

ORDINANCE #2010- 07

AN ORDINANCE OF THE CITY COUNCIL OF AMERICAN CANYON APPROVING ZONING ORDINANCE AMENDMENT PL10-0024 TO ALLOW OUTDOOR SALES OF SEASONAL AGRICULTURAL PRODUCTS WITH AN ADMINISTRATIVE PERMIT

WHEREAS, pursuant to Section 65300 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, Currently the Zoning code requires a Conditional Use Permit for outdoor sales of seasonal agricultural products when many jurisdictions have an administrative process for such activities; and

WHEREAS, establishing an administrative process for outdoor sales of seasonal agricultural products furthers General Plan Objective 3.3 to expedite the growth of job-generating, quality businesses by streamlining City application procedures; and

WHEREAS, the proposed Zoning Ordinance Amendments are exempt from California Environmental Quality Act (CEQA) in accordance with Section 15060(b)(3) because it will clearly have no effect on the environment; and

WHEREAS, on September 23, 2010, the City of American Canyon Planning Commission unanimously recommended approval of the zone change; and

WHEREAS, on October 19, 2010, the City Council conducted a duly noticed public meeting considered all of the written and oral testimony presented at the public meeting in making its decision.

NOW THEREFORE, THE CITY COUNCIL DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: CEQA

Zone Change PL10-0024 is exempt from CEQA under General Rule section 15060(b)(3), as staff has determined that there is no possibility of significant effect on environment.

SECTION 2: Findings

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

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

The proposed amendment complies with the goals and policies of the General Plan, including General Plan Objective 3.3 to expedite the growth of job-generating, quality businesses by streamlining City application procedures. The zone change accomplishes streamlining by avoiding the need for notification of all property owners within 300 feet and avoids a public hearing before the Planning Commission prior to obtaining a permit for a seasonal sales activity.

- b. The amendment is 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 because typical health and safety issues are reviewed by applicable regulatory agencies, such as police, fire, building, and County Health prior to the permit issuance.

SECTION 3: Ordinance Amendments

Chapter 19.35 Outdoor sale of seasonal agricultural products

19.35.010 Outdoor sale of seasonal agricultural products

A temporary stand for the outdoor sale of seasonal agricultural products shall be permitted in any agricultural, commercial or industrial district or in similar areas and specific plans, unless otherwise prohibited, and on all church and school sites and on vacant residential property abutting an arterial or highway subject to the following requirements:

- A. Establishment of Use/Time Limit. Prior to beginning sale of any product, the applicant shall obtain a Seasonal Sales Permit from the City of American Canyon. The Seasonal Sales Permit shall be good for a period of time not to exceed one hundred twenty (120) days from date of issuance.
- B. Merchandise to be Sold. The activity shall be limited to the sale of agricultural products.
- C. Electrical Permit. The applicant shall secure an electrical permit from the Community Development Department if the facility is to be energized.
- D. Fire Prevention Standards. The facility shall comply with the fire prevention standards as approved and enforced by the Fire Chief and/or American Canyon Fire Protection District.
- E. Removal of Facility. The facility shall be removed and the premises cleared of all debris and restored to the condition prior to the establishment of the facility within fourteen (14) days of the expiration of the time limit.
- F. Temporary Outdoor permit. In lieu of the above requirements, an approved Temporary Outdoor permit per Chapter 5.05 shall be required when the sales facility meets the definition of a Special Event per Section 5.05.020.

19.05.110 Temporary use classifications.

Seasonal sales: outdoor retail sales of seasonal agricultural items, such as Christmas trees, strawberries, pumpkins, and holiday flowers.

19.13.020 Permitted uses.

CodeAlert: This item has been affected by 2010-03 and 2010-05. Please refer to the CodeAlert Ordinance List for the most current provisions.

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 DISTRICT

Use Classification	P District	Related Provisions
Commercial		
Recycling collection center	C	
Recreational		
Recreation facilities, public	P	
Recreation and sports, outdoor	P	
Recreation, passive	P	
Public and Quasi-Public		
Ambulance service, public	P	
Animal shelter	C	
Antenna	P	
- Exceeding height limitations	C	
- Commercial	-	
Cemetery	C	
Charitable uses	P	
Club, lodge	C	
Community center	P	
Conference center	P	
Cultural facility	P	
Day care center	C	
Government facility	P	
Hospital	C	
Maintenance and service facility	C	
Public information center	P	
Public parking	P	
Public safety facility	C	
Religious facility	C	GP Policy 1.23.4
School	C	
Transportation terminal	C	
Utilities, major	C	
Utilities, minor	P	
Accessory		
Cafeteria	P	
Caretaker's quarters	C	
Temporary		
Animal show	P	
Circus, carnival	C	
Use Classification	P District	Related Provisions
Commercial filming	C	
Live entertainment	C	
Mobile structure	C	Chapter 19.30
Personal property sales	P	
Seasonal sales	P	
Street fair	C	

Tent	C	
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(Ord. 2007-11 § 2, 2007; Ord. 2001-02 § 1 (part), 2001)

19.14.050 Permitted uses.

CodeAlert: This item has been affected by 2010-03 and 2010-05. Please refer to the CodeAlert Ordinance List for the most current provisions.

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 USES
INDUSTRIAL DISTRICTS**

Use Classifications	Zoning District		Related Provisions
	LI	GI	
Residential			
Congregate living facility	-	-	
Farm employees housing	-	-	
Garden apartments	-	-	
Mobilehome	-	-	
Mobilehome parks	-	-	
Multifamily residential	-	-	
Residential care home	-	-	
Second residential unit	-	-	
Use Classifications	Zoning District		Related Provisions
	LI	GI	
Single-family residential			
- Detached	-	-	
- Semidetached	-	-	
Townhouses	-	-	
Commercial			
Adult-entertainment business	-	P	
Ambulance services	P	P	
Animal retails sales	-	-	
- Boarding kennel	-	-	
- Grooming	-	-	
- Medical care	-	-	
- Retail sales	-	-	
Bank, savings and loan	C	-	GP Policy 1.22.2
- Drive-up service	C	-	GP Policy 1.22.2
- Walk-up service	C	-	GP Policy 1.22.2
Bookstore	P	P	
Building materials and services	C	P	GP Policy 1.22.6
Catering	P	P	
Commercial printing	P	P	
- Limited printing	C	C	
Communication services	P	P	
Drugstores	P	P	
Eating and drinking establishments	C	C	
Entertainment, indoor	-	-	
- Amusement center	-	-	
- Gaming	-	-	
Food sales	C	C	
Funeral and interment services	-	-	
Health services	-	-	
Laboratory	P	P	
Lodging services	-	-	

- Bed and breakfast inns	-	-	
Long-term care facility	-	-	
Maintenance and repair services	P	P	GP Policy 1.22.6
Nursery	-	-	
Use Classifications	Zoning District		Related Provisions
	LI	GI	
Offices, business, and professional	P	C	GP Policy 1.22.1
On-premise liquor consumption	-	-	GP Policy 1.22.2
- Tasting room	C	C	
Outdoor sales and displays	C	-	
Overnight accommodations, lodging services	-	-	
Pawnshops	-	-	
- Adjacent to residential district	-	-	
Personal improvement services	C	C	GP Policy 1.22.2
- Adjacent to residential district	C	-	
Personal services	-	-	
Professional and medical offices	P	P	
Recycling collection center	C	C	GP Policy 1.22.2
Restaurant	C	C	
- Night use	C	-	
Restaurant, take-out	C	-	
- Night use	C	-	
Retail commercial	C	-	
Retail food sales	-	-	
- Convenience store	-	-	
- Liquor store	-	-	
Retail sales	C	C	GP Policy 1.22.2
- Limited	-	-	
- Visitor-oriented	-	-	
Vehicle/equipment sales and service	-	-	
- Automobile rental	C	-	GP Policy 1.22.6
- Automobile washing	-	C	GP Policy 1.22.6
- Service station	-	-	
- Vehicle/equipment repair	-	P	GP Policy 1.22.6
Use Classifications	Zoning District		Related Provisions
	LI	GI	
- Vehicle/equipment sales, lease and rentals	C	C	GP Policy 1.22.6
Video rental	-	-	
Wholesale, commercial	C	P	
Industrial			
Hazardous use	-	C	
Industry, general	-	P	
Industry, limited	P	P	
Mineral extraction	-	C	GP Policy 8.15.3—8.17.3
Recycling center	-	C	
Research and development	P	P	
Storage tank(s)	C	C	
Vehicle/equipment services			

