

ORDINANCE NO. 441 N.S.

AN ORDINANCE AMENDING SECTIONS 21.08; 21.21; ADDING SECTION 21.23, REPEALING SECTION 21.24.010 THROUGH 21.24.280 OF THE ZONING REGULATION ORDINANCE NO. 405 AND AMENDING THE ZONING MAP

The City Council of the City of El Paso de Robles does hereby ordain as follows:

In Section 21.08.380, side and front of corner lots, delete the word "side" at its first occurrence and substitute the word "front".

In Section 21.08.480, Yard-Front, add the following: 1 Spring Street. Each lot fronting on Spring Street shall have a front yard set back of not less than 15 feet.

In Section 21.12.020 amend the Zoning Map as indicated on Exhibit 1.

In Section 21.20.140 Fences and Hedges, delete the words "of the extension of the front yard set back line to the side yard lines" and replace with the word "yard".

In Section 21.21.050 3 (3), Multi-Family Dwellings, add d. Condominiums, zero lot line, and similar construction. One Architectural Review Committee.

In Section 21.21.050 3 (10) Retail Business and Service Establishments. Add 10 a. Beauty salons and barber shops, two spaces for each station. 10 b. Laundromats, one space for each three washers. 11 a. Auto service Business such as Auto Electric, Auto Diagnostic or similar uses, two spaces for each service bay and one space for each five hundred square feet of gross accessory space. 14 omit the words "one (1) parking space for each employee and".

In Section 21.21.050 4 c. Additional Requirements, delete the word "after" at its first occurrence and substitute the words "prior to".

Add Sections 21.23.010 through 21.23.420 as follows:

- 21.23.010 Zoning Administrator Establishment
- 21.23.020 Appointment - Zoning Administrator
- 21.23.030 Zoning Administrator - Adoption of Procedures
- 21.23.040 Planning Commission Authority, Procedures
- 21.23.050 Authority of the Zoning Administrator
- 21.23.060 Business Licenses
- 21.23.070 Home Occupations
- 21.23.080 Interpretations
- 21.23.090 Use Permits
- 21.23.100 Use Permits - Purposes
- 21.23.110 Variances
- 21.23.120 Variance - Conditions
- 21.23.130 Variance - Purpose

Zoning Administrator Adoption of Procedures

As provided in Section 21.23.030 of the Zoning Ordinance, the following procedures are established:

1.) Planning Commission Agendas

The Planning Director shall establish the agendas of the Planning Commission, subject to change by the Commission at their meetings.

The agenda may include a consent calendar. All items on the consent calendar will be considered routine. There will be no separate discussion unless requested. If requested, the item will be removed from the consent calendar and considered separately.

2.) Public notice shall be given on all Rezone, Use Permit and Variance applications. This notice shall be provided:

- a.) as part of the environmental review process, when required
- b.) by public hearing notice, if required, or
- c.) directly by the Administrator, if necessary.

3.) Home Occupation

The Zoning Administrator shall insure that the proposed use is consistent with the requirements of this section and with the requirements of Section 21.21.040, General Performance Standards for all Uses.

The Zoning Administrator may approve, disapprove, or approve with conditions the application subject to the review of the Planning commission, provided however, that the applicant may appeal a decision by the Zoning Administrator to the Planning Commission within 30 days.

4.) Use Permit (Signs)

The Zoning Administrator may approve, disapprove, or approve with conditions use permits for signs, subject to approval of the Architectural Review Committee.

APPEALS FORM

NAME _____

Date _____

Project Description _____

Location _____

File No. _____

We, the undersigned, do hereby appeal the decision made by
the _____ on _____.

Reason for Appeal: _____

_____.

Date _____

Signed _____

STATE OF CALIFORNIA
COUNTY OF SAN LUIS OBISPO
CITY OF EL PASO DE ROBLES } SS.

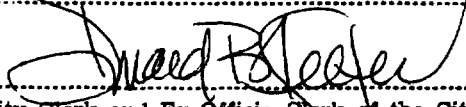
I, Donald B. Keefer, City Clerk of the City of El Paso de Robles, California, do hereby certify that the foregoing Ordinance No. 441 N.S. was duly and regularly adopted, passed, and approved by the City Council of the City of El Paso de Robles, California, at a regular meeting of said City Council held at the regular meeting place thereof, on the 18th day, of December 19 79, by the following vote:

AYES: Councilmen Hurst, Minshull, Stemper and Schwartz

NOES: Councilmen None

ABSENT: Councilmen Hurst

Dated this 19th day of December, 19 79


City Clerk and Ex-Officio Clerk of the City Council,
City of El Paso De Robles, State of California.

