

ORDINANCE NO. 1675

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, REGULATING SHORT-TERM RENTALS ON PROPERTIES ZONED FOR SINGLE-FAMILY RESIDENCES, ADOPTING TEXT AMENDMENT NO. C19-2 AND AMENDING THE BUENA PARK ZONING ORDINANCE.

A. Recitals.

(i) The City of Buena Park, California ("City") is a municipal corporation, duly organized under the constitution and laws of the State of California.

(ii) It is the City Council's intent in adopting this Ordinance to implement new development standards that are reasonably designed to regulate short-term rental units within the City limits, to the extent required and permissible by law.

(iii) The City Council hereby finds that unregulated transient occupancy uses in residential and nonresidential districts present a threat to the public welfare relating to compatibility with residential uses and preservation of the character of the neighborhoods in which they are located.

(iv) The City Council hereby finds that regulated short-term rentals allow residents to earn extra income thereby making their housing more affordable.

(v) The City Council hereby finds that the adoption of a comprehensive ordinance regulating the issuance of and operating conditions attached to short-term rental permits is necessary to protect the public health, safety and welfare. The purpose of this ordinance is to provide a permit system and to impose operational requirements to minimize the potential adverse impacts of transient uses in residential neighborhoods and zoning districts on traffic, noise, and density to ensure the health, safety and welfare of renters and guests patronizing short-term rentals; and to impose reasonable limitations in order to ensure the long term availability of housing stock in compliance with the Housing Element of the City's General Plan.

(vi) The City Council hereby finds that provision of this ordinance which allows only residents to host guests in their home while they reside on-site, prevents permanent long-term housing from being converted into short-term rentals operated for commercial interest.

(vii) The City Council hereby finds that the provisions of this ordinance which allow only homeowners to operate a short-term rental is necessary to eliminate investor/corporate owned and operated short term rentals, to maintain the residential integrity and adverse impacts from commercialization of City's neighborhoods.

(viii) The City Council hereby finds that the provisions of this section which impose restrictions on commercial speech, pursuant to the restrictions on advertisements set forth in this section, are necessary in order to advance the City's legitimate interest in preventing rental activity that violates this Code, and in regulating fraudulent, misleading, or deceptive advertising. These restrictions on advertising are necessary in order to prevent advertisers from engaging in unlawful rental activity and from misleading the general public to think that a particular property in the City is available for transient occupancy if, in fact, the advertised property is not authorized to be used for transient occupancy purposes in accordance with this section.

(ix) The City Council hereby finds that the City's regulation of short-term rental uses in accordance with this section is a valid exercise of the City's police power in furtherance of the legitimate governmental interests documented in this section.

(x) On May 14, 2019 the City Council adopted Ordinance No. 1662, an urgency ordinance pursuant to California Government Code Section 65858 for the clarifying the existing prohibition on short-term rentals within the City.

(xi) On June 25, the City Council adopted Ordinance No. 1664, to extend the moratorium to August 13, 2019 and directed staff to begin drafting regulations to permit short-term rentals within the City.

(xii) On July 9, 2019 the City Council conducted a Study Session to discuss policy considerations for regulating short-term rentals

(xiii) On August 13, 2019 the City Council adopted Ordinance No.1670, to extend the moratorium until May 14, 2020 to allow more time for the creation of regulations and amendment to the City's Zoning Code.

(xiv) On August 28, 2019 the Planning Commission conducted a study session/ community workshop to discuss first draft of the ordinance.

(xv) On October 23, 2019, the Planning Commission conducted a duly noticed public hearing, to consider the Text Amendment No. C19-2.

(xvi) On November 13, 2019, the Planning Commission conducted a duly noticed public hearing, to consider the Text Amendment No. C19-2.

(xvii) On January 14, 2020, the City Council conducted a duly noticed public hearing, to consider the Text Amendment No. C19-2.

(xviii) All legal prerequisites to the adoption of this Ordinance have occurred.

B. Ordinance.

NOW, THEREFORE, the City Council hereby ordains as follows:

SECTION 1. The City Council finds that the facts set forth in the Recitals, Part A, of this Ordinance are true and correct.

SECTION 2. Section 19.348 Special Requirements for Certain Uses of Title 19 of the Buena Park Municipal Code is hereby amended to read as follows (additions in underline, deletions in ~~strikethrough~~):

19.348.080 RESIDENTIAL SHORT-TERM RENTALS

A. Scope, purpose and findings.

The purposes of this section are to:

1. Document the procedures and regulations that govern the application for, and the issuance and implementation of, permits for the operation of any residential short-term rental use within the City.
2. Establish that transient occupancy uses are not permitted or conditionally permitted in residential or nonresidential zoning districts, unless either: (i) the City has approved a hotel use in a nonresidential zoning district pursuant to Title 19, or (ii) the City has approved a short-term rental permit pursuant to this section.

B. Definitions.

"Advertise" means any communication that induces or encourages any person to rent for transient occupancy purposes, or that provides information (to any person) that promotes the availability to rent for transient occupancy purposes, any building in the City.

