

Proposed Code Amendments:**Comments:****Chapter 17.20-16 A, AGRICULTURAL****17.1620.010 Purpose and application.**

The land use designation A, Agricultural, is intended to permit reasonable use, and to encourage the preservation of productive land. Specified parcels are indicated on the Zoning Map, in Figure 1. The following specific rules and regulations established in this chapter shall apply to such designated lands. (Ord. 231-92 § 4.1.a)

17.1620.020 General conditions.

The following general conditions shall apply to all land designated as A, Agricultural:

~~A. There shall be not more than one dwelling unit for each 10-acre tract or parcel; and~~

~~B. Design standards that regulate specific FAR, height, and other aspects of permitted building types are established in Title 18, Division 2.A.~~

All new uses and expanded uses listed in Section 17.16.050 shall require a Use Permit as regulated by Chapter 17.200; new development proposals for unbuilt parcels shall require approval of a Master Development Plan subject to the provisions of Chapter 17.148; new or expanded structures or exterior remodeling shall require Design Review approval subject to the provisions of Chapter 17.188.

(Ord. 231-92 § 4.1.b)

17.16.030 Site-specific conditions.

The following conditions apply to parcels on the west side of Washington Street between California Drive and Mulberry Street (that is, APNs 036-330-010 and -011):

A. The permitted FAR will be calculated for both parcels, however, only that portion designated as primary commercial shall be permitted to be developed with buildings.

B. The portion designated as agricultural shall be utilized for uses agricultural in nature only, and does not include buildings, parking or permanent storage. Allowable uses include the following, which supersede the list of permitted and conditional uses in Sections 17.16.040 and .050: commercial grape vineyard, olive grove, row crops, fruit trees, and other plantings and trees, including the installation and maintenance of improvements necessary to support the agricultural uses of the property, including pump enclosures, water storage tanks, water and irrigation pipes, and utilities in support thereof.

C. Any above-ground structure or utility facility shall require Design Approval as regulated by Chapter 17.188.

Section 18.56.120 currently establishes development criteria for the properties that are now Hotel Villagio. The section can be removed from the Design Standards code since the property has been developed, but there is a provision transferring FAR from the vineyard parcel to the hotel site. This edit will memorialize this provision (and should be added to the Primary Commercial District as well).

Proposed addition of design review requirement for any structure built on the Hotel Villagio event parcel.

Proposed Code Amendments:**Comments:****17.1620.040 Permitted uses.**

The following uses shall be permitted under land use designation A, Agricultural.

- ~~A. All agricultural uses including horticulture, floriculture and viticulture except to engage in keeping hogs~~Agriculture;
 - B. Keeping of chickens, as regulated by Chapter 6.04;
 - C. Keeping of bees, as regulated by Chapter 6.04;
 - C. Agricultural auxiliary structures;
 - ~~C. The residence of the owner or lessee of the premises while conducting a permitted use, except where noted in Title 18, Division 3, Section 18.56.120;~~
 - D. Single-family dwelling;
 - E. Accessory dwelling units, pursuant to Chapter 17.156 of this title;
 - F. Agricultural employee housing;
 - G. Residential auxiliary ~~buildings~~ structures;
 - ~~H. H~~Minor and moderate home occupations, as established in Chapter 17.164;
 - IC. Accessory uses which are subordinate and complementary incidental to the primary use;
 - ~~JD. Open space~~Conservation area.
- (Ord. 231-92 § 4.1.c; Ord. 427-14)

Suggest adding “ag. auxiliary structure” as a new use category. See proposed definition and regulations below.

Ag employee housing is required to be a permitted use by state law

Open space is already defined in the code as landscaped setback areas. See proposed definition below.

17.162.050 Uses requiring a use permit.

The following use shall require a use permit as provided in Chapter 17.200~~156~~:

- ~~A. Commercial facilities for processing or retail sale of agricultural products that are grown on the premises, except where noted in Title 18, Division 3, Section 18.56.120~~Agricultural produce/product processing or retail of agricultural products grown on the premises;
 - B. Major home occupations as regulated by Chapter 17.164;
 - ~~C.~~B. Uses deemed by the Town Council to be similar to the above mentioned.
- (Ord. 231-92 § 4.1.d)

17.20.060 Criteria for a use permit.

~~In addition to the findings listed in Section 17.156.020, the Town Council, after a public hearing, shall make the following findings before granting a use permit for a proposed use listed in Section 17.20.040:~~

- ~~A. The proposed use promotes the health, safety, and welfare of residents;~~
- ~~B. The proposed use is consistent with the intent of the General Plan;~~

Use Permit findings are now in Chapter 17.200 and do not need to be repeated here.

Proposed Code Amendments:**Comments:**

- C. ~~The proposed use is consistent with Section 17.20.010; and~~
- D. ~~The proposed use conforms to applicable design standards established in Title 18, Design Standards;~~
- E. ~~The proposed use will not generate an increase in truck or other vehicular traffic on the local street network;~~
- F. ~~The proposed use does not require excessive amounts of water;~~
- G. ~~The proposed use does not result in wastes which have intolerable odors or burden the town's waste disposal capacity;~~
- H. ~~The proposed use does not include a food service facility, such as a restaurant, café, deli or similar facility as an accessory or subordinate use;~~
- I. ~~The proposed use will not result in excessive levels of noise, beyond that associated with the harvesting of the agricultural product, for any period of time; and~~
- J. ~~The proposed use will not be detrimental to existing uses in the surrounding area. (Ord. 231 92 § 4.1.e)~~

17.160.060 General development standards

New land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed and maintained in compliance with the requirements of Table 17.16-1, in addition to the applicable development standards (e.g., landscape, parking, etc.) in Divisions 3 and 4 of Title 17.

Table 17.16-1

<u>Development Standard</u>	<u>Requirement for A District</u>	<u>Notes</u>
<u>Maximum Density</u>	<u>1 unit per 10 gross acres, except for employee housing.</u>	
<u>Minimum Lot Size</u>	<u>10 acres</u>	
<u>Maximum Floor Area Ratio (FAR)</u>	<u>0.05</u>	<u>See Section 17.100.030 for exemptions from FAR.</u>
<u>Maximum Lot Coverage</u>	<u>5%</u>	

Recommend 10-acre min. lot size to correlate with 1du/10 acre density limit.

General Plan allows 0.05 FAR, which would allow ~71,000 sf of area (first and second floors) on the 32-acre site.

Lot coverage restrictions currently don't exist, but might be useful in Ag District to count large unenclosed ag buildings. 5% would allow ~71,000 sf of

Proposed Code Amendments:**Comments:**

<u>Minimum Setbacks</u>		<u>See Chapter 17.108 for allowable setback encroachments. See Chapter 17.114 for setbacks for auxiliary structures.</u>	total building coverage on the 32-acre site. Recommend increasing setbacks to min. of 20'.
<u>Front</u>	<u>20 feet</u>		
<u>Side</u>	<u>20 feet</u>		
<u>Side (street fronting)</u>	<u>20 feet</u>		
<u>Rear</u>	<u>20 feet</u>		
<u>Height Limit</u>	<u>28 feet for residential structures; 30 feet for non-residential structures</u>		18.44.010.B.2 currently limits auxiliary structures to 15' max. height. Proposed change to allow taller ag. aux. structures.
<u>Agricultural Auxiliary Structures</u>	<u>Height limit of 20 feet; 15 feet within 100 feet of a public roadway. Maximum individual structure size of 2,000 square feet unless authorized by Design Approval as regulated by Chapter 17.188.</u>		
<u>Minimum Open Space</u>	<u>n/a</u>		
<u>Parking</u>	<u>As required by Chapter 17.116 Off-Street Parking and Loading</u>		

Chapter 17.236 DEFINITIONS

Agriculture: Means the use of land for agricultural purposes, including farming, dairying, pasturage, horticulture, floriculture, and viticulture, but excluding animal and poultry husbandry. [Current definition: “agricultural uses including horticulture, floriculture and viticulture except to engage in keeping hogs”; Chicken-keeping is a separately defined use.]

Agricultural produce/product processing or retail: Means the initial processing, packing and storage of agricultural products and incidental sale of agricultural production from the subject property.

Agricultural auxiliary structure: Means an uninhabited structure supporting agricultural uses, including barns, greenhouses, sheds, covered crush pad, ~~stables, pens~~ and similar structures.

Agricultural preserve: Means land designated for agricultural conservation.

Conservation area: Means any area of land or water essentially unimproved and predominantly in a natural state, and set aside, dedicated, designated or reserved for the preservation of habitat, including but not limited to riparian habitat, grassland and upland habitat, wetlands and agricultural buffers.

Lot Coverage: Means that portion of the lot covered by buildings, including stairways; covered walkways; covered patios; covered parking structures; covered decks or uncovered decks over thirty inches (30") in height; and detached storage structures that are greater than one hundred (120) square feet in size. Lot coverage excludes walkways and paved areas, uncovered patios and decks thirty inches (30") or less in height, uncovered uncovered parking and driveway areas, detached garden sheds, tool sheds, playhouses and similar detached accessory auxiliary structures that do not require a building permit and are not greater than one hundred twenty (120) square feet in size and no taller than eight feet (8') in height, and portions of structures that are located below grade.

6.04.080 Keeping of chickens.

A. No more than four adult chickens shall be kept or maintained on residentially zoned property 5,000 square feet or greater and no more than two additional adult chickens for each 1,000 square feet of area in excess of 5,000 square feet, up to a maximum of eight animals.

B. On-site retail sale of eggs is prohibited.

C. On agriculturally zoned property non-commercial keeping of up to one adult chicken per 1,000 square feet of lot size is allowed. Production facilities are not allowed. Ancillary sale of eggs produced on-site may be allowed, subject to issuance of a Home Occupation Permit as regulated by Chapter 17.164.

~~B~~D. Roosters or other crowing fowl are prohibited.

~~C~~E. Chickens shall be kept in an enclosed or fenced side or back yard area that is no closer than five feet to property line; animals shall not roam at-large.

~~D~~F. Animal pens or cages, including runs, shall adhere to the requirements for ~~accessory~~ auxiliary structures.

~~E~~G. The premises shall be maintained in a neat and sanitary manner.

~~F~~H. All necessary measures shall be taken by the owners of the animals to ensure that noise, odors, flies, vermin, and other nuisances related to the keeping of chickens does not negatively impact adjacent properties.

~~G~~I. If animals are not maintained in compliance with these standards, or are otherwise allowed to become a nuisance, the property may be subject to nuisance enforcement proceedings and discontinuation of the activity.

~~H. Exceptions to the maximum number of chickens and the minimum five-foot setback for chicken activity are permitted upon securing the written consent of adjoining property owners and submitting it to the Planning Department.~~

~~I. Existing chickens on a multifamily residential parcel may be permitted as an existing legal nonconforming use provided a written request is made to the Town within 30 days of final passage of the ordinance codified in this section and approved by the Planning Department, wherein it is determined that the keeping of the existing chickens otherwise complies with all requirements of this section, and the property is subject to a site inspection to confirm compliance. Notwithstanding the foregoing, the property owner receiving approval of the legal nonconforming use shall not be permitted to replace any chicken(s) which expire or otherwise are not kept on the multifamily parcel which exceed the number of chickens permitted on a single-family residentially zoned parcel. (Ord. 421-14)~~

6.04.090 Keeping of bees.

- A. No more than two hives hosting colonies of honeybees of the species *Apis Mellifera* or the keeping of bees of the genus *Osmia* may be allowed on residentially zoned properties and no more than ten hives may be allowed on agriculturally zoned properties, subject to the following regulations.
- B. Hives may not be located within a front setback area or within ten feet of a public right-of-way.
- C. A solid fence, wall, dense vegetation or combination thereof, at least six feet in height, shall be established and maintained between the entrance to a hive and the nearest property line to force bees to fly at an elevation of at least six feet above the ground level over adjacent properties or public right-of-way. The required flyway barrier shall not be applicable in the case of common property lines with undeveloped private properties or where the hive entrance is more than twenty-five feet from the nearest facing property line.
- D. Hives shall have access to a fresh, on-site water source, refilled on a regular basis to prevent stagnant water that may serve as a breeding ground for mosquitoes.
- E. Maintenance of hives shall include all applicable best management practices to provide safe and healthy conditions for the bees while preventing swarming and aggressive behavior or other adverse impacts on surrounding properties that would be detrimental to the public health, safety or welfare.
- F. Ancillary sale of honey produced on-site may be allowed, subject to issuance of a Home Occupation Permit as regulated by Chapter 17.164.

Proposed Code Amendments:**Comments:****Chapter 17.204 RS, SINGLE-FAMILY RESIDENTIAL****17.204.010 Purpose and application.**

The land use designation RS, Single-Ffamily Rresidential, is intended to ~~provide~~ result in residential areas where development is limited to low density concentrations of single-family dwellings. Specified parcels are indicated on the Zoning Map, ~~in Figure 1.~~ The following specific rules and regulations established in this chapter shall apply to such designated lands. (Ord. 231-92 § 4.2.a)

17.204.020 General conditions.

The following general conditions ~~shall~~ apply to all land designated as RS, Single-Ffamily Rresidential:

- ~~A. Residential density shall not exceed seven units per gross acre;~~
- ~~B. Dwelling units shall be single family detached houses; and~~
- ~~C. Design standards that regulate specific FAR, height, setbacks, and other aspects of permitted building types are established in Title 18, Division 1, Section 18.16.050, and Division 2, Sections 18.36.020 through 18.36.050.~~
- A. All new uses and expanded uses listed in Section 17.20.040 shall require a Use Permit as regulated by Chapter 17.200; new development proposals for unbuilt parcels which can be subdivided into five or smaller parcels or lots shall require approval of a Master Development Plan as regulated by Chapter 17.192; new or expanded structures or exterior remodeling shall require Design Review approval as regulated by Chapter 17.188.

(Ord. 231-92 § 4.2.b; Ord. 317-01)

17.204.030 Permitted uses.

The following uses shall be permitted within the land use designation RS, Single-family residential; ~~and are subject to design review approval as provided in Chapter 17.144 of this title:~~

- ~~A. One-s~~Single-family dwelling;
- B. Duplex;
- ~~B. Accessory buildings~~Auxiliary structures as regulated by Chapter 17.108;
- C. Residential care facilities;
- ~~D. Agricultural uses which include horticulture, floriculture, and viticulture but exclude commercial nurseries, or the keeping of rabbits, dogs, fowl or other animals for commercial purposes, or the sale of any products on the premises;~~
- E. Minor and moderate home occupations, as established in Chapter 17.120, ~~Home Occupations, of this title;~~

Propose adding allowance for duplexes in the RS District to increase housing potential incrementally.

Delete ag. as an allowable use in residential districts.

F. ~~One second residential~~ Accessory dwelling units, as regulated by for
~~each lot of record, as established in Chapter 17.156-16 of this title;~~

G. Small family ~~child-day~~ care homes;

H. Keeping of chickens, ~~as defined in Chapter 17.08 and~~ as regulated by Chapter 6.04;

I. Keeping of bees, as regulated by Chapter 6.04;

~~I. Employee housing;~~

J. Supportive housing; ~~and~~

K. Transitional housing; and.

L. Accessory uses which are subordinate and complementary incidental to the primary use. (Ord. 231-92 § 4.2.c; Ord. 313-01; Ord. 315-01; Ord. 342-04; Ord. 416-13; Ord. 421-14; Ord. 427-14)

Eliminate employee housing as an allowed use in residential districts.

Design Review is already addressed above in General Conditions.

17.204.040 Uses requiring a use permit.

The following uses shall require a use permit as ~~provided in~~ regulated by Chapter 17.200, ~~and are subject to design review approval as provided in Chapter 17.144 of this title:~~

A. ~~Major H~~ home occupations as established in regulated by Chapter 17.164-20;

B. Private schools ~~in residential buildings that offer instruction in the several branches of learning and study required to be taught in the public schools by the Education Code of the State of California and State-licensed child care centers. This use shall be accessory to residential use and shall not convert or preclude residential use~~ accessory to a residential use;

C. Large family ~~child-day~~ care homes; and

D. Uses deemed by the Town Council to be similar to the above mentioned. (Ord. 231-92 § 4.2.d; Ord. 313-01; Ord. 416-13)

Use Permit findings are now in Chapter 17.200 and do not need to be repeated here.

17.24.050 Criteria for a use permit.

~~In addition to the findings listed in Section 17.156.020, the Town Council, after a public hearing, shall make the following findings before granting a use permit for a proposed use listed in Section 17.24.040:~~

~~A. The proposed use promotes the health, safety, and welfare of residents;~~

~~B. The proposed use is consistent with the intent of the General Plan;~~

~~C. The proposed use is consistent with Section 17.24.040; and~~

~~D. The proposed use will not be detrimental to existing uses in the surrounding area. (Ord. 231-92 § 4.2.e)~~

17.20.050 General development standards

New land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed and maintained in compliance with the requirements of Table 17.20-1, in addition to the applicable development standards (e.g., landscape, parking, etc.) in Divisions 3 and 4 of Title 17.

Table 17.20-1

<u>Development Standard</u>	<u>Requirement for RS District</u>	<u>Notes</u>
<u>Maximum Density</u>	<u>7 units per acre</u>	<u>See Chapter 17.160 for density bonuses for affordable housing.</u>
<u>Lot Size</u>	<u><i>Single family dwellings:</i></u> <u>4,000 sq. ft. minimum;</u> <u>8,000 sq. ft. maximum</u> <u><i>Duplexes:</i></u> <u>5,000 sq. ft. minimum</u>	
<u>Maximum Floor Area Ratio (FAR)</u>	<u><i>Single family dwellings:</i></u> <u>Lots < 8,000 sq. ft.: 0.30 for living area of home;</u> <u>0.35 for gross building square footage including garage.</u> <u>Lots > 8,000 sq. ft.: 0.25 for living area of home;</u> <u>0.30 for gross building square footage including garage.</u> <u><i>Duplexes:</i> 0.40. On lots >8,000 sq. ft., floor area up to 3,200 sq. ft. is permitted.</u>	<u>See Section 17.100.030 for exemptions from FAR.</u> <u>See Section 17.100.040 for FAR bonus for affordable housing.</u>
<u>Minimum Setbacks</u>		<u>See Chapter 108 for allowed setback encroachment. See Chapter 17.112 for setbacks for auxiliary structures.</u>
<u>Front</u>	<u>20 feet</u>	
<u>Side</u>	<u>5 feet</u>	
<u>Side (street fronting)</u>	<u>10 feet</u>	
<u>Rear</u>	<u>20 feet</u>	
<u>Height Limit</u>	<u>Two stories maximum, however no more than 50% of parcels containing single-family or duplex dwelling units in any block¹ are</u>	<u>See Section 17.160.020 for exceptions to two-story limit per block based on Section 18.36.020.B4.b.</u>

Regulations moved from 18.36.020.

Proposed regulations for duplexes, consistent with regulations in the H and RM Districts.

	<u>permitted to have two story structures.</u> <u>One-story buildings:</u> <u>max. 15 feet to plate and 20 feet to peak</u> <u>Two-story buildings:</u> <u>max. 20 feet to plate and 28 feet to peak</u>	<u>See Chapter 17.112 for height limits for auxiliary structures.</u>
<u>Minimum Open Space</u>	<u>n/a</u>	
<u>Parking</u>	<u>As required by Chapter 17.116 Off-Street Parking and Loading</u>	

Notes:

¹ Block shall mean both sides of the street lying between intersecting streets.
Corner houses shall be counted on both street elevations.

Proposed Code Amendments:**Comments:****Chapter 17.248 RM, MIXED RESIDENTIAL****17.248.010 Purpose and application.**

The land use designation RM, Mixed ~~R~~residential, is intended to encourage development of a variety of housing ~~and ownership~~ types. Specified parcels are indicated on the Zoning Map, in Figure 1. The following specific rules and regulations established in this chapter shall apply to such designated lands. (Ord. 231-92 § 4.2.a)

17.248.020 General conditions.

The following general conditions ~~shall~~ apply to all land designated as RM, Mixed ~~R~~residential:

~~A. Design standards that regulate specific FAR, height, setbacks, and other aspects of permitted building types are established in Title 18, Division 1, Section 18.16.050, and Division 2, Sections 18.36.020 through 18.36.050; and~~

~~B. Properties within the RM district shall be developed at a minimum density of eight units per gross acre and a maximum density of 10 units per acre, with the following exceptions:~~

- ~~1. The two-acre parcel located on the south side of Yountville Cross Road adjacent to the Town's eastern boundary (APN 36-040-11) shall be developed with a minimum of 13 and a maximum of 18 total units, and~~
- ~~2. Densities of up to 25 units per acre are permitted for properties with an affordable housing overlay;~~

~~C. A minimum of 50% of the site area of a project within the RM district shall be reserved for single family detached housing except under the following circumstances:~~

- ~~1. The project site is subject to the affordable housing overlay and a lower percentage is required to accommodate the proposed number of affordable units, or~~
- ~~2. The project has received a density bonus under the state density bonus program and a lower percentage is required to accommodate the proposed number of affordable units;~~

~~D. A minimum of 25% of a project's units within the RM district shall be multifamily dwellings;~~

~~E. Applications for RM, Mixed residential shall follow the Master Development Plan and Review process as established in Chapter 17.148, except where the lot of record is already subject to an approved and final Master Development Plan. (Ord. 231-92 §4.3.c; Ord. 342-04)~~

A. All new uses and expanded uses listed in Section 17.24.040 shall require a Use Permit as regulated by Chapter 17.200; new development

Design standards now in regulatory table below.

Regulations contained in table below.

Site has been developed.

Reference in table below to the density bonuses available elsewhere in the code.

Regulations contained in table below.

Exceptions noted in the table below.

Regulations contained in table below.

Permit processes described in added text below, similar to commercial district revisions.

Proposed Code Amendments:**Comments:**

proposals for unbuilt parcels which can be subdivided into five or more parcels or lots shall require approval of a Master Development Plan as regulated by Chapter 17.192; new or expanded structures or exterior remodeling shall require Design Review approval as regulated by Chapter 17.188.

17.28.025 Site-specific conditions.

The following condition shall apply to the parcel on the south side of Yountville Cross Road adjacent to the Town's eastern boundary (that is, APN 036 040 011): the property shall be developed with a minimum of 13 and a maximum to 18 total units.

Site previously developed.

17.248.030 Permitted uses.

The following uses shall be permitted within the land use designation RM, Mixed residential, ~~and are subject to design review approval as provided in Chapter 17.144 of this title:~~

- A. ~~One-~~Single-family dwelling;
- B. ~~Accessory buildings~~Auxiliary structures as regulated by Chapter 17.108~~and uses for each lot of record;~~
- C. Accessory dwelling units, as regulated by Chapter 17.156;
- D. Duplex;
- ~~E. Multifamily dwellings, including accessory building and uses;~~
- ~~F. Residential care facilities;~~
- E. ~~Agricultural uses which include horticulture, floriculture, and viticulture but exclude commercial nurseries, or the keeping of rabbits, dogs, fowl or other animals for commercial purposes, or the sale of any products on the premises;~~
- ~~G. Minor and moderate home occupations, as established in as regulated by Chapter 17.16420;~~
- H. Small family ~~child day~~ care homes;
- ~~I. Keeping of chickens, as defined in Chapter 17.08 and as regulated by Chapter 6.04;~~
- I. Keeping of bees, as regulated by Chapter 6.04;
- ~~J. Employee housing;~~
- J. Supportive housing; ~~and~~
- K. Transitional housing; ~~and~~
- L. Accessory uses which are subordinate and ~~complementary incidental to the primary use~~ (Ord. 231-92 § 4.2.c; Ord. 313-01; Ord. 315-01; Ord. 342-04; Ord. 416-13; Ord. 421-14; Ord. 427-14)

Duplexes are currently not included as an allowed use and should be added.

Eliminate ag. as an allowed use in residential districts.

Eliminate employee housing as an allowed use in residential districts.

Proposed Code Amendments:**Comments:****17.248.040 Uses requiring a use permit.**

The following uses shall require a use permit as ~~provided in as regulated by Chapter 17.200156, and are subject to design review approval as provided in Chapter 17.144 of this title:~~

- A. ~~Major H~~home occupations pursuant to ~~as regulated by Chapter 17.16420~~ of this title;
- B. Private schools ~~in residential buildings that offer instruction in the several branches of learning and study required to be taught in the public schools by the Education Code of the State of California and State licensed child care centers. This use shall be accessory to residential use and shall not convert or preclude residential use accessory to a residential use;~~
- C. Large family ~~child day~~ care homes; and
- D. Uses deemed by the Town Council to be similar to the above mentioned. (Ord. 231-92 § 4.2.d; Ord. 313-01; Ord. 416-13)

Design Review is already addressed above in General Conditions.

17.28.050 Criteria for a use permit.

~~In addition to the findings listed in Section 17.156.020, the Town Council, after a public hearing, shall make the following findings before granting a use permit for a proposed use listed in Section 17.24.040:~~

- ~~A. The proposed use promotes the health, safety, and welfare of residents;~~
- ~~B. The proposed use is consistent with the intent of the General Plan;~~
- ~~C. The proposed use is consistent with Section 17.24.040; and~~
- ~~D. The proposed use will not be detrimental to existing uses in the surrounding area. (Ord. 231-92 § 4.2.e)~~

Use Permit findings are now in Chapter 17.200 and do not need to be repeated here.

17.248.060 General development standards.

New land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed and maintained in compliance with the requirements of Table 17.24-1, in addition to the applicable development standards (e.g., landscape, parking, etc.) in Divisions 3 and 4 of Title 17.

