

ORDINANCE NO. 2005-02

**AMENDING THE ZONING ORDINANCE PERTAINING TO
THE REGULATION OF LARGE FAMILY DAY CARE HOMES (ZOA 04-02)**

WHEREAS, pursuant to Section 65850 of the State Planning and Zoning Law, the City of American Canyon adopted a Zoning Ordinance in 1996 to regulate the use of buildings, structures, and land; and,

WHEREAS, the American Canyon Zoning Ordinance currently requires the approval of a conditional use permit for large family day care homes, which is a financial burden to the operators of such homes; and,

WHEREAS, the City of American Canyon recognizes that large family day care homes provide a valuable and cost-effective service to American Canyon families, and wishes to facilitate the establishment of such homes; and,

WHEREAS, the adoption of location and operational standards for large family day care homes will help maintain the residential character of neighborhoods and promote compatibility with adjacent homes by addressing concerns regarding the over-concentration of such, traffic, security and visual impacts; and,

WHEREAS, the definition of large family day care homes contained in the current Zoning Ordinance is inconsistent with the latest State of California definition; and,

WHEREAS, Zoning Ordinance Chapter 19.48 provides that the City Council may amend the Zoning Ordinance after the amendment is referred to the Planning Commission for review and recommendations; and,

WHEREAS, at its meeting of January 11, 2005, the Planning Commission adopted PC Resolution 2005-01, recommendation to the City Council that Zoning Ordinance Amendment ZOA 04-02 be adopted; and,

WHEREAS, the proposed amendments are exempt from review under the California Environmental Quality Act per CEQA Guidelines Section 15061 (b)(3) because there is no possibility that the type and extent of the amendments proposed may have a significant effect on the environment; and,

WHEREAS, the City Council held a duly-noticed public hearing on February 3, 2005 to consider the proposed Zoning Ordinance amendments and the recommendations of the Planning Commission, and all those in attendance were given the opportunity to be heard on the matter; and,

WHEREAS, the City Council does hereby find, as required by Zoning Ordinance Section 19.48.040 C, that:

1. The amendments are consistent with the City of American Canyon General Plan.

There are no General Plan policies or programs addressing large family day care homes.

2. The amendments are consistent with the purposes of this [Zoning] Title, as set forth in Chapter 19.01, Authority, Purposes, and Effects of the Zoning Ordinance.

By avoiding the over-concentration of large family day care homes and providing for staggered drop-off and pick up times, security/screening fencing and play equipment setbacks, these amendments are consistent with the following objectives of the Zoning Ordinance as set forth in Section 19.01.030, Furthermore, they do not conflict with any

purposes or objectives of the Zoning Ordinance.

1. [not applicable]
2. To establish clear, understandable and applicable land use regulations and guidelines consistent with the City's police powers.
3. To provide implementing standards and procedures that will individually and collectively ensure consistency of development with the General Plan.
4. To foster a harmonious, convenient, and workable relationship among land uses.
5. To promote the stability of existing land uses that conform with the General Plan and to protect them from inharmonious influences and harmful intrusions.
6. To foster the provision of adequate off-street parking and off-street loading facilities.
7. To protect and enhance real property values.
8. [not applicable]
9. To safeguard and enhance the appearance of the City.
10. To ensure quality development, consistent with the General Plan's design and development principles, and an attractive and functional community appearance.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of American Canyon does hereby adopt Ordinance No. 2004-___, based on the findings outlined herein, to amend the Zoning Ordinance as set forth in attached Exhibit 1, where additions are represented by underlining and deletions are represented by strikeouts.

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

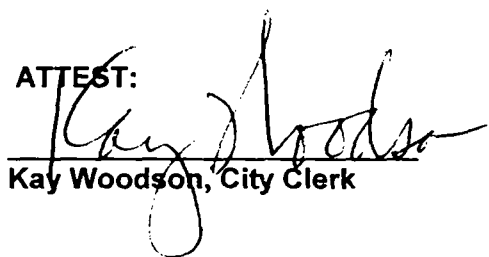
SECTION II. Severability

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. Where a conflict arises between the provisions of Ordinance 2001-10 and this Ordinance, the provisions of Ordinance 2001-10 shall apply.

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 3rd day of February, 2005, and were passed and adopted at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 17th day of February, 2005, by the following vote:

AYES: Shaver, Garcia, Anderson, Coffey, Luporini
NOES: None
ABSTAIN: None
ABSENT: None


Cecil Shaver, Mayor

ATTEST:

Kay Woodson, City Clerk

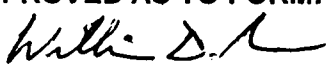
APPROVED AS TO FORM:

William D. Ross, City Attorney

Exhibit 1

Chapter 19.05, Use Classifications

19.05.100 Accessory Classifications.

Day Care Home, Large The provision of care, protection and supervision, in the provider's own home, for 7 to ~~12~~ 14 children, inclusive, including children under the age of 10 years who reside at the home, on a less than 24-hour basis.

