

ORDINANCE #2015-01

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON, CALIFORNIA,
ESTABLISHING THE RURAL RESIDENTIAL HILLSIDE ZONE, AMENDING CERTAIN SECTIONS
OF THE MUNICIPAL CODE CHAPTER 19, AND APPROVING A REZONE FROM SPECIAL STUDY (SS) TO
RURAL RESIDENTIAL HILLSIDE (RRH) PRIOR TO ANNEXATION OF THE CANYON ESTATES PROJECT SITE
LOCATED EAST OF NEWELL DRIVE IN THE CITY URBAN LIMIT LINE, APN 059-040-078
(FILE NO. PL13-0009)**

WHEREAS, pursuant to Section 65300 of the State Planning and Zoning Law, the City of American Canyon has adopted a General Plan to provide comprehensive long-range planning and a blueprint of the city's future form, including land use and circulation maps that specify the roadway network and the distribution of types and intensities of land; and

WHEREAS, Eddie Biggs submitted an application to rezone and annex the Canyon Estates property from Special Study (SS) to Rural Residential Hillside (RRH) for the Canyon Estates project located east of Newell Drive within the City Urban Limit Line; and

WHEREAS, establishment of an urban rezoning designation, such as Rural Residential Hillside (RRH) is a necessary prerequisite to submitting an annexation application to the Napa County Local Agency Formation Commission (LAFCO); and

WHEREAS, an 8-member City Council appointed Steering Committee met 6 times over the past 12 months and was very instrumental in providing guidance on appropriate development design features and qualities that lead to the proposed General Plan and Zoning code regulations; and

WHEREAS, the City hosted a public workshop on May 27, 2014 in which the public was invited to learn about the proposal and offer comments and suggestions; and

WHEREAS, the Open Space Advisory Committee held a duly-noticed public meeting jointly with the Parks and Community Services Commission on September 3, 2014, and jointly recommended the City Council amend the Canyon Estates zoning within the City's urban limit line from Special Study (SS) to Rural Residential Hillside (RRH); and

WHEREAS, the Planning Commission held a duly-noticed public hearing on October 23, 2014 and recommended the City Council approve the proposed rezoning and associated zoning ordinance amendments; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the City Council approved a Mitigated Negative Declaration for the project at a duly-noticed public hearing on January 20, 2015; and

WHEREAS, pursuant to the California Environmental Quality Act, a Mitigation Monitoring and Reporting Program has been prepared; and

WHEREAS, the City Council held a duly-noticed public hearing on November 4, 2014 and January 20, 2015 at which all those in attendance were given the opportunity to be heard on the proposed

rezoning and the City Council considered the written and oral testimony given at its public hearing in reaching its decision.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of American Canyon California, does hereby approve amendments to the Municipal Code to establish the Rural Residential Hillside zone and the rezone from Special Study (SS) to Rural Residential Hillside (RRH) the Canyon Estates Project site prior to annexation as follows:

SECTION 1. 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 Zone Change is in keeping with General Plan policies by including standards to ensure a rural character for development of the project site including a requirement that lot sizes vary significantly in size, but not less than 20,000 square feet. The RRH zoning district also includes several Special Development Requirements to ensure the project is constructed and maintained in a high quality manner with regard to architecture, view protection, and pedestrian trail connections. These provisions further support additional General Plan Policies including: Objective B.4 to foster a harmonious, convenient, and workable relationship among land uses, Objective B.6 to foster the provision of adequate off-street parking and off-street loading facilities, Objective B.9 to safeguard and enhance the appearance of the City, and Objective B.10 to ensure quality development, consistent with the General Plan's design and development principles, and an attractive and functional community appearance.

- 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 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 as the proposed zoning regulations include several provisions to maintain high quality architecture, view protection, and pedestrian trail connections.

SECTION 2. That the City Council of the City of American Canyon does hereby approve the Zone Change as follows:

1. The Zoning designation for the Canyon Estates property (APN 059-040-078) be changed from Special Study (SS) to Rural Residential Hillside (RRH) as depicted below:

C. RS (suburban residential) districts: to provide for low-density residential uses and related activities in areas of the city predominated by subdivisions with single-family lot patterns. There are two separate RS districts:

1. The RS-8000 district with a minimum lot size of eight thousand square feet;
2. The RS-6500 district with a minimum lot size of six thousand five hundred square feet.

D. RM (medium residential) districts: to accommodate multifamily residential uses in areas of minimal constraints and ready access to transportation and services, with single-family uses allowed under some circumstances in conformance with the general plan. Development in the RM district shall be within the range of five to twelve units per gross acre.

