CITY OF WINTERS REGULAR PLANNING COMMISSION AGENDA

Tuesday, September 24, 2019 @ 6:30 PM
City of Winters Council Chambers
318 First Street
Winters, CA 95694-1923
Community Development Department
Contact Phone Number (530) 794-6714
Email: dave.dowswell@cityofwinters.org

Chairperson: Paul Myer
Vice Chair: Lisa Baker
Commissioners: Dave Adams, Patrick Riley, Gregory Contreras, Daniel Schrupp, Ramon Altamirano
City Manager: John W. Donlevy, Jr.
Management Analyst, Dago Fierros
Contract Planner, Dave Dowswell

I CALL TO ORDER

II ROLL CALL & PLEDGE OF ALLEGIANCE

III CITIZEN INPUT: Individuals or groups may address the Planning Commission on items which are not on the Agenda and which are within the jurisdiction of the Planning Commission. NOTICE TO SPEAKERS: Speaker cards are located on the first table by the main entrance; please complete a speaker's card and give it to the Planning Secretary at the beginning of the meeting. The Commission may impose time limits.

IV CONSENT ITEM

A. Minutes of July 23, 2019 meeting of Planning Commission.

V DISCUSSION ITEMS:

A. Public Hearing and Consideration of recommendation by the Planning Commission on proposed amendments to Title 17 (Zoning Ordinance) of the Municipal Code regarding regulation of vacation rentals operating within city limits.
   1. Find the proposed amendments to Title 17 Categorically Exempt from CEQA, Class 1 Section 15301 (Existing Facilities) and Class 4 Section 15304 (Minor Alterations to Land); and
   2. Recommend the City Council adopt the proposed Ordinance 2019-02 amending Chapter 17.12, Planning Agency and adding Chapter 17.54, Vacation Rentals to Title 17 (Zoning Ordinance) of the Municipal Code. (Planning Commission has been directed by the City Council to re-review the proposed ordinance)

VII COMMISSION/STAFF COMMENTS

VIII ADJOURNMENT

POSTING OF AGENDA: PURSUANT TO GOVERNMENT CODE § 54954.2, THE COMMUNITY DEVELOPMENT MANAGEMENT ANALYST POSTED THE AGENDA FOR THIS MEETING ON SEPTEMBER 19, 2019

DAVID DOWSWELL, COMMUNITY DEVELOPMENT DEPARTMENT CONTRACT PLANNER

APPEALS: ANY PERSON DISSATISFIED WITH THE DECISION OF THE PLANNING COMMISSION MAY APPEAL THIS DECISION BY FILING A WRITTEN NOTICE OF APPEAL WITH THE CITY CLERK, NO LATER THAN TEN (10) CALENDAR DAYS AFTER THE DAY ON WHICH THE DECISION IS MADE.

PURSUANT TO SECTION 65009 (B) (2), OF THE STATE GOVERNMENT CODE "IF YOU CHALLENGE ANY OF THE ABOVE PROJECTS IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING(S) DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE CITY PLANNING COMMISSION AT, OR PRIOR TO, THIS PUBLIC HEARING".

MINUTES: THE CITY DOES NOT TRANSCRIBE ITS PROCEEDINGS. ANYONE WHO DESIRES A VERBATIM RECORD OF THIS MEETING SHOULD ARRANGE FOR ATTENDANCE BY A COURT REPORTER OR FOR OTHER ACCEPTABLE MEANS OF RECORDATION. SUCH ARRANGEMENTS WILL BE AT THE SOLE EXPENSE OF THE INDIVIDUAL REQUESTING THE RECORDATION.

PUBLIC REVIEW OF AGENDA, AGENDA REPORTS, AND MATERIALS: PRIOR TO THE PLANNING COMMISSION MEETINGS, COPIES OF THE AGENDA, AGENDA REPORTS, AND OTHER MATERIAL ARE AVAILABLE DURING NORMAL WORKING HOURS FOR PUBLIC REVIEW AT THE COMMUNITY DEVELOPMENT DEPARTMENT. IN ADDITION, A LIMITED SUPPLY OF COPIES OF THE AGENDA WILL BE AVAILABLE FOR THE PUBLIC AT THE MEETING. COPIES OF AGENDA, REPORTS AND OTHER MATERIAL WILL BE PROVIDED UPON REQUEST SUBMITTED TO THE COMMUNITY DEVELOPMENT DEPARTMENT. A COPY FEE OF 25 CENTS PER PAGE WILL BE CHARGED.

ANY MEMBER OF THE PUBLIC MAY SUBMIT A WRITTEN REQUEST FOR A COPY OF PLANNING COMMISSION AGENDAS TO BE MAILED TO THEM. REQUESTS MUST BE ACCOMPANIED BY A CHECK IN THE AMOUNT OF $25.00 FOR A SINGLE PACKET AND $250.00 FOR A YEARLY SUBSCRIPTION.

OPPORTUNITY TO SPEAK, AGENDA ITEMS: THE PLANNING COMMISSION WILL PROVIDE AN OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO ADDRESS THE COMMISSION ON ITEMS OF BUSINESS ON THE AGENDA; HOWEVER, TIME LIMITS MAY BE IMPOSED AS PROVIDED FOR UNDER THE ADOPTED RULES OF CONDUCT OF PLANNING COMMISSION MEETINGS.

REVIEW OF TAPE RECORDING OF MEETING: PLANNING COMMISSION MEETINGS ARE AUDIO TAPE RECORDED. TAPE RECORDINGS ARE AVAILABLE FOR PUBLIC REVIEW AT THE COMMUNITY DEVELOPMENT DEPARTMENT FOR 30 DAYS AFTER THE MEETING.

GENERAL NOTES: MEETING FACILITIES ARE ACCESSIBLE TO PERSONS WITH DISABILITIES. TO ARRANGE AID OR SERVICES TO MODIFY OR ACCOMMODATE PERSONS WITH A DISABILITY TO PARTICIPATE IN A PUBLIC MEETING, CONTACT THE CITY CLERK.

MINUTES OF THE CITY OF WINTERS PLANNING COMMISSION MEETING HELD JULY 23, 2019

DISCLAIMER: *These minutes represent the interpretation of statements made and questions raised by participants in the meeting. They are not presented as verbatim transcriptions of the statements and questions, but as summaries of the point of the statement or question as understood by the note taker.*

Chairman Myer called the meeting to order at 6:30 p.m.

PRESENT: Commissioners, Adams, Altamirano, Contreras, Schrupp, Vice Chair Baker, Chairman Myer

ABSENT: Commissioner Riley

STAFF: City Manager John Donlevy, Contract Planner Dave Dowswell, Management Analyst Dagoberto Fierros

Commissioner Adams let the pledge of allegiance.

CITIZEN INPUT: None.

CONSENT ITEM:

A. Minutes of the June 25, 2019 regular Planning Commission meeting.

Vice Chair Baker moved to approve. Altamirano seconded.

STAFF/COMMISSION REPORTS:

Commissioner Contreras stated the article referencing short-term rentals in the Winters Express was skewed and did not reflect what the actual discussion was like at the Planning Commission meeting.

Chairman Myer stated the article in the Winters Express was an opinion piece that did not reflect the assessments accurately.

DISCUSSION ITEM:

A. Discussion Item – Economic Development Advisory Committee Report (Continued from June 25, 2019 meeting).

Manager Donlevy continued the Economic Development Advisory Committee (EDAC) Report presentation. Donlevy gave the Planning Commission a walk-through of previous comments from the EDAC meetings, the Strengths, Weaknesses, Opportunities, Threats (SWOT) Analysis and a prioritization for the recommendations from the EDAC.

PUBLIC COMMENTS: None.

COMMISSIONER/STAFF COMMENTS: Discussion ensued.

STAFF/COMMISSION REPORTS: None.

ADJOURNMENT: Chairman Myer adjourned the meeting at 8:05pm.

ATTEST:_____ _____

Dagoberto Fierros, Management Analyst Paul Myer, Chairman

CITY OF WINTERS
california
Est. 1875

PLANNING COMMISSION
STAFF REPORT

TO: Chair and Planning Commissioners

DATE: September 24, 2019

FROM: David Dowswell, Contract Planner

SUBJECT: Public Hearing and Consideration of proposed amendments to Chapter 17.12, Planning Agency and adding Chapter 17.54, Vacation Rentals to Title 17 (Zoning Ordinance).

RECOMMENDATION: Staff recommends the city of Winters Planning Commission take the following actions:

1) Receive the staff report; and
2) Conduct the Public Hearing to solicit public comment; and
3) Recommend the City Council find the proposed amendments Categorically Exempt from CEQA, Class 1 Section 15301 (Existing Facilities) and Class 4 Section 15304 (Minor Alterations to Land); and
4) Recommend the City Council adopt the proposed Ordinance 2019-02 amending Chapter 17.12, Planning and adding Chapter 17.54, Vacation Rentals to Title 17 Title 17 (Zoning Ordinance).

BACKGROUND: The city of Winters (City) does not regulate vacation rentals. There are a number of vacation rental companies such as, Airbnb, Homeaway, HomeToGo and Vacation Rentals By Owners (VRBO). These Internet based companies allow people to rent out rooms in their house or their entire house. Guests rent out rooms and units for a short time – essentially using the property like a hotel. Presently, Winters has about 14 Airbnb rentals available, two of which are full houses for rent.

On July 24, 2018 the planning commission held a workshop where they discussed the vacation rentals and the possibility of regulating them. Last year the city attorney's office reached an agreement with Airbnb to collect the City's Transient Occupancy Tax (TOT) and the County's Tourism Business Improvement District (TBID) assessment. The City has not reached a similar agreement with the other companies.

On January 22, March 26, and April 23, 2019, the planning commission held study sessions where the proposed vacation rental ordinance was discussed. At the April meeting Sandy Vickrey spoke regarding the proposed ordinance and expressed some concern about certain elements in the ordinance. Also, Jose Banuelos spoke about having to live next door to an existing vacation rental and often being disturbed by the guests.

