

ORDINANCE NO. 793 N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING TITLE 21 (ZONING) OF THE MUNICIPAL CODE
TO REVISE DEVELOPMENT REGULATIONS AFFECTING MULTIPLE FAMILY RESIDENTIAL
DEVELOPMENT

WHEREAS, POLICY RES-8 of the Land Use Element of the General Plan for the City of Paso Robles, and its supporting programs, call for the City to update the zoning regulations for all multiple family residential zones to improve the development standards for multiple family residential to provide more usable open space (especially play areas for young children), better community appearance, and to encourage clustered multiple family residential development with increased yards/setbacks, passive and active open space; and

WHEREAS, Objective 4 of the Housing Element of the General Plan for the City of Paso Robles, and its supporting policies and programs, call for the City to amend the Zoning Code to update regulations and development standards for multiple family residential zones in order to ensure a high quality of design and character of housing and neighborhoods including

- a. Ensuring that new residential development does not pose any new or cumulative significant impacts to the natural environment or to public services or infrastructure;
- b. Ensuring that new residential development is designed to present a positive visual image to City gateways, scenic corridors and other vantage points;
- c. Requiring that housing developments provide appropriate amounts of on-site recreation amenities and open space; and

WHEREAS, at its meeting of February 8, 2000, 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 March 7, 2000, 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 HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 21.16I.030. (multi-family development regulations: permitted and conditional uses) is hereby amended to read as follows:

“21.16I.030 Permitted and conditional uses.

- A. Uses permitted by right and subject to approval of a conditional use permit in the R-2, R-3 and R-4 districts shall be as listed in Section 21.16.200.

- B. Subdivisions for single-family residential homes, including both detached and attached dwelling units, may be approved for properties in the R-2, R-3 or R-4 Districts at densities (number of dwelling units per acre) which conform with the densities permissible in the underlying R-2, R-3 or R-4 District.”

SECTION 2. Section 21.16I.160.A.1. (multi-family development regulations: front yard setbacks along arterial streets) is hereby amended to read as follows:

- “1. From arterial streets: A minimum of twenty-five feet for all buildings. Exception: fifteen feet along Spring Street. On lots where the finished grade of multi-family developments with two or more stories will be at higher elevation 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.”

SECTION 3. Section 21.16I.160.B.1. (multi-family development regulations: street side yard setbacks along arterial streets) is hereby amended to read as follows:

- “1. From arterial streets: A minimum of twenty-five feet for all buildings. Exception: fifteen feet along Spring Street. On lots where the finished grade of multi-family developments with two or more stories will be at higher elevation than adjacent arterial streets, the Planning Commission may require increased street side yard setbacks where necessary to minimize visual impacts associated with “walling-in” the street with relatively high vertical building planes.”

SECTION 4. Section 21.16I.160.C.1. (multi-family development regulations: interior side yard setbacks for main buildings) is hereby amended to read as follows:

- “1. Main Buildings:
- a. One story: 5 feet;
 - b. 2 stories: 10 feet;
 - c. 3 stories: 15 feet;
 - d. Where front doors of one or more units face a side yard, the doorways shall be set back 10 feet;
 - e. From alleys: 5 feet, unless a door faces the alley, in which case the doorway shall be set back 10 feet;
 - f. Where the side yard abuts existing or potential 20 foot deep rear yards of single family zoned property: 20 feet.”

SECTION 5. Section 21.16I.180 (multi-family development regulations: open space and recreational amenities) is hereby amended to read as follows:

- “A. For each dwelling unit in a multiple family development, the equivalent of 375 square feet of usable shared open space shall be provided on-site. As long as the requirements for recreational amenities set forth in subsection B, below, have been met, such open space may be private (for the exclusive use of the residents of one dwelling unit), shared (accessible to all of the residents of a development) or a combination of private and shared. Private open space shall have one and one-half times the value of shared open space. That is, a 200 square foot private open space area will be the equivalent of 300 square feet of shared open space. To be eligible for meeting the open space requirement, the conditions listed in subsections 1 and 2, below, must be met.

1. Private Open Space:

- a. Ground floor units: a patio enclosed with a 3-6 foot high fence with a minimum area of 100 square feet with a minimum dimension of 8 feet. No private open space shall be located within the front or street side yard setback.
- b. Upper floor units: a private balcony with a minimum area of 50 square feet with a minimum dimension of 5 feet. This area shall not include walkways to adjacent units.
- c. Roof-top open space (e.g. balcony or deck over a garage) is not eligible as part of the calculation for private open space.

2. Shared Open Space: Usable open space is that which meets the following criteria:

- a. Has a slope of 10 percent or less;
- b. Has a minimum dimension of 15 feet;
- c. Does not include minimum setbacks in front or street side yards, buildings, parking or drive areas;

- d. May include interior side and rear yards and court yards and areas for those recreational amenities required by subsection B, below.
 - e. Roof-top open space (e.g. balcony or deck over a garage) is not eligible as part of the calculation for shared open space.
- B. 1. Recreational amenities including, but not limited to, tot lots with play equipment, picnic areas with barbecue pits and tables, spas, pools, clubhouses or recreation rooms, basketball courts or half-courts, tennis courts shall be provided for multiple family residential development in accordance with the following schedule.

# of units	# of tot lots	# of other amenities
0 – 10	0	0
11 – 25	1	0
26 – 50	1	1
51 – 75	2	1
76 – 100	2	2
101 – 150	3	2
151 - 200	3	3

Multi-family residential developments consisting of more than 200 dwelling units shall provide tot lots and other amenities in the same ratios as indicated in the above table. The nature, design and adequacy of all recreation amenities shall be subject to Planning Commission approval as part of a development plan. Tot lots shall be located in areas that are safely accessible and easily supervised.

- 2. Each tot lot must include at least three play equipment features (e.g. slide, swings, monkey bars, etc.).
- 3. Amenities such as barbecue areas, picnic tables, adult supervision areas for tot lots shall be well landscaped to provide a pleasant environment for the users.
- 4. Multi-family residential developments consisting of 32 or more dwelling units shall provide either a recreation room or a day care center. The minimum size of such a facility shall be no less than forty square feet for each dwelling unit in the development. If a day care center is provided, it shall be operated in accordance with State Law governing day care services.
- 5. In addition to the amenities required above, the Planning Commission may require provision of bike racks if a multi-family development is expected to have resident cyclists (e.g. children/students) and is located adjacent to a safe bikeway.

C. Elderly Housing:

- 1. Multiple family housing developments whose occupancy is restricted to the elderly shall be exempt from the numerical standards for open space and recreational set forth in subsections A and B. However, as part of approval of a site plan or development plan application, the Development Review Committee or Planning Commission may require lesser amounts of open space and recreational amenities as appropriate to the scale of a development.
- 2. Multiple family housing developments containing 32 or more dwelling units whose occupancy is restricted to the elderly shall provide enrichment services such as senior-oriented recreation programs, health-related services, and/or transportation (van) services.

SECTION 6. Section 21.16I.185 is hereby established to read as follows:

“21.16I.185 Other Amenities.

- A. Laundry rooms. Multi-family developments with 5 or more dwelling units shall either provide washer and dryer hook-ups in each unit or provide a laundry room (or rooms) with 1 washer and 1 dryer for every 8 dwelling units. (Fractions shall be rounded to nearest whole number.)
- B. Bus Shelters. A bus shelter shall be installed at each multi-family development with 32 or more dwelling units, unless exempted by the Director of Administrative Services. Reasons for such exemptions may include the existence of sufficient bus shelters in close proximity to the subject development or unlikelihood of bus routes being extended to the subject development. The type and design of the bus shelter shall conform to standards adopted by the City Council.
- C. Storage rooms/lockers. For each dwelling unit in a multi-family development, a separate, enclosed, lockable storage space at least 250 cubic feet in area shall be provided. Said storage space may be located:

1. In a carport allocated to said unit (If a garage is provided to a dwelling unit, the storage requirement is deemed to be met.); or
2. Attached to said unit, but accessible only from the exterior; or
3. Elsewhere in the development (e.g. in a storage building).”

SECTION 7. Section 21.16I.210 (multi-family development regulations: general architectural requirements) is hereby amended to read as follows:

“21.16I.210 General Architectural Requirements.

A. The City may adopt design guidelines for multiple family residential development and, as a condition of approval of a site plan or development plan, require that new construction adhere to such guidelines.

B. All residential buildings shall adhere to the following architectural standards:

1. Roofs shall be constructed with concrete or clay tile, fire-retardant wood shake, architectural quality (dimensioned/laminate) asphalt composition, or other similar roofing material. Metal roofing materials may be used provided that their surface is not reflective, glossy, polished. The Planning Commission may approve roof designs featuring gables, and hips, as appropriate to the site and the neighborhood in which a multi-family development will be located. The Planning Commission may require minimum pitches for gabled roofs (e.g. 5/12). Flat roofs with parapets are not acceptable.
2. Siding shall consist of stucco, wood, masonite, brick, or other similar materials; reflective, glossy, polished, and/or corrugated/roll-formed type metal siding is prohibited. Plywood siding, including T-111, has proven to be ill-adapted to local climatic conditions, requiring a high rate of maintenance, and may not be used as siding for multiple family residential buildings, including accessory buildings.
3. Air conditioning and evaporative cooling systems shall not be mounted on the roof of any building or structure. Wall-mounted units may be allowed if integrated into the architecture in such a manner as to blend with the building design and not present a visual obstruction.
4. As appropriate to the site and the neighborhood in which a multi-family development will be located, the Planning Commission may require that multi-family dwellings be designed to provide architectural articulation on all sides.
5. In order to maximize residents’ sense of control of the area around their homes and the overall safety of the neighborhood, the Planning Commission may require the following:
 - a. That multi-family buildings be limited to 4 to 8 dwelling units per building;
 - b. That a maximum of four dwelling units share a common entrance to a multi-family building.

Exception: Multi-family developments designed for exclusive occupancy by seniors (age 62 or older) may be exempted from such limitations.

