

Town of Yountville

Ordinance Number 21-501

AN ORDINANCE OF THE TOWN COUNCIL AMENDING TITLES 6 (ANIMALS), 12 (STREETS, SIDEWALKS, PUBLIC PLACES AND PARKS), 15 (BUILDINGS AND CONSTRUCTION), 16 (SUBDIVISIONS), AND 17 (ZONING), AND REPEALING TITLE 18 (DESIGN STANDARDS) OF THE YOUNTVILLE MUNICIPAL CODE

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

SECTION 1. CODE AMENDMENT: Section 6.04.080 of Title 6 of the Yountville Municipal Code is hereby amended to read as follows:

6.04.080 Keeping of chickens.

- A. No more than four adult chickens shall be kept or maintained on residentially zoned property 5,000 square feet or greater and no more than two additional adult chickens for each 1,000 square feet of area in excess of 5,000 square feet, up to a maximum of eight animals.
- B. On agriculturally zoned property non-commercial keeping of up to one adult chicken per 1,000 square feet of lot size is allowed. Production facilities are not allowed.
- C. Roosters or other crowing fowl are prohibited.
- D. Chickens shall be kept in an enclosed or fenced side or back yard area that is no closer than five feet to property line; animals shall not roam at-large.
- E. Animal pens or cages, including runs, shall adhere to the requirements for auxiliary structures.
- F. The premises shall be maintained in a neat and sanitary manner.
- G. All necessary measures shall be taken by the owners of the animals to ensure that noise, odors, flies, vermin, and other nuisances related to the keeping of chickens does not negatively impact adjacent properties.
- H. If animals are not maintained in compliance with these standards, or are otherwise allowed to become a nuisance, the property may be subject to nuisance enforcement proceedings and discontinuation of the activity.
- I. Ancillary sales of eggs produced on-site may be allowed, subject to issuance of a Home Occupation Permit as regulated by Chapter 17.164.

SECTION 2. CODE AMENDMENT: Section 6.04.090 of Title 6 of the Yountville Municipal Code is hereby amended to add the following:

6.04.090 Keeping of bees.

- A. No more than two hives hosting colonies of honeybees of the species *Apis Mellifera* or the keeping of bees of the genus *Osmia* may be allowed on

residentially zoned properties and no more than ten hives may be allowed on agriculturally zoned properties, subject to the following regulations.

B. Hives may not be located within a front setback area or within ten feet of a public right-of-way.

C. A solid fence, wall, dense vegetation, or combination thereof, at least six feet in height, shall be established and maintained between the entrance to a hive and the nearest property line to force bees to fly at an elevation of at least six feet above the ground level over adjacent properties or public right-of-way. The required flyway barrier shall not be applicable in the case of common property lines with undeveloped private properties or where the hive entrance is more than twenty-five feet from the nearest facing property line.

D. Hives shall have access to a fresh, on-site water source, refilled on a regular basis to prevent stagnant water that may serve as a breeding ground for mosquitoes.

E. Maintenance of hives shall include all applicable best management practices to provide safe and healthy conditions for the bees while preventing swarming and aggressive behavior or other adverse impacts on surrounding properties that would be detrimental to the public health, safety, or welfare.

F. Ancillary sale of honey produced on-site may be allowed, subject to issuance of a Home Occupation Permit as regulated by Chapter 17.164.

SECTION 3. CODE AMENDMENT: Chapter 12.06 of Title 12 of the Yountville Municipal Code is hereby amended to add the following:

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 and Narrow Residential Streets 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.

SECTION 4. CODE AMENDMENT: Section 15.00.070 of Title 15 of the Yountville Municipal Code is hereby amended to add the following:

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.

SECTION 5. CODE AMENDMENT: Section 16.08.030 of Title 16 of the Yountville Municipal Code is hereby amended to read as follows:

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.

SECTION 6. CODE AMENDMENT: Chapter 16.08.050 of Title 16 of the Yountville Municipal Code is hereby amended to read as follows:

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.

SECTION 7. CODE AMENDMENT: Chapter 16.16.020 of Title 16 of the Yountville Municipal Code is hereby amended to read as follows:

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 dripline 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.

SECTION 8. CODE AMENDMENT: Chapter 16.20.010 of Title 16 of the Yountville Municipal Code is hereby amended to read as follows:

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 dripline 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.

SECTION 9. CODE AMENDMENT: Title 17 of the Yountville Municipal Code is hereby repealed and replaced to read as follows:

TITLE 17 ZONING

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.

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; and
- C. To promote excellence of design in all future developments and to preserve the internal beauty and established character of the Town.

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.

17.04.040 Applicability of the Zoning Ordinance.

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

17.04.050 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.

17.04.060 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.

17.04.070 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 & Building Department.

17.04.080 Administration of the Zoning Ordinance.

The Planning Officer shall, consistent with this title and in accordance with its objectives, issue and adopt rules, regulations and interpretations that are necessary to administer and enforce the provisions of this title. Such rules, regulations and interpretations shall be in writing and made part of the permanent public records of the Town. In addition, the Planning Officer and all other department officials and employees of the Town shall cooperate with one another to insure the proper administration of this title and rules, regulations, and interpretations relative to this title. The Planning Officer shall furnish this information to the departments, officers, employees, the Zoning and Design Review Board, and the Town Council in order to achieve the purposes of this title.

17.04.090 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.

17.04.100 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.

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 & Building 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.

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.

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.

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 Historic	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 where specified in the Zoning Map in addition to the base district:

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 Overlay	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.** If a use is not identified as permitted or allowed in the applicable zoning district regulations, as summarized in Table 17.12.1, it is prohibited unless a finding is made by the Town Council or the Planning Officer that the use is similar in kind to listed uses. In such instance, the use shall be subject to the “P”, “UP” or “AP” designation of the similar use identified.

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 apply.

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.

F. 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.

G. 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.

H. 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 Historic; 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
Keeping of bees	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	

Use Type	A	RS	RM	H	MPR	MHP	PP	PF	PC	RSC	OTC	RC	MU	PD	Addnl. Regs.
Multifamily dwellings			P	UP	P									UP	
Mobile home park						P									
Mobile home park common facilities						P									
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	P	P	P	P	P	P			P	P	P		P	P	17.164
Moderate home occupation	AP	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	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															

Use Type	A	RS	RM	H	MPR	MHP	PP	PF	PC	RSC	OTC	RC	MU	PD	Addnl. Regs.
Full service restaurant									UP		UP (2)	UP (3)		UP	
Limited service restaurant									UP	UP	UP			UP	
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 17.16 A, AGRICULTURAL

17.16.010 Purpose and application.

The land use designation A, Agricultural, is intended to permit reasonable use and to encourage the preservation of productive land. Specified parcels are indicated on the Zoning Map. The following specific rules and regulations established in this chapter shall apply to such designated lands.

17.16.020 General conditions.

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

- A. All new uses and expanded uses listed in Section 17.16.050 shall require a Use Permit as regulated by Chapter 17.200; new or expanded structures or exterior remodeling shall require Design Review approval subject to the provisions of Chapter 17.188.

17.16.030 Site-specific conditions.

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

- A. The permitted FAR will be calculated for both parcels, however, only that portion designated as Primary Commercial shall be permitted to be developed with buildings.
- B. Notwithstanding permitted uses under Sections 17.16.040 and 17.16.050, the portion designated as Agricultural shall be utilized for uses agricultural in nature only; and does not include buildings, parking, or permanent storage. Allowable uses include the following: commercial grape vineyard, olive grove, row crops, fruit trees, other plantings and trees, and installation and maintenance of improvements necessary to support the agricultural uses of the property, including pump enclosures, water storage tanks, water and irrigation pipes, and utilities in support thereof.
- C. Any above-ground structure or utility facility shall require Design Approval as regulated by Chapter 17.188.

17.16.040 Permitted uses.

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

- A. Agriculture;
- B. Agricultural auxiliary structure;
- C. Keeping of chickens, as regulated by Chapter 6.04;

- D. Keeping of bees, as regulated by Chapter 6.04;
- E. Single-family dwelling;
- F. Accessory dwelling unit, as regulated by Chapter 17.156;
- G. Agricultural employee housing;
- H. Residential auxiliary structure, as regulated by Chapter 17.112;
- I. Minor home occupation, as regulated by Chapter 17.164;
- J. Moderate home occupation, as regulated by Chapter 17.164 and subject to the issuance of an Administrative Use Permit as regulated by Chapter 17.196;
- K. Small or large family day care home;
- L. Accessory residential uses; and
- M. Conservation area.

17.16.050 Uses requiring a Use Permit.

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

- A. Agricultural produce/product processing or retail of agricultural products grown on the premises;
- B. Major home occupations as regulated by Chapter 17.164; and
- C. Any other compatible or appropriate use as determined by the Town Council in its sole discretion.

17.16.060 General development standards.

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

Table 17.16-1

<i>Development Standard</i>	<i>Requirement for A District</i>	<i>Additional Regulations</i>
Maximum Density	1 unit per 10 gross acres, except for employee housing.	
Minimum Lot Size	10 acres	
Maximum Floor Area Ratio (FAR)	0.05	See Section 17.100.030 for exemptions from FAR.
Maximum Lot Coverage	5%	
Minimum Setbacks		See Chapter 17.108 for allowable setback encroachments. See Chapter 17.112 for setbacks for auxiliary structures.
Front	20 feet	
Side	20 feet	
Side (street fronting)	20 feet	

<i>Development Standard</i>	<i>Requirement for A District</i>	<i>Additional Regulations</i>
Rear	20 feet	
Height Limit	<u>Residential Structures</u> : 28 feet <u>Nonresidential Structures</u> : 30 feet	
Agricultural Auxiliary Structures	Height limit of 20 feet; 15 feet within 100 feet of a public roadway. Maximum individual structure size of 2,000 square feet. Larger structures may be authorized by Design Review approval as regulated by Chapter 17.188.	
Minimum Open Space	n/a	
Parking	As required by Chapter 17.116 Off-Street Parking and Loading.	

Chapter 17.20 RS, SINGLE-FAMILY RESIDENTIAL

17.20.010 Purpose and application.

The land use designation RS, Single-Family Residential, is intended to result in residential areas where development is predominately low-density concentrations of single-family dwellings. Specified parcels are indicated on the Zoning Map. The following specific rules and regulations established in this chapter shall apply to such designated lands.

17.20.020 General conditions.

The following general conditions apply to all land designated as RS, Single-Family Residential:

- A. All new uses and expanded uses listed in Section 17.20.040 shall require a Use Permit as regulated by Chapter 17.200; subdivision or development of five or more parcels or residential dwelling units shall require approval of a Master Development Plan as regulated by Chapter 17.192; new or expanded structures or exterior remodeling shall require Design Review approval as regulated by Chapter 17.188.

17.20.030 Permitted uses.

The following uses shall be permitted within the land use designation RS, Single-family residential:

- A. Single-family dwelling;
- B. Accessory dwelling unit, as regulated by Chapter 17.156;
- C. Duplex;
- D. Residential auxiliary structures, as regulated by Chapter 17.112;

- E. Residential care facility;
- F. Minor home occupation, as regulated by Chapter 17.164;
- G. Moderate home occupation, as regulated by Chapter 17.164 and subject to the issuance of an Administrative Use Permit as regulated by Chapter 17.196;
- H. Small or large family day care homes;
- I. Keeping of chickens, as regulated by Chapter 6.04;
- J. Keeping of bees, as regulated by Chapter 6.04;
- K. Supportive housing;
- L. Transitional housing; and
- M. Accessory residential uses.

17.20.040 Uses requiring a Use Permit.

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

- A. Major home occupations as regulated by Chapter 17.164; and
- B. Any other compatible or appropriate use as determined by the Town Council in its sole discretion.

17.20.050 General development standards.

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

Table 17.20-1

<i>Development Standard</i>	<i>Requirement for RS District</i>	<i>Additional Regulations</i>
Maximum Density	7 units per gross acre	See Chapter 17.160 for density bonuses for affordable housing.
Lot Size	<u>Single-family dwellings:</u> 4,000 sq. ft. minimum; 8,000 sq. ft. maximum <u>Duplexes:</u> 5,000 sq. ft. minimum	

<i>Development Standard</i>	<i>Requirement for RS District</i>	<i>Additional Regulations</i>
Maximum Floor Area Ratio (FAR)	<p><u>Single-family dwellings:</u> Lots \leq 8,000 sq. ft.: 0.30 for living area of home; 0.35 for total building square footage including garage.</p> <p>Lots > 8,000 sq. ft.: 0.25 for living area of home; 0.30 for total building square footage including garage.</p> <p><u>Duplexes:</u> 0.40. On lots >8,000 sq. ft., floor area up to 3,200 sq. ft. is permitted.</p>	<p>See Section 17.100.030 for exemptions from FAR.</p> <p>See Section 17.100.040 for FAR bonus for affordable housing.</p>
Minimum Setbacks		See Chapter 17.108 for allowed setback encroachment. See Chapter 17.112 for setbacks for auxiliary structures.
Front	20 feet	
Side	5 feet	
Side (street fronting)	10 feet	
Rear	20 feet	
Height Limit	<p>Two stories maximum, however no more than 50% of parcels containing single-family or duplex dwelling units in any block¹ are permitted to exceed one-story in height.</p> <p>One-story buildings: max. 15 feet to plate and 20 feet to peak.</p> <p>Two-story buildings: max. 20 feet to plate and 28 feet to peak.</p>	<p>See Chapter 17.208 for exceptions to two-story limit per block.</p> <p>See Chapter 17.112 for height limits for auxiliary structures.</p>
Minimum Open Space	n/a	
Parking	As required by Chapter 17.116 Off-Street Parking and Loading.	

Footnotes:

¹ Block shall mean both sides of the street lying between intersecting streets. Corner houses shall be counted on both street elevations. In situations where a block face is divided by an intersecting street compared with the opposite block face, the determination of block shall include all parcels to the nearest through street on either side of the intersecting street.

Chapter 17.24 RM, MIXED RESIDENTIAL

17.24.010 Purpose and application.

The land use designation RM, Mixed Residential, is intended to encourage development of a variety of housing types. Specified parcels are indicated on the Zoning Map. The following specific rules and regulations established in this chapter shall apply to such designated

lands.

17.24.020 General conditions.

The following general conditions apply to all land designated as RM, Mixed Residential:

- A. All new uses and expanded uses listed in Section 17.24.040 shall require a Use Permit as regulated by Chapter 17.200; subdivision or development of five or more parcels or residential dwelling units shall require approval of a Master Development Plan as regulated by Chapter 17.192; new or expanded structures or exterior remodeling shall require Design Review approval as regulated by Chapter 17.188.

17.24.030 Permitted uses.

The following uses shall be permitted within the land use designation RM, Mixed residential:

- A. Single-family dwelling;
- B. Accessory dwelling unit, as regulated by Chapter 17.156;
- C. Duplex;
- D. Multifamily dwellings;
- E. Residential auxiliary structure, as regulated by Chapter 17.112;
- F. Residential care facility;
- G. Minor home occupations, as regulated by Chapter 17.164;
- H. Moderate home occupation, as regulated by Chapter 17.164 and subject to issuance of an Administrative Use Permit as regulated by Chapter 17.196;
- I. Small or large family day care homes;
- J. Keeping of chickens, as regulated by Chapter 6.04;
- K. Keeping of bees, as regulated by Chapter 6.04;
- L. Supportive housing;
- M. Transitional housing; and
- N. Accessory residential uses.

17.24.040 Uses requiring a Use Permit.

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

- A. Major home occupations as regulated by Chapter 17.164; and
- B. Any other compatible or appropriate use as determined by the Town Council in its sole discretion.

17.24.050 General development standards.

New land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and maintained in compliance with the requirements

of Table 17.24-1, in addition to the applicable development standards in Divisions 3 and 4 of Title 17.

Table 17.24-1

<i>Development Standard</i>	<i>Requirement for RM District</i>	<i>Additional Regulations</i>
Density	8 units per gross acre minimum; 10 units per gross acre maximum	See Chapter 17.160 for density bonuses for affordable housing.
Housing Types	<u><i>Detached single-family dwellings:</i></u> Minimum of 50% of total units on-site; <u><i>Multifamily dwellings:</i></u> Minimum of 25% of total units on-site.	May be waived for affordable housing projects as regulated by Chapter 17.160.
Lot Size	<u><i>Single-family dwellings:</i></u> 4,000 sq. ft. minimum; 8,000 sq. ft. maximum <u><i>Duplexes:</i></u> 5,000 sq. ft. minimum <u><i>Multifamily:</i></u> 6,000 sq. ft. minimum	
Maximum Floor Area Ratio (FAR)	<u><i>Single-family dwellings:</i></u> 0.25 <u><i>Duplexes:</i></u> 0.40, up to a maximum of 3,200 sq. ft. <u><i>Multifamily:</i></u> 0.40, up to a maximum of 4,000 sq. ft.	See Section 17.100.030 for exemptions from FAR. See Section 17.100.040 for FAR bonus for affordable housing.
Minimum Setbacks		See Chapter 17.108 for allowable encroachments into setbacks. See Chapter 17.112 for setbacks for auxiliary structures.
Front	20 feet	
Side	5 feet	
Side (street fronting)	10 feet	
Rear	20 feet	

<i>Development Standard</i>	<i>Requirement for RM District</i>	<i>Additional Regulations</i>
Height Limit	<p>Single-family dwellings: Two stories maximum, however no more than 50% of parcels containing single-family dwelling units in any block¹ are permitted to exceed one-story in height.</p> <p><u>Duplexes and Multifamily:</u> Two stories maximum. One-story buildings: max. 15 feet to plate and 20 feet to peak. Two-story buildings: max. 20 feet to plate and 28 feet to peak.</p>	<p>See Section 17.208.020 for exception process to two-story limit.</p> <p>See Chapter 17.112 for height limits for auxiliary structures.</p>
Minimum Open Space	<p><u>Single-family dwellings:</u> n/a</p> <p><u>Duplexes and Multifamily:</u> 200 sq. ft. min. private open space directly accessible to unit. Second story units may locate half of private open space at grade level.</p>	
Parking	As required by Chapter 17.116, Off-Street Parking and Loading.	

Footnotes:

¹ Block shall mean both sides of the street lying between intersecting streets. Corner houses shall be counted on both street elevations. In situations where a block face is divided by an intersecting street compared with the opposite block face, the determination of block shall include all parcels to the nearest through street on either side of the intersecting street.

Chapter 17.28 H, OLD TOWN HISTORIC

17.28.010 Purpose and application.

The land use designation H, Old Town Historic is intended to maintain Old Town's historical character and provide for new residential development. To promote the preservation of the historic character of Old Town, maintenance and rehabilitation of older structures is encouraged. Design Review approval shall be required for all construction to ensure that new and renovated structures reinforce the character and scale of Old Town. Specified parcels are indicated on the Zoning Map. The following specific rules and regulations established in this chapter shall apply to these designated lands.

17.28.020 General conditions.

The following general conditions apply to all land designated as H, Old Town Historic:

- A. All new uses and expanded uses listed in Section 17.28.040 shall require a Use

Permit as regulated by Chapter 17.200; subdivision or development of five or more parcels or residential dwelling units shall require approval of a Master Development Plan as regulated by Chapter 17.192; new or expanded structures or exterior remodeling shall require Design Review approval as regulated by Chapter 17.188.

17.28.030 Permitted uses.

The following uses shall be permitted within the land use designation H, Old Town Historic:

- A. Single-family dwelling;
- B. Accessory dwelling unit, as regulated by Chapter 17.156;
- C. Duplex;
- D. Residential auxiliary structure, as regulated by Chapter 17.112;
- E. Residential care facility;
- F. Minor home occupation, as regulated by Chapter 17.164;
- G. Moderate home occupation, as regulated by Chapter 17.164 and subject to issuance of an Administrative Use Permit as regulated by Chapter 17.196;
- H. Small or large family day care homes;
- I. Keeping of chickens, as regulated by Chapter 6.04;
- J. Keeping of bees, as regulated by Chapter 6.04;
- K. Supportive housing;
- L. Transitional housing; and
- M. Accessory residential uses.

17.28.040 Uses requiring a Use Permit.

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

- A. Multifamily dwellings;
- B. Major home occupations, as regulated by Chapter 17.164;
- C. Church and religious institution; and
- D. Any other compatible or appropriate use as determined by the Town Council in its sole discretion.

17.28.050 General development standards.

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

Table 17.28-1

<i>Development Standard</i>	<i>Requirement for H District</i>	<i>Additional Regulations</i>
Density	8 units per gross acre maximum	See Chapter 17.160 for density bonuses for

<i>Development Standard</i>	<i>Requirement for H District</i>	<i>Additional Regulations</i>
		affordable housing.
Lot Size	<p><u>Single-family dwellings:</u> 5,000 sq. ft. minimum; 8,000 sq. ft. maximum</p> <p><u>Duplexes:</u> 5,000 sq. ft. minimum; 8,000 sq. ft. maximum</p> <p><u>Multifamily:</u> 6,000 sq. ft. minimum; 8,000 sq. ft. maximum</p>	
Maximum Floor Area Ratio (FAR)	<p><u>Single-family dwellings:</u> Lots <4,000 sq. ft.: Floor area up to 1,000 sq. ft. is permitted. Lots 4,000-10,000 sq. ft.: 0.25 Lots >10,000 sq. ft.: Max. floor area of 2,500 sq. ft. is permitted.</p> <p><u>Duplexes:</u> 0.40, up to a maximum of 3,200 sq. ft.</p> <p><u>Multifamily:</u> 0.40, up to a maximum of 4,000 sq. ft.</p>	<p>See Section 17.100.030 for exemptions from FAR.</p> <p>See Section 17.100.040 for FAR bonus for affordable housing.</p>
Minimum Setbacks		See Section 17.108 for allowable encroachments into setbacks. See Section 17.112 for setbacks for auxiliary structures.
Front	<p><u>Primary buildings:</u> 10 feet for buildings up to 15 feet high; 15 feet for buildings 15-18 feet high; 20 feet for building over 18 feet high. Setback may be reduced to the average front setbacks of existing single-family structures on the same side of the block¹ but shall not be less than 10 feet.²</p> <p><u>Garages:</u> 18 feet</p>	

<i>Development Standard</i>	<i>Requirement for H District</i>	<i>Additional Regulations</i>
Side	5 feet for first story and total of 13 feet for both sides. For lots <50 feet wide, 5 feet each for a total of 10 feet both sides. 8 feet for second story and total of 22 feet for both sides. For lots <50 feet wide, 5 feet each for a total of 16 feet both sides.	
Side (street fronting)	10 feet for first story. 16 feet for second story.	
Rear	15 feet for first story. 20 feet for second story.	
Height Limit	<u><i>Single-family dwellings:</i></u> Two stories maximum, however no more than 50% of parcels containing single-family dwelling units in any block ¹ are permitted to exceed one-story in height . <u><i>Duplexes and Multifamily:</i></u> Two stories maximum. One-story buildings: max. 15 feet to plate and 20 feet to peak. Two-story buildings: max. 20 feet to plate and 28 feet to peak.	See Chapter 17.208 for exceptions to two-story limit per block. See Chapter 17.112 for height limits for auxiliary structures.
Minimum Open Space	<u><i>Single-family dwellings:</i></u> n/a <u><i>Duplexes and Multifamily:</i></u> 200 sq. ft. min. private open space directly accessible to unit. Second story units may locate half of private open space at grade level.	
Parking	As required by Chapter 17.116 Off-Street Parking and Loading.	

Footnotes:

¹ Block shall mean both sides of the street lying between intersecting streets. Corner houses shall be counted on both street elevations. In situations where a block face is divided by an intersecting street compared with the opposite block face, the determination of block shall include all parcels to the nearest through street on either side of the intersecting street.

² The setback shall be measured from the street facing wall of a primary residential building

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

Chapter 17.32 MPR, MASTER PLANNED RESIDENTIAL

17.32.010 Purpose and application.

The land use designation MPR, Master Planned Residential, is applied to large parcels capable of being developed as an integrated community neighborhood, with appropriate infrastructure, and to smaller sites with sensitive environmental or cultural resources. The MPR district allows flexibility in site planning and development standards to encourage developments that are sensitive to natural resources and surrounding community. Specified parcels are indicated on the Zoning Map. The following specific rules and regulations established in this chapter shall apply to such designated lands.

17.32.020 General conditions.

The following general conditions shall apply to all lands designated as MPR, Master Planned Residential:

- A. All new development proposals shall require approval of a Master Development Plan as regulated by Chapter 17.192; expansion or exterior remodeling of a commercial or residential structure shall require Design Review approval as regulated by Chapter 17.188; and all commercial operations shall be subject to the provisions of Chapter 17.144, Regulations for Impact on Adjacent Uses.
- B. Major modifications to an approved Master Development Plan for a MPR development, including changes in land uses and densities and established lot and street boundaries, shall be processed as an amended application under the provisions of Chapter 17.192.
- C. Minor modifications to physical features, development regulations or conditions of approval which do not change the character of the MPR development or affect surrounding development and are consistent with the intent of an approved Master Development Plan may be approved by the Planning Officer.

17.32.030 Permitted uses.

Only those residential uses shown on the approved Master Development Plan on file at the Town of Yountville shall be allowed. The following uses shall be permitted for lands designated as MPR, Master Planned Residential:

- A. Single-family dwelling;
- B. Accessory dwelling unit, as regulated by Chapter 17.156;
- C. Duplex;
- D. Multifamily dwellings;
- E. Residential auxiliary structure, as regulated by Chapter 17.112;

- F. Minor home occupation, as regulated by Chapter 17.164;
- G. Moderate home occupation, as regulated by Chapter 17.164 and subject to issuance of an Administrative Use Permit as regulated by Chapter 17.196;
- H. Small or large family day care home;
- I. Residential care facility;
- J. Keeping of chickens, as regulated by Chapter 6.04;
- K. Keeping of bees, as regulated by Chapter 6.04;
- L. Supportive housing;
- M. Transitional housing; and
- N. Accessory residential uses.

17.32.040 Uses requiring a Use Permit.

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

- A. Major home occupation, as regulated by Chapter 17.164;
- B. Congregate housing; and
- C. Any other compatible or appropriate use as determined by the Town Council in its sole discretion.

17.32.050 General development standards.

A. Allowable land uses, residential densities, floor area ratios and other development standards shall be determined by the Town Council through the adoption of a Master Development Plan as regulated by Chapter 17.192. Where the Master Development Plan is silent on a development standard or specific use, the general standards of the Zoning Ordinance shall apply. Where a Master Development Plan does not specify a maximum Floor Area Ratio (FAR), the maximum FAR is 0.25, exclusive of an FAR bonus granted under Section 17.100.040 for affordable housing.

All improvements in MPR, Master Planned Residential developments shall be consistent with the approved Master Development Plan on file with the Town of Yountville.

Chapter 17.36 MHP, MOBILE HOME PARK RESIDENTIAL

17.36.010 Purpose and application.

The land use designation MHP, Mobile Home Park Residential, has been created to protect mobile home residents from the conversion of existing mobile homes to conventional types of housing. The MHP designation reinforces the Town's policy to provide affordable housing, retain its existing housing stock and safeguard mobile homes from potential economic forces that could encourage their removal. Specified parcels are indicated on the Zoning Map. The following specific rules and regulations established in this chapter shall apply to such designated lands.

17.36.020 General conditions.

The following general conditions apply to all land designated as MHP, Mobile Home Park Residential:

- A. Allowable land uses, residential densities, floor area ratios and other development standards shall be determined by the Town Council through the adoption of a Master Development Plan as regulated by Chapter 17.192. However, residential densities may not exceed eight dwelling units per gross acre. Where the Master Development Plan is silent on a development standard or specific use, the development standards of Title 17 shall apply;
- B. All mobile home parks existing on the date of adoption of this title that were legally established in compliance with all applicable regulations at the time of their construction shall be deemed to be conforming uses and as having approved Master Development Plans. In such cases, modifications to the Master Development Plan shall be process in accordance with the requirements of chapter 17.192; and
- C. New or expanded mobile home park common facilities or perimeter park walls shall require Design Review approval as regulated by Chapter 17.188.

17.36.030 Permitted uses.

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

- A. Mobile home park;
- B. Senior mobile home park on lands designated with the overlay S, Senior Mobile Home Park, as regulated by Chapter 17.88;
- C. Mobile home park common facilities;
- D. Residential auxiliary structure, as regulated by Chapter 17.112;
- E. Minor home occupation as regulated by Chapter 17.164;
- F. Moderate home occupation, as regulated by Chapter 17.164 and subject to issuance of an Administrative Use Permit as regulated by Chapter 17.196;
- G. Small or large family day care home; and
- H. Accessory residential uses.

17.36.040 Uses requiring a Use Permit.

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

- A. Major home occupation, as regulated by Chapter 17.164; and
- B. Any other compatible or appropriate use as determined by the Town Council in its sole discretion.

Chapter 17.40 Residential Design Standards and Guidelines

17.40.010 Applicability.

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

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

The Design Guidelines are subjective criteria mandatory for residential projects not required to be reviewed only against objective standards under State law. Application of Design Guidelines may be waived through Design Review approval when deemed appropriate based on the unique conditions of the subject site and its surroundings.

17.40.020 Design Standards.

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

Applicable to:		Design Standard
Single-Family and Duplex	Multi-Family	
Subdivisions		
X		In subdivisions of three or more lots, proposed lot sizes shall differ from one another by at least 500 square feet. Developments with five to nine lots shall have a minimum of three lot sizes. In developments with 10 or more lots, no one lot size shall comprise more than 25% of the total number of lots.
X		Flag lots are prohibited within new development unless authorized through Design Review when consistent with the objectives of the Town Council, including development of affordable housing, and the General Plan.
Garages, Driveways and Parking		
X		The width of each garage door shall not exceed 12 feet when located in the front half of the lot and visible from the street.
X		Multi-car garages are permitted if located on the rear half of the lot or screened from view from adjacent street frontages by building placement, landscaping, and/or fencing in compliance with Chapter 17.136.
X	X	Carports shall be located in the rear half of the lot or screened from view from adjacent street frontages by building placement, landscaping and/or fencing in compliance with Chapter 17.136.

Applicable to:		Design Standard
Single-Family and Duplex	Multi-Family	
X		For single-family houses with attached garages, the width of the house shall be at least five feet greater than the width of the garage along its street frontage. The garage shall be set back at least 10 feet farther than the house from the street.
X	X	In the Old Town Historic District, driveway aprons shall be a solid surface, concrete, or pavers, for the width of the driveway and the length from the existing edge of asphalt street to the right-of-way line or five feet, whichever is greater.
	X	Parking shall be located behind buildings or in the rear half of the lot.
	X	Parking lots shall be screened along all street frontage with walls or evergreen landscaping at least three feet in height. Along common property lines and abutting residential uses, walls and landscape screen shall be provided as established in Chapter 17.136.
	X	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.
Street Frontage		
X	X	The principal orientation of all buildings shall be parallel to streets they face.
	X	The street-facing elevation of multiple unit residential buildings shall have at least one street-oriented entrance and shall contain the principal windows of the street-facing unit(s).
X	X	Primary building entrances and associated paths of travel from the adjacent street(s) shall be visible from the adjacent street(s).
X	X	Building facades that face street frontages shall include breaks in their wall plane by incorporating one or more techniques along at least 20% of the entire street-facing facade, such as varying setbacks, recessed or projecting building entries, wall offsets, wall projections or variation in materials.
X		A covered porch shall be incorporated into the front elevation for new construction. The minimum required porch shall be at least 72 square feet in area and shall measure at least six feet deep (measured perpendicular to the front wall of the house). Porches shall be unenclosed but may be screened.
	X	The street frontage of new buildings shall contain one of the following elements: <ul style="list-style-type: none"> • One-story or two-story unenclosed porches, • Roofed balconies supported by brackets or by columns at the ground level, or • Upper floor loggias recessed within the building.
Building Scale and Massing		
X	X	Buildings shall carry the same design in terms of form and massing, roof design, wall and window design, and colors and materials on all building elevations.
	X	Blank walls (facades without doors or windows) shall be less than 30 feet in length if visible from adjacent street(s).

Applicable to:		Design Standard
Single-Family and Duplex	Multi-Family	
Roof Forms		
X		The main roof of the building shall have a minimum pitch of 4 in 12 as shown in Figure 17.40-1.
X	X	Roofs which incorporate multiple ridges, eaves and/or dormers are required. Up to 20% of the area of a structure's roof may be flat.
X	X	Roofing shall be composition shingle, standing seam, other fabricated metal, or tile from natural materials. Concrete tile, wood shake, or tar and gravel roofing is prohibited.
Windows, Doors and Entries		
X	X	Only wood-frame windows, vinyl-clad wood windows or powder-coated metal-framed windows colored by the manufacturer are permitted. Bare metal, plastic, or silver- colored aluminum windows or screen frames are prohibited.
X	X	Shutters, if incorporated, shall be the same size as half the adjacent window width.
	X	Multifamily developments shall include individual front doors and enclosed stairs for access to units above the ground floor.
X	X	Trim surrounds shall be provided at all exterior window and door openings. In lieu of exterior window trim, windows can be recessed from wall plane by a minimum of 3 inches.
	X	Where adjacent to residential development, windows, balconies, and similar openings shall be oriented so as not to have a direct line-of-sight into adjacent units or onto private patios or backyards on abutting properties. This can be accomplished through window placement, stepbacks of upper stories, use of clerestory windows, glass block or opaque glass or mature landscaping within the rear or side setback areas.
Exterior Building Materials		
X	X	The following exterior materials are allowed: wood (lap siding, board and batten, shingle), cement board, or stucco. Natural brick or stone is allowed as an accent material only, covering no more than 25% of any building facade. T-111 or plywood shall not be permitted.
X	X	Design material changes shall occur at intersecting planes, at inside corners of changing wall planes or where architectural elements intersect such as a chimney, pilaster, or projection, except for the base of buildings, corner boards or gable ends.
Landscaping and Open Space		
X	X	A minimum of one tree shall be planted within the front yard setback for new development. This standard does not apply to the MHP, Mobile Home District.
Utilities and Auxiliary Structures		

Applicable to:		Design Standard
Single-Family and Duplex	Multi-Family	
X	X	<ol style="list-style-type: none"> 1. Utilities and refuse storage areas are not permitted in any setback area or front yard; 2. All new electrical, telephone, CATV and similar service wires or cables shall be installed underground. Risers on poles or buildings are permitted; 3. Air conditioners and similar mechanical equipment shall be screened from view; 4. Electrical vaults and meter boxes shall be screened from view from any public right-of-way. Fire pipes and extinguishers must be easily identified; and 5. For multifamily uses, refuse storage areas shall be screened from public and adjacent properties view or located within a building.
	X	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 Americans with Disabilities Act accessibility.
	X	Chain link fencing and gates with wood or plastic slats shall not be used for trash and other utility enclosures.
X	X	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.
X	X	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.

17.40.030 Design guidelines.

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

Applicable to:		Design Guideline
Single-Family and Duplex	Multi-Family	
Subdivisions		
X		Lots should be predominately rectilinear in shape and orthogonal to the street. Odd-shaped parcels should be avoided.
X		Aggregation of lots is discouraged.
X		Varied roof heights and front setbacks are encouraged to give individuality to each structure, especially when there are two or more adjacent lots to be developed.
Driveways, Garages/Carports and Parking		

X		Garages are encouraged to be located in the rear half of the lot.
X		Detached garages and garage doors that do not face the street are encouraged.
X		Single-car garages may be located near the front of the lot, though this is discouraged.
	X	The pattern of circulation, including access drives and pedestrian paths, should provide easy access from the parking lot to residential uses.
	X	Access drives to off-street parking shall be designed and constructed to provide adequate safety for pedestrians and drivers. In no case shall car movements result in blocking of the street right-of-way. The number of access drives shall be limited to the minimum that will accommodate anticipated traffic.
X	X	To minimize the amount of paved area, sharing of driveways and access to parking lots is encouraged. An easement providing for shared use shall be recorded.
X		On-site paving for vehicles should be of a permeable material, where practical.
X	X	For shared driveways exceeding 100 feet in length, turnouts may be needed for vehicles to pass one another.
Roof Forms		
X	X	Roofs should incorporate pre-plumbing and pre-wiring in new development for easy installation of solar water heating and photo-voltaic (PV) solar panels, where feasible. Solar panels should be incorporated into roof design and be low-profile, where possible.
Building Exterior Colors and Materials		
X	X	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. Joints or raw edges of materials shall be concealed to create an appearance of authenticity.
X	X	Auxiliary structures that require issuance of a building permit should have consistent exterior material(s) and color(s) with the primary building.
X	X	Mediterranean and Tuscan design styles that include, but are not limited to, the following common characteristics of clay tile, heavy stucco, or plaster, cut and cast stone, wrought iron details, tower-like chimneys, heavy massing, arched openings, and arcades are prohibited.
Windows, Doors and Entries		
X	X	Sliding glass doors are discouraged and the use of large picture windows should be limited when these features are visible from the street.
X		Double-hung windows should maintain a 1.5:1 height to width ratio or greater.
X		Where adjacent to single-family development, windows, balconies, and similar openings should be oriented so as not to have a direct line-of-sight into homes or onto private backyards on abutting properties. This can be accomplished through window placement, stepbacks of upper stories, use of clerestory windows, glass block or opaque glass, or mature landscaping within the rear or side setback areas.

Figure 17.40-1



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; and
- B. Review by the Parks and Recreation Commission is required before approval of any Master Development Plan or amendment to a Master Development Plan, or Design Review. The Parks and Recreation Commission shall issue a recommendation on the Master Development Plan, amendment to a Master Development Plan, or Design Review application, which recommendation may be accepted or rejected by the Zoning and Design Review Board and/or Town Council.

17.44.030 Permitted uses.

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

- A. Those uses shown on the approved Master Development Plan on file at the Town of Yountville, 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 and 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 new and expanded 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 facilities;
- E. Quasi-public service;
- F. Utility facilities; and
- 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, development standards of Title 17 shall apply;
- 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. Replacement planting shall be required if existing trees and/or landscaping are dead or damaged so as to necessitate removal; 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 playground.

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.

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 17.48.050 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 upon a finding by the Town Council that the additional FAR bonus 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 provided in Section 17.48.060 may be granted by the Town Council through approval of a Master Development Plan upon finding by the Town Council that there is a substantial community benefit related to the height bonus. To be considered for a limited third-story height bonus, 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. The Town Council may provide examples of what might constitute a substantial community benefit by resolution.

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;
- C. Emergency shelters as regulated by Chapter 17.172; and
- D. Any other use authorized by a development agreement under Chapter 17.216.

17.48.050 Uses requiring a Use Permit.

The following new and expanded uses shall require 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. Rooftop uses, as regulated by Chapter 17.104; and
- H. Any other compatible or appropriate use as determined by the Town Council in its sole discretion.

17.48.060 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 in Divisions 3 and 4 of Title 17.

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 FAR bonus for retail and service-oriented uses subject to 17.48.030.A There shall be only one additional FAR bonus of up to 0.15 and it may include a combination of the uses listed herein.	See Section 17.178.040 for alterations to existing commercial buildings.
Minimum Setbacks		See Chapter 17.108 for allowed encroachments into yards. See Section 17.178.020 for setback reductions allowed for professional office development. See Section 17.178.040 for alterations to existing commercial buildings.
Front	15 feet	
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	See Section 17.48.030.B for available height bonus

<i>Development Standard</i>	<i>Requirement for PF District</i>	<i>Additional Regulations</i>
Top Story Floor Area Limit	No more than 40% of the floor area of any building may be on the top floor	Modifications 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	

Footnotes:

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, including one parcel on the east 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.

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.

17.52.030 Site-specific conditions.

The following conditions apply to parcels on the west side of Washington Street between Mulberry and Humboldt Streets (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 17.52.060 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 provided in Section 17.52.060 may be granted by the Town Council through approval of a Master Development Plan upon finding by the Town Council that there is a substantial community benefit related to the height bonus. To be considered for a limited third-story height bonus, 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. **The Town Council may provide examples of what might constitute a substantial community benefit by resolution.**

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 may be approved at staff level without a public hearing by the Planning Officer and issued an Administrative Use Permit, as regulated by Chapter 17.196;

- B. General retail;
- C. Minor home occupation, as regulated by Chapter 17.164;
- D. Moderate home occupation, as regulated by Chapter 17.164 and subject to issuance of an Administrative Use Permit as regulated by Chapter 17.196;
- E. Accessory residential uses; and
- F. Accessory commercial uses.

17.52.050 Uses requiring a Use Permit.

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

- A. Lodging;
- B. Full service restaurant;
- C. Limited service restaurant;
- D. Bar or nightclub;
- E. Wine tasting room;
- F. Mobile food vendor;
- G. Alcoholic beverage retail sales;
- H. Exterior display of merchandise;
- I. Personal service;
- J. Medical office;
- K. Banks and financial services;
- L. Food and beverage production;
- 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. Utility facilities;
- R. Rooftop pools and decks, as regulated by Chapter 17.104;
- 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 17.52-1, in addition to the applicable development standards in Divisions 3 and 4 of Title 17.

Table 17.52-1

<i>Development Standard</i>	<i>Requirement for PC District</i>	<i>Additional Regulations</i>
Maximum Floor Area Ratio (FAR)	<p>0.25</p> <p>Additional 0.15 FAR bonus 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.</p> <p>There shall only be one additional FAR bonus of up to 0.15 and it may include a combination of the uses listed herein.</p>	See Section 17.178.040 for alterations to existing commercial buildings.
Minimum Setbacks		<p>See Chapter 17.108 for allowed encroachments into yards.</p> <p>See Section 17.178.020 for setback reductions allowed for professional office development.</p> <p>See Section 17.178.040 for alterations to existing commercial buildings.</p>
Front	15 feet	
Side	As determined by Master Development Plan	
Side (street fronting)	As determined by Master Development Plan	
Rear	As determined by Master Development Plan	See Section 17.178.040 for alterations to existing commercial buildings.
Height Limit	<p>Two stories maximum</p> <p>One-story buildings: max. 15 feet to plate and 20 feet to peak</p> <p>Two-story buildings: max. 22 feet to plate and 30 feet to peak</p>	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	Modifications to this requirement 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).

<i>Development Standard</i>	<i>Requirement for PC District</i>	<i>Additional Regulations</i>
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.

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.

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 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, subject to issuance of an Administrative Use Permit, as regulated by Chapter 17.196;
- B. General retail;
- C. Minor home occupation, as regulated by Chapter 17.164;
- D. Moderate home occupation, as regulated by Chapter 17.164 and subject to issuance of an Administrative Use Permit as regulated by Chapter 17.196;
- E. Accessory residential uses; and
- F. Accessory commercial uses.

17.56.050 Uses requiring a Use Permit.

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

- A. Limited service restaurant;
- B. Wine tasting room, except as restricted by Section 17.56.030;
- C. Mobile food vendor;
- D. Alcoholic beverage retail sales;
- E. Exterior display of merchandise;
- F. Personal service;
- G. Medical office;
- H. Banks and financial services;
- I. Food and beverage production;
- J. Indoor recreation and fitness center;
- K. Mixed use development;
- L. Live/work unit;

- M. Major home occupation, as regulated by Chapter 17.164;
- N. Utility facilities;
- O. Rooftop pools and decks, as regulated by Chapter 17.104;
- P. Commercial auxiliary structure, as regulated by Chapter 17.112; and
- Q. Any other compatible or appropriate use as determined by the Town Council in its sole discretion.

17.56.060 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 17.56-1, in addition to the applicable development standards in Divisions 3 and 4 of Title 17.

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 FAR bonus 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.	See Section 17.178.040 for alterations to existing commercial structures.
Minimum Setbacks		See Chapter 17.108 for allowed encroachments into yards. See Section 17.178.020 for setback reductions allowed for professional office development. See Section 17.178.040 for alterations to existing commercial buildings.
Front	15 feet	
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 40% of the floor area of any building may be on the top floor	Modifications to these requirements may be granted by the Town Council through approval of the Master Development Plan if warranted by site and

<i>Development Standard</i>	<i>Requirement for RSC District</i>	<i>Additional Regulations</i>
		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, as indicated on the Zoning Map. 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. Maintenance and rehabilitation of existing commercial structures that embody this historic character is 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.

The following rules and regulations established in this chapter shall apply to lands designated as OTC, Old Town Commercial.

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.

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 (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 in ways that would alter its scale and character.

17.60.040 Permitted uses.

The following uses shall be permitted for lands designated as OTC, Old Town Commercial:

- A. General retail;
- B. Professional office use, subject to issuance of an Administrative Use Permit, as regulated by Chapter 17.196;
- C. Minor home occupation, as regulated by Chapter 17.164;
- D. Moderate home occupation, as regulated by Chapter 17.164 and subject to issuance of an Administrative Use Permit as regulated by Chapter 17.196;
- E. Accessory residential uses; and

F. Accessory commercial uses.

17.60.050 Uses requiring a Use Permit.

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

- A. Lodging, allowed on the West side of Washington Street only;
- B. Full service restaurant, allowed on the West side of Washington Street only;
- C. Limited service restaurant;
- D. Bar or nightclub, allowed on the West side of Washington Street only;
- E. Wine tasting room;
- F. Mobile food vendor;
- G. Alcoholic beverage retail sales;
- H. Adult-oriented business, provided that the property containing the adult-oriented use is 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;
- I. Exterior display of merchandise;
- J. Personal service;
- K. Medical office;
- L. Banks and financial services;
- M. Food and beverage production;
- N. Indoor recreation and fitness center;
- O. Mixed use development;
- P. Live/work unit;
- Q. Major home occupation, as regulated by Chapter 17.164;
- R. Utility facilities;
- S. Commercial auxiliary structure, as regulated by Chapter 17.112; and
- T. Any other compatible or appropriate use as determined by the Town Council in its sole discretion.

17.60.060 Limitation on ground floor uses.

Ground floor uses for buildings fronting on Washington Street shall be primarily pedestrian-oriented uses.

17.60.070 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 in Divisions 3 and 4 of Title 17.

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 FAR bonus 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.	See Section 17.178.040 for alterations to existing commercial buildings.
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.

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 may 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 (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 (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 (2020 Webber Avenue).

17.64.040 Permitted uses.

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

A. Restaurant and lodging uses on parcels where the commercial use were established as of March 4, 2014 shall be uses permitted by right as currently used and configured.

17.64.050 Uses requiring a Use Permit.

The following new and expanded uses may be allowed through a Use Permit as regulated by Chapter 17.200 and subject to the General Conditions listed above, and shall be subject to Design Review approval as regulated by Chapter 17.188:

- A. All new commercial uses shall be limited to the specific types of commercial uses that were established as of March 4, 2014, including restaurant and lodging;
- B. Accessory commercial uses;
- C. Commercial auxiliary structures; and
- D. 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 in Divisions 3 and 4 of Title 17.

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)	0.25 for new development. Additional 0.15 FAR bonus 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. See Section 17.64.030 for allowable FAR for existing commercial uses.	See Section 17.178.040 for alterations to existing commercial buildings
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	

<i>Development Standard</i>	<i>Requirement for RC District</i>	<i>Additional Regulations</i>
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 one building shall be on the top floor.	Modifications 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 17.68 PD, PLANNED DEVELOPMENT

17.68.010 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 17.160, 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.

17.68.020 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 17.144, 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 17.216.
- C. All improvements in PD developments shall be consistent with the approved Master Development Plan on file with the Town of Yountville.
- D. Major modifications to an approved Master Development Plan for a PD development, including changes in land uses and densities and established lot and street boundaries, shall be processed as an amended application under the provisions of Chapter 17.192.
- E. Minor modifications to physical features, development regulations or conditions of approval which do not change the character of the PD development or affect surrounding development and are consistent with the intent of an approved Master Development Plan may be approved by the Planning Officer.

17.68.030 Permitted uses.

Only those uses shown on the approved Master Development Plan on file at the Town of Yountville shall be allowed. The following shall be permitted for lands designated as PD, Planned Development:

- A. Residential auxiliary structure, as regulated by Chapter 17.112;
- B. Accessory dwelling unit, as regulated by Chapter 17.156;

- C. Minor home occupation, as regulated by Chapter 17.164;
- D. Moderate home occupation, as regulated by Chapter 17.164 and subject to issuance of an Administrative Use Permit as regulated by Chapter 17.196;
- E. Accessory residential uses; and
- F. Accessory commercial uses.

17.68.040 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 or large family day care home;
- H. Church and religious institution;
- I. Lodging;
- J. Full service restaurant;
- K. Limited service restaurant;
- L. Bar or nightclub;
- M. Wine tasting room;
- N. General retail;
- O. Alcoholic beverage retail sales;
- P. Exterior display of merchandise;
- Q. Personal service;
- R. Professional office;
- S. Medical 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.

17.68.050 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 development standards of Title 17 shall apply.

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 rezoned 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. Replacement units may be provided on-site or off-site, as authorized by the Town Council.

D. Commercial portions of a PD project shall 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 RSC, Residential-Scaled Commercial District.

Chapter 17.72 NONRESIDENTIAL AND MIXED USE DESIGN STANDARDS

17.72.010 Applicability.

The following Nonresidential 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 Nonresidential 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 characteristics and elements present in each of the nonresidential 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
<p>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.</p>
<p>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.</p> <p>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.</p>
<p>Retained Commercial District buildings 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.</p>
<p>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.</p>
<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>

17.72.030 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.

Design Standard
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 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 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).
B. Street Frontage
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 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.
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 Zoning and Design Review Board or Town Council.
C. Exterior Building Materials and Colors

Design Standard
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.
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 17.148 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.

Design Standard
3. Utilities and refuse storage areas are not permitted in any setback area or front yard.
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.

17.76.020 General conditions.

The following general conditions shall be required for all lands designated as C, Creekside Overlay:

- 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 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 17.80 AHO, AFFORDABLE HOUSING OVERLAY

17.80.010 Purpose and application.

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

The following regulations shall apply to the AHO, Affordable Housing Overlay designation and to any land use designation where AHO, Affordable Housing Overlay designation is applicable. The following specific rules and regulations established in this chapter shall apply in combination with the land use designations established in Division 2 of Title 17.

17.80.020 General conditions.

- A. An AHO, Affordable Housing Overlay may be applied to all or a portion of a site that is deemed suitable by the Town Council for the development of affordable housing.
- B. The Town Council may approve the following densities, as an alternative to those allowed under Section 17.160.030 for projects with an Affordable Housing Overlay proposing to construct 10 or more dwelling units of which 25% or more will be reserved for lower-income households and will be rented or sold at levels that do not exceed 80% of area median income:

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

C. Calculation of Density Bonus.

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

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

1. Direct financial aid (e.g., Housing Opportunity Fund, Community Development Block Grant funding) in the form of a loan or a grant to subsidize or provide low-interest financing for on- or off-site improvements, land purchase, or construction costs;
2. Waived, reduced or deferred building permit and/or development impact fees;
3. Priority consideration during the review process; or
4. Concessions or waivers from development regulations in accordance with the provisions of California Government Code Sections 65915 through 65918 (State Density Bonus Law).

A request for approval of incentives and/or concessions pursuant to this subsection shall be made along with applicable related planning application requests for the project as regulated by Division 5 of Title 17.

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. 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 reflects the historical character of the Town.

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

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;
- B. New commercial buildings and structures are required to be residential in scale, consistent with the design standards and guidelines of Chapter 17.72;
- C. 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
- D. Signs shall follow the provisions established in Chapter 17.152.

17.84.030 Uses requiring a Use Permit.

All new and expanded 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 alterations to existing structures are subject to Design Review approval as regulated by Chapter 17.188. The following uses may be permitted by a Use Permit:

- 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; and
- D. Residential uses combined with commercial uses, including residential uses over commercial uses as allowed in the underlying land use designation.

Chapter 17.88 S, SENIOR MOBILE HOME PARK OVERLAY

17.88.010 Purpose and application.

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

17.88.020 General conditions.

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

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

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

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

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

Chapter 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.

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 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. Alterations 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; and

H. Signs shall follow the provisions established in Chapter 17.152.

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) 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 listed in Section 17.96.040 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. Minor home occupation, as regulated by Chapter 17.164;
- B. Moderate home occupation, as regulated by Chapter 17.164 and subject to issuance of an Administrative Use Permit as regulated by Chapter 17.196;
- C. Residential accessory uses; and
- D. Commercial accessory uses.

17.96.040 Uses requiring a Use Permit.

The following nonresidential 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; and
- E. Major home occupation, as regulated by Chapter 17.164.

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.

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.

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. 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;

H. 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;

I. Architectural features; and

J. Architectural elements.

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 25% 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 17.104 BUILDING HEIGHT EXCEPTIONS

17.104.010 Architectural, mechanical, and utility features.

Architectural features, vents, mechanical equipment, cooling towers, and equipment screening shall not exceed the building height limit of the applicable zoning district. Elevator equipment, stair overruns and chimneys may exceed the building height limit of the applicable zoning district by a maximum of five feet subject to Design Review approval, except where a greater height is authorized by the Town Council through the Master Development Plan approval, provided that no such feature or structure in excess of the height limit shall be used for habitable space or for any commercial or advertising purposes.

17.104.020 Rooftop uses.

Rooftop pools, decks, gardens, and similar recreational facilities may be located in the Primary Commercial, Residential-Scaled Commercial and Public Facilities Districts subject to Design Review and Use Permit approval, and subject to the following limitations:

- A. Rooftop pools, accessible decks and gardens and similar recreational facilities may be allowed atop the first or second floors of buildings in the Primary Commercial and Public Facilities Districts, with the exception of parcels in the Public Facilities District identified in Section 17.48.030, which may be allowed on the third floor. In the Residential-Scaled Commercial District such uses may only be allowed atop the first floor;
- B. No habitable space may be permitted in excess of the building height limit of the applicable zoning district;
- C. Nonhabitable structures, including but not limited to permanently affixed umbrellas, shade structures, cabanas, outdoor bars, pool slides, pool equipment enclosures and mechanical equipment, shall not exceed the building height limit of the applicable zoning district. Temporary structures, such as unaffixed umbrellas or mobile heaters, which comprise a total area no greater than 20% of the roof area may exceed the building height limit of the applicable zoning district by a maximum of eight feet subject to Design Review approval, except where a greater height or coverage is authorized by the Town Council through the Master Development Plan approval; and
- D. Perimeter safety barriers which are clear or more than 50% open may exceed the building height limit of the applicable zoning district by a maximum of five feet, subject to Design Review approval.

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, and chimneys, may encroach into front, side or rear 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 screened 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; and
- 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.

Chapter 17.112 AUXILIARY STRUCTURES

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

Chapter 17.156, landscape elements or agricultural auxiliary structures.

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

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

17.112.040 Location and Setbacks.

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

Front	20 feet
Side	5 feet
Street Side	10 feet
Rear	5 feet

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

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

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

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

A. Auxiliary structures may be allowed in side and rear setbacks between three and five feet, and

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

17.112.060 Height.

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

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

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

Chapter 17.116 OFF-STREET PARKING AND LOADING

17.116.010 Purpose.

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

The following specific rules and regulations established in this chapter shall apply to off-street parking and loading.

17.116.020 Number Required.

- A. When any building is constructed, enlarged, or increased in capacity, or when a change in use creates an increase in the amount of required off-street parking or loading spaces, additional spaces shall be required as provided in this chapter.
- B. Fractions of numbers shall be figured in the following manner. Any decimal fraction greater than one-half shall require one parking space. Any decimal fraction equal to or less than one-half may be disregarded.
- C. When two or more uses are located in the same building and/or in a common development, or when parking facilities for different buildings or uses are provided collectively, parking requirements shall be the sum of the individual and separate requirements for each use, except as otherwise provided in this title.
- D. If multiple uses share a common space, the greater parking standard shall apply.
- E. When consistent with the General Plan, the off-street parking spaces required by this chapter for any land use may be increased or decreased by the decision-making body pursuant to their review of a Use Permit or Design Review application in situations where the proposed use has characteristics that would deviate from typical parking requirements, including, but not limited to, a high level of clientele or employees, pursuant to an advisory checklist developed by the Planning Officer regarding the review and approval of reduced or increased parking requirements.
- F. **Vehicle Parking Requirements by Land Use Type.** Off-street parking and loading spaces shall be provided according to the following schedule:

- 1. Residential Uses.
 - a. Single-family: two spaces, consisting of one covered space and one screened space.
 - b. Duplex: four spaces, consisting of one covered space and one screened space for each dwelling unit within the duplex.
 - c. Multi-family:
 - i. Three dwelling units require four spaces, consisting of two covered spaces and two screened spaces.

- ii. Four dwelling units require six spaces, consisting of three covered spaces and three screened spaces.
 - iii. Additional dwelling units above four require one additional covered space per unit and one additional screened space per every two units.
- d. Accessory dwelling unit: one screened space as provided in Chapter 17.156.
- e. Parking spaces provided for affordable housing may be uncovered but shall be screened. All screened spaces shall meet the design standards as established in Section 17.136.020.
- 2. Health-Related Uses.
 - a. Extended care facilities: one space per three beds.
 - b. Medical and dental office: one space per 200 square feet of use area.
- 3. Public Uses.
 - a. Theaters, churches, and school auditoriums, and other places of assembly:
 - i. With fixed seats: one space per four seats.
 - ii. Without fixed seats: one space per 100 square feet of area used for assembly space.
 - b. Nursery and elementary schools: one space per classroom and office, plus 10 spaces for visitor parking.
- 4. Commercial or Existing Industrial Uses.
 - a. Restaurant, full-service: one space per three seats for all use area, indoor and outdoor.
 - b. Restaurant, limited service: one space per 250 square feet of use area, indoor and outdoor.
 - c. Wine tasting room: one space per four seats for all seating areas, indoor and outdoor, plus one space per 250 square feet of use area for the retail component.
 - d. Wine tasting bar, bar, nightclub: one space for every three occupants authorized by the Building Code.
 - e. Mobile food vendor: five spaces per vehicle.
 - f. Motels, inns, bed and breakfast: 1.14 spaces per room.
 - g. Retail stores and personal services: one space per 250 square feet of use area.
 - h. Business and professional offices: one space per 300 square feet of use area.
 - i. Heavy commercial or industrial: one space per 800 square feet of use

area.

5. Loading. Commercial and industrial use areas:
 - a. 10,000 to 24,999 square feet: one berth.
 - b. Each additional 25,000 square feet: one berth.

G. Buses, Limousines, and Ride Share Services.

1. Commercial uses and properties shall provide where feasible one or more off-street loading zones for buses, limousines, and/or ride share vehicles. The number of spaces shall be determined by the Town Council on a case-by-case basis as part of a Master Development Permit.

H. Electric Vehicle Charging Stations.

1. Commercial and Multifamily. New commercial and multifamily projects which provide required parking of ten or more spaces shall provide electric vehicle charging stations equal to at least 10% of the total required parking spaces unless determined to be impractical by the reviewing authority.
2. Single-family Residential. New residential development shall provide electrical service for potential electric vehicle charging.

I. Bicycle Parking. Bicycle storage space shall be provided in all parking areas of 10 or more spaces according to the following schedule:

1. Multifamily projects shall provide bicycle parking spaces equal to a minimum of 10% of the required vehicle spaces unless separate secured garage space is provided for each unit. The bicycle spaces shall be distributed throughout the project.
2. Retail commercial uses shall provide bicycle parking spaces equal to a minimum of 5% of the required vehicle spaces, distributed to serve customers and employees of the project.
3. Other nonresidential uses providing employment shall provide bicycle parking spaces equal to a minimum of 10% of the required vehicle spaces, distributed to serve employees and visitors to the project.
4. Places of public assembly shall provide bicycle parking spaces equal a minimum of 10% of the required vehicle spaces, distributed to serve customers, visitors, and employees.
5. Each bicycle space shall be a minimum of two feet in width, six feet in length and have a minimum of seven feet of overhead clearance.
6. Each bicycle parking space shall include a stationary parking device to adequately secure the bicycle.
7. Bicycle spaces shall be conveniently located and generally within proximity to the main entrance of a structure.

J. Employee Parking. All new or expanded uses, and changes in use, shall demonstrate that 50 to 100% of employees can park on-site in spaces designated

and signed for employee use. If there is insufficient on-site space in a previously developed parking lot to accommodate all employees associated with an expanded use or a change in use, the Town Council may consider allowing on-street employee parking on a case-by-case basis, subject to an approved Employee Parking Management Plan and lease of on-street parking spaces consistent with the Master Fee Schedule.

17.116.030 Parking Space Dimensions.

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

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

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

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

Angle	Stall Width	Stall Length
Parallel	8'-6"	20'
45 degrees	8'-6"	18'
60 degrees	8'-6"	19'
Perpendicular	8'-6"	18'

- C. **Accessible parking.** Handicap parking shall be provided in accordance with the standards of the California Building Code.

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

Land Use	Berth Width	Berth Length	Berth Height
Heavy Commercial and Industrial Uses	12'	45'	15'
All Other Uses	11'	35'	14'

17.116.040 Tandem Parking.

Except for single-family residential development, mobile home parks, or as provided by

a Use Permit, tandem parking (parking where one or more cars must be moved in order to allow a car to access a parking space) shall not count as fulfilling the off-street parking requirements.

A. In reviewing requests for tandem parking Use Permits, consideration shall be given to lot configuration (i.e., narrow lot width); locating all parking spaces beyond the front setback depth; increasing efficiency in use of available space; maximizing on-site employee parking; facilitating in-fill development; and minimizing impacts to adjoining properties.

B. Notwithstanding any other provision of this subsection, a Use Permit shall not be required for tandem parking for accessory dwelling units as established in Section 17.156.020.

17.116.050 Driveway and Curb Cut Dimensions.

A. Residential Properties.

1. Driveway width for single-lot access shall not exceed:
 - a. 10 feet for garages in the rear half of the lot or for single-car garages on the front half of the lot.
 - b. 18 feet for two-car garages on the front half of the lot. The allowance for driveways up to 18 feet in width shall be subject to the following restriction: no more than 50% of the driveways in a Master Development Plan of five or more units shall be allowed to exceed 10 feet in width. Shared driveways shall be excluded from the calculation of this requirement.
2. Driveways providing shared access to two lots shall not exceed 12 feet in width.
3. Driveways providing shared access to three or more lots shall not exceed 20 feet in width.
4. Curb cuts for single-car access shall not exceed 12 feet in width and the distance between curb cuts should be at least 20 feet; however, the minimum distance between curb cuts may be 10 feet when part of a Master Development Plan.
5. Encroachments into a driveway area shall be limited to roof overhangs, projecting eaves, awnings, second story bay windows and similar building elements.

B. Nonresidential Properties.

1. Curb cuts for access to parking lots shall not exceed 12 feet for one-way access or 24 feet in width for two-way access. Exceptions may be granted through the Master Development Plan permit by the Town Council as deemed necessary for public safety or preservation of existing landscape.
2. Parking that results in vehicles backing out onto a public street shall

be prohibited. Vehicles are to enter the roadway headfirst.

17.116.060 Location of Parking.

A. Residential Properties.

1. Except for driveways and approved parking spaces, off-street parking and loading spaces are not permitted in any side yard on the street side of a corner lot or any front yard unless the parking spaces are screened from the public right-of-way.
2. Off-street parking spaces for single-family dwellings shall be located on the same lot as the dwelling served.
3. Off-street parking spaces for all other dwellings shall be located on the same lot and not more than 250 feet from the dwelling served.

B. Nonresidential Properties.

1. Off-street parking spaces shall be located on the same lot or within close proximity to the use served, if authorized by the Town Council through the Master Development Plan permit.

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

2. Bumpers, posts, wheel stops, or other similar parking blocks shall be provided on all parking spaces located along property lines and have a minimum setback of 18 inches from the boundary of the parking lot.

17.116.070 Landscaping of Parking Facilities.

- A. Within parking areas, there shall be one tree provided for every six parking spaces.
- B. Trees shall be planted in tree wells of at least four feet wide by four feet long by four feet deep and adequately protected from car movements.
- C. All landscaping and trees shall be provided with an irrigation system that is maintained in working order.

17.116.080 Lighting of Parking Facilities.

- A. Lighting for parking areas shall be designed as regulated by Chapter 17.132, to confine emitted light to parking areas, and with the light source not visible from outside the area. Glare or shine from lighting shall not create a nuisance for adjacent dwelling units.
- B. Average illumination at the ground shall be no more than one foot candle, except where an increase in lighting level is recommended by a lighting

consultant or qualified professional as necessary for safety.

17.116.090 On-street Parking Shoulders in the Old Town Historic District.

For properties designated as H, Old Town Historic, on the Zoning Map, on-street parking shoulders shall be surfaced with permeable materials such as gravel, decomposed granite, or other aggregate material.

Chapter 17.120 OPEN SPACE

17.120.010 Purpose and application.

The intent of this chapter is to establish regulations for the development of usable open space necessary to fulfill needs for outdoor leisure and recreation, to preserve valuable natural resources, and to improve the amenity of residential living and commercial gathering spaces.

17.120.020 Open space.

The following general conditions shall apply to all provisions for open space as established in this chapter:

- A. Any area to be credited towards common usable open space shall be either:
 - 1. Controlled and maintained by the owner of the property, or by an incorporated nonprofit homeowners' association, and devoted exclusively to the recreation, scenic, and leisure use of all the occupants of and/or visitors to the property; or
 - 2. Dedicated in fee to, and maintained by, a public agency or recreation district, and devoted to the recreation, scenic, and leisure use of the population that will occupy the district.
- B. Every dwelling unit in a multifamily dwelling or any dwelling built in conjunction with a commercial structure shall be provided with private usable open space for each building type as established in the applicable zoning district.
- C. No more than 60% of the space devoted to private usable open space may be covered by a private balcony projecting from a higher story. A screening device not greater than six feet in height and constructed of dense landscaping, or a fence, wall, grill, or other screening device, may be required to abut private usable open space if in the judgment of the Planning Officer, the needs for establishing a pleasant outdoor leisure and recreation environment would thereby be met.

17.120.030 Procedures.

The Zoning Design Review Board or Town Council may, as a condition of approval, require the applicant to employ any appropriate methods to ensure the permanent status and maintenance of common usable open space.

Chapter 17.124 WATER EFFICIENT LANDSCAPING

17.124.010 Purpose.

Intelligent, skillful design and water management can enable the citizens of the Town of Yountville to enjoy a well landscaped community, while at the same time conserving natural resources. The purpose of this chapter is to reduce water waste and provide for efficient water use in new and rehabilitated landscaping by promoting the use of regionally

appropriate plants that require minimal supplemental irrigation and by establishing standards for irrigation efficiency and landscape maintenance. The goal of this chapter is to achieve water conservation, prevention of the waste of this natural resource, improved water quality, and enhancement to the environment.

17.124.020 Documentation.

Prior to issuance of a building permit or grading permit, each landscape project shall provide documentation to the satisfaction of the Planning Officer that demonstrates compliance with either:

- A. The requirements of this chapter and the Water Efficient Landscape Guidelines.
- B. The requirements of the State of California Model Water Efficient Landscape Ordinance, California Code of Regulations Title 23, Division 2, Chapter 2.7, in a manner that meets or exceeds the design requirements of the Guidelines, as may be amended.

17.124.030 Penalties.

Any property owner, person, firm, or corporation, whether as principal agent, employee or otherwise, violating any provision of this chapter shall be guilty of a misdemeanor and subject to administrative enforcement in accordance with Chapter 8.05 of this code. Any property owner, person, firm, or corporation shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of this chapter is committed, continued, or permitted by such person, firm or corporation, and shall be punishable as provided herein. Penalties under the administrative enforcement provisions of Chapter 8.05 of this code may be imposed in lieu of, but not in addition to, penalties imposed by the court for any single violation.

17.124.040 Timing.

The provisions of this chapter shall not apply to landscape projects that have received approval for design review, building permit, or grading permit prior to the effective date of the ordinance codified in this chapter.

Chapter 17.128 TREE PRESERVATION AND MANAGEMENT

17.128.010 Purpose.

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

17.128.020 Statement of intent.

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

flood hazards, and contributes to reduction in greenhouse gas emissions.

When considering requests for tree removal, primary preference will be given to mitigation measures that will allow the retention and preservation of the tree. Where tree removal is approved, the initial preference is that another tree be replanted on-site in a suitable location, whenever good forestry practice so dictates. However, in circumstances when a replacement tree cannot feasibly be replanted on-site, an in-lieu fee shall be paid to the Town as defined in this chapter. It is further intended that review of requests for tree removal or tree trimming should be based on protecting public safety and preserving the health of the tree.

17.128.030 Hazard reduction and prevention.

- A. The following preventative measures shall be taken to reduce hazard risks.
 - 1. Plant trees that are not problematic and that fit the site. The International Society of Arboriculture (ISA) has developed a list to assist property owners in avoiding trees that may become a problem.
 - 2. A healthy, vigorous tree that receives regular care is less likely to become hazardous than one that is ignored. Prevention is the best solution to the tree hazard problem.
 - 3. The risk of hazard may be reduced by removing dead and broken branches, reducing branch end weights, by mechanically supporting weak branches from below, or by cabling and bracing.
 - 4. In some cases, hazards may be eliminated by removing picnic tables or other items beneath a precarious tree, fencing to prevent access to such trees, or rerouting pedestrian or vehicular traffic.
- B. Where a hazard can be reduced to a less than significant level or hazard, as determined by a certified arborist in a written tree report, all reasonable mitigation measures shall be taken.
- C. Where there are two or more conflicting tree reports, the Town consulting arborist shall make the final determination on a hazardous rating.

17.128.040 Permit required.

- A. **Applicability.** Except as provided in subsection B of this section, no person may destroy or remove any of the following protected trees from any private property without first obtaining a tree removal permit, in accordance with Section 17.128.060 of this chapter:
 - 1. A heritage tree identified in the Heritage Tree Survey;
 - 2. Any native oak tree with a trunk that measures 10 inches diameter at breast height (DBH) (equal to 31 inches in circumference) or more;
 - 3. Any tree with a trunk that measures 12 inches DBH (equal to 38 inches in circumference) or more or a multi-stemmed perennial plant having an aggregate DBH of 20 inches (equal to 63 inches in circumference) or more;

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

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

1. Prior to removal, the owner submits a tree report by a certified arborist certifying the tree as dead and receives approval for removal from the Planning Officer.
2. The removal of the tree was specifically approved as part of a previously approved development entitlement.
3. The work to be performed is routine maintenance necessary for the health of the tree or protection of property; provided, however, that non-routine maintenance shall be subject to fines and penalties as provided in this chapter.
4. Prior to removal, the Planning Officer determines that the tree constitutes a hazard or threat to the public health and safety or property in the vicinity in cases where one or more of the following apply:
 - i. The tree (or trees) in question is dying, diseased or has been substantially damaged and will likely in the near term threaten the health and safety of persons or property improvements in the immediate vicinity and such disease or threat is verified in writing by a licensed tree surgeon or certified arborist. Prior history of poor maintenance affecting the health of the tree may invalidate grounds for removal of an unhealthy tree; or
 - ii. The tree (or trees) in question is classified as a pyrophyte, including Monterey Pine, Bishop Pine, Acacia species, and Eucalyptus species; or
 - iii. Tree removal or alteration is by a public agency or public utility to provide for the routine maintenance of public land or public utilities; or
 - iv. Tree removal or alteration is by a homeowner or a homeowner's association when it can be demonstrated that the tree is causing damage to a utility that cannot be relocated and mitigation measures are not feasible.

17.128.050 Permit application.

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

- A. An application for tree removal permit shall be required for all protected trees.
- B. Applications shall be submitted to the Planning & Building Department and shall be accompanied by the following information.
 1. When combined with a larger development application, a preliminary site plan and grading plan showing the number, size, type, and location of tree(s) to

be removed and trees to be preserved, and the location of all existing and proposed improvements on the property. The plan shall include the approximate driplines of all trees on-site and trees located on adjacent properties with canopies overhanging the project site.

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

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

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

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

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

D. Application for and granting of a permit may be jointly considered with an application for any other development entitlement which may be required.

17.128.060 Permit decision, criteria, and mitigation.

A. Decisions.

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

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

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

B. **Findings.** The responsible reviewing authority may approve the application and authorize a tree removal permit if the facts presented establish one or more of the following:

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

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

3. Alternative mitigation measures that reduce a structural defect but do not result in removal of the tree(s) are either impractical or would not benefit the longevity of the subject tree(s).

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

17.128.070 Replacement trees/in lieu fees.

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

1. The reviewing authority may condition any tree removal permit with replacement of trees in kind or from a recommended tree list maintained by the Town. The replacement requirement shall be calculated on an inch-by-inch replacement of the removed tree(s) (e.g., the removal of one 12-inch DBH tree shall necessitate the planting of six two-inch DBH trees or four three-inch DBH trees, etc.). The minimum size for a replacement tree shall be a 15-gallon. The minimum size for a replacement of a heritage tree or a native oak shall be 24-inch box. Replacement trees shall meet the standards of size, species, and placement as provided for in the tree removal permit issued by the Planning Officer.

B. **In-lieu fee deposit.** Whenever a tree removal permit is conditioned upon the planting of a replacement tree, the payment of an in-lieu replacement tree fee deposit as established in the Master Fee Schedule shall occur prior to issuance of the tree removal permit. The deposit is refundable within 180 days of the permit issuance upon planting the required replacement tree and providing photographic proof of the planting and placement of the replacement tree to the Planning Officer.

C. **In-lieu fee determination.** The amount of the in-lieu replacement tree fee deposit is the entire cost of establishing a new tree in accordance with the Master Fee Schedule. In addition to the cost of acquiring a replacement tree as set forth in the Master Fee Schedule, the in-lieu fee shall also include materials and labor necessary to plant the tree, and to maintain it for two years. This in-lieu fee will be reviewed annually and, if necessary, adjusted to reflect current costs.

D. **In-lieu fee payment.** In some circumstances, crowding or other physical constraints make it impossible or undesirable to replace a tree of equal value on-site. When a replacement tree planting is deferred beyond 180 days or not feasible, the in-lieu replacement tree fee deposit is not refundable and shall be placed into the Tree Planting and Preservation Fund.

E. **Monitoring.** Replacement trees shall be monitored for five years to ensure their establishment and growth to maturity. The Town will inspect the replacement

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

17.128.080 Tree protection during development.

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

B. **Tree Protection Plan.** Prior to commencement of a development project, a property owner shall submit a Tree Protection Plan if any activity is within the dripline of a protected tree. The plan shall be prepared by a certified arborist to assess impacts to trees, recommend mitigation to reduce impacts to less than significant levels, and identify construction guidelines to be followed through all phases of a construction project. The plan must be approved by the Town's consulting arborist prior to the start of work.

C. **Fencing.** Protective tree fencing shall be erected around the TPZ of all trees, whether located on- or off-site, to be protected during construction. The fence shall remain in place throughout the entire construction period and may not be removed without approval by the Planning Officer.

D. **Prohibited Activities.** Activities prohibited within the TPZ include:

1. Storage or parking of vehicles, equipment, construction materials, refuse, excavated spoils or poisonous materials on or around trees and roots.
2. The use of tree trunks as a winch support, anchorage, as a temporary power pole, sign posts or other similar function;
3. Cutting tree roots by utility trenching, foundation digging, placement of curbs and trenches and other miscellaneous excavation;
4. Soil disturbance or grade change; and
5. Drainage changes.

E. **Inspection Schedule.**

1. The project certified arborist or landscape architect retained by the applicant shall conduct the following required inspections of protected trees and submit a written summary of the changing tree related conditions, actions taken, and conditions of trees to the Planning Officer;
2. Required Inspections and Reports;

- a. Inspection of protective tree fencing;
- b. Pre-construction meeting;
- c. Inspection of rough grading;
- d. Any special activity within the TPZ;
- e. Monthly Inspections by the project arborist to monitor changing conditions and tree health; and
- f. For discretionary development projects, prior to building permit final, the landscape architect shall perform an on-site inspection of all plant stock, quality of the materials and planting, and that the irrigation is functioning consistent with the approved plans.

17.128.090 Duty of care for protected trees.

- A. All owners of property containing protected trees shall have a duty of regular maintenance to ensure the ongoing health and longevity of said trees.
- B. All owners of property containing protected trees that are the site of a development or construction project shall adhere to the standards in Section 17.128.080.
- C. The following are prohibited maintenance practices for protected trees:
 - 1. Excessive pruning;
 - 2. Topping; or
 - 3. Taking any action that foreseeably leads to the death of a tree or permanent damage to its health.

17.128.100 Additional duty of care for heritage trees.

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

- A. Pruning of heritage trees shall be minimized, particularly during the winter when oaks are more susceptible to fungal infections.
- B. Trenching within the TPZ of any heritage tree may only be done with hand tools to prevent root injury. Mechanical trenching within the protected zone of any heritage tree is not permitted.
- C. Minor roots less than one inch in diameter may be cut, but damaged roots shall be traced back and cleanly cut behind any split, cracked or damaged area.
- D. Major roots over one inch in diameter may not be cut without approval of an independent and certified tree professional.
- E. Irrigation within the TPZ of a heritage tree shall be eliminated or minimized, particularly during the summer when natural conditions are dry.
- F. No live material may be planted within 10 feet of the trunk of any heritage tree.

Any live material planted within 20 feet of a heritage tree shall be drought tolerant. If an irrigation system is installed for such plant material, it must be an independent low-flow drip irrigation system.

G. Limbs of a heritage tree may not be cut for temporary construction purposes.

H. No impermeable soil covering such as asphalt, concrete or other paving is permitted within the TPZ of any heritage tree.

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

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

17.128.110 Landscape maintenance.

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

Chapter 17.132 OUTDOOR LIGHTING

17.132.010 Purpose.

The purpose of this chapter is to create standards for outdoor lighting in order to:

- A. Prevent nuisances created by light pollution, glare, and light trespass caused by inappropriate or misaligned light fixtures and over-lighting;
- B. Improve nighttime public safety, utility, and security;
- C. To promote lighting practices and systems that conserve energy;
- D. To phase out existing nonconforming fixtures, including those owned by the Town and other public agencies; and
- E. Preserve the dark night sky.

17.132.020 Applicability.

- A. **New Outdoor Lighting.** All outdoor lighting fixtures installed after the effective date of the ordinance codified in this chapter and thereafter maintained upon private

property, public property, or in the public right-of-way shall be fully shielded and use directional lighting methods, including, but not limited to, fixture location and height.

B. Existing Outdoor Lighting. All existing outdoor lighting fixtures installed prior to the effective date of the ordinance codified in this chapter shall be addressed as follows:

1. To immediately address nuisances caused by improperly installed, unshielded, or misdirected fixtures, all existing outdoor lighting fixtures shall be adjusted or modified to the extent practical to reduce or eliminate glare, light trespass, and light pollution.
2. All existing outdoor lighting fixtures shall be modified to meet the requirements of this chapter for the entire property when located on a property that is part of the following applications:
 - a. Design Review;
 - b. Use Permit;
 - c. Subdivision; or
 - d. Building Permit for a new structure or additions to buildings that result in an increase of 25% or more of the existing gross floor area, seating capacity, or parking spaces (either with a single addition or cumulative additions).

Such applications are required to include an outdoor lighting plan pursuant to Section 17.132.050. Conformity shall occur prior to final inspection, when applicable.

3. All existing outdoor lighting fixtures on property used for commercial, residential, institutional, public, and semi-public purposes not in conformance with this section shall be brought into conformance within five years from the effective date of the ordinance codified in this chapter.

C. The Zoning and Design Review Board and Town Council are responsible for the approval of lighting plans and may approve, deny, or require modifications to any outdoor lighting plan in order to meet the purpose of this chapter.

17.132.030 Exemptions.

The following are exempt from the provisions of this chapter:

- A. Local festivals and seasonal displays (between November 15th and through the second week of January of the following year) using multiple low wattage bulbs (approximately 15 lumens or less) provided that they do not constitute a fire hazard, create a nuisance, and are maintained in a safe and attractive condition;
- B. Vehicular lights and all temporary emergency lighting needed by the Police and Fire Departments, or other emergency services;
- C. All temporary lighting used for the construction or repair of roadways, utilities, and other public infrastructure; and
- D. All lighting required by State or Federal regulatory agencies.

The Planning Officer may authorize additional property specific exemptions when proposed outdoor lighting does not conflict with the purposes of this section. An application for such an

exemption must be made in writing and include an outdoor lighting plan pursuant to Section 17.132.050. Temporary lighting for special events shall be reviewed in this manner.

17.132.040 General requirements.

The following general standards apply to all nonexempt outdoor lighting fixtures:

- A. **Nuisance Prevention.** All outdoor lighting fixtures shall be designed, located, installed, aimed downward or toward structures, and maintained in order to prevent glare, light trespass, and light pollution. Outdoor lighting fixtures aimed against structures shall be totally contained by the structure to result in no off-site glare. Luminaires that do not allow light to escape above an 85-degree angle measured from a vertical line from the center of the lamp extended to the ground are preferred.
- B. **Maintenance.** Fixtures and lighting systems shall be in good working order and maintained and aligned in a manner that serves the original design intent of the system.
- C. **Lighting Levels.** Outdoor lighting installations shall be designed to avoid harsh contrasts in lighting levels between the project site and the adjacent properties. The Town Council may, by resolution, adopt standards for maximum or minimum lighting levels for various zoning districts and for public streets, sidewalks, or trails, as developed by the Planning & Building Department. The Illuminating Engineering Society of North America (IESNA) RP-33, Lighting for Exterior Environments, shall be used as a guideline including, but not limited to, the location types shown in Table 17.132-1. The Town may restrict lighting to a level less than the IESNA recommended guideline.

**Table 17.132-1
Illuminance Levels Guidelines**

Location	Maximum Illumination (footcandles)	Average Illumination (footcandles)
Parking Lot	5.0	2.5
Perimeter parking	3.0	1.5
Property Boundary	0.5	
Adjacent to residential	0.5	
Approach and driveways	1.5	
Within 10 feet of driveway at property line	0.5	
Accessory Uses	3.0	
Within 15 feet of residential	0.5	
Within 15 feet of nonresidential	1.0	
Within 15 feet of approach	1.5	
Building Exteriors	5.0	
Streets and Roadways		
Local		0.7
Collector		0.9
Arterial		1.6

D. **Lamp Types.** Metal halide (MH) or high-pressure sodium (HPS) lamps are preferred for all new commercial area lighting (parking lot and yard lights) and street lighting installed after the effective date of the ordinance codified in this chapter due to good color rendering and good energy efficiency. Low pressure sodium (LPS) lighting may be used for area lighting but shall not be used by itself in outdoor light fixtures due to poor color rendition and the need by public safety personnel to identify color in the nighttime environment. A combination of low-pressure sodium lighting and other type(s) of full spectrum lighting (e.g., metal halide) may be used if color rendition can be maintained. Low wattage incandescent or compact fluorescent lamps are preferred for residential lighting.

E. **Fixture Types.** All new outdoor lighting shall use full cut-off luminaires with the light source downcast and fully shielded with no light emitted above the horizontal plane, with the following exceptions:

1. Fixtures that have a maximum output of 400 lumens (equivalent to one 40-watt incandescent bulb) or less, regardless of the number of bulbs, may be left unshielded provided that it has an opaque top or is under an opaque structure to prevent the light from shining directly up. However, partial (e.g., obscured glass) or full shielding is preferred to control light output in all situations.
2. Fixtures that have a maximum output of 1,000 lumens (equivalent to one 60-watt incandescent bulb) or less may be partially shielded using a semi-translucent barrier, provided that the lamp is not visible from off-site, no direct glare is produced, and the fixture has an opaque top or is under an opaque structure to keep light from shining directly up (e.g., a low-output style wall pack).
3. Floodlights with external shielding shall be angled provided that no light is directed above a 45-degree angle measured from the vertical line from the center of the light extended to the ground, and only if the luminaire does not cause glare or light to shine on adjacent property or public rights-of-way and does not emit light above the horizontal plane. Photocells with timers that allow a floodlight to go on at dusk and off by 11:00 p.m. are encouraged. Unshielded floodlights are prohibited.

F. **Accent Lighting.** Architectural and landscape features may be illuminated by up-lighting, provided that the light is effectively contained by the structure, the lamps are low intensity to produce a subtle lighting effect, and no glare or light trespass is produced. For national and state flags, public art, or other objects of interest that cannot be illuminated with down-lighting, upward lighting may only be used in the form of low intensity, narrow cone spotlight that confines the illumination to the object of interest and minimizes spill-light and glare.

G. The provisions of this chapter are not intended to prevent the use of any design, material, or method of installation or operation not specifically prescribed herein, provided that the Planning Officer has approved any such alternative. An alternative proposal may be approved if it provides at least approximate equivalence to the applicable specific requirements of this section, or if it is otherwise satisfactory and complies with the purpose of this chapter.

H. The Town of Yountville reserves the right to further restrict outdoor lighting including, but not limited to, pole height and level of illumination, when it is deemed in the public interest consistent with the purpose of this chapter.

17.132.050 Submittals.

A. An outdoor lighting plan shall be submitted in conjunction with an application for Design Review, Use Permit, subdivision, or building permit for a new structure or addition(s) of 25% or more in terms of gross floor area, seating capacity, or parking spaces (either with a single addition or cumulative additions). An outdoor lighting plan is required for all new outdoor lighting installations on commercial (includes multifamily residential project of four or more units), public, and institutional properties. The Planning Officer may request outdoor lighting plans from applicants for other types of projects due to project location, size, or proposed use, as necessary. An outdoor lighting plan shall include at least the following:

1. Manufacturer specification sheets, cut sheets, or other manufacturer provided information for all proposed outdoor lighting fixtures to show fixture diagrams and light output levels;
2. The proposed location, mounting height, and aiming point of all outdoor lighting fixtures (a site plan is preferred); and
3. If building elevations are proposed for illumination, drawings for all relevant building elevations showing the fixtures, the portions of the elevations to be illuminated, the illuminance level of the elevations, and the aiming point for any remote light fixture.

B. If needed to review the proposed outdoor lighting fixture installation, the Planning Officer may require additional information following the initial outdoor lighting plan submittal, including but not limited to a written narrative to demonstrate the objectives of the lighting, photometric data, Color Rendering Index (CRI) of all lamps and other descriptive information on the fixtures, computer generated photometric grid showing footcandle readings every 10 feet within the property or site and 10 feet beyond the property lines (An iso-footcandle contour line style plan is acceptable), and/or landscaping information to describe potential screening.

17.132.060 Prohibitions.

- A. The installation of any new fixture not in conformance with this chapter is prohibited after the effective date of the ordinance codified in this chapter.
- B. No outdoor lighting fixtures shall be installed, aimed, or directed to produce light that spills over into neighboring properties or the public right-of-way. Light trespass is prohibited.
- C. No outdoor lighting fixture may be installed or maintained in such a manner to cause glare visible from off-site.
- D. No outdoor lighting fixture may be operated in such a manner as to constitute a hazard or danger to persons, or to safe vehicular travel.
- E. Blinking, flashing, moving, revolving, flickering, changing intensity, and changing color lights are prohibited.

- F. The installation of new mercury vapor (MV) lamps is prohibited except for agricultural buildings when full cut-off fixtures are used; existing mercury vapor lamps shall be retrofitted to be shielded downward (e.g., with a Hubble Sky Cap) or replaced.
- G. Search lights, laser source lights, or any similar high-intensity light is prohibited except in emergencies by police and fire personnel or at their direction, or for approved temporary lighting under a special event permit issued by the Planning Officer.

17.132.070 Signs.

All outdoor lighting for commercial signs shall conform to the provisions of this chapter. Externally illuminated signs, advertising displays, billboards, and building identification shall use top-mounted light fixtures which shine light downward, and which are fully shielded. Light bulbs or lighting tubes used for sign illumination shall not be readily visible from the vehicular travel lanes, adjacent public rights-of-way, or adjoining properties. The intensity of sign lighting shall not exceed that necessary to illuminate and make legible a sign from the approved location of view, such as pedestrian walkway, adjacent travel way or closest Town street.

17.132.080 Outdoor performance, sport and recreation facilities.

- A. Where playing fields or other special activity areas are to be illuminated, lighting fixtures shall be mounted, aimed, and fully shielded so that the illumination falls within the primary playing or task area and immediate surroundings and so that no direct off-site light trespass or glare is produced.
- B. The main lighting shall be turned off as soon as possible following the end of an event. Where feasible, a low-level lighting system shall be used to facilitate patrons leaving the facility, cleanup, and other closing activities.

17.132.090 Energy conservation measures.

Incorrect installations, poor choice of fixtures, and over-lighting can result in unnecessarily high-energy costs. The following recommendations are intended to encourage the efficient use of energy for lighting purposes:

- A. All nonessential outdoor commercial and residential lighting is encouraged to be turned off after business hours and/or when not in use.
- B. Where practical, outdoor lighting installations are encouraged to include timers, dimmers, sensors, or photocell controllers that turn the lights off during daylight hours to reduce overall energy consumption and eliminate unnecessary lighting. Sensor activated fixtures should not be triggered by activity off the subject property.
- C. When selecting new outdoor lighting, the full cost of operation over the life of the fixture(s) should be considered. Substantial annual energy savings may be realized by using quality efficient fixtures.
- D. Indiscriminate and excessive lighting should be avoided. Light should be directed only to where it is needed with the appropriate intensity.

17.132.100 Violations and penalties.

It is unlawful to install or operate any outdoor lighting fixture in violation of this chapter. Any person violating any provisions of this chapter may be subject to the provisions of

Chapter 17.228, Compliance and Enforcement. In addition, any outdoor lighting fixture erected or maintained contrary to the provisions of this chapter may be declared to be a public nuisance subject to the procedures set forth in Municipal Code Chapter 8.05. Such remedies are in addition to and may be sought or imposed concurrently with, any other remedy provided by law, regulation, or ordinance.

17.132.110 Enforcement.

The Planning Officer is hereby empowered and directed to administer, enforce, and monitor compliance with the provisions of this chapter relating to outdoor lighting control.

Chapter 17.136 WALLS, FENCES, AND LANDSCAPE SCREENING.

17.136.010 Purpose.

Walls, fences, and landscape screening often help to define the character of the street and neighborhood. They serve to provide enclosure, definition, and privacy to the front yard, rear yard, or parking area. They also are intended to protect individual properties from traffic, noise, heat, glare, and dust. Therefore, walls and fences that are visible from the street should be treated as an integral part of the architecture. The materials, colors, and detailing should be consistent with the buildings they surround and adjoin. Walls, fences, and landscape screening may be located along all property lines provided the conditions outlined in this section are met.

17.136.020 Design Standards. The following design standards apply to all new walls, fences, or screening for existing and new development throughout the Town submitted for approval following the adoption of this title:

- A. All heights are measured from finished grade, unless otherwise determined by the Town Council;
- B. Walls, fences, or landscape screening are required in the following cases:
 - 1. Along the rear property lines of any nonresidential use which abuts on a residential use;
 - 2. To screen any open area used for the storage of goods, materials, or wastes from view from abutting properties and from public rights-of-way and all openings for access ways shall be constructed of view-obscuring materials; and
 - 3. To screen from abutting properties any open area used to display goods or materials for sale.
- C. The height of a wall or fence along a rear or side property line shall not exceed six feet;
- D. The height of a wall or fence along a side property line shall not exceed three feet within the front yard or setback and shall not exceed six feet for the remainder of the parcel;
- E. The height of a wall, fence or landscape screening along the front property line shall not exceed three feet and the height of a wall or fence within the front yard or setback shall not exceed three feet;
- F. The height of a wall, fence or landscape screening a parking area or driveway shall be at least three feet but shall not exceed six feet;

- G. Required walls, fences, or landscape screening need not be provided along a shared lot line where a wall, fence or landscape screening of equivalent height and density exists on the other side of the shared property line, and is properly maintained;
- H. On corner lots, the height of any wall, fence, or landscape screening within 35 feet of the corner of the lot at the street intersection shall not exceed three feet in height and may be required to be set back from the property line when the Planning Officer deems it necessary for public safety;
- I. Walls, fences, or landscape screening of at least three feet in height may be required by the Zoning and Design Review Board or Town Council to obscure from view along public rights-of-way all or part of an open area used to display goods or materials for sale, such as a lumberyard or nursery; and
- J. Exceptions to the maximum height limitations are permitted by the use of extensions to screening in compliance with the following provisions and process:
1. Fence, wall, and landscape screen extensions shall not exceed a total height of eight feet. Typically, the extension will consist of an additional two feet lattice screen to the top of a six-foot fence or wall;
 2. Heights shall be measured from the approved finished grade and shall not be artificially built up for the purpose of increasing screen height;
 3. Screen extensions are limited to locations within rear and side yard setbacks. Screen extensions are not permitted in front yard setbacks; along yards and setbacks that front onto public or private streets; at properties where screen heights are limited by conditions of approval; and, for reverse corner lots, within the front yard setback of the adjacent property where the maximum rear yard height of six feet shall not be exceeded;
 4. Screen extensions shall be administratively approved and permitted with no additional notification otherwise upon providing information to the adjoining property owner regarding the design (i.e., dimensions, materials, color) and location of the extension, securing their written consent, and submitting it to the Planning & Building Department. When written approval from the adjoining property owner has not been secured, extensions may be approved at the conclusion of a 30-day review and appeal period following the posting and mailing of a notice of pending action for the extension request and no appeals have been received. The Town Council shall hear appeals to screen extension requests;
 5. Planning staff shall approve the location, materials, and color of the extension construction. The extension material, other than landscape screens (typically hedges) which may grow to eight feet, shall not be a solid material and shall consist of a design that is a minimum of 35% open or vegetative material grown on an approved framework; and
 6. Walls and fences over six feet in height and masonry walls over four feet in height (measured from the bottom of footer) are required to secure a building permit or as required by current building code.

Chapter 17.140 UTILITIES AND REFUSE STORAGE

A. Provisions for utilities including accessory equipment, and storage for refuse are often overlooked in the planning and site design of a new development. Their misplacement results in unreconciled intrusions into yards and streetscapes. The design standards outlined in this section are intended to ensure that yards and streetscapes remain free from ill-considered utilities or refuse storage and adequate accommodation is provided.

B. **Design Standards.** The following design standards apply to utilities and refuse storage for new development throughout the Town:

1. Utilities and refuse storage areas are not permitted in any setback area or front yard except as noted in subdivision 2 of this subsection;
2. All new electrical, telephone, CATV and similar service wires or cables shall be installed underground. Risers on poles or buildings are permitted. Where there is no underground system, utility service poles may be placed on the rear property line solely for the purpose of terminating underground facilities;
3. Air conditioners and similar mechanical equipment shall be screened from view;
4. Electrical vaults and meter boxes must be screened from view from any public right-of-way. Fire pipes and extinguishers must be easily identified; and
5. For commercial uses, refuse storage areas shall be screened from public and adjacent properties view or located within a building. All refuse storage areas shall be maintained to the reasonable satisfaction of the Town Council.

Chapter 17.144 REGULATIONS FOR IMPACT ON ADJACENT USES

17.144.010 Purpose and application.

The purpose of these regulations is to establish performance standards to ensure the appropriate location for operations with significant environmental impact, to encourage a mixture of suitable uses, including light industrial uses, in Yountville's commercial zones and to preclude inappropriate uses from having undesirable impacts upon surrounding residential neighborhoods. The following specific rules and regulations established in this chapter shall apply to matters requiring impact regulations.

17.144.020 General conditions.

A. **Permissible Location Standard.** Impacts on adjacent uses are regulated according to the land use designations of this title. Permissible impacts on adjacent uses are divided into two impact categories depending upon their proposed locations, as defined below:

1. Impact Category I. Uses located adjacent to existing or planned residential areas (planned residential areas, for this purpose, shall consist of all areas designated for residential use on the adopted Yountville General Plan Map or on Master Development Plans approved in accordance with the Planned Development Review).
2. Impact Category II. Uses which are not adjacent and will have no significant impact on established or planned residential developments.

- B. The performance criteria for each impact category are listed below:
1. Noise.
 - a. Impact Category I. All noise-generating operations shall be buffered so that they do not exceed noise levels identified in Chapter 8.04;
 - b. Impact Category II. All noise generated by industrial or commercial operations shall comply with Chapter 8.04.
 2. Light Impact.
 - a. Impact Category I. No bright or flashing lights shall be visible in a residential district. All lighted signs shall be subject to Section 17.132.090 and Chapter 17.152 Signs;
 - b. Impact Category II. No bright or flashing lights shall be visible. All lighted signs shall be subject to Section 17.132.090 and Chapter 17.152 Signs.
 3. Traffic Circulation and Parking.
 - a. Impact Category I. New development must demonstrate that it will not substantially increase truck traffic on residential streets. Trucks over two tons shall not be permitted on local residential streets. Customer and employee parking and truck loading areas shall be provided in accordance with Chapter 17.116 Off-Street Parking and Loading;
 - b. Impact Category II. Same as above.
 4. Vibration.
 - a. Impact Category I. No perceptible vibrations shall be permitted off the development site;
 - b. Impact Category II. Same as above.
 5. Flammable Material.
 - a. Impact Category I. No operations involving the use or storage of flammable materials or fuses shall be permitted adjacent to any residential area;
 - b. Impact Category II. All operations which involve storage, use, or transport of flammable materials or gases must be conducted in a manner that meets with the approval of the Fire Chief; and all facilities must contain such emergency protection and firefighting equipment as are deemed necessary by the Fire Chief.
 6. Airborne Emissions.
 - a. Impact Category I. No use shall exceed the maximum permissible emissions standards established by the San Francisco Bay Area Air Quality Management District;
 - b. Impact Category II. Same as above.
 7. Water Quality.
 - a. Impact Category I. The Town shall evaluate liquid waste to be disposed into its sewer systems and report upon the Town's capacity to provide treatment. Industries not connecting to the municipal sewer systems are

subject to water quality standards administered by the San Francisco Bay Regional Water Quality Control Board;

- b. Impact Category II. Same as above.
- 8. Building Size and Architectural Design.
 - a. Impact Category I. All building design and site layouts shall be approved by the Zoning and Design Review Board or Town Council;
 - b. Impact Category II. Same as above.

Chapter 17.148 PUBLIC ART PROGRAM

17.148.010 Program execution.

The Yountville Arts Commission shall carry out the duties established by this chapter.

17.148.020 Provision of public art or contribution towards placement of public art.

An applicant shall either directly provide public art or make a contribution towards the placement of public art. An applicant has three ways in which to comply with the requirement to place public art or make a contribution towards the placement of public art:

- A. Install and maintain approved public art on property which has a value equal to or exceeding the in-lieu art fee deposit. Prior to installation of public art in satisfaction of this chapter, the applicant shall comply with all procedures set forth in this chapter for selection and approval of public art.
- B. Install and maintain approved public art which has a value less than the in-lieu art fee deposit and pay the difference as an additional in-lieu fee. Prior to installation of public art in satisfaction of this chapter, the applicant shall comply with all procedures set forth in this chapter for selection and approval of public art.
- C. Direct payment of the in-lieu art fee deposit into the dedicated art program fee fund managed by the Yountville Arts Commission in accordance with Section 17.148.050.

17.148.030 Application for public art.

If choosing to install and maintain public art, the applicant shall submit an application to the Yountville Arts Commission that includes:

- A. Preliminary sketches, photographs, or other documentation of sufficient descriptive clarity to indicate the nature of the proposed public art, the résumé of the artist as well as evidence of previous work and efforts of the artist;
- B. An independent appraisal or other similar evidence of the value of the proposed artwork, including acquisition and installation costs;
- C. Preliminary plans containing such detailed information as may be required by the Yountville Arts Commission to adequately evaluate the location of the public art in relation to the proposed development, and its compatibility with the proposed development, including compatibility with the character of adjacent conforming developed parcels and existing neighborhood if necessary to evaluate the proposal; and
- D. A narrative statement and maps or diagrams demonstrating that the public art will be to the exterior of all structures and accessible and visible to the public at all times.

17.148.040 Approval for public art.

- A. The Yountville Arts Commission shall review the completed application submitted pursuant to Section 17.148.030, considering the aesthetic quality and harmony with the proposed project, and the public accessibility to the public art. In order to satisfy the requirements of this chapter, the public art must be approved by the Arts Commission.
- B. The applicant may appeal the Arts Commission's decision to the Town Council in writing within 30 days. If the applicant fails to submit a timely appeal, the decision of the Arts Commission shall become final. If the applicant submits a timely appeal of the Arts Commission's decision, the Town Council shall conduct a hearing on the appeal. The decision of the Town Council shall be final.
- C. If, during proceedings related to the overall project which occur subsequent to the Arts Commission's decision, significant revisions to the proposed public art or its physical location and context are proposed or required by the applicant, the Zoning and Design Review Board, or Town Council, the application shall be returned to Arts Commission for further review and recommendation concerning the revised proposal for review and approval prior to the final review of the project as a whole.
- D. The Arts Commission may recommend conditions of approval related to the Public Art to be included in any entitlements approved by the Town Council or Zoning and Design Review Board.

17.148.050 In-lieu art fee deposit and refund thereof for installation of public art.

An applicant shall pay an in-lieu art fee deposit at the time of applying for any commercial building permit, in support of the requirement to provide public art in accordance with Sections 17.148.020 through 17.148.040. All fees paid pursuant to this chapter shall be deposited into an art program fee fund. If the applicant opts to install and maintain public art, the applicant is eligible for a refund of the in-lieu art fee deposit up to the maximum appraised value of the art upon completion of the art installation. If the applicant opts not to place public art, the in-lieu art fee deposit shall remain in the art program fee fund and shall be exclusively used for the acquisition, installation, improvement, and maintenance of physical artwork to be displayed in the Town for public view. The revenue deposited into this fund shall also be used for the administration of the public art program. This fund shall be maintained by the Town Treasurer.

17.148.060 In-lieu fee determination.

The amount of the fee shall be a percentage of the project valuation as follows:

- A. The total project valuation shall be computed using the latest building valuation data as set forth by the International Conference of Building Officials (ICBO) unless, in the opinion of the Building Official, a different valuation measure should be used.
- B. Each commercial unit shall be assessed an amount equal to 1% of its valuation, excluding land acquisition and off-site improvement costs.

17.148.070 Timing of compliance.

- A. An in-lieu art fee deposit shall be paid when applying for a building permit for commercial development.
- B. Applications for installation of public art must be submitted to the Yountville Arts Commission for consideration and be approved prior to the project's completion and issuance of a certificate of occupancy (temporary or final) by the Planning & Building

Department. Placement of approved public art must be within 90 days of approval unless an alternative date is approved by the Yountville Arts Commission at time of approval.

C. All documentation required under Section 17.148.080 must be provided prior to installation of public art.

17.148.080 Documentation for public art.

Prior to installing public art in accordance with this chapter, the applicant must provide to the Town:

- A. Financial security in an amount equal to the acquisition and installation costs of approved public art, in a form approved by the Town Attorney;
- B. Covenants, conditions, and restrictions (CC&Rs), in a form approved by the Town Manager and the Town Attorney, which require the property owner, successors in interest, and assigns to maintain the public art in good condition. CC&Rs shall be executed and recorded by the applicant with the County of Napa;
- C. A statement which indemnifies, defends, and holds the Town and related parties harmless from any and all claims or liabilities from the public art, in a form acceptable to the Town Attorney; and
- D. Certificate of insurance naming the Town as an additional insured, including such coverage and liability limits as may be specified by the Town Manager.

17.148.090 Ownership of public art.

- A. All public art installed by an applicant pursuant to this chapter shall remain the property of the applicant; the obligation to provide all maintenance necessary to preserve the public art in good condition shall remain with the owner of the site.
- B. Maintenance of public art shall include, without limitation, preservation of the public art in good condition to the satisfaction of the Town, protection of the public art against physical defacement, mutilation, or alteration, and securing and maintaining insurance in an amount and form to be determined by the Town Manager. Prior to installation of an approved artwork, applicant and owner of the site shall execute and record a covenant in a form approved by the Town for maintenance of the public art.

17.148.100 Removal or alteration of public art.

- A. Public art installed pursuant to the provisions of this chapter shall not be removed or altered without the approval of the Yountville Arts Commission.
- B. If this requirement is not met, the occupancy and/or Use Permit for the project may be revoked by the Town Council.

17.148.110 Violations.

- A. If the public art is not installed or maintained as required by this chapter, the Town Council may revoke the occupancy permit for the project upon recommendation by the Arts Commission. Prior to revoking an occupancy permit, the Council shall conduct a hearing, with no less than 15 days' notice to the property owner.
- B. If any public art provided pursuant to the provisions of this chapter is knowingly removed by the property owner without the approval of the Yountville Arts Commission,

the property owner shall contribute funds equal to the development project's original public art requirement to the Town's public art program fee fund, or replace the removed public art with one which is of comparable value and approved by the Yountville Arts Commission.

C. In addition to all other remedies provided by law, in the event the owner fails to maintain the public art, upon reasonable notice, the Town may perform all necessary repairs, maintenance or secure insurance, and the costs therefor shall become a lien against the real property.

D. A violation of this chapter shall be considered a public nuisance.

Chapter 17.152 SIGNS

17.152.010 Purpose and application.

The purpose of this chapter is to regulate signage related to commercial activities in all of the Town's zoning districts, encourage design excellence that will provide signage compatible with the character of the Town, reduce visual clutter, and keep the Town's sidewalks and rights-of-way clear of obstructions.

The Town of Yountville recognizes that signs have an impact on the Town's character, and when regulated and controlled can enhance commerce and tax revenues, as well as facilitate clarity and aesthetic appeal.

17.152.020 General conditions.

The following general conditions shall apply:

A. Signs for which no sign permit is required are allowed and are subject to the number and size limitations contained in Section 17.152.030(A) and (B);

B. The total permitted sign area for any building shall not exceed one-half square foot of signage per one foot of lineal building frontage, or 30 square feet, whichever is less. No individual sign shall exceed 25 square feet in area, except Highway 29 signs as provided in Section 17.152.030(C)(1). All businesses visible from a public street are required to display permanent identification signage;

C. For a building with more than one building frontage, the total permitted sign area established in subsection B may be increased by 50%. Permitted sign area may be distributed among individual signs at the option of the sign owner, except that no individual sign shall exceed the size limitations established in subsection B;

D. In addition to the authorizations and limitations contained elsewhere in this title, a business may install and maintain temporary signs on a window of a premises during a special sale or promotion held at the business subject to the following conditions:

1. A business may install and maintain temporary signs for no more than 30 days during any 90-day period,
2. Up to two square feet is permissible for temporary signs for any business, the maximum area is 25% of a window, and
3. A new business may install an identification sign for up to 90 days, subject to the rules specified in subsection B of this section;

E. No wall sign shall project beyond the ends or top of the surface to which it is attached, nor shall it extend more than eight inches from the surface to which it is attached;

F. The Zoning and Design Review Board shall review applications to erect freestanding signs and may approve the application and authorize the Planning Officer to issue a sign permit only when the Zoning and Design Review Board makes all of the following findings:

1. The sign is consistent with the intent and provisions of this title,
2. The sign, together with all other signs on the premises, does not exceed the allowable square footage as established in this title, and
3. The sign will not impair visibility around street corners or reduce traffic safety;

G. The Zoning and Design Review Board shall review applications to erect internally illuminated signs, and may approve the application and authorize the Planning Officer to issue a sign permit only upon making all of the following findings:

1. The sign complies with the design criteria established in Section 17.152.110, and
2. The sign is consistent with the provisions of this title;

H. For a projecting sign, all of the following additional findings must be made:

1. The sign may not be attached to a structure other than a building,
2. The sign may not be internally illuminated,
3. The sign may only be as high as the eave line of the building surface to which it is attached or 11 feet above grade, whichever is lower,
4. The sign may not be lower than seven feet if over a walkway, in order to provide safe access to pedestrians,
5. The outside edge of the sign may not project more than four feet from the surface of the building to which it is attached,
6. The sign may not contain more than six square feet of display area on each side,
7. The sign may not be more than three inches or less than one-half inch thick, and
8. The sign may not project into or over a public right-of-way;

I. **Substitution of Message.** Non-commercial copy may replace any commercial copy on an approved sign so long as the physical dimensions of the sign are unchanged and remain consistent with this Chapter.

J. **Master Sign Plan.**

1. Each building containing two or more businesses, or any multiple-occupancy commercial site shall be required to have an approved Master Sign Plan, except that a Master Sign Plan shall not be required for such buildings or commercial sites which have lawfully existing signs on the effective date of the ordinance codified in this title;

2. The owner or other person in control of a building or site which is required to have a Master Sign Plan shall apply for a sign permit and shall include the required information for each sign for each business in the building or on the site. Each business should be allocated a portion of the total sign area;

3. The total sign area for a site requiring a Master Sign Plan shall be calculated by combining the lineal building footage of structures facing a public street. The formula in subsection B of this section shall be used except that the 30 square feet maximum is eliminated;

4. In no case shall more than one freestanding sign per frontage be allowed for a building or site requiring a Master Sign Plan. A freestanding sign shall only be approved if said sign complies with the requirements of subsection F of this section; and

5. In addition to a freestanding sign allowed for the parcel, each business in a building or on a site requiring a Master Sign Plan shall be allowed one wall or suspended sign, provided that the total allowable area of said signs is reduced by the square footage of the freestanding sign.

K. During construction on a commercial property, if the construction activities obscure signs otherwise permitted under this code, the sign owner may place additional temporary signs onto the building or construction barriers facing the public right-of-way. Such temporary signs shall be no larger or more numerous than those obscured by the construction activity.

L. Courtyard signs not visible from a public street are exempt from this chapter.

17.152.030 Permitted signs.

A. The following land uses shall be authorized additional signs, with the written approval of the Planning Officer and subject to the conditions specified:

1. Automotive Service Station. An additional freestanding sign, subject to minimum standards as required by the California Department of Weights and Measures and subject to those standards;

2. Barber Shop. An additional sign with a cylindrical shape not exceeding three feet in height and four inches in diameter;

3. For a commercial use on the property which includes on-site parking, up to two additional double-sided signs not exceeding four square feet in total, and located on-site;

4. Special events, see Section 17.152.090(A); and

5. Restaurants and Tasting Rooms. An additional freestanding sign, subject to a maximum overall size of 40 inches in height and 30 inches in width. The sign may be installed on an exterior wall or on an interior window of the business. A portable freestanding sign may be permitted upon approval by the Planning Officer as to the specific location of placement. Portable freestanding menu signs must be pedestal or single pole mounted, placed within five feet of the business entry, may not block or impede the right-of-way, and must be removed at the close of business each day. No A-frame or sandwich board signs shall be allowed. Any violation in placement of the sign in the approved location may subject the business to

revocation of the sign approval. No more than one such sign is allowed for any one restaurant. Illumination of the sign shall be allowed only by an indirect light source.

B. The following signs shall be permitted subject to the conditions specified and shall not require written approval:

1. Bulletin boards shall be limited to theaters and public, charitable, or religious institutions. Size shall not exceed 20 square feet and shall not be used for commercial advertising.
2. One nonilluminated temporary sign per site of construction for the primary construction contractor on the site. The sign shall not exceed 24 square feet and shall be removed prior to building occupancy.
3. Flags Containing Noncommercial Speech. Flagpoles for such flags shall not exceed the height limitations of the land use designation in which the flagpole is located and shall be limited to two flagpoles per lot. Flagpoles in commercial districts shall be located along the primary access street of the property.
4. Permanent signs affixed to the front of a residence or building, or located at the entrance of a driveway, and visible from the public right-of-way. Such signs shall not exceed one square foot.
5. Newspaper vending machine signs limited to one sign per vending machine or rack. They shall not exceed two square feet.
6. Temporary signs not exceeding eight square feet shall be allowed on private property three months prior to an election and for seven days following the election.
7. On a property for sale, one temporary nonilluminated sign per structure or lot. The sign shall not exceed six square feet and shall be removed within 15 days after sale, rental or lease. For commercial developments, or residential subdivisions of five lots or more, exceptions may be granted per Section 17.152.090.
8. During an open house for a parcel of real property, up to three temporary signs off-site are allowed up to 12 hours in one day and three days consecutively without securing a permit from the Town provided they comply with the following requirements:
 - a. The display of temporary off-site signs is restricted in the following areas as follows:
 - i. Gateway locations are entry points into Town at California Drive from Solano to Washington Street, Madison Street from Highway 29 to Washington Street, and the intersection of Yountville Cross Road and Yount Street. All off-site signs shall be prohibited at Gateway locations inclusive of all visible points at the intersections described;
 - ii. Washington Street and Yount Street including the "Point" are main streets leading to commercial areas and residential neighborhoods. All streets intersecting with Washington Street and Yount Street outside of Gateway areas are limited to one generic open house sign per intersection. All such temporary signs are prohibited from being displayed at the "Point" of Washington and Yount Streets; and

- iii. Neighborhoods are locations within residential areas outside of gateways and intersections along Washington Street and Yount Street. Within neighborhoods, real estate agents may place temporary signs (limited to one sign per real estate company, per intersection) on the most direct route to the property for sale beginning with the first intersecting street within the residential neighborhood off of Washington Street or Yount Street,
- b. Sign placement shall be restricted to planting strips within the public right-of-way. Signs of any type shall not be placed in a position that blocks, encroaches into, or obstructs any street, sidewalk, crosswalk, stair, or handicap ramp and shall not block or impede sight distance and visibility for motorists, especially at intersections. Signs located on private property shall be with the express permission of the property owner. Signs may not be taped, wired, glued, tied or in any way attached or affixed to any public property including light poles, street signs, benches, trash receptacles, and fences.
- c. Design of signs shall comply with the following:
 - i. Sign is limited to an A-frame type nonilluminated sign that is four square feet in size for each side with each side containing copy (two total sides). Sign shall not exceed three feet in height;
 - ii. Attachments such as flags, balloons, lights, pamphlets, flyers, announcements, or additional advertisements to any part of the sign in any form are prohibited on all signs; and
 - iii. No sign related to the sale or showing of real estate shall be attached or applied to vehicles or displayed within or on vehicles or towed trailers,
- 9. Temporary signs, see Section 17.152.020(D).
- 10. Commercial holiday associated displays are permitted for a maximum period of 60 days per calendar year and must be removed no later than two weeks following the occurrence of the holiday.
- C. The following signs require Zoning and Design Review Board approval:
 - 1. Highway 29 signs shall be limited to one per commercial parcel on parcels abutting Highway 29. Signs may be up to 30 square feet in size and be on a building, not freestanding. This sign may be in addition to all other allowable signs;
 - 2. Murals;
 - 3. Freestanding signs, see Section 17.152.020.F; and
 - 4. Internally illuminated signs, see Section 17.152.020.G.

17.152.040 Prohibited signs.

- A. Pennants, bunting, and flags, except as permitted in Section 17.152.030.B;
- B. Flashing and animated signs, inflatable signs, and neon signs;
- C. Billboards;
- D. Portable freestanding signs unless allowed by Section 17.152.030;
- E. Vehicle display signs;

- F. Roof signs;
- G. Signs affixed to a utility pole or structure, tree, shrub, rock or other natural object;
- H. Signs which have a design or lighting such that they might be mistaken for a traffic light or signal or are located so as to obscure free and clear vision of a motorist or obscure any authorized traffic sign, signal or device; or which because of their location would prevent free ingress or egress to any door, window or fire escape;
- I. Signs which are dilapidated, abandoned, in disrepair or dangerous condition; and
- J. Any sign not expressly permitted in Section 17.152.030.

17.152.050 Criteria for sign permit.

- A. No sign that requires a sign permit as indicated in Section 17.152.030 shall be erected, relocated, constructed, or altered within the Town until a sign permit has been issued by the Planning Officer.
- B. An application for a sign permit shall be filed for approval with the Planning Officer. The application shall be on a form provided by the Town and shall require the applicant to submit a plan showing the location, size, shape, color, materials, generic copy to demonstrate font size and color, and type of illumination for each proposed sign.
- C. A sign permit shall not be issued by the Planning Officer unless the proposed sign complies with the provisions of this chapter and, where required, authorization for such issuance has been granted by the Zoning and Design Review Board or Town Council.
- D. Applications which are denied or conditioned may be appealed as established in Chapter 17.224.
- E. Signs which would otherwise require a sign permit under the provisions of this title, but which are lawfully in existence on the effective date of the ordinance codified in this title, may be maintained without the issuance of a sign permit, except that such signs shall not be redimensioned, redesigned, relocated or altered without a duly authorized sign permit as provided in this chapter.

17.152.060 Nonconforming signs.

Any sign lawfully existing at the effective date or amendments of the ordinance codified in this chapter, or of amendments, that does not conform to the standards of this chapter shall be deemed to be a legal nonconforming sign and may be continued until such time as it is redesigned, dimensioned, relocated, or otherwise significantly altered.

17.152.070 Enforcement.

- A. Whenever a sign is found to have been abandoned or to be in violation of any provision of this chapter or of any other ordinance or law, the Planning Officer shall order that the sign be altered, repaired, reconstructed, demolished, or removed as may be appropriate to abate such condition. Any work to be done shall be completed within 10 days of the order, unless otherwise specified.
- B. In the event a sign is not altered, repaired, reconstructed, demolished, or removed as ordered by the Planning Officer within the specified time frame, the owner of the premises, or the person other than the owner who is in possession or control of the

premises, shall be subject to a penalty or penalties as established in Chapter 17.228 of this title.

C. The placement of portable freestanding signs is subject to the Town's Administrative Fines and Penalties Schedule and shall be subject to immediate confiscation by the Planning Officer. After providing notice to the business owner of confiscation of the sign, any sign that has not been reclaimed after removal of such sign, or where any penalty imposed has not been paid within 30 days of becoming due, may be destroyed, or disposed of by the Town. Repeated violations in the placement of a portable freestanding sign will be reported to the Town Council at a publicly noticed hearing.

17.152.080 Appeals.

Appeals of decisions of the Planning Officer or Zoning and Design Review Board may be filed under the procedures established in Chapter 17.224.

17.152.090 Exceptions.

A. The provisions of this chapter shall not apply to signs used in conjunction with a bona fide special event, provided a sign permit is obtained as established in Section 17.152.030(A), and the location, number and size of these signs are approved by the Planning Officer in accordance with this chapter. An exception to the prohibition on portable freestanding signs may be granted to a nonprofit organization for limited use during a special event, subject to specific rules on placement location and duration of use.

B. Up to five portable freestanding signs may be permitted at the Town of Yountville Community Center and/or Community Hall during meetings or special events by the organization or host of the event. These signs shall not be located on or block the Town's sidewalks or right-of-way and must be removed at the end of the meeting or special event.

C. Signs approved under Chapters 17.188 and 17.192 of this title shall continue to conform to the standards, limitations, and conditions of such approval. These signs shall not be redimensioned, redesigned, relocated or altered without approval as required by Chapter 17.188 or 17.192, whichever is applicable. Where discrepancies exist between the standards and limitations of this chapter and the standards and limitations for signs approved under Chapters 17.188 and 17.192, the latter shall apply.

D. The Zoning and Design Review Board, after a public hearing thereon, may grant an exception to the strict application of the provisions of this chapter only after the Board makes all of the exception findings in Section 17.208.060.

17.152.100 Design criteria.

The following criteria shall apply during the evaluation of the signs design:

A. Colors for sign backgrounds shall be selected from either an approved Town color palette, if adopted by the Zoning and Design Review Board, or from the palette used on other buildings on the same parcel.

B. Sign illumination shall not cause glare and light intrusion onto other signs, other premises, sidewalks, streets, or parking lots.

C. Internally illuminated signs should have dark backgrounds with the letters lighter. The typical plastic faced sign with a light-colored, internally illuminated background may only be permitted upon approval of an exception established in Section 17.152.090.

17.152.110 Wayfinding sign program.

A. **Purpose.** The wayfinding sign program is intended to assist visitors in locating individual businesses, increase visitors' awareness of businesses located within the central and north commercial districts, and to provide directions to other points of interest.

B. **Program Eligibility Criteria.** The following criteria shall be used to determine which businesses may participate in the wayfinding sign program:

1. The business provides goods or services to visitors and residents who may require assistance in determining its location.
2. The priority for allocation of available sign space will be assigned by the type of use. First tier priority includes the following commercial use types: retail; eating, drinking and entertainment; lodging; and personal service businesses. Second tier priority includes professional office uses and noncommercial points of interest or public facilities.
3. The business must be located within the boundaries of a commercial zoning district or be a destination of general interest outside the commercial districts (e.g., historic points of interest, Veterans Home, public facilities).
4. The business must be open on Saturday or Sunday.
5. Exceptions to the above eligibility criteria may be considered where such exceptions will serve the purpose of avoiding blank spaces on underutilized sign faces while being otherwise consistent with purposes of the wayfinding sign program.

C. **Content, Number, Assignment, and Location of Sign Plaques.**

1. Each sign plaque shall prominently display the business name on a single top line with an optional subordinate second line below that identifies the type of business or service. Specific products and other information such as phone numbers, address, and website address may not be included on sign plaques and redundant descriptions should be avoided.
2. Each business identification sign plaque shall be accompanied by a separate directional arrow plaque mounted to the right of the business's identification plaque. The directional arrow plaque shall be made of the same material and colors as the business identification plaque and the arrows shall be consistent in size.
3. A maximum of two identification sign plaques per business may be approved per double-sided sign post, with a maximum of four total sign plaques per business on all posts; however, additional signs may be permitted on a space available basis.
4. Sign space for each post is allocated on a "first come, first served" basis.
5. Applications that are unable to be accommodated will be placed on a waiting list if there is not space available at the requested location at the time of

application. First priority assignment of sign space that is subsequently vacated and becomes available will be from applicants on the waiting list.

6. Generally, the business identification plaques will be placed on post locations that approach a business that is street fronting or located on post in adjacent proximity to a business having restricted visibility from the street. Businesses with existing sign visibility to the street shall not select post locations directly adjacent to the business.

D. Sign Design Criteria.

1. The material for all identification signs and directional arrow plaques shall be porcelain enamel on an enameling steel tile.
2. Plaque colors shall be white text on a black background with no border.
3. Text shall be all capitals in Helvetica Condensed Bold font style and center justified. Generally, text height size shall be one inch for the first line and three-fourths inch for the second line; adjustments in text size are permitted for sizing extra-long names to the plaque width.
4. Plaques shall be fastened to the substrate with flat black torx or other tamper resistant heads, four per plaque.
5. Substrate and sign plaque dimensions and materials shall be uniform and consistent with standards determined by the Planning Officer.
6. Sign substrates will be utilized from the top down and unutilized substrates will be removed from the bottom. Temporarily blank spaces will be left to display the black substrate background or be used to display a Town sponsored sign plaque.

E. Program Authority.

1. The program is administered by the Town of Yountville Planning Officer. Responsibilities shall include reviewing and approving sign applications; ensuring enforcement of program standards; procuring the signs from the sign producer; installing the business identification signs; maintaining the waiting list; and ensuring signs and posts are maintained in good condition.
2. The wayfinding sign program is structured as a voluntary subscription program open to eligible participants as outlined in subsection B.
3. The wayfinding sign program supersedes all existing entitlements and allowances previously approved for business identification and directional signs located within the public right-of-way. Such existing signs shall be removed following establishment of the wayfinding sign program.
4. Subscribers assume all risks for damage to their individual signs and are responsible for replacement costs of damaged signs.

F. Subscription Program and Costs.

1. Subscription costs, including the initial application fee and the annual subscription renewal fee, shall be paid to the Town of Yountville in the amount approved by the Town Council in the Master Fee Schedule.
2. The actual cost for the production of each individual business identification sign, directional arrow sign, and substrate, including taxes and shipping costs, shall

be paid for by the subscriber directly to the sign producer through the Planning & Building Department following approval.

3. Subscribers shall pay an annual renewal fee to defray Town funded capital costs and ongoing administrative and maintenance costs including capital outlay for posts, post replacement and repair, sign cleaning, and reconditioning and/or replacement of substrates.

G. Application Process.

1. Application for approval of a sign plaque may be made to the Planning & Building Department on a form prescribed by the Department and accompanied by a processing fee as required.

2. The Planning Officer shall review the application for consistency with the approved wayfinding sign program standards and consult with the subscription applicant if revisions are necessary.

3. Approved applications will be forwarded to the sign supplier who will produce a layout proof for review and final approval by the applicant and Planning Officer prior to sign production.

4. Payment for the signs and substrate shall be made to the sign producer at time of application approval and placement of the sign production order.

5. Applications will be placed on a waiting list if no spaces are available at the requested location at the time of application.

H. Sign Installation and Removal.

1. Sign plaques shall be installed by Town staff in the requested location upon their receipt.

2. Sign plaques associated with a defunct business shall be removed promptly following the close of the business by Town staff. Damaged or defaced plaques are subject to removal by Town staff; replacement signs shall be ordered within 14 days, or the sign space shall be deemed available.

DIVISION 4: STANDARDS FOR SPECIFIC LAND USES AND ACTIVITIES

Chapter 17.156 ACCESSORY DWELLING UNITS

17.156.010 Purpose and application.

These provisions are intended to encourage the development of affordable rental housing within the Town. These types of dwelling units are also commonly referred to as mother-in-law units, granny flats and second dwelling units.

17.156.020 General conditions.

If the Planning Officer determines that the accessory dwelling unit meets the following requirements, the Planning Officer shall approve the application for an accessory dwelling unit:

A. **Requirements for All Accessory Dwelling Units.** All accessory dwelling units shall meet the following requirements:

1. The lot must contain an existing single-family detached dwelling unit and no other dwelling units. There shall be no more than one accessory dwelling unit per lot with a single-family dwelling.
2. Except as expressly modified by this section, the requirements for building height, setbacks, yards, and similar design standards set forth in Title 17 for primary residential units shall apply to accessory dwelling units.
3. An accessory dwelling unit shall not be rented for occupancy by individuals for periods of less than 90 consecutive days. This subsection shall only apply to an accessory dwelling unit for which an application is approved on or after the effective date of this subsection.
4. On all lots containing an accessory dwelling unit, either the primary or accessory residential unit shall be owner-occupied and eligible for a “homeowners’ exemption” for property tax purposes. This subsection shall only apply to an accessory dwelling unit for which an application is approved on or after the effective date of this subsection. The owner occupancy requirement in this subsection is not operative between January 1, 2020, and January 1, 2025.
5. An accessory dwelling unit shall not be sold separately from the primary dwelling unit.
6. The owner shall sign a “Notice of Restrictions: Occupancy, Sale and Rental,” which the Town will record with the County Recorder’s office, prior to issuance of a building permit for the accessory dwelling unit, acknowledging the requirements of subsections (A)(3), (A)(4) and (A)(5) of this section.
7. The design of the accessory dwelling unit shall be substantially similar to the primary residential unit on the lot and the predominant architectural style of adjacent residences. The Planning Officer shall make this determination based on architectural use of forms, height, materials, colors, and landscaping.
8. Accessory dwelling units shall not exceed one-story or 16 feet in height, unless the accessory dwelling unit is contained within the existing legal two-story space of a single-family detached dwelling unit; added above or below an existing legal single-family detached dwelling unit; or added above an existing legal one-story detached garage on a property with an existing legal two-story single-family detached dwelling unit; and consistent with the setback and height regulations of Divisions 2 and 3 of Title 17. Accessory dwelling units shall not exceed two stories in height in all cases.
9. For an accessory dwelling unit that includes a second story, any window, door, or deck of a second story shall be located and designed utilizing techniques that lessen the impacts on the privacy of adjacent properties. These techniques shall include one or more of the following: use of obscured glazing, window placement above eye level, orientation of windows, doors, and decks toward the existing on-site residence, or screening treatments.
10. The accessory dwelling unit must meet minimum building code requirements prior to occupancy of the accessory dwelling unit. The accessory dwelling unit shall be required to have a permanent foundation.

11. A minimum of one screened off-street parking space shall be provided for each accessory dwelling unit. Surface parking may encroach up to 15 feet into the rear setback but may not encroach into required open space. The additional on-site space required for the accessory dwelling unit may be provided by tandem parking.
 - a. If an existing garage, carport, or covered parking structure is to be demolished in conjunction with the construction of an accessory dwelling unit, replacement parking spaces may be provided in any configuration on the lot, including, but not limited to, covered, uncovered, or tandem spaces, or by the use of mechanical automobile parking lifts.
 - b. Notwithstanding any other provision of this code, no additional parking shall be required for a second unit if any of the following is true:
 - i. An accessory dwelling unit is located within one-half mile walking distance of a public transit stop;
 - ii. The accessory dwelling unit is located within an architecturally and historically significant historic district;
 - iii. The accessory dwelling unit is part of the existing primary residence or an existing accessory structure;
 - iv. On-street permits are required but not offered to the occupant of the accessory dwelling unit; or
 - v. There is a publicly accessible car share vehicle located within one block of the accessory dwelling unit.
12. A minimum of 100 square feet shall be provided for use as common space by an accessory dwelling unit, of which no less than half shall be directly accessible to the unit.
13. An accessory dwelling unit shall require landscaping. In the event that the existing development lacks landscaping, the applicant shall submit a landscape screening plan.
14. An accessory dwelling unit shall have the following features located within the unit:
 - a. Independent heating controls, and cooling controls if air conditioning is provided.
 - b. Its own kitchen with sink and standard built-in or freestanding appliances.
 - c. Its own bathroom with toilet, sink, and tub or shower.
 - d. Indoor washer and dryer hookups.
 - e. Exterior access independent from the primary dwelling unit.
15. The setback standards for accessory dwelling units are as follows:
 - a. Front yard setback – Consistent with applicable setback regulations in Division 2 of Title 17.
 - b. Side yard setback—four feet.
 - c. Rear yard setback—four feet.

- d. There are no setback requirements for an existing living area or accessory structure, or a structure constructed in the same location and to the same dimensions as an existing structure, that is converted into an accessory dwelling unit or portion of an accessory dwelling unit.

B. Requirements for All Accessory Dwelling Units, Interior. All accessory dwelling units, interior, shall additionally meet the following requirements:

1. An accessory dwelling unit, interior, shall be constructed entirely within the existing and legally created space of a single-family detached dwelling unit or accessory structure.
2. A new or separate utility connection shall not be required for an accessory dwelling unit, interior.
3. A connection fee or capacity charge for utilities, including water and sewer service, shall not be charged for an accessory dwelling unit, interior.

C. Requirements for All Accessory Dwelling Units, Other. All accessory dwelling units, other, shall additionally meet the following requirements:

1. The floor area ratio (FAR) for all accessory dwelling units, other, shall be as set forth in Division 2 of Title 17.
2. The floor area of an attached accessory dwelling unit, other, shall not exceed 50% of the habitable floor area of the primary residential unit, inclusive of any basement or attic; however, nothing in this section shall prohibit an accessory dwelling unit that is at least 850 square feet or, for an accessory dwelling unit that provides more than one bedroom, 1,000 square feet. Further, nothing in this section shall prohibit an accessory dwelling unit that is at least 800 square feet, 16 feet in height, and constructed in compliance with all other local development standards.
3. The floor area of a detached accessory dwelling unit, other, shall not exceed 1,200 square feet.
4. A new or separate utility connection shall be required for all accessory dwelling units, other, that are not described in subparagraph (A) of paragraph (1) of subdivision (e) of Section 65852.2 of the California Building Code.
5. A connection fee and capacity charge for utilities, including water and sewer service, shall be charged for such accessory dwelling units proportionate to the additional burden the unit places on the service(s) provided. No impact fee shall be charged for an accessory dwelling unit smaller than 750 square feet.

D. Requirement for Informational Notice of Action. The Town shall provide written notice of the approved project to all property owners within 300 feet of the subject parcel.

Chapter 17.160 PROVISIONS FOR AFFORDABLE HOUSING

17.160.010 Purpose.

The intent of this chapter is to implement the policies and programs of the State of California and the Housing Element of the Yountville General Plan to encourage and

facilitate the provision of affordable housing.

17.160.020 Inclusionary housing program.

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

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

B. **Inclusionary Requirements.**

1. Affordable Units Required.

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

i. For ownership units, the inclusionary units shall be approximately evenly divided among the three affordable income categories.

ii. For rental units, the inclusionary units shall be evenly divided for very low- and low-income households.

iii. Where the number of required affordable units is an odd number, the number of affordable units constructed for very low- income households may be one less than the number of affordable units constructed for low- income households.

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

i. Any decimal fractions greater than 0.5 shall be construed as requiring one dwelling unit.

ii. Any decimal fraction equal to or less than 0.5 may be disregarded.

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

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

provided that all dwelling units conform to the requirements of the applicable building and housing codes.

4. Location of Inclusionary Units. Affordable units shall be reasonably dispersed throughout the residential project, or may be clustered within the residential project when this furthers affordable housing opportunities.
5. Construction of Inclusionary Units. All affordable housing units shall be constructed concurrently or prior to construction of market rate dwelling units of the development, unless the Town determines that extenuating circumstances exist.
6. Type of Inclusionary Unit. In a development of for-sale dwelling units, a developer or owner shall have the option to construct rental dwelling units in a number sufficient to satisfy all or a portion of the affordable housing requirement of this chapter.
7. Continued Affordability. Inclusionary units shall remain restricted and affordable to the targeted household(s) a minimum of 55 years for rental units and a minimum of 45 years for ownership units.

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

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

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

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

E. Discretionary Permit Requirements.

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

F. Incentives. The Town may approve a floor area ratio (FAR) bonus for the single-family homes in a project if more than the minimum number of inclusionary units is provided in accordance with the provisions of Section 17.100.040.A.

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

1. An alternative equivalent action may include, but is not limited to, the following:
 - a. Land donation to a nonprofit housing developer. The dedicated land must be located within Town limits, appropriately zoned, buildable, and free of toxic substances and contaminated soils. It must be large enough to accommodate the number of required inclusionary units as indicated by a conceptual development plan. The Town Council may require that the donated land has been improved with infrastructure, utilities, and grading, and that any required development impact fees have been paid;
 - b. Construction of inclusionary units on another site;
 - c. In-lieu housing payment, consisting of a cash contribution to the Housing Opportunity Fund. Such payments may only be considered where an off-site affordable housing project has been approved and where the fees would be sufficient to assure construction of an equivalent number of affordable units (in addition to those required for the receiver site). Unless otherwise preempted by law, the in-lieu housing payment shall be paid prior to occupancy of the first unit in the project.
2. A request for the approval of an alternative equivalent action shall be submitted at the time of application for a discretionary approval or building permit, whichever comes first, along with a report identifying:
 - a. All overriding conditions that prevent the developer from meeting the requirement to construct the inclusionary units on-site;
 - b. Sufficient independent data, including appropriate financial information, that supports the developer's claim that it is not feasible to construct the required inclusionary units on-site;

- c. A detailed analysis of why the concessions and incentives identified in subsection F will not mitigate the identified overriding conditions that are preventing the construction of the inclusionary units on-site; and
 - d. How the alternative will further affordable housing opportunities in the Town to an equal or greater extent than compliance with the express requirements of this chapter.
3. Requests for approval of payment of alternative equivalent action in-lieu housing fees shall be considered on a case-by-case basis by the Town Council and may be approved at the Town Council's sole discretion if the Council determines that there are overriding conditions that prevent the developer of a residential development project from meeting the requirement to construct inclusionary units on-site and that the alternative equivalent action will further affordable housing opportunities to an equal or greater extent than compliance with the express requirements of this chapter.

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

1. The housing agreement shall include at least the following:
 - a. The number of inclusionary units and their target households;
 - b. The standards for determining the affordable rent or affordable sales price for the inclusionary units;
 - c. The location, unit size in square feet, and number of bedrooms of the inclusionary units;
 - d. The tenure of use restrictions for the inclusionary units;
 - e. A schedule for completion and occupancy of the inclusionary units;
 - f. A description of any assistance being provided by the Town;
 - g. A description of remedies for breach of the agreement by either party (the Town may identify tenants or qualified purchasers as third-party beneficiaries under the agreement);
 - h. For ownership units, the first right of refusal to purchase by the Town at the maximum sales price that can be charged to an eligible household.
2. The initial and subsequent purchasers of a for-sale inclusionary unit shall execute an instrument or agreement approved by the Town restricting the sale of the inclusionary unit in accordance with this subsection during the applicable use restriction period. Such instrument or agreement shall be recorded against the parcel containing the inclusionary unit and shall contain

such provisions as the Town may require to ensure continued compliance with this subsection, including, but not limited to, the following:

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

- b. Provisions requiring verification of tenant incomes on an annual basis and maintenance of books and records to demonstrate compliance with this chapter;
 - c. Provisions requiring the submittal of an annual report to the Town which includes the name, address, and income of each person occupying the inclusionary units, and the bedroom size and monthly rent of each inclusionary unit;
 - d. Provisions allowing the Town or its designee to become involved with the screening and selection of prospective tenant units. The Town may select tenants in accordance with a policy adopted by resolution that gives preference to households that live and/or work in the Town. If inclusionary units are built or sponsored by an employer with no government financial assistance, including the waiver of fees, the Town Council will consider on a case-by-case basis allowing the employer to set aside some or all the inclusionary units for the exclusive occupancy of employees of the employer meeting all the income and family composition qualifying criteria for tenancy.
4. Following execution of the agreement by all parties, the completed housing agreement, or memorandum thereof, shall be recorded and the conditions therefrom filed and recorded on the parcel or parcels designated for the construction of inclusionary units. The approval and recordation shall take place prior to final map approval, or where a map is not being processed, prior to issuance of building permits for such units. The housing agreement shall be binding on all future owners and successors in interest.

17.160.030 State density bonus program.

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

B. Application Requirements and Review.

1. An application for a density bonus, incentive, concession, waiver, modification, or revised parking standard pursuant to this section shall be submitted with the first application for approval of a housing development and processed concurrently with all other applications required for the housing development. The application shall be submitted on a form prescribed by the Town and shall include at least the following information:

- a. A dimensioned site plan drawn to scale showing total number of lots and units and their areas; number and location of target units and type; number, size and location of parking spaces; number of two-story units and their height; floor area ratio calculations; site circulation; and the number and location of proposed density bonus units and type;
- b. Spreadsheet calculations describing the density bonus requested and

the affordable units provided;

c. Level of affordability of target units; calculations of affordability; and proposals for ensuring affordability;

d. Description of any requested incentives, concessions, waivers or modifications of development standards, or modified parking standards. For all incentives and concessions except mixed use development, the application shall include evidence (e.g., economic analyses) that the requested incentives and concessions provide identifiable, financially sufficient, and actual cost reductions. For waivers or modifications of development standards, the application shall show and provide evidence (e.g., economic analyses) that the waiver or modification is necessary to make the housing units economically feasible and that the development standards will have the effect of precluding the construction of a housing development meeting the criteria of State law at the densities or with the concessions or incentives permitted by this section;

e. If a density bonus or concession is requested for a land donation, the application shall show the location of the land to be dedicated and provide evidence that each of the findings included in subsection 3, can be made;

f. If a density bonus or concession is requested for a child care facility, the application shall show the location and square footage of the child care facilities and provide evidence that each of the findings included in subsection 3 can be made.

2. An application for a density bonus, incentive, concession, waiver, modification, or revised parking standard pursuant to this section shall be considered by and acted upon by the Town Council. In accordance with State law, neither the granting of a concession, incentive, waiver, or modification nor the granting of a density bonus shall be interpreted, in and of itself, to require a General Plan amendment, zoning change, variance, or other discretionary approval.

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

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

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

c. If a waiver or modification is requested, the developer has shown that the waiver or modification is necessary to make the housing units

economically feasible;

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

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

a. The concession or incentive is not required to provide for affordable rents or affordable ownership costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c); or

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

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

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

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

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

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

C. Density Bonus Housing Agreement.

1. Developers requesting a density bonus shall agree to enter into a density bonus housing agreement with the Town. A density bonus housing agreement shall be made a condition of the discretionary planning permits for all housing developments pursuant to this section and shall be recorded as a restriction on any parcels on which the target units or density bonus units will be constructed.

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

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

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

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

- a. Target units shall be owner-occupied by eligible very low-, low-, or moderate- income households, or by qualified residents in the case of

senior citizen housing developments;

b. The purchaser of each target unit shall execute an instrument approved by the Town and to be recorded against the parcel, including such provisions as the Town may require to ensure continued compliance with this section.

5. In the case of rental housing developments, the density bonus housing agreement shall provide for the following:

a. Procedures for establishing affordable rent, filling vacancies, and maintaining target units for eligible tenants;

b. Provisions requiring verification of household incomes;

c. Provisions requiring maintenance of records to demonstrate compliance with this subsection.

6. Density bonus housing agreements for child care facilities and land donation shall ensure continued compliance with all conditions included in their respective subsections.

17.160.040 Town density bonus program.

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

B. **Affordable Housing Overlay.** An Affordable Housing Overlay as regulated by Chapter 17.80 may be applied to all or a portion of a site that is suitable for the development of affordable housing.

17.160.050 Requirements for nonresidential projects.

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

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

1. That portion of any nonresidential development project located on property owned by the State of California, the United States of America, or any of their agencies, with the exception of such property not used exclusively for governmental or educational purposes; or

2. Any nonresidential development project to the extent it has received a vested right to proceed pursuant to State law; or

3. Uses operated by nonprofit organizations that provide food storage, meal service and/or temporary shelter to the homeless.

C. As an alternative to the payment of the fair-share fee set forth in subsection A,

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

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

E. All fair-share fees collected under this section shall be deposited into the Town's Housing Opportunity Fund.

17.160.060 Loss of affordable units.

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

- A. Reconstructed on-site;
- B. Relocated to another site; or
- C. Replaced with affordable units on- or off-site, provided that the required number of new affordable units is provided in addition to those existing.

Chapter 17.164 HOME OCCUPATIONS

17.164.010 Purpose and application.

This chapter is intended to establish regulations for home-based businesses incidental to and compatible with surrounding residential neighborhoods and with minimal offsite impacts in order to promote the economic interests of residents and to reduce commute travel. The following specific rules and regulations established in this chapter shall apply in combination with the land use regulations of the applicable zoning district.

17.164.020 General conditions and operating standards.

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

- A. **Area and location.**
 - 1. The area devoted to a home occupation shall occupy no more than 25% of the gross floor area of the dwelling unit, portion of garage and auxiliary structures.
 - 2. No exterior operation of any home occupation is permitted.
 - 3. Home occupations conducted within a garage shall not eliminate or change the use of required off-street parking spaces.

B. **Employees.** Employment shall be restricted to residents of the dwelling unit except that a Major Home Occupation may have one nonresident employee on-site at any one time, provided that:

1. The employee works under the direction of the dwelling resident and is not an independent or separate business enterprise;
2. Hours of operation for a nonresident employee are between 8:00 a.m. and 6:00 p.m.;
3. Parking for the nonresident employee is provided on-site without reliance on on-street parking.

C. **Clients and Customers.** The frequency of customers, clients, students, patients, or persons in similar relationships with a home occupation visiting the home for services or products shall be limited as follows:

1. Minor Home Occupations: No more than one visit per day,
2. Moderate Home Occupations: No more than three visits per day, and
3. Major Home Occupations: More than three visits per day, as established by Use Permit.

D. **Sale, Storage, Distribution and Display of Goods.**

1. Articles offered for sale in a home occupation shall be limited to those produced or grown on the premises, or associated with services provided.
2. Products and materials associated with the home occupation shall not be displayed outside or in a window visible from a public right-of-way.

E. **Off-site Impacts.**

1. No home occupation shall be permitted that:
 - a. Creates noise, odor, light pollution or glare, electrical disturbances, dust, vibrations, fumes, or smoke readily discernible at the exterior boundaries of the parcel on which it is situated, including violation of any provision of Chapter 17.144 Regulations for Impact on Adjacent Uses;
 - b. Involves the storage of equipment, vehicles, or supplies outside of the dwelling or any auxiliary structure;
 - c. Involves the creation or storage of toxic or hazardous materials.
2. Traffic and parking impacts on the surrounding neighborhood shall be minimal and the location of commercial vehicles shall comply with the provisions of Chapter 17.116 Off- Street Parking and Loading.

F. **Signs.** One nonmoving and nonilluminated sign of up to one square foot may be permitted to identify the business.

G. **Business License.** All home occupations shall have a valid Town of Yountville business license.

H. **Sales Tax.** All home occupations that include retail sales from the premises

shall report sales tax designating Yountville as the point-of-sale location.

I. **Homemade Food Operations.** All Homemade Food Operations that involve food preparation or packaging in the home kitchen shall obtain a permit from Napa County Environmental Health Department and submit a copy of this approval to the Town.

17.164.030 Permitted Uses.

The following uses may be permitted as home occupations:

- A. Professional offices;
- B. Personal services, including incidental sale of associated products;
- C. Art and craft work, such as ceramics, painting, photography or sculpture;
- D. Homemade food operations;
- E. On-site retail sales of products produced on-site or associated with services provided, as limited by the restrictions on clientele in Section 17.164.020.C; and
- F. Uses deemed by the Planning Officer or the Town Council to be similar to the above mentioned and which comply with the requirements of Section 17.164.020.E.

17.164.040 Uses Prohibited as Home Occupations.

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

- A. Adult entertainment,
- B. Animal hospitals or boarding,
- C. Automotive and other vehicle repair and service, except for vehicles owned by residents of the dwelling,
- D. Commercial cabinetry, carpentry, or furniture-making,
- E. Welding and machine shop,
- F. Contractor's storage,
- G. Nightclubs and similar entertainment venues,
- H. On-site meal service, and
- I. Other uses determined by the Planning Officer or the Town Council to be similar to the above mentioned.

17.160.050 Home occupation approval.

- A. The Planning Officer may administratively approve applications for Moderate Home Occupations through issuance of an Administrative Use Permit as regulated by Chapter 17.196 if they comply with all the applicable conditions set forth in this chapter.
- B. Major Home Occupations are subject to the approval of a Use Permit by the Town Council as regulated by Chapter 17.200.

Chapter 17.168 VACATION TIME-SHARE REGULATIONS

17.168.010 Vacation time-share projects.

Vacation time-share projects are hereby prohibited within all designated land use areas in the Town of Yountville. In this chapter, the term “vacation time-share project” shall refer to any arrangement where the use, occupancy, or possession of real property circulates among purchasers of intervals of ownership according to a fixed or floating time schedule on a periodic basis for a specific period of time during any given year, regardless of the name used to describe this method of use, occupancy, or possession.

Chapter 17.172 EMERGENCY SHELTERS IN THE PUBLIC FACILITIES DISTRICT

17.172.010 Purpose.

The purpose of this chapter is to establish standards to ensure that the development of emergency shelters (shelters) does not adversely impact adjacent parcels or the surrounding neighborhood and that they are developed in a manner which protects the health, safety, and general welfare of the nearby residents and businesses. A Use Permit is required to establish a shelter that does not meet all requirements of this chapter.

17.172.020 Location.

A shelter may be established in the PF, Public Facilities District, provided that the property boundaries are located no more than 300 feet from any other shelter (measured property line to property line).

17.172.030 Maximum number of beds.

A maximum of six beds may be provided.

17.172.040 Length of stay.

The maximum length of stay at the facility shall not exceed 180 days per client in a 365-day period.

17.172.050 Hours of operation.

Shelters shall establish and maintain set hours for client intake/discharge. Hours must be prominently posted on-site. Clients shall be admitted to the facility between 5:00 p.m. and 8:00 a.m. All clients must vacate the facility by 8:00 a.m. and have no guaranteed bed for that night.

17.172.060 Parking.

Facilities shall provide sufficient parking to accommodate all staff working in the emergency shelter, which shall be no greater than parking required for other residential or commercial uses with the same land use designation, as determined by the Planning Officer.

17.172.070 Lighting.

Adequate exterior lighting shall be provided for security purposes. The lighting shall be stationary, shielded and downcast, and directed away from adjacent properties and public rights-of-way.

17.172.080 Required facilities.

Shelters shall provide the following minimum facilities:

- A. The facility shall have adequate living space, shower and toilet facilities, and secure storage areas for its intended residents.
- B. Indoor client intake/waiting area of at least 120 square feet.
- C. Interior and/or exterior common space for clients to congregate shall be provided on the property at a ratio of not less than 15 square feet per client, with a minimum overall area of 120 square feet. Common space does not include intake areas. All exterior common space areas shall be enclosed.
- D. Where more than two persons occupy a room used for sleeping purposes, the required floor area shall be 70 square feet plus 50 square feet for each occupant. Rooms used for sleeping shall meet the requirements of the California Building Code.

17.172.090 Operational facilities and services.

Shelters may provide one or more of the following types of common facilities for the exclusive use of residents:

- A. Central cooking and dining room(s) subject to compliance with Napa County Environmental Health Department requirements,
- B. Recreation room,
- C. Counseling center,
- D. Child care facilities, or
- E. Other support services intended to benefit homeless clients.

17.172.100 Shelter management.

Shelter management shall demonstrate that they currently operate a shelter within the State of California or have done so within the past two years and shall comply with the following requirements:

- A. At least one facility manager shall be onsite and awake at all times the facility is open. The manager's area shall be located near the entry to the facility. Additional support staff shall be provided, as necessary.
- B. An operational and management plan shall be submitted for review and approval by the Planning Officer. The approved plan shall remain active throughout the life of the facility, and all operational requirements covered by the plan shall be complied with at all times. At a minimum, the plan shall contain provisions addressing the following issues:
 - 1. Rules and Regulations. Provide standards governing expulsions, lights-out, etc.
 - 2. Security and Safety. Address both on- and off-site needs, provisions to ensure the security and separation of male and female sleeping areas, as well as any family in the facility.
 - 3. Loitering and Noise Control. Provide specific measures regarding operational controls to minimize the congregation of clients in the vicinity of the facility during hours that clients are not allowed on-site and/or when services are not provided.

4. Litter Control. Provide for the regular daily removal of litter attributable to clients within the vicinity of the facility.
5. Communication and Outreach. Provide policy for maintaining effective communication and response to operational issues which may arise in the neighborhood.
6. Adequate and Effective Screening. Provide procedure for determining eligibility of clients and granting priority to Town of Yountville residents.

Chapter 17.176 VACANT STOREFRONT WINDOWS

17.176.010 Scope.

The provisions of this chapter shall apply to all structures in the Old Town Commercial, Primary Commercial, Retained Commercial, and Residential-Scaled Commercial zoning districts, unless otherwise stated, including, but not limited to, properties that have been the subject of a foreclosure sale wherein title has been transferred to the beneficiary of a deed of trust involved in the foreclosure, and to any properties transferred under a deed in lieu of foreclosure or sale. All responsible persons shall comply with the requirements of this chapter.

17.176.020 Administration.

This chapter will be administered by, and may be enforced by, the Planning Officer, who may adopt administrative rules and regulations consistent with its terms.

17.176.030 General minimum maintenance requirements.

Responsible persons shall at all times maintain all structures they own, lease, rent or lawfully possess in the commercial zoning districts pursuant to the Yountville Municipal Code which contains Title 15 Building & Construction and Title 17 Zoning Ordinance, as amended by the Town Council.

17.176.040 Vacant commercial space registration.

- A. At least one responsible person for each vacant commercial space must register that space with the Town in accordance with this chapter within 10 consecutive days of the date the space becomes vacant commercial space as defined in this chapter.
- B. In order to register a vacant commercial space, as required by this chapter, a responsible person must submit to the Planning & Building Department, all of the following information in writing:
 1. The street address and assessor's parcel number of the vacant commercial space;
 2. The name, address, and daytime and evening telephone numbers of each responsible person for the vacant commercial space, including any owner or tenant;
 3. The period of time the vacant commercial space is estimated to remain vacant; and
 4. Any other information requested by the Planning Officer or designee for the administration of this chapter.

C. A new registration shall be submitted for processing of a vacant commercial space subject to this chapter every six months from the initial approval for the period of time the space remains vacant. The application shall provide a new design for the vacant storefront space so as to freshen the space's appearance.

D. The registration of a vacant commercial space subject to this chapter must be renewed within 90 consecutive days of its change of ownership.

E. Registrations must be submitted on forms to be provided by the Planning & Building Department, which forms shall be filled out completely and signed by at least one responsible person.

F. Upon satisfactory proof to the Planning Officer that a vacant commercial space is and has been occupied for at least 30 consecutive days, the vacant commercial space will be unregistered. Proof of physical occupation may include, but is not limited to, proof of the presence of usable furniture, office equipment, retail inventory or other equipment and inventory in the street-level commercial space that is consistent with the structure's intended and/or permitted use, and the regular presence of persons using the street-level commercial space for its intended and/or permitted use. Proof of physical occupancy must also include documentation of occupancy, which may include, but is not limited to, an executed lease agreement, or valid State and local business licenses indicating the subject space is the official business address of the person or business entity claiming occupancy.

G. The determination of the number of vacant commercial spaces a structure contains for purposes of registration will be made by the Planning Officer but will primarily be based upon the number of separate doorways provided to access each suite. The number of vacant commercial spaces will be determined by the physical areas that have separate entrances to the commercial space from a public entry or a joint tenant corridor and/or entry to the commercial space.

H. The provisions of this chapter shall not apply to a vacant commercial space if the window display area space is the subject of a current, valid building permit for repair or rehabilitation and the responsible person provides proof to the Planning Officer, such as receipts, invoices or executed contracts, that the repair or rehabilitation is proceeding without significant delay.

17.176.050 Window displays for commercial spaces not occupied for 90 days.

Whether or not a vacant commercial space is registered pursuant to this chapter, if any commercial space within the Commercial Zoning Districts has been unoccupied for more than 90 consecutive days at the time the ordinance codified in this chapter becomes effective or any time thereafter, then responsible persons shall immediately construct and/or install at least one of the following types of displays on or inside all ground-floor windows that face sidewalks, streets, alleys, or public open spaces:

A. Faux window dressings containing goods or services with the visual characteristics of a vibrant business using background panels or other methods to screen views of the unoccupied space from the street, sidewalk, parking lot and courtyard areas;

B. Works of art, including paintings, sculptures, or other examples of fine arts, or other displays of cultural, historical, or educational value, utilizing colorful and vibrant

materials, and using background panels or other methods to screen views of the unoccupied space from the street, sidewalk, parking lot and courtyard areas;

C. Paintings applied directly to the window surface featuring visually appealing, colorful, vibrant scenes, shapes, or images shall be visible on all street, sidewalk, parking lot and courtyard areas; or

D. Other measures consistent with these examples, if approved in writing by the Planning Officer, in his or her discretion. Displays should cover 80% to 100% of the window. If the display does not cover the entire window, the unoccupied (or vacant) space should be screened to obscure it.

Prior to installation, the Planning Officer shall review a plan prepared by the responsible person to assure that the plan will adequately comply with subsections A through D.

17.176.060 Fees for vacant commercial space registration.

A. A responsible person shall be designated during the registration process and shall pay the initial registration fee and monthly inspection fee for each registered vacant commercial space that is separately owned or leased. In the case of a newly constructed or remodeled building in which individual spaces are not separately owned or leased, a single initial and monthly inspection fee shall be paid to cover all commercial spaces within the building. At least one responsible person must pay an initial registration fee to the Town at the time the space is registered and must pay an annual renewal registration fee by January 1st each following year that the space or spaces remain vacant. Registration fees will not be prorated. These registration and fee requirements are applicable to any vacant commercial space in the commercial districts at the time the ordinance codified in this chapter becomes effective or any time thereafter. The fee associated with initial registration fee and the monthly inspection fee shall be included in the Town's Master Fee Schedule.

B. The fees are intended to recover the costs of administering this chapter and may be changed by resolution of the Town Council accordingly.

17.176.070 Delinquent fee—Collection.

Registration and inspection fees are a debt to the Town. If a responsible person fails to pay any fee imposed pursuant to this chapter by the due date, the Town is authorized to take action to collect the registration fee including a 10% per month late payment penalty and its costs of collection, including attorneys' fees, by use of any and all available legal means; in which case such penalties and costs incurred by the Town as a result of the collection process will be assessed to the responsible person or responsible persons in addition to the registration fee. Collection of delinquent fees pursuant to this section is not exclusive to any other legal remedy available to the Town to enforce the terms of this chapter or to recover a debt owed to the Town.

17.176.080 Duty to amend registration statement.

Responsible persons for any registered vacant commercial space shall advise the Planning Officer or designee, in writing, of any changes to the information on the registration form within 30 consecutive days of the occurrence of the change.

17.176.090 Inspections.

The Planning Officer is authorized to conduct inspections to enforce the provisions of this chapter.

17.176.100 Enforcement.

- A. The Town may enforce the provisions of this chapter by any of the provisions of the Yountville Municipal Code, which are in addition to any other remedies provided for by law. Said remedies shall be cumulative and not exclusive.
- B. It is unlawful for any responsible person to violate or fail to comply with any provisions of this chapter. Each responsible person commits a separate offense for each and every day they commit, continue or permit a violation of any provision of this chapter.
- C. Any responsible person violating any of the provisions of this chapter shall be deemed guilty of an infraction, and upon conviction, shall be punished as set forth in Government Code Section 36900 or the provisions of the Yountville Municipal Code, as it now exists or may hereafter be amended.
- D. All responsible persons are jointly and severally responsible with respect to compliance with all provisions of this chapter and for any payments required to be made to the Town under this chapter, including, but not limited to, registration fees, late penalties, and costs of collection and enforcement, including attorneys' fees and costs. If the commercial space is subject to a lease, the Town shall have discretion to determine whether to enforce this chapter against the commercial space owner, the tenant, or both of them.

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%.

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 may 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 and Retail Overlay zoning districts.

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.

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 & Building Department.
- C. **Content of Applications.** The content of applications shall be in accordance with the policies, rules and regulations of the Planning Officer, the Zoning and Design Review Board, 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 a pertinent record. The Planning Officer shall make a written determination when an application is deemed "complete" within 30 days of receipt of the application or within such other time as required by applicable law. The Planning Officer 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 & Building 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 of 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.

17.180.030 Scheduling of hearings.

When an action for a discretionary development permit has been initiated by application or otherwise, the Planning & Building Department shall set a time and place for a hearing within a reasonable period or within the period required by applicable law.

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 & Building 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 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 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 record 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 public places within the boundaries of 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 foot by three-foot billboard-type sign, no more than six 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 and 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 in his or her reasonable discretion.
 - e. A maximum of 75% 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 Officer. 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 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, a final decision has been rendered by that body. Signs are required to be removed seven 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 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 rezone 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, 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:

1. By placing an advertisement in a newspaper circulated in the area affected;
2. 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.

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 subject to the Town's records retention policy. Meeting minutes shall describe actions taken and other relevant information and need not, include a verbatim record.
- C. **Continuations.** In the case of actions for discretionary permit applications the Zoning and Design Review Board or the 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 Town Council, Zoning and Design Review Board, or the Planning Officer shall be in accordance with the provisions of each type of application in Division 5. In the case of variances, the decision of the Zoning and Design Review Board 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 if a request is made at least one week before that meeting. In the case of actions or recommendations for amendments, Design Review, planned development review, or an Administrative Use Permit or a Use Permit, the decision of the Zoning and Design Review Board shall be rendered within 60 days from the date of conclusion of the hearing; failure of the Zoning and Design Review Board to act within the prescribed time shall be deemed to constitute approval.

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 except upon a showing of good cause.

17.180.070 Authority for Land Use and Zoning Decisions.

Table 17.180-1 summarizes the Town 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

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

Application Type	Planning Officer	ZDRB	Town Council
Signs			

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

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, the Zoning and Design Review Board, or the 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 final adoption of the ordinance implementing the amendment.

Chapter 17.184 AMENDMENTS TO ZONING AND GENERAL PLAN

17.184.010 Purpose.

This chapter establishes procedures for amending the zoning map, zoning regulations, or the General Plan and General Plan Land Use Map 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 & Building Department: a completed application form, signed by the applicant, or in the case of amendments to the Zoning Ordinance, Zoning Map, General Plan or General Plan Land Use Map 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 amendments to the Zoning Ordinance, Zoning Map, General Plan or General Plan Land Use Map. The Town Council shall have the authority to approve, conditionally approve or deny applications for Zoning Ordinance 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.

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 alterations to commercial or agricultural structures; and
 2. New, expanded, or exterior alterations to residential structures which comprise five or more dwelling units.
- 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 alterations to residential structures which comprise four or fewer dwelling units and residential or agricultural auxiliary structures;
2. Freestanding, internally illuminated, and Highway 29 signs; and
3. Murals, subject to prior advisory review by the Arts Commission.

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 17.156.020;
3. Repainting an existing structure;
4. Alterations to existing landscaping;
5. Minor alterations or additions less than 200 square feet that do not result in a noticeable change to the front building elevation;
6. Minor alterations 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.

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 & Building 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 & Building 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;
- 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; and
- 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.

Chapter 17.192 MASTER DEVELOPMENT PLANS

17.192.010 Purpose.

This chapter establishes 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 any 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 & Building 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 Master Development 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 corridor 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.

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.

17.192.080 Modification and expiration.

- A. Minor modifications to physical features, development regulations or conditions or approval which do not change the character of the permitted development or affect surrounding development and are consistent with the intent of an approved Master Development Plan may be granted by the Planning Officer. Minor modifications shall not include changes to the approved land use, densities, the property boundaries, or location of uses 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 modifications 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 approval by the Town Council. Each one-year extension shall be requested and acted on separately.

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 & Building 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; and
- C. The use will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

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 17.196.050.

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 10 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 Chapters 17.180, Applications and hearings and 17.224, Appeals.
- D. **Effective Date.** An approved Administrative Use Permit becomes effective on the 11th day following the date of the mailed notification required above if no valid appeal has been filed with the Planning & Building Department.

Chapter 17.200 USE PERMITS

17.200.010 Purpose.

This chapter establishes 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 subject to Chapter 17.132, Legal nonconforming uses, buildings, signs, and substandard parcels.

17.200.030 Application Filing and Processing.

Applications for a Use Permit shall be initiated by submitting application materials as required by Section 17.180.020, Applications, including the following information to the Planning & Building 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.

17.200.040 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 applications for Use Permits for consideration by the Town Council based on the findings in Section 17.200.060, Findings and decision. The Town Council shall have the authority to approve, conditionally approve or deny applications for such Use Permits.

17.200.050 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.

17.200.060 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 would not conflict with the Town's goal of achieving economic sustainability with a mix of varied commercial services;

D. 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;

E. 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;

F. The proposed use does not require excessive amounts of water or generate excessive amounts of waste;

G. The existing or proposed utility, police and fire services are adequate to serve the proposed use;

H. 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

I. For properties in the Retail Overlay District, the proposed use enhances 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.

17.200.070 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 17.200.060, Findings and decision.

17.200.080 Effective date and continuance of use.

- A. The conditions of approval may include time limits for carrying out the Use Permit; otherwise, any exercise or undertaking of a use or uses authorized by 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 approval, any Use Permit that has been authorized by the Town Council or the Zoning and Design Review Board may continue as authorized so long as it is not changed to another use, 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 an application for a new Use Permit.

17.200.090 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 application for a Use Permit 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 properties 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 the 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 & Building 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 a 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.

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, **limits on the number of allowed structures in residential districts exceeding one story** as regulated in Division 2 of this title, and strict application of the sign provisions as regulated by Chapter 17.152.

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 & Building 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 17.208.060, 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.

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 & Building 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.

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 17.180.040, 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; and
- 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.

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 & Building 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.

17.216.040 Authority.

The Town Council shall have the authority to enter into a development agreement as provided in this chapter and 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 by ordinance 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; and
- 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 Recordation.

- A. No earlier than 31 days after final adoption by the Town Council, the Town Clerk shall have the development 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 17.216.090, or if the Town terminates or modifies the

agreement as provided in Section 17.216.110 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.

17.216.080 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.

17.216.090 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; and
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.

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 5% 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 17.116, 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; and
- E. In a project containing five or more units, affordable housing shall be provided as required by Section 17.160.020, 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 & Building 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; and
 - 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 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 for consideration by the Town Council. 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; and
- 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.

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 Title;
- 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.

17.224.030 Application Filing and Processing.

Applications for appeals shall be addressed to the appellate body, in writing, and shall state each and every basis of the appeal. Failure to include a basis for appeal in the application shall constitute a waiver of this issue on appeal. Appeals shall be filed in the office of the Planning & Building 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 alteration of the proposed structure(s) is to be held in abeyance.

17.224.040 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.

17.224.050 Notice and hearing.

The 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.

17.224.060 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 Administrative Use Permit or 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.

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.

17.228.030 Determination of violation.

The Planning Officer, Building Official, Building Inspector, or other authorized personnel or 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.

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, declared a public nuisance, and a “code violation” within the meaning of Chapter 8.05.
- 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. A violation of any provision of Title 17 shall be a "code violation" within the meaning of Chapter 8.05.

17.228.050 Issuance of stop orders.

A. Whenever the Planning Officer, Building Official, Building Inspector, or other authorized personnel or 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, Building Official, Building Inspector, or other authorized personnel or 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 official 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 request an administrative hearing in accordance with Chapter 8.05.

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 as in the same manner as generally provided for administrative 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. 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 or designated hearing officer 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 or designated hearing officer 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.

17.228.070 Appeal to the Town Council.

The acts and determination of the Town Manager or designated hearing officer provided for in Section 17.228.060 shall be directly reviewable by the Town Council in the manner provided for in Municipal Code Section 1.30.010.

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 in equity.

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.

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; and
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 category which requires issuance of a Use Permit as required by the applicable zoning district; and
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 and this title. 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 Town Council 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 Town Council may require, as a condition of this approval, that the building maintain a conforming use from then on;
3. A nonconforming building may be enlarged or extended only when such addition or alteration complies with all applicable provisions of Title 17;
4. 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;
5. 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; and
6. Any legal nonconforming building which has been destroyed by fire or other calamity may be reconstructed or reestablished as existed prior to destruction within one year. 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 17.152, Signs.

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; and
- 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.

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 25% of the total area; b) amount of business, revenue or activity generated by the use is less than 25% 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 that constitute over 20% of the titles offered or over 20% 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% of the area median income, adjusted for assumed household size based on unit size, multiplied by 35% and divided by 12. The assumed household size shall be one person in a studio apartment, two persons in a one-bedroom unit, three persons in a two-bedroom unit, and one additional person for each additional bedroom.

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

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

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

“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 multifamily 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, nonhabitable 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. Enclosed auxiliary structures include, but are not limited to, garages, carports, greenhouses, storage sheds, and trash/recycling enclosures. Unenclosed auxiliary structures include, but are not limited to, patio covers, gazebos, and pergolas, built-in kitchens and BBQs, fireplaces greater than six feet in height, decks over 30 inches above grade, playhouses, sports courts, pools, hot tubs and spas, and freestanding mechanical equipment. Unenclosed auxiliary structures cannot be enclosed on more than two sides.

"Awning" means any movable or fixed roof-like structure attached to a building. For nonresidential buildings, it represents the structure 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.

“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, and 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 a religious organization for worship, including churches, mosques, synagogues, temples, etc. 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 Commercial, Primary Commercial, Retained Commercial, 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 multifamily 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% 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 a business on a sign.

“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 shall mean the following:

“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.

“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.

“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%.

“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 pairing” 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 and 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 housing fees and fair-share housing 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 fee” includes the following:

“In-lieu art fee deposit” means a deposit in an amount equal to the in-lieu fee calculated pursuant to Section 17.148.060.

“In-lieu housing 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.

“In-lieu replacement tree fee or deposit” means a fee or deposit paid to the Town in-lieu 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 a 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 bees” means the keeping and/or breeding of bees for honey and pollination.

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

“Landscape project” 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” means 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 zoning 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 residential component of the unit constitutes no more than 65% 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 lodging or sleeping purposes, and includes any hotel, inn, bed-and-breakfast, motel, 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% 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 alteration 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 the Napa County Environmental Health Department.

"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% 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% 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 15.00.070 of the Municipal 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, 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 educational and support functions, 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, 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 zoning 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% 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 multifamily attached or detached unit, apartment house, condominium, cooperative apartment, and/or accessory dwelling 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 zoning 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.

“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 Commercial, Primary Commercial, Retained Commercial, 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 each suite in a building with a separate doorway entrance that constitutes a separate commercial space, with each space 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% 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 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% 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 the Napa County Environmental Health Department 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:

“Yard, front” means a yard abutting the front lot line and 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 abutting a rear lot line and 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 abutting a street or other interior side lot line and 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.

SECTION 10. CODE AMENDMENT: Title 18 of the Yountville Municipal Code is hereby repealed in its entirety.

SECTION 11. CEQA: An Addendum to the Environmental Impact Report, certified by the Town Council on May 7, 2019 and which included analysis of the Yountville General Plan, was prepared in July, 2021, including analysis of these Municipal Code amendments in accordance with CEQA requirements and concluded that the proposed changes would not

result in any new or more severe significant impacts to the environment beyond those analyzed in the General Plan EIR.

SECTION 12. Severability: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town Council declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, phrases or portions might be declared invalid or unconstitutional.

SECTION 13. Effective Date: This Ordinance shall take effect 30 days after final adoption.

SECTION 14. Certification: The Town Clerk shall certify to the passage and adoption of this Ordinance and shall give notice of its adoption as required by law. Within 15 days from the date of passage of this ordinance, the Town Clerk shall post a copy of the ordinance in accordance with California Government Code in at least three public places in the Town.

INTRODUCED by the Town Council at a regular meeting held on the 3rd day of August 2021.

PASSED AND ADOPTED by the Town Council at a regular meeting held on the 21st day of September 2021, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John F. Dunbar, Mayor

ATTEST:

Michelle Dahme, CMC
Town Clerk

Gary Bell
Town Attorney