

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 03-009 -
TENTATIVE TRACT 2358 – 723 ROLLING HILLS ROAD (PETERSON/FRANKLIN.)

WHEREAS, Tentative Tract 2358 is an application filed by Wilson Land Surveys on behalf of Robert and Joan Peterson and Harry and Karen Franklin, to divide two parcels of approximately 2.87 acres site into seven (7) individual lots located at 723 Rolling Hills Road; and

WHEREAS, in conjunction with Tentative Tract 2358, the applicant submitted an application for Rezone 03-009, to establish Planned Development Overlay zoning over the site; and

WHEREAS, with PD Overlay zoning (PD 04-004), the applicant is requesting the Planning Commission allow the reduction of the side yard setbacks to 5-feet for Lot 5 and, 6 and Lots 1 and 7 (existing homes) for the street side yard setback in relation to the new street; and

WHEREAS, the subject site is located in the RSF- land use category and R-1, zoning district; and

WHEREAS, the applicant proposes to create seven lots, ranging in size from 9,545 square feet to 39,445 square feet; and

WHEREAS, the two existing houses would remain and be located on newly created Lots 1 and 7; and

WHEREAS, all lots, with the exception of Lots 1 and 7 which is accessed from Rolling Hills Road, would be accessed from a new paved cul-de-sac street; and

WHEREAS, at its March 23, 2004, 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 Tentative Tract 2358 and the environmental determination therefor.
- C. Based on the information contained in the Initial Study prepared for the Tract, 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 City Council.
- D. Recommended that the City Council approve Rezone 03-009.

WHEREAS, at its April 6, 2004, 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 therefor.

D. Based on the information contained in the Initial Study prepared for Tentative Tract 2358, 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 and Zoning Code.

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 April 6, 2004, and passed and adopted by the City Council of the City of El Paso de Robles on the 20th day of April 2004 by the following roll call vote, to wit:

AYES:
NOES:
ABSTAIN:
ABSENT:

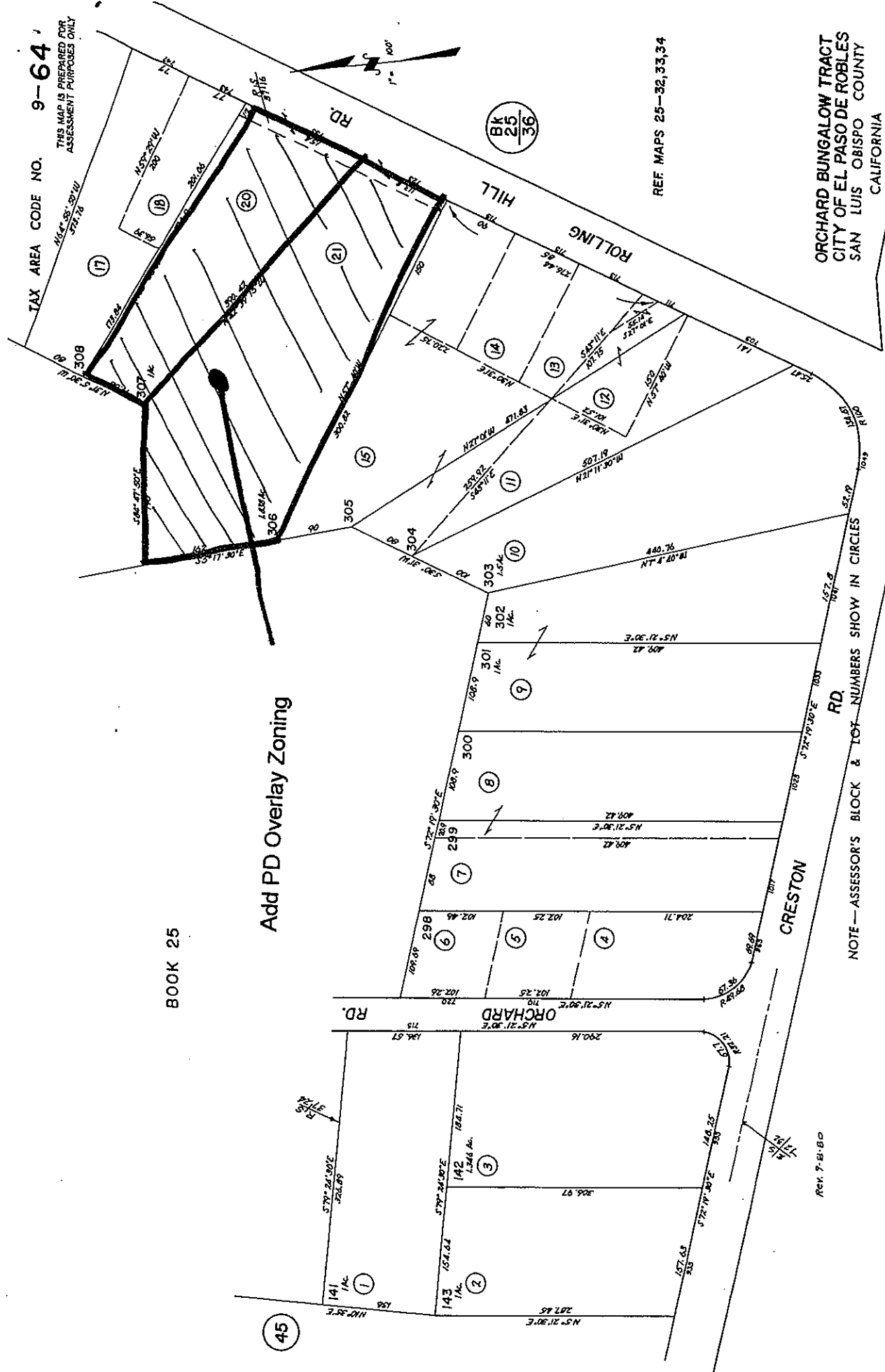
Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

TAX AREA CODE NO. 9-64

THIS MAP IS PREPARED FOR ASSESSMENT PURPOSES ONLY



BOOK 25

Add PD Overlay Zoning

Bk 25
25
36

REF MAPS 25-32, 33, 34

ORCHARD BUNGALOW TRACT
CITY OF EL PASO DE ROBLES
SAN LUIS OBISPO COUNTY
CALIFORNIA

NOTE—ASSESSOR'S BLOCK & LOT NUMBERS SHOW IN CIRCLES

EXHIBIT A
Rezone 03-009
(Peterson/Franklin)

REV 7-8-80