

ORDINANCE NO. 2017-03R

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AMENDING THE ESCONDIDO ZONING CODE ARTICLES 1, 16, 19, 26, 39, 55, 57 AND 61 TO STREAMLINE THE PLANNED DEVELOPMENT REVIEW PROCESS; ESTABLISH A MINOR CONDITIONAL USE PERMIT, IDENTIFY CRITERIA AND ELIGIBLE USES; EXPAND THE REVIEW AUTHORITY OF THE ZONING ADMINISTRATOR; ALLOW ADDITIONAL TYPES OF ADMINISTRATIVE ADJUSTMENTS; CLARIFY THE PLOT PLAN REVIEW PROCESS; AND MAKE ASSOCIATED CHANGES TO DEFINITIONS, OFF-STREET PARKING AND MISCELLANEOUS USE SECTIONS

APPLICANT: City of Escondido
PLANNING CASE NO.: AZ 16-0010

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. That the City Council has reviewed and considered the Notice of Exemption prepared for this project and issued on February 22, 2017, in conformance with Title 14 California Code of Regulation, California Environmental Quality Act ("CEQA") Section 15061(b)(3) "General Rule", and has determined that all environmental issues have been addressed and finds that no significant environmental impact will result from approving these code amendments.

SECTION 3. That upon consideration of the staff report, Planning Commission recommendations, Planning Commission staff reports, all public testimony presented at the hearing held on this project, and the Factors to be Considered set forth in Exhibit "A" to this Ordinance and incorporated by this reference, this City Council finds the Zoning Code Amendments are consistent with the General Plan and all applicable specific plans of the City of Escondido.

SECTION 4. That the specified sections of the Escondido Zoning Code Articles 1, 16, 19, 26, 39, 55, 57 and 61 are amended as set forth in Exhibit "B" and Exhibit "C" to this Ordinance, both of which are incorporated by this reference.

SECTION 5. 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 6. That as of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 7. 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 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 this 22nd day of March, 2017 by the following vote to wit:

AYES : Councilmembers: DIAZ, GALLO, MASSON, MORASCO, ABED

NOES : Councilmembers: NONE

ABSENT : Councilmembers: NONE

APPROVED:



SAM ABED, Mayor of the
City of Escondido, California

ATTEST:

DIANE HALVERSON, City Clerk of the
City of Escondido, California



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

I, DIANE HALVERSON, City Clerk of the City of Escondido, hereby certify that the foregoing ORDINANCE NO. 2017-03R passed at a regular meeting of the City Council of the City of Escondido held on the 22nd day of March, 2017, after having been read at the regular meeting of said City Council held on the 15th day of March, 2017.



DIANE HALVERSON, City Clerk of the
City of Escondido, California

ORDINANCE NO. 2017-03R

EXHIBIT "A"

**FACTORS TO BE CONSIDERED
AZ 16-0010**

Zoning Code Amendment

1. The public health, safety and welfare would not be adversely affected by the proposed zoning code amendments as they would only streamline existing review processes by eliminating an obsolete preliminary development review stage, establish a minor conditional use permit category, authorize a different hearing body/officer to review applications for existing development review processes, reorganize code sections to consolidate information, remove redundant information and update references. No development project is proposed.
2. The proposed zoning code amendment would not conflict with any State law or be detrimental to surrounding properties because the amendments involve revising the review bodies to streamline the processing of various existing development application types and existing development standards. The amendment would not expand or reduce the type of land uses that may be established in the City and no physical improvements are proposed as part of this code amendment.
3. The proposed zoning code amendments to streamline project review processes would be consistent with the goals and policies of the General Plan because it would not diminish the Quality of Life Standards of the General Plan, nor adversely impact the community health or natural resources. In addition, the amendment would implement a portion of the "Working Together to Get to Yes!" program associated with the City Council's 2015-2016 Action Plan Economic Development goal to "Revamp and clean up policies, practices and standards around Planning, Development, Enforcement and Economic Development."
4. The proposed zoning code amendment would not affect any specific plans.

EXHIBIT "B"
Escondido Zoning Code
Article 19 and Article 61
Case No. AZ 16-0010

Escondido Zoning Code Article 19 is hereby repealed and replaced as follows:

ARTICLE 19. PLANNED DEVELOPMENT (P-D) ZONE

Sec. 33-400. Purpose.

The planned development (P-D) zone designation has the following purposes:

- (a) Encouraging the development of parcels with comprehensive site planning and building design;
- (b) Providing a more flexible regulatory procedure by which the basic public purposes of the Escondido general plan and development policies may be accomplished for specific parcels;
- (c) Encouraging creative approaches to the use of land through variation in siting of buildings and the appropriate mixing of several land uses and the design of facilities;
- (d) Promoting and creating public and private open space as an integral part of land development design;
- (e) Encouraging private development of older areas of the city or areas which are not conducive to development under traditional zoning designations;
- (f) Enhancing and preserving property with unique features, such as historical significance, sensitive biological resources, or unusual topography and landscape features.

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.

(e) 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) 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.

(g) The provision of public and private open space as an integral part of land development planning and design is required of planned developments. The planning commission shall recommend to the city council and the city council shall adopt principles and standards for the provision, improvement and maintenance of required open space, and may require higher standards of open space for residential portions of a planned development than are required elsewhere for residential uses.

(h) Standards for public improvements shall be governed by applicable ordinances and laws of the city.

(i) Exceptions to standards of the zoning code or to standards adopted by the planning commission or city council shall be granted by the planning commission and city council only in cases where these bodies find that such exceptions encourage a more desirable environment, are warranted in order to foster the establishment of a comprehensively planned and designed development or unit thereof, and are consistent with the purposes of section 33-400 of this article. (Zoning Code, Ch. 104, § 1044.4; Ord. No. 98-25, § 2, 12-9-98; Ord. No. 2011-19R, § 5, 1-11-12)

Sec. 33-402. Residential density policy.

Planned development residential densities shall be guided by the following:

(a) Residential planned developments may, and are encouraged to, depart from standard subdivision and housing design by providing a variety of lot sizes and housing types, provided that the overall residential density yield conforms with the city policy as determined in subsection (b) of this section, and provided residential amenities are incorporated in amounts and locations conducive to the establishment of a quality residential environment and/or residential environments of special social importance to the city

(b) All planned developments in which residential uses are proposed shall be governed by the residential density set forth in the Escondido General Plan, or in any applicable Specific Plan, or any applicable area plan, or in official city plans and policies in process of preparation and adoption;

(c) For planned developments in which residential uses are proposed on lots or parcels of land in the R-3, R-4 and R-5 zones, area plans and specific plan areas with a maximum specified multifamily residential density, no planned development shall be improved or developed at a density below seventy (70) percent of the maximum permitted density of the underlying multifamily zone, area plan or specific plan multifamily designation. Exceptions to the minimum density requirement may be granted in writing as part of the planned development approved pursuant to section 33-408 provided the development will not preclude the city from meeting its housing needs as described in the Housing Element of the Escondido General Plan. Minimum density requirements shall not apply to property owners seeking to enhance or enlarge existing dwelling units or construct other accessory structures on a site. (Zoning Code, Ch. 104, § 1044.5; Ord. No. 2007-19, § 4, 9-19-07)

Sec. 33-403. Findings of the planning commission and city council.

A Planned Development Zone shall not be adopted unless the following Findings are made:

(a) The location, design, and residential density of the proposed planned development is consistent with the goals and policies of the Escondido General Plan and any applicable Specific Plan or with any policies adopted by, or being considered by the Escondido city council, or in the process of being prepared and adopted;

(b) The proposed location allows the planned development to be well integrated with its surroundings;

(c) All vehicular traffic generated by the planned development will be accommodated safely and without causing undue congestion upon adjoining streets;

(d) The proposed location and design allows residents and business establishments proposed within the zone to be adequately serviced by existing or proposed public facilities and services and does not provide an undue or negative impact on existing public facilities and services. In appropriate circumstances, and as provided elsewhere by city code, the city may require that suitable areas for schools, parks and playgrounds, pedestrian-ways or public open spaces be dedicated for public use, or reserved by deed covenant for the common use of all residents, establishments or operations in the development;

(e) The overall design of the proposed planned development produces an attractive, efficient and stable environment.

(f) The planned development is well integrated with its settings, does not require excessive earthmoving or grading, or destruction of desirable natural features, nor is visually obstructive or disharmonious with surrounding areas and facilities, and does not substantially harm major views from adjacent properties;

(g) The uses proposed have a beneficial effect not obtainable under existing zoning regulations. Any departure from existing ordinance requirements shall be warranted by the design and the amenities incorporated in the planned development in accord with adopted city policy.

Sec. 33-404. Dedication, maintenance and open space.

(a) As a condition of approval, the City may require that suitable areas for schools, parks and playgrounds be set aside, improved and dedicated for public use, or be reserved for the owners, residents and establishments in the development by deed restrictions. Whenever group or common open space is provided, whether required or not, the planning commission shall, as a condition of approval, require that some provision be made for perpetual maintenance of said open space. The form of any instrument used to assure open space maintenance shall, be approved by the city attorney as to form and content. Agreements and covenants running with the land shall include provisions for charges to be levied for carrying out the specified functions and administrative expenses of said perpetual maintenance. The city shall be a party in interest in any such development and may by mandatory injunction enforce the provisions of this article.

(b) To assure that open space shall be available for the entire developed planned development district, public sites and development rights to required open spaces shall be dedicated in advance of development whenever such dedication is required. In any event, whether a subdivision map is required or not, any required dedication of public sites and development rights to required open spaces for the entire district shall be made before the first building permit is issued.

(c) Other dedications for street, utility, flood control, rights-of-way and for easements and other public purposes may also be required before the issuance of the first building permit. (Zoning Code, Ch. 104, § 1044.18)

Sec. 33-405. Findings for conversion of a mobilehome park to planned development.

(a) The procedures set forth in this article may be used in circumstances where a mobilehome park is converted to resident ownership of individual mobilehome lots.

(b) In the event this planned development process is used for a mobilehome park conversion as specified in subsection (a) of this section, any findings which are required by sections 33-403 and 33-410 of this article shall not be required. Before recommending approval, the planning commission shall find that:

(1) The location and design of the mobilehome park is consistent with the goals and policies of the Escondido general plan and with any other applicable official plan or policies adopted by the Escondido city council, or in the process of being prepared and adopted;

(2) The existing public facilities, common areas, street system, lot configuration and other physical features shall be suitable for the conversion of the mobilehome park to resident ownership.

(c) The following sections of this article shall be inapplicable in the event of a mobilehome conversion pursuant to subsection (a) of this section:

(1) The residential density policy of section 33-402; and

(2) The dedication and maintenance of open space requirements of section 33-404.

(d) In the event the City of Escondido is the proponent of the mobilehome park conversion pursuant to subsection (a) of this section, the fees required by section 33-407 may be waived by the city council. (Zoning Code, Ch. 104, § 1044.24; Ord. No. 91-17, § 2, 4-17-91)

Sec. 33-406. Initiation of a planned development zone.

(a) A planned development (P-D) zone may be established upon application directed by the City Council or upon application of the owner(s) of property which would be included in the zone.

(b) A Planned Development Zone initiated by property owner application shall include the written consent of every property owner within such zone at the time of adoption of the ordinance agreeing to the conditions and regulations proposed and which will be effective within the zone.

(c) Whenever a planned development zone has been established, its boundary shall be indicated on the official zoning maps of the City of Escondido. (Zoning Code, Ch. 104, § 1044.16)

Sec. 33-407. Application procedure.

(a) A Planned Development Zone shall be created by adoption of a Master Development Plan and a subsequent Precise Development Plan. A Master Development Plan and a Precise Development Plan may be processed and approved concurrently.

(b) Fees for the filing of Master and Precise Development Plans shall be established by resolution of the City Council from time to time and shall be payable upon submission of an application.

Sec. 33-408. Master development plan.

(a) The master development plan shall provide detailed plans of the proposed overall development layout; multi-modal circulation; the intensity, density and types of land uses proposed and their interrelationship; common areas/facilities and open space; proposed development standards; existing topography, proposed grading and stormwater management; architectural design, materials and colors; comprehensive sign program; proposed development phasing; and any other information required by the director to inform the city of the extent, dimensions and impact, including potential environmental impacts, of the proposed development. Approval of the master development plan shall include precise location of uses, configuration of parcels, engineering feasibility, and any required environmental analysis.

(b) The planning commission shall conduct a public hearing pursuant to Article 61, Division 6 to review and recommend the application and the accompanying master development plan. The planning commission's recommendation to the city council shall be in writing and shall state the reasons for approval or denial based on findings pursuant to section 33-403.

Sec. 33-409. City council action.

The city council may, after giving public notice and holding a hearing as provided in Article 61, Division 6, approve, conditionally approve or deny the master development plan, provided that, in overruling a planning commission recommendation for denial, the city council shall make the findings listed in section 33-403 of this article. Approval of the master development plan and establishment of a planned development zone shall be by ordinance. Approved zoning to P-D shall include but not be limited to the following stipulations:

(a) The development, maintenance and use of the property included in the master development plan shall be carried on in conformance with the approved plan drawings and documents; the developer shall substantially adhere to the phased development schedule submitted as part of a master development plan.

(b) Approval of the master plan shall not be interpreted as waiving compliance with other provisions of the Escondido municipal code.

(c) The approved master development plan drawings and documents shall be filed in the office of the city clerk and in the city planning division.

(d) No land shall be used or developed and no buildings shall be constructed, maintained or used other than for the purpose specified on the approved master development plan drawings and documents, as filed, nor prior to the approval of a precise development plan as required hereinafter. (Zoning Code, Ch. 104, § 1044.13)

Sec. 33-410. Precise development plan.

One or more Precise Development Plans shall provide finely detailed plans consistent with the approved Master Development Plan. The planning commission shall approve, conditionally approve, or deny the proposed Precise Development Plan by resolution, after a determination of consistency with the Master Development Plan, and shall notify the applicant. Approval of the Precise Development Plan shall include but not be limited to site layout, building elevations, colors, materials, signage, parking, circulation, grading, drainage, landscaping, fencing, etc.

(a) If a precise development plan is submitted concurrently with the master development plan, review and consideration shall be pursuant to Sec. 33-408 and 33-410.

(b) The reasons for approval or denial of the precise development plan shall be in writing based on findings pursuant to section 33-403.

(Zoning Code, Ch. 104, § 1044.17)

Sec. 33-411. Modifications.

(a) The planning commission shall have the authority to approve changes to a Master Development Plan at a public hearing when the changes are consistent with the purpose of the Master Development Plan and do not affect the boundaries of the subject zone, provided that such changes shall not increase the established densities, change uses of land, or the location or amounts of land devoted to specific land uses. Proposed modifications that exceed these limitations shall be considered pursuant to Section 33-408.

(b) The zoning administrator shall have the authority to approve changes to a Precise Development Plan upon review and determination that the proposed changes are consistent with the purpose, character and established development standards of the Master Development Plan.

Sec. 33-412. Subdivision maps.

(a) A final subdivision map or parcel map submitted in combination with or after approval of the master development plan shall not be approved for recordation by the city council until after the planned development zoning has become effective.

(b) The provisions of the Planned Development zone are in addition to all requirements of the Escondido subdivision ordinance. (EMC Chapter 32). Subdivision maps for all or portions of the proposed zone shall be processed concurrently with the Planned Development zone application.

(c) No building permit shall be issued until a final subdivision map, or parcel map, if required, has been recorded in compliance with the Subdivision Map Act and the Escondido subdivision ordinance. (Zoning Code, Ch. 104, § 1044.20)

Sec. 33-413. Appeals.

Appeals of a decision by the zoning administrator or the planning commission shall be made in accordance with the provisions of sections 33-1303 and 33-1304 of Article 61 of this chapter within ten (10) days following the date of the decision. (Zoning Code, Ch. 104, § 1044.22)

Sec. 33-414. Expiration of planned development permit.

All planned development permit approvals shall expire concurrently with the expiration of any companion tentative subdivision map(s) or tentative parcel map(s). Where there is no tentative subdivision map or parcel map, all planned development permit approvals shall expire according to the same schedule and procedure as a tentative subdivision map including local or state time extensions granted to subdivisions. Where a planned development permit has expired the city may set a hearing to rezone all or part of the property back to the zoning status existing immediately prior to establishment of the planned development zone, or, after notice and hearing provided in this division, to any other appropriate zone. (Zoning Code, Ch. 104, § 1044.21)

Secs. 33-415—33-429. Reserved.

Escondido Zoning Code Article 61 is hereby repealed and replaced as follows:

ARTICLE 61 ADMINISTRATION AND ENFORCEMENT

DIVISION 1. CONDITIONAL USE PERMITS

Sec. 33-1200. Definition and purpose.

A conditional use permit is a permit allowing a use under specified conditions which assure that the use will not be detrimental to the public health, safety and welfare and will not impair the integrity and character of the surrounding areas. Conditional use permits are classified as 'minor' or 'major,' as provided for in Sec. 33-1202. (Zoning Code, Ch. 109, § 1094.01)

Sec. 33-1201. Authorization.

(a) Unless otherwise provided, the director, zoning administrator or planning commission shall have the authority to grant, conditionally grant or deny a conditional use permit application based on sound principles of land use. Unless as otherwise provided, a conditional use permit is granted at the discretion of the director, zoning administrator or planning commission and is not the automatic right of any applicant.

(b) When a proposed use is not specifically listed as permitted or conditionally permitted in the subject zone, the director shall determine if the use shall be permitted, or conditionally permitted as a major or minor conditional use, after study and finding that the use is similar to uses listed and would be consistent with the purpose of the subject zone. The director may also determine that a conditionally permitted use qualifies for processing as a minor conditional use permit when the project substantially conforms to one of the situations listed in section 33-1202(c) based on the details of the request. (Zoning Code, Ch. 109, § 1094.03; Ord. No. 95-5, § 1, 5-24-95)

Sec. 33-1202. Application, fees and procedures.

(a) Application and fees. Application for a conditional use permit may be initiated by the property owner or agent of the property affected, the planning commission or the city council. Application shall be made on forms provided by the city and shall be accompanied by the appropriate fee. The application shall further be accompanied by such materials as required by the director.

(b) Procedures. The zoning administrator or planning commission shall consider the application, all relevant codes and regulations, the project's environmental status, necessary findings, the circumstances of the particular case, as well as any other relevant evidence and shall hold a public hearing before approving, conditionally approving or denying the application. The zoning administrator may refer any minor conditional use permit application to the planning commission.

(c) Minor conditional use permit. The zoning administrator shall give notice pursuant to Division 6 of this article and hold a hearing on the application. Minor conditional use permits include but are not limited to:

(1) Land uses specified as minor conditional uses in the land use matrix of the applicable zoning district, area plan, specific plan or planned development.

(2) Requests where the conditional use to be permitted does not involve the construction of a new building or other substantial structural improvements on the property in question, provided the use does not involve the use of hazardous substances;

(3) Requests where the conditional use requiring the permit would make use of an existing building and does not involve substantial remodeling thereof or the use of hazardous substances;

(4) Requests where the use requiring the permit is a temporary use that operates periodically on a regular basis and exceeds the time and/or area restrictions set forth in sections 33-1534(c)(1) and (2) of Article 73;

(5) Applications for additional animals over those permitted by section 33-1116 of Article 57, pursuant to subsection 33-1116(g).

(6) For uses in non-residential zones requesting parking suitable for the proposed use or mix of uses, pursuant to section 33-764(b) of Article 39.

(7) Requests for businesses in the CN zone that are open for business before 7:00 a.m. and/or after 11:00 p.m., pursuant to section 33-337(d).

(d) Major conditional use permit. Any conditional use that is not eligible to be processed as a minor conditional use permit shall be processed as a major conditional use permit. Unless otherwise provided, the planning commission shall hold a public hearing to consider any application for a major conditional use permit. (Zoning Code, Ch. 109, § 1094.05; Ord. No. 95-5, § 2, 5-24-95)

Sec. 33-1203. Findings.

All decisions granting or denying a permit shall be in writing and shall state the reasons for the decision. In granting a conditional use permit, the following guidelines shall be observed:

(a) A conditional use permit should be granted upon sound principles of land use and in response to services required by the community;

(b) A conditional use permit should not be granted if it will cause deterioration of bordering land uses or create special problems for the area in which it is located.

(c) A conditional use permit must be considered in relationship to its effect on the community or neighborhood plan for the area in which it is to be located.

Any conditional use permit granted shall be subject to such conditions necessary and desirable to preserve the public health, safety and general welfare. (Zoning Code, Ch. 109, § 1094.07)

Sec. 33-1204. Notification of action.

The decisions of the zoning administrator and the planning commission shall be filed in the Planning Division and a copy provided to the applicant at the address shown on the application. (Zoning Code, Ch. 109, § 1094.09)

Sec. 33-1205. Appeal and effective date.

The provisions of Division 6 of this article regarding appeal of the zoning administrator's or commission's actions and the effective date of approval shall apply. (Zoning Code, Ch. 109, § 1094.11)

Sec. 33-1206. Expiration.

Unless otherwise specified in the action granting a conditional use permit, any such permit shall become automatically null and void unless the uses authorized by the permit have been substantially implemented within twelve (12) months from the grant of the permit. The abandonment or non-use of a permit for a period of twelve (12) consecutive months shall also result in such permit becoming automatically null and void. The director shall have authority to grant extensions to the deadlines in this section. Once any portion of a conditional use permit is utilized, the other conditions thereof become immediately operative and must be strictly complied with. (Zoning Code, Ch. 109, § 1094.13)

Sec. 33-1207. Modification or revocation of conditional use permits.

The planning commission or the city council shall have the discretion to initiate proceedings to revoke or modify a conditional use permit. If such proceedings are initiated, written notice of a public hearing shall be served on the owner of the property for which such permit was granted at least ten (10) days before such public hearing. Such notice may be served either personally or by certified mail, postage prepaid, return receipt requested. A conditional use permit may be modified or revoked under any of the following circumstances:

- (a) That the use is detrimental to the public health, safety or welfare or is a nuisance;
- (b) That the conditional use permit was obtained by fraud;
- (c) That the use for which the permit was granted is not being exercised;
- (d) That the use for which the permit was granted has ceased or been suspended for twelve (12) months or more;
- (e) That the conditions of the improvements, if any, on a property for which a conditional use permit has been issued, are such that they can be used or altered as to be used in conformity with the uses permitted in the zone in which such property is located without impairing the constitutional rights of any person;
- (f) That the conditions of the conditional use permit are not being complied with.
(Zoning Code, Ch. 109, § 1094.15)

Sec. 33-1208. Minor expansion of existing conditional use permits.

Expansion of existing major and minor conditional uses of less than one thousand (1,000) square feet or ten (10) percent of the facility, whichever is greater, may be requested through the plot plan administrative review process pursuant to Division 8 of this article. The director or zoning administrator may administratively approve or conditionally approve, without a public hearing, other minor adjustments, in substantial conformance to the original development plans of a major or minor conditional use, that do not involve an expansion or change to the conditionally permitted use, provided that such adjustments do not conflict with the concept or intent of the development plans originally approved. (Zoning Code, Ch. 109, § 1094.16; Ord. No. 2001-08, § 8, 5-9-01)

Sec. 33-1209. Limitation on refiling of applications.

Any final action which denies any application for a conditional use permit shall prohibit the refiling of a similar or substantially similar application for at least one (1) year from the date of denial. (Zoning Code, Ch. 109, § 1094.17)

Sec. 33-1210. Violation—Penalty.

In addition to modification or revocation as provided in section 33-1207 of this division, the violation of any condition of a conditional use permit is unlawful and may be punished as provided in section 33-1313 of this article. A violation of any condition of a conditional use permit may also result in the imposition of civil penalties as provided in section 1-20 et seq. of Chapter 1 of the Escondido municipal code. (Zoning Code, Ch. 109, § 1094.18; Ord. No. 90-60, § 1, 11-7-90)

Sec. 33-1211. Reserved.

(Deleted by Ord. No. 92-47, § 2, 11-18-92)

Sec. 33-1212. Conditional use permits for residential care facilities for the handicapped.

(a) The decision whether or not to issue a conditional use permit for residential care facilities for the handicapped, when required by other provisions of this code, shall lie with the sound discretion of the director. Whenever permissible under the California Environmental Quality Act or its guidelines for implementation, the director shall prepare a notice of exemption for the proposed residential care facility. If the facility is not eligible for an exemption, the director shall conduct only such environmental review as is necessary to comply with the minimum requirements of the California Environmental Quality Act. The construction of access ramps for persons with mobility impairments shall not be deemed to be a substantial modification of a structure or to have a significant effect on the environment.

