

**FILE NUMBER:** DCA212-002(SD)

**DATE INITIATED:** Spring 2022

**TOPIC:** Development Code Amendment to the Dallas Development Code address short-term rental lodging uses

**CITY COUNCIL DISTRICTS:** All

**CENSUS TRACTS:** All

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**PROPOSAL:** 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.

**SUMMARY:** The proposed code amendments, as recommended by City Plan Commission, would create a new use to regulate overnight accommodations for a period of fewer than 30 consecutive days per rental period. The proposed amendments include a purpose statement, definition, permitted districts, and other provisions.

**CPC RECOMMENDATION:** Approval per CPC recommendation.

**STAFF RECOMMENDATION:** Approval per staff recommendation.

Code Amendments webpage: <https://dallascityhall.com/departments/pnv/Pages/Code-Amendments.aspx>

STR project webpage: <https://dallascityhall.com/departments/pnv/Pages/Short-Term-Rentals.aspx>

#### Appendices

1. Use Charts
2. Comparison Cities
3. Heat Map and Data for Active and Pending STRs
4. Other Lodging Uses
5. Discussion of Chapter 44 and Chapter 27 of Dallas City Code

## **BACKGROUND:**

A code amendment was initiated by City Plan Commission (CPC) at the December 2, 2021 meeting. CPC authorized a hearing to consider specifically defining a new use, “Short-term rental lodging” within the Lodging Uses sections of Chapters 51 and 51A, as well as related regulations.

- On June 23, 2022; July 7, 2022; August 2, 2022; August 16, 2022; and August 30, 2022, the Zoning Ordinance Advisory Committee (ZOAC) discussed potential amendments related to this item. Case reports, meeting minutes, and video recording links can be found on the Code Amendments webpage and short-term rental (STR) code amendment project webpage.
- On October 4, 2022, ZOAC voted to recommend approval of the proposed amendments as found below.
- On November 10, 2022, the Office of Data Analytics and Business Intelligence (DBI) published an update to the May 2021 Short Term Rental Impact Analysis.
- On November 17, 2022, staff briefed CPC on the proposed amendments. The Commission asked questions related to the proposed amendments and discussed the item. The Commission also held Executive Session to ask questions of City Attorney’s Office staff.
- On December 8, 2022, CPC held a public hearing and made a recommendation to City Council.
- Staff forwarded communication from the public to CPC for review. This includes emails directed to specific ZOAC / CPC members as well as ZOAC / CPC as a group.
- On March 20, 2023, staff briefed the Quality of Life, Arts, and Culture Committee.
- On April 4, 2023, staff briefed the full City Council.
- At the June 7, 2023, City Council briefing, City Council requested that a staff recommendation be prepared for comparison to City Plan Commission recommendation. This recommendation is found below. Staff recommendation includes permitting STRs in all zoning districts and moving regulations to the proposed registration ordinance (Chapter 42B).

## **Progress prior to CPC and City Council referral to ZOAC**

- Initial staff briefing to City Council Quality of Life, Arts and Culture Committee (QLAC) on Short-term rental regulations on February 18, 2020.

- Update committee on current STR practices in Dallas.
- Receive direction from the Committee on STR registration and additional regulations.
- QLAC initiated a Short-Term Rental Task Force with members appointed by City Council to develop recommendations for STR regulations. The STR Task Force began meeting in June 2020 and developed recommendations in December 2020.
- On January 19, 2021, staff briefed the STR Task Force's recommendations to QLAC.
- On February 23, 2021, staff briefed QLAC in closed session on legal issues regarding regulation of STRs.
- On March 23, 2021, staff briefed QLAC on options to regulation STRs.
- On May 5, 2021, City Council held a public hearing to hear public comment on potential STR regulations.
- Between November 15, 2021 and January 18, 2022, a restructured QLAC STR Task Force held several meetings to discuss a proposal to require STR registration with the City.
- On January 31 and February 22, 2022, QLAC held public hearings to receive public and stakeholder input.
- On May 4, 2022, staff briefed City Council on the current state of progress, including recommendations from the STR Task Force. City leadership asked staff to return to a briefing session with general recommendations for further discussion intended to refine a clear direction from City Council on STR regulations in Dallas.
- On June 1, 2022, staff briefed City Council on potential options for zoning and registration requirements for short-term rentals. City leadership asked staff to return with a hybrid zoning option and further details about the registration process.
- On June 7, 2022, five members of City Council submitted a memo to the City Manager reflecting support of an option that would define short-term rental as a lodging use and would include zoning regulations that would be identical with the ones for lodging uses currently, with the understanding that additional standards would potentially develop through the typical code amendment process.

## **STAFF ANALYSIS:**

Short-term rentals (STRs) are typically residential properties that are rented for overnight accommodation for a period of fewer than 30 consecutive days. Currently, the City has no standards in the Development Code on whether the use of a residential property for short-term rental lodging is appropriate. However, the City does consider a short-term rental to be analogous to a hotel for purposes of collecting the City's Hotel Occupancy Tax (HOT). Providing standards within the Development Code would clarify what uses are considered lodging. Further discussion related to the City's Hotel Occupancy Tax and Minimum Property Standards, including a potential STR registration ordinance, can be found in Appendix 5.

### **Zoning & Land Use Options**

City Council has placed a priority on potential STR regulations, and staff has briefed Council several times with regards to a potential comprehensive package that will regulate STRs.

National best practices to STR regulation include zoning and/or registration. The proposed amendment in this report is only reflective of zoning amendments. Code Compliance Services has developed proposed standards for an STR registration ordinance, which would fall within a proposed Chapter 42B. Information related to the proposed registration ordinance is not included in this case report, which is limited in scope to proposed amendments to the Dallas Development Code. At the onset of this process, Council developed a general consensus that STRs should be defined as a lodging use and requested that staff refer that consensus to ZOAC and CPC. CPC's recommendation in this matter is consistent with the general consensus of Council and creates a new use within the Lodging Use category.

### **Lodging Use or Residential Use**

Some cities have determined that STRs should be treated similar to commercial hotels, and only allow them in a similar set of zoning districts as hotels. Other cities have determined that problems arise not necessarily from the short term of rental periods, but from a lack of on-site supervision and accountability for the renters. These cities have drawn a line between owner-occupied STRs, where the rental use is ancillary to the primary residential use, and non-owner occupied STRs, where the rental use is the primary full-time use. Cities with that differentiate often treat the two types of STRs differently. More detail on comparison cities is in the appendix below.

At the onset of this process, City Council provided direction to proceed with defining STRs as a lodging use and CPC concurred, recommending the existing proposed

definition back to City Council for consideration. Other cities studied for comparison acknowledge the reality that STRs are most often operated in a residence and either define the use as a residential use or one that takes place in a residential dwelling unit. Under the authorizations by CPC and Council there was no path to create STRs as a residential use. Consideration of STRs as a residential use would require new discussion and recommendation from ZOAC and CPC prior to Council consideration.

#### Planned Development Districts and Conservation Districts

It is important to note that approximately 40 percent of existing STRs are located in Planned Development Districts (PDs) and Conservation Districts (CDs). PDs and CDs often include a reference to a base zoning district for permitted uses. If City Council approves amendments that create short-term rental lodging as a new main use in the zoning code (regardless of the set of permitted districts or the use category), each PD and CD would need to be examined to determine if STRs are permitted in that district. In PDs and CDs that refer to a base district in which STRs are permitted without further exclusion of uses or provisions that otherwise prohibit lodging uses, STRs would be permitted and regulated by the registration ordinance, consistent with base zoning districts. Most PDs and CDs operate in this manner. However, several large PDs include a list of permitted uses. STRs would not be permitted in these PDs because they do not refer back to a base Chapter 51A zoning district for permitted uses. Below is a non-exhaustive list of PDs that follow this pattern.

- PD 193 Oak Lawn Special Purpose District
- PD 269 Deep Ellum / Near Eastside
- PD 317 Cedars Area Special Purpose District
- PD 621 Old Trinity and Design District Special Purpose District
- PD 830 Bishop Arts

#### Map of Existing Short-Term Rentals

Staff has worked with GIS and City Controller's Office staff to prepare a map of Short-Term Rentals in the City of Dallas (Appendix 3). This includes properties with an active or pending registration status for the purpose of paying Hotel / Motel Tax to the City, but staff cannot confirm that each property is currently listed on any booking site. Registration through the City Controller's Office is permanent, so some properties may not be currently active as an STR. Data is current as of May 2023.

## Owner Occupancy

Several pieces of information related to owner occupancy were requested, including:

- Typical provisions from other municipalities, included methods of establishing owner occupancy include:
  - Many cities do not differentiate between owner occupied STRs and non-owner occupied STRs.
  - **San Antonio** differentiates between owner or operator occupied and non-owner or non-operator occupied STRs for purposes of density limits. The City uses homestead exemption, voter registration, vehicle registration, “or similar means” to establish owner occupancy. San Antonio allows a tenant to operate a short-term rental as a Type 1 (no density limits) with written permission from the landlord.
  - **Los Angeles** only allows STRs as a “home-sharing” use. A “home-sharing” use can only be operated by a “Host” in their “Primary Residence,” which is defined as “The sole residence from which the Host conducts Home-Sharing and in **which the Host resides for more than 6 months of the calendar year**. The City establishes the primary residence with a photo ID and one or more of the following:
    - Voter registration
    - Vehicle registration
    - Health insurance or auto insurance bill within the last six months
    - Paystub within the last six months
    - Homeowner’s exemption from property tax
    - Current rental or lease agreement.
  - **Denver** only allows STRs as an accessory to a primary residential use, so the operator must maintain the primary dwelling unit on a lot as their primary residence as established by a Colorado state identification card and two of the following:
    - Motor vehicle registration
    - Voter registration
    - Federal or state tax returns
    - Utility bill
    - Other legal documentation approved by the Director of the Denver Department of Excise and Licenses.
- Consideration of owner occupancy under state law
  - In staff’s research there appears to be no conflict with Texas state statute related to owner occupancy.
- Zoning regulations related to owner occupancy
  - Typical regulations related to owner occupancy focus on basic allowance of the STR use or the concentration / density of STRs in particular area. When

owner-occupancy is not a base requirement for STR operation, owner occupied STRs are typically exempt from any density limit, while non-owner occupied STRs are required to comply with these limits.

STRs in legal dwelling units in non-residential zoning districts:

- The Committee had discussion surrounding the use of an otherwise legal dwelling unit as an STR in a zoning district that would not allow the use. Staff has revised the use table in Appendix 1 to reflect this discussion.

Parking Standards

- In nearly all cases, existing dwelling units have minimum parking requirements in place today, typically one required space for a single-family unit and one required space per bedroom for multifamily units. If more parking is desired for STRs, the Committee can make a recommendation on a minimum number of spaces. Some cities require one space per sleeping room.
- Staff recommendation is no minimum number of parking spaces, with parking considerations included in the registration ordinance.
- **Arlington** limits parking to the number of off-street spaces that are present on the property. This standard is contained in the registration ordinance, not the zoning ordinance.
- **San Antonio** requires a minimum of one parking space per rental unit.
- **New Braunfels** requires a minimum of one parking space per sleeping room, and a garage parking space is not counted towards this requirement.

Purpose Statement

The following statement was recommended by ZOAC. This language will likely be included in the enacting ordinance as opposed to being codified in Chapter 51A.

*Purpose: 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.*

Some examples of purpose statements from other cities are included below:

- **San Antonio:** The purpose of this article is to establish regulations for the protection of the health and safety of occupant(s) of short-term rental properties, and to protect the integrity of the neighborhoods in which short term rental properties operate.

- **Arlington:** The purpose of this Chapter is to safeguard the life, health, safety, welfare, and property of the occupants of residential dwelling units, the neighbors of said occupants, and the general public, through the regulation of short-term rental residential property. The intent of this Chapter is to preserve the neighborhood character of residential subdivisions within the City of Arlington and to minimize adverse impacts to the housing supply caused by the conversion of residential units to tourist or transient use.
- **Los Angeles:** *Note – Home-sharing as an accessory use to residential.* The purpose of this subdivision is to allow for the efficient use and sharing of a residential structure which is a Host's Primary Residence, without detracting from the surrounding residential character or the City's available housing stock.
- **New Braunfels:** This section is intended to provide a procedure to allow the rental of private dwellings to visitors on a short-term basis, while ensuring that such rental use does not create adverse impacts to surrounding neighborhoods due to excessive traffic, noise, and density. Additionally, this section is intended to ensure that the number of occupants within such rental units does not exceed the reasonable capacity of the structure to cause health and safety concerns, and that minimum health and safety standards are maintained in such units to protect visitors from unsafe or unsanitary conditions.

## **RECOMMENDATIONS**

### **CPC Recommendation**

Per the City Council direction via the June 15, 2022 briefing, staff drafted a proposal based on the option preferred by City Council. That proposal has been refined through several ZOAC meetings and CPC hearings to the language included in this case report. Based on public input, discussion, and research, CPC recommends the following proposed amendments for approval by City Council.

### **Alternate to CPC Recommendation**

Based on discussion at the June 7, 2023 Council briefing, staff has prepared an alternate to CPC recommendation. The only modification from CPC recommendation is the addition of multifamily zoning districts to the list of permitted districts for STRs.

### **Staff Recommendation**

Prior to this case report, staff did not prepare a professional recommendation based on CPC code amendment authorization (December 2, 2021) and City Council memo (June 7, 2022) that included specific direction to create a new use within the Lodging Use category. This professional recommendation is now included in this report based on



extensive Council discussion and inquiry at the June 7, 2023 briefing and differs from CPC recommendation.

PUD staff recommendation is to address STRs entirely through the registration process and not through amendments to the zoning code. This recommendation is based on the assertion that the major concerns related to STRs are operational and would be best managed through a registration ordinance enforced by Code Compliance Services. This is consistent with other zoning treatment of the operational considerations of residential properties. The Dallas Development Code is silent on the tenancy or ownership status of the occupants of a residential property (i.e. there is no difference in land use standards based on if a property is owned fee simple, leased, rented, mortgaged, shared ownership with condominium regime, etc.). Chapter 27 of the Dallas City Code contains standards for rental properties and the proposed Chapter 42B contains standards for STRs that address the concerns voiced and is better suited to enforce operational standards.

If a reference in the zoning code is preferred, a new main use (short-term rental lodging) could be created within the Lodging Use category, permitting the use by right in all zoning districts, and deferring all operational concerns to the registration ordinance, managed and enforced by Code Compliance Services.

## Proposed Amendments

### SEC 51A-4.205. LODGING USES

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

(A) Definition: A full or partial building 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.

#### **CPC Recommendation**

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

#### **Alternate to CPC Recommendation**

(B) Districts permitted: By right in MF-1(A), MF-1(SAH), 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

#### **Staff Recommendation (if zoning solution is preferred)**

(B) Districts permitted: By right in all districts except the P(A) district.

#### **CPC Recommendation**

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

#### **Staff Recommendation (if zoning solution is preferred)**

(C) Required off-street parking: none

(D) Required off-street loading: none

(E) Additional provisions:

#### **CPC Recommendation**

(i) This use must comply with Chapter 42B, “Short-Term Rentals,” of the Dallas City Code.

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

(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.

(iv) Short-term rental lodging is prohibited in a multifamily structure that has received a development bonus under Division 51A-4.1100.

**Staff Recommendation (if zoning solution is preferred)**

(i) This use must comply with Chapter 42B, “Short-Term Rentals,” of the Dallas City Code.

(ii) Short-term rental lodging is prohibited in a multifamily structure that has received a development bonus under Division 51A-4.1100.

## Appendix 1 – Use Tables

The intent of this table is for informational purposes and comparison on districts where the uses are allowable.

*P: Use permitted by right*

*S: Use permitted by Specific Use Permit*

*S\*: Use permitted by Specific Use Permit if fewer than 60 guest rooms*

*P\*\*: Use permitted with RAR if 60 or more guest rooms*

*For informational purposes only*

	<b>4.205 Lodging Uses</b>	Hotel or motel	Extended stay hotel or motel	Lodging or boarding house	<b>Short- term rental lodging [CPC rec.]</b>	<b>Short- term rental lodging [Alt to CPC rec.]</b>	<b>Short- term rental lodging [Staff rec.]</b>
<b>Residential Districts</b>	A(A)						<i>P</i>
	R						<i>P</i>
	D(A)						<i>P</i>
	TH-1-3(A)						<i>P</i>
	CH						<i>P</i>
	MF-1(A)					<i>P</i>	<i>P</i>
	MF-1(SAH)					<i>P</i>	<i>P</i>
	MF-2(A)			<i>P</i>		<i>P</i>	<i>P</i>
	MF-2(SAH)			<i>P</i>		<i>P</i>	<i>P</i>
	MF-3(A)			<i>P</i>		<i>P</i>	<i>P</i>
	MF-4(A)			<i>P</i>		<i>P</i>	<i>P</i>
	MH(A)						<i>P</i>
<b>Nonresidential Districts</b>	NO(A)						<i>P</i>
	LO(A)						<i>P</i>
	MO(A)	<i>S*, P**;</i>	<i>S</i>		<i>P</i>	<i>P</i>	<i>P</i>
	GO(A)	<i>S*, P**</i>	<i>S</i>		<i>P</i>	<i>P</i>	<i>P</i>
	NS(A)						<i>P</i>
	CR	<i>S</i>		<i>S</i>			<i>P</i>
	RR	<i>S*, P**</i>	<i>S</i>	<i>P</i>			<i>P</i>
	CS	<i>S*, P**</i>	<i>S</i>	<i>P</i>			<i>P</i>
	LI	<i>S*, P**</i>	<i>S</i>	<i>P</i>			<i>P</i>
	IR	<i>S*, P**</i>	<i>S</i>	<i>P</i>			<i>P</i>
	IM	<i>S*, P**</i>	<i>S</i>	<i>S</i>			<i>P</i>
	CA-1(A)	<i>P; S*</i>	<i>S</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>
	CA-2(A)	<i>P; S*</i>	<i>S</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>
	MU-1	<i>S*, P**</i>	<i>S</i>		<i>P</i>	<i>P</i>	<i>P</i>
	MU-1(SAH)	<i>S*, P**</i>	<i>S</i>		<i>P</i>	<i>P</i>	<i>P</i>

	MU-2	$S^*, P^{**}$	S		<i>P</i>	<i>P</i>	<i>P</i>
	MU-2(SAH)	$S^*, P^{**}$	S		<i>P</i>	<i>P</i>	<i>P</i>
	MU-3	$S^*, P^{**}$	S		<i>P</i>	<i>P</i>	<i>P</i>
	MU-3(SAH)	$S^*, P^{**}$	S		<i>P</i>	<i>P</i>	<i>P</i>
	MC-1	$S^*, P^{**}$	S		<i>P</i>	<i>P</i>	<i>P</i>
	MC-2	$S^*, P^{**}$	S		<i>P</i>	<i>P</i>	<i>P</i>
	MC-3	$S^*, P^{**}$	S		<i>P</i>	<i>P</i>	<i>P</i>
	MC-4	$S^*, P^{**}$	S		<i>P</i>	<i>P</i>	<i>P</i>
	UC-1				<i>P</i>	<i>P</i>	<i>P</i>
	UC-2				<i>P</i>	<i>P</i>	<i>P</i>
	UC-3				<i>P</i>	<i>P</i>	<i>P</i>
	P(A)						

## Appendix 2 – Comparison Cities

- All cities listed apply their short-term rental regulations to stays of fewer than 30 days.
- All cities listed require registration with the city.
- All cities listed require payment of a Hotel Occupancy Tax (or that state's equivalent tax).

**[ZON]** indicates that this standard is located in the city's zoning code.

**[REG]** indicates that this standard is located in the city's registration section.

City	Use Type	Allowed in SF	Owner Occupancy	Spacing / concentration	Parking	Other
<b>Arlington</b> <a href="#">Link</a>	Specifically defined as a "residential structure, or portion thereof..." <b>[ZON]</b>	Yes, in RM-12 (medium density); RMF-22 (multifamily); all districts within the STR zone, centered on ATT Stadium; all non-res and mixed use dist. <b>[ZON]</b>	Not required / no standard	No	Limited to number of off-street spaces <b>[REG]</b>	Unified Building Code
<b>Atlanta</b> <a href="#">Link</a>	Not specified.	Allowed in all zoning districts. <b>[ZON]</b>	Required. May operate one additional STR. <b>[REG]</b>	No standard	No standard	
<b>San Antonio</b> <a href="#">Link</a>	Residential. Specifically not a hotel or motel <b>[ZON]</b>	Yes, except smallest three districts (1,250 sf lots, 2,000 sf lots, 3,000 sf lots) <b>[ZON]</b>	Not required. <b>[ZON]</b>	No restriction for operator-occupied; Maximum of 12.5% of the blockface (for single family) or 12.5% of the units in one building (for multifamily) for non-operator occupied <b>[ZON]</b>	One space per 'unit' <b>[ZON]</b>	
<b>Austin</b> <a href="#">Link</a>	Residential <b>[ZON]</b>	Yes, owner-occupied and non-owner occupied <b>[ZON]</b>	Not required	No standard for owner-occupied; Maximum of 3% of the census tract for non-owner occupied; maximum of 3% of the property and building in a multifamily development; maximum of 25% of the property and building in commercial districts <b>[ZON]</b>	No standard	

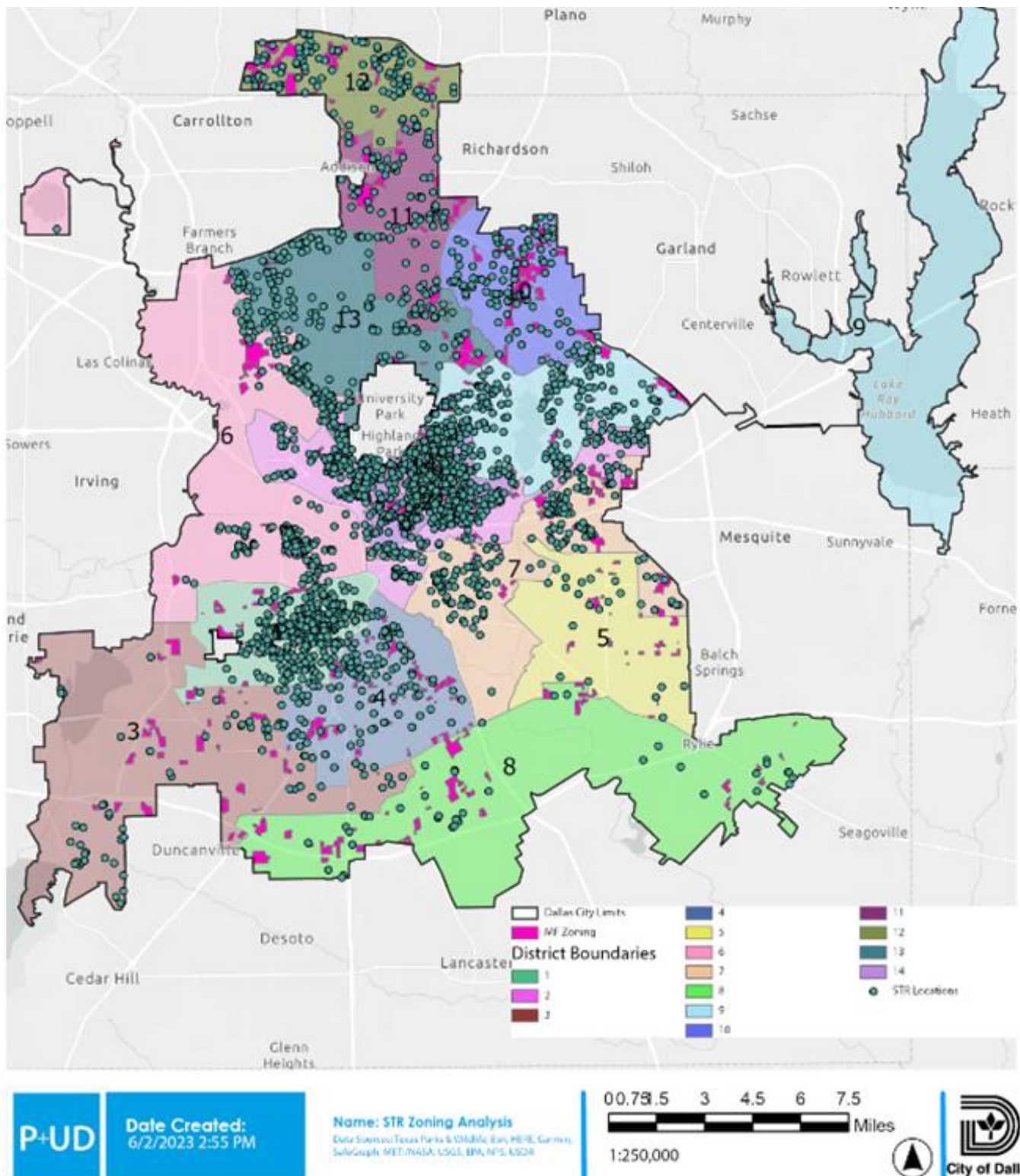
City	Use Type	Allowed in SF	Owner Occupancy	Spacing / concentration	Parking	Other
<b>Denver</b> <a href="#">Link</a>	Accessory to a residential use [ZON]	Yes – is an accessory to residential use [ZON]	Primary residential use required. [ZON]	No standard	No standard	
<b>Los Angeles</b> <a href="#">Link</a>	"Home-Sharing" Accessory use to a residential use [ZON]	Yes - is an accessory use to residential. Maximum 120 nights / year unless approved for "extended" every night. [ZON]	Resident occupancy required; stays not required to be 'hosted' [ZON]	No standard	No standard	Los Angeles considers rentals for fewer than 30 days that are not associated with a permanent resident to be hotels
<b>Santa Monica</b> <a href="#">Link</a>	"home-sharing" accessory use to residential [REG]	Yes, accessory use to residential [REG]	Resident occupancy required [REG]	No standard	No standard	Santa Monica considers rentals of dwelling units for fewer 30 days that are not associated with a permanent resident to be "vacation rentals" and completely prohibits them.
<b>Grapevine</b> <a href="#">Link</a>	Tourist House. Included in definition for hotel [REG]	No. Ordinance to expressly prohibit "single-family dwelling transient rentals" Def: the rental or offer for rental of any dwelling or any portion of a dwelling for a period of less than 30 days [REG]				

City	Use Type	Allowed in SF	Owner Occupancy	Spacing / concentration	Parking	Other
<b>Fort Worth</b> <a href="#">Link</a>	Short term home rental: The rental for compensation of dwellings or accessory dwelling units for the purpose of overnight lodging for a period of not less than one night and not more than 30 consecutive days ..... <b>[ZON]</b>	No. Zoning change is required.  Allowed in Commercial and Industrial Districts <b>[ZON]</b>	N/A	None	Limited to the number of off-street spaces available <b>[REG]</b>	
<b>Southlake</b> <a href="#">Link</a>	Specifically defined as "The rental of any residence or residential structure or any portion of a residence or residential structure for a period of less than 30 days. <b>[REG]</b>	No. Prohibited in all districts. <b>[REG]</b>				
<b>Hurst</b> <a href="#">Link</a>	Specifically defined as "the rental or offer for rental of a rental unit for a period of less than thirty (30) days. <b>[REG]</b>	No. Ordinance to prohibit the STR use throughout the city. <b>[REG]</b>				
<b>New Braunfels</b> <a href="#">Link</a>	one- or two-family dwellings that are rented for overnight lodging for less than 30 days at a time <b>[ZON]</b>	Selected zoning districts and areas in the city. By zoning map. <b>[ZON]</b>	None specified <b>[ZON]</b>	By zoning map that identifies different types of areas where STR may be allowable <b>[ZON]</b>	1 parking space per sleeping room, not including garage <b>[ZON]</b>	



### Appendix 3 – Heat Map and Data for Active and Pending STRs

Data from Dallas City Controller's Office and is based on registration for the purpose of HOT remittance.



## Appendix 4 – Other Lodging Uses

### SEC. 51A-4.205. LODGING USES.

#### (1) **Hotel or motel.**

(A) Definition: A facility containing six or more guest rooms that are rented to occupants on a daily basis.

(B) Districts permitted:

(i) Except as otherwise provided in Subparagraphs (B)(iii) or (B)(iv), by right in MO(A), GO(A), RR, CS, LI, IR, IM, central area, MU-1, MU-1(SAH), MU-2, MU-2(SAH), MU-3, MU-3(SAH) and multiple commercial districts.

(ii) By SUP only in the CR district.

(iii) By SUP only for a hotel or motel use that has 60 or fewer guest rooms.

(iv) If an SUP is not required, RAR required in MO(A), GO(A), RR, CS, LI, IR, IM, MU-1, MU-1(SAH), MU-2, MU-2(SAH), MU-3, MU-3(SAH), and multiple commercial districts.

(C) Required off-street parking: One space for each unit for units 1 to 250; 3/4 space for each unit for units 251 to 500; 1/2 space for all units over 500; plus one space per 200 square feet of meeting room.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) Suite hotels may have kitchens in the guest rooms.

#### (1.1) **Extended stay hotel or motel.**

(A) Definition: A lodging facility containing six or more guest rooms, in which:

(i) 25 percent or more of the guest rooms have a kitchen that includes a sink, a full-size stove, and a full-size refrigerator (a cooking area limited to a microwave, mini-refrigerator, or cook-top does not constitute a “kitchen” for purposes of this definition); and

(ii) 10 percent or more of the guest rooms contain a sleeping area that is separated from a sitting area by a wall or partition.

(B) Districts permitted: By SUP in MO(A), GO(A), RR, CS, industrial, central area, mixed use, and multiple commercial districts.

(C) Required off-street parking: One space for each unit for units 1 to 250; 3/4 space for each unit for units 251 to 500; 1/2 space for all units over 500; plus one space per 200 square feet of floor area other than guest rooms.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) Amenities such as maids, laundry, concierge, meeting rooms, exercise rooms, pool, and business services (fax, internet, voice mail, courier, etc.) may only be provided to guests.

**(2) Lodging or boarding house.**

(A) Definition: A facility containing at least one but fewer than six guest rooms that are separately rented to occupants.

(B) Districts permitted: By right in MF-2(A), MF-2(SAH), MF-3(A), MF-4(A), RR, CS, LI, IR, and central area districts. By SUP only in CR and IM districts.

(C) Required off-street parking: One space for each guest room.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) The operator of this use may serve meals to the occupants.

(ii) This use may not have kitchens in the guest rooms.

**(2.1) Overnight general purpose shelter.**

*Omitted for brevity*

**SEC. 51A-4.209. RESIDENTIAL USES.**

**(5.1) Residential hotel.**

(A) Definition: A facility that receives more than 50 percent of its rental income from occupancies of 30 consecutive days or more and contains:

(i) six or more guest rooms with living and sleeping accommodations, but no kitchen or kitchenette;

(ii) six or more guest rooms with living, sleeping, and kitchen or kitchenette facilities that are offered for rental on a daily basis; or

(iii) six or more guest rooms with living and sleeping accommodations, each of which is individually secured and rented separately to one or more individuals who have access to bathroom, kitchen, or dining facilities outside the guest room on a common basis with other occupants of the structure.

(B) Districts permitted: By right in MF-2(A), MF-2(SAH), MF-3(A), MF-4(A), central area, and mixed use districts when located at least one mile, measured from property line to property line, from all other residential hotel uses.

(C) Required off-street parking: 0.5 spaces per guest room.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This use is subject to the regulations in [Article VII](#) of [Chapter 27](#) of the Dallas City Code, as amended.

(ii) For a use holding an occupancy record card pursuant to [Chapter 27](#) on August 10, 1994, the nonconformity as to the minimum distance requirement set out in Subparagraph (B) does not render it

subject to amortization by the board of adjustment.

(iii) The operator of this use shall maintain a registry showing the name, address, date of arrival, and date of departure of each guest. The operator of this use shall make the registry available to the building official.

## **Appendix 5 – Discussion of Chapter 44 and Chapter 27 of Dallas City Code**

### **CHAPTER 44 TAXATION ARTICLE V HOTEL OCCUPANCY TAX SECTION 44-34 DEFINITIONS**

*In this article,*

...

(4) *HOTEL means any building in which members of the public obtain sleeping accommodations for consideration. The term includes a hotel, motel, tourist home, tourist house, tourist court, lodging house, inn, rooming house, or bed and breakfast....*

This Article requires that an STR must comply with city code and remit the tax to the city, as well as follow any relevant rules crafted to enable that remittance. Currently, this includes registering with the City Controller's Office as a hotel and paying the HOT. Both requirements may be met by registering with the city's vendor for hotel registration and HOT collection or directly with the city. It is important to note that this section of city code only considers STRs to be hotels for the purpose of collecting the HOT.

They city currently requires that all residential properties that are rented for a period of more than 30 consecutive days (whether they are in multifamily or single family structures) register with the Code Compliance Department and be inspected. However, short-term rentals that pay the HOT are exempt from this requirement.

### **CHAPTER 27 MINIMUM PROPERTY STANDARDS ARTICLE VIII REGISTRATION AND INSPECTION OF RENTAL PROPERTIES AND CONDOMINIUMS SECTION 27-30 REGISTRATION AND POSTING REQUIREMENTS; DEFENSES**

(g) *It is a defense to prosecution under this section that:*

...

(5) *at the time of the notice of a violation:*

(A) *the property was a short-term rental; and*

(B) *applicable hotel occupancy taxes levied on the property under [Article V of Chapter 44](#) of the city code, as amended, had been collected and remitted in full.*

The Department of Code Compliance Services is developing proposed standards for an STR registration ordinance. While still in progress, the registration ordinance could include operational recommendations such as, but not limited to, spacing limitations, occupant maximums, emergency contact information, and neighbor notification.