

ORDINANCE NO. XXX N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING SECTION 11.12.030 ET SEQ. OF THE MUNICIPAL CODE
(CURBS, SIDEWALKS, ALLEY PAVING)

WHEREAS, the Paso Robles Municipal Code Section 11.12.030 provides for curbs, gutters, sidewalks, and driveway aprons as a prerequisite to the issuance of any building permit; and

WHEREAS, Code Section 11.12.030 B includes an exception to the requirement of installation of curbs, gutters, sidewalks and driveway aprons where the valuation of the permit is less than \$10,000; and

WHEREAS, it is reasonable and prudent to update the exception valuation amount periodically; and

WHEREAS, alleys in the City are used to provide both primary and secondary access to many parcels, particularly on the west side of the City; and

WHEREAS, it has been the policy of the City Planning Commission and City Council to require alley paving with all development projects fronting on City alleys; and

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 11.12.030 Required curb, gutter, sidewalk and driveway aprons is hereby amended to replace the current text with the text of the code amendment attached and labeled Exhibit "A".

SECTION 1. 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 2. 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 3. 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 4. 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 June 6, 2006, and passed and adopted by the City Council of the City of El Paso de Robles on the 20th day of June 2006 by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Deborah D. Robinson, Deputy City Clerk

Exhibit "A" to Code Amendment

11.12.030 Required curb, gutter, sidewalk, driveway aprons, **street and alley paving**

As a prerequisite to the issuance of a building permit for the construction repair, addition or alteration of any structure within the City of El Paso de Robles, installation of sidewalk, curb, gutter, driveway aprons, **street and alley paving** improvements shall provided for as follows:

A. Amount of Improvement. Concrete sidewalk, curb, gutter, driveway aprons, **street and all alley paving** shall be constructed prior to issuance of a certificate of occupancy for the structure. The cost of the amount of required improvements thereof shall not exceed twenty-five percent of the construction cost of the structure improvements being made, the main street frontage shall take precedent over the side street frontage, and curb and gutter shall take precedent over sidewalks, and also that driveway aprons shall be constructed at every driveway.

B. Minimum Amount. When the value of the improvements to be made on the property is under **twenty-five thousand dollars** as defined by ICBO Uniform Building Standards, then the curb, gutter, sidewalks, driveway aprons, **street and alley paving** are not required. **The minimum amount of the improvements value shall be increased yearly in accordance with the Engineering News Record's construction cost index.**