

6-14-23

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ORDINANCE NO. \_\_\_\_\_

An ordinance amending Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended," and Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code by amending Sections 51-4.216.1, 51A-4.110, 51A-4.121, 51A-4.124, 51A-4.125, 51A-4.126, 51A-4.127, and 51A-4.205; providing regulations for short-term rental lodging uses; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, short-term rentals have never been a recognized land use in the Dallas Development Code and do not fit within the definition of any other land use in the Dallas Development Code; and

WHEREAS, the City of Dallas began examining the impact of short-term rentals in 2019; and

WHEREAS, the city council quality of life, arts, and culture committee was first briefed on short-term rentals on February 18, 2020; and

WHEREAS, the city council quality of life, arts, and culture committee appointed a task force to examine the impact of short-term rentals and to explore effective means of regulating them, with the task force holding its first meeting on June 12, 2020; and

WHEREAS, the city council quality of life, arts, and culture committee was briefed by memo on the progress of the short-term rental task force on September 21, 2020, October 19, 2020, and November 16, 2020; and

WHEREAS, the city council quality of life, arts, and culture committee was presented recommendations from the short-term rental task force on January 19, 2021; and

WHEREAS, the city council quality of life, arts, and culture committee was briefed on options for regulating short-term rentals on March 23, 2021; and

WHEREAS, city council held a public hearing to gather input on regulating short-term rentals on May 5, 2021; and

WHEREAS, city staff sought guidance from the city council quality of life, arts, and culture committee on options for regulating short-term rentals on May 17, 2021; and

WHEREAS, the quality of life, arts, and culture short-term rental task force was restructured in November 2021 to include representation from community stakeholders, short-term rental operators, and short-term rental platforms; and

WHEREAS, the restructured short-term rental task force met on November 15, 2021, November 29, 2021, and January 3, 2022; and

WHEREAS, the city plan commission authorized a public hearing to determine the proper zoning regulations for short-term rentals on December 2, 2021; and

WHEREAS, the city council quality of life, arts, and culture committee held a public hearing to gather input on the impact and effective regulation of short-term rentals on January 31, 2022; and

WHEREAS, city council was briefed on short-term rental regulation options on May 4, 2022; June 1, 2022, and June 15, 2022; and

WHEREAS, the city plan commission's zoning ordinance advisory committee held meetings on June 23, 2022, July 7, 2022, August 2, 2022, August 16, 2022, August 30, 2022, and October 4, 2022, where the committee examined numerous options for appropriate zoning regulations for short-term rentals; and

WHEREAS, the city plan commission was briefed on the recommendation from the zoning ordinance advisory committee on November 17, 2022; and

WHEREAS, the city plan commission held a public hearing to determine proper zoning regulations for short-term rentals on December 8, 2022, where, after hearing from numerous speakers, the commission recommended defining short-term rentals as a lodging use and prohibiting short-term rental lodging in residential zoning districts; and

WHEREAS, the city council quality of life, arts, and culture committee was briefed on the city plan commission's zoning recommendation and staff's recommendation for a short-term rental registration ordinance on March 20, 2023; and

WHEREAS, the city council was briefed on the city plan commission's zoning recommendation and staff's recommendation for a short-term rental registration ordinance on April 4, 2023 and June 7, 2023; and

WHEREAS, the city plan commission and city council received input from hundreds of speakers both in favor of, and in opposition to, regulation of short-term rentals through zoning and registration ordinances; and

WHEREAS, the city council finds that continued operation of short-term rentals in single-family neighborhoods is detrimental to the peaceful enjoyment of residents living in their homes due to the transient nature of short-term rentals and associated nuisances like increased noise and overparking on city streets; and

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WHEREAS, the city council finds that the transient nature of short-term rentals renders them a non-residential use that is not compatible with uses generally found in single-family zoning districts; and

WHEREAS, the city council finds that short-term rentals should be regulated through registration and operational requirements in multifamily and non-residential zoning districts; and

WHEREAS, the city council finds that the city of Dallas is experiencing a housing crisis and that continued operation of short-term rentals in single-family neighborhoods removes needed housing stock from potential Dallas renters and homeowners; and

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to the Dallas City Code; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Section 51-4.216.1, “Lodging Uses,” of Division 51-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” of the Dallas City Code is amended by adding a new Paragraph (5), “Short-Term Rental Lodging,” to read as follows:

“(5) Short-term rental lodging.

