



City of Denton

City Hall
215 E. McKinney St.
Denton, Texas 76201
www.cityofdenton.com

Meeting Agenda

Development Code Review Committee

Monday, March 27, 2023

10:00 AM

Development Service Center

After determining that a quorum is present, the Development Code Review Committee of the City of Denton, Texas will convene in a Regular Meeting on Monday, March 27, 2023, at 10:00 a.m. in Training Rooms 3, 4, and 5 at the Development Service Center, 401 N. Elm Denton, Texas, at which the following items will be considered:

1. ITEMS FOR CONSIDERATION

- A. [DCRC23-020](#) Consider approval of minutes for March 13, 2023.

Attachments: [Exhibit 1 - March 13, 2023 DCRC Meeting Minutes](#)

- B. [DCRC23-019](#) Receive a report, hold a discussion, and give staff direction regarding proposed Denton Development Code amendments related to Short-Term Rental.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Short-Term Rental Use-Specific Standards](#)
[Exhibit 3 - Draft Short-Term Rental Code Amendments](#)
[Exhibit 4 - Presentation](#)

2. CONCLUDING ITEMS

A. Under Section 551.042 of the Texas Open Meetings Act, respond to inquiries from the Development Code Review Committee or the public with specific factual information or recitation of policy, or accept a proposal to place the matter on the agenda for an upcoming meeting AND Under Section 551.0415 of the Texas Open Meetings Act, provide reports about items of community interest regarding which no action will be taken, to include: expressions of thanks, congratulations, or condolence; information regarding holiday schedules; an honorary or salutary recognition of a public official, public employee, or other citizen; a reminder about an upcoming event organized or sponsored by the governing body; information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; or an announcement involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

CERTIFICATE

I certify that the above notice of meeting was posted on the official website (<https://tx-denton.civicplus.com/242/Public-Meetings-Agendas>) and bulletin board at City Hall, 215 E. McKinney Street, Denton, Texas, on March 23, 2023, in advance of the 72-hour posting deadline, as applicable, and in accordance with Chapter 551 of the Texas Government Code.

CITY SECRETARY

NOTE: THE CITY OF DENTON'S DESIGNATED PUBLIC MEETING FACILITIES ARE ACCESSIBLE IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT. THE CITY WILL PROVIDE ACCOMMODATION, SUCH AS SIGN LANGUAGE INTERPRETERS FOR THE HEARING IMPAIRED, IF REQUESTED AT LEAST 48 HOURS IN ADVANCE OF THE SCHEDULED MEETING. PLEASE CALL THE CITY SECRETARY'S OFFICE AT 940-349-8309 OR USE TELECOMMUNICATIONS DEVICES FOR THE DEAF (TDD) BY CALLING 1-800-RELAY-TX SO THAT REASONABLE ACCOMMODATION CAN BE ARRANGED.



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Legislation Text

File #: DCRC23-020, **Version:** 1

AGENDA CAPTION

Consider approval of minutes for March 13, 2023.

MINUTES
DEVELOPMENT CODE REVIEW COMMITTEE
March 13, 2023

After determining that a quorum was present, the Development Code Review Committee of the City of Denton, Texas convened in a Regular Meeting on Monday, March 13, 2023, at 10:05 a.m. in Training Rooms 3, 4 and 5 at the Development Service Center, 401 N Elm Street, Denton, Texas.

PRESENT: Chair Jesse Davis, Vice-Chair Brian Beck, Members: Vicki Byrd, Jordan Villarreal, and Eric Pruett

ABSENT: Member Tim Smith

REGULAR MEETING

1. ITEMS FOR CONSIDERATION

A. DCRC23-018: Consider approval of the February 27, 2023 minutes.

Vice-Chair Beck moved to approve the minutes as presented. Motion seconded by Member Byrd. Motion carried.

AYES (4): Chair Jesse Davis, Vice-Chair Brian Beck, Members: Vicki Byrd, and Eric Pruett

B. DCRC23-017: Receive a report, hold a discussion, and give staff direction regarding proposed Denton Development Code amendments related to Short-Term Rental.

Member Villarreal joined the meeting at 10:09 a.m.

Ron Menguita, Principal Planner, presented to the Committee and a discussion followed.

2. CONCLUDING ITEMS

With no further business, the Regular Meeting was adjourned at 12:06 p.m.

X

Jesse Davis
Development Code Review Committee Chair

X

Lacy Brummett
Administrative Assistant



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Legislation Text

File #: DCRC23-019, **Version:** 1

AGENDA CAPTION

Receive a report, hold a discussion, and give staff direction regarding proposed Denton Development Code amendments related to Short-Term Rental.



City of Denton

City Hall
215 E. McKinney Street
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AGENDA INFORMATION SHEET

DEPARTMENT: Department of Development Services

ACM: Cassey Ogden

DATE: March 27, 2023

SUBJECT

Receive a report, hold a discussion, and give staff direction regarding proposed Denton Development Code amendments related to Short-Term Rental.

BACKGROUND

On February 13, 2023, the Development Code Review Committee (DCRC) held a discussion regarding proposed Code amendments related to the Short-Term Rental land use. On March 13, 2023 the staff presented an overview of the City's current regulations related to Short-Term Rentals, discussed reasons why the Code amendments are needed, shared how other cities regulate Short-Term Rentals, and presented staff's recommended Code amendments. During the meeting on March 27, 2023 the staff will continue presenting staff's recommended Code amendments.

The purpose of this Code amendment is primarily to respond to a recent 5th Circuit court decision in *Hignell-Stark v. City of New Orleans*. The 5th Circuit recently held that the City of New Orleans' regulation requiring Short-Term Rental applicants to demonstrate the proposed Short-Term Rental dwelling unit was their primary residence was unconstitutional under the dormant Commerce Clause; it was determined to be unconstitutional because it discriminated against out-of-state real estate owners who wanted to operate Short-Term Rentals in New Orleans.

Because of this court decision, staff determined that the City of Denton Development Code (DDC) requirement that a Short-Term Rental be the applicant's primary residence could be legally challenged thereby exposing the City to potential litigation. Therefore, staff is proposing to remove this requirement as part of this proposed Code amendment.

Additionally, staff is proposing Code amendments related to clarifying existing language and proposing additional Use-Specific Standards. The following amendments are generally summarized below and are described more in Exhibit 2 - Draft Short-Term Rental Code Amendments.

- Requiring information pertaining to the management company, if applicable
- Removing the requirement that the Short-Term Rental must be the applicant's primary residence
- Revising how maximum occupancy is determined
- Adding text related to enforcement
- Consolidating and reorganizing standards to be more clear and concise

Lastly, through staff's application of the current Short-Term Rental Use-Specific Standards a few questions have arisen that require further review and discussion. During the meeting, staff will present the following policy questions and request direction from the Development Code Review Committee.

- Should a bedroom be allowed as a Short-Term Rental?
- Should a recreational vehicle (RV) or a travel trailer be allowed as a Short-Term Rental?
- Should adjacent property owners within 100 feet of the subject property be notified that a Short-Term Rental registration has been approved?
- Is the parking minimum requirement for a Short-Term Rental appropriate?
- Should a Multifamily Dwelling unit be allowed as a Short-Term Rental?

EXHIBITS

1. Agenda Information Sheet
2. Short-Term Rental Use-Specific Standards
3. Draft Short-Term Rental Code Amendments
4. Presentation

Respectfully submitted:
 Tina Firgens, AICP
 Deputy Director of Development Services/
 Planning Director

Prepared by:
 Ron Mengueta, AICP
 Principal Planner

Subchapter 5: Use Regulations

5.3 Use-Specific Standards

5.3.5 Commercial Uses

T. Short-Term Rental

1. Registration Requirements

No person shall advertise, offer to rent, or rent, lease, sublease, license, or sublicense a residential property 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 of the short-term rental property;
- b. Verification that the proposed short-term rental property is the applicant's primary residence;
- c. Name, address, phone number and e-mail address of the designated 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 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.

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 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.

e. 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

Subchapter 5: Use Regulations

5.3 Use-Specific Standards

5.3.5 Commercial Uses

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;
- 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 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.

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;
- 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

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.

Subchapter 5: Use Regulations

5.3 Use-Specific Standards

5.3.5 Commercial Uses

4. Notification of Approval of Short-Term Rental

Within 10 days of the approval of a short-term rental, 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.

5. Registration Term, Fees, and Renewal

- 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.
- 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 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 to determine compliance with this DDC as well as other applicable city codes.

- a. If only a portion of the premises 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 its occupancy.

U. Automotive Fuel Sales

1. Storage of equipment, auto parts, and supplies used in servicing vehicles shall be maintained entirely within an enclosed structure.
2. Open storage of wrecked or inoperable cars, discarded tires, auto parts, or similar materials shall be prohibited.

V. Automotive Repair Shop, Major

1. All repairs, services, and storage shall be conducted within an entirely enclosed structure.
2. Open storage of wrecked or inoperable cars, discarded tires, auto parts, or similar materials shall be prohibited.
3. Sales of vehicles shall be prohibited.

W. Automotive Repair Shop, Minor

1. Storage of vehicles on the premises shall not exceed 30 days.
2. Storage of equipment, auto parts, and supplies used in servicing vehicles shall be maintained entirely within an enclosed structure.

Draft Short-Term Rental Code Amendments

Amend Section 5.3.5T as follows:

T. Short-Term Rental

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 ~~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 one person per 200 square feet ~~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~~

Commented [MRP1]: The purpose of the Code amendment is to clarify that an entire unit or a single bedroom can be a Short-Term Rental. NEED TO DISCUSS WITH DCRC

Commented [MRP2]: The purpose of the Code amendment is to obtain information of the management company managing the Short-Term Rental, if applicable.

Commented [MRP3]: The purpose of the Code amendment is to respond to a recent 5th Circuit court decision in Hignell-Stark v City of New Orleans.

The 5th Circuit recently held that NOLA's regulation requiring short term rentals (STRs) license applicants to demonstrate the proposed STR home was their primary residence was unconstitutional under the dormant Commerce Clause because it discriminated against out-of-state real estate owners who wanted to operate Short-Term Rentals in NOLA.

Commented [MRP4]: The purpose of the Code amendment is to capitalize Local Emergency Contact to let the reader know that a definition is provided in Section 9.2 Definitions of the DDC.

Commented [MRP5]: The purpose of the Code amendment is to delete a provision already included in the DDC.

Commented [MRP6]: The purpose of the Code amendment is to provide reason for the site plan/survey requirement.

Commented [MRP7]: The purpose of the Code amendment is to establish the maximum occupancy per the Building Code.

Commented [MRP8]: NEED TO DISCUSS WITH DCRC

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 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;
- 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.

Commented [MRP9]: The purpose of the Code amendment is to clarify that Short-Term Rentals shall not be used for the sole or primary purpose of having a party venue.

Commented [MRP10]: The purpose of the Code amendment is to provide the Enforcement Actions Section of the DDC.

Commented [MRP11]: The purpose of the Code amendment is to consolidate two provisions (i and ii) into one.

Commented [MRP12]: The purpose of the Code amendment is to respond to a recent 5th Circuit court decision in Hignell-Stark v City of New Orleans.

Commented [MRP13]: The purpose of the Code amendment is to delete a provision already addressed in the previous Advertisements and Contracts Section above.

Commented [MRP14]: The purpose of the Code amendment is to clarify that a RV or a travel trailer cannot be used as a Short-Term Rental. NEED TO DISCUSS WITH DCRC

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 contact information if the owner is not within the city limits when guests are renting the premises;

Commented [MRP15]: The purpose of the Code amendment is to consolidate two provisions (i and ii) into one and to clarify the contact information of the designated Local Emergency Contact shall be provided in the Informational Brochure.

- 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**
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.
- 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.

Commented [MRP16]: NEED TO DISCUSS WITH DCRC

Commented [MRP17]: The purpose of the Code amendment is to clarify that the Direct may revoke a Short-Term Rental registration at any time for reasonable cause.

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

Commented [MRP18]: NEED TO DISCUSS WITH DCRC

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.

Commented [MRP19]: NEED TO DISCUSS WITH DCRC

For reference only:

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.

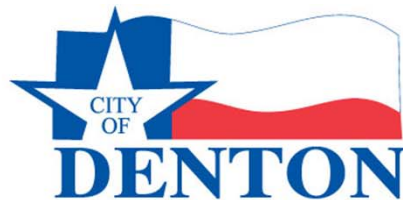
Bedroom

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.

DCA23-0002

Short-Term Rental

Ron Menguita
Principal Planner
March 27, 2023



Recommended Code Amendments



3/27/2023

File ID: DCA23-0002

2

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

3/27/2023

File ID: DCA23-0002

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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?

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