

1  
2 **ARTICLE XXII. – SHORT TERM RENTALS**  
3 **DIVISION I – GENERAL**  
4

5 **Sec. 16-1100. – Purpose.**  
6

7 (a) The purpose of this article is to establish regulations for the protection of the health and  
8 safety of occupant(s) of short term rental properties, and to protect the integrity of the  
9 neighborhoods in which short term rental properties operate.  
10

11 **Sec. 16-1101. – Definitions.**  
12

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

15 ***Agent*** means a person designated by the short term rental operator in lieu of themselves as the  
16 24-hour emergency contact for a lawfully operating short term rental

17 ***Bed and Breakfast*** Shall be as defined in City Code, Chapter 35, Appendix ‘A’ of this code.  
18

19 ***City Housing Incentive*** means any monetary payment or concession provided by the City of San  
20 Antonio which has the expressed purpose of spurring or encouraging the development of  
21 housing, whether affordable or not, or redevelopment in the City of San Antonio.  
22

23 ***Occupant*** means the person(s) who have lawfully obtained the exclusive use and possession of  
24 the short term rental property or portion thereof from its operator, and the guest(s) of such  
25 person(s).  
26

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

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

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

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

37 ***Short term rental*** Shall be as defined in City Code, Chapter 35, Appendix ‘A’ of this code.  
38

39 ***Short term rental permit*** means the permit issued by the city that identifies the subject property  
40 as a lawful short term rental, the short term rental permit number, the names and contact  
41 information of the owner, operator, and agent if applicable, and 24-hour emergency contact  
42 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.

69

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.

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

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

142 (b) is not Owner or Operator Occupied.

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

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

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

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

153  
154 **Sec. 16-1108. – General Standards**

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

- 157 (a) **Occupancy.** The maximum number of persons allowed to reside in a short term rental  
158 shall be defined by the San Antonio Property Maintenance Code
- 159 (b) **Parking.** Shall comply with Unified Development Code with respect to required parking  
160 (see Section 35-526). No required parking shall be permitted within public right-of-way  
161 or access easements as defined by city code (see 35-526) and state regulations regarding  
162 parking. The yard(s) shall not be utilized to provide the necessary parking.
- 163 (c) **Insurance.** The applicants shall keep, at a minimum, an insurance policy sufficient for  
164 personal injury liability of guests.
- 165 (d) **Life safety.**
- 166 (1) Short Term Rentals and structures where they are located shall conform to all  
167 applicable city-adopted codes, regulations, and ordinances
- 168 (2) A 2A:10B:C type fire extinguisher (a standard five-pound extinguisher) shall be  
169 properly mounted within 75 feet of all portions of the short term rental on each  
170 floor.
- 171 (3) Smoke and Carbon Monoxide detectors shall be installed and conform to all  
172 applicable city-adopted codes, regulations, and ordinances.
- 173 (3) Every sleeping area shall have at least one operable emergency escape and rescue  
174 opening per all applicable city-adopted codes, regulations, and ordinances
- 175 (4) An evacuation plan shall be posted conspicuously in each unit or permitted  
176 sleeping area.
- 177 (5) Every bedroom/sleeping area in a short term rental that does not comply with this  
178 section shall not be used as a sleeping area and where equipped with a door, shall  
179 remain locked at all times when the dwelling is being used as a short term rental.  
180 Such a non-compliant sleeping area shall not be included in the maximum  
181 occupancy calculation as defined by the San Antonio Property Maintenance Code  
182 for the short term rental. The owner/operator shall notify every occupant, in  
183 writing, that the non-compliant sleeping area may not be used for sleeping.
- 184 (d) **Conduct on premises.**
- 185 (1) Short term rental Operators shall be responsible for informing their occupants of all  
186 relevant city codes and occupants' liability for violations of same.
- 187 (2) Excessive noise or other disturbance outside the short term rental is prohibited per  
188 Chapter 21, Article III of the Code of Ordinances. This includes, but is not limited  
189 to, decks, portals, porches, balconies, patios, hot tubs, pools, saunas or spas.
- 190 (3) No overnight sleeping outdoors or outdoor sleeping spaces for rent.
- 191 (e) **Signage.**
- 192 1. Signage shall be in compliance with the city's current sign code as well as any  
193 design, design review, and/or approval requirements for the zoning district in which  
194 the property is located.

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

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

200 (1) Maximum number of Occupants.

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

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

205 (4) Restrictions of outdoor facilities.

206 (5) 24-hour contact person and phone number.

207 (6) Property cleanliness requirements.

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

209 (8) Flooding hazards and evacuation routes.

210 (9) Emergency numbers.

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

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

215 (12) Hotel Occupancy Tax registration

216  
217 (g) **Hotel Occupancy Tax.** Owner or Operator must remit Hotel Occupancy Taxes due to  
218 the City in a timely manner, pursuant to applicable laws and this Article.  
219

220 **Sec. 16-1109. – Inspections.**

221  
222 To ensure continued compliance with the requirements of this section a short term rental may be  
223 inspected in the following methods:  
224

225 (a) *Inspections* upon complaint or suspicion of a violation. The city may perform  
226 inspections when a violation is reported or suspected in accordance with established  
227 code enforcement procedures.

228 **Sec. 16-1110. - Enforcement/penalty.**

229 (a) A person commits an offense under this chapter if that person owns or operates a short  
230 term rental in the city without a valid permit.

231 (b) Emergency contact. The Owner/Operator of the short term rental shall provide the city  
232 with a 24-hour contact number for the operator or a designated agent per Sec. 16-1104,  
233 and shall provide timely updates to city of any changes thereto. Should a law

234 enforcement officer respond to the short term rental and issue a citation for any  
235 violation of city ordinances, the operator or their agent shall be called by the officer.  
236 The Operator or their agent shall attempt to contact the Occupants within one hour of  
237 the call to address the occupants about the complaints. Should a second complaint be  
238 filed and citation issued to any part of the occupants or guests, the owner/operator must  
239 take appropriate step, in accordance with the individual rental agreement, to assure  
240 future complaints do not occur. Short Term Rental Permits shall be revoked if three or  
241 more confirmed citations are issued at a permitted property within any six month  
242 period, whether issued to the operator or any occupants. Failure to provide updated  
243 information to the city regarding designated agent or responsible party shall be a  
244 violation of this Section.

245 (c) Violation of any section of this article shall constitute an offense resulting in permit  
246 revocation in accordance with subsection 16-1111, Revocation.

247 (d) Failure to timely pay any applicable Hotel Occupancy Tax is a violation of this section,  
248 and shall result in permit revocation if arrearage is not paid within ninety (90) days of  
249 the issuance of a delinquency notice, in accordance with subsection 16-1111  
250 (Revocation).

251 (e) Failure to successfully complete the renewal process of a short term rental permit is  
252 considered a violation of this section.

253 (f) The provisions of this subsection are in addition to and not in lieu of any criminal  
254 prosecution or penalties as provided by city ordinances or county or state law.

255 (g) Violation of the terms and conditions of a short term rental permit under this article  
256 shall be punishable by a fine of not less than \$200.00 but not more than \$500.00 per  
257 occurrence. Penalties for other violations of the city code shall be as applicable. Each  
258 day a violation of this article continues shall be considered a separate offense. Each day  
259 that a unit is occupied in violation of this ordinance shall be considered a separate  
260 offense, and, upon conviction, shall be subject to a minimum fine of \$200.00 to a  
261 maximum fine of \$500.00 per violation, per day.

262 (h) Each day of violation of said standards and provisions of this section constitutes a  
263 separate offense and is separately punishable, but may be joined in a single prosecution.

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

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

272 (a) The Director shall give written notice to the owner/operator regarding the revocation.

273 (b) If a short term rental permit is revoked, the owner/operator may not reapply for the  
274 same property for a period of 12 months.

275 **Sec. 16-1112. - Appeals.**

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

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

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

286 **Sec. 16-1114. - Nonconforming Rights. Short Term Rentals (Type 2) in Existence as of**

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

303  
304 \*\*\*\*\*

305  
306 Chapter 35, Article III, Section 35-311, Table 35-311-1 of the City Code of San Antonio, Texas,  
307 entitled “Unified Development Code,” is amended as follows:

308 **Section 35-311**

309 **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																		

310

311 **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	

312

313 \*\*\*\*\*

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

315

316 **Sec. 35-374.01 Short Term Rentals**

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

323

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

325 (1) Short Term Rental Type 1. A Short Term Rental Type 1 is a residential dwelling unit,  
 326 or a portion thereof, which is either occupied by the owner, as reflected in title records, or an  
 327 operator as reflected in a valid lease agreement, and with the express permission of the property  
 328 owner. The owner or operator shall make his or her legal residence on the same property, as  
 329 evidenced by homestead exemption, voter registration, vehicle registration, or similar means.

330 i. On residential properties which are not multi-family buildings (e.g, duplex,  
 331 four-plex), a single individual unit, which is not owner occupied, but which is

332 located on the same land parcel as an owner-occupied unit of common  
333 ownership as the non-owner occupied units shall be considered a Type 1 short  
334 term rental unit. Additional non-owner occupied units in excess of this  
335 allowance on the same land parcel shall be considered Type 2 short term  
336 rental units.

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

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

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

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

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

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

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

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

372

Table 374.01-1

Total Number of Units within the Building	Type 2 Permit Density Threshold
5 to 7 Units	1 Type 2 Short Term Rental Unit

8 Units or more	One-eighth (12.5%) of the Total number of units in the building
-----------------	---

373  
374 In order to establish and operate a Short Term Rental Type 2 which exceeds the density  
375 limitations of this Section, approval of a Special Exception from the Board of Adjustment shall  
376 be required in addition to the requirements of Article XXII of Chapter 16 of the City Code. See  
377 Section 35-399.03. of this Chapter.

378  
379 (d) Nonconforming Rights for Short Term Rentals Type 2 lawfully in existence as of date of  
380 ordinance. Short Term Rental Type 2 establishments shall be considered lawfully in existence  
381 for the purposes of deriving non-conforming rights from Section 35-702 of this Chapter if all  
382 of the following criteria are met:

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

387  
388 (2) The owner shall provide written confirmation from the City of San Antonio  
389 Finance Department showing proof that their Hotel Occupancy Tax Account with the  
390 City of San Antonio is not in arrears.

391  
392 (3) The Hotel Occupancy Tax confirmation from the City of San Antonio Finance  
393 Department indicates that the specific location for the Short Term Rental establishment  
394 seeking nonconforming rights indicates that the registration occurred prior to the  
395 effective date of this ordinance.

396  
397 \*\*\*\*\*

398  
399 Chapter 35, Article III, Section 35-399 of the City Code of San Antonio, Texas, entitled “Unified  
400 Development Code,” is amended as follows:

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

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

405  
406 (a) **Short Term Rental Permit.** A Short Term Rental Permit shall be required for all  
407 Short Term Rental Type 2 establishments.

408  
409 (b) **Parking Space Requirements.** Parking requirements must comply with the parking  
410 tables described in Section 35-526.

411

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

415  
416 (d) The residential architectural appearance of the structure shall not be changed to that  
417 of commercial, although a separate entry for the short term rental (Type 2) may be  
418 permitted.

419  
420 (e) Signs advertising the Short Term Rental Type 2 are not permitted, except that ~~but~~ a  
421 name plate not exceeding one (1) square foot is permitted when attached flat to the main  
422 structure. All applicable sign regulations and/or design review provisions in Chapter 28  
423 and Chapter 35 shall be adhered to.

424  
425 (f) Granting of the permit for a Short Term Rental Type 2 is to be for a definite period of  
426 time not to exceed three (3) years and only after notice and hearings as provided in this  
427 chapter to the board of adjustment. Applications for subsequent permits must be  
428 submitted prior to the expiration of the previous permit. Granting of the permit is non-  
429 transferable to another owner, operator, or location.

430  
431 (g) The Board of Adjustment, after all required notices have been made as required  
432 by this Chapter and the Texas Local Government Code, makes an affirmative finding  
433 of fact for the conditions in this Section and Section 35-482(i) of this Chapter.

434  
435 A Special Exception approval to operate a Short Term Rental (Type 2) on a blockface  
436 which exceeds the density limitations described in Section 35-374.01(c) may be granted for  
437 the following structures:

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

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

446  
447 (2) **Non-Distressed Structure.** The applicant must demonstrate, and the board of  
448 adjustment must find:

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

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

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

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

460 \*\*\*\*\*

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

462

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

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

466 A. The special exception will be in harmony with the spirit and purpose of the chapter.

467 B. The public welfare and convenience will be substantially served.

468 C. The neighboring property will not be substantially injured by such proposed use.

469 D. The special exception will not alter the essential character of the district and location in  
470 which the property for which the special exception is sought.

471 E. The special exception will not weaken the general purpose of the district or the  
472 regulations herein established for the specific district.

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

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

478 A. The special exception will not materially endanger the public health or safety.

479 B. The special exception does not create a public nuisance.

480 C. The neighboring property will not be substantially injured by such proposed use.

481 D. Adequate utilities, access roads, storm drainage, recreation, open space, and other  
482 necessary facilities have been or are being provided.

483 E. The applicant or owner for the special exception does not have any previously revoked  
484 short term rental licenses, confirmed citations, or adjudicated offenses convictions for  
485 violations of Chapter 16, Article XXII of the City Code within the one year prior to the  
486 date of the application.

487 F. The special exception will not alter the essential character of the district and location in  
488 which the property for which the special exception is sought.

489

490 \*\*\*\*\*

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

493

494

495

**TABLE 526-3a**  
**Parking in Residential Use Districts**

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
SHORT TERM RENTAL (TYPE 1 AND TYPE 2)	1 per unit	N/A
URBAN FARM	2 spaces	N/A

496

497

498

499

**TABLE 526-3b**  
**Parking in Nonresidential Use Districts**

	Permitted Use	Minimum Vehicle Spaces	Maximum Vehicle Spaces
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 or short term rental (Type 2)	1 per unit	1.9 per unit
HOUSING	HOUSING - group day care limited to 12 individuals	0.3 per room	1 per room

500

501

502 \*\*\*\*\*

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

504

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

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

507 \*\*\*

508 Expansion to an existing manufactured home park or subdivision. The preparation of  
 509 additional sites by the construction of facilities for servicing the lots on which the

510 manufactured homes are to be affixed (including the installation of utilities, the construction of  
511 streets, and either final site grading or the pouring of concrete pads).

512  
513 Extended stay hotel/motel or corporate apartment. A building containing rooms  
514 intended or designed to be used or which are used, rented, or hired out to be occupied  
515 temporarily for an extended period of time by guest and where a kitchen and dining area are  
516 provided within the room or complex of rooms rented by the tenant. An Extended stay  
517 hotel/motel or corporate apartment shall not be considered a Short Term Rental.

518  
519 Exterior insulated finish systems (EIFS). A type of building exterior wall cladding  
520 system that provides exterior walls with an insulated finished surface and waterproofing in an  
521 integrated composite material system intended to simulate the texture and appearance of actual  
522 stucco.

523 \*\*\*\*\*

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

528  
529 Hotel. A building/buildings containing rooms intended or designed to be used or which  
530 are used, rented or hired out to be occupied or which are occupied for sleeping purpose by  
531 guests. A Hotel shall not be considered a Short Term Rental.

532  
533 Housing facilities for older persons. See 35-373(e).

534  
535 \*\*\*\*\*

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

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

541  
542 Root collar or root flares. An encircling structure of swollen tissue or a marked color  
543 change (from the tree bark) located at the highest part of the root system joining into the trunk  
544 of a tree at or slightly below the surrounding soil line.

545  
546 \*\*\*\*\*

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

549  
550 Short Term Rental. A property that rents out all or a portion of a residential dwelling unit,  
551 apartment, condominium, or accessory dwelling (as each of the preceding is defined by this  
552 Code), for a period of not less than 12 hours and for a maximum of 30 consecutive days to a  
553 particular occupant and the operator does not provide food or beverage for consumption for a  
554 fee. A Short Term Rental shall not be considered as a hotel, extended stay hotel, motel, or

555 corporate apartment, as defined in this Chapter. Short term rentals shall not include venues for  
556 weddings, events, restaurants, meeting halls, or any other uses otherwise described in the Table  
557 of Permitted Uses either as an accessory use or a primary use.

558

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

565

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

570

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

573

574 \*\*\*\*\*

