

Draft Short-Term Rental Code Amendments

Amend Table 5.2-A: Table of Allowed Uses as follows:

	Residential							Mixed-Use			Corridor		Other Nonresidential				Use-Specific Standards	
	RR	R1	R2	R3	R4	R6	R7	MN	MD	MR	SC	HC	GO	LI	HI	PF		
Commercial Uses																		
LODGING FACILITIES																		
Short-Term Rental	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+	5.3.5T	

Commented [MA1]: The purpose of the Code amendment is to allow Short-Term Rentals in Zoning Districts that allow residential uses by right or by Specific Use Permit.

Amend Section 5.3.5T as follows:

T. Short-Term Rental

1. Registration Requirements

No person or entity shall advertise, offer to rent, or rent, lease, sublease, license, or sublicense a residential property dwelling unit or bedroom within the city as a short-term rental for which a registration has not been properly made and filed with the Development Services Department. Registration shall be made upon forms furnished by the city for such purpose and shall specifically require the following minimum information:

- a. Name, address, phone number and e-mail address of the property owner and the management company (if applicable) of the short-term rental property;
- b. Verification that the proposed short-term rental property dwelling unit or bedroom is managed by the property owner or by a management company;
- c. Name, address, phone number and e-mail address of the designated Local Emergency Contact local emergency contact;
- d. The maximum number of occupants permitted for the dwelling unit or sleeping room in accordance with Subsection 5.3.1D: Maximum Persons Occupying a Dwelling;
- d. If the applicant does not own the property where the short-term rental is located, the registrant must provide written authorization, signed by the property owner before a notary public, authorizing the registrant to operate a short-term rental on the premises.

Commented [MA2]: The purpose of the Code amendment is to clarify that an entire unit or a single bedroom can be a Short-Term Rental.

Commented [MA3]: The purpose of the Code amendment is to obtain information of the management company managing the Short-Term Rental, if applicable.

Commented [MA4]: The purpose of the Code amendment is to capitalize Local Emergency Contact to let the reader know that a definition is provided in Section 9.2 Definitions of the DDC.

Commented [MA5]: The purpose of the Code amendment is to clarify that written authorization is required by the property owner.

- e. A submission of a sketch floor plan of the dwelling dimensional room layout; and
- f. A site plan/survey of the property indicating maximum number of vehicles that can be legally parked on the property, without encroaching onto streets, sidewalks or alleys, other public rights-of-way or public property. The site plan/survey is required to ensure compliance with Section 5.3.5T.2.c.

Commented [MA6]: The purpose of the Code amendment is to provide reason for the site plan/survey requirement.

2. **Registration Certificates**

a. **Residential Zoning Districts**

- i. One thousand (1,000)- Registration Certificate Limit. The Department of Development Services shall issue a maximum of one thousand (1,000) short-term rental registration certificates per calendar year in Residential Zoning Districts (RR-R7). Registration certificates are per short-term rental unit, and the registration certificate cap applies to all residential use types (including multi-family) in residential districts.
- ii. The Department of Development Services shall process applications in the order of receipt and shall issue new registration certificates in the order that complete applications are received.
- iii. If the number of registration certificates reaches the one thousand (1,000)- registration certificate limit, then the Department of Development Services shall stop processing applications and add applicants to a waiting list.
- iv. A maximum of two (2) short-term rental registration certificates may be issued per parcel.
- v. A short-term rental unit cannot be within 100 feet of an existing short-term rental unit, measured at the property boundary. This does not apply to units on the same parcel.
- vi. All short-term rental registration certificates expire on December 31 of each calendar year.
- vii. Renewal season takes place from November 1 through December 31 of each year. Only renewal applications are accepted during this time.

Commented [MA7]: "Registration Certificate" is consistent with the language our Zoning Compliance Officers use and with the language withing this ordinance.

Commented [MA8]: The purpose of this Code amendment is to establish a 1,000-permit cap and a distance separation requirement for Short-Term Rentals in residential zoning districts.

b. **Non-residential Zoning Districts**

- i. Registered short-term rentals in non-residential zoning districts do not count toward the one thousand (1,000)- registration certificate cap.
- ii. In multifamily developments, no more than 10% of the units within a given development may be registered as a short-term rental.
- iii. At least two (2) short-term rental units shall be allowed per multifamily development.
- iv. Short-term rentals within non-residential zoning districts are not subject to the 100-foot separation rule.

Commented [MA9]: The purpose of this Code amendment is to clarify that Short-Term Rentals in non-residential Zoning districts do not count towards the 1,000-registration certificate cap, nor are they subject to the distance separation requirement.

2.3. Operation

a. External Signage

There shall be no external on-site or off-site advertising signs or displays indicating the property is a short-term rental.

b. Limit on Occupants Allowed

No more than two adult guests per bedroom, plus no more than two additional adults shall be allowed when renting a property as a short-term rental, except that there shall be a maximum occupancy of 10 persons, adults and children.

c. Limits on Number of Vehicles

~~There shall be a maximum of one vehicle per bedroom, or the maximum number of vehicles that can be accommodated within the garage and driveway, without extending over the public rights of way (alleys and sidewalks), whichever is less. The maximum number of vehicles allowed at a short-term rental shall be limited to the number of available off-street parking spaces.~~

Commented [MA10]: The purpose of this Code Amendment is to clarify parking requirements for Short-Term Rentals

d. Advertisements and Contracts

Any advertisement of the property as a short-term rental and all rental contracts must contain language that specifies: the allowed maximum number of occupants; and maximum number of vehicles; and states that the short-term rental may not be used for the sole or primary purpose of having a party venue.

Commented [MA11]: The purpose of the Code amendment is to clarify that Short-Term Rentals shall not be used for the sole or primary purpose of having a party venue.

e. Other Restrictions and Enforcement

~~It is unlawful. The following actions are violations of this DDC and are enforceable as established in Section 1.6 Enforcement Actions.~~

Commented [MA12]: The purpose of the Code amendment is to provide the Enforcement Actions Section of the DDC.

i. To ~~advertise, offer, operate or allow to be operated as~~ a short-term rental without first registering, in accordance with this DDC, the property in which the rental is to occur;

ii. ~~To advertise or offer a short-term rental without first registering, in accordance with this DDC, the property in which the rental is to occur; documented advertisement of the subject property as a short-term rental, online or offline, shall be considered evidence of a violation of this DDC;~~

iii.ii. ~~To operate a short-term rental that does not comply with all applicable city and state laws and codes;~~

iv.iii. ~~To operate a short-term rental without paying the required hotel occupancy taxes;~~

v.iv. ~~To offer or allow the use of a short-term rental for the sole or primary purpose of having a party venue (e.g. wedding reception, concert, bachelor or bachelorette party, or any similar activity that would assemble large numbers of attendees);~~

vi. ~~To fail to include a written prohibition against the use of a short-term rental for having a party in every advertisement, listing, or other publication offering the premises for rent; and~~

v. ~~Permit To permit~~ the use of short-term rental for the purpose of: housing sex offenders; operating a structured sober, recovery or other purpose

Commented [MA13]: The purpose of the Code amendment is to consolidate two provisions (i and ii) into one.

Commented [MA14]: The purpose of the Code amendment is to delete a provision already addressed in the previous Advertisements and Contracts Section above.

living home or similar enterprise; selling illegal drugs; selling alcohol or another activity that requires a permit or license under the Alcoholic Beverage Code; or operating as a sexually oriented business;:

- vi. To fail to update all required registration materials within 30 days if there is a change in Local Emergency Contact, property ownership, or property management company for a registered short-term rental.
- vii. To operate a short-term rental in a vehicle. Refer to Chapter 17, Section 17-2 of the City's Municipal Code of Ordinances for the definition of vehicle and Section 17-101.A (12) prohibiting the use a vehicle for living or sleeping quarters;
- viii. To operate a short-term rental within a non-permanent structure;
- ix. To not have a Local Emergency Contact available to respond to complaints; and
- vii.x. To not correct any violation(s) found during inspection.

