

ORDINANCE NO. 789 N.S.
AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING THE ZONING AND BUILDING TITLES OF THE MUNICIPAL CODE
REGARDING THE LOCATION OF DONATION DROP-OFF FACILITIES
(CODE AMENDMENT 99009)

WHEREAS, at its meeting of December 7, 1999, the City Council directed staff to initiate a code amendment to make provisions in the zoning code to allow donation drop-off facilities in the RC (Regional Commercial) zones throughout the City; and

WHEREAS, the Council discussion also included the suggestion that the number of donation facilities be limited to one per twenty (20) acres site; and

WHEREAS, Section 21.16.200.F.14.b (2), Secondhand Merchandise with Donation Drop-off, provides for the establishment of donation facilities in the C2, C3 & M zones with a Conditional Use Permit (CUP); and

WHEREAS, the City has initiated Code Amendment 99009, which would amending Section 21.16.200.F.14.b (2) to allow donation facilities in the RC zone with a conditional use permit., limited to one donation facility per twenty (20) acres; and

WHEREAS, the Planning Division staff has determined that this application is Categorically Exempt from environmental review per Section 15311, Accessory Structures, of the State's Guidelines to Implement CEQA.

WHEREAS, at its meeting of January 11, 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 with a provision that any two donation facilities shall have a minimum of a one-thousand (1000) foot separation between them unless a lesser separation between the units is agreed to by the owner/operator of the site.

WHEREAS, at its meeting of February 1, 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;

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 21.16.200 of the Municipal Code is hereby amended to read as shown on Exhibit A of this ordinance.

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 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 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 February 1, 2000 and passed and adopted by the City Council of the City of El Paso de Robles on the 15th day of February 2000 by the following roll call vote:

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

Duane Picanco, Mayor

ATTEST

Sharilyn M. Ryan, Deputy City Clerk