Table 17.24-1

<u>Development Standard</u>	<u>Requirement for RM District</u>	<u>Notes</u>
<u>Density</u>	<u>8 units per acre minimum;</u> <u>10 units per acre maximum</u>	<u>See Chapter 17.160 for density bonuses for affordable housing.</u>

Proposed Code Amendments:**Comments:**

<u>Housing Types</u>	<u>Detached single family dwellings: Minimum of 50% of site area;</u> <u>Multifamily dwellings: Minimum of 25% of total units on site.</u>	<u>May be waived for affordable housing projects pursuant to Chapter 17.160.</u>
<u>Lot Size</u>	<u>Single family dwellings: 4,000 sq. ft. minimum; 8,000 sq. ft. maximum</u> <u>Duplexes: 5,000 sq. ft. minimum</u> <u>Multifamily: 6,000 sq. ft. minimum</u>	
<u>Maximum Floor Area Ratio (FAR)</u>	<u>Single family dwellings: 0.25</u> <u>Duplexes: 0.4. On lots >8,000 sq. ft., floor area up to 3,200 sq. ft. is permitted.</u> <u>Multifamily: 0.4. On lots >10,000 sq. ft., floor area up to 4,000 sq. ft. is permitted for triplexes and fourplexes.</u>	<u>See Section 17.100.030 for exemptions from FAR.</u> <u>See Section 17.100.040 for FAR bonus for affordable housing.</u>
<u>Minimum Setbacks</u>		<u>See Chapter 17.108 for allowable encroachments into setbacks. See Chapter 17.112 for setbacks for auxiliary structures.</u>
<u>Front</u>	<u>20 feet</u>	
<u>Side</u>	<u>5 feet</u>	
<u>Side (street fronting)</u>	<u>10 feet</u>	
<u>Rear</u>	<u>20 feet</u>	
<u>Height Limit</u>	<u>Single family dwellings: Two stories maximum, however no more than 50% of parcels containing single-family dwelling units in any block¹ are permitted to have two story structures.</u> <u>One story buildings: max.</u>	<u>See Section 17.160.020 for exceptions to two-story limit per block based on Section 18.36.020.B4.b.</u> <u>See Chapter 17.112 for height limits for auxiliary structures.</u>

Proposed Code Amendments:**Comments:**

	<u>Duplexes and Multifamily:</u> <u>Two stories maximum.</u> <u>One-story buildings:</u> <u>max. 15 feet to plate and 20 feet to peak</u> <u>Two-story buildings:</u> <u>max. 20 feet to plate and 28 feet to peak</u>	
<u>Minimum Open Space</u>	<u>Single family dwellings:</u> <u>n/a</u> <u>Duplexes and Multifamily: 200 sq. ft. min. private open space directly accessible to unit. Second story units may locate half of private open space at grade level.</u> <u>Multifamily: 200 sq. ft. min. private open space directly accessible to unit. Second story units may locate half of private open space at grade level.</u>	
<u>Parking</u>	<u>As required by Chapter 17.116 (Off-Street Parking and Loading)</u>	

Footnotes:

¹ Block shall mean both sides of the street lying between intersecting streets.
Corner houses shall be counted on both street elevations.

Proposed Code Amendments:**Comments:****Chapter 17.2832 H, OLD TOWN HISTORIC****17.2832.010 Purpose and application.**

The land use designation H, Old Town ~~H~~historic is intended to maintain Old Town's historical character and provide for new residential development. To promote the preservation of the historic character of Old Town, maintenance and rehabilitation of older structures is encouraged. Design review shall be required for all construction to ensure that new and renovated structures reinforce the character and scale of Old Town. ~~Existing legal nonconforming uses within Old Town have been rezoned as "retained use" to ensure their longevity.~~ Specified parcels are indicated on the Zoning Map, in Figure 1. The following specific rules and regulations established in this chapter shall apply to these designated lands. (Ord. 231-92 § 4.4.a)

Properties now zoned RC – Retained Commercial

17.32.020 Supplemental definitions.

The following terms applicable to this chapter shall be defined as stated below. ~~Other definitions can be found in Section 17.08.010, Definitions, of this title.~~

Definitions added to Chapter 17.08.

~~"Deterioration" means the condition of a structure that requires repair as a result of unsafe or unsightly structural integrity or appearance. The range of deterioration can include major structural damage, such as an unsafe foundation, to minor damage, such as peeling paint or damaged parapets.~~

~~"Expansion of use" means an increase in the square footage devoted to commercial uses, and also refers to an expansion in the intensity of use even though there may be no increase in square footage. An increase in intensity includes, but is not limited to, an increase in hours of operation, a change in use, products or services which generate more customers or traffic than an existing use and an increase in the noise level or effect of an existing or new commercial activity.~~

~~"Renovation" means the repair and/or partial reconstruction of a deteriorated structure to an earlier or original state, as opposed to the demolition of the building. (Ord. 231-92 § 4.4.b)~~

17.3228.0230 General conditions.

The following general conditions ~~shall~~ apply to all land designated as H, Old Town ~~H~~historic:

~~A. The dwelling units shall be predominately single family detached houses on small lots. However, duplexes and other types of multifamily dwelling units which harmonize with the character and scale of existing single family houses are permitted with a use permit as established in Chapter 17.156;~~

Not needed.

~~B. The residential density for single family homes shall not exceed one unit per lot of record or eight dwelling units per gross acre. The residential density for multifamily dwellings shall be determined by Design Ordinance requirements for setbacks, FARs, etc. Design standards that regulate specific FAR, height, setbacks, and other aspects of permitted building types are~~

Regulations contained in table below.

<p>established in Title 18, Division 1, Section 18.16.050, Division 2, Sections 18.36.020 through 18.36.050 and 18.44.010, and Division 3, Sections 18.52.020 through 18.52.070;</p> <p>C. — Lot sizes shall be limited to a minimum of 5,000 square feet and a maximum of 8,000 square feet;</p> <p>D. — Any lot at the time of adoption of the ordinance codified in this title that is used solely for residential purposes must remain hereafter in residential use, even if the residential use is terminated or the building is destroyed or demolished;</p> <p>E. — Any lot legally created after the date of adoption of the ordinance codified in this title that was a portion of a larger lot that was used solely for residential purposes prior to the date of adoption of the ordinance codified in this title shall remain solely in residential use;</p> <p>F. — Existing commercial uses within Old Town, identified in Chapter D.6.5 of the General Plan shall be consistent with conditions established in the overlay designation RU, Retained uses, Chapter 17.72 of this title;</p> <p>G. — The owner, lessee or property manager of a structure shall keep the exterior portion of the structure in good condition and free from deterioration;</p> <p>H. — No person shall carry out or cause to be carried out, without first applying for and receiving design review approval according to Chapter 17.144, any exterior construction or alteration other than painting or demolition, unless, in the opinion of the Planning Officer, the construction or alteration will not cause a major change in the external appearance of the structure or feature;</p> <p>I. — None of the provisions of this chapter shall be interpreted to prevent any construction, alteration, or demolition necessary to correct an unsafe or dangerous condition of any structure or feature, where such a condition has been declared unsafe or dangerous by a building official or fire department and where the proposed construction, alteration, or demolition has been declared absolutely necessary to correct the unsafe or dangerous condition. Any correction shall be performed in accordance with this chapter. In the event any structure or feature shall be damaged by fire, calamity, act of God or the public enemy to such an extent that it cannot be reasonably repaired or restored, the structure or feature may be removed in accordance with normal permit procedures and applicable laws;</p> <p>J. — Signs shall follow the provisions established in Chapter 17.92 of this title with the exception that no individual sign shall exceed 12 square feet in size;</p> <p>K. — Keeping of chickens, as defined in Chapter 17.08 and as regulated by Chapter 6.04;</p> <p>L. — Additional requirements for development in the historic district are specified in Title 18, Division 1, Chapter 18.20. (Ord. 231-92 § 4.4.c; Ord. 421-14)</p>	<p>No longer needed since pre-existing commercial uses are now in the Retained Commercial District.</p> <p>Same as above.</p> <p>Same as above.</p> <p>Same as above.</p> <p>Design Review requirement is addressed below.</p> <p>Move to Sign regulations.</p> <p>Moved to permitted uses.</p> <p>Revised design criteria proposed below.</p>
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A. All new uses and expanded uses listed in Section 17.24.0403228.0450 shall require a Use Permit as regulated by 32.060 Chapter 17.200; new development proposals for unbuilt parcels which can be subdivided into five or smaller parcels or lots shall require approval of a Master Development Plan as regulated by Chapter 17.192; new or expanded structures or exterior remodeling shall require Design Review approval as regulated by Chapter 17.188.

17.3228.0340 Permitted uses.

The following uses shall be permitted within the land use designation ~~RM, Mixed residentialH~~, Old Town Historic, ~~and are subject to design review approval as provided in Chapter 17.144 of this title:~~

- ~~A. One s~~Single-family dwelling, ~~for each lot of record;~~
- ~~B. Residential a~~Accessory/auxiliary buildings/structures as regulated by Chapter 17.108~~and uses for each lot of record;~~
- ~~C. One second~~Accessory dwelling units ~~for each lot of record, as established by,~~ as regulated by Chapter 17.156;
- ~~D~~C. Residential care facilities~~;~~
- ~~E~~D. Minor and moderate home occupations, as ~~established in~~regulated by Chapter 17.16420;
- ~~F~~E. Small family ~~child-day~~ care homes;
- ~~G~~F. Keeping of chickens, as defined in Chapter 17.08 and as regulated by Chapter 6.04;
- ~~H~~G. Keeping of bees, as regulated by Chapter 6.04;
- ~~Employee housing;~~
- ~~I~~H. Supportive housing; and
- ~~J~~I. Transitional housing. (Ord. 231-92 § 4.2.c; Ord. 313-01; Ord. 315-01; Ord. 342-04; Ord. 416-13; Ord. 421-14; Ord. 427-14)

Eliminate employee housing as an allowed use in residential districts.

17.3228.0450 Uses requiring a use permit.

The following uses shall require a use permit as ~~provided in~~regulated by Chapter 17.200156, ~~and are subject to design review approval as provided in Chapter 17.144 of this title:~~

- ~~A. One duplex per lot of record on the minimum lot size as established in Title 18, Division 2, Section 18.36.030~~Duplex~~;~~
- ~~B. Triplex, fourplex, or multifamily unit dwelling of five or more units (if affordable housing density bonus criteria are met) per lot of record on the minimum lot size as established in Title 18, Division 2, Section 18.36.040~~Multifamily dwellings;
- ~~C. Major H~~home occupations ~~pursuant to~~as regulated by Chapter 17.16420 of this title;

Design Review is already addressed above in General Conditions.

Reference to min. lot size shouldn't be necessary for duplexes or multifamily since these regulations are now in the table below.

~~D. Commercial uses as outlined in Chapter 17.72, Retained Uses, and Title 18, Division 3, Chapter 18.52;~~

~~DE. Private schools in residential buildings that offer instruction in the several branches of learning and study required to be taught in the public schools by the Education Code of the State of California and State-licensed child care centers. This use shall be accessory to residential use and shall not convert or preclude residential use accessory to a residential use;~~

~~EF. Churches and religious institutions;~~

~~G. Privately owned nonprofit recreational facility or areas;~~

~~FH. Large family child day care homes; and~~

~~GI. Uses deemed by the Town Council to be similar to the above mentioned. (Ord. 231-92 § 4.2.d; Ord. 313-01; Ord. 416-13)~~

Properties now zoned RC –
Retained Commercial

~~17.060 Criteria for commercial or nonresidential uses:~~

~~In addition to the findings listed in Section 17.156.020, the Town Council, after a public hearing, shall make the following findings before granting a use permit for commercial or nonresidential uses listed in Section 17.3228.050:~~

~~A. The proposed commercial or nonresidential use promotes the health, safety, and welfare of residents;~~

~~B. The proposed commercial or nonresidential use is consistent with the intent of the General Plan;~~

~~C. The proposed commercial or nonresidential use is consistent with Section 17.32.010;~~

~~D. The proposed commercial or nonresidential use conforms to the design standards established in Title 18, Division 1, Division 2,~~

~~Chapters 18.28 and 18.32, and Division 3,~~

~~Sections 18.52.020 through 18.52.050;~~

These criteria were applicable to retained commercial uses, which were moved to the RC District.

~~17.32.070 Criteria for residential uses:~~

~~In addition to the findings listed in Section 17.156.020, the Town Council, after a public hearing, shall make the following findings before granting a use permit for a proposed use listed in Section 17.32.050:~~

~~A. For second residential units, the proposed unit is consistent with Chapter 17.116;~~

~~B. For triplexes, fourplexes, and multifamily buildings of five or more units (if affordable housing density bonus criteria are met), the proposed units:~~

~~1. Are consistent with the intent of the General Plan;~~

~~2. Are consistent with Section 17.32.010;~~

~~3. Conform with applicable design standards established in Title 18, Division 1 and Division 2, Chapters 18.28 and 18.32 and Sections 18.36.020 through 18.36.050;~~

Use Permit findings are now in Chapter 17.200 and do not need to be repeated here.

4. ~~Do not exceed the permitted gross density for the proposed lot of record, and~~

5. ~~Meet affordability requirements, if applicable;~~

C. ~~The proposed use will not be environmentally detrimental to existing or proposed uses in the surrounding area. (Ord. 231-92 § 4.4.g; Ord. 317-01)~~

17.28.050 General development standards

New land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed and maintained in compliance with the requirements of Table 17.28-1, in addition to the applicable development standards (e.g., landscape, parking, etc.) in Divisions 3 and 4 of Title 17.

Table 17.28-1

<u>Development Standard</u>	<u>Requirement for H District</u>	<u>Notes</u>
<u>Density</u>	<u>8 units per acre maximum</u>	<u>See Chapter 17.160 for density bonuses for affordable housing.</u>
<u>Lot Size</u>	<u>Single family dwellings:</u> <u>5,000 sq. ft. minimum</u> <u>Duplexes:</u> <u>5,000 sq. ft. minimum</u> <u>Multifamily:</u> <u>6,000 sq. ft. minimum</u>	
<u>Maximum Floor Area Ratio (FAR)</u>	<u>Single family dwellings:</u> <u>Lots <4,000 sq. ft.:</u> <u>Floor area up to 1,000 sq. ft. is permitted.</u> <u>Lots 4,000-10,000 sq. ft.: 0.25</u> <u>Lots >10,000 sq. ft.:</u> <u>Max. floor area of 2,500 sq. ft. is permitted.</u> <u>Duplexes: 0.40. On lots >8,000 sq. ft., floor area up to 3,200 sq. ft. is permitted.</u> <u>Multifamily: 0.40. On lots >10,000 sq. ft., floor area up to 4,000 sq. ft. is permitted for triplexes and fourplexes.</u>	<u>See Section 17.100.030 for exemptions from FAR.</u> <u>See Section 17.100.040 for FAR bonus for affordable housing.</u>

<u>Minimum Setbacks</u>		See Section 17.108 for allowable encroachments into setbacks. See Section 17.112 for setbacks for auxiliary structures.	
<u>Front</u>	<p><u>Primary buildings:</u> <u>10 feet for buildings up to 15 feet high; 15 feet for buildings 15-18 feet high; 20 feet for building over 18 feet high. Setback may be reduced to the average front or street side setbacks of existing single family structures on the same side of the block¹ but shall not be less than 10 feet.²</u></p> <p><u>Garages: 18 feet</u></p>		
<u>Side</u>	<p><u>5 feet for one-story structures first stories and total of 13 feet for both sides. For lots <50 feet wide, 5 feet each for amin total of 10 feet both sides.</u></p> <p><u>8 feet for second stories and total of 22 feet for both sides. For lots <50 feet wide, min5 feet each for a total of 16 feet both sides.</u></p>		
<u>Side (street fronting)</u>	<p><u>10 feet for one-story structures first stories.</u></p> <p><u>16 feet for second stories.</u></p> <p><u>Setback for primary buildings may be reduced to the average front or street side setbacks of existing single family structures on the same side of the block¹ but shall not be less than 10 feet.²</u></p>		

Proposing to eliminate setback averaging for street side setbacks. The reduction from a min. of 16' to 10' isn't much, and the front and side elevations are expressed differently at the street.

<u>Rear</u>	<u>15 feet for one-story structures first stories; 20 feet for second stories.</u>	
<u>Height Limit</u>	<p><u>Single family dwellings:</u> Two stories maximum, however no more than 50% of parcels containing single-family dwelling units in any block¹ are permitted to have two story structures.</p> <p><u>One-story buildings:</u> max.</p> <p><u>Duplexes and Multifamily:</u> Two stories maximum. <u>One-story buildings:</u> max. 15 feet to plate and 20 feet to peak <u>Two-story buildings:</u> max. 20 feet to plate and 28 feet to peak</p>	<p><u>See Section 17.160.0320 for exceptions to two-story limit per block.</u></p> <p><u>See Chapter 17.112 for height limits for auxiliary structures.</u></p>
<u>Minimum Open Space</u>	<p><u>Single family dwellings:</u> n/a</p> <p><u>Duplexes and Multifamily:</u> 200 sq. ft. min. private open space directly accessible to unit. Second story units may locate half of private open space at grade level.</p> <p><u>Multifamily:</u> 200 sq. ft. min. private open space directly accessible to unit. Second story units may locate half of private open space at grade level.</p>	
<u>Parking</u>	<u>As required by Chapter 17.116 Off-Street Parking and Loading</u>	

Notes:

¹ Block shall mean both sides of the street lying between intersecting streets. Corner houses shall be counted on both street elevations.

² The setback shall be measured from the street facing wall of a primary residential building perpendicular to the right-of-way boundary; no existing building shall be considered to have a setback of less than zero. Should the property line be located within the right-of-way, the right-of-way feature closest to the parcel shall be used for purposes of measurement (e.g., back of sidewalk or edge of pavement).

~~Porches and other architectural elements that project into the street side setback area shall be approved by the Planning Director based upon compatibility with prevailing conditions.~~

Proposed Code Amendments:**Comments:****Chapter 17.3240 MPR, MASTER PLANNED RESIDENTIAL****17.3240.010 Purpose and application.**

The land use designation MPR, Master ~~P~~lanned ~~R~~esidential, is applied to large parcels capable of being developed as an integrated community neighborhood, with appropriate infrastructure and to smaller sites with sensitive environmental or cultural resources. The MPR district allows flexibility in site planning and development standards to encourage developments that are sensitive to natural resources and surrounding community context ~~has been created to preserve the character of master plan~~ Master Development Planned developments and neighborhoods that are existing and/or under construction at the time of adoption of this title. The designation of a MPR area avoids creation of large areas of nonconformity as a consequence of enacting this title. The legal, administrative and individual problems that would be created by making these areas nonconforming is needless. Specified parcels are indicated on the Zoning Map, in Figure 1. The following specific rules and regulations established in this chapter shall apply to such designated lands. (Ord. 231-92 § 4.6.a)

Proposed alternate purpose language.

17.3240.020 General conditions.

The following general conditions shall apply to all lands designated as MPR, Master ~~P~~lanned ~~R~~esidential:

A. All new development proposals shall require approval of a Master Development Plan as regulated by Chapter 17.192; expansion or exterior remodeling of a commercial or residential structure shall require Design Review approval as regulated by Chapter 17.188; and all commercial operations shall be subject to the provisions of Chapter 17.140, Regulations for Impact on Adjacent Uses;

Proposed clarification of regulatory provisions, similar to other districts.

~~B. Allowable land uses, residential densities, floor area ratios and other development standards shall be determined by the Town Council through the adoption of a Master Development Plan pursuant to Chapter 17.148. Where the Master Development Plan is silent on a development standard or specific use, the general standards of the Zoning Ordinance shall apply. Where a Master Development Plan does not specify a maximum Floor Area Ratio (FAR), the maximum FAR is 0.25, exclusive of an FAR bonus granted under Section 17.84.055 for affordable housing.; No new housing units within or boundary expansion of existing MPR developments shall be allowed, except as authorized in Section 17.116.020 of this code;~~

Moved to Development Standards below.

From 18.36.020(B).

~~B. Minor modifications that are consistent with the conditions outlined below in Section 17.40.040 and in the Master Plan on file at Town Hall shall be permitted and shall require review and approval by the Planning Officer or Zoning and Design Review Board as appropriate;~~

This reference to 17.116.20 is to ADU definitions.

~~C. All improvements in MPR developments shall be consistent with the approved Master Plan~~ Master Development Plan on file with the Town of

Moved to Development Standards below.

Proposed Code Amendments:**Comments:**

~~Yountville. These improvements include, but are not limited to, the following:~~

- ~~1. The location, dimension and specified material for all roadways, walkways, bikeways, view corridors, and easements shown on the approved Master Development Plan;~~
- ~~2. The location, distribution, size and dimension of all lots or parcels of land shown on the approved Master PlanMaster Development Plan;~~
- ~~3. The location, setbacks and height limits of all buildings and structures specified in the approved Master PlanMaster Development Plan;~~
- ~~4. The material finish and articulation of approved elevations for all buildings associated with the Master PlanMaster Development Plan;~~
- ~~5. The number, type, species, size and distribution of all landscape plantings and materials specified in the approved landscape plan shown in the Master PlanMaster Development Plan;~~
- ~~6. The location, size and material required for all utilities (water, sewer, drainage, irrigation, gas and electrical) as specified in the approved Master PlanMaster Development Plan; and~~
- ~~7. The location, height, and material for fences as required in the fencing plan of the approved Master PlanMaster Development Plan.~~

B. Major modifications to an approved Master Development Plan for a MPR development, including changes in land uses and densities and established lot and street boundaries, shall be processed as an amended application under the provisions of Chapter 17.192.

C. Minor modifications to physical features, development regulations or conditions of approval which do not change the character of the MPR development or affect surrounding development and are consistent with the intent of an approved Master Development Plan may be approved by the Planning Officer.

(Ord. 231-92 § 4.6.b; Ord. 17-459)

17.3249.030 Permitted uses.

The following uses shall be permitted for lands designated as MPR, Master ~~p~~lanned ~~R~~residential:

- A. Only those residential uses and densities shown on the approved Master PlanMaster Development Plan on file at the Town of Yountville shall be allowed;
- B. Auxiliary structures, as regulated by Chapter 17.112;
- C. Accessory dwelling units, as regulated by Chapter 17.156;
- BD. Minor or moderate home occupations, as established inas regulated by Chapter 17.164, Home Occupations, of this title;

Proposed text to indicate that major modifications require MDP revision by Town Council.

Minor modification language moved up from former Section 17.40.40.

Proposed Code Amendments:**Comments:**

- ~~EE.~~ Small family ~~child day~~ care homes;
- ~~D.~~ Large family child care homes shall be permitted with a use permit;
- ~~EF.~~ Keeping of chickens, as defined in Chapter ~~17.08~~ and as regulated by Chapter 6.04;
- G. Keeping of bees, as regulated by Chapter 6.04;
- H. Supportive housing;
- I. Transitional housing; and
- J. Accessory uses which are subordinate and incidental to the primary use.
- ~~F.~~ Floor area regulations for MPR improvements are set forth in Title 18, Division 2, Section ~~18.36.020(B)~~. (Ord. 231-92 § 4.6.c; Ord. 315-01; Ord. 317-01; Ord. 416-13; Ord. 421-14)

Added to mimic other residential districts.

17.32.040 Uses requiring a use permit.

The following uses shall require a Use Permit as regulated by Chapter 17.200:

- A. Major home occupations regulated by Chapter 17.164 of this title; and
- B. Large family day care homes.

17.40.050 Criteria for a use permit.

~~In addition to the findings listed in Section 17.156.020, the Town Council, after a public hearing, shall make the following findings before granting a use permit for a proposed use listed in Section 17.40.040:~~

Use Permit findings are now in Chapter 17.200 and do not need to be repeated here.

- ~~A. The proposed use is consistent with the intent of the General Plan;~~
- ~~C. The proposed use is consistent with Section 17.40.010 and 17.40.020; and~~
- ~~D. The proposed use promotes the health, safety, and welfare of residents. (Ord. 231-92 § 4.7.f)~~

17.32.050 General development standards

- A. Allowable land uses, residential densities, floor area ratios and other development standards shall be determined by the Town Council through the adoption of a Master Development Plan ~~pursuant to~~ as regulated by Chapter 17.192. Where the Master Development Plan is silent on a development standard or specific use, the general standards of the Zoning Ordinance shall apply. Where a Master Development Plan does not specify a maximum Floor Area Ratio (FAR), the maximum FAR is 0.25, exclusive of an FAR bonus granted under Section 17.100.040 for affordable housing.
- B. All improvements in MPR developments shall be consistent with the approved ~~Master Plan~~ Master Development Plan on file with the Town of Yountville. These improvements include, but are not limited to, the following:

Proposed Code Amendments:***Comments:***

1. The location, dimension and specified material for all roadways, walkways, bikeways, view corridors, and easements shown on the approved Master ~~Plan~~ Development Plan,
2. The location, distribution, size and dimension of all lots or parcels of land shown on the approved ~~Master Plan~~ Master Development Plan,
3. The location, setbacks and height limits of all buildings and structures specified in the approved ~~Master Plan~~ Master Development Plan,
4. The material finish and articulation of approved elevations for all buildings associated with the ~~Master Plan~~ Master Development Plan,
5. The number, type, species, size and distribution of all landscape plantings and materials specified in the approved landscape plan shown in the ~~Master Plan~~ Master Development Plan,
6. The location, size and material required for all utilities (water, sewer, drainage, irrigation, gas and electrical) as specified in the approved ~~Master Plan~~ Master Development Plan, and
7. The location, height, and material for fences as required in the fencing plan of the approved ~~Master Plan~~ Master Development Plan.

Proposed Code Amendments:**Comments:****Chapter 17.3644 MHP, MOBILE HOME PARK RESIDENTIAL****17.44.010 Purpose and application.**

The land use designation MHP, Mobile ~~H~~home ~~P~~park ~~R~~residential, has been created to protect mobile home residents from the conversion of existing mobile homes to conventional types of housing. The MHP designation reinforces the Town's policy to provide affordable housing, retain its existing housing stock, and safeguard mobile homes from potential economic forces that could encourage their removal. Specified parcels are indicated on the Zoning Map, in Figure 4. The following specific rules and regulations established in this chapter shall apply to such designated lands. (Ord. 231-92 § 4.7.a)

17.44.020 Supplemental definitions.

~~The following terms applicable to this chapter shall be defined as stated below. Other definitions can be found in Section 17.08.010, Definitions, of this title.~~

~~“Mobile home” means a structure, transportable in one or more sections, built on a permanent chassis and designed for use as a single family dwelling unit and which: (1) has a minimum of 400 square feet of living space; (2) has a minimum width in excess of 102 inches; (3) is connected to all available permanent utilities; and (4) is tied down: (a) to a permanent foundation on a lot either owned or leased by the homeowner, or (b) is set on piers, with wheels removed and skirted, in a mobile home park.~~

~~“Mobile home park” means a development in which all dwelling units are mobile homes.~~

~~“Senior mobile home park” is a mobile home park in the MHP zone in which at least 80% of the spaces are occupied by or intended for occupancy by at least one person who is age 55 or older. (Ord. 231-92 § 4.7.b; Ord. 383-10)~~

All definitions will be edited and consolidated in Chapter 17.08. See proposed revisions to definitions below.

17.4436.0230 General conditions.

The following general conditions shall apply to all land designated as MHP, Mobile ~~H~~home ~~P~~park ~~R~~residential:

A. Allowable land uses, residential densities, floor area ratios and other development standards shall be determined by the Town Council through the adoption of a Master Development Plan as regulated by Chapter 17.192, however, residential densities may not exceed eight (8) dwelling units per gross acre. Where the Master Development Plan is silent on a development standard or specific use, the general standards of the Zoning Ordinance shall apply;

B. All mobile home parks existing at the date of the ordinance codified in on the date of adoption of this title was enacted that were approved by the proper authorities at the time of their construction and had all permits and approvals necessary for their legal construction that were legally established in compliance with all applicable regulations at the time of their construction shall be. There mobile home parks are deemed to be conforming uses and as

Adding language to indicate development regulations are set by MDP. Max. density is established in the General Plan.

Edited from 17.44.040.A below.

Proposed Code Amendments:**Comments:**

~~having approved Master Development Plans, under this title and to have all the rights of any other development which may receive approval of a Master Development Plan. These existing mobile home parks are conforming uses under the provisions of this title.~~

~~B. The regulations established in this chapter shall prevail where in conflict with other regulations established in Chapters 17.84 through 17.132 of this title and Title 18, Division 2, Section 18.36.050;~~

~~C. There shall be no yard or setback restrictions for uses which are part of an approved Master Development Plan; and~~

~~D. Residential density shall not exceed eight units per gross acre.~~

C. New or expanded mobile home park common facilities or perimeter park walls shall require Design Review approval as regulated by Chapter 17.188.

D. Review and permitting of new or altered mobile home parks or alternations to the structural, electrical, plumbing or mechanical components of a mobile home shall be in accordance with applicable state laws.

(Ord. 231-92 § 4.7.c)

Clarifying that structures outside of the mobile homes themselves are subject to design review. Permitting for mobile homes and mobile home parks is the purview of HCD.

17.4436.0340 Permitted uses.

The following uses shall be permitted for lands designated as MHP, Mobile Home Park Residential:

~~A. All mobile home parks existing at the date of the ordinance codified in this title was enacted that were approved by the proper authorities at the time of their construction and had all permits and approvals necessary for their legal construction. There mobile home parks are deemed to have approved Master Development Plans under this title and to have all the rights of any other development which may receive approval of a Master Development Plan. These existing mobile home parks are conforming uses under the provisions of this title.~~Mobile home parks;

B. Senior mobile home parks on lands designated with the overlay S, Senior Mobile Home Park;

C. Auxiliary structures;

~~D. Minor or moderate home occupations, as established in as regulated by Chapter 17.16420; Home Occupations, of this title.~~

~~E. Small family child day care homes;~~

F. Accessory uses which are subordinate and incidental to the primary use.

(Ord. 231-92 § 4.7.d; Ord. 315-01; Ord. 416-13)

This is covered under General Conditions B above.

Adding senior mobile home parks as a separate use category, permitted through the S Overlay (see below).

17.4436.0450 Uses requiring a use permit.

The following uses shall require a Use Permit as ~~provided in~~regulated by Chapter 17.200:

~~A. Recreational uses;~~Mobile home park common facilities;

Proposed use category to allow the Town to review common park facilities.

Proposed Code Amendments:**Comments:**

~~B. Major home occupations as established in regulated by Chapter 17.16420;~~

~~B.C. Large family child-day care homes; and~~

~~D.C. Uses deemed by the Town Council to be similar to the above mentioned. (Ord. 231-92 § 4.7.d; Ord. 315-01; Ord. 416-13)~~

17.44.060 Criteria for a use permit:

~~In addition to the findings listed in Section 17.156.020, the Town Council, after a public hearing, shall make the following findings before granting a use permit for a proposed use listed in Section 17.44.050:~~

~~A. The proposed use is consistent with the intent of the General Plan;~~

~~C. The proposed use is consistent with Section 17.44.010 and 17.44.020; and~~

~~D. The proposed use promotes the health, safety, and welfare of residents. (Ord. 231-92 § 4.7.f)~~

Use Permit findings are now in Chapter 17.200 and do not need to be repeated here.

17.44.070 Senior mobile home park overlay zone:

~~A. Coterminous with the existing zoning for mobile home park residential is the senior mobile home park overlay zone (MHP-S). Mobile home parks within the MHP shall be senior mobile home parks.~~

~~B. Mobile home units in a mobile home park in the senior mobile home overlay zone shall be occupied only consistent with the definition in Section 17.44.020 so that at least 80% of spaces and mobile home units are rented and occupied by at least one person who is age 55 or older. The age restriction stated herein does not apply to or affect ownership of mobile home units, but is occupancy requirement.~~

~~C. The signage, advertising, park rules and regulations, and leases for spaces or units in mobile home parks in the senior mobile home park overlay zone shall state the park is a senior park, or "housing for older persons," which at a minimum is consistent with the definition in Section 17.44.020.~~

~~D. Senior mobile home park owners and/or their management personnel shall submit biennial verification of occupancy to confirm their status as a senior mobile home park, through survey or affidavit, in a form to be determined by the Town Planning Director, which shall be consistent with the survey or affidavit that satisfies the Federal Fair Housing Act regulations and which the Town Planning Director, or designee, shall review and certify.~~

~~E. Failure to submit the verification required by this section or failure of the verification to confirm a mobile home park within the senior mobile home park overlay zone meets the definition in Section 17.44.020 shall constitute a violation of the Town's Zoning Ordinance, subject to enforcement in the manner and form provided for in the Yountville Municipal Code. (Ord. 383-10)~~

The purpose of this overlay is to limit mobile home occupancy to seniors. However, it was never indicated on the Zoning Map or included in the listing of other overlay zones earlier in Title 17 (Chapters 17.64-17.82). It is proposed to be deleted here and recreated as the S Overlay in a new Chapter 17.88.

Proposed Code Amendments:**Comments:****Chapter 17.236 Definitions**

“Mobile home,” also known as a “manufactured home,” means a structure, transportable in one or more sections, built on a permanent chassis and designed for use as a single-family dwelling unit and which: (1) has a minimum of ~~400~~ 320 square feet of living space; (2) has a minimum width in excess of 102 inches; (3) ~~is connected to all available permanent utilities; and~~ is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation system when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein (4) ~~is tied down: (a) to a permanent foundation on a lot either owned or leased by the homeowner, or (b) is set on piers, with wheels removed and skirted, in a mobile home park.~~

“Mobile home park” means a development in which all dwelling units are mobile or manufactured homes.

“Mobile home park common facilities” mean common recreational or service structures and improvements which serve the occupants of a mobile home park, including but not limited to, community rooms, restrooms, laundry rooms, sport courts and utilities.

“Senior mobile home park” ~~means~~ is a mobile home park ~~in the MHP zone in~~ which at least 80% of the spaces are occupied by or intended for occupancy by at least one person who is age 55 or older.

Definition revised for consistency with current CA Health & Safety Code.

New definition to call out the common facilities that can be reviewed by the Town.

Chapter 17.40 Residential Design Standards and Guidelines

17.40.010 Applicability.

The following Design Standards and Guidelines apply to new or modified residential structures and auxiliary structures. They are intended to guide project design and the design review process and inform applicants about Yountville's unique built environment. These Design Standards and Guidelines supplement the development standards in the Zoning Ordinance and further the goals and policies of the General Plan which encourage high quality design.

Where California law requires that the design of a qualifying residential project be reviewed only against objective standards, the Design Standards will serve as the criteria for Design Review approval, as regulated by Chapter 17.188. If a qualifying residential project does not meet one or more of the Design Standards, the Town's existing discretionary Design Review process is available to allow alternative design approaches deemed appropriate by the review authority.

The Design Guidelines are subjective design criteria which are mandatory for non-qualifying residential projects unless waived through Design Review approval to allow alternative design approaches deemed appropriate for the unique conditions of the subject site and its surroundings.

17.40.020 Design Standards. The following are design standards which all residential projects are required to conform with, unless waived by Design Review approval as regulated by Chapter 17.188.

Applicable to:		Design Standard	Notes (not to be included in final ordinance version)
Single-Family and Duplex	Multi-Family		
X		Subdivisions There shall be a variety of lot sizes with at least a 500 square foot difference between sizes <u>for divisions of three or more lots.</u> Developments with five to nine lots shall have a minimum of three lot sizes. In developments with 10 or more lots, no one lot size shall comprise more than 25% of the total number of lots.	From 18.16.030.A Edit to not apply to 2-lot divisions where even division is often best.
X		New flag lots shall be discouraged <u>prohibited</u> within new development. New flag lots may be permitted <u>only through Design Approval</u> when the objectives of the Town Council or General Plan are met, especially those for affordable housing.	From 18.16.030.A Edited to be objective.
X		Garages, Driveways and Parking The width of each garage door shall not exceed 12 feet when located in the front half of the lot and visible from the street.	From 18.08.030.C.8
X		Garages located in the front half of the lot shall have a maximum door width of 12 feet. Double Multi-car garages are permitted if not visible from the streets or if located on the rear half of the lot <u>or screened from view from adjacent street frontages by building placement, landscaping, and/or fencing in compliance with Section 18.16.060.</u>	From 18.20.040 (H Dist.) Apply to all single-family districts.
X	X	Carports must <u>shall</u> be located in the rear half of the lot or screened from view <u>from adjacent street frontages by building placement, landscaping and/or fencing in compliance with Chapter 17.132.</u>	From 18.44.010 Edited to be objective.

Applicable to:		Design Standard	Notes (not to be included in final ordinance version)
Single-Family and Duplex	Multi-Family		
X		For single-family houses with attached garages, the width of the house shall be at least five feet greater than the width of the garage along its street frontage. The garage shall be set back at least 10 feet farther than the house from the street.	From 18.32.020.B.3
X	<u>X</u>	Driveways and aprons shall be constructed of the same material and shall conform to the roadway edge; breaks in treatment between the terminus of the driveway and the edge of the right-of-way are not permitted. <u>In the Old Town Historic District, driveway aprons shall be a solid surface, concrete, asphalt or pavers, for the width of the driveway and the length from the existing edge of asphalt street to the right-of-way line or five feet, whichever is greater.</u>	From 18.20.100 (H Dist.) Edits proposed by Public Works Director. Is only applicable in the H District.
	X	Parking shall be located behind buildings or in the rear <u>half</u> of the lot.	From 18.08.030.B.2
	X	Parking lots shall be screened along all street frontage with walls or evergreen landscaping at least three feet in height. Along common property lines and abutting residential uses, walls and landscape screen shall be provided as established in Section 18.16.060 <u>Chapter 17.132.</u>	From 18.08.030.B.4
	X	Lighting for parking areas shall be designed to confine emitted light to <u>the parking areas</u> , and the light source shall not be visible from outside the area <u>adjacent properties</u> . Glare or shine from lighting shall not create a nuisance for adjacent dwelling units. Average illumination at the ground shall be no more than one foot candle, except where an increase in lighting level is recommended by a lighting consultant or qualified professional as necessary for safety.	From 18.08.030.B.7
X	X	Street Frontage The principal orientation of all buildings shall be parallel to streets they face.	From 18.32.020.B.1
	X	The street-facing elevation of multiple unit residential buildings shall have at least one street-oriented entrance and <u>shall</u> contain the principal windows of the front <u>street-facing unit(s).</u>	From 18.32.020.B.2 Proposed definition of principal windows below.
X	X	<u>Primary building entrances and associated paths of travel from the adjacent street(s) shall be visible from the adjacent street(s).</u>	New standard. Proposed definition of primary building entrance below.
X	X	<u>Building facades which face street frontages shall include breaks in their wall plane by incorporating one or more techniques along at least 20 percent of the entire street-facing facade, such as varying</u>	Edited to eliminate numeric detail.

Applicable to:		Design Standard	Notes (not to be included in final ordinance version)
Single-Family and Duplex	Multi-Family		
		setbacks, recessed or projecting building entry, wall offsets, wall projections or variation in materials. <u>Facade breaks shall be a minimum of 18 inches deep and four feet wide, shall extend the full height of the building and occur at least every 20 feet of facade length.</u>	
X		A covered porch should shall be a dominant design feature of incorporated into the front elevation for new construction. Large porches and wraparound porches are strongly encouraged. The minimum required porch should be at least 72 square feet in area and shall measure at least six feet deep (measured perpendicular to the front wall of the house). Porches shall be unenclosed, but unenclosed but may be screened, but may not be enclosed with more substantial material. No porch shall encroach within 10 feet of the front property line. Columns supporting the porch shall be substantial and proportional to the weight of the structure supported.	From 18.20.080 (H Dist) Edited to be objective and mandatory. Apply to all single-family districts. Porch setback encroachment moved to Section 18.60.050 (Setback Encroachments).
	X	The street frontage of new buildings shall contain one of the following elements: <ul style="list-style-type: none"> • Single-story or two-story unenclosed porches, • Roofed balconies supported by brackets or by columns at the ground level, <u>or</u> • Upper floor loggias recessed within the building, or • Exterior wooden or masonry stairs with closed risers, or • Building elements similar to those above and deemed acceptable by the Town Council or ZDRB. 	From 18.32.030.B
<u>X</u>	X	Building Scale and Massing <u>Buildings shall carry the same approach to form and massing, roof design, wall and window design on all building elevations.</u>	New standard.
	X	<u>Blank walls (facades without doors or windows) shall be less than 30 feet in length if visible from adjacent street(s).</u>	New standard.
X		Roof Forms The main roof of the building is encouraged to <u>shall</u> have a minimum pitch of 4 in 12.	From 18.20.030 (H Dist.) Edited to be objective. Apply to all single-family districts. See attached illustration for reference.
X	X	Roofs with which incorporate multiple ridges, eaves, and/or dormers, and more steeply varied pitches are encouraged <u>required. A minor portion Up to twenty percent of the</u>	From 18.20.030 (H Dist.) Edited to be objective. Apply to all res. districts.

Applicable to:		Design Standard	Notes (not to be included in final ordinance version)
Single-Family and Duplex	Multi-Family		
		area of a structure's roof may be flat where architecturally indicated in order to achieve a design style.	
X	X	Roofing should <u>shall be wood shingle, wood shake, composition shingle, standing seam or other fabricated metal, or similar style material</u> tile from natural materials. Concrete tile or tar and gravel roofing is prohibited. Any other materials shall be submitted to the Zoning/Design Review Board.	From 18.20.030 (H Dist.) Edited to be objective. Apply to all res. districts.
X	X	Windows, Doors and Entries Only wood-frame windows, vinyl-clad wood windows, or <u>powder-coated metal-framed windows colored by the manufacturer to complement the exterior finish</u> are permitted. Bare metal, plastic, or silver-colored aluminum windows or screen frames shall not be approved for design review <u>are prohibited.</u>	From 18.20.070 (H Dist.) Edited to be objective. Apply to all res. districts.
X	X	Shutters, if incorporated, shall be functional and proportional to window size; decorative shutters are not permitted and shall be the same size as half the adjacent window width.	From 18.20.070 (H Dist.) Edited to be objective. Apply to all res. districts.
X	X	<u>Accessory dwelling units and multifamily developments shall include individual front doors and enclosed stairs for access to units above the ground floor.</u>	New standard.
X	X	<u>Trim surrounds shall be provided at all exterior window and door openings. In lieu of exterior window trim, windows can be recessed from wall plane by a minimum of three inches.</u>	New standard.
	X	<u>Where adjacent to residential development, windows, balconies and similar openings shall be oriented so as not to have a direct line-of-sight into adjacent units or onto private patios or backyards adjoining the property line on abutting properties. This can be accomplished through window placement, stepbacks of upper stories, use of clerestory windows, glass block or opaque glass or mature landscaping within the rear or side setback areas.</u>	New standard.
X	X	Exterior Building Materials The following exterior materials are allowed: Exterior materials may be wood (lap siding, board and batten, shingle), cement board, or stucco. <u>Natural brick or stone is allowed as an accent material only, covering no more than 25% of any building facade.</u> Wood siding may be lap siding, board and batten, shingle, or other similar style. T-111 or plywood shall not be permitted.	From 18.20.50 (H Dist.) Apply to all res. districts.
X	X	Exterior finish materials shall be of solid wood, natural stone, brick or stucco; window casings and building trim shall be solid wood except as follows:	From 18.28.020.B.3 Delete, given the design standards above.

Applicable to:		Design Standard	Notes (not to be included in final ordinance version)
Single-Family and Duplex	Multi-Family		
		a. Use of manufactured materials that simulate the above materials may be permitted if an applicant can show, to the satisfaction of the ZDRB or Town Council, that the proposed material successfully simulates the above stated material. Samples of the proposed material or existing examples of its use shall be provided at the time of design review; b. Other material may be used if the applicant can show, to the satisfaction of the ZDRB or Town Council, that the proposed material is appropriate and creates a building or structure that is architecturally and aesthetically compatible with its surrounding area.	
X	X	Window and door style shall be compatible with overall building design. Flush nail on windows shall not be used in combination with rough textured stucco. Spanish colonial style buildings shall not have window frames flush with the outside plane of the wall.	From 18.28.020.B.4 Delete, given the following design standard.
X	X	Mediterranean and Tuscan design styles that include, but are not limited to, the following common characteristics of clay tile, heavy stucco or plaster, cut and cast stone, wrought iron details, tower-like chimneys, heavy massing, arched openings, and arcades are prohibited.	From 18.20.50 (H Dist.) Apply to all res. districts.
X	X	Material or color changes at the outside corner of buildings give an impression of thinness and artificiality and should be avoided. Changes of exterior color, texture, or material shall be accompanied by changes in plane. Design material changes shall occur at intersecting planes, at inside corners of changing wall planes or where architectural elements intersect such as a chimney, pilaster, or projection, except for the base of buildings, corner boards, or gable ends or similar conditions.	From 18.28.020.B.2
X	X	Landscaping and Open Space Street trees <u>A minimum of one tree shall be planted per Town requirements within the front yard setback for new development. This standard does not apply to the MHP Mobile Home District.</u>	From 18.20.090 (H Dist.) Edited to be objective.
X	X	Utilities and Auxiliary Structures 1. Utilities and refuse storage areas are not permitted in any setback area or front yard except as noted in subdivision 2 of this subsection; 2. All new electrical, telephone, CATV and similar service wires or cables shall be installed underground. Risers on poles or buildings are permitted. Where there is no underground system,	From 18.16.070.B These should be repeated in commercial design criteria. The deleted language is not supported by Public Works. When a project is conditioned

Applicable to:		Design Standard	Notes (not to be included in final ordinance version)
Single-Family and Duplex	Multi-Family		
		<p>utility service poles may be placed on the rear property line solely for the purpose of terminating underground facilities;</p> <p>3. Air conditioners and similar mechanical equipment shall be screened from view;</p> <p>4. Electrical vaults and meter boxes must be screened from view and discreetly located. Fire pipes and extinguishers must be easily identified, but discreetly located; and</p> <p>5. For <u>multifamily</u> uses, refuse storage areas shall be screened from public and adjacent properties view or located within a building. All refuse storage areas shall be maintained to the reasonable satisfaction of the Town Council.</p>	to underground an individual parcel is an area served by an overhead system, undergrounding is achieved at the nearest utility pole to the property.
	X	<u>Trash and recycling areas shall be fully enclosed structures with solid roofs and shall conform with all mandated water quality requirements and building codes, including accessibility requirements for persons with disabilities.</u>	New standard with recommended edits from the Public Works Director.
	X	<u>Chain link fencing and gates with wood or plastic slats shall not be used for trash and other utility enclosures.</u>	New standard.
X	X	<u>All exterior mechanical and electrical equipment shall be screened by landscaping or fencing or incorporated into the design of buildings so as not to be visible from the street. Equipment to be screened includes, but is not limited to, all roof-mounted equipment, air conditioners, heaters, cable equipment, telephone entry boxes, irrigation control valves, electrical transformers, pull boxes, and all ducting for air conditioning, heating and blower systems.</u>	New standard.
X	X	<u>Reduced pressure backflow prevention devices are required for connection to the Town's water system, and are required to be above ground, but shall be screened from adjacent public street(s) by landscaping or fencing while allowing access for annual testing.</u>	New standard proposed by the Public Works Director.

17.40.030 Design guidelines. The following are design guidelines which all non-qualified residential projects are required to conform with, unless waived through Design Review approval as regulated by Chapter 17.188:

Applicable to:		Design Guideline	Notes (not to be included in final ordinance version)
Single-Family and Duplex	Multi-Family		
X		Subdivisions Lots shall <u>should</u> be predominately rectilinear in shape and orthogonal to the street. Odd-shaped parcels should be avoided.	From 18.16.030.A
X		Aggregation of lots is discouraged, however, lots may be aggregated provided the size of the newly created lot does not exceed the maximum size lot established for the Possible building type in Division 2.	From 18.16.030.C
X		Varied roof heights and front setbacks are encouraged to give individuality to each structure, especially when there are two or more adjacent lots to be developed.	From 18.20.020.A (H Dist) Apply to all single-family districts.
X		Driveways, Garages/Carports and Parking Garages are encouraged to be located in the rear half of the lot, and where possible, be accessed by an alley or shared drive.	From 18.16.040.B.2
X		Detached garages and garage doors that do not face the street are encouraged.	From 18.20.040 (H Dist) Apply to all single-family districts.
X		Single-car garages may be located near the front of the lot, though this is not encouraged.	From 18.20.040 (H Dist) Apply to all single-family districts.
	X	The pattern of circulation, including access drives and pedestrian paths, should provide easy access from the parking lot to residential or commercial uses.	From 18.08.030.C.4
	X	Access drives to off-street parking shall be designed and constructed to provide adequate safety for pedestrians and drivers. In no case shall car movements result in blocking of the street right-of-way. The number of access drives shall be limited to the minimum that will accommodate anticipated traffic.	From 18.08.030.C.5
X	X	To minimize the amount of paved area throughout the Town, the sharing of driveways and access to parking lots is encouraged. An easement providing for shared use shall be recorded.	From 18.08.030.C.6
X	X	Where practical, <u>on-site paving for vehicles</u> should be of a permeable material such as gravel, grasscrete or similar unit pavers.	From 18.08.030.C.10

Applicable to:		Design Guideline	Notes (not to be included in final ordinance version)
Single-Family and Duplex	Multi-Family		
X	X	For shared driveways exceeding 100 feet in length, turnouts may be needed for vehicles to pass one another.	From 18.08.030.C.7
X	X	Roof Forms <u>Roofs should incorporate pre-plumbing and pre-wiring in new development for easy installation of solar water heating and photo-voltaic (PV) solar panels, where feasible. Solar panels should be incorporated into roof design and be low-profile where possible.</u>	New guideline.
X	X	Building Exterior Colors and Materials Buildings shall have consistent materials and details throughout. Materials and details shall be of a similar and architectural theme on all sides of the buildings. Materials that appear faux or veneer-like should be avoided, and joints, or raw edges of materials shall be concealed <u>to create an appearance of authenticity.</u>	From 18.20.020.B.1
X	X	<u>Auxiliary structures that require issuance of a building permit should have consistent exterior material(s) and color(s) with the primary building.</u>	Suggested by Subcommittee
X	X	Windows, Doors and Entries Divided light windows and doors are encouraged if visible from the street.	From 18.20.070 (H Dist.) Subcommittee recommends elimination.
X	X	Sliding glass doors or windows are discouraged and the use of large picture windows shall <u>should</u> be limited when these features are visible from the street.	From 18.20.070 (H Dist.) Apply to all res. districts.
X		The look of a Double-hung windows is more in keeping with the area and windows that <u>should maintain a 1.5:1 height to width ratio or greater are preferred.</u>	From 18.20.070 (H Dist.) Apply to all single-family districts.
X		<u>Where adjacent to single-family development, windows, balconies and similar openings should be oriented so as not to have a direct line-of-sight into adjacent homes or onto private backyards adjoining the property line on abutting properties. This can be accomplished through window placement, stepbacks of upper stories, use of clerestory windows, glass block or opaque glass or mature landscaping within the rear or side setback areas.</u>	New guideline.

Chapter 17.236 DEFINITIONS

“Driveway apron” means “a transitional area between a private driveway and the edge of the pavement on a public street. It is at least as wide as and constructed of the same material as the driveway.”

“Primary building entrance” means the main entrance of a building or structure which is used by majority of residents, employees or patrons to access the building.

“Principal windows” means windows on the front, street-facing elevation of a residential building which provide light and ventilation from interior common-use rooms such as a family or living room, kitchen or dining room.

“Qualified residential project” means a proposed residential development project which is eligible for expedited permit processing as established by California Government Code Section 65913.4.

Roof Slope Diagrams:



Proposed Code Amendments:**Comments:****Chapter 17.80 AHO, AFFORDABLE HOUSING OVERLAY****17.80.010 Purpose and application.**

The overlay designation AHO, Affordable Housing Overlay, is intended to encourage the provision of affordable housing to lower-income households by allowing substantial increases in density.

The following regulations shall apply to the AHO, Affordable Housing Overlay designation and to any land use designation where AHO, Affordable Housing Overlay designation is applicable. The following specific rules and regulations established in this chapter shall apply in combination with the land use designations established in Division 2 of Title 17. The provisions of this chapter shall govern in the event that these regulations impose a greater restriction upon building than those required elsewhere in this title

17.80.010 General conditions.

- A. An Affordable Housing Overlay may be applied to all or a portion of a site that is suitable for the development of affordable housing. ~~The area within the Town to which the Affordable Housing Overlay is applied shall not exceed five acres.~~
- B. The Town Council may approve incentives for property designated with the Affordable Housing Overlay and developed with a specified amount of affordable housing, as set forth in subsections C and D of this section.
- C. For projects with an Affordable Housing Overlay proposing to construct 10 or more dwelling units of which 25% or more will be reserved for lower-income households and will be rented or sold at levels that do not exceed ~~30% of 80%~~ of area median income, the Town Council may approve the following ~~densities~~ density bonus as an alternative to those allowed under Section 17.160.040.

<u>Minimum % Affordable</u>	Density Bonus
25%	100%
40%	110%
55%	120%
70%	130%
85%	140%
100%	150%

- D. Calculation of Density Bonus.
- The density bonus units shall not be included when determining the number of housing units that are to be affordable.

Provision for AHO overlay in the Town's Density Bonus regulations in Chapter 17.84 should be reformatted as an overlay district, similar to others.

Housing Element Policy 4.3b requires removal of the 5-acre maximum.

Current regulations cite rental or sales prices at 30% of 80% of area median income, which equates to 24% of area median which is defined as extremely low income. This was likely an error. 80% is the maximum of the low income range.

The Subcommittee concluded that the current Town density bonus, applied in addition to the allowable state density bonus, would result in an excessively high density and relatively few affordable units. The Subcommittee recommended offering the more advantageous Town density bonus as an alternative to the state's bonus.

Proposed Code Amendments:**Comments:**

2. For purposes of calculating a density bonus, a fraction of a unit shall be rounded up to the nearest whole unit.

E. Additional Incentives and Concessions. The Town may provide incentives and concessions to projects that qualify for a town density bonus in order to make such units economically feasible. Possible assistance includes the following:

1. Direct financial aid (e.g., Housing Opportunity Fund, Community Development Block Grant funding) in the form of a loan or a grant to subsidize or provide low-interest financing for on- or off-site improvements, land purchase, or construction costs;

2. Waived, reduced or deferred building permit and/or development impact fees;

~~3. Modification(s) of Title 17, Zoning, and/or Title 18, Design Standards, standards for the affordable units that may include, but are not limited to:~~

~~a. Reduced setback requirements;~~

~~b. Reduced open space requirements;~~

~~c. Increased floor area ratio;~~

~~d. Waiver of requirement that parking spaces be covered;~~

~~e. Reduced minimum building separation requirements;~~

~~f. Reduced sidewalk requirements;~~

~~g. Modifications to standards shall only be approved if any negative impacts associated with such modifications are mitigated and the project design is compatible with the Town character and neighboring uses;~~

~~34. Priority consideration during the review process; and~~

~~4. Concessions or waivers from development regulations in accordance with the provisions of California Government Code Sections 65915 through 65918 (State Density Bonus Law).~~

~~5.—A request for approval of incentives and/or concessions pursuant to this subsection shall be made along with applicable related planning action requests for the project as specified in Titles 17 and 18 of this code regulated by Division 5 of Title 17.~~

Chapter 17.88 S, SENIOR MOBILE HOME PARK OVERLAY

17.88.010 Purpose and application.

The overlay designation S, Senior Mobile Home Park, is intended to promote the retention of mobile home parks for occupancy by senior residents as a source of local affordable housing.

17.88.020 General conditions.

New overlay district, relocated from Mobile Home Park Residential District, Section 17.44.070. Will require Zoning Map amendment to add S designation to the two existing MHP zoned sites.

Proposed Code Amendments:***Comments:***

The following general conditions shall be required on lands where the overlay designation S, Senior Mobile Home Park Overlay, is shown on the Zoning Map:

A. Mobile home units in a mobile home park in the Senior Mobile Home Overlay zone shall be occupied only consistent with the definition in Chapter 17.236 so that at least 80% of spaces and mobile home units are rented and occupied by at least one person who is age 55 or older. The age restriction stated herein does not apply to or affect ownership of mobile home units, but is an occupancy requirement.

B. The signage, advertising, park rules and regulations, and leases for spaces or units shall state the park is a senior park, or “housing for older persons,” which at a minimum is consistent with the definition in Chapter 17.236.

C. Senior mobile home park owners and/or their management personnel shall submit biennial verification of occupancy to confirm their status as a senior mobile home park, through survey or affidavit, in a form to be determined by the Town Planner, which shall be consistent with the survey or affidavit that satisfies the Federal Fair Housing Act regulations and which the Town Planner, or designee, shall review and certify.

D. Failure to submit the verification required by this section or failure of the verification to confirm that the senior mobile home park meets the occupancy requirement above shall constitute a violation of the Town’s Zoning Ordinance, subject to enforcement in the manner and form provided for in the Yountville Municipal Code.

Chapter 18.4417.112 ACCESSORY BUILDINGS/AUXILIARY STRUCTURES AND FACILITIES

17.112.010 Applicability. These standards shall apply to all zoning districts that permit auxiliary structures and shall be in addition to all other standards regulating development of the site. Where any conflict is found to exist, the more restrictive standards shall be applied. These standards shall not apply to accessory dwelling units as regulated by Chapter 17.156, landscape elements or agricultural auxiliary structures.

17.112.020 Timing of Installation. An auxiliary structure shall be constructed concurrent with or subsequent to the construction of a main building on the property.

17.112.030 Building Code Compliance. The location and construction of all auxiliary structures shall comply with all applicable Building Code standards.

17.112.040 Location and Setbacks.

A. The following minimum setbacks shall apply to the location of all auxiliary structures:

<u>Front</u>	<u>20 feet</u>
<u>Side</u>	<u>5 feet</u>
<u>Street Side</u>	<u>10 feet</u>
<u>Rear</u>	<u>5 feet</u>

B. An auxiliary structure shall not be located closer towards the public right-of-way than the nearest point of the main building, regardless of the location of the main building with respect to required setbacks from a public right-of-way.

C. A minimum separation of 6 feet shall be maintained between all auxiliary structures requiring a building permit that are located on the subject property.

D. Detached garages and carports shall be located in the rear half of the lot from the public right-of-way(s) or if located in the front half of the lot shall be screen from view from the street by placement of structures, landscaping and/or fencing.

17.112.050 Master Development Plan Allowable Setbacks. The following reductions in required setbacks may be authorized through approval of a Master Development Plan as regulated by Chapter 17.192:

A. Auxiliary structures may be allowed side and rear setbacks between 3 and 5 feet, and

B. Adjoining properties may share an auxiliary structure that serves as a garage that straddles the shared property line with no setback required provided there is a recorded joint-use agreement.

17.112.60 Height.

Subcommittee preferred
"auxiliary structures".

From 18.16.050.

From 18.16.050.B

Incorporates language from
18.16.050.C.

A. An auxiliary structure shall not exceed one story or 10 feet to the plate height or an overall maximum height of 15 feet, except that garages may not exceed an overall maximum height of 20 feet, and

B. Outdoor fireplaces or ovens shall not exceed a height of 10 feet.

17.112.070 Maximum Number of Auxiliary Structures. The maximum number of auxiliary structures that may be located on a single parcel shall be limited to two (2) except through Design Review approval as regulated by Chapter 17.188.

Incorporates language from
18.16.050.C.7.

18.44.010 Accessory buildings and facilities.

~~A. Nonhabitable buildings and structures that are subordinate and complementary to the primary use, and separate from dwelling units or commercial buildings shall meet the following design standards.~~

~~Landscape elements, such as trellises, patios, fireplaces six feet and less in height, decks below 30 inches, and arbors are not considered accessory structures, and therefore, are not limited by this section.~~

~~B. Design Standards.~~ ~~The following design standards apply to new development throughout the Town:~~

~~1. Fireplace design, location, and separation to other structures must conform to the requirements of the California Fire Code. An accessory structure shall not be permitted in the front or side yards or setbacks, except for encroachments allowed in Division 1, Section 18.16.050(C).~~

~~A garage or other accessory structures may encroach into rear and side yards or setbacks, but must maintain a minimum setback dimension of five feet.~~

~~A minimum setback separation distance of six feet clear (including eaves and similar architectural projections) shall be maintained between all accessory buildings requiring a building permit that are located on a single parcel. Where new construction faces the major windows of an existing building on an adjacent lot, the separation between buildings shall be at least 15 feet.~~

~~Carports must be located in the rear half of the lot or screened from view from the street. For all accessory buildings which are part of a Master Development Plan, side and rear yard setbacks between three feet and five feet may be allowed for some portion of a shared property line.~~

~~Adjoining properties may share an accessory structure that serves as a garage; provided, that there is a joint use agreement and the accessory structure straddles the shared property line.~~

~~The total number of detached accessory buildings requiring a building permit that may be located on a single parcel shall be limited to two.~~

~~42. An accessory structure shall not exceed one story or 10 feet to the plate height or an overall maximum height of 15 feet, with an exception for garages. Where necessary to enhance the architectural design,~~

garages shall not exceed an overall maximum height of 20 feet. Outdoor fireplaces shall not exceed a maximum height of 10 feet.

3. ~~Accessory structures shall have materials consistent with primary buildings.~~

~~18.16.050 Yards, setbacks and encroachments.~~

B. **Design Standards for Yards and Setbacks.** The following design standards apply ~~to new development throughout the Town:~~

1. ~~The following minimum yards and setbacks shall be provided for primary and second residential units in all residential districts, with the exception of the H District:~~

- a. ~~Front yard: 20 feet,~~
- b. ~~Side yard: five feet,~~
- c. ~~Street side yard of a corner lot: 10 feet,~~
- d. ~~Rear yard: 20 feet;~~
- e. ~~Notwithstanding subsections (a)-(d) herein:~~
 - i. ~~Setback requirements shall not apply to a second residential unit located within an existing garage (garage conversion);~~
 - ii. ~~A minimum setback of five feet from the side and rear lot lines shall be maintained for a second residential unit constructed above an existing garage.~~

2. ~~The following minimum yards and setbacks shall be provided for all structures in commercial districts:~~

- a. ~~Front yard: 15 feet,~~
- b. ~~Rear and side yards: determined as part of Master Development Plan review;~~

3. ~~Detached second units and accessory buildings shall not be located in a required front yard, street side yard of a corner parcel, recorded easement, or closer towards the public right of way than the nearest point of the main building to the public right of way, regardless of the location of the main building with respect to required setbacks from a public right of way;~~

4. ~~All required yards or setbacks from street frontage shall be measured from the established building line to the established public right of way or property line;~~

5. ~~No accessory building shall be located in a front yard, or in a side yard on the street side of a corner lot;~~

6. ~~Where new construction faces the major windows of an existing building on an adjacent lot, the separation between buildings shall be at least 15 feet;~~

7. ~~Required light and air separations as defined in the Uniform Building Code, UBC, are intended to provide clear space for existing windows, and therefore, no encroachments of any kind are permanent;~~
8. ~~A minimum setback separation distance of six feet clear (including eaves and similar architectural projections) shall be maintained between all structures requiring a building permit that are located on a single parcel;~~
9. ~~In residential zoning districts, the maximum total number of detached structures requiring a building permit other than the main building that may be located on a single parcel shall be limited to two.~~
10. ~~For all new buildings and detached garages which are part of a Master Development Plan, setbacks between three feet and five feet may be considered for rear and side yards or setbacks for some portion of a shared property line.~~

Chapter 17.23680 DEFINITIONS

~~“Accessory building” means a detached subordinate structure not intended for occupancy, the use of which is incidental to that of the main building on the same lot, or to the use of the land, such as garages, carports, workshops, storage sheds, gazebos, greenhouses, cabanas, fireplaces greater than six feet in height, built-in kitchens and BBQs, decks over 30 inches, swimming pools, hot tubs, and spas.~~

“Auxiliary structure” means a detached, non-habitable structure or facility that is ancillary or subordinate to the main building, the use of which is incidental to that of the main building on the same lot, or to the use of the land. Auxiliary structures include, but are not limited to, garages, carports, greenhouses, storage sheds, patio covers, gazebos, built-in kitchens and BBQs, decks over 30 inches above grade, playhouses, sports courts, pools, hot tubs and spas, trash/recycling enclosures, and freestanding mechanical equipment.

“Gazebo” means a freestanding, roofed outdoor structure typically open on the sides and utilized for outdoor entertaining or shade. Also includes pergolas or cabanas.

~~“Landscape elements” mean structural elements, such as patios, arbors, trellises, planters, fireplaces six feet or less in height, attached decks under 30 inches in height that are part of the outdoor landscaping.~~

“Landscape element” means a structural element, such as an arbor, trellis, planter, fireplace, oven, water feature or similar element which is six feet or less in height, or an outdoor deck which does not exceed 30 inches in height above grade.

“Utility facility” means any fixture, structure or equipment for the transmission or distribution of electric, gas, water, or power; or for any communications system, including cable television.

Subcommittee recommends replacing “accessory building” with “auxiliary structure”.

Gazebo definition added to differentiate from arbor or trellis which are defined as landscape elements.

Proposed Code Amendments:**Comments:****Chapter 17.88116 OFF-STREET PARKING AND LOADING****17.88116.010 Purpose.**

These regulations are intended to provide adequate, accessible, and well-maintained off-street parking and loading areas in order to minimize traffic congestion, and to allow efficient utilization of the street right-of-way, minimize employee parking impacts, and keep visitor traffic and parking impacts from negatively affecting the Town's residential neighborhoods.

-The following specific rules and regulations established in this chapter shall apply to off-street parking and loading. (Ord. 231-92 § 6.2.a)

17.88116.020 General ConditionsNumber Required.

A. When any ~~main~~-building is constructed, enlarged, or increased in capacity, or when a change in use creates an increase in the amount of required off-street parking or loading spaces~~required~~, additional ~~parking or loading~~ spaces shall be required as provided in this chapter ~~and Title 18, Division 1, Section 18.08.030~~;

B. Fractions of numbers shall be figured in the following manner. Any decimal fraction greater than one-half shall ~~be construed as requiring~~require one parking space. Any decimal fraction equal to or less than one-half may be disregarded;

C. When two or more uses are located in the same building and/or in a common developments, or when parking facilities for different buildings or uses are provided collectively, the parking requirements shall be the sum of the individual and separate requirements for each use, except as otherwise provided in this title;

D. If multiple uses share a common space, the greater parking standard shall apply.

E. When consistent with the General Plan, the off-street parking spaces required by this chapter for any land use may be increased or decreased by the decision-making body pursuant to their review of a use~~Use permit~~ Permit or design review application in situations where the proposed use has characteristics that would deviate from typical parking requirements such a high level of clientele or employees as follows:

1. ~~By by the Town Council or Zoning and Design Review Board, as applicable,~~ pursuant to an advisory checklist developed by the Planning and Building Director~~Official~~ regarding the review and approval of reduced or increased parking requirements.

2. ~~By the Town Council or Zoning and Design Review Board, as applicable, for joint use parking facilities for two or more adjacent commercial uses. In joint use parking facilities, when the combined required parking consists of 20 or more spaces, the required off-street parking may be reduced to 75% of the sum required for each individual~~

Chapter reformatted by regulation type (e.g., # spaces required by use type, space dimensions, location, driveways, landscaping)

Suggest incorporating these criteria for joint-use parking facilities into the attached advisory checklist for general parking modifications.

Proposed Code Amendments:**Comments:**

~~use, provided that the parking remains adequate and the area gained by the parking reduction is landscaped.~~

F. Vehicle Parking Requirements by Land Use Type. Off-street parking and loading spaces shall be provided according to the following schedule:

1. **Residential Uses.**

a. Single-family: two spaces, consisting of one covered space and one screened space;

b. Duplex: ~~two~~ four spaces, consisting of one covered space and one screened space for each dwelling unit within the duplex;

c. Multi-family:

i. Three dwelling units require four spaces, consisting of two covered spaces and two screened spaces.

ii. Four dwelling units require six spaces, consisting of three covered spaces and three screened spaces

iii. Additional dwelling units above four require one additional covered space per unit and one additional screened space per every two units

~~Triplex: four spaces, two covered spaces and two screened spaces;~~

~~d. Fourplex: six spaces, three covered spaces and three screened spaces; additional units above four require one covered space per unit and one screened space per each two units;~~

e. ~~Second residential~~ Accessory dwelling unit: one screened space as provided in Chapter 17.1546;

f. Parking spaces provided for affordable housing ~~shall be permitted to~~ may be uncovered, but shall be screened. All screened spaces shall meet the design standards as established in Section Title 18, Division 1, Sections 18.08.030 and 17.136.030.

2. **Health-Related Uses.**

a. Extended care facilities: one space per three beds;

b. Medical and dental office: one space per 200 square feet of use area.

3. **Public Uses.**

a. Theaters, churches, and school auditoriums, and other places of assembly:

i. With fixed seats: one space per four seats;

ii. Without fixed seats: one space per 100 square feet of area used for assembly space;

b. Nursery and elementary schools: one space per each classroom and office, plus 10 spaces for visitor parking.

<i>Proposed Code Amendments:</i>	<i>Comments:</i>
<p>4. Primary Commercial, Residential-Scaled Commercial, Old Town Commercial, or Existing Industrial Uses.</p> <p>A. Restaurant, full-service: one space per three seats for all use area, indoor and outdoor;</p> <p>b. Restaurant, limited service: one space per 250 square feet of use area, indoor and outdoor;</p> <p>c. <u>Wine tasting room, one space per four seats for all seating areas, indoor and outdoor, plus one space per 250 square feet of use area for the retail component</u></p> <p>d. <u>Wine tasting bar, bar, nightclub: one space per Building Code occupancy of three;</u></p> <p>de. Mobile food vendor: five spaces per vehicle;</p> <p>ef. Motels, inns, bed and breakfast: 1.14 spaces per room;</p> <p>fg. Retail stores and personal services: one space per 250 square feet of use area;</p> <p>gh. Business and professional offices: one space per 300 square feet of use area (not including medical and dental offices);</p> <p>hi. Heavy commercial or industrial: one space per 800 square feet of use area;</p> <p>5. Loading. Commercial and industrial uses with use areas:</p> <p>a. 10,000 to 24,999 square feet: one berth;</p> <p>b. Each additional 25,000 square feet: one berth.</p>	
<p><u>G. Buses, Limousines, and Ride Share Services</u></p> <p>1. <u>Commercial uses and properties shall provide where feasible one or more off-street loading zones for buses, limousines, and/or ride share vehicles. The number of spaces shall be determined by the Town Council on a case-by-case basis.</u></p> <p>2. <u>Visitor buses and limos are prohibited from parking on all streets within residential zoning districts, except in specified locations authorized by the Town.</u></p>	<p>Added requirements for buses/ride share.</p> <p>The Town has provided a designated location for bus and limo parking on Jackson Street.</p>
<p><u>H. Electric Vehicle Charging Stations</u></p> <p>a. <u>Commercial and Multifamily. New commercial and multifamily projects shall provide electric vehicle charging stations for 1 percent of the total required parking spaces.</u></p> <p>b. <u>Single Family Residential. New residential development shall provide electrical service for potential electric vehicle charging.</u></p> <p>GI. Bicycle Parking. Sufficient bicycle storage space, as determined by the Planning Officer, shall be provided in all parking areas of 10 or more spaces <u>according to the following schedule.</u></p>	<p>Added regulations for EV charging.</p>

Proposed Code Amendments:**Comments:**

1. Multi-family projects shall provide bicycle parking spaces equal to a minimum of 10 percent of the required vehicle spaces, unless separate secured garage space is provided for each unit. The bicycle spaces shall be distributed throughout the project.

2. Retail commercial uses shall provide bicycle parking spaces equal to a minimum of five percent of the required vehicle spaces, distributed to serve customers and employees of the project.

3. Other non-residential uses providing employment shall provide bicycle parking spaces equal to a minimum of 10 percent of the required vehicle spaces, distributed to serve employees and visitors to the project

4. Places of public assembly shall provide bicycle parking spaces equal a minimum of 10 percent of the required vehicle spaces, distributed to serve customers, visitors, and employees.

5. Each bicycle space shall be a minimum of two feet in width and six feet in length, and have a minimum of seven feet of overhead clearance.

6. Each bicycle parking space shall include a stationary parking device to adequately secure the bicycle.

7. Bicycle spaces shall be conveniently located and generally within proximity to the main entrance of a structure.

J. **Employee Parking.** All new or expanded uses, and changes in use, shall demonstrate that at least half and up to all employees can park onsite in spaces designated and signed for employee use. If there is insufficient onsite space in a previously developed parking lot to accommodate all employees associated with an expanded use or a change in use, the Town Council may consider allowing on-street employee parking on a case-by-case basis, subject to an approved Employee Parking Management Plan and lease of on-street parking spaces consistent with the Master Fee Schedule.

Suggest making bike parking requirements objective. Proposed regulations follow.

The intent of this section is to codify existing Town Council policy on employee parking, which seeks to minimize and mitigate the employee parking burden in the Town's residential neighborhoods. By including this new provision, it gives clear guidance to applicants of the Town's expectation.

17.116.030 Parking Space Dimensions.

All off-street parking and loading areas shall comply with the following minimum dimensions:

A. General Parking. Required spaces in parking areas shall be configured according to the following schedule:

			Aisle Width	
Angle	Stall Width	Stall Length	One-Way	Two-Way
Parallel	9'	24'	12'	20'
45 degrees	9'	20'	16'	20'
60 degrees	9'	21'	18'	20'
Perpendicular	9'	19'	24'	24'

Proposed Code Amendments:**Comments:**

B. Compact Car Parking. 30% of the required spaces in parking areas with five required spaces or more may be devoted to compact car spaces, according to the following schedule:

Angle	Stall Width	Stall Length
Parallel	8'-06"	20'
45 degrees	8'-06"	16'-18'
60 degrees	8'-06"	17'-19'
Perpendicular	8'-06"	16'-18'

~~As an option to the use of compact parking spaces, a "hybrid" parking space of eight feet, six inches wide and 18 feet in length may be used for all parking spaces (no compact spaces may be used) in parking areas with five required spaces or more.~~

C. Accessible parking. Handicap parking shall be provided in accordance with the standards of the California Building Code, ~~part 2, Title X.~~

D. Loading. Required bays in loading areas shall be configured according to the following schedule:

	Berth Width	Berth Length	Berth Height
Heavy Commercial and Industrial Uses	12'	45'	15'
Mortuaries	10'	25'	8'
All Other Uses	11'	35'	14'

The Subcommittee recommends eliminating the "hybrid" space option below and increasing the width and length of compact spaces.. 16' length at Piazza Quercia is too short and creating a problem. Piazza Quercia: spaces along N PL are 8'-8" x 18'-8" (these seem to be working OK); spaces along the E PL are 7'-2" x 16' (undersized and definitely too small). 16 feet in length is too short and should be eliminated as an option. 18' should be the minimum.

Washington Square: spaces along S PL are 8'-6" x 18'; spaces along N PL are 9' x 14' (too short).

No need to call out this use category.

17.116.040 Tandem Parking

~~Except for single family residential development, mobile home parks, or as provided by a use permit, tandem parking (parking where ~~a car~~one or more cars have to must be moved in order to allow a car to back from a parking space) shall not count as fulfilling the off-street parking space requirements. In connection with use permits for tandem parking:~~

A. In reviewing requests for tandem parking use permits, consideration shall be given to lot configuration (i.e., narrow lot width); locating all parking spaces beyond the front setback depth; increasing efficiency in use of available space; maximizing onsite employee parking; facilitating in-fill development will be facilitated; and minimizing impacts to adjoining properties will be minimized; and parking for second dwelling units or affordable housing units is facilitated.

B. Notwithstanding any other provision of this subsection, a use permit shall not be required for tandem parking for ~~second residential~~ accessory

Proposed Code Amendments:**Comments:**

~~dwelling units determined by the Planning Officer to have metas established the criteria for ministerial approval as set forth in Section 17.116.030.~~

17.116.050 Driveway and Curb Cut Dimensions.**A. Residential Properties.**

~~1. On residential properties, d~~Driveways width for single-lot access shall not exceed;

~~a. 10 feet in width~~ for garages in the rear half of the lot or for single-car garages on the front half of the lot.

~~b. 18 feet for Driveways for~~ two-car garages on the front half of the lot ~~shall not exceed 18 feet in width~~. The allowance for driveways up to 18 feet in width shall be subject to the following restriction: no more than 50% of the driveways in a Master Development Plan of five or more units shall be allowed to exceed 10 feet in width. Shared driveways shall be excluded from the calculation of this requirement.

~~2. Driveways providing shared access for to one or two lots shall not exceed 12 feet in width~~

~~3. , and driveways~~Driveway providing for shared access to three or more lots shall not exceed 20 feet in width;

~~B4. Encroachments into a driveway area shall be limited to roof overhangs, projecting eaves, awnings, second story bay windows and similar building elements;~~

~~C5. On residential properties, curb~~Curb cuts for single-car access shall not exceed 12 feet in width; and ~~where possible, the distance between curb cuts should be at least 20 feet;~~ however, the minimum distance between curb cuts ~~shall~~ may be 10 feet when part of a Master Development Plan;

6. Encroachments into a driveway area shall be limited to roof overhangs, projecting eaves, awnings, second story bay windows and similar building elements;

B. Non-residential Properties

~~D1. Curb cuts for access to parking lots shall not exceed 12 feet for one-way access or 24 feet in width for two-way access and 12 feet in width for one-way access.~~ Exceptions may be granted by the Town Council as deemed necessary for public safety or preservation of existing landscape;

2. Parking that results in vehicles backing out onto a public street shall be prohibited. Vehicles are to enter the roadway headfirst.

17.116.060 Location of Parking.**1. Residential Properties**

A. Except for driveways and approved parking spaces, off-street parking and loading spaces are not permitted in any side yard on the street side of a

From 18.08.030.C.1

From 18.08.030.C.2

From 18.08.030.C.9

From 18.08.030.C.3

Proposed Code Amendments:**Comments:**

corner lot or any front yard unless the parking spaces are screened from the public right-of-way;

B. Off-street parking spaces for single-family dwellings shall be located on the same lot as the dwelling served.

C. Off-street parking spaces for all other dwellings shall be located on the same lot ~~or and~~ not more than 250 feet from the dwelling served. ~~Off-street parking spaces for all nonresidential uses shall be located on the same lot or not more than 350 feet from the use served. To ensure the perpetuation of the parking space requirements of this chapter, an owner of any lot that serves as parking for another lot shall execute a declaration of restrictions and covenants for the lot in a form acceptable to the Town Council. The declaration of restrictions and covenants shall set aside the required space for parking only. The declarations of restrictions and covenants may be waived only by consent of the owners of more than one-half of the lot that serves as parking for another lot, and the consent of the Town Council;~~

2. Nonresidential Properties

A. Off-street parking spaces shall be located on the same lot or within close proximity to the use served, as authorized by the Town Council.

To ensure the perpetuation of the parking space requirements of this chapter, an owner of any lot that serves as parking for another lot shall execute a declaration of restrictions and covenants for the lot in a form acceptable to the Town Council. The declaration of restrictions and covenants shall set aside the required space for parking only. The declarations of restrictions and covenants may be waived only by consent of the owners of more than one-half of the lot that serves as parking for another lot, and the consent of the Town Council;

B. Bumpers, posts, wheel stops, or other similar devices shall be provided on all parking spaces located along property lines, and set back a minimum of 18 inches from the boundary of the parking lot.

From 18.08.030.B.6

From 18.08.030.B.5

17.116.070 Landscaping of Parking Facilities.

A. Within parking areas, there shall be one tree provided for every six parking spaces. ~~(Six spaces may be configured in different ways, for example, three in a row facing each other or six in a single line.)~~

B. Trees shall be planted in tree wells of at least four feet wide by four feet long by four feet deep and adequately protected from car movements.

C. All landscaping and trees shall be provided with an irrigation system ~~which that~~ is maintained in working order;.

From 18.8.030.B.7

17.116.080 Lighting of Parking Facilities.

A. Lighting for parking areas shall be designed pursuant to the requirements of Chapter 17.13228, to confine emitted light to parking areas, and with the light source ~~shall~~ not be visible from outside the area. Glare or shine from lighting shall not create a nuisance for adjacent dwelling units.

<i>Proposed Code Amendments:</i>	<i>Comments:</i>
<p>B. Average illumination at the ground shall be no more than one foot candle, except where an increase in lighting level is recommended by a lighting consultant or qualified professional as necessary for safety.</p> <p><u>17.116.090 On-street Parking Shoulders in Old Town</u></p> <p>For properties designated as H, Old Town Historic, on the Zoning Map in Figure 1, on-street parking shoulders shall be surfaced with permeable materials such as gravel, decomposed granite, or other aggregate material.</p>	<p>From 18.20.100</p>

DRAFT Advisory checklist for adjusting parking requirements noted in 17.88116.020.E.1

Increased Parking Demand:

- Total number of employees by shift, and taking shift overlap into consideration, may result in additional required parking spaces. Where shift overlap occurs, one or more spaces shall be a temporary staging space to allow time for the previous employee to exit the site. The goal is to park up to 100% of employees in the onsite parking lot.
- Business that draw visitors from outside the area shall provide one or more parking space for associated ride share vehicles, busses, and/or limousines.

Reduced Parking Demand:

- In joint-use parking facilities for two or more adjacent commercial uses, when the combined required parking consists of 20 or more spaces, the required off-street parking may be reduced to 75% of the sum required for each individual use, provided that the parking remains adequate and the area gained by the parking reduction is landscaped.
- Based on a parking study provided by the applicant, peer reviewed by the Town, and acceptable to the Town Council.

Proposed Code Amendments:**Comments:****Chapter 17.12898 TREE PRESERVATION AND MANAGEMENT****17.98128.010 Purpose.**

The purpose of this chapter is to promote the health, safety, welfare, and quality of life of the residents through the protection of specified trees on private property and the establishment of standards for removal, maintenance, and planting of trees throughout town. In establishing these procedures and standards, it is the Town's intent and objective to encourage the preservation of trees. (Ord. 428-14)

17.98128.020 Statement of intent.

It is the goal of the Town to foster a vibrant and healthy mixed-species, urban forest. The preservation of trees enhances the natural beauty of the community, sustains the long-term potential increase in property values, helps to create and retain the identity and quality of the Town which is necessary for successful business to continue, improves the attractiveness of the Town to residents and visitors, maintains the natural ecology, retains the tempering effect of extreme temperatures, prevents the erosion of top soil, provides protection against flood hazards, and contributes to the reduction in greenhouse gas emissions.

When considering requests for tree removal, primary preference will be given to mitigation measures that will allow the retention and preservation of the tree.

Where tree removal is approved, the initial preference is that another tree should be replanted onsite in a suitable location, whenever good forestry practice so dictates. However, in those circumstances when a replacement tree cannot feasibly be replanted onsite, an in-lieu fee shall be paid to the Town as defined in this chapter. It is further intended that review of requests for tree removal or tree trimming should be based on protecting public safety and preserving the health of the tree. (Ord. 428-14)

17.98.030 Definitions.

~~For the purposes of this chapter, the following definitions apply:~~

~~"Certified arborist" shall be as defined by the International Society of Arboriculture or other nationally recognized tree research, care, and preservation organization.~~

~~"Compaction" means compression of the soil structure or texture by any means that creates an upper layer that is impermeable and injurious to roots and the health of a tree.~~

~~"DBH" (diameter at breast height) means the diameter of a tree trunk measured four and one-half feet (54 inches) above natural grade.~~

~~"Development" means any work upon any property in the Town which requires a design review permit, use permit, variance, subdivision, demolition permit, grading permit, building permit, or other Town approval or which involves excavation, landscaping, or construction within the dripline of a protected tree.~~

All definitions will be consolidated.

Proposed Code Amendments:**Comments:**

~~“Disturbance” refers to all of the various activities from construction or development that may damage a tree.~~

~~“Dripline” means the area of ground directly underneath any portion of the canopy of a tree.~~

~~“Excessive pruning” means removal of more than one-third of the functioning leaf and stem area of a tree in a 12-month period or removal of foliage so as to cause the unbalancing of a tree.~~

~~“Hazardous tree” refers to a tree that possesses a structural defect which poses an imminent risk and threat to safety if all or part of the tree were to fall on someone or something of value. The Town’s consulting arborist retains the discretionary right to approve or amend a hazardous rating, in writing, and require any action that may reduce the condition to a less than significant level or hazard.~~

~~“Heritage tree” means any tree identified in the Heritage Tree Survey. Upon adopting the Heritage Tree Survey by Resolution, the Town shall publish the Heritage Tree Survey by posting the same on the Town’s website.~~

~~“In-lieu fee” means a fee paid to the Town for a replacement tree(s) when said tree cannot feasibly be planted on-site.~~

~~“Owner” is the fee owner of real property.~~

~~“Planning Officer” means any person employed or retained by the Town to administer and enforce this title.~~

~~“Protected tree” means any of the following:~~

- ~~1. — A heritage tree.~~
- ~~2. — Any native oak tree with a trunk that measures 10 inches DBH (31 inches in circumference) or more.~~
- ~~3. — Any tree with a trunk that measures 12 inches DBH (38 inches in circumference) or more or a multi-stemmed perennial plant having an aggregate DBH of 20 inches (63 inches in circumference) or more.~~
- ~~4. — A tree shown to be preserved on an approved Development Plan or specifically required by the Town Council or Zoning and Design Review Board to be retained as a condition of approval of an entitlement.~~
- ~~5. — A tree required to be planted as a replacement tree.~~

~~“Protective tree fencing” means a temporary enclosure, a minimum of three feet in height, erected around a tree to mark the boundary of the tree protection zone when any construction is being done. The fence serves three primary functions: (1) to keep the foliage crown, branch structure, and trunk clear from direct contact and damage by equipment, materials, or disturbances; (2) to preserve roots and soil in an intact and non-compacted state; and (3) to identify the tree protection zone in which no soil disturbance is permitted and activities are restricted.~~

Proposed Code Amendments:**Comments:**

~~“Remove” means any of the following:~~

- ~~1. Complete removal, such as cutting to the ground or extraction, of a tree.~~
- ~~2. Taking any action foreseeably leading to the death of a tree or permanent damage to its health, including, but not limited to, excessive pruning, cutting, girdling, poisoning, overwatering, or trenching, excavating, altering the grade, or paving within the dripline of a tree.~~

~~“Replacement tree” means a tree planted as mitigation for the removal of a protected tree.~~

~~“Routine maintenance” means actions taken to maintain the health of a tree including, but not limited to, trimming, pruning, watering, pest management, injecting, fertilizing, cabling, treating for injury, removal of leaves and other debris, and other similar acts which promote the life, growth, health, or beauty of trees and other plants, unless specifically so stated.~~

~~“Structural defect” means any structural weakness or deformity of a tree or its parts that is verified as being hazardous by a certified arborist and which cannot be reduced to a less than significant level of hazard through the implementation of reasonable mitigation measures.~~

~~“Topping” is defined as removing whole tops of trees or large branches and/or trunks from the tops of trees, leaving stubs or lateral branches that are too small to assume the role of a terminal leader.~~

~~“Town tree” shall mean any tree growing within a Town park, on property owned by the Town, or in the street right of way outside of private property.~~

~~“Tree protection plan” means a plan prepared by a certified arborist that outlines measures to protect and preserve trees on a development or construction site. The plan shall include requirements for preconstruction, treatments during demolition and/or construction, establishment of a tree protection zone for each tree, creation of a tree monitoring and inspection schedule, and provision of continued maintenance after construction.~~

~~“Tree protection zone” or “TPZ” is a restricted activity zone where disturbance is not permitted. The TPZ shall be 10 times the DBH of the trunk, unless otherwise approved, and must be identified for each tree and shown on all applicable improvement plans for a development project.~~

~~“Tree report” means a formal report prepared by a certified arborist. (Ord. 428-14)~~

17.98128.040 Hazard reduction and prevention.

A. The following preventative measures shall be taken to reduce hazard risks.

1. Plant trees that are not problematic and that fit the site. The International Society of Arboriculture (ISA) has developed a list to assist property owners in avoiding trees that may become a problem.

Proposed Code Amendments:**Comments:**

2. A healthy, vigorous tree that receives regular care is less likely to become hazardous than one that is ignored. Prevention is the best solution to the tree hazard problem.

3. The risk of hazard may be reduced by removing dead and broken branches, reducing branch end weights, by mechanically supporting weak branches from below, or by cabling and bracing.

4. In some cases, targets may be eliminated by moving picnic tables or other items beneath a precarious tree, fencing to prevent access to such trees, or rerouting pedestrian or vehicular traffic.

B. Where a hazard can be reduced to a less-than significant level or hazard, as determined by a certified arborist in a written tree report, all reasonable mitigation measures shall be taken.

C. Where there are two or more conflicting tree reports, the Town consulting arborist shall make the final determination on a hazardous rating. (Ord. 428-14)

17.98128.050 Permit required.

A. **Applicability.** Except as provided in subsection B of this section, no person may destroy or remove any of the following protected trees from any private property without first obtaining a tree removal permit, in accordance with Section 17.98128.060 of this chapter:-

1. A heritage tree identified in the Heritage Tree Survey;

2. Any native oak tree with a trunk that measures 10 inches DBH (31 inches in circumference) or more;

3. Any tree with a trunk that measures 12 inches DBH (38 inches in circumference) or more or a multi-stemmed perennial plant having an aggregate DBH of 20 inches (63 inches in circumference) or more;

4. A tree shown to be preserved on an approved Master Development Plan or specifically required by the Town Council or Zoning and Design Review Board to be retained as a condition of approval of an entitlement; or

5. A tree required to be planted as a replacement tree.

B. **Exceptions.** A tree removal permit is not required under subsection A if:

1. Prior to removal, the owner submits a tree report by a certified arborist certifying the tree as dead and receives approval for removal from the Planning Officer.

2. The removal of the tree was specifically approved as part of a previously-approved development entitlement.

3. The work to be performed is routine maintenance necessary for the health of the tree or protection of property; provided, however, that non-

Recommend adding an Applicability section and listing the types of protected trees rather than relying on the definition of "protected tree."

Proposed Code Amendments:**Comments:**

routine maintenance shall be subject to fines and penalties as provided in this chapter.

4. Prior to removal, the Planning Officer determines that the tree constitutes a hazard or threat to the public health and safety or property in the vicinity in cases where one or more of the following apply:

- i. The tree (or trees) in question is dying, diseased or has been substantially damaged and will likely in the near term threaten the health, safety, or property improvements in the immediate vicinity and such disease or threat is verified in writing by a licensed tree surgeon or certified arborist. Prior history of poor maintenance affecting the health of the tree may invalidate grounds for removal of an unhealthy tree; or
- ii. The tree (or trees) in question is classified as a pyrophyte, including Monterey Pine, Bishop Pine, Acacia species, and Eucalyptus species; or
- iii. Tree removal or alteration is by a public agency or public utility to provide for the routine maintenance of public land or public utilities; or
- iv. Tree removal or alteration is by a homeowner or a homeowners association when it can be demonstrated that the tree is causing damage to a utility that cannot be relocated and mitigation measures are not feasible.

~~The tree presents an immediate danger of collapse and requires immediate action for the safety of life or property; provided that prior to destruction or removal, the owner shall notify the Planning Officer and improper removal shall be subject to fines and penalties as provided in this chapter.~~

The current exemption process for tree removal is challenging because arborists are hesitant to make the call that a tree is an imminent hazard, which is necessary before the tree removal can be approved. Some suggested language that would add some additional criteria for exemptions.

(Ord. 428-14; Ord. 16-454)

17.98128.060 Permit application.

Applications for tree removal permits shall be submitted to the Town on forms provided by the Planning Officer. There shall be a fee for this permit as established by resolution of the Town Council as a part of the Town's ~~Master Fee~~ Schedule.

- A. An application for tree removal permit shall be required for all protected trees.
- B. Applications shall be submitted to the Planning Department and shall be accompanied by the following information.
 - 1. When combined with a larger development application, a preliminary site plan and grading plan showing the number, size, type, and location of tree(s) to be removed and trees to be preserved, and the location of all existing and proposed improvements on the property. The plan shall include the approximate driplines of all trees onsite and trees

Proposed Code Amendments:**Comments:**

located on adjacent properties with canopies overhanging the project site.

2. When not combined with a larger development application, a site plan showing the number, size, type, and location of the tree(s) to be removed and all existing improvements on the property.

3. The property owner's name, address, and telephone number.

4. The name, address, phone number, and business license number of the company or individual to remove the tree(s).

5. Specific reasons for requesting removal of the tree(s).

C. ~~An arborist-tree~~ report shall be submitted as part of the permit application, if determined necessary by the Planning Officer. The adequacy of the tree report shall be subject to determination by the Planning Officer, who may hire a consulting arborist at the expense of the applicant to provide a peer review of the methodology, sufficiency and conclusions of the submitted report.

D. Application for and granting of a permit may be jointly considered with an application for other development entitlement which may be required. (Ord. 428-14)

17.98128.070 Permit decision, criteria, and mitigation.**A. Decisions.**

1. The Planning Officer shall grant or deny all permits for tree removal, except as provided below.

2. The Town Council shall grant or deny a permit for tree removal for heritage trees and native oak protected trees.

3. If an application is being jointly considered with any other application for a development entitlement, then the Town Council or the Zoning and Design Review Board shall render the decision.

B. ~~Criteria~~Findings. In order to issue a Tree Removal Permit, After the hearing on the application is completed the responsible reviewing authority may approve the application and authorize a tree removal permit if the facts presented establish one or more of the following the Town shall consider the following criteria:

1. The condition of the tree(s) with respect to its health present(s) an- imminent danger of falling or failure, and constitutes a likely hazard to safety due to the proximity to of existing structures, and or interference with utility-public infrastructure or utilities. Prior history of poor maintenance affecting the health of the tree may invalidate grounds for removal of an unhealthy tree; or

2. ~~The necessity of removing the tree(s) to allow for the reasonable use, enjoyment or development of the property.~~

23. ~~The age and size of the tree with regard to the appropriateness of the size of the area in which the tree is planted and/or whether its~~

These criteria are difficult to apply since they are presented as statements rather than as findings. Revised findings have been reviewed by the

Proposed Code Amendments:**Comments:**

~~Removal is warranted due to the tree's age and size with respect to the size or appropriateness of its planted location or if removal would encourage healthier, more vigorous growth of other trees or would encourage healthier, more vigorous growth of trees and other plant material in the area; or-~~

~~4. The effect of removal upon soil erosion or whether it will result in a significant diversion or increase in the flow of surface water.~~

~~5. The number, species, size and location of other trees in the area and the effect removal will have upon shade, privacy between properties, or scenic beauty of the area.~~

~~36. Alternative Whether reasonable mitigation measures that reduce a structural defect but to not result in removal of the tree(s) are either impractical or would not benefit the longevity of the subject tree(s) in a hazardous tree to a less than significant level or hazard can be implemented.~~

C. **Mitigation for Removal.** ~~The decision-making~~ **decision-making** authority may attach any reasonable condition to ensure compliance with the purpose and intent of this chapter. Where mitigation is deemed necessary, the Town shall require the planting of onsite replacement tree(s), ~~the or~~ payment of an in-lieu fee, or any combination of the two. (Ord. 428-14)

Subcommittee and incorporated.

17.98128.080 Replacement trees/in lieu fees.

A. **Replacement Trees.** Often it is not possible to replace a large, older tree with a single equivalent tree. In such cases, the following tree canopy replacement ratio shall apply:

1. The Planning Officer may condition any tree removal permit with replacement of trees in kind or from a recommended tree list maintained by the Town. The replacement requirement shall be calculated on an inch-by-inch replacement of the removed tree(s) and shall consist of a minimum 15-gallon tree. The minimum size for a replacement of a heritage tree or a native oak shall be 24-inch box.

B. Whenever a tree removal permit is conditioned upon the planting of a replacement tree, the payment of an in-lieu fee as established in the Master Fee Schedule shall occur prior to issuance of the tree removal permit, refundable within 180 days of the permit issuance upon planting the required replacement tree and providing photographic proof of the planting and placement of the replacement tree to the Planning Officer or designee. it shall be planted within 180 days of removal of the issuance of the tree removal permit in a location to be determined by the Planning Officer. Such replacement shall meet the standards of size, species, and placement as provided for in the tree removal permit issued by the Planning Officer. Unless the Planning Officer determines otherwise, the total circumference of the replacement trees shall have a combined circumference of the tree(s) to be removed, measured 54 inches above natural grade (e.g., the removal of

We have found that the replanting requirement puts the onus on the Town to track the replacement. We've changed our procedure to require the payment of the in lieu fee prior to permit issuance, refundable upon planting the replacement tree and submittal of the tree invoice and photo of it planted

Proposed Code Amendments:**Comments:**

one 12-inch DBH tree shall necessitate the planting of six two-inch DBH trees or four three-inch DBH trees, etc.).

before the 180 days has elapsed.

C. **In-Lieu Fees.** In some circumstances, crowding or other physical constraints make it impossible or undesirable to replace a tree of equal value onsite. When a replacement tree planting is deferred or not feasible, a fee will be assessed to the permit applicant in-lieu of the cost of replacing the tree to be removed. These fees will be paid to the Town at the time of permit issuance and shall be placed into the Tree Planting and Preservation Fund. The in-lieu fee is the entire cost of establishing a new tree in accordance with the Master Fee Schedule. In addition to the cost of acquiring a replacement tree as set forth in the Master Fee Schedule, the in-lieu fee shall also include materials and labor necessary to plant the tree, and to maintain it for two years. This in-lieu fee will be reviewed annually and, if necessary, adjusted to reflect current costs. The in-lieu fee may be refunded within 180 days of the permit issuance upon planting the required replacement tree and providing photographic proof of the planting and placement of the replacement tree to the Planning Officer or designee.

D. Replacement trees shall be monitored for five years to ensure their establishment and growth to maturity. The Town will inspect the replacement trees annually on or around each October, with proper notification, to ensure adequate maintenance. Replacement trees that do not survive or are removed during the five-year inspection period shall be replaced at the owner's expense. The new replacement tree(s) shall be planted within 90 days of inspection and will restart a new five-year inspection period. (Ord. 428-14)

17.98128.090 Appeal.

A person aggrieved by the decision of the Planning Officer may appeal to the Zoning and Design Review Board and a person aggrieved by the decision of the Zoning and Design Review Board may appeal to the Town Council, by paying the appeal fee to the Town and filing a written notice of appeal setting forth specific grounds for the appeal with the Town Clerk within 10 calendar days after the determination of the Planning Officer or the Zoning and Design Review Board. At the appeal hearing before the Zoning and Design Review Board or the Town Council, the applicant shall present all written and verbal testimony, reports or written documents that the applicant wishes to provide for consideration of his or her request for the tree removal permit. No rehearing shall be granted, unless approved by the reviewing body consistent with the requirements of Robert's Rules of Order. (Ord. 428-14)

17.98128.100 Tree protection during development.

A. The objective of this section is to reduce the negative impacts of construction on trees to a less-than significant level. The tree protection regulations are intended to guide a construction project to ~~insure~~ensure that appropriate practices will be implemented in the field to eliminate the undesirable consequences that may result from uninformed or careless acts and preserve both trees and property values. Construction projects within the

<i>Proposed Code Amendments:</i>	<i>Comments:</i>
<p>TPZ of protected trees are required to implement the protective practices described in this subsection.</p> <p>B. Tree Protection Plan. Prior to commencement of a development project, a property owner shall have provided a Tree Protection Plan if any activity is within the dripline of a protected tree. The plan shall be prepared by a certified arborist to assess impacts to trees, recommend mitigation to reduce impacts to less-than significant levels, and identify construction guidelines to be followed through all phases of a construction project. The plan must be approved by the Town's consulting arborist prior to the start of work.</p> <p>C. Protective tree fencing shall be erected around the TPZ of all trees, whether located on or off-site, to be protected during construction. The fence shall remain in place throughout the entire construction period and may not be removed without approval by the Planning Officer.</p> <p>D. Activities prohibited within the TPZ include:</p> <ol style="list-style-type: none"> 1. Storage or parking of vehicles, equipment, construction materials, refuse, excavated spoils or poisonous materials on or around trees and roots. 2. The use of tree trunks as a winch support, anchorage, as a temporary power pole, sign posts or other similar function. 3. Cutting tree roots by utility trenching, foundation digging, placement of curbs and trenches and other miscellaneous excavation. 4. Soil disturbance or grade change. 5. Drainage changes. <p>E. Inspection Schedule.</p> <ol style="list-style-type: none"> 1. The project certified arborist or landscape architect retained by the applicant shall conduct the following required inspections of protected trees and submit a written summary of the changing tree related conditions, actions taken, and conditions of trees to the Planning Officer. 2. Required Inspections and Reports. <ol style="list-style-type: none"> a. Inspection of protective tree fencing. b. Pre-construction meeting. c. Inspection of rough grading. d. Any special activity within the TPZ. e. Monthly Inspections. The project arborist shall perform monthly inspections to monitor changing conditions and tree health. f. Landscape Architect Inspection. For discretionary development projects, prior to building permit final, the landscape architect shall perform an onsite inspection of all plant stock, 	

Proposed Code Amendments:**Comments:**

quality of the materials and planting, and that the irrigation is functioning consistent with the approved plans.

(Ord. 428-14)

17.98128.110 Duty of care for protected trees.

- A. All owners of property containing protected trees shall have a duty of regular maintenance to ensure the ongoing health and longevity of said trees.
- B. All owners of property containing protected trees that are the site of a development or construction project shall adhere to the standards in Section 17.98128.100.
- C. The following are prohibited maintenance practices for protected trees:
 - 1. Excessive pruning.
 - 2. Topping.
 - 3. Taking any action that foreseeably leads to the death of a tree or permanent damage to its health.

(Ord. 428-14)

17.98128.120 Additional duty of care for heritage trees.

Great care must be exercised when work is conducted upon or around heritage trees. The policies and procedures described herein apply to all encroachments into the protected zone of any heritage tree.

- A. Pruning of heritage trees shall be minimized, particularly during the winter when oaks are more susceptible to fungal infections.
- B. Trenching within the TPZ of any heritage tree may only be done with hand tools to prevent root injury. Mechanical trenching within the protected zone of any heritage tree is not permitted.
- C. Minor roots less than one inch in diameter may be cut, but damaged roots shall be traced back and cleanly cut behind any split, cracked or damaged area.
- D. Major roots over one inch in diameter may not be cut without approval of an independent and certified tree professional.
- E. Irrigation within the TPZ of a heritage tree should be eliminated or minimized, particularly during the summer when natural conditions are dry.
- F. No live material may be planted within 10 feet of the trunk of any heritage tree. Any live material planted within 20 feet of a heritage tree shall be drought-tolerant. If an irrigation system is installed for such plant material, it must be an independent low-flow drip irrigation system.
- G. Limbs of a heritage tree may not be cut for temporary construction purposes.
- H. No impermeable soil covering such as asphalt, concrete or other paving is permitted within the TPZ of any heritage tree.

Proposed Code Amendments:**Comments:**

I. If the Planning Officer has approved construction of a retaining wall or other structure within the TPZ of any heritage tree, the developer shall provide for immediate protection of exposed roots from moisture loss during the construction period. The construction shall be completed within a 72-hour period after grading.

J. When applicable, and when deemed appropriate by the Planning Officer, a minimum \$10,000.00 deposit shall be posted and maintained to ensure the preservation of heritage trees during construction. The deposit shall be posted in a form approved by the Town Attorney prior to any grading or movement of heavy equipment onto the site or issuance of any permits. Each violation of any of the above procedures shall result in forfeiture of a portion or the entirety of the deposit at the discretion of the Town Council. Monies forfeited shall be deposited in the Tree Planting and Preservation Fund and used for replacement or repair of damaged heritage trees. (Ord. 428-14)

~~17.98.130 Recommended tree list.~~

~~A. Each tree has its own particular requirements for soil depth, soil structure, soil chemistry, water requirements and sunlight or shade. Some trees are more tolerant of environmental stress such as drought, wind, smog, overwatering, insects, disease, frost, high temperatures, etc.~~

~~Make your selection on the basis of the growing conditions you have. Sunset's "New Western Garden Book" is a great place to look up the specific requirements of the trees listed.~~

~~Water newly planted trees one to two times per week until established. Don't crowd your tree. Consider the tree's ultimate size and other potential obstructions such as structures and power lines when choosing trees and planting location. Keep lawns 36 to 48 inches away from young trees.~~

~~B. Conditions that cause tree growing problems:~~

- ~~1. Heavy clay soils or hardpan: poor drainage;~~
- ~~2. Lawns, ground covers: compete for water and minerals;~~
- ~~3. Lack of water;~~
- ~~4. Excess water: soil continually wet;~~
- ~~5. Paving or plastic tarp around trees: low oxygen levels;~~
- ~~6. Trees planted too deeply: plant one to two inches above soil line, making a water basin around the outside perimeter; keep lawns and groundcovers out of watering basin;~~
- ~~7. Poor soil fertility: yellowing, stunting;~~
- ~~8. Too much shade or sun;~~
- ~~9. Soil hard and compacted;~~
- ~~10. Lack of organic mulching.~~

We recommend that this tree list be removed from the zoning code and provided as a Town handout. It's a very nice, comprehensive tree guide.

Proposed Code Amendments:**Comments:**

C. — All native plants do well in well drained soil; all are used to long, dry summers, but under cultivated conditions will need a little help the first few years. Except for the coast redwood, which likes surface moisture, all native plants prefer deep but infrequent watering. Compacted soil, which reduces oxygen availability, reduces the plant's chances for healthy growth and will shorten its life span.

D. — Recommended California Native Trees.

NAME	Evergreen/Deciduous	Ht/Spread	COMMENTS
		growth rate	
California Buckeye <i>Aesculus californica</i>	Deciduous	20-40/40	in April, May fragrant creamy flower plumes cover tree; large fruit with green covering split to release large, brown nut like seeds. The pods are used in flower arrangements. Under natural conditions, tree will begin dropping leaves in July, but with water they will last until early fall; poisonous to bees
Manzanita (Common) <i>Artostaphylos manzanita</i>	Evergreen	15/15 moderate	subject to salt burn; Mahogany colored bark; large, light green leaves; white flowers January-March; good garden tolerance; v. "Dr. Hurd" best tree form
Maple, Vine <i>Acer circinatum</i>	Deciduous	5-35 slow	vine like growth but in full sun becomes tree; needs some water throughout year; good fall color; untrimmed it makes a good setting for ferns. Select in the fall to see what color the plant will show; subject to spider mite
Oak, Black <i>Quercus kelloggii</i>	Deciduous	30-80/25-75 moderate	handsome foliage; deeply lobed; maple-like leaves turn yellow and orange in fall; visually attractive deeply checked bark
Oak, Blue <i>Quercus douglasii</i>	Deciduous	50/50 slow	bluish green leaves provide good color in the fall; does well in dry, rocky situations; train when young
Oak, Coast Live	Evergreen	20-70/30-80 fast	

Proposed Code Amendments:**Comments:**

<i>Quercus agrifolia</i>			holly-like, glossy green leaves; greedy roots and spring leaf drop make it poor choice for garden areas, but it is a beautiful shade and street tree
Oak, Valley <i>Quercus lobata</i>	Deciduous	70/70 moderate	best in loose soils where it can tap ground water; magnificent shade tree; galls do not harm tree but can be messy
Redbud, Western <i>Cercis occidentalis</i>	Deciduous	40-18/8-15 slow	needs regular water first few years; multi-branched; beautiful magenta flowers; good fall color; drought tolerant; native to California, Arizona, and Utah; flowers are more profuse when temperatures drop below 28°F in winter. Needs training to become a tree
Redwood, Coast <i>Sequoia sempervirens</i>	Evergreen	60/15 fast	plant in full sun to part shade; likes moisture and does well in lawns; several varieties are now available with different colored foliage as well as one which grows to only 3'. Seedlings usually turn brown/bronze in winter; use a selected variety to stay green all year

E. Recommended Trees.

NAME	Evergreen/Deciduous	Ht/Spread	SPECIAL NEEDS	COMMENTS
		growth rate		
Alder, Italian <i>Alnus cordata</i>	Deciduous	40/25 fast	roots invasive if not deeply watered	drought tolerant; well behaved; glossy green, heart-shaped leaves
Beech <i>Fagus sylvatica</i> v. "Purpurea pendula"	Deciduous	60/40	best in full sun; lawns become difficult to maintain as tree gets older; susceptible to borers especially if wood sunburns	broad cone shape; smooth bark attractive in winter; leaves turn red-brown and hang on well into winter
Birch, European White	-	-	-	-

Proposed Code Amendments:**Comments:**

<i>Betula pendula</i>	Deciduous	30-40/20 slow-moderate	needs aphid control and ample water; sheds leaves & twigs constantly	delicate, lacy; white bark with black clefts; in maturity has a graceful, weeping habit; too greedy for lawns; poor drought tolerance
<i>Betula jacquemontii</i>	Deciduous	60/30 slow-moderate	buy grafted tree	tall, narrow; brilliant white bark
Camphor <i>Cinnamomum camphora</i>	Evergreen	50/50-60 moderate	good drainage; ok in lawns but root rot; verticillium wilt can be problems; sheds leaves and twigs constantly	beautiful tree with rounded dense crown; new foliage in spring may be red, orange, or bronze; also produces small yellow flowers in spring
Cedar, Deodar <i>Cedrus deodara</i>	Evergreen	80/40	-	graceful, pendulous branches; hardy; drought tolerant once established
Chinese Flame Tree <i>Koelreuteria bipinnata</i>	Deciduous	40 moderate	-	flowers, good fall color; drought tolerant, non-invasive roots, little pruning needed; ok in lawns, as street or patio tree
Chinese Fringe Tree <i>Chionanthus retusus</i>	Deciduous	to 20/25 slow	if both male and female plants are present, female will produce fruit	white flower clusters to 4" long June and July; looks like a magnificent white lilac
Chinese Pistache <i>Pistacia chinensis</i>	Deciduous	60/50 slow	stake & prune to develop high head	fall color varies with seedlings; generally pest free; good tree for street or garden; OK in lawns, but verticillium wilt could become a problem; v. "Keith Davey," male, produces no fruit, is easier to shape, and has guaranteed spectacular fall color
Chinese Tallow Tree	Deciduous	40/35 fast		

Proposed Code Amendments:

Comments:

<i>Sapium sebiferum</i>			needs ample water when young, much less when older	good in lawns; tends to be shrubby; multiple trunks, but easily trained to single trunk; good reddish-orange color in fall; some individuals shed a lot of yellow pollen
Crab Apple <i>Malus floribunda</i>	Deciduous	15-20/10-15 moderate	may need scale, aphid, spider mite, tent caterpillar control M.	flower, fruit; many cultivars from which to choose; least trouble of flowering fruit trees
<i>Malus "Robinson"</i>	Deciduous	20/30 fast	"Robinson" most pest resistant	
<i>Malus "Spring Snow"</i>	Deciduous	-		fruitless, prolific white flowers; great tree
Crape Myrtle <i>Lagerstroemia indica</i>	Deciduous	6-30/10-30 slow	water infrequently but deeply select for size and mildew resistance	attractive bark; flowers late summer; drought tolerant; flowers July-Sept. with white through shades of pink, red, and deep purple; many sizes: dwarf to tall
Dogwood, Eastern <i>Cornus florida</i>	Deciduous	to 20 moderate	best in shade; doesn't like western exposure; ample water; may have twig dieback	fruit attractive to birds. Our native western dogwood not well suited for gardens. Beautiful tree in bloom; many varieties available
Dogwood, Kousa <i>Cornus kousa</i>	Deciduous	20-25 moderate	multi-stemmed shrub; needs training for tree form; ample water	delicate limb structure; leaves yellow and scarlet in fall; creamy white flowers turn pink around edges
Elm, Chinese <i>Ulmus parvifolia</i>	Evergreen	60/70	needs staking; prune when young to establish strong limbs	good shade tree; ok as street tree if pruned carefully; can be deciduous in very cold weather; "drake" cultivar subject to anthracnose
Fern Pine	Evergreen	70/50 slow		

Proposed Code Amendments:

Comments:

<i>Podocarpus gracilior</i>			need staking until strong trunk develops, year-round regular water; select plants for upright growth	almost pest free; foliage resembles that of yew, but are longer, broader, and lighter in color
Ginkgo (Maidenhair Tree) <i>Ginkgo biloba</i>	Deciduous	80/35 slow	plant only male; needs water in summer until 10-20' high; train central leader when young	pest resistant; hardy; bright golden-yellow fall color "Autumn Gold" has excellent color and is male
Golden Rain Tree <i>Koelreuteria paniculata</i>	Deciduous	35/40 slow-moderate	stake, prune to shape; needs regular, deep water when young	non-invasive roots; yellow flower clusters in summer; ok in lawn; Japanese lanterns for flower arrangements
Hackberry, Chinese <i>Celtis sinensis</i>	Deciduous	30/30 fast	occasional aphid problem	tiny berries attractive to birds; good street tree, no root problems; ok in lawns; will take drought
Hackberry, Common <i>Celtis occidentalis</i>	Deciduous	50/50 fast	staking when young; buy from containers; bare root plants take much longer to grow	species are deep rooted and are not a problem in small planting areas; good in windy locations; very hardy
Hackberry, European <i>Celtis australis</i>	Deciduous	to 40 in 15 yrs. fast	-	when young is more upright than other hackberries; deep rooted
Hawthorn, English <i>Crataegus laevigata</i>	Deciduous	25/20 moderate	grow on dry side to discourage rank growth	many varieties to choose from, some single and some double flowers; doubles set little fruit
Hawthorn, Washington Thorn <i>Crataegus phaenopyrum (cordata)</i>	Deciduous	25/20 moderate	grow on dry side to discourage rank growth; select fire blight and	small white flower clusters in late spring, red berries in fall; least susceptible to fire blight & more delicate and graceful scale resistant varieties than other hawthorns; best of hawthorns as street or lawn tree
Hornbeam, European	Deciduous	40 moderate	scale can be a problem	good fall color; good in lawns; fruit

Proposed Code Amendments:**Comments:**

<i>Carpinus betulus</i>				clusters to 5" long; good street tree; V. fastigiata more pyramidal than sp.
Horsechestnut, Red <i>Aesculus carnea</i>	Deciduous	40/30 slow	needs summer water to retain leaves longer; stays small for years	makes dense shade; round headed with dark green leaves holds leaves longer than its relative, our native Calif. Buckeye; 8" long plumes of pink to red flowers in spring; "Briotii" has brilliant red flowers
Japanese Pagoda <i>Sophora japonica</i> v. "Regent"	Deciduous	to 20/20-25 moderate	messy when dropping pods no pods when young	spreading growth habit; good lawn or patio shade tree; clusters of yellowish white flowers July-September; older branches take on rugged look of oak; can reach 40' when old; very hardy and disease resistant
Laurel, Grecian <i>Laurus nobilis</i>	Evergreen	12-40/slow to moderate when older	needs good drainage; spray for black scale; laurel psyllid; prune to retain shape; tends to sucker heavily	conical in shape; this is the traditional bay; drought tolerant when established; dark purple berries; does best in filtered or afternoon shade. v. "Saratoga" more tree like and resistant to psyllid
Linden, Little Leaf <i>Tilia cordata</i>	Deciduous	30-50/15-30 slow	deep watering; staking & pruning when young	good street, lawn tree; attractive to bees; many varieties from which to choose; might burn in summer heat when young
Linden, Large Leaf (Basswood) <i>Tilia americana</i>	Deciduous	40-60/20-25 slow	deep watering; staking and pruning when young	straight trunk, dense narrow crown; large heart-shaped leaves; fragrant, ivory flowers June-July
London Plane (Sycamore)	Deciduous	40-80 fast	spider mites & scale occasional	large maple-like leaves; tolerates most soils; likes wet

Proposed Code Amendments:

Comments:

<i>Platanus acerifolia</i>			problems; likes moisture	areas; good park; lawn; use selections that are anthracnose & mildew resistant
Locust, Purple Robe <i>Robinia ambigua</i>	Deciduous	40 moderate	spreads by suckers; train 45° branch angles when young	tolerates drought and poor soils; bright magenta 8" flower clusters; aggressive roots; will take drought when established; branches with narrow crotch angles subject to breaking in wind
Magnolia <i>Magnolia grandiflora</i>	- Evergreen	- 80/40 slow	- plenty of water; leaves spent blossoms need constant raking May-September	- blooms at age 15 years or less; beautiful shade tree; smaller varieties better suited for street trees, small gardens; dense shade & surface roots prevent lawn growth
<i>Magnolia grandiflora</i> , v. "St. Mary's"	Evergreen	20/20 slow	plenty of water; pruning and staking	this and the 3 following smaller varieties of the classic southern magnolia are much better suited for small gardens and street trees. See Sunset for other varieties
<i>Magnolia salicifolia</i>	Deciduous	20-30/42 slow	regular, deep watering	flowers heavily
<i>Magnolia soulangiana</i> v. "Alexandria" & "Merrill"	Deciduous	25/25 slow	well-drained soil, deep and regular watering	flowers pinkish or purple red; often mistaken for tulip tree; ok in lawn if lawn not in its water basin; seedlings may be genetically small
<i>Magnolia stellata</i> v. "Galaxy"	Deciduous	10-15/45 slow	rich, well-drained moist soil	many good cultivars; profuse white flowers in late winter and early spring; multi-trunked huge; reddish purple flowers
-	Deciduous	25-30/45 moderate		
Maple, Hedge <i>Acer campestre</i>	Deciduous	35-70/70 slow	regular, deep water & feeding to keep roots down	yellow leaves in fall; very hardy; drought tolerant; rarely exceeds 30' in cultivated areas
Maple, Red	Deciduous	40/20 fast		

Proposed Code Amendments:**Comments:**

<i>Acer rubrum</i>			constantly available water	showy flowers with brilliant scarlet fall color; many varieties to choose from; (v. October Glory, Red Sunset, and Bowhall are especially good)
Maple, Trident <i>Acer buergerianum</i>	Deciduous	25/15	stake and prune to make it branch high	fall color usually red, varies from yellow to orange; useful patio tree; good bonsai subject
Oak, Cork <i>Quercus suber</i>	Evergreen	100/100 moderate	needs good drainage	drought resistant when established; good garden shade tree; becomes unsightly in public areas when children discover bark is easily carved; leaf drop in spring
Oak, Holly (Holm Oak) <i>Quercus ilex</i>	Evergreen	70/70 moderate	-	good street or lawn tree; can take hard clipping into hedge or screen
Oak, Red <i>Quercus rubra</i>	Deciduous	to 90/90 fast	fertile soil; plenty of water	high branching habit, deep rooted; easy to garden under; leaves red in spring, dark red, rusty brown or orange in fall, eventually turning brown and hang on well into January
Oak, Scarlet <i>Quercus coccinea</i>	Deciduous	80/70 moderate to fast	-	open, branching habit; large, pointed, deeply lobed leaves which turn bright scarlet in fall; roots go deep, good street or lawn tree; can garden under it
Olive <i>Olea Europaea</i> v. "Swan Hill"	Evergreen	30/30 moderate	needs full sun; spray as needed for scale; prune & stake when young to make single trunk	fruitless, drought tolerant; puts on height fairly fast when staked; easy to train
Olive, Sweet <i>Osmanthus fragrans</i>	Evergreen	20/20 slow-moderate	doesn't like hot western exposure	shrubby; needs some training as a single trunk tree; exotic fragrance spring and fall

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Pear, Evergreen <i>Pyrus kawakami</i>	Evergreen/part Deciduous in coldest areas	30/30	will make shrub if not staked and pruned; may need spraying for aphid and fire- blight control	evergreen where it doesn't freeze; white flowers in early spring; leaves glossy, oval; moderate summer water once established; picturesque branching structure
Pear, Flowering <i>Pyrus calleryana</i>	Deciduous	50/40 moderate	likes full sun	white flower clusters; rich purple fall leaf color; dark green glossy leaves; several varieties from which to choose with growth habits columnar to wide
Persimmon, Oriental <i>Diospyros kaki</i> <i>Diospyros virginia</i>	- Deciduous	- to 30/30	- consistency in watering and feeding to avoid fruit drop; prefers good soil, drainage	- colorful, edible orange fruit after foliage drops; OK in lawns. V. Fuyu: eat when hard; V. Hachiya: eat when soft tolerates wet soil; small, edible fruit
Plum, Purpleleaf <i>Prunus blirelana</i> <i>Prunus cerasiasifera</i> <i>P. c. "Krauter Vesuvius"</i>	- Deciduous Deciduous -	- 25/20 moderate 25/25 18/12	- usually needs aphid control pink to rose; good in lawns - Recommend planting in 6-8' spaces	- reddish purple leaves turning green in fall double flowers leaves dark green; pure white flowers dark purple leaves until summer heat is over 90°F; light pink single flowers
Redbud, Eastern <i>Cercis canadensis</i>	Deciduous	35/25 moderate	needs some water	rosy pink flowers; heart shaped leaves; larger than and not as drought tolerant as western cousin
Sawleaf Zelkova <i>Zelkova serrata</i>	Deciduous	70/70 fast	deep water to encourage deep roots; red spider mites occasional problem	good substitute for elm; good shade tree; relatively pest resistant; good fall color; V. village green and v. green vase especially good
Sour Gum, Tupelo	Deciduous	50/25 slow	-	

Nyssa sylvatica

(Ord. 428-14)

~~The requirements of this chapter may be suspended, waived, or altered by the Planning Officer in the case of a natural emergency such as a windstorm, earthquake, or flood. (Ord. 428-14)~~

<i>Proposed Code Amendments:</i>	<i>Comments:</i>
<p>17.98.150 Violation of chapter—Penalty.</p> <p>A. No person shall violate or fail to comply with any term, condition, mitigation measure or requirement of this chapter. Violation of, or noncompliance with, any term, condition, mitigation measure or requirement of this chapter is unlawful and shall be deemed a violation of the Yountville Municipal Code.</p> <p>B. Any persons, whether as principal, agent, employee or otherwise, violating any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction shall be punishable by a fine not to exceed \$1,000.00 or by imprisonment in the Napa County Jail for a term not to exceed six months, or by both such fine and imprisonment. Such persons shall be deemed guilty of a separate offense for each and every day, considered to be any time period within a day when a violation of this title is committed, continued or permitted by such person. (Ord. 428-14)</p>	<p>Recommend relocating these sections to an Administration chapter.</p>
<p>18.12.060 Trees, landscaping and maintenance.</p> <p>A. Most of Yountville’s landscape consists of plantings native to California and provide a casual unstructured feeling. As a result of the climate, most of the plants are drought tolerant and demand little maintenance. There are many mature healthy trees which contribute to the health and welfare of the Town. In addition to the aesthetic qualities which make trees desirable, they also provide the following environmental benefits: erosion control, windbreaks, reduction of surface water runoff, filters for airborne pollutants, and wildlife habitats. It is the intent of the design standards to protect and preserve as much of the native landscape and trees as possible.</p> <p>B. Design Standards for Trees and Landscaping. The following design standards apply to existing and new development throughout the Town:</p> <p>1. Where specific heights are required for landscaping the following provisions apply:</p> <p>a. For a prescribed height of five feet or more, the initial planting shall be within two feet of the prescribed height;</p> <p>b. For a prescribed height of less than five feet, the initial planting shall be within one foot of the prescribed height. Where dense landscaping to a specified height is prescribed, the landscaping shall be of a type which will provide year round foliage to the prescribed height, and shall be spaced such that vision of objects on the opposite side is effectively eliminated without restricting views from the sidewalk to the surrounding landscape;</p> <p>2. All trees shall be of a species, degree of maturity, and spacing acceptable to the ZDRB or Town Council. All trees that are planted within or overhang a public street or right of way must be on the Town’s Master Tree list as per Section <u>12.16.030</u> of the Yountville Municipal Code. Prohibited trees, as listed in Section <u>12.16.050</u>, are not</p>	<p>Recommend deleting since trees are covered above and landscaping in general by the Water Efficient Landscape Ordinance.</p>

Proposed Code Amendments:**Comments:**

~~allowed to be planted within or overhanging a public street or right of way;~~

~~3. All planters and tree wells shall be adequately protected with bollards, metal tree skirts or curbs that are at least six inches high;~~

~~4. Existing mature, healthy trees shall be preserved, where possible. To ensure the successful retention of trees, the following requirements shall be met except when determined otherwise by a certified arborist:~~

~~a. All grading around existing trees shall be done by hand;~~

~~b. Cutting through woody roots shall not be permitted;~~

~~c. All foundations shall step over major roots;~~

~~d. No change of grade shall be permitted at the base of the tree;~~

~~5. Removal of any tree within the Town limits shall not be permitted without obtaining a permit as provided in Chapter 17.96 of Title 17, Zoning; and~~

~~6. In the case of an emergency (when a tree is dangerous to life or property), trees may be removed with the approval of the Town Manager.~~

C. Design Standards for Maintenance. The following design standards apply to existing and new development throughout the Town:

1. All required planting shall be maintained in good growing condition. Such maintenance shall include, where appropriate, pruning, weeding, cleaning, fertilizing, and regular watering. Whenever necessary, planting shall be replaced with other plant materials to ensure continued compliance with applicable landscaping requirements. All screening shall be in sound structural condition, and whenever necessary, repaired and replaced.

(Ord. 232-92 Ch. I § B.5; Ord. 242-94 Ch. I § B.5)

This requirement will be added to 17.88.070 for parking lot landscape requirements.

This is adequately covered for heritage trees by 1798.120 and for new development by 17.98.100.

This is adequately covered by 17.98.050.B.4.

Proposed Code Amendments:**Comments:****Chapter 17.84160 PROVISIONS FOR AFFORDABLE HOUSING****17.84160.010 Purpose.**

The intent of this chapter is to implement the policies and programs of the State of California and the Housing Element of the Yountville General Plan to encourage and facilitate the provision of affordable housing. (Ord. 231-92 § 6.1.a; Ord. 342-04)

Suggest broadening the purpose statement.

17.84.020 Supplemental definitions.

The following terms applicable to this chapter shall be defined as follows. Other definitions can be found in Section 17.08.010, Definitions.

Definitions will be consolidated.

~~“Affordable rent” means monthly rent that does not exceed 30% of 120% of area median income for moderate income households, 30% of 80% of area median income for low income households, and 30% of 50% of area median income for very low income households, adjusted for household size, less a reasonable allowance for utilities. Affordable rent shall be based on presumed occupancy levels of one person in a studio unit, two persons in a one-bedroom unit, three persons in a two-bedroom unit, and one additional person for each additional bedroom thereafter.~~

~~“Affordable sales price” means the maximum purchase price that is affordable to the specified target income household. A maximum purchase price shall be considered affordable only if the owner-occupied monthly housing payment, including mortgage payment, private mortgage insurance, property taxes, homeowner’s insurance, and if applicable, homeowner’s insurance dues, is equal to or less than 1/12 of 30% of income for the specified target income household. Affordable sales price shall be based upon presumed occupancy levels of one person in a studio unit, two persons in a one-bedroom unit, three persons in a two-bedroom unit, and one additional person for each additional bedroom thereafter.~~

~~“Affordable units” mean those dwelling units that are required to be rented at affordable rents or offered at affordable sales prices to targeted households.~~

~~“Annual household income” means the combined gross income for all adult persons living in a dwelling unit as calculated for the purpose of the Section 8 program under the United States Housing Act of 1937, as amended, or its successor.~~

~~“Area median income” means median income applicable to Napa County, adjusted for family size, and published at least annually according to the California Code of Regulations, Section 6932 (or its successor provision) by the U.S. Department of Housing and Urban Development.~~

~~“Density bonus” means an increase in total number of dwelling units permitted when specific conditions for affordable housing are met.~~

~~“Housing opportunity fund” means moneys received from developers or builders in the form of in-lieu fees and fair share fees for use exclusively to~~

Proposed Code Amendments:**Comments:**

increase and improve the supply of housing affordable to very low , low and moderate income households.

“Inclusionary unit” has the same meaning as “Affordable unit.”

“In lieu housing payment” means an amount paid to the Town by developers or builders subject to this chapter in lieu of providing the required inclusionary units.

“Low income households” mean those households with incomes of up to 80% of area median income.

“Market rate units” mean those dwelling units in a residential project that are not affordable units.

“Moderate income households” mean those households with incomes of up to 120% of area median income.

“Napa Valley Housing Authority” means a joint powers housing authority comprised of representatives from the county of Napa, St. Helena, Yountville, Calistoga and American Canyon for the purpose of promoting and assisting in the development of affordable housing.

“Nonresidential development project” means any development or use for which a building permit is required, other than those developments or uses involving solely the construction or remodeling of dwelling units.

“Resale controls” mean legal restrictions by which the price of affordable dwelling units may be controlled to ensure that the dwelling unit is affordable in the future to target households.

“Target households” mean those households for whom affordable or inclusionary units are reserved.

“Very low income households” mean those households with incomes of up to 50% of area median income.

“Yountville Housing Authority” means a commission comprised of the Town Council whose purpose is to promote and assist in the development of affordable housing, and whose authority has been transferred to the Napa Valley Housing Authority via the joint powers agreement. (Ord. 231-92 § 6.1.b; Ord. 342-04)

17.84160.030 Inclusionary housing program.

A. **Applicability.** The following developments are subject to the inclusionary housing requirements as provided in subsection ~~€B~~:

1. Any ~~ownership or rental~~ residential development that involves the construction of five or more dwelling units and has not been issued a building permit;
2. Any land subdivision development that requires a subdivision map, involves five or more residential parcels and does not have an approved tentative map.

B. **Inclusionary Requirements.**

Proposed Code Amendments:**Comments:****1. Affordable Units Required.**

a. At least 15% of all new dwelling units in a residential development or subdivision subject to the provisions of this chapter shall be ~~deed-restricted to be~~ affordable to very low-, low- and moderate-income households (“inclusionary units”).

b. ~~For ownership units, the~~ inclusionary units shall be approximately evenly divided among the three ~~target groups~~ affordable income categories. ~~For rental units, the inclusionary units shall be evenly divided for very low- and low-income households.~~ Where the number of required affordable units is an odd number, the number of affordable units constructed for very low-income households may be one less than the number of affordable units constructed for low-income households.

c. Fractions of numbers shall be figured in the following manner:

- i. Any decimal fractions greater than 0.5 shall be construed as requiring one dwelling unit.
- ii. Any decimal fraction equal to or less than 0.5 may be disregarded.

2. **Bedroom Mix.** The inclusionary units shall include a range of number of bedrooms. No more than 25% of the inclusionary units shall be studios, and at least 20% of the required inclusionary units shall have more than one bedroom.

3. **Design of Inclusionary Units.** Inclusionary units shall be comparable in exterior appearance and overall quality of construction to market rate units in the same residential project. The applicant may reduce the size or interior amenities of the inclusionary units, such as fireplaces, garbage disposals, dishwashers, cabinet and storage space, bathrooms in excess of one, etc., as long as there are no significant differences between inclusionary and market rate units visible from the exterior of the dwelling units and the size and design of the dwelling units are reasonably consistent with the market rate units in the project, provided that all dwelling units conform to the requirements of the applicable building and housing codes.

4. **Location of Inclusionary Units.** Affordable units shall be reasonably dispersed throughout the residential project, or, may be clustered within the residential project when this furthers affordable housing opportunities.

5. **Construction of Inclusionary Units.** All affordable housing units shall be constructed concurrently or prior to construction of market rate dwelling units of the development, unless the Town determines that extenuating circumstances exist.

Revises rental inclusionary requirement to not allow provisions of moderate-income units, which are approximately market rate.

Proposed Code Amendments:**Comments:**

6. **Type of Inclusionary Unit.** In a development of for-sale dwelling units, a developer or owner shall have the option to construct rental dwelling units in a number sufficient to satisfy all or a portion of the affordable housing requirement of this chapter.

7. **Continued Affordability.** Inclusionary units shall remain restricted and affordable to the targeted household(s) a minimum of ~~30~~ 55 years for rental units and a minimum of 45 years for ownership units.

C. **Application Procedures.** In addition to the information required for any associated permits or approvals, an applicant proposing to include inclusionary units in a project shall provide the following information:

1. The number of proposed inclusionary units and their target households;
2. Proposed sales prices or rents for the inclusionary units;
3. The proposed location(s) of the inclusionary units;
4. The unit size(s) in square feet, and number of bedrooms on inclusionary units;
5. A description of any proposed differences between the inclusionary units and other project units in terms of amenities;
6. A schedule for the completion and occupancy of inclusionary units;
7. A description of any requested assistance from the Town;
8. An offer to reserve the inclusionary units for target households for the period required by subsection ~~B.7.~~

D. **Annual Monitoring and Transfer Fees.**

1. For each rental inclusionary unit provided hereunder, the owner of the unit may be required to pay an annual monitoring fee for the term of required affordability. Such fee shall be specified in the regulatory agreement(s) required by subsection ~~NH.~~
2. For each owner-occupied affordable unit provided under this section, the current owner may be required to pay a transfer fee for any change of ownership during the term of required affordability. Such fee shall be specified in the resale restrictions required by subsection ~~NH.~~

E. **Discretionary Permit Requirements.**

1. Every discretionary permit for a residential development project subject to the provisions of this chapter shall contain a condition detailing the method of compliance with this chapter.
2. Every final and parcel map subject to the provisions of this chapter shall bear a note indicating how compliance with the requirements of this chapter will be met prior to issuance of a building permit for each lot created by such map.

The Housing Element includes the statement that "The Town will consider requiring that affordable rental units constructed are affordable for a minimum of 55 years and affordable ownership units are constructed are affordable for 45 years."

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F. **Incentives.** The Town may approve a floor area ratio (FAR) bonus for the single-family homes in a project if more than the minimum number of inclusionary units is provided ~~in order to make such units economically feasible. The amount of FAR bonus shall depend on the percentage and number of affordable units provided.~~ in accordance with the provisions of Section 17.100.040.A.

G. **Alternative Equivalent Actions.** It is the intent that the inclusionary units required by this chapter be located within each residential development project in order to integrate such units throughout the community. However, under exceptional circumstances, a developer may propose to meet the requirements of subsection A by an alternative equivalent action, subject to the review and approval by the Town Council.

1. An alternative equivalent action may include, but is not limited to, the following:

a. Land donation to a nonprofit housing developer. The dedicated land must be located within Town limits, appropriately zoned, buildable, and free of toxic substances and contaminated soils. It must be large enough to accommodate the number of required inclusionary units as indicated by a conceptual development plan. The Town Council may require that the donated land has been improved with infrastructure, utilities, and grading, and that any required development impact fees have been paid;

b. Construction of inclusionary units on another site;

c. In-lieu housing payment, consisting of a cash contribution to the housing opportunity fund. Such payments may only be considered where an off-site affordable housing project has been approved and where the fees would be sufficient to assure construction of an equivalent number of affordable units (in addition to those required for the receiver site). Unless otherwise preempted by law, the in-lieu housing payment shall be paid prior to occupancy of the first unit in the project.

2. A request for the approval of an alternative equivalent action shall be submitted at the time of application for a discretionary approval or building permit, whichever comes first, along with a report identifying:

a. All overriding conditions that prevent the developer from meeting the requirement to construct the inclusionary units on-site;

b. Sufficient independent data, including appropriate financial information, that supports the developer's claim that it is not feasible to construct the required inclusionary units on site;

c. A detailed analysis of why the concessions and incentives identified in subsection L will not mitigate the identified

Proposed Code Amendments:**Comments:**

overriding conditions that are preventing the construction of the inclusionary units on site; and

d. How the alternative will further affordable housing opportunities in the Town to an equal or greater extent than compliance with the express requirements of this chapter.

3. Requests for the approval of an alternative equivalent action fees shall be considered on a case-by-case basis by the Town Council and may be approved at the Town Council's sole discretion if the Council determines that there are overriding conditions that prevent the developer of a residential development project from meeting the requirement to construct inclusionary units on-site and that the alternative equivalent action will further affordable housing opportunities to an equal or greater extent than compliance with the express requirements of this chapter.

H. Housing Agreements. Developers of projects that include inclusionary units shall draft and agree to enter into a housing agreement with the Town. The terms of the draft agreement shall be reviewed and revised as appropriate by the Planning Director and Town Attorney, who shall formulate a recommendation to the decision-making body for final approval.

1. The housing agreement shall include at least the following:

- a. The number of inclusionary units and their target households;
- b. The standards for determining the affordable rent or affordable sales price for the inclusionary units;
- c. The location, unit size (square feet), and number of bedrooms of the inclusionary units;
- d. The tenure of use restrictions for the inclusionary units;
- e. A schedule for completion and occupancy of the inclusionary units;
- f. A description of any assistance being provided by the Town;
- g. A description of remedies for breach of the agreement by either party (the Town may identify tenants or qualified purchasers as third party beneficiaries under the agreement);
- h. For ownership units, the first right of refusal to purchase by the Town at the maximum sales price that can be charged to an eligible household.

2. The initial and subsequent purchasers of a for-sale inclusionary unit shall execute an instrument or agreement approved by the Town restricting the sale of the inclusionary unit in accordance with this subsection during the applicable use restriction period. Such instrument or agreement shall be recorded against the parcel containing the inclusionary unit and shall contain such provisions as the Town may

Proposed Code Amendments:**Comments:**

require to ensure continued compliance with this subsection, including, but not limited to, the following:

- a. The inclusionary unit shall be sold to eligible households at an affordable sales price;
- b. The inclusionary unit shall be owner-occupied with the exception of extenuating circumstances or hardship;
- c. The maximum sales price permitted on resale of an affordable unit intended for owner-occupancy shall not exceed the seller's purchase price, adjusted for the percentage increase in median income since the seller's purchase, plus the value of substantial structural or permanent fixed improvements to the property;
- d. The resale restrictions shall provide that in the event of the sale of an affordable unit intended for owner-occupancy, the Town shall have the first right to purchase or assign its right to purchase such affordable unit at the maximum price that could be charged to an eligible household. The resale restrictions may provide for additional options to purchase or to assign its right to purchase upon the occurrence of certain events, as required by the Town.;
- e.— The owner of an inclusionary unit who wishes to sell or vacate the unit shall provide the first right of refusal to purchase the unit to the Town and thereafter sell the unit in the manner and on terms and conditions set forth in the resale restrictions, as required by the Town;
- ef. Upon notification of the availability of ownership units by the developer, the Town or its designee may seek, screen and select qualified purchasers through a process involving applications and interviews. Where necessary, the town may hold a lottery to select purchasers. The Town or its designee may review the assets and income of prospective purchasers on a household-by-household or family-by-family basis. The Town may select purchasers in accordance with a policy adopted by resolution that gives preference to households that live and/or work in the Town;
- fg. In the event that the Town provides financial assistance for the inclusionary units in a development or assistance to its purchasers, it may impose resale conditions in which there is sharing of gains in equity. If Federal or State funds are a part of the financial assistance for a development, the Federal or State requirements and provisions shall prevail and not be amended by the Town Council.

3. In the case of rental inclusionary units, the housing agreement shall provide for the following conditions governing the inclusionary units during the use restriction period:

Proposed Code Amendments:**Comments:**

- a. The rules and procedures for qualifying tenants, establishing affordable rent and filling vacancies;
- b. Provisions requiring verification of tenant incomes on an annual basis and maintenance of books and records to demonstrate compliance with this chapter;
- c. Provisions requiring the submittal of an annual report to the Town which includes the name, address, and income of each person occupying the inclusionary units, and which identifies the bedroom size and monthly rent of each inclusionary unit;
- d. Provisions allowing the Town or its designee to become involved with the screening and selection of prospective tenant units. The Town may select tenants in accordance with a policy adopted by resolution that gives preference to households that live and/or work in the Town. If inclusionary units are built or sponsored by an employer with no government financial assistance, including the waiver of fees, the Town Council will consider on a case-by-case basis allowing the employer to set aside some or all of the inclusionary units for the exclusive occupancy of employees of the employer meeting all the income and family composition qualifying criteria for tenancy.

4. Following execution of the agreement by all parties, the completed housing agreement, or memorandum thereof, shall be recorded and the conditions therefrom filed and recorded on the parcel or parcels designated for the construction of inclusionary units. The approval and recordation shall take place prior to final map approval, or where a map is not being processed, prior to issuance of building permits for such units. The housing agreement shall be binding on all future owners and successors in interest.

(Ord. 231-92 § 6.1.c; Ord. 269-96; Ord. 342-04; Ord. 365-05)

17.84160.040 State density bonus program.

A. A developer of a housing development may be permitted a density bonus and incentives in accordance with the provisions of California Government Code Sections 65915 through 65918 (State Density Bonus Law).

~~A. **Purpose and Intent.** The purpose of the provisions of this section is to comply with the Statewide Density Bonus Law (California Government Code 65915), to facilitate the development of affordable housing, and to implement the housing element of the General Plan by providing increased residential densities for projects that guarantee that a portion of the housing units constructed in a housing development will be restricted to senior citizens or affordable to moderate, lower, or very low income persons or for the donation of land for very low income housing. The provisions of the~~

It is recommended that the zoning code no longer attempt to replicate the requirements of state law related to density bonuses, given the frequency of text changes. The Town's approval process and findings are retained and edited below.

Proposed Code Amendments:**Comments:**

housing density bonus section shall apply to all new housing developments or land donations for very low income housing as defined in subsection B.

B. — Definitions. Whenever the following terms are used in this section, they shall have the meaning established by this section. See Section 17.84.020 for additional definitions of terms used in this section.

“Affordable ownership cost” means monthly housing payments during the first calendar year of a household’s occupancy, including interest, principal, mortgage insurance, property taxes, homeowners insurance, property maintenance and repairs, a reasonable allowance for utilities, and homeowners association dues, if any, not exceeding the following: moderate income units refers to 110% of the area median income, adjusted for assumed household size based on unit size, multiplied by 35% and divided by 12. The assumed household size shall be one person in a studio apartment, two persons in a one bedroom unit, three persons in a two bedroom unit, and one additional person for each additional bedroom.

“Child care facility” means a child day care (nonresidential care) facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and school age child care centers.

“Common interest development” means a common interest development as defined in Section 1351 of the California Civil Code. (At the time of adoption of the ordinance codified in this section, common interest development means any of the following: (1) a community apartment project; (2) a condominium project; (3) a planned development; or (4) a stock cooperative.)

“Community apartment project” means a community apartment project as defined in Section 1351(d) of the California Civil Code. (At the time of adoption of the ordinance codified in this section, a community apartment project means a development in which an undivided interest in land is coupled with the right of exclusive occupancy of the apartment located thereon.)

“Condominium project” means a condominium project as defined in Section 1351(f) of the California Civil Code, not including the conversion of existing rental apartments to condominiums. (At the time of adoption of the ordinance codified in this section, a condominium project means a development consisting of condominiums. A condominium consists of an undivided interest in common in a portion of real property coupled with a separate interest in a space called a unit, the boundaries of which are described on a recorded final map, parcel map, or condominium plan in sufficient detail to locate all boundaries thereof.)

“Density bonus housing agreement” means a recorded agreement between a developer and the Town to ensure that the requirements of

Proposed Code Amendments:**Comments:**

this section are satisfied. The agreement, among other things, shall establish the number of target units, their size, location, terms and conditions of affordability, and production schedule.

“Development standard” means any site or construction condition that applies to a residential development pursuant to any ordinance, general plan element, specific plan, or other local condition, law, policy, resolution, or regulation. “Site and construction conditions” means standards that specify the physical development of a site and buildings on the site in a housing development.

“Housing development” means construction projects where five or more additional residential units are created, including single family and multifamily units, for sale or for rent. For the purposes of this section, “housing development” also includes a subdivision, planned unit development, or condominium project consisting of five or more residential units or unimproved residential lots, the substantial rehabilitation and conversion of an existing commercial building to residential use, and the substantial rehabilitation of an existing multifamily dwelling, where the rehabilitation or conversion would create a net increase of at least five residential units.

“Incentives” or “concessions” mean such regulatory concessions as listed in “Development standards modified as incentive or concession” in subsection H of this section.

“Initial subsidy” means equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value.

“Maximum residential density” means the maximum number of residential units applicable to the project that is permitted by this title and Title 18, Design Standards, on the date the application is deemed complete.

“Nonrestricted unit” means all units within a housing development excluding the target units.

“Qualifying resident” means senior citizens or other persons eligible to reside in a senior citizen housing development.

“Planned development” means a development (other than a community apartment project, a condominium project, or a stock cooperative) having either or both of the following features:

1. The common area is owned either by an association or in common by the owners of the separate interests who possess appurtenant rights to the beneficial use and enjoyment of the common area.

Proposed Code Amendments:**Comments:**

2. — A power exists in the association to enforce an obligation of an owner of a separate interest with respect to the beneficial use and enjoyment of the common area by means of an assessment which may become a lien upon the separate interests in accordance with Section 1367 or 1367.1 of the California Civil Code.

“Proportionate share of appreciation” is equal to the ratio of the initial subsidy to the fair market value of the home at the time of initial sale.

“Senior citizen” means a qualifying resident or senior citizen as defined in Sections 51.3 and 51.12 of the California Civil Code. (At the time of the adoption of the ordinance codified in this section, qualifying resident or senior citizen were generally defined as a person 62 years of age or older, or 55 years of age or older living in a senior citizen housing development other than a mobile home, or the spouse, cohabitant, or person providing primary physical or economic support to the qualifying resident or senior citizen.)

“Senior citizen housing development” means a housing development as defined in California Civil Code Section 51.3. (At the time of adoption of the ordinance codified in this section, a senior citizen housing development consists of more than 20 dwelling units and is designated as a senior community by its developer and zoned as a senior community by a local governmental entity, or characterized as a senior community in its governing documents, as these are defined in Section 1351, or qualified as a senior community under the federal Fair Housing Amendments Act of 1988, as amended.)

“Stock cooperative” means as defined in Section 1351(m) of the California Civil Code. (At the time of adoption of the ordinance codified in this section, a stock cooperative means a development in which a corporation is formed or availed thereof, primarily for the purpose of holding title to, either in fee simple or for a term of years, improved real property, and all or substantially all of the shareholders of the corporation received a right of exclusive occupancy in a portion of real property, title to which is held by the corporation.)

“Target unit” means a dwelling unit within a housing development which will be reserved for sale or rent to, and is made available at an affordable rent or affordable ownership cost to, very low, lower, or moderate income households, or is a unit in a senior citizen housing development.

C. — Calculation of Density Bonus and Number of Incentives and Concessions.

1. — Subject to the findings included in subsection J, Density bonus housing agreement, the Town shall grant a density bonus to a developer of a housing development who seeks a density bonus and agrees to construct at least one of the following:

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- a. ~~Five percent of the total units of the housing development as target units affordable to very low income households; or~~
- b. ~~10% of the total units of the housing development as target units affordable to lower income households; or~~
- c. ~~10% of the total units of a newly constructed condominium project, planned development, or other ownership only as target units affordable to moderate income households; or~~
- d. ~~A senior citizen housing development.~~

2. ~~In determining the number of density bonus units to be granted pursuant to subsection (C)(1), the maximum residential density for the site shall be multiplied by 0.20 for subsections (C)(1)(a), (C)(2)(b), and (C)(4)(d) and 0.05 for subsection (C)(3)(c), unless a lesser number is selected by the developer.~~

- a. ~~For each one percent increase above five percent in the percentage of units affordable to very low income households, the density bonus shall be increased by two and one half percent up to a maximum of 35%.~~
- b. ~~For each one percent increase above 10% in the percentage of units affordable to lower income households, the density bonus shall be increased by one and one half percent up to a maximum of 35%.~~
- c. ~~For each one percent increase above 10% of the percentage of units affordable to moderate income households, the density bonus shall be increased by one percent up to a maximum of 35%.~~

~~When calculating the number of permitted density bonus units and number of affordable units, all calculations resulting in fractional units shall be rounded to the next larger integer.~~

~~The following table summarizes this information:~~

Affordable Units or Category	Minimum % Units in Category	Bonus Granted	Additional Bonus for Each 1% Increase in Units in Category	% Units in Category Required for Maximum 35% Bonus
Note: A density bonus may be selected from only one category except that bonuses for land donation may be combined with others, up to a maximum of 35%, and an additional sq. ft. bonus may be granted for a day care center.				
Very low income	5%	20%	2.5%	11%
Lower income	10%	20%	1.5%	20%
Moderate- income	10%	5%	1%	40%

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(ownership units only)				
Senior housing Type 1 (35 units or more; no affordable units required)	100% senior	20%	—	—
Land donation for very low-income housing	10% of market-rate units	15%	1%	30%
Condominium conversion—moderate income	33%	25% ¹	—	—
Condominium conversion—lower income	15%	25% ¹	—	—
Day care center	—	Sq. ft. in day care center ¹	—	—

Footnotes:

¹ — Or an incentive of equal value, at the Town's option.

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3. — The density bonus units shall not be included when determining the number of target units required to qualify for a density bonus. When calculating the required number of target units, any calculations resulting in fractional units shall be rounded to the next larger integer.

4. — The developer may request a lesser density bonus than the project is entitled to, but no reduction will be permitted in the number of required target units pursuant to subsection (C)(1). Regardless of the number of target units, no housing development may be entitled to a density bonus of more than 35%.

5. — Subject to the findings included in subsection I, Application requirements and review, when a developer seeks a density bonus, the Town shall grant incentives or concessions listed in subsection G, Development standards modified as incentive or concession, as follows:

a. — One incentive or concession for projects that include at least 10% of the total units for lower income households, at least five percent for very low income households, or at least 10% for persons and families of moderate income in a condominium or planned development.

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b. ~~Two incentives or concessions for projects that include at least 20% of the total units for lower income households, at least 10% for very low income households, or at least 20% for persons and families of moderate income in a condominium or planned development.~~

c. ~~Three incentives or concessions for projects that include at least 30% of the total units for lower income households, at least 15% for very low income households, or at least 30% for persons and families of moderate income in a condominium or planned development.~~

The following table summarizes this information:

Target Units or Category Pursuant to State Density Bonus	% of Target Units		
Very low income	5%	10%	15%
Lower income	10%	20%	30%
Moderate income (ownership units only)	10%	20%	30%
Condominium conversion—33% moderate income	4	-	-
Condominium conversion—25% lower income	4	-	-
Day care center	4	-	-
Maximum incentive(s)/concession(s) ^{1, 2, 3}	1	2	3

Footnotes:

1—A concession or incentive may be requested only if an application is also made for a density bonus.

2—Concessions or incentives may be selected from only one category (very low, lower, or moderate).

3—No concessions or incentives are available for land donation or market rate senior housing.

4—Condominium conversions and day care centers may have one concession or a density bonus at the Town's option, but not both.

6. ~~Each housing development is entitled to only one density bonus, which may be selected based on the percentage of either very low income target units, lower income target units, or moderate income target units, or the project's status as a senior citizen housing development. Density bonuses from more than one category may not be combined.~~

7. ~~Inclusionary affordable housing units required by this title are in addition to any affordable housing units resulting from the use of a density bonus. Inclusionary affordable housing units may not be counted or credited towards satisfying the affordable housing units required by the density bonus or qualify a project for a density bonus.~~

8. ~~In accordance with State law, neither the granting of a concession or incentive nor the granting of a density bonus shall be interpreted, in~~

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and of itself, to require a General Plan amendment, zoning change, or other discretionary approval.

D.—Land Donation.

1.—When a developer of a housing development donates land to the Town as provided for in this section, the developer shall be entitled to a 15% increase above the otherwise maximum allowable residential density under the applicable zoning provision and Land Use Element of the General Plan for the entire development. For each one percent increase above the minimum 10% land donation described in subsection (D)(2) of this section, the density bonus shall be increased by one percent, up to a maximum of 35%. This increase shall be in addition to any increase in density allowed by subsection C, up to a maximum combined density bonus of 35% if a developer seeks both the increase required pursuant to this section and subsection C. When calculating the number of permitted density bonus units, any calculations resulting in fractional units shall be rounded to the next larger integer.

2.—A housing development shall be eligible for the density bonus described in this section if the Town makes all of the following findings:

a.—The developer will donate and transfer the land no later than the date of approval of the final subdivision map, parcel map, or development application for the housing development.

b.—The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than 10% of the number of residential units of the proposed development, or will permit construction of a greater percentage of units if proposed by the developer.

c.—The transferred land is at least one acre in size or of sufficient size to permit development of at least 40 units, has the appropriate general plan designation, is appropriately zoned for development as very low income housing, and is now or at the time of construction will be served by adequate public facilities and infrastructure. The land also has the appropriate zoning and development standards to make the development of the very low-income units feasible. No later than the date of approval of the final subdivision map, parcel map, or development application for the housing development, the transferred land will have all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land.

d.—The transferred land and the very low income units constructed on the land will be subject to a deed restriction ensuring continued affordability of the units consistent with this

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section, which restriction will be recorded on the property at the time of dedication.

e. The land will be transferred to the Town, redevelopment agency, or to a housing developer approved by the Town. The Town reserves the right to require the developer to identify a developer of the very low income units and to require that the land be transferred to that developer.

f. The transferred land is within the boundary of the proposed housing development. The transferred land may be located within one quarter mile of the boundary of the proposed housing development provided the Town Council approves the site.

E. Child Care Facilities.

1. When a developer proposes to construct a housing development that includes density bonus target units and includes a child care facility that will be located on the premises of, as part of, or adjacent to the housing development, the Town shall grant either of the following if requested by the developer:

a. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility;

b. An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility.

2. A housing development shall be eligible for the density bonus or concession described in this section if the Town makes all of the following findings:

a. The child care facility will remain in operation for a period of time that is as long as, or longer than the period of time during which the target units are required to remain affordable pursuant to subsection G, Affordability and development standards;

b. Of the children who attend the child care facility, the percentage of children of very low income households, lower-income households, or moderate income households shall be equal to or greater than the percentage of dwelling units that are proposed to be affordable to very low income households, lower-income households, or moderate income households.

3. Notwithstanding any requirement of this section, the Town shall not be required to provide a density bonus or concession for a child care facility if it finds, based upon substantial evidence, that the community already has adequate child care facilities.

F. Condominium Conversions.

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1. ~~The Town shall grant either a density bonus or other incentives of equivalent financial value if the applicant for a conversion of existing rental apartments to condominiums agrees to provide 33% of the total units of the proposed condominium project as target units affordable to lower or moderate income households, or to provide 15% of the total units in the condominium conversion project as target units affordable to lower income households. All such target units shall remain affordable for the period specified in subsection G, Affordability and development standards.~~

2. ~~For purposes of this section, a “density bonus” means an increase in units of 25% over the number of apartments to be provided within the existing structure or structures proposed for conversion.~~

3. ~~No condominium conversion shall be eligible for a density bonus if the apartments proposed for conversion constitute a housing development for which a density bonus or other incentives were previously provided pursuant to this section or Government Code Section 65915.~~

G. ~~Affordability and Development Standards.~~

1. ~~Target units shall be constructed concurrently with nonrestricted units or pursuant to a schedule included in the density bonus housing agreement.~~

2. ~~Target units offered for rent to lower income and very low income households shall be made available for rent at an affordable rent and shall remain restricted and affordable to the designated income group for a minimum period of 30 years. A longer period of time may be specified if required by any construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program applicable to the housing development.~~

3. ~~Target units offered for sale to very low-, lower-, or moderate-income households in condominiums and planned developments shall be sold at an affordable ownership cost. The maximum resale price shall be the lower of:~~

a. ~~Fair market value; or~~

b. ~~The seller’s initial purchase price, increased by the lesser of:~~

i. ~~The rate of increase of area median income during the seller’s ownership, or~~

ii. ~~The rate at which the consumer price index increased during the seller’s ownership.~~

~~The seller of the unit shall retain the market value at the time of sale of any capital improvements made by the seller, the down payment, and the seller’s proportionate share of appreciation; this subsection limits the seller’s appreciation.~~

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4. ~~Target units shall be built on site, unless off site construction is approved in the Town's discretion, and shall be dispersed within the housing development. The number of bedrooms of the target units shall be proportionally equivalent to the bedroom mix of the non-target units of the housing development, except that the developer may include a higher proportion of target units with more bedrooms. The design and appearance of the target units shall be compatible with the design of the total housing development. Housing developments shall comply with all applicable development standards, except those which may be modified as provided by this section.~~

5. ~~Upon the request of the developer, the Town shall not require a vehicular parking ratio, inclusive of handicapped and guest parking, of a development meeting the criteria of the Calculation subsection that exceeds the following ratios:~~

- a. ~~Zero to one bedrooms: one on-site parking space.~~
- b. ~~Two to three bedrooms: two on-site parking spaces.~~
- c. ~~Four and more bedrooms: two and one-half parking spaces.~~

~~If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this section, a development may provide "on-site parking" through tandem parking or uncovered parking, but not through on-street parking.~~

H. ~~Development Standards Modified as Incentive or Concession.~~

1. ~~Incentives or concessions that may be requested pursuant to subsection C, Calculation of density bonus and number of incentives and concessions, and subsection E, Child care facilities, and may include the following:~~

- a. ~~A reduction of site development standards or a modification of Title 17, Zoning, and Title 18, Design Standards, requirements or architectural design requirements which exceed the minimum building standards provided in Part 2.5 (commencing with Section 18901) of Division 13 of the California Health and Safety Code and which result in identifiable, financially sufficient, and actual cost reductions, including, but not limited to:~~
 - i. ~~Reduced minimum lot sizes and/or dimensions,~~
 - ii. ~~Reduced minimum lot setbacks. Each setback type shall be regarded as a separate concession (i.e., reduction of front setbacks is one concession; reduction of rear setbacks is a separate concession; reduction of a side setback is a separate concession; and the reduction of the opposite side setback is a separate concession);~~

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- ~~iii. — Reduced minimum outdoor and/or private outdoor living area;~~
- ~~iv. — Increased maximum floor area ratio (see subsection (H)(3));~~
- ~~v. — Increased maximum building height and/or stories;~~
- ~~vi. — Increases to the 50% ratio of two-story single-family residences permitted per block;~~
- ~~vii. — Reduced minimum building separation requirements;~~
- ~~viii. — Reduced garage setback requirements;~~
- ~~ix. — Reduced street standards, such as reduced minimum street widths;~~
- ~~x. — Reduced parking standards.~~

~~b. — Approval of mixed use zoning in conjunction with the housing development if non-residential land uses will reduce the cost of the housing development and if the Town finds that the proposed nonresidential uses are compatible with the housing development and with existing or planned development and zoning in the area where the proposed housing development will be located;~~

~~c. — Modification of those development standards included in subsection G, Affordability and development standards, including parking;~~

~~d. — Off site construction of target units, with Town Council approval;~~

~~e. — Deferred development impact fees (e.g., capital facilities, parkland in lieu, park facilities, fire, or traffic impact fees);~~

~~f. — Other regulatory incentives or concessions proposed by the developer or the Town which result in identifiable, financially sufficient, and actual cost reductions as demonstrated by written justification submitted to the Town by the developer.~~

~~2. — Developers may seek a waiver or modification of development standards that will have the effect of precluding the construction of a housing development meeting the criteria of subsection C, at the densities or with the concessions or incentives permitted by this section. The developer shall show that the waiver or modification is necessary to make the housing units economically feasible.~~

~~3. — FAR bonuses granted for the provision of affordable housing units will be counted as a density bonus concession when State density bonus provisions are used.~~

IB. Application Requirements and Review.

Proposed Code Amendments:**Comments:**

1. An application for a density bonus, incentive, concession, waiver, modification, or revised parking standard pursuant to this section shall be submitted with the first application for approval of a housing development and processed concurrently with all other applications required for the housing development. The application shall be submitted on a form prescribed by the Town and shall include at least the following information:
 - a. A dimensioned site plan drawn to scale showing total number of lots and units and their areas; number and location of target units and type; number, size and location of parking spaces; number of two-story units and their height; floor area ratio calculations; site circulation; and the number and location of proposed density bonus units and type;
 - b. Spreadsheet calculations describing the density bonus requested and the affordable units provided;
 - c. Level of affordability of target units; calculations of affordability; and proposals for ensuring affordability;
 - d. Description of any requested incentives, concessions, waivers or modifications of development standards, or modified parking standards. For all incentives and concessions except mixed use development, the application shall include evidence (e.g., economic analyses) that the requested incentives and concessions provide identifiable, financially sufficient, and actual cost reductions. For waivers or modifications of development standards, the application shall show and provide evidence (e.g., economic analyses) that the waiver or modification is necessary to make the housing units economically feasible and that the development standards will have the effect of precluding the construction of a housing development meeting the criteria of subsection C at the densities or with the concessions or incentives permitted by this section;
 - e. If a density bonus or concession is requested for a land donation, the application shall show the location of the land to be dedicated and provide evidence that each of the findings included in subsection ~~D, Land donation~~ 3, can be made;
 - f. If a density bonus or concession is requested for a child care facility, the application shall show the location and square footage of the child care facilities and provide evidence that each of the findings included in subsection ~~4E, Child care facilities~~ 4, can be made.
2. An application for a density bonus, incentive, concession, waiver, modification, or revised parking standard pursuant to this section shall be considered by and acted upon by the Town Council. In accordance with State law, neither the granting of a concession, incentive, waiver,

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or modification nor the granting of a density bonus shall be interpreted, in and of itself, to require a General Plan amendment, zoning change, variance, or other discretionary approval.

3. ~~A housing development providing a land dedication consistent with the provisions of California Government Code Sections 65915 through 65918 (State Density Bonus Law) shall be eligible for the density bonus described in this section if the Town makes all of the following findings:~~

a. ~~The developer will donate and transfer the land no later than the date of approval of the final subdivision map, parcel map, or development application for the housing development.~~

b. ~~The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than 10% of the number of residential units of the proposed development, or will permit construction of a greater percentage of units if proposed by the developer.~~

c. ~~The transferred land is at least one acre in size or of sufficient size to permit development of at least 40 units, has the appropriate general plan designation, is appropriately zoned for development as very low income housing, and is now or at the time of construction will be served by adequate public facilities and infrastructure. The land also has the appropriate zoning and development standards to make the development of the very low-income units feasible. No later than the date of approval of the final subdivision map, parcel map, or development application for the housing development, the transferred land will have all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land.~~

d. ~~The transferred land and the very low income units constructed on the land will be subject to a deed restriction ensuring continued affordability of the units consistent with this section, which restriction will be recorded on the property at the time of dedication.~~

e. ~~The land will be transferred to the Town, redevelopment agency, or to a housing developer approved by the Town. The Town reserves the right to require the developer to identify a developer of the very low income units and to require that the land be transferred to that developer.~~

f. ~~The transferred land is within the boundary of the proposed housing development. The transferred land may be located within~~

Recommend not citing the findings of the State Density Bonus law verbatim, since they have and will change.

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~~one quarter mile of the boundary of the proposed housing development provided the Town Council approves the site.~~

~~4.—A housing development providing a child care facility consistent with the provisions of California Government Code Sections 65915 through 65918 (State Density Bonus Law) shall be eligible for the density bonus described in this section if the Town makes all of the following findings:~~

~~a.—The child care facility will remain in operation for a period of time that is as long as, or longer than the period of time during which the target units are required to remain affordable pursuant to state law;~~

~~b.—Of the children who attend the child care facility, the percentage of children of very low income households, lower-income households, or moderate income households shall be equal to or greater than the percentage of dwelling units that are proposed to be affordable to very low income households, lower-income households, or moderate income households.~~

3. Before approving an application for a density bonus, incentive, concession, waiver, or modification, the approval body shall make the following findings:

a. If the density bonus is based all or in part on donation of land, the findings shall include the findings in subsection California Government Code 65915(g)D, Land donation;³

b. If the density bonus, incentive, or concession is based all or in part on the inclusion of a child care facility, the findings shall include the findings in subsection E, Child care facilitiesCalifornia Government Code 65915(h);

~~e.—If the incentive or concession includes mixed use development, the findings shall include the finding in subsection H, Development standards modified;~~

~~dc.~~ If a waiver or modification is requested, the developer has shown that the waiver or modification is necessary to make the housing units economically feasible;

de. If concessions or incentives are requested, the findings shall include that the concessions or incentives granted result in identifiable, financially sufficient, and actual cost reductions.

64. If a request for a concession or incentive is otherwise consistent with this section, the approval body may deny a concession or incentive if it makes a written finding, based upon substantial evidence, of either of the following:

a. The concession or incentive is not required to provide for affordable rents or affordable ownership costs, as defined in

References to the findings of the State Density Bonus Law for land dedications or day care centers.

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Section 50052.5 of the [Health and Safety Code](#), or for rents for the targeted units to be set as specified in subdivision (c); or

b. The concession or incentive would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health or safety or the physical environment or on any real property that is listed in the California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to lower- and moderate-income households. For the purpose of this subsection, “specific adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective and identified written public health or safety standards, policies, or conditions as they existed on the date that the application was deemed complete.

75. If a request for a waiver or modification is otherwise consistent with this section, the approval body may deny a ~~concession or incentive~~ waiver or modification only if it makes a written finding, based upon substantial evidence, of either of the following:

a. The waiver or modification would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. For the purpose of this subsection, “specific adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective and identified written public health or safety standards, policies, or conditions as they existed on the date that the application was deemed complete;

b. The waiver or modification would have an adverse impact on any real property that is listed in the California Register of Historical Resources.

86. If a density bonus or concession is based on the provision of child care facilities, the approval body may deny the bonus or concession if it finds, based on substantial evidence, that the Town already has adequate child care facilities.

97. The Town retains full discretion to approve or deny the project for reasons unrelated to the density bonus, incentives, or concessions.

CJ. Density Bonus Housing Agreement.

1. Developers requesting a density bonus shall agree to enter into a density bonus housing agreement with the Town. A density bonus housing agreement shall be made a condition of the discretionary planning permits for all housing developments pursuant to this section

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and shall be recorded as a restriction on any parcels on which the target units or density bonus units will be constructed.

2. The density bonus housing agreement shall be recorded prior to final or parcel map approval, or, where the housing development does not include a map, prior to issuance of a building permit for any structure in the housing development. The density bonus housing agreement shall run with the land and bind on all future owners and successors in interest.

3. The density bonus housing agreement shall include, but not be limited to, the following:

- a. The total number of units approved for the housing development, the number, location, and level of affordability of target units, and the number of density bonus units;
- b. Standards for determining affordable rent or affordable ownership cost for the target units;
- c. The location, unit size in square feet, and number of bedrooms of target units;
- d. Provisions to ensure affordability ~~in accordance with subsection G;~~
- e. A schedule for completion and occupancy of target units in relation to construction of nonrestricted units;
- f. A description of any incentives, concessions, waivers, or reductions being provided by the Town;
- g. A description of remedies for breach of the agreement by either party. The Town may identify tenants or qualified purchasers as third party beneficiaries under the agreement;
- h. Procedures for qualifying tenants and prospective purchasers of target units;
- i. Other provisions to ensure implementation and compliance with this section.

4. In the case of for-sale housing developments, the density bonus housing agreement shall include the following conditions governing the sale and use of target units during the applicable use restriction period:

- a. Target units shall be owner-occupied by eligible very low-, lower-, or moderate-income households, or by qualified residents in the case of senior citizen housing developments;
- b. The purchaser of each target unit shall execute an instrument approved by the Town and to be recorded against the parcel, including such provisions as the Town may require to ensure continued compliance with this section.

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5. In the case of rental housing developments, the density bonus housing agreement shall provide for the following:
- a. Procedures for establishing affordable rent, filling vacancies, and maintaining target units for eligible tenants;
 - b. Provisions requiring verification of household incomes;
 - c. Provisions requiring maintenance of records to demonstrate compliance with this subsection.
6. Density bonus housing agreements for child care facilities and land donation shall ensure continued compliance with all conditions included in their respective subsections.

(Ord. 231-92 § 6.1.d; Ord. 342-04; Ord. 369-06)

17.84160.050 Town density bonus program.

A. **Purpose.** The purpose of this section is to encourage the provision of housing affordable to lower-income households by allowing substantial increases in density.

B. **Affordable Housing Overlay.**

1.—An Affordable Housing Overlay as regulated by Chapter 17.70 may be applied to all or a portion of a site that is suitable for the development of affordable housing. ~~The area within the Town to which the Affordable Housing Overlay is applied shall not exceed five acres.~~

2.—~~Property to which the Affordable Housing Overlay has been applied shall be designated by adding “ AHO” to its zoning district classification.~~

3.—~~The Town Council may approve incentives for property designated with the Affordable Housing Overlay and developed with a specified amount of affordable housing, as set forth in subsections C and D of this section.~~

C. **~~Town Density Bonuses.~~**

1.—~~For projects with an Affordable Housing Overlay proposing to construct 10 or more dwelling units of which 25% or more will be reserved for lower income households and will be rented or sold at levels that do not exceed 30% of 80% of area median income, the Town Council may approve the following densities:~~

% Affordable	Density	Density Bonus
25%	20 upa	100%
40%	21 upa	110%
55%	22 upa	120%
70%	23 upa	130%
85%	24 upa	140%

Regulations for Town Density Bonus moved to the Affordable Housing Overlay District, Chapter 17.80.

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100%	25 upa	150%
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2. Calculation of Density Bonus.

- a. ~~The density bonus units shall not be included when determining the number of housing units that are to be affordable.~~
- b. ~~For purposes of calculating a density bonus, a fraction of a unit shall be rounded up to the nearest whole unit.~~

D. ~~Additional Incentives and Concessions.~~ ~~The Town may provide incentives and concessions to projects that qualify for a town density bonus in order to make such units economically feasible. Possible assistance includes the following:~~

- 1. ~~Direct financial aid (e.g., Housing Opportunity Fund, Community Development Block Grant funding) in the form of a loan or a grant to subsidize or provide low interest financing for on or off site improvements, land purchase, or construction costs;~~
- 2. ~~Waived, reduced or deferred building permit and/or development impact fees;~~
- 3. ~~Modification(s) of Title 17, Zoning, and/or Title 18, Design Standards, standards for the affordable units that may include, but are not limited to:~~
 - a. ~~Reduced setback requirements,~~
 - b. ~~Reduced open space requirements,~~
 - c. ~~Increased floor area ratio,~~
 - d. ~~Waiver of requirement that parking spaces be covered,~~
 - e. ~~Reduced minimum building separation requirements,~~
 - f. ~~Reduced sidewalk requirements,~~
 - g. ~~Modifications to standards shall only be approved if any negative impacts associated with such modifications are mitigated and the project design is compatible with the Town character and neighboring uses;~~
- 4. ~~Priority consideration during the review process;~~
- 5. ~~A request for approval of incentives and/or concessions pursuant to this subsection shall be made along with applicable related planning action requests for the project as specified in Titles 17 and 18 of this code.~~

(Ord. 231-92 § 6.1.e; Ord. 342-04)

17.84160.060 Requirements for nonresidential projects.

- A. Nonresidential development projects shall be required to pay a “fair-share” fee to assume responsibility for a share of the workforce housing needs generated by such development. The amount of the fair-share fee shall be established by resolution of the Town Council.

Proposed Code Amendments:**Comments:**

B. Notwithstanding the foregoing, the requirement for the payment of fair share fees for nonresidential development projects shall not apply to projects that fall within one or more of the following categories:

1. That portion of any nonresidential development project located on property owned by the State of California, the United States of America, or any of its agencies, with the exception of such property not used exclusively for governmental or educational purposes; or
2. Any nonresidential development project to the extent it has received a vested right to proceed pursuant to State law; or
3. Uses operated by nonprofit organizations that provide food storage, meal service and/or temporary shelter to the homeless.

C. As an alternative to the payment of the fair share fee set forth in subsection A, an applicant for a nonresidential development project subject to the requirements of this section may submit a request for compliance through the construction of residential units or the dedication of land or other resources. Such requests shall be considered on a case-by-case basis by the Town Council and shall be approved, at the Town Council's sole discretion, if the Town Council determines that such alternative compliance will further affordable housing opportunities in the Town to an equal or greater extent than payment of the housing fair share fee.

D. No temporary or permanent certificate of occupancy for an nonresidential development project subject to these requirements shall be issued until the permittee has paid the fair share fee prescribed in subsection A or otherwise satisfactorily complied with the requirements of this section. Release of utilities shall not be authorized for any nonresidential development project until notification is received from the Town Planner that all requirements of this section have been met.

E. All fair share fees collected under this section shall be deposited into the Town's Housing Opportunity Fund. (Ord. 231-92 § 6.1.f; Ord. 342-04)

17.84.070 Housing Opportunity Fund.

~~A. Moneys deposited in the Housing Opportunity Fund shall be used to increase and improve the supply of housing affordable to very low, low, and moderate-income households. Monies may also be used to cover reasonable administrative expenses not reimbursed through processing fees, including reasonable consultant and legal expenses related to the administration of the Fund. No portion of the Fund may be diverted to other purposes by way of loan or otherwise.~~

~~B. Moneys in the Housing Opportunity Fund shall be used in accordance with the affordable housing priorities identified in the Housing Element and affordable housing implementation strategies which may be adopted upon recommendation of the Affordable Housing Advisory Committee, to construct, rehabilitate or subsidize very low, low, and moderate income housing and/or to assist other governmental entities, private organizations or individuals in the construction, rehabilitation, location or subsidy of very low, low, and moderate income~~

Subcommittee and Town Attorney recommend deletion.

Proposed Code Amendments:***Comments:***

~~housing. These uses include, but are not limited to, assistance to housing development corporations, equity participation loans, grants, pre-development loan funds, participation leases, or other public/private partnership arrangements. The Fund monies may be extended for the benefit of rental or owner-occupied housing or housing services. (Ord. 231-92 § 6.1.g; Ord. 269-96; Ord. 342-04)~~

17.84160.080 Loss of affordable units.

Where new construction would remove existing affordable housing units from the housing stock, these units shall either be:

- A. Reconstructed on the site;
 - B. Relocated to another site; or
 - C. Replaced with affordable units on- or off-site, such that the required number of new affordable units is provided in addition to those existing.
- (Ord. 231-92 § 6.1.h; Ord. 342-04)

17.84.090 Enforcement.

~~No building permit or occupancy permit shall be issued, nor any development approval granted, that does not meet the requirements of this chapter. The Town shall have the power to institute an injunction, mandamus, or any other appropriate legal sanctions or proceedings for the enforcement of this chapter. (Ord. 231-92 § 6.1.i; Ord. 342-04)~~

Recommend this be eliminated and incorporated into a general Administration chapter.

Proposed Code Amendments:**Comments:****Chapter 17.16420 HOME OCCUPATIONS****17.120164.010 Purpose and application.**

This chapter is intended to establish regulations ~~for all business activities to be conducted within a dwelling unit for home-based businesses incidental to and compatible with surrounding residential neighborhoods and with minimal offsite impacts in order to promote the economic interests of residents and to reduce commute travel.~~ The following specific rules and regulations established in this chapter shall apply in combination with the land use ~~designations established in Chapters 17.20 through 17.60~~ regulations of the applicable zoning district. (Ord. 315-01)

Revised intent statement.

17.120164.020 General conditions and operating standards.

The following general conditions ~~and operating standards shall~~ apply to all home occupations:

A. Area and location.

1. The area devoted to a home occupation shall occupy no more than 25% of the gross floor areas of the dwelling unit, portion of garage and ~~auxiliary structures~~ habitable accessory buildings.

~~2D.~~ No exterior operation of any home occupation is permitted.

~~3B.~~ Home occupations conducted within a garage shall not eliminate or change the use of required off-street parking spaces.

~~EB.~~ Employees. Employment shall be restricted to residents of the dwelling unit ~~residents except where a use permit allows that a Major Home Occupation may have one nonresident employee on-site at any one time,~~ provided ~~the following findings can be made that:~~

Allowance for one nonresident employee for a Major Home Occupation subject to issuance of a Use Permit by the Town Council.

1. The employee works under the direction of the dwelling resident and is not an independent or separate business enterprise;

~~2.~~ ~~The employee is necessary to the performance of the home occupation;~~

~~23.~~ Hours of operation for a nonresident employee are between 8:00 a.m. and 6:00 p.m.;

~~34.~~ ~~The employee would not require the use of the required parking for the residence or create on-street parking problems in the neighborhood~~ Parking for the nonresident employee shall be provided on-site without reliance on on-street parking.

Employee parking required on-site.

~~E.~~ ~~The home occupation shall not generate pedestrian or vehicular traffic beyond that which is normal to the surrounding area.~~

Addressed in Off-Site Impacts below.

~~CF.~~ Clients and Customers. ~~No more than two~~ The frequency of customers, clients, students, patients, or persons in similar relationships with a home occupation may visiting the home as a regular business practice for services or products shall be limited as follows:

<p>1. <u>Minor Home Occupations: No more than one visit per day,</u></p> <p>2. <u>Moderate Home Occupations: No more than three visits per day,</u> and</p> <p>3. <u>Major Home Occupations: More than three visits per day, as established by Use Permit.</u></p> <p><u>GD. Sale, Storage, Distribution and Display of Goods.</u></p> <p>1. <u>Articles offered for sale in a home occupation shall be limited to those produced or grown on the premises, except that a Major Home Occupation may be permitted to provide goods from an offsite supplier. Personal services are allowed incidental sale of products associated with provided services except where the person conducting the home occupation serves as an agent or intermediary between off-site suppliers and off-site customers, in which case all articles, except for samples, shall be received, stored and sold directly to customers, at off-premises locations.</u></p> <p>H2. <u>Products and materials associated with the home occupation shall not be displayed outside or in a window visible from a public right-of-way. No outside display or window shall display material or products; no outside sign or window sign shall advertise or otherwise identify the home occupation except for one nonmoving and nonilluminated sign with a display surface of not more than one square foot on any face.</u></p> <p>JE. <u>Off-site EffectsImpacts.</u></p> <p>1. No home occupation shall be permitted which:</p> <p>a. 4. <u>Creates noise, odor, light pollution or glare, electrical disturbances, dust, vibrations, fumes, or smoke readily discernible at the exterior boundaries of the parcel on which it is situated, including violation of any provision of Chapter 17.144 (Regulations for Impact on Adjacent Uses);</u></p> <p>b. 2. <u>Involves the storage of equipment, vehicles, or supplies outside of the dwelling or any accessory auxiliary structure;</u></p> <p>c. 3. <u>Involves the creation or storage of toxic or hazardous materials.</u></p> <p>42. <u>Traffic and parking impacts on the surrounding neighborhood shall be minimal and the location of commercial vehicles shall comply with the provisions of Chapter 17.116 (Off-Street Parking and Loading).</u></p> <p>IF. <u>Signs.</u> One nonmoving and nonilluminated sign of up to one square foot may be permitted to identify the business.</p> <p><u>G. Business License.</u> All home occupations shall have a valid Town of Yountville business license.</p> <p><u>H. Sales Tax.</u> All home occupations that include retail sales from the premises shall report sales tax designating Yountville as the point of sale location.</p>	<p>Clientele based on category of Home Occupation.</p> <p>Provision added to allow minor sale of hair care products, etc.</p> <p>Parking impacts added.</p> <p>Provision re: sale tax collection added.</p>
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I. Homemade Food Operations. All Homemade Food Operations that involve food preparation or packaging in the home kitchen shall obtain a permit from Napa County Environmental Health and submit a copy of this approval to the Town.

(Ord. 315-01)

17.164.030 Permitted Uses.

The following uses may be permitted as home occupations:

A. Professional offices;

B. Personal services, including incidental sale of associated products;

C. Art and craft work, such as ceramics, painting, photography or sculpture;

D. Homemade Food Operations;

E. On-site retail sales of products produced on-site or associated with services provided, as limited by the restrictions on clientele in Section 17.164.020.C; and

F. Uses deemed by the Town Planner or the Town Council to be similar to the above mentioned and which comply with the requirements of Section 17.164.020.E.

17.164.040 Uses Prohibited as Home Occupations.

The following are examples of uses and business activities that are not incidental to or compatible with residential activities, and are, therefore, prohibited as home occupations:

A. Adult entertainment,

B. Animal hospitals or boarding,

C. Automotive and other vehicle repair and service, except for vehicles owned by residents of the dwelling,

D. Commercial cabinetry, carpentry, or furniture-making,

E. Welding and machine shop,

F. Contractor's storage,

G. Nightclubs and similar entertainment venues,

H. On-site meal service, and

I. Other uses determined by the Town Planner or the Town Council to be similar to the above mentioned.

17.120164.0530 Home occupation approval.

A. The Town Planner may administratively approve the following minor home occupations applications for Minor or Moderate Home Occupation through issuance of an Administrative Use Permit as regulated by Chapter

Provision added for "Homemade Food Operations"

Allowable home occupations condensed into use categories (see proposed definitions below).

Subcommittee recommended explicitly calling out artisans.

Subcommittee suggested limited allowance for on-site sales.

Subcommittee suggested referring back to restrictions on Off-Site Impacts.

Staff recommends that some unacceptable uses be specifically listed since these types of uses can occur as home occupations and create impacts for neighbors, and believing it is better to avoid conflicts or misunderstandings with applicants by providing more clarity.

The Subcommittee suggested precluding on-site meal service as a home occupation due to potential clientele and competition with restaurants.

Staff-level Administrative Use Permit process proposed for Minor and Moderate Home

17.196 if they comply with all the applicable conditions set forth in Section ~~17.120.020~~ in this chapter:

1. ~~The home occupation is an office involving the use of the telephone, computer, mail, and common delivery services only, and no employees, customers, clients, students, patients, or persons in similar relationships with the office's affairs visit the home as a regular business practice;~~

2. ~~The business is conducted elsewhere, but some or all of the equipment and materials are kept in one vehicle garaged on the premises.~~

B. ~~All other~~ Major Home Occupations are subject to the approval of a Use Permit by the Town Council as regulated by Chapter 17.200.

(Ord. 315-01)

Occupations. This regulatory chapter will have to be written.

Chapter 17.236 Definitions:

“Home occupation” means an art, profession, offering of service, conduct of business, preparation or packaging of food, or handicraft manufacture of products conducted solely in the dwelling unit, a portion of a garage or an accessory building auxiliary structure, by an inhabitant in a manner incidental to the residential occupancy.

“Homemade Food Operation,” also known as Cottage Food Operation, means a person that produces or packages homemade food products only in the domestic kitchen of that person's primary home generally for off-site delivery and sale.

“Personal service” means an establishment or individual providing nonmedically related services of a personal nature, including but not limited to, barber and hair salons, nail salons, skin care, music or art instruction, tutoring, fitness or athletic training, massage, animal grooming, tailoring, repair of shoes, repair of small appliances or electronics, tanning salons, dry cleaning pick-up, and health spas.

“Professional office” means a facility providing professional, executive, management or administrative services, including but not limited to, accounting, architecture, consulting, engineering, graphic design, interior design, legal services, real estate services, computer software, and counseling. Excludes medical offices, banks, and incidental office uses that are customarily accessory to an approved primary use.

“Town Planner” means the manager of the Town's planning division or department appointed by the Town Manager or that person's designee.