Commented [MA15]: The purpose of the Code amendment is to clarify that a RV or a travel trailer cannot be used as a Short-Term Rental.

Commented [MA16]: The purpose of the Code amendment is to clarify that a non-permanent structure cannot be used as a Short-Term Rental.

3.4. Brochure Written Briefing and Safety Features

a. Informational Brochure-Written Briefing

Each registrant operating a short-term rental shall provide to guests, in writing, a brochure or e-brochure that includes:

- i. The registrant's 24-hour contact information of the designated Local Emergency Contact;
- ii. A local responsible party's 24-hour contract information if the owner is not within the city limits when guests are renting the premises;
- iii. Pertinent neighborhood information including, but not limited to, parking restrictions, restrictions on noise and amplified sound, and trash collection schedules; and
- iv. Information to assist guests in the case of emergencies posing threats to personal safety or damage to property, including emergency and non-emergency telephone numbers for police, fire, and emergency medical services providers and instructions for obtaining severe weather, natural or manmade disaster alerts and updates.

Commented [MA17]: The purpose of the Code amendment is to consolidate two provisions (i and ii) into one and to clarify the contact information of the designated Local Emergency Contact shall be provided in the Informational Brochure.

b. Safety Features

Each short-term rental registrant shall provide, in the premises, working smoke detectors in accordance with adopted codes, at least one working carbon monoxide detector and alarm, and one working fire extinguisher. The premises shall, otherwise comply with all applicable City regulations, including but not limited to Building and Fire Codes.

4.5. Notification of Approval of Short-Term Rental Registration

Within 10 days of the approval of a short-term rental registration, the city shall send notice to all property owners within 100 feet of the subject property, and shall include the contact information of the designated Local Emergency Contact 24-hour complaint line, and pertinent information about standards regulating short-term rentals.

5.6. Registration Term, Fees, and Renewal Revocation

- a. All short-term rental registrations approved under this DDC shall be valid for a period of one year from the date of its issuance shall expire on December 31 of each calendar year.
- b. The fee for registration of a short-term rental is identified in the City's adopted Fee Schedule-Administrative Criteria Manual.
The Director may revoke a short-term rental registration Upon receipt of an application for renewal of the registration, the Director may deny the renewal if there is reasonable cause to believe that:
 - i. The registrant has plead no contest to or been convicted of a violation of any ordinance of the city, or any state, or federal law on the premises or has permitted such a violation on the premises by any other person; or
 - ii. There are grounds for suspension, revocation, or other registration sanction as provided in this DDC or other applicable city codes.

Commented [MA18]: The December 31 expiration date is consistent with the registration certificate expiration noted in Section 2 of this Subsection.

c. In lieu of the revocation standards in Subsection 1.6.5B.4, the Director may revoke a short-term rental registration if the registrant has:

1. Received three notices for violations of the Property Maintenance Code or citations for violations of the Denton Development Code, any other ordinance of the city, or any state or federal law on the premises within the preceding 12-month time period. Examples of such violations include, but are not limited to, noise violations, trash and debris violations, violations for parking vehicles in a manner that impedes the sidewalk or is on an unimproved surface; or
2. Knowingly permitted three notices for violations of the Property Maintenance Code or citations for violations of the Denton Development Code, any other ordinance of the city, or any state or federal law on the premises by any other person within the preceding 12-month time period; or
3. Knowingly made a false statement on the registration application.

d. Notice of the revocation shall be given to the registrant in writing, served by certified United States mail to the registrant's mailing address on record. The revocation shall become effective fourteen (14) days from the date of mailing.

e. The Director's decision is final. The Director's decision is final unless the owner files a written appeal pursuant to the procedures established in Subsection 2.8.3: Appeal of Administrative Decision.

f. In the event registrant's short-term rental registration is revoked by the Director and the registrant fails to successfully appeal the Director's decision, no second or additional registration shall be issued for a short-term rental on the premises for 12 months of the date such registration was revoked.

