

## ORDINANCE NO. 2011-19 R

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AMENDING CHAPTER 20 OF THE ESCONDIDO MUNICIPAL CODE REGARDING THE COMPOSITION OF THE PLANNING COMMISSION AND AMENDING THE ESCONDIDO ZONING CODE ARTICLES 3, 12, 13, 14, 16, 19, 34, 40, 49, 57, 61, 64, 65, 66, 67, 69, 70, AND 73, TO CONSOLIDATE THE DESIGN REVIEW BOARD WITH THE PLANNING COMMISSION

Case No.: AZ 11-0002  
Applicant: City of Escondido

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 on November 15, 2011, for this project in conformance with CEQA Section 15061(b)(3), "General Rule" and has determined that all environmental issues have been addressed and no significant environmental impacts will result from approving this code amendment.

SECTION 3. That upon consideration of the staff report; Planning Commission recommendation; Factors to be Considered, attached as Exhibit "A" to this Ordinance and incorporated by this reference; and all public testimony presented at the hearings

held on this project, this City council finds the Municipal and Zoning Code Amendments to be consistent with the General Plan and all applicable specific plans of the City of Escondido.

SECTION 4. That the Escondido Municipal Code Chapter 20, Section 20-2 is amended as follows:

Sec. 20-2. Composition; appointment of members.

The planning commission created by this chapter shall consist of seven (7) members who shall be appointed by the city council. All members must reside within the geographic area covered by the city's general plan and no more than one (1) member may reside outside the city limits. The planning commission should include members of the general public and licensed design professionals. Members of the planning commission shall serve at the pleasure of the council, and may be removed from office at any time, without cause.

SECTION 5. That various sections of the Escondido Zoning Code are amended as presented in the Revised Text, attached as Exhibit "B" to this Ordinance and incorporated by this reference.

SECTION 6. 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 7. That as of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 8. 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 City of Escondido.

## EXHIBIT "A"

### FACTORS TO BE CONSIDERED

AZ 11-0002

1. The public health, safety and welfare will not be adversely affected since this item is only a code amendment to consolidate the Design Review Board with the Planning Commission, no physical improvements are involved, and it would not modify any permitted uses or development standards.
2. The proposed Municipal Code and Zoning Code amendment would not be detrimental to surrounding properties, since it would not change any permitted uses or development standards. There is an existing design review process and the proposed code amendment would modify and provide clarity in the types of projects requiring design review by the Planning Commission or by city staff.
3. The proposed code amendment would be consistent with the General Plan, since no land uses or policies would be modified or impacted. The amendment would only designate projects subject to design review by the Planning Commission and delete references to the Design Review Board.

**EXHIBIT "B"****REVISED TEXT - AZ11-0002****Chapter 33, Article 1 – General Provisions and Definitions****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 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.

*Alley* means any public thoroughfare, having a width of not more than thirty (30) feet, which affords only a secondary means of access to abutting property.

*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. The term "apartment" includes all structures constructed under the provisions of the senior housing ordinance, Ord. No. 82-58, of the City of Escondido.

*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. A second 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 of its height above the average adjoining grade. A basement shall be termed a cellar when more than one-half 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 side of a street between intersecting and intercepting streets, or between a street and a railroad right-of-way, water way, terminus of dead end 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.

*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 (1) all or a portion of a lot or parcel of land, or (2) all or a portion of two 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 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, and shall include office building, offices, recreational or amusement enterprises.

*Camp car* means a vehicle with or without motive power, which is designed or used for human habitation.

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

*Common area* means the total area within the shopping center that is not designed for rental to tenants and which is available for common use by all tenants or groups of tenants.

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

*Detached unit* means a unit that is structurally independent and separated from the existing primary dwelling by a minimum of ten 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) *Group dwelling* means a group of two or more detached or semi-detached one-family, two-family, three-family or multiple dwellings occupying a parcel of land in one ownership and having any yard or court in common, including bungalow courts and apartment courts, but not including automobile camps, trailer camps or auto courts.

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

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

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

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

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

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

(8) *Second 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. A second dwelling unit is attached, and a part of the main building on the premises.

*Family* means one 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 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 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 storage space and areas within a building used for the parking of vehicles.

*Frontage* means that property abutting on one side of a street and lying between the two 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 accessory building or an accessory portion of the main building, designed and/or used only for the shelter or storage of vehicles owned or operated by the occupants of the main building, or by not more than two vehicles owned or operated by others than such occupants.

(2) *Public garage* means any premises except those described as a private garage, used for the storage or care of self-propelled vehicles, or where any such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.

*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* 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* 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. Abbreviated GLA.

*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* 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, flowers or lawns. In addition, the combination or design may include natural features such as rock and stone; and structural features, including but not limited to fountains, reflecting pools, art works, screens, walls, fences and benches.

*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 map 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 (1) or (2) above, 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 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 degrees (135°).

(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) *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.

(F) *Interior lot* means a lot other than a corner lot or reversed corner lot.

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

(H) *Rear lot line* means the record lot line or lines most distant from the 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 (a) parallel to the front lot line or its chord, and (b) intersects the two (2) other lot lines at points most distant from the front lot line.

(I) *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.

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

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

*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.

*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* means the gross land area of the property within the property lines.

*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 next above it, or if there be 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.

*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.

*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.

*Transitional housing* means residential units managed by an agency whose primary purpose is to provide social services to help residents transition to self-sufficiency, and occupied for a specified time set by the agency guidelines, at or below market rents, by families and/or individuals who have been involuntarily displaced from their previous residence. Residents shall not require any degree of control or care and shall function as a bona fide housekeeping unit in that chores, meals, and other household duties are shared. All agency services are provided off-site. Transitional housing facilities proposing to provide on-site services shall be allowable in all residential zones subject to approval of a conditional use permit in accordance with sections 33-1200 through 33-1211.

*Travel trailer* means a vehicle, other than a motor vehicle which is designed or used for human habitation, and for travel or recreational purposes, which does not at any time exceed eight (8) feet in width and forty (40) feet in length and which may be moved upon a public highway without a special permit or chauffeur's license or both, without violating any provision of the Vehicle Code.

*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 incidental and accessory to the principal use of a lot or of a building located upon the same lot as the accessory use.

*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.

### **Chapter 33, Article 3 – Open Space (OS) Zone**

#### **Sec. 33-44. Plan approval required.**

Prior to constructing recreational facilities in an undeveloped park site, a park master plan shall be approved involving community input. For existing park sites that have developed without a master plan, any new building or structure proposed, or any time a new use of land or existing structure is proposed that requires additional off-street parking, a plot plan application shall be submitted to the planning division. In such an event, surrounding property owners shall be notified of the proposed change consistent with the provisions found in section 33-1300. A plot plan will not be required for implementation of approved park plans where the building plans are consistent with the previously approved park plan or park master plan. Park plans and park master plans may be referred to the planning commission upon the determination of the director of planning and building. Open space areas that are designated for public park purposes shall be assigned a sub-zone designator "OS-P" (open space-park) to disclose to the public that active and/or passive public recreational uses shall be planned or constructed on the site.

### **Chapter 33, Article 12 – Light Multiple Residential (R-2) Zone**

#### **Sec. 33-229. Small lot planned development.**

- (a) *Purpose.* Development and recycling opportunity in the area and of the city.
- (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 or the general plan.

(5) 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.

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

(7) Process. All requests for a small lot planned development shall file an application for a conditional use permit pursuant to Article 61, Division 1.

### **Chapter 33, Article 13 – Medium Multiple Residential (R-3) Zone**

#### **Sec. 33-259. Small lot planned development.**

(a) Purpose. Development and recycling opportunity in the area and of the city.

(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 or the general plan.

(5) 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.

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

(7) Process. All requests for a small lot planned development shall file an application for a conditional use permit pursuant to Article 61, Division 1.

### **Chapter 33, Article 14 – Heavy Multiple Residential (R-4) Zone**

#### **Sec. 33-290. Small lot planned development.**

(a) Purpose. Development and recycling opportunity in the area and of the city.

(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 or the general plan.

(5) 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.

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

(7) Process. All requests for a small lot planned development shall file an application for a conditional use permit pursuant to Article 61, Division 1.

**Chapter 33, Article 16 – Commercial Zones****Sec. 33-335. Development standards.**

A. All zones. The standards contained in the following table shall apply to all commercial districts and shall be determined minimum unless stated otherwise.

B. CN zone. No single use shall exceed a gross floor area of five thousand (5,000) square feet except that a grocery store may have a gross floor area of up to thirty thousand (30,000) square feet.

**Table 33-335****COMMERCIAL DEVELOPMENT STANDARDS**

	<b>CG</b>	<b>CN</b>	<b>CP</b>	<b>HP</b>
<b>Lot area (SF) min.</b> <sup>(1)(2)</sup>	None	7,000	7,000	7,000
<b>Average lot width min.</b> <sup>(1)</sup>	None	100'	50'	50'
<b>Lot frontage min.</b> <sup>(1)</sup>	All lots shall front on public street (does not include an alley)			50'
<b>Front setback min.</b> <sup>(4)(7)</sup>	None <sup>(5)(6)</sup>	10'	10'	10'
Corner and reverse corner lots	5' <sup>(6)</sup>	10'	10'	10'
Facing Centre City Parkway in Landscape Master Plan Overlay <sup>(3)</sup>	15'	15'	15'	15'
<b>Side setback min.</b> <sup>(4)(7)</sup>	None <sup>(5)(6)</sup>	None <sup>(5)</sup> except 10' adjacent to residential zones	None <sup>(5)</sup>	5' for first two stories plus 5' for each additional story up to 25' max. setback
Corner lots and reverse corner lots	5' <sup>(6)</sup>	10'	5'	10'
Facing Centre City Pkwy. in Landscape Master Plan Overlay <sup>(3)</sup>	15'	15'	15'	15'
<b>Rear setback min.</b> <sup>(7)</sup>	None <sup>(5)(6)</sup>	20'	5'	10' for first two stories plus 5' for each additional story



	CG	CN	CP	HP
Abutting an alley	None <sup>(5)</sup>	10'	5'	10' for first two stories plus 5' for each additional story measured from center line of the alley with a min. 5' setback from edge of the alley.
Facing Centre City Pkwy. in Landscape Master Landscape Overlay <sup>(3)</sup>	15'	15'	15'	15'
<b>Building height maximum</b>	None (UBC)	1 story or 35' whichever is less	75'	75'
<b>Landscaping</b>	According to Article 62			
<b>Lot coverage maximum</b>	None	50%	None	None
<b>Parking</b>	According to Article 39			
<b>Loading</b>	One off-street space/each building or separate occupancy thereof over 10,000 SF plus one space/each additional 20,000 SF of the gross floor area of the building.	Loading to be performed on-site and be from the rear or side of the structure and concealed from street and adjoining residential zoned property by landscape or architecture features.		None
Minimum space size	10' wide, 25' long, 14' high	None	None	
Trash storage	Required per section 33-338			
Walls and fences <sup>(7)</sup>	A solid masonry wall minimum six (6) feet high on the sides of property adjoining a residential zone, school or park (an alley shall constitute a separation, subject to Article 56.			

(1) Lots or parcels of land which were legally created prior to the application of this zone shall not be denied a building permit for reason of nonconformance with the parcel requirements of this section.

(2) Parcels of land containing two (2) or more lots developed as a single project shall be maintained as a unit. Where two (2) or more lots are developed as one (1) unit, a covenant may be required by the city in a form satisfactory to the city attorney to ensure that required off-street parking facilities shall be provided on said premises.

(3) A reduced setback may be approved by the Director if found consistent with the Centre City Parkway landscape master plan.

(4) Required yard shall not be used for vehicle parking (including overhang), except such portion as is devoted to driveway use.

(5) A building located on a lot line shall have facilities for the discharge of all roof drainage onto the subject lot.

(6) When the yard of a property zoned CG is adjacent or abutting the yard of a residentially zoned property, the following landscaped setbacks shall apply for all buildings and structures:

(A) Front yard setback:

Distance from structure to residential property	Front yard setback
25' or less	Equal to residential zone
26'—50'	10'
Over 50'	5'

(B) Side yard setback shall be minimum 5'.

(C) Side yard setback adjacent to street when the rear yard of the corner and reverse corner lots abuts residentially zoned property shall be minimum 10'.

(D) Rear yard setback shall be same as the rear yard setback required for adjacent residential zone.

(7) Adjustments to the standards up to twenty-five (25) percent may be approved pursuant to section 33-343.

