

ORDINANCE O2013 __

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
NAPA, STATE OF CALIFORNIA, ADDING A NEW
SUBSECTION 105 TO CHAPTER 17.52 AND AMENDING
SUBSECTIONS 17.06.030, 17.08.020, 17.10.020, 17.12.020,
17.14.020, 17.16.020, 17.18.020, 17.20.020, 17.28.030 AND
17.58.020 OF THE NAPA MUNICIPAL CODE RELATING TO
COTTAGE FOOD OPERATIONS

WHEREAS, Assembly Bill 1616, which amended State law, including, but not limited to California Government Code Part 1 of Division 1 of Title 5, Sections 109947, 110050, 110460, 11955, 113789, 114021, 114023, 114390, 114405, and 114409 and California Health and Safety Code Part 7 of Division 104, requires municipalities to allow for cottage food operations within residences, effective January 1, 2013; and

WHEREAS, the City wishes to establish standards for cottage food businesses as an accessory use to dwelling units and to ensure compatibility with the residential character of the neighborhoods in which such businesses are located; and

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meeting of the City Council identified herein, including any supporting reports by City Staff, and any information provided during public meetings.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Napa as follows:

SECTION 1: Amendment. Napa Municipal Code Subsection 17.06.030 is hereby amended to add “Cottage food operations” to the appropriate alphabetical location within the section, to read as set forth below:

“Cottage food operations” means an enterprise defined by the California Health and Safety Code Section 11378, holding a permit or registration by the County of Napa, and is generally an accessory business located within a residence where non-potential hazardous food products are prepared or packed for direct (“Class A” as defined in Section 113758), indirect (“Class B” as defined in Section 113758), or direct and indirect sale to consumers (see Section 17.52.105).

SECTION 2: Amendment. A new Section 17.52.105, “Cottage Food Operations,” is hereby added to Title 17 of the Napa Municipal Code, to read as set forth below:

17.52.105 Cottage Food Operations

- A. Purpose. The purpose of this section is to implement requirements of Assembly Bill 1616 (Chapter 415, effective January 1, 2013), which amended State law, including, but not limited to California Government Code Chapter 6.1 Part 1 of Di-

vision 1 of Title 5, Sections 109947, 110050, 110460, 11955, 113789, 114021, 114023, 114390, 114405, and 114409 and California Health and Safety Code Part 7 of Division 104, to allow for cottage food operations, establish standards for cottage food businesses as an accessory use to dwelling units, and to ensure compatibility with the residential character of the neighborhoods in which such businesses are located.

- B. Definition. "Cottage food operations" means an enterprise as defined by California Health and Safety Code Section 113758, holding a permit or registration issued by the County of Napa, and is generally an accessory business located within a residence where non-potentially hazardous food products are prepared or packaged for direct, indirect, or direct and indirect sale to consumers.
- C. Applicability. A cottage food operation is an accessory use permitted in any legally established dwelling, subject to standards in Subsections D and E, and is a distinct use different than a home occupation. Cottage food operations are not required to comply with the requirements of home occupations as defined in Section 17.52.240.
- D. Standards. Cottage food operations are permitted accessory uses to residences provided that all of the following standards are met:
 - 1. Size. The use is confined to the registered or permitted area, as defined by Section 113758 of the California Health and Safety Code and shall not exceed 200 square feet or 25% of the principal dwelling, attached or detached garage, or any other accessory structure. A garage may be used for storage only when sufficient parking spaces remain available to meet current residential parking standards.
 - 2. Indoors. The use, including any storage, is conducted entirely indoors within the principal dwelling, garages, or accessory structures.
 - 3. Immediate Family or Household Members Only. The use is carried on only by an immediate family member or household member occupying the dwelling, with no other person employed.
 - 4. Traffic. The operation shall not invite customers to the residence and the operation shall not transact business with customers at the residence.
 - 5. Signage. No on-site signage or advertisement identifying the cottage operation is permitted.
 - 6. Vehicle. The use is allowed to keep up to one commercial vehicle on the premises as long as the commercial vehicle is parked inside the garage at all times when at home.
 - 7. Deliveries. Merchandise produced on the premises may be delivered to customers or clients. This subsection does not prohibit the operation from the delivery of merchandise from the residences to customers or the pick-up or delivery by commercial parcel service companies.
 - 8. No On-Site Dining. On-site dining or tasting events for customers are prohibited.
 - 9. County Authorization Required. The applicant shall furnish to the City evidence of the application for or issuance of the necessary permits and/or registration for operation from the County of Napa.

E. Expanded Cottage Food Operations. Exceptions to the standards established in Subsections D.3 and D.4 may be granted with the approval of an administrative permit for an expanded cottage food operation pursuant to Chapter 17.58 and provided that all of the following standards are met:

1. Size. The use is confined to the registered or permitted area, as defined by Section 113758 of the California Health and Safety Code and shall not exceed 200 square feet or 25% of the principal dwelling, attached or detached garage, or any other accessory structure. A garage may be used for storage only when sufficient parking spaces remain available to meet current residential parking standards.
2. Indoors. The use, including any storage, is conducted entirely indoors within the principal dwelling, garages, or accessory structures.
3. Employee. One cottage food employee, as defined in Section 113758 of the California Health and Safety Code, is permitted to be employed by the cottage food operation in addition to any immediate family member or household member occupying the dwelling.
4. Traffic. Direct sales, as defined in Section 113758 of the California Health and Safety Code, or third-party retailers at the expanded cottage food operation are limited to one customer at any given time; are limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday and 8:00 a.m. to 7:00 p.m. on weekends or legal holidays; shall be conducted entirely indoors pursuant to Subsection 17.52.105.E.2; and no dining is permitted pursuant to Subsection 17.52.105.E.8.
5. Signage. One sign affixed near the entrance of the dwelling and no greater than one square foot in size may be permitted.
6. Vehicle. The use is allowed to keep up to one commercial vehicle on the premises as long as the commercial vehicle is parked inside the garage at all times when at home.
7. Deliveries. Merchandise produced on the premises may be delivered to customers or clients. This subsection does not prohibit the operation from the delivery of merchandise from the residences to customers or the pick-up or delivery by commercial parcel service companies.
8. No On-Site Dining. On-site dining or tasting events for customers are prohibited.
9. County Authorization Required. The applicant shall furnish to the City evidence of the application for or issuance of the necessary permits and/or registration for operation from the County of Napa.

SECTION 3: Amendment. The table set forth in Subsection 17.08.020.C, “Accessory Structures, Uses,” is hereby amended to add “Cottage food operations” in the appropriate alphabetical location within the table; with “PS” in each row under the columns labeled as “RS,” “RI,” “RT,” and “RM;” and “See standards Ch. 17.52” under the column labeled as “Added Use Regulations.”

SECTION 4: Amendment. The table set forth in “Table A – Commercial Districts” of Subsection 17.10.020.F, “Accessory Structures and Uses,” is hereby amended to add

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“Cottage food operations” in the appropriate alphabetical location within the table with “PS” in each row under the columns labeled as “CL,” “CT,” and “CC;” and “See standards Ch. 17.52” under the column labeled as “Added Use Regulations.”

SECTION 5: Amendment. The table set forth in “Table B – Downtown Specific Plan Area” of Subsection 17.10.020.I, “Accessory Structures and Uses,” is hereby amended to add “Cottage food operations” in the appropriate alphabetical location within the table; with “PS” in each row under the columns labeled as “DCC, ground level,” “DCC, upper level,” “DMU, ground level,” “DMU, upper level,” “DN, ground level,” “DN, upper level,” “OBC, ground level,” and “OBC, upper level;” and “See standards Ch. 17.52” under the column labeled as “Specific Standards Apply.”

SECTION 6: Amendment. The table set forth in Subsection 17.12.020.E, “Accessory Structures and Uses,” is hereby amended to add “Cottage food operations” in the appropriate alphabetical location within the table; with “PS” in each row under the columns labeled as “RO” and “OC;” and “See standards Ch. 17.52” under the column labeled as “Added Use Regulations.”

SECTION 7: Amendment. The table set forth in Subsection 17.14.020.F, “Accessory Structures and Uses,” is hereby amended to add “Cottage food operations” in the appropriate alphabetical location within the table; with “PS” in each row under the column labeled as “IL;” and “See standards Ch. 17.52” under the column labeled as “Added Use Regulations.”

SECTION 8: Amendment. The table set forth in Subsection 17.16.020.E, “Accessory Structures and Uses,” is hereby amended to add “Cottage food operations” in the appropriate alphabetical location within the table; with “PS” in each row under the columns labeled as “PQ,” “PQ-P,” “POS,” and “AR;” and “See standards Ch. 17.52” under the column labeled as “Added Use Regulations.”

SECTION 9: Amendment. The table set forth in Subsection 17.18.020.F, “Accessory Structures and Uses,” is hereby amended to add “Cottage food operations” in the appropriate alphabetical location within the table; with “PS” in each row under the columns labeled as “Area A,” “Area B,” “Area C,” and “Area D;” and “See standards Ch. 17.52” under the column labeled as “Added Use Regulations.”

SECTION 10: Amendment. The table set forth in Subsection 17.20.020.F, “Accessory Structures and Uses,” is hereby amended to add “Cottage food operations” in the appropriate alphabetical location within the table; with “PS” in each row under the columns labeled as “North of 6th Street” and “South of 6th Street;” and “See standards Ch. 17.52” under the column labeled as “Added Use Regulations.”

SECTION 11: Amendment. The table set forth in Subsection 17.28.030.F, “Accessory Structures and Uses,” is hereby amended to add “Cottage food operations” in the appropriate alphabetical location within the table; with “PS” in each row under the columns labeled as “MP-G1 South River Place District,” “MP-G2 Creekside District,” “MP-

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G3 Tulocay Place District,” and “MP-G4 Tulocay Village District;” and “See standards Ch. 17.52” under the column labeled as “Added Use Regulations.”

SECTION 12: Amendment. Napa Municipal Code Section 17.58.020 is hereby amended by adding one subsection “J” as set forth below [NOTE: none of the other subsections contained in Section 17.58.020 is amended by this ordinance]::

J. Expanded cottage food operations.

SECTION 13: Severability. If any section, sub-section, subdivision, paragraph, clause or phrase in this Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, sub-section, subdivision, paragraph, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more sections, sub-sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

SECTION 14: Effective Date. This Ordinance shall become effective thirty (30) days following adoption.

City of Napa, a municipal corporation

MAYOR: _____

ATTEST: _____
CITY CLERK OF THE CITY OF NAPA

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STATE OF CALIFORNIA }
COUNTY OF NAPA } SS:
CITY OF NAPA }

I, Dorothy Roberts, City Clerk of the City of Napa, do hereby certify that the foregoing Ordinance had its first reading and was introduced during the regular meeting of the City Council on the 7th day of May, 2013, and had its second reading and was adopted and passed during the regular meeting of the City Council on the 21st day of May, 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____
Dorothy Roberts
City Clerk

Approved as to Form:

Michael W. Barrett
City Attorney