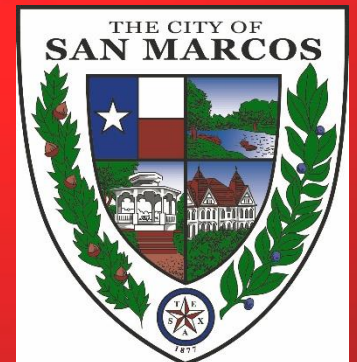


# Short Term Rental

## Ordinance Update





# Council mandated

- No non owner occupied.
- Neighborhood Notification
- Limits to number in a neighborhood

***These are non-negotiable***



# Recommended Changes

## Reduce the number of bedrooms allowed to be rented

*Short term rental* means a primary residence having fewer than five bedrooms, or portion thereof, whereby two bedrooms maximum may only be used for lodging accommodations to guests with a lease term for a period of less than 30 consecutive days. A short term rental does not include a bed and breakfast inn as defined in the city's Development Code, Section 5.1.5.6.

## Create two types of short term rentals

- (1) **Type 1** Short term rental is defined as located in residential only zoning districts established under the city's Development Code of the city's Code of Ordinances having fewer than five bedrooms, or portion thereof, whereby two bedrooms maximum may only be used for lodging accommodations to guests with a lease term for a period of less than 30 consecutive days.
- (2) **Type 2** Short term rental is defined as located in non-residential zoning districts established under the city's Development Code of the city's Code of Ordinances. There are restrictions to the number of rooms that may be rented.



# Recommended Changes

## Additional permitting requirements

- A sketch or narrative describing the location of the available parking spaces as required by subsection 34.809, parking.
- A sketch of the floor plan, which identifies sleeping areas, proposed maximum number of guests, evacuation route(s), location of fire extinguisher(s).
- A list of all hosting sites used to advertise the short term rental.
- Written confirmation from the City of San Marcos Finance Department showing proof of registration with the City of San Marcos Finance Department for Hotel Occupancy Tax collection will need to be provided before permit is granted.



# Recommended Changes

## Tiers

- *Short term rental (Type 1)*. This subsection applies to a short term rental located in residential only zoning districts established under the city's Development Code of the city's Code of Ordinances is rented for periods of less than thirty (30) consecutive days; and property is owner or operator occupied.
- A short term rental under this section:
  - (1) May only have one operating short term rental operating on a block or 660 feet, or whichever is more limiting;
  - (2) Must notify all residential parcels within 400 feet of their;
    - a. Address
    - b. Short Term Rental Permit Number
    - c. Contact information provided by the City of San Marcos where an individual may lodge a complaint.
- *Short Term Rental (Type 2)*. This subsection applies to a short term rental that is located in non-residential zoning districts established under the city's Development Code, of the city's Code of Ordinances and rented for periods of less than thirty (30) consecutive days; and is owner of operator occupied.



# Recommended Changes

## Permit expiration dates

- (Type 1) permits expire annually after the date of issuance
- (Type 2) permits expire two (2) years after the date of issuance

## General Standards

- *Occupancy.* The maximum number of persons allowed to reside in a short term rental shall be no more than two adult guests per bedroom (but excluding children under the age of twelve), plus no more than two additional adults for a total of six guests with two bedrooms being used for lodging accommodations to guests.
- *Parking.* Shall comply with City Code Chapter 7, Unified Development Code with respect to required parking (Article 1: Parking). No required parking shall be permitted within public right-of-way or access easements as defined by city code and state regulations regarding parking, The yard(s) shall not be utilized to provide the necessary parking.
- *Insurance.* The applicants shall keep, at a minimum, an insurance policy sufficient for personal injury liability of guests.



# Recommended Changes

## General Standards Continued

- *Conduct on premises.*
  - Short term rental operators shall be responsible for informing their occupants of all relevant city codes and occupants' liability for violations of same.
  - Excessive noise or other disturbance outside the short term rental is prohibited per chapter 34, article 3, Division 3 – Noise, of the Code of Ordinances. This includes, but is not limited to, decks, portals, porches, balconies, patios, hot tubs, pools, saunas or spas.
  - No overnight sleeping outdoors or outdoor sleeping spaces for rent.
  - Consistent with and as a reflection of the definition of the term "short-term residential rental" set forth in this Chapter, no short-term residential rental unit may be rented for the purpose of holding weddings, parties, receptions or similar events that typically are held at a banquet facility or other facility that is made available for the holding of events on a commercial basis. Any use of the short-term residential rental unit is limited to activities that are incidental to its use for dwelling, lodging or sleeping purposes
  - No more than two adult guests per bedroom, plus no more than two additional adults (but excluding children under the age of twelve) for a total of six guests, shall be allowed when renting a property as a short term rental.



# Recommended Changes

## Inspections

- To ensure continued compliance with the requirements of this section a short term rental may be inspected in the following methods:
  - (a) Inspection upon application for initial and renewal permit.
  - (b) Inspections upon complaint or suspicion of a violation. The city may perform inspections when a violation is reported or suspected in accordance with established code enforcement procedures.

## MISC

**34.812. Revocation procedures.**

**34.813. Appeals.**

**34.814. Records/Reports.**

**34.815. Nonconforming rights. (For location only)**