

ORDINANCE NO. 834 N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING THE ZONING TITLES OF THE MUNICIPAL CODE
REGARDING FRONT YARD SETBACKS
(CODE AMENDMENT 02-008)

WHEREAS, the City has initiated Code Amendment 02-008, which would amend Chapters 21.16E.220 and Section 21.16I.160 of the Zoning Code; and

WHEREAS, the code amendment would amend the above sections, to add a provision that would allow the Planning Commission the ability to reduce a front yard setback in both the single family and multifamily residential zones if the necessary findings could be met; and

WHEREAS, the Planning Division staff has determined that this application is Categorically Exempt from environmental review per Section 15305, Minor Alterations in Land Use Limitations, of the State's Guidelines to Implement CEQA; and

WHEREAS, at its meeting of July 9, 2002, 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 August 6, 2002, 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. Chapter 21.16E.220 of the Municipal Code is hereby amended to revise subsection E to read as follows:

- “E The Planning Commission can reduce the required fifteen (15)-foot front yard setback to no less than five feet, if the all of the following findings can be made:
- a. That the reduction is necessary to preserve oak trees and/or minimize major grading.
 - b. That the project still maintains a twenty (20) foot front setback from the garage door, if the door faces the street.
 - c. The reduced setback would not be inconsistent with an established neighborhood pattern.

SECTION 2. Chapter 21.16I.160.A.3 of the Municipal Code is hereby amended to add the following language to read as follows (new language in bold):

3. From local streets: fifteen feet. Except for the following situations:
- (1) If the predominant existing or planned development pattern on the same block face or across the street calls for a greater setback, the greater setback shall be provided
 - (2) The Planning Commission can reduce the required fifteen (15) foot front yard setback to no less than five feet, if all of the following findings can be made:
 - a. That the reduction is necessary to preserve oak trees and/or minimize major grading.
 - b. That the project still maintains a twenty (20) foot front setback from the garage door, if the door faces the street.
 - c. The reduced setback would not be inconsistent with an established neighborhood pattern.

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 August 6, 2002, and passed and adopted by the City Council of the City of El Paso de Robles on the 20th day of August 2002 by the following roll call vote, to wit:

AYES: Finigan, Heggarty, Nemeth, Picanco and Mecham
NOES: None
ABSTAIN: None
ABSENT: None

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk