

ORDINANCE NO. 747 N.S.
 AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
 AMENDING THE BUILDING AND ZONING TITLES OF THE MUNICIPAL CODE
 REGARDING USABLE YARDS AND SETBACKS FOR RESIDENTIAL DEVELOPMENT
 (CODE AMENDMENT 98001)

WHEREAS, Policy ENV-12 and supporting programs in the Land Use Element of the General Plan designate arterial street corridors as sensitive viewshed areas whose appearance contributes to the perception of the City, and call for providing setbacks from arterial streets that are adequate to provide vistas and to prevent the development of "crowded" appearance; and

WHEREAS, collector streets are designed to carry substantial numbers of traffic and their appearance is also critical to the perception of the City; and

WHEREAS, at its meeting of April 28, 1998, the Planning Commission took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff report prepared for this project;
- b. Conducted a public hearing to obtain public testimony on the proposed ordinance;
- c. Recommended that the City Council adopt the proposed ordinance; and

WHEREAS, at its meeting of May 5, 1998, the City Council took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff report prepared for this project;
- b. Considered the recommendation of the Planning Commission regarding this code amendment;
- c. Conducted a public hearing to obtain public testimony on the proposed ordinance;
- d. Based on the information contained in the Initial Study, the City Council found that there would not be a significant impact on the environment as a result of the code amendment and adopted a Negative Declaration in accordance with the California Environmental Quality Act.

NOW, THEREFORE, BE IT KNOWN that the Paso Robles City Council, based upon the substantial evidence presented at the above referenced public hearing, including oral and written staff reports, finds as follows:

1. The above stated facts of this ordinance are true and correct.
2. This code amendment is consistent with the City's General Plan.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES ORDAIN AS FOLLOWS:

SECTION 1. Subsection A.2 of Section 17.04.020 of the Municipal Code is hereby amended to read as follows:

"There shall be a minimum of five feet of unobstructed area in each side yard of any residential building."

SECTION 2. Subsection E is hereby added to Section 21.16E.140 of the Municipal Code to read as follows:

"E. 1. Usable rear yard , for all lots, regardless of location: In the rear yard of all lots, a usable, unobstructed natural or manufactured (graded) area 10 feet in depth shall be provided. 'Usable' shall mean that the slope is a minimum of 2 percent but not more than 5 percent. Where a residential building

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is designed to be built into existing natural slopes, this requirement may be met by providing either a 5 foot wide usable manufactured area no less than the full width of a dwelling unit, or a deck a minimum of 10 feet in depth and no less than the full width of a dwelling unit. The underside of decks that are 3 feet or higher above grade shall be screened with landscaping and/or architectural features such as wooden lattice.

2. For lots that are adjacent to, and elevated above, an arterial or collector street, as designated by the Circulation Element of the General Plan:

a. Where a dwelling unit is placed on a manufactured pad, and the average height of the manufactured slopes for this pad in the rear or street side yard adjacent to an arterial or collector street is 10 feet or more, the dwelling unit shall be set back a minimum of 15 feet from the top of the manufactured slope.

b. Where a residential building is designed to be built into existing natural slopes, and a deck is proposed to be the means to meet the usable yard requirement described in subsection E.1, if the rear yard is adjacent to an arterial or collector street, the underside of such a deck, regardless of height above grade, shall be screened with landscaping and/or architectural features such as wooden lattice. Alternative solutions may be proposed to the Development Review Committee (DRC).

The DRC shall have the authority to limit the proposed size and dimensions of any deck, but not less than the minimum dimensions of 10 feet of depth and full width of the dwelling unit, if it finds that a proposed deck of greater depth and width would create negative visual impacts.

c. The requirements of subsections E.2.a and E.2.b shall be applied to all lots created by tentative subdivision (tract) maps, tentative parcel maps or lot line adjustments that are approved after July 1, 1998. On any lot created prior to that date, the Development Review Committee shall review a site plan application and require grading and landscaping treatment appropriate to the size and dimensions of the lot with the intent of reducing visual impacts."

SECTION 3. Publication. The City Clerk shall cause this ordinance to be published once within fifteen (15) days after its passage in a newspaper of general circulation, printed, published and circulated in the City in accordance with Section 36933 of the Government Code.

SECTION 4. Severability. If any section, subsection, sentence, clause, or phrase of the Ordinance is, for any reason, found to be invalid or unconstitutional, such finding shall not affect the remaining portions of this Ordinance.

The City Council hereby declares that it would have passed this ordinance by section, subsection, sentence, clause, or phrase irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases are declared unconstitutional.

SECTION 5. Inconsistency. To the extent that the terms of provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance(s), motion, resolution, rule, or regulation governing the same subject matter thereof and such inconsistent and conflicting provisions of prior ordinances, motions, resolutions, rules, and regulations are hereby repealed.

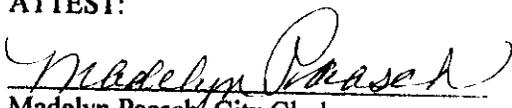
SECTION 6. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the 31st day after its passage.

Introduced at a regular meeting of the City Council held on May 19, 1998, reintroduced for first reading at a regular meeting of the City Council held on June 2, 1998, and passed and adopted by the City Council of the City of El Paso de Robles on the 16th day of June, 1998, by the following roll call vote, to wit:

AYES:	Baron, Iversen, Macklin, Swanson, and Picanco
NOES:	None
ABSENT:	None
ABSTAINING:	None


Duane J. Picanco, Mayor

ATTEST:


Madelyn Paasch, City Clerk

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