6. The Planning Commission may require that multi-family buildings adjacent to single family zoning districts be designed so that second story windows and balconies avoid directly facing adjacent single family-zoned property by such means as doubling the setback, use of windows above eye level, elimination of direct view windows, or screening.

C. Detached accessory buildings shall conform to the following requirements:

1. Except for clubhouses or common recreation rooms, the gross floor area shall not exceed fifty (50) percent of the gross floor area, including any attached garage, of the main building, except by approval of a conditional use permit.
2. They shall be constructed to be architecturally compatible with the main building(s) in terms of materials, colors, and relief treatment for elevations and roofing materials. The Community Development Director or his/her designee shall make determinations of compatibility. Applicants may appeal a decision of the Community Development Director or his/her designee to the Development Review Committee.

SECTION 8. Section 21.16I.260 is hereby amended to read as follows:

“21.16I.260 Site Design and Maintenance.

- A. Trash enclosures: Enclosures for trash bins and recycling containers shall be provided for all multiple family residential developments. Decorative masonry materials be used for enclosures in multifamily developments with five or more dwelling units. The Planning Commission may determine the minimum numbers of bins/enclosures for both trash bins and recycling containers for a multi-family development as a function of the proposed design.
- B. Backflow prevention valves, transformers, gas and electric meters shall be screened or placed underground in a manner to be determined by the Development Review Committee.
- C. Storage sheds shall not be placed in front and street side yards, nor in parking lots. Storage sheds placed in multi-family developments with five or more dwelling units shall be approved by the Development Review Committee.
- D. Major repair of vehicles and equipment, whether or not owned by residents is prohibited in parking lots, front and street side yards and open space areas. Major repair shall include major engine or transmission/differential overhaul and body work,

SECTION 9. Section 21.16I.270.C (multi-family development regulations: off-street parking, driveways and vehicle storage) is hereby amended to read as follows:

“21.16I.270 Off-street parking, driveways and vehicle storage.

- A. All uses shall provide off-street parking spaces, drives and facilities as required by Chapter 21.22 of this title.
- B. Driveways parallel to a street (such as circular driveways and hammerhead turnarounds) shall be designed to provide a minimum 10 foot wide landscaped setback between the street right-of-way and the parallel edge of the driveway closest to said street right-of-way.
- C. Parking lots located between public streets and multi-family dwellings shall be screened with either a 3 foot high decorative masonry wall (at the 10 foot parking lot setback line) or a 3 foot high landscaped earthen berm.
- D. To maximize public safety, the Planning Commission may require that multi-family residential developments be designed so that parking lots may be viewed from one or more dwelling units.
- E. Parking and storage for automobiles, trucks, motorcycles, recreational vehicles, boats, campers, trailers, farm equipment or similar vehicles or equipment shall be limited as follows:
 1. For single family dwellings (in multi-family residential districts), such parking and storage shall comply with the provisions set forth in Section 21.16E.320.
 2. For multi-family dwellings, such vehicles and equipment may only be parked or stored on paved parking spaces designated for residential units; they may not be parked or stored in parking spaces designated for visitors.

SECTION 10. Section 21.20.140 (general regulations for fences) is hereby amended to add subsection D to read as follows:

“D. Fence material limitations. In residential districts, barbed wire and electric fences may only be used on properties zoned for single family use (i.e. R-1 or R-A) that are at least one half acre in area or larger. In residential districts, razor wire may not be used for fencing.”

SECTION 11. Section 21.22.040.A.3. (parking space requirements for multi-family housing) is hereby amended to read as follows:

- “3. Multi-family dwellings:
- a. One and one-half spaces for each studio unit,
 - b. Two spaces for each unit with one or more bedrooms,
 - c. Visitor parking spaces: for all multi-family developments with more than five dwelling units per lot and condominium developments consisting of five or more dwelling units, one visitor parking space shall be provided for each five dwelling units; provided, that no more than fifty percent of the require resident parking spaces are in garages. If greater than fifty percent of the required resident parking spaces are in garages, the planning commission may require additional visitor parking spaces. Said visitor parking spaces shall be clearly marked as visitor spaces;”

SECTION 12. Section 21.22.060.A.1 (size of parking spaces for residential zones) is hereby amended to read as follows:

“1. Residential Zones. All covered (garage or carport) parking spaces required for residential use shall be at least ten feet in width, and at least twenty feet in depth. The width of each required enclosed parking space may be reduced in order to accommodate columns and end walls where necessary; provided, that no such parking space shall have a width of less than nine feet six inches. Garage door openings shall be at least eight feet in width for each parking space within a garage. Uncovered parking spaces (for multi-family development) shall be at least nine feet in width.”

SECTION 13. 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 14. 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 15. 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 16. 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 March 7, 2000, and passed and adopted by the City Council of the City of El Paso de Robles on the 21st day of March, 2000, by the following roll call vote, to wit:

AYES: Baron, Macklin, Mecham, Swanson and Picanco
NOES: None
ABSENT: None
ABSTAIN: None

Duane Picanco, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk