



## MEMORANDUM

**To:** Mayor and City Council

**From:** Robert E. Hager, City Attorney

**Date:** December 12, 2023

**Reference:** Consider approval of an Ordinance amending the Code of Ordinances to correct a clerical error by repealing in its entirety Chapter 9 of the Code of Ordinances by amending Chapter 9 'General Regulations', Article 9-29, Short Term Rentals, to amend any reference to short term rentals and replacing it with the term lodging houses in said article in Sections 9-29-1 to 9-29-3; and by adding the definition of lodging houses; and replacing it with new Chapter 9 'General Regulations', Article 9-29, Lodging Houses; and authorizing the Mayor to sign.

### **2040: Enhance the Unique “Community Oasis” Experience**

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#### **Introduction:**

The purpose of this item is to advise the City Council on the need to revise a portion of the City's lodging house regulations and ordinance to clarify and correct a clerical error. Specifically, the onsite management component needs a definition, as well as clarification of the applicable regulation because of the new zoning ordinance requirement for a lodging house to obtain a special use permit.

#### **Background:**

The first Short Term Rental Ordinance was passed by City Council on June 12, 2018. Since that time, the City Council has reviewed, modified (as needed), and approved extensions to the ordinance each subsequent year.

On Dec 13, 2022, City Council approved substantial updates to the Short-Term Rental Ordinance to provide homeowners with two options to use their homes as short-term rental properties:

- 1- The applicant must provide city staff verification that the Short-Term rental property is their primary residence; or
- 2- The applicant must hire an on-site property manager who has to be at the property at the time of the rental.

The ordinance changes also included a new definition for short-term rental to include pools, garages, and outdoor accessory structures.

On May 30, 2023, the City Council approved a new ordinance to replace the old Short-Term Rental with the term Lodging Houses, which requires a zoning special use permit as well as new comprehensive regulations to operate in the City of Coppell. It was during the process of amending the most recent version of the ordinance that a clerical error caused inconsistent language, which was confusing to staff and applicants. When the ordinance was revised on May 30, 2023, the City Attorney's Office

inadvertently updated a previous version of the Short-Term Rental Ordinance. As a result, the new ordinance passed did not include the additional language that was adopted on December 13, 2022. Therefore, this amendment reflects all of the changes that City Council intended to include in the Short-Term Rental Ordinance.

The Lodging House Registration Ordinance provides the operational regulations for short-term rentals. From the beginning, the ordinance has been designed to provide a balance between meeting the desires of owner occupants to share their homes on an intermittent basis and providing protection for the neighboring properties. The proposed changes are a continuation of that balance. They aim to provide a clear understanding of definitions, processes, and enforcement. Providing this clarity increases the objectivity of all parties involved.

**Benefit to the Community:**

The Short Term Rental Ordinance provides a balance between meeting the desires of owner occupants to share their homes on an intermittent basis and providing protection for the neighboring properties.

**Legal Review:**

The City Attorney drafted these proposed regulations.

**Fiscal Impact:**

None

**Recommendation:**

Staff recommends approval.