

ORDINANCE NO. 2017-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AMENDING THE ESCONDIDO ZONING CODE ARTICLES 1, 6, 7, 8, 10, 11, 12, 13, 14 AND 57 TO CONSOLIDATE THE RESIDENTIAL ZONES INTO ONE ARTICLE, AND ESTABLISH AN R-5-30 (VERY HIGH MULTI-FAMILY RESIDENTIAL, 30 DU/AC) ZONE CATEGORY WITH ASSOCIATED R-5-30 DEVELOPMENT STANDARDS TO IMPLEMENT THE GENERAL PLAN DESIGNATION OF URBAN V

Applicant: City of Escondido
Planning Case No.: AZ 16-0005 /PHG 17-0007

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 in conformance with the California Environmental Quality Act (CEQA) Guidelines Sections 15162 and 15168 – Use of Previous Program Environmental Impact Report (EIR) (SCH No. 2010071064) that was prepared for the adoption of the Escondido General Plan Update, Downtown Specific Plan Update and Climate Action Plan, and certified by the City Council in May 2012, and has determined that all environmental issues have been addressed and no significant environmental impact will result from the approval of this code amendment.

SECTION 3. That upon consideration of the staff report, Planning Commission recommendations, Planning Commission staff report, all public testimony presented at the hearings 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 that the Zoning Code Amendments are consistent with the General Plan, the South Escondido Boulevard/Centre City Parkway Target Area objectives and all applicable specific plans of the City of Escondido.

SECTION 4. That the specified sections of the Escondido Zoning Code Articles 1, 6, 7, 8, 10, 11, 12, 13, 14 and 57 are amended as set forth in Exhibit "B", Exhibit "C" and Exhibit "D" to this Ordinance, all 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 7th day of June, 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. 2017-07 passed at a regular meeting of the City Council of the City of Escondido held on the 7th day of June, 2017, after having been read at the regular meeting of said City Council held on the 24th day of May, 2017.



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

ORDINANCE NO. 2017-07

EXHIBIT "A"

FACTORS TO BE CONSIDERED AZ 2016-0005/PHG 17-0007

Zoning Code Amendment and Rezone to R-5-30

1. The public health, safety and welfare would not be adversely affected by the proposed Zoning Code amendments as they only reorganize and consolidate the residential zones into one Zoning Code article; establish an R-5-30 (Very High Multi-Family Residential, 30 du/ac max.) zone with associated development standards and update references and outmoded text. The proposed new R-5 high density zone and the proposed rezone to R-5-30 (Very High Multi-Family Residential – 30 du/ac) from R-4-24 (High Multi-Family Residential, 24 du/ac) implements the adopted General Plan designation of Urban V in the High Density Multi-Family Residential category and would not adversely affect the public health, safety and welfare because the Urban V designation and the S. Escondido Blvd./Centre City Pkwy. Target Area allow for the higher residential density and encourage urban multi-family housing characterized by taller structures in more densely developed areas that provide convenient access to a wider range of facilities and services. No development project is proposed. The review of future development projects would include a CEQA environmental analysis specific to the project type and location.
2. The proposed Zoning Code amendments would not conflict with State law or be detrimental to surrounding properties because the amendments involve reorganizing existing Zoning Code sections, identifying minor conditional uses, updating definitions and adjusting some standards for internal consistency. 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. The property proposed to be rezoned from R-4-24 to R-5-30 is suitable for the uses and higher density permitted by the proposed zone as the area is flat, the residential uses would remain the same, and the area has a General Plan designation of Urban V that allows the higher density and encourages redevelopment. In addition, the proposed rezone area would be compatible with the mix of surrounding commercial and multi-family development. Specific property involved in future development projects will be reviewed individually for suitability.
3. The uses permitted by the proposed rezone to R-5-30 would not be detrimental to surrounding properties as the uses would be the same as currently permitted under the R-4-24 zone, and would not adversely affect the adjacent commercial development nor the multi-family development adjacent to the south, and west across Centre City Pkwy.
4. The proposed Zoning Code amendment to reorganize and consolidate the residential zones into one Zoning Code article; establish an R-5-30 (Very High Multi-Family Residential, 30 du/ac max.) zone with associated development standards, and the proposed rezone to R-5-30 (Very High Multi-Family Residential – 30 du/ac) from R-4-24 (High Multi-Family Residential, 24 du/ac) are consistent with the adopted General Plan since the actions implement the General Plan designation of Urban V in the High Density Multi-Family Residential category, which allows for the higher residential density and encourages urban multi-family housing characterized by taller structures in more densely developed areas that provide convenient access to a wider range of facilities and services. The actions are also in conformance with the S. Escondido Blvd./Centre City Pkwy. Target Area objectives and would not diminish the Quality of Life Standards of the General Plan. 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."
5. The proposed rezone to R-5-30 from R-4-24 does not establish a residential density below seventy (70) percent of the maximum permitted density as the proposed density of 30 du/ac is the maximum density permitted by the General Plan Urban V designation. The proposed standards for the R-5 residential zone includes this restriction in the parcel requirements of Table 33-98b.
6. The proposed Zoning Code amendment and rezone would be compatible with and not adversely affect the Southern Gateway District of the Downtown Specific Plan, which is adjacent to the north of the subject area, since the district is planned for the development of offices and services, as well as, urban-style, higher density residential development (up to 100 du/ac) and taller buildings.

EXHIBIT "B"
Case No. AZ 16-0005 / PHG 17-0007

THE ENTIRE EZC ARTICLE 1 SHALL READ AS FOLLOWS:

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS

Sec. 33-1. Short Title.

This Chapter 33 shall be known as the "Escondido Zoning Code."

Sec. 33-2. Authority for the zoning chapter.

Chapter 33 is adopted and amended pursuant to Section 11 of Article XI of the Constitution of the State of California and in compliance with the requirements of the Planning and Zoning Law, Title 7 of the Government Code.

Sec. 33-3. Purpose.

The purpose of this chapter is to serve the public health, safety, comfort, convenience and general welfare by dividing the city into zones and:

- (a) Establishing land use districts for public and private use and general provisions and standards of development with the aim of preserving a wholesome, serviceable and attractive community;
- (b) Regulating the use of buildings, structures, and land uses as between agriculture, industry, business, residence, civic and other purposes;
- (c) Regulating the location, height, bulk, number of stories and size of buildings and structures; the size and use of lots, yards, courts and other open spaces; the percentage of a lot which may be occupied by a building or structure, and the intensity of land use;
- (d) Establishing and maintaining building setback requirements;
- (e) Establishing off-street parking and loading requirements;
- (f) Establishing signage, lighting, grading, and landscaping and irrigation requirements;
and
- (g) Establishing provisions for coordinating California Environmental Quality Act guidelines, quality of life standards, administration and enforcement, and growth management requirements.

Sec. 33-4. Replacement of other ordinances.

The provisions of this chapter shall not be deemed or construed to repeal, amend, modify, alter or change any other ordinance or any part thereof not specifically repealed, amended, modified, altered or changed herein, except in such particulars or matters as this chapter is more restrictive than such other ordinance, or part thereof; and that in all particulars wherein this chapter is more restrictive, each such other ordinance shall remain in full force and effect.

Sec. 33-5. Reference to any portion of this chapter.

Whenever reference is made to any portion of this chapter, or of any other law or ordinance, the reference applies to all amendments and additions now or hereinafter made.

Sec. 33-6. Interpretation.

