

# Short-term Rentals (continued)

*Council Work Session*  
January 29, 2019



# STR – Neighborhood Integrity Action Plan

- All properties with high Code and APD activities, that operate as STRs, will be regularly updated and provided to Dispatch
- All premise histories will be added to said STR properties with a specific clearance code assigned to enable tracking of police activity
- Any offense will be issued to the offender (renter/guest)
- Repeat offense locations will experience proactive enforcement
- Neighborhood beat officers will proactively patrol habitual infraction locations
- Calls for service and criminal offense data will be available, to the extent permissible by law, to other regulating departments

# STR – Complaint Process

## Complaint

- STR is operational and criminal activity is believed to be occurring
- Citizen complaint originates with 911 call
- Call Taker communicates option of filing online complaint affidavit with supporting pictures or video and directs them to the City website

## Dispatch

- Dispatch checks to determine if the property is a habitual STR complaint location
- Dispatch assigns complaint to neighborhood beat officer

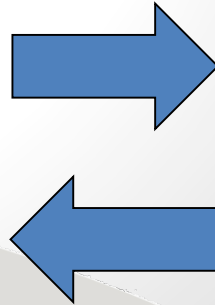
## Action

- Officer responds to call, takes enforcement action if warranted
- Complaint outcome is documented

# STR – Unified Action Plan

## Code Compliance

- Proactive inspection of repeat offense locations during normal business hours (weekly/weekends)
- Weekly review and update of repeat offense locations
- Address violations via applicable compliance tools



## APD

- Neighborhood Beat Officers will respond to calls for service
- Enforcement action will be taken, if warranted, and documented

# RECAP – related to the land use and approval process (Oct 16, 2018 to Jan 8, 2019)

❑ “Short-term Rental” (STR) – means lodging for less than 30 consecutive days in residential premises

❑ UDC interpretation:

It is **NOT** an allowed primary or accessory use.

Council wanted to further discuss and find a pathway (process) to allow the use with regulations, wherever appropriate.

▪ **OPTION DISCUSSED:**

All STRs (home-shared/owner-occupied/investor-owned vacation rentals) shall require a Specific Use Permit (SUP) approval.

# Discussion with different interested parties (Dec 2018 – Jan 2019)

- Both sides were not supportive of the SUP process.
  - OPTION 1: One group presented a proposal with a registration process for all STRs citywide, and educating operators with “good neighbor host rules”.
  - OPTION 2: Another group presented a proposal that allows STRs only in specific zones through a registration & license process.
- Both sides agreed that we need to adopt regulations for STR operation.

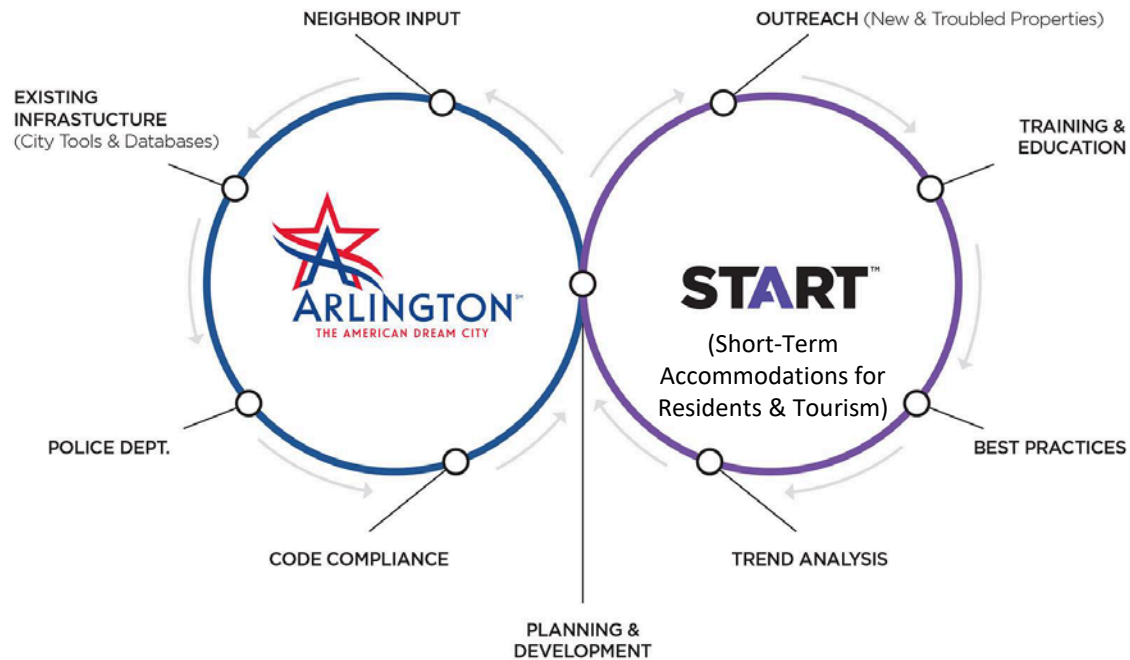
Discussion with different interested parties  
(Dec 2018 – Jan 2019)

# OPTION 1

START (Short-Term Accommodations for Residents &  
Tourism) Movement, Inc. [501(c)(6)  
Proposal

# Option 1: Registration Process for all STRs

## ARLINGTON SHORT TERM RENTAL PARTNERSHIP



### KEY CONCEPTS

Neighbor Input & Outreach are the top points of each entity  
 Separate entities, yet working together side-by-side  
 Continuous relationship (Infinite loop)  
 Our independent efforts feed each other  
 STR Operators will engage at different points, but follow the cycle  
 Collaboration on planning and development based on data/trends

### BENEFITS

Low impact/cost by utilizing existing resources  
 Neighbor input to provide remedies and relief  
 STR operator compliance through ease of process  
 Data acquisition to make smart decisions





# Option 1: Registration Process for all STRs (slide 2)

- ❑ START (Short-Term Accommodations for Residents & Tourism)
  - Build an STR dataset that can be analyzed
  - Identify and stop disruptive STR operations
- ❑ Use [Arlingtonpermits.com](https://www.arlingtonpermits.com) to register
  - Forgive outstanding HOT for STRs registered within first 30 days
  - Credit registration fee toward future licensing or permitting



# Option 1: START: Registration Process for all STRs (slide 3)

- ❑ Registration is first step in deliberate process to development comprehensive STR regulations
  - Registration data is foundation for sound regulations
  - Six month assessment period before comprehensive regulations are considered
  
- ❑ Give neighbors a stronger voice through “Ask Arlington”
  - Automatically ID STRs and provide operator contact info to complainant
  - Facilitate documentation (e.g., upload photos) and online affidavit to bolster enforcement capability

# Option 1: Registration Process for all STRs (slide 4)

- Produce comprehensive compliance history for each registrant
- Administratively determine operational status as either:
  - Active: good standing
  - Probation
  - Suspended: operations halted
- Registrant may appeal determination

Felonies*	Misdemeanors/ Civil Infractions*
0	≤ 1
1	2
2+	3+
* In 12 month period	

# Option 1: Registration Process for all STRs (slide 5)

**TABLE 3.1-1: Allowed Uses – Residential Districts**

*P = Permitted Use    S = Specific Use Permit    \* = Supplemental Use Standards Apply*

Use Category	Use Type	Residential								Supplemental Use Standards
		RE	RS 20	RS 15	RS 7.2	RS 5	RM 12	RMF 22	VG	
<b>RESIDENTIAL USES</b>										
<b>Household Living</b>	Dwelling, duplex						P	P		
	Dwelling, live/work						P*	P*		3.2.1.A
	Dwelling, multi-family							P*		3.2.1.A
	Dwelling, single-family detached	P	P	P	P	P	P		P	
	Dwelling, townhouse						P	P		
	HUD-Code manufactured home   Mobile home									
<b>Lodging Facilities</b>	Bed and breakfast inn	S*	S	S*	S*	S*	S*	S*	S*	3.2.3.E
	Short-term Rental	P*	P*	P*	P*	P*	P*	P*	P*	* With registration

