

Chapter 32

ARTICLE 2. TENTATIVE MAPS

Consistency clean up to align extensions of time for subdivisions of four or fewer lots with Chapter 33

32.210.02. Extension Of Time.

B. The time at which an approved or conditionally approved Tentative Map expires may be extended by the legislative body or advisory agency, or Director for subdivisions of four lots or fewer, for a period or periods not exceeding a total of six (6) years. A public hearing and/or public notice may be required if the Director of ~~Community~~ Development Services determines that it is warranted.

Chapter 33

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS

Update to urban lot splits definition

Sec. 33-8. Definitions.

Urban lot split means the subdivision of any lot in a single-family residential zone or parcels designated for primarily single-family development in a specific plan into two lots **and shall have the same meaning as stated in California Government Code Section 66411.7.**

ARTICLE 6. RESIDENTIAL ZONES**Consistency cleanup of existing foot note and addition of community gardens as a permitted use on residentially zoned City-owned property****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 section 33-111	P	P	P	P				
Two-family dwelling units and urban lot splits		P ²	P ²					
Two-family, three-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 section 33-114					P	P ¹		
Transitional housing and supportive housing constructed as residential dwellings consistent with the underlying zone pursuant to section 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
Permitted/Conditional Uses & Structures	R-A	R-E	R-1	R-T	R-2	R-3	R-4	R-5
Bed and breakfast facilities, pursuant to Article 32	C#	C#	C		C	C	C	C
Senior housing	P	P	P	P	P	P	P	P
Care in Residential Zones								

Permitted/Conditional Uses & Structures	R-A	R-E	R-1	R-T	R-2	R-3	R-4	R-5
Licensed residential care facilities and group quarters for 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 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 section 33-8 pursuant to section 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 section 33-1116 of Article 57	C#	C#	C#					
Field and seed crops	P							
Horse stable (commercial), subject to sections 33-144(b) and 33-145, with the quantities of animals allowed pursuant to Table 33-95a or Article 9	C	C						
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 section 33-1107 of Article 57	C	C						
Wineries without a tasting room pursuant to section 33-1107 of Article 57 (at least 50%	P	P						

Permitted/Conditional Uses & Structures	R-A	R-E	R-1	R-T	R-2	R-3	R-4	R-5
of fruit used in winemaking must be grown on site)								
<u>Community Gardens on City-owned property</u>					<u>P³</u>	<u>P³</u>	<u>P³</u>	<u>P³</u>
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 schools and 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 section 33-1105 of Article 57	C	C	C	C	C	C	C	C
Other public recreation uses and structures	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
Permitted/Conditional Uses & Structures	R-A	R-E	R-1	R-T	R-2	R-3	R-4	R-5
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

Permitted/Conditional Uses & Structures	R-A	R-E	R-1	R-T	R-2	R-3	R-4	R-5
Arts and crafts shows as defined in section 33-8, with permit pursuant to section 33-1119 of Article 57	P	P	P	P	P	P	P	P
Cemeteries and/or mausoleums	C	C	C		C			
Uses or structures permitted or conditionally permitted by this zone and involving hazardous materials (pursuant to section 33-666 of Article 30)	C	C	C	C	C	C	C	C

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 section 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.

2 Subject to requirements under section 33-116.

3 Subject to required licensing agreements through the City's real property process.

ARTICLE 36. CARGO CONTAINER RESTRICTIONS

Update to prohibited zones

Sec. 33-721. Permitted locations and prohibitions.

(a) It is unlawful to place, use, allow or maintain cargo containers on residential property zoned R-1, R-2, R-3, R-4, R-5 or RT; unless specifically exempted pursuant to this article.

ARTICLE 39. OFF-STREET PARKING

Language added for consistency with State Law

Sec. 33-760. Off-street parking.

The number of off-street parking spaces required in connection with any particular land use shall be not less than that set forth in the applicable zoning regulations or as set forth in this article, **unless otherwise preempted by state law.**

ARTICLE 55. GRADING AND EROSION CONTROL

Addition of a missing word.

Sec. 33-1068.B. Restrictions on removal of vegetation.

(a) Permits required for removal of vegetation.

(1) Requests to remove and replace trees located within the public right-of-way shall be submitted to the city engineer **pursuant** to Article 62 of this chapter.

ARTICLE 61. ADMINISTRATION AND ENFORCEMENT

Incorporation of Assembly Bill ("AB") 1397 by-right approval requirements.

Sec. 33-1314. Definition and purpose.

Sec. 33-1314. Definition, ~~and purpose,~~ and applicability.

(a) *Plot plan* means 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 multifamily, 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 (when a reduction in parking spaces is proposed), outdoor uses, or on-site circulation. Changes to parking areas that do not result in a reduction in parking spaces are exempt from plot plan review, but require design review, as provided in section 33-1355(b)(2);
- (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 shall 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 shall 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. All two-family dwelling projects proposed pursuant to section 33-115 shall be subject to the approval of a major plot plan.

(d) Pursuant to AB 1397, rezoning of sites for the RHNA past the April 15, 2021 statutory deadline is subject to by-right approval of housing projects that include 20% of lower income units. Select sites identified in the City's adopted Suitable Sites Inventory (Appendix B of the City's Housing Element) are subject to the required by-right provisions of AB 1397 (Government Code section 65583.2). The select sites identified in the City's adopted Suitable Sites Inventory provide by-right approval through the plot plan review process for multi-family housing consistent

with the densities and development standards established for the specific plan areas. To be consistent with AB 1397, this section further specifies that housing projects setting aside 20% of the units for lower income households are permitted by-right, without discretionary review.

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. **A discretionary project** ~~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.

Extend the approval period of a Conditional Use Permit ("CUP") from 12 to 24 months.

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)~~**24** months from the grant of the permit. The abandonment or non-use of a permit for a period of ~~twelve (12)~~**24** 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.

Consistency clean up to align authority to grant extensions for maps and permits with initial administrative action.

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;
- (7) Time extensions for maps and permits, **except those maps and permits initially approved by the director as specified in this Article and Chapter 32**, upon submittal of a written request for an extension request, justification statement, and payment of all required application fees;

ARTICLE 63. TRANSIENT LODGING FACILITIES

Specific Plan authority reference.

Sec. 33-1348. Hotel conversions.

(c) Authority.

(1) The director, or director's designee, shall have the authority to grant, conditionally grant, or deny a hotel conversion permit application for any use that is permitted in the zoning district. For projects including other discretionary actions that must be approved at a higher level than the director (such as by the planning commission or city council), the design review permit will also be decided upon at that higher level.

(2) The conversion of hotels, motels, and other transient lodgings to any other use that is conditionally permitted in the same zoning district shall be reviewed and considered by the planning commission through the issuance of a major conditional use permit, **or as otherwise identified in an applicable specific plan.**

ARTICLE 70. ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

Consistency changes to comply with State ADU Law

Sec. 33-1474. Development standards.

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

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

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

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

(4) Setbacks. An attached or detached accessory dwelling unit, including a detached accessory unit that is attached to another accessory structure, shall be required to maintain minimum side and rear yard setbacks of at least four (4) feet, and shall comply with front yard setbacks for the underlying zone. For attached accessory structures, whether attached to the primary unit or another detached accessory structure, the portion of the structure which does not include the habitable floor area of the accessory dwelling unit shall comply with setback requirements for the underlying zone. Roof eaves and other architectural projections for accessory dwelling units shall comply with section 33-104.

(A) No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit. The accessory dwelling unit may include an expansion of not more than one hundred fifty (150) square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress, subject to the terms and limitations of this article.

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

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

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

Table 33-1474

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

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

(7) Height. Accessory dwelling units shall conform to the height limits of the zone, except that an accessory dwelling unit sixteen (16) feet in height shall be allowed regardless of the applicable height limit.

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

(9) Number of accessory dwelling units on properties with more than one detached single-family dwelling. One ADU shall be permitted through conversion of space within proposed or existing space of a single-family dwelling or existing structure, and through construction of a new detached ADU.

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

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

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

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

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

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

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

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

(8) Number of junior accessory dwelling units on properties with more than one detached single-family dwelling. No JADUs shall be permitted on properties with multiple detached single-family dwellings.

ARTICLE 79. EAST VALLEY PARKWAY OVERLAY ZONE

Update to the East Valley Parkway Overlay Zone due to East Valley Specific Plan adoption.

Sec. 33-1631. Land uses.

(a) Underlying zone. Areas zoned general commercial (CG), ~~commercial professional (CP)~~, ~~hospital professional (HP)~~, and ~~planned development residential (PD-R)~~ located within the overlay zone shall comply with any underlying zone requirements as well as the East Valley Parkway area plan.

(b) Conflict in zone standards. If there is any express conflict between the underlying zone standards and the overlay zone standards, the overlay zone standards shall prevail.

EAST VALLEY PARKWAY OVERLAY ZONE

