

ORDINANCE #2010-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON APPROVING ZONING ORDINANCE AMENDMENT PL09-0035 TO ACHIEVE CONSISTENCY WITH THE NAPA COUNTY AIRPORT COMPATIBILITY PLAN

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 are being proposed to the Zoning Ordinance to meet state and county requirements for airport land use compatibility; and

WHEREAS, pursuant to the California Environmental Quality Act, the proposed Zoning Ordinance Amendments are exempt per CEQA Guidelines Section 15320, Changes in Organization of Local Agencies; and

WHEREAS, the City of American Canyon Planning Commission unanimously recommended City Council approval of the draft ordinance on April 22, 2010; and

WHEREAS, the Napa County Airport Land Use Commission unanimously found the draft ordinance consistent with the Napa County Airport Land Use Compatibility Plan on May 5, 2010; and

WHEREAS, a duly-noticed public hearing was held by the City of American Canyon City Council on May 18, 2010, at which time all those in attendance were given the opportunity to speak on the proposal; and

WHEREAS, the City Council 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 does hereby approve and adopt Zoning Ordinance Amendment PL09-0035 based on the following:

SECTION 1: Compliance with California Environmental Quality Act

The City Council finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15320, Changes in Organization of Local Agencies.

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.

The proposed amendment complies with the goals and policies of the General Plan, including Goal 1N, to "Ensure the compatibility of development within American Canyon with the Napa County Airport," and Policy 1.27.2, to "Review all applications for new development, expansion of existing uses, and re-use within Napa County Airport Compatibility Zones "A" through "F" for compliance with the appropriate use and development conditions."

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 amendment is consistent with the purpose of the Zoning Ordinance to protect and promote the public health, safety, peace, comfort, convenience, aesthetics, prosperity, and general welfare. More specifically, the amendments serve to establish clear, understandable and applicable land use regulations that comply with state law.

SECTION 3: Zoning Amendment. The City Council of the City of American Canyon hereby amends the Zoning Ordinance as follows:

1. **Chapter 19.10 Residential Districts**
19.10.040 Permitted uses.

Table 19.10.040 of this section sets forth the permitted and conditionally permitted uses for each residential 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. 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 ¹						
RESIDENTIAL DISTRICT Use Classifications	ZONING DISTRICTS					Related Provisions
	RE	RR	RS	RM	RH	
Residential						
[Note to Codifier: <i>only the sections of the table that have been modified are included below</i>]						
Single-family residential	-	-	-	-	-	
- Detached	P	P	P	P ²	P ²	² GP Policy 1.8.3
- Semidetached	-	P ³	P ⁴	P	P	³ GP Policy 1.7.1 ⁴ GP Policy 1.7.2
Townhouses	-	-	-	P	P	

¹NOTE: Permitted and conditionally permitted uses on parcels located within a designated Napa County Airport Compatibility Zone may be restricted or prohibited subject to the requirements of the policies related to airport compatibility in the American Canyon General Plan and the Napa County Airport Land Use Compatibility Plan. Restrictions may include the requirement for recordation of overflight or avigation easements.

2. **Chapter 19.11: Community Commercial and Neighborhood Commercial Districts**
19.11.040 Permitted uses.

Table 1 of this section sets forth the permitted and conditionally permitted uses for each commercial 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. 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 USES¹
COMMUNITY COMMERCIAL AND NEIGHBORHOOD COMMERCIAL DISTRICTS**

Use Classification	Zoning District		Related Provision
	CN	CC	
Residential			
[Note to Codifier: only the sections of the table that have been modified are included below]			
Congregate living facility	-	-	
Farm employees housing	-	C	
Garden apartments	-	-	
Mobilehome	-	-	
Mobilehome park	-	-	
Multifamily residential	P ²	P ³	² GP Policy 1.14.1 ³ GP Policy 1.15.1
Residential care home	-	-	
Second residential unit	-	-	
Single-family residential			
- Detached	-	-	
- Semidetached	-	-	
Townhouses	-	-	
Accessory			
Accessory dwelling unit	C	C	Chapter 19.10
Livestock keeping	-	-	
Cafeteria	-	P	
Caretaker's quarters	-	-	
Family Child care home, large	-	-	
Family Child care home, small	-	-	
Guest house	-	-	
Home occupation	-	-	Chapter 19.29
Horticulture, limited	P	P	
Recreational facilities, private	-	-	
Room rentals	-	-	

¹NOTE: Permitted and conditionally permitted uses on parcels located within a designated Napa County Airport Compatibility Zone may be restricted or prohibited subject to the requirements of the policies related to airport compatibility in the American Canyon General Plan and the Napa County Airport Land Use Compatibility Plan. Restrictions may include the requirement for recordation of overflight or aviation easements.

3. **Chapter 19.13 Public District**

19.13.020 Permitted uses.

Table 19.13.020 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 19.13.020 PUBLIC DISTRICT¹

[No changes to table—add note after end of table]

¹NOTE: Permitted and conditionally permitted uses on parcels located within a designated Napa County Airport Compatibility Zone may be restricted or prohibited subject to the requirements of the policies related to airport compatibility in the American Canyon General Plan and the Napa County Airport Land Use Compatibility Plan. Restrictions may include the requirement for recordation of overflight or avigation easements.

4. Chapter 19.14 Industrial Districts

19.14.050 Permitted uses.

Table 19.14.050 of this section sets forth the permitted and conditionally permitted uses for each industrial 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. 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 19.14.050
PERMITTED AND CONDITIONALLY-PERMITTED USES¹
INDUSTRIAL DISTRICTS**

Use Classifications	Zoning District		Related Provisions
	LI	GI	
[Note to Codifier: only the sections of the table that have been modified are included below]			
Accessory			
Accessory dwelling unit	-	-	
Livestock keeping	-	-	
Cafeteria	P	P	
Caretaker’s quarters	C	C	
Family Child care home, large	-	-	
Family Child care home, small	-	-	
Guest house	-	-	
Home occupation	-	-	
Horticulture, limited	-	-	
Room rentals	-	-	

¹NOTE: Permitted and conditionally permitted uses on parcels located within a designated Napa County Airport Compatibility Zone may be restricted or prohibited subject to the requirements of the policies related to airport compatibility in the American Canyon General Plan and the Napa County Airport Land Use Compatibility Plan. Restrictions may include the requirement for recordation of overflight or avigation easements.

5. Chapter 19.15: Recreation and Open Space District

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 USES¹
RECREATION AND OPEN SPACE DISTRICT

[**Note to codifier:** *no other changes to table are proposed—modify notes after end of table as follows:*]

Note:

OS denotes Open Space District

OS-CRW denotes Open Space – Clarke Ranch West District

REC denotes Recreation District

¹NOTE: Permitted and conditionally permitted uses on parcels located within a designated Napa County Airport Compatibility Zone may be restricted or prohibited subject to the requirements of the policies related to airport compatibility in the American Canyon General Plan and the Napa County Airport Land Use Compatibility Plan. Restrictions may include the requirement for recordation of overflight or avigation easements.

6. Chapter 19.16: Planned Community District

19.16.050 Permitted uses.

There shall be no principally permitted uses other than those approved under a conceptual master plan and approved planned community development permit or modification thereof. (Ord. 2001-02 § 1 (part), 2001)

NOTE: Permitted and conditionally permitted uses on parcels located within a designated Napa County Airport Compatibility Zone may be restricted or prohibited subject to the requirements of the policies related to airport compatibility in the American Canyon General Plan and the Napa County Airport Land Use Compatibility Plan. Restrictions may include the requirement for recordation of overflight or avigation easements.

7. Chapter 19.19: Specialty Commercial Overlay District

19.19.020 Allowable uses.

A. Property in the CS overlay district may be used either for industrial purposes, consistent with the permitted and conditionally-permitted uses allowed by this title for the underlying LI base zone district, or for specialty commercial purposes¹.

B. Should the owner of property in the CS overlay district decide to use the property for the purpose set forth in Section 19.19.010, the following uses as defined in use classifications, may be permitted¹:

1. Public and quasi-public uses:
 - a. Public information center,
 - b. Public parking,
 - c. Utilities, minor;
2. Commercial Uses:
 - a. Bank, savings and loan, including walk-up service
 - b. Entertainment, indoor,
 - c. Lodging services,
 - d. Personal services,
 - e. Restaurant,
 - f. Retail sales, visitor-oriented.

C. Should the owner of property in the CS overlay district decide to use the property for the purpose set forth in Section 19.19.010, the following uses as defined in use classifications, may be permitted subject to a conditional use permit¹:

1. Public and quasi-public uses:
 - a. Charitable uses;

2. Commercial uses:
 - a. Entertainment, indoor; amusement center,
 - b. Lodging services adjacent to a residential district,
 - c. On-premises liquor consumption, tasting room,
 - d. Liquor store;
3. Temporary uses:
 - a. Commercial filming,
 - b. Live entertainment,
 - c. Mobile structure (subject to Chapter 19.30),
 - d. Tent;
4. Public and quasi-public uses:
 - a. Antenna, commercial,
 - b. Antenna exceeding height limitations;
5. Commercial uses:
 - a. Entertainment, indoor, gaming,
 - b. On-premises liquor consumption,
 - c. Restaurant, night use adjacent to residential district,
 - d. Restaurant, take-out; night use adjacent to residential district.

