

Accessory Home- Sharing DCA212-010

City Plan Commission
December 8, 2022



City of Dallas

Planning & Urban Design
City of Dallas

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.
- Requested by CPC to be briefed today



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.



Accessory Uses in other cities



Denver

- Allows short-term rental use as an accessory to a primary residential use, operated by the resident
- Allowed by right in all districts that allow residential uses
- Requires registration separate from zoning requirements
- No other form of short-term rental allowed, aside from typical hotel / bed and breakfast / etc uses.

Los Angeles

- Allows home-sharing use as an accessory to a primary residential use, operated by the resident (owner or renter)
- Allowed by right in all districts that allow residential uses
- Requires registration separate from zoning requirements
- No other form of home-sharing allowed, aside from typical hotel / bed and breakfast / etc uses.



Section 11.12.7 Definitions of Uses Accessory to Primary Residential Uses

- Short term rental allowed for “temporary guest housing to non-residents, for compensation, by the person or persons maintaining the primary dwelling unit use as their primary residence.”

Section 12.03 Exceptions

- “HOME-SHARING. An accessory use of a Host’s Primary Residence for a maximum of 120 days in a calendar year for the purpose of providing Short-Term Rental in compliance with the registration and other requirements of Los Angeles Municipal Code Section 12.22 A 32.”
- Primary Resident resides in the location “for more than 6 months of the calendar year”

Accessory Uses: General Provisions



51A-4.217 Accessory Uses

(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.



Accessory Uses: General Provisions



51A-4.217 Accessory Uses

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



Accessory Uses: General Provisions



51A-4.217 Accessory Uses

(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.



Accessory Uses: General Provisions



51A-4.217 Accessory Uses

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

(5) *omitted for brevity – related to alcohol sales*



Accessory Uses: Potential New Use



51A-4.217 (b) 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.



Accessory Uses: Potential New Use



51A-4.217 (b) 2.1 Accessory Home-sharing

(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.



Accessory Uses: Potential New Use



51A-4.217 (b) 2.1 Accessory Home-sharing

(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.



Accessory Uses: Potential New Use



51A-4.217 (b) 2.1 Accessory Home-sharing

(E) Additional provisions:

(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.]*



Accessory Uses: Potential New Use



51A-4.217 (b) 2.1 Accessory Home-sharing

(E) Additional provisions:

(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.



Other Cities with Home-sharing



- Denver: Short-term Rental as accessory use to residential.
- Los Angeles: Accessory home-sharing, as discussed previously
- Philadelphia: Accessory Use, residency required



Next Steps



- 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.



Short-Term Rentals DCA212-010



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Accessory Uses: Example



51A-4.217 Accessory Uses

(9) Occasional sales (garage sales).

(A) Definition: The sale of tangible personal property at retail by a person who is not in the business or does not hold himself or herself out to be in the business of selling tangible personal property at retail.

(B) District restrictions: This accessory use is not permitted in the P(A) district.

(C) Required off-street parking: None.

(D) Required off-street loading: None.



Accessory Uses: Example



51A-4.217 Accessory Uses

(9) Occasional sales (garage sales).

(E) Additional provisions:

(i) A person shall sell tangible personal property only on the premises of the owner or lessee of the premises where the sale is conducted, and the owner or lessee must be the legal owner of the tangible personal property at the time of the sale.



Accessory Uses: Example



51A-4.217 Accessory Uses

(9) Occasional sales (garage sales).

(E) Additional provisions:

(ii) The sale must be inside the building or garage, or on an approved surface as described in Section 51A-4.301(d)(4).

(iii) A person shall not sell, offer, or advertise for sale merchandise made, produced, or acquired solely for the purpose of resale at an occasional sale.



Accessory Uses: Example



51A-4.217 Accessory Uses

(9) Occasional sales (garage sales).

(E) Additional provisions:

(iv) A person shall not conduct an occasional sale for a duration of more than three consecutive calendar days.