#### **Sec. 33-344. Conversion of existing and vacant automobile dealerships.**

(a) Plot Plan Required. A plot plan application shall be required for all existing and vacant automobile dealerships converting to a new, substantially different, use (either in whole or in part). A comprehensive sign program shall be included in applications for the conversion to multiple tenant spaces.

(b) Development Criteria. City staff shall review all existing and vacant automobile dealerships converting to a new, substantially different, use to determine that such developments conform to the following criteria and do not have negative impacts on the physical or visual character of the area in which they are located. The following development standards

shall not be in excess of those standards required for all other properties in the commercial zone, as provided in the Zoning Code:

- (1) Appropriate on-site landscaping shall soften large expanses of paved areas and buildings, and buffer undesirable views.
- (2) Screening of parking lots, trash storage areas, and delivery/service areas shall be provided to the extent feasible.
- (3) Adequate street trees shall be included in the site design in proportion to the project and the site to provide shade where feasible.
- (4) Site lighting shall meet commercial lighting standards.
- (5) Appropriate stormwater management improvements shall be provided.
- (6) Exterior colors shall be compatible and harmonious throughout the site.
- (7) Entries for multiple tenant spaces shall be defined, be in harmony with the style and proportions of the existing buildings, and not conflict with existing design elements.
- (8) Signage shall be compatible throughout the site with logical and integrated sign locations.
- (9) Visible window areas shall remain uncluttered.
- (10) Fencing or other improvements in disrepair shall be removed or rehabilitated.

### **Chapter 33, Article 19 – Planned Development (PD) Zone**

#### **Sec. 33-403. General provisions and standards for planned development.**

The following provisions shall apply in a planned development zone together with all other applicable provisions of the Escondido zoning and subdivision codes. Where conflict in a regulation occurs, the regulations specified in this zone or in a development plan approved pursuant to the requirements of this article shall apply.

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

(b) The purposes of this zone may be accomplished only on satisfactory demonstration that the proposed development is in conformity with the Escondido general plan and any element thereof, and in accordance with specific plans or policies adopted or in the process of being prepared and adopted by the city council. Correspondingly, the planning commission and city council, shall find that the proposed planned development conforms to such plans and policies. Policies relative to compliance with the general location, amounts and

densities of such uses as set forth in the Escondido general plan; or in specific plans adopted by the City of Escondido.

Planned developments may, under these circumstances, combine a variety of land uses. Mixed uses may include any skillful combination of the range of residential, commercial, industrial and agricultural uses, and may occur among or within buildings as long as the uses are compatible with each other and with existing and potential uses surrounding the zone.

(c) Except in the case of a planned development zone initiated by the city, before detailed studies of any development plan shall be undertaken by the planning commission, there shall be on file with the city, the written consent of all property owners in the proposed district that such detailed studies be made.

(d) Except in the case of a planned development zone initiated by the city, no ordinance establishing a planned development zone shall be enacted unless and until there is on file with the city written consent of every property owner within such zone at the time of adoption of the ordinance agreeing that said owners shall be bound by the conditions and regulations proposed and which will be effective within the zone.

(e) Standards for area, coverage, light and air orientation, building height, sign placement and design, site planning, street furniture placement and design, yard requirements, open spaces, off-street parking and screening for planned development uses, shall be governed by standards which the planning commission shall adopt by resolution from time to time. The planning commission shall, upon adopting such standards in the first instance, be guided by those standards and requirements of the residential, commercial, industrial or other zoning district(s) most similar in nature and function to the proposed planned development use(s), and shall also be guided by the standards of development under this chapter and the general provisions of this chapter.

(f) Since the provisions of public and private open space as an integral part of land development planning and design is a required requisite of planned development zoning, the planning commission shall recommend to the city council and the city council shall adopt principles and standards for the provision, improvement and maintenance of required open space; and may require higher standards of open space for residential portions of a planned development than are required elsewhere in this division for residential uses.

(g) All electrical land telephone facilities, fire alarm conduits, street light wiring and other wiring, conduits or facilities shall be placed underground by the developer. Electric and telephone facilities shall be installed in accordance with standard specifications of the serving utilities.

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

(i) Subject to review and approval by the Director, super-graphic wall signs for purposes of displaying large graphic images may be permitted pursuant to section 33-1395.11.

Exceptions to standards of this article or to standards adopted by the planning commission or city council shall be granted by the planning commission and city council only in cases where these bodies find that such exceptions encourage a more desirable environment, are warranted in order to foster the establishment of a comprehensively planned and designed development or unit thereof, and are consistent with the purposes of section 33-400 of this article.

### **Chapter 33, Article 34 – Communication Antennas**

#### **Sec. 33-706. Personal wireless service facilities—Land use approval.**

(a) A plot plan application shall be required for all personal wireless service facilities/antennas and facilities which are permitted in the zone and which do not require a conditional use permit.

(b) City staff shall review plans for planning, siting, architecture, zoning compliance, landscaping, engineering, building requirements, safety, and conformance with the wireless facilities guidelines. After such review, staff may approve, conditionally approve, or deny the proposed plan, or refer it to the planning commission for approval, conditional approval, or denial. As a component of the project review, the applicant must include details regarding the ability to provide the necessary utilities (i.e., telco and power) and appropriate access to the site. All new utility service runs shall be placed underground.

(c) Residential and Open Space Zones. Personal wireless service facilities in these zones shall require a conditional use permit issued by the planning commission pursuant to Division 1 of Article 61 in all residential and open space zones. Personal wireless service facilities located within the public right-of-way within or adjacent to residential zones or open space zones shall require the issuance of a conditional use permit.

(d) Commercial and Industrial Zones. Plot plan approval or a conditional use permit shall be required in commercial and industrial zones according to the following chart:

	CG	CN	CP	HP	M-1	M-2	I-P
<b>Personal Wireless Communication Facilities</b>							
Roof-mounted or building-mounted incorporating stealthy designs and/or screened from public ways or significant views	P	P	P	P	P	P	P
Pole-mounted or ground-mounted that incorporate stealthy designs and do not exceed 35' in height	P	P	P	P	P	P	P
Pole-mounted or ground-mounted that exceed 35' in height, or roof or building mounted designs which project	C	C	C	C	P	P	C

	CG	CN	CP	HP	M-1	M-2	I-P
above the roofline and are not completely screened or considered stealthy							

P = Permitted subject to plot plan review.

C = Conditionally permitted subject to a conditional use permit (CUP).

(e) Co-Location. Co-Location of personal wireless service facilities is encouraged to the extent it is technically feasible, up to the point where a structure or site has too many antennae and becomes visually cluttered, subject to the following siting criteria and chart:

	CG	CN	CP	HP	M-1	M-2	I-P
<b>Personal Wireless Communication Facilities</b>							
Co-location on existing buildings or structures, or adding an additional facility on a site	P	P	P	P	P	P	C
Co-location including new pole-mounted or ground-mounted structures that exceed 35' in height, or roof-mounted or building-mounted designs which project above the roofline and are not completely screened or considered stealthy	C	C	C	C	P	P	C
<b>RA</b>	<b>RE</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>RT</b>	<b>OS</b>
C	C	C	C	C	C	C	C

P = Permitted subject to plot plan review.

C = Conditionally permitted subject to a Conditional Use Permit (CUP).

(f) Planned Development and Specific Plans. Unless specifically permitted or conditionally permitted as part of the planned development or specific plan, any wireless communication facility shall not be permitted within these zones unless a modification to the master development plan or specific plan is approved by the planning commission or city council, as may be required.

### **Sec. 33-707. Personal wireless service facilities—Modifications and upgrades.**

A modification of a personal wireless service facility which was not specified in the original design/approval (including, as examples, an increase in height, the number of antennas/panels,

an increase in mass and scale, etc.) may be considered equivalent to an application for a new personal wireless service facility, and will be subject to the requirements of this article. However, upgrades to existing facilities to incorporate new technology which, in the discretion of the director, do not increase the existing mass and scale, increase the height or visibility of the structures, or decrease the overall height of the facility, may be approved by the director, and/or may be referred to the planning commission.

### **Sec. 33-709 Satellite dish antennas.**

The following standards shall apply to all satellite dish antennas:

(a) Satellite dish antennas as ground or pole-mounted accessory structures:

(1) Location. Permitted in all residential, industrial, open space and commercial zones where accessory structures are allowed in the underlying zone, except that no portion of the satellite dish antenna shall be located within five (5) feet of any property line;

(2) Coverage. Conformance with coverage requirements of the underlying zone shall be maintained;

(3) Maximum Diameter. Four (4) feet, unless modified by a conditional use permit issued pursuant to section 33-704 of this article;

(4) Maximum Height. Fifteen (15) feet when measured vertically from the highest point of any portion of the satellite dish antenna when positioned in an operational mode to the grade immediately adjacent to the base or pole support, unless modified by a conditional use permit issued pursuant to section 33-704 of this article;

(5) Security. Shall be enclosed with a secure fence or wall of five (5) to six (6) feet in height;

(6) Screening. Required between the satellite dish antenna and any property line so that a maximum of twenty-five (25) percent of the total height of the satellite dish antenna extends above the screening material when viewed from exterior property lines at grade level;

(7) Screening Material. Shall be opaque and in conformance with development standards of the underlying zone. Materials are subject to the approval of the planning division and may include, but are not limited to walls, fences, other architectural material substantially compatible with the principal onsite buildings, trees, shrubs, earthen berms or earth depressions.

(b) Roof or building-mounted satellite dish antennas:

(1) Maximum Diameter. Four (4) feet, unless modified by a conditional use permit issued pursuant to section 33-704 of this article.

(2) Maximum Height. Shall conform with height limitation of the underlying zone.

(3) Screening. Roof-mounted antennas shall be located or screened to reduce visibility of the satellite dish antenna. This can be achieved by recessing the antenna into the building or by using similar colors and textures to match the existing building material, constructing an equipment penthouse, etc.

(c) Prior to the construction of any size satellite dish, site plans and elevations shall be approved by the planning division for compliance with development standards. The director may refer a request to the planning commission. A building permit shall be required for any satellite dish antenna which is roof-mounted or which exceeds six (6) feet above grade.

(d) Residential and Open Space Zones. A conditional use permit approved by the planning commission pursuant to Division 1 of Article 61 shall be required for all satellite dish antennas which:

(1) Are roof-mounted;

(2) Exceed four (4) feet in diameter; or

(3) Are ground or pole-mounted and exceed fifteen (15) feet above grade adjacent to the base or pole support.

(e) Commercial and Industrial Zones. A plot plan or a conditional use permit approved by the planning commission pursuant to Division 1 of Article 61 shall be required for all satellite dish antennas according to the following chart:

	CG	CN	CP	HP	M-1	M-2	I-P
<b>Satellite Antennas</b>							
Roof or building mounted							
≤ 4 feet in diameter	P	P	P	P	P	P	P
> 4 feet in diameter	C	C	C	C	C	C	C
Pole or ground-mounted							
≤ 4 feet in diameter and < 15 feet in height	P	P	P	P	P	P	P
> 4 feet in diameter or > 15 feet in height	C	C	C	C	C	C	C

(f) Installation of remote units (less than thirty inches (30") in diameter) required for fixed wireless service are not subject to the provisions of this Article 34 and are exempt from review by the planning commission or the city council.

### **Chapter 33, Article 40 – Historical Structures**

#### **Sec. 33-798. Permits and permit procedures.**

(a) It is unlawful for any person to tear down, demolish, construct, alter, remove or relocate any historical resource or any portion thereof that has been listed on the Escondido Historic Sites Survey, local register, designated a local landmark, or located within an historical overlay district or to alter in any manner any feature of such designated resource without first



obtaining a permit in the manner provided in this article. All repairs, alterations, constructions, restorations or changes in use of applicable historical resources shall conform to the requirements of the State Historical Building Code and the Secretary of the Interior's Standards for Rehabilitation.

(b) Unless otherwise exempted in this article, a certificate of appropriateness is required for any new construction, and/or alteration that would affect the exterior appearance of an historical resource listed on the local register, or located within an historical overlay district, including back and sides, as well as street façade, even when a building permit is not otherwise required. Other permits, and review by the planning commission, may be required as prescribed in this article. Improvements and alterations to properties listed on the Escondido Historic Sites Survey outside an historical overlay district shall be subject to staff administrative review to ensure said improvements and alterations do not preclude future listing on the city's local register.

(c) Exemptions. A certificate of appropriateness is not required for routine maintenance (masonry tuck-pointing, and cleaning), installation of temporary fixtures (awnings and canopies, signs and plaques, light fixtures, portable spas, steps, and landscape accessories) and maintenance and removal of plantings and nonmature trees. Nor does this article prevent the construction, reconstruction, alteration, restoration, demolition or removal of any improvement when the city has been satisfied that such action is required for the public safety due to an unsafe or dangerous condition which cannot be rectified through the use of the State Historical Building Code.

(d) Submittal requirements for certificate of appropriateness. An application for certificate of appropriateness shall be filed with the planning division on a form provided by the city.

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

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

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

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

(2) Major projects. Major projects shall be subject to historic preservation commission review prior to staff determination. Major projects include all new construction (primary structure, out-buildings), additions (including porch enclosures, dormers, etc.), removal, relocation, change to the site, (grading, parking lots, paving), public right-of-way improvements (curb and, gutter, sidewalks, street paving, driveways, curb cuts, stamped sidewalk), new freestanding signs, street furniture, and any project requiring a plot plan review.

(3) Discretionary projects requiring a public hearing. Discretionary projects requiring a public hearing shall be subject to review by the historic preservation commission prior to planning commission determination.

(f) Notification of action. The determination by planning division staff shall be documented by the issuance of a certificate of appropriateness that outlines the approved work, or a written statement giving the reasons for disapproval.

(g) Appeal. The director's decision may be appealed to the planning commission. Appeals shall be filed within ten (10) days of notification of action and noticed in accordance with Section 33-1303 of this title.

(h) Findings. A certificate of appropriateness may be issued if planning division staff, historic preservation commission, planning commission, or the city council makes the following findings:

(1) All of the following:

(A) The proposed alteration or improvement is consistent with the design guidelines for historic resources;

(B) The action proposed is consistent with the purposes of historical preservation as set forth in this article and with the general plan;

(C) The action proposed retains the historical and/or architectural value and significance of the landmark, historical building, or historical district;

(D) The action proposed retains the texture and material of the building and structure in question or its appurtenant fixtures, including signs, fences, parking, site plan, landscaping and the relationship of such features to similar features of other buildings within an historical district;

(E) The proposed project is compatible in its location of buildings and structures with the location of the street or public way and the location and arrangement of other buildings and structures in the neighborhood;

(F) If located within an historical district, the proposed project conforms to the design guidelines established for the district; or

(2) The applicant has demonstrated that the action proposed is necessary to correct an unsafe or dangerous condition on the property.

**Chapter 33, Article 49 – Air Space Condominium and Community Apartment Projects**

**Sec. 33-952. Commission action.**

The planning commission shall review the application for a condominium permit and recommendation of the planning division. A public hearing on the application shall be held in accordance with Division 6 of Article 61 of this chapter, and a recommendation shall be forwarded to the city council.

**Chapter 33, Article 57 – Miscellaneous Use Restrictions**

**Sec. 33-1111. Outdoor dining provisions.**

(a) Outdoor dining for restaurants and eating establishments may be exempt from providing additional parking on a case-by-case basis in the General Commercial (C-G), Neighborhood Commercial (C-N), Professional Commercial (C-P), and Tourist Commercial (C-T) zones, and Downtown Specific Planning Area #9 for an area up to three hundred (300) square feet, provided the establishment conforms with all required parking standards for its indoor dining area, subject to the following conditions and administrative review:

(1) The establishment requesting outdoor dining shall conform to all sections of the Municipal Code. Outdoor dining areas not in compliance with the required provisions of this ordinance operating prior to October 5, 1994, may continue provided (1) continuous existence and (2) use of the outdoor dining area can be demonstrated to the satisfaction of the director department and no violations of state, federal or health and safety regulations exist.

(2) All outdoor dining furniture, including tables, chairs, umbrellas and planters, shall be movable. Umbrellas must be secured with a minimum base of not less than sixty (60) pounds. Outdoor heaters, amplified music or speakers shall be reviewed at the time of application.

(3) No signing shall be allowed in the outdoor dining area, except for the name of the establishment on an awning or umbrella valance.

(4) The outdoor dining area may only serve food and beverages prepared or stocked for sale by the adjoining indoor eating establishment, provided that the service of beer or wine, or both, solely for on-premises consumption by customers within the area of the outdoor dining area has been licensed by the state authorities to sell beer or wine, or both, for consumption within the area of the sidewalk cafe.

(5) The area in which the outdoor dining area is authorized is identified in a manner approved by the planning division, which will clearly separate and delineate it from the area which will remain open to pedestrian traffic.

(6) The outdoor preparation of food and busing facilities are prohibited at outdoor dining areas. The presetting of tables with utensils, glasses, napkins, condiments and the like is prohibited. All exterior surfaces within the outdoor dining area shall be easily cleanable and shall be kept clean at all time by the permittee. Restrooms for the outdoor dining area shall be

provided in the adjoining indoor eating establishment and the outdoor dining seating shall be counted in determining the restroom requirements of the indoor restaurant.

(7) The permittee shall remove all trash and litter as they accumulate. The permittee shall be responsible for maintaining the outdoor dining area, including the floor surface, furniture and adjacent areas in a clean and safe condition.

(8) Hours of operation shall be identical to those of the indoor eating establishment.

(9) No required landscaping shall be eliminated unless replaced on-site.

(b) Outdoor dining for restaurants and eating establishments exceeding three hundred (300) square feet shall be subject to the conditions stated in subsection (a) of this section, as well as the following conditions:

(1) The establishment conforms with all required parking standards. Additionally, no required vehicle parking spaces shall be eliminated in order to accommodate the outdoor dining area unless replaced on-site.

(2) Additional parking shall be provided for the area exceeding three hundred (300) square feet at a ratio of that required for indoor dining areas. Additional parking shall be provided either on-site or along the street fronting the establishment, or through a joint use or other arrangement deemed appropriate by the city.

(3) Landscaping/buffering shall be incorporated into the outdoor dining area subject to planning division approval which may consist of container plants, permanent landscape areas, garden walls, temporary fencing or other satisfactory measures to delineate the area devoted for outdoor dining.

### **Chapter 33, Article 61 – Administration and Enforcement**

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

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

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

(1) Improvements, additions and/or alterations for a nonconforming single-family residential structure(s) in a single-family zone, including restoration pursuant to government

order, may exceed the twenty-five (25) percent limitation up to fifty (50) percent of the replacement value of the nonconforming structure.

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

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

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

(5) City-wide zone change. Nothing in this division shall prohibit the repair, alteration, improvement or reconstruction of a residential use considered nonconforming due to the city-wide zone change program; provided, that the total cost of such work does not exceed fifty (50) percent of the replacement value of the nonconforming use, except as permitted within this subsection. The fifty (50) percent limitation shall include the replacement costs of work conducted to section 33-1243;

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

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

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

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

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

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

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

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

#### **Chapter 33, Article 64 – Design Review**

##### **Sec. 33-1350. Purpose.**

(a) The exterior appearance of buildings, structures, signs and the type and extent of landscaping and the development of the site affect the desirability of the immediate area and neighboring areas for residential, commercial, industrial or other purposes. It is in the interest of the city to prevent the introduction of elements which may be incompatible with the highest quality of development sought by the city and which might impair the value of both improved and unimproved property. It is the intent of the city council to encourage the most appropriate and beneficial use of land so as to safeguard the general welfare of the community as it is described in the general plan.

(b) In order to preserve the natural charm, and integrity and quality of the built environment, it is necessary to regulate the design and appearance of development in order to insure compatibility with existing development and ensure that new development is consistent with or exceeds the high quality of the development projects currently located in the city.

##### **Sec. 33-1351. Repealed.**

##### **Sec. 33-1352. Repealed.**

##### **Sec. 33-1353. Repealed.**

**Sec. 33-1354. Jurisdiction.**

The following commercial, industrial, multifamily residential projects and other projects shall be subject to design review by the planning commission:

- (a) Planned development projects, condominium permits, and all nonsingle-family projects requiring discretionary approval by the planning commission and involving new construction;
- (b) Proposed development standards and/or design guidelines for specific plans and overlay districts;
- (c) Proposed signs as specified pursuant to Article 66—Sign Ordinance;
- (d) Architectural or site modifications to industrial, commercial and multifamily residential developments that were approved through a public hearing;
- (e) City initiated projects which involve public facilities such as libraries, major park structures, police stations, fire stations, major architectural or site modifications to existing public facilities, etc.

**Sec. 33-1355. Exemptions and exceptions.**

- (a) Exemptions. This article shall not apply to:
  - (1) Painting of existing buildings, unless required by an adopted specific plan, overlay district, other code section, or where color was part of a discretionary action;
  - (2) Repair and maintenance of existing buildings;
  - (3) Interior modifications;
  - (4) Single-family residences of four (4) or fewer lots, unless require by an adopted specific plan or overlay district, planned development, or other code section;
  - (5) Landscaping of single-family lots;
  - (6) Street improvement projects and below-ground public facilities constructed by the city as part of the capital improvement program.
- (b) Exceptions. City staff shall review all other nonexempt projects for conformance with applicable design guidelines as noted below. Minor projects where the proposed work may have a significant effect on the surroundings may be agendized for review by the planning commission.
  - (1) Minor exterior changes in overlay zones;

(2) Minor exterior revisions to commercial, industrial, multifamily residential projects including, parking lot changes, minor accessory structures, additions of in-wall ATMs, trash enclosures, additions of minor components for which there are previously approved guidelines, such as above-ground storage tanks, vapor recovery tanks, security gates/fencing, outdoor dining areas of three hundred (300) square feet or less, etc.;

(3) Minor public facilities such as accessory park structures, pump stations, ADA improvements, bicycle trails, etc.;

(4) Production homes in subdivisions of five (5) lots or more;

(5) Proposed signs pursuant to Article 66—Sign Ordinance;

(6) Repainting of existing structures in any new color palette where building colors were part of a discretionary action.

#### **Sec. 33-1356. Elements of design considerations.**

The elements of design consideration shall include, without limitation, site development, circulation, grading, setbacks, exterior appearance of buildings, structures, signs, lighting, street furniture, landscaping and other outdoor appurtenances. All plans for nonexempt projects shall be prepared by licensed professionals, as required by state licensing acts.

#### **Sec. 33-1357. Design review standards.**

The planning commission and/or city staff shall review all projects subject to this chapter to determine whether the design considerations conform to the following criteria:

(a) Site design.

(1) The structure shall be appropriate to the site, regarding location, size, topography, natural and man-made surroundings of the site.

(2) The project shall respect environmentally sensitive areas, such as hillsides, arroyos, rock outcroppings, threatened or endangered habitats or plants, ridgelines, slopes, existing trees, architectural and historic resources.

(3) The site layout, orientation and location of structures, buildings and signs shall be designed to create a well-integrated relationship to one another. Specific consideration shall be given to open spaces, topography, pedestrian and vehicular areas and circulation, and exterior building lighting.

(4) Grading shall be sensitive to the site and surrounding areas, and designed according to Article 55, of the city zoning code (grading and erosion control).

(5) Major consideration shall be given to pedestrian open spaces when possible.

(6) The location of parking and loading areas shall be convenient to the users.



(7) Loading deck areas, mechanical and utility equipment and trash storage areas shall be integrated into the total design concept and concealed to the extent possible.

(8) Overbuilding of a site will be discouraged and every effort shall be made to provide suitably landscaped or natural open space.

(b) Architectural—Building design.

(1) Overall building shape, size, and apparent bulk, shall be in proportion to and in scale with the site and with other existing or permitted structures in the area;

(2) A harmonious relationship shall exist between the proposed and adjoining developments, avoiding excessive variety or monotonous repetition;

(3) All elevations visible from public streets and/or adjacent properties shall be of consistent design, including harmony of materials, colors, composition and architectural elements of all sides of a structure or building;

(4) Long solid walls shall be avoided by breaking up large wall surfaces with architectural features or other treatment;

(5) A limited number of materials shall be used on the exterior face of the building or structure (wood, concrete, brick, stone, etc.). The use of natural materials is encouraged;

(6) A harmonious color palette consisting of softer and more subtle hues shall be used;

(7) Logical and integrated sign locations shall be provided on commercial/industrial buildings;

(8) Storage areas and all exterior utility and mechanical equipment shall be screened with architectural elements of the design;

(9) Roof mounted equipment shall be screened and integrated into the overall building design;

(10) Varied building relief shall be used extensively, where the architectural style is conducive to this technique.

(c) Landscaping.

