

ORDINANCE NO. 838 N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES  
AMENDING THE ZONING AND BUILDING TITLES OF THE MUNICIPAL CODE  
REGARDING ALLOWING DRIVE THROUGH USES WITHIN  
THE C-1 ZONING DISTRICT WITH A CONDITIONAL USE PERMIT  
(CODE AMENDMENT 02-010)

WHEREAS, Newlin Hastings on behalf of Elizabeth Hastings have applied for a code amendment that would allow drive-through uses within the C1 zone with a Conditional Use Permit; and

WHEREAS, Section 21.16.200.I.1 currently does not allow drive-through uses within the C1 zoning district; and

WHEREAS, the proposed Code Amendment 02-010, which would amend Section 21.16.200 to allow drive-through uses within the C1 zone with a Conditional Use Permit; and

WHEREAS, a resolution was adopted by the City Council approved a Negative Declaration status for this project, and a Negative Declaration was prepared for the proposed Planned Development application in accordance with the California Environmental Quality Act; and

WHEREAS, at its meeting of August 13, 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. Recommend that the City Council adopt a Negative Declaration for the Code Amendment;
- d. Recommended that the City Council adopt the proposed ordinance;

WHEREAS, at its meeting of August 20, 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;
- d. Considered the content of the Environmental Initial Study and adopted a negative declaration status for the Code Amendment.

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 August 20, 2002, and passed and adopted by the City Council of the City of El Paso de Robles on the 1<sup>st</sup> day of October 2002 by the following vote:

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

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Frank R. Mecham, Mayor

ATTEST:

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Sharilyn M. Ryan, Deputy City Clerk