

**ARTICLE XXII. – SHORT TERM RENTALS**  
**DIVISION I – GENERAL**

**Sec. 16-1100. – Purpose.**

(a) The purpose of this article is to establish regulations for the protection of the health and safety of occupant(s) of short term rental properties, and to protect the integrity of the neighborhoods in which short term rental properties operate.

**Sec. 16-1101. – Definitions.**

As used in this article the following words and phrases shall have the definitions ascribed to them by this section:

*Agent* means a person designated by the short term rental operator in lieu of themselves as the 24-hour emergency contact for a lawfully operating short term rental

*Bed and Breakfast* Shall be as defined in City Code, Chapter 35, Appendix ‘A’ of this code.

City Housing Incentive means any monetary payment or concession provided by the City of San Antonio which has the expressed purpose of spurring or encouraging the development of housing, whether affordable or not, or redevelopment in the City of San Antonio.

Occupant means the person(s) who have lawfully obtained the exclusive use and possession of the short term rental property or portion thereof from its operator, and the guest(s) of such person(s).

Operator means any person who operates a short term rental, as defined in this Article. For purposes of this Article, a lessee of a Unit, when expressly permitted in writing by Owner, may serve as Operator of a short term rental.

Owner means the person or entity that holds legal and/or equitable title to the private property.

Owner Occupied means a property owner, as reflected in title records, makes his or her legal residence at the site or in the unit, as evidenced by homestead exemption, voter registration, vehicle registration, or similar means.

Operator Occupied means a property lessee, as reflected in a valid lease agreement, and with the express permission of the property owner, makes his or her legal residence at the site or in the unit, as evidenced by voter registration, vehicle registration, or similar means.

Short term rental Shall be as defined in City Code, Chapter 35, Appendix ‘A’ of this code.

*Short term rental permit* means the permit issued by the city that identifies the subject property as a lawful short term rental, the short term rental permit number, the names and contact information of the owner, operator, and agent if applicable, and 24-hour emergency contact phone for at least one of the preceding.

43 Sleeping area means a room within a dwelling designed or used for sleeping, including a  
44 bedroom. Tents, hammocks, recreational vehicles and/or other vehicles and outdoor areas shall  
45 not be considered a sleeping area.

46 **Sec. 16-1102. - Authority of the director.**

47 The director of Development Services (the “Director) shall implement and enforce this  
48 chapter and may by written order establish such procedures, not inconsistent with this chapter or  
49 other city ordinances, rules, or regulations, or any county, state, or federal laws or regulations, as  
50 the director determines are necessary to discharge any duty under this chapter.

51 **Sec. 16-1103. - Permit required.**

52 (a) No short term rental shall operate within the city of San Antonio without a current valid  
53 short term rental permit.

54 (b) All individual units having cooking, sleeping, and bathing facilities, within common  
55 buildings, regardless of ownership, shall require a separate, individual permit for each  
56 unit intended to be used as a short term rental.

57 (1) On residential properties which are not multi-family buildings (e.g, duplex, four-  
58 plex), a single individual unit, which is not owner occupied, but which is located  
59 on the same land parcel as an owner-occupied unit of common ownership as the  
60 non-owner occupied units shall be considered a Type 1 short term rental unit.  
61 Additional non-owner occupied units in excess of this allowance on the same land  
62 parcel shall be considered Type 2 short term rental units.

63 (2) In a multi-family building, a single individual unit, which is not owner occupied,  
64 but which is located on the same land parcel as an owner-occupied unit of  
65 common ownership as the non-owner occupied units shall be considered a Type 1  
66 short term rental unit. Additional non-owner occupied units in excess of this  
67 allowance on the same land parcel shall be considered Type 2 short term rental  
68 units.

70 **Sec. 16-1104. - Short term rental permit.**

71 (a) Application. Application for a short term rental permit shall be made either in writing or  
72 electronically. Upon submission of a complete application, the Director of  
73 Development Services, or his designee, shall determine whether a unit is to be  
74 considered a Type 1 or Type 2. Application for a short term rental permit shall be  
75 accompanied by a one-time application fee of one hundred dollars (\$100.00) and shall  
76 include the following information, at a minimum:

77 (1) A list of all owners, operators, and agents (if applicable) of the short term rental  
78 including names, addresses, current email address(es) of owner/operator, and  
79 telephone numbers.