**Chapter 19.10, Table 1
Permitted and Conditionally Permitted Uses
Residential Districts**

Use Classifications	Zoning Districts					Related Provisions
	RE	RR	RS	RM	RH	
Residential Uses						
Congregate Living Facility	-	-	-	P	P	
Garden Apartments	-	-	-	P	P	
Mobilehome	C	C	C	-	-	
Mobilehome Park	-	-	-	C	C	Chapter 19.10
Multi-Family Residential	-	-	-	P	P	
Residential Care Home	-	P	P	-	-	
Second Residential Unit	P	P	P	-	-	Section 19.10.120
Single Family Residential						
• Detached	P	P	P	P ¹	P1	¹ GP Policy 1.8.3
• Semi-Detached	-	P ¹	P ²	P	P	¹ GP Policy 1.7.1 ² GP Policy 1.7.2
Townhouses	-	-	-	P	P	
Recreational Uses						
Recreational Facilities, Public	C	P	P	P	P	
Recreation and Sports, Outdoor	C	C	C	C	C	
Recreation, Passive	C	C	C	C	C	
Staging Area	C	C	C	-	-	
Public and Quasi-Public Uses						
Antenna	-	P	P	P	P	
• Exceeding Height Limitations	-	C	C	C	C	
Community Center	-	-	C	C	C	GP Policy 1.12.1
Conference Center	-	-	-	-	-	
Cultural Facility	-	-	C	C	C	GP Policy 1.121
Day Care Center	C	C	C	C	C	GP Policy 1.23.5
Homeless Shelter	-	-	-	C	C	Chapter 19.42
Public Safety Facility	C	C	C	C	C	
Religious Facility	C	C	C	C	C	GP Policy 1.23.4
School	C	C	C	C	C	GP Policy 1.12.1
Utilities, Major	-	C	C	C	C	
Utilities, Minor	-	P	P	P	P	

Use Classifications	Zoning Districts					Related Provisions
	RE	RR	RS	RM	RH	
Agricultural Uses						
Animal Husbandry	P	-	-	-	-	
Crop Production	P	-	-	-	-	
Accessory Uses						
Accessory Dwelling Unit	C	C	C	-	-	
Livestock Keeping	P	P	P	-	-	Chapter 19.31
Caretaker's Quarters	C	-	-	-	-	
Day Care Home, Large	-	<u>GP</u>	<u>GP</u>	-	-	<u>Chapter 19.33</u>
Day Care Homes, Small	P	P	P	P	P	
Guest House	C	C	C	-	-	
Home Occupation	P	P	P	P	P	Chapter 19.29
Horticulture, Limited	P	P	P	P	P	
Room Rentals	-	C	C	-	-	
Temporary Uses						
Animal Show	C	-	-	-	-	
Commercial Filming	C	C	C	C	C	
Mobile Structures	C	C	C	C	C	Chapter 19.30
Personal Property Sales	P	P	P	P	P	

NEW CHAPTER

**Chapter 19.33
Large Family Day Care Homes**

Sections:

- 19.33.010 Purpose
- 19.33.020 Limitations
- 19.33.030 Location and Operational Standards
- 19.33.040 Home Occupation Permit Exemption.

19.33.010 Purpose.

The purpose for establishing these location and operational standards is to allow the establishment and operation of large family day care homes, consistent with state law, while maintaining the residential character of neighborhoods and promote compatibility with adjacent homes.

19.33.020 Limitations.

In accordance with state law, large family day care homes may care for up to 14 children if all of the following conditions are met:

- A. At least two of the children are at least six years of age.
- B. No more than three infants are cared for during any time when more than 12 children are being cared for.
- C. The licensee notifies all parents of children at the home that the facility is caring for two additional school age children and that there may be up to 14 children in the home at one time.
- D. The licensee obtains the written consent of the property owner when the family day care home is operated on property that is leased or rented.

19.33.030 Location and Operational Standards.

Large family day care homes shall be located and operated in accordance with the following standards:

- A. Large family day care homes shall arrange staggered times for clients to drop off and pick up children.
- B. Any side or rear yard areas intended for day care use shall be surrounded by a fence or wall with a minimum height of six feet.
- C. Outdoor recreation equipment over eight feet in height shall be set back a minimum of five feet from perimeter property lines.

19.33.040 Home Occupation Permits.

A home occupation permit shall be required for all large family day care homes per Chapter 19.29, Home Occupations.