- 21.23.140 Showing Required for Variance
- 21.23.150 Variance Required Findings
- 21.23.160 Variance Issuance

- 21.23.170 Waivers - Curb, Gutter, & Sidwalks

- 21.23.180 Applications
 - 21.23.190 Receipt of Application
 - 21.23.200 Required Data - All Applications
 - 21.23.210 Investigations
 - 21.23.220 Use Permits, Variances - Hearings - When Required
 - 21.23.230 Variance Hearings
 - 21.23.240 Hearing Notice
 - 21.23.250 Findings for Granting any Request
 - 21.23.260 Conditions
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 - 21.23.350 Council Action on Appeals
 - 21.23.360 Council Decision on Appeals
 - 21.23.370 Appeals Review by Council
 - 21.23.380 Appeals, Staff Decisions

- 21.23.390 Revocation for Non-Use

- 21.23.400 Revocation for Violation (Permits & Variances)

- 21.23.410 Permits Issued - When Effective

- 21.23.420 Abandonment of Permit

- 21.23.010 Zoning Administrator Establishment

The office of Zoning Administrator is created pursuant to Section 65900 of the Government Code. The purpose of the Zoning Administration process is to enable routine applications to be acted upon in a less costly, more expeditious manner while still providing full notification of and participation in the zoning review process.

- 21.23.020 Appointment - Zoning Administrator

The City Manager shall appoint the Zoning Administrator, who shall be either the Planning Director or another employee of the City of El Paso de Robles. When the Zoning Administrator is other than the Planning Director, that person shall be directly responsible to the Planning Director while acting in the capacity of Zoning Administrator.

- 21.23.030 Zoning Administrator - Adoption of Procedures

It shall be the duty of the Zoning Administrator to establish and from time to time to amend, subject to the approval of the Planning Commission, rules and procedures necessary to process, review, notify and make findings and a determination of the items set forth in Title.

21.23.040 Planning Commission Authority, Procedures

Notwithstanding other provisions of this title, the Planning Commission shall establish, and may from time to time, change procedures to review decision of the Zoning Administrator. When, in the opinion of the Planning Director, any matter set forth in this section is of size, importance, or unique nature such that he judges it not to be a routine matter, he may place it directly on the agenda of the Planning Commission for determination in lieu of having it processed by the Zoning Administrator.

21.23.050 Authority of the Zoning Administrator

The Administrator shall have jurisdiction of and be responsible for the administration of the regulations and provisions of this title. He shall have the power to exercise this jurisdiction as hereafter provided and shall have the authority to act in his administrative capacity on the following matters:

- a.) Business Licenses
- b.) Home Occupations
- c.) Interpretations
- d.) Use Permits
- e.) Variances
- f.) Waivers - Curbs, Gutters & Sidewalks
- g.) Such other duties as prescribed by laws of the City or as the City Council may delegate by resolutions or motions.

21.23.060 Business Licenses

All new Business License Applications received by the City under Title 5 of the Municipal Code shall be reviewed by the Zoning Administrator. The application review shall include a review of the location of business as related to the zoning ordinance. If the review finds the application conforms to the existing zoning, the Administrator shall sign the application for processing. If the Administrator finds the application to be in violation of any section of Title 21, he shall inform the applicant of the potential violation and remedies, if any, under this chapter.

21.23.070 Home Occupations

Applications for Home Occupations shall be reviewed by the Z.A.

A. A home occupation is a profession or other occupation not otherwise permitted in the district, which is conducted as an accessory use on a residential plot by one (1) or more members of the family residing on the premises, and which in residential districts conforms to the following additional restrictions:

1. The profession or other occupation shall be carried on wholly within the main building or accessory building.

2. Not more than one-half (1/2) of the floor area of the ground floor of the principal building is used for the occupation.

3. There shall be no exterior storage of materials and equipment, and no other exterior indication of such home occupation or variation from the residential character of the principal building.

4. There shall be no retail sales on the premises.

5. In particular, a home occupation includes, but is not limited to: art studio; dress-making; teaching, with musical or dancing instruction limited to a single pupil at a time; author; artist; musician; or similar use; but shall not include animal hospital, automotive repair service, barbershop, beauty parlor, restaurant, tea room, tavern or similar use.