6.7. Right to Inspect Premises

The City of Denton reserves the right, with reasonable notice to the owner, to inspect the residential premises dwelling unit or bedroom to determine compliance with this DDC as well as other applicable city codes.

- a. If only a portion of the premises (bedroom) is offered for rent, then that portion, plus shared amenities and points of access, may be inspected.
- b. If, upon completion of an inspection, the premises are found to be in violation of one or more provisions of applicable city codes and ordinances, the city shall provide written notice of such violation and shall set a re-inspection date for a violation to be corrected prior to renewal of registration its occupancy.
- c. Inspections shall be required within six (6) months for all new registrations, when a registration is transferred to another owner, or when additions or modifications are performed to the property which requires a City building permit. Inspections may be required for renewals or upon a violation of any ordinance of the city, state, or federal law.

Commented [MA19]: The purpose of this language is to specify the revocation standards for STRs varies from the procedures outlined in 1.6.5B.4

Commented [MA20]: The purpose of the Code amendment is to clarify that the Director may revoke a Short-Term Rental registration at any time for reasonable cause. In addition, to clarify how and when a revocation can occur.

Commented [MA21]: The purpose of this Code Amendment is to refer to the Subsection in the DDC which outlines the appeals process.

Commented [MA22]: The purpose of the Code amendment is to clarify how and when inspections of Short-Term Rentals can occur.

d. Inspections shall occur between the hours of 8:00 a.m. and 5:00 p.m.; provided, however, that in cases of emergency where extreme hazards are known to exist which may involve imminent injury to persons, loss of life, or severe property damage, the building official or designee may enter the short-term rental at any time and upon presentation of identification without the owner's permission.

Amend Section 5.3.1D Maximum Persons Occupying a Dwelling as follows:

No single dwelling unit shall have more than four unrelated persons residing therein, nor shall any "family" have, additionally, more than four unrelated persons residing with such family. Hotels, motels, bed and breakfast establishments, boarding houses, chapter house, and dormitories, Community Homes, Group Homes, Elderly Housing, and Short-Term Rentals are exempt from this requirement. Additionally, any organization or institutional group that receives federal or state funding for the care of individuals is exempt from this requirement.

Commented [MA23]: The purpose of the Code amendment is to also exempt Short-Term Rentals from the general requirement of Section 5.3.1D.

Amend Table 7.9-I: Minimum Required Off-Street Parking as follows:

Table 7.9-I: Minimum Required Off-Street Parking

Short-Term Rental: 1 space per guestroom The maximum number of vehicles allowed at a short-term rental shall be limited to the number of available off-street parking spaces.

Amend Section 9.2 Definitions as follows:

Short-Term Rental

The rental of an entire dwelling unit or bedroom for monetary consideration for a period of time not less than 24 hours and not more than 29 consecutive days less than 30 consecutive days, not including a bed and breakfast, boarding or rooming house, hotel, or motel. This definition does not include offering the use of one's property where no fee is charged or collected.

Commented [MA24]: The purpose of the Code amendment is to clarify how long a Short-Term Rental can occur.

Local Emergency Contact

An individual other than the applicant, who resides within 20 miles of the subject property, and who is designated by the owner/applicant to act as the owner's authorized agent if the owner has traveled outside of the immediate area or is otherwise unavailable. The local emergency contact should be reachable The property owner, registrant, or individual designated by the property owner who is available on a 24-hour basis, have access to the Short-Term Rental Property, and be authorized by the owner to act in the owner's absence to address any complaints, disturbances, and emergencies.

Commented [MA25]: The purpose of the Code amendment is to simplify the definition of Local Emergency Contact.