# Option 1: Registration Process for all STRs (slide 6)

**TABLE 3.1-2: Allowed Uses – Non-residential and Mixed-Use Districts**

*P = Permitted Use*

*S = Specific Use Permit*

*\* = Supplemental Use Standards Apply*

		Non-residential and Mixed-Use												
Use Category	Use Type	L O	O C	N C	C C	G C	H C	D B	B P	L I	I M	N M U	R M U	Supplemental Use Standards
<b>RESIDENTIAL USES</b>														
<b>Household Living</b>	Dwelling, duplex													
	Dwelling, live/work		P*					P*				P*	P*	3.2.1.A
	Dwelling, multi-family							S*				P*	P*	3.2.1.A
	Dwelling, single-family detached													
	Dwelling, townhouse							S				P	P	
	HUD-code manufactured home   Mobile home													
<b>Lodging Facilities</b>	Bed and breakfast inn		S*	S*				P*				P*	P*	3.2.3.E
	Hotel, boutique							S*						3.2.3.E
<b>Short-term Rental</b>		P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	* With registration

**Discussion with different interested parties  
(Dec 2018 – Jan 2019)**

# **OPTION 2**

**Neighborhood Group Proposal**



## Option 2: Allow STRs in specific zones & zoning districts

- ❑ Locations where it could be allowed by right (only after HOT registration with the City):
  - All non-residential zoning districts
  - RM-12 and RMF-22 zoning districts
  
- ❑ STR in multi-family apartments may be allowed (after HOT registration by the renter, if the landlord provides consent)
  
- ❑ Not allowed in single-family zoning districts, except within the following specific zones:
  - Entertainment District Overlay (EDO)
  - Downtown Neighborhood Overlay (DNO); and
  - Neighborhood Revitalization Strategy Area (NRSA).

(However, not allowed in Mobile Home Parks)

# Option 2: Allow STRs in specific zones & zoning districts (slide 2)

**TABLE 3.1-2: Allowed Uses – Non-residential and Mixed-Use Districts**

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		Non-residential and Mixed-Use												
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<b>RESIDENTIAL USES</b>														
<b>Household Living</b>	Dwelling, duplex													
	Dwelling, live/work		P*					P*				P*	P*	3.2.1.A
	Dwelling, multi-family							S*				P*	P*	3.2.1.A
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	Dwelling, townhouse							S				P	P	
	HUD-code manufactured home   Mobile home													
<b>Lodging Facilities</b>	Bed and breakfast inn		S*	S*				P*				P*	P*	3.2.3.E
	Hotel, boutique							S*						3.2.3.E
<b>Short-term Rental</b>		P*	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	* With HOT registration



# Option 2: Allow STRs in specific zones & zoning districts (slide 3)

**TABLE 3.1-1: Allowed Uses – Residential Districts**

*P = Permitted Use    S = Specific Use Permit    \* = Supplemental Use Standards Apply*

Use Category	Use Type	Residential								Supplemental Use Standards
		RE	RS 20	RS 15	RS 7.2	RS 5	RM 12	RMF 22	VG	
<b>RESIDENTIAL USES</b>										
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	Dwelling, single-family detached	P	P	P	P	P	P		P	
	Dwelling, townhouse						P	P		
	HUD-Code manufactured home   Mobile home									
<b>Lodging Facilities</b>	Bed and breakfast inn	S*	S	S*	S*	S*	S*	S*	S*	3.2.3.E
	Short-term Rental	P**	P**	P**	P**	P**	P*	P*	P**	

