

ORDINANCE No. \_\_\_\_\_  
AMENDED BY ORDINANCE No. 113  
114-124-125-127-135-136-144-146  
153-158-159-168-175-178-179-184-  
191-201-210-216-

ORDINANCE NO. 105 N.S.

AN ORDINANCE DIVIDING THE CITY OF EL PASO DE ROBLES INTO DISTRICTS OR ZONES FOR THE PURPOSE OF REGULATING THE USE OF LANDS IN SAID DISTRICTS OR ZONES, THE USE, SIZE AND LOCATION OF BUILDINGS OR OTHER IMPROVEMENTS THEREIN; THE LOCATION OF TRADE, BUSINESS, AND INDUSTRIES THEREIN; AND SPECIFYING AND DESCRIBING THE AREAS INCLUDED WITHIN THE VARIOUS ZONES AND DISTRICTS AND PRESCRIBING AND LIMITING THE USE OF LANDS AND THE USE, SIZE AND LOCATION OF BUILDINGS AND IMPROVEMENTS IN THE VARIOUS ZONES AND DISTRICTS AND ESTABLISHING CERTAIN SET-BACK LINES IN THE CITY OF EL PASO DE ROBLES AND PRESCRIBING CERTAIN GENERAL PROVISIONS AND EXCEPTIONS GOVERNING THE ENFORCEMENT AND APPLICATION OF THE ORDINANCE, AND SPECIFYING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE AND ESTABLISHING A PROCEEDURE FOR THE AMENDMENT AND MODIFICATION THEREOF.

The City Council of the City of El Paso de Robles does ordain as follows:

SECTION 1. To accomplish the purposes mentioned in the title hereof, a zoning or districting plan is hereby established and adopted for the City of El Paso de Robles. Said districting plan consists of the establishment of various districts within the territory of said City, within various of which it shall be lawful, and within various of which it shall be unlawful to erect, construct, alter or maintain certain buildings or to carry on certain trades or occupations or to conduct certain uses of land and/or of buildings and/or within which the height and bulk of future buildings shall be limited and/or within which certain open spaces shall be required about future buildings and consisting, further, of appropriate regulations to be enforced in such districts, all as set forth in this ordinance.

SECTION 2. DISTRICTS: The aforesaid districts are as follows, to-wit:

- R-1 Districts: One-Family Residential Districts;
- R-2 Districts: Two-Family Residential Districts;
- R-3 Districts: Multiple Residential Districts;
- C-1 Districts: Retail Business Districts;
- C-2 Districts: General Commercial Districts;
- M-1 Districts: General Industrial Districts.

SECTION 3. EFFECT OF ESTABLISHMENT OF DISTRICTS: Except as

(b) BUILDING HEIGHT LIMIT: Two and one-half ( $2\frac{1}{2}$ ) stories but not exceeding thirty-five (35) feet in height.

(c) BUILDING SITE AREA REQUIRED: Each one-family dwelling, together with its accessory buildings, hereafter erected shall be located on a building site in one ownership having an area of not less than five thousand (5000) square feet.

(d) FRONT YARD REQUIRED: Each lot shall have a front yard not less than twenty-five (25) feet in depth, provided, however, that in case a building line for the street upon which any lot faces is established by the Street and Highway Plan of the Master Plan of the City or as specified otherwise by ordinance, then the front yard on such lot shall have a depth of not less than the distance from the street line specified for such building line.

(e) SIDE YARD REQUIRED: Each lot shall have side yards each having a width of not less than 10% of the width of the lot but in any case not less than five (5) feet; provided, however, as follows:

1. On any parcel of land of an average width of less than fifty (50) feet, which parcel was under one ownership at the time of the adoption of this ordinance, when the owner thereof owns no adjoining land, or which parcel is shown as a lot on any subdivision map which was recorded in the office of the County Recorder of the County of San Luis Obispo prior to the adoption of this ordinance the width of each side yard may be reduced to ten (10) per cent of the width of such parcel, but in no case shall the width of any such side yard be less than three (3) feet.

2. The width of any one side yard on any lot may be reduced by one (1) foot for each one (1) feet by which the other side yard on the same lot is increased beyond the width required therefor by the preceding provisions of this section, but in no case shall such resulting reduced width of any side yard be less than three (3) feet.

3. On a corner lot adjacent to a key lot the side yard on the street side of such corner lot shall have a width in addition to

that hereinbefore specified, so that the total width of such side yard shall be not less than eight (8) feet for such side yard, provided, however, that this regulation shall not be so applied as to reduce the buildable width, after providing the required interior side yard, of any such corner lot to less than nineteen (19) feet.

4. In case a dwelling is so located on a lot that the front or rear thereof faces any side lot line, such dwelling shall be not less than twenty (20) feet from such lot line.

(f) REAR YARD REQUIRED: Each lot shall have a rear yard of a depth equal to not less than twenty (20) percent of the depth of the lot to a maximum required depth of twenty (20) feet for such rear yard.

SECTION 10. REGULATIONS FOR R-2 DISTRICTS: The following regulations shall apply in all R-2 districts.

(a) USES PERMITTED:

1. All uses permitted in R-1 districts, subject to the securing of a use permit, as herein provided, for any use for which a use permit is required in an R-1 district.

2. Two-family dwellings.

(b) BUILDING HEIGHT LIMIT: Two and one-half ( $2\frac{1}{2}$ ) stories but not exceeding thirty-five (35) feet in height.

(c) BUILDING SITE AREA REQUIRED: Each two-family dwelling, together with its accessory buildings, hereafter erected shall be located on a building site in one ownership having an area of not less than five thousand (5000) square feet, except that there may be not to exceed one (1) two-family dwelling or two (2) one-family dwellings upon any one (1) lot.

