

Short-Term Rentals DCA212-002



City of Dallas

**Zoning Ordinance
Advisory Committee
(ZOAC)
October 4, 2022**

Planning & Urban Design
City of Dallas

For reference - Accessory Home-Sharing

Case DCA212-002



- Consideration of amending Chapters 51 and 51A of the Dallas Development Code, with consideration to be given to amending Section 51-4.216.1, “Lodging Uses” and Section 51A-4.205 “Lodging Uses” to define a new use called “Short-term rental lodging” and related regulations.
- 12.2.2021 - initiated by City Plan Commission (CPC)



Case DCA212-010



- Consideration of amending Chapters 51 and 51A of the Dallas Development Code, with consideration to be given to amending Section 51-4.217, “Accessory Uses” and Section 51A-4.217 “Accessory uses” to define a new use called “Home-sharing” and related regulations.
- Discussed together with Case DCA212-002.



Updates – Purpose Statement



To establish regulations to protect the health and safety of occupants of short-term rental properties, to protect the integrity of the districts in which short-term rental properties operate, and to preserve the neighborhood character of residential districts within the city and to minimize adverse impacts to the housing supply caused by the conversion of residential units to transient use.



Accessory Use vs Accessory Dwelling Unit



- Accessory use is one that is “... customarily incidental to a main use.”
- Accessory Dwelling Unit is a “... rentable additional dwelling unit, subordinate to the main unit, located on a building site with a single family use.”



Updates – Accessory Use: Home-sharing



- Allow the use of a property for overnight accommodation of guests for fewer than 30 consecutive days *only* if there is a primary resident that resides at the property (established by homestead exemption, motor vehicle registration, voter registration, etc.).
- Cannot require that the operator be the primary resident, but can require that the primary resident gives written permission to the operator.



Updates – Parking



- Some cities include parking requirements:
 - San Antonio: minimum one space per rental unit
 - New Braunfels: minimum one space per sleeping room, cannot count garage
 - Arlington: limits parking to the number of off-street spaces on the property (registration ordinance, not zoning)



Updates – Regulations



- Add 6 STR or 10% of total units (whichever is less) maximum to multifamily properties in MF zoning districts (MF-2(A), MF-2(SAH), MF-3, MF-4).
- Prohibit the use of any unit as an STR on a property that has received and utilized a Mixed Income Housing Development Bonus under Section 51-4.900 or 51A-4.1100.



Updates – Parking



- Some cities include parking requirements:
 - San Antonio: minimum one space per rental unit
 - New Braunfels: minimum one space per sleeping room, cannot count garage
 - Arlington: limits parking to the number of off-street spaces on the property (registration ordinance, not zoning)



Updates – Largest US Cities



- New York City: up to 2 guests with access to full dwelling unit; host must be present.
- Los Angeles: Accessory home-sharing, as discussed
- Chicago: Owner Occupancy required for single family homes, cap of 25% or 6 (whichever is less) in multifamily buildings.
- Phoenix: No zoning regulations; STR must register and pay hotel occupancy tax
- Philadelphia: Accessory Use, residency required



Correction / Clarification



- **Owner Occupancy – Other City Standards**

- Many cities do not differentiate, but some that do follow:
- **San Antonio**
 - San Antonio differentiates between owner or operator occupied, *not* non-owner occupied.
 - Density limits for STRs apply only to non-owner or non-operator occupied STRs. (12.5%)
 - Established by homestead exemption, voter registration, vehicle registration, lease agreement that expressly allows short-term rental, written permission from landlord, “or similar means.”
 - San Antonio allows a tenant to operate a short-term rental as a Type 1 (no density limits) with written permission from the landlord.

For reference - Accessory Home-Sharing



Correction / Clarification



- **Owner Occupancy – Other City Standards**

- Based on recent court rulings, the ability for a city to regulate owner-occupied STRs differently than non-owner occupied STRs is likely eliminated.



Proposed Amendment (from 8/16 motion)



SEC 51A-4.205. LODGING USES

(3) Short-term rental lodging. [~~Reserved~~]

(A) Definition: A full or partial dwelling unit containing one or more kitchens, one or more bathrooms, and one or more bedrooms that is rented to occupants for fewer than 30 consecutive days per rental period.

(B) Districts permitted: By right in MF-2(A), MF-2(SAH), MF-3(A), MF-4(A), MO(A), GO(A), central area, mixed use, multiple commercial, and urban corridor districts.

(C) Required off-street parking: One space per full or partial dwelling unit rented to occupants.



Proposed Amendment (from 8/16 motion)



SEC 51A-4.205. LODGING USES

(3) Short-term rental lodging. [~~Reserved~~]

....

(D) Required off-street loading: none

(E) Additional provisions:

(i) This use must comply with Chapter ##, “Short-Term Rentals” of the Dallas City Code.

(ii) The number of short-term rentals in a single dwelling unit may not exceed one.



Proposed Amendment (from 8/16 motion)



SEC 51A-4.205. LODGING USES

(3) Short-term rental lodging. [~~Reserved~~]

....

(E) Additional provisions:

....

(iii) A short-term rental must not be used as a commercial amusement (inside), commercial amusement (outside), restaurant with drive-in or drive-through service, restaurant without drive-in or drive-through service, or any other use unless located in a zoning district in which the use is permitted and a Certificate of Occupancy is issued for the use.



Proposed Amendment (from 8/16 motion)



SEC 51A-4.205. LODGING USES

(3) Short-term rental lodging. [~~Reserved~~]

....

(E) Additional provisions:

....

(iv) Except as provided in this paragraph, in MF-2(A), MF-2(SAH), MF-3(A), and MF-4(A) districts, a maximum of the lesser of six units or 10 percent of the total multifamily units located on a lot, parcel, or building site may be used as short-term rental lodging.

(v) 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.”

For reference - Accessory Home-Sharing

Next Steps



- **Make recommendation to City Plan Commission**
- **City Plan Commission reviews and makes recommendation to City Council, with amendments as discussed**
- **City Council has final authority to approve or modify the proposed ordinance.**

