

ORDINANCE NO. XXX N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING THE ZONING MAP ESTABLISHED BY REFERENCE IN
SECTION 21.12.020 OF THE ZONING CODE (TITLE 21) ZONE CHANGE 05-007
(CITY INITIATED)

WHEREAS, the City has initiated Rezone 05-007 to add Planned Development Overlay Zoning (PD) to the existing R1-B3 zoned property located at the northeast corner of Charolais Road and South River Road; and

WHEREAS, by applying PD overlay zoning to the property, subdivision could take advantage of reduced lot sizes, while providing additional right of way for future improvements at the Charolais Road and South River Road intersection; and

WHEREAS, the existing General Plan Land Use designation of the 2.5-acre site is RSF-2 (Residential Single Family, two units per acre), the existing zoning is R1, B3 (Residential Single Family, 20,000 square foot minimum lot size)

WHEREAS, it would appear that the 2.5-acre site could be subdivided into 5 half-acre lots; and

WHEREAS, although PD Overlay would allow reduced lot sizes, it would not allow the developer to request additional lots; and

WHEREAS, at its February 28, 2006 meeting, the Planning Commission took the following actions:

- a. Considered the facts and analysis, as presented in the staff report and the attachments thereto.
- b. Conducted a public hearing to obtain public testimony on the proposed Project and the environmental determination therefor.
- c. Based on the information contained in the Initial Study prepared for the Project, a determination has been made that there is no substantial evidence that the Project would have significant adverse effect on the environment and thus a Negative Declaration can be adopted by the Planning Commission.
- d. Recommended that the City Council on a 6-0 vote (Commissioner Mattke was absent) approve Rezone 05-007.

WHEREAS, at its March 21, 2006 meeting, the City Council took the following actions:

- a. Considered the facts and analysis, as presented in the staff report and the attachments thereto.

- b. Considered the recommendation of the Planning Commission.
- c. Conducted a public hearing to obtain public testimony on the proposed project and environmental determination therefore.
- d. Based on the information contained in the Initial Study prepared for the Project, a determination was made, based on the independent review and judgment of the City Council, that there was no substantial evidence that the Project would have significant adverse effect on the environment and thus a Negative Declaration was adopted by separate Resolution.

NOW, THEREFORE, BE IT KNOWN that the City Council of the City of El Paso de Robles, based upon the substantial evidence presented at the above-referenced public hearing, including oral and written staff reports, does hereby make the following findings that:

1. The above stated facts of this Ordinance are true and correct.
2. The Rezone is consistent with the City's General Plan which supports residential development with densities that are consistent with the proposed R1-B3, PD Zoning.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 21.12.020 of the Municipal Code (Zoning Map) 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 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 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 March 21, 2006, and passed and adopted by the City Council of the City of El Paso de Robles on the 4th day of April 2006 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Cathy M. David, Deputy City Clerk

