

ORDINANCE NO. 988 N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING TITLE 21 (ZONING) OF THE MUNICIPAL CODE TO MODIFY CHAPTERS OF
THE ZONING ORDINANCE (CODE AMENDMENT 12-002)

WHEREAS, the City of El Paso de Robles Zoning Ordinance is amended from time to time to clarify language, correct errors and respond to changing circumstances; and

WHEREAS, several "clean-up" amendments are proposed to update various sections of the code; and

WHEREAS, the amendments encompass modifications to the following topics:

- dance schools, zone permitted and level of review;
- metal roofing for single family homes;
- swimming pool setbacks and location;
- detached accessory building setbacks;
- development plan expiration date;
- multi-family setbacks from "collector" streets;
- multi-family community room size;
- political signs;
- shopping center wall signs;
- downtown sign reference; and
- bicycle parking.

WHEREAS, the City has prepared an ordinance to amend the Zoning Code to modify the above regulation topics; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA) an Initial Study was prepared, and it was determined that this project could not result in significant environmental impacts. Therefore, a draft Negative Declaration was adopted for this project; and

WHEREAS, at its meeting on November 27, 2012, the Planning Commission conducted a public hearing on the proposed Code Amendment and took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff report prepared for this ordinance;
- b. Conducted a public hearing to obtain public testimony on the proposed ordinance;
- c. In accordance with CEQA, recommended the City Council adopt a Negative Declaration for the proposed ordinance;
- d. Recommended that the City Council adopt the proposed ordinance; and

WHEREAS, at its meeting of December 18, 2012 and January 15, 2013, the City Council conducted a public hearing on the proposed Code Amendment and took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff report prepared for this ordinance;
- b. Considered the recommendation of the Planning Commission regarding this ordinance amendment and concurred with the Planning Commission's recommendation.
- c. Conducted a public hearing to obtain public testimony on the proposed ordinance amendment;
- d. Based on its independent judgment and in accordance with CEQA, the City Council adopted a Negative Declaration for this ordinance.

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, hereby finds as follows:

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

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

SECTION 1: Table 21.16.200 of the Zoning Ordinance is hereby amended to incorporate the changes shown in Exhibit A.

SECTION 2. Table 21.16E.220, Minimum Setbacks in the R-1 District is hereby amended to incorporate the changes shown in Exhibit B.

SECTION 3. Section 21.16E.260, General Architectural Requirements is hereby amended to revise Subsection A to read as follows:

- A. All single-family dwellings 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 roof materials for single family homes and detached accessory buildings may be allowed subject to approval by the Development Review Committee (DRC) and that the DRC make all of the following specific findings: a) the material and the way that it is proposed to be applied to the structure is compatible with the architectural theme of the home or detached structure; b) the material would not conflict with the residential character of the home and surrounding neighborhood; c) the proposed use of and manner in which it would be applied demonstrates a high quality of craftsmanship; and d) the roof design and materials used for main buildings and detached accessory buildings are compatible.
 2. Siding shall consist of stucco, wood, Masonite, brick or other similar; reflective, glossy, polished and/or roll-formed type metal roofing is prohibited.
 3. Every single-family dwelling shall have a width and depth of not less than twenty-four feet.

SECTION 4. Section 21.16E.290, Swimming Pools and Spas, is hereby amended to read as follows:

- A. Swimming pools and spas shall comply with the front yard setback of 15 feet and shall not extend farther into the front yard setback than the front building wall of the main building and may be permitted within side yard areas.
- B. Filter and heating systems for pools and spas shall not be located closer than twenty feet to any dwelling other than the property owner's and shall be screened by a solid fence.

SECTION 5. Table 21.16I.160, Setbacks in Multi-Family Districts is hereby amended to read as shown in Exhibit C.

SECTION 6. Section 21.16I.180 Open Space and Recreational Amenities, is hereby amended to revise Subsection B.4 to read as follows:

"Multi-family residential developments consisting of thirty-two or more dwelling units shall provide either a community/recreation room or a day care center. The minimum size of such a facility shall be no less than twenty square feet for each dwelling unit in the development and shall be a minimum of 1,200 square feet. If a day care center is provided, it shall be operated in accordance with state law governing day care services."

