ORDINANCE NO. 690 N.S.
AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING THE ZONING CODE TO REVISE REGULATIONS
FOR THE R-2, R-3 AND R-4 MULTIPLE FAMILY
RESIDENTIAL ZONING DISTRICTS
(CODE AMENDMENT 94006)

WHEREAS, the Land Use and Housing Elements of the General Plan establish policies for residential development and contain programs that call for amendment of the Zoning Code to update multiple family development regulations; and

WHEREAS, public hearings were conducted by the Planning Commission on November 21, 1994 and by the City Council on December 6, 1994, January 17, 1995, February 21, 1995 and May 2, 1995 to consider facts as presented in the staff report and to accept public testimony regarding such a code amendment; and

WHEREAS, a Negative Declaration has been adopted for this code amendment in accordance with the California Environmental Quality Act; and

WHEREAS, at its meeting of May 2, 1995, the City Council gave first reading to this ordinance;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of El Paso de Robles, California, that Title 21 (Zoning) of the Municipal Code be amended as follows;

ABJ544

SECTION I: Section 21.16.030, of the Municipal Code is hereby amended to read as follows:

> **21.16.030 R-2 district.** Subject to the provisions of Chapter 21.20, the uses set out in Chapter 21.16I will be allowed and the regulations set out therein shall apply in the R-2 district.

Table 21.16.030, R-2 District, is hereby deleted.

SECTION II: Section 21.16.050, of the Municipal Code is hereby amended to read as follows:

> **21.16.050 R-3 district.** Subject to the provisions of Chapter 21.20, the uses set out in Chapter 21.16I will be allowed and the regulations set out therein shall apply in the R-3 district.

Table 21.16.050, R-3 District, is hereby deleted.

SECTION III: Section 21.16.070, of the Municipal Code is hereby amended to read as follows:

> **21.16.070 R-4 district.** Subject to the provisions of Chapter 21.20, the uses set out in Chapter 21.16I will be allowed and the regulations set out therein shall apply in the R-4

b. Determine Maximum Density For Average Slope: The maximum density of a property proposed for development shall be determined by dividing the property's net developable acreage by the minimum site area per unit listed in the table below for the average slope of the net developable area.

| Average Slope of Net Developable Area (%) | Minimum site area per unit (sq ft) R-2 Zone * | R-3 Zone | R-4 Zone |
|---|---|---|---|
| 0 - 4 | 4,000 | 2,667 | 2,000 |
| 5 - 9 | 5,000 | 3,333 | 2,500 |
| 10 - 14 | 6,250 | 4,167 | 3,125 |
| 15 - 24 | 7,500 | 5,000 | 3,750 |
| 25 - 34 | 10,000 | 6,667 | 5,000 |

* Exception: Those R-2,B-3-zoned parcels located in the Orchard Bungalow Subdivision, north of Creston Road, between Walnut Drive and Orchard Drive which were created prior to the date of the ordinance adopting this Chapter, may have a maximum of 3 units for every 20,000 square feet of lot area, regardless of the underlying average slope category.

ABJ544

Existing R-3 zoned properties that are not categorized by the General Plan for Residential Multiple Family, Medium Land Use, shall be developed to densities commensurate with their land use category. (E.g, RMF-L categorized properties shall be developed as if zoned R-2.)

Existing R-4 zoned properties that are not categorized by the General Plan for Residential Multiple Family, High Land Use, shall be developed to densities commensurate with their land use category. (E.g., RMF-M categorized properties shall be developed as if zoned R-3 and RMF-L categorized properties shall be developed as if zoned R-2.)

c. Other Density Limits Imposed by Zoning Action: Certain properties in the City may have density limits that were imposed by zoning action such as a condition of Planned Development overlay zoning or by appending a density limit to the zoning district (e.g., R-3-10, which denotes a density limit of 10 units per acre). In such a case, the more restrictive density limit shall apply.

C. Density Calculations for Creation of New Multiple Family Lots:

1. Where an existing R-2, R-3 or R-4 zoned property is proposed to be subdivided via a parcel map or subdivision map: if the total number of dwelling units that could be created is four or less, a site plan application shall be required; and, if the total number of dwelling units that could be created is five or more, a development plan application shall be required.

2. Said site or development plan shall show how each lot to be created will be developed to conform with the density limits established in this section and the development standards established in Articles II and III of this chapter. The City may require that approval of a subdivision map or parcel map be conditioned upon recordation of constructive notice that development of each lot is subject to conformance with the approved development plan.

D. Convalescent Homes and Residential Care Facilities for the Elderly: Density limits for dwelling units shall not apply to the allowable intensity of land use for such facilities as convalescent homes, skilled nursing facilities, residential care facilities for the elderly, and similar facilities as defined by State Law. The number of rooms and/or occupants for such a facility shall be determined on a case by case basis in conjunction with an application for a conditional use permit.

## ARTICLE II. DEVELOPMENT STANDARDS FOR CREATION OF NEW LOTS

### 21.16I.070 Applicability.

The minimum standards established in this article shall apply to the creation of new lots via parcel maps or subdivision maps or the reconfiguration of existing lots via lot line adjustments.

### 21.16I.080 Maximum Developable Slope.

No new lots shall be created which would necessitate the placement of building foundations upon natural slopes of thirty-five (35) percent or greater.

ABJ544

### 21.16I.090 Lot Sizes, Dimensions and Configurations.

A. In order to facilitate a wide variety of development types including, but not limited to: duplexes, triplexes, apartment and condominium buildings with several units arranged in flats (all or a portion of one dwelling unit located above all or part of another dwelling unit) or in townhouses (two story dwelling units attached in groups with common walls), beyond the minimum site area per dwelling unit, no minimum standards for lot sizes, dimensions, and configuration are established for the R-2, R-3 and R-4 Districts.

B. The City may require that approval of a subdivision map or parcel map be conditioned upon recordation of constructive notice that development of each lot is subject to conformance with the approved development plan.

### 21.16I.100 Grading Limitations.

The grading standards established by Section 21.16E.140 for the R-1 District shall be followed for the creation of new lots in the R-2, R-3 and R-4 Districts. On a case by case basis, in the event that compliance with Section 21.16E.140 can be demonstrated to be physically infeasible for any reasonable type of development of an R-2, R-3 or R-4 zoned property, the Planning Commission may, subject to development plan review, approve modified grading standards upon a finding that the modified standards will not create a physical hazard or negative visual impact when a graded slope or retaining wall is viewed from a street or neighboring property. The Planning Commission may impose any conditions necessary to ensure that such a finding can be made.

### 21.16I.110 Oak Tree Preservation.

Creation of new lots and streets shall be designed and graded to protect oak trees in a manner consistent with the City's Oak Tree

**21.16I.130 Vistas.**

Subdivisions shall be designed to minimize landform alteration as viewed from outside the site. Landscaping shall be used to mitigate the visual effects of grading for streets.

## ARTICLE III. DEVELOPMENT STANDARDS FOR EXISTING LOTS

**21.16I.140 Applicability.**

The development standards established in this article shall apply to the development of all R-2, R-3 and R-4 zoned lots (once created). On a case by case basis, in the event that compliance with the provisions of this article can be demonstrated to be physically infeasible for any reasonable type of development of an R-2, R-3 or R-4 zoned property, the Planning Commission may, subject to development plan review, approve modified development standards upon a finding that the modified standards will not create a physical hazard or negative visual impact when is viewed from a street or neighboring property. The Planning Commission may impose any conditions necessary to ensure that such a finding can be made.

ABJ544

**21.16I.150 Height Limits.**

A. The maximum height for main buildings (single family dwellings, apartments, condominiums, churches, schools, quasi-public buildings) shall be as follows:

1. R-2 District: 35 feet and not to exceed two stories;

2. R-3 and R-4 Districts: 40 feet (provided that the height of window sills does not exceed 32 feet) and not to exceed three stories in the R-3 and R-4 Districts.

B. The maximum height for detached accessory buildings in the R-2, R-3 and R-4 Districts shall be 15 feet. Exceptions to height limits require approval of a conditional use permit.

**21.16I.160 Setbacks.**

The setbacks indicated within this section apply to the R-2, R-3 and R-4 Zones.

A. Front Yards: All buildings and fences higher than three feet shall be set back as indicated below. Setbacks from public streets shall be measured from the property side of a sidewalk unless the sidewalks have been waived in the manner prescribed by Section 12.23A.030, in which case this setback shall be reduced by five feet and measured from the front property line.

1. From Arterial Streets: 25 feet. Exception: 15 feet along Spring Street.

2. From Collector Streets: 20 feet. Exception: if the predominant existing or planned development pattern on the same block face, or across the street calls for a greater setback (e.g., 25 feet), the greater setback shall be provided.

5. Garage Doors:

a. Public Streets: 25 feet (where the garage door opens directly toward a street).

b. Private Streets: As part of a development plan application, the Planning Commission may approve setbacks of either 5 or 25 feet (where the garage door opens directly toward a street).

B. Street Side Yards: All buildings shall be set back as indicated below. Setbacks from public streets shall be measured from the property side of a sidewalk unless the sidewalks have been waived in the manner prescribed by Section 12.23A.030, in which case this setback shall be reduced by five feet and measured from the street side property line. Notwithstanding fence restrictions established in subsection B5, below, fences higher than 3 feet may be placed on the street side property line.

1. From Arterial Streets: 25 feet. Exception: 15 feet along Spring Street.

2. From Collector Streets: 15 feet. Exception: if the predominant existing or planned development pattern on the same block face, or across the street calls for a greater setback, the greater setback shall be provided.

3. From Local Streets: 10 feet from the right-of-way; exception: if the predominant existing or planned development pattern on the same block face, or across the street calls for a greater setback (e.g., 25 feet), the greater setback shall be provided.

4. From Private Streets: 10 feet from the edge-of-pavement.

5. Garage Doors:

a. Public Streets: 25 feet (where the garage door opens directly toward a street).

b. Private Streets: As part of a development plan application, the Planning Commission may approve setbacks of either 5 or 25 feet (where the garage door opens directly toward a street).

6. Fence Restrictions:

a. Where the street side yard of a reversed corner lot fronts onto a local street, no fence higher than three feet shall be placed in the street side yard except where the Development Review Committee may approve a height not to exceed 4 feet where it can be demonstrated by the applicant that such a height will not impair the sight distance of vehicles on the street or on the driveway of the lot to the rear of the reversed corner lot.

b. Those fences in the street side yards of reversed corner lots that exceed these height limits and that were constructed prior to the effective date of this ordinance shall be considered to be nonconforming structures.

ABJ544

ABU544

deep rear yards of single family zoned property: 20 feet.

2. **Detached Accessory Buildings**: Detached accessory buildings include, but are not limited to, the following buildings when detached from the main building: garages, carports, sheds, auxiliary buildings, swimming pools and spas, tennis courts.

a. One story: 5 feet;
b. 2 stories: 10 feet;
c. From alleys: 5 feet;
d. Where the side yard abuts existing or potential 20 foot deep rear yards of single family zoned property: 20 feet. Exception: buildings or enclosures which house only pool and spa filter and heating systems may be placed within 5 feet of the side property line.

D. **Rear Yards**: Buildings shall be set back from rear property lines as set forth below.

1. **Main Buildings**:
a. 1-2 stories: 10 feet;
b. 3 stories: 15 feet;
c. Where the rear yard abuts existing or potential 20 foot deep rear yards of single family zoned property: 20 feet.

2. **Detached Accessory Buildings**:
a. One story: 5 feet;
b. 2 stories: 10 feet;
c. From alleys: 5 feet;
d. Where the rear yard abuts existing or potential 20 foot deep rear yards of single family zoned property: 20 feet. Exception: buildings or enclosures which house only pool and spa filter and heating systems may be placed within 5 feet of the side property line.

E. **Townhouses**: For townhouse type condominium units with individual lots for each unit setbacks of dwelling units from the property lines defining each unit are not required. However, dwelling units and accessory buildings shall be set back from the exterior property lines of a condominium project, as indicated in the above subsections.

F. **Subdivision of Existing Lots in Blocks No. 1 Through 196 of the Original City Subdivision**: In order to increase the numbers of households, particularly those in lower income groups, that own their homes, further subdivision of existing residentially-zoned lots within Blocks No. 1 through 196 of the original City of El Paso de Robles, as shown in the City of El Paso de Robles, as shown in [illegible] encouraged.

Because resubdivi[illegible] foot deep [illegible]

1. Where there are windows (other than bathroom windows) or doors in the exterior wall facing another building:

   a. 20 feet where both buildings are one or two stories in height;

   b. 25 feet where one building is three stories in height and the other is one or two stories;

   c. 30 feet where both buildings are three stories in height.

2. Where there are blank walls or only bathroom windows in the exterior wall of both buildings:

   a. 10 feet where both buildings are one or two stories in height;

   b. 15 feet where one or both buildings are three stories in height.

ABJ544

B. Between a Main Building and a Detached Accessory Building or Between Two Detached Accessory Buildings: No less than 10 feet, as measured from the exterior walls or vertical posts to support roofs. To be considered attached, accessory buildings shall be made structurally a part of, and shall have a common roof with, the main building(s).

**21.16I.180 Open Space and Recreational Amenities.**

A. For each dwelling unit in a multiple family development, the equivalent of 300 square feet of usable shared open space shall be provided on-site. As long as the requirements for recreational amenities set forth in subsection B, below, have been met, such open space may be private (for the exclusive use of the residents of one dwelling unit), shared (accessible to all of the residents of a development) or a combination of private and shared. Private open space shall have one and one-half times the value of shared open space. That is, a 200 square foot private open space area will be the equivalent of 300 square feet of shared open space. To be eligible for meeting the open space requirement, the conditions listed in subsections 1 and 2, below, must be met.

1. Private Open Space:

   a. Ground floor units: a patio enclosed with a 3-6 foot high fence with a minimum area of 100 square feet with a minimum dimension of 8 feet. No private open space shall be located within the front or street side yard setback.

   b. Upper floor units: a private balcony with a minimum area of 50 square feet with a minimum dimension of 5 feet. This area shall not include walkways to adjacent units.

2. Shared Open Space: Usable open space is that which meets the following criteria:

   a. Has a slope of 10 percent or less;

spas, pools, clubhouses or recreation rooms, basketball courts or half-courts, tennis courts shall be provided for multiple family residential development in accordance with the following schedule.

| # of units | # of tot lots | # of other amenities |
|---|---|---|
| 0 - 10 | 0 | 0 |
| 11 - 25 | 1 | 0 |
| 26 - 50 | 1 | 1 |
| 51 - 75 | 2 | 1 |
| 76 - 100 | 2 | 2 |
| 101 - 150 | 3 | 2 |
| 151 - 200 | 3 | 3 |

Multiple family residential projects consisting of more than 200 units shall provide tot lots and other amenities in the same ratios as indicated in the above table. The nature, design and adequacy of all recreation amenities shall be subject to Planning Commission Approval as part of a development plan. Tot lots shall be located in areas that are safely-accessible and easily-supervised.

C. Multiple family housing developments whose occupancy is restricted to the elderly shall be exempt from the numerical standards for open space and recreational set forth in subsections A and B. However, as part of approval of a site plan or development plan application, the Development Review Committee or Planning Commission may require lesser amounts of open space and recreational amenities as appropriate to the scale of a development.

ABJ544

**21.16I.190 Grading Limitations.**

The grading standards contained within Section 21.16I.100, shall apply to all development within the R-2, R-3 and R-4 Districts.

**21.16I.200 Oak Tree Preservation.**

Development of lots shall be designed and graded to protect oak trees in a manner consistent with the City's Oak Tree Preservation Ordinance (Chapter 10.01).

**21.16I.210 General Architectural Requirements.**

A. The City may adopt design guidelines for multiple family residential development and, as a condition of approval of a site plan or development plan, require that new construction adhere to such guidelines.

B. All residential buildings shall adhere to the following architectural standards:

1. Roofs shall be constructed with concrete or clay tile, fire-retardant wood shake, asphalt composition, crushed rock, or other similar roofing material. Metal roofing materials may be used provided that their surface is not reflective, glossy, polished.

2. Siding shall consist of stucco, wood, masonite, brick, or other similar materials; reflective, glossy, polished, and/or corrugated/roll-formed type metal siding is prohibited. Plywood siding, including T-111

C. Detached accessory buildings shall conform to the following requirements:

1. Except for clubhouses or common recreation rooms, the gross floor area shall not exceed fifty (50) percent of the gross floor area, including any attached garage, of the main building, except by approval of a conditional use permit.

2. They shall be constructed to be architecturally compatible with the main building(s) in terms of materials, colors, and relief treatment for elevations and roofing materials. The Community Development Director or his/her designee shall make determinations of compatibility. Applicants may appeal a decision of the Community Development Director or his/her designee to the Development Review Committee.

**21.16I.220 Patio Covers.**

A. Patio covers that are attached to the main building shall comply with the following requirements:

1. If open on two or more sides, they may project into yards as specified in Section 21.16I.260.A.

2. If open on only one side or enclosed, they shall not project into any required yard;

B. Patio covers that are detached from the main building shall be considered to be detached accessory buildings and shall comply with the minimum requirements for setbacks and building separations.

C. Patio covers shall not use corrugated metal or fiberglass roofing materials.

**21.16I.230 Projections into Yards (Setbacks).**

A. Architectural features such as eaves, awnings and cantilevered balconies (open on three sides) may not project into any minimum required yard more than:

1. 3 feet into a 5 foot wide interior side yard or into a 10 foot wide street side yard;

2. 5 feet into a front yard, into a 10 or 15 foot deep rear yard, into a 10 foot wide interior side yard or into a 15 foot wide street side yard;

3. 10 feet into a 20 foot deep rear yard.

B. Uncovered porches, decks, stoops, and outside stairs, higher than 30 inches, may not project more than two (2) feet into any minimum required side yard (setback) and not more than six (6) feet into any minimum required front yard.

**21.16I.240 Swimming Pools and Spas.**

A. Swimming pools and spas and their filter and heating systems are considered to be accessory buildings and as such must comply

ABJ544

diameters greater than 24 inches shall comply with the following regulations:

A. They may only be mounted on the ground and shall not be mounted on the roof of any building or structure;

B. They shall not be located in any required front yard or within 5 feet of a side or rear property line;

C. They shall not exceed fifteen (15) feet in height, including any platform or structure upon which they are mounted;

D. They shall not extend beyond the property lines of the lot on which they are placed;

E. They shall not be unnecessarily bright, shiny, or reflective;

F. The visual impact from adjacent properties and streets shall be minimized via screening via fences, landscaping, buildings, or topography.

ABJ544

**21.16I.260 Enclosures for Trash Bins and Recycling Containers.**

Enclosures for trash bins and recycling containers shall be provided for all multiple family residential developments. The Planning Commission and Development Review Committee may specify the design, materials, number and placement of such enclosures to be provided for a development.

**21.16I.270 Off-street Parking, Driveways and Vehicle Storage**

A. All uses shall provide off-street parking spaces, drives and facilities as required by Chapter 21.22.

B. Driveways parallel to a street (such as circular driveways and hammerhead turnarounds) shall be designed to provide a minimum 10 foot wide landscaped setback between the street right-of-way and the parallel edge of the driveway closest to said street right-of-way.

C. No automobile, truck, motorcycle, recreational vehicle, boat, camper, trailer, farm equipment or similar vehicle or equipment shall be parked or stored between a dwelling and the street except on paved driveways.

**21.16I.280 Residential Fire Sprinkler Systems.**

Installation of residential fire sprinkler systems may be required as a condition of approval of a development plan where a site or portion of a site proposed for multiple family residential development has less than two points of access by emergency vehicles and where gross floor areas of buildings exceed thresholds established in Chapter 17.04.

**21.16I.290 Hillside Development Standards.**

Development on lots located within the Hillside Development District, including those hillside lots with developable areas on slopes of 10 percent or greater but located outside of the Hillside

B. Building Design:

1. Color and Materials: Color and Materials used for buildings shall be subject to the approval of the Development Review Committee. Roofing shall be fire-retardant and shall be neither white nor reflective.

2. Architectural Treatment: Elevations and roof lines shall provide visual relief features which are compatible with, and do not detract from, the dominant natural topography.

3. Foundations: Where padding is restricted because of grading limitations, residential buildings to be located on hillside lots shall utilize special foundation design prepared by a registered engineer or architect. Split levels, benching, cantilever foundations, poles, piers, step and stem wall foundations will be encouraged where the method would minimize soil disruption and where such measures can be implemented in an aesthetically acceptable manner. Site Plan or Development Plan Review shall include a review of the visual impact of all foundations. No building foundations shall be placed upon natural slopes which are thirty-five (35) per cent or greater.

C. Landscaping: Landscaping plans shall be approved by the Development Review Committee to meet the standards listed below.

1. Protection and Use of Existing Vegetation: Development on hillside lots shall, to the maximum extent possible, protect and use existing vegetation. Existing groundcover and shrubs should not be removed from lands with steep slopes (30 per cent or greater) unless necessary for weed abatement to remove fire hazards. Existing groundcover should not be removed from lesser slopes unless replaced with other vegetation. Existing groundcover shall be protected from damage during construction.

2. New Landscaping: All development on hillside lots shall provide new landscaping as follows:

a. Erosion Control: All graded or cleared slopes shall be landscaped with groundcover designed to hold the slope and to mitigate the visual impacts associated with the bare ground. Groundcover on slopes with vertical heights greater than 8 feet shall be irrigated.

b. Architectural Enhancement: Trees and shrubs shall be planted to provide screening under decks, along walls, and where required as a condition of site plan or development plan review to assist in providing visual relief.

c. Street Trees: Street trees shall be planted as required by Title 10 of this code.

d. Irrigation: All landscaping required for erosion control, street trees and architectural enhancement shall be irrigated except where the Development Review Committee explicitly approves otherwise.

e. Plant Species: New landscaping shall incorporate plant species which meets the following criteria:

ABJ544

SECTION VI: Section 21.20.230, is hereby amended to read as follows:

**21.20.230 Limitations on use of travel trailers, recreational vehicles and campers as residences.**

Travel Trailers, recreational vehicles, campers and similar vehicles shall not be used for residences in any residential district for any amount of time. Subject to approval of a conditional use permit, they may be used as caretaker residences in commercial and industrial districts for temporary events such as Christmas tree sales or construction activities.

SECTION VII: Section 21.20.240, Access to Single-Row Dwelling Group, is hereby repealed.

SECTION VIII: Section 21.20.250, Access to Double-Row Dwelling Group-Inner Court, is hereby repealed.

ABJ544

SECTION IX: Section 21.22.040, Parking space requirements, is hereby amended to read as follows:

**"21.22.040 Parking space requirements.**

Except as provided for in Section 21.22.035, the minimum number of required spaces shall be determined by the following criteria:

A. Residential Land Uses.

1. Single-family dwellings, including condominiums: a two car garage or carport, per dwelling unit;

2. Two-family dwellings: two parking spaces per dwelling unit;

3. Multi-family dwellings:

a. One and one-half spaces for each one-bedroom unit,

b. Two spaces for each unit with two or more bedrooms,

c. Visitor Parking Spaces: For all multi-family developments with more than five dwelling units per lot and condominium developments consisting of 5 or more dwelling units, one visitor parking space shall be provided for each five dwelling units; provided that no more than fifty percent of the required resident parking spaces are in garages. If greater than fifty percent of the required resident parking spaces are in garages, the Planning Commission may require additional visitor parking spaces;

4. Mobile Home Parks:

a. Two spaces on each mobile home site shall be provided. Such spaces may be in tandem with a dimension of ten feet by forty feet,

b. Guest parking shall be on the basis of one parking space for each five mobile home pads. Such spaces shall be distributed throughout the park in a reasonable manner,

c. One parking space is required for each two hundred fifty square feet of gross floor space in the recreational, laundry, or community building;

5. Elderly Housing: In elderly housing (either federally assisted or private market housing subject to enforceable deed restrictions as to occupancy): One parking space per each dwelling unit, with fifty percent of the required parking to be improved in

f. Completion of Landscaping: All landscaping and irrigation required for erosion control, street trees and architectural enhancement shall either be completed prior to issuance of a Certificate of Occupancy or security such as a performance bond be posted.

**21.16I.300 Conflicts with Other Sections**

In the event of any conflicts between the provisions of this section and of any other section in this Code, particularly Sections 21.16.130 (B District Regulations), 21.20.190 (Accessory Buildings), 21.20.195 (Patio Covers), 21.20.140 (Fences and hedges), 21.20.160 (Canopy or cornice near side lot line), and 21.20.170 (Porches or stairways near front yard), the provisions of this chapter shall prevail. The provisions of Section 21.21.020 (Condominium, cooperative, cluster, townhouses and similar developments) shall not be applied to construction of new condominium, cooperative, cluster, townhouses and similar developments but only to the conversion of apartments to condominiums.

**21.16I.310 Effective Date of This Section**

All applications for site plans, development plans, tentative subdivision maps, tentative parcel maps, lot line adjustments, conditional use permits, variances, and building permits, that have been filed with the Community Development Department and have been determined to be complete after May 2, 1995, shall be required to meet the standards established by this ordinance.

ABJ544

ORDINANCE NO. 690 N.S.
AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING THE ZONING CODE TO REVISE REGULATIONS
FOR THE R-2, R-3 AND R-4 MULTIPLE FAMILY
RESIDENTIAL ZONING DISTRICTS
(CODE AMENDMENT 94006)

WHEREAS, the Land Use and Housing Elements of the General Plan establish policies for residential development and contain programs that call for amendment of the Zoning Code to update multiple family development regulations; and

WHEREAS, public hearings were conducted by the Planning Commission on November 21, 1994 and by the City Council on December 6, 1994, January 17, 1995, February 21, 1995 and May 2, 1995 to consider facts as presented in the staff report and to accept public testimony regarding such a code amendment; and

WHEREAS, a Negative Declaration has been adopted for this code amendment in accordance with the California Environmental Quality Act; and

WHEREAS, at its meeting of May 2, 1995, the City Council gave first reading to this ordinance;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of El Paso de Robles, California, that Title 21 (Zoning) of the Municipal Code be amended as follows;

ABJ544

SECTION I: Section 21.16.030, of the Municipal Code is hereby amended to read as follows:

> **21.16.030 R-2 district.** Subject to the provisions of Chapter 21.20, the uses set out in Chapter 21.16I will be allowed and the regulations set out therein shall apply in the R-2 district.

Table 21.16.030, R-2 District, is hereby deleted.

SECTION II: Section 21.16.050, of the Municipal Code is hereby amended to read as follows:

> **21.16.050 R-3 district.** Subject to the provisions of Chapter 21.20, the uses set out in Chapter 21.16I will be allowed and the regulations set out therein shall apply in the R-3 district.

Table 21.16.050, R-3 District, is hereby deleted.

SECTION III: Section 21.16.070, of the Municipal Code is hereby amended to read as follows:

> **21.16.070 R-4 district.** Subject to the provisions of Chapter 21.20, the uses set out in Chapter 21.16I will be allowed and the regulations set out therein shall apply in the R-4 district.

Table 21.16.070, R-4 District, is hereby deleted.

SECTION IV: Chapter 21.16I, Multiple Family Residential Districts, attached as Exhibit A, is hereby established.

SECTION V: Section 21.20.204, Minimum Setback for Apartments in the R-3 District, is hereby repealed.

SECTION VI: Section 21.20.230, is hereby amended to read as follows:

**21.20.230 Limitations on use of travel trailers, recreational vehicles and campers as residences.**

Travel Trailers, recreational vehicles, campers and similar vehicles shall not be used for residences in any residential district for any amount of time. Subject to approval of a conditional use permit, they may be used as caretaker residences in commercial and industrial districts for temporary events such as Christmas tree sales or construction activities.

SECTION VII: Section 21.20.240, Access to Single-Row Dwelling Group, is hereby repealed.

SECTION VIII: Section 21.20.250, Access to Double-Row Dwelling Group-Inner Court, is hereby repealed.

ABJ544

SECTION IX: Section 21.22.040, Parking space requirements, is hereby amended to read as follows:

**"21.22.040 Parking space requirements.**

Except as provided for in Section 21.22.035, the minimum number of required spaces shall be determined by the following criteria:

A. Residential Land Uses.

1. Single-family dwellings, including condominiums: a two car garage or carport, per dwelling unit;

2. Two-family dwellings: two parking spaces per dwelling unit;

3. Multi-family dwellings:

a. One and one-half spaces for each one-bedroom unit,

b. Two spaces for each unit with two or more bedrooms,

c. Visitor Parking Spaces: For all multi-family developments with more than five dwelling units per lot and condominium developments consisting of 5 or more dwelling units, one visitor parking space shall be provided for each five dwelling units; provided that no more than fifty percent of the required resident parking spaces are in garages. If greater than fifty percent of the required resident parking spaces are in garages, the Planning Commission may require additional visitor parking spaces;

4. Mobile Home Parks:

a. Two spaces on each mobile home site shall be provided. Such spaces may be in tandem with a dimension of ten feet by forty feet,

b. Guest parking shall be on the basis of one parking space for each five mobile home pads. Such spaces shall be distributed throughout the park in a reasonable manner,

c. One parking space is required for each two hundred fifty square feet of gross floor space in the recreational, laundry, or community building;

5. Elderly Housing: In elderly housing (either federally assisted or private market housing subject to enforceable deed restrictions as to occupancy): One parking space per each dwelling unit, with fifty percent of the required parking to be improved in accordance with the standards set forth under this code and the remaining area to be landscaped or used for recreational purposes. Upon finding that the improved off-street parking area is insufficient, the Planning Commission may require that part or all of the unimproved off-street parking improved to provide additional off-street parking to City standards;

6. Caretaker's quarters: Two spaces per dwelling.

B. Motels and Hotels.

1. Motels and hotels without kitchen facilities: one space for each rental unit and one space for each employee;

2. Motels and hotels with kitchen facilities: one and one-half spaces for each rental unit and one space for each employee;

3. Motels and hotels within the Downtown Parking Assessment District: one space for each employee and one space for each rental unit.

C. Educational and Institutional.

1. Assembly areas, including conference rooms, without fixed seating: one space per one hundred square feet of net floor area;

2. Churches: one parking space for each four fixed seats in the principal place of assembly;

3. Hospitals: one parking space for each employee and one additional space for each four patient beds;

4. Schools: one space for each staff member and employee; in the case of secondary schools, one additional parking space for each eight students in grades nine through twelve shall be provided.

D. Commercial-Recreational.

1. Amusement parks, fairgrounds: One space per five hundred square feet outdoor use area;

2. Pool halls, bowling alleys, and similar recreational facilities: one parking space for each two hundred square feet of net floor space;

3. Stadiums: one parking space for each six spectator seats;

4. Theaters: one space for every five seats.

E. Commercial and Service Uses.

1. Ambulance services: Three spaces per emergency vehicle;

2. Animal Hospitals and Boarding: One space per three hundred square feet of gross floor area;

3. Auto Sales and Garages: four spaces for each maintenance stall;

4. Automobile service businesses: Three spaces per service bay;

5. Barber and Beauty Salons: one space per one hundred twenty-five square feet of gross floor area;

6. Bus stations: One space per three hundred square feet of office/waiting room plus one space per thousand square feet warehouse/garage area;

7. Carwash, mechanical: one space per each employee on the largest shift plus fifty square feet of parking space (need not be striped) for each auto the facility is capable of washing in one hour of constant operation;

8. Carwash, self service: Two spaces per washing area or unit;

9. Funeral homes and mortuaries: One parking space for each four fixed seats plus one space for every forty square feet of floor area for nonfixed seats in a chapel, assembly room or foyer;

10. Furniture and large appliance sales: one space per five hundred square feet of gross floor area;

11. Laundromats: one space per two hundred square feet of gross floor area;

12. Mini-marts and liquor stores: one space per two hundred twenty-five square feet of gross floor area

13. Multitenant commercial centers (including but not limited to sit-down restaurants, laundromats, medical/dental offices, banks, mini-marts, and liquor stores: one space per two hundred fifty square feet of gross floor area unless the Planning Commission finds that a proposed land use will create a disproportionate demand for off-street parking spaces; in such cases the Planning Commission may determine that the land use is of similar class and nature to land uses requiring additional spaces and require same to be provided;

14. Nurseries (plant): one space per five hundred square feet of gross floor area used for sales, office and small materials storage and one space per two thousand square feet of outdoor storage or indoor storage of large materials;

15. Restaurants (drive-through): one space per one hundred square feet of gross floor area;

16. Restaurants (sit-down), nightclubs and similar establishments: one space per 150 square feet of gross floor area; parking spaces for outdoor seating shall be provided as follows:

ABJ544

a. Where the outdoor seating area is twenty-five percent or less of the indoor serving area, no additional parking spaces are required.

b. Where the outdoor seating area is twenty-six to fifty percent of the indoor seating area, additional parking spaces shall be provided at one-half of the rate required for indoor serving area.

c. Where the outdoor seating area is greater than fifty percent of the indoor serving area, additional parking spaces shall be provided at the same rate required for indoor serving area;

17. Retail and service establishments: one space per two hundred fifty square feet of gross floor area;

18. Service Stations:

a. Self-service, with no accessory uses: two spaces,

b. Full-service: three spaces per service bay.

