

Town of Yountville Ordinance Number 25-535

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YOUNTVILLE ADDING CHAPTER 17.202 (“TEMPORARY USE PERMITS”) TO DIVISION 5 (“PERMIT PROCESSES AND ADMINISTRATION”) OF TITLE 17 (“ZONING”) OF THE YOUNTVILLE MUNICIPAL CODE ESTABLISHING AN ADMINISTRATIVE PROCESS FOR TEMPORARY USES AND FINDING THE CODE ADDITION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

Recitals

WHEREAS, section 65850 authorizes the Town Council to adopt ordinances that regulate the use of buildings, structures, and land within the Town.

WHEREAS, the Town desires to establish an administrative permit process to allow temporary uses, activities, and events that are compatible with the surrounding area for up to twelve months at a time.

WHEREAS, the Town’s Zoning and Design Review Board (ZDRB) held a duly noticed public meeting on June 10, 2025 to discuss and receive evidence regarding the proposed addition to the Zoning Ordinance to authorize temporary use permits in accordance with Government Code section 65854 and Yountville Municipal Code section 17.184.050.

WHEREAS, the ZDRB recommended that the Town Council approve the proposed Zoning Code addition to establish an administrative temporary use permit process.

WHEREAS, sections 17.184.040 and 17.184.050 of the Yountville Municipal Code authorize the Town Council, upon receipt of the recommendation of the ZDRB, to approve or approve in modified form the proposed Zoning Ordinance addition based on specific findings set forth in section 17.184.060 of the Yountville Municipal Code.

WHEREAS, the Town Council conducted a duly noticed public hearing to receive comments and input from the public on the proposed Zoning Ordinance addition and the establishment of an administrative temporary use permit process.

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 Ordinance amendment; (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 Ordinance amendment; (5) all documentary and oral evidence received at public workshops, meetings, and hearings or submitted to the Town relating to the proposed Zoning Ordinance amendment; 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. FINDINGS. The Town Council hereby makes the following findings as required by Yountville Municipal Code section 17.184.060 with respect to the amendments set forth herein:

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

The proposed amendments are consistent with General Plan Policy QL-2.1 in that the Entertainment Zone will support events enhancing quality of life and Policy ES-1.1 in that it will support businesses and events that can enhance the Town's reputation as a world-class destination.

2. The proposed amendment(s) 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 as TUP applications would be processed, analyzed and conditioned similarly to Special Event Permits and Use Permits and the Town will maintain control over the type and location of proposed temporary uses.

3. 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 amendment(s) do not involve a zoning or land use map amendment.

SECTION 4. ZONING CODE AMENDMENT. The Yountville Municipal Code is hereby amended to add Chapter 17.202 ("Temporary Use Permits") as set forth in **Exhibit "A"**, attached hereto and incorporated herein by reference.

SECTION 5. CEQA. Adoption of this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) as it is general policy and procedure making that has no potential to result in a direct or reasonably foreseeable indirect physical change to the environment. (14 Cal. Code Reg. §§ 15378, subd. (b)(2); 15061, subd. (b)(3).) To the extent the ordinance is a “project” subject to CEQA, it is categorically exempt from CEQA as a negligible expansion of existing uses and facilities (14 Cal. Code Reg. § 15301) and a minor alteration in land use limitations (14 Cal. Code Reg. § 15305).

SECTION 6. 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 7. EFFECTIVE DATE. This Ordinance shall take effect 30 days after final adoption.

SECTION 8. INCONSISTENT PROVISIONS. Any provision of the Yountville Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent such inconsistencies and no further, is hereby repealed or modified to the extent necessary to implement the provisions of this Ordinance.

SECTION 9. 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 August 2025.

PASSED AND ADOPTED by the Town Council at a regular meeting held on the 19th day of August 2025, by the following vote:

AYES: Reeves, Knight, McKee, Mohler
NOES: None
ABSENT: Trippe
ABSTAIN: None

Margie Mohler

Margie Mohler, Mayor

ATTEST:

Hilary Gaede

Hilary Gaede, Communications Director/Town Clerk

APPROVED AS TO FORM:

Gary Bell

Gary Bell, Town Attorney

I, Hilary Gaede, COMMUNICATIONS DIRECTOR/TOWN CLERK of the Town of Yountville, California, do hereby certify that the foregoing Ordinance was regularly introduced and placed upon its first reading at a regular meeting of the Town Council on the 5th day of August 2025. That thereafter said Ordinance was duly adopted and passed at a regular meeting of the Town Council on the 19th day of August 2025 by the following vote:

AYES: Reeves, Knight, McKee, Mohler
NOES: None
ABSENT: Trippe
ABSTAIN: None

Hilary Gaede

Hilary Gaede, Communications Director/Town Clerk

EXHIBIT A

Chapter 17.202 TEMPORARY USE PERMITS

- 17.202.010 Purpose.
- 17.202.020 Application Requirements.
- 17.202.030 Considerations.
- 17.202.040 Conditions.
- 17.202.050 Findings.
- 17.202.060 Notice of Action, Appeals, Expiration, and Modifications.
- 17.202.070 Post-Approval Procedures.
- 17.202.080 Permit.
- 17.202.090 Exempt Temporary Activities.
- 17.202.100 Allowed Temporary Activities.

17.202.010 Purpose.

This chapter establishes the procedures for the granting of administrative temporary use permits for short-term activities and uses (not to exceed one year) on privately or publicly owned property with appropriate regulations so that such activities will be compatible with surrounding areas.

17.202.020 Application Requirements.

- A. Application Requirements. A temporary use permit application submittal shall include information identified in section 17.180.020, Application, of Chapter 17.180, Applications and Hearings.
- B. Responsibility. It is the responsibility of the applicant to provide information on the proposed use that supports the considerations described in subsection 17.202.040 of this chapter and findings listed in subsection 17.202.060 of this chapter.

17.202.030 Considerations.

In the review of a temporary use permit application, the Planning Officer shall consider the type and duration of the proposed temporary activity; input from

other Town departments, the Napa County Fire Department, and the Napa County Sheriff Department; the requirements and development criteria of the applicable zoning district and use standards established in Title 17; and the following considerations:

- A. Floor areas, heights, hours of operation, nuisance controls, off-street parking, setbacks, and other structure and property development features;
- B. Measures for removal of the activity and site restoration, to ensure that no changes to the site would limit the range of possible future land uses otherwise allowed by this zoning code;
- C. The use's compliance with the requirements of Chapter 17.152;
- D. The applicable zoning standards pertaining to the outdoor storage, display, and sale of merchandise; and
- E. Limitation on duration of proposed temporary structures to a maximum of one year to ensure that the structure does not become permanent or long-term.

17.202.040 Conditions.

In reviewing the temporary use permit, the Planning Officer may attach any conditions governing access, hours of operation, parking and circulation, fencing and other temporary structures, drainage, dust control, trash/litter control, public safety, and other items as necessary to ensure compatibility with surrounding uses and minimize potential adverse effects.

17.202.050 Findings.

The Planning Officer may approve the temporary use permit only after finding that:

- A. The temporary activity complies with applicable standards identified in Section 17.202.100; and
- B. Maintenance or operation of the temporary activity would not be detrimental to the public health, safety, or welfare of persons residing or working in the neighborhood of the proposed temporary activity.

17.202.060 Notice of Action, Appeals, Expiration, and Modifications.

- A. Notice of Action. Notice of action shall be provided pursuant to Section 17.180.040.
- B. Appeals. A decision of the Planning Officer may be appealed to the Zoning & Design Review Board (ZDRB) as provided in Chapter 17.224.
- C. Modifications. Requests for a change of use, a change to the conditions of approval of a temporary use permit, or a change to the operation that would affect

a condition of approval, shall require the filing of a new application for a temporary use permit as set forth in this chapter.

17.202.070 Post-Approval Procedures.

Procedures specific to temporary use permits include the following:

- A. **Condition of the Site Following Temporary Activity.** Each site occupied by a temporary activity shall be cleaned of debris, litter, or any other evidence of the temporary activity upon completion or removal of the activity and shall thereafter be used in compliance with the provisions of this zoning code. A performance security (including a bond or financial deposit) in a form and amount acceptable to the Planning Officer may be required before initiation of the activity to ensure cleanup after the activity is finished.
- B. **Performance Security for Temporary Structures.** Before issuance of temporary use permit, the applicant shall provide performance security in a form and amount acceptable to the Planning Officer to guarantee removal of all temporary structures within thirty (30) days following the expiration of the temporary use permit.
- C. **Extensions of Temporary Use Permits Prohibited.** The term of a temporary use permit may not be extended. Applicants for activities that would exceed the allowed terms identified in Section 17.202.100 of this chapter shall file for a use permit, rather than a temporary use permit, in compliance with Chapter 17.200 and all other applicable zoning standards.
- D. **Required Lapse of Time for Temporary Use Permits.** Except for seasonal sales lots, a minimum of thirty (30) days shall pass between the expiration of a temporary use permit and the issuance of a new and similar temporary use permit for the same property, or the actual removal of the materials and structures associated with the former activity, whichever last occurs.

17.202.080 Permit.

A temporary use permit allows the short-term activities listed in section 17.202.100 of this chapter that may not comply with the normal development or use standards of the applicable zoning district but may otherwise be acceptable because of their temporary nature. Temporary use permits are not subject to design review or standard parking requirements otherwise restricted by this code.

17.202.090 Exempt Temporary Activities.

The following allowed temporary activities are exempt from the requirement for a temporary use permit. Activities that do not fall within the categories defined below must comply with section 17.202.100 of this chapter.

- A. On-Site Construction Yards. On-site contractors' storage yards of less than one acre, including a work trailer, only in conjunction with an approved construction project located on the same site. The contractor's storage yard must be removed immediately upon completion of the construction project, or the expiration of the companion building permit authorizing the construction project, whichever first occurs.
- B. Emergency Facilities. Emergency public health and safety needs/activities, as determined by the Town Council or the Town Manager.
- C. Location Filming. The temporary use of a specific site for the location filming of commercials, movies, videos, etc., as regulated and approved by the Town Manager pursuant to Chapter 8.36 of Title 8 of this Code.
- D. Garage Sales or Similar Sales Activities. The sale of personal goods which are owned by the household or neighboring households located on residentially zoned property, for up to three consecutive days and three times within a twelve (12) month period.
- E. Public Property. Activities conducted on public properties that are approved by the Town.
- F. Nonprofit Special Events. Special events (such as car washes, bake sales, rummage sales, or flea markets) conducted by or for a recognized nonprofit or charitable community group may be conducted on the grounds of a religious institution, commercial property, school, or other permanent place of public assembly up to three days during any six-month period, provided they meet the following standards or provisions:
 - 1. Event activities do not block a building exit, present a hazard to pedestrians or vehicles, reduce the width of a pedestrian walkway to less than required ADA access dimensions, significantly reduce on-site parking, or occupy a fire lane.
 - 2. If the merchandise or activity is proposed for location on any street, sidewalk, or public right-of-way, an encroachment permit must be secured from the public works department in accordance with Chapter 12.04.
 - 3. If any commercial vendors are involved in the event, they must secure a business license from the finance department in accordance with Title 5.
 - 4. Nonprofit special events occurring more frequently than three days during any six-month period must acquire a use permit or temporary use permit.

17.202.100 Allowed Temporary Activities.

The following temporary activities may be allowed within the specified time limits, but in no case for more than twelve (12) months (other than as noted in this section), subject to

the issuance of a temporary use permit by the Planning Officer. Other temporary or short-term activities that do not fall within the categories defined below must instead comply with temporary use requirements and development standards that otherwise apply to the property.

- A. Events. Arts and crafts exhibits, carnivals, concerts, fairs, festivals, food events, and outdoor entertainment/sporting events for up to fourteen (14) consecutive days, or six two-day weekends, within a twelve (12) month period, when conducted on nonresidential properties. Decisions on large scale temporary uses such as concerts or festivals which are intended to draw large numbers of individuals (i.e., four hundred (400) or more people) to the temporary use in a single day may be elevated to the Zoning and Design Review Board or Town Council at the discretion of the Planning Officer.
- B. Pop-Up Uses. Retail sales, markets, museums, outdoor movies for commercial profit, outdoor dining in conjunction with a restaurant, art galleries, restaurants or cafes for up to twelve (12) months when conducted on nonresidential properties.
- C. Seasonal Sales Lots. Seasonal sales activities (e.g., Halloween, Thanksgiving, Christmas, etc.) including temporary residence/security trailers, on nonresidential properties, for up to thirty (30) days and eight times within a twelve (12) month period.
- D. Temporary Structures. A temporary classroom, office, or similar structure, including a manufactured or mobile unit, may be approved for a maximum of twelve (12) months from the date of approval without design review, to accommodate an existing approved primary or accessory use, or as the first phase of a development project. The type of use must be allowed within the underlying zoning district.
- E. Temporary Off-Site Storage. Temporary off-site storage requires a temporary use permit and is limited to a period of one year, with an extension at the discretion of the Planning Officer.
- F. Similar Temporary Activities. Similar temporary activities that the Planning Officer determines are compatible with the zoning district and surrounding land uses.