(1) Adequate landscaping shall be provided in proportion to the project and the site, with due regard to preservation of protected, specimen, landmark or other mature trees;

(2) The project shall incorporate water conservation measures in design, selection of plants and selection of irrigation system, to the extent feasible;

(3) Selection of a size and type of planting shall be appropriate to the project and the site and shall include a balanced mix of trees, shrubs and ground covers;

(4) Landscaping shall successfully provide shade for parking and open space areas, soften large expanses of paved areas, buildings and wall edges, screen parking areas and trash enclosures and buffer undesirable views;

(5) Existing trees shall be retained where possible;

(6) Non-plant materials (such as gravel, bark, or simulated plant materials) may be considered for use instead of ground cover or turf, as part of the total integrated landscape design concept.

(d) Signs and lighting.

(1) Signs and lighting and other advertising media shall harmonize with and be subordinate to the building it services and area in which it is located;

(2) Signs shall be readable and attractive, emphasizing the name and/or address and limiting any slogans or product advertising; overcrowding the sign information shall be avoided;

(3) Lighting shall conform to the provisions of Article 35 (outdoor lighting), of the zoning code.

(e) Fencing and walls.

(1) Fences and walls shall conform to all ordinance requirements regarding height, construction, etc.

(2) Fences and walls shall be compatible with surrounding architecture and the character of the area.

(3) Fences and walls, including retaining walls, shall utilize quality decorative material.

### **Sec. 33-1358. Design review process.**

The design review process shall be as follows:

(a) Applications subject to design review shall include the submittal requirements listed in section 33-1361 as part of the completed project application, in accordance with the administrative filing requirements of the planning division.

(b) Review of plans, to determine conformance with the criteria outlined in section 33-1357 of the ordinance codified in this article, or to design guidelines for the area the project is located in, shall be conducted during the project review by staff or at a regularly scheduled

planning commission meeting at which the applicant or his representative has the opportunity to be present.

(c) For discretionary projects which require a public hearing, the planning staff shall submit recommendations to the planning commission and/or city council. The planning commission and/or city council shall consider the planning staff's report in making its decision.

(d) For administrative projects that require planning division review, the planning division staff shall submit recommendations to the director.

**Sec. 33-1359. Findings.**

No decision to approve the application shall be made without making the following findings:

(a) The proposed site plan has been designed in a manner which is compatible with the natural and urban characteristics of the site and the surrounding neighborhood.

(b) The bulk, scale, and architectural design of the proposed structure are compatible with the character of the surrounding neighborhood.

(c) The project incorporates landscaping, irrigation and screening which is drought tolerant, appropriate for the site, and in compliance with the landscape standards established by the city.

(d) All grading related to the project is in conformance to design standards set by Article 55 (grading and erosion control).

(e) The project has incorporated the applicable design review standards contained in the ordinance codified in this section and other applicable ordinances into the site layout and building design.

(f) The project is consistent with the goals and objectives on the city general plan.

**Sec. 33-1360. Design changes and enforcement.**

(a) Any change from the approved plans or specifications, or to the appearance of an existing structure, or a structure under construction, or approved landscaping plans, shall be subject to administrative review by the planning division. The planning staff may deny the building permit or certificate of occupancy, or approve those changes which it determines are consistent with the findings below. The director may agendize the matter to the planning commission, as applicable, for consideration of such changes. No building permit or certificate of occupancy may be issued until a final decision has been rendered regarding the change. Approval of changes shall be based on the following findings:

(1) The changes do not significantly alter the appearance, intent or purpose of the design;

(2) The quality of the design, material and equipment is maintained or is superior to the previously approved design and specifications.

**Sec. 33-1361. Submittal requirements.**

Projects submitted for design review by staff or the planning commission will conform to the following submittal criteria:

(a) Site plan. A scaled drawing of a dimensioned site plan which shall include an indication of all the following items:

(1) The location and dimensions of buildings and lot lines on the site and on adjacent properties within one hundred (100) feet of the subject site;

(2) The land use and zoning on the site and on surrounding properties;

(3) Street rights-of-way, setback lines, street dedications and dimensions;

(4) Existing topography and proposed grading showing slope heights, inclination and designation of cut or fill;

(5) Drainage patterns and grades, and location of all proposed and existing drainage facilities;

(6) Location and dimensions of existing and proposed street improvements, including (but not limited to) gutters, curbs, sidewalks, centerline of streets, alleys and easements;

(7) All existing and proposed buildings, trees, fences, walks, driveways, parking spaces and loading areas. Existing trees shall be identified as to species, trunk diameter six (6) feet above the adjacent grade, and designated for removal, retention or relocation;

(8) Open space calculations as defined by appropriate residential category;

(9) Areas to be landscaped;

(10) Location, height, and type of fencing;

(11) Location and dimensions of existing and proposed exterior doors, entryways, walkways, balconies, stairways, roof eaves, etc.;

(12) Consistency and unity of all features of the site plan;

(13) Photographs of the existing site and adjacent properties, including lots across the street or alley, as well as buildings within one hundred (100) feet of the project property lines;

(14) Aerial photos or satellite imagery of the project site are recommended and may be required as a part of the application.

(15) Location of mechanical equipment.

(b) Architectural presentation plans.

(1) Exterior elevations. A colored, scaled and dimensioned drawing of each face of the proposed structure showing/labeling materials, colors, textures, doors, windows, architectural detailing, landscaping (size at the time of planting), mechanical equipment, etc.;

(2) Material board showing all exterior materials including color chips, wall samples, roof samples, window and door materials etc.; in lieu of a materials board, color photographs and/or product information sheets/brochures, which clearly show the nature of the material, may be submitted with color chips representing the proposed color scheme. Materials must be formatted to fit in an 8.5" x 11" file folder.

(3) Floor plans, where applicable, should indicate use of the rooms, square footage, units and dimensions;

(4) Scale models of the project site may be required as a part of the application.

(c) Landscape plan. A conceptual landscaping plan at the same scale as the site plan including the following information:

(1) A clear indication of trees, shrubs, lawn and paving areas;

(2) The container size, type, amount and location of all plant materials and a proposed plant pallet including both botanical and common name;

(3) Specification of all existing trees designating removal, retention or relocation on site;

(4) Type and dimensions of all hardscape material, outdoor furniture, garden walls, fencing and walking surfaces;

(5) Slope planting for all slopes in excess of three (3) vertical feet;

(6) Street trees, selected from the approved street tree list and planted at the ratio designated in the city's landscape standards.

(d) Signs. A scaled and dimensioned plot plan and elevation of all proposed signs showing:

(1) Street rights-of-way, property lines, setback lines, structure and site features;

- (2) Location, size, materials, colors, copy and type of illumination;
- (3) An indication of affected or proposed planters, parking areas, buildings, etc.;
- (4) Elevation of signs in relation to buildings;
- (5) Location and sizes of all existing signs on the site to remain.
- (6) The area of the buildings or lease space, and/or the total lease area.

(e) Any other material necessary to process an application and make the findings required in section 33-1359 of this document.

**Sec. 33-1362. Appeals.**

(a) Decisions of the director may be appealed to the planning commission by filing a written request with any required fee, with the planning division not more than ten (10) days following the final decision of the director. The appeal shall state the reasons why the decision is contested and which findings the appellant believes were made in error.

(b) Decisions of the planning commission may be appealed to the city council pursuant to Article 61 (administration and enforcement), of the zoning code.

**Sec. 33-1363. Design review in specific plans.**

Any and all references to the design review board reviewing projects in any adopted area, master, and specific plan shall be reviewed by the planning commission for discretionary projects requiring a public hearing, and by the planning staff for administrative projects.

**Section 33-1364—33-1369. Reserved.**

**Chapter 33, Article 65 – Old Escondido Neighborhood**

**Sec. 33-1379. Signs.**

Signs within the Old Escondido Neighborhood shall conform to the following provisions:

(a) Wall signs or name plates shall not exceed 8.5" x 14" size, and shall display only the name and address of the business or occupant, except as specified in this subsection:

On the south side of Fifth Avenue between Escondido Boulevard and Juniper Street, signs shall not exceed one hundred twenty (120) square inches in area and shall display only the name and address of the business or occupant.

(b) Wall signs shall be attached to the building or to an arm attached to the building. One (1) sign shall be permitted for each residence or business located within a structure.

(c) No illumination of wall signs or window signs shall be allowed.

(d) Freestanding signs. Subject to planning staff review and approval, one (1) freestanding sign per parcel may be permitted within the adaptive reuse area subject to the following standards:

(1) The sign shall not exceed eight (8) square feet in area and five (5) feet in height.

(2) The sign shall display only the name, address and/or logo of the business or occupant.

(3) No internal illumination shall be allowed. Indirect external illumination may be allowed between the hours of sunrise and 11:00 p.m.

(e) Sign design, colors, materials and typeface shall be coordinated with the building style, material, size, color, and shall be in keeping with the historical context of the Old Escondido Neighborhood.

(f) Churches are exempt from the sign restrictions of this section, but shall conform to the standards of Article 66.

#### **Sec. 33-1381. Appeal.**

Staff review decisions may be appealed to the historic preservation commission (HPC). HPC decisions may be appealed to the planning commission. Planning commission decisions may be appealed to city council pursuant to section 33-1303 of this zoning code.

#### **Chapter 33, Article 66 – Sign Ordinance**

#### **Sec. 33-1391. Definitions.**

The following are definitions of terms contained in this article:

(1) Abandoned sign means a sign, or portion thereof, advertising or identifying a business, use or activity which has not been in operation for one hundred eighty (180) calendar days or more.

(2) Advertise means any notice to the public for the purpose of increasing sales or business, announcing the availability of a service or product, or making claims as to the value or quality of any service or product.

(3) Animated sign. See flashing or moving signs.

(4) Area of sign and area of super-graphic sign mean the entire area within any type of perimeter or border which may enclose the outer limits of any writing, representation, emblem, figure or character, together with any other material or color forming an integral part of the display or used to differentiate such sign from the background on which it is placed. The

area of a sign or a super-graphic sign having no such perimeter shall be computed in a reasonable manner by enclosing the entire integral parts of the sign copy area within trapezoids, triangles and/or circles in sizes sufficient to cover the entire area and computing the size of such area. In the case of a double-faced sign where the two (2) faces are of equal size, are parallel to each other, and are not separated more than thirty-six (36) inches, the total area shall be computed as the area of a single display face. In the case of a sign with more than two (2) sign faces where each face contains identical copy, the total area of the sign shall be computed by dividing the total number of sign faces by two (2) (resulting fractional numbers shall be rounded up to the next whole number), and multiplying this number by the sign area of a single face. The supports or uprights of a freestanding sign, the support structure of a monument sign, and other significant architectural features around the copy shall not be included in the sign area. In the case of any cylindrical sign, the total area shall be computed on the total area of the surface of the sign. For multi-shingle/panel signs, the sign area may be calculated by totaling only the area of the individual panels, along with any other copy area.

(5) Awning means a shelter projecting from and supported by an exterior wall of a building and constructed of nonrigid materials on a supporting framework.

(6) Banner, flag, pennant, balloon or other attention-getting devices means any cloth, bunting, plastic, paper or similar flexible material used for advertising purposes or to attract attention, which is attached to or pinned on any structure, staff, pole, line, framing or vehicle, but not including flags as described in section 33-1393(a)(12).

(7) Billboard means a sign structure advertising an establishment, merchandise, service or entertainment which is not sold, produced, manufactured or furnished at the property on which the sign is located (e.g., off-premise signs or outdoor advertising).

(8) Building face and/or frontage means the area of the front building elevation in which the business is located and which faces a street or parking lot excluding driveways. If more than one (1) business is located in a single building, then such area shall be limited to that front portion which is occupied by each individual business.

(9) Building floor area means the total gross leasable space occupied by the business or tenant.

(10) Bulletin sign means any sign erected by the City of Escondido, other public body, theater owner, or other use authorized by this chapter, which is erected upon the same property as the institution for the purpose of announcing events which are held on the premises.

(11) Cabinet sign means an advertising display which is constructed like a box to enclose the source of illumination (internally illuminated) so that the light shines through the translucent portions of the signs copy panel(s).

(12) Canopy/Marquee means a permanent roof-like structure extending from part or all of a building face and constructed of durable rigid material.

(13) Canopy/Marquee sign means a wall sign attached to the face of a canopy or marquee, but not projecting above the top of the canopy or marquee.



(14) Center means a commercial or industrial development which includes two (2) or more tenant spaces in which businesses, structures and parking/circulation are designed as an architecturally integrated and interrelated development. Such design is independent of the number of structures, lots or parcels making up the center.

(15) Changeable copy sign means a sign whose informational content can be changed or altered regardless of the method of attachment or change, or materials of construction.

(16) Commercial, industrial, or professional center means a development which is located on more than one (1) legal lot, but which constitutes a comprehensively designed complex through common or shared use arrangements.

(17) Comprehensive sign program means a sign program for commercial and industrial centers consisting of two (2) or more tenant spaces, which establishes design criteria for all signs in the center and integrates them with building and landscaping design, and achieves architectural compatibility.

(18) Construction or contractor sign means a temporary sign which states the names of the individuals and/or firms connected with the construction of a project. Such signs shall be located at the project site and may include, but are not limited to, the name of the project, the address of the business, and the telephone numbers.

(19) Copy means any words, letters, numbers, figures, designs or other symbolic representations incorporated into the graphic content of a sign.

(20) Repealed.

(21) Directional/Informational sign means an on-premises sign which contains words such as "entrance," "in," "out," "rest rooms," "no parking" or other similar words, or a sign containing arrows or characters indicating traffic directions used either in conjunction with such words or separately. The sign area shall not be greater than two (2) square feet and the sign not higher than three (3) feet. No directional/informational sign shall contain any advertising or trade name information, although minor business identification, not exceeding twenty (20) percent of the sign area, is allowed for directional purposes. Real estate kiosk and directional signs as defined in sections 33-1396(c) and (d), shall not be included in this category.

(22) *Director* means the director of community development, or a designated representative, whose responsibility it is to administer and enforce the provisions of this article.

(22-1) *Districts* mean designated areas of the community approved by city council resolution or ordinance, including overlay, area and neighborhood plans, historic sections, and specific planning areas.

(23) *Double-faced sign* means a freestanding, hanging or projecting sign where two (2) copy faces of equal size are mounted back-to-back. The two (2) faces shall be parallel to each other and not separated by more than thirty-six (36) inches. One (1) face only will be charged against the permitted sign area.

(24) *Flashing sign* means any sign which contains or is illuminated by lights which are intermittently on and off, which change intensity or color, or which create the illusion of motion in any manner, including animated signs which manifest a physical movement or rotation in one (1) or more planes or the optical illusion of action or motion. Time and temperature signs where all advertising is excluded are not included in this category.

(25) *Freestanding sign* means a sign which is permanently supported on the ground by one (1) or more uprights, braces, poles, or other similar structural components that is not attached to any building. This category includes both monument and pole-type signs.

(26) *Freeway-oriented sign*. For the purposes of this regulation, a freeway oriented sign means any structure, housing, device, figure, statuary, painting, display, message placard or other contrivance, including a wall sign or freestanding sign, which provides information in the nature of advertising and which has been designed and located adjacent to the right-of-way on Interstate 15 freeway or portions of Highway 78, with the intention that it be viewed and/or read primarily by motorists traveling on Interstate 15 or portions of Highway 78.

(27) *Future tenant identification sign* means a temporary sign which identifies a future use of a site or a future tenant for a building.

(28) *Glazing area sign* means temporary or permanent signs painted on, attached, glued or otherwise affixed to glass windows, doors, or other glass structures, and oriented to the exterior of the building and public view.

(29) *Grand opening sign* means a temporary promotional sign used by newly established businesses to inform the public of their location and service available to the community. A grand opening sign may only be installed within sixty (60) days after the business initially opens, and shall not be displayed for more than thirty (30) consecutive calendar days. "Grand opening" does not mean an annual or occasional promotion of retail sales by a business.

(30) *Halo-lit letters* means individual, dimensional letters or symbols with solid opaque faces which are indirectly illuminated by a light source contained within each letter or symbol, where the light is directed upon the wall or background surface behind the letters creating silhouettes of the letters or symbols against the reflected light.

(31) *Height of sign* means the greatest vertical distance measured from the top of the sign, including decorative embellishments, to the finish grade at the point the sign supports intersect the ground.

(32) *Historic signs* means a sign or advertising structure that possesses historic, cultural, architectural, or community interest or value associated with the development, heritage or history of the city.

(33) *Historic site sign* means signage as necessary to identify a historic landmark or a local register property as designated by the City of Escondido.

(34) *Illegal signs* means any advertising display erected without first complying with all ordinances and regulations in effect at the time of its construction and erection or use, as well as, signs which have expired permits due to the lack of having had the required inspections per the Uniform Building Code and National Electric Code.

(35) *Illumination.*

(A) External illumination means the illumination of a sign by an external light source that is not a component part of the sign.

(B) Internal illumination means the brightening of a sign by a light source that is a component part of the sign and enclosed within the advertising structure.

(36) *Incidental sign* means a small sign, emblem or decal informing the public of facilities or services available on the premises (e.g., a credit card sign or sign indicating business hours, health rating or licensing).

(37) *Inflatable displays* means any three (3) dimensional ambient air-filled object depicting a container, figure, product or product trade dress.

(38) *Inoperative activity* means a business or activity that has ceased operation at any given location for a continuous period of at least one hundred eighty (180) calendar days.

(39) *Interior sign* means a sign inside any business that is not intended to be seen from outside the building in which the business is located.

(40) *Legal* means authorized or permitted in accordance with procedures defined by ordinance or law.

(41) *Logo* means a trademark or symbol used to identify a business.

(42) *Menu sign* means a sign, located adjacent to a drive-through lane of a food service facility, which lists the products available and the prices, and is designed to be read by the occupants of a vehicle.

(42-1) *Message center, electronic*, means a sign which has a changeable message which may be changed by electronic processes or by remote control and which exposes its message for not less than eight (8) seconds with the interval between messages not less than one (1) second.

(43) *Monument sign* means a low-profile freestanding sign.

(44) *Moving sign* means a sign whose entirety or components rotate or move in any manner to attract attention.

(45) *Multi-shingle (multi-panel) sign* means a freestanding sign composed, in whole or in part, of individual tenant panels without an attached background, typically hung from each

other from a cross member supported by posts, and generally separated by a gap not greater than six (6) inches.

(46) *Nonconforming sign* means a sign that does not presently comply with the provisions of this article. A sign that was lawfully erected prior to the enactment of the ordinance codified herein, but now fails to meet any of the standards contained herein shall be considered a legal nonconforming sign.

(47) *Pole sign* means a permanently mounted, freestanding sign which is supported above the ground by one (1) or more uprights, braces, poles, or other similar structural components.

(48) *Portable sign* means a sign which is not permanently attached to a structure or to the ground and is designed to be moved easily, including persons retained to hold or wear sign copy.

(49) *Projecting sign* means any sign other than a wall or canopy sign which is attached to and hangs or projects from a structure or any portion of a building.

(50) *Public right-of-way* means a strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be or is presently occupied by a road, sidewalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, bikeway, pedestrian walkway or other public use.

(50-1) *Real estate kiosk sign*—See (60) "Subdivision sign kiosk."

(51) *Real estate sign* means a temporary sign advertising the sale, rent, lease or open house of the property upon which it is located and the identification of the firm handling such sale, lease, rent or open house.

(51-1) *Regional market group* means a defined group of related commercial uses where a marketing or advertising association has been established for the benefit of the regional market group members who are located in a single approved Escondido planned development of more than forty (40) acres with limited visibility from Interstate 15 freeway, and whose market area extends beyond the city limits throughout a larger regional area.

(52) *Regional market sign* means a freeway-oriented sign for a regional market group or affiliated business organization consisting of members of the regional market group, which may include an electronic message center.

(53) *Roof* means the external covering of a building or structure above or covering any exterior or interior vertical wall or other portion of the site.

(54) *Roofline* means the top edge of the roof or top of the parapet, whichever forms the top line of the building silhouette.

(55) *Roof sign* means a sign erected, constructed or placed upon or over a roof of a building, except a mansard roof or canopy which is below the roof of the primary structure which is wholly or partly supported by such buildings.

(56) *Sandwich sign* means a type of portable sign of A-frame construction.

(57) *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.

(58) *Special event sign* means a temporary sign which advertises special events and activities such as, but not limited to, grand openings, charitable events, promotional sales, and Christmas tree sales. Such signs are limited to the provisions listed in this article.

(59) *Statuary* means statues or sculptures or similar figures that depict products, features, items or logos of a business, excluding those items that are considered design features or complements of the overall site such as wagons, benches, equipment sold or rented on the premises, hand water pumps, troughs, and other like items.

(60) *Subdivision sign kiosk—Real estate kiosk sign* means a city designated sign in the public right-of-way or on private property containing directional panels for residential developments. (61) *Super-graphic sign* means a wall sign displaying a large graphic image with or without text. The graphic image extends beyond the perimeter of the sign text.

(62) *Temporary sign* means any sign that is displayed for a limited period of time as defined in this article.

(63) *Time and temperature sign* means an electronically or electrically controlled changeable copy sign which conveys only information such as the time, date, temperature or atmospheric conditions, where different alternating copy changes are shown on the same copy area. Each message remains displayed for a specific minimum period of time with a total blackout between message changes. The copy shall not travel or appear to travel in any direction. Time and temperature signs shall be included in the permitted wall or freestanding sign area and shall not include any advertising within the changeable copy area.

(64) *Use* means the purpose for which a property, lot, building, sign or other structure is arranged, intended, designed, occupied or maintained as established by the authorized legislative body.

(65) *Vehicle sight distance* means the area through which a driver has a clear view of oncoming vehicle and pedestrian traffic when waiting to proceed at a street corner or driveway. The sight distance at driveways should be at least ten (10) feet on each side of the driveway. At nonsignalized corners, the clear view area is typically established by measuring twenty-five (25) feet along the street fronts from each curb return point and drawing a line across the two (2) back points to form a triangular area. Generally, no sign in excess of three (3) feet above the

curb grade, nor support pole larger than twelve (12) inches in diameter may be installed in this clear view area unless approved by the engineering division.

(66) *Vehicle sign* means a sign which is attached to or affixed in any fashion, painted on, or resting in or on any type of vehicle which is parked on or adjacent to any property, the principal purpose of which is to attract attention to a product sold or an activity or business located on such property as determined by the director.

(67) *Wall sign* means a sign painted on, attached to, or erected against the wall of a building or structure with the exposed face of the sign parallel to the plane of such wall. A parapet, mansard, or canopy/marquee sign shall be considered a wall sign provided it is architecturally integrated with the building and does not project above the roof line.

(68) *Window sign*. See "glazing area sign."

### **Sec. 33-1392. Permit administration.**

(1) Sign permit required. A sign permit from the planning division shall be required prior to the placing, erecting, moving, reconstructing or replacing (including sign copy) any sign in the city unless expressly exempted by this article. One (1) or more signs may be approved per sign permit. Signs requiring a permit shall comply with the provisions of this chapter and all other applicable laws, as well as be consistent with the sign design guidelines as may be adopted by the city council. Signs may require building permits in addition to sign permits, as determined by the building official.

(2) Method of application. An application for a sign permit shall be made to the planning division on forms prescribed by the director. The sign permit application shall be accompanied by the following:

(A) Three (3) copies of a scaled plan showing:

(i) Location of proposed sign both in plan view and elevation and its relation to adjacent buildings, structures, topography and property lines,

(ii) The design, dimensions, colors, materials, copy and type of lighting proposed,

(iii) Location of existing freestanding signs on adjacent properties and dimensions,

(iv) Details to verify conformance with Article 35 (Outdoor Lighting Ordinance),

(v) For freeway-oriented signs, cross-sections of the development site and freeway right-of-way which indicate the height relationship between the proposed sign and the freeway travel lane;

(B) A list of all existing and approved signs (type and size) existing at the subject location or tenant space (if any) as of the date of the application;

(C) The size of the lot or commercial/industrial center and gross floor area of building or tenant space;

(D) Such other information the director may require to adequately review an application;

(E) A sign permit fee, as adopted by city council resolution.

(3) Comprehensive sign program for commercial and industrial zones. A comprehensive sign program shall be required for all new commercial, office or industrial centers consisting of two (2) or more tenant spaces, and for existing commercial, office or industrial centers for which the owner requests permission to remodel, expand, or enlarge the building(s) or land use which affects the existing signs. The purpose of the program shall be to integrate signs with building and landscaping design into a harmonious architectural unit. All comprehensive sign programs shall be reviewed by planning staff to determine conformance with the sign design guidelines, planned development approvals, applicable overlay guidelines, and/or specific plan standards. Staff may agendize the matter to the planning commission. Method of application shall be the same as designated in section 33-1392(2). Integration of signs shall be achieved by:

(A) Using the same background color on all signs or by using various shades as determined compatible;

(B) Using the same type of support or method of mounting for signs of the same type, and by using the same type of construction material for components such as sign copy, cabinets and supports. Slightly dissimilar signing may be approved if determined compatible;

(C) Using the same form of illumination for all signs, or by using varied forms of illumination where justifiable and determined compatible;

(D) Providing a comprehensive plan for the location, placement and number of all signs to be permitted for all existing or future development in the center, or by identifying common architectural elements where tenants can physically locate their signs;

(E) Incorporating the design standards established in the sign design guidelines, as may be adopted by city council.