(a) In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public peace, health, safety, convenience, comfort, prosperity or general welfare. It is not intended by this chapter to abrogate, annul, impair or interfere with any existing or future provision of law or ordinance or with any easements, covenants or other agreements between parties; provided, however, that where this chapter imposes a greater restriction upon the use or occupation of buildings or premises or upon the height or location of buildings or structures, or upon the lot area per family, size of yards and open spaces, number of garages or other requirements whatsoever, than is imposed or required by such existing laws, ordinances, easements, covenants or agreements, the provisions of this chapter shall govern.

(b) In any case where there is difficulty in interpreting and applying the provisions of this chapter to any specific case or situation, the planning commission shall upon request interpret the intent of this chapter by written policy and said interpretation shall be followed in applying said provisions.

Sec. 33-7. Building permits required.

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

Sec. 33-8. Definitions.

For the purpose of this chapter, the words and phrases set forth in this section shall have the meanings respectively ascribed to them. Words used in the present tense shall include the future; words in the singular number shall include the plural, and words used in the plural number shall include the singular; the word "shall" is mandatory, and the word "may" is permissive.

Accessory means a use and/or structure customarily incidental to a building, part of a building or structure, which is subordinate to and the use of which is incidental to and detached from the main building, structure or use on the same lot. If an accessory building is attached to the main building either by a common wall, or if the roof of the accessory building is a continuation of the roof of the main building, such accessory building shall be considered a part of the main building. (see also Use – Accessory Use)

Alley means any public thoroughfare, having a width of not more than thirty (30) feet,.

Amusement arcade means any establishment, room or place where more than four (4) amusement machines are available for public use.

Amusement machine means any device, whether mechanical, electrical or electronic, or similar object, which by payment of a fee, or insertion of a coin or token, may be operated for the primary purpose of amusement. The term amusement machine does not include any device or object the primary purpose of which is to play music.

Apartment means a room or group of two (2) or more rooms which is constructed, designed, intended for or actually used by, a single family for living and sleeping purposes for periods of thirty (30) consecutive days or longer. *Area of lot* means the total horizontal area included within ownership lot lines.

Arts and crafts shall include physical objects which are made by or as if by hand, and which require manual dexterity and artistic skill. Items such as jewelry, paintings, needlepoint, knitting, crochet, dolls, furniture, woodworking (e.g., carvings, etchings), sculptures, ceramics, toys, clothing, photography, scale models and similar items as determined by the director shall be considered as "arts and crafts" objects.

Arts and crafts show shall mean the activity of offering for sale of "arts and crafts" by means of announcing or advertising an "arts," "crafts," or "hobbies," show, bazaar or festival, all of which are synonymous, or by any other means intended to communicate that the sale is an occasional, casual event offering the sale of personally crafted property. "Arts and crafts show" shall only be conducted by a property owner possessing a valid business license and an arts and crafts permit issued by the City of Escondido.

Attached unit means a unit completely within an existing principal building or added to an existing principal building; provided, that both dwelling units shall be attached by a common wall, floor or ceiling, and not simply by an attached breezeway or porch; and shall be contained within one (1) building. An accessory dwelling unit constructed above an existing detached garage shall be considered an attached unit.

Basement means a story partly underground and having at least one-half (1/2) of its height above the average adjoining grade. A basement shall be termed a cellar when more than one-half (1/2) of its height is below the average adjoining grade. A basement or cellar shall be counted as a story if the vertical distance from the average adjoining grade to the ceiling is over five (5) feet.

Block means all property fronting upon one (1) side of a street between intersecting and intercepting streets, or between a street and a railroad right-of-way, waterway, terminus of dead end, or cul-de-sac street, city boundary, public parks or other natural boundary. An intercepting street shall determine only the boundary of the block on the side of the street which it intercepts.

Boarding house – see *Rooming house*.

Building.

(1) *Building* means any structure for the shelter, housing or enclosure of any person, animal, article or chattel and when any portion thereof is completely separated from every other portion thereof by a division wall or fire wall, without openings, each such portion shall be a separate building.

(2) *Building height* means the vertical distance measured from the average level of the highest and lowest point of that portion of the lot covered by the building to a point midway between the highest and lowest point on the roof; provided that chimneys, spires, towers, tanks and similar projections shall not be included in the height.

(3) *Building site* means the ground area of: (A) all or a portion of a lot or parcel of land; or (B) all or a portion of two (2) or more lots or parcels of land, when used in combination for a building or group of buildings, together with all yards and open spaces required by this chapter.

(4) *Main building* means one (1) or more buildings on a lot or building site designed or used to accommodate the primary use to which the premises are devoted.

Business or commerce means the purchase, sale or other transaction involving the handling or disposition of any article, substance or commodity or service for profit or livelihood.

Carport means an accessory building or an accessory portion of the main building, with a solid roof and openings on one or more sides, designed and/or used only for the shelter of vehicles owned or operated by the occupants of the main building

Commercial dairy means any land whereupon is kept or maintained for any length of time, more than two (2) milk cows where milk or milk products are produced for, or intended for sale to the public.

Common area means the total area within a development that is not designed for the exclusive use of owners or tenants and which is available for common use by all owners, tenants or groups of tenants.

Court means an open unoccupied space, other than a yard, on the same lot with a building or buildings and which is bounded on two (2) or more sides by such building or buildings and a lot line, including the open space in a bungalow court or court apartment providing access to the units thereof.

Cul-de-Sac means a street or portion of a street that terminates without providing vehicular access to adjacent streets and includes pavement at its terminus to accommodate vehicles exiting in a forward manner by a single turning motion without reversing.

Detached dwelling means a dwelling that is structurally independent and separated from the existing primary dwelling by a minimum of ten (10) feet.

Director means the director of community development.

Driveway means a permanently surfaced area providing direct access for vehicles between a street and a permitted off-street parking or loading area and extending to a maximum width equal to the curb cut approved by the city engineer.

Dwelling.

(1) *Dwelling* means one (1) or more rooms in a building used for occupancy by one (1) family for living or sleeping purposes and having only one (1) kitchen.

(2) *Grouped dwelling* means a group of two (2) or more detached or semi-detached one-family, two-family, three-family or multiple dwellings occupying a parcel of land in one (1) ownership and having any yard or court in common, including bungalow courts and apartment courts, but not including recreational vehicle or campgrounds,.

(3) *Multiple dwelling* means a building or portion thereof used for occupancy by four (4) or more families living independently of each other, and containing four (4) or more dwellings.

(4) *One-family or single-family dwelling* means a detached or semi-detached building designed for or occupied exclusively by one (1) family.

(5) *Two-family dwelling and duplex* means a detached or semi-detached building designed for or occupied exclusively by two (2) families.

(6) *Three-family dwelling and triplex* means a detached or semi-detached building designed for or occupied by three (3) families.

(7) *Primary dwelling* means the principal single-family dwelling located on a lot where an accessory dwelling unit is existing or proposed.

(8) *Accessory dwelling* means a secondary, but independent living facility which is located or established on the same lot as the primary residence. It shall include permanent provisions for living, sleeping, eating, cooking and sanitation.

Family means one (1) or more persons related by blood, marriage, or adoption, or a group including unrelated individuals living together as a relatively permanent, bona fide, housekeeping unit.

