

ORDINANCE NO. 934 N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES  
AMENDING TABLE 21.16.200, PERMITTED LAND USE MATRIX  
OF THE MUNICIPAL CODE, EXPANDING THE ZONING DISTRICTS THAT  
CELLULAR FACILITIES COULD BE ESTABLISHED

WHEREAS, the City's Economic Strategy suggests that communities should use and invest in technology that supports the ability of local enterprises to succeed, improves civic life, and provides access to information and resources; and

WHEREAS, a Code Amendment 07-001 & 07-003 have been filed by Ridge Communications and Sprint/Nextel Corporation requesting that the City expand the zoning districts in which cellular facilities can be located with a Conditional Use Permit; and

WHEREAS, this Zoning Ordinance Amendment would expand the zoning districts that allow for cellular facilities into the residential and parks and open space districts with a Conditional Use Permit and only when the facilities are camouflaged; and

WHEREAS, at its meeting of May 8, 2007, 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 June 5, 2007, 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 May 8, 2007 public meeting;
- d. Introduced said ordinance for the first reading; and

WHEREAS, on June 19, 2007, the City Council held second reading of said ordinance.

NOW, THEREFORE, the City Council of the City of El Paso de Robles does hereby ordain as follows:

SECTION 1. Council Findings.

The Council finds that:

- a. by expanding the areas in the City where cellular facilities could be established would help meet the principals of the Economic Strategy which states that "communities should use and invest in technology that supports the ability for local enterprises to succeed, improve civic life, and provides open access to information and resources";
- b. that the proposed code amendment would meet the General Plan policy to promote architectural and design excellence, by requiring that cellular facilities be camouflaged and not be noticeable from the general public.

SECTION 2. Exhibits. The zoning ordinance amendment is hereby established in the Zoning Ordinance as shown in Exhibit A.

SECTION 3. 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 4. 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 5. 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, such inconsistent and conflicting provisions of prior ordinances, motions, resolutions, rules, and regulations are hereby repealed.

Introduced at a regular meeting of the City Council held on June 5, 2007, and passed and adopted by the City Council of the City of El Paso de Robles on the 19th day of June, 2007 by the following vote:

AYES: Hamon, Nemeth, Picanco, Strong, and Mecham  
NOES:  
ABSTAIN:  
ABSENT:

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Frank R. Mecham, Mayor

ATTEST:

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Deborah Robinson, Deputy City Clerk

LAND USE	ZONING DISTRICT																	
	AG	RA	R1	R2	R3	R30	R4	R5	OP	CP	C1	C2	C3	RC	M	PM	AP	POS
10. Social halls, clubs, lodges, scout huts and fraternal organizations * See Section 21.18.020	N	N	C	C	C	C	C	C	P*	C	P	P	P	C	P	P	P	C
<b>D. Communications</b>																		
1. Broadcasting studios	C	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	N
2. Transmission & receiving stations (not including ham operators, private microwave and radio dispatch)  * In the R, OP & POS districts, a facility may be permitted with the approval of a CUP by the Planning Commission for a site located in a public or quasi-public property/building such as a church, school, golf course, community building.  NOTE: All facilities, regardless of the zone, shall be camouflaged (antennas and equipment are incorporated into a building/structure or built into the existing environment in a manner that results in the antennas /equipment not being noticeable as determined by the Planning Commission.	P	<del>N</del> C*	<del>N</del> C	C	C	C	C	C	C	C	<del>N</del> C*							
<b>E. Private Club and Commercial Recreation</b>																		
1. Indoor Facilities:																		
a. Amusement arcades (video games, pinball, etc.) 4 or more games constitutes an arcade.	N	N	N	N	N	N	N	N	N	P	P	P	P	P	N	N	N	N
b. Bowling alleys	N	N	N	N	N	N	N	N	N	N	P	P	P	P	N	N	N	N
c. Card rooms	N	N	N	N	N	N	N	N	N	N	C	C	C	N	N	N	N	N
d. Dance halls, dance schools	N	N	N	N	N	N	N	N	N	N	C	C	C	C	N	N	N	N
e. Gyms, health spas, etc.	N	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	N
f. Pool/billiard halls	N	N	N	N	N	N	N	N	N	N	P	P	P	P	N	N	N	N
g. Racquetball, handball courts	N	N	C	C	C	C	C	C	N	N	P	P	P	P	P	P	P	N
h. Shooting Range	N	N	N	N	N	N	N	N	N	N	N	N	P	N	P	N	P	N
i. Skating Rink (ice, roller)	N	N	N	N	N	N	N	N	N	N	P	P	P	P	N	N	N	N
j. Theaters (* Requires a find-ing that a theater will not be detrimental to the City's efforts to revitalize the downtown.	N	N	N	N	N	N	N	N	N	C*	P	C*	C*	C*	N	N	N	N

LAND USE	ZONING DISTRICT																	
	AG	RA	R1	R2	R3	R30	R4	R5	OP	CP	C1	C2	C3	RC	M	PM	AP	POS
2. Outdoor Facilities:																		
a. Amusement parks (permanent).	N	N	N	N	N	N	N	N	N	N	N	C	C	C	C	N	N	N
b. Ballfields, playgrounds, stadiums and amphitheaters. *Can be accessory use to a hotel/resort development, subject to approval of a conditional use permit.	C*	C	C	C	C	C	C	C	C	N	N	N	C	C	C	C	N	C
c. Carnivals, circuses, fairs, festivals, concerts, etc.	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T
d. Golf course, driving ranges *Can be accessory use to a hotel/resort development, subject to approval of a conditional use permit.	C*	C	C	N	N	N	N	N	N	N	C	P	P	P	P	P	P	C