(A) Definition: A full or partial rentable 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, GO, multiple family, and central area districts.

(C) Required off-street parking: One space per bedroom used as short-term rental lodging.

(D) Required off-street loading: none.

(E) Additional provisions:

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

(ii) The number of short-term rentals in a single rentable 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 it is located in a zoning district in which the use is permitted and a certificate of occupancy is issued for the use.

(iv) Short-term rental lodging is prohibited in a multiple family structure that has received a density bonus under Division 51-4.900.

(v) For purposes of this paragraph, rentable unit means one or more rooms designed to accommodate tenants containing one or more kitchens, one or more bathrooms, and one or more bedrooms."

SECTION 2. That Subparagraph (E), "Lodging Uses," of Paragraph (2), "Main Uses Permitted," of Subsection (a), "MF-1(A) and MF-1(SAH) Districts," of Section 51A-4.116, "Multifamily Districts," of Division 51A-4.110, "Residential District Regulations," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

“(E) Lodging uses.

-- Short-term rental lodging. [None permitted.]”

SECTION 3. That Subparagraph (E), "Lodging Uses," of Paragraph (2), "Main Uses Permitted," of Subsection (b), "MF-2(A) and MF-2(SAH) Districts," of Section 51A-4.116, "Multifamily Districts," of Division 51A-4.110, "Residential District Regulations," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

“(E) Lodging uses.

- Short-term rental lodging.
- Lodging or boarding house.”

SECTION 4. That Subparagraph (E), “Lodging Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (c), “MF-3(A) District,” of Section 51A-4.116, “Multifamily Districts,” of Division 51A-4.110, “Residential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(E) Lodging uses.

- Short-term rental lodging.
- Lodging or boarding house.”

SECTION 5. That Subparagraph (E), “Lodging Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (d), “MF-4(A) District,” of Section 51A-4.116, “Multifamily Districts,” of Division 51A-4.110, “Residential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(E) Lodging uses.

- Short-term rental lodging.
- Lodging or boarding house.”

SECTION 6. That Subparagraph (E), “Lodging Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (c), “MO(A) Districts (MO-1 and MO-2),” of Section 51A-4.121, “Office Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(E) Lodging uses.

- Extended stay hotel or motel. *[SUP]*
- Hotel or motel. *[RAR] or [SUP] [See Section 51A-4.205(1).]*
- Overnight general purpose shelter. *[See Section 51A-4.205(2.1)].*

-- Short-term rental lodging.

SECTION 7. That Subparagraph (E), "Lodging Uses," of Paragraph (2), "Main Uses Permitted," of Subsection (d), "General Office [GO(A)] District," of Section 51A-4.121, "Office Districts," of Division 51A-4.120, "Nonresidential District Regulations," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(E) Lodging uses.

- Extended stay hotel or motel. *[SUP]*
- Hotel or motel. *[RAR]*
- Overnight general purpose shelter. *[See Section 51A-4.205(2.1)].*
- Short-term rental lodging.

SECTION 8. That Subparagraph (E), "Lodging Uses," of Paragraph (2), "Main Uses Permitted," of Subsection (a), "CA-1(A) District," of Section 51A-4.124, "Central Area Districts," of Division 51A-4.120, "Nonresidential District Regulations," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(E) Lodging uses.

- Extended stay hotel or motel. *[SUP]*
- Hotel or motel.
- Lodging or boarding house.
- Overnight general purpose shelter. *[See Section 51A-4.205(2.1)].*
- Short-term rental lodging.

SECTION 9. That Subparagraph (E), "Lodging Uses," of Paragraph (2), "Main Uses Permitted," of Subsection (b), "CA-2(A) District," of Section 51A-4.124, "Central Area Districts," of Division 51A-4.120, "Nonresidential District Regulations," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

“(E) Lodging uses.

- Extended stay hotel or motel. *[SUP]*
- Hotel or motel.
- Lodging or boarding house.
- Overnight general purpose shelter. *[See Section 51A-4.205(2.1)].*
- Short-term rental lodging.”

SECTION 10. That Subparagraph (E), “Lodging Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (d), “MU-1 and MU-1(SAH) Districts,” of Section 51A-4.125, “mixed Use Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(E) Lodging uses.