Family day care means regularly provided care, protection and supervision of fourteen (14) or fewer children in the provider's home, for periods of less than twenty-four (24) hours per day, while the parents or guardians are away, and including the following:

(1) *Large family day care home* means a home which provides family day care, with no overnight stay, to nine (9) to fourteen (14) children, inclusive, including children who reside at the home;

(2) *Small family day care home* means a home which provides family day care, with no overnight stay, to eight (8) or fewer children, including children who reside at the home.

Floor area means the total horizontal area of all floors of a building including the surrounding walls, exclusive of basement and attic storage space and areas within a building used for the parking of vehicles.

Frontage means that property abutting on one (1) side of a street and lying between the two (2) nearest intersecting or intercepting streets, or nearest intersecting and intercepting streets, and railroad right-of-way or unsubdivided acreage.

Garage.

(1) *Private garage* means an enclosed accessory building or an accessory portion of the main building, designed and/or used only for the shelter of vehicles owned or operated by the occupants of the main building.

(2) *Public garage* means any building except those described as a private garage, used for the storage or shelter of self-propelled vehicles.

Garage sale shall mean the activity of offering for sale any property, other than real property or personally crafted arts and crafts items, by means of announcing or advertising a "garage," "yard," "moving," "estate," "rummage" or "tag" sale, all of which are synonymous, or by any other means intended to communicate that the sale is an occasional, casual, or non-business-related event offering the sale of personal property. "Garage sale" or "yard sale" shall not include any event which constitutes an arts and crafts show or any other sales activity which would require the business or person to possess a valid business license issued by the City of Escondido.

Greenhouse (also lath house) means a building or structure constructed chiefly of glass, glass-like or translucent material, cloth or lath, which is devoted to the protection or cultivation of flowers or other tender plants.

Gross leasable area or GLA means the total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any; expressed in square feet and measured from the center line of joint partitions and from outside wall faces.

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

Home occupation means any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the structure for dwelling purposes and which use does not change the character thereof or does not adversely affect the uses permitted in the zone of which it is a part. A home occupation must satisfy the conditions set forth in Article 44 of this chapter.

Hotel (also motel) means a building in which there are five (5) or more guest rooms where transient lodging (for a period of thirty (30) consecutive calendar days or less) with or without meals is provided for compensation.

Industry means the storage, repair, manufacture, preparation or treatment of any article, substance or commodity whatsoever, and including the operation of stables.

Junk yard means the use of more than three hundred (300) square feet of the area of any lot or of any portion of the front half of any lot for the storage of junk, including scrap metals or other scrap material, or for the dismantling or wrecking of automobiles or other vehicles or machinery.

Landscaping means the planting and maintenance of some combination of trees, shrubs, vines, ground covers, or flowers. In addition, the combination or design may include natural features such as rock and stone; and structural features, including, but not limited to, water features, art works, screens, walls, fences and benches.

Lath house (see greenhouse)

Lot means:

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

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

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

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

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

(B) *Corner lot* means a lot situated at the intersection of two (2) or more streets, which streets have an angle of intersection of not more than one hundred thirty-five (135) degrees.

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

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

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

(F) *Flag lot* means a lot in the approximate configuration of a flag pole or sign post, with the pole or post functioning primarily as an access way to the main body of the lot from the street of access.

(G) *Front lot line* means a line separating an interior lot from a street, or a line separating the narrower street frontage of a corner lot from the street. (H) *Interior lot* means a lot other than a corner lot or reversed corner lot.

(I) *Key lot* means the first lot to the rear of a reversed corner lot whether or not separated by an alley.

(J) *Rear lot line* means the record lot line or lines most distant from and generally opposite the front lot line except that in the case of an interior triangular or gore-shaped lot, it shall mean a straight line ten (10) feet in length which is: (i) parallel to the front lot line or its chord; and (ii) intersects the two (2) other lot lines at points most distant from the front lot line.

(K) *Reversed corner lot* means a corner lot, the side street line of which is substantially a continuation of the front lot line of the lot upon which the rear of said corner lot abuts.

(L) *Side lot line* means any lot boundary line not a front lot line or a rear lot line.

(M) *Through lot* means a lot having a frontage on two (2) parallel or approximately parallel streets.

Mini-dorms (see Rooming house)

Mobilehome (also Manufactured Home) means a dwelling that is subject to California Code of Regulations Title 25 provisions built in a factory or other off-site location on a non-removable steel chassis that is transported and placed on a permanent or non-permanent foundation.

Mobilehome park means a development specifically approved for grouping mobilehomes and/or manufactured homes within a unified setting that is subject to California Code of Regulations Title 25 provisions. The term mobilehome park shall include the grouping of mobilehomes under a single ownership, or separate ownership of mobilehomes and mobilehome sites, or the establishment of a mobilehome subdivision, condominium, stock cooperative, or any similar project where the member of the project owns a home ownership share, fee lot, or condominium unit.

Mobilehome site means any portion of a mobilehome park designed for the use or occupancy of one mobilehome or manufactured home.

Mobilehome park street means any roadway used or designed to be used for the general circulation of traffic within the mobilehome park

Modular home means a dwelling that conforms to all local building codes, built in sections at a factory or other off-site location, and transported to the building site where the dwelling is assembled on-site on a permanent foundation.

Motel (see Hotel)

Nonconforming use means a building or land occupied by a use that does not conform with the regulations of the use district in which it is situated.

Official zoning map means a map which graphically shows all zoning district boundaries and classifications within the City of Escondido, as contained within the Escondido zoning code, which is signed by the director and on file in the Escondido planning department.

Parcel of land means a contiguous quantity of land in the same possession of, or owned by, or recorded as the property of, the same person or persons.

Parking index means the number of car parking spaces made available per one thousand (1,000) square feet of GLA (gross leasable area).

Planning commission means the planning commission of the City of Escondido.

Recreational vehicle means a vehicle on wheels which offers living accommodations in a mobile setting for travel or recreational purposes in compliance with provisions established by the California Department of Motor Vehicles.

Rooming House means a building containing three (3) or more bedrooms or other rooms intended to be used, rented or leased, to be occupied by five (5) or more individuals under five (5) or more separate oral or written leases, subleases or any other contractual agreement designed to effectuate the same result, with or without meals, for compensation, as permanent guests pursuant to definite periods, by the month or greater term. A "Rooming Housing" does not require a property owner, or a manager, to be in residence. A "Rooming House" shall have a central kitchen. A "Rooming House" may or may not provide free access to common living areas beyond the bedrooms or guest rooms. A "room" means any rented, leased, let or hired living space or other square footage within the building that is used or designed to provide sleeping accommodations for one (1) or more persons. A properly permitted accessory dwelling unit, shall not be considered a rooming house.

Sign means any mark or painted character on any card, cloth, paper, metal, wood, plastic, or any other material visible from outside a structure, mounted to the ground or any tree, wall, bush, rock, fence or structure, either privately or publicly owned. "Sign" shall also mean any graphic announcement, declaration, demonstration, display, illustration, statuary or insignia used to promote the interest of any person, product, activity or service when the same is placed outdoors in view of the general public.

Site area (see Building site and Lot area)

Staff development committee means and shall be made up of representatives from the planning, engineering, building, fire and other departments which are associated with a given project or problem. Its purpose is to provide coordinated technical information and advice to the planning commission or city council.

Story.

(1) *Story* means that portion of a building included between the surface of any floor and the floor next above it, or if there is no floor above it, then the space between such floor and the ceiling next above it.

(2) *Half story* means a story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.

Street means a public or private thoroughfare which affords principal means of access to abutting property.

