

ORDINANCE NO. XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALISTOGA, COUNTY OF NAPA, STATE OF CALIFORNIA ADDING TITLE 17.12, ECONOMIC DEVELOPMENT MEASURES TO THE MUNICIPAL CODE

The City Council of the City of Calistoga does hereby ordain as follows:

SECTION ONE:

WHEREAS, the State of California and the local economy of Calistoga are currently experiencing an economic recession leading to a dearth in development activity and new business starts within the City of Calistoga; and

WHEREAS, the City has an interest in promoting beneficial development and local job growth through the adoption of certain economic development measures that will reduce barriers to development and new business start-up during the economic downturn; and

WHEREAS, this Ordinance contains specific measures targeted at stimulating building and business development and job growth and shall act as an overlay to the existing provisions of the Calistoga Municipal Code to take precedence over any existing provisions of the Calistoga Municipal Code in the event of any inconsistency, for the duration of the ordinance, and

WHEREAS, the City Council finds that the City's Zoning Ordinance and Zoning Map were adopted by Ordinance No. 460 on February 5, 1991; and

WHEREAS, the Planning Commission considered the proposed economic development measures and implementing Municipal Code amendment at its regular meeting on December 8, 2010. Prior to taking action on the application, the Planning Commission received written and oral reports by the staff, and received public testimony; and

WHEREAS, the Planning Commission held a duly noticed public hearing on this Zoning Ordinance Text Amendment on December 8, 2010, and adopted Resolution PC 2010-18 forwarding a recommendation of an approval of this Ordinance by the City Council; and

WHEREAS, the City Council of the City of Calistoga has reviewed and considered this text amendment at regular meetings on _____ and _____, as one of its items of business, noticed in accordance with Government Code Section 65090, this Ordinance to be adopted in accordance with Code Section 65850, to include the written and oral staff report, proposed findings and comments received from the general public and interested agencies and parties; and

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91 C. Project entitlements approved in 2011, excepting projects for which a
92 Development Agreement is entered into with the City, shall be valid for a three year period
93 and may be extended for an additional one-year period.

94
95 D. Any and all project approvals granted within the calendar year 2008, 2009 or
96 2010, may be granted reactivation by the Planning and Building Director, in his/her
97 discretion. The property owner/applicant must request reactivation by submittal of an
98 application and payment of application fee. The application for reactivation will be reviewed
99 to determine consistency with the City's 2003 General Plan and any General Plan
100 amendments in effect at the time of application for reactivation, as well as current City
101 goals, policies and standards. A request for reactivation may be administratively approved
102 by the Planning and Building Director, subject to the following:

- 103
104 1. The project is determined to be consistent with the General Plan and meets
105 the requirements of applicable zoning regulations (unless specific exceptions
106 were granted as part of the original approval).
107
108 2. Written notice of the request for reactivation of an expired approval is mailed
109 to all property owners within 300 feet of the subject property. Such notice
110 shall be given not less than 10 days before the date the application is
111 scheduled for a decision by the Planning and Building Director.
112
113 3. No substantial concerns are raised by surrounding property owners or are
114 identified by the Planning and Building Director. If substantial concerns are
115 identified, the request for reactivation shall be scheduled for consideration at
116 a Public Hearing before the Planning Commission and/or City Council in
117 accordance with Section 17.02.200 of the Calistoga Municipal Code.
118

119 Any reactivated project must comply with current building codes.
120

121 E. The time limit for maintaining a legal nonconforming status is hereby
122 extended from six months to 24 months, which will allow for a longer period of vacancy
123 between uses.
124

125 17.12.030 Off-Street Parking Deficiencies.

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127 Provision of additional off-street parking spaces and/or payment of in-lieu parking
128 fees by businesses moving into an existing commercial space shall not be required if the
129 deficiency is no more than 10 spaces or no more than 25% of the total required number of
130 parking spaces, whichever is greater.
131

132 17.12.040 Payment of Development Impact Fees.

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134 The time for collection of Development Impact fees is hereby changed from the time
135 a building permit or business license is issued to issuance of a Certificate of Occupancy or

136 as part of an approved payment plan, excepting payment of school impact fees and other
137 fees not within the jurisdiction of the City. Additional alternatives for payment of
138 development impact fees may be identified as part of a pending update to the City's impact
139 fees. Any alternative options for payment of impact fees developed subsequent to the
140 adoption of this ordinance may also be considered.

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142 **SECTION THREE:**

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144 This Ordinance shall be in effect for a period of three (3) years from the effective
145 date of this Ordinance, after which time this Ordinance shall automatically expire and
146 terminate and shall be of no further force and effect, unless otherwise amended or
147 extended by Council action.

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149 **SECTION FOUR:**

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151 If any section or portion of this ordinance is for any reason held to be invalid and/or
152 unconstitutional by a court of competent jurisdiction, such decision shall not affect the
153 validity of the remaining portions of this ordinance.

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155 **SECTION FIVE:**

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

160
161 **THIS ORDINANCE** was introduced with the first reading waived at the City of
162 Calistoga City of Council meeting of the _____ day of _____, 20____, and was
163 passed and adopted at a regular meeting of the Calistoga City Council on the ____ day of
164 _____, 2011, by the following vote:

165
166 **AYES:**

167
168 **NOES:**

169
170 **ABSENT/ABSTAIN:**

171
172
173 _____
174 **JACK GINGLES, Mayor**

175 **ATTEST:**

176
177 _____
178

179
180 **SUSAN SNEDDON, City Clerk**