- 80           (2) A sketch or narrative describing the location of the available parking spaces as  
81           required by subsection 16-1108 (b) Parking.
- 82           (3) A sketch of the floor plan, which identifies sleeping areas, proposed maximum  
83           number of guests, evacuation route(s), location of fire extinguisher(s),
- 84           (4) The name, address and 24-hour telephone numbers of a contact person, who is the  
85           owner, operator, or designated agent and who shall be responsible and authorized  
86           to respond to complaints concerning the use of the short term rental.
- 87           (5) Written confirmation from the City of San Antonio Finance Department showing  
88           proof of registration with the City of San Antonio Finance Department for Hotel  
89           Occupancy Tax collection will be need to be provided before permit is granted.
- 90           (6) A sworn, self certification that the owner of the short term rental has met and will  
91           continue to comply with the standards and other requirements of this Article  
92           including, but not limited to: maintenance of insurance coverage of the unit or  
93           portions thereof in accordance with this Article and obtaining annual independent  
94           inspections of required fire extinguishers in compliance with the city's current fire  
95           code.
- 96           (b) Completeness of application. Applications shall not be considered complete until all  
97           documentation required under this Article has been submitted, and until the full  
98           application and permit fees have been paid. Incomplete applications will not be  
99           accepted.
- 100           (c) Acknowledgement by Applicant. In connection with submission of the application, each  
101           applicant shall acknowledge that any permit granted by Director under this Article does  
102           not supercede any property-specific restrictions against short term rentals that may exist  
103           under law, agreement, lease, covenant or deed restriction.

104 **Sec. 16-1105. - Expiration and renewal of permit.**

- 105           (a) Unless revoked by Director earlier pursuant to this Article, a permit to operate a  
106           short term rental expires, as follows:
- 107                   1. Type 1 permits expire three (3) years after the date of issuance  
108                   2. Type 2 permits expire three (3) years after the date of issuance  
109
- 110           (b) A permit holder shall apply for renewal prior to the expiration of the permit on a  
111           form provided by the director. The permit holder shall update the information  
112           contained in the original permit application required under section 16-1104 of this  
113           article or any subsequent renewals under this section, if any of the information has  
114           changed. The permit holder shall sign a statement affirming that there is either no  
115           change in the information contained on the original permit application and any  
116           subsequent renewal applications, or that any information that has been updated is  
117           accurate and complete. Complete applications for renewal received after the  
118           expiration of a current permit shall be treated as applications for a new permit, as  
119           described in Sec. 16-1104.
- 120           (c) The director shall follow the procedures set forth in this article when determining  
121           whether to renew a permit.

122 (d) The fee for the renewal of a permit to operate a short term rental is one hundred  
123 dollars (\$100.00).

124 **Sec. 16-1106. – Non-transferability.**

125 A permit to operate a short term rental is not transferable to another Owner, Operator, unit  
126 or location.

127 (a) **Sec. 16-1107. – Tiers Short Term Rental (Type 1) Regulations.**

128 (1) This subsection applies to a short term rental use that:

129 (a) is rented for periods of less than 30 consecutive days; and

130 (b) property is Owner or Operator Occupied

131 (2) A short term rental use under this section may include the rental of less  
132 than an entire dwelling unit, if the following conditions are met:

133 (a) a sleeping area must at a minimum include the shared use of a full  
134 bathroom;

135 (b) the owner is generally present at the licensed short term rental  
136 property.

137 (3) may not operate without a permit as required by Sec.16-1103 Permit  
138 Required;

139 (b) **Short Term Rental (Type 2) Regulations.**

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145 (1) This subsection applies to a short term rental use that:

146 (a) is rented for periods of less than 30 consecutive days;

147 (b) is not Owner or Operator Occupied.

148 (2) A short term rental use under this section may not:

149 (a) include the rental of less than an entire dwelling unit;

150 (b) operate without a permit as required by Sec.16-1103 Permit  
151 Required

152 (3) If a permit for a short term rental (Type 2) use meets the requirements for  
153 renewal under Sec. 16-1105 (Expiration and renewal of permit) and the  
154 property received a city-issued notice of violation related to the life, health,  
155 or public safety of the structure, the property is subject to an inspection by  
156 the building official to determine if the structure poses a hazard to life,  
157 health, or public safety.

