

ORDINANCE NO. 561 - 20

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURRIETA, CALIFORNIA, ADDING CHAPTER 5.27 TO THE MURRIETA MUNICIPAL CODE, AND AMENDING SECTIONS 16.08, 16.10, 16.11, 16.12, 16.14, 16.34, 16.38, 16.44 and 16.110 OF THE DEVELOPMENT CODE REGULATING SHORT-TERM VACATION RENTALS

WHEREAS, pursuant to the authority granted under the California Constitution, Article XI, Section 7, the City of Murrieta (City) has broad police power to preserve the characteristics of its neighborhoods, which powers have been recognized by both the California Supreme Court and the United States Supreme Court, the latter of which has stated that, “[i]t is within the power of the legislature to determine that the community should be beautiful as well as healthy, spacious as well as clean, well-balanced as well as carefully patrolled”; and

WHEREAS, cities have a legitimate governmental interest in preserving the residential character of their neighborhoods and protecting against public nuisance activities, so long as their regulations do not unfairly discriminate against or impair an individual’s rights of privacy and association; and

WHEREAS, in recent years, there has been an increase in privately-owned residential dwellings being used as short-term vacation rentals in the City through the rapid deployment of “peer-to-peer” application based technology; and

WHEREAS, short-term vacation rentals are not currently regulated under the Murrieta Municipal Code (MMC); and

WHEREAS, the City recognizes that when operated responsibly, short-term vacation rentals provide a benefit to the City by expanding the number and type of lodging facilities in the area, encouraging visitation to local businesses, and helping recapture existing enforcement costs; and

WHEREAS, the City further recognizes that, unless properly regulated, these facilities may have adverse impacts on nearby properties and residents, and pose a threat to the public health, safety and general welfare; and

WHEREAS, the City has received a number of complaints with respect to adverse secondary effects that the operation of short-term vacation rentals have on residential neighborhoods, including, but not limited to, excessive noise, disorderly conduct, overcrowding, parking and traffic issues, trash/debris, and other similar quality of life issues; and

WHEREAS, this Ordinance is necessary to provide the framework for a permit system regulating these facilities; impose operational requirements to minimize the potential adverse impacts on traffic, noise, and density, and prevent the increase and over concentration of transient uses in residential neighborhoods and zoning districts; impose reasonable limitations to ensure the long-term availability of housing stock in compliance with the Housing Element of the City's General Plan; ensure neighborhood compatibility and maintain harmony with surrounding uses; ensure transient occupancy taxes are remitted to the City; protect the health, safety and welfare of renters and guests patronizing short-term vacation rentals, and continue protecting the health, safety and general welfare of the City’s residents; and

WHEREAS, on February 18, 2020 and July 7, 2020, the City held public workshops to provide information to and receive input from local residents concerning short-term vacation rentals in the City. Prior to, during and following the public workshops, City staff received helpful feedback from many residents, as well as owners of short-term vacation rentals currently operating in the City. City staff considered the public input it received, as well as input from the City Councilmembers, in drafting the proposed regulations; and

WHEREAS, on September 9, 2020, the Murrieta Planning Commission held a duly-noticed public hearing concerning the proposed land use and zoning regulations governing short-term vacation rentals under Title 16 of the MMC (Development Code), and recommended to the City Council, by a vote of 3-2, approval of the regulations reflective of non-hosted STVRs being limited to the ER and RR zones, with a modification to the ER zone distance criteria with Section 16.44.260.B.2.a, subdivisions (i) and (ii) as follows: "(i) No non-hosted short-term vacation rental unit shall be located within three hundred (300) feet of another non-hosted short-term vacation rental unit; and (ii) The 300-foot separation distance shall be measured as a radial distance from all property lines of the subject non-hosted short-term vacation rental unit property"; and

WHEREAS, on October 12, 2020, the City Council reviewed and considered a proposed ordinance regulating short-term vacation rentals, including three options in relation to the Title 16 updates; these include: Option B-1: Non-hosted permitted in all residential zones, 300 foot radius between Non-hosted units; Option B-2: Non-hosted limited to Estate Residential (ER) and Rural Residential (RR) zones, 300 foot radius between Non-hosted units in ER zone; or Option B-3: Non-hosted limited to ER and RR Zones, no separation requirements; and

WHEREAS, on October 12, 2020, the Council recommended approval of Option B-2 with a modification to Ordinance language to remove Estate Residential (ER-3) as a permitted location for Non-hosted units. In summary, as introduced, the Ordinance permits Hosted short-term vacation rentals in all residential zones within the City. Non-hosted rentals would be limited to the following zones within the City's jurisdiction: Estate Residential 1 (ER-1), Estate Residential 2 (ER-2), and Rural Residential (RR), and would require a 300-foot "full radius" separation between Non-hosted units (as measured from all property lines) in the ER-1 and ER-2 zones.

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) and the State of California Guidelines for Implementation of CEQA (commencing with Section 15000 of Title 14 of the California Code of Regulations), the City is the "lead agency" for the preparation and consideration of environmental documents for this Ordinance; and

WHEREAS, the Planning Commission found the proposed regulations to be exempt from CEQA because this is not a "project" within the meaning of Sections 15060 (c)(2), 15060 (c)(3), and 15378(a) of the State CEQA Guidelines since there is no potential for it to result in a physical change in the environment, either directly or indirectly. In the event this Ordinance is found to be subject to CEQA, it is exempt pursuant to 15301 "Existing Facilities" (Class 1) of the State CEQA Guidelines because it can be seen with certainty that there is no possibility of a significant effect on the environment.

NOW THEREFORE, the City Council of the City of Murrieta, does ordain as follows:

SECTION 1. The above recitals are true and correct and are incorporated herein.

SECTION 2. Chapter 5.27 (Short-Term Vacation Rentals) of the Murrieta Municipal Code is hereby added as shown in Exhibit A, attached hereto and incorporated herein by this reference.

SECTION 3. Section 16.08.010, Table 16.08-01 (Table 16.08-1, Use Table For Residential (Single-Family) Zoning Districts, Permit Requirement by District), Section 16.08.010, Table 16.08-2 (Table 16.08-2, Use Table For Residential (Multi-Family) Zoning Districts Permit Requirement by District), Section 16.10.010, Table 16.10-01 (Table 16.10-1, Use Table For Commercial Zoning Districts), Section 16.11.010, Table 16.11-01 (Table 16.11-1, Allowable Uses And Permit Requirements For Office Districts), Section 16.12.010, Table 16.12-1 (Table 16.12-1, Use Table For Business Park And Industrial Districts), Section 16.14.010, Table 16.14-1 (Table 16.14-1, Use Table For Special Purpose Districts), Section 16.34.040, Table 3-7 (Table 3-7, Parking Requirements By Land Use), Section 16.38.050.C.7 (Short-Term Vacation Rental Temporary Signs), Section 16.44.150.I. (Rooming and Boarding House), Section 16.44.260 (Short-Term Vacation Rentals), 16.110.020 (Definitions of Specialized Terms and Phrases) of the Development Code is hereby amended, as shown in Exhibit B, attached hereto and incorporated herein by this reference.

SECTION 4. The City Council finds the introduction and adoption of this Ordinance is not a “project” in accordance with State CEQA Guidelines Sections 15060 (c)(2), 15060 (c)(3), and 15378(a) of the California Environmental Quality Act (CEQA) Guidelines because there is no potential for it to result in a physical change in the environment, either directly or indirectly. In the event this Ordinance is found to be subject to CEQA, it is exempt from CEQA pursuant to the exemption contained in CEQA Guidelines 15301 “Existing Facilities” (Class 1) because it can be seen with certainty that there is no possibility of a significant effect on the environment.

SECTION 5. If any section, sentence, clause or phrase of this Ordinance is determined to be invalid, illegal or unconstitutional by a decision or order of any court or agency of competent jurisdiction, then such decision or order will not affect the validity and enforceability of the remaining portions of this Ordinance. The City Council declares that it would have passed and adopted this Ordinance, and each section, sentence, clause or phrase thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION 6. This Ordinance shall take effect and be enforced sixty (60) days following its adoption by the City Council.

SECTION 7. The City Clerk shall certify to the adoption of this Ordinance and shall publish a summary of this Ordinance and post a certified copy of the full Ordinance in the Office of the City Clerk at least five (5) days prior to the adoption of the proposed Ordinance; and within fifteen (15) days after adoption of the Ordinance, the City Clerk shall publish a summary of the Ordinance with the names of the Councilmembers voting for and against the Ordinance.

