

Town of Yountville
Ordinance Number 23-526

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YOUNTVILLE AMENDING THE TOWN'S ZONING MAP, TO REPEAL AND REPLACE SECTIONS 17.08.010 AND 17.184.040 OF TITLE 17 OF THE YOUNTVILLE MUNICIPAL CODE TO INCORPORATE THE UPDATED ZONING MAP BY REFERENCE AND CLARIFY THE TOWN COUNCIL'S AUTHORITY TO ACT ON PROPOSED ZONING MAP AMENDMENTS, AND TO FIND THE ZONING MAP AND ZONING ORDINANCE AMENDMENTS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

WHEREAS, Government Code section 65850 authorizes the Town Council to amend zoning ordinances and Government Code sections 65853 through 65857 provide procedures, therefore

WHEREAS, Yountville Municipal Code (YMC) Chapter 17.184 authorizes the Town Council to approve applications for Zoning Map and Zoning Ordinance amendments whenever the public necessity, convenience, or general welfare require such amendment and contains procedures therefore.

WHEREAS, YMC section 17.184.020 authorizes the Town's Planning Officer to initiate Zoning Map and Zoning Ordinance amendments.

WHEREAS, the Town's Planning Officer/Director initiated an amendment to the Zoning Map to correctly depict various Zoning Ordinance amendments previously approved by the Town Council, as depicted in **Exhibit A**, attached hereto and incorporated herein by reference, as well as to repeal and replace YMC sections 17.080.010 and 17.184.040 to incorporate the updated Zoning Map by reference and clarify the Town Council's authority to approve, conditionally approve, or deny applications for Zoning Map amendments.

WHEREAS, the proposed Zoning Map and Zoning Ordinance amendments will not result in any substantive changes to the zoning of any parcel, nor the authorized uses or regulations applicable to any parcel, but merely updates the Zoning Map to correctly depict prior amendments, ensures the Zoning Code is up to date, and clarifies the Town Council's authority to act on proposed Zoning Map amendments.

WHEREAS, in accordance with Government Code section 65854 and YMC section 17.184.050, the Town's Zoning & Design Review Board (ZDRB) held a duly noticed public meeting on November 14th, 2023, to discuss and receive evidence regarding the proposed Zoning Ordinance and Zoning Map amendments.

WHEREAS, the ZDRB found the proposed Zoning Map and Zoning Ordinance amendments would be consistent with the Town's General Plan and further the public interest, health, safety, convenience, and welfare of the Town.

WHEREAS, the ZDRB recommended the Town Council approve the proposed Zoning Map and Zoning Ordinance amendments

WHEREAS, YMC sections 17.184.040 and 17.184.050 authorize the Town Council, upon receipt of the recommendation of the ZDRB, to approve or approve in modified form proposed Zoning Map and Zoning Ordinance amendments based on specified findings.

WHEREAS, the Town Council conducted a duly noticed public hearing on December 5th, 2023 to receive comments and input from the public on the proposed Zoning Ordinance and Zoning Map amendments and considered the effect of the proposed amendments in accordance with Government Code section 65863.6.

Now therefore, the Town Council of the Town of Yountville does ordain as follows:

SECTION 1. RECITALS: The foregoing recitals are true and correct and incorporated into the findings herein.

SECTION 2. RECORD: The Record of Proceedings ("Record") upon which the Town Council bases its decision includes, but is not limited to: (1) the staff reports, Town files and records and other documents prepared for and/or submitted to the Town relating to the proposed Zoning Map and Zoning Ordinance amendments, (2) the evidence, facts, findings and other determinations set forth in this Ordinance, (3) the Town of Yountville General Plan and its certified final EIR and the Yountville Municipal Code, (4) all designs, plans, studies, data and correspondence submitted to the Town in connection with the proposed Zoning Map and Zoning Ordinance amendments, (5) all documentary and oral evidence received at public workshops, meetings, and hearings or submitted to the Town relating to the proposed Zoning Map and Zoning Ordinance amendments, and (6) all other matters of common knowledge to the Town Council including, but not limited to, Town, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the Town of Yountville and its surrounding areas.

SECTION 3. CEQA: This Ordinance is exempt pursuant to CEQA Guidelines section 15061(b)(3) (no potential for causing a significant effect on the environment). CEQA Guidelines Section 15061(b)(3) exempts projects from environmental review where it can be seen with certainty there is no possibility the activity in question may have a significant effect on the environment. It can be seen with certainty that the Zoning Map and Ordinance amendments will not have a significant effect on the environment because these amendments maintain the current land use designations and merely update the Map to illustrate preexisting zoning designations. The Zoning Ordinance amendments incorporate the Zoning Map by reference and clarifies the Town Council's preexisting authority.

SECTION 4. FINDINGS: The Town Council hereby makes the following findings as required by YMC Section 17.184.060 with respect to the Zoning Ordinance and Zoning Map amendments at issue based on the evidence contained in the Record which is herein incorporated by reference:

A. The proposed amendment would further the goals, objectives, policies and programs and is consistent with the intent of the General Plan;

The proposed amendments are consistent with the General Plan because they reinforce previously approved land use designations and clarify the Town Council's authority over Zoning Map Amendments.

B. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the Town;

The proposed amendments would not be detrimental to the public interest, health, safety, convenience or welfare of the Town because no Land Use Designations are proposed to change and these considerations are not negatively impacted.

C. For amendments involving a zoning or land use map amendment, the site is physically suitable, including consideration of physical constraints, access, compatibility with surrounding land uses, and provision of utilities, for the requested or potential land uses.

The proposed changes do not include changing the land use designation for any site.

SECTION 5. ZONING CODE AMENDMENT: Section 17.080.010 ("Zoning Map") of Chapter 17.08 of Title 17 of the Yountville Municipal Code is hereby repealed and replaced to read as follows:

The Town Council hereby adopts the Zoning Map of the Town of Yountville which designates land use for all lands within the Town limits. The Zoning Map is hereby incorporated into this Zoning Ordinance by reference. A copy of the Zoning Ordinance and the Zoning Map, together with a record of all amendments, shall be kept on file with the Town Clerk and available at the Planning & Building Department.

SECTION 6. ZONING CODE AMENDMENT: Section 17.184.040 ("Authority") of Chapter 17.184 of Title 17 of the Yountville Municipal Code is hereby repealed and replaced to read as follows:

The Zoning and Design Review Board shall recommend approval, conditional approval, or denial of applications for amendments to the Zoning Ordinance, Zoning Map, General Plan or General Plan Land Use Map. The Town Council shall

have the authority to approve, conditionally approve or deny applications for Zoning Ordinance, Zoning Map, or General Plan amendments.

SECTION 7. USE OF ZONING MAP: Town Staff is authorized and directed to use the above Zoning Code Amendments for all purposes for which the Zoning Map may be used for Town purposes.

SECTION 8. ZONING MAP CONSISTENCY: The Zoning Map of the Town of Yountville is hereby adopted as depicted in **Exhibit A**, attached hereto and incorporated herein by reference, based on the findings set forth above. Town Staff is authorized and directed to update the Zoning Map to be consistent with the adoption of this Ordinance.

SECTION 9. SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town Council declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, phrases or portions might be declared invalid or unconstitutional.

SECTION 10. EFFECTIVE DATE: This Ordinance shall take effect and be enforced within thirty (30) days from and after the date of its adoption by the Town Council at a second reading and shall be posted and published in accordance with the California Government Code.

SECTION 11. INCONSISTENT PROVISIONS: Any provision of the Yountville Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to the extent necessary to implement the provisions of this Ordinance.

SECTION 12. CERTIFICATION: The Town Clerk shall certify to the passage and adoption of this Ordinance and shall give notice of its adoption as required by law. Within 15 days from the date of passage of this ordinance, the Town Clerk shall post a copy of the ordinance in accordance with California Government Code in at least three public places in the Town.

INTRODUCED by the Town Council at a regular meeting held on the 5th day of December 2023.

PASSED AND ADOPTED by the Town Council at a regular meeting held on the ____ day of _____ 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Margie Mohler, Mayor

ATTEST:

Eddy Gomez, Town Clerk

APPROVED AS TO FORM:

Gary Bell, Town Attorney

EXHIBIT A

