

ORDINANCE NO. XXX N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING THE ZONING TITLE OF THE MUNICIPAL CODE TO ALLOW
AUTOMOTIVE REPAIR FACILITIES IN THE C1 ZONING DISTRICT, EXCEPT
FOR C1 DISTRICTS WEST OF HIGHWAY 101, SUBJECT TO APPROVAL OF
A CONDITIONAL USE PERMIT (CODE AMENDMENT 04-005 – MAJCO, INC.)

WHEREAS, Table 21.16.200 prohibits automotive repair uses in the C1 (General Commercial) zoning district; and

WHEREAS, North Coast Engineering on behalf of Majco, Inc. (Big Brand Tire) has submitted an application for Code Amendment 04-005 to allow automotive repair facilities under the same group of land uses that would be permitted in the C1 (General Commercial) zoning district, subject to approval of a Conditional Use Permit.; and

WHEREAS, the proposed Code Amendment would be city-wide and apply to all C1 zoning districts subject to a Conditional Use Permit, except for C1 zones west of Highway 101 where auto repair uses would be prohibited; and

WHEREAS, with the Conditional Use Permit requirement, the Planning Commission would have the ability to review each site specific case to insure compatibility with the surrounding uses; and

WHEREAS, the Code Amendment 04-005 has been noticed in a manner to permit the Planning Commission and City Council to allow automotive repair uses in the C1 zoning district, 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 August 24, 2004, 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 September 7, 2004, 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.G.6. of the Municipal Code is hereby amended to read as shown on attached Exhibit .*

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 September 7, 2004, and passed and adopted by the City Council of the City of El Paso de Robles on the 21st day of September 2004 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

ZONING DISTRICT																	
LAND USE	AG	RA	RJ	R2	R3	R30	R4	CP	CF	C1	C2	C3	RC	M	PM	AP	POS
household goods:																	
(1) Without donation drop-off	N	N	N	N	N	N	N	N	N	P	P	P	P	P	N	N	N
(2) With donation drop-off	N	N	N	N	N	N	N	N	N	N	C	C	C*	C	N	N	N
* One facility per 20 acres, facilities shall be located no closer than 1000 feet from each other, with the distance of the separation subject to approval by the property owner / operator.																	
c. Swap meets, flea markets	N	N	N	N	N	N	N	N	N	N	C	C	C	C	N	N	N
15. Service Stations:																	
a. Without auto service uses	N	N	N	N	N	N	N	N	N	P	P	P	P	P	N	P	N
b. With auto service uses	N	N	N	N	N	N	N	N	N	C	C	C	C	C	N	C	N
G. Service Commercial																	
1. Appliance repair	N	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	N
2. Automobiles, motorcycles, recreational vehicles, trucks, boats, farm equipment:																	
a. Body and paint (primary use)	N	N	N	N	N	N	N	N	N	N	C	C	C	C	N	C	N
b. Carwashes	N	N	N	N	N	N	N	N	N	N	C	C	C	C	N	C	N
c. Detailing	N	N	N	N	N	N	N	N	N	N	P	P	P	P	N	P	N
d. Rental and accessory services	N	N	N	N	N	N	N	N	N	N	P	P	P	P	N	P	N
e. Repair, parts installation (primary use)	N	N	N	N	N	N	N	N	N	N	C	C	C	C	N	C	N
* Auto Repair prohibited in C1 zones west of Highway 101																	
3. Contracted services (plumbing, heating & air conditioning, janitorial, pest exterminating, construction trades)	N	N	N	N	N	N	N	N	N	N	P	P	N	P	N	P	N
4. Equipment rental (includes outdoor storage)	N	N	N	N	N	N	N	N	N	N	N	C	C	C	N	C	N
5. Financial services (banks, savings & loans, credit unions)	N	N	N	N	N	N	N	N	N	P	P	P	P	P	N	P	N

EXHIBIT A