



City of Fredericksburg

REGULAR CITY COUNCIL MEETING AGENDA MONDAY, MARCH 7, 2022 ~ 6:00 P.M. LAW ENFORCEMENT CENTER 1601 E. MAIN STREET FREDERICKSBURG, TEXAS 78624

Charlie Kiehne, Mayor
Tom Musselman, Councilmember
Bobby Watson, Councilmember

Jerry Luckenbach, Councilmember
Kathy O'Neill, Councilmember
Kent Myers, City Manager

The City of Fredericksburg City Council will meet in a regular session on Monday, March 7, 2022 at 6:00 p.m. This meeting will be held in person and livestream on our YouTube Channel.

Link to City of Fredericksburg YouTube Channel [Fredericksburg, Texas USA - YouTube](https://www.youtube.com/c/FredericksburgTexasUSA) (<https://www.youtube.com/c/FredericksburgTexasUSA>)

1. CALL TO ORDER

2. INVOCATION

(Bill Wilder, FISSD Head Coach)

3. PLEDGE OF ALLEGIANCE

4. EMPLOYEE RECOGNITIONS

5. PUBLIC COMMENTS ON ITEMS ON THE AGENDA

The City Council welcomes citizen participation and comments at all City Council Regular Meeting.

A. **Written Comments:** to be submitted remotely:

- i. Must be received by 3 p.m. on March 7, 2022
- ii. Complete the Citizen Comment Form online at www.fbgtx.org; or
- iii. Email your comments to CitizenComments@fbgtx.org; or
- iv. Complete a Citizen Comment Form located inside the Public Access entrance at 126 W. Main Street, Fredericksburg, Texas, and place in the box marked Citizen Comment Form.

Copies of the submitted comments will be provided to the City Council and made public on the City website under the "[March 7, 2022](#), City Council Regular Meeting" tab.

B. **Verbal Comments:**

- i. Sign up in-person between 5:30 p.m. and 6 p.m. at the Law Enforcement Center in order to comment.
- ii. You will be limited to 3 minutes to speak.
- iii. If any citizen has handouts for these should be provided to the City Secretary prior to speaking. If you wish the City Council to receive your handouts for the meeting,

please provide 10 copies, if not the City Council will receive your handouts the following day.

6. CONSENT

THE FOLLOWING ITEMS MAY BE ACTED UPON IN A SINGLE MOTION. NO SEPARATE DISCUSSION OR ACTION ON ANY OF THESE ITEMS WILL BE HELD UNLESS PULLED AT THE REQUEST OF A MEMBER OF CITY COUNCIL.

- A.** Consider approval of City Council Minutes:
 - i. January 12, 2022 Special Meeting
(Agenda Packet Pages 5-8)
 - ii. February 21, 2022 Regular Meeting
(Agenda Packet Pages 9-16)

- B.** Consider approval of the street closures for
 - i. 175th Anniversary Parade on Saturday, May 7, 2022, at 10 a.m. on Main Street,
 - ii. Fourth of July Parade on Monday, July 4, 2022, at 10 a.m. on Main Street and consider approval of 2022 liability insurance,
 - iii. Gillespie County Fair Parade on Friday, August 26, 2022, at 10 a.m. on Main Street, and;
 - iv. Light the Night Christmas Parade on Friday, December 2, 2022, at 6:30 p.m. on Main Street with an inclement weather day of Friday, December 9, 2022.
(Agenda Packet Pages 17-20)

- C.** Consider approval of the removal of the requirement for special events to submit a Written Health & Safety Plan through the special event application process, effective immediately. (Jennifer Krupa, Special Events Coordinator).
(Agenda Packet Pages 21-24)

- D.** Consider approval of a settlement with Teva Subdivision Release Form, to resolve opioid related claims against Teva Pharmaceuticals (Daniel Jones, City Attorney).
(Agenda Packet Pages 25-28)

7. PUBLIC HEARINGS

- A.** Consider holding a public hearing to receive comments for or against the amendments to the City's Zoning Code regarding Short-Term Rentals, development standards, parking requirements, Land Use Charts, definitions, impervious cover and other regulations (Z-2120) (Jason Lutz, Development Services Director).
(Agenda Packet Pages 29-156)

8. ORDINANCES AND RESOLUTIONS

- A.** Consider the approval of Ordinance 2022-13 amendments to the City's Zoning Code regarding Short-Term Rentals, development standards, parking requirements, Land Use Charts, definitions, impervious cover and other regulations (Z-2120) (City Council may waive second reading) (Jason Lutz, Development Services Director).
(Agenda Packet Pages 29-156)

- B.** Consider the approval of Ordinance 2022-14 amending Appendix A – Fee Schedule, of the Code of Ordinances, to amend the Permit Fees assessed for City issued Short Term Rental Permits; and providing for an effective date (City Council may waive second reading) (Kent Myers, City Manager).
(Agenda Packet Pages 157-162)

C. Consider the approval of Ordinance 2022-15 amending Article 24.000-Recreational Fees, of Appendix A – Fee Schedule, of the Code of Ordinances, to establish pricing for occupancy of campsites at Lady Bird Johnson Municipal Park during the 2024 Eclipse Event; and requiring a four (4) night minimum occupancy for said campsites during the 2024 Eclipse Event; and providing for an effective date (City Council may waive second reading) (Andrea Schmidt, Park Director).
(Agenda Packet Pages 163-168)

D. Consider the approval of Resolution 2022-05R designating property located at 208 Woodcrest, in the City of Fredericksburg, as a Local Historic Landmark. (Anna Hudson, Historic Preservation Officer).
(Agenda Packet Page 169-190)

9. OTHER ACTION ITEMS AND UPDATES

A. Consider an update from on Fort Martin Scott and the Former Texas Rangers Heritage Center Museum (Andrea Schmidt, Park Director).
(Agenda Packet Pages 191-192)

10. PUBLIC COMMENTS ON ITEMS NOT LISTED ON THE AGENDA.

11. COUNCIL COMMENTS

Reports about items of community interest, which no action will be taken.

12. ITEMS FOR FUTURE AGENDAS

(Agenda Packet Page 193)

13. EXECUTIVE SESSION

The City Council will recess its open meeting and reconvene in Executive Session pursuant to Texas Government Code Section 551.071 (Consultation with Attorney):

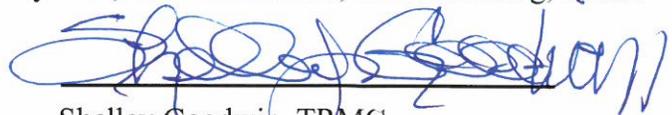
A. Consider and discuss City of Fredericksburg, Texas vs. Arch Ray, LLC, and Fiesta on the River RV Resort, LLC, pending in the 216th District Court [551.071]

14. BUSINESS ITEM

The City Council will reconvene into Regular Session upon the conclusion of the Executive Session; the City Council may take action on any item posted in Executive Session, as necessary.

15. ADJOURN

This is to certify that I, Shelley Goodwin, posted this Agenda at 12:15 p.m. on March 3, 2022, on the bulletin board of the City of Fredericksburg City Hall, 126 W. Main St., Fredericksburg, Texas.



Shelley Goodwin, TRMC
City Secretary



CITY OF FREDERICKSBURG

MINUTES OF CITY COUNCIL WORK SESSION JANUARY 12, 2022

The City of Fredericksburg City Council held their work session on Wednesday, January 12, 2022 at 6 p.m. This meeting was held in person at the University Center and live streamed on the Fredericksburg YouTube Channel.

Members Present:

Mayor Charlie Kiehne
Councilmember Jerry Luckenbach
Councilmember Tom Musselman
Councilmember Kathy O'Neill
Councilmember Bobby Watson

Members Absent:

None

City Staff Present:

Kent Myers, City Manager
Clinton Bailey, Assistant City Manager/Director of Public Works and Utilities
Daniel Jones, City Attorney
Steve Wetz, Police Chief
Arron, Information Technology
Jason Lutz, Development Services Director
Anna Hudson, Historic Preservation Officer
Shelby Collier, Associate Planner
Leslie Ball- Embrey, Administrative Assistant

1. CALL TO ORDER

Mayor Kiehne called the work session of the Fredericksburg City Council to order at 6:00 p.m. on Wednesday, January 12, 2022.

2. PLEDGE OF ALLEGIANCE

Jeff Morin led the Pledge of Allegiance.

3. Proposed Changes to the City Zoning Ordinance affecting the operation of Short-Term Rentals (STRs) and amending site development regulations in multiple zoning districts.

- i. Receive a report by Jason Lutz, Development Services Director, on the additional information regarding STR's.**

Jason Lutz, Development Services Director, provided a PowerPoint presentation outlining the changes to Draft 3 and the areas that Staff is needing directions on including the following:

- Accessory Structures-Size Limits

- Pools/Hot Tubs/ Fire Pits setbacks
- Off-Street Parking Requirements
- Non-conforming Uses (Grandfathering)
- Occupancy
- R2 (Principle Permitted Uses, CUPs, Caps)
- R1 (Principle Permitted Uses, CUPs, Caps)

ii. Public Comments

Rosemary Estensan, City resident, suggested the residents of Fredericksburg should vote on what is best for their community.

Jason Kemp, provided the history of his STR and the future use after his retirement.

Kelly DiCuffe City resident, spoke regarding the effects CUPs have on property values.

Sonja Rivera, City resident, reviewed the issues related to STRs.

Leslie Spraggins, City resident, encouraged the City Council to slow the process down.

Randy Briley, City resident, reviewed the number of STR Alliance members and encouraged the City Council to work with them.

Belinda McDonnell, City resident, reviewed the Hotel Occupancy Tax's benefits on the City budget.

Jeff Morin, City resident, reviewed the issues related to STRs.

Matt Curtis spoke regarding the upcoming Economic Impact Seminar.

Carole Hammerson, City resident, spoke regarding the disappearing neighborhoods and the history of the Hammerson family in Fredericksburg.

Eric Hammerson, City resident, spoke regarding the proposed Ordinance and the benefits and disadvantages.

Chere Conner, City resident, spoke regarding the safety aspect of STRs.

Gwynne Juett, City resident, spoke regarding the disappearance of small neighborhoods.

Matt Durette, City resident, spoke regarding monitoring the STR properties.

David Turpin, City resident, spoke regarding the proposed Ordinance and feels it is harmful to the R1 district.

Daniel Meyer, spoke regarding the number of STRs and noted 20% of houses in Fredericksburg are now STRs.

Ken Carr, City resident, spoke regarding the improvements to the proposed Ordinance, but it doesn't solve the issues.

Tom Marschall, City resident, spoke regarding residents voting on STRs.

David Pedregon, City resident, spoke regarding how the City Council handled major issues 14 years ago and how the lack of housing has become an emergency issue.

Mike Mohoney, spoke regarding housing issues in Fredericksburg.

Kyle Biederman spoke regarding protections of private property rights and issues with affordable housing.

Ray Rogers, City resident, spoke regarding the vision of Fredericksburg and encouraged the City Council to pay attention to what neighbors are saying.

Greg Lefevre, City resident, spoke regarding “R” means residential and not commercial.

iii. Consider and discuss key questions related to the proposed changes to zoning ordinance.

The City Council discussed the following topics:

- Accessory Structures-Size Limits
- Pools/Hot Tubs/ Fire Pits setbacks
- Off-Street Parking Requirements
- Non-conforming Uses (Grandfathering)
- Occupancy
- R2 (Principal Permitted Uses, CUPs, Caps)
- R1 (Principal Permitted Uses, CUPs, Caps)

iv. Consider a report and discussion on next steps in process.

Kent Myers, City Manager, noted the next steps are the following:

- January 16th -Planning and Zoning Workshop to review proposed changes.
- February 16th - Planning and Zoning Special Meeting to consider a recommendation to Council and Public Hearing
- March 7th – City Council Public Hearing and consider the Ordinance on 1st reading.
- March 21st – City Council considers the Ordinance on 2nd reading.

4. ADJOURN

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Watson, to adjourn the Monday, January 12, 2022, City Council Special Meeting at 10:32 p.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

Charlie Kiehne
Mayor

Shelley Goodwin, TRMC
City Secretary



CITY OF FREDERICKSBURG

MINUTES OF CITY COUNCIL REGULAR MEETING FEBRUARY 21, 2022

The City of Fredericksburg City Council held their regular session on Monday, February 21, 2022 at 6 p.m. This meeting was held in person at the Law Enforcement Center and live streamed on the Fredericksburg YouTube Channel.

Members Present:

Mayor Charlie Kiehne
Councilmember Jerry Luckenbach
Councilmember Tom Musselman
Councilmember Bobby Watson
Councilmember Kathy O'Neill

Members Absent:

No one was absent.

City Staff Present:

Kent Myers, City Manager
Clinton Bailey, Assistant City Manager/Director of Public Works and Utilities
Daniel Jones, City Attorney
Steve Wetz, Police Chief
Brian Vorauer, Patrol Lieutenant
Eric Whiting, Information Technology Director
Lea Feuge, Public Information Officer
Jason Lutz, Development Services Director
Leslie Ball- Embrey, Administrative Assistant
Shelley Goodwin, City Secretary

1. CALL TO ORDER

Mayor Kiehne called the regular meeting of the Fredericksburg City Council to order at 6:00 p.m. on Monday, February 21, 2022.

2. INVOCATION

Dave White, resident, led the Invocation.

3. PLEDGE OF ALLEGIANCE

Tony Klein led the Pledge of Allegiance.

4. EMPLOYEE RECOGNITIONS

Kent Myers, City Manager, announced the following recognitions:

- Thank you to Clinton Bailey and Jason Lutz for their hard work on the STR process.

5. PUBLIC COMMENTS ON ITEMS ON THE AGENDA

Eric Hammerson, City resident, spoke regarding 14 A. regarding the appointment of City Manager.

David Shields, Executive Director of Historical Society, spoke regarding Agenda Item 9. E. HOT Funding Process.

6. CONSENT

THE FOLLOWING ITEMS MAY BE ACTED UPON IN A SINGLE MOTION. NO SEPARATE DISCUSSION OR ACTION ON ANY OF THESE ITEMS WILL BE HELD UNLESS PULLED AT THE REQUEST OF A MEMBER OF CITY COUNCIL.

A. Consider approval of City Council Minutes:

- i. January 31, 2022 Special Meeting**
- ii. February 7, 2022 Regular Meeting**

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Musselman, to approve Consent Agenda items 6. A. i. and ii. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

7. PUBLIC HEARINGS

A. Consider holding a public hearing to receive comments for or against the voluntary annexation of approximately 21.46 acres of land and request for zoning of Single-Family Residential (R1) Zoning District located at 668 Pyka (Z-2112) (Jason Lutz, Development Services Director).

Jason Lutz, Development Services Director, reviewed the property's history and noted the owner had requested voluntary annexation to construct a single-family subdivision. He stated the Planning and Zoning Commission voted unanimously to approve the annexation and zoning of R-1.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Musselman, to go out of Regular Session into a public hearing at 6:14 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

No one wished to speak.

Mark Cornette, applicant, stated he represented the owners and is available to answer questions.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to go out of public hearing back into Regular Session 6:15 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

B. Consider holding a public hearing to receive comments for or against changes to 1100 Friendship Lane (Z-2202) (Jason Lutz, Development Services Director)

- i. Change in the Comprehensive Plan of the City, specifically in the Land Use Map, as to approximately 14.28 acres of land, being a portion of W.H. Anderson #197, Abstract No. 2; changing said property from Mixed Use Corridor (MU) to Commercial (C); providing that the change becomes a part of the Comprehensive Plan**
- ii. Change in the Zoning Ordinance of the City and changing the Zoning District as to approximately 14.28 acres of land, being a portion of W.H. Anderson**

#197, Abstract No. 2, situated in the City; changing said property from Industrial Park (M-3) to Commercial (C-2)

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to go out of Regular Session into a public hearing at 6:16 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

No one wished to speak.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Musselman, to go out of public hearing back into Regular Session 6:17 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

C. Consider holding a public hearing to receive comments for or against amending the Zoning Ordinance of the City to approve an amendment to the Planned Unit Development (PUD), to allow a land use of “Hotel-Motel”, pertaining to 10.98 acres of land being described as lots 1, 2, and 3 of the Feller Subdivision, Phase 1, located at 1511 and 1565 E. Main Street, situated in the City (Z-2201)

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to go out of Regular Session into a public hearing at 6:18 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

No one wished to speak.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Watson, to go out of public hearing back into Regular Session 6:18 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

8. ORDINANCES AND RESOLUTIONS

A. Consider the approval of Ordinance 2022-09 annexing to the City approximately 21.46 acres of land out of Outlot 165, Outlot 170, and part of an Outlot Street, as shown on the map of Fredericksburg and environs by the German Emigration Company in Gillespie County, Texas, located at 668 Pyka Road; extending the corporate limits of the City so as to include said territory; granting to all inhabitants and future inhabitants of said territory all of the rights and privileges of other citizens of the City; binding the inhabitants and future inhabitants of said territory by any and all acts, Ordinances, Resolutions and Regulations of said City; and amending the Zoning Ordinance of the City to establish the Zoning District of said territory as R-1: Single Family Residential. (City Council may waive second reading).

Jason Lutz, Development Services Director, stated this Ordinance is for the annexing of 21.46 acres and establishes the zoning for that property.

The City Council discussed the use of the land.

Mark Cornett, applicant for the property owners, stated the owners are still working on the plans for the property and support the R-1 zoning.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Luckenbach, to approve Ordinance 2022-09 annexing to the City approximately 21.46 acres of land out of Outlot 165, Outlot 170, and part of an Outlot Street, as shown on the map of Fredericksburg and environs by the German Emigration Company in Gillespie County, Texas, located at 668 Pyka Road; extending the corporate limits of the City so as to include said

territory; granting to all inhabitants and future inhabitants of said territory all of the rights and privileges of other citizens of the City; binding the inhabitants and future inhabitants of said territory by any and all acts, Ordinances, Resolutions and Regulations of said City; and amending the Zoning Ordinance of the City to establish the Zoning District of said territory as R-1: Single Family Residential; and providing for an effective date and waive the second reading. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

B. Consider the approval of changes to 1100 Friendship Lane:

- i. Ordinance 2022-10 adopting a change in the Comprehensive Plan of the City, specifically in the Land Use Map, as to approximately 14.28 acres of land, being a portion of W.H. Anderson #197, Abstract No. 2, located at 1100 Friendship Lane; changing said property from Mixed Use Corridor (MU) to Commercial (C); providing that the change becomes a part of the Comprehensive Plan, and providing for an effective date. (City Council may waive second reading)**

Jason Lutz, Development Services Director, provided the history of the property and stated the applicant is seeking a future land use classification change from “Mixed-Use Corridor” (MU) to Commercial (C) and zoning change from Industrial Park (M3) to Commercial C2 to bring the entire tract under the same land use and zoning.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to approve Ordinance 2022-10 adopting a change in the Comprehensive Plan of the City, specifically in the Land Use Map, as to approximately 14.28 acres of land, being a portion of W.H. Anderson #197, Abstract No. 2, located at 1100 Friendship Lane; changing said property from Mixed Use Corridor (MU) to Commercial (C); providing that the change become a part of the Comprehensive Plan, and providing for an effective date and waive the second reading. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

- ii. Ordinance 2022-11 amending the Zoning Ordinance of the City and changing the Zoning District as to approximately 14.28 acres of land, being a portion of W.H. Anderson #197, Abstract No. 2, located at 1100 Friendship Lane, situated in the City; changing said property from Industrial Park (M-3) to Commercial (C-2); and providing for an effective date (City Council may waive second reading)**

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to approve Ordinance 2022-11 amending the Zoning Ordinance of the City and changing the Zoning District as to approximately 14.28 acres of land, being a portion of W.H. Anderson #197, Abstract No. 2, located at 1100 Friendship Lane, situated in the City; changing said property from Industrial Park (M-3) to Commercial (C-2); and providing for an effective date and waive the second reading. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

- C. Consider the approval of Ordinance 2022-12 amending the Zoning Ordinance of the City to approve an amendment to the Planned Unit Development (PUD), to allow a land use of “Hotel-Motel”, pertaining to 10.98 acres of land being described as lots 1, 2, and 3 of the Feller Subdivision, Phase 1, located at 1511 and 1565 E. Main Street, situated in the City of Fredericksburg, Texas (City Council may waive second reading).**

Jason Lutz, Development Services, provided the property's history and stated the developer is seeking to amend an existing Planned Unit Development (PUD) to allow the land use of Hotel-Motel on the property.

The City Council discussed the property and the original PUD.

Kevin Spraggins, applicant, reviewed the property and the request to add Hotel-Motel to the PUD and property. He noted the surrounding neighbors/businesses support adding Hotel-Motel to this property.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to approve Ordinance 2022-12 amending the Zoning Ordinance of the City to approve an amendment to the Planned Unit Development (PUD), to allow a land use of "Hotel-Motel", pertaining to 10.98 acres of land being described as lots 1, 2, and 3 of the Feller Subdivision, Phase 1, located at 1511 and 1565 E. Main Street, situated in the City of Fredericksburg, Texas and waive the second reading. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

D. Consider the approval of Resolution 2022-03R appointing Early Voting Clerk, Deputy Early Voting Clerks, Judges and Alternate Judge and adding provisions for the conduct of such election and resolving other matters related to the conduct of such election for the May 7, 2022 General Election.

Shelley Goodwin, City Secretary, provided an update related to the Legislative changes to the upcoming election. She also reviewed the need to have a Signature Verification Committee and their role. She also thanked Lea Feuge, Public Information Officer, for creating the recent "What you need to know about May 7, 2022, City Election".

Motion: A motion was made by Councilmember O'Neill, seconded by Councilmember Watson, to approve Resolution 2022-03R appointing Early Voting Clerk, Deputy Early Voting Clerks, Judges and Alternate Judge and adding provisions for the conduct of such election and resolving other matters related to the conduct of such election for the May 7, 2022 General Election. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

9. OTHER ACTION ITEMS AND UPDATES

A. Consider approval of a Voluntary Annexation Agreement of approximately 21,46 acres of land to construct a Single-Family Subdivision along Pyka Road (to be considered before Agenda Item 8.A.).

Jason Lutz, Development Services, reviewed the history of the property and the request. He noted this is the first step to the Voluntary Annexation.

Mark Cornett, speaking for the owners, spoke regarding the future needs of the property.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Luckenbach, to approve Voluntary Annexation Agreement of approximately 21.46 acres of land to construct a Single-Family Subdivision along Pyka Road. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

B. Consider approval of SKT Architects as the design consultant for Phase 2 and contract for professional services related to the Fredericksburg Visitor Information Center expansion

Evan Williamson, Engineer Tech., reviewed the PowerPoint presentation of the process used to request qualifications. He stated Staff recommends the award of the design consultant for Phase 2 and the professional services contract to SKT Architects. He also reviewed the estimated cost for the construction, Architect, and Engineering designs.

The City Council discussed the proposed additional wing of the CVB building, which is being paid for by the Tourism Fund. They also discussed the need for additional parking spaces and designated RV parking spaces.

Ernie Loeffler, Director of CVB, noted that CVB is out of space and in need of a meeting room as well.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Watson, to approve SKT Architects as the design consultant for Phase 2 and contract for professional services related to the Fredericksburg Visitor Information Center expansion. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

C. Consider approval of the issuance of the Requests for Proposals and Qualifications for the Hotel/Conference Center Project.

Kent Myers, City Manager, provided the project's history and asked for approval of the issuance of the RFP and Qualifications for the Hotel/Conference Center Project. He noted currently, there are three different sites (the Y, behind Sutherlands, and on Friendship across from the movie theater). He stated the RFQ document was updated to include the items discussed at the Special Meeting on January 31, 2022. He also provided a spreadsheet regarding organization/events that the CVB has turned down because Fredericksburg doesn't have a large location for their meetings.

The City Council discussed the effects that a Hotel/Conference Center has on the City and its residents. They also discussed the need for the facility to be smaller than the original Conference Center and the issues related to workforce housing and financing.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to approve issuance of the Requests for Proposals and Qualifications for the Hotel/Conference Center Project. The City Council voted four (4) for, and one (1) opposed (Councilmember O'Neill). The motion carried.

D. Consider approval of the City Manager Performance Goals for 2022

Kent Myers, City Manager, reviewed the Performance Goals for 2022 and noted he is already getting started on the goals. He stated the Finance Director has recommended putting excess Sales Tax in a reserve account and using it for what the City Council chooses to fund in the future.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Watson, to approve City Manager Performance Goals for 2022. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

E. Consider the approval of the 2022 Hotel Occupancy Tax (HOT) Funding Process and documents.

Shelley Goodwin, City Secretary, reviewed the HOT Funding Process and the proposed timeline for the 2022 award of funding.

The City Council discussed the timeline and the application.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to the 2022 Hotel Occupancy Tax (HOT) Funding Process and documents. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

F. Consider the reconsideration of July 19, 2021 City Council Regular Meeting Minutes, previously amended at the February 7, 2022 Regular Meeting.

Shelley Goodwin, City Secretary, stated at February 7, 2022, City Council Regular Meeting the City Council voted to approve the amendment to Tom Marschall's Citizen Comment from the July 19, 2021, Regular Meeting. Two members of the City Council agreed to place July 19, 2021, Regular Meeting Minutes back on the agenda to reconsider them.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember O'Neill, to reconsider of July 19, 2021 City Council Regular Meeting Minutes, previously amended at the February 7, 2022 Regular Meeting. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

Motion: A motion was made by Councilmember O'Neill, seconded by Councilmember Musselman, to amend the July 19, 2021 City Council Regular Meeting Minutes, previously amended at the February 7, 2022 Regular Meeting to read "Tom Marschall spoke about the State Constitution and the provision contained therein where laws or directives are null and void if they impact negatively on constitutional rights". The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

10. PUBLIC COMMENTS ON ITEMS NOT LISTED ON THE AGENDA

Edward Rode, County resident, spoke about the Traffic Impact Study for the Live Oak area.

George Studor, City resident, spoke regarding the termination of Disaster Declaration and After-Action Reports.

Eric Hammerson, City resident, spoke regarding the termination of the Disaster Declaration and encouraged the City Council to return the American Rescue Funds.

MaryLee Marschall, City resident, spoke regarding COVID-19.

Tom Marschall, City resident, spoke regarding Business Sanctions.

Jeannette Hormuth, City resident, asked for corrections to January 18, 2022 Council minutes and encouraged the City Council to send back the American Rescue Funds.

11. CITY MANAGER REPORT

A. Introduction of New Housing Coordinator

Vince Michell, Housing Coordinator, introduced himself. He indicated that his is looking forward to working with everyone. He noted his motto is "Failure is not an option."

B. TXDOT Meeting

Clinton Bailey, Assistant City Manager/Director of Public Works and Utilities, provided an update on the recent meeting with TxDOT. He noted they discussed the Relief Route, recent Winter Storm, road closure process, local transportation projects (short, medium, and long term), federal funding for bridges. He noted TxDOT would be providing a follow-up to their discussions.

Kent Myers, City Manager, reminded everyone of the Joint Workshop with Gillespie County to discuss the Relief Route scheduled for March 1 at 8:30 a.m. at LEC.

The City Council reviewed the funding process for TxDOT, and the need for getting traffic around the City and off Main.

C. Comprehensive Plan

Kent Myers, City Manager, stated the City received seven proposals, and they will be reviewing them in the next few weeks and bringing back a contract for approval by City Council in April.

D. Transition to Granicus for STR Permitting and HOT Collections

Kent Myers, City Manager, stated there was a kickoff meeting two weeks ago, and Granicus' start date is officially April 1, 2022.

E. Police Chief recruitment process

Kent Myers, City Manager, reviewed the process that will be used to hire an effective leader for the Police Chief and noted the process will be for internal recruitments only.

12. CITY COUNCIL COMMENTS

Councilmember Luckenbach reported on the concrete bricks in Market Square. He also reviewed areas downtown that need repairs.

Mayor Kiehne stated he had enjoyed the beautiful day but warned everyone that the cold weather was coming back.

13. ITEMS FOR FUTURE AGENDA

Kent Myers, City Manager, reviewed the Future Agenda Items.

