

AN ORDINANCE **89722**

AMENDING CITY CODE PART II, CHAPTER 35, ARTICLE III AS FOLLOWS: 1) SECTION 35-3311 (ENTITLED "BED AND BREAKFAST") TO REQUIRE DISTANCE REQUIREMENTS BETWEEN EACH BED AND BREAKFAST ESTABLISHED IN AN R-1, R-2, R-2A, C, D, R-4, R-5, R-6, R-7, OR R-8 ZONING DISTRICT; PROVIDE A METHODOLOGY FOR SPECIAL CITY COUNCIL APPROVAL FOR A BED AND BREAKFAST TO BE ESTABLISHED IN A LOCATION CONTRARY TO THE DISTANCE REQUIREMENTS; REQUIRE A BED AND BREAKFAST ESTABLISHED IN AN R-1, R-2, R-2A, R-5, OR R-8 ZONING DISTRICT TO BE OWNER OCCUPIED; AND PROVIDE ADDITIONAL REGULATIONS REGARDING NUMBER OF GUEST ROOMS PER STRUCTURE; SIGNAGE; AND PARKING REQUIREMENTS; AND 2) AMENDING SECTION 35-3603(A) TO PERMIT BED AND BREAKFASTS IN "C" AND "D" APARTMENT DISTRICTS THAT COMPLY WITH THE REQUIREMENTS SET OUT FOR R-2A AND R-3 ZONING DISTRICTS; AND AMENDING SECTION 35-3261 (ENTITLED "TABLE OF PERMITTED USES IN RESIDENTIAL DISTRICTS") AND SECTION 35-3262 (ENTITLED "TABLE OF PERMITTED USES IN NON-RESIDENTIAL DISTRICTS") TO REFLECT THE CHANGES HEREIN; AND PROVIDING FOR A PENALTY AS HAS BEEN ESTABLISHED IN CHAPTER 35, ARTICLE I, SECTION 35-1024 (ENTITLED "PENALTIES"); AND DIRECTING THE CITY CLERK TO PUBLISH IN ACCORDANCE WITH CITY CHARTER, SECTION 17.

\* \* \* \* \*

**WHEREAS**, Bed and Breakfast facilities are goodwill ambassadors for San Antonio, preserving large, older homes and protecting neighborhoods from decline; and

**WHEREAS**, an amendment to the City Code to control the development and preserve the residential character of neighborhoods, historic or otherwise, throughout the city is in the best interest of the City of San Antonio; and

**WHEREAS**, an amendment to implement specific guidelines under which additional Bed and Breakfasts may be established and operated in order to protect the residential integrity of a neighborhood or district by providing standards to maintain the residential character of the neighborhood or district; and

**WHEREAS**, the addition of criteria for the number of Bed and Breakfast facilities which may be established within a neighborhood or district will encourage the preservation of the residential or historic character of a neighborhood or district; and

**WHEREAS**, the staff recommends approval of these amendments; and

**WHEREAS**, the Zoning Commission has reviewed the proposed amendments and recommends approval; **NOW, THEREFORE**,

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

**SECTION 1.** The City Code of the City of San Antonio, Part II, Chapter 35, Division 9, Subdivision A, Section 35-3311 (entitled “Bed and breakfast”) is hereby amended by replacing the existing language with the language which is attached hereto and incorporated herein as Appendix I, and which is hereby adopted and approved as is fully set forth herein.

**SECTION 2.** The City Code of the City of San Antonio, Part II, Chapter 35, Division 12, Section 35-3603 (entitled “C and D apartment districts and E office district, permitted uses”) subsection (n) is hereby amended by replacing the existing language with the language which is attached hereto and incorporated herein as Appendix II, and which is hereby adopted and approved as is fully set forth herein. Section 35-3603 of the Code remains unchanged in all other respects.

**SECTION 3.** The City Code of the City of San Antonio, Part II, Chapter 35, Division 8, Section 35-3261 (entitled “table of permitted uses in residential districts”) and Section 35-3262 (“entitled “table of permitted uses in non-residential zoning districts”) is hereby amended by deleting the language which is stricken (~~deleted~~) and adding the language which is underlined (added) as follows:

35-3261.

ZONING DISTRICTS

PERMITTED USES	R-A	R-1	R-2	R-2A	R-3	R-4	R-5	R-6	R-7	R-8
<del>Bed and breakfast</del>	<del>CC</del>	<del>CC</del>	<del>CC</del>	<del>CC</del>	X	<del>CC</del>	<del>CC</del>	<del>CC</del>	<del>CC</del>	<del>CC</del>
<u>Bed and breakfast</u>	*	*	*	*		*	*	*	*	*

The \* symbols to the right of the above reference to “Bed and breakfast” signifies that that the use may be permitted with special City Council Approval in accordance with the distance requirements set out in Sec. 35-3311 of this code

35-3262.

ZONING DISTRICTS

PERMITTED USES	O-1	B-1	B-2	B-3	B-4	I-1	I-2	ERZD
Bed and breakfast	<u>X</u>	X	X		X			X

**SECTION 4.** Any violation of the provisions herein shall be punishable as provided in Section 35-1024 of this Code.

**SECTION 5.** Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this ordinance, or any appendix thereof, for any reason be held illegal, inoperative, or invalid, or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

**SECTION 6.** The City Clerk is directed to publish this ordinance as provided by the City Charter.

**SECTION 7.** This ordinance shall become effective on the tenth day after passage hereof.

**PASSED AND APPROVED** this 6th day of May, 1999.

  
M A Y O R  
Howard W. Peak

ATTEST:

  
City Clerk

APPROVED AS TO FORM:

  
City Attorney

99 - 19

**Appendix I**

**Article III. ZONING.**

**Division 9. Supplementary Regulations.**

**Subdivision A. Supplementary Use Regulations.**

**Sec. 35-3311. Bed and breakfast.**

(a) Purpose. The purpose of this section is to regulate bed and breakfast establishments within the City of San Antonio. Such establishments as specified by zoning district are subject to the conditions of this section. Where permitted by City Council, bed and breakfast establishments may be established in the following residential zoning districts: R-A; R-1; R-2; R-2A; C; D; R-4; R-5; R-6; R-7; and R-8. In the following zoning districts, bed and breakfast establishments are authorized by right: R-3; 0-1; B-1; E; B-2; B-4; and the ERZD overlay.

(b) Definitions. Definitions which appear below apply only to this section and shall prevail if in conflict with definitions found elsewhere within this Code.

(1) Distressed structure means a structure which has been certified by the Historic Preservation Officer as being more than fifty-one (51%) uninhabitable or vacant, and/or in disrepair for more than two (2) years.

(2) Owner of the property means a natural person directly owning at least fifty (50%) percent fee simple interest in the property and who shall also occupy the premises as his place of residence.

(c) Number of guest rooms per structure. The maximum number of permitted guest rooms per bed and breakfast establishment within each zoning district shall be as indicated in the following table. Any bed and breakfast establishment with more than twelve (12) guests rooms shall be considered a hotel and shall be required to comply with the zoning provisions for such uses.

Zoning district:	R-A	R-1	R-2	R-2A	C	D	R-3	R-4	R-5	R-6	R-7	R-8	0-1	B-1	E	B-2	B-4
Guest rooms:	2	2	3	5	5	10	10	3	1	3	1	2	10	12	12	12	12

(d) Certificate of Occupancy. A certificate of occupancy shall be required for all bed and breakfast establishments.

(e) Alcoholic Beverages. Within all zoning districts, the sale of alcohol to guests shall be regulated by the applicable base zoning district.

(f) Guest Register Required. The owner/operator shall maintain a current guest register to include names, addresses, fees collected and dates of occupancy of all guests.

(g) Signage Requirements. No signs shall be permitted within residential districts except for a nameplate not exceeding one square foot in size and consisting of the name of the establishment only. This nameplate may be attached to the building, gatepost, gate, or other permanent fixture to allow visibility from the street.

(h) Parking Space Requirements. One (1) off-street parking space per guest room shall be provided in addition to the required off street parking for the owner/operator. Tandem parking is allowed; however, except for the driveway, the front yard shall not be used for parking.

(i) Cleaning Requirements. The owner/operator shall provide clean linens and towels as necessary, as well as adequate heating, ventilation, water, and sewage disposal. The owner/operator shall maintain the outside area in a clean and sanitary manner and shall properly clean the premises and facilities during the guest's stay and after each guest has departed.

- (j) Regulations pertaining to bed and breakfast establishments within the R-1, R-2, R-2A, C, D, R-4, R-5, R-6, R-7, and R-8 zoning districts:
- (1) Except as provided for by section (3) of this section, no bed and breakfast establishments within these zoning districts may be permitted within three-hundred (300) feet laterally and one hundred and fifty (150) feet perpendicularly (as below) of any other property authorized for a bed and breakfast use within the R-1, R-2, R-2A, C, D, R-4, R-5, R-6, R-7, and R-8 zoning districts. Such measurements shall be made from the property line of the proposed bed and breakfast to the nearest property line of the existing bed and breakfast. (See Figure 3311-A.)
  - (2) Measurement for the location of a proposed Bed and Breakfast establishment shall be in a straight line (without regard to intervening structures or objects) in three directions.
    - (a) The first measurement shall be from the nearest front property line of the proposed bed and breakfast establishment one hundred and fifty (150) feet outward towards the street.
    - (b) The second and third measurements shall be from the two side property lines of the proposed bed and breakfast three hundred (300) feet laterally to the side lot line(s) of adjacent properties.
  - (3) Special City Council approval to operate a bed and breakfast establishment within the above measurement formula of one hundred and fifty (150) feet and three hundred (300) feet of another bed and breakfast establishment as defined in Section 35-3311 above may be granted for the following structures:
    - (a) Distressed structure. The applicant must demonstrate, and the City Council must find:
      1. The restoration of an historic landmark or structure is a valuable addition to the quality and the character of the City of San Antonio; or
      2. There is proof that a bed and breakfast use is the only economically feasible way to finance the preservation of the structure; and
      3. The granting of a special City Council approval will not adversely impact the residential quality of the neighborhood in which the structure is located.
    - (b) Non-distressed structure. The applicant must demonstrate, and the City Council must find:
      1. The public welfare and convenience will be served, as demonstrated by:
        - a. That nearby streets will not be substantially impacted by the proposed bed and breakfast. To make this determination, Council will consider input from the City Traffic Engineer; and
        - b. The residential character of the neighborhood will not be disrupted in a manner to prevent the adjacent owners from the quiet enjoyment of their property; and
      2. The neighboring property will not be substantially injured by such proposed use.
- (k) Regulations pertaining to bed and breakfast establishments within the R-1, R-2, R2-A, R-5, R-7, and R-8 zoning districts. Bed and breakfast establishments within these districts shall be managed and occupied by the owner of the property. Permission shall be granted by the Director of Building Inspections for an on site manager to be employed by the owner for a time not to exceed one hundred and twenty days (120) of a calendar year . If circumstances require the absence of the owner for a period exceeding 120 days, the Director of Building Inspections may grant an extension for good cause.

- (I) Nonconforming Rights. Properties which are used as bed and breakfast establishments as of (date of City Council adoption), as well as properties properly zoned for use as bed and breakfast establishments, may be registered as nonconforming uses at the Department of Building Inspections and upon such registration shall continue as long as the establishment remains in operation as per Chapter 35, Article III, Division 4, Nonconforming Uses. Any property currently zoned for use as a bed and breakfast, but not used as such, shall one year from the effective date of this ordinance begin to be used as a bed and breakfast for this subsection to apply.

Figure 3311-A



## Appendix II

### Article III ZONING

#### Division 12. Use Regulations for Property Zoned Prior to June 28, 1965.

#### Sec. 35-3603. C and D apartment districts and E office district, permitted uses.

- (n.) Bed and breakfast establishments are permitted in the "C" and "D" apartment districts provided all conditions and requirements of the "R-2A" (for "C") and "R-3" (for "D") multiple family residence district in section 35-3311 are met. In the E office district, bed and breakfast establishments must meet the conditions and requirements for business districts specified in section 35-3311.

MEETING OF THE CITY COUNCIL

PUBLIC HEARING & ORDINANCE

3:00pm  
BED + BREAKFAST

	ALAMODOME
	AVIATION
	ASSET MANAGEMENT
	BUDGET & EMPLOYEE SERVICES
	BUDGET & EMPLOYEE SERVICES - PERSONNEL
	BUILDING INSPECTIONS
	BUILDING INSPECTIONS - HOUSE NUMBERING
	CITY ATTORNEY
1	CITY ATTORNEY - MUNICIPAL COURT PROSECUTORS
	CITY ATTORNEY - RISK MANAGEMENT
	CITY MANAGER
	CITY PUBLIC SERVICE - GENERAL MANAGER
	CITY PUBLIC SERVICE - MAPS & RECORDS
	CODE COMPLIANCE
1	COMMERCIAL RECORDER (PUBLISH)
	COMMUNITY INITIATIVES
	COMMUNITY RELATIONS
	COMMUNITY RELATIONS - PUBLIC INFORMATION
	CONVENTION & VISITORS BUREAU
	CONVENTION CENTER EXPANSION OFFICE
	CONVENTION FACILITIES
	CULTURAL AFFAIRS
	ECONOMIC DEVELOPMENT
	FINANCE - DIRECTOR
	FINANCE-ASSESSOR
	FINANCE-CONTROLLER
	FINANCE-GRANTS
	FINANCE-TREASURY (WITH ATTACHMENTS)
	FIRE DEPARTMENT
	HOUSING & COMMUNITY DEVELOPMENT
	INFORMATION SERVICES
	INTERGOVERNMENTAL RELATIONS
	INTERNAL REVIEW
	INTERNATIONAL AFFAIRS
	LIBRARY
	METROPOLITAN HEALTH DISTRICT
1	MUNICIPAL CODE CORPORATION (PUBLISH)
1	MUNICIPAL COURTS
	NEIGHBORHOOD ACTION
	PARKS & RECREATION
1	PLANNING DEPARTMENT
	PLANNING DEPARTMENT - DISABILITY ACCESS
1	PLANNING DEPARTMENT - LAND DEVELOPMENT SVC
1	POLICE DEPARTMENT
	POLICE DEPARTMENT - GROUND TRANSPORTATION
	PUBLIC WORKS DIRECTOR
	PUBLIC WORKS - CAPITAL PROJECTS
	PUBLIC WORKS - CENTRAL MAPPING(W/ATTACHMT)
	PUBLIC WORKS - ENGINEERING
	PUBLIC WORKS - PARKING DIVISION
	PUBLIC WORKS - REAL ESTATE
	PUBLIC WORKS - SOLID WASTE
	PUBLIC WORKS - TRAFFIC ENGINEERING
	PURCHASING & GENERAL SERVICES
	S.A. WATER SYSTEM
	YOUTH INITIATIVES
	June 2 - 7/11/99

WITH APPENDIX I

AGENDA ITEM NUMBER: \_\_\_\_\_

5

DATE: \_\_\_\_\_

MAY 06 1999

MOTION: John

Amway

ORDINANCE NUMBER: \_\_\_\_\_

89722

RESOLUTION NUMBER: \_\_\_\_\_

ZONING CASE NUMBER: \_\_\_\_\_

TRAVEL AUTHORIZATION: \_\_\_\_\_

NAME	ROLL	AYE	NAY
ROGER FLORES, II District 1		✓	
MARIO SALAS District 2		✓	
DEBRA GUERRERO District 3		absent	
RAUL PRADO District 4		✓	
RICK VASQUEZ District 5		absent	
JOSE MENENDEZ District 6		absent	
ED GARZA District 7		✓	
ROBERT MARBUT District 8		✓	
TIM BANNWOLF District 9		✓	
JEFF S. WEBSTER District 10		✓	
HOWARD W. PEAK Mayor		absent	

AMENDS CHAP. NO. 35 OF CITY CODE

FILE "CHAPTER 35"

**MEETING OF THE CITY COUNCIL**

*Amendment*

ALAMODOME
ARTS & CULTURAL AFFAIRS
ASSET MANAGEMENT
AVIATION
BUDGET & MANAGEMENT ANALYSIS
BUILDING INSPECTIONS
HOUSE NUMBERING
CITY ATTORNEY
MUNICIPAL COURT
REAL ESTATE (FASSNIDGE)
REAL ESTATE (WOOD)
RISK MANAGEMENT
CITY MANAGER
SPECIAL PROJECTS - FRANCES GONZALES
CITY PUBLIC SERVICE - GENERAL MANAGER
CITY PUBLIC SERVICE - MAPS AND RECORDS
CODE COMPLIANCE
COMMERCIAL RECORDER
COMMUNITY INITIATIVES
COMMUNITY RELATIONS
PUBLIC INFORMATION
CONVENTION AND VISITORS BUREAU
CONVENTION CENTER EXPANSION OFFICE
CONVENTION FACILITIES
ECONOMIC DEVELOPMENT
FINANCE - DIRECTOR
FINANCE - ASSESSOR
FINANCE - CONTROLLER
FINANCE - GRANTS
FINANCE - TREASURY
FIRE DEPARTMENT
HOUSING AND COMMUNITY DEVELOPMENT
HUMAN RESOURCES (PERSONNEL)
INFORMATION SERVICES
INTERGOVERNMENTAL RELATIONS
INTERNAL REVIEW
INTERNATIONAL AFFAIRS
LIBRARY
METROPOLITAN HEALTH DISTRICT
MUNICIPAL CODE CORPORATION
MUNICIPAL COURT
PARKS AND RECREATION
MARKET SQUARE
PLANNING DEPARTMENT
DISABILITY ACCESS OFFICE
LAND DEVELOPMENT SERVICES
POLICE DEPARTMENT
GROUND TRANSPORTATION
PUBLIC WORKS DIRECTOR
CAPITAL PROJECTS
CENTRAL MAPPING
ENGINEERING
PARKING DIVISION
REAL ESTATE DIVISION
SOLID WASTE
TRAFFIC ENGINEERING
PURCHASING AND GENERAL SERVICES
SAN ANTONIO WATER SYSTEMS (SAWS)
VIA
YOUTH INITIATIVES

AGENDA ITEM NUMBER: 5

DATE: 5-6-99

MOTION: Yeager Bannwolf

ORDINANCE NUMBER: \_\_\_\_\_

RESOLUTION NUMBER: \_\_\_\_\_

ZONING CASE NUMBER: \_\_\_\_\_

TRAVEL AUTHORIZATION: \_\_\_\_\_

NAME	ROLL	AYE	NAY
ROGER FLORES, II District 1		✓	
MARIO SALAS District 2		✓	
DEBRA GUERRERO District 3		<i>absent</i>	
RAUL PRADO District 4		✓	
RICK VASQUEZ District 5		<i>absent</i>	
JOSE MENENDEZ District 6		<i>absent</i>	
ED GARZA District 7		✓	
ROBERT MARBUT District 8		✓	
TIM BANNWOLF District 9		✓	
JEFF S. WEBSTER District 10		✓	
HOWARD W. PEAK Mayor		<i>absent</i>	

*Orz 5 - attached*

*Amendment*

CITY OF SAN ANTONIO  
DEPARTMENT OF PLANNING  
INTERDEPARTMENTAL MEMORANDUM

PUBLIC HEARING  
TIME CERTAIN  
ITEM NO 5  
3:00 PM

**TO:** Mayor and City Council through the City Manager  
**FROM:** Emil R. Moncivais, Director of Planning  
**COPY:** See Distribution  
**SUBJECT:** AMENDMENTS TO BED AND BREAKFAST ORDINANCE

**DATE:** April 22, 1999

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**SUMMARY AND RECOMMENDATION:**

This is an ordinance amending Chapter 35 of the City Code, entitled "Bed and Breakfast" and found in Article III, Zoning, under Supplementary Use Regulations. Bed and breakfast establishments, when requesting a new location in residential zones, require special City Council approval. These proposed amendments strengthen the criteria to be used for CC decision-making. They also address neighborhood and B and B industry concerns by: (1) requiring spacing between B & B's in residential zones; (2) limiting the number of rooms per establishment according to residential zones; and (3) requiring owner-occupancy of B & B's in certain residential zones.

This draft has the support of the Zoning Commission as well as the Bed and Breakfast operators and historic district residents impacted by B & B's. It is the result of the work of two citizen committees. One committee was appointed last year by the Zoning Commission. The earlier, 1993, committee was composed of residents and Bed and Breakfast operators in the King William Historic District and was established at the direction of City Council.

On April 8, City Council directed a postponement of this item for 30 days for further community participation and input. On May 3, a large community meeting is planned to discuss the proposed ordinance. Notification for the session used multiple community mailing lists, newspaper ads and newspaper articles.

Staff recommends approval of the ordinance.

**BACKGROUND:**

In 1993, after a stressful hearing before the City Council for the approval of a Bed and Breakfast in the King William Historic District, an ad hoc committee was created at direction of City Council. That committee met over 60 times and forwarded recommendations to the Zoning Commission. The Zoning Commission referred the proposed changes to the Bed and Breakfast Ordinance to its own subcommittee, chaired by Commissioner Emerson. The zoning subcommittee met throughout 1998. It developed additional recommendations which the Zoning

Commission adopted, after a public hearing, on March 16, 1999. The Zoning Commission recommends adoption to the City Council.

On April 8, City Council directed a postponement of this item for 30 days for further community participation and input. On May 3, a large community meeting is planned to discuss the proposed ordinance. Notification for the session used multiple community mailing lists, newspaper ads and newspaper articles.

**POLICY ANALYSIS:**

Bed and Breakfast establishments are allowed by right in commercial zoning districts. However, in residential zones, they are allowed only with special, City Council approval because they are a supplementary use. Since 1993, there have been two opposing opinions regarding the effect of Bed and Breakfasts in residential neighborhoods. One group believes that Bed and Breakfasts should always be welcomed in residential neighborhoods because they stimulate revitalization, helping to renovate housing stock that would otherwise remain vacant. The other school of thought believes that Bed and Breakfasts, if too numerous in residential areas, will alter and commercialize the residential character of a neighborhood, infusing the area with too much traffic and imposing the usual strains that supplementary uses can place on the residential ambience of an area.

Three areas of concern were addressed by the Bed and Breakfast ordinance amendments: (1) the spacing and density of B & B's; (2) the overall number of rooms allowed per establishment in residential zones; and (3) the occupancy of a B & B by the owner in certain residential zones to ensure proper management of the facility. In the case of density management of B & B's in residential districts, the proposed amendments call for a spacing of at least 300 feet between Bed and Breakfasts as they front out along the same street. This requirement also contains two appeal mechanisms that permit either: (1) location and restoration of a vacant ("distressed") structure as a B & B within the 300 foot limit if it is deemed a historic structure; or, (2) evidence presented by a prospective B & B owner that the location of a B & B within the 300 foot limit will not substantially *alter* the residential character of the neighborhood. The second concern, that of number of rooms per establishment per zoning district, is now specifically stated in the ordinance as number of rooms per *establishment* instead of number of rooms per *lot*. This, too, will limit the size and density of B & B's. The last concern, owner occupancy, is also specifically addressed. Owner occupancy is now required in R-1, R-2, R2A, R-5, R-7 and R-8. Having the owner living on site will ensure good management of smaller B & B's in residential zones.

As always, the draft demonstrates additions to the current code by underlinings (added), while deletions are *italicized* and stricken (~~deleted~~).

To summarize recommended changes to the ordinance:

1. Definitions: Addition of definitions for "Distressed structure" and "Owner of property."

2. Guest rooms per establishment: Change of word from "lot" to "bed and breakfast establishment."
3. Sale of alcoholic beverages: Regulate sale of alcoholic beverages. Delete all references to food service. Food service will be regulated under the City's Health Code.
4. Density of B & B's in Residential Zones: Regulate density of B & B establishments within residential zoning districts using a 300 foot and 150 foot distancing mechanism.
5. Exception to 300' Rule: Allow exceptions to 300 foot rule in which prospective B & B operators demonstrate to City Council that a B & B in this location will not alter the residential character of the neighborhood. Or, in the case of a "distressed structure," allow a B & B within the 300' rule if the building merits restoration that cannot be accomplished by any other means.
6. Ownership/ Owner Occupancy Issue: Use the new definition of "owner of property" and apply it to B & B's in R-1, R-2, R-2A, R-5, R-7, and R-8 zoning districts, deleting this requirement for establishments in R-A districts.

This draft ordinance is the culmination of many hours of work by both committees over the past five years. It is also the result of several work sessions with the Zoning Commission. In addition, the amendments represent the best thinking of all the diverse groups represented, including property owners and residents of the residential historic districts impacted by Bed and Breakfast establishments as well as operators of B & B's in those neighborhoods.

Staff believes that the draft will ameliorate stress on residential neighborhoods, yet provide for expansion of the B & B industry into neighborhoods. It has a strong component for neighborhood input during the decision-making process to locate a B & B into a residential zone. Staff and the Zoning Commission recommend adoption.

**FINANCIAL IMPACT:**

There is no financial impact.

Memo to the City Council through the City Manager

April 20, 1999

Page Four

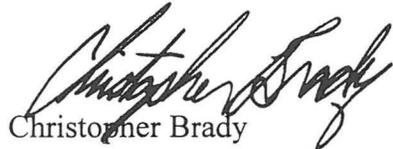
**COORDINATION:**

This item has been coordinated with the City Attorney's Office and the Historic Preservation Office of the Planning Department.

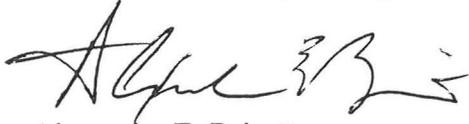


Emil R. Moncivais, AIA, AICP  
Director of Planning

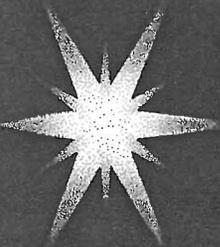
**APPROVED:**



Christopher Brady  
Assistant to the City Manager



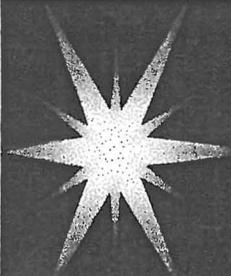
Alexander E. Briseño  
City Manager



# Bed and Breakfast Ordinance

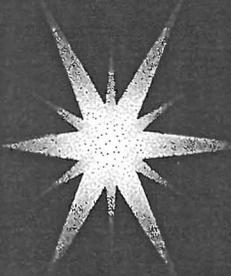
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Chapter 35, Article III,  
Division 9, Subdivision A.  
Supplementary Use Regulations



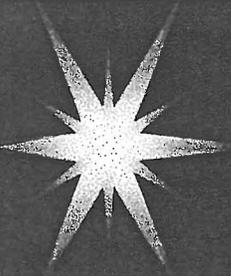
# Purpose

- What: Amendments to Ordinance Regulating Bed and Breakfast Establishments in Residential Zoning Districts.
- Issue Addressed: Too Many B&B's in a Residential Neighborhood May Change the Residential Character By Creating Commercial Intrusion.



# Community Meeting

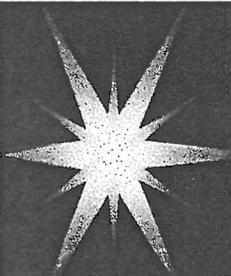
- B & B Q & A Meeting of May 3 and City Council Hearing of May 6
  - 1044 Notices Mailed to Neighborhood Associations, Concerned Citizens, Community/Business Organizations, and Others Invited by Council Members.
  - Notice Published in Sunday *Express-News* Metro Section



# Effect of Bed and Breakfasts

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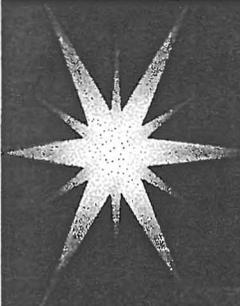
- Since 1993, Two Views Regarding Effect of B&B's:
  - 1. Should always be welcomed in residential neighborhoods because they stimulate revitalization.
  - 2. Or, if too numerous, will alter and commercialize the residential character of the neighborhood.



# Bed and Breakfast Issues

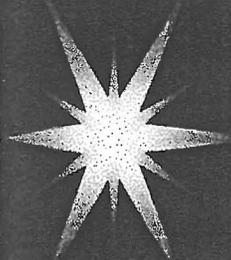
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- Density
- Number of Rooms Per B&B
- Owner Occupancy of B&B's

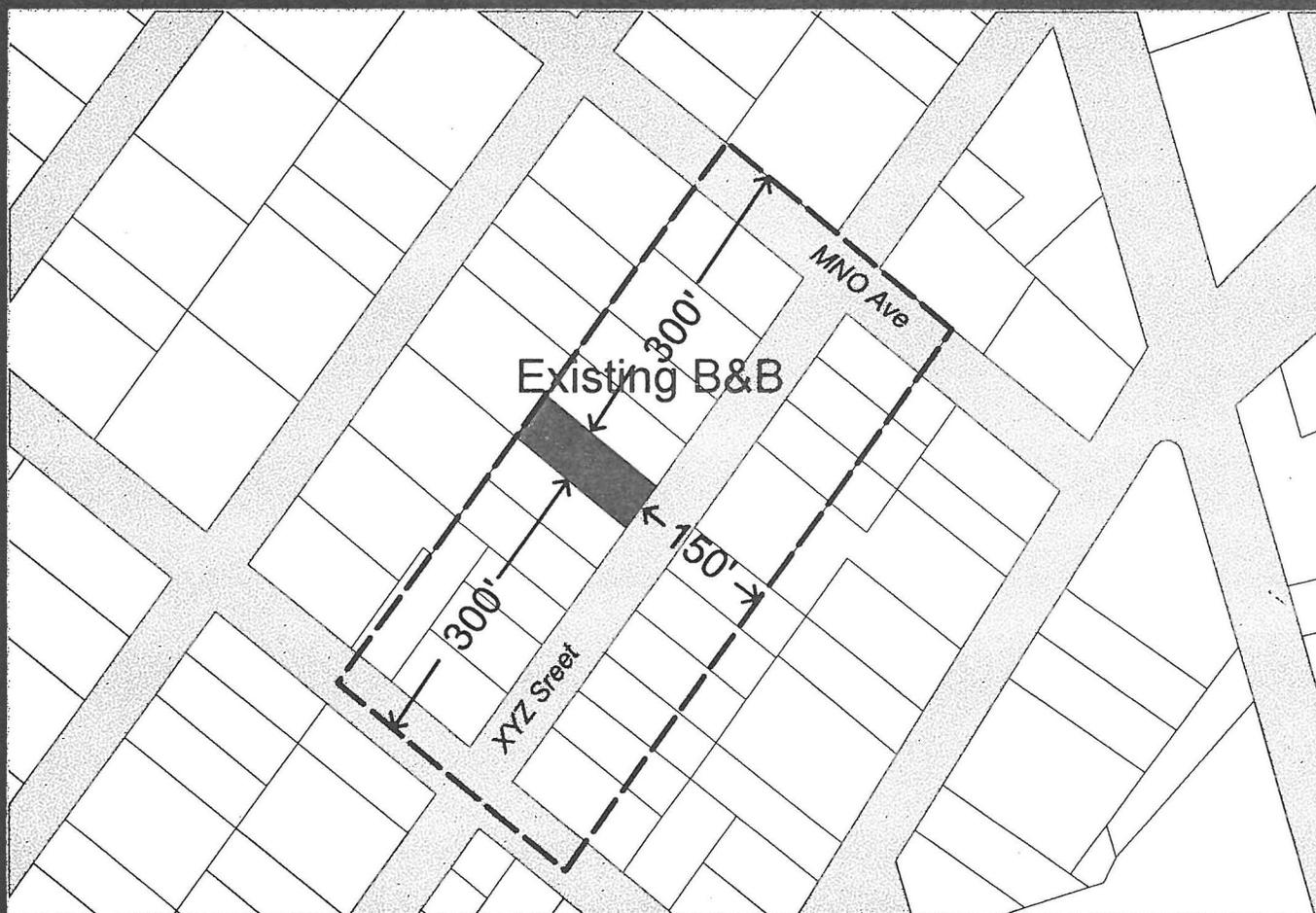


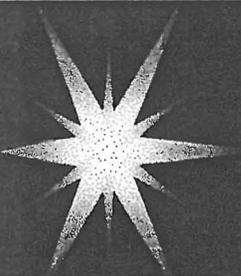
# Solutions

- Density:
- 300 Ft. Required Laterally Between Existing B&B and New B&B (Along a Street) and
- 150 Ft. Forward from Front Property Line.



# Density Map

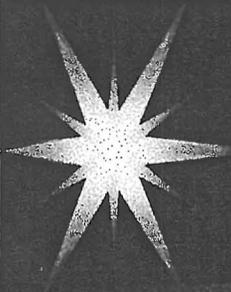




# Solutions

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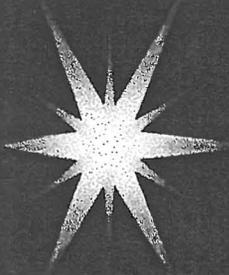
- Number of Rooms:
- Number of Rooms Are Assigned Per *Establishment*, Instead of Per Lot (by Zoning District).



# Solutions

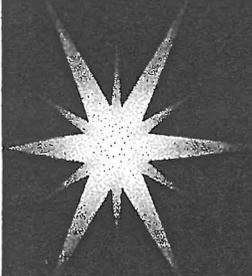
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- Owner Occupancy:
- Formerly Required in R-A, R-1, R-5, R-7, and R-8.
- Now Required in R-1, R-2, R-2A, R-5, R-7, and R-8.



# What Ordinance Accomplishes

- Will Diminish Neighborhood Stress
- Provides for Expansion of B&B's  
in Neighborhoods as a Good  
Compromise
- Allows for Exceptions/Appeal
- Provides for Neighborhood Input and  
Balance



# Recommendation

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➤ Adoption by City Council.

# Affidavit of Publisher

STATE OF TEXAS,

COUNTY OF BEXAR

CITY OF SAN ANTONIO

Before me, the undersigned authority, on this day Helen I. Lutz, who being by me duly sworn, says on oath of the Commercial Recorder, a newspaper of general circulation in San Antonio, in the State and County aforesaid, and that the Ordinance #89722 hereto attached has been published in this newspaper on the following days, to-wit: May 10, 1999.

*Helen I. Lutz*

Sworn to and subscribed before me this 10th day of May

*Estella M. Vasquez*

Notary Public in and for Bexar County, Texas

**PUBLIC NOTICE**

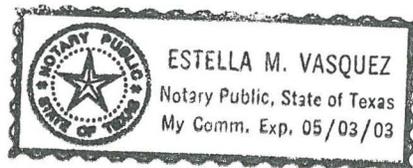
**AN ORDINANCE 89722**

AMENDING CITY CODE PART 11, CHAPTER 35, ARTICLE 111 AS FOLLOWS: 1) SECTION 35- 3311 (ENTITLED "BED AND BREAKFAST") TO REQUIRE DISTANCE REQUIREMENTS BETWEEN EACH BED AND BREAKFAST ESTABLISHED IN AN R-1, R-2, R-2A, C, D, R-4, R-5, R-6, R-7, OR R-8 ZONING DISTRICT; PROVIDE A METHODOLOGY FOR SPECIAL CITY COUNCIL APPROVAL FOR A BED AND BREAKFAST TO BE ESTABLISHED IN A LOCATION CONTRARY TO THE DISTANCE REQUIREMENTS; REQUIRE A BED AND BREAKFAST ESTABLISHED IN AN R-1, R-2, R-2A, R-5, OR R-8 ZONING DISTRICT TO BE OWNER OCCUPIED; AND PROVIDE ADDITIONAL REGULATIONS REGARDING NUMBER OF GUEST ROOMS PER STRUCTURE; SIGNAGE; AND PARKING REQUIREMENTS; AND 2) AMENDING SECTION 35-3603(A) TO PERMIT BED AND BREAKFASTS IN "C" AND "D" APARTMENT DISTRICTS THAT COMPLY WITH THE REQUIREMENTS SET OUT FOR R-2A AND R-3 ZONING DISTRICTS; AND AMENDING SECTION 35-3261 (ENTITLED "TABLE OF PERMITTED USES IN RESIDENTIAL DISTRICTS") AND SECTION 35-3262 (ENTITLED "TABLE OF PERMITTED USES IN NON-RESIDENTIAL DISTRICTS") TO REFLECT THE CHANGES HEREIN; AND PROVIDING FOR A PENALTY AS HAS BEEN ESTABLISHED IN CHAPTER 35, ARTICLE 1, SECTION 35-1024 (ENTITLED "PENALTIES"); AND DIRECTING THE CITY CLERK TO PUBLISH IN ACCORDANCE WITH CITY CHARTER, SECTION 17.

PASSED AND APPROVED this 6th day of May, 1999.

/s/HOWARD W. PEAK  
Mayor

ATTEST:  
/s/ NORMA S. RODRIGUEZ  
City Clerk  
5/10



# Affidavit of Publisher

BIDS WANTED  
City Public Services is  
requesting sealed quotations on  
the following items:  
RQ #91235  
Line H/O 1PST  
15000 V  
may

STATE OF TEXAS,

COUNTY OF BEXAR

CITY OF SAN ANTONIO

Before me, the undersigned authority, on this day personally appeared Helen I. Lutz, who being by me duly sworn, says on oath that she is Publisher of the Commercial Recorder, a newspaper of general circulation in the City of San Antonio, in the State and County aforesaid, and that the Public Notice - An Ordinance #89722 hereto attached has been published in every issue of said newspaper on the following days, to-wit: May 10, 1999.

*Helen I. Lutz*

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Sworn to and subscribed before me this 10th day of May, 1999.

*Estella M. Vasquez*

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Notary Public in and for Bexar County, Texas

