

City of American Canyon
CITY COUNCIL
ORDINANCE NO. 2009- 11

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMERICAN
CANYON APPROVING ZONING ORDINANCE AMENDMENT ZOA 08-04,
MAKING MINOR REVISIONS TO CHAPTER 19.10 – RESIDENTIAL
DISTRICTS WITH REGARD TO SECOND UNITS**

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 for the City's Second Unit Ordinance within the Residential Districts 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 19.10 entitled "Residential Districts", Section 19.10.040 entitled "Permitted Uses" and Section 19.10.120 entitled "Second Residential Units" 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 16th day of June, 2009.

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

Leon Garcia
Leon Garcia, Mayor

ATTEST:
Dorothy Roadman
Dorothy Roadman
City Clerk

APPROVED AS TO FORM:
William Ross
William Ross
City Attorney

EXHIBIT A

[Note to codifier: only the amended section of Table 19.10.040 is included below.]

CITY COUNCIL ORDINANCE 2009-

Zoning Ordinance Amendment ZOA 08-04

Amending Chapter 19.10 Residential Districts related to Second Residential Units

19.10.040 Permitted Uses.

Table 19.10.040 of this Chapter (set out at the end of this chapter) sets forth the permitted and conditionally permitted uses for each Residential District. A "P" designates permitted uses. A "C" indicates conditionally permitted uses subject to approval of a conditional use permit by the Planning Commission. An "M" indicates a minor use permit is required pursuant to Chapter 19.42. If no letter is found opposite a particular use, it is not permitted in that District.

Table 19.10.040

**Permitted and Conditionally-Permitted Uses
Residential Districts**

Use Classifications	Zoning Districts					Related Provisions
	RE	RR	RS	RM	RH	
Residential Uses						
Second residential unit	P	P	P	P	-	Section 19.10.120

19.10.120 Second Residential Units.

The purpose of this Section is to increase the supply of smaller units and rental housing units by allowing second residential units on lots containing a single-family dwelling in various residential districts as shown on Table 1, and to establish design and development standards for second residential units to ensure that they are compatible with existing neighborhoods and consistent with the City General Plan and its Elements. This Section is intended to comply with requirements of the State Government Code (Section 65852.1, 65852.2 et seq.) related to second units.

- A. Definition. "Second unit" means one additional attached or detached residential dwelling unit that is on the same lot as a single-family dwelling, and provides permanent and independent provisions for living, sleeping, eating, cooking, and sanitation for one or more persons. "Second unit" includes efficiency units, as defined in Section 17958.1 of the Health and Safety Code, and manufactured homes, as defined in Section 18007 of the Health and Safety Code. A second

unit is considered a residential use that is consistent with the General Plan and zoning designations for the lot. Second units are not "accessory uses" as defined in this Title.

B. Development Standards. Second Dwelling Units shall be permitted in any Planned Community or Specific Plan District, subject to the criteria and development standards specified in the approved Planned Development Permit or Specific Plan, and the following additional standards. Second Dwelling Units are permitted in any RE, RR, RS and RM Districts, subject to compliance with the provisions of this chapter and the following development standards:

1. Location.
 - a. One second unit shall be permitted on a lot where one and only one, primary, single-family dwelling is permitted.
 - b. No more than one primary and one second-dwelling unit may be located on any lot.
 - c. Any second unit must conform to all yard area, setback requirements, and lot coverage standards of the underlying Zoning District.
2. Height. A detached second residential unit may not have more than a single story. This shall not prevent the addition of a second unit over a garage or in a second or higher story.
3. Maximum Unit Size.
 - a. A detached second unit shall not contain a gross floor area in excess of eight hundred (800) square feet except in the RE and RR zones where units up to one thousand two hundred (1200) square feet in area may be permitted.
 - b. A second unit created by the internal conversion of an existing single-family dwelling shall not occupy more than 30 percent of the total floor area of the building, including any proposed addition, but excluding the garage area.
4. Off-Street Parking.
 - a. A second unit shall be provided with one off-street parking space in addition to the off-street parking spaces required for the on-site single-family dwelling. The space may be uncovered.
 - b. The location of the required parking space shall conform to the requirements of this Chapter.
5. Owner Occupancy. A lot with a second unit shall be the primary residence of its owner. The owner may occupy either the primary or second unit.
6. Subdivision. No subdivision of land or air rights that separates a second unit from the primary unit shall be allowed.

7. Design Standards. Second units shall comply with the following design standards that are intended to maximize the compatibility of second units with the neighborhoods in which they are located.
 - a. The second unit shall be designed so that the appearance of the site remains that of a single-family residence, insofar as possible. Where feasible, any new entrances to a second unit attached to the primary unit shall be located on the side or at the rear of the structure.
 - b. The design of the second unit shall be aesthetically compatible with the primary structure and the surrounding neighborhood, including the coordination of colors, materials, roofing, other architectural features, and landscaping.
 - c. The location and orientation of a second unit shall not materially reduce the privacy otherwise enjoyed by residents of adjoining properties. The Community Development Director shall consider, but is not limited to considering, the placement of windows, decks and balconies, landscape screening, height, and number of stories in determining if privacy will be materially reduced.
 - d. The shape and siting of a second unit, and especially of any portions thereof that exceed one story in height shall be such as to minimize the blocking of views and direct sunlight for nearby lots and other residential facilities in the surrounding neighborhood.
8. Deed Restrictions. Before obtaining a building permit for a second unit, the property owner shall file with the Napa County Recorder a declaration of restrictions, containing a reference to the deed under which the property was acquired by the present owner and stating that:
 - a. The second unit shall not be sold separately.
 - b. The restrictions are binding upon any successor in ownership of the property.