14. EXECUTIVE SESSION

The City Council will recess its open meeting and reconvene in Executive Session pursuant to Texas Government Code Section 551.074 (Personnel Matters):

- A. Consider and discuss the appointment, evaluation, and/or duties of a public officer or employee, specifically the City Manager (Section 551.074).**

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Musselman, to go out of the Regular Meeting and into Executive Session at 8:08 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to go out of the Executive Session and into the Regular Meeting at 9:50 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

15. BUSINESS ITEM

No action was taken.

16. ADJOURN

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Musselman, to adjourn the Monday, February 21, 2022, City Council Regular Meeting at 9:52 p.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

Charlie Kiehne
Mayor

Shelley Goodwin, TRMC
City Secretary



CITY COUNCIL MEMO

DATE: February 28, 2022

TO: Mayor and City Council

FROM: Jennifer Krupa, Special Events Coordinator

SUBJECT: Approval of 2022 parades and liability insurance for Fourth of July Parade

Summary:

Staff is asking for City Council approval to hold four parades in calendar year 2022, as there is no fee schedule associated with hosting a parade within City limits. The four parades are:

- 175th Anniversary Parade on Saturday, May 7, 2022, at 10 a.m. on Main Street;
- Fourth of July Parade on Monday, July 4, 2022, at 10 a.m. on Main Street;
- Gillespie County Fair Parade on Friday, August 26, 2022, at 10 a.m. on Main Street, and;
- Light the Night Christmas Parade on Friday, December 2, 2022, at 6:30 p.m. on Main Street with an inclement weather date of Friday, December 11, 2022.

This item is also a request from the organizer of the annual Fourth of July Parade & Patriotic Program to add the Fourth of July Parade to the City's insurance policy so that volunteers involved with the parade will be covered for any liability claims.

Recommendation:

City council should consider adoption of a motion to host the following parades in calendar year 2022: 175th Anniversary Parade, Fourth of July Parade, Gillespie County Fair Parade, and Light the Night Christmas Parade and add the Fourth of July Parade to the City's insurance policy.

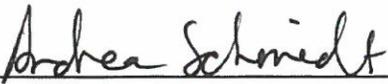
Background / Analysis:

The City of Fredericksburg

The Fourth of July Parade is planned and executed entirely by a group of community volunteers. The insurance request has been approved the past several years at a total cost to the City of about \$200.

Attachments:

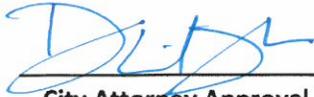
E-mail request from Daryl Whitworth



Department Approval



City Manager Approval



City Attorney Approval

Jennifer Krupa

From: Daryl Whitworth <daryl.whitworth@gmail.com>
Sent: Monday, February 14, 2022 4:50 PM
To: Jennifer Krupa
Subject: Parade Insurance

Good afternoon Jennifer

Can you please add approval for the Fourth of July parade to be carried on the City' insurance for 2022? As always, we as an "unofficial" group do not carry OD liability and need a bit of coverage . Thank you

Daryl Whitworth
Sent from my iPad Pro



CITY COUNCIL MEMO

DATE: February 22, 2022

TO: Mayor and City Council

FROM: Jennifer Krupa, Special Events Coordinator

SUBJECT: Ending requirement for special events to submit health & safety plans for COVID mitigation

Summary:

With the recent termination of the declaration of local state of disaster in response to the COVID-19 pandemic, staff is asking to end the requirement for special events on City-owned property to submit a written health & safety plan through the special event application process, effective immediately.

Recommendation:

City council should consider adoption of a motion to remove the requirement for special events to submit a written health & safety plan through the special event application process, effective immediately.

Background / Analysis:

At the March 15, 2021, city council meeting, council made the decision to allow written health & safety plans to be submitted and reviewed internally by the special events committee versus City Council.

While written health & safety plans will not be required for city staff to review and approve, this change in the process does not preclude special event organizers from requiring all event attendees to follow additional hygiene measures, including the wearing of a face covering. Special events are encouraged to use good-faith efforts and available resources to follow the Centers for Disease Control and

The City of Fredericksburg

Prevention (CDC) health recommendations found at www.cdc.gov, and the Texas Department of State Health Services (DSHS) health recommendations found at www.dshs.texas.gov.

Attachments:

Page 7 of the minutes from the March 15, 2021, City Council meeting

Andrea Schmidt
Department Approval

[Signature]
City Manager Approval

[Signature]
City Attorney Approval

Jennifer Krupa, Special Events Coordinator, reviewed the moratorium and the Health & Safety Plan history. She reviewed how other Special Events Coordinators in Texas are handling events and Health & Safety Plans.

The City Council discussed options for handling events.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Rickert, to have future Health & Safety Plans approved by the Special Event Committee instead of the City Council. The City Council voted unanimously five (5) for, and none (0) opposed.

Motion: A motion was made by Councilmember Rickert, seconded by Councilmember Watson, to rescind waiver requirements for outdoor events of 10-299 people. The City Council voted unanimously five (5) for, and none (0) opposed.

D. Consider, discuss and take action regarding approval of the Health and Safety Plan for the following events (Jennifer Krupa, Special Events Coordinator):

Jeannette Hormuth, City resident, spoke regarding several events that she has fond memories of Fredericksburg's events. She also encouraged the City Council to remove the Health and Safety Plan.

i. FBG Volunteer Fire Department Fish Fry's and street closure request of W. Austin Street between N. Adams and N. Crockett Streets on Saturday, April 17, 2021 from 12 p.m. until 9 p.m.

Paul Hannemann, President of the Volunteer Fire Department, reviewed the items the Fish Fry profits have purchased. He also reviewed the Health and Safety Plan and the need for street closure.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to approve the Health and Safety Plan for the FBG Volunteer Fire Department Fish Fry's and street closure request of W. Austin Street between N. Adams and N. Crockett Streets on Saturday, April 17, 2021 from 12 p.m. until 9 p.m. The City Council voted unanimously five (5) for, and none (0) opposed.

ii. Hill Country Indian Artifact Show on Saturday, April 3, 2021 at the Pioneer Pavilion.

Jennifer Krupa, Special Events Coordinator, stated the Hill Country Indian Artifact Show previously received approval for their January 23, 2021 event at their December 21, 2021 City Council Meeting. Unfortunately, their event was cancelled. The show organizer has asked to move the March event to the first weekend in April.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to approve the Health and Safety Plan for the Hill Country Indian Artifact Show on Saturday, April 3, 2021 at the Pioneer Pavilion. The City Council voted unanimously five (5) for, and none (0) opposed.

E. Consider, discuss and take action regarding approval of City Manager 2021 Performance Goals (Kent Myers, City Manager).

Kent Myers, City Manager, reviewed the City Manager Performance Goals.

Mayor Kiehne read the City Manager Performance Goals out loud.



CITY COUNCIL MEMO

DATE: March 1, 2022

TO: Mayor and City Council

FROM: Daniel Jones, City Attorney

SUBJECT: Approval of Teva Subdivision Release Form for Texas Opioid Settlement

Summary: Consider approval of attached Teva Subdivision Release Form, to resolve opioid related claims arising from statewide opioid litigation, in cooperation with the Office of the Attorney General.

Recommendation: Approval of the Teva Subdivision Release Form as presented.

Background / Analysis: The attached Teva Subdivision Release Form resolves opioid related claims against Teva Pharmaceuticals ("Teva"). The City is working with the Office of the Attorney General to resolve multiple opioid related claims, and the City has previously entered into similar settlement agreements with other pharmaceutical companies related to the opioid crisis. By approving the Teva Subdivision Release Form, the City will be eligible to receive additional settlement funds related to opioid claims against Teva.

Attachments: Proposed Teva Subdivision Release form.

Daniel Jones
Department Approval

Kent Myers
City Manager Approval

The City of Fredericksburg

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**TEXAS SUBDIVISION AND SPECIAL DISTRICT
ELECTION AND RELEASE FORM**

This Election and Release Form for Texas Participating Subdivisions¹ resolves opioid-related Claims against Teva under the terms and conditions set forth in the Teva Texas State-Wide Opioid Settlement Agreement between Teva, the State of Texas, and the Counties of Dallas, Bexar, Harris and Tarrant (the “Agreement”), the provisions of which are here incorporated by reference in their entirety. Upon executing this Election and Release Form, a Participating Subdivision agrees that, in exchange for the consideration described in the Agreement, the Participating Subdivision is bound by all the terms and conditions of the Agreement, including but not limited to the Release found in Section VII of the Agreement and the provisions concerning participation by Subdivisions or Special Districts in Section VIII, and the Participating Subdivision and its signatories expressly represent and warrant on behalf of themselves that they have, or will have obtained on or before the Effective Date or on or before the execution of this Election and Release Form if executed after the Effective Date, the authority to settle and release, to the maximum extent of the Subdivision’s and Special District’s power, all Released Claims related to Covered Conduct. If this Election and Release Form is executed on or before the Initial Participation Date, the Participating Subdivision shall dismiss the Released Claims with prejudice and sever Teva and all other Released Entities from all pending cases in which the Participating Subdivision has asserted Covered Claims against Teva or a Released Entity no later than the Initial Participation Date. If this Election and Release Form is executed after the Initial Participation Date, the Participating Subdivision shall dismiss the

¹ The Agreement defines a “Participating Subdivision” as a Subdivision or Special District that signs this Election and Release Form and meets the requirements for becoming a Participating Subdivision under subsection VIII.A. of the Agreement.

Released Claims with prejudice and sever Teva and all other Released Entities from all pending cases in which the Participating Subdivision has asserted Covered Claims against Teva or a Released Entity concurrently with the execution of this form. By executing this Election and Release Form, the Participating Subdivision submits to the jurisdiction of the Honorable Robert Schaffer, *In Re: Texas Opioid Litigation*, MDL No. 18-0358, Master File No. 2018-63587, in the 152nd Judicial District Court, Harris County, Texas.

Dated: _____

Texas Subdivision Name: _____

By: _____
[NAME]
[TITLE]
[ADDRESS]
[TELEPHONE]
[EMAIL ADDRESS]



CITY COUNCIL MEMO

DATE: March 2, 2022

TO: Mayor and City Council Members

FROM: Jason Lutz

SUBJECT: SUBJECT: Z-2120 – PUBLIC HEARING, CONSIDERATION, AND ACTION REGARDING PROPOSED AMENDMENTS TO THE CITY’S ZONING CODE REGARDING SHORT-TERM RENTALS, DEVELOPMENT STANDARDS, PARKING REQUIREMENTS, LAND USE CHARTS, DEFINITIONS, IMPERVIOUS COVER, AND OTHER REGULATIONS.

Summary:

Staff is proposing amendments to the City’s adopted zoning code regarding short-term rentals. These regulations will define different types of STRs, assign permitted land uses by zoning district, regulate parking, setbacks, impervious cover, operational requirements, and other development standards.

Background / Analysis:

The City began the process of reviewing and developing additional regulations for Short-term rentals in November of 2020.

Several “Listening Sessions” were held in March of 2021 which gave staff the opportunity to hear some of the issues and concerns regarding STRs and regulations that citizens, owners, and management companies have had.

Modifications to this ordinance were based on operational differences between traditional single-family housing and STRs. Staff also worked with the STR Alliance to develop new rules and regulations that would help limit negative impacts on the community while meeting the business and operational needs of STR Owners and Operators.

Staff also worked with neighbors and a neighborhood coalition to develop regulations that would address some of the immediate issues and problematic development standards, such as parking requirements and setbacks for hot tubs and fire pits.

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Staff has created several drafts and Draft #5 is currently available on the City's website for review and attached to this packet.

City Council and P&Z Commission held a joint workshop on February 10th and provided additional direction for staff. Below is a list of modifications staff was directed to make.

1. R1 zoning districts need changes to the land use chart, conditional use permit chart, and additional criteria for the Historic Overlay District.
2. R2 zoning districts need changes to the land use chart, conditional use permit chart, and additional criteria for the Historic Overlay District.
3. Conditional Use Section needs to be modified regarding criteria for approval.
4. Language regarding deed restrictions and HOAs need to be added.
5. Penalty and Provisions sections also need to be modified.

The Planning & Zoning Commission held a public hearing on February 16, 2022, to allow citizens an opportunity to speak regarding the proposed changes. P&Z recessed their February 16th meeting until Wednesday March 2nd. Once P&Z makes their recommendation, staff will provide an updated memo to the City Council (on Thursday March 3rd) regarding the motions and recommendations.

Staff has attached Draft #5 and an updated matrix highlighting the proposed amendments. As usual, all additions to the code are highlighted in blue and all deletions have been struck through and in red. You will also find sections of code in the draft and in the matrix that have been highlighted in yellow. These are the changes staff made from Draft #4 to Draft #5.

Included in this packet you will find information, provided by the STR Alliance, regarding messaging and fines. The fine structure was not incorporated into the draft, as city rules and ordinances do not allow for this type of fine structure.

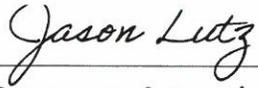
The draft regulations are now in the zoning code, which allows the City to initiate fines up to \$1,000 per day for zoning violations. Additionally, the city's new civil process for dealing with code violations does provide some escalating fines that could be used to address issues with noise, watering, and trash.

Attachments:

Draft STR Amendments #5, Matrix of Changes, and an STR Alliance info packet regarding messaging and fines.

Recommendation:

Staff recommends approval of the proposed changes as presented (pending P&Z recommendations).



Department Approval



City Manager Approval



City Attorney Approval

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DRAFT STR ORDINANCE CHANGES

Sec. 2.100. - DEFINITIONS.

For the purpose of this ordinance, certain numbers, abbreviations, terms and words used herein shall be used, interpreted, and defined as set forth in this Section. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these regulations"; and the word "regulations" means "these regulations."

- A. "Person" includes a corporation, a partnership, and an incorporated association of persons such as a club. "Shall" and "will" are always mandatory. The term "building" includes a "structure"; a "building" or "structure" includes any part thereof; and "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."
- B. Words not herein defined but defined in any chapter of the City of Fredericksburg Codes shall conform to the definitions used in said code.

ABUTTING

Having lot lines or district boundaries in common.

ACCESS

A way or means of approach to provide physical entrance and exit to a property.

ACCESSORY STRUCTURE/USES

An accessory structure is a structure which is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. Accessory structures include, but are not limited to, detached garage, storage shed, guest house, and other similar structures.

ADDITION

Any construction which increases the size of a building or structure in terms of site coverage, height, length, width or gross floor area.

ADMINISTRATIVE AND BUSINESS OFFICES

Offices or private firms or organizations which are primarily used for the provisions of executive, management or administrative services. Typical uses include administrative offices, and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, photocopy and reproduction and business offices of public utilities, organization and associations, or other use classifications when the service rendered is that customarily associated with administrative office services.

ADMINISTRATIVE SERVICES

Offices, administrative, clerical or public contract services that deal directly with the citizen, together with incidental storage and maintenance of necessary vehicles. Typical uses include federal, state, county and city offices.

AGENT OF OWNER

Any person showing written verification that he or she is acting for, and with the knowledge and consent of, a property owner.

AGRICULTURAL SALES AND SERVICES

Establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, pesticides and similar goods or in the provisions or agriculturally related services with incidental storage

on lots other than where the service is rendered. Typical uses include hay, feed and grain stores and tree service firms.

ALTERATION

Any construction of physical change in the internal arrangements of rooms or the supporting members of a building or structure, or change in relative position of buildings or structures on a site, or substantial change in appearance of any building or structure.

APARTMENT

A building or group of buildings which contain multiple dwelling units for rent to multiple families or individuals. These facilities are prohibited from receiving STR permits.

ARTS AND CRAFTS

Goods which are custom produced in small quantities, often one of a kind. The use may include the sale or production of same or may be a place where a small number of persons are engaged in arts and crafts activities in a class or studio; provided that the area encompassing arts and crafts use shall not exceed 2,500 square feet. Examples include galleries, arts and crafts studios, custom tailoring and dressmaking shops, retail art supplies and hobby materials, florist shops, photographic studios, picture framing shops and arts and crafts schools.

ATTACHED

Having one or more walls in common with a principal building, or joined to a principal building by a covered porch, loggia or passageway, the roof of which is a part or extension of the principal building.

AUTOMOTIVE RENTALS

Rental of automobiles, non-commercial trucks, trailers and recreational vehicles, including incidental parking and servicing of vehicles available for rent or lease. Typical uses include auto rental agencies, trailer rental agencies and taxicab parking and dispatching.

AUTOMOTIVE REPAIR SERVICES

Repair of automobiles non-commercial trucks, motorcycles, motor homes, recreational vehicles or boats, including the sale, installation and servicing of equipment and parts. Typical uses include muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, body and fender shops, and similar repair and service activities (but specifically excluding dismantling or salvaging of vehicles).

AUTOMOTIVE SALES

Sale or rental of automobiles, non-commercial trucks, motorcycles, motor homes, recreational vehicles or boats, including incidental storage, maintenance and servicing. Typical uses include new and used car dealerships, motorcycle dealerships, boat, trailer and recreational vehicle dealerships.

AUTOMOTIVE WASHING

Washing and cleaning of automobiles and related light equipment. Typical uses include auto laundries or car washes.

AVIATION FACILITIES

Landing fields, aircraft parking and service facilities, and related facilities for operation, service, fueling, repair, storage, charter, sales and rental of aircraft, including activities directly associated with the operation and maintenance of airport facilities and the provision of safety and security.

BASE DISTRICT

A district established by this ordinance to prescribe basic regulations governing land use and site development.

BASIC INDUSTRY

A use engaged in the basic processing and manufacturing of materials of products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes utilizing flammable or explosive materials, or storage or manufacturing processes which potentially involve hazardous or commonly recognized offensive conditions. Poultry processing shall be included.

BED AND BREAKFAST

~~Tourist or guest lodging services within the rooms of the property owner's principal residence or separate lodging units (for example, in any buildings, cabins, guest homes and the like) not more than eight rental units, where breakfast may be the only meal served and sleeping accommodations are provided or offered for transient guests for compensation.~~

BEGINNING OF CONSTRUCTION

The incorporation of labor and material within the foundation of a building or structure.

BUILDING

A structure having a roof supported by columns or walls for the shelter, support or enclosure of persons and/or property. The word "building" includes the word "structure".

BUILDING PAD

A portion of a sloping site graded relatively flat, or to a minimum slope, for the purpose of accommodating a building and related outdoor space.

BUFFER ZONE

A strip of land, identified on a site plan or by the Zoning Ordinance, established to protect one type of land use from another land use which is incompatible. Buffer zones may be zoned or shown on a site plan. Normally, a buffer zone is landscaped and kept in open space uses.

BUILDING MAINTENANCE SERVICES

Establishments primarily engaged in the provisions of maintenance and custodial services to firms rather than individuals. Typical uses include janitorial, landscape maintenance, or window cleaning services.

BUSINESS SCHOOL

A use providing education or training in business, commerce, real estate, language or other similar activity or occupational pursuit, not otherwise defined as a home occupation, college or university or public or private educational facility.

BUSINESS OR TRADE SCHOOL

A use providing education or training in business, commerce, language or other similar activity or occupational pursuit, not otherwise defined as a home occupation, college or university or public or private educational facility.

BUSINESS SUPPORT SERVICES

Establishments or places of business primarily engaged in the sale, rental or repair of equipment and supplies used by office, professional and service establishments to the firms themselves rather than to individuals, but excludes automotive, construction and farm equipment. Typical uses include office equipment and supply firms, small business machine repair shops, hotel equipment and supply firms.

CAMPGROUND

Campground facilities providing camping and/or parking areas and incidental services for travelers in recreational vehicles or tents. Typical uses include recreational vehicle parks.

CARPORT

A roofed space, open on three sides, one story in height, covered with a flat or hipped roof and ordinarily used as a shelter under which vehicles are driven or temporarily parked.

CEMETERY

Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbiums, crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

CHANGE OF USE

The replacement of an existing use by a new use, or a change in the nature of an existing use, but not including a change in ownership, tenancy, name, management or change in product or service within the same use classification where the previous nature of the use, line of business, or other function is substantially unchanged.

CHURCH

Any structure used principally as a place wherein persons regularly assemble for religious worship, including sanctuaries, chapels and cathedrals and onsite buildings adjacent thereto, such as parsonages, friaries, convents, fellowship halls, Sunday Schools and rectories, but not including day care centers, community recreation facilities, private primary and secondary educational facilities and parking facilities.

CITY COUNCIL

The governing or legislative authority of the City of Fredericksburg.

CLUB OR LODGE

A use providing meeting, recreational or social facilities for a private or non-profit association, primarily for use by members and guests. Typical uses include private social clubs and fraternal organizations.

CLUSTER HOUSING

Detached multi-family residential structures, situated on the site by a development design technique that concentrates buildings in specific areas.

COCKTAIL LOUNGE

Establishments or places of business engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, cocktail lounges and similar uses other than restaurant as that term is defined herein.

COLLEGE AND UNIVERSITY FACILITIES

Educational institutions of higher learning which offer a course of study designed to culminate in the issuance of a degree as defined by the Education Code of the State of Texas.

COMMERCIAL OFF-STREET PARKING

Parking of motor vehicles on a temporary basis within a privately owned off-street parking facility, other than accessory to a principal use. Typical uses include commercial parking lots or commercial parking garages.

COMMON AREA

An area held, designed and designated for the common use of the owners or occupants or a townhouse project, PUD, apartment, condominium, manufactured home park or subdivision.

COMMUNICATIONS SERVICES

Establishments primarily engaged in the provisions of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms but excluding those classified as Major Utility Facilities. Typical uses include television studios, telecommunications service centers, telegraphic service offices, film recording, sound recording or cable television operations.

COMMUNITY RECREATION

A recreational facility for use by residents and guests of a particular residential development, planned unit development, church, private primary educational facility, private secondary educational facility, club or lodge or limited residential neighborhood, including both indoor and outdoor facilities.

COMPREHENSIVE PLAN

The planning documents and related material officially adopted by the City of Fredericksburg containing the goals, objectives and policies pertaining to urban growth, community facilities, infrastructure, circulation, housing and other subjects related to the development of the City.

CONDOMINIUM RESIDENTIAL

The use of a site for four or more dwelling units intended for separate ownership, together with common area serving all dwelling units.

CONSTRUCTION SALES AND SERVICES

Establishments or places of business primarily engaged in construction activities and incidental storage on lots other than construction sites, as well as the retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures, but excluding retail sale of paint, fixture and hardware and those classified as one of the Automotive and Equipment Service use types. Typical uses include building materials stores, tool and equipment rental or sales, building, plumbing, electrical or mechanical contractors.

CONSUMER CONVENIENCE SERVICES

Establishments which provide services, primarily to individuals, of a convenient and limited nature, often in access-controlled facilities which make twenty-four (24) hour operation possible. Typical uses include the renting of private postal and safety deposit boxes to individuals and automated baking machines.

CONSUMER REPAIR SERVICES

Establishments primarily engaged in the provisions of repair services to individuals and households rather than firms, but excluding Automotive and Equipment Service use types. Typical uses include appliance repair shops, watch or jewelry repair shops or musical instrument repair shops.

CONVALESCENT SERVICES

A use providing bed care and in-patient services for persons requiring regular medical attention, such as nursing homes, but excluding facilities providing surgical or emergency medical services, facilities providing care for alcoholism, drug addiction, mental disease or communicable disease.

CONVENIENCE STORAGE

Storage services primarily for personal effects and household goods within enclosed storage areas having individual access, but excluding uses such as workshops, hobby shops, manufacturing or commercial activity. Typical uses include mini-warehousing and mini-storage units.

CONVENIENCE STORE/SELF SERVICE GASOLINE

An establishment engaged in the sale of food, beer, wine, household products, and self service gasoline retail sales limited to three (3) multiple dispensers or pump units within one (1) service island, with one (1) canopy cover.

CO-OWNERSHIP/FRACTIONAL OWNERSHIP, RESIDENTIAL

Properties where the overall cost of a property is split among a group of owners, each owner holding a fractional ownership interest in the property that allows for shared personal use of the property, and when the property is rented out for a profit by a fractional owner, it serves as a form of investment property.

CORPORATE HOUSING

Housing of a transient nature, provided by a business, corporation, or similar other entities, to employees, affiliates associated with the Business, or other guests. Housing may be provided by the business for team building, corporate events, employee awards or as part of a benefits package, and may not result in payment by occupants for the duration of the stay, limited to one dwelling unit per lot.

CULTURAL SERVICES

A library, museum or similar registered non-profit organizational use displaying, preserving and/or exhibiting objects of community and cultural interest.

CUSTOM MANUFACTURING

Establishments primarily engaged in the on-site production of goods by hand manufacturing which involves only the use of hand tools or domestic mechanical equipment not exceeding eight (8) kilowatts and the incidental direct sale to consumers of only those goods produced on-site. Typical uses include ceramic studios, candle-making shops or custom jewelry manufacturing.

DAY CARE SERVICES

A facility designed or adapted for the care of children or adults that require a license for group day care homes from the Texas Department of Protective and Regulatory Services. This term includes nursery schools, pre-schools, day care centers for children or adults and similar uses, but excluding public and private primary and secondary educational facilities.

DENSITY

The average number of housing units per unit of land expressed as square feet of land area per housing unit or dwelling units per acre.

DETACHED

Fully separated from any other building or joined to another building by structural members not constituting an enclosed or covered space.

DETENTION FACILITIES

A publicly operated use providing housing and care for individuals legally confined.

DIRECTOR OF PLANNING AND BUILDING

The designated officer responsible for enforcement of this Ordinance.

DISCONTINUANCE OF USE

To cease or discontinue a use or activity, excluding temporary or short-term interruptions to a use or activity during periods of restoring, remodeling, maintaining or otherwise improving a facility, or normal, seasonal cessation of a use, or other temporary cessation resulting from a change of use.

DRIP LINE

A vertical line extending from the outermost branches of a tree to the ground.

DRIVE-IN SERVICE

A feature or characteristic of a use involving sale of products or provision of services to occupants in vehicles, including drive-in windows and drive through services such as mechanical automobile washing.

DRIVE THROUGH FACILITIES

Facilities provided by an establishment or place of business for the purpose of allowing a customer or patron to transact business, whether it be pick-up, drop-off, ordering or service, from a motor vehicle.

DRIVE WAY

A permanently surfaced (asphalt, gravel, "grass-crete" or similar surface) area providing vehicular access between a street and an off-street parking or loading area.

DUPLEX RESIDENTIAL

The use of a site for two dwelling units, within a single building, other than a manufactured home.
[These facilities are prohibited from receiving STR permits.](#)

DWELLING UNIT

A residential unit other than a manufactured home providing complete, independent living facility for one family, including permanent provisions for living, sleeping, eating and cooking.

Efficiency Dwelling Unit. A dwelling unit containing not more than 400 square feet of floor area and not having a separate bedroom or sleeping area independent of the principal living area.

EASEMENT

A privilege of one or more property rights by the property owner to and for the use of the public, a corporation or other persons, for a designated part of his property and for a specified purpose.

Maintenance Easement. An easement granted by the owner of a lot adjacent to a zero lot line development, exclusively for the purpose of allowing the occupant of a dwelling unit constructed on or within five (5) feet of the lot line access to the adjoining property in order to maintain that portion of his dwelling situated on or adjacent to the common side lot line.

Use Easement. An easement granted by the owner of one lot to the owner of another lot in a zero lot line development, exclusively for the purpose of allowing the occupant of the dwelling unit having the dominant side yard of a common side lot line, the use, enjoyment, and privacy of such easement.

ENCLOSED

A roof or covered space fully surrounded by walls, including windows, doors, and similar openings or architectural features, or an open space of less than 100 square feet fully surrounded by a building or walls exceeding 8-feet in height.

EQUIPMENT REPAIR SERVICES

Repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include truck repair garages, trucking yard terminals, tractor and farm implement repair services, and machine shops (but specifically excluding dismantling or salvaging of vehicles).

EQUIPMENT SALES

Sale or rental of trucks, tractors, construction equipment, agricultural implements, manufactured homes, and similar heavy equipment, including incidental storage, maintenance and servicing. Typical uses include truck dealerships, construction equipment dealerships, manufactured home dealerships and sales (but specifically excluding dismantling or salvage of vehicles).