(v) A person shall not conduct more than two occasional sales at a premises during any 12 month period.



Accessory Uses: Example



51A-4.217 Accessory Uses

(9) Occasional sales (garage sales).

(E) Additional provisions:

(vi) A person shall not place more than one sign, not to exceed two square feet in effective area, upon the lot where the sale is taking place. Up to five signs, not to exceed two square feet in effective area each, are permitted at locations remote from the sale property with the permission of the owner of the remote location. ...



Accessory Uses: Example



51A-4.217 Accessory Uses

(9) Occasional sales (garage sales).

(E) Additional provisions:

(vii) The area restrictions in Subsection (a)(3) do not apply to this use.

(viii) Any advertisement of an occasional sale or of an item being offered for sale at an occasional sale must contain the street address at which the sale will occur and the date(s) on which the sale will occur.



Accessory Uses: Example



51A-4.217 Accessory Uses

(9) Occasional sales (garage sales).

(E) Additional provisions:

(ix) A person commits an offense if he operates an occasional sale without a valid permit under Section 51A-1.105(x).



Short-Term Rentals DCA212-002

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December 8, 2022

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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.



Background



- 2020, February: initial staff briefing to City Council Quality of Life, Arts and Culture Committee (QLAC)
- 2020, June – December: meetings of the QLAC initiated STR Task Force
- 2021, January: briefing @ QLAC.
- 2021, February: closed session briefing @ QLAC
- 2021, March: briefing @ QLAC
- 2021, May: public comments @ City Council
- 2021, November – 2022, January: restructured QLAC STR Task Force
- **2021, December: City Plan Comm. authorized code amendment**
- 2022, January and February: public and stakeholder input @ QLAC
- 2022, May 4, June 1, June 15: City Council briefings
- 2022, June 7: memo signed by 5 Council Members for City Manager



Background (cont'd)



- 2022, June - September: Zoning Ordinance Advisory Committee (ZOAC) meetings to discuss potential development code amendments and take public comment.
- 2022, October: ZOAC makes recommendation to CPC



Short-Term Rentals - General Information



- STRs are typically residential properties that are rented for overnight accommodation for a period of fewer than 30 consecutive days.
- Currently no standards in the Dallas development code related to the use of a residence as a short-term rental.



Short-Term Rentals - General Information



- City's Tax Code (Chapter 44) considers STRs to be a lodging use for purposes of collecting the City's Hotel Occupancy Tax (HOT). Compliance requires that an operator of an STR register with the City Controller's Office and remit the HOT as required.
- Chapter 27 of the City Code requires that all residential properties rented for 30 days or more, be registered with the Code Compliance Department and inspected. However, Chapter 27 exempts STRs that pay the HOT from registration and inspection requirements.



Short-Term Rentals – Regulatory / Licensing



- City Council priority on STR regulations and briefings on a potential comprehensive package of STR regulations.
- An interdepartmental effort: Code Compliance Services, the City Attorney's Office, City Controller, and Planning and Urban Design.
- Code Compliance is developing proposed standards for an STR registration and regulation ordinance.
- Per direction from City Council at the June 15, 2022, briefing – zoning option preferred by City Council.



ZOAC Discussion



- Discussion at ZOAC meetings consisted of a definition for STRs, owner / operator occupancy, appropriate development standards and zoning districts, and nuisance abatement measures.
- Important to note that nuisance abatement (noise, litter, traffic / street parking concerns, etc.) do not fall under the development code, but rather are regulated by other chapters (Chapter 27, Minimum Property Standards) and enforced by Code Compliance Services. These standards will be determined by the regulatory / licensing ordinance.

Proposed Amendment (from 8/16 motion)



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.



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) 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.”



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.

Will be included in enacting ordinance, not in Chapter 51A.



Next Steps

- City Council discusses and holds public hearing(s)
- City Council has final authority to approve or modify the proposed ordinance.



Short-Term Rentals DCA212-002

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