

ORDINANCE NO. 2002-07

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON
AMENDING ZONING CODE CHAPTERS 19.30 AND 19.40 SO AS TO DELETE
THE REQUIREMENT FOR A USE PERMIT FOR TEMPORARY MOBILE
STRUCTURES**

WHEREAS, the City of American Canyon adopted its Zoning Ordinance in October of 1996; and

WHEREAS, the Planning Commission of the City of American Canyon directed Staff to initiate the process for amending the Zoning Code so as to allow the Planning Director to approve temporary mobile structures by use of a Temporary Trailer Permit; and

WHEREAS, in order to implement the direction of the Planning Commission Chapters 19.30 and 19.40 must be amended; and

WHEREAS, a Temporary Trailer Permit will replace a Conditional Use Permit for all temporary mobile structures; and

WHEREAS, the Planning Commission held a duly noticed public hearing on the proposed amendments to Chapter 19.30 and 19.40 at its meeting of September 26, 2002, at which all those in attendance were given the opportunity to be heard; and

WHEREAS, the Planning Commission considered all written and oral testimony given at the public hearing before taking action to adopt Resolution 2002-15 forwarding its recommendation to the City Council regarding the proposed amendments to Chapter 19.30 and 19.40; and

WHEREAS, the City Council held a duly noticed public hearing on October 17, 2002, at which all those in attendance were given the opportunity to be heard; and

WHEREAS, it has been determined that the proposed amendments to Chapters 19.30 and 19.40 would have no potential environmental impacts and therefore fall under the General Rule provisions of the California Environmental Quality Act and no environmental analysis is required.

NOW, THEREFORE, IT IS HEREBY ORDAINED, that the City Council of the City of American Canyon does hereby amend the Zoning Code Chapter 19.30 and 19.40 as shown in Exhibit A attached hereto and incorporated by reference.

SECTION I. Effective Date

This ordinance shall take effect thirty (30) days after its adoption. A summary of this Ordinance shall be published once in the Vallejo Times Herald, a newspaper of

general circulation serving the City of American Canyon, within fifteen (15) days after its passage.

SECTION II. Severability

The provisions of this Ordinance shall be severable. If any portion is found to be unconstitutional, illegal or invalid, the remainder shall survive and remain effective and enforceable.


The foregoing Zoning Ordinance Amendments were introduced and read at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 17th day of October, 2002, and was passed and adopted at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 21st day of November, 2002, by the following vote:

| | |
|-----------------|---|
| AYES: | Colcleaser, Canziani, Luporini, Shaver |
| NOES: | None |
| ABSTAIN: | None |
| ABSENT: | Anderson |



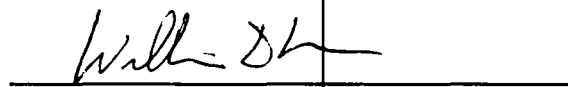
Donald Colcleaser, Mayor

ATTEST:



Kay Woodson, Interim City Clerk

APPROVED AS TO FORM:



William D. Ross, City Attorney

file: U: Planning/Ordinances/mobileord

Chapter 19.30

Temporary Mobile Structures

Sections:

| | |
|------------------|-------------------------------|
| 19.30.010 | Purpose |
| 19.30.020 | Approval Process |
| 19.30.030 | Length of Use |
| 19.30.040 | Conditions of Approval |

19.30.010 Purpose. The purpose of this Chapter is to conditionally permit the temporary use of mobile homes, mobile offices, mobile classrooms and recreational vehicles in connection with new subdivisions, construction sites and existing uses of land.

19.30.020 Approval Process. Temporary mobile structures may be approved by the Planning Director by Temporary Trailer Permit. Applications for such permits shall be reviewed and approved in accordance with Chapter 19.40, *Review and Approval Procedures*.

19.30.030 Length of Use. The applicant shall specify the length of time the mobile structure will be on the premises. The approval granted by the Planning Director will include a date on which the mobile structure will have been removed from the site. Any additional time requested shall be subject to a new application and fee.