INTRODUCED at a special meeting of the City Council of the City of Murrieta, California, held on the 12th day of October, 2020; and

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Murrieta, California, held on the 20th day of October, 2020.

APPROVED:

Gene Wunderlich

Gene Wunderlich, Mayor

ATTEST:

Stephanie D. Smith

Stephanie D. Smith, MMC, City Clerk

APPROVED AS TO FORM:

Leslie E. Devaney

Leslie E. Devaney, City Attorney

ATTACHMENTS:

Exhibit A – Murrieta Municipal Code Chapter 5.27

Exhibit B – Murrieta Development Code, Title 16 - Murrieta Development Code Sections 16.08, 16.10, 16.11, 16.12, 16.14, 16.34, 16.38, 16.44 and 16.110 _Clean

I, Stephanie D. Smith, City Clerk of the City of Murrieta, California, do hereby certify under penalty of perjury that the foregoing Ordinance was duly introduced at a special meeting of the City Council on the 12th day of October, 2020 and that thereafter the said Ordinance was duly and regularly adopted at a regular meeting of the City Council on the 20th day of October 2020, by the following vote, to wit:

AYES: Seyarto, Vinton, White


NOES: Wunderlich

ABSENT: Ingram

ABSTAIN: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Murrieta, California, this 20th day of October, 2020.

(Seal)



Stephanie D. Smith, MMC, City Clerk

EXHIBIT A

Chapter 5.27

Short-Term Vacation Rentals

Sections:

5.27.010	Purpose
5.27.020	Definitions
5.27.030	Short-Term Vacation Rental Permit Required
5.27.040	Permit Application and Issuance
5.27.050	Maximum Number of Short-Term Vacation Rental Permits
5.27.060	Operating Requirements
5.27.070	Advertising
5.27.080	Inspections
5.27.090	Public Nuisance
5.27.100	Violations and Penalties, Enforcement
5.27.110	Denial, Suspension and Revocation of Permits
5.27.120	Termination of Property Use as a Short-Term Vacation Rental
5.27.130	Permit Fee Allocation and Modification
5.27.140	False Claims
5.27.150	Requirements Not Exclusive

5.27.010 Purpose

- A. The purpose of this Chapter is to establish regulations for the use of privately-owned *single-family residential dwellings* and *condominiums* as *short-term vacation rentals* to provide the framework for a permit system regulating these facilities; impose operational requirements to minimize the potential adverse secondary effects of such uses on surrounding neighborhoods, including, but not limited to, traffic, noise and density; prevent the increase and over concentration of transient uses in residential neighborhoods and zoning districts; impose reasonable limitations to ensure the long-term availability of housing stock in compliance with the Housing Element of the City's General Plan; ensure neighborhood compatibility and maintain harmony with surrounding uses; ensure the collection and payment of Transient Occupancy Taxes (TOT); to protect the health, safety and welfare of *transient occupants* and *guests* patronizing the *short-term vacation rentals*; and to continue protecting the health, safety and welfare of the *city's* residents.
- B. This Chapter is not intended to regulate *hotel(s) or motel(s)*, as those terms are defined in Section 16.44.090 (Hotels and Motels) and Section 16.110.020 (Definitions of Specialized Terms and Phrases) of this Municipal Code.
- C. This Chapter is not intended to regulate a *bed and breakfast inn*, as that term is defined in Section 16.110.020 (Definitions of Specialized Terms and Phrases) of this Municipal Code.
- D. This Chapter is not intended to regulate a *rooming and boarding house(s)*, as that term is defined in Section 16.110.020 (Definitions of Specialized Terms and Phrases) of this Municipal Code.

- E. This Chapter is not intended to provide any *owner* of a *single-family residential dwelling* or *condominium* with the right or privilege to violate any Conditions, Covenants and Restrictions (CC&Rs) applicable to the *owner's single-family residential dwelling* or *condominium*.
- F. This Chapter is not intended to provide the *owner* of a *single-family residential dwelling* or a *condominium* with a vested right or privilege to use any such dwelling or the parcel upon which it is situated for *short-term vacation rental* purposes on an ongoing, permanent basis.

5.27.020 Definitions.

For purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

- A. *Advertise, advertising or advertisement* means the publication of any statements, phrases, words, photographs, drawings or other images for the purpose of informing any member of the public about the ability or availability to use a *single-family residential dwelling* or *condominium* unit as a *short-term vacation rental*. For purposes of this definition, publication shall include, but shall not be limited to, verbal, written, printed, electronic, televised or broadcast set forth or contained in any newspaper, magazine, newsletter, website, solicitation, handbill, business card, flyer, outdoor *advertising* display, billboard, cable, satellite, digital radio, television broadcast, social networking site, technology-based platform (i.e. AirBnB, VRBO, etc.) or any other form of printed, electronic, broadcast, or digital media.
- B. *Applicable laws, rules and regulations* means any federal, state and local laws, rules, and regulations.
- C. *Applicant* means the *owner* of the *short-term vacation rental*. The *owner's* signature is required on all *short-term vacation rental* application forms, and the *city* may prescribe reasonable requirements to verify that an *applicant* is the *property owner* in fact.
- D. *Bedroom* means a private room furnished with a bed and intended primarily for sleeping. This includes the sleeping area within the primary livable area of a studio unit.
- E. *City* means the City of Murrieta.
- F. *City Manager* means the *City Manager* of the City of Murrieta, or his or her designee.
- G. *Condominium* means an estate in real property consisting of an undivided interest in common in a portion of a parcel, together with a separate interest in space in a residential dwelling unit.
- H. *Designated local contact person* means the person designated by the *owner* or the *owner's authorized agent or representative* in writing to be available twenty-four (24) hours per day, seven (7) days per week for the purpose of responding to complaints, as required by this Chapter.
- I. *Guest* means any person(s) invited by the *transient occupant(s)* to visit the *short-term vacation rental* during the designated rental period, as permitted by this Chapter.
- J. *Good neighbor brochure* means a document prepared by the *City* that summarizes the general rules of conduct, consideration, and respect, including, without limitation, applicable

provisions of this Municipal Code and other *applicable laws, rules or regulations* pertaining to the use, noise, refuse storage, location, occupancy, required on-site parking of *short-term vacation rentals* operating within the city.

- K. *Hosted rental unit.* A *short-term vacation rental* where bedroom(s), or a habitable detached structure (non-accessory dwelling unit, as that term is defined in Government Code Section 65852.2, which may be amended from time-to-time) on the property of a primary residence is rented, while a property owner, or their designated permanent resident, who is at least twenty-one (21) years of age or older, remains on-site and resides on the property during the short-term vacation rental period (except during daytime and/or working hours).
- L. *Non-hosted rental unit.* A *short-term vacation rental* where bedroom(s), or a habitable detached structure (non-accessory dwelling unit, as that term is defined in Government Code Section 65852.2, which may be amended from time-to-time) is rented without concurrently being occupied by the *property owner*.
- M. *Owner* means the person(s) or entity(ies) that hold(s) legal and/or equitable title to the subject *short-term vacation rental property*.
- N. *Owner's authorized agent or representative* means a person designated by the *owner* in writing to ensure compliance with the requirements of this Chapter with respect to the *short-term vacation rental unit* on the *owner's* behalf.
- O. *Property* means a residential legal lot of record on which a *short-term vacation rental* is located.
- P. *Responsible person* means a *transient occupant* who is at least twenty-one (21) years of age or older who shall be legally responsible for ensuring that all *transient occupants* of the *short-term vacation rental* and their *guests* comply with all *applicable laws, rules and regulations* pertaining to the use and occupancy of the *subject short-term vacation rental*.
- Q. *Short-term vacation rental* means a privately-owned *single-family residential dwelling* or *condominium*, as applicable, rented for a period of thirty (30) consecutive calendar days or less, for dwelling, lodging, or sleeping purposes, regardless of home-sharing and/or subletting arrangements. For the purposes of this Chapter, non-monetary forms of compensation shall also qualify a *property* as a *short-term vacation rental*. This definition is inclusive of both *hosted rental units* and *non-hosted rental units*.
- R. *Short-term vacation rental permit or permit* means a permit issued by the *city* that allows the *owner* of a *single-family residential dwelling* or *condominium* to use the *owner's* privately-owned *single-family residential dwelling* or *condominium* as a *short-term vacation rental* pursuant to and in compliance with the provisions of this Chapter.
- S. *Single-family residential dwelling* means a detached structure that is permitted as a dwelling unit, intended for use by a single family that is situated on a single lot or parcel zoned as residential. This shall also include a privately-owned mobile or modular home, which is located on a space, lot or parcel owned by the same *owner* of the mobile or modular home.
- T. *Transient Occupant* means any person(s) permitted to exist as a renter of the *single-family residential dwelling* unit or *condominium* unit during the *short-term vacation rental* period.

5.27.030 Short-Term Vacation Rental Permit Required.

No person shall rent, offer to rent, or *advertise* for rent a *single-family residential dwelling* or *condominium* as a *short-term vacation rental* to any person without a *valid short-term vacation rental permit* issued by the *city* pursuant to and in the manner provided for by this Chapter.

5.27.40 Permit Application and Issuance.

- A. Application. An application for a *short-term vacation rental permit*, or renewal thereof, shall be filed on a form provided by the *city*, and shall be signed and submitted to the *city manager*, under penalty of perjury, by the *applicant*. A *permit* application must include all of the following information, which shall be updated when there is any change to ensure that the *city* has current information on file at all times relating to the *short-term vacation rental* and its *owner(s)*, *owner's authorized agent or representative*, and *designated local contact person*, as applicable:
1. Legal name, address, and telephone number of the *owner* of the *single-family residential dwelling* or *condominium*.
 2. Legal name, address, and telephone number of the *owner's authorized agent or representative*, if any.
 3. Legal name, address, and twenty-four (24) hour availability via telephone number of the *designated local contact person*, if different from the *owner*.
 4. The address of the *single-family residential dwelling* or *condominium* proposed to operate as a *short-term vacation rental*.
 5. The number of *bedrooms* within the *single-family residential dwelling* or *condominium*, which shall prescribe the overnight and daytime occupancy limits of the proposed *short-term vacation rental*.
 6. Signed statement acknowledging receipt and inspection of the *good neighbor brochure*, and agreeing to distribute the brochure in-person to all *transient occupants* of the *short-term vacation rental*.
 7. Signed statement acknowledging that the *owner* is permitted to use the *owner's property* as a *short-term vacation rental*, per applicable private governing documents, including, without limitation, CC&Rs that are valid and enforceable pursuant to the Davis-Stirling Common Interest Development Act, as set forth in California Civil Code Section 4000 et seq.
 8. Copy of any application and all other forms that renters of the *short-term vacation rental* will be required to complete.
 9. Copy of the *owner's* rules and regulations for the *short-term vacation rental*.
 10. Copy of a *city* business license.
 11. Signed statement by the *owner* acknowledging all of the following: (i) all of the information contained in the *short-term vacation rental permit* application is true and correct; (ii) all

owner(s), the owner's authorized agent or representative, and the designated local contact person, are familiar with the requirements of this Chapter and all applicable requirements of Title 16 of this Municipal Code; (iii) all owner(s), the owner's authorized agent or representative, and the designated local contact person, are responsible for ensuring compliance with this Chapter and all applicable requirements of Title 16 of this Municipal Code; (iv) failure to comply with all applicable laws, rules and regulations, including the provisions of this Chapter and all applicable requirements of Title 16 of this Municipal Code, may result in the suspension and/or revocation of a short-term vacation rental permit.

12. Evidence of liability insurance for the *property* in the amount of at least \$1,000,000 to cover the *short-term vacation rental* operations, which insurance shall be maintained during the entire term of any *permit* issued by the *City*.
 13. Such other information as the *city manager* deems reasonably necessary to administer this Chapter.
 14. The *short-term vacation rental permit* application, shall be accompanied by proof of payment tendered to the *city* for the requisite application fee established by resolution of the City Council pursuant to Section 5.27.130 of this Chapter.
- B. Issuance. Upon receipt of a completed application, the *city manager* will review the application and supporting documents, and shall approve and issue a *permit* to the *owner* authorizing the use and occupancy of such *property* as a *short-term vacation rental* if the *city manager* finds that the required *permit* fee has been paid, and that the information provided conforms to the requirements of this Chapter. A *permit* shall be valid for a period of one (1) year from the date of issuance.
- C. Notice to Neighbors. Within fourteen (14) days of *permit* issuance, the *owner* must provide a written mailed notice of the *short-term vacation rental*, on a form provided by the *city*, to all *property* owners within three hundred (300) feet of the *short-term vacation rental*. Such notice shall include the address of the *short-term vacation rental*, number of *bedrooms* available for rent, number of available on-site parking spaces, and contact information of the *owner* and the *owner's authorized agent or representative, and designated local contact person, as applicable*.
- D. Renewal. An annual renewal application shall be required for a *short-term vacation rental permit*, and shall be submitted to the *city manager* in accordance with this Section. The annual renewal application shall be accompanied by proof of payment tendered to the *city* for the requisite application fee established by resolution of the City Council pursuant to Section 5.27.130 of this Chapter. Each renewal *permit* shall be valid for a period of one (1) year from the date of issuance.
- E. Transfer. A *permit* issued by the *City* pursuant to this Chapter shall not be transferred, sold or assigned to any other person or entity, except with the prior written approval of the *City*. A written request for such transfer shall be accompanied by an application for a new *permit* issued by the *City* under this Chapter, and must be received within thirty (30) days of the transfer of the *property* to a new owner.

5.27.050 Maximum Number of Short-Term Vacation Rental Permits.

Permits shall be issued on a first-come, first-served basis. The maximum number of *short-term vacation rental permits* issued by the *city* shall be limited to not more than three hundred (300) permits. After the maximum number of *permits* has been issued by the City, any additional applications submitted to the City shall be placed on a waiting list in the order in which the applications were received. If a *permit* becomes available, applications will be reviewed by the City in the order listed on the waiting list.

5.27.060 Operating Requirements.

No person shall operate a *short-term vacation rental* within the jurisdiction of the *city* unless all of the following requirements are met, and the person is in compliance with all applicable provisions of Title 16 of this Municipal Code:

- A. **Business License.** The *owner* must maintain a current and valid business license issued by the *city* pursuant to Chapter 5.04 of this Municipal Code at all times while operating a *short-term vacation rental* at the *property*.
- B. **Owner’s Authorized Agent or Representative.** If the *owner* designates an *owner’s authorized agent or representative* to act on the *owner’s* behalf in the day-to-day operations of the *short-term vacation rental*, the *owner* shall not be relieved from any personal responsibility or personal liability for noncompliance with any *applicable law, rule or regulation* pertaining to the use and occupancy of the subject *short-term vacation rental* unit, regardless of whether such noncompliance was committed by the *owner’s authorized agent or representative* or the *transient occupants* of the *owner’s short-term vacation rental unit* or their *guests*. The *owner* must be the *applicant* for and holder of a *short-term vacation rental permit* and business license and shall not authorize an agent or a representative to apply for or hold a *short-term vacation rental permit* and business license on the *owner’s* behalf.
- C. **Responsible Person.** A *short-term vacation rental* must have a *responsible person* designated for the rental period who shall be legally responsible for ensuring that all *transient occupants* and their *guests* comply with all *applicable laws, rules and regulations* relating to the use and occupancy of the *short-term vacation rental*. The *responsible person(s)* shall be a *transient occupant* of the *short-term vacation rental* who is at least twenty-one (21) years of age.
- D. **Bedrooms.** Each *bedroom* in a *short-term vacation rental* shall have at least one (1) window, one (1) emergency escape/rescue opening, and one (1) closet or storage nook. Additionally, the *bedroom* must be accessible to a bathroom without crossing into another *bedroom*.
- E. **Maximum Number of Transient Occupants.** The maximum number of *transient occupants* and *guests*, including the *responsible person(s)*, permitted to occupy any *short-term vacation rental* unit shall be within the ranges set forth in Table 5.27-01, below, to comply with all applicable building, fire, health and safety standards and requirements of local, state and federal law, including, but not limited to, this Municipal Code:

TABLE 5.27-01 SHORT-TERM VACATION RENTAL OCCUPANCY LIMITS AND PARKING LIMITATIONS*					
Number of Bedrooms	Total Overnight Transient Occupants	Additional Day Time Transient	Total Daytime Occupancy	Total Vehicles Allowed On-Site (Overnight)	Total Vehicles Allowed On-Site (Daytime)

		Occupants (Guests)			
Studio	2	1	3	1	2
1	2	1	3	1	2
2	4	1	5	2	3
3	6	1	7	3	3
4	8	1	9	3	3
5	10	0	10	3	3
For Estate Residential (ER) and Rural Residential (RR) Zones:					
Studio	2	1	3	1	2
1	2	1	3	1	2
2	4	1	5	2	3
3	6	1	7	3	4
4	8	1	9	3	4
5	10	0	10	3	4
*Residents of "hosted rental unit" locations do not count towards maximum occupancy levels					

This requirement shall not apply to *hosted rental units*.

