

ZONING ORDINANCE UPDATE: PHASE 2, PART A

DIVISION 1: APPLICABILITY

Chapter 17.04 PURPOSE AND APPLICABILITY

17.04.010 Title.

Title 17 may be cited as the Yountville Zoning Ordinance or the Zoning Ordinance for the Town of Yountville. (Ord. 231-92 § 1.1; Ord. 236-93)

17.04.020 Purpose.

The purpose of Title 17 is to promote, protect and preserve the health, safety, and general welfare of the public, and for the following more specified purposes:

- A. To guide, control and regulate the future growth and development of the Town in a sound and orderly manner, and to promote achievement of the goals and purposes of the Yountville General Plan;
- B. To protect and enhance the character and stability of agricultural, residential, commercial and other areas within the Town;
- C. To promote excellence of design in all future developments and to preserve the internal beauty and established character of the Town. (Ord. 231-92 § 1.2; Ord. 236-93)

17.04.030 Consistency and implementation.

Title 17 shall be an integrated, internally consistent and compatible statement of policies for Yountville. It shall govern future development in companion with other regulating documents of the Town, including the Yountville General Plan. (Ord. 231-92 § 1.3; Ord. 236-93)

(Ord. 231-92 § 1.5)

17.04.030 Applicability of the Zoning Ordinance.

This zoning ordinance applies to all land uses, structures, subdivisions, and development within the Town of Yountville.

17.04.040 Minimum Requirements.

The provisions of this zoning ordinance shall be minimum requirements for the promotion of the public health, safety and general welfare. When this zoning ordinance provides for discretion on the part of a Town official or body, that discretion may be exercised to impose more stringent requirements than set forth in this zoning ordinance as may be necessary to promote orderly land use development and the purposes of this zoning ordinance and as allowed within state and federal law.

17.04.050 Effect of Zoning Ordinance Changes on Projects in Progress.

A land use permit application that has been accepted by the Planning Officer as complete prior to the effective date of a change to the zoning ordinance affecting that application shall be processed according to the requirements in effect when the application was accepted as complete.

17.04.060 Responsibility for Administration.

This zoning ordinance shall be administered by the Town Council, the Zoning and Design Review Board, the Planning Officer and the Planning Department.

17.04.070 Administration of the Zoning Ordinance.

The Planning Officer shall have the responsibility and authority to apply all provisions and requirements of this zoning ordinance. Appeals of interpretations of the Planning Officer may be filed as regulated by Chapter 17.224, Appeals.

17.04.080 General Plan Consistency.

In the event Title 17 becomes inconsistent with the General Plan by reason of amendment, Title 17 shall be amended within a reasonable time to remain consistent with the General Plan.

17.04.090 Severability.

If any article, section, sentence, clause or phrase of Title 17 is declared invalid by a court of competent jurisdiction, the validity of the remaining portions of Title 17 shall not be affected. (Ord. 255-95)

DIVISION 2: ZONING DISTRICTS, ALLOWABLE USES, DEVELOPMENT AND DESIGN STANDARDS AND GUIDELINES

Chapter 17.08 ZONING BY LAND USE DESIGNATION

17.08.010 Zoning Map.

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

17.08.020 Map boundaries.

Boundaries for each land use designation are as shown upon the Zoning Map of the Town of Yountville. This map and all adopted amendments, changes, extensions, legends, symbols, notations, and references shall be a part of Title 17. The general regulations set forth in Chapter 17.04 and the specific conditions for each land use designation, and composite and overlay designations are established and effective upon all lands included within the boundaries of each parcel as shown upon the Zoning Map. (Ord. 231-92 § 3.2)

17.08.030 Rules governing Zoning Map.

Where the boundaries of any land use designation are not clearly identifiable, the following rules of interpretation shall apply:

- A. The boundaries shall be deemed to be on street and alley lines whenever it appears to be on the line;
- B. The boundaries of subdivided property and lots divided by a land use designation that are not indicated by written dimensions shall be determined by the descriptions and documents as recorded by the Use Permit or other such reference;
- C. The designation of property indicated by a symbol on the Zoning Map shall apply, in each instance, to the whole of the area within the land use designation boundaries; and
- D. The regulations applicable to a property shall apply equally to an officially vacated or abandoned abutting street or alley. (Ord. 231-92 § 3.3)

17.08.040 Establishment of land use designations.

The Zoning Map consists of land use designations established within the incorporated territory of the Town in order to regulate and restrict the use of land and the location, height, and size of buildings hereafter erected, enlarged, altered, moved or maintained. (Ord. 231-92 § 3.4)

17.08.050 Land use designations.

The following land use designations shall apply to all lands within the Town of Yountville:

Map designation	Zoning District	Regulations (Chapter)
A	Agricultural	17.16
RS	Single-Family Residential	17.20
RM	Mixed Residential	17.24
H	Old Town District	17.28
MPR	Master Planned Residential	17.32

MHP	Mobile Home Park Residential	17.36
PP	Parks and Playfields	17.44
PF	Public Facilities	17.48
PC	Primary Commercial	17.52
RSC	Residential-Scaled Commercial	17.56
OTC	Old Town Commercial	17.60
RC	Retained Commercial	17.64
PD	Planned Development	17.68

17.08.060 Overlay designations.

The following overlay designations shall apply in addition to the base district to all lands within the Town of Yountville as established by the land use designations:

Map designation	Zoning District	Regulations (Chapter)
C	Creekside Overlay	17.76
AHO	Affordable Housing Overlay	17.80
G	Gateway Overlay	17.84
S	Senior Mobile Home Park Overlay	17.88
RO	Retail Overlay	17.92
MU	Mixed Use	17.96

Chapter 17.12 ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

17.12.010 General Requirements for New Development and Land Uses.

A. **Allowable Use.** The use of land shall be restricted as set forth in the applicable zoning district regulations and as summarized in Table 17.12-1, Use Table. Uses identified in the table as “P” or Permitted are allowable when operated and maintained in compliance with all requirements of Title 17. Uses identified as “UP” shall require issuance of a Use Permit as regulated by Chapter 17.200, Use Permits prior to being established or operated. Uses identified as “AP” shall require issuance of an Administrative Use Permit as regulated by Chapter 17.196, Administrative Use Permits.

B. **Uses not listed.** In all of the Town’s Zoning Districts, if a use is not listed as permitted or allowed it is prohibited unless a finding is made by the Town Council or the Planning Department that the use is similar in kind to listed uses.

C. **Expressly prohibited.** The following uses are expressly prohibited:

1. Short-term rental unit, and
2. Uses prohibited by State or Federal law.

D. **Master Development Plans and Development Agreements.** In the case of a site subject to an approved Master Development Plan or Development Agreement, the land use requirements of the Master Development Plan or Development Agreement shall be those applicable.

E. **Multiple Uses on a Single Site.** Where a proposed project includes multiple land uses, each shall be considered separately and must comply with the use restrictions in the applicable zoning district.

D. Permit Requirements. Any land use permit or other approval required by Title 17 or the Yountville Municipal Code shall be obtained before the proposed use is constructed, otherwise established or put into operation.

F. Development Standards. The use of land or new construction shall comply with all applicable requirements of this zoning ordinance. In the case of a site subject to an approved Master Development Plan or Development Agreement, the land use requirements of the Master Development Plan or Development Agreement shall be those applicable.

G. Conditions of Approval. The use of land and/or structures shall comply with any applicable conditions imposed by any previously granted land use permit or other approval.

Table 17.12-1
Use Table

LEGEND:

Zoning Districts: A: Agriculture; RS: Single-Family Residential; RM: Mixed Residential; H: Old Town; MPR: Master Planned Residential; MHP: Mobile Home Park; PP: Parks and Playfields; PF: Public Facilities; PC: Primary Commercial; RSC: Residential Scaled Commercial; OTC: Old Town Commercial; RC: Retained Commercial; MU: Mixed Use Overlay; PD: Planned Development

Allowable Uses: P = Permitted Use; UP = Use Permit required; AP = Administrative Use Permit required

Use Type	A	RS	RM	H	MPR	MHP	PP	PF	PC	RSC	OTC	RC	MU	PD	Addnl. Regs.
Agricultural Uses															
Agriculture	P														
Agricultural produce/product processing or retail	UP														
Agricultural auxiliary structure	P														
Keeping of chickens	P	P	P	P	P										6.04.080
Beekeeping	P	P	P	P	P										6.04.090
Open Space and Recreational Uses															
Conservation area	P						P								
Outdoor recreation							UP	UP							
Indoor recreation and fitness center							UP	UP	UP	UP	UP				
Residential Uses															
Single family dwelling	P	P	P	P	P									UP	
Accessory dwelling unit	P	P	P	P	P									P	17.156
Duplex		P	P	P	P									UP	
Multifamily dwellings			P	UP	UP									UP	
Mobile home park						P									
Mobile home park common facilities						P									

Use Type	A	RS	RM	H	MPR	MHP	PP	PF	PC	RSC	OTC	RC	MU	PD	Addnl. Regs.
Senior mobile home park						P (1)									
Residential care facility		P	P	P	P										
Skilled nursing facility								UP							
Congregate housing					UP			UP							
Supportive housing		P	P	P	P										
Transitional housing		P	P	P	P										
Agricultural employee housing	P														
Mixed use development									UP	UP	UP		UP	UP	
Live/work unit									UP	UP	UP		UP	UP	
Emergency shelter								P							
Minor home occupation	AP	AP	AP	AP	AP	AP			AP	AP	AP			AP	17.164
Moderate home occupation	AP	AP	AP	AP	AP	AP			AP	AP	AP			AP	17.164
Major Home occupation	UP	UP	UP	UP	UP	UP			UP	UP	UP			UP	17.164
Educational Uses															
Small or large family day care home	P	P	P	P	P	P								UP	
Day care center								UP							
Assembly Uses															
Church/religious institution				UP										UP	
Public Facilities															
Public facilities							UP	P						UP	
Quasi-public service							UP	P							
Utility facilities							UP	UP	UP	UP	UP	UP		UP	
Lodging															
Lodging									UP	—	UP (2)	UP (3)		UP	
Eating, Drinking and Entertainment															
Full service restaurant									UP	—	UP (2)	UP (3)		UP	
Limited service restaurant									UP	UP	UP	UP (3)		UP	

Use Type	A	RS	RM	H	MPR	MHP	PP	PF	PC	RSC	OTC	RC	MU	PD	Addnl. Regs.
Bar or nightclub									UP	—	UP (2)			UP	
Wine tasting room									UP	UP (4)	UP			UP	
Mobile food vendor							UP		UP	UP	UP				
Retail															
General retail									P	P	P			UP	
Alcoholic beverage retail sales									UP	UP	UP			UP	
Adult oriented business											UP (6)				
Exterior display of merchandise									UP	UP (5)	UP			UP	
Under-represented retail													UP		
Personal Services															
Personal service	(7)	(7)	(7)	(7)	(7)	(7)			UP (7)	UP (7)	UP (7)		UP (7)	UP (7)	
Professional Offices and Commercial Services															
Professional office	(7)	(7)	(7)	(7)	(7)	(7)			AP (7)	AP (7)	AP (7)		UP (7)	UP (7)	
Medical office									UP	UP	UP			UP	
Banks and financial services									UP	UP	UP			UP	
Food and beverage production		(7)	(7)	(7)	(7)	(7)			UP (7)	UP (7)	UP (7)		UP (7)	UP (7)	
Misc. Use Categories															
Accessory residential uses	P	P	P	P	P	P			P	P	P		P	P	
Accessory commercial uses									P	P	P	UP	P	P	
Residential auxiliary structure	P	P	P	P	P	P								P	17.112
Commercial auxiliary structure									UP	UP	UP	UP	UP	UP	17.112
Rooftop pools and decks								UP	UP	UP					17.104
Any other compatible or appropriate use as determined by the Town Council in its sole discretion	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP		UP	

NOTES:

1. Allowed on sites zoned with the S (Senior Mobile Home Park) Overlay
2. Allowed on the west side of Washington Street only
3. Subject to Retained Commercial District limitations
4. Not allowed for APNs 036-054-022 (2010 Humboldt Street) and 036-054-023 (2012 Humboldt Street)
5. Subject to Retail Overlay District (Chapter 17.92)
6. Property containing use must be at least 100 feet from property line of a residentially zoned parcel and at least 500 feet from a property containing another adult-oriented business.
7. Use may be authorized in a dwelling unit as a Home Occupation subject to the regulations of Chapter 17.164.

Chapter 17.44 PP, PARKS AND PLAYFIELDS**17.44.010 Purpose and application.**

The land use designation PP, Parks and Playfields, is applied to areas suitable for public parks, playgrounds and other outdoor recreation uses. Specified parcels are indicated on the Zoning Map. The following specific rules and regulations established in this chapter shall apply to such designated lands.

17.44.020 General conditions.

The following general conditions shall apply to all lands designated as PP, Parks and Playfields:

- A. All new development proposals shall require approval of a Master Development Plan as regulated by Chapter 17.192; expansion or exterior remodeling of all structures shall require Design Review approval as regulated by Chapter 17.188.
- B. The approval process for a Master Development Plan or amendment or for Design Review approval shall include review and a recommendation by the Parks and Recreation Commission.

17.44.030 Permitted uses.

The following uses shall be permitted for lands designated as PP, Parks and Playfields:

- A. Only those uses shown on the approved Master Development Plan on file at the Town of Yountville shall be allowed, except that uses and facilities legally established in compliance with all applicable regulations at the time of their construction shall be deemed to have approved Master Development Plans, shall be considered legal nonconforming uses as regulated by Chapter 17.232; and
- B. Conservation area.

17.44.040 Uses requiring a Use Permit.

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

- A. Outdoor recreation;
- B. Indoor recreation and fitness center;
- C. Mobile food vendor;
- D. Public facility;
- E. Quasi-public service;
- F. Utility facility;
- G. Any other compatible or appropriate use as determined by the Town Council in its sole discretion.

17.44.050 General development standards.

- A. Development standards shall be determined by the Town Council through the adoption of a Master Development Plan as regulated by Chapter 17.192. Where the Master Development Plan is silent on a development

standard, the otherwise applicable general standards of the Zoning Ordinance shall apply as determined by the Planning Officer.

B. Landscaping and lighting standards are as established in Chapters 17.124, Water Efficient Landscaping, 17.128, Tree Preservation and Management, and 17.132, Outdoor Lighting;

C. Design standards for walls, fences, and landscape screening are as established in Chapter 17.136;

D. In the event existing trees and/or landscaping are dead or damaged, thus necessitating removal, replacement plantings shall be required; and

E. New play structures, exercise equipment, or other outdoor recreation structure shall be aesthetically compatible with adjacent properties. Landscape screening may be necessary to mitigate adverse visual impact when viewed from outside the park or playfield.

Chapter 17.48 PF, PUBLIC FACILITIES

17.48.010 Purpose and application.

The land use designation PF, Public Facilities, is created to accommodate governmental, public utility and public educational facilities, and public services provided by private operators. This designation shall apply to specified parcels as indicated on the Zoning Map. The following specific rules and regulations established in this chapter shall apply to such designated lands. (Ord. 231-92 § 4.5.a)

17.48.020 General conditions.

The following general conditions apply to all land designated as PF, Public Facilities:

A. All new uses and expanded uses listed in Section 17.48.040 shall require a Use Permit subject to the provisions of Section Chapter 17.200; new development proposals shall require approval of a Master Development Plan subject to the provisions of Chapter 17.192; expansion or exterior remodeling of a structure shall require Design Review approval subject to the provisions of Chapter 17.188; and all commercial operations shall be subject to the provisions of Chapter 17.144, Regulations for Impact on Adjacent Uses; and

B. The area and frontage of the lot involved shall be sufficient for the specific intended use.

17.48.030 Site-specific conditions.

The following conditions shall apply to the parcel on the west side of Highway 29 (that is, APN 034-140-012) as shown on General Plan Figure LU-1:

A. Floor Area Bonus. An additional 0.15 FAR bonus allowed in Section 17.48.060 may be granted by the Town Council through approval of a Master Development Plan for retail and service-oriented uses that the Town Council determines will likely increase business diversity and provide community benefits.

B. Height Bonus. A third-story height bonus up to a maximum height of 35 feet may be granted by the Town Council through approval of a Master Development Plan. The community benefit to qualify for the height bonus must be something above and beyond the base project and shall be solely determined by the Town Council. In order to be considered for a limited three-story height incentive, the project applicant must submit its proposal outlining in detail the specific elements of the project that the applicant believes qualify as a Substantial Community Benefit (SCB).

Examples of what might constitute a SCB shall be provided by resolution of the Town Council.

To minimize visual impacts of increased height, the Town Council shall require architectural techniques such as modulating building forms, partial upper stories, upper-story step-backs, variation in roof forms and sufficient setbacks from public rights-of-way.

C. Street Frontage. For application of design standards applicable to street frontages in Chapter 17.72, the portion of the parcel facing California Drive shall be considered the property's street frontage.

17.48.040 Permitted uses.

The following uses are permitted in the PF, Public Facilities, designation:

- A. All public facilities operated by the Town of Yountville, the County of Napa, the State of California, the government of the United States, the Napa Valley Unified School District for educational and support functions, any other public district;;
- B. Quasi-public services; and
- C. Emergency shelters as regulated by Chapter 17.172. (Ord. 231-92 § 4.5.c; Ord. 427-14)

17.48.050 Uses requiring a Use Permit.

The following uses shall be required to obtain a Use Permit as regulated by Chapter 17.200 and shall be subject to Design Review approval as regulated by Chapter 17.188:

- A. Outdoor recreation;
- B. Indoor recreation and fitness center;;
- C. Skilled nursing facility;;
- D. Congregate housing;
- E. Day care center;
- F. Utility facilities;
- G. Mobile food vendor;
- E. Rooftop uses, as regulated by Chapter 17.104; and
- F. Any other compatible or appropriate use as determined by the Town Council in its sole discretion. (Ord. 231-92 § 4.5.d; Ord. 278-97; Ord. 342-04; Ord. 427-14)

17.48.050 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 in Table 17.48-1, in addition to the applicable development standards (e.g., landscaping, parking, etc.) in Chapters 17.116, 17.152, 17.124, 17.128, 17.132, and 17.72.

Table 17.48-1

<i>Development Standard</i>	<i>Requirement for PF District</i>	<i>Additional Regulations</i>
Maximum Floor Area Ratio (FAR)	0.25 ¹ Additional 0.15 for retail and service-oriented uses subject to 17.48.030.A	An exception may be granted for existing commercial buildings subject to Section 17.178.020.
Minimum Setbacks		See Chapter 17.108 for allowed encroachments into yards.
Front	15 feet	
Side	As determined by Master Development Plan	An exception may be granted for existing commercial buildings subject to Section 17.178.020.
Side (street fronting)	As determined by Master Development Plan	
Rear	As determined by Master Development Plan	An exception may be granted for existing commercial buildings subject to Section 18.40.060.020.

Height Limit	Two stories maximum One-story buildings: max. 15 feet to plate and 20 feet to peak Two-story buildings: max. 22 feet to plate and 30 feet to peak	See Section 17.48.030.B for available height bonus
Top Story Floor Area Limit	No more than 40% of the floor area of any building may be on the top floor	Exceptions to these requirements may be granted by the Town Council through approval of the Master Development Plan if warranted by site and surrounding conditions and mitigated by design techniques to avoid heavy or bulky forms (such as modulating building mass, partial upper stories, setbacks for upper story volume, variety of roof forms).
Minimum Open Space	Lots > 20,000 sf: min. 20% of gross area Lots 10,000-20,000 sf: min. 15% of gross area Lots < 10,000 sf: min. 10% of gross area	Open space does not include the area of public sidewalks in the public right-of-way.
Parking	As required by Chapter 17.116 Off-Street Parking and Loading	
Signage	As allowed by Chapter 17.152 Signs	

¹ In the PF District, FAR calculations shall be based on the Developable Lot Area, which is defined as the total horizontal area measured in a horizontal plane within the lot lines bordering the property, excluding easements for common driveways and accessways and excluding portions of the lot which cannot realistically be developed with buildings and improved parking areas due to minimal property dimensions, presence of natural features or other similar constraints to development.

Chapter 17.52 PC, PRIMARY COMMERCIAL

17.52.010 Purpose and application.

The land use designation PC, Primary Commercial, is primarily intended to reinforce Washington Street as the main commercial street in Yountville and to promote the economic health and diversity of businesses throughout the Town. This designation shall apply to properties on the west side of Washington Street as indicated on the Zoning Map. The following specific rules and regulations set forth in this chapter shall apply to lands designated as PC, Primary Commercial. (Ord. 231-92 § 4.8.a)

17.52.020 General conditions.

The following general conditions apply to all land designated as PC, Primary Commercial:

- A. All new uses and expanded uses listed in Section 17.52.050 shall require a Use Permit as regulated by Chapter 17.200; new development proposals shall require approval of a Master Development Plan as regulated by Chapter 17.192; expansion or exterior remodeling of a structure shall require Design Review approval as regulated by Chapter 17.188; and all commercial operations shall be subject to the provisions of Chapter 17.144, Regulations for Impact on Adjacent Uses;

- B. Development shall be of an intensity and scale which preserves and enhances Yountville's small-town character, and integrates well with the surrounding areas and natural setting;
- C. Parking shall be accommodated in ways which limit its visibility and prominence, typically in small lots screened from public view, as established in Chapter 17.116, Off-street Parking and Loading and Chapter 17.136, Walls, Fences and Landscape screening;
- D. Development shall contribute to a well-integrated mix of uses that create an attractive, vibrant, and walkable Washington Street experience; and
- E. Development shall maintain an appropriate balance between the needs of residents, visitors, and businesses to assure a livable community for residents. (Ord. 231-92 § 4.8.c)

17.52.030 Site-specific conditions.

The following conditions apply to parcels on the west side of Washington Street between Mulberry and Humboldt Streets (that is, APNs 036-330-006, -009; a portion of 036-330-010; and 036-081-004 and -011 as shown on General Plan Figure LU-1):

- A. Floor Area Bonus. An additional 0.15 FAR bonus allowed in Section 17.48.070 may be granted by the Town Council through approval of a Master Development Plan for retail and service-oriented uses that the Town Council determines will likely increase business diversity and provide community benefits; and
- B. Height Bonus. A third-story height bonus up to a maximum height of 35 feet may be granted by the Town Council through approval of a Master Development Plan. The community benefit to qualify for the height bonus must be something above and beyond the base project and shall be solely determined by the Town Council. In order to be considered for a limited three-story height incentive, the project applicant must submit its proposal outlining in detail the specific elements of the project that the applicant believes qualify as a Substantial Community Benefit (SCB).

Examples of what might constitute a SCB shall be provided by resolution of the Town Council.

To minimize visual impacts of increased height, the Town Council shall require architectural techniques such as modulating building forms, partial upper stories, upper-story step-backs, variation in roof forms and sufficient setbacks from public rights-of-way.

17.52.040 Permitted uses.

The following uses are permitted in the PC, Primary Commercial, designation:

- A. Professional office use, approved at staff level without a public hearing provided the specific proposed use is qualified by the Planning Officer and issued an Administrative Use Permit, as regulated by Chapter 17.196;
- B. General retail;
- C. Minor and moderate home occupations, as regulated by Chapter 17.164 and subject to issuance of an Administrative Use Permit as regulated by Chapter 17.196;
- D. Accessory residential uses; and
- E. Accessory commercial uses.

17.52.050 Uses requiring a Use Permit.

The following uses require a Use Permit as regulated by Chapter 17.200, and are subject to Design Review approval as regulated by Chapter 17.188:

- A. Personal service;
- B. Banks and financial services;
- C. Medical office;
- D. Exterior display of merchandise;

- E. Full service restaurant;
- F. Limited service restaurant;
- G. Bar or nightclub;
- H. Wine tasting room;
- I. Alcoholic beverage retail sales;
- J. Lodging;
- K. Rooftop pools and decks subject to the provisions of Chapter 17.104;
- L. Mobile food vendor;
- M. Indoor recreation and fitness center;
- N. Mixed use development;
- O. Live/work unit;
- P. Major home occupation as regulated by Chapter 17.164;
- Q. Food and beverage production;
- R. Utility facilities;
- S. Commercial auxiliary structures as regulated by Chapter 17.112; and
- T. Any other compatible or appropriate use as determined by the Town Council in its sole discretion.

