



City Council Special Joint Agenda 4/16/2024

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 April 16, 2024 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. Joint Meeting Agenda**
 - a. 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 approval, renewal and revocation of conditional uses authorizing Bed and Breakfast and Short-Term Rental establishments, as well as revising distance limitations with respect to Short-Term Rentals:
 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 (Presentation made by Planning & Development Services Director Aaron Vannoy)
 - b. Discussion and possible action on an ordinance amending Chapter 12 "Planning & Development," Exhibit A "Zoning Ordinance," Article 3 "Use Regulations," Section 313 "Use Table," regarding item (a) above revisions requiring that Short-Term Rental establishments obtain a conditional use only in specified zoning districts:
 1. Planning Commission: Consideration of a recommendation on proposed ordinance amendments to Section 313
 2. City Council: First reading and public hearing of an ordinance amending Section 313 (Presentation made by Planning & Development Services Director Aaron Vannoy)
- 4. Follow Up and Administrative Issues**
- 5. Adjournment - Planning Commission**
- 6. Adjournment - City Council**

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board at the City Hall of the City of San Angelo, Texas, on the 10th day of April 2024, at 5:25 p.m.


Heather Stastny, 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, or the ADA Coordinator at 325-657-4407 for request, or by completing a request form online at cosatx.us/ada.

Citizen requests to display materials on the city's monitors must submit the request 96 hours prior to the meeting by email to Heather.Stastny@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: Rae Lineberry, Planner, Planning and Development Services

Meeting Date: April 16, 2024

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 approval, renewal and revocation of conditional uses authorizing Bed and Breakfast and Short-Term Rental establishments, as well as revising distance limitations with respect to Short-Term Rentals:

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
(Presentation made by Planning & Development Services Director Aaron Vannoy)

Staff Recommendation:

Adopt

Summary/History:

1. Amendments to Section 406 "Bed and Breakfast Establishments and Short-Term Rentals" of the Zoning Ordinance.
 - a. Includes 500' separation in all RS-1, RS-2, RS-3 and R&E zoning districts.
 - b. Includes a 500' separation from public schools in RS-1, RS-2, RS-3 and R&E zoning districts.
 - c. RM-1 and RM-2, as well as all commercial and industrial districts, STR is allowed by right, no conditional use. Properties are regulated by Building Codes, by Change of Occupancy and Annual inspections by Fire Marshall. These properties, like STR's in residential areas (RS-1, RS-2, RS-3 and R&E), pay Hotel Occupancy Tax.
 - d. Residential STRs must obtain and comply with annual safety inspections by the Building Official's Office.
 - e. Provides a mechanism to revoke Conditional Use by the Planning Commission if violations or criteria are not followed.

Funding Source(s):

Financial Impact:

Other Information/Recommendation:

Attachments:

- | | | |
|----|--------------------------------------|---|
| 1. | Sec. _406.___STR Ordinance | Sec._406.___STR Ordinance.docx |
| 2. | Adopting Ordinance Sec 406 Amendment | Adopting Ordinance Sec 406 Amendment.docx |

Presentation:

Aaron Vannoy

Approvals/Reviews:

Rae Lineberry	Created/Initiated
Aaron Vannoy	Approved
Brandon Dyson	Approved
Aaron Vannoy	Approved
Theresa James	Approved
Heather Stastny	Final Approval

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.

1. Unless allowed by right pursuant to the Use Table in Section 313, the operator of a Bed and Breakfast or a Short-Term Rental must obtain a Conditional Use approval from the Planning Commission, by submitting an application form approved by the Director of Planning and Development Services.
2. A Conditional Use approved under this section shall be valid until the 31st of January immediately following the date of initial approval and shall thereafter automatically renew for subsequent one-year periods unless revoked by the Planning Commission in accordance with Subsection (D)(6) below. Regardless of the date of initial approval or last renewal, the next renewal date of a Conditional Use approved prior to the adoption of this amended ordinance shall be January 31, 2026.
3. The application shall designate an "Operator" who must reside in Tom Green County, Texas and shall furnish a telephone number for the operator. The Operator name and phone number shall be furnished in the notice to owners of real property as required by Section 201 of this Zoning Ordinance. 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) restrictions on noise as set out in Section 8.01.005 of the San Angelo Code of Ordinances. If the Operator's contact information subsequently changes, the Operator shall provide the City with written notice of any new contact information.
4. The operator shall keep a current guest register in compliance with the state code.
5. For the purposes of determining privacy fence requirements, a Bed and Breakfast or a Short-Term Rental will always be considered a residential use.
6. On a residentially zoned property, all lighting shall be directed toward the establishment and not at surrounding neighbors.
7. A minimum of two paved 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.
8. Neither a Bed and Breakfast nor Short-Term Rental establishment may be operated on a city-owned property that is leased for residential purposes.
9. Initial applications and subsequent renewals shall not be approved until all required fees have been paid to the Planning and Development Services Department.

B. Standards for a Short-Term Rental. In addition to the requirements in Section 406.A, the following shall apply on the premises of a Short-Term Rental establishment.

1. Meal service may not be provided.
2. Camping Units are prohibited on the premises of a Short-Term Rental establishment on a residentially zoned property.
3. A Short-term Rental use may not be located on a lot that is within 500 feet of a lot on which another Short-term Rental use is located within a RS-1, RS-2, RS-3, R&E, or PD with underlying RS-1, RS-2, RS-3 and R&E zoning. This shall be measured from property line to property line, based on the two closest points, and shall not be varied by the Zoning Board of Adjustment. The restrictions contained in this subsection B(3) shall not affect any property which already has an approved Conditional Use for a Short-term Rental prior to the adoption of this amended ordinance.

Exhibit A: Amendments to Section 406 of the Zoning Ordinance

4. A Short-Term Rental use may not be located on a lot that is within 500 feet of a fenced area or to the closest building of an elementary or secondary school. Measurements shall be taken from the two closest points as applicable. Only those school buildings that are utilized for educational activities and regularly occupied by students shall be considered for purposes of the distance limitation. This restriction shall not apply in those zoning districts that do not require a Conditional Use. This restriction shall not be varied by the Zoning Board of Adjustment. The restrictions contained in this subsection B(4) shall not affect any property which already has an approved Conditional Use for a Short-term Rental prior to adoption of this amended ordinance.
- C. *Standards for a Bed and Breakfast.* In addition to the requirements in Section 406.A, the following shall apply to a Bed and Breakfast establishment:
1. On a residentially zoned property, a maximum of four guest rooms shall be permitted in any one Bed and Breakfast establishment.
 2. No food preparation, except beverages, shall be permitted within individual guest rooms. Meal service may only be provided to overnight guests.
 3. Preparation and service of food for guests shall conform to all applicable regulations of the State of Texas and the City of San Angelo.
 4. On a residentially zoned property, the operator of the Bed and Breakfast shall be a full-time resident of the dwelling unit in which the Bed and Breakfast establishment is housed and shall remain onsite when the unit is occupied by guests.
 5. On a residentially zoned property, on-site sales will be permitted only as an accessory use to the Bed and Breakfast establishment; said sales will be limited to Bed and Breakfast guests only; no other sales not otherwise permitted in the zoning district shall be permitted on the premises of a Bed and Breakfast establishment.
 6. No exterior evidence of the Bed and Breakfast shall be allowed, except for one sign, no larger than six square feet, which is not internally lit.
- D. *Appeals, Registration, Inspections, and Enforcement.*
1. The applicant or any citizen may appeal a decision of the Planning Commission to the City Council by submitting a written request to the Planning Director within fifteen (15) days of the decision of the Planning Commission. The appeal must be sworn and must identify each alleged point of error, facts and evidence supporting the appeal, and reasons why the action of the Planning Commission should be modified or reversed. City Council shall hear the appeal no later than thirty (30) days after the request is submitted to the Planning Director. City Council may affirm, modify, or reverse a decision of the Planning Commission. Appeal of the City Council's decision shall be made within thirty (30) days of the final action by City Council, to a state District Court of competent jurisdiction in Tom Green County.
 2. All Bed and Breakfast and Short-Term Rental establishments must be registered with the State of Texas and the City of San Angelo for the purpose of Hotel Occupancy Tax prior to operating.
 3. Prior to consideration by the Planning Commission for Conditional Use approval, a Bed and Breakfast or Short-Term Rental establishment shall be required to submit to and pass a safety inspection by the City Building Official. The City Building Official shall establish a comprehensive checklist of all inspection criteria and publish the same on the City's website. Additionally, the inspection criteria shall be provided to applicants as part of the application for a Bed and Breakfast or Short-Term Rental. At a minimum the inspection criteria shall address requirements for working smoke detectors, carbon monoxide detectors, fire extinguishers, working hot water heaters, posting of a 9-1-1 address and posting of an exit plan for the establishment.
 4. After initial approval, the owner shall obtain and comply with an annual safety inspection by the City Building Official's office. Additional inspections may be conducted by the City Building Official upon