\* With HOT registration

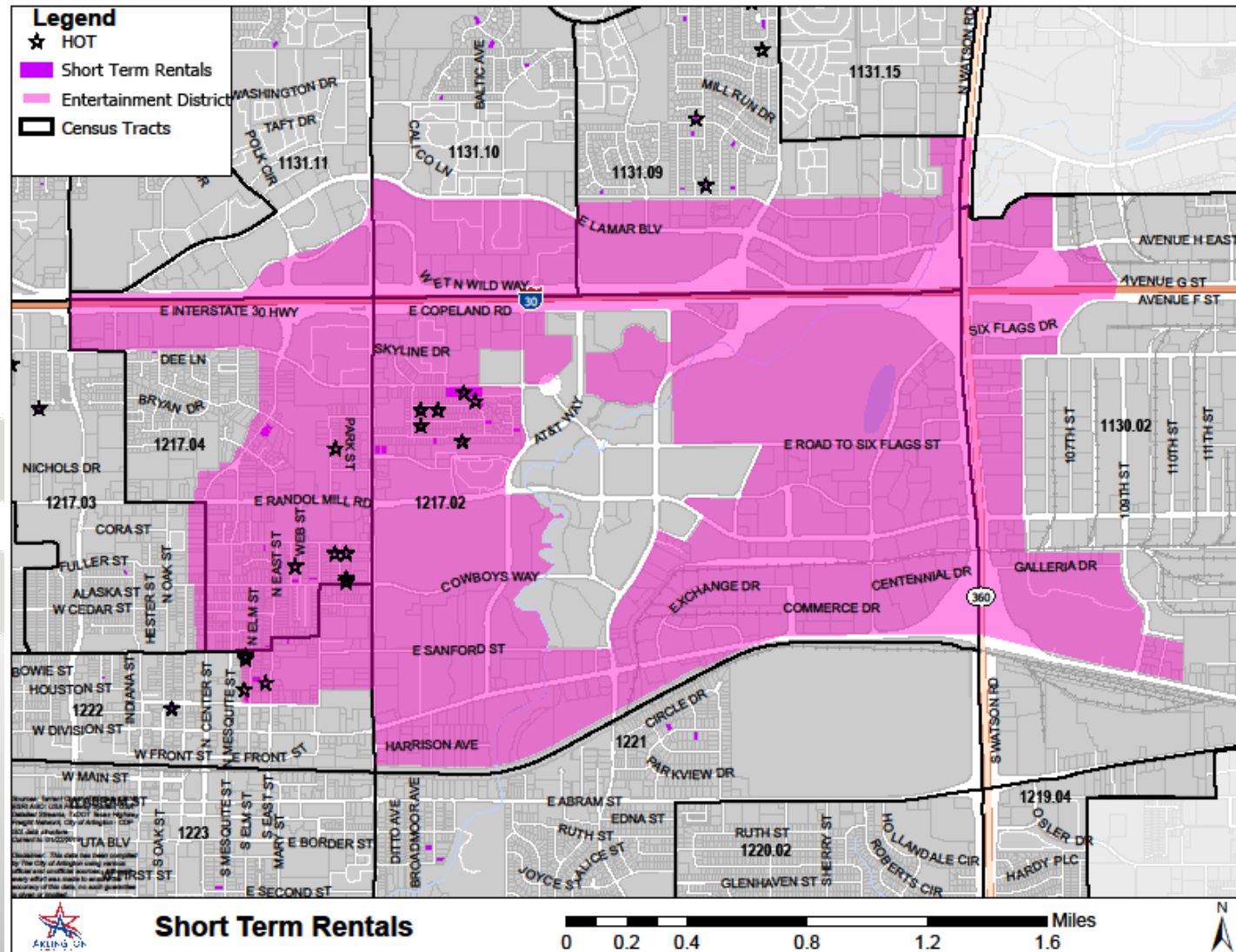
\*\* Only allowed in EDO, DNO, and NRSA. With HOT registration and Operational License.

# Option 2: Allow STRs in specific zones & zoning districts (Slide 4)

## Entertainment District Overlay (EDO)

At least 33 SF homes in this area have been advertised for short-term rentals;

