

City of American Canyon
CITY COUNCIL
ORDINANCE NO. 2009- 10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON APPROVING ZONING ORDINANCE AMENDMENT ZOA 08-03, MAKING MINOR REVISIONS AND TECHNICAL CORRECTIONS TO CHAPTERS 19.40 – REVIEW AND APPROVAL PROCEDURES, 19.41 – DESIGN PERMITS, AND 19.44 – MINOR VARIATIONS

WHEREAS, pursuant to Section 65850 of the State Planning and Zoning Law, the City of American Canyon adopted a Zoning Ordinance in 1996 to implement the General Plan and regulate the use of land, buildings and structures, the size and use of lots; the intensity of land uses; and to establish other requirements to provide a clear and concise guide for the physical development of the City and to protect and promote the public health, safety, peace, comfort, convenience, aesthetics, prosperity, and general welfare; 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 recommendation to the City Council; and

WHEREAS, minor revisions and technical corrections are being proposed to the Zoning Ordinance to meet changed state requirements and provide internal consistency to the Review and Approval Procedures chapter, the Design Permits chapter and the Minor Variations Chapter; and

WHEREAS, pursuant to the California Environmental Quality Act, the proposed Zoning Ordinance Amendments are exempt per CEQA Guidelines Section 15061(b) (3) as the amendments have no potential to cause significant effects on the environment; and

WHEREAS, the Planning Commission held a duly-noticed public hearing on the proposed Zoning Ordinance Amendments on November 20, 2008, and unanimously recommended approval of the amendments to the City Council; and

WHEREAS, a duly-noticed public hearing on the proposed Zoning Ordinance Amendments was held by the City Council on February 17, 2009 and June 2, 2009, at which time all those in attendance were given the opportunity to speak; and

WHEREAS, the City Council has considered all of the written and oral testimony presented at the public hearing in making its decision.

NOW, THEREFORE the City Council of the City of American Canyon does hereby ordain as follows:

Section 1: The Recitals set forth above are true and accurate and incorporated herein by this reference.

Section 2: Findings: Find, based on the following evidence and as required by Zoning Ordinance Section 19.48.040 C, that:

1. The amendment is consistent with the goals and policies of the General Plan.

The proposed amendments are minor corrections that are consistent with and/or not in conflict the goals and policies of the General Plan. The amendments maintain and update the Zoning Code consistent with state regulations, and clarify development regulations.

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

The amendments are consistent with the purpose of the Zoning Ordinance to provide a clear and concise guide for the physical development of the City, establish clear, understandable and applicable land use regulations consistent with the City's police powers, and protect and promote the public health, safety, peace, comfort, convenience, aesthetics, prosperity, and general welfare. The amendments are minor corrections intended to clarify regulations and ensure consistency of development with the General Plan.


Section 3: Municipal Code Amendments. The City Council amends Title 19 of the American Canyon Municipal Code ("Municipal Code") to revise and add specific language to Chapter 19.40.020 entitled "Community Development Director Approvals", Chapter 19.41 entitled "Design Permits", and Chapter 19.44 entitled "Minor Variations" to read as stated in Exhibit A, attached.

Section 4: Effective Date. 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 and shall become effective thirty (30) days after the date of its adoption.

Section 5: 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.

Section 6: The Ordinance attached as Exhibit A was introduced and read at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 2nd day of June, 2009, by a vote of 4-0-1, and was passed and adopted at a regular meeting of the City Council of the City of American Canyon held on the 17th day of June, 2009

AYES: Garcia, Callison, Bennett, Coffey, West
NOES: None
ABSTAIN: None
ABSENT: None



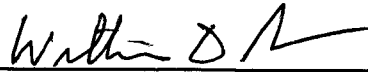
Leon Garcia, Mayor

ATTEST:



Dorothy Roadman
City Clerk

APPROVED AS TO FORM:



William Ross
City Attorney

EXHIBIT A

[Note to codifier: only the sections, or portions of the sections of each chapter being amended are included below.]

CITY COUNCIL ORDINANCE 2009-

Zoning Ordinance Amendment ZOA-08-03

Amending Chapters 19.40 Review and Approval Procedures, Chapter 19.41 Design Permits, and Chapter 19.44 Minor Variations

Chapter 19.40 REVIEW AND APPROVAL PROCEDURES

19.40.020 Community Development Director Approvals.

A. Authority.

1. The following may be approved without a public hearing by the Community Development 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 Trailer Permits, pursuant to Chapter 19.30.
 - e. Classifications of Use, pursuant to Chapter 19.05.
 - f. Minor Modifications, pursuant to Chapter 19.45.
 - g. Minor Variations, pursuant to Chapter 19.44.
2. The following may be approved following a public hearing by the Community Development Director, as specified elsewhere in this Title:
 - a. Conditional Fence Permits, pursuant to Chapter 19.10.
 - b. Minor Use Permits, pursuant to Chapter 19.42.
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.

Chapter 19.41 DESIGN PERMITS

19.41.020 Applicability.

Design permit approval by the Community Development Director or Planning Commission is required for the following:

- A. New structures, except single-family detached dwellings and their attendant accessory structures constructed on a parcel of land. However, when a builder constructs three or more single-family dwellings in a single subdivision in one year, or on a single block in one year if the lots are not located within a subdivision, the dwelling units shall be subject to approval of a design permit.
- B. Enlargements and exterior alterations of structures, including repainting and color changes of commercial, industrial and multi-family structures, but excluding enlargements and alterations of single-family dwellings for which a design permit was not originally required, unless required as a condition of another approval.
- C. Alterations of land in commercial or industrial districts, and/or of sites of more than one acre in residential districts.

19.41.030 Design Permit Approval.

Except as provided in this Chapter, no building or structure may be erected, and no building may be enlarged or altered, and no site may be altered until a design permit application has been approved by the Community Development Director or Planning Commission, as required below. Such review and approval may take place concurrently with the review of any other required approvals.

- A. Community Development Department Director Approvals. The Community Development Department Director may approve the following design permit applications. No public hearing shall be required unless the design permit is being processed concurrently with other applications for which a hearing is required. In this case, the design permit shall be considered at the same public hearing.
 - 1. Two-family dwellings and appurtenant accessory structures.
 - 2. Multi-family projects containing fewer than five units.
 - 3. Commercial structures containing less than 5,000 square feet total, industrial structures containing less than 20,000 square feet total, and subsequent substantial changes of use to these structures.
 - 4. Enlargements or alterations to a project originally approved by the Planning Commission involving an area of less than five percent (5%) of the project's floor or site area, that the Director deems to be compatible with the original approval and an insignificant alteration to the project's appearance.
 - 5. Any visible enlargements or alterations to projects, as determined by the Community Development Director.
 - 6. Changes in use to structures or property which cause a project to not meet design standards contained in this Title for landscaping, parking, signage, screening, etc.

- B. Planning Commission Approvals. The Planning Commission may approve the following design permit applications following a public hearing pursuant to the procedures set forth in Chapter 19.40:
1. Multi-family dwelling projects containing five or more units.
 2. The construction in one year by a single builder of three or more single-family dwellings in a single subdivision, or on a single block if the lots are not located within a subdivision, except such construction in the PC Zone District.
 3. Commercial structures containing 5,000 total square feet or more and industrial structures containing 20,000 square feet or more, and/or substantial changes of use to these structures.
 4. Enlargements and/or exterior alterations of projects and/or sites involving an area of more than five percent (5%) of the project's floor and/or site area, or lesser changes that the Community Development Department Director has determined potentially represent a significant alteration to a project's and/or site's appearance.
 5. Sign programs requiring Commission approval, pursuant to Chapter 19.23.
 6. Design permit applications referred to the Commission by the Director because of unique circumstances, potential public controversy or a need for policy direction.

Chapter 19.44 MINOR VARIATIONS

19.44.030 Review and Approval Procedures.

- A. Application. An application for a minor variation shall be filed with the Community Development Department on forms prescribed by the Director, along with any plans, maps, or additional information required by the Director. The application shall include, in part, evidence supporting the findings required by this Chapter.
- B. Review and Approval Authority.
1. A minor variation application shall be reviewed and approved, conditionally approved, or denied by the Community Development Department Director in accordance with Chapter 19.40, Review and Approval Procedures; if no other entitlements are required.
 2. If other approvals are necessary, the minor variation shall be filed concurrently with the related entitlement(s) requests, and shall be acted upon by the appropriate decision-making authority for the related entitlement(s).