¹NOTE: Permitted and conditionally permitted uses on parcels located within a designated Napa County Airport Compatibility Zone may be restricted or prohibited subject to the requirements of the policies related to airport compatibility in the American Canyon General Plan and the Napa County Airport Land Use Compatibility Plan. Restrictions may include the requirement for recordation of overflight or avigation easements.

8. **Chapter 19.41 Design Permits**

19.41.050 Required Findings.

Approval of a design permit application may be granted by the appropriate decision-making authority only if all of the following findings are made:

- A. The project complies with all applicable provisions of this Title and any applicable approvals granted for the project by any decision-making authority.
- B. The project and its design complies with any applicable design guidelines.
- C. The project and its design complies with all applicable General Plan policies.
- D. The project complies with applicable policies of the Napa County Airport Land Use Compatibility Plan.
- E. The project's quality and character are compatible with the surrounding area, unless physically deteriorated or blighted, and will not be materially detrimental to existing development.
- F. The proposed design is compatible with existing development in the area in terms of scale, height, bulk, proportion, materials, cohesiveness, color, and the preservation of privacy.
- G. The design improves the community's appearance by avoiding both excessive variety and monotonous repetition.
- H. The proposed design promotes a harmonious transition in terms of scale and character between areas of different General Plan land use designations and zoning districts.
- I. The proposed design provides for adequate and safe on-site vehicular and pedestrian circulation.

9. **Chapter 19.42 Conditional Use Permits**

19.42.020 Review and Approval Procedures.

- D. Required Findings. The Planning Commission may approve or conditionally-approve an application for a conditional use permit or minor use permit if it makes all of the following findings:
 1. The proposed use is consistent with the policies and programs of the General Plan and any applicable master or specific plan.

2. The proposed use is consistent with the purpose(s) and standards of the applicable zoning district(s).
3. The proposed use complies with applicable policies of the Napa County Airport Land Use Compatibility Plan.
4. The project site is physically suitable for the type and intensity of land use being proposed.
5. The proposed use will not be a nuisance or materially detrimental to the general health, safety, and welfare of the public or to property and residents in the vicinity.
6. The site for the proposed use has adequate access, and meets parking and circulation standards and criteria.
7. There are adequate provisions for water and sanitary services, and other public utilities to ensure that the proposed use would not be detrimental to public health and safety.

10. **Chapter 19.43 Variances**

19.43.030 Review and Approval Procedures.

C. Required Findings. The Planning Commission may approve or conditionally approve a variance application if it makes all of the following findings:

1. Special circumstances exist applicable to the subject property, including size, shape, topography, location, existing improvements, or surroundings, such that the strict application of this Title deprives such property of privileges enjoyed by other property in the vicinity and in the same zoning district(s).
2. Granting of the variance does not constitute a grant a special privileges inconsistent with the limitations upon other properties in the vicinity and zoning district(s) in which such property is located.
3. Granting of the variance will not be materially detrimental to the public health, safety, or welfare or to property or residents in the vicinity.
4. Granting of the variance does not allow a use or activity that is not otherwise expressly authorized by the regulations governing the subject parcel.
5. Granting of the variance will not result in an inconsistency with the General Plan, including policies related to airport compatibility.

11. **Chapter 19.46 Zoning Clearances and Certificates of Occupancy**

19.46.030 Review and Approval Procedures.

A. Zoning Clearances.

1. Prior to the issuance of a business license or building permit for any establishment of use or construction of a building or structure, a zoning clearance shall be issued by the Planning Director, certifying that the business license or building permit complies with all provisions of this Title and any discretionary approvals, and with the Napa County Airport Compatibility Plan policies and regulations where applicable.
2. Prior to the issuance of a zoning clearance, the applicant shall provide evidence to the Director of approval from any appropriate agencies and city departments.

