

ORDINANCE NO. 697 N.S.  
 AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES  
 AMENDING THE ZONING CODE TO REVISE REGULATIONS  
 FOR FRONT AND STREET SIDE YARDS  
 IN RESIDENTIAL ZONING DISTRICTS  
 (CODE AMENDMENT 95006)

WHEREAS, the front and street side yard setbacks for the R-1 and multiple family residential zoning districts were established to be measured from the sidewalk for a local street standard in which the sidewalk was located immediately adjacent to the curb; and

WHEREAS, the City has recently adopted a "neo-traditional" local street standard, which relocates the sidewalk five feet from the curb and closer to residential lots, thereby effectively requiring dwellings to be set back five feet further than under the original, non-"neo-traditional" local street standard; and

WHEREAS, the City desires to retain the benefits of the effective setbacks under the original, non-"neo-traditional" local street standard; and

WHEREAS, public hearings were conducted by the Planning Commission on October 9, 1995 and by the City Council on October 17, 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 October 17, 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;

SECTION I: Table 21.16E.220 of the Municipal Code, as adopted by ordinance 575 N.S. and referred to by Section 21.16E.220, is hereby amended to read as shown in Exhibit A.

SECTION II: Section 21.16I.160 of the Municipal Code is hereby amended to read as follows:

**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 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. 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: 20 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 20 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 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. 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: 20 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 20 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

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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;
    - 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

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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.

PASSED AND ADOPTED THIS 7th day of November, 1995 by the following roll call vote:

AYES: Heggarty, Martin, Picanco, and Macklin

NOES: None

ABSENT: Iversen

ABSTAIN: None

Walter J. Macklin  
MAYOR WALTER J. MACKLIN

ATTEST:

Richard J. Ramirez  
RICHARD J. RAMIREZ, CITY CLERK

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## EXHIBIT A

TABLE 21.16E.220

## MINIMUM SETBACKS IN THE R-1 DISTRICT

## NOTES:

1. All setbacks are measured from the property line unless otherwise noted.
2. DAB's are Detached Accessory Buildings which 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, antennae.

Yard	R-1	R-1 B-1	R-1 B-2	R-1 B-3	R-1 B-4	R-1 B-5
Front (Main Bldgs)	15'	15'	15'	20'	20'	20'
Front (Garage Door) *	20'	20'	20'	20'	20'	20'
Front (DAB's)	50'	50'	50'	50'	50'	50'
Street Side (Main Bldgs)	10'	10'	10'	15'	15'	15'
Street Side (DAB's)	10'	10'	10'	15'	15'	15'
Street Side (Garage Door) *	20'	20'	20'	20'	20'	20'
Interior Side (Main Bldgs)	†	10'	10'	15'	15'	15'
Interior Side (DAB's) †	3'	3'	3'	3'	3'	3'
Rear (Main Bldgs)	20'	20'	20'	20'	20'	20'
Rear (DAB's) †	3'	3'	3'	3'	3'	3'

\* This setback pertains to garage doors with sectional, roll-up doors which open directly toward a street. Garages with single-panel, swing-up doors which open directly toward a street shall be set back 25 feet from the front or street side property line.

† In the R-1 District, the minimum interior side yard setbacks shall be 5 feet on one side and 10 feet on the other side for all lots 65 feet or wider. Lots less than 65 feet wide, which were created prior to the effective date of this ordinance, shall have minimum side yard setbacks of 5 feet on each side. Additionally, all second stories shall be setback 10 feet from the side property line.

‡ Detached accessory buildings shall not be located within 5 feet of any alley or within 10 feet of any dwelling unit, existing or under construction, on the same or adjacent lot.

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