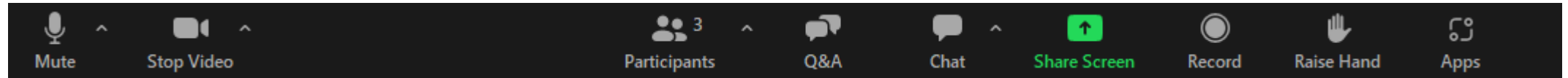


DCA23-0007

Short-Term Rental

Ron Menguita
Principal Planner
August 21, 2023





Audio

- **Please note you will be muted during the entire meeting.**

Questions

- **If you have a question(s), click on the Q&A feature.**

Agenda

1. **Introductions**
2. **Overview of the City's current regulations**
3. **Why are Code amendments needed**
4. **Draft Code amendments**
5. **Questions/Answers**
6. **Next Steps**

Introductions

Short-Term Rental Definition

The rental of an entire dwelling unit for monetary consideration for a period of time less than 30 consecutive days, not including a bed and breakfast, boarding or rooming house, hotel, or motel. This definition does not include offering the use of one's property where no fee is charged or collected.

Currently Allowed

In all Residential Zoning Districts and the Mixed-Use Neighborhood Zoning District.

Local Emergency Contact



Currently required

8/21/2023

File ID: DCA23-0007

Current Regulations

Current Regulations

1. Registration Requirements

- a. The short-term rental property is **managed by the property owner or by a management company**
- b. Name, address, phone number and e-mail address of the **property owner and Local Emergency Contact**
- c. **No single dwelling unit shall have more than four unrelated persons residing therein**, in accordance with Subsection 5.3.1D: Maximum Persons Occupying a Dwelling
- d. **Floor plan** of the dwelling with dimensional room layout
- e. **Site plan/survey** of the property indicating maximum number of vehicles

2. Operation

- a. No External **Signage**
- b. No more than 2 adults per bedroom, plus no more than 2 additional adults, with a **max occupancy of 10 persons**, adults and children
- c. **One vehicle per bedroom**, or the max number of vehicles that can be accommodated within the garage and driveway, whichever is less
- d. Advertisements and contracts must specifies the **max number of occupants and max number of vehicles**

Current Regulations

Other Restrictions

It is unlawful:

- i. To operate or allow to be operated a short-term rental without first registering, in accordance with this DDC, the property in which the rental is to occur;
- ii. To advertise or offer a short-term rental without first registering, in accordance with this DDC, the property in which the rental is to occur; documented advertisement of the subject property as a short-term rental, online or offline, shall be considered evidence of a violation of this DDC;
- iii. To operate a short-term rental that does not comply with all applicable city and state laws and codes;
- iv. To operate a short-term rental without paying the required hotel occupancy taxes;

Current Regulations

Other Restrictions

It is unlawful:

- v. To offer or allow the use of a short-term rental for the sole or primary purpose of having a party venue;
- vi. To fail to include a written prohibition against the use of a short-term rental for having a party in every advertisement, listing, or other publication offering the premises for rent; and
- vii. Permit the use of short-term rental for the purpose of: housing sex offenders; operating a structured sober, recovery or other purpose living home or similar enterprise; selling illegal drugs; selling alcohol or another activity that requires a permit or license under the Alcoholic Beverage Code; or operating as a sexually oriented business.

Current Regulations

3. **Brochure** – provide 24-hour Local Emergency Contact information; parking, noise, and trash information, and emergency and non-emergency **contact information** (police, fire, medical services)
4. **Safety Features** – smoke detectors, a carbon monoxide detector, and a **fire extinguisher**
5. **Notification** - within 10 days of the approval, the city shall send notice to all **property owners within 100 feet** of the subject property (Local Emergency Contact information and current regulations)
6. **Registration Term, Fees, and Renewal**
 - a. Registrations shall be **valid for a period of one year** from the date of its issuance
 - b. The **fee for registration** is identified in the Administrative Criteria Manual
 - c. The Director may **deny the renewal** if there is reasonable cause
7. **Right to Inspect Premises**
 - a. Portion of the premises is offered for rent, plus shared **amenities and points of access**
 - b. If violation(s) are found, **re-inspection** of violation(s) to be corrected prior to its occupancy

Why are Amendments Needed?

Why amend the Code? – Phase 1

✓ To respond to a recent Court Decision

- 5th Circuit court decision in *Hignell-Stark v. City of New Orleans*
- Requiring proposed Short-Term Rentals as the primary residence for registrants was unconstitutional
- Discriminates against out-of-state real estate owners who wanted to operate Short-Term Rentals
- City of Denton's current regulations require Short-Term Rentals to be the applicant's primary residence – this exposes the City to potential litigation.

