

ORDINANCE NO. 846 N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING TITLE 21 OF THE CITY'S ZONING CODE
REGARDING RESORT / LODGING ZONING OVERLAY
(CODE AMENDMENT 02-014; CITY INITIATED)

WHEREAS, in conjunction with General Plan Amendment 02-03 (Part 1 of a 2 part General Plan Amendment), it has been proposed that provisions be made to allow for a Resort/Lodging (R/L) Zoning Overlay; and

WHEREAS, Code Amendment 02-014 has been initiated to consider making provisions in the City's Zoning Code as an implementation of General Plan Amendment 02-003 (Part 1); and

WHEREAS, at its meeting of November 26, 2002, the Planning Commission took the following actions:

- a. Considered the facts and analysis, as presented in the staff report prepared for this project (General Plan Amendment and Zoning Code Amendment);
- b. Conducted a public hearing to obtain public testimony on the proposed project;
- c. Recommended that the City Council approve the proposed General Plan Amendment and Zoning Code Amendment; and

WHEREAS, at its meeting of December 17, 2002, the City Council took the following actions:

- a. Considered the facts and analysis, as presented in the staff report prepared for this project;
- b. Considered the recommendation of the Planning Commission;
- c. Conducted a public hearing to obtain public testimony on the proposed project;
- d. Based on the information contained in the Initial Study prepared for this project, found that there was no substantial evidence that this project would have significant adverse effects on the environment and recommended that the City Council approve a Negative Declaration;
- e. Adopted a resolution to approve General Plan Amendment 02-03, of which this application is the Part 1 component, which enables Code Amendment 02-014 to be in conformance with the General Plan;

NOW, THEREFORE, BE IT KNOWN that the Paso Robles City Council, based upon the substantial evidence presented at the above referenced public hearings, including oral and written staff reports, finds as follows:

1. The above stated facts of this ordinance are true and correct.
2. This rezone 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. Title 21 of the City's Zoning Code is hereby amended as shown on the attached Exhibit A.

SECTION 2. 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 3. 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 4. 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 5. 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 of the City of El Paso de Robles held on December 17, 2002, and passed and adopted on the 7th day of January 2003 by the following roll call vote:

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

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

Exhibit “A”

Zoning Code Amendment 02-014

Chapter 21 et seq. of the Zoning Code of the City of Paso Robles is amended as follows:

Section 21.12.10 (Districts Established); add to the list: “Resort/Lodging district or R/L District”

Section 21.13.020, add to the list: “K. 21.18B, Resort/Lodging (R/L) overlay”

Chapter 21.18 B (new Section):

“Resort / Lodging Overlay District

Sections:

- 21.18B.010 Purpose**
- 21.18B.020 Uses permitted – Approval Process**
- 21.18B.030 Accessory / Ancillary Land Uses**
- 21.18B.040 Conditionally Permitted Land Uses**

21.18B.010 Purpose

The Resort / Lodging (R/L) overlay district is intended to provide a means through which the City Council (and, through the Development Review process, the Planning Commission) can consider and selectively provide appropriate locations resort hotels, motels, bed & breakfast inns, and similar forms of visitor-serving lodging (along with related accessory / ancillary land uses).

The City’s adopted Economic Development Strategy establishes the goal of developing Paso Robles into an “End Destination” tourist attraction. Providing a Resort / Lodging (R/L) zoning overlay can assist in achieving this goal by encouraging consideration of appropriate locations for Resorts, Lodging and related / ancillary land uses (without providing the broader range of permitted and conditionally permitted land uses and the accompanying neighborhood and environmental impacts that are associated with a Commercial or Industrial General Plan or Zoning Designation). The R/L land use overlay can be established on any property, subject to approval of a Zone Change application.

Considerations upon which to base approval or denial of a R/L overlay application shall include but not be limited to adequacy of streets and highways to handle the anticipated traffic, and compatibility with adjacent and nearby land uses. The City Council may determine not to consider an R/L Zoning Overlay application without the accompanying site plan and elevation designed to demonstrate how the design of the project could be considered compatible with the surrounding neighborhood.

21.18B.020 Uses permitted – Approval Process

Once the City Council has approved an R/L zoning overlay for a specific property, through the Development Plan process (including the required noticed public hearing) the Planning Commission may approve, conditionally approve or deny an application for a permitted land use provided for under the R/L overlay provisions. The permitted land uses are:

- a. Resort and other Hotels;
- b. Motels and Motor Hotels;
- c. Bed & Breakfast Inns;
- d. Similar land uses as determined by the Planning Commission

21.18B.030 Accessory / Ancillary Land Uses:

In conjunction with or subsequent to approval of a permitted land use, applicants may request Planning Commission approval for accessory / ancillary land uses. Accessory / ancillary land uses cannot be established independent of permitted (primary) land uses. All accessory / ancillary land uses are subject to approval, conditional approval or denial of the Planning Commission, based on a finding of compatibility with both the permitted land use and the neighborhood setting:

- a. Spa and other recreation facilities
- b. Restaurant facilities
- c. Meeting or conference rooms
- d. Retail sales operations related to the primary land use
- e. Other visitor serving / complementary land uses determined by the Planning Commission to be consistent with the implementation of the City Economic Development Strategy.

21.18B.040 Conditionally Permitted Land Uses

- a. Caretaker dwelling units
- b. Other land uses or activities (including but not limited to outdoor recreation) involving lights, noise, or other characteristics that could have an impact on neighboring land uses.”