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Sec. 16-1108. – General Standards

All short term rentals permitted pursuant to this chapter are subject to the following standard requirements:

- (a) Occupancy. The maximum number of persons allowed to reside in a short term rental shall be defined by the San Antonio Property Maintenance Code
- (b) Parking. Shall comply with Unified Development Code with respect to required parking (see Section 35-526). No required parking shall be permitted within public right-of-way or access easements as defined by city code (see 35-526) and state regulations regarding parking, The yard(s) shall not be utilized to provide the necessary parking.
- (c) Insurance. The applicants shall keep, at a minimum, an insurance policy sufficient for personal injury liability of guests.
- (d) Life safety.
  - (1) Short Term Rentals and structures where they are located shall conform to all applicable city-adopted codes, regulations, and ordinances
  - (2) A 2A:10B:C type fire extinguisher (a standard five-pound extinguisher) shall be properly mounted within 75 feet of all portions of the short term rental on each floor.
  - (3) Smoke and Carbon Monoxide detectors shall be installed and conform to all applicable city-adopted codes, regulations, and ordinances.
  - (3) Every sleeping area shall have at least one operable emergency escape and rescue opening per all applicable city-adopted codes, regulations, and ordinances
  - (4) An evacuation plan shall be posted conspicuously in each unit or permitted sleeping area.
  - (5) Every bedroom/sleeping area in a short term rental that does not comply with this section shall not be used as a sleeping area and where equipped with a door, shall remain locked at all times when the dwelling is being used as a short term rental. Such a non-compliant sleeping area shall not be included in the maximum occupancy calculation as defined by the San Antonio Property Maintenance Code for the short term rental. The owner/operator shall notify every occupant, in writing, that the non-compliant sleeping area may not be used for sleeping.

197 (3) No overnight sleeping outdoors or outdoor sleeping spaces for rent.

198 (e) Signage.

199 1. Signage shall be in compliance with the city's current sign code as well as any  
200 design, design review, and/or approval requirements for the zoning district in  
201 which the property is located.

202 2. All advertisements, including online or proprietary (website, app, or other  
203 technology) will include the short term rental permit number within the description  
204 or body for public reference.

205 (f) Tenant indoor notification. The Operator shall post in a conspicuous location of the  
206 dwelling the following minimum information:

207 (1) Maximum number of Occupants.

208 (2) Location of required off-street parking, other available parking and prohibition of  
209 parking on landscaped areas.

210 (3) Quiet hours and noise restrictions as defined per Chapter 21, Article III of the  
211 Code of Ordinances.

212 (4) Restrictions of outdoor facilities.

213 (5) 24-hour contact person and phone number.

214 (6) Property cleanliness requirements.

215 (7) Trash pick-up requirements, including location of trash cans.

216 (8) Flooding hazards and evacuation routes.

217 (9) Emergency numbers.

218 (10) Notice that failure to conform to the occupancy and parking requirements is a  
219 violation of the City Code and occupant or visitor can be cited.

220 (11) Short Term Rental permit, Health Department permit, and/or any other required  
221 permits, if applicable.

222 (12) Hotel Occupancy Tax registration

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224 (g) Hotel Occupancy Tax. Owner or Operator must remit Hotel Occupancy Taxes due to  
225 the City in a timely manner, pursuant to applicable laws and this Article.

226  
227 Sec. 16-1109. – Inspections.

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229 To ensure continued compliance with the requirements of this section a short term rental may  
230 be inspected in the following methods:

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232 (a) Inspections upon complaint or suspicion of a violation. The city may perform  
233 inspections when a violation is reported or suspected in accordance with established  
234 code enforcement procedures.