Staff met with Sandy Vickrey on May 2 and May 22, 2019 to discuss the proposed ordinance. We were able to identify some regulations which could be simplified or eliminated and others that needed clarifying. They included:

- Clarifying the fee an applicant pays for permitting a vacation rental is not a recurring fee. Only the business license fee is recurring.
- Eliminating in Section 17.54.010, Purpose and Intent, the wording which limits the total number of permits the City might issue for vacation rentals. Eliminating this wording was consistent with the commission's previous direction.
- Modifying the wording in Section 17.54.030.5 to require parking based on the number of guest vehicles and not the number of guests.
- Eliminate Section 17.54.030B10. This language is already a standard condition of approval in all City entitlements.
- Possibly delete Section 17.54.030G. This section requires staff do something that is not required for any other entitlement. A person, if interested, can contact the City when a decision is made regarding a vacation rental application and can appeal either the zoning administrator's decision per Section 17.16.070 of the Zoning Ordinance.
- Delete most of Section 17.54.040C because the items mentioned that must be complied with are required by the current building and fire codes. On May

On May 28, 2019 the planning commission at a noticed public hearing took testimony from Benny Dippel and Abby Vargas on the draft ordinance. Both had a number of comments and questions about the ordinance. The commission encouraged the speakers forward their comments to staff and if possible, meet with staff directly. At the conclusion of hearing the planning commission continued the public hearing to June 25, 2019.

On June 12, 2019 staff met with Abby Vargas to discuss the proposed ordinance. Staff also met with Benny Dippel (by phone) and Sandy Vickrey on June 13, 2019. Based on their comments a number of additional changes were suggested. They included:

- Amending Section 17.54.030B7 to require rental rules be posted or provided at the residence.
- Deleting the requirement in Section 17.54.040D1 that the perspective renter shall sign an agreement acknowledging the house rules.

- Eliminating the first sentence in Section 17.54.040E requiring the rental permit number is included in the advertisement for a vacation rental because this language is unnecessary.
- Simplifying the language in Section 17.54.040F1 and 2.
- Combining Sections 17.54.040I (formerly J)2 and 3 into one section.

On June 25, 2019 the planning commission, at the continued public hearing, considered the proposed vacation rental ordinance. At the hearing Abby Vargas requested eliminating the restriction (Section 17.54.040F4) prohibiting using accessory dwelling units (ADU) as vacation rentals. At the conclusion of the hearing the commission voted 5 to 1, with commissioner Adams recusing himself due to a possible conflict and commissioner Contreras dissenting, to recommend the council adopt the proposed ordinance with the suggested amendments. Commissioner Contreras voted against the ordinance because it includes language prohibiting the use of an ADU as a vacation rental.

On August 6, 2019 the city council considered Ordinance 2019-02 amending Chapter 17.12, Planning Agency and adding Chapter 17.54, Vacation Rentals to Title 17 (Zoning Ordinance) of the Municipal Code. During the hearing the council had several questions regarding the proposed ordinance, specifically the prohibition of using an Accessory Dwelling Unit (ADU) as a vacation rental, the meaning of the language requiring all designated bedrooms "meet current building and fire codes", and the application process and fee for hosted vacation rentals. At the conclusion of the discussion the city council continued the hearing until August 20 and directed staff investigate how other cities handle these issues.

On August 20, 2019 the city council again considered Ordinance 2019-02 regulating vacation rentals. At the hearing the council and citizens voiced concern about the proposed ordinance, specifically the application process and fees, prohibition of using accessory dwelling units (ADU) as vacation rentals and the language requiring all vacation rentals "meet current building and fire codes". At the conclusion of the hearing the council referred the ordinance back to the planning commission for further review, focusing on those issues discussed at the two council meetings.

ANALYSIS: Staff researched how other cities regulate vacation or short-term rentals. The table below shows the results of staff's research.

	Cities					
	Napa	Yountville	Cloverdale	Nevada City	Grass Valley	Winters
Allows Hosted Vacation Rentals	Yes	No	Yes	Yes	Yes, with a Minor Use Permit	Yes
Allows Non-hosted Vacation	Yes	No	Yes, commercial zones with	No	No	Yes

Rentals			Use Permit			
Allows ADUs as Vacation Rental	No	N/A	No	N/A	N/A	No
Hosted Fee	$1,500 initial deposit	N/A	No Fee	No Fee	$439	To be determined
Non-hosted Fee	$1,500 initial deposit	N/A	$1,455	N/A	N/A	$1,820

The table above shows how the regulation of vacation rentals varies from city to city. One city (Yountville) prohibits them altogether, while other cities (Nevada City and Grass Valley) prohibit non-hosted rentals, Cloverdale allows both, but non-hosted vacation rentals are only allowed in commercial zones and the city of Napa allows both in residential zones. Two cities (Napa and Cloverdale) specifically prohibit using ADUs as a vacation rental while other cities (Nevada City and Grass Valley) do not. Two cities (Cloverdale and Nevada City) do not charge a fee for hosted rentals they simply require the host register with the city and pay the business license fee and transient occupancy tax. Grass Valley charges $439 for processing a hosted rental's Minor Use Permit.

Application Process

The proposed ordinance requires all hosted vacation rentals obtain an administrative (vacation rental) permit from the zoning administrator. The process for issuing a hosted vacation rental permit is a similar process for issuing a home occupation permit. The main difference is the noticing requirement. For a home occupation permit the City notices only the contiguous property owners an there is no public hearing. For a vacation rental permit, the City would notice property owners within 100 feet and there would be a public hearing at City hall during the day. The difference is roughly 5 or 6 more property owners would be noticed for a vacation rental permit, the cost to publish a notice in the newspaper and a public hearing before the planning commission. The fee for a home occupation is $243. The fee for a vacation rental permit would be higher, probably in the range of $400 to $500. The process for a vacation rental permit is very similar to Grass Valley's minor use permit, which costs $439. Should the council support obtaining a vacation rental permit for hosted vacation rentals the City would need to have its fee consultant determine the fee. The fee would be a one-time fee.

As a second alternative, the City could decide not to create a new permitting process for hosted vacation rentals, but instead amend the home occupation regulations in Chapter 17.94 of the Zoning Ordinance to allow hosted vacation rentals as a home occupation. Should the council decide to amend the home occupation regulations to allow hosted vacation rentals as a home occupation. No new fee would be needed.

As a third alternative, the City could decide not to require hosted vacation rentals to obtain a vacation rental permit or a home occupation permit from the zoning administrator. The City could instead require the owner of a hosted vacation rental

simply register their property with the City and pay the transient occupancy tax like the cities of Cloverdale and Nevada City.

The proposed ordinance requires owners of non-hosted vacation rentals obtain a use permit (Chapter 17.20) from the planning commission. The fee for a use permit, which is in the City's approved fee schedule, is $1,820. This fee is a one-time fee.

The proposed ordinance includes amending Table 2 in Chapter 17.52.020 Land Use/Zoning Matrix of the Zoning Ordinance to include hosted and non-hosted vacation rentals as conditional uses permitted in the R-1, R-2 and R-3 residential zones. Two footnotes (#6 and #7) have been added to the matrix explaining the difference in the application process.

Using Accessory Dwelling Units (ADUs) as a Vacation Rental

At the two city council meetings there was quite a bit of discussion about whether ADUs should be allowed to be used as a vacation rental. At the August 6 city council meeting one property owner, who has an ADU which is used as a vacation rental, requested the language in the proposed ordinance prohibiting the use of an ADU as a vacation rental be deleted.

At the June 25 planning commission hearing the commission discussed whether ADUs should be allowed to be used as vacation rentals. Commissioner Baker explained the state of California has been encouraging the building of ADUs to help provide additional affordable housing. Cities have been required to reduce development impact fees to further encourage the construction of ADUs.

As shown in the table above, the cities of Napa and Cloverdale specifically prohibit the use of ADUs as vacation rentals. The other cities are silent on this issue, but likely do allow ADUs to be used as vacation rentals. Staff contacted the State Housing and Community Development Department and asked if there was any existing state law which prohibited the use of ADUs as vacation rentals. The person staff contacted indicated there was no law. He indicated it was up to individual cities to decide if they wanted to prohibit using ADUs as a vacation rental. There is legislation pending (AB 1239) that would allow cities to reduce by 25 percent the number of sites they have available for affordable housing if they adopt an ordinance restricting the number of short-term (vacation) rentals a city allows. The City could approve allow using ADUs as a vacation rental and if the state adopts a law prohibiting their use as a vacation rental the City would need to amend this ordinance and the accessory dwelling unit ordinance (Chapter 17.98).

Requiring Vacation Rentals to Mett Current Building and Fire Codes

At the two council meetings councilmember Cowan expressed concern with wording in Section 17.54.030.A5 and Section 17.54.040.I requiring vacation rentals comply with "current building and fire codes". His concern was primarily with the word "current" being interpreted as requiring an owner upgrade an older home to meet newer building codes. He supported having language requiring all vacation rentals comply with life safety

codes. In the proposed ordinance staff has added a definition for "life safety" to clarify that only items pertaining to life safety will be looked at when an inspection is made of a vacation rental. Staff has also amended Section 17.54.030.A.5 and Section 17.54.040.I to reference what items might be inspected during an annual inspection.

ATTACHMENTS:

A. Draft Vacation Rental Ordinance with Planning Commission and Staff edits
B. Clean version Vacation Rental Ordinance
C. Cities of Grass Valley, Nevada City and Cloverdale vacation/short term rental regulations

ORDINANCE NO. 2019-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS
AMENDING CHAPTER 17.12 (PLANNING AGENCY) AND CHAPTER 17.54 (VACATION RENTALS OF THE WINTERS MUNICIPAL CODE

The City Council of the City of Winters, State of California, does hereby ordain as follows:

1. Purpose. The purpose of this ordinance is to amend various sections of the text in the Winters Municipal Code (the "Municipal Code") necessary to regulate Vacation Rentals.

2. Authority. The City of Winters has authority to adopt this ordinance pursuant to the general police power granted to cities by Article 11, Section 7 of the California Constitution.

3. Amendments to Title 17. The City hereby makes the following amendments to Title 17 of the Municipal Code:

a. Chapter 17.12 of the Municipal Code is hereby amended to read as follows:

Chapter 17.12

PLANNING AGENCY

17.12.030 Powers and duties of the zoning administrator

D. Projects Subject to Zoning Administrator Review.

1. Minor Modifications and Extensions of Time of Planned Developments.

a. The zoning administrator may approve minor modifications of the detailed development plans or detailed development standards as well as time extensions in planned development (PD) overlay zones.

b. Findings.

Such minor modifications may be approved only if consistent with required findings in Section 17.48.110. Time extensions may be approved if consistent with required findings in Section 17.48.100.

2. Home Occupations.

ATTACHMENT A

a. Approval Authorized: The zoning administrator may approve applications for home occupations in residential (R) zones.

b. Findings: A home occupation shall be approved only if it is found to comply with the provisions of this section and Section 17.60.080 of this title. No public hearing shall be required, although notice of the application shall be provided to all contiguous property owners.

3. Review and Approval of Projects Exempt from California Environmental Quality Act (CEQA).

a. Approval Authorized. The zoning administrator may review and approve projects (other than ministerial projects) which are exempt from CEQA. However, the zoning administrator may refer projects involving substantial development, such as large additions to existing structures, to the planning commission for review and approval.

b. Findings. Such projects shall be approved only if found to comply in all respects with the provisions of this title.

4. Lot Splits on Parcels Less than One-Half (½) Acre in Size.

a. Approval Authorized. The zoning administrator may review and approve lot splits on parcels less than one-half (½) acre in size.

b. Findings. Such lot splits shall be approved only if found to comply in all respects with provisions of this title, applicable criteria of the city's subdivision regulations, environmental law and the State Subdivision Map Act.

5. Use Permits and Variances.

a. Approval Authorized. The zoning administrator may approve use permit and variance applications for certain projects as specified elsewhere in this title.

b. Findings. Use permit and variance applications shall only be approved if found to comply with the provisions of this section and with the required findings for approval of use permit and variance applications specified in Chapters 17.20 and 17.24, respectively.

6. Temporary Activity Permits.

a. Approval Authorized. The zoning administrator may approve temporary activity permits for certain activities as specified in this title. The zoning administrator shall determine the appropriate level of noticing, if any, required for each application.

b. Findings. A temporary activity permit shall only be approved if found to comply in all respects with the provisions of this section and with the required findings in Chapter 17.32.

7. Exotic Animals.

a. Approval Authorized. The zoning administrator may approve a permit for the keeping of exotic animals. While no public hearing is required, notice of the application shall be provided to all contiguous property owners.

b. Findings. The application may only be approved if the applicant can demonstrate that the keeping of such animal(s) will not create a general nuisance (such as excessive noise or odor) or pose a safety hazard to the general neighborhood, and that appropriate approvals from regulatory state and/or federal agencies are first obtained.

8. Expansion of Nonconforming Structures.

a. Approval Authorized. The zoning administrator may approve the expansion of nonconforming structures. While no public hearing is required, notice of the application shall be provided to all contiguous property owners.

b. Findings. The application may only be approved subject to compliance with this section and Chapter 17.104.

9. Sign Permit Review.

a. Approved Authorized. The zoning administrator may approve certain sign permits pursuant to Chapter 17.80.

b. Findings. The application may only be approved subject to compliance with this section and Section 17.80.080(D).

10. Vacation Rentals.

a. Approval Authorized. The zoning administrator may approve a permit for a "hosted accommodation" vacation rental. While no public hearing is required, notice of the application shall be provided to all property owners located with one hundred (100) feet of the proposed vacation rental.

b. Findings. The application may only be approved subject to compliance with this sections and Chapter 17.54.

b. Table 2 of Section 17.52.020 of the Municipal Code is hereby amended to read as follows:

17.52.020 Land Use/Zone Matrix. Revised 4/16 Revised 3/17 Revised 5/19 SHARE

LAND USE/ZONE MATRIX

KEY:

C= Conditional Use
P= Permitted Use
T= Temporary Use

Zoning Designations:

(A-1) General Agricultural
(R-R) Rural Residential
(R-1) Single-Family Residential
(R-2) One- and Two-Family Residential
(R-3) Multifamily Residential
(R-4) High Density Residential
(C-1) Neighborhood Commercial
(C-2) Central Business District
(C-H) Highway Service Commercial
(O-F) Office
B/P) Business Industrial Park
(M-1) Light Industrial
(M-2) Heavy Industrial
(PQP) Public/Quasi-
(PD) Planned Development

AGRICULTURAL USES																	
	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	P-D*
Agricultural Operation	P	C														P	
Animal Production	P															C	
Businesses and Uses Prohibited by State or Federal Law																	
COMMERCIAL AND OFFICE USES																	

	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	P-D*
Adult Entertainment											C	C					
Automobile Repair, Major							C	C			C	C	P				
Automobile Repair, Minor							P	P	P		P						
Bar, Cocktail Lounge							C	C									
Bed and Breakfast Inn			C	C	C	C		C									
Business Service							P	P		P	P						
Businesses and Uses Prohibited by State or Federal Law																	
Financial Institutions							P	P		P	P						
Equipment Sales, Rental, Repair							P	P			P						
Funeral Parlor								P			C						
Hotel, Motel								C	C								
Nurseries	P						P	P			C	C					
Office, Business and Medical							P	P		P	P						
Outdoor Sales							C	C			C						
COMMERCIAL AND OFFICE USES (Continued)																	
	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	P-D*
Personal Retail Services							P	P									
Personal Storage								C			C	C			C	C	

Recreation, Indoor or Outdoor							C	C			C	C					
Recreational Vehicle Park									C		C						
Restaurant							P	P	P		C						
Restaurant, Drive-Through							C	C	P								
Retail Sales, General							P	P	C		C						
Roadside Stand	P	C					C	C									
Service Station							P	P	P		P						
Stationary Food Vendor							C	C	C								
Veterinary Hospital, Kennel	C						C	P									
INDUSTRIAL USES																	
	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	P-D*
Businesses and Uses Prohibited by State or Federal Law																	
Finished Goods Assembly											P	P	P				
Heavy Equipment Terminal											C	C	P				
Laboratory, Research, Equipment										C		C	C				
Manufacturing, Heavy General													C				
Manufacturing, Light General												C	P				
Mineral Extraction	C												C	C		C	
Recycling Center Collection							P	P			P	P	P				

Recycling and Salvage Yards													C				
Warehouse, Wholesale, Freight Terminal												C	P				
PUBLIC & QUASI-PUBLIC USES																	
	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	P-D*
Assembly Hall/Community Services	C	C					C	C		C	C			C	C		
Businesses and Uses Prohibited by State or Federal Law																	
Cemetery	C													C		C	
PUBLIC & QUASI-PUBLIC USES (Continued)																	
	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	P-D*
Communication Equipment Facility	C	C			C	C	C	C	C	C	C	P	P	C	C	C	
Convalescence and Care Services		C	C	C	C	C	C							C			
Cultural Facility						C	C							C	C		
Day Care, General		C	C	C	C	C				C	C			C			
Emergency Shelter					P	P		P						P			
Government Offices										C	C			C	C		
Hospital										C	C			C			
Public Parks	C	C	C	C			C	C	C					C	C	C	
Religious Institutions			C	C			C	C		C	C			C			
Safety Services							C	C		C	C			C			

Utility Services, Major	C	C											C	C	C	C	
Utility Services, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Vocational Training Facility														C			
RESIDENTIAL USES																	
	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2**	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	P-D*
Accessory Dwelling Units		P	P	P													
Businesses and Uses Prohibited by State or Federal Law																	
Day Care, Limited		P	P	P	P	P											
Dwelling, Multiple-Family					P	P	C	C3		C							
Dwelling, Single-Family	P	P4	P4	P4	C	C4		C2,3								C	
Dwelling, Two-Family or Duplex			P1	P	C	C											
Farmworker Housing Unit	P		P	P	P	P		P5									
Farmworker Housing Complex	P				P	P		P5									
Mobilehome Park		C	C	C	C	C											
Single Room Occupancy					P	P		C									
Residential Care Facility		C	C	C	C									C			
Vacation Rental (Hosted)		C	C	C	C												
Vacation Rental (Non-hosted)		C	C	C	C												
TEMPORARY USES																	

	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	P-D*
Arts and Crafts Show	T						T	T	T	T	T	T	T	T	T	T	T
TEMPORARY USES (Continued)																	
	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	P-D*
Businesses and Uses Prohibited by State or Federal Law																	
Carnivals/Fairs/Fund Raisers	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T
Construction Trailers	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T
Religious Assembly	T													T	T	T	T
Seasonal Sales	T	T					T	T	T		T	T		T	T	T	T

Footnotes:

1. Affordable or market rate duplexes are allowed on all corner lots in the R-1 and R-2 zones citywide.

2. Only if an existing historical structure is planned for relocation to a C-2 zone that adjoins a residential district.

3. A single residential unit is allowed at a business located in the central business district zone (C-2) upon planning commission approval of a conditional use permit (CUP), while multifamily residential is allowed above a business in the C-2 zone upon planning commission approval of a CUP. A residential unit proposed for a ~~first floor~~first-floor area must be occupied by the property owner or licensed business proprietor, at least four hundred (400) square feet in ~~size, and~~size and located at the rear of the business. No more than twenty (20) percent of the existing first floor area can be converted into residential uses and the existing first floor area must be at least two thousand (2,000) square feet in size.

4. Manufactured homes and factory-built homes located on a permanent foundation are allowed in the specified zones by right or upon planning commission approval of a conditional use permit (CUP).

5. For single farmworkers, single room occupancy housing is permitted.

6. Vacation rental (hosted) is allowed in all residential zones subject to approval of a vacation rental permit by the zoning administrator

7. Vacation rental (non-hosted) is allowed in all residential zones upon approval of a conditional use permit (CUP) by the planning commission.

* All PD uses per PD permit, and as consistent with the general plan.

Also see: Chapter 17.36 (Design Review). Design review may be required, including for land uses which are otherwise permitted by this title, depending upon the type and location of the development project proposed.

** A commercial use operating from a residential structure originally constructed as a residential structure can be converted from a commercial use to a residential use.

~~b~~c. Subdivision (B) of Section 17.54 of the Municipal Code is hereby amended to read as follows:

Chapter 17.54

VACATION RENTALS

Sections:

17.54.010 Purpose and intent
17.54.020 Definitions
17.54.030 Requirements for an application
17.54.040 Permit requirements
17.54.050 Enforcement

17.54.010 Purpose and intent.

The purpose of this chapter is to minimize the potential adverse impacts of transient occupancy uses in residential neighborhoods on traffic, noise and density, to ensure the health, safety and welfare of renters and guests patronizing vacation rentals in order to ensure the long term availability of housing stock in compliance with the Housing Element of the city of Winters General Plan.

17.54.020. Definitions.

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

"Applicant" is as defined in Section 17.04.140 of this code.

"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" means any habitable room with no less than seventy (70) square feet of floor area and no dimension less than seven (7) feet in a dwelling other than bathroom(s), kitchen, living and dining room. Unless specifically designed to exclude its use as a bedroom (e.g., no closet, enlarged entry ways without doors, no windows open to the exterior, etc.), any den, study or other room meeting the above definition of a bedroom shall be considered a bedroom for the purpose of meeting the standards of the code.

"Community development director" as defined in Section 17.04 of this code.

"Enforcement officer" means the community development director, building official, code enforcement officer, city department manager (to the extent responsible for enforcing provisions of this code), or any other city employee designated by the community development 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 or sleeps on the property of the vacation rental unit while it is being rented for transient occupancy pursuant to this section.

"Life safety" means those items required by the state of California (NFPA 101), which include: smoke and carbon monoxide detectors, fire extinguisher, functioning water heater, furnace and other gas appliances, six (6) inch or lighted address numbers visible from the street and openable windows (mean of egress) from bedrooms.

"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" is as defined in Section 17.04.140 of this code.

"Permittee" means the person to whom a vacation rental permit is issued pursuant to this section. To the extent 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 (see Chapter 1.16.).

"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 (1) domicile.

"Transient occupancy" means any person's use or possession, or right to use or possess, a building (or any portion thereof) for dwelling, lodging, or sleeping

purposes, for a period of thirty (30) consecutive calendar days or less (counting portions of calendar days as full days).

"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, all hosted accommodation vacation rentals, and all non-hosted accommodation vacation rentals.

"Vacation rental permit" means a permit issued by the community development director or a use permit issued by the planning commission.

"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.

"Zoning administrator" means the office of the zoning administrator pursuant to Section 65900 of the Government Code of the state.

17.54.030 Requirements for an application

The community development director shall invite applications for vacation rental permits pursuant to this subsection

~~A. The community development 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 community development director shall endeavor to use other reasonably available means of communications such as the city's Internet website.~~

~~B~~A. Each application for a vacation rental permit shall include the following information, signed by the owner and the authorized agent for non-hosted accommodations:

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

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

3. If the vacation rental is proposed for ~~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.~~

4. 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 17.54.040(D).

5. Insure all designated bedrooms and structures being used for habitation meet life safety ~~current building and fire~~ codes to include the following:

a. Smoke and carbon (CO2) monoxide detectors.
b. Fire extinguisher.

Commented [DD1]: Wording is unnecessary.

Commented [DD2]: Wording added to clarify that the home does not have to be brought up to current building codes.

c. Six (6) inch or lighted address numbers visible from the street.

d. Openable windows (means of egress) from bedrooms

e. Functioning water heater, furnace and other gas appliances.

An inspection by the City may be necessary to verify compliance.

6. Identify the number and location of designated on-site parking spaces, and the maximum number of vehicles allowed for overnight occupants. Each vacation rental must provide one (1) legal off-street parking space for each guest vehicle. On-street parking in front of the vacation rental may be counted towards meeting the parking requirement.

Commented [DD3]: Planning Commission recommended at their 6-25 meeting this language be added.

7. Acknowledge the owner and authorized agent for non-hosted accommodations has read all regulations pertaining to the operation of a vacation rental, including this section, the city's Transient Occupancy Tax Ordinance (Chapter 3.24) and the city's Business License Ordinance (Chapter 5.04) of this code, and any additional administrative regulations as determined by the community development director necessary to implement this section.~~7 Post or provide a copy of the rental rules and regulations.~~

Commented [DD4]: Wording unnecessary. See Section 17.54.040B, formerly D, below.

~~8~~8. Provide any other information as the community development director deems reasonably necessary to administer this section.

~~9~~9. Agree that any and all use of the property for vacation rental/transient occupancy purposes shall cease upon the revocation of the vacation rental permit pursuant to subsection 17.54.040(A).~~10. Certify the accuracy of the information submitted and agree to comply with all conditions of the permit.~~

Commented [DD5]: Wording unnecessary. Owner signs application under penalty of perjury.

~~C~~B. The community development director shall evaluate permit applications, and process the applications for review by the zoning administrator pursuant to Section 17.12.030(D.)10 or the planning commission pursuant to Chapter 17.20 of this code and subsection D. Each applicant shall provide the following supplemental submittal in a form acceptable to the community development director:

1. Payment of the application and processing fee established by city council resolution. The fee is paid when establishing the use and is non-recurring.

2. Public notice mailing labels for "non-hosted accommodation" (to notify neighboring property owners, pursuant to Section 17.16.040(C)).

~~3. Provide any other information as the community development director deems reasonably necessary to establish that the applicant will comply with all requirements of this section, as identified in the notice.~~

Commented [DD6]: Similar wording to Section B9 above.

~~D~~C. If the community development director determines an applicant has failed to satisfy the application requirements of subsection B or C of this section, the community development director shall provide written notice to the applicant of the determination.

~~E~~D. If the community development director determines an applicant (hosted accommodation) has satisfied the application requirements of subsections B and C of this section, and the owner has borne the burden of proving the owner will adequately mitigate potential adverse impacts on the public health, safety, and welfare, the community development director shall schedule for a review by the zoning administrator pursuant to Section 17.12.030(D)10 of this code. The community development director, at his or her discretion, may refer an application for a hosted facility to the planning commission. The notice shall identify the date and time on which zoning administrator shall consider the permit application

~~F~~E. If the community development director determines an applicant (non-hosted accommodation) has satisfied the application requirements of subsections B and C of this section, and the owner has borne the burden of proving the owner will adequately mitigate potential adverse impacts on the public health, safety, and welfare, the community development director shall schedule for a public hearing a use permit pursuant to Chapter 17.20 and of this code.

Commented [DD7]: As an alternative the Planning Commission could recommend that non-hosted facilities need to only obtain an administrative permit from the zoning administrator.

17.54.040 Permit requirements

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

A. Each vacation rental permit issued under the authority of this section may be subject to an annual review by the community development department or planning commission.

~~B. The owner shall comply with all requirements of the Transient Occupancy Tax Ordinance (Chapter 3.20) and the Business License Ordinance (Chapter 5.04 of this code for the vacation rental use.~~ C. ~~The owner shall comply with each of the requirements of this paragraph. The owner shall permit the enforcement officer to conduct an annual inspection of the vacation rental premises to confirm compliance with this chapter and with current building and fire codes.~~ DB. Each vacation rental permit will be subject to the house rules set forth in this paragraph. The permittee shall provide the community development director with a copy of the house rules prior to rental of the vacation rental unit, and shall promptly notify the community development 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 shall be posted in a prominent location inside the vacation rental unit. Each vacation rental shall at a minimum comply with the following:

Commented [DD8]: Language is redundant. See Section C6 above.

Commented [DD9]: Language is redundant. See Section B4 above.

~~1. Each vacation rental must meet all current building and fire codes and shall comply with all applicable provisions and requirements of Title 17 of this code.~~

1. 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 (2) guests per bedroom, plus two (2) additional guests per vacation rental unit. In no case may more than ten

Commented [DD10]: Language is redundant. See Section 17.54.030 B4 above.

(10) guests, not including the host family, be allowed to sleep in a vacation rental unit, this includes any property that has multiple habitable buildings.

The planning commission, as part of the use permit process, may allow more than ten (10) guests to sleep in a vacation rental unit.

Commented [DD11]: Planning Commission recommended at their 6-25 meeting adding this language to allow in rare circumstances the possibility of more than 10 guests staying in a vacation rental.

~~3~~2. The permittee shall limit the number overnight renters to the maximum number designated in the permit and shall require overnight renters to utilize designated on-site parking spaces to the maximum extent possible.

~~4~~3. The permittee shall provide access to the garage or carport if that area has been included in the determination of the number of available onsite spaces per this code.

~~5~~4. 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 8.04 of this code. Trash cans shall not be placed on the street prior to twenty-four (24) hours before pick up day and shall be promptly removed from the street following service.

~~6~~5. Guests of the vacation rental shall comply with the city's noise regulations in Chapter 8.20 and performance standards in Chapter 17.68. ~~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.~~

Commented [DD12]: Planning Commission recommended at their 6-25 meeting revising language and combining with #9.

~~7. The permittee shall ensure the renters and/or guests of the vacation rental do not create unreasonable noise or disturbances, engage in disorderly conduct.~~

Commented [DD13]: Wording unnecessary. Similar to wording in Section 6 above.

~~8~~6. The permittee shall, upon notification that renters and/or guests of his or her vacation rental have violated any house rules promptly act to stop the violation and prevent a recurrence of the violation.

~~9. 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 (7) of this subsection.~~7. It is prohibited to use the vacation rental unit for any wedding, reception, auction, commercial function, or other similar event that is inconsistent with the use of the property for transient occupancy in a residential neighborhood.

Commented [DD14]: Combined with #6.

~~10~~8. Pets may be permitted by vacation rental business owner, however the pet must be attended to at all times.

~~E~~B. 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 an approved hotel or bed and breakfast inn; or (b) the use is a vacation rental, which has been issued a vacation rental permit or a use permit pursuant to Chapter 17.20 of this code.

~~F~~C. For each vacation rental use:

1. The owner or the authorized agent must be available by telephone ~~at all times,~~ within twenty-four (24) hours ~~per day~~, while the vacation rental is rented.

2. The owner or the authorized agent (non-hosted accommodation) must be on the premises of the vacation rental unit within ~~one (1)~~ twenty-four hours of being notified (by a renter, or enforcement officer) there is a need for the owner to address an issue of permit compliance or the health, safety, or welfare of the public or the renter.

Commented [DD15]: Planning Commission recommended at their 6-25 meeting changing to one day. One hour isn't reasonable. In most cases staff is available until the next day.

3. Only one (1) rental agreement per vacation rental unit shall be in effect at any one time.

4. It is a violation of this section for any accessory dwelling unit (as defined by Chapter 17.98 of this code) to be used for transient occupancy purposes.

Commented [DD16]: City Council discussed whether this language should be removed.