(d) FRONT, SIDE AND REAR YARDS REQUIRED: Same as specified for R-1 districts.

(e) DISTANCE BETWEEN BUILDINGS ON SAME LOT: No main building shall be closer than fifteen (15) feet to any other main building on the same lot.

SECTION 11. REGULATIONS FOR R-3 DISTRICTS: The following

regulations shall apply in all R-3 districts.

(a) USES PERMITTED:

- 1. All uses permitted in R-1 and R-2 districts, without regard to the securing of a use permit for any such use.
- 2. Two-family dwellings, multiple dwellings and dwelling groups.
- 3. Hotels.
- 4. Clubs, lodges and fraternity and sorority houses.
- 5. The following uses, subject to the securing of a use permit in each case, or as specified otherwise by ordinance.

- (a) Hospitals, rest homes, sanitariums, clinics, and other buildings used for the treatment of human ailments.
- (b) Philanthropic and charitable institutions.
- (c) Automobile Courts.

(b) BUILDING HEIGHT LIMIT: Three (3) stories but not exceeding forty-five (45) feet in height.

(c) BUILDING SITE AREA REQUIRED: Same as specified for R-1 districts, except that there may be more than one (1) dwelling upon one (1) lot.

(d) PERCENTAGE OF LOT COVERAGE: The buildings, including accessory buildings, on any lot shall not cover more than fifty (50) per cent of the area of such lot.

(e) FRONT, SIDE AND REAR YARDS REQUIRED: Same as specified for R-1 districts.

(f) DWELLING GROUPS: The following additional regulations shall apply to Dwelling Groups.

- 1. Each lot upon which a dwelling group is constructed shall have a rear yard of not less than ten (10) feet.
- 2. In case the buildings face each other across a court or central drive there shall be a side yard along the lot line of not less than seven (7) feet and a central court shall have a width of not less than fifteen (15) feet.

apply in all C-1 districts: The following  
(a) USES PERMITTED:

1. All uses permitted in any "R" district, without regard to the securing of any use permit, except that in any C-1 district which is entirely surrounded by "R" districts or by such districts and the City boundary, a use permit shall be required for the establishment of any use for which a use permit is required in R-3 districts.

2. Stores and shops for the conduct of any retail sales business, (except the sale of used or second-hand goods, wares or merchandise) automobile service stations; banks; barber shops; beauty parlors; conservatories; dressmaking; millinery, shoe and tailor shops; messenger offices; professional offices; theatres; bakeries; studios (except motion picture studios); telegraph offices; tea rooms, restaurants or cafes; and other business uses which, in the opinion of the Planning Commission, are of the same general character as those enumerated in this subsection and will not be obnoxious or detrimental to the district in which located.

3. The provision of parking space for automobiles is prohibited on any lot in a C-1 district in connection with stores, shops or businesses operated or conducted in a building on the lot, unless the parking area is maintained in a dust free manner. In every instance where such a parking space adjoins a lot in an "R" district, parking shall be prohibited within five (5) feet of the line of the residence lot and there shall be maintained in this space an evergreen hedge or an approved fence exceeding forty feet in height.

(b) BUILDING HEIGHTS





in any "R" district.

2. Each lot fronting on Spring Street shall have a front yard not less than fifteen feet in depth.

3. No building shall hereafter be erected, nor shall any use of land be conducted except the use of land for agricultural purposes, so that the same will be closer to the right of way line of any street than any Official Plan Line or any building line which has been established for such street by the Street and Highway Plan, or section thereof, of the Master Plan of the City, or than any future width line or building line which may be specified therefor by the provisions of any other ordinance of the City of El Paso de Robles.

SECTION 14. REGULATIONS FOR M-1 DISTRICTS: The following regulations shall apply in all M-1 districts, or as provided otherwise by City Ordinance.

(a) USES PERMITTED:

1. All uses permitted in C-2 districts.
2. All industrial uses that do not involve the creation or production of noise, dust, fumes, vibration, open flame, flashing light, noxious gases or explosive materials; and that do not cause the breeding of flies and insects, subject to the securing of a use permit in each case as otherwise provided by this ordinance.

(b) BUILDING HEIGHT LIMIT: Not exceeding one hundred (100) feet in height.

(c) YARDS REQUIRED: Same as specified for C-2 districts.

SECTION 15. The regulations as specified in any planning and zoning ordinance of the City of El Paso de Robles shall be subject to the following interpretations and exceptions:

(a) Use:

1. The following accessory uses, in addition to those hereinbefore specified, shall be permitted in any "R" district, provided that such accessory uses do not alter the character of the premises in respect to their use for the purposes permitted in such respective districts:

(A) The renting of rooms and/or the providing of table board in a dwelling as an incidental use to that of its occupancy as a dwelling of the character permitted in the respective district, but not to the extent of constituting a hotel as defined in any ordinance of the City of El Paso de Robles, unless permitted in the district.

(B) The operation of necessary facilities and equipment in connection with schools, colleges, universities, hospitals and other institutions, permitted in the respective districts.

(C) Recreation, refreshments and service buildings in public parks and playgrounds.

2. In any "R" district, there may be kept poultry, pigeons or domestic animals, excluding livestock, in number and quantity not in excess of that provided by the ordinances of the City of El Paso de Robles and in such manner as shall be specified by such ordinances and the general laws of the State.

3. In addition to any other signs permitted by this ordinance, signs not exceeding in the aggregate six (6) square feet in area for each lot may be displayed for the purpose of advertising the sale or lease of any property upon which displayed.

(b) HEIGHT:

1. In any district with a height limit of less than seventy-five (75) feet, public and semi-public buildings, schools, churches, hospitals and other institutions permitted in such district may be erected to a height not exceeding seventy-five (75) feet, provided that the front, rear and side yards shall be increased one (1) foot for each one (1) foot which such building exceeds the height limit hereinbefore established for such district.

2. One -family dwellings in R-1 districts may be increased in height not to exceed ten (10) feet and to a total of not exceeding three (3) stories when two (2) side yards of widths of not less than fifteen (15) feet each are provided.

3. Where the average slope of a lot is greater than

one (1) foot rise or fall in seven (7) feet of distance from the established street elevation at the property line, one story in addition to the number permitted in the district in which said lot is situated shall be permitted on the downhill side of any building; provided, that the height of the building shall not be increased above the limit specified for said district.

(c) YARDS:

1. For the purpose of computing front yard dimensions the measurement shall be taken from the nearest point of the front wall of the building to the street line; provided, however, that if an Official Plan Line has been established for the street, then the measurement shall be taken from the nearest point of the front wall of the building to such Official Plan Line or such future width line, except that the certain architectural features hereinafter enumerated shall not be considered in making such measurements, to-wit:

(A) Cornices, canopies, eaves, or any other architectural features may extend beyond said front wall a distance not exceeding two (2) feet, six (6) inches.

(B) Fire escapes may extend beyond said front wall a distance not exceeding four (4) feet, six (6) inches.

(C) A landing place or uncovered porch may extend beyond said front wall to a distance not exceeding six (6) feet, provided that such landing place or porch shall have its floor no higher than the entrance floor of the building. A railing no higher than three (3) feet may be placed around such landing place. In no case, however, shall any such landing place or porch extend beyond any Official Plan Line which has been established for any street.

(D) The above enumerated architectural features may also extend into any side or rear yard the same distance that they are permitted to extend beyond any front wall, except that no porch, terrace or outside stairway shall project more than three (3) feet into any side yard and then in the case of an outside stairway, only if the same is unroofed and unenclosed above and below the steps thereof.

2. In any "R" district where twenty-five (25) per cent or more of the lots in any block and located in the same district, exclusive of the frontage along the side of a corner lot, has been improved with buildings at the time of the passage of this ordinance, which buildings are of a character permitted in said district but not in a more restricted district, (including, in an R-1 district buildings permitted in such districts) and the front yards on such lots vary in depth to an extent not greater than six (6) feet, then the required front yard depth for such district shall be disregarded in such block and in lieu thereof the front yard required on each lot in said block shall be of a depth not less than the average depth of the front yards on the lots on which are located such existing buildings, to a maximum of twenty-five (25) feet.

3. When any interior lot in an R-1 or R-2 district is adjacent to any lot in a C-1, C-2 or M district, except any C-1 district which is entirely surrounded by "R" districts or any such districts and the City boundary, the depth required for the front yard on such interior lot shall be ten (10) feet.

4. When any interior lot in an R-3 district is adjacent to any lot in any "C" or "M" district, except any C-1 district which is entirely surrounded by "R" districts or by such districts and the City boundary, the front yard requirement for such interior lot may be disregarded and in lieu thereof that portion of any building on that portion of the width of such interior lot not exceeding one-half ( $\frac{1}{2}$ ) thereof, and not exceeding twenty-five (25) feet, which portion of the width of such interior lot is next adjacent to such lot in such "C" or "M" district, may be built to the street line, and the line of the building for the remainder of such building shall not be nearer to said street line than a distance equal to such required depth of front yard.

5. In case an accessory building is attached to the main building, it shall be made structurally a part thereof, and shall comply in all respects with the requirements of this ordinance applicable to the main building. An accessory building, unless attached to and made

hereinafter otherwise provided:

(a) No building shall be erected and no existing building shall be moved, altered, added to or enlarged nor shall any land, building or premises be used, designed or intended to be used for any purpose or in any manner other than is included among the uses hereinafter listed as permitted in the district in which such building, land or premises is located.

(b) No building shall be erected, reconstructed or structurally altered to exceed in height the limit hereinafter designated for the district in which such building is located.

(c) No building shall be erected, nor shall any existing building be altered, enlarged or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity to the yard, area and building location regulations hereinafter designated for the district in which such building or open space is located.

(d) No yard or other open space provided about any building for the purpose of complying with the provisions of this ordinance shall be considered as providing a yard or open space for any other building and no yard or other open space on one lot shall be considered as providing a yard or open space for a building on any other lot.

SECTION 4. ESTABLISHMENT OF DISTRICTS: The districts hereinbefore referred to shall be such as shall from time to time be established by ordinance.

SECTION 5. BOUNDARIES OF DISTRICTS: The boundaries of said districts shall be as shown upon the map attached to and made part of this ordinance which is hereby designated as the "Zoning Plan El Paso de Robles, California;" said map and all notations, references and other things shown thereon shall be as much a part of this ordinance as if the matters and things shown by said map were fully described herein.

SECTION 6. GENERAL REGULATIONS CONCERNING DISTRICTS

a part of the main building as above provided for, shall not be closer than five (5) feet to the main building, except as otherwise provided in this section.

6. A detached accessory building of not over one story and not exceeding twelve (12) feet in height may occupy not to exceed thirty (30) percent of the area of any rear yard. Any such accessory building may have not to exceed one (1) additional story used for apartments, provided that:

(A) Such additional story, herein construed to be a dwelling, shall not be permitted unless the same is permitted under the regulations hereinbefore in this ordinance specified for the district in which such accessory building is located.

(B) No exterior wall of such additional story shall be nearer to any lot line than a distance equal to the width of a side yard required on the same lot.

(C) No exterior wall of such additional story shall be nearer than ten (10) feet to any main building on the same lot.

(D) No such additional story shall be constructed on any lot in any "R" district prior to the construction of a one-family dwelling thereon, unless and until a use permit, as provided by City ordinance, shall first have been secured for such additional story.

7. Detached accessory buildings in "R" districts shall conform to the following additional regulations as to their locations upon the lot; provided, however, that where the slope of the front half of the lot is greater than one (1) foot rise or fall in a distance of seven (7) feet from the established street elevation at the property line, or where the elevation of the lot at the street line is five (5) feet or more above or below the established street elevation, a private garage may be built to the front line of the lot:

(A) In case of an interior lot abutting upon one street, no detached accessory building shall be erected or altered so as to encroach upon the front half of the lot.

(B) No detached accessory building shall be located within five (5) feet of the side line of the front half of any adjacent lot.

(C) Notwithstanding any requirements in this section, the foregoing rules shall not require any detached accessory building to be more than fifty (50) feet from any street line bounding the lot.

SECTION 16. NON-CONFORMING USES: Except as otherwise provided in this section, the lawful use of land existing at the time of the adoption of this ordinance, although such use does not conform to the regulations specified by this ordinance for the district in which such land is located, may be continued; provided, however, that no such non-conforming use shall be enlarged or increased, nor shall any such non-conforming use be extended to occupy a greater area of land than that occupied by such use at the time of the adoption of this ordinance; provided, further, that if any such non-conforming use is abandoned, any subsequent use of such land shall be in conformity to the regulations specified by ordinance for the district in which such land is located.

Except as otherwise provided in this section, the lawful use of a building existing at the time of the adoption of this ordinance may be continued, although such use does not conform to the regulations specified by ordinance for the district in which such building is located, and such use may be extended throughout the building provided no structural alterations except those required by law or ordinance are made therein. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use, which, in the opinion of the Planning Commission, is of the same or of a more restricted nature. If a non-conforming use hereunder is abandoned for a continuous period of not less than six (6) months, any future use of said building shall be in conformity to the regulations specified by ordinance for the district in which such building is located.

No existing building designed, arranged or intended for or devoted to a use not permitted under the regulations specified by this ordinance for the district in which such building or premises is located shall be enlarged, extended, reconstructed or structurally altered unless such use is changed to a use permitted under the regulations specified by ordinance for such district in which said building is located; provided, however, that work done in any period of twelve (12) months on ordinary structural alterations or replacements or walls, fixtures or plumbing not exceeding twenty-five (25) per cent of the building's assessed value according to the assessment thereof by the City Assessor for the fiscal year in which such work is done, shall be permitted; provided that the cubical contents of the building as it existed at the time of the passage of this ordinance be not increased.

If at any time any building in existence or maintained at the time of the adoption of this ordinance, which does not conform to the regulations for the district in which it is located, shall be destroyed by fire, explosion, Act of God or act of the public enemy to the extent of more than seventy-five (75) per cent of the true value thereof, then and without further action by the City Council, the said building and the land on which said building was located or maintained shall from and after the date of such destruction be subject to all the regulations specified by ordinance for the district in which such land and buildings are now located.

The foregoing provisions shall also apply to non-conforming uses in districts hereafter changed.

For the purposes of this section, assessed value shall be assumed to be fifty (50) per cent of true value.

SECTION 17. BUILDING PERMITS AND PLATS: Every application for a building permit shall be accompanied by a drawing or plat, in duplicate, drawn to scale, showing the lot and building site, the proposed location of the building on the lot, accurate dimensions of the building, the yards and the lot and such other information as may be necessary to the enforcement of this ordinance. A copy of such

application and plat shall be kept in the office of the Building Inspector and the duplicate copy shall be kept at the building at all times during construction.

SECTION 18. VARIANCES AND APPEALS: The City Planning Commission or a subcommittee thereof, consisting of at least three members thereof, appointed by the Planning Commission for such purpose, shall have power to grant variances in the application of any of the provisions of any Planning and Zoning ordinance to the extent of the following and no further:

1. To vary or modify the strict application of any of the regulations or provisions contained in this ordinance in cases in which there are practical difficulties or unnecessary hardships in the way of such strict application;

2. To permit the extension of a district where the boundary line thereof divides a lot in one ownership at the time of the passage of this ordinance.

3. To permit the location of any of the following uses in a district from which they are excluded by the provisions of any ordinance: Library, community center, church, hospital, rest home, clinic or other institution for the treatment of human ailments and institutions of an educational, philanthropic or charitable nature.

Application for any variance permissible under the provisions of this section shall be made to the City Planning Commission in the form of a written application for a building permit, to be issued subject to the granting of the variance, or in the form of a written application for a permit to use the land and/or building as set forth in said application.

Upon receipt of any such application, the Planning Commission or its subcommittee shall hold at least one (1) public hearing thereon, notice of which shall be given by one (1) publication in a newspaper of general circulation in the City at least five (5) and not more than twenty (20) days next preceeding the date of said hearing. At said hearing the applicant shall present a statement and adequate evidence,

in such as the Planning Commison may require, showing:

1. That there are exeptional or extraordinary circumstances or conditons applying to the land, building or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings and/or uses in the **same** district.

2. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner.

3. That the granting of such application will not, under the circumstances of the particular **case**, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood.

After the conclusion of the aforesaid hearing, the Committee shall submit a written report thereon to the Planning Commission and the Planning Commission shall make a written finding of facts showing whether the **three** foregoing qualifications apply to the land, building and/or use for which the variance is sought and to such variance, and shall report such finding to the City Council within five (5) days after making its ruling thereon.