EXTERMINATING SERVICES

Services related to the eradication and control of rodents, insects and other pests, with incidental storage on lots other than where the service is rendered.

FACILITIES AND SERVICE LINES

Electric, water, drainage facilities, sewer, gas, telephone, cable, and electric lines, meters and anchor equipment required to provide utility service.

FAMILY

Any number of individuals living together as a single housekeeping unit in which not more than two (2) individuals are unrelated by blood, legal adoption or marriage.

FINANCIAL SERVICES

Establishments primarily engaged in the provision of financial and banking services. Typical uses include banks, savings and loan institutions, loan and lending activities and similar services.

FOOD SALES

Establishments or places of business primarily engaged in the retail sale of food (with incidental sale of beer and wine) for home consumption or household products. Typical uses include groceries, delicatessens, meat markets, retail bakeries, candy shops and ice cream parlors. Restaurants are specifically excluded from this definition.

FUNERAL SERVICES

Establishments engaged in undertaking services such as preparing the human dead for burial and arranging and managing funerals. Typical uses include funeral homes or mortuaries.

GENERAL RETAIL SALES

Sale or rental of commonly used goods and merchandise for personal or household use, but excluding those classified more specifically in Section 4.500. Typical uses include department stores, apparel stores, furniture stores and establishments providing the following products or services: household cleaning and maintenance products; drugs, cards, stationery, notions, books, tobacco products, cosmetics and specialty items; flowers, plants, hobby materials, toys and hand-crafted items; apparel, jewelry, fabrics, and like items; cameras and photography services; household electronic equipment; sporting equipment; kitchen utensils; home furnishing and appliances; art supplies, framing, arts and antiques; paint and wallpaper; carpeting and floor covering; interior decorating services; office supplies; bicycles and auto parts (inside a building with no repair services).

GUEST

The overnight occupants, who are eighteen (18) years or older, renting temporary transient lodging for a specified period and the daytime visitors of the overnight occupants [U.1].

GROSS FLOOR AREA

The total enclosed area of all floors in a building, measured to the surface of the exterior walls, that has a clear height of more than six (6) feet. Parking facilities for the principal use and driveways, elevator shafts and air space above the atria ground floor are excluded from gross floor area calculations. Enclosed loading berths and off-street maneuvering are also excluded, but not the dock area itself.

GRADE

The lowest horizontal elevation of the finished surface of the ground, paving or sidewalk or a point where height is to be measured. See Section 7.510.

GROUP RESIDENTIAL

The use of a site for residential occupancy of living accommodations by groups of more than six (6) persons not defined as a family, on a weekly or longer basis. Typical uses include occupancy of fraternity or sorority houses, dormitories, residence halls or boarding houses or assisted living facilities.

GUEST HOUSE

An accessory building containing a lodging unit with or without kitchen facilities, and used to house occasional visitors or guests of the occupants of a dwelling unit on the same site. Where permitted, paying guests shall be subject to the provisions of Hotel Tax Ordinance. See Section 8.220G.

GUIDANCE SERVICES

A use providing counseling, guidance, recuperative or similar services to persons requiring rehabilitation assistance as a result of mental illness, alcoholism, detention, drug addiction or similar condition, on a day time care basis.

GUIDELINE

A statement of characteristics or design criteria considered desirable, but which are not required.

HEIGHT

The vertical distance from "grade" to the highest point of coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest gable on a pitched, or hipped roof, or if none of the

preceding, then to the highest point of a structure. As applied to a building, the height shall be measured from an elevation derived from the average of the highest and lowest grade adjacent to the building. See Section 7.510.

HISTORIC DISTRICT

A geographically defined area which possesses significant concentration, linkage or continuity of buildings, structures, sites, areas or land, which in turn are united by architectural, historical, archaeological or cultural importance or significance and which the City Council determines shall be protected, enhanced and preserved.

HISTORIC LANDMARK

Any building, structure, site, district, area or land of architectural, cultural or significance, which the City Council determines shall be protected, enhanced or preserved, or is listed in the Historic Resource Survey of the City of Fredericksburg.

HOME OCCUPATION

An accessory occupational use conducted entirely within a dwelling unit by the inhabitants thereof, which is clearly incidental to the use of the structure for residential purposes and does not change the residential character of the site. See Section 8.300, Home Occupation. [This definition does not include short-term rentals.](#)

HORTICULTURE

The growing of horticulture and floriculture specialties such as flowers, shrubs or trees intended for ornamental or landscaping purposes, but excluding retail sales. Typical uses include wholesale plant nurseries and greenhouses.

HOSPITAL SERVICES (GENERAL)

A facility providing medical, psychiatric or surgical service for sick or injured persons, primarily on an in-patient basis, and including ancillary facilities for out-patient and emergency treatment, diagnostic services, training, research, administration and services to patients, employees or visitors.

HOSPITAL SERVICES (LIMITED)

A facility providing medical, psychiatric, or surgical services for sick or injured persons, exclusively on an out-patient basis, including emergency treatment, diagnostic services, training, administration and services to out-patients, employees or visitors.

HOTEL-MOTEL

Temporary, transient lodging services involving the provision of room and/or board containing more than eight rental units.

INDOOR ENTERTAINMENT

Predominately spectator uses conducted within an enclosed building. Typical uses include motion picture theaters, meeting halls and dance halls.

INDOOR SPORTS AND RECREATION

Uses conducted within an enclosed building. Typical uses include bowling alleys, billiard parlors, ice and roller skating rinks, penny arcades, electronic video games and indoor racquetball courts or swimming pools.

IMPERVIOUS COVER

[Impervious cover is any type of surface that prevents the infiltration of water into the ground. Surfaces such as stone, rooftops, patios, driveways, sidewalks, roadways, parking lots, and decomposed or crushed granite gravel shall be counted as impervious cover when utilized for parking areas and paths from ADA parking spaces to the entrance of buildings or structures. Uncovered wooden decks count as](#)

50% impervious cover. Impervious cover does not include sidewalks or paving in the public right-of-way, water features such as ponds, fountains, pools, and water detention basins.

INTERNAL STREET

A private way which affords the principal means of access to individual manufactured home spaces or auxiliary buildings in a manufactured home park, a private right-of-way or other non-public street within a Planned Unit Development (PUD) or other similar development.

KENNELS

Boarding and care services for dogs, cats and similar animals. Typical uses include boarding kennels, pet motels or dog training centers.

KIOSK

A small light structure with one or more open sides for general retail sales use only.

LAUNDRY SERVICES

Establishments primarily engaged in the provisions of laundering, dry cleaning or dyeing services other than those classified as Personal Services. Typical uses include bulk laundry and cleaning plants, diaper services or linen supply services.

LANDSCAPED AREA

An area devoted to or developed predominately with plant material, natural landscape or xeroscape features, including lawn, ground cover, gardens, trees, shrubs and other plant materials; and also including accessory decorative outdoor landscape elements such as pools, fountains, water features and sculptural elements, provided that the use of brick, stone, aggregate or other inorganic materials shall not predominate over the use of plant material.

Interior Landscaping. As applied to parking and loading facilities, or to similar paved areas, a landscaped area or areas within the shortest circumferential line defining the perimeter or exterior boundary of the parking or loading area, excluding driveways or walkways providing access to the facility.

Perimeter Landscaping. As applied to parking and loading facilities, or to similar paved areas, a landscaped area adjoining and outside the shortest circumferential line defining the exterior boundary of a parking or loading area, excluding driveways or walkways providing access to the facility.

LIGHT MANUFACTURING

A use engaged in the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, including incidental storage, sales and distribution of such products, but excluding basic industrial processing. Typical uses include winery, sheet metal shop, welding shop and machine shop.

LIMITED RETAIL SALES

Sale of goods and merchandise which are typically bought in limited quantities and are of a personal nature. Uses within this category are characterized by limited traffic, noise, parking and hours of operation. Typical uses include an antique shop, bakery, book or stationary store, camera shop, candy, cigar & tobacco shop, florist, jewelry, optical goods, toys and hand crafted items.

LIQUOR SALES

Establishments or places of business engaged in retail sale for consumption off the premises of alcoholic beverages. Typical uses include liquor stores, bottle shops, or any licensed sale of liquor, beer or wine for off-site consumption.

LOCAL STREET

A street which is intended primarily to serve traffic within a neighborhood or limited residential district, and which is not necessarily continuous through several residential districts.

LOADING SPACE

An area used for loading or unloading of goods from a vehicle in connection with the use of the site on which such space is located.

LOCAL CONTACT PERSON

The Owner, Operator, or person designated by the Owner or the Operator, who shall be available 24 hours per day for the purpose of responding to concerns or requests for assistance related to the Owner's Short-term Rental.

LOCAL UTILITY SERVICES

Services which are necessary to support principal development and involve only minor structures such as lines and poles which are necessary to support principal development.

LODGING UNIT

A room or group of rooms in a dwelling unit or a group residential use, for overnight occupancy on a transient or residential occupancy basis. Where designed or used for occupancy by more than two persons, each two person capacity shall be deemed a separate lodging unit.

LOT

A parcel of real property with a separate and distinct number or other designation shown on a plat, record of survey, parcel map or subdivision map recorded in the office of the County Clerk, or a parcel legally created or established pursuant to applicable zoning or subdivision regulations in effect prior to the effective date of application of this ordinance to such parcel.

Corner Lot. A lot located at the intersection or junction of two streets, or two segments of a curved street, forming an angle of not more than one hundred thirty-five (135) degrees.

Interior Lot. A lot other than a corner lot.

Reverse Corner Lot. A corner lot having a side lot line which is substantially a continuation of the front lot line of a lot to its rear.

Through Lot. A lot other than a corner lot abutting more than one street.

LOT AREA

The net horizontal area within bounding lot lines, but excluding any portion of a flat (panhandle) lot providing access to a street and any public or private easement or right-of-way providing access to another lot.

LOT COVERAGE OR BUILDING COVERAGE

The area of lot covered by buildings or roofed areas, but excluding incidental projecting eaves, balconies and similar features, ground level paving, landscaping, and open recreational facilities. See Section 7.700.

LOT DEPTH

The horizontal distance between the mid-point of the front lot line and the mid-point of the rear lot line.

LOT LINE

A line or series of connected line segments bounding a lot as herein defined.

Common Side Lot Line. A side line between two or more lots.

Dominant Side Yard of a Small Lot. The side of a small or zero lot line parcel, having the larger width. The wall of a dwelling unit having the dominant side yard is permitted to have windows and door openings adjacent to the dominant side yard.

Front Lot Line. On an interior lot, the lot line abutting the street. On a corner lot, the shorter lot line abutting a street or the line designated as the front lot line by subdivision or parcel map. On a through lot, the lot line abutting the street providing the primary access to the lot. On a flat (panhandle) lot, the interior lot line designated as a front lot line by a subdivision or parcel map, or the line determined by the Director of Planning and Building to be the front lot line.

Interior Lot Line. A lot line not abutting a street.

Rear Lot Line. A lot line not defined as a front or side lot line. In the case of an irregular shaped lot or a lot bounded by only three lot lines, a line within the lot having a length of ten (10) feet, parallel to and most distant from the front lot line shall be interpreted as the rear lot line for the purpose of determining required yards, setbacks and other provisions of this ordinance.

Side Lot Line. A lot line intersecting the front lot line and extending there from a minimum distance of seventy-five (75) feet.

Street or Exterior Lot Line. A lot line abutting the street.

Zero Lot Line. A common lot line on which a wall of a structure may be constructed.

LOT WIDTH

The horizontal distance between side lot lines, measured at the front setback line and at a distance of fifty (50) feet to the rear thereof.

MAJOR UTILITY FACILITIES

Generating plants, electrical switching facilities and primary substations, refuse collection or disposal facilities, water and wastewater treatment plants and similar facilities.

MAINTENANCE AND SERVICE FACILITIES

A facility supporting maintenance, repair, vehicular or equipment servicing, material storage and similar activities, including corporation yards, equipment service centers and similar uses having characteristics of commercial services or contracting or industrial activities.

MANUFACTURED HOME PARK

A unified development of twenty or more HUD-Code manufactured home spaces for rent or lease, including common areas and facilities for management, recreation, laundry and utility services, storage and similar services for the convenience of residents of the manufactured home park.

MANUFACTURED HOME RESIDENTIAL

A dwelling that is manufactured in one or more modules at a location other than the homesite and which is designed as a residence when the modules are transported to the homesite, and the modules are joined together and installed on a permanent foundation system or tied down in accordance with appropriate Code requirements. Manufactured residence construction shall be in accordance with the Texas Manufactured Housing Standards Act and shall include the plumbing, heating/air conditioning and electrical systems to be contained in the structure. The term manufactured home or residence shall not mean or apply to a mobile home as defined in the Texas Manufactured Housing Standards Act, nor is it to include building modules incorporating concrete or masonry as a primary component.

MANUFACTURED HOME SUBDIVISION

A subdivision designed and/or intended for the sale of lots for siting manufactured homes and in accordance with the requirements of the subdivision ordinance.

MANUFACTURED HOME SPACE

An area within a manufactured home park which is designed for and designated as the location for a manufactured home and the exclusive use of its occupants.

MANUFACTURED HOME STAND

That portion of a mobile home space upon which the manufactured home is placed.

MEDICAL OFFICES

A use providing consultation, diagnosis, therapeutic, preventive or corrective personal treatment services by doctors, dentists, medical and dental laboratories, and similar practitioners of medical and healing arts for humans licensed for such practice by the State of Texas.

MILITARY INSTALLATIONS

Military facilities of the federal and state governments.

MULTIPLE FAMILY RESIDENTIAL

The use of a site for three or more dwelling units, within one or more buildings. [These facilities are prohibited from obtaining STR permits.](#)

NONCONFORMING STRUCTURE OR BUILDING

A structure or building, the size, dimension, or location of which was lawful prior to the adoption, revision, or amendment to the zoning ordinance but fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

NONCONFORMING USE

A lawful use of any land, building or structure, other than a sign or PUD, which does not conform with currently applicable use regulations, but which complies with use regulations in effect at the time the use was established. See Section 6.100.

NON-COMPLYING

A building or structure, including off-street parking or loading areas, but excluding PUD's which do not comply with the current, applicable site development regulations for the district in which it is located, or with applicable General Regulations set forth in Section 5.100, but which complied with applicable regulations at the time of construction.

OCCUPANT

[The overnight occupants, who are eighteen \(18\) years or older, renting temporary transient lodging for a specified period.](#)

OPERATOR

[The Owner or the Owner's authorized representative who is responsible for advertising and/or operating a Short-term Rental.](#)

OUTDOOR ENTERTAINMENT

Predominately spectator uses conducted in open or partially enclosed or screened facilities. Typical uses include sports arenas, racing facilities and amusement parks.

OUTDOOR SPORTS AND RECREATION

Uses conducted in open, partially enclosed or screened facilities. Typical uses include driving ranges, miniature golf courses, golf courses, swimming pools, tennis courts and outdoor racquetball courts.

OWNER

[The person or entity that holds legal or equitable title to a property.](#)

PARK AND RECREATION SERVICES

Publicly owned and operated parks, playgrounds, recreation facilities and open spaces.

PARKING FACILITY

An area on a lot, within a building, or both, including one or more parking spaces together with driveways, aisles, turning and maneuvering areas, clearances and similar features, and meeting the requirements established by this ordinance. The term "parking facility" shall include parking lots, parking garages and parking structures. See Section 7.800.

PARKING SPACE

An area on a lot, site or within a building not on a public street or alley and having an all-weather surface, enclosed or not, together with an all-weather surface driveway which may be an easement connecting the parking space with a street or alley permitting free ingress and egress, used or intended to be used for parking of a motor vehicle. The term "parking space" is equivalent to the term "parking stall" and does not include driveways, aisles or other features comprising a parking facility. Any parking adjacent to a public street wherein the maneuvering is done on the public street shall not be classified as off-street parking in computing the parking area requirements for any use. See Section 7.800.

PAWN SHOP SERVICES

A use engaged in the loaning of money on the security of property pledged in the keeping of the pawnbroker and the incidental sale of such property.

PERSONAL IMPROVEMENT SERVICES

Establishment, or places of business, primarily engaged in providing informational, instructional, personal improvement and similar services of a non-professional nature. Typical uses include driving schools, health or physical fitness studios, reducing salons, dance studios, handcraft and hobby instructions.

PERSONAL SERVICES

Establishments or places of business primarily engaged in providing frequently or recurrently needed services of a personal nature. Typical uses include beauty salons, barber shops, seamstresses, tailors, shoe repair shops, dry cleaning pick-up station services, and coin operated laundries.

PET SERVICES

Retail sales, veterinary services, grooming and boarding when totally within a building, of dogs, cats, birds, fish and similar small animals customarily used as household pets. Typical uses include pet stores, small clinics, dog bathing and clipping salons and pet grooming shop but excluding uses for livestock and large animals.

PLANNED UNIT DEVELOPMENT (PUD)

A Planned Unit Development is a development which is under unified control and is planned, and developed, as a whole in a single development operation of programmed series or phases of development, each phase of which is specifically integrated into and made a part of the overall plan of development, and which shall include streets, lots, adequate utilities to serve the proposed uses and densities, and which indicates all structures and their relationship to each other and to adjacent uses and improvements, and which provides for common taxation, maintenance, and operation thereof. A Planned Unit Development shall consist of dwelling units, and may also include non-residential uses compatibly and harmoniously incorporated into the unitary design for the Planned Unit Development. A Planned Unit Development where more than five (5) percent of the total area is utilized for non-residential purposes, such as commercial or industrial uses, is a non-residential PUD. See Section 3.700.

PLANNING AND ZONING COMMISSION

The Planning and Zoning Commission created and appointed by the City Council.

POSTAL FACILITIES

Postal services, including post offices, bulk mail processing or sorting centers, operated by the United States Postal Service.

PRIVATE GARAGE

A building for the storage of motor vehicles where no repair facilities are maintained and where no motor vehicles are kept for hire or sale and where no filling station is maintained, having a capacity of not more than four automobiles or trucks of less than one ton capacity.

PRIVATE PRIMARY EDUCATIONAL FACILITIES

A private or parochial school offering instruction at the elementary school level in the branches of learning and study required to be taught in the public schools of the State of Texas.

PROFESSIONAL OFFICE

A use providing professional or consulting services in the fields of law, architecture, design engineering, accounting and similar professions.

PUBLIC PRIMARY EDUCATIONAL FACILITIES

A public school offering instruction at the elementary school level in the branches of learning and study required to be taught in the public schools of the State of Texas.

PUBLIC SECONDARY EDUCATIONAL FACILITIES

A public school offering instruction beyond the elementary school through the twelfth grade level in the branches of learning and study required to be taught in the public schools of the State of Texas.

PRIVATE SECONDARY EDUCATIONAL FACILITIES

A private or parochial school offering instruction beyond the elementary level through the twelfth grade in the branches of learning and study required to be taught in the public schools of the State of Texas.

PRIVATE PRIMARY EDUCATIONAL FACILITIES

A private or parochial school offering instruction at the elementary school level in the branches of learning and study required to be taught in the public schools of the State of Texas.

QUEUE LINE

An area for temporary parking and lining of motor vehicles while awaiting service or other activity.

RAILROAD FACILITIES

Railroad yards, equipment servicing facilities and terminal facilities.

RECREATIONAL VEHICLE

A vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling recreational or sporting purposes. The term recreational vehicle shall include, but shall not be limited to, travel trailers, pick-up campers, camping trailers, motor coach homes, converted trucks and buses, boats and boat trailers.

REGISTERED FAMILY HOME

The care of children in the home as defined by the Texas Department of Protective and Regulatory Services.

RELIGIOUS ASSEMBLY

A use located in a permanent or temporary building and providing regular organized religious worship and religious education incidental thereto, but excluding private primary or private secondary educational facilities, community recreational facilities and parking facilities. A property tax exemption obtained pursuant to *Property Tax Code of the State of Texas* shall constitute prima facie evidence of religious assembly use.

RESOURCE EXTRACTION

A use involving the on-site extraction of surface or subsurface mineral products or natural resources. Typical uses include quarries, borrow pits, sand and gravel operations, oil and gas extraction and mining operations.

RESEARCH SERVICES

Establishments primarily engaged in research of an industrial or scientific nature but excluding product testing. Typical uses include electronics research laboratories, space research and development firms and pharmaceutical research.

RESTAURANT

A use engaged in the preparation and retail sale of food and beverages, including sale of alcoholic beverages when conducted as an accessory or secondary feature and producing less than fifty percent (50%) of the gross income. A general restaurant may include live entertainment with amplified sound. Typical uses include restaurants, coffee shops, dinner houses and similar establishments with or without incidental alcoholic beverage service.

RESTAURANT - DRIVE-IN/FAST FOOD

A chain and/or franchise restaurant which may include, but not limited to, two or more of the following characteristics:

The product is primarily intended for immediate consumption and is available upon short waiting time.

The product is prepared, packaged or presented in a manner that can be readily eaten outside the premises where it is sold.

The facilities for on-premises consumption of food are insufficient for the volume of food sold.

The building floor area devoted to food preparation and serving is greater than the building floor area devoted to dining.

The restaurant is affiliated by agreement with two (2) or more similar restaurants by common ownership, common process and common building architecture.

RESTAURANTS - LIMITED

Restaurants which typically involve the custom preparation of food in limited quantities and of a personal nature. Restaurants within this category are characterized by limited traffic, noise and parking that is similar in nature to an office use of a similar size, limited hours of operation typically not later than 10:00 pm, no drive-thru, and lighting which is shielded from and directed away from adjacent neighborhoods and is dimmed to a minimal level after hours. Said restaurants may include live entertainment with amplified sound as long as such activity is wholly enclosed within the main building and incidental alcohol beverage service. Lighted signs shall be turned off after business hours. No outdoor cooking shall be permitted.

REQUIREMENT

A specific condition or development regulation which must be followed.

RESIDENTIAL CONVENIENCE SERVICE

A use or activity of a commercial nature conducted as an accessory use to multiple family residential or manufactured home park residential use, and intended solely for the convenience of residents thereof.

RESIDENCE

A building occupied as the abiding place of one or more persons in which the use and management of sleeping quarters, and all appliances for cooling, ventilating, heating, or lighting are under one control, including but not limited to one-family and two-family dwellings, duplexes, townhouses, condominiums, apartment houses and boarding houses, and which shall be the principal building or use on any lot in R-1, R-2, R-3, R-4 or R-5 residence districts.

SAFETY SERVICES

Facilities for conduct of public safety and emergency services, including police and fire protection services and emergency medical and ambulance services.

SCRAP AND SALVAGE SERVICES

Places of business primarily engaged in the storage, sale, dismantling or other processing of used or waste materials which are not intended for reuse in their original forms. Typical uses include automotive wrecking yards, junkyards or salvage yards.

SCREENED

Shielded, concealed and effectively hidden from the view of a person standing at ground level on an abutting site, or outside the area or feature so screened, by a fence, wall, hedge, berm or similar architectural or landscape feature which is, or will grow to, at least six (6) feet in height.

SEPARATE LODGING UNIT

~~Bed and Breakfast~~ [Short-term rental](#) or hotel-motel lodging in a stand-alone structure ~~or one only minimally connected with other units such as with verandas or other architectural features~~ [with only one structure per lot.](#)

SERVICE BUILDING

A structure within a manufactured home park housing toilet, lavatory or other facilities.

SERVICE STATION

Provision of fuel, lubricants, parts and accessories and incidental services to motor vehicles.

SETBACK LINE

A line within a lot parallel to and measured from a corresponding lot line, forming the boundary of a required yard and governing the placement of structures and uses on the lot.

[SINGLE-FAMILY DETACHED: The use of a site for only one dwelling unit, other than a manufactured home. This use also includes Short-term Rental, Accessory and Short-term Rental, B&B.](#)

SHOPPING CENTER OR MALL

An integrated grouping of commercial activity, primarily of a retail and personal service nature, in a building complex having the individual establishments joined by a common pedestrian mall or walkway.

[SHORT-TERM RENTAL \(STR\)](#)

[Any structure used for transient or guest lodging accommodations, rented for compensation of a dwelling unit, that is not owner occupied, which includes but is not limited to a single-family residence, townhouses, and other residential real estate improvements, in which the public may obtain sleeping accommodations for a period less than thirty \(30\) consecutive days. The term applies regardless of whether the dwelling was originally constructed or zoned as a residential dwelling. This term does not apply to multi-family projects or apartment complexes. This term is a general definition of STRs and the various types of STRs are further defined in this section.](#)

[SHORT-TERM RENTAL, ACCESSORY](#)

[A property containing a primary dwelling that also contains a legal guest house that is being used for Short Term Rental purposes. A current homestead exemption filed with the Gillespie Central Appraisal District shall be required for this type of use. The guest house shall not exceed the size of the primary structure.](#)

[SHORT-TERM RENTAL, B&B](#)

[A property providing transient or guest lodging accommodations for compensation within the rooms of the property owner's principal residence \(as evidenced by a current residence homestead exemption](#)

filed with the Gillespie Central Appraisal District). Separate short-term rental permits shall be required for each separate bedroom unit within a Short-Term Rental, B&B which may be rented.

SHORT-TERM RENTAL, BEDROOM

A short-term rental bedroom shall be defined as a room within a structure used for Short Term Rental purposes, with a minimum size of 70 square feet, plus a closet directly accessible from the room, that meets all the minimum international building code and fire code regulations regarding bedroom sizes, ingress, and egress.

SHORT-TERM RENTAL, CONDOMINIUM

Short-term rentals located in a complex or housing group that is part of a declared and recorded condominium regime.

SHORT-TERM RENTAL, DWELLING UNIT

A short-term rental dwelling unit is defined as a structure or room, that is rented separately from other rental units on the property, for the purpose of transient or guest lodging. Each individual short-term rental dwelling unit shall be required to obtain a separate short-term rental permit.

SHORT-TERM RENTAL, FACILITY

A facility or complex containing multiple short-term rental dwelling units (up to 8 units) on a single property, for transient or guest lodging where sleeping accommodations are provided for compensation. A facility or complex, located in a commercial zoning district, containing multiple short-term rental dwelling units on a single property, shall be developed in accordance with the multi-family regulations of the base zoning district.

-SHORT-TERM RENTAL PERMIT. A permit issued by the City authorizing the use of a privately owned dwelling as a Short-term Rental.

SHORT-TERM RENTAL, UNOCCUPIED

Any structure used for transient or guest lodging accommodations, rented for compensation of a dwelling unit, that is not owner occupied, which includes but is not limited to a single-family residence, townhouses, duplexes, and other residential real estate improvements, in which the public may obtain sleeping accommodations for a period less than thirty (30) consecutive days.

SIDEWALK

A paved surface area, usually a parallel line, and separated from the roadway, used as a pedestrian-way.

SIGN

Any device or surface on which letters, illustrations, designs, figures or symbols are painted, printed, stamped, raised, projected or in any manner outlined or attached and used for location and advertising purposes.

SINGLE FAMILY RESIDENTIAL

The use of a site for only one dwelling unit, other than a manufactured home.

SINGLE FAMILY RESIDENTIAL (ATTACHED)

A single family dwelling constructed as part of a series of dwellings, all of which are either attached to the adjacent dwelling or dwellings by party walls or are located immediately adjacent thereto with no visible separation. Included under this use category is townhouse and condominium.

SITE

A tract or parcel of land, subdivided lot or lots, or parts thereof, or land acreage intended and suitable for development, which is a genuine part of the development; or the ground or area on which a building or buildings or a townhouse has been proposed to be built or has been built.

SITE AREA

The calculated area within the site.

Base Site Area. A calculated area defined as the Gross Site Area minus 25-year floodplain.

Gross Site Plan. An area defined as the total site area including easements, flood plains, waterways, ponds and any other area for preservation.

SITE PLAN

A plan, prepared to scale, showing accurately and with complete dimensions, all of the buildings, structures and uses, and principal site development features including parking, access, landscaping and screening, proposed for a specific lot or parcel of land.

STREET

A public or private thoroughfare which affords a primary means of access to abutting property, including all land within the right-of-way thereof.

STRUCTURE

That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

STRUCTURAL ALTERATION

Any change in the supporting members of a building such as bearing walls, columns, girders or beams over eight-feet long.

STABLES

Boarding, breeding or raising of horses not owned by the occupants of the premises or riding of horses by other than the occupants of the premises or their non-paying guests. Typical uses include boarding stables or public stables.

STANDARD LOT

A lot or tract of record by deed or plat that does not comply with a minimum area, width or depth requirements currently applicable to the district in which it is located, but which complied with applicable requirements when it was placed on record.

STOCKYARDS

Stockyard services involving the temporary keeping of livestock for slaughter, market and shipping. Typical uses include stockyards and animal sales in auction yards.

TIMESHARE

Any property ownership arrangement whereby two or more owners share ownership of real property in time allotments of usage and have the right to use the property under a time-sharing agreement. Types of timeshares include, but are not limited to:

1. Shared deeds - ownership divided into smaller parts that reflect how much time each owner can use said property.
2. -Shared leases – similar to “shared deeds” except there is no ownership of the property and access to the property is granted via lease agreements.

TOWNHOUSE GROUP

Two or more contiguous townhouses having common or abutting walls.

TOWNHOUSE LOT

That portion of the total development site or a townhouse residential use intended for separate ownership as the location of a single townhouse and associated private yard area.

TOWNHOUSE RESIDENTIAL

The use of a site for two or more townhouse dwelling units, constructed with common or abutting walls and each located on a separate ground parcel within the total development site, together with common area serving all dwelling units.

TRANSPORTATION TERMINAL

A facility for loading, unloading and interchange of passengers, baggage and incidental freight or package express between modes of transportation, including bus terminals, railroad stations, airport terminals and public transit facilities.

TRAVEL TRAILER

Any structure or vehicle used as sleeping or living quarters which may be driven or propelled from one location to another without change in the structure, vehicle, or design thereof, whether or not the same is intended to include recreational and vacation vehicles and trailers and not used for year-round living, such as travel trailers, pickup coaches mounted on a truck chassis, motor homes, or camping trailers.

USE

The conduct of an activity, or the performance of a function or operation, on a site or in a building or facility.

Accessory Use. A use or activity which is incidental to and customarily associated with a specific principal use on the same site, including parking for the principal use.

Principal Use. A use listed by the regulations for any particular district as a permitted use within that zone and permitted, therein, as a matter of right when conducted in accordance with the regulations established by this ordinance.

Conditional Use. A use defined by Section 4.400 and listed by the regulations for any particular district as a conditional use within that district and allowable therein, solely on a discretionary and conditional basis subject to a Conditional Use Permit, and to all other regulations established by this ordinance.

VALUE AND VALUATION

The value of a structure shall be the estimated cost to replace the structure in kind, based on current replacement costs.

VEHICLE STORAGE

Long term storage of operating or non-operating vehicles. Typical uses include storage of private parking tow-aways or impound yard (but specifically excluding dismantling or salvaging of vehicles).

VETERINARY SERVICES

Veterinary services and hospitals for animals. Typical uses include pet clinics, dog and cat hospitals and veterinary hospitals for livestock and large animals.

WAREHOUSING AND DISTRIBUTION

Establishments or places of business primarily engaged in wholesaling, storage, distribution and handling of materials and equipment other than live animals and plants. The following are wholesaling, storage and distribution use types:

Limited Warehousing and Distribution. Wholesaling, storage, warehousing services within enclosed structures. Typical uses include wholesale distributors, storage warehouses and moving and storage firms.

General Warehousing and Distribution. Open-air storage, distribution and handling of materials and equipment. Typical uses include monument and stone yards, grain elevators, open storage yards and petroleum products storage and distribution.

YARD

A required open space on a lot adjoining a lot line, containing landscaping, parking and such uses as may be permitted by this ordinance.

Front Yard. A required yard extending the full width of a lot between the front lot line and the front setback line.

Interior Yard. Any required yard, not adjacent to a street, which is determined on the basis of an interior lot line.

Rear Yard. A required yard extending the full width of a lot between the rear lot line and the rear setback line, but excluding an area located within the street side yard of a corner lot.

Side Yard. A required yard extending the depth of a lot from the front yard to the rear yard between the side lot line and the side setback line. In the case of a corner lot, the street side yard shall extend from the front yard to the rear lot line.

Street Yard. A required yard adjacent to a street and which is determined on the basis of the yard lot line and front yard set back line.

(Ord. No. 23-014, 9-16-2013)

SECTION 3

ZONING DISTRICTS

PURPOSE, USES AND CONFORMANCE TO COMPREHENSIVE PLAN

Sec. 3.100. - R-1: SINGLE FAMILY RESIDENTIAL.

Intent

This zone is intended to provide for a ~~single family~~ single-family dwellings, with not more than one principal residence permitted on any lot to ensure an environment conducive to single family residential use. Additional uses necessary and incidental to a ~~single family~~ single-family residential dwelling unit are also permitted. This zone is typically associated with the ~~Low Density~~ Low-Density Residential Land Use category but is conditionally allowed within all land use categories except "Open Space/Parks", "Industrial" and "Public Facilities".

Principal Permitted Uses

Buildings, structures, and lands shall be used, and buildings and structures shall hereinafter be erected, altered or enlarged only for the following uses, plus such other uses as the City Council, by resolution, may deem to be similar to those uses listed and not obnoxious or detrimental to the public health, safety and welfare:

Single Family Residential (Detached)	Local Utility Services
Short-term Rental, Accessory (With a STR permit and adherence to Section 5.401)	Short-term Rental, B & B (With a STR permit and adherence to Section 5.401)

Uses Permitted Subject to Conditional Use Permit

The following uses may be permitted subject to a Conditional Use Permit as provided in Section 5.400.

Community Recreation	Private Primary Education
Day Care Services	Private Secondary Education
Guidance Services	Religious Assembly
<p>Short-term Rental, Unoccupied (With a STR permit and adherence to Section 5.401)</p> <ul style="list-style-type: none"> • If 2 or more property lines are adjacent to a lawfully permitted "STR Unoccupied" (STR B&B and STR Accessory are not included in this calculation); or • If 50% or more of the properties on one side of a street, between intersecting streets, are lawfully permitted "STRs Unoccupied" (STR B&B and STR Accessory are not included in this calculation). 	

~~Uses permitted with a Bed and Breakfast Compliance Use Permit:~~

~~Bed and Breakfast~~

~~Conditions under which a permit will be issued:~~

~~-Compliance with provisions of Sec. 5.401, and~~

~~-Use is allowed in rooms of property owner's principal residence with no limit as to number of units up to eight, OR if the property is not the owner's principal residence, then Bed and Breakfast use is limited to one rental unit OR one separate guest house if the lot is 10,000 square feet or more, and~~

~~-Two off street parking spaces shall be provided for the main residence plus one off street parking space for each Bed and Breakfast unit but only two parking spaces are required if the Bed and Breakfast is the principal residence~~

~~-Compliance with other R-1 regulations~~

Property Development Standards

Except as hereinafter provided, no building or structure or part thereof shall be erected, altered or converted for any use permitted in this district unless it is in conformity with all the standards and regulations herein specified for lot area, width and depth, dwelling unit area, lot coverage, yards and building height. The following standards shall apply except in cases where a lot does not meet the standards herein required but was an official "lot of record" prior to the adoption of this ordinance. In such cases, the present dimension shall be maintained as a minimum standard unit until such time as the use is removed. The replacement shall meet the standards and regulations herein specified.

Site Development Regulations

Each site in the R-1 district shall be subject to the following site development regulations:

Feature	Regulation
Lot Size	Minimum Lot Area, 7500 Square feet; or 10,000 square feet for guest houses and short-term rental, accessory uses.
Lot Width	Minimum Lot Width, 70 feet
Height	Maximum Building Height, 2½ stories, 28 feet
Front Yard	Minimum Required Setback, 25 feet
Street Side Yard	Minimum Required Setback, 15 feet
Interior Side Yard	Minimum Required Setback, 5 feet
Rear Yard	Minimum Required Setback, 10 feet

Residential Density	Maximum Dwelling Units per Lot, 1 per Lot Minimum Dwelling Areas
(Living Area Only)	750 Square feet
Maximum Building Coverage	Percent of Lot Area, 40%
<u>Impervious Cover</u>	<u>Percent of Lot Area, 55%^[JL.1]</u>
Nonconforming Uses	Section 6.100
Special Yard Regulations	Section 7.300
Fences, Walls and Visibility	Section 7.530
Parking	Section 7.800
Temporary/Accessory Building	Section 8.000
Home Occupations	Section 8.300

(Ord. No. 23-014, 9-16-2013)

Sec. 3.110. - R-2: MIXED RESIDENTIAL.

Intent

This zone is intended to provide for medium density living, for example, with not more than one (two bedroom) dwelling unit permitted for each 3,500 square feet of lot area. (See Site Development Regulations). Additional uses necessary and incidental to multiple family residential dwellings are also permitted. It is a zone well suited as a buffer between single family uses and other more intense uses. This zone is typically associated with Medium Density Residential Land Use category but is allowed within all Land Use categories except "Open Space/Park," "Public Facility" and "Industrial."

Principal Permitted Uses

Buildings, structures and land shall be used, and buildings and structures shall hereinafter be erected, altered or enlarged only for the following uses, plus such other uses as the City Council, by resolution, may deem to be similar to those uses listed and not obnoxious or detrimental to the public health, safety and welfare:

Community Recreation	Local Utility Service
Duplex Residential	Multiple Family Residential
Townhouses (Section 7.610)	Condominiums (Section 7.610)
Group Residential	Single Family Residential (Detached)
Single Family Small Lot (Section 3.101 R-1-A)	
Short-term Rental, Accessory: (With a STR permit and adherence to Section 5.401)	Short-term Rental, B & B: (With a STR permit and adherence to Section 5.401)
Short-term Rental, Unoccupied: (With a STR permit and adherence to Section 5.401)	
<ul style="list-style-type: none"> Requires a Conditional Use Permit (CUP) in the Historic Overlay District. 	

Uses Permitted Subject To Conditional Use Permit

The following uses may be permitted subject to a Conditional Use Permit as provided in Section 5.400.

Private Primary Educational Facilities	Private Secondary Educational Facilities
Day Care Services	

Condominiums (Section 7.610)	
Convalescent Services	
Cultural Services	Religious Assembly
Guidance Services	
<p><u>Short-term Rental, Condominium: (With a STR permit and adherence to Section 5.401)</u></p> <ul style="list-style-type: none"> • <u>If the property is immediately adjacent to a Non-Residential Zoning District (Open Space not included), or a PUD that allows commercial uses.</u> 	<p><u>Short-term Rental, Facility: (With a STR permit and adherence to Section 5.401)</u></p> <ul style="list-style-type: none"> • <u>If the property is immediately adjacent to a Non-Residential Zoning District (Open Space not included), or a PUD that allows commercial uses.</u> • <u>Maximum of 1 structure per 5,000 square feet of land in the Historic Overlay District.</u>

Uses permitted with a Bed and Breakfast Compliance Use Permit:

Bed and Breakfast

Conditions under which a permit will be issued:

- Compliance with provisions of section 5.401, and
- Any structure which exists as of September 1, 2013 may be used as a Bed and Breakfast whether or not owner-occupied, and
- Additions or new construction, taking into consideration any existing structures, shall comply with other requirements of R-2
- One off street parking space for each Bed and Breakfast unit in addition to those required for other uses
- Lots may not be combined to permit more than eight separate lodging units on contiguous property regardless of density regulations
- Compliance with other R-2 regulations

Property Development Standards

Except as hereinafter provided, no building or structure or part thereof shall be erected, altered or converted for any use permitted in this district unless it is in conformity with all the standards and regulations herein specified for lot area, width and depth, dwelling unit area, lot coverage, yards and building height. The following standards shall apply except in cases where a lot does not meet the standards herein required but was an official "lot of record" prior to the adoption of this ordinance. In such cases, the present dimension shall be maintained as a minimum standard until such time as the use is removed. The replacement shall meet the standards and regulations herein specified.

Site Development Regulations

Each site in the R-2 district shall be subject to the following site development regulations:

Feature	Regulation
Lot Size	Minimum Lot Area, 5,000 Square feet
Lot Width	Minimum Lot Width, 50 feet
Height	2½ Stories, 28 feet
Front Yard	Minimum Required Setback, 15 feet (20 feet for garage)
Street Side Yard	Minimum Required Setback, 15 feet
Interior Side Yard	Minimum Required Setback, 5 feet <u>for single family detached structures</u> ; or <u>10 feet, for multi-family developments, when adjacent to residential zoning districts</u> ; or <u>15 feet for 2 story multi-family developments when adjacent to residential zoning districts.</u>
Rear Yard	Minimum Required Setback, 10 feet; or <u>15 feet, for multi-family developments, when adjacent to residential zoning districts</u> ; or <u>25 feet, for multi-family developments, for 2 or more stories when adjacent to residential zoning districts.</u>
Residential Density	Minimum Site Area per Dwelling Units,
	Efficiency: 2,500 Square feet
	1 Bedroom: 3,000 Square feet
	2 Bedroom: 3,500 Square feet
	<u>3 Bedroom: 4,000 Square Feet</u>

	Each additional bedroom (over 3 bedrooms) shall provide -an additional 500 square feet interval to the required density area
Maximum Impervious Coverage	65%
Maximum Building Coverage	Percent of Lot Area, 55%
Nonconforming Uses	Section 6.100
Site Development Regulations	Section 7.000
Special Yard Regulations	Section 7.300
Fences, Walls and Visibility	Section 7.530
Parking	Section 7.800
Landscaping and Screening Regulations	Section 7.900
Temporary/Accessory Building	Section 8.000
Home Occupations	Section 8.300

Note— In an R-2 Zone the R-1-A Site Development Regulations may apply to the development of ~~single family~~[single-family](#) dwellings at the option of the Owner.

(Ord. No. 18-014, § 3.110, 12-1-2008; Ord. No. 23-014, 9-16-2013)

Sec. 3.120. - R-3: MULTI-FAMILY RESIDENTIAL.

Intent

This zone is intended to provide for higher density living, for example, with not more than one (two bedroom) dwelling unit permitted for each 2,400 square feet of lot area. (See Site Development Regulations.) Additional uses necessary and incidental to multiple family residential dwellings are also permitted. It is a zone well suited as a buffer between single family uses and other more intense uses. This zone is typically associated with the Medium Density Residential Land Use category, but is allowed within all Land Use categories except "Open Space/Parks," "Public Facilities" and "Industrial."

Principal Permitted Uses

Buildings, structures and lands shall be used, and buildings and structures shall hereinafter be erected, altered or enlarged only for the following uses, plus such other uses as the City Council, by resolution, may deem to be similar to those uses listed and not obnoxious or detrimental to the public health, safety and welfare:

Community Recreation	Multiple Family Residential
Duplex Residential	Religious Assembly
Group Residential	Single Family Residential
Local Utility Services	Townhouses (Section 7.610)
Condominiums (Section 7.610)	Short-term Rental, Unoccupied: (With a STR permit and adherence to Section 5.401)
Short-term Rental, B & B: (With a STR permit and adherence to Section 5.401)	Short-term Rental, Accessory: (With a STR permit and adherence to Section 5.401)
Short-term Rental, Facility: (With a STR permit and adherence to Section 5.401)	

Uses Permitted Subject to Conditional Use Permit

The following uses may be permitted subject to a Conditional Use Permit as provided in Section 5.400.

Club or Lodge	Guidance Services
Condominiums (Section 7.610)	

Convalescent Services	Private Primary Educational Facilities
Cultural Services	Private Secondary Educational Facilities
Day Care Services	Short-term Rental, Condominium: (With a STR permit and adherence to Section 5.401)

~~Uses permitted with a Bed and Breakfast Compliance Use Permit:~~

~~Bed and Breakfast~~

~~Conditions under which a permit will be issued:~~

- ~~-Compliance with provisions of section 5.401, and~~
- ~~-Any structure which exists as of September 1, 2013 may be used as a Bed and Breakfast whether or not owner-occupied, and~~
- ~~-Additions or new construction, taking into consideration any existing structures, shall comply with other requirements of R-3~~
- ~~-One off street parking space for each Bed and Breakfast unit in addition to those required for other uses~~
- ~~-Lots may not be combined to permit more than eight separate lodging units on contiguous property regardless of density regulations~~
- ~~-Compliance with other R-3 regulations.~~

Property Development Standards

Except as hereinafter provided, no building or structure or part thereof shall be erected, altered or converted for any use permitted in this district unless it is in conformity with all the standards and regulations herein specified for lot area, lot width and depth, dwelling unit area, lot coverage, yards and building height. The following standards shall apply except in cases where a lot does not meet the standards herein required but was an official "lot of record" prior to the adoption of this ordinance. In such cases, the present dimension shall be maintained as a minimum standard until such time as the use is removed. The replacement shall meet the standards and regulations herein specified.

Site Development Regulations

Each site in the R-3 district shall be subject to the following site development regulations:

Feature	Regulation
Lot Size	Minimum Lot Area, 7500 Square feet
Lot Width	Minimum Lot Width, 50 feet
Height	Maximum Building Height, 3 stories, 38 feet

Front Yard	Minimum Required Setback, 25 feet
Street Side Yard	Minimum Required Setback, 15 feet
Interior Side Yard	Minimum Required Setback, 5 feet for single-family detached; or 10 feet, for multi-family developments, when adjacent to residential zoning districts; or 15 feet for 2 story multi-family developments when adjacent to residential zoning districts.
Rear Yard	Minimum Required Setback, 10 feet; or 15 feet, for multi-family developments, when adjacent to residential zoning districts; or 25 feet, for multi-family developments, for 2 or more stories when adjacent to residential zoning districts.
Residential Density	Minimum Site Area per Dwelling Units,
	Efficiency: 1600 Square feet
	1 Bedroom: 2000 Square feet
	2 Bedrooms: 2400 Square feet
	3 Bedroom: 2800 Square Feet Each additional bedroom (over 3 bedrooms) shall provide an additional 400 square feet to the required density area
Maximum Impervious Coverage	65%
Maximum Building Coverage	Percent of Lot Area, 55%
Nonconforming Uses	Section 6.100
Site Development Regulations	Section 7.000

Special Yard Regulations	Section 7.300
Fences, Walls and Visibility	Section 7.530
Parking	Section 7.800
Landscaping and Screening Regulations	Section 7.900
Temporary/Accessory Buildings	Section 8.000
Home Occupations	Section 8.300

(Ord. No. 18-014, § 3.120, 12-1-2008; Ord. No. 23-014, 9-16-2013)

Sec. 3.200. - C-1: NEIGHBORHOOD COMMERCIAL.

Intent

This zone is intended to provide for the establishment of restricted commercial facilities, to serve the conveniences and needs of the immediate neighborhood and must be compatible with the residential character and environment of the neighborhood. These uses generally result in limited traffic generation.

Principal Permitted Uses

Building, structures and lands shall be used, and buildings and structures shall hereinafter be erected, altered or enlarged only for the following uses as the City Council, by resolution, may deem to be similar to those uses listed and not obnoxious or detrimental to the public health, safety and welfare:

Administrative and Business Office
Convalescent Services
Cultural Services
Day Care Services
Group Residential
Local Utility Services
Medical Services
Multiple Family Residential (Section 3.110)
Personal Services
Private Primary Educational Services
Private Secondary Educational Facilities
Professional Office
Religious Assembly
Single Family Residential (detached) if structure was not used as other than residential in its most recent use
Short-term Rental, Unoccupied: (With a STR permit and adherence to Section 5.401)

Short-term Rental, Accessory: (With a STR permit and adherence to Section 5.401)
Short-term Rental, B & B: (With a STR permit and adherence to Section 5.401)
Short-term Rental, Facility: (With a STR permit and adherence to Section 5.401)
Corporate Housing: (With a STR permit and adherence to Section 5.401)

Uses Permitted Subject to Conditional Use Permit

The following uses may be permitted subject to a Conditional Use Permit as provided for in section 5.400.

Arts and Crafts
Automotive Washing
Building Maintenance Services
Business School
Business Support Services
Club or Lodge
Communication Services
Condominium Residential (section 7.610)
Consumer Repair Services
Convenience Storage
Convenience Store/Self Serve Gasoline
Duplex Residential
Food Sales

Guidance Services
Laundry Services
Limited Retail Sales
Liquor Sales
Personal Improvement Services
Pet Services
Restaurant - Limited
Single Family Residential (detached)- new construction or after cessation of use other than residential
Townhouse Residential Drive through Facilities Associated with any use
Short-term Rental, Condominium (Section 5.401)

~~Uses permitted with a Bed and Breakfast Compliance Use Permit:~~

~~Bed and Breakfast~~

~~Conditions under which a permit will be issued:~~

- ~~-Compliance with provisions of section 5.401, and~~
- ~~-Any structure which exists as of September 1, 2013 may be used as a Bed and Breakfast whether or not owner occupied, and~~
- ~~-Additions or new construction, taking into consideration any existing structures, shall comply with other requirements of C-1~~
- ~~-One off street parking space for each Bed and Breakfast unit in addition to those required for other uses~~
- ~~-Lots may not be combined to permit more than eight separate lodging units on contiguous property regardless of density regulations~~
- ~~-Compliance with other C-1 regulations.~~

Property Development Standards

Except as hereinafter provided, no building or structure or part thereof shall be erected, altered or converted for any use permitted in this district unless it is in conformity with all the standards and regulations herein specified for lot area, lot width, lot depth, dwelling unit area, lot coverage, yards and building height. The following standards shall apply except in cases where a lot does not meet the

standards herein required but was an official "lot of record" prior to the adoption of this ordinance. In such cases, the present dimension shall be maintained as a minimum standard until such time as the use is removed. The replacement shall meet the standards and regulations herein specified.

Site Development Regulations

Each site in the C-1 District shall be subject to the following site development regulations:

Feature	Regulation
Lot Size	Minimum Lot Area, 7500 Square feet
Lot Width	Minimum Lot Width, 70 feet
Height	Maximum Building Height, 3 stories, 38 feet
Front Yard	Minimum Required Setback, 25 feet
Street Side Yard	Minimum Required Setback, 25 feet
Interior Side Yard	Minimum Required Setback, 5 feet; <u>or</u> <u>10 feet when adjacent to residential zoning districts; or</u> ^[JL1] <u>15 feet for 2 story structures, when adjacent to residential zoning districts.</u> ^[JL2] *
Rear Yard	Minimum Required Setback, 10 feet; <u>or</u> <u>15 feet when adjacent to residential zoning districts; or</u> ^[JL3] <u>25 feet for 2 or more stories, when adjacent to residential zoning districts.</u> ^[JL4]
Maximum Impervious Coverage	70%
Maximum Building Coverage	Percent of Lot Area, 50%
Residential Density	<u>Section 3.110</u> Section 3.120
Nonconforming Uses	Section 6.100
Site Development Regulations	Section 7.000

Special Yard Regulations	Section 7.300
Fences, Walls and Visibility	Section 7.530
Parking	Section 7.800
Landscaping and Screening Regulations	Section 7.900
Temporary/Accessory Building	Section 8.000
Signs	Sign Ordinance
Outdoor Amplified Sound	Prohibited when adjacent to R-1, R-1-A, or R5

* ~~10 feet when adjacent to R-1 or R-5~~

(Ord. No. 23-007, 5-20-2013; Ord. No. 23-014, 9-16-2013; Ord. No. 2019-11, § 1, 4-15-2019)

Sec. 3.205. - C-1.5: MEDIUM COMMERCIAL.

Intent

This zone represents an effort to provide a district between the Neighborhood Commercial District and the Commercial District. Uses have been selected from each of the various districts, with the intent that the proposed uses could function as a transition between highway commercial and residential neighborhoods, but could also provide a lower impact zone along other major roadways.

Principal Permitted Uses

Building, structures and lands shall be used, and buildings and structures shall hereinafter be erected, altered or enlarged only for the following uses as the City Council, by resolution, may deem to be similar to those uses listed and not obnoxious or detrimental to the public health, safety and welfare:

Administrative and Business Office
Arts and Crafts
Business Support Services
Communication Services
Consumer Repair Services
Convalescent Services
Cultural Services
Day Care Services
Financial Services
Guidance Services
Hospital Services (Limited)
Local Utility Services
Medical Offices
Personal Improvement Services
Personal Services

Pet Services
Professional Offices
Private Primary Educational Facilities
Private Secondary Educational Facilities
Religious Assembly
Restaurant—Limited
Retail Sales—Limited
Single Family Residential (Detached)—if structure was not used as other than residential in its most recent use
Group Residential
Multiple Family Residential
Short-term Rental, Unoccupied: (With a STR permit and adherence to Section 5.401)
Short-term Rental, Accessory: (With a STR permit and adherence to Section 5.401)
Short-term Rental, B & B: (With a STR permit and adherence to Section 5.401)
Short-term Rental, Facility: (With a STR permit and adherence to Section 5.401)
Corporate Housing: (With a STR permit and adherence to Section 5.401)

Uses Permitted Subject to Conditional Use Permit

The following uses may be permitted subject to a Conditional Use Permit as provided for in section 5.400.

Automobile Washing
Building Maintenance Services

Business or Trade School
Club or Lodge
Cocktail Lounge
Convenience Storage
Consumer Convenience Services
Convenience Store/Self-Serve Gasoline
Custom Manufacturing
Food Sales
Drive through or Drive-in facilities associated with any use
General Retail Sales
Indoor Sports and Recreation
Kennels
Laundry Services
Liquor Sales
Mobile Food Establishments
Single Family Residential (Detached)—new construction or after cessation of use other than residential
Duplex Residential
Townhouse Residential
Condominium Residential (Section 7.610)
Short-term Rental, Condominium: (With a STR permit and adherence to Section 5.401)

Property Development Standards

Except as hereinafter provided, no building or structure or part thereof shall be erected, altered or converted for any use permitted in this district unless it is in conformity with all the standards and regulations herein specified for lot area, lot width, lot depth, dwelling unit area, lot coverage, yards and building height. The following standards shall apply except in cases where a lot does not meet the standards herein required but was an official "lot of record" prior to the adoption of this ordinance. In such cases, the present dimension shall be maintained as a minimum standard until such time as the use is removed. The replacement shall meet the standards and regulations herein specified.

Site Development Regulations

Each site in the C-1.5 District shall be subject to the following site development regulations:

Feature	Regulation
Lot Size	Minimum Lot Area, 7,500 Square feet
Lot Width	Minimum Lot Width, 70 feet
Height	Maximum Building Height, 3 stories, 38 feet
Front Yard	Minimum Required Setback, 20 feet
Street Side Yard	Minimum Required Setback, 20 feet
Interior Side Yard	Minimum Required Setback, 5 feet; <u>or</u> <u>10 feet when adjacent to residential zoning districts; or</u> <u>JL1</u> <u>15 feet for 2 story structures, when adjacent to residential zoning districts.</u> <u>JL2</u> - ²
Rear Yard	Minimum Required Setback, 10 feet; <u>or</u> <u>15 feet when adjacent to residential zoning districts; or</u> <u>JL3</u> <u>25 feet for 2 or more stories, when adjacent to residential zoning districts.</u> <u>JL4</u> - ²
Maximum Impervious Coverage	75%
Maximum Building Coverage	Percent of Lot Area, 60%
Residential Density	<u>Section 3.110</u> Section 3.120

Nonconforming Uses	Section 6.100
Site Development Regulations	Sections 7.000 and 7.100
Yard Regulations	Section 7.300
Height Regulations	Section 7.510
Fences, Walls and Visibility	Section 7.530
Parking	Section 7.800
Landscaping and Screening Regulations	Section 7.900
Temporary/Accessory Building	Section 8.100
Signs	Sign Ordinance
Outdoor Amplified Sound	Prohibited when adjacent to R-1, R-1-A, and R-5

* ~~25 feet when adjacent to residential zoning district~~

(Ord. No. 2019-12, § 1, 4-15-2019; Ord. No. [2019-34](#), § 1, 12-16-2019)

Sec. 3.210. - C-2: COMMERCIAL.

Intent

This zone is intended to provide for businesses and services that serve persons throughout the city and the area. These uses generally require frontages on major cross street intersections of highways or other major arterial, given their high visibility and traffic generation ability.

Principal Permitted Uses

Administrative and Business Office
Agricultural Sales and Services
Arts and Crafts
Automotive Rentals
Automotive Repair Services
Automotive Sales
Automotive Washing
Building Maintenance Services
Business or Trade School
Business Support Services
Club or Lodge
Cocktail Lounge
Commercial Off-Street Parking
Communication Services
Construction Sales and Services
Consumer Convenience Services
Consumer Repair Services

Convalescent Services
Convenience Store/Self Serve Gas.
Cultural Services
Custom Manufacturing
Day Care Services
Equipment Repair Services
Equipment Sales
Exterminating Services
Financial Services
Food Sales
Funeral Services
Group Residential
Single Family Residential (detached) if structure was not used as other than residential in its most recent use
General Retail Sales
Guidance Services
Hotel/Motel
Horticulture
Hospital Services (Limited)
Indoor Entertainment
Indoor Sports and Recreation

Kennels
Laundry Services
Liquor Sales
Local Utility Services
Maintenance and Service Facilities
Medical Offices
Mobile Food Establishments, but not in any right-of-way or public easement
Multiple Family Residential
Outdoor Entertainment
Outdoor Sports and Recreation
Pawn Shop Services
Personal Improvement Services
Personal Services
Pet Services
Private Primary Educational Facilities
Private Secondary Educational Facilities
Professional Offices
Religious Assembly
Research Services
Restaurant - Drive-In/Fast Food

Restaurant
Service Station
Veterinary Services
Short-term Rental, Unoccupied: (With a STR permit and adherence to Section 5.401)
Short-term Rental, Accessory: (With a STR permit and adherence to Section 5.401)
Short-term Rental, B & B: (With a STR permit and adherence to Section 5.401)
Short-term Rental, Facility: (With a STR permit and adherence to Section 5.401)
Corporate Housing (Section 5.401)

Buildings, structures and lands shall be used, and buildings and structures shall hereinafter be erected, altered or enlarged only for the following uses, plus such other uses as the City Council, by resolution, may deem to be similar to those uses listed and not obnoxious or detrimental to the public health, safety and welfare.

Uses Permitted Subject to Conditional Use Permit

The following uses may be permitted subject to a Conditional Use Permit as provided for in section 5.400.

Camp Grounds
Condominiums (Section 7.610)
Convenience Storage
Drive through facilities associated with any use
Single Family Residential (detached)- new construction or after cessation of use other than residential
Duplex Residential Condominium Residential (section 7.610)
Single Family Residential (Detached)
Townhouse Residential (section 7.610)

Transportation Terminals
Short-term Rental, Condominium: (With a STR permit and adherence to Section 5.401)

~~Uses permitted with a Bed and Breakfast Compliance Use Permit:~~

~~Bed and Breakfast~~

~~Conditions under which a permit will be issued:~~

~~-Compliance with provisions of section 5.401, and~~

~~-One off street parking space for each Bed and Breakfast unit in addition to those required for other uses~~

~~-Compliance with other C-2 regulations~~

Property Development Regulations

Except as hereinafter provided, no building or structure or part thereof shall be erected, altered or converted for any use permitted in this district unless it is in conformity with all the standards and regulations herein specified for lot area, lot width, lot depth, dwelling unit area, lot coverage, yards and building height. The following standards shall apply except in cases where a lot does not meet the following standards herein required but was an official "lot of record" prior to the adoption of this ordinance. In such cases, the present dimension shall be maintained as a minimum standard until such time as the use is removed. The replacement shall meet the standards and regulations herein specified.

Site Development Regulations

Each site in the C-2 District shall be subject to the following site development regulations.

Feature	Regulation
Lot Size	Minimum Lot Area, 5000 Square feet
Lot Width	Minimum Lot Width, 50 feet
Height	Maximum Building Height, 3 stories, 38 feet
Front Yard	Minimum Required Setback, 15 feet
Street Side Yard	Minimum Required Setback, 15 feet
Interior Side Yard	Minimum Required Setback, 0 feet; or

	<p>10 feet when adjacent to residential zoning districts; or [JL1]</p> <p>15 feet for 2 story structures, when adjacent to residential zoning districts. [JL2]*</p>
Rear Yard	<p>Minimum Required Setback, 0 feet; or</p> <p>15 feet when adjacent to residential zoning districts; or [JL3]</p> <p>25 feet for 2 or more stories, when adjacent to residential zoning districts. [JL4]*</p>
Maximum Impervious Coverage	80%
Maximum Building Coverage	Percent of Lot Area, 75%
Residential Density	Section 3.120
Nonconforming Uses	Section 6.100
Site Development Regulations	Section 7.000
Special Yard Regulations	Section 7.300
Fences, Walls and Visibility	Section 7.530
Parking	Section 7.800
Landscaping and Screening Regulations	Section 7.900
Temporary/Accessory Building	Section 8.100
Signs	Sign Ordinance
Outdoor Amplified Sound	Prohibited when adjacent to R-1, R-1-A, or R5

* 10 feet when adjacent to R-1 or R-5

(Ord. No. 23-007, 5-20-2013; Ord. No. 23-014, 9-16-2013; Ord. No. 25-004, 5-4-2015; Ord. No. 2019-11, § 2, 4-15-2019)

Sec. 3.220. - CBD: CENTRAL BUSINESS DISTRICT.

Intent

This zone is intended to provide for the intense commercial activities of the central business district or central trading area of the City. This district establishes the character of the City by serving the tourist as well as the residents of the City.

Principal Permitted Uses

Buildings, structures and lands shall be used, and buildings and structures shall hereinafter be erected, altered or enlarged only for the following uses, plus such other uses as the City Council, by resolution, may deem to be similar to those uses listed and not obnoxious or detrimental to the public health, safety and welfare:

Administrative and Business Office
Arts and Crafts
Club or Lodge
Cocktail Lounge
Consumer Convenience Services
Consumer Repair Services
Cultural Services
Day Care Services
Financial Services
General Retail Sales
Guidance Services
Liquor Sales
Local Utility Services
Mobile Food Establishments, but not in any right-of-way, public easement or in the Historic Overlay District, except that Mobile Food Vendor's in the Historic District Overlay shall be allowed on school property, museum property, church property, and public property subject to section 8-117(h).

Multiple Family Residential (Section 3.120)
Personal Improvement Services
Personal Services
Pet Services
Private Primary Educational Facilities
Private Secondary Educational Facilities
Professional Offices
Religious Assembly
Restaurant
Single Family Residential (detached) if structure was not used as other than residential in its most recent use
Short-term Rental Unoccupied: (With a STR permit and adherence to Section 5.401)
Short-term Rental, Accessory: (With a STR permit and adherence to Section 5.401)
Short-term Rental, B & B: (With a STR permit and adherence to Section 5.401)
Short-term Rental, Facility: (With a STR permit and adherence to Section 5.401)
Corporate Housing (Section 5.401)

Uses Permitted Subject to Conditional Use Permit

The following uses may be permitted subject to a Conditional Use Permit as provided for in section 5.400.

Business or Trade School
Business Support Services

Commercial Off-Street Parking
Communications Services
Condominium Residential (section 7.610)
Custom Manufacturing
Drive through Facilities associated with any use
Duplex Residential
Food Sales
Funeral Services
Horticulture
Hospital Services (Limited)
Hotel/Motel
Indoor Entertainment
Indoor Sports and Recreation
Medical Offices
Outdoor Entertainment
Outdoor Sports and Recreation
Single Family Residential (Detached)
Townhouse Residential (section 7.610)
Transportation Terminals
Single Family Residential (detached)- new construction or after cessation of use other than residential Group Residential

Short-term Rental, Condominium (Section 5.401)

Uses permitted with a Bed and Breakfast Compliance Use Permit:

Bed and Breakfast

Conditions under which a permit will be issued:

- Compliance with provisions of section 5.401, and
- Any structure which exists as of September 1, 2013 may be used as a Bed and Breakfast whether or not owner occupied, and
- Additions or new construction, taking into consideration any existing structures, shall comply with other requirements of CBD, and
- Density shall comply with the provisions of the Multi-Family Residential District (R-3)
- One off street parking space for each Bed and Breakfast unit in addition to those required for other uses
- Lots may be combined to permit more than eight separate lodging units on contiguous property with a Conditional Use Permit
- Compliance with other R-3 regulations

Property Development Standards

Except as hereinafter provided, no building or structure or part thereof shall be erected, altered, or converted for any use permitted in this district unless it is in conformity with all the standards and regulations herein specified for lot area, lot width, lot depth, dwelling unit area, lot coverage, yards and building height. The following standards shall apply except in cases where a lot does not meet the standards herein required but was an official "lot of record" prior to the adoption of this ordinance. In such cases, the present dimension shall be maintained as a minimum standard until such time as the use is removed. The replacement shall meet the standards and regulations herein specified.

Site Development Regulations

Each site in the CBD District shall be subject to the following site development regulations.

Feature	Regulation
Lot Size	Minimum Lot Area, 5000 Square feet
Lot Width	Minimum Lot Width, 50 feet
Height	Maximum Building Height, 3 stories, 38 feet
Front Yard	Minimum Required Setback, 0 feet
Street Side Yard	Minimum Required Setback, 0 feet

Interior Side Yard	Minimum Required Setback, 0 feet; <u>or</u> <u>10 feet when adjacent to R1, R1A, or R5 zoning districts.*</u>
Rear Yard	Minimum Required Setback, 0 feet; <u>or</u> <u>10 feet when adjacent to R1, R1A, or R5 zoning districts.*</u>
Maximum Impervious Coverage	90%
Maximum Building Coverage	
Residential Density	Section 3.120
Nonconforming Uses	Section 6.100
Site Development Regulations	Section 7.000
Special Yard Regulation	Section 7.300
Fences, Walls and Visibility	Section 7.530
Parking	Section 7.800
Landscaping and Screening Regulations	Section 7.900
Accessory Building Regulations	Section 8.200
Signs	Sign Ordinance
Outdoor Amplified Sound	Prohibited when adjacent to R-1, R-1-A, or R5

* ~~10 feet when adjacent to R-1 or R-5~~

(Ord. No. 23-007, 5-20-2013; Ord. No. 23-014, 9-16-2013; Ord. No. 25-004, 5-4-2015; Ord. No. 2019-11, § 3, 4-15-2019)

Sec. 3.500. - HO: HISTORIC OVERLAY.

Intent

This zone is intended to encompass that portion of the City with historic resource value. The area within the Historic District is subject to the requirements of two ~~land use designations~~ sets of development standards:

1. the underlying zoning district designation development standards; and
2. ~~and~~ the historic characteristics of the district. All exterior construction, restoration, alteration or demolition within the district are subject to the provisions of the Historic Preservation Ordinance.

~~Principal Permitted Uses~~

~~Buildings, structures and lands shall be used, and buildings and structures shall hereinafter be erected, altered or enlarged only for the following uses as the City Council, by resolution, may deem to be similar to those uses listed and not obnoxious or detrimental to the public health, safety and welfare:~~

Administrative and Business Office	Liquor Sales
Administrative Services	Local Utility Services
Arts and Crafts	Medical Offices
Business or Trade School	Outdoor Entertainment
Business Support Services	Outdoor Sports and Recreation
Club or Lodge	Park and Recreation Services
Cocktail Lounge	Personal Improvement Services
Commercial Off-Street Parking	Personal Services
Consumer Convenience Services	Pet Services
Consumer Repair Services	Postal Facilities
Cultural Services	Private Primary Educational Facilities
Day Care Services	Private Secondary Educational Facilities
Duplex Residential	Professional Offices
Financial Services	Public Primary Educational Facilities

Food Sales	Public Secondary Educational Facilities
General Retail Sales	Religious Assembly
Hospital Services (limited)	Restaurant
Indoor Entertainment	Safety Services
Indoor Sports and Recreation	Single Family Residential (Detached)
Laundry Services	

~~Uses Permitted Subject to Conditional Use Permit~~

The following uses may be permitted subject to a Conditional Use Permit as provided in Section 5.400.

College and University Facilities	Group Residential
Communications Services	Guidance Services
Community Recreation	Horticulture
Condominiums (Section 7.610)	Hotel/Motel
Detention Facilities	Multiple Family Residential
Drive In/Fast Food	Townhouse Residential (Section 7.610)
Drive Through Facilities associated with any use	Transportation Terminal
Funeral Services	

Property Development Standards

Except as hereinafter provided, no building or structure or part thereof shall be erected, altered or converted for any use permitted in this district unless it is in conformity with all of the [development standards and regulations](#) ~~herein specified for lot area, lot width, lot depth, dwelling unit area, lot coverage, yards and building height.~~ [for the underlying zoning district, the Historic Preservation](#)

[Ordinance, and the Historic Design Guidelines/Standards](#). The following standards shall apply except in cases where a lot does not meet the standards herein required but was an official "lot of record" prior to the adoption of this ordinance. In such cases, the present dimension shall be maintained as a minimum standard until such time as the use is removed. The replacement shall meet the standards and regulations herein specified.

Lot Area - The minimum lot area shall be as provided in any underlying zone or as may be required upon approval of a Conditional Use Permit.

Lot Dimensions - Shall be as provided in any underlying zone, or as may be required upon approval of a Conditional Use Permit.

Yards - Each lot shall have front, side and rear yards extending across the full widths and lengths of the lot as may be required in the underlying zone, or as may be required upon approval of a Conditional Use Permit.

Height Regulations - Section 7.500.

Fences, Walls and Visibility - Section 7.530.

Parking - Section 7.800.

Temporary/Accessory Building Regulations - Section 8.000.

Historic Preservation Ordinance

Signs - Sign Ordinance

Sec. 3.510. - HSD: HISTORIC SHOPPING DISTRICT OVERLAY.

Intent.

This zone is intended to encompass that portion of the City which constitutes the in-town historic shopping and tourist area. The area within the District is subject to the requirements of the underlying zoning district, the Historic Overlay District, if within its defined area, and the requirements of this Historic Shopping District.

Principal Permitted Uses

See uses listed in the underlying district.

Uses Permitted Subject to issuance of a Conditional Use Permit using the review and evaluation criteria of Section 5.460. See the uses listed for the underlying district.

Uses Permitted Subject to issuance of a Conditional Use Permit using review and evaluation criteria in Sections 5.460 and 5.461. Any Standardized Business may be located in the Historic Shopping District subject to a Conditional Use Permit as provided in Section 5.400 using the review and evaluation criteria set forth in Sections 5.460 and 5.461.

~~Bed and Breakfast is allowed if the same is in compliance with all Central Business District Bed and Breakfast regulations EXCEPT~~

-A Conditional Use Permit is required for any new construction of any type of STR or conversion of an existing structure to any type of STR, if located on the first floor ~~Bed and Breakfast unit~~, and the review and evaluation criteria of section 5.461 shall be used as applicable.

For the purpose of this section, the following definitions shall apply:

- A. Historic Shopping District shall be all properties generally located between Elk Street and Acorn Street including the properties fronting on both sides of Acorn Street, and between San Antonio Street including the properties fronting on both sides of such street, and Austin Street including the properties fronting on both sides of such street, as they are depicted on the map of the area attached to this ordinance.
- B. Standardized Business shall mean a business which is required by contractual or other arrangement or affiliation to maintain one or more of the following items: standardized ("formula") array of services and/or merchandise, trademark, logo, signs, service mark, symbol, decor, architecture, layout, uniform, menu, or similar standardized features and which causes it to be substantially identical to more than ten other businesses regardless of ownership or location at the time the application therefor is completed. Standardized Businesses can include, but are not limited to: restaurants, retail stores, banks, sales offices, spas, hair and nail salons, art galleries, and hotel/motel/inn/~~bed and breakfast~~any short-term rental establishments. A statement made under oath, and subject to penalties for perjury concerning the status as a standardized business shall be submitted with the application for Conditional use permit, along with any other reasonable proof required by the person administering the City's Zoning ordinance.

Property Development Standards

Except as hereinafter provided, no building or structure or part thereof shall be erected, altered or converted for any use permitted in this district unless it is in conformity with all the standards and regulations herein specified for lot area, lot width, lot depth, dwelling unit area, lot coverage, yards and building height. The following standards shall apply except in cases where a lot does not meet the standards herein required but was an official "lot of record" prior to the adoption of this ordinance. In such cases, the present dimension shall be maintained as a minimum standard until such time as the use is removed. The replacement shall meet the standards and regulations herein specified.

- [A.] Lot Area - The minimum lot area shall be as provided in any underlying zone or as may be required upon approval of a Conditional Use Permit.

- B. Lot Dimensions - Shall be as provided in any underlying zone, or as may be required upon approval of a Conditional Use Permit.
- C. Yards - Each lot shall have front, side and rear yards extending across the full widths and lengths of the lot as may be required in the underlying zone, or as may be required upon approval of a Conditional Use Permit.
- D. Height Regulations - Shall be as provided in the underlying zoning District.
- E. Fences, Walls and Visibility - Section 7.530.
- F. Parking - The standards of Section 7.800 shall apply.
- G. Temporary/Accessory Building Regulations - Section 8.000.
- H. Historic Preservation Ordinance.
- I. Signs - Sign Ordinance.

(Ord. No. 18-002, § 3.510, 4-21-2008; Ord. No. 19-005, § 3.510, 4-20-2009; Ord. No. 23-014, 9-16-2013)

Sec. 3.800. - MU-1: MIXED USE - INFILL.

Intent

This zone represents an effort to provide a zoning category for properties outside of the main commercial area, which are large enough and located in proximity to the core of the city to provide for a mix of uses, and that are intended to be pedestrian and bicycle oriented. Features for consideration include a balanced mix of uses, connectivity of uses, compactness, compatibility with town character or traditional context, reduced parking, good pedestrian and bicycle access.

Principal Permitted Uses

Building, structures and lands shall be used, and buildings and structures shall hereinafter be erected, altered or enlarged only for the following uses as the City Council, by resolution, may deem to be similar to those uses listed and not obnoxious or detrimental to the public health, safety and welfare:

Administrative and Business Office
Administrative Services
Arts and Crafts
Business Support Services
Club or Lodge
Cocktail Lounge
College or University Facilities
Community Recreation
Consumer Convenience Services
Consumer Repair Services
Convalescent Services
Cultural Services
Custom Manufacturing
Day Care Services
Financial Services

Food Sales
Group Residential
General Retail Sales
Hotel/Motel
Hospital Services (Limited)
Indoor Entertainment
Indoor Sports and Recreation
Kennels
Laundry Services
Liquor Sales
Local Utility Services
Medical Offices
Mobile Food Establishments
Outdoor Entertainment
Outdoor Sports and Recreation
Park and Recreation Services
Personal Improvement Services
Personal Services
Pet Services
Professional Offices

Religious Assembly
Restaurant - Drive-In/Fast Food
Restaurant - Limited
Retail Sales - Limited
Shopping Center
Single Family Residential (Detached)
Duplex Residential
Townhouse Residential
Condominium Residential
Multiple Family Residential
Short-term Rental, Unoccupied (Section 5.401)
Short-term Rental, Accessory (Section 5.401)
Short-term Rental, B & B (Section 5.401)
Short-term Rental, Facility (Section 5.401)
Corporate Housing (Section 5.401)

Uses Permitted Subject to Conditional Use Permit

The following uses may be permitted subject to a Conditional Use Permit as provided for in section 5.400.

Automobile Rentals
Business or Trade School

Condominium Residential (Section 7.610)
Convenience Storage
Outdoor Sports and Recreation
Drive through or Drive-in facilities associated with any use
Group Residential
Guidance Services
Private Primary Educational Facilities
Private Secondary Educational Facilities
Transportation Terminals
Short-term Rental, Condominium: (With a STR permit and adherence to Section 5.401)

Property Development Standards

Except as hereinafter provided, no building or structure or part thereof shall be erected, altered or converted for any use permitted in this district unless it is in conformity with all the standards and regulations herein specified for lot area, lot width, lot depth, dwelling unit area, lot coverage, yards and building height. The following standards shall apply except in cases where a lot does not meet the standards herein required but was an official "lot of record" prior to the adoption of this ordinance. In such cases, the present dimension shall be maintained as a minimum standard until such time as the use is removed. The replacement shall meet the standards and regulations herein specified.

Site Development Regulations

Each site in the MU-1 District shall be subject to the following site development regulations:

Feature	Regulation
Lot Size	Minimum Lot Area, 7500 Square feet
Lot Width	Minimum Lot Width, 75 feet
Height	Maximum Building Height, 3 stories, 38 feet

Front Yard	Minimum Required Setback, 15 feet
Street Side Yard	Minimum Required Setback, 15 feet
Interior Side Yard	Minimum Required Setback, 0 feet; <u>or</u> <u>10 feet when adjacent to residential zoning districts; or</u> ^{JL1} <u>15 feet for 2 story structures, when adjacent to residential zoning districts.</u> ^{JL2} *
Rear Yard	Minimum Required Setback, 0 feet; <u>or</u> <u>15 feet when adjacent to residential zoning districts; or</u> ^{JL3} <u>25 feet for 2 or more stories, when adjacent to residential zoning districts.</u> ^{JL4} *
Maximum Impervious Coverage	80%
Maximum Building Coverage	Percent of Lot Area, 75%
Residential Density	Section 3.120
Nonconforming Uses	Section 6.100
Site Development Regulations	Section 7.000 and 7.100
Yard Regulations	Section 7.300
Height Regulations	Section 7.510
Fences, Walls and Visibility	Section 7.530
Parking	Section 7.800
Landscaping and Screening Regulations	Section 7.900
Temporary/Accessory Building	Section 8.100

Signs	Sign Ordinance
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~~* 25 feet when adjacent to residential zoning district~~

Additional Special Site and Development Regulations:

1. All Entry Corridor Standards and Guidelines shall apply to development within the MU-1 District, with the following modifications:
 - a. New designs shall be compatible with the design traditions of the established neighborhoods and regional Texas Hill Country aesthetic. It is not the intent of these guidelines to require that new buildings copy older building styles. Therefore, use traditional building forms and broader similarities of design in order to be compatible with existing buildings in the area that reflect the traditional context.
 - b. If a shed roof or flat roof design is used, a parapet wall shall be added to screen the roof.
 - c. When making transitions to lower density areas, modulate the mass of the building to relate to smaller buildings.
 - d. Faux windows and similar details are not appropriate articulation.
 - e. Signs shall integrate into building and site design so they do not appear as an afterthought.
 - f. Attached signs shall be located above the building entrance, storefront opening, or at other locations that are compatible with the architectural features of the building.
 - g. The front door shall connect to the sidewalk along the entry corridor.
 - h. Light fixture style and location shall be compatible with the building's architecture, site design and landscape design. Decorative fixtures are highly recommended and where warranted, may be required. Light fixture style shall be consistent throughout the project.
 - i. Light fixtures shall be located facing away from adjacent sites (particularly residential parcels) so that the light does not spill-over onto abutting properties. Parking and building light fixtures shall be cut-off luminaries that have less than 90 degree cut-off so that the light is not emitted horizontally or upward.
 - j. All roof-top equipment shall be screened from entry corridors, side streets, plazas and parks.
 - k. Parking shall be located behind buildings or on the side. Parking in front of buildings may be permitted, subject to a Conditional Use Permit as provided for in section 5.400.
2. Shared access for pedestrians and vehicles shall be provided between properties and uses.
3. Pedestrian circulation will be given priority over vehicular access.
4. A drive-thru associated with any use shall be oriented away from any adjacent residential.
5. Exterior amplified sound associated with any use shall be prohibited when adjacent to single family residential use.
6. Required parking may be reduced by up to 25 percent if development can demonstrate that the mix of uses do not conflict with one another.
7. Residential density for townhomes, condominiums and multi-family dwellings may be increased by 25 percent if utilized above the ground floor level and combined with other permitted uses.
8. Outdoor storage shall be prohibited.

9. Outdoor display of merchandise shall be limited to 10 percent of the lot area, and shall be maintained in a neat and orderly manner.
10. Screening shall be required where parking is located adjacent to a residential use.
11. Building setbacks may be reduced by 25 percent when a minimum of three different uses are included, provided that one of the uses is residential.

(Ord. No. 2019-13, § 1, 5-6-2019; Ord. No. 2019-11, § 6, 4-15-2019)

Sec. 3.810. - MU-2: MIXED USE - CORRIDOR.

Intent

This zone represents an effort to change the typical pattern of strips of underperforming commercial development that often line highways and arterials. Rather than limiting the properties along major entry corridors to commercial uses, this category offers a variety of higher density residential and mixed use opportunities. The policy of allowing this mix of uses along major roadways supports a change in development from a pattern of older commercial structures to new projects with a variety of uses, including mixed use within an individual building project or building.

Principal Permitted Uses

Building, structures and lands shall be used, and buildings and structures shall hereinafter be erected, altered or enlarged only for the following uses as the City Council, by resolution, may deem to be similar to those uses listed and not obnoxious or detrimental to the public health, safety and welfare:

Administrative and Business Office
Administrative Services
Arts and Crafts
Business Support Services
Club or Lodge
Cocktail Lounge
College or University Facilities
Community Recreation
Consumer Convenience Services
Consumer Repair Services
Convalescent Services
Cultural Services
Custom Manufacturing
Day Care Services

Financial Services
Food Sales
Group Residential
General Retail Sales
Hotel/Motel
Hospital Services (Limited)
Indoor Entertainment
Indoor Sports and Recreation
Kennels
Laundry Services
Liquor Sales
Local Utility Services
Medical Offices
Mobile Food Establishments
Outdoor Sports and Recreation
Park and Recreation Services
Personal Improvement Services
Personal Services
Pet Services
Professional Offices

Religious Assembly
Restaurant - Drive-In/Fast Food
Restaurant - Limited
Restaurant
Retail Sales - Limited
Shopping Center
Single Family Residential (Detached)
Duplex Residential
Townhouse Residential
Condominium Residential
Multiple Family Residential
Short-term Rental, Unoccupied: (With a STR permit and adherence to Section 5.401)
Short-term Rental, Accessory: (With a STR permit and adherence to Section 5.401)
Short-term Rental, B & B: (With a STR permit and adherence to Section 5.401)
Short-term Rental, Facility: (With a STR permit and adherence to Section 5.401)
Corporate Housing: (With a STR permit and adherence to Section 5.401)

Uses Permitted Subject to Conditional Use Permit

The following uses may be permitted subject to a Conditional Use Permit as provided for in section 5.400.

Automobile Rentals

Business or Trade School
Condominium Residential
Convenience Storage
Outdoor Sports and Recreation
Drive through or Drive-in facilities associated with any use
Group Residential
Guidance Services
Private Primary Educational Facilities
Private Secondary Educational Facilities
Transportation Terminals
Short-term Rental, Condominium: (With a STR permit and adherence to Section 5.401)

Property Development Standards

Except as hereinafter provided, no building or structure or part thereof shall be erected, altered or converted for any use permitted in this district unless it is in conformity with all the standards and regulations herein specified for lot area, lot width, lot depth, dwelling unit area, lot coverage, yards and building height. The following standards shall apply except in cases where a lot does not meet the standards herein required but was an official "lot of record" prior to the adoption of this ordinance. In such cases, the present dimension shall be maintained as a minimum standard until such time as the use is removed. The replacement shall meet the standards and regulations herein specified.