- F. Compliance with Applicable Laws. The *owner*, the *owner's authorized agent or representative* and the *designated local contact person*, as applicable, shall use reasonably prudent business practices to ensure that the *transient occupants* and *guests* of the *short-term vacation rental* do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate any *applicable law, rule or regulation* pertaining to the use and occupancy of the subject *short-term vacation rental*.
- G. Prompt Response to Complaints. During the period that a *short-term vacation rental* is rented, the *owner*, the *owner's authorized agent or representative* and/or the *designated local contact person*, as applicable and as so designated by the *owner*, must be available twenty-four (24) hours per day, seven (7) days per week for the purpose of responding in person to the *property* within thirty (30) minutes of a complaint being made regarding the condition, operation, or conduct of *transient occupants* and/or *guests* of the *short-term vacation rental*, and must take such remedial action as is necessary and reasonable to resolve such complaints. Upon notification that any *transient occupant* and/or *guest* of the *short-term vacation rental* has created unreasonable noise or disturbances, engaged in disorderly conduct, or committed violations of any *applicable law, rule or regulation* pertaining to the use and occupancy of the subject *short-term vacation rental*, the *owner*, *owner's authorized agent or representative* and/or the *owner's designated local contact person*, as applicable, shall promptly respond to immediately halt or prevent a recurrence of such conduct by the *transient occupants* and/or *guests*. Failure of the *owner*, the *owner's authorized agent or representative* and/or the *owner's designated local contact person*, as applicable, to respond to calls or complaints regarding the condition, operation, or conduct of *transient occupants* and/or *guests* of the *short-term vacation rental* in a timely and appropriate manner as required by this Section shall be subject to all administrative, legal and equitable remedies available to the *city*.
- H. City Notification of Violations. The *owner*, the *owner's authorized agent or representative* and/or the *owner's designated local contact person*, as applicable, shall report to the *city manager* the name, violation, date, and time of disturbance of each person involved in any disorderly conduct activity, disturbance or other violation of any *applicable law, rule or regulation* pertaining to the use and occupancy of the subject *short-term vacation rental*.

- I. Listings. All internet listing sites and listing numbers associated with a *short-term vacation rental* shall be submitted to the *city* with the monthly Transient Occupancy Tax (TOT) return forms due to the *city* pursuant to Section 3.24.080 (Reporting and Remitting) of this Municipal Code.
- J. Sound Equipment. No radio receiver, musical instrument, phonograph, compact disk player, loudspeaker, karaoke machine, sound amplifier, or any machine, device or equipment that produces or reproduces any sound shall be used outside or be audible from the outside of any *short-term vacation rental* at any time.
- K. Noise Requirements. The *short-term vacation rental* shall be subject to the provisions as described under Section 16.30 (Noise).
- L. Renter Requirements. Prior to occupancy of a *short-term vacation rental*, the *owner* or the *owner's authorized agent or representative* shall:
 - 1. Obtain the name, personal telephone number, address, and a copy of a valid government identification of the *responsible person* and all *transient occupants* over the age of 18; and,
 - 2. Provide a copy to and review the *good neighbor brochure* with the *responsible person* and all *transient occupants* over the age of 18; and
 - 3. Require the *responsible person* to execute a formal acknowledgement that he or she is legally responsible for compliance by all *transient occupants* of the *short-term vacation rental* and their *guests* with all *applicable laws, rules and regulations* pertaining to the use and occupancy of the *short-term vacation rental*.
 - 4. The information required by this Subsection shall be maintained by the *owner* or the *owner's authorized agent or representative* for a period of three (3) years and shall be made readily available upon request to the *city*.
- M. No Self Check-In. Self check-in shall be prohibited at the *short-term vacation rental*. Lock boxes, electronic access devices, smart keys, or similar access components shall not be permitted for access to the *short-term vacation rental*. The *owner* or the *owner's authorized agent or representative* shall meet the *responsible person* at the subject *property* to verify the identity of *transient occupants*, provide a copy of the *good neighbor brochure* and conduct check-in procedures to all *transient occupants* 18 years and older.
- N. Trash and Refuse. Trash and refuse shall not be left stored within public view, except in proper containers for the purpose of collection by the *city's* authorized waste hauler on scheduled trash collection days. The *owner*, the *owner's authorized agent or representative* shall use reasonably prudent business practices to ensure compliance with all the provisions of Chapter 8.20 (Nuisances Generally) and Chapter 8.24 (Litter) of this Municipal Code.
- O. Parking. Parking for the *short-term vacation rental* shall comply with the requirements as specified under Table 3-7, Table 5.27-01, and Section 16.44.260 of this Municipal Code.
- P. No Roof Access. Due to neighborhood privacy concerns and potential risks of bodily harm, accidental death and other safety concerns, standing, sitting, sleeping, lying, walking or running on the roof of any *short-term vacation rental* is prohibited. Violation of this prohibition

shall result in the immediate removal of all *transient occupants* and *guests* from the subject *property*.

- Q. Permit and Good Neighbor Brochure Displayed On-Site. The *owner*, the *owner's authorized agent or representative* and/or the *designated local contact person* shall post a copy of the *short-term vacation rental permit* and a copy of the *good neighbor brochure* in a conspicuous place within the *short-term vacation rental*.
- R. Payment of Transient Occupancy Tax. The *owner* and/or the *owner's authorized agent or representative* shall comply with all provisions of Chapter 3.24 (Transient Occupancy Tax) of this Municipal Code concerning the payment of Transient Occupancy Taxes (TOT), including, but not limited to, submission of a monthly reporting and remitting requirements in compliance with Section 3.24.080 of this Municipal Code, which shall be required to be filed monthly even if the *short-term vacation rental* was not rented during such month. This calculation shall include "cleaning fees", "resort fees", and "other" fees as part of the total "rent" charged for the *short-term vacation rental*.
- S. Life/Safety Compliance. The *property* that is the subject of the *short-term vacation rental* must meet basic life/safety requirements (including, but not limited to, operable smoke and carbon monoxide alarms, fire extinguisher, first aid kit) and shall comply with minimum operating standards.
- T. Signage. All *short-term vacation rentals* shall comply with the signage requirements under Section 16.38.050 of this Municipal Code.
- U. No Commercial Filming Permitted On-Site. No *commercial filming* or related activities described under Section 16.70.030 of this Municipal Code, shall occur on-site of the *short-term vacation rental property* concurrently with an active *short-term vacation rental permit*.
- V. No Commercial, Special or Temporary Events Permitted On-Site. No commercial, special or temporary events, or similar non-residential activities requiring the issuance of a temporary use permit pursuant to Chapter 16.70 of this Municipal Code or other approval issued by the *city*, shall occur on-site of the *short-term vacation rental property* concurrently with an active *short-term vacation rental permit*.
- W. Permitted Guest Hours. *Guest* hours permitted at the *short-term vacation rental* shall be limited from 7:00 a.m. to 10:00 p.m. daily.
- X. Additional Requirements. The *city manager* shall have the authority to impose additional conditions or restrictions on any *permit* in the event of any violation of the operating requirements under this Section or the provisions of this Chapter or applicable provisions of Title 16.

5.27.070 Advertising.

All *advertising* for *short-term vacation rentals* shall include the following information:

- A. *City short-term vacation rental permit* number; and

- B. Maximum number of *transient occupants* and *guests* permitted to occupy the *short-term vacation rental* pursuant to Table 5.27-01 of this Chapter; and
- C. Maximum number of designated on-site parking spaces pursuant to Table 5.27-01 of this Chapter.

5.27.080 Inspections.

The *owner* shall permit the *city* to inspect the *short-term vacation rental* and *property* at any time prior to issuance of a *permit*, or during the operation of the *short-term vacation rental* for the purpose of making a reasonable inspection to observe and enforce compliance with all *applicable laws, rules and regulations*, including the provisions of this Chapter and all applicable requirements of Title 16 of this Municipal Code. The *owner* may be required to reimburse the *city* for the cost of an inspection, not to exceed the actual cost of such inspection.

5.27.090 Public Nuisance.

It shall be unlawful and a public nuisance for any person to commit, cause or maintain a violation of this Chapter. The *city* may, in addition to, or in lieu of, prosecuting a criminal action hereunder, commence proceedings for the abatement, removal and/or enjoinder thereof in any manner provided by law.

5.27.100 Violations and Penalties, Enforcement.

- A. It shall be unlawful for any person to fail to comply with any of the requirements of this Chapter, or operate a *short-term vacation rental* within the jurisdiction of the *city* contrary to or in violation of any of the provisions of this Chapter, any applicable provisions of Title 16 of this Municipal Code, or any other *applicable laws, rules and regulations*.
- B. Violations of this Chapter, may be enforced by any method allowed in Chapters 1.32, 1.26 and 8.20 of this Municipal Code, or any other applicable enforcement mechanism available to the *city*.

5.27.110 Denial, Suspension, and Revocation of Permits.

- A. Denial, Suspension or Revocation. In addition to any other remedy provided by this Chapter, a *short-term vacation rental permit* may be denied, and if already issued, may be suspended or revoked by the *city manager*, pursuant to this Section.
- B. Grounds. In addition to the grounds for denial, suspension or revocation imposed under Chapter 5.04 of this Municipal Code, a *permit* issued under this Chapter, and/or a *city Business License* issued by the *city* may be denied, suspended or revoked upon any of the following grounds:
 - 1. A material misrepresentation, false or misleading information was included on the application or renewal application for a *permit* and/or City business license application.
 - 2. A violation of any provision under this Chapter, any applicable provision under Title 16 of this Municipal Code, and/or any other *applicable law, rule or regulation* has occurred on the premises of the *short-term vacation rental*.

3. An authorized official has given notification of existing health or safety violations on the *property* or non-compliance with *applicable laws, rules and regulations* relating to health and safety.
 4. A *short-term vacation rental permit* for the *property* has been suspended or revoked in the previous twelve (12) months, unless the *property* has been sold and the new owner can demonstrate to the *city* change of *property* ownership during that time period.
 5. The *applicant* is delinquent in the payment of any outstanding fees, assessments or taxes owed to the *city* related to any *property* located in the *city* that is owned by the *applicant*, including, but not limited to Transient Occupancy Taxes (TOT).
- C. Appeal of Denial, Suspension or Revocation. The appeal procedures for the denial, suspension or revocation of a *permit* shall be those set forth in Chapter 5.04 of this Municipal Code.
- D. Public Notice of Suspension or Revocation. If a *short-term vacation rental permit* is suspended or revoked pursuant to this Section, notification shall be provided by the *city* to all record property owners located within three hundred (300) feet of the subject *short-term vacation rental* of any imposed suspension or revocation of the *permit*. Posting of the suspension or revocation shall also be provided on the *city's short-term vacation rental* webpage.
- E. Prohibited Operations. If a *short-term vacation rental permit* is revoked pursuant to this Section, the *applicant* shall not operate a *short-term vacation rental* at the *property* for a period of twelve (12) months from the date of such revocation. No *permit* that is revoked by the *city* may be transferred to any other person or entity to operate a *short-term vacation rental* at the *property* during such period of revocation.

5.27.120 Termination of Property Use as a Short-Term Vacation Rental.

Where the *owner* of *property* used and occupied as a *short-term vacation rental* pursuant to a *permit* issued pursuant to this Chapter decides to terminate such use and restore the *property* either to an *owner*-occupied residence or a long-term rental, the *owner* shall promptly cause a notice of such determination to be filed with the *city manager*. The *short-term vacation rental permit* shall go back into the pool of available *permits* in accordance with Section 5.27.050 of this Chapter and Section 16.44.260 of this Municipal Code.

5.27.130 Permit Fee Allocation and Modification.

The City Council shall establish, by Resolution, a non-refundable *short-term vacation rental permit* application and renewal application fee. The appropriate fee shall accompany the submission of each *short-term vacation rental permit* application, or renewal application, as applicable, to defray in part the reasonable costs of the administration and enforcement of this Chapter. The fee shall be reviewed annually and adjusted, as necessary, by the *city manager* to determine whether such fees are adequate to cover the costs of implementing the provisions of this Chapter.

5.27.140 False Claims.

No person shall knowingly report, submit or file a false claim alleging a violation of this Chapter.

5.27.150 Requirements Not Exclusive.

The requirements of this Chapter shall be in addition to any license, permit, or fee required under any other provision of this Municipal Code. The issuance of a *short-term vacation rental permit* pursuant to this Chapter shall not relieve the *owner* of the obligation to comply with all other provisions of this Municipal Code pertaining to the use and occupancy of their *property*.

Exhibit B-2**OPTION 2 – NON-HOSTED – ER & RR ZONES – 300 FOOT RADIUS – ER****CLEAN VERSION**

Section 16.08.010, Table 16.08-01 of the Murrieta Municipal Code is hereby amended to add the following:

TABLE 16.08-1 USE TABLE FOR RESIDENTIAL (SINGLE-FAMILY) ZONING DISTRICTS Permit Requirement by District							
Symbol	Applicable Process						See Chapter
P	Permitted Land Use - Compliance with development standards and zoning clearance required						16.74
C	Conditional Use - Conditional use permit required						16.52
"Blank"	Land use not permitted						
Land Use ^{(1) (2)}	RR	ER-1	ER-2	ER-3	SF-1	SF-2	See Standards in Section
Residential							
Short-Term Vacation Rentals (STVRs) – Hosted ⁽⁸⁾	P	P	P	P	P	P	<u>5.27</u> and <u>16.44.260</u>
Short-Term Vacation Rentals (STVRs) – Non-Hosted ⁽⁸⁾	P	P	P				<u>5.27</u> and <u>16.44.260</u>

Notes:

- (1) See Section 16.04.020 regarding uses not listed.
- (2) See Article VI for definitions of the land uses listed.
- (3) Kennels existing as of January 1, 2014 within the RR zone are a legal-conforming land use and are permitted to continue in operation subject to no changes in the existing operation and/or compliance with the development standards contained in Section 16.44.040.E.2.
- (4) Minimum five (5) acre property.
- (5) Zoning clearance not required.
- (6) Any development standards imposed shall be limited to those specified in state law. No Manufactured Housing shall be installed on a lot in a permitted residential zone if more than 10 years has elapsed between the date of manufacture of the manufactured home and the date of the application for the issuance of a permit to install the manufactured home in the affected zone. This exclusion shall not apply to legally permitted Manufactured Homes converting from a pier foundation system to a permanent foundation system.
- (7) For EVCS - Subject to the Minor Conditional Use Permit appeal provisions for identified Public Health and Safety issues.
- (8) For STVRs - Subject to the Citywide maximum, locational, and operational criteria, as described in Sections 5.27 and 16.44.260 of this Municipal Code.

Section 16.08.010, Table 16.08-2 of the Murrieta Municipal Code is hereby amended to read as follows:

TABLE 16.08-2 USE TABLE FOR RESIDENTIAL (MULTI-FAMILY) ZONING DISTRICTS Permit Requirement by District				
Symbol	Applicable Process			See Chapter
P	Permitted Land Use - Compliance with development standards and zoning compliance required			16.74
C	Conditional Use - Conditional use permit required			16.52
"Blank"	Land use not allowed			
Land Use ⁽¹⁾ ₍₂₎	MF-1	MF-2	MF-3	See Standards in Section
Residential				
Short-Term Vacation Rentals (STVRs) – Hosted ⁽⁶⁾	P	P	P	<u>5.27</u> and <u>16.44.260</u>
Short-Term Vacation Rentals (STVRs) – Non-Hosted ⁽⁶⁾				
Notes: (1) See Section <u>16.04.020.D</u> regarding uses not listed. (2) See Article VI for definitions of the land uses listed. (3) Zoning clearance not required. (4) As it pertains to Accessory Dwelling Units, per Section 16.44.160, allowances for implementation are applied to the Downtown Murrieta Specific Plan per state law. (5) For EVCS - Subject to the Minor Conditional Use Permit appeal provisions for identified Public Health and Safety issues as described in Section 15.63. (6) For STVRs – Prohibited at Rental Units. Subject to the Citywide maximum, locational, and operational criteria, as described in Sections <u>5.27</u> and <u>16.44.260</u> of this Municipal Code.				

Section 16.10.010, Table 16.10-01 of the Murrieta Municipal Code is hereby amended to add the following:

TABLE 16.10-1 USE TABLE FOR COMMERCIAL ZONING DISTRICTS				
Symbol	Applicable Process		See Chapter	
P	Permitted Land Use - Compliance with development standards and zoning clearance required		16.74	
C	Conditional Use - Conditional use permit required		16.52	
'Blank'	Land use not permitted			
Land Use^{(1) (2)}	NC	CC	RC	See Standards in Section
Short-Term Vacation Rentals (STVRs) – Hosted				
Short-Term Vacation Rentals (STVRs) – Non-Hosted				
Notes: (1) See Section 16.04.020 regarding uses not listed. (2) See Article VI for definitions of the land uses listed. (3) For EVCS - Subject to the Minor Conditional Use Permit appeal provisions for identified Public Health and Safety issues as described in Section 15.63.				

Section 16.11.010, Table 16.11-01 of the Murrieta Municipal Code is hereby amended to add the following:

TABLE 16.11-1 ALLOWABLE USES AND PERMIT REQUIREMENTS FOR OFFICE DISTRICTS			
Symbol	Applicable Process		See Chapter
P	Permitted Land Use - Compliance with development standards and zoning clearance required		16.74
C	Conditional Use - Conditional use permit required		16.52
"Blank"	Land use not allowed		
Land Use ^{(1) (2) (3) (4) (5) (6)}	O	ORP	See Standards in Section
Short-Term Vacation Rentals (STVRs) - Hosted			
Short-Term Vacation Rentals (STVRs) – Non-Hosted			
<p>Notes:</p> <p>(1) See Section <u>16.04.020</u> regarding uses not listed.</p> <p>(2) See <u>Chapter 16.110</u> for definitions of land uses listed.</p> <p>(3) A development permit may also be required (<u>Chapter 16.56</u> Development Plan Permits).</p> <p>(4) Permanent and/or temporary outdoor storage of materials in conjunction with an on-site primary use requires approval of a conditional use permit (<u>Chapter 16.52</u> Conditional Use Permits).</p> <p>(5) Storage of hazardous materials in excess of threshold established by the Uniform Building Code requires approval of a minor conditional use permit (<u>Chapter 16.62</u> Conditional Use Permits) and compliance with Section <u>16.18.070</u> Hazardous Materials Storage.</p> <p>(6) Conversion or reuse of an existing residential structure may be allowed with approval of a conditional use permit (Section <u>16.32.030</u> B.3).</p> <p>(7) Use shall be integrated as an accessory use of a primary office and/or research use and such use shall be incorporated within the primary use's structure. Use shall not be located in a stand-alone building.</p> <p>(8) Non-conforming single family residential uses are allowed limited additional development subject to Section <u>16.32.030</u>, Restriction on Nonconforming Uses and Structures.</p> <p>(9) For EVCS - Subject to the Minor Conditional Use Permit appeal provisions for identified Public Health and Safety issues as described in Section 15.63.</p>			

Section 16.12.010, Table 16.12-1 of the Murrieta Municipal Code is hereby amended to add the following:

TABLE 16.12-1 USE TABLE FOR BUSINESS PARK AND INDUSTRIAL DISTRICTS				
Key to Permit Requirements				
Symbol	Applicable Process			See Chapter
P	Permitted Use - Compliance with development standards and zoning clearance required⁽³⁾			16.74
C	Conditional Use - Conditional use permit required			16.52
"Blank"	Use not allowed			
Land Use ^{(1) (2) (3)} (4) (5) (6) (7) (8)	BP	GI	GI-A	See Standards in Section
Short-Term Vacation Rentals (STVRs) – Hosted				
Short-Term Vacation Rentals (STVRs) – Non-Hosted				
Notes:				
(1) See Section <u>16.04.020</u> regarding uses not listed.				
(2) See Article VI for definitions of the land uses listed.				
(3) A development plan permit may also be required. See <u>Chapter 16.56</u> .				
(4) Outdoor storage of materials in conjunction with an on-site primary use requires approval of a conditional use permit in compliance with <u>Chapter 16.52</u> .				
(5) Storage of hazardous materials in excess of threshold established by the uniform building code requires approval of a minor conditional use permit (16.52) and compliance with Section <u>16.18.070</u> (Hazardous Materials Storage).				
(6) Conversion or reuse of an existing residential structure may be allowed with approval of a conditional use permit. See Section <u>16.32.030</u> (B)(3).				
(7) This use specifically excludes rental to persons not employed as a caretaker or security for the site on which the use is located. See Section <u>16.11.020</u> .				
(8) All uses shall demonstrate adequate parking in accordance with <u>Chapter 16.34</u> - Off-Street Parking and Loading Standards.				
(9) For EVCS - Subject to the Minor Conditional Use Permit appeal provisions for identified Public Health and Safety issues as described in Section 15.63.				

Section 16.14.010, Table 16.14-1 of the Murrieta Municipal Code is hereby amended to add the following:

TABLE 16.14-1 USE TABLE FOR SPECIAL PURPOSE DISTRICTS				
Key to Permit Requirements				
Symbol	Applicable Process			See Chapter
P	Permitted Use - Compliance with development standards and zoning clearance required⁽³⁾			16.74
C	Conditional Use - Conditional use permit required			16.52
"Blank"	Use not allowed			
Land Use^{(1) (2)}	P&R	C&I	OS	See Standards in Section
Short-Term Vacation Rentals (STVRs) – Hosted				
Short-Term Vacation Rentals (STVRs) – Non-Hosted				
Notes:				
(1) See Section <u>16.04.020</u> regarding uses not listed.				
(2) See Article VI for definitions of the land uses listed.				
(3) For EVCS - Subject to the Minor Conditional Use Permit appeal provisions for identified Public Health and Safety issues as described in Section 15.63.				

Section 16.34.040, Table 3-7 of the Murrieta Municipal Code is hereby amended to add the following:

**TABLE 3-7
PARKING REQUIREMENTS BY LAND USE**

Residential Uses	Vehicle Spaces Required
Single family housing	Two spaces in a fully enclosed garage.
Duplex housing units	Two spaces for each unit, with at least one space in a fully enclosed garage.
Multi-family dwellings and other attached dwellings	Studio and one bedroom units: 1.5 spaces for each unit, with one space for each unit in a fully enclosed garage, plus guest parking. Two bedrooms or more: 2 spaces for each unit, plus 0.5 additional spaces for each bedroom over 2, with one space for each unit in a fully enclosed garage, plus guest parking equal to 25% of the total number of units.
Mobile homes (in mobile home parks)	Two spaces for each mobile home (tandem parking allowed in an attached carport), plus one guest parking space for each four units.
Condominiums	Studio, one bedroom and two bedroom units: Two covered spaces for each unit, with one space for each unit in a fully enclosed garage, plus guest parking. Three bedrooms or more: Two spaces for each unit with one space for each unit in a fully enclosed garage; plus 0.5 additional spaces for each bedroom over two; plus guest parking equal to 33% of the total number of units evenly spread throughout the entire project.
Mixed-use developments (residential portion)	Determined by conditional use permit.
Accessory dwelling units	See Section <u>16.44.160</u>
Senior housing projects	One space for each unit with half the spaces covered, plus one guest parking space for each ten units.
Senior congregate care	0.5 space for each residential unit, plus one space for each four units for guests and employees.
Short-Term Vacation Rentals	Parking for the short-term vacation rental shall comply with the requirements as specified under Table 3-7, Table 5.27-01 for required on-site quantities, and Section <u>16.44.260</u> of this Municipal Code. Required parking shall be allocated on-site of the <i>single-family residential dwelling</i> , or within designated parking spaces for <i>condominiums</i> , as prescribed by Table 5.27-01. All garage, driveway, carport and tandem parking spaces associated with the single-family residential dwelling or <i>condominium</i> unit shall, at all times, be available for parking of <i>transient occupant</i> and <i>guest</i> vehicles, as those terms are defined in Title 5.27. Temporary parking passes issued by the City shall be provided to all <i>transient occupants</i> and for their <i>guest(s)</i> . The observable parking passes shall be displayed in the vehicle's front-windshield for the duration of the stay.

Section 16.38.050 of the Murrieta Municipal Code is hereby amended to add the following:

16.38.050 Exemptions From Sign Permits.

Sign permits shall not be required for the signs listed in this section. Exempt signs shall not be included in the determination of the total allowable number of signs or total allowable sign area for a site/use. This section is not intended to exempt signs from building permits or electrical permits.

A. Permanent Signs with no Size Limitation:

1. Signs located within shopping centers or similar areas where the signs are not visible from any point on the boundary of the premises;
2. Official and legal notices required by a court or governmental agency;
3. Signs erected and maintained in compliance with and in discharge of a governmental function or required by a law, ordinance or governmental regulation, including signs erected by a public utility; 1
4. Signs on licensed commercial vehicles, including trailers; provided, however, that vehicles/trailers shall not be used as parked/stationary outdoor display signs;
5. Bench signs and other signs located at designated public transit locations;
6. Change of copy within an approved comprehensive sign program that conforms to the provisions of the comprehensive sign program (16.38.060): and
7. Change of copy on existing structures.

B. Permanent Signs Limited by Maximum Size:

1. Occupant name, street number, and street name signs not exceeding two square feet in area per single-family or multi-family unit;
2. Signs for commercial, office, and industrial uses not exceeding two square feet and limited to business identification, hours of operation, Address, and emergency contact information;
3. Convenience signs solely for the purpose of guiding traffic, parking, and loading on private property, and not bearing advertising materials. Maximum sign area shall be four square feet. Maximum height for freestanding signs shall be four feet. Taller signs may be approved by the director, if visibility will not be impaired;
4. Affiliation signs for auto-related uses, motels, and hotels that show notices of services provided or required by law, trade affiliations, credit cards accepted, and the like provided the signs are attached to an otherwise approved sign, or structure. Signs or notices shall not exceed one-half (1/2) square foot in area per sign, and no more than six signs are allowed per business;

5. Gasoline pump signs identifying the brand, types, and octane rating provided the signs do not exceed two square feet per pump face;

6. Names of structures, commemorative plaques, tables, dates of construction, and the like when carved in stone, concrete, or similar materials or made of bronze, aluminum, or other similar permanent material and mounted permanently on a structure. These signs shall not exceed four square feet and six feet in height; and

7. Official flags of a nation, the state of California and other states of the nation, municipalities, and fraternal or religious organizations, provided that the pole height shall not exceed twenty-five feet in residential zones and 50 feet in non-residential zones, and the length of the flag shall not be more than one-quarter (1/4) of the height of the pole. Increase in pole height may be granted by the director when a special circumstance is applicable to the property, such as height of surrounding structures.

C. Temporary Signs Limited by Size and Period of Display:

1. Real Estate Signs. Real estate signs subject to the owner's permission and the following limitations:

a. For single-family dwellings, one (1) sign per street frontage not to exceed four square feet in area and seven feet in height in addition, "open house" signs are allowed when a sales agent or owner is present at the site;

b. For multi-family dwellings, one sign per street frontage not to exceed thirty-two (32) square feet and eight feet in height;

c. Individual commercial, office, and industrial properties not located in a commercial center or industrial/business park, one sign per street frontage not to exceed thirty-two (32) square feet per side and eight feet in height;

d. Individual tenant spaces within multi-tenant commercial centers, office structures, and industrial subdivisions offered for sale, rent, or lease, one sign per street frontage not to exceed sixteen (16) square feet and eight feet in height. In addition, one sign for each tenant space available not to exceed six square feet to be located at the individual tenant space for rent or lease; and

e. For non-residential freeway fronting properties, one sign along freeway frontage not to exceed three hundred and twenty (320) square feet per side and twenty-four (24) feet in height.

2. Noncommercial Signs. Temporary noncommercial signs shall be permitted in any zoning district and in any circumstance where a commercial sign is permitted whether on-site or off-site subject to the following provisions:

a. Temporary noncommercial signs shall not exceed 120 days per calendar year;

b. Temporary noncommercial signs which relate to a specific event (including elections) shall be removed not later than fourteen (14) days following the date of the event (including an

election). In commercial zones, the fourteen (14) days are included in the overall 120-day allowance per calendar year;

c. Temporary noncommercial signs in commercial zones are subject to the same size and location regulations as permitted commercial signs. Noncommercial signs are additionally permitted in residential zones subject only to the limitations contained in this Section 16.38.050 C. 2., subsections b, d, e, f, and g;

d. The subject matter, content or specific language of a temporary noncommercial sign is not subject to review or approval by the city, subject to Section 16.38.080(H);

e. In a residential zone, temporary noncommercial signs shall not exceed sixteen (16) square feet in total area per side. No sign shall be placed in a manner that would obstruct visibility of pedestrian or vehicle traffic;

f. In a residential zone, temporary noncommercial signs shall not exceed an overall height of eight (8) feet from finished grade; and

g. Temporary noncommercial signs in any zone, shall not be within the public right-of-way.

3. Business Identification Signs. A maximum of two temporary signs for the identification of a new business until permanent signs can be erected are allowed for a period not to exceed ninety (90) days. One time extension may be granted by the director. Total sign area for two signs is limited to fifty (50) square feet.

4. Future Tenant Signs. Future tenant identification signs that provide information about the future use of a property subject to compliance with the following limitations:

a. One sign per street frontage. One additional sign is allowed if a project has in excess of five hundred (500) lineal feet of street frontage;

b. Signs shall be limited to a maximum of thirty (30) square feet and ten feet in height. Maximum fifty (50) square feet if combined with a construction sign; and

c. Signs shall be removed upon occupancy of the site.

5. Construction Signs. Construction signs are subject to compliance with the following limitations:

a. One (1) sign per street frontage not to exceed twenty (20) square feet with a maximum height of ten feet. Maximum size of fifty (50) square feet if combined with a future tenant sign; and

b. Signs shall be removed upon first occupancy of the site.

6. On-site Subdivision Signs. The placement of on-site subdivision signs shall comply with the following standards:

a. Signs may contain only the name of the subdivision, name of the developer and/or agent, an identification emblem, sales price, illustrative graphics, and directional message;

- b. A maximum of two (2) on-site signs may be located within the project;
- c. The total area of each sign shall not exceed fifty (50) square feet;
- d. The height of each sign shall not exceed ten feet;
- e. Signs shall not be illuminated;
- f. Signs may be displayed one (1) year after the last building permit has been issued or as long as there is an active building permit; and
- g. Apartment and group housing complexes of thirty (30) units or more shall be considered within the definition of a subdivision for the purpose of this subsection. Small apartment complexes (twenty-nine (29) units or fewer) may display rental/sales signs during construction and for a period of one (1) year following the issuance of the Certificate of Occupancy. One sign per street frontage not to exceed sixteen (16) square feet with a maximum height of six (6) feet.

7. Short-Term Vacation Rental Temporary Signs. The placement of on-site *short-term vacation rental* temporary signs shall comply with the following standards:

a. Each *short-term vacation rental* shall be equipped with no more than one (1) temporary identification sign, not-to-exceed two square feet in area. No other *advertising* signs promoting or identifying *short-term vacation rentals* shall be permitted on-site or off-site. The required temporary identification sign shall be posted in a conspicuous location in front of a *single-family residential dwelling*, or attached to a *condominium* in a location clearly visible from the street or internal common area. The sign shall be posted for a minimum six (6) hours, and not more than twelve (12) hours, prior to periods of occupancy, and removed within twelve (12) hours of check-out of the unit. The sign shall clearly state the following information in lettering of sufficient size to be easily read:

- i. The twenty-four (24)-hour *city short-term vacation rental* telephone hotline number;
- ii. The *city's short-term vacation rental* website address; and,
- iii. The name of the *owner's authorized agent or representative*, or owner of the unit, and the designated local contact person and a telephone number at which that party may be reached on a twenty-four (24)-hour, seven (7) day per week basis; and,
- iv. The maximum number of *occupants* permitted to stay in the unit; and,
- v. The maximum number of vehicles allowed to be parked on the *property*.

Section 16.44.150 of the Murrieta Municipal Code is hereby amended to add the following:

CHAPTER 16.44.150

I. Rooming and Boarding House. A rooming and boarding house (including sober living homes), as defined in Chapter 16.110 of this title, may be established only upon approval of a conditional use permit for six (6) or fewer occupants, and shall be prohibited for more than six (6) occupants subject to the following standards (*Short Term Vacation Rentals* that are regulated separately fall outside of this criteria. See, Section 5.27 (Short-Term Vacation Rentals) of the Murrieta Municipal Code for further criteria on these uses):

1. Filing Requirements. In addition to the regular application information, the application for a conditional use permit for a rooming and boarding house or sober living home shall include the following information:

- a. Any proposed restrictions or limitations on the resident profile, such as men only, women only, families with children, elderly or special needs;
- b. The number of rooms to be used for sleeping purposes, and the maximum number of residents including on-site management staff, if any; and
- c. Any proposed limitations on the maximum stay for each resident.

2. Site Location Criteria. In evaluating a proposed rooming and boarding house or sober living home the following criteria shall be considered:

- a. Compatibility of the proposed use with neighboring uses;
- b. Whether the use will result in harm to the health, safety or general welfare of the surrounding neighborhood, and substantial adverse impacts on adjoining properties or land uses will not result;
- c. The proximity of the use to shopping and services, and access to public transportation; and
- d. to avoid an over-concentration of rooming and boarding houses and sober living homes, there shall be a minimum separation requirement of five hundred (500) feet, measured from the nearest outside building walls, between the subject use and any other rooming and boarding home or other group housing as defined in this title or in state law.

3. Development Standards. Any rooming and boarding house or sober living home shall comply with the following:

- a. Structures and landscaping shall be compatible with the character of the surrounding neighborhood;
- b. Sufficient on-site parking shall be provided (the precise number of parking spaces required will be determined by the approving authority based on the operating characteristics of the specific proposal);

- c. Both indoor and outdoor open areas shall be provided on site;
- d. All setback standards of the underlying zone shall be met; and
- e. Signs as permitted in Chapter 16.38.

4. Notification. Notification of the conditional use permit public hearing shall be done in accordance with Chapter 16.52 of this title.

5. Existing Facilities. Upon the expiration of any conditional use permit, an existing rooming and boarding house or sober living home must comply with the requirements of this Section 16.44.150.

6. Changes to Operation. Any change in operating conditions from what was originally approved and imposed by the city, including, but not limited to, the number of occupants or residents, or any modifications to the conditions of approval pursuant to the required conditional use permit, shall require the immediate submittal of a request for revision of the required conditional use permit.

Section 16.44.260 of the Murrieta Municipal Code is hereby amended to add the following:

CHAPTER 16.44.260 Short-Term Vacation Rentals.

A. Purpose.

The purpose of this Chapter is to establish the locational regulations for the use of privately owned *single-family residential dwelling units* and *condominiums* to minimize the potential adverse secondary effects of such uses on surrounding neighborhoods, to prevent the increase and over concentration of transient uses in residential neighborhoods and zoning districts, impose reasonable limitations to ensure the long-term availability of housing stock in compliance with the Housing Element of the City's General Plan, and ensure neighborhood compatibility with *short-term vacation rentals* under the framework of the Development Code. See, also, Chapter 5.27 (Short-Term Vacation Rentals) of this Municipal Code for additional requirements and definitions, as well as, Section 16.110.020 (Definitions of Specialized Terms and Phrases).

B. Location and Applicability.

1. *Hosted short-term vacation rental* units shall be permitted in the following zoning designations: RR, ER-1, ER-2, ER-3, SF-1, SF-2, MF-1, and MF-2, and MF-3, subject to compliance with the below criteria:
 - a. There is capacity for the subject *hosted* rental unit under the citywide maximum limit of three hundred (300) *STVRs*; and
 - b. The *hosted* rental unit meets all of the applicable requirements contained in this Title 16 and Chapter 5.27 of the Murrieta Municipal Code, as well as all other applicable laws, rules and regulations; and
 - c. *Hosted* rental units are prohibited in all other zones within the City limits.
2. *Non-Hosted short-term rental vacation rental* units shall be permitted in the following zoning designations: RR, ER-1, and ER-2, subject to compliance with the below criteria:
 - a. Within the ER-1, and ER-2 zones:
 - i. No *non-hosted short-term vacation rental* unit shall be located within three hundred (300) feet of another *non-hosted short-term vacation rental* unit; and
 - ii. The 300-foot separation distance shall be measured as a radial distance from all property lines of the subject *non-hosted short-term vacation rental* unit property; and

- b. There is capacity for the subject *non-hosted short-term vacation rental* unit within the citywide maximum limit of three hundred (300) *STVRs*; and
 - c. The *non-hosted short-term vacation rental* unit meets all of the applicable requirements contained in this Title 16 and Chapter 5.27 of the Murrieta Municipal Code, as well as all other applicable laws, rules and regulations; and
 - d. *Non-hosted short-term vacation rental* units are prohibited in all other zones within the City limits.
3. This Chapter shall apply only to privately-owned *single-family residential dwellings* and *condominiums*, as defined by Chapter 5.27. Detached permitted habitable structures may be permitted for use for short-term vacation rental purposes (Excluding: *Accessory Dwelling Units* and *Junior Accessory Dwelling Units*).
 4. Any person who rents or leases a *single-family residential dwelling*, *condominium*, apartment, or mobile home, shall not be permitted to use of said dwelling for *short-term vacation rental* purposes.
 5. Publicly owned *single-family residential dwellings*, *condominiums*, apartments, mobile homes, and those dwellings that are subject to affordable housing covenants imposed or required by the City or any of its affiliated agencies, shall not be used for short-term vacation rental purposes.
 6. Mobile or Modular homes on leased property shall not be used for *short-term vacation rental* purposes.
 7. Temporary occupancy vehicles, also known as recreational vehicles, inclusive of motor homes, travel trailers, truck campers, camping trailers, and park trailers, fifth-wheel travel trailers, house cars, trailer coaches, slide-in campers, trunk campers, tent trailers, with or without a motor, shall not be used for *short-term vacation rental* purposes.
 8. Tents and similar shelters shall not be used for *short-term vacation rental* purposes.
 9. Garages shall not be used for *short-term vacation rental* purposes.
 10. Temporary Use Permits, including commercial filming permits, shall not be granted at residential locations with concurrent *short-term vacation rental permits*.

C. Cap Limitation.

Consistent with the maximum number of *STVR* permits that may be issued by the City under Section 5.27.050 of this Municipal Code; the maximum number of *STVR* units that may operate in the City is three hundred (300).

D. Parking.

Refer to Table 3-7 "Parking Requirements By Land Use" for operational aspects as it relates to *short-term vacation rentals* and Table 5.27-01 "Short-Term Vacation Rental Occupancy Limits and Parking Requirements" for on-site parking quantities for *short-term vacation rentals*..

E. Signs.

Refer to Section 16.38.050.C.7 (Short-Term Vacation Rental Temporary Signs) for requirements.

Section 16.110.020 of the Murrieta Municipal Code is hereby amended to add the following:

16.110.020 Definitions of Specialized Terms and Phrases.

...

H. Definitions, "H". The following definitions are in alphabetical order.

Home Occupations. An accessory commercial activity or business service conducted on the site of a housing unit, only by residents of the housing unit (*Short Term Vacation Rentals* are exempt from this requirement in terms of activity limitations. Please refer to the *Short-Term Vacation Rental* definition as contained within this Section and Chapter 5.27 (Short-Term Vacation Rentals) for specific criteria), in a manner clearly incidental to the residential character of the site and surrounding neighborhood, and in compliance with the provisions of Chapter 16.60 (Home Occupation Permits). Home occupations do not include business/commercial activities conducted solely by residents of a housing unit that are limited to the use of a desk, telephone and/or personal computer which are permitted in all residential zoning districts.

Hosted rental unit. A *short-term vacation rental* where bedroom(s), or a habitable detached structure (non-accessory dwelling unit, as that term is defined in Government Code Section 65852.2, which may be amended from time-to-time) on the property of a primary residence is rented, while a property owner, or their designated permanent resident, who is at least twenty-one (21) years of age or older, remains on-site and resides on the property during the short-term vacation rental period (except during daytime and/or working hours).

Hotel or Motel. Guest rooms or suites, provided with or without meals or kitchen facilities, rented to the general public for overnight or other temporary lodging (less than thirty (30) days). Also includes accessory guest facilities (including swimming pools, tennis courts, indoor athletic facilities, accessory retail uses). Does not include *short-term vacation rentals*, which are defined under this Section and regulated under Chapter 5.27 (Short-Term Vacation Rentals) and Title 16.

...

Definitions, "N". The following definitions are in alphabetical order.

Non-hosted rental unit. A *short-term vacation rental* where bedroom(s), or a habitable detached structure (non-accessory dwelling unit, as that term is defined in Government Code Section 65852.2, which may be amended from time-to-time) is rented without concurrently being occupied by the property owner.

...

Definitions, "R". The following definitions are in alphabetical order.

Rooming and Boarding Houses. A residence or dwelling, other than a hotel, wherein three or more rooms, with or without individual or group cooking facilities, are rented to individuals under separate rental agreements or leases, either written or oral, whether or not an owner, agent or rental manager is in residence. Included within the definition of "rooming and boarding house" are

parolee-probationer home and sober living home as defined herein. Does not include *short-term vacation rentals*, which are defined under this Section and regulated under Chapter 5.27 (Short-Term Vacation Rentals) and Title 16.

...

Definitions, "S". The following definitions are in alphabetical order.

Short Term Vacation Rental (STVR). Short-Term Vacation Rental means a privately-owned single-family residential dwelling or condominium, as applicable, rented for a period of thirty (30) consecutive calendar days or less, for dwelling, lodging, or sleeping purposes, regardless of home-sharing and/or subletting arrangements. For the purposes of this Chapter, non-monetary forms of compensation shall also qualify a property as a short-term vacation rental. This definition is inclusive of both *hosted rental units* and *non-hosted rental units*.