Of which 14 SF homes have paid HOT as of October 16, 2018

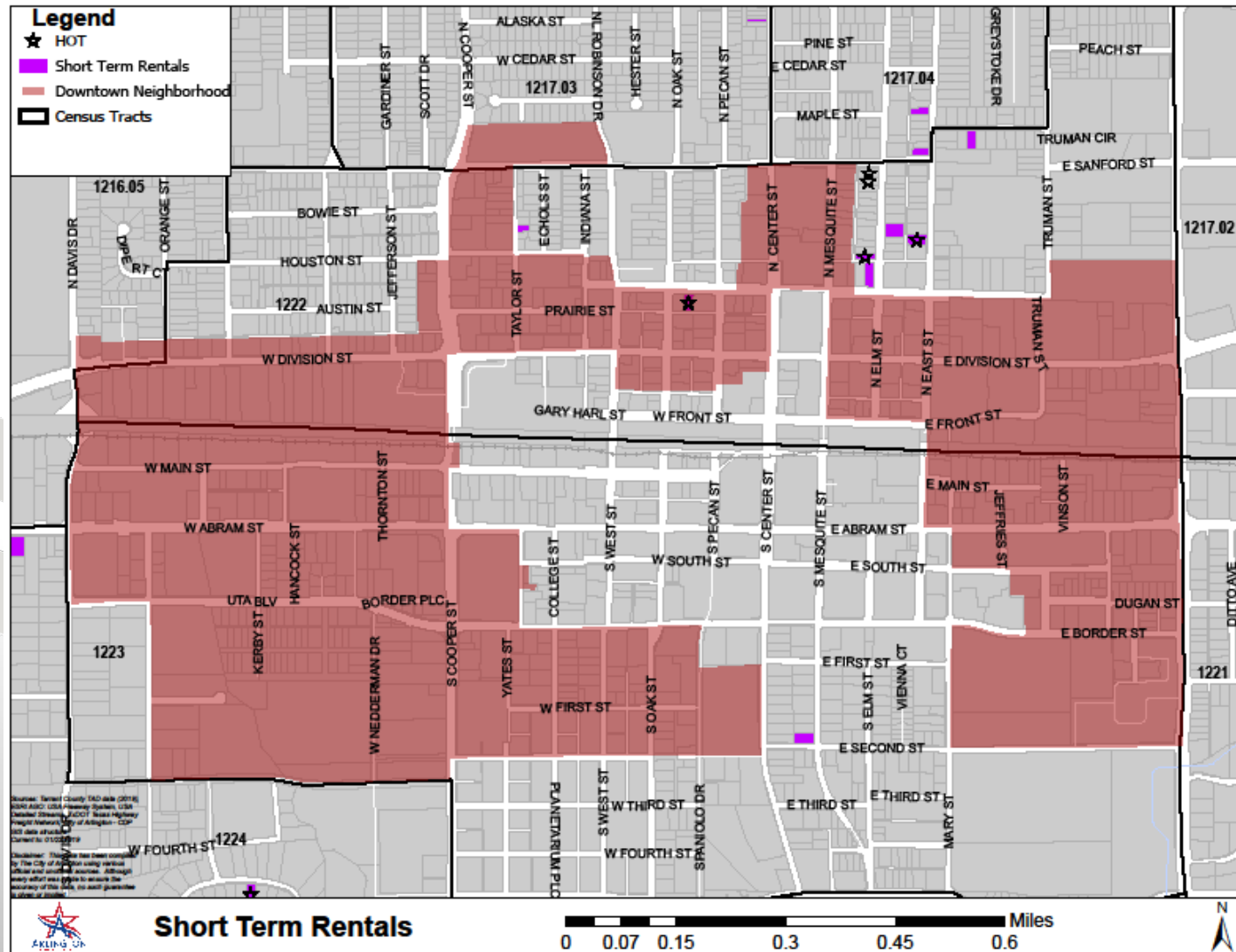


# Option 2: Allow STRs in specific zones & zoning districts (slide 5)

## Downtown Neighborhood Overlay (DNO) District

At least one (1)  
SF home in this  
area that has  
advertised for  
short-term  
rentals.

This SF home  
has paid HOT as  
of October 16,  
2018.

