

# CERTIFIED COPY

## ORDINANCE NO. 08-01

**AN ORDINANCE OF THE PEOPLE OF THE COUNTY OF NAPA ADDING A NEW SECTION 18.102.040 OF THE NAPA COUNTY CODE RELATING TO LANDS IN THE AGRICULTURAL PRODUCE STAND COMBINATION ZONING DISTRICT TO AUTHORIZE DELICATESSENS WITH OUTDOOR BARBEQUES AND WINE TASTINGS TO BE OPERATED WHEN ACCESSORY TO A LAWFULLY EXISTING AGRICULTURAL PRODUCE STAND IF A CONDITIONAL USE PERMIT IS FIRST OBTAINED**

The people of the County of Napa do hereby ordain as follows:

**Section 1. Title.** This ordinance shall be known and may be cited as the "Stanly Lane Deli Ordinance" (hereinafter "Ordinance").

**Section 2. Purpose and Intent.** The people of the County of Napa find and declare all of the following:

A. In 1996, the voters of Napa County approved Measure Z, which rezoned the Stanly Lane Pumpkin Patch at 3100 Golden Gate Drive, Napa, to a new "Agricultural Produce Stand" (:PS) combination zoning district. This vote enabled the patch to continue to operate its popular Halloween pumpkin and Christmas tree lots and to open a small store, the Stanly Lane Marketplace, selling agricultural produce, fruit, vegetables, coffee, beer, wine and other agriculture-related items. The property also is home to a farmer's market four days a week and cold storage for grape rootstock.

B. Many of the customers of the Stanly Lane Marketplace live or work in the southern Napa and Carneros areas. The Stanly Lane Marketplace is the only place near their homes and workplaces to get lunch. Unfortunately, their choices are limited as the existing store can only sell salads and sandwiches prepared off-site.

C. This Ordinance would allow the owner to request a County use permit to open a deli on the property. This will allow salads and sandwiches to be made-to-order on-site and foods to be barbequed on an outdoor grill. The Ordinance also will allow customers to taste the many local wines sold at the store, helping to promote Napa County's primary agricultural product.

D. This Ordinance only applies to parcels with :PS zoning. The Stanly Lane Pumpkin Patch parcel is the only property in the County with this zoning.

**Section 3. Zoning District Regulations.**

Chapter 18.102 of the Napa County Code shall be amended to add a new Section

18.102.040 as follows:

**18.102.040 Uses Allowed Upon Grant of a Use Permit.**

The following uses may be permitted on a parcel within a :PS zoning district, when accessory to an agricultural produce stand lawfully existing thereon, upon grant of a use permit pursuant to Section 18.124.010.

A. Delicatessens with outdoor barbeque;

B. Wine tastings.

**Section 4. General Plan Amendment.** Commercial Policy 5.4 of the Land Use Element of the Napa County General Plan is hereby amended to add a new subsection to read in full as follows:

A parcel which is zoned as an agricultural produce stand combination district and which is the location of an existing agricultural produce stand may be allowed to establish accessory delicatessen, outdoor barbeque and wine tasting uses.

**Section 5. Complementary Measures or Ordinances.** The provisions of this Ordinance are not intended to, and shall not supplant or negate, the application of any other County ordinances and regulations, now existing or adopted in the future, that are not inconsistent herewith. The provisions of this Ordinance and those of any other County ordinances, regulations, and initiatives shall, whenever reasonably possible, be construed to be compatible.

**Section 6. Amendment.**

A. Except as provided in subsections (B) and (C) below, this Ordinance may be amended only by a vote of the people.

B. By majority vote the Napa County Board of Supervisors may amend this Ordinance to renumber or consolidate any of its provisions where logical or desirable so as to integrate them with other consistent provisions of the Napa County Code, or may enact non-substantive changes to this Ordinance for the purpose of ensuring that this Ordinance is consistent with the Napa County General Plan and that the General Plan is internally consistent and correlated.

C. To the extent that any definition or other provision set forth herein needs to be modified or amended to comply with any applicable State or Federal law, definition or regulation, it shall be deemed so amended without any further action being necessary, to the greatest extent permitted by law.

**Section 7. Effective Date.** The effective date of this Ordinance shall be as provided in

California Elections Code section 9122.

The foregoing ordinance was passed by a vote of the people of Napa  
County, on February 5, 2008, by the following vote:

AYES: 24407

NOES: 18100

The vote on this ordinance was declared by the Board of Supervisors on March 11, 2008.

  
BRAD WAGENKNECHT  
Chair, Napa County Board of Supervisors

ATTEST: GLADYS I. COIL  
Clerk of the Board

BY: 

THE FOREGOING INSTRUMENT IS A CORRECT COPY  
OF THE ORIGINAL ON FILE IN THIS OFFICE

CLERK OF THE BOARD OF SUPERVISORS OF  
THE COUNTY OF NAPA STATE OF CALIFORNIA

ATTEST: 

DATE: 4/9/08