(b) Upon determining whether or not to issue a conditional use permit for a residential care facility for the handicapped, the director shall provide notification of the intended decision to surrounding property owners as provided in section 33-1300. The notification shall advise all interested persons that unless appealed, the director's decision to issue a conditional use permit for a residential care facility for the handicapped shall become final within ten (10) days of the date of notification.

(c) Any interested person may appeal the decision of the director to grant or deny a conditional use permit for a residential care facility for the handicapped. Such appeal shall be made to the planning commission and the city council, and shall be made pursuant to the requirements set forth in section 33-1300 et seq. of this code.

(d) In determining whether or not to grant a conditional use permit for a residential care facility for the handicapped, the director shall grant the application as long as the following requirements are met:

(1) The proposed use and structure comply with all existing and applicable Zoning Code provisions, Uniform Housing Code provisions, and Uniform Building Code requirements;

(2) The site and structure have, or will receive, all necessary licenses from the appropriate state or federal regulatory agencies;

(3) The design of the physical structure is not wholly inconsistent with the design and scale of the surrounding neighborhood; however, this factor shall not be considered with respect to an existing structure;

(4) The use and structure will not create measurable and identifiable traffic problems in the surrounding neighborhood. In making this determination, the director shall determine from information supplied by the applicant the number of automobile trips that the home may reasonably be expected to generate. Traffic may not be used as a reason to deny or condition the application unless this number is more than twice the number which the city assumes for planning purposes will be generated by a typical single-family residence, which is ten (10);

(5) The use and structure will not create measurable and identifiable parking problems in the surrounding neighborhood. In making this determination, the director shall determine from information supplied by the applicant the number of cars that may reasonably be expected to be present at the home at any one time, and may condition the permit on the applicant's providing the appropriate number of off-street parking spaces. In making this determination, the director shall not apply any formula, but shall assess the actual likelihood that the prospective residents will own and operate cars. (Ord. 95-5, § 3, 5-24-95)

Secs. 33-1213—33-1219. Reserved.

DIVISION 2. VARIANCES AND ADMINISTRATIVE ADJUSTMENTS

Sec. 33-1220. Variance defined.

Variance is a waiver or modification of some requirement contained in this chapter which may be granted in accordance with the requirements of this division. A variance may not be granted which authorizes a use or activity which is not otherwise expressly authorized by the zone regulations governing the parcel of property. (Zoning Code, Ch. 109, § 1093.01)

Sec. 33-1221. Administrative adjustment defined.

Administrative adjustment is a reduction or exceedance of certain standards prescribed in the zoning code, which may be granted in accordance with the requirements of this division. An administrative adjustment may not be granted which authorizes a use or activity which is not otherwise expressly authorized by the zoning regulations governing the parcel of property. Administrative adjustments may be requested for the following property development standards:

- (a) Up to a twenty-five (25) percent reduction of required yards/setbacks for structures, signs, and parking areas;
- (b) Reductions up to twenty-five (25) percent of the required number of parking spaces for uses in non-residential zones, pursuant to Section 33-764 of this chapter.
- (c) Increases above the fifty (50) percent limitation on the cumulative costs of improvements as a percentage of the replacement value of the nonconforming use for a nonconforming single-family residential structure in a single-family zone, pursuant to section 33-1243 of this Chapter.
- (d) Modifications of the identified front, street side, side and rear lot lines of a lot in order to facilitate orderly development on a parcel subject to unusual circumstances, including but not limited to, topography, grading, drainage and stormwater treatment, utility facilities, easements, access and other site constraints or development requirements.
- (e) Other adjustments as specified by this chapter.

Sec. 33-1222. Authorization.

(a) The zoning administrator, shall have the authority to approve, conditionally approve or deny a variance application as provided for in Title 7, Chapter 4, Article III (Section 65900 et seq.) of the Government Code of the State of California, providing such approval or conditional approval is consistent with the intent and purpose of this chapter and this article. A variance is granted at the discretion of the zoning administrator and is not the automatic right of any applicant. (Zoning Code, Ch. 109, § 1093.03)

(b) The director of community development (director), or designee, shall have the authority to approve, conditionally approve, or deny an application for an administrative adjustment providing such approval or conditional approval is consistent with the intent and purpose of this chapter and will not be detrimental to adjacent properties or improvements.

(c) The zoning administrator and the director may refer any variance or administrative adjustment application to the planning commission.

Sec. 33-1223. Application and procedure.

(a) Application. Application for a variance may be initiated by the property owner or agent of the property affected, or the city council. Application for an administrative adjustment may be initiated by the property owner or owner's agent. An application shall be made on forms provided by the city and shall be accompanied by a fee in the amount established by resolution of the city council. The application shall further be accompanied by such materials as may be required by the zoning administrator and director.

(b) Variance Procedure. The zoning administrator shall hold a public hearing pursuant to Division 6 of this article. Such hearing may be continued from time to time as deemed necessary by the zoning administrator. (Zoning Code, Ch. 109, § 1093.05)

(c) Administrative adjustment procedure. The director shall review the requested adjustment, the applicant's justification, the compatibility with adjacent properties or improvements and any other pertinent factor(s).

Sec. 33-1224. Variance findings.

The decision of the zoning administrator shall be in writing and shall state the reasons therefore. In granting a variance, the following findings shall be made:

(a) That there are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to the property or class of use in the same zone or vicinity;

(b) That the granting of such variance will not be materially detrimental to the public health, safety or welfare or injurious to the property or improvements in such zone or vicinity in which the property is located;

(c) That such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by other property in the same zone or vicinity;

(d) That the granting of such variance will not adversely affect the comprehensive general plan.

Any variance granted shall be subject to conditions necessary to assure that the variance thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated. (Zoning Code, Ch. 109, § 1093.07)

Sec. 33-1225. Notification of action.

(a) Zoning administrator action. Decisions of the zoning administrator shall be filed in the planning division and a copy provided to the applicant at the address shown on the application.

(b) Director action. The director shall give notice of the intended decision as provided in Division 6 of this article. (Zoning Code, Ch. 109, § 1093.09)

Sec. 33-1226. Appeal and effective date.

A decision of the zoning administrator or director may be appealed to the planning commission, pursuant to Division 6 of this article. (Zoning Code, Ch. 109, § 1093.11)

Sec. 33-1227. Expiration.

Unless otherwise specified in the action granting a variance or administrative adjustment, any such approval shall become automatically null and void unless the variance or administrative adjustment authorized by the approval has been substantially implemented within twelve (12) months from the grant of approval. The abandonment or non-use of a variance or administrative adjustment for a period of twelve (12) consecutive months shall also result in such approval becoming automatically null and void. The director shall have authority to grant extensions to the deadlines in this section for both variances and administrative adjustments. Once any portion of a variance or administrative adjustment is utilized, the other conditions thereof become immediately operative and must be strictly complied with. (Zoning Code, Ch. 109, § 1093.13)

Sec. 33-1228. Modification or revocation of variances.

The authority making the original grant of a variance or the city council shall have the discretion to initiate proceedings to revoke or modify a variance. If such proceedings are initiated, written notice of a public hearing shall be served on the owner of the property for which such variance was granted at least ten (10) days before such public hearing. Such notice may be served either personally or by certified mail, postage prepaid, return receipt requested. A variance may be modified or revoked under the following circumstances:

(a) That the grant is detrimental to the public health, safety or welfare or is a nuisance;

(b) That the variance was obtained by fraud;

- (c) That the purpose for which the variance was granted is not being exercised;
- (d) That the use for which the variance was granted has ceased or been suspended for twelve (12) months or more;
- (e) That the conditions of the variance are not being complied with. (Zoning Code, Ch. 109, § 1093.15)

Sec. 33-1229. Limitation of refiling of applications.

Any final action which denies any application for a variance shall prohibit the refiling of a similar or substantially similar application for at least one (1) year from the date of denial. (Zoning Code, Ch. 109, § 1093.17)

Secs. 33-1230—33-1239. Reserved.

DIVISION 3. NONCONFORMING USES AND STRUCTURES

Sec. 33-1240. Definition and purpose.

Nonconforming use, as used in this division, is the use of any building, structure or land which is prohibited by any city law, but which use was lawful prior to the effective date of such law. The purpose of this division is to provide for the control, improvement and termination of uses, structures or parcels which do not conform to the current regulations for the land on which they are located. (Zoning Code, Ch. 108, § 1084.01; Ord. No. 89-36, § 1, 8-9-89; Ord. No. 93-16, § 1, 7-14-93; Ord. No. 2013-07RR, § 4, 12-4-13)

Sec. 33-1241. Continuing nonconforming use.

- (a) A nonconforming use may be continued even though such use does not conform to the revised provisions of applicable regulatory ordinances, but only if such use constitutes a legal nonconforming use as determined by the provisions of this division.
- (b) This division does not authorize or approve the continuance of the use of any land, building or structure which was in violation of law at the commencement of such use.
- (c) Alterations or enlargements may be made to single-family residential structures in residential zones notwithstanding the fact that such structure or lots may not conform to the minimum setback, lot size or lot width requirements of the current applicable zoning regulations,

if the residential structure was built in conformity with the development standards in force at the time of construction.

Alterations or enlargements made to such nonconforming structures shall observe current front and rear yard setbacks, but may observe prior established nonconforming side yard setbacks subject to current applicable building code requirements and subject to the limitations of section 33-1243.

(d) Notwithstanding the provisions of this chapter, the director of community development ("director") or designee, may determine that nonconforming status exists for residential, commercial or industrial zoned properties, even though permit documentation is not available, subject to the following findings:

- (1) The structure was constructed prior to 1976 and subsequently annexed to the city.
- (2) The structure or building does not create a public nuisance as a result of conditions that threaten the public health, safety and welfare.
- (3) Except as noted in this subsection, all other provisions of this article shall apply.

(e) Investigation. Any request brought pursuant to this subsection, shall be made in writing to the planning division, and shall be accompanied by a filing fee, which shall be established by resolution of the city council. The director, or designee, shall review the request, together with any other information deemed relevant or necessary. Any necessary information shall be the responsibility of the applicant to provide. Upon making the required findings of this subsection, the director, or designee, shall grant, deny, or conditionally grant the request subject to the provisions of this article. (Zoning Code, Ch. 108, § 1084.02; Ord. No. 89-36, § 1, 8-9-89; Ord. No. 93-16, § 1, 7-14-93; Ord. No. 96-7, § 1, 2-28-96; Ord. No. 96-20, § 1, 7-24-96; Ord. No. 2013-07RR, § 4, 12-4-13)

Sec. 33-1242. Inapplicability of this division.

The following properties shall not be entitled to legal nonconforming use status under section 33-1241:

(a) Abandoned use of property. Any discontinuance of a nonconforming use for a continuous period of six (6) months shall be deemed to constitute abandonment of any preexisting nonconforming rights and such property shall not thereafter be returned to such nonconforming use;

(b) Altered property use. Nonconforming uses may not be repaired, altered, improved or reconstructed in such a way that the nonconforming use becomes more permanent or is expanded. Alterations, improvements and reconstruction are deemed to make the nonconforming use more permanent or expanded if cumulative expenditures on the nonconforming use exceed

the percentages of replacement value set forth in section 33-1243. All percentages used in section 33-1243 shall be calculated on a cumulative basis commencing with the initial expenditure. Replacement values shall be calculated by the director, or designee, using the most recent table of valuation multipliers of the International Code Council;

(c) Changed use. A nonconforming building, structure or use shall not be changed to another nonconforming use;

(d) Extended nonconforming use. A nonconforming use shall not be physically extended or enlarged, except as permitted in section 33-1243. Minor expansions of nonconforming buildings are permitted provided the degree of nonconformity is not increased and all applicable development standards are met. The extension or enlargement of a lawful use to any portion of a nonconforming use, or the issuance of a home occupation permit pursuant to Article 44, shall not be deemed the extension of such nonconforming use. (Zoning Code, Ch. 108, § 1084.03; Ord. No. 89-36, § 1, 8-9-89; Ord. No. 92-11, §§ 1 and 2, 3-4-92; Ord. No. 92-47, § 5, 11-18-92; Ord. No. 93-16, § 1, 7-14-93; Ord. No. 2013-07RR, § 4, 12-4-13)

Sec. 33-1243. Exceptions to nonconforming use provisions.