F. Administrative and Professional.

1. Clinics: one space for two hundred square feet of gross floor area;

2. Medical/dental offices, banks/savings and loans and similar institutions: One space per two hundred square feet of gross floor area. Where physical circumstances warrant minor deviations from off-street parking standards for the conversion of homes to offices in the R-3-O Zone, the development review committee (DRC) may recommend such deviations to the full Planning Commission. Upon demonstration of the public interest, the Commission may permit such deviations;

3. Offices, not including medical/dental offices, clinics, banks/savings and loans and similar institutions: one space per two hundred square feet of gross floor area. Exception: In the R-3-O zone, where physical circumstances warrant minor deviations from off-street parking standards for conversion of homes to offices, the DRC may recommend such deviations to the full Planning Commission. Upon demonstration of the public interest, the Commission may permit such deviations.

G. Industrial, Manufacturing, and Storage.

1. Manufacturing industries: one parking space for each five hundred square feet of gross floor area used for manufacturing and one parking space for each thousand square feet of gross floor area, within a building, used for storage;

2. Wholesale and storage: one parking space for each thousand square feet of gross floor area within a building;

3. Mini-warehouses: one space for each five thousand square feet of gross floor area within a building to be distributed proportionately in the front and rear portion of the lot."

PASSED AND ADOPTED THIS 16th day of May, 1995 by the following roll call vote:

| | |
|---|---|
| AYES: | Heggarty, Iversen, Martin, Picanco, and Macklin |
| NOES: | None |
| ABSENT: | None |
| ABSTAIN: | None |

Walter J. Macklin
MAYOR WALTER J. MACKLIN

ATTEST:

RICHARD J. RAMIREZ, CITY CLERK

ED\CODES\MF\ORD.MAY

ABJ544

**EXHIBIT A**

**CHAPTER 21.16I**

**MULTIPLE FAMILY RESIDENTIAL DISTRICTS**

**ARTICLE I. GENERALLY**

**21.16I.010 Purpose.**

The R-2, R-3 and R-4 Multiple Family Residential Districts (Zones) are established to provide for multiple family residential development, primarily in the form of apartments and condominiums. These Districts implement the Residential Multiple Family Land Use Categories as described in the Land Use Element of the City's General Plan.

Specifically, the R-2 District implements the Residential Multiple Family-Low (RMF-L) Land Use Category; the R-3 District implements the Residential Multiple Family-Medium (RMF-M) Land Use Category, and the R-4 District implements the Residential Multiple Family-High (RMF-L) Land Use Category. Regulations for land use and development standards within these districts are established to implement policies of the Land Use and Housing Elements of the City's General Plan.

ABJ544

**21.16I.020 Planned Development Overlay District Applicability.**

The multiple family residential development standards contained within this chapter have been constructed in such a manner as to incorporate the provisions of the Planned Development (PD) overlay District as set forth in Chapter 21.16A. Modifications of grading limitation standards do not require a property in the R-2, R-3 or R-4 zoning districts to also be located within the Planned Development (PD) overlay District.

**21.16I.030 Permitted Uses.**

Those land uses which are permitted by right and those which are subject to approval of a conditional use permit are as follows:

A. <u>Uses Permitted by Right</u>:

1. Detached single family dwelling (one per lot, regardless of lot size);

2. Multiple family dwellings (more than one dwelling unit per lot) as either apartments or newly-constructed condominiums, subject to density restrictions for each multiple family residential zoning district;

   (NOTE: Conversions of apartments to condominiums shall require approval of a conditional use permit.)

3. Senior housing units, or second units, as described by Chapter 21.16D, are permitted by right in multiple family residential zoning districts, provided that, together with any existing dwelling units on a lot, the total density allowed by a lot's zoning district shall not be exceeded;

4. Residential care facilities (for elderly, handicapped, etc.) for 6 and fewer residents;

5. Day care for 6 and fewer children;

6. Public schools, all levels;

7. Accessory buildings to dwellings (e.g. storage sheds, garages, patio covers, pools, spas) provided that there is at least one dwelling unit on the lot; (Exception: a common lot with accessory structures may be created for a condominium development.)

B. Uses Subject to Approval of a Conditional Use Permit:

1. Bed and breakfast inns (in accordance with Sections 21.15.210-240);

2. Boardinghouses and roominghouses;

3. Churches (including meeting halls and sunday schools as accessory uses);

4. Convalescent care or skilled nursing facilities;

5. Conversion of apartments to condominiums, in accordance with Section 21.21.020;

6. Day care centers for more than 6 children;

7. Detached accessory buildings with heights greater than 15 feet and gross floor areas greater than 50 percent of the main structure.

8. Mortuaries and funeral homes, when located within 300 feet of an existing cemetery and subject to conditions establishing appropriate maximum allowable height, minimum building site, minimum lot width, maximum allowable lot coverage, and minimum front, side and rear yards.

9. Public facilities (government offices, community centers, libraries, recreation buildings, equipment yards, etc.) and quasi-public facilities (private libraries, museums, art galleries, scout huts, etc.);

10. Public parks, playgrounds, ballfields;

11. Public utilities facilities (electrical substations, transmission facilities, etc.);

12. Private schools, all levels;

13. Private/commercial recreation facilities:
    a. Racquetball, handball courts;
    b. Tennis courts (for use other than accessory to a single dwelling);

14. Private off-street parking for commercial and industrial uses when adjacent to the use being served;

15. Residential care facilities (for elderly, handicapped, etc.) for more than 6 residents;

C. Uses Similar to any of the Above-Listed Uses: Any use not specifically listed above is not permitted unless the Planning Commission or City Council makes a determination that a particular land use is similar to a use which is specifically listed as permitted by right or subject to approval of a conditional use permit.

**21.16I.040 Development Application Review.**

A. Prior to issuance of building or grading permits for construction of new dwelling units, applications for site plans and development plans shall be approved by the Planning Commission as specified in Chapter 21.23B and as follows:



ABJ544

1. Approval of a site plan application shall be required for construction of 4 or less dwelling units per lot.

2. Approval of a development plan application shall be required for construction of 5 or more dwelling units per lot.

NOTE: Dwelling units per lot is figured cumulatively. If a lot has been developed with 4 dwelling units and a fifth is proposed to be constructed under a separate application, a development plan shall be required.

B. Prior to Planning Commission approval of parcel maps, subdivision maps and lot line adjustments, applications for site plans shall be approved by the Development Review Committee and applications for development plans shall be approved by the Planning Commission as specified in Chapter 21.23B and as follows:

1. Approval of a site plan application shall be required for parcel maps in which the total number of units that could be constructed on the lots to be created would be 4 or less.

2. Approval of a development plan application shall be required for subdivision maps and for parcel maps in which the total number of units that could be constructed on the lots to be created would be 5 or more.

ABJ544

Applications shall provide information sufficient to demonstrate that the proposed new or reconfigured lots are of adequate size, dimension and configuration to meet the density limits established in Section 21.16I.060 and to comply with the development standards established in Articles II and III of this chapter. For lot line adjustment applications, such information shall include dimensioned plot plans.

C. Site plan and development plan applications which include proposals for modifications of grading limitation standards established within Articles II and III of this chapter shall include a written statement listing the standard(s) being requested for modification and reasons justifying approval of such a request.

**21.16I.050 Fractions.**

Wherever calculations for density or development standards established within this chapter result in a fraction, the fraction shall be rounded to the nearest whole number. (E.g., 4.5 dwelling units may be rounded to 5 dwelling units but 4.49 dwelling units would be rounded to 4 dwelling units.)

**21.16I.060 Density of Residential Development.**

A. <u>Density Calculations for Existing Lots in Blocks No. 1 Through 196 of the Original City Subdivision</u>:

1. Most lots within Blocks No. 1 through 196 of the original Subdivision of the City of El Paso de Robles that have been categorized by the Land Use Element for residential use, as shown in Figure 21.16I.050, measure 50 feet wide by 140 feet deep and have an area of 7,000 square feet. On such lots, a maximum of two dwelling units may be established on an R-2 zoned lot and a maximum of three dwelling units may be established on an R-3 zoned lot.

2. For those lots with depths more or less than 140 feet and for those lots with widths more or less than 50 feet, densities shall be calculated as one unit per 3,500 square feet in the R-2 Zone and 1.5 units per 3,500 square feet (or 1 unit per 2,333 square feet) in the R-3 Zone.

3. The ability to develop a lot located within Blocks No. 1 through 196 of the original Subdivision of the City of El Paso de Robles to its maximum density is subject to demonstrating that

development will conform with General Plan policies, City Ordinances and standards regarding preservation of oak trees, hillside protection, providing proper storm drainage, and providing safe vehicular access.

B. Density Calculations for All Other Existing Lots: On existing lots outside of Blocks No. 1 through 196 of the original Subdivision of the City of El Paso de Robles, the number of dwelling units that may be established in the multiple family residential zoning districts shall be determined in a two (2) step process briefly listed below and explained in the following subsections.

Step 1: Determine Net Developable Acreage of a Property;
Step 2: Determine Maximum Density.

1. Step 1: Determine Net Developable Acreage of a Property: The area eligible for calculation of density shall consist of the acreage of a lot, minus the following:

a. Any dedication necessary to provide for the full rights-of-way of streets bordering the lot in accordance with adopted standards for City streets; and, if the Circulation Master Plan Map of the Circulation Element of the City's General Plan indicates that a lot is to be bisected by a collector or arterial street, any dedication necessary to provide for the full right-of-way of such a street in accordance with adopted standards for City streets.

ABJ544

NOTE: Should a multiple family residential development propose interior public or private streets that are not indicated on the Circulation Master Plan Map of the Circulation Element of the City's General Plan, the area within the rights-of-way for such streets will be eligible for density calculation.

b. Any areas of the site with natural slopes of 35 percent or greater;

c. Any areas of the site within the outer driplines of a compact grouping of 10 or more mature oak trees ("mature" as defined in Chapter 10.01), where driplines between trees in the grouping are separated by 10 feet or less.

d. Any areas of the site within the floodway of the Salinas River.