E. RH (high residential) districts to provide for high-density multifamily residential uses in areas of minimal constraints and ready access to transportation and services, and to provide a range of housing opportunities. There are two separate RH districts:

1. The RH-1 district with a density range of twelve to sixteen units per gross acre;
2. The RH-2 district with a density of twenty units per gross acre.

F. RO (residential overlay) district to provide for high-density multifamily residential uses on selected sites in community commercial and neighborhood commercial districts, in single or multi-use structures. The RO district provides a density of twenty units per gross acre west of Broadway/Highway 29, a density of thirty-five units per gross acre east of Broadway/Highway 29. Development standards shall comply with Tables 1 and 2 of Chapter 19.11, community commercial and neighborhood commercial district for multifamily residential and mixed-use structures. (Ord. 2006-07 § 4, 2006; Ord. 2001-11 § 1, 2001; Ord. 2001-02 § 1, 2001)

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 DISTRICTS¹**

RESIDENTIAL DISTRICT	ZONING DISTRICTS						
Use Classifications	RRH	RE	RR	RS	RM	RH	Related Provisions
Residential							
Congregate living facility	-	-	-	-	P	P	
Cottage food operations	P	P	P	P	P	P	
RESIDENTIAL DISTRICT	ZONING DISTRICTS						
Use Classifications	RRH	RE	RR	RS	RM	RH	Related Provisions
Garden apartments	-	-	-	-	P	P	
Mobilehome	-	C	C	C	-	-	
Mobilehome park	-	-	-	-	C	C	Chapter 19.10
Multifamily residential	-	-	-	-	P	P	
Residential care home	-	-	P	P	-	-	
Second residential unit	P	P	P	P	P	-	Section 19.10.120
Single-family residential							
- Detached	P	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	
Commercial							
Adult business	-	-	-	-	-	-	
Animal sales and service	-	-	-	-	-	-	
- Boarding kennel	-	-	-	-	-	-	
- Grooming	-	-	-	-	-	-	
- Medical care	-	-	-	-	-	-	
- Retail care	-	-	-	-	-	-	
Bank, savings and loan	-	-	-	-	-	-	
- Drive-up service	-	-	-	-	-	-	
- Walk-up service	-	-	-	-	-	-	
Building materials and services	-	-	-	-	-	-	
Catering	-	-	-	-	-	-	
Commercial printing	-	-	-	-	-	-	
- Limited printing	-	-	-	-	-	-	
Communication services	-	-	-	-	-	-	
Entertainment, indoor	-	-	-	-	-	-	
- Amusement center	-	-	-	-	-	-	
- Gaming	-	-	-	-	-	-	
Funeral and interment services	-	-	-	-	-	-	
Health services	-	-	-	-	-	-	
Laboratory	-	-	-	-	-	-	
Lodging services	-	-	-	-	-	-	
- Bed and breakfast inn	C	C	C	-	-	-	

Long-term care facility	-	-	-	-	-	-	
Maintenance and repair services	-	-	-	-	-	-	
Nursery	-	-	-	-	-	-	
Offices, business, and professional	-	-	-	-	-	-	
On-premises liquor consumption	-	-	-	-	-	-	
RESIDENTIAL DISTRICT	ZONING DISTRICTS						
Use Classifications	RRH	RE	RR	RS	RM	RH	Related Provisions
- Tasting room	-	-	-	-	-	-	
Pawnshops	-	-	-	-	-	-	
Personal improvement services	-	-	-	-	-	-	
- Night use	-	-	-	-	-	-	
Personal services	-	-	-	-	-	-	
Recycling collection center	-	-	-	-	-	-	
Restaurant	-	-	-	-	-	-	
- Night use	-	-	-	-	-	-	
Restaurant, take-out	-	-	-	-	-	-	
- Night use	-	-	-	-	-	-	
Retail food sales	-	-	-	-	-	-	
- Convenience store	-	-	-	-	-	-	
- Liquor store	-	-	-	-	-	-	
Retail sales	-	-	-	-	-	-	
- Limited	-	-	-	-	-	-	
- Visitor-oriented	-	-	-	-	-	-	
Vehicle/equipment sales and service	-	-	-	-	-	-	
- Automobile rental	-	-	-	-	-	-	
- Automobile washing	-	-	-	-	-	-	
- Service station	-	-	-	-	-	-	
- Vehicle/equipment repair	-	-	-	-	-	-	
- Vehicle/equipment sales, lease and rentals	-	-	-	-	-	-	
Wholesaling, commercial	-	-	-	-	-	-	
Industrial							
Hazardous use	-	-	-	-	-	-	
Industry, general	-	-	-	-	-	-	
Industry, limited	-	-	-	-	-	-	
Mineral extraction	-	-	-	-	-	-	
Recycling center	-	-	-	-	-	-	
Research and development	-	-	-	-	-	-	
Storage tank(s)	-	-	-	-	-	-	
Vehicle/equipment services	-	-	-	-	-	-	
- Vehicle/equipment repair	-	-	-	-	-	-	
- Vehicle storage	-	-	-	-	-	-	
Wholesaling, distribution and storage	-	-	-	-	-	-	
- Small scale	-	-	-	-	-	-	
- Trucking terminal	-	-	-	-	-	-	
Recreational							