17.52.060 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 in Table 17.48-1, in addition to the applicable development standards (e.g., landscaping, parking, etc.) in Chapters 17.116, 17.152, 17.124, 17.120, 17.128, 17.132, and 17.72

Table 17.52-1

<i>Development Standard</i>	<i>Requirement for PC District</i>	<i>Additional Regulations</i>
Maximum Floor Area Ratio (FAR)	0.25 Additional 0.15 for housing uses, professional office uses subject to Section 17.178.010, and retail and service-oriented uses subject to Section 17.52.030.A. There shall only be one additional FAR bonus of up to 0.15 and it may include a combination of the uses listed herein.	An exception may be granted for existing commercial buildings subject to Section 17.178.020.
Minimum Setbacks		See Chapter 17.108 for allowed encroachments into yards
Front	15 feet	
Side	As determined by Master Development Plan	An exception may be granted for existing commercial buildings subject to Section 17.178.020.
Side (street fronting)	As determined by Master Development Plan	

Rear	As determined by Master Development Plan	An exception may be granted for existing commercial buildings subject to Section 17.178.020.
Height Limit	Two stories maximum One-story buildings: max. 15 feet to plate and 20 feet to peak Two-story buildings: max. 22 feet to plate and 30 feet to peak	See Section 17.48.030.B for available height bonus.
Top Story Floor Area Limit	No more than 40% of the floor area of any building may be on the top floor	Exceptions to these requirements may be granted by the Town Council through approval of the Master Development Plan if warranted by site and surrounding conditions and mitigated by design techniques to avoid heavy or bulky forms (such as modulating building mass, partial upper stories, setbacks for upper story volume, variety of roof forms).
Minimum Open Space	Lots > 20,000 sf: min. 20% of gross area Lots 10,000-20,000 sf: min. 15% of gross area Lots < 10,000 sf: min. 10% of gross area	Open space does not include the area of public sidewalks in the public right-of-way
Parking	As required by Chapter 17.116 Off-Street Parking and Loading	
Signage	As allowed by Chapter 17.152 Signs	

Chapter 17.56 RSC, RESIDENTIAL-SCALED COMMERCIAL

17.56.010 Purpose and application.

The land use designation RSC, Residential-Scaled Commercial, is intended to reinforce Washington Street as the main commercial street in Yountville, and to encourage an appropriate transition to adjacent residential neighborhoods. This designation shall apply to specified parcels fronting on the east side of Washington Street, as indicated on the Zoning Map. The following rules and regulations established in this chapter shall apply to lands designated as RSC, Residential-Scaled Commercial. (Ord. 231-92 § 4.9.a; Ord. 258-96)

17.56.020 General conditions.

The following general conditions apply to all land designated as RSC, Residential-Scaled Commercial:

- A. All new uses and expanded uses listed in Section 17.56.030 shall require a Use Permit as regulated by Chapter 17.200; new development proposals shall require approval of a Master Development Plan as regulated by Chapter 17.192; expansion or exterior remodeling of a structure shall require Design Review approval as regulated by Chapter 17.188; and all commercial operations shall be subject to the provisions of Chapter 17.144, Regulations for Impact on Adjacent Uses;
- B. Development shall be of an intensity and scale which preserves and enhances Yountville's small-town character and integrates well with the surrounding neighborhood and natural setting. Commercial uses on the east side of Washington Street should be less intense than those on the west side of the street;

- C. Buildings shall be residential in scale, and generally street-oriented with pedestrian entrances from the street. Building height, massing and size shall be compatible with residential development, and comply with the design standards established in Chapter 17.72;
- D. Parking shall be accommodated in ways which limit its visibility and prominence, typically in small lots screened from public view as established in Chapter 17.116, Off-street parking and Loading and Chapter 17.136, Walls, Fences and Landscape screening;
- E. Development shall contribute to a well-integrated mix of uses that create an attractive, vibrant, and walkable Washington Street experience; and
- F. Development shall maintain an appropriate balance between the needs of residents, visitors, and businesses to assure a livable community for residents. (Ord. 231-92 § 4.9.b; Ord. 258-96)

17.56.030 Site-specific conditions.

The following conditions shall apply to APNs 036-054-022 and -023:

- A. Lot size shall be a minimum of 10,000 square feet;
- B. A minimum of two (2) second-story residential rental units shall be required as part of any development proposal. One of these residential units may be owner-occupied subject to the granting of a Use Permit as provided in Chapter 17.200; and
- C. Wine tasting rooms are a prohibited use.

17.56.040 Permitted uses.

The following uses are permitted in the RSC, Residential-Scaled Commercial, designation:

- A. Professional office use, approved at staff level without a public hearing provided the specific proposed use is qualified by the Planning Officer and issued an Administrative Use Permit, as regulated by Chapter 17.196;
- B. General retail;
- C. Minor and moderate home occupations, as regulated by Chapter 17.164 and subject to issuance of an Administrative Use Permit as regulated by Chapter 17.196;
- D. Accessory residential uses; and
- E. Accessory commercial uses.

17.56.030 Uses requiring a Use Permit.

The following uses require a Use Permit as provided in Chapter 17.200, and are subject to Design Review approval as provided in Chapter 17.188 of this title:

- A. Personal service;
- B. Banks and financial services;
- C. Medical office;
- D. Exterior display of merchandise;
- F. Limited service restaurant;
- G. Bar or nightclub;
- H. Wine tasting room, except as restricted by Section 17.56.030;
- I. Alcoholic beverage retail sales;
- K. Rooftop pools and decks subject to the provisions of Chapter 17.104;
- L. Mobile food vendor;
- M. Indoor recreation and fitness center;

- N. Mixed use development;
- O. Live/work unit;
- P. Major home occupation as regulated by Chapter 17.164;
- Q. Food and beverage production;
- R. Utility facilities;
- S. Commercial auxiliary structures as regulated by Chapter 17.112; and
- T. Any other compatible or appropriate use as determined by the Town Council in its sole discretion.

17.56.050 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 in Table 17.56-1, in addition to the applicable development standards (e.g., landscaping, parking, etc.) in Chapters 17.88, 17.92, 17.94, 17.96, 17.98, 17.128, and 18.40.

Table 17.56-1

<i>Development Standard</i>	<i>Requirement for RSC District</i>	<i>Additional Regulations</i>
Maximum Floor Area Ratio (FAR)	0.25 Additional 0.15 for housing uses, and professional office uses subject to Chapter 17.178. There shall only be one additional FAR bonus of 0.15 and it may include a combination of the uses listed herein.	An exception for existing commercial buildings may be granted subject to Section 17.178.020.
Minimum Setbacks		See Chapter 17.108 for allowed encroachments into yards.
Front	15 feet	
Side	As determined by Master Development Plan	An exception for existing commercial buildings may be granted subject to Section 17.178.020.
Side (street fronting)	As determined by Master Development Plan	
Rear	As determined by Master Development Plan	An exception for existing commercial buildings may be granted subject to Section 17.178.020.
Height Limit	Two stories maximum. One-story buildings: max. 15 feet to plate and 20 feet to peak Two-story buildings: max. 22 feet to plate and 30 feet to peak	

Top Story Floor Area Limit	No more than 40% of the floor area of any building may be on the top floor	Exceptions to these requirements may be granted by the Town Council through approval of the Master Development Plan if warranted by site and surrounding conditions and mitigated by design techniques to avoid heavy or bulky forms (such as modulating building mass, partial upper stories, setbacks for upper story volume, variety of roof forms).
Minimum Open Space	<p>Lots > 20,000 sf: min. 20% of gross area</p> <p>Lots 10,000-20,000 sf: min. 15% of gross area</p> <p>Lots < 10,000 sf: min. 10% of gross area</p>	Open space does not include the area of public sidewalks in the public right-of-way
Parking	As required by Chapter 17.116, Off-Street Parking and Loading	
Signage	As allowed by Chapter 17.152, Signs	

Chapter 17.60 OTC, OLD TOWN COMMERCIAL

17.60.010 Purpose and application.

This designation is applied to specified properties that front along North Washington Street, south of Madison Street. It is intended to reflect Yountville's commercial beginnings, capture the historic character of early Yountville, and recall the small scale businesses and structures of this period. t Maintenance and rehabilitation of existing commercial structures that embody this historic character are encouraged.

It is also the intent of this classification to promote an interesting, attractive environment for pedestrians, and enhance the interface between commercial uses and the street.

This designation shall apply to specified parcels fronting on North Washington Street south of Madison Street, as indicated on the Zoning Map. The following rules and regulations established in this chapter shall apply to lands designated as OTC, Old Town Commercial.

(Ord. 302-00; Ord. 309-01)

17.60.020 General conditions.

The following general conditions apply to all land designated as OTC, Old Town Commercial:

- A. All new uses listed in Section 17.60.050 shall require a Use Permit as regulated by Chapter 17.200; new development proposals shall require approval of a Master Development Plan as regulated by Chapter 17.192; expansion or exterior remodeling of a structure shall require Design Review approval as regulated by Chapter 17.188; and all commercial operations shall be as regulated by Chapter 17.144, Regulations for Impact on Adjacent Uses;
- B. Development shall be of an intensity and scale which preserves and enhances the historic, small-scale commercial character of the district. Building height, massing and size shall be compatible with adjacent development, with smaller building sizes appropriate for the east side of Washington Street, and shall comply with the design standards established in Chapter 17.072;

- C. Development shall contribute to a well-integrated mix of uses that create an attractive, vibrant, and walkable Washington Street experience. Buildings shall be generally street-oriented with pedestrian entrances from the street; and
- D. Parking shall be accommodated in ways which limit its visibility and prominence, typically in small lots screened from public view as established in Chapters 17.116, Off-street Parking and Loading and 17.136, Walls, Fences and Landscape screening.

(Ord. 231-92 § 4.9.b; Ord. 258-96)

17.60.030 Site-specific conditions.

The following conditions shall apply to the identified parcels as specified:

- A. For the existing commercial building located at 6711 Washington Street (that is, APN 036-440-01) which is listed on the National Register of Historic Places:
 - 1. The existing building and its front porch, and the existing front yard shall be preserved and maintained.
- B. For the existing commercial building located at 6720 Washington Street (that is, APN 036-033-013) which may be eligible for nomination to the National Register of Historic Places:
 - 1. The structure shall not be removed or substantially altered without environmental review pursuant to the California Environmental Quality Act.
- C. For the existing commercial building located at 6770 Washington Street (that is, APN 036-033-001) which has been determined to be eligible for nomination to the National Register of Historic Places:
 - 1. The existing building and its front porch shall not be permitted to be demolished, and shall be preserved and maintained;
 - 2. The existing “MARKET” lettering on the upper building façade shall be preserved and maintained in a quality consistent with historic documentation; and
 - 3. The building shall not be modified ~~altered~~ in ways that would ~~damage~~ alter its scale and character.
- D. For the parcels at 2010 and 2012 Humboldt Street (that is, APNs 036-054-022 and 036-054-023 respectively) a wine tasting room shall not be an allowed use.

17.60.040 Permitted uses.

The following uses shall be permitted for lands designated as PP, Parks and Playfields:

- A. General retail;
- B. Professional office use, approved at staff level without a public hearing provided the specific proposed use is qualified by the Planning Officer and issued an Administrative Use Permit, as regulated by Chapter 17.196; and
- C. Minor and moderate home occupations, as regulated by Chapter 17.164 and subject to issuance of an Administrative Use Permit as regulated by Chapter 17.196.

17.60.050 Uses requiring a Use Permit.

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

- A. Personal service;
- B. Banks and financial services;
- C. Medical office;
- D. Exterior display of merchandise;
- E. Full service restaurant, allowed on the West side of Washington Street only;
- F. Limited service restaurant;
- G. Bar or nightclub, allowed on the West side of Washington Street only;

- H. Wine tasting room, except as restricted by Section 17.60.030;
- I. Alcoholic beverage retail sales;
- J. Lodging, allowed on the West side of Washington Street only;
- K. Rooftop pools and decks subject to the provisions of Chapter 17.104;
- L. Mobile food vendor;
- M. Indoor recreation and fitness center;
- N. Adult-oriented business, provided that the property containing the adult-oriented use must be at least 100 feet from the property line of a residentially zoned parcel and at least 500 feet from a property containing another adult-oriented business;
- O. Mixed use development;
- P. Live/work unit;
- Q. Major home occupation as regulated by Chapter 17.164;
- R. Food and beverage production;
- S. Utility facilities;
- T. Commercial auxiliary structures as regulated by Chapter 17.112; and
- U. Any other compatible or appropriate use as determined by the Town Council in its sole discretion.

17.60.060 Limitation on ground floor uses.

Ground floor uses for buildings fronting on Washington Street shall be primarily Pedestrian-oriented Uses. (Ord. 309-01)

17.56.070 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 in Table 17.60-1, in addition to the applicable development standards (e.g., landscaping, parking, etc.) in Chapters 17.116, 17.152, 17.124, 17.120, 17.128, 17.132 and 17.72.

Table 17.60-1

<i>Development Standard</i>	<i>Requirement for OTC District</i>	<i>Additional Regulations</i>
Maximum Lot Size	15,000 square feet	
Maximum Floor Area Ratio (FAR)	0.25 Additional 0.15 for housing uses, and professional office uses subject to Section 17.178.010. There shall only be one additional FAR bonus of 0.15 and it may include a combination of the uses listed herein.	An exception for existing buildings may be granted subject to Section 17.178.020.
Minimum Setbacks		See Chapter 17.108 for allowed encroachments into yards
Front	10 feet for buildings < 15 feet high; 15 feet for buildings 15-18 feet high; 20 feet for buildings >18 feet high	

Side	As determined by Master Development Plan	
Side (street fronting)	As determined by Master Development Plan	
Rear	As determined by Master Development Plan	
Height Limit	Two stories maximum One-story buildings: max. 15 feet to plate and 20 feet to peak Two-story buildings: max. 22 feet to plate and 30 feet to peak	
Minimum Open Space	Lots > 20,000 sf: min. 20% of gross area Lots 10,000-20,000 sf: min. 15% of gross area Lots < 10,000 sf: min. 10% of gross area	Open space does not include the area of public sidewalks in the public right-of-way.
Parking	As required by Chapter 17.116, Off-Street Parking and Loading	
Signage	As allowed by Chapter 17.152, Signs	

Chapter 17.64 RC, RETAINED COMMERCIAL

17.64.010 Purpose and application.

The Retained Commercial District is intended to allow retention of three existing commercial uses and structures [The French Laundry (6640 Washington Street, APN 036-051-006), Bordeaux House (6600 Washington Street, APN 036-051-003) and Lavender Inn (2020 Webber Avenue, APN 036-053-004)] at their current densities and intensities. Commercial uses existing and legal on March 4, 2014 are acknowledged as fully entitled within the Retained Commercial District and greater flexibility is given to these existing long-term businesses to address their evolving needs.

The district is intended to establish a transitional buffer between commercial uses in the Town's commercial core and the residential uses of the Old Town Historic zoning district.

This designation shall apply to specified parcels fronting on Washington Street and Webber Avenue, as indicated on the Zoning Map. The following rules and regulations established in this chapter shall apply to lands designated as RC, Retained Commercial.

(Ord. 424-14)

17.64.020 General conditions.

The following general conditions shall apply to all land designated RC, Retained Commercial:

- A. Restaurant and lodging uses on parcels where the commercial use existed at the time of establishment of the Retained Commercial District, created March 4, 2014, shall be uses permitted by right as currently used and configured.
- B. New and expanded uses shall be limited to the existing restaurant or lodging use and accessory uses on each individual parcel and shall not include a broader range of commercial use.
- C. Existing nonconforming aspects related to minimum parking requirements and maximum FAR are accepted and shall be maintained, but any increase in intensity of use or square footage shall conform with current parking requirements.

D. All new uses and expanded uses shall require a Use Permit as regulated by Chapter 17.200; new development proposals shall require approval of a Master Development Plan as regulated by Chapter 17.192; expansion or exterior remodeling of a structure shall require Design Review approval subject to the provisions of Chapter 17.188; and all commercial operations shall be as regulated by Chapter 17.144, Regulations for Impact on Adjacent Uses;

17.64.030 Site-specific conditions.

The following conditions shall apply to individual parcels in the RC, Retained Commercial District:

- A. An FAR of 0.39 may be maintained for legal commercial uses existing on March 4, 2014 for the parcel APN, APN 036-051-006 (that is, 6640 Washington Street);
- B. An FAR of 0.36 may be maintained for legal commercial uses existing on March 4, 2014 for the parcel APN 036-051-003 (that is, 6600 Washington Street); and
- C. An FAR of 0.30 may be maintained for legal commercial uses existing on March 4, 2014 for the parcel APN 036-053-004 (that is, 2020 Webber Avenue).

17.64.040 Permitted uses.

The following uses shall be permitted under land use designation RC, Retained Commercial:

- A. Commercial uses on parcels where the commercial use exists at the time of establishment of the retained commercial district shall be uses permitted by right as currently used and configured; and
- B. Accessory commercial uses.

17.64.050 Uses requiring a Use Permit.

The following uses and expansion of uses may be allowed through a Use Permit as regulated by Chapter 17.200 and subject to the General Conditions listed above.

- A. All new commercial uses shall be limited to the specific types of commercial uses that are established as of March 4, 2014, including restaurant, lodging;
- B. Accessory commercial uses;
- C. Commercial auxiliary structures;
- D. Utility facilities; and
- E. Any other compatible or appropriate use as determined by the Town Council in its sole discretion.

17.64.060 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 in Table 17.64-1, in addition to the applicable development standards (e.g., landscaping, parking, etc.) in Chapters 17.116, 17.152, 17.124, 17.120, 17.128, 17.132 and 17.72.

Table 17.64-1

<i>Development Standard</i>	<i>Requirement for RC District</i>	<i>Additional Regulations</i>
Maximum Lot Size	15,000 square feet	
Maximum Floor Area Ratio (FAR)	See Section 17.64.030 for allowable FAR for existing commercial uses.	An exception for existing buildings may be granted subject to Section 17.178.020.
Minimum Setbacks		See Chapter 17.108 for setback measurement and allowed encroachments into yards
Front	As determined by Master Development Plan	

Side	As determined by Master Development Plan	
Side (street fronting)	As determined by Master Development Plan	
Rear	As determined by Master Development Plan	
Height Limit	Two stories maximum One-story buildings: max. 15 feet to plate and 20 feet to peak Two-story buildings: max. 22 feet to plate and 30 feet to peak	
Top Story Floor Area Limit	No more than one-third of the total floor area of a property shall be on the second story, and no more than 40% of the floor area of any one building shall be on the top floor.	Exceptions to these requirements may be granted by the Town Council through approval of the Master Development Plan if warranted by site and surrounding conditions and mitigated by design techniques to avoid heavy or bulky forms (such as modulating building mass, partial upper stories, setbacks for upper story volume, variety of roof forms).
Minimum Open Space	Lots > 20,000 sf: min. 20% of gross area Lots 10,000-20,000 sf: min. 15% of gross area Lots < 10,000 sf: min. 10% of gross area	Open space does not include the area of public sidewalks in the public right-of-way.
Parking	As required by Chapter 17.116, Off-Street Parking and Loading	
Signage	As allowed by Chapter 17.152, Signs	

Chapter 17.60 PD, PLANNED DEVELOPMENT

17.60.010 Purpose and application.

A. Purpose. The land use designation PD, Planned Development, is intended to:

1. Permit mixed land uses that are compatible with the existing community while providing for the orderly development of land and providing benefits to the community that would not be available otherwise;
2. Permit a flexible approach to the design and site planning of structures, open space and other physical improvements in order to gain a higher standard of site amenities than is typically provided, preserve significant visual and natural resources, ensure the Town's small-town character and pedestrian-oriented scale are protected, and achieve creative and high-quality design; and
3. Advance the policies and programs of the Housing Element of the General Plan that encourage the development of affordable housing in excess of that otherwise required by Chapter 17.106, Affordable Housing.

B. Applicability.

1. The PD land use designation may be applied to any land use designation of the General Plan when deemed suitable through the approval process.
2. The PD land use designation may be established on any parcel(s) of land having a contiguous area totaling at least two acres and which are deemed suitable for the proposed development.
3. Once established, the PD land use designation becomes the designation for the area within its respective boundaries and is specifically associated only with the approved project.

(Ord. 326-03) (Ord. 326-03)

17.60.020 General conditions.

The following general conditions apply to all land designated as PD, Planned Development:

- A. All new uses listed in Section 17.68.030 shall require a Use Permit as regulated by Chapter 17.200; new development proposals shall require approval of a Master Development Plan as regulated by Chapter 17.192 and/or a development agreement as regulated by Chapter 17.216; 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 as regulated by Chapter [17.100](#), Regulations for Impact on Adjacent Uses;
- B. Projects that propose the subdivision of land in association with the reclassification of the property to the PD District shall submit a subdivision application in accordance with Title 16, Subdivisions. The subdivision shall be processed concurrently with the PD approval application except as permitted by a development agreement entered into as regulated by Chapter 17.188;
- C. All improvements in MPR developments shall be consistent with the approved Master Development Plan on file with the Town of Yountville, including, but not limited to, the following:
 1. The location, dimension and specified material for all roadways, walkways, bikeways, view corridors, and easements,
 2. The location, distribution, size and dimension of all lots or parcels of land,
 3. The location, setbacks and height limits of all buildings and structures,
 4. The material finish and articulation of approved elevations for all buildings,
 5. The number, type, species, size and distribution of all landscape plantings and materials specified in the approved landscape plan,
 6. The location, size and material required for all utilities (water, sewer, drainage, irrigation, gas and electrical), and
 7. The location, height, and material for fences as required in the fencing plan.
- D. 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 17.148.
- E. 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.

17.60.030 Permitted uses.

The following shall be permitted for lands designated as PD, Planned Development:

- A. Only those uses shown on the approved Master 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;

- D. Minor and moderate home occupations, as regulated by Chapter 17.120 and subject to issuance of an Administrative Use Permit as regulated by Chapter 17.196; and
- E. Accessory residential uses.

17.60.040 Uses requiring a Use Permit.

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

- A. Single family dwelling;
- B. Duplex;
- C. Multifamily dwellings;
- D. Mixed use development;
- E. Live/work unit;
- F. Major home occupation as regulated by Chapter 17.164;
- G. Small family day care home;
- H. Large family day care home
- I. Church and religious institution;
- J. Lodging;
- K. Full service restaurant;
- L. Limited service restaurant;
- M. Bar or nightclub;
- N. Wine tasting room;
- O. General retail;
- P. Alcoholic beverage retail sales;
- Q. Exterior display of merchandise;
- R. Personal service;
- S. Professional office;
- T. Banks and financial services;
- U. Food and beverage production;
- V. Public facilities;
- W. Utility facilities;
- X. Commercial auxiliary structure; and
- Y. Any other compatible and appropriate use as determine by the Town Council in its sole discretion.

17.60.050 General development standards.

- A. Allowable 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, except as limited by this section. Where the Master Development Plan is silent on a development standard or specific use, the otherwise applicable general standards of the Zoning Ordinance shall apply as determined by the Planning Officer.
- B. Affordable residential portions of a PD shall be consistent with the density provisions of the Affordable Housing Overlay as regulated by Chapter 17.80 and consistent with the intensity standards applicable to the RM Mixed Residential District, Chapter 17.24.
- C. Where existing residential land is reclassified to commercial use, the number of required affordable units shall be, at a minimum, equivalent to one-half of the number of full time equivalent (FTE) employees for the commercial

use or the number of affordable inclusionary units as required by Chapter 17.160, whichever is greater. Additionally, all existing units removed as a result of the commercial proposal shall be replaced.

D. Commercial portions of a PD project shall generally be consistent with the intensity provisions of the Primary Commercial District, Chapter 17.52 or Residential Scaled Commercial District, Chapter 17.56).

E. Except as specifically modified by the Master Development Plan approval, all development on a PD site other than residential or commercial shall be subject to the regulations of the closest comparable land use classification and design standards as determined by the Planning Officer.

(Ord. 326-03)

Chapter 17.72 Non-residential and Mixed Use Design Standards

17.72.010 Applicability.

The following Non-residential and Mixed Use Design Standards apply to new or modified non-residential and mixed use structures and auxiliary structures. They are intended to facilitate the design review process and inform applicants about Yountville's unique built environment. These Design Standards supplement the development standards in the Zoning Ordinance and further the goals and policies of the General Plan which encourage high quality design. It is acknowledged that each property is different, and this condition is considered when applying these standards. All development proposals are considered on a case-by-case basis, which provides flexibility for decision-making based on existing conditions.

The Non-residential and Mixed Use Design Standards are subjective design criteria which are mandatory for commercial 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.

The District Design Intent is a description of the valuable design character and elements present in each of the non-residential zoning districts which should be used to guide new Design Review applications.

17.72.020 District Design Intent. The following descriptions define the design intent for new non-residential structures in the applicable zoning districts:

Design Intent
Residential-Scaled Commercial buildings are intended to provide an appropriate transition between commercial and residential areas. Typically, these buildings are similar in size to single-family houses and other residential buildings. The design standards outlined below intend to encourage the development of multiple, small, pedestrian-oriented buildings that combine to form publicly accessible courtyards and passageways, with parking at the rear of the site.
Old Town Commercial is a land use classification intended to reflect Yountville's commercial beginnings in the period between 1870 to 1920 and in so doing create a distinct commercial district. To preserve the building and site layouts typical of this period and to avoid development of an auto-oriented commercial strip, new development should be street-oriented and configured in multiple small pedestrian-oriented buildings. It is also the intent of this classification to promote an interesting, attractive environment for pedestrians, and enhance the interface between commercial uses and the street. The design of new construction and alterations to existing buildings shall enhance the area's appearance as an historic commercial retail area.
Buildings in the Retained Commercial District should establish a transitional buffer between the Town's commercial core and the residences in the Old Town Historic District. The existing scale of multiple, small, pedestrian-oriented buildings should be retained.
Primary Commercial buildings on the east side of Highway 29 are intended to reinforce Washington Street as Yountville's commercial main street, while accommodating the needs of merchants, visitors and residents. Therefore, the design standards outlined herein encourage new commercial buildings that will be compatible with Yountville's small-town character. New buildings should face Washington Street, promote walkability and create internal courtyards and interior passageways to encourage public use.

Design Intent
<p>Public Facility buildings are intended to accommodate uses that provide a public service or otherwise benefit the community on a Town-wide scale. The types of buildings in the Public Facility zone vary greatly depending on use. Buildings that directly serve the public, like Town Hall, the Post Office, the Community Center/Library, and the former Yountville Elementary School, form Yountville’s civic core and have building styles that reinforce and enhance Yountville’s small-town character. Other Public Facility buildings, like the wastewater treatment plant and the water pump station, serve the public indirectly and so these uses are screened and isolated from residential and commercial areas. Historic and legacy uses which predate the Town, like the Veterans Home and Pioneer Cemetery, are also included in the Public Facility designation. New buildings in this designation should, where appropriate, strengthen the cohesion of the civic core or otherwise be sympathetic to existing uses as well as historic and environmental resources.</p>

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

Design Standard
<p>A. Building Scale and Massing</p> <ol style="list-style-type: none"> 1. Use massing techniques that mitigate heavy or bulky forms, such as modulating building mass, partial upper stories, setbacks for upper story volume, and varying roof forms. 2. Break up the massing of buildings and the scale of long facades to fit the rhythm of the surrounding block. 3. Avoid placement of structures or dense landscaping which obstructs public view corridors as defined in the General Plan 4. In the Residential-Scaled Commercial District proposed development, where possible, should consist of multiple small buildings rather than one large building. If total proposed building square footage exceeds 5,000 square feet, consideration and preference shall be given to multiple buildings. Building size and location should take into account existing trees or similar site conditions which are considered important to the Town’s character. 5. In the Old Town Commercial District proposed development, where possible, should consist of multiple small buildings rather than one large building. If total proposed building square footage exceeds 2,500 square feet in size, consideration and preference shall be given to multiple buildings. Building size and location should take into account existing trees or similar site conditions that are considered important to the Town’s character. 6. In the Old Town Commercial District there shall be a combination of different building heights with an emphasis on one-story buildings. 7. Blank walls (facades without doors or windows) shall be less than 30 feet in length if visible from adjacent street(s).
<p>B. Street Frontage</p> <ol style="list-style-type: none"> 1. Buildings should be pedestrian oriented, creating an attractive and active sidewalk and street frontage. 2. Create or reinforce a well-defined rhythm of intervals of built and open spaces. Pedestrian passageways between buildings should generally be at least twelve (12) feet in width. 3. Where possible, provide open spaces adjacent to the sidewalk and design public frontages to support direct engagement with the street to encourage pedestrian activity and informal community gathering. 4. Support adjacent sidewalks and public spaces with active ground floor uses and amenities such as seating and public art. 5. Create a human-scale environment at street level with architectural detailing that adds variety and rhythm to the facade.

Design Standard
6. Give prominence to pedestrian entrances over vehicle access.
7. Create focal points and integrated public spaces at prominent corner sites.
8. Ground floor façades shall be articulated, with a variety of measures to create a streetscape of interest, such as indentations in plane, change of materials in a complementary manner, façade modulation, and façade elements like transparency, building entries and other architectural details that engage the pedestrian.
9. In the Old Town Commercial District all new construction and expansions of existing structures shall be required to install and maintain pedestrian pathways along the Washington Street frontage in accordance with the Town Bicycle and Pedestrian Pathways Master Plan. Pedestrian pathways shall be interrupted with the minimal number and width of driveways. In consideration of the site limitations along Washington Street, various types of pathways shall be permitted including at-grade paving changes, poured-concrete sidewalks with curb and gutter or other pathway designs that meet the approval of the ZDRB or Town Council.
C. Exterior Building Materials and Colors
1. Buildings shall have consistent materials, details 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 to create an appearance of authenticity.
D. Parking and Driveways
1. Locate at-grade parking and vehicular access away from active pedestrian areas wherever possible and screen at-grade parking from public view. Limit the amount of Washington Street frontage that can be used for parking or vehicular access.
2. In larger developments, parking should be provided in smaller lots, rather than one large lot.
3. Provide bicycle parking near access points and active areas to maximize visibility and convenience.
4. Consider measures that maximize the amount of onsite and offsite parking, including valet, tandem, parking structures and other creative solutions provided they take into account neighborhood context, view corridors, setbacks, screening and massing.
5. 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.
6. To minimize the amount of paved area, the sharing of driveways and access to parking lots is encouraged. An easement providing for shared use shall be recorded.
7. Where practical, on-site paving for vehicles should be of a permeable material.
8. Lighting for parking areas shall be designed to confine emitted light to the parking areas, and the light source shall not be visible from adjacent properties. 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.
E. Open Space
1. Use landscape design to connect a network of open spaces, appropriate to the project context. This open space network could include the streetscape and building frontages, spaces between buildings, or a series of planted areas and hardscape intended for outdoor use and pedestrian circulation.
2. Encourage interaction between the building's interior uses and exterior public space, including plazas, seating areas and other hardscape areas to support public activities appropriate to the site context and building use.
3. Choose plantings that complement the proportions and scale of the building, offer color and interest throughout the year, and are water efficient.

Design Standard
4. Locate deciduous trees to complement passive solar strategies, providing shade in summer and allowing sun in the winter.
5. Use public art as required by Section 17.177 to enhance buildings and publicly accessible spaces.
F. Utilities and Auxiliary Structures
1. Locate utility areas away from public areas and adjacent sensitive uses.
2. Integrate utilities and service functions into the architectural design. Screen rooftop equipment from view and group roof penetrations to the extent feasible.
3. Utilities and refuse storage areas are not permitted in any setback area or front yard except as noted in subdivision D of this subsection.
4. All new electrical, telephone, CATV and similar service wires or cables shall be installed underground. Risers on poles or buildings are permitted.
5. Electrical vaults and meter boxes must be screened from view and discreetly located. Fire pipes and extinguishers must be easily identified, but discreetly located.
6. 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 minimize odor and other impacts.
7. 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. Chain link fencing and gates with wood or plastic slats shall not be used for trash and other utility enclosures.
8. 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.
9. 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.

Chapter 17.76 C, CREEKSIDE OVERLAY

17.76.010 Purpose and application.

Hopper Creek constitutes an important physical, environmental, and aesthetic resource and asset to all of the citizens of the Town of Yountville; it should be preserved and enhanced for present and future generations. The creek and its surroundings are subject to periodic flood inundation, causing life and property losses, as well as health and safety hazards.

The overlay designation C, Creekside Overlay, is intended to promote the following: (A) to protect private and public lands from flood damage caused by deposits of debris and other materials collected by flood waters; (B) to protect the riparian cover and wildlife habitat extending along the creek by preventing erosion of the creek's banks and siltation of the creek's waters; (C) to preserve the existing natural and visual character of Hopper Creek and its environs; and (D) to promote the broader social, economic and environmental well-being of the Town.

The following regulations shall apply to the C, Creekside Overlay designation and to any land use designation where C, Creekside 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 this title. 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. Any variance from the regulations established for this overlay designation shall be governed by the provisions established in Chapter 17.204. (Ord. 231-92 § 5.3.a)

17.76.020 General conditions.

The following general conditions shall be required for all lands where the designation C, Creekside Overlay, is applicable:

- A. A setback line on both sides of Hopper Creek which runs parallel and is measured 35 feet from the centerline of the creek and not less than 10 feet from the creek bank shall be referred to as the Hopper Creek setback area;
- B. No buildings, wall, fence, or other structure shall be erected, constructed, or placed within the Hopper Creek setback area;
- C. It is prohibited to deposit, excavate or remove any material within the Hopper Creek setback area;
- D. No native vegetation or tree that has a trunk larger than three inches in diameter measured at ground level shall be removed within the Hopper Creek setback area;
- E. Conditions may be waived by the Town Council only if it is determined that the proposed work will not increase any danger of flooding to any part of the Town of Yountville, and that the proposed work will assist in achieving the goals stated in Section 17.76.010;
- F. The word “structure,” as used in this chapter, shall not include an at grade patio and any trail, walk, path or driveway; and
- G. Any structure that now lawfully exists within the Hopper Creek setback area may be continued as an existing legally nonconforming use; provided however, that in the event that the structure is destroyed or demolished, it may be rebuilt only in conformity with the provisions of this chapter.

Chapter 17.84 G, GATEWAY OVERLAY

17.84.010 Purpose and application.

The overlay designation G, Gateway Overlay, is intended to provide special land use and site development criteria for designated properties at the primary entry point to the Town. For the purposes of this chapter, the intersection of Washington Street and California Drive is considered to be the primary entry point to the Town. Although there are other entry points to the Town, none of them have parcels of vacant land which, when developed, could have a significant visual and aesthetic impact on a first impression of the Town’s character. In recognition that the primary entry point establishes an important initial impression of the Town, it is the intent of this designation to ensure that development that occurs at the entry area be of the highest quality design and execution, and that it reflect the historical character of the Town.

This designation shall apply to the specified parcels/areas indicated on the Zoning Map. (Ord. 258-96)

17.84.020 General conditions.

The following general conditions shall be required on lands where the designation G, Gateway Overlay, is shown on the Zoning Map:

- A. All new development proposals will be subject to the Master Development Plan review process as established in Chapter 17.192;
- E. New commercial buildings and structures are required to be residential in scale, consistent with the design standards and guidelines of Chapter 17.72;
- F. The owner, lessee or property manager of a property with this overlay designation shall keep the exterior of all buildings and structures in good condition and free from deterioration; and
- G. Signs shall follow the provisions established in Chapter 17.152.

(Ord. 258-96)

17.84.030 Uses requiring a Use Permit.

All uses within the designation G, Gateway Overlay, shall require a Use Permit as regulated by Chapter 17.200, Master Development Plan review as regulated by Chapter 17.192, and all new structures and modifications to existing structures are subject to Design Review approval as regulated by Chapter 17.188. Any changes or expansion of use shall be

required to meet the “general conditions” provisions of Chapter 17.56, Residential-Scaled Commercial. The following uses may be permitted by a Use Permit of an underlying land use designation:

- A. Residential uses including single-family and multifamily dwelling units, as allowed in the underlying land use designation;
- B. Commercial uses as allowed in the underlying land use designation;
- C. Accessory uses which are subordinate to and complementary to the primary use;
- D. Residential uses combined with commercial uses, including residential uses over commercial uses as allowed in the underlying land use designation. (Ord. 258-96)

17.84.040 Criteria for a use permit.

In addition to the findings listed in Section 17.200.020, the Town Council, after a public hearing, shall make the following findings before granting a use permit for a proposed use in the designation G, Gateway Overlay:

- A. The proposed use is consistent with the provisions outlined in Chapter II, Section C of the General Plan regarding gateways and a sense of place;
- B. The proposed use is consistent with Section 17.84.010;
- C. The proposed use and its physical design are consistent with design criteria established Chapter 17.72;
- D. The proposed use reflects and enhances the historical character of the Town;
- E. The proposed use exhibits high quality aesthetic and visual design characteristics; and
- F. The proposed use will not be environmentally detrimental to existing or potential commercial and residential uses in the surrounding area. (Ord. 258-96)

Chapter 17.92 RO, RETAIL OVERLAY

17.92.010 Purpose and application.

The overlay designation RO, Retail Overlay, is intended to provide special land use and site development criteria for designated properties within the core business area of the Town along Washington Street. For the purposes of this chapter, the application of this overlay designation is considered to generally encompass both sides of Washington Street from Humboldt Street to California Drive. In recognition that this area along Washington Street is the primary retail commercial area of the Town, it is the intent of this designation to: (A) ensure that additional retail opportunities are preserved to facilitate a balance of retail and other commercial uses; and (B) to maximize active uses in the core area and in so doing create pedestrian activity and interest.

This designation shall apply to the specified parcels/areas indicated on the Zoning Map. (Ord. 289-99)

17.92.020 General conditions.

The following general conditions shall be required on lands where the overlay designation RO, Retail Overlay, is shown on the Zoning Map:

- A. All new development proposals will be subject to the Master Development Plan review process as regulated by Chapter 17.192;
- B. No inn room or lodging use shall be permitted on the first-floor portion of existing or proposed buildings with exposure to or access from Washington Street. Where inn or lodging use presently exist on the first-floor street frontage of any property within the Retail Overlay designation, upon the adoption of the ordinance codified in this chapter that existing use shall be considered a legal nonconforming use subject to all the provisions of Chapter 17.232;
- C. Inn room or lodging use is conditionally permitted on the second floor and/or on the first floor if not a part of the street frontage portion of a building, subject to provisions of Chapter 17.56;

- D. Where an interpretation is necessary to determine whether a portion of an existing or proposed building within the overlay designation constitutes the “first floor street frontage” portion of the building, the intent of this overlay designation to preserve the street frontage area of buildings for retail and other non-inn or lodging uses which facilitate active pedestrian access and activity, shall guide such interpretation;
- E. Modifications and additions to existing buildings and structures will be permitted provided that the changes are consistent with regulations of the underlying zoning district and with the design standards of Chapter 17.72, and the regulations for impact on adjacent uses as established in Chapter 17.144.
- F. Development applications shall be accompanied by detailed architectural and landscape architectural plans rather than design concept plans or schematics. Plans shall clearly define all site improvements, floor plans shall indicate specific uses for the first-floor street frontage portion of proposed buildings, exterior building materials, colors and details, landscape plant materials, irrigation systems, signage, lighting and other hardscape features in sufficient detail to determine what the as built appearance of the proposed development will be;
- G. The owner, lessee or property manager of a property within this overlay designation shall keep the exterior of all buildings and structures in good condition and free from deterioration;
- H. Signs shall follow the provisions established in Chapter 17.152 . (Ord. 289-99)

Chapter 17.96 MU, MIXED USE OVERLAY

17.96.010 Purpose and application.

The overlay designation MU, Mixed Use Overlay, is intended to provide opportunities for mixed-use development, including live-work, office, service and under-represented retail uses in addition to required residential uses, either within existing structures or in redeveloped buildings that reflect the character of the Old Town Historic District. For the purposes of this chapter, the application of this overlay designation encompasses parcels on the east side of Washington Street between Creek and Pedroni Streets. In recognition that this area along Washington Street is an extension of the primary retail commercial area of the Town but is also part of the Old Town Historic neighborhood, it is the intent of this designation to: (A) continue the attractive, walkable and active Washington Street experience; (B) to provide additional opportunities for small-scale commercial uses; and (C) and integrate these commercial uses in a way that complements the existing character of Old Town.

This designation shall apply to the specified parcels/areas indicated on the Zoning Map.

17.96.020 General conditions.

The following general conditions are required on lands where the designation MU, Mixed Use Overlay, is shown on the Zoning Map:

- A. All new uses and expanded uses shall require a Use Permit as regulated by Chapter 17.200; 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 as regulated by Chapter 17.144, Regulations for Impact on Adjacent Uses; and
- B. The proposed commercial or nonresidential use shall conform to the design standards established in Chapters 17.72.

17.96.030 Permitted uses.

The following uses shall be permitted under land use designation MU, Mixed Use:

- A. Residential accessory uses; and
- B. Commercial accessory uses.

17.96.030 Uses requiring a Use Permit.

The following non-residential uses require a Use Permit as regulated by Chapter 17.200:

- A. Mixed use development;
- B. Live/work unit;
- C. Under-represented retail;
- D. Commercial auxiliary structures;
- E. Professional office in a dwelling unit as a Major Home Occupation as regulated by Chapter 17.120;
- F. Personal service in a dwelling unit as a Major Home Occupation as regulated by Chapter 17.120; and
- G. Food and beverage production in a dwelling unit as a Major Home Occupation as regulated by Chapter 17.120.

DIVISION 3: GENERAL DEVELOPMENT STANDARDS

Chapter 17.100 FLOOR AREA RATIO

17.100.010 Purpose and application.

The intent of this chapter is to establish regulations for measuring floor area to determine the floor area ratio (FAR) for development within the Town of Yountville. The intent of the FAR requirements is to limit building massing while encouraging the implementation of open space for new developments, both commercial and residential. (Ord. 17-458)

17.100.020 Calculation method.

The floor area of a development shall be calculated using the sum of the gross areas of the enclosed floors of a building or buildings measured from the centerline of the exterior wall or bottom plate or from the centerline of party walls separating such buildings. Interior portions of buildings with a minimum of 100 square feet of open area and 16 feet or more of clear open area from the floor to the ceiling shall be regarded as an assumed second floor that shall be included as floor area for the purpose of calculating FAR. (Ord. 17-458)

17.100.030 Exemptions.

The following shall not be included in floor area calculations:

- A. Garages and Carports.
 - 1. For single-family residential parcels in the RM District and in the H District for lots of 5,000 square feet or greater, a sliding scale exemption of up to 400 square feet for garages located on the rear half of the parcel in direct proportion to the amount of the garage located on the rear half of the parcel,
 - 2. For single-family residential parcels in the H District for lots less than 5,000 square feet, an exemption of up to 200 square feet,
 - 3. For duplex parcels in the RM and H Districts, same as subsection (A)(1),
 - 4. For multifamily parcels, a sliding scale exemption of up to 200 square feet per unit in direct proportion to the amount of the garage located on the rear half of the parcel;
- B. Uncovered areas used for off-street parking spaces or loading areas and accessways and maneuvering aisles relating thereto;
- C. Trash and recycling enclosures and screened areas used for trash, recycling, and storage;
- D. Areas which qualify as usable open space under title 17 of the Yountville Municipal Code;
- E. Accessory dwelling units;
- F. Enclosed Auxiliary Structures. A combined exemption of up to 100 square feet is allowed for all enclosed auxiliary structures on a residential lot and located in the rear yard and screened from right-of-way view, excluding garages, carports, and accessory dwelling units;
- G. The following enclosed building features: interior staircases (shall be counted on one floor only), basement levels and nonhabitable attics (as defined in the California Building Code) and second-floor nonhabitable area that is open to the first floor if under 16 feet in height;

- H. Unenclosed auxiliary structures such as swimming pools, spas, and related equipment; built-in kitchens, BBQs, fireplaces, and similar equipment; and gazebos or pergolas, or similar unoccupied structures;
- I. Architectural features; and
- J. Architectural elements. (Ord. 17-458)

17.100.040 FAR Bonuses.

A. Incentive for Affordable Housing. The following FAR bonuses for single-family lots of 8,000 square feet or less may be approved through a Master Development Plan for five or more single-family lots in projects that provide more than the minimum number of affordable units required by Chapter 17.160, however not more than twenty-five percent of the total number of lots in the project may be 6,500 square feet or larger. The affordability of such units shall be evenly distributed among the three affordability categories, except if a higher proportion of lower-income units are proposed.

Percentage of Affordable Units	Maximum FAR per Single-Family Lot
20	0.275
21	0.30
22	0.325
23	0.35
24	0.375
25	0.40

B. Incentive for Commercial Uses. Allowable FAR increases for commercial or mixed-use projects may be granted as regulated by Chapter 17.178, Commercial and Mixed-Use development incentives.

Chapter 17.108 SETBACK ENCROACHMENTS

17.108.010 Allowable setback encroachments. The following building encroachments into otherwise required setbacks are allowed in all districts:

- A. Auxiliary structures may encroach into rear and side setbacks as provided in Section 17.112.040.
- B. Architectural elements up to one story in height or 12 feet to the plate height, such as covered decks or unenclosed porches may encroach into front yards or setbacks up to eight feet in depth; but shall not be closer than 10 feet to the front property line;
- C. Architectural elements used for building access, such as landings, exterior stairs for ground floor access, breezeways, fire escapes or exterior accessways may encroach into front or rear yards or setbacks up to four feet in depth;
- D. Architectural features, such as eaves, awnings, sills, cornices, chimneys, may encroach into front, rear or side yards or setbacks in a manner consistent with the building design but in no case greater than two feet in depth;
- E. Bay windows, or similar protruding window construction, no greater than three feet deep and 10 feet wide and no higher than two stories may project into the front setback. The maximum frequency of such bays is one bay per 15 feet of street frontage;
- F. No habitable encroachments are permitted into required side yards or setbacks;
- G. Landscape elements 6 feet or less in height may be located in all setbacks;
- H. Decks in excess of 30 inches above grade may encroach into rear and side setbacks but must maintain a minimum setback of 5 feet;

- I. Mechanical equipment such as generators, air conditioners, water heaters, pool equipment or spa pumps are not permitted within front or side setbacks, unless located perpendicular to a garage on an adjoining property, in which case the equipment may encroach up to 3 feet into a required side setback. Mechanical equipment may be located within a required rear setback but shall maintain a minimum setback from the property line of 5 feet.;
- J. Utility facilities shall not be permitted in any setback area unless installed underground or screen from view from the adjacent street by the placement of structures, landscaping and/or fencing.
- K. Refuse and recycling facilities which are fully enclosed, covered and fitted with self-closing doors are permitted in side or rear setbacks.
- L. The responsible review authority for Design Review approval as regulated by Chapter 17.188 may authorize variations in the requirements of this section when warranted to provide relief from existing site constraints or to achieve a superior aesthetic or environmentally preferable design.

DIVISION 4: STANDARDS FOR SPECIFIC LAND USES AND ACTIVITIES

Chapter 17.178 COMMERCIAL AND MIXED-USE DEVELOPMENT INCENTIVES

17.178.010 Development incentives for commercial and mixed-use development.

Notwithstanding any other section of Title 17, pertaining to commercial uses, the following incentives may be granted by the Town Council through Design Review approval as regulated by Chapter 17.188 for specified commercial or mixed-use developments, however, floor area ratio (FAR) bonuses granted under this chapter shall not exceed a maximum bonus of 15 percent.

17.178.020 Professional office development incentives.

A. **Incentives.** The following incentives may be granted by the Town Council for new or expanded commercial buildings within commercial zoning districts when professional office space is included in the development:

1. **Floor Area Ratio Increase.** An optional FAR bonus of up to a maximum 0.15 may be provided when building space is created in conjunction with commercial development that is dedicated to the professional office use. The FAR bonus is applicable exclusively to the development of professional office space, or in combination with residential unit(s), developed in conjunction with commercial use space. The amount of square footage possible under the bonus provision is dependent upon, and limited by, the provision of parking for the professional office use in addition to that required for the commercial use and residential use, when applicable. None of the 0.15 FAR bonus shall be added to the commercial FAR to increase the base 0.25 commercial FAR allocation.
2. **Parking Configuration.** Limited tandem parking to serve employees of the professional office use shall be considered for approval on a case-by-case basis should the site be capable of accommodating such a configuration, provided the office use is administrative in nature, accessed only by employees, and does not generate client visits.
3. **Front Setback Reduction.** Consideration shall be extended to reducing the front setback requirement at design review when doing so contributes to the development of professional office space. The front setback reduction shall be evaluated in relationship to its necessity in assisting or contributing to the provision of professional office space.

B. **General Conditions.** The following general conditions are intended to provide supplemental guidance in applying the professional office development incentives:

1. The purpose and intent of the professional office incentives is to increase the amount of leasable professional office square footage.
2. Professional office incentives shall be applicable to leasable professional office space for new commercial projects and additions to existing commercial projects. Generally, "leasable professional office

space” refers to occupancy of the office space created by use of the incentives to office uses not associated with other on-site uses, except as otherwise approved by the Town Council. Office space created by use of incentives shall be occupied by a professional office use only and shall not be converted to other uses and this restriction shall be applicable to successors in interest.

3. Professional office space created by the use of incentives shall be sited to be ancillary and subordinate to the commercial uses on the same parcel. Within a mixed-use commercial development, professional office uses shall not occupy first floor/ground level, street fronting and facing building space which is reserved for commercial retail per the requirements of the Old Town commercial zoning district and the retail overlay zoning district.

4. Basement square footage, while exempt from FAR calculations, shall be included in the parking requirement calculation if the space is occupied by uses open to the public or otherwise generates a parking demand.

5. Storage areas in attic space may increase due to the need to locate this function in an area that is exempt from FAR calculation. While attics do not constitute a floor, they have the potential to affect the roof shape and increase the bulk of the building and should be evaluated for design consistency and proportion with the overall building.

6. Accessibility requirements per the California Building Code, including vertical access for new construction and existing construction (when applicable), shall apply.

7. Parking standards for the overall project shall not be reduced as a result of office space developed under the incentive option.

17.178.030 Retail and service use development incentives.

A. Increases to the maximum floor area ratio (FAR) up to a maximum 0.15 may be granted by the Town Council for new or expanded commercial buildings in specified zoning districts when space for retail or personal service uses is included in the development.

17.178.040 Commercial development incentives for expansion of existing commercial buildings.

A. Increases to the maximum floor area ratio (FAR) and modifications to required side and rear yard areas may be granted by the Town Council for expansion of existing commercial buildings if all of the following findings can be made:

1. The additional floor area or modifications to required side and rear yard areas are either:
 - a. Necessary to achieve compliance with requirements of the Napa County Environmental Health Department, the Americans with Disabilities Act (ADA), or resolves a building code or fire safety issue;
or
 - b. Enhances compatibility between adjacent uses by eliminating or reducing impacts from noise, lights, odor, and/or improves sanitation.
2. The additional floor area or modifications to required side and rear yard areas maintains the existing, approved level of commercial use and does not result or contribute to intensifying the operational scope of the use, including the following:
 - a. Additional restaurant seating or inn units;
 - b. Creating a need for additional parking spaces;
 - c. Creating a need for additional employees;
 - d. Allowing for expanded hours of operation;
 - e. Increasing traffic generation;
 - f. Increasing water consumption or sewer generation; or

g. Modifications to drainage patterns that adversely affect surrounding parcels.

3. The additional floor area is not accessible to customers or guests (does not include ADA and safety related improvements). Improvements are generally associated with service and nonpublic operational areas and are visually subordinate to the overall building from the public way.

B. FAR increases and modifications to yard setbacks shall be limited to the minimum area necessary to achieve compliance with subsection (A)(1) of this section. The Napa County Environmental Health Department, Fire Department, and/or Building Department shall be consulted to ensure the proposed construction will result in code compliance.

17.178.050 Mixed-use development incentives.

A. Increases to the maximum floor area ratio (FAR) up to a maximum 0.15 may be granted by the Town Council for new or expanded commercial buildings in specified zoning districts when space for housing is included in the development.

DIVISION 5: PERMIT PROCESSES AND ADMINISTRATION

Chapter 17.180 APPLICATIONS AND HEARINGS

17.180.010 Generally.

The procedures for applications and hearings shall be as described in this chapter for any action or entitlement described in Chapters 17.184 through 17.224. In addition, the Planning Officer, the Zoning and Design Review Board and the Town Council may from time to time establish policies, rules and regulations which further define these procedures. (Ord. 231-92 § 7.1)

17.180.020 Applications.

A. **Who May Initiate.** Any action involving a discretionary development permit application may be initiated by application of the owner, or authorized agent for the owner of the property affected by the proposed action. In addition, a zoning change may be initiated by motion of the Town Council on its own initiative.

B. **Where to File.** Applications shall be filed in the office of the Planning Department.

C. **Content of Applications.** The content of applications shall be in accordance with the policies, rules and regulations of the Planning Officer and the Town Council. All applications shall be upon prescribed forms and shall contain or be accompanied by all information required to assure the presentation of pertinent record. The Planning Officer shall make a written determination when an application is deemed “complete” within 30 days of receipt of the application. Such determination of completeness may require the submission of additional information.

D. **Verification.** Each application filed shall be verified by at least one owner or his or her authorized agent attesting to the truth and correctness of all facts, statements and information presented.

E. **Filing Date.** The filing date of an application shall be the date on which the Planning Department receives the last submission, plans, maps or other material required as a part of that application, unless the Planning Officer agrees in writing to an earlier filing date.

F. **Fees.** The application filing shall include a fee and deposit towards application processing as established by resolution and adopted by the Town Council

G. **Concurrent Processing.** When a single project incorporates land uses or features so that this zoning ordinance requires multiple land use permit applications, the applications shall be processed concurrently and shall be reviewed, and approved or disapproved, by the highest level review authority established by the requirements of Chapters 17.184 through 17.224 for any of the required applications.

(Ord. 231-92 § 7.1.a)

17.180.030 Scheduling of hearings.

When an action for a discretionary development permit has been initiated by application or otherwise, the Planning Department shall set a time and place for a hearing within a reasonable period. (Ord. 231-92 § 7.1.b)

17.180.040 Notice of hearing.

A. Except as indicated in subsection (A)(2), notice of the time, place and purpose of the hearing for an action involving a discretionary development permit shall be given by the Planning Department as follows:

1. By mail to the property owner and to the person or agency initiating the action, if different than the property owner;
2. By mail or delivery, except in the case of proposed amendments to change the text of the ordinance, to the owners of all real property within the area that is the subject of the action and within 300 feet of all exterior boundaries of the area. The names and addresses of the owners shown on the latest property ownership records of County of Napa. Failure to send notice by mail to any such property owner where the address of such owner is not shown on such assessment roll shall not invalidate any proceedings in connection with such action. Notice shall be given not less than 10 days prior to the date of the hearing;
3. By posting public notices, in at least three places within the Town. Notices shall be posted not less than 10 days prior to the date of the hearing;
4. Such other notice as the Town Clerk shall deem appropriate.

B. In the case of commercial projects, in addition to the notice required in subsection A above, notice of hearing shall also be physically posted by the applicant on the property in conformance with the following requirements:

1. **Applicability.** The installation of project notification signs is required for all permit applications required by Title 17 for commercial uses and structures.
2. **Sign Specifications.**
 - a. The sizes of signs required for each project shall be a two (2) foot by three (3) foot billboard-type sign, no more than six (6) feet in height.
 - b. All signs shall be constructed of durable, weather-resistant materials.
 - c. One sign per project site is required.
 - d. Signs must be located between five (5) and ten (10) feet from the front property line in a location that is clearly visible from the adjacent street. In an existing building, the Planning Officer may allow window signage instead of freestanding signage based upon the circumstances.
 - e. A maximum of 75 percent of the sign area must be used to provide a general description of the proposed project (e.g., the size and type of commercial building or use proposed) and the name of the project applicant. The remainder of the sign must be used to advise the public of the availability of additional information about the project by including the specific following wording: "For more information about the proposed project, please contact the Town of Yountville Planning & Building Department, 6550 Yount Street, Yountville, CA 94599, (707) 944-8851." The sign message must be written in a manner that is easily understood and clearly readable from the adjacent street right of way.
 - f. Prior to installation of a commercial project notification sign, plans for the sign shall be submitted to and receive approval from the Planning & Building Department. The plans shall include:
 - i. Detailed elevation of the sign, showing the proposed sign size, materials, colors and proposed wording, including letter height and font.
 - ii. Site plan showing the location on the property where the sign will be installed.
 - iii. Installation details showing a cross section through the sign and other installation information including materials and means of affixing to the ground or window.
 - g. Signs are required to be installed a minimum ten (10) days prior to the date of the public hearing or project approval by the Planning & Building Department. Signs must remain on the project site until the

Town renders a decision on the project and the 10-day appeal period has expired, or if appealed to the Town Council, they have finalized their decision. Signs are required to be removed seven (7) days after the final decision on the project.

h. All signs must be well maintained throughout the review and approval process.

i. The project applicant must submit a signed affidavit in a form provided by the Planning & Building Department that states the property sign has been installed consistent with the terms of the ordinance and these standards along with a photo of the sign on site. No project approvals may be granted sooner than ten (10) days following receipt of the affidavit.

C. In the following situations, notice of hearing shall be given as indicated:

1. In the case of amendments to reclassify land on the basis of general land use studies for one or more land use areas, where these studies are Town-wide in scope or cover a major subarea of the Town as determined by the Town Council, and where the total area of land, excluding the area of public streets and alleys, is 20 acres or more, the notice given shall be as described in subsection A, except that the notice by mail need contain only the time and place of the hearing and a general description of the boundaries of the area proposed for reclassification;

D. In the event that the number of owners to whom notice would be sent in accordance with subsections A and B is greater than 1,000, notice shall be given at least 10 days prior to the hearing by either of the following procedures:

a. By placing an advertisement in a newspaper circulated in the area affected;

b. By including an insert with any generalized mailing sent by the Town to property owners in the area affected, such as billings for Town services.

Such advertisement or mailing insert shall specify the type and magnitude of the changes proposed, the place where copies of the proposed changes may be obtained, the time, date and place of the hearing, and the right to appear and be heard. (Ord. 231-92 § 7.1.c; Ord. 15-436)

17.180.050 Conduct of hearings.

A. **Reports and Recommendations.** In all actions for discretionary development permit applications, the Planning Officer shall make necessary investigations and studies and submit his or her findings together with a report and recommendation at the hearing of the Zoning and Design Review Board or Town Council.

B. **Record.** A record shall be kept of the pertinent information presented at the hearing on any action for discretionary permit applications, and such record shall be maintained as part of the permanent public records of the Town. Meeting minutes shall describe actions taken, rather than providing a verbatim record.

C. **Continuations.** In the case of actions for discretionary permit applications the Zoning and Design Review Board or Town Council shall determine in which instances the cases scheduled for hearing may be continued or taken under advisement. In such cases, new notice need not be given of the further hearing date, provided such date is announced at the scheduled hearing.

D. **Decisions.** The decision of the Zoning and Design Review Board or the Planning Officer shall be in accordance with the provisions of each type of application in Chapters through 17.224. In the case of variances, the decision of the ZDRB shall, unless deferred upon the request or consent of the applicant, be rendered within 60 days from the date of the hearing's conclusion. Failure of the Zoning and Design Review Board to act within the prescribed time shall entitle the applicant to place the matter before the Town Council for decision at its next regular meeting. In the case of actions for amendments, Design Review, planned development review, or Use Permit, the decision of the Board shall be rendered within 60 days from the date of conclusion of the hearing; failure of the Board to act within the prescribed time shall be deemed to constitute approval. (Ord. 231-92 § 7.1.d)

17.180.060 Reconsideration.

Whenever any application or any part of an application for a discretionary development permit has been disapproved by the Zoning and Design Review Board or Town Council, the same or substantially similar application shall not be submitted or reconsidered by the Board or Town Council within one year from the effective date of final action upon the earlier application. (Ord. 231-92 § 7.1.e)

17.180.070 Authority for Land Use and Zoning Decisions.

Table 17.180-1 summarizes the City official or body responsible for reviewing and making decisions on each type of application for a land use permit as required by this Division.

Table 17.180-1

Application Type	Planning Officer	ZDRB	Town Council
Signs			
▪ Freestanding signs, internally illuminated signs, Highway 29-oriented signs, and murals		D	
▪ All other signs	D		
Use Permits			
▪ Administrative Use Permits	D		
▪ Use Permit: Residential		R	D
▪ Use Permit: Commercial (change of use consistent with approved Master Development Plan uses)	D		
▪ Use Permit: Commercial		R	D
Home Occupation Permits			
▪ Minor and Moderate	D		
▪ Major			D
Design Review			
▪ Residential (4 or fewer units or lots)		D	
▪ Residential (5 or greater units or lots)		R	D
▪ Commercial		R	D
Master Development Plan		R	D
Rezoning		R	D
General Plan Amendment		R	D
Development Agreement			D
Variance		D	
Request for Reasonable Accommodation	D		
Exception		D	
Subdivisions			
▪ Tentative Map (Minor and Major Subdivisions)		R	D
▪ Final Map (Major Subdivisions)			D
▪ Condominium conversion (including Use Permit)		R	D

Application Type	Planning Officer	ZDRB	Town Council
Tree Removal Permit			
Heritage Trees and Native Oaks			D
All other trees	D		

Legend: R = Recommending body, which makes a recommendation to a higher decision-making body;
D = Decision-making body

Note: Projects requiring multiple permit applications shall be processed concurrently and decided-upon by the highest level review authority for any of the permit types (Sect. 17.180.020.G).

17.180.080 Effective date of decision.

- A. The decision of the Planning Officer, Zoning and Design Review Board or Town Council, whichever is the appropriate review authority, to approve a discretionary development permit application shall become effective 10 working days following the date of approval, unless a valid appeal has been filed; and
- B. The decision of the Town Council to approve an application for a zoning amendment shall become effective 30 days following the date of decision. (Ord. 231-92 § 7.1.g)

Chapter 17.184 AMENDMENTS TO ZONING AND GENERAL PLAN

17.184.010 Purpose.

This chapter establishes procedures for amending the zoning map or zoning regulations or the General Plan land use map or text whenever the public necessity, convenience or general welfare require such amendments. The amendment process is necessary to provide for orderly and consistent amendment of these documents to maintain consistency with the intent of the general plan and state law over time, to supplement regulations, and to improve the effectiveness and clarity of these documents.

17.184.020 Applicability.

Amendments to the Zoning Ordinance, Zoning Map, General Plan or General Plan Land Use Map may be initiated by application of any property owner, resident or business owner in the Town, by the Planning Officer, or by action of the Town Council.

17.184.030 Application Filing and Processing.

Applications for amendments by the public shall be initiated by submitting application materials as required by Section 17.180.020, Applications, including the following information to the Planning Department: a completed application form, signed by applicant, or in the case of Zoning or General Plan map amendments by the subject property owner(s) or authorized agent, accompanied by the required fee or deposit, and any other information, plans or maps prescribed by the Planning Officer. Application procedures and processing shall be in accordance with state law and procedural guidelines established by the Planning Officer.

In addition to the information required for an application, the following shall be supplied by the applicant:

- A. A description of the proposed map or text amendment(s) and the purpose thereof.

17.184.040 Authority.

The Zoning and Design Review Board shall recommend approval, conditional approval or denial of applications for Zoning Ordinance or General Plan amendments. The Town Council shall have the authority to approve, conditionally approve or deny applications for Zoning Ordinance or General Plan amendments.

17.184.050 Notice and hearing.

The Zoning and Design Review Board shall hold a public hearing on any proposed Zoning Ordinance or General Plan amendment and shall make a recommendation to the Town Council. Upon receipt of the Zoning and Design Review

Board recommendation, the Town Council shall hold a public hearing on the proposed amendment(s). Notices of public hearings shall be given consistent with Section 17.180.040, Notice of hearing.

17.184.060 Findings and decision.

- A. Upon receipt of the recommendation of the Zoning and Design Review Board, the Town Council may approve or approve in modified form the proposed amendment(s) if from the facts presented all the following findings can be made:
1. The proposed amendment(s) would further the goals, objectives, policies and programs and is consistent with the intent of the General Plan;
 2. The proposed amendment(s) would not be detrimental to the public interest, health, safety, convenience, or welfare of the Town;
 3. For amendments involving a zoning or land use map amendment, the site is physically suitable, including consideration of physical constraints, access, compatibility with surrounding land uses, and provision of utilities, for the requested or potential land uses.
- B. If the Town Council proposes to adopt any substantial modification to General Plan amendment(s) not previously considered by the Zoning and Design Review Board during its hearing, the proposed modification shall be first referred back to the Zoning and Design Review Board for its recommendation, in compliance with State law.

Chapter 17.188 DESIGN REVIEW

17.188.010 Purpose.

This chapter establishes procedures for design review of proposed physical improvements in order to implement General Plan and zoning design criteria by guiding the location, functions and appearance of development. to promote and protect the safety, convenience, comfort, prosperity and general welfare of the Town. The purposes of design review are:

- A. To preserve and enhance the natural beauty of the land and of the man-made environment, and the enjoyment thereof;
- B. To maintain and improve the qualities and relationships between individual buildings, structures and physical developments which contribute to the amenities and attractiveness of the Town or neighborhood; and
- C To protect and enhance the uses and buildings throughout town.

(Ord. 231-92 § 7.3.a)

17.188.020 Applicability.

- A. **Design review required.** No structure shall be built, expanded or have its exterior altered and no building permit shall be issued unless the design is approved in advance as provided in this chapter.
- B. **Improvements subject to Major Design Review approval.** The following types of improvements are subject to Major Design Review approval as provided in this chapter:
1. New, expanded or exterior modifications to commercial or agricultural structures;
 2. New, expanded or exterior modifications to residential structures which comprise five or more dwelling units; and
 3. Freestanding, internally illuminated, and Highway 29 signs, and murals.
- C. **Improvements subject to Minor Design Review approval.** The following types of improvements are subject to Minor Design Review approval as provided in this chapter:
1. New, expanded or exterior modifications to residential structures which comprise four or fewer dwelling units and residential or agricultural auxiliary structures.
- D. **Improvements exempt from design review.** The following physical improvements are exempt from design review procedures and requirements:

1. Agricultural auxiliary structures less than 2,000 square feet in lot coverage; and
2. Accessory dwelling units determined by the Planning Officer to have met the criteria for ministerial approval as set forth in Section 17.156.030;
3. Repainting an existing structure;
4. Modifications to existing landscaping;
5. Minor modifications or additions less than 200 square feet that do not result in a noticeable change to the front building elevation;
6. Minor modifications or additions less than 200 square feet to rear or side building elevations that do not increase the height of the roof or negatively affect the privacy of adjacent properties; and
7. Other improvements determined by the Planning Officer to be minor or incidental and within the intent and objectives of Title 17. (Ord. 231-92 § 7.3.d; Ord. 15-436; Ord. 17-459)

17.188.030 Application Filing and Processing.

A. Applications for design review shall be initiated by submitting application materials as required by Section 17.180.020, Applications, including the following information to the Planning Department: a completed application form, signed by the property owner(s) or authorized agent, accompanied by the required fee or deposit, and any other information, plans or maps prescribed by the Planning Officer. Application procedures and processing shall be in accordance with state law and procedural guidelines established by the Planning Officer.

B. The Planning Officer may require the installation of story poles to demonstrate the massing and height of proposed buildings when deemed beneficial to better conceptualize the massing and height to understand how the proposed building(s) relate within the context of surrounding structures. Story poles shall be erected in accordance with the Town's story pole requirements available at the Planning Department and shall be certified for accuracy by a registered land surveyor or civil engineer.

17.188.040 Authority.

A. **Minor Design Review.** The Zoning and Design Review Board, or the Town Council upon appeal, shall approve, conditionally approve or deny applications for minor design review.

B. **Major Design Review.** The Zoning and Design Review Board shall recommend approval, conditional approval or denial of applications for major design review. The Town Council shall have the authority to approve, conditionally approve or deny applications for major design review.

17.188.050 Notice and hearing.

The reviewing authority shall hold a public hearing on any proposed design review application. Notice of public hearing shall be given consistent with Section 17.180.040, Notice of hearing.

17.188.060 Findings and decision.

Following the public hearing, the responsible reviewing authority may approve the application and authorize a design review permit if the facts presented establish all of the following:

- A. The proposed development or physical improvement is appropriate for the site with regard to the siting and scale of buildings, pedestrian and vehicular access and circulation, and relationship of structures and open spaces to the streetscape;
- B. The location of structures preserves significant trees, natural features and identified public view corridors;
- C. The project will be compatible with neighboring properties and developments with regard to setbacks, building heights, and massing;
- D. The project will not be detrimental to neighboring properties and developments with regard to the location of parking facilities, siting of trash enclosures, placement of mechanical equipment, and privacy considerations;

- E. The project presents an attractive design, utilizing high-quality building finishes and materials, and design techniques to mitigate potentially bulky building forms, such as modulating varied rooflines, partial upper stories, setbacks for upper story volume and/or a variety of roof forms, and;
- F. Proposed landscaping provides sufficient visual relief, complements the buildings and structures on the site, and provides an inviting environment for the enjoyment of occupants and the public.
- G. The existing or proposed infrastructure and utility capacity are adequate for the proposed development.
- H. The proposed project will comply with all applicable provisions of Title 17 and will be consistent with the policies and standards of the General Plan.

17.188.070 Conditions of approval.

In approving a design review permit the reviewing authority may impose conditions deemed reasonable and necessary to ensure that the approval will be in compliance with the findings required by Section 17.188.060, Findings and decision.

17.188.080 Expiration and extension.

Approval of a design review application for any project which is not required to be reviewed through the Master Development Plan process shall expire two years from the effective date of approval if construction has not commenced unless a different expiration date is stipulated at the time of approval. No extension to this time limit shall be granted. Time limits for design review approvals granted as part of the Master Development Plan process shall be governed by the Master Development Plan process and conditions;

(Ord. 231-92 § 7.3.f; Ord. 250-94)

Chapter 17.192 MASTER DEVELOPMENT PLANS

17.192.010 Purpose.

This chapter is to establish procedures for processing of Master Development Plans for major developments, including those which are intended to have phased construction, in order to implement General Plan and zoning design criteria by guiding the location, functions and appearance of development. to promote and protect the safety, convenience, comfort, prosperity, and general welfare of the Town.

17.192.020 Applicability.

A Master Development Plan is required for all new or expanded commercial development or for subdivision or development of five or more parcels or residential dwelling units.

17.192.030 Application Filing and Processing.

An application for a Master Development Plan shall be initiated by submitting application materials as required by Section 17.180.020. Applications, including the following information to the Planning Department: a completed application form, signed by the property owner(s) or authorized agent, accompanied by the required fee or deposit, and any other information, plans or maps prescribed by the Planning Officer. Application procedures and processing shall be in accordance with state law and procedural guidelines established by the Planning Officer.

The three stages of the review process are outlined below and include the following: (A) conceptual; (B) preliminary; and (C) final.

A. Conceptual Review.

The Conceptual Review stage is intended to be an informal review of a conceptual description of proposed land uses, site layout and general size and location of proposed structures, providing an opportunity for an applicant to obtain feedback from decision-makers in advance of filing an application for Preliminary Review as outlined in Subsection B. Conceptual Review is not required to file applications for Preliminary and Final Master Development Plans.

This non-binding review shall not be construed as an official entitlement, or endorsement of any proposed uses, location of proposed structures, or configurations of parcels.

B. Preliminary Master Development Plan.

The Preliminary Master Development Plan is intended to establish a set of documents and conditions of approval which will regulate the subdivision or development whether it occurs in phases by a single owner or developer, or in smaller increments by separate owners or developers. The Preliminary Development Master Plan shall establish the following for the site:

1. Allowable land uses;
2. The allowable density and intensity of development, including the total number and type of dwelling units that may be allowed for residential development and/or the total square footage, maximum floor area ratios and building massing requirements for nonresidential or mixed-use development; and
3. The suitability of the property for the proposed development and the capacity of existing public facilities and services to support the proposed development.

No improvements to the land shall commence or be approved until the Town Council has approved the Preliminary Master Development Plan. The approved subdivision or development shall be subject to all conditions imposed upon it. All improvements shall be in accordance with the approved or amended Preliminary Master Development Plan. No building construction shall commence without an approved final Master Development Plan.

C. Final Master Development Plan.

The Final Master Development Plan is intended to establish a detailed set of documents, plans and conditions of approval which will regulate the subdivision or development whether it occurs in phases by a single owner or developer, or in smaller increments by separate owners or developers. The Final Master Plan shall establish the following for the site:

1. Allowable land uses;
2. The allowable density and intensity of development, including the total number and type of dwelling units, including affordable units, that may be allowed for residential development and/or the total square footage and maximum floor area ratios;
3. The exact layout for the entire tract or parcel of land including the configuration and dimensions of proposed lots and the location of streets and identification of proposed street types in accordance with Chapter 12.06, Street Standards;
4. The exact design and location of all proposed structures, including height, architectural design, materials and colors.
5. Provisions for off-street parking of vehicles and bicycles, and bicycle and pedestrian paths if applicable; and
6. Provisions for landscaping and for tree and view preservation.

No improvements or building construction to the land shall commence or be approved until the Town Council has approved the Final Master Development Plan.

D. Deviations from the requirements Title 17 may be approved as part of a Preliminary or Final Master Development Plan with regard to the following provisions: minimum yards and setbacks; maximum heights of buildings, walls and fences; minimum and maximum lot size; maximum floor area ratio; minimum number of parking spaces, location, and design; design standards related to the relation of buildings to streets; minimum open space; and signage.

17.192.040 Authority.

The Zoning and Design Review Board shall recommend approval, conditional approval or denial of applications for Master Development Plans to the Town Council. The Town Council shall have the authority to approve, conditionally approve or deny applications for Master Development Plans.

17.192.050 Notice and hearing.

The Zoning and Design Review Board and the Town Council shall each hold a public hearing on any proposed Preliminary or Final Master Development Plan. Notice of public hearing shall be given consistent with Section 17.180.040, Notice of hearing.

17.192.060 Findings and decision.

Following the public hearing, the responsible reviewing authority may approve the application and authorize a Preliminary or Final Master Development Plan if from the facts presented all of all the following findings can be made:

- A. The proposed development, and each increment of a phased project, creates an environment of sustained desirability and stability;
- B. The land uses and design of the proposed development are consistent with the intent of the General Plan, Title 17, and any other applicable plans or policies adopted by the Town Council, or those in the process of being prepared and adopted; and
- C. Findings can be made as required by Sections 17.188.050, Design Review findings, and 17.200.020, Use Permit findings.

(Ord. 231-92 § 7.4.f; Ord. 317-01)

17.192.070 Conditions of approval.

In approving a Preliminary or Final Master Development Plan the reviewing authority may impose conditions deemed reasonable and necessary to ensure that the approval will be in compliance with the findings required by Section 17.192.060, Findings and decision.

17.192.070 Modification and expiration.

- A. Minor changes to an approved Preliminary or Final Master Development Plan may be granted by the Planning Officer provided the change is consistent with the conditions of the approved Preliminary or Final Master Development Plan. Minor changes shall not include changes to the approved land use, densities, the property boundaries, or location of use shown on the Final Master Development Plan. Changes in use subsequent to the approval of a Final Master Development Plan shall follow the provisions established for Use Permits in Section 17.200.050.
- B. All modifications or amendments to an approved Preliminary or Final Master Development Plan other than minor changes shall be processed as an amended application and shall be subject to all of the provisions of this chapter, however, the filing fee shall be one-half the fee charged for filing an original application.
- C. An approved Final Master Development Plan shall automatically terminate and become null and void two years after the effective date of such approval unless a building permit for the parcel or a portion of the parcel is issued prior to the expiration date, or unless an extension has been requested and duly approved by the Town Council prior to the expiration date. In either case, the approval shall remain in effect as long as the building permits are valid and in force, or as long as any approved extensions. Up to three one-year extensions of the original two-year approval of a Master Development Plan may be requested, not to exceed a maximum of five years from the original date of Council approval. Each one-year extension shall be requested and acted on separately. (Ord. 231-92 § 7.4.g; Ord. 261-96)

Chapter 17.196 ADMINISTRATIVE USE PERMITS

17.196.010 Purpose.

This chapter establishes procedures for the issuance of Administrative Use Permits to allow certain uses to be established in particular zoning districts if they comply with specific criteria and development regulations. Administrative Use Permits are intended to streamline the use permit process for select uses where clear standards are established and extensive public review is not warranted.

17.196.020 Applicability.

Uses identified in Table 17.12.1, Use Table, as “AP” shall be subject to Administrative Use Permit review.

17.196.030 Application Filing and Processing.

Applications for Administrative Use Permits shall be initiated by submitting application materials as required by Section 17.180.020. Applications, including the following information to the Planning Department: a completed Use Permit application form including a detailed description of the proposed use, signed by the property owner(s) or authorized agent, accompanied by the required fee or deposit, and any other information, plans or maps prescribed by the Planning Officer. Application procedures and processing shall be in accordance with state law and procedural guidelines established by the Planning Officer.

17.196.040 Authority.

The Planning Officer, or the Zoning and Design Review Board or Town Council upon appeal, shall approve, conditionally approve or deny applications for Administrative Use Permits. The Planning Officer may also refer the application to the Zoning and Design Review Board when, in the opinion of the Planning Officer, the proposal is of a size, scale or unique nature that it is judged to not be a routine matter.

17.196.050 Findings and decision.

The Planning Officer, or the Zoning and Design Review Board or Town Council upon appeal, may approve the application and authorize an Administrative Use Permit if from the facts presented all the following findings can be made:

- A. The proposed use is listed as a use permitted pursuant to an Administrative Use Permit;
- B. The proposed use is consistent with the development regulations of Title 17;
- C. The use will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity; and

17.196.060 Conditions of approval.

In approving an Administrative Use Permit the reviewing authority may impose conditions deemed reasonable and necessary to ensure that the approval will be in compliance with the findings required by Section 17.154.060, Findings and decision.

17.196.070 Notice of decision, appeal and effective date.

- A. Written decision. The Planning Officer shall render a decision on the proposed Administrative Use Permit in writing which shall contain the findings as outlined in Subsection 17.196.050.
- B. Notice of decision. A copy of the decision shall be sent by mail to the applicant and to the owners of all real property within 300 feet of all exterior boundaries of the subject property. The names and addresses of the owners as shown on the latest property ownership records of the County of Napa shall be used for this purpose. Failure to send notice by mail to any such property owner where the address of such owner is not shown on such assessment roll shall not invalidate any proceedings in connection with such action. The mailed notification shall allow for the filing of an appeal within ten days of the mailing date of the notice, subject to the submittal requirements of Chapter 17.224, Appeals.
- C. Appeals. Appeals of a decision of the Planning Officer are referred to the Zoning and Design Review Board for a noticed public hearing in accordance with the provisions of this chapter and Chapter 17.180, Applications and hearings.
- D. Effective Date. An approved Administrative Use Permit becomes effective on the eleventh day following the date of the mailed notification required above if no valid appeal has been filed with the Planning Department.

Chapter 17.200 USE PERMITS

17.200.010 Purpose.

This chapter is to establish procedures for issuance of Use Permits for land uses which may be suitable only in specific locations or which require special consideration or restrictions in their design, operation or layout to ensure compatibility with surrounding uses and public safety and welfare.

17.200.020 Applicability.

Uses identified in Table 17.12.1, Use Table, as “UP” shall be subject to issuance of a Use Permit. Where a use is classified as requiring a Use Permit in the zoning district in which it lawfully exists without benefit of an approved Use Permit on the effective date of the ordinance codified in Title 17, such use shall be considered a permitted use without further authorization required.

17.200.030 Application Filing and Processing.

Applications for Use Permit shall be initiated by submitting application materials as required by Section 17.180.020, Applications, including the following information to the Planning Department: a completed Use Permit application form including a detailed description of the proposed use, signed by the property owner(s) or authorized agent, accompanied by the required fee or deposit, and any other information, plans or maps prescribed by the Planning Officer. Application procedures and processing shall be in accordance with state law and procedural guidelines established by the Planning Official.

17.200.050 Authority.

- A. The Planning Officer, or the Zoning and Design Review Board or the Town Council upon appeal, may approve, conditionally approve or deny applications for Use Permits for commercial use changes when the proposed use is consistent with uses allowed by a Final Master Development Plan.
- B. The Zoning and Design Review Board shall recommend approval, conditional approval or denial of all other Use Permit applications to the Town Council. The Town Council shall have the authority to approve, conditionally approve or deny applications for Use Permits.

17.200.060 Notice and hearing.

The reviewing authority shall hold a public hearing on any proposed Use Permit. Notice of public hearing shall be given consistent with Section 17.180.040, Notice of hearing.

17.200.070 Findings and decision.

Following the public hearing, the responsible reviewing authority may approve the application and authorize a Use Permit if from the facts presented all of all the following findings can be made:

- A. The proposed use, at the intensity represented and at the proposed location, will provide a use that is compatible with the neighborhood and community;
- B. The proposed use will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity;
- C. The proposed use enhances the preservation of retail opportunities within the commercial core of the Town.
- D. The proposed use maximizes active uses along the Washington Street core business area and in so doing enhances pedestrian activity and interest.
- E. The proposed use would not conflict with the Town’s goal of achieving economic sustainability with a mix of varied commercial services.
- F. The proposed use will not impair accessibility or traffic patterns for persons and vehicles based on the type and volume of anticipated traffic, will provide safe and adequate ingress and egress, and will furnish adequate off-street parking and loading for both customers and employees to the extent deemed feasible by the decision-making body;

- G. The proposed use provides sufficient safeguards to prevent noxious or offensive emissions such as glare, dust and odors, or levels of noise which may exceed the Town's noise regulations;
- H. The proposed use does not require excessive amounts of water or generate excessive amounts of waste;
- I. The existing or proposed utility, police and fire services are adequate to serve the proposed use; and
- J. The proposed use will comply with all applicable provisions of Title 17 and will be consistent with the policies and standards of the General Plan; and
- K. For properties in the Retail Overlay District, the proposed use enhances the preservation of retail opportunities within the commercial code of the Town and the proposed use maximizes active uses along the Washington Street core business area and in doing so enhances pedestrian activity and interest.

17.200.080 Conditions of approval.

In approving a Use Permit the reviewing authority may impose conditions deemed reasonable and necessary to ensure that the approval will be in compliance with the findings required by Section 17.200.070, Findings and decision.

17.200.060 Effective date and continuance of use.

- A. The conditions of approval may include time limits for carrying out the Use Permit; otherwise, any exercise of a Use Permit must commence within two years of the approval date.
- B. Once any portion of the granted Use Permit is utilized, all such specifications and conditions pertaining to such authorization shall become immediately operative.
- C. Except where time limits are otherwise specified as a condition of authorization, any Use Permit that has been authorized by the Town Council or Zoning and Design Review Board may continue as authorized so long as it is not changed to another use or discontinued for a continuous period of one year or otherwise abandoned.
- D. A Use Permit shall not be restored when it is abandoned or changed to another use or feature that is classified as a Use Permit in the land use area in which it is located, or significantly altered or intensified, except upon approval of a new Use Permit application.

17.200.070 Modification or change of use.

Requests for a change of use category or a change to the conditions of approval of a Use Permit, or a change to the operation that would affect a condition of approval, shall require the filing of a new Use Permit application as set forth in this chapter.

Chapter 17.204 VARIANCES

17.204.010 Purpose.

This chapter establishes procedures for allowing deviations from the development standards of this Zoning Ordinance consistent with the purposes of Title 17 and the General Plan. Variances are intended to resolve practical difficulties or unnecessary hardships resulting from the strict application of development standards when special circumstances pertaining to the land such as size, shape, topography or location deprives such property of privileges enjoyed by other property in the vicinity and in the same zoning district. The granting of a variance shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and district in which such property is situated.

17.204.020 Applicability.

A variance may be granted to waive or modify any development regulation of the Zoning Ordinance except allowed land uses, maximum residential density, maximum floor area ratio (FAR) regulations, prohibited sign types, or procedural requirements.

17.204.030 Application Filing and Processing.

Applications for variances shall be initiated by submitting application materials as required by Section 17.180.020, Applications, including the following information to the Planning Department: a completed application form setting forth the requested regulatory relief and justification thereof, signed by the property owner(s) or authorized agent, accompanied by the required fee or deposit, and any other information, plans or maps prescribed by the Planning Officer. Application procedures and processing shall be in accordance with state law and procedural guidelines established by the Planning Officer.

17.204.040 Authority.

The Zoning and Design Review Board, or the Town Council upon appeal, shall approve, conditionally approve or deny applications for variances.

17.204.050 Notice and hearing.

The Zoning and Design Review Board, or the Town Council upon appeal, shall hold a public hearing on any proposed variance. Notice of public hearing shall be given consistent with Section 17.180.040, Notice of hearing.

17.204.060 Findings and decision.

Following the public hearing, the Zoning and Design Review Board, or the Town Council upon appeal, may approve the application and authorize variance if from the facts presented all of all the following findings can be made:

- A. There are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other property or uses in the same class of district;
- B. Due to exceptional or extraordinary circumstances not created or attributable to the applicant or owner of the property, the literal enforcement of the provisions of Title 17 would result in practical difficulty or unnecessary hardship;
- C. This variance will not constitute a grant of special privilege that is inconsistent with limitations imposed on similarly zoned properties;
- D. This variance is necessary for the preservation and enjoyment of the right of property, the same that is possessed by other property in the same land use designation;
- E. This variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity; and
- F. The granting of such variance will be in harmony with the general purposes and intent of Title 17 and will not adversely affect the General Plan.

17.204.070 Conditions of approval.

In approving a variance the reviewing authority may impose conditions deemed reasonable and necessary to ensure that the approval will be in compliance with the findings required by Section 17.204.060, Findings and decision.

17.204.080 Expiration and extension.

- A. The conditions of approval may include time limits for carrying out the variance; otherwise, any exercise of a variance must commence within two years.
- B. Once any portion of the granted variance is utilized, all such specifications and conditions pertaining to such authorization shall become immediately operative.

(Ord. 231-92 § 7.5.a; Ord. 236-93)

Chapter 17.208 EXCEPTIONS

17.208.010 Purpose.

This chapter establishes procedures for minor deviations from the development standards as authorized by this title.

17.208.020 Applicability.

An exception may be granted to modify setback requirements for residential auxiliary structures as regulated by Chapter 17.112 and height limits on two-story structures in residential districts as required in Division 2 of this title.

17.208.030 Application Filing and Processing.

Applications for exceptions shall be initiated by submitting application materials as required by Section 17.180.020. Applications, including the following information to the Planning Department: a completed application form, signed by the property owner(s) or authorized agent, accompanied by the required fee or deposit, and any other information, plans or maps prescribed by the Planning Officer. Application procedures and processing shall be in accordance with state law and procedural guidelines established by the Planning Officer.

17.208.040 Authority.

The Zoning and Design Review Board, or the Town Council upon appeal, shall approve, conditionally approve or deny applications for exceptions.

17.208.050 Notice and hearing.

The Zoning and Design Review Board, or the Town Council upon appeal, shall hold a public hearing on any proposed exception. Notice of public hearing shall be given consistent with Section 17.180.040, Notice of hearing.

17.208.060 Findings and decision.

Following the public hearing, the Zoning and Design Review Board, or the Town Council upon appeal, may approve the application and authorize an exception if from the facts presented all the following findings can be made:

- A. There are unusual circumstances applying to the property involved or to the intended use of the property that do not apply generally to other property or uses in the same class of district. For exceptions to the limit on two-story homes, the decision-making body may take into consideration the relative visibility, location, and massing of existing two-story structures in the vicinity; the width of the street; significant vegetation; and any other factors that may mitigate the visual impacts of such structures;
- B. Due to unusual circumstances not created or attributable to the applicant or owner of the property, the literal enforcement of the provisions of this chapter would result in practical difficulty;
- C. This exception will not constitute a grant of special privilege that is inconsistent with limitations imposed on similarly zoned properties;
- D. This exception will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity; and
- E. The granting of such exception will be in harmony with the general purposes and intent of Title 17 and will not adversely affect the General Plan.

17.208.070 Conditions of approval.

In approving an exception the reviewing authority may impose conditions deemed reasonable and necessary to ensure that the approval will be in compliance with the findings required by Section 17.160.060, Findings and decision.

17.208.080 Expiration and extension.

- A. The conditions of approval may include time limits for carrying out the exception; otherwise, any exercise of an exception must commence within two years.
- B. Once any portion of the granted exception is utilized, all such specifications and conditions pertaining to such authorization shall become immediately operative.

Chapter 17.212 REASONABLE ACCOMMODATION FOR PERSONS WITH DISABILITIES

17.212.010 Purpose.

This chapter provides a procedure to request reasonable accommodation of persons with disabilities seeking equal access to housing under the Federal Fair Housing Act and the California Fair Employment and Housing Act in the application of zoning laws and other land use regulations, policies and procedures.

17.212.020 Applicability.

A. **Authorized Applicants.** A request for reasonable accommodation may be made by any person with a disability, his or her representative, or a developer or provider of housing for individuals with disabilities, when the application of a land use, zoning, or building regulation, policy, or practice acts as a barrier to fair housing opportunities. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment, or anyone who has a record of such impairment.

B. **Elimination of Regulatory Barriers.** A request for reasonable accommodation may include a modification or exception to the rules and standards for the siting, development, improvement, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal access to housing. Requests for reasonable accommodation shall be in the manner prescribed by this chapter. (Ord. 427-14)

17.212.030 Application Filing and Processing.

A. Applications for reasonable accommodation shall be initiated by submitting application materials as required by Section 17.180.020, Applications, including the following information to the Planning Department: a completed application form, signed by the property owner(s) or authorized agent, accompanied by the required fee or deposit, and any other information, plans or maps prescribed by the Planning Officer. Application procedures and processing shall be in accordance with state law and procedural guidelines established by the Planning Officer.

In addition, the following shall be supplied by the applicant:

1. A description of the requested accommodation and the individual Municipal Code provision, Zoning Ordinance provision, or other regulation or policy from which reasonable accommodation is being requested.
2. A description of why the reasonable accommodation is necessary to make the specific property accessible to the individual.

B. **Additional Information.** If necessary to reach a determination on the request for reasonable accommodation, the reviewing authority may request further information from the applicant consistent with the Acts, specifying in detail the information that is required. (Ord. 427-14)

17.212.040 Authority.

The Planning Officer, or the Zoning and Design Review Board or Town Council upon appeal, shall approve, conditionally approve or deny applications for reasonable accommodation.

Requests for reasonable accommodation submitted for concurrent review with any other discretionary land use application shall be reviewed by the authority reviewing the discretionary land use application.

17.212.050 Notice and hearing.

The Planning Officer, or the Zoning and Design Review Board or Town Council upon appeal, shall hold a public hearing on any proposed request for reasonable accommodation. Notice of public hearing shall be given consistent with Section 17.136.040, Notice of hearing.

17.212.060 Findings and decision.

Following the public hearing, the Planning Officer, or the Zoning and Design Review Board or Town Council upon appeal, may approve the application and authorize a reasonable accommodation if from the facts presented all the following findings can be made:

A. The housing that is the subject of the request will be used by an individual with a disability protected under the Acts.

- B. The request for reasonable accommodation is necessary to make specific housing available to an individual with a disability protected under the Acts.
- C. The request for reasonable accommodation would not impose an undue financial or administrative burden on the Town.
- D. The request for reasonable accommodation would not require a fundamental alteration in the nature of the Town's zoning or building laws.
- E. The request will not result in impacts to surrounding uses.
- F. An alternative reasonable accommodation to accomplish the same accessibility purpose or objective with less impacts is not available or practical.

17.212.070 Conditions of Approval.

In approving a request for reasonable accommodation, the reviewing authority may impose conditions deemed reasonable and necessary to ensure that the approval will be in compliance with the findings required by Section 17.212.060, Findings and decision. (Ord. 427-14)

Chapter 17.216 DEVELOPMENT AGREEMENTS

17.216.010 Purpose.

This chapter establishes procedures and requirements for the review and approval of development agreements, consistent with Government Code Sections 65864, et seq.

17.216.020 Applicability.

Any person who has a legal or equitable interest in real property may request to enter into a development agreement with the Town.

17.216.030 Application Filing and Processing.

Applications for development agreements shall be initiated by submitting application materials as required by Section 17.180.020, Applications, including the following information to the Planning Department: a completed use permit application form, signed by the property owner(s) or authorized agent, accompanied by the required fee or deposit, and any other information, plans or maps prescribed by the Planning Officer. Application procedures and processing shall be in accordance with state law and procedural guidelines established by the Planning Official.

17.216.040 Authority.

The Town Council shall have the authority to enter into a development agreement as provided in this chapter under the authority of Government Code Sections 65864 through 65869.5.

17.216.050 Notice and hearing.

The Town Council shall hold a public hearing on any proposed development agreement. Notice of public hearing shall be given consistent with Section 17.180.040, Notice of hearing.

17.216.060 Findings and decision.

Following the public hearing the Town Council may approve the application and authorize a development agreement if from the facts presented all the following findings can be made:

- A. The proposed development agreement is consistent with the objectives, policies, general land uses and programs specified in the General Plan
- B. The proposed development agreement is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located;

C. The proposed development agreement will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity.

17.216.070 Conditions of approval.

In approving a development agreement, the Town Council may impose conditions deemed reasonable and necessary to ensure that the approval will be in compliance with the findings required by Section 17.172.060, Findings and decision.

17.216.080 Recordation.

A. Within 10 days after the Town Council enters into the development agreement, the Town Clerk shall have the agreement recorded with the County Recorder.

B. If the parties to the agreement or their successors in interest amend or cancel the agreement as provided in Section 17.172.090, or if the Town terminates or modifies the agreement as provided in Section 17.172.110 for failure of the applicant to comply in good faith with the terms or conditions of the agreement, the Town Clerk shall have notice of such action recorded with the County Recorder. (Ord. 260-96)

17.216.090 Amendment or cancellation.

Either party, by mutual consent, may propose an amendment to or cancellation in whole or in part of the development agreement previously entered into. The parties may establish in the agreement an alternative procedure for processing insubstantial amendments to the agreement. Otherwise, the procedure for the proposal and adoption of an amendment to or cancellation in whole or in part of the development agreement is the same as the procedure for entering into an agreement in the first instance. (Ord. 260-96)

17.216.100 Periodic review.

A. The Town shall review the development agreement every 12 months from the date the agreement is entered into. The time for review may be modified either by agreement between the parties or by initiation in one or more of the following ways:

1. Recommendation of the Town staff;
2. Affirmative vote of at least three members of the Council.

B. The Planning Officer shall begin the review proceeding by giving notice that the Town intends to undertake a periodic review of the development agreement to the property owner. The notice shall be given at least 15 days in advance of the time at which the matter will be considered. The review shall be conducted by the Town Council.

C. The Town Council shall conduct a public hearing at which the property owner must demonstrate good faith compliance with the terms of the agreement. The burden of proof on this issue is upon the property owner.

D. The Town Council shall determine upon the basis of substantial evidence whether or not the property owner has, for the period under review, complied in good faith with the terms and conditions of the agreement. The Council may refer the matter back to the Planning Officer for further report and recommendation.

E. If the Town Council finds and determines on the basis of substantial evidence that the property owner has complied in good faith with the terms and conditions of the agreement during the period under review, the review for that period is concluded.

F. If the Town Council finds and determines on the basis of substantial evidence that the property owner has not complied in good faith with the terms and conditions of the agreement during the period under review, the Town may modify or terminate the agreement. (Ord. 260-96)

17.216.110 Modification or termination.

A. If, upon a finding under Section 17.216.100.F, the Town Council determines to proceed with modification or termination of the agreement, the Town shall give notice to the property owner of its intention to do so. The notice shall contain:

1. The time and place of the hearing;
 2. A statement as to whether or not the Town proposes to terminate or to modify the development agreement;
 3. Other information that the Town considers necessary to inform the property owner of the nature of the proceeding.
- B. Notice of intention to amend or cancel any portion of the agreement shall be given in the manner provided by Government Code Sections 65090 and 65091 in addition to any other notice required by law.
- C. At the time and place set for the hearing on modification or termination, the property owner shall be given an opportunity to be heard. The Town Council may impose conditions to the action it takes as it considers necessary to protect the interest of the Town. The decision of the Town Council is final. (Ord. 260-96)

Chapter 17.220 CONDOMINIUM CONVERSION

17.220.010 Purpose.

The purpose of this chapter is to assure that a reasonable balance between rental housing and owner-occupied housing is maintained; to establish general conditions that regulate the conversion of multifamily rental housing units to condominiums, community apartments, or stock cooperatives; and to guarantee that rental units being converted to condominiums meet reasonable construction criteria under State and local laws, ordinances, and regulations.

17.220.020 Applicability.

The following conditions shall be met as a prerequisite to the approval of a tentative map for condominium conversion:

- A. A Use Permit shall be required for the conversion of multifamily rental housing units to condominiums; and
- B. The number of rental units in the town exceeds 35% of the total housing stock or the number of vacant rental units within the Town exceeds five percent of all the rental units in the Town. The vacancy percentage of rental units and the ratio of rental units to ownership units within the Town shall be based upon the most current census data, unless the applicant can provide evidence that such data is inaccurate.

17.220.030 General conditions.

Conversion of existing rental housing to condominium ownership shall meet the following requirements:

- A. Each dwelling unit shall have space and connections for the installation and operation of laundry equipment for the private use of the occupants of that unit;
- B. Each dwelling unit shall be provided with at least 100 cubic feet per unit and an additional 50 cubic feet per bedroom of enclosed weather-proof storage space, either inside or outside the unit, in addition to that required by the Federal Housing Administration's Minimum Property Standards;
- C. Parking within the property lines of the project shall be provided as established in Chapter 17.88, Off-Street Parking and Loading;
- D. The project shall conform to all applicable laws, ordinances, and regulations for existing buildings, including but not limited to those pertaining to housing, building, fire, subdivision, and zoning;
- E. In a project containing five or more units, affordable housing shall be provided as required by Section 17.84.030, Inclusionary housing program.

17.220.040 Application Filing and Processing.

Applications for condominium conversions shall be initiated by submitting the following information to the planning department: a completed Use Permit application form, signed by the property owner(s) or authorized agent, accompanied by the required fee or deposit, and any other information, plans or maps prescribed by the Planning Officer. Application procedures and processing shall be in accordance with state law and procedural guidelines established by the Planning Officer.

In addition to the information required for a Use Permit application, the following shall be supplied by the applicant:

- A. A report containing the following information:
 - 1. Length of occupancy of present tenants, current rents, any utilities included in rent, date and amount of last rent increase and household composition of present tenants, by age and sex,
 - 2. Nature and expiration date of current leases, approximate proposed sale price of units, expected monthly mortgage payments and association dues, expected financing available to buyers, and a statement indicating the exact number of units existing in the structure proposed to be converted,
 - 3. A list of names of all tenants and lessees, and a verifiable written statement declaring that each tenant and lessee has received, by certified U.S. mail, a notification of the filing of a condominium conversion application. The applicant shall submit a receipt as evidence that such notification has occurred;
- B. A structural pest control report prepared by a licensed pest control operator;
- C. The applicant's proposed program to accommodate the relocation and availability of substitute accommodations for the present tenants, and also a statement of preference to sell the units to be converted to the present tenants; and
- D. Any other information deemed necessary by the Planning Officer for evaluation of the application.

17.220.050 Authority.

The Zoning and Design Review Board shall recommend approval, conditional approval or denial of applications for condominium conversion. The Town Council shall have the authority to approve, conditionally approve or deny applications for condominium conversion.

17.220.060 Notice and hearing.

The Zoning and Design Review Board shall hold a public hearing on any proposed condominium conversion and shall make a written recommendation to the Town Council. Upon receipt of the Zoning and Design Review Board recommendation, the Town Council shall hold a public hearing on the proposed conversion. Notices of public hearings shall be given consistent with Section 17.180.040, Notice of hearing.

17.220.070 Findings and decision.

Upon receipt of the recommendation of the Zoning and Design Review Board, the Town Council shall approve or approve in modified form the proposed amendment(s) if from the facts presented all the following findings can be made, in addition to the findings required for Use Permits in Section 17.200.070:

- A. The number of low- and moderate-income households that will be displaced by the proposed conversion can be accommodated by alternate rental housing in the vicinity based on the current or projected vacancy factor, and by relocation assistance to be provided by the applicant;
- B. Sufficient parking and storage will be provided to accommodate long-term owner occupancy;
- C. The proposed conversion provides for clear and complete management and maintenance responsibility for the dwelling units;
- D. The proposed conversion will not negatively affect neighborhood property values and taxes.
- E. The proposed conversion complies with the requirements of Section 17. 220.030, General conditions.

17.220.080 Conditions of approval.

In approving a condominium conversion, the Town Council may impose conditions deemed reasonable and necessary to ensure that the approval will be in compliance with the findings required by Section 17.220.070, Findings and decision.

(Ord. 231-92 § 6.7.c)

Chapter 17.224 APPEALS

17.224.010 Purpose.

This chapter establishes procedures for the appeal and review of determinations of the Planning Officer and the Zoning and Design Review Board.

17.224.020 Applicability.

An appeal may be filed by any person aggrieved by any of the following decisions and actions of the Planning Officer and the Zoning and Design Review Board:

- A. Interpretations of the Planning Officer on the meaning or applicability of the provisions of this Zoning Ordinance;
- B. Decisions of the Planning Officer that a permit application or information submitted with an application is incomplete, in compliance with State law;
- C. Decisions of the Planning Officer or the Zoning and Design Review Board on any permit or entitlement required by this Zoning Ordinance.

17.224.040 Application Filing and Processing.

Applications for appeals shall be addressed to the appellate body, in writing, and shall state the basis of the appeal. Appeals shall be filed in the office of the Planning Department not later than 5:00 p.m. of the 10th working day following the date of the action from which an appeal is taken. Appeals shall be accompanied by the filing fee as specified by resolution of the Town Council.

When an appeal is pending, the establishment of the proposed use or construction or modification of the proposed structure(s) is to be held in abeyance.

17.224.050 Authority.

Appeals of decisions of the Planning Officer shall be heard and decided by the Zoning and Design Review Board. Appeals of decisions of the Zoning and Design Review Board shall be heard and decided by the Town Council.

17.224.060 Notice and hearing.

The responsible reviewing authority shall hold a public hearing on any appeal. Notice of public hearing shall be given consistent with Section 17.180.040, Notice of hearing.

17.224.070 Decision.

- A. The reviewing authority shall determine an appeal no later than the fourth regular meeting following the date on which the appeal was filed..
- B. Failure of the appellate body to act within the time specified shall sustain the action, or the appellate determination, being appealed.
- C. All rights of appeal are exhausted when the proceedings set forth in this chapter have been consummated.
- D. Following the public hearing, the responsible reviewing authority may approve, modify, or disapprove the action appealed, either in whole or part, based on the record on appeal and the evidence received at the hearing on the appeal. The reviewing authority may impose or prescribe conditions in its resolution as are necessary to serve the objectives of this title.

Chapter 17.228 COMPLIANCE AND ENFORCEMENT

17.228.010 Compliance with ordinance generally.

- A. Except as otherwise provided by Title 17, no use shall be commenced on or in any land, building, or premises unless the use is either a permitted or conditional use for the zoning district in which the use is to be located and, if listed as a conditional use, not unless the required Use Permit has been received. No use shall be commenced or maintained except in accordance with the regulations for the zoning district in which the use is or will be located and

the use is in conformance with the conditions, mitigation measures, and project description of each required permit, approval, clearance or agreement.

B. No building or structure shall be erected, remodeled, enlarged, rebuilt, or moved, except in conformity with the regulations for the zoning district in which the building or structure is or will be located, and in conformity with the conditions of each required permit, approval, clearance or agreement.

C. Where conflict occurs between the regulations of Title 17 and the building code or other regulations effective within the Town, the more restrictive regulation shall apply. (Ord. 255-95)

17.228.020 Permits, approvals and licenses to conform to title.

A. All departments, officials and public employees of the Town vested with the duty or authority to issue permits, approvals, clearances, or licenses shall conform to the provisions of Title 17 and shall issue no such permit, approval, clearance, or license for uses, buildings, or any purposes where the same would be in conflict with the provisions of Title 17. Such permit, approval, clearance, or license, if issued in conflict with the provisions of Title 17, shall be null and void.

B. Except as otherwise authorized by the Town Council, the Town shall refuse to issue any permit, approval, or clearance that is sought pursuant to Title 17, where the existing or proposed use, building or structure has been found to be in violation of Title 17. (Ord. 255-95)

17.228.030 Determination of violation.

The Planning Officer, Fire Chief, building inspector or other code enforcement officer may conduct any investigation necessary to determine whether persons are complying with Title 17, including the terms, conditions, mitigation measures, project description incorporated into any permit, approval or clearance issued pursuant to Title 17. (Ord. 255-95)

17.228.040 Violation of title, penalty.

A. No person shall violate or fail to comply with any term, condition, mitigation measure or project description incorporated into any permit, approval or clearance granted pursuant to Title 17. Violation of, or noncompliance with, any term, condition, mitigation measure or project description incorporated into any permit, approval or clearance granted pursuant to Title 17 is unlawful, and declared a public nuisance.

B. Any building set up, erected, built, or moved, and any use of property contrary to the provisions of Title 17, is unlawful and declared a public nuisance. The Town may immediately commence any action or proceeding, for the abatement, removal and enjoinder thereof in a manner provided by Title 17, the Municipal Code, or law.

C. Any persons, whether as principal, agent, employee or otherwise, violating any of the provisions of Title 17 shall be guilty of a misdemeanor, and upon conviction shall be punishable by a fine not to exceed \$500.00 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 Title 17 is committed, continued or permitted by such person. (Ord. 255-95)

17.228.050 Issuance of stop orders.

A. Whenever the Planning Officer, Fire Chief, building inspector or other code enforcement officer determines that a violation of Title 17 exists, each such official is hereby authorized to issue stop orders to prohibit further construction or use of any land, building, or premises which are in violation of Title 17. The stop order shall be served by posting a copy on the premises, which is the location of the violation or which is the subject of the permit or approval issued by the Town. In addition, a copy of such stop order shall be mailed to the owner or responsible person at the address shown on the current records in the office of the Napa County Assessor. Such order shall become effective immediately upon posting.

B. After service of a stop order, no person shall perform any act in violation of the terms of the stop order, except such actions as are determined by the Planning Officer, Fire Chief, building inspector, or other code enforcement officer to be necessary to correct the violation or to render the premises safe and secure, until such violation has been corrected to the satisfaction of the person serving the stop order.

C. Within 10 days after the posting of a copy of the order on the premises, any person adversely affected by the terms of the stop order may appeal such order to the Town Council, which shall hold a hearing and make such decisions as may be appropriate in accordance with Chapter 8.05 of the Municipal Code. (Ord. 255-95; Ord. 395-11)

17.228.060 Administrative enforcement proceedings.

Whenever the Planning Officer determines that a violation of Title 17 exists or where the operation of a use is detrimental to the public health, safety or general welfare, the Planning Officer may refer the matter to the Town Manager, or a hearing officer designated by the Town Manager, for the revocation or modification of any permit, approval or clearance, or such determination or enforcement as may be appropriate under the circumstances. The following provisions shall be observed in the conduct of administrative enforcement proceedings:

- A. Notice of any administrative enforcement hearing shall be given to the public as in the same manner as generally provided for public hearings held pursuant to Chapter 8.05 of the Municipal Code.
- B. Where an enforcement proceeding has been commenced by the Town, the Town has the burden of demonstrating that a violation has occurred or that the operation of the use is detrimental to the public health, safety or general welfare. Where the party against whom the enforcement proceeding has been directed raises a defense, such as a prior nonconforming use, that party has the burden of proving the defense.
- C. Public hearings shall be conducted in the manner generally provided in Title 17 and Chapter 8.05 of the Municipal Code.
- D. If the Town Manager or designated hearing officer determines that there has been a violation of Title 17 or that the use has been conducted in such a way as to be detrimental to the public's health, safety or welfare, the Town Manager may make any order it deems appropriate under the circumstances, including the revocation or modification of permits or approvals previously issued and/or the referral of the matter to the Town Attorney for the initiation of any criminal or civil proceeding that may be deemed appropriate. Any action taken by the Town Manager shall set forth the following:
 - 1. The Municipal Code section, permits or approvals violated and/or a statement describing the detrimental effect found upon public health, safety or welfare;
 - 2. The ultimate facts upon which the determination or violation and/or detrimental effect is based;
 - 3. The action(s) ordered to be taken; and
 - 4. In the event the Town Manager chooses to modify a permit or approval, the modifications including any new conditions to be imposed to ensure that violation or the detrimental effect will cease and will not be repeated.

(Ord. 255-95; Ord. 395-11)

17.228.070 Appeal to the Town Council.

The acts and determination of the Town Manager or designated hearing officer provided for in Section 17.12.060 shall be directly reviewable by the Town Council in the manner provided for in Municipal Code Section 1.28.100. (Ord. 255-95)

17.228.080 Remedies cumulative.

The remedies provided for in Title 17 and in other titles of the Municipal Code shall be cumulative and nonexclusive and are in addition to all other remedies provided by law or equity. (Ord. 255-95)

Chapter 17.232 LEGAL NONCONFORMING USES, BUILDINGS, SIGNS AND SUBSTANDARD PARCELS

17.232.010 Purpose and application.

The purpose of this chapter is to limit the number and extent of nonconforming uses and structures. While permitting the use and maintenance of nonconforming buildings and signs, this chapter limits the number and extent of nonconforming buildings and signs by prohibiting their being moved, altered, or enlarged in a manner that would increase the discrepancy

between existing conditions and the standards prescribed in Title 17 and by prohibiting their restoration after destruction. Eventually, certain classes of nonconforming uses, buildings and signs are to be eliminated or altered to conform. The following specific rules and regulations established in this chapter shall apply to legal nonconforming uses, buildings, signs and substandard parcels. (Ord. 231-92 § 6.6.a)

17.232.020 General conditions.

The following general conditions shall apply:

A. Lot of Record.

1. A lot of record, created prior to adoption of the ordinance codified in Title 17, that has dimensions greater or less than required, may nevertheless, be occupied legally by a dwelling or building if all other requirements of Title 17 are met.;
2. An existing building that occupies a nonconforming lot of record, but that conforms to use regulations, shall not be considered a nonconforming building, provided it is not altered or enlarged to increase the discrepancy between existing conditions on the lot and regulations for new construction established in this title.

B. Legal Nonconforming Uses.

1. Where all legal nonconforming uses of a building originally designed or built for commercial or industrial purposes are discontinued for a continuous 12 months or more, any subsequent uses of such buildings must be conforming;
2. As regulated by this chapter and upon approval of a Use Permit, the legal nonconforming use of a building or premises may be changed to another use of the same or more restricted classification, except when a legal nonconforming use is replaced by a conforming use, then this replaced area shall remain conforming;
3. Whenever a legal nonconforming use has been discontinued for a continuous period of one year or whenever there is otherwise evident a clear intent on the part of the owner to abandon a legal nonconforming use, such use shall not be reestablished, and the use of the premises thereafter shall be in conformance with the regulations for the district. This one-year period may be extended by the Town Council upon showing of good cause.

C. Legal Nonconforming Buildings.

1. No building in which the use is nonconforming in any substantial part, shall be structurally altered without securing a Use Permit approval. As a condition of Use Permit approval, the Zoning and Design Review Board in all RS and RM designations, and the Town Council in all other designations may require that the building from then on maintain a conforming use;
2. A nonconforming building may be enlarged or extended only upon approval of a Use Permit. The ZDRB or Town Council may require, as a condition of this approval, that the building maintain a conforming use from then on;
3. No building partially occupied by a nonconforming use shall be altered in such a way as to permit the enlargement or expansion of the space occupied by the nonconforming use;
4. No legal nonconforming use may be enlarged or extended in such a way as to occupy any land beyond the boundaries of the lot as it existed at the effective date of the ordinance codified in Title 17, or to displace any conforming use in the same building or on the same parcel;
5. Any legal nonconforming building which has been destroyed by fire or other calamity may be reconstructed or reestablished again within one year upon approval of a Use Permit, as long as the reconstructed or reestablished building complies with the yard or setback requirements. This one-year period may be extended by the Town Council with good cause.

D. Legal Nonconforming Signs.

1. A legal nonconforming sign may not be redimensioned or relocated unless it conforms to the standards of Title 17, and is issued an approved sign permit as provided in Chapter 17.152. Changes to the text or color of a legal nonconforming sign shall be approved by the Planning Officer if such changes bring the sign into closer conformance with Chapter 17.152, Signs; and
2. Whenever a Use Permit application is made in compliance with Chapter 17.200, Use Permits, the Town Council shall require that any signs attached or located on the premises or building shall conform to Chapter 17.200.

(Ord. 231-92 § 6.6.b; Ord. 424-14)

17.232.030 Permitted uses.

Nonconforming uses, buildings and signs are permitted as follows:

- A. Any use, lawfully occupying a building or land at the effective date of the ordinance codified in Title 17 or its amendments, that does not conform to use regulations for the area in which the use is located, shall be considered a legal nonconforming use and may be continued, except as otherwise provided in this chapter;
- B. Any building, lawfully existing at the effective date of the ordinance codified in Title 17 or its amendments, that is lawfully used, or designed for use contrary to regulations of the district in which it is located, shall be a legal nonconforming building and may be so used or continue in such use, except as provided in this chapter. Maintenance and repairs necessary to keep a legal nonconforming building in sound condition during such continuance shall be permitted;
- C. Any sign lawfully existing at the effective date of the ordinance codified in Title 17 or its amendments, that does not conform to the standards of Title 17 shall be a legal nonconforming sign and may be continued except as provided in this chapter. Maintenance and repairs necessary to keep a legal nonconforming sign in sound condition during such continuance shall be permitted;
- D. Any building, sign or use for which a permit has been lawfully granted prior to the effective date of an amendment to the ordinance codified in Title 17, may be completed and used in accordance with the approved plans, provided construction is started and diligently pursued to completion in accordance with applicable Town building codes. This building, sign or use shall from then on lawfully exist. (Ord. 231-92 § 6.6.c)

Chapter 17.236 DEFINITIONS

17.236.010 Definitions.

“Abandoned sign” means a sign determined by the Planning Officer to have ceased functioning as a sign for a period of at least 90 days.

“Accessory commercial use” means a use clearly subordinate or incidental and directly related to a permitted or conditionally permitted commercial use. The general thresholds for considering whether a use is an accessory use include whether the: a) floor area dedicated to the use is less than twenty-five percent of the total area; b) amount of business, revenue or activity generated by the use is less than twenty-five percent of the main use; c) hours of operation and intensity of operation are similar to the primary use; and d) uses are composed in separate and demised tenant spaces.

“Accessory dwelling unit” means an attached or a detached residential dwelling unit, which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the primary residential unit is situated. An accessory dwelling unit also includes the following:

1. An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code; and
2. A manufactured home, as defined in Section 18007 of the Health and Safety Code.

“Accessory dwelling unit, interior” means an accessory dwelling unit which is constructed entirely within the existing and legally created space of a single-family detached dwelling unit or accessory structure.

“Accessory dwelling unit, other” means an accessory dwelling unit which is constructed either as a new detached accessory structure or as an addition to an existing single-family detached dwelling unit or an existing accessory structure.

“Accessory residential use” means a use clearly subordinate or incidental and directly related to the residential use. Examples include parking, storage, workshops, gardens and recreational uses..

Acre.

1. “Gross acre” refers to the entire acreage of a site including developable and undevelopable portions, but not including any portion of existing street right-of-way.
2. “Net acre” refers to the portion of a site that can actually be built upon. The following are not included in the net acreage of a site: public easements and rights-of-way, creek setback areas, and public open space.

“Adult oriented business” means any facility or place of business primarily intended for the conduct, operation or transaction of activities intended for adult entertainment involving sexual matters such as, but not limited to, any adult bookstore, adult motion picture theater, adult cabaret, adult theater, or any business at which videos of adult movies or films are sold or rented constitute over twenty percent of the titles offered or over twenty percent of actual display area of the store, whichever is greater, regardless of whether any other use is also conducted on the premises.

“Affordable housing” means housing capable of being purchased or rented by a household with very low, low, or moderate income as defined for Napa County by the U.S. Department of Housing and Urban Development, based on a household’s ability to make monthly payments necessary to obtain housing in Yountville.

“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 percent of the area median income, adjusted for assumed household size based on unit size, multiplied by 35 percent 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.

“Affordable rent” means monthly rent that does not exceed 30 percent of 120 percent of area median income for moderate-income households, 30 percent of 80 percent of area median income for low-income households, and 30 percent of 50 percent 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 percent 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.

“Agriculture” means the use of land for agricultural purposes, including farming, dairying, pasturage, horticulture, floriculture and viticulture, but excluding animal and poultry husbandry.

“Agricultural auxiliary structure” means an uninhabited structure supporting agricultural uses, including barns, greenhouses, sheds, covered crush pads and similar structures.

“Agricultural employee housing” means housing providing accommodations for up to 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household. All occupants of the housing units must be agricultural

employees who are employed in, raising, or harvesting any agricultural commodity. Agricultural employee housing is not a business run for profit; it does not differ in any way from a traditional dwelling.

“Agricultural produce/produce processing or retail” means the initial processing, packing and storage of agricultural products and incidental sale of agricultural production from the subject property.

“Agricultural preserve” means land designated for agricultural conservation.

“Alcoholic beverage retail sales” means the retail sale of beer, wine, and/or other alcoholic beverages for off-site consumption as either a principal use or as ancillary sales of a permitted use.

“Alley” means a narrow access way, either public or private, that provides a permanently reserved but secondary means of public access not intended for the sole means nor for through traffic circulation.

“Alteration” means an enlargement, addition, relocation, repair, or remodeling; a development or change in the open area; a change in facility excluding painting and ordinary maintenance for which no building permit is required; and the demolition or removal of any facility.

Animal.

1. “Agricultural animal” means an animal commonly kept on a farm, including, but not limited to, cows, sheep, horses, hogs and fowl.
2. “Domestic animal” means an animal commonly kept as a household pet.
3. “Exotic animal” means an animal customarily referred to as “wild” and kept in a public or private zoo, including, but not limited to, tigers, lions, leopards, panthers, bears, pachyderms, rhinoceros, and poisonous reptiles.

“Animated sign” means a sign which has an actual or apparent moving, reflecting or rotating part actuated by an electrical, mechanical, human, or other device or by wind current; not including barber poles and clock signs.

“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.

“Apartment” means one or more rooms in a multi-family structure intended or designed to be occupied by one family for living and sleeping purposes and containing kitchen and bath facilities.

“Applicant” means a person or entity who applies to the Town for any development entitlement.

“Architectural element” means a nonhabitable, but occupiable structural element attached to a building such as a patio cover, awning, balcony, bay window, deck, loggia, unenclosed porch, exterior stair, breezeway, fire escape, or other exterior accessways.

“Architectural feature” means a nonoccupiable design feature or element of a building such as eaves, awnings, sills, cornices, flues, or chimneys.

“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.

“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.

“Awning” means any movable or fixed roof-like structure attached to a building and projecting over a thoroughfare or sidewalk.

“Awning sign” means a sign displayed on or attached flat against the surface or surfaces of an awning.

“Banks and financial services mean financial institutions, including banks and trust companies, lending and thrift institutions, credit unions and agencies, brokers and dealers in securities and commodity contracts, and other investment companies and services. Includes automatic teller machines affiliated with financial institutions.

“Bar or nightclub” means a business where alcoholic beverages are sold for on-site consumption, which is not part of a larger restaurant. Includes bars, taverns, pubs, cocktail lounges, nightclubs and similar establishments where any food service is subordinate to the sale of alcoholic beverages. Regularly-occurring music, dancing and entertainment may be allowed when approved under a business’ use permit. A bar must possess a Type 40, 42, 48, or 61 license from the Department of Alcoholic Beverage Control.

“Basement” means a portion of a building which has less than one-half of its height measured from the finished floor to the finished ceiling above the average grade of the adjoining ground. A basement is not deemed a story unless the ceiling is four feet or more above average grade.

“Beekeeping” means the keeping and/or breeding of bees for honey and pollination.

“Billboard” means any sign, whether freestanding, affixed or otherwise attached to a structure, that directs attention to a use, product, device or similar function that is not conducted or sold upon the site where the sign is located or in the structure to which the sign is attached or otherwise affixed.

“Building” means any structure used or intended for supporting or sheltering any use or occupancy.

“Building frontage” means the façade of a building most nearly parallel to abutting public rights-of-way.

“Building height” means the vertical distance measured from the average level of the highest and lowest point of that portion of the lot covered by the building to the highest point of the roof, ridge or parapet wall of the building.

“Building plate height” means the vertical distance measured from the average level of the highest and lowest point of that portion of the lot covered by the building to the plate line of the exterior walls which is the horizontal plane where the exterior walls meet the roof rafters or trusses.

“Bulletin board” means a board, either freestanding or attached to a wall, on which bulletins or notices are posted.

“Carport” means a shelter for a vehicle consisting of a roof supported on posts, often built beside a dwelling unit, open on at least three sides.

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

“Character” means special physical characteristics of a structure or area that set it apart from its surroundings and contribute to its individuality.

“Character of development” means the extent that a particular development promotes, augments, and maintains the pattern of buildings, public spaces and streets, as well as, the social ambiance of an area or a particular place within an area.

“Child care center” means a State-authorized facility serving children (operated per the California Child Day Care Facilities Act), in which such care is conducted as a business.

“Church” means a use or facilities operated by religious organizations for worship or the promotion of religious activities, including churches, mosques, synagogues, temples, etc.; and accessory uses on the same site, including living quarters for ministers and staff, and religious schools where authorized by the same type of land use permit required for the religious facility itself. May also include ancillary activities such as fund-raising sales, bazaars, educational or recreational camps or retreats, dinners, parties, or other outdoor events on the same site. Does not include primary uses operated by religious organizations, such as a full-time educational institution or hospital.

“Clock sign” means a sign, whether attached or freestanding, that indicates the time. A clock without words or advertising logo is not considered a sign.

“Commercial message” means speech that has commerce or profit as its main purpose. The term applies to any display inscribed with words or designs that references a business or company, proposes a commercial transaction, or advertises or promotes goods or services for sale.

“Commercial space” means any portion of a structure in the Old Town, Primary, Retained or Residential Scaled Commercial Districts.

“Commercial unit” means a structure or enclosed portion of a structure intended for occupation by a commercial use.

“Common access” means a common driveway serving two or more lots.

“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.)

“Common usable open space” means usable open space for joint use by persons for whose use the space is intended within a commercial development or a multiple-unit residential development.

“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.)

“Community apartments” mean a development in which an undivided interest in the land is coupled with the right of exclusive occupancy of an apartment. Apartments shall be subject to the same restrictions and conditions governing condominiums.

“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.

“Condominium.” This term shall be defined as set forth in California Civil Code Section 783. For the purpose of this chapter, condominium shall be deemed to refer to a condominium, stock cooperative and community apartment.

“Condominium conversion” means a change in the type of ownership of a parcel of land and existing attached structures to a condominium, community apartment or stock cooperative, regardless of the present or prior use or any improvements of the land or structures.

“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.)

“Congestion management plan (CMP)” means a document employing growth management techniques, including traffic level of service requirements, standards for public transit, trip reduction programs involving transportation systems management and jobs/housing balance strategies, and capital improvement programming, for the purpose of controlling and/or reducing the cumulative regional traffic impacts of development.

“Congregate housing” means a residential building licensed by the California Department of Social Services where 75 percent of the residents are at least 62 years of age, or, if younger, have needs compatible with other residents; and where varying levels of non-medical care and supervision are provided..

“Concessions” mean such regulatory concessions as listed in Chapter 17.160 and state law.

“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.

“Copy” means the particular lettering or graphics used to identify the business.

“Corner lot” means a lot located at the intersection of two or more streets or private ways, or bounded on two or more adjacent sides by street lines.

“Could” means a prerogative, possibility, or contingency; it is not mandatory.

“Courtyard sign” means any sign located within a courtyard that cannot be seen from a public street.

“Day care center” means a facility that provides nonmedical care to children under 18 years of age in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis.

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

“Density (net)” means a measure of intensity of a development, determined by dividing the total number of dwelling units on a particular lot by the number of net acres of the given lot.

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

“Density bonus housing agreement” means a recorded agreement between a developer and the Town to ensure that the requirements of Chapter 17.160 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.

“Density, maximum” means the maximum number of residential units applicable to the project that is permitted by Title 17, on the date the application is deemed complete.

“Density, maximum allowable” means the maximum number of dwelling units per gross acre permitted in the land use designation.

“Density per gross acre” means “a measure of the intensity of residential development, determined by dividing the total number of dwelling units on the lot or development areas by the total number of gross acres.

“Density per net acre” means a measure of the intensity of residential development, determined by dividing the total number of dwelling units on the lot or development area by the total number of net acres.

“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.

“Developable lot area” means the total horizontal area measured in a horizontal plane within the lot lines bordering the property, excluding easements for common driveways and accessways and excluding portions of the lot which cannot realistically be developed with buildings and improved parking areas due to minimal property dimensions, presence of natural features or other similar constraints to development.

“Development” means any human-made change to improved or unimproved real estate, including, but not limited to, construction of buildings or other structures, filling, grading, paving, excavation or demolition.

“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.

“Display surface” for signs shall be measured according to the following standards:

1. Measurement. The area of a sign shall be measured as the area in square feet by using rectilinear measurements.
2. Sign Faces. All sides of a multi-sided sign shall be counted as the area of a sign.
3. Wall-Mounted Signs. When a sign is composed of letters individually mounted or painted on a building wall, without a border or decorative enclosure, the sign area is the area of flush attached rectilinear shapes within which the letters, words, or logos can be enclosed. If the sign has a border or decorative enclosure, the sign area includes the border or decorative enclosure.
4. Freestanding Signs. When a sign is mounted to a structure that exists for an independent purpose, such as a screening wall, retaining wall, or landscape or perimeter wall, the sign area shall be measured as provided for wall-mounted signs. When a sign is mounted to a structure that holds no purpose other than as a sign, such as a monument sign, the sign area shall be measured from the outer limits of the structure itself.

“Disturbance,” as it relates to tree maintenance, 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.

“Driveway” means the surface areas providing access from a road to an off-street parking area, or a garage or carport.

“Duplex” means a single building with two dwelling units under common ownership, each with a separate entrance. The floor area of each of the individual units shall have a difference or variation of no more than 10 percent.

“Dwelling unit” means a room or group of rooms (including sleeping, eating, cooking, and sanitation facilities, but not more than one kitchen), that constitutes an independent housekeeping unit, occupied or intended for occupancy by one household on a long-term basis.

“Eave line” means that portion of a building where the lower border of the roof touches or overhangs the wall.

“Emergency shelter” means a facility with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

“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.

“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.

“Exterior display of merchandise” means the placement of items by a retail establishment that are goods sold or representative of goods sold at a location on private property. Merchandise that is portable must be located within five feet of a storefront entry.

“Factory outlet” means any premises where there are retail sales of products which are fabricated or produced on the same premises.

“Family” means one or more persons related by blood, marriage or legal adoption, or a group of persons living together who constitute a single-family housekeeping unit in a dwelling unit, not including a fraternity, sorority, club, or other group of persons occupying a hotel, lodging house or institution of any kind.

“Fence” means any temporary or permanent construction of wood, metal, wire, stone, masonry, or other material, created for the purpose of privacy, protection, delineation, screening, enclosure, noise attenuation, or for aesthetic reasons; but excluding landscape screens.

“Fixture” means a complete lighting unit including the lamp and parts designed to distribute the light, position and protect the lamp, and connect the lamp to a power source. Also referred to as a “luminaire.”

“Flag lot” means a lot with substandard frontage and an access corridor connecting the lot to the street.

“Flags, banners, bunting, pennants” mean devices generally made of flexible materials, usually cloth, paper or plastic which may or may not bear any text or image.

“Flashing sign” means a lighted sign that flashes on and off.

“Floor area ratio (FAR)” means the gross floor area of a building or buildings on the lot of record divided by the gross area of such lot. The resulting figure, expressed as a ratio, reflects the allowable structural density. See Chapter 17.100 for calculation of floor area ratios.

“Food and beverage production” means the production or processing of foods and beverages for human consumption, including bakeries, breweries, distilleries, coffee roasting, meat processing, candy making, catering and similar activities.

“Food and wine pairings” means bite-sized portions of food that are served with tasting flights, glasses and bottles to complement a specific varietal’s flavor profile. A food a wine pairing cannot be purchased individually and is offered free of charge or as an add-on to a wine tasting.

“Footcandle (fc)” means a unit of measurement for the total amount of light cast on a surface (illuminance). One footcandle is equivalent to the illuminance produced by a source of one candle at a distance of one foot.

“Freestanding sign” means any sign standing alone or on its own foundation that is not attached to a building.

“Frontage” means the dimension of a lot or portion of a lot abutting a street, except the side of a corner lot.

“Full cut-off fixtures” mean a lighting fixture designed such that no light, either directly from the bulb or indirectly from the fixture, is emitted at or above a horizontal plane running through the lowest point on the fixture.

“Garage” means an enclosed structure, designed and/or used for the shelter or storage of motor vehicles by the occupants of a dwelling.

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

“General retail” means the retail sale of merchandise, goods or articles directly to the consumer which are not specifically listed under another use classification. This classification includes, but is not limited to, art galleries, artists’ supplies, bicycles, books, cameras, clothing and accessories, collectibles, fabrics and sewing supplies, florists, furniture and housewares, gift and souvenir shops, food stores, pharmacies, hardware, jewelry, luggage and leather goods, musical instruments, office supplies, pet supplies, sporting goods, and toys and games. Also includes specialty retail food stores with off-site production facilities such as bakeries, cheese shops, ice cream parlors, confectionary shops, and health food stores.

“Glare” means direct and unshielded light striking the eye resulting in visual discomfort and reduced visual performance.

“Ground sign” means a freestanding sign.

“Half story” means usable living space that rests primarily underneath the slope of the roof, usually having dormer windows and limited plate height for side walls.

“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.

“Highway 29 sign” means a sign visible from Highway 29 and placed on commercial property that abuts Highway 29.

“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 auxiliary structure, by an inhabitant in a manner incidental to the residential occupancy.

“Homemade food operation,” also known as a 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.

“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.

“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 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.”

“Indoor recreation and fitness center” means primarily indoor establishments providing entertainment or physical fitness including fitness centers and studios, gymnasiums, health and athletic clubs, including indoor sauna, spa or hot tub facilities, indoor tennis, handball, racquetball, archery, yoga, Pilates, and other indoor sports activities or classes.

“In-lieu art fee deposit” means a deposit in an amount equal to the in-lieu fee calculated pursuant to Section 17.177.060.

“In-lieu fee or payment” means a fee paid to the Town in-lieu of providing the required number of affordable units or lots required by Chapter 17.160 or of planting a replacement tree required by Chapter 17.128.

“Incentives” mean such regulatory concessions as listed in Chapter 17.160 and state law.

“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.

“Intensity” means the degree of concentration, amount of activity and lot coverage associated with a particular type of land use.

“Interior sign” means a sign that is located on the interior of a building or structure and is not visible from any public property or any public street.

“Internally illuminated sign” means a sign that is provided with illumination from behind a transparent or translucent surface.

“Keeping of chickens” means the raising or keeping for educational, hobby, or noncommercial purposes domestic fowl (except for roosters and crowing fowl) on a parcel associated with single-family residential use.

“Lamp” means the generic term for an artificial light source installed in the socket portion of the fixture, to be distinguished from the whole assembly. Commonly referred to as a “bulb.”

“Landscape element” means a structural element, such as an arbor, trellise, 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.

“Landscape projects” shall mean any new or rehabilitated landscape projects that require design review or a building or grading permit that fall under any of the following categories:

1. New construction project with a landscape area equal to or greater than 500 square feet.
2. Rehabilitated landscape project with a landscape area equal to or greater than 2,500 square feet.

Exemptions. A landscape project shall not include any of the following:

1. Registered local, State, or Federal historical sites;
2. Ecological restoration projects that do not require a permanent irrigation system;
3. Mined-land reclamation projects that do not require a permanent irrigation system;
4. Existing plant collections, as part of botanical gardens and arboretums open to the public.

“Landscaped area” all the planting areas, turf areas, and water features in a landscape design plan subject to the maximum applied water allowance calculation. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

“Landscape screen” means a boundary or barrier of plant material formed by a row or series of shrubs, bushes, or trees that are planted with the intent of forming a relatively dense hedge or screen to provide an area with privacy, enclosure,

division, delineation, protection, or for aesthetics; or that prevent passage from between any combination of individual shrubs, bushes, or trees.

“Large family day care home” means a facility that provides care, protection, and supervision for up to fourteen children, inclusive, including children under the age of ten years who reside at the home. The use of large family daycare homes shall be considered a residential use of property for all residential zone districts, provided the licensed facility is the operator’s primary residence.

“Light pollution” means any adverse effect of artificial light sources including, but not limited to, discomfort to the eye or diminished vision due to glare, light trespass, uncontrolled up-lighting, uncomfortable distraction to the eye, or any artificial light that diminishes the ability to view the night sky.

“Light trespass” means light falling where it is not wanted or needed, generally light from one property that shines onto another property or the public right-of-way.

“Live work unit” means an integrated housing unit and working space, occupied and utilized by a single household in a commercial structure which has been designed or structurally modified to accommodate joint residential occupancy and work activity provided that the commercial component of the unit constitute a minimum of 35 percent of the total floor area of the unit, and which includes:

1. Complete kitchen space and sanitary facilities in compliance with the building code; and
2. Working space reserved for and regularly used by one or more occupants of the unit.

“Lodging” means any structure or any portion of any structure which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, bed-and-breakfast, motel, lodging-house, rooming house, apartment house, public or private dormitory, public or private club, and public or private campground.

“Loading area” means an off-street area on the same lot as a building or contiguous to a group of buildings or the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts on a street, alley, or other appropriate accessway.

“Lot.” See “Lot of record.”

“Lot area” means the total horizontal area measured in a horizontal plane within the lot lines bordering the property. Easements from common driveway and accessways, or private road rights-of-way shall not be used for calculation of lot coverage or floor area ratio except for access easements serving a total of no more than two adjacent lots and at least one of the lots has street frontage.

“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 above grade, and detached storage structures that are greater than one hundred twenty (120) square feet in size. Lot coverage excludes walkways and paved areas, uncovered patios and decks thirty inches (30”) or less in height, uncovered parking and driveway areas, detached garden sheds, tool sheds, playhouses and similar detached 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.

“Lot line” means the lines bounding a lot as defined herein:

1. “Lot line, front” means on an interior lot, any abutting street line. On a corner lot, the shorter of any adjacent two abutting street lines. However, if such street lines, or portions thereof, are equal in length, the owner or developer of the lot may select either as the front lot line. If adjacent street lines, or portions thereof, of a corner lot intersect at an angle of less than 45 degrees, both such street lines or portions thereof shall be deemed front lot lines. On a flag lot, the front lot line will be determined at the time of application.
2. “Lot line, interior side” means a lot line that is not a front lot line or a rear lot line and not abutting a public right-of-way.

3. “Lot line, rear” means a lot line which is opposite and most distant from the front lot line and in the case of an irregular or triangular shaped lot, a line 10 feet in length within the lot parallel to and at a maximum distance from the front lot line.
4. “Lot line, street side” means a lot line that is not a front lot line or a rear lot line and adjoins and abuts a public right-of-way.

“Lot of record” means any lot existing and recorded as a separate parcel in the office of the County Assessor at the effective date of the ordinance codified in this title.

“Low-income household” means a household with an income of up to 80 percent of area median income.

“Lumen” means the unit used to quantify the amount of light energy produced by a lamp. For example, a 40 watt incandescent lamp produces approximately 400 lumens, while a 35 watt high pressure sodium lamp produces about two to three times the lumens as the 40 watt incandescent.

“Main building” means a building in which the principal or conditional use of the lot is situated.

“Market rate unit” means a dwelling unit in a residential project that is not an affordable unit.

“Marquee” means a temporary or permanent structure attached to or supported by a building, designed for shelter over a pedestrian or vehicular way and which may or may not project over public property and which may or may not be designed to allow for changing copy.

“Medical office” means facilities primarily engaged in furnishing outpatient services including, but not limited to, medical, surgical, chiropractic, acupuncture or physical therapy, and optometry. Counseling services by other than medical doctors or psychiatrists are included under “professional offices.”

“Minor modification” means a minor change to an existing structure that does not result in a noticeable change to the front elevation, or changes to the rear or side elevations that would not increase the height of the roof line or intrude on the privacy of adjacent lots, and other improvements determined by the Planning Officer to be minor and incidental and within the intent and objectives of Title 17.

“Mixed use development” means a development project which combines both commercial and residential uses, where the residential component is located above and/or behind the commercial component, does not front Washington Street on the ground floor, and constitutes no more than 65% of the total building square footage.

“Mobile food vendor” means a vehicle equipped to prepare and cook or cater food with sales to customers directly from the vehicle. Mobile food vendors must obtain the consent of the property owner to locate on public or private property and certification from Napa County Environmental Management.

“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 320 square feet of living space; (2) has a minimum width in excess of 102 inches; (3) 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.

“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 that serve the occupants of a mobile home park, including but not limited to, community rooms, restrooms, laundry rooms, sport courts and utilities.

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

“Monument sign” means a freestanding detached sign structure that is constructed on, or anchored in, the ground and is independent from any building or other structure. The purpose of the monument is to support the sign and it does not hold an independent purpose other than its sign association.

“Multifamily dwellings” mean residences for three or more households living independently of each other that share one or more common walls. Includes apartments, townhouses and senior citizen housing.

“Mural” means a picture or decoration that is painted on or otherwise applied directly to a wall.

“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.

“Neon sign” means a sign that is illuminated in whole or in part by exposed neon tubing.

“Newspaper vending machine sign” means a sign attached to a newspaper rack.

“Nightclub” - see “Bar”

“Nonconforming use” means a use that lawfully occupied a building or was conducted upon land at the time the ordinance codified in this title became effective and which no longer complies with the use regulations of the area in which it is located.

“Noncommercial speech” means speech that does not contain a commercial message, obscenity, or fighting words.

“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 or a mixed-use development where the residential component constitutes no more than 65 percent of the total building square footage.

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

“Occupied.” A commercial space is deemed to be “occupied” when a permitted, nonresidential tenant or user is physically located in, and is lawfully and actively operating in or doing permitted business in, the space for at least 30 consecutive days and meets the proof of physical occupancy criteria as set forth in Section 17.168.050(F) of this code.

“Open space” means any front, side and rear yards or setbacks, courts, landscaping, usable open space or area not covered by buildings, parking or refuse service area provided in order to meet the requirements of Title 17.

“Outdoor lighting fixture” means any temporary or permanent lighting fixture that is installed, located, or used in such a manner to provide illumination of objects or activities outside. Outdoor lighting fixtures include all fixtures mounted to the exterior of a structure, poles, bollards, or other freestanding structures, or placed so as to provide direct illumination on any exterior area or activity.

“Outdoor recreation” means facilities for outdoor recreation activities, including golf, tennis, swimming, ballfields or other outdoor sports or passive recreation, operated predominantly in the open, except for accessory or incidental enclosed services or facilities.

“Owner” is the fee owner of real property.

“Parking lot” means an off-street open area or portion thereof solely for the parking of motor vehicles. Such an area or portion thereof shall be considered a parking lot whether or not on the same lot as another use, whether or not required by this title for any building or use, and whether classified as an accessory, principal or conditional use.

“Parking space” means a stall covered or uncovered, laid out for, surfaced, and used or designed to be used by motor vehicle parking.

“Pedestrian-oriented use” means a use that is intended to encourage walk-in customers and which generally does not limit the number of customers by requiring appointments or otherwise excluding the general public. Examples include, but are not limited to, restaurants, retail shops and personal services. A pedestrian-oriented use may suggest or require appointments for services when primarily for the convenience of the customer, such as reservations with restaurants, or beauticians to avoid being turned away due to unavailability.

“Permanent sign” means any sign approved in accordance with these chapter requirements for a continuing status.

“Person” means an individual or agent, firm, partnership, association or corporation, or agent of such groups, or this State, its agencies or political subdivisions.

“Personal service” means an establishment or individual providing nonmedically related services of a personal nature, including but not limited to, barber and beauty salons, nail salons, skin care, music or art instruction, tutoring,

personalized fitness or athletic training, massage, animal grooming, tailoring, shoe repair, repair of small appliance or electronics, tanning salons, dry cleaning pick-up, and health spas. “Physical improvement.” See “Alteration.”

“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.
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.

“Planning Officer” means any person employed or retained by the Town to administer and enforce Title 17.

“Pole sign” means a freestanding sign which is greater than seven feet tall.

“Porch” means a covered, open area that may be screened, but not enclosed or incorporated into the building.

“Portable freestanding sign” means a sign that is designed to be movable and is not structurally attached to the ground, a building, or structure, or any other signs. Portable freestanding signs include A-frames, sandwich boards, signs mounted on a single pole or pedestal, and any other movable sign, excluding signs placed within a structure or behind a building.

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

“Primary residential unit” means a single-family detached dwelling unit that is located on the same lot as an accessory dwelling unit in a residential zoning district of the Town.

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

“Private usable open space” means usable open space devoted to the recreation and leisure use of one dwelling unit of a multifamily development, located immediately adjacent to the credited dwelling unit, or devoted to the commercial use of a business within a commercial development, located immediately adjacent to the credited commercial development.

“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.

“Projecting sign” means a sign that is suspended or supported by a building or wall and that projects out from the building or wall more than eight inches.

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

“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.

“Public agency sign” means a sign erected or posted by a public agency, including, but not limited to, a street sign, traffic sign, public notices and an emergency warning.

“Public art” means physical and permanent artwork, installed on private property for public view as required in Chapter 17.148.

“Public facilities” means facilities operated by the Town of Yountville, the County of Napa, the State of California, the government of the United States, the Napa Valley Unified School District for academic or support facilities, and any other public district, or any public utility as defined by the Public Utilities Code of the State of California, when such facilities and uses provide public and quasi-public services in conformity with the Yountville General Plan.

“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.

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

“Quasi-public service” means facilities and uses operated by nonprofit organizations or associations offering services commonly provided by governmental agencies to segments of the local community, including but not limited to educational, cultural, health care, and transit services.

“Remove” means any of the following actions related to trees:

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.

“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.

“Residential care facility” means a facility providing 24-hour, nonmedical care of six or fewer persons in need of personal services, supervision, protection, and/or assistance essential for sustaining the activities of daily living, or 24-hour care for six or fewer foster children. This use includes only those services and facilities licensed by the State of California for such purposes and includes “intermediate care facility/services for developmentally disabled habilitative” facilities, “residential care facilities for the elderly,” “community care facilities,” and “alcoholism or drug abuse recovery or treatment facilities” as defined and governed by the California Health and Safety Code.

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

“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.

“Responsible person” means any person, firm, association, corporation, business entity, trustee, or receiver, or agent thereof, which owns, leases, rents or has lawful possession of a structure in any commercial zone district located within the Town.

“Restaurant—Full-service” means a business where food is regularly prepared on-site and served to customers for consumption on the premises, with limited takeout, the design and operation of which includes the following:

1. Facilities, such as tables and seats, for on-premises consumption of food are provided and sufficient for the volume of food sold;
2. Customers order and receive food while seated at tables;
3. Food is typically paid for after consumption;
4. Food is not typically packaged for transportation off-site;

5. The establishment does not typically have a takeout or walk-up window or counter, but may include this as an optional feature; however takeout food represents a minor and incidental portion and percentage of the total restaurant activity and business proceeds; and
6. The establishment may possess a Type 41, 47, or 75 license from the Department of Alcoholic Beverage Control.

“Restaurant—Limited-service” means a business where food is regularly prepared on-site and available to customers for consumption on or off the premises, the design and operation of which includes the following:

1. Customers predominately order and receive food from a walk-up ordering window or counter;
2. Food is paid for at the time the food is ordered;
3. Food is typically served in disposable containers and/or packaged for transportation off-site; and
4. The establishment may possess a Type 41 license from the Department of Alcoholic Beverage Control.

“Rest home” means the premises used for the housing of and caring for the aged or infirm, which premises require a license from the State or County. There shall be only incidental convalescent care not involving a physician practicing or with an office on the premises. There shall be no surgery or other similar activities such as are customarily provided in sanitariums and hospitals.

“Rider” means additional signs or copy appended or attached to the main sign and frequently provides additional information in the form of text, graphics, and/or logo.

“Roof sign” means a sign that is attached to the roof of a building or that projects above the eave line of the building to which it is attached.

“Rooftop pools and decks” means active uses which occur on a building rooftop including, but not limited to, rooftop pools, decks, gardens and recreational facilities.

“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.

“Scale of development” means the degree to which a new development provides, maintains and promotes continuity in terms of height, bulk, intensity and density in relation to surrounding buildings and uses.

“Screened parking” means the screening of a surface level parking space from a pedestrian viewpoint from an adjacent public street or sidewalk or an adjacent property by placement of a building, wall or fence or landscape screen at least three feet in height as regulated by Chapter 17.136, Walls, fences and landscape screening, with the exception of parking which may be visible from a vantage point on or along a required driveway.

“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.)

“Senior mobile home park” means a development in which all dwelling units are mobile or manufactured homes and where at least 80 percent of the spaces are occupied by or intended for occupancy by at least one person who is age 55 or older.

“Setback” means the horizontal distance measured perpendicularly from the nearest point of the structure to the lot line and/or access easement; except when the lot line is located within the public right-of-way, the setback shall be measured to the edge of the nearest paved surface within the public right-of-way (i.e., back of sidewalk; edge of road pavement) if the paved surface is or were to be improved to Town standards and/or street plan line. The setback line shall be parallel with the lot line. The following setbacks indicate where each setback is measured from:

1. Front Setback. A setback measured from a front lot line.
2. Side Setback. A setback measured from a side lot line.
3. Rear Setback. A setback measured from a rear lot line.

Note: The meaning of the phrase “were to be improved” accounts for instances where required public right-of-way improvements may not exist or, if present, may be substandard and in need of extension or widening. In such cases, the setback measurement is taken from the edge of the public right-of-way improvement that will be required to be installed to Town standards as part of the project approval.

“Shall” is mandatory and not discretionary and is used as a directive indicating obligation, requirement, unequivocal direction or compulsion.

“Shielding” means a barrier around a fixture that helps conceal the lamp and control light distribution. A fixture that is “fully shielded” incorporates a solid barrier, emits no light rays above the horizontal plane and effectively obscures visibility of the lamp. A fixture that is “partially shielded” may allow some emissions above the horizontal plane.

“Short-term rental unit” means one or more rooms in a private residential dwelling, or any portion of such dwellings, such as, but not limited to, a single-family attached or detached unit or multiple-family attached or detached unit, apartment house, condominium, cooperative apartment, and/or second residential unit, in which any room is rented, or offered for rent, for occupancy for dwelling, lodging, or sleeping purposes for any period less than 30 consecutive days, in exchange for any form of payment. For purposes of this definition, “payment” includes any form of compensation, monetary or trade of goods or services. The definition of short-term rental shall include allowing the use of a private dwelling or portion thereof for less than 30 consecutive days in connection with or incidental to any other agreement, contract, or commercial transaction, as evidenced by the agreement itself or by related marketing materials. The definition of short-term rental does not include “house swapping” where no money exchange is occurring.

“Should” indicates obligation or requirement and is slightly less rigid of a directive than shall.

“Sign” means a structure, device, figure, display, message placard, or other contrivance, or any part thereof, situated outdoors or indoors, which is designed, constructed, intended, or used to advertise, or to provide information in the nature of advertising, to direct or attract attention to an object, person, institution, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Does not include murals, paintings and other works of art that are not intended to advertise or identify any business or product. .

“Single family dwelling” means a building designed for and/or occupied by a single household. Also includes factory-built, modular housing units, constructed in compliance with the California Building Code (CBC), and mobile homes/manufactured housing on permanent foundations. May include the rental of rooms within a dwelling also occupied by the property owner or a primary tenant.

“Site and construction conditions” means standards that specify the physical development of a site and buildings on the site in a housing development.

“Small family day care home” means a facility that provides care, protection, and supervision for eight or fewer children including children under the age of ten years who reside at the home. The use of small family day care homes shall be considered a residential use of property for all residential zone districts, provided the licensed facility is the operator’s primary residence..

“Skilled nursing facility, also known as a convalescent hospital or nursing home, means a facility licensed by the California State Department of Health Services. These facilities house one or more individuals in a single room and provide intensive medical and nursing care, including 24-hour availability of licensed nursing personnel. Residents are

often convalescing from serious illness or surgery and require continuous observation and medical supervision, or will reside in the facility as a long-term resident. Does not include residential care facilities.

“Special event” means an activity or use that is not specifically listed in the project description/definition of a particular use and is in addition to and exceeds the typical operation of the core use. It is an accessory use that is secondary to the primary use. All special events require approval as part of the project use permit as to frequency, number, size, scope, location, and type of activities allowed.

“Start of construction” means either the first placement of permanent construction of a structure on a site, such as pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, filling, or landscaping; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms. In addition, permanent construction does not include the installation on the property of accessory buildings such as garages or sheds that are not to be occupied as dwelling units or part of the main structure, except those garage/carports constructed with design review approval prior to July, 1994.

“Stock cooperative” means a corporation holding title, either in fee simple or for a term of years, of improved real property where shareholders receive a right of exclusive occupancy in a portion of the real property. Title is held by the corporation, and the right of exclusive occupancy is transferable solely and concurrently with the transfer of the share, shares of stock or member certificate of the corporation. The term “stock cooperative” does not include a limited-equity housing cooperative, as defined by Section 330097.5 of the California Health and Safety Code.

“Street” means a public street with right-of-way or private road, excluding an alley, that affords a primary means of access to abutting property.

“Street frontage” means the dimension of a lot or portion of a lot abutting public rights-of-way.

“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 or hazard through the implementation of reasonable mitigation measures.

“Structure” means anything constructed or erected, the use of which requires a location or attachment on the ground, including a walled and roofed building, an above ground storage tank, as well as a manufactured home.

“Structure alterations” mean any change in the supporting members of a building, such as the bearing walls, columns, beams, or girders.

“Supportive housing” means housing with no limit on length of stay, that is occupied by the target populations as defined by Section 65582 of the California Government Code, and that is linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing shall be considered a residential use of property and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.

“Suspended sign” means a sign that is suspended from a marquee, porch ceiling, awning, walkway covering or similar covered structure.

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

“Target population” means persons with low incomes having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided under the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may, among other populations, include families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

“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, low, or moderate-income households, or is a unit in a senior citizen housing development.

“Temporary advertising sign” means a sign erected on the interior side of the window of a building and maintained for no more than 30 days for advertising.

“Temporary lighting” means lighting that is intended to be used for a special event for seven days or less.

“Temporary new business identification sign” means a sign erected on the exterior of a building and maintained for no more than 90 days following a change in ownership or use of a parcel or unit.

“Temporary residential sign” means a sign that is displayed during a yard, garage or estate sale and maintained for no more than three consecutive days.

“Temporary structure,” means a structure without any foundation or footings, and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

“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” means the incorporated Town of Yountville.

“Town Council” means the Town Council of the Town of Yountville.

“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.

“Transitional housing” means buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculating the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months from the beginning of the assistance. Transitional housing shall be considered a residential use and only subject to those restrictions that apply to other residential dwellings of the same type in the same zone.

“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.

“Unenclosed, occupiable accessory structure” means a small roofed accessory structure open on at least two sides, including cabanas and gazebos.

“Under-represented retail” means retail uses which are unique or constitute an under-represented category in the Town’s existing retail mix as determined by the Town Council.

“Usable open space” means outdoor area on ground, balcony, deck or porch which is designed and accessible for outdoor living, recreation, or commercial use pursuant to a valid Use Permit duly approved by the Yountville Town Council.

“Use” means the purpose for which land or a building thereon is designed, arranged or intended or for which it is or may be occupied or maintained.

“Use Area” means the amount of space, typically measured as building or site square footage, dedicated for a specific use. The use area for a commercial or industrial operation shall be determined in the Use Permit approved by the Yountville Town Council.

“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.

“Vacant commercial space” means any portion of a street-level commercial space within the Old Town, Primary, Retained or Residential-Scaled Commercial Districts that is not occupied and has not been occupied for a period of 90 consecutive days at the time the ordinance codified in this chapter becomes effective or any time thereafter. The definition

also includes that each suite in the building with a separate doorway entrance shall constitute a separate commercial space and each will be subject to a separate registration and inspection fee.

“Vehicle display sign” means a sign attached to a motor vehicle.

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

“Wall” means any permanent construction of wood, metal, stone, masonry, or other material either alone or used in combination with building walls by attachment and created for the purpose of privacy, protection, division, delineation, screening, enclosure, noise attenuation, or for aesthetic reasons, but excluding retaining walls and landscape screens.

“Wall sign” means a sign that is attached to or painted on and parallel to the exterior wall of a structure.

“WELO Guidelines” shall mean the Water Efficient Landscape Guidelines and accompanying appendices and worksheets that shall implement the requirements for landscape projects as set forth in Chapter 17.124. The Guidelines shall be established by resolution of the Town Council. The Guidelines shall establish an administrative structure and submittal framework for planning, design, installing, and maintaining water efficiently landscapes in new construction and in rehabilitated or remodeled development and residential homeowners.

“Window sign” means a business identification sign permanently maintained or painted in a window and that is intended to be viewed from outside the window. Neither merchandise offered for sale nor temporary window signs are to be considered as window signs.

“Will,” used as a verb, indicates a requirement or an emphatic condition of a requirement; used as a directive; mandatory.

“Wine tasting bar” means a wine tasting room that allows on-site consumption of wine in quantities greater than a two-ounce pour. Special events may be conducted when approved under the business’ use permit. A wine tasting bar must possess a Type 02 license from the Department of Alcoholic Beverage Control.

“Wine tasting room” means a business open to the public and primarily used for the retail marketing, education, and sampling of a winery’s products (single source or multiple source). Individual wines poured and sold must be made from a minimum of 75 percent of Napa County grown grapes. Tastings may include food and wine pairings as an accessory use where the food is ancillary to the wine tasting, food is not prepared on-site, and approval is received from Napa County Environmental Management for the facility. Food pairings may not involve menu options or meal service so that the wine tasting room functions as a restaurant. Special events may be conducted when approved under the business’ Use Permit. A wine tasting room must possess a Type 02 license from the Department of Alcoholic Beverage Control.

“Yard” means an open space area on the same site as a building, unoccupied and unobstructed by structures from the ground upward, except as permitted by this title. The following indicates the location of each yard:

1. Front Yard. A yard abutting the front lot line.
2. Side Yard. A yard abutting a street or interior side lot line.
3. Rear Yard. A yard abutting a rear lot line.

“Yard, front” means a yard extending across the full width of a lot, measured between the street line (or the lot line connected to a street by legal access), and the nearest line of the main building, excluding porches or balconies. The front yard of a corner lot is the yard adjacent to the shorter street frontage.

“Yard, rear” means a yard extending across the full width of the lot, measured between the rear line of the lot and the nearest part of the main building.

“Yard, side” means a yard on each side of the building extending from the front lot line to the rear lot line, measured between the sideline of the lot and the nearest part of the main building, excluding porch, or balconies.

“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.

“Zoning and Design Review Board (ZDRB)” means a separate body, appointed by the Town Council, that discusses planning matters in public session, considers public comments, offers advice to the Town Council and has authority as granted by Title 17.

TITLE 12 STREETS, SIDEWALKS, PUBLIC PLACES AND PARKS

12.06 Street Standards.

All local streets providing access to residential developments shall be constructed to conform to the street design standards as maintained by the director of public works. An exception to the street width and right-of-way requirement may be approved provided such streets are constructed in accordance with the requirements contained in this chapter. The street design standards establish minimum dimensions and design requirements for Typical Residential Streets, Narrow Residential Streets, and Residential Alleys as defined below.

- A. Typical Residential Street. The cross-section for a typical two-way residential street right-of-way includes a paved area to accommodate two travel lanes flanked by parallel on-street parking, mountable concrete curbs to provide for drainage, and adjoining paved shoulders to provide for pedestrian paths and street trees. The following dimensions and conditions apply to a street of this type:
1. The public right-of-way shall not exceed 52 feet in width;
 2. The width of paved area shall not exceed 36 feet, and consist of two 10-foot lanes flanked by two eight-foot parking lanes;
 3. The width of each shoulder shall not exceed eight feet;
 4. Trees shall be planted at a spacing of no less than one tree every 30 feet; and
 5. Mountable concrete curbs to provide for drainage shall be provided at the edges of the paved section.
- B. Narrow Residential Street. The cross-section for a narrow two-way residential street includes a paved area to accommodate two travel lanes, mountable concrete curbs to provide for drainage, and adjoining paved shoulders to provide for parking, pedestrians, and street trees. The following dimensions and conditions apply to this street type:
1. The public right-of-way shall not exceed 40 feet in width;
 2. The width of paved area shall not exceed 24 feet, and consist of two 12-foot lanes;
 3. The width of each shoulder shall not exceed eight feet;
 4. Trees shall be planted at a spacing of no less than one tree every 30 feet; and
 5. Mountable concrete curbs to provide for drainage shall be provided at the edges of the paved section.

TITLE 15 BUILDINGS AND CONSTRUCTION

15.00.070 Certificates of Occupancy.

- A. **Applicability.** A certificate of occupancy shall be granted by the Building Official to certify compliance with the Uniform Building Codes adopted herein upon completion of new commercial building area and upon a change of use in a space qualifying as a commercial occupancy.
- B. **Revocation.** A certificate of occupancy may be revoked at any time by the Building Official if he/she has determined that the structure or operation is no longer in compliance with the applicable Uniform Building Codes.

TITLE 16: SUBDIVISIONS

16.08.030 Town Council.

- A. The Town Council shall have final jurisdiction in the approval of tentative and final maps and improvement agreements and the acceptance by the Town of such lands and/or improvements as may be proposed for dedication to the Town.

- B. The Town Council shall act as the appeal board for hearing appeals of the approval, conditional approval or denial of tentative subdivision maps. (Ord. 214-90 § 2.3)

16.08.050 Zoning and Design Review Board.

The Zoning and Design Review Board shall be responsible for reviewing and making a recommendation to the Town Council to approve, conditionally approve, or deny applications for tentative map approval of subdivisions. (Ord. 214-90 § 2.5)

16.16.020 Tentative and vesting tentative subdivision maps.

A. General.

1. The form and content, submittal and approval of tentative subdivision maps shall be governed by the provisions of this section. Vesting tentative maps shall be filed and processed in the same manner as a tentative map except as otherwise provided by this title.
2. At the time a vesting tentative map is filed, it shall have printed conspicuously on its face the words "Vesting Tentative Map."

B. Form and Content.

1. The tentative map shall be prepared by a registered civil engineer or a licensed land surveyor.
2. The tentative map shall be clearly and legibly drawn on one sheet and contain not less than the following:
 - a. A title that shall contain the subdivision number, subdivision name, and type of subdivision;
 - b. Name and address of legal owner, subdivider, and person preparing the map (including registration number);
 - c. Sufficient legal description to define the boundaries of the proposed subdivision;
 - d. Date, north arrow, scale and contour interval;
 - e. Existing and proposed land use;
 - f. A vicinity map showing roads, adjoining subdivisions, towns, creeks, railroads, and other data sufficient to locate the proposed subdivision and show its relation to the community;
 - g. Existing topography of the proposed site and at least 100 feet beyond its boundary, including, but not limited to:
 - i. Existing contours at two-foot intervals. Existing contours shall be represented by dashed lines or by screen lines,
 - ii. Type, circumference and drip-line of existing trees. Any trees proposed to be removed shall be so indicated,
 - iii. The approximate location and outline of existing structures identified by type. Buildings to be removed shall be so marked,
 - iv. The approximate location of all areas subject to inundation or storm water overflow and the location, width and direction of flow of each water course, top of bank location, and centerline of creek,
 - v. The location, pavement, and right-of-way width, grade, and name of existing streets or highways,
 - vi. The widths, location, and identity of all existing easements,
 - vii. The location and size of existing sanitary sewers, water mains, and storm drains. The approximate slope of existing sewers and storm drains shall be indicated. The location of existing overhead utility lines on peripheral streets;
 - h. Proposed improvements to be shown shall include, but are not limited to:

- i. The location, grade, centerline radius and arc length of curves, pavement, and right-of-way width and name of all streets shall be shown,
- ii. The location and radius of all curb returns and cul-de-sacs,
- iii. The location, width, and purpose of all easements,
- iv. The angle of intersection streets if such angle deviates from a right angle by more than four degrees,
- v. The approximate lot layout and the approximate dimensions of each lot and of each building site. Engineering data shall show the approximate finished grading of each lot, the preliminary design of all grading, the elevation of proposed building pads, the top and toe of cut and fill slopes to scale and the number of each lot,
- vi. Proposed contours at two-foot intervals. A separate grading plan may be submitted,
- vii. Proposed recreation sites, trails, and parks for private or public use,
- viii. Proposed common areas to be dedicated to public open space,
- ix. The location and size of sanitary sewers, water mains, and storm drains. Proposed slopes and approximate elevations of sanitary sewers and storm drains shall be indicated;
- i. The name or names of any geologist or soils engineer whose services were required in the preparation of the design of the tentative map;
- j. The source and date of existing contours;
- k. All lettering size shall be one-eighth inch minimum;
- l. Certificates for execution by the Town Clerk indicating approval by the Town Council;
- m. If the subdivider plans to develop the site as shown on the tentative map in units, the proposed units and their proposed sequence of construction shall be shown on the tentative map;
- n. The Town Manager or designee may waive any of the foregoing tentative map requirements whenever he or she finds that the type of subdivision is such as not to necessitate compliance with these requirements, or that other circumstances justify such waiver. The Town Manager may require other such drawings, data, or other information as deemed necessary.

C. Accompanying Data and Reports. The tentative map shall be accompanied by the following data or reports:

- 1. **Soils Report.** If the preliminary soils report indicates the presence of critically expansive soils or other soil problems that, if not corrected, would lead to structural defects, the soils report accompanying the final map shall contain an investigation of each lot within the subdivision.
- 2. **Title Report.** A preliminary title report no older than three months, showing the legal owners at the time of filing the tentative map.
- 3. **Engineering Geology and/or Seismic Safety Report.** If the preliminary engineering geology and/or seismic safety report indicates the presence of geologic hazards or seismic hazards that, if not corrected, would lead to structural defects, an engineering geology and/or seismic safety report shall accompany the final map and shall contain an investigation of each lot within the subdivision.
- 4. **School Site.** The subdivider shall obtain from the school districts involved their intention, in writing, concerning the necessity for a school site, if any, within the subdivision and shall present this information to the Town Manager prior to the consideration of the tentative map by the Town Council.
- 5. **Environmental Impact Study.** The various time limits set forth in this chapter for taking action on tentative maps shall not be deemed to commence until the subdivision is found exempt or an initial study is completed and a negative declaration or environmental impact report, as appropriate, is prepared, processed, and considered in accordance with the provisions of the California Environmental Quality Act. The subdivider shall

provide such additional data and information and deposit and pay such fees as may be required for the preparation and processing of environmental review documents.

6. **Utility Certification.** Certification in writing from all utilities that the proposed subdivision can be adequately served. The Town Manager may defer the required certifications until after the filing of the tentative map.

7. **Other Reports.** Any other data or reports deemed necessary by the Town Manager.

D. Finding and Conditional Approvals. The Town Manager shall establish the findings and conditions of approval for the proposed subdivision. These conditions shall be separated as follows:

E. Decision.

1. **Notice of Public Hearings.**

a. Upon receipt of a valid application, completion of the subdivision conference, and having received from the Town Manager a report and recommendation for the proposed tentative subdivision map, the Town Clerk shall set the matter for public hearing. At least 10 calendar days before the public hearing the Town Clerk shall cause notice to be given of the time, date, and place of said hearing including a general explanation of the matter to be considered and a general description of the area affected, and the street address if any, of the property involved.

b. Said notice shall be posted in three public places as designated by the Town Council.

c. In addition to notice by posting, a notice shall be mailed or delivered at least 10 calendar days prior to the hearing to all owners of real property as shown on the latest equalized assessment roll within 300 feet of the real property that is the subject of the hearing.

d. In the event that the proposed change has been requested by a person other than the property owner as such property owner is shown on the last equalized assessment roll, the Town shall also give mailed notice to the owner of the property as shown on the last equalized assessment roll.

e. In addition, notice shall be given by first class mail to any person who has filed a written request with the Town Clerk. Such a request may be submitted at any time during the calendar year and shall apply for the balance of such calendar year. The Town may impose a reasonable fee on persons requesting such notice for the purpose of recovering the cost of such mailing.

f. Substantial compliance with these provisions to notice shall be sufficient and a technical failure to comply shall not affect the validity of any action taken pursuant to the procedures set forth in the article.

g. The Zoning and Design Review Board shall adopt findings and recommendations for approval, conditional approval or denial of applications for a tentative map. The Zoning and Design Review Board, in recommending conditions of approval, may not modify or delete any adopted Town Standard Specifications or Standard Plans.

h. The Town Council shall have the authority to make findings and approve, conditionally approve or deny applications for a tentative map

and shall report its decision to the subdivider within 50 days after the tentative map has been accepted for filing. However, if an environmental impact report is prepared for the tentative map, the 50-day period specified in this section shall not be applicable and the Town Council shall render its decision required by this section within 45 days after certification of the environmental impact report.

i. If, during its review, the Council determines that the design of the subdivision has been substantially changed since its review and recommendation by the Zoning and Design Review Board, the Council may refer the revised subdivision back to the Zoning and Design Review Board for its review and recommendation. In such case the Council may continue the matter, deny the subdivision without prejudice or allow the subdivider to withdraw the original application and resubmit the revised design.

2. Approval.

- a. In approving or conditionally approving the tentative subdivision map, the Town Council shall find that the proposed subdivision, together with its provisions for its design and improvements, is consistent with the General Plan.
- b. If no action is taken by the Town Council within the time limit as specified, the tentative map as filed shall be deemed to be approved, insofar as it complies with other applicable provisions of the State Subdivision Map Act, this chapter or other Town ordinances, and it shall be the duty of the Town Clerk to certify the approval.

3. Denial.

- a. The tentative subdivision map may be denied by the Town Council on any of the grounds provided by Town ordinances or the State Subdivision Map Act. If the Town Council determines that the application for a development permit and tentative map is incomplete, it shall notify the applicant in writing and include a list with a thorough description of the specific information needed to complete the application. The applicant shall submit the additional material to the Town Council, which will then determine within 30 days of when the additional material is submitted, whether the application, together with the additional material submitted, is complete.
- b. The Zoning and Design Review Board shall adopt findings and recommend denial and the Town Council shall deny approval of the tentative map if it makes any of the following findings:
 - i. That the proposed map is not consistent with applicable general and specific plans;
 - ii. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans, Master Utility Plan, and subdivision improvement standards;
 - iii. That the site is not physically suitable for the type development;
 - iv. That the site is not physically suitable for the purposed density of development;
 - v. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
 - vi. That the design of the subdivision or type of improvements is likely to cause serious public health problems;
 - vii. That the design of the subdivision or the type of improvements will conflict with easements acquired by the public at large for the access through, or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that in conformance with the General Plan, Master Utility Plan, or Specific Plan, alternate easements for access or for use will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

4. Extension of Time for Town Council Action. The time limits set forth above for acting on the tentative map may be extended by mutual consent of the subdivider and the Town Council.

F. Appeals for Town Council Action. Any appeal of a Town Council action must utilize the appropriate judicial procedures available under State and Federal laws.

G. Expiration and Extensions.

1. Expiration.

- a. The approval or conditional approval of a tentative subdivision map shall expire 24 months from the date of the adoption of the resolution by the Town Council approving or conditionally approving the map. An extension to the expiration date may be approved by the Town Council.
- b. The period of time specified above shall not include any period of time during which a lawsuit has been filed and is pending in a court of competent jurisdiction involving the approval or conditional approval of a tentative map if a stay of the time period is approved by the Town Council. Within 40 days after receiving a request from the subdivider, the Town Council shall either stay the time period for up to five years or deny the requested stay. The request for the stay shall be considered at a hearing with notice to the subdivider and to the appellant, and upon conclusion of the hearing, the Town Council shall, within 10 days, declare its findings.
- c. Expiration of an approved or conditionally approved tentative map shall terminate all proceedings and no final or parcel map of all or any portion of the real property included within such tentative map shall be filed without first processing a new tentative map.

2. Vesting Tentative Map.

- a. The rights conferred by a vesting tentative map as provided by this title shall last for one year beyond the recording of the final map. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, the one-year initial time period shall begin for each phase when the final map for the phase is recorded.
- b. The one-year period shall be automatically extended by any time used by the Town for processing a complete application for a grading permit or for design or architectural review, if the time used by the Town to process the application exceeds 30 days from the date that a complete application is filed. At any time prior to the expiration of the initial time period provided by this section, the subdivider may apply for a one-year extension.
- c. If the subdivider submits a complete application for a building permit during the periods of time specified above, the rights conferred by the vesting tentative map shall continue until the expiration of that permit, or any extension of that permit granted by the town.

3. Extensions.

- a. Request by Subdivider. The subdivider or his or her engineer may request an extension of the expiration date of the approved or conditionally approved tentative subdivision map by written application to the Town Manager. The application shall be filed not less than 45 days before the map is to expire and shall state the reasons for requesting the extension.
- b. Town Council Action. The Town Clerk shall review the request and submit the application for the extension, together with a report, to the Town Council for approval, conditional approval, or denial. A copy of the report shall be forwarded to the subdivider prior to the Town Council meeting on the extension. The resolution adopted by the Town Council approving or conditionally approving an extension shall specify the new expiration date of the tentative subdivision map.
- c. Time Limit of Extension. The approved extension shall not exceed 12 months. The approved new expiration date shall not extend more than three years beyond the date of the resolution adopted by the Town Council approving or conditionally approving the tentative subdivision map.

H. Amendments to Approved Tentative Map.

1. Minor changes in the tentative map may be approved by the Town Engineer upon application by the subdivider or on his or her own initiative; provided:
 - a. No lots, units, or building sites are added;
 - b. Such changes are consistent with the intent and spirit of the original tentative map approval;
 - c. There are no resulting violations of the Yountville Municipal Code.

2. Any approved amendment shall not alter the expiration date of the tentative map.

I. Vesting Tentative Maps.

1. Rights of Vesting Tentative Map.

- a. Whenever a provision of this title requires that a tentative map be filed, a vesting tentative map may instead be filed.
- b. When the Town approves or conditionally approves a vesting tentative map, that approval shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the vesting tentative map is approved or conditionally approved.
- c. The Town may condition or deny a permit, approval, extension, or entitlement if it determines any of the following:
 - i. A failure to do so would place the residents of the subdivision or the community, or both, in a condition dangerous to their health or safety, or both;
 - ii. The condition or denial is required in order to comply with State or Federal law.
- d. The rights conferred by this section shall expire if a final map is not approved prior to the expiration of the vesting tentative map. If the final map is approved, the rights conferred by this section shall be subject to the periods of time set forth in subsection G of this section.

2. Vesting Tentative Map Amendments. Any time prior to the expiration of the vesting tentative map pursuant to subsection G of this section, the subdivider, or assignee, may apply for an amendment to the vesting tentative map.

3. Effect of Inconsistent Zoning on Vesting Tentative Maps.

- a. Whenever a subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with Title 17, Zoning in existence at that time, that inconsistency shall be noted on the map. The Planning Officer shall deny such a vesting tentative map or approve it conditioned on the subdivider, or designee, obtaining the necessary change in Title 17, Zoning, to eliminate the inconsistency. If the change in Title 17, Zoning, is obtained, the approved or conditionally approved vesting tentative map shall confer the vested right to proceed with the development in substantial compliance with the change in Title 17, Zoning, and the map, as approved.
- b. The rights conferred by this section shall be for the time periods set forth in subsection G of this section.

4. Vesting Tentative Map Not Mandatory. If a subdivider does not seek the rights conferred under this section, the filing of a vesting tentative map shall not be prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction.

5. Compliance with Local, State and Federal Laws. This section does not enlarge, diminish, or alter the types of conditions that may be imposed by the Town on a development, nor in any way diminish or alter the power of the Town to protect against a condition dangerous to the public health or safety.

6. Applies to Residential Developments. This section applies only to residential developments.

7. Vesting Tentative Map Fee. The Town shall collect a fee for processing a vesting tentative map. This fee shall be payable at time of application and shall be of an amount as established by resolution of the Town Council.

(Ord. 214-90 § 4.2)

16.20.010 Tentative parcel map.

A. **Form and Content.** The tentative parcel map or vesting tentative parcel map shall show the following information:

1. Name and address of legal owner, subdivider, and California registered civil engineer or licensed land surveyor who is preparing the map (including registration or license number);
2. Assessor's parcel number;
3. Date prepared, north arrow, scale, and contour interval;
4. Existing and proposed land use;
5. Title;
6. A vicinity map, sufficient to show the relation to the local community;
7. Existing topography of the site and at least 100 feet from its boundary, including, but not limited to:
 - a. Existing contours at two-foot intervals, if the existing ground slope is less than 10% and not less than five-foot intervals for existing ground slopes greater than or equal to 10%. Existing contours shall be represented by screened or dashed lines,
 - b. Type, circumference, and drip-line of existing trees,
 - c. The approximate location and outline of existing structures identified by type. Structures to be removed shall be so marked,
 - d. The location, width, and direction of flow of each watercourse, and top of bank and of creeks and drainage channels,
 - e. The location, pavement, and right-of-way width, and grade and name of existing streets or highways,
 - f. Location and type of street improvements,
 - g. The location, size, and slope of existing storm drains. The location of existing overhead utility lines on peripheral streets,
 - h. The location, width, and identity of existing easements;
8. Any improvements proposed by the owner shall be shown;
9. If the site is to be graded, proposed contours shall be shown or an approved grading plan shall be submitted;
10. The proposed lot layout and lot areas;
11. Proposed easement or rights-of-way;
12. The source and date of existing contours;
13. A preliminary report of title showing the current vested owner;
14. A soils and/or engineering geology report may be required by the Town Engineer;
15. The subdivider shall have the option of submitting a tentative map or a vesting tentative map.

The Town Engineer and Planning Officer may waive any of the foregoing requirements upon finding that the location or nature of the proposed minor subdivision is such as not to necessitate compliance with these requirements; or may require additional information as deemed necessary.

B. Review and Notice of Public Hearings.

1. The tentative parcel map shall be reviewed by the Town Engineer for compliance to all applicable Town ordinances and the State Subdivision Map Act. Upon completion of the review and upon receipt of a valid application for the tentative parcel map, the Town Clerk shall set the matter for public hearing. At least 10 calendar days before the public hearing, he or she shall cause notice to be given of the time, date, and place of said hearing including a general explanation of the matter to be considered and a general description of the area affected, and the street address, if any, of the property involved.
2. Said notice shall be posted in three public places as designated by the Town Council.

3. In addition to notice by posting, a notice shall be mailed or delivered at least 10 days prior to the hearing to all owners of real property as shown on the latest equalized assessment roll within 300 feet of the real property that is the subject of the hearing.
4. In the event that the proposed change has been requested by a person other than the property owner as such property owner is shown on the last equalized assessment roll, the Town shall also give mailed notice to the owner of the property as shown on the last equalized assessment roll.
5. In addition, notice shall be given by first class mail to any person who has filed a written request with the Town Clerk. Such a request may be submitted at any time during the calendar year and shall apply for the balance of such calendar year. The Town may impose a reasonable fee on persons requesting such notice for the purpose of recovering the cost of such mailing.
6. Substantial compliance with these provisions to notice shall be sufficient, and a technical failure to comply shall not affect the validity of any action taken pursuant to the procedures set forth in this chapter.

C. **Decision.** Upon completion of the public hearing, the Zoning and Design Review Board shall adopt findings and recommend approval, conditional approval or denial of applications for a tentative parcel map. The Town Council shall have the authority to approve, conditionally approve or deny applications for a tentative parcel map. If the parcel map is approved, it shall be signed and dated by the Town Engineer. A letter of the action taken, along with any conditions imposed, shall be sent to the subdivider and engineer. If the subdivision is denied, the subdivider or the engineer shall be so notified in writing with a statement for the reasons of denial.

D. **Approval and/or Denial.**

1. The Zoning and Design Review Board may adopt findings and recommend approval or conditional approval and the Town Council may approve or conditionally approve a tentative parcel map if they find that the proposed subdivision, together with its provisions for design and improvement, is consistent with the General Plan, applicable specific plans, the Master Utility Plan, and applicable subdivision improvement standards adopted by the Town of Yountville.
2. The tentative parcel map may be denied for any reason provided by Town ordinance, resolutions, or the State Subdivision Map Act. The Zoning and Design Review Board shall adopt findings and recommend denial and the Town Council shall deny approval of the tentative parcel map if they make any of the findings contained in Section 16.16.020(E)(3)(b).

E. **Conditions of Approval.** In approving the tentative parcel map, the Town Council may impose as conditions of filing a parcel map any or all, but not limited to, the following requirements:

1. Frontage improvements;
2. On-site improvements;
3. Off-site improvements;
4. Dedications;
5. Applicable fees;
6. A soils and /or engineering geology report.

F. **Appeals of Town Council Action.** Any appeal of a Town Council action must utilize the appropriate procedures applicable under Town, State, and Federal laws.

G. **Expiration.**

1. The approval or conditional approval of the tentative parcel map shall expire 24 months from the date of its approval.
2. The period of time specified shall not include any period of time during which a lawsuit has been filed and is pending in a court of competent jurisdiction involving the approval or conditional approval of the tentative parcel map only if a stay of the time period is approved by the Town Council. Within 10 days of the service of

the initial petition or complaint upon the Town the subdivider shall, in writing to the Town Manager, request a stay of the time period of the tentative map. Within 40 days after receiving such request, the Town Council shall either stay the time period for up to five years, or deny the requested stay. The request for the stay shall be considered at a hearing with notice to the subdivider and to the appellant, and upon conclusion of the hearing, the Town Council shall, within 10 days, declare its findings.

3. The expiration of the approved or conditionally approved tentative parcel map shall terminate all proceedings and no parcel map of all or any portion of the real property included within such tentative parcel map shall be filed without first processing a new tentative parcel map.

H. Extensions.

1. Request by Subdivider. The subdivider or his engineer may request an extension of the expiration date of the approved or conditionally approved tentative map by written application to the Town Manager. The application shall be filed not less than 30 days prior to the expiration date and shall state the reasons for requesting the extension.

2. Town Council Action. The Town Council shall review the request for extension for approval. Extensions may be approved for a tentative parcel map and the period of extensions shall not exceed 12 months. The extension of time shall commence with the expiration date of the approved or conditionally approved tentative parcel map. The approved new expiration date shall not end more than three years beyond the date of initial approval.

3. The Town Engineer shall require sufficient increase of any bonds to assure completion of improvements.

J. Amendments to the Approved Tentative Parcel Map.

1. Amendments to the tentative parcel map or conditions of approval thereof may be approved by the Town Engineer upon application by the subdividers or on his or her own initiative; provided:

- a. No lots, unit or building sites are added;
- b. Such changes are consistent with the intent of the original tentative map approval;
- c. There are no resulting violations of the Yountville Municipal Code.

2. Any amendment shall not affect the expiration date of the approved tentative map.

3. The Town Manager or authorized representative may require a new tentative parcel map application in lieu of the above procedure when requested changes are substantial enough to warrant refiling and reprocessing.

(Ord. 214-90 § 5.1)