

ORDINANCE NO. 726

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALISTOGA AMENDING ARTICLE II, PD 2002-2 WITHIN CHAPTER 17.24 OF THE ZONING CODE (ZOA 2015-9)

WHEREAS, the subject property was rezoned on November 6, 2002 from a general Planned Development District to a unique Planned Development District, PD 2002-2; and

WHEREAS, PD 2002-2 allows a winery as a conditionally-permitted use, provided that the use is subordinate to a primary agricultural use on the parcel; and

WHEREAS, on June 7, 2016, Mark Aubert submitted an application requesting an amendment to the PD 2002-2 District to remove the requirement for a winery to be subordinate to a primary agricultural use on APN 011-050-031 within the PD 2002-2 District; and

WHEREAS, the property is located within the Rural Residential land use designation whereby wineries may occur with a discretionary permit; and

WHEREAS, the property is within the Silverado Trail Planned Development Overlay, which states that wineries and retail wine sales are allowed, "*provided that these uses are clearly subordinate to the primary agricultural use*", which addresses the land use cumulative properties within the Overlay rather than parcel specific.

WHEREAS, the Aubert Winery, in addition to the other developments in the surrounding area, provides an adequate mix of uses and agricultural uses are still the predominate use in the surrounding area and, therefore, the amendment is not inconsistent with the General Plan; and

WHEREAS, the Planning Commission reviewed the proposed Code amendment at public hearings on July 27, 2016 and September 28, 2016 and after considering the public record, including the staff report and findings, adopted PC Resolution 2016-14 forwarding a recommendation that the City Council approve the proposed Code amendment; and

WHEREAS, the proposed amendment is not subject to the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility that it may have a significant effect on the environment.

WHEREAS, the City Council of the City of Calistoga reviewed and considered this ordinance at a public hearing on November 1, 2016, noticed in accordance with state and local law, and which included the written and oral staff report, the Planning Commission's recommendation and comments received from the general public and interested agencies and parties.

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

Article II of CMC Chapter 17.24 Planned Development District is hereby amended as follows:

Article II.

PD 2002-2, Maxfield

Planned Development District

17.24.120 Purpose

This Planned Development District regulates development of a two-acre parcel of land located at 333 Silverado Trail (APN 011-050-031), and a 7.37 acre parcel of land located at 345 Silverado Trail (APN 011-050-032), as shown on the Zoning Map of the City of Calistoga, California dated February 5, 1991, as amended. The "PD 2002-2 Maxfield Planned Development District" is important to the community, as it contains two large parcels located at a key entrance to town in an area of outstanding natural beauty and surrounded by open space and Mt. Washington as a unique backdrop. Therefore, development of this Planned Development District shall be visually sensitive to the rural scale of the parcel and its surroundings. Unless otherwise provided below, all proposed uses in this Planned Development District shall require a use permit. Development shall be in conformance with the following regulations.

17.24.130 Uses Allowed

A. Uses allowed without a use permit:

1. Home occupations in accordance with Chapter 17.21;
2. In APN 011-050-031, light agricultural uses including, but not limited to, horticulture, floriculture, viticulture, apiaries, and related uses, not to include stockyards or commercial feeding of animals.
3. Uses determined by the Planning Commission to be similar in nature, as provided in the procedures in Chapter 17.02;

B. Uses allowed with a use permit:

1. One single-family dwelling;
2. One second dwelling unit in accordance with Chapter 17.37;
3. In APN 011-050-031, wineries and bottling operations;
4. Uses determined by the Planning Commission to be similar in nature as provided in the procedures in Chapter 17.02;

C. Allowed accessory uses: accessory buildings and uses that are clearly incidental and subordinate to the main use, such as a detached garage, storage shed, workshop, or similar building, provided that no accessory use shall be established or accessory building constructed prior to the construction of a main building, or on a lot separate from the main building. Minimum setbacks for accessory buildings and structures shall comply with the standards provided in Chapter 17.38, except that no accessory building or structure shall be located in the required front setback.

D. Prohibited uses: Uses not specified in subsections A through C of this section are prohibited.

17.24.140 Height Limits

The height of buildings and structures in APN 011-050-031 shall be no greater than thirty (30) feet, unless otherwise provided in Chapter 17.38. The height of buildings and structures in APN 011-050-032 shall be no greater than 28 feet, unless otherwise provided in Chapter 17.38.

17.24.150 Development Regulations

A. Minimum lot area and lot dimensions in APN 011-050-031 shall be:

1. Lot area: 2 acres;
2. Lot width: 200 feet average;
3. Lot depth: 400 feet.

B. Minimum lot area in APN 011-050-032 shall be:

1. Lot area: 7.37 acres.

C. Minimum setbacks shall be as follows, unless otherwise provided in this section:

1. Front yard: 20 feet;
2. Side yard: 10 feet, except that structures exceeding 15 feet in height shall not have a side yard setback less than one-half the height of the building. In no case shall a side yard be less than 10 feet or required to be more than 20 feet;
3. Rear yard: 20 feet.

D. Lot Coverage

Maximum coverage of a lot by all buildings or structures, including accessory structures shall be 25 percent.

E. Parking Requirements

Unless otherwise provided in an approved use permit or planned development permit, on-site parking, loading and circulation shall comply with the standards contained in Chapter 17.36 of this Title. 17.24.160

17.24.160 Design Review Requirements

Design review shall be required for all buildings or structures requiring a use permit in this section. Allowed accessory buildings shall also require design review for structures or buildings 120 square feet or larger in size.

SECTION THREE

Environmental Review. This action has been reviewed in accordance with the California Environmental Quality Act, CEQA Guidelines Section 15061(b)(3), the "general rule" exemption. The City has determined that because it can be seen with certainty that there is no possibility that the proposed amendment will have an impact on the environment, this ordinance is therefore exempt from CEQA under the general rule.

SECTION FOUR

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

SECTION FIVE

Effective Date. This Ordinance shall take effect thirty (30) days after its passage and before the expiration of fifteen (15) days after its passage, shall be published in accordance with law, in a newspaper of general circulation published and circulated in the city of Calistoga.

THIS ORDINANCE was introduced with the first reading waived at the City of Calistoga City Council meeting of the **1st day of November, 2016**, and was passed and adopted at a regular meeting of the Calistoga City Council on **15th day of November, 2016**, by the following vote:

AYES: Councilmember Kraus, Vice Mayor Dunsford, Councilmember Barnes and Mayor Canning
NOES: Councilmember Lopez-Ortega
ABSENT: None
ABSTAIN: None



Chris Canning, Mayor

ATTEST:



Kathy Flamson, City Clerk