

ORDINANCE NO. 1004 N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING TITLE 21 (ZONING) OF THE MUNICIPAL CODE TO MODIFY CHAPTERS 21.16A
AND 21.21 OF THE ZONING CODE (CODE AMENDMENT 14-004)

WHEREAS, the City of El Paso de Robles Zoning Code (Title 21 of the Municipal Code) is amended from time to time to clarify language, correct errors and respond to changing circumstances; and

WHEREAS, the following "clean-up" amendments are proposed to update various sections of the code:

1. Delete Subsection(a)(5) of Section 21.16A.040, which calls for preparation and submittal of a "subdivision layout plan, which shall illustrate how many standard lots, conforming to the applicable base zoning and subdivision standards, could be fit on the site"; the need for such a subdivision plan (formerly and informally referred to as a "ghost map") was eliminated with updates to Chapter 21.16E, Single Family Residential Regulations via Ordinance 771 N.S. in 1999 and to Chapter and 21.16I, Multi-Family Residential Regulations via Ordinance 690 N.S. in 1995 and Ordinance 900 N.S. in 2005;
2. Repeal Section 21.21.020, as adopted by Ordinance 405 N.S. in 1977, which prescribes regulations for development of new condominium, cooperative, cluster, townhouses and similar developments and for conversions of existing apartments into such developments; said regulations conflict with the more-recently adopted regulations in Chapters 21.16E and 21.16I for single family and multi-family residential, respectively;
3. Amend Section 21.21.060 and delete Section 21.21.070 to combine and update regulations for full and self-service gasoline sales and to incorporate regulations for compressed natural gas sales; and

WHEREAS, in the collective proposed amendments to the Zoning Code would not have a significant effect on the environment and, therefore, are exempt from the California Environmental Quality Act (CEQA) in accordance with Section 15061(b)(3) of the State's Guidelines to Implement CEQA; and

WHEREAS, at its meeting on June 10, 2014, the Planning Commission conducted a public hearing on the proposed Code Amendment and took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff report prepared for this ordinance;
- b. Conducted a public hearing to obtain public testimony on the proposed ordinance;
- c. Recommended that the City Council adopt the proposed ordinance; and

WHEREAS, at its meeting on July 1, 2014 the City Council conducted a public hearing on the proposed Code Amendment and took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff report prepared for this ordinance;
- b. Considered the recommendation of the Planning Commission regarding this ordinance amendment and concurred with the Planning Commission's recommendation.
- c. Conducted a public hearing to obtain public testimony on the proposed ordinance 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, hereby finds as follows:

1. The above stated facts of this ordinance amendment are true and correct.
2. This ordinance amendment is consistent with the City's General Plan.

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

SECTION 1. Section 21.16A.040, Development Plan Applications is hereby amended to delete Subsection (a)(5) and renumber all successive subsections so that this section reads as follows:

21.16A.040 Development plan applications.

Application for a planned development can be made in two ways; either as a complete planned development application, or as a conceptual plan in conjunction with a subdivision application:

- (1) A planned development application alone requires all design details and application form to be provided at the time of application filing;
- (2) An application linked to a subdivision application can provide the applicant flexibility in the application review process by allowing the planning commission to review the planned development as a conceptual project before the details of the project design are submitted as part of the subdivision application.

Both the conceptual and final reviews shall be noticed public hearings.

In the case of a conceptual planned development linked to a subdivision, no entitlements are provided unless sufficient information is provided to complete environmental studies in accordance with the requirements of the California Environmental Quality Act (CEQA). As additional information on the project is provided through the final planned development process, planning commission action may negate the previous approval of the preliminary/conceptual development plan.

Application for a planned development or a conceptual planned development linked to a subdivision shall be made in accordance with the city's Development Handbook, applications, and procedures set forth in this section:

a. One-step Planned Development Application.

- (1) An application for a planned development may be made by the record owner(s) of the property affected or the authorized agent of the owner(s), with the community development department. The application shall state fully the reasons the planned development is being sought, and shall state specifically any requests to deviate from requirements of the base zone district. The application shall be accompanied by plans which are clear and which allow for detailed review pursuant to this section;
- (2) At the time of filing the application the applicant shall pay a processing fee in an amount specified by city council resolution;
- (3) If the applicant contemplates the construction of a planned development in phases, the application shall state and shall include a proposed phasing schedule;
- (4) If the applicant proposes to convert existing structures as part of the planned development, the plans shall reflect the existing buildings and show all proposed changes and additions;
- (5) Applications for planned developments seeking to increase the allowable building heights beyond the existing limitations prescribed by the zoning ordinance shall be accompanied by:
 - (a) A shadow diagram for the hours of nine a.m., noon, and three p.m. on December twenty-first to determine where shadows will be cast; and
 - (b) Schematic drawings or other graphic exhibits illustrating how the project will be seen from nearby roads and other public vantage points.