"Applicant" means any person, who seeks approval of a short-term rental permit under the authority of this section.

"Authorized agent" means the person specifically authorized by a short-term rental host in lieu of themselves as the 24-hour emergency contact for a lawfully operating short term rental.

"Bedroom" means a room within a dwelling unit, other than a kitchen, living room or dining room, which could be used for sleeping purposes, is provided with natural light and natural ventilation, and is separated by a door or archway from the rest of the dwelling unit. "Code" means the Buena Park Municipal Code.

"Director" means the Director of the Community Development, or designee. "Enforcement officer" means the Director, Building Official, Fire Marshall, City Code Enforcement Officer, or any other City employee designated by the Director or City Manager to enforce this section.

"Guest" means an invitee of a renter or other person visiting a renter of a short-term rental unit who is not listed on the rental agreement.

"Host" means a person or persons holding fee title to the real property that is the subject of a short-term rental permit and to whom the short-term permit is issued.

"Owner" means a person or persons, not a corporation or a limited liability company, holding fee title to the real property.

"Renter" means a person or persons, not a host, who have lawfully obtained the exclusive use and possession of the short-term rental property or portion thereof from its host or authorized agent.

"Resides" means legal residence, also referred to as primary residence of a property owner, as reflected in title records, as evidenced by homeowner's exemption, voter registration, vehicle registration, or similar means.

"Sign" shall have the same meaning as the term used in Title 19 Division 9 of this Code.

"Transient occupancy" shall have the same meaning as the term is used in Chapter 3.16 of this Code.

"Short-term rental" means the renting of any portion of any structure or residential dwelling unit for a period of not less than 12 hours and for a maximum of 29 consecutive days to a particular occupant. A short-term rental shall not be considered as a hotel, extended stay hotel, motel or corporate apartment.

"Short-term rental unit" means the structure or residential dwelling unit in which the short-term rental use is permitted to operate, pursuant to a permit issued in accordance with this section.

C. Short-term rental permit application.

No short-term rental may operate without a permit as required by this Section 19.348 of the Buena Park Municipal Code.

1. The Director shall accept written applications for short-term rental permits in accordance with this section. The Director shall make a decision and provide that decision in writing within six (6) weeks of the date of receipt of a complete application.
2. Each application for a short-term rental permit shall be on a City-provided form and shall include the following information and documentation, signed by the host, and otherwise in a form acceptable to the Director:
 - a. Location of real property where a short-term rental use is proposed.
 - b. Identity of the host(s) of the real property on which the short-term rental is proposed (include the name, mailing address, email address, and 24-hour telephone number). Identity of the authorized agent on behalf of the host (include the name, mailing address, email address, and telephone number)

- c. Provide adequate documentation such as driver's license, voter registration, vehicle registration, utility bills or property tax records showing name of the host(s) and the short-term rental property address that establishes the host resides at the short-term rental unit as their primary residence.
- d. A sketch of the floor plan, which identifies sleeping areas, proposed maximum number of guests, evacuation route(s), location of fire extinguisher(s), and approximate square footage in the vacation rental unit.
- e. The maximum number of vehicles allowed for overnight occupants, including host's and other long-term residents' vehicles and location of designated on-site parking spaces. All required garage spaces will be used for storage of operable vehicles.
- f. Written acknowledgement and agreement that the owner(s) have read and agree(s) to all regulations pertaining to the operation of a short-term rental, including this section, the City's business license requirements (Title 5.00 of this Code), the City's transient occupancy tax requirements (Chapter 3.16 of this Code), and any additional administrative regulations promulgated by the Director to implement this section.
- g. Copy of the standard rental agreement to be used by the short-term rental host, including 'house rules', and any associated materials as required by Section E. 5 of this section. Written acknowledgement and agreement that claims, requests, objections and arguments not set forth in the short-term rental permit application, prior to the final decision on the permit, are and shall be deemed waived to the maximum extent permitted by law.
- h. Written agreement that any and all use of the property for short-term rental/transient occupancy purposes shall cease upon the expiration or revocation of the short-term rental permit.
- i. Written agreement to hold harmless, indemnify and defend the City, its elected officials, officers, employees, contractors, volunteers, and agents, against any and all claims and liabilities arising out of, or related to the issuance of the short-term rental permit, to the maximum extent permitted by law.
- j. Declaration under penalty of perjury that the information submitted is accurate and truthful, and that the applicant agrees to comply with all conditions of the permit and this section.
- k. Payment of the application and processing fee established by City Council resolution based on the City's estimated reasonable costs to process and review the application materials, and to mail notice to property owners within three hundred feet.
- l. Previous active or expired short-term rental permits on the property.
- m. Letter of No Objection from the Home Owner's Association (if applicable).

- n. Any other information that the Director deems reasonably necessary to administer this section.
3. Applications shall not be considered complete until all documentation required under this section has been submitted, and until the full application and permit fees have been paid. Incomplete applications will not be processed.

D. Decision on application.

The Director shall process and evaluate permit applications pursuant to this section.

1. If the Director determines that an applicant has failed to satisfy the application requirements of subsection C. of this Section, the Director shall provide written notice to the applicant that the application has been denied and the basis for the denial.
2. Director will mail notice of applicant's request to property owners within 300 feet of the subject property. The Director will consider any written comments received within ten (10) days of the mail of the notice, in his or her decision on the application.
3. Property line of the property that is the subject of the permit application shall not be within 300 feet of the nearest property line of any other short-term rental (approved or conditionally approved by the Director pursuant to this section).
4. If the Director determines supplemental evidence at a public hearing is warranted in order to determine whether an applicant will adequately mitigate potential adverse impacts to the public health, safety, or welfare due to substantial concerns raised by neighbors, or to evaluate the impacts of a concentration of uses, under Section D.3 above, the Director shall notice a public hearing of the Planning Commission. The Planning Commission is authorized to deny, approve, or conditionally approve the permit in accordance with the criteria set forth in this section, particularly paragraph C of this section. The Planning Commission's decision shall be final.
5. If the Director determines that an applicant has satisfied the application requirements of subsection C. of this Section, and that the applicant has borne the burden of proving that the applicant will adequately mitigate potential adverse impacts on the public health, safety, and welfare, the Director shall provide written notice to the applicant that the short-term rental permit is approved or conditionally approved, subject to compliance with the conditions identified by the Director in the notice. The conditional short-term rental permit shall be effective upon receipt of the applicant's written agreement to comply with all permit conditions set forth in the notice, and all requirements of this section and such date shall be set forth in the permit.
6. Upon the Director's receipt of the signed agreement, the Director shall provide written notice to all property owners within 300 feet of the conditional or otherwise, approval of the short-term rental permit, which shall include the following:
 - a. A concise summary of the terms of the permit, including: (i) the maximum number of occupants permitted to stay in the short-term rental unit; (ii) any special

conditions or restrictions applied to the short-term rental permit; and (iii) how to obtain a complete copy of the permit and this section.

- b. The City's Code Enforcement telephone number at which members of the public may report violations of this section, the short-term rental permit, and any permit conditions.

E. Conditions applicable to permits.

Each short-term rental permit issued pursuant to this section shall be subject to all of the following requirements:

1. Short term rentals are permitted in single family residential dwelling unit only. Use of portions of a unit for 'day-use' for portions of a day shall not be permitted.
2. The host is required to reside on the property on which the short-term rental is located. Further, a sleeping area must, at a minimum, include shared use of a full bathroom.
3. The host shall comply with all requirements of and be subject to the Business License Fees (Title 5.00 of this Code) and the Transient Occupancy Tax (TOT) (Chapter 3.16 of this Code) for the short-term rental use. The TOT may be remitted by the hosting platform on behalf of the host. The host shall have the duty and liability to ensure timely remittance of the TOT to the City in compliance with Chapter 3.16 of this Code.
4. The host shall permit the Enforcement Officer to conduct an annual inspection of the short-term rental premises to confirm compliance with this section. The City shall notify the permittee of the scheduled inspections at least 2 (two) weeks in advance.
 - a. The property address shall be visible from the street and in contrasting colors for quick identification by emergency responders.
 - b. Smoke detectors shall be installed per the California Building Code.
 - c. No double keyed dead bolts may be installed on exit doors.
 - d. A fully charged, portable fire extinguisher shall be provided in an easily accessible and clearly designated area.
 - e. Exit doors may not be obstructed and/or prohibited from fully opening.
 - f. Clearance from ignition sources such as luminaries, heaters and flame-producing devices shall be maintained in an approved manner.
 - g. Hot ashes or coals shall be disposed in a metal container with a tight-fitting lid and kept a minimum of 10 feet from any structures.
 - h. Wood burning fire pits are not allowed.
 - i. No electrical wiring may be exposed or open in any outlet, switch or junction

- j. The electrical breaker box shall be labeled for distribution to appliances and may not contain any open slots.
- k. There shall be no unpermitted improvements or modifications to the home or garage.
- l. An informational packet of emergency numbers shall be prepared for renters to direct them in the event of an emergency.
- m. Each bedroom that is a part of the short-term rental use shall have an emergency escape or rescue exit plan posted.
- n. All swimming pools and spas must meet 2 of the 7 safety features listed below, as defined in Article 2.5 of the State of California Health and Safety Code.

(1) An enclosure that meets the requirements of California Health and Safety Code Section 115923 and isolates the swimming pool or spa from the private single-family home.

(2) Removable mesh fencing that meets American Society for Testing and Materials (ASTM) Specifications F2286 standards in conjunction with a gate that is self-closing and self-latching and can accommodate a key lockable device.

(3) An approved safety pool cover, as defined in subdivision (d) of California Health and Safety Code Section 115921.

(4) Exit alarms on the private single-family home's doors that provide direct access to the swimming pool or spa. The exit alarm may cause either an alarm noise or a verbal warning, such as a repeating notification that "the door to the pool is open."

(5) A self-closing, self-latching device with a release mechanism placed no lower than 54 inches above the floor on the private single-family home's doors providing direct access to the swimming pool or spa.

(6) An alarm that, when placed in a swimming pool or spa, will sound upon detection of accidental or unauthorized entrance into the water. The alarm shall meet and be independently certified to the ASTM Standard F2208 "Standard Safety Specification for Residential Pool Alarms," which includes surface motion, pressure, sonar, laser, and infrared type alarms. A swimming protection alarm feature designed for individual use, including an alarm attached to a child that sounds when the child exceeds a certain distance or becomes submerged in water, is not a qualifying drowning prevention safety feature.

(7) Other means of protection, if the degree of protection afforded is equal to or greater than that afforded by any of the features set forth above and has been independently verified by an approved testing laboratory as

meeting standards for those features established by the ASTM or the American Society of Mechanical Engineers (ASME).

5. Short term rental host shall be responsible for informing their renters of the 'house rules'. Such rules shall, at a minimum, include rules as explained in this paragraph. As part of the application for rental, the prospective renter shall sign an agreement acknowledging the house rules and promising to comply with the following:
 - a. A copy of the house rules, and the short-term rental permit shall be posted in a prominent location inside the short-term rental unit.
 - b. The permittee shall provide access to the garage of the residence if that area has been included in the determination of the number of available on-site spaces for renters.
 - c. It is the intent of the City to enforce all applicable provisions of State law related to the provision for emergency vehicle access. Accordingly, no limousine or bus parking, and no stopping without the driver's presence, shall be allowed in any manner that would interfere with emergency vehicle access. In the event of an emergency, the vehicle driver shall immediately move the vehicle from the emergency access area.
 - d. Renter and/or guests of the short-term rental unit shall maintain the property free of debris both on-site and in the street. Trash cans shall be maintained in a clean and sanitary manner in conformance with this Code. Trash cans shall not be placed on the street prior to 24 hours before pick up day and shall be promptly removed from the street following service.
 - e. Quiet times shall be from 10:00 p.m. to 7:00 a.m.
 - f. The renters and/or guests of the short-term rental shall not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this Code or any State law pertaining to noise or disorderly conduct. Further, the permittee shall contact the Police Department in the event renters or guests fail to comply with this subsection.
 - g. No short-term rental unit may be used for any wedding, auction, commercial function, or other similar event that is inconsistent with residential uses permitted by this Code.
 - h. Pets may be permitted by the short-term rental business host, provided the pet is attended to at all times and has current vaccinations.
 - i. Discharge of fireworks is prohibited except on the 4th of July, between the hours of 10:00 a.m. and 10:00 p.m.
 - j. Maximum occupancy permitted within the active short term rental permit.
6. No person shall advertise the use of a building in a residential or nonresidential zoning district of the City for a transient occupancy use unless: (a) the use is a hotel use in a

nonresidential zoning district approved by the City pursuant to Title 19; or (b) there is a current City issued short-term rental permit for the property. All advertisement for short-term rentals must include the City issued short-term rental permit number.

7. There shall be no signs or other structures except those permitted for a dwelling use in the zone.
8. Pools and hot tubs shall have the hours of operation clearly posted adjacent to the facility. Hours shall comply with the hours set forth in Section E.5. e.
9. Lighting on premises shall be directed, controlled, screened, or shaded in such a manner as not to shine directly on surrounding premises. Lighting on premises shall be controlled so as to prevent glare on driveways, walkways, and public thoroughfares. The use of unshaded clear bulbs in exterior lighting is prohibited.
10. A short-term rental shall not operate on a property where an accessory dwelling unit exists. A short-term rental permit shall become void upon approval of an accessory dwelling unit on a property.
11. Structures not built for habitable use such as but not limited to tents, trailers, tree houses, garage, storage shed; or temporary structures such as recreational vehicles shall not be used for short-term rentals or to satisfy the host occupant requirement of this section.
12. A host shall maintain liability insurance of not less than \$1,000,000 to cover each short-term rental unless such short-term rental is offered through a hosting platform that maintains equal or greater coverage.
13. Maximum occupancy of a residential unit with an active short term rental permit shall be limited to 2 (two) adults per bedroom and 2 (two) additional adults for the entire unit. There is no occupancy limitation on the number of accompanied children under the age of eighteen.
14. All short-term rental hosts must maintain a detailed and accurate record of their guest information pertaining to hosting dates, and financial documentation, and make this information available to relevant authorities upon request. Hosts must keep this record for five years and may be audited to ensure tax compliance.
15. For each short-term rental use:
 - a. The host or the authorized agent must be available to the Enforcement Officer and the renter, by telephone 24 hours per day, 7 days per week when the short-term rental is rented.
 - b. The host or authorized agent must be on the premises of the short-term rental unit within one hour of being notified (by a renter, or by the Director or Enforcement Officer) that there is a need for the host or the authorized agent to address an issue of permit compliance or the health, safety, or welfare of the public or the renter.

16. Only one short-term rental permit within the City, per individual shall be in effect at any time.

F. Restrictions on permit transfer.

Each short-term rental permit issued in accordance with this section shall be personal to the host to whom the permit is issued, and no person shall transfer, or attempt to transfer, the permit to any other person, unless the transfer is made in accordance with this section. Any attempt to transfer a short-term rental permit, or use a transferred short-term rental permit, that is not transferred in accordance with this section shall be void, and shall constitute a violation of this Code.

1. A short-term rental permit shall not be transferred by any person.
2. If the residence is sold to a new owner, the permit is void and the new owner will need to apply for a new short-term rental permit in their own name.
3. If the permit requires a name change due to a partial change in ownership, the new owner(s) can be added or removed from the permit by written notice to the Director. The written notice must include the reason for the change, documentation partial change in ownership, such as marriage certificate, divorce decree etc., the name(s) and contact information to be removed and the name(s) and contact information to be added. All parties on the current permit and any new parties, must sign and the document must be notarized.

G. Permit renewal and annual review.

1. Unless revoked by the Director earlier pursuant to this Section, a permit to operate a short-term rental expires three (3) years after the date of its issuance.
2. A host shall apply for renewal prior to the expiration of the permit on a form provided by the Director no later than thirty (30) days prior to its expiration. The host shall update the information contained in the original permit application required per this Section, if any information has changed. The host shall sign a statement affirming that there is either no change in the information contained on the original permit application and any subsequent renewal applications, or that any information that has been updated is accurate and complete.
3. An application for permit renewal received after the expiration of the current permit shall be treated as an application for a new permit set forth in this Section.
4. The Director shall follow the procedures set forth in this article when determining whether to renew a permit.
5. Upon expiration of any short-term rental permit, it shall be of no further force, validity or effect, and use of the property for transient occupancy purposes shall cease.

6. An annual inspection shall be conducted. The host shall submit to the Director the annual inspection fee along with all of the information set forth in this section.
 - a. The host shall pay the annual inspection fee established by City Council resolution based on the City's estimated reasonable costs to perform the annual inspections identified in this section.
 - b. The host shall comply with the requirements of Section E.
 - c. The host shall document compliance with all requirements of the Business License Ordinance (Title 5.00 of this Code).
 - d. The host shall provide evidence of compliance with all requirements of the Transient Occupancy Tax Ordinance (Chapter 3.16 of this Code), as may be required by the Director. The host shall also document each date on which the short-term rental was rented during the previous term of the permit (if applicable).

H. Director's action following annual inspection.

Following an annual permit inspection:

1. If the Director determines that the host is in compliance with all requirements of this section and the permit, the Director shall provide written notice to the host and authorized agent that the inspection passed.
2. If the Director determines that the host has failed to comply with this section or the permit conditions, the Director shall provide written notice of the inspection failure, listing what defects were found. The host shall be allowed to remedy any defect as identified by the Director, by submitting proof of remedy within 30 days. If the permittee does not submit proof of remedy within 30 days, subsection J of this Section shall be followed.

I. Permit modification, suspension, or revocation.

1. At any time during the term of a short-term rental permit, the Director may modify, suspend, or revoke the short-term rental permit (or pursue any other remedy set forth in Title 1 of this Code), if the Director makes any of the following findings:
 - a. a short-term rental use is detrimental to the public health, safety, or welfare; or
 - b. the host has provided false or misleading information in connection with any submittal required under this section or this Code; or
 - c. the host is in violation of, or has failed to comply with, any requirements of this section, the permit terms and conditions, this Code, or any state or federal law; or
 - d. if the host has not rented the short-term rental for a minimum of 10 total days within any 12 month period.
2. In the event the Director finds any of the above findings and orders the modification, suspension, or revocation of a short-term rental permit (whichever the case may be), the

Director shall provide written notice to the permittee of his or her decision by certified mail to the name and address listed on the permit.

J. Violation and penalties.

1. It shall be unlawful for any person to violate any provision or fail to comply with any requirement of this section. Any person who violates any provision of this section, or fails to comply with any obligation or requirement of this section, or who fails to comply with any order or notice issued pursuant to the provisions of this section, is guilty of a misdemeanor offense punishable in accordance with Chapter 1.04 of this Code. Nothing in this section shall prevent the city attorney or city prosecutor from prosecuting a violation of this chapter as an infraction, at his or her discretion, as set forth in Chapter 1.04 of this Code.
2. Each violation of this section shall be a separate offense for each and every day, or part thereof, during which a violation of this section, or of any law or regulation referenced herein, is allowed, committed, continued, maintained or permitted by such person, and shall be punishable accordingly.
3. In addition to the remedies set forth in this section, any person who violates any provision of this section, or fails to comply with any obligation or requirement of this section, or who fails to comply with any order or notice issued pursuant to the provisions of this section, is subject to any and all civil and administrative penalties and remedies authorized under Chapter 1.04 of this Code.
4. Public Nuisance. In addition to the penalties provided by this section, any condition or activity caused or permitted to exist in violation of any provision, restriction, or requirement of this section or any notice, order, or permit issued pursuant to this section, shall be deemed a public nuisance and may be summarily abated by the city by any and all means (civil, administrative, and/or equitable) as provided by law or in equity.

K. Appeals.

Any determination made by the Director pursuant to this section shall be final unless appealed pursuant to the requirements of this section.

1. Any decision by the Director to approve, conditionally approve, or deny a permit application, or to modify, suspend, or revoke a permit, or to impose any penalty or undertake any enforcement action permitted herein, may be appealed only to the Planning Commission. A written appeal must be received by the Director within ten (10) business days of the date the appealed decision was rendered or action was taken. Upon receipt of an appeal within ten (10) working days, the Director will schedule a public hearing before the Planning Commission. The Planning Commission may affirm, reverse, or conditionally reverse the Director's decision and the Planning Commission's decision shall be final.
2. Failure to file an appeal within ten (10) business days of the date the appealed decision was rendered, or action was taken shall constitute a waiver of the appeal and a failure to exhaust administrative remedies, and shall preclude any and all relief and claims arising in connection with the determination by the Director pursuant to this section.

SECTION 3. Table 19.312.010 Uses Permitted – Single-Family Residential Zones of Chapter 19.312 of Title 19 of the Buena Park Municipal Code is hereby amended to read as follows (addition in underline and deletion in ~~strikethrough~~):

Table 19.312.010					
USES PERMITTED—SINGLE-FAMILY RESIDENTIAL ZONES					
Uses	Residential Zones				
	RS-16	RS-10	RS-8	RS-6	PD (14)
Residential Uses					
<u>Single-Family Dwellings:</u>					
• Site-built.	P	P	P	P	C
• Manufactured.	P	P	P	P	
• Single-family cluster. (15)				C	C
• Transitional/supportive housing.	P	P	P	P	C
<u>Community Residential Care:</u>					
• Small group care home.	P	P	P	P	P
• Other community residential care facility.	C	C	C	C	
<u>Residential Accessory Uses:</u>					
• Accessory dwelling units. (1)	P	P	P	P	P
• Guesthouse.	C	C	C	C	C
• Home occupation. (2)	P	P	P	P	P
• <u>Short-term rental.</u> (19)	I	I	I	I	I
• Animal keeping. (3)	P	P	P	P	P
• Swimming pool, therapeutic pool, recreational structure.	P	P	P	P	P
• Clubhouse, meeting room, game room, gymnasium, sauna, health center (private use only).	(note 4)	(note 4)	(note 4)	(note 4)	(note 4)
• Parking, within garage.	P	P	P	P	P
• Parking, under carport.	(note 5)	(note 5)	(note 5)	(note 5)	(note 5)
• Parking, uncovered.	(note 5)	(note 5)	(note 5)	(note 5)	(note 5)
• Yard sale. (6)	P	P	P	P	P
Public Service Uses					
<u>Community Day Care:</u>					

Table 19.312.010					
USES PERMITTED—SINGLE-FAMILY RESIDENTIAL ZONES					
Uses	Residential Zones				
	RS-16	RS-10	RS-8	RS-6	PD (14)
• Small group child day care home (1-14 children). (17)	I	I	I	I	I
• Small group adult day care home (1-6 adults).	I	I	I	I	I
• Child day care center. (7)		Ci		Ci	Ci
• Adult day care center. (7)		Ci		Ci	Ci
<u>Public Assembly:</u> (See also Recreation)					
• Church. (8), (9)				C	
• Emergency shelter. (18)				I	
<u>Education:</u>					
• Educational institution. (9)		C	C	C	
<u>Recreation: (see also Division 5, Commercial Uses - Commercial Recreation.)</u>					
• Public park, public playground, public recreational area, public landscaped open space, public-owned historical site or feature.		P	P	P	P
• Community recreation center.				P	C
<u>Utilities and Communications (16):</u>					
• Aviation navigational aids.		C	C	C	C
• Public utility facilities or structures, including electrical substations and cellular telephone facilities.	C	C	C	C	
<u>Transportation:</u>					
• Parking lot.		C	C	C	C
Agricultural Uses					
• Horticultural production, plant nursery (no sales), keeping of livestock. (10)				P	
				C	

Table 19.312.010					
USES PERMITTED—SINGLE-FAMILY RESIDENTIAL ZONES					
Uses	Residential Zones				
	RS-16	RS-10	RS-8	RS-6	PD (14)
<ul style="list-style-type: none"> • Horticultural production, plant nursery (with sales). (11) 					
Temporary Uses					
<ul style="list-style-type: none"> • On-site construction facilities. (12) 	P	P	P	P	P
<ul style="list-style-type: none"> • On-site real estate sales office. (13) 	P	P	P	P	P

- Notes:**
- 1 Special requirements apply for accessory dwelling units. See Section 19.348.010.
 - 2 Special requirements apply for home occupations. See Section 19.348.030.
 - 3 Special requirements apply for animal keeping. See Section 19.348.050.
 - 4 Permitted as an incidental use for a single-family cluster housing development. See Section 19.348.020.
 - 5 In the RS zones, carports and uncovered parking are permitted for parking spaces which are in addition to the required garage spaces.
 - 6 Special requirements apply for yard sales. See Section 19.348.040.
 - 7 Permitted with a conditional use permit as an incidental use provided that sufficient parking and circulation can be provided on the property and the hours of operation for the incidental use will not conflict with the primary use.

- 8 In all residential zones in which churches are permitted, such churches shall be located on and oriented to a major, primary, or secondary highway as defined and designated in the Buena Park General Plan.
- 9 Bingo games shall be permitted as an accessory use only when authorized under Chapter 5.16 et seq., and only when fire and safety regulations are met and parking facilities are fully conforming to the requirements for public assembly use.
- 10 Applies to A Overlay Zone only. See Section 19.312.040.
- 11 Special requirements apply for agricultural uses. See Section 19.348.060.
- 12 Offices, storage, activities, and facilities directly pertaining to construction for a permitted use on the same site provided construction is not suspended for more than 30 consecutive days.
- 13 Temporary real estate sales office, only for sales or leasing of new subdivision and for not more than 1 year.
- 14 Permitted uses and intensity of use in the PD zone shall be determined in a public hearing subject to the provisions.
- 15 Special requirements apply for single-family cluster developments. See Section 19.348.020.
- 16 See Division 12 of Zoning Ordinance.
- 17 All applicants shall comply with the State Health and Safety Code with regard to the maximum number of children that may be supervised at any one time based on applicable standards and criteria. In no case, shall the total number of children supervised at any one time at any residence exceed 14.
- 18 Special requirements apply for emergency shelters. See Section 19.348.070.
19. Special requirements apply for short-term rentals. See Section 19.348.080

SECTION 4. Table 19.412.010 Uses Permitted – Multi-Family Residential Zones of Chapter 19.412 of Title 19 of the Buena Park Municipal Code is hereby amended to read as follows (addition in underline and deletion in ~~strikethrough~~):

Table 19.412.010				
USES PERMITTED—MULTIFAMILY RESIDENTIAL ZONES				
Uses	Residential Zones			
	RMH	RM-10	RM-20	PD (12)
Residential Uses				
<u>Single-Family Dwellings:</u>				
• Site-built.		P	P	C
• Manufactured.		P	P	
• Single-family cluster. (13)		C	C	C
<u>Multifamily Dwellings: (1)</u>				
• Multifamily apartments.		P	P	C
• Transitional/supportive housing.		P	P	C
• Condominium, stock cooperative, community apartments. (2)		C	C	C
<u>Mobilehome Park: (3)</u>				
• Undivided ownership.	P			
• Condominium or planned unit development ownership.	C			C
<u>Group Quarters:</u>				
• Convent, rectory, roominghouse, dormitory, fraternity or sorority house, etc.		C	C	
<u>Transient Quarters: (See Division 5, Commercial Uses—Tourist Services.)</u>				
<u>Community Residential Care:</u>				
• Small group care home.		P	P	P
• Other community residential care facility.		C	C	
<u>Residential Accessory Uses:</u>				

Table 19.412.010				
USES PERMITTED—MULTIFAMILY RESIDENTIAL ZONES				
Uses	Residential Zones			
	RMH	RM-10	RM-20	PD (12)
• Accessory dwelling unit. (17)		P	P	P
• Guesthouse.				
• Home occupation. (4)	P	P	P	P
• Short-term rental. (18)	I	I	I	I
• Animal keeping. (5)	P	P	P	P
• Swimming pool, therapeutic pool, recreational structure.	P	P	P	P
• Clubhouse, meeting room, game room, gymnasium, sauna, health center (private use only).	I	I	I	C
• Rental management office, storage room.	I	I	I	I
• Parking, within garage.	P	P	P	P
• Parking, under carport.	P	P	P	P
• Parking, uncovered.	P	P	P	P
• Yard sale. (6)	P	P	P	P
Public Service Uses				
<u>Community Day Care:</u>				
• Small group child day care home (1-14 children). (15)		P	P	P
• Small group adult day care home (1-6 adults).		P	P	P
• Child day care center. (7)		Ci	Ci	Ci
• Adult day care center. (7)		Ci	Ci	Ci
<u>Health Facilities:</u>				
• Long-term care (intermediate care or skilled nursing).		C	C	

Table 19.412.010				
USES PERMITTED—MULTIFAMILY RESIDENTIAL ZONES				
Uses	Residential Zones			
	RMH	RM-10	RM-20	PD (12)
<u>Public Assembly:</u> (See also Recreation.)				
• Church. (8), (9)		C	C	
• Emergency shelter. (16)		I	I	
<u>Education:</u>				
• Educational institution. (9)		C	C	
<u>Recreation:</u>				
• Public park, public playground, public recreational area, public landscaped open space, public-owned historical site or feature.		P	P	P
• Community recreation center.		P	P	C
<u>Utilities and Communications:</u> (14)				
• Aviation navigational aids.	C	C	C	C
• Public utility facilities or structures, including electrical substations and cellular telephone facilities.	C	C	C	
<u>Transportation:</u>				
• Parking lot.		C	C	C
• Parking structure.		C	C	C
Temporary Uses				
• On-site construction facilities. (10)	P	P	P	P
• On-site real estate sales office. (11)	P	P	P	P

Notes:

- 1 See also "Architectural Design Guidelines for Multifamily Low and Medium Density Residential Developments" in a separate document adopted by Resolution # 8934.
- 2 Special requirements apply. See Section 19.448.030.
- 3 Special requirements apply for mobile home parks. See Section 19.448.020.
- 4 Special requirements apply for home occupations. See Section 19.448.040.
- 5 Special requirements apply for animal keeping. See Section 19.448.060.
- 6 Special requirements apply for yard sales. See Section 19.448.050.
- 7 Permitted with a conditional use permit as an incidental use provided that sufficient parking and circulation can be provided on the property and the hours of operation for the incidental use will not conflict with the primary use.
- 8 In all residential zones in which churches are permitted, such churches shall be located on and oriented to major, primary, or secondary highway as defined and as designated in the Buena Park General Plan.
- 9 Bingo games shall be permitted as an accessory use only when authorized under Chapter 5.16 et seq., and only when fire and safety regulations are met and parking facilities are fully conforming to the requirements for public assembly use.
- 10 Offices, storage, activities, and facilities directly pertaining to construction for a permitted use on the same site provided construction is not suspended for more than 30 consecutive days.
- 11 Temporary real estate sales office, only for sales or leasing of new subdivision, and for not more than 1 year.
- 12 Permitted uses and intensity of use in the PD zone shall be determined in a public hearing, subject to the provisions of the General Plan for the individual area designated as Planned Development.
- 13 Special requirements apply for single family cluster developments. See Section 19.448.035.
- 14 See Division 12 of Zoning Ordinance.
- 15 All applicants shall comply with the State Health and Safety Code with regard to the maximum number of children that may be supervised at any 1 time based on applicable standards and criteria. In no case, shall the total number of children supervised at any 1 time at any residence exceed 14.
- 16 Special requirements apply for emergency shelters. See Section 19.448.070.

17 As an accessory to single family dwelling. Special requirements apply for accessory dwelling units. See Section 19.348.010.

18 As incidental to a single family dwelling only. Special requirements apply for short-term rental units. See Section 19.448.080.

SECTION 5. Section 19.448 Special Requirements for Certain Uses of Title 19 of the Buena Park Municipal Code is hereby amended to read as follows:

19.448.080 RESIDENTIAL SHORT-TERM RENTALS

Refer to Section 19.348.080 of Title 19. of the Buena Park Municipal Code.

SECTION 6. The City Council hereby finds that this Zoning Text Amendment No. C19-2 is statutorily exempt from California Environmental Quality Act review pursuant to sections 15060(c)(2), 15060(c)(3), 15061(b)(3), and 15301 of the State CEQA guidelines, because it will not result in a direct or reasonably foreseeable indirect physical change in the environment, because it involves operation, permitting, licensing, and/or leasing of existing private structures or facilities involving negligible or no expansion of existing or former use, because there is no possibility that it may have a significant effect on the environment, because it is not a project, as defined in section 15378 of the CEQA guidelines, of the Public Resources Code, of the California Code of Regulations.

SECTION 7. Severability. The City Council declares that, should any provision, section, paragraph, sentence, or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences and words of this Ordinance shall remain in full force and effect.

SECTION 8. The City Clerk shall certify to the adoption of this Ordinance.

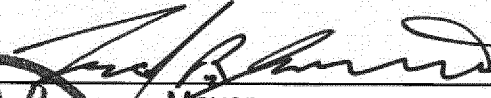
PASSED AND ADOPTED this 14th day of January 2020, by the following called vote:

AYES: COUNCILMEMBERS: Brown, Traut, Park, Swift, Smith


NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None




Mayor



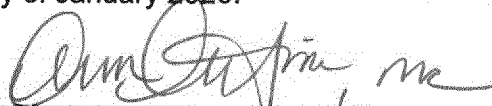
The seal of Buena Park, California, is circular with the text "BUENA PARK" at the top and "CALIFORNIA" at the bottom. The center features a sunburst design with the word "INCORPORATED" and the year "1950" around it.

ATTEST:



City Clerk

I, Adria M. Jimenez, MMC, City Clerk of the City of Buena Park, California, do hereby certify that the foregoing ordinance was introduced and passed at a regular meeting of the City Council of the City of Buena Park held on the 14th day of January 2020.



City Clerk