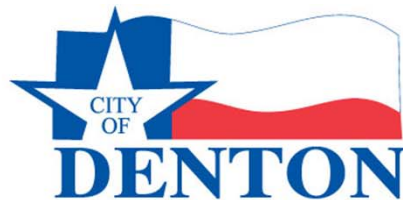


DCA23-0002

Short-Term Rental

Ron Menguita
Principal Planner
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Recommended Code Amendments



3/27/2023

File ID: DCA23-0002

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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:

DCRC Policy Questions:

Should a bedroom be allowed as a Short-Term Rental? **YES**

- 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 ~~the applicant's primary residence~~;
- 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. A submission of a sketch floor plan of the dwelling unit or bedroom with dimensional room layout; and
- f. 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.

Current Regulations

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

DCRC Policy Questions:

Should STRs be allowed in all residential uses?

If allowed, staff recommends that written consent from the property owner if the STR is a rental occupied unit.

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

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 in any location that is not the registrant's primary residence;~~
- iv. To operate a short-term rental that does not comply with all applicable city and state laws and codes;
- v. To operate a short-term rental without paying the required hotel occupancy taxes;
- vi. 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)**

- vii. ~~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~~
- viii. ~~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; and-
- ix. To operate a short-term rental in a Recreational Vehicle (RV) or a travel trailer;
- x. Failure to have a Local Emergency Contact available to respond to complaints; and
- xi. Failure to correct any violation(s) found during inspection.

DCRC Policy Questions:

Should a recreational vehicle (RV) or a travel trailer be allowed as a Short-Term Rental?

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 24-hour complaint line, and pertinent information about standards regulating short-term rentals.

DCRC Policy Questions:

Should adjacent property owners within 100 feet of the subject property be notified that a Short-Term Rental registration has been approved?

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 City's adopted Fee Schedule ~~Administrative Criteria Manual~~.
- c. The Director may revoke a short-term rental registration ~~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 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.

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 annually 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 annual 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~~.

Amend Table 7.9-I: Minimum Required Off-Street Parking as follows:

Table 7.9-I: Minimum Required Off-Street Parking

Short-Term Rental: 1 space per guestroom

DCRC Policy Questions:

Is the parking minimum requirement for a Short-Term Rental appropriate?

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 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.

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.

Definitions

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 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.

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.

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

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

- San Marcos: 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.
- Different registration fee for additional STRs

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

QUESTIONS?

Ron Menguita
Principal Planner
Development Services