(a) Routine maintenance. Nothing in this division shall prevent a property owner from performing routine maintenance on a nonconforming use. For the purposes of this section, the term, "routine maintenance," is minor work on a nonconforming use which does not require a permit of any kind and is primarily related to the aesthetics of a use or to alleviate normal wear and tear. Common examples of routine maintenance include, but are not limited to, painting, scraping, cleaning, pruning and so forth;

(b) Voluntary work. Nothing in this division shall prohibit the repair, alteration, improvement or reconstruction of a nonconforming use provided that the total cumulative costs of such work do not exceed twenty-five (25) percent of the replacement value of the nonconforming use. The twenty-five (25) percent limitation shall include the replacement costs of work conducted pursuant to subsection (c) of this section and shall not include work that brings the property more into conformance with the current code:

(1) Improvements, additions and/or alterations for a nonconforming single-family residential structure(s) in a residential zone, including restoration pursuant to government order, may exceed the twenty-five (25) percent limitation up to fifty (50) percent of the replacement value of the nonconforming structure,

(2) Improvements, additions and/or alterations above fifty (50) percent for a nonconforming single-family residential structure(s) in a single-family zone, including restoration pursuant to governmental order, may be approved or conditionally approved by the director, or designee, pursuant to an administrative adjustment, as provided for in Division 2 of this Article, upon demonstration that the proposed adjustment will be compatible with and will not be detrimental to adjacent property or improvements,

(3) The application for the administrative adjustment of the replacement valuation shall include a fee to the city in an amount to be established by resolution of the city council. The director may agendaize the application for consideration by the planning commission. Replacement values shall be calculated by using the most recent table of valuation multipliers of the International Code Council,

(4) A nonconforming sign may be altered, improved or remodeled notwithstanding this section provided the cumulative costs of such improvements or remodeling of the sign does not exceed fifty (50) percent of the cost of reconstruction of the building, as determined by the director,

(5) City-wide zone change. Nothing in this division shall prohibit the repair, alteration, improvement or reconstruction of a residential use considered nonconforming due to the city-wide zone change program; provided, that the total cumulative costs of such work does not exceed fifty (50) percent of the replacement value of the nonconforming use, except as permitted within this subsection

(6) Industrial zones. Repairs, alterations and expansions to nonconforming sites, structures and uses in industrial zones may exceed the twenty-five (25) percent limitation up to seventy-five (75) percent of the replacement costs of all existing improvements provided the expansion or alteration does not expand the degree of nonconformity, pursuant to section 33-574 of this chapter.

(c) Restoration pursuant to governmental order. Nothing in this division shall prevent the repair, alteration, improvement or reconstruction of any portion of a nonconforming use if such work is ordered by a governmental authority having jurisdiction or if such work is necessary to bring the nonconforming use into compliance with any applicable building, plumbing, electrical or similar codes, provided the total cost of such work includes only restoration pursuant to government order to ensure health, safety and welfare;

(d) Restoration following disaster. Nothing in this division shall prevent the repair, alteration, improvement or reconstruction of any nonconforming use damaged by fire, collapse, explosion or acts of God, provided the total cumulative costs of such work does not exceed fifty (50) percent of the replacement value. Nonconforming residential structures are exempt from the fifty (50) percent limitation set forth in this subsection and may be constructed, repaired and rebuilt to nonconforming densities and the use thereof may be continued following damage by fire, collapse, explosion or acts of God without limitation as to cost. The percent limitations set forth in this subsection do not include work pursuant to subsection (b) or (c) of this section;

(e) Low- and very low-income housing. Low- and very low-income housing units may be repaired, altered, improved or reconstructed to a condition complying with all applicable building, electrical, plumbing and similar codes without regard to the percent limitations set forth in subsection (c) or (d) of this section, if the following conditions are satisfied:

(1) The housing units at issue have been inhabited continuously by individuals with low- or very low-income for at least one (1) year prior to the date of the proposed alteration, improvement or reconstruction,

(2) The property owner restricts the property for occupation solely by individuals of families of low- and very low-income for a period of at least ten (10) years. Such restrictions shall be in a form satisfactory to the city attorney,

(3) The property owner does not charge rent for the property which is in excess of thirty (30) percent of the gross household income of the residents of the property;

(f) Income definition. For the purposes of subsection (e) of this section, the term "low- and very low-income" means eighty (80) percent and fifty (50) percent respectively of median income of the San Diego County metropolitan statistical area adjusted for household size or any more recent definition adopted by the Department of Housing and Urban Development;

(g) Any property owner electing to not be subject to restrictions imposed pursuant to subsection (e)(2) of this section shall immediately notify the city and shall terminate, demolish or bring the nonconforming use into compliance with all relevant zoning, building, plumbing, electrical and similar codes within thirty (30) days of terminating the low-income use;

(h) Miscellaneous exceptions. The following nonconforming situations are not subject to this division:

(1) Lots created in the Old Escondido Neighborhood Historic District pursuant to Article 65, section 33-1376,

(2) Single-family residential lots that were created legally but now do not meet minimum lot width, lot frontage or lot area.

(3) Nonconforming structures listed on the city's local register of historic places pursuant to the provisions of Article 40 of this chapter.

(Zoning Code, Ch. 108, § 1084.04; Ord. No. 89-36, § 1, 8-9-89; Ord. No. 93-16, § 1, 7-14-93; Ord. No. 2008-22, § 6, 9-10-08; Ord. No. 2011-19R, § 5, 1-11-12; Ord. No. 2013-07RR, § 4, 12-4-13)

Sec. 33-1244. Appeals.

Any owner of a nonconforming use or structure who is notified by the city of the nonconformance and/or ordered to remove or abate said structure or use may appeal such order to the director pursuant to the terms and procedures set forth in the following sections of this division. (Zoning Code, Ch. 108, § 1084.05; Ord. No. 89-36, § 1, 8-9-89; Ord. No. 93-16, § 1, 7-14-93; Ord. No. 2013-07RR, § 4, 12-4-13)

Sec. 33-1245. Time for appeal.

Any notice of nonconformance or order for removal or abatement shall become final upon the expiration of thirty (30) days from the date of posting and mailing of the notice and order, unless an appeal to the director is filed prior to the expiration of said period of time. In the event that an appeal is timely filed, all action to be commenced against a nonconforming structure or use shall be stayed until said appeal is finally decided, unless there is an immediate and imminent threat to the public health, safety or welfare, as determined by the director. (Zoning Code, Ch. 108, § 1084.06; Ord. No. 89-36, § 1, 8-9-89; Ord. No. 93-16, § 1, 7-14-93; Ord. No. 2013-07RR, § 4, 12-4-13)

Sec. 33-1246. Procedure for appeals.

(a) Form. Any appeal brought pursuant to section 33-1244 shall be submitted on an application form to be provided by the planning division and shall be filed with the planning division. An appellant shall provide the following information as to each nonconforming structure or use that is the subject of an appeal:

- (1) A detailed description of the use or structure, including legal description, assessor's parcel number, the method of its construction and dimensions;
- (2) The name and address of each owner, occupant or tenant of the property upon which the use or structure is located;
- (3) The date and value of original construction of the nonconforming structure or the date of commencement of the nonconforming use and investment in such use;
- (4) The date and cost of appellant's purchase of the use or structure;
- (5) The date or dates, and all expenditures for repairs, alterations, improvements or reconstruction on the nonconforming use;
- (6) The current value of the use or structure.

(b) Investigation. The director shall initiate an investigation of each of the above points, together with any other information deemed relevant or necessary by the director. (Zoning Code, Ch. 108, § 1084.07; Ord. No. 89-36, § 1, 8-9-89; Ord. No. 93-16, § 1, 7-14-93; Ord. No. 2013-07RR, § 4, 12-4-13)

Sec. 33-1247. Hearing on appeal.

Within thirty (30) days of the filing of the appeal, the director shall commence a hearing during which the appellant may present evidence and argument. The building advisory and appeals board may grant or deny the appeal upon determining that the application of this division

to the appellant is neither arbitrary nor unreasonable. (Zoning Code, Ch. 108, § 1084.08; Ord. No. 89-36, § 1, 8-9-89; Ord. No. 93-16, § 1, 7-14-93; Ord. No. 2013-07RR, § 4, 12-4-13)

Sec. 33-1248. Findings.

The building advisory and appeals board shall not grant an appeal until the following findings are made:

(a) The use or structures to which the legal nonconforming use applies was lawfully in existence prior to the imposition of the law to which the current use or structures do not conform;

(b) The use of the property or building does not constitute a public nuisance as a result of conditions that threaten the public health, safety and welfare. (Zoning Code, Ch. 108, § 1084.09; Ord. No. 89-36, § 1, 8-9-89; Ord. No. 93-16, § 1, 7-14-93; Ord. No. 2013-07RR, § 4, 12-4-13)

Sec. 33-1249. Appeal to planning commission and city council.

The decision of the building advisory and appeals board may be appealed to the planning commission and subsequently to the city council pursuant to section 33-1303 of this chapter. (Zoning Code, Ch. 108, § 1084.10; Ord. No. 89-36, § 1, 8-9-89; Ord. No. 93-16, § 1, 7-14-93; Ord. No. 2013-07RR, § 4, 12-4-13)

Sec. 33-1250. Future entitlements.

A copy of all determinations on appeal shall be permanently maintained on file with the planning division. No building permit or land use entitlement shall be issued for any property which does not conform to current laws. (Zoning Code, Ch. 108, § 1084.11; Ord. No. 89-36, § 1, 8-9-89; Ord. No. 93-16, § 1, 7-14-93; Ord. No. 2013-07RR, § 4, 12-4-13)

Secs. 33-1251—33-1259. Reserved.

DIVISION 4. AMENDMENTS AND ZONE CHANGES

Sec. 33-1260. Procedure.

The city council may adopt an ordinance amending any prior zoning ordinance, the Escondido Zoning Code, or the Escondido Zone District map after a public hearing is held on the proposed amendment. To the extent required by state law, the planning commission shall hold a

hearing and make recommendations on any such amendments prior to city council consideration. (Zoning Code, Ch. 109, § 1092.01; Ord. No. 88-58, § 4, 10-19-88)

Sec. 33-1261. Application and fee.

An application for a zoning amendment may be initiated by the City or by the owner of property subject to the amendment. Applications shall be on City forms and accompanied by the applicable fee. (Zoning Code, Ch. 109, § 1092.05)

Sec. 33-1262. Planning commission action.

The planning commission's recommendation to the city council shall be in writing and shall state the reasons for approval or denial based on factors pursuant to section 33-1263. A recommendation of denial shall terminate the process unless timely appealed by the applicant to the City Council. (Zoning Code, Ch. 109, § 1092.09)

Sec. 33-1263. Factors to be considered.

The decisions of the planning commission and city council shall be in writing and shall state the reasons therefore after consideration of the following factors:

- (a) That the public health, safety and welfare will not be adversely affected by the proposed change;
 - (b) That the property involved is suitable for the uses permitted by the proposed zone;
 - (c) That the uses permitted by the proposed zone would not be detrimental to surrounding properties;
 - (d) That the proposed change is consistent with the adopted general plan;
 - (e) That the proposed change of zone does not establish a residential density below seventy (70) percent of the maximum permitted density of any lot or parcel of land previously zoned R-3, R-4, or R-5 unless the exceptions regarding dwelling unit density can be made pursuant to the provisions set forth in Article 6;
 - (f) That the relationship of the proposed change is applicable to specific plans.
- (Zoning Code, Ch. 109, § 1092.10; Ord. No. 2007-19, § 4, 9-19-07)

Sec. 33-1264. Notification of planning commission's recommendation.

The recommendation of the commission shall be filed in the planning division and a copy provided to the applicant at the address shown on the application. (Zoning Code, Ch. 109, § 1092.12)

Sec. 33-1265. City council action.

The city council may approve, modify or deny the proposed amendment. Any modification of a proposed change of zone by the city council not previously considered by the planning commission during its hearing, shall first be referred to the planning commission for report and recommendation. Such report and further recommendation may be made by the planning commission without holding a public hearing. (Zoning Code, Ch. 109, § 1092.16)

Sec. 33-1266. Reserved. (Zoning Code, Ch. 109, § 1092.20)

Sec. 33-1267. Reserved. (Zoning Code, Ch. 109, § 1092.24)

Sec. 33-1268. Reserved. (Zoning Code, Ch. 109, § 1092.26)

Sec. 33-1269. Reserved. (Zoning Code, Ch. 109, § 1092.28)

Sec. 33-1270. Zoning of vacated public rights-of-way.

