

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLACERVILLE
AMENDING TITLE 10 (ZONING ORDINANCE) OF THE CITY OF PLACERVILLE
MUNICIPAL CODE ADDING DEFINITIONS, REGULATIONS, AND PROCEDURES
TO ALLOW FOR THE ESTABLISHMENT OF SHORT-TERM RENTALS WITHIN
THE CENTRAL BUSINESS DISTRICT (CBD), COMMERCIAL ZONE DISTRICT (C),
AND THE HIGHWAY COMMERCIAL (HWC) ZONE DISTRICT**

WHEREAS, Resolution No. 5133 (General Plan) was adopted by the City Council on January 23, 1990; and

WHEREAS, Ordinance No. 1474 (Zoning Ordinance) was adopted by the City Council on January 8, 1991, and became effective February 7, 1991; and

WHEREAS, the commercial use of residential dwelling units on an overnight transient basis of less than 30 days occupancy is currently a violation of the uses allowed in all zoning districts in the City of Placerville, unless specifically stated otherwise in Title 10 of the Placerville City Code; and

WHEREAS, the commercial use of residential dwelling units on an overnight transient basis of less than 30 days occupancy is a commercial activity often incompatible with maintaining the residential ambiance of the neighborhood in which they may be located and may create adverse impacts on surrounding residential uses, including but not limited to, increased demand for public services resulting from higher densities, impacts from noise generation, increased visitor traffic and parking, and the potential loss of needed available housing stock for City residents; and

WHEREAS, the purpose and intent of the Central Business District, the Commercial Zone District, and the Highway Commercial Zone Districts are to provide for commercial uses that serve the general public, including lodging facilities that allow for the establishment of hotels and motels which are permitted by-right in each of the affirmations zone districts; and

WHEREAS, the City has received requests from property owners to allow for the use of residences that are located within the CBD and HWC Zone Districts; and

WHEREAS, short-term rentals are considered commercial lodging facilities similar to a hotel or motel and are considered an appropriate and compatible use within the CBD, C, and HWC Zone Districts; and

WHEREAS, on June 17, 2017 the City Council adopted Resolution No. 8530 (ROI 17-03) establishing the City's intent to initiate amendments to the Zoning Ordinance regarding definitions of types of lodging facilities including the regulation of short-term rentals in commercial; and

WHEREAS, the request is categorically exempt from environmental review pursuant to Section 15303 of the California Environmental Quality Act Guidelines, (Conversion of an existing structure from one use to another); and

WHEREAS, this ordinance is exempt from environmental review per Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines under the general rule that CEQA only applies to projects which have the potential for causing a significant effect on the environment. Because there is no possibility that the proposed ordinance may have a significant effect on the environment, this project is exempt from CEQA.

WHEREAS, the City Council finds and determines that the regulation of short-term rentals in accordance with the ordinance is a matter of City-wide importance and necessary for the preservation and protection of the public peace, health, safety, and welfare of the community and is a valid exercise of City's police power and in accord with the public purposes.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLACERVILLE DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Purpose and Authority.

The purpose of this ordinance is to amend Title 10, of the City of Placerville Municipal Code to allow for the definition, regulations, and procedures for the establishment of short-term rentals in the CBD, C, and HWC Zone Districts while protecting the public health and safety, and welfare; and providing for additional commercial lodging facilities for the traveling public.

SECTION 2. Findings:

1. A short-term or "vacation rental" is defined as a single dwelling unit or aggregate of dwelling units of not more than five units in total where each unit comprises one or more rooms, providing complete living facilities for one or more persons, with permanent provisions for living, sleeping, eating, cooking and sanitation, which may be rented for transient occupancy for periods of thirty (30) or fewer consecutive nights.
2. In order to process the establishment of the short-term rental as a permitted use within the CBD, C, and HWC Zones, short-term rental uses within these Zone Districts are deemed to be within the intent and purpose of these commercial zone districts which allow for commercial lodging facilities such as hotels and motels by-right under City Code Sections 10-5-14(B)4, 10-5-15(B)4, and 10-5-17(B)3 respectively.
3. A short-term rental use is similar to other transient lodging defined under Section 10-1-4 of the Zoning Ordinance, such as a rooming or boarding house, motel or hotel.
4. That the amendments to Title 10 of the Placerville City Code are categorically exempt from environmental review per Section 15061(b) (3) of the California Environmental Quality Act (CEQA) Guidelines under the general rule that CEQA only applies to projects which have the potential for causing a significant effect on the environment; when it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.
5. That the public necessity, convenience, and general welfare require the adoption of the proposed amendments, in that, the proposed zoning ordinance amendments are necessary for the City to allow for short-term rentals in the CBD, C, and HWC providing the owners of properties containing residential units located within the stated commercial zone districts

the option of engaging in commercial lodging activities and promoting the conversion of legal nonconforming residential uses to a compatible commercial use.

SECTION 3. Action: Make the following modifications to Title 10, Placerville Zoning Ordinance as follows: (Additions and deletions are shown as underline and ~~strikeout~~.)

10-1-4: DEFINITIONS is amended as follows:

COMMERCIAL LODGING FACILITIES: Establishments primarily engaged in the provision of commercial lodging on a transient basis (30 days or less) to the general public. Lodging may include the incidental provision of food, drink, sales, and services for the convenience of overnight guests. Types of lodging are further defined as follows:

BED AND BREAKFAST ESTABLISHMENTS. Any residence that provides guest rooms, without individual kitchens, for paying guests, as a transient lodging facility, where the owner(s) resides on-site. Bed and Breakfast Establishments shall be established subject to a conditional use permit in conformance the Section 10-4-11.

HOTEL OR MOTEL. Building or group of buildings containing six (6) or more rental units with or without meals provided for paying the guests and having on-site management.

SHORT-TERM RENTALS. A single-family residence, duplex, triplex, fourplex, or 5 unit building, or group of buildings that in aggregate contain no more than five (5) rental units, each unit containing accommodations for sleeping, sanitation, eating, and a full kitchen, meeting the requirements of the California Building Code, for paying guests, and are operated with or without on-site management.

10-4-7: SPECIAL TEMPORARY USE PERMITS – Subsection (A)9 is deleted as follows:

~~(A)9. Short-Term Rental in the CBD Zone (PC Res. 2021-01, 6 Apr 2021)~~

10-4-20: Short-Term Rentals is added as follows:

(A) Purpose: The purpose of this section is to provide for the establishment of short-term rental facilities in certain commercial zones and to set forth criteria and regulations of those short-term rentals units.

(B) Applicability of Regulations: The provisions of this Section shall apply to all parcels that are zoned CBD, C, and HWC.

(C) Permitted Use: Short-term rentals as defined in Section 10-4-1 are a permitted use in the specified commercial zone districts as commercial lodging facilities that is consistent with the City's General Plan, the specific zone district on which the short-term rental facility is to be located, and this Section, subject to issuance of a short-term rental (STR) permit.

(D) Permit Required:

1. An application for a short-term rental (STR) shall be filed with the Development Services Department and shall be processed in accordance with Section 10-4-7 and shall be renewed annually.
2. The application for the STR permit shall be submitted on forms provided by the Development Services Department and shall, but not be limited to, the following:
 - (a) A site location map.
 - (b) A site plan drawn to scale showing the property boundaries, all structures labeled as to their use and dimensions, and parking areas showing the number of spaces provided with dimensions.
 - (c) A floor plan of all buildings to serve as a short-term rental with all rooms labeled as to their use.
3. Short-term rental permits shall only be issued to the owner(s) of the property and shall not be transferable.

(E) Development and Operational Standards:

1. A City business license is required in accordance with City Code Section 5-1-4.
2. The name and phone number of a responsible person shall be posted.
3. Payment of Transient Occupancy Tax shall be paid in accordance with Code Title 5, Chapter 16.
4. Maximum Occupancy and Parking. Occupancy of the short-term rental shall be limited by (1) the number of paved parking spaces on the short-term rental property as shown in Table One of this Subsection, and (2) the number of bedrooms in the property as shown in Table Two of this subsection, whichever is the lesser. For purposes of this Subsection, occupancy shall be calculated by the number of persons present at the vacation home rental property at any given time. Properties with multiple units shall be calculated in the aggregate.

<u>Table One (1). Number of Paved Parking Spaces Establishing Maximum Occupancy</u>	
<u>Number of parking Spaces</u>	<u>Maximum Occupancy</u>
<u>1</u>	<u>4</u>
<u>2</u>	<u>8</u>
<u>3</u>	<u>12</u>
<u>4</u>	<u>16</u>
<u>5</u>	<u>20</u>

<u>Table Two (2). Number of Bedrooms Establishing Maximum Occupancy</u>	
<u>Number of bedrooms</u>	<u>Maximum Occupancy</u>
<u>Studio</u>	<u>4</u>
<u>1</u>	<u>6</u>
<u>2</u>	<u>8</u>

<u>3</u>	<u>10</u>
<u>4</u>	<u>12</u>
<u>5</u>	<u>14</u>

Where the maximum occupancy for a short-term rental is based upon the number of bedrooms, occupancy of a short-term rental with more than one bedroom shall be calculated by multiplying the number of bedrooms by two and adding four.

Maximum occupancy of a short-term rental located within the CBD Zone shall be in accordance with Table 2 only. New construction shall be in accordance with Code Sections 10-4-4 and 10-4-5.

5. New Construction: New construction shall be subject to all applicable development standards of the zone district and approval of a site plan review application by the Planning Commission in accordance with City Code Section 10-4-9, and this Section.
 6. The maximum occupancy of each short-term rental shall be clearly posted within the unit.
 7. All marketing and advertising of the short-term rental shall include the short-term rental permit number issued by the City.
 8. Noise. Excessive noise shall be prohibited between the hours of 10:00 p.m. and 8:00 a.m.
 9. Record Keeping. Records of every night for which the short-term rental is rented, including the name and contact information of the occupant who has arranged to rent the unit(s), the rental rate, the number of occupants per night, and the number of vehicles, shall be maintained for a minimum period of three years before such records are discarded or otherwise destroyed. Such records shall be made available to the City within fifteen (15) business days upon written request from the City.
- (F) Enforcement. Any use or condition caused or permitted to exist in violation of any provision of the City Code or the STR permit shall be and hereby is declared a public nuisance and may be summarily abated by the City pursuant to Code of Civil Procedure Section 731, City Code Sections 10-10-3-8, 10-3-9, and 10-3-10, or any other remedy available to the City.
- (G) Revocation. A short-term rental permit issued under the terms of this Section shall be revoked by the Development Services Director at any time if he or she concludes that the permit has expired, not current on TOT taxes, found to be in violation of permit conditions, or found to be a nuisance to the community.

(H) No Property Rights Conferred. Short-term rental permits shall not be construed as providing property rights or vested interests and entitlements in continued operation of a short-term rental. Short-term rental permits are revocable licenses which expire annually. Short-term rental permits shall not run with the land.

10-5-14: CBD, CENTRAL BUSINESS DISTRICT ZONE is amended as follows:

(B) Permitted Uses:

10. Short-term rentals, subject to issuance of a STR permit in accordance with Code Section 10-4-20, and shall be subject to annual renewal and approval by the Development Services Director.

10-5-15: C, COMMERCIAL ZONE is amended as follows:

(B) Permitted Uses:

13. Short-term rentals, subject to issuance of a STR permit in accordance with Code Section 10-4-20, and shall be subject to annual renewal and approval by the Development Services Director.

10-5-17: HWC, HIGHWAY COMMERCIAL ZONE is amended as follows:

(B) Permitted Uses:

5. Short-term rentals, subject to issuance of a STR permit in accordance with Code Section 10-4-20, and shall be subject to annual renewal and approval by the Development Services Director.

SECTION 4. Effective Date.

This ordinance shall become effective on and after the thirtieth (30th) day following adoption.

INTRODUCED on _____, 2022, and **PASSED AND ADOPTED** on _____, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSED:

Mayor Kara Taylor

ATTEST:

Regina O'Connell, City Clerk