

ORDINANCE NO. 845 N.S.
AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING CHAPTER 21 ET SEQ. (ZONING CODE)
(CODE AMENDMENT 2002-016 – MORTUARIES; CITY INITIATED)

WHEREAS, in 1991 the City Council of the City of El Paso de Robles adopted an Amendment to the City's Municipal Code to provide the opportunity for an applicant to apply for a Conditional Use Permit to establish a mortuary on multi-family zoned property within 300 feet of a cemetery; and

WHEREAS, in the interim period the area in the vicinity of the Paso Robles District Cemetery has developed into a residential neighborhood and residents of that area are now expressing concerns about compatibility of a mortuary with nearby established land uses; and

WHEREAS, at their meeting of November 5, 2002 the Paso Robles City Council directed staff to initiate a Zoning Code Amendment so that the City could consider eliminating the opportunity for an applicant to apply for a Conditional Use Permit to establish a mortuary on multi-family zoned property within 300 feet of a cemetery; and

WHEREAS, at its meetings of November 26, 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 approve the proposed ordinance; and

WHEREAS, based on consideration of information received at its meeting of December 3, 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. Conducted a public hearing to obtain public testimony on the proposed ordinance;
- c. Considered the Commission's recommendation from the Planning Commission's November 26, 2002, public meeting;
- e. Introduced said ordinance for first reading; and

WHEREAS, on December 17, 2002, the City Council held second reading of said 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 Zoning Code is hereby amended 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. 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 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 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 December 3, 2002, and passed and adopted by the City Council of the City of El Paso de Robles on the 17th day of December 2002 by the following roll call vote:

AYES: Finigan, Heggarty, Picanco and Mecham

NOES: Nemeth

ABSENT: None

ABSTAIN: None

Frank R. Mecham, Mayor

ATTEST:

Sharilyn Ryan, Deputy City Clerk