

# MEMO

**Meeting**

**Date:** July 26, 2022

**To:** Planning Commission and City Council (Joint Meeting)

**From:** Jon C. James, AICP  
Planning & Development Services Director

**Item:** Discussion and possible action on an ordinance amending Chapter 12 "Planning & Development," Exhibit A "Zoning Ordinance," Article 5 "General Development Standards," Section 511 "Off-Street Parking Standards," regarding parking for assembly occupancies in the Central Business District zoning district

**Background:**

Currently there is no parking required for any uses in the Central Business District (CBD). However, there has been a concern expressed that venues where large numbers of people congregate could create parking issues in the downtown if some provision for parking is not addressed for these uses. Therefore, this proposal would modify the current exemption for no parking in the downtown to require a City Council approved parking plan for assembly uses with an occupant load of greater than 400 persons. Assembly occupancies include uses such as event centers, bars, restaurants, theaters, churches, sport venues, and similar uses. The new process would ensure larger assembly occupancies have sufficient parking downtown to better ensure public safety. However, smaller occupancies that are under an occupant load of 400 would not require a parking plan (see example below).

**Parking plan process:**

1. Applicants would submit a building permit for new construction, addition to an existing building, or for a change of occupancy (from one occupancy category to another) for their project to Development Services for review.
2. Staff would determine if the project is for an assembly occupancy per the building code and what the occupant load is based on the size of the building, etc. If that occupant load is greater than 400 persons, then a parking plan would be triggered.
3. The applicant would be required to submit a parking plan showing the number, location, and dimensions of all parking spaces to be counted for the proposed use (including any on-street parking).

4. Staff would review the proposed parking plan and place on an upcoming City Council meeting for consideration.
5. The City Council could approve the parking plan, approve with changes or conditions, or deny the parking plan.

**Requested Action:**

Staff recommends **APPROVAL** an amendment to Chapter 12 “Planning & Development,” Exhibit A “Zoning Ordinance,” Article 5 “General Development Standards,” Section 511 “Off-Street Parking Standards,” regarding parking for assembly occupancies in the Central Business District zoning district, to require a parking plan to be approved by City Council for an assembly occupancy with an occupant load greater than 400 persons located in the Central Business District (CBD).

**Attachment**

Exhibit A - Text Amendment

## **Sec. 511. - Off-Street Parking Standards**

### *B. Off-Street Parking Required*

#### 4. Exceptions.

a. Parking in the Central Business District. No off-street parking shall be required in the Central Business District, except for an assembly occupancy, as defined by the adopted building code, as amended, with an occupant load of greater than 400 persons, which shall require a parking plan to be approved by the City Council. ~~however~~ However, should off-street parking be provided, it shall comply with the minimum off-street parking and loading standards required under Sections 511 and 512.

# MEMO



**Meeting**

**Date:** July 26, 2022

**To:** Planning Commission and City Council (Joint Meeting)

**From:** Jon James, AICP  
Director of Planning & Development Services

**Request:** Public hearing and consideration of a text amendment to the Zoning Ordinance, Chapter "12", Article 4 "Specific Use Standards," Section 406 "Bed and Breakfast Establishments and Short-Term Rentals," regarding removal of the requirement that Short-Term Rentals be separated by 500-ft, except in RS zoning districts.

**Background:**

The current zoning ordinance prohibits any short term rental being within 500' of another short term rental citywide, regardless of the zoning district. The original intent of this was to prevent excessive short-term rentals within residential areas. This amendment would revise the ordinance to only apply this standard within 'RS' zoning districts. RS zoning districts include Single-Family Residential (RS-1) which allows one single-family home on a lot, and Two-Family Residential (RS-2) which allows a single-family home, or, a two-family home (duplex), or a single-family with a separate accessory apartment unit. Any new application for a new short-term rental within these districts would continue to require a 500-foot separation from another short-term rental on a different property. However, the amendment will now allow short term rentals within non-residential districts, like commercial or multi-family zoning districts, without the 500' separation requirement.

**Requested Action:**

Staff recommends **approval** of the amendment to Chapter 12, Zoning Ordinance, Section Section 406 "Bed and Breakfast Establishments and Short-Term Rentals", removing the requirement that Short-Term Rentals be separated by 500-ft, except in RS zoning districts.

On May 16, 2022, the Planning Commission recommended approval, by a unanimous 6-0 vote, of this amendment.

**Attachments:**

Proposed Text Amendment - Section 406

## Exhibit A

Zoning Ordinance amendment regarding 500-foot separation requirement for Short-Term Rentals

### Sec. 406. - Bed and Breakfast Establishments and Short-Term Rentals

Specific use standards applicable to a bed and breakfast and short-term rentals are:

A. *General Standards.* In all zoning districts, the following will be required:

1. The operator of a Bed and Breakfast or a Short-Term Rental must obtain a license from the Director of Planning and Development Services, on an application form approved by the Director.
2. An approved Conditional Use shall automatically expire unless renewed after one year and thereafter every two years.
3. The application shall designate an "Operator" who must reside in Tom Green County, Texas and shall furnish a telephone number for the operator. This information shall be furnished in the notice to owners of real property as required by Section 201 of this Zoning Ordinance. If this information subsequently changes, the operator shall mail notice of the new contact information to owners of real property within 200 feet of the lot lines.
4. Neither a Bed and Breakfast nor a Short-Term Rental may be approved unless it adjoins a public street at least 30 feet in width. Within an 'RS' zoning district, a Short-Term Rental use may not be located on a lot that is within 500 feet of an another 'RS' zoned lot on which another a Short-Term Rental use is located. The restrictions contained in this subsection 4 shall not affect any property which is registered with the State of Texas and the City of San Angelo for the purpose of Hotel Occupancy Tax on or before September 1, 2016.
5. The operator shall keep a current guest register in compliance with the state code.
6. For the purposes of determining privacy fence requirements, a Bed and Breakfast or a Short-Term Rental will always be considered a residential use.
7. On a residentially zoned property, all lighting shall be directed toward the establishment and not at surrounding neighbors.
8. The operator of a Bed and Breakfast or a Short-Term Rental must post conspicuously in the common area of each unit (1) the name and contact information of the operator, and (2) the occupancy limits and restrictions on noise as set out in this Section.
9. A minimum of two off-street parking spaces, plus one additional off-street parking space per separately rented guest room, shall be provided on the same lot or tract of land as the establishment, except in the CBD zoning district as outlined in Section 511.A.1 of this Zoning Ordinance.
10. Neither a Bed and Breakfast nor Short-Term Rental establishment may be operated on a city-owned property that is leased for residential purposes.