

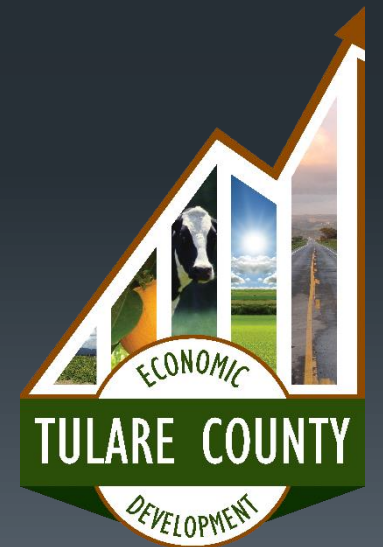
# *Short Term Rental Ordinance*

*Ordinance Amendment PZC 19-001*

Board of Supervisors

November 19, 2019

Presented by the  
Tulare County Resource Management Agency



## Short-Term Rentals – Tulare County

- Vacation Rentals – existing in Tulare County for many years
- Zoning Ordinance – no restriction based on length of tenancy
- Transient Occupancy Tax – rental periods of 30 days or less
- Rapid growth – due to abundance of online rental websites
- Community Concerns
  - Noise
  - Water
  - Traffic
  - Trespassing
  - Density
  - Neighborhood Character
  - Public Safety
  - Septic Systems
  - Parking
  - Fire Danger
  - Light Pollution

## Board of Supervisors Direction – February 6, 2018

### Type of Permit

1. Status Quo – Register with Tax Collector's Office
2. Business License – Issued through the Tax Collector
3. Special Use Permit – Administrative Approval
4. Special Use Permit – Planning Commission Approval
5. Moratorium/Ban – Short-Term Rentals not allowed

### Applicability

- Three Rivers Urban Development Boundary
- Foothill Growth Management and Mountain Plans
- Countywide

## Based Upon Direction from the Board of Supervisors

1. The intent of the Short-Term Rental Ordinance is to establish reasonable and uniform regulations for the use of residential dwellings as short-term rentals and to ensure the health and safety of occupants, guests, and the surrounding neighborhood.
2. Residential dwelling units include single family houses, condominiums, cabins or similar facility. Residential dwelling units do not include tents, tipis, recreational vehicles, travel trailers or commercial units.
3. If adopted, this would add Chapter 16.7 – Short Term Rentals to the Tulare County Zoning Ordinance.
4. If adopted, an Administrative Special Use Permit would be required to operate a short-term rental within Tulare County.

# Community Outreach

- Multiple community meetings in Three Rivers regarding vacation rentals and the preparation of a draft Short-Term Rental Ordinance.
- The most recent being the Three Rivers Town Hall on July 24, 2019.
  - Preliminary Draft Ordinance
  - Community Questions and Comments
- Draft Ordinance posted online for review and comment
  - Incorporated the comments & suggestions received into the draft ordinance
- Collaboration with County Fire Department, Treasurer-Tax Collector, Environmental Health Division, and the Building Department provided an opportunity for all to provide revisions based upon specific area of expertise.

# Planning Commission

- The Planning Commission held a workshop on September 25, 2019
  - Went through the draft ordinance line-by-line, receiving important comments & suggestions from the public
  - RMA, Fire and Environmental Health considered the public testimony and made appropriate revisions
- The Planning Commission held a public hearing on October 16, 2019
  - Presented the revisions made to the draft ordinance, receiving additional comments from the public
  - Planning Commission continued the matter
    - To allow the Fire Department to further revise its regulations
    - For clarification regarding septic systems and determining maximum occupancy
- The Planning Commission continued hearing on November 6, 2019
  - Received presentation from staff and made a recommendation to the Board of Supervisors for adoption of the Short Term Rental Ordinance

# Short Term Rental Ordinance

## Key Points of the Ordinance

- A one-time administrative Special Use Permit is required for each individual rental unit.
- The use permit runs with the owner and not the land, and terminates upon change of ownership.
- Required to register and pay Transient Occupancy Tax through the Tax Collector.
- Occupancy Standards
  - The maximum overnight occupancy of the short-term residential rental unit shall be limited to a specific number of occupants, with the maximum number of occupants as no more than two (2) persons per rental unit plus an additional two (2) persons per permitted bedroom and a maximum of twelve (12) persons.
  - Except that two (2) minor children, age 12 or under, may be allowed in addition to the maximum.
  - The maximum number of additional day use “guest” occupants is six (6) persons.
  - The total occupancy for the short-term rental unit, overnight and day use guests, may be further limited by the available on-site parking spaces requirements.

## Key Points of the Ordinance

- General Requirements
  - Parking – All parking must be onsite, all weather surface, identified on the site plan and provided at a ratio of not less than one space for every four occupants and guests.
  - Prohibited Uses – weddings, receptions, meetings, conferences, parties, commercial filming, or any other similar uses.
  - Quiet Hours – Renters must observe quiet hours between 10 p.m. and 8 a.m., no guests, no outdoor fires.
  - Lighting Standards and Guidelines – to minimize light pollution, glare, and protect dark skies (shielded, downward direction, motion sensors, etc.).



## Key Points of the Ordinance

- Outdoor Fires – only allowed during the months of November, December, January and February, on approved burn day(s) regulated by San Joaquin Air Pollution Control District, and if allowed by the operator, shall only be permitted within a designated fire pit in compliance with applicable state and local laws.
- Other Requirements – advertising, street address, signs, no fireworks, pets, trash bins, smoke/monoxide detectors, etc.
- Posting Information Notice within unit that includes occupancy, parking, general rules, and emergency phone numbers.
- One hour onsite response by operator on a 24-hour basis.
- Notification to property owners within 500' of the short-term rental unit.

# *Short Term Rental Ordinance*

## Key Points of the Ordinance

- Enforcement
  - Existing regulations would continue to be enforced by the appropriate department.
  - Allow enforcement by Code Compliance to uphold compliance with conditions of approval
- Violations
  - Failure to comply with conditions shall be considered a violation and subject to fines and penalties
- Suspension of Permit
  - A short term rental permit can be administratively suspended for a substandard building or failure to comply with any notice of violation
- Revocation of Short-Term Residential Rental Special Use Permits
  - A short term rental administrative use permit can be revoked by the Planning Commission

# *Short Term Rental Ordinance*

## Key Points of the Ordinance

- Amortization
  - Short-Term Rentals currently operating and paying transient occupancy tax are considered legal non-conforming and have until December 31, 2021, to come into compliance.
- Cost recovery to process short term rental use permit
  - \$500 one-time application fee
  - Based upon 5-hours to process, research and issue permit at the Board adopted Planning Department \$100 hourly rate.



# Questions and Comments