

ORDINANCE NO. 2022-XXX

AN ORDINANCE OF THE TOWN OF WINDSOR AMENDING THE TOWN OF WINDSOR ZONING ORDINANCE TO ESTABLISH REQUIREMENTS FOR SHORT-TERM RENTALS

WHEREAS, the Town of Windsor ("Town") is authorized by Article XI, Section 7 of the California Constitution to make and enforce all regulations and ordinances using its police powers; and

WHEREAS, the Town's Zoning Ordinance does not establish specific standards, regulations or permitting requirements for Short-Term Rentals, and therefore does not have adequate authority to consider appropriate health and safety regulations applicable to Short-Term Rentals to safeguard the health, safety, and general welfare of the community; and

WHEREAS, in 2015 the Town's Community Development Director established an internal Short-Term Rental policy that established the following requirements for a residential unit to be used as a short-term rental: (1) approval of a business license; (2) safety inspection by the Fire District; and (3) compliance with Fire District requirements; and

WHEREAS, on February 17, 2016, the Town Council received a presentation regarding short-term rentals and to review potential transient occupancy tax (TOT) revenue and provide direction to staff; and

WHEREAS, since the Town's Short-Term Rental policy was created in 2015, the Town has received 77 business licenses for Short-Term Rentals, and 59 of those business licenses are active; and

WHEREAS, on November 1, 2017 the Town Council directed staff to prepare an ordinance formally allowing short term "vacation rentals" as one of a number of measures intended to address housing and economic impacts resulting from the Nuns and Tubbs fires of October 2017; and

WHEREAS, on March 17, 2021 the Town Council held a study session to discuss policy options for Short-Term Rentals and provided direction to staff; and

WHEREAS, the Town began an outreach strategy that included online information and a survey available to the general public between June 14, 2021 and July 6, 2021 and over 1,200 responses were collected; and

WHEREAS, based on input from the community and the Town Council, a Draft Short-Term Rental Ordinance was prepared and made available for public review and comment from October 15, 2021 through November 29, 2021; and

WHEREAS, on November 29, 2021 the Town hosted a community meeting to review the ordinance and collect public comment; and

WHEREAS, to implement restrictions on Short-Term Rentals, the Town has undertaken proposed amendments to the Town of Windsor Zoning Ordinance to regulate the Short Term Rentals by requiring a Short-Term Rental Permit in the following zoning districts: Neighborhood Commercial (NC), Community Commercial (CC), Town Center (TC) Town Center Active Use Frontage Overlay (TCAUFO), Town Center Entertainment Overlay (TCEO), Estate Residential (ER), Surrounding Residential (SR), Village Residential (VR), Medium Density Residential (MDR), Compact Residential (CR) and High Density Residential (HDR); and

WHEREAS, the proposed amendments to the Town of Windsor Zoning Ordinance include operational requirements pertaining to Short-Term rentals, including but not limited to, requiring a permit to operate a Short-Term Rental, Notice to neighbors within 300', yearly renewals required with denial findings, operating standards, permit requirements for hosted and non-hosted rentals, location and concentration requirements; and

WHEREAS, the proposed amendments will not allow for, nor encourage any more development than is already anticipated under the Town's General Plan; and

WHEREAS, adoption of this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) given that the proposed ordinance is not a "project" within the meaning of Section 15378 of the CEQA Guidelines (title 14, Chapter 3 of the California Code of Regulations) because it does not have the potential for causing a significant effect on the environment and, therefore, is not subject to review pursuant to CEQA Guidelines Sections 15060(c)(2) and 15061(b)(3); and

WHEREAS, the Planning Commission held a duly noticed public hearing on January 11, 2022, at which it reviewed the proposed options for regulating Short-Term Rentals, considered all public comments and related CEQA exemption, and provided direction to staff for changes to the proposed Ordinance and continued the meeting to a date certain; and

WHEREAS, the Planning Commission held a duly noticed public hearing on January 25, 2022, at which it reviewed the proposed options for regulating Short-Term Rentals, considered all public comments and related CEQA exemption, and forwarded a resolution to the Town Council to find the proposed ordinance exempt from CEQA and approve the ordinance establishing standards for Short-Term Rentals.

WHEREAS, the Town Council held a duly noted public hearing on _____, at which it reviewed the proposed amendments to the Zoning Ordinance and considered the Planning Commission's recommendation and all public comments, and related CEQA exemption.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF WINDSOR DOES HEREBY ORDAIN AS FOLLOWS.

SECTION 1. The above recitals are hereby declared to be true and correct.

SECTION 2. Findings.

The Town Council finds that:

- A. A duly noticed public hearing, in accordance with California Government Code Section 65856, regarding the proposed amendments to the Zoning Ordinance was held by the Town Council on _____, 2022.
- B. The Town Council finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) and 15061(b)(3) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and of the CEQA Guidelines because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 3. Article 2 - Section 27.10.030 of the Town of Windsor Zoning Ordinance entitled "Commercial District Land Uses and Permit Requirements" is hereby amended as follows (additions **bold and underlined**, deletions in ~~strikethrough~~):

		TABLE 2-4 Allowed Uses and Permit Requirements for Commercial Zoning Districts (Rev. 02/06/13, Ord. 2013-277)								P Permitted Use (2) (3) MUP Minor Use Permit Req. (3) UP Use Permit Req. (3) — Use not allowed	
LAND USE (1)		PERMIT REQUIRED BY DISTRICT								Specific Use Regulations	
		NC	CC	TC	TC AUFO	TC EO (11)	SC	GC	BC		RC

INDUSTRY, MANUFACTURING & PROCESSING USES

Contractors storage yards	—	—	—	—	—	MUP	—	—	—	
Electrical & electronic equipment, instruments	—	—	—	—	—	UP	—	—	—	
Food and beverage manufacturing	—	—	—	—	—	UP	—	—	—	
Handcraft industries	P	P	P	P (10)	—	—	—	P	P	
Laundries and dry cleaning	—	P	—	—	—	—	—	—	—	
Marijuana cultivation**	—	—	—	—	—	—	—	—	—	27.06.050
Marijuana distribution facilities**	—	—	—	—	—	—	—	—	—	27.06.050
Marijuana mixed-light cultivation**	—	—	—	—	—	—	—	—	—	27.06.050
Marijuana nurseries**	—	—	—	—	—	—	—	—	—	27.06.050
Marijuana product manufacturing**	—	—	—	—	—	—	—	—	—	27.06.050
Metal products fabrication, machine/welding shops	—	—	—	—	—	P	—	—	—	
Recycling facilities – Large collection facility	—	—	—	—	—	UP	—	—	—	27.34.160
Recycling facilities – Reverse vending machines	—	—	P	—	—	P	—	—	—	27.34.160
Recycling facilities – Small collection facility	—	—	—	—	—	UP	—	—	—	27.34.160
Warehousing, wholesaling and distribution	—	—	—	—	—	UP	—	—	—	
Wineries	—	—	—	—	—	UP	—	—	—	

RECREATION, EDUCATION & PUBLIC ASSEMBLY USES

Adult business establishments	—	—	—	—	—	UP	—	—	—	27.34.030
Clubs, lodges and private meeting halls	MUP	MUP	MUP	—	—	—	—	MUP	MUP	
Community centers	MUP	MUP	MUP	—	—	—	—	MUP	MUP	
Health/fitness facilities	P	P	P	UP	UP	P	P	P	P	
Indoor amusement/entertainment facilities	—	UP	UP	UP	UP	UP	UP	UP	UP	
Libraries and museums	P	P	P	MUP	—	P	P	P	P	
Outdoor commercial recreation	—	—	—	—	—	UP	UP	—	—	
Parks and playgrounds	P	—	P	—	—	—	—	P	P	
Recreational vehicle parks	—	—	—	—	—	UP	UP	—	—	
Religious places of worship and related	UP	UP	UP	—	—	UP	UP	UP	UP	

