

ORDINANCE NO. 745 N.S.

**AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES AMENDING
CHAPTER 21.13 OF THE MUNICIPAL CODE TO CODIFY CONDITIONS IMPOSED
ON THE USE AND DEVELOPMENT OF CERTAIN PROPERTIES BY
SEVERAL ORDINANCES AMENDING THE ZONING MAP
(CODE AMENDMENT 98002)**

WHEREAS, the City Council has adopted the following ordinances (hereafter referred to as the "subject ordinances") amending the Zoning Map and imposing conditions on the use and development of certain properties that are additional to the primary zoning district regulations for the subject properties, the general regulations set forth in Municipal Code Chapter 21.20, and performance standards set forth in Municipal Code Chapter 21.21:

- a. Ordinance 529 N.S., adopted May 5, 1987;
- b. Ordinance 560 N.S., adopted August 2, 1988;
- c. Ordinance 568 N.S., adopted December 20, 1988;
- d. Ordinance 575 N.S., adopted May 16, 1989;
- e. Ordinance 594 N.S., adopted May 15, 1990; and

WHEREAS, the conditions set forth in the subject ordinances were never placed within the text of the Zoning Code (Title 21 of the Municipal Code); and

WHEREAS, placement of the conditions within the text of the Zoning Code is desirable and necessary to adequately inform the public of the existence of such conditions; and

WHEREAS, this code amendment does not add or delete any land use conditions that were adopted by the subject ordinances; therefore, it is ministerial in nature, as described by Section 15369 of the State's Guidelines to Implement the California Environmental Quality Act, and is exempt from environmental review in accordance with Public Resources Code Section 21080(b); 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 March 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;

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. Section 21.13.020 of the Municipal Code is hereby amended to add subsection "j" to read as follows:

"j. Special conditions attached to certain properties as enumerated in Section 21.13.030."

SECTION 2. Section 21.13.030 of the Municipal Code is hereby added to read as follows:

g. Residential-Agricultural (R-A) Zoned Properties East and West of Airport Road, north of Highway 46 East: The R-A zoned properties shown on Figure 21.13-5 are conditioned by Ordinance 594 N.S. as follows:

1. The minimum lot size (for creation of new lots via subdivision map, parcel map or lot line adjustment) shall be 20 acres.
2. Two primary dwelling units are permitted on lots that are 20 acres or larger in area.
3. The City may refer to those sections of the County of San Luis Obispo's Land Use Element and Land Use Ordinance that prescribe land use types and intensities, site design, and site development standards for the Agriculture Category in approving, conditionally-approving, or denying applications for building permits, development plans, variances, and conditional use permits.