- Extended stay hotel or motel. *[SUP]*
- Hotel or motel. *[RAR] or [SUP] [See Section 51A-4.205(1)].*
- Short-term rental lodging.”

SECTION 11. That Subparagraph (E), “Lodging Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (e), “MU-2 and MU-2(SAH) Districts,” of Section 51A-4.125, “Mixed Use Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(E) Lodging uses.

- Extended stay hotel or motel. *[SUP]*
- Hotel or motel. *[RAR]*
- Overnight general purpose shelter. *[See Section 51A-4.205(2.1)].*
- Short-term rental lodging.”



SECTION 12. That Subparagraph (E), “Lodging Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (f), “MU-3 and MU-3(SAH) Districts,” of Section 51A-4.125, “Mixed Use Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(E) Lodging uses.

- Extended stay hotel or motel. *[SUP]*
- Hotel or motel. *[RAR]*
- Overnight general purpose shelter. *[See Section 51A-4.205(2.1).]*
- Short-term rental lodging.”

SECTION 13. That Subparagraph (E), “Lodging Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (d), “MC-1 District,” of Section 51A-4.126, “Multiple Commercial Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(E) Lodging uses.

- Extended stay hotel or motel. *[SUP]*
- Hotel or motel. *[RAR] or [SUP] [See Section 51A-4.205(1).]*
- Overnight general purpose shelter. *[See Section 51A-4.205(2.1).]*
- Short-term rental lodging.”

SECTION 14. That Subparagraph (E), “Lodging Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (e), “MC-2 District,” of Section 51A-4.126, “Multiple Commercial Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(E) Lodging uses.

- Extended stay hotel or motel. *[SUP]*

- Hotel or motel. *[RAR] or [SUP] [See Section 51A-4.205(1).]*
- Overnight general purpose shelter. *[See Section 51A-4.205(2.1).]*
- Short-term rental lodging.

SECTION 15. That Subparagraph (E), "Lodging Uses," of Paragraph (2), "Main Uses Permitted," of Subsection (f), "MC-3 and MC-4 Districts," of Section 51A-4.126, "Multiple Commercial Districts," of Division 51A-4.120, "Nonresidential District Regulations," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(E) Lodging uses.

- Extended stay hotel or motel. *[SUP]*
- Hotel or motel. *[RAR] or [SUP] [See Section 51A-4.205(1).]*
- Overnight general purpose shelter. *[See Section 51A-4.205(2.1).]*
- Short-term rental lodging.

SECTION 16. That Subparagraph (E), "Lodging Uses," of Paragraph (2), "Main Uses Permitted," of Subsection (c), "UC Districts," of Section 51A-4.127, "Urban Corridor Districts," of Division 51A-4.120, "Nonresidential District Regulations," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(E) Lodging uses.

- Short-term rental lodging ~~[None permitted].~~

SECTION 17. That Paragraph (3) of Section 51A-4.205, "Lodging Uses," of Division 51A-4.200, "Use Regulations," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(3) Short-term rental lodging.

(A) Definition: A full or partial rentable 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), multifamily, central area, mixed use, multiple commercial, and urban corridor districts.

(C) Required off-street parking: One space per bedroom used as short-term rental lodging.

(D) Required off-street loading: none.

(E) Additional provisions:

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

(ii) The number of short-term rentals in a single rentable 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 it is located in a zoning district in which the use is permitted and a certificate of occupancy is issued for the use.

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

(v) For purposes of this paragraph, rentable unit means one or more rooms designed to accommodate tenants containing one or more kitchens, one or more bathrooms, and one or more bedrooms [Reserved]."

SECTION 18. That the director of planning and urban design shall revise the use charts to reflect the change in use regulations made by this ordinance, and shall provide these charts for publication in the Dallas Development Code.

SECTION 19. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 20. That Chapters 51 and 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 21. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 22. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 23. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas with enforcement action being taken no earlier than six months from and after the passage of this ordinance, and it is accordingly so ordained.

APPROVED AS TO FORM:

TAMMY L. PALOMINO, Interim City Attorney

By Casey Burgess  
Assistant City Attorney

Passed JUN 14 2023



## PROOF OF PUBLICATION – LEGAL ADVERTISING

The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.

DATE ADOPTED BY CITY COUNCIL JUN 14 2023

ORDINANCE NUMBER 32482

DATE PUBLISHED JUN 17 2023

ATTESTED BY: