

ZONING ORDINANCE UPDATE: PHASE 2, PART A

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. (Ord. 231-92 § 4.1.a)

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.

(Ord. 231-92 § 4.1.b)

17.16.030 Site-specific conditions.

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

- A. The permitted FAR will be calculated for both parcels, however, only that portion designated as Primary Commercial shall be permitted to be developed with buildings.
- B. The portion designated as Agricultural shall be utilized for uses agricultural in nature only, and does not include buildings, parking or permanent storage. Allowable uses include the following, which supersede the list of permitted and conditional uses in Sections 17.16.040 and .050: commercial grape vineyard, olive grove, row crops, fruit trees, and other plantings and trees, including the installation and maintenance of improvements necessary to support the agricultural uses of the property, including pump enclosures, water storage tanks, water and irrigation pipes, and utilities in support thereof.
- C. Any above-ground structure or utility facility shall require Design Approval as regulated by Chapter 17.188.

17.16.040 Permitted uses.

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

- A. Agriculture;
- B. Keeping of chickens, as regulated by Chapter 6.04;
- C. Keeping of bees, as regulated by Chapter 6.04;
- D. Agricultural auxiliary structures;
- E. Single-family dwelling;
- F. Accessory dwelling units, as regulated by Chapter 17.156 of this title;
- G. Small family day care home;
- H. Agricultural employee housing;
- I. Residential auxiliary structures;

- J. Minor and moderate home occupations, as established in Chapter 17.164;
- K. Accessory uses which are subordinate and incidental to the primary use;
- L. Conservation area.

(Ord. 231-92 § 4.1.c; Ord. 427-14)

17.16.050 Uses requiring a Use Permit.

The following uses shall require a Use Permit as provided in 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;
- C. Large family day care home; and
- D. Any other compatible or appropriate use as determined by the Town Council in its sole discretion. (Ord. 231-92 § 4.1.d)

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 (e.g., landscape, parking, etc.) in Divisions 3 and 4 of Title 17.

Table 17.16-1

<i>Development Standard</i>	<i>Requirement for A District</i>	<i>Notes</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 17.114 for setbacks for auxiliary structures.
Front	20 feet	
Side	20 feet	
Side (street fronting)	20 feet	
Rear	20 feet	
Height Limit	28 feet for residential structures; 30 feet for non-residential structures	
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 unless 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. (Ord. 231-92 § 4.2.a)

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

(Ord. 231-92 § 4.2.b; Ord. 317-01)

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. Duplex;
- B. Auxiliary structures as regulated by Chapter 17.108;
- C. Residential care facilities;
- D. Minor and moderate home occupations, as established in Chapter 17.120;
- E. Accessory dwelling units, as regulated by Chapter 17.156 of this title;
- F. Small family day care homes;
- G. Keeping of chickens, as regulated by Chapter 6.04;
- H. Keeping of bees, as regulated by Chapter 6.04;
- I. Supportive housing;
- J. Transitional housing; and.
- K. Accessory uses which are subordinate and incidental to the primary use. (Ord. 231-92 § 4.2.c; Ord. 313-01; Ord. 315-01; Ord. 342-04; Ord. 416-13; Ord. 421-14; Ord. 427-14)

17.20.040 Uses requiring a Use Permit.

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

- A. Major home occupations as regulated by Chapter 17.164;
- B. Large family day care homes; and
- C. Any other compatible or appropriate use as determined by the Town Council in its sole discretion. (Ord. 231-92 § 4.2.d; Ord. 313-01; Ord. 416-13)

17.20.050 General development standards.

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

Table 17.20-1

<i>Development Standard</i>	<i>Requirement for RS District</i>	<i>Notes</i>
Maximum Density	7 units per 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	
Maximum Floor Area Ratio (FAR)	<u>Single family dwellings:</u> Lots ≤ 8,000 sq. ft.: 0.30 for living area of home; 0.35 for total building square footage including garage. Lots > 8,000 sq. ft.: 0.25 for living area of home; 0.30 for total building square footage including garage. <u>Duplexes:</u> 0.40. On lots >8,000 sq. ft., floor area up to 3,200 sq. ft. is permitted.	See Section 17.100.030 for exemptions from FAR. See Section 17.100.040 for FAR bonus for affordable housing.
Minimum Setbacks		See Chapter 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	Two stories maximum, however no more than 50% of parcels containing single-family or duplex dwelling units in any block ¹ are permitted to have two story structures.	See Section 17.160.020 for exceptions to two-story limit per block based on Section 18.36.020.B4.b. See Chapter 17.112 for height limits for auxiliary structures.

	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	
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.

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. (Ord. 231-92 § 4.2.a)

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

17.24.030 Permitted uses.

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

- A. Single family dwelling;
- B. Auxiliary structures as regulated by Chapter 17.108;
- C. Accessory dwelling units, as regulated by Chapter 17.156;
- D. Duplex;
- E. Multifamily dwellings;
- F. Residential care facilities;
- G. Minor and moderate home occupations, as regulated by Chapter 17.164;
- H. Small family day care homes;
- I. Keeping of chickens, as regulated by Chapter 6.04;
- I. Keeping of bees, as regulated by Chapter 6.04;
- J. Supportive housing;
- K. Transitional housing; and

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

17.24.040 Uses requiring a Use Permit.

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

- A. Major home occupations as regulated by Chapter 17.164 of this title;
- B. Large family day care homes; and
- C. Any other compatible or appropriate use as determined by the Town Council in its sole discretion.(Ord. 231-92 § 4.2.d; Ord. 313-01; Ord. 416-13)

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 (e.g., landscape, parking, etc.) in Divisions 3 and 4 of Title 17.

Table 17.24-1

<i>Development Standard</i>	<i>Requirement for RM District</i>	<i>Notes</i>
Density	8 units per acre minimum; 10 units per acre maximum	See Chapter 17.160 for density bonuses for affordable housing.
Housing Types	Detached single family dwellings: Minimum of 50% of total units on site; Multifamily dwellings: Minimum of 25% of total units on site.	May be waived for affordable housing projects as regulated by Chapter 17.160.
Lot Size	<i>Single family dwellings:</i> 4,000 sq. ft. minimum; 8,000 sq. ft. maximum <i>Duplexes:</i> 5,000 sq. ft. minimum <i>Multifamily:</i> 6,000 sq. ft. minimum	
Maximum Floor Area Ratio (FAR)	<i>Single family dwellings:</i> 0.25 <i>Duplexes:</i> 0.40. On lots >8,000 sq. ft., floor area up to 3,200 sq. ft. is permitted. <i>Multifamily:</i> 0.40. On lots >10,000 sq. ft., floor area up to 4,000 sq. ft. is permitted.	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
Front	20 feet	
Side	5 feet	

Side (street fronting)	10 feet	Chapter 17.112 for setbacks for auxiliary structures.
Rear	20 feet	
Height Limit	<p><i>Single family dwellings:</i> Two stories maximum, however no more than 50% of parcels containing single-family dwelling units in any block¹ are permitted to have two story structures.</p> <p><i>Duplexes and Multifamily:</i> 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><i>Single family dwellings:</i> n/a</p> <p><i>Duplexes and Multifamily:</i> 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.

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. (Ord. 231-92 § 4.4.a)

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; new development proposals for unbuilt parcels which can be

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

17.28.030 Permitted uses.

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

- A. Single family dwelling;
- B. Duplex;
- C. Residential auxiliary structures as regulated by Chapter 17.108;
- D. Accessory dwelling units, as regulated by Chapter 17.156;
- E. Residential care facilities;
- F. Minor and moderate home occupations, as regulated by Chapter 17.164;
- G. Small family day care homes;
- H. Keeping of chickens, as regulated by Chapter 6.04;
- I. Keeping of bees, as regulated by Chapter 6.04;
- J. Supportive housing;
- K. Transitional housing; and
- L. Accessory uses which are subordinate and incidental to the primary use.

