

## 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:

**Adult** means an individual 18 years of age or older.

**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.

**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.

**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, 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.

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

#### Sec. 16-1102. - Authority of the director.

The director of Development Services shall implement and enforce this chapter and may by written order establish such procedures, not inconsistent with this chapter or other city ordinances, rules, or regulations, or any county, state, or federal laws or

regulations, as the director determines are necessary to discharge any duty under this chapter.

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

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

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

- (a) **Application.** Application for a short term rental permit shall be in writing on an application form available at the Development Services office, shall be accompanied by a one-time application fee of two hundred dollars (\$200.00) and shall include the following information, at a minimum:
- (1) A list of all owners, operators, and agents (if applicable) of the short term rental including names, addresses, current email address(es) of owner/operator, and telephone numbers.
  - (2) A sketch or narrative describing the location of the available parking spaces as required by subsection 16-1108 (b) Parking.
  - (3) A sketch of the floor plan, which identifies sleeping areas, proposed maximum number of guests, evacuation route(s), location of fire extinguisher(s).
  - (4) The name, address and 24-hour telephone numbers of a contact person, who is the owner, operator, or designated agent and who shall be responsible and authorized to respond to complaints concerning the use of the short term rental.
  - (5) Written confirmation from the City of San Antonio Finance Department showing proof of registration with the City of San Antonio Finance Department for Hotel Occupancy Tax collection will be need to be provided before permit is granted.
  - (6) A statement that the owner of the short term rental has met and will continue to comply with the standards and other requirements of this section.
  - (7) Proof of coverage under a General Liability Insurance policy with minimum limits of 500k per occurrence and 1mil aggregate
- (b) **Completeness of application.** Applications shall not be considered complete until all documentation required under this Article has been submitted, and until the full application and permit fees have been paid. Incomplete applications will not be accepted.

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

- (a) A permit to operate a short term rental expires

1. Type 1 permits expire three (3) years after the date of issuance
  2. Type 2 permits expire three (3) years after the date of issuance
- (b) A permit holder shall apply for renewal prior to the expiration of the permit on a form provided by the director. The permit holder shall update the information contained in the original permit application required under section 16-1104 of this article or any subsequent renewals under this section, if any of the information has changed. The permit holder shall sign a statement affirming that there is either no change in the information contained on the original permit application and any subsequent renewal applications, or that any information that has been updated is accurate and complete. Complete applications for renewal received after the expiration of a current permit shall be treated as applications for a new permit, as described in Sec. 16-1104.
- (c) The director shall follow the procedures set forth in this article when determining whether to renew a permit.
- (d) The fee for the renewal of a permit to operate a short term rental is one hundred dollars (\$100.00).

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

A permit to operate a short term rental is not transferable to another owner, operator, or location.

#### **Sec. 16-1107. – Tiers**

##### (a) Short Term Rental (Type 1) Regulations.

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

- (a) is rented for periods of less than 30 consecutive days; and
- (b) property is owner-occupied

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

- (a) a sleeping area must at a minimum include the shared use of a full bathroom;
- (b) the owner is generally present at the licensed short term rental property.

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

##### (b) Short Term Rental (Type 2) Regulations.

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

- (a) is rented for periods of less than 30 consecutive days;
- (b) is not owner-occupied.

- (2) A short term rental use under this section may not:
- (a) include the rental of less than an entire dwelling unit;
  - (b) operate without a permit as required by Sec.16-1103 Permit Required
- (3) If a permit for a short term rental (Type 2) use meets the requirements for renewal under Sec. 16-1105 (Expiration and renewal of permit) and the property received a notice of violation related to the life, health, or public safety of the structure, the property is subject to an inspection by the building official to determine if the structure poses a hazard to life, health, or public safety.

### **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. 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) **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 CO2 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 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.

**(d) Conduct on premises.**

- (1) Short term rental operators shall be responsible for informing their occupants of all relevant city codes and occupants' liability for violations of same.
- (2) Excessive noise or other disturbance outside the short term rental is prohibited per Chapter 21, Article III of the Code of Ordinances. This includes, but is not limited to, decks, portals, porches, balconies, patios, hot tubs, pools, saunas or spas.
- (3) No overnight sleeping outdoors or outdoor sleeping spaces for rent.

**(e) Signage.**

1. Signage shall be in compliance with the city's current sign code.
2. All advertisements, including online or proprietary (website, app, or other technology) will include the short term rental permit number within the description or body for public reference.

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

- (1) Maximum number of occupants.
- (2) Location of required off-street parking, other available parking and prohibition of parking on landscaped areas.
- (3) Quiet hours and noise restrictions as defined per Chapter 21, Article III of the Code of Ordinances.
- (4) Restrictions of outdoor facilities.
- (5) 24-hour contact person and phone number.
- (6) Property cleanliness requirements.
- (7) Trash pick-up requirements, including location of trash cans.
- (8) Flooding hazards and evacuation routes.
- (9) Emergency numbers.
- (10) Notice that failure to conform to the occupancy and parking requirements is a violation of the City Code and occupant or visitor can be cited.
- (11) Short Term Rental permit, Health Department permit, and/or any other required permits, if applicable.
- (12) Hotel Occupancy Tax registration

### **Sec. 16-1109. – Inspections.**

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

- (a) *Initial inspection.* As part of the issuance of a new short term rental permit the city's Development Services Department shall conduct an inspection to verify compliance with this section.
- (b) *Fire extinguishers.* The owner/operator is responsible for obtaining annual independent inspections of the fire extinguishers in compliance with the city's current fire code.
- (c) *Inspections.* The city may perform inspections when a violation is suspected.
- (d) *Renewal inspection.* The city's Development Services Department may perform inspections for compliance with this section.

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

- (a) A person commits an offense under this chapter if that person owns or operates a short term rental in the city without a valid permit.
- (b) Emergency contact. The owner/operator of the short term rental shall provide the city with a 24-hour contact number for the operator or a designated agent per Sec. 16-1104. Should a law enforcement officer respond to the short term rental and issue a citation for any violation of city ordinances, the operator or their agent shall be called by the officer. The operator or their agent shall attempt to contact the occupants within one hour of the call to address the occupants about the complaints. Should a second complaint be filed and citation issued to any part of the occupants or guests, the owner/operator must take appropriate step, in accordance with the individual rental agreement, to assure future complaints do not occur. Short Term Rental Permits shall be revoked if three or more confirmed citations are issued at a permitted property within any six month period, whether issued to the operator or any occupants.
- (c) Violation of any section of this article shall constitute an offense resulting in permit revocation in accordance with subsection 16-1110, Revocation.
- (d) Failure to pay hotel occupancy tax timely is considered a violation of this section and shall result in revocation of the short term rental permit in accordance with subsection 16-1110, Revocation. Failure to timely pay any applicable Hotel Occupancy Tax is a violation of this section, and shall result in permit revocation if arrearage is not paid within ninety (90) days of the issuance of a delinquency notice
- (e) Failure to successfully complete the renewal process of a short term rental permit is considered a violation of this section.
- (f) The provisions of this subsection are in addition to and not in lieu of any criminal prosecution or penalties as provided by city ordinances or county or state law.

- (g) Violation of the terms and conditions of a short term rental permit under this article shall be punishable by a fine of not less than \$200.00 but not more than \$500.00 per occurrence. Penalties for other violations of the city code shall be as applicable. Each day a violation of this article continues shall be considered a separate offense. Each day that a unit is occupied in violation of this ordinance shall be considered a separate offense, and, upon conviction, shall be subject to a minimum fine of \$200.00 to a maximum fine of \$500.00 per violation, per day.
- (h) Each day of violation of said standards and provisions of this section constitutes a separate offense and is separately punishable, but may be joined in a single prosecution.

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

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

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

#### **Sec. 16-1112. - Appeals.**

If the director denies issuance or renewal of a permit or suspends or revokes a permit issued under this article, the action is final unless the permit holder files a written appeal within ten (10) business days to the director, or his designee. Appeals regarding technical matters will be reviewed by the building related and fire codes appeals and advisory board.

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

This section does not create any right to operate a short term rental in violation of any lease, license, deed restriction, covenant, easement, or other legal encumbrance.

**Sec. 16-1114. - Nonconforming Rights. Short Term Rentals (Type 2) in Existence as of date of ordinance.** Properties which are used as Short Term Rental (Type 2) establishments as of date of ordinance that can also provide written confirmation from the City of San Antonio Finance Department showing proof of registration and account is not in arrears with the City of San Antonio Finance Department for Hotel Occupancy Tax collection, may be registered as Short Term Rental (Type 2) establishments at the department of development services and upon such registration will be granted a

permit, subject to compliance with all applicable city code requirements. Registration of the Short Term Rental (Type 2) establishment shall be complete with receipt of applicable permit and license. Registration is not transferable to another owner, operator, or location.

\*\*\*\*\*

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

# **Section 35-311**

**TABLE 311-1 Residential Use Matrix**

TABLE 311-1 RESIDENTIAL USE MATRIX																		
PERMITTED USE	RP	RE	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	ERZ
<a href="#">Short Term Rental (Type 1), For Type 2 see § 35-399.06</a>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

**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
Service	<a href="#">Short Term Rental (Type 1 and Type 2)</a>	P	P	P	P	P		P				P

\*\*\*\*\*

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

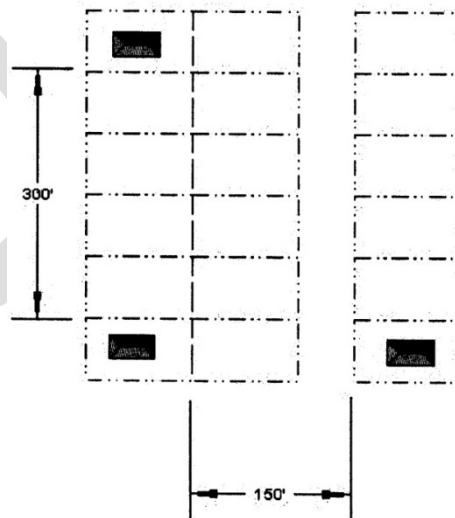
## **Sec. 35-399.06. – Short Term Rentals (Type 2) Establishments.**

Short Term Rentals (Type 2) may be permitted in any residential zoning district subject to the following limitations, conditions and restrictions:

- Applicability.** The provisions of this section shall apply to the establishment of any short term rental (Type 2), where applicable, in the city.
- Short Term Rental Permit.** A Short Term Rental Permit shall be required for all short term rental (Type 2) establishments.



- (c) **Parking Space Requirements.** Parking requirements must comply with the parking tables described in Section 35-526. For Short Term Rentals (Type 2) the requirement shall meet HOUSING – extended stay or timeshares in Table 526-3b.
- (d) **A site plan shall be submitted indicating the size and location of all structures on the property. In addition, photographs of the structure in which the short term rental (Type 2) is to be located shall be submitted.**
- (e) **The residential architectural appearance of the structure shall not be changed to that of commercial, although a separate entry for the short term rental (Type 2) may be permitted.**
- (f) **Signs advertising the short term rental (Type 2) are not permitted, but a name plate not exceeding one (1) square foot is permitted when attached flat to the main structure.**
- (g) **Granting of the permit for a bed and breakfast/short term rental (Type 2) is to be for a definite period of time not to exceed three (3) years and only after notice and hearings as provided in this chapter to the board of adjustment. Applications for subsequent permits must be submitted prior to the expiration of the previous permit. Granting of the permit is non-transferable to another owner, operator or location.**
- (h) **Regulations Pertaining to Short-Term Rental Type 2 Establishments Within Any Zoning District.** Except as provided below, no Short-Term Rental Type 2 establishments within these zoning districts may be permitted within three hundred (300) feet laterally and one hundred fifty (150) feet perpendicularly (as below) of any other property authorized for a Short-Term Rental Type 2 use within any zoning district. Such measurements shall be made from the property line of the proposed Short-Term Rental Type 2 to the nearest property line of the existing Short-Term Rental Type 2 (See Figure 399.06-1).



**Figure 399.06-1**

Measurement for the location of a proposed Short Term Rental (Type 2) establishment shall be in a straight line (without regard to intervening structures or objects) in three (3) directions. The first measurement shall be from the nearest front property line of the proposed Short Term Rental (Type 2) establishment one hundred fifty (150) feet outward towards the street. The second and third measurements shall be from the two (2) side property lines of the proposed Short Term Rental (Type 2) three hundred (300) feet laterally to the side lot line(s) of adjacent properties.

Special Exception approval to operate a Short Term Rental (Type 2) within the above measurement formula of one hundred fifty (150) feet and three hundred (300) feet of another Short Term Rental (Type 2) as defined in subsection (b) above may be granted for the following structures:

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

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

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

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

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

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

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

- (i) **Nonconforming Rights. Short Term Rentals (Type 2) in Existence as of date of ordinance.** Properties which are used as Short Term Rental (Type 2) establishments as of date of ordinance that can also provide written confirmation from the City of San Antonio Finance Department showing proof of registration and account is not in arrears with the City of San Antonio Finance Department for Hotel Occupancy Tax collection, may be registered as Short Term Rental (Type 2) establishments at the department of development services and upon such registration will be granted a permit, subject to compliance with all applicable city code requirements. Registration of the Short Term Rental (Type 2) establishment shall be complete with receipt of applicable permit and license. Registration is not transferable to another owner, operator, or location.

\*\*\*\*\*

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

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

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

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

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

(i) **Special Exceptions for Short Term Rentals (Type 2) in Residential Districts.** The zoning board of adjustment must find that a request for a special exception for a short term rental (Type 2) in a residential district meets each of the five (5) following conditions:

- A. The special exception will not materially endanger the public health or safety.
- B. The special exception does not create a public nuisance.
- C. The neighboring property will not be substantially injured by such proposed use.
- D. Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities have been or are being provided.
- E. The applicant or owner for the special exception does not have any previously revoked short term rental licenses, confirmed citations, or adjudicated offenses convictions for violations of Chapter 16, Article XXII of the City Code within the one year prior to the date of the application.

\*\*\*\*\*

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

**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
<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

**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 <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

\*\*\*\*\*

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

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

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

\*\*\*

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

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

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

\*\*\*\*\*

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

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

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

\*\*\*\*\*

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.](#)

[Short Term Rental \(Type 1\) establishment. A residential dwelling which is occupied by the owner, as reflected in title records, makes his or her legal residence at the site, as evidenced by 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 establishment which is not occupied by the owner, as reflected in title records, 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.

\*\*\*\*\*