19.30.040 Conditions of Approval. The Planning Director may include such terms and conditions as deemed appropriate or necessary, including, but not limited to the following:

- A. The requirement of a cash deposit or other security provided by the applicant to assure the timely removal of the temporary mobile structure or its conversion to a permitted or approved use.
- B. The provision of adequate sanitary facilities for the temporary mobile structure.
- C. For temporary mobile structures that are visible from a public right-of-way, landscaping shall be provided, either planted or in containers (other than shipping and growing containers).
- D. All parking areas with direct access to a public street or highway right-of-way shall be paved to prevent tracking gravel, mud, or dirt onto the public road.
- E. For temporary mobile structures without direct access to a public street or highway, compacted rock or similar material may be used, subject to the review and approval by the Public Works Director; Fire Chief, and Building Inspector.

Chapter 19.40

Review and Approval Procedures

Sections:

- 19.40.010 Purpose**
- 19.40.020 Planning Director Approvals**
- 19.40.030 Planning Commission Approvals**
- 19.40.040 City Council Approvals**
- 19.40.050 Notice of Public Hearing**
- 19.40.060 Permit Revocation and Modification**

19.40.010 Purpose. The purpose of this Chapter is to establish review and approval procedures for permits and other approvals provided for by this Title. Findings and other criteria for the approval of specific permits are contained in the appropriate chapters of this Title.

19.40.020 Planning Director Approvals.

A Authority.

1. The following may be approved without a public hearing by the Planning Director, as specified elsewhere in this Title:
 - a. Sign permits, pursuant to Chapter 19.23.
 - b. Home occupation permits, pursuant to Chapter 19.29.
 - c. Design permits, pursuant to Chapter 19.41.
 - d. Temporary mobile structures, pursuant to Chapter 19.48
2. The following may be approved following a public hearing by the Planning Director, as specified elsewhere in this Title:
 - a. Minor variations, pursuant to Chapter 19.44.
 - b. Minor modifications, pursuant to Chapter 19.45.
 - c. Conditional fence permits, pursuant to Chapter 19.10.
 - d. Classifications of use, pursuant to Chapter 19.05.

3. The Director may refer any of the above entitlements to the Planning Commission for review because of unique circumstances or a need for policy direction.

B. Application.

1. An application subject to the approval of the Planning Director shall be submitted to the Planning Department on forms specified by the Director, and shall be accompanied by all maps, plans, and other information deemed necessary by the Director.
2. An application shall be accompanied by any fee established by the City Council.
3. The Director shall inform the applicant in writing within 30 calendar days of receipt that the application is complete or that additional information is needed to complete the application. If such additional information is not provided within 90 days, the application shall be considered withdrawn, and any unused fees shall be refunded to the applicant. At the Director's discretion, an additional 30 days may be granted to complete an application.

C. Public Hearings.

1. When a public hearing is required for an application, upon acceptance of the application as complete and following completion of any environmental review, a public hearing shall be set before the Planning Director.
2. Notice of the public hearing shall be given in the manner specified in this Chapter.
3. A public hearing shall be held before the Director at the time and place specified by the public notice. The Director may establish rules for the conduct of such hearings. Any hearing may be continued provided that prior to adjournment or recess, the Director shall announce the time and place to which the hearing will be continued.

D. Decision.

1. The Director shall comply with the time limits stipulated in California Government Code Section 65950 when making a decision on an application.
2. When a public hearing is required for an application, the Director shall approve, conditionally approve, or deny an application following the close of the public hearing, or within 10 days thereafter. When a public hearing is not required, the Director shall take such action within 10 days of finding

the application complete for processing. In both cases, such decision shall include any findings required by this Title.

3. Written notice of the Director's decision, including any conditions of approval, shall be given by mail within five calendar days of the decision to the applicant and any person who has filed a written request for notice of the decision.
4. The Director's decision, including any conditions of approval, is final on expiration of 10 calendar days following the decision unless a notice of appeal is filed with the Director within such time. The date of the decision shall not be counted in determining the final date for filing an appeal. Should an appeal period end on a Saturday, Sunday or holiday, the final day for filing an appeal shall be the following Monday, or the next business day following a holiday.
5. Conditions of approval may be deleted or modified through a minor or major modification (Chapter 19.45), depending on the extent of the proposed change.

E. Appeal Procedures.

1. Any decision of the Planning Director made pursuant to this Chapter may be appealed to the Planning Commission by the applicant or any other person aggrieved by the Director's decision. Such appeal may be made by filing a written notice of appeal with the Director prior to the time the decision becomes final, on forms furnished by the Director. The appeal shall be accompanied by the fee established by the City Council.
2. Notice of the hearing on the appeal shall be given in the manner and time provided in this Chapter not less than 10 days before such hearing to each person entitled to notice of the preceding decision.
3. The Commission may affirm wholly or partly, reverse, modify, or attach additional conditions to the decision which was appealed.

