

ORDINANCE NO. 850 N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING THE ZONING TITLE OF THE MUNICIPAL CODE
REGARDING THE PROHIBITION OF DRIVE-THROUGH RESTAURANTS
IN A SPECIFIED GEOGRAPHIC AREA AND PROVIDE FOR OTHER
DRIVE-THROUGH USES CITYWIDE
(CODE AMENDMENT 02-015)

WHEREAS, on September 3, 2002, in conjunction with Code Amendment 02-010, the City Council directed staff to return to the City Council with a Code Amendment that would prohibit drive-through restaurants in the downtown area, and

WHEREAS, the Code Amendment 02-015 has been noticed in a manner to permit the Planning Commission and City Council to prohibit drive-through restaurants in the area generally bounded by 1st Street on the south, 21st Street on the north, Vine Street on the west and Highway 101 on the East, but also provide for other drive-through uses that are accessory to banks, coffee shops, pharmacies and other similar uses, and

WHEREAS, the item is a continued public hearing from the City Council meeting of December 17, 2002, 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 code amendment application in accordance with the California Environmental Quality Act, and

WHEREAS, at its meeting 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. 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 December 17, 2002, the City Council opened the public hearing for proposed ordinance and continued the item to January 21, 2003, in order to increase the geographic area in which drive-through restaurants would be prohibited, and

WHEREAS, at its meeting of January 21, 2003, 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:

SECTION 1. *Table 21.16.200.F.13 of the Municipal Code is hereby amended to read as shown on Exhibit A of this ordinance.*

SECTION 2. *Table 21.16.200.M of the Municipal Code is hereby amended to read as shown on Exhibit B of this ordinance.*

SECTION 3. *Amend Section 21.08 to add the following definitions;*

Drive-through restaurants – facilities where food is prepared and served on the premises and which also allow motorists to order and purchase food without leaving their vehicles.

Drive-through Sales/Service: Facilities where services and purchases of minor items may be obtained by motorists without leaving their vehicles. Examples of such facilities include drive-up bank teller windows, pharmacies, dry cleaners, coffee kiosks and other similar uses. Excludes drive-through restaurants.

SECTION 4. *Amend Section 21.13.030 Special Conditions Attached to Certain Properties, to add the following language as a new sub section H (Figure 21.13-6 is attached to this Ordinance as Exhibit C):*

H. Area generally bounded by 1st Street on the south, 21st Street on the north, Vine Street on the west and Highway 101 on the East, as shown on Figure 21.13-6, be the area where drive-through fast food restaurants are prohibited.

SECTION 5. 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 6. 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 7. 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 8. 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 January 21, 2003, and passed and adopted by the City Council of the City of El Paso de Robles on the 4th day of February 2003 by the following 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