Recreational facilities, public	C	C	P	P	P	P	
Recreation and sports, outdoor	C	C	C	C	C	C	
Recreation, passive	C	C	C	C	C	C	
RESIDENTIAL DISTRICT	ZONING DISTRICTS						
Use Classifications	RRH	RE	RR	RS	RM	RH	Related Provisions
Staging area	C	C	C	-	-	-	
Public and Quasi-Public							
Antenna	-	-	P	P	P	P	
- Exceeding height limitations	-	-	C	C	C	C	
Community center	-	-	-	C	C	C	GP Policy 1.12.1
Conference center	-	-	-	-	-	-	
Cultural facility	-	-		C	C	C	GP Policy 1. 12.1
Day care center	-	M	M	M	M	M	GP Policy 1.23.5
Homeless shelter	-	-	-	-	C	C	Chapter 19.42
Public safety facility	C	C	C	C	C	C	
Religious facility	C	C	C	C	C	C	GP Policy 1.23.4
School	-	C	C	C	C	C	GP Policy 1.12.1
Utilities, major	-	-	C	C	C	C	
Utilities, minor	-	-	P	P	P	P	
Agriculture							
Animal husbandry	-	P	-	-	-	-	
Crop production	C	P	-	-	-	-	
Accessory							
Accessory dwelling unit	-	€-	€-	-	-	-	
Livestock keeping	P	P	P	P	-	-	Chapter 19.31
Caretaker's quarters	C	C	-	-	-	-	
Family child care home, large	P	P	P	P	-	-	Chapter 19.33
Family child care home, small	P	P	P	P	P	P	
Guest house	C	C	C	C	-	-	
Home occupation	P	P	P	P	P	P	Chapter 19.29
Horticulture, limited	P	P	P	P	P	P	
Room rentals	-	-	C	C	-	-	
Temporary							
Animal show			-	-	-	-	
Commercial filming	C	C	C	C	C	C	
Mobile structures	C	C	C	C	C	C	Chapter 19.30
Personal property sales	P	P	P	P	P	P	

1 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.

(Ord. 2013-07 § 3, 2013; Ord. 2010-03 § 3, 2010; Ord. 2010-02 § 4, 2010; Ord. 2009-12 § 3, 2009; Ord. 2009-11 § 3, 2009; Ord. 2005-02, 2005; Ord. 2001-11 § 1, 2001; Ord. 2001-02 § 1, 2001)

19.10.050 Lot area, yard setbacks, and building coverage standards

Table 19.10.050 of this section sets forth the minimum lot area, minimum yard setbacks, and lot coverage standards for each residential district. The provisions of this section shall establish the minimum lot area and yard and setback standards for each residential zoning district.

A. Minimum Lot Area. Except as otherwise provided by this chapter, the minimum lot area shall be determined by multiplying the lot width by the lot depth. The lot width shall be the horizontal distance between the side property lines measured at right angles to the depth at a point midway between the front and rear property lines. The lot depth shall be the horizontal distance between the front and rear property lines of a site measured along a line midway between the side property lines.

1. Flag Lots.

a. The area of a flag lot's access corridor shall not be included in determining the site area of the lot (see Figure A-2).

b. The corridor of land which provides access to a street for a flag lot shall have a minimum street frontage of sixteen feet and a minimum width which is less than the required lot width but not less than sixteen feet (see Figure A-2).

2. Width of Residential Corner Lots. The minimum width of corner lots in a residential district shall be a minimum of ten percent greater than the minimum width for the district specified in Table 19.10.050 of this chapter.

3. Depth Adjoining State Highway or Railroad. A lot whose rear lot line abuts a state highway or railroad right-of-way shall have a minimum depth that is at least twenty percent greater than the lot depth standard for the applicable zoning district.