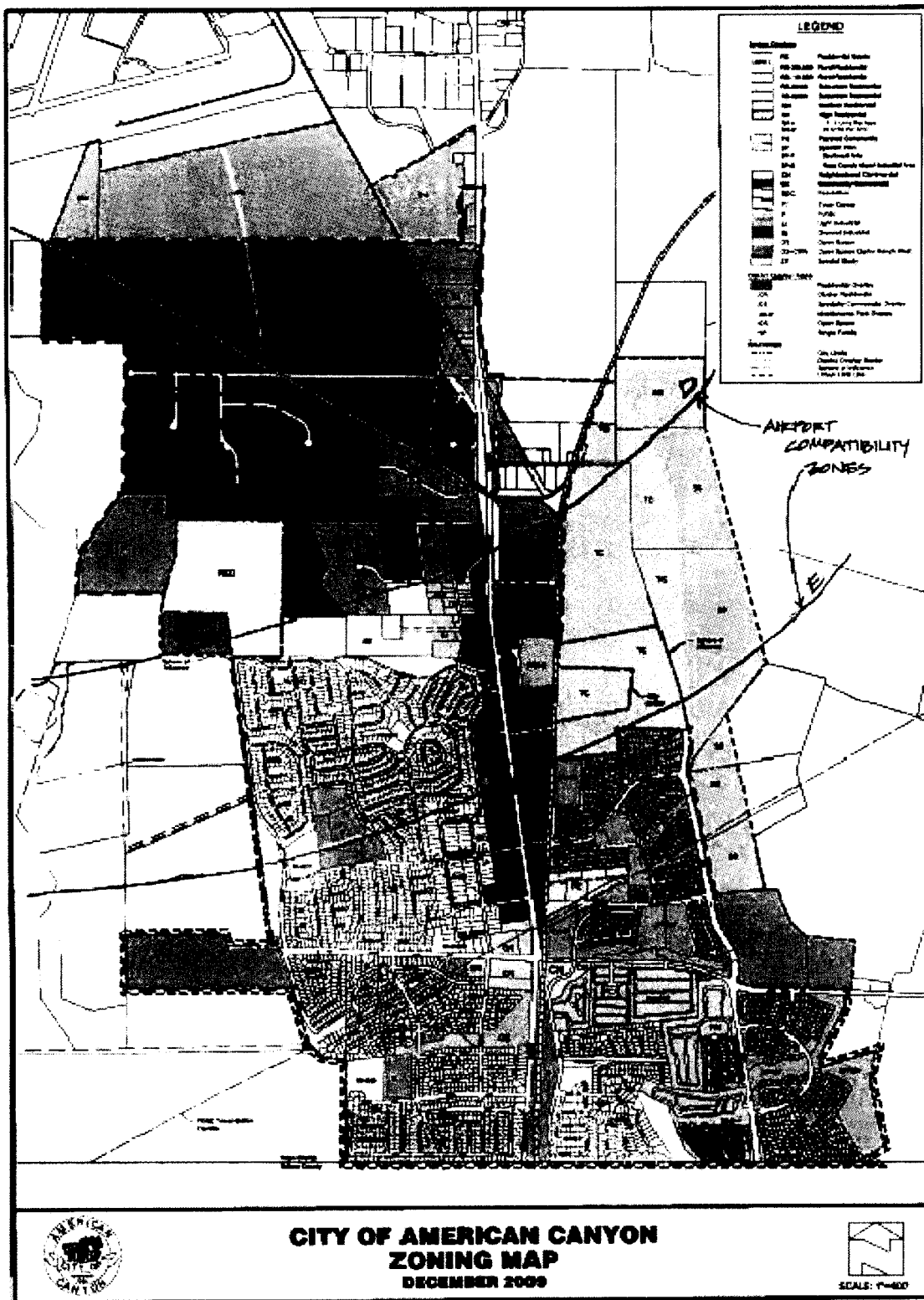
B. Certificates of Occupancy. A certificate of occupancy shall state that the building or proposed use of a building or land complies with all of the provisions of the Municipal Code and all other building codes applicable to occupancies within the City. A record of all certificates shall be kept on file at the City offices and copies shall be furnished on request to any person having a proprietary or tenancy interest in the affected building or land.

1. Building certificates of occupancy. A certificate of occupancy for a new building or the alteration of an existing building shall be applied for concurrently with the application for a final inspection permit. The certificate shall be issued after final

inspection has been completed and it has been determined that construction conforms to the Municipal Code's building regulations, as well as to the provisions of this Title.

2. Use certificates of occupancy. A certificate of occupancy for a change in the use of a building or structure shall be applied for concurrently with an application for a business license before any such new use commences. The certificate shall be issued within 10 days after the application has been made, provided that such use is in conformity with the provisions of this Title_ and with the Napa County Airport Compatibility Plan policies and regulations where applicable.

Zoning Map with graphic "indicator" lines showing airport zones D & E added:



SECTION 4: 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.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of American Canyon on June 1, 2010, by the following vote:

AYES: Council Members Bennett, Callison, Coffey, Vice Mayor West & Mayor Garcia
NOES:
ABSTAIN:
ABSENT:



Leon Garcia, Mayor

ATTEST:



Rebekah Barr, CMC, City Clerk

APPROVED AS TO FORM:



William D. Ross, City Attorney