



DECEMBER 15, 2018  
DSD ACADEMY

Presented by:  
Tony Felts – Interim Policy Administrator



# COUNCIL CONSIDERATION REQUEST (CCR)

- Sponsored by former Councilman Mike Gallagher (CD 10)
  - Submitted on February 1, 2017
- Worked with Task Force for more than 1 year
- Ordinance:
  - Approved and became effective Nov. 1, 2018
  - Registration by Feb. 11, 2019

SG/ml  
11/01/2018  
Item No. 04

AN ORDINANCE 2018-11-01-0858

AMENDING CHAPTER 16 OF THE CITY CODE OF SAN ANTONIO, TEXAS, AND CHAPTER 35, UNIFIED DEVELOPMENT CODE OF SAN ANTONIO, TEXAS, BY PROVIDING FOR REGULATIONS FOR THE OPERATION AND USE OF SHORT TERM RENTALS, AND PROVIDING FOR PUBLICATION.

\* \* \* \* \*

**WHEREAS**, on February 1, 2017, former City Councilman Gallagher issued a City Council Consideration Request directing staff to consider regulations for Short Term Rentals; and

**WHEREAS**, on March 22, 2017, the City Council Governance Committee directed city staff to take action on the City Council Consideration Request; and

**WHEREAS**, city staff convened a diverse taskforce to research and debate Short Term Rental regulations and held multiple taskforce meetings, general public meetings, and stakeholder meetings; and

**WHEREAS**, the Board of Adjustment, Planning Commission and Zoning Commission held public hearings on January 8, 2018, January 10, 2018, and February 6, 2018 and each made a recommendation of approval; and

**WHEREAS**, the Zoning Commission after notice and publication held a public hearing at which time parties in interest and citizens were given an opportunity to be heard; and

**WHEREAS**, the Zoning Commission has submitted a final report to the City Council regarding the amendments to the zoning regulations of the City of San Antonio; **NOW THEREFORE, NOW THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** Chapter 16 of the City Code of San Antonio, Texas, is hereby amended by adding language that is underlined (added) and deleting the language that is stricken (~~deleted~~) to the existing text as set forth in this Ordinance.

**SECTION 2.** Chapter 16 of the City Code of San Antonio, Texas, is hereby amended by adding **ARTICLE XXII – SHORT TERM RENTALS:**

**ARTICLE XXII – SHORT TERM RENTALS**  
**DIVISION 1 – GENERAL**

Sec. 16-1100. – Purpose.

# WHAT IS A SHORT TERM RENTAL?

## Definition:

- Rents out all or a portion of a unit
- Period not less than 12 hours or greater than 30 consecutive days
- Does not provide food and beverage consumption for a fee
- Does not include venues for weddings, events, restaurants, meeting halls, or other uses



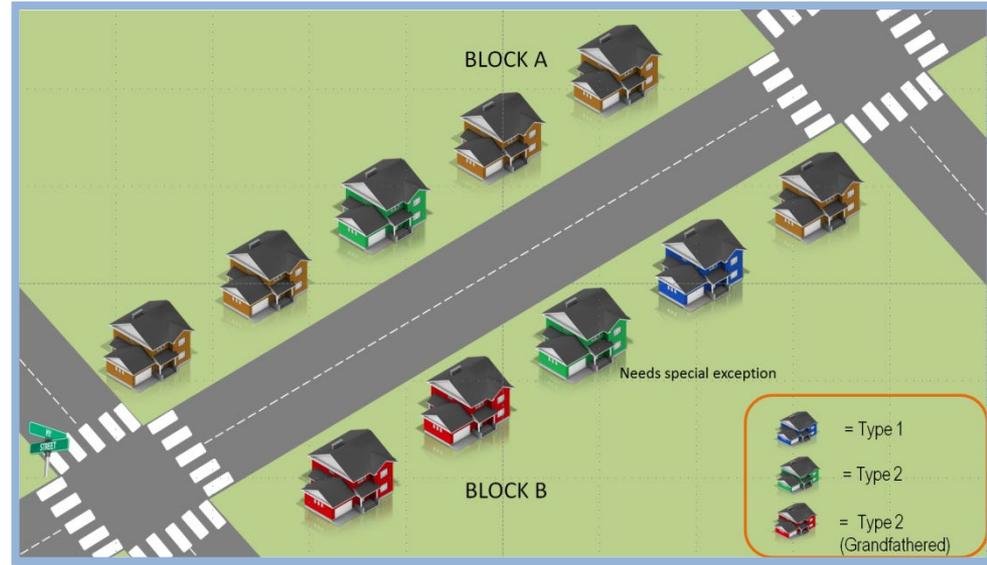
# GENERAL PROVISIONS

- Regulation and permitting through DSD
- 2 types of STRs
  - Type 1 - Hosted sharing
    - Owner or lessee-occupied
    - Allowed by right in residential & commercial
  - Type 2 - Un-hosted sharing
    - Owner or lessee **does not** occupy property as primary residence
    - Allowed by right up to density limits
      - Need special exception from Board of Adjustments for more density



# KEY PROVISIONS

- Density and special exceptions:
  - Type 2 allowed by right in most districts
    - Except in Industrial and C-3
  - Sets density limitations:
    - Residential = 12.5% of blockface
    - Multi-family buildings with 5 to 7 units = one Type 2
    - Multi-family buildings with 8+ units = 12.5% of units
  - Bed & Breakfasts included in calculation



BLOCK A



Needs special exception

BLOCK B



= Type 1



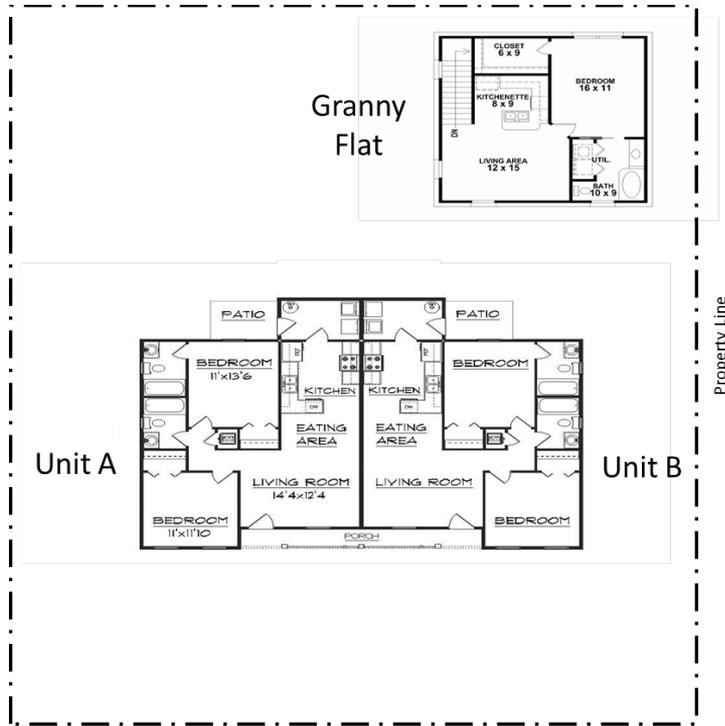
= Type 2



= Type 2  
(Grandfathered)

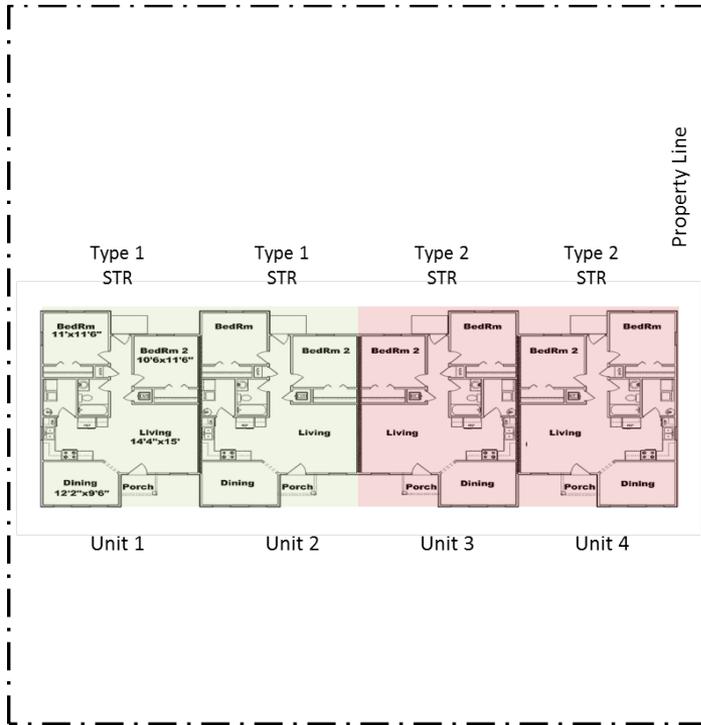
MY STREET

# DUPLEX WITH GRANNY FLAT SCENARIO



- Owner occupies Unit A of the duplex
  - Occasionally rents a bedroom as a Type 1 Short Term Rental
- Owner rents Unit B of the duplex and the Granny Flat as a short term rental
  - Only one on the additional units, either B or the granny flat, would be considered Type 1
  - The other unit would be considered Type 2

# FOURPLEX BUILDING SCENARIO



- Same owner for all 4 units, and all units are on the same land parcel
- Owner occupies Unit 1 as his primary residence
  - Occasionally the owner rents a bedroom in Unit 1 as a **Type 1 STR**
- Owner rents the additional units as STRs
  - Unit 2 would be a **Type 1 STR**
  - Units 3 & 4 would be considered a **Type 2 STR**

# MULTIFAMILY BUILDING SCENARIO



- A single owner owns Units D, F, and G in this building
- The owner occupies Unit G as his primary residence
  - Occasionally rents a bedroom as a **Type 1** STR
- The same owner rents Units F & D as a STRs
  - Only one of these additional units is considered **Type 1**
  - The other unit, due to the density cap, is considered a **Type 2**

# KEY PROVISIONS

- **Unit** = sleeping area, bathroom, & kitchen
- Multi-unit clarifications:
  - 1 permit per individual unit
  - 1 additional accessory dwelling on residential properties = Type 1
    - Additional dwelling = Type 2
  - Multi-family units under common ownership = Type 1 for first 2 units in same building
    - Additional units = Type 2



# KEY PROVISIONS

- Self-Certification
  - In lieu of initial City inspection
- Reduced Fee
  - Initial registration = \$100.00
  - Renewal (every 3 years) = \$100.00
- City Housing Incentives
  - Properties with city housing incentives not eligible for Type 2 STR permit
- Events and Other Uses
  - Cannot provide food and beverage services
  - Events spaces (weddings, meetings, parties) prohibited

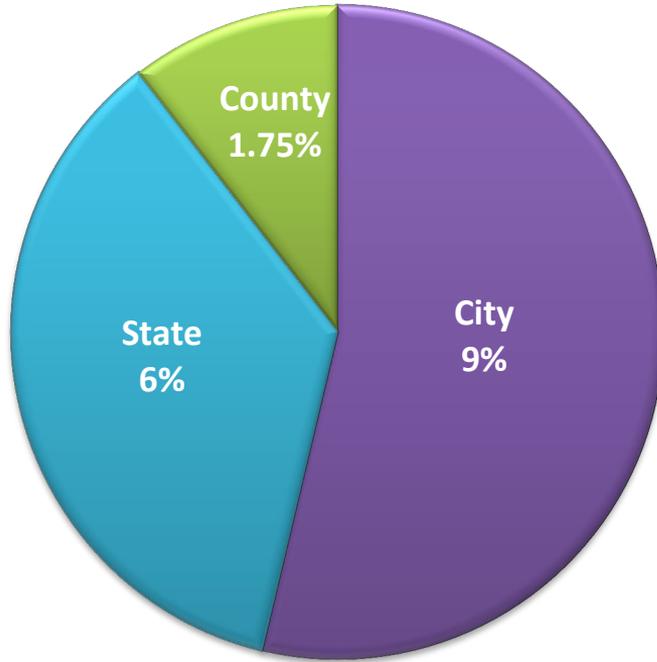


# REGULATION AND PERMITTING - DSD

- Registration with City for HOT
- List of owners or operators with 24 hour address and contact information
- Floor plan and site plan
- Existing **legal** Type 2 STRs grandfathered
  - HOT account as of Nov. 1, 2018
- Insurance requirements
- **Enforcement requirements/penalties**
  - **Respond to complaints**
  - **Repeated violations = revocation of permit**
  - **Call “311”**



# HOTEL OCCUPANCY TAX (HOT)



- Finance Department collects HOT for City and County
  - City = 9%
  - County = 1.75%
  - State = 6%
- State Law requires STRs to pay HOT
  - Due monthly
  - Based on self reported monthly room receipts
  - Subject compliance audits by City

# HOW TO REGISTER

- Website:

[www.sanantonio.gov/DSD](http://www.sanantonio.gov/DSD)

**CITY OF SAN ANTONIO**

## SHORT TERM RENTALS ORDINANCE

### FACT SHEET

San Antonio's City Council approved this ordinance on Nov. 1, 2018 and affects only properties within San Antonio city limits. **Short term rentals (STR) permits will be required on Feb. 11, 2019.** Below is a summary and some frequently asked questions to help you navigate through the requirements and key points of this new ordinance.

#### WHAT IS AN STR? ARE THERE TYPES?

An STR is defined in the ordinance as a residential dwelling unit, apartment, condominium or accessory dwelling where sleeping areas are rented to overnight guests for a period of less than 30 consecutive days (but not less than 12 hours). There are two types of STRs:

- \* In Type 1, the owner or operator resides on the property and it is their primary residence.
- \* In Type 2, the property is not occupied by either the owner or operator.

#### WHERE ARE THEY ALLOWED?

They are allowed in any residential zoning district, as well as in O-1, O-1.5, O-2, NC, C-1, C-2, and D commercial zoning districts.

#### ARE THERE ANY DENSITY LIMITATIONS?

\* Type 1 STRs have no density limitation.  
\* Type 2 STRs are allowed by right, up to 12.5% of the units on a block face. If the STR is in a multi-family building, no more than 12.5% of the total number of units can be a Type 2 STR by right. When the 12.5% density limitation is met or exceeded, a special exception is needed from the Board of Adjustment in order to operate a Type 2 STR.

If you had a HOT account set up on or prior to Nov. 1, 2018, for the property you want to register and are current in all your taxes, your property may be grandfathered for the purpose of a Type 2 density requirement. You will still need to register your STR with DSD. Density requirements do not apply for Type 1 STRs.

#### PERMITS

The ordinance is effective immediately, but you have until Feb. 11, 2019, to get your permit through the Development Services Department (DSD). For more information on the ordinance, application, checklist and more, visit us at:

[www.sanantonio.gov/DSD](http://www.sanantonio.gov/DSD)  
(under "Resources," "Codes and Ordinances")

#### HOW TO APPLY FOR A PERMIT

1. Set up an account with the City's Finance Department to pay the Hotel Occupancy Tax (HOT). You will need the customer account number in order to apply for your permit.
2. Download, fill out, and submit your application to DSD for our review. The fee is \$100.00 per application. Applications are available online at [www.sanantonio.gov/DSD](http://www.sanantonio.gov/DSD) (under "Resources," "Codes and Ordinances").

Permits are valid for three years and are not transferable. A separate permit is required per individual unit.

#### FINANCE HOTEL OCCUPANCY TAX

If you own or operate a short term rental (STR), you should already be paying your HOT. If you are new to STRs, you will need to set up an account with the City's Finance Department in order to pay the HOT. For more information on setting up an account, HOT, or back taxes, visit: [www.sanantonio.gov/Finance](http://www.sanantonio.gov/Finance) (under "Taxes, Licenses & Fees").

#### HOW TO GET A SPECIAL EXCEPTION

If it is determined, at the time of review, that a special exception is required, you will need apply through DSD's Zoning Section for one. The application fee is \$400.00 and is available at: [www.sanantonio.gov/DSD/BuildSA](http://www.sanantonio.gov/DSD/BuildSA).

#### OPERATING WITHOUT A PERMIT

Each day a violation of this ordinance continues may be considered a separate offense. Each day a unit is occupied in violation of the ordinance may be considered a separate offense and, upon conviction, may be subject to a minimum fine of \$500.00 per violation, per day.

#### WHO TO CONTACT

City staff is available and ready to assist you with any questions and information you may need.

Permit Information - Tony Felts at 210.207.0153  
HOT Accounts - Finance Department at 210.207.8667  
Board of Adjustment (special exceptions) - Logan Sparrow at 210.207.8691

**CITY OF SAN ANTONIO**  
DEVELOPMENT SERVICES  
DEPARTMENT

20181109



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