



City Council Special Joint Meeting Agenda 7/26/2022

Notice is hereby given of a Special Joint Meeting of the City Council of City of San Angelo and the Planning Commission to be held July 26, 2022 at 8:30 AM at the McNease Convention Center – South Meeting Room, 501 Rio Concho Drive, San Angelo, Texas, for the purpose of considering the following agenda items.

- 1. Call to Order - City Council**
- 2. Call to Order - Planning Commission**
- 3. Public Comment**

Issues or concerns not on the Regular Agenda may be raised by the public at this time. Citizens should speak from the podium, address all comments to the dais, begin by stating their name and address or Single Member District number, and limit their remarks to less than three minutes.

4. Joint Meeting Agenda

- a. 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 (Presentation made by Planning & Development Services Director Jon James)
 1. Planning Commission: Consideration of a recommendation on proposed ordinance amendments to Section 511.
 2. City Council: First reading and public hearing of an ordinance amending Section 511.
- b. Discussion and possible action on an ordinance amending Chapter 12 "Planning & Development," Exhibit A "Zoning Ordinance," 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 (Presentation made by Planning & Development Services Director Jon James)
 1. Planning Commission: Consideration of a recommendation on proposed ordinance amendments to Section 406.
 2. City Council: First reading and public hearing on an ordinance amending Section 406.

5. Follow Up and Administrative Issues

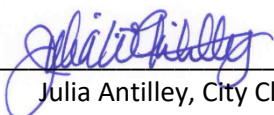
- a. Announcements and consideration of Future Agenda Items

6. Adjournment - Planning Commission

7. Adjournment - City Council

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board at City Hall in the City of San Angelo, Texas, on the 21st day of July 2022, at 4:52 p.m.



Julia Antilley, City Clerk

All agenda items are subject to action. The City Council reserves the right to consider business out of posted order and/or meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

In compliance with the Americans with Disabilities Act, the City of San Angelo will provide for reasonable accommodations for persons attending City Council meetings. To better serve you, requests should be received 48 hours prior to the meetings. Please contact the City Clerk's Office at 325-657-4405.

Citizen requests to display materials on the city's monitors must submit the request 96 hours prior to the meeting by email to Julia.Antilley@cosatx.us. Time limits for discussion are as stated above and materials cannot exceed 10-pages. Citizens bringing materials for distribution to City Council members during the meeting must bring a minimum of 12 copies.

City Council regular meetings are broadcast on SATV Channel 17-Government Access at 10:30 a.m. and 7:00 p.m. every day, beginning the evening of the meeting until the evening of the next meeting.

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Jeff Fisher, Sr. Planner, Planning and Development Services, 325-657-4210

Meeting Date: July 26, 2022

Item type: Regular Item

Caption:

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 (Presentation made by Planning & Development Services Director Jon James)

1. Planning Commission: Consideration of a recommendation on proposed ordinance amendments to Section 511.
2. City Council: First reading and public hearing of an ordinance amending Section 511.

Staff Recommendation:

Adopt

Summary/History:

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.

Funding Source(s):

Financial Impact:

N/A

Other Information/Recommendation:

Staff recommends approval of this proposed amendment.

Attachments:

- | | |
|-------------------------------------|---------------------------------------|
| 1. Memo (Amendment to Parking) | Memo (Amendment to Parking).pdf |
| 2. Ordinance (Amendment to Parking) | Cover (Amendment to Parking).docx |
| 3. Exhibit A (Amendment to Parking) | Exhibit A (Amendment to Parking).docx |

Presentation:

Jon James

Approvals/Reviews:

Jeff Fisher	Created/Initiated
Zachary Rainbow	Approved
Jon James	Approved
Brandon Dyson	Approved
Jon James	Approved
Theresa James	Approved
Julia Antilley	Final Approval

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

AN ORDINANCE OF THE CITY OF SAN ANGELO, TEXAS, AMENDING THE CITY OF SAN ANGELO CODE OF ORDINANCES, CHAPTER 12, EXHIBIT "A" "ZONING ORDINANCE", ARTICLE 5 "GENERAL DEVELOPMENT STANDARDS", BY AMENDING SECTION 511 "OFF-STREET PARKING STANDARDS", SUBPART "B.4 – EXCEPTIONS" TO REQUIRE A PARKING PLAN TO BE APPROVED BY CITY COUNCIL FOR CERTAIN ASSEMBLY OCCUPANCIES; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF SAN ANGELO, TEXAS:

Section 1: Chapter 12, Exhibit "A" "Zoning Ordinance", Article 5 "General Development Standards", Section 511 "Off-Street Parking Standards", subpart "B.4 Off-Street Parking Required, Exceptions" is amended as set forth on **Exhibit "A"** attached to this ordinance and made a part hereof for all purposes.

Section 2: All provisions of Chapter 12, Exhibit "A" "Zoning Ordinance", Article 5 "General Development Standards", of the City of San Angelo Code of Ordinances not amended hereby shall remain in full force and effect.

Section 4: The terms and provisions of this ordinance shall be deemed to be severable in that if any portion of this ordinance shall be declared to be invalid, the same shall not affect the validity of the other provisions of this ordinance.

Section 5: This Ordinance shall be effective from and after the date of adoption.

INTRODUCED on the 26th day of July, 2022, and finally PASSED, APPROVED and ADOPTED on this the 2nd day of August, 2022.

CITY OF SAN ANGELO

ATTEST

BY: _____
Brenda Gunter, Mayor

Julia Antilley, City Clerk

APPROVED AS TO FORM

Theresa James, City Attorney

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.

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Kyle Warren, Planner, Planning and Development Services,

Meeting Date: July 26, 2022

Item type: Regular Item

Caption:

Discussion and possible action on an ordinance amending Chapter 12 "Planning & Development," Exhibit A "Zoning Ordinance," 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 (Presentation made by Planning & Development Services Director Jon James)

1. Planning Commission: Consideration of a recommendation on proposed ordinance amendments to Section 406.

2. City Council: First reading and public hearing of an ordinance amending Section 406.

Staff Recommendation:

Adopt

Summary/History:

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. The amendment will allow short term rentals within non-residential districts, like commercial or multi-family zoning districts, without the 500' separation requirement.

Funding Source(s):

Financial Impact:

N/A

Other Information/Recommendation:

Staff recommends approval of this item.

On May 16th, 2022, the Planning Commission recommended approval of a text amendment to Section 406 of the zoning ordinance to allow for short-term rentals in all districts other than the (RS) districts to be within 500' of other short-term rentals.

Attachments:

1. Memo (Short-Term Rental Separation)
2. Ordinance (Short-Term Rental Separation)
3. Exhibit A (Short-Term Rental Separation)

Memo (Short-Term Rental Separation).pdf
Cover (Short-Term Rental Separation).docx
Exhibit A (Short-Term Rental Separation).docx

Presentation:

Jon James

Approvals/Reviews:

Kyle Warren
Zachary Rainbow
Jon James
Brandon Dyson
Jon James
Theresa James
Julia Antilley

Created/Initiated
Approved
Approved
Approved
Approved
Approved
Final Approval

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 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

AN ORDINANCE OF THE CITY OF SAN ANGELO, TEXAS, AMENDING THE CITY OF SAN ANGELO CODE OF ORDINANCES, CHAPTER 12, EXHIBIT “A” “ZONING ORDINANCE”, ARTICLE 4 “SPECIFIC USE STANDARDS”, BY AMENDING SECTION 406 “BED AND BREAKFAST ESTABLISHMENTS AND SHORT-TERM RENTALS”, SUBPART A “GENERAL STANDARDS”, SUBSECTION 4, TO EXEMPT ALL NON-RS ZONING DISTRICTS FROM REQUIRING A 500-FOOT SEPARATION BETWEEN SHORT-TERM RENTALS; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF SAN ANGELO, TEXAS:

Section 1: Chapter 12, Exhibit “A” “Zoning Ordinance”, Article 4 “Specific Use Standards”, Section 406 “Bed and Breakfast Establishments and Short-Term Rentals”, subpart “A – General Standards”, subsection 4” is amended as set forth on **Exhibit “A”** attached to this ordinance and made a part hereof for all purposes.

Section 2: All provisions of Chapter 12, Exhibit “A” “Zoning Ordinance”, Article 4 “Specific Use Standards”, of the City of San Angelo Code of Ordinances not amended hereby shall remain in full force and effect.

Section 4: The terms and provisions of this ordinance shall be deemed to be severable in that if any portion of this ordinance shall be declared to be invalid, the same shall not affect the validity of the other provisions of this ordinance.

Section 5: This Ordinance shall be effective from and after the date of adoption.

INTRODUCED on the 26th day of July, 2022, and finally PASSED, APPROVED and ADOPTED on this the 2nd day of August, 2022.

CITY OF SAN ANGELO

ATTEST

BY: _____
Brenda Gunter, Mayor

Julia Antilley, City Clerk

APPROVED AS TO FORM

Theresa James, City Attorney

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.