In approving the granting of any variance under the provisions of this section, the Planning Commission shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of the regulations or provisions to which such variance applies, as to light, air and/<sup>the</sup>public health, safety, morals, convenience and general welfare. No permit issued under the provisions of this section shall be final until until the issuance of same shall have been reported to the City Council in time for consideration at its next regular meeting. At such meeting of the City Council, said Council may modify, overrule or order a rehearing on the permit and of the subject matter involved therein, but if no action thereon is taken at such meeting of the City Council, said permit shall be deemed final.

SECTION 19. USE PERMITS: Use permits may be issued for any of the following:

1. Any of the uses or purposes for which such permits are required or permitted by the provisions of this ordinance.
2. Public utility or public service uses or public buildings in any district when found to be necessary for the public health, safety, convenience or welfare.

Such use permits shall be issued under the same procedure as that specified in Section 18 of this ordinance for the granting of variances, except that:

1. No public hearing need be held thereon; provided, that the Planning Commission may hold such hearings thereon as it may deem to be necessary.
2. The Findings of the Planning Commission, except as otherwise provided in this section, need include only that the establishment and maintenance and/or conducting of the use for which the use permit is sought will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, convenience or welfare of persons residing or working <sup>in</sup> the neighborhood of such use and will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in said neighborhood. The Planning Commission may likewise, in this instance, authorize its subcommittee to investigate, make necessary findings and issue permits, as in the previous section provided.

SECTION 20. BUILDING PERMITS AND FEES: A building permit shall be required for the erection, construction, establishment, moving, alteration, enlargement, repair or conversion of any building in any district established by the provisions of any ordinance, subject to the following provisions:

1. The provisions of all ordinances of the City of El Paso de Robles relating to the application for, form of, and issuance of building permits, shall apply to the application for, form of, and issuance of building permits under the provisions of this section;

Provided however, that the construction, establishment, moving, alteration, enlargement, repair or conversion of any such building shall comply with all the provisions of any ordinance.

SECTION 21. AMENDMENTS: This ordinance may be amended by changing the boundaries of districts or by changing any other provisions hereof whenever the public necessity and convenience and general welfare require such amendment, by following the procedure specified in this section. Said amendment may be initiated by:

(a) The verified petition of one or more owners of property affected by the proposed amendment, which petition shall be accompanied by a fee of twenty-five (\$25.00) Dollars, no part of which shall be returnable to the petitioner, which fee shall be deposited in the Treasury of the City in the Planning Commission Fund; or by

(b) Resolution of intention of the City Council: or by

(c) Resolution of intention of the Planning Commission.

Upon the filing of such verified petition or the adoption of such resolution of intention, the Planning Commission shall hold such public hearings thereon as may be required by law, and shall give such notice of such hearings as may be required by law. Such notice shall include notice of the proposed amendment. In case the proposed amendment consists of a change of the boundaries of any district so as to reclassify property from any district to any other district, the Planning Commission shall give additional notice of the time and place of such hearings and of the purposes thereof by;

1. Posting public notices thereof not less than ten (10) days prior to the date of the first of such hearings. Such notices shall be placed not more than five hundred (500) feet apart along each and every street upon which the property proposed to be reclassified abuts and such posting shall extend along said street or streets a distance of not less than three hundred (300) feet from the exterior limits of such properties as are proposed for reclassification. Such notice shall consist of the words "Notice of proposed change of Zoning District", printed or lettered with letters not less than one

(1) inch in height, and in addition thereto a statement in small letters setting forth a description of the property involved in the proposed change of district, the time and place at which the public hearing on the proposed change will be held and any other information which the Planning Commission may deem to be necessary and by;

2. Mailing a postal card/<sup>notice</sup>not less than ten (10) days prior to the date of the first of such hearings to the owner or owners of all property within the posting area above defined, using for this purpose the last known name and address of such owners as shown upon the records of the City Assessor.

Any failure to post public notices or to mail postal card notices as aforesaid shall not invalidate any proceedings for amendment of this ordinance.

Following the aforesaid hearings the Planning Commission shall make a report of its findings and recommendations with respect to the proposed amendment and shall file with the City Council an attested copy of such report within sixty (60) days after the filing of the petition or the adoption of the resolution of intention, as aforesaid. Failure of the Planning Commission so to report within said sixty (60) days shall be deemed to be approval of the proposed amendment by said Planning Commission.

Upon receipt of such report from the Planning Commission, or upon the expiration of such sixty (60) days as aforesaid, the City Council shall set the matter for public hearing after notice thereof and of the proposed amendment, given as provided by law. After the conclusion of such hearing the City Council may adopt the amendment or any part thereof set forth in the petition or in the resolution of intention in such form as said Council may deem to be advisable.

The decision of the Council shall be rendered within ninety (90) days after the receipt of a report and recommendations from the Planning Commission or after the expiration of such sixty (60) days, as aforesaid.

Upon the consent of the Planning Commission any petition for an amendment may be withdrawn upon the written application of a

majority of all the persons who signed such petition. The City Council or the Planning Commission, as the case may be, may by resolution, abandon any proceedings for an amendment initiated by its own resolution of intention provided that such abandonment may be made only when such proceedings are before such body for consideration and provided that any hearing of which public notice has been given shall be held.

**SECTION 22. FORM OF PETITIONS, APPLICATIONS AND APPEALS:**

The Planning Commission shall in its rules prescribe the form and scope of all petitions, applications and appeals provided for in this ordinance, and of accompanying data to be furnished so as to assure the fullest practicable presentation of facts for proper consideration of the matter involved in each case and for a permanent record. Any petition for a variance as provided in Section 18 of this ordinance, or for a use permit as provided in Section 19 of this ordinance, or for an amendment as provided in Section 21 of this ordinance, shall include a verification by at least one of the petitioners, attesting to the truth and correctness of all facts and maps presented with said petition. Such verification shall be dated and attested before a Notary Public or before the City Clerk.

**SECTION 23. ENFORCEMENT, LEGAL PROCEEDURE, PENALTIES:** All departments, officials and public employees of the City of El Paso de Robles which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this ordinance and shall issue no such permit or license for uses, buildings, or purposes where the same would be in conflict with the provisions of this ordinance, and any such permit or license, if issued in conflict with the provisions of this ordinance, shall be null and void.

It shall be the duty of the Building Inspector of the City of El Paso de Robles to enforce the provisions of this ordinance pertaining to the erection, construction, reconstruction, moving, conversion, alteration or addition to any building or structure.

It shall be the duty of the Chief of Police of the City of El Paso de Robles and of all officers of said City herein and/or otherwise charged by law with the enforcement of this ordinance to enforce

this ordinance and all the provisions of the same.

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing or permitting the violation of any of the provisions of this or any other zoning ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than three hundred (\$300.00) Dollars or by imprisonment in the County Jail of San Luis Obispo County, or the City Jail of the City of El Paso de Robles, for a period of not more than three months or by both such fine and <sup>such</sup> imprisonment. When a fine is imposed the judgement may direct that the defendant be imprisoned in said City Jail or said County Jail until such fine is satisfied at the rate of \$2.00 per day. Such person, firm or corporation shall be deemed <sup>to be</sup> guilty of a separate offense for each and every day during any portion of which any violation of this ordinance is committed, continued or permitted by such person, firm or corporation, and shall be punishable as herein provided.

Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this ordinance and/or any use of any land, building, or premises established, conducted, operated or maintained contrary to the provisions of this or any other zoning ordinance shall be and the same is hereby declared to be unlawful and a public nuisance.

The remedies provided for herein shall be cumulative and not exclusive.

SECTION 24. CONSTITUTIONALITY: If any section, sub-section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council of the City of El Paso de Robles hereby declares that it would have passed this ordinance, and each section, sub-section, sentence, clause and phrase thereof, irrespective of the fact that one or more other sections, sub-sections, sentences, clauses or phrases be declared

BOUNDARIES: Where uncertainty exists as to the boundaries of any of the aforesaid districts as described as aforesaid, the following rules shall apply:

(a) Where such boundaries are indicated as approximately following street and alley lines, such street and alley lines shall be construed to be such boundaries.

(b) Where such boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be such boundaries.

(c) In unsubdivided property and where a district boundary divides a lot, the location of any such boundary, unless the same is indicated by dimensions shown upon any sectional district map, shall be determined by the use of the scale appearing on such sectional district map.

(d) In case further uncertainty exists, the Planning Commission upon written application or upon its own motion, shall determine the location of such boundaries.

SECTION 7. DEFINITIONS: For the purpose of this ordinance the following definitions shall apply:

All words used in the present tense shall include the future; all words in the plural number shall include the singular number, and all words in the singular number shall include the plural number, unless the natural construction of the wording indicates otherwise. The word "lot" includes the word "plot"; the word "building" includes the word "structure" and the word "shall" is mandatory and not directory. The words "City Council" so used herein shall mean the City Council of the City of El Paso de Robles, State of California; the words "Planning Commission" shall mean the City Planning Commission of the City of El Paso de Robles; the word "City" shall mean the City of El Paso de Robles, State of California; and the words "City boundary" shall mean the boundary of the City of El Paso de Robles, State of California.

AGRICULTURE: The tilling of the soil, the raising of crops,

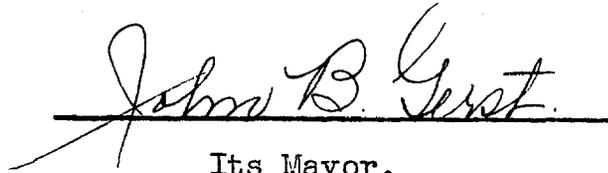
invalid or unconstitutional.

SECTION 25. REPEAL: All ordinances and parts of ordinances in conflict herewith are hereby repealed; providing, however, that such repeal shall not in any way affect any prosecution or action which may be pending in any Court for the violation of the provisions of any of the ordinances repealed hereby.

SECTION 26. EXECUTION AND PUBLICATION: This ordinance shall take effect thirty days after the date of its adoption and prior to expiration of fifteen days from the passage thereof shall be published at least once in the Paso Robles Press, a weekly newspaper of general circulation, published and circulated in the City of El Paso de Robles, and thenceforth and thereafter the same shall be in full force and effect.

PASSED AND ADOPTED this 20th day of September, 1943.

CITY OF EL PASO DE ROBLES

  
 Its Mayor.

ATTEST:



City Clerk.

STATE OF CALIFORNIA  
COUNTY OF SAN LUIS OBISPO  
CITY OF EL PASO DE ROBLES

} SS.

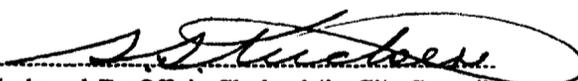
I, S. S. Tucker, City Clerk of the City of El Paso de Robles, California, do hereby certify that the foregoing Ordinance No. 105 N.S. was duly and regularly adopted, passed, and approved by the City Council of the City of El Paso de Robles, California, at a regular meeting of said City Council held at the regular meeting place thereof, on the 20th day, of September 19 43, by the following vote:

AYES: Councilmen Bailey, Dougherty, Gerst and Wilmar.

NOES: Councilmen None

ABSENT: Councilmen Brooks.

Dated this 20th day of September, 19 43

  
City Clerk and Ex-Officio Clerk of the City Council,  
City of El Paso de Robles, State of California.

RESOLUTION NO. 7

PASO ROBLES CITY PLANNING COMMISSION

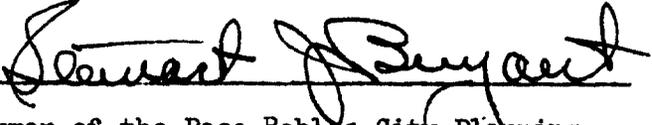
WHEREAS: The Paso Robles City Planning Commission of the City of El Paso De Robles, State of California, did, on September 18th, 1942, adopt Resolution No. 6, approving and adopting a Zoning Plan for the City of El Paso De Robles; and

WHEREAS: The said Commission did, on September 7, 1943, meet in joint session with the City Council of the City of El Paso de Robles; and

WHEREAS: The said Commission did present to Council at the meeting a Zoning Plan, now therefore be it

RESOLVED: That said Commission in special meeting assembled on the seventh day of September, 1943, does hereby approve and adopt said Zoning Plan and does recommend that the said City Council of said City approve and adopt said Zoning Plan; be it further

RESOLVED: That the Secretary of this Commission transmit to the City Council a certified copy of this Resolution attached to a certified copy of Resolution No. 6 and a certified copy of the Zoning Plan.

  
Chairman of the Paso Robles City Planning  
Commission

ATTEST:

  
Secretary of the Paso Robles Planning  
Commission

I hereby certify that the foregoing is a full, true and correct copy of a resolution adopted by the City Planning Commission of the City of El Paso de Robles, State of California, at a special meeting thereof held on the 7th day of September, 1943.

I do further certify that the foregoing resolution was passed unanimously and that there were six members of said Planning Commission present at the passage of said resolution.

  
Secretary of the Paso Robles City Planning  
Commission

horticulture, small livestock farming, dairying and/or animal husbandry.

**APARTMENT:** A room or suite of two or more rooms which is designed for, intended for and/or occupied by one family doing its cooking therein.

**APARTMENT COURT:** See Dwelling Multiple.

**APARTMENT HOUSE:** See Dwelling Multiple.

**AUTOMOBILE COURT:** A building or buildings containing guest rooms and/or apartments with automobile storage space serving such rooms and/or apartments provided in connection therewith, which group is designed, intended and/or used primarily for the accomodation of automobile travelers; including groups designated as auto cabins, motor lodges, and by similar designations.

**AUTOMOBILE WRECKING:** See Junk Yard.

**BASEMENT:** A story partly underground and having at least one-half ( $\frac{1}{2}$ ) of its height above grade. A basement shall be counted as a story if the vertical distance from grade to the ceiling is over five feet or if used for business purposes or if used for dwelling purposes by other than a janitor or domestic servants employed in the same building, including the family of the same.

**BLOCK:** That property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets or nearest intersecting or intercepting streets and railroad right of way or unsubdivided adreage.

**BUILDING:** Any structure having a roof supported by columns and/or by walls and intended for the shelter, housing and/or enclosure of any person, animal or chattel. When any portion thereof is completely separated from every other portion thereof by a masonry division or fire wall without a window, door or other opening therein, which wall extends from the ground to the upper surface of the roof at every point, then each such pobtion shall be deemed to be a separate building.

**BUILDING, ACCESSORY:** A subordinate building, the use of which is incidental to that of a main building on the same lot. On any lot upon

which is located a dwelling any building which is incidental to the conducting of any agricultural use shall be deemed to be an accessory building.

**BUILDING MAIN:** A building in which is conducted the principal use of the lot upon which it is situated. In any "R" District, any dwelling shall be deemed to be a main building upon the lot upon which the same is situated.

**BUNGALOW COURT:** See House Court; also Dwelling Group.

**BUSINESS OR COMMERCE:** The purchase, sale or other transaction involving the handling or disposition (other than manufacture, reduction or destruction) of any article, substance or commodity for profit or livelihood, or the rendering of any personal or professional service, including, in addition, office buildings, offices, garages, laundries, lumber yards, outdoor advertising signs and outdoor advertising structures, recreational and amusement enterprises conducted for profit, but not including junk yards as defined in this ordinance.

**COURT:** An open, unoccupied space, other than a yard, on the same lot with a building or buildings and which is bounded on two (2) or more sides by such building or buildings, including the open space in a house court or court apartment providing access to the units thereof.

**DWELLING, ONE-FAMILY:** A detached building designed for and/or occupied exclusively by one family.

**DWELLING, TWO-FAMILY:** A detached building designed for and/or occupied exclusively by two families living independently of each other.

**DWELLING, MULTIPLE:** A building or portion thereof used and/or designed as a residence for three or more families living independently of each other, and doing their own cooking in said building, including apartment houses, apartment hotels and flats, but not including automobile courts.

**DWELLING GROUP:** A group of two or more detached or semi-detached one-family, two-family or multiple dwellings occupying a parcel of land in one ownership and having <sup>an</sup> yard or court in common, including

house courts and apartment courts, but not including automobile courts.

**FAMILY:** One or more persons occupying a premises and living as a single houskeeping unit, as distinguished from a group occupying a hotel, club, fraternity or sorority house. A family shall be deemed to include necessary servants.

**GARAGE, PRIVATE:** An accessory building for only the storage of self-propelled private passenger vehicles.

**GARAGE, PUBLIC:** Any premises, except those herein defined as a private garage, used for the storage and/or care of self-propelled vehicles or where any such vehicles are equipped for operation or repair, or kept for remuneration, hire or sale.

**HOME OCCUPATION:** Any use customarily, in the opinion of the Planning Commission, conducted entirely within residential premises and carried on by the inhabitants thereof for profit.

**HOUSE COURT:** A group of two (2) or more dwelling on the same lot; whether detached or in connected rows, having a separate outside entrance on the ground floor level for each family unit of such group.

**HOTEL:** Any building or portion thereof containing six (6) or more guest rooms used, designed, or intended to be used, let or hired out to be occupied, or which are occupied, by six (6) or more guests, whether the compensation for hire be paid directly or indirectly in money, goods, wares, merchandise, labor or otherwise; including lodging and rooming houses, dormitories, bachelor hotels, studio hotels, public and private clubs, and any such building of any nature whatsoever so occupied, designed or intended to be occupied, except jails, hospitals, asylums, sanitariums, orphanages, prisons, detention homes, and other similar buildings.

**JUNK YARD:** The use of more than two hundred (200) square feet of the area of any lot or of any portion of that half of any lot, but not exceeding a depth or width, as the case may be, of one hundred (100) feet, which half adjoins any street, for the storage of junk, including scrap metals or <sup>other</sup> scrap material and/or for the dismantling or "wrecking"

of automobiles or other vehicles or machinery.

LOT: Land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this ordinance, and having its principal frontage upon a street.

LOT, CORNER: A lot situated at the intersection of two or more streets, or bounded on two or more adjacent sides by street lines, provided that the angle of intersection does not exceed one hundred thirty-five (135) degrees, and having a width not greater than fifty (50) feet.

LOT, INSIDE: A lot other than a corner lot.

LOT, KEY: The first lot to the rear of a corner lot, the front line of which is a continuation of the side line of the corner lot, exclusive of the width of any alley and fronting on the street which intersects or intercepts the street upon which the corner lot fronts.

LOT, AREA: The total horizontal area included within lot lines, including one-half ( $\frac{1}{2}$ ) the width, but not to exceed ten (10) feet, of any alley or portion thereof abutting any such lot line.

LOT DEPTH: The average distance from the street line of the lot to its rear line measured in the general direction of the side lines of the lot.

LOT FRONTAGE: That dimension of a lot or a portion of a lot abutting on a street, except the side of a corner lot.

LOT LINES: The lines bounding a lot as defined herein.

LOT LINE, REAR: Ordinarily, that line of a lot which is generally opposite the lot line along the frontage of said lot. In cases in which this definition is not applicable, the Planning Commission shall designate the rear lot line.

NON-CONFORMING USE: A building or land occupied by a use that does not conform to the regulations as to use for the district in which it is situated.

ONE OWNERSHIP: Ownership of property (or possession thereof

under a contract to purchase or under a lease, the term of which is not less than ten years) by a person or persons, firm, corporation or partnership, individually, jointly, in common or in any other manner whereby such property is under single or unified control. The term "Owner" shall be deemed to mean the person, firm, corporation or partnership exercising one ownership as herein defined.

STORY: That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

STORY, HALF: A story with at least two (2) opposite exterior sides meeting a sloping roof not more than two (2) feet above the floor of such story.

STRUCTURAL ALTERATIONS: Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

USE: The purpose for which land or premises or a building thereon is designed, arranged or intended, or for which it is or may be occupied or maintained.

USE, ACCESSORY: A use incidental and accessory to the principal use of a lot or building located upon the same lot as the accessory use.

YARD: An open space other than a court on the same lot with a building, which open space is unoccupied and unobstructed from the ground upward, except as other wise provided by City ordinance. In measuring a yard, as hereinafter provided, the line of a building shall be deemed to mean a line parallel to the nearest lot line drawn through the point of a building or the point of a dwelling group nearest to such lot line, exclusive of the respective architectural features enumerated in this or any City ordinance, as not to be considered in measuring yard dimensions or as being permitted to extend into any front or rear yard.

YARD, FRONT: A yard extending across the front of the lot between the inner side yard lines and measured from the front line of the

lot to the nearest line of the building; provided, however, that if any Official Plan Line has been established for the street upon which the lot faces or if any future width line is specified therefor by City ordinance, then such measurement shall be taken from such Official Plan Line or such future width line to the nearest line of the building.

YARD, REAR: A yard extending across the full width of the lot and measured between the rear line of the lot and the nearest line of the building.

YARD, SIDE: A yard between the side line of the lot and the nearest line of the building and extending from the front line of the lot to the rear yard.

SECTION 8. In all districts and zones hereby established or hereafter to be created by city ordinance for the purpose of limiting and regulating the use of lands therein and location of buildings and improvements, the following regulations shall apply. Said regulations shall be subject to such general provisions and exceptions as may otherwise be established by any planning and zoning ordinance of this city.

SECTION 9. REGULATIONS FOR R-1 DISTRICTS: The following regulations shall apply in all R-1 districts:

(a) USES PERMITTED:

1. One-family dwellings.
2. Golf Courses and country clubs.
3. Public Parks and public playgrounds.
4. Home occupations, provided that no name plate or sign exceeding two (2) square feet in area shall be displayed in connection therewith, and provided further that no illuminated name plate or sign shall be displayed.
5. Accessory buildings and accessory uses.
6. Schools, libraries and churches, crop and tree farming and truck gardening and nurseries and greenhouses used only for the propagating and cultivating of plants, subject to the securing of a use permit in each case, as specified by ordinance.