Structural alterations means any change in the supporting members of a building such as bearing walls, columns, beams or girders, and floor joists or roof joists.

Structure means anything constructed or erected, the use of which requires location on the ground or attached to something having a location on the ground.

Supportive housing means housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing that is provided in single-, two-, or multi-family dwelling units, group residential, residential care facilities, or boarding house uses shall be permitted, conditionally permitted or prohibited in the same manner as the other single-, two-, or multifamily dwelling units, group residential, residential care facilities, or boarding house uses under this code.

Target Population means persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5, commencing with Section 4500, of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

Title 25 means Title 25 of the California Code of Regulations.

Transitional housing means buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance. Transitional housing that is provided in single-, two-, or multi-family dwelling units, group residential, residential care facilities, or boarding house uses shall be permitted, conditionally permitted or prohibited in the same manner as the other single-, two-, or multifamily dwelling units, group residential, residential care facilities, or boarding house uses under this code.

Travel trailer (see Recreational vehicle)

Use.

(1) *Use* means the purpose of which premises or a building thereon is designed, arranged or intended, or for which it is or may be occupied or maintained.

(2) *Accessory use* means a use or activity incidental and accessory to the principal use of a lot or of a building located upon the same lot as the accessory use or activity.

Yard.

(1) *Yard* means an open space other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this chapter.

(2) *Front yard* means a yard extending across the full width of the lot, having at no point a depth of less than the minimum required horizontal distance between the front lot line, or

its tangent, and the closest permissible location of the main building. Said distance shall be measured by a line at right angles to the front lot line, or its tangent.

(3) *Rear yard* means a yard extending across the full width of the lot, having at no point a depth of less than the minimum required horizontal distance as measured from the part of the main building nearest the rear lot line towards the rear lot line, and such measurement shall be along a line representing the shortest distance between said part of the main building and the rear lot line. The required rear yard shall be that portion of the rear yard contiguous to the rear lot line having at no point a depth less than that required for the rear yard. The area to the rear of the rear lot line of an interior triangular or gore-shaped lot shall be considered a part of the required rear yard.

(4) *Side yard* means a yard between the main building and the side lot lines extending from the required front yard, or the front lot line where no front yard is required, to the rear yard, the width of which side yard shall be measured horizontally from, and at right angles to, the nearest point of a side lot line towards the nearest part of a main building.

Zone means a portion of the territory of the city, exclusive of streets, alleys and other public ways, within which certain uses of land, premises and buildings are not permitted and within which certain yards and open spaces are required and certain height limits are established for buildings, all as set forth and specified in this chapter.

Zoning administrator means the director or designee.

Sec. 33-9. Reserved.

Sec. 33-10. Reserved.

Sec. 33-11. Reserved

Sec. 33-12. Reserved

Sec. 33-13. Determination of permitted uses.

The lists of uses included in various articles of this chapter are typical of permitted and conditionally permitted uses in their respective zones.

The director may determine that uses similar to the listed uses are permitted, or conditionally permitted, uses within the various zones. Such determinations will thereafter be uniformly applied and the director shall keep a record of all such determinations.

When the director cannot make a determination that a particular use is similar to the uses within any of the various zones, a request for an interpretation shall be forwarded to the planning commission for its determination pursuant to the rules of interpretation of section 33-6 of this article. After a planning commission interpretation specifying the appropriate zone, or zones, within which the particular use may fall, said use shall be permitted, or conditionally permitted, in the zones designated by the planning commission.

If the planning commission is unable to designate zones into which a particular use may fall, that use is prohibited in the city in the absence of an amendment to this chapter.

Sec. 33-14. Zoning districts.

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

Sec. 33-15. Zoning district boundary uncertainty.

The boundaries of each zoning district shall be as shown on the "official zoning map," which is made a part of this chapter. In the event of any conflict between the official zoning map and any legal description or other designation of the boundary or boundaries of any zoning district, or where any uncertainty exists as to the boundary or boundaries of any zoning district shown on the official zoning map, the official zoning map shall prevail and the location of such boundary or boundaries shall be fixed as follows:

- (a) Where such boundaries are indicated by scales as approximately following street, alley or lot lines in existence at the time the zoning district map(s) was adopted, such lines shall be construed to be such boundaries.
- (b) Where any public street, alley or any private right-of-way or easement of any railroad, railway, canal, transportation or public utility company is vacated or abandoned, the existing zone which abuts said land shall apply to such vacated or abandoned property, then each such zone shall be considered to extend to the centerline of said vacated or abandoned property.
- (c) In unsubdivided land or where a zoning district boundary divides a parcel, the location of such boundary, unless same is indicated by dimensions, shall be determined by use of the scale appearing on the map.

Secs. 33-16—33-29. Reserved.

EXHIBIT "C"
Case No. AZ 16-0005 / PHG 17-0007

THE ENTIRE EZC ARTICLE 6 SHALL READ AS FOLLOWS:

ARTICLE 6. RESIDENTIAL ZONES

Sec. 33-90. Purpose.

(a) Residential zones are established to provide for residential districts of various population densities so that the various types of residential developments may be segregated from each other as necessary to assure compatibility of uses within family living areas, including the necessary appurtenant and accessory facilities associated with such areas.

(b) The following classes of residential use zones are established:

(1) The agriculture residential (R-A) zone is established to provide an agricultural setting in which agricultural pursuits can be encouraged and supported within the city. The R-A zone is designed to include single-family detached dwellings and to protect agricultural uses from encroachment by urban uses until residential, commercial or industrial uses in such areas become necessary or desired.

(2) The estate residential (R-E) zone is established to provide a rural setting for family life in single-family detached dwellings. Provisions are made for the maintenance of limited agricultural pursuits as well as those uses necessary and incidental to single family living.

(3) The single-family residential (R-1) zone is established to provide a suburban setting suitable for family life in single-family, detached dwellings.

(4) The mobilehome residential (R-T) zone is established to provide a mobilehome park setting for family life in single-family detached mobilehomes. No land shall be classified into this zone where such classification would create an R-T zone area of less than four hundred thousand (400,000) square feet.

(5) The light multiple residential (R-2) zone is established to provide a multi-family setting for family life in low-height, low density dwelling units in close proximity to single-family residential neighborhoods.

(6) The medium multiple residential (R-3) zone, is established to provide a multi-family setting for family life in low-height, medium density dwelling units in close proximity to other multi-family neighborhoods.

(7) The high multiple residential (R-4) zone, is established to provide a multi-family setting for family life in mid-height, high density dwelling units in close proximity to other multi-family neighborhoods and near the city's center.

(8) The very high multiple residential (R-5) zone is established to provide a multi-family setting for family life in higher-height, very high density dwelling units in close proximity to other multi-family neighborhoods and near the city's center.

Sec. 33-91. Designation of single family residential sub-zones.

Several of the single family zones established by Sec. 33-90 are further classified into sub-zones based on the required minimum lot area and lot width. Sub-zones are designated by adding a suffix number to the symbol for the principal R-zone. The suffix number shall indicate the minimum lot area for the sub-zone stated in units of one thousand (1,000) square feet (except that the suffix for R-A sub-zones -5 and -10 shall be stated in units of 5AC and 10AC respectively).

Sec. 33-92. Designation of multiple family residential sub-zones.