(4) Method of review.

(A) After receipt of a sign application not related to a project otherwise requiring design review, the director or designee shall approve, conditionally approve or deny such sign request. The director may refer the application to the planning commission when there is a question as to whether the application adequately conforms to the sign design guidelines, unless otherwise required by this chapter. Such a review shall ensure that any sign proposal is in conformance with this article, as well as other applicable ordinances and policies of the City of Escondido. Sign applications referred to the planning commission by the director, shall be scheduled for the next available planning commission meeting upon determination of a complete application.

(B) Sign permits which do not require review by the planning commission pursuant to this chapter and are not referred to the planning commission shall be processed by the planning division within five (5) working days of submittal of a complete application. In the event that the sign permit application is not approved, conditionally approved or denied within five (5) working days, the applicant may request a refund of one-half (1/2) of the planning sign permit fees.

(5) Appeals. Appeals of the director's decision shall be to the planning commission and must be filed in the planning division in writing within ten (10) calendar days of that action. Such appeal shall be accompanied by the appeal fee as adopted by the city council. Appeals of the planning commission's decision may be made to the city council by filing a written appeal with the city clerk within ten (10) calendar days of the commission's action and paying the fees as adopted by the city council.

(6) Building permit required. Sign permits shall be in addition to any other permits which may be required by applicable law. Sign permits must be obtained before other sign-related building permits may be issued.

(7) Administration. It is the responsibility of the director to administer and enforce all provisions.

### **Sec. 33-1393. Exempt and prohibited signs.**

(a) Exempt signs. The following signs shall be exempt from the application and sign permit requirements, but must be in conformance with all other requirements of this chapter. A building permit and/or encroachment permit may be required. No sign shall obstruct the vehicle sight distance area at intersections and driveways pursuant to section 33-1391(65).

(1) Glazing area signs.

(A) Internal signs affixed to glazing areas and oriented to the exterior and public view, not exceeding twenty (20) percent of the area of glazing on which it is located. Temporary signs may be of expendable materials such as cloth, paper, paint, etc. Permanent signs shall be of nonfading materials permanently applied in a professional manner. Permanent glazing area signs may include incidental signs, and information such as hours of operation or a proprietor's name,

(B) Any window sign used as permanent identification of the business name or logo shall be considered a wall sign and the sign area shall be included in the total wall sign area allowed for the building or tenant space. A sign permit is required for such business sign;

(2) Real estate signs for single and multiple residential rental and sales. One (1) on-site sign per street frontage, up to two (2), not exceeding four (4) square feet in area, provided it is unlit and is removed within fifteen (15) calendar days after the close of escrow or the rental or lease has been accomplished. Up to two (2) riders identifying the agent and/or special feature of the property may be added to the signs. Sign height not to exceed five (5) feet including riders. One (1) on-site and up to three (3) off-site open house signs, not exceeding four (4) square feet in area and five (5) feet in height, are also permitted for the purpose of selling a single house or condominium. Up to three (3) balloons, each not exceeding twenty-four (24) inches in any



dimension, may be attached to on-site real estate/open house signs. Other attention-getting devices are not permitted;

(3) Contractor or construction signs.

(A) Residential projects consisting of five (5) units or more and commercial and industrial projects shall be allowed, one (1) wall or freestanding sign on the construction site for all contractors (may include financial institutions, real estate agents, subcontractors, etc.). The sign area may not exceed fifty (50) square feet unless legally required by government contracts to be larger. No freestanding sign shall exceed fifteen (15) feet in overall height. Such sign shall be removed by the contractor(s) upon the granting of occupancy by the city,

(B) Residential projects involving four (4) or less units shall be allowed two (2) wall or freestanding signs. Each sign shall not exceed four (4) square feet in area. Freestanding signs shall not exceed five (5) feet in height. Such signs shall be removed by the contractor(s) upon the granting of occupancy by the city;

(4) Real estate signs for commercial and industrial premises. One (1) sign per street frontage is allowed, up to two (2) signs which advertise the sale, lease or rent of the premises. These signs shall not exceed twenty-four (24) square feet in area for lots/centers three (3) acres or less in size, nor forty-eight (48) square feet for lots/centers over three (3) acres in size. These signs may be freestanding signs, wall signs or banners. No such freestanding sign shall exceed eight (8) feet in overall height. Freestanding signs may be double-sided if the panels are of equal size and are mounted back-to-back (parallel) or in a "V" shape if the interior angle does not exceed ninety (90) degrees. The area of only one (1) side of a double-sided sign shall be calculated to determine the area of the sign. Such real estate signs shall be removed within five (5) calendar days after the property to which they refer has been rented, leased or sold;

(5) Interior signs. Devices or displays which are entirely inside a building or in a display space of a lawful show window and are not affixed to the window pane;

(6) Historic site signs, on-premises memorial tablets or plaques. These include those installed by the City of Escondido, a city-recognized historical society, or civic organization, or other displays which do not advertise goods or services;

(7) Directional/informational signs as defined in section 33-1391. Such signs shall not exceed two (2) square feet in area. Freestanding signs shall not be higher than three (3) feet. No directional/informational sign shall contain any advertising or trade name information, although minor business identification, not exceeding twenty (20) percent of the sign area, is allowed for directional purposes. Real estate directional and kiosk signs shall not be included in this category;

(8) Future tenant identification signs may be placed on vacant or developing property or on a vacant tenant space to advertise the future use of an approved project or the future tenant of the suite. One (1) such sign is permitted which shall not exceed twenty (20) square feet in area for a future tenant, nor thirty-two (32) square feet for a vacant or developing property. Freestanding signs shall not be higher than eight (8) feet. Any future tenant identification sign shall be removed upon granting of occupancy by the city;

(9) Residence identification signs used to identify individual names and/or addresses of individual residences. Such signs shall not exceed two (2) square feet in area. A maximum of two (2) signs or name plates are allowed per dwelling unit;

(10) Official and legal notices issued by the court, public body, person or officer in performance of his public duty or in giving any legal notice;

(11) Signs providing notice of public hearing, direction, warning, or informational signs or structures required or authorized by law or by federal, state, county or city authority;

(12) Official flags. Up to three (3) official flags of the United States, the State of California, or other states of the nation, counties, municipalities, and official flags of foreign nations. Proposals for more than three (3) flags require a sign permit and design review. If flags are to be displayed on vertical flagpoles, these poles shall be permanently installed with appropriate building permits. Flags of nationally or internationally recognized organizations and corporate or business flags are only permitted if displayed in conjunction with a United States flag. The Flag Code of the United States shall be observed at all times;

(13) Seasonal decorations displayed during a holiday or announcing a community event which do not advertise a specific product or service and are removed within ten (10) working days after the holiday or community event, except as otherwise permitted for temporary window signs;

(14) Signs of public utility companies indicating danger, serving as an aid to public safety, showing the location of underground facilities or public telephones;

(15) Safety signs on construction sites;

(16) No trespassing, no parking, and similar warning signs not exceeding four (4) square feet in area;

(17) Signs on public transportation vehicles including, but not limited to, buses and taxicabs;

(18) Signs on licensed vehicles; provided, that such vehicles are not used or intended for use as portable signs or as otherwise prohibited in section 33-1393(b);

(19) Incidental signs for automobile repair stores, gasoline service stations, automobile dealers with service repairs, motels and hotels showing notices of services provided as required by law, trade affiliations, credit cards accepted, and the like, attached to the structure or building; provided, that all the following conditions exist:

(A) The signs number not more than four (4) unless required by state law,

(B) No such sign projects beyond any property line,

(C) No such sign shall exceed an area per face of four (4) square feet per face. Signs may be double-faced;

(20) Copy attached to fuel pumps or dispensers such as fuel identification, station logo, and other signs as required by law;

(21) Bill of fare signs for restaurants. Such signs shall not exceed four (4) square feet in area and may be displayed in the window or on the exterior wall in an appropriate manner;

(22) Agricultural signs, either wall or freestanding types, and nonilluminated to only identify the premise as being associated with a trade organization, or as producing products under registered trade names, or to identify the business name and agricultural products grown on the premises. Such signs shall not exceed four (4) square feet for lots two (2) acres or less and sixteen (16) square feet for lots greater than two (2) acres. One (1) sign per street frontage is allowed with a maximum of two (2) signs per lot. Wall signs shall be located below the roofline. Freestanding signs shall not be higher than six (6) feet, and if higher than three (3) feet shall not be located within twenty-five (25) feet of any property line abutting a street;

(23) Model unit signs. One (1) feature sign, one (1) model sign and two (2) flags or pennants for each model home may be placed on the model home lots, at the sales office, or in the parking lot area of the subdivision. Such signs and flags shall not exceed four (4) square feet in area and may be double-sided;

(24) Public signs. Signs placed on public property by federal, state or local agencies designed to provide identification or benefit to the public. This exemption does not apply to freestanding, wall, or bulletin signs proposed for public facilities of the City of Escondido;

(25) Scoreboards placed on athletic fields;

(26) Barber poles outside a barbershop;

(27) Commemorative plaques;

(28) Garage and yard-sale signs as permitted by the Escondido Municipal Code section 16-119.

(b) Prohibited signs. Any sign not specifically authorized by this article shall be prohibited unless required by law or otherwise exempted by a local agency pursuant to the Government Code, sections 53090 et seq., of the State of California. The following signs are expressly prohibited:

(1) Roof signs, except a roof-type sign, where permitted by the planning commission as a freeway-oriented sign pursuant to section 33-1395(a)(3);

(2) Flashing signs, including time and temperature signs (unless all advertising is excluded);

(3) Inflatable advertising devices of a temporary or permanent nature, including hot air balloons, unless approved as a special event sign pursuant to section 33-1396(a);

(4) Animated and moving signs;

- (5) Searchlights and beacons except as permitted per section 33-1396(a);
- (6) Revolving or rotating signs;
- (7) Vehicle signs (when parked or stored on property or street for the purpose of identifying a business or advertising a product or service);
- (8) Signs without an approved sign permit, unless exempt from the provisions of this chapter;
- (9) Portable signs and banners except where permitted by this chapter;
- (10) Signs within the public right-of-way, except where required by a government agency or otherwise permitted by section 33-1396(c);
- (11) Signs blocking doors or fire escapes;
- (12) Outside light bulb strings, except for temporary uses such as holiday sales, Christmas tree lots, carnivals and other similar events as defined in section 33-1391(58);
- (13) Readerboard/changeable copy signs, either electric or nonelectric, except time and temperature signs as defined in section 33-1391(63), and other signs permitted pursuant to sections 33-1395.2(b)(3) and (4), 33-1395.10, and 33-1396(e);
- (14) Pennants, streamers, whirligigs, balloons, and other attention-getting devices except as permitted by section 33-1396(a) of this chapter;
- (15) Signs which purport to be, imitate or resemble official traffic warning devices or signs that by color, location or lighting may confuse or disorient vehicular or pedestrian traffic. This does not include traffic or directional signs installed on private property to control on-site traffic, which do not confuse or disorient vehicular or pedestrian traffic on a public road or right-of-way;
- (16) Off-site real estate and yard sale directional signs other than those permitted by sections 33-1393(a)(2), 33-1396(c) and (d) and Municipal Code section 16-119.
- (17) Billboards and signs that advertise a product, person, business or service not available on the property where the sign is located (off-site signs), and signs placed adjacent to a sign-controlled freeway (see Article 52 of the Escondido zoning code).

**Sec. 33-1395.2. Sign standards—Freestanding signs—CG and CN zones.**

- (a) Size. The maximum size of freestanding signs shall be determined by the size of the lot or commercial center according to the following chart:

**Permitted Freestanding Signs (CG and CN)****Column A: Maximum Size  
With Staff Review**

<b>Lot/Center Size</b>	<b>Area</b>	<b>Height</b>
a. Up to 7,000 SF (.16 ac)	10 SF	4'
b. 7,001 - 10,000 SF (.23 ac)	20 SF	4'
c. 10,0001 - 25,000 SF (.57 ac)	30 SF	6'
d. 25,001 - 43,560 SF (1 ac)	30 SF	6'
e. 1+ ac - 3 ac	30 SF	6'
f. 3+ ac - 7 ac	30 SF	6'
g. 7+ ac	30 SF	6'

**Column B: Maximum Size  
With Planning Commission Review**

<b>Lot/Center Size</b>	<b>Area</b>	<b>Height</b>
a. Up to 7,000 SF (.16 ac)	20 SF	15'
b. 7,001 - 10,000 SF (.23 ac)	40 SF	15'
c. 10,0001 - 25,000 SF (.57 ac)	60 SF	15'
d. 25,001 - 43,560 SF (1 ac)	80 SF	15'
e. 1+ ac - 3 ac	100 SF	15'
f. 3+ ac - 7 ac	125 SF	20'
g. 7+ ac	150 SF	30'

\* Signs with appropriately designed bases may be up to five (5) feet high.

Individual signs which do not exceed the maximum sign area and height indicated in column A of the chart in this subsection for the appropriate lot/center size category, and which are consistent with the sign design guidelines, may be approved administratively.

(b) Number. No more than one (1) freestanding sign per street frontage shall be permitted except as follows:

(1) In commercial centers over three (3) acres, multiple freestanding signs may be permitted as follows:

(A) Frontages longer than one thousand (1,000) linear feet on one (1) street may have two (2) freestanding signs.

(B) One (1) additional freestanding sign shall be allowed for each six hundred (600) linear feet of frontage on one (1) street thereafter.

(C) In the case of multiple frontages, the allowed number of freestanding signs shall be calculated separately for each street and may not be transferred to other frontages on the site.

(D) All freestanding signs on the site shall be separated by a minimum distance of two hundred fifty (250) linear feet, except as may be permitted by the director.

(E) For the purposes of determining the number of permitted freestanding signs, the term "street frontage" shall include frontages adjacent to Interstate 15 and Highway 78.

(F) The maximum sign area allowed for any second or subsequent sign on the same frontage is seventy (70) percent of the maximum size allowed for the lot/center size category for the purposes of calculating total allowable aggregate sign area. This aggregate total may be distributed in any appropriate fashion among all freestanding signs in the center with no single sign exceeding the maximum sign area for the lot/center size category under column B of the chart in subsection (a) of this section.

(2) In commercial centers over three (3) acres in size, monument signs not exceeding sixty (60) square feet or eight (8) feet in height shall be permitted for single tenants occupying the entire building located on a separate pad within the center. The area of the sign shall be counted in the allowable wall sign area for the pad building and the sign shall be located in close proximity to the subject business. A minimum separation of two hundred fifty (250) linear feet shall be maintained between the pad sign and any other freestanding sign in the commercial center, unless a lesser separation is determined appropriate by the director.

(3) Additional freestanding signs (maximum of one (1) per frontage) may be permitted for service stations as necessary to comply with state mandated price notification requirements. The maximum number of freestanding signs allowed per service station is one (1) per street frontage. Such additional price signs are exempt from sign separation requirements, but shall be limited to a maximum size of ten (10) square feet and maximum height of six (6) feet including the base.

(4) Menu signs. In conjunction with a drive-through business, up to two (2) freestanding menu, or other similar signs up to thirty-two (32) square feet and a maximum height of six (6) feet may be permitted. Menu signs may be internally illuminated and utilize changeable copy. The area of the menu signs shall not be counted against the allowable sign area for the business.

(c) Location. Freestanding signs for businesses adjacent to Centre City Parkway shall be oriented toward the vehicular entries on the cross streets or vehicular entries from Centre City Parkway, if any. A maximum of one freestanding sign along Centre City Parkway shall be permitted for each vehicular entry from Centre City Parkway.

### **Sec. 33-1395.3. Sign standards—Freeway-oriented signs—CG and CN zones.**

(a) Eligible properties and uses. Freeway-oriented signs may only identify the name of the center and/or the specified freeway-oriented uses listed in the sign design guidelines, which are located on parcels or in commercial centers physically contiguous to the Interstate 15 freeway right-of-way, or that portion of Highway 78 right-of-way west of Broadway, or on certain noncontiguous properties which are visually oriented to the Interstate 15 freeway and are located at off-ramp intersections. These noncontiguous parcels are identified in the design guidelines.

(b) Type of sign. Freeway-oriented signs may be freestanding pole or monument type signs, wall signs, structures, or other building signs which are determined by the planning commission to be consistent with the design guidelines and appropriate for the specific site and development.

(c) Number. Not more than one (1) freeway-oriented sign is permitted for any parcel or commercial center, and the area of the sign shall be counted as part of the allowable freestanding sign entitlements for the lot or center.

(d) Size. The area of the sign shall comply with the corresponding lot center size indicated in the permitted freestanding sign chart in Section 33-1395.2(a). For lots/centers twenty-five thousand (25,000) square feet or less in area, larger signs up to a maximum of eighty (80) square feet may be approved by the planning commission based on specific site characteristics, the visibility of the sign, and the demonstration of the need for a larger sign to achieve the least obtrusive design solution which provides the necessary visibility.

(e) Height. The height of freeway-oriented signs shall be the minimum necessary to achieve a functional sign in conformance with the design guidelines. In no event shall the overall height of the sign exceed eighty (80) feet.

#### **Sec. 33-1395.10. Sign standards—Regional market signs.**

Notwithstanding other sections of this article, this section shall regulate the type, location, size, number, and eligible user(s) of regional market signs, as well as the application and review process.

(a) Eligible users. Only a regional market group or an affiliated business organization consisting of members of the regional market group, as approved by the city council, may request a regional market sign.

(b) Type of sign. Regional market signs may be freeway-oriented, freestanding pole or monument type signs, wall signs, structures, art pieces, or other building signs which are determined by the planning commission and city council to be consistent with the design guidelines, appropriate for the specific site and surrounding development, and comprehensively designed to provide artistically integrated elements which create an innovative and high-quality advertisement.

(c) Location. Regional market signs shall be located only on commercially and certain industrially zoned parcels contiguous to Interstate 15, as shown on Figure 33-1395.10(c).1.

(d) Size. The area and height of the sign shall be the minimum needed to achieve a visible and functional sign in compliance with the design guidelines. Signs up to a maximum of eighty (80) feet high and four hundred (400) square feet in copy area including any message center panel approved by the city council, with the total sign area not exceeding seven hundred fifty (750) square feet, may be considered based on specific site characteristics, adjacent freeway elevation and substantiation of the need for that large of sign.

(e) Number.

(1) Not more than one regional market sign is permitted for any regional market group or lot/center where the sign will be located. Not more than one regional market sign shall be permitted within the industrially zoned area along Interstate 15 as described above in Section 33-1395.10(c). The regional market sign may be in addition to any existing permitted freeway-oriented advertising sign(s) not related to the regional market group, on the property at the time the regional market sign is requested. An appropriate separation based on specific site characteristics and existing signs shall be provided between freeway-oriented signs.

(2) A regional market group may have either a freeway-oriented regional market sign or a freeway-oriented advertising sign on any site; not both.

(f) Displays. Regional market signs may only identify the regional market group, group members, or affiliated business organization located on site as owners or occupants of the premises, and/or advertise the business conducted or services rendered or goods produced or sold upon the property upon which the regional market sign is constructed, and other information consistent with Section 5405 of Division 3, Chapter 2 of the Business and Professions Code, Outdoor Advertising Act, and the policies of the California Department of Transportation (Caltrans) for freeway-oriented signs.

(g) Fixed text. Any permanent fixed copy on a regional market sign shall be individual letters or have the appearance of individual letters, and shall be consistent with the sign design guidelines including criteria for legibility and the avoidance of a cluttered appearance.

(h) Changeable message. An electronic message center may be incorporated in the regional market sign with the approval of the city council, subject to the following.

(1) Length of display. Each message shall be displayed for a period of at least eight (8) seconds. The sign shall remain blank (no messages or display) for at least one (1) second between displays. The messages and displays shall not be animated, appear in incremental stages or move across the changeable copy sign face. The software manufacturer and the software installer shall certify to the city that the software for the computer which controls the sign has been designed to and can only operate the sign at the approved on and off intervals.

(2) Maximum size. The maximum size of the electronic message center portion of a regional market sign shall be two hundred seventy (270) square feet.

(i) Illumination. The permanent copy maybe illuminated by internal illumination of each individual letter or by halo back-lighting of each letter. No cabinet signs with illuminated backgrounds are allowed. The changeable copy area shall only be illuminated by the internal electronically controlled lights of the message center component.



(j) Initiation of application. Each sign application for a regional market sign shall be forwarded to the city council for initiation. The city council shall make the following findings prior to initiating any request.

Initiation Findings.

(1) The applicant(s) constitute(s) a regional market group as defined by section 33-1391 (52-1) or an affiliated business organization consisting of members of a qualified regional market group.

(2) The regional market group has limited visibility from the Interstate 15 freeway.

(3) Due to interurban competition, the defined group of users is at risk of a reduction in their share of the regional market;

or

The regional market sign will assist in the retention of the regional market group uses in Escondido.

Upon initiation by the city council, a sign(s) shall be posted in a conspicuous location(s) on the project site so as to be visible from each public street adjacent to the site. The sign(s) shall notify the public of the submittal of a regional market sign application and shall be consistent with the requirement of section 33-1300(c)(2) of this chapter as to content and size.

(k) Review of application. Upon initiation by the city council, the sign permit application and processing fee shall be submitted to the planning division and shall include a site-specific study prepared pursuant to subsection (n) of this section, as well as a list of property owners within five hundred (500) feet of the proposed sign location pursuant to subsection (l) below. If the proposed location for the regional market sign is zoned PD-C (planned development-commercial), no separate modification of the master sign program for the planned development is necessary. The sign application shall be reviewed by the planning division, whose recommendations shall be considered by the planning commission and the city council at separate public hearings. The city council shall make all the following findings prior to any approval or conditional approval of a regional market sign.

Approval findings.

(1) The proposed sign size and design are appropriate for the proposed location, type of regional market group, and surrounding development including the elevation of the adjacent freeway travel lane and mature height of landscaping, and conform to the sign standards of this section.

(2) The proposed sign is comprehensively designed to artistically integrate the various elements of the advertising and structure consistent with the sign design guidelines, which creates a high quality advertisement.

(3) The proposed sign will not be materially detrimental to the public health, safety or welfare or injurious to the property or improvements in the vicinity in which the property is located.

(4) The regional market group association has demonstrated the ability and intent to enter into an agreement with the city to provide continuing maintenance of the regional market sign in accordance with the sign standards and conditions of approval.

(l) Public hearing notice. Public notice of the public hearings before the planning commission and the city council shall be given pursuant to Division 6, Section 33-1300 of this chapter. However, the five hundred (500) foot radius from the property line adjacent to the freeway shall be measured from the Caltrans right-of-way line on the opposite side of the freeway from the project site.

(m) Other permits. Any approval of a sign application submitted without a current sign permit from the California Department of Transportation (Caltrans) for the proposed location, shall be conditioned upon obtaining any applicable sign permit from Caltrans for the proposed location.

(n) Requirements of site-specific study. The applicant shall provide a visual study representing the sign at the proposed location which demonstrates the visibility of the proposed sign from northbound and southbound travel lanes of Interstate 15. The study may be photographs or video tape of sign mockups situated on the proposed site; photo simulations; computer simulations; or other appropriate representations to the satisfaction of the director.

(o) Maintenance agreement. A maintenance agreement between the regional market group and the city shall be executed prior to the issuance of building permits for the regional market sign. The agreement shall identify the party responsible for the maintenance and operation of the regional market sign and shall include the annual maintenance schedule, to the satisfaction of the city attorney

**Sec. 33-1395.11. Sign standards—Super-graphic signs—CG, CN, CP, HP and P-D-C zones.**

Subject to review and approval by the director, wall signs, except projecting wall signs that incorporate large graphic images may exceed the maximum allowable sign area subject to wall sign development criteria and design guidelines for the underlying zone and subject to the following additional provisions and standards:

(a) Size. In no event shall the total area of super-graphic signs exceed two (2) times the allowable wall sign area for the underlying zone. The text of the sign shall be limited to the maximum allowable wall sign area of the underlying zone.

(b) Illumination of a super-graphic sign shall not exceed an area equal to the maximum allowable wall sign area of the underlying zone.

(c) Internally illuminated cabinet signs shall be prohibited.

(d) If deemed appropriate by the planning commission, a super-graphic sign may extend above the primary wall line or parapet.

**Sec. 33-1395.12. Sign standards—Signs related to historic buildings and historic signs.**

(a) Historic buildings. Signs for buildings listed in the Escondido historic/cultural resource inventory or on the local register of historic places may deviate from the standards and from the design guidelines if the request is deemed historically appropriate for the significant architectural style of the building and consistent with the historic preservation incentives program. The planning commission shall consider each request on a case-by-case basis.

(b) Advertising structures and signs identified by the historic preservation commission/planning commission as having historic cultural significance may be maintained pursuant to the historic preservation incentives program. The planning commission shall consider each request on a case-by-case basis.

(c) Maintenance requirements. Failure to maintain a historic sign and advertising structures in conformance with the following requirements shall constitute grounds for rescinding existing sign exception:

(1) All parts of the signs and advertising structures exempted by this section, including neon tubes, incandescent lights, and shields and sign faces, shall be maintained in a functioning condition as historically intended.

(2) Historic signs and advertising structures for which an exception is granted shall be brought into conformance with the above requirements within ninety (90) days of the date the exception is granted.

(d) Alterations. Subject to the issuance of a certificate of appropriateness pursuant to Article 40, a historic sign may be altered provided that such alterations do not substantially change the historic style, scale, height, type of material, or dimensions of the historic sign.

**Chapter 33, Article 67 – Density Bonus and Residential Incentives**

**Sec. 33-1415. Concessions, incentives, equivalent financial incentives.**

(1) The city shall grant the following number of concessions or incentives:

(A) For projects targeting senior households, a choice of one (1) incentive and/or concession shall be permitted;

(B) For projects targeting lower-income households, a choice of two (2) incentives and/or concessions shall be permitted; and

(C) For projects targeting very low-income households, a choice of three (3) incentives and/or concessions shall be permitted.

(2) Developers shall select incentives from the following list. Each provision counts as an individual incentive.

(A) Open space.

(i) If development occurs in the R-2 or R-3 zones, the open space provisions of the R-4 zone may be applied. For development occurring in the R-4 zone, the provisions for open space may be reduced up to twenty-five (25) percent; or

(ii) Roof-top areas for covered parking may receive credit as open space if appropriately integrated into the design of the project and usable by the tenants; or

(iii) In multifamily zones (R-2 through R-4), projects may reduce common open space provisions by up to fifty (50) percent, if the project is located within one thousand (1,000) feet of a public park.

(B) Unit size. If development occurs in the R-2 and R-3 zones, the dwelling-unit size provisions of the R-4 zone may be applied. For development occurring in the R-4 zone, the provisions for dwelling-unit size may be reduced up to twenty-five (25) percent.

(C) Parking. A parking management plan must be incorporated into each project which details assigned spaces, overflow, on-site vehicle maintenance, guest parking and on-street parking.

(i) The covered-parking requirements for all units may be eliminated.

(ii) Parking requirements for target units may be reduced according to the following schedule:

(a) One (1) bedroom, one and one-half (1.5) parking spaces per unit are reduced to one (1);

(b) Two (2) bedroom, one and three-quarters (1.75) parking spaces per unit are reduced to one and one-quarter (1.25);

(c) Three (3) or more, two (2) parking spaces per unit are reduced to one and one-half (1.5).

(iii) On-street resident parking for target units, physically contiguous to the project frontage, may be substituted for the required off-street parking requirements at a ratio of one to one (1:1) on noncirculation element streets, subject to all ordinances and codes pertaining to on-street parking.

(D) Off-site improvements. City participation of certain off-site improvements required by the development of the project may be proposed pursuant to negotiations and agreement with the city.

(E) Timing of development fees. The developer of a project may propose a fee schedule which defers payment of any or all city-related development fees until the project is released for occupancy.

(F) The required setbacks for parking and landscaping within a parking area may be reduced up to an average of fifty (50) percent provided that the improvements are not significantly out of character with the surrounding area, do not create a safety hazard and a suitable alternative design is incorporated. Bumper overhang shall not extend into the reduced setback area.

### **Chapter 33, Article 69 – Escondido Business Enhancement Zone**

#### **Sec. 33.1455. Processing of development applications.**

(a) Notwithstanding any other provision of this chapter to the contrary, all development projects, for which a request for consideration has been approved by the council economic development subcommittee, shall be eligible for processing as follows and shall be exempt from review by any other entity including, without limitation, the historic preservation commission, and the planning commission.

(b) An application shall be submitted in accordance with the requirements of the planning and building divisions. An application determined to be complete and in compliance with the requirements of the California Environmental Quality Act by the director of planning shall be submitted to the council economic development subcommittee in the case of projects for which no public hearing is required, or the city council in the case of projects for which a public hearing is required.

(c) The council economic development subcommittee shall consider any project submitted to it under the provisions of this article and shall either approve, conditionally approve, or deny the project in accordance with the provisions of this chapter applicable to such project. The city council shall act as a planning commission for any project submitted to it under the provisions of this article.

(d) The city council shall conduct necessary public hearings and either approve, conditionally approve, or deny the project in accordance with provisions of this chapter applicable to such project.

### **Chapter 33, Article 70 – Second Dwelling Units**

#### **Sec. 33-1477. Application and procedure.**

The director shall approve a second dwelling unit permit unless he or she determines that such permit does not meet the requirements of this article. The director may refer any unit to the planning commission prior to the director's decision for conformance with the specific criteria outlined in section 33-1474(i).

**Chapter 33, Article 73 – Outdoor Display and Sale of Retail Merchandise****Sec. 33-1534. Development standards.**

All outdoor displays of retail merchandise and temporary outdoor sales shall be subject to the following development standards:

(a) Outdoor displays on private property.

(1) The outdoor display area shall not extend beyond the actual frontage of the associated commercial use. Displays shall be identical and accessory to items sold indoors. Displays shall be temporary and removed at the end of each business day. A display/use may, on a case-by-case basis, be displayed permanently outdoors, as determined by the director. The director may refer a request for a permanent display to the planning commission for review and comment.

(2) Parking lot circulation and all required parking spaces shall remain unobstructed at all times. Private sidewalks, courtyards, or entry areas may be utilized for display provided a minimum four (4) foot wide pedestrian area remains clear and unobstructed and all fire, building and handicapped access requirements are met. See subsection (b) of this section for clearance requirements for displays within the right-of-way.

(3) All displays shall be located in such a manner so that vehicular sight distance is not impeded to the satisfaction of the engineering department.

(4) Display and sale of merchandise is permitted only by the tenant of an existing commercial development on the same site. Outdoor displays are not permitted on vacant property. Christmas tree and seasonal agricultural product sales on vacant property shall be subject to sections 33-331(a), 33-361(a), 33-461(a), and 33-501(a) of the zoning code.

(5) No sales or display of merchandise from cars, trucks, or any other vehicle is permitted. Vending from pushcarts may be permitted subject to compliance with all development standards in this section. Specialized food sales from pushcarts either on private property or within the public right-of-way shall be subject to applicable code requirements.

(6) All signage associated with an outdoor display shall be as approved pursuant to an outdoor display permit and shall be limited to a maximum of four (4) square feet per commercial tenant.

(7) All displays shall be located within hardscape areas. No merchandise may be displayed in any landscaped area, or be situated in such a manner as to be detrimental to any existing landscaping on the site.

(8) All food sales shall be conducted in compliance with health department regulations.

(9) All exterior lighting utilized in conjunction with outdoor displays shall conform to the requirements of Article 35, Outdoor Lighting (Ord. No. 86-75).

(10) No electricity shall be utilized, nor any noise generated by an outdoor display.

(b) Outdoor displays within the public right-of-way.

(1) Display of merchandise within the public right-of-way is permissible only within the downtown retail core district subject to approval of an encroachment permit (an approved copy must be submitted concurrently with the application for an outdoor display permit), proof of insurance, and compliance with all development standards in this section.

(A) Proof of insurance can be satisfied by documentation of an insurance policy issued by an insurance company licensed to do business in the State of California, protecting the licensee and the city from all claims for damages to property and bodily injury, including death, which may arise from operations in connection with the display activity. Such insurance shall name as additionally insured the city for an amount of three hundred thousand dollars (\$300,000.00) or more and shall provide that the policy shall not terminate or be canceled prior to the expiration date without thirty (30) days' advance written notice to the city.

(B) The merchandise display shall be permitted only within the four (4) feet of public right-of-way nearest the property line, and parallel to the curb in front of the business to which it pertains. The merchandise display shall be limited to fifty (50) percent of the lineal length of the associated commercial frontage or sixty (60) square feet whichever is less.

(C) In front of the displayed merchandise there shall be at all times a minimum four (4) foot wide sidewalk area clear of any obstructions and in conformance with all fire, building and handicapped access requirements.

(D) The merchandise is not permitted within any landscaped area of the right-of-way.

(E) All merchandise shall be located in such a way that it does not block the sight distance of the streets to the satisfaction of the engineering department. Any merchandise found obstructing the sight distance will be subject to removal by the city and the encroachment permit canceled.

(F) All merchandise items and displays should have no sharp edges or corners.

(G) The city also reserves the right to remove merchandise which causes any interference with vehicular traffic or pedestrian traffic, or in the event of any emergency situation or if the merchandise interferes with any work that is to be performed upon the street by or on the behalf of the city or a public utility.

(H) All merchandise and display racks shall be removed from the public right-of-way at the end of business hours.

(2) No sales or display of merchandise from cars, trucks, or any other vehicle is permitted. Vending from pushcarts may be permitted subject to compliance with all development standards in this section. Specialized food sales from pushcarts either on private property or within the public right-of-way shall be subject to applicable code requirements.

(3) All signage associated with an outdoor display within the public right-of-way shall be as approved pursuant to an outdoor display permit and shall be limited to a maximum of two (2) square feet per commercial tenant.

(4) All displays shall be located within hardscape areas. No merchandise may be displayed in any landscaped area, or be situated in such a manner as to be detrimental to any existing landscaping on the site.

(5) All food sales shall be conducted in compliance with health department regulations.

(6) All exterior lighting utilized in conjunction with outdoor displays shall conform to the requirements of Article 35, Outdoor Lighting (Ord. No. 86-75).

(7) No electricity shall be utilized, nor any noise generated by an outdoor display.

(c) Temporary outdoor sales.

(1) Sales events at any one (1) location or commercial center shall not exceed three (3) days during any three (3) month period and are subject to the issuance of a temporary use permit as discussed in section 33-1535.

(2) Location of each event shall be restricted to private property only and shall not adversely impact parking lot circulation. Events shall not be permitted within parking areas containing less than twenty (20) spaces. A maximum of twenty (20) percent of the required parking spaces for the sponsoring business, or five (5) percent of the spaces within a commercial center containing multiple tenants may be utilized for the display and sale of merchandise. No encroachment into the public right-of-way shall be permitted.

(3) Christmas tree sales and recycling and seasonal agricultural product sales shall be exempt from the time restrictions set forth in section 33-1534(c)(1).

(4) Any structure used in conjunction with a sales event shall be subject to all building and fire department requirements.

(5) All merchandise shall be setback a minimum of five (5) feet from any public right-of-way or driveway.

(6) All exterior lighting utilized in conjunction with a temporary sales event shall conform to the requirements of Article 35, Outdoor Lighting (Ord. No. 86-75).

(7) All food sales shall be conducted in compliance with health department regulations.

(8) All businesses participating in a temporary outdoor sales event must have a valid City of Escondido business license to conduct business at the site of the event. Each participating business or entity shall be listed on the permit application prior to approval of the permit.



(9) All noise/sound generated by a temporary outdoor sales event shall conform to the noise level limits established in the noise ordinance (Ord. No. 90-08) for commercial zones. If an event is located adjacent to a residential zone, all noise generated shall conform to the noise level limits of the affected residential zone.

(10) Signs for temporary outdoor sales are permitted provided adequate detail is shown on the temporary use permit application to determine that the following standards are met:

(A) Signs shall be limited to balloons, flags, pennants and streamers, banners, or other similar devices. Balloons may not exceed twenty-four (24) inches in any dimension.

(B) Large inflatable displays must be ground-mounted and may not exceed thirty (30) feet in height.

(C) One banner is allowed for each street frontage and each banner shall not exceed sixty (60) square feet in area.

(D) No event signage (of any type) may be displayed on or attached to any public property including telephone or utility poles, traffic control signs or devices, street lights or other structures located on public property without the express written consent of the City of Escondido.

(E) No signage of any type shall interfere with or restrict vehicular or pedestrian access or visibility.