**TABLE 2-4
Allowed Uses and Permit Requirements
for Commercial Zoning Districts**
(Rev. 02/06/13, Ord. 2013-277)

P Permitted Use (2) (3)
MUP Minor Use Permit Req. (3)
UP Use Permit Req. (3)
— Use not allowed

LAND USE (1)	PERMIT REQUIRED BY DISTRICT									Specific Use Regulations
	NC	CC	TC	TC AUFO	TC EO (11)	SC	GC	BC	RC	
facilities										
Schools - specialized education and training	—	MUP	MUP (5)	—	—	MUP	—	—	—	
Studios (art, dance, music, photography, etc.)	P	P	P	—	MUP	P	P	P	P	
Theaters and auditoriums	—	—	UP	UP (8)	UP	—	—	—	UP	

RESIDENTIAL USES

Agricultural worker housing	—	P	—	—	—	—	—	—	—	
Caretaker housing	—	P	—	—	—	P	P	—	—	
Emergency shelters	—	P	—	—	—	—	—	—	—	27.21.030
Indoor Marijuana Cultivation (non-medical, up to six plants)**	P	P	P	P	—	P	P	P	P	27.37.030 27.42.020
Live-work facilities	P	P	P (9)	P (9)	—	P	UP	P	P	
Multi-family dwellings, in a mixed use project	UP(4)	P(4)	P(4)	P	—	UP(4)	UP (4)	P(4)	P(4)	27.08.060 27.34.110
Residential care homes	MUP (4)	MUP (4)	MUP (4)	—	—	—	—	MUP (4)	MUP (4)	
Short Term Rentals (Hosted and Non-Hosted)	P	P	P	P	P	—	—	—	—	27.35

RETAIL TRADE USES

Alcoholic beverage sales, off-site	P	P	P	P	P	P	P	P	P	
Art, antique, collectable and gift sales	P	P	P	P	P	P	P	P	P	
Auto and vehicle sales/rental	—	—	—	—	—	P	UP	—	—	
Auto parts sales	—	P	—	—	—	P	P	—	—	
Bars and nightclubs	UP	UP	UP	UP	UP	UP	—	UP	UP	
Building material stores	—	—	—	—	—	UP	UP	—	—	
Convenience stores	P(6)	P(6)	—	—	—	P(6)	—	P(6)	—	27.34.130
Drive-in and drive-through sales	—	UP	—	—	—	UP	UP	—	—	
Equipment sales and rental	—	UP	—	—	—	P	—	—	—	
Furniture, furnishings and appliance stores	—	P	P	P	P	P	—	P	P	
Garden supply and equipment sales and services	—	P	P	—	—	P	P	—	P	
Gas stations (fuel sales without vehicle services)	—	UP	—	—	—	UP	UP	—	—	27.34.190
General retail stores not otherwise listed	P	P	P	P	P	P	P	P	P	
Sporting goods store	P	P	P	P	P	P	P	P	P	
Sporting goods store with firearm sales	---	UP	---	---	---	UP	UP	---	UP	27.39
Grocery stores	P	P	P	P	P	P	—	P	P	
Hardware store	P	P	P	P	—	P	P	P	P	
Marijuana accessories sales**	—	—	—	—	—	—	—	—	—	27.06.050
Marijuana microbusinesses**	—	—	—	—	—	—	—	—	—	27.06.050
Marijuana retail sales**	—	—	—	—	—	—	—	—	—	27.06.050
Mobile home, recreational vehicle and boat sales	—	—	—	—	—	P	MUP	—	—	
Neighborhood markets	P	P	P	P	P	P	P	P	P	27.34.130
Outdoor retail sales and activities	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	27.34.140
Plant nurseries and garden supply stores	P	P	P	—	—	P	P	P	P	
Plant nurseries, wholesale	—	—	—	—	—	P	P	—	—	

TABLE 2-4 Allowed Uses and Permit Requirements for Commercial Zoning Districts (Rev. 02/06/13, Ord. 2013-277)										P Permitted Use (2) (3) MUP Minor Use Permit Req. (3) UP Use Permit Req. (3) — Use not allowed
LAND USE (1)	PERMIT REQUIRED BY DISTRICT									Specific Use Regulations
	NC	CC	TC	TC AUFO	TC EO (11)	SC	GC	BC	RC	
Restaurants	P	P	P	P	P	P	P	P	P	
Restaurants, take-out	P	P	MUP	MUP	MUP	P	P	P	MUP	
Restaurants, with alcohol sales	P	P	P	MUP	MUP	P	P	P	P	
Restaurants, with live entertainment	MUP	MUP	MUP	MUP	UP	MUP	MUP	MUP	MUP	
Restaurants, with outdoor dining	P	P	P	P	P	P	P	P	P	
Second hand stores	—	P	—	P	P	P	P	—	—	
Wine/Beer tasting accessory to retail	—	P	P	P	P	—	P	P	P	
Warehouse retail sales	—	—	—	—	—	UP	UP	—	—	

SERVICES

Ambulance services	—	—	—	—	—	P	—	—	—	
Automated teller machines (ATMs)	P	P	P	P	P	P	P	P	P	
Banks and financial services	P	P	P	P	P	—	P	P	P	
Bed and breakfast inns	MUP	—	P	P	—	—	MUP	MUP	MUP	27.34.060
Business support services	P	P	P	MUP	MUP	P	P	P	P	
Car wash	UP	UP	—	—	—	UP	UP	—	—	
Child and adult day care centers	MUP	P	MUP (7)	P	—	—	—	MUP	MUP	27.34.070
Child day care – Large family day care homes	MUP	MUP	MUP	—	—	—	—	MUP	MUP	27.34.070
Child day care – Small family day care homes	P	P	P	—	—	—	—	P	P	
Drive-in and drive-through	—	UP	—	—	—	UP	UP	—	—	
Hotels and motels	—	P	P	P	—	—	P	—	P	
Kennels, commercial	—	—	—	—	—	MUP	—	—	—	
Marijuana testing facilities**	—	—	—	—	—	—	—	—	—	27.06.050
Medical services – Clinics, offices, laboratories	P	P	P	—	—	P	P	P(4)	P	
Medical services – Extended care	—	UP	UP	—	—	—	—	UP	UP	
Medical services – Hospitals	—	UP	—	—	—	UP	—	UP	UP	
Mortuaries and funeral homes	—	UP	—	—	—	UP	—	—	—	
Offices – Accessory to primary use	P	P	P	—	—	P	P	P	P	
Offices – Business and professional	P	P	P	—	—	P	P	P	P	
Personal services	P	P	P	—	P	P	P	P	P	
Personal services, restricted	—	—	—	—	—	MUP	MUP	—	—	27.34.175
Public safety and utility facilities	UP	UP	P	—	—	UP	UP	UP	P	
Spas and Tanning Salons	P	P	P	—	P	P	P	P	P	
Storage – Automobile storage yards	—	—	—	—	—	UP	—	—	—	
Storage – Personal storage facilities(mini-storage)	—	—	—	—	—	UP	—	—	—	
Storage – Outdoor	—	—	—	—	—	UP	—	—	—	27.34.150
Vehicle services – Maintenance/minor repair	—	—	—	—	—	P	P	—	—	
Vehicle services – Major repair/body work	—	—	—	—	—	P	P	—	—	
Vehicle services – Service stations	—	UP	—	—	—	UP	UP	—	—	
Veterinary clinics, animal hospitals	P	P	—	—	—	MUP	—	—	—	

TRANSPORTATION & COMMUNICATIONS USES

Broadcast studios	—	P	—	—	—	P	—	—	—	
Heliports	—	P	—	—	—	P	—	—	—	
Park and ride facilities	P	P	P	—	—	P	P	P	P	
Parking facilities	—	—	P	—	—	P	—	P	P	
Telecommunications facilities	—	UP	UP	—	—	UP	UP	UP	UP	27.34.200
Transit stations and terminals	—	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	

TABLE 2-4 Allowed Uses and Permit Requirements for Commercial Zoning Districts (Rev. 02/06/13, Ord. 2013-277)										P Permitted Use (2) (3) MUP Minor Use Permit Req. (3) UP Use Permit Req. (3) — Use not allowed
LAND USE (1)	PERMIT REQUIRED BY DISTRICT									Specific Use Regulations
	NC	CC	TC	TC AUFO	TC EO (11)	SC	GC	BC	RC	
Utility infrastructure	P	P	P	P	P	P	P	P	P	
Vehicle and freight terminals	—	—	—	—	—	UP	—	—	—	

SECTION 4. Article 2 - Section 27.08.030 of the Town of Windsor Zoning Ordinance entitled “Industrial Zoning Districts” is hereby amended as follows (additions **bold and underlined**, deletions in ~~strikethrough~~):

TABLE 2-2 Allowed Uses and Permit Requirements for Residential Zoning Districts						P Permitted Use (2) (3) MUP Minor Use Permit Required (3) UP Use Permit Required (3) — Use not allowed
LAND USE (1)	PERMIT REQUIREMENT BY ZONE					Specific Use Regulations
	ER	SR	VR	MDR	CR**	

AGRICULTURE, RESOURCE & OPEN SPACE USES

Animal keeping	P	P(4)	P(4)	P(4)	P(4)	P(4)	27.34.040
Crop production and horticulture	P	—	—	—	—	—	
Roadside stands	MUP	—	—	—	—	—	

RECREATION, EDUCATION & PUBLIC ASSEMBLY USES

Parks and Playgrounds	P	P	P	P	P	P	
Religious places of worship	UP	UP	UP	UP	UP	UP	
Schools – Private, K-12	UP	UP	UP	UP	UP	UP	

RESIDENTIAL USES***

Accessory dwelling units*****	P	P	P	P	—	—	27.34.180
Guest house	P	P	MUP	MUP	MUP	MUP	27.34.090
Home occupations	P	P	P	P	P	P	27.34.100
Indoor Marijuana Cultivation (Nonmedical, up to 6 plants)*****	P	P	P	P	P	P	27.37.030 27.42.020
Junior accessory dwelling units*****	P	P	P	P	—	—	27.34.185
Kennels, hobby	MUP	MUP	MUP	MUP	MUP	MUP	
Mobile home parks	—	UP	UP	UP	—	UP	27.34.120
Multi-family dwellings	—	UP	UP	P	P	P	27.08.060
Organizational houses (convents, fraternities, etc.)	UP	UP	UP	UP	UP	UP	
Residential accessory uses and structures	P	P	P	P	P	P	27.34.170
Residential care homes – 6 or fewer clients	P	P	P	P	P	P	
Residential care homes – 7 or more clients	MUP	MUP	MUP	MUP	MUP	MUP	
<u>Short Term Rental (Hosted and non-hosted)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>27.35</u>
Single family dwellings	P	P	P	P	—	—	
Single room occupancy housing (SRO)****	—	UP	UP	P	P	P	27.08.070
Zero lot line projects	—	—	UP	UP	UP	UP	

PROHIBITED USES*****

Marijuana accessories sales	—	—	—	—	—	—	27.06.050
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Marijuana cultivation	—	—	—	—	—	—	27.06.050
Marijuana distribution facilities	—	—	—	—	—	—	27.06.050
Marijuana microbusinesses	—	—	—	—	—	—	27.06.050
Marijuana mixed-light cultivation	—	—	—	—	—	—	27.06.050
Marijuana nurseries	—	—	—	—	—	—	27.06.050
Marijuana product manufacturing	—	—	—	—	—	—	27.06.050
Marijuana retail sales	—	—	—	—	—	—	27.06.050
Marijuana testing facilities	—	—	—	—	—	—	27.06.050

LAND USE (1)		PERMIT REQUIREMENT BY ZONE						Specific Use Regulations
		ER	SR	VR	MDR	CR*	HDR	
RETAIL TRADE USES								
Neighborhood markets	—	UP	UP	UP	UP	UP	27.34.130	
SERVICES								
Adult day care facilities, 6 or fewer clients	P	P	P	P	P	P		
Adult day care facilities, 7 or more clients	MUP	MUP	MUP	MUP	MUP	MUP		
Bed and breakfast inns (B&Bs)	MUP	MUP	MUP	—	MUP	MUP	27.34.060	
Cemeteries, mausoleums	UP	UP	UP	UP	UP	UP		
Child day care – Large family day care homes	MUP	MUP	MUP	MUP	MUP	MUP	27.34.070	
Child day care – Small family day care homes	P	P	P	P	P	P		
Child day care centers	UP	UP	UP	UP	UP	UP	27.34.070	
Public utility or safety facilities	MUP	MUP	MUP	MUP	MUP	MUP		
TRANSPORTATION & COMMUNICATIONS USES								
Utility infrastructure	P	P	P	P	P	P		

SECTION 5. Article 3 of the Town of Windsor Zoning Ordinance entitled “Site Planning and General Development Standards” is hereby amended to add Chapter 27.40, entitled “Short-Term Rentals,” to read and provide as follows:

27.40 Short-Term Rentals

27.40.010 Purpose

This chapter establishes the regulations and provisions for Short-Term Rentals to provide for the appropriate location and to preserve the character of the neighborhoods in which they are located.

27.40.020 Applicability

All the provisions of this chapter shall be immediately enforceable as to all Short-Term Rentals located within the Town. Notwithstanding the foregoing, the existing timeshare facility located at 1251 Shiloh Road shall be exempt from this Ordinance

27.40.030 Standards for Short-Term Rentals

All Short-Term Rentals shall comply with the requirements of this section.

Short-Term Rental. A dwelling unit or part of a dwelling unit that is a type of transient lodging establishment engaging in providing overnight or otherwise temporary lodging for a period of less than 30 days. Does not include room rentals for 30 days or more.

- Short-Term Rental, Hosted: owner is onsite and occupying a bedroom within the house.
- Short-Term Rental, Non-Hosted: owner is not on site and the rental consists of a whole house rental.

A. Permit Required

1. No person or entity shall operate a Short-Term Rental of any kind without first obtaining a permit from the Town. Individuals desiring to operate a Short-Term Rental shall submit an application to the Town on a form prescribed by the Town. Applications shall include a site plan of the property, which shall identify all outdoor facilities including, but not limited to, pools, spas/hot tubs, bocci ball courts, fire pits, and other amenities.

2. The Community Development Director shall issue a Short-Term Rental Permit to applicants that satisfy all the requirements of this Chapter. The Community Development Director may also refer any application to the Planning Commission for a decision. The Community Development Director may refer the application to other Town Departments to determine whether the proposed location of the Short-Term Rental is compliant with the Town's building, health, zoning and fire ordinances, and any other applicable ordinances or laws. The Town may conduct an inspection of the premises to determine compliance with applicable laws and regulations. The Community Development Director decision is appealable pursuant to 27.52 Appeals of the Zoning Ordinance.

4. The Town Council, by resolution, may establish a permit fee for a Short-Term Rental permit.

5. Short-Term Rental Permits shall be valid for one year from the date of issuance, and shall be renewed annually.

6. Short-Term Rental Permit Renewal. An application to renew a Short-Term Rental

Permit shall be made on a form provided by the Town and shall be subject to all of the requirements of this Chapter, except that no notice of approval shall be required. The Community Development Director may deny the renewal of a Short-Term Rental Permit if he or she determines any of the following have occurred during the 12 months prior to the renewal application:

- a. Permittee has failed to timely remit Transient Occupancy Taxes or any other applicable fees or taxes; or
- b. More than three verified violations of this section have occurred; or
- c. The Director determines that permittee has provided false information in the application or previous renewal application; or
- d. An authorized official has given notification of health or safety violations or non-compliance on the property; or
- e. The Short-Term Rental has otherwise operated in violation of the Windsor Municipal Code, Windsor Zoning Code, or any other applicable law.

7. Failure to comply with the requirements of this Chapter, or any other applicable law or regulation, may result in revocation of the Short-Term Rental by the Community Development Director in accordance with Section 27.56.050 of this Code.

B. Operating Standards

1. *Requirements Applicable to all Short-Term Rentals.*

- a. **Guest Manual.** The Host shall provide a written manual to guests providing the local manager's contact information, permit number, quiet hours, parking regulations, maximum number of guests and any applicable conditions of the Short-Term Rental permit.
- b. **Signs.** On-site signs are prohibited.
- c. **Business License.** All Short-Term Rentals require a valid Business License issued in accordance with Chapter 6 of the Town of Windsor Municipal Code.
- d. **Fire Safety Inspection.** All Short-Term Rentals are required to complete a Fire Safety Inspection through the Fire Department in conjunction with the Business License.
- e. **Transient Occupancy Tax.** All Short-Term Rentals are subject to and must comply with all applicable requirements of the Town's transient occupancy tax, as set forth in Windsor Municipal Code Chapter 2-3.
- f. **Advertising Short-Term Rentals.** In every advertisement for the Short-Term Rental, the permittee shall include the Town issued Permit Number. It is a violation of this code to advertise a unit

that does not have a valid Short-Term rental permit.

- g. Events. Events of any kind are not permitted at a Short-Term Rental. Short-Term Rentals shall be used solely for temporary lodging and not for any other purpose.
 - h. Accessory Dwelling Units. An accessory dwelling unit shall not be permitted as a Short-Term Rental consistent with Section 27.34.180, Accessory Dwelling Units.
 - i. Parking. All vehicles associated with the Short-Term Rental shall be located in the existing driveway or existing covered parking (garage spot or carport) plus one additional vehicle shall be permitted on the street in the directly adjacent to the Short-Term Rental.
 - j. Safety. All Short-Term Rentals must provide operating smoke detectors and CO2 detectors, be adequately heated, and otherwise satisfy all applicable requirements of the California Building Standards Code and applicable Fire Codes in effect in the Town.
2. Permit Requirements Applicable to Hosted Short-Term Rentals. A “Short-Term Rental, Hosted” is subject to the following requirements:
- a. The owner or primary occupant of the property shall reside in the dwelling unit in a bedroom not occupied by the renters of the rental.
 - b. The permittee must be available at all times and be able to respond to complaints within 1 hour.
3. Permit Requirements Applicable to “Short-Term Rentals, Non-Hosted” is subject to the following requirements:
- a. Limits of Occupants. The entire dwelling unit may be rented for compensation, provided that the guests constitute one party which may be evidenced through a single rental agreement for the entire dwelling.
 - b. No more than 2 overnight occupants per bedroom, plus two additional occupants, are permitted. (ex: 4 bedroom house = 10 total occupants)
 - c. No more than 5 Short-Term Rental Permits shall be issued to any one owner, corporate entity, or any subsidiaries.
 - d. Manager. A manager shall be available to be on site and be able to respond to complaints within 1 hour.
 - e. Notice to Neighbors. Upon approval of a Short-Term Rental Permit for a non-hosted rental, the Town shall notify the owners of all property located within three hundred (300) feet of the permitted Short-Term Rental. Such notice shall include the location of the Short-Term Rental, number of rooms available for Short-Term Rental, contact information of the locally available manager, and information on appealing the issuance of permit pursuant to Chapter 27.52.
- f. Renewal of Permit.

- i. Permittees may apply to renew Short-Term Rental Permits on forms provided by the Town.
- ii. Permit renewal applications do not require notice in accordance with Section A.
- iii. The Community Development Director shall issue a renewal of a Short-Term Rental Permit if the permittee satisfies all applicable requirements to this chapter; otherwise, such renewal applications shall be denied. The Director may deny a renewal application if he or she determines any of the following have occurred during the 12 months prior to the renewal application:
 - a. Permittee has failed to timely remit Transient Occupancy Taxes or any other applicable fees or taxes; or
 - b. More than three verified violations of this section have occurred; or
 - c. The Director determines that permittee has provided false information in the application or previous renewal application; or
 - d. An authorized official has given notification of health or safety violations or non-compliance on the property; or
 - e. The Short-Term Rental has otherwise operated in violation of the Windsor Municipal Code, Windsor Zoning Code, or any other applicable law.
- g. Permit Approval. A Short-Term Rental Permit application shall be approved if all above criteria are met.

C. Location.

- a. Short Term Rentals are permitted only in those zoning district where the use “Short Term Rental, Hosted” or “Short Term Rental, Non-hosted” are expressly allowed by Section 27.08 – Residential District Land Uses and Permit Requirements, and Section 27.10 Commercial District Land Uses and Permit Requirements.
- b. Concentration. No more than one non-hosted short-term rental permit shall be issued within a 300’ radius in any zoning district. Town Center (TC) and Town Center Active Use Frontage Overlay (TCAUFO) zoning districts shall be exempt from the concentration standards.

SECTION 5. Article 6 - Section 27.60.020 of the Town of Windsor Zoning Ordinance entitled “Definitions” is hereby amended to include the following definitions to read and provide as follows (additions **bold and underlined**, deletions in ~~strike through~~):

Definitions, “S.”

Short Term Rental. A dwelling unit or part of a dwelling unit rented for a period of less than 30 days.

Short Term Rental, Hosted. A Short-Term Rental where the owner or primary occupant occupies a bedroom in the dwelling unit during the entire rental period. This may also include the occupation of an ADU by the owner only. Short-Term Rental of an ADU is prohibited.

Short Term Rental, Non-Hosted. A Short-Term Rental where the owner or primary occupant does not occupy a bedroom in the dwelling unit for one or more nights during the rental period.

Definitions, “B”

Bed and Breakfast Inns (B&Bs). Residential structures with one family in permanent residence with up to five bedrooms rented for overnight lodging, where meals may be provided subject to Section 27.34.060 (Bed and Breakfast Inns), and applicable Health Department regulations. A Bed and Breakfast Inn with more than five guest rooms is considered a hotel or motel and is included under the definition of "Hotels and Motels." Does not include ~~Room Rental~~ **Short-Term Rental**, which is separately defined.

Definitions, “H”

Hotel or Motel. Facilities with guest rooms or suites provided with or without kitchen facilities, rented to the general public for transient lodging (less than 30 days). Hotels provide access to most guest rooms from an interior walkway, and typically include a variety of services in addition to lodging; for example, restaurants, meeting facilities, personal services, etc. Motels provide access to most guest rooms from an exterior walkway. Also includes accessory guest facilities such as swimming pools, tennis courts, indoor athletic facilities, and accessory retail uses, etc. **Does not include Short-Term Rental, which is separately defined.**

Definitions, “R”

~~Room Rental. The renting of individual bedrooms within a dwelling and/or the providing of table board to two or more unrelated people, whether or not meals are provided.~~

SECTION 6. Severability.

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of this Ordinance, including the application of such provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this Ordinance are severable. The Town Council of the Town of Windsor hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

SECTION 15. Effective Date.

This Ordinance shall be effective thirty (30) days following its adoption.

SECTION 16. Publication or Posting.

The Town Clerk of the Town of Windsor shall cause this Ordinance to be published, or to be posted in at least three (3) public places in the Town of Windsor, in accordance with Section 36933 of the Government Code of the State of California.

PASSED, APPROVED, AND ADOPTED this ____ day of ____ 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

SAM SALMON, MAYOR

ATTEST:

IRENE CAMACHO-WERBY, TOWN CLERK