SECTION 7. Section 21.19.040, Signs Requiring a Permit, is hereby amended as follows.

- a. Subsection N, Roof Signs, is amended to read as follows: "For any building or tenant space frontage, the total maximum sign area for all building-mounted signs, except for freestanding, window and icon signs, shall exceed one square foot of sign area for every linear foot of building with street frontage. The allowable sign area may be applied on any side of a building provided that the total square footage of all signage shall not exceed the sign area limits for the building. Roof signs shall not project above the highest ridge or parapet."
- b. Subsection O, Wall-Mounted Signs, is amended to read as follows: "For any building or tenant space frontage, the total maximum sign area for all building-mounted signs, except for freestanding, window and icon signs, shall not exceed one square foot of sign for every linear foot of building with a street frontage. The allowable sign area may be applied on any side of a building provided that the total square footage of all signage shall not exceed the sign area limits for the building. For shopping centers with buildings that have entrances oriented toward a parking lot, they shall be allowed an additional 50% more sign area (provided that the additional sign area is not added to the

base sign area permitted in one sign), and that a sign program for the whole shopping center is prepared by a design professional that unifies all signs within a cohesive sign program that is architecturally compatible with the architectural theme of the buildings in the shopping center.

- c. Subsection Q, Restrictions in the Downtown Area, is hereby deleted.

SECTION 8. Section 21.22.042, Bicycle Parking Requirements, is hereby established to read as follows:

“Section 21.22.042, Bicycle Parking Requirements.

- A. Multi-family development with 10 or more units shall provide a minimum of two (2) bicycle rack spaces and two (2) bicycle rack spaces for each additional increment of 10 units on site.
- B. Non-residential development shall provide a minimum of two (2) bicycle rack spaces for each 20,000 square feet of building footprint on site. In addition, for sites with 50,000 square feet or more building footprint, two (2) secured locker bike parking facilities shall be provided for each increment of 50,000 square feet of building footprint on site.
- C. For parking lots that require 20 or more parking spaces, a 5 percent reduction in parking spaces shall be allowed in exchange for providing 4 bike rack spaces.”

SECTION 9. Section 21.23B.150, Time Limit on Approval is hereby amended to read as follows:

- A. Approval of development plans, site plans and plot plans shall be valid for a period of not more than two years following the date of approval. Development plans approved concurrently with a tentative tract or parcel map shall have the same expiration time period as the tentative map. If, at the end of a two-year period, one of the situations listed below has occurred, said approval shall become invalid.
 - 1. A building or grading permit has not been issued; or
 - 2. A building or grading permit has been issued but construction or grading has not commenced within one hundred eighty days of the issuance; or
 - 3. A building or grading permit has been issued and construction or grading has commenced but has subsequently lapsed for a period of one hundred eighty days; or
 - 4. A written request for a time extension request and the applicable fee have not been received; or
 - 5. A tentative tract or parcel map associated with the development plan, site plan, or plot plan has expired.
- B. Time extensions, not exceeding two years per extension, maybe granted by the authority (planning commission, development review committee, or community development director) that originally granted approval if a written request and applicable fee have been submitted to the community development department no later than the date of expiration of approval.

SECTION 10: 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 11. 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 12. 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 13. 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 January 15, 2013, and passed and adopted by the City Council of the City of El Paso de Robles on the 5th day of February, 2013, by the following roll call vote, to wit:

AYES: Hamon, Steinbeck, Martin, Strong, Picanco

NOES:

ABSTAIN:

ABSENT:



Duane Picanco, Mayor

ATTEST:



Caryn Jackson, Deputy City Clerk

TABLE 21.116.200
 (As amended through Ordinance 976 N.S.)
 PERMITTED LAND USES FOR ALL ZONING DISTRICTS

EXPLANATION OF CODES USED IN THIS CHART

- P (permitted use) denotes a land use which is permitted.
- C (conditional use) denotes a land use which requires approval of a conditional use permit (CUP).
- N (non-permitted use) denotes a land use which is not permitted.
- T (temporary use permit) denotes a land use which requires approval of a temporary use permit per Chapter 21.23C.

NOTES:

1. All uses are subject to compliance with the general regulations and performance standards contained within Chapters 21.20 and 21.21, and specific limits and/or restrictions contained in chapters for specific zoning districts. Additionally, there may be limits and restrictions within overlay zoning districts and specific plan areas.
2. Any use not specifically listed below is not permitted unless the Planning Commission determines a particular land use to be similar to another permitted, conditional or temporary use within a particular zoning district.

Exhibit A

LAND USE	ZONING DISTRICT																		
	AG	RA	R1	R2	R3	R30	R4	R5	OP	CP	C1	C2	C3	RC	M	PM	AP	POS	
...																			
C. Institutional, Public & Quasi-Public																			
...																			
9. Schools:																			
a. Public, all levels	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
b. Private, all levels	N	C	C	C	C	C	C	C	N	C	C	C	C	N	C	C	C	C	N
c. Business, trade, dance-schools	C	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	P	N
...																			
E. Private Club and Commercial Recreation																			
1. Indoor Facilities:																			
a. Amusement arcades (video games, pinball, etc.) 4 or more games constitutes an arcade.	N	N	N	N	N	N	N	N	N	P	P	P	P	P	N	N	N	N	N
b. Bowling alleys	N	N	N	N	N	N	N	N	N	N	P	P	P	P	N	N	N	N	N
c. Card rooms	N	N	N	N	N	N	N	N	N	N	C	C	C	N	N	N	N	N	N
d. Dance halls, dance schools	N	N	N	N	N	N	N	N	N	N	CP								
e. Gyms, health spas, etc.	N	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	P	N

ZONING DISTRICT

	AG	RA	R1	R2	R3	R30	R4	R5	OP	CP	C1	C2	C3	RC	M	PM	AP	POS
LAND USE																		
f. Pool/billiard halls	N	N	N	N	N	N	N	N	N	N	P	P	P	P	N	N	N	N
g. Racquetball, handball courts	N	N	C	C	C	C	C	C	N	N	P	P	P	P	P	P	P	N
h. Shooting Range	N	N	N	N	N	N	N	N	N	N	N	N	P	N	P	N	P	N
i. Skating Rink (ice, roller)	N	N	N	N	N	N	N	N	N	N	P	P	P	P	N	N	N	N
j. Theaters (* Requires a finding that a theater will not be detrimental to the City's efforts to revitalize the downtown.	N	N	N	N	N	N	N	N	N	C*	P	C*	C*	C*	N	N	N	N

Exhibit B

**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. DABs 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 (feet)	R-1, B-1 (feet)	R-1, B-2 (feet)	R-1, B-3 (feet)	R-1, B-4 (feet)	R-1, B-5 (feet)
Front (main bldgs)	15	15	15	20	20	20
Front (garage door)*	20	20	20	20	20	20
Front (DABs)***	<u>15 50</u>					
Street Side (main bldgs)	10	10	10	15	15	15
Street Side (DABs)	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 (DABs)†	3	3	3	3	3	3
Rear (main bldgs)**	20	20	20	20	20	20
Rear (DABs)‡	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 twenty-five feet from the front or street side property line.

** On R-1 zoned properties that have rear yards that back-up" to City of El Paso de Robles school district-owned public facilities (explicitly excluding properties with rear yards that abut public streets or alleys, detention basins, bike paths) the city's development review committee (DRC) may consider and approve, conditionally approve, or deny requests for reduced rear yard setbacks to a minimum of ten feet for single-story additions to existing buildings. This reduction in rear yard setbacks may not be approved in conjunction with new home construction. Approval of reduced rear yard setbacks would be subject to development review committee (DRC) consideration of an application accompanied by written evidence of concurrence/support from adjacent and abutting property owners. The DRC's decision to approve, conditionally approve, or deny requests for reduced rear yard setbacks shall consider impacts on the views, privacy, and other concerns of neighboring property owners. With the exception of eaves that may extend a maximum of twenty-four inches into setback areas, additional extensions of the main building, including but not limited to covered patios, may not encroach into the ten foot rear yard.

***** DABs shall not be located closer to the front property line the front wall of the main structure oriented toward the street.**

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

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

Exhibit C

TABLE 21.16I.160 Setbacks in Multi-Family Districts

Yard	Setback	Notes/Exceptions
FRONT (all buildings & structures)		Front setbacks from public streets are measured from property lines. Front setbacks from private streets are measured from the edge of pavement.
From arterial streets	25 ft	1. Except 15 feet along Spring Street 2. On lots where the finished grade of multi-family developments with two or more stories will be higher than adjacent arterial streets, the Planning Commission may require increased front yard setbacks where necessary to minimize visual impacts associated with "walling-in" the street with relatively high vertical building planes.
From collector streets	20 ft	If a greater setback predominate existing or planned development on the same block or across the street, the greater setback shall be provided.
From local streets	15 ft	1. If a greater setback predominate existing or planned development on the same block or across the street, the greater setback shall be provided. 2. The Planning Commission can reduce the required 15 foot front yard setback to no less than 5 feet, if all of the following findings can be made: a. The reduction is necessary to preserve oak trees and/or minimize grading; b. The project still maintains 20 foot front setbacks from street-facing garage doors; c. The reduction would not be inconsistent with an established neighborhood pattern.
From private streets	15 ft	
From alleys	5 ft	
GARAGE DOORS		Applies where garage doors open directly toward a street or alley.
Public Streets	20 ft	As measured from property lines.
Private Streets	20 ft	1. As measured from the edge of pavement. 2. As part of a development plan application, the Planning Commission may approve a setback of 5 feet
Alleys	5'/20'	Garage doors are to be set back at least 5 feet or at least 20 feet.
STREET SIDE (all buildings & structures)		Street side setbacks from public streets are measured from property lines. Street side setbacks from private streets are measured from the edge of pavement.
From arterial streets	25 ft	Same notes/exceptions as for front setbacks.
From collector streets	15 ft	Same notes/exceptions as for front setbacks.
From local streets	10 ft	Same notes/exceptions as for front setbacks.
From private streets	10 ft	
INTERIOR SIDE		As measured from property lines.
Main Buildings	5/10/15 ft	1. 5 feet for one story; 10 feet for two stories; 15 feet for three stories, except on lots in Blocks 1 through 196 of the original City subdivision that are 50 feet or less in width, on which buildings with two stories may be set back 5 feet. 2. Where the side yard abuts the existing or potential rear yard of single-family zoned property, the side yard setback shall be 20 feet. 3. Where front doors face a side yard, the doorway shall be set back 10 feet. 4. Setbacks from alleys shall be 5 feet, unless a door faces the alley, in which case the doorway shall be set back 10 feet.
Detached Accessory Buildings (DABs): including, but not limited to: garages, carports, sheds auxiliary buildings, swimming pools and spas, tennis courts)	5/10 ft	1. 5 feet for one story; 10 feet for two stories. 2. 5 feet from alleys (regardless of number of stories). 3. Where the side yard abuts existing or potential rear yard of single-family zoned property, the side yard setback shall be 20 feet, except that buildings that house only pool and spa filter and heating systems may be set back 5 feet. 4. Shelters for recreational vehicles, boats, campers, travel trailers or similar vehicles, but not including automobiles, trucks, motorcycles, all-terrain vehicles and non-travel trailers, may be placed within the interior side yard and rear yard setbacks subject to (a) approval of a conditional use permit and (b) the conditions in Section 21.20.240.
REAR		As measured from property lines.
Main Buildings	10/15 ft	1. 10 feet for one and two stories; 15 feet for three stories. 2. Where the rear yard abuts the existing or potential rear yard of single-family zoned property, the side yard setback shall be 20 feet.
DABs	5/10 ft	Same notes/exceptions as for interior side setbacks.
TOWNHOUSES		For townhouse-type condominium units with individual lots for each unit, setbacks from the property lines defining each unit are not required. However, units and accessory buildings shall be set back from the project's exterior property lines as indicated above.
SUBDIVISION OF EXISTING LOTS IN BLOCKS NO. 1 THROUGH 196 OF THE ORIGINAL CITY SUBDIVISION		1. In order to increase the numbers of households that own their homes, particularly those in lower income groups, 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. 2. Because resubdivision of most of the subject lots would create 50 foot deep lots, exceptions to the above setback requirements 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.