Site Development Regulations

Each site in the MU-2 District shall be subject to the following site development regulations:

Feature	Regulation
Lot Size	Minimum Lot Area, 10,000 Square feet
Lot Width	Minimum Lot Width, 100 feet

Height	Maximum Building Height, 3 stories, 38 feet
Front Yard	Minimum Required Setback, 20 feet
Street Side Yard	Minimum Required Setback, 15 feet
Interior Side Yard	Minimum Required Setback, 0 feet; <u>or</u> <u>10 feet when adjacent to residential zoning districts; or</u> <u>JL1</u> <u>15 feet for 2 story structures, when adjacent to R1, R1A, or R5</u> <u>zoning districts. JL2*</u>
Rear Yard	Minimum Required Setback, 0 feet; <u>or</u> <u>15 feet when adjacent to residential zoning districts; or</u> <u>JL3</u> <u>25 feet for 2 or more stories, when adjacent to residential zoning</u> <u>districts. JL4*</u>
Maximum Impervious Coverage	75%
Maximum Building Coverage	Percent of Lot Area, 65%
Residential Density	Section 3.120
Nonconforming Uses	Section 6.100
Site Development Regulations	Section 7.000 and 7.100
Yard Regulations	Section 7.300
Height Regulations	Section 7.510
Fences, Walls and Visibility	Section 7.530
Parking	Section 7.800
Landscaping and Screening Regulations	Section 7.900

Temporary/Accessory Building	Section 8.100
Signs	Sign Ordinance

~~*25 feet when adjacent to Residential zoning district~~

Additional Special Site and Development Regulations:

1. All Entry Corridor Standards and Guidelines shall apply to development within the MU-2 District, with the following modifications:
 - a. New designs shall be compatible with the design traditions of the established neighborhoods and regional Texas Hill Country aesthetic. It is not the intent of these guidelines to require that new buildings copy older building styles. Therefore, use traditional building forms and broader similarities of design in order to be compatible with existing buildings in the area that reflect the traditional context.
 - b. If a shed roof or flat roof design is used, a parapet wall shall be added to screen the roof.
 - c. When making transitions to lower density areas, modulate the mass of the building to relate to smaller buildings.
 - d. Faux windows and similar details are not appropriate articulation.
 - e. Signs shall integrate into building and site design so they do not appear as an afterthought.
 - f. Attached signs shall be located above the building entrance, storefront opening, or at other locations that are compatible with the architectural features of the building.
 - g. The front door shall connect to the sidewalk along the entry corridor.
 - h. Light fixture style and location shall be compatible with the building's architecture, site design and landscape design. Decorative fixtures are highly recommended and where warranted, may be required. Light fixture style shall be consistent throughout the project.
 - i. Light fixtures shall be located facing away from adjacent sites (particularly residential parcels) so that the light does not spill-over onto abutting properties. Parking and building light fixtures shall be cut-off luminaries that have less than 90 degree cut-off so that the light is not emitted horizontally or upward.
 - j. All roof-top equipment shall be screened from entry corridors, side streets, plazas and parks.
 - k. Parking shall be located behind buildings or on the side. Parking in front of buildings may be permitted, subject to a Conditional Use Permit as provided for in section 5.400.
2. Shared access for pedestrians and vehicles shall be provided between properties and uses.
3. Pedestrian circulation will be given priority over vehicular access.
4. A drive-thru associated with any use shall be oriented away from any adjacent residential.
5. Exterior amplified sound associated with any use shall be prohibited when adjacent to single family residential use.
6. Required parking may be reduced by up to 25 percent if development can demonstrate that the mix of uses do not conflict with one another.
7. Residential density for townhomes, condominiums and multi-family dwellings may be increased by 25 percent if utilized above the ground floor level and combined with other permitted uses.

8. Outdoor storage shall be prohibited.
9. Outdoor display of merchandise shall be limited to 10 percent of the lot area, and shall be maintained in a neat and orderly manner.
10. Height may be increased to four stories above grade, with a maximum height of 54 feet, if a minimum of three different uses are included and structured parking is proposed within a single development, and subject to a Conditional Use Permit as provided for in section 5.400.
11. Screening shall be required where parking is located adjacent to a residential use.
12. Building setbacks may be reduced by 25 percent when a minimum of three different uses are included, provided that one of the uses is residential.

(Ord. No. 2019-14, § 1, 4-15-2019)

SECTION 4

USE CLASSIFICATION

~~Sec. 4.400. GENERAL DESCRIPTION OF RESIDENTIAL USE TYPES.~~

~~Residential use types include the occupancy of living accommodations on a wholly or primarily non-transient basis.~~

~~CONDOMINIUM RESIDENTIAL~~

~~The use of a site for four or more dwelling units intended for separate ownership, together with common area serving all dwelling units.~~

~~DUPLEX RESIDENTIAL~~

~~The use of site for two dwelling units, within a single building, other than a manufactured home.~~

~~SINGLE FAMILY RESIDENTIAL (DETACHED)~~

~~The use of a site for only one dwelling unit, other than a manufactured home.~~

~~GROUP RESIDENTIAL~~

~~The use of a site for residential occupancy of living accommodations by groups of more than six (6) persons not defined as a family, on a weekly or longer basis. Typical uses include occupancy of fraternity or sorority houses, dormitories, residence halls, or boarding houses or assisted living facilities.~~

~~MANUFACTURED HOME RESIDENTIAL~~

~~A dwelling that is manufactured in one or more modules at a location other than the homesite and which is designed as a residence when the modules are transported to the homesite, and the modules are joined together and installed on a permanent foundation system or tied down in accordance with the appropriate Code requirements. Manufactured residence construction shall be in accordance with the *Texas Manufactured Housing Standards Act* and shall include the plumbing, heating/air conditioning and electrical systems to be contained in the structure. The term manufactured home or residence shall not mean nor apply to a mobile home as defined in the *Texas Manufactured Housing Standards Act*, nor is it to include building modules incorporating concrete or masonry as a primary component.~~

~~MULTIPLE FAMILY RESIDENTIAL~~

~~The use of a site for three or more dwelling units, within one or more buildings.~~

~~TOWNHOUSE RESIDENTIAL~~

~~The use of a site for two or more townhouse dwelling units, constructed with common or abutting walls and each located on a separate ground parcel within the total development site, together with common area serving all dwelling units.~~

Sec. 5.400. CONDITIONAL USE PERMIT.

The purpose of this procedure is to provide for review and discretionary approval of uses typically having unusual site development features or unique operating characteristics requiring special consideration so that they may be located, designed, and operated compatibly with uses on surrounding properties and within the City at large. The Conditional Use Permit process is intended to encourage broad public review and evaluation of site development features and operating characteristics and to ensure adequate mitigation of potentially unfavorable impacts.

A. Review and Evaluation Criteria: The Planning and Zoning Commission shall make the following determinations prior to forwarding a recommendation to the City Council. Before it can grant a Conditional Use Permit, the City Council must confirm the findings.

1. The property affected by the request is adequate in size and shape to facilitate those uses normally associated with the requested designation.
2. The property affected by the request does not exceed the capabilities of the infrastructure.
3. The request will have no adverse effect on any property within **two hundred (200)** feet of the affected property.
4. The requested change is to accommodate an appropriate land use and is consistent with other elements of the Comprehensive Plan.
5. The request, together with the applicable conditions, will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
6. Conformity with applicable regulations and standards established by the Zoning Regulations.
7. Compatibility with existing or permitted uses on abutting sites or within the area of the proposed use, and the relation between the proposed use and the following:
 - i. Access and Circulation
 - ii. Adjacent street network
 - iii. Buffers
 - iv. Setbacks
 - v. Arrangements of Buildings, Usages and Access Management
 - vi. Drainage improvement/grading plan
 - vii. Driveways
 - viii. Lot arrangements
 - ix. Parking Areas
 - x. Permanence of use and availability of alternate uses

B. Additional Review and Evaluation Criteria for Short-term Rentals:

1. The property affected by the request is near a commercial zoning district.
2. The property affected by the request would provide a buffer between traditional single-family uses and commercial areas.
3. The property affected by the request is in an area that is transitioning into a short-term rental area, with multiple STRs in operation, and due to the location and proximity to commercial areas continued transitions to short-term rentals would be appropriate.
4. The property affected by the request is not near a commercial district and multiple STRs are located in the vicinity. Additional STRs within the area may not be appropriate.
5. The property affected by the request is near a commercial district and multiple STRs are located in the vicinity. Additional STRs within the area may be appropriate.
6. The property affected by the request is near a commercial district and the majority of properties within the vicinity are STRs. Additional STRs within the area may be appropriate.
7. The property affected by the request is not near a commercial district but the majority of properties within the vicinity are STRs. Additional STRs within the area may be appropriate.

Sec. 5.401. - Additional requirements for ~~bed and breakfast~~short-term rental uses.

General Requirements: All ~~Bed and Breakfast~~short-term rental use facilities shall be subject to the following additional requirements to those set forth otherwise in the City of Fredericksburg's Ordinances:

1. ~~A.~~ Food Service:

- a. Only overnight guests may be served meals except in zones permitting restaurant use.
- b. Such meals shall be limited to continental-type breakfast consisting of pastries prepared by a licensed provider, milk, cereal, fruit, fruit juice and coffee unless the facility meets the State of Texas and Gillespie County Health Division requirements for commercial food service.

2. ~~B.~~ Signs:

- a. All signs must comply with the City's Sign Ordinance (~~Currently Chapter 29 of the Code of Ordinances.~~) A two (2) square foot nameplate may be attached to the structure.

3. ~~C.~~ Americans with Disabilities Act (ADA) and the 2012 Texas Accessibility Standards (TAS):

- a. All short-term rental ~~Bed and Breakfast~~ facilities must comply with all Federal, State of Texas, and City of Fredericksburg building codes for existing or new construction, as applicable, including ADA and TAS standards.

4. ~~D.~~ Bed and BreakfastShort-term rental, facilities~~uses~~ shall comply with the regulations for Fire Protection set forth in the appropriate NFPA 101 Life Safety Code and the International Construction Codes, the latest version adopted by the City at the time of construction or conversion to short-term rental ~~Bed and Breakfast~~ use using the "Lodging and Rooming Houses" regulations.

a. Exceptions:

- i. Short-term Rental, Unoccupied, Short-term Rental Accessory, and Short-term Rental, B&B shall not be required to install automatic sprinkler systems.^[11.1]

5. ~~E.~~ External lighting:

- a. All external lighting shall be shielded from adjoining properties and comply with the City's Outdoor Lighting ordinance set forth in Article XV of Chapter 5 (Buildings and Building Regulations) of the City Code of Ordinances.

6. ~~F.~~ All functions such as weddings, parties or other gatherings shall be limited to Commercial Zoning Districts. Occupancy: Max occupancy shall be limited to two (2) overnight occupants per bedroom, plus two (2) overnight guests, but in no case shall exceed twelve (12) total overnight occupants.

- i. Additional guest beds may be placed in bedrooms that sleep two (2) occupants, provided that the bedroom has at least fifty (50) square feet of bedroom area for each occupant, and the maximum occupancy limit is not exceeded.
- ii. Commercially zoned properties in the Historic Overlay District shall be developed in accordance with the base zoning district and all other City regulations and ordinances.

7. Utilities

a. Short-term, Accessory and Short-term Rental, B&B uses

- i. Shall be served by a single water and electrical meter.

b. Short-term Rental, Condominium and Short-term Rental, Facilities

- i. Shall be served by a master meter and may be sub-metered on the property owners' lot(s).

8. Trash & Solid Waste

- a. **Each STR shall provide a minimum of 1 (one) ninety-six-gallons (96 gals) of bulk garbage container capacity, or equivalent, for every four (4) occupants, based on the maximum permitted occupancy for the STR.**

- i. This requirement does not apply to those properties that utilize commercial trash pick up or dumpsters.

9. Quiet Hours

- a. Each STR use shall have signage posted in prominent locations in the rear yard, near pools, hot tubs, and fire pits, and other common gathering areas providing the occupants and guests with notice of the Nighttime Hours, as set forth in Section 20-207 of the City's Noise and Sound Level Regulation ordinance.

10. Permitting: It shall be unlawful for any person or entity to rent, or offer to rent, any Short-term Rental without a valid Short-term Rental Permit issued under this Section 5.401.

- a. A separate Short-term Rental Permit application and application fee must be submitted for each individual Short-term Rental dwelling unit.

- i. An applicant shall apply for a Short-term Rental Permit using a format and method promulgated by the City Manager or his/her designee.

- b. Each individual Short-term Rental dwelling unit shall be assigned a unique permit number upon permit issuance by the City. This permit number will re-main the same and will remain with the dwelling unit.

- i. Upon issuance of the permit the Owner will be issued a unique identification number and sticker for the City's Business Emergency Contact (BECA) program. The sticker shall be placed in a visible location, near the front entrance of the structure, to allow City officials access to the owner and local contact information.^[JL2]

- c. Prior to issuance of a **Short-Term** Rental Permit, the Operator shall allow an on-site inspection of the **Short-Term** Rental Unit by City staff, to ensure compliance with City's adopted ordinances and regulations.

- i. **Inspections shall be required prior to the issuance of a new STR permit, when an STR permit is transferred to another owner, upon complaints regarding violations of the City's zoning code, or when additions or modifications are performed to the property which requires a City building permit that enlarge or change the existing layout of the structure. Notwithstanding the previous sentence.**

- d. A new owner of an STR has ten (10) business days to update the City of changes to ownership, contact information, management company information, local contact, and submit a transfer of permit application to the City.

- i. The Owner shall notify the City within ten (10) business days, in writing, of any changes to information submitted as part of a Short-Term Rental Permit application under this Section 5.401.

- e. Generally, STR permits may be transferred to new owners, provided that, upon inspection, the property remains in compliance with all City regulations. Changes or modifications to the property that result in non-compliance shall void the existing permit.

- f. An application for Short Term Rental Permit may be denied if the Owner has had a Short-Term Rental Permit suspended or revoked during the previous 365 calendar days.

- g. Subdivision Deed Restrictions and Covenants:**

- i. "This section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this section and another ordinance, easement, covenant, or deed restriction are in conflict, whichever imposes the more stringent restrictions shall prevail."

11. General Operational Requirements

- a. The Operator shall post the following information in a prominent location within the Short-Term Rental Unit, using a form promulgated by the City:

- i. The unique Short Term Rental Permit number assigned to the Short-Term Rental Unit;
- ii. Operator name and number;
- iii. Local Contact Person name and number;
- iv. The location of any on-site and off-site parking spaces available for Guests;
 - 1. The owner must limit guests' vehicles to the number of off-street parking spaces provided. The number of permitted vehicles shall be included on any advertisement of the rental unit.
- v. The overnight and daytime occupancy limits;
- vi. Instructions to Guests concerning disposal of garbage and handling of garbage containers;
- vii. Notification that the Guests are responsible for compliance with all applicable laws, rules and regulations pertaining to the use and occupancy of the Short-Term Rental, and that Guests may be fined by the City for violations of this Article; and

- b. House Rules: The owner of each STR shall post the following "House Rules" on the property, in contracts or rental agreements, and on any platform advertising the STR:

- i. NO MORE THAN [# OF OCCUPANTS] PERMITTED
- ii. OBSERVE CITY OF FREDERICKSBURG QUIET HOURS (10PM-7AM)
- iii. TURN OFF EXTERIOR LIGHTS BY 11PM
- iv. OBSERVE GUEST PARKING
- v. ILLEGALLY PARKED VEHICLES ARE SUBJECT TO TOW
- vi. PLACE TRASH IN DESIGNATED RECEPTACLES
- vii. POOLS, HOT TUBS, AND FIRE PITS SHALL BE CLOSED BY 10:00 P.M. SUNDAY-THURSDAY AND CLOSED BY 11:00 P.M. ON FRIDAY AND SATURDAY.

- c. The Operator shall operate a Short-Term Rental in compliance with the following:

- i. Zoning regulations prescribed for the zoning district in which such Short-Term Rental is located, set forth in Appendix B of the Code of Ordinances.
- ii. City of Fredericksburg Sign Ordinance, as applicable, set forth in Chapter 29 of the Code of Ordinances and as allowed in Sec. 5.401(2)(a) above.
- iii. Maximum occupancy limits prescribed in this ordinance, or by the City Fire Marshal pursuant to the International Fire Code as adopted in Chapter 17 of this Code of Ordinances, whichever is lower.
- iv. City of Fredericksburg Hotel Occupancy Tax Ordinance, set forth in Chapter 41 of this Code of Ordinances.

- v. City of Fredericksburg Noise and Sound Level Regulation Ordinance, set forth in Chapter 20 of this Code of Ordinances.
- vi. City of Fredericksburg Garbage Collection Ordinance, set forth in Chapter 32 of this Code of Ordinances and as required in Sec. 5.401(10)(a) above.
- vii. During any period when a Short-Term Rental is occupied or intended to be occupied by Guests, the Local Contact Person shall be available 24 hours per day for the purpose of responding to concerns or requests for assistance related to the condition, operation, or conduct of Guests of the Short-Term Rental.
 - 1. The Local Contact Person shall respond within 30 minutes of being notified of concerns or requests for assistance regarding the condition, operation, or conduct of Guests of the Short-Term Rental, and shall take immediate remedial action as needed to resolve such concerns or requests for assistance. The Local Contact Person shall have 60 minutes, from the time of the complaint to correct the situation.
 - 2. Failure to respond in the required timeframe shall be a violation of this ordinance.
- d. Any advertisement that promotes the availability of a Short-Term Rental, listed in any medium, including but not limited to newspaper, magazine, brochure, website, or mobile application, shall include the current Short Term Rental Permit number assigned by the City and the number of available parking spaces provided for each rental unit.

12. Compliance and Penalty Provisions^{JL3}

- a. It shall be unlawful for any person or entity to violate any provision of this Section 5.401. Proof that a violation of this Section 5.401 occurred at a Short-Term Rental shall create a rebuttable presumption that the Owner of said Short Term Rental committed the violation.
 - i. Any violation of this Section 5.401 may be:
 - 1. adjudicated under the civil administrative hearing process for violations of ordinances as set forth in Chapter 2, Article VII (Administrative Adjudication of Violations) of this Code of Ordinances, provided said violation is described in Texas Local Government Code Section 54.032; or
 - 2. prosecuted in the Municipal Court under the penalty provisions set forth in Section 6.301 of this Zoning Ordinance.
 - ii. Penalties provided for in this subsection 15 are not exclusive and are in addition to any other available criminal or civil remedies that the City may pursue under federal, state, or local law.
 - iii. Any property operating as a Short-Term Rental, without a permit, shall be prohibited from receiving a Short-Term Rental permit for a minimum of one (1) year.

13. Permit Suspension Notice; Appeal^{JL4}

- a. Upon continued violations, failure to take corrective actions to remedy violations, or regular and consistent complaints (with evidence) the Director of Development Services may forward the case to the City Manager to consider a thirty-day suspension of the permit.
- b. Should the City Manager suspend a permit, the City shall notify an Owner of a permit suspension under this Section in writing, delivered by Certified Mail, Return Receipt Requested, and mailed to the address of the Owner as set forth on the most recent Short Term Rental Permit application submitted to the City.

—An Owner may appeal a notice of suspension under this Section by filing a written appeal with the City Manager within ten business days following the date said notice was deposited in the U.S. Mail. Following a timely filing of an appeal hereunder, the Owner may present evidence to the City Manager related to the suspension under this Section. Following the City Manager's final decision on appeal, the Owner may appeal an adverse decision of the City Manager by filing a written appeal with the City Council within ten business days following the date of the City Manager's final decision.

c. (Ord. No. 23-014, 9-16-2013)

Sec. 5.460. Review and Evaluation Criteria.

The Planning and Zoning Commission and City Council shall review and evaluate Conditional Use Permit applications using the following criteria:

Conformance with applicable regulations and standards established by the Zoning Regulations.

Compatibility with existing or permitted uses on abutting sites, in terms of building height, bulk and scale, setbacks and open spaces, landscaping and site development, access and circulation features.

Potentially unfavorable affects or impacts on other existing or permitted uses on abutting sites, to the extent such impacts exceed those which reasonably may result from use of the site for a permitted use.

Modifications (including variance from property development regulations) to the site plan which would result in increased compatibility, would mitigate potentially unfavorable impacts, would be necessary to conform to applicable regulations and standards and would protect the public health, safety, morals and general welfare.

Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonable and anticipated in the area; existing zoning and land uses in the area.

Protection of persons and property from erosion, flood or water damage, fire, noise, glare and similar hazards and impacts.

Location, lighting, and type of signs; the relation of signs to traffic control and adverse effect of signs on adjacent properties.

Adequacy and convenience of off-street parking and loading facilities.

Determination that the proposed use is in accordance with the objectives of these Zoning Regulations and the purposes of the zone in which the site is located.

Determination that the proposed use will comply with each of the applicable provisions of these Zoning Regulations.

Determination that the proposed use and site development, together with any modifications applicable thereto, will be compatible with existing or permitted uses in the vicinity.

Determination that any conditions applicable to approval are the minimum necessary to minimize potentially unfavorable impacts on nearby uses and to ensure compatibility of the proposed use with existing or permitted uses in the same district and the surrounding area.

Determination that the proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

A. Review and Evaluation Criteria: The Planning and Zoning Commission shall make the following determinations prior to forwarding a recommendation to the City Council. Before it can grant a Conditional Use Permit, the City Council must confirm the findings.

1. The property affected by the request is adequate in size and shape to facilitate those uses normally associated with the requested designation.
2. The property affected by the request does not exceed the capabilities of the infrastructure.

3. The request will have no adverse effect on any property within two hundred (200) feet of the affected property.
4. The requested change is to accommodate an appropriate land use and is consistent with other elements of the Comprehensive Plan.
5. The request, together with the applicable conditions, will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
6. Conformity with applicable regulations and standards established by the Zoning Regulations.
7. Compatibility with existing or permitted uses on abutting sites or within the area of the proposed use, and the relation between the proposed use and the following:
 - i. Access and Circulation
 - ii. Adjacent street network
 - iii. Buffers
 - iv. Setbacks
 - v. Arrangements of Buildings, Usages and Access Management
 - vi. Drainage improvement/grading plan
 - vii. Driveways
 - viii. Lot arrangements
 - ix. Parking Areas
 - x. Permanence of use and availability of alternate uses

B. Additional Review and Evaluation Criteria for Short-term Rentals:

1. The property affected by the request is near a commercial zoning district.
2. The property affected by the request would provide a buffer between traditional single-family uses and commercial areas.
3. The property affected by the request is in an area that is transitioning into a short-term rental area, with multiple STRs in operation, and due to the location and proximity to commercial areas continued transitions to short-term rentals would be appropriate.
4. The property affected by the request is not near a commercial district and multiple STRs are located in the vicinity. Additional STRs within the area may not be appropriate.
5. The property affected by the request is near a commercial district and multiple STRs are located in the vicinity. Additional STRs within the area may be appropriate.

6. The property affected by the request is near a commercial district and the majority of properties within the vicinity are STRs. Additional STRs within the area may be appropriate.
7. The property affected by the request is not near a commercial district but the majority of properties within the vicinity are STRs. Additional STRs within the area may be appropriate.

Sec. 6.110. Continuance of a Nonconforming Use.

Residential Districts

Enlargement. A non-conforming use shall not be enlarged, expanded, extended or changed, [without the approval of a Conditional Use Permit \(CUP\)](#).

Conversions. A non-conforming use may be continued as the same classification, or may be changed to a use of a more restricted classification upon approval of a conditional use permit. If it is changed to a use in a more restricted classification or to a conforming use, it cannot be changed back to its original non-conforming use. For purpose of this paragraph, the phrase "same classification" means: uses permitted in the same district; a "more restricted classification" means: use in a district having more restricted use (i.e., C-2 vs. C-1); and provided that:

The new use is similar to or less intensive than that of the old use in terms of noise generated, outdoor storage, customer activity and impact on other conforming uses in the area, and that the new use comply with the parking requirements of this ordinance as applicable to newly established uses.

Termination.

If a non-conforming use or any portion thereof is voluntarily discontinued for a period of 90 days, any future use of such land or portion thereof shall be in conformity with the regulations of the district in which such land or portion thereof is located.

[a. Short-term rental uses shall not terminate under the following conditions:](#)

[1. The use is suspended for repairs, modifications, additions, remodels, or other similar situations; or](#)

[—The owner of the home utilizes the property as their personal residence, for a period not exceeding more than one \(1\) year; or](#)

Non-conforming use is terminated upon a change in use other than as provided herein.

Non-conforming use is terminated upon destruction of a structure occupied by a non-conforming use unless it is permitted to be rebuilt as provided herein.

Other Districts

Enlargement. A non-conforming use may be enlarged within the boundary of the lot in which the non-conforming use has legally operated upon approval of a Conditional Use Permit (section 5.400).

Provided, however, a Conditional Use Permit shall not be required, and the enlargement may occur, upon submission and approval of a Site Plan if the enlargement involves only a one-time increase in the size of the building in which the same use is operated of not more than 25 percent.

Any enlargement or extension, whether requiring a Conditional Use Permit or not, shall be required to come into in compliance with all city ordinances, codes, or policies and development regulations which may apply to the property (examples without limitation: landscape, parking, curb cuts, setbacks), and the non-conforming use may be continued only for so long as the property remains in compliance with all applicable City Ordinances and Codes, including those prohibiting nuisances. All Existing non-conforming single family residential uses may be enlarged without the necessity of obtaining a Conditional Use Permit.

Conversions. A non-conforming use may be continued as the same classification, or may be changed to a use of a more restricted classification upon approval of a conditional use permit. If it is changed to a use in a more restricted classification or to a conforming use, it cannot be changed back to its original non-conforming use. For purpose of this paragraph, the phrase "same classification" means: uses permitted in the same district; a "more restricted classification" means: use in a district having more restricted use (i.e., C-2 vs. C-1); and provided that:

The new use is similar to or less intensive than that of the old use in terms of noise generated, outdoor storage, customer activity and impact on other conforming uses in the area.

The new use complies with the parking requirements of this ordinance as applicable to newly established uses.

Termination. A nonconforming use is terminated under the following conditions:

Upon a change in use other than as provided herein.

Upon discontinuance, being defined as non-operative or non use for a period of at least 365 successive days. Discontinuance may be, but is not required to be, evidenced by termination of utility service, the failure to maintain regular hours of operation, the utilization of the premises for other purposes, abandonment or by any other reasonable means.

Upon destruction of a structure occupied by a nonconforming use except if it is permitted to be rebuilt as provided herein.

Replacement. If a structure occupied by a nonconforming use is destroyed by fire, the elements or other cause, it may not be rebuilt except to conform to the provisions of this Ordinance. In the case of partial destruction of a nonconforming use not exceeding 75 percent of its tax roll assessed value, reconstruction will be permitted but the size or function of the nonconforming use shall not be expanded.

(Ord. No. 23-007, 5-20-2013; Ord. No. 24-024, 12-1-2014)

Sec. 7.320. - Special Front Yard Regulations.

Where the frontage on one side of a street between two intersecting streets is divided by two or more zoning districts, the front yard shall comply with the requirements of the most restrictive district for the entire frontage.

Where a building line has been established by plat or ordinance and such line requires a greater or lesser front yard setback than is prescribed by this Ordinance for the district in which the building line is located, the required front yard shall comply with the building line so established by such ordinance or plat.

The front yard shall be measured from the property line to the front face of the building, vertical supports of the covered porch or covered terrace, or attached accessory building. Eaves and roof extensions may project into the required front yard for a distance not to exceed four (4) feet and subsurface structures, fences, walls, platforms, or slabs may not project into the front yard to a height greater than forty-eight (48) inches above the average grade of the yard.

Front yard setback areas, in residential zoning districts, shall have a maximum impervious cover allowance of thirty-five (35) percent and be designed to standard residential designs.

Attached accessory buildings shall have a front yard not less than the main building. Detached accessory buildings shall be located in the area defined as the rear yard.

Where lots have double frontage, running through from one street to another, a required front yard shall be provided on both streets unless a building line for accessory buildings has been established along one frontage on the plat or by ordinance, in which event only one required front yard need be observed.

If twenty-five percent (25%) or more of the frontage on one side of a street between two intersecting streets in any residential district is improved with buildings, prior to the effective date of this ordinance, that have been observed an average front yard line varying from the standards herein established, then the average front yard existing in the block shall be observed, provided however, that this regulation shall not be interpreted as requiring a front yard line of more than twenty-five (25) feet.

Sec. 7.330. - Special Side Yard Regulations.

- A. Every part of a required side yard shall be open and unobstructed, except for the ordinary projections of window sills, air conditioning units, pool equipment, belt courses, cornices and roof overhangs and other architectural features projecting not to exceed three (3) feet into the required side yard, and root caves projecting not to exceed thirty-six (36) inches into the required side yard.
- B. Swimming pools shall have side yard setbacks as follows ten (10) feet from the property line to the water's edge.
- C. Hot tubs, spas, and fire pits shall have side yard setbacks of fifteen (15) feet.

 - 1. Fire pits shall also conform to all applicable Fire Codes (insert ordinance #).
- D. Accessory Structures shall adhere to the setbacks of the base zoning district.

Sec. 7.340. - Special Rear Yard Regulations.

- A. Every part of a required rear yard shall be open and unobstructed to the sky from a point thirty (30) inches above the general ground level of the graded lot, except for accessory buildings as permitted in Section 8.270, and the ordinary projections of window sills, [air conditioning units](#), [pool equipment](#), belt courses, cornices, and roof overhangs and other architectural features projecting not to exceed three (3) feet into the required rear yard.
- B. Swimming pools shall have rear yard setbacks as follows ten (10) feet from the property line to the water's edge.
- C. Hot tubs, spas, and fire pits shall have rear yard setbacks of fifteen (15) feet.
 - 1. Fire pits shall also conform to all applicable Fire Codes (insert ordinance #).
- D. Accessory Structures shall adhere to the setbacks as permitted in Section 8.270.

Sec. 7.710. - Measurement.

Building coverage of a lot shall be deemed the total horizontal area of all buildings and roofed or covered spaces on the lot, expressed as a percent to total lot area. Eaves and roof overhangs extending not more than three (3) feet from the supporting walls or members of a building shall not be counted as building coverage.

Impervious coverage of a lot shall include the total horizontal area of all buildings, roofed or covered spaces, paved surface areas, walkways and driveways, and any other site improvements or structures contributing to run-off greater than would occur on the site in its natural state. Pools, including but not limited to swimming pools, reflecting pools and fountains, are excluded from this calculation.

[Decomposed or crushed granite gravel shall be counted as impervious cover when utilized for parking areas and paths from ADA parking spaces to the entrance of buildings or structures](#)

Subsurface areas shall be excluded from building coverage and impervious coverage calculations.

The 100 year flood plain area of a lot shall not be included in the calculation of building coverage or impervious coverage.

Sec. 7.820. - Basic Regulations: Vehicle Parking/Loading & Unloading.

Off-street parking facilities shall be provided for any new building constructed for any new use established. Off-street parking facilities shall be provided for any addition or enlargement of an existing building or use, and for any change of occupancy or manner of operation that would result in additional parking spaces being required, provided that the additional parking shall be required only for such addition, enlargement, or change and not for the entire building or use.

Facilities being used for off-street parking on the effective date of the Zoning Ordinance shall not be reduced in capacity to less than the number of spaces prescribed, nor altered in design or function to less than the minimum standards prescribed in the Off-Street Parking and Loading Regulations.

For sites with more than one use and for adjacent sites served by a common parking facility, the parking requirement shall be the total number of spaces required for each site or use, except as adjusted pursuant to Section 7.850.

Parking facilities constructed or substantially reconstructed subsequent to the effective date of the Zoning Regulations, whether or not required, shall conform to the design Standards set forth in Section 7.860.

All required facilities shall be maintained for the duration of the use requiring such areas. Such facilities shall be used exclusively for the temporary parking of passenger automobiles, motor vehicles, or light trucks not exceeding one ton in capacity, and shall not be used for the sale, display, or storage of merchandise, or for the storage or repair of vehicles or equipment.

All required parking facilities shall be located on the same site as the use for which such facilities are required, except as authorized pursuant to Section 7.850.

No use shall be required to provide more spaces than prescribed by these regulations or prescribed by the Director of Planning and Building in accordance with these Zoning Regulations, or prescribed pursuant to a Conditional Use Permit or a Variance. Where parking spaces are provided in excess of such requirements, the spaces may be considered as meeting the requirement for another use pursuant to Section 7.850.

Head in parking which requires backing onto a public street, that is, parking which does not provide off-street space for turning a vehicle, is prohibited except in the R-2, R-3 and C-1 districts upon local streets only, provided that such parking does not exceed five (5) spaces and is located at least sixty (60) feet from any intersection of such local street and an arterial or collector street. Such parking shall be considered off-street parking.

Uses or changes in use requiring three (3) or less off-street parking spaces in the CBD Zoning District shall be exempt from providing off-street parking. In the case of expansions of use, the normal parking requirements hereof will apply to the entire property, and the parking spaces exempted under this Subsection I as well as any additionally required ones will be provided at the time of expansion.

Adequate loading and unloading facilities shall be provided onsite. Loading and unloading of commercial vehicles or customer vehicles on residential streets is prohibited.

Notwithstanding the provisions of Table 7.863, a minimum of five (5) parking spaces shall be provided for any single industrial use located individually on a site and served by a separate parking facility, and a minimum of ten (10) parking spaces shall be provided for any two or more industrial uses located on the same site and served by a common parking facility.

~~There shall be no off-street parking requirement for any use occupying a historic structure as defined and listed site in the Fredericksburg Historic Resource Survey. Expansions and enlargements shall be subject to all provisions of Section 7.800.~~

Parking requirements may be reduced for medium and high rated structures, within the historic district, based on site constraints and with the Historic Preservation Board approval.

Sec. 7.825. - Special Provisions Applicable To Central Fredericksburg.

- A. Special parking requirements shall apply within designated portions of Central Fredericksburg in order to further enhance the unique historical character and discourage inharmonious parking facilities in such historical districts or on sites occupied by historic structures and to reduce intrusion on pedestrian-oriented street frontages by parking facility access.
- B. The Special parking requirements and provisions in this Section shall apply to all areas of blocks 15, 16, 21, 22, 27, 28, 33, 34, 42, 43, 47, 48, 52, 53, 57, 58, 67 and 68 of the Fredericksburg Addition, and which is further described as those blocks bordered by Austin Street, San Antonio Street, Elk Street and Bowie Street.
- C. Special Provisions.
 1. For those businesses which construct their own off-street, off-premises parking, the distance to the parking lot may be extended fifty percent (50%) in addition to the provisions in Section 7.850.
 2. When any existing building is: (1) converted to another use; or (2) has the usable floor area within the existing building perimeter enlarged, rehabilitated or remodeled, without enlarging said building perimeter, then said building conversion or improvement shall not require additional off-street parking, other than the number of existing off-street parking spaces which are utilized by said building.
 3. For new buildings or expanded building space, the following uses shall provide fifty percent (50%) of the off-street parking requirements of Table 7.863.
 4. The provisions as provided herein shall not apply for sites where a historic structure is removed and a new building built.
 5. The Special Parking Provisions shall not apply to properties utilized as ~~Bed and Breakfasts~~[short-term rentals](#), hotels, motels, or other lodgings.

(Ord. No. 25-017, 9-21-2015; Ord. No. 2019-10, § 1, 4-15-2019)

Sec. 7.860. - Design Standards.

Standards. Design standards are established by this section to set basic minimum dimensions and guidelines for design construction, and maintenance of parking and loading facilities.

Parking Space Dimensions. The following basic dimensions shall be observed for parking spaces.

Each standard parking space shall consist of a rectangular area not less than 8.5 wide and 18.5 feet long. Each compact parking space shall consist of a rectangular area not less than 7.5 feet wide and 15.0 feet long. Each space shall have a vertical clearance of not less than 7.5 feet. Each space shall be independently accessible.

Each parking space designated for use by the handicapped shall consist of a rectangular area not less than 12.5 feet wide and 18.5 feet long, shall have a vertical clearance not less than 7.5 feet, shall be located in an area not exceeding a two percent (2%) slope, and shall be located near and convenient to a level or ramp entrance accessible to handicapped persons. Parking spaces for the handicapped shall be signed and restricted for use by the handicapped only.

Each parking space shall have adequate drives, aisles, and turning and maneuvering areas for access and usability, and shall at all times have access to a public street or alley.

Parking Facility Design. Minimum parking facility design standards are illustrated in Table 7.862. Additional supplemental guidelines and standards for parking facility design, internal layout, acceptable turning radii and pavement slope, vehicular and pedestrian circulation, and other design features may be adopted by resolution of the Planning and Zoning Commission, upon recommendation of the Director of Planning and Building.

Paving and Drainage. The following basic standards shall be observed:

In all districts parking and loading facilities shall be an all weather surface. Materials may be pervious (see Appendix D for impervious coverage requirements). All parking and loading facilities shall be appropriately marked with lines, buttons, or other approved markers.

All parking facilities shall be graded and provided with permanent storm drainage facilities, meeting the construction specifications set by the City Engineer. Surfacing, curbing and drainage improvements shall be sufficient to preclude free flow of water onto adjacent properties or public streets or alleys and to provide adequate drainage.

Curbing shall be provided along the parking facility area for all streets upon which it fronts.

Safety Features. Parking facilities shall meet the following standards:

Safety barriers, protective bumpers or curbing, and directional markers shall be provided to ensure safety, efficient utilization, protection of landscaping and prevention of encroachment onto adjoining public or private property.

Visibility of and between pedestrians, bicyclists and motorists shall be ensured when entering individual parking spaces, when circulating within a parking facility and when entering and exiting a parking facility.

Internal circulation patterns, and the location and traffic directions of all access drives, shall be designed, designated and maintained in accordance with accepted principles of traffic engineering and traffic safety.

All ingress and egress shall be constructed in accordance with Section G, Access Standards.

Lighting. Lights provided to illuminate any parking facility or paved area shall, to the maximum extent feasible, be designed to reflect away from any residential use.

Access Standards.

The width of a residential access from a public street to an off-street parking area or other vehicular use area shall not exceed twenty-one (21) feet. Exception: A residence with an attached three car garage may have up to thirty-one (31) feet.

The width of a commercial, industrial, or civic use access, from a public street to an off-street parking area or other vehicular use area, shall not exceed forty (40) feet.

No more than one access shall be permitted for any street frontage up to two hundred (200) lineal feet except that single family residential lots located in residential zoning districts are permitted two accesses provided the lot has a minimum of one hundred (100) feet of street frontage along the side of the lot which is to contain two accesses. Properties situated at the corner of two intersecting public streets shall provide a minimum corner clearance calculated as street frontage divided by five (5), but in no case less than twenty-five (25) feet.

No more than two (2) accesses shall be permitted for any street frontage over two hundred (200) lineal feet but less than six hundred (600) lineal feet of street frontage. The distance between access or from the corner of two intersecting public streets shall provide a minimum separation as calculated by street frontage divided by five (5), but in no case more than one hundred (100) feet.

Any frontage over six hundred (600) lineal feet is considered a special design requiring special engineering review and determinations, and more than two (2) accesses may be permitted only if deemed appropriate by the Planning and Zoning Commission (or the Director of Planning and Building if the development plan need not to be reviewed by the Planning and Zoning Commission).

Existing developed properties that do not have street curbs and street curbs are planned to be constructed, and a single driveway or two (2) driveways clearly exist (i.e.: each drive has a specific location and separate function) then the requirements as provided herein shall not apply. In no case shall there be more than two (2) accesses for frontage less than two hundred (200) feet. The second driveway shall be closed at the time of curbing if it imposes or creates a potential hazard to vehicular or pedestrian traffic as determined by the Director of Planning and Building.

The above standards shall be applicable to any property constituting a separate tract or platted lot or which has or will be developed jointly or under one site plan.

Refuse Collection and Storage.

All businesses shall provide suitable trash and refuse storage areas which are designed and constructed to prevent view from the street and to prevent refuse from being displaced about the site, into adjacent properties or public right-of-way and to permit safe, easy removal of refuse by truck or hand.

TABLE: 7.861
MINIMUM PARKING FACILITY STANDARDS

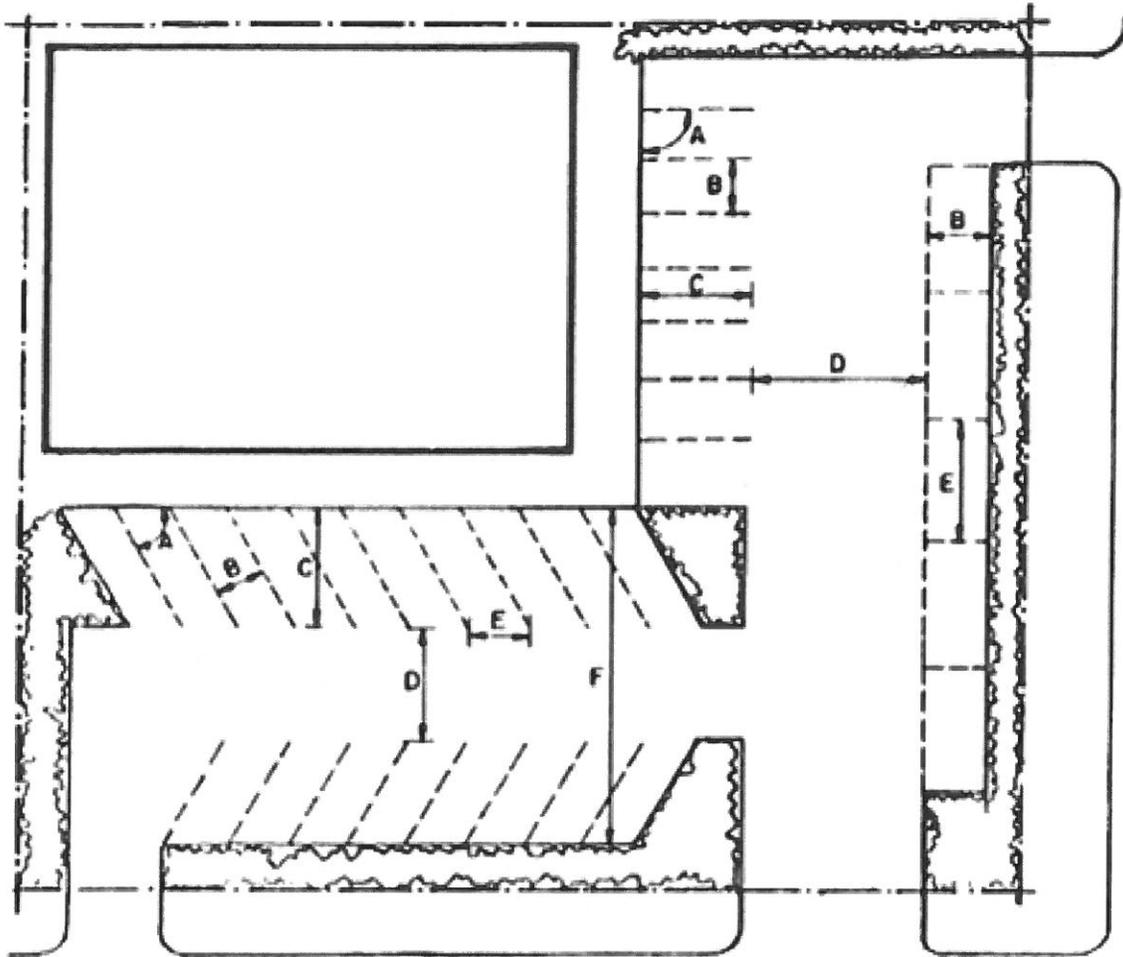
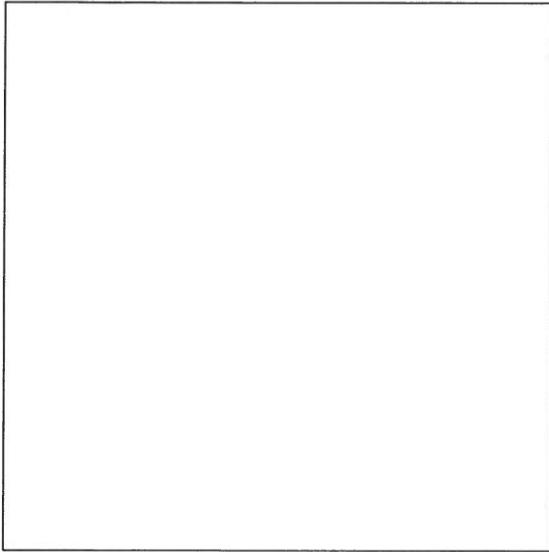
A Angle of Parking (Degrees)	B Width of Stall	C Depth of Stall 90 to Aisle	D Width of Aisle	E Width of Stall Parallel To Aisle	F Width Module
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Parking Spaces					
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30	8.5	16.9	12.5	17.0	47
45	8.5	17.5	13.0	12.0	48
60	8.5	19.0	18.0	9.8	56
75	8.5	19.5	25.0	8.8	64
90	8.5	18.5	28.0	8.5	65
90	9.0	18.5	26.0	9.0	63
90	9.5	18.5	25.0	9.5	62

Parking Spaces					
30	7.5	14.0	12.5	15.0	41
45	7.5	15.9	13.0	10.6	45
60	7.5	16.7	18.0	8.7	52
75	7.5	16.4	18.0	7.8	51
90	7.5	15.0	18.0	7.5	48

Parking Spaces					
0	8.5	8.5	12.5	22.0	30
		Width		Length	



PARKING FACILITY STANDARDS
 DIAGRAM ILLUSTRATES FACILITY MEASUREMENTS AS REQUIRED BY TABLE 7.861

TABLE: 7.863
 OFF-STREET PARKING

All requirements based on gross square feet.

USE CLASSIFICATION	MINIMUM OFF-STREET PARKING REQUIREMENTS
Single Family Residential	2 spaces per dwelling unit <u>(plus 2 spaces per unit if insufficient R.O.W. exists to allow on-street parking)</u> . <u>Tandem parking is allowed.</u>
<u>Short-term Rental, Unoccupied</u>	<p><u>Parking spaces shall be provided at a ratio 1 space per bedroom</u></p> <p><u>On-street parking may be allowed and applied to the required parking at 1 space per every 22' of lot frontage, not including driveway openings or street side yards, provided sufficient R.O.W. and Street width allow for on-street parking. In no case shall the number of off-street parking be reduced to below two (2) spaces.</u></p> <p><u>Tandem parking is allowed.</u></p>
<u>Short-term Rental, Accessory</u>	<p><u>2 spaces for the primary structure plus 1 space per bedroom for the accessory structure.</u></p> <p><u>On-street parking may be allowed and applied to the required parking at 1 space per every 22' of lot frontage, not including driveway openings or street side yards, provided sufficient R.O.W. and Street width allow for on-street parking. In no case shall the number of off-street parking be reduced to below two (2) spaces. Tandem parking is allowed.</u></p>
<u>Short-term Rental, B&B</u>	<p><u>2 spaces for the primary structure plus 1 space per bedroom available for rent.</u></p> <p><u>On-street parking may be allowed and applied to the required parking at 1 space per every 22' of lot frontage, not including driveway openings or street side yards, provided sufficient R.O.W. and Street width allow for on-street parking. In no case shall the number of off-street parking be reduced to below two (2) spaces. Tandem parking is allowed.</u></p>
Patio Home Residential	2 spaces per dwelling unit <u>(plus 2 spaces per unit if insufficient R.O.W. exists to allow on-street parking)</u>

	<u>Tandem parking is allowed.</u>
Duplex Residential	<u>2.5 spaces per dwelling unit (plus 2 spaces per unit if insufficient R.O.W. exists to allow on-street parking)</u>
Townhouse Residential	2 spaces per dwelling unit <u>(plus 2 spaces per unit if insufficient R.O.W. exists to allow on-street parking).</u> <u>Tandem parking is allowed.</u>
Condominium Residential	<u>1.2 spaces per dwelling-bedroom unit plus 1 space per unit for guest parking.</u>
<u>Short-term Rental, Condominium</u>	<u>Parking spaces shall be provided at a ratio of 60% of the permitted occupancy.</u> <u>On-street parking may be allowed and applied to the required parking at 1 space per every 22' of lot frontage, not including driveway openings or street side yards, provided sufficient R.O.W. and Street width allow for on-street parking.</u>
Multiple Family Residential and Group Residential	Efficiency <u>and One Bedroom: 1.5 spaces per dwelling unit</u> One Bedroom: 1.5 spaces per dwelling unit <u>Two-bedrooms: 2 spaces per dwelling unit or more</u> <u>Three--bedrooms: 2.5 spaces per dwelling unit</u> <u>Four or more bedrooms: 3 spaces per unit</u> <u>Guest parking shall be added at a ratio of ten (10) percent of the total required spaces for the development.</u>
<u>Short-term Rental, Facility</u>	<u>Parking spaces shall be provided at a ratio of 60% of the permitted occupancy.</u> <u>On-street parking may be allowed and applied to the required parking at 1 space per every 22' of lot frontage, not including driveway openings, street side yards, or street parking that is currently striped as public parking, provided sufficient R.O.W. and Street width allow for on-street parking.</u>
Manufactured Home Residential	2 spaces per Manufactured Home Space or lot. <u>Tandem parking is allowed.</u>

COMMERCIAL USE TYPES	
Administrative and Business Offices	1 space per 400 square feet
Agricultural Sales and Services	See Schedule A
Automotive Rentals	See Schedule A
Automotive Repair Services	2 spaces per mechanic or repair stall whichever is greater
Automotive Sales	See Schedule A
Automotive Washing	Queue Line space equivalent to 1 times the service capacity of the use
Building Maintenance Services	See Schedule A
Business Support Services	See Schedule A
Business or Trade School	1 space per 5 person capacity
Campground	1 space per camping unit
Cocktail Lounge	1 space per 3 persons capacity
Commercial Off-Street Parking Facility	No requirement
Communications Services	1 space per 500 square feet
Construction Sales and Services	See Schedule A

Consumer Convenience Services	See Schedule B
Consumer Repair Services	1 space per 400 square feet
Convenience Storage	1 space per 2000 square feet
Convenience Store/Self Serve Gasoline	1 space per 300 square feet and 1 space per gasoline pump
Dance Halls/Meeting Halls	1 per 40 square feet or 2 per 6 seats for patron use
Dance Halls (Liquor Sales)	1 per 4 patron seating
Drive through facility, as an ancillary use	May be adjusted through the Site Plan Review or Conditional Use procedure
Equipment Repair Services	See Schedule A
Equipment Sales	See Schedule A
Exterminating Services	1.5 spaces per 1000 square feet
Financial Services	1 space per 400 square feet
Food Sales	1 space per 300 square feet
Funeral Services	1 space per 4 person capacity
General Retail Services	1 per 400 square feet
Hotel/Motel	First 50 Rooms: 1.10 spaces per room Each additional room over 50 rooms: 1.0 space per room Other use activities within hotel/motel: 100% of Table 7.863 requirements

Indoor Entertainment	1 per 100 square feet or 1 space per 4 seats
Indoor Sports and Recreation	1 per 400 square feet
Kennels	1 space per 750 square feet of kennel space
Laundry Services	1 space per 200 square feet or 4 customer spaces and 1 space per employee, whichever is greater
Liquor Sales	1 space per 400 square feet
Medical Offices	1 space per 300 square feet of exam, testing, waiting rooms & offices
Outdoor Entertainment	See Schedule B
Outdoor Sports and Recreation	See Schedule B
Pawn Shop Services	1 space per 400 square feet
Personal Improvement	1 space per 300 square feet
Personal Services	1 space per 300 square feet
Pet Services	1 space per 400 square feet
Professional Offices	1 space per 400 square feet
Research Services	1 space per 400 square feet
Restaurant	1 space per 4 seats, plus cocktail lounge requirements
Restaurant, Drive-In/Fast Food	3 spaces per each 100 square feet within the customer service and dining area
Scrap and Salvage Services	See Schedule A

Service Station	1 space per 2 gas pumps plus 1 space per service person
Shopping Center	1 space per 200 square feet
Stables	See Schedule B
Vehicle Storage	No requirement
Veterinary Services	1 space per 500 square feet
INDUSTRIAL USE TYPES (See Section 7.820)	
Basic Industry	See Schedule A
Custom Manufacturing	See Schedule A
General Warehousing	See Schedule A
Light Manufacturing	See Schedule A
Limited Warehousing	See Schedule A
Resource Extraction	1 per employee based on the largest shift plus 25% to cover shift change
Stockyards	1 per employee based on the largest shift
CIVIC USE TYPES	
Administrative Services	1 space per 400 square feet
Aviation Facilities	See Schedule B
Cemetery	See Schedule B
Club or Lodge	1 space per 5 persons capacity
College and University Facilities	See Schedule B

Community Recreation	1 space per 5 persons capacity
Convalescent Services	1 space per 4 beds patient capacity, plus 1 space per 2 employees (Maximum shift)
Cultural Services	1 per 400 square feet
Day Care Services	1½ space per teacher, administrator, or day care provider
Detention Facilities	See Schedule B
Guidance Services	1 per 400 square feet
Hospital Services (General)	1 space per bed
Hospital Services (Limited)	1 space per 200 square feet of examination, treating, waiting rooms and offices
Local Utility Services	See Schedule B
Maintenance and Service Facilities	See Schedule A
Major Utility Facilities	See Schedule A
Military Installations	See Schedule B
Park and Recreation Services	See Schedule B
Postal Facilities	See Schedule B
Public and Private Primary Educational Facilities	2 spaces per classroom plus public assembly requirement for auditorium or assembly hall
Public and Private Secondary Educational Facilities	1½ off-street parking space per classroom and one space for each three students anticipated to be enrolled in the 11th and 12th grades

Public Assembly	1 space per 5 persons capacity
Railroad Facilities	See Schedule B
Religious Assembly (Church)	1 space per 4 seats in sanctuary
Safety Services	See Schedule B
Transportation Terminals	See Schedule B
AGRICULTURAL USE TYPES	
Horticulture	1 per 1000 square feet

TABLE: 7.864
SCHEDULE A

Specific off-street parking requirements to be determined by the Director of Planning and Building based on the following minimum requirements for applicable functions or activities associated with each use:

ACTIVITY	REQUIREMENT
Office or administration activity	1 space per 400 square feet
Indoor sales, service or display	1 space per 750 square feet
Outdoor sales, service or display	1 space per 1200 square feet
Indoor storage, warehousing, equipment servicing or manufacturing	1 space per 1,000 square feet or 1 space per employee, based on the largest shift
Outdoor storage, equipment servicing or manufacturing	1 space per 2,300 square feet

TABLE: 7.865
SCHEDULE B

The minimum off-street motor vehicle parking and loading requirements for uses subject to Schedule B shall be determined by the Director of Planning and Building. In making such determination, the Director of Planning and Building shall consider the requirements applicable to similar uses, the location and characteristics of the use, and appropriate traffic engineering and planning data.

Sec. 7.940. - Screening Requirements and Standards.

Other areas not covered by Subsection 7.920.e. of this Ordinance shall be subject to the requirements of this Section. Minimum landscape screening requirements shall be provided in the following situations:

Multiple Family, greater than four (4) units, and manufactured home use along property lines abutting a Single Family District.

Commercial Use along property lines abutting any Residential District.

Civic Use along property lines abutting a more restrictive district in which the use is not permitted.

Surrounding Multiple Family, greater than four (4) units, Commercial, Industrial or Civic trash storage areas or support services systems.

Manufactured Home Parks along property lines abutting a public street, right-of-way, or single family residential development.

[Short-term rental \(STR\) along property lines adjacent to single-family uses, in or adjacent to R1 districts, in or adjacent to R1A districts, in or adjacent to R2 districts, and in or adjacent to the R5 zoning districts. Screening requirements in the Historic District must be approved by the Historic Review Board. The Historic Review Board may waive the screening requirement.](#)

Screening shall be provided by installation and maintenance thereafter of a visual screen or buffer of one of the following types:

A solid wood and/or masonry fence or wall at least six (6) feet but not greater than eight (8) feet in height.

A hedge-like screen of evergreen plant material capable of attaining a minimum height of eight (8) feet at maturity, planted initially at a minimum of four (4) foot centers and with a minimum height of three and one-half (3½) feet.

Sec. 8.220. - Accessory Uses: Residential Use Types.

Residential use types include the following accessory uses, activities and structures on the same site or lot. Residential accessory activities and meetings shall not generate guest traffic to the site exceeding ten vehicles during any two days or 24-hour period per week or 30 vehicles during any one week.

Private garages and parking for the principal use.

Recreational activities and facilities for use by residents.

Religious study meetings.

