business licenses, pursuant to Chapter 16 of the Municipal Code.

Every person engaged or intending to engage in any calling, business, occupation, or profession, in whole or in part, including the exercise of any corporate or franchise powers, within the limits of the City, whether or not an office or physical location for the business lies within the City, is required to pay an annual license fee for the privilege of doing any business and obtain a business license.

(A) No person shall be entitled or authorized to engage in business within the City until such time as the Director has approved and issued a business license pursuant to the terms of Chapter 16.

(B) Business licenses are issued for revenue purposes. The issuance or possession of a license confers no rights or privileges and only serves to prove that a business license fee has been paid for the period specified on the license certificate. Licenses are not deemed

regulatory in any way and are not proof of compliance with zoning, building or any other regulations of the city.

(C) Certain business types may require additional review and approval from other departments or agencies.

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS

Sec. 33-8. Definitions.

Note: New definitions to be inserted or replaced, maintaining the sequencing of the existing alphabetical order.

Alley means any public thoroughfare, having a width of not more than thirty (30) feet. An alley shall not be considered a street for the purposes of calculating building or structure setbacks or height.

Density means the number of residential dwelling units per acre of lot area but shall exclude areas of remainder parcels; areas of nonresidential development; the panhandle portion of a flag lot; and areas of dedication for street rights-of-way, adjustments for floodways as defined by the Federal Emergency Management Agency (FEMA — see Flooding Map) or the City, slope categories, and other environmental factors as designated. Minimum and maximum density calculations for an individual site shall utilize the net lot area to determine the applicable number of dwelling units. Any density calculation that results in a fractional unit shall be rounded down to the next whole number.

Floor area means the total area of all floors and interior habitable area of a building included within the outside faces of the building's exterior walls, exclusive of basement and attic storage space and areas within a building used for the parking of vehicles.

Floor area ratio (also FAR) is the ratio of a building's floor area divided by the net lot area. FAR is expressed as a decimal unit.

Guest house means any living quarters that is no more than 1,000 square feet within a detached accessory building for the sole use of persons employed on the premises or for temporary use by guests of the occupants of the premises, which living quarters have no kitchen facilities and are not rented or otherwise used as a separate dwelling.

Kitchen means any portion of an accessory living quarters arranged for or conducive to the preparation or cooking of food, by the inclusion of a sink, garbage disposal, hot water line, and dishwasher; place of not less than 10 cubic feet to accommodate a refrigerator; 220 AC or 240-volt electrical outlet or stove; storage cabinets and counter space that are of reasonable size in relation to the building; and any other item required by the Building Code. An *efficiency kitchen* shall be considered to have the same features as a kitchen, but is smaller in size and scope in

relation to the land use activity or building. At a minimum, the size and scope of an efficiency kitchen should meet or exceed the following criteria: a sink with a maximum waste line of 1.5 (1 1/2) inches, a cooking facility with appliances that has electrical service of 120 volts, a food preparation counter, and storage cabinets.

Lot means:

(1) A parcel of real property shown as a delineated parcel of land with a number and other designation on the final map of subdivision recorded in the office of the county recorder of San Diego County; or

(2) A parcel of land, the dimensions or boundaries of which are defined by a record of survey maps recorded in the office of the county recorder of San Diego County in accordance with the law regulating the subdivision of land; or

(3) A parcel of real property not delineated as in subsection (1) or (2) of this definition, and containing not less than the prescribed minimum area required in the zone in which it is located and which abuts at least one (1) public street or easement which the planning commission has designated adequate for access purposes, and is held under one (1) ownership.

(4) The various definitions in this category are as follows:

(A) *Lot area (gross)* means the total area measured in a horizontal plane, included within the lot lines of a lot or parcel of land.

(B) *Lot area (net)* means lot area excluding areas of remainder parcels, areas of nonresidential development, the panhandle portion of a flag lot, and areas of dedication for street rights-of-way; adjustments for floodways as defined by the Federal Emergency Management Agency (FEMA — see Flooding Map) or the City; slope categories; and other environmental factors as designated. The net lot area shall be used in the calculation of minimum allowed residential density, project floor area/lot coverage calculations, and other standards or requirements as so specified.

(C) *Lot coverage* means the total horizontal area of a lot, parcel or building site covered by any building which extends more than three (3) feet above the surface of the ground level and including any covered car parking spaces. Covered patios shall not be considered as lot coverage provided that said patio is not more than fifty (50) percent enclosed.

(D) *Lot depth* means the horizontal length of a straight line connecting the bisecting points of the front and the rear lot lines.

(E) *Lot width* means the horizontal distance between the side lot lines measured at right angles to the line comprising the depth of the lot at a point midway between the front and rear lot lines.

(F) *Cul-de-sac lot* means an interior lot taking access from and having frontage primarily on the bulb of a cul-de-sac.

(G) *Flag lot* means a lot in the approximate configuration of a flag pole, panhandle, or sign post, with the pole or post functioning primarily as an access way to the main body of the lot from the street of access, meeting the requirements of Section 33-1084. In determining setbacks for a flag lot, the handle or access portion of the lot shall not be used to determine building setbacks. The Director shall determine the front, side, and rear of a flag lot for the purposes of

identifying setbacks and yards, guided by the relationship of the lot and to surrounding lots and structures.

Low Barrier Navigation Center means a low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. *Low Barrier* means best practices to reduce barriers to entry, as further defined in Government Code section 65660.

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS

Sec. 33-14. Zoning districts.

(a) In order to carry out orderly growth and development in the city, this chapter provides for various zoning classifications (e.g., R-1, R-2, R-3, etc.) in order to promote and protect the public health, safety, convenience and general welfare of the inhabitants, and through the orderly and planned use of land resources which are presently a part of said city, or which may become a part thereof in the future.

(b) The boundaries of all zones shall be shown on an "official zoning map" maintained by the Director, which is made a part of this chapter. Whenever the boundaries of zones are changed, or property is reclassified to another zone pursuant to Article 61, the Director shall alter the official zoning map to reflect such changes.

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS

Sec. 33-15. Zoning district boundary uncertainty.

In the event of any conflict between the official zoning map and any legal description or other designation of the boundary or boundaries of any zoning district, or where any uncertainty exists as to the boundary or boundaries of any zoning district shown on the official zoning map, the official zoning map shall prevail and the location of such boundary or boundaries shall be fixed as follows:

(a) Where such boundaries are indicated by scales as approximately following street, alley or lot lines in existence at the time the zoning district map(s) was adopted, such lines shall be construed to be such boundaries.

(b) Where any public street, alley or any private right-of-way or easement of any railroad, railway, canal, transportation or public utility company is vacated or abandoned, the existing zone which abuts said land shall apply to such vacated or abandoned property, then each such zone shall be considered to extend to the centerline of said vacated or abandoned property.

(c) In unsubdivided land or where a zoning district boundary divides a parcel, the location of such boundary, unless same is indicated by dimensions, shall be determined by use of the scale appearing on the map

ARTICLE 6. RESIDENTIAL ZONES

Sec. 33-95. Permitted accessory uses and structures.

(a) Accessory uses and structures are permitted in residential zones, provided they are incidental to, and do not substantially alter the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, those listed in Table 33-95.

(1) When provided by these regulations, it shall be the responsibility of the Director to determine if a proposed accessory use is necessarily and customarily associated with, and is appropriate, incidental, and subordinate to, the principal use, based on the Director's evaluation of the resemblance of the proposed accessory use to those uses specifically identified as accessory to the principal uses and the relationship between the proposed accessory use and the principal use.

ARTICLE 6. RESIDENTIAL ZONES

Sec. 33-102. Accessory building setback requirements.

(a) Accessory buildings or structures that are attached to the main building shall conform to the front, side, or rear yard setback requirements of the underlying zone for the main building, except as specified herein.

(1) Patios, when enclosed on three (3) sides or less may extend into the rear setback a maximum of fifty (50) percent of the required depth of that setback, pursuant to Section 33-1079.

(2) Allowed projections into setbacks pursuant to Section 33-104.

(3) Animal enclosures pursuant to Section 33-145 and Section 33-146.

(b) Detached accessory buildings or structures.

(1) Front yard setbacks. Detached accessory buildings shall conform to the front yard setback requirements of the underlying residential zone.

(2) Side yard setbacks for detached accessory buildings.

(A) The interior side setback of any detached accessory building located less than seventy (70) feet from the front property line in single- and multi-family zones, or fifty (50) feet from the front property line in the R-T zone (unless superseded by Title 25), shall be the same as that required for the main building, pursuant to Table 33-100.

(B) A detached accessory building may be located on a side property line ~~which~~that is not contiguous to a street if, and only if, all of the following conditions are met:

(i) The building is located seventy (70) feet, or more, from the front property line (fifty (50) feet in the R-T zone, unless superseded by Title 25); and

(ii) Has facilities for the discharge of all roof drainage onto the subject lot or parcel of land; and

(iii) The building does not require a building permit.

(C) A detached accessory building shall have a minimum side setback of ten (10) feet for a side property line which is contiguous to a street.

(D) A detached accessory building having direct vehicular access from an alley shall be located not less than twenty-five (25) feet from the edge of the alley farthest from the building.

(E) A detached accessory building that is seventy (70) feet or more from the front property line in single- and multi-family zones, or fifty (50) feet in the R-T zone, but which does not meet the requirements of subsection (B) above, may not be located closer than five (5) feet from the interior side property line in single- and multi-family zones, or three (3) feet in the R-T zone (unless superseded by Title 25).

(3) Rear yard setbacks.

(A) No detached accessory building shall be situated on the rear property line in the R-T zone unless superseded by Title 25.

(B) A detached accessory building may be located on the rear property line in all residential zones (except the R-T zone) if, and only if, all the following conditions are met:

(i) The building does not require a building permit; and

(ii) Has facilities for the discharge of all roof drainage onto the subject lot or parcel of land.

(C) For detached accessory buildings that do not meet the conditions listed in subsection (B), a building(s) may be located within a required rear yard setback area in all residential zones, but only in the following circumstances:

(i) In the R-A and R-E zone districts, a building(s) may be located within a required rear yard setback area provided that such building(s) is located no closer than ten (10) feet to a rear lot line, and shall not cover more than fifty (50) percent of the width of the rear setback area.

(ii) In all other single-family and multi-family zones (except the R-T zone), the building(s) may be located within the rear yard setback provided that a minimum of five (5) feet is maintained, and a building(s) shall not cover more than fifty (50) percent of the width of the rear setback area. Additional usable open space requirements may apply on the premises, depending on the requirements of the underlying zoning district.

(D) An accessory building having direct vehicular access from an alley shall be located not less than twenty-five (25) feet from the edge of the alley farthest from the building.

(E) On a reverse corner lot the rear property line of which is also the side property line of the contiguous property, an accessory building shall be located not less than five (5) feet from the rear property line.

(c) Accessory dwelling units (attached or detached) shall conform to the front, side, and rear yard setback requirements of the underlying residential zone for the main building, unless otherwise permitted by Article 70.

ARTICLE 6. RESIDENTIAL ZONES

Sec. 33-103. Accessory buildings and building requirements.

(a) Accessory buildings located within a required side or rear yard setback area for the primary structure shall be limited to one (1) story and sixteen (16) feet in height.

(b) Accessory buildings are subject to the property development standards as set forth in Section 33-107, building requirements, generally.

(1) In addition to the restrictions of Section 33-107, a guest house or accessory dwelling unit shall not have a total floor area that exceeds fifty (50) percent of the existing living area of the main building, unless otherwise permitted pursuant to Article 70.

(2) A guest house may be attached to an accessory dwelling unit provided that the overall combined floor area of the combined building or structure does not exceed seventy-five (75) percent of the main unit.

(c) The minimum distance between the residence (or main building) and a detached accessory building shall be ten (10) feet. If the residence (or main building) and detached accessory building are both one (1) story in height, then the minimum separation requirement may be reduced to five (5) feet. A minimum of five (5) feet is maintained for clear access between the detached accessory building and any other building or structure.

(d) Nothing in this section or in Section 33-107 shall be construed to limit the development of an accessory dwelling unit in the location and manner as specified by Article 70.

ARTICLE 6. RESIDENTIAL ZONES

Sec. 33-107. Building requirements, generally.

Table 33-107

Note: New footnote added to minimum distance building requirements.

Building Requirements	R-A	R-E	R-1	R-2	R-3	R-4	R-5	R-T*
Minimum distance between residence and accessory buildings (feet)	10 ⁵	10 ⁵	10 ⁵	10 ⁵	10 ⁵	10 ⁵	10 ⁵	10 ⁵

Notes:

- Buildings or structures in excess of one (1) story and located adjacent to single-family zoned land, shall provide a setback equal to the abutting setback required by the single-family zone standards, plus five (5) additional feet for each story over two (2) on the property line(s) abutting the single-family zone(s) as noted in sections 33-100 and 33-101. Additionally, building features such as windows, doors, balconies, etc., bulk and scale shall not adversely affect the adjacent single-family property.

- 2 Area is exclusive of porches, garages, carports, entries, terraces, patios or basements.
 - 3 FAR is the numerical value obtained by dividing the total gross floor area of all buildings on the site by the total area of the lot or premises.
 - 4 Except that the maximum FAR for the RE-20 zone shall be 0.5; and for the RE-170 and RE-210 zones the maximum FAR shall be 0.3.
 - 5 Pursuant to Section 33-103(c), if the residence (or main building) and detached accessory building are both one (1) story in height, then the minimum separation requirement may be reduced to five (5) feet, unless a greater distance is required by local building and fire code requirements for fire separation.
- * Requirements apply unless superseded by Title 25.

ARTICLE 16. COMMERCIAL ZONES

Sec. 33-332. Principal land uses.

Table 33-332 PERMITTED AND CONDITIONALLY PERMITTED PRINCIPAL USES

Note: The following use category to be deleted.

Use Title	CG	CN	CP
Mobilehome parks or travel trailer parks* (Articles 45 & 46)	G		

Note: The following "Car-wash, polishing, vacuuming, or detailing" use category to be modified.

Use Title	CG	CN	CP
Car-wash, polishing, vacuuming, or detailing (primary or accessory use)* (Article 57)	C		

Note: The following use category to be added.

Use Title	CG	CN	CP
Low Barrier Navigation Center (only in mixed use overlay areas that are zoned for mixed use and nonresidential zones permitting multi-family uses)	P	P	P

ARTICLE 16. COMMERCIAL ZONES

Sec. 33-333. Permitted accessory uses and structures.

(a) Accessory uses and structures are permitted in commercial zones, provided they are incidental to, and do not substantially alter the operating character of the permitted principal use or structure as determined by the director of community development. Such permitted accessory uses and structures include, but are not limited to, those listed in Table 33-333.

(1) When provided by these regulations, it shall be the responsibility of the Director to determine if a proposed accessory use is necessarily and customarily associated with, and is appropriate, incidental, and subordinate to the principal use, based on the Director's evaluation of the resemblance of the proposed accessory use to those uses specifically identified as accessory to the principal uses and the relationship between the proposed accessory use and the principal use.

Article 19. PLANNED DEVELOPMENT ZONE

Sec. 33-401. General provisions and standards for planned development.

(a) In the event of conflict between any other provision of the Escondido Zoning Code and a requirement of a planned development zone, the requirement of the planned development zone shall prevail.

(b) Planned development zones shall only be established on parcels of land which are suitable for and of sufficient size to be planned and developed in a manner consistent with the purposes of this article.

(c) Planned development zones shall be in conformity with the Escondido General Plan and any applicable specific plans. A planned development zone shall not be adopted without findings that the proposed planned development conforms to such plans and policies relative to compliance with the general location, amounts and densities of such uses as set forth in the Escondido General Plan; or in any applicable specific plans.

(d) Planned development zones may combine a variety of land uses. Mixed uses may include any skillful combination of residential, commercial, industrial and agricultural uses, and may occur among or within buildings as long as the uses are compatible with each other and with existing and potential uses surrounding the zone.

(1) To ensure that the purpose and provisions of a formally adopted zoning district or specific plan of record shall be conformed to, land use activities shall be limited exclusively to such uses as are permitted or conditionally permitted in the underlying zone or specific plan to which the site is classified.

(e) Compliance with the requirements of a master development plan is necessary for any person or public agency to lawfully establish, construct, occupy, maintain, reconstruct, alter, expand, or replace any use of land or structure within the planned development zone.

(1) The zoning standards in effect immediately prior to the planned development zoning, if consistent with the underlying General Plan designation, shall apply regarding specified properties within a planned development zone that are not associated with a master development plan. Otherwise, those properties not associated with a master development plan shall be subject to the nonconforming use provisions of Article 61.

(f) The general provisions, conditions, and exceptions applicable to all zoning districts and specific plans shall be applied as presented to all sites in a planned development zone, unless a different regulation or standard is prescribed and enacted as part of this article.

(1) Development standards including, but not limited to, area, coverage, light and air orientation, building height, sign placement and design, site planning, street furniture placement and design, yard requirements, open spaces, off-street parking and screening for planned developments, shall be governed by site-specific standards which shall be adopted as part of the zone. Such standards shall result in a superior development that presents enhanced design in all facets of the project (site, architecture, materials, amenities, landscaping, etc.) for an overall high quality planned development.

ARTICLE 26 INDUSTRIAL ZONES

Sec. 33-564. Land Uses. Table 33-564 PERMITTED AND CONDITIONALLY PERMITTED PRINCIPAL USES

Note: The following "car-wash, polishing, vacuuming, or detailing" use category to be modified.

Use Title	I-O	M-1	M-2	I-P
Car-wash, polishing, vacuuming, or detailing (primary or accessory use) (subject to Article 57)		C	C	

Article 39. OFF-STREET PARKING

Sec. 33-765. Parking spaces required.

Note: The following "car dealerships or motor vehicle, machinery sales and repair garages" use category to be modified.

Machinery sales and repair garages	One (1) parking space for each one thousand (1,000) square feet of display floor area; one (1) space for each eight hundred (800) square feet of storage area; and one (1) space for each two hundred fifty (250) square feet of garage floor area.
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Note: The following use category to be added.

Emergency Shelter	Two (2) spaces per facility plus one (1) space for each employee. Emergency shelters must also provide adequate provisions for loading and unloading or pick-up and drop-off zones.
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Car dealerships and motor vehicle sales (excluding motorcycles)	<p>Indoor space: one (1) parking space for each two thousand (2,000) square feet of floor area.</p> <p>Outdoor space: Employee and customer parking of no fewer than three (3) spaces shall be provided at a minimum, provided that one (1) additional employee/customer parking space shall be required for each additional twenty (20) spaces used for outdoor storage or outdoor display. Exceptions to these requirements may be reviewed and considered as part of a CUP.</p>
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ARTICLE 40. HISTORICAL RESOURCES

Sec. 33-798. Permits and permit procedures.

(e) Review processes. Following the planning division's receipt of a complete application, the director shall determine the appropriate review process as follows:

(1) Minor projects. Minor projects shall be subject to planning division staff review.

Minor projects include:

(A) Placement or removal of exterior objects and the restoration and exterior changes to materials (siding, brick, stucco, metal, etc.) and structures including porches (columns, cornices), roofs (covering, change in shape), any painting of exterior surfaces, satellite dishes, solar collectors, freestanding walls, fences and retaining walls, and any modifications to historical signs; and

(B) The following projects involving historic resources listed on the local register and property located within an historical overlay district: painting of exterior surfaces, restoration and exterior changes to architectural details and decorative elements (fish scale, shingles, dentils, shutters), porches (trim, railing, ornamentation), exterior staircases, exterior doors, windows, skylights, mechanical systems (window units, exhaust fans, vents), storm windows and doors, security grilles, and fire escapes.

Article 57. MISCELLANEOUS USE RESTRICTIONS

Sec. 33-1109. Swimming pools.

(a) Definition. As used in this section, a swimming pool is any confined body of water, located either above or below the finished grade of the site, which exceeds one hundred (100) square feet in surface area and two (2) feet in depth, and which is designed, used or intended to be used for swimming or bathing purposes. The provisions of this section do not apply to indoor pools.

(b) Front, side and rear yards.

(1) All swimming pools constructed after the effective date of the ordinance codified in this article shall be subject to the front yard and side yard setback requirements as set forth in

the applicable zoning regulation, but in no case shall a swimming pool be located closer than five (5) feet from any property line;

(2) Tanks, heating, filtering and pumping equipment shall be subject to the front yard and side yard setback requirements of the applicable zone, except that such accessories may be located within such required yards if installed entirely below the finished grade of the site and covered with a permanent protective cover. In the rear yard, tanks, filtering and pumping equipment must provide at least a five (5) foot separation to the rear lot lines.

(3) No single pool or combination of pools or spas shall cover more than fifty (50) percent of the required lot area, pursuant to Section 33-1079.

(c) Fence requirements and protection measures against drowning.