(Ord. 231-92 § 4.2.c; Ord. 313-01; Ord. 315-01; Ord. 342-04; Ord. 416-13; Ord. 421-14; Ord. 427-14)

17.28.040 Uses requiring a Use Permit.

The following 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. Churches and religious institutions;
- D. Large family day care homes; and
- E. Any other compatible or appropriate use as determined by the Town Council in its sole discretion. (Ord. 231-92 § 4.2.d; Ord. 313-01; Ord. 416-13)

17.28.050 General development standards.

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

Table 17.28-1

<i>Development Standard</i>	<i>Requirement for H District</i>	<i>Notes</i>
Density	8 units per acre maximum	See Chapter 17.160 for density bonuses for affordable housing.
Lot Size	<i>Single family dwellings:</i> 5,000 sq. ft. minimum	

	<p><u>Duplexes:</u> 5,000 sq. ft. minimum</p> <p><u>Multifamily:</u> 6,000 sq. ft. minimum</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. On lots >8,000 sq. ft., floor area up to 3,200 sq. ft. is permitted.</p> <p><u>Multifamily:</u> 0.40. On lots >10,000 sq. ft., floor area up to 4,000 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 Section 17.108 for allowable encroachments into setbacks. See Section 17.112 for setbacks for auxiliary structures.
Front	<p>Primary buildings: 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>Garages: 18 feet</p>	
Side	<p>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.</p> <p>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.</p>	
Side (street fronting)	<p>10 feet for first story.</p> <p>16 feet for second story.</p>	

Rear	15 feet for first story; 20 feet for second story.	
Height Limit	<p><i>Single family dwellings:</i> Two stories maximum, however no more than 50% of parcels containing single-family dwelling units in any block¹ are permitted to have two story structures.</p> <p><i>Duplexes and Multifamily:</i> 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 17.160.020 for exceptions to two-story limit per block.</p> <p>See Chapter 17.112 for height limits for auxiliary structures.</p>
Minimum Open Space	<p><i>Single family dwellings:</i> n/a</p> <p><i>Duplexes and Multifamily:</i> 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.

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. (Ord. 231-92 § 4.6.a)

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.

(Ord. 231-92 § 4.6.b; Ord. 17-459)

17.32.030 Permitted uses.

The following uses shall be permitted for lands designated as MPR, Master Planned Residential:

- A. Only those residential uses shown on the approved Master Development Plan on file at the Town of Yountville shall be allowed;
- B. Single-family dwelling;
- C. Duplex;
- D. Multifamily dwellings;
- E. Auxiliary structures, as regulated by Chapter 17.112;
- F. Accessory dwelling units, as regulated by Chapter 17.156;
- G. Minor or moderate home occupations, as regulated by Chapter 17.164,;
- H. Small 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 uses which are subordinate and incidental to the primary use.

(Ord. 231-92 § 4.6.c; Ord. 315-01; Ord. 317-01; Ord. 416-13; Ord. 421-14)

17.32.040 Uses requiring a Use Permit.

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

- A. Major home occupations as regulated by Chapter 17.164;

- B. Large family day care homes;
- C. Congregate housing; and
- D. 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.
- B. All improvements in MPR developments shall be consistent with the approved Master Development Plan on file with the Town of Yountville, including but not limited to the following:
 - 1. The location, dimension and specified material for all roadways, walkways, bikeways, view corridors, and easements,
 - 2. The location, distribution, size and dimension of all lots or parcels of land,
 - 3. The location, setbacks and height limits of all buildings and structures,
 - 4. The material finish and articulation of approved elevations for all buildings,
 - 5. The number, type, species, size and distribution of all landscape plantings and materials specified in the approved landscape plan,
 - 6. The location, size and material required for all utilities (water, sewer, drainage, irrigation, gas and electrical), and
 - 7. The location, height, and material for fences as required in the fencing plan.

Chapter 17.36 MHP, MOBILE HOME PARK RESIDENTIAL

17.44.010 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. (Ord. 231-92 § 4.7.a)

4 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 general standards of the Zoning Ordinance 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;

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

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

(Ord. 231-92 § 4.7.c)

17.36.030 Permitted uses.

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

A. Mobile home parks;

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

C. Mobile home park common facilities;

D. Auxiliary structures;

E. Minor or moderate home occupations as regulated by Chapter 17.164;

F. Small family day care homes; and

G. Accessory uses which are subordinate and incidental to the primary use. (Ord. 231-92 § 4.7.d; Ord. 315-01; Ord. 416-13)

17.36.040 Uses requiring a Use Permit.

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

A. Major home occupations as regulated by Chapter 17.164;

B. Large family day care homes; and

C. Any other compatible or appropriate use as determined by the Town Council in its sole discretion. (Ord. 231-92 § 4.7.d; Ord. 315-01; Ord. 416-13)

Chapter 17.40 Residential Design Standards and Guidelines

17.40.010 Applicability.

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

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

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

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

<i>Applicable to:</i>		Design Standard
Single-Family and Duplex	Multi-Family	
		Subdivisions
X		There shall be a variety of lot sizes with at least a 500 square foot difference between sizes for divisions of three or more lots. 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		New flag lots shall be prohibited within new development. New flag lots may be permitted through Design Approval when the objectives of the Town Council or General Plan are met, especially those for affordable housing.
		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.
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, asphalt or pavers, for the width of the driveway and the length from the existing edge of asphalt street to the right-of-way line or five feet, whichever is greater.
	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

<i>Applicable to:</i>		Design Standard
Single-Family and Duplex	Multi-Family	
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 which face street frontages shall include breaks in their wall plane by incorporating one or more techniques along at least 20 percent of the entire street-facing facade, such as varying 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"> • Single-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 approach to form and massing, roof design, wall and window design 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).
		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 percent of the area of a structure's roof may be flat.
X	X	Roofing shall be composition shingle, standing seam or other fabricated metal, or tile from natural materials. Concrete tile 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	X	Accessory dwelling units and multifamily developments shall include individual front doors and enclosed stairs for access to units above the ground floor.

<i>Applicable to:</i>		Design Standard
Single-Family and Duplex	Multi-Family	
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 three 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	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.
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
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 and discreetly located. Fire pipes and extinguishers must be easily identified, but discreetly located; and 5. For multifamily 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.
	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 accessibility requirements for persons with disabilities.
	X	Chain link fencing and gates with wood or plastic slats shall not be used for trash and other utility enclosures.

Applicable to:		Design Standard
Single-Family and Duplex	Multi-Family	
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 not encouraged.
	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, the sharing of driveways and access to parking lots is encouraged. An easement providing for shared use shall be recorded.
X		Where practical, on-site paving for vehicles should be of a permeable material.

Applicable to:		Design Guideline
Single-Family and Duplex	Multi-Family	
X	X	For shared driveways exceeding 100 feet in length, turnouts may be needed for vehicles to pass one another.
		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, and 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.
		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 17.80 AHO, AFFORDABLE HOUSING OVERLAY

17.80.010 Purpose and application.

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

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

17.80.010 General conditions.

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

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

- D. 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.
- E. Additional Incentives and Concessions. The Town may provide incentives and concessions to projects that qualify for a town density bonus in order to make such units economically feasible. Possible assistance includes the following:
 - 1. Direct financial aid (e.g., Housing Opportunity Fund, Community Development Block Grant funding) in the form of a loan or a grant to subsidize or provide low-interest financing for on- or off-site improvements, land purchase, or construction costs;

2. Waived, reduced or deferred building permit and/or development impact fees;
3. Priority consideration during the review process; and
4. Concessions or waivers of 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 17.88 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 does not apply to or affect ownership of mobile home units, but is an occupancy requirement.
- B. The signage, advertising, park rules and regulations, and leases for spaces or units shall state the park is a senior park, or “housing for older persons,” which at a minimum is consistent with the definition in Chapter 17.236.
- C. Senior mobile home park owners and/or their management personnel shall submit biennial verification of occupancy to confirm their status as a senior mobile home park, through survey or affidavit, in a form to be determined by the Planning Officer, which shall be consistent with the survey or affidavit that satisfies the Federal Fair Housing Act regulations and which the Planning Officer, or designee, shall review and certify.
- D. Failure to submit the verification required by this section or failure of the verification to confirm that the senior mobile home park meets the occupancy requirement above shall constitute a violation of the Town’s Zoning Ordinance, subject to enforcement in the manner and form provided for in the Yountville Municipal Code.

Chapter 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 screen from view from the street by placement of structures, landscaping and/or fencing.

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

A. Auxiliary structures may be allowed 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.

17.112.60 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. (Ord. 231-92 § 6.2.a)

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, the parking requirements shall be the sum of the individual and separate requirements for each use, except as otherwise provided in this title;
- D. If multiple uses share a common space, the greater parking standard shall apply.
- E. When consistent with the General Plan, the off-street parking spaces required by this chapter for any land use may be increased or decreased by the decision-making body pursuant to their review of a Use Permit or Design Review application in situations where the proposed use has characteristics that would deviate from typical parking requirements such a high level of clientele or employees 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.
 - e. Accessory dwelling unit: one screened space as provided in Chapter 17.156.
 - f. 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 17.136.030.
 - 2. Health-Related Uses.
 - a. Extended care facilities: one space per three beds.
 - b. Medical and dental office: one space per 200 square feet of use area.

3. Public Uses.

- a. Theaters, churches, and school auditoriums, and other places of assembly:
 - i. With fixed seats: one space per four seats.
 - ii. Without fixed seats: one space per 100 square feet of area used for assembly space.
- b. Nursery and elementary schools: one space per each classroom and office, plus 10 spaces for visitor parking.

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 per Building Code occupancy of three.
- 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.
- 2. Visitor buses and limos are prohibited from parking on all streets within residential zoning districts, except in specified locations authorized by the Town.

H. Electric Vehicle Charging Stations.

- 1. Commercial and Multifamily. New commercial and multifamily projects shall provide electric vehicle charging stations for one percent of the total required parking spaces.
- 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 percent of the required vehicle spaces, unless separate secured garage space is provided for each unit. The bicycle spaces shall be distributed throughout the project.

2. Retail commercial uses shall provide bicycle parking spaces equal to a minimum of five percent of the required vehicle spaces, distributed to serve customers and employees of the project.
3. Other non-residential uses providing employment shall provide bicycle parking spaces equal to a minimum of 10 percent of the required vehicle spaces, distributed to serve employees and visitors to the project
4. Places of public assembly shall provide bicycle parking spaces equal a minimum of 10 percent of the required vehicle spaces, distributed to serve customers, visitors, and employees.
5. Each bicycle space shall be a minimum of two feet in width and six feet in length, and have a minimum of seven feet of overhead clearance.
6. Each bicycle parking space shall include a stationary parking device to adequately secure the bicycle.
7. Bicycle spaces shall be conveniently located and generally within proximity to the main entrance of a structure.

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

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	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:

	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 back from 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 onsite 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 17.156.030.

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. Driveway 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. Non-residential 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 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, as authorized by the Town Council.

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

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

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 be 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 Old Town.

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 17.128 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. (Ord. 428-14)

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 to create and retain the identity and quality of the Town which is necessary for successful business to continue, improves the attractiveness of the Town to residents and visitors, maintains the natural ecology, retains the tempering effect of extreme temperatures, prevents the erosion of top soil, provides protection against flood hazards, and contributes to the reduction in greenhouse gas emissions.

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

17.128.040 Hazard reduction and prevention.

- A. The following preventative measures shall be taken to reduce hazard risks.
 - 1. Plant trees that are not problematic and that fit the site. The International Society of Arboriculture (ISA) has developed a list to assist property owners in avoiding trees that may become a problem.
 - 2. A healthy, vigorous tree that receives regular care is less likely to become hazardous than one that is ignored. Prevention is the best solution to the tree hazard problem.
 - 3. The risk of hazard may be reduced by removing dead and broken branches, reducing branch end weights, by mechanically supporting weak branches from below, or by cabling and bracing.
 - 4. In some cases, targets may be eliminated by moving picnic tables or other items beneath a precarious tree, fencing to prevent access to such trees, or rerouting pedestrian or vehicular traffic.
- B. Where a hazard can be reduced to a less-than significant level or hazard, as determined by a certified arborist in a written tree report, all reasonable mitigation measures shall be taken.
- C. Where there are two or more conflicting tree reports, the Town consulting arborist shall make the final determination on a hazardous rating. (Ord. 428-14)

17.128.050 Permit required.

- A. Applicability. Except as provided in subsection B of this section, no person may destroy or remove any of the following protected trees from any private property without first obtaining a tree removal permit, in accordance with Section 17.128.060 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 Plan or specifically required by the Town Council or Zoning and Design Review Board to be retained as a condition of approval of an entitlement; or
 5. A tree required to be planted as a replacement tree.
- B. Exceptions. A tree removal permit is not required under subsection A if:
1. Prior to removal, the owner submits a tree report by a certified arborist certifying the tree as dead and receives approval for removal from the Planning Officer.
 2. The removal of the tree was specifically approved as part of a previously-approved development entitlement.
 3. The work to be performed is routine maintenance necessary for the health of the tree or protection of property; provided, however, that non-routine maintenance shall be subject to fines and penalties as provided in this chapter.
 4. Prior to removal, the Planning Officer determines that the tree constitutes a hazard or threat to the public health and safety or property in the vicinity in cases where one or more of the following apply:
 - i. The tree (or trees) in question is dying, diseased or has been substantially damaged and will likely in the near term threaten the health, safety, or property improvements in the immediate vicinity and such disease or threat is verified in writing by a licensed tree surgeon or certified arborist. Prior history of poor maintenance affecting the health of the tree may invalidate grounds for removal of an unhealthy tree; or
 - ii. The tree (or trees) in question is classified as a pyrophyte, including Monterey Pine, Bishop Pine, Acacia species, and Eucalyptus species; or
 - iii. Tree removal or alteration is by a public agency or public utility to provide for the routine maintenance of public land or public utilities; or
 - iv. Tree removal or alteration is by a homeowner or a homeowners association when it can be demonstrated that the tree is causing damage to a utility that cannot be relocated and mitigation measures are not feasible.

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

17.128.060 Permit application.

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

- A. An application for tree removal permit shall be required for all protected trees.
- B. Applications shall be submitted to the Planning Department and shall be accompanied by the following information.

1. When combined with a larger development application, a preliminary site plan and grading plan showing the number, size, type, and location of tree(s) to be removed and trees to be preserved, and the location of all existing and proposed improvements on the property. The plan shall include the approximate driplines of all trees onsite and trees 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 other development entitlement which may be required. (Ord. 428-14)

17.128.070 Permit decision, criteria, and mitigation.

- A. Decisions.
1. The Planning Officer shall grant or deny all permits for tree removal, except as provided below.
 2. The Town Council shall grant or deny a permit for tree removal for heritage trees and native oak protected trees.
 3. If an application is being jointly considered with any other application for a development entitlement, then the Town Council or the Zoning and Design Review Board shall render the decision.
- B. Findings. After the hearing on the application is completed the responsible reviewing authority may approve the application and authorize a tree removal permit if the facts presented establish one or more of the following:
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 to 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 onsite replacement tree(s), the payment of an in-lieu fee, or any combination of the two. (Ord. 428-14)

17.128.080 Replacement trees/in lieu fees.

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

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

B. Whenever a tree removal permit is conditioned upon the planting of a replacement tree, the payment of an in-lieu fee as established in the Master Fee Schedule shall occur prior to issuance of the tree removal permit, refundable within 180 days of the permit issuance upon planting the required replacement tree and providing photographic proof of the planting and placement of the replacement tree to the Planning Officer or designee. Such replacement shall meet the standards of size, species, and placement as provided for in the tree removal permit issued by the Planning Officer. Unless the Planning Officer determines otherwise, the total circumference of the replacement trees shall have a combined circumference of the tree(s) to be removed, measured 54 inches above natural grade (e.g., the removal of one 12-inch DBH tree shall necessitate the planting of six two-inch DBH trees or four three-inch DBH trees, etc.).

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

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

17.128.090 Appeal.

A person aggrieved by the decision of the Planning Officer may appeal to the Zoning and Design Review Board and a person aggrieved by the decision of the Zoning and Design Review Board may appeal to the Town Council, by paying the appeal fee to the Town and filing a written notice of appeal setting forth specific grounds for the appeal with the Town Clerk within 10 calendar days after the determination of the Planning Officer or the Zoning and Design Review Board. At the appeal hearing before the Zoning

and Design Review Board or the Town Council, the applicant shall present all written and verbal testimony, reports or written documents that the applicant wishes to provide for consideration of his or her request for the tree removal permit. No rehearing shall be granted, unless approved by the reviewing body consistent with the requirements of Robert's Rules of Order. (Ord. 428-14)

17.128.100 Tree protection during development.

- A. The objective of this section is to reduce the negative impacts of construction on trees to a less-than significant level. The tree protection regulations are intended to guide a construction project to 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 have provided a Tree Protection Plan if any activity is within the dripline of a protected tree. The plan shall be prepared by a certified arborist to assess impacts to trees, recommend mitigation to reduce impacts to less-than significant levels, and identify construction guidelines to be followed through all phases of a construction project. The plan must be approved by the Town's consulting arborist prior to the start of work.
- C. Protective tree fencing shall be erected around the TPZ of all trees, whether located on or off-site, to be protected during construction. The fence shall remain in place throughout the entire construction period and may not be removed without approval by the Planning Officer.
- D. 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.
 - 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. The project arborist shall perform monthly inspections to monitor changing conditions and tree health.

f. Landscape Architect Inspection. For discretionary development projects, prior to building permit final, the landscape architect shall perform an onsite inspection of all plant stock, quality of the materials and planting, and that the irrigation is functioning consistent with the approved plans.

(Ord. 428-14)

17.128.110 Duty of care for protected trees.

- A. All owners of property containing protected trees shall have a duty of regular maintenance to ensure the ongoing health and longevity of said trees.
- B. All owners of property containing protected trees that are the site of a development or construction project shall adhere to the standards in Section 17.128.100.
- C. The following are prohibited maintenance practices for protected trees:
 - 1. Excessive pruning.
 - 2. Topping.
 - 3. Taking any action that foreseeably leads to the death of a tree or permanent damage to its health.

(Ord. 428-14)

17.128.120 Additional duty of care for heritage trees.

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

- A. Pruning of heritage trees shall be minimized, particularly during the winter when oaks are more susceptible to fungal infections.
- B. Trenching within the TPZ of any heritage tree may only be done with hand tools to prevent root injury. Mechanical trenching within the protected zone of any heritage tree is not permitted.
- C. Minor roots less than one inch in diameter may be cut, but damaged roots shall be traced back and cleanly cut behind any split, cracked or damaged area.
- D. Major roots over one inch in diameter may not be cut without approval of an independent and certified tree professional.
- E. Irrigation within the TPZ of a heritage tree should be eliminated or minimized, particularly during the summer when natural conditions are dry.
- F. No live material may be planted within 10 feet of the trunk of any heritage tree. Any live material planted within 20 feet of a heritage tree shall be drought-tolerant. If an irrigation system is installed for such plant material, it must be an independent low-flow drip irrigation system.
- G. Limbs of a heritage tree may not be cut for temporary construction purposes.
- H. No impermeable soil covering such as asphalt, concrete or other paving is permitted within the TPZ of any heritage tree.
- I. If the Planning Officer has approved construction of a retaining wall or other structure within the TPZ of any heritage tree, the developer shall provide for immediate protection of exposed roots from moisture loss during the construction period. The construction shall be completed within a 72-hour period after grading.

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

17.128.120 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.

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

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. (Ord. 231-92 § 6.1.a; Ord. 342-04)

17.160.030 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”).
 - b. For ownership units, the inclusionary units shall be approximately evenly divided among the three affordable income categories. For rental units, the inclusionary units shall be evenly divided for very low- and low-income households. Where the number of required affordable units is an odd number, the number of affordable units constructed for very low-income households may be one less than the number of affordable units constructed for low-income households.
 - c. Fractions of numbers shall be figured in the following manner:
 - i. Any decimal fractions greater than 0.5 shall be construed as requiring one dwelling unit.

- ii. Any decimal fraction equal to or less than 0.5 may be disregarded.
 - 2. **Bedroom Mix.** The inclusionary units shall include a range of number of bedrooms. No more than 25% of the inclusionary units shall be studios, and at least 20% of the required inclusionary units shall have more than one bedroom.
 - 3. **Design of Inclusionary Units.** Inclusionary units shall be comparable in exterior appearance and overall quality of construction to market rate units in the same residential project. The applicant may reduce the size or interior amenities of the inclusionary units, such as fireplaces, garbage disposals, dishwashers, cabinet and storage space, bathrooms in excess of one, etc., as long as there are no significant differences between inclusionary and market rate units visible from the exterior of the dwelling units and the size and design of the dwelling units are reasonably consistent with the market rate units in the project, provided that all dwelling units conform to the requirements of the applicable building and housing codes.
 - 4. **Location of Inclusionary Units.** Affordable units shall be reasonably dispersed throughout the residential project, or, may be clustered within the residential project when this furthers affordable housing opportunities.
 - 5. **Construction of Inclusionary Units.** All affordable housing units shall be constructed concurrently or prior to construction of market rate dwelling units of the development, unless the Town determines that extenuating circumstances exist.
 - 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 on inclusionary units;
 - 5. A description of any proposed differences between the inclusionary units and other project units in terms of amenities;
 - 6. A schedule for the completion and occupancy of inclusionary units;
 - 7. A description of any requested assistance from the Town;
 - 8. An offer to reserve the inclusionary units for target households for the period required by subsection B.7.
- D. **Annual Monitoring and Transfer Fees.**
- 1. For each rental inclusionary unit provided hereunder, the owner of the unit may be required to pay an annual monitoring fee for the term of required affordability. Such fee shall be specified in the regulatory agreement(s) required by subsection 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 L 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 the approval of an alternative equivalent action fees shall be considered on a case-by-case basis by the Town Council and may be approved at the Town Council's sole discretion if the Council determines that there are overriding conditions that prevent the developer of a residential development project from meeting the requirement to construct inclusionary units on-site and that the alternative equivalent action will further affordable housing opportunities to an equal or greater extent than compliance with the express requirements of this chapter.

H. Housing Agreements. Developers of projects that include inclusionary units shall draft and agree to enter into a housing agreement with the Town. The terms of the draft agreement shall be reviewed and revised as appropriate by the Planning 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 (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 which identifies the bedroom size and monthly rent of each inclusionary unit;
 - d. Provisions allowing the Town or its designee to become involved with the screening and selection of prospective tenant units. The Town may select tenants in accordance with a policy adopted by resolution that gives preference to households that live and/or work in the Town. If inclusionary units are built or sponsored by an employer with no government financial assistance, including the waiver of fees, the Town Council will consider on a case-by-case basis allowing the employer to set aside some or all of the inclusionary units for the exclusive occupancy of employees of the employer meeting all the income and family composition qualifying criteria for tenancy.
 4. Following execution of the agreement by all parties, the completed housing agreement, or memorandum thereof, shall be recorded and the conditions therefrom filed and recorded on the parcel or parcels designated for the construction of inclusionary units. The approval and recordation shall take place prior to final map approval, or where a map is not being processed, prior to issuance of building permits for such units. The housing agreement shall be binding on all future owners and successors in interest.

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

17.160.040 State density bonus program.

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

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 subsection C at the densities or with the concessions or incentives permitted by this section;
- e. If a density bonus or concession is requested for a land donation, the application shall show the location of the land to be dedicated and provide evidence that each of the findings included in subsection 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-, lower-, or moderate-income households, or by qualified residents in the case of senior citizen housing developments;
 - b. The purchaser of each target unit shall execute an instrument approved by the Town and to be recorded against the parcel, including such provisions as the Town may require to ensure continued compliance with this section.
5. In the case of rental housing developments, the density bonus housing agreement shall provide for the following:
 - a. Procedures for establishing affordable rent, filling vacancies, and maintaining target units for eligible tenants;
 - b. Provisions requiring verification of household incomes;

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

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

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

17.160.050 Town density bonus program.

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

B. Affordable Housing Overlay. An Affordable Housing Overlay as regulated by Chapter 17.70 may be applied to all or a portion of a site that is suitable for the development of affordable housing.

(Ord. 231-92 § 6.1.e; Ord. 342-04)

17.160.060 Requirements for nonresidential projects.

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

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

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

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

D. No temporary or permanent certificate of occupancy for 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. (Ord. 231-92 § 6.1.f; Ord. 342-04)

17.160.070 Loss of affordable units.

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

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

(Ord. 231-92 § 6.1.i; Ord. 342-04)

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. (Ord. 315-01)

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 areas 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 shall be 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, except that a Major Home Occupation may be permitted to provide goods from an offsite supplier.

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 which:

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 and submit a copy of this approval to the Town.

(Ord. 315-01)

17.164.030 Permitted Uses.

The following uses may be permitted as home occupations:

A. Professional offices;

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

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

D. Homemade Food Operations;

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

F. Uses deemed by the 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 are, therefore, prohibited as home occupations:

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

17.164.050 Home occupation approval.

- A. The Town Planner may administratively approve applications for Minor or Moderate Home Occupation 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.

(Ord. 315-01)