~~G~~D. ~~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 n~~No person shall transfer, or attempt to transfer, ~~the~~a vacation rental permit to any other person, unless the transfer is made in accordance with this subsection H. Any attempt to transfer a vacation rental permit, or use a transferred vacation rental permit, not transferred in accordance with this subsection shall be void, and shall constitute a violation of this code.

~~H~~E. A use permit granted for a non-hosted vacation rental is transferrable to a purchaser of the real property on which the permitted vacation rental unit is located, subject to the conditions of approval in the use permit and set forth in this paragraph. No purchaser shall operate a vacation rental use under the permitted owner's vacation rental permit until after the community development director has approved the transfer of the permit. The permitted owner shall submit to the community development director a written notice of intent to transfer the permit to the purchaser.

~~I~~F. Each vacation rental permit issued pursuant to this section ~~shall~~ may be subject to an annual permit review and ~~building and fire~~ inspection to insure for compliance with life safety codes as stated in Section 17.54.030.A5.

Commented [DD17]: Planning Commission recommended at their 6-25 meeting it be "may" because rental unit is inspected at the outset when permit is issued. Only would inspect if there is reason too.

1. If an inspection is required by the city the owner shall pay the ~~annual~~ inspection fee established by city council resolution. ~~The owner shall document compliance with the requirements of subsection 17.54.040 (C) of this section.~~

Commented [DD18]: Language unnecessary.

~~2. The owner shall document compliance with all requirements of the Transient Occupancy Tax Ordinance (Chapter 3.24) and Business License Ordinance (Chapter 5.04) of this code.~~ J. ~~Following an annual permit review (pursuant to subsection J of this section):~~

Commented [DD19]: Language is redundant. See Section 17.54.030C6 above.

~~1~~2. If the community development director determines the permittee is in compliance with all requirements of this section and the permit, the

community development director shall provide written notice to the permittee.

~~2~~3. If the community development director determines the permittee has failed to comply with this section or the permit, the community development director ~~shall~~may notice a public hearing of the planning commission pursuant to Section 17.20.050 of this code.

~~3~~4. Upon revocation 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.

~~K~~G. At any time during the term of a vacation rental permit, the community development 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 community development director determines in his or her discretion: (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.

1. Pursue any of the remedies set forth in Chapter 17.40 of this code; including, but not limited to notice a public hearing of the planning commission to consider a revocation of the use permit pursuant to Section 17.20.050 of this code.

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 of this code and subsection 17.54.050.

17.54.050 Enforcement

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 Chapter 17.20 of this code.

ORDINANCE NO. 2019-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS
AMENDING CHAPTER 17.12 (PLANNING AGENCY) AND CHAPTER 17.54 (VACATION RENTALS OF THE WINTERS MUNICIPAL CODE

The City Council of the City of Winters, State of California, does hereby ordain as follows:

1. Purpose. The purpose of this ordinance is to amend various sections of the text in the Winters Municipal Code (the "Municipal Code") necessary to regulate Vacation Rentals.

2. Authority. The City of Winters has authority to adopt this ordinance pursuant to the general police power granted to cities by Article 11, Section 7 of the California Constitution.

3. Amendments to Title 17. The City hereby makes the following amendments to Title 17 of the Municipal Code:

a. Chapter 17.12 of the Municipal Code is hereby amended to read as follows:

Chapter 17.12

PLANNING AGENCY

17.12.030 Powers and duties of the zoning administrator

D. Projects Subject to Zoning Administrator Review.

1. Minor Modifications and Extensions of Time of Planned Developments.

a. The zoning administrator may approve minor modifications of the detailed development plans or detailed development standards as well as time extensions in planned development (PD) overlay zones.

b. Findings.

Such minor modifications may be approved only if consistent with required findings in Section 17.48.110. Time extensions may be approved if consistent with required findings in Section 17.48.100.

2. Home Occupations.

ATTACHMENT B

a. Approval Authorized: The zoning administrator may approve applications for home occupations in residential (R) zones.

b. Findings: A home occupation shall be approved only if it is found to comply with the provisions of this section and Section 17.60.080 of this title. No public hearing shall be required, although notice of the application shall be provided to all contiguous property owners.

3. Review and Approval of Projects Exempt from California Environmental Quality Act (CEQA).

a. Approval Authorized. The zoning administrator may review and approve projects (other than ministerial projects) which are exempt from CEQA. However, the zoning administrator may refer projects involving substantial development, such as large additions to existing structures, to the planning commission for review and approval.

b. Findings. Such projects shall be approved only if found to comply in all respects with the provisions of this title.

4. Lot Splits on Parcels Less than One-Half (½) Acre in Size.

a. Approval Authorized. The zoning administrator may review and approve lot splits on parcels less than one-half (½) acre in size.

b. Findings. Such lot splits shall be approved only if found to comply in all respects with provisions of this title, applicable criteria of the city's subdivision regulations, environmental law and the State Subdivision Map Act.

5. Use Permits and Variances.

a. Approval Authorized. The zoning administrator may approve use permit and variance applications for certain projects as specified elsewhere in this title.

b. Findings. Use permit and variance applications shall only be approved if found to comply with the provisions of this section and with the required findings for approval of use permit and variance applications specified in Chapters 17.20 and 17.24, respectively.

6. Temporary Activity Permits.

a. Approval Authorized. The zoning administrator may approve temporary activity permits for certain activities as specified in this title. The zoning administrator shall determine the appropriate level of noticing, if any, required for each application.

b. Findings. A temporary activity permit shall only be approved if found to comply in all respects with the provisions of this section and with the required findings in Chapter 17.32.

7. Exotic Animals.

a. Approval Authorized. The zoning administrator may approve a permit for the keeping of exotic animals. While no public hearing is required, notice of the application shall be provided to all contiguous property owners.

b. Findings. The application may only be approved if the applicant can demonstrate that the keeping of such animal(s) will not create a general nuisance (such as excessive noise or odor) or pose a safety hazard to the general neighborhood, and that appropriate approvals from regulatory state and/or federal agencies are first obtained.

8. Expansion of Nonconforming Structures.

a. Approval Authorized. The zoning administrator may approve the expansion of nonconforming structures. While no public hearing is required, notice of the application shall be provided to all contiguous property owners.

b. Findings. The application may only be approved subject to compliance with this section and Chapter 17.104.

9. Sign Permit Review.

a. Approved Authorized. The zoning administrator may approve certain sign permits pursuant to Chapter 17.80.

b. Findings. The application may only be approved subject to compliance with this section and Section 17.80.080(D).

10. Vacation Rentals.

a. Approval Authorized. The zoning administrator may approve a permit for a "hosted accommodation" vacation rental. While no public hearing is required, notice of the application shall be provided to all property owners located with one hundred (100) feet of the proposed vacation rental.

b. Findings. The application may only be approved subject to compliance with this sections and Chapter 17.54.

b. Table 2 of Section 17.52.020 of the Municipal Code is hereby amended to read as follows:

17.52.020 Land Use/Zone Matrix. Revised 4/16 Revised 3/17 Revised 5/19 SHARE

LAND USE/ZONE MATRIX

KEY:		Zoning Designations:	
C= Conditional Use	(A-1) General Agricultural	(R-4) High Density Residential	B/P) Business Industrial Park
P= Permitted Use	(R-R) Rural Residential	(C-1) Neighborhood Commercial	(M-1) Light Industrial
T= Temporary Use	(R-1) Single-Family Residential	(C-2) Central Business District	(M-2) Heavy Industrial
	(R-2) One- and Two-Family Residential	(C-H) Highway Service Commercial	(PQP) Public/Quasi-
	(R-3) Multifamily Residential	(O-F) Office	(PD) Planned Development

AGRICULTURAL USES													
	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M-
Agricultural Operation	P	C											
Animal Production	P												
Businesses and Uses Prohibited by State or Federal Law													
COMMERCIAL AND OFFICE USES													

	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M
Adult Entertainment											C	C	
Automobile Repair, Major							C	C			C	C	P
Automobile Repair, Minor							P	P	P		P		
Bar, Cocktail Lounge							C	C					
Bed and Breakfast Inn			C	C	C	C		C					
Business Service							P	P		P	P		
Businesses and Uses Prohibited by State or Federal Law													
Financial Institutions							P	P		P	P		
Equipment Sales, Rental, Repair							P	P			P		
Funeral Parlor								P			C		
Hotel, Motel								C	C				
Nurseries	P						P	P			C	C	
Office, Business and Medical							P	P		P	P		
Outdoor Sales							C	C			C		

COMMERCIAL AND OFFICE USES (Continued)

	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M
Personal Retail Services							P	P					
Personal Storage								C			C	C	

Recreation, Indoor or Outdoor							C	C			C	C	
Recreational Vehicle Park									C		C		
Restaurant							P	P	P		C		
Restaurant, Drive-Through							C	C	P				
Retail Sales, General							P	P	C		C		
Roadside Stand	P	C					C	C					
Service Station							P	P	P		P		
Stationary Food Vendor							C	C	C				
Veterinary Hospital, Kennel	C						C	P					
INDUSTRIAL USES													
	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M-
Businesses and Uses Prohibited by State or Federal Law													
Finished Goods Assembly											P	P	P
Heavy Equipment Terminal											C	C	P
Laboratory, Research, Equipment										C		C	C
Manufacturing, Heavy General													C
Manufacturing, Light General												C	P
Mineral Extraction	C												C
Recycling Center Collection							P	P			P	P	P

Recycling and Salvage Yards													C
Warehouse, Wholesale, Freight Terminal												C	P

PUBLIC & QUASI-PUBLIC USES

	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M
Assembly Hall/Community Services	C	C					C	C		C	C		
Businesses and Uses Prohibited by State or Federal Law													
Cemetery	C												

PUBLIC & QUASI-PUBLIC USES (Continued)

	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M
Communication Equipment Facility	C	C			C	C	C	C	C	C	C	P	P
Convalescence and Care Services		C	C	C	C	C	C						
Cultural Facility						C	C						
Day Care, General		C	C	C	C	C				C	C		
Emergency Shelter					P	P		P					
Government Offices										C	C		
Hospital										C	C		
Public Parks	C	C	C	C			C	C	C				
Religious Institutions			C	C			C	C		C	C		
Safety Services							C	C		C	C		

Utility Services, Major	C	C											C
Utility Services, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P
Vocational Training Facility													
RESIDENTIAL USES													
	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2**	C-H	O-F	B/P	M-1	M-
Accessory Dwelling Units		P	P	P									
Businesses and Uses Prohibited by State or Federal Law													
Day Care, Limited		P	P	P	P	P							
Dwelling, Multiple-Family					P	P	C	C3		C			
Dwelling, Single-Family	P	P4	P4	P4	C	C4		C2,3					
Dwelling, Two-Family or Duplex			P1	P	C	C							
Farmworker Housing Unit	P		P	P	P	P		P5					
Farmworker Housing Complex	P				P	P		P5					
Mobilehome Park		C	C	C	C	C							
Single Room Occupancy					P	P		C					
Residential Care Facility		C	C	C	C								
Vacation Rental (Hosted)		C	C	C	C								
Vacation Rental (Non-hosted)		C	C	C	C								
TEMPORARY USES													

	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M-
Arts and Crafts Show	T						T	T	T	T	T	T	T

TEMPORARY USES (Continued)

	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M-
Businesses and Uses Prohibited by State or Federal Law													
Carnivals/Fairs/Fund Raisers	T	T	T	T	T	T	T	T	T	T	T	T	T
Construction Trailers	T	T	T	T	T	T	T	T	T	T	T	T	T
Religious Assembly	T												
Seasonal Sales	T	T					T	T	T		T	T	

Footnotes:

1. Affordable or market rate duplexes are allowed on all corner lots in the R-1 and R-2 zones citywide.

2. Only if an existing historical structure is planned for relocation to a C-2 zone that adjoins a residential district.

3. A single residential unit is allowed at a business located in the central business district zone (C-2) upon planning commission approval of a conditional use permit (CUP), while multifamily residential is allowed above a business in the C-2 zone upon planning commission approval of a CUP. A residential unit proposed for a first-floor area must be occupied by the property owner or licensed business proprietor, at least four hundred (400) square feet in size and located at the rear of the business. No more than twenty (20) percent of the existing first floor area can be converted into residential uses and the existing first floor area must be at least two thousand (2,000) square feet in size.

4. Manufactured homes and factory-built homes located on a permanent foundation are allowed in the specified zones by right or upon planning commission approval of a conditional use permit (CUP).

5. For single farmworkers, single room occupancy housing is permitted.

6. Vacation rental (hosted) is allowed in all residential zones subject to approval of a vacation rental permit by the zoning administrator

7. Vacation rental (non-hosted) is allowed in all residential zones upon approval of a conditional use permit (CUP) by the planning commission.

* All PD uses per PD permit, and as consistent with the general plan.

Also see: Chapter 17.36 (Design Review). Design review may be required, including for land uses which are otherwise permitted by this title, depending upon the type and location of the development project proposed.

** A commercial use operating from a residential structure originally constructed as a residential structure can be converted from a commercial use to a residential use.

c. Subdivision (B) of Section 17.54 of the Municipal Code is hereby amended to read as follows:

Chapter 17.54

VACATION RENTALS

Sections:

17.54.010 Purpose and intent
17.54.020 Definitions
17.54.030 Requirements for an application
17.54.040 Permit requirements
17.54.050 Enforcement

17.54.010 Purpose and intent.

The purpose of this chapter is to minimize the potential adverse impacts of transient occupancy uses in residential neighborhoods on traffic, noise and density, to ensure the health, safety and welfare of renters and guests patronizing vacation rentals in order to ensure the long term availability of housing stock in compliance with the Housing Element of the city of Winters General Plan.

17.54.020. Definitions.

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

"Applicant" is as defined in Section 17.04.140 of this code.

"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" means any habitable room with no less than seventy (70) square feet of floor area and no dimension less than seven (7) feet in a dwelling other than bathroom(s), kitchen, living and dining room. Unless specifically designed to exclude its use as a bedroom (e.g., no closet, enlarged entry ways without doors, no windows open to the exterior, etc.), any den, study or other room meeting the above definition of a bedroom shall be considered a bedroom for the purpose of meeting the standards of the code.

"Community development director" as defined in Section 17.04 of this code.

"Enforcement officer" means the community development director, building official, code enforcement officer, city department manager (to the extent responsible for enforcing provisions of this code), or any other city employee designated by the community development 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 or sleeps on the property of the vacation rental unit while it is being rented for transient occupancy pursuant to this section.

"Life safety" means those items required by the state of California (NFPA 101), which include: smoke and carbon monoxide detectors, fire extinguisher, functioning water heater, furnace and other gas appliances, six (6) inch or lighted address numbers visible from the street and openable windows (mean of egress) from bedrooms.

"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" is as defined in Section 17.04.140 of this code.

"Permittee" means the person to whom a vacation rental permit is issued pursuant to this section. To the extent 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 (see Chapter 1.16.).

"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 (1) domicile.

"Transient occupancy" means any person's use or possession, or right to use or possess, a building (or any portion thereof) for dwelling, lodging, or sleeping

purposes, for a period of thirty (30) consecutive calendar days or less (counting portions of calendar days as full days).

"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, all hosted accommodation vacation rentals, and all non-hosted accommodation vacation rentals.

"Vacation rental permit" means a permit issued by the community development director or a use permit issued by the planning commission.

"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.

"Zoning administrator" means the office of the zoning administrator pursuant to Section 65900 of the Government Code of the state.

17.54.030 Requirements for an application

The community development director shall invite applications for vacation rental permits pursuant to this subsection

A. Each application for a vacation rental permit shall include the following information, signed by the owner and the authorized agent for non-hosted accommodations:

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

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

3. If the vacation rental is proposed for a non-hosted accommodation, identify the owner's authorized agent (include the name, mailing address, email address, and telephone number).

4. 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 17.54.040(D).

5. Insure all designated bedrooms and structures being used for habitation meet life safety codes to include the following:

a. Smoke and carbon (CO2) monoxide detectors.
b. Fire extinguisher.
c. Six (6) inch or lighted address numbers visible from the street.
d. Openable windows (means of egress) from bedrooms
e. Functioning water heater, furnace and other gas appliances.

An inspection by the City may be necessary to verify compliance.

6. Identify the number and location of designated on-site parking spaces, and the maximum number of vehicles allowed for overnight occupants. Each vacation rental must provide one (1) legal off-street

parking space for each guest vehicle. On-street parking in front of the vacation rental may be counted towards meeting the parking requirement.

7. Acknowledge the owner and authorized agent for non-hosted accommodations has read all regulations pertaining to the operation of a vacation rental, including this section, the city's Transient Occupancy Tax Ordinance (Chapter 3.24) and the city's Business License Ordinance (Chapter 5.04) of this code, and any additional administrative regulations as determined by the community development director necessary to implement this section.

8. Provide any other information as the community development director deems reasonably necessary to administer this section.

9. Agree that any and all use of the property for vacation rental/transient occupancy purposes shall cease upon the revocation of the vacation rental permit pursuant to subsection 17.54.040(A).

B. The community development director shall evaluate permit applications, and process the applications for review by the zoning administrator pursuant to Section 17.12.030(D.)10 or the planning commission pursuant to Chapter 17.20 of this code and subsection D. Each applicant shall provide the following supplemental submittal in a form acceptable to the community development director:

1. Payment of the application and processing fee established by city council resolution. The fee is paid when establishing the use and is non-recurring.

2. Public notice mailing labels for "non-hosted accommodation" (to notify neighboring property owners, pursuant to Section 17.16.040(C)).

C. If the community development director determines an applicant has failed to satisfy the application requirements of subsection B or C of this section, the community development director shall provide written notice to the applicant of the determination.

D. If the community development director determines an applicant (hosted accommodation) has satisfied the application requirements of subsections B and C of this section, and the owner has borne the burden of proving the owner will adequately mitigate potential adverse impacts on the public health, safety, and welfare, the community development director shall schedule for a review by the zoning administrator pursuant to Section 17.12.030(D)10 of this code. The community development director, at his or her discretion, may refer an application for a hosted facility to the planning commission. The notice shall identify the date and time on which zoning administrator shall consider the permit application

E. If the community development director determines an applicant (non-hosted accommodation) has satisfied the application requirements of subsections B and C of this section, and the owner has borne the burden of proving the owner will adequately mitigate potential adverse impacts on the public health, safety, and welfare, the community development director shall

schedule for a public hearing a use permit pursuant to Chapter 17.20 and of this code.

17.54.040 Permit requirements

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

A. Each vacation rental permit issued under the authority of this section may be subject to an annual review by the community development department or planning commission.

B. Each vacation rental permit will be subject to the house rules set forth in this paragraph. The permittee shall provide the community development director with a copy of the house rules prior to rental of the vacation rental unit, and shall promptly notify the community development 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 shall be posted in a prominent location inside the vacation rental unit. Each vacation rental shall at a minimum comply with the following:

1. 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 (2) guests per bedroom, plus two (2) additional guests per vacation rental unit. In no case may more than ten (10) guests, not including the host family, be allowed to sleep in a vacation rental unit, this includes any property that has multiple habitable buildings.

The planning commission, as part of the use permit process, may allow more than ten (10) guests to sleep in a vacation rental unit.

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

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

4. 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 8.04 of this code. Trash cans shall not be placed on the street prior to twenty-four (24) hours before pick up day and shall be promptly removed from the street following service.

5. Guests of the vacation rental shall comply with the city's noise regulations in Chapter 8.20 and performance standards in Chapter 17.68.

6. The permittee shall, upon notification that renters and/or guests of his or her vacation rental have violated any house rules promptly act to stop the violation and prevent a recurrence of the violation.

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

8. Pets may be permitted by vacation rental business owner, however the pet must be attended to at all times.

C. 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 an approved hotel or bed and breakfast inn; or (b) the use is a vacation rental, which has been issued a vacation rental permit or a use permit pursuant to Chapter 17.20 of this code.

D. For each vacation rental use:

1. The owner or the authorized agent must be available by telephone within twenty-four (24) hours, while the vacation rental is rented.

2. The owner or the authorized agent (non-hosted accommodation) must be on the premises of the vacation rental unit within twenty-four hours of being notified (by a renter, or enforcement officer) there is a need for the owner to address an issue of permit compliance or the health, safety, or welfare of the public or the renter.

3. Only one (1) rental agreement per vacation rental unit shall be in effect at any one time.

4. It is a violation of this section for any accessory dwelling unit (as defined by Chapter 17.98 of this code) be used for transient occupancy purposes.

E. No person shall transfer, or attempt to transfer, a vacation rental permit to any other person, unless the transfer is made in accordance with this subsection H. Any attempt to transfer a vacation rental permit, or use a transferred vacation rental permit, not transferred in accordance with this subsection shall be void, and shall constitute a violation of this code.

F. A use permit granted for a non-hosted vacation rental is transferrable to a purchaser of the real property on which the permitted vacation rental unit is located, subject to the conditions of approval in the use permit and set forth in this paragraph. No purchaser shall operate a vacation rental use under the permitted owner's vacation rental permit until after the community development director has approved the transfer of the permit. The permitted owner shall submit to the community development director a written notice of intent to transfer the permit to the purchaser.

G. Each vacation rental permit issued pursuant to this section may be subject to an annual permit review and inspection to insure for compliance with life safety codes as stated in Section 17.54.030.A5.

1. If an inspection is required by the city the owner shall pay the inspection fee established by city council resolution.

2. If the community development director determines the permittee is in compliance with all requirements of this section and the permit, the community development director shall provide written notice to the permittee.

3. If the community development director determines the permittee has failed to comply with this section or the permit, the community development director may notice a public hearing of the planning commission pursuant to Section 17.20.050 of this code.

4. Upon revocation 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.

H. At any time during the term of a vacation rental permit, the community development 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 community development director determines in his or her discretion: (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.

1. Pursue any of the remedies set forth in Chapter 17.40 of this code; including, but not limited to notice a public hearing of the planning commission to consider a revocation of the use permit pursuant to Section 17.20.050 of this code.

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 of this code and subsection 17.54.050.

17.54.050 Enforcement

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 Chapter 17.20 of this code.

17.44.205 – Short Term Rentals

This Section provides standards for short term rentals where allowed by Article 2 (Zones, Allowable Land Uses, and Zone Standards).

A. **Purpose.** This Section provides standards for vacation rental homes and hosted short term rental units as an alternative to hotels, motels, and bed and breakfast inns and establishes a Minor Use Permit requirement and permit procedures for vacation rental homes. The intent of this Section is to minimize impacts on surrounding residential areas and to protect the residential character of the neighborhoods.

B. **Standards for hosted short term rental units.**

1. No more than two (2) rooms per property shall be rented at the same time;
2. A hosted short term rental unit shall require a business license;
3. The owner or manager of a hosted short term rental unit shall be subject to applicable transient occupancy taxes, pursuant to Chapter 3.16 of the Grass Valley Municipal Code;
4. The owner or manager shall reside in the home and shall occupy the hosted short term rental unit during rental periods;
5. The owner or manager shall post up-to-date information in the rented room to assist renters in dealing with natural disasters, power outages, and other emergencies;
6. Food services provided to renters shall comply with County Environmental Health requirements;
7. No exterior signs advertising the business shall be allowed on the property;
8. Off-street parking shall be provided as required by Section 17.36.040 (Number of Parking Spaces Required) for a hosted short term rental unit;
9. Renters shall comply with the noise regulations in Chapter 8.28 of the Grass Valley Municipal Code; and,
10. The hosted short term rental shall operate without unduly interfering with the surrounding residential neighborhood.

C. **Standards for vacation rental homes.**

1. The property owner of a vacation rental home shall obtain approval of a Minor Use Permit pursuant to Section 17.72.060 of the Grass Valley Municipal Code.
2. A vacation rental home shall require a business license;
3. The owner or manager of a vacation rental home shall be subject to applicable transient occupancy taxes, pursuant to Chapter 3.16 of the Grass Valley Municipal Code;
4. The owner or manager must live within 30 miles of the vacation rental home. The owner shall provide to the City as part of the Minor Use Permit, the name and telephone number of the local contact person who shall be responsible for responding to questions or concerns about the operations of the vacation rental home. The local contact person shall be available to accept and immediately respond to telephone calls on a 24-hour basis at all times the vacation rental home is rented or occupied;

ATTACHMENT C

5. The owner shall post up-to-date information in the rented room to assist renters in dealing with natural disasters, power outages, and other emergencies;

6. No exterior signs advertising the business shall be allowed on the property;

7. Off-street parking shall be provided as required by Section 17.36.040 (Number of Parking Spaces Required) for a vacation rental home;

8. A vacation rental home with five or more guest rooms, or capacity for 10 or more total occupants, including permanent residents, shall meet current fire and building codes, and accessibility requirements;

9. Renters shall comply with the noise regulations in Chapter 8.28 of the Grass Valley Municipal Code; and,

10. The vacation rental home shall operate without unduly interfering with the surrounding residential neighborhood.

D. **Violations; Revocation of Permit; Penalties.** The following steps are intended to provide a streamlined compliance and permit revocation process for persons violating the provisions of this Section. This process is intended to protect residential neighborhoods from conditions that can negatively impact the general health, safety and welfare of the City's residents that are created when persons fail to abide by the rules, requirements, and regulations of their Minor Use Permit and the Municipal Code. To the extent the provisions of this Section conflict with provisions elsewhere in the Grass Valley Development Code, the provisions in this Section shall control and take precedence.

1. Violations and noncompliance. Failure by the permittee to comply with any requirement imposed by this Section or any requirement or condition imposed by the Minor Use Permit ("MUP") shall constitute a violation of the MUP and shall be grounds for its suspension, non-renewal, and/or revocation, in the city manager's discretion, depending on the nature or severity of the violation, the permittee's failure to correct a noticed violation, or on repeated violations by the permittee, even if such violations are corrected.

2. Notice of Violation. Upon discovery that a violation exists, , the city manager shall issue a Notice of Violation to the Permittee, which Notice shall describe the nature of the violation and the date on which it occurred and cite the specific Permit requirement or Code Section is alleged to have been violated. Said Notice of Violation shall be personally served or sent by U.S. certified mail. The Permittee shall have ten (10) days of the date of the Notice within which to correct the violation(s), unless in the discretion of the, the nature of the violation requires the Permit be immediately suspended.

3. Right to Appeal. The right to appeal shall terminate on the tenth calendar day after the date of the Notice or, if the tenth day falls on a day that City Hall is closed, on the next business day. An appeal shall be filed with the City Clerk and be accompanied by the filing fee identified in the City's Planning Fee Schedule.

4. Appeal Hearing and Rules of Evidence -
   a. The city manager or designee shall hold the hearing during ordinary business hours in a room in City Hall;

b. Oral evidence shall be taken only under oath or affirmation. The city manager or designee shall have authority to administer oaths and to receive and rule on admissibility of evidence;

5. Following a hearing with the city manager where a permit is revoked, the owner may reapply for a new permit no sooner than one (1) year after the date of revocation. Revocation shall not constitute a waiver of the fees and taxes due under the MUP at time of revocation.

6. Penalties.
   a. Each day in which the property is used in violation of any part of this ordinance shall be considered a separate violation;
   b. Any person who violates any provision of this Section is guilty of a misdemeanor.
   c. Any short term rental establishment operated, conducted or maintained contrary to the provisions of this Section shall be unlawful and declared to be a public nuisance, and the city may, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding or proceedings, for the abatement, removal and enjoinment thereof, in the manner provided by law, and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such short term rental establishments and restrain and enjoin any person from operating, conducting or maintaining a short term rental establishment contrary to the provisions of this Section.
   d. The penalties set forth herein are cumulative and in addition to all other remedies, violations and penalties set forth in this chapter, or in any other ordinances, laws, rules or regulations of the City of Grass Valley, Nevada County and the State of California, including, without limitation, administrative enforcement pursuant to Chapter 1.14 of this Code.

17.44.210 - Single Dwellings

Single dwellings, including mobile/manufactured homes permitted in compliance with Government Code Section 65852.3 in residential and neighborhood zones shall comply with the following design standards. These requirements do not apply to mobile/manufactured homes within mobile home parks, unless these requirements are included in the conditions of approval of a mobile home park.

A. Design and development standards.

1. **Facade width.** The street-facing facade of each single dwelling shall be a minimum of 20 feet wide, exclusive of garage.

2. **Exterior materials.** Exterior materials shall conform to the standards of the Grass Valley Building Code.

3. **Foundations.** Foundations shall be along the perimeter of the structure and be of concrete or masonry material. Exterior materials shall extend to the foundation.

4. **Roof design and materials.**

   a. Roofing materials shall comply with the Building Code.

   b. Each roof shall have a pitch of no less than three inches of vertical rise for each 12 inches of horizontal run.

   c. Each roof shall have eave and overhangs of not less than one foot measured from the vertical side of the structure.

Yountville Municipal Code

Title 17 ZONING

Chapter 17.112 VACATION TIME-SHARE REGULATIONS

17.112.010 Vacation time-share projects.

Vacation time-share projects are hereby prohibited within all designated land use areas in the Town of Yountville. In this chapter, the term "vacation time-share project" shall refer to any arrangement where the use, occupancy, or possession of real property circulates among purchasers of intervals of ownership according to a fixed or floating time schedule on a periodic basis for a specific period of time during any given year, regardless of the name used to describe this method of use, occupancy, or possession. (Ord. 231-92 § 6.8)

NEVADA CITY

17.72.080 - Hosted short-term rentals.

A. Definitions. The following terms shall have the following definitions in this section.

1. "Manager" shall mean the Owner or an agent of the Owner responsible for managing the Hosted short-term rental of a Unit(s) under this section.
2. "Property" shall mean a single-family residential.
3. "Owner" shall mean the record owner of the Property.
4. "Hosted short-term rental" shall mean the rental of all or a portion of a Unit for less than thirty (30) days.
5. "Unit" shall mean a room or dwelling unit on a Property used for sleeping or living quarters, including a guest house located on the Property.

B. Hosted short-term rentals. Notwithstanding anything to the contrary in this code, including Sections 17.72.038 and 17.72.120, the Hosted short-term rental of Units within a Property by the Owner is permitted within all residential zones and uses subject to the following terms and conditions:

1. The Owner shall register the Property annually with the City prior to offering any Unit for Hosted short-term rental. The Owner and Manager shall affirm in such registration that he, she or it shall comply with all requirements of this Section. The City may adopt and modify procedures for the registration of Properties consistent with the requirements of this Section. However, the issuance of a registration shall be processed ministerially upon the filing of a full and complete application by the Owner.
2. No more than two (2) Units within a Property may be rented or offered for rent at the same time.
3. The Owner or Manager shall reside at the Property or in Nevada Cowity [County] to ensure adequate and timely response to any police, code enforcement or other City action related to the Property. The Owner or Manager shall provide emergency contact information to the City with its annual registration.
4. Units shall comply with all applicable building and similar codes, including providing all required sanitation facilities.
5. No more than one (1) vehicle per Unit shall be allowed during each Hosted short-term rental.

6. The Owner or Manager shall comply with the requirements of Chapter 3.24 of this Code, including paying all applicable transient occupancy tax.
7. This Section does not and is not intended to permit an Owner to use his or her Property solely for Hosted short-term rentals.
8. The Owner and Manager shall comply with all applicable provisions of this Code and other applicable law. This Section does not authorize any activity otherwise prohibited by applicable law. Without limiting the foregoing, commercial meetings such as luncheons, parties, weddings, charitable fundraising, or other gathering for direct or indirect compensation are not allowed. In addition to any other applicable remedies, any violation of this section shall constitute a public nuisance.
9. Owner or Manager, prior to the initial hosted short-term rental, will distribute a courtesy neighborhood notice of their intent to provide hosted short-term rental(s) and how short-term renters will be accessing the residence.
10. Conduct Guidelines set forth by the City of Nevada City shall be presented to hosted short-term renters prior to or upon their occupancy of the unit.

(Ord. No. 2015-12, § I, 12-9-2015)

Editor's note— Section 17.72.080 pertaining to short term rentals as adopted by Ordinance 94-04 was repealed at the general municipal election in November of 1994 by approval of voter initiative Measure F. This new section 17.72.080 reflects adoption without change of a new Initiative measure presented with certification to the City Council on November 18, 2015, pursuant to California Elections Code § 9215.

CLOVERDALE

A. Permit Required. Swimming pools and recreational courts may be permitted as accessory uses to the primary residential uses.

B. Swimming Pools.

1. Swimming pools shall be set back a minimum of five feet from the rear and interior side property lines and ten feet from a street side property line to the water line.

2. Swimming pools shall be located within the rear half of the lot or fifty feet from the front property line, whichever is less.

3. All swimming pools proposed to be heated must be equipped with a solar pool heating system. Conventional swimming pool heating systems are prohibited.

4. Pool filtering equipment shall not be closer than twenty feet to any dwelling other than the owner's.

5. No pool shall occupy over fifty percent of the required rear yard.

C. Recreational Courts.

1. The maximum height of fences enclosing recreational courts shall be six feet, unless a conditional use permit is obtained allowing a greater height.

2. Recreational courts shall be set back a minimum of ten feet from side and rear property lines.

3. All lighting shall be:

a. Designed, constructed, mounted, and maintained such that the light source is cut off when viewed from any point above five feet, measured outside of the lot at the lot line.

b. Used only between the hours of seven a.m. and ten p.m.

4. The surface of any recreational court shall be designed, painted, colored, and/or treated to reduce reflection from any lighting thereon.

The above standards shall be considered minimum standards. The appropriate approval authority may impose more stringent standards in cases where extraordinary site conditions exist. (Ord. 698-2015 § 3 (Att. 1) (part), 2015)

18.09.260 Nonhosted vacation rentals.

Nonhosted vacation rentals are permitted in commercial zoning districts as indicated in Table 18.05.030-A. A nonhosted vacation rental is a residence that is rented in its entirety as a tourist accommodation and is distinguished from a bed and breakfast inn because the vacation rental does not require an owner or operator to reside on the premises. In general, it is expected that nonhosted vacation rentals will be in existing houses.

A. Permit Required. A conditional use permit shall be required for any nonhosted vacation rental. The conditional use permit shall expire and become null and void in one year from the date that the use becomes discontinued.

B. Minimum Development Requirements. Nonhosted vacation rentals shall comply with the development standards for the zoning district in which they are to be located and with the special conditions below.

1. Any proposed nonhosted vacation rental shall be compatible with the neighborhood and shall be harmonious and compatible with the existing uses within the neighborhood.

2. A nonhosted vacation rental shall consist of no more than one complete residential unit on a parcel and must be detached from any other residential use.

3. Parking requirements are one space per bedroom. Excessive amounts of paving shall not be allowed. Areas devoted to parking and paving should not be disproportionate to the site size.

4. All California Building Standards Code and Fire Code requirements for the level of occupancy of the nonhosted vacation rental shall apply and must be met. All units are subject to inspection.

5. All environmental health regulations shall be met.

6. Guest stays shall be limited to a period less than thirty consecutive days.

7. A city business license is required and shall be maintained at all times.

8. Transient occupancy tax (TOT) shall be paid by the owner or operator per requirements of the city of Cloverdale Municipal Code. Nonpayment of TOT when the use is still operational may constitute grounds for revocation of the conditional use permit by the planning commission. Nonpayment for a period of one year shall be evidence that the use is discontinued.

9. A maximum occupancy shall be established for the nonhosted vacation rental at the time of conditional use permit issuance. The number shall be determined by the size and nature of the rental and on-site parking provision. Violation of the established occupancy is subject to the revocation of the conditional use permit by the planning commission.

10. Rules for occupancy shall be posted on site including proper handling of trash and recyclables, noise and quiet hours, emergency contact information that includes police and fire, maximum occupancy limits, and other specific responsible use guidelines for rental features and equipment.

11. Adjoining neighbors shall be given owner or operator contact information in case of disturbance, and shall be notified prior to the issuance of the conditional use permit.

12. All postings to advertise a nonhosted vacation rental shall also post the permit number and business license with the advertisement. (Ord. 723-2018 § 4 (Exh. F), 2018: Ord. 698-2015 § 3 (Att. 1) (part), 2015)

18.09.265 Hosted vacation rentals.

Hosted vacation rentals are permitted in all residential zoning districts as indicated in Table 18.04.040-A. A hosted vacation rental is the short-term rental of residential units (dwelling units, bedrooms or guest quarters) where the property owner resides and sleeps on the same property that

the residential unit is located on while it is being rented. Hosted vacation rentals are distinguished from a bed and breakfast inn because the number of rooms which may be rented are restricted and the number of days within a calendar year that the residential unit may be rented are limited for hosted vacation rentals.

A. Registration Required. A residential unit shall not be used as a hosted vacation rental unless it is listed on the hosted vacation rental registry maintained by the city.

B. Use of Accessory Dwelling Units Prohibited. An accessory dwelling unit (ADU) shall not be permitted for use as a hosted vacation rental because the city recognizes the importance of maintaining ADUs as potential long-term rentals for the city's housing stock.

C. Development Requirements and Special Conditions. Hosted vacation rentals shall comply with all of the development standards for the zoning district in which they are located and with the special conditions listed below.

1. The residential unit shall not be used as a hosted vacation rental for more than one hundred twenty days in a calendar year.

2. No more than two bedrooms within a dwelling unit may be rented at any one time and the maximum occupancy per bedroom rented shall be two persons (excluding children ages fifteen and younger).

3. Guest stays shall be limited to a period of less than thirty consecutive days.

4. A city business license shall be maintained at all times.

5. Transient occupancy tax (TOT) shall be paid by the owner pursuant to the requirements of the city of Cloverdale Municipal Code. Nonpayment of TOT while the use is operational may constitute grounds for removal of the residential unit from the hosted vacation rental registry. Nonpayment for a period of one year shall be evidence that the use is discontinued.

6. All California Building Code and Fire Code requirements applicable for the level of occupancy of the hosted vacation rental shall apply and must be met. All units shall be inspected prior to an initial listing term on the hosted vacation rental registry and reinspected prior to each extension.

7. All property owners and occupants within two hundred feet of a residential unit used as a hosted vacation rental shall be provided with contact information of the property owner of the hosted vacation rental in case of disturbance, and shall be notified prior to the residential unit being listed on the hosted vacation rental registry.

8. All postings and advertisements published for a hosted vacation rental shall include the registry number in the posting or advertisement.

9. The property owner shall file an annual report with the planning director on or before December thirty-first of each year in which a residential unit is listed on the hosted vacation rental registry for all or part of that calendar year which shall set forth:

a. The number of days in that calendar year in which the residential unit was rented;

b. How many bedrooms available for rent.

10. The property owner shall reside and sleep in a dwelling unit or guest quarters on the same property that the residential unit is located on while it is being rented. (Ord. 723-2018 § 4 (Exh. G), 2018)

18.09.270 Vehicle repair facilities.

This section provides for the mitigation of potential noise, fumes, litter, and parking problems associated with motor vehicle repair facilities. The development standards contained in this section are intended to ensure that vehicle repair facilities operate harmoniously and are compatible with adjacent and surrounding uses.

A. Permit Required. Repair facilities are permitted in the applicable commercial and industrial zoning districts only with approval of a conditional use permit. Each vehicle repair facility, including one that is part of and incorporated within an automobile dealership, shall conform to the development standards of the zoning district in which it is to be located, with the development standards for automobile dealerships set forth herein, and with the following development standards:

B. Minimum Development Standards.

1. Paving. The site shall be entirely paved, except for buildings and landscaping.

2. Structures. Entrances to individual service bays shall not face public rights-of-way or abutting residential parcels. All structures shall be constructed to achieve a minimum standard transmission coefficient (STC) sound rating of forty-five to fifty.

3. Repair Activities. All repair activities and operations shall be conducted entirely within an enclosed building. Outdoor hoists are prohibited.

4. Enclosure. Repair facilities performing body and fender work or similar noise-generating activities shall be conducted in fully enclosed structures with walls of concrete block or similar materials and doors in maximum half open position during operating hours. All painting shall occur within a fully enclosed booth.

5. Litter. The premises shall be kept in a neat and orderly condition at all times and all improvements shall be maintained in a condition of reasonable repair and appearance. No used or discarded automotive parts or equipment or permanently disabled, junked or wrecked vehicles may be stored outside the main building.

6. Storage. Exterior parking area shall be used for employee and customer parking only, and not for the repair or finishing work or long-term (over one week) storage of vehicles. No vehicles to be repaired shall be parked or stored on any street or in any alley. (Ord. 698-2015 § 3 (Att. 1) (part), 2015)

18.09.280 Wind energy systems, small.

The purpose and intent of this section is to enable construction of small wind energy systems for on-site home, farm and small commercial use.