(1) Every swimming pool shall be enclosed by a natural barrier, wall, fence and/or other structure having a minimum height of five (5) feet and constructed or situated so as to prevent unauthorized entrance thereto. Such fence, structure or wall shall not occupy a front yard required by applicable zoning regulations but may occupy a side or rear yard so required;

(A) The enclosing wall or fence shall comply as an enclosure as defined in the Swimming Pool Safety Act (Health and Safety Code section 115923) and the International Swimming Pool and Spa Code;

(B) The fence, gate and all other protective devices shall meet all fire exit requirements and other applicable provisions of law; and

(C) Public pools and pools associated with multi-family facilities are subject to pool enclosure and safety feature provisions regulated by the Department of Environmental Health.

(2) Swimming pools require the following measures against drowning or injury:

(A) At least two (2) non redundant additional safety features listed in Health and Safety Code section 115922, accepted by the City Building Official; and

(B) Other safety feature provisions deemed necessary by the City Building Official for entrapment avoidance.

(d) Variances and exemptions. The building inspector may waive the fencing requirements of this section upon an adequate showing that an alternative safeguard against unauthorized entry to the swimming pool exists or will be provided, and that the physical conditions of the site make the erection of a fence or wall impractical.

Article 57. MISCELLANEOUS USE RESTRICTIONS

Sec. 33-1114. Vehicle sales, vehicle repair services, fleet storage and tow yard storage, and junkyards and wrecking yards.

(c) Car Dealerships and Tractor or Heavy Truck Sales, Storage, or Rental. Car dealerships and tractor or heavy truck sales shall be allowed as provided in any Permitted and Conditionally Permitted Principal Use Matrix and shall comply with the development standards of the zoning district, general development standards of subsection (a) above, and this subsection. No dealership project shall be granted a permit unless the following requirements are satisfied:

(1) That the area controlled by the business is of sufficient size to allow storage or display of on-site of vehicles in paved and lined spaces no smaller than eight and one-half (8 1/2) feet in width and eighteen (18) feet in length. Employee and customer parking of no fewer than three (3) spaces shall be provided at a minimum, provided that one (1) additional employee/customer parking space shall be required for each additional twenty (20) spaces used for storage or display. Additional off-street parking may be required pursuant to Article 39.

(2) Display. All vehicle inventory must be stored on-site and not in the public right-of-way.

(3) Landscaping. The vehicles and other display materials shall be set back five (5) feet from a street and shall not be located in required parking areas. Wheel stops or some other type of protective device shall be provided as necessary to prevent vehicles from damaging fences, walls, buildings or landscaped areas, or from extending across any public or private property lines. A landscape planter a minimum of five (5) feet wide shall be provided along all street frontages, subject to Water Efficient Landscape Standards and street tree planting standards. Said landscaping shall be continuous and include a decorative planter area at the corner of intersecting streets unless a building is located at the corner or otherwise prevents continuity.

(d) Vehicle Repair Services. Vehicle repair services shall be allowed as provided in any Permitted and Conditionally Permitted Principal Use Matrix and shall comply with the development standards of the zoning district, general development standards of subsection (a) above, and this subsection. No vehicle repair services project shall be granted a permit unless the following requirements are satisfied.

(1) All tires, barrels, new or discarded auto parts, vehicles under repair and other storage of materials used or sold on the premises must be stored and maintained inside the building if in a CG commercial zone (section 33-337), M-1 industrial zone (section 33-571), or similar zone district; or screened from view from adjacent properties and streets by a solid screen barrier in the M-2 industrial zone (Section 33-571).

(A) Outdoor storage of non-operational vehicles is prohibited in all zones, subject to subsection (5), unless authorized as a permitted or conditionally permitted use (refer to "tow yard and storage") and reviewed and approved for code compliance.

(B) No person engaged in conducting or carrying on the business of an auto repair shop as defined in the Zoning Code shall store, display or park upon a public street or highway any motor vehicle in his/her possession or under his/her control between the hours of 5:00 p.m. and 7:00 a.m., including Saturdays, Sundays, and holidays.

(C) No person engaged in conducting or carrying on the business of an auto repair shop as defined in the Zoning Code, shall repair, remodel, overhaul, recondition or paint any automobile, other motor vehicle, or any parts thereof, in his/her possession or under his/her control, upon any public street or highway.

(2) Residential and street adjacency. All new structures shall be oriented to face building, workstation, and service bay entrances, away from abutting residential properties and the public right-of-way to the extent practicable.

(3) Service bays shall be screened from adjacent properties and public view by a wall, fence, hedge or other appropriate plant or landscape material between the service bay and the property line to the extent practicable. Solid fencing or walls shall be constructed of brick, block, stone or frame-stucco. An ornamental masonry wall shall be provided along all property lines that abut property used or zoned for residential purposes. Screening shall minimize the visual impact to the extent appropriate, through means of placement, barrier, or camouflage. Screening shall be designed to blend into the surrounding architecture or landscape so that the object or land use is not apparent to the casual observer. The face of all screen walls facing public rights-of-way shall be landscaped with shrubs, trees, and climbing vines. Use of walls and screening techniques shall meet crime prevention standards and provide graffiti deterrence elements.

(4) Landscaping required. A landscape planter a minimum of five (5) feet wide shall be provided along all street frontages, subject to Water Efficient Landscape Standards and street tree planting standards. Said landscaping shall be continuous and include a decorative planter area at the corner of intersecting streets unless a building is located at the corner or otherwise prevents continuity.

(5) Automobiles that are drivable in their present condition and are awaiting repairs are not considered to constitute "storage." Transported automobiles must be repairable and may be stored on the site if they are intended to be repaired. Vehicles or equipment parked or stored on the site shall not be used as a source of parts and shall not be sold unless the business is also licensed for vehicle or equipment sales. A vehicle that is not in working order shall not be stored on such premises for more than forty-eight (48) hours, excluding days when business transactions do not take place such as public holidays or the weekend. Vehicles shall not be wrecked or dismantled; shall have hoods, trunks and doors closed.

(6) Tow truck operation incidental to repair. No commercial tow truck, tractor, trailer or semi-trailer, designed to pull or transport passenger automobiles, may be parked on the premises of a "auto supply stores with incidental installations" or "limited auto repair" station or service garage for more than four (4) hours within any twenty-four (24) hour period, except in case of emergency. Exceptions to exceed the four (4) hour limitation may be granted for "general repair" and "commercial vehicle repair" facilities as determined by the permit review authority. The storage of these trucks must be within an enclosed building or service bay of a commercial or industrial zone (CG, M-1, or M-2); or be located in the rear half of the lot of an industrial zone (M-1 or M-2 Zone) and be enclosed by a six (6) foot high solid wall or fence with solid gates.

Article 57. MISCELLANEOUS USE RESTRICTIONS

Section 33-1116. Household pets in the residential zones.

(d) Adult rabbits, white mice, chipmunks, squirrels, chinchillas, guinea pigs, hamsters and the like, only in accordance with the following schedule:

R-A, R-E zone	Up to 25 total
R-1 zone	Up to four (4) total
R-T, R-2, R-3 and R-4 zones	Up to two (2) total

Article 70. ACCESSORY DWELLING UNITS AND JUNIOR DWELLING ACCESSORY UNITS

Sec. 33-1473. Occupancy limitations.

(a) Allowed use.

(1) One attached or detached accessory dwelling unit may be permitted in conjunction with an existing or proposed single-family residence on a lot zoned for single-family or multifamily residential use.

(A) The accessory dwelling unit is either attached to, or located within, the proposed or existing main building or attached garages, storage areas, or similar use; or a detached accessory structure and located on the same lot as the proposed or existing single-family home.

(B) An accessory dwelling unit may be permitted on a lot where a junior accessory dwelling unit exists or is proposed.

(2) One junior accessory dwelling unit may be permitted in conjunction with an existing or proposed single-family residential use.

(A) The junior accessory dwelling unit is located within the proposed or existing main building or attached garages, storage areas, or similar use.

(B) A junior accessory dwelling unit may be permitted on a lot where an accessory dwelling unit exists or is proposed.

(3) Number of accessory dwelling units on legal lots with existing or proposed multifamily dwelling units:

(A) Shall be permitted to construct at least one accessory dwelling unit within the portions of existing multifamily dwelling structures and shall allow up to twenty-five (25) percent of the existing multifamily dwelling units.

(B) Not more than two (2) accessory dwelling units are permitted that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling.

(b) Owner-occupied.

(1) The owner-occupancy requirement shall not be applied to any accessory dwelling unit.

(2) A junior accessory dwelling unit may be used as habitable space, only so long as either the remaining portion of the main dwelling unit, or the newly created junior accessory dwelling unit is occupied by the owner of record of the property, unless otherwise exempted by this section.

(A) Owner-occupancy for a junior accessory dwelling unit shall not be required if the owner is an agency, land trust, or housing organization.

(3) Deed restriction. The city shall require the recordation of a deed restriction if owner-occupancy is required pursuant to this section.

(A) Prior to issuance of a building permit, the property owner shall execute a deed restriction setting forth the owner-occupancy requirements, in a form and substance satisfactory to the director of community development and city attorney's office, which shall be recorded in

the office of the county recorder. The covenant shall also include the following terms and limitations:

(i) A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, and shall not be subdivided in any manner that would authorize such sale or ownership.

(ii) A statement that the deed restriction may be enforced against future purchasers and the restrictions shall be bindings upon any successor in ownership of the property.

(iii) The junior accessory dwelling unit shall be a legal unit, and may be used as habitable space, only so long as the owner of record of the property occupies the premises.

(iv) A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this section, and if applicable the occupancy limitations of the California Health and Safety Code Section 17958.1.

(c) All local building and fire code requirements apply, as appropriate, to accessory dwelling units and junior accessory dwelling units.

(1) A certificate of occupancy shall not be issued for the accessory dwelling unit and/or junior accessory dwelling unit until the building official issues a certificate of occupancy for the main building.

(2) Prior to approval on properties with a private sewage system, approval by the County of San Diego Department of Environmental Health, or any successor agency, may be required.

(d) The accessory dwelling unit and/or junior accessory dwelling unit is not intended for sale, except in conjunction with the sale of the primary residence and property.

(e) The accessory dwelling unit and junior accessory dwelling unit may be rented separate from the primary residence, but only with a rental agreement and with terms greater than thirty (30) days.

(f) The accessory dwelling unit and/or junior accessory dwelling unit shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the premises.

(1) The accessory dwelling unit and/or junior unit shall be deemed to be a legal unit and permit such accessory use of property, which use is specifically identified by the accessory use regulations for the underlying zone; and shall allow such other accessory uses which are necessarily and customarily associated with such principal residential use of the premises, except as otherwise provided by this subsection.

