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CITY SECRETARY  
DALLAS, TEXAS

**City of Dallas**

221131

POSTED CITY SECRETARY

*1500 Marilla Street  
Council Chambers, 6th Floor  
Dallas, Texas 75201*



**REVISED  
City Plan Commission**

**December 8, 2022  
Briefing - 11:00 AM  
Public Hearing - 12:30 PM**



**AGENDA  
CITY PLAN COMMISSION SPECIAL CALLED MEETING  
THURSDAY, DECEMBER 8, 2022  
ORDER OF BUSINESS**

The City Plan Commission meeting will be held by videoconference and in the Council Chambers, 6th Floor at City Hall. Individuals who wish to speak in accordance with the City Plan Commission Rules of Procedure must sign up with the Department of Urban and Design's Office.

The public is encouraged to attend the meeting virtually; however, City Hall is available for those wishing to attend the meeting in person following all current pandemic-related public health protocols.

The following videoconference link is available to the public to listen to the meeting and Public Affairs and Outreach will also stream the City Plan Commission meeting on Spectrum Cable Channel 16 and [bit.ly/cityofdallastv](https://dallascityhall.webex.com/dallascityhall/j.php?MTID=m1f826b74e587fed25b1745d66b6269bb):

<https://dallascityhall.webex.com/dallascityhall/j.php?MTID=m1f826b74e587fed25b1745d66b6269bb>

Public hearings will not be heard before 12:30 p.m.

**BRIEFING ITEMS:**

Item 1-2

**ACTION ITEM:**

DEVELOPMENT CODE AMENDMENT

Item 3

**OTHER MATTERS:**

CONSIDERATION OF APPOINTMENTS TO CPC COMMITTEES

ADJOURNMENT

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## **Handgun Prohibition Notice for Meetings of Governmental Entities**

"Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun."

*"De acuerdo con la sección 30.06 del código penal (ingreso sin autorización de un titular de una licencia con una pistola oculta), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola oculta."*

"Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly."

*"De acuerdo con la sección 30.07 del código penal (ingreso sin autorización de un titular de una licencia con una pistola a la vista), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola a la vista."*

"Pursuant to Section 46.03, Penal Code (places weapons prohibited), a person may not carry a firearm or other weapon into any open meeting on this property."

*"De conformidad con la Sección 46.03, Código Penal (coloca armas prohibidas), una persona no puede llevar un arma de fuego u otra arma a ninguna reunión abierta en esta propiedad."*

**CALL TO ORDER****BRIEFINGS:**

1. [22-2856](#) DCA212-002(SD) - 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.

Steven Doss, Senior Planner, Planning and Urban Design

**Attachments:** [DCA212-002\(SD\) & DCA2125-010\(SD\) ZOAC Case Report](#)  
[DCA212-002\(SD\) ZOAC Presentation](#)

2. [22-2870](#) DCA212-010(SD) - 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.

Steven Doss, Senior Planner, Planning and Urban Design

**Attachments:** [DCA212-002 & DCA212-010 ZOAC Case Report](#)

**PUBLIC TESTIMONY:****APPROVAL OF MINUTES:**

Approval of Minutes of the November 17, 2022 City Plan Commission Hearing.

**ACTIONS ITEMS:****Development Code Amendments:**

3. [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.

Staff Recommendation: Approval.

Zoning Ordinance Advisory Committee Recommendation: Approval.

Planner: Steven Doss

DCA212-002(SD)

Council District: All

**Attachments:** [Case Report DCA212-002\(SD\)](#)

OTHER MATTERS:

Consideration of Appointments to CPC Committees:

**ADJOURNMENT**

**CITY PLAN COMMISSION PUBLIC COMMITTEE MEETINGS**

Tuesday, December 13, 2022

**SPECIAL SIGN DISTRICT ADVISORY COMMITTEE (SSDAC) MEETING** - Tuesday, December 13, 2022, at 10:00 a.m., in Room 5BN at City Hall and by video conference via <https://bit.ly/SSDAC121322>.

**EXECUTIVE SESSION NOTICE**

A closed executive session may be held if the discussion of any of the above agenda items concerns one of the following:

1. seeking the advice of its attorney about pending or contemplated litigation, settlement offers, or any matter in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act. [Tex. Govt. Code §551.071]
2. deliberating the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.072]
3. deliberating a negotiated contract for a prospective gift or donation to the city if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.073]
4. deliberating the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing. [Tex. Govt. Code §551.074]
5. deliberating the deployment, or specific occasions for implementation, of security personnel or devices. [Tex. Govt. Code §551.076]
6. discussing or deliberating commercial or financial information that the city has received from a business prospect that the city seeks to have locate, stay or expand in or near the city and with which the city is conducting economic development negotiations; or deliberating the offer of a financial or other incentive to a business prospect. [Tex Govt. Code §551.087]
7. deliberating security assessments or deployments relating to information resources technology, network security information, or the deployment or specific occasions for implementations of security personnel, critical infrastructure, or security devices. [Tex Govt. Code §551.089]





# City of Dallas

1500 Marilla Street  
Council Chambers, 6th Floor  
Dallas, Texas 75201

## Agenda Information Sheet

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**File #:** 22-2856

**Item #:** 1.

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**AGENDA DATE:** December 8, 2022

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Department of Planning and Urban Design

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**SUBJECT**

DCA212-002(SD) - 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.

Steven Doss, Senior Planner, Planning and Urban Design

**Short-term rental use and related regulations  
Planning and Urban Design Department  
[Link to project website](#)**

**Request:**

**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.

**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.

**Recommendation:**

Staff recommends that the Committee determine the appropriate zoning code amendments and forward a recommendation to City Plan Commission.

**Content:**

- Appendix 1 – Performance standards currently in Dallas Code of Ordinances
- Appendix 2 – Use Tables
- Appendix 3 – Land Use Categories
- Appendix 4 – Mixed Use Districts
- Appendix 5 – Comparison Cities, revised to include additional cities
- Appendix 6 – Heat Map of Active and Pending STRs

**Information requested during August 30, 2022 meeting:**

Per the approved motion from the August 30, 2022 Committee meeting, staff has provided the following:

- Currently proposed ordinance with permitted districts unchanged from the August 30 case report, page 6
- Discussion of parking requirements, including other cities’ requirements, below
- Discussion and potential regulations related to a new accessory use “accessory home-sharing”), below and page 7
- Information from previous Committee meetings, below

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### Parking Requirements

- 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.
- A limit on the number of cars allowed to park at an STR, if desired, is more appropriate for the registration ordinance than zoning.
- **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.

### Accessory Use: Home-sharing

After researching other cities regulations, specifically Denver and Los Angeles, staff has compiled the following information. Both Denver and Los Angeles only allow the short-term rental of a residential property (fewer than 30 consecutive days) under the banner of accessory uses. In both cities, the operator of the home-share must be the primary resident of the property. In Denver, an Accessory Dwelling Unit may be used as a home-share with the operator / primary resident residing in the main dwelling unit (but the reverse situation is not permitted). The Los Angeles ordinance does not mention Accessory Dwelling Units. Neither city requires the operator to be present during a home-share stay (a “hosted” stay). Los Angeles limits the number of home-share nights to 120 / year unless the operator is approved for 365 nights (“Extended Home-sharing”). Denver does not limit the number of nights per year a unit can be rented.

Proposed regulations for this accessory use would require that the primary use of a property be residential, with a permanent resident. However, the recent Fifth Circuit ruling precludes the City from requiring that the *operator* of the home-share also be the permanent resident. The presence of a permanent resident may provide the desired accountability for compliance with other City ordinances (noise, public disturbance, etc.). Staff also recommends that resident permission be required if the resident is not the operator, but this requirement is more appropriately located in the registration ordinance.

Staff also recommends that an accessory home-sharing use be required to comply with the short-term rental lodging registration ordinance, including payment of the Hotel Occupancy Tax.

### Information requested during August 16, 2022 meeting:

Per the approved motion from the August 16, 2022 Committee meeting, staff has provided an updated ordinance with the following revisions:

- A purpose statement has been drafted based on the approved motion. This purpose statement would be incorporated into the ordinance that codifies the proposed standards.

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*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.*

- An additional provision has been added to the proposed use regulations to limit the number of short-term rental units in a multifamily property located in an MF Multifamily zoning district to the lesser of 6 units or 10% of the total units on a lot, parcel, or building site. Based on the motion, number of STRs located in multifamily properties within MF-2(A), MF-2(SAH), MF-3, and MF-4 districts would be limited to 10% of total units or 6 STRs, whichever is less.
- An additional provision has been added to prohibit short-term rental use of any unit within a multifamily property that has received and utilized a Mixed Income Housing Development Bonus through compliance with Section 51A-4.1100 or Section 51-4.900.

### **Information requested during August 2, 2022 meeting:**

During the August 2, 2022 Committee meeting, members included requests for the following information:

#### **Map of Existing Short-Term Rentals**

Staff has worked with GIS and City Controller's Office staff to prepare a heat map of Short-Term Rentals in the City of Dallas. 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.

#### **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.
  - **CORRECTION: 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**

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- **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 2 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.
    - **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.
  - Proposed purpose statement. Some examples of purpose statements from other cities are included below:

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- **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.

### **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.

At the June 23, 2022 ZOAC meeting, the Committee requested that staff provide additional information as follows:

- Provisions that may be appropriate in zoning that would regulate environmental performance such as noise, light, security similar to those that would be included in a Specific Use Permit
  - *Additional appendix that includes all current regulations in the Dallas Code of Ordinances in various chapters and articles.*
- Evaluate provisions for multifamily that may be appropriate based on other districts in the code
  - *Additional appendix that includes Chapter 51A provisions for mixed-use projects*
- Provisions to regulate platforms that may be appropriate in zoning
  - *Provisions for the platform regulation are currently under consideration to be included in the registration and regulation ordinance*

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**Proposed Amendments**

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.

(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.

(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.

*\*Note: event venue is not included above because the use does not currently exist in code. If event venue is added as a use to the development code, this section can be updated to include it if needed.*

(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 greater 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.”

SEC 51A-4.217. ACCESSORY USES

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(a) General provisions. *subsection (a) provided for reference only*

(1) An accessory use must be a use customarily incidental to a main use. A use listed in Sections [51A-4.201](#) through 51A-4.216 may be an accessory use if the building official determines that the use is customarily incidental to a main use and otherwise complies with this section. Except as otherwise provided in this article, an accessory use must comply with all regulations applicable to the main use.

(2) Except as otherwise provided in this article, an accessory use must be located on the same lot as the main use.

(3) Except as otherwise provided in this article, accessory uses listed in Subsection (b) or in Sections [51A-4.201](#) through 51A-5.216 are subject to the following area restrictions: If the use is conducted outside, it may not occupy more than five percent of the area of the lot containing the main use. If the use is conducted inside, it may not occupy more than five percent of the floor area of the main use. Any use which exceeds these area restrictions is considered to be a separate main use.

(4) Except as otherwise provided in Subsection (b), an accessory use is permitted in any district in which the main use is permitted.

(5) Except as provided in this paragraph, an alcohol related establishment that is customarily incidental to a main use, such as an alcohol related establishment within a hotel, restaurant, or general merchandise store, is not limited to the five percent area restriction in Section [51A-4.217\(a\)\(3\)](#), and will be considered as part of the main use when determining the gross revenue derived by the establishment from the sale of alcoholic beverages for on-premise consumption. Accessory microbrewery, micro-distillery, or winery uses and accessory alcoholic beverage manufacturing uses may not occupy more than 40 percent of the total floor area of the main use. Any use that exceeds these area restrictions is considered a separate main use.

(b) **Specific uses.**

**(2.1) Accessory home-sharing.**

(A) **Definition:** A full or partial dwelling unit that is rented for the purposes of overnight accommodation for fewer than 30 consecutive days per rental period. This use is incidental to the primary use of the premises as a residence.

(B) **District restrictions.** This accessory use is not permitted in P(A) districts.

(C) **Required off-street parking:** None.

(D) **Required off-street loading:** None.

(E) **Additional provisions:**

(i) This accessory use is only permitted in conjunction with an active conforming residential use.

(ii) The area restrictions in Paragraph (a)(3) do not apply to this use.



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(iii) The use must comply with Section ## “Short-term rentals” of the Dallas City Code. [registration ordinance. There may be certain standards that apply to STRs that would not apply to home-sharing, such as spacing. Any difference in these standards would be in the registration ordinance.]

(iv) Compliance with this subsection does not permit the use of the property as any use other than one that a valid Certificate of Occupancy permits.

(v) The number of accessory home-share units in a single dwelling unit may not exceed one.

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## Appendix 1 – Performance standards currently in Dallas Code of Ordinances

### **Chapter 27: Minimum Property Standards**

[https://codelibrary.amlegal.com/codes/dallas/latest/dallas\\_tx/0-0-0-11034](https://codelibrary.amlegal.com/codes/dallas/latest/dallas_tx/0-0-0-11034)

Applies to all properties and buildings in the City.

*Selected excerpt:*

#### **SEC. 27-2. PURPOSE OF CHAPTER.**

*(a) The purpose of this chapter is to protect the health, safety, morals, and welfare of the citizens of the city of Dallas by establishing minimum standards applicable to residential and nonresidential structures. Minimum standards are established with respect to utilities, facilities, and other physical components essential to make structures safe, sanitary, and fit for human use and habitation.*

*(b) This chapter is found to be remedial and essential to the public interest, and it is intended that this chapter be liberally construed to effect its purpose. All structures within the city on the effective date of this chapter, or constructed thereafter, must comply with the provisions of this chapter. (Ord. Nos. 15198; 19234; 24961)*

Provisions include but not limited to:

- Definitions: among others definitions for *owner, rental property, urban nuisance* are included
- Minimum property standards for the owner regarding the structure, utility and appliances, plumbing, electrical, lighting standards for multitenant properties, health standards, security standards for multifamily other than the one exempt from registration
- Responsibilities for occupant
- Registration and inspection of rental properties and condominiums (*other than short-term rental and rentals for less than 30 days*)

### **Chapter 30: Noise**

[https://codelibrary.amlegal.com/codes/dallas/latest/dallas\\_tx/0-0-0-14284](https://codelibrary.amlegal.com/codes/dallas/latest/dallas_tx/0-0-0-14284)

Applies to all properties and buildings in the City.

Provisions include a list of loud and disturbing noises and vibrations presumed offensive, and a section dedicated to loudspeakers and amplifiers.

*Selected excerpts:*

#### **SEC. 30-4. LOUDSPEAKERS AND AMPLIFIERS.**

*(a) A person commits an offense if he operates or causes to be operated any mechanical loudspeaker or sound amplifier in a public place or upon any public sidewalk, street, alley, or highway of the city in violation of any of the following limitations and requirements:*

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(1) *No mechanical loudspeaker or sound amplifier may be operated within 150 feet of the property line of the premises of a residence, except between the hours of 8:00 a.m. and sunset, as designated by publication in a local newspaper of general circulation.*

(2) *A mechanical loudspeaker or sound amplifier may not emit loud and disturbing noises so as to interfere with the enjoyment of life or property or to interfere with public peace and comfort.*

(3) *A mechanical loudspeaker or sound amplifier must be operated so as not to cause traffic congestion or congregation of crowds that obstructs any public sidewalk, street, alley, or highway.*

(4) *A mechanical loudspeaker or sound amplifier may not be operated within 150 feet of any:*

(A) *hospital;*

(B) *school that is in session;*

(C) *nursing home; or*

(D) *facility that provides surgical services to patients who do not require overnight hospital care during the hours of operation of the facility.*

(b) *In this section:*

(1) *RESIDENCE means a single-family, duplex, or multifamily dwelling.*

(2) *SURGICAL SERVICES means therapy of a mechanical or operative kind, including, but not limited to, operations involving cutting, the setting of fractures and dislocations, and similar manual forms of treatment.*

(c) *If conduct that would otherwise violate this section consists of speech or other communication, of gathering with others to hear or observe such speech or communication, or of gathering with others to picket or otherwise express in a nonviolent manner a position on social, economic, political, or religious questions, the person must be ordered to move, disperse, or otherwise remedy the violation prior to arrest or citation.*

(d) *The order required by Subsection (c) may be given by a peace officer, a fireman, a person with authority to control the use of the premises, or any person directly affected by the violation.*

(e) *It is a defense to prosecution under Subsection (a) that:*

(1) *in circumstances in which this section requires an order, no order was given;*

(2) *an order, if given, was manifestly unreasonable in scope;*

(3) *an order, if given, was promptly obeyed;*

(4) *the mechanical loudspeaker or sound amplifier was operated in a public place within an enclosed structure and was not audible beyond the property line of the premises on which it was located;*

(5) *the person operating the mechanical loud speaker or sound amplifier was a law enforcement officer or member of the fire department in the performance of official duties;*

(6) *the mechanical loudspeaker or sound amplifier was operated for the purpose of alerting persons to the existence of an emergency or danger; or*

(7) *the mechanical loudspeaker or sound amplifier was operated in the performance of emergency work necessary to restore public utilities, to restore property to a safe condition, or to protect persons or property from imminent danger, following a fire, accident, or natural disaster. (Ord. Nos. 13744; 18798; 19455; 21878; 24835)*

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## **Chapter 51A: Article VI: Environmental Performance Standards**

[https://codelibrary.amlegal.com/codes/dallas/latest/dallas\\_tx/0-0-0-37502](https://codelibrary.amlegal.com/codes/dallas/latest/dallas_tx/0-0-0-37502)

Applies to all properties and buildings in the City.

Selected excerpts:

**Section 51A-6.101 Definitions Applicable to the Environmental Performance Standards**  
[https://codelibrary.amlegal.com/codes/dallas/latest/dallas\\_tx/0-0-0-37502](https://codelibrary.amlegal.com/codes/dallas/latest/dallas_tx/0-0-0-37502)

*The following definitions are applicable to the environmental performance standards in this article:*

(1) *A-WEIGHTED SOUND LEVEL means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.*

(2) *BACKGROUND NOISE means noise from all sources other than that under specific consideration including traffic operating on public streets, and is established by measuring the noise level over an eight minute period of time.*

(3) *BOUNDING LOT LINE means the far side of any street, alley, stream or other permanently dedicated open space from the stationary source when such open space exists between the lot line of the stationary source and adjacent property. When no such open space exists the common line between two parcels of property shall be interpreted as the bounding lot line.*

(4) *CONSTRUCTION means any phase of the on-site erection, including excavation, demolition, alteration or repair, of any building or structure which is designed to be used on that site.*

(5) *DAYTIME means the hours between 7:00 a.m. and 10:00 p.m. on any given day.*

(6) *DECIBEL (dB) means a unit for measuring the volume of a sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 Micronewtons per square meter).*

(7) *EQUIVALENT SOUND PRESSURE LEVEL (Leg) means the time weighted, mean square, A- weighted sound pressure level.*

(7.1) *LEGAL HOLIDAY means New Year's Day (January 1), Memorial Day (observed date), Fourth of July (July 4), Labor Day (observed date), Thanksgiving Day (observed date), and Christmas Day (December 25).*

(8) *MOBILE SOURCE means sound pressure created by motorized vehicles designed to operate on public rights-of-way, including, but not limited to, automobiles and aircraft.*

(9) *NOISE means any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.*

(10) *NOISE DISTURBANCE means any sound which (a) endangers or injures the safety or health of humans or animals, or (b) annoys or disturbs a reasonable person of normal sensitivities, or (c) endangers or injures personal or real property.*

(11) *PERMISSIBLE SOUND PRESSURE LEVEL means the equivalent sound pressure level (Leg) averaged over an eight minute period of time.*

(12) *PERSON means any individual, association, partnership, or corporation, and includes any officer, employee, department, agency or instrumentality of a state or any political subdivision of a state.*

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(13) *PROPERTY* means all contiguous land and any fixed or moveable object on such land, under common ownership, irrespective of leasehold or other interest.

(14) *Reserved.*

(15) *SOUND* means the weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B, or C as specified in American National Standards Institute specifications for sound level meters (ANSI S1.4-1971, or the latest approved revision thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply.

(16) *SOUND LEVEL METER* means an instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighting networks used to measure sound pressure levels.

(17) *SOUND PRESSURE* means the instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as produced by sound energy.

(18) *SOUND PRESSURE LEVEL* means 20 times the logarithm to the base 10 of the ratio of the RMS sound pressure to the reference pressure of 20 micropascals ( $20 \times 10^{-6} \text{ N/m}^2$ ). The sound pressure level is denoted  $L_p$  or SPL and is expressed in decibels.

(19) *SPECIAL EVENTS* means all public and private school related activities and all events where a special events permit is issued by the city of Dallas.

(20) *STATIONARY SOURCE* means the point of origin of any noise emitted from a property. Multiple sources on a property shall be treated as a single source.

(21) *TIME WEIGHTED* means an established period of time during which the sound pressure levels are averaged. (Ord. Nos. 19455; 19995; 21186; 29424)

### **Section 51A-6.102 Noise Regulations**

[https://codelibrary.amlegal.com/codes/dallas/latest/dallas\\_tx/0-0-0-37527](https://codelibrary.amlegal.com/codes/dallas/latest/dallas_tx/0-0-0-37527)

(a) General provisions.

(1) A person may not conduct a use that creates a noise level that exceeds the levels established in Subsections (b) through (e) or that exceeds the background level by five dB(A), whichever is greater.

(2) A sound level meter that meets the standards of the American Standards Association must be used to determine whether the level of noise violates this section. The instrument must be maintained in good working order. A calibration check should be made prior to and following any noise investigation.

(3) Traffic, aircraft, and other background noises are not considered in measuring noise levels except when the background noise level is being determined.

(4) For purposes of this section, any identifiable portion of a planned development (PD) district governed by a distinct set of use regulations is considered to be a separate zoning district. If the PD district or a portion of the district is limited to uses permitted in an expressly stated zoning district, the PD district or portion of the district is considered to be that zoning district; otherwise it is considered to be:

(A) an MF-3(A) zoning district if it is restricted to residential uses and those nonresidential uses permitted in a residential district; otherwise

(B) an IM zoning district if it allows one or more uses that are only permitted in that district; otherwise

(C) an IR zoning district if it allows one or more uses that are only permitted in a CS, LI, or IR district; otherwise

(D) if it does not fit into one of the above categories, an MU-3 district.

(5) The requirements of this section do not apply to:

(A) mobile sources;

(B) construction/demolition activities regulated by [Chapter 30](#);

(C) special events for which a special events permit is issued under [Chapter 42A](#);

(D) sound generating equipment or apparatus to warn the public of an emergency or for public safety;

(E) noise from use-related loading/unloading operations that impact residential areas when conducted during daytime hours; or

(F) the following activities, as long as they are conducted between the hours of 7:00 a.m. and 10:00 p.m., Monday through Friday, and between the hours of 8:00 a.m. and 7:00 p.m. on Saturday, Sunday, and legal holidays as a normal function of a permitted use and the equipment is maintained in proper working condition:

(i) Lawn maintenance.

(ii) Repair of personal use vehicles.

(iii) Home repair of place of residence.

(b) Permissible sound pressure level in WR without a shopfront overlay and residential districts.

(1) In a WR without a shopfront overlay or residential district, a person may not conduct a use so as to create a sound pressure level on the bounding lot line that exceeds the decibel limits contained in the following table:

| <b>Maximum Permissible Daytime Decibel Limits at the Bounding Lot Line of a WR without a Shopfront Overlay or Residential District</b> |       |         |
|--|-------|---------|
|  |       | A Scale |
| Decibel<br>(dBA <u>re</u> 0.0002 Microbar)   | Limit | 56      |

(c) Permissible sound pressure level in office, retail, mixed use, multiple commercial, P(A), WR with a shopfront overlay, and WMU districts.

(1) In an office, retail, mixed use, multiple commercial, P(A), WR with a shopfront overlay, or WMU district, a person may not conduct a use so as to create a sound pressure level on the bounding lot line that exceeds the decibel limits contained in the following table:

| <b>Maximum Permissible Daytime Decibel Limits at the Bounding Lot Line of an Office, Retail, Mixed Use, Multiple Commercial, P(A), WR with a Shopfront Overlay, or WMU District</b> |       |         |
|---|-------|---------|
|   |       | A Scale |
| Decibel<br>(dBA <u>re</u> 0.0002 Microbar)  | Limit | 63      |



(2) The sound pressure level at the boundary line between a residential district, as defined both in this chapter and in Chapter 51, and an office, retail, mixed use, multiple commercial, P(A), WR with a shopfront overlay, or WMU district may not exceed the decibel limits specified in Subsection (b)(1).

[omitted for brevity]

(f) Noise level adjustments.