4. Minimum Lot Frontage on a Cul-de-sac. Unless otherwise approved by the city council in conjunction with the approval of a subdivision map, all lots in the bulb of a cul-de-sac shall have a minimum width or street frontage at the property line of forty feet.

B. General Yard Provisions. Except as otherwise provided by this chapter and specific district regulations, the provisions of this section apply to the placement of principal structures. The location of accessory buildings, equipment, and uses and the required separation between primary buildings is addressed elsewhere in this chapter.

1. Point of Measurement. Except as otherwise provided, required yards shall be measured as the minimum horizontal distance from the appropriate front, side, or rear property line or street/alley right-of-way line of the site to a line parallel thereto on the site (see Figure A-1).

2. Partially-Improved Streets. Where a site abuts a street having only a portion of its required width dedicated or reserved for street purposes, site area and required yards shall be measured from a line drawn on the boundary of the additional width required for street purposes abutting the site.

3. Irregularly-Shaped Lots. On corner lots, through lots, lots with three or more frontages, flag lots, and irregularly-shaped lots where the provisions of this chapter do not clearly establish the location of yards and lot lines, the community development director shall make such determination, using the provisions of this chapter for guidance.

C. Projections into Yards. Projections are permitted into yards required for principal buildings as follows, subject to the provisions of the Uniform Building Code:

1. Eaves and cantilevered roofs may project up to two and one-half feet, provided:
 - a. That such eaves or cantilevered roofs are not closer than two and one-half feet to any lot or street line;
 - b. That no portions of such eaves or cantilevered roofs are less than eight feet above grade;
 - c. That there are no vertical supports or members within the required yard (see Figure A-4).
2. Fireplace structures, buttresses, and wing walls may project up to two and one-half feet, provided:
 - a. That a minimum five feet is provided on the side yard where front yard access is provided;
 - b. That such structures shall not be utilized to provide closets or otherwise increase usable floor area;
 - c. That such fireplace structures are not wider than six feet measured in the general direction of the wall of which it is a part (see Figure A-5).
3. Bay and greenhouse windows may project up to two and one-half feet, provided:
 - a. That such windows are not closer than two and one-half feet to any lot or street line;
 - b. That there are no vertical supports or members within the required yard.
4. Uncovered porches, platforms, landings, and decks, including access stairs thereto may project up to three feet into required interior side yards, and up to five feet into required front, rear, and corner side yards, provided:
 - a. That such projections shall not be closer than two feet to any lot or street line;
 - b. That such projections are open and unenclosed; provided, however, that an openwork railing not to exceed three and one-half feet in height may be installed;
 - c. That such projections do not exceed any average height of one foot;

d. That such projections do not extend above the level of the first floor.

5. Awnings and canopies may project up to two and one-half feet into required interior side yards and five feet into required front, rear, and corner side yards, provided:

a. That such awnings or canopies are not closer than two and one-half feet to any lot or street line:

b. That such awnings or canopies have no vertical support within such yard;

c. That such awnings or canopies extend only over the windows or doors to be protected, and for not more than one foot on either side thereof.

6. Covered patios attached to a dwelling unit may project into a required rear yard, provided:

a. That such patio is not closer than five feet to any lot line;

b. That such patio shall remain permanently unenclosed on at least two sides. This provision, however, shall not preclude the placement of detachable screens;

c. A freestanding patio shall be subject to the same requirements as accessory buildings in rear yards as provided by Section 19.10.060.

7. Rain conductors, downspouts, utility-service risers, shutoff valves, sills, capitals, bases, cornices, and belt courses may project up to one foot into a required yard.

8. Water heaters, water softeners, and utility meters, including service conduits and pipes, enclosed or unenclosed may project up to two and one-half feet into a required interior side or rear yard, provided that such structures or equipment are not closer than two and one-half feet to any lot line. Gas meters, if enclosed or adequately screened from view by a structure permitted in the yard, may project up to two and one-half feet into a required front or corner side yard.

9. Wall and window-mounted air conditioners, coolers, and fans may project into any required yard, provided that such equipment is not closer than two and one-half feet to any lot line.

D. Maximum Building Coverage. The maximum building coverage allowed in each residential district is the percentage of the building site covered by all primary and accessory structures on the site, measured horizontally to the outside face of exterior walls or structural members. Open decks and balconies and open breezeways connecting two buildings are not included in lot coverage.