235 Sec. 16-1110. - Enforcement/penalty.

- 236 (a) A person commits an offense under this chapter if that person owns or operates a short  
237 term rental in the city without a valid permit.
- 238 (b) Emergency contact. The Owner/Operator of the short term rental shall provide the city  
239 with a 24-hour contact number for the operator or a designated agent per Sec. 16-  
240 1104, and shall provide timely updates to city of any changes thereto. Should a law  
241 enforcement officer respond to the short term rental and issue a citation for any  
242 violation of city ordinances, the operator or their agent shall be called by the officer.  
243 The Operator or their agent shall attempt to contact the Occupants within one hour of  
244 the call to address the occupants about the complaints. Should a second complaint be  
245 filed and citation issued to any part of the occupants or guests, the owner/operator  
246 must take appropriate step, in accordance with the individual rental agreement, to  
247 assure future complaints do not occur. Short Term Rental Permits shall be revoked if  
248 three or more confirmed citations are issued at a permitted property within any six  
249 month period, whether issued to the operator or any occupants. Failure to provide  
250 updated information to the city regarding designated agent or responsible party shall  
251 be a violation of this Section.
- 252 (c) Violation of any section of this article shall constitute an offense resulting in permit  
253 revocation in accordance with subsection 16-1111, Revocation.
- 254 (d) Failure to timely pay any applicable Hotel Occupancy Tax is a violation of this  
255 section, and shall result in permit revocation if arrearage is not paid within ninety (90)  
256 days of the issuance of a delinquency notice, in accordance with subsection 16-1111  
257 (Revocation).
- 258 (e) Failure to successfully complete the renewal process of a short term rental permit is  
259 considered a violation of this section.
- 260 (f) The provisions of this subsection are in addition to and not in lieu of any criminal  
261 prosecution or penalties as provided by city ordinances or county or state law.
- 262 (g) Violation of the terms and conditions of a short term rental permit under this article  
263 shall be punishable by a fine of not less than \$200.00 but not more than \$500.00 per  
264 occurrence. Penalties for other violations of the city code shall be as applicable. Each  
265 day a violation of this article continues shall be considered a separate offense. Each  
266 day that a unit is occupied in violation of this ordinance shall be considered a separate  
267 offense, and, upon conviction, shall be subject to a minimum fine of \$200.00 to a  
268 maximum fine of \$500.00 per violation, per day.
- 269 (h) Each day of violation of said standards and provisions of this section constitutes a  
270 separate offense and is separately punishable, but may be joined in a single prosecution.

271 **Sec 16-1111. - Revocation Procedures.**

272 The Director is authorized to suspend or revoke a short term rental permit issued under the  
273 provisions of this chapter wherever the permit is issued in error, or on the basis of incorrect  
274 information supplied, or where it is determined that the building, structure, unit, or portion  
275 thereof is in violation of any ordinance or regulation or any of the provisions of this Article. In  
276 addition, if any violations stated in section 16-1110 (Enforcement/penalty) of this section have  
277 been committed and not corrected within the time specified, the Director shall begin the  
278 procedures to revoke the short term rental permit in accordance with the following:

- 279 (a) The Director shall give written notice to the owner/operator regarding the revocation.  
280 (b) If a short term rental permit is revoked, the owner/operator may not reapply for the  
281 same property for a period of 12 months.

282 **Sec. 16-1112. - Appeals.**

283 If the Director denies issuance or renewal of a permit or suspends or revokes a permit issued  
284 under this article, the action is final unless the permit holder files a written appeal within ten  
285 (10) business days to the Director, or his/her designee. Appeals regarding technical matters  
286 will be reviewed by the appropriate advisory board.

287 **Sec. 16-1113. - Other Restrictions on Use of Premises**

288 This Article does not create any right to operate a short term rental in violation of any lease,  
289 license, deed restriction, covenant, easement, or other legal encumbrance. Unless expressly  
290 authorized by the city, any property which has received a City Housing Incentive is ineligible to  
291 receive a permit to operate a short-term rental during the period of time that the property Owner  
292 (or third party beneficiary, as the case may be) is eligible to receive a City Housing Incentive.

293 Sec. 16-1114. - Nonconforming Rights. Short Term Rentals (Type 2) in Existence as of date of  
294 ordinance. Properties which are used as Short Term Rental (Type 2) establishments as of date of  
295 ordinance adopting this Article that can also provide written confirmation from the City of San  
296 Antonio Finance Department showing proof of registration and account is not in arrears with the  
297 City of San Antonio Finance Department for Hotel Occupancy Tax collection, may be registered  
298 as Short Term Rental (Type 2) establishments at the Department of Development Services and  
299 upon such registration will be granted a permit, subject to compliance with requirements under  
300 this Article. Registration of the Short Term Rental (Type 2) establishment shall be complete  
301 with receipt of applicable permit and license. Registration is not transferable to another owner,  
302 operator, or location. Nonconforming rights shall not transfer with change of Owner, and any  
303 short term rental permit shall be revoked by Director. Notwithstanding the foregoing, for  
304 purposes of this subsection, the conveyance or transfer of a unit or property ownership to a legal  
305 entity controlled by or providing equitable ownership of the prior Owner shall not constitute a  
306 change in Owner. It shall be the obligation of any new property Owner to apply for a new short  
307 term rental permit under this Article, and to provide evidence satisfactory to Director or City  
308 Attorney that ownership did not change, in order to maintain nonconforming rights hereunder.

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311  
312 Chapter 35, Article III, Section 35-311, Table 35-311-1 of the City Code of San Antonio, Texas,  
313 entitled “Unified Development Code,” is amended as follows:

314 **Section 35-311**

315 **TABLE 311-1 Residential Use Matrix**

TABLE 311-1 RESIDENTIAL USE MATRIX																		
PERMITTED USE	RP	PRE	R-20	NP-15	NP-10	NP-8	R-6	RM-6	R-5	RM-5	R-4	RM-4	MF-18	MF-25	MF-33	MF-40	MF-50 & MF-65	ERZD
Short Term Rental (Type 1 and Type 2)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
See Section 35-374.01 for Supplemental Requirements related to Short Term Rentals, Type 1 and Type 2																		

316

317 **TABLE 311-2 Non-Residential Use Matrix**

TABLE 311-2 NONRESIDENTIAL USE MATRIX												
PERMITTED USE	O-1 & O-1.5	O-2*	NC	C-1	C-2	C-3	D	L	I-1	I-2	ERZD	
Short Term Rental (Type 1 and Type 2)												
Service See Section 35-374.01 for Supplemental Requirements related to Short Term Rentals, Type 1 and Type 2	P	P	P	P	P		P				P	

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320 Chapter 35, Article III, is amended to add Section 35-374.01 as follows:

321

322 Sec. 35-374.01 Short Term Rentals

323 A Short Term Rental is a property that rents out all or a portion of a residential dwelling unit,  
 324 apartment, condominium, or accessory dwelling (as each of the preceding is defined by this  
 325 Chapter), for a period of not less than twelve (12) hours and not more than thirty (30)  
 326 consecutive days to a particular occupant. A Short Term Rental shall not be considered as a  
 327 hotel, extended stay hotel, motel, corporate apartment, or bed and breakfast, as defined in this  
 328 Chapter.

329

330 (a) Short Term Rentals are divided into two (2) types:

331 (1) Short Term Rental Type 1. A Short Term Rental Type 1 is a residential dwelling unit, or a  
 332 portion thereof, which is either occupied by the owner, as reflected in title records, or an operator

333 as reflected in a valid lease agreement, and with the express permission of the property owner.  
334 The owner or operator shall make his or her legal residence on the same property, as evidenced  
335 by homestead exemption, voter registration, vehicle registration, or similar means.

336 On residential properties which are not multi-family buildings (e.g, duplex, four-plex), a single  
337 individual unit, which is not owner occupied, but which is located on the same land parcel as an  
338 owner-occupied unit of common ownership as the non-owner occupied units shall be considered  
339 a Type 1 short term rental unit. Additional non-owner occupied units in excess of this allowance  
340 on the same land parcel shall be considered Type 2 short term rental units.

341 In a multi-family building, a single individual unit, which is not owner occupied, but which is  
342 located on the same land parcel as an owner-occupied unit of common ownership as the non-  
343 owner occupied units shall be considered a Type 1 short term rental unit. Additional non-owner  
344 occupied units in excess of this allowance on the same land parcel shall be considered Type 2  
345 short term rental units and shall be subject to the density limitations in Table 374.01-1.

346 (2) Short Term Rental Type 2. A Short Term Rental Type 2 is a residential dwelling unit, or a  
347 portion thereof, which is either not occupied by the owner, or the owner does not occupy another  
348 dwelling unit, or portion thereof, on the same property, as reflected in title records.

349  
350 (b) Limitations on other activities at Short Term Rentals. The follow activities or uses may not  
351 occur as part of the operation of a Short Term Rental, either Type 1 or Type 2:

352 (1) The Operator shall not provide prepared food or beverage, directly or indirectly (e.g., using  
353 caterer), for consumption for a fee. The subsection shall not prohibit an Operator from providing  
354 prepackaged food or beverages either as a gift or for a fee.

355 (2) Short term rentals in residential zoning districts shall not include venues for weddings,  
356 events, restaurants, meeting halls, or any other uses otherwise described in the Table of  
357 Permitted Uses either as an accessory use or a primary use.

358  
359 (c) Density Limitations for Short Term Rentals Type 2 in Residential Areas. In order to preserve  
360 the essential character of residential areas, the following density limitations are established:

361  
362 (1) Short Term Rentals Type 2 shall be limited to no more than one-eighth (12.5 per cent) of the  
363 total number of single-family, duplex, triplex, or quadraplex units on the block face, as defined  
364 in Appendix A of this Chapter, in residential zoning districts. At least one Type 2 short term  
365 rental shall be permitted per block face, regardless of density. Authorized Bed and Breakfast  
366 establishments shall be considered as part of these density requirements.

367

368 (2) Short Term Rentals Type 2 within multi-family (e.g. 5 or more units) buildings or groups of  
369 buildings on the same land lot or parcel, regardless of zoning district, shall be limited to the  
370 density requirements in Table 374.01-1. Authorized Bed and Breakfast establishments shall be  
371 considered as part of these density requirements.

372

373 Table 374.01-1

<u>Total Number of Units within the Building</u>	<u>Type 2 Permit Density Threshold</u>
<u>5 to 7 Units</u>	<u>1 Type 2 Short Term Rental Unit</u>
<u>8 Units or more</u>	<u>One-eighth (12.5%) of the Total number of units in the building</u>

374

375 In order to establish and operate a Short Term Rental Type 2 which exceeds the density  
376 limitations of this Section, approval of a Special Exception from the Board of Adjustment shall  
377 be required in addition to the requirements of Article XXII of Chapter 16 of the City Code. See  
378 Section 35-399.03. of this Chapter.

379

380 (d) Nonconforming Rights for Short Term Rentals Type 2 lawfully in existence as of date of  
381 ordinance. Short Term Rental Type 2 establishments shall be considered lawfully in existence for  
382 the purposes of deriving non-conforming rights from Section 35-702 of this Chapter if all of the  
383 following criteria are met:

384 (1) The owner shall provide written confirmation from the City of San Antonio Finance  
385 Department showing proof of registration for the specific location for the Short Term Rental  
386 establishment for payment of the Hotel Occupancy Tax required by Chapter 31 of the City Code  
387 of San Antonio, Texas.

388

389 (2) The owner shall provide written confirmation from the City of San Antonio Finance  
390 Department showing proof that their Hotel Occupancy Tax Account with the City of San  
391 Antonio is not in arrears.

392

393 (3) The Hotel Occupancy Tax confirmation from the City of San Antonio Finance Department  
394 indicates that the specific location for the Short Term Rental establishment seeking

395 nonconforming rights indicates that the registration occurred prior to the effective date of this  
396 ordinance.

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399

400 Chapter 35, Article III, Section 35-399 of the City Code of San Antonio, Texas, entitled “Unified  
401 Development Code,” is amended as follows:

402 **Sec. 35-399.03. – Short Term Rentals Type 2 Establishments.**

403 Short Term Rentals Type 2 establishments may be permitted to exceed the density  
404 limitations described in Section 35-374.01(c) in any residential zoning district subject to the  
405 following limitations, conditions and restrictions:

406  
407 **(a) Short Term Rental Permit.** A Short Term Rental Permit shall be required for all  
408 Short Term Rental Type 2 establishments.

409  
410 **(b) Parking Space Requirements.** Parking requirements must comply with the parking  
411 tables described in Section 35-526.

412  
413 **(c)** A site plan shall be submitted indicating the size and location of all structures on the  
414 property. In addition, photographs of the structure in which the Short Term Rental Type  
415 2 is to be located shall be submitted.

416  
417 **(d)** The residential architectural appearance of the structure shall not be changed to that  
418 of commercial, although a separate entry for the short term rental (Type 2) may be  
419 permitted.

420  
421 **(e)** Signs advertising the Short Term Rental Type 2 are not permitted, except that but a  
422 name plate not exceeding one (1) square foot is permitted when attached flat to the main  
423 structure. All applicable sign regulations and/or design review provisions in Chapter 28  
424 and Chapter 35 shall be adhered to.

425  
426 **(f)** Granting of the permit for a Short Term Rental Type 2 is to be for a definite period of  
427 time not to exceed three (3) years and only after notice and hearings as provided in this  
428 chapter to the board of adjustment. Applications for subsequent permits must be  
429 submitted prior to the expiration of the previous permit. Granting of the permit is non-  
430 transferable to another owner, operator, or location.

431  
432 **(g)** The Board of Adjustment, after all required notices have been made as required  
433 by this Chapter and the Texas Local Government Code, makes an affirmative finding  
434 of fact for the conditions in this Section and Section 35-482(i) of this Chapter.

435

436 A Special Exception approval to operate a Short Term Rental (Type 2) on a blockface  
437 which exceeds the density limitations described in Section 35-374.01(c) may be granted for  
438 the following structures:

439 (1) **Distressed Structure.** The applicant must demonstrate, and the board of  
440 adjustment must find:

- 441 • The restoration of a historic landmark or structure is a valuable addition to the  
442 quality and the character of the city; or
- 443 • There is proof that a Short Term Rental (Type 2) is the only economically feasible  
444 way to finance the preservation of the structure; and
- 445 • The granting of a Board of Adjustment approval will not adversely impact the  
446 residential quality of the neighborhood in which the structure is located.

447

448 (2) **Non-Distressed Structure.** The applicant must demonstrate, and the board of  
449 adjustment must find:

- 450 • The public welfare and convenience will be served, as demonstrated by subsections  
451 (a) (b) and (c) below.

452 (a) That nearby streets will not be substantially impacted by the proposed  
453 Short Term Rental (Type 2). To make this determination, the Board of  
454 Adjustment shall consider input from the city traffic engineer.

455 (b) The residential character of the neighborhood will not be disrupted in a  
456 manner to prevent the adjacent owners from the quiet enjoyment of their  
457 property.

458 (c)The neighboring property will not be substantially injured by such proposed  
459 use.

461 \*\*\*\*\*

462 Chapter 35, Article IV-Procedures is amended as follows:

463

464 **Sec. 35-482. - Zoning Variances.**

465 (h) **Special Exceptions.** The zoning board of adjustment must find that a request for a special  
466 exception meets each of the five (5) following conditions:

- 467 A. The special exception will be in harmony with the spirit and purpose of the chapter.
- 468 B. The public welfare and convenience will be substantially served.
- 469 C. The neighboring property will not be substantially injured by such proposed use.
- 470 D. The special exception will not alter the essential character of the district and location in  
471 which the property for which the special exception is sought.
- 472 E. The special exception will not weaken the general purpose of the district or the  
473 regulations herein established for the specific district.

474 The above findings of the board shall be incorporated into the official minutes of the board  
475 meeting in which the special exception is authorized.

476 (i) Special Exceptions for Short Term Rentals (Type 2) in Residential Districts. The  
 477 zoning board of adjustment must find that a request for a special exception for a short term  
 478 rental (Type 2) in a residential district meets each of the six (6) following conditions:

- 479 A. The special exception will not materially endanger the public health or safety.
- 480 B. The special exception does not create a public nuisance.
- 481 C. The neighboring property will not be substantially injured by such proposed use.
- 482 D. Adequate utilities, access roads, storm drainage, recreation, open space, and other  
 483 necessary facilities have been or are being provided.
- 484 E. The applicant or owner for the special exception does not have any previously revoked  
 485 short term rental licenses, confirmed citations, or adjudicated offenses convictions for  
 486 violations of Chapter 16, Article XXII of the City Code within the one year prior to the  
 487 date of the application.
- 488 F. The special exception will not alter the essential character of the district and location in  
 489 which the property for which the special exception is sought.

490  
 491 \*\*\*\*\*  
 492 Chapter 35, Article V, Section 35-526 of the City Code of San Antonio, Texas, entitled “Unified  
 493 Development Code,” is amended as follows:

494 **TABLE 526-3a**  
 495 **Parking in Residential Use Districts**  
 496

Permitted Use	Minimum Vehicle Spaces	Maximum Vehicle Spaces
SCHOOL - PUBLIC (includes all ISD schools K-12, open enrollment charter schools, public college or university)	according to use	according to use
<u>SHORT TERM RENTAL (TYPE 1 AND TYPE 2)</u>	<u>1 per unit</u>	<u>N/A</u>
URBAN FARM	2 spaces	N/A

497  
 498 **TABLE 526-3b**  
 499 **Parking in Nonresidential Use Districts**  
 500

	Permitted Use	Minimum Vehicle Spaces	Maximum Vehicle Spaces

Proposed STR Ordinance with Board and Commission Amendments and Council B-Session Amendments  
**DRAFT – SUBJECT TO CHANGE**

GOV.	CORRECTION INSTITUTION	1 per employee on maximum shift, 1 per service vehicle	1 per employee on maximum shift, 1 per service vehicle
HOUSING	HOUSING - extended stay hotel or timeshares <a href="#">or short term rental (Type 2)</a>	1 per unit	1.9 per unit
HOUSING	HOUSING - group day care limited to 12 individuals	0.3 per room	1 per room

501

502

503 \*\*\*\*\*

504 Chapter 35, Appendix A, Section 35-A101 is amended as follows:

505

506 **Sec. 35-A101. Definitions and Rules of Interpretation**

507 **(b) Definitions. Words with specific defined meanings are as follows:**

508 **\*\*\***

509 Expansion to an existing manufactured home park or subdivision. The preparation of  
 510 additional sites by the construction of facilities for servicing the lots on which the  
 511 manufactured homes are to be affixed (including the installation of utilities, the construction of  
 512 streets, and either final site grading or the pouring of concrete pads).

513

514 Extended stay hotel/motel or corporate apartment. A building containing rooms  
 515 intended or designed to be used or which are used, rented, or hired out to be occupied  
 516 temporarily for an extended period of time by guest and where a kitchen and dining area are  
 517 provided within the room or complex of rooms rented by the tenant. An Extended stay  
 518 hotel/motel or corporate apartment shall not be considered a Short Term Rental.

519

520 Exterior insulated finish systems (EIFS). A type of building exterior wall cladding  
 521 system that provides exterior walls with an insulated finished surface and waterproofing in an  
 522 integrated composite material system intended to simulate the texture and appearance of actual  
 523 stucco.

524 \*\*\*\*\*

525 Hospital. An institution providing health services, primarily for in-patients, and medical  
 526 or surgical care of the sick or injured, including as an integral part of the institution, such  
 527 related facilities as laboratories, out-patient departments, training facilities, central service  
 528 facilities and staff offices.

529

530 Hotel. A building/buildings containing rooms intended or designed to be used or which  
 531 are used, rented or hired out to be occupied or which are occupied for sleeping purpose by  
 532 guests. A Hotel shall not be considered a Short Term Rental.

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Housing facilities for older persons. See 35-373(e).

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Roof sign. A sign erected and constructed wholly on or above the roof of a building, supported by the roof structure.

Rooming house. A facility where lodging is provided for definite periods thirty (30) days or longer, for compensation, pursuant to previous arrangements. Lodging for less than thirty (30) days is classified as a different use, such as hotel or short term rental.

Root collar or root flares. An encircling structure of swollen tissue or a marked color change (from the tree bark) located at the highest part of the root system joining into the trunk of a tree at or slightly below the surrounding soil line.

\*\*\*\*\*

Short-lived species. Include all Hackberry (all species), Cottonwood, Ash (all species) Mulberry (all species) and Catalpa.

Short Term Rental. A property that rents out all or a portion of a residential dwelling unit, apartment, condominium, or accessory dwelling (as each of the preceding is defined by this Code), for a period of not less than 12 hours and for a maximum of 30 consecutive days to a particular occupant and the operator does not provide food or beverage for consumption for a fee. A Short Term Rental shall not be considered as a hotel, extended stay hotel, motel, or corporate apartment, as defined in this Chapter. Short term rentals shall not include venues for weddings, events, restaurants, meeting halls, or any other uses otherwise described in the Table of Permitted Uses either as an accessory use or a primary use.

Short Term Rental (Type 1) establishment. A residential dwelling unit which is occupied by the owner, as reflected in title records, or an operator as reflected in a valid lease agreement, and with the express permission of the property owner. The owner or operator shall make his or her legal residence at the site, as evidenced by homestead exemption, voter registration, vehicle registration, or similar means, and which supplies temporary accommodations to overnight guests for a fee.

Short Term Rental (Type 2) establishment. An residential dwelling unit which is not occupied by the owner, as reflected in title records, or an operator as reflected in a valid lease agreement, and with the express permission of the property owner, and which supplies temporary accommodations to overnight guests for a fee.

Shrub, large. An upright plant growing to a mature height of more than ten (10) feet for use a natural ornamentation or screening.

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