F. Permit Issuance. No permit shall be issued prior to the expiration of any appeal period for an entitlement.

19.40.030 Planning Commission Approvals.

A. Authority. The following may be approved by the Planning Commission, as specified elsewhere in this Title:

1. Conditional use permits, pursuant to Chapter 19.42.
2. Variances, pursuant to Chapter 19.43.

3. Sign permits and programs, pursuant to Chapter 19.23.
4. Planned Community development permits, pursuant to Chapter 19.16.
5. Major modifications of previous Planning Commission approvals, pursuant to Chapter 19.45.
6. Applications and entitlements normally subject to Planning Director approval when filed in conjunction with any of the applications listed above.
7. Applications referred to the Commission by the Planning Director because of unique circumstances, potential public controversy, or a need for policy direction.

B. Application.

1. An application subject to the approval of the Planning Commission shall be submitted to the Planning Department on forms specified by the Commission, and shall be accompanied by all maps, plans, and other information deemed necessary by the Director.
2. An application shall be accompanied by any fee established by the City Council.
3. The Director shall inform the applicant in writing within 30 calendar days of receipt that the application is complete or that additional information is needed to complete the application. If such additional information is not provided within 90 days, the application shall be considered withdrawn, and any unused fees shall be refunded to the applicant. At the Director's discretion, an additional 30 days may be granted to complete an application.

C. Public Hearings.

1. Upon acceptance of an application as complete and following completion of any environmental review, a public hearing shall be set before the Commission.
2. Notice of the public hearing shall be given in the manner specified in this Chapter.
3. A public hearing shall be held before the Commission at the time and place specified by the public notice. The Commission may establish rules for the conduct of such hearings. Any hearing may be continued provided that the time and place to which it is continued is announced prior to adjournment or recess.

D. Decision.

1. The Commission shall comply with the time limits stipulated in California Government Code Section 65950 when making a decision on an application.
2. The Commission shall approve, conditionally approve, or deny an application following the close of the public hearing on an application, or within 30 days thereafter, by resolution. Such resolution shall include any findings required by this Title.
3. Written notice of the Commission's decision, including any conditions of approval, shall be given by mail within five calendar days of the decision to the applicant and any person who has filed a written request for notice of the decision.
4. The Commission's decision, including any conditions of approval, is final on expiration of 10 calendar days following the decision unless a notice of appeal is filed with the Planning Director within such time. The date of the decision shall not be counted in determining the final date for filing an appeal. Should an appeal period end on a Saturday, Sunday or holiday, the final day for filing an appeal shall be the following Monday, or the next business day following a holiday.
5. Requests to delete or modify a condition of approval, or to modify a project may be considered following the expiration of the appeal period at a properly-noticed public hearing before the Commission.

E. Appeal Procedures.

1. Any decision of the Planning Commission made pursuant to this Chapter may be appealed to the City Council by the applicant or any other person aggrieved by the Commission's decision. Such appeal may be made by filing a written notice of appeal with the Planning Director prior to the time the decision becomes final, on forms furnished by the Director. The appeal shall be accompanied by the fee established by the City Council.
2. Notice of the hearing on the appeal shall be given in the manner and time provided in this Chapter not less than 10 days before such hearing to each person entitled to notice of the preceding decision.
3. The City Council may affirm wholly or partly, reverse, modify, or attach additional conditions to the decision which was appealed. The Council's decision shall be final on adoption of an order or resolution containing its determination, and no notice thereof need be given.

- F. Permit Issuance. No permit shall be issued prior to the expiration of any appeal period for an entitlement.

19.40.040 City Council Approvals.

- A. Authority. The following entitlements may be approved by the City Council, as specified elsewhere in this Title:

1. Zoning map and ordinance text amendments, pursuant to Chapter 19.48.
2. Planned Community conceptual master plans, pursuant to Chapter 19.16.
3. Specific plans, pursuant to Chapter 19.17.
4. Development agreements.
5. Entitlements otherwise subject to Planning Director or Planning Commission approval when filed in conjunction with any of the applications listed above.

- B. Applications.

1. An application for an entitlement subject to the approval of the City Council shall be submitted to the Planning Department on forms specified by the Council, and shall be accompanied by all maps, plans, and other information deemed necessary by the Director.
2. An application shall be accompanied by any fee established by the Council.
3. The Director shall inform the applicant in writing within 30 calendar days of receipt that the application is complete or that additional information is needed to complete the application. If such additional information is not provided within 90 days, the application shall be considered withdrawn, and any unused fees shall be refunded to the applicant. At the Director's discretion, an additional 30 days may be granted to complete an application.

- C. Planning Commission Review.

1. Upon acceptance of an application subject to City Council approval as complete and following completion of any environmental review, the application shall be referred to the Planning Commission for review and recommendations. The Commission shall hold a public hearing on the matter in accordance with Section 19.40.030, and shall transmit to the Council a written recommendation for approval, conditional approval or denial, including reasons for the recommendation.

2. Should the Commission fail to act upon the referral within a reasonable time, the Council may, by written notice, require the Commission to render its report within 40 days after the reference or such longer period as may be designated by the Council. Upon receipt of the written notice, the Commission, if it has not done so, shall conduct a public hearing. Failure to so report to the Council within the stipulated time period shall be deemed to be a recommendation for approval of the application.

D. Public Hearings.

1. Upon receipt of the recommendation of the Planning Commission, the City Clerk shall set the application for a public hearing before the Council. However, if the Commission has recommended against approval of a referred application, the City Council need not take further action unless an interested party files a request for a hearing with the City Clerk within five days after the Planning Commission files its recommendation with the City Council.
2. Notice of the public hearing shall be given in the manner specified in this Chapter.
3. A public hearing shall be held before the Council at the time and place specified by the public notice. The Council may establish rules for the conduct of such hearings. Any hearing may be continued provided that the time and place to which it is continued is announced prior to adjournment or recess.

E. Decision.

1. The Council may approve, modify, or disapprove the recommendation of the Planning Commission on an application, by resolution, following the close of the public hearing, or within 30 days thereafter. Such resolution shall include any findings required by this Title.
2. Any modification of the application by the Council not previously considered by the Commission during its hearing, shall first be referred to the Commission for a report and recommendation, but the Commission shall not be required to hold a public hearing thereon. Failure of the Commission to report within 40 days after the reference, or such longer period as may be designated by the Council, shall be deemed to be approval of the proposed modification.
3. Written notice of the Council's decision, including any conditions of approval, shall be given by mail within five calendar days of the decision to the applicant and any person who has filed a written request for notice of the decision.
4. The Council's decision, including any conditions of approval, is final on

adoption of an order or resolution containing its determination.

5. Subsequent requests to delete or modify a condition of approval, or modify a project may be considered at a properly-noticed public hearing before the Council.

19.40.050 Notice of Public Hearing. When a public hearing is required by this Chapter, notice of the hearing shall be given in the manner specified in this Section.

- A. Contents of Notice. A required public hearing notice shall contain at least the date, time, and place of the hearing; the identity of the hearing body, and the nature and location of the application in sufficient detail for a member of the public to be able to understand the nature, intent and scale of the project or request.
- B. Method of Noticing. At least 10 calendar days before the date of any public hearing, required notice shall be given through all of the following actions:
 1. Publishing such notice once in a newspaper of general circulation within the City of American Canyon, or if none, in a newspaper of general circulation within the County of Napa, and,
 2. Mailing or delivering notice, postage prepaid, to all of the following:
 - a. The property owner
 - b. The applicant
 - c. The owners of all property within 300 feet of the exterior boundaries of the property which is the subject of the application, and,
 - d. Any person who has filed a written request for such notice.
 3. For the purposes of this mailed or delivered notice, the last known names and addresses of property owners on the last County assessment roll shall be used. If the number of owners to whom notice would be mailed or delivered is greater than 1,000, a display advertisement of at least one-eighth page in at least one newspaper of general circulation may be published at least 10 days prior to the hearing in lieu of mailed or delivered notice.

19.40.060 Permit Revocation and Modification. Any entitlement granted pursuant to this Chapter may be modified or revoked by the official or decision-making body that originally granted the entitlement through the same procedures under which the entitlement was granted, for any of the following causes:

- A. Any term or condition of the entitlement has not been complied with.

- B. The property or portion thereof subject to the entitlement is used or maintained in violation of a statute, ordinance, law, or regulation.
- C. The use for which the entitlement was granted has been so exercised as to be detrimental to the public health or safety or as to constitute a nuisance.