

**ORDINANCE NO. 753 N.S.
AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING SECTION 21.19.020 OF THE MUNICIPAL CODE
(CODE AMENDMENT 98003)**

WHEREAS, the City has initiated Code Amendment 98003 to revise the regulations contained within Municipal Code Section 11.12.031(C) pertaining to the postponement of curb, gutter, sidewalk, driveway aprons; and

WHEREAS, at its meeting of May 12, 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. Recommend that the City Council that provisions be made to the City's codes to defer costs of street improvements in conjunction with parcel maps, and that agreement to enter into/not protest formation of an assessment district or property liens be permitted as a form of security; and

WHEREAS, at its meeting of June 16, 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;
- d. Deferred 1st reading of this of the ordinance until the City Council meeting of July 7, 1998.

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. Add to the end of paragraph (C) in Section 11.12.031 of the Municipal Code the following position:

"In lieu of depositing cash or a bond as set forth in the preceding paragraph, a property owner may request that the city enter into an agreement, in a form approved by the City Attorney, which shall include the following

1. The property owner will agree to the formation of an assessment district to pay for the cost of such improvements;
2. An estimate by the city engineer of the then-current cost of the improvements to be covered by the agreement;

ORDINANCE NO. 754 N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
 AMENDING THE ZONING MAP ESTABLISHED BY REFERENCE IN
 SECTION 21.12.020 OF THE ZONING CODE (TITLE 21)
 (REZONE 97005 - ERSKINE)

WHEREAS, in conjunction with General Plan Amendment (GPA) 97-03(B), Tom Erskine has filed Rezone 97005 to rezone a 25.3 acre parcel, described as Assessor's Parcel No. 009-751-053, located at the northwest corner of Creston Road and Beechwood Drive from R-1,B-4 to R-1,PD; and

WHEREAS, in order to provide for a continuous and orderly pattern of land use, a 2.8 acre parcel described as Assessor's Parcel No. 009-751-054, located on the west side of Beechwood Drive, which is surrounded on three sides by the 25.3 acre parcel that is the subject of Rezone 97005 and which is also presently zoned R-1,B-4, should be added to the area to be considered for rezoning to R-1,PD; and

WHEREAS, at its meeting of June 10, 1997, the Planning Commission took the following actions:

- a. Considered the facts and analysis, as presented in the staff report prepared for this project (general plan amendment and rezone);
- b. Conducted a public hearing to obtain public testimony on the proposed project;
- c. Based on the information contained in the Initial Study prepared for this project, unanimously found that there was no substantial evidence that this project would have significant adverse effects on the environment and recommended that the City Council approve a Negative Declaration;
- d. Recommended that the City Council approve this project; and

WHEREAS, at its meetings of June 17 and July 1, 1997, the City Council took the following actions:

- a. Considered the facts and analysis, as presented in the staff report prepared for this project;
- b. Considered the recommendation of the Planning Commission;
- c. Conducted a public hearing to obtain public testimony on the proposed project;
- d. Found that there was no substantial evidence that the proposed project would have a significant adverse effect on the environment and approved a Negative Declaration for this application in accordance with the California Environmental Quality Act;
- e. Adopted a resolution to approve General Plan Amendment 97-03, which enables Rezone 97005 to be in conformance with the General Plan;

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 rezone 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 21.12.020 of the Municipal Code (Zoning Map) is hereby amended so that

- 3. The agreement shall constitute an affirmative ballot to the formation of such an assessment district and approval of the amount of the cost of the improvements, as adjusted by a reasonable standard approved by the City Engineer and City Attorney;
- 4. The property owner agrees to waive any time period, if applicable, for the conduct of any public hearing for formation of such assessment district;
- 5. The agreement must be executed as a condition for the City to issue a Certificate of Occupancy for the property, and, that said agreement shall be recorded.

The option to enter into an agreement as set forth above shall apply only to such improvements required to be provided under this Section as a condition to approval of a parcel map application and the approval of a request to enter into such an agreement shall be within the City's discretion, and only shall be granted on showing of exceptional circumstances warranting such deferral. "

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SECTION 2. 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 3. 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 4. 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 5. 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 July 7, 1998, and passed and adopted by the City Council of the City of El Paso de Robles on the 17th day of November, 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

Assessor's Parcels No. 009-751-053 and 054 from R-1,B-4 to R-1,PD as shown on the attached Exhibit A.

SECTION 2. 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 3. 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.

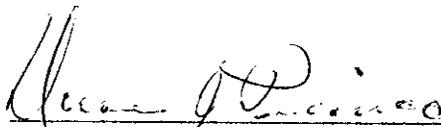
The City Council hereby declares that it would have passed this ordinance by section, subsection, sentence, clause, or phrase irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases are declared unconstitutional.

SECTION 4. 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 5. 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 July 1, 1997, and passed and adopted by the City Council of the City of El Paso de Robles on the 1st day of December, 1998, by the following roll call vote, to wit:

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


 Duane J. Picanco, Mayor

ATTEST:


 Madelyn Paasch, City Clerk

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