- Vehicle/equipment repair	-	P	
- Vehicle storage	-	C	
Wholesaling, distribution and storage			
- Small scale	C	P	
- Trucking terminal	-	P	
Recreational			
Campground	-	-	
Marina	-	-	
Recreational facilities, private	-	-	
Recreational facilities, public	-	-	
Recreation and sports, indoor	P	P	
Recreation and sports, outdoor	-	-	
Recreation, passive	-	-	
Recreational vehicle park	-	-	
Staging area	-	-	
Public and Quasi-Public			
Ambulance service	P	P	
Animal shelter	C	C	
Antenna	P	P	
- Commercial	-	-	
Cemetery	-	-	
Charitable uses	-	-	
Club, lodge	-	-	
Community center	-	-	
Conference center	-	-	
Use Classifications	Zoning District		Related Provisions
	LI	GI	
Cultural facility	-	-	
Day care center	M	M	
Government facility	P	P	
Homeless shelter	-	-	
Hospital	-	-	
Maintenance and service facility	P	P	
Public information center	-	-	
Public parking	-	-	
- Structure	-	-	
Public safety facility	P	P	
Religious facility	C	C	
School	-	-	
Transportation terminal	P	P	
Utilities, major	C	C	
Utilities, minor	P	P	
Agricultural			
Animal husbandry	P	P	
Crop production	-	-	
Winery	C	P	
Accessory			
Accessory dwelling unit	-	-	

Livestock keeping	-	-	
Cafeteria	P	P	
Caretaker's quarters	C	C	
Day care home, large	-	-	
Day care home, small	-	-	
Guest house	-	-	
Home occupation	-	-	
Horticulture, limited	-	-	
Room rentals	-	-	
Temporary			
Animal show	-	-	
Circus, carnival	-	-	
Commercial filming	C	C	
Live entertainment	-	-	
Mobile structures	C	C	
Personal property sales	-	-	
Retail sales, outdoor	-	-	
Seasonal sales	P	P	
Street fair	-	-	
Use Classifications	Zoning District	Related Provisions	
	LI	GI	
Tent	-	-	

19.11.040 Permitted uses.

CodeAlert: This item has been affected by 2010-03 and 2010-05. Please refer to the CodeAlert Ordinance List for the most current provisions.

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 Uses**

Use Classification	Zoning District		Related Provision
	CN	CC	
Residential			
Congregate living facility	-	-	
Farm employees housing	-	C	
Garden apartments	-	-	
Mobilehome	-	-	
Mobilehome park	-	-	
Multifamily residential	P ¹	P ²	¹ GP Policy 1.14.1 ² GP Policy 1.15.1
Residential care home	-	-	
Second residential unit	-	-	
Single-family residential			
- Detached	-	-	
- Semidetached	-	-	
Townhouses	-	-	
Commercial			
Adult-entertainment business	-	P	
Animal sales and services			
- Boarding kennel	-	C	
- Grooming	P	P	
- Medical care	P	P	
- Retail sales	P	P	
Bank, savings and loan	P	P	
Bookstores	P	P	
Building materials and services	-	C	
Catering	P	P	
Commercial printing	-	P	
- Limited printing	P	P	
Communication services	-	P	
Drugstores	P	P	
Eating and drinking establishments	P	P	
- Adjacent to residential use or zoning district	C	C	
Entertainment, indoor	C	P	
- Amusement center	C	C	
- Gaming	-	C	
Food sales	P	P	
Funeral and internment services	-	C	
Gas stations and automobile service facilities	C	C	
Grocery and drug stores	P	P	
Health services	P	P	

Use Classification	Zoning District		Related Provision
	CN	CC	
Commercial (cont'd)	CN	CC	
Household good sales	P	P	
Laboratory	-	P	
Lodging services	-	P	
Long-term care facility	-	P	
Maintenance and repair services	-	P	
Mini-storage/public storage facility	-	-	
Nursery	P	P	
Offices, business and professional	P	P	
On-premise liquor consumption	-	C	
- Tasting room	-	C	
Outdoor sales and displays	-	P	
Overnight accommodations, lodging services	-	P	GP Policy 1.15
Pawnshops	-	P	GP Policy 1.14
Personal improvement services	C	C	
- Night use	P	P	
Personal services	P	P	
Professional and medical offices	P	P	
Public safety facility	C	P	
Recycling collection center	P	P	
Restaurant and delicatessens	C	C	
Retail food sales	C	C	
- Convenience store	P	P	
- Liquor store	C	P	
Retail sales	P	P	
- Limited	-	-	
- Visitor oriented	P	P	
Vehicle/equipment sales	-	-	
- Automobile rental	-	C	
- Automobile washing	-	C	
- Service stations	C	C	
Vehicle/equipment repair and service	-	C	GP Policy 1.15
Vehicle/equipment leasing and rental	-	C	GP Policy 1.15
Wholesaling, commercial	-	P	GP Policy 1.15
Video rental	P	P	
Industrial			
Hazardous use	-	-	
Industrial, general	-	-	
Industrial, limited	-	-	
Mineral extraction	-	-	
Recycling center	-	-	
Research and development	-	-	
Storage tank(s)	-	-	

Use Classification	Zoning District		Related Provision
	CN	CC	
Industrial (cont'd)			
Vehicle/equipment services	-	-	
Vehicle/equipment repair	-	-	
Vehicle storage	-	-	
Wholesaling, distribution and storage			
- Trucking terminals	-	-	
- Small scale	-	-	
Recreational			
Campground	-	-	
Marina	-	-	
Recreational vehicle park	-	-	
Recreational facilities, private	-	-	
Recreational facilities, public	-	-	
Recreational and sports, indoor	C	P	
Recreational and sports, outdoor	-	-	
Recreation, passive	-	-	
Staging area	-	-	
Public and Quasi-Public			
Ambulance shelter	-	C	
Antenna	P	P	
- Exceeding height limitations	C	C	
- Commercial	C	C	
Cemetery	-	-	
Charitable uses	C	C	
Club, lodge	C	C	
Community center	-	C	
Conference center	-	C	
Cultural facility	C	C	
Day care center	M	P	
Government facility	C	C	
Homeless shelter	-	C	
Hospital	-	C	
Maintenance and service facility	-	-	
Public information center	P	P	
Public parking	P	P	
- Structure	C	C	
Public safety facility	-	P	
Religious facility	C	C	GP Policy 1.23.4
School	-	-	
Transportation facility	-	P	
Utilities, major	-	-	
Utilities, minor	P	P	

Use Classification	Zoning District		Related Provision
	CN	CC	
Agriculture			
Animal husbandry	-	-	
Crop production	-	-	
Winery	-	C	
Accessory			
Accessory dwelling unit	C	C	Chapter 19.10
Livestock keeping	-	-	
Cafeteria	-	P	
Caretaker's quarters	-	-	
Day care home, large	-	-	
Day care home, small	-	-	
Guest house	-	-	
Home occupation	-	-	Chapter 19.29
Horticulture, limited	P	P	
Recreational facilities, private	-	-	
Room rentals	-	-	
Temporary			
Animal show	C	C	
Circus, carnival	C	C	
Commercial filming	C	C	
Live entertainment	C	C	
Mobile structure	C	C	Chapter 19.30
Personal property sales	P	P	
Retail sales, outdoor	C	C	
Seasonal sales	P	P	
Street fair	C	C	
Tent	C	C	

(Ord. 2010-02 § 4, 2010; Ord. 2009-12 § 3, 2009; Ord. 2009-07 § 4, 2009; Ord. 2006-07 § 4, 2006; Ord. 2004-10 Exh. 2 (part), 2004; Ord. 2003-03 (part), 2003; Ord. 2001-02 § 1 (part), 2001)

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.

SECTION 5: Effective Date. This Ordinance is effective following 30 days after the second reading.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of American Canyon on November 2, 2010, by the following vote:

Mayor Garcia: yes
Vice Mayor West: yes
Council Member Bennett: yes
Council Member Callison: yes
Council Member Coffey: yes

Leon Garcia
Leon Garcia, Mayor

ATTEST:
Rebekah Barr
Rebekah Barr, CMC, City Clerk

APPROVED AS TO FORM:
William D. Ross
William D. Ross, City Attorney