

ORDINANCE NO. 1007 N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING THE ZONING CODE
(CODE AMENDMENT 14-006 - CITY INITIATED)

WHEREAS, at its meeting of August 19, 2014, the City Council directed staff to prepare an ordinance to regulate fortunetelling and related services (e.g., card reading, palmistry, psychics, etc.) to provide that such uses be subject to approval of a conditional use permit in office and commercial zones except for gateway areas; and

WHEREAS, there exists conflicts between Sections 21.16A.020 and 21.20.130 of the City's Zoning Code pertaining to process for considering and approving exceptions to building height limits, which are proposed to be resolved via a code amendment to revise both sections; and

WHEREAS, at a meeting held on September 23, 2014, 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. Held a public hearing to obtain public testimony on the proposed ordinance;
- c. Recommended that the City Council approve the proposed ordinance; and

WHEREAS, based on information received at its meeting on October 7, 2014 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 project;
- b. Held a public hearing to obtain public testimony on the proposed ordinance;
- c. Considered the Planning Commission's recommendations from its September 23, 2014 public meeting to approve the proposed ordinance;
- d. Introduced said ordinance for the first reading; and

WHEREAS, on October 21, 2014 the City Council held a second reading of said ordinance,

NOW, THEREFORE, the City Council of the City of El Paso de Robles does hereby ordain as follows:

SECTION 1: Table 21.16.200, Permitted Land Uses for All Zoning Districts, is amended as shown in **Exhibit A.**

SECTION 2: Section 21.16A.020, Permit Requirements, to replace subsections "a" and "b" as shown in "proposed" with text **underlined**:

Existing:

In combination with any base zone, the planned development district overlay shall require approval of a development plan application by:

- a. The planning commission for applications seeking approval of different development standards as provided for in Subsections (1), (2), (3), (5), (6), (7), (8), (9), (10), (11), (12), and (13) of Section 21.16A.030 (Density and use limitations); and
- b. The city council for applications seeking approval of modified building heights as provided for in Subsection (4) of Section 21.16A.030 (Density and use limitations).

Proposed:

In combination with any base zone, the planned development district overlay shall require approval of a development plan application by the Planning Commission for applications seeking approval of different development standards as provided for in Section 21.16A.030 (Density and use limitations).

SECTION 3: Section 21.16A.020, Permit Requirements, to add additional language as shown in **underlined** as follows:

Chimneys, silos, cupolas **and/or architectural roof or tower features, but not full stories,** flagpoles, monuments, gas storage holders, radio and other towers, water tanks, church steeples and similar structures and mechanical appurtenances may be permitted in excess to height limits specified in each zoning district,

subject to approval of a site plan by the development review committee, except as provided in Section 21.20.080 (public utility distribution and transmission lines).

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 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.

Introduced at a regular meeting of the City Council held on October 7, 2014, and passed and adopted by the City Council of the City of El Paso de Robles on the 21st day of October, 2014 by the following vote:

AYES: Strong, Hamon, Martin, Steinbeck, Picanco
NOES:
ABSENT:
ABSTAIN:



Duane Picanco, Mayor

ATTEST:


Caryn Jackson, Deputy City Clerk

ZONING DISTRICT

LAND USE	AG	RA	R1	R2	R3	R30	R4	R5	OP	CP	C1	C2	C3	RC	M	PM	AP	POS
* Subject to a limitation that the floor area shall not exceed 10 percent of the total floor area of a commercial center.																		
9. Real estate sales offices (within approved development projects)	N	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	N
10. Personal services:																		
a. Barber/beauty shops, nails & tanning salons, massage	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	N	P	N
b. Fortunetelling and related services (card reading, psychics, palmistry, etc.)	N	N	N	N	N	N	N	N	C*	C*	C*	C*	C*	N	N	N	N	N
* Not permitted in gateway areas identified in the Gateway Plan.																		
c.b. Laundries, non-plant	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	N	P	N
d.e. Laundromats	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	N	N	N
e.d. Locksmiths	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	N	P	N
f.e. Mortuaries (* if located within 300 feet of existing cemetery)	N	N	N	C*	C*	C*	C*	C*	N	N	C	C	C	C	C	N	C	N
g.f. Parcel services	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	P	N
h.g. Tailor/dressmakers, alterations, shoe repair	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	N	P	N
11. Printing, publishing, blueprinting, duplicating	N	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	N
12. Recycling																		
a. Collection centers for aluminum glass, paper, plastic, etc. (does not include collection of hazardous/toxic items)	N	N	N	N	N	N	N	N	N	N	N	N	C	N	C	N	C	N
b. Composting, green waste	C	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
13. Small motor repair (electrical motor rewinding lawnmower repair, etc.)	N	N	N	N	N	N	N	N	N	N	N	P	P	N	P	N	P	N