

ORDINANCE NO. 1332

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, APPROVING AMENDMENTS TO PALM DESERT MUNICIPAL CODE CHAPTER 5.10 SHORT-TERM RENTALS IN REGARDS TO ENFORCEMENT, OPERATIONAL STANDARDS, COMMUNICATION, AND ZONING REQUIREMENTS FOR SHORT-TERM RENTALS WITHIN THE CITY OF PALM DESERT, INCLUDING ELIMINATION OF CERTAIN SHORT TERM RENTALS IN R-1 AND R-2 ZONES

WHEREAS, pursuant to the authority granted to the City of Palm Desert (“City”) by Article XI, Section 7 of the California Constitution, the City has the police power to regulate the use of land and property within the City in a manner designed to promote public convenience and general prosperity, as well as public health, welfare, and safety; and

WHEREAS, adoption and enforcement of regulations and other land use regulations lies within the City’s police powers; and

WHEREAS, the City Council established an Ad Hoc Short-Term Rental Subcommittee, comprised of industry representatives, elected officials, community members, and City staff, to review the existing ordinance and to make recommendations for changes on how the City should regulate short-term rentals; and

WHEREAS, the Planning Commission of the City of Palm Desert, California, did on the 3rd day of October 2017, hold a duly noticed public hearing to consider recommendations from the Ad Hoc Short-Term Rental Committee in regards to enforcement, operational requirements, communication, and density to the City Council; and

WHEREAS, the City Council of the City of Palm Desert, California, did on the 26th day of October, 2017, hold a duly noticed public hearing to consider two recommendations one from the Ad Hoc Short-Term Rental Committee and one from City staff amending Chapter 5.10 Short-Term Rentals in regards to enforcement, operational requirements, communication, and density of short-term rentals throughout the City, and approved staff’s recommendation with clearly specified modifications, including elimination of certain Short-Term Rentals in R-1 and R-2 Zones in specified time frames; and

WHEREAS, the City Council of the City of Palm Desert, California, did on the 16th day of November, 2017, approve second reading of Ordinance 1332; and

WHEREAS, the City Council of the City of Palm Desert, California has determined that the amendments to Municipal Code Chapters 5.10, are consistent with the General Plan and applicable state law; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all interested persons desiring to be heard, said City Council did find the following facts and reasons to exist to approve said ordinance:

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Palm Desert, California as follows:

ORDINANCE NO. 1332

SECTION 1. Adoption of Recitals. The City Council hereby adopts the foregoing recitals as its findings in support of the following regulations and further finds that the following regulations, including the eventual elimination of certain short term rentals in R-1 and R-2 zones are beneficial and appropriate to protect the health, safety and welfare of the residents and businesses of Palm Desert within the City limits.

SECTION 2. Adoption of amendments to Chapter 5.10 “Short-Term Rentals” of the City’s Zoning Ordinance as identified in “Exhibit A”.

SECTION 3. Severability. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one (1) or more subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, or invalid, or ineffective.

SECTION 4. California Environmental Quality Act Finding. The City of Palm Desert (City), in its capacity as the Lead Agency under the California Environmental Quality Act (CEQA), has determined that the amendments to Chapter 5.10 is exempt from CEQA review pursuant to Section 15061(b)3 in that the amendments to further regulate the use of short-term rentals will not have a significant negative impact on the environment.

SECTION 5. Publication. The City Clerk of the City of Palm Desert, California, is hereby directed to publish this ordinance in The Desert Sun, a newspaper of general circulation, published and circulated in the City of Palm Desert, California, and shall be in full force and effect thirty (30) days after its adoption.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Palm Desert, California, at its regular meeting held on the **16th** day of **November, 2017**, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

JAN C. HARNIK, MAYOR

ATTEST:

RACHELLE D. KLASSEN, CITY CLERK
CITY OF PALM DESERT, CALIFORNIA