(1) The maximum permissible noise levels contained in Subsections (b)(1), (c)(1), (d)(1), and (e)(1) are subject to the following adjustments:

Noise is present at nighttime: Subtract 7db

Noise is impulsive (meter reading changes at a rate greater than 10 decibels per second: Subtract 7db

| <b>Noise Has An “On Time” Of No More Than:</b> | <b>And an “Off Time” Between Successive “On Times” Of At Least:</b> |                                    |
|--|---|------------------------------------|
| 0.5 Minutes                                    | 1/2 Hour /  | Add 10 Decibels to permitted level |
| 5.0 Minutes                                    | 1 Hour /  |                                    |
| 10.0 Minutes                                   | 2 Hours /   |                                    |
| 20.0 Minutes                                   | 4 Hours /   |                                    |

(2) “Off-time” is when the level of the primary noise being measured does not exceed that of the background noise by more than five dB(A). (Ord. Nos. 19455; 19786; 19995; 27495; 29424; [30895](#))

**Section 51A-6.104 Glare**

[https://codelibrary.amlegal.com/codes/dallas/latest/dallas\\_tx/0-0-0-37527](https://codelibrary.amlegal.com/codes/dallas/latest/dallas_tx/0-0-0-37527)

- (a) A person shall not conduct a use that has a visible source of illumination that produces glare or direct illumination across a property line of an intensity that creates a nuisance or detracts from the use or enjoyment of adjacent property.
- (b) Outside lights must be made up of a light source and reflector so that acting together, the light beam is controlled and not directed across a property line. (Ord. Nos. 19455; 19995)

## Appendix 2 – 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*

*\*: Consult the use regulations in Division 51A-4.200*

*For information purposes only*

|                                     | <b>4.205<br/>Lodging<br/>Uses</b> | Hotel or<br>motel | Extended<br>stay hotel<br>or motel | Lodging or<br>boarding<br>house | Overnight<br>general<br>purpose<br>shelter | <b>Short-term<br/>rental<br/>lodging<br/>[proposed<br/>new use]</b> |
|-------------------------------------|-----------------------------------|-------------------|------------------------------------|---------------------------------|--|---|
| <b>Residential<br/>Districts</b>    | A(A)                              |                   |                                    |                                 |  |   |
|                                     | R                                 |                   |                                    |                                 |  |   |
|                                     | D(A)                              |                   |                                    |                                 |  |   |
|                                     | TH-1-3(A)                         |                   |                                    |                                 |  |   |
|                                     | CH                                |                   |                                    |                                 |  |   |
|                                     | MF-1(A)                           |                   |                                    |                                 |  |   |
|                                     | MF-1(SAH)                         |                   |                                    |                                 |  |   |
|                                     | MF-2(A)                           |                   |                                    |                                 | P  | <b>P</b>  |
|                                     | MF-2(SAH)                         |                   |                                    |                                 | P  | <b>P</b>  |
|                                     | MF-3(A)                           |                   |                                    |                                 | P  | <b>P</b>  |
|                                     | MF-4(A)                           |                   |                                    |                                 | P  | <b>P</b>  |
| MH(A)                               |                                   |                   |                                    |                                 |  |   |
| <b>Nonresidential<br/>Districts</b> | NO(A)                             |                   |                                    |                                 |  |   |
|                                     | LO(A)                             |                   |                                    |                                 |  |   |
|                                     | MO(A)                             | *                 | *                                  | S                               |  | <b>P</b>  |
|                                     | GO(A)                             | *                 | *                                  | S                               |  | <b>P</b>  |
|                                     | NS(A)                             |                   |                                    |                                 |  |   |
|                                     | CR                                | S                 | S                                  |                                 | S  |   |
|                                     | RR                                | *                 | *                                  | S                               | P  | <b>P</b>  |
|                                     | CS                                | *                 | *                                  | S                               | P  | <b>P</b>  |
|                                     | LI                                | *                 | *                                  | S                               | P  | <b>P</b>  |
|                                     | IR                                | *                 | *                                  | S                               | P  | <b>P</b>  |
|                                     | IM                                | *                 | *                                  | S                               | S  | <b>S</b>  |
|                                     | CA-1(A)                           | *                 | *                                  | S                               | P  | <b>P</b>  |
|                                     | CA-2(A)                           | *                 | *                                  | S                               | P  | <b>P</b>  |
|                                     | MU-1                              | *                 | *                                  | S                               |  | <b>P</b>  |
|                                     | MU-1(SAH)                         | *                 | *                                  | S                               |  | <b>P</b>  |
| MU-2                                | *                                 | *                 | S                                  |                                 | <b>P</b>                                   |   |



|  |           |   |   |   |  |                 |
|--|-----------|---|---|---|--|-----------------|
|  | MU-2(SAH) | * | * | S |  | <b><i>P</i></b> |
|  | MU-3      | * | * | S |  | <b><i>P</i></b> |
|  | MC-1      | * | * | S |  | <b><i>P</i></b> |
|  | MC-2      | * | * | S |  | <b><i>P</i></b> |
|  | MC-3      | * | * | S |  | <b><i>P</i></b> |
|  | MC-4      | * | * | S |  | <b><i>P</i></b> |
|  | UC-1-UC-3 |   |   |   |  | <b><i>P</i></b> |
|  | P(A)      |   |   |   |  |                 |

## Appendix 3 – Land Use Categories

### 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.**

(A) Definitions: In these use regulations:

(i) BED means a piece of furniture, mat, cushion, or other device on or in which a person may lie and sleep.

(ii) OVERNIGHT GENERAL PURPOSE SHELTER means an emergency lodging facility (as opposed to a residential or medical treatment facility) that provides room and board to more than four persons who are not related by blood, marriage, or adoption to the head of the household or the owner or operator of the facility, and that negotiates sleeping arrangements on a daily basis, whether or not the facility is operated for profit or charges for the services it offers. This definition does not include:

(aa) dwelling units occupied exclusively by families (Note: Dwelling units occupied exclusively by families are considered to be single family, duplex, or multifamily uses, as the case may be); or

(bb) any other use specifically defined in this chapter.

(iii) THIS USE means an overnight general purpose shelter as defined in this paragraph.

(B) Districts permitted:

(i) If this use provides shelter for 20 or less overnight guests, it is permitted by SUP only in LO(A), MO(A), GO(A), CR, RR, CS, LI, IR, central area, MU-2, MU-2(SAH), MU-3, MU-3(SAH), and multiple commercial districts.

(ii) If this use provides shelter for more than 20 overnight guests, it is permitted by SUP only in GO(A), CS, LI, IR, and central area districts.

(C) Required off-street parking: 0.0025 spaces per bed, plus one space per 200 square feet of office or program service floor area; a minimum of four spaces is required.

(D) Required off-street loading:

| SQUARE FEET OF FLOOR AREA IN STRUCTURE | TOTAL REQUIRED SPACES OR BERTHS |
|--|---------------------------------|
| 0 to 50,000                            | NONE                            |

|   |              |
|---|--------------|
| 50,000 to 150,000                           | 1            |
| Each additional 100,000 or fraction thereof | 1 additional |

(E) Additional provisions:

(i) The maximum number of overnight guests permitted under this use is:

(aa) 20 in LO(A), MO(A), CR, RR, MU-2, MU-3, and multiple commercial districts; and

(bb) 200 in all other cases.

(ii) The cumulative maximum number of beds permitted for all of these uses combined on building sites located wholly or partially in the central business district is 250.

(iii) The cumulative maximum number of beds permitted for all of these uses combined on building sites located wholly or partially in the area including and within one-third of a mile of the central business district is 1100.

(iv) In the event of a conflict between Subparagraphs (ii) and (iii) and the provisions of any special purpose, planned development, or conservation district ordinances, Subparagraphs (ii) and (iii) control.

(v) This use must be spaced at least 1,000 feet away from:

(aa) a church;

(bb) a public or private elementary or secondary school;

(cc) any residential use listed in Section [51A-4.209](#) except a “college dormitory, fraternity, or sorority house”;

(dd) any residential district, historic overlay district, or public park; and

(ee) any other overnight general purpose shelter.

If this use provides shelter for more than 50 overnight guests, it must be spaced at least one-half mile from any other overnight general purpose shelter. For purposes of these use regulations, measurement is made in a straight line, without regard to intervening structures or objects, from the nearest boundary of the building site containing the overnight general purpose shelter to the nearest boundary of the building site containing the church, public or private elementary or secondary school, or residential use, or to the nearest boundary of the residential or historic overlay district or public park, whichever is applicable. The distance between overnight general purpose shelters is measured in a straight line, without regard to intervening structures or objects, between the nearest boundaries of the building sites on which the shelters are located.

(vi) This use must be located within one-half mile of public transit.

(vii) This use must comply with all applicable licensing requirements.

(viii) The board of adjustment shall not establish a termination date for this use under Section [51A-4.704\(a\)\(1\)](#).

(ix) Whenever an overnight general purpose shelter operating on city-owned land in full compliance with all applicable laws is, through no fault of its own, forced to vacate its current location as a result of the direct, positive, and affirmative action of the city, and if the requirements of this subparagraph are met, the shelter shall be permitted to relocate in any nonresidential district for a period of time of one year without applying for an SUP. The SUP requirement shall be suspended only if the proposed new building site is located a minimum of 1,000 feet from any building site containing any residential use listed in Section [51A-4.209](#) except a “college dormitory, fraternity, or sorority house”; and a minimum of 1,000 feet from any building site containing another shelter. All measurements shall be taken radially between the building sites in question. In addition, the shelter must obtain a certificate of occupancy and any other required licenses and approvals before it may begin operating. A shelter that relocates in accordance with this subparagraph shall not acquire any nonconforming rights during the period of suspension, and any investment made in land, buildings, or structures during that period shall be at the complete risk of the shelter that an SUP may not ultimately be granted. At or before the end of the one-year period, the shelter shall either file an application for an SUP or cease operations. A shelter that files an application for an SUP in accordance with this subparagraph may remain operating while the application is pending before the city plan commission or city council; however, if the application is denied or withdrawn, the shelter shall cease

operations no later than 60 days after the date the final decision is made to deny the application, or the date the application is withdrawn, whichever is applicable.

(3) Reserved. (Ord. Nos. 19455; 19786; 19873; 20038; 20493; 20920; 21663; 22139; 24857; 25435; [30890](#))

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

**(5) Multifamily.**

(A) Definitions: Three or more dwelling units located on a lot.

(B) Districts permitted: By right in CH, multifamily, central area, mixed use, and urban corridor districts. By right as a restricted component of a building in the GO(A) district. [See Section [51A-4.121\(d\)](#).]

(C) Off-street parking.

(i) Required off-street parking: One space per bedroom with a minimum of one space per dwelling unit. An additional one-quarter space per dwelling unit must be provided for guest parking if the required parking is restricted to resident parking only. No additional parking is required for accessory uses that are limited principally to residents.

(ii) The number of off-street parking spaces required under this subparagraph may be reduced to provide adequate area for the placement of recycling containers in accordance with Section 18-5.1(e) according to the following table:

| No. of Dwelling Units | No. of Required Parking Spaces Reduced |
|-----------------------|--|
| 8-100                 | 3                                      |
| 101 – 400             | 3% or 6, whichever is less             |
| 401 +                 | 9                                      |

This parking reduction only applies to structures built before August 12, 2020.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) Uses that are customarily incidental to the multifamily use and that include an employee’s washroom, a manager’s office, laundry room, swimming pool, and game courts are permitted provided they are located no closer than 50 feet to an R, R(A), D, D(A), TH, or TH(A) district. The game courts, laundry room, and swimming pool must be for the exclusive use of the residents and their guests. No exterior advertising of the uses is permitted.

(ii) The minimum space between exterior walls of a multifamily dwelling must be 10 feet between the walls if only one wall has an opening for light and air and 20 feet if both walls have an opening for light and air. This provision applies to multifamily buildings with a common roof and free standing multifamily buildings. This provision does not apply to walls located entirely within a dwelling unit.

(iii) This use does not include a hotel or motel.

**(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 4 – Mixed Use Districts

### Selected excerpts:

#### **SEC. 51A-4.125. MIXED USE DISTRICTS.**

(a) *In general.* Single or multiple uses may be developed on one site in a mixed use district as in any other district; however, in order to encourage a mixture of uses and promote innovative and energy conscious design, efficient circulation systems, the conservation of land, and the minimization of vehicular travel, density bonuses are awarded to developments that qualify as “mixed use projects” as defined in Subsection (b). If a development does not qualify as an MUP, it is limited to a “base” dwelling unit density and floor area ratio. When a development qualifies as an MUP, it earns a higher maximum dwelling unit density and floor area ratio and, in some instances, a greater maximum structure height. Additional FAR bonuses are incrementally awarded to encourage the inclusion of “residential” as part of an MUP. The exact increments of increase vary depending on the actual use categories mixed and the district that the MUP is in. For more information regarding the exact increments of increase, consult the yard, lot, and space regulations in this section governing the particular district of interest.

(b) *Qualifying as a mixed-use project.* To qualify as a MIXED USE PROJECT (MUP) for purposes of this section, a development must contain uses in two or more of the following categories, and the combined floor areas of the uses in each category must equal or exceed the following percentages of the total floor area of the project:

| <b>MU-1 AND MU-1(SAH) DISTRICTS</b> |                              |
|-------------------------------------|------------------------------|
| <b>Use Category</b>                 | <b>% of Total Floor Area</b> |
| Lodging                             | 15%                          |
| Office                              | 15%                          |
| Residential                         | 15%                          |
| Retail and personal service         | 10%                          |

| <b>MU-2 AND MU-2(SAH) DISTRICTS</b> |                              |
|-------------------------------------|------------------------------|
| <b>Use Category</b>                 | <b>% of Total Floor Area</b> |
| Lodging                             | 10%                          |
| Office                              | 15%                          |
| Residential                         | 10%                          |
| Retail and personal service         | 5%                           |

| <b>MU-3 AND MU-3(SAH) DISTRICTS</b>  |                              |
|--------------------------------------|------------------------------|
| <b>Use Category</b>                  | <b>% of Total Floor Area</b> |
| Lodging                              | 10%                          |
| Office                               | 15%                          |
| Residential                          | 10%                          |
| Retail and personal service          | 5%                           |
| Wholesale, distribution, and storage | 15%                          |

**Appendix 5 – Comparison Cities, revised to include additional 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                 |
|---|--|---|---|---|--|-----------------------|
| <a href="#">Arlington</a><br><a href="#">Link</a>   | Specifically defined as a “residential structure, or portion thereof...”<br><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.<br><b>[ZON]</b> | Not required / no standard                                | No  | Limited to number of off-street spaces<br><b>[REG]</b> | Unified Building Code |
| <a href="#">Atlanta</a><br><a href="#">Link</a>     | Not specified.   | Allowed in all zoning districts.<br><b>[ZON]</b>  | Required. May operate one additional STR.<br><b>[REG]</b> | No standard   | No standard  |                       |
| <a href="#">San Antonio</a><br><a href="#">Link</a> | Residential. Specifically not a hotel or motel<br><b>[ZON]</b>                           | Yes, except smallest three districts (1,250 sf lots, 2,000 sf lots, 3,000 sf lots)<br><b>[ZON]</b>  | Not required.<br><b>[ZON]</b>                             | No restriction for owner-occupied; Maximum of 12.5% of the blockface (for single family) or 12.5% of the units in one building (for multifamily) for non-owner occupied<br><b>[ZON]</b> | One space per ‘unit’<br><b>[ZON]</b>                   |                       |
| <a href="#">Austin</a><br><a href="#">Link</a>      | Residential<br><b>[ZON]</b>  | Yes, owner-occupied and non-owner occupied<br><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   | No standard  |                       |



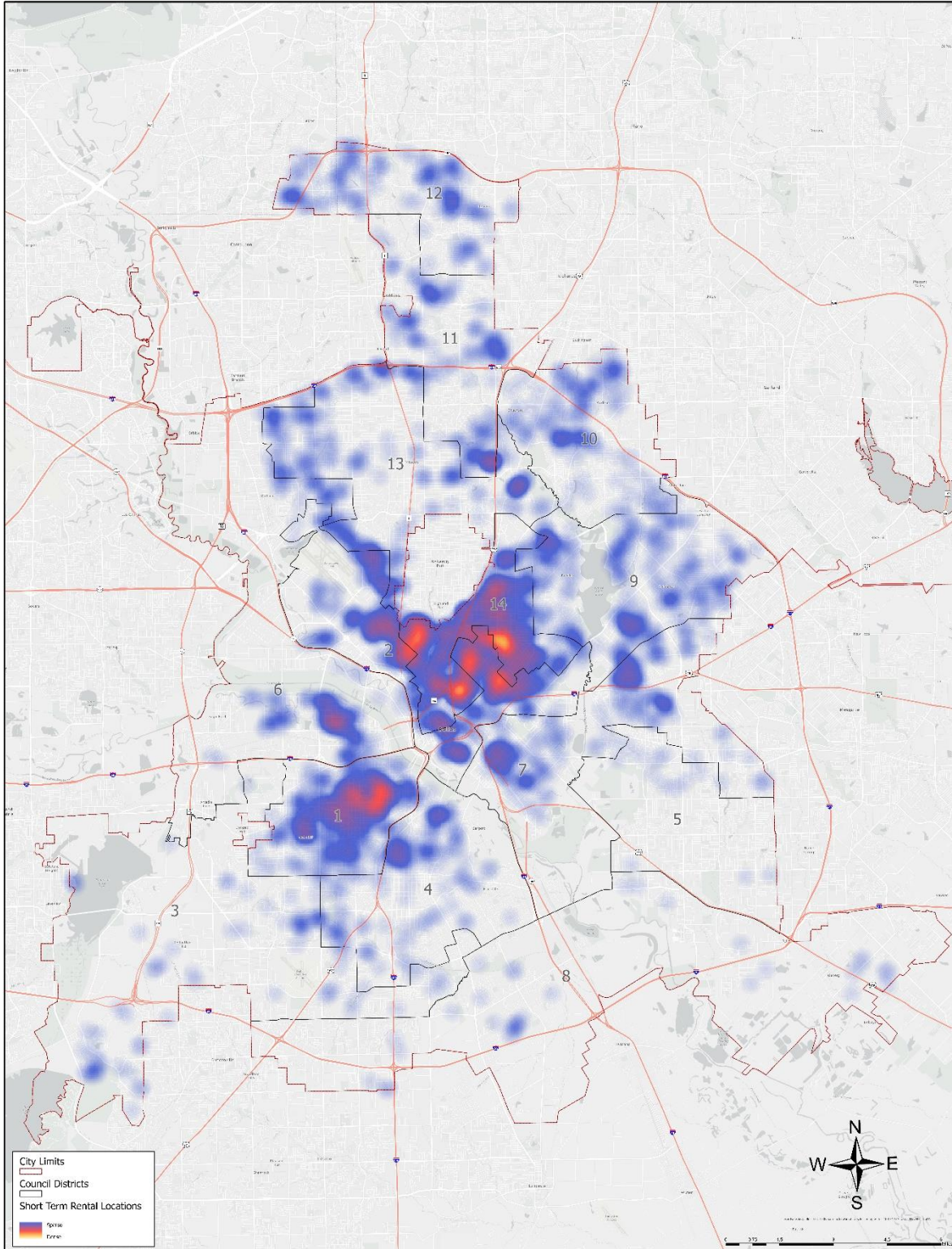
| City  | Use Type   | Allowed in SF  | Owner Occupancy   | Spacing / concentration   | Parking     | Other   |
|---|--|--|---|---|-------------|---|
|   |  |  |   | multifamily development; maximum of 25% of the property and building in commercial districts<br>[ZON] |             |   |
| <b>Denver</b><br><a href="#">Link</a>       | Accessory to a residential use<br>[ZON]                    | Yes – is an accessory to residential use<br>[ZON]  | Primary residential use required.<br>[ZON]                              | No standard   | No standard |   |
| <b>Los Angeles</b><br><a href="#">Link</a>  | "Home-Sharing" Accessory use to a residential use<br>[ZON] | Yes - is an accessory use to residential. Maximum 120 nights / year unless approved for "extended" every night.<br>[ZON]   | Resident occupancy required; stays not required to be 'hosted'<br>[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><br><a href="#">Link</a> | "home-sharing" accessory use to residential<br>[REG]       | Yes, accessory use to residential<br>[REG]   | Resident occupancy required<br>[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><br><a href="#">Link</a>    | Tourist House. Included in definition for hotel<br>[REG]   | No. Ordinance to expressly prohibit "single-family dwelling transient rentals"<br>Def: the rental or offer for rental of any dwelling or any portion of a dwelling for a |   |   |             |   |

|  |   | period of less than 30 days<br>[REG]  |                         |  |  |   |
|--|---|---|-------------------------|--|--|---|
| City   | Use Type  | Allowed in SF   | Owner Occupancy         | Spacing / concentration  | Parking  | Other   |
| <b>Fort Worth</b><br><a href="#">Link</a>    | Short term home rental:<br>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 .....<br>[ZON] | No. Zoning change is required.<br><br>Allowed in Commercial and Industrial Districts<br>[ZON] | N/A                     | None   | No Regs  | The subject is under consideration with City Council. |
| <b>Southlake</b><br><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."<br>[REG]   | No. Prohibited in all districts.<br>[REG]   |                         |  |  |   |
| <b>Hurst</b><br><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."<br>[REG]  | No. Ordinance to prohibit the STR use throughout the city.<br>[REG]                           |                         |  |  |   |
| <b>New Braunfels</b><br><a href="#">Link</a> | one- or two-family dwellings that are rented for overnight lodging for less than 30 days at a time<br>[ZON]   | Selected zoning districts and areas in the city. By zoning map.<br>[ZON]                      | None specified<br>[ZON] | By zoning map that identifies different types of areas where STR may be allowable<br>[ZON] | 1 parking space per sleeping room, not including garage<br>[ZON] |   |

**Appendix 6 – 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.

City of Dallas Short Term Rentals



| Short-Term Rentals by Council District |                                 |                                |
|--|---------------------------------|--------------------------------|
| Council District                       | Number of Active / Pending STRs | Council District Share of STRs |
| 1                                      | 347                             | 13%                            |
| 2                                      | 458                             | 18%                            |
| 3                                      | 69                              | 3%                             |
| 4                                      | 114                             | 4%                             |
| 5                                      | 13                              | 0%                             |
| 6                                      | 128                             | 5%                             |
| 7                                      | 150                             | 6%                             |
| 8                                      | 31                              | 1%                             |
| 9                                      | 182                             | 7%                             |
| 10                                     | 104                             | 4%                             |
| 11                                     | 105                             | 4%                             |
| 12                                     | 107                             | 4%                             |
| 13                                     | 167                             | 6%                             |
| 14                                     | 637                             | 24%                            |
| <b>Total</b>                           | <b>2,612</b>                    |                                |

| Short-Term Rentals by Zoning District |                                 |                               |
|---------------------------------------|---------------------------------|-------------------------------|
| Zoning District                       | Number of Active / Pending STRs | Zoning District Share of STRs |
| A(A)                                  | 1                               | 0%                            |
| CA-1(A)                               | 18                              | 1%                            |
| CD                                    | 146                             | 6%                            |
| CH                                    | 1                               | 0%                            |
| CR                                    | 23                              | 1%                            |
| CS                                    | 7                               | 0%                            |
| D(A)                                  | 80                              | 3%                            |
| GO(A)                                 | 1                               | 0%                            |
| IR                                    | 1                               | 0%                            |
| LO-1                                  | 2                               | 0%                            |
| MF-1(A)                               | 84                              | 3%                            |
| MF-2(A)                               | 238                             | 9%                            |
| MF-3(A)                               | 6                               | 0%                            |
| MU-1                                  | 7                               | 0%                            |
| MU-2                                  | 15                              | 1%                            |
| MU-3                                  | 6                               | 0%                            |
| MU-3(SAH)                             | 1                               | 0%                            |
| NS(A)                                 | 2                               | 0%                            |
| PD                                    | 919                             | 35%                           |
| R-1/2ac(A)                            | 7                               | 0%                            |
| R-10(A)                               | 94                              | 4%                            |
| R-13(A)                               | 4                               | 0%                            |
| R-16(A)                               | 34                              | 1%                            |
| R-1ac(A)                              | 4                               | 0%                            |
| R-5(A)                                | 119                             | 5%                            |
| R-7.5(A)                              | 711                             | 27%                           |
| RR                                    | 3                               | 0%                            |
| TH-1(A)                               | 11                              | 0%                            |
| TH-2(A)                               | 24                              | 1%                            |
| TH-3(A)                               | 40                              | 2%                            |
| WR-5                                  | 3                               | 0%                            |
| <b>Total</b>                          | <b>2,612</b>                    |                               |

Based on this analysis, prohibiting STRs from certain zoning districts as shown in Appendix 2 above would result in the prohibition of 48% - 54% of current active or pending registration STRs in Dallas. The low end of this range assumes no Conservation Districts are amended to prohibit STRs, and the high end assumes all Conservation Districts prohibit STRs.



# 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.**





Agenda Information Sheet

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**File #:** 22-2870

**Item #:** 2.

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**AGENDA DATE:** December 8, 2022

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Department of Planning and Urban Design

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**SUBJECT**

DCA212-010(SD) - 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.

Steven Doss, Senior Planner, Planning and Urban Design

**Short-term rental use and related regulations  
Planning and Urban Design Department  
[Link to project website](#)**

**Request:**

**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.

**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.

**Recommendation:**

Staff recommends that the Committee determine the appropriate zoning code amendments and forward a recommendation to City Plan Commission.

**Content:**

- Appendix 1 – Performance standards currently in Dallas Code of Ordinances
- Appendix 2 – Use Tables
- Appendix 3 – Land Use Categories
- Appendix 4 – Mixed Use Districts
- Appendix 5 – Comparison Cities, revised to include additional cities
- Appendix 6 – Heat Map of Active and Pending STRs

**Information requested during August 30, 2022 meeting:**

Per the approved motion from the August 30, 2022 Committee meeting, staff has provided the following:

- Currently proposed ordinance with permitted districts unchanged from the August 30 case report, page 6
- Discussion of parking requirements, including other cities’ requirements, below
- Discussion and potential regulations related to a new accessory use “accessory home-sharing”), below and page 7
- Information from previous Committee meetings, below

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### Parking Requirements

- 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.
- A limit on the number of cars allowed to park at an STR, if desired, is more appropriate for the registration ordinance than zoning.
- **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.

### Accessory Use: Home-sharing

After researching other cities regulations, specifically Denver and Los Angeles, staff has compiled the following information. Both Denver and Los Angeles only allow the short-term rental of a residential property (fewer than 30 consecutive days) under the banner of accessory uses. In both cities, the operator of the home-share must be the primary resident of the property. In Denver, an Accessory Dwelling Unit may be used as a home-share with the operator / primary resident residing in the main dwelling unit (but the reverse situation is not permitted). The Los Angeles ordinance does not mention Accessory Dwelling Units. Neither city requires the operator to be present during a home-share stay (a “hosted” stay). Los Angeles limits the number of home-share nights to 120 / year unless the operator is approved for 365 nights (“Extended Home-sharing”). Denver does not limit the number of nights per year a unit can be rented.

Proposed regulations for this accessory use would require that the primary use of a property be residential, with a permanent resident. However, the recent Fifth Circuit ruling precludes the City from requiring that the *operator* of the home-share also be the permanent resident. The presence of a permanent resident may provide the desired accountability for compliance with other City ordinances (noise, public disturbance, etc.). Staff also recommends that resident permission be required if the resident is not the operator, but this requirement is more appropriately located in the registration ordinance.

Staff also recommends that an accessory home-sharing use be required to comply with the short-term rental lodging registration ordinance, including payment of the Hotel Occupancy Tax.

### Information requested during August 16, 2022 meeting:

Per the approved motion from the August 16, 2022 Committee meeting, staff has provided an updated ordinance with the following revisions:

- A purpose statement has been drafted based on the approved motion. This purpose statement would be incorporated into the ordinance that codifies the proposed standards.



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*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.*

- An additional provision has been added to the proposed use regulations to limit the number of short-term rental units in a multifamily property located in an MF Multifamily zoning district to the lesser of 6 units or 10% of the total units on a lot, parcel, or building site. Based on the motion, number of STRs located in multifamily properties within MF-2(A), MF-2(SAH), MF-3, and MF-4 districts would be limited to 10% of total units or 6 STRs, whichever is less.
- An additional provision has been added to prohibit short-term rental use of any unit within a multifamily property that has received and utilized a Mixed Income Housing Development Bonus through compliance with Section 51A-4.1100 or Section 51-4.900.

### **Information requested during August 2, 2022 meeting:**

During the August 2, 2022 Committee meeting, members included requests for the following information:

#### **Map of Existing Short-Term Rentals**

Staff has worked with GIS and City Controller's Office staff to prepare a heat map of Short-Term Rentals in the City of Dallas. 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.

#### **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.
  - **CORRECTION: 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 2 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.
    - **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.
  - Proposed purpose statement. 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.

### **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.

At the June 23, 2022 ZOAC meeting, the Committee requested that staff provide additional information as follows:

- Provisions that may be appropriate in zoning that would regulate environmental performance such as noise, light, security similar to those that would be included in a Specific Use Permit
  - *Additional appendix that includes all current regulations in the Dallas Code of Ordinances in various chapters and articles.*
- Evaluate provisions for multifamily that may be appropriate based on other districts in the code
  - *Additional appendix that includes Chapter 51A provisions for mixed-use projects*
- Provisions to regulate platforms that may be appropriate in zoning
  - *Provisions for the platform regulation are currently under consideration to be included in the registration and regulation ordinance*

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**Proposed Amendments**

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.

(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.

(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.

*\*Note: event venue is not included above because the use does not currently exist in code. If event venue is added as a use to the development code, this section can be updated to include it if needed.*

(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 greater 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.”

SEC 51A-4.217. ACCESSORY USES

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(a) General provisions. *subsection (a) provided for reference only*

(1) An accessory use must be a use customarily incidental to a main use. A use listed in Sections [51A-4.201](#) through 51A-4.216 may be an accessory use if the building official determines that the use is customarily incidental to a main use and otherwise complies with this section. Except as otherwise provided in this article, an accessory use must comply with all regulations applicable to the main use.

(2) Except as otherwise provided in this article, an accessory use must be located on the same lot as the main use.

(3) Except as otherwise provided in this article, accessory uses listed in Subsection (b) or in Sections [51A-4.201](#) through 51A-5.216 are subject to the following area restrictions: If the use is conducted outside, it may not occupy more than five percent of the area of the lot containing the main use. If the use is conducted inside, it may not occupy more than five percent of the floor area of the main use. Any use which exceeds these area restrictions is considered to be a separate main use.

(4) Except as otherwise provided in Subsection (b), an accessory use is permitted in any district in which the main use is permitted.

(5) Except as provided in this paragraph, an alcohol related establishment that is customarily incidental to a main use, such as an alcohol related establishment within a hotel, restaurant, or general merchandise store, is not limited to the five percent area restriction in Section [51A-4.217\(a\)\(3\)](#), and will be considered as part of the main use when determining the gross revenue derived by the establishment from the sale of alcoholic beverages for on-premise consumption. Accessory microbrewery, micro-distillery, or winery uses and accessory alcoholic beverage manufacturing uses may not occupy more than 40 percent of the total floor area of the main use. Any use that exceeds these area restrictions is considered a separate main use.

(b) **Specific uses.**

**(2.1) Accessory home-sharing.**

(A) **Definition:** A full or partial dwelling unit that is rented for the purposes of overnight accommodation for fewer than 30 consecutive days per rental period. This use is incidental to the primary use of the premises as a residence.

(B) **District restrictions.** This accessory use is not permitted in P(A) districts.

(C) **Required off-street parking:** None.

(D) **Required off-street loading:** None.

(E) **Additional provisions:**

(i) This accessory use is only permitted in conjunction with an active conforming residential use.

(ii) The area restrictions in Paragraph (a)(3) do not apply to this use.

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(iii) The use must comply with Section ## “Short-term rentals” of the Dallas City Code. [registration ordinance. There may be certain standards that apply to STRs that would not apply to home-sharing, such as spacing. Any difference in these standards would be in the registration ordinance.]

(iv) Compliance with this subsection does not permit the use of the property as any use other than one that a valid Certificate of Occupancy permits.

(v) The number of accessory home-share units in a single dwelling unit may not exceed one.

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## Appendix 1 – Performance standards currently in Dallas Code of Ordinances

### **Chapter 27: Minimum Property Standards**

[https://codelibrary.amlegal.com/codes/dallas/latest/dallas\\_tx/0-0-0-11034](https://codelibrary.amlegal.com/codes/dallas/latest/dallas_tx/0-0-0-11034)

Applies to all properties and buildings in the City.

*Selected excerpt:*

#### **SEC. 27-2. PURPOSE OF CHAPTER.**

*(a) The purpose of this chapter is to protect the health, safety, morals, and welfare of the citizens of the city of Dallas by establishing minimum standards applicable to residential and nonresidential structures. Minimum standards are established with respect to utilities, facilities, and other physical components essential to make structures safe, sanitary, and fit for human use and habitation.*

*(b) This chapter is found to be remedial and essential to the public interest, and it is intended that this chapter be liberally construed to effect its purpose. All structures within the city on the effective date of this chapter, or constructed thereafter, must comply with the provisions of this chapter. (Ord. Nos. 15198; 19234; 24961)*

Provisions include but not limited to:

- Definitions: among others definitions for *owner, rental property, urban nuisance* are included
- Minimum property standards for the owner regarding the structure, utility and appliances, plumbing, electrical, lighting standards for multitenant properties, health standards, security standards for multifamily other than the one exempt from registration
- Responsibilities for occupant
- Registration and inspection of rental properties and condominiums (*other than short-term rental and rentals for less than 30 days*)

### **Chapter 30: Noise**

[https://codelibrary.amlegal.com/codes/dallas/latest/dallas\\_tx/0-0-0-14284](https://codelibrary.amlegal.com/codes/dallas/latest/dallas_tx/0-0-0-14284)

Applies to all properties and buildings in the City.

Provisions include a list of loud and disturbing noises and vibrations presumed offensive, and a section dedicated to loudspeakers and amplifiers.

*Selected excerpts:*

#### **SEC. 30-4. LOUDSPEAKERS AND AMPLIFIERS.**

*(a) A person commits an offense if he operates or causes to be operated any mechanical loudspeaker or sound amplifier in a public place or upon any public sidewalk, street, alley, or highway of the city in violation of any of the following limitations and requirements:*

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(1) *No mechanical loudspeaker or sound amplifier may be operated within 150 feet of the property line of the premises of a residence, except between the hours of 8:00 a.m. and sunset, as designated by publication in a local newspaper of general circulation.*

(2) *A mechanical loudspeaker or sound amplifier may not emit loud and disturbing noises so as to interfere with the enjoyment of life or property or to interfere with public peace and comfort.*

(3) *A mechanical loudspeaker or sound amplifier must be operated so as not to cause traffic congestion or congregation of crowds that obstructs any public sidewalk, street, alley, or highway.*

(4) *A mechanical loudspeaker or sound amplifier may not be operated within 150 feet of any:*

(A) *hospital;*

(B) *school that is in session;*

(C) *nursing home; or*

(D) *facility that provides surgical services to patients who do not require overnight hospital care during the hours of operation of the facility.*

(b) *In this section:*

(1) *RESIDENCE means a single-family, duplex, or multifamily dwelling.*

(2) *SURGICAL SERVICES means therapy of a mechanical or operative kind, including, but not limited to, operations involving cutting, the setting of fractures and dislocations, and similar manual forms of treatment.*

(c) *If conduct that would otherwise violate this section consists of speech or other communication, of gathering with others to hear or observe such speech or communication, or of gathering with others to picket or otherwise express in a nonviolent manner a position on social, economic, political, or religious questions, the person must be ordered to move, disperse, or otherwise remedy the violation prior to arrest or citation.*

(d) *The order required by Subsection (c) may be given by a peace officer, a fireman, a person with authority to control the use of the premises, or any person directly affected by the violation.*

(e) *It is a defense to prosecution under Subsection (a) that:*

(1) *in circumstances in which this section requires an order, no order was given;*

(2) *an order, if given, was manifestly unreasonable in scope;*

(3) *an order, if given, was promptly obeyed;*

(4) *the mechanical loudspeaker or sound amplifier was operated in a public place within an enclosed structure and was not audible beyond the property line of the premises on which it was located;*

(5) *the person operating the mechanical loud speaker or sound amplifier was a law enforcement officer or member of the fire department in the performance of official duties;*

(6) *the mechanical loudspeaker or sound amplifier was operated for the purpose of alerting persons to the existence of an emergency or danger; or*

(7) *the mechanical loudspeaker or sound amplifier was operated in the performance of emergency work necessary to restore public utilities, to restore property to a safe condition, or to protect persons or property from imminent danger, following a fire, accident, or natural disaster. (Ord. Nos. 13744; 18798; 19455; 21878; 24835)*



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## **Chapter 51A: Article VI: Environmental Performance Standards**

[https://codelibrary.amlegal.com/codes/dallas/latest/dallas\\_tx/0-0-0-37502](https://codelibrary.amlegal.com/codes/dallas/latest/dallas_tx/0-0-0-37502)

Applies to all properties and buildings in the City.

Selected excerpts:

***Section 51A-6.101 Definitions Applicable to the Environmental Performance Standards***

[https://codelibrary.amlegal.com/codes/dallas/latest/dallas\\_tx/0-0-0-37502](https://codelibrary.amlegal.com/codes/dallas/latest/dallas_tx/0-0-0-37502)

*The following definitions are applicable to the environmental performance standards in this article:*

(1) *A-WEIGHTED SOUND LEVEL means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.*

(2) *BACKGROUND NOISE means noise from all sources other than that under specific consideration including traffic operating on public streets, and is established by measuring the noise level over an eight minute period of time.*

(3) *BOUNDING LOT LINE means the far side of any street, alley, stream or other permanently dedicated open space from the stationary source when such open space exists between the lot line of the stationary source and adjacent property. When no such open space exists the common line between two parcels of property shall be interpreted as the bounding lot line.*

(4) *CONSTRUCTION means any phase of the on-site erection, including excavation, demolition, alteration or repair, of any building or structure which is designed to be used on that site.*

(5) *DAYTIME means the hours between 7:00 a.m. and 10:00 p.m. on any given day.*

(6) *DECIBEL (dB) means a unit for measuring the volume of a sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 Micronewtons per square meter).*

(7) *EQUIVALENT SOUND PRESSURE LEVEL (Leg) means the time weighted, mean square, A- weighted sound pressure level.*

(7.1) *LEGAL HOLIDAY means New Year's Day (January 1), Memorial Day (observed date), Fourth of July (July 4), Labor Day (observed date), Thanksgiving Day (observed date), and Christmas Day (December 25).*

(8) *MOBILE SOURCE means sound pressure created by motorized vehicles designed to operate on public rights-of-way, including, but not limited to, automobiles and aircraft.*

(9) *NOISE means any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.*

(10) *NOISE DISTURBANCE means any sound which (a) endangers or injures the safety or health of humans or animals, or (b) annoys or disturbs a reasonable person of normal sensitivities, or (c) endangers or injures personal or real property.*

(11) *PERMISSIBLE SOUND PRESSURE LEVEL means the equivalent sound pressure level (Leg) averaged over an eight minute period of time.*

(12) *PERSON means any individual, association, partnership, or corporation, and includes any officer, employee, department, agency or instrumentality of a state or any political subdivision of a state.*

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(13) *PROPERTY* means all contiguous land and any fixed or moveable object on such land, under common ownership, irrespective of leasehold or other interest.

(14) *Reserved.*

(15) *SOUND* means the weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B, or C as specified in American National Standards Institute specifications for sound level meters (ANSI S1.4-1971, or the latest approved revision thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply.

(16) *SOUND LEVEL METER* means an instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighting networks used to measure sound pressure levels.

(17) *SOUND PRESSURE* means the instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as produced by sound energy.

(18) *SOUND PRESSURE LEVEL* means 20 times the logarithm to the base 10 of the ratio of the RMS sound pressure to the reference pressure of 20 micropascals ( $20 \times 10^{-6} \text{ N/m}^2$ ). The sound pressure level is denoted  $L_p$  or SPL and is expressed in decibels.

(19) *SPECIAL EVENTS* means all public and private school related activities and all events where a special events permit is issued by the city of Dallas.

(20) *STATIONARY SOURCE* means the point of origin of any noise emitted from a property. Multiple sources on a property shall be treated as a single source.

(21) *TIME WEIGHTED* means an established period of time during which the sound pressure levels are averaged. (Ord. Nos. 19455; 19995; 21186; 29424)

### **Section 51A-6.102 Noise Regulations**

[https://codelibrary.amlegal.com/codes/dallas/latest/dallas\\_tx/0-0-0-37527](https://codelibrary.amlegal.com/codes/dallas/latest/dallas_tx/0-0-0-37527)

(a) General provisions.

(1) A person may not conduct a use that creates a noise level that exceeds the levels established in Subsections (b) through (e) or that exceeds the background level by five dB(A), whichever is greater.

(2) A sound level meter that meets the standards of the American Standards Association must be used to determine whether the level of noise violates this section. The instrument must be maintained in good working order. A calibration check should be made prior to and following any noise investigation.

(3) Traffic, aircraft, and other background noises are not considered in measuring noise levels except when the background noise level is being determined.

(4) For purposes of this section, any identifiable portion of a planned development (PD) district governed by a distinct set of use regulations is considered to be a separate zoning district. If the PD district or a portion of the district is limited to uses permitted in an expressly stated zoning district, the PD district or portion of the district is considered to be that zoning district; otherwise it is considered to be:

(A) an MF-3(A) zoning district if it is restricted to residential uses and those nonresidential uses permitted in a residential district; otherwise

(B) an IM zoning district if it allows one or more uses that are only permitted in that district; otherwise

(C) an IR zoning district if it allows one or more uses that are only permitted in a CS, LI, or IR district; otherwise

(D) if it does not fit into one of the above categories, an MU-3 district.

(5) The requirements of this section do not apply to:

(A) mobile sources;

(B) construction/demolition activities regulated by [Chapter 30](#);

(C) special events for which a special events permit is issued under [Chapter 42A](#);

(D) sound generating equipment or apparatus to warn the public of an emergency or for public safety;

(E) noise from use-related loading/unloading operations that impact residential areas when conducted during daytime hours; or

(F) the following activities, as long as they are conducted between the hours of 7:00 a.m. and 10:00 p.m., Monday through Friday, and between the hours of 8:00 a.m. and 7:00 p.m. on Saturday, Sunday, and legal holidays as a normal function of a permitted use and the equipment is maintained in proper working condition:

(i) Lawn maintenance.

(ii) Repair of personal use vehicles.

(iii) Home repair of place of residence.

(b) Permissible sound pressure level in WR without a shopfront overlay and residential districts.

(1) In a WR without a shopfront overlay or residential district, a person may not conduct a use so as to create a sound pressure level on the bounding lot line that exceeds the decibel limits contained in the following table:

| <b>Maximum Permissible Daytime Decibel Limits at the Bounding Lot Line of a WR without a Shopfront Overlay or Residential District</b> |       |         |
|--|-------|---------|
|  |       | A Scale |
| Decibel<br>(dBA <u>re</u> 0.0002 Microbar)   | Limit | 56      |

(c) Permissible sound pressure level in office, retail, mixed use, multiple commercial, P(A), WR with a shopfront overlay, and WMU districts.

(1) In an office, retail, mixed use, multiple commercial, P(A), WR with a shopfront overlay, or WMU district, a person may not conduct a use so as to create a sound pressure level on the bounding lot line that exceeds the decibel limits contained in the following table:

| <b>Maximum Permissible Daytime Decibel Limits at the Bounding Lot Line of an Office, Retail, Mixed Use, Multiple Commercial, P(A), WR with a Shopfront Overlay, or WMU District</b> |       |         |
|---|-------|---------|
|   |       | A Scale |
| Decibel<br>(dBA <u>re</u> 0.0002 Microbar)  | Limit | 63      |

(2) The sound pressure level at the boundary line between a residential district, as defined both in this chapter and in Chapter 51, and an office, retail, mixed use, multiple commercial, P(A), WR with a shopfront overlay, or WMU district may not exceed the decibel limits specified in Subsection (b)(1).

[omitted for brevity]

(f) Noise level adjustments.

(1) The maximum permissible noise levels contained in Subsections (b)(1), (c)(1), (d)(1), and (e)(1) are subject to the following adjustments:

Noise is present at nighttime: Subtract 7db

Noise is impulsive (meter reading changes at a rate greater than 10 decibels per second: Subtract 7db

| <b>Noise Has An “On Time” Of No More Than:</b> | <b>And an “Off Time” Between Successive “On Times” Of At Least:</b> |                                    |
|--|---|------------------------------------|
| 0.5 Minutes                                    | 1/2 Hour /  | Add 10 Decibels to permitted level |
| 5.0 Minutes                                    | 1 Hour /  |                                    |
| 10.0 Minutes                                   | 2 Hours /   |                                    |
| 20.0 Minutes                                   | 4 Hours /   |                                    |

(2) “Off-time” is when the level of the primary noise being measured does not exceed that of the background noise by more than five dB(A). (Ord. Nos. 19455; 19786; 19995; 27495; 29424; [30895](#))

**Section 51A-6.104 Glare**

[https://codelibrary.amlegal.com/codes/dallas/latest/dallas\\_tx/0-0-0-37527](https://codelibrary.amlegal.com/codes/dallas/latest/dallas_tx/0-0-0-37527)

- (a) A person shall not conduct a use that has a visible source of illumination that produces glare or direct illumination across a property line of an intensity that creates a nuisance or detracts from the use or enjoyment of adjacent property.
- (b) Outside lights must be made up of a light source and reflector so that acting together, the light beam is controlled and not directed across a property line. (Ord. Nos. 19455; 19995)

## Appendix 2 – 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*

*\*: Consult the use regulations in Division 51A-4.200*

*For information purposes only*

|                                     | <b>4.205<br/>Lodging<br/>Uses</b> | Hotel or<br>motel | Extended<br>stay hotel<br>or motel | Lodging or<br>boarding<br>house | Overnight<br>general<br>purpose<br>shelter | <b>Short-term<br/>rental<br/>lodging<br/>[proposed<br/>new use]</b> |
|-------------------------------------|-----------------------------------|-------------------|------------------------------------|---------------------------------|--|---|
| <b>Residential<br/>Districts</b>    | A(A)                              |                   |                                    |                                 |  |   |
|                                     | R                                 |                   |                                    |                                 |  |   |
|                                     | D(A)                              |                   |                                    |                                 |  |   |
|                                     | TH-1-3(A)                         |                   |                                    |                                 |  |   |
|                                     | CH                                |                   |                                    |                                 |  |   |
|                                     | MF-1(A)                           |                   |                                    |                                 |  |   |
|                                     | MF-1(SAH)                         |                   |                                    |                                 |  |   |
|                                     | MF-2(A)                           |                   |                                    |                                 | P  | <b>P</b>  |
|                                     | MF-2(SAH)                         |                   |                                    |                                 | P  | <b>P</b>  |
|                                     | MF-3(A)                           |                   |                                    |                                 | P  | <b>P</b>  |
|                                     | MF-4(A)                           |                   |                                    |                                 | P  | <b>P</b>  |
| MH(A)                               |                                   |                   |                                    |                                 |  |   |
| <b>Nonresidential<br/>Districts</b> | NO(A)                             |                   |                                    |                                 |  |   |
|                                     | LO(A)                             |                   |                                    |                                 |  |   |
|                                     | MO(A)                             | *                 | *                                  | S                               |  | <b>P</b>  |
|                                     | GO(A)                             | *                 | *                                  | S                               |  | <b>P</b>  |
|                                     | NS(A)                             |                   |                                    |                                 |  |   |
|                                     | CR                                | S                 | S                                  |                                 | S  |   |
|                                     | RR                                | *                 | *                                  | S                               | P  | <b>P</b>  |
|                                     | CS                                | *                 | *                                  | S                               | P  | <b>P</b>  |
|                                     | LI                                | *                 | *                                  | S                               | P  | <b>P</b>  |
|                                     | IR                                | *                 | *                                  | S                               | P  | <b>P</b>  |
|                                     | IM                                | *                 | *                                  | S                               | S  | <b>S</b>  |
|                                     | CA-1(A)                           | *                 | *                                  | S                               | P  | <b>P</b>  |
|                                     | CA-2(A)                           | *                 | *                                  | S                               | P  | <b>P</b>  |
|                                     | MU-1                              | *                 | *                                  | S                               |  | <b>P</b>  |
|                                     | MU-1(SAH)                         | *                 | *                                  | S                               |  | <b>P</b>  |
| MU-2                                | *                                 | *                 | S                                  |                                 | <b>P</b>                                   |   |

|  |           |   |   |   |  |                 |
|--|-----------|---|---|---|--|-----------------|
|  | MU-2(SAH) | * | * | S |  | <b><i>P</i></b> |
|  | MU-3      | * | * | S |  | <b><i>P</i></b> |
|  | MC-1      | * | * | S |  | <b><i>P</i></b> |
|  | MC-2      | * | * | S |  | <b><i>P</i></b> |
|  | MC-3      | * | * | S |  | <b><i>P</i></b> |
|  | MC-4      | * | * | S |  | <b><i>P</i></b> |
|  | UC-1-UC-3 |   |   |   |  | <b><i>P</i></b> |
|  | P(A)      |   |   |   |  |                 |

## Appendix 3 – Land Use Categories

### 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.**

(A) Definitions: In these use regulations:

(i) BED means a piece of furniture, mat, cushion, or other device on or in which a person may lie and sleep.

(ii) OVERNIGHT GENERAL PURPOSE SHELTER means an emergency lodging facility (as opposed to a residential or medical treatment facility) that provides room and board to more than four persons who are not related by blood, marriage, or adoption to the head of the household or the owner or operator of the facility, and that negotiates sleeping arrangements on a daily basis, whether or not the facility is operated for profit or charges for the services it offers. This definition does not include:

(aa) dwelling units occupied exclusively by families (Note: Dwelling units occupied exclusively by families are considered to be single family, duplex, or multifamily uses, as the case may be); or

(bb) any other use specifically defined in this chapter.

(iii) THIS USE means an overnight general purpose shelter as defined in this paragraph.

(B) Districts permitted:

(i) If this use provides shelter for 20 or less overnight guests, it is permitted by SUP only in LO(A), MO(A), GO(A), CR, RR, CS, LI, IR, central area, MU-2, MU-2(SAH), MU-3, MU-3(SAH), and multiple commercial districts.

(ii) If this use provides shelter for more than 20 overnight guests, it is permitted by SUP only in GO(A), CS, LI, IR, and central area districts.

(C) Required off-street parking: 0.0025 spaces per bed, plus one space per 200 square feet of office or program service floor area; a minimum of four spaces is required.

(D) Required off-street loading:

| SQUARE FEET OF FLOOR AREA IN STRUCTURE | TOTAL REQUIRED SPACES OR BERTHS |
|--|---------------------------------|
| 0 to 50,000                            | NONE                            |



|   |              |
|---|--------------|
| 50,000 to 150,000                           | 1            |
| Each additional 100,000 or fraction thereof | 1 additional |

(E) Additional provisions:

(i) The maximum number of overnight guests permitted under this use is:

(aa) 20 in LO(A), MO(A), CR, RR, MU-2, MU-3, and multiple commercial districts; and

(bb) 200 in all other cases.

(ii) The cumulative maximum number of beds permitted for all of these uses combined on building sites located wholly or partially in the central business district is 250.

(iii) The cumulative maximum number of beds permitted for all of these uses combined on building sites located wholly or partially in the area including and within one-third of a mile of the central business district is 1100.

(iv) In the event of a conflict between Subparagraphs (ii) and (iii) and the provisions of any special purpose, planned development, or conservation district ordinances, Subparagraphs (ii) and (iii) control.

(v) This use must be spaced at least 1,000 feet away from:

(aa) a church;

(bb) a public or private elementary or secondary school;

(cc) any residential use listed in Section [51A-4.209](#) except a “college dormitory, fraternity, or sorority house”;

(dd) any residential district, historic overlay district, or public park; and

(ee) any other overnight general purpose shelter.

If this use provides shelter for more than 50 overnight guests, it must be spaced at least one-half mile from any other overnight general purpose shelter. For purposes of these use regulations, measurement is made in a straight line, without regard to intervening structures or objects, from the nearest boundary of the building site containing the overnight general purpose shelter to the nearest boundary of the building site containing the church, public or private elementary or secondary school, or residential use, or to the nearest boundary of the residential or historic overlay district or public park, whichever is applicable. The distance between overnight general purpose shelters is measured in a straight line, without regard to intervening structures or objects, between the nearest boundaries of the building sites on which the shelters are located.

(vi) This use must be located within one-half mile of public transit.

(vii) This use must comply with all applicable licensing requirements.

(viii) The board of adjustment shall not establish a termination date for this use under Section [51A-4.704\(a\)\(1\)](#).

(ix) Whenever an overnight general purpose shelter operating on city-owned land in full compliance with all applicable laws is, through no fault of its own, forced to vacate its current location as a result of the direct, positive, and affirmative action of the city, and if the requirements of this subparagraph are met, the shelter shall be permitted to relocate in any nonresidential district for a period of time of one year without applying for an SUP. The SUP requirement shall be suspended only if the proposed new building site is located a minimum of 1,000 feet from any building site containing any residential use listed in Section [51A-4.209](#) except a “college dormitory, fraternity, or sorority house”; and a minimum of 1,000 feet from any building site containing another shelter. All measurements shall be taken radially between the building sites in question. In addition, the shelter must obtain a certificate of occupancy and any other required licenses and approvals before it may begin operating. A shelter that relocates in accordance with this subparagraph shall not acquire any nonconforming rights during the period of suspension, and any investment made in land, buildings, or structures during that period shall be at the complete risk of the shelter that an SUP may not ultimately be granted. At or before the end of the one-year period, the shelter shall either file an application for an SUP or cease operations. A shelter that files an application for an SUP in accordance with this subparagraph may remain operating while the application is pending before the city plan commission or city council; however, if the application is denied or withdrawn, the shelter shall cease

operations no later than 60 days after the date the final decision is made to deny the application, or the date the application is withdrawn, whichever is applicable.

(3) Reserved. (Ord. Nos. 19455; 19786; 19873; 20038; 20493; 20920; 21663; 22139; 24857; 25435; [30890](#))

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

**(5) Multifamily.**

(A) Definitions: Three or more dwelling units located on a lot.

(B) Districts permitted: By right in CH, multifamily, central area, mixed use, and urban corridor districts. By right as a restricted component of a building in the GO(A) district. [See Section [51A-4.121\(d\)](#).]