The R-2, R-3, R-4 and R-5 zones established by Sec. 33-90 are further classified into sub-zones based on the maximum number of dwelling units allowed per net acre (density). Density sub-zones are designated by adding a suffix number to the symbol for the principal multiple residential zone. The suffix number shall indicate the maximum allowable units per net acre exclusive of the right-of-way of all public streets or alleys as classified in the circulation element of the Escondido general plan as amended, or as is indicated to be dedicated to the City of Escondido on the pertinent development proposal, whichever is more restrictive.

Sec. 33-93. General plan compatibility matrix

Table 33-93 lists the general plan designation corresponding to the residential zoning district designations. Densities for the Rural, Estate, and Suburban general plan designations are subject to topographic slope conditions.

Table 33-93

Zoning	Corresponding General Plan Designation
Residential agricultural (R-A)	Rural I, Rural II
Residential estate (R-E)	Estate I, Estate II
Single family residential (R-1)	Suburban, Urban I
Mobilehome residential (R-T)	Suburban, Urban I, Urban II
Light multi-family residential (R-2)	Urban II
Medium multi-family residential (R-3)	Urban III
High multi-family residential (R-4)	Urban IV
Very high multi-family residential (R-5)	Urban V

Sec. 33-94. Permitted and conditional uses and structures

Table 33-94 lists those uses in residential districts that are permitted (P) or subject to a major conditional use permit (C) or minor conditional use permit (C#).

Table 33-94

Permitted/Conditional Uses & Structures	R-A	R-E	R-1	R-T	R-2	R-3	R-4	R-5
Residential and Lodging								
Single-family dwellings detached	P	P	P		P	P ¹	P ¹	P ¹
Mobilehome on parcel alone, pursuant to Sec. 33-111	P	P	P	P				
Two-family and multiple-family dwellings					P	P ¹	P ¹	P ¹
Mobilehome parks pursuant to Article 45 and Title 25. A minimum 400,000 sq. ft. in land area required.			C	C	C			
Small lot developments pursuant to Sec. 33-114					P	P ¹		
Transitional Housing and Supportive Housing constructed as residential dwellings consistent with the underlying zone pursuant to Sec. 33-8 of Article 1	P	P	P	P	P	P	P	P
Rooming house, boarding house, mini-dorms etc. with central kitchen, interior access to sleeping rooms					C	C	C	C
Bed and breakfast facilities, pursuant to Article 32	C#	C#	C		C	C	C	C
Care in Residential Zones								
Licensed residential care facilities and group quarters for six (6) or fewer persons including but not limited to sanitariums, convalescent homes, rest home services, transitional and supporting housing	P	P	P	P	P	P	P	P
Licensed residential care facilities and group quarters for seven (7) or more persons, including but not limited to sanitariums, convalescent homes, rest home services, transitional and supportive housing.	C	C	C		C	C	C	C
Small and large family day care as defined in Sec. 33-8 pursuant to Sec. 33-1104 of Article 57	P	P	P		P	P	P	P
Day nurseries, child care centers (excluding small and large family care which are permitted uses)	C	C	C		C	C	C	C
Agriculture and Animals								
Animal specialties, poultry and egg production, rabbits, apiaries, aviaries, small animal farms	C							
Animals other than those listed in Table 33-95a, and provisions pursuant to Sec. 33-1116 of Article 57	C#	C#	C#					
Field and seed crops	P							

Permitted/Conditional Uses & Structures	R-A	R-E	R-1	R-T	R-2	R-3	R-4	R-5
Agriculture and Animals (continued)								
Livestock (on sites exceeding nine acres)	C							
Truck crops (includes vegetables, berries, melons) Orchards and vineyards (fruit and tree nuts) Horticultural specialties	P	P	P					
Wineries with a tasting room pursuant to Sec. 33-1107 of Article 57	C	C						
Wineries without a tasting room pursuant to Sec. 33-1107 of Article 57 (at least 50% of fruit used in winemaking must be grown on site)	P	P						
Social, Religious, Educational, Recreational, Governmental								
Golf courses, private and public	C	C	C	C	C	C		
Government services (except correctional institutions)	C	C	C	C	C	C	C	C
Nursery, primary and secondary (grades K-12), post-secondary and professional education	C	C	C		C	C	C	C
Religious activities, civic associations, social clubs and fraternal organizations and lodges	C	C	C	C	C	C	C	C
Resorts and group camps	C							
Tennis courts, private membership only	C	C	C	C	C	C		
Youth organizations pursuant to Sec. 33-1105 of Article 57	C	C	C	C	C	C	C	C
Utility and Communications Operations								
Communications (excluding offices and relay towers, microwave or others)	C	C	C	C	C	C	C	C
Utility facilities	C	C	C	C	C	C	C	C
Wireless service facilities on private property, including communication antennas, pursuant to Article 34	C	C	C	C	C	C	C	C
Miscellaneous								
Aluminum can and newspaper redemption centers without can crushing facilities (only as an accessory use to nursery, primary, secondary, post-secondary and professional education, and religious activities)	C	C			C	C	C	C
Arts and crafts shows as defined in Sec. 33-8, with permit pursuant to Sec. 33-1119 of Article 57	P	P	P	P	P	P	P	P
Cemeteries and / or Mausoleums	C	C	C		C			

Permitted/Conditional Uses & Structures	R-A	R-E	R-1	R-T	R-2	R-3	R-4	R-5
Miscellaneous (continued)								
Uses or structures permitted or conditionally permitted by this zone and involving hazardous materials (pursuant to Sec. 33-666 of Article 30)	C	C	C	C	C	C	C	C
Notes:								
<p>1 No vacant or underdeveloped lot or parcel of land in any R-3, R-4, and R-5 zone shall be improved or developed at a density below seventy (70) percent of the maximum permitted density. Exceptions to the minimum density requirement may be granted in writing as part of the plan approval required by Sec. 33-106 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.</p>								

Sec. 33-95. Permitted accessory uses and structures

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

Table 33-95

Permitted Accessory Uses and Structures	R-A	R-E	R-1	R-T	R-2	R-3	R-4	R-5
Accessory Structures								
Accessory buildings such as garages, carports, green houses, gazebos, gardening sheds, recreation and similar structures which are customarily used in conjunction with and incidental to a principal use or structure	P	P	P	P	P	P	P	P
Accessory buildings or structures required for the storage of any products, equipment or uses lawfully permitted or produced on the premises	P	P	P					
Accessory buildings and structures for mobilehomes including carports, porches, awnings, skirting, portable storage cabinets, and similar structures which are customarily used in conjunction with, and incidental to, the principal use or structure, provided they are located within six (6) feet of a mobilehome	P	P	P	P				
Accessory dwelling units pursuant to Article 70.	P	P	P		P	P	P	P

Permitted Accessory Uses and Structures	R-A	R-E	R-1	R-T	R-2	R-3	R-4	R-5
Accessory Uses and Activities (Continued)								
Parking for recreational vehicles pursuant to Article 25	P	P	P		P	P	P	P
Storage of materials used for the construction of a building, including the contractor's temporary office, provided that such use is on the building site or immediately adjacent thereto, and provided further, that such use shall be permitted only during the construction period and the thirty (30) days thereafter	P	P	P	P	P	P	P	P
Subdivision sales and signs in accordance with the requirements of this chapter	P	P	P	P	P	P	P	P
Vegetable and flower gardens	P	P	P	P	P	P	P	P

Table 33-95a

Permitted Animals in Residential Zones	R-A	R-E	R-1	R-T	R-2	R-3	R-4	R-5
Animals Permitted in the Quantities Stated								
Birds*: Small species as household pets including canaries, parrots, parakeets, love birds, etc.	12	12	6	3	3	3	3	3
Birds*: Racing or homing pigeons pursuant to Sec. 33-1116 of Article 57	100	100	100					
Birds: Domesticated fowl including chickens, ducks, turkeys, etc. raised for meat and / or egg production. Quantity indicates total of all species for each parcel. Roosters are not permitted in the R-1 zone.	25	25	6 chickens (hens only)					
Bovine: Domesticated cattle, sheep, goats, swine raised for meat and / or milk production. Quantity indicates the total number of bovine animals per acre.	1	1						
Cats* (adults over four months)	3	3	2	1	1	1	1	1
Dogs* (adults over four months)	3	3	2	1	1	1	1	1
Emus: Same requirements as standard horses	1	1						
Goats (pygmy): Subject to the same requirements as miniature horses	2	2	2					
Horses (miniature): In the R1 zone said animals are permitted only on properties zoned R-1-10 or larger	2	2	2					

Permitted Animals in Residential Zones	R-A	R-E	R-1	R-T	R-2	R-3	R-4	R-5
Animals Permitted in the Quantities Stated (continued)								
Horses (standard): In the RA zone the quantity indicates the number of animals per person residing on the premises. In the RE zone the quantity indicates the number of animals for the first 40,000 SF of lot area; one additional horse is permitted for each additional 20,000 SF	1	1						
Potbelly pigs*, as household pet	1	1						
Rodents*: Chinchillas, chipmunks, guinea pigs, mice (white), hamsters, rabbits (adult), squirrels, etc. Quantity indicates total of all species for each parcel.	25	25	4	2	2	2	2	2
Tropical fish*: excluding turtles and carnivorous fresh water fish	No Limit							
Other animals in RA-AO and RE-AO animal overlay zones pursuant to Article 9 of this chapter	P	P						

*Household pets pursuant to Sec. 33-1116 of Article 57 of this chapter.

Sec. 33-96. Prohibited primary uses and structures.

All industrial, commercial and residential uses and structures not listed in this article are prohibited.

Sec. 33-97. Property development standards.

In addition to the property development standards set forth in this chapter, the following special development standards shall apply to land and structures in residential zones.

Sec. 33-98. Parcel requirements.

Tables 33-98a and 33-98b list parcel requirements for residential zones. Lots or parcels of land which were created prior to the application of the residential zone shall not be denied a building permit for reason of nonconformance with the parcel requirements of this section. For the purpose of establishing sub-zones, an acre contains 43,560 square feet.

Table 33-98a

Zoning Suffix	Minimum Lot Area (square feet)	Average Lot Width (feet)	Minimum Street Lot Frontage	Population Density
R-T ²	4,500*	55*	35 feet on a line parallel to the centerline of the street or on a cul-de-sac improved to city standards ¹ . Frontage on a street end that does not have a cul-de-sac improved to city standards shall not be counted in meeting this requirement except for panhandle lots. Panhandle lots pursuant to Article 56.	Not more than one single-family dwelling may be placed on a lot or parcel of land in this zone.
R-1-6	6,000	60		
R-1-7	7,000	65		
R-1-8	8,000	70		
R-1-9	9,000	75		
R-1-10	10,000	80		
R-1-12	12,000	85		
R-1-15	15,000	90		
R-1-18	18,000	95		
R-1-20	20,000	100		
R-1-25	25,000	110	20 feet or be connected to a public street by a permanent access easement ¹ . Panhandle lots pursuant to Article 56.	
R-E-20	20,000	100		
R-E-25	25,000	110		
R-E-30	30,000	125		
R-E-40	40,000	150		
R-E-50	50,000			
R-E-60	60,000			
R-E-70	70,000			
R-E-80	80,000			
R-E-90	90,000			
R-E-100	100,000			
R-E-110	110,000			
R-E-130	130,000			
R-E-150	150,000			
R-E-170	170,000			
R-E-190	190,000			
R-E-210	210,000			
R-A-5	217,800	150	60 feet or be connected to a public street by a permanent access easement ¹ . Panhandle lots pursuant to Article 56.	
R-A-10	435,600			

Notes:

- ¹ Exception: Access to lots or parcels may be provided by private road easement conforming to the following standards:
 - (a) The minimum easement widths shall be twenty (20) to twenty-four (24) feet as determined by the city engineer and fire marshal; subject to the Escondido Design Standards and Standard Drawings;
 - (b) Pavement section widths, grades and design shall be approved by the city engineer;
 - (c) A cul-de-sac or turnaround shall be provided at the terminus to the satisfaction of the planning, engineering and fire departments.
- ² Except for land that was being used for mobile homes prior to the effective date of the ordinance codified in this article, no land shall be classified into this zone where such classification would create an R-T zone area of less than four hundred thousand (400,000) square feet.

Table 33-98b

Zoning Suffix	Minimum Lot Area (square feet)	Average Lot Width (feet)	Minimum Public Street Lot Frontage	Maximum Population Density
R-2	6,000	60	35 feet on a line parallel to the centerline of the street or on a cul-de-sac improved to city standards. Frontage on a street end which does not have a cul-de-sac improved to city standards shall not be counted in meeting this requirement.	12 du / acre
R-3	6,000	60		18 du / acre ¹
R-4	6,000	50		24 du / acre ¹
R-5	6,000	50		30 du / acre ¹

Notes:

- ¹ No vacant or underdeveloped lot or parcel of land in any R-3, R-4, and R-5 zone shall be improved or developed at a density below seventy (70) percent of the maximum permitted density. Exceptions to the minimum density requirement may be granted in writing as part of the plan approval required by Sec. 33-106 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.

Sec. 33-99. Front setback.

Table 33-99 lists front setback requirements in residential zones, excluding mobilehome parks approved pursuant to Article 45.

Table 33-99

Front Setback Requirements	R-A	R-E	R-1	R-2	R-3	R-4	R-5	R-T
Front setback depth (feet)	25 ¹	25 ¹	15 ^{1,2}	15 ^{1,2}	15 ^{1,2}	15 ^{1,2}	15 ^{1,2}	15 ³
Notes:								
<ol style="list-style-type: none"> ¹ A required front setback shall not be used for vehicle parking except such portion as is devoted to driveway use or the parking of recreational vehicles in accordance with Article 25, parking of recreational vehicles in residential zones. ² A garage having an entrance fronting on the street shall be set back at least twenty (20) feet from the street property line. ³ The front setback shall not be used for vehicle parking, except for such portion devoted to driveway use. Title 25 shall apply where appropriate. 								

Sec. 33-100. Side setback.

Table 33-100 lists side setback requirements in residential zones, excluding mobilehome parks approved pursuant to Article 45.

Table 33-100

Interior Side Setback Requirements	R-A	R-E	R-1	R-2	R-3	R-4	R-5	R-T
Interior side setback width (feet)	10 ¹	10 ¹	5 ^{1,2}	5 ⁴	5 ^{3,4}	5 ^{3,4}	5 ^{3,4}	5 ^{1,5}
Notes:								
<ol style="list-style-type: none"> ¹ When used for access to a required parking facility, the side setback shall be wide enough for a ten (10)-foot-wide, unobstructed, paved driveway. ² If the lot or parcel does not abut an alley, one (1) such side setback shall be at least ten (10) feet in width. ³ An additional five (5) feet setback shall be provided on each side of a lot or parcel of land for each story over two of a principal building, with a maximum requirement for any such side setback of fifteen (15) feet. ⁴ A driveway that provides a parking facility housing nine (9) or more vehicles with access to a street or alley shall be at least twenty-four (24) feet wide, unless the parking facility is served by two (2) one-way drives, in which case each driveway shall be at least twelve (12) feet wide. All driveways shall have a height clearance of at least thirteen (13) feet, and shall be paved with cement or asphaltic concrete. ⁵ Title 25 provisions shall apply where appropriate. 								

Street Side Setback Requirements	R-A	R-E	R-1	R-2	R-3	R-4	R-5	R-T
Corner (street) side setback width (feet)	10 ^{1,2}	10 ^{1,2}	10 ^{1,2}	10 ^{1,2}	10 ^{1,2}	10 ^{1,2}	10 ^{1,2}	10 ^{2,3}
Notes:								
<ol style="list-style-type: none"> ¹ A garage having access that is perpendicular to the street shall be set back at least twenty (20) feet from the street property line. A required side setback shall not be used for vehicle parking except such portion as is devoted to driveway use. ² The required street side setback shall not be used for vehicle parking. ³ Title 25 provisions shall apply where appropriate. 								

Sec. 33-101. Rear setback.

Table 33-101 lists rear setback requirements in residential zones, excluding mobilehome parks approved pursuant to Article 45.

Table 33-101

Rear Setback Requirements	R-A	R-E	R-1	R-2	R-3	R-4	R-5	R-T
Rear setback (feet)	20	20	20	15	10 ¹	10 ¹	10 ¹	5 ²
Notes:								
<ol style="list-style-type: none"> ¹ An additional five (5) feet rear setback shall be provided for each building story over two (2) in height. Where the rear setback abuts a public alley, the setback may be measured from the centerline of the alley; however, in no event shall there be less than a five (5) foot setback from the edge of the alley. ² Title 25 provisions shall apply where appropriate. 								

Sec. 33-102. Accessory buildings side setback and building requirements.

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

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

- (1) The building is located seventy (70) feet, or more, from the front property line [fifty (50) feet in the R-T zone, unless superseded by Title 25]; and
- (2) Has facilities for the discharge of all roof drainage onto the subject lot or parcel of land; and
- (3) The building does not require a Building Permit.

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

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

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

(f) In the RA and RE zones, setbacks for accessory structures do not apply to animal enclosures.

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

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

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

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

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

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

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

(e) In the RA and RE zones, setbacks for accessory structures do not apply to animal enclosures.

Sec. 33-104. Projections into setbacks (single and multi-family zones, excluding R-T zone).

(a) The following structures may be erected or projected into any required setback in all residential zones (excluding the R-T zone):

(1) Fences and walls in accordance with codes or ordinances;

(2) Landscape elements, including trees, shrubs and other plants, except that no hedge shall be grown or maintained at a height or location other than that permitted by city codes or ordinances;

(3) Necessary appurtenances for utility services.

(b) In R-1 zones, a single story structure attached to an existing main building may be located within the rear setback to within ten (10) feet of the rear property line if the director of community development finds that the site for the proposed use is adequate in size and shape, and that the proposed use will not have an adverse effect upon adjacent or abutting properties. Such structures shall not be closer than five (5) feet from any retaining wall or toe of slope and the aggregate area of such structure shall not exceed forty (40) percent of the total area of the rear setback otherwise required by Sec. 33-101 of this article.

(c) The structures listed below may project into the minimum front or rear setback not more than four (4) feet and into the minimum side setback not more than two (2) feet, provided that such projections shall not be closer than three (3) feet to any lot line:

(1) Cornices, eaves, belt courses, sills, buttresses or other similar architectural features;

(2) Fireplace structures and bays, provided that they are not wider than eight (8) feet measured in the general direction of the wall of which it is a part;

(3) Stairways, balconies, door stoops and fire escapes;

(4) Awnings;

(5) Planting boxes or masonry planters not exceeding forty-two (42) inches in height;

(6) Porte-cochere over a driveway in a side setback area, provided such structure is not more than one (1) story in height and twenty-two (22) feet in length, and is entirely open on at least three (3) sides, except for the necessary supporting columns and customary architectural features.

Sec. 33-105. Projections into setback (R-T zone).

The following structures may be erected or projected into any required setback in the R-T zone unless superseded by Title 25:

(a) Fences and walls in accordance with city codes or ordinances, but not to exceed five (5) feet in height;

(b) Landscape elements including trees, shrubs and other plants, except hedges, and provided that such landscape feature does not hinder the movement of the mobilehome in or out of its space;

(c) Trailer hitches;

(d) Necessary appurtenances for utility services;

(e) Awnings not to exceed one (1) foot.

Sec. 33-106. Plan approval required.

(a) Building plan review and building permits are required for the construction or modification of single family detached dwellings, mobilehomes, and some accessory structures in residential and R-T zones. Application shall be made to the building division for plan review, which is subject to planning division confirmation of zoning compliance.

(b) An appropriate development application for the construction or modification of two-family dwellings, multiple family dwellings, some accessory structures, and non-residential development in all residential zones is required pursuant to Article 61 of this chapter.

Sec. 33-107. Building requirements, generally.

Table 33-107 lists building requirements in residential zones (excluding mobilehome parks approved pursuant to Article 45).

Table 33-107

Building Requirements	R-A	R-E	R-1	R-2	R-3	R-4	R-5	R-T*
Building height (feet), except as otherwise provided in this chapter	35	35	35	35 ¹	35 ¹	75	75	35
Maximum Building stories				2 ¹	3 ¹	4 ¹	4 ¹	
Distance between residence and accessory buildings (feet)	10	10	10	10	10	10	10	10
Dwelling unit minimum floor area (square feet) ²	850	1,000	850	500	400	400	400	700
Maximum percent lot coverage by primary and accessory structures	20%	30%	40%	50%	none	none	none	60%
Maximum Floor Area Ratio (FAR) ³	0.3	0.4 ⁴	0.5	0.6	0.7	0.8	0.9	none
Square feet allowed for residential and parking regardless of the FAR	1,500	1,500	1,500	2,500	3,500	4,500	5,000	700

Notes:

- ¹ Buildings or structures in excess of one (1) story and located adjacent to single family zoned land, shall provide a setback equal to the abutting setback required by the single family zone standards, plus five (5) additional feet for each story over two (2) on the property line(s) abutting the single-family zone(s) as noted in Sec. 33-100 and 33-101. Additionally, building features such as windows, doors, balconies, etc., bulk and scale shall not adversely affect the adjacent single-family property.
- ² Area is exclusive of porches, garages, carports, entries, terraces, patios or basements.
- ³ FAR is the numerical value obtained by dividing the total gross floor area of all buildings on the site by the total area of the lot or premises.
- ⁴ Except that the maximum FAR for the RE-20 zone shall be 0.5; and for the RE-170 and RE-210 zones the maximum FAR shall be 0.3.
- * Requirements apply unless superseded by Title 25.

Sec. 33-108. Building requirements, multi-family zones.

(a) Dwelling groups. Each dwelling unit in a group or multiple dwelling developments shall front upon and have primary access to a street or a court which meets the following requirements:

(1) The court shall be unobstructed to the sky and shall extend to a street or to another court which has the same or greater width and extends to a street;

(2) The width of the court shall be twenty (20) feet if the court is bounded on both sides by buildings having access thereto, and ten (10) feet if bounded on one (1) side only, by such buildings;

(3) No portion of any required court shall be used for parking, turnaround, driveway or any other automotive purpose;

(4) Any such court shall be increased in width by five (5) feet for each story in excess of four (4) included in the combination of buildings on both sides of such a court.

