

ORDINANCE NO. XXX N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING TITLE 21, ZONING, OF THE MUNICIPAL CODE
REZONING PROPERTY FROM AGRICULTURE (AG) TO PARKS AND OPEN
SPACE WITH A RESORT LODGING OVERLAY
(POS-R/L-AP) FOR APNs 025-436-029 AND 025-436-030
LOCATED ON AIRPORT ROAD
ZONING CODE AMENDMENT 05-006

WHEREAS, the current Zoning Map has an Agriculture district (AG) designation established for the subject parcels and the amendment to the Zoning Map is a request to rezone these parcels to Parks and Open Space with a Resort/Lodging Overlay (POS-R/L) as shown in Exhibit A; and

WHEREAS, the applicant is concurrently applying for a General Plan Map amendment to designate the properties as Parks and Open Space with a Resort/Lodging Overlay and Airport Overlay (POS-R/L-AP) to establish consistency between the Zoning Map and General Plan Land Use Map; and

WHEREAS, at its meeting of September 12, 2006, 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 and environmental determination.
- c. Based on the information contained in the Initial Study prepared for the ordinance amendment, a determination has been made that there is no substantial evidence that the amendment would have a 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 5-1-1 vote (Commissioner Flynn opposed, Commissioner Holstine refrained) Rezone 05-006.

WHEREAS, based on consideration of information received at its meeting of October 3, 2006, the City Council took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff report prepared for and attachments thereto.
- b. Considered the recommendation of the Planning Commission.

- c. Conducted a public hearing to obtain public testimony on the proposed ordinance and environmental determination.
- d. Based on the information contained in the Initial Study prepared for this Project, a determination was made, based on the independent review and judgment of the City Council, that there was no substantial evidence that the amendment would have significant adverse effects 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 surrounding land use pattern in the vicinity.
3. The Rezone is consistent with the City's General Plan which supports development consistent with the Airport Land Use Plan.
4. The Rezone would permit uses that would be in support of implementing the 2006 Economic Strategy.

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, 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 as of 12:01 AM on the 31st day after its passage.

Introduced at a regular meeting of the City Council held on October 3, 2006, and passed and adopted by the City Council of the City of El Paso de Robles on the 17th day of October, 2006 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Deborah Robinson, City Clerk