(C) Off-street parking.

(i) Required off-street parking: One space per bedroom with a minimum of one space per dwelling unit. An additional one-quarter space per dwelling unit must be provided for guest parking if the required parking is restricted to resident parking only. No additional parking is required for accessory uses that are limited principally to residents.

(ii) The number of off-street parking spaces required under this subparagraph may be reduced to provide adequate area for the placement of recycling containers in accordance with Section 18-5.1(e) according to the following table:

| No. of Dwelling Units | No. of Required Parking Spaces Reduced |
|-----------------------|--|
| 8-100                 | 3                                      |
| 101 – 400             | 3% or 6, whichever is less             |
| 401 +                 | 9                                      |

This parking reduction only applies to structures built before August 12, 2020.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) Uses that are customarily incidental to the multifamily use and that include an employee’s washroom, a manager’s office, laundry room, swimming pool, and game courts are permitted provided they are located no closer than 50 feet to an R, R(A), D, D(A), TH, or TH(A) district. The game courts, laundry room, and swimming pool must be for the exclusive use of the residents and their guests. No exterior advertising of the uses is permitted.

(ii) The minimum space between exterior walls of a multifamily dwelling must be 10 feet between the walls if only one wall has an opening for light and air and 20 feet if both walls have an opening for light and air. This provision applies to multifamily buildings with a common roof and free standing multifamily buildings. This provision does not apply to walls located entirely within a dwelling unit.

(iii) This use does not include a hotel or motel.

**(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 4 – Mixed Use Districts

### Selected excerpts:

#### **SEC. 51A-4.125. MIXED USE DISTRICTS.**

(a) *In general.* Single or multiple uses may be developed on one site in a mixed use district as in any other district; however, in order to encourage a mixture of uses and promote innovative and energy conscious design, efficient circulation systems, the conservation of land, and the minimization of vehicular travel, density bonuses are awarded to developments that qualify as “mixed use projects” as defined in Subsection (b). If a development does not qualify as an MUP, it is limited to a “base” dwelling unit density and floor area ratio. When a development qualifies as an MUP, it earns a higher maximum dwelling unit density and floor area ratio and, in some instances, a greater maximum structure height. Additional FAR bonuses are incrementally awarded to encourage the inclusion of “residential” as part of an MUP. The exact increments of increase vary depending on the actual use categories mixed and the district that the MUP is in. For more information regarding the exact increments of increase, consult the yard, lot, and space regulations in this section governing the particular district of interest.

(b) *Qualifying as a mixed-use project.* To qualify as a MIXED USE PROJECT (MUP) for purposes of this section, a development must contain uses in two or more of the following categories, and the combined floor areas of the uses in each category must equal or exceed the following percentages of the total floor area of the project:

| <b>MU-1 AND MU-1(SAH) DISTRICTS</b> |                              |
|-------------------------------------|------------------------------|
| <b>Use Category</b>                 | <b>% of Total Floor Area</b> |
| Lodging                             | 15%                          |
| Office                              | 15%                          |
| Residential                         | 15%                          |
| Retail and personal service         | 10%                          |

| <b>MU-2 AND MU-2(SAH) DISTRICTS</b> |                              |
|-------------------------------------|------------------------------|
| <b>Use Category</b>                 | <b>% of Total Floor Area</b> |
| Lodging                             | 10%                          |
| Office                              | 15%                          |
| Residential                         | 10%                          |
| Retail and personal service         | 5%                           |

| <b>MU-3 AND MU-3(SAH) DISTRICTS</b>  |                              |
|--------------------------------------|------------------------------|
| <b>Use Category</b>                  | <b>% of Total Floor Area</b> |
| Lodging                              | 10%                          |
| Office                               | 15%                          |
| Residential                          | 10%                          |
| Retail and personal service          | 5%                           |
| Wholesale, distribution, and storage | 15%                          |

**Appendix 5 – Comparison Cities, revised to include additional 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                 |
|---|--|---|---|---|--|-----------------------|
| <a href="#">Arlington</a><br><a href="#">Link</a>   | Specifically defined as a “residential structure, or portion thereof...”<br><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.<br><b>[ZON]</b> | Not required / no standard                                | No  | Limited to number of off-street spaces<br><b>[REG]</b> | Unified Building Code |
| <a href="#">Atlanta</a><br><a href="#">Link</a>     | Not specified.   | Allowed in all zoning districts.<br><b>[ZON]</b>  | Required. May operate one additional STR.<br><b>[REG]</b> | No standard   | No standard  |                       |
| <a href="#">San Antonio</a><br><a href="#">Link</a> | Residential. Specifically not a hotel or motel<br><b>[ZON]</b>                           | Yes, except smallest three districts (1,250 sf lots, 2,000 sf lots, 3,000 sf lots)<br><b>[ZON]</b>  | Not required.<br><b>[ZON]</b>                             | No restriction for owner-occupied; Maximum of 12.5% of the blockface (for single family) or 12.5% of the units in one building (for multifamily) for non-owner occupied<br><b>[ZON]</b> | One space per ‘unit’<br><b>[ZON]</b>                   |                       |
| <a href="#">Austin</a><br><a href="#">Link</a>      | Residential<br><b>[ZON]</b>  | Yes, owner-occupied and non-owner occupied<br><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   | No standard  |                       |

| City  | Use Type   | Allowed in SF  | Owner Occupancy   | Spacing / concentration   | Parking     | Other   |
|---|--|--|---|---|-------------|---|
|   |  |  |   | multifamily development; maximum of 25% of the property and building in commercial districts<br>[ZON] |             |   |
| <b>Denver</b><br><a href="#">Link</a>       | Accessory to a residential use<br>[ZON]                    | Yes – is an accessory to residential use<br>[ZON]  | Primary residential use required.<br>[ZON]                              | No standard   | No standard |   |
| <b>Los Angeles</b><br><a href="#">Link</a>  | "Home-Sharing" Accessory use to a residential use<br>[ZON] | Yes - is an accessory use to residential. Maximum 120 nights / year unless approved for "extended" every night.<br>[ZON]   | Resident occupancy required; stays not required to be 'hosted'<br>[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><br><a href="#">Link</a> | "home-sharing" accessory use to residential<br>[REG]       | Yes, accessory use to residential<br>[REG]   | Resident occupancy required<br>[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><br><a href="#">Link</a>    | Tourist House. Included in definition for hotel<br>[REG]   | No. Ordinance to expressly prohibit "single-family dwelling transient rentals"<br>Def: the rental or offer for rental of any dwelling or any portion of a dwelling for a |   |   |             |   |

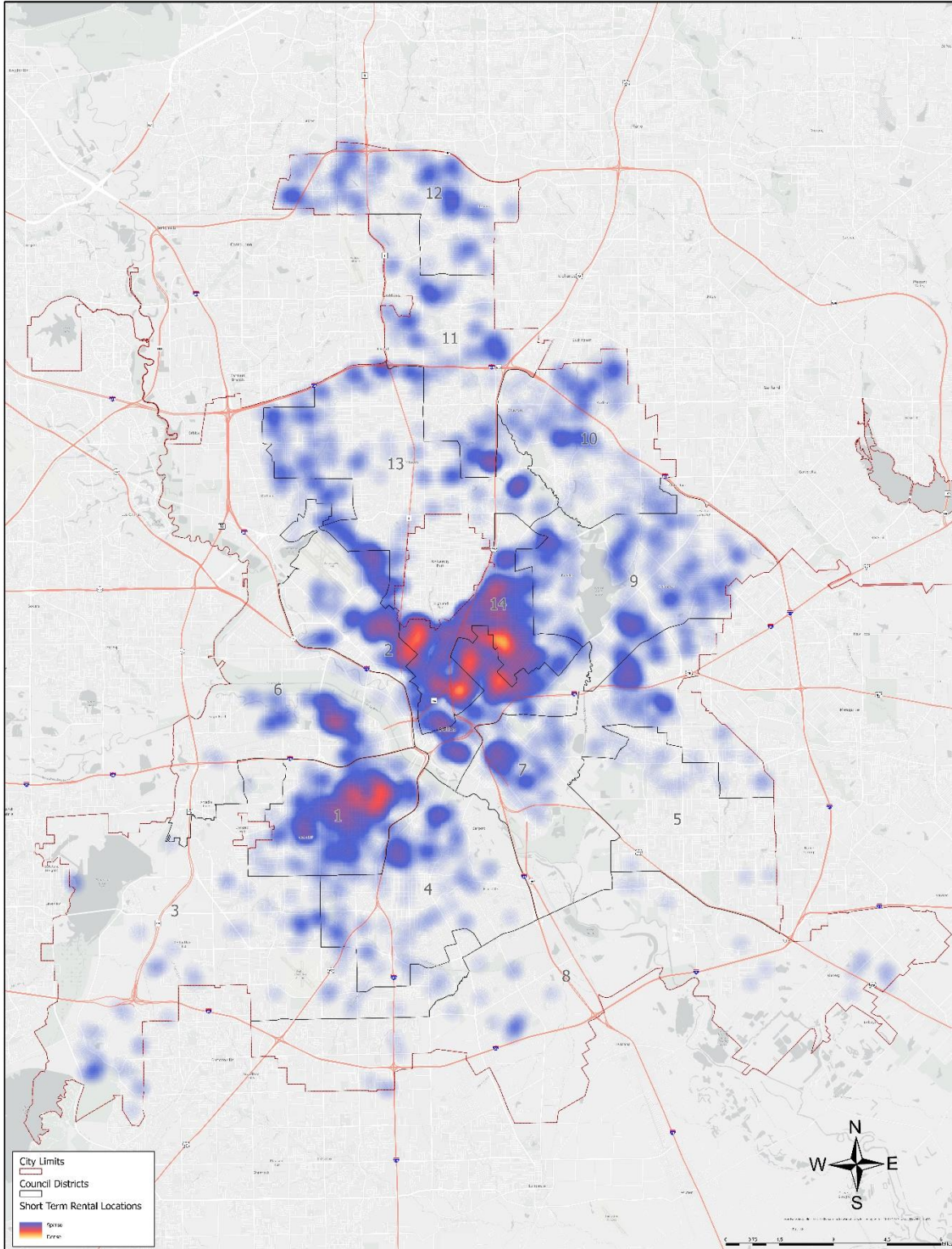
|  |   | period of less than 30 days<br>[REG]  |                         |  |  |   |
|--|---|---|-------------------------|--|--|---|
| City   | Use Type  | Allowed in SF   | Owner Occupancy         | Spacing / concentration  | Parking  | Other   |
| <b>Fort Worth</b><br><a href="#">Link</a>    | Short term home rental:<br>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 .....<br>[ZON] | No. Zoning change is required.<br><br>Allowed in Commercial and Industrial Districts<br>[ZON] | N/A                     | None   | No Regs  | The subject is under consideration with City Council. |
| <b>Southlake</b><br><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."<br>[REG]   | No. Prohibited in all districts.<br>[REG]   |                         |  |  |   |
| <b>Hurst</b><br><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."<br>[REG]  | No. Ordinance to prohibit the STR use throughout the city.<br>[REG]                           |                         |  |  |   |
| <b>New Braunfels</b><br><a href="#">Link</a> | one- or two-family dwellings that are rented for overnight lodging for less than 30 days at a time<br>[ZON]   | Selected zoning districts and areas in the city. By zoning map.<br>[ZON]                      | None specified<br>[ZON] | By zoning map that identifies different types of areas where STR may be allowable<br>[ZON] | 1 parking space per sleeping room, not including garage<br>[ZON] |   |



## Appendix 6 – 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.

### City of Dallas Short Term Rentals





| Short-Term Rentals by Council District |                                 |                                |
|--|---------------------------------|--------------------------------|
| Council District                       | Number of Active / Pending STRs | Council District Share of STRs |
| 1                                      | 347                             | 13%                            |
| 2                                      | 458                             | 18%                            |
| 3                                      | 69                              | 3%                             |
| 4                                      | 114                             | 4%                             |
| 5                                      | 13                              | 0%                             |
| 6                                      | 128                             | 5%                             |
| 7                                      | 150                             | 6%                             |
| 8                                      | 31                              | 1%                             |
| 9                                      | 182                             | 7%                             |
| 10                                     | 104                             | 4%                             |
| 11                                     | 105                             | 4%                             |
| 12                                     | 107                             | 4%                             |
| 13                                     | 167                             | 6%                             |
| 14                                     | 637                             | 24%                            |
| <b>Total</b>                           | <b>2,612</b>                    |                                |

| Short-Term Rentals by Zoning District |                                 |                               |
|---------------------------------------|---------------------------------|-------------------------------|
| Zoning District                       | Number of Active / Pending STRs | Zoning District Share of STRs |
| A(A)                                  | 1                               | 0%                            |
| CA-1(A)                               | 18                              | 1%                            |
| CD                                    | 146                             | 6%                            |
| CH                                    | 1                               | 0%                            |
| CR                                    | 23                              | 1%                            |
| CS                                    | 7                               | 0%                            |
| D(A)                                  | 80                              | 3%                            |
| GO(A)                                 | 1                               | 0%                            |
| IR                                    | 1                               | 0%                            |
| LO-1                                  | 2                               | 0%                            |
| MF-1(A)                               | 84                              | 3%                            |
| MF-2(A)                               | 238                             | 9%                            |
| MF-3(A)                               | 6                               | 0%                            |
| MU-1                                  | 7                               | 0%                            |
| MU-2                                  | 15                              | 1%                            |
| MU-3                                  | 6                               | 0%                            |
| MU-3(SAH)                             | 1                               | 0%                            |
| NS(A)                                 | 2                               | 0%                            |
| PD                                    | 919                             | 35%                           |
| R-1/2ac(A)                            | 7                               | 0%                            |
| R-10(A)                               | 94                              | 4%                            |
| R-13(A)                               | 4                               | 0%                            |
| R-16(A)                               | 34                              | 1%                            |
| R-1ac(A)                              | 4                               | 0%                            |
| R-5(A)                                | 119                             | 5%                            |
| R-7.5(A)                              | 711                             | 27%                           |
| RR                                    | 3                               | 0%                            |
| TH-1(A)                               | 11                              | 0%                            |
| TH-2(A)                               | 24                              | 1%                            |
| TH-3(A)                               | 40                              | 2%                            |
| WR-5                                  | 3                               | 0%                            |
| <b>Total</b>                          | <b>2,612</b>                    |                               |

Based on this analysis, prohibiting STRs from certain zoning districts as shown in Appendix 2 above would result in the prohibition of 48% - 54% of current active or pending registration STRs in Dallas. The low end of this range assumes no Conservation Districts are amended to prohibit STRs, and the high end assumes all Conservation Districts prohibit STRs.



Agenda Information Sheet

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**File #:** DCA212-002

**Item #:** 3.

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**AGENDA DATE:** December 8, 2022

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Department of Planning and Urban Design

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**SUBJECT**

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.

Staff Recommendation: Approval.

Zoning Ordinance Advisory Committee Recommendation: Approval.

Planner: Steven Doss

DCA212-002(SD)

Council District: All

**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

**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 create a new use to regulate overnight accommodations for a period of fewer than 30 consecutive days per rental period. The proposed amendment includes a purpose statement, definition, permitted districts, and other provisions.

**ZONING ORDINANCE ADVISORY COMMITTEE RECOMMENDATION:** Approval.

**STAFF RECOMMENDATION:** Approval.

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 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 November 10, 2022, the Office of Data Analytics and Business Intelligence (DBI) published an update to the May 2021 Short Term Rental Impact Analysis. This memo has been forwarded to the Commission and can be reviewed [here](https://dallascityhall.com/government/citymanager/Documents/FY%2022-23%20Memos/Short%20Term%20Rental%20Impact%20Analysis%20Update.pdf): [https://dallascityhall.com/government/citymanager/Documents/FY%2022-23%20Memos/Short%20Term%20Rental%20Impact%20Analysis%20Update.p  
df](https://dallascityhall.com/government/citymanager/Documents/FY%2022-23%20Memos/Short%20Term%20Rental%20Impact%20Analysis%20Update.pdf)
- Staff has forwarded communication from the public to CPC for review. This includes emails directed to specific ZOAC members as well as ZOAC as a group.

**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.

### **UPDATES SINCE NOVEMBER 17, 2022 CPC BRIEFING**

#### Use of the term “building” in lieu of “unit”

Staff recommends using a defined term such as “building” in lieu of “unit” in the definition of the proposed new use to provide clarity for implementation.

#### Use Tables

Use tables have been updated to include more detail.

**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. The Code Compliance Department 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. Council developed a general consensus that STRs should be defined as a lodging use and requested that staff refer that consensus to ZOAC. ZOAC's recommendation in this matter is consistent with the general consensus of Council.

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.

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 to the language below. Based on public input, discussion, and

research, ZOAC recommends the following proposed amendments for approval by City Plan Commission. Registration ordinance standards are not within the purview of ZOAC or CPC, and as such are not included in this case report.

### Map of Existing Short-Term Rentals

Staff has worked with GIS and City Controller's Office staff to prepare a heat 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.

### 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.
- **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.

**Proposed Amendments**

SEC 51A-4.205. LODGING USES

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

(A) Definition: A full or partial 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 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 unit rented to occupants.

(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 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.

(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.”

## 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<br/>Lodging<br/>Uses</b> | Hotel or motel | Extended stay<br>hotel or motel | Lodging or<br>boarding house | <b>Short-term<br/>rental lodging<br/>[proposed<br/>new use]</b> |
|-------------------------------------|-----------------------------------|----------------|---------------------------------|------------------------------|---|
| <b>Residential<br/>Districts</b>    | A(A)                              |                |                                 |                              |   |
|                                     | R                                 |                |                                 |                              |   |
|                                     | D(A)                              |                |                                 |                              |   |
|                                     | TH-1-3(A)                         |                |                                 |                              |   |
|                                     | CH                                |                |                                 |                              |   |
|                                     | MF-1(A)                           |                |                                 |                              |   |
|                                     | MF-1(SAH)                         |                |                                 |                              |   |
|                                     | MF-2(A)                           |                |                                 | P                            |   |
|                                     | MF-2(SAH)                         |                |                                 | P                            |   |
|                                     | MF-3(A)                           |                |                                 | P                            |   |
|                                     | MF-4(A)                           |                |                                 | P                            |   |
|                                     | MH(A)                             |                |                                 |                              |   |
| <b>Nonresidential<br/>Districts</b> | NO(A)                             |                |                                 |                              |   |
|                                     | LO(A)                             |                |                                 |                              |   |
|                                     | MO(A)                             | S*; P**;       | S                               |                              | <b>P</b>  |
|                                     | GO(A)                             | S*; P**        | S                               |                              | <b>P</b>  |
|                                     | NS(A)                             |                |                                 |                              |   |
|                                     | CR                                | S              |                                 | S                            |   |
|                                     | RR                                | S*; P**        | S                               | P                            |   |
|                                     | CS                                | S*; P**        | S                               | P                            |   |
|                                     | LI                                | S*; P**        | S                               | P                            |   |
|                                     | IR                                | S*; P**        | S                               | P                            |   |
|                                     | IM                                | S*; P**        | S                               | S                            |   |
|                                     | CA-1(A)                           | P; S*          | S                               | P                            | <b>P</b>  |
|                                     | CA-2(A)                           | P; S*          | S                               | P                            | <b>P</b>  |
|                                     | MU-1                              | S*; P**        | S                               |                              | <b>P</b>  |
|                                     | MU-1(SAH)                         | S*; P**        | S                               |                              | <b>P</b>  |
| MU-2                                | S*; P**                           | S              |                                 | <b>P</b>                     |   |

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|  |           |         |   |  |          |
|--|-----------|---------|---|--|----------|
|  | MU-2(SAH) | S*; P** | S |  | <i>P</i> |
|  | MU-3      | S*; P** | S |  | <i>P</i> |
|  | MU-3(SAH) | S*; P** | S |  | <i>P</i> |
|  | MC-1      | S*; P** | S |  | <i>P</i> |
|  | MC-2      | S*; P** | S |  | <i>P</i> |
|  | MC-3      | S*; P** | S |  | <i>P</i> |
|  | MC-4      | S*; P** | S |  | <i>P</i> |
|  | UC-1      |         |   |  | <i>P</i> |
|  | UC-2      |         |   |  | <i>P</i> |
|  | UC-3      |         |   |  | <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><br><a href="#">Link</a>   | Specifically defined as a “residential structure, or portion thereof...”<br><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.<br><b>[ZON]</b> | Not required / no standard                                | No   | Limited to number of off-street spaces<br><b>[REG]</b> | Unified Building Code |
| <b>Atlanta</b><br><a href="#">Link</a>     | Not specified.   | Allowed in all zoning districts.<br><b>[ZON]</b>  | Required. May operate one additional STR.<br><b>[REG]</b> | No standard  | No standard  |                       |
| <b>San Antonio</b><br><a href="#">Link</a> | Residential. Specifically, not a hotel or motel<br><b>[ZON]</b>                          | Yes, except smallest three districts (1,250 sf lots, 2,000 sf lots, 3,000 sf lots)<br><b>[ZON]</b>  | Not required.<br><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<br><b>[ZON]</b>  | One space per ‘unit’<br><b>[ZON]</b>                   |                       |
| <b>Austin</b><br><a href="#">Link</a>      | Residential<br><b>[ZON]</b>  | Yes, owner-occupied and non-owner occupied<br><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<br><b>[ZON]</b> | No standard  |                       |

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

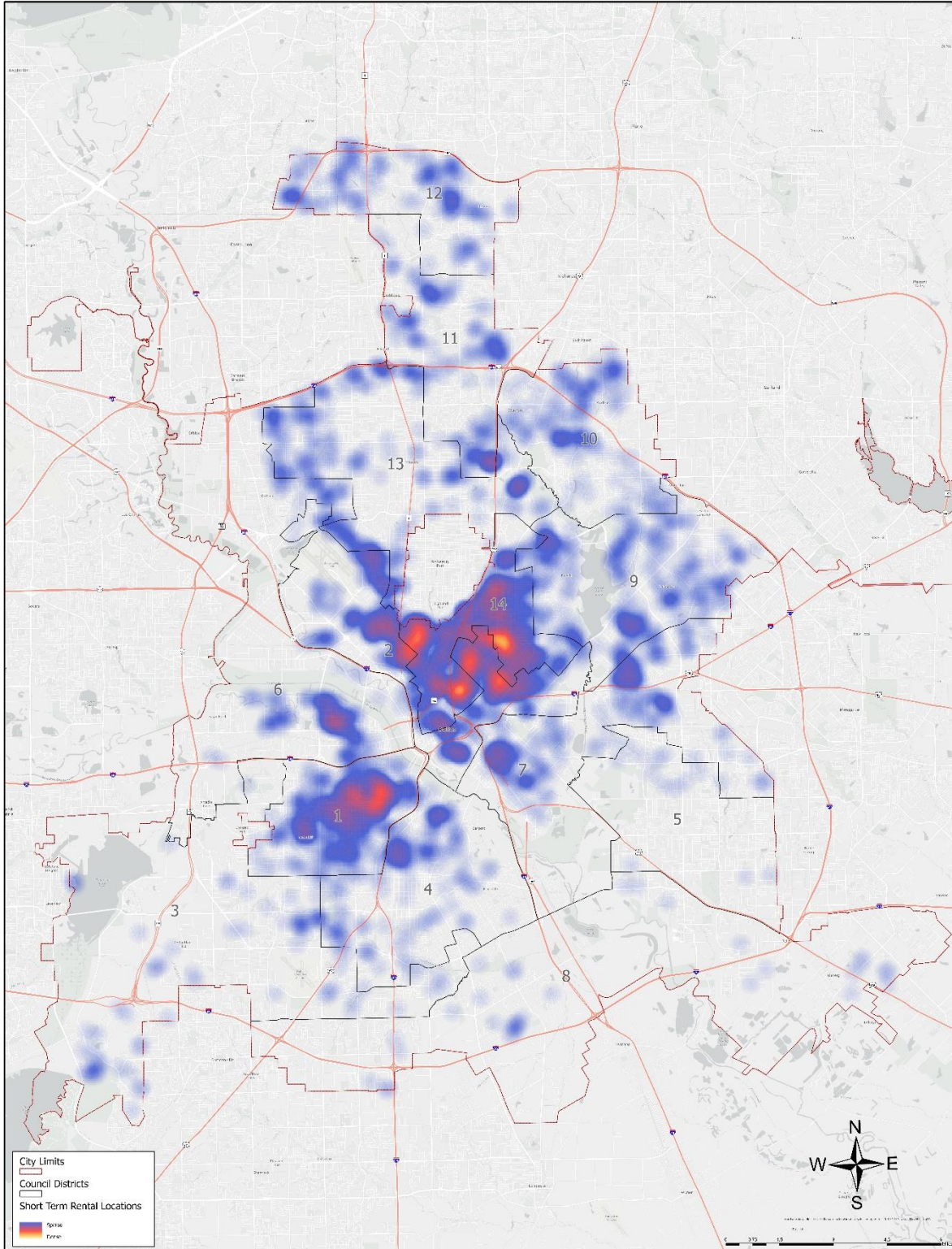
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| City   | Use Type  | Allowed in SF  | Owner Occupancy                | Spacing / concentration   | Parking   | Other   |
|--|---|--|--------------------------------|---|---|---|
| <b>Fort Worth</b><br><a href="#">Link</a>    | Short term home rental:<br>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<br>.....<br><b>[ZON]</b> | No. Zoning change is required.<br><br>Allowed in Commercial and Industrial Districts<br><b>[ZON]</b> | N/A                            | None  | No Regs   | The subject is under consideration with City Council. |
| <b>Southlake</b><br><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.<br><b>[REG]</b>   | No. Prohibited in all districts.<br><b>[REG]</b>   |                                |   |   |   |
| <b>Hurst</b><br><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.<br><b>[REG]</b>  | No. Ordinance to prohibit the STR use throughout the city.<br><b>[REG]</b>                           |                                |   |   |   |
| <b>New Braunfels</b><br><a href="#">Link</a> | one- or two-family dwellings that are rented for overnight lodging for less than 30 days at a time<br><b>[ZON]</b>  | Selected zoning districts and areas in the city.<br>By zoning map.<br><b>[ZON]</b>                   | None specified<br><b>[ZON]</b> | By zoning map that identifies different types of areas where STR may be allowable<br><b>[ZON]</b> | 1 parking space per sleeping room, not including garage<br><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.

City of Dallas Short Term Rentals





**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

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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.

The 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 Code Compliance Department 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.