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, and passed and adopted by the City Council of the City of El Paso de Robles on the 2nd 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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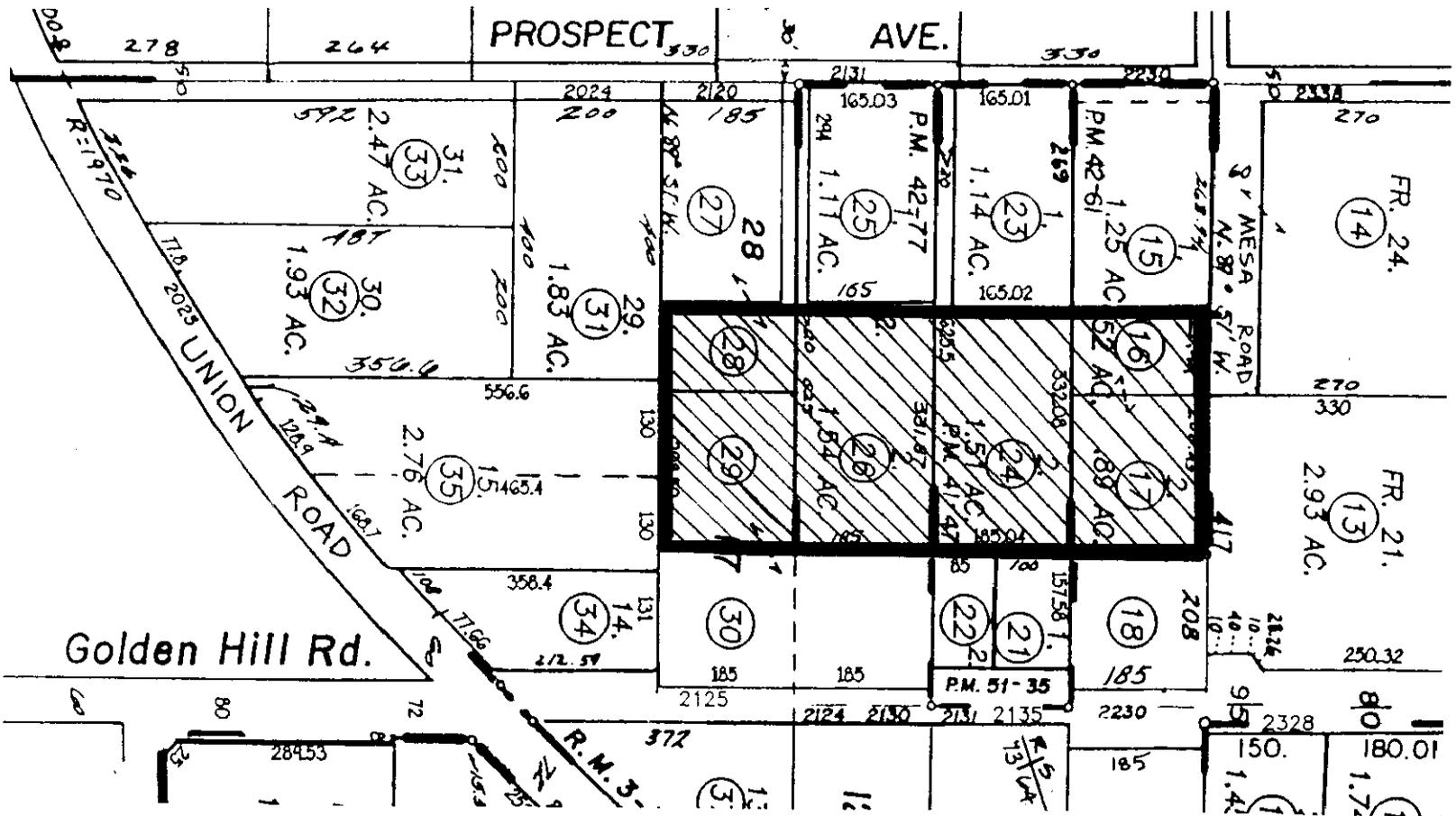


FIGURE 21.13-1

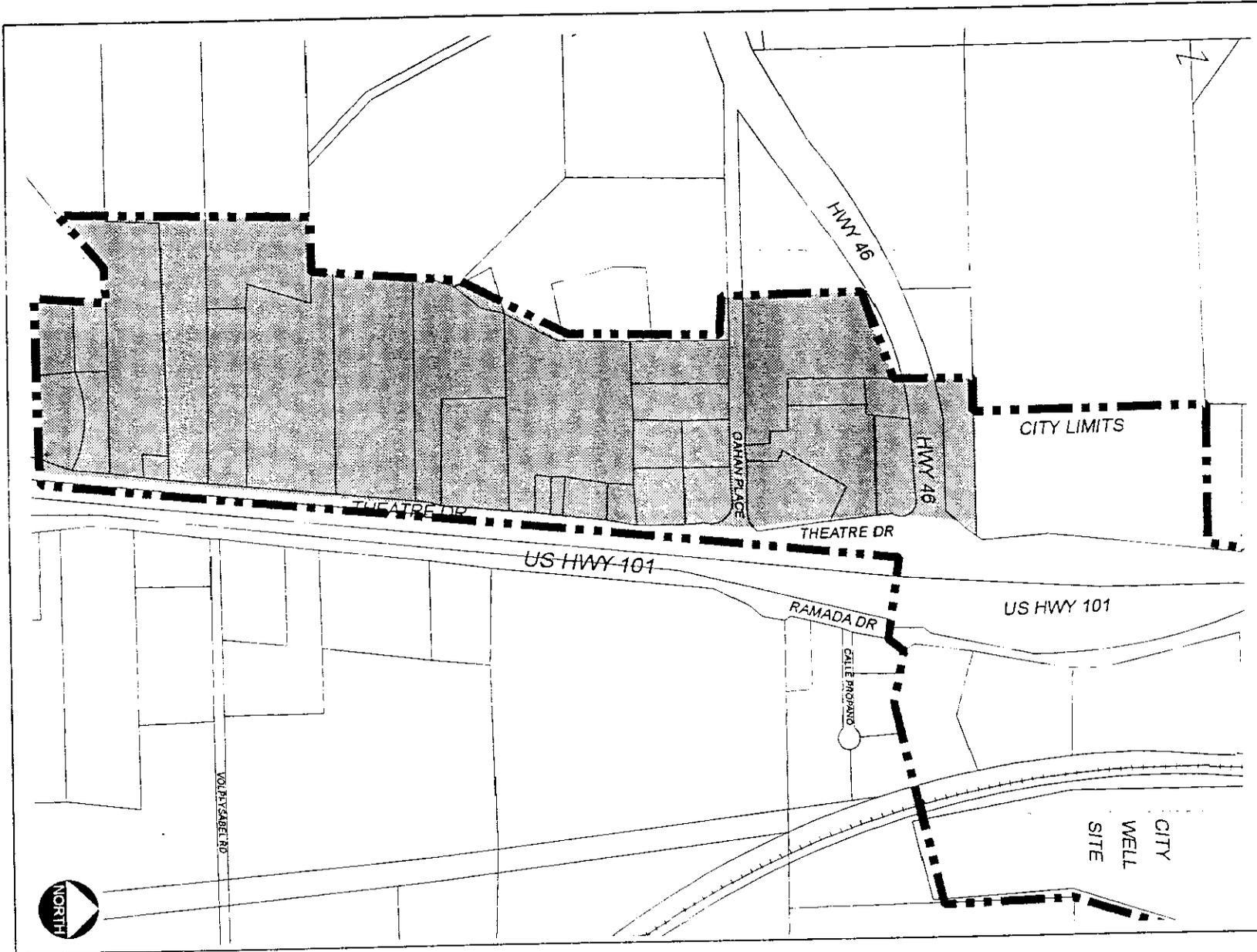


FIGURE 21.13-2

FIGURE 21.13-3

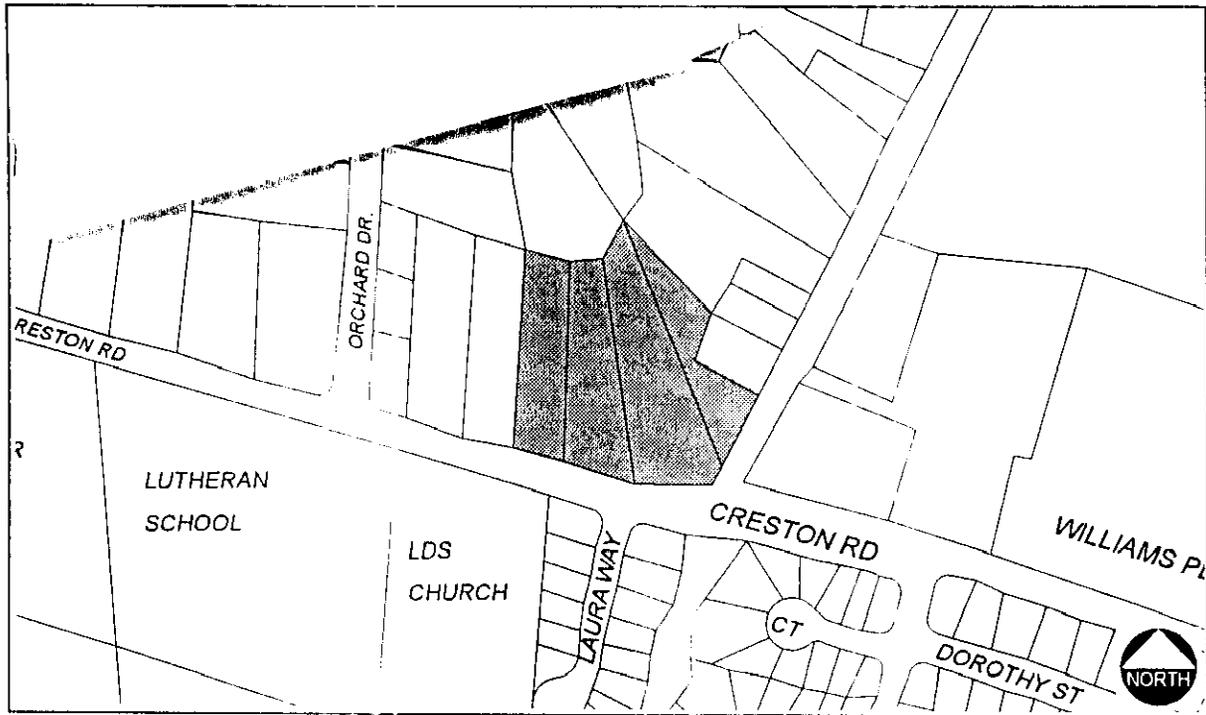
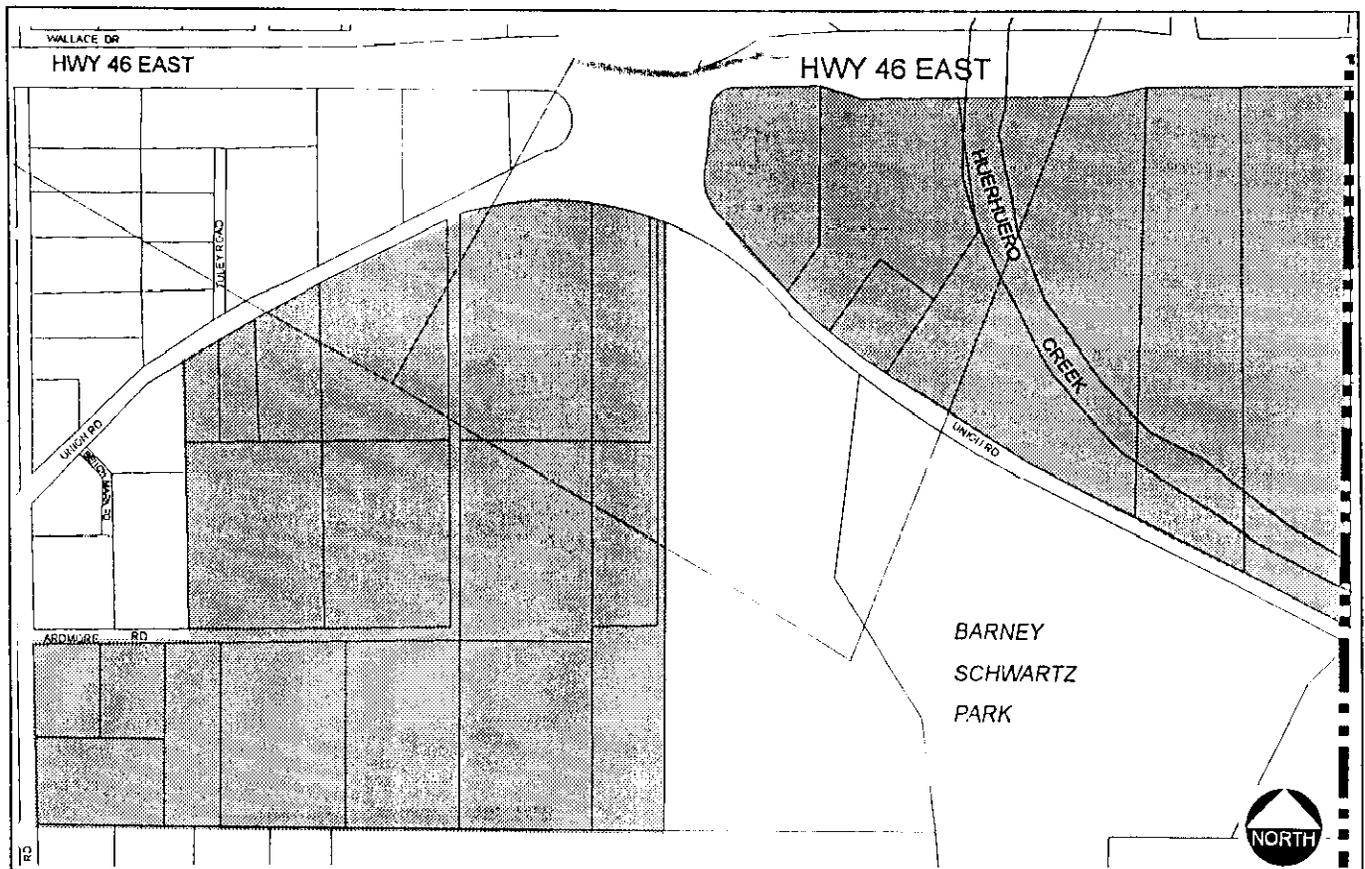


FIGURE 21.13-4



"Special conditions attached to certain properties. Each subsection set forth below contains conditions placed on the use and/or development of certain properties by the ordinances cited therein for zoning map amendments for said properties. The conditions listed below are additional to the primary zoning district regulations, the general regulations set forth in Chapter 21.20, and performance standards set forth in Chapter 21.21.

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- a. 2501 Theater Drive: 2501 Theater Drive, a 3.75 acre parcel located approximately 790 feet west of Theater Drive (Parcel B of Parcel Map recorded in Book 35, Page 38) is conditioned by Ordinance 529 N.S. to require a conditional use permit for any use. Land uses are limited to those that can safely be served via available easements.
 - b. Mid-Block Between Mesa Road, Prospect Avenue, Golden Hill Road and Union Road: Six parcels located south of Mesa Road, as shown on Figure 21.13-1, are conditioned by Ordinance 560 N.S. as follows:
 1. All land uses are subject to approval of a conditional use permit.
 2. That all fee simple driveway strips from the properties to Prospect Avenue be quitclaimed to those parcels having frontage on Prospect Avenue prior to commercial/light industrial use and/or development of the subject properties.
 3. All landlocked parcels either be merged with adjacent parcels that have frontage on either Golden Hill or Mesa Roads or be provided with access, public utility and drainage easements whose adequacy shall be determined by the Planning Commission prior to recordation.
 - c. Theater Drive Area: All C-2,PD-zoned properties shown on Figure 21.13-2 are conditioned to require a conditional use permit to ensure that land uses will not have a significant adverse effect on the economic vitality of the downtown as required by Ordinance 568 N.S.
 - d. Northeast corner of Creston and Sherwood Roads: The 9 acre CP,PD-zoned property located on the northeast corner of Creston and Sherwood Roads is conditioned to require a conditional use permit to ensure that land uses will not have a significant adverse effect on the economic vitality of the downtown as required by Ordinance 568 N.S.
 - e. Northwest corner of Creston and Rolling Hills Roads: Three CP,PD-zoned properties, totaling approximately 4.3 acres located on the northwest corner of Creston and Rolling Hills Roads, as shown on Figure 21.13-3, are conditioned to require a conditional use permit to ensure that land uses will not have a significant adverse effect on the economic vitality of the downtown as required by Ordinance 568 N.S.
 - f. Commercial Service Area east of Golden Hill Road, South of Union Road and Highway 46 East: All C-3,PD zoned properties, totaling approximately 162 acres, located east of Golden Hill Road, South of Union Road and Highway 46 East as shown on Figure 21.13-4 are conditioned by Ordinance 560 N.S. as follows:
 1. Those properties that abut residentially-zoned land are conditioned to require the following:
 - (a) Construction of a solid wall of decorative masonry materials such as slumpstone or split-faced block, 6 to 8 feet high; and
 - (b) Provision of a thick landscaped screen, at least 10 feet wide to be planted on commercial property, in a location to be approved by the Development Review Committee; recommended screening materials would include trees or tall shrubs which would grow more than 10 feet high such as Eucalyptus Nicholii and Leyland Cypress.
 2. All land uses in the C-3,PD-zoned properties are subject to approval of a conditional use permit to ensure that the following occur:
 - (a) Commercial light industrial uses do not create noise, visual, and/or land use impacts to neighboring land uses;
 - (b) Commercial uses shall be limited to those which the City Council has determined will not have a detrimental effect on the City's goal of revitalizing the downtown.



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FIGURE 21.13-5