

ORDINANCE NO. XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALISTOGA, COUNTY OF NAPA, STATE OF CALIFORNIA AMENDING CHAPTERS 17.04 (DEFINITIONS), 17.14 (R-R RURAL RESIDENTIAL DISTRICT), 17.21 (HOME OCCUPATIONS), 17.22 (COMMERCIAL LAND USE DISTRICTS), 17.24 (PD PLANNED DEVELOPMENT DISTRICT), AND 17.26 (I LIGHT INDUSTRIAL DISTRICT) OF TITLE 17 (ZONING) TO ESTABLISH GRAPE SOURCING REQUIREMENTS FOR WINERIES AND STAND ALONE WINERY TASTING ROOMS

1
2
3 **WHEREAS**, preservation and protection of agricultural land within the City and the City's
4 Planning Area is an identified goal in the Open Space and Conservation Element of the City's
5 General Plan; and

6
7 **WHEREAS**, the unique combination of geography, climate, micro-climates and soils of
8 agricultural lands within the City and the City's Planning Area is particularly conducive to the
9 production of high quality wine grapes; and

10
11 **WHEREAS**, within the City and the City's Planning Area areas suitable for quality vineyards
12 are limited and irreplaceable. Any project that directly or indirectly results in the removal of existing
13 or potential vineyard land from use depletes the inventory of such land forever; and

14
15 **WHEREAS**, the cumulative effect of such projects is far greater than the sum of individual
16 projects. The interspersing of non-agricultural structures and activities throughout agricultural areas
17 in excess of what already exists will result in a significant decrease in the land available for
18 agricultural purposes; and

19
20 **WHEREAS**, the City Council received a request from the agricultural community to adopt an
21 ordinance regulating the source of grapes used in wines produced at local wineries and in wines
22 tasted and sold in local winery tasting rooms; and

23
24 **WHEREAS**, the City Council discussed adoption of a grape sourcing ordinance at its
25 regularly scheduled meetings on September 6, 2011, October 4, 2011 and December 6, 2011 and
26 received extensive public testimony regarding adoption of a grape sourcing ordinance; and

27
28 **WHEREAS**, after thorough discussion and deliberation, the City Council directed staff to
29 prepare an ordinance establishing grape sourcing requirements for wineries and stand alone winery
30 tasting rooms located within the City; and

31
32 **WHEREAS**, the Planning Commission considered the proposed ordinance at its regularly
33 scheduled meeting on February 8, 2012. Prior to taking action on the application, the Planning
34 Commission received written and oral reports by the staff, and received public testimony; and

35
36 **WHEREAS**, the Planning Commission held a duly noticed public hearing on the ordinance
37 on February 8, 2012, and adopted Resolution PC 2012-03 forwarding a recommendation that the
38 City Council approve the ordinance; and

39
40 **WHEREAS**, the City Council of the City of Calistoga has reviewed and considered this
41 ordinance at regular meetings on _____ and _____, noticed in accordance
42 with state and local law, and which included the written and oral staff report, proposed findings and
43 comments received from the general public and interested agencies and parties; and

44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93

WHEREAS, this action has been determined to not be subject to the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines.

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

SECTION ONE:

Findings. The above recitals are incorporated herein as if set forth herein in full and each is relied upon independently by the City Council for its adoption of this ordinance.

SECTION TWO:

Section 17.04.592 entitled “Portable Sign” of Chapter 17.04 (Definitions) of Title 17 (Zoning) of the Calistoga Municipal Code is hereby amended to read and provide as follows:

“Section 17.04.591 Portable sign.

“Portable sign” shall mean a sign that is not permanently affixed to the ground or a structure, such as “sandwich board” and “A-frame” signs. (Ord. 606 § 3(X), 2004; Ord. 580 § 3(U), 2002, Ord. XXX, § 2, 2012. Formerly 17.04.592).”