Strikeout/Underline of:

1. Chapter 19.40 Review and Approval Procedures

19.40.020 ~~Planning~~ Community Development Director Approvals.

A. Authority.

1. The following may be approved without a public hearing by the ~~Planning~~ Community Development 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 Trailer Permits, pursuant to Chapter 19.30.
 - e. Classifications of Use, pursuant to Chapter 19.05.
 - f. Minor Modifications, pursuant to Chapter 19.45.
 - g. Minor Variations, pursuant to Chapter 19.44.
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~~
 - ea. Conditional Fence Permits, pursuant to Chapter 19.10.
 - ~~d. Classifications of Use, pursuant to Chapter 19.05~~
 - b. Minor Use Permits, pursuant to Chapter 19.42.

2. Chapter 19.41 Design Permits

19.41.020 Applicability.

Design permit approval by the ~~Planning~~ Community Development Director or Planning Commission is required for the following:

- A. New structures, except single-family detached dwellings and their attendant accessory structures constructed on a parcel of land. However, when a builder constructs three or more single-family dwellings in a single subdivision in one year, or on a single block in one year if the lots are not located within a subdivision, the dwelling units shall be subject to approval of a design permit.
- B. Enlargements and exterior alterations of structures, including repainting and color changes of commercial, industrial and multi-family structures, but excluding enlargements and alterations of single-family dwellings for which a design permit was not originally required, unless required as a condition of another approval.
- C. Alterations of land in commercial or industrial districts, and/or of sites of one acre or more in residential districts.

19.41.030 Design Permit Approval.

Except as provided in this Chapter, no building or structure may be erected, and no building may be enlarged or altered, and no site may be altered until a design permit application has been approved by the Planning Director or Planning Commission, as required below. Such review and approval may take place concurrently with the review of any other required approvals.

A. Planning—Community Development Department Director Approvals. The ~~Planning—Community Development Department Director~~ may approve the following design permit applications. No public hearing shall be required unless the design permit is being processed concurrently with other applications for which a hearing is required. In this case, the design permit shall be considered at the same public hearing.

1. Two-family dwellings and appurtenant accessory structures.
2. Multi-family projects containing fewer than five units.
3. Commercial structures containing less than 5,000 square feet total, industrial structures containing less than 20,000 square feet total, and subsequent substantial changes of use to these structures.
4. Enlargements or alterations to a project originally approved by the Planning Commission involving an area of less than 5% of the project's floor or site area, that the Director deems to be compatible with the original approval and an insignificant alteration to the project's appearance.
5. Any visible enlargements or alterations to projects, as determined by the Community Development Director ~~subject to design permit approval by the Director.~~
6. Changes in use to structures or property which cause a project to ~~denot~~ meet design standards contained in this Title for landscaping, parking, signage, screening, etc.

B. Planning Commission Approvals. The Planning Commission may approve the following design permit applications following a public hearing pursuant to the procedures set forth in Chapter 19.40:

1. Multi-family dwelling projects containing five or more units.
2. The construction in one year by a single builder of three or more single-family dwellings in a single subdivision, or on a single block if the lots are not located within a subdivision, except such construction in the PC Zone District.
3. Commercial structures containing 5,000 total square feet or more and industrial structures containing 20,000 square feet or more, and/or substantial changes of use to these structures.

4. Enlargements and/or exterior alterations of projects and/or sites ~~previously approved by the Commission~~ involving an area of more than 5% of the project's floor and/or site area, or lesser changes that the Community Development Department Director has determined potentially represent a significant alteration to a project's and/or site's appearance.
5. Sign programs requiring Commission approval, pursuant to Chapter 19.23.
6. Design permit applications referred to the Commission by the Director because of unique circumstances, potential public controversy or a need for policy direction.

3. Chapter 19.44 Minor Variations

19.44.030 Review and Approval Procedures.

- A. Application. An application for a minor variation shall be filed with the Planning Community Development Department on forms prescribed by the Director, along with any plans, maps, or additional information required by the Director. The application shall include, in part, evidence supporting the findings required by this Chapter.
- B. Review and Approval Authority.
 1. A minor variation application shall be reviewed and approved, conditionally approved, or denied by the Planning Community Development Department Director, ~~Planning Commission, and City Council~~ in accordance with Chapter 19.40, Review and Approval Procedures, if no other entitlements are required.