2. Step 2: Determine Maximum Density:

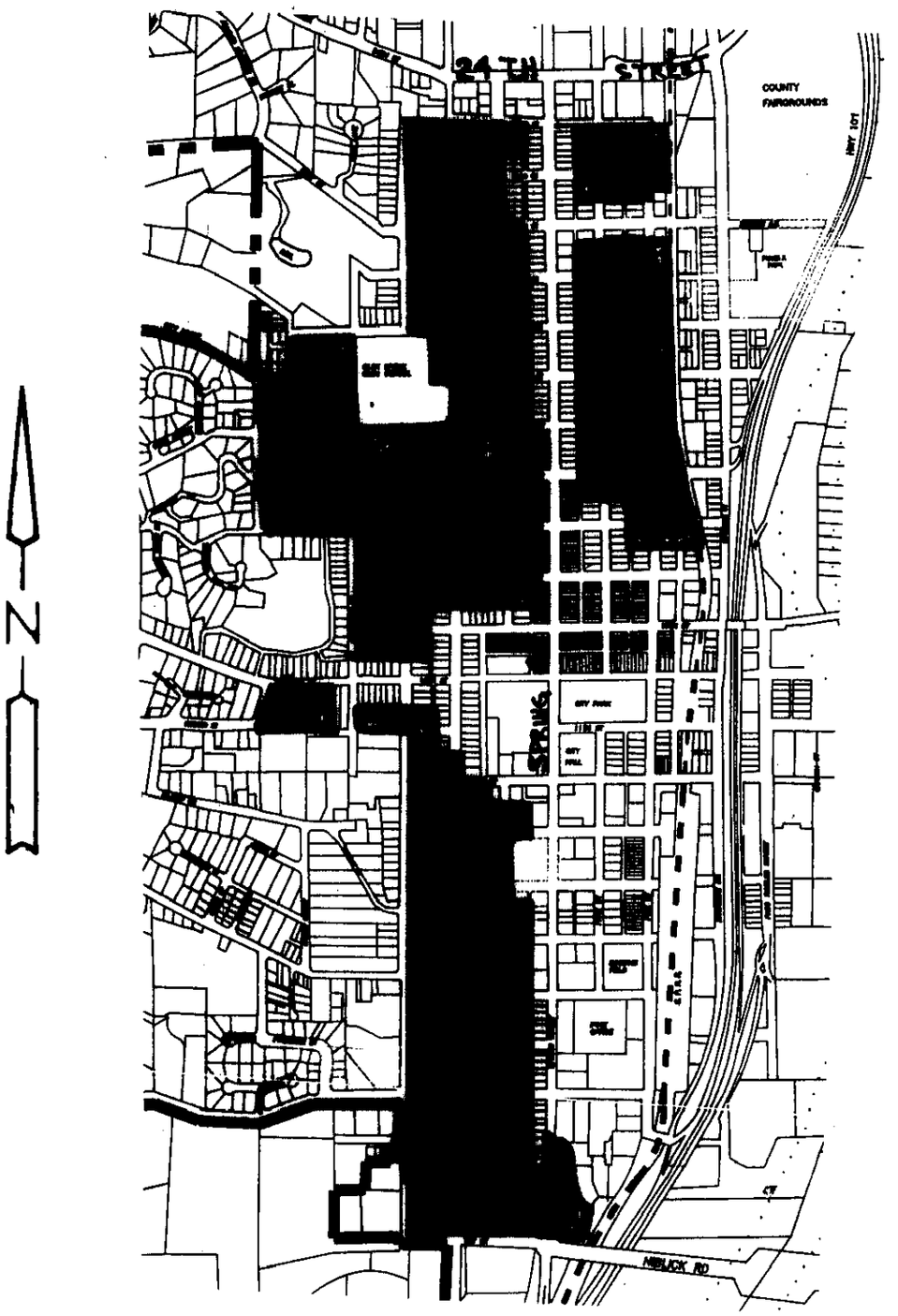
a. Determine Average Slope of Net Developable Area: General Plan policy provides that densities be decreased as the underlying natural slope increases. Prior to applying the maximum densities allowed under a property's land use category to the net developable acreage, the average slope of the net developable acreage shall be calculated using the following formula:

$$\text{Average Slope} = \frac{I \times L \times 0.0023}{A}$$

Where:

| | | |
|---|---|---|
| I | = | Contour interval in feet. Contour intervals shall not exceed five feet. |
| L | = | Combined length of contour lines measured within the net developable area. |
| 0.0023 | = | A constant which converts square feet into acres and expresses slope in percent. |
| A | = | Acreage of net developable area. |

**Figure 12.16I.060**
**Residentially-Categorized Lots**
**Blocks 1 - 196 of the Original Subdivision of the City**




ABJ544

2. Motels and hotels with kitchen facilities: one and one-half spaces for each rental unit and one space for each employee;

3. Motels and hotels within the Downtown Parking Assessment District: one space for each employee and one space for each rental unit.

C. Educational and Institutional.

1. Assembly areas, including conference rooms, without fixed seating: one space per one hundred square feet of net floor area;

2. Churches: one parking space for each four fixed seats in the principal place of assembly;

3. Hospitals: one parking space for each employee and one additional space for each four patient beds;

4. Schools: one space for each staff member and employee; in the case of secondary schools, one additional parking space for each eight students in grades nine through twelve shall be provided.

D. Commercial-Recreational.

1. Amusement parks, fairgrounds: One space per five hundred square feet outdoor use area;

2. Pool halls, bowling alleys, and similar recreational facilities: one parking space for each two hundred square feet of net floor space;

3. Stadiums: one parking space for each six spectator seats;

4. Theaters: one space for every five seats.

E. Commercial and Service Uses.

1. Ambulance services: Three spaces per emergency vehicle;

2. Animal Hospitals and Boarding: One space per three hundred square feet of gross floor area;

3. Auto Sales and Garages: four spaces for each maintenance stall;

4. Automobile service businesses: Three spaces per service bay;

5. Barber and Beauty Salons: one space per one hundred twenty-five square feet of gross floor area;

6. Bus stations: One space per three hundred square feet of office/waiting room plus one space per thousand square feet warehouse/garage area;

7. Carwash, mechanical: one space per each employee on the largest shift plus fifty square feet of parking space (need not be striped) for each auto the facility is capable of washing in one hour of constant operation;

8. Carwash, self service: Two spaces per washing area or unit;

9. Funeral homes and mortuaries: One parking space for each four fixed seats plus one space for every forty square feet of floor area for nonfixed seats in a chapel, assembly room or foyer;

10. Furniture and large appliance sales: one space per five hundred square feet of gross floor area;

11. Laundromats: one space per two hundred square feet of gross floor area;

12. Mini-marts and liquor stores: one space per two hundred twenty-five square feet of gross floor area

13. Multitenant commercial centers (including but not limited to sit-down restaurants, laundromats, medical/dental offices, banks, mini-marts, and liquor stores: one space per two hundred fifty square feet of gross floor area unless the Planning Commission finds that a proposed land use will create a disproportionate demand for off-street parking spaces; in such cases the Planning Commission may determine that the land use is of similar class and nature to land uses requiring additional spaces

ABJ544

b. Determine Maximum Density For Average Slope: The maximum density of a property proposed for development shall be determined by dividing the property's net developable acreage by the minimum site area per unit listed in the table below for the average slope of the net developable area.

| Average Slope of Net Developable Area (%) | Minimum site area per unit (sq ft) R-2 Zone * | R-3 Zone | R-4 Zone |
|---|---|---|---|
| 0 - 4 | 4,000 | 2,667 | 2,000 |
| 5 - 9 | 5,000 | 3,333 | 2,500 |
| 10 - 14 | 6,250 | 4,167 | 3,125 |
| 15 - 24 | 7,500 | 5,000 | 3,750 |
| 25 - 34 | 10,000 | 6,667 | 5,000 |

* Exception: Those R-2,B-3-zoned parcels located in the Orchard Bungalow Subdivision, north of Creston Road, between Walnut Drive and Orchard Drive which were created prior to the date of the ordinance adopting this Chapter, may have a maximum of 3 units for every 20,000 square feet of lot area, regardless of the underlying average slope category.

ABJ544

Existing R-3 zoned properties that are not categorized by the General Plan for Residential Multiple Family, Medium Land Use, shall be developed to densities commensurate with their land use category. (E.g, RMF-L categorized properties shall be developed as if zoned R-2.)

Existing R-4 zoned properties that are not categorized by the General Plan for Residential Multiple Family, High Land Use, shall be developed to densities commensurate with their land use category. (E.g., RMF-M categorized properties shall be developed as if zoned R-3 and RMF-L categorized properties shall be developed as if zoned R-2.)

c. Other Density Limits Imposed by Zoning Action: Certain properties in the City may have density limits that were imposed by zoning action such as a condition of Planned Development overlay zoning or by appending a density limit to the zoning district (e.g., R-3-10, which denotes a density limit of 10 units per acre). In such a case, the more restrictive density limit shall apply.

C. Density Calculations for Creation of New Multiple Family Lots:

1. Where an existing R-2, R-3 or R-4 zoned property is proposed to be subdivided via a parcel map or subdivision map: if the total number of dwelling units that could be created is four or less, a site plan application shall be required; and, if the total number of dwelling units that could be created is five or more, a development plan application shall be required.

2. Said site or development plan shall show how each lot to be created will be developed to conform with the density limits established in this section and the development standards established in Articles II and III of this chapter. The City may require that approval of a subdivision map or parcel map be conditioned upon recordation of constructive notice that development of each lot is subject to conformance with the approved development plan.

3. Densities shall be calculated using the five step process specified in subsection B, above.

The rights-of-way for those proposed interior streets that are not indicated on the Circulation Master Plan of the Circulation Element of the City's General Plan, whether public or private, may be included within the acreage used for calculation of developable area.

D. Convalescent Homes and Residential Care Facilities for the Elderly: Density limits for dwelling units shall not apply to the allowable intensity of land use for such facilities as convalescent homes, skilled nursing facilities, residential care facilities for the elderly, and similar facilities as defined by State Law. The number of rooms and/or occupants for such a facility shall be determined on a case by case basis in conjunction with an application for a conditional use permit.

## ARTICLE II. DEVELOPMENT STANDARDS FOR CREATION OF NEW LOTS

**21.16I.070 Applicability.**

The minimum standards established in this article shall apply to the creation of new lots via parcel maps or subdivision maps or the reconfiguration of existing lots via lot line adjustments.

**21.16I.080 Maximum Developable Slope.**

No new lots shall be created which would necessitate the placement of building foundations upon natural slopes of thirty-five (35) percent or greater.

ABJ544

**21.16I.090 Lot Sizes, Dimensions and Configurations.**

A. In order to facilitate a wide variety of development types including, but not limited to: duplexes, triplexes, apartment and condominium buildings with several units arranged in flats (all or a portion of one dwelling unit located above all or part of another dwelling unit) or in townhouses (two story dwelling units attached in groups with common walls), beyond the minimum site area per dwelling unit, no minimum standards for lot sizes, dimensions, and configuration are established for the R-2, R-3 and R-4 Districts.

B. The City may require that approval of a subdivision map or parcel map be conditioned upon recordation of constructive notice that development of each lot is subject to conformance with the approved development plan.

**21.16I.100 Grading Limitations.**

The grading standards established by Section 21.16E.140 for the R-1 District shall be followed for the creation of new lots in the R-2, R-3 and R-4 Districts. On a case by case basis, in the event that compliance with Section 21.16E.140 can be demonstrated to be physically infeasible for any reasonable type of development of an R-2, R-3 or R-4 zoned property, the Planning Commission may, subject to development plan review, approve modified grading standards upon a finding that the modified standards will not create a physical hazard or negative visual impact when a graded slope or retaining wall is viewed from a street or neighboring property. The Planning Commission may impose any conditions necessary to ensure that such a finding can be made.

**21.16I.110 Oak Tree Preservation.**

Creation of new lots and streets shall be designed and graded to protect oak trees in a manner consistent with the City's Oak Tree Preservation Ordinance (Chapter 10.01).

**21.16I.120 Utilities.**

A. All utility service lines shall be undergrounded.

B. Transformers, control points and other utility housings shall be located so as to minimize their visual impact and shall be screened in a manner approved by the Development Review Committee.

**21.16I.130 Vistas.**

Subdivisions shall be designed to minimize landform alteration as viewed from outside the site. Landscaping shall be used to mitigate the visual effects of grading for streets.

**ARTICLE III. DEVELOPMENT STANDARDS FOR EXISTING LOTS**

**21.16I.140 Applicability.**

The development standards established in this article shall apply to the development of all R-2, R-3 and R-4 zoned lots (once created). On a case by case basis, in the event that compliance with the provisions of this article can be demonstrated to be physically infeasible for any reasonable type of development of an R-2, R-3 or R-4 zoned property, the Planning Commission may, subject to development plan review, approve modified development standards upon a finding that the modified standards will not create a physical hazard or negative visual impact when is viewed from a street or neighboring property. The Planning Commission may impose any conditions necessary to ensure that such a finding can be made.

ABJ544

**21.16I.150 Height Limits.**

A. The maximum height for main buildings (single family dwellings, apartments, condominiums, churches, schools, quasi-public buildings) shall be as follows:

1. R-2 District: 35 feet and not to exceed two stories;

2. R-3 and R-4 Districts: 40 feet (provided that the height of window sills does not exceed 32 feet) and not to exceed three stories in the R-3 and R-4 Districts.

B. The maximum height for detached accessory buildings in the R-2, R-3 and R-4 Districts shall be 15 feet. Exceptions to height limits require approval of a conditional use permit.

**21.16I.160 Setbacks.**

The setbacks indicated within this section apply to the R-2, R-3 and R-4 Zones.

A. Front Yards: All buildings and fences higher than three feet shall be set back as indicated below. Setbacks from public streets shall be measured from the property side of a sidewalk unless the sidewalks have been waived in the manner prescribed by Section 12.23A.030, in which case this setback shall be reduced by five feet and measured from the front property line.

1. From Arterial Streets: 25 feet. Exception: 15 feet along Spring Street.

2. From Collector Streets: 20 feet. Exception: if the predominant existing or planned development pattern on the same block face, or across the street calls for a greater setback (e.g., 25 feet), the greater setback shall be provided.

3. From Local Streets: 15 feet from the right-of-way; exception: if the predominant existing or planned development pattern on the same block face, or across the street calls for a greater setback, the greater setback shall be provided.

4. From Private Streets: 15 feet from the edge-of-pavement.

5. Garage Doors:

a. Public Streets: 25 feet (where the garage door opens directly toward a street).

b. Private Streets: As part of a development plan application, the Planning Commission may approve setbacks of either 5 or 25 feet (where the garage door opens directly toward a street).

B. Street Side Yards: All buildings shall be set back as indicated below. Setbacks from public streets shall be measured from the property side of a sidewalk unless the sidewalks have been waived in the manner prescribed by Section 12.23A.030, in which case this setback shall be reduced by five feet and measured from the street side property line. Notwithstanding fence restrictions established in subsection B5, below, fences higher than 3 feet may be placed on the street side property line.

1. From Arterial Streets: 25 feet. Exception: 15 feet along Spring Street.

2. From Collector Streets: 15 feet. Exception: if the predominant existing or planned development pattern on the same block face, or across the street calls for a greater setback, the greater setback shall be provided.

3. From Local Streets: 10 feet from the right-of-way; exception: if the predominant existing or planned development pattern on the same block face, or across the street calls for a greater setback (e.g., 25 feet), the greater setback shall be provided.

4. From Private Streets: 10 feet from the edge-of-pavement.

5. Garage Doors:

a. Public Streets: 25 feet (where the garage door opens directly toward a street).

b. Private Streets: As part of a development plan application, the Planning Commission may approve setbacks of either 5 or 25 feet (where the garage door opens directly toward a street).

6. Fence Restrictions:

a. Where the street side yard of a reversed corner lot fronts onto a local street, no fence higher than three feet shall be placed in the street side yard except where the Development Review Committee may approve a height not to exceed 4 feet where it can be demonstrated by the applicant that such a height will not impair the sight distance of vehicles on the street or on the driveway of the lot to the rear of the reversed corner lot.

b. Those fences in the street side yards of reversed corner lots that exceed these height limits and that were constructed prior to the effective date of this ordinance shall be considered to be nonconforming structures.

C. Interior Side Yards: Buildings shall be set back from interior side property lines as set forth below.

1. Main Buildings:
   a. One story: 5 feet;
   b. 2 stories: 10 feet;
   c. 3 stories: 15 feet;
   d. Where the front doors of two or more units face a side yard: 10 feet;
   e. From alleys: 5 feet;



ABJ544

f. Where the side yard abuts existing or potential 20 foot deep rear yards of single family zoned property: 20 feet.

2. Detached Accessory Buildings: Detached accessory buildings include, but are not limited to, the following buildings when detached from the main building: garages, carports, sheds, auxiliary buildings, swimming pools and spas, tennis courts.

a. One story: 5 feet;
b. 2 stories: 10 feet;
c. From alleys: 5 feet;
d. Where the side yard abuts existing or potential 20 foot deep rear yards of single family zoned property: 20 feet. Exception: buildings or enclosures which house only pool and spa filter and heating systems may be placed within 5 feet of the side property line.

D. Rear Yards: Buildings shall be set back from rear property lines as set forth below.

1. Main Buildings:
a. 1-2 stories: 10 feet;
b. 3 stories: 15 feet;
c. Where the rear yard abuts existing or potential 20 foot deep rear yards of single family zoned property: 20 feet.

2. Detached Accessory Buildings:
a. One story: 5 feet;
b. 2 stories: 10 feet;
c. From alleys: 5 feet;
d. Where the rear yard abuts existing or potential 20 foot deep rear yards of single family zoned property: 20 feet. Exception: buildings or enclosures which house only pool and spa filter and heating systems may be placed within 5 feet of the side property line.

E. Townhouses: For townhouse type condominium units with individual lots for each unit setbacks of dwelling units from the property lines defining each unit are not required. However, dwelling units and accessory buildings shall be set back from the exterior property lines of a condominium project, as indicated in the above subsections.

F. Subdivision of Existing Lots in Blocks No. 1 Through 196 of the Original City Subdivision: In order to increase the numbers of households, particularly those in lower income groups, that own their homes, further subdivision of existing residentially-zoned lots within Blocks No. 1 through 196 of the original Subdivision of the City of El Paso de Robles, as shown in Figure 21.16I.050, is encouraged.

Because resubdivision of most of the subject lots would create 50 foot deep lots, exceptions to the setback requirements established in subsections A through D, may be approved via a plot plan application in order to make such resubdivisions feasible. Approval of exceptions to setback requirements shall be contingent upon demonstration that the proposed setbacks are compatible with those for existing development in the neighborhood.

**21.16I.170 Building Separations.** Within the site of a residential development, buildings shall be separated as set forth below.

A. Between Main Buildings: Between two buildings with dwelling units, or between a building with dwelling units and a clubhouse or recreation room building, separations between buildings shall be no less than:



ABJ544

1. Where there are windows (other than bathroom windows) or doors in the exterior wall facing another building:

   a. 20 feet where both buildings are one or two stories in height;

   b. 25 feet where one building is three stories in height and the other is one or two stories;

   c. 30 feet where both buildings are three stories in height.

2. Where there are blank walls or only bathroom windows in the exterior wall of both buildings:

   a. 10 feet where both buildings are one or two stories in height;

   b. 15 feet where one or both buildings are three stories in height.

ABJ544

B. Between a Main Building and a Detached Accessory Building or Between Two Detached Accessory Buildings: No less than 10 feet, as measured from the exterior walls or vertical posts to support roofs. To be considered attached, accessory buildings shall be made structurally a part of, and shall have a common roof with, the main building(s).

**21.16I.180 Open Space and Recreational Amenities.**

A. For each dwelling unit in a multiple family development, the equivalent of 300 square feet of usable shared open space shall be provided on-site. As long as the requirements for recreational amenities set forth in subsection B, below, have been met, such open space may be private (for the exclusive use of the residents of one dwelling unit), shared (accessible to all of the residents of a development) or a combination of private and shared. Private open space shall have one and one-half times the value of shared open space. That is, a 200 square foot private open space area will be the equivalent of 300 square feet of shared open space. To be eligible for meeting the open space requirement, the conditions listed in subsections 1 and 2, below, must be met.

1. Private Open Space:

   a. Ground floor units: a patio enclosed with a 3-6 foot high fence with a minimum area of 100 square feet with a minimum dimension of 8 feet. No private open space shall be located within the front or street side yard setback.

   b. Upper floor units: a private balcony with a minimum area of 50 square feet with a minimum dimension of 5 feet. This area shall not include walkways to adjacent units.

2. Shared Open Space: Usable open space is that which meets the following criteria:

   a. Has a slope of 10 percent or less;

   b. Has a minimum dimension of 15 feet;

   c. Does not include minimum setbacks in front or street side yards, buildings, parking or drive areas;

   d. May include interior side and rear yards and court yards and areas for those recreational amenities required by subsection B, below.

B. Recreational amenities including, but not limited to, tot lots with play equipment, picnic areas with barbecue pits and tables,

spas, pools, clubhouses or recreation rooms, basketball courts or half-courts, tennis courts shall be provided for multiple family residential development in accordance with the following schedule.

| # of units | # of tot lots | # of other amenities |
|---|---|---|
| 0 - 10 | 0 | 0 |
| 11 - 25 | 1 | 0 |
| 26 - 50 | 1 | 1 |
| 51 - 75 | 2 | 1 |
| 76 - 100 | 2 | 2 |
| 101 - 150 | 3 | 2 |
| 151 - 200 | 3 | 3 |

Multiple family residential projects consisting of more than 200 units shall provide tot lots and other amenities in the same ratios as indicated in the above table. The nature, design and adequacy of all recreation amenities shall be subject to Planning Commission Approval as part of a development plan. Tot lots shall be located in areas that are safely-accessible and easily-supervised.

ABJ544

C. Multiple family housing developments whose occupancy is restricted to the elderly shall be exempt from the numerical standards for open space and recreational set forth in subsections A and B. However, as part of approval of a site plan or development plan application, the Development Review Committee or Planning Commission may require lesser amounts of open space and recreational amenities as appropriate to the scale of a development.

**21.16I.190 Grading Limitations.**

The grading standards contained within Section 21.16I.100, shall apply to all development within the R-2, R-3 and R-4 Districts.

**21.16I.200 Oak Tree Preservation.**

Development of lots shall be designed and graded to protect oak trees in a manner consistent with the City's Oak Tree Preservation Ordinance (Chapter 10.01).

**21.16I.210 General Architectural Requirements.**

A. The City may adopt design guidelines for multiple family residential development and, as a condition of approval of a site plan or development plan, require that new construction adhere to such guidelines.

B. All residential buildings shall adhere to the following architectural standards:

1. Roofs shall be constructed with concrete or clay tile, fire-retardant wood shake, asphalt composition, crushed rock, or other similar roofing material. Metal roofing materials may be used provided that their surface is not reflective, glossy, polished.

2. Siding shall consist of stucco, wood, masonite, brick, or other similar materials; reflective, glossy, polished, and/or corrugated/roll-formed type metal siding is prohibited. Plywood siding, including T-111, has proven to be ill-adapted to local climatic conditions, requiring a high rate of maintenance, and may not be used as siding for multiple family residential buildings, including accessory buildings.

3. Air conditioning and evaporative cooling systems shall not be mounted on the roof of any building or structure. Wall-mounted units may be allowed if integrated into the architecture in such a manner as to blend with the building design and not present a visual obtrusion.

C. Detached accessory buildings shall conform to the following requirements:

1. Except for clubhouses or common recreation rooms, the gross floor area shall not exceed fifty (50) percent of the gross floor area, including any attached garage, of the main building, except by approval of a conditional use permit.

2. They shall be constructed to be architecturally compatible with the main building(s) in terms of materials, colors, and relief treatment for elevations and roofing materials. The Community Development Director or his/her designee shall make determinations of compatibility. Applicants may appeal a decision of the Community Development Director or his/her designee to the Development Review Committee.

**21.16I.220 Patio Covers.**

A. Patio covers that are attached to the main building shall comply with the following requirements:

ABJ544

1. If open on two or more sides, they may project into yards as specified in Section 21.16I.260.A.

2. If open on only one side or enclosed, they shall not project into any required yard;

B. Patio covers that are detached from the main building shall be considered to be detached accessory buildings and shall comply with the minimum requirements for setbacks and building separations.

C. Patio covers shall not use corrugated metal or fiberglass roofing materials.

**21.16I.230 Projections into Yards (Setbacks).**

A. Architectural features such as eaves, awnings and cantilevered balconies (open on three sides) may not project into any minimum required yard more than:

1. 3 feet into a 5 foot wide interior side yard or into a 10 foot wide street side yard;

2. 5 feet into a front yard, into a 10 or 15 foot deep rear yard, into a 10 foot wide interior side yard or into a 15 foot wide street side yard;

3. 10 feet into a 20 foot deep rear yard.

B. Uncovered porches, decks, stoops, and outside stairs, higher than 30 inches, may not project more than two (2) feet into any minimum required side yard (setback) and not more than six (6) feet into any minimum required front yard.

**21.16I.240 Swimming Pools and Spas.**

A. Swimming pools and spas and their filter and heating systems are considered to be accessory buildings and as such must comply with the setbacks established in Section 21.16I.160.

B. Filter and heating systems for pools and spas shall not be located closer than 20 feet to any dwelling other than the property owner's and shall be screened by a solid fence.

**21.16I.250 Satellite Dish Antennae.**

Satellite dish antennae with diameters of 24 inches or less shall not be installed within a required front yard or within 5 feet of any side or rear property line. Satellite dish antennae with

diameters greater than 24 inches shall comply with the following regulations:

A. They may only be mounted on the ground and shall not be mounted on the roof of any building or structure;

B. They shall not be located in any required front yard or within 5 feet of a side or rear property line;

C. They shall not exceed fifteen (15) feet in height, including any platform or structure upon which they are mounted;

D. They shall not extend beyond the property lines of the lot on which they are placed;

E. They shall not be unnecessarily bright, shiny, or reflective;

F. The visual impact from adjacent properties and streets shall be minimized via screening via fences, landscaping, buildings, or topography.

ABJ544

**21.16I.260 Enclosures for Trash Bins and Recycling Containers.**

Enclosures for trash bins and recycling containers shall be provided for all multiple family residential developments. The Planning Commission and Development Review Committee may specify the design, materials, number and placement of such enclosures to be provided for a development.

**21.16I.270 Off-street Parking, Driveways and Vehicle Storage**

A. All uses shall provide off-street parking spaces, drives and facilities as required by Chapter 21.22.

B. Driveways parallel to a street (such as circular driveways and hammerhead turnarounds) shall be designed to provide a minimum 10 foot wide landscaped setback between the street right-of-way and the parallel edge of the driveway closest to said street right-of-way.

C. No automobile, truck, motorcycle, recreational vehicle, boat, camper, trailer, farm equipment or similar vehicle or equipment shall be parked or stored between a dwelling and the street except on paved driveways.

**21.16I.280 Residential Fire Sprinkler Systems.**

Installation of residential fire sprinkler systems may be required as a condition of approval of a development plan where a site or portion of a site proposed for multiple family residential development has less than two points of access by emergency vehicles and where gross floor areas of buildings exceed thresholds established in Chapter 17.04.

**21.16I.290 Hillside Development Standards.**

Development on lots located within the Hillside Development District, including those hillside lots with developable areas on slopes of 10 percent or greater but located outside of the Hillside Development District boundaries, shall comply with the following standards:

A. Site Design: Lots, buildings and structures shall be laid out to minimize adverse impacts on hillside topography. This will include designing the buildings to conform to the contours of the site and arranging driveways, parking areas and patio areas to be compatible with the slopes and building design.

B. Building Design:

1. Color and Materials: Color and Materials used for buildings shall be subject to the approval of the Development Review Committee. Roofing shall be fire-retardant and shall be neither white nor reflective.

2. Architectural Treatment: Elevations and roof lines shall provide visual relief features which are compatible with, and do not detract from, the dominant natural topography.

3. Foundations: Where padding is restricted because of grading limitations, residential buildings to be located on hillside lots shall utilize special foundation design prepared by a registered engineer or architect. Split levels, benching, cantilever foundations, poles, piers, step and stem wall foundations will be encouraged where the method would minimize soil disruption and where such measures can be implemented in an aesthetically acceptable manner. Site Plan or Development Plan Review shall include a review of the visual impact of all foundations. No building foundations shall be placed upon natural slopes which are thirty-five (35) per cent or greater.

ABJ544

C. Landscaping: Landscaping plans shall be approved by the Development Review Committee to meet the standards listed below.

1. Protection and Use of Existing Vegetation: Development on hillside lots shall, to the maximum extent possible, protect and use existing vegetation. Existing groundcover and shrubs should not be removed from lands with steep slopes (30 per cent or greater) unless necessary for weed abatement to remove fire hazards. Existing groundcover should not be removed from lesser slopes unless replaced with other vegetation. Existing groundcover shall be protected from damage during construction.

2. New Landscaping: All development on hillside lots shall provide new landscaping as follows:

a. Erosion Control: All graded or cleared slopes shall be landscaped with groundcover designed to hold the slope and to mitigate the visual impacts associated with the bare ground. Groundcover on slopes with vertical heights greater than 8 feet shall be irrigated.

b. Architectural Enhancement: Trees and shrubs shall be planted to provide screening under decks, along walls, and where required as a condition of site plan or development plan review to assist in providing visual relief.

c. Street Trees: Street trees shall be planted as required by Title 10 of this code.

d. Irrigation: All landscaping required for erosion control, street trees and architectural enhancement shall be irrigated except where the Development Review Committee explicitly approves otherwise.

e. Plant Species: New landscaping shall incorporate plant species which meets the following criteria:

(1) New vegetation should be compatible with natural vegetation and that on surrounding properties;

(2) All planting within thirty feet of buildings should be fire-retardant;

(3) For water conservation purposes, drought-tolerant species are encouraged.

a. Where the outdoor seating area is twenty-five percent or less of the indoor serving area, no additional parking spaces are required.

b. Where the outdoor seating area is twenty-six to fifty percent of the indoor seating area, additional parking spaces shall be provided at one-half of the rate required for indoor serving area.

c. Where the outdoor seating area is greater than fifty percent of the indoor serving area, additional parking spaces shall be provided at the same rate required for indoor serving area;

17. Retail and service establishments: one space per two hundred fifty square feet of gross floor area;

18. Service Stations:

a. Self-service, with no accessory uses: two spaces,

b. Full-service: three spaces per service bay.

F. Administrative and Professional.

1. Clinics: one space for two hundred square feet of gross floor area;

2. Medical/dental offices, banks/savings and loans and similar institutions: One space per two hundred square feet of gross floor area. Where physical circumstances warrant minor deviations from off-street parking standards for the conversion of homes to offices in the R-3-O Zone, the development review committee (DRC) may recommend such deviations to the full Planning Commission. Upon demonstration of the public interest, the Commission may permit such deviations;

3. Offices, not including medical/dental offices, clinics, banks/savings and loans and similar institutions: one space per two hundred square feet of gross floor area. Exception: In the R-3-O zone, where physical circumstances warrant minor deviations from off-street parking standards for conversion of homes to offices, the DRC may recommend such deviations to the full Planning Commission. Upon demonstration of the public interest, the Commission may permit such deviations.

G. Industrial, Manufacturing, and Storage.

1. Manufacturing industries: one parking space for each five hundred square feet of gross floor area used for manufacturing and one parking space for each thousand square feet of gross floor area, within a building, used for storage;

2. Wholesale and storage: one parking space for each thousand square feet of gross floor area within a building;

3. Mini-warehouses: one space for each five thousand square feet of gross floor area within a building to be distributed proportionately in the front and rear portion of the lot."

PASSED AND ADOPTED THIS 16th day of May, 1995 by the following roll call vote:

AYES: Heggarty, Iversen, Martin, Picanco, and Macklin

NOES: None

ABSENT: None

ABSTAIN: None

Walter J. Macklin

MAYOR WALTER J. MACKLIN

ABJ544

f. Completion of Landscaping: All landscaping and irrigation required for erosion control, street trees and architectural enhancement shall either be completed prior to issuance of a Certificate of Occupancy or security such as a performance bond be posted.

**21.16I.300 Conflicts with Other Sections**

In the event of any conflicts between the provisions of this section and of any other section in this Code, particularly Sections 21.16.130 (B District Regulations), 21.20.190 (Accessory Buildings), 21.20.195 (Patio Covers), 21.20.140 (Fences and hedges), 21.20.160 (Canopy or cornice near side lot line), and 21.20.170 (Porches or stairways near front yard), the provisions of this chapter shall prevail. The provisions of Section 21.21.020 (Condominium, cooperative, cluster, townhouses and similar developments) shall not be applied to construction of new condominium, cooperative, cluster, townhouses and similar developments but only to the conversion of apartments to condominiums.

**21.16I.310 Effective Date of This Section**

All applications for site plans, development plans, tentative subdivision maps, tentative parcel maps, lot line adjustments, conditional use permits, variances, and building permits, that have been filed with the Community Development Department and have been determined to be complete after May 2, 1995, shall be required to meet the standards established by this ordinance.

ABJ544

ED\CODES\MF\EXHIBIT.MAY

**EXHIBIT A**

**CHAPTER 21.16I**

**MULTIPLE FAMILY RESIDENTIAL DISTRICTS**

**ARTICLE I. GENERALLY**

**21.16I.010 Purpose.**

The R-2, R-3 and R-4 Multiple Family Residential Districts (Zones) are established to provide for multiple family residential development, primarily in the form of apartments and condominiums. These Districts implement the Residential Multiple Family Land Use Categories as described in the Land Use Element of the City's General Plan.

Specifically, the R-2 District implements the Residential Multiple Family-Low (RMF-L) Land Use Category; the R-3 District implements the Residential Multiple Family-Medium (RMF-M) Land Use Category, and the R-4 District implements the Residential Multiple Family-High (RMF-L) Land Use Category. Regulations for land use and development standards within these districts are established to implement policies of the Land Use and Housing Elements of the City's General Plan.

ABJ544

**21.16I.020 Planned Development Overlay District Applicability.**

The multiple family residential development standards contained within this chapter have been constructed in such a manner as to incorporate the provisions of the Planned Development (PD) overlay District as set forth in Chapter 21.16A. Modifications of grading limitation standards do not require a property in the R-2, R-3 or R-4 zoning districts to also be located within the Planned Development (PD) overlay District.

**21.16I.030 Permitted Uses.**

Those land uses which are permitted by right and those which are subject to approval of a conditional use permit are as follows:

A. <u>Uses Permitted by Right</u>:

1. Detached single family dwelling (one per lot, regardless of lot size);

2. Multiple family dwellings (more than one dwelling unit per lot) as either apartments or newly-constructed condominiums, subject to density restrictions for each multiple family residential zoning district;

   (NOTE: Conversions of apartments to condominiums shall require approval of a conditional use permit.)

3. Senior housing units, or second units, as described by Chapter 21.16D, are permitted by right in multiple family residential zoning districts, provided that, together with any existing dwelling units on a lot, the total

7. Accessory buildings to dwellings (e.g. storage sheds, garages, patio covers, pools, spas) provided that there is at least one dwelling unit on the lot; (Exception: a common lot with accessory structures may be created for a condominium development.)

B. Uses Subject to Approval of a Conditional Use Permit:

1. Bed and breakfast inns (in accordance with Sections 21.15.210-240);

2. Boardinghouses and roominghouses;

3. Churches (including meeting halls and sunday schools as accessory uses);

4. Convalescent care or skilled nursing facilities;

5. Conversion of apartments to condominiums, in accordance with Section 21.21.020;

6. Day care centers for more than 6 children;

7. Detached accessory buildings with heights greater than 15 feet and gross floor areas greater than 50 percent of the main structure.

8. Mortuaries and funeral homes, when located within 300 feet of an existing cemetery and subject to conditions establishing appropriate maximum allowable height, minimum building site, minimum lot width, maximum allowable lot coverage, and minimum front, side and rear yards.

9. Public facilities (government offices, community centers, libraries, recreation buildings, equipment yards, etc.) and quasi-public facilities (private libraries, museums, art galleries, scout huts, etc.);

10. Public parks, playgrounds, ballfields;

11. Public utilities facilities (electrical substations, transmission facilities, etc.);

12. Private schools, all levels;

13. Private/commercial recreation facilities:
    a. Racquetball, handball courts;
    b. Tennis courts (for use other than accessory to a single dwelling);

14. Private off-street parking for commercial and industrial uses when adjacent to the use being served;

15. Residential care facilities (for elderly, handicapped, etc.) for more than 6 residents;

C. Uses Similar to any of the Above-Listed Uses: Any use not specifically listed above is not permitted unless the Planning Commission or City Council makes a determination that a particular land use is similar

ABJ544

1. Approval of a site plan application shall be required for construction of 4 or less dwelling units per lot.

2. Approval of a development plan application shall be required for construction of 5 or more dwelling units per lot.

NOTE: Dwelling units per lot is figured cumulatively. If a lot has been developed with 4 dwelling units and a fifth is proposed to be constructed under a separate application, a development plan shall be required.

B. Prior to Planning Commission approval of parcel maps, subdivision maps and lot line adjustments, applications for site plans shall be approved by the Development Review Committee and applications for development plans shall be approved by the Planning Commission as specified in Chapter 21.23B and as follows:

1. Approval of a site plan application shall be required for parcel maps in which the total number of units that could be constructed on the lots to be created would be 4 or less.

2. Approval of a development plan application shall be required for subdivision maps and for parcel maps in which the total number of units that could be constructed on the lots to be created would be 5 or more.

ABJ544

Applications shall provide information sufficient to demonstrate that the proposed new or reconfigured lots are of adequate size, dimension and configuration to meet the density limits established in Section 21.16I.060 and to comply with the development standards established in Articles II and III of this chapter. For lot line adjustment applications, such information shall include dimensioned plot plans.

C. Site plan and development plan applications which include proposals for modifications of grading limitation standards established within Articles II and III of this chapter shall include a written statement listing the standard(s) being requested for modification and reasons justifying approval of such a request.

**21.16I.050 Fractions.**

Wherever calculations for density or development standards established within this chapter result in a fraction, the fraction shall be rounded to the nearest whole number. (E.g., 4.5 dwelling units may be rounded to 5 dwelling units but 4.49 dwelling units would be rounded to 4 dwelling units.)

**21.16I.060 Density of Residential Development.**

A. <u>Density Calculations for Existing Lots in Blocks No. 1 Through 196 of the Original City Subdivision</u>:

1. Most lots within Blocks No. 1 through 196 of the original Subdivision of the City of El Paso de Robles that have been categorized by the Land Use Element for residential use, as shown in Figure 21.16I.050, measure 50 feet wide by 140 feet deep and have an area of 7,000 square feet. On such lots, a maximum of two dwelling units may be established on an R-2 zoned lot and a maximum of three dwelling units may be established on an R-3 zoned lot

development will conform with General Plan policies, City Ordinances and standards regarding preservation of oak trees, hillside protection, providing proper storm drainage, and providing safe vehicular access.

B. Density Calculations for All Other Existing Lots: On existing lots outside of Blocks No. 1 through 196 of the original Subdivision of the City of El Paso de Robles, the number of dwelling units that may be established in the multiple family residential zoning districts shall be determined in a two (2) step process briefly listed below and explained in the following subsections.

Step 1: Determine Net Developable Acreage of a Property;
Step 2: Determine Maximum Density.

1. Step 1: Determine Net Developable Acreage of a Property: The area eligible for calculation of density shall consist of the acreage of a lot, minus the following:

a. Any dedication necessary to provide for the full rights-of-way of streets bordering the lot in accordance with adopted standards for City streets; and, if the Circulation Master Plan Map of the Circulation Element of the City's General Plan indicates that a lot is to be bisected by a collector or arterial street, any dedication necessary to provide for the full right-of-way of such a street in accordance with adopted standards for City streets.

NOTE: Should a multiple family residential development propose interior public or private streets that are not indicated on the Circulation Master Plan Map of the Circulation Element of the City's General Plan, the area within the rights-of-way for such streets will be eligible for density calculation.

b. Any areas of the site with natural slopes of 35 percent or greater;

c. Any areas of the site within the outer driplines of a compact grouping of 10 or more mature oak trees ("mature" as defined in Chapter 10.01), where driplines between trees in the grouping are separated by 10 feet or less.

d. Any areas of the site within the floodway of the Salinas River.

2. Step 2: Determine Maximum Density:

a. Determine Average Slope of Net Developable Area: General Plan policy provides that densities be decreased as the underlying natural slope increases. Prior to applying the maximum densities allowed under a property's land use category to the net developable acreage, the average slope of the net developable acreage shall be calculated using the following formula:

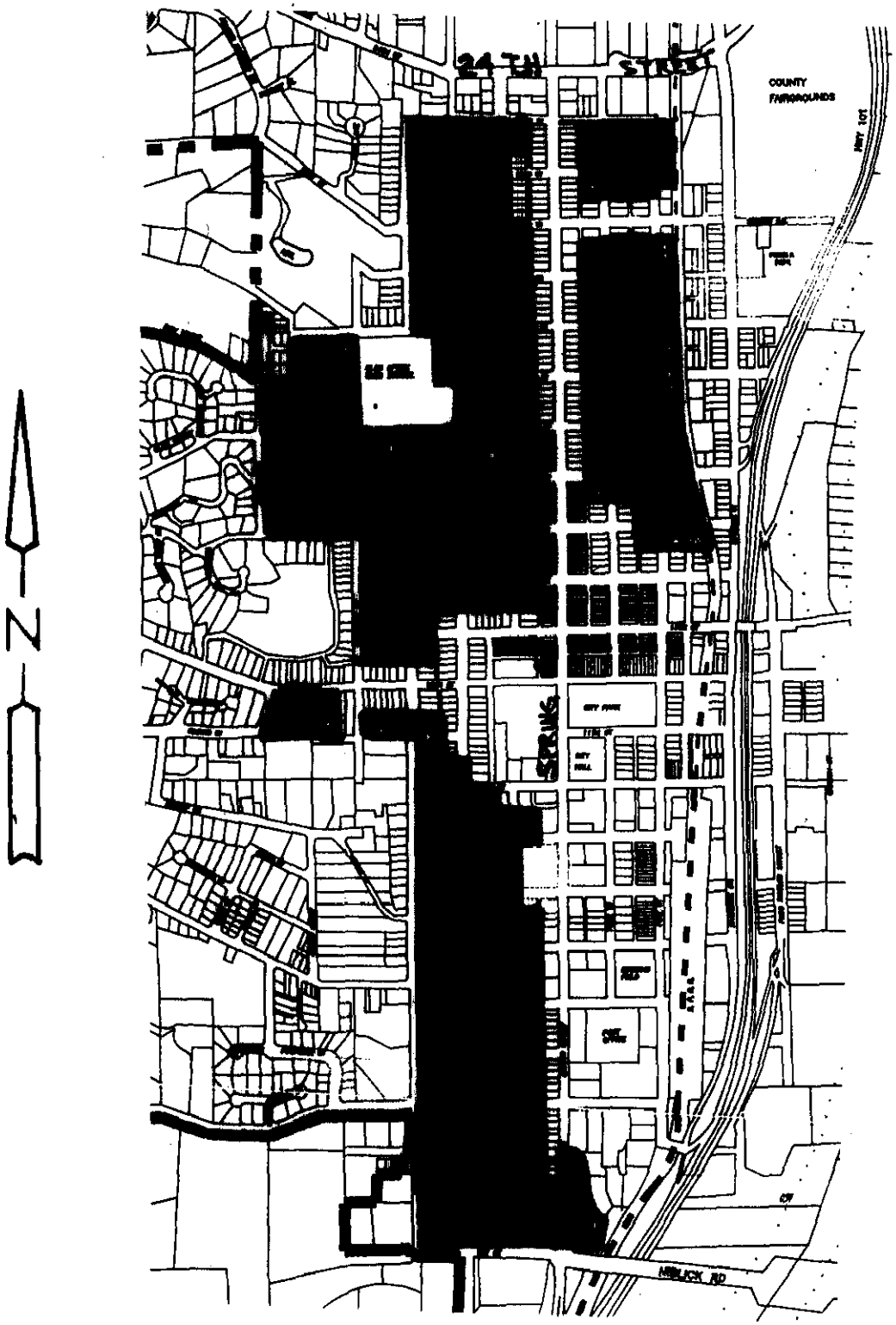
$$\text{Average Slope} = \frac{I \times L \times 0.0023}{A}$$

Where:

I = Contour [illegible]

ABJ544

**Figure 12.16I.060**
**Residentially-Categorized Lots**
**Blocks 1 - 196 of the Original Subdivision of the City**




ABJ544