SECTION THREE:

New Section 17.04.592 entitled “Private Wine Marketing Event” is hereby added to Chapter 17.04 (Definitions) of Title 17 (Zoning) of the Calistoga Municipal Code to read and provide as follows:

“Section 17.04.592 Private wine marketing event.

“Private Wine Marketing Event”. A private wine marketing event is any activity conducted for the purpose of educating members of the wine trade and persons who have a pre-established business relationship with the owner/operator of the business in order to increase the amount of wine sold to those individuals. Marketing activities may include food service without charge when provided in association with such education and business development, but shall not include cultural and social events unrelated to such education and development. (Ord. XXX, § 3, 2012).”

SECTION FOUR:

Section 17.04.593 entitled “Public” of Chapter 17.04 (Definitions) of Title 17 (Zoning) of the Calistoga Municipal Code is hereby amended to read and provide as follows:

“Section 17.04.594 Public sign.

“Public sign” shall mean a sign which is located on property owned by a public or quasi-public agency which informs people of general issues of community interest. (Ord. 606 § 3(Y), 2004; Ord. 580 § 3(V), 2002, Ord. XXX, § 4, 2012. Formerly 17.04.593).”

94 **SECTION FIVE:**
95

96 **New** Section 17.04.593 entitled “Public Tours and Tastings” is hereby added to Chapter
97 17.04 (Definitions) of Title 17 (Zoning) of the Calistoga Municipal Code to read and provide as
98 follows:
99

100 “Section 17.04.593 Public Tours and Tastings.

101
102 “Public tours and tastings”. Public tours and tastings are tours of a winery and/or on-site tastings of
103 wines produced on the premises. Public tours and tastings may also include food and wine
104 pairings, where all such food service is provided without charge except to the extent of cost
105 recovery and is incidental to the tasting of wine. Food service may not involve menu options and
106 meal service such that the winery functions as a café or restaurant. (Ord. XXX, § 5, 2012).”
107

108 **SECTION SIX:**
109

110 Section 17.04.646 entitled “Winery operations” of Chapter 17.04 (Definitions) of Title 17
111 (Zoning) of the Calistoga Municipal Code is hereby amended to read and provide as follows:
112

113 “Section 17.04.646 Winery.

114
115 “Winery” shall mean a bonded establishment primarily used for the purpose of processing grapes or
116 other fruit products into wine. Processing includes, but is not limited to, crushing, fermenting,
117 blending, aging, storage, bottling, and wholesale or retail sales of wine produced or bottled on the
118 premises. Ancillary activities such public tours and tastings, private wine marketing events, sales of
119 wine or winery-related merchandise, and public winery events may be conditionally permitted in
120 conjunction with a winery. (Ord. 625 § 1, 2005. Ord. XXX, § 6, 2012).”
121

122 **SECTION SEVEN:**
123

124 **New** Section 17.04.647 entitled “Winery Event” is hereby added to Chapter 17.04
125 (Definitions) of Title 17 (Zoning) of the Calistoga Municipal Code to read and provide as follows:
126

127 “Section 17.04.647 Winery Event.

128
129 “Winery event”. Winery events are events or activities which are open to or hosted by members of
130 the general public. (Ord. XXX, § 7, 2012).”
131

132 **SECTION EIGHT:**
133

134 **New** Section 17.04.648 entitled “Wine Shop” is hereby added to Chapter 17.04 (Definitions)
135 of Title 17 (Zoning) of the Calistoga Municipal Code to read and provide as follows:
136

137 “Section 17.04.648 Wine Shop.

138
139 “Wine shop”. A wine shop is an establishment that purchases and sells wines from multiple
140 wineries and distributors. Wine shops are not owned or operated by wineries and must possess a
141 Type 20, 21 or 42 license from the State Department of Alcoholic Beverage Control (ABC). Wines
142 sold in a wine shop may be made in other counties in California, other states or other countries.
143 Incidental wine tastings may occur in wine shops. (Ord. XXX, § 8, 2012).”

144 **SECTION NINE:**

145
146 **New** Section 17.04.649 entitled “Winery Tasting Room” is hereby added to Chapter 17.04
147 (Definitions) of Title 17 (Zoning) of the Calistoga Municipal Code to read and provide as follows:
148

149 “Section 17.04.649 Winery Tasting Room.

150
151 “Winery tasting room”. A winery tasting room is an establishment that sells wines on behalf of one
152 or more wineries and enables consumers to taste wine (with and without charge) as a regular part
153 of the sales business. Winery tasting rooms are owned or operated by wineries that possess a
154 Type 02 license from the State Department of Alcoholic Beverage Control (ABC). (Ord. XXX, § 9,
155 2012).”
156

157 **SECTION TEN:**

158
159 Subsection (8) of Section 17.14.020.B entitled “Uses Allowed with Use Permit” of Chapter
160 17.14 (R-R Rural Residential District) of Title 17 (Zoning) of the Calistoga Municipal Code is hereby
161 amended to read and provide as follows:
162

163 “8. Small scale winery operations producing less than 2,000 cases of wine annually;
164 provided, that the following guidelines have been considered prior to the required
165 use permit approval:

- 166
- 167 a. The parcel size is two acres or more;
 - 168
 - 169 b. The parcel is established with a principal residence and the winery shall be
170 subordinate to the primary residential use;
 - 171
 - 172 c. A minimum of 75% of the fruit used to make wine produced on-site must be
173 grown within the County of Napa. Of that, a minimum of 20 percent of the
174 wine produced on-site shall originate from fruit grown on the parcel with
175 modifications only approved through the use permit process;
 - 176
 - 177 d. Only one winery shall be permitted on-site;
 - 178
 - 179 e. Public tours and tastings shall be prohibited;
 - 180
 - 181 f. The number and frequency of private wine marketing events shall be strictly
182 limited and reviewed during the use permit process. Private wine marketing
183 events are limited to a maximum of four events per calendar year. The
184 maximum number of guests allowed at any private wine marketing event shall
185 be determined during the use permit process. This maximum capacity shall
186 be posted in a conspicuous place in the small winery building. Use permit
187 conditions may impose stricter limitations if residential development on
188 adjoining parcels is in close proximity to the new small winery use;
 - 189
 - 190 g. Winery events shall be prohibited. All private wine marketing events shall be
191 held within the confines of the on-site residential unit, the production area of
192 the small winery building, or outside or except as previously defined;
 - 193

- 194 h. The establishment of on-premises wine sales shall be determined through the
195 use permit process. If wine sales are to be allowed, they shall be restricted
196 only to wine that is produced on the premises. No merchandise shall be sold;
197
- 198 i. The hours of sales shall be by appointment only as reviewed during the use
199 permit process;
200
- 201 j. There can be no advertising in publications produced for general distribution
202 for private wine marketing events and all attendees shall be specifically
203 invited to participate in the private wine marketing event by the small winery
204 owner/operator;
205
- 206 k. All the requirements of CMC Title 19 shall be met;
207
- 208 l. Notwithstanding CMC 17.14.040, buildings and structures used for winery
209 operations shall be located at least 50 feet from the front lot line, and 20 feet
210 from any side lot line, and 50 feet from any dwelling on an adjacent lot, not
211 including perimeter fencing. (Ord. XXX, § 10, 2012).”
212

213 **SECTION ELEVEN:**

214
215 Subsection (9) of Section 17.14.020.B entitled “Uses Allowed with Use Permit” of Chapter
216 17.14 (R-R Rural Residential District) of Title 17 (Zoning) of the Calistoga Municipal Code is hereby
217 amended to read and provide as follows:
218

