

Town of Yountville
Ordinance Number 22-509

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YOUNTVILLE
AMENDING CHAPTER 17.156 OF THE YOUNTVILLE MUNICIPAL CODE REGARDING
ACCESSORY DWELLING UNITS**

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

SECTION 1. CODE AMENDMENT: Section 17.236.010 of Chapter 17.236 of Title 17 of the Yountville Municipal Code is hereby amended to repeal the following definitions: (1) “accessory dwelling unit”, (2) “accessory dwelling unit, interior”, (3) “accessory dwelling unit, other”, and (4) “primary residential unit”.

SECTION 2. CODE AMENDMENT: Chapter 17.156 of Title 17 of the Yountville Municipal Code is hereby repealed and replaced to read as follows:

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 Definitions.

- A. The definitions in this section shall apply to this chapter only. Unless otherwise defined in this section, the definitions in Section 17.236.010 shall apply.
- B. “Accessory Dwelling Unit” or “ADU” means an attached or a detached residential dwelling unit, which provides complete independent living facilities for one or more persons. An ADU shall not have direct access to the primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel the Primary Dwelling 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.

- C. “Attached Accessory Dwelling Unit” means an Accessory Dwelling Unit that is

attached to the Primary Dwelling Unit, not including a Junior Accessory Dwelling Unit.

- D. "Detached Accessory Dwelling Unit" means an Accessory Dwelling Unit in a separate structure from the Primary Dwelling Unit.
- E. "Efficiency Kitchen" means a cooking facility with appliances, a food preparation counter, and storage cabinets, all of which must be of reasonable size in relation to the size of the Junior Accessory Dwelling Unit.
- F. "Floor Area" has the same meaning as defined in Section 17.100.020.
- G. "Garage" has the same meaning as defined in Section 17.236.010.
- H. "Junior Accessory Dwelling Unit" or "JADU" means a residential dwelling unit that is no more than five hundred (500) square feet in size and contained entirely within an existing single-family structure. A Junior Accessory Dwelling Unit may include separate sanitation facilities, or may share sanitation facilities with the primary dwelling unit and have direct access to the primary dwelling unit. Junior Accessory Dwelling Units are limited to one (1) per residential lot zoned for single-family residences with a single-family residence built, or proposed to be built, on the lot.
- I. "Lot Coverage" means the percentage of the total lot area that is occupied by buildings or structures that are roofed or otherwise covered or that are unroofed and have a finished floor
- J. "Primary Dwelling Unit" means an existing single-family dwelling located on a lot in any of the following zones — RS (Single-Family Residential), RM (Mixed Residential), H (Old Town Historic), MPR (Mobile Home Park), and PD (Planned Development) — if the property's existing single-family dwelling is legal, whether conforming or nonconforming.

17.156.030 Site and Layout Standards.

If the Planning Officer determines that an Accessory Dwelling Unit or a Junior Accessory Dwelling Unit meets the following requirements, the Planning Officer shall approve the application for the unit. Unless specifically relating to one unit or the other, all Accessory Dwelling Units and Junior Accessory Dwelling Units shall meet the following requirements:

A. Zoning.

- (1) Pursuant to Section 17.12.010 (General Requirements for New Development and Land Uses) Accessory Dwelling Units and Junior Accessory Dwelling Units are only permitted in the following zoning districts:

- i. A (Agriculture), RS (Single-Family Residential), RM (Mixed Residential), H (Old Town Historic), MPR (Mobile Home Park), and PD (Planned Development).
- (2) Accessory Dwelling Units and Junior Accessory Dwelling Units are prohibited in the PP (Parks and Playfields), PF (Public Facilities), PC (Primary Commercial), RSC (Residential-Scaled Commercial), OTC (Old Town Commercial), RC (Retained Commercial), and MU (Mixed Use Overlay) zones.

B. Historic Properties.

- (1) An Accessory Dwelling Unit or a Junior Accessory Dwelling Unit proposed for an historic property shall:
 - i. Be located in the rear of the property such that at least 50 percent of the unit's first floor, front-facing facade is behind the predominant massing of the existing dwelling.
 - ii. Not be placed in a manner to block visibility of the historic resource from the public right-of-way or compete with character-defining features of the historic resource.

C. Floor Area of ADUs.

- (1) The maximum size of the Floor Area of an Accessory Dwelling Unit shall not exceed 850 square feet or, if the Accessory Dwelling Unit provides more than one bedroom, 1,000 square feet.
- (2) Nothing in this chapter 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.

D. Floor Area of JADUs.

- (1) The maximum size of the Floor Area of a Junior Accessory Dwelling Unit shall not exceed 500 square feet.
- (2) The minimum size of the Floor Area of a Junior Accessory Dwelling Unit shall be greater than 220 square feet, pursuant to the International Building Code of the International Code Council Standards.

E. Lot Coverage.

- (1) The maximum Lot Coverage shall be no greater than 60%.
- (2) 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 and one Junior Accessory Dwelling Unit per lot with a single-family dwelling.

F. Setbacks.

The setback standards for Accessory Dwelling Units are as follows:

- (1) Front yard setback – Consistent with applicable setback regulations in Division 2 of Title 17.
- (2) Side yard setback—four feet.
- (3) Rear yard setback—four feet.
- (4) 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.

G. Height Limits.

- (1) Accessory Dwelling Units shall not exceed one-story or 16 feet in height measured to top of parapet or pitched roof, 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.

H. Parking.

- (1) 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. The additional on-site parking space required for the Accessory Dwelling Unit may be provided by tandem parking.
- (2) If an existing Garage, carport, or covered parking structure is to be demolished in conjunction with the construction of an Accessory Dwelling Unit, the

required off-street parking for the Primary Dwelling Unit need not be replaced. 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.

(3) Notwithstanding any other provision of this code, no additional parking shall be required for an Accessory Dwelling Unit if any of the following is true:

- i. The unit is located within one-half mile walking distance of a public transit stop;
- ii. The unit is located within an architecturally and historically significant historic district;
- iii. The unit is part of the existing Primary Dwelling Unit or an existing accessory structure;
- iv. On-street permits are required but not offered to the occupant of the unit; or
- v. There is a publicly accessible car share vehicle located within one block of the unit.

17.156.040 Development Standards.

Accessory Dwelling Units and Junior Accessory Dwelling Units are subject to the following development standards:

A. Facilities.

(1) An Accessory Dwelling Unit and a Junior Accessory Dwelling Unit shall have the following features located within the unit:

- i. Independent heating controls, and cooling controls if air conditioning is provided.
- ii. Its own kitchen with sink and standard built-in or freestanding appliances, except that a Junior Accessory Dwelling Unit shall have an Efficiency Kitchen.
- iii. Its own bathroom with toilet, sink, and tub or shower, except that a Junior Accessory Dwelling Unit may share these facilities with the Primary Dwelling Unit.

- iv. Indoor washer and dryer hookups, except that a Junior Accessory Dwelling Unit may share these facilities with the Primary Dwelling Unit.
- v. Exterior access independent from the Primary Dwelling Unit. Except for a Junior Accessory Dwelling Unit, there shall be no shared access with the Primary Dwelling Unit.

B. Utilities.

- (1) A new or separate utility connection shall be required for all Accessory Dwelling Units that are not described in subparagraph (A) of paragraph (1) of subdivision (e) of Section 65852.2 of the California Government Code.
- (2) 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 a unit smaller than 750 square feet.

C. Building Code.

- (1) An Accessory Dwelling Unit and a Junior Accessory Dwelling Unit shall meet minimum building code requirements prior to occupancy of the unit. An Accessory Dwelling Unit and a Junior Accessory Dwelling Unit shall be required to have a permanent foundation.

D. Appearance.

- (1) The design of an Accessory Dwelling Unit and a Junior Accessory Dwelling Unit shall be substantially similar to the Primary Dwelling 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.
- (2) For an Accessory Dwelling Unit or Junior 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.
- (3) An Accessory Dwelling Unit and a Junior Accessory Dwelling Unit shall require landscaping. If the existing development lacks landscaping, the applicant shall

submit a landscape screening plan.

- (4) A minimum of 100 square feet shall be provided for use as common space by an Accessory Dwelling Unit and a Junior Accessory Dwelling Unit, of which no less than half shall be directly accessible to the unit.

E. Primary and Accessory Dwellings Not Separable.

- (1) An Accessory Dwelling Unit and a Junior Accessory Dwelling Unit shall not be sold separately from the Primary Dwelling Unit and may be rented, provided any rental complies with Chapter 8.08 and Section 17.12.010(C)(1) of this code.

F. Occupancy and Rental.

- (1) On all lots containing an Accessory Dwelling Unit or a Junior Accessory Dwelling Unit, either the Primary Dwelling Unit, the Accessory Dwelling Unit, or the Junior Accessory Dwelling Unit shall be owner-occupied and eligible for a “homeowners’ exemption” for property tax purposes. The owner occupancy requirement in this subsection is not operative between January 1, 2020, and January 1, 2025.
- (2) An Accessory Dwelling Unit and a Junior Accessory Dwelling Unit shall not be rented for occupancy by individuals for periods of less than 90 consecutive days.
- (3) 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 or the Junior Accessory Dwelling Unit, acknowledging the requirements of subsections (E)(1), (F)(1) and (F)(2) of this section.

G. Short-term Rentals.

- (1) Short-term rental of an Accessory Dwelling Unit or a Junior Accessory Dwelling Unit for less than 30 days is prohibited.

H. Fees.

- (1) An application for an Accessory Dwelling Unit and/or a Junior Accessory Dwelling Unit shall be submitted to the Town along with the appropriate fee as established from time to time by resolution of the Town Council.
- (2) The Town may impose a fee on the applicant in connection with approval of

an Accessory Dwelling Unit for the purpose of defraying all or a portion of the cost of public facilities related to its development, as provided for in Government Code Sections 65852.2(f)(1) and 66000(b).

- (3) The Town will not consider an Accessory Dwelling Unit or a Junior Accessory Dwelling Unit to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the unit is constructed with a new single-family or multi-family dwelling.
- (4) Any development impact fees charged for an Accessory Dwelling Unit of seven hundred (750) square feet or more shall be charged proportionately in relation to the square footage of the Accessory Dwelling Unit.
- (5) The Town may charge a fee to inspect an Accessory Dwelling Unit or a Junior Accessory Dwelling Unit to determine compliance with applicable building standards.

I. Permit Approval

- (1) All proposed Accessory Dwelling Units and Junior Accessory Dwelling Units are subject to review for compliance with the terms of this chapter by the Planning Officer, via a zoning clearance. The Planning Officer shall complete the review of the application within sixty (60) days of receipt of a complete submission. Review of, and the denial of or granting of, an application by the Town is a ministerial action. The Planning Officer shall not approve an application or issue a permit unless the proposed Accessory Dwelling Unit or Junior Accessory dwelling Unit complies with the requirements of this chapter. The decision of the Planning Officer shall be final and conclusive.

J. Permit Termination

- (1) A permit for an Accessory Dwelling Unit or a Junior Accessory Dwelling Unit shall terminate when one (1) or more of the following occur:
 - i. The construction of the Accessory Dwelling Unit or the Junior Accessory Dwelling Unit is not commenced within one (1) year from the date of permit issuance;
 - ii. The construction of the Accessory Dwelling Unit or the Junior Accessory Dwelling Unit has been abandoned or discontinued for one hundred eighty (180) consecutive days or more;

iii. The owner of the Accessory Dwelling Unit or the Junior Accessory Dwelling Unit files a declaration with the Planning Officer that the permit has been abandoned or discontinued and the unit has been removed from the property; or

iv. The permit has expired by its own terms.

17.156.050 Development Standards for JADUs.

A. A Junior Accessory Dwelling Unit shall be built within the structure of an existing or proposed Primary Dwelling Unit. If built within the structure of an existing Primary Dwelling Unit, a Junior Accessory Dwelling Unit may include an addition to the Primary Dwelling Unit of up to one hundred fifty (150) square feet.

SECTION 3. CEQA: The proposed ordinance is statutorily exempt under CEQA Guidelines Section 15282, Subdivision (h), of the California Environmental Quality Act (CEQA) regulations because it adopts "an ordinance regarding second units in a single-family or multi-family residential zone by a town or county to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code as set forth in Section 21080.17 of the Public Resources Code."

SECTION 4. 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 5. EFFECTIVE DATE: This Ordinance shall take effect 30 days after final adoption.

SECTION 6. 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 19th day of July, 2022.

PASSED AND ADOPTED by the Town Council at a regular meeting held on the ____ day of _____ 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John F. Dunbar, Mayor

ATTEST:

Eddy Gomez, Town Clerk

Gary B. Bell
Town Attorney