

ORDINANCE NO. 650 N.S.
AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES AMENDING THE ZONING
CODE TO REVISE THE DEFINITIONS FOR NONCONFORMING USES AND THE
REGULATIONS FOR NONCONFORMING USES AND BUILDINGS
(CODE AMENDMENT 92009)

WHEREAS, The City of El Paso de Robles has initiated amendments to the nonconforming use and building regulations to achieve the following objectives:

1. To allow for reconstruction of:
 - a. Residential units (nonconforming land uses) in commercial and industrial zones;
 - b. Nonconforming buildings (i.e., those with substandard setbacks or off-street parking);
2. To allow alterations and additions to non-conforming residential units in any zone.
3. To avoid creating non-conformity as a result of City property acquisition.

WHEREAS, Public hearings were conducted by the Planning Commission on January 11, 1993 and by the City Council on February 2, 1993, to consider facts as presented in the staff report and to accept public testimony regarding this proposed code amendment;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of El Paso de Robles, California, that the Municipal Code be amended as follows:

SECTION I: Section 21.08.300 (Definition of Nonconforming buildings and Structures) is hereby amended to read as follows:

"(a) A building or structure which was lawfully established prior to the adoption, amendment or the ordinance codified in this title, but which now fails to conform to either the present general requirements of this title or the district requirements for such items which include, but are not limited to: setbacks and building separations; lot coverage; number of stalls and/or dimensions of off-street parking facilities; and height limits.

(b) If a building or structure is rendered nonconforming by reason of reduction in a required yard area (setback), lot coverage, or reduction in off-street parking facilities occurring by reason of dedication of land to, or purchase of land by, the City for any public purpose, by eminent domain proceeding, or by restrictions on access to City streets for purposes of advancing traffic safety, said building or structure shall not be considered to be nonconforming. If a building or structure is already nonconforming and such an action by the City increases the deviation between the existing nonconforming situation and the current code requirement, the increased deviation shall not be considered to be an increase in nonconformity. However if said buildings or structures, to wit: both those that are nonconforming by City action and those that are made more-nonconforming by City action, are damaged by fire, earthquake, explosion, or other act to an extent of more than fifty percent of the fair market value, they shall only be rebuilt to conform to the present code requirements unless a conditional use permit is granted in the manner provided in Section 21.20.350(c)."

SECTION II: Section 21.20.340 (Nonconforming uses) is hereby amended to read as follows:

"Nonconforming land uses may continue to be operated and maintained subject to the following limitations:

(a) The site or building areas in which they are located shall not be enlarged or increased; Exception: Subject to approval of a conditional use permit, additions may be made to residential dwelling units in commercial and industrial districts, provided that said addition shall not increase the number of dwelling units on a property.

(b) The intensity or level of use or activity shall not be increased;

(c) If abandoned for a period of six months or more, they shall neither be re-established nor resume operation; subsequent land uses shall conform to the general and district regulations of this title;

(d) If the buildings or structures in which they are located are damaged by fire, earthquake, explosion, or other act to an extent of more than 50 percent of the fair market value, they shall neither be continued nor be re-established. Exception: If the nonconforming use consists of residential dwellings in a commercial or industrial district, subject to approval of a conditional use permit, said dwellings may be rebuilt if damaged to an extent of more than 50 percent.

(e) If they have not been abandoned for a period of six months or more, they may be replaced by another nonconforming use of the same or less-intensive nature, as determined by the Planning Commission, subject to approval of a conditional use permit."

SECTION III: Section 21.20.350 (Nonconforming buildings and structures) is hereby amended to read as follows:

"Nonconforming buildings and structures may continue to be used and maintained subject to the following limitations:

(a) Additions or alterations may be made unless such additions or alterations would increase the deviation between the existing nonconforming situation and the code requirement or create a new nonconforming situation;

(b) Additions or alterations may be made to extend a nonconforming setback or building/structure height only upon approval of a site plan application by the Development Review Committee and provided that such extension does not have a significant adverse effect on public safety or the existing or planned visual character of the neighborhood.

(c) If the buildings or structures are damaged by fire, earthquake, explosion, or other act to an extent of more than fifty percent of the fair market value, they shall only be rebuilt to conform to the present code requirements. Exception: Subject to approval of a conditional use permit, full restoration may be made to the previous state of nonconformity if doing so would not have a significant adverse effect on public safety or the existing or planned visual character of the neighborhood, and/or if other factors indicate that the goals and policies of the General Plan would be advanced by such restoration.

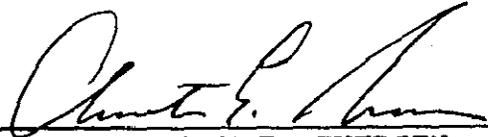
(d) If the nonconforming buildings or structures do not meet the district requirements for setbacks, including situations in which buildings or structures are located across property lines, and the owner of the nonconforming buildings or structures and the owner of the adjacent property seek to reduce the nonconforming situation via the filing of a lot line adjustment application, and if it can be demonstrated that there is no possible means to adjust the property lines to meet the district requirements for setbacks without having to remove all or part the existing buildings or structures, then, subject to approval of a conditional use permit, including any conditions deemed necessary to protect the public health, safety, and welfare, the Planning Commission may approve such a lot line adjustment."

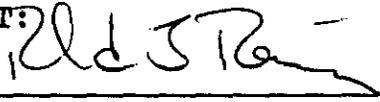
PASSED AND ADOPTED, This 16th day of February, 1993, by the following roll call vote:

AYES: Heggarty, Macklin, Martin, and Iversen

NOES: None

ABSENT: Picanco


MAYOR CHRISTIAN E. IVERSEN

ATTEST: 
RICHARD J. RAMIREZ, CITY CLERK

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