- 219 “9. Large scale winery operations producing up to 4,000 cases of wine annually;
220 provided that the following guidelines have been considered prior to the required use
221 permit approval:
222
- 223 a. The parcel size is four acres or more.
224
- 225 b. The parcel is established with a principal residence and the winery shall be
226 subordinate to the primary residential use.
227
- 228 c. Only one winery shall be permitted on-site.
229
- 230 d. The winery conducts limited public tours and tastings, sells wine-related items
231 or holds private wine marketing events and winery events with a use permit.
232
- 233 e. Noise shall be restricted to a decibel level of 55 dba at property boundaries.
234
- 235 f. A minimum of 75% of the fruit used to make wine produced on-site must be
236 grown within the County of Napa. Of that, a minimum of 30 percent of the
237 wine produced on-site shall originate from fruit grown on the parcel with
238 modifications only approved through the use permit process.
239
- 240 g. The number and frequency of private wine marketing events and winery
241 events shall be strictly limited and reviewed during the use permit process. A
242 maximum of four events per calendar year may be allowed. The maximum
243 number of guests allowed at any event shall be determined during the use

244 permit process. This maximum capacity shall be posted in a conspicuous
245 place in the winery building. Use permit conditions may impose stricter
246 limitations if residential development on adjoining parcels is in close proximity
247 to the winery use.
248

- 249 h. All events shall be held within the confines of the on-site residential unit, the
250 production area of the large winery building, or outside.
251
252 i. The establishment of on-premises wine sales shall be determined through the
253 use permit process. If wine sales are to be allowed, they shall be restricted
254 only to wine that is produced on the premises.
255
256 j. The hours of public tours and tastings and sales shall be by appointment only
257 as reviewed during the use permit process.
258
259 k. There can be no advertising in publications produced for general distribution
260 for private wine marketing events or winery events and all attendees shall be
261 specifically invited to participate in an event by the large winery
262 owner/operator.
263
264 l. All the requirements of CMC Title 19 shall be met.
265
266 m. Notwithstanding CMC 17.14.040, buildings and structures used for winery
267 operations shall be located at least 50 feet from the front lot line, and 20 feet
268 from any side lot line, and 50 feet from any dwelling on an adjacent lot, not
269 including perimeter fencing. (Ord. XXX, § 11, 2012).”
270

271 **SECTION TWELVE:**
272

273 Section 17.21.040 entitled “Conditions for operation” of Chapter 17.21 (Home Occupations)
274 of Title 17 (Zoning) of the Calistoga Municipal Code is hereby amended to read and provide as
275 follows:
276

277 “The following conditions shall apply to all home occupation permits:
278

- 279 A. The home occupation shall be conducted entirely within a dwelling and/or a garage
280 and must be clearly subordinate to the use of the property for residential purposes.
281
282 B. A home occupation within a garage shall not impair the daily use of the garage by
283 maintaining storage area for at least one automobile.
284
285 C. The home occupation shall not alter the appearance of the dwelling unit such that the
286 structure is likely to be recognized as serving a nonresidential use (either by color,
287 materials or construction, lighting, signs, sounds, noise, vibration and the like).
288
289 D. There shall be no signs other than the name and address of the resident(s).
290
291 E. There shall be no advertising on or in the vicinity of the property or otherwise which
292 identifies the home occupation by street address.
293