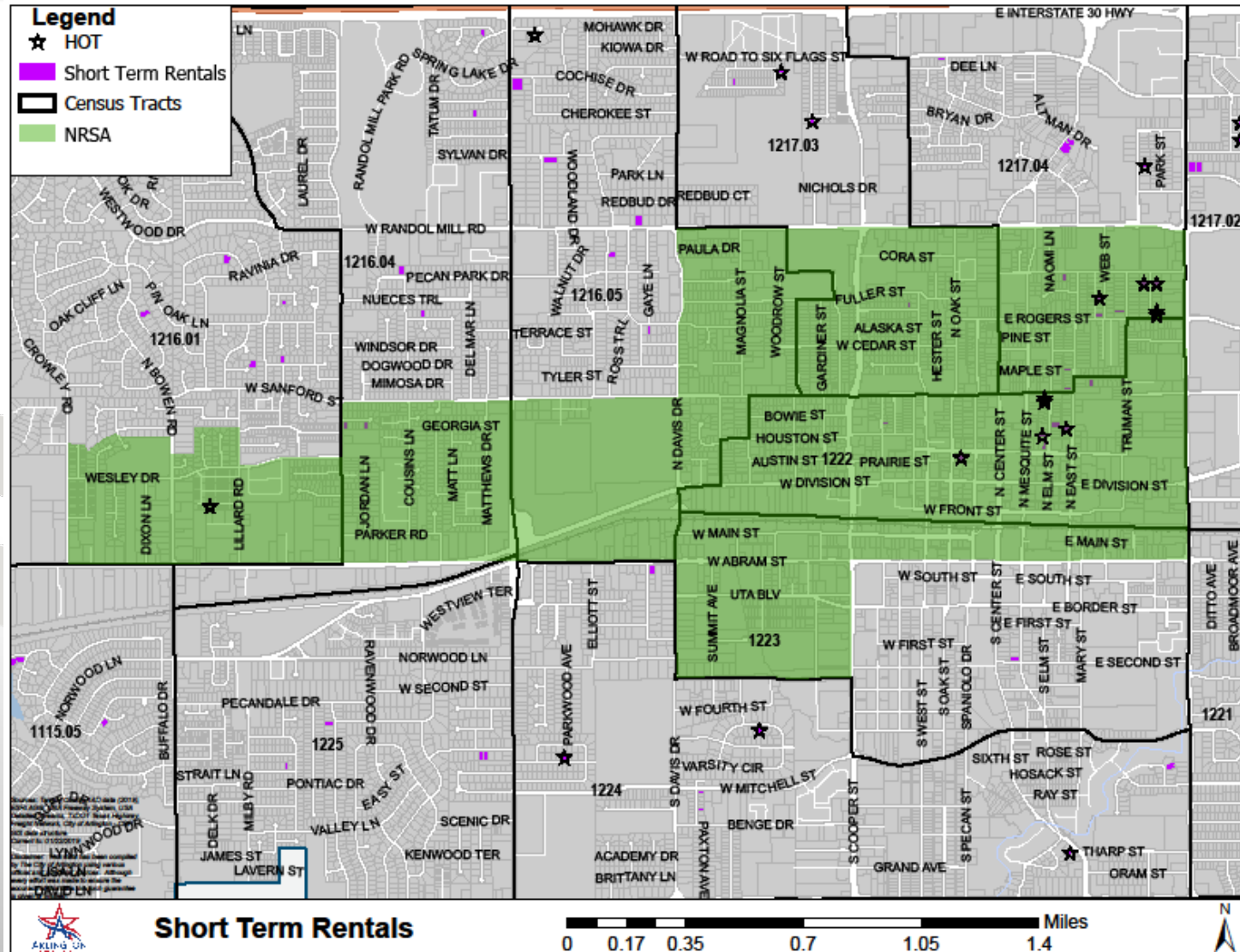


# Option 2: Allow STRs in specific zones & zoning districts (slide 5)

## Neighborhood Revitalization Strategy Area (NRSA)

At least seven (7) SF homes (exclusively in this area... not overlapping with EDO or DNO) have been advertised for short-term rentals.

