

ORDINANCE NO. 796 N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES  
AMENDING THE ZONING CODE (ZONING MAP)  
(APPLICANT – KELLY GEARHART)  
ZONE CHANGE 00-002

WHEREAS, the City has received an application for Zone Change 00-002, regarding a proposed change to a 14 acre property from R1,B3 to R1,PD-2, located in the vicinity of the southwest corner of Golden Hill Road and Union Road, and

WHEREAS, if the zone change were adopted, the applicant would have the ability to cluster development but not exceed the underlying limits of the R-1 zone, and

WHEREAS, tentative Tract 2286 was approved by the Planning Commission on June 23, 1998, that established the development of 21 single family residential lots, and

WHEREAS, Rezone 00-002 would not increase the number of lots from 21, it would allow the reduction of lots to 7,000 square foot minimums in order to design the subdivision to better conform to the physical aspects of the site, and

WHEREAS, the Planning Commission conducted a noticed public hearing on June 13, 2000, which was continued to June 27, 2000, to consider making a recommendation with regards to the proposed Zoning Code Amendments and 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. In accordance with the California Environmental Quality Act, considered a proposed Negative Declaration of Environmental Impact, and made a recommendation that the City Council approve a Resolution adopting said document; and
- d. Recommended that the City Council approve a Resolution Amending the City's Zoning Code; and

WHEREAS, at its meeting July 5, 2000 the City Council held a public hearing on this subject, and the City Council took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff reports prepared for this project;
- b. Conducted a public hearing to obtain public testimony on the proposed ordinance;
- c. Based on the scope and nature of the proposed change to the Zoning Code, found that the proposed Negative Declaration of Environmental Impact Report was adequate in terms of its description of the project and anticipated environmental impacts and approved the Negative Declaration as being in accordance with the California Environmental Quality Act; and
- d. Considered the Commission's recommendation from the Planning Commission's June 13, 2000 public meeting; and
- e. Introduced said ordinance for first reading, and

WHEREAS, on July 18, 2000 the City Council held second reading of said ordinance.

NOW, THEREFORE, the City Council of the City of El Paso de Robles does ordain as follows:

Section 21.08 of the Zoning Code (Zoning Map) is amended to designate the subject property as R1,PD-2 (Residential, Single Family, Planned Development, two units to the acre), per the attached Exhibit "A".

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. 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.

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, such inconsistent and conflicting provisions of prior ordinance, motions, resolutions, rules and regulations are hereby repealed.

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 invalid or unconstitutional.

Introduced at a regular meeting of the City Council held on July 5, 2000, and passed and adopted by the City Council of El Paso de Robles on the 18<sup>th</sup> day of July, 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