Exhibit A: Amendments to Section 406 of the Zoning Ordinance

- modification of the establishment in a manner affecting the health and safety of occupants, or to investigate complaints filed regarding the condition of the establishment with respect to health and safety.
5. The offering of a dwelling unit for Bed and Breakfast rental or Short-Term Rental, or the solicitation for such rental, creates a rebuttable presumption of such use.
 6. Failure to comply with federal, state, and local law related to the operation of the establishment may result in suspension or revocation of the Conditional Use approval as determined by the Planning Commission. A public hearing on suspension or revocation shall be held in the same manner and in accordance with the same procedures required for initial approval of a Conditional Use. Appeal of a suspension or revocation may be made in the same manner as described in subsection (D)(1) above. In suspending or revoking a Conditional Use approval, the Planning Commission may consider the following:
 - i. The severity, number, and disposition of citations or criminal complaints related to the operation of the establishment and filed against an owner, operator, or any occupant.
 - ii. The severity, number, and disposition of minor complaints submitted by neighbors or other interested persons related to the operation of the establishment. A “minor complaint” shall mean a complaint documented in writing at or near the time of the alleged conduct being complained of, that is supported by facts and evidence, and that is submitted to the appropriate authority having jurisdiction over such complaint. Examples of minor complaints include police calls for service that do not result in issuance of a citation, and notices of violation issued by code enforcement that likewise do not result in a citation.
 - iii. Failure to timely report and remit hotel occupancy taxes.
 - iv. Hotel tax reports reflecting no reported revenue for two or more quarters during any twelve-month period. It shall be a defense to suspension or revocation on this basis if the establishment owner or Operator provides prior written notice to the City Planning Department that the establishment has temporarily ceased operations due to repair or renovations.
 - v. Failure to submit to safety inspections and operate in accordance with the inspection checklist promulgated by the City Building Official.
 - vi. Relevant support materials provided by City staff or the respondent, public testimony provided at the hearing, or any other information that demonstrates the degree to which the owner, Operator, or an occupant has endangered public health, safety, or welfare.
 - vii. Failure to maintain current contact information of the designated Operator both at the site of the Conditional Use and with the City.
 - viii. Repeated failures by the designated Operator to timely respond to inquiries by City staff related to emergencies, operational concerns, or complaints from the public.
 7. To the extent of any conflict between this Section 406 and any other provision of the Zoning Ordinance, this Section 406 shall control with respect Conditional Uses for Bed and Breakfast and Short-Term Rentals.

ORDINANCE 2024

AN ORDINANCE OF THE CITY OF SAN ANGELO TEXAS, AMENDING CHAPTER 12 "PLANNING AND DEVELOPMENT," EXHIBIT "A" "ZONING ORDINANCE," ARTICLE 4 "SPECIFIC USE STANDARDS," SECTION 406 "BED AND BREAKFAST ESTABLISHMENTS AND SHORT-TERM RENTALS;" PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on the 16th day of April, 2024, the Planning Commission for the City of San Angelo and the City Council after having held a joint public hearing, considered public comment, and considered recommendations from City staff, City Council desires to amend the Zoning Ordinance, Article 4, Section 406.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SAN ANGELO, TEXAS

Section 1. CHAPTER 12 "PLANNING AND DEVELOPMENT," EXHIBIT "A" "Zoning Ordinance," Article 4 "Specific Use Standards," Section 406 "Bed and Breakfast Establishments and Short-Term Rentals," of the City of San Angelo Code of Ordinances is hereby amended as shown on Exhibit A.

Section 2. 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 3. This Ordinance shall be effective on, from and after the date of adoption.

INTRODUCED with public hearing the 16th day of April, 2024, and finally PASSED this 7th day of May, 2024.

THE CITY OF SAN ANGELO, TEXAS:

Brenda Gunter, Mayor

ATTEST:

Heather Stastny, City Clerk

APPROVED AS TO CONTENT:

Aaron Vannoy, Director of
Planning and Development Services

APPROVED AS TO FORM:

Theresa James, City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Rae Lineberry, Planner, Planning and Development Services

Meeting Date: April 16, 2024

Item type: Regular Item

Caption:

Discussion and possible action on an ordinance amending Chapter 12 "Planning & Development," Exhibit A "Zoning Ordinance," Article 3 "Use Regulations," Section 313 "Use Table," regarding item (a) above revisions requiring that Short-Term Rental establishments obtain a conditional use only in specified zoning districts:

1. Planning Commission: Consideration of a recommendation on proposed ordinance amendments to Section 313

2. City Council: First reading and public hearing of an ordinance amending Section 313
(Presentation made by Planning & Development Services Director Aaron Vannoy)

Staff Recommendation:

Adopt

Summary/History:

Amendment to Section 313 "Use Table" for item (a) above revisions requiring that Short-Term Rental establishments obtain a conditional use only in specified zoning districts.

Funding Source(s):

Financial Impact:

Other Information/Recommendation:

Attachments:

- | | |
|---|---|
| 1. Adopting Ordinance Sec 313 Amendment | Adopting Ordinance Sec 313 Amendment.docx |
| 2. Amended 313 Use Table Exhibit A | Amended 313 Use Table Exhibit A.pdf |

Presentation:

Aaron Vannoy

Approvals/Reviews:

Rae Lineberry
Aaron Vannoy
Brandon Dyson
Aaron Vannoy
Theresa James
Heather Stastny

Created/Initiated
Approved
Approved
Approved
Approved
Final Approval

ORDINANCE 2024

AN ORDINANCE OF THE CITY OF SAN ANGELO TEXAS, AMENDING CHAPTER 12 "PLANNING AND DEVELOPMENT," EXHIBIT "A" "ZONING ORDINANCE," ARTICLE 3 "USE REGULATIONS," SECTION 313 "USE TABLE;" PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on the 16th day of April, 2024, the Planning Commission for the City of San Angelo and the City Council after having held a joint public hearing, considered public comment, and considered recommendations from City staff, City Council desires to amend the Zoning Ordinance, Article 3, Section 313.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SAN ANGELO, TEXAS

Section 1. CHAPTER 12 "PLANNING AND DEVELOPMENT," EXHIBIT "A" "Zoning Ordinance," Article 3 "Use Regulations," Section 313 "Use Table," of the City of San Angelo Code of Ordinances is hereby amended by revising the rows for "Bed & Breakfast" and "Short-Term Rentals" as shown on Exhibit A.

Section 2. 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 3. This Ordinance shall be effective on, from and after the date of adoption.

INTRODUCED with public hearing the 16th day of April, 2024, and finally PASSED this 7th day of May, 2024.

THE CITY OF SAN ANGELO, TEXAS:

Brenda Gunter, Mayor

ATTEST:

Heather Stastny, City Clerk

APPROVED AS TO CONTENT:

Aaron Vannoy, Director of
Planning and Development Services

APPROVED AS TO FORM:

Theresa James, City Attorney

Exhibit A

San Angelo, TX Code of Ordinances

Use Category	Short Definition (see also Chap. 8)	*	Residential Districts								Nonresidential Districts								
			R & E	R S 1	R S 2	R S 3	R M 1	R M 2	M H P	M H S	C N	C O	C G	C H	C B D	O W	M L	M H	CG / CH
A = Allowed			C = Conditional		S = Special Use						* = Specific Use Regulations May Apply. See Article 4.								
Residential																			
Bed & Breakfast	a single-family dwelling offering overnight room accommodations	*	C	C	C	C	A	A	A	A	A	A	A	A	A	A	A	A	A
Short-Term Rentals	a single-family dwelling offering overnight accommodations	*	C	C	C	C	A	A	A	A	A	A	A	A	A	A	A	A	A

Use Category	Short Definition (see also Chap. 8)	*	Residential Districts								Nonresidential Districts								
			R & E	R S 1	R S 2	R S 3	R M 1	R M 2	M H P	M H S	C N	C O	C G	C H	C B D	O W	M L	M H	CG / CH
A = Allowed		C = Conditional		S = Special Use						* = Specific Use Regulations May Apply. See Article 4.									
Residential																			
Bed & Breakfast	a single-family dwelling offering overnight room accommodations	*	C	C	C	C	A	A	A	A	A	A	A	A	A	A	A	A	A
Short-Term Rentals	a single-family dwelling offering overnight accommodations	*	C	C	C	C	A	A	A	A	A	A	A	A	A	A	A	A	A