

ORDINANCE NO. 825 N.S.
AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING CHAPTER 21.00 AND RELATED PROVISIONS OF THE MUNICIPAL CODE
(CODE AMENDMENT 2002-003 – NON-CONFORMITY)

WHEREAS, the Municipal Code of the City of El Paso de Robles does not have provisions that provide protection for private property becoming non-conforming as a result of public acquisition of private property through dedication, purchase, or eminent domain proceedings; and

WHEREAS, providing a “hold harmless” provision for private property owners would seem reasonable, particularly in light of the anticipated need for the City to continue widening and improving City streets to comply with current standards and to accommodate the increased intensification of land uses; and

WHEREAS, at its meeting of April 9, 2002 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 Code Amendment;
- b. Conducted a public hearing to obtain public testimony on the proposed ordinance;
- c. Recommended that the City Council approve the proposed ordinance; and

WHEREAS, at its meeting of May 7, 2002, the City Council took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff report prepared for this Code Amendment; and
- b. Conducted a public hearing to obtain public testimony on the proposed ordinance; and
- c. Based on the information contained in the Initial Study, the City Council found that there would not be a significant impact on the environment as a result of the code amendment and adopted a Negative Declaration in accordance with the California Environmental Quality Act; and
- d. Considered the Commission’s recommendation from the Planning Commission’s April 9, 2002 public meeting; and
- e. Introduced said ordinance for first reading; and

WHEREAS, on May 21, 2002, the City Council held second reading of said ordinance.

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:

Chapter 21 of the Municipal Code (Zoning Code), regarding General Regulations and Exceptions, is hereby amended to add the following code provision:

“21.20.360 Public Acquisition.

Whenever any lot, building or structure is rendered nonconforming within the meaning of this Code by reason of a reduction in a required yard area, lot area, or reduction in off-street parking facilities occurring by reason of:

1. Dedication to, or purchase by, the City for any public purpose; or
2. Eminent domain proceedings;

The same shall not be non-conforming within the meaning of this Part provided that:

- a. If the buildings and/or structures located on the lot are partially destroyed after such acquisition so that the reconstruction cost would exceed more than twice the then assessed value of such building or structure, such reconstruction shall not take place unless compliance is had with City off-street parking requirements; and
- b. If such buildings and/or structures after such acquisition are completely destroyed, no reconstruction shall take place unless it is in compliance with all of the applicable

provisions of the City's Zoning Code.”

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 May 7, 2002, and passed and adopted by the City Council of the City of El Paso de Robles on the 21st of May 2002 by the following roll call vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAINING:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn Ryan, Deputy City Clerk