

ORDINANCE NO. 865

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX  
AMENDING TOWN CODE TITLE 17 (ZONING), CHAPTERS 17.008 ('DEFINITIONS'), 17.052  
( 'OFF-STREET PARKING AND LOADING REQUIREMENTS'), CHAPTERS 17.076 ('RS-7.5  
SINGLE-FAMILY RESIDENTIAL ZONE, MEDIUM DENSITY'), 17.080 ('RS-6 SINGLE-FAMILY  
RESIDENTIAL ZONE, HIGH DENSITY'), 17.124 ('UR UPLAND RESIDENTIAL ZONE'),  
INCORPORATING A DEFINITION OF "SHORT-TERM RENTAL", PROVIDING PARKING  
REGULATIONS FOR SAID SHORT-TERM RENTAL USE AND INCLUDING SHORT-TERM  
RENTALS AS PERMITTED USES IN ALL SINGLE-FAMILY RESIDENTIAL ZONE  
DISTRICTS**

**WHEREAS**, on January 19, 2022, the Fairfax Town Council directed the staff to prepare an Ordinance for Planning Commission consideration amending the code sections described above to make short-term rentals within the Town of Fairfax a permitted use in the various Town single-family zones; and

**WHEREAS**, the recommendation was made as the Town Council is also considering adopting a business permitting process regulating short-term units by adopting operating limitations and requirements for issuance of short-term rental business licenses; and

**WHEREAS**, the Council determined that it is necessary to regulate the short-term rentals once they are deemed a permitted use in the single-family residential zones to ensure that the short-term rental activities do not become a nuisance or threaten the public health safety or welfare of neighboring properties, while assuring that their existence is regulated in a safe and effective manner; and

**WHEREAS**, the Town Council has found that short-term rentals provide an added financial benefit to owners of residential properties and can help individuals meet their financial responsibilities and has documented with this resolution the intention of the Town to issue short-term rental business permits to the widest population base of permanent residents that are natural persons and not a business, corporation, et cetera; and

**WHEREAS**, the zone change making short-term rentals a permitted use will be adopted simultaneously with the Short-Term Rental Business Permit program regulating the operation of short-term rentals in Fairfax as Town Code Chapter 5.57, Short-Term Rental Regulations.

The Town Council of the Town of Fairfax Does ordain as follows:

**Section 1:** Fairfax Town Code, Title 17 ('Zoning'), Chapter 17.008 ('Definitions'), Section 17.008.020 ('Definitions') is amended to include the following definition, which shall be placed in alphabetical order within said Section:

***Short-Term Rental*** An existing single-family residence, portion of an existing single-family residence, or an Accessory Dwelling Unit (ADU) or Junior Accessory Dwelling unit (JADU) established prior to January 1<sup>st</sup>, 2020, (limited to ADUs/JADUs created prior to January 1<sup>st</sup>, 2020) in which overnight accommodations are provided to guests for compensation that is rented for thirty (30) consecutive days or less. All short-term rentals must comply with the Short-Term Rental requirements contained in Town Code, Title 5,

Division II ('Specific Business Regulations'), Chapter 5.57 ('Short-Term Rental Regulations').

**Section 2:** Fairfax Town Code, Title 17 ('Zoning'), Chapter 17.052 ('Off-Street Parking and Loading Requirements'), Section 17.052.030 ('Required Parking Spaces') is amended to add a new Subsection (P) as follows:

"(P) Short-Term Rentals (STR's).

(1) Short-Term rentals must comply with the following:

STR type	Required parking
House/portion of house	One 9 ft. x 19 ft. space for every four guests in addition to two spaces required for the long-term residents (if only a portion of the house is used as a STR)
JADU/ADU	One 9 ft. x 19 ft. space for units with up to two bedrooms & for studio units; one space for every four guests in units with three or more bedrooms

(2) Preferential Parking Spaces and parking spaces located within the public right-of-way may not be used to meet the short-term rental parking requirements unless the preferential parking was created for the main house and the entire main house is being used as a short-term rental unit.

**Section 3:** All the Single-family Zone Districts lists of permitted uses are amended to include Short-Term Rentals as follows:

Fairfax Town Code, Title 17 ('Zoning'), Chapter 17.076 (RS 7.5 Single-family Residential, Medium Density), Section 17.076.040 ('Accessory Uses and Structures') is amended to include subsection (D) Short-Term Rental uses that include only one short-term rental unit per single-family zoned property contained within an existing structure permitted for residential use as long as that structure is not an ADU/JADU created after January 1, 2020.

Fairfax Town Code, Title 17 ('Zoning'), Chapter 17.080 (RS-6 Single-family Residential Zone, High Density), Section 17.080.040 ('Accessory Use and Structures') is amended to include subsection (E) Short-Term Rental uses that include only one short-term rental unit per single-family zoned property contained within an existing structure permitted for residential use as long as that structure is not an ADU/JADU created after January 1, 2020.

Fairfax Town Code, Title 17 ('Zoning'), Chapter 17.124 ('UR Upland Residential Zone'), Section 17.124.040 ('Accessory Uses and Structures'), is amended to include subsection (E) Short-Term Rental uses that include only one short-term rental unit per single-family zoned property contained within an existing structure permitted for residential use as long as that structure is not an ADU/JADU created after January 1, 2020.

**Section 4:** The Town Council finds that this ordinance is Categorical Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to categorical exemption number 15301, Existing Facilities.

**Section 5:** This Ordinance shall be in full force and effect thirty days from and after its final passage and adoption.

**Section 6:** Copies of the forgoing ordinance shall, within fifteen days after its final passage and adoption, be posted in three public places in the Town of Fairfax which places are designated for that purpose:

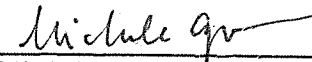
1. Bulletin Board, Town Hall offices, located at 142 Bolinas Road, Fairfax;
2. Bulletin Board, Fairfax Post Office, located at 773 Center Boulevard, Fairfax; and
3. Bulletin Board, Fairfax Women's Club building, located at 46 Park Road, Fairfax.

The foregoing ordinance was duly and regularly introduced at a special meeting of the Fairfax Town Council held in said Town on the 1st day of June, 2022, and thereafter adopted at a regular meeting of the Town Council, held in said Town on the 6th day of July 2022 by the following vote:

AYES: ACKERMAN, COLER, CUTRANO, GODDARD, HELLMAN  
NOES: None  
ABSTAIN: None  
ABSENT: None

  
Stephanie Hellman, Mayor

Attest:

  
Michele Gardner, Town Clerk