6. There shall be no signs identifying the business.

B. Exception for hardship: The Planning Commission may grant an exception to the strict application of the above requirements when the applicant is able to show that there is a hardship upon the applicant 972

which warrants such an exception. In such cases the applicant must prove that the activity for which the permit is requested is one that is light, clean, free from noise, and will have no adverse effect upon the residential character of the neighborhood. All such applications shall be granted by a use permit and shall be subject to annual review.

21.23.080 Interpretations

Whenever in the opinion of the Zoning Administrator there is any questions regarding the interpretation of this Title or its application to any specific case or situation, he shall interpret the intent of this Title by written decision as required in Section 21.23.270, and thereupon file a copy with the Commission, and such interpretation shall be followed in applying said provision, unless changed by the Commission.

21.23.090 Use Permits

The Planning Commission or Zoning Administrator is empowered to grant Use Permits when required by the provision of this chapter. Use Permits revocable, conditional, or valid for a term period may be issued for any of the uses or purposes for which such permits are required or permitted by the terms of this title.

21.23.100 Use Permits - Purpose

Each land use district has its principally permitted uses but other uses may or may not be compatible with their environs depending upon the circumstances of the individual case. The Use Permit allows such other uses to be reviewed and adequately controlled or prohibited to assure that any area will assume or retain the characteristics intended by zoning.

21.23.110 Variances

The Planning Commission or Zoning Administrator may grant a Variance from the terms of this Title when because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this Title deprives such property of privileges enjoyed by other property in the vicinity and under the identical zoning classification.

21.23.120 Variance - Conditions

Any Variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

21.23.130 Variance Purpose

The Variance procedure is to permit minor adjustments to the strict application of the provisions of this Title when there are special or extraordinary circumstances which apply to a parcel of land or a building under such conditions that the land or building cannot be used to the extent intended by zoning.

21.23.140 Showing Required for Variance

The applicant shall show that the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner.

21.23.150 Variance Required Findings

In granting a variance from the terms of this Title the "Z.A." or Planning Commission shall make such findings as are necessary to justify the variance and indicate in its findings the evidence upon which such findings are based.

21.23.160 Variance Issuance

After the conclusion of the public hearing, the Planning Commission or Zoning Administrator may grant a variance from the strict application of the terms of this where unnecessary hardships or practical difficulties and results inconsistent with the purpose of this Title will result; provided, however, no variance permit shall be granted to allow any land use which is not in conformity with the use regulations specified for the district in which the land is located.

21.23.170 Waivers - Curb, Gutter and Sidewalks

The "Z.A." or "P.C." shall review all applications for waivers. The Administrator shall obtain a recommendation from the Department of Municipal Services and other departments as he deems necessary. A decision with or without conditions shall be given as defined in Section 21.23.270.

21.23.180 Applications - All Permits

All applications for reviews and permits as required by this Title shall be in writing to the office of the Planning Director upon a form prescribed by and furnished by the Planning Director and shall be accompanied by plans and elevations as prescribed in Section 21.23.200 as necessary to show the detail of the proposed use.

21.23.190 Receipt of Application

Upon receipt of an application, the Zoning Administrator or P.C. shall review it and if found complete, shall so certify. The application shall contain a description of the property involved sufficient to identify it precisely, its street address and assessors parcel number, a statement of all facts upon which the applicant relies if such is required, a statement of, or reference to, the reasons for filing of the application and a specific reference to the law, and section thereof, to which the application pertains and applicable information from Section 21.23.200. Each application shall be verified by the record owner of the land in question, of the purchaser thereof under a contract in writing duly executed and acknowledged by both the buyer and the seller, of the lessee in possession of the property with written consent of the record owner, or of the agent of any of the foregoing duly authorized in writing.

21.23.200 Required Data - All Applications

Any application required by this Title shall be accompanied by copies in a quantity as required by the Planning Commission or the Zoning Administrator, as the case may be, of site plans, diagrams, drawings, photographs or other pictorial presentation as may be necessary. Site plans shall be drawn to scale of an adequate size and shall indicate clearly and with full dimensioning the following data where applicable:

- a.) Lot dimensions, drainage and grading; distance to nearest cross street;
- b.) Location, elevations, size, height and proposed use of all buildings and structures including trash enclosing intended to be on the site (colored architectural rendering may be required);
- c.) Yards and space between buildings;
- d.) Location, height, materials, and design of all walls and fences either proposed or required;
- e.) Location, number of spaces and dimensions of off-street parking areas, and internal traffic circulation pattern;
- f.) Pedestrian, vehicular, and service points of ingress and egress; driveway widths, and distances between driveways;
- g.) Location, size, height, method of lighting, and general design of signs;
- h.) Location, dimensions, number of spaces, and internal circulations of loading areas;
- i.) Location and general nature of lighting, including hood devices;
- j.) Street dedications and improvements;
- k.) Proposed landscaping; quantity, location, varieties, container size, and irrigation of all proposed landscaping;

- l.) Any significant trees, other significant plant life, exposed rock or other significant natural features existing at the time of application; and
- m.) When requested, applicant shall provide the names and addresses of all property owners within 300 feet of the exterior boundaries of the application;
- n.) Other such data as may be required to permit the Planning Commission or Zoning Administrator, as the case may be, to make the required findings for approval of the specific type of application.

21.23.210 Investigations

The Planning Commission and/or the Zoning Administrator shall cause to be made by its own members or members of the staff, such investigation of facts bearing upon such application as will serve to provide all necessary information to assure that the action on each such application is consistent with the intent and purpose of the chapter and with previous amendments or variance.

21.23.220 Use Permits, Variances - Hearings - When Required

Except for variances, unless required by State Law, no public hearing need be held thereon; provided that the Planning Commission or Zoning Administrator may hold any hearing they deem necessary.

21.23.230 Variance Hearings

A public hearing shall be held within forty-five (45) days after filing of the application. Notice of said hearings shall be given as provided in Section 21.23.240.

21.23.240 Hearing Notice

In case a public hearing is required by State Law, or is deemed necessary by the Planning Commission or Zoning Administrator, a notice of such hearing shall be given, if required, according to State Law and further notice of such hearing shall be given as follows: Not less than ten (10) days prior to such hearing there shall be mailed, postage prepaid, a notice of the time and place of such hearing to all persons whose names and addresses appear on the latest adopted tax roll of the county or is known to the City Clerk, as owning property within a distance of not less than 300 feet from the exterior boundaries of the area actually occupied or to be occupied by the requested use. Notice may be posted on the property in lieu of the foregoing procedure.

21.23.250 Findings for Granting any Request

In order to grant any request the findings of the Planning Commission or the Zoning Administrator shall be that the establishment, maintenance or operation of the requested use of building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, convenience, and general welfare of the persons residing or working in the neighborhood of such proposed use, or be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the City.

21.23.260 Conditions

The Planning Commission or Zoning Administrator may impose such conditions on any application as is necessary to secure the purpose of this title and may require guarantees and evidence that such conditions are being or will be complied with.

21.23.270 Decisions

The Planning Commission or the Zoning Administrator as the case may be, shall make written findings of the essential facts required by the law pertinent to the matter before them. A copy of the decision and findings shall be mailed by the Planning Director to the applicant at the

address given in the application and to such other persons who shall so request in writing, and a copy shall be kept on file in the office of the Planning Director. No decisions shall be final until the opportunity to appeal, pursuant to the provisions of Section 21.23.290 has expired.

21.23.280 Effect on Building and Zoning Permits

No Building or Zoning Permit shall be issued in any case where a Use, Variance or other special permit is required by the terms of this chapter until ten (10) days after the granting of such permit by the Planning Commission or the Zoning Administrator or after granting of such permit by the City Council in the event of appeal and then only in accordance with the terms and conditions of the permit granted.

21.23.290 Appeals. Zoning Administrator Decisions

The following regulations shall govern appeals of the Zoning Administrator decisions:

21.23.300 Notice of Appeal

Within ten (10) days after mailing a decision of the Zoning Administrator, any City resident or City land owner affected thereby may appeal to the Planning Commission, acting as the Board of Appeals, by filing a "Notice of Appeal", in duplicate, with the Planning Director who shall immediately transmit one copy to the applicant in the event the appellant is not the applicant. The Notice of Appeal shall specify the person making the appeal, the decision appealed from, and shall state in clear and concise language the reasons for the appeal. Notice of Appeal forms shall be supplied by the Planning Director.

21.23.310 Action on Appeals

Upon the receipt of a valid appeal from a decision of the Zoning Administrator, the Planning Director shall forthwith set a hearing on the matter before the Planning Commission. Not less than five days prior to the date set for hearing, notice of the time, date and place of the hearing shall be mailed to the appellant, to the applicant, and to any other person who has requested such notice in writing. After the hearing on an appeal, the Planning Commission may reverse, affirm, or modify such decision as the facts warrant subject to the same limitations as are placed upon the Zoning Administrator under the terms and conditions of the particular law involved in the matter.

21.23.320 Decision on Appeals

The decision of the Planning Commission of any appeal of a decision of the Zoning Administrator shall be final unless the matter is appealed further to the City Council.

21.23.330 Appeals, Planning Commission Decisions

The following regulations shall govern appeals of decisions to the Planning Commission on matters covered by this article.

21.23.340 Notice of Appeal

Within ten (10) days after mailing a decision of the Commission, any City resident or City land owner affected thereby may appeal to the Council by filing a "Notice of Appeal" in triplicate, with the City Clerk, who shall immediately transmit one copy to the Planning Director and one copy to the applicant in the event the appellant is not the applicant. The Notice of Appeal shall specify the person making the appeal, the decision appealed from, and shall state in clear and concise language the reasons for the appeal. Notice of Appeal forms shall be supplied by the Planning Director.

21.23.350 Council Action on Appeals

After the filing of the Notice of Appeal the City Clerk shall forthwith schedule a hearing before the City Council. Notice of the time, date and place of such hearing shall be mailed by first class mail by the City Clerk to the appellant and to the applicant in the event the appellant is not the applicant. The City Clerk shall also, by first class mail, give notice of such hearing to any other person who has requested such notice in

writing.

21.23.360 Council Decision on Appeals

After the hearing of an appeal the Council may refer the matter back to the Commission for further consideration, or may reverse, affirm, or modify the decision of the Commission, and may make such decision as the facts warrant, subject to the same limitations as are placed upon the Commission and/or the Zoning Administrator, if the matter were originally heard by him, under the terms and conditions of the particular law involved in the matter.

21.23.370 Appeals Review by Council

Any member of the Council shall have authority to request the Council to review any decision of the Planning Commission or Zoning Administrator by either making such request orally at the first Council meeting following the Commission meeting at which such decision was made or following decision of the Zoning Administrator by filing a written request with the City Clerk prior to the expiration of the time during which an appeal can be made. When such review is requested by any member of the Council, the decision shall be considered as appealed and all procedures set forth in this section shall apply.

21.23.380 Appeals, Staff Decisions

The Planning Commission, acting as the Board of Appeals, shall have the power to hear and rule upon any appeal from any decision requirement or determination made by an administrative official in the administration or enforcement of any of the provisions of this article. Said appeal shall be in writing and shall specifically set forth the decision appealed from and shall state in clear and concise language the reasons for the appeal.

Upon making a decision on the appeal, the Commission shall make written findings of the essential facts required by law pertinent to the matter before the Commission. A copy of the decision of the Commission shall be mailed by its secretary to the appellant at the address given in his letter of appeal and to such other persons as shall so request in writing, and a copy shall be kept on file in the office of the Planning Director.

Any such decision made by the Planning Commission may be further appealed to the City Council pursuant to the procedures set forth in Section 10-2.2210 of this article.

21.23.390 Revocation for Non-Use

Any Zoning Permit, Use Permit or Variance or other permits granted in accordance with the terms of this Title shall be revoked if not used within six (6) months from date of approval. The six month period may be extended for additional time upon written request to and written approval of the Planning Commission..

21.23.400 Revocation for Violation (Permits & Variances)

Any Zoning Permit, Use Permit, Variance or other permit granted in accordance with the terms of this Title may be revoked if any of the conditions or terms of such permit or variance are violated or if any law or ordinance is violated in connection therewith.

21.23.410 Permits Issued - When Effective

No permit issued under the provisions of Sections 21.23.010 through 21.23.420 shall be final until the issuance of same shall have been reported to the City Council in time for consideration at its regular meeting. At such meeting of the City Council, said Council may modify, overrule, or order a rehearing of the permit and of the subject matter involved therein, but if no action is taken at such meeting of the City Council, said permit shall be deemed final.

21.23.420 Abandonment of Permit

Discontinuance of the exercise of any right under permits or

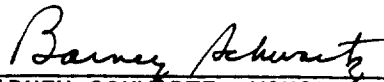
variances for a continuous period on one hundred eighty (180) days or failure to comply with any of the conditions shall be deemed an abandonment of such permit and the property affected thereby shall be subject to all the provisions and regulations of this Title applicable thereto at the time of such abandonment.

PASSED AND ADOPTED this 18th day of
December 1979 by the following roll call vote:

AYES: Hurst, Minshull, Stemper and Schwartz


NOES: None

ABSENT: Hanson



BARNEY SCHWARTZ, MAYOR

ATTEST:



DONALD B. KEEFER, CITY CLERK