

Filed JUL 27 1976
Theresa M. Cline
County Clerk

ORDINANCE NO. 511

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA, STATE OF CALIFORNIA, ESTABLISHING NEW ADMINISTRATIVE ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF THE COUNTY OF NAPA; MODIFYING ZONING DISTRICT REGULATION FOR THREE ZONING DISTRICTS: AP (AGRICULTURAL PRESERVE), API (AGRICULTURAL PRESERVE INTENSIVE), AND APE (AGRICULTURAL PRESERVE EXTENSIVE); ESTABLISHING NEW SIGN REGULATIONS; APPLYING EXCEPTION PROVISIONS OF THE AP ZONING DISTRICT REGULATIONS TO ALL ZONING DISTRICTS; REDEFINING THE TERM LEGAL LOT; REVISING REGULATIONS APPLICABLE TO HOME OCCUPATIONS; UPDATING STREET AND HIGHWAY SETBACK REGULATIONS; REVISING REGULATIONS AFFECTING NON-CONFORMING USES; REVISING AMENDMENT PROCEDURES; AND MAKING OTHER ADMINISTRATIVE CHANGES.

The Board of Supervisors of the County of Napa does ordain as follows:

SECTION ONE: Title XII is added to the Napa County Code to read in full as follows:

TITLE XII
PLANNING
Article 1
FINDINGS

Sec. 12000. Findings

Sec. 12000. Findings.

The Board of Supervisors hereby makes the following findings.

(a) Chapter 4, Title 7, commencing with Section 65800, of the California Government Code provides for the adoption and administration of zoning laws, ordinances, rules and regulations by counties and cities as well as for the implementation of the general plan in effect in any such county or city. Said chapter requires county or city zoning ordinances to be consistent with the general

- plan. A zoning ordinance shall be consistent with a general plan only if a general plan has been adopted and the various land uses authorized by the ordinance are compatible with the objectives, policies, general land uses and programs specified in such a plan. In the event that a zoning ordinance becomes inconsistent with a general plan by reason of amendment to such a plan, or to any element of such a plan, the zoning ordinance shall be amended within a reasonable time so that it is consistent with the general plan as amended.
- (b) Additionally, Article 4 of said chapter (commencing with section 65910) requires the county to prepare and adopt an open-space zoning ordinance consistent with the County's open-space plan.
- (c) This board has in the recent past substantially amended the County of Napa's general plan by adoption of open-space, conservation, land use, and seismic safety elements. Adoption of other new elements of the general plan is anticipated in the near future.
- (d) Ordinance No. 186 of the County of Napa, the zoning ordinance, adopted in 1955, has been amended in certain of its details from time to time but it has never been substantially revised despite changes made in the general plan as described above; despite developments in the fields of planning, zoning and land use regulations; and despite major changes in the economy, population, and land use patterns in Napa County.
- (e) Accordingly, the County of Napa's zoning ordinance should be revised substantially to bring it into conformity with the County's general plan, to reflect beneficial developments in the field of land use planning and planning law, and to accommodate changes brought about by recent developments in the County. Additionally, the revised zoning

ordinance should fulfill an open-space zoning ordinance consistent with the County's open-space plan.

(f) Further, this board deems it necessary, for the purpose of promoting the health, safety and general welfare of the County to revise the existing zoning ordinance, and in conjunction therewith substantially to revise the number, shape and area of zoning districts into which the unincorporated area of the County is divided, and substantially to revise the regulations pertaining to such zoning districts in accordance with the general plan and the following objectives:

- (1) To lessen congestion on roads and highways;
- (2) To protect necessary rights-of-way for streets and highways within the County against encroachment by permanent physical improvements the existence of which would make unnecessarily difficult or impractical the retention or creation of thoroughfares adequate in alignment, dimension and vision clearance to serve public needs;
- (3) To secure safety from fire, flood, earthquake, and other dangers;
- (4) To promote health, safety and the general welfare;
- (5) To provide adequate light and air;
- (6) To provide open space for the preservation and managed production of natural resources and outdoor recreation;
- (7) To prevent the overcrowding of land;
- (8) To avoid undue concentration of population;
- (9) To facilitate adequate provision of transportation, water, sewerage, schools, parks and all other community services in urban areas;

- (10) To assure that urban development be limited to locations in existing urban areas where adequate utilities and services can be provided;
- (11) To conserve and protect the natural environment, including fish and wildlife habitat.
- (12) To encourage avoidance and reduction of inefficient, wasteful and unnecessary consumption of energy..
- (g) This board foresees a lengthy transition period between the date the first parcel of land in this County is brought under the revised ordinance and the date the last parcel is so transferred. Public hearings as required by law and the interests of justice will be held to provide property owners, their neighbors and the public at large an opportunity to express themselves on the impact of the changes contemplated. This board desires the process to allow for full and due deliberation of all points of view. During this transition period the board foresees a possibility of great confusion and misunderstanding over the applicability of specific land use regulations to particular parcels. To minimize such confusion the board deems it in the public interest that each parcel to be rezoned should remain under the terms and provisions of Ordinance No. 186, as amended in its entirety, until all public hearings with respect to its rezoning have been accomplished, and an ordinance rezoning such parcel has been adopted as provided by law, at which point such parcel will begin to be governed by the terms and provisions of this new zoning ordinance. Similarly, the zoning maps on which the boundaries of zoning districts established by Ordinance No. 186 are shown shall continue to be the adopted zoning maps of this county with respect to each parcel shown thereon until such parcel has been shown on

the Official Zoning Map adopted pursuant to Section 21101 of the Napa County Code.

(h) However, several zoning districts already established under Ordinance No. 186, as amended, will not be substantively changed. Therefore, parcels zoned AP, AP-E, and AP-I will not be rezoned under the program described in subsection (g), above. All parcels bearing such zoning designation will be brought under this ordinance on the effective date hereof, and will henceforward be governed by the terms and provisions of this ordinance. They will be shown immediately on the official zoning map adopted pursuant to Section 12101 of the Napa County Code.

Article 2

DEFINITIONS

Sec. 12010.	Definitions
Sec. 12011.	"Board"
Sec. 12012.	"Commission"
Sec. 12013.	"Corner lot"
Sec. 12014.	"County"
Sec. 12015.	"Department"
Sec. 12016.	"Director"
Sec. 12017.	"Dwelling unit"
Sec. 12018.	"Family"
Sec. 12019.	"Agriculture"
Sec. 12020.	"Home occupation"
Sec. 12021.	"Sign"
Sec. 12022.	"Sign area"
Sec. 12023.	"On-site sign"
Sec. 12024.	"Off-site sign"
Sec. 12025.	"Nonconforming sign"
Sec. 12026.	"Political sign"
Sec. 12027.	"Useful life span"
Sec. 12028.	"Directional sign"
Sec. 12029.	"Legal lot"

Sec. 12010. Definitions.

Unless the context requires otherwise, the definitions in this chapter shall govern the construction of the provisions of this title.

Sec. 12011. "Board".

"Board" means the Board of Supervisors of Napa County.

Sec. 12012. "Commission".

"Commission" means the Napa County Conservation, Development and Planning Commission.

Sec. 12013. "Corner lot".

"Corner lot" means a lot located at the intersection of two or more streets. The shortest street frontage shall constitute the front of the lot.

Sec. 12014. "County".

"County" means the County of Napa.

Sec. 12015. "Department".

"Department" means the Napa County Conservation, Development and Planning Department.

Sec. 12016. "Director".

"Director" means the Director of the Department.

Sec. 12017. "Dwelling unit".

"Dwelling unit" means a room or connected rooms constituting a separate, independent housekeeping establishment for owner occupancy or rental or lease on a weekly, monthly, or longer basis, physically separated from other rooms or dwelling units in the same structure, and containing independent cooking and sleeping facilities.

Sec. 12018. "Family".

"Family" means any of the following:

- (a) One person occupying a dwelling unit;
- (b) Two or more persons related by blood, marriage or legal adoption occupying a dwelling unit;

- (c) A group not exceeding five persons occupying a dwelling unit;
but employees in domestic service housed on the premises of their employer shall not be counted as a part of a family.

Sec. 12019. "Agriculture".

"Agriculture" means the raising of crops or livestock and includes the following:

- (a) Growing and raising trees, vines, shrubs, berries, vegetables, nursery stock, hay, grain and similar food crops and fiber crops;
- (b) Grazing of livestock and feeding incidental thereto;
- (c) Animal husbandry, including, without limitation, the breeding and raising of cattle, sheep, horses, goats, pigs, rabbits and poultry and egg production;
- (d) Sale of agricultural products grown, raised or produced on the premises.

Sec. 12020. "Home occupation".

An occupation conducted in a single-family dwelling unit by members of the family residing on the premises which is incidental to and subordinate to the use of the dwelling unit as a residence.

Sec. 12021. "Sign".

"Sign" means any display used to promote the interest of any person, product, or place of business when placed out of doors, other than in an enclosed courtyard, except the following:

- (a) Any official notice issued by a court or public agency or posted by a public official in the performance of a public duty or by any person in giving legal notice.
- (b) Display required or authorized by law.

Sec. 12022. "Sign area".

"Sign area" means the entire area enclosed within the extreme limits of a sign frame, excluding the necessary supports or up-

rights on which the sign is placed. In the case of a sign with two or more faces the area of all faces shall be included in the sign area. When only one face of a sign is used, the sign area shall be the area of one face.

Sec. 12023. "On-site sign".

"On-site sign" means a sign which directs attention to an occupancy, business, commodity, service or entertainment conducted, sold or offered only on the lot where the sign is located.

Sec. 12024. "Off-site sign".

"Off-site sign" means a sign which directs attention to an occupancy, business, commodity, service or entertainment conducted, sold or offered on another lot.

Sec. 12025. "Nonconforming sign".

"Nonconforming sign" means a sign constructed prior to the effective date of this article which does not conform to the provision of this article.

Sec. 12026. "Political sign".

"Political sign" means a temporary sign placed after January 1, 1977 that advocates election of a candidate, recall or retention or an officeholder, passage or defeat of a ballot measure, or that solicits signatures for initiative, referendum, or recall petitions.

Sec. 12027. "Useful life span".

"Useful life span" means the time period for depreciation initially placed on a sign or other structure for federal income tax purposes, at the end of which the sign or other structure is regarded as essentially valueless for accounting purposes. Once established, the useful life span of a sign or other structure is not extended by change of ownership or addition of improvements.

Sec. 12028. "Directional sign".

"Directional sign" means a sign designed principally for the purpose of providing directional guidance to the general public to the location of a business, institution or facility at a location not visible from the site of the sign, which only incidentally identifies a product, service or business.

Sec. 12029. "Legal lot".

(a) "Legal lot" means any of the following:

- (1) Any lot shown on a map filed for the purpose of creating a division of land and which has been approved by the board and recorded; but in case two or more such maps representing the same area or a portion of the same area have been approved and recorded, only the lot or lots shown on the latest such map shall be legal; or
- (2) Any parcel not shown on such a map created by a deed or conveyance which complied with or was exempt from any law including county ordinance, regulating the design or improvement of subdivisions in effect on the date of such recordation. The burden of proof of compliance with applicable law, or the exemption therefrom shall be on the owner.
- (3) In case lots shown on a map described in subdivision (1) of this subsection (a) have been combined into one or more parcels by a later deed or conveyance as described in subdivision (2) of this subsection, only the lot or lots created by deed or conveyance shall be legal lots.

(b) If any of five or more contiguous unimproved lots in common ownership is made nonconforming by a change either of zoning classification or of the minimum lot area of the zoning district in which located, such lot may be deemed to be merged into any other single lot of such five lots as of the date of such

change; or, if held separately on the date, as of the date on such lots came under common ownership following such change. If the merged lot is substandard, it in turn may be deemed merged with any other such lot, but a merged parcel which is standard may not be deemed merged with any other standard parcel.

(c) Except as provided in subsection (b) a legal lot which has been made nonconforming by such change shall nevertheless continue to be a legal lot.

Article 3

ESTABLISHMENT OF ZONING DISTRICTS

- Sec. 12100. Establishment of zoning districts
- Sec. 12101. Official zoning map
- Sec. 12102. Identification of official zoning map
- Sec. 12103. Changes in official zoning map
- Sec. 12104. Replacement of official zoning map
- Sec. 12105. Rules for interpretation of zoning district boundaries
- Sec. 12106. Zoning district regulations
- Sec. 12107. Application of zoning district regulations

Sec. 12100. Establishment of zoning districts.

The unincorporated area of the County of Napa is hereby divided into zoning districts, each of which is designated in this section, and each of which is identified for convenience by the letters indicated:

<u>Designation</u>	<u>Letters</u>
Agricultural Preserve	AP
Agricultural Preserve - Extensive	AP-E
Agricultural Preserve - Intensive	AP-I

Sec. 12101. Official zoning map.

The zoning districts are delineated on the Official Zoning Map which, together with all explanatory matter entered thereon, is hereby adopted by this reference and is declared to be a part of this title of the Napa County Code. Regardless of the existence of purported copies of the Official Zoning Map which may

from time to time be made or published, the Official Zoning Map, which shall be located in the office of the director, shall be the final authority as to the current zoning status of the real property shown thereon.

Sec. 12102. Identification of official zoning map.

The Official Zoning Map shall be identified by the signature of the Chairman of the Board attested by the County Clerk, and bearing the County Seal under the following words: "This is to certify that this is the Official Zoning Map of the County of Napa identified in Napa County Code section 12101," together with the date of the adoption of this title.

Sec. 12103. Changes in official zoning map.

(a) If, in accordance with provisions of this title and California Government Code sections 65853-65857, inclusive, a change is made in a district boundary or other matter shown on the Official Zoning Map, such change shall be entered on the Official Zoning Map promptly after the amendment has been adopted by the Board, with an entry on the Official Zoning Map as follows:

"On [date], by official action of the Board of Supervisors, the following change was made on the Official Zoning Map: [Brief description of nature of change.]"

which entry shall be signed by the Clerk of the Board. No amendment to this title of the Napa County Code which involves matter shown on the Official Zoning Map shall become effective until such change has been entered on the Official Zoning Map.

(b) No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this chapter. Any unauthorized change by any person shall be considered a violation of this Code and shall be punishable as provided in Section Four of Ordinance No. 436.

Sec. 12104. Replacement of official zoning map.

(a) If the Official Zoning Map is damaged, destroyed, or lost, or becomes difficult to interpret for any reason, the board may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Chairman of the Board attested by the County Clerk, and bearing the seal of the county under the following words:

"This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map of the County of Napa adopted [date of adoption of map being replaced] as part of Title XII of the Napa County Code."

(b) Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

Sec. 12105. Rules for interpretation of zoning district boundaries.

Where uncertainty exists as to the boundaries of zoning districts as shown in the Official Zoning Map, the following rules shall apply:

- (a) A boundary indicated as approximately following the center line of a road, street or highway shall be construed to follow the center line.
- (b) A boundary indicated as approximately following a platted lot line shall be construed as following the lot line.
- (c) A boundary indicated as approximately following city limits or the boundary of any special district or other political subdivision shall be construed as following the city limits or boundary.

- (d) A boundary indicated as following railroad lines shall be construed to lie midway between the main tracks.
- (e) A boundary indicated as following a shoreline shall be construed to follow the shoreline, and in the event of change in the shoreline shall be construed as moving with the shoreline; a boundary indicated as approximately following the center line of a stream, river, canal, lake or other body of water shall be construed to follow the center line.
- (f) A boundary indicated as parallel to or extensions of features indicated in subsections (a) through (e) of this section shall be so construed.
- (g) Distances not specifically indicated on the Official Zoning Map shall be determined from the scale of the map.
- (h) Where the location of a physical or cultural feature on the ground differs from its location on the Official Zoning Map, and in other circumstances not covered by this section, the board shall interpret the zoning district boundaries.
- (i) Letters indicating the zoning district classification of property on the Official Zoning Map shall apply to the whole of the area within the zoning district boundaries.
- (j) Where a zoning district boundary divides a lot the more restrictive zoning district classification shall apply to the entire lot.
- (k) Where a county road, street or alley is officially vacated or abandoned, the zoning district classification of abutting properties shall be extended to the lot lines thereof located within the road, street, or alley, or in the absence of any lot line so located, the former center line thereof.

Sec. 12106. Zoning district regulations.

Zoning district regulations shall consist of the following:

- (a) Regulations set forth for each zoning district in Article 4, commencing with section 12200 of this title;
- (b) Regulations set forth in columnar form in the Schedule of Zoning District Regulations, set forth in section 12400;
- (c) Regulations set forth in Article 5, commencing with section 12301 of this title.

Sec. 12107. Application of zoning district regulations.

(a) Except as provided in Article 9, Chapter 3 commencing with Section 12850, no building or other structure, or land, shall hereafter be used or occupied, and no building or other structure or part thereof shall hereafter be erected, constructed, moved or structurally altered except in conformity with all of the regulations herein established for the zoning district in which it is located.

(b) The regulations established by this title within each zoning district shall be minimum regulations and shall apply uniformly to each class or kind of building or other structure, or land.

Article 4

ZONING DISTRICT REGULATIONS

Chapter	Section
1. Agricultural Preserve District	12200
2. Agricultural Preserve - Extensive District	12210
3. Agricultural Preserve - Intensive District	12220

CHAPTER 1. AGRICULTURAL PRESERVE DISTRICT

- Sec. 12200. Intent of classification
Sec. 12201. Uses allowed without use permit
Sec. 12202. Uses permitted upon grant of use permit
Sec. 12203. Other regulations

Sec. 12200. Intent of classification.

This district classification is intended to be applied in the fertile valley and foothill areas of Napa County in which agriculture is and should continue to be the predominant land use, where uses incompatible to agriculture should be precluded and where the development of urban type uses would be detrimental to the continuance of agriculture and the maintenance of open space which are economic and aesthetic attributes and assets of the County of Napa.

Sec. 12201. Uses allowed without use permit.

The following uses shall be allowed in all AP districts without use permit.

- (a) Agriculture;
- (b) One single-family dwelling unit per legal lot.

Sec. 12202. Uses permitted upon grant of use permit.

The following uses may be permitted in all AP districts but only upon grant of a use permit pursuant to section 12800.

- (a) Farm labor housing;
- (b) Facilities for the processing of agricultural products including, but not limited to, wineries, dairies, dehydrators, and fruit and vegetable packing plants;
- (c) Kennels and veterinary facilities;
- (d) Feed lots.

Sec. 12203. Other regulations.

The regulations shown for AP zoning districts in the Schedule of Zoning District Regulations, Section 12400, shall apply to each structure and to each use of land within the Agriculture Preserve District.

CHAPTER 2. AGRICULTURAL PRESERVE -
EXTENSIVE DISTRICT

- Sec. 12210. Intent of classification
- Sec. 12211. Uses allowed without use permit
- Sec. 12212. Uses allowed upon grant of use permit
- Sec. 12213. Other regulations

Sec. 12210. Intent of classification.

This district classification is intended to be applied to those areas of Napa County which are suitable for preservation as grazing lands and other related agricultural uses and which generally do not contain Class I, II, or III soils.

Sec. 12211. Uses allowed.

The following uses shall be allowed in all AP-E districts without use permit:

- (a) Agriculture;
- (b) One single-family dwelling unit per legal lot.

Sec. 12212. Uses permitted upon grant of use permit.

The following uses may be permitted in all AP-E zoning districts but only upon grant of a use permit pursuant to section 12800:

- (a) Outdoor parks and recreation facilities compatible with agriculture;
- (b) Farm labor housing;
- (c) Facilities for processing of agricultural products including, but not limited to, wineries, dairies, dehydrators, and fruit and vegetable packing plants;
- (d) Kennels and veterenary facilities;
- (e) Feedlots.

Sec. 12213. Other regulations.

The regulations shown for AP-E districts in the Schedule of Zoning District Regulations, Section 12400, shall apply to each structure and to each use of land within the Agricultural Preserve-Extensive District.

CHAPTER 3. AGRICULTURAL PRESERVE -
INTENSIVE DISTRICT

- Sec. 12220. Intent of classification
- Sec. 12221. Uses allowed without use permit
- Sec. 12222. Uses allowed upon grant of use permit
- Sec. 12223. Other regulations

Sec. 12220. Intent of classification.

This district classification is intended to be applied to those areas of Napa County in which intensive agriculture is presently the predominate land use.

Sec. 12221. Uses allowed without use permit.

The following uses shall be allowed in all AP-I districts without use permit:

- (a) Agriculture;
- (b) One single-family dwelling per legal lot.

Sec. 12222. Uses permitted upon grant of use permit.

The following uses shall be permitted in all AP-I districts but only upon grant of a use permit pursuant to section 12800:

- (a) Farm labor housing;
- (b) Facilities for the processing of agricultural products, including but not limited to wineries, dairies, dehydrators, and fruit and vegetable packing plants;
- (c) Kennels and veterinary facilities;
- (d) Feedlots.

Sec. 12223. Other regulations.

The regulations shown for AP-I districts in the Schedule of Zoning District Regulations, Section 12400, shall apply to each structure and to each use of land within the Agricultural Preserve - Interim District.

Article 5

ADDITIONAL ZONING DISTRICT REGULATIONS

- Sec. 12400. Schedule of zoning district regulations
- Sec. 12401. General zoning district regulations
- Sec. 12402. Yards
- Sec. 12403. Placement of structures
- Sec. 12404. Home occupations
- Sec. 12405. Accessory uses
- Sec. 12406. Maximum building height
- Sec. 12407. Loading areas
- Sec. 12408. Parking

Sec. 12400. Schedule of zoning district regulations.

The table presented in this section lists regulations in the first vertical column. Each zoning district is shown horizontally across the top of the table. The second and each succeeding vertical column show the indicated minimum or maximum standard allowed for each listed regulation in the zoning district specified at the top of the column.

SCHEDULE OF ZONING DISTRICT REGULATIONS

Regulation	Zoning District		
	AP	AP-E	AP-I
1. Minimum lot area (acres)	20	100	20
2. Maximum main building coverage	--	--	--
3. Minimum front yard (feet)	20	20	20
4. Minimum side yard (feet)	20	20	20
5. Minimum rear yard (feet)	20	20	20
6. Minimum lot width	--	--	--

Sec. 12401. General zoning district regulations.

The regulation set forth in succeeding sections of this article are generally applicable to all zoning districts in the county.

Sec. 12402. Yards.

(a) Except as otherwise provided in subsections (c) and (d), no part of a yard or off-street parking or loading space required about or in connection with any building for the purpose of complying with this title shall be included as part of a yard, off-street parking or loading space required for any other building.

(b) Required yards shall be measured from the boundary line of the parcel unless a set back line or other similar line intended to preclude development on any portion of the parcel has been established pursuant to Article 6, commencing with section 12500 within the boundary line of the parcel, in which case the yards shall be measured from such line, in which case structures may be placed up to the set back line. In no event shall the provisions of this title be construed to permit any structure to extend beyond such set back line.

(c) Cornices, eaves, canopies, fireplaces and other similar architectural features, but not including any flatwall or window surface may extend into any yard a distance not exceeding two feet.

(d) Uncovered porches or stairways, fire escapes or landing places may extend into any required front or rear yard a distance not exceeding six feet and into any required side yard a distance not exceeding one-half the width of the required side yard.

(e) In any district where fifty percent or more of the parcels on one side of any block have been improved with buildings, the required front yard shall be a depth equal to the average of the front yards of the improved parcels, but not more than the minimum front yard specified for the district.

Sec. 12043. Placement of structures.

(a) The provisions of section 12402 to the contrary notwithstanding, a detached garage or accessory building not exceeding

fifteen feet in height may occupy not more than fifty percent of the area of a rear yard. Such a structure shall not contain cooking or sleeping facilities or be used for either of such purposes. If such a structure is situated not less than seventy feet from any street it may be located not closer than five feet from the side or rear lot lines.

(b) A garage, carport or other accessory building may have a common wall with the main building, or may be connected thereto by a breezeway if placed on the lot as required by this title.

(c) A garage, carport or other accessory building not having a common wall with the main building shall not be placed closer than eight feet from the main building.

(d) No detached accessory building shall be placed on a corner lot so as to occupy any part of the front half of the lot.

Sec. 12404. Home occupations.

The following rules shall apply to each home occupation:

- (a) No person other than members of the family residing on the premises shall be engaged in such occupation;
- (b) The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the gross floor area of the dwelling unit shall be used in the conduct of the home occupation;
- (c) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation;
- (d) No home occupation shall be conducted in any accessory building;
- (e) There shall be no sales in connection with such home occupation other than sales of merchandise produced on the premises or directly related to the services offered;

(f) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.

(g) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable off the lot to the normal senses. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

Sec. 12405. Accessory uses.

Uses allowed without a use permit or uses permitted upon grant of a use permit shall include any accessory use.

Sec. 12046. Maximum building height.

(a) Except as otherwise provided in Article 4 or subsection (b) of this section, no structure shall exceed 35 feet in height, and no residence shall exceed two and one-half (2 1/2) stories.

(b) Towers, spires, chimneys, antennae, aerials, water tanks, cupolas and similar architectural features, utility structures or necessary mechanical appurtenances may be constructed to a height of not more than fifteen (15) feet above the maximum building height in any zoning district, but no such additional structure shall be used for eating or sleeping purposes or for any commercial or advertising purposes.

Sec. 12407. Loading areas.

Off-street areas shall be provided as necessary for loading and unloading in connection with any use in any zoning district,

but the stricter loading area standards set forth in Article 4 for some zoning districts shall prevail over this regulation. No loading area shall be located in any required front yard.

Sec. 12408. Parking.

Adequate off-street parking shall be provided for all vehicles in connection with any use in any zoning district, but the stricter parking standards set forth in Article 4 with respect to some zoning districts shall prevail over this regulation.

Article 6

SETBACKS

- Sec. 12500. Establishment of setbacks
- Sec. 12501. State highways
- Sec. 12502. Stanley Lane
- Sec. 12503. Silverado Trail
- Sec. 12504. Silverado Trail
- Sec. 12505. Arterial county roads
- Sec. 12506. Collector county roads
- Sec. 12507. Minor county roads
- Sec. 12508. Roads hereafter dedicated
- Sec. 12509. Private roads
- Sec. 12510. Exceptions
- Sec. 12511. Building permit

Sec. 12500. Establishment of setbacks.

The setbacks set forth in the following sections are hereby established for the roads and highways in Napa County. In each case the setback is measured from the center line. Limits of roadways include the entire roadway where separated by segments in incorporated city limits.

Sec. 12501. State highways.

A ninety (90) foot setback is established for the following state highways:

State highway routes 12, 29, 121, and 128.

Sec. 12502. Stanley Lane.

A ninety (90) foot setback is established from Highway 12-121 southeast to end.

Sec. 12503. Silverado Trail.

A ninety (90) foot setback is established from Highway 29 in Calistoga south to Trancas Street in Napa.

Sec. 12504. Silverado Trail (Highway 121).

A fifty (50) foot setback is established along the east side and a fifty-four (54) foot setback is established along the west side from Trancas Street south to Soscol Avenue.

Sec. 12505. Arterial county roads.

A sixty-two (62) foot setback is established on the following roads:

- (1) Airport Road from Highway 29 west to end.
- (2) American Canyon Road, State Highway 29 to county line.
- (3) American Canyon Road West, State Highway 29 to end.
- (4) Big Ranch Road from Trancas Street north to end.
- (5) Berryessa-Knoxville Road from State Highway Route No. 128 northwest to intersection of Pope Canyon Road.
- (6) Broadway from Solano County Line north to intersection of American Canyon Road.
- (7) Browns Valley Road from city limits to city limits.
- (8) Butts Canyon Road from Aetna Springs Road, northeast and west to Lake County Line.
- (9) Chiles and Pope Valley Road from Highway 128 northwest to Howell Mountain Road.
- (10) Coombsville Road from city limits east to Fourth Avenue.
- (11) Deer Park Road from Highway 29 east to Silverado Trail.
- (12) Flosden Road from Solano County Line north to American Canyon Road.
- (13) Hardman Avenue from Silverado Trail northeast to Atlas Peak Road.
- (14) Imola Avenue east from city limits to Shurtleff.

- (15) Lincoln Avenue from Napa River east to Highway 121.
- (16) Lower Chiles Valley Road from Highway 128 northwest to Chiles and Pope Valley Road.
- (17) Old Sonoma Road from Highway 12-121 northeast to city limits.
- (18) Pope Valley Road from Howell Mountain Road northwest to Aetna Springs Road.
- (19) South Jefferson from city limits to city limits.
- (20) Soscol Avenue from city limits to city limits.
- (21) Trancas Street from city limits east to Silverado Trail.
- (22) Tubbs Lane from Highway 128 northeast to Highway 29.
- (23) Zinfandel Lane from Highway 29 northeast to Silverado Trail.

Sec. 12506. Collector county roads.

A fifty (50) foot setback is established on the following roads:

- (1) Aetna Springs Road from Pope Valley Road and Butts Canyon Road west to Oat Hill Road.
- (2) Atlas Peak Road from Highway 121 northeast to end.
- (3) Bale Lane from Highway 29 northeast to Silverado Trail.
- (4) Bayview Avenue from Cuttings Wharf Road west to end.
- (5) Bell Lane from Highway 121 southeast to end.
- (6) Berryessa-Knoxville Road from Pope Canyon Road intersection north to Lake County Line.
- (7) Bennett Lane from Tubbs Lane west to Highway 128.
- (8) Brookside Drive from White Cottage Road east to Howell Mountain Road.
- (9) Buhman Avenue from city limits south to Old Sonoma Road.
- (10) Carol Drive from West Pueblo Avenue north to city limits.
- (11) Clark Way from College Avenue east to Howell Mountain Road.

- (12) College Avenue from White College Road southeast to Howell Mountain Road.
- (13) Congress Valley Road from Old Sonoma Road west to Buhman Avenue.
- (14) Conn Valley Road from Howell Mountain Road east to end.
- (15) Coombsville Road from Fourth Avenue east to Wild Horse Valley Road.
- (16) Crawford Way from Highway 29 west to end.
- (17) Crystal Springs Road from Silverado Trail south to Sanitarium Road.
- (18) Cuttings Wharf Road from Highway 12-121 south to Napa River.
- (19) Dealy Lane from Old Sonoma Road northwest to Henry Road.
- (20) Deer Park Road from Silverado Trail northeast to Howell Mountain Road.
- (21) Diogenes Drive from White Cottage Road east to Brookside Drive.
- (22) Donaldson Way from Highway 29 to end. (Including unconnected portions.)
- (23) Dollarhide Road from Hardin Road northeast to end.
- (24) Dry Creek Road from city limits to Sonoma County line.
- (25) Duhig Road from Highway 12-121 south to Sonoma County line.
- (26) Dunaweal Lane from Highway 29 to Silverado Trail.
- (27) East Avenue from city limits to city limits.
- (28) East First Street from city limits east to end.
- (29) El Centro Avenue from city limits to Big Ranch Road.
- (30) Every Road from Bennett Lane north to end.
- (31) First Avenue from Coombsville Road, north to Hagen Road.

- (32) Foster Road from Napa city limits south to Highway 12-121.
- (33) Fourth Avenue from Imola Avenue East, northeast to Coombsville Road.
- (34) Glass Mountain Road from Silverado Trail east to Sanitarium Road.
- (35) Gordon Valley Road from Wooden Valley Cross Road to Solano County line.
- (36) Green Island Road from Highway 29 west to end.
- (37) Greenwood Avenue from Highway 29 west to end.
- (38) Hagen Road from city limits northeast to Third Avenue.
- (39) Hardin Road from Maxwell Canyon Road southeast to Dollarhide Road.
- (40) Henry Road from Buhman Avenue, northwest to end.
- (41) Howell Mountain Road from city limits north to Pope Valley Road.
- (42) Imola Avenue East from Shurtleff east to Fourth Avenue.
- (43) Ink Grade from Howell Mountain Road north to Pope Valley Road.
- (44) James Road from American Canyon Road west to Wilson Way.
- (45) Kelly Road from Highway 29 northeast to Highway 12 and northeast to reintersection of Highway 12-29.
- (46) Larkmead Lane from Highway 29 northeast to Silverado Trail.
- (47) Las Amigas Road from Milton Road west to Duhig Road.
- (48) Linda Vista Avenue from city limits northwest to Dry Creek Road.
- (49) Lodi Lane from Highway 29 northeast to Silverado Trail.
- (50) Lynch Road from Highway 12 east and south to reintersection with Highway 12.

- (51) Melvin Road from Wilson Way north to Cassayre Drive.
- (52) Miller Court, Trancas Street easterly to end.
- (53) Milton Road from Bayview Avenue southeast to Southern Pacific Railroad.
- (54) Mt. Veeder Road from Redwood Road northwest to Dry Creek Road.
- (55) Myrtledale Road from city limits northwest to Tubbs Lane.
- (56) North Airport Road from Airport Road northwest to end.
- (57) North Avenue from First Avenue east to Third Avenue.
- (58) Oak Knoll Avenue from Highway 29 east to Silverado Trail.
- (59) Oakville Crossroad from Highway 29 east to Silverado Trail.
- (60) Oakville Grade from Highway 29 southwest to Dry Creek Road.
- (61) Orchard Avenue from city limits west to Dry Creek Road.
- (62) Partrick Road from city limits west of Browns Valley Road northwest to end.
- (63) Penny Lane from Imola Avenue East north to end.
- (64) Petrified Forest Road from city limits west to Sonoma County line.
- (65) Poco Way from State Highway 29 to Melvin Road.
- (66) Pope Canyon Road from Chiles and Pope Valley Road northeast to Knoxville Road.
- (67) Pope Valley Crossroad from Chiles and Pope Valley Road northeast to Pope Canyon Road.
- (68) Redwood Road from city limits to end.
- (69) Rio Del Mar from State Highway 29 southwest to end.
- (70) Rio Grande, end to end.
- (71) Salvador Avenue from city limits east to Big Ranch Road.

- (72) Sanitarium Road from Deer Park Road, north to rejoin Deer Park Road.
- (73) Second Avenue from Coombsville Road north to end.
- (74) Shetler Avenue from city limits to city limits.
- (75) Shurtleff Avenue from Imola Avenue East north to Wyatt Road.
- (76) Sky Oaks Drive from College Avenue to White Cottage Road.
- (77) Soda Canyon Road from Silverado Trail north to end.
- (78) Solano Avenue from city limits of Napa to city limits of Yountville.
- (79) Spring Mountain Road from St. Helena city limits west to Sonoma County line.
- (80) Spring Street from Napa city limits to city limits.
- (81) Steel Canyon Road from Highway 128 east and north to Lake Berryessa. (Take line.)
- (82) Sulphur Springs Avenue from city limits west to Leveling Road.
- (83) Terrace Drive from Imola Avenue East to city limits.
- (84) Theresa Avenue from Los Altos north to Napa Junction Road.
- (85) Third Avenue from Coombsville Road northeast to Hagen Road.
- (86) Thompson Avenue from Congress Valley Road north to city limits.
- (87) Trower Avenue from city limits to city limits.
- (88) Vichy Avenue from Hagen Road northwest to State Highway 121.
- (89) Washburn Avenue from Diogenes Drive to Sky Oaks Drive.
- (90) Washington Street from Highway 29 south to city limits.
- (91) West Caroline Drive, end to end.

- (92) West Lincoln Avenue from city limits to city limits.
- (93) West Pueblo Avenue from city limits to city limits.
- (94) West Salvador from city limits west to Linda Vista Avenue.
- (95) West Zinfandel Lane from Highway 29 west to end.
- (96) White Cottage Road from intersection of Deer Park Road and Howell Mountain Road north to rejoin Howell Mountain Road.
- (97) Wild Horse Valley Road from Coombsville Road east to Shady Brook Lane.
- (98) Wilson Way from James Road east to Melvin Road.
- (99) Wooden Valley Road from Highway 121 southeast to Solano County line.
- (100) Wooden Valley Cross Road from Wooden Valley Road to Gordon Valley Road.
- (101) Wragg Canyon Road from Highway 128 north to Lake Berryessa. (Take line).
- (102) Wyatt Avenue from Shurtleff Avenue northwest to Terrace Drive.
- (103) Yount Mill Road from Highway 29 southeast to city limits.
- (104) Yountville Cross Road from city limits to Silverado Trail.

Sec. 12507. Minor county roads.

A forty-eight (48) foot setback is established on all existing county roads on which no other setback is established.

Sec. 12508. Roads hereafter dedicated.

All roads hereafter dedicated shall have a setback of forty-eight (48) feet from the centerline.

Sec. 12509. Private roads.

Any portion of a private road subject to an offer of dedication to the County shall have a setback of forty-eight (48) feet from the centerline of the roadway.

Sec. 12510. Exceptions.

(a) On any roads wherever the County of Napa shall obtain a slope easement adjacent to a road, there shall be a setback of at least ten (10) feet from the slope easement line if that is a greater distance from centerline than the otherwise required setback.

(b) State Route 29 through Oakville and Rutherford.

(1) Within the community of Oakville, the setback from the center line of existing pavement shall be sixty (60) feet for a distance of one thousand (1000) feet north and one thousand (1000) feet south, measured from a point located in the center of the intersection of existing State Route 29 and an existing county road known as Oakville Crossroad.

(2) In the vicinity of the community of Rutherford the setback from the center line of existing pavement shall be sixty (60) feet for a distance of one thousand (1000) feet north and one thousand (1000) feet south, measured from a point located in the center of the intersection of existing State Route 29 and State Route 128.

(c) State Route 128. In the vicinity of the community of Rutherford, the setback from center line shall be fifty (50) feet from the center line of existing pavement for a distance of five hundred (500) feet, measured easterly from the center of the intersection of the existing paved roadway for State Route 128 and State Route 29.

Sec. 12511. Building permit.

Prior to issuing a building permit, the director, or his authorized deputy, shall examine the highway and street setback regulations of Napa County. The required setback shall be marked on the building permit and the required plot plan showing the location of the building or structure on the parcel of land it is proposed to build on.

Article 7

SIGNS

- Sec. 12600. Signs allowed without a use permit
- Sec. 12601. Signs permitted upon grant of use permit
- Sec. 12602. Prohibited signs
- Sec. 12603. Height
- Sec. 12604. Maintenance
- Sec. 12605. Other agencies
- Sec. 12606. Removal
- Sec. 12607. Nuisance
- Sec. 12608. Outdoor Advertising Act.

Sec. 12600. Signs allowed without a use permit.

The following signs shall be allowed without use permit on any lot in any zoning district:

- (a) One sign, not exceeding one square foot in sign area, attached to and parallel to the front wall of a building and containing the name and occupation of the occupant.
- (b) One temporary, unlighted real estate sign not exceeding six square feet in sign area advertising the sale, rental or lease of the lot or building on which the sign is located.
- (c) One temporary construction sign not exceeding six square feet in sign area identifying the architect, engineer, contractor or builder associated with the construction project on the lot on which the sign is located.
- (d) One political sign not exceeding thirty-two square feet in sign area. No political sign shall be displayed earlier than ninety (90) days prior to the election in which the candidate or ballot measure will be voted on. All political signs shall be removed within ten days thereafter, except that a sign on behalf of a candidate who is successful in a primary election may be retained for the general election. Removal of political signs shall be the responsibility of the property owner.

Sec. 12601. Signs permitted upon grant of use permit.

In addition to signs allowed by section 12600, the following signs may be permitted where indicated, but only upon grant of a use permit pursuant to section 12800:

(a) Directional signs on any lot in any zoning district.

The commission, in issuing a use permit hereunder shall require compliance with the following standards and specifications in addition to any other conditions it may impose in such a use permit:

- (1) Dimensions: No directional sign shall be more than one foot high or three feet wide.
- (2) Color: Directional signs shall employ a white reflectorized legend on a blue background.
- (3) Copy: Copy shall be four inch high capital letters.
- (4) Location in right of way: Directional signs may be located within a county road right-of-way, but only upon the approval of the Director of Public Works given prior to approval by the commission.
- (5) Street sign standards: Directional signs shall conform to the provisions for standard street signs contained in the Napa County Subdivision Road and Street Standards adopted April 27, 1971.

(b) Either of the following:

- (1) One on-site sign not exceeding one hundred (100) square feet in sign area or fifty (50) square feet in sign area per face; or
- (2) One on-site sign not exceeding twelve (12) square feet for each business located on the lot and attached to and parallel to any wall of the building.

(c) Temporary canvas signs, banners, promotional flags, pennants, streamers or similar devices.

- (d) Temporary off-site signs.

Sec. 12602. Prohibited signs.

The following signs are prohibited in all zoning districts:

- (a) Any illuminated sign of such brightness as to create a hazardous or annoying glare.
- (b) Any sign erected at or near an intersection in such a manner as to obstruct clear vision at any point where by reason of position, shape, or color it may interfere with or be confused with any authorized traffic sign, signal or device.
- (c) Any sign which, by virtue of its design, is readily moveable or which sits on the surface of the ground without being attached thereto.
- (d) Statuary or representational figures used for advertising purposes.
- (e) Signs that include any moving part or any flashing, blinking, fluctuating or intermittent light.
- (f) Signs that emit sound or odor.
- (g) Signs that display exposed artificial lighting.
- (h) Any sign that has fallen into a state of disrepair, become illegible at a reasonable distance, or gives the appearance of having been abandoned.

Sec. 12603. Height.

No sign shall exceed a height of twelve (12) feet, measured from the uppermost point on the sign structure to the ground immediately below such point.

Sec. 12604. Maintenance.

All signs shall be maintained in a reasonable state of repair by the owner of the property on which the sign is located, and such owner shall be primarily responsible for such maintenance thereof.

Sec. 12605. Other agencies.

The owner of the sign shall obtain all permits or approvals required by any public or private agency as a prerequisite to the installation and maintenance of any sign.

Sec. 12606. Removal.

(a) Except as provided in subsection (b) of this section, all nonconforming and prohibited signs shall be removed or made to conform to the standards set forth in this article within one year after the effective date of this article. Responsibility therefor shall be that of the owner of the parcel on which the sign is located.

(b) Any off-site sign in existence on the effective date of this article will be allowed to remain for the longer of the following two time periods, provided it is properly maintained:

- (1) Three years from the effective date of this article.
- (2) The remainder of its useful life span but not more than ten years, as established by the director in accordance with the following rules:

(a) The owner who claims a remaining useful life span for an off-site sign of more than three years shall file an application with the director within one year of the effective date of this article.

(b) The application shall include the date of installation of the sign and such other information bearing on the useful life span as the director may require. Attached thereto shall be the depreciation schedule for the sign used by the owner for purposes of his current federal and state income tax return.

(c) The director shall determine the remaining useful life span of the sign in accordance with the information contained in the application and such other information as may reasonably afford a basis for such determination, but such period shall in no

event be more than ten years.

Sec. 12607. Nuisance.

Any nonconforming sign required to be removed pursuant to section 12606, and not removed by the owner, and any sign which is placed in violation of the provisions of this article following the effective date hereof, shall be deemed to constitute a nuisance which may be abated by the county in accordance with law. The provision of this section shall not be exclusive but shall be in addition to other remedies which may be provided by law.

Sec. 12608. Outdoor Advertising Act.

Nothing in this article shall be construed to conflict with the California Outdoor Advertising Act of 1970.

Article 8

EXCEPTIONS

Sec. 12700. Exception to minimum lot area regulations

Sec. 12701. Exceptions to use limitations

Sec. 12700. Exception to minimum lot area regulations.

(a) The commission may grant exceptions to the minimum lot area required for any parcel located within any district upon compliance with the provisions of this section.

(b) The grant of such an exception shall be considered only upon the joint application of the owner of the parcel affected and the owner of an adjoining parcel as hereinafter provided.

(c) The grant of an exception shall be based on the following findings by the commission:

(1) That the grant of such exception would not permit an increase in the total number of parcels which may be created within the district in the future.

(2) That each of the conditions set forth in subsection (d) of this section are satisfied.

(d) Such exception shall be granted only if land is transferred in accordance with the following conditions:

(1) The transfer is made by the owner of the parcel for which the exception is sought to an adjoining parcel whose owner joins in the application.

(2) No parcel standard in area for the zoning district in which it is located is reduced to less than standard area by such transfer unless (a) the adjoining parcel is standard in area following transfer; or (b) both parcels are developed with a legally constructed dwelling.

(3) The parcel for which exception is sought is improved at the time of the transfer with a dwelling.

(4) The applicants provide satisfactory assurance that the land being transferred and the adjoining parcel will not, as a result of such transfer, be divided into any greater number of parcels than could have been created under applicable code provisions were the transfer not to take place.

(e) The applicants shall file and obtain approval of a parcel map showing such transfer of land which shall state that the land being transferred is being added to the adjoining parcel and is not creating any new parcel of record. Such map shall comply with all subdivision regulations and applicable laws.

(f) The assurance required by subsection (d) (4) of this section may be given in the form of a statement on said map substantially as follows:

"Applicants and each of them hereby covenant that Assessor's Parcel No. _____ (the adjoining parcel) may not hereafter be divided into more than _____ parcels."

The number entered in the last blank of such statement shall be the sum of (1) the number of parcels, if any, into which said parcel could be divided prior to such transfer, and (2) the number of parcels, if any, into which the land being transferred could be divided were it considered a separate parcel.

Sec. 12701. Exceptions to use limitations.

(a) The following accessory uses, in addition to those hereinbefore set forth, shall be allowed without a use permit in any zoning district:

- (1) The renting of rooms or the providing of table, board, or both, for not more than four paying guests in a dwelling unit;
- (2) The operation of necessary service facilities and equipment in connection with schools, colleges, and other institutions when located on the site of the principal use;
- (3) Recreation, refreshment and service buildings in public parks, playgrounds and golf courses;
- (4) Electric distribution lines with a primary voltage below 33 kv emanating from an electric distribution substation and installed for the purpose of distributing electric energy in the area around a substation; or a line with secondary voltage below 500 volts for general customer use;
- (5) Gas distribution lines installed to convey gas locally to individual services or to another such line;
- (6) Telephone lines other than long distance cables.

(b) The following uses may be permitted in any zoning district upon the grant of a use permit in each case:

- (1) Home occupations;
- (2) Private airports and helistops;

- (3) Commercial excavation or extraction of natural materials, including without limitation, geothermal, oil and gas resources;
 - (4) Timber harvesting;
 - (5) Sanitation treatment plants and oxidation ponds;
 - (6) Electric transmission lines designed to carry large blocks of electric energy at a voltage of 33 kv or above from generating stations, between points of interchange, between transmission substations, to distribution stations or to large individual customers.
 - (7) Gas transmission lines installed for the purpose of transmitting gas from a source or sources of supply to one or more distribution centers or to one or more large volume customers or to interconnect sources of supply.
 - (8) Other public utility uses, including, without limitation, warehouses, storage yards, gas holders, substations, electric generating plants, reservoirs, storage tanks, pumping stations and communication equipment buildings;
 - (9) Other public and quasi-public uses not included elsewhere in this section including, without limitation, microwave relay and similar communications, repeater and transmission facilities.
 - (10) Other provisions of this section 12701 to the contrary notwithstanding, the undergrounding of any electric, gas or telephone line shall require a use permit except (1) where the entire length of the line to be undergrounded is covered by an encroachment permit, or (2) the entire length of the line to be undergrounded lies between a distribution line on a street and an individual service connection.
- (c) Minimum lot area regulations applicable to any zoning district may be waived by the commission in connection with issuance by it of a use permit for any use set forth in subdivisions

(7) and (8) of subsection (b) of this section.

Article 9

RELIEF

Chapter	Section
1. Use permits	12800
2. Variances	12820
3. Nonconformities	12850
4. Amendments	12870

CHAPTER 1. USE PERMITS

- Sec. 12800. Grant of use permits
- Sec. 12801. Application
- Sec. 12802. Fee
- Sec. 12803. Public hearing
- Sec. 12804. Conditions
- Sec. 12805. Findings
- Sec. 12806. Revocation

Sec. 12800. Grant of use permits.

A use permit may be granted by the commission subject to the provisions of this chapter.

Sec. 12801. Application.

Application for a use permit shall be made to the commission in writing on a form prescribed by the commission and shall be accompanied by plans, elevations and other appropriate information graphic depictions necessary to show details of the proposed use.

Sec. 12802. Fee.

An application for a use permit shall be accompanied by a fee as prescribed in Title II of the Napa County Code.

Sec. 12803. Public hearing.

The commission shall hold a public hearing on each application for a use permit. Notice of the hearing shall be given in accordance with section 12873 of this code. The public hearing shall be conducted in conformity with the procedures established by the commission. The applicant shall bear the burden of proof in establish-

ing facts supporting his eligibility for grant of a use permit. Any party may appear in person or may be represented by an attorney or agent.

Sec. 12804. Conditions.

The commission may issue a permit subject to conditions specifically set forth in the permit when the Commission makes the findings prescribed in section 12805. Such conditions may include, without limitation, conditions governing the following matters:

- (a) Ingress and egress to the property and proposed structures thereon with particular reference to automobile and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe;
- (b) Off-street parking and loading arrangements to facilitate the concerns set forth in (a), above;
- (c) Mitigation of noise, glare, dust, smoke, odor or other effects of the proposed use in relation to adjoining property and property generally in the vicinity;
- (d) Refuse and service areas;
- (e) Utilities, and their locations and availability;
- (f) Screening, buffering and landscaping;
- (g) Signs, if any;
- (h) Exterior and interior lighting, particularly with reference to glare, traffic safety and compatibility with nearby properties and uses;
- (i) Yards;
- (j) Mitigation of adverse environmental effects if any;
- (k) The time period for which the permit shall be valid.

Sec. 12805. Findings.

Before issuing a use permit, the commission shall make the following written findings.

- (a) That the commission has the power to issue a use permit under the zoning regulations in effect as applied to the property;
- (b) That the procedural requirements set forth in this chapter have been met;
- (c) That grant of the use permit, as conditioned will not adversely affect the public health, safety or welfare of the County of Napa.
- (d) That the proposed use complies with applicable provisions of this code and is consistent with the policies and standards of the general plan.

Sec. 12806. Revocation.

- (a) If not used within a year, a use permit shall automatically terminate.
- (b) The commission may revoke any use permit upon a finding by the commission that the conditions set forth in the use permit have been violated or that use has ceased for one year. The commission may make such a finding only after a public hearing, upon notice given in accordance with section 12873 of this code.

CHAPTER 2. VARIANCES

- Sec. 12820. Grant of variances
- Sec. 12821. Application
- Sec. 12822. Fee
- Sec. 12823. Public hearing
- Sec. 12824. Conditions
- Sec. 12825. Findings
- Sec. 12826. Use variance
- Sec. 12827. Revocation

Sec. 12820. Grant of variances.

A variance from the terms of the zoning district regulations may be granted by the commission, subject to the provisions of this chapter.

Sec. 12821. Application.

Application for a variance shall be made in writing on a form prescribed by the commission, and shall be accompanied by plans, elevations and other appropriate information, including graphic depictions necessary to show the grounds for the granting of a variance.

Sec. 12822. Fee.

An application for a variance shall be accompanied by a fee as prescribed in Title II of the Napa County Code.

Sec. 12823. Public hearing.

The commission shall hold a public hearing on each application for a variance. Notice of the hearing shall be given in accordance with section 12873 of this code. The public hearing shall be conducted in conformity with procedures established by the commission. The applicant shall bear the burden of proof in establishing facts supporting his eligibility for grant of a variance. Any party may appear in person or be represented by his attorney or agent.

Sec. 12824. Conditions.

(a) Any variance granted shall be subject to such conditions as shall assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zoning district in which such property is situated.

(b) Any variance granted may be subject to conditions specifically set forth in the variance, including, without limitations, conditions governing all the matters set forth in section 12804 of this code with respect to use permits.

Sec. 12825. Findings.

Before issuing a variance, the commission shall make the following written findings:

- (a) That the procedural requirements set forth in this chapter have been met.
- (b) Special circumstances exist applicable to the property, including size, shape, topography, location or surroundings, because of which strict application of the zoning district regulations deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.
- (c) Grant of the variance is necessary for the preservation and enjoyment of substantial property rights.
- (d) Grant of the variance will not adversely affect the public health, safety or welfare of the County of Napa.

Sec. 12826. Use variance.

A variance shall not be granted for a parcel of property which authorizes a use or activity which is not authorized by zoning district regulations governing the parcel of property.

Sec. 12827. Revocation.

The commission may revoke any variance upon a finding by the commission that the conditions set forth in the variance have been violated. The commission may make such a finding only after a public hearing, upon notice given in accordance with section 12873 of this code.

CHAPTER 3. NONCONFORMITIES

- Sec. 12850. Definition.
- Sec. 12851. Nonconforming lot
- Sec. 12852. Nonconforming use of land
- Sec. 12853. Nonconforming structure
- Sec. 12854. Nonconforming use of structure
- Sec. 12855. Repairs and maintenance
- Sec. 12856. Use permit

Sec. 12850. Definition.

Within the zoning districts established by this title, as it may be amended, there exist lots, structures and uses of lots

and structures which were legal prior to the effective date of provisions of this title or future amendments thereof, but which would be prohibited, regulated or restricted by the terms of such provisions on the effective date thereof. Such lots, structures and uses are herein called "nonconformities." Nonconformities may be continued notwithstanding the prohibition, regulation or restriction of these provisions but their continuation shall be governed by the provisions of this chapter. The owner shall have the burden of proof in establishing the existence of the nonconformity.

Sec. 12851. Nonconforming lot.

In any district in which a single-family dwelling is a permitted use, a single-family dwelling and accessory buildings may be constructed on any legal lot notwithstanding that such lot may have become substandard by the later imposition of minimum width or minimum area regulations which it does not meet.

Sec. 12852. Nonconforming use of land.

Where on the effective date of the provisions of this title, or of any amendment thereof, a legal use of land exists which would not be permitted by the regulations imposed by the provisions of this title or any amendment thereto, the use may be continued so long as it remains otherwise legal, but shall be subject to the following conditions:

- (a) No such nonconformity shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied on the date it became a nonconformity.
- (b) No such nonconformity shall be moved in whole or in part to any portion of the lot other than that occupied by such use on the date it became a nonconformity.
- (c) If any such nonconforming use of land ceases for any reason for a period of more than thirty consecutive days it shall be deemed abandoned; but if the nonconforming

use is seasonal the time period stated above shall be extended to the duration of not more than one season; and if the cessation of use is not voluntary and the user intends to commence the same use again and does so within one year the nonconforming use shall not be deemed abandoned.

- (d) No additional structure shall be constructed in connection with such nonconforming use of land.

Sec. 12853. Nonconforming structure.

Where on the effective date of the provisions of this title or of any amendment thereto, a legal structure exists that could not be constructed by reasons of zoning district regulations imposed by such provisions or amendments thereto, such structure may be continued so long as it remains otherwise lawful, but shall be subject to the following conditions:

- (a) No such nonconforming structure may be enlarged or altered in any way which increases its nonconformity, but any such structure may be altered to decrease its nonconformity.
- (b) Should such nonconforming structure be destroyed by any means to an extent or more than fifty percent of its replacement cost, calculated as of the date of destruction, it shall not be reconstructed except in compliance with zoning district regulations.
- (c) Should such nonconforming structure be moved, it shall thereafter comply with the regulations for the zoning district in which it is located after it is moved.

Sec. 12854. Nonconforming use of structure.

Where on the effective date of the provisions of this title or of any amendment thereof, legal use is being made of a structure which would not be permitted in the zoning district where it is located under the provisions of this title or such amendment,

the use may be continued so long as it remains otherwise legal, subject to the following provisions:

- (a) No such structure shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the zoning district in which it is located.
- (b) No such use shall be extended to occupy any land outside such building.
- (c) When nonconforming use of a structure is discontinued for six months or for a total of twelve nonconsecutive months in any two-year period, the structure shall not thereafter be used except in compliance with regulations of the zoning district in which it is located.
- (d) Where a structure and land in combination are the location of a nonconforming use, removal or destruction of the structure shall terminate the nonconforming use of the land. Destruction for this purpose is defined as damage to an extent of more than fifty percent of the replacement cost as of the date of destruction.

Sec. 12855. Repairs and maintenance.

(a) On any nonconforming structure or any structure housing a nonconforming use, necessary repairs and maintenance may be performed, but no such work shall be done which increases the area or cubic content of the structure.

(b) If a nonconforming structure or a structure housing a nonconforming use becomes physically unsafe or unlawful due to lack of repair or maintenance, and is declared by the director or his deputy to be a dangerous building, it shall not thereafter be restored, repaired or rebuilt except to bring it into compliance with zoning district regulations, and it may not thereafter be used to house a nonconforming use. Nothing in this title shall be deemed to prevent the strengthening or restoration to a safe condition of

any building declared to be dangerous by any official charged with protecting the public safety, upon order of such official.

Sec. 12856. Use permit.

The owner of any nonconformity may, and upon notification by the commission, shall apply for a use permit pursuant to Chapter 1 of Article 9, commencing with section 12800. A nonconformity may be expanded upon the grant of such use permit.

CHAPTER 4. AMENDMENT

- Sec. 12870. Manner of adoption
- Sec. 12871. Initiation
- Sec. 12872. Failure of commission to act
- Sec. 12873. Public hearing before commission
- Sec. 12874. Recommendation of commission
- Sec. 12875. Public hearing before board
- Sec. 12876. Action of board

Sec. 12870. Manner of adoption.

An amendment to the provisions of this title which changes any property from one zone to another or imposes any regulations listed in California Government Code section 65850 not theretofore imposed or removes or modifies any such regulation theretofore imposed shall be adopted in the manner set forth in this chapter. Interim ordinances adopted as urgency measures pursuant to California Government Code section 65858 may be adopted pursuant to the provisions of that section, notwithstanding that they may amend the provisions of this title. Any other amendment to the provisions of this title may be adopted in the same manner as other ordinances.

It is intended that this Chapter conform to provisions of State Planning Law concerned with the adoption and administration of zoning laws, ordinances, rules and regulations, commencing with Government Code section 65800, and changes that may be made to such provisions of said law are to be deemed to be incorporated herein.

Sec. 12871. Initiation.

An amendment to the provisions of this title may be initiated by the board, the commission, or the owner of property to be changed from one zoning district to another.

Sec. 12872. Failure of commission to act.

When the board has requested the commission to study and report upon an amendment which is within the scope of this chapter and the commission fails to act upon such request within a reasonable time, the board may, by written notice, require the commission to render its report within 40 days. Upon receipt of the written notice the commission, if it has not done so, shall conduct the public hearing as required by section 12873. Failure to so report to the board within the above time period shall be deemed to be approval by the commission of the proposed amendment.

Sec. 12873. Public hearing before commission.

(a) The commission shall hold a public hearing on any such amendment. Notice of the time and place of said hearing including a general explanation of the matter to be considered and including a general description of the area affected shall be given at least ten calendar days before the hearing. The notice shall be published at least once in a newspaper of general circulation, published and circulated in the county.

In addition to notice by publication, the commission may give notice of the hearing in such other manner as it may deem necessary or desirable.

(b) In addition to notice by publication, notice by first class mail shall be given to any person who has filed a written request therefor with the commission. Such a request may be submitted at any time during the calendar year and shall apply for the balance of such calendar year. Such a request shall be accompanied by a fee as prescribed in Title II of the Napa County Code.

(c) In addition to the notice described above, notice of the hearing shall be given by mail or delivery to all persons, including businesses, corporations or other public or private entities, shown on the last equalized assessment roll as owning real property within 300 feet of the property which is the subject of the proposed zoning change.

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

(d) In the event that the number of owners to whom notice would be sent pursuant to subdivision (c) is greater than 1,000 notice may be provided pursuant to this subdivision as an alternative to the notice required by subdivision (c). Such notice shall be given at least ten days prior to the hearing by either of the following procedures: (i) by placing a display advertisement of at least one-fourth page in the newspaper having the greatest circulation within the area affected by the proposed ordinance or amendment and in at least one additional newspaper having general circulation within such area, if such additional newspaper is available; or (ii) by placing an insert with any generalized mailing sent by the county to property owners in the area affected by the proposed ordinance, such as billings for county services.

Such advertisement or mailing insert shall specify the type and magnitude of the changes proposed, the place where copies of the proposed changes may be obtained, the time, date and place of the hearing, and the right to appear and be heard.

Any display advertisement published pursuant to this subdivision satisfies the publication requirement of subdivisions (a) and (b).

(e) Failure to receive the notice required by this section shall not invalidate the amendment.

(f) Subdivisions (c) and (d) of this section shall not apply to an amendment which does not affect the permitted uses of real property within the county.

(g) Any hearing may be continued from time to time.

Sec. 12874. Recommendation of commission.

After the hearing, the commission shall render its decision in the form of a written recommendation to the board. Such recommendation shall include the reasons for the recommendation, the relationship of the proposed amendment to applicable general and specific plans, and shall be transmitted to the board in such form and manner as may be specified by the board.

Sec. 12875. Public hearing before board.

(a) Upon receipt of the recommendation of the commission, the board shall hold a public hearing; provided, however, that if the matter under consideration is an amendment to this title to change property from one zone to another, and the commission has recommended against the adoption of such amendment, the board shall not be required to take any further action thereon unless an interested party shall request such a hearing by filing a written request with the clerk of the board within five days after the commission files its recommendations with the board.

(b) Notice of the time and place of said hearing shall be given in the time and manner provided for the giving of notice of the hearing by the commission as specified in section 12873.

(c) Any hearing may be continued from time to time.

Sec. 12876. Action of board.

The board may approve, modify or disapprove the commission's recommendations; provided that any modification of the proposed ordinance or amendment by the board not previously considered by

the commission during its hearing, shall first be referred to the commission for report and recommendations, but the commission shall not be required to hold a public hearing thereon. Failure of the commission to report within 40 days after the reference, or such longer period as the board may designate, shall be deemed to be approval by the commission of the proposed modification.

Article 10

ENFORCEMENT

- Sec. 12900. Issuance of permits
- Sec. 12901. Stop orders
- Sec. 12902. Duty to enforce
- Sec. 12903. Nuisance

Sec. 12900. Issuance of permits.

All departments, officials and employees of the county vested with the duty or authority to issue permits or licenses shall issue no such permit or license for uses, buildings or purposes which would be in conflict with the provisions of this title.

Sec. 12901. Stop orders.

The director is hereby authorized to issue stop orders to prohibit further construction of buildings or structures involving violations of this title, and such stop orders shall remain in effect until such violations have been resolved.

Sec. 12902. Duty to enforce.

It shall be the duty of the director, or his deputy, and other county officials herein or otherwise charged by law with the enforcement of this title to enforce this title and all its provisions.

Sec. 12903. Nuisance.

Any building set up, erected, built, moved or maintained and any use of property contrary to the provisions of this title shall be and the same is hereby declared to be unlawful and a public nuisance and the county may immediately commence action

or actions, proceeding or proceedings, for the abatement, removal and enjoinder thereof in the manner provided by law and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate and remove such building or use and restrain and enjoin any persons, firm or corporation from setting up, erecting, building, moving or maintaining any such building or using any property contrary to the provisions of this title.

SECTION TWO: Any provisions of ordinances of the County of Napa in conflict herewith are hereby repealed, effective upon the date this ordinance becomes effective.

SECTION THREE: This ordinance shall take effect thirty (30) days after its passage and shall be published before the expiration of fifteen (15) days after its passage, at least once in THE NAPA COUNTY RECORD, a newspaper of general circulation printed and published in the County of Napa, together with the names of the members voting for and against the same.

The foregoing ordinance was introduced and read at a regular meeting of the Board of Supervisors of the County of Napa, State of California, held on the 20th day of July, 1976, and passed at a regular meeting of the Board of Supervisors held on the 27th day of July, 1976, by the following vote:

AYES: SUPERVISORS MARTZ, CHAPMAN and TUTEUR

NOES: SUPERVISORS NORRIS

ABSENT: SUPERVISORS SIMMS

ATTEST,
Florence W. Cunny
FLORENCE W. CUNNY, County Clerk

John Tuteur
Chairman, Board of Supervisors

By _____
Clerk of the Board

RESOLUTION NO. 76-1

RESOLUTION OF THE CONSERVATION, DEVELOPMENT
AND PLANNING COMMISSION OF THE COUNTY OF NAPA
RECOMMENDING ADOPTION OF A NEW ZONING ORDINANCE
TO THE BOARD OF SUPERVISORS OF THE COUNTY OF
NAPA.

WHEREAS, the County of Napa has adopted new open-space, conservation, land use and seismic safety elements as part of its general plan; and

WHEREAS, the State Planning and Zoning Law requires that the county's zoning ordinance be consistent with its general plan; and

WHEREAS, the zoning ordinance of the County of Napa, adopted in 1955 and amended many times since then has become inconsistent with the general plan as revised by said new elements; and

WHEREAS, the county desires to bring its zoning ordinance into compatibility with the general plan by adopting a new zoning ordinance; and

WHEREAS, a proposed ordinance drafted to achieve these goals, and others, has been considered by this commission in a public hearing, advertised as required by law and held July 7, 1976 in accordance with Government Code section 65854.

NOW, THEREFORE, BE IT RESOLVED, the Conservation, Development and Planning Commission of the County of Napa does hereby recommend to the Board of Supervisors of the County of Napa that said proposed new zoning ordinance be adopted, with changes as noted and for the reasons set forth in the accompanying report.

PASSED AND ADOPTED by the Napa County Conservation, Development and Planning Commission this 7th day of July, 1976, by the follow-

ing vote:

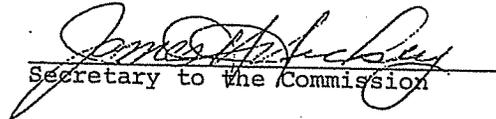
AYES: COMMISSIONERS Fershko, Hawkley, Pelissa, Snowden,
and Vanderschoot

NOES: COMMISSIONERS Sussell

ABSENT: COMMISSIONERS Buehler


Chairman of the Napa County Conservation, Development and Planning Commission

ATTEST:


Secretary to the Commission