- 294 F. No commercial vehicles may be used for delivery of materials, with the exception of
295 occasional and reasonable courier services to or from the premises, and no more
296 than one vehicle larger than a three-quarter-ton truck may be used in connection with
297 a home occupation.
298
- 299 G. Activities conducted, equipment, or hazardous materials, shall be identified on the
300 permit application and shall not change the fire safety or occupancy classifications of
301 the premises.
302
- 303 H. No use shall create or cause hazards or nuisances due to noise, dust, vibration,
304 odors, smoke, glare, electrical interference or other reasons.
305
- 306 I. Not more than one employee, other than the resident(s) of the dwelling shall be
307 allowed to work, gather or congregate on the premises in connection with a home
308 occupation with the exception of babysitters or domestic staff. Home occupation
309 utilizing an outside employee must provide additional adequate parking.
310
- 311 J. Winery-related home occupations shall be limited to administrative activities, barrel
312 aging and storage. Indoor storage of up to two barrels or 50 cases of wine shall be
313 permitted. Home wineries shall comply with any grape sourcing requirements that
314 are applicable to the facility at which the fruit used to produce the wine is crushed.
315 No public tours and tastings, private wine marketing events, winery events, retail or
316 wholesale distribution shall be permitted on the premises.
317
- 318 K. Home occupations utilizing an outside employee shall provide adequate worker's
319 compensation.
320
- 321 L. There shall be no use or storage of materials or mechanical equipment not
322 recognized as being part of a normal household or hobby use. No outdoor storage
323 other than that permitted in a residential zone shall be allowed.
324
- 325 M. There shall be no use of any accessory building or yard space or activity outside of
326 the main building or attached garage not normally associated with residential use.
327
- 328 N. The home occupation shall not result in the use of water, sewer, electrical or natural
329 gas utilities in amounts greater than normally used for residential purposes.
330
- 331 O. The home occupation permit shall be valid only for the person to whom it is issued,
332 at the address at which it is issued, and during the period of time for which a valid,
333 unexpired City business license is in effect. Failure to properly renew said license or
334 failure to comply with any of the conditions of approval will render the permit null and
335 void. (Ord. XXX, § 12, 2012)."
336

337 **SECTION THIRTEEN:**
338

339 Subsection B of Section 17.22.040 entitled "Downtown commercial (DC) district – Allowed,
340 conditionally permitted and prohibited uses" of Chapter 17.22 (Commercial Land Use Districts) of
341 Title 17 (Zoning) of the Calistoga Municipal Code is hereby amended to read and provide as
342 follows:
343

344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393

- “B. The following uses require a conditional use permit in the DC district and within an entry corridor as defined in the 2003 General Plan Update, pursuant to Chapter 17.40 CMC:
1. Theaters and places of public assembly, such as halls, lodges, fraternal organizations and clubs;
 2. Dance studios and schools;
 3. Hotels, motels, resorts and inns;
 4. Outdoor sales establishments, such as plant nurseries and garden supplies, taxi stands, and storage associated with a primary use, such as hardware and home improvement stores;
 5. Banks and financial institutions, with drive-up or walk-up facilities;
 6. Sale of used or secondhand goods, excluding books and magazines;
 7. Religious institutions, such as churches and mosques;
 8. Public utility substations and public and private schools;
 9. Geothermal uses;
 10. Formula businesses otherwise allowed in subsection (A) of this section, but not including formula restaurants or formula visitor accommodations;
 11. New structures, and additions to existing structures resulting in an increase in floor area of 10 percent or more;
 12. Modifications to existing structures resulting in an increase in the number of leasable spaces;
 13. Remote parking for businesses located off-site;
 14. Bars;
 15. Restaurants, bakeries, cafes and other similar uses, with or without outdoor seating, not meeting the criteria set forth in subsection (A)(9)(a) of this section;
 16. Live entertainment and/or dancing;
 17. Live-work units allowed in conjunction with a permitted commercial use; provided, that the following requirements have been met prior to use permit approval:
 - a. The required off-street parking for the exclusive use of dwelling units is provided, pursuant to Chapter 17.36 CMC;

394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442

- b. In cases of shared residential and commercial uses, the commercial use shall be compatible with the health and safety of persons residing on the property (i.e., lighting, noise, fumes and hours of operation, etc.);
 - c. Prior to use permit approval, residential-commercial uses shall require design review by the Planning Commission, pursuant to Chapter 17.06 CMC;
18. Multifamily dwellings above the first floor, subject to a specific finding that the proposed use is consistent with the rural, small-town character of the community;
 19. Gasoline service stations, with no automobile repair and/or carwash;
 20. Wine shops as defined in Chapter 17.04 CMC, including tasting facilities;
 21. Winery tasting rooms as defined in Chapter 17.04 CMC, provided that seventy-five percent (75%) of the wines poured for tasting in the winery tasting room without charge are labeled as Napa County, Napa Valley or other legally recognized American Viticultural Area within the County of Napa;
 22. Wine, beer and liquor sales;
 23. Storage when associated with a resident-serving business located on an adjacent parcel;
 24. Souvenir shops;
 25. Walkaway businesses;
 26. Commercial amusements, such as arcades and fortune tellers;
 27. Cottage industries, such as carpenters, when ancillary to retail sales of products or merchandise made on the premises;
 28. Uses otherwise allowed in subsection (A) of this section, but because of their location in an entry corridor require a use permit;
 29. Uses determined by the Planning Commission to be similar in nature, as provided for according to the procedures in Chapter 17.02 CMC;
 30. Sexually oriented retail businesses. (Ord. XXX, § 13, 2012)."

SECTION FOURTEEN:

Subsection B of Section 17.22.060 entitled "Community commercial (CC) district – Allowed, conditionally permitted and prohibited uses" of Chapter 17.22 (Commercial Land Use Districts) of

443 Title 17 (Zoning) of the Calistoga Municipal Code is hereby amended to read and provide as
444 follows:

- 445
446 "B. The following uses require a conditional use permit in the CC district, pursuant to
447 Chapter 17.40 CMC and within an entry corridor as defined in the 2003 General Plan
448 Update:
- 449
 - 450 1. Theaters and places of public assembly such as halls, lodges, fraternal
451 organizations and clubs;
 - 452
 - 453 2. Hotels, motels, resorts and inns;
 - 454
 - 455 3. Automobile, boat and recreational vehicle sales, rentals and repair;
 - 456
 - 457 4. Outdoor sales establishments, such as plant nurseries and garden supplies,
458 taxi stands, and storage associated with a primary use, such as hardware
459 and home improvement stores;
 - 460
 - 461 5. Banks and financial institutions, with drive-up facilities;
 - 462
 - 463 6. Sale of used or secondhand goods, excluding books and magazines;
 - 464
 - 465 7. Religious institutions, such as churches and mosques;
 - 466
 - 467 8. Public utility substations and public and private schools;
 - 468
 - 469 9. Geothermal uses;
 - 470
 - 471 10. Formula businesses otherwise allowed in subsection (A) of this section, but
472 not including formula restaurants or formula visitor accommodations;
 - 473
 - 474 11. Stand-alone parking lots;
 - 475
 - 476 12. Remote parking for businesses located off-site;
 - 477
 - 478 13. Restaurants, bakeries, bars, cafes, and similar uses, with or without outdoor
479 dining;
 - 480
 - 481 14. Live entertainment and/or dancing;
 - 482
 - 483 15. Walkaway businesses;
 - 484
 - 485 16. Single-family, live-work units, caretaker's quarters allowed in conjunction with
486 or without a permitted commercial use; provided, that the following guidelines
487 have been considered prior to the required use permit approval:
 - 488
 - 489 a. The required off-street parking for the exclusive use of dwelling units
490 is provided pursuant to Chapter 17.36 CMC;
 - 491

- 492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
- b. New structures or structural expansion shall not be permitted if it would contribute to a lot coverage that exceeds 60 percent;
 - c. Residential uses shall be provided a screened yard area not less than 300 square feet per dwelling unit, except in cases where due to the location of existing structures there is no land available for said yard;
 - d. In cases of shared residential and commercial uses, the commercial use shall be compatible with the health and safety of persons residing on the property (i.e., lighting, noise, fumes and hours of operation, etc.);
 - e. Prior to use permit approval, a residential use or combination of residential and commercial uses shall require design review by the Planning Commission, pursuant to Chapter 17.06 CMC;
- 17. Multifamily dwellings, subject to a specific finding that the proposed use is consistent with the rural small town character of Calistoga;
 - 18. Gasoline service stations, including carwash facilities;
 - 19. Veterinarian clinics with boarding facilities, as provided in CMC 17.14.020(B)(3);
 - 20. Childcare facilities;
 - 21. Wine shops as defined in Chapter 17.04 CMC, including tasting facilities;
 - 22. Winery tasting rooms as defined in Chapter 17.04 CMC, provided that seventy-five percent (75%) of the wines poured for tasting in the winery tasting room without charge are labeled as Napa County, Napa Valley or other legally recognized American Viticultural Area within the County of Napa;
 - 23. Wineries, including public tours and tastings, winery events and private wine marketing events;
 - 24. Wine, beer and liquor sales;
 - 25. Storage when associated with a resident-serving business located on an adjacent parcel;
 - 25a. Temporary storage or warehousing of nontoxic/nonhazardous material substances; provided, that the following requirements have been met prior to use permit approval:
 - a. The use shall be entirely enclosed within an existing structure as of the effective date of the ordinance codified herein; new structures or expansion of more than 10 percent of an existing structure shall be prohibited for such uses;

- 542 b. The use shall primarily serve the permanent resident population of
- 543 Calistoga;
- 544
- 545 c. The use shall be restricted to up to two years. The use may only be
- 546 extended upon the review and approval of the Planning Commission
- 547 provided the following:
- 548
- 549 i. A needs assessment is prepared indicating a demand for the
- 550 use;
- 551
- 552 ii. Public notices are prepared pursuant to Section 65090 through
- 553 65096 of the California Government Code;
- 554
- 555 iii. Public hearings are held pursuant to this title and/or pursuant
- 556 to the provisions of the California Government Code;
- 557
- 558 d. The use shall be prohibited within an entry corridor as defined in the
- 559 2003 General Plan Update;
- 560
- 561 e. Public storage uses shall be prohibited;
- 562
- 563 f. Warehousing or storage of products for regional distribution shall be
- 564 prohibited;
- 565
- 566 g. Outdoor storage of goods and materials shall be prohibited;
- 567
- 568 26. Antique stores;
- 569
- 570 27. New structures, and additions to existing structures resulting in an increase in
- 571 floor area of 10 percent or more;
- 572
- 573 28. Modifications to existing structures resulting in an increase in the number of
- 574 leasable spaces;
- 575
- 576 29. Thrift and discount stores, not including manufacturers' outlet stores;
- 577
- 578 30. Cottage industries, such as carpenters, when ancillary to retail sales of
- 579 products or merchandise made on the premises;
- 580
- 581 31. Convalescent and senior care facilities;
- 582
- 583 32. Nurseries and greenhouses;
- 584
- 585 33. Uses otherwise allowed in subsection (A) of this section, but because of their
- 586 location in an entry corridor require a use permit;
- 587
- 588 34. Uses determined by the Planning Commission to be similar in nature, as
- 589 provided for according to the procedures in Chapter 17.02 CMC;
- 590
- 591 35. Sexually oriented retail businesses. (Ord. XXX, § 14, 2012)."

592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641

SECTION FIFTEEN:

Section 17.24.025 entitled “Uses Permitted” of Chapter 17.24 (PD Planned Development District) of Title 17 (Zoning) of the Calistoga Municipal Code is hereby amended to read and provide as follows:

“The following types of uses may be permitted in a planned development:

- A. Residential uses with a multiplicity of housing types; provided, that the density does not exceed the General Plan designation, unless however, the proposed development assists the City in meeting its affordable housing goals as identified in the housing element.
- B. A planned development may include a multiplicity of land uses; provided that such uses would normally be permitted in the zoning or General Plan regulations. Specific commercial use of property adjacent to an existing commercial zone may be approved when said property is to be used for additional off-street parking or an extension of buildings in the existing commercial zone when combined with residential uses. Where this is permitted the development plan shall clearly detail, by engineering and architectural specifications and drawings, the manner in which the subject area is to be developed and the means that will be employed to promote the harmonious mix of uses on site and protect the abutting property and the health, safety and welfare enjoyed thereon. The form and type of development on the site boundary shall be compatible with the existing or potential development of the surrounding neighborhood.
- C. Wineries, including public tours and tastings, winery events and private wine marketing events as defined in Chapter 17.04 CMC, may be permitted in a planned development district as a conditionally permitted use provided that a winery would normally be permitted in the zoning or General Plan regulations. If the winery is located on property that is designated as Rural Residential by the General Plan, a minimum of 75% of the fruit used to make wine produced on-site must be grown within the County of Napa. (Ord. XXX, § 15, 2012).”

SECTION SIXTEEN:

Section 17.26.020 entitled “Uses allowed” of Chapter 17.26 (I Light Industrial District) of Title 17 (Zoning) of the Calistoga Municipal Code is hereby amended to read and provide as follows:

“Uses allowed in an I district are as follows and each shall require a use permit:

- A. Bookbinding;
- B. Production, printing, or assembly of finished paper products including publishing facilities, mail services;
- C. Production or assembly of food and kindred products;
- D. Mini storage or warehouse;

- 642 E. Production or assembly of leather products or textile products;
- 643
- 644 F. Pharmaceutical products or research laboratories;
- 645
- 646 G. Public utility substations and public buildings;
- 647
- 648 H. Wineries; including public tours and tastings, winery events and private wine
- 649 marketing events;
- 650
- 651 I. Commercial laundries;
- 652
- 653 J. Geothermal activity (exploration, development, and use);
- 654
- 655 K. Similar uses determined by the Planning Commission to be similar in nature, as
- 656 provided by the procedures in Chapter 17.02 CMC. (Ord. XXX, § 16, 2012)."
- 657

658 **SECTION SEVENTEEN:**

659 Environmental Clearance.

660
661
662 This action has been reviewed in accordance with the California Environmental Quality Act.
663 CEQA Guidelines Section 15061(b)(3), the "general rule" exemption, states that where it can be
664 seen with certainty that there is no possibility that the activity in question may have a significant
665 effect on the environment, the activity is not subject to CEQA. The City has determined that the
666 activity in question, a Municipal Code amendment to establish grape sourcing requirements for new
667 wineries located in certain zoning districts and for wines poured in new stand-alone winery tasting
668 rooms, will not have any impact on the environment and therefore is exempt from CEQA under the
669 general rule.

670
671 **SECTION EIGHTEEN:**

672 Severability.

673
674
675 If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this
676 ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by
677 any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the
678 remaining portions of this ordinance or any part thereof. The City Council hereby declares that it
679 would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase
680 thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs,
681 sentences, clauses, or phrases be declared unconstitutional, or invalid, or ineffective.

682
683 **SECTION NINETEEN:**

684 Effective Date.

685
686
687 **THIS ORDINANCE** shall take effect thirty (30) days after its passage and before the
688 expiration of fifteen (15) days after its passage, shall be published in accordance with law, in a
689 newspaper of general circulation published and circulated in the City of Calistoga.

691 **THIS ORDINANCE** was introduced with the first reading waived at the City of Calistoga City
692 of Council meeting of the _____ day of _____, 2012, and was passed and adopted at a
693 regular meeting of the Calistoga City Council on the ____ day of _____, 2012, by the
694 following vote:

695
696

AYES:

698
699

NOES:

700
701

ABSENT/ABSTAIN:

702
703

JACK GINGLES, Mayor

704
705

ATTEST:

706
707

708
709

710
711

AMANDA DAVIS, Deputy City Clerk

712