

- 3. Setback requirements.** Accessory structures shall comply with the following setback requirements.
- a. Front setback.** An accessory structure shall be set back from a front property line by a minimum distance:
 - (1) As required by Subsection D.3.c for animal structures.
 - (2) An accessory structure in a required front yard setback shall comply with the driveway visibility requirements of Section D3-10 (Setback Requirements and Exceptions), and the site obstruction requirements of Section D3-37 (Driveways and Site Access).
 - b. Side and rear setbacks.** An accessory structure shall be set back from the side and rear property line as follows:
 - (1) If the structure is of 18 inches or less in height, no setback is required;
 - (2) If the structure is greater than 18 inches but 6 feet or less in height, a three-foot setback is required; and
 - (3) If the structure is greater than 6 feet in height, the setback shall be equal to the height less three feet.
 - c. Setbacks for animal keeping structures.**
 - (1) **Small animal structures.** The minimum setback for structures housing small domestic animals shall be 60 feet from the front property line; and 40 feet from both the side and rear property lines (small structures housing dogs are excluded from this standard). For chicken coops, see Division D4, Chapter VII.
 - (2) **Large animal structures.** The minimum setback for barns, stables, and similar accessory structures housing large animals shall be 100 feet from the front property line; and 50 feet from both side and rear property lines.
- F. PD zone.** The size and location of accessory structures shall comply with the requirements of the adopted PD or specific plan for the applicable PD zone. If the PD standards do not address standards for accessory structures, then the requirements of R zone apply to residential developments and C zone standards apply to commercial developments.

D4-27 - Bed and Breakfast Inns and Short-Term Rentals

Where allowed by Division D2 (Allowable Land Uses and Zoning Standards), Bed and Breakfast Inns and Short-Term Rentals (internet based or otherwise), shall comply with the requirements of this Section.

- A. Definitions.** Except where the context otherwise requires, the following definitions are applicable to this Section:
- 1. **Short-term rental (STR).** A dwelling that is leased or rented in full or in part for the purpose of overnight lodging for less than thirty (30) consecutive day terms. Short-term rentals are not considered home occupations for permitting and are treated separately.
 - 2. **Bed and Breakfast Inn (B&B).** A residential structure with one or more bedrooms rented for overnight lodging throughout the year, where meals may be provided subject to applicable Environmental Health Department regulations.
 - 3. **Dwelling.** Any structure, or any portion of any structure, which is occupied or intended or designed for exclusively residential occupancy by transients for habitation, lodging or sleeping

purposes. Dwellings include single-family and multifamily uses, but do not include a hotel, motel or boarding house.

4. **Transient.** Any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of twenty-nine (29) consecutive calendar days or less, counting portions of calendar days as full days. Any such person so occupying space in a short term rental shall be deemed a transient until the period of twenty-nine (29) days has expired unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy.
5. **Occupancy.** The use or possession, or the right to the use or possession of any room or rooms or portion thereof, in any dwelling for habitation, lodging or sleeping purposes.
6. **Operator.** The person who is proprietor of the bed and breakfast inn or short term rental, whether in the capacity of owner, lessee, sub-lessee, mortgagee in possession, licensee, or any other capacity. Where the operator performs his or her functions through a managing agent of any type or character other than an employee, the managing agent shall also be deemed an operator for the purposes of this chapter and shall have the same duties and liabilities as his or her principal. Compliance with the provisions of this Chapter by either the principal or the managing agent shall, however, be considered to be compliant by both.
7. **Person.** Any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.
8. **Rent.** The consideration charged, whether or not received, for the occupancy of space in a short-term rental valued in money, whether to be received in cash, credits and property and services of any kind or nature.
9. **Hosted short-term rental.** The renting of a room or portion in a dwelling in which the Operator is living onsite and actively managing the activities that occur on the property.
10. **Un-hosted short-term rental.** The renting of a whole dwelling, room(s) or property in which the Operator is not onsite to manage the activities that occur on the property, but has provided a local contact to address potential issues.

B. Bed and Breakfast Inns.

1. **Owner occupancy required.** A bed and breakfast inn shall be operated by the property owner living on the site. This requirement may be waived by the Planning Commission.
2. **Limitation on number of guest rooms.** A bed and breakfast inn shall be limited to a maximum of six guest rooms for lodging.
3. **Signs.** Signs shall be limited to a single sign with a maximum area of six feet. The face of the sign may be indirectly illuminated by an exterior light source entirely shielded from view, but no internal illumination from an interior light source shall be permitted.

C. Short-Term Rentals

1. **Registration Required.** It is unlawful for any person to operate a short-term rental within any residential district as defined by Division D2 (Allowable Land Uses and Zoning Standards) in the City without first registering the short term rental pursuant to this section.
2. **Registration Application Requirements.** Each short-term rental shall be registered annually with the City or by completing a City-provided registration form containing the following information:

- a. The physical address and type of the short-term rental (hosted or un-hosted).
- b. The name, address, telephone number, and signature of the property owner of the short-term rental for which the registration is sought.
- c. The name, address, telephone number, and signature of the short-term rental operator (if different than the property owner) who will be responsible for operating the rental.
- d. The name and telephone number of local contact person(s) who can be available twenty-four (24) hours a day to accept telephone calls and respond physically to the short-term rental within thirty (30) minutes when the short-term rental is rented.
- e. The number of bedrooms in the short-term rental which will be used to calculate the occupancy limit for the short-term rental when it is being rented in full or in part.
- f. Acknowledgement that the owner/operator shall include the City short-term rental registration number provided with the proof of registration on any written advertisements (whether in paper or electronic form) for use of the short-term rental.
- g. Acknowledgement that all construction at the property containing the short-term rental was conducted in compliance with building codes applicable at the time.
- h. Acknowledgement that the short-term rental does and shall comply with all Terms of Use requirements set forth in Subsection D below.
- i. Proof of insurance that demonstrate that the property is insured for the use of a short-term rental.
- j. Acknowledgement of the requirement to hold harmless, indemnify and defend the City and staff against claims and litigations arising from or related to the issuance of the short-term rental registration.

D. Terms of Use/Conditions of Operation. In the registration filed with the City, the owner and Operator (if different from the owner) shall acknowledge the following requirements and conditions:

1. When any portion of the short-term rental is rented, the total maximum occupancy of the dwelling containing the short-term rental is limited to the maximum number specified on the proof of registration. That maximum is calculated as follows: two (2) adults per bedroom.
2. The short-term rental shall not be rented for the purpose of holding special events such as weddings, conferences, parties, etc.
3. All short-term rentals shall be associated with a habitable structure/dwelling. No tents, RVs or camping shall be allowed as a short-term rental.
4. The owner/operator of a short-term rental on any given lot may only arrange for one rental contract to take place at any given time on that property.
5. The short-term rental owner and operator are jointly responsible for ensuring the short-term rental complies with all local, state and federal health and safety requirements, including those regarding smoke detectors, fire alarms and fire extinguishers.
6. The short-term rental owner and operator are jointly responsible for compliance with all City regulations including those regarding noise, property maintenance, trash and occupancy.
7. Parking for short-term rentals shall utilize the onsite parking (garage and driveway), as provided for by the property design and layout. Street parking shall be utilized only after the onsite

- options have been exhausted. No oversized vehicle shall be parked on the property associated with a short-term rental and there shall be no parking on landscape areas.
8. No signage shall be permitted in association with short-term rentals.
 9. The Operator shall register with the City for the collection and remittance of Transient Occupancy Taxes (TOT) associated with the operation of the short-term rental. The Operator shall be responsible for annual payments of TOT less any TOT payments collected by host websites which are subject to a separate agreement with the City.
 10. The short-term rental registration is non-transferable.
 11. The Operator shall be responsible for providing the renter copies of the Terms of Use, any additional house rules, and ensuring compliance with those standards.
 12. The renting of un-hosted short-term rentals shall be limited to a maximum of 12 weeks per year. Hosted short-term rentals, with onsite live-in Operators, are not subject to specific limitations on the renting of rooms, etc.
 13. No short-term rentals shall be allowed within a dwelling unit that is subject to an affordable housing agreement which restricts the dwelling unit from being rented.
 14. Any modification, improvements and conversions within the dwelling unit shall be made in compliance with the Uniform Building Code and subject to the building permitting process.
- E. Application Review.** The Director (or designee), shall be responsible for reviewing the site conditions and verifying the veracity of the information provided on the registration applications. Based on that review, the Director shall have the authority to impose additional conditions on the Terms of Use based on site conditions or other concerns that result from the application review. Any additional conditions imposed by the Director may be appealed to the Planning Commission.
- F. Registration and Renewal Fee Required.** At the time of registration or renewal, the owner/operator shall pay a registration fee in an amount set from time to time by Resolution of the City Council to reimburse the City for the cost of processing the registration. Registration shall be initiated only upon the successful payment of the registration fee and a complete registration packet. An annual renewal application and fee shall be submitted 30 days prior to the expiration of the current short-term rental registration. The registration and renewal fees are non-refundable.
- G. Enforcement.** Violations of this Section may be enforced pursuant to Title B of the Municipal Code. Upon a determination of a violation of the short-term rental standards or the determination that the operation of the short-term rental constitutes a public nuisance, a public hearing may be scheduled by the Zoning Administrator to consider revocation of the registration and the ability to operate a short-term rental at the subject property per Section D7-32 of the Zoning Ordinance. A revoked short-term rental registration shall not be considered for re-issuance for a period of 12 months following the effective date of the revocation.