Strikeout/Underline of:

Chapter 19.10 Residential Districts

19.10.040 Permitted Uses.

Table 19.10.040 of this chapter (set out at the end of this chapter) sets forth the permitted and conditionally permitted uses for each Residential District. A "P" designates permitted uses. A "C" indicates conditionally permitted uses subject to approval of a Conditional Use Permit by the Planning Commission. An "M" indicates a minor use permit is required pursuant to Chapter 19.42. If no letter is found opposite a particular use, it is not permitted in that District.

**Table 1
Permitted and Conditionally Permitted Uses
Residential Districts**

Use Classifications	Zoning Districts					Related Provisions
	RE	RR	RS	RM	RH	
Residential Uses						
Second Residential Unit	P	P	P	<u>P</u>	-	Section 19.10.120

19.10.120 Second Residential Units.

The purpose of this Section is to increase the supply of smaller units and rental housing units by allowing second residential units on lots containing a single-family dwelling in ~~the various RR and RS residential districts~~ as shown on Table 19.10.040, and to establish design and development standards for second residential units to ensure that they are compatible with existing neighborhoods and consistent with the City General Plan and its Elements. This Section is intended to comply with requirements of the State Government Code (Section 65852.1, 65852.2 et seq.) related to second units.

- A. Definition. "Second unit" means ~~a one additional attached or detached residential dwelling unit that is part of, an extension to, or on the same lot as a detached single-family dwelling,~~ and provides permanent and independent provisions for living, sleeping, eating, cooking, and sanitation for one or more persons. "Second unit" includes efficiency units, as defined in Section 17958.1 of the Health and Safety Code, and manufactured homes, as defined in Section 18007 of the Health and Safety Code. A second unit is considered a residential use that is consistent with the General Plan and zoning designations for the lot. Second units are not "accessory uses" as defined in this Title.
- B. Development Standards. Second Dwelling Units shall be permitted in any Planned Community or Specific Plan District, subject to the criteria and development standards specified in the approved Planned Development Permit or Specific Plan, and the following additional standards. Second Dwelling Units

are permitted in any RE, RR and, RS and RM Districts, subject to compliance with the provisions of this chapter and the following development standards:

1. Location.
 - a. ~~The~~One second unit shall be permitted on a lot in the ~~RR and RS~~ district where one and only one, primary ~~detached~~, single-family dwelling is permitted.
 - b. No more than one primary and one second-dwelling unit may be located on any lot.
 - c. Any second unit must conform to all yard area, setback requirements, and lot coverage standards of the underlying Zoning District.
2. Height. A detached second residential unit may not have more than a single story. This shall not prevent the addition of a second unit over a garage or in a second or higher story.
3. Maximum Unit Size.
 - a. A detached second unit ~~shall not have more than one bedroom,~~ and shall not contain a gross floor area in excess of eight hundred (800) square feet except in the RE and RR zones where units up to one thousand two hundred (1200) square feet in area may be permitted.
 - b. A second unit created by the internal conversion of an existing single-family dwelling shall not occupy more than 30 percent of the total floor area of the building, including any proposed addition, but excluding the garage area.
4. Off-Street Parking.
 - a. A second unit shall be provided with one off-street parking space in addition to the off-street parking spaces required for the on-site single-family dwelling. The space may be uncovered.
 - b. The location of the required parking space shall conform to the requirements of this chapter.
5. Owner Occupancy. A lot with a second unit shall be the primary residence of its owner. The owner may occupy either the primary or second unit.
6. Subdivision. No subdivision of land or air rights that separates a second unit from the primary unit shall be allowed.
7. Design Standards. Second units shall comply with the following design standards that are intended to maximize the compatibility of second units with the neighborhoods in which they are located.
 - a. The second unit shall be designed so that the appearance of the site remains that of a single-family residence, insofar as possible.

Where feasible, any new entrances to a second unit attached to the primary unit shall be located on the side or at the rear of the structure.

- b. The design of the second unit shall be aesthetically compatible with the primary structure and the surrounding neighborhood, including the coordination of colors, materials, roofing, other architectural features, and landscaping.
- c. The location and orientation of a second unit shall not materially reduce the privacy otherwise enjoyed by residents of adjoining properties. The Planning Director shall consider, but is not limited to considering, the placement of windows, decks and balconies, landscape screening, height, and number of stories in determining if privacy will be materially reduced.
- d. The shape and siting of a second unit, and especially of any portions thereof that exceed one story in height shall be such as to minimize the blocking of views and direct sunlight for nearby lots and other residential facilities in the surrounding neighborhood.

8. ~~Approval Process.~~ [*Delete entire section*]

9. ~~Required Findings.~~ [*Delete entire section*]

408. Deed Restrictions. Before obtaining a building permit for a second unit, the property owner shall file with the Napa County Recorder a declaration of restrictions, containing a reference to the deed under which the property was acquired by the present owner and stating that:

- a. The second unit shall not be sold separately.
- b. ~~The second unit is restricted to the approved size, unless modified by future approvals.~~
- c. ~~The conditional use permit for the second unit shall be in effect only so long as either the primary residence or second unit is occupied by the owner of record as their principal residence. Should the permit expire for lack of compliance with this requirement, one of the units shall be altered so as to prevent its use as a separate residence (i.e. removal of cooking facilities).~~
- b. The above ~~declarations~~ restrictions are binding upon any successor in ownership of the property; ~~lack of compliance shall make the conditional use permit for the second unit null and void.~~