(A) An accessory dwelling unit and/or junior accessory dwelling unit shall be deemed an independent dwelling unit for the sole purpose of establishing a home occupation permit within the accessory dwelling unit and junior accessory dwelling unit, subject to the terms and limitations of Article 44. The limitations for home occupations shall be shared with the principal use and/or main building.

(B) No more than the quantities of animals specifically listed in Table 33-95(a) of Article 6 or section 33-1116 of Article 57 is permitted on the premises. The limitations for animal keeping and household pets shall be shared with the principal use and/or main building.

(C) For all other accessory use of property, the accessory dwelling units and/or junior accessory dwelling unit shall be controlled in the same manner as the principal use within each zone, and shall not expand or be conveyed separately from the primary use. When provided by these regulations, it shall be the responsibility of the director of community development to determine if a proposed accessory use is necessarily and customarily associated with, and is appropriate, incidental, and subordinate to the principal use, accessory dwelling unit, and/or junior accessory dwelling unit, based on the director's evaluation of the resemblance of the proposed accessory use and the relationship between the proposed accessory use and the principal use

Article 70. ACCESSORY DWELLING UNITS AND JUNIOR DWELLING ACCESSORY UNITS

Sec. 33-1474. Development standards.

(a) Accessory dwelling units shall be subject to all development standards of the zone in which the property is located, except as modified below. Notwithstanding, this section shall be interpreted liberally in favor of accessory dwelling unit construction. Furthermore, any property development standard provided herein that regulates the minimum or maximum size for an accessory dwelling unit, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, and minimum lot size, for either attached or detached dwellings shall permit at least an eight hundred fifty (850) square foot accessory dwelling unit to be constructed in compliance with all other local development standards and building code requirements.

(1) Number of bedrooms. There is no allowed limit on the number of bedrooms provided that the accessory dwelling unit and/or junior accessory dwelling unit complies with local building and fire code requirements.

(2) The accessory dwelling unit shall be provided with a separate exterior entry. The accessory dwelling unit shall not have direct, interior access into the main building.

(3) The accessory dwelling unit shall include separate bath/sanitation facilities and include a separate kitchen.

(4) Setbacks. Attached and detached accessory dwelling units, other than those structures otherwise regulated within this section, may have a building height and setbacks as outlined for accessory residential structures of the underlying zone, except that a setback of no more than four (4) feet from the side and rear lot lines shall be required for a detached accessory dwelling unit. Roof eaves and other architectural projections for accessory dwelling units shall comply with section 33-104.

(A) An accessory dwelling unit proposed to be constructed above an existing detached garage shall have a minimum four (4) foot setback to side and rear property lines.

(B) No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure

that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit. The accessory dwelling unit may include an expansion of not more than one hundred fifty (150) square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress, subject to the terms and limitations of this article.

(5) **Maximum unit size.** The maximum accessory dwelling unit size is determined by the size of the lot as provided in Table 33-1474. The living area of the accessory dwelling unit shall not exceed more than fifty (50) percent of the existing or proposed living area of the primary residence.

(A) If authorized by the underlying zoning, an accessory dwelling unit may be attached to a guest house provided that the overall combined floor area of the combined building or structure does not exceed seventy-five (75) percent of the main unit.

(B) When an accessory dwelling unit is attached to other accessory building(s) or structure(s), such as a garage, carport, or patio cover, the overall combined building area of the structure(s) shall not exceed the existing floor area of the main residence.

Table 33-1474

Lot size	Maximum Permitted Accessory Dwelling Unit Size	
	<i>1 bedroom or less</i>	<i>More than 1 bedroom</i>
Less than 20,000 square feet	850 square feet	1,000 square feet
20,000 square feet or more	1,000 square feet	1,000 square feet

(6) **Minimum unit size.** The minimum permitted size of an accessory dwelling unit shall be the size of an efficiency unit as defined by the California Health and Safety Code Section 17958.1. The minimum unit size of the residential zone shall not apply to the accessory dwelling unit that is built on the same legal lot as the primary residence in compliance with all local development standards.

(7) **Height.** Accessory dwelling units shall conform to the height limits of the zone.

(8) **Lot coverage.** The combined area of all structures on a lot shall conform to the lot coverage limitation of the zone in which the property is located.

(b) Junior accessory dwelling units, as constructed within the existing or proposed single-family residence, shall be subject to all development standards of the zone in which the property is located, except as modified below.

(1) **Number of bedrooms.** There is no allowed limit on the number of bedrooms provided that the accessory dwelling unit and/or junior accessory dwelling unit complies with local building and fire code requirements.

(2) The junior accessory dwelling unit shall be provided with a separate exterior entry and may have direct, interior access into the main building.

(3) A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

(4) The junior accessory dwelling unit shall include an efficiency kitchen.

(5) Maximum unit size. The maximum junior accessory dwelling unit size shall not exceed 500 square feet in total floor area and shall be contained entirely within an existing or proposed single-family residence and may include an expansion of not more than one hundred fifty (150) square feet beyond the same physical dimensions of the existing residence to accommodate ingress and egress.

(6) Minimum unit size. The minimum permitted size of a junior accessory dwelling unit shall be the size of an efficiency unit as defined by the California Health and Safety Code Section 17958.1. The minimum unit size of the residential zone shall not apply to the junior accessory dwelling unit that is built on the same legal lot as the primary residence in compliance with all local development standards.

(7) Except as provided herein, a junior accessory dwelling unit shall comply with all other zoning code standards, including but not limited to setbacks, building height, floor area ratio, and lot coverage.

(c) Parking requirements.

(1) Notwithstanding any other law, the city will not impose parking standards for an accessory dwelling unit or junior accessory dwelling unit.

(2) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, replacement parking is not required.

(d) Design of the unit.

(1) Access doors and entry for the accessory dwelling unit shall not be oriented to the nearest adjacent property line or create a second "front door" that is comparable to the main entrance.

(2) The accessory dwelling unit's color and materials must match those of the primary residence. The director shall review accessory dwelling unit applications to ensure the addition is integrated with the primary structure with respect to roof design, height, compatible materials, color, texture, and design details. If the accessory dwelling unit is an addition to a site with known historic resources or has been determined to have historic value by the director, all improvements shall retain the historical and/or architectural value and significance of the landmark, historical building, or historical district as specified by Section 33-1475. The improvements shall be compatible with and retain the texture and material of the primary building(s) and/or structure(s) or its appurtenant fixtures, including signs, fences, parking, site plan, landscaping and the relationship of such features to similar features of other buildings within an historical district.

(e) Addresses. The addresses of both units shall be displayed in such a manner that they are clearly seen from the street.

(f) Fire sprinklers. Accessory dwelling units and junior accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

Article 70. ACCESSORY DWELLING UNITS AND JUNIOR DWELLING ACCESSORY UNITS

Section 33-1476. Existing non-permitted accessory units.

This article shall apply to all accessory dwelling units or junior accessory dwelling units which exist on the date of passage of the ordinance. All units which do not have a permit, or cannot receive a permit, upon passage of the ordinance codified herein shall be considered in violation and shall be subject to code enforcement action.

(a) Existing nonconforming units. Accessory dwelling units or junior accessory dwelling units that exist as of the effective date of this section that have previously been legally established may continue to operate as legal nonconforming units. Any unit that exists as of the effective date of this section, and has not previously been legally established, is considered an unlawful use, unless the director of community development determines that the unit meets the provisions of this section and a permit is approved and issued.

(1) Conversion of legally established structures. The conversion of legally established structures shall require that the unit meet the provisions of this code. Any legally established waivers or nonconformity that exist on the effective date of this section may continue, provided that in no manner shall such waiver or nonconformity be expanded.

(2) Administration and enforcement of any non-conforming building standard shall be conducted in accordance with California Health and Safety Code section 17980.12.

Article 70. ACCESSORY DWELLING UNITS AND JUNIOR DWELLING ACCESSORY UNITS**Section 33-1477. Application and procedure.**

The Director shall approve or disapprove an application for an accessory dwelling unit or junior accessory dwelling unit, ministerially, within sixty (60) days after receiving a complete application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the director may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the director acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the sixty (60) day time period shall be tolled for the period of the delay.

PL 20-0636

FACTORS TO BE CONSIDERED / FINDINGS OF FACT

Municipal and Zoning Code Amendment Determinations:

1. Over the years, staff and customers have found certain sections of the Municipal Code and Zoning Code are vague, unclear, or conflicting, which results in confusion and disagreement in code interpretation. It is important that the City of Escondido review policies and procedures on an on-going basis to ensure a customer-focused government through transparent services and positive organizational culture.
2. The Planning Division maintains a regular process and schedule for maintaining the City's codes and regulations. Those issues that have been identified are being addressed as part of this clean-up effort, whereby all code amendments have been combined in a single batch, called an omnibus. Additional items to correct or improve the Zoning Code may be considered in the next annual omnibus code clean-up cycle.
3. The Planning Commission's recommendation is based on applicable factors pursuant to Section 33-1263 of the Escondido Zoning Code. The public health, safety, and welfare would not be adversely affected by the proposed batch of Zoning Code Amendments because they correct internal inconsistencies, improve readability, update references to other code sections or regulatory documents, codify prior interpretations, and make the code consistent with changing state or federal regulations. The proposed batch of Zoning Code amendments would be consistent with the goals and policies of the General Plan because they address changes in state laws, correct errors, and improve existing regulations to eliminate uncertainty for staff, customers, and the public. This effort is not intended to be a comprehensive update to the local code or change land use densities or intensities. The proposed Zoning Code amendments do not conflict with any specific plan.

PROPOSED ZONING CODE AMENDMENTS

PL 20-0636

CHAPTER 32. SUBDIVISIONS.

ARTICLE 1. GENERAL PROVISIONS.

Sec. 32.102. Definitions.

DENSITY: The number of residential dwelling units per acre of lot area excluding areas of remainder parcels, areas of nonresidential development, the panhandle portion of a flag lot, and areas of dedication for street rights-of-way, adjustments for floodways as defined by the Federal Emergency Management Agency (FEMA — see Flooding Map) or the City, slope categories, and other environmental factors as designated.

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS

Sec. 33-6. Interpretation.

(a) In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public peace, health, safety, convenience, comfort, prosperity or general welfare.

(1) The provisions of this Zoning Ordinance apply to all zones and all uses of land unless otherwise stated. The provisions shall be regarded and applied as the minimum requirements and maximum potential limits for the promotion of public health, safety, comfort, convenience, and general welfare of the City and its residents. When this Zoning Ordinance provides for discretion on the part of a City official or body, that discretion may be exercised to impose more stringent requirements than identified in this Zoning Ordinance, as may be necessary to promote orderly land use development and the purposes of this Zoning Ordinance.

(2) Any provisions of an adopted specific plan related to subjects contained in the Zoning Ordinance shall prevail over the provisions of the Zoning Ordinance to the extent of any conflict between the Zoning Ordinance and the specific plan.

(3) It is not intended by this chapter to abrogate, annul, impair or interfere with any existing or future provision of law or ordinance or with any easements, covenants or other agreements between parties; provided, however, that where this chapter imposes a greater restriction upon the use or occupation of buildings or premises or upon the height or location of buildings or structures or upon the lot area per family, size of yards and open spaces, number of garages or other requirements whatsoever, than is imposed or required by such existing laws, ordinances, easements, covenants or agreements, the provisions of this chapter shall govern.

(b) The Director shall have the responsibility and authority to interpret the meaning and applicability of all provisions and requirements of this Zoning Ordinance. Whenever the Director

determines that the meaning or applicability of any of the requirements of this Zoning Ordinance are subject to interpretation generally, or as applied to a specific case, the Director may issue an official interpretation. In any case where there is difficulty in interpreting and applying the provisions of this chapter to any specific case or situation, the Planning Commission shall upon request interpret the intent of this chapter by written policy and said interpretation shall be followed in applying said provisions.

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS

Sec. 33-7. Permits and licenses required.

(a) All departments, officials or public employees vested with the duty or authority to issue permits or licenses where required by law shall conform to the provisions of this chapter. No such license or permit for uses, buildings, or purposes where the same would be in conflict with the provisions of this title shall be issued. Any such license or permit, if issued in conflict with the provisions hereof, shall be null and void.

(b) Permits and licenses.

(1) Building permits, pursuant to Chapter 6 of the Municipal Code.

Before commencing any work pertaining to the erection, construction, reconstruction, moving, conversion, alteration or addition to any building or structure within the City of Escondido, a permit for each separate building or structure shall be secured from the building official of said city by the owner or his or her agent for said work, and it is unlawful to commence said work until and unless said permit shall have been obtained.

(A) An approved final building inspection from the building division shall be obtained prior to any use or occupancy of the building or structure or portion thereof.

(B) Certificate of occupancy required. No occupancy of a building or structure, or a proposed use of a building or structure, can occur before a certificate of occupancy is approved and issued and the project complies with all state building regulations and provisions of this Zoning Ordinance. A temporary certificate of occupancy may be issued by the building division when determined appropriate, subject to the approval of the City Building Official.

(2) Business licenses, pursuant to Chapter 16 of the Municipal Code.

Every person engaged or intending to engage in any calling, business, occupation, or profession, in whole or in part, including the exercise of any corporate or franchise powers, within the limits of the City, whether or not an office or physical location for the business lies within the City, is required to pay an annual license fee for the privilege of doing any business and obtain a business license.

(A) No person shall be entitled or authorized to engage in business within the City until such time as the Director has approved and issued a business license pursuant to the terms of Chapter 16.

(B) Business licenses are issued for revenue purposes. The issuance or possession of a license confers no rights or privileges and only serves to prove that a business license fee has been paid for the period specified on the license certificate. Licenses are not deemed

regulatory in any way and are not proof of compliance with zoning, building or any other regulations of the city.

(C) Certain business types may require additional review and approval from other departments or agencies.

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS

Sec. 33-8. Definitions.

Note: New definitions to be inserted or replaced, maintaining the sequencing of the existing alphabetical order.

Alley means any public thoroughfare, having a width of not more than thirty (30) feet. An alley shall not be considered a street for the purposes of calculating building or structure setbacks or height.

Density means the number of residential dwelling units per acre of lot area but shall exclude areas of remainder parcels; areas of nonresidential development; the panhandle portion of a flag lot; and areas of dedication for street rights-of-way, adjustments for floodways as defined by the Federal Emergency Management Agency (FEMA — see Flooding Map) or the City, slope categories, and other environmental factors as designated. Minimum and maximum density calculations for an individual site shall utilize the net lot area to determine the applicable number of dwelling units. Any density calculation that results in a fractional unit shall be rounded down to the next whole number.

Floor area means the total area of all floors and interior habitable area of a building included within the outside faces of the building's exterior walls, exclusive of basement and attic storage space and areas within a building used for the parking of vehicles.

Floor area ratio (also FAR) is the ratio of a building's floor area divided by the net lot area. FAR is expressed as a decimal unit.

Guest house means any living quarters that is no more than 1,000 square feet within a detached accessory building for the sole use of persons employed on the premises or for temporary use by guests of the occupants of the premises, which living quarters have no kitchen facilities and are not rented or otherwise used as a separate dwelling.

Kitchen means any portion of an accessory living quarters arranged for or conducive to the preparation or cooking of food, by the inclusion of a sink, garbage disposal, hot water line, and dishwasher; place of not less than 10 cubic feet to accommodate a refrigerator; 220 AC or 240-volt electrical outlet or stove; storage cabinets and counter space that are of reasonable size in relation to the building; and any other item required by the Building Code. An *efficiency kitchen* shall be considered to have the same features as a kitchen, but is smaller in size and scope in

relation to the land use activity or building. At a minimum, the size and scope of an efficiency kitchen should meet or exceed the following criteria: a sink with a maximum waste line of 1.5 (1 1/2) inches, a cooking facility with appliances that has electrical service of 120 volts, a food preparation counter, and storage cabinets.

Lot means:

(1) A parcel of real property shown as a delineated parcel of land with a number and other designation on the final map of subdivision recorded in the office of the county recorder of San Diego County; or

(2) A parcel of land, the dimensions or boundaries of which are defined by a record of survey maps recorded in the office of the county recorder of San Diego County in accordance with the law regulating the subdivision of land; or

(3) A parcel of real property not delineated as in subsection (1) or (2) of this definition, and containing not less than the prescribed minimum area required in the zone in which it is located and which abuts at least one (1) public street or easement which the planning commission has designated adequate for access purposes, and is held under one (1) ownership.

(4) The various definitions in this category are as follows:

(A) *Lot area (gross)* means the total area measured in a horizontal plane, included within the lot lines of a lot or parcel of land.

(B) *Lot area (net)* means lot area excluding areas of remainder parcels, areas of nonresidential development, the panhandle portion of a flag lot, and areas of dedication for street rights-of-way; adjustments for floodways as defined by the Federal Emergency Management Agency (FEMA — see Flooding Map) or the City; slope categories; and other environmental factors as designated. The net lot area shall be used in the calculation of minimum allowed residential density, project floor area/lot coverage calculations, and other standards or requirements as so specified.

(C) *Lot coverage* means the total horizontal area of a lot, parcel or building site covered by any building which extends more than three (3) feet above the surface of the ground level and including any covered car parking spaces. Covered patios shall not be considered as lot coverage provided that said patio is not more than fifty (50) percent enclosed.

(D) *Lot depth* means the horizontal length of a straight line connecting the bisecting points of the front and the rear lot lines.

(E) *Lot width* means the horizontal distance between the side lot lines measured at right angles to the line comprising the depth of the lot at a point midway between the front and rear lot lines.

(F) *Cul-de-sac* lot means an interior lot taking access from and having frontage primarily on the bulb of a cul-de-sac.

(G) *Flag lot* means a lot in the approximate configuration of a flag pole, panhandle, or sign post, with the pole or post functioning primarily as an access way to the main body of the lot from the street of access, meeting the requirements of Section 33-1084. In determining setbacks for a flag lot, the handle or access portion of the lot shall not be used to determine building setbacks. The Director shall determine the front, side, and rear of a flag lot for the purposes of

identifying setbacks and yards, guided by the relationship of the lot and to surrounding lots and structures.

Low Barrier Navigation Center means a low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. *Low Barrier* means best practices to reduce barriers to entry, as further defined in Government Code section 65660.

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS

Sec. 33-14. Zoning districts.

(a) In order to carry out orderly growth and development in the city, this chapter provides for various zoning classifications (e.g., R-1, R-2, R-3, etc.) in order to promote and protect the public health, safety, convenience and general welfare of the inhabitants, and through the orderly and planned use of land resources which are presently a part of said city, or which may become a part thereof in the future.

(b) The boundaries of all zones shall be shown on an "official zoning map" maintained by the Director, which is made a part of this chapter. Whenever the boundaries of zones are changed, or property is reclassified to another zone pursuant to Article 61, the Director shall alter the official zoning map to reflect such changes.

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS

Sec. 33-15. Zoning district boundary uncertainty.

In the event of any conflict between the official zoning map and any legal description or other designation of the boundary or boundaries of any zoning district, or where any uncertainty exists as to the boundary or boundaries of any zoning district shown on the official zoning map, the official zoning map shall prevail and the location of such boundary or boundaries shall be fixed as follows:

(a) Where such boundaries are indicated by scales as approximately following street, alley or lot lines in existence at the time the zoning district map(s) was adopted, such lines shall be construed to be such boundaries.

(b) Where any public street, alley or any private right-of-way or easement of any railroad, railway, canal, transportation or public utility company is vacated or abandoned, the existing zone which abuts said land shall apply to such vacated or abandoned property, then each such zone shall be considered to extend to the centerline of said vacated or abandoned property.

(c) In unsubdivided land or where a zoning district boundary divides a parcel, the location of such boundary, unless same is indicated by dimensions, shall be determined by use of the scale appearing on the map

ARTICLE 6. RESIDENTIAL ZONES

Sec. 33-95. Permitted accessory uses and structures.

(a) Accessory uses and structures are permitted in residential zones, provided they are incidental to, and do not substantially alter the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, those listed in Table 33-95.

(1) When provided by these regulations, it shall be the responsibility of the Director to determine if a proposed accessory use is necessarily and customarily associated with, and is appropriate, incidental, and subordinate to, the principal use, based on the Director's evaluation of the resemblance of the proposed accessory use to those uses specifically identified as accessory to the principal uses and the relationship between the proposed accessory use and the principal use.

ARTICLE 6. RESIDENTIAL ZONES

Sec. 33-102. Accessory building setback requirements.

(a) Accessory buildings or structures that are attached to the main building shall conform to the front, side, or rear yard setback requirements of the underlying zone for the main building, except as specified herein.

(1) Patios, when enclosed on three (3) sides or less may extend into the rear setback a maximum of fifty (50) percent of the required depth of that setback, pursuant to Section 33-1079.

(2) Allowed projections into setbacks pursuant to Section 33-104.

(3) Animal enclosures pursuant to Section 33-145 and Section 33-146.

(b) Detached accessory buildings or structures.

(1) Front yard setbacks. Detached accessory buildings shall conform to the front yard setback requirements of the underlying residential zone.

(2) Side yard setbacks for detached accessory buildings.

(A) The interior side setback of any detached accessory building located less than seventy (70) feet from the front property line in single- and multi-family zones, or fifty (50) feet from the front property line in the R-T zone (unless superseded by Title 25), shall be the same as that required for the main building, pursuant to Table 33-100.

(B) A detached accessory building may be located on a side property line ~~which~~ that is not contiguous to a street if, and only if, all of the following conditions are met:

(i) The building is located seventy (70) feet, or more, from the front property line (fifty (50) feet in the R-T zone, unless superseded by Title 25); and

(ii) Has facilities for the discharge of all roof drainage onto the subject lot or parcel of land; and

(iii) The building does not require a building permit.

(C) A detached accessory building shall have a minimum side setback of ten (10) feet for a side property line which is contiguous to a street.

(D) A detached accessory building having direct vehicular access from an alley shall be located not less than twenty-five (25) feet from the edge of the alley farthest from the building.

(E) A detached accessory building that is seventy (70) feet or more from the front property line in single- and multi-family zones, or fifty (50) feet in the R-T zone, but which does not meet the requirements of subsection (B) above, may not be located closer than five (5) feet from the interior side property line in single- and multi-family zones, or three (3) feet in the R-T zone (unless superseded by Title 25).

(3) Rear yard setbacks.

(A) No detached accessory building shall be situated on the rear property line in the R-T zone unless superseded by Title 25.

(B) A detached accessory building may be located on the rear property line in all residential zones (except the R-T zone) if, and only if, all the following conditions are met:

(i) The building does not require a building permit; and

(ii) Has facilities for the discharge of all roof drainage onto the subject lot or parcel of land.

(C) For detached accessory buildings that do not meet the conditions listed in subsection (B), a building(s) may be located within a required rear yard setback area in all residential zones, but only in the following circumstances:

(i) In the R-A and R-E zone districts, a building(s) may be located within a required rear yard setback area provided that such building(s) is located no closer than ten (10) feet to a rear lot line, and shall not cover more than fifty (50) percent of the width of the rear setback area.

(ii) In all other single-family and multi-family zones (except the R-T zone), the building(s) may be located within the rear yard setback provided that a minimum of five (5) feet is maintained, and a building(s) shall not cover more than fifty (50) percent of the width of the rear setback area. Additional usable open space requirements may apply on the premises, depending on the requirements of the underlying zoning district.

(D) An accessory building having direct vehicular access from an alley shall be located not less than twenty-five (25) feet from the edge of the alley farthest from the building.

(E) On a reverse corner lot the rear property line of which is also the side property line of the contiguous property, an accessory building shall be located not less than five (5) feet from the rear property line.

(c) Accessory dwelling units (attached or detached) shall conform to the front, side, and rear yard setback requirements of the underlying residential zone for the main building, unless otherwise permitted by Article 70.

ARTICLE 6. RESIDENTIAL ZONES

Sec. 33-103. Accessory buildings and building requirements.

(a) Accessory buildings located within a required side or rear yard setback area for the primary structure shall be limited to one (1) story and sixteen (16) feet in height.

(b) Accessory buildings are subject to the property development standards as set forth in Section 33-107, building requirements, generally.

(1) In addition to the restrictions of Section 33-107, a guest house or accessory dwelling unit shall not have a total floor area that exceeds fifty (50) percent of the existing living area of the main building, unless otherwise permitted pursuant to Article 70.

(2) A guest house may be attached to an accessory dwelling unit provided that the overall combined floor area of the combined building or structure does not exceed seventy-five (75) percent of the main unit.

(c) The minimum distance between the residence (or main building) and a detached accessory building shall be ten (10) feet. If the residence (or main building) and detached accessory building are both one (1) story in height, then the minimum separation requirement may be reduced to five (5) feet. A minimum of five (5) feet is maintained for clear access between the detached accessory building and any other building or structure.

(d) Nothing in this section or in Section 33-107 shall be construed to limit the development of an accessory dwelling unit in the location and manner as specified by Article 70.

ARTICLE 6. RESIDENTIAL ZONES

Sec. 33-107. Building requirements, generally.

Table 33-107

Note: New footnote added to minimum distance building requirements.

Building Requirements	R-A	R-E	R-1	R-2	R-3	R-4	R-5	R-T*
Minimum distance between residence and accessory buildings (feet)	10 ⁵	10 ⁵	10 ⁵	10 ⁵	10 ⁵	10 ⁵	10 ⁵	10 ⁵

Notes:

- Buildings or structures in excess of one (1) story and located adjacent to single-family zoned land, shall provide a setback equal to the abutting setback required by the single-family zone standards, plus five (5) additional feet for each story over two (2) on the property line(s) abutting the single-family zone(s) as noted in sections 33-100 and 33-101. Additionally, building features such as windows, doors, balconies, etc., bulk and scale shall not adversely affect the adjacent single-family property.

- 2 Area is exclusive of porches, garages, carports, entries, terraces, patios or basements.
 - 3 FAR is the numerical value obtained by dividing the total gross floor area of all buildings on the site by the total area of the lot or premises.
 - 4 Except that the maximum FAR for the RE-20 zone shall be 0.5; and for the RE-170 and RE-210 zones the maximum FAR shall be 0.3.
 - 5 Pursuant to Section 33-103(c), if the residence (or main building) and detached accessory building are both one (1) story in height, then the minimum separation requirement may be reduced to five (5) feet, unless a greater distance is required by local building and fire code requirements for fire separation.
- * Requirements apply unless superseded by Title 25.

ARTICLE 16. COMMERCIAL ZONES

Sec. 33-332. Principal land uses.

Table 33-332 PERMITTED AND CONDITIONALLY PERMITTED PRINCIPAL USES

Note: The following use category to be deleted.

Use Title	CG	CN	CP
Mobilehome parks or travel trailer parks* (Articles 45 & 46)	G		

Note: The following "Car-wash, polishing, vacuuming, or detailing" use category to be modified.

Use Title	CG	CN	CP
Car-wash, polishing, vacuuming, or detailing (primary or accessory use)* (Article 57)	C		

Note: The following use category to be added.

Use Title	CG	CN	CP
Low Barrier Navigation Center (only in mixed use overlay areas that are zoned for mixed use and nonresidential zones permitting multi-family uses)	P	P	P

ARTICLE 16. COMMERCIAL ZONES

Sec. 33-333. Permitted accessory uses and structures.

(a) Accessory uses and structures are permitted in commercial zones, provided they are incidental to, and do not substantially alter the operating character of the permitted principal use or structure as determined by the director of community development. Such permitted accessory uses and structures include, but are not limited to, those listed in Table 33-333.

(1) When provided by these regulations, it shall be the responsibility of the Director to determine if a proposed accessory use is necessarily and customarily associated with, and is appropriate, incidental, and subordinate to the principal use, based on the Director's evaluation of the resemblance of the proposed accessory use to those uses specifically identified as accessory to the principal uses and the relationship between the proposed accessory use and the principal use.

Article 19. PLANNED DEVELOPMENT ZONE

Sec. 33-401. General provisions and standards for planned development.

(a) In the event of conflict between any other provision of the Escondido Zoning Code and a requirement of a planned development zone, the requirement of the planned development zone shall prevail.

(b) Planned development zones shall only be established on parcels of land which are suitable for and of sufficient size to be planned and developed in a manner consistent with the purposes of this article.

(c) Planned development zones shall be in conformity with the Escondido General Plan and any applicable specific plans. A planned development zone shall not be adopted without findings that the proposed planned development conforms to such plans and policies relative to compliance with the general location, amounts and densities of such uses as set forth in the Escondido General Plan; or in any applicable specific plans.

(d) Planned development zones may combine a variety of land uses. Mixed uses may include any skillful combination of residential, commercial, industrial and agricultural uses, and may occur among or within buildings as long as the uses are compatible with each other and with existing and potential uses surrounding the zone.

(1) To ensure that the purpose and provisions of a formally adopted zoning district or specific plan of record shall be conformed to, land use activities shall be limited exclusively to such uses as are permitted or conditionally permitted in the underlying zone or specific plan to which the site is classified.

(e) Compliance with the requirements of a master development plan is necessary for any person or public agency to lawfully establish, construct, occupy, maintain, reconstruct, alter, expand, or replace any use of land or structure within the planned development zone.

(1) The zoning standards in effect immediately prior to the planned development zoning, if consistent with the underlying General Plan designation, shall apply regarding specified properties within a planned development zone that are not associated with a master development plan. Otherwise, those properties not associated with a master development plan shall be subject to the nonconforming use provisions of Article 61.

(f) The general provisions, conditions, and exceptions applicable to all zoning districts and specific plans shall be applied as presented to all sites in a planned development zone, unless a different regulation or standard is prescribed and enacted as part of this article.

(1) Development standards including, but not limited to, area, coverage, light and air orientation, building height, sign placement and design, site planning, street furniture placement and design, yard requirements, open spaces, off-street parking and screening for planned developments, shall be governed by site-specific standards which shall be adopted as part of the zone. Such standards shall result in a superior development that presents enhanced design in all facets of the project (site, architecture, materials, amenities, landscaping, etc.) for an overall high quality planned development.

ARTICLE 26 INDUSTRIAL ZONES

Sec. 33-564. Land Uses. Table 33-564 PERMITTED AND CONDITIONALLY PERMITTED PRINCIPAL USES

Note: The following "car-wash, polishing, vacuuming, or detailing" use category to be modified.

Use Title	I-O	M-1	M-2	I-P
Car-wash, polishing, vacuuming, or detailing (primary or accessory use) (subject to Article 57)		C	C	

Article 39. OFF-STREET PARKING

Sec. 33-765. Parking spaces required.

Note: The following "car dealerships or motor vehicle, machinery sales and repair garages" use category to be modified.

Machinery sales and repair garages	One (1) parking space for each one thousand (1,000) square feet of display floor area; one (1) space for each eight hundred (800) square feet of storage area; and one (1) space for each two hundred fifty (250) square feet of garage floor area.
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Note: The following use category to be added.

Emergency Shelter	Two (2) spaces per facility plus one (1) space for each employee. Emergency shelters must also provide adequate provisions for loading and unloading or pick-up and drop-off zones.
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Car dealerships and motor vehicle sales (excluding motorcycles)	<p>Indoor space: one (1) parking space for each two thousand (2,000) square feet of floor area.</p> <p>Outdoor space: Employee and customer parking of no fewer than three (3) spaces shall be provided at a minimum, provided that one (1) additional employee/customer parking space shall be required for each additional twenty (20) spaces used for outdoor storage or outdoor display. Exceptions to these requirements may be reviewed and considered as part of a CUP.</p>
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ARTICLE 40. HISTORICAL RESOURCES

Sec. 33-798. Permits and permit procedures.

