

ORDINANCE NO. 2009-15

APPROVING ZONE CHANGE PL09-0018 TO PREZONE CLARKE RANCH WEST AS OPEN SPACE AND PREZONE THE EUCALYPTUS GROVE AS RECREATION AND ESTABLISH DEVELOPMENT STANDARDS FOR THE OPEN SPACE AND RECREATION ZONING DISTRICTS

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, In July 2008, the City of American Canyon and Napa County entered into an agreement whereby the City of American Canyon agreed to streamline its water service regulations in return for the County's agreement to amend the City's Rural-Urban Limit Line and support City annexation of the Panattoni, Headwaters, and Atkins properties; and

WHEREAS, In accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, the City must approve zoning regulations for the property before the property is annexed into the City; and

WHEREAS, On October 20, 2009, the City Council approved a Mitigated Negative Declaration for the project pursuant to the California Environmental Quality Act; and

WHEREAS, the Planning Commission held a duly-noticed public hearing on the proposed Zoning Ordinance Amendment on September 24, 2009 and unanimously recommended City Council approval of the project; and

WHEREAS, the Napa County Airport Land Use Commission reviewed the proposed Zoning Ordinance Amendment on October 7, 2009 and unanimously approved a conformance determination; and

WHEREAS, a duly-noticed public hearing on the proposed Zoning Ordinance Amendment was held by the City Council on October 20, 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, BE IT ORDAINED, that the City Council of the City of American Canyon does hereby approve and adopt the Zoning Ordinance Amendment attached as Exhibit A, based on the following:

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

SECTION 2: Findings. The City Council finds, based on the following evidence and as required by Zoning Ordinance Section 19.48.040 C, that:

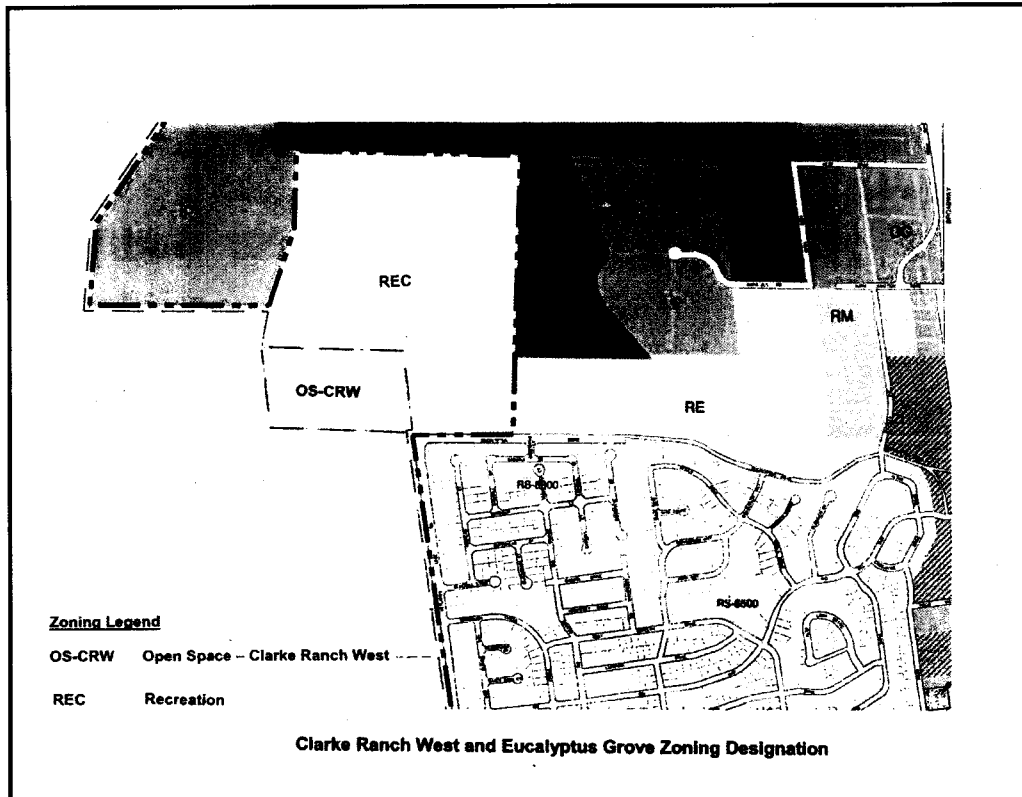
1. The amendments are consistent with the goals and policies of the General Plan.

Policy 1.1.5 states: Provide adequate open space and recreational facilities to ensure a high quality environment for American Canyon residents. Clarke Ranch West represents an important open space asset to the community. This property was acquired by the City in 1999. Its 30-acre size, flat topography and rectangular shape make it ideal for a wide variety of open space and recreational opportunities. Its location adjacent to the Napa River wetlands and the City's Bay Trail extension provides a beautiful setting and an opportunity to enhance public access to the wetlands General Plan. Designation of this property as open space will facilitate implementation of Policy 1.1.5. The General Plan designates the Eucalyptus Grove as Commercial Recreation uses. The rezoning regulations permit recreational uses, consistent with the General Plan land use designation.

b. The amendment is consistent with the purposes of this title, as set forth in Chapter 19.01, Authority, Purposes and Effects of the Zoning Ordinance.

The rezoning land use designations identify a broad range of low impact open space and recreational uses that will guide appropriate and compatible land uses with adjacent residential, open space, and industrial properties. In addition, the project includes development standards that will ensure future development is constructed within appropriate parameters. These regulations will ensure that the City of American Canyon Zoning Code purposes are met over the long term.

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 various chapters to read as stated below:



Chapter 19.15 RECREATION AND OPEN SPACE

19.15.010 Purpose.

The purpose for establishing these recreation and open space districts and permitted uses is to:

- A. Maintain adequate open spaces to protect environmental resources, provide recreational opportunities, and contribute "relief" from urban and suburban activities;
 - B. Preserve the important environmental resources of the city;
 - C. Accommodate passive recreation, hiking and equestrian activities;
 - D. Preclude development or activities in wetlands and significant habitats.
- (Ord. 2001-02 § 1 (part), 2001)

19.15.020 Permitted uses.

Table 19.15.020 of this chapter sets forth the permitted and conditionally-permitted uses for each public district. A "P" designates a permitted use. A "C" indicates

a conditionally-permitted use subject to approval of a use permit by the planning commission. If no letter is found opposite a particular use, it is not permitted in that district.

Table 19.15.020				
PERMITTED AND CONDITIONALLY-PERMITTED USES				
RECREATION AND OPEN SPACE DISTRICT				
Use Classifications	Zoning District			Related Provision
	OS	OS-CRW	REC	
Agriculture				
Animal Husbandry	-	P	P	
Crop Production	-	P	P	
Winery	-	-	C	
Commercial				
Boarding Kennel	-	C	C	
Lodging services	-	-	-	
On-premise liquor consumption	-	-	-	
Restaurant	-	-	-	
Retail sales, incidental to primary use	-	C	C	
Recreational				
Campground	-	C	C	
Marina	-	-	-	
Recreational facilities, private	-	-	C	
Recreational facilities, public	C	C	C	
Recreation and sports, indoor	-	-	-	
Recreation and sports, outdoor	C	C	C	
Recreation, passive	P	P	P	
Recreation vehicle park	-	-	-	
Staging area	C	C	C	

Residential				
Single Family Residential -Detached	-	-	P	GP Goal 1N
Public and Quasi-Public				
Animal Shelter	-	C	C	
Antenna	-	P	P	
- Exceeding height limitations	-	C	C	
Cemetery	C	-	-	
Club, lodge	-	C	-	
Community center	-	C	-	
Conference center	-	-	-	
Cultural facility	P	P	-	
Maintenance and service facility	-	-	-	
Public information center	P	P	-	
Public parking	P	P	-	
Public safety facility	-	C	-	
Religious facility	-	-	-	GP Policy 1.23.4
Transportation terminal	-	-	-	
Utilities, major	C	-	-	
Utilities, minor	P	P	P	
Accessory				
Caretaker's quarters	-	P	P	
Horticulture	-	P	P	
Tent	-	C	C	
Temporary				
Commercial filming	C	P	C	
Circus, Carnival	-	C	C	
Mobile structure	C	C	C	Chapter 19.30
Seasonal Sales	-	P	P	
Street Fair	-	P	C	
Tent	C	P	C	

Note: "C" denotes Conditional Use Permit
 "P" denotes Permitted
 "-" denotes Prohibited

19.15.030 Development standards.

Table 19.15.030 of this chapter sets forth the development standards for each recreation and open space district.

Table 19.15.030 DEVELOPMENT STANDARDS RECREATION AND OPEN SPACE DISTRICT		
Minimum site size		10 acres
Maximum site coverage		10%
Maximum Residential intensity (Recreation District Only)		1 Dwelling Unit
Maximum building height		35 feet
Building setbacks from:		
	Major highways	50 feet
	Primary highways	42 feet
Secondary highways:		
	In nonresidential areas	35 feet
	In residential areas	25 feet
Commuter highways and local streets		15 feet
Interior boundary if adjacent to residential uses:		
	Side	35 feet
	Rear	20 feet
Interior boundary if adjacent to nonresidential uses:		
	Side	35 feet
	Rear	35 feet
Building to building		10 feet

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 City Council hereby declares that if any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases may be declared invalid or unconstitutional.

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 20th day of October, 2009, by a unanimous vote, and was passed and adopted at a regular meeting of the City Council of the City of American Canyon held on the 3rd day of November, 2009.

AYES: Councilmember Bennett, Coffey, West, Vice Mayor Callison and Mayor Garcia

NOES: None

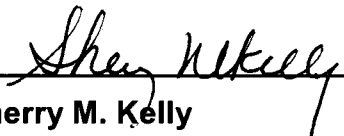
ABSTAIN: None

ABSENT: None




Leon Garcia, Mayor

ATTEST:



Sherry M. Kelly
Interim City Clerk

APPROVED AS TO FORM:



William D. Ross
City Attorney