

ORDINANCE NO. 865 N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING THE ZONING TITLE OF THE MUNICIPAL CODE
TO ALLOW FOR ZERO SETBACKS FOR BUILDINGS ALONG SPRING STREET
BETWEEN 1ST AND 9TH STREETS
(CODE AMENDMENT 03-006)

WHEREAS, Mitch Culver has submitted PD 03-006, proposing to construct a 4,200 square foot building where the bottom floor is commercial/retail, and the upper floor would be residential/care taker unit on the vacant parcel located at 724 Spring Street, and the plan proposes the building to have a zero setback on Spring Street; and

WHEREAS, Table 21.16.210 currently requires a 15-foot landscaped setback for buildings along Spring Street except for the area between 9th and 16th Street, where no setback is required; and

WHEREAS, Mitch Culver submitted Code Amendment 03-006 requesting a change in the Zoning Code to allow zero setbacks for his property at 724 Spring Street; and

WHEREAS, Code Amendment 03-006 was noticed to include other areas along Spring Street in which the code amendment could apply to; 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 July 8, 2003, 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 5, 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 21.16.210 of the Municipal Code is hereby amended to read as shown on Exhibit A of this ordinance.*

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 held on August 5, 2003, and passed and adopted by the City Council of the City of El Paso de Robles on the 19th day of August 2003 by the following vote:

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

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

EXHIBIT A

TABLE 21.16.210

DEVELOPMENT STANDARDS FOR C-1, C-2, C-3, M AND PM DISTRICTS

District	Height Limit	Minimum Lot Area (sq ft)	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard		Minimum Rear Yard
					Street Side	Interior	
C-1	40 ft	2,000	none	none1	none1	none4	none5
C-2	50 ft	5,000	50 ft	none2	none2	none4,6	none5,6
C-3	50 ft	5,000	50 ft	none2	none2	none4,6	none5,6
M	50 ft	5,000	50 ft	none	none	none	none
PM	50 ft	10,000	none	15 ft3	15 ft3	none4	none5

Notes:

1. 25 foot landscaped front and street side yards (setbacks) are required adjacent to streets for properties located outside of the historic downtown (i.e., on the east side of the City.)

2. a. A 15 foot landscaped yard (setback) is required along Spring Street except between 9th 1st and 16th Streets, where no front or street side yard (setback) is required.

b. Where the frontage in a block (on the same side of the street) is partially in an R district, a front yard (setback) of 10 feet and a street side yard (setback) of 5 feet is required.

3. The 15 foot front and street side yard (setback) shall be appropriately landscaped and maintained except for area required for sidewalks and driveways, which shall not use more than 40 percent of the front yard.

4. Where the interior side yard of any lot is adjacent to the interior side yard of any lot in an R district, an interior side yard (setback) of 5 feet is required.

5. Where the rear yard of any lot is adjacent to the rear or interior side yard of any lot in an R district, a rear yard (setback) of 10 feet is required.

6. Section 21.20.205 specifies circumstances under which the required interior side and rear yards of C-2 and C-3 zoned lots that are adjacent to R-zoned lots may be waived.