

ORDINANCE NO. 543 N.S.  
 AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES  
 DEFINING THE TERM "NONCONFORMING LOTS" AND  
 AMENDING THE NONCONFORMING LAND USE AND BUILDING  
 REGULATIONS OF THE ZONING CODE

The City Council of the City of El Paso De Robles, California, does hereby ordain as follows:

SECTION I: Chapter 21.08 of the Zoning Code (Definitions) is amended as follows:

A. Section 21.08.300 is amended to read as follows:

**21.08.300 Nonconforming Buildings and Structures.** A building or structure which was lawfully established prior to the adoption, amendment of this title, but which now fails to conform to either the present general requirements of this title or the district requirements for such items which include, but are not limited to: setbacks and building separations; lot coverage; number of stalls and/or dimensions of off-street parking facilities; and height limits.

B. Section 21.08.305 is added to define the term "Nonconforming Lots" and shall read as follows:

**21.08.305 Nonconforming Lots.** A lot or parcel which was lawfully created prior to the adoption or amendment of this title, but which now fails to conform to the present district requirements for lot size, width or depth.

C. Section 21.08.310 is amended to read as follows:

**21.08.310 Nonconforming Use.** A land use or activity which was lawfully established prior to the adoption or amendment of this title, but which now fails to conform to either the present general requirements of this title or the district requirements for land use type and/or intensity (density). This includes existing land uses which are subject to approval of a conditional use permit but were lawfully established without a conditional use permit.

SECTION II: Chapter 21.20 of the Zoning Code (General Regulations and Exceptions) is amended as follows:

A. Section 21.20.330 is amended to read as follows:

**21.20.330 Nonconforming Lots.** Notwithstanding the provisions of Section 21.20.150, which may require the combining of lots with less than 5,000 sq ft in area and/or 50 feet in width, nonconforming lots may be developed with land uses which are permitted by the district in which they are located provided that all development occurs per code standards.

B. Section 21.20.340 is amended to read as follows:

**21.20.340 Nonconforming Use.** Nonconforming land uses may continue to be operated and maintained subject to the following limitations:

a. The site or building areas in which they are located shall not be enlarged or increased;

b. The intensity or level of use or activity shall not be increased;

c. If abandoned for a period of six months or more, they shall neither be re-established nor resume operation; subsequent land uses shall conform to the general and district regulations of this title;

d. If the buildings or structures in which they are located are damaged by fire, earthquake, explosion, or other act to an extent of more than 50 percent of the fair market value, they shall neither be continued nor be re-established.

e. If they have not been abandoned for a period of six months or more, they may be replaced by another non-conforming use of the same or less-intensive nature, as determined by the Planning Commission, subject to approval of a conditional use permit.

C. Section 21.20.350 is amended to read as follows:

**21.20.350 Nonconforming Buildings and Structures.** Nonconforming buildings and structures may continue to be used and maintained subject to the following limitations:

a. Additions or alterations may be made unless such additions or alterations would extend a nonconforming setback or building/structure height or increase the deviation between the existing nonconforming situation and the code requirement or create a new nonconforming situation;

b. If the buildings or structures are damaged by fire, earthquake, explosion, or other act to an extent of more than 50 percent of the fair market value, they shall only be rebuilt to conform to the present code requirements.

D. Sections 21.20.360 through 21.20.400 inclusive are hereby repealed.

PASSED AND ADOPTED THIS 16th day of February, 1988 by the following roll call vote:

AYES: Cousins, Dolan, Martin and Russell

NOES: None

ABSENT: Ovitt

*Nick Russell*  
MAYOR NICK RUSSELL

ATTEST:

*Serry Bankston*  
SERRY BANKSTON, CITY CLERK

AAB257