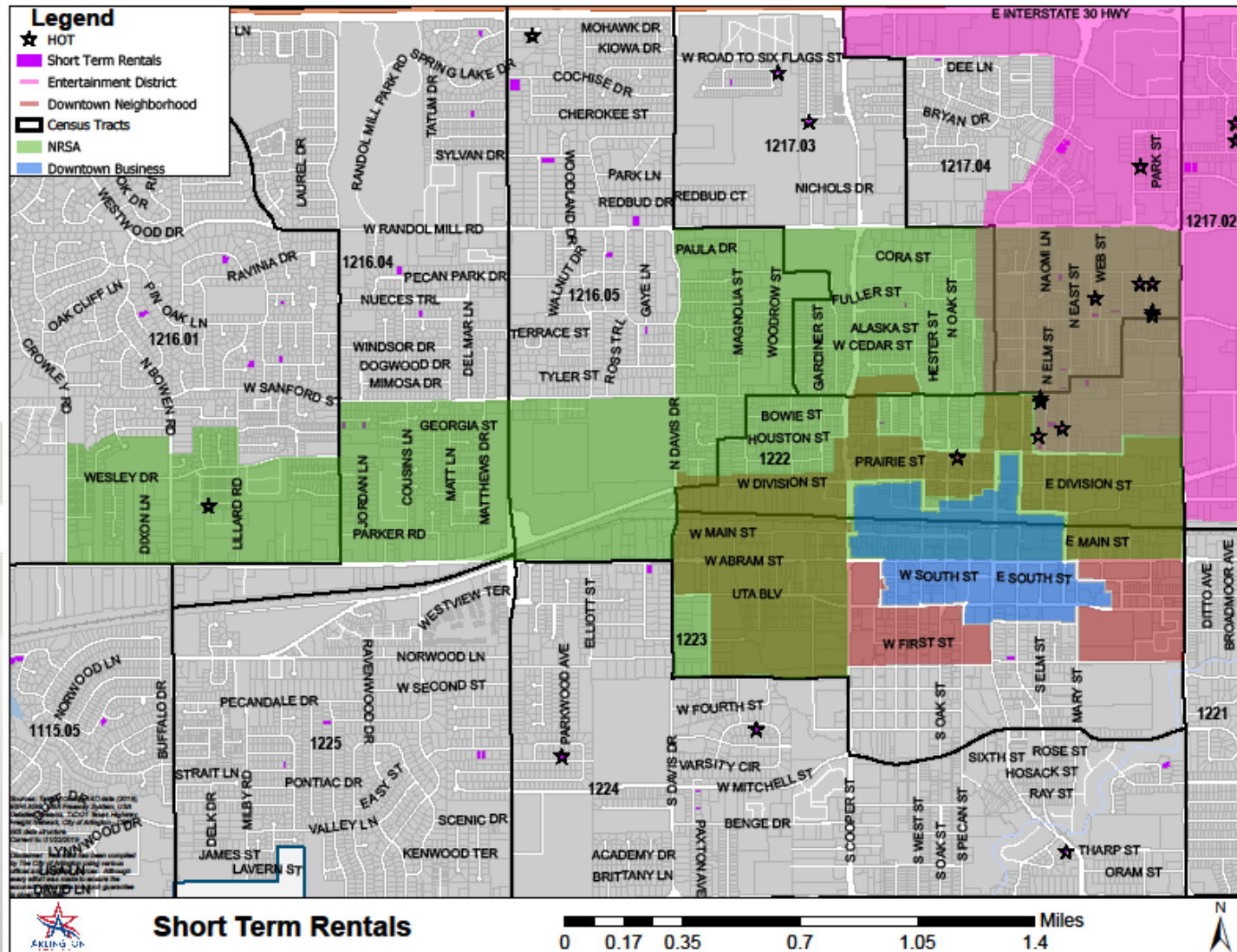
Of which one of them has paid HOT as of October 16, 2018





# Option 2: Allow STRs in specific zones & zoning districts (slide 6)

Shows the overlap of EDO and NRSA, as well as DNO and NRSA.



## Option 2: Allow STRs in specific zones & zoning districts (slide 7)

□ **Within the EDO and DNO**, the short-term rental homes in the single-family zoning districts may be allowed with the following process:

1. Register with the City for Hotel Occupancy Tax (HOT)
2. Obtain an Operational License from the City
  - Will need to meet all previously discussed regulations such as maximum occupancy, parking, trash, noise, cannot be used as banquet hall.
  - Will also have a City inspection for life-safety related items.

The investor-owned homes will have an additional regulation of maximum density cap within a census tract of no more than 8%.  
(This cap will not be applicable to the owner-occupied STRs... meaning principal residence and owner living on the premises when rented out for STR)

- When the maximum cap is reached in a census tract, the next STR in line will be placed in waiting line, for another one to open up.

## Option 2: Allow STRs in specific zones & zoning districts (slide 8)

□ **Within the NRSA**, the short-term rental homes in the single-family zoning districts may be allowed with the following process:

1. Register with the City for Hotel Occupancy Tax (HOT)
2. Obtain an Operational License from the City
  - Will need to meet all previously discussed regulations such as maximum occupancy, parking, trash, noise, cannot be used as banquet hall.
  - Will also have a City inspection for life-safety related items.

The investor-owned homes will have two additional regulations:

- (i) Maximum density cap within a census tract of no more than 8%.
- (ii) Require 70% support waivers from neighboring residents within 200 feet of the subject site.
  - When the maximum cap is reached in a census tract, the next STR will be placed in waiting line.
  - When the applicant is unable to obtain 70% support waivers, the Operational License will be denied. The applicant may then choose to appeal to City Council, and would need a super-majority vote to be approved.

## Option 2: Allow STRs in specific zones & zoning districts (slide 9)

### Operational License:

1. Application will be available online @AP.com
2. Five documents will need to be uploaded at the time of submittal.
  - i. Site Plan with parking spaces marked
  - ii. Floor plan showing the bedrooms
  - iii. Proposed Host Rules
  - iv. Valid Insurance of \$1.0 million
  - v. HOT registration with the City
3. An application fee must be paid at the time of submittal for the first Operational License, and for annual renewals.
4. Staff will review the documents, and an inspector will go on site to verify life-safety compliance.
5. Applicant will be notified that the License is approved and ready to be printed from online access.



## Option 2: Allow STRs in specific zones & zoning districts (slide 10)

- Implementation after Ordinance is effective:
  - The operating STRs (that have paid HOT as of October 16, 2018) and are within the three zones, get priority for Operational License application. The first two weeks after the effective date of the ordinance, will be opened up for application only to those STR owners.
  - After two weeks, the online permitting process will be turned on for all STRs within these zones or the zoning districts where it is allowed.

## Option 2: Allow STRs in specific zones & zoning districts (slide 11)

- Implementation after Ordinance is effective:
  - The operating STRs that have paid HOT as of October 16, 2018, but are not located within the three zones or the allowed zoning districts, will have a grace period of six months to cease operation.
  - The operating STRs that have NOT paid HOT and are not located within the three zones or the allowed zoning districts, will be considered illegal use and will need to immediately cease operation.

## Option 2: Allow STRs in specific zones & zoning districts (slide 12)

### Enforcement:

- Third-party vendor to be hired:
  - For providing data showing who are not in compliance with our ordinance, based on data collected from the various hosting platforms.
  - For 24/7 Hotline and Online Complaint service.
- If the STR owner/operator receives two citations in one year, then the Operational License may be revoked.
- The same owner will not be eligible to re-apply for that property ever again.
- If the house is sold, the new owner can apply for a new Operational License.

# RECAP of Proposed Standards for STRs – slide 1

## **TRASH** – follow the rules of the neighborhood.

Host rules include instructions on how to store trash in bins inside fenced area, until trash pick-up day for that neighborhood.

Property owner takes responsibility, if instructions are not followed.

## **NOISE** – follow Texas Penal Code 42.01(c)(2)

(2) a noise is presumed to be unreasonable if the noise exceeds a decibel level of 85 after the person making the noise receives notice from a magistrate or peace officer that the noise is a public nuisance.

## **Cannot be used as a ‘Banquet Hall’...** where guests, who are not staying for the night, are also invited for that private function.

### **Banquet Hall**

An establishment that is leased on a temporary basis before the day of the event by individuals or groups who reserve the facility to accommodate private functions, including, but not limited to, banquets, weddings, anniversaries, receptions, business and organizational meetings, and other similar functions, to which the general public is not admitted and for which no admission charge is imposed. Such establishments may include kitchen facilities for the preparation of food or catering of food and areas for dancing, dining, and other entertainment activities that customarily occur in association with banquets, weddings, or receptions.

# RECAP of Proposed Standards for STRs – slide 2

## OCCUPANCY

Occupancy shall be limited to two persons per bedroom plus two more guests, with a maximum of 12 persons per unit.

~~The alteration of the maximum limit shall be considered ONLY on a case-by-case basis, based on factors such as, but not limited to location of the subject site, lot size, home size, setbacks & buffers from the other surrounding homes.~~

## PARKING

Parking for short-term rental guests shall be provided inside private property on all-weather surface. No RVs or buses are allowed, and no living in the vehicle is allowed.

On-street parking shall be considered ONLY as an exception on a case-by-case basis, when the applicant demonstrates that there is no parking space available on site to accommodate guests. (Administrator approval)

# RECAP of Proposed Standards for STRs – slide 4

## **MAXIMUM DENSITY - SEEKING COUNCIL DIRECTION**

Option 2 presented –

- Maximum cap of 8% in each census tract (only for investor-owned short-term rentals) within the three zones



# Questions

