

Town of Yountville  
**Ordinance Number 22-507**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YOUNTVILLE ADDING CHAPTER 17.170 TO TITLE 17 OF THE YOUNTVILLE MUNICIPAL CODE REGARDING ACCESSORY USES AND QUASI-PUBLIC IMPROVEMENTS IN THE WASHINGTON STREET ACTIVATION ZONE**

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

SECTION 1. CODE ADDITION: Chapter 17.170 of Title 17 of the Yountville Municipal Code is hereby added to read as follows:

**CHAPTER 17.170 ACCESSORY USES AND QUASI-PUBLIC IMPROVEMENTS IN THE WASHINGTON STREET ACTIVATION ZONE**

17.170.010 Title.

17.170.020 Purpose.

17.170.030 Definitions.

17.170.040 License agreement or permit.

17.170.050 Submittal requirements.

17.170.060 Standards, guidelines, and regulatory authority.

17.170.070 Exceptions.

**17.170.010 Title.**

This chapter shall be known as the Washington Street Activation Zone Ordinance.

**17.170.020 Purpose.**

This chapter establishes a process to permit business owners in the Washington Street Activation Zone to use the outdoor area(s) associated with the business and/or the sidewalk area(s) located immediately in front of the place of business for Accessory Uses and/or Quasi-Public Improvements.

**17.170.030 Definitions.**

“Washington Street Activation Zone” includes all properties abutting Washington Street, or within one block thereof, with a valid use permit authorizing a commercial use.

“Accessory Uses” means outdoor seating associated with a business; temporary retail;

temporary food and beverage service; curbside pickup of food and beverages; and/or other outdoor uses authorized by the Planning Officer. Accessory Uses shall conform to the standards and guidelines contained in or authorized by this chapter.

“Quasi-Public Improvements” means improvements of a private and permanent nature that business owners place in the outdoor area(s) associated with the business and/or the sidewalk area(s) located immediately in front of the place of business, but which are of benefit to the general public. Quasi-Public Improvements shall conform to the standards and guidelines contained in or authorized by this chapter and may include, but are not limited to, benches, planters, tables, chairs, and landscaping features.

#### **17.170.040 License agreement or permit.**

A. Business owners in the Washington Street Activation Zone may provide for Accessory Uses and/or Quasi-Public Improvements by entering into a license agreement with the Town or securing a permit therefor as follows:

1. If the Accessory Uses and/or Quasi-Public Improvements will be, in whole or in part, in the sidewalk area(s) located immediately in front of the place of business or otherwise in the public right-of-way, the business owner shall enter into a license agreement with the Town, to be negotiated, executed, and administered by the Planning Officer or her or his designee. A license agreement approved hereunder shall be valid for one year, or a shorter period in the discretion of the Planning Officer, and subject to the provisions negotiated by the Planning Officer.
2. If the Accessory Uses and/or Quasi-Public Improvements will be wholly located in the outdoor areas associated with the business and not in the sidewalk area(s) located immediately in front of the place of business or otherwise in the public right-of-way, the business owner shall secure a permit therefor from the Planning Officer. A permit granted hereunder shall be valid for one year, or a shorter period in the discretion of the Planning Officer, and subject to any conditions imposed by the Planning Officer.

B. The Planning Officer may approve a license agreement or grant a permit hereunder if the proposed Accessory Uses and Quasi-Public Improvements:

1. Meet the requirements of this chapter and Title 17;
2. Complement surrounding uses, whether existing or planned; and
3. Are consistent with the purposes and objectives of Title 17.

C. In approving, granting, or denying a license agreement or permit hereunder, the Planning Officer shall provide her or his decision in writing stating the reasons therefor.

D. The Town Council may by resolution establish a fee for processing applications for license agreements and permits under this chapter.

**17.170.050 Submittal requirements.**

An application for a new or renewed license agreement or permit under this chapter shall be submitted on a form approved by the Planning Officer and shall include a scaled plan, drafted in a legible manner, showing the proposed location, size, number, and type of Accessory Uses and/or Quasi-Public Improvements as well as a description thereof. Photographs and mock-up displays are encouraged and may be required in the discretion of the Planning Officer.

**17.170.060 Standards, guidelines, and regulatory authority.**

Accessory Uses and/or Quasi-Public Improvements in the Washington Street Activation Zone shall adhere to standards and guidelines prepared by the Planning Officer and approved by the Town Council. The Planning Officer may propose standards and guidelines and amendments thereto from time to time under this chapter and, when approved by the Town Council, the standards and guidelines shall be binding and enforceable as though set forth in this chapter.

**17.170.070 Exceptions.**

A. A license agreement or permit under this chapter shall not be required for any Outdoor Use and/or Quasi-Public Improvements authorized by this code or authorized by any other permit or entitlement issued under this code.

B. A license agreement or permit under this chapter shall not be approved or granted for any Accessory Uses and/or Quasi-Public Improvements prohibited by this code or prohibited by any other permit or entitlement issued under this code.

C. A business owner with a license agreement or permit approved or granted under this chapter shall not be required to secure any other permit or entitlement under this code for the same Accessory Uses and/or Quasi-Public Improvements for which the license agreement or permit was approved or granted.

SECTION 2. CEQA: The Town Council has considered all of the evidence in the record, including the staff report, the testimony received during the meeting on the matter held by the Town Council, and hereby determines that this Ordinance is exempt from review under the California Environmental Quality Act (CEQA). Pursuant to section 15061(b)(3) of the CEQA Guidelines, CEQA applies only to projects which have the potential for causing a significant effect on the environment. This Ordinance will not result in a significant foreseeable environmental impact. To the extent this Ordinance is a project under CEQA, it is exempt under CEQA Guidelines sections 15301 (Existing Facilities), 15303 (New

Construction or Conversion of Small Structures), 15304 (Minor Alterations to Land), 15305 (Minor Alterations in Land Use Limitations), 15311 (Accessory Structures), and 15332 (In-Fill Development Projects).

SECTION 3. 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 4. EFFECTIVE DATE: This Ordinance shall take effect 30 days after final adoption.

SECTION 5. 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 3rd day of May, 2022.

PASSED AND ADOPTED by the Town Council at a regular meeting held on the 17th day of May, 2022, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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John F. Dunbar, Mayor

ATTEST:

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Eddy Gomez, Town Clerk

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Gary B. Bell, Town Attorney