- b. Planned Development Linked to a Subdivision Request. An application which is linked to a subdivision request may be filed in two parts:

- (1) Conceptual planned development form, and
- (2) Final planned development in conjunction with a subdivision application.

The final planned development application may be filed separately or concurrently with an accompanying subdivision application. In a two-part planned development application, the final planned development application may be made after tentative map approval, but must be approved prior to recording the final map.

For a conceptual planned development application that is linked to a subdivision proposal, the statement of justification for use of the planned development process provided for a one-step planned development application is also required. However, the conceptual review focuses on schematic site and building design, including preliminary grading, and does not need to provide the details of final grading, landscaping, irrigation, and facade details that are needed for the final review. The conceptual development plan shall be accurately prepared to scale and contain sufficient information to describe the scope and intensity of the project, and have detail adequate to determine the applicant's intent and/or impacts resulting from a specific design proposal.

Conceptual planned developments provide the applicant with no vested rights to proceed, and upon further examination of additional details, information and environmental review, the planning commission may determine to rescind or modify prior preliminary conceptual approval.

SECTION 2: Section 21.21.020 of the Zoning Ordinance is hereby repealed.

SECTION 3: Section 21.21.060, is hereby amended to read as follows:

21.21.060 Automotive Fuel Sales

- A. Definition. "Automotive Fuel Sales" means any use either alone or in combination with other uses in which gasoline, diesel fuel, compressed natural gas, or other fuels for motor vehicles are sold to the public on a retail or wholesale basis.
- B. Combining Uses. Automotive fuel sales may be permitted as the primary use of a site or may be combined with other retail or service commercial uses such as mini-marts or auto repair.
- C. Location and Access. Automotive fuel sales shall be located on property having direct access to a major arterial street or to a street functioning as a frontage road and preferably on a corner lot. Access to the site shall be provided by at least two driveways.
- D. Landscaping and Screening. The Planning Commission may require construction of a six-foot high decorative masonry wall along interior boundaries of the site where it deems it necessary to provide a durable and aesthetically-pleasing screen wall adjacent to existing or planned land uses of a more-sensitive nature (e.g. residential, restaurants, hotels, or other visitor-serving commercial). Street frontages between driveways shall be landscaped with planters that are at least five feet deep exclusive of curbs (raised or flat) that define or contain planter areas.
- E. Sight Distance on Corners. In order to preserve sight distance at corners of the station, as part of its review of development or site plans, the Planning Commission or Development Review Committee may designate areas in which signs, objects, or sight-obscuring plant materials will not be permitted. No sandwich boards or other portable signs may be placed in this area.

- F. Distance Between Curb Cuts. A distance of at least twenty-four feet shall be provided between curb cuts on the same street. The curb cuts shall be a distance of not less than twenty-five feet from the terminus of the curve radius of the intersecting street curbs.
- G. Miscellaneous Standards.
1. Fuel dispenser islands located parallel to the street shall observe a fifteen-foot setback from the public right-of-way. Fuel dispenser islands located perpendicular to the street shall observe a twenty-five-foot setback from the public right-of-way.
 2. Automotive fuel sales sites shall be designed so that no delivery tanker shall be allowed to park on public right-of-way during fuel delivery, nor shall any hose be permitted on the public right-of-way.
 3. Outdoor displays shall be located so as not to obstruct visibility for vehicles leaving or entering the station. No outdoor displays may be located in required parking or driveway areas.
 4. At least two public restrooms shall be maintained for customers. For compressed natural gas sales sites, a single unisex public restroom may be maintained.
 5. The station shall provide at least one public drinking fountain readily available to customers and preferably located near the front entrance to the sales office or cashier's area.
 6. All trash shall be stored either indoors or within a fenced enclosure in the rear half (or in the case of corner sites, rear quarter) of the site.
 7. The station shall provide compressed air and radiator water on site.
 8. Parking spaces shall be provided as require by Chapter 21.22 for accessory uses (e.g. auto repair or mini-marts). If there are no accessory uses on-site, two parking spaces shall be provided for employees and/or patrons using the restroom facilities while not simultaneously fueling their vehicles.

SECTION 4. Section 21.21.070, is hereby is hereby repealed.

SECTION 5: 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 6. 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 7. 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 8. 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 July 1, 2014, and passed and adopted by the City Council of the City of El Paso de Robles on the 15th day of July 2014 by the following roll call vote, to wit:

AYES:
NOES:
ABSTAIN:
ABSENT:

Duane Picanco, Mayor

ATTEST:

Caryn Jackson, Deputy City Clerk