✓ Code amendment approved on July 25, 2023



8/21/2023

File ID: DCA23-0007

Why amend the Code? – Phase 2

- ✓ **Clarify existing language**
 - Where and What is allowed as Short-Term Rental
 - Maximum Persons Occupying a Dwelling
 - Registration requirements
 - Written Authorization
 - Not used as a Party Venue
 - Consolidate and Reorganize standards
 - Revocation and Inspection requirements
- ✓ **Propose additional Use-Specific Standards**
 - Vehicle (RVs or a Travel Trailer)
 - Non-permanent structure

Recommended Code Amendments



8/21/2023

File ID: DCA23-0007

Table 5.2-A: Table of Allowed Uses

Table 5.2-A: Table of Allowed Uses																	
	RR	R1	R2	R3	R4	R6	R7	MN	MD	MR	SC	HC	GO	LI	HI	PF	Use-Specific Standard
Short-Term Rental	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+				5.3.5T

Table 5.2-A: Table of Allowed Uses

P = permitted S = specific use permit required Blank cell = use prohibited + = use-specific standards apply

	Residential							Mixed-Use			Corridor		Other Nonresidential				Use-Specific Standards
	RR	R1	R2	R3	R4	R6	R7	MN	MD	MR	SC	HC	GO	LI	HI	PF	
Residential Uses																	
HOUSEHOLD LIVING																	
Single-Family Detached Dwelling	P+	P+	P+	P+	P+	P+	P+	P+									5.3.3A
Townhome					S+	P+	P+	P+	P+	P+							5.3.3B
Duplex					S+	P+	P+	P+	P+	P+							5.3.3C
Triplex						P+	P+	P+	P+	P+							5.3.3C
Fourplex						P+	P+	P+	P+	P+							5.3.3C
Multifamily Dwelling							S+	P+	P+	P+	S+	S+	S+				5.3.3D
Tiny Home Development	Subject to approval of a planned development (PD); see 5.3.3E																
Work/Live Dwelling	P+						P+	P+	P+	P+	P+	S+	S+				5.3.3F
Manufactured Home Development (HUD Code)						S+	S+										5.3.3G

STRs that is a rental occupied unit or bedroom, shall require written consent from the property owner.

Amend Section 5.3.5T as follows:

1. **Registration Requirements**

No person or entity shall advertise, offer to rent, or rent, lease, sublease, license, or sublicense a ~~residential property~~ dwelling unit or bedroom within the city as a short-term rental for which a registration has not been properly made and filed with the Development Services Department. Registration shall be made upon forms furnished by the city for such purpose and shall specifically require the following minimum information:

- a. Name, address, phone number and e-mail address of the property owner and the management company (if applicable) of the short-term rental property;
- b. Verification that the proposed short-term rental ~~property~~ dwelling unit or bedroom is managed by the property owner or by a management company;
- c. Name, address, phone number and e-mail address of the designated Local Emergency Contact ~~local emergency contact~~;

- d. ~~The maximum number of occupants permitted for the dwelling unit or sleeping room in accordance with Subsection 5.3.1D: Maximum Persons Occupying a Dwelling;~~
- e. If the applicant does not own the property where the short-term rental is located, the registrant must provide **written documentation**, signed by the property owner before a notary public, authorizing the registrant to operate a short-term rental on the premises.
- f. A submission of a sketch floor plan of the dwelling unit or bedroom with dimensional room layout; and
- g. A site plan/survey of the property indicating maximum number of vehicles that can be legally parked on the property, without encroaching onto streets, sidewalks or alleys, other public rights-of-way or public property. The site plan/survey is required to ensure compliance with Section 5.3.5T.2.c.

2. **Operation**

a. **External Signage**

There shall be no external on-site or off-site advertising signs or displays indicating the property is a short-term rental.

b. **Limit on Occupants Allowed**

No more than two adult guests per bedroom, plus no more than two additional adults shall be allowed when renting a property as a short-term rental, except that there shall be a maximum occupancy of 10 persons, adults and children.

c. **Limits on Number of Vehicles**

~~There shall be a maximum of~~ Parking shall be limited to one vehicle per bedroom, or the maximum number of vehicles that can be accommodated within the garage and driveway, without extending over the public rights of way (alleys and sidewalks), whichever is less.

d. **Advertisements and Contracts**

Any advertisement of the property as a short-term rental and all rental contracts must contain language that specifies: the allowed maximum number of occupants; ~~and~~ maximum number of vehicles; and states that the short-term rental may not be used for the sole or primary purpose of having a party venue.

e. **Other Restrictions and Enforcement**

~~It is unlawful:~~ The following actions are violations of this DDC and are enforceable as established in Section 1.6 Enforcement Actions.

- i. To advertise, offer, operate or allow to be operated as a short-term rental without first registering, in accordance with this DDC, the property in which the rental is to occur;
- ii. ~~To advertise or offer a short-term rental without first registering, in accordance with this DDC, the property in which the rental is to occur; documented advertisement of the subject property as a short-term rental, online or offline, shall be considered evidence of a violation of this DDC;~~
- iii. To operate a short-term rental that does not comply with all applicable city and state laws and codes;
- iv. To operate a short-term rental without paying the required hotel occupancy taxes;
- v. To offer or allow the use of a short-term rental for the sole or primary purpose of having a party venue;

e. **Other Restrictions and Enforcement (continued)**

- vi. To fail to include a written prohibition against the use of a short-term rental for having a party in every advertisement, listing, or other publication offering the premises for rent; ~~and~~
- vii. ~~Permit~~ To permit the use of short-term rental for the purpose of: housing sex offenders; operating a structured sober, recovery or other purpose living home or similar enterprise; selling illegal drugs; selling alcohol or another activity that requires a permit or license under the Alcoholic Beverage Code; or operating as a sexually oriented business;—
- viii. To operate a short-term rental in a vehicle. Refer to Chapter 17, Section 17-2 of the City's Municipal Code of Ordinances for the definition of vehicle and Section 17-101.A (12) prohibiting the use a vehicle for living or sleeping quarters;
- ix. To operate a short-term rental within a non-permanent structure;
- x. To not have a Local Emergency Contact available to respond to complaints; and
- xi. To not correct any violation(s) found during inspection.

3. **Brochure and Safety Features**

a. **Informational Brochure**

Each registrant operating a short-term rental shall provide to guests a brochure that includes:

- i. The ~~registrant's 24-hour~~ contact information of the designated Local Emergency Contact;
- ii. ~~A local responsible party's 24-hour contract information if the owner is not within the city limits when guests are renting the premises;~~
- iii. Pertinent neighborhood information including, but not limited to, parking restrictions, restrictions on noise and amplified sound, and trash collection schedules; and
- iv. Information to assist guests in the case of emergencies posing threats to personal safety or damage to property, including emergency and non-emergency telephone numbers for police, fire, and emergency medical services providers and instructions for obtaining severe weather, natural or manmade disaster alerts and updates.

b. **Safety Features**

- i. Each short-term rental registrant shall provide, in the premises, working smoke detectors in accordance with adopted codes, at least one working carbon monoxide detector and alarm, and one working fire extinguisher. The premises shall, otherwise comply with all applicable City regulations, including but not limited to Building and Fire Codes.

4. **Notification of Approval of Short-Term Rental Registration**

Within 10 days of the approval of a short-term rental registration, the city shall send notice to all property owners within 100 feet of the subject property, and shall include the contact information of the designated Local Emergency Contact ~~24-hour complaint line~~, and pertinent information about standards regulating short-term rentals.

5. **Registration Term, Fees, and Renewal Revocation**

- a. All short-term rental registrations approved under this DDC shall be valid for a period of one year from the date of its issuance.
- b. The fee for registration of a short-term rental is identified in the ~~Administrative Criteria Manual~~ City's adopted Fee Schedule.
- c. ~~Upon receipt of an application for renewal of the registration, the Director may deny the renewal if there is reasonable cause to believe that:~~
 - i. ~~The registrant has plead guilty or no contest to or been convicted of a violation of any ordinance of the city, or any state, or federal law on the premises or has permitted such a violation on the premises by any other person; or~~
 - ii. ~~There are grounds for suspension, revocation, or other registration sanction as provided in this DDC or other applicable city codes.~~

- c. The Director may revoke a short-term rental registration if the registrant has:
1. Received **three notices** for violations of the Property Maintenance Code or **citations** for violations of the Denton Development Code, any other ordinance of the city, or any state or federal law on the premises within the preceding 12-month time period; or
 2. Knowingly permitted **three notices** for violations of the Property Maintenance Code or **citations** for violations of the Denton Development Code, any other ordinance of the city, or any state or federal law on the premises by any other person within the preceding 12-month time period; or
 3. Knowingly made a **false statement** on the registration application.
- d. Notice of the revocation shall be given to the registrant in writing, served by certified United States mail to the registrant's mailing address on record. The revocation shall become **effective fourteen (14) days** from the date of mailing.

- e. The Director's **decision is final unless** the owner, within ten (10) days after the receipt of written notice of the action, files a **written appeal** with the City Manager or his designee, who shall, within ten (10) days after the appeal is filed, consider all the evidence in support of or against the action appealed, and render a decision, either sustaining or reversing the action. The **decision of the City Manager or his designee is final.**

- f. In the event registrant's short-term rental registration is revoked by the Director and the registrant fails to successfully appeal the Director's decision, no second or additional registration shall be issued for a short-term rental on the premises for **12 months of the date such registration was revoked.**

6. **Right to Inspect Premises**

The City of Denton reserves the right, with reasonable notice to the owner, to inspect the ~~residential premises-dwelling unit or bedroom~~ to determine compliance with this DDC as well as other applicable city codes.

- a. If only a portion of the premises (bedroom) is offered for rent, then that portion, plus shared amenities and points of access, may be inspected.
- b. If, upon completion of an inspection, the premises are found to be in violation of one or more provisions of applicable city codes and ordinances, the city shall provide written notice of such violation and shall set a re-inspection date for a violation to be corrected prior to renewal of registration ~~its occupancy~~.
- c. **Inspections shall be required within six (6) months** for all new registrations, when a registration is transferred to another owner, or when additions or modifications are performed to the property which requires a City building permit. Inspections may be required for renewals or upon a violation of any ordinance of the city, state, or federal law.
- d. **Inspections shall occur between the hours of 8:00 a.m. and 5:00 p.m.;** provided, however, that in cases of emergency where extreme hazards are known to exist which may involve imminent injury to persons, loss of life, or severe property damage, the Building Official or designee may enter the short-term rental at any time and upon presentation of identification without the occupant's permission.

Amend Section 5.3.1D as follows:

Maximum Persons Occupying a Dwelling

No single dwelling unit shall have more than four unrelated persons residing therein, nor shall any "family" have, additionally, more than four unrelated persons residing with such family. Hotels, motels, bed and breakfast establishments, boarding houses, chapter house, ~~and~~ dormitories, and short-term rentals are exempt from this requirement. Additionally, any organization or institutional group that receives federal or state funding for the care of individuals is exempt from this requirement.

Amend Section 9.2 Definitions as follows:

Short-Term Rental

The rental of an entire dwelling unit or bedroom for monetary consideration for a period of time not less than 24 hours and not more than 29 consecutive days ~~less than 30 consecutive days~~, not including a bed and breakfast, boarding or rooming house, hotel, or motel. This definition does not include offering the use of one's property where no fee is charged or collected.

Local Emergency Contact

~~An individual other than the applicant, who resides within 20 miles of the subject property, and who is designated by the owner/applicant to act as the owner's authorized agent if the owner has traveled outside of the immediate area or is otherwise unavailable. The local emergency contact should be reachable.~~ The property owner, registrant, or individual designated by the property owner to be available on a 24-hour basis, have access to the Short-Term Rental Property, and be authorized ~~by the owner to act in the owner's absence~~ to address any complaints, disturbances, and emergencies.

Questions and Answers?

Next Steps

1. Online Survey – August 18 through September 8
2. Compile Input
 - Town Hall
 - Online Survey
 - Comments Received
3. Share input from community, present staff recommendations, and seek direction from the Development Code Review Committee (DCRC)
4. Planning and Zoning Commission Public Hearing
5. City Council Public Hearing
6. Hire third-party company to identify and notify STRs
7. Apply STR Use-Specific Standards

Short-Term Rentals in Denton

City staff is seeking public input on potential amendments to the standards and requirements for short-term rentals (Airbnb and Vrbo).



Scan to learn more and take upcoming survey!

Town Hall Meetings

*Development
Services Center
401 N Elm Street
Thursday, August 17
6-8 pm*

*Virtual Meeting
registration required
Monday, August 21
6-8 pm*



Ron Menguita
ron.menguita@cityofdenton.com
(940) 349-8328

Angie Manglaris
angie.manglaris@cityofdenton.com
(940) 349-8381



8/21/2023

File ID: DCA23-0007

Notes

1. Input

- Look into time minimums.
- Revisit and evaluate parking minimum language
- Look into providing map or list of registered STRs and seek direction
- Consider other rental options outside of conventional buildings
-

Questions

1. **Does the current City's short-term rental regulations address all of your needs and/or concerns?**
2. **Is there something in the City's existing or proposed regulations that prevents you from registering a short-term rental?**

Public Engagement Plan



8/21/2023

File ID: DCA23-0007

103

Public Engagement Plan

1. **Discuss Denton – dedicated website**
 - Background – current STR regulations
 - Purpose – why amendments are needed
 - Recommendation - recommended Code amendments
 - Input - what are the community's concerns and issues
 - In-person Town Hall Meeting
 - Virtual Town Hall Meeting
 - Neighborhood Meetings
 - Online Survey – after Town Hall Meeting
2. **Fliers – distributed during existing City Events**
 - Direct people to Discuss Denton
 - Advertise town hall/virtual meeting and online survey
3. **Press Release/Denton Record Chronicle Article**
 - Direct people to Discuss Denton
 - Advertise town hall/virtual meeting and online survey



Public Engagement Plan

4. **City Website/Notify Me/Social Media/Email Blast** (Public Affairs, Central Square, Community Services, etc.)
 - Direct people to Discuss Denton
 - Advertise town hall/virtual meeting and online survey
5. **In-Person Town Hall Meeting** (2 hours) – (Development Service Center)
 - Mid August
 - Introduction/Presentation
 - Input from the community
 - Questions and Answers
6. **Virtual Town Hall Meeting** (2 hours)
 - Mid August
 - Introduction/Presentation
 - Input from the community
 - Questions and Answers



Public Engagement Plan

7. **Neighborhood/Stakeholder Meetings**

- Denia, SEDNA, Downtowners, etc.
- Regional Real Estate Groups
- Short-Term Rental Groups
- Direct people to Discuss Denton
- Input from the community

8. **Online Survey**

- Input from the community
- Other questions

Online Survey Questions

Take a short community survey related to Short-Term Rental – The City of Denton needs your help to determine how STR properties should be governed. Your input will be used by the City to develop/confirm policies and draft Code amendments related to STR properties.

1. **When traveling, do you use short-term rentals?**
 - A. Always
 - B. Sometimes
 - C. Rarely
 - D. Never
2. **How many times have you used short-term rentals?**
 - A. Less than 5
 - B. 5 to 10
 - C. 11 to 20
 - D. More than 20
3. **When you stayed at a short-term rental, where was it located? Click on all that applies.**
 - A. Downtown Area (Historic Downtown)
 - B. Entertainment District (Near Shopping and Restaurants)
 - C. Recreation Community (Near a Beach, Mountain or Lake)
 - D. Residential Neighborhood



8/21/2023

File ID: DCA23-0007

Online Survey Questions

4. **When you stayed at a short-term rental, what type of unit was it? Click on all that applies.**
- A. Bedroom
 - B. Single-Family Detached Home
 - C. Accessory Dwelling Unit (i.e. an dwelling unit over a detached garage, a mother-in-law suite, backyard cottage, etc.)
 - D. Townhome
 - E. Duplex
 - F. Apartment/Condominium
5. **When you stayed at a short-term rental, how long was your stay? Click on all that applies.**
- A. One day
 - B. Two days
 - C. Three days
 - D. A week
 - E. More than a week
6. **When you stayed at a short-term rental, normally what is the total number of guests that stays at the short-term rental?**
- A. Provide input – number of guests

Online Survey Questions

7. **Do you currently live near a short-term rental?**
 - A. Yes
 - B. No
 - C. Unsure
8. **If a short-term rental registers in your neighborhood, how would you feel?**
 - A. Comfortable
 - B. Uncomfortable
 - C. Very Uncomfortable
 - D. Unsure
9. **If a short-term rental registers in your neighborhood, how do you think living near a short-term rental affects your property value?**
 - A. Increases property value
 - B. Decreases property value
 - C. No impact/neutral
 - D. Unsure

Online Survey Questions

10. **If a short-term rental registers in your neighborhood, what do you think you will experience? Rank each from 1 to 5, with 1 being strongly agree and 5 being strongly disagree.**

- A. Decline in neighborhood character
- B. Guest having large parties
- C. Having too many people staying in a home
- D. Increase in crime activities
- E. Increase in cultural exchanges
- F. Increase housing options for travelers
- G. Increase in the maintenance of homes
- H. Increase noise disturbance
- I. Increase trash or litter
- J. Offering unique accommodations for travelers
- K. Positive economic impacts to surrounding businesses
- L. Providing an economic opportunity for property owners
- M. Reduction in on-street parking
- N. Revitalizing of underutilized properties
- O. Other - provide input

Online Survey Questions


11. Does the current City's short-term rental regulations address all of your needs and/or concerns?
 - A. Yes
 - B. No
12. Should individual bedrooms be allowed as short-term rentals?
 - A. Yes
 - B. No
13. Should apartment units be allowed as short-term rentals?
 - A. Yes
 - B. No
14. Should short-term rentals be allowed citywide?
 - A. Yes
 - B. No (Provide input - where should short-term rentals not be allowed)
15. Should there be a maximum number of short-term rentals properties that a property owner or entity can have?
 - A. Yes (Provide input - how many properties)
 - B. No

Online Survey Questions

16. **If a short-term rental registers in your neighborhood, would parking be a concern?**
- Yes (Provide why)
 - No
17. **Which of the following solution would address your parking concerns? Click on all that applies.**
- Require one parking space on site per bedroom
 - Require that all guest parking be accommodated on site
 - Require Short-Term Owners to advertise the number of available parking on the property
 - Require Short-Term Owners to provide parking regulations to guests
 - Other - Provide input

Online Survey Questions

18. Out of 100 residential dwelling units (see example), how many residential units should be allowed as short-term rentals? Provide input.

The image shows a survey form with five vertical columns of input fields. Each column contains a series of small, square checkboxes or input boxes arranged in a grid-like pattern. The form is designed for data entry, likely for recording responses to the survey question about short-term rentals.

Online Survey Questions

18. Should there be a different maximum percentage of short-term rentals allowed for different areas of the city?
- Yes
 - No
21. What area of the city would you want to see a HIGHER percentage of short-term rentals? Provide input.
22. What area of the city would you want to see a LOWER percentage of short-term rentals? Provide input.

Online Survey Questions

23. **Is there something in the City's existing or proposed regulations that prevents you from registering a short-term rental?**
- A. Yes (Provide input - describe regulations)
 - B. No
24. **How would you describe yourself? Click on all that applies.**
- A. I own a short-term rental in Denton
 - B. I own a short-term rental outside of Denton
 - C. I manage a short-term rental in Denton
 - D. I manage a short-term rental outside of Denton
 - E. I own property and reside in Denton
 - F. I own property, but do not reside in Denton
 - G. I rent property in Denton
 - H. I own a business in Denton
 - I. I work in Denton
 - J. I reside outside of Denton but visit Denton often
 - K. I am a real estate professional
 - L. I am in the hospitality industry (hotel professional)
 - M. Other - provide input

We want to hear from you!

We want to hear from you – Have questions or want to share your opinion regarding the City’s Short-Term Rental existing or proposed regulations? Fill out the form below and Staff will provide a response.

- ❑ Name (First and Last Name)
- ❑ Email
- ❑ Subject
- ❑ Message/Comment/Question
- ❑ Phone Number
- ❑ Would you like to be emailed about events to learn about short-term rentals and know about opportunities to provide input? Yes or No

QUESTIONS?

Ron Menguita
Principal Planner
Development Services

Questions/Comments

1. Opt-in Program

- March 2, 2023 Dallas Observer article
- City of Dallas Council Member – mentioned opt-in program, still in discussion
- Existing opt-in process for ADUs (petition, community meetings, and approved overlay district)
- HOAs have the ability to restrict the use of property

Information:

1. STRs is proposed to be allowed in all Zoning District where residential uses are allowed.
2. HOA can restrict STRs.
3. If a HOA does not exist, community or neighborhood have the option to establish a Special Purpose Overlay District that restricts STRs.

No action on this item

Questions/Comments (continued)

2. Consider setting a maximum number of STRs a property owner can have

- San Marcos:
 - No registrant shall be allowed to operate or register more than one short term rental in the city, and no registration for a new short term rental shall be authorized, while another registration in the registrant's name is still active or under suspension.
 - An owner of property may not have more than one short term rental unit in the city that is registered or operated as a short term rental. When an owner of property registered or operated as a short term rental is a business organization, trust or other entity, no person or entity affiliated with such business organization, trust or other entity as an organizer,

DCRC Policy Questions:

Should there be a limit on how many STRs a property owner can have?

Should there be a different fee for additional STRs?



8/21/2022 member, manager, shareholder, trustee, beneficiary, partner, equity

owner or investor shall be allowed to register or operate an

Questions/Comments (continued)

DCRC Policy Questions:

3. Different STR registration fee for a dwelling unit and for a bedroom

- City of Fredericksburg: Application Fee = \$150/unit, plus \$100/bedroom
- City of Fort Worth: \$150 for the initial year and \$100 per year for renewals

Should there be a different fee for a dwelling unit and for a bedroom?

Is 1 parking space per guestroom accurate?

4. Minimum Parking

- Table 7.9-I: Minimum Required Off-Street Parking
- Short-Term Rental: 1 space per guestroom

Questions/Comments (continued)

5. Separation Distance and Maximum Percentage for Short-Term Rentals

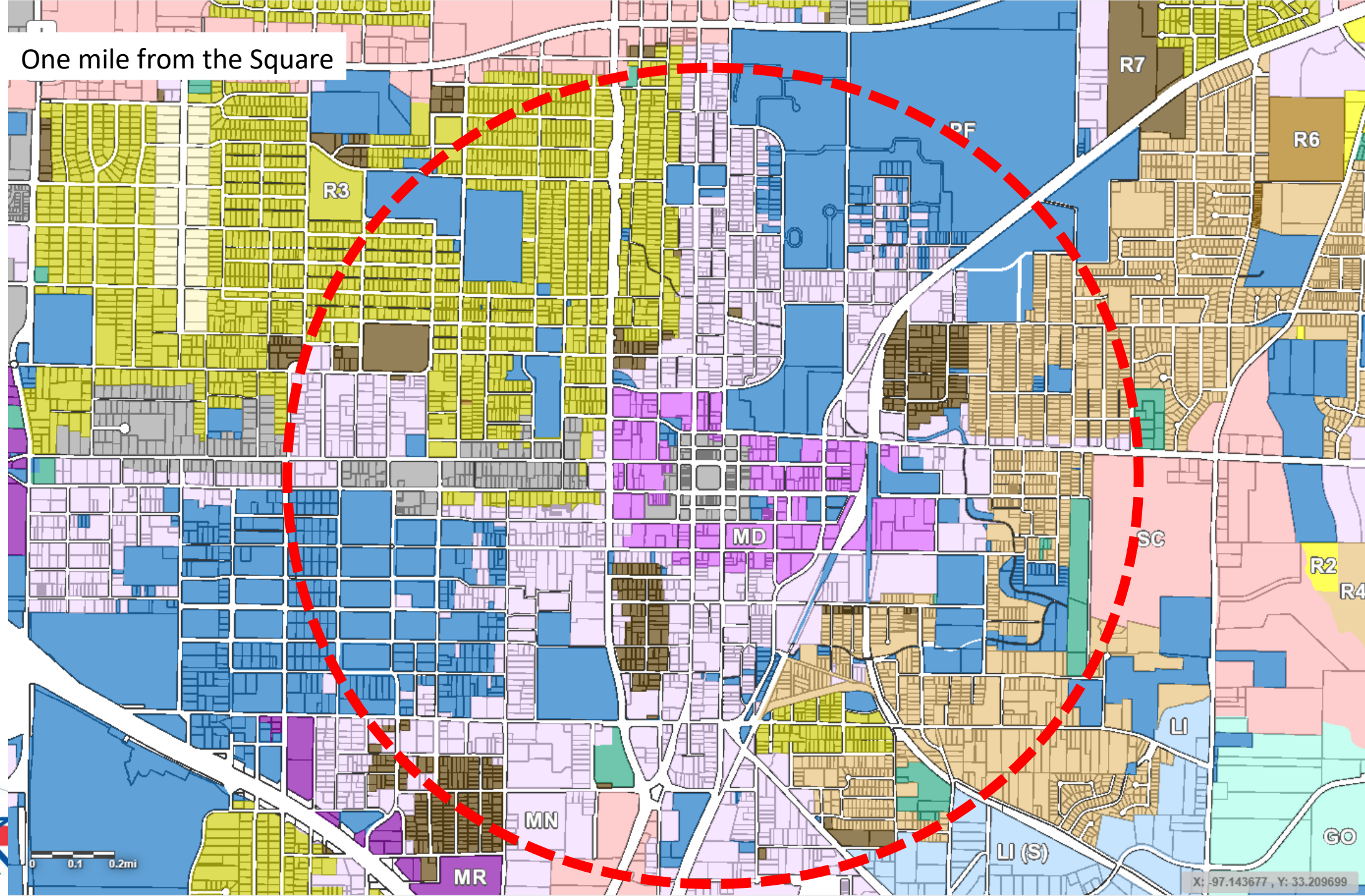
- Setting a minimum separation distance from another Short-Term Rental
- Setting a maximum percentage of Short-Term Rentals in a given area
- Requiring an SUP for exceeding maximum percentage
- Enforcement
 - **Separation Distance** – simple enforcement, search for existing STRs during review of application. Deny application if separation distance is less than minimum distance. DDC requires a one-half mile (2,640 ft.) separation distance requirement for Group Homes.
 - **Maximum Percentage** – complicated enforcement, percentage by established zones – e.g., one mile from the Square? How big of an area

DCRC Policy Questions:

Should there be a separation distance requirement for STRs? Dwelling units and bedrooms?

Should there be a maximum percentage for STRs? Dwelling units and bedrooms?

• One mile from the Square



X: -97.143677, Y: 33.209699

- 2,640 feet diameter
- 1,320 feet radius
- 344 residential dwelling units
- Dwelling unit counted if area boundary includes a portion of lot
- 10 percent = 35 dwelling units
- 25 percent = 86 dwelling units
- 50 percent = 172 dwelling units



QUESTIONS?

Ron Menguita
Principal Planner
Development Services

Definitions

Dwelling/Dwelling Unit

A structure or portion thereof that provides living, sleeping, eating, cooking, and sanitation accommodations. This term does not include short-term rental.

Bedroom

Any room other than a living room, family room, dining room, kitchen, bathroom, closets, or utility room, for the purpose of this DDC, shall be considered a bedroom. Dens, studies, etc. with or without closets and similar areas, which may be used as bedrooms shall be counted as bedrooms for the purposes of this DDC.

Vehicle means a device in or by which a person or personal property is or may be transported or drawn on a public highway, or on any waterway, and shall include all motor vehicles, trailers, campers, camper shells, wheeled towing frames, recreational vehicles, truck-tractors, travel trailers, self-propelled farm equipment, motor-boats or boat trailers. For the purposes of this chapter, "vehicles" shall not include nonmotorized bicycles, skateboards, roller skates, or any other nonmotorized toy vehicle. *(Section 17-2 Definitions)*

Questions

1. How many STRs are registered with the City?
 - There are seven (7) active registrations
 - Three (3) registrations have expired
 - Approximately twelve (12) denied/canceled
2. How many STRs do we estimate are within the City?
 - Multiple calls every week
 - Estimated number – 200 to 250 (some properties that are not listed are booked, reserved on other platforms that don't show up on searches)
3. Are HOT tax currently being collected?
 - STRs self-report - Eight (8) are paying HOT tax
 - AirBNB – nonresponsive to City requests
 - Third Party Collection – staff discussions
4. Do we know how many complaints related to STRs we have? Difficult to answer - CIS handle property maintenance complaints, PD handle noise and parking complaints, and Zoning Officers handle land use complaints

Notes

1. Other Zoning Districts
2. Conduct Public Engagement Events regarding STRs
3. Harms
 - a. Not receiving HOT Taxes
 - b. Treating businesses the same
 - c. Protecting neighborhood character
 - d. Inspecting to ensure minimum housing condition
4. Consider setting a maximum number of STRs an owner can have
 - a. Legal issues
 - b. Set a different fee for additional STRs
5. Different fee for dwelling and bedroom STRs

Other Cities

Other Cities

City of Fort Worth

- February 14, 2023 the City Council approved a registration ordinance for legal Short-Term Rental
- Deadline for registration is June 1, 2023
- Short-Term Rental period ranges from one to 29 days
- Registration applies only to properties properly zoned to operate a legal Short-Term Rental
- Requirements:
 - Short-term rentals where allowed by zoning to register
 - An annual registration and fee: \$150 for the initial year and \$100 per year for renewals
 - Registrations would be nontransferable
 - Collection of hotel occupancy tax for the property
 - Minimum stay is one night
 - A local responsible party must be available 24/7 to respond to concerns at the property
 - No more than one group would be allowed to inhabit the property at a time
 - Rentals would be limited to two persons per bedroom, plus two additional persons, with a maximum of 12 people staying in the property at one time
 - Only on-premise parking would be allowed
 - No events or parties would be allowed
 - The host would be required to provide instructions to comply with noise, trash, parking and curfew ordinances.
 - Advertising and operation of short-term rentals without registration would be prohibited.
 - Registration may be revoked based on violations.

Other Cities - continued

City of Fredericksburg

- 2022 Adopted Ordinance for Short-Term Rentals (STR) became effective April 1, 2022
- Types of STRs
 - Accessory – Guest house on homestead property
 - B&B – rooms for rent within property owners homestead property
 - Condominium – located in recorded condo
 - Facility – complex with multiple dwelling rental units (up to 8)
 - Unoccupied – transient lodging not located on property owner's principal residence
- Permits
 - Required for each STR
 - Application Fee = \$150/unit, plus \$100/bedroom
 - Valid for one year
- Off-Street Parking – different by STR type
- Allowed in certain Zoning Districts by STR type
- Accommodations for a period less than 30 days

Other Cities - continued

City of Dallas

- Dallas is considering amendments to Dallas Development Code Chapter 51A-4.205 "Lodging Uses", to define a new use called "Short-term rental lodging" and related regulations
- STRs are typically residential properties that are rented for overnight accommodation for a period of fewer than 30 consecutive days
- Currently no standards in the Dallas development code related to the use of a residence as a short-term rental. Code Compliance is developing proposed standards for an STR registration and regulation ordinance. City's Tax Code considers STRs to be a lodging use for purposes of collecting the City's Hotel Occupancy Tax (HOT). Chapter 27 exempts STRs that pay the HOT from registration and inspection requirements
- Proposed Amendment:
 - A full or partial unit that is rented to occupants for fewer than 30 consecutive days per rental period
 - Districts permitted: By right in MO(A), GO(A), central area, mixed use, multiple commercial, and urban corridor districts
 - Required off-street parking: One space per full or partial unit rented to occupants
 - The number of short-term rentals in a single dwelling unit may not exceed one
 - Short-term rental lodging is prohibited in a multifamily structure or development that has received and utilized a development bonus under Division 51A-4.1100 "Mixed Income Housing."

Other Cities - continued

City of Galveston

- A short term rental shall include a residential dwelling unit or accessory building used as a short term vacation rental, for any period less than thirty (30) consecutive days
- An owner shall designate the owner, or an agent or a representative to comply with the requirements of this section on behalf of the owner
- No owner may make available for a short term rental any building/property unless that building/property has previously been registered as a short term rental
- Registration Form:
 - The name, address, email and telephone number of the owner/operator of the subject short term rental unit
 - The name, address, email and twenty-four (24) hour telephone number of the local contact person
 - The number of bedrooms and the applicable overnight and daytime occupancy limit of the proposed short term rental unit
 - The short term rental registration fee shall be fifty dollars (\$50.00) (per rental unit)
 - The owner, agent or representative shall provide a brochure or other alternative publication to renters, of short term vacation rentals, with information which shall provide basic, minimum, standards of conduct during their visit to the city

Other Cities - continued

City of San Marcos

- An approved registration is required before operation of short term rental
- An approved short term rental registration shall not be assigned or transferred to any person or entity
- An owner of property may not have more than one short term rental unit in the city that is registered or operated as a short term rental.
- No more than two adult guests per bedroom, plus no more than two additional adults
- Each short term rental registrant shall provide in the premises at least at least one working smoke detector and alarm and one working carbon monoxide detector and alarm per bedroom, and one working fire extinguisher
- Each registrant operating a short term rental shall provide to guests a brochure
- All registrations approved under this division shall be valid for a period of one year from the date of their issuance.
- Violations: very similar to the current Denton Development Code

Other Cities - continued

City of Arlington

- A Short-Term Rental refers to any residential structure, or a portion thereof, used for lodging accommodations to occupants for a period of less than 30 consecutive days
- On April 23, 2019, the Arlington City Council adopted two ordinances that allow short-term rentals
 - Ordinance No. 19-014 designated eligible locations for STRs within the city
 - Ordinance No. 19-022 created regulations for conducting STRs and established Permit Application Requirements
- Short-Term Rentals are prohibited in single-family residential neighborhoods
- Short-Term Rentals can exist in designated areas
 - New or existing residential structures in
 - All zoning districts within the established STR Zone, which is anchored by the Entertainment District and extends approximately one mile from its center
 - Residential, Medium Density (RM-12) Zoning District
 - Residential, Multi-family (RMF-22) Zoning District
 - Existing residential structures in:
 - All non-residential zoning districts; and
 - All mixed-use zoning Districts

Other Cities - continued

City of Arlington - continued

- Owners in Arlington must register Short-Term Rental properties and obtain a permit
- Permit Information:
 - Owner and Operator Information
 - \$500 fee per site or address
 - Renewed annually, not transferable
 - House Rules
- Permit Requirements
 - HOT Tax account number
 - Plot Plan
 - Floor Plan
- Regulations
 - Maximum Occupancy: 2 per bedroom plus 2, limited to 12
 - Parking: limited to the number of available off-street spaces
 - Noise restrictions; no amplified sound between 10 pm and 9 am
 - Outside congregation restrictions: between 10 pm and 9 am
 - Trash placement on curb: after 7 pm the evening prior to scheduled pickup
 - Premises not to be used as Banquet Hall