(e) Review processes. Following the planning division's receipt of a complete application, the director shall determine the appropriate review process as follows:

(1) Minor projects. Minor projects shall be subject to planning division staff review.

Minor projects include:

(A) Placement or removal of exterior objects and the restoration and exterior changes to materials (siding, brick, stucco, metal, etc.) and structures including porches (columns, cornices), roofs (covering, change in shape), any painting of exterior surfaces, satellite dishes, solar collectors, freestanding walls, fences and retaining walls, and any modifications to historical signs; and

(B) The following projects involving historic resources listed on the local register and property located within an historical overlay district: painting of exterior surfaces, restoration and exterior changes to architectural details and decorative elements (fish scale, shingles, dentils, shutters), porches (trim, railing, ornamentation), exterior staircases, exterior doors, windows, skylights, mechanical systems (window units, exhaust fans, vents), storm windows and doors, security grilles, and fire escapes.

Article 57. MISCELLANEOUS USE RESTRICTIONS

Sec. 33-1109. Swimming pools.

(a) Definition. As used in this section, a swimming pool is any confined body of water, located either above or below the finished grade of the site, which exceeds one hundred (100) square feet in surface area and two (2) feet in depth, and which is designed, used or intended to be used for swimming or bathing purposes. The provisions of this section do not apply to indoor pools.

(b) Front, side and rear yards.

(1) All swimming pools constructed after the effective date of the ordinance codified in this article shall be subject to the front yard and side yard setback requirements as set forth in

the applicable zoning regulation, but in no case shall a swimming pool be located closer than five (5) feet from any property line;

(2) Tanks, heating, filtering and pumping equipment shall be subject to the front yard and side yard setback requirements of the applicable zone, except that such accessories may be located within such required yards if installed entirely below the finished grade of the site and covered with a permanent protective cover. In the rear yard, tanks, filtering and pumping equipment must provide at least a five (5) foot separation to the rear lot lines.

(3) No single pool or combination of pools or spas shall cover more than fifty (50) percent of the required lot area, pursuant to Section 33-1079.

(c) Fence requirements and protection measures against drowning.

(1) Every swimming pool shall be enclosed by a natural barrier, wall, fence and/or other structure having a minimum height of five (5) feet and constructed or situated so as to prevent unauthorized entrance thereto. Such fence, structure or wall shall not occupy a front yard required by applicable zoning regulations but may occupy a side or rear yard so required;

(A) The enclosing wall or fence shall comply as an enclosure as defined in the Swimming Pool Safety Act (Health and Safety Code section 115923) and the International Swimming Pool and Spa Code;

(B) The fence, gate and all other protective devices shall meet all fire exit requirements and other applicable provisions of law; and

(C) Public pools and pools associated with multi-family facilities are subject to pool enclosure and safety feature provisions regulated by the Department of Environmental Health.

(2) Swimming pools require the following measures against drowning or injury:

(A) At least two (2) non redundant additional safety features listed in Health and Safety Code section 115922, accepted by the City Building Official; and

(B) Other safety feature provisions deemed necessary by the City Building Official for entrapment avoidance.

(d) Variances and exemptions. The building inspector may waive the fencing requirements of this section upon an adequate showing that an alternative safeguard against unauthorized entry to the swimming pool exists or will be provided, and that the physical conditions of the site make the erection of a fence or wall impractical.

Article 57. MISCELLANEOUS USE RESTRICTIONS

Sec. 33-1114. Vehicle sales, vehicle repair services, fleet storage and tow yard storage, and junkyards and wrecking yards.

(c) Car Dealerships and Tractor or Heavy Truck Sales, Storage, or Rental. Car dealerships and tractor or heavy truck sales shall be allowed as provided in any Permitted and Conditionally Permitted Principal Use Matrix and shall comply with the development standards of the zoning district, general development standards of subsection (a) above, and this subsection. No dealership project shall be granted a permit unless the following requirements are satisfied:

(1) That the area controlled by the business is of sufficient size to allow storage or display of on-site of vehicles in paved and lined spaces no smaller than eight and one-half (8 1/2) feet in width and eighteen (18) feet in length. Employee and customer parking of no fewer than three (3) spaces shall be provided at a minimum, provided that one (1) additional employee/customer parking space shall be required for each additional twenty (20) spaces used for storage or display. Additional off-street parking may be required pursuant to Article 39.

(2) Display. All vehicle inventory must be stored on-site and not in the public right-of-way.

(3) Landscaping. The vehicles and other display materials shall be set back five (5) feet from a street and shall not be located in required parking areas. Wheel stops or some other type of protective device shall be provided as necessary to prevent vehicles from damaging fences, walls, buildings or landscaped areas, or from extending across any public or private property lines. A landscape planter a minimum of five (5) feet wide shall be provided along all street frontages, subject to Water Efficient Landscape Standards and street tree planting standards. Said landscaping shall be continuous and include a decorative planter area at the corner of intersecting streets unless a building is located at the corner or otherwise prevents continuity.

(d) Vehicle Repair Services. Vehicle repair services shall be allowed as provided in any Permitted and Conditionally Permitted Principal Use Matrix and shall comply with the development standards of the zoning district, general development standards of subsection (a) above, and this subsection. No vehicle repair services project shall be granted a permit unless the following requirements are satisfied.

(1) All tires, barrels, new or discarded auto parts, vehicles under repair and other storage of materials used or sold on the premises must be stored and maintained inside the building if in a CG commercial zone (section 33-337), M-1 industrial zone (section 33-571), or similar zone district; or screened from view from adjacent properties and streets by a solid screen barrier in the M-2 industrial zone (Section 33-571).

(A) Outdoor storage of non-operational vehicles is prohibited in all zones, subject to subsection (5), unless authorized as a permitted or conditionally permitted use (refer to "tow yard and storage") and reviewed and approved for code compliance.

(B) No person engaged in conducting or carrying on the business of an auto repair shop as defined in the Zoning Code shall store, display or park upon a public street or highway any motor vehicle in his/her possession or under his/her control between the hours of 5:00 p.m. and 7:00 a.m., including Saturdays, Sundays, and holidays.

(C) No person engaged in conducting or carrying on the business of an auto repair shop as defined in the Zoning Code, shall repair, remodel, overhaul, recondition or paint any automobile, other motor vehicle, or any parts thereof, in his/her possession or under his/her control, upon any public street or highway.

(2) Residential and street adjacency. All new structures shall be oriented to face building, workstation, and service bay entrances, away from abutting residential properties and the public right-of-way to the extent practicable.

(3) Service bays shall be screened from adjacent properties and public view by a wall, fence, hedge or other appropriate plant or landscape material between the service bay and the property line to the extent practicable. Solid fencing or walls shall be constructed of brick, block, stone or frame-stucco. An ornamental masonry wall shall be provided along all property lines that abut property used or zoned for residential purposes. Screening shall minimize the visual impact to the extent appropriate, through means of placement, barrier, or camouflage. Screening shall be designed to blend into the surrounding architecture or landscape so that the object or land use is not apparent to the casual observer. The face of all screen walls facing public rights-of-way shall be landscaped with shrubs, trees, and climbing vines. Use of walls and screening techniques shall meet crime prevention standards and provide graffiti deterrence elements.

(4) Landscaping required. A landscape planter a minimum of five (5) feet wide shall be provided along all street frontages, subject to Water Efficient Landscape Standards and street tree planting standards. Said landscaping shall be continuous and include a decorative planter area at the corner of intersecting streets unless a building is located at the corner or otherwise prevents continuity.

(5) Automobiles that are drivable in their present condition and are awaiting repairs are not considered to constitute "storage." Transported automobiles must be repairable and may be stored on the site if they are intended to be repaired. Vehicles or equipment parked or stored on the site shall not be used as a source of parts and shall not be sold unless the business is also licensed for vehicle or equipment sales. A vehicle that is not in working order shall not be stored on such premises for more than forty-eight (48) hours, excluding days when business transactions do not take place such as public holidays or the weekend. Vehicles shall not be wrecked or dismantled; shall have hoods, trunks and doors closed.

(6) Tow truck operation incidental to repair. No commercial tow truck, tractor, trailer or semi-trailer, designed to pull or transport passenger automobiles, may be parked on the premises of a "auto supply stores with incidental installations" or "limited auto repair" station or service garage for more than four (4) hours within any twenty-four (24) hour period, except in case of emergency. Exceptions to exceed the four (4) hour limitation may be granted for "general repair" and "commercial vehicle repair" facilities as determined by the permit review authority. The storage of these trucks must be within an enclosed building or service bay of a commercial or industrial zone (CG, M-1, or M-2); or be located in the rear half of the lot of an industrial zone (M-1 or M-2 Zone) and be enclosed by a six (6) foot high solid wall or fence with solid gates.

Article 57. MISCELLANEOUS USE RESTRICTIONS

Section 33-1116. Household pets in the residential zones.

(d) Adult rabbits, white mice, chipmunks, squirrels, chinchillas, guinea pigs, hamsters and the like, only in accordance with the following schedule:

R-A, R-E zone	Up to 25 total
R-1 zone	Up to four (4) total
R-T, R-2, R-3 and R-4 zones	Up to two (2) total

Article 70. ACCESSORY DWELLING UNITS AND JUNIOR DWELLING ACCESSORY UNITS

Sec. 33-1473. Occupancy limitations.

(a) Allowed use.

(1) One attached or detached accessory dwelling unit may be permitted in conjunction with an existing or proposed single-family residence on a lot zoned for single-family or multifamily residential use.

(A) The accessory dwelling unit is either attached to, or located within, the proposed or existing main building or attached garages, storage areas, or similar use; or a detached accessory structure and located on the same lot as the proposed or existing single-family home.

(B) An accessory dwelling unit may be permitted on a lot where a junior accessory dwelling unit exists or is proposed.

(2) One junior accessory dwelling unit may be permitted in conjunction with an existing or proposed single-family residential use.

(A) The junior accessory dwelling unit is located within the proposed or existing main building or attached garages, storage areas, or similar use.

(B) A junior accessory dwelling unit may be permitted on a lot where an accessory dwelling unit exists or is proposed.

(3) Number of accessory dwelling units on legal lots with existing or proposed multifamily dwelling units:

(A) Shall be permitted to construct at least one accessory dwelling unit within the portions of existing multifamily dwelling structures and shall allow up to twenty-five (25) percent of the existing multifamily dwelling units.

(B) Not more than two (2) accessory dwelling units are permitted that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling.

(b) Owner-occupied.

(1) The owner-occupancy requirement shall not be applied to any accessory dwelling unit.

(2) A junior accessory dwelling unit may be used as habitable space, only so long as either the remaining portion of the main dwelling unit, or the newly created junior accessory dwelling unit is occupied by the owner of record of the property, unless otherwise exempted by this section.

(A) Owner-occupancy for a junior accessory dwelling unit shall not be required if the owner is an agency, land trust, or housing organization.

(3) Deed restriction. The city shall require the recordation of a deed restriction if owner-occupancy is required pursuant to this section.

(A) Prior to issuance of a building permit, the property owner shall execute a deed restriction setting forth the owner-occupancy requirements, in a form and substance satisfactory to the director of community development and city attorney's office, which shall be recorded in

the office of the county recorder. The covenant shall also include the following terms and limitations:

(i) A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, and shall not be subdivided in any manner that would authorize such sale or ownership.

(ii) A statement that the deed restriction may be enforced against future purchasers and the restrictions shall be bindings upon any successor in ownership of the property.

(iii) The junior accessory dwelling unit shall be a legal unit, and may be used as habitable space, only so long as the owner of record of the property occupies the premises.

(iv) A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this section, and if applicable the occupancy limitations of the California Health and Safety Code Section 17958.1.

(c) All local building and fire code requirements apply, as appropriate, to accessory dwelling units and junior accessory dwelling units.

(1) A certificate of occupancy shall not be issued for the accessory dwelling unit and/or junior accessory dwelling unit until the building official issues a certificate of occupancy for the main building.

(2) Prior to approval on properties with a private sewage system, approval by the County of San Diego Department of Environmental Health, or any successor agency, may be required.

(d) The accessory dwelling unit and/or junior accessory dwelling unit is not intended for sale, except in conjunction with the sale of the primary residence and property.

(e) The accessory dwelling unit and junior accessory dwelling unit may be rented separate from the primary residence, but only with a rental agreement and with terms greater than thirty (30) days.

(f) The accessory dwelling unit and/or junior accessory dwelling unit shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the premises.

(1) The accessory dwelling unit and/or junior unit shall be deemed to be a legal unit and permit such accessory use of property, which use is specifically identified by the accessory use regulations for the underlying zone; and shall allow such other accessory uses which are necessarily and customarily associated with such principal residential use of the premises, except as otherwise provided by this subsection.

(A) An accessory dwelling unit and/or junior accessory dwelling unit shall be deemed an independent dwelling unit for the sole purpose of establishing a home occupation permit within the accessory dwelling unit and junior accessory dwelling unit, subject to the terms and limitations of Article 44. The limitations for home occupations shall be shared with the principal use and/or main building.

(B) No more than the quantities of animals specifically listed in Table 33-95(a) of Article 6 or section 33-1116 of Article 57 is permitted on the premises. The limitations for animal keeping and household pets shall be shared with the principal use and/or main building.

(C) For all other accessory use of property, the accessory dwelling units and/or junior accessory dwelling unit shall be controlled in the same manner as the principal use within each zone, and shall not expand or be conveyed separately from the primary use. When provided by these regulations, it shall be the responsibility of the director of community development to determine if a proposed accessory use is necessarily and customarily associated with, and is appropriate, incidental, and subordinate to the principal use, accessory dwelling unit, and/or junior accessory dwelling unit, based on the director's evaluation of the resemblance of the proposed accessory use and the relationship between the proposed accessory use and the principal use

Article 70. ACCESSORY DWELLING UNITS AND JUNIOR DWELLING ACCESSORY UNITS

Sec. 33-1474. Development standards.

(a) Accessory dwelling units shall be subject to all development standards of the zone in which the property is located, except as modified below. Notwithstanding, this section shall be interpreted liberally in favor of accessory dwelling unit construction. Furthermore, any property development standard provided herein that regulates the minimum or maximum size for an accessory dwelling unit, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, and minimum lot size, for either attached or detached dwellings shall permit at least an eight hundred fifty (850) square foot accessory dwelling unit to be constructed in compliance with all other local development standards and building code requirements.

(1) Number of bedrooms. There is no allowed limit on the number of bedrooms provided that the accessory dwelling unit and/or junior accessory dwelling unit complies with local building and fire code requirements.

(2) The accessory dwelling unit shall be provided with a separate exterior entry. The accessory dwelling unit shall not have direct, interior access into the main building.

(3) The accessory dwelling unit shall include separate bath/sanitation facilities and include a separate kitchen.

(4) Setbacks. Attached and detached accessory dwelling units, other than those structures otherwise regulated within this section, may have a building height and setbacks as outlined for accessory residential structures of the underlying zone, except that a setback of no more than four (4) feet from the side and rear lot lines shall be required for a detached accessory dwelling unit. Roof eaves and other architectural projections for accessory dwelling units shall comply with section 33-104.

(A) An accessory dwelling unit proposed to be constructed above an existing detached garage shall have a minimum four (4) foot setback to side and rear property lines.

(B) No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure

that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit. The accessory dwelling unit may include an expansion of not more than one hundred fifty (150) square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress, subject to the terms and limitations of this article.

(5) **Maximum unit size.** The maximum accessory dwelling unit size is determined by the size of the lot as provided in Table 33-1474. The living area of the accessory dwelling unit shall not exceed more than fifty (50) percent of the existing or proposed living area of the primary residence.

(A) If authorized by the underlying zoning, an accessory dwelling unit may be attached to a guest house provided that the overall combined floor area of the combined building or structure does not exceed seventy-five (75) percent of the main unit.

(B) When an accessory dwelling unit is attached to other accessory building(s) or structure(s), such as a garage, carport, or patio cover, the overall combined building area of the structure(s) shall not exceed the existing floor area of the main residence.

Table 33-1474

Lot size	Maximum Permitted Accessory Dwelling Unit Size	
	<i>1 bedroom or less</i>	<i>More than 1 bedroom</i>
Less than 20,000 square feet	850 square feet	1,000 square feet
20,000 square feet or more	1,000 square feet	1,000 square feet

(6) **Minimum unit size.** The minimum permitted size of an accessory dwelling unit shall be the size of an efficiency unit as defined by the California Health and Safety Code Section 17958.1. The minimum unit size of the residential zone shall not apply to the accessory dwelling unit that is built on the same legal lot as the primary residence in compliance with all local development standards.

(7) **Height.** Accessory dwelling units shall conform to the height limits of the zone.

(8) **Lot coverage.** The combined area of all structures on a lot shall conform to the lot coverage limitation of the zone in which the property is located.

(b) Junior accessory dwelling units, as constructed within the existing or proposed single-family residence, shall be subject to all development standards of the zone in which the property is located, except as modified below.

(1) **Number of bedrooms.** There is no allowed limit on the number of bedrooms provided that the accessory dwelling unit and/or junior accessory dwelling unit complies with local building and fire code requirements.

(2) The junior accessory dwelling unit shall be provided with a separate exterior entry and may have direct, interior access into the main building.

(3) A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

(4) The junior accessory dwelling unit shall include an efficiency kitchen.

(5) Maximum unit size. The maximum junior accessory dwelling unit size shall not exceed 500 square feet in total floor area and shall be contained entirely within an existing or proposed single-family residence and may include an expansion of not more than one hundred fifty (150) square feet beyond the same physical dimensions of the existing residence to accommodate ingress and egress.

(6) Minimum unit size. The minimum permitted size of a junior accessory dwelling unit shall be the size of an efficiency unit as defined by the California Health and Safety Code Section 17958.1. The minimum unit size of the residential zone shall not apply to the junior accessory dwelling unit that is built on the same legal lot as the primary residence in compliance with all local development standards.

(7) Except as provided herein, a junior accessory dwelling unit shall comply with all other zoning code standards, including but not limited to setbacks, building height, floor area ratio, and lot coverage.

(c) Parking requirements.

(1) Notwithstanding any other law, the city will not impose parking standards for an accessory dwelling unit or junior accessory dwelling unit.

(2) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, replacement parking is not required.

(d) Design of the unit.

(1) Access doors and entry for the accessory dwelling unit shall not be oriented to the nearest adjacent property line or create a second "front door" that is comparable to the main entrance.

(2) The accessory dwelling unit's color and materials must match those of the primary residence. The director shall review accessory dwelling unit applications to ensure the addition is integrated with the primary structure with respect to roof design, height, compatible materials, color, texture, and design details. If the accessory dwelling unit is an addition to a site with known historic resources or has been determined to have historic value by the director, all improvements shall retain the historical and/or architectural value and significance of the landmark, historical building, or historical district as specified by Section 33-1475. The improvements shall be compatible with and retain the texture and material of the primary building(s) and/or structure(s) or its appurtenant fixtures, including signs, fences, parking, site plan, landscaping and the relationship of such features to similar features of other buildings within an historical district.

(e) Addresses. The addresses of both units shall be displayed in such a manner that they are clearly seen from the street.

(f) Fire sprinklers. Accessory dwelling units and junior accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

Article 70. ACCESSORY DWELLING UNITS AND JUNIOR DWELLING ACCESSORY UNITS

Section 33-1476. Existing non-permitted accessory units.

This article shall apply to all accessory dwelling units or junior accessory dwelling units which exist on the date of passage of the ordinance. All units which do not have a permit, or cannot receive a permit, upon passage of the ordinance codified herein shall be considered in violation and shall be subject to code enforcement action.

(a) Existing nonconforming units. Accessory dwelling units or junior accessory dwelling units that exist as of the effective date of this section that have previously been legally established may continue to operate as legal nonconforming units. Any unit that exists as of the effective date of this section, and has not previously been legally established, is considered an unlawful use, unless the director of community development determines that the unit meets the provisions of this section and a permit is approved and issued.

(1) Conversion of legally established structures. The conversion of legally established structures shall require that the unit meet the provisions of this code. Any legally established waivers or nonconformity that exist on the effective date of this section may continue, provided that in no manner shall such waiver or nonconformity be expanded.

(2) Administration and enforcement of any non-conforming building standard shall be conducted in accordance with California Health and Safety Code section 17980.12.

Article 70. ACCESSORY DWELLING UNITS AND JUNIOR DWELLING ACCESSORY UNITS**Section 33-1477. Application and procedure.**

The Director shall approve or disapprove an application for an accessory dwelling unit or junior accessory dwelling unit, ministerially, within sixty (60) days after receiving a complete application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the director may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the director acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the sixty (60) day time period shall be tolled for the period of the delay.