Zoning Districts	RRH	RE	RR-20000	RR-10000	RS-8000	RS-6500	RM	RH
Minimum rear yard	30 feet	25% of lot depth	20 feet	20 feet	20 feet	15 feet	10 feet	10 feet
Building envelope	Maximum	N/A	N/A	N/A	N/A	N/A	N/A	N/A
20,000 sq. ft. to 1 acre lots	8,000 sqft							
>1 acre lots	12,000 sqft							
Maximum building coverage	60% of approved building envelope	30%	30%	30%	40%	40%	50%	50%
Maximum number of stories	2	2.5	2.5	2.5	2.5	2.5	3	3
Maximum building height:								
Main structure	35 feet	35 feet	35 feet	35 feet	35 feet	35 feet	42 feet	42 feet
Detached accessory building	15 feet	20 feet	15 feet	15 feet	15 feet	15 feet	15 feet	15 feet

1. Applies only to the new parcels created after the effective date of the zoning code.

Special Development Requirements for the RRH zoning District:

1. Subdivisions in the RRH Zoning District shall be subject to the following standards:
 - a. Residential lots shall vary significantly in size in order to create the openness and variation characteristic of a rural neighborhood. No more than two contiguous lots shall be of the same size. Lot size variations shall be achieved by varying lot area/lot widths. Parcel size variations on contiguous Lots of 1 acre or less shall vary up or down a minimum of 25% in size. Contiguous Lots larger than 1 acre shall vary up or down in size by 10%.
 - b. The subdivision design shall ensure protection of designated viewsheds from Newell Drive to the highest ridgeline located to the east of the project.
 - c. Each residential lot will identify a maximum building height that will enable other homes with sufficient elevation to achieve a view toward the Napa River wetlands. Technical information that enables identification of a maximum building height will include but not be limited to: lot placement within the subdivision, building envelope placement, and grading. The maximum building height will be recorded in the project CC&Rs (Covenants, Codes and Restrictions).

- d. Design guidelines addressing architecture for individual homes shall be prepared and submitted to the City of American Canyon, concurrently with submittal of a tentative subdivision map, master plan or specific plan. The design guidelines must be consistent with the General Plan Land Use Element Design Principles (Policy 1.11.5).
- e. Native landscaping shall be provided in the Newell Drive setback area. The preliminary and final landscape improvement plans for this common area open space shall include clusters of native shrubs and trees to enhance the privacy and soften the visual form of future homes as viewed from public areas such as Newell Drive. Such landscape improvements shall be approved by the City and maintained by the subdivision's homeowners association.
- f. Streets within the RRH District may make use of a reduced overall paved width of not less than 30 feet, subject to approval of a Design Exception to be considered concurrently with the approval of a tentative subdivision map.

2. Residential Building Permit Requirements

- a. To determine potential impacts to viewsheds and neighboring properties, the applicant shall install story poles to provide a three-dimensional, full-scale, silhouette structure that outlines the location, bulk and mass that a proposed structure will occupy on a site prior to submittal of a building permit for any structure on a residential parcel.
- b. Prior to submittal of a building permit for any structure or group of structures, the applicant shall submit written documentation from the applicable homeowners association that the application complies with the design guidelines in the recorded CC&Rs.
- c. An active Homeowner Association shall be set up to ensure maintenance of private infrastructure and administer enforcement of neighborhood CC&R's

(Ord. 2004-10 Exh. 1, 2004; Ord. 2001-11 § 1, 2001; Ord. 2001-02 § 1, 2001)

SECTION 3. SCOPE Except as set forth in this resolution, all other provisions of the American Canyon Municipal Code shall remain in full force and effect.

SECTION 4. SEVERABILITY. If any section, sub-section, subdivision, paragraph, clause or phrase in this Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, sub-section, subdivision, paragraph, sentence clause or phrase of this Ordinance, irrespective of the fact that any one or more sections, subsections subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional., is for any reason held to in invalid or unconstitutional.

SECTION 5. The Mayor shall sign this Ordinance and the City Clerk shall attest thereto and shall within fifteen days of its adoption cause a summary of it to be published in a newspaper and circulated in the City and thereupon and thereafter this Ordinance shall take effect and be in force according to law.

PASSED, APPROVED AND ADOPTED at a regularly scheduled meeting of the City Council of the City of American Canyon held on the 3rd day of February, 2015, by the following vote:

MAYOR GARCIA:

Yes

VICE MAYOR LEARY:

Yes

COUNCIL MEMBER BENNETT:

Yes

COUNCIL MEMBER JOSEPH:

Yes

COUNCIL MEMBER RAMOS:

Yes

Leon Garcia

Leon Garcia, Mayor

ATTEST:

Rebekah Barr

Rebekah Barr, MMC, City Clerk

APPROVED AS TO FORM:

William D. Ross

William D. Ross, City Attorney