Playhouses, patios, cabanas, porches, gazebos, swimming pools and incidental household storage buildings.

Radio and television receiving antennas and dish-type receivers of satellite signals.

Solar collectors.

One guest house ~~is allowed or rental unit, which rental unit need not be separate from the main dwelling~~, in the R-1 single family residential district on a lot containing 10,000 square feet or more of area provided that the owner of the property ~~actually~~ lives on the property as ~~his or her~~ their primary residence. ~~The guest house shall not exceed the size of the primary structure.~~ All other development requirements (as an example: additional parking space requirements) shall apply.

Keeping of dogs and cats and similar small domestic animals as household pets.

Garage or yard sales - no more than three (3) in any one year and not exceeding three (3) consecutive days.

Home Occupations in compliance with Section 8.300.

~~Bed and Breakfast. Tourist lodging services within rooms of the property owner's principal residence or one (1) separate guest house, per Section 8.200 as provided herein, within a single property served by a single water and electrical meter and subject to the limitations of home occupations. Section 8.300.~~

~~EXCEPTION: In a single family residential district the primary residence may be used as a Bed and Breakfast without it being the property owner's principal residence but limited to one (1) single Bed and Breakfast rental, dwelling unit per property. A Bed and Breakfast use may be evidenced by association with a Bed and Breakfast Accommodation and Reservation Service. To qualify as a Bed and Breakfast the owner must provide proof of the collection and payment of State and local Hotel/Motel Occupancy Tax to the city upon request.~~

Registered Family Homes.

Other necessary and customary uses determined by the Director of Planning and Building to be appropriate, incidental and subordinate to a principal use.

(Ord. No. 18-014, § 8.220, 12-1-2008)

ZONING CODE SECTION	DRAFT 5
Sec. 2.100. DEFINITIONS (Starting Pg. 1)	<p>Added definition for Accessory Structures/Uses</p> <p>Added definition for Apartment</p> <p>Deleted definition for Bed & Breakfast</p> <p>Added definition for Co-ownership/fractional ownership, residential</p> <p>Added definition for Corporate Housing</p> <p>Added definition for Guest</p> <p>Modified definition for Impervious Cover</p> <p>Added definition for Local Contact Person</p> <p>Added definition for Local Operator</p> <p>Added definition for Owner</p> <p>Added definitions to define the 5 types of STRs within the City</p> <p>Added definition for STR Bedroom</p> <p>Added definition for STR Dwelling Unit</p> <p>Added definition for Timeshare</p> <p>STR (Accessory) or accessory structures cannot exceed the size of the primary structure.</p>
Sec. 3.100. R1 SINGLE-FAMILY RESIDENTIAL (Starting Pg. 25)	<p>Allows STR (B&B) or STR (Accessory Dwelling) by right</p> <p>Allows STR (Unoccupied) with a CUP if 2 or more property lines are adjacent to a lawfully permitted "STR Unoccupied" or If 50% or more of the properties on one side of a street, between intersecting streets, are lawfully permitted "STRs Unoccupied" (STR B&B and STR Accessory are not included in this calculation).</p> <p>Deleted old B&B references and regulations</p> <p>Added language to allow Guest Houses or STR (Accessory Dwelling) for lots over 10,000 sq ft</p> <p>Added Impervious Cover cap</p>

ZONING CODE SECTION	DRAFT 5
<p>Sec. 3.110. R 2 MIXED RESIDENTIAL (Starting Pg. 25)</p>	<p>Allows STR (Accessory Dwelling) and STR (B&B) by right. Allows STR Unoccupied "By Right" but requires a CUP in the Historic Overlay District STR Facilities are allowed "by right" if adjacent to commercial (Density based on base zoning) STR Facilities in the Historic Overlay District with a CUP, if adjacent to commercial and limited to a maximum of 1 structure per 5,000 square feet of land.</p> <p>Allows STR (Condominium) with a CUP</p> <p>Deleted old B&B references and regulations</p> <p>Increases interior side yard setback to 10 ft, when adjacent to R1, R1A, or R5 zoning districts</p> <p>Increases interior side yard setback to 15 ft, for 2 or more stories, when adjacent to R1, R1A, or R5 zoning districts</p> <p>Increases rear yard setback to 15 ft, when adjacent to R1, R1A, or R5 zoning districts</p> <p>Increases rear yard setback to 25 ft, for 2 or more stories, when adjacent to R1, R1A, or R5 zoning districts</p> <p>Added density requirements for 3 or more bedrooms</p>
<p>Sec. 3.120. R3 MULTI-FAMILY RESIDENTIAL (Starting Pg. 29)</p>	<p>Allows STR (Unoccupied), STR (Accessory Dwelling), STR (B&B) STR (Facility) by right</p> <p>Allows STR (Condominium) with a CUP</p> <p>Deleted old B&B references and regulations</p> <p>Increases interior side yard setback to 10 ft, when adjacent to R1, R1A, or R5 zoning districts</p> <p>Increases interior side yard setback to 15 ft, for 2 or more stories, when adjacent to R1, R1A, or R5 zoning districts</p> <p>Increases rear yard setback to 15 ft, when adjacent to R1, R1A, or R5 zoning districts</p> <p>Increases rear yard setback to 25 ft, for 2 or more stories, when adjacent to R1, R1A, or R5 zoning districts</p>

ZONING CODE SECTION	DRAFT 5
	Added density requirements for 3 or more bedrooms
Sec. 3.200. C1 NEIGHBORHOOD COMMERCIAL (Starting Pg. 32)	Added reference for Multiple Family Residential Development Standards Allows STR (Unoccupied), STR (Accessory Dwelling), STR (B&B) STR (Facility), and Corporate Housing by right Allows STR (Condominium) with a CUP Deleted old B&B references and regulations Increases interior side yard setback to 10 ft, when adjacent to R1, R1A, or R5 zoning districts Increases interior side yard setback to 15 ft, for 2 or more stories, when adjacent to R1, R1A, or R5 zoning districts Increases rear yard setback to 15 ft, when adjacent to R1, R1A, or R5 zoning districts Increases rear yard setback to 25 ft, for 2 or more stories, when adjacent to R1, R1A, or R5 zoning districts Modified (Reduced) Residential Density from R3 to R2 standards
Sec. 3.205. C 1.5 MEDIUM COMMERCIAL (Starting Pg. 38)	Allows STR (Unoccupied), STR (Accessory Dwelling), STR (B&B) STR (Facility), and Corporate Housing by right Allows STR (Condominium) with a CUP Increases interior side yard setback to 10 ft, when adjacent to R1, R1A, or R5 zoning districts Increases interior side yard setback to 15 ft, for 2 or more stories, when adjacent to R1, R1A, or R5 zoning districts Increases rear yard setback to 15 ft, when adjacent to R1, R1A, or R5 zoning districts Increases rear yard setback to 25 ft, for 2 or more stories, when adjacent to R1, R1A, or R5 zoning districts Modified (Reduced) Residential Density from R3 to R2 standards
Sec. 3.210. C 2 COMMERCIAL (Starting Pg. 43)	Allows STR (Unoccupied), STR (Accessory Dwelling), STR (B&B) STR (Facility), and Corporate Housing by right

ZONING CODE SECTION	DRAFT 5
	<p>Allows STR (Condominium) with a CUP</p> <p>Deleted old B&B references and regulations</p> <p>Increases interior side yard setback to 10 ft, when adjacent to R1, R1A, or R5 zoning districts</p> <p>Increases interior side yard setback to 15 ft, for 2 or more stories, when adjacent to R1, R1A, or R5 zoning districts</p> <p>Increases rear yard setback to 15 ft, when adjacent to R1, R1A, or R5 zoning districts</p> <p>Increases rear yard setback to 25 ft, for 2 or more stories, when adjacent to R1, R1A, or R5 zoning districts</p>
<p>Sec. 3.220. CBD CENTRAL BUSINESS DISTRICT (Starting Pg. 50)</p>	<p>Allows STR (Unoccupied), STR (Accessory Dwelling), STR (B&B) STR (Facility), and Corporate Housing by right</p> <p>Allows STR (Condominium) with a CUP</p> <p>Deleted old B&B references and regulations</p> <p>Increases interior side yard setback to 10 ft, when adjacent to R1, R1A, or R5 zoning districts</p> <p>Increases rear yard setback to 10 ft, when adjacent to R1, R1A, or R5 zoning districts</p>
<p>Sec. 3.500. HISTORIC OVERLAY (Starting Pg. 55)</p>	<p>Modified language from land use designations to development standards</p> <p>Deleted land use chart</p> <p>Added language referencing the Historic Design Guidelines</p>
<p>Sec. 3.510. (HSD) HISTORIC SHOPPING DISTRICT OVERLAY (Starting Pg. 58)</p>	<p>Deleted old B&B references and regulations</p> <p>Deleted reference for 1st Floor B&Bs regarding CUPs</p> <p>Added reference to 1st Floor STRs regarding CUPs</p>
<p>Sec. 3.800. MU1 MIXED USE INFILL (Starting Pg. 60)</p>	<p>Allows STR (Unoccupied), STR (Accessory Dwelling), STR (B&B) STR (Facility), and Corporate Housing by right</p> <p>Allows STR (Condominium) with a CUP</p>

ZONING CODE SECTION	DRAFT 5
	<p>Increases interior side yard setback to 10 ft, when adjacent to R1, R1A, or R5 zoning districts</p> <p>Increases interior side yard setback to 15 ft, for 2 or more stories, when adjacent to R1, R1A, or R5 zoning districts</p> <p>Increases rear yard setback to 15 ft, when adjacent to R1, R1A, or R5 zoning districts</p> <p>Increases rear yard setback to 25 ft, for 2 or more stories, when adjacent to R1, R1A, or R5 zoning districts</p>
<p>Sec. 3.810. MU2 MIXED USE CORRIDOR (Starting Pg. 67)</p>	<p>Allows STR (Unoccupied), STR (Accessory Dwelling), STR (B&B) STR (Facility), and Corporate Housing by right</p> <p>Allows STR (Condominium) with a CUP</p> <p>Increases interior side yard setback to 10 ft, when adjacent to R1, R1A, or R5 zoning districts</p> <p>Increases interior side yard setback to 15 ft, for 2 or more stories, when adjacent to R1, R1A, or R5 zoning districts</p> <p>Increases rear yard setback to 15 ft, when adjacent to R1, R1A, or R5 zoning districts</p> <p>Increases rear yard setback to 25 ft, for 2 or more stories, when adjacent to R1, R1A, or R5 zoning districts</p>
<p>Sec. 4.400. GENERAL DESCRIPTION OF RESIDENTIAL USE TYPES (Starting Pg. 74)</p>	<p>Deleted Entire Section as it is duplicate definitions.</p>
<p>Sec. 5.400. CONDITIONAL USE PERMIT (Starting Pg. 75)</p>	<p>Modified "Review and Evaluation Criteria" regarding CUP requests for STRs</p>
<p>Sec. 5.401. Additional requirements for bed and breakfast uses (Starting Pg. 77)</p>	<p>Replaced references to B&B with references to STRs.</p>

ZONING CODE SECTION	DRAFT 5
	Added regulations from the existing STR ordinance into this section so all requirements are within the zoning code (i.e.. Signs, food service, external lighting, and permitting)
	Added requirements to meet ADA (Federal & State Requirements)
	Exempted Single-family homes operating as STRs from the Fire Sprinkler requirements when in an R1 zoning district
	Added occupancy limits based on bedroom and size of bedroom
	Deleted duplicate information/regulations found in other sections of the zoning code.
	Added a "Disclaimer" regarding Deed/Covenant restrictions and will require approval of an existing HOA as part of the permitting process, but this requirement is not codified in the zoning code.
	Added language requiring utilities to be planned as multi-family configurations for STR complexes
	Added trash requirement for (1) 96 gallon trashcan per 4 occupants (originally proposed 1 per 6 guests)
	Added requirement for "Quiet Hour" signs to be posted on the premises
	Deleted permit fee info as this will be incorporated into the City's adopted fee schedule.
	Added requirement that STR be enrolled in the Business Emergency Contact Program for PD and Code Enforcement. Requires a sticker and permit # posted on or near front door
	Modified inspections from every year to when new permits are requested, ownership transfer, addition, or code complaints.
	Added "House Rules" to be placed on the property, contracts/rental agreements, and advertising platforms.

ZONING CODE SECTION	DRAFT 5
	<p>House Rules Added: i. NO MORE THAN [# OF OCCUPANTS] PERMITTED, OBSERVE CITY OF FREDERICKSBURG QUIET HOURS (10PM-7AM), TURN OFF EXTERIOR LIGHTS BY 11PM, OBSERVE GUEST PARKING, ILLEGALLY PARKED VEHICLES ARE SUBJECT TO TOW, PLACE TRASH IN DESIGNATED RECEPTACLES, POOLS, HOT TUBS, AND FIRE PITS SHALL BE CLOSED BY 10:00 P.M. SUNDAY-THURSDAY AND CLOSED BY 11:00 P.M. ON FRIDAY AND SATURDAY.</p> <p>Requires owners submit new information within 10 business days when properties change hands</p> <p>Removed 3 strikes and permit revocation</p> <p>Added that minor violations (watering, trash, parking) shall be minor violations and adjudicated under the civil administrative hearing process for violations of ordinances as set forth in Chapter 2, Article VII (Administrative Adjudication of Violations)</p> <p>Modified permit suspension section.</p> <p>Added language which prohibits STRs from obtaining permits if they are discovered for operating without a permit or have had a permit revoked.</p> <p>Set Occupancy to 2 per bedroom + 2 guests (Max 12 occupants)</p>
Sec. 6.110. - Continuance of a Nonconforming Use	Allows enlargement of a non-conforming use, with a CUP.

ZONING CODE SECTION	DRAFT 5
(Starting Pg. 85)	<p>Short-term rental uses shall not terminate under the following conditions:</p> <ol style="list-style-type: none"> 1. The use is suspended for repairs, modifications, additions, remodels, or other similar situations; or 2. The owner of the home utilizes the property as their personal residence, for a period not exceeding more than one (1) year; or
Sec. 7.320. Special Front Yard Regulations (Starting Pg. 87)	Added regulations limiting impervious cover to 35% in the front yard setback
Sec. 7.330. Special Side Yard Regulations (Starting Pg. 88)	<p>Accessory structures shall adhere to setbacks of the base zoning (3' adjacent to an alley or 10' if no alley).</p> <p>10' setback for pools (measured to the water's edge)</p> <p>15' setback for hot tubs & fire pits</p> <p>Pool equipment may encroach into the side yard setback, up to 3 feet</p>
Sec. 7.340. Special Rear Yard Regulations (Starting Pg. 89)	<p>Accessory structures shall adhere to setbacks of the base zoning (3' adjacent to an alley or 10' if no alley).</p> <p>10' setback for pools (measured to the water's edge)</p> <p>15' setback for hot tubs & fire pits</p> <p>Pool equipment may encroach into the side yard setback, up to 3 feet</p>
Sec. 7.710. Measurement (Starting Pg. 90)	Added language regarding impervious cover for granite gravel parking areas & ADA paths
Sec. 7.820. Basic Regulations Vehicle Parking Loading Unloading (Starting Pg. 91)	Deleted a section that required no off-street parking for an historic structure

ZONING CODE SECTION	DRAFT 5
Sec. 7.825. Special Provisions Applicable To Central Fredericksburg (Starting Pg. 92)	Changed reference from B&B to STR
Sec. 7.860. Design Standards (Parking) (Starting Pg. 93)	<p>STR (B&B, Accessory, and Unoccupied Uses)require 1 space per bedroom</p> <p>All other STRs, parking spaces shall be provided at a ratio of 60% of the permitted occupancy. On-street parking may be allowed and applied to the required parking at 1 space per every 22' of lot frontage, not including driveway opening, street side yards, provided sufficient R.O.W. and Street width allow for on-street parking .</p> <p>required additional off-street parking when insufficient R.O.W. exists to allow on-street parking</p>
Sec. 7.940. Screening Requirements and Standards (Starting Pg. 106)	Added requirement for privacy fence, constructed by STR when in or adjacent to R1 zones or in historic district.
Sec. 8.220. Accessory Uses Residential Use Types (Pg. 107)	<p>Deleted B&B section regarding home occupation (not needed) and referenced guest houses and accessory structure with regards to size limits of guest house</p> <p>STR (Accessory) cannot exceed size of primary structure.</p>

Integrated STR Messaging Approach



Work with the CVB to structure STR rental messaging and expectations into the "love fbgtx" marketing campaign.

Develop messaging with greater detail and expectations. Specifically around noise, occupancy, parking, lighting, hot tubs. This would be included in all individual Airbnb, VRBO, local reservation companies and owners listings.

All properties to have clearly posted and detailed house rules regulations along with fines and grounds for eviction.



City of Fredericksburg Integrated Message

- Visitors to Fredericksburg can care for the community just as locals. The guiding principle is to treat Fredericksburg as if it was your hometown.
- Fredericksburg is a place to have fun, relax and reconnect, but remember your vacation rental is part of a neighborhood, so ***(treat our local neighbors with care and respect to maintain our hometown atmosphere. Please observe all posted house rules while enjoying your stay.)***
- Observe street and traffic signage when heading out to explore and remember that slow moving tractor may be carrying your dinner.



Reservation Platform Integrated Message

Guests' Responsibility: If you reserve this property, you are agreeing to require all members of the rental party to abide by the posted house rules including but not limited to parking, noise, trash and personal behavior at all times.

Violations: Any violations of the posted rules resulting in citation and fines are the sole responsibility of the reserving guest and additionally will result in loss of your deposit.

Grounds for Evictions: In the event that any member of the reserving party is non-compliant with any portion of the posted house rules or engages in disorderly conduct, the owner/reservation company reserves the right to evict the entire guest party without refund.



On Property Integrated House Rules

(Owner to add property specific rules as well)

- **Occupancy:** The occupancy of this house may not exceed it's posted legal limits. Additional overnight guests beyond the reservation number indicated will result in loss of your deposit.
- **Noise:** Please respect our neighbors and our community, keep outdoor conversations and music at a reasonable levels. No Karaoke machines or excessively loud music is allowed outdoors at any time.
- **Outdoor Quiet Hours:** 10:00pm - 7:00am. Please take the conversation inside.
- **Parking:** Vehicles are to be parked on the property driveway and on-street parking is limited to parking spaces directly in front of this property. Do not park in front of neighboring houses. Any illegally parked cars are subject to tow.
- **Trash:** Please ensure that all trash is properly placed securely in the provided green city receptacles. Do not overfill the receptacles. If the receptacle is unable to close completely, place all overflow trash bagged and tied inside the property. ***(City to consider sticker for all trash receptacles with "lid must close completely")***
- **Violations:** Any violations of the posted rules resulting in a citation and fines are the sole responsibility of the guest who receives the violation and this will result in loss of reservation guest's deposit.
- **Ground for Evictions:** In the event that any member of the reserving party is non-compliant with any portion of the posted house rules or engages in disorderly conduct, the owner/reservation company reserves the right to evict the entire guest party without refund.

Permit & Inspection Fee Structure

SHORT TERM RENTAL PERMIT & RENEWAL FEES	
Annual STRs baseline permit fee (based upon one bedroom)	\$150
Each additional bedroom (example: 5 bedroom = \$550)	\$100
* Inspection Fee (every two years after initial permit)	

Penalties are defined as major and minor code infractions:

- **Minor:**
 - Watering
 - Trash
 - Parking
 - Lighting
- **Major:**
 - Operating and STR without a permit
 - Non-remittance of hotel occupancy taxes
 - Noise (Nuisance violation)
- Revocation of STR operating permits may not occur for any combination of minor offenses.
- In the event of permit revocation, an owner may appeal by filing a written appeal with the city council within 10 business days following the date of the City Manager's final decision.

Minor Offense Code Enforcement Fee Structure

STR Minor Offences	
First Offense – Watering	\$75.00
Second Offense (One Calendar Year)	\$150.00
Third and Subsequent Offense (One Calendar Year)	\$300.00
First Offense – Trash	\$75.00
Second Offense (One Calendar Year)	\$150.00
Third and Subsequent Offense (One Calendar Year)	\$300.00
First Offense – Parking	\$75.00
Second Offense (One Calendar Year)	\$150.00
Third and Subsequent Offense (One Calendar Year)	\$300.00
First Offense – Lighting	\$75.00
Second Offense (One Calendar Year)	\$150.00
Third and Subsequent Offense (One Calendar Year)	\$300.00

Major Offense Enforcement Fee Structure

Major Offense (Non-remittance of HOT taxes & operating without a STR permit)	
Single Offense: (Cease operation and obtain a lawful operating permit with 30 days)	\$1,500/One time
Second Offense: (Daily fines until the operator ceases operation)	\$1,000/daily

Major Nuisance – Noise	
Citation and fines are awarded to the reservation guest	\$500.00
After 3 violation in a 90 day window – Owner Fine	\$1,500.00
After 6 violation in a calendar year – Owner Fine	\$3,000



CITY COUNCIL MEMO

DATE: March 3, 2022
TO: Mayor and City Council
FROM: Kent Myers, City Manager
SUBJECT: Short-Term Rental (STR) Permit Fees

Summary:

With the recent proposed changes in STR inspections, the addition of a second code enforcement officer and the new contract with Granicus, our STR permit fees need to be updated.

Recommendation:

It is recommended that the attached ordinance setting new STR permit fees be approved. The revenues generated from these fees should cover the City's costs for STR permitting, inspections, code enforcement and other City support provided to STRS. It is also recommended that the City's costs for these services continue to be monitored with possible adjustments made in the next year.

Background / Analysis:

The City's current STR fees of \$150 per unit need to be adjusted due to numerous changes that have taken place in the City's STR services over the past several years. Recently the City assessed our costs for providing these services. As shown in the attachment, these costs are currently estimated to be about \$270,000 per year. The City considered several different options for covering these costs as shown in another attachment to this report.

The City of Fredericksburg

At this time, it appears that the first option will result in fees collected that will cover the City's costs. These fees would start at a rate of \$150 for 1-bedroom units and increase up to \$550 for 5+bedroom units. The ordinance also includes a fee of \$25 for reinspection of STRs.

Attachments:

- STR Fee Ordinance
- City's Costs for STR Services
- STR Fee Options

Department Approval



City Attorney Approval

City Manager Approval



ORDINANCE NO. 2022-14

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, AMENDING APPENDIX A – FEE SCHEDULE, OF THE CODE OF ORDINANCES, TO AMEND THE PERMIT FEES ASSESSED FOR CITY ISSUED SHORT TERM RENTAL PERMITS; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS:

Section 1. That, ARTICLE V. - SHORT TERM RENTALS, of Chapter 23 - PLANNING, of the Code of Ordinances, is amended by deletion of Subsection 23-103(B) in its entirety, and the following substituted therefore:

Sec. 23.103 - Short Term Rental Permit registration fee and application.

B. An applicant for a Short Term Rental Permit shall pay to the City the permit fees as set forth in Sec. 5.450 of Appendix A - Fee Schedule, of this Code of Ordinances.

{End of code text}

Section 2. That Appendix A - Fee Schedule, of the Code of Ordinances, is hereby amended by the creation and addition of a Section 5.450, to read as follows:

Sec. 5.450 - Fees for Short Term Rental Permits.

The following fees shall be paid for Short Term Rental Permits prior to the issuance thereof:

- 1 bedroom unit - \$150.00
- 2 bedroom unit - \$250.00
- 3 bedroom unit - \$350.00
- 4 bedroom unit - \$450.00
- 5 or more bedroom unit - \$550.00
- Fee for re-inspections - \$25.00

{End of code text}

Section 3. Severability or Invalidity. If any provision of this ordinance or the application hereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without defeating the

purpose or objective of the provisions, and to this end, the provisions of this ordinance are declared to be severable.

Section 4. Repealer. All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 5. Effective Date. This ordinance shall be effective on and after the date of adoption.

PASSED AND APPROVED on this the ____ day of _____, 20_____.

Charlie Kiehne, Mayor
City of Fredericksburg, Texas

ATTEST:

Shelley Goodwin, TRMC, City Secretary

APPROVED AS TO FORM:

Daniel Jones, City Attorney

	Time	Salary	Total
Jason	0.25	\$ 112,000.00	\$ 28,000.00
Shelby	0.5	\$ 56,243.20	\$ 28,121.60
Karen	0.2	\$ 33,603.14	\$ 6,720.63
Anna	0.25	\$ 77,105.60	\$ 19,276.40
Kyle	0.4	\$ 58,012.70	\$ 23,205.08
Michael	0.4	\$ 55,570.06	\$ 22,228.02
Ray	0.4	\$ 54,834.76	\$ 21,933.90
Ted	1	\$ 48,963.20	\$ 48,963.20
Janelle			\$ 11,000.00
Vehicles	12	\$ 550.00	\$ 6,600.00
Software			\$ 54,000.00

TOTAL EXPENSES			\$ 270,048.84
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STR FEE OPTIONS

	1 bed	2 bed	3 bed	4 bed	5+ bed	
Fee	150	250	350	450	550	
# of units	320	320	220	90	50	1000
Total	48000	80000	77000	40500	27500	273000

	1 bed	2 bed	3 bed	4 bed	5+ bed	
Fee	250	350	450	550	650	
# of units	320	320	220	90	50	1000
Total	80000	112000	99000	49500	32500	373000

	1 bed	2 bed	3 bed	4 bed	5+ bed	
Fee	350	450	550	650	750	
# of units	320	320	220	90	50	1000
Total	112000	144000	121000	58500	37500	473000

	1 bed	2 bed	3 bed	4 bed	5+ bed	
Fee	375	475	575	675	775	
# of units	320	320	220	90	50	1000
Total	120000	152000	126500	60750	38750	498000

	STR
Fee	500
# of units	1000
Total	500000

STR EXPENSES



CITY COUNCIL MEMO

DATE: February 28, 2022

TO: Mayor and City Council

FROM: Jennifer Krupa, Assistant Parks Director/Special Events Coordinator

SUBJECT: Parks Department Fees and Regulations for the 2024 Total Solar Eclipse

Summary:

A total solar eclipse will happen in Fredericksburg on Monday, April 8, 2024. The Parks Department is receiving numerous requests for RV and tent camping reservations, the use of open space, buildings, pavilions, and athletic facilities. The Parks Department is requesting City Council to approve fees and regulations for the period of the eclipse so that we can begin taking RV reservations two-years before the event, on April 8, 2022. Tent camping reservations will be accepted one-year in advance, beginning April 8, 2023.

Rates requested for April 5, 2024, through Monday, April 8, 2024:

- \$500.00 per RV site, with a four-night minimum (\$125/night). This includes space for one RV and one vehicle.
- \$100.00 per primitive tent camping site, with a four-night minimum (\$25/night). This includes space for one vehicle in a designated parking area.
- \$100.00 per additional vehicle, to park in a designated overflow parking area

Regulations requested for April 5, 2024, through Monday, April 8, 2024:

- No refunds for any reason for eclipse dates
- RV reservations are transferable through March 5, 2024. Requests to transfer RV site funds to another four-day reservation can be made up to March 2025.
- Tent camping reservations are transferable person to person through March 5, 2024

The City of Fredericksburg

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Recommendation:

City council should consider adoption of an ordinance to approve regulations for April 5, 2024, through April, 8, 2024, and amend Article 24.000 – Recreational Fees, of Appendix A – Fee Schedule, of the code of ordinances, to establish flat pricing structure for occupancy of the RV park campsites & tent camping at Lady Bird Johnson Municipal Park; to provide authority for the Director of Parks & Recreation to designate the dates as requiring a four (4) night minimum occupancy for said RV park, and providing an effective date of April 8, 2022.

Background / Analysis:

Fredericksburg, Texas, is within the path of totality for the 2024 solar eclipse, just over two years away. The Parks Department is preparing to host a completely sold-out RV park, primitive tent campers, and serve as public viewing area for the event. Due to the anticipated attendance for the eclipse, the parks department has developed a living document to be used in the planning for this large event. The planning document will help the department with coordination, scheduling staff, budgeting, ordering equipment and supplies, and setting fees and regulations for the eclipse. While most of the planning document is administrative, we are asking City Council to review and approve fees for the RV park, primitive tