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Planning Director
Kenyon Webster
Assistant Planner
Dana Morrison
Administrative Assistant
Rebecca Mansour

City of Sebastopol
Planning Commission

Meeting Date:	April 25, 2017
Agenda Item:	9A
To:	Planning Commission
From:	Kenyon Webster, Planning Director
Subject:	Phase 2 Zoning Ordinance Amendments
Recommendation:	Receive Consultant Presentation and Public Comments, Provide Direction for Formulation of Ordinance Amendments

Introduction:

This staff report addresses several Zoning Ordinance amendment topics that are highlighted by the new General Plan.

Background:

After years of effort, a new General Plan was adopted on November 15, 2016. The new General Plan calls for a variety of changes to the Zoning Ordinance. Under State law, the Zoning Ordinance is required to be consistent with the General Plan.

Zoning Ordinance changes which were highly specific, like Floor Area Ratio (FAR) changes, as well as other more minor changes were developed, reviewed by the Commission, and forwarded to the City Council (the 'Phase 1' amendments). The Phase 1 amendments have been approved by the Council.

However, various other changes are more discretionary, such as where the General Plan calls for review of certain issues, but without specifics. Several topics needing Commission and public discussion are the subject of the April 25 Commission meeting. These include:

1. How the City should regulate short-term vacation rentals;
2. Whether a subset of M District regulations should be created for the Barlow development area;
3. Appropriate standards for beekeeping;
4. Whether updates to the formula business regulations should be considered;
5. Whether there are any changes to use allowances (beyond those approved in the Phase 1 Zoning Ordinance amendments) that should be considered.

De Novo Planning Group, the City's consultant, has provided a memorandum (attached) discussing these issues, and providing background information.

The intent of the April 25 meeting is to obtain policy direction that will lead to drafting of actual Zoning regulations.

Environmental Review:

The primary purpose of the Zoning Ordinance update project is to implement policy provisions of the new General Plan so as to make the Zoning Ordinance consistent with the General Plan, as is required by State law.

The General Plan was the subject of a full Environmental Impact Report which was certified by the City Council in conjunction with General Plan adoption. Thus, the potential environmental impacts of the Zoning Ordinance revisions have been addressed by the General Plan EIR.

Public Comment:

In addition to posting information on the City web site, the Planning Department emailed a newsletter highlighting the Commission meeting to over 700 persons who have expressed interest in Sebastopol planning issues. The Planning Department has not received any comments on this matter from the public, as of writing the staff report.

Recommendation:

It is recommended that the Planning Commission receive the consultant's presentation, hear from any interested members of the public, and provide direction for formulation of draft Zoning Ordinance amendments.

Attachments:

De Novo memorandum

FOCUSED ZONING CODE UPDATE

MEMORANDUM

TO:	Kenyon Webster
FROM:	Beth Thompson and Elise Carroll, De Novo Planning Group
SUBJECT:	Focused Issues Review #2
DATE:	April 25, 2017

INTRODUCTION

The purpose of this meeting is to receive input from the Planning Commission regarding the approach to addressing:

1. Short-Term Vacation Rentals,
2. Barlow Zoning Standards,
3. Formula Business Regulations,
4. Beekeeping Standards, and
5. Uses.

DISCUSSION

Short-Term Vacation Rentals (Hosted and Unhosted)

The Housing Element of the General Plan identifies the following policy and action to ensure that short-term vacation rentals are addressed as part of the Zoning Code Update:

> *Policy B-6: The City will address housing used as temporary, short-term, and/or vacation rentals, such as Airbnb.com and vrbo.com rentals, to ensure that such uses do not reduce the existing housing stock for owners and renters and to reduce potential impacts to neighboring uses.*
>
> *Action B-6: Consider regulations for vacation and short-term rentals, such as Airbnb.com and vrbo.com units, that address potential impacts, such as parking and increased noise, to surrounding uses and establish a permitting process to ensure cost-recovery and ability to enforce the regulations.*

Many jurisdictions in California have developed code requirements or standards to address short term vacation rentals. Sonoma County defines the following uses related to short-term vacation rentals:

- "Bed and Breakfast Inn" refers to the transient rental of more than one room or sleeping area while the owner remains in residence on the property, whether or not food is served.
- "Hosted Rental" refers to the transient rental of a single room or sleeping area where the primary owner remains in residence during the rental period.
- "Vacation Rental" refers to the transient rental of a single room or sleeping area.

The City of Healdsburg defines "vacation rental home" as the rental/letting of a complete residential unit (with bedroom(s), kitchen and bath) for fewer than 30 days for transient lodging purposes and with no on-site management. It is noted that this definition would not apply to vacation rentals which rent out single rooms, which is an available listing type under AirBnB. Healdsburg's development regulations prohibit vacation rentals in specific zoning districts (see Appendix A). Although not specifically called out in the City of Napa and City of Palm Springs Municipal Codes, the vacation rental regulations apply to VRBO and AirBnB type uses.

Most jurisdictions require some type of permit in order to operate a vacation rental including hosted rentals and short-term home rentals. For example, Sonoma County requires Zoning Permits for both vacation rentals and hosted rentals/bed and breakfast inns. These permits may be issued for a limited term, as specified by the decision-maker, and the permit contains requirements pertaining to occupancy, parking, density, etc. Section 26.88.118 of the County Code outlines the permit requirements for hosted rentals and bed and breakfast inns, and Section 26.88.120 outlines the permit requirements for vacation rentals. In summary, hosted rentals and bed and breakfast inns are allowed as provided by the underlying zone, subject to issuance of a Zoning Permit. In the case of a legally permitted guest house used as a transient rental, the primary owner is required to remain in residence within the main home on the same property. Accessory structures may not be used as hosted rentals unless they are legally permitted as guest houses, and second dwelling units may not be used as hosted rentals. Rental of more than one room or sleeping area is considered a bed and breakfast inns with two or more rooms, and are allowed subject to the permit requirements of the applicable zone and the standards set forth in subsection (f) of Section 26.88.118 of the County Code. On the other hand, vacation rentals that meet the standards outlined in Section 26.88.120 are allowed as provided by the underlying zone, subject to issuance of a Zoning Permit. Vacation rentals that do not meet the standards in this section may be permitted, subject to the granting of a use permit.

The City of Napa requires a Vacation Rental Permit to be obtained which contains various requirements regarding hosting, parking, and occupancy. Under the Napa Municipal Code, each vacation rental permit issued is valid for one year after the effective date, unless approved by the Director for a longer period. Upon expiration or lapse of any vacation rental permit, the permit has no validity or effect, and use of the property for transient occupancy purposes shall cease upon expiration. The City of Napa Municipal Code also limits the number of permits than can be issued within the City.

Additionally, the City of Palm Springs requires any property that is used as a vacation rental to be registered with the City annually. Payment of a fee is also required with vacation rental registration. The City of Palm Springs also outlines operational requirements and standard conditions for owners of registered vacation rentals. These requirements include, but are not limited to, the following: compliance with all applicable codes (fire, building, etc.); overnight and daytime occupancy limits; 24/7 availability and response to complaints of the owner or his or her agent; standards regarding noise disturbance and other disorderly conduct; issuance of a written rental agreement; and trash and refuse facilitates. The City of Palm Springs, County of Sonoma, and City of Napa require transient occupancy tax be paid by the property owner.

The City of Sebastopol currently regulates bed and breakfast uses under Chapter 17.110 of the Municipal Code. According to the Code, "bed and breakfast inn" means a residential structure in which guests are lodged on an overnight basis for compensation, and in which meals may be served in conjunction with said lodging. There shall be a maximum of five guest rooms in residential zones and 10 guest rooms in nonresidential zones. Residential structures with two or fewer guest rooms for rent are exempt from the requirements for bed and breakfast inns. Thus, up to two bedrooms in a dwelling, or a dwelling with up to two bedrooms may be utilized for transient occupancy with approval of a Business License and payment of the Transient Occupancy Tax. Section 17.110.020 outlines the criteria for operation of bed and breakfast inns, which are related to: design compatibility; code inspection; food service; registration of inns and transient occupancy tax; occupancy limits; on-site management; and signage.

The rental of individual rooms in a dwelling, or of a dwelling unit with two or fewer rooms for transient occupancy would currently be considered a bed and breakfast use and would be subject to Section 17.110.020 of the Zoning Code. Section 17.110.030 of the Zoning Code prohibits renting accessory dwelling units authorized after July 1, 2017 on a transient occupancy basis without a Use Permit.

The Housing Subcommittee recently discussed Airbnb-type uses and discussed approaches such as limiting the number of nights per year that rooms within a dwelling may be rented, trading a reduction in impact fees for a pledge to not be Airbnb, or only allowing Airbnb on owner-occupied properties.

In addition, the City recently negotiated an agreement with Airbnb for automatic collection of the City's Transient Occupancy Tax. This agreement, however, does not address compliance with zoning regulations or the Business License requirement, which will continue to be the subject of periodic City enforcement efforts.

Another general consideration with any new requirements is the City's limited monitoring and enforcement capabilities.

Table 1 below summarizes applicable short-term vacation rental requirements of Sonoma County, Sebastopol, Healdsburg, Palm Springs, and Napa and excerpts of the code requirements applicable to short-term vacation rentals are included in Appendix A.

Questions to Consider

- *Should the Zoning Code differentiate between a short-term rental where an entire home is rented and a short-term rental where a single room or set of rooms is rented, but is not a bed and breakfast? Should a short-term rental where a room or rooms is rented be treated as a bed and breakfast?*

- *Should short-term vacation rentals be allowed in all residential districts as a permitted use, or should a Use Permit requirement be imposed?*

- *Should short-term vacation rentals only be allowed with owner-occupancy?*

- *Should short-term vacation rentals be prohibited in certain districts or in certain types of uses?*

- *Should standards or performance measures be included in the Zoning Code that address parking, noise, number of occupants, and/or number of days per year that a dwelling unit or portion thereof may be rented?*

- *Should the Zoning Code require a permit that is renewed annually?*

- *Should the Zoning Code address a potential fee process for monitoring and/or enforcement?*

Table 1: Summary of Short Term Vacation Rental Code Provisions: Sonoma County, Sebastopol, Healdsburg, Palm Springs, and Napa

	Sonoma County		Sebastopol	Healdsburg	Palm Springs	Napa
	Hosted Rental/ Bed & Breakfast Inn	**Vacation Rental**				
Definition	"Bed and Breakfast Inn" refers to the transient rental of more than one room or sleeping area while the owner remains in residence on the property, whether or not food is served. "Hosted Rental" refers to the transient rental of a single room or sleeping area where the primary owner remains in residence during the rental period.	"Vacation Rental" refers to the transient rental of a single room or sleeping area.	"Bed and breakfast inn" means a residential structure in which guests are lodged on an overnight basis for compensation, and in which meals may be served in conjunction with said lodging. There shall be a maximum of five guest rooms in residential zones and 10 guest rooms in nonresidential zones. Residential structures with two or fewer guest rooms for rent are exempt from the requirements for bed and breakfast inns.	"Vacation rental home": The rental/ letting of a complete residential unit (with bedroom(s), kitchen and bath) for fewer than 30 days for transient lodging purposes and with no on-site management. "Vacation timeshare": A development in which the purchaser receives the right in perpetuity, for life, or for a term of years, to the recurrent, exclusive use or occupancy of a lot, parcel, unit, or segment of real property, annually or on some other periodic basis, for a period of time that has been allotted from the use or occupancy periods into which the project has been divided.	"Vacation Rental" means a single-family dwelling, or any portion thereof, rented for occupancy for dwelling, lodging, or sleeping purposes for a period of twenty-eight consecutive days or less, other than ongoing month-to-month tenancy granted to the same renter for the same unit, occupancy of a time-share basis, or a condominium hotel as defined in Section 91.00.10 of the Palm Springs Municipal Code. "Vacation Rental Registration Certificate" or "Registration Certificate" means an annual registration submitted to the City pursuant to Chapter 5.25. (Ord. 1902 § 2, 2016; Ord. 1891 § 2, 2016; Ord. 1848 § 2, 2014; Ord. 1748 § 1, 2008)	"Vacation rental" means any transient occupancy use for which the city has issued a vacation rental permit pursuant to this section. The term "vacation rental" shall be used to include all vacation rental businesses operating pursuant to a 2009 permit, all hosted accommodation vacation rentals, and all non-hosted accommodation vacation rentals. "Hosted accommodation" means a vacation rental business for which the owner resides at the vacation rental unit, and the owner sleeps at the vacation rental unit while it is being rented, and no more than two bedrooms are rented for transient occupancy pursuant to this section. "Non-hosted accommodation" means a vacation rental business for which the authorized agent is not required to reside at the vacation rental unit which is rented for transient occupancy pursuant to Section 17.52.515.

	Sonoma County		Sebastopol	Healdsburg	Palm Springs	Napa
	Hosted Rental/ Bed & Breakfast Inn	**Vacation Rental**				
Zoning Districts Allowed	Code does not regulate which zoning districts hosted rentals/bed and breakfast inns are allowed. However, the Code does include prohibitions regarding: non-habitable structures or tents, RVs, or other provisions intended for temporary occupancy; Second Dwelling Units, not in structures or dwellings with County covenants or agreements restricting their use, including but not limited to affordable housing units, agricultural employee units, farmworker housing, farm family units, or on lands under Williamson Act contract.	Code does not regulate which zoning districts vacation rentals are allowed. However, the Code does include the following prohibitions: Vacation rentals shall not be permitted in non-habitable structures, nor on parcels where the AH Combining Zone or the X Combining Zone have been placed.	Bed and Breakfast Inns are conditionally permitted within all single-family zoning districts (RE, RA, RR, RSF-1, and RSF-2), conditionally permitted within three other residential districts (RD, RM-M, and RM-H), and within the O, CN, and CO districts.	Vacation Rental Homes and Timeshares are not Permitted or Conditionally Permitted in Single Family Residential (R-1), Multi-Family (RM), Downtown Residential (DR), Office and Multi-Family Residential (ORM), Grove Street Mixed Use (GMU), Mixed Use (MU) Districts. Vacation Rental Homes (not Timeshares) are Conditionally Permitted in Downtown Commercial (CD) District.	N/A	N/A
Permit Required? If yes, what are require-ments?	Zoning Permits are required: • Maximum Number of Guestrooms • Maximum Overnight Occupancy • Maximum Number of Guests and Daytime Visitors	Zoning Permits are required: • Maximum Number of Guestrooms • Maximum Overnight Occupancy • Maximum Number of Guests and Daytime Visitors	Conditional Use Permit is required for Bed and Breakfast Inns in the RE, RA, RR, RSF-1, RSF-2, RD, RM-M, RM-H, O, CN, and CO districts.	Conditional Use Permit is required for vacation rental homes in Downtown Commercial (CD) District.	Vacation Rental Registration Certificate is required annually, including payment of fee. See Section 5.25.060 of the Code (summarized below under "Performance Standards") for the operational requirements and standard conditions.	Vacation Rental Permit is required: • Identify owner (hosted or non-hosted) and location of property • Identify number of bedrooms, square footage, and max. occupancy • Compliance with all building and safety codes • Adequate parking

	Sonoma County		Sebastopol	Healdsburg	Palm Springs	Napa
	Hosted Rental/ Bed & Breakfast Inn	**Vacation Rental**				
	• Limit on Number of Residences or Structures per Parcel • Parking	• Limit on Number of Residences or Structures per Parcel • Parking				
Performance Standards	• Transient Occupancy Tax • Maximum Occupancy • Food Service • Events • Vehicle Limits • Noise Limits • Amplified Sound • Pets • Outdoor Fire Areas • Septic Systems and Sewer Connections • Certified 24-Hour Property Manager • Emergency Access • Expiration	• Noise Limits • Amplified Sound • Pets • Trash and Recycling Facilities • Outdoor Fire Areas • Septic Systems and Sewer Connections • Transient Occupancy Tax • Certified 24-Hour Property Manager • Emergency Access • Posting and Neighbor Notification of Permit and Standards • Requirements for All Internet Advertisements and Listings	• Neighborhood compatibility in landscaping, scale, architectural character, and operation/use • Parking and paving • Compliance with applicable codes • City registration • Transient occupancy tax • On-site management • 30-day guest limit • Meal and alcohol requirements • Signage standards	• Compliance with all building and safety codes • Annual inspections and payment of inspection fee • Parking requirements • Requirements for	• Unit must comply with all applicable codes • Overnight occupancy limits • 24/7 management availability for complaints • Noise disturbances and disorderly conduct shall not be created • Written agreement between property owner and guest • Trash facilities • Transient Occupancy Tax	• Annual inspection of vacation rental premises • Owner shall comply with all requirements of the Business License Ordinance (Chapter 5.04 of code) and the Transient Occupancy Tax Ordinance (Chapter 3.20 of code) • Signed agreement for house rules • Overnight occupancy and parking limit • Trash facilities • Quiet hours • Exterior lighting and other screening requirements • Weddings and other events are prohibited • Pet requirements
Enforcement Process	N/A	• Initial complaints • Enhanced penalty for non-permitted rentals • Three Strikes Penalty • Violation of Performance Standards – Administrative Citations	Each project shall be subject to inspection and approval by the City for compliance with all applicable codes.	Community members can fill out and submit a Vacation Rental Violation Investigation Form (see Appendix A) to the City if they suspect a property is being operated as a cation (short-term, less than 30 day) rental unit. Please provide specific details and dates to the extent known.	The City Manager shall have the authority to impose additional standard conditions, applicable to all Vacation Rental units, as necessary, to achieve the objectives of Chapter 5.25 of the Code. Upon a determination of good cause, the City Manager may impose additional or special	Violation of the Vacation Rental Permit may be enforced by the City/enforcement officer or by civil injunction. Violations may be found during the annual inspection, or may be submitted by a neighbor or other community member.

	Sonoma County		Sebastopol	Healdsburg	Palm Springs	Napa
	Hosted Rental/ Bed & Breakfast Inn	Vacation Rental				
					standards or requirements for (1) the determination or placement of properties on the Property Watch List; (2) placement or imposition of special conditions or performance standards for Owners, Owner's Agents, Local Contact Persons, and their affected Vacation Rentals on the Property Watch List; and (3) and removal of a Vacation Rental from the Property Watch List.	
Fees?	N/A	Monitoring and enforcement fee: An annual fee may be adopted by the board of supervisors and collected by PRMD or the county tax collector to pay for monitoring and enforcement of vacation rentals.	An inspection fee may be set by resolution of the City Council.	Inspection fee for annual Building Official inspection. Special event permit is required for any special event on the premises of a residential visitor lodging operation.	The registration of a Vacation Rental shall be accompanied by a fee established by resolution of the City Council; provided, however, the fee shall be no greater than necessary to defer the cost incurred by the City in administering the provisions of Section 5.25.060 of the Code.	Annual inspection fee to renew annual permit. Violation fees are required for each violation of the Vacation Rental Permit: $500.00 for a first violation; $750.00 for a second violation of the same code section within 12 months; and $1,000.00 for each day of each additional violation of the same code section within 12 months.

Barlow Zoning Standards

Land Use Element Action LU 1e identifies standards that guide allowed uses in the Light Industrial area located west of Morris Street, between Bodega Avenue and Laguna Park Way (Barlow) as an issue to be addressed in the Zoning Code Update. Currently, all uses in the Barlow are subject to the standards for the Industrial (M) zoning district. However, the Barlow has been designed and developed somewhat differently than other areas of the M district.

A distinct or modified set of M district standards specific to the Barlow area could be added to recognize its blend of industrial and commercial uses and streamline permitting for uses anticipated or desired in the Barlow. For example, a number of retail uses in the Barlow that were very small with minimal impact have been required to go through the use permit process. Standards for the Barlow could allow retail or commercial that do not exceed a certain size and/or in a specific location to be allowed as a permitted use. Convenience sales and services are currently not permitted in the M district. If particular convenience sales and services are desired in the Barlow, those could be allowed as a permitted or conditionally permitted use only in the geographic area of the Barlow.

Table 2 provides a summary of the existing permitted uses, conditionally permitted uses, and development standards for the M district.

Questions to Consider

- *Should certain retail and other commercial uses be a permitted use instead of needing a Use Permit?*
- *Should there be a square footage or locational limitation for such uses?*
- *How should office uses be regulated?*

Table 2: Summary of Use Regulations for Industrial (M) Zoning District

Permitted	Conditionally Permitted	Development Standards
• General wholesale sales • Office when located on second floors existing as of May 21, 2013, within the area bounded by Sebastopol Avenue, Petaluma Avenue, McKinley Street, and Morris Street • Home occupations • Automotive repair and services • Food sales • Restaurant, table or counter service • Commercial manufacturing • Light industrial • Artist work studios and arts-related fabrication • Laboratories (Except those which in the opinion of the Planning Director have the potential to be harmful, injurious, or detrimental to property or the general health, safety, and welfare of the City and its residents in which case a use permit shall be required.) • Warehouse, storage and transport • Community park	• Retail sales • Automotive gas or fueling station • Animal hospitals and kennels • Plant nurseries • Storage, personal or vehicle • Exercise facilities • General industrial • Heavy industrial • Wineries, distilleries, and brewing facilities • Research and development • Warehouse, wholesaling and distribution • Health care uses • Large community education • Large community education, adult • Community assembly • Community non-assembly • Outdoor farmers market • Utility civic • Extensive impact civic • Sports park • Parking facilities • Affordable housing projects. • Permanent residential uses permitted in the RM-H District in a mixed-use development • Live-work dwelling units in a mixed-use development • Residential, Transient in buildings existing as of July 23, 2013, within the area bounded by McKinley Street, Morris Street, Sebastopol Avenue, and Depot Street. • New development comprising 20,000 square feet or greater of floor area	• Maximum size of nonindustrial and nonresidential uses: 35,000 square feet • Minimum lot area: 15,000 square feet • Minimum lot width: 60 feet • Maximum height: two stories, not to exceed 35 feet, additional height permitted by use permit up to a height of 40 feet and three stories • Floor area ratio: 0.75 (not including residential) • Maximum residential density: 1 du/2,000 sf of lot area

Formula Business Regulations

The Land Use Element and Economic Vitality Element of the General Plan identify the following policy and action to ensure that formula business regulations are addressed as part of the Zoning Code Update:

> *Policy LU 7-10: Maintain Zoning Ordinance controls on formula businesses that strengthen the City's unique character, support the local economy, and ensure the provision of needed goods and services.*
>
> *Action EV 2d: Review and update the City's existing Formula Business Ordinance to consider prohibiting formula businesses in the Downtown, and establishing limits on the number of formula businesses that may be permitted in other areas of the City in order to avoid an over-concentration of such businesses in any given area of the City.*

The above policy and action can be implemented through revisions to Chapter 17.150 of the Zoning Code (Formula Business Regulations). These regulations were adopted relatively recently after an extended process. The Formula Business Regulations currently prohibit formula restaurants, hotels, and motels in the Downtown and require a use permit for other formula businesses, with certain exceptions. The City's regulations could be revised to cover more areas in the city and/or additional types of businesses; the definition of a formula business could be revised; a means of measuring the existing concentration of formula businesses within a neighborhood could be specified; or an economic impact review requirement could be added for applications over a specific size (e.g., 20,000 square feet).

Questions to Consider

- *Should the Formula Business Ordinance be revised to restrict additional uses or types of development not currently addressed by the ordinance?*
- *Are there formula uses that should be prohibited in areas other than Downtown?*
- *Should the Zoning Ordinance be revised to change the shopping centers and areas exempt from the Formula Business Regulations?*
- *Should the Formula Business Ordinance be revised to be more permissive of certain uses/developments?*

Beekeeping Standards

The Community Health and Wellness Element and the Land Use Element of the General Plan include the following policy and action related to beekeeping:

> *Policy CHW 3-3: Recognize that small-scale community agriculture programs, including but not limited to community and private gardens, residential chicken-raising, and bee keeping have the potential to supplement the availability of fresh fruits, vegetables, and other food resources in the community, provide economic opportunities to Sebastopol residents, lower food costs, reduce overall energy consumption and build social cohesion.*

Action LU 1e: Review and update the Zoning Code to address uses and standards for the following:

- *Develop regulations for amateur bee keeping;*

Many jurisdictions have setback and other requirements for placement of apiaries, as summarized in Table 3. For example, the City of Napa prohibits apiaries within the front setbacks as defined in Napa Municipal Code Section 17.06.03 and requires apiaries be situated behind screening that is six feet in height. The City of Cotati provides specific setbacks from streets, dwellings, and side/rear property lines, as well as a minimum lot area of one acre. On the other hand, the County of Napa provides suggested best management practices (BMPs) for the placement, siting, screening, and densities of apiaries within the County (see Appendix B). The City of Napa references this BMP document in their municipal code frequently.

Table 3 provides a summary of approaches by Petaluma, Napa, County of Napa, and Cotati to address beekeeping standards. Appendix B includes excerpts of each of these jurisdiction's code that are applicable to beekeeping.

Questions to Consider

- *Should beekeeping be allowed in all districts as a permitted use?*
- *Should beekeeping be prohibited in certain districts?*
- *Should the Zoning Code provide specific placement, density, and other physical requirements, or should the Code provide suggestions in order to encourage flexibility (i.e., County of Napa)?*
- *Which standards or performance measures should be included in the Zoning Code?*

Uses

A number of amendments were made to allowed uses in the Phase 1 Zoning Code amendments. This is another opportunity for the Commission to discuss any additional uses that should be addressed in the Zoning Code.

Question to Consider

- *Should the Zoning Code be revised to define and permit uses not currently addressed by the Code?*

ATTACHMENTS

Attachment A – Short-Term Vacation Rentals Code Examples

Attachment B – Beekeeping Standards Code Examples

Table 3: Summary of Beekeeping Code Provisions: Petaluma, Napa, Napa County, and Cotati.

	City of Petaluma	City of Napa	County of Napa	City of Cotati
Apiary or Beekeeping Definition	"Apiary" means bees, hives, colonies, or beekeeping appliances wherever they are kept, located or found in accordance with Food and Agriculture Code Section 29002, as amended from time to time	See County of Napa	"Apiary" means bees, comb, hives, appliances or colonies, wherever the same are kept, located or found. "Bees" means honey-producing insects of the genus Apis, including all life stages of such insects. "Hive" means any receptacle or container made or prepared for the use of bees, or which is inhabited by bees.	N/A
Number of Colonies or Hives	2 or fewer colonies	The suggested maximum number of beehives shall be calculated in accordance with the lot/acreage provisions in the Napa County BMP document.	See table on page 1 of Napa County BMP document for suggested number of colonies.	N/A - No maximum number of hives per site.
Setback Requirements	N/A	No side or rear setback shall be required; however, the beehive entrance shall be situated behind screening that is six feet in height in accordance with standards for screening, barriers, fencing and the establishment of flyways as set forth in the BMPs. Apiaries shall not be located in a front setback as defined in NMC Section 17.06.03 and shall be situated behind screening that is six feet in height in accordance with standards for screening, barriers, fencing and the establishment of flyways as set forth in the BMPs.	According to the Napa County BMP document, hives should be placed as far away from occupied, developed neighboring areas as practical to prevent nuisance.	Setbacks: • 25 feet from side/rear property lines • 50 feet from streets and dwellings Minimum lot area is 1 acre.

	City of Petaluma	City of Napa	County of Napa	City of Cotati
Other Requirements	• All hives must be framed and moveable; • All hives must be kept a safe distance away from pedestrian walkways and pedestrian traffic, and so as to not constitute a nuisance.	Apiaries shall be operated and maintained in accordance with the best management practices for beekeeping in Napa County developed by the Napa County Beekeeper's Association and as adopted by resolution of the City Council (BMPs).	Apiaries shall be permitted within the county consistent with all of the provisions of this section: Apiaries shall consist of moveable frame hives in sound and useable condition. Apiaries shall be operated and maintained in accordance with best management practices developed by the Napa County Beekeepers Association and as adopted by resolution of the board of supervisors. Apiaries shall be screened from neighboring dwellings and public walkways.	All animal keeping shall comply with the following maintenance and operational standards: • Odor and vector control • Containment • Waterway protection • Erosion and sediment control • Noise control

APPENDIX A

Short-Term Vacation Rentals Code Examples

County of Sonoma
City of Healdsburg
City of Palm Springs
City of Napa

Section 26-88-118 – Special Use Standards for Hosted Rentals and Bed and Breakfast Inns

(a) Purpose. This sections provides the requirements and standards for the establishment and operation of Bed and Breakfast Inns and Hosted Rentals.

(b) Applicability. The provisions of this section shall apply to the transient use of residential property where the primary owner remains in residence during the rental period, including Bed and Breakfast Inns and Hosted Rentals of a single room or sleeping area. Transient rental of more than one room or sleeping area while the owner remains in residence on the property is a Bed and Breakfast Inn, whether or not food is served. Transient rentals of the entire home without the owner in residence are regulated by 28-88-120 (Vacation Rentals).

(c) Limitations. Bed and Breakfast Inns and Hosted Rentals shall not be permitted in non-habitable structures or in tents, RVs, or other provisions intended for temporary occupancy. Bed and Breakfast Inns shall also not be permitted within Second Dwelling Units, not in structures or dwellings with County covenants or agreements restricting their use, including but not limited to affordable housing units, agricultural employee units, farmworker housing, farm family units, or on lands under Williamson Act contract. Only one hosted rental is allowed per parcel. A hosted rental may not be located on the same site as a vacation rental unless a Use Permit has been obtained for the combined use. A whole-house vacation rental is not a hosted rental or a Bed and Breakfast Inn, even if the property owner resides in another dwelling unit on the same property.

(d) Permit Requirements. Hosted Rentals (also known as one-room Bed and Breakfast Inns) of not more than one room or sleeping area that meet the standards of this Section are allowed as provided by the underlying zone, subject to issuance of a Zoning Permit. In the case of a legally permitted guest house used as a transient rental, the primary owner will remain in residence within the main home on the same property. Accessory structures may not be used as Hosted Rentals unless they are legally permitted as Guest Houses. Second Dwelling Units may not be used as Hosted Rentals. Rental of more than one room or sleeping area is considered a Bed and Breakfast Inn with 2 or more rooms, and shall be allowed subject to the permit requirements of the applicable zone and the standards set forth in subsection (f).

(e) Performance Standards for Hosted Rentals and One-Room Bed and Breakfast Inns.

1. **Transient Occupancy Tax**. The property owner shall maintain a transient occupancy tax certificate and remain current on all required reports and payments. Owner or authorized agent shall include the certificate number on all contracts or rental agreements, and in any advertisements, websites or internet listings

2. **Food service**, if provided, shall be limited to breakfast served to inn guests only, and shall be subject to the approval of the Sonoma County department of health services.

3. **Events Prohibited**. No weddings, lawn parties or similar activities shall be permitted.

4. **Vehicles.** Limit of one vehicle associated with the transient use.

5. **Noise Limits**. Outdoor amplified sound is prohibited. All activities associated with the transient use shall meet the general plan noise standards. Quiet hours shall be from 10:00 p.m. to 7:00 a.m. The property owner shall ensure that the quiet hours are included in rental agreements and in all online advertisements and listings.

6. **Pets**. Pets, if allowed by owner, shall be secured on the property at all times. Continual nuisance barking by unattended pets is prohibited.

7. **Outdoor Fire Areas**. Outdoor fire areas, when not prohibited by state or local fire bans, may be allowed but shall be limited to 3 feet in diameter, shall be located on a non-combustible surface, shall be covered by a fire screen, and shall be extinguished as soon as it is no longer in use or by 9:00 pm, whichever is earlier. No fire or fire area shall be located within 25 feet of a structure or combustible material.

8. **Septic Systems and Sewer Connections**. The owner shall maintain a properly functioning septic system or sewer connection.

9. **Expiration**. A zoning permit for a hosted rental expires upon sale or transfer of the property, or when the property is no longer occupied by a primary owner, whichever occurs sooner.

(f) Performance Standards for Bed and Breakfast Inns with 2 or more guestrooms or sleeping areas.

1. **Maximum Occupancy.** Maximum number of rooms shall be as provided in the underlying zone.

2. **Transient Occupancy Tax.** The property owner shall maintain a transient occupancy tax certificate and remain current on all required reports and payments. Owner or authorized agent shall include the certificate number on all contracts or rental agreements, and in any advertisements, websites or internet listings

3. **Food service**, if provided, shall be limited to breakfast served to inn guests only, and shall be subject to the approval of the Sonoma County department of health services.

4. **Events only with Use Permit**. No weddings, lawn parties or similar activities shall be permitted unless authorized by the use permit.

5. **Amplified Sound**. No outdoor amplified sound shall be permitted unless authorized by the use permit.

6. **Noise Limits.** All activities associated with the transient use shall meet the general plan noise standards. Quiet hours shall be from 10:00 p.m. to 7:00 a.m. unless otherwise allowed by use permit. The property owner shall ensure that the quiet hours are included in rental agreements and in all online advertisements and listings.

7. **Pets.** Pets, if allowed by owner, shall be secured on the property at all times. Continual nuisance barking by unattended pets is prohibited.

8. **Outdoor Fire Areas**. Outdoor fire areas, when not prohibited by state or local fire bans, may be allowed but shall be limited to 3 feet in diameter, shall be located on a non-combustible surface, shall be covered by a fire screen, and shall be extinguished as

soon as it is no longer in use or by 10:00 pm, whichever is earlier. No fire or fire area shall be located within 25 feet of a structure or combustible material.

9. **Septic Systems and Sewer Connections**. The owner shall maintain a properly functioning septic system or sewer connection. In some cases, a per-room sewer fee may be applied.

Sec. 26-88-120. - Vacation Rentals.

(a) **Purpose**. This section provides requirements and standards for the operation of vacation rentals. These standards are intended to ensure that vacation rentals are compatible with and do not adversely impact surrounding residential and agricultural uses.

(b) **Applicability**. The provisions of the section shall apply to all vacation rentals except where there is a primary owner in residence. This section does not apply to legally established Hosted Rentals or Bed and Breakfast Inns, which are regulated by Section 26-88-118. As used in this section, "primary owner" does not include residences or condominiums owned as a timeshare, limited liability partnership or corporation, or fractional ownership of six (6) or more interests. Vacation rentals shall not be permitted in non-habitable structures, nor on parcels where the AH Combining Zone or the X Combining Zone have been placed. Vacation rentals shall also not be permitted within second dwelling units, nor in structures or dwellings with County covenants or agreements restricting their use including but not limited to affordable housing units, agricultural employee units, farmworker housing, farm family units, or on lands under a Williamson Act Contract. Tents, yurts, RVs, and other provisions intended for temporary occupancy are not allowed as a part of a vacation rental.

(c) **Permits Required**. Vacation rentals that meet the standards outlined in this section shall be allowed as provided by the underlying zone, subject to issuance of a zoning permit. Vacation rentals that do not meet the standards in this section may be permitted, subject to the granting of a use permit.

(d) **Term of Permit**. Zoning permits shall run with the landowner and shall automatically expire upon sale or transfer of the property. Use permits shall run with the land but may be issued for limited term, as specified by the decision-maker. Both types of permits may be revoked for failure to comply with adopted standards, subject to the administrative and revocation procedures of Article 92 unless otherwise specified by this section.

(e) **Permit Requirements**.

1. Maximum Number of Guestrooms. Vacation rentals may have a maximum of five (5) guestrooms or sleeping rooms. Vacation rentals with more than five (5) guestrooms or sleeping rooms may only be allowed if adequate sewage disposal capacity exists and neighborhood compatibility can be demonstrated, subject to the granting of a use permit. For purposes of determining the appropriate level of permit required, the actual number of bedrooms in the structure plus any additional rooms intended or used for sleeping shall be used.

2. Maximum Overnight Occupancy. Maximum overnight occupancy for vacation rentals shall be up to a maximum of two (2) persons per sleeping room or guestroom, plus two (2) additional persons per property, up to a maximum of twelve (12) persons, excluding children under three (3) years of age. Vacation rentals with larger overnight occupancies may only be allowed subject to the granting of a use permit. For homes on a conditional or non-standard septic system, or those with capacity limited by a voluntary repair, the maximum

overnight occupancy for vacation rentals shall be equal to the design load of the septic system. The property owner shall ensure that all contracts and online listings and advertisements clearly set forth the maximum number of overnight guests permitted at the property.

3. Maximum Number of Guests and Daytime Visitors. The maximum number of total guests and visitors allowed at any time in a single vacation rental shall not exceed the maximum overnight occupancy plus six (6) additional persons per property during the daytime, or eighteen (18) persons, whichever is less, excluding children under three (3) years of age. Daytime visitors shall not be on the property during quiet hours. Vacation rentals with larger numbers of guests and visitors may only be allowed subject to the granting of a use permit. Notwithstanding, maximum guest limits may be exceeded on the following national holidays: Easter, Memorial Day, 4th of July, Labor Day, Thanksgiving, Christmas Eve and Christmas, so long as the holiday event does not otherwise trigger the requirement for a special or cultural events permit.

4. Limit on Number of Residences or Structures per Parcel. Only a single family residence, and a legally established guest house meeting current standards shall be used as a vacation rental. Only one (1) tenant shall be allowed on-site at any given time: Only one transient rental is allowed per parcel. Parcels containing multiple residences or habitable structures may only be used as vacation rentals subject to the granting of a use permit, except that two (2) residences or structures may be used when the total number of guestrooms does not exceed five (5).

5. Parking. Parking shall be provided as follows: a minimum of one (1) on-site parking space for a vacation rental with up to two (2) guestrooms or sleeping rooms; two (2) on-site parking spaces for a three (3) or four (4) guestroom vacation rental. Larger vacation rentals must demonstrate adequate parking with a minimum of three (3) spaces. On-street parking may be considered for up to one (1) of the required parking spaces; otherwise, the number of vehicles allowed for overnight guests shall be limited to the off-street parking available, as demonstrated by the application materials and the property checklist, but shall not exceed one vehicle per bedroom. This maximum number of vehicles permitted for guests shall be clearly set forth in all rental agreements and in all online advertisements and listings.

(f) Performance Standards.

1. Noise Limits. All activities associated with the vacation rental shall meet the general plan noise standards contained below. Quiet hours shall be from 10:00 p.m. to 7:00 a.m. The property owner shall ensure that the quiet hours and limits on outdoor activities are included in rental agreements and in all online advertisements and listings.

Hourly Noise Metric[1], dBA	Activity hours 7:00 a.m. to 10:00 p.m.	Quiet Hours 10:00 p.m. to 7:00 a.m.
L50 (30 minutes in any hour)	50	45
L25 (15 minutes in any hour)	55	50
L08 (5 minutes in any hour)	60	55
L02 (1 minute in any hour)	65	60

[1] The sound level exceeded n% of the time in any hour. For example, the L50 is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L02 is the sound level exceeded 1 minute in any hour.

If the ambient noise level exceeds the standards above, adjust the standard to equal the ambient level, up to a maximum of 5dBA above the standard, provided that no measurable increase (i.e. 1.5 dBA or more) shall be allowed.

Reduce the applicable standards above by 5 dBA for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises, such as dog barking.

2. Amplified Sound. Outdoor amplified sound shall not be allowed at any time associated with a vacation rental.

3. Pets. Pets, if allowed by owner, shall be secured on the property at all times. Continual nuisance barking by unattended pets is prohibited.

4. Trash and Recycling Facilities. Recycling and refuse storage bins shall not be stored within public view unless in compliance with neighborhood standards. Recycling and trash receptacles shall be returned to screened storage areas within 24 hours of trash pick-up.

5. Outdoor Fire Areas. Outdoor fire areas, when not prohibited by state or local fire bans, may be allowed but shall be limited to 3 feet in diameter, shall be located on a non-combustible surface, shall be covered by a fire screen, and shall be extinguished as soon as it is no longer in use or by 10:00 p.m., whichever is earlier. No fire or fire area shall be located within 25 feet of a structure or combustible material.

6. Septic Systems and Sewer Connections. The owner shall maintain a properly functioning septic system or sewer connection. In some cases, a per-room sewer fee may be applied.

7. Transient Occupancy Tax. The vacation rental owner or authorized agent shall maintain a transient occupancy tax certificate and remain current on all required reports and payments. Owner or authorized agent shall include the certificate number on all contracts or rental agreements, and in any advertising or websites.

8. Certified 24-hour Property Manager. All vacation rentals operating within unincorporated Sonoma County must have a certified property manager who is available 24 hours per days, 7 days per week during all times that the property is rented or used on a transient basis. Certified property managers may be

professional property managers, realtors, property owners, or other designated person provided that the individual has successfully completed a training course and achieved a qualifying score on a county-administered certification test. Certification shall be granted by the County and may be revoked by the County. Once certified, a property manager must continue to comply with all provisions set forth in this Section, including timely reporting of all complains and their resolutions, in order to remain certified. Certified property managers must be located within a 30 mile radius of the vacation rental and must be available to respond to complaints at all times during the rental period. r Any requested change to the certified property manager for a vacation rental property shall be made through submittal of a new Vacation Supplemental Application or similar form provided by the Department, and shall include the signature of the certified property manager and the desired effective date of the change. In no case may a vacation rental operate without a current certified property manager. Operation of a vacation rental without a valid certified property manager shall be considered a violation of this Section. The name and 24 hour contact information of the certified property manager shall be provided to any interested party upon request.

9. Emergency Access. The owner of any vacation rental located behind a locked gate or within a gated community shall provide gate code or a lockbox with keys ("Knox Box" or similar) for exclusive use by the sheriff and emergency or fire services departments.

10. Posting and Neighbor Notification of Permit and Standards. Once a vacation rental permit has been approved, a copy of the permit listing all applicable standards and limits shall be posted within the vacation rental property. The owner shall post these standards in a prominent place within 6 feet of the front door of the vacation rental, and include them as part of all rental agreements. At the permit holder's expense, the County shall provide mailed notice of permit issuance to property owners and immediate neighbors of the vacation rental unit using the standard 300' property owner mailing list. All advertising handouts, flyers, internet listings, or any other information provided for vacation rentals shall conform to the approved occupancy limits and standards as stated on the vacation rental permit. Advertising may only be conducted for properties operating under a valid permit. Advertising for a particular property inconsistent with the approvals for that property shall be considered a violation of these performance standards.

11. Requirements for All Internet Advertisements and Listings. All online advertisements and/or listings for the vacation rental property shall include the following:

a. Maximum occupancy, not including children under 3;

b. Maximum number of vehicles;

c. Notification that quiet hours must be observed between 10:00 p.m. and 7:00 a.m.;

d. Notification that no outdoor amplified sound is allowed; and,

e. The Transient Occupancy Tax Certificate number for that particular property.

(g) Enforcement Process.

1. Initial complaints on vacation rentals shall be directed to the certified property manager identified in the zoning permit or use permit, as applicable. The certified property manager shall be available 24 hours during all times when the property is rented, and shall be available by phone during these hours. Should a problem or arise and be reported to the certified property manager, the certified property manager shall be responsible for contacting the tenant to correct the problem within 60 minutes, or within 30 minutes if during quiet hours, including visiting the site if necessary to ensure that the issue has been corrected. The certified property manager shall complete the online reporting form to report any such complaints, and their resolution or attempted resolution(s), to PRMD within 24 hours of the occurrence. Failure to respond to complaints or report them to PRMD shall be considered a violation of this section, and shall be cause for revocation of certification status.

If the issue reoccurs, the complaint will be addressed by PRMD code enforcement section who may conduct an investigation to determine whether there was a violation of a zoning or use permit condition. Sheriff reports, online searches, citations or neighbor documentation consisting of photos, sound recordings and video may constitute proof of a violation. If code enforcement verifies that a zoning or use permit condition violation has occurred, a notice of violation may be issued and a penalty may be imposed in accordance with Chapter 1 of the Sonoma County Code.

At the discretion of the code enforcement officer or the Director, the zoning permit or use permit may be scheduled for a revocation hearing with the board of zoning adjustments. If the permit is revoked, a zoning or use permit for a vacation rental may not be reapplied for or issued for a period of at least one (1) year.

2. Enhanced penalty for non-permitted rentals. A vacation rental that is determined to be operating without the necessary permit required under this Section shall be subject to a penalty of ten times the normal application fee.

3. Three Strikes Penalty. Upon receipt of any combination of three administrative citations, verified violations, or hearing officer determinations of violation of any of the permit requirements or performance standards issued to the owner or occupants at the property within a two year period, the vacation rental zoning permit is summarily revoked, subject to prior notice and to appeal, if requested within 10 days. Should such a revocation occur, an application to reestablish a vacation rental at the subject property shall not be accepted for a minimum period of two years.

4. Violation of Performance Standards –Administrative Citations.

In addition to all other legal remedies, criminal or civil, which may be pursued by

the County to address any violation of the County Code, this subsection provides for Administrative Citations.

a. Use of Administrative Citations shall be at the sole discretion of the County.

b. This subsection is adopted pursuant to the authority conferred by the Government Code, including Section 53069.4.

c. Violations of the following permit requirements and performance standards may be deemed infractions for the purposes of this subsection, and are subject to administrative citation:

1. Conduct of a cultural event, special event, party, wedding or other similar activity exceeding the allowable maximum occupancy;

2. Exceeding the maximum permitted occupancy, not including children under 3 years of age;

3. Noise violations, as set forth in (f), above, including the use of outdoor amplified sound;

4. Violations of quiet hours (10:00 PM – 7:00 AM),

5. Exceeding maximum number of vehicles

6. Exceeding fire limits, including lighting fires during bans

7. Unsecured pets and/or nuisance barking;

8. Operation of a vacation rental without a certified property manager;

9. Failure of the property owner to include the specified limits in rental agreements and online listings or advertisements;

10. Failure to include the individual property's Transient Occupancy Tax Certificate number in all contracts, advertising and online listings;

11. Failure of the property owner to maintain current Transient Occupancy Tax status.

(h) Monitoring and Enforcement Fee.

1. An annual fee may be adopted by the board of supervisors and collected by PRMD or the county tax collector to pay for monitoring and enforcement of vacation rentals.

20.20.060 Residential visitor lodging operations

SHARE

A. Purpose

The purpose of these regulations is to ensure that residential visitor lodging operations are located in a manner which does not infringe upon the privacy, peace and tranquility of surrounding residences nor decrease or otherwise detract from the aesthetic or residential character of surrounding properties.

B. Standards

The following standards shall apply to residential visitor lodging operations:

1. Upon the establishment of a residential visitor lodging operation, the operation shall be inspected by the Building Official for compliance with all building and safety codes enacted by the City and shall be inspected annually for continued compliance with all applicable codes. An inspection fee, set by resolution of the City Council, may be charged for each annual inspection.

2. Each operation shall comply with the provisions of Chapter 8 of the Healdsburg Municipal Code as well as all state and county laws governing food-handling establishments. Meals, in the form of breakfast and an afternoon snack, may be served to guests only in connection with their lodging.

3. On-site parking shall be provided as required by Chapter 20.16, Article VIII.

4. The owner or manager of a residential visitor lodging operation shall live on the premises of or on the property immediately adjacent to the operation.

5. Secondary dwelling units shall not be converted to accommodate a residential visitor lodging operation.

6. Only one residential visitor lodging operation shall be allowed per city block, unless separated by five hundred (500) feet or more. For the purposes of this section, a city block shall be defined as the properties abutting the same street located between two intersecting streets. Corner lots shall be considered in this section as fronting two city blocks.

7. Alcohol may be provided to guests only with the appropriate permits obtained from the Planning and Building Department and the State Department of Alcohol And Beverage Control (ABC).

8. Design review approval may be required subject to the provisions of Chapter 20.28, Article IV.

9. Any conditional use permit authorizing a residential visitor lodging operation may be subject to review at three-year intervals or at any time when the Planning Commission has reason to believe that the regulations are not being adhered to or when there are problems associated with the lodging operation that warrant review by the Planning Commission.

10. Special events may be allowed on the premises of a residential visitor lodging operation provided that a special event permit is first obtained from the Planning Commission. This does not apply to events for registered guests only, which are permitted. The following regulations govern such uses, although the Planning Commission shall be authorized to further restrict these events through conditions of approval applied to the special even permit. The Planning Commission shall also have authority to deny a special event permit if findings are determined that such a use will have an adverse impact on the health, safety and general welfare of the neighborhood in which the residential visitor lodging operation is located.

The following regulations shall apply to any special event permit located within a residential visitor lodging dwelling:

a. Amplified music or speech shall be in compliance with the noise regulations as set forth in Ordinance No. 1011 (Regulation of Excessive Noise).

b. No event shall last longer than one day and shall be limited to between the hours of 10:00 a.m. to 10:00 p.m. Activities shall be in compliance with the noise regulations as set forth in Ordinance No. 1011 (Regulation of Excessive Noise).

c. A special event permit application submitted to the Planning Commission shall contain information on how parking will be addressed and if use of the city streets will be required, as well as other information required by the Planning and Building Director.

d. A ten (10) day advance notice shall be delivered to all property owners or residences within one hundred (100) feet prior to the event. This notice may be hand delivered or delivered by mail. The notice shall indicate the nature of the special event, expected number of persons, whether it is open to the general public or paid admission, hours of the event and who can be contacted for further questions. A copy of the approved City special event permit shall be enclosed in the notice.

C. Findings for approval

In addition to the findings required pursuant to Section 20.28.165(A), the Planning Commission shall make the following findings in approving a conditional use permit for a residential visitor lodging operation:

1. The proposed residential visitor lodging is compatible with surrounding land uses and will not detrimentally affect the health, safety or welfare of the surrounding neighborhood or area.

2. Approval of the subject residential visitor lodging will not result in an over concentration of such uses in a neighborhood.

3. There is adequate parking for all guests and operators to park on the subject property in accordance with Chapter 20.16, Article VIII and that the required parking for guests is screened from view from the street.

4. Approval of the residential visitor lodging will result in the preservation of the residential design and scale of the structures on the property and will maintain the residential character of the neighborhood.

5. The architectural or historic character of the structure proposed to house the visitor lodging is appropriate for the use.

Vacation Rental Violation Investigation Form

401 Grove Street
Healdsburg, CA 95448
(707) 431-3346

Please Print

Reporting Party Information
Name of complainant: _____
Address: _____ Mailing address: _____
Phone number: Email:

Property Information
Address of alleged vacation rental: _____
Name of owner/manager (if known): _____
Phone number of owner/manager (if known):

Nature of complaint and supporting evidence

Please provide information regarding why you believe the property is being operated as a vacation (short-term, i.e., less than 30 day) rental unit. Please provide specific details and dates to the extent known.

_____

_____

_____

Please attach any advertising/marketing materials you have seen that advertise use of the property as a vacation rental. Include dates you visited the website/dates of publication:

Internet website listings:	Print publications	Property management listings/Other
☐Air B&B	☐Press Democrat	1.
☐Vacation Rental By Owner (VRBO)	☐Healdsburg Tribune	2.
☐Other	☐Other	3.

Are there nuisance issues that you have observed related to the alleged use of the property as a vacation rental? Please check all items that apply and provide supporting documentation (i.e., photos, dates/times/description of excessive noise and include any information regarding complaints filed with the Healdsburg Police Department).

☐Excessive Noise ☐Accumulation of trash/debris ☐Illegally parked vehicles: ☐Other:

_____

Reporting Party Acknowledgement

I declare under penalty of perjury that all of the information that I have provided with regard to this matter is true and correct to the best of my knowledge and belief.

Signature of complainant: _____ Date: _____

This page for office use only

Date received: _____

Complaint received by: _____
(Staff member)
☐ City Manager's office
☐ City website

Staff assigned to complaint: _____

Case No. assigned: _____

Disposition of investigation:

☐ Not able to verify complaint due to insufficient evidence (explain): _____

_____

☐ Violation confirmed:

☐ Letter(s) to property owner sent: _____
☐ Forwarded to City Attorney: _____

Contacts with Property Owner:

_____

_____

_____

Date Investigation Closed: _____

2288362.1

5.25.030 Definitions.*

* CodeAlert: This topic has been affected by Ordinance No. 1918. To view amendments and newly added provisions, please refer to the CodeAlert Amendment List.

For purposes of this Chapter, the following words and phrases shall have the meaning respectively ascribed to them by this Section:

"Apartment" means (a) a residential unit in a multi-family development of two (2) dwelling units where both dwelling units are rented or leased for occupancy as a residence for individual families, and (b) a residential unit in a multi-family development of three (3) or more dwelling units.

"Applicant" means the Owner or in the event the Vacation Rental unit is covered by an exclusive listing arrangement, the agent or representative of the Owner.

"Bedroom" means an area of a Vacation Rental normally occupied and being heated or cooled by any equipment for human habitation, which is 100 square feet and greater in size, consists of four walls to the ceiling, at least one of which is located along an exterior wall with a window, and contains a built-in closet.

"Exclusive listing arrangement" means a written agreement between an Owner and an agent or representative where the agent or representative has the sole and exclusive right to rent or lease a Vacation Rental unit to any person and the Owner is prohibited from renting or leasing the Vacation Rental unit except through the Owner's agent or representative.

"Good cause" for the purposes of denial, suspension, revocation, imposition of conditions, placement on or removal from the Property Watch List, renewal, and reinstatement of a Vacation Rental Registration Certificate, means (1) the Applicant, Owner, the Owner's Agent, or the Local Contact Person has failed to comply with any of the terms, conditions, or provisions of this Chapter or any relevant provision of this Code, State law, or any rule or regulation promulgated thereunder; (2) the Applicant, Owner, Owner's Agent, or Local Contact Person has failed to comply with any special conditions that were placed upon the Vacation Rental Registration Certificate by the City Manager; or (3) the Vacation Rental has been operated in a manner that adversely affects the public health or welfare or the safety of the immediate neighborhood in which the Vacation Rental is located.

"Good Neighbor Brochure" means a document prepared by the City Manager in consultation with the office of neighborhood involvement and representatives of Owners that summarizes general rules of conduct, consideration, and respect, including without limitation provisions of the Palm Springs Municipal Code applicable to or expected of residents of the City.

"Hotline" means the telephonic service operated by or for the City for the purpose of receiving complaints regarding the operation of any Vacation Rental and the forwarding of such complaints to the appropriate Local Contact Person.

"Local contact person" means a local property manager, Owner or agent of the Owner, who is available twenty-four hours per day, seven days per week for the purpose of responding in-person within forty-five minutes to complaints regarding the condition, operation, or conduct of occupants of the Vacation Rental, or any agent of the Owner authorized by the Owner to take remedial action and who responds to any violation of this code.

"Owner" means the person(s) or entity(ies) that hold(s) legal and/or equitable title to a Vacation Rental.

"Property" means a residential legal lot of record on which a Vacation Rental is located.

"Property Watch List" means one or more Vacation Rentals the City Manager has identified on the basis of good cause as properties that warrant a higher level of oversight, scrutiny, review, or monitoring.

"Rental Term" means the period of time a Responsible Person rents or leases a Vacation Rental.

"Responsible Person" means an occupant of a Vacation Rental who is at least twenty-five (25) years of age and who shall be legally responsible for compliance of all occupants of the unit and/or their guests with all provisions of this Chapter and/or this code.

"Single-family dwelling" means a detached building designed primarily for the use of a single family and no portion which is to be rented out separately.

"Vacation Rental" means a single-family dwelling, or any portion thereof, rented for occupancy for dwelling, lodging, or sleeping purposes for a period of twenty-eight consecutive days or less, other than ongoing month-to-month tenancy granted to the same renter for the same unit, occupancy of a time-share basis, or a condominium hotel as defined in Section 91.00.10 of this Code.

"Vacation Rental Registration Certificate" or "Registration Certificate" means an annual registration submitted to the City pursuant to this Chapter. (Ord. 1902 § 2, 2016; Ord. 1891 § 2, 2016; Ord. 1848 § 2, 2014; Ord. 1748 § 1, 2008)

5.25.040 Registration Certificate Required.*

* CodeAlert: This topic has been affected by Ordinance No. 1918. To view amendments and newly added provisions, please refer to the CodeAlert Amendment List.

(a) No Owner of a Vacation Rental shall rent that unit for a period of twenty-eight consecutive days or less without a valid Vacation Rental Registration Certificate for a Vacation Rental pursuant to this Chapter for that unit.

(b) The current Registration Certificate number issued by the City shall be displayed in a clear and legible manner on all advertising related to each Vacation Rental, including without

limitation, web based advertising, print media, and television. (Ord. 1848 § 2, 2014; Ord. 1748 § 1, 2008)

5.25.060 Vacation Rental Registration Requirements.*

* CodeAlert: This topic has been affected by Ordinance No. 1918. To view amendments and newly added provisions, please refer to the CodeAlert Amendment List.

(a) Prior to use of a property as a Vacation Rental, the applicant shall register the property as a Vacation Rental with the City annually on a registration form furnished by or acceptable to the City Manager and signed by the applicant under penalty of perjury. Each application shall contain the following information:

(1) The name, address, and telephone number of the Owner of the unit for which the Vacation Rental registration certificate is to be issued.

(2) The name, address, and telephone number of the agent, if any, of the Owner of the unit.

(3) The name, address, and twenty-four-hour telephone number of the local contact person and verification that the Local Contact Person can respond in-person to the site of the Vacation Rental within forty-five (45) minutes.

(4) The address of the residential property proposed to be used as a Vacation Rental.

(5) The number of bedrooms and the applicable overnight and daytime occupancy limit of the unit consistent with the provisions of Section 5.25.070 (b).

(6) Evidence of a valid business license issued by the City for the separate business of operating Vacation Rentals or submission of a certificate that Owner is exempt or otherwise not covered by the City's Business Tax Ordinance (Division II, Title 3 of the Palm Springs Municipal Code) for such activity.

(7) Evidence of a valid transient occupancy registration certificate issued by the City for the Vacation Rental unit.

(8) Acknowledgement of receipt and inspection of a copy of all regulations pertaining to the operation of a Vacation Rental.

(9) Such other information as the City Manager deems reasonably necessary to administer this Chapter.

(b) The registration of a Vacation Rental shall be accompanied by a fee established by resolution of the City Council; provided, however, the fee shall be no greater than necessary to defer the cost incurred by the City in administering the provisions of this Section.

(c) A Vacation Rental registration certificate may be denied if a registration certificate for the same unit and issued to the same Owner has previously been revoked pursuant to Section 5.25.090. The denial of a registration certificate for any reason may be appealed in accordance with to the provisions of Chapter 2.50 of the Municipal Code.

(d) Upon change of property Ownership, agent, or other material facts set forth in the annual registration, a new registration for a Vacation Rental shall be required to continue operation of

the Vacation Rental and within fourteen days of said change the Owner or his or her agent shall submit the required registration and fee. (Ord. 1848 § 2, 2014; Ord. 1748 § 1, 2008)

5.25.070 Operational requirements and standard conditions.*

* CodeAlert: This topic has been affected by Ordinance No. 1918. To view amendments and newly added provisions, please refer to the CodeAlert Amendment List.

(a) The Owner shall use reasonably prudent business practices to ensure that the Vacation Rental unit complies with all applicable codes regarding fire, building and safety, health and safety, and all other relevant laws.

(b) The Owner shall limit overnight occupancy of the Vacation Rental unit to a specific number of occupants, with the maximum number of overnight occupants as two persons within each Vacation Rental unit plus an amount that will not exceed two persons per bedroom within each Vacation Rental unit. The number of bedrooms in a Vacation Rental shall be verified by staff using County Assessor and/or City Building records, prior to the issuance of a certificate. The Owner shall also limit the total daytime occupancy of the Vacation Rental unit to a specific number of occupants not to exceed an amount determined by adding the total overnight occupants to a number equal to fifty percent of the overnight occupants; except that two daytime occupants shall be permitted in a studio unit or such other unit that does not contain a separate bedroom. The following chart is provided as an example of how this Section would be applied to specific situations:

Number of Bedrooms	Total of Overnight Occupants	Additional Daytime Occupants	Total Daytime Occupants
0	2	2	4
1	4	2	6
2	6	3	9
3	8	4	12
4	10	5	15
5	12	6	18
6	14	7	21
7	16	8	24

(c) During the Rental Term each Vacation Rental unit is rented, the Owner, his or her agent, and/or the local contact person designated by the Owner, shall be available twenty-four hours per day, seven days per week for the purpose of (1) responding by telephone within fifteen (15) minutes of complaints from or through the Hotline and (2) responding in-person within forty-five (45) minutes to any additional or successive complaints regarding the condition, operation, or conduct of occupants of the Vacation Rental.

(d) The Owner shall use reasonably prudent business practices to ensure that the occupants and/or guests of the Vacation Rental unit do not create unreasonable noise disturbances, engage in disorderly conduct, or violate provisions of the Municipal Code or any state law.

(e) Notwithstanding the provisions of Section 11.74.043, any radio receiver, musical instrument, phonograph, loudspeaker, sound amplifier, or any machine or device for the producing or reproducing of any sound shall be conducted within a fully enclosed Vacation Rental unit and shall not be audible at the property line of the Vacation Rental.

(f) Prior to occupancy pursuant to each separate occasion of rental of a Vacation Rental, the Owner or the Owner's agent or representative shall enter into a written rental agreement with a Responsible Person where (1) the Responsible Person will provide the Responsible Person's name, age, address, and a copy of a government issued identification; (2) establishes and sets out the terms and conditions of the rental agreement, including without limitation occupancy limits, noise prohibitions, and vehicle parking requirements; (3) requires the Responsible Person to acknowledge and agree that he or she is legally responsible for compliance of all occupants of the Vacation Rental or their guests with all provisions of this Chapter and/or the Municipal Code; (4) the Owner or the Owner's Agent provides a copy of the "Good Neighbor Brochure" to the Responsible Person; and (5) the Responsible Person provides a list of all guests by name; and (6) the Responsible Person provides a list of all guests' vehicles, including license plate numbers. Each rental agreement shall be maintained by the Owner or the Owner's Agent for a minimum of four (4) years and shall be readily available for inspection upon request of the City Manager.

(g) The Owner, or his or her agent, shall, upon notification that the responsible person, including any occupant and/or guest of the Vacation Rental unit, has created unreasonable noise or disturbances, engaged in disorderly conduct, or committed violations of provisions of the Municipal Code or any state law, shall promptly respond in a timely and appropriate manner to prevent a recurrence of such conduct by those occupants or guests. For the purpose of this Subsection and Subsection (h) below, the phrase "in a timely and appropriate manner" shall mean each of the following three components:

i. the use of reasonably prudent business practices to contact the Responsible Person within fifteen (15) minutes by telephone for a first incident reported from the Hotline;

ii. in-person contact within forty-five (45) minutes for a first call from the Hotline if contact with the Responsible Person is not made by telephone and for each subsequent or successive incident during a Rental Term;

iii. report back to the Hotline of the disposition and handling of the reported incident within forty-five minutes of each call from the Hotline.

(h) Failure of the Owner or his or her agent to respond to calls or complaints regarding the condition, operation, or conduct of occupants of the Vacation Rental in a timely and appropriate manner shall be grounds for imposition of penalties as set forth in this Chapter. It is not intended that an Owner, agent, or local contact person act as a peace officer or place himself or herself in an at-risk situation.

(i) Trash and refuse shall not be left stored within public view, except in proper containers for the purpose of collection by the collectors and between the hours of five a.m. and eight p.m. on scheduled trash collection days. The Owner of the Vacation Rental unit shall use reasonably prudent business practices to ensure compliance with all the provisions of Chapter 6.04 of the

Municipal Code (Waste Disposal and Diversion), and shall provide "walk-in service" or as may otherwise be approved by the City Manager.

(j) The Owner of the Vacation Rental unit shall post a copy of the Registration Certificate and a copy of the conditions set forth in this Section in a conspicuous place within the unit.

(k) The Owner shall provide each occupant of a Vacation Rental with the following information prior to occupancy of the unit and/or post such information in a conspicuous place within the unit:

(1) The name of the managing agency, agent, rental manager, local contact person, or Owner of the unit, and a telephone number at which that party may be reached on a twenty-four-hour basis;

(2) The maximum number of overnight occupants and the maximum number of daytime occupants permitted to stay in the unit;

(3) The trash pick-up day and applicable rules and regulations pertaining to leaving or storing trash or refuse on the exterior of the property;

(4) Notification that the amplification of music outside of the dwelling unit or otherwise audible at the property line is a violation of this Chapter;

(5) Notification that the occupant may be cited or fined by the City and/or immediately evicted by the Owner pursuant to state law, in addition to any other remedies available at law, for creating a disturbance or for violating other provisions of this Chapter;

(6) Notification that failure to conform to the occupancy requirements of the Vacation Rental unit is a violation of this Chapter;

(7) A copy of this Chapter of the Palm Springs Municipal Code, as may be amended from time to time.

(l) The use of a Vacation Rental unit shall not violate any applicable conditions, covenants, or other restrictions on real property.

(m) The Owner shall comply with all provisions of Chapter 3.24 of the Municipal Code concerning transient occupancy taxes, including, but not limited to, submission of a monthly return in accordance with Section 3.24.080. The monthly return shall be filed each month regardless of whether the Vacation Rental unit was rented or not during each such month.

(n) The City Manager shall have the authority to impose additional standard conditions, applicable to all Vacation Rental units, as necessary, to achieve the objectives of this Chapter. A list of all such additional standard conditions shall be maintained and on file in the office of the City Clerk and such offices as the City Manager designates.

(o) Notwithstanding the provisions of Subsection (n) above, upon a determination of good cause, the City Manager may impose additional or special standards or requirements for (1) the determination or placement of properties on the Property Watch List; (2) placement or imposition of special conditions or performance standards for Owners, Owner's Agents, Local

Contact Persons, and their affected Vacation Rentals on the Property Watch List; and (3) and removal of a Vacation Rental from the Property Watch List.

(p) The standard conditions may be modified by the City Manager upon request of the Owner or his or her agent based on site-specific circumstances for the pur-

pose of allowing reasonable accommodation of a Vacation Rental. All requests must be in writing and shall identify how the strict application of the standard conditions creates an unreasonable hardship to a property such that, if the requirement is not modified, reasonable use of the property for a Vacation Rental would not be allowed. Any hardships identified must relate to physical constraints to the subject site and shall not be self-induced or economic. Any modifications of/to the standard conditions shall not further exacerbate an already existing problem.

(q) The City Manager shall have the authority to establish administrative rules and regulations consistent with the provisions of this Chapter for the purpose of interpreting, clarifying, carrying out, furthering, and enforcing the requirements and the provisions of this Chapter. A copy of such administrative rules and regulations shall be on file in the Office of the City Clerk. (Ord. 1848 § 2, 2014; Ord. 1748 § 1, 2008)

5.25.075 Specific Prohibitions.*

* CodeAlert: This topic has been affected by Ordinance No. 1918. To view amendments and newly added provisions, please refer to the CodeAlert Amendment List.

(a) No person or entity shall offer or provide an Apartment, or any portion thereof, for rent for 28 consecutive days or less to any person.

(b) No person or entity shall maintain any advertisement of a rental that is in violation of any provision of Chapter 5.25 of this Code.

(c) No person, including without limitation, an apartment owner, an apartment manager, or a representative of the apartment owner or manager, shall evict any tenant or otherwise terminate a lease for the purpose of converting an apartment to a vacation rental or in anticipation of converting an apartment to a vacation rental. In addition to any other remedy provided under the Palm Springs Municipal Code, failure to comply with this provision may be asserted as an affirmative defense in an action brought by or on behalf of the apartment owner, apartment manager, or representative to recover possession of the unit. Any attempt to recover possession of a unit in violation of this Ordinance shall render the apartment owner, apartment manager, or representative liable to the tenant for actual or punitive damages, including damages for emotional distress, in a civil action for wrongful eviction. The tenant may seek injunctive relief and money damages for wrongful eviction and the prevailing party in an action for wrongful eviction shall recover costs and reasonable attorneys' fees.

(d) The provisions of subsection (a) of this Section shall not apply to or be enforced against any person or entity who rents an apartment or portion thereof pursuant to a valid vacation rental

certificate issued prior to April 15, 2016 for the period of time between April 15, 2016 through January 1, 2019. The purpose of this deferral of the enforcement of the provisions of this Section is for persons or entities issued valid vacation rental certificates prior to April 15, 2016.

(e) The provisions of subsection (a) of this Section shall also not apply to any building in which an apartment is located that meets all requirements of an R-1 occupancy under the City's building and fire code and for which such apartment has a valid vacation rental permit issued prior to April 15, 2016.

Ed. Note. Subsection (d) of Section 5.25.075 shall be deemed repealed and no longer in effect as of 12:01 am on January 1, 2019 and all persons and entities shall fully comply with the provisions of Subsection (a) of Section 5.25.075 of this Code. See § 4 of Ord. 1902 (2016).

(Ord. 1902 § 3, 2016; Ord. 1891 § 3, 2016)

17.52.515 Vacation rental permits.*

* CodeAlert: This topic has been affected by Ordinance No. O2017-007. To view amendments and newly added provisions, please refer to the CodeAlert Amendment List.

A. Scope, Purpose and Findings.

1. The purposes of this section (which may be referred to as the "Vacation Rental Ordinance") are to:

a. Document the procedures and regulations that govern the application for, and the issuance and implementation of, permits for the operation of any vacation rental use within the city.

b. Establish that transient occupancy uses are not permitted or conditionally permitted in residential or nonresidential zoning districts, unless either: (i) the city has approved a hotel use in a nonresidential zoning district pursuant to Title 17, or (ii) the city has approved a use permit for a bed and breakfast inn pursuant to Section 17.52.060 of this chapter, or (iii) the city has approved a vacation rental permit pursuant to this section.

2. The City Council hereby finds that unregulated transient occupancy uses in residential and nonresidential districts present a threat to the public welfare relating to compatibility with residential uses and preservation of the character of the neighborhoods in which they are located, and to the availability of housing stock in compliance with the Housing Element of the General Plan.

3. The City Council hereby finds that the adoption of a comprehensive ordinance regulating the issuance of and operating conditions attached to vacation rental permits is necessary to protect the public health, safety and welfare. The purpose of this section is to provide a permit system and to impose operational requirements to minimize the potential adverse impacts of transient uses in residential neighborhoods and zoning districts on traffic, noise and density, to ensure the health, safety and welfare of renters and guests patronizing vacation rentals, and to impose limitations on the total number and types of permits issued in order to ensure the long term availability of housing stock in compliance with the Housing Element of the City of Napa General Plan.

4. The City Council hereby finds that the provisions of this section which impose restrictions on commercial speech, pursuant to the restrictions on advertisements set forth in subsection (E)(5) of this section, are necessary in order to advance the city's legitimate interest in preventing rental activity that violates this code, and in regulating fraudulent, misleading, or deceptive advertising. These restrictions on advertising are necessary in order to prevent advertisers from engaging in unlawful rental activity and from misleading the general public to think that a particular property in the City of Napa is available for transient occupancy if, in fact, the advertised property is not authorized to be used for transient occupancy purposes in accordance with this section.

5. The City Council hereby finds that the city's regulation of vacation rental uses in accordance with this section is a valid exercise of the city's police power in furtherance of the legitimate governmental interests documented in this section.

B. Definitions. As used in this section:

"2009 permit" means each of the 41 vacation rental permits which were in effect prior to July 1, 2015, and which were issued pursuant to city Ordinance Nos. O2009-6 and O2010-16 (former versions of vacation rental regulations). Each 2009 permit shall be deemed by the city to be "approved" and "issued" "pursuant to this section," as those phrases are used in this section, including, but not limited to, subsections (A)(1)(b), (D)(1), (E), (F), and (H) of this section.

"Advertise" means any communication that induces or encourages any person to rent for transient occupancy purposes, or that provides information (to any person) that promotes the availability to rent for transient occupancy purposes, any building in the City of Napa.

"Applicant" means any person, firm, partnership, association, joint venture, corporation, or an entity, combination of entities or consortium who seeks or seek approval of a vacation rental permit under the authority of this section.

"Authorized agent" means the person specifically authorized by an owner to represent and act on behalf of the owner and to act as an operator, manager and contact person of a non-hosted accommodation, and to provide and receive any notices identified in this section on behalf of the owner, applicant, permittee, or authorized agent.

"Bedroom" is as defined by Section 17.06.030 of this code.

"Director" means the Director of the Community Development Department of the city, or a designee of the Community Development Director or City Manager.

"Enforcement officer" means the Director, Chief Building Official, Fire Marshall, City Code Enforcement Officer, City Department Manager (to the extent responsible for enforcing provisions of this code), or any other city employee designated by the Director or City Manager to enforce this section.

"Guest" means an invitee of a renter or other person visiting a renter of a vacation rental unit who does not rent the unit.

"Hosted accommodation" means a vacation rental business for which the owner resides at the vacation rental unit, and the owner sleeps at the vacation rental unit while it is being rented, and no more than two bedrooms are rented for transient occupancy pursuant to this section.

"Non-hosted accommodation" means a vacation rental business for which the authorized agent is not required to reside at the vacation rental unit which is rented for transient occupancy pursuant to this section.

"Owner" means the person holding fee title to the real property that is the subject of a vacation rental permit.

"Permittee" means the person to whom a vacation rental permit is issued pursuant to this section. To the extent that this section identifies requirements of a permit, or obligations of the permittee, the owner and any identified authorized agent shall be jointly and severally liable as a "responsible person" (see Section 1.16.010).

"Renter" means a person, not an owner, renting or occupying a vacation rental unit in accordance with the terms of this section.

"Reside," as used in this section, means the "domicile" of a person, as defined by California Elections Code Section 349, which generally means the place in which the person's habitation is fixed, wherein the person has the intention of remaining, and to which, whenever he or she is absent, the person has the intention of returning. At a given time, a person may have only one domicile.

"Transient occupancy" is as defined by Section 17.06.030 of this code.

"Vacation rental" means any transient occupancy use for which the city has issued a vacation rental permit pursuant to this section. The term "vacation rental" shall be used to include all vacation rental businesses operating pursuant to a 2009 permit, all hosted accommodation vacation rentals, and all non-hosted accommodation vacation rentals.

"Vacation rental unit" means the structure in which the vacation rental use is permitted to operate, pursuant to a permit issued in accordance with this section.

C. The Director shall invite applications for vacation rental permits pursuant to this subsection C.

1. The Director shall issue a written notice inviting applications for vacation rental permits in accordance with this section. Each written notice pursuant to this subsection shall be published in accordance with California Government Code Sections 6060 and 6061, and the Director shall endeavor to use other reasonably available means of communications such as the city's Internet website.

2. Each written notice inviting applications shall identify the date and time which applications must be received by the Director, not less than 30 days after publication of the notice.

3. Each written notice inviting applications shall refer to the permit requirements of this section. Each application for a vacation rental permit shall include the following information, signed by the owner (and the authorized agent for non-hosted accommodations), documented in a form acceptable to the Director:

a. Identify the owner of the real property on which the vacation rental is proposed (include the name, mailing address, email address, and telephone number).

b. Identify whether the application is for a hosted accommodation or a non-hosted accommodation.

i. If the vacation rental is proposed as a hosted accommodation, provide adequate documentation that establishes the owner will reside at the vacation rental unit.

ii. If the vacation rental is proposed as a non-hosted accommodation, identify the owner's authorized agent (include the name, mailing address, email address, and telephone number). An authorized agent must be identified for each non-hosted accommodation; however, the authorized agent may be the owner, or a person other than the owner.

c. Identify the number of bedrooms and approximate square footage in the vacation rental unit, and the maximum number of overnight renters under the limitations imposed under subsection (E)(4)(b) of this section. For hosted accommodations, identify the location of each room to be rented as a vacation rental.

d. Document that all designated bedrooms meet all local building and safety code requirements.

e. Identify the number and location of designated on-site parking spaces, and the maximum number of vehicles allowed for overnight occupants.

f. Acknowledge that the owner (and authorized agent for non-hosted accommodations) have read all regulations pertaining to the operation of a vacation rental, including this section, the city's business license requirements (Chapter 5.04 of this code), the city's transient occupancy tax requirements (Chapter 3.20 of this code), and any additional administrative regulations promulgated by the Director to implement this section.

g. Provide a copy of the form rental agreement, rental rules and regulations and any associated materials as required by subsection (E)(4) of this section.

h. Provide any other information as the Director deems reasonably necessary to administer this section, as identified in the notice inviting applications.

i. Acknowledge and agree that claims, requests, objections and arguments not timely raised in the vacation rental permit application are and shall be deemed waived.

j. Agree that any and all use of the property for vacation rental/transient occupancy purposes shall cease upon the expiration or revocation of the vacation rental permit pursuant to subsection (E)(1) of this section.

k. Agree to hold harmless, indemnify and defend the city against claims and litigation arising from the issuance of the vacation rental permit.

l. Certify the accuracy of the information submitted and agree to comply with all conditions of the permit.

D. The Director shall evaluate permit applications, and process the applications for approval, conditional approval, or denial of vacation rental permits, pursuant to this subsection D:

1. The number of vacation rental permits issued pursuant to this section shall not exceed 41 non-hosted accommodations and 60 hosted accommodations.

2. For all applications that were received by the Director prior to the date and time on which applications were required to be received (pursuant to subsection (C)(2) of this section), the Director shall randomly select each application, and sequentially number each application in the order selected (the first selected application will be assigned the lowest application number, and the last selected application will be assigned the highest application number). A separate application list and application evaluation and issuance process will be established for: (a) hosted accommodations, and (b) non-hosted accommodations.

3. Beginning with the application with the lowest application number, and proceeding sequentially with each application thereafter (subject to the numerical limitation on the number of permits that may be issued, as set forth in paragraph 1 of this subsection), the Director shall select and evaluate each application to determine if the requirements of this section have been satisfied. The Director shall provide a written notice to the applicant identified on each selected application, and shall identify the date and time on which the following supplemental submittal must be received by the Director, not less than 30 days after the date of the notice. Each applicant shall provide the following supplemental submittal in a form acceptable to the Director:

a. Payment of the application and processing fee established by City Council resolution based on the city's estimated reasonable costs to process and review the application materials.

b. A public notice mailing label submittal (to notify neighboring property owners, pursuant to Section 17.68.070(A)(3)).

c. If the property that is the subject of the application is within 500 feet of a bed and breakfast inn (permitted in accordance with Section 17.52.060) or a vacation rental (approved or conditionally approved by the Director pursuant to this section), the applicant shall submit supplemental information that establishes that the applicant will adequately mitigate potential adverse impacts of a concentration of transient occupancies on the character and livability of adjacent residential properties.

d. Provide any other information as the Director deems reasonably necessary to establish that the applicant will comply with all requirements of this section, as identified in the notice.

4. If the Director determines that an applicant has failed to satisfy the application requirements of subsection C or D of this section, the Director is authorized to provide written notice to the applicant of the determination of denial.

5. If the Director determines supplemental evidence at a public hearing is warranted in order to determine whether an applicant adequately mitigated potential adverse impacts to the public health, safety, or welfare (e.g., due to concerns raised by neighbors, or to evaluate the impacts of a concentration of uses, under paragraph (3)(c) of this subsection D), the Director shall notice a public hearing of the Planning Commission pursuant to Sections 17.68.070 through 17.68.100 of this code. The Planning Commission is authorized to deny, approve, or conditionally approve the permit in accordance with the criteria set forth in this section, particularly incorporating the requirements of paragraphs 6 through 8 of this subsection D.

6. If the Director determines that an applicant has satisfied the application requirements of subsections C and D of this section, and that the owner has borne the burden of proving that the owner will adequately mitigate potential adverse impacts on the public health, safety, and welfare, the Director shall provide written notice to the applicant that the vacation rental permit is conditionally approved, subject to compliance with the conditions identified by the Director in the notice. The notice shall identify the date and time on which the following supplemental submittal must be received by the Director, not less than 10 calendar days after the date of the notice.

a. The applicant shall pay the annual inspection fee established by City Council resolution based on the city's estimated reasonable costs to perform the annual inspections identified in this section.

b. The applicant shall comply, and provide documentation that the owner (and authorized agent for non-hosted accommodations) agree to comply, with all requirements of this section and the permit, particularly including the rules set forth in subsection (E)(4) of this section.

7. Upon the Director's receipt of the documentation of agreement from the applicant (pursuant to paragraph (6)(b) of this subsection D), the Director shall provide written notice to all property owners within 500 feet of the conditional approval of the vacation rental, to include:

a. A concise summary of the terms of the permit, including: (i) the maximum number of occupants permitted to stay in the vacation rental unit; (ii) the maximum number of vehicles which are allowed to be parked on the property; (iii) any special conditions or restrictions applied to the vacation rental permit; and (iv) how to obtain a complete copy of the permit and this section.

b. The name of the owner (for a hosted accommodation) and the authorized agent (for a non-hosted accommodation) of the vacation rental, and the telephone numbers at which the owner (for a hosted accommodation) and the authorized agent (for a non-hosted accommodation) may be reached at all times, 24 hours per day.

c. The City of Napa Code Enforcement telephone number which members of the public may report violations of the vacation rental permit (including this section and any conditions of approval).

d. The right of an interested person to file an appeal within 10 calendar days of the permit approval (pursuant to Chapter 17.70 of this code), or to identify concerns related to a permit extension pursuant to subsections H and I of this section.

8. Each vacation rental permit issued pursuant to this section shall be effective on the date determined pursuant to the provisions of Section 17.68.110 of this code. Each vacation rental permit issued pursuant to this section shall be subject to the appeal procedures set forth in Chapter 17.70 of this code.

E. Each vacation rental permit issued pursuant to this section shall be subject to all of the following requirements:

1. Each vacation rental permit issued under the authority of this section shall be valid for one year after the effective date, unless approved by the Director for a longer period under the terms of subsections H and I of this section. Upon expiration or lapse of any vacation rental permit, it shall be of no further force, validity or effect, and use of the property for transient occupancy purposes shall cease.

2. The owner shall comply with all requirements of the Business License Ordinance (Chapter 5.04 of this code) and the Transient Occupancy Tax Ordinance (Chapter 3.20 of this code) for the vacation rental use.

3. The owner shall comply with each of the requirements of this paragraph 3. The owner shall permit the enforcement officer to conduct an annual inspection of the vacation rental premises to confirm compliance with this section, and particularly including this paragraph 3.

a. The property address shall be visible form the street and in contrasting colors for quick identification by emergency responders.

b. Smoke detectors shall be installed per the California Building Code.

c. No double keyed dead bolts may be installed on exit doors.

d. A portable fire extinguisher shall be provided.

e. Exit doors may not be obstructed and/or prohibited from fully opening.

f. Clearance from ignition sources such as luminaries, heaters and flame-producing devices shall be maintained in an approved manner.

g. Hot ashes or coals shall be disposed in a metal container with a tight-fitting lid and kept a minimum of 10 feet from the building.

h. BBQs and open fires must be in an approved appliance or enclosure.

i. No electrical wiring may be exposed or open in any outlet, switch or junction boxes.

j. The electrical breaker box shall be labeled for distribution to appliances and may not contain any open slots.

k. The garage firewall shall not have any penetrations in sheet rock.

l. An informational packet of emergency numbers shall be prepared for renters to direct them in the event of an emergency.

4. Each vacation rental permit will be subject to the house rules set forth in this paragraph 4. The permittee shall provide the Director with a copy of the house rules prior to rental of the vacation rental unit, and shall promptly notify the Director in writing identifying any changes to the house rules. Prior to each rental of a vacation rental unit, a copy of the house rules, the rental agreement, and the vacation rental permit shall be posted in a prominent location inside the vacation rental unit, including, at a minimum, the following:

a. As part of the application for rental, the prospective renter shall sign an agreement acknowledging the house rules and promising to comply with them.

b. The permittee shall limit overnight occupancy of the vacation rental to the specific number of renters designated in the permit, with the number of renters not to exceed two persons per bedroom meeting building and fire code requirements, plus two additional persons per vacation rental unit. Each bedroom that is a part of the vacation rental use shall have an emergency escape or rescue exit and shall comply with all applicable provisions and requirements of Title 15 of this code. In no case may more than 10 persons be allowed to sleep at the vacation rental unit.

c. The permittee shall limit the number of vehicles of overnight renters to the maximum number of overnight renters designated in the permit, and shall require overnight renters to utilize designated on-site parking spaces to the maximum extent possible.

d. The permittee shall provide access to the garage of the residence if that area has been included in the determination of the number of available onsite spaces per this code.

e. It is the intent of the city to enforce sections of the Streets and Highways Code related to the provision for emergency vehicle access. Accordingly, no limousine or bus parking, and no stopping without the driver's presence, shall be allowed in any manner that would interfere with emergency vehicle access. In the event of an emergency, the vehicle driver shall immediately move the vehicle from the emergency access area.

f. The permittee shall provide appropriate refuse and recycling service for the vacation rental business. Property shall be free of debris both onsite and in the street. Trash cans shall be maintained in a clean and sanitary manner in conformance with Chapter 5.60 of this code. Trash cans shall not be placed on the street prior to 24 hours before pick up day and shall be promptly removed from the street following service.

g. Quiet times shall be 9:00 p.m. to 7:00 a.m. Sunday through Thursday evenings and 10:00 p.m. to 7:00 a.m. Friday and Saturday evenings.

h. The permittee shall ensure that the renters and/or guests of the vacation rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this code or any state law pertaining to noise or disorderly conduct; provided, however, that the city does not intend to authorize, and the city does not authorize, the permittee to act as a peace officer or place himself or herself in harm's way.

i. The permittee shall, upon notification that renters and/or guests of his or her vacation rental have violated any house rules (including any unreasonable noise or disturbances, disorderly conduct, or violations of this code or state law) promptly act to stop the violation and prevent a recurrence of the violation.

j. Pools and hot tubs shall be adequately screened from adjacent properties to minimize noise impacts and shall have the hours of operation clearly posted adjacent to the facility. Hours shall comply with paragraph (4)(g) of this subsection E.

k. Exterior lighting shall also be adequately shielded from adjacent properties to minimize light pollution impacts in accordance with Section 17.08.040(I) of this code.

l. It is prohibited to use the vacation rental unit for any wedding, auction, commercial function, or other similar event that is inconsistent with the use of the property for transient occupancy in a residential neighborhood.

m. Pets may be permitted by vacation rental business owner, however the pet must be attended to at all times and must have current vaccinations.

5. Each written advertisement (whether paper or electronic form) for a vacation rental use shall include the "City of Napa Certified Vacation Rental" permit number as part of the rental offering. No person shall advertise the use of a building in a residential or nonresidential zoning district of the city for a transient occupancy use unless: (a) the use is a hotel use in a nonresidential zoning district approved by the city pursuant to Title 17; or (b) the use has a use permit for a bed and breakfast inn pursuant to Section 17.52.060 of this chapter; or (c) the city has approved a vacation rental permit pursuant to this section.

6. For each vacation rental use:

a. The owner (for a hosted accommodation) and the authorized agent (for a non-hosted accommodation) must be available by telephone at all times when the vacation rental is rented, 24 hours per day.

b. The owner (for a hosted accommodation) and the authorized agent (for a non-hosted accommodation) must be on the premises of the vacation rental unit within one hour of being notified (by a renter, or by the Director or Enforcement Officer) that there is a need for the owner (for a hosted accommodation) or the authorized agent (for a non-hosted accommodation) to address an issue of permit compliance or the health, safety, or welfare of the public or the renter.

c. Only one rental agreement per vacation rental unit shall be in effect at any one time.

d. It is a violation of this section for any accessory second unit (as defined by Section 17.52.020 of this code) to be used for transient occupancy purposes.

7. For each hosted accommodation:

a. The owner must reside at the vacation rental unit, and the owner must sleep at the vacation rental unit while it is being rented.

b. The owner must reside and sleep in a bedroom that is not rented to any renter.

c. No more than two bedrooms may be rented for transient occupancy uses.

F. Each vacation rental permit issued in accordance with this section shall be personal to the owner to whom the permit is issued (hereinafter "permitted owner"), and no person shall transfer, or attempt to transfer, the permit to any other person, unless the transfer is made in accordance with this subsection F. Any attempt to transfer a vacation rental permit, or use a transferred vacation rental permit, that is not transferred in accordance with this subsection shall be void, and shall constitute a violation of this code.

1. A hosted accommodation vacation rental permit shall not be transferred by any person.

2. A non-hosted accommodation vacation rental permit may be transferred by the permitted owner to a purchaser of the real property on which the permitted vacation rental unit is located, subject to the conditions set forth in this paragraph 2. No purchaser shall operate a vacation rental use under the permitted owner's vacation rental permit until after the Director has approved the transfer of the permit in accordance with this subsection.

a. Prior to the expiration of the permit, the permitted owner shall submit to the Director a written notice of intent to transfer the permit to the purchaser.

b. Prior to the expiration of the permit, the purchaser shall submit to the Director all submittals and fee payments required pursuant to subsections (C)(3) and (D)(3) of this section.

c. The Director shall evaluate and process the purchaser's application for approval, conditional approval, or denial, in accordance with the criteria set forth in subsections (D)(4) through (8) of this section.

G. On or before January 1, 2017, and at least once per calendar year thereafter, the Director shall establish and update, in writing, a waiting list of applicants for a vacation rental permit, and a list of available permits (one set for hosted accommodations, and one set for non-hosted accommodations).

1. Applicants included on the waiting list will include each application selected pursuant to subsection (D)(2) of this section for which: (a) a permit was not issued; and (b) the application was not denied pursuant to subsection (D)(4) of this section. The order of applicants on the initial waiting list shall be as set forth in subsection (D)(2).

2. The list of available permits shall identify the number of permits that are unissued or no longer in effect (based on expiration, termination, or lapse).

3. To the extent there are one or more permits identified on the list of available permits, the Director is authorized to evaluate permit applications, and process the applications for approval, conditional approval, or denial, in accordance with subsection D of this section.

4. If the Director determines that additional applications are warranted (based on a comparison of the number of applicants on the waiting list to the list of available permits), the Director shall issue a written notice inviting applications for vacation rental permits, which shall be published and processed in accordance with subsections C and D of this section. Any applicants selected by the Director in accordance with this paragraph 4 and subsection (D)(2) of this section shall be added to the waiting list beginning with a number higher than the highest number on the waiting list.

H. Each vacation rental permit issued pursuant to this section shall be subject to an annual permit review. No later than one year after the effective date of the permit, and no earlier than 275 days after the effective date of the permit, the owner shall submit to the Director the annual inspection fee along with all of the information set forth in this subsection H, documented in a form acceptable to the Director. For the purpose of this subsection, "effective date" is as defined by subsections (D)(8) and I of this section; and the first "effective date" of each 2009 permit shall be April 1, 2016, unless otherwise specifically documented on the 2009 permit.

1. The owner shall pay the annual inspection fee established by City Council resolution based on the city's estimated reasonable costs to perform the annual inspections identified in this section. The owner shall document compliance with the requirements of subsection (E)(3) of this section.

2. The owner shall document compliance with all requirements of the Business License Ordinance (Chapter 5.04 of this code).

3. The owner shall document compliance with all requirements of the Transient Occupancy Tax Ordinance (Chapter 3.20, particularly Section 3.20.060, of this code). The owner shall also document each date on which the vacation rental was rented during the previous term of the permit. If the owner fails to document rentals of at least 10 days during the permit term, the Director may determine that the permit is inactive and ineligible for approval of an extended term.

4. The owner shall identify any notice of violation or concern (including any compliance order or citation issued by the city, or any concern or complaint identified by a neighbor) issued for the vacation rental use during the permit term, and shall document how the violation or concern has been addressed. If the Director determines that any past violation or concern has not been adequately addressed, or that a history of past violations is detrimental to the public health, safety, or welfare, the Director may determine that the permit is ineligible for approval of an extended term.

5. The owner shall document that written notice was provided to property owners within 500 feet of the vacation rental unit, with the information required by subsection (D)(7) of this section.

I. Following an annual permit review (pursuant to subsection H of this section):

1. If the Director determines that the permittee is in compliance with all requirements of this section and the permit, the Director shall provide written notice to the permittee that the permit term is extended for one year, and the notice shall identify the newly established "effective date" of the permit.

2. If the Director determines that the permittee has failed to comply with this section or the permit, the Director shall either: (a) notice a public hearing of the Planning Commission pursuant

to the criteria of subsection (D)(5) of this section; or (b) provide written notice to the permittee that the term of the permit is expired.

3. Upon expiration of any vacation rental permit, it shall be of no further force, validity or effect, and use of the property for transient occupancy purposes shall cease.

J. At any time during the term of a vacation rental permit, the Director is authorized to initiate proceedings to revoke or modify the permit (or pursue any other remedy set forth in Title 1 of this code), if the Director determines in his or her discretion that: (1) a vacation rental use is detrimental to the public health, safety, or welfare; (2) the permittee has provided materially false or misleading information in any submittal required under this section; or (3) the permittee is in violation of, or has failed to comply with, any requirements of this section or the permit. In the event that the Director determines that any of the conditions described above exists, the Director is authorized to issue a compliance order in accordance with the procedures set forth in Section 1.24.040 of this code. If the permittee fails to cure the violations identified in the order within the time frame specified in the compliance order (which cure may include the Director's approval of a modification to the terms or conditions of the permit), the Director or the enforcement officer may either:

1. Pursue any of the remedies set forth in Chapter 17.72 of this code; including, but not limited to, issuance of a stop order under Section 17.72.060, or notice a public hearing of the Planning Commission to consider a revocation or modification of the permit under Section 17.72.070.

2. Pursue any of the remedies set forth in Chapter 1.16 of this code, including, but not limited to, issuance of an administrative citation in accordance with Chapter 1.24 and subsection K of this section.

K. It is a violation of this code, subject to enforcement pursuant to Chapter 1.16 of this code, for any person to establish or operate a transient occupancy use in any residential or nonresidential zoning district unless: (1) the use is in compliance with a hotel use in a nonresidential zoning district approved by the city pursuant to Title 17; or (2) the use is in compliance with a vacation rental permit pursuant to this section; or (3) the use is in compliance with a use permit for a bed and breakfast inn pursuant to Section 17.52.060 of this code. In addition to the fines and enforcement costs set forth in Section 1.16.050 of this code, and notwithstanding the limitations of Section 1.24.060 of this code, the amount of the fine imposed for each violation of this section shall be:

1. $500.00 for a first violation;

2. $750.00 for a second violation of the same code section within 12 months; and

3. $1,000.00 for each day of each additional violation of the same code section within 12 months.

L. Any determination made by the city pursuant to this section shall be final unless appealed pursuant to the requirements of this subsection L.

1. Any determination by the Director or the Planning Commission to: approve, conditionally approve, or deny a permit application (pursuant to subsection D of this section), to transfer a permit to a purchaser (pursuant to subsection F of this section), to extend the term of a permit or to determine that a permit has expired following an annual review (pursuant to subsections H and I of this section), or to modify or revoke a permit (pursuant to subsection J of this section) may be appealed only in accordance with the requirements of Chapter 17.70 of this code.

2. Any enforcement action taken by the Director or the Enforcement Officer pursuant to subsections (J)(2) or K of this section may be appealed only by requesting an administrative hearing in accordance with the requirements of Sections 1.24.070 through 1.24.090 of this code.

3. Failure to timely appeal in the manner required by this subsection L shall constitute a waiver of the appeal and a failure to exhaust administrative remedies, and shall preclude any and all relief and claims arising in connection with the determination by the city pursuant to this section. (O2015-13, 11/3/15)

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APPENDIX B

Beekeeping Standards Code Examples

City of Petaluma
City of Napa
County of Napa
City of Cotati

City of Petaluma, California

(part), 2004.)

9.08.020 Commercial kennels and catteries.

No person shall keep a private or commercial kennel or cattery, as those terms are defined in this title, as within the city limits except in zone districts in which commercial kennels and catteries are permitted by the restrictions and requirements of that ordinance. (Ord. 2185 NCS §2 (part), 2004.)

9.08.030 Beehives prohibited.

The keeping of a bee colony or maintaining an apiary in the city is permitted only in accordance with the following:

A. No more than two bee colonies are permitted per household;

B. All hives must be framed and moveable;

C. All hives must be kept a safe distance away from pedestrian walkways and pedestrian traffic, and so as to not constitute a nuisance.

(Ord. 2349 NCS §1 (part), 2009: Ord. 2185 NCS §2 (part), 2004.)

9.08.040 Keeping live hogs, pot-bellied pigs, and swine prohibited.

A. It is unlawful and a public nuisance for any person to keep any live hog or other swine within the city limits for a period of time longer than twenty-four hours.

B. Notwithstanding anything to the contrary in this section, the keeping of potbellied pigs is permitted only in accordance with the following:

1. No more than two potbellied pigs may be kept per household within the city;

2. The total combined number of potbellied pigs and dogs kept per household shall not exceed four;

3. All potbellied pigs over four months of age must be spayed or neutered, unless a licensed veterinarian recommends in writing against such procedure because it would be detrimental to the health of the animal.

(Ord. 2349 NCS §1 (part), 2009: Ord. 2185 NCS §2 (part), 2004.)

9.08.050 Keeping domestic birds.

It is unlawful for any person to keep on any premises in the city any domestic bird as defined in Section 9.04.020, unless such birds are kept in an enclosure. No part of such enclosure shall be within twenty-five feet of any dwelling houses occupied by human beings other than the person's own dwelling; provided, however, that a domestic bird may be kept temporarily at a pet shop or other place of business for purposes of sale. (Ord. 2185 NCS §2 (part), 2004.)

17.52.055 Beekeeping.

A. Purpose. To provide for beekeeping as an accessory use in all zones within the city while minimizing impacts to surrounding properties and respecting the safety of persons that may be in close proximity to apiaries, beehives and bee colonies. Beekeeping can contribute to pollination, and better harvests in gardens, and by contributing to pollination urban beekeeping is an important complement to urban food production and to the city's natural resources goals stated in the General Plan Update 2020.

B. Applicability. Beekeeping shall only be allowed as specifically permitted within the land use regulations pertaining to the established zoning districts provided the regulations in this section are met:

1. Unless otherwise provided in this code, apiaries shall be operated and maintained in accordance with the best management practices for beekeeping in Napa County developed by the Napa County Beekeeper's Association and as adopted by resolution of the City Council ("BMPs").

2. It shall be the duty of every person owning, controlling or maintaining an apiary to adhere to the BMPs and maintain bees in a condition that will reasonably prevent swarming and aggressive behavior.

3. It shall be the responsibility of the person owning, controlling or maintaining an apiary to provide adequate water for the bees to prevent bees from seeking water in neighborhood swimming pools, birdbaths, ponds or other community bodies of water.

4. Apiaries shall consist of moveable comb hives in sound and useable condition.

5. No side or rear setback shall be required, however the beehive entrance shall be situated behind screening that is six feet in height in accordance with standards for screening, barriers, fencing and the establishment of flyways as set forth in the BMPs.

6. Apiaries shall not be located in a front setback as defined in NMC Section 17.06.030 and shall be situated behind screening that is six feet in height in accordance with standards for screening, barriers, fencing and the establishment of flyways as set forth in the BMPs.

7. The suggested maximum number of beehives shall be calculated in accordance with the lot/acreage provisions in the BMPs.

8. The provisions of this chapter, however, shall not authorize the keeping of honey bees in a manner constituting a public nuisance as defined in NMC Section 1.16.030. The City shall retain the right to abate any common law nuisance, or any nuisance as defined under California Civil Code Sections 3479 through 3480.

9. In the park and open space zoning district (POS), apiaries shall be permitted when associated with educational organizations, farms or community gardens in areas designated by the city.

C. Right of Entry for Enforcement. City enforcement officers shall be empowered to enter upon any premises where honey bees are kept, or upon which there is reason to believe that bees are kept, in order to carry into effect the provisions of this chapter, in accordance with NMC Section 1.24.030.

D. Beekeeping Registration. Any person owning, controlling or maintaining an apiary is encouraged to voluntarily register the apiary with the County of Napa Agricultural Commissioner prior to

establishment of an apiary to ensure that notification of pesticide applications is received, pursuant to Section 29101 of the California Food and Agricultural Code.

E. Violation—Remedies. In addition to remedies otherwise provided by law, a violation of this chapter may be enforced in any manner set forth under NMC Section 1.16.010.

F. Compliance with State Law. Nothing in this chapter shall excuse compliance with state law applicable to apiaries. (O2014-3, 3/4/14)

Chapter 6.12 - BEEHIVES[1]

Sections:

Footnotes:

--- (1) ---

Editor's note— Ord. No. 1377, § 1, adopted Jan. 8, 2013, amended Ch. 6.12 in its entirety to read as herein set out. Former Ch. 6.12, §§ 6.12.010—6.12.050, pertained to the same subject matter, and derived from prior code §§ 7050—7058 and Ord. No. 1305, § 3(part), adopted 2008.

6.12.010 - Definitions.

For the purpose of this chapter, the following words and phrases are defined and shall be construed as hereinafter set forth unless it shall be apparent from the context that a different meaning is indicated. Any word or phrase used in this chapter and not defined in this section shall be given the meaning established for such word or phrase by Chapter 1 of Division 13 of the California Agricultural Code.

"Apiary" means bees, comb, hives, appliances or colonies, wherever the same are kept, located or found.

"Bees" means honey-producing insects of the genus Apis, including all life stages of such insects.

"Commissioner" means the county agricultural commissioner and all regularly appointed employees of the commissioner's office acting pursuant to their official duties.

"Hive" means any receptacle or container made or prepared for the use of bees, or which is inhabited by bees.

(Ord. No. 1377, § 1, 1-8-2013)

6.12.020 - Apiary best management practices.

A. Apiaries shall be permitted within the county consistent with all of the provisions of this section:
   1. Apiaries shall consist of moveable frame hives in sound and useable condition.
   2. Apiaries shall be operated and maintained in accordance with best management practices developed by the Napa County Beekeepers Association and as adopted by resolution of the board of supervisors.
   3. Apiaries shall be screened from neighboring dwellings and public walkways.

B. The provisions of this chapter, however, shall not authorize the keeping of bees in a manner constituting a public nuisance as defined in subsection (B)(2) of Section 1.20.020, although no resolution of the board of supervisors shall be required to establish the public nuisance.

(Ord. No. 1377, § 1, 1-8-2013)

6.12.030 - Right of entry for enforcement.

The commissioner is empowered to enter upon any premises where bees are kept, or upon which there is reason to believe that bees are kept, in order to carry into effect the provisions of this chapter.

(Ord. No. 1377, § 1, 1-8-2013)

6.12.040 - Violation—Notice requirements.

A. Any person owning, controlling or maintaining an apiary who violates any of the provisions of this chapter shall be given notice thereof and an order to abate, either by the commissioner or any law enforcement officer. The order shall specify the violations of this chapter and conditions to be abated.
B. The order of abatement may be personally served, or if personal service cannot be effectuated, then by both posting a copy of the order on the property and mailing a copy of the order by certified mail to the owner of the property.
C. If, in the commissioner's or law enforcement officer's opinion, the specified violations constitute an immediate threat to the public's health and safety, the order shall provide the conditions are to be corrected and abated within seventy-two hours of personal service or posting of the order.
D. In all other instances, the specified violations shall be corrected and abated within fourteen days of personal service or posting of the order.

(Ord. No. 1377, § 1, 1-8-2013)

6.12.050 - Violation—Remedies.

In addition to remedies otherwise provided by law, a violation of this chapter shall be a public nuisance which may be civilly abated or criminally prosecuted and punished in the manner set forth in Chapter 1.20 of this code.

(Ord. No. 1377, § 1, 1-8-2013)

6.12.060 - Compliance with state law.

Nothing in this chapter shall excuse compliance with state laws applicable to apiaries.

(Ord. No. 1377, § 1, 1-8-2013)

Best Management Practices for Beekeeping in Napa County

Napa County Beekeepers' Association *September 27, 2012*

Purpose
The purpose of this document is to establish a reference and standard for honeybee management in Napa County.

AREAS OF BEEKEEPING MANAGEMENT OF PUBLIC CONCERN

- **Hive Density, Quantities**
- **Siting, Screening, Barriers, Fencing and Flyways**
- **Colony Temperament and Behavior**
- **Considerate Hive Management**
- **Swarming**
- **Provision of water**
- **Disease Control**
- **Our Values**

Hive Densities, Quantities

The following hive densities are established to minimize potential conflict between people, honeybees and their keepers.

Suggested maximum number of hives in relation to lot size:

Lot /Acreage	Number of Colonies
Up to 1/4 acre (1/4 acre = 10,890 sq. ft.)	3 colonies
More than 1/4 acre, less than 1/2 acre (1/2 acre = 21,780 sq. ft.)	5 colonies
More than 1/2 acre, less than 1 acre (1 acre = 43,560 sq. ft.)	7 colonies
1 acre or more	10 colonies per acre maximum

Some locales may not support the maximum hives allowed. Hive densities are ultimately limited by available forage and by interaction with neighbors and the public.

Siting

Hive placement is one of the most important decisions a beekeeper will make. The amount of sun and shade a hive will receive throughout the day, availability of water, availability of screening, and the proximity to neighbors and/or public areas are major factors to consider. Hives should be placed as far away from occupied, developed neighboring areas as practical to prevent nuisance.

Screenings, Barriers, Fencing and Flyways
Special attention must be exercised to redirect the bees' flight path to avoid neighbors and the public. Locate screenings, foliage, shrubs, trees, fencing and barriers that will help to minimize human and animal contact. Screening should be of sufficient density and length to establish bee flyways above head height (6 feet) in all directions.

Colony Temperament and Behavior

- Bees that are consistently defensive should be relocated or re-queened.

Considerate Hive Management
Beekeepers should perform hive manipulations as quickly as possible with minimum disturbance to the bees following these guidelines:

- Work hives when forager activity is satisfactory, when calm, warm and foragers are out.
- Avoid working hives when neighbors are nearby or the bees are defensive.
- Robbing leads to defensive behavior, avoid working hives when robbing is a risk.

Swarming
Honeybee colonies should be managed to minimize swarming.

- Beekeepers who learn of a nearby swarm should take reasonable measures to see that swarms from their hives are retrieved to prevent it becoming a nuisance.

Provision of Water

- Beekeepers need to provide a suitable source of continuously available water for their bees.

Disease Control
It is incumbent on beekeepers to monitor and manage disease and pests to ensure colony health.

- Beekeepers should take remedial action to prevent spread of disease.

Our Values
The Napa County Beekeepers' Association encourages sustainable beekeeping, benefiting bees, their keepers and the environment through methods in tune with nature. We recognize that through natural selection bees become better adapted to our local climate, forage and disease risks. We foster better genetic fitness in our locally adapting bees through propagation of the healthiest productive local stocks.

We advocate protection of the bees' habitat and the planting of pollinator friendly flowers, trees, shrubs and cover crops to provide pollen and nectar for our bees and native pollinators.

We are mindful that use of many pesticides, chemicals, and treatments should be avoided as they are detrimental to bee health and long term species sustainability.

Our association inspires, provides camaraderie and helps to educate interested individuals on how to best steward this precious insect and resource that is in a precarious period of change.

Together we learn, nurture and maintain the adapted genetic diversity of our regional bee populations so crucial for pollination and the continuance of life as we know it.

For more information on the Napa County Beekeepers' Association, join our yahoo group at:
http://pets.groups.yahoo.com/group/beekeepersofnapavalley/

Control (ABC) and Penal Code provisions) dealing with sale to minors; the effects of alcohol, including the impairment of driving skills; and methods of dealing with intoxicated customers and recognizing minors.

3. Laws. The establishment shall be maintained and operated in a manner that complies with all applicable laws, rules, and regulations.

4. Noise. Each establishment shall comply with the noise standards in Section 17.30.050 (Noise standards) of this title.

5. Nuisance. The establishment shall be maintained and operated in a manner that does not create or allow a public or private nuisance.

6. Operation. The establishment shall be maintained and operated in a manner that minimizes the congregation of individuals, littering, loitering, loud noise, on-site drunkenness, public urination, solicitation, and violence.

7. Permit Posting. A copy of the planning permit for alcohol sales shall be posted on the premises in a conspicuous place where it may be readily viewed by the public.

8. Telephones. Each public telephone located on an off-sale premises (or located in an adjacent area under the control of the off-sale licensee) shall be equipped with devices or mechanisms that prevent persons from calling into that public telephone.

9. Trash. Off-sale establishments shall have litter and trash receptacles at convenient indoor and outdoor locations, and the operators shall remove trash and debris on a daily basis to an enclosed trash receptacle.

C. Conditions of Approval. In addition to ensuring compliance with the operating standards in subsection B of this section, the review authority may impose conditions on a use permit for alcohol sales that are reasonably calculated to mitigate adverse land use impacts that may otherwise occur as a result of operating a particular liquor establishment. (Ord. 766 § 2 Exh. A (part), 2004).

17.42.040 Animal keeping.

Animal keeping within the city shall comply with requirements of this section, and shall occur only where allowed by Chapter 17.22 (Allowable Land Uses), and this section. The provisions of this section are intended to assist in maintaining the city's semirural character while ensuring that animal keeping does not create adverse impacts on adjacent properties by reason of bright lights, dust, insect infestations, noise, odor, or visual blight.

A. Pre-Existing Uses. Any legally established animal keeping use that became nonconforming upon adoption of this land use code shall be permitted to continue subject to Chapter 17.82 (Nonconforming Uses, Structures, and Parcels).

B. Allowable Animal-Keeping Activities and Permit Requirements.

1. Activities and Permit Requirements. Animal keeping, including related animal husbandry is allowed only in compliance with the limitations on use and permit requirements in Table 4-1, and the animal keeping standards in subsection C of this section. The keeping of imported animals may require approval by the U.S. Department of Agriculture Fish and Wildlife Service, U.S. Department of Public Health, California Department of Fish and Game, and/or the California Department of Food and Agriculture, in addition to any city approval required by this section.

Table 4-1

Allowable Animal-Keeping and Permit Requirements

Type of Animal	Permit Requirement by Zoning District			
	OSC	RR	RVL	Other Zone Allowing Residential Use
Aviary (keeping of birds other than fowl or poultry)	P	P	P	–
Beekeeping (for plant pollination and/or honey production)	P	P	P	–
Boarding or breeding kennel	–	MUP	–	–
Chickens	P	P	P	P in NL district; zoning clearance letter required in NM, NU, and residential uses in all commercial districts
Dogs and cats	P	P	P	P
Fowl and poultry other than roosters and chickens	P	P	P	–
Hogs and swine	P	P	–	–
Horses and cows	P	P	MUP	–
Roosters	P	P	–	–
Other small animals (defined in Table 4-2)	P	P	P	P
Other large animals (defined in Table 4-2)	P	P	MUP	–

Key to permit requirements:

P	Permitted animal keeping, no city approval required for the animal-keeping activity; provided, that it complies with the standards in subsections C through G of this section.
MUP	Minor use permit approval required in compliance with Section 17.62.050.
–	Type of animal or activity not allowed.

2. Minor Use Permit Review. Where Table 4-1 requires a minor use permit for keeping a specified animal type, the purpose of the discretionary review shall include evaluation of how the proposed animals will be housed and/or confined, and whether the location, size, and design of the area on the site for animal keeping will be adequate to allow compliance with the other standards of this section without unreasonable effort on the part of the animal manager. In approving a minor use permit in compliance with this section, the review authority may limit the maximum number of animals allowed on the site as appropriate to the characteristics of the site, the surrounding land uses, and the species of animals proposed.

C. Animal-Keeping Standards. All animal keeping shall comply with the standards in Table 4-2, where allowed by subsection B of this section, Table 4-1, except that more animals may be allowed by minor use permit.

Table 4-2

Animal-Keeping Standards

Type of Animal or Facility	Maximum Number of Animals per Site[1]	Minimum Lot Area[2]	Minimum Setbacks[3]	
			From Side/Rear Property Lines	From Streets and Dwellings
Aviary for birds other than fowl and poultry	20 per acre	1/2 acre	25 ft.	50 ft.
Beekeeping	N.A.	1 acre	25 ft.	50 ft.
Boarding or breeding kennel	Requirements established by minor use permit approval, and subsection F of this section.			
Chickens	20 per site	No minimum lot size	12 ft.	20 ft.
Dogs and cats	5 animals total on a site less than 1 acre; 5 of each species on a site of 1 acre or more.	None required	None required	None required
Fowl and poultry other than roosters and chickens	12 per acre	1/2 acre	25 ft.	50 ft.
Hogs and swine	1 per acre	2 acres	50 ft.	100 ft.
Horses and cows	2 per acre	1 acre	25 ft.	50 ft.
Roosters	1 per acre	1 acre	25 ft.	50 ft.
Other small animals – Chinchillas, rabbits, nonpoisonous reptiles, rodents, and other nonpoisonous animals of similar size.	4 animals total on a site less than 1 acre; 4 of each species on a site of 1 acre or more, where allowed by Table 4-1.	None for 4 or fewer animals; 1 acre for 5 or more animals.	None on a site of less than 1 acre; 10 ft. on a site of 1 acre or more.	None on a site of less than 1 acre; 25 ft. on a site of 1 acre or more.

Type of Animal or Facility	Maximum Number of Animals per Site[1]	Minimum Lot Area[2]	Minimum Setbacks[3]	
			From Side/Rear Property Lines	From Streets and Dwellings
Other large animals – Emus, goats, llamas, miniature horses and donkeys, ostriches, pot belly pigs, sheep, and similar-sized animals.	4 per acre	1/2 acre	25 ft.	50 feet for accessory structure, none for pasture.

Notes:

(1) Offspring allowed in addition to maximum number until market-ready; greater numbers of animals than allowed by Table 4-2 may be authorized by minor use permit.

(2) Minimum lot area required for the keeping of animals.

(3) Minimum setbacks from all property lines for barns, shelters, pens, coops, cages, and other areas and structures where animals are kept in concentrated confinement; but not including areas continuously maintained as pasture. Minimum setbacks from dwellings refers to dwellings located on other parcels. Animals shall not be kept in any required front yard setback except in pasture areas.

D. Maintenance and Operational Standards. All animal keeping shall comply with the following maintenance and operational standards:

1. Odor and Vector Control. All animal enclosures, including, but not limited to, pens, coops, cages and feed areas, shall be maintained free from litter, garbage and the accumulation of manure, so as to discourage the proliferation of flies, other disease vectors and offensive odors. Manure shall also not be allowed to accumulate within setback areas. Each site shall be maintained in a neat and sanitary manner.

2. Containment. All animals shall be effectively contained on the site, and shall not be allowed to run free on any parcel in a separate ownership or in a public right-of-way.

3. Waterway Protection. The keeping of horses, cattle, fowl, poultry, chickens, roosters, hogs, swine, or other large animals within fifty feet of any waterway shall require minor use permit approval. In addition to the other materials required for a minor use permit application, the applicant shall submit a plan for the protection of the waterway from the polluting effects of runoff from the animal-keeping area. The plan shall provide for regular manure removal, the maintenance of pasture vegetation to minimize the exposure and potential erosion of bare soil, site grading to direct runoff to detention and settling areas rather than the waterway, and/or other measures approved by the review authority.

4. Erosion and Sedimentation Control. In no case shall an animal-keeping operation be managed or maintained so as to produce sedimentation on any public road, adjoining property, or in any drainage channel or other waterway. In the event sedimentation occurs, the keeping of animals outdoors on the site shall be deemed a nuisance and may be subject to abatement.

5. Noise Control. Animal keeping shall comply with the noise standards established by Section 17.30.050, Noise standards.

E. Animal Husbandry Projects. The keeping or raising of the other small animals listed in Table 4-2 as a 4-H or Future Farmers of America (FFA) project may be allowed with up to twenty-five animals in the RR, RVL, and NL zones subject to minor use permit approval, and compliance with the following requirements, in addition to those in Table 4-2.

1. Application Requirements. The minor use permit application shall include a written agreement of supervision by 4-H or FFA officials, that provides a detailed description of the method to be utilized to control odors and insects.

2. Setback Requirements. Any structures, cages, or shelters required for animal keeping shall not be located within a required front or street side setback, and be set back a minimum of five feet from side or rear property lines.

3. Maintenance. The animal keeping shall comply with all standards in subsection D of this section.

F. Kennels and Animal Boarding. Each kennel and other small animal boarding facility shall comply with the following standards:

1. Minimum Site Area. An animal boarding facility may be approved only on a parcel of two acres or larger.

2. Enclosure Within Building. All animal boarding (sleeping and night-time confinement) shall occur within an entirely enclosed building.

3. Noise Control. The building used for animal boarding shall be insulated, or otherwise constructed and maintained so that no noise from animals within the building is audible to an average person at the property line of the site.

4. Management. A manager of the facility shall be present on the site at all times.

G. Chickens. In addition to the requirements of this section, the keeping of chickens shall comply with the following standards:

1. Commercial Use Prohibited. Except where allowed by Section 17.22.020, Allowable land uses and planning permit requirements, the keeping of chickens shall be solely as an accessory use to a residential use.

2. Location in Multifamily and Commercial Zoning Districts. Enclosures, coops, cages, and shelters shall generally be located internally on a residential site, and shall not abut a commercially zoned property.

3. Butchering Prohibited. Butchering, slaughtering, or otherwise killing chickens shall be prohibited.

4. Nuisance Prohibited. Noise impacts, odor impacts, and valid vector complaints shall cause the chickens to be deemed a nuisance, and result in this use becoming prohibited at the subject site.

5. Private Common Area Signoff. Where chickens are proposed to be located in a private common area, the private governing organization (e.g., the homeowner's association) shall provide written consent. (Ord. 823 § 2(C) Exh. C (part), 2009; Ord. 766 § 2 Exh. A (part), 2004).

17.42.045 Auto and vehicle sales.

A. Where allowed by Chapter 17.22, Allowable Land Uses, the approval of a use permit for auto and vehicle sales may authorize the display of vehicles for sale between a sales office and the adjacent public street, instead of in compliance with the parking location requirement of Section 17.36.090(A).