(b) Usable open space. Each lot or parcel of land in the R-2 and R-3 zones shall provide on the same lot or parcel of land four hundred (400) square feet of usable open space, or two hundred (200) square feet in the R-4 and R-5 zones, as hereinafter defined, per dwelling unit, plus an additional two hundred (200) square feet of usable open space for each sleeping room (bedroom) over one (1) in said dwelling unit.

“Usable open space,” for the purpose of this section, means an open area or recreational facility which is designed and intended to be used for out-door living, landscaping and/or recreation. An area of usable open space shall not exceed a grade of ten (10) percent, shall have a minimum dimension of at least ten (10) feet (except balconies), and may include landscaping, walks, recreational facilities and decorative objects such as artwork and fountains. Up to one-half (1/2) of the requirement for each unit may be provided in a private patio or balcony having direct access from the unit. Balconies having a minimum dimension of not less than five (5) feet and a minimum area of not less than fifty (50) square feet shall be counted as open space. Usable open space shall not include any portion of off-street parking areas, driveways, rooftops or required front setbacks. Any accessory building or unit designed and intended to be used for recreational purposes shall be counted as usable open space.

(c) Private storage area. A minimum of eighty (80) cubic feet of private storage area shall be provided for each dwelling unit. The storage area shall have minimum dimensions of two (2) feet, and shall be in addition to normally expected cabinets and closets.

Sec. 33-109. Parking and loading requirements.

Parking and loading requirements shall be provided as per Article 39 of this chapter, unless superseded by Title 25 in the RT zone.

Sec. 33-110. Supplemental parking for detached single family homes.

Unless otherwise restricted in this code, property owners of detached, single-family homes may construct one supplemental uncovered parking space in residential front setback areas, subject to the following conditions:

(a) The supplemental parking space shall connect to the required driveway and be placed between the driveway and the closest, interior, side property line. For the purpose of the Escondido Zoning Code the supplemental parking space shall be considered part of the area devoted to driveway use;

(b) The supplemental parking space shall be permanently constructed using concrete, asphalt or paver blocks. The surface shall cover a minimum of eight (8) by twenty (20) feet and any pavers shall be either connected or no more than one (1) inch apart. Total curb cut shall not exceed forty percent (40%) of the street frontage;

(c) Vehicles parked on a supplemental parking space shall remain perpendicular to the residential street. Angled parking is prohibited;

(d) An area designed to facilitate turning around a vehicle to allow safe access to a collector street shall not be considered a supplemental parking space and shall not be used for parking;

(e) Residential properties with driveways accessing major roads, prime arterials, and collector streets, as depicted in the general plan circulation element may not have a supplemental parking space.

Sec. 33-111. Mobilehomes in single family zones (excluding mobilehome parks approved pursuant to Article 45 or superseded by Title 25).

Mobilehomes, in the R-A, R-E and R-1 zones shall comply with the following:

(a) Shall be manufactured within the last ten (10) years and shall be certified under the National Mobilehome Construction and Safety Standards Act of 1974;

(b) Shall be installed on foundation system in compliance with all applicable requirements of the California Residential Building Code to the satisfaction of the city;

(c) Shall be covered with an exterior material customarily used on conventional dwellings to the satisfaction of the planning division. The exterior covering material shall extend to the ground except that when a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation;

(d) Shall have a roof constructed of shingles or other material customarily used for conventional dwellings to the satisfaction of the city.

Sec. 33-112. Landscaping.

Landscaping in residential zones shall conform to the requirements set forth in Article 62.

Sec. 33-113. Trash storage.

The following trash storage provisions shall apply in residential zones:

(a) Containers required for trash and recyclables storage shall be of a size, type and quantity approved by the director of community development. They shall be placed so as to be concealed from the street and shall be maintained.

(b) Required trash enclosure areas shall be constructed of decorative materials and landscape screening may be required pursuant to Article 62.

Sec. 33-114. Small lot development.

(a) Purpose. Development and recycling opportunity in certain multi-family zones.

(b) Development standards. Development under this provision shall comply with the following requirements:

(1) The minimum lot area shall not be less than three thousand five hundred (3,500) square feet and not more than one (1) dwelling unit per lot;

(2) Setbacks for main and accessory buildings may vary in order to allow flexibility; however, the minimum front yard setback shall be ten (10) feet;

(3) Parking shall be provided at a ratio of four (4) off-street spaces per unit. Two (2) of the four (4) spaces must be covered; the additional two (2) spaces may be tandem and may occupy front and side yard setbacks. A minimum back up area of twenty-four (24) feet shall be provided;

(4) Densities per acre shall not exceed that allowed by the zone classification and the general plan;

(5) In the R-3 zone, a minimum density of seventy (70) percent of the maximum permitted density of the zone classification shall be provided. Exceptions to the minimum density may be granted as part of the map approval provided the development would not preclude the city from meeting its housing needs as described in the housing element of the Escondido General Plan;

(6) Access to lots may be provided by a private road easement a minimum of twenty (20) feet wide for two (2) or fewer lots subject to approval by the fire marshal and city engineer; additional easement width may be required by the fire marshal and/or city engineer based on the number of lots served and the specific project design;

(7) The development shall be comprehensively designed to incorporate appropriate and attractive architectural elements and site features that create a quality residential environment;

(8) Process. All requests for a small lot development shall be included in the project description and plans of the associated tentative parcel map or subdivision map application.

THE FOLLOWING EZC ARTICLES SHALL BE REPEALED AND RESERVED:

- Article 7 – Residential Agricultural (RA) Zone**
- Article 8 – Residential Estates (RE) Zone**
- Article 10 – Single-family Residential (R-1) Zone**
- Article 11 – Mobilehome Residential (R-T) Zone**
- Article 12 – Light Multiple Residential (R-2) Zone**
- Article 13 – Medium Multiple Residential (R-3) Zone**
- Article 14 – Heavy Multiple Residential (R-4) Zone**

NOTE: ARTICLE 9 – ANIMAL OVERLAY (AO) ZONE REMAINS UNCHANGED.

Article 57. Miscellaneous Use Restrictions

REVISE ONLY THE FOLLOWING SECTIONS TO READ AS FOLLOWS.

Sec. 33-1107. Wineries.

Wineries may be permitted or conditionally permitted pursuant to Sec. 33-94 of Article 6, upon consideration of the following criteria:

- (a) Areas not devoted to agricultural production including the primary residence, the winery, ancillary structures, parking, landscaping, storage and loading areas, excluding driveways from the main road to the facility, shall not exceed three (3) acres;
- (b) Uses not directly related to wine production, including wine tasting, retail sales of wine oriented merchandise, meeting rooms for reception and food service shall generally occur indoors, be integrated with the winery facility and shall be ancillary to the primary activity;
- (c) All winemaking operations shall generally be conducted within enclosed buildings. Structures used for the winery operation and any outdoor operation shall generally be located in the central and interior portion of the site to provide maximum separation from surrounding properties;
- (d) Wine production may include grapes and/or fruit grown off-site and delivered to the facility; and
- (e) Wine tasting, if proposed, shall only involve product produced from the on-site winery.

Sec. 33-1121. Reserved.