

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA, STATE OF CALIFORNIA AMENDING TITLE 18 OF THE NAPA COUNTY CODE BY DELETING CHAPTERS 18.26 (GC GENERAL COMMERCIAL DISTRICT), 18.56 (RD RESIDENTIAL DOUBLE DISTRICT), 18.84 (:FR FIRE RISK COMBINATION DISTRICT), 18.88 (:GR GEOLOGICAL RISK COMBINATION DISTRICT) 18.96 (:A AGRICULTURAL COMBINATION DISTRICT), 18.101 (:V VIEWSHED PROTECTION COMBINATION DISTRICT), ADDING A NEW SECTION 18.08.638 (WILDLIFE RESCUE CENTER), AND AMENDING CERTAIN SECTIONS IN THE FOLLOWING CHAPTERS: 18.08 (DEFINITIONS), 18.10 (ZONING ADMINISTRATOR), 18.12 (ESTABLISHMENT OF ZONING DISTRICTS), 18.20 (AW AGRICULTURAL WATERSHED DISTRICT), 18.24 (AV AIRPORT DISTRICT), 18.28 (CL COMMERCIAL LIMITED DISTRICT), 18.32 (CN COMMERCIAL NEIGHBORHOOD DISTRICT), 18.40 (IP INDUSTRIAL PARK ZONING DISTRICT), 18.48 (PD PLANNED DEVELOPMENT DISTRICT), 18.52 (RS RESIDENTIAL SINGLE DISTRICT), 18.60 (RM RESIDENTIAL MULTIPLE DISTRICT), 18.64 (RC RESIDENTIAL COUNTRY DISTRICT), 18.100 (:UR URBAN RESERVE COMBINATION DISTRICT), 18.104 (ADDITIONAL ZONING DISTRICT REGULATIONS), 18.108 (CONSERVATION REGULATIONS), 18.112 (ROAD SETBACKS), 18.116 (SIGNS), 18.120 (EXCEPTIONS), 18.124 (USE PERMITS), 18.126 (ADMINISTRATIVE PERMITS), 18.128 (VARIANCES), 18.132 (LEGAL NONCONFORMITIES).

WHEREAS, in June 2008 the County Board of Supervisors (Board) adopted the 2008 General Plan Update, which revised and updated the various land use policies implemented by Title 18 (Zoning); and

WHEREAS, from time to time it is necessary and desirable for the Board to update the terms of Title 18 (Zoning) to better achieve consistency with the County's General Plan, with the policy goals of the Board, and with the existing regulatory practice of the Department of Conservation, Development, and Planning (Department); and

WHEREAS, Title 18 (Zoning) includes several zoning districts which are not, and have not, been utilized on the County's official zoning map and which have therefore become archaic and unnecessary; and

WHEREAS, with the advent of computerized mapping and geographic information systems, certain regulations which the Board once saw fit to adopt regarding the drafting and management of the official zoning map are no longer necessary or useful; and

WHEREAS, certain changes to Title 18 (Zoning) regarding commercial airspace condominiums are necessary to achieve consistency with the State Subdivision Map Act and with the existing written policy of the Department; and

WHEREAS, the Board desires to amend the regulations applicable to the Planned Development (PD) and Residential Country (RC) zoning districts to allow agricultural uses in the PD district and certain farm management uses subject to use permit approval within the RC district, each in consistency with the County's adopted General Plan; and

WHEREAS, Title 18 (Zoning) presently includes provisions which do not clearly reflect Department's long standing policy and practice of reviewing guest cottages as ministerial and the Board desires to bring said provisions into conformance with the Department's policy and practice in this regard; and

WHEREAS, Title 18 (Zoning) presently references a section of the Uniform Building Code which is no longer operative to establish maximum building height and the Board desires to simplify the task of measuring allowable building heights; and

WHEREAS, Title 18 (Zoning) presently includes provisions which unreasonably limit the size of residential second units that are attached to existing primary single family dwellings and the Board desires to subject all second units to a consistent 1,200 square foot maximum size limitation; and

WHEREAS, the health and safety of the community as a whole is best served by requiring minimum property line setbacks for sheds and other small structures and by ensuring that political signs are not placed within the public right-of-way; and

WHEREAS, the Board wishes to update regulations applicable to the expiration of and extensions of time for use permits and the granting of variances in order to bring the terms of Title 18 (Zoning) more clearly into conformance with the practice of the Conservation, Development, and Planning Commission ("Planning Commission") and the Department; and

WHEREAS, the Board adopted the Conservation Regulations (Chapter 18.108) to protect the public health, safety and community welfare, and to otherwise preserve the natural resources of the County of Napa. Further, those regulations were intended to ensure the continued long-term viability of county agricultural resources by protecting county lands from excessive soil loss which if unprotected could threaten local water quality and quantity and lead ultimately to loss of economic productivity.

The Board finds that variances to the terms of the Conservation Regulations deserve the highest level of public scrutiny and should only be heard by the Planning Commission, or by the Board on appeal; and

WHEREAS, prior to the consideration and adoption of this Ordinance, the noticing requirements of County Code Section 18.136.040 were complied with; and

WHEREAS, for ease of reference, this Ordinance shall be known as the "2012 Omnibus Zoning Code Update."

NOW, THEREFORE, the Board of Supervisors of the County of Napa, State of California, does ordain as follows:

Section 1 – Section 13 not shown.

SECTION 14. Section 18.24.040 (Other regulations applicable) of Chapter 18.24 (AV Airport District) of the Napa County Code is amended to read in full as follows:

18.24.040 Other regulations applicable.

A. The regulations shown for AV districts in the Schedule of Zoning District Regulations, Section 18.104.010, shall apply to each structure and to each use of land within the airport district.

B. Uses conducted in accordance with an adopted Airport Master Plan or Airport Layout Plan shall not be subject to the requirements of this chapter.

Section 15 – Section 19 not shown.

SECTION 20. Section 18.40.030 (Applicability—Additional standards applicable when—Review of development plans) of Chapter 18.40 (IP Industrial Park Zoning District) of the Napa County Code is amended to read in full as follows:

18.40.030 Applicability - Additional standards applicable when - Review of development plans.

In the IP district:

A. The standards set forth in this chapter, in this title and in any relevant specific plan, are applicable to each structure and each use located within the IP zoning district. However, if a parcel proposed to be developed is subject to a specific plan and that specific plan contains development standards that are inconsistent with or in addition to the standards established by this chapter or this title, the additional standards set forth in the specific plan shall be applicable and, in regard to inconsistent standards, the more restrictive shall control unless the contrary is expressly stated in the specific plan.

B. (Reserved.)The development standards set forth in Sections 18.40.050(D) and (E), 18.40.060(B)(1) and (C), 18.40.070(D) and (E), 18.40.110(B)(1), (C) and (D), 18.40.140(C) and (D), and 18.40.170 shall not apply to the expansion of existing conforming uses lawfully established prior to June 11, 1987, and continuously operated thereafter. However, all existing and required setbacks shall be landscaped as set forth in Section 18.40.110. A minimum three-foot landscaped strip shall be maintained along all side and rear property lines except as provided

in Section 15.40.060(B)(2)(a). All expansions shall meet the applicable standards set forth in this chapter.

C. On sites with mixed industrial and commercial land uses, industrial design criteria and development standards shall apply to industrial uses, and commercial design criteria and development standards shall apply to commercial uses. Where the mixed industrial and commercial uses are in the same structure, the more restrictive regulations shall apply.

D. Development plans for all parcels shall be subject to review by the approving officer or body. Said review shall be based upon the pertinent development and performance standards set forth in this chapter and in the applicable specific plan. Any development plan submitted including, but not limited to, the required landscape plan, shall demonstrate that all pertinent development standards contained in this chapter and applicable specific plan have been met.

Section 21 – Section 57 not shown

SECTION 36. Section 18.104.120 (Maximum building height) of Chapter 18.104 (Additional Zoning District Regulations) of the Napa County Code is amended to read in full as follows:
18.104.120 Maximum building height.

A. Except as otherwise provided elsewhere in this chapter, Section 18.104.010 or subsections of this section, no structure other than a telecommunication tower shall exceed thirty-five feet in height when measured to the mid-point of the cord of the roof **from existing grade using the procedure outlined in Figures 4-4 and 4-5 of the Uniform Building Code.**

Balance of Section 36 – Section 57 not shown

SECTION 58. CEQA Determination: The Board finds that portions of this Ordinance are Categorically Exempt from CEQA pursuant to Class 5, Minor Alterations in Land Use Limitations, *CEQA Guidelines Section 15305* and General Rule, *CEQA Guidelines Section 15061(b)(3)*, and other portions are Statutorily Exempt from CEQA (Ordinances Regarding Second Units in a Single-Family or Multifamily Residential Zone, *CEQA Guidelines Section 15282(h)*). See Background Memorandum presented along with this Ordinance.

SECTION 59. The Board further finds that, pursuant Chapter 4, Title 7, commencing with Section 65800, of the California Government Code, this Ordinance is consistent with the following policies and goals of the 2008 General Plan Update: AG/LU-1, AG/LU-2, AG/LU-19, AG/LU-34, AG/LU-35, AG/LU-45, AG/LU-48, AG/LU-50, AG/LU-107, CC-3, CON-27, and H-2g (2009 General Plan Housing Element Update).

SECTION 60. If any section, subsection, sentence, clause, phrase or word of this Ordinance is

for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors of the County of Napa hereby declares it would have passed and adopted this Ordinance and each and all provisions hereof irrespective of the fact that any one or more of said provisions be declared invalid.

SECTION 61. This ordinance shall be effective thirty (30) days from and after the date of its passage.

SECTION 62. A summary of this ordinance shall be published at least once 5 days before adoption and at least once before the expiration of 15 days after its passage in the Napa Valley Register, a newspaper of general circulation published in the County of Napa, together with the names of members voting for and against the same.

The foregoing ordinance was introduced and public hearing held thereon before the Napa County Conservation, Development and Planning Commission at a regular meeting of the Commission on the _____ day of February, 2012, and was passed at a regular meeting of the Board of Supervisors of the County of Napa, State of California, held on the _____ day of _____, 2012, by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSTAIN: SUPERVISORS
ABSENT: SUPERVISORS

KEITH CALDWELL, Chairman
Napa County Board of Supervisors

ATTEST: GLADYS I. COIL
Clerk of the Board of Supervisors

By: _____

I HEREBY CERTIFY THAT THE ORDINANCE ABOVE WAS POSTED IN THE OFFICE OF THE CLERK OF THE BOARD IN THE ADMINISTRATIVE BUILDING, 1195 THIRD STREET, ROOM 310, NAPA, CALIFORNIA ON _____.
_____, DEPUTY

GLADYS I. COIL, CLERK OF THE BOARD