Where a public street or alley or other public right-of-way is officially vacated or abandoned, the area comprising such vacated or abandoned right-of-way shall acquire the zoning classification of the property to which it reverts. (Zoning Code, Ch. 109, § 1092.30)

DIVISION 5. REASONABLE ACCOMMODATION

Sec. 33-1271. Purpose.

It is the policy of the City, pursuant to Title III of the Americans with Disabilities Act (42 U.S.C. §§ 12131, et. sea.) (the "ADA"), the federal Fair Housing Act (42 U.S.C. § 3604(f)(3)(B) ("FHA"), and the California Fair Employment and Housing Act (Cal. Gov. Code §§ 12927(c)(1), 12955(τ) ("FEHA") (collectively, the "Acts"), to provide persons with disabilities reasonable accommodation in the City's zoning laws and land use rules, policies and procedures. The purpose of this division is to provide a process for individuals with disabilities to make requests for reasonable accommodation in regard to the various land use, zoning, or building laws, rules, policies, practices and/or procedures of the City, when such accommodations are necessary to afford disabled persons an equal opportunity to use and enjoy a dwelling. (Ord. No. 2001-29, § 4, 12-19-01)

Sec. 33-1272. Applicability.

This division shall apply to any person who is qualified as a "disabled person" under the ADA, or who is otherwise qualified to receive reasonable accommodation under any of the Acts. (Ord. No. 2001-29, § 4, 12-19-01)

Sec. 33-1273. Reserved. (Ord. No. 2001-29, § 4, 12-19-01)

Sec. 33-1274. Authorization.

The director, or designee, shall have the authority to grant, conditionally grant or deny a reasonable accommodation application consistent with the intent and purpose of this division, and shall provide the applicant with a written decision in a timely manner. The director shall give notice of the intended decision using the procedures outlined in Section 33-1300 of this Article. (Ord. No. 2001-29, § 4, 12-19-01)

Sec. 33-1275. Application and Fee.

In order to make available housing more obtainable to an individual with a disability, a disabled person may request reasonable accommodation for a specific residential living unit, relating to the various land use, zoning, or building laws, rules, policies, practices and/or procedures of the City. A disabled person may file a request for reasonable accommodation on an application provided by the planning department. There shall be no fee imposed in connection with a request for reasonable accommodation under the provisions of this division. However, if the project for which the request is being made also requires some other planning permit or approval, the applicant shall file the requests together and submit the required fees associated with the related permits. (Ord. No. 2001-29, § 4, 12-19-01)

Sec. 33-1276. Factors to be considered.

In determining the reasonableness of a requested accommodation, the director shall consider the following factors:

- (a) Whether the housing which is the subject of the request for reasonable accommodation will be used by an individual protected under the Acts;
- (b) Whether fulfillment of the request is necessary to make specific housing available to an individual protected under the Acts;
- (c) Whether the accommodation will impose an unreasonable financial or administrative burden on the City;
- (d) Whether the accommodation will require a fundamental alteration of the zoning or building laws, policies and/or procedures of the City;

- (e) Whether the accommodation will have any potential impact on surrounding uses;
- (f) Physical attributes of the property and structures; and
- (g) Any other factor deemed relevant to the determination according to the Acts, as amended. (Ord. No. 2001-29, § 4, 12-19-01)

DIVISION 6. PUBLIC HEARINGS, NOTICES, FEES AND APPEALS

Sec. 33-1300. Notification of surrounding property owners.

The following provisions shall govern all notices of public hearing or public notices. Such notices shall be given as follows, unless noted otherwise:

(a) For notices of public hearings, the notice shall be published at least ten (10) calendar days before the hearing at least once in a newspaper of general circulation in the community. Such notice shall include a general explanation of the matter to be considered, the time, date and place of the hearing, the hearing body or officer, and any subject property.

(b) For notices of intended decision and other public notices, the matter shall be published at least ten (10) days before the action at least once in a newspaper of general circulation in the community. Such notice shall include a general explanation of the matter to be considered and other information required pursuant to subsection (a) of this section.

(c) In addition to notice by publication in subsections (a) and (b), the city shall give notice as follows:

(1) Mailing to each owner of property within the boundaries of the proposal as well as each property owner within a radius of five hundred (500) feet of the exterior boundaries of the project. The notice shall be deposited in the United States mail with postage prepaid not less than fifteen (15) days prior to the date of the public hearing or the decision becoming effective.

(A) When property is within a radius of five hundred (500) feet of the exterior boundaries of the subject property and consists of a mobilehome park or a condominium project, notice shall be provided to each resident within the mobilehome park or each owner of any interest in the condominium project.

(B) For projects involving the conversion of apartment complexes to condominium units, notices shall be provided to each apartment unit within the complex.

(2) Physically posting a notice on the project site in a conspicuous location so that the notice is visible from all portions of the site which abut a private or public street. The applicant shall maintain the posted notice in good condition for the full ten (10) day public notice period. Such notice shall be clearly headed "NOTICE OF PUBLIC HEARING," or "NOTICE OF INTENDED DECISION" and shall include:

- (A) A general explanation of the matter to be considered;
- (B) The city case reference number;
- (C) The applicant's name; and
- (D) The telephone number of the planning division for further information.
- (E) The date of the hearing; or the closing date of the public review period.

The notice shall be constructed according to the following standards:

- (F) Minimum size requirements of six (6) square feet.

(3) Requirements for this section are considered minimum notification requirements in addition to other minimum requirements set forth in the provisions of this chapter. (Zoning Code, Ch. 109, § 1091.11; Ord. No. 88-58, § 1, 10-19-88; Ord. No. 2000-23, § 5, 9-13-00)

Sec. 33-1301. Fees.

All fees required in connection with this Code shall be established by resolution of the city council, which may be amended from time to time. Fees shall be payable to the City of Escondido. Fees shall not be refunded unless a written request to withdraw the application and receive a refund of fees is submitted by the applicant prior to the time that the publication of notice of the hearing is ordered, or the notice of intended decision is issued, or administrative approval is issued. Any refund shall be based on the percentage of work performed on the application at the time the request is received. (Zoning Code, Ch. 109, § 1091.21; Ord. No. 88-58, § 2, 10-19-88)

Sec. 33-1302. Continuation of hearings.

Any hearing required by this Code may be continued from time to time. (Zoning Code, Ch. 109, § 1091.31)

Sec. 33-1303. Appeals.

(a) This section shall control all appeals unless specified otherwise in this code. If the final date to appeal falls on a day when the city's business offices are closed, the time for appeal shall run through the end of the next city business day.

(b) Any interested party may appeal the decision of the director, zoning administrator or planning commission within ten (10) calendar days following the date of the decision.

(c) All appeals shall be in writing, and shall be accompanied by the applicable fee. The appeal shall state the decision from which the appeal is taken, and shall contain a concise statement of the reasons for the appeal. An appeal not containing the basis for appeal may be rejected as incomplete.

(d) All appeals shall be filed, along with the appropriate filing fee, with the city clerk. The filing of an appeal shall immediately stay the effective date of any decision which is subject to the appeal.

(e) Within the time limits set forth in subsection (b) of this section, the city council may request planning commission review of any decision of the zoning administrator or director, or council review of any decision of the planning commission. Such review shall be requested in writing, and shall be filed with the city manager. There shall be no appeal fee payable upon a request for a review by the city council or a member of the city council. (Zoning Code, Ch. 109, § 1091.41; Ord. No. 88-58, § 3, 10-19-88; Ord. No. 91-18, § 1, 5-15-91; Ord. No. 2000-34, § 4, 12-20-00)

Sec. 33-1304. Hearing on appeal.

Decisions which are appealed shall be set for public hearing at the earliest practicable date, given the schedules of parties involved, but subject to the discretion of the hearing body. Decisions of the director and zoning administrator may be appealed to the planning commission, and decisions of the planning commission may be appealed to the city council. (Zoning Code, Ch. 109, § 1091.42; Ord. No. 88-58, § 3, 10-19-88)

Secs. 33-1305—33-1309. Reserved.

DIVISION 7. ENFORCEMENT AND PENALTIES

Sec. 33-1310. Enforcement.

All employees of the City of Escondido vested with the duty or authority to issue, deny, or modify permits of any sort shall conform to the provisions of this Code chapter and shall issue no permit, certificate or license for uses, buildings or purposes in conflict with the provisions of this chapter. Any such permit, certificate or license issued in conflict with the provisions of this chapter, intentionally or otherwise, shall be null and void. (Zoning Code, Ch. 109, § 1099.04)

Sec. 33-1311. Right of entry.

Whenever necessary to make an inspection of any premises, business records or other data to enforce any of the provisions of this chapter, or whenever any of the officials set forth in section 33-1310 of this article has reasonable cause to believe that there exists in any building or upon any premises any condition, or violation of this chapter, or use of property or premises that is unsafe, dangerous or hazardous, the official or their authorized representative may enter such building or premises at all reasonable times to inspect the building, premises, business records, or other data or to perform any duty imposed upon such official by this chapter. If the building or premises are occupied, the official shall first present proper credentials and request entry. If the building or premises are unoccupied, the official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the official or his authorized representative shall have recourse to every remedy provided by law to secure entry. (Zoning Code, Ch. 109, § 1099.05; Ord. No. 88-54, § 3, 10-12-88)

Sec. 33-1312. Abatement.

Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this Code, and any use of land, building or premise established, conducted, operated or maintained contrary to the provisions of this Code is unlawful and a public nuisance. The City Attorney is authorized to immediately commence action or proceedings for the abatement and removal and enjoinder of such nuisance in the manner provided by law, and shall take such other steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate and remove such building or structure, and restrain and enjoin any person, firm or corporation from setting up, erecting, building, maintaining or using any such building or structure or using property contrary to the provisions of this Code. This remedy shall be cumulative and not exclusive. (Zoning Code, Ch. 109, § 1099.08)

Sec. 33-1313. Penalty provisions.

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing the violation of any portion of this chapter, including the use of land or structures contrary to this chapter, shall be guilty of a misdemeanor and upon conviction thereof

shall be punishable by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment for a term not exceeding six (6) months, or by both such fine and imprisonment. Such person, firm or corporation is guilty of a separate offense for each and every day during any portion of which any violation of this chapter is committed or continued by such person, firm or corporation. (Zoning Code, Ch. 109, § 1091.12; Ord. No. 88-54, § 4, 10-12-88)

DIVISION 8. PLOT PLANS

Sec. 33-1314. Definition and purpose.

(a) Plot plans shall mean a zoning instrument used primarily to review the location and site development of certain permitted land uses. The plot plan review process is required when any of the following are proposed in a multi-family, commercial or industrial zone:

- (1) A new building, structure or addition.
- (2) A new permitted use of land or existing structure that may require additional off-street parking.
- (3) A modification of an existing development affecting the building area, parking, outdoor uses and/or on-site circulation.
- (4) As may otherwise be required by this chapter.

Plot plan review is not required for residential development created by a Planned Development or residential subdivision of single-family lots.

(b) Minor plot plan may include but not be limited to a change in use with no additional floor area, minor building additions, outdoor storage as an accessory use in the industrial zones, or other site plan changes affecting site circulation and parking, as determined by the director.

(c) Major plot plan may include but not be limited to new construction, reconstruction and additions of facilities permitted in the underlying zone, or other projects that exceed thresholds for a minor plot plan, as determined by the director.

Sec. 33-1315. Authorization, procedure and modifications.

(a) Authorization. The director, or designee, shall have the authority to grant, conditionally grant or deny a plot plan application, or refer it to the planning commission as

provided for in Section 65900 et seq. of the California Government Code, based on sound principles of land use.

(b) Procedure. Application for a plot plan may be initiated by the property owner or agent of the property affected. Application shall be made on forms provided by the city and shall be accompanied by the appropriate fee. The application shall further be accompanied by such materials as required by the director. The project shall be reviewed for conformance to all applicable requirements of the General Plan, Zoning Code, Specific Plans, Area Plans, City design standards, building and safety requirements, and other applicable City standards, to the satisfaction of the director.

(c) Modifications. The director may approve or conditionally approve minor modifications to a project that are consistent with the intent of the plot plan approval and do not intensify the use(s) on the site.

Sec. 33-1316. Findings, notification of action and appeals.

(a) Findings. The decision of the director shall be in writing and shall state the reasons therefore. In granting a Plot Plan approval, the director shall issue a Conditional Letter of Approval and shall make the following findings:

(1) That the use is a permitted use in the zone in which it is located.

(2) That the plot plan is granted subject to such conditions as deemed necessary to meet the standards of the use and zone in which it is located and to comply with applicable design standards.

(3) That the plot plan is granted subject to such additional conditions as deemed necessary and desirable to preserve the public health, safety and general welfare.

(b) Notification of action. The director's written decision, the conditional letter of approval, shall be filed in the Planning Division and a copy provided to the applicant at the address shown on the application. The applicant must sign and return the conditional letter of approval, thereby agreeing to the conditions of approval, prior to submittal of applications for construction permits.

(c) Appeals. Appeals shall be governed by the provisions of Division 6 of this Article. Any final action which denies any application for a plot plan shall prohibit the refile of a similar or substantially similar application for at least one (1) year from the date of denial.

Sec. 33-1317. Expiration and extension of time.

Unless otherwise specified in the action approving a Plot Plan, said approval shall become automatically null and void unless the project authorized by the Plot Plan approval has been substantially implemented within twelve (12) months from the approval date. The

abandonment or non-use of a Plot Plan approval for a period of twelve (12) month shall also result in such approval becoming automatically null and void. The director shall have authority to grant extensions to the deadlines in this section. Once any portion of a plot plan is utilized, the other conditions thereof become immediately operative and must be strictly complied with.

DIVISION 9. ZONING ADMINISTRATOR

Sec. 33-1318. Office established – authority

For the purpose of this chapter, there is hereby created the position of zoning administrator, which shall be the director of community development (director) or his/her designee, as provided for in Title 7, Chapter 4, Article III (Section 65901) of the Government Code. (Zoning Code, Ch. 09, § 1093.02)

Sec. 33-1319. Powers and duties and procedure

(a) The zoning administrator is authorized to consider and approve, disapprove or modify applications and/or issue use permits, for requests that include but are not limited to:

- (1) Minor conditional use permits as defined in Division 1 of this Article;
- (2) Minor conditional use permits for non-residential parking pursuant to section 33-764 of Article 39;
- (3) Variances as defined in Division 2 of this Article;
- (4) Reasonable accommodation as provided in Division 5 of this Article;
- (5) Grading Exemptions not associated with a discretionary project pursuant to section 33-1066(d) of Article 55;
- (6) Proposed modifications to an approved Precise Development Plan pursuant to section 33-411 of Article 19.

(b) The zoning administrator is authorized to consider and adopt a negative declaration or mitigated negative declaration, prepared pursuant to CEQA and Article 47 of this chapter, upon completion of the CEQA public review period, for administrative projects that do not require a public hearing.

(c) The zoning administrator shall have the power to adopt all rules and procedures necessary for the conduct of the administrator's business.

(1) The zoning administrator shall schedule public hearings as needed.

(2) The zoning administrator shall hold a hearing, issue a notice of intended decision, or take an administrative action on an application as required pursuant to this chapter for the specific type of request.

(3) The decisions of the zoning administrator shall be filed in the Planning Division and a copy provided to the applicant at the address shown on the application.

(4) Actions of the zoning administrator may be appealed to the planning commission.

EXHIBIT "C"
Associated Amendments of
Escondido Zoning Code
Articles 1, 16, 26, 39, 55 and 57
Case No. AZ 16-0010

REVISE ONLY THE SECTIONS AND SUBSECTIONS LISTED BELOW.

PROPOSED DELETIONS ARE IN STRIKEOUT FONT AND ADDITIONS ARE UNDERLINED.

ARTICLE 1 – General Provisions and Definitions

Add Zoning Administrator to definitions

Sec. 33-8. Definitions

Zoning administrator means the director of community development (director) or his/her designee.

ARTICLE 16 – Commercial Zones

Revise various sections as shown below

Sec. 33-332. Principal land uses.

The following Table 33-332 lists those uses in the commercial districts which are permitted (P) subject to administrative or plot plan review, or subject to a conditional use permit (C). Major conditional use permits (C) and minor conditional use permits (C#) shall be processed pursuant to Article 61, Division 1 of this chapter. In the planned development zones, permitted uses are identified in each planned development master plan approval. In addition to the uses listed below, the following uses shall be subject to conditional use permit requirements of section 33-1200 et seq., of this chapter.

- (a) Any use or structure permitted or conditionally permitted in a zone and involving hazardous materials is subject to conditional use permit requirements of section 33-666 et seq., of this chapter.
- (b) All uses permitted in the CN zone operating between the hours of 11:00 p.m. and 7:00 a.m. are subject to a minor conditional use permit.
- (c) All uses and development permitted in the PD zone are subject to section 33-400 et seq., of this chapter.

Table 33-332

PERMITTED AND CONDITIONALLY PERMITTED PRINCIPAL USES

The conversion of existing or vacant automobile dealerships to a new, substantially different, use shall require plot plan review pursuant to section 33-344 of this article.

Use Title	CG	CN	CP
Residential and Lodging			
Bed and breakfast* (Article 32)	C#		
Hotels and motels* (Article 63)	C		
Mobilehome parks or travel trailer parks* (Articles 45 & 46)	C		
Manufacturing, Wholesale Trade, and Storage			
Mini-warehouse storage facilities* (section 33-339)	C		
Newspaper printing and publishing	P		
Retail Trade			
Automotive and marine craft			
Sales lots and parts and accessories sale and supply (including autos, motorcycles, trailers, campers, recreational vehicles and marine craft vehicles excluding farm and construction vehicles, three-axle trucks, and buses)	P		
Gasoline sales or service stations with or without convenience stores and without concurrent sale of alcoholic beverages* (Article 57 and Council Resolution #5002)	P		
Gasoline sales or service stations including concurrent sale of alcoholic beverages and motor vehicle fuel* (Articles 57 and Council Resolution #5002)			
With facilities to dispense gasoline to 4 or fewer vehicles at a time	P		
With facilities to dispense gasoline to 5 or more vehicles at a time	C#		
Food and liquor			

Use Title	CG	CN	CP
Food stores (grocery, produce, candy, baked goods, meat, delicatessen, etc., with or without off-sale beer and wine, off-sale general license excluding concurrent sale With facilities to dispense gasoline to 4 or fewer vehicles at a time* (Article 57) With facilities to dispense gasoline to 5 or more vehicles at a time* (Article 57)	P P C#	P	
Liquor stores, packaged (off-sale)	P	P	
General retail			
Building materials and supplies including lumber, heating, plumbing, and electrical equipment, etc. (outdoor storage or sale subject to CUP)	P		
Drugstores	P	P	P
Pharmacies	P	P	P
Florists, gifts, cards, newspapers and magazines	P	P	P
Furniture, home and office furnishing and equipment, electrical appliances, and office machines and supplies	P		
General retail, NEC (as determined by the director, based on conformance with the purpose of the specific zone, interaction with customers, the appearance of the building, the general operating characteristics, and the type of vehicles and equipment associated with the use, and including incidental assembling of customized items)	P	P	
Hospital/medical equipment sales	P		P
Nurseries and garden supply stores	P	P	
Outdoor retail, NEC (as a principal use)	C#		
Sporting goods (includes ammunition and firearms, fishing, hunting, golf, playground equipment, etc.)	P		
Temporary seasonal sales such as Christmas tree and wreath sales, pumpkin sales, etc., on vacant lots subject to a temporary use permit* (Article 73)	P	P	P

Use Title	CG	CN	CP
Eating and Drinking Establishments			
Cabarets and nightclubs (with or without alcoholic beverages, including comedy clubs, magic clubs, etc.)	C		
Drinking places—alcoholic beverages (on-sale beer and wine and on-sale general licenses and public premises) includes bars and taverns, does not include restaurants serving alcoholic beverages	C		
Restaurants, cafés, delicatessens, sandwich shops, etc.			
Without alcoholic beverages	P	P	P
With on-sale beer and wine and on-sale general licenses	P	C	C
Auto oriented (drive-in,* drive-through*) (section 33-341)	P		
Specialized food sales from pushcart facilities* (section 33-342)	P	P	P
Services			
Animal care (excluding kennels)	P	P	
Automotive services (including motorcycles, marine craft and recreational vehicles)			
Car-wash, polishing, detailing	P		
Rental and leasing* (Article 57 and Council Resolution #73-264-R) with or without drivers, taxicab service	P		
Repair and related services, except tire retreading and auto body	P		
Auto body	C		
Miscellaneous auto service, except repair and wash (includes motor clinics, auto towing service only)	P		
Educational services			
Day nurseries, child care centers* (Article 57)	P	C#	C#
Schools, including kindergarten, elementary, junior, and senior high schools* (Article 57)	P		C
University, college, junior college, and professional schools	P		C
Vocational and trade schools	P		C

Use Title	CG	CN	CP
Other special training (including art, music, drama, dance, language, etc.)	P	P	
Special needs education	P	P	P
Government services			
Administrative centers and courts	P	C	P
Other government services NEC excluding correctional institutions	C		C
Police and fire stations	C	C	C
Financial services and institutions (including banks, securities brokers, credit offices, real estate services)	P	P	P
Insurance	P	P	P
Hospital and medical service organizations (including Blue Cross, Blue Shield, etc.)	P		P
Medical, dental and related health services			
Hospitals, excluding small medical clinics	C		C
Massage establishments* (Article 38)	P/C		
Medical, dental and optical laboratories	P		P
Medical clinics and blood banks	P		P
Medical, dental, optical, and other health care offices	P	P	P
Other medical and health services NEC	P		P
Sanitariums, convalescent and licensed residential care facilities Sanitariums, convalescent and residential care facilities approved prior to the effective date of Ordinance 2014-15 are exempt from voluntary work limitations identified in section 33-1243 (Exceptions to nonconforming use provisions). Expansions and/or intensification of said facilities shall require a conditional use permit subject to Article 61.	C		C
Offices and business services, except medical			

Use Title	CG	CN	CP
General business services (including advertising, credit reporting, building services, news syndicate, employment services, computer services, drafting, detective/protective services, etc.)	P	P	P
General office use (includes professional offices)	P	P	P
Mailing, accounting and office services	P	P	P
Travel agencies and services	P	P	P
Repair services, except automotive			
Apparel and shoe repair and alteration	P	P	
Bicycle repair	P	P	
Locksmiths and key shops	P	P	P
Miscellaneous repair services (excluding machine shops and welding services)	P		
Small appliance repair and services (including TV, radio, small electronics, computers, household appliances, etc.)	P	P	
Watch, clock, and jewelry repair	P	P	P
Social, professional, and religious organizations and services			
<p>Churches, synagogues, temples, missions, religious reading rooms, and other religious activities* including columbariums and mausoleums* as an incidental use (Article 57). Major or minor conditional use permit pursuant to Article 61, Division 1.</p> <p>Religious establishments listed above and/or assembly uses on property designated Planned Office in the general plan: Existing churches may operate subject to their approved conditional use permits. Expansions may occur subject to Article 57 that do not increase the boundary of the conditional use permit, including parking areas within the Planned Office designation. No new religious establishments and/or assembly uses are permitted on land in the general plan designated Planned Office.</p>	P	C/C#	C/C#
Social and professional organizations (political membership, veterans, civic, labor, charitable and similar organizations, etc.)	P	C	P

Use Title	CG	CN	CP
Youth organizations* (Article 57)	P	C	
Other services			
Assembly halls, fraternities, sororities, lodges, etc.	C		
Barber, beauty, nail, and tanning services	P	P	P
Equipment rental and leasing service* (Article 57 and Council Resolution #73-264-R) (includes airplanes, business equipment, furniture, construction equipment, sanitation units, sports equipment, etc.)	P		
Mortuary (excluding crematories and mausoleums)	P		
Hospital/medical equipment rental and leasing	P		P
Laundry and dry cleaning services			
Self-service, coin-operated	P	P	
Pick-up service only	P	P	P
Dry cleaning, laundering, pressing and dyeing for on-site retail customers only	P		
Personal services, NEC (including clothing and costume rental, tattooing, marriage bureaus, baby-sitting services, etc.)	P		
Photographic and duplicating services:			
Blueprinting	P		P
Photocopying	P	P	P
Studios, developing, printing, and similar services, except commercial photography	P	P	P
Commercial photography, including aerial photographs and mapping services	P		P
Picture framing, assembly only	P	P	
Recycling services* (Article 33):			
Reverse vending machines occupying a total of 50 square feet or less	P	P	P

Use Title	CG	CN	CP
Small collection facilities occupying a total of 500 square feet or less	P	P	P
Aluminum can and newspaper redemption center without can crushing facilities	C#		
Cultural Entertainment and Recreation			
Adult entertainment establishments* (Article 42)	P		
Cultural, including museums, art galleries, etc.	P		C#
Entertainment assembly, amphitheater, concert halls, exhibit halls	C		
Health and fitness facilities, including gymnasiums, athletic clubs, body building studios, dance studios, martial arts schools, etc.	P	P	P
Swimming schools and pools	C#	C#	
Libraries	P	P	P
Parks	P	P	P
Sports and recreation facilities, including bowling alleys, billiards, indoor and outdoor skating facilities, batting cages, riding schools and stables, etc.	C		
Theaters, indoor motion picture	P		
Transportation, Communications and Utilities			
Transportation			
Ambulance and paramedic	C#		C#
Bus and train depots	P		
Helipad (as an incidental use only)* (Article 57)	C		C
Park-and-ride facilities	P	P	P
Parking lots and parking structures (short-term)	P		P
Taxicab stand	P		P
Communications (telephone, telegraph, radio, TV, etc.)			

Use Title	CG	CN	CP
Broadcasting (radio and/or television), recording, and/or sound studios	P		P
Personal wireless service facilities* (subject to Article 34)			
Roof-mounted or building-mounted facilities incorporating stealthy designs and/or screened from public ways or significant views	P	P	P
Pole-mounted or ground-mounted facilities that incorporate stealthy designs and do not exceed 35' in height	P	P	P
Pole-mounted or ground-mounted facilities that exceed 35' in height or roof-mounted or building-mounted designs which project above the roofline and are not completely screened or considered stealthy	C	C	C
Other communications, NEC	C		C
Radio and television transmitting towers	C		C
Telephone exchange stations and telegraph message centers	P	P	P
Utilities (electric, gas, water, sewage, etc.)			
Central processing, regulating, generating, control, collection, storage facilities and substations	C	C	C
Distribution facilities	P	P	P

* = Subject to special regulations—see Article in parentheses.

P = Permitted use.

C = Conditionally Permitted Use [subject to a Major Conditional Use Permit (CUP)] pursuant to section 33-1200 et seq.

C# = Conditionally Permitted Use [subject to a Minor CUP] pursuant to section 33-1200 et seq.

NEC = Not Elsewhere Categorized.

Revise Sec. 33-334(a) - (Prohibited uses)

(a) All uses and structures not listed as permitted primary or accessory uses, or conditionally permitted uses shall be prohibited. However, the director may approve a use, after study and deliberation, which is found to be consistent with the purposes of this article, similar to

the uses listed as permitted uses, and not more detrimental to the zone than those uses listed as permitted uses.

Revise note #7 listed at the end of Table 33-335 (Commercial Development Standards)

(7) Adjustments to the standards up to twenty-five (25) percent may be approved pursuant to section 33-1220 et seq., of this chapter.

Revise the last sentence of Sec. 33-336(b) [Projections into yards (Maintain minimum yard)]

Adjustments to the standards up to twenty-five (25) percent may be approved pursuant to section 33-1220 et seq., of this chapter.

Revise Sec. 33-337(d) (Performance standards)

(d) In the CN zone, business hours shall be limited to the hours between 7:00 a.m. and 11:00 p.m. except those uses which are granted a minor CUP under section 33-1200 et seq., of this chapter. Security lighting shall be permitted during closed hours. Those lighted signs which are directly used in conjunction with a twenty-four (24) hour use shall be reviewed with the CUP.

Revise Sec. 33-338

Sec. 33-338. Trash storage.

Containers for trash storage shall be of a size, type and quantity approved by the director. They shall be placed so as to be concealed from the street and shall be maintained. Additionally, an area for the storage and pickup of recyclables must be included in this area.

Revise Sec. 33-340

Sec. 33-340. Plot Plan Approval Required.

A plot plan review shall be required pursuant to Article 61, Division 8 under the following circumstances.

(1) At the time a building permit is requested for expansion of any building or structure.

(2) Any time a new use of land or existing structure which may require additional off-street parking is proposed.

(3) A new, substantially different, use is proposed for the site of an existing or vacant automobile dealership.

Revise Sec. 33-341(b)(5) (Commercial drive-through facilities requirements)

(5) Drive-through aisles and associated structures should be oriented away from public streets unless significant screening is provided to the satisfaction of the director.

Delete text and reserve Sec. 33-343

Sec. 33-343. Reserved.

ARTICLE 26 – Industrial Zones

Revise various sections as shown below

Revise Sec. 33-561(d) (Purpose of individual industrial zones)

(d) Industrial park (I-P) zone. The industrial park (I-P) zone encourages well designed industrial park developments concentrated in specific areas rather than scattered around the planning area. The general purpose of the industrial park (I-P) zone is to provide sites for manufacturing and research and development firms that are employee intensive and clean in nature. The zone is also intended to promote an attractive industrial park environment through:

(1) Construction—attractive, high quality and designed to promote orderly growth (see property development standards, section 33-569);

(2) Landscaping—comprehensively designed to integrate with adjacent developments by promoting common landscaping themes (see landscaping standards, Article 62 of this chapter);

(3) Signage—coordinated programs to provide adequate identification without cluttering the zone (see sign standards, Article 66 of this chapter);

(4) Planned developments—opportunity for large-scale industrial park planning with a comprehensive architectural, landscaping and sign program (see P-D standards, Article 19 of this chapter). (Ord. 94-37 § 1, 11-9-94)

Revise Sec. 33-562

Sec. 33-562. Plot plan review required.

A plot plan review shall be required pursuant to Article 61, Division 8 under the following circumstances.

(1) Request for a building permit for any new building, structure, or addition.

(2) A new use of land or existing structure which may require additional parking.

(3) To allow outdoor storage as a new use on a property.

(4) To allow new permitted use to store materials above the approved height of the existing outdoor storage use consistent with the standards of section 33-571.

(Ord. 94-37 § 1, 11-9-94)

Revise Sec. 33-564(a) and Table 33-564 (Land uses)

(a) Principal uses and structures. The following Table 33-564 lists those uses which are permitted (P) or subject to a conditional use permit (C) in industrial districts. Major conditional use permits (C) and minor conditional use permits (C#) shall be processed pursuant to Article 61, Division 1 of this chapter.

Table 33-564

PERMITTED AND CONDITIONALLY PERMITTED PRINCIPAL USES

Use Title	I-O	M-1	M-2	I-P
Administrative and business offices	P			P
Agriculture livestock (not including animal waste processing facilities)		C	P	
Ammunition manufacturing		C	C	
Animal boarding (indoor boarding only) and training, feeding, care, grooming and "daycare" ² . Does not include animal shelters****, sales or breeding.		P	P	
Animal hospital and care		P	P	
Assembly	P	P	P	P
Auction services	P	P	P	P
Auto, RV and boat sales**(subject to Article 57)	P	P	P	P
Automotive services (excluding gasoline service stations)		P	P	
Banks/automated teller machines		P	P	P
Boat repair		P	P	
Building materials**	P	P	P	P
Bulk fertilizer (not including animal waste processing facilities)			C	
Cabinet manufacturer/wholesaler**	P	P	P	P
Canning/curing seafoods		C	C	
Carpeting manufacturer/wholesaler**	P	P	P	P/C

Use Title	I-O	M-1	M-2	I-P
Communication facilities (subject to Article 34)	P	P	P	P
Construction services	P	P	P	P
Crematoriums	P	P	P	P
Daycare (subject to Article 57)				C
Electrical wholesale houses**	P	P	P	P
Emergency shelters****		P		
Equipment sales and leasing (subject to Article 57)		P	P	
Experimental-type uses	C	C	C	C
Feed stores**	P	P	P	P
Fleet fueling		P	P	
Furniture manufacturer/wholesaler**	P	P	P	P
Government services	P			
Grain mills		C	P	
Green waste compost facility			C	
Health and fitness facilities	C#			C#
Heavy construction equipment** (e.g., tractors, earth moving equipment, etc.)	P	P	P	P
Helipads		C	C	C
Industrial hardware**	P	P	P	P
Landscape materials** (e.g., soil, compost, wood chips)	P	P	P	P
Lumber yards**	C	C#	P	C
Manufacturing	P	P	P	P
Masonry products**	P	P	P	P
Materials batch plants and concrete recycling			C	
Medical laboratories	P	P	P	P

Use Title	I-O	M-1	M-2	I-P
Oil refinery and bulk stations (located outside of the HCO zone)			C	
Plumbing supply**	P	P	P	P
Postsecondary vocational training schools, limited to training for uses which are permitted or conditionally permitted in the zone.	C	C	C	C
Power plants			C	C
Primary metal manufacturing			C	
Recycling facilities ¹				
Reverse vending machine ¹	P	P	P	
Small processing facility ¹		P/C	P	
Large processing facility ¹		C	C	
Repair services	P	P	P	P
Restaurants		C#	C#	C#
Slaughter houses/meat products		C	C	
Social and charitable services (including emergency shelters)***		C		
Solid waste transfer facility			C	
Storage yards		C	P	
Swap meet		C		
Trades	P	P	P	P
Transmission/communication facilities		C	C	
Transportation facilities	P	P	P	
Uses involving hazardous chemicals or waste*	C	C	C	C
Utilities	P	P	P	
Vehicle, shredding and dismantling		C	P	
Warehousing and distribution	P	P	P	P

Use Title	I-O	M-1	M-2	I-P
Wholesale	P	P	P	P

* = As determined by the director and the fire chief based on information provided by the business describing the quantity and nature of hazardous chemicals used.

** = Retail component greater than the maximum fifteen (15) percent floor area/sales allowed under "Incidental Use" regulations is allowed only in M-1 and M-2 zones, subject to conditions in section 33-566—Specialized retail uses.

*** = Only on sites immediately adjacent to the general commercial zone and within five hundred (500) feet of public transportation.

**** = Only on sites within the emergency shelter overlay, Figure 33-661, and subject to the requirements of Article 27.

***** = Dog shelters generally means an establishment, especially one supported by charitable contributions, that provides a temporary home for dogs, cats and other animals that are offered for adoption.

P = Permitted use.

C = Conditionally permitted use subject to issuance of a conditional use permit; either major (C) or minor (C#) (pursuant to Article 61, Division 1 of this chapter).

¹ = Pursuant to Article 33 of the zoning code (recycling facilities).

² = Pursuant to section 33-576 of this Article (animal boarding and daycare)

Revise Sec. 33-566

Sec. 33-566. Specialized retail uses.

A limited list of industrial uses which contain a retail component greater than the maximum fifteen (15) percent floor area/sales allowed under the "incidental uses" section shall be permitted within the M-1 and M-2 industrial zones. These uses have been determined to be industrial in nature; however, given unique circumstances involving the need to manufacture, warehouse, wholesale, and/or store their products on-site, they would not be appropriately located in the commercial zones. Those industrial uses, specified in Table 33-564 (and other uses determined to be similar in nature as permitted by the director), shall be permitted subject to the following:

(1) Prior to issuance of a building or occupancy permit, the applicant shall submit a plot plan application pursuant to Article 61, Division 8 of this chapter.

(2) The applicant shall provide parking at a ratio of one space per two hundred fifty (250) square feet of floor area for that portion of the retail and display/showroom designated areas which exceed fifteen (15) percent of the gross floor area on the site (unless a lower parking ratio is deemed adequate by the director pursuant to Sec. 33-764. Parking shall be provided at the standard industrial use ratios for the balance of the floor area on the site, pursuant to section 33-760 et seq.

(3) The applicant will be allowed only the amount of signage permitted by the citywide sign ordinance for the underlying industrial zone, pursuant to section 33-1390. (Ord. 94-37 § 1, 11-9-94)

Revise Sec. 33-567

Sec. 33-567. Incidental uses.

Sales and service uses incidental to a principally permitted use may be permitted by the director provided that the following standards are met:

- (1) The operations are contained within the main structure which houses the primary use.
- (2) The use occupies no more than fifteen (15) percent of the gross building square footage.
- (3) No retail sales or display of merchandise occur(s) outside the structure(s), or outside designated outdoor storage area.
- (4) All products offered for sale on the site are manufactured, warehoused, or assembled on the premises. (Ord. 94-37 § 1, 11-9-94)

Revise Sec. 33-568

Sec. 33-568. Prohibited uses.

All uses and structures not listed as permitted, accessory or conditionally permitted uses and not meeting the requirements for incidental uses shall be prohibited. However, the director may approve a use, after study and deliberation, which is found to be consistent with the purposes of this section, similar to the uses listed as permitted uses, and not more detrimental to the zone than those uses listed as permitted uses. (Ord. 94-37 § 1, 11-9-94)

Revise note #6 below Table 33-569 – Industrial development standards

- (6) Exceptions to the provisions of Article 62 landscape standards section 33-1339 (b) and (d) may be granted by the director pursuant to an administrative adjustment filed in conformance with Article 61, Division 2 of this chapter, for expansions to existing uses in the M-1 and M-2 zones, based on the finding

that the modifications are consistent with the intent of the citywide landscape ordinance, and do not result in detrimental impacts due to either the nature of the site, the nature of surrounding properties, or conditions placed on the landscape plan. (Ord. 94-37 § 1, 11-9-94; Ord. No. 96-31, §§ 1, 2, 10-16-96)

Revise Sec. 33-571

Sec. 33-571. Accessory outdoor storage requirements.

A plot plan application pursuant to Article 61, Division 8 of this chapter, shall be required to determine conformance with the outdoor storage requirements of this section. Except as otherwise exempted, outdoor storage is defined as the keeping in an unenclosed area of any components, products, debris, material, merchandise, equipment, vehicles, and trailers. Fleet/company vehicles, equipment attached to fleet/company vehicles, short-term customer and staff parking, and approved trash enclosures shall not be considered outdoor storage.

SUBSECTION 33-571(a) THROUGH SUBSECTION 33-571(B)(7) REMAIN UNCHANGED

Revise Subsections 33-571(b)(8) and (9) and subsections 33-571(c) and (d)

(8) No outdoor mechanical repair of equipment or vehicles shall be allowed within the outdoor storage areas in the M-1 zone. Except for approved specialized retail sales pursuant to section 33-566 and loading and unloading activities associated with an otherwise permitted use, all activities including manufacturing, assembly, repair, and sales shall occur within fully enclosed buildings. Other outside activities may only be permitted pursuant to a conditional use permit.

(c) I-O and I-P zone. All permitted uses except parking, loading and fleet storage (I-P zone only) shall be conducted entirely within completely enclosed buildings. No outside storage will be allowed except for small vehicles used in conjunction with the business. All storage and equipment must be completely enclosed within the primary building or a structure that is consistent with the design, materials, color, etc., of the primary building(s).

(d) Special circumstances (M-2 and M-1 zones). Within the M-2 and M-1 zones, unusual topographic circumstances may warrant exceptions to the outdoor storage screening requirements. The following diagrams delineate the screening locations and wall heights in conjunction with slopes on a property. The director may, on a case-by-case basis, modify or waive screening based upon the topography and visual impacts associated with the specific situation. In general, screening should be placed at a height and location where it will most effectively reduce the visual impacts of outdoor storage areas upon public streets and adjacent properties. (Ord. 94-37 § 1, 11-9-94)

Revise Sec. 33-572

Sec. 33-572. Trash storage.

Containers for trash storage shall be of a size, type, and quantity approved by the director. They shall be placed so as to be concealed from the street and shall be maintained. Additionally, an area for the storage and pickup of recyclables must be included in this area. (Ord. 94-37 § 1, 11-9-94)

Revise Sec. 33-574

Sec. 33-574. Nonconforming, sites, structures and uses.

Notwithstanding the provisions of Article 61, Division 3 of this code, expansions and alterations to nonconforming sites, structures or uses in industrial areas may occur to the extent that the cumulative cost of voluntary improvements is within seventy-five (75) percent of the replacement costs of all existing improvements, and the expansion or alteration does not expand the degree of nonconformity. Government ordered improvements may also occur in addition to the voluntary limits to the extent that the cumulative total does not exceed one hundred (100) percent of the replacement value.

Full conformance with current zoning standards is not required where the cost of improvements is less than the maximum permitted replacement values. However, exterior alterations shall be subject to design review that reasonably addresses the alteration or modification in accordance with the city's design guidelines.

(a) Nonconforming sites or structures.

(1) A site or structure may be legally nonconforming if it was in conformance with the underlying zone requirements at the time it was developed, however, not in conformance with the currently adopted zone regulations. A site or structure may be nonconforming if it does not comply with the following regulations of the currently adopted zone: setbacks, landscaping, parking, building height, outside storage and screening.

(2) A legal nonconforming site/structure may be improved without bringing the entire site/structure into conformance under the following conditions:

(A) Such improvements conform to currently adopted zoning requirements.

(B) Such improvements do not expand the degree of nonconformity.

(C) The cost of such work does not exceed a total of seventy-five (75) percent of the current replacement value, including government-ordered improvements of the nonconforming use at the time the first nonconforming improvements are made. (Ord. 94-37 § 1, 11-9-94)

(b) Nonconforming uses.

(1) A use may be legally nonconforming if it was established at a time when the underlying zone permitted the use at the time it was established, however, either the zone or the Zoning Code has subsequently been amended such that the use is no longer permitted on the site.

(2) The use may continue to operate without bringing the site into conformance with the regulations of the adopted Zoning Code under the following conditions:

(A) For a new user which is exercising the same nonconforming use rights, tenant improvements may be allowed which are less than seventy-five (75) percent of the current replacement value, including government-ordered improvements of the nonconforming use at the time the first nonconforming improvements are made.

(B) Changes of use on a site may occur; however, parking will be reviewed to determine the adequacy of the parking ratio for the new use.

(C) To the extent that an outside storage use (with or without a CUP) is in conflict with the zone code provisions, no improvement requirements shall be triggered for new permitted uses, or continuation of the existing use unless one or more of the following conditions exist:

(i) A new permitted use is proposed in the M-1 zone where the height of the material would exceed the existing fence height. In such cases, either the height of the material shall be reduced to the height of the fence, or the fence height shall be increased.

(ii) The limits of the existing storage are expanded. In such cases the degree of nonconformity cannot be expanded; therefore, the new storage area shall conform with fence height requirements of the underlying zone. (Ord. 94-37 § 1, 11-9-94)

Delete text and reserve Sec. 33-575

ARTICLE 39 – OFF-STREET PARKING

Revise Sec. 33-764 -Adjustments to required parking

Sec. 33-764. Adjustments to non-residential parking.

(a) Administrative adjustment. For uses in nonresidential zones, adjustments up to twenty-five (25) percent of the number of parking spaces required by section 33-765 may be considered by the director upon the submittal of an application for an administrative adjustment with the application fee adopted by city council. The director may approve or conditionally approve the request upon demonstration that the proposed adjustment will be compatible with adjacent properties or improvements. The director will consider the following: proximity to public transit; on-street and/or overflow parking; and the range of uses in the area. The director shall give notice of his or her intended decision as outlined in Article 61 of this chapter. Multiple requests for reductions of required parking spaces may be considered when the total of all requests for reductions related to the subject property does not exceed twenty-five (25) percent of the overall number of parking spaces required for the entire property. (Ord. No. 2012-17, § 5, 10-3-12)

(b) Minor conditional use permit. For uses in nonresidential zones, a request to provide fewer than seventy-five (75) percent of the parking spaces required by section 33-765 may be considered by the zoning administrator upon the submittal of an application for a minor conditional use permit pursuant to Article 61, Division 1, with the application fee adopted by city council. The zoning administrator may approve or conditionally approve the request upon demonstration that the proposed reduction will be compatible with adjacent properties, uses and improvements; the development is in close proximity to public transit; and the number of parking spaces provided is suitable for the mix of uses proposed. The zoning administrator may require additional information with the application, including but not limited to, a market demand study or report that substantiates the appropriateness of the requested parking reduction.

ARTICLE 55 – GRADING AND EROSION CONTROL

Stand-alone grading exemptions.

Revise Section 33-1052 – Definitions.

Director shall refer to the director of community development.

Revise Section 33-1055(h)(1) - Grading Permit Requirements

(h) Provisions for denial. A grading permit may be denied if the city engineer determines that:

(1) It is reasonably likely that the ultimate development of the land to be graded cannot occur without further grading requiring planning commission or director approval pursuant to the provisions of section 33-1066.C of the criteria for grading design; or

Revise Section 33-1060(c) – Setbacks.

(c) Design standards for setbacks. Setbacks between graded slopes (cut or fill) and structures in residential zones shall be provided in accordance with Figure 1-Grading Setbacks. (Ord. No. 2001-21, § 5, 8-22-01)

Revise Section 33-1067.F(a)(5) - Design Guidelines for HRO District

(5) Slopes steeper than two to one (2:1), appropriately designed by a geotechnical engineer, may be permitted subject to Planning Commission or director approval when such

slopes preserve the significant environmental characteristics of the site or substantially reduce the need for extensive cut and fill slopes (see figure 8);

ARTICLE 57- MISCELLANEOUS USE RESTRICTIONS

Revise Sec. 33-1103

Sec. 33-1103 - Nursery, primary and secondary education

Conditional use permits for nursery, primary and secondary education (except small and family day care homes) may be granted by the zoning administrator or planning commission upon consideration of the following criteria:

(a) An off-street area for the loading and unloading of children from vehicles should be provided and should be designed so as to provide for the forward movement of vehicles both upon entering and leaving the site;

(b) The conditional use permit shall be conditioned upon there being off-street parking in conformance with Article 39 of this chapter. (Zoning Code, Ch. 108, § 1085.14)

Revise Sec. 33-1106

Sec. 33-1106 - Churches

(a) Conditional use permits for churches may be granted by the zoning administrator or planning commission pursuant to Article 61, Division 1, upon consideration of the following criteria:

(1) The site should be twenty thousand (20,000) square feet or more in area;

(2) All buildings, structures and landscaping should be compatible with surrounding developments;

(3) The buildings should be designed, situated or landscaped so that sounds from church activities will not carry into surrounding properties.

(b) A conditional use permit for a church shall be conditioned upon provision being made for landscaping, which will screen parking areas from view from surrounding properties.

Day school activities shall not be permitted unless the conditional use permit so provides, in which case, the requirements of section 33-1103 of Article 57 of this chapter shall apply.

(c) The zoning administrator or planning commission may waive up to fifty percent (50%) of the off-street parking requirements for "urban churches" upon consideration of the following criteria:

- (1) The project site involves an existing church located within a multi-family residential zone with a density of twelve (12) du/acre or greater;
- (2) The parking incentive request is in conjunction with a conditional use permit;
- (3) The parking on-site with the proposed project does not result in a higher ratio than currently exists;
- (4) Adequate pedestrian amenities (sidewalks, crosswalks, etc.) exist or will be provided in the surrounding area;
- (5) On-street parking is available along the project frontage; and
- (6) Sufficient documentation can be provided indicating that at least forty percent (40%) of the congregation lives within one mile radius of the church and that operational measures will be implemented to minimize vehicular traffic, including but not limited to limiting hours of operation, minimizing peak-traffic uses from occurring concurrently, and encouraging ridesharing and pedestrian traffic.

(d) For purposes of applying this section, an urban church is one which serves a congregation whose members are geographically close to each other, identifiable by a neighborhood rather than a region of a city. The congregation of which approximately fifty percent (50%) will rely on public transportation or will walk to church and other neighborhood services. (Zoning Code, Ch. 108, § 1085.15; Ord. No. 2003-32(R), § 4, 11-19-03)

Revise Sec. 33-1115(d) - Concurrent sale of motor vehicle fuel and alcoholic beverages

(d) Minor Conditional Use Permit Required. All establishments which sell motor vehicle fuel and alcoholic beverages on the same premises and have more than four (4) fuel pump stations shall be subject to a minor conditional use permit pursuant to Division 1 of Article 61 of this chapter.

Revise Sec. 33-1116 (f) and (g) - Household pets in the residential zones

(f) Other similar animals which in the opinion of the zoning administrator are not more obnoxious, detrimental or dangerous to the public and neighboring properties than the animals enumerated in this section.

(g) A minor conditional use permit may be granted to allow additional animals over those permitted by this section; provided, however, that the total number of animals so authorized shall not exceed twice that enumerated herein, except household dogs and cats. The number of dogs and cats allowed with a minor conditional use permit shall be as specified in Section 33-1116(e).