

ORDINANCE NO. 752 N.S.

**AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING SECTION 21.16 et seq. OF THE MUNICIPAL CODE
(CODE AMENDMENT 98-007)**

WHEREAS, on August 18, 1998, the City Council of the City of El Paso de Robles directed staff to initiate a Zoning Code Amendment to consider a modification to the rear yard setback requirements of the R-1 (Single Family Residential) Zone; and

WHEREAS, at its meeting of September 8, 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 approve the proposed ordinance; and

WHEREAS, at its meeting of October 6, 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. Conducted a public hearing to obtain public testimony on the proposed ordinance;
- c. 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; and
- d. Considered the Commission's recommendation from the Planning Commission's September 8, 1998, public meeting;
- e. Introduced said ordinance for first reading; and

WHEREAS, on October 20, 1998, the City Council held second reading of said 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:

Table 21.16E.220 of the Municipal Code (Zoning Code) is hereby amended to add the following provision which applies to the Rear (main bldgs) setback of 20 feet:

** On R-1 Zoned properties that have rear yards that "back-up" to City or Paso 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 (10)

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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 (24) inches into setback areas, additional extensions of the main building, including but not limited to covered patios, may not encroach into the ten (10) foot rear yard.

SECTION 1. 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 2. 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 3. Inconsistency. To the extent that the terms or 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 4. 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 October 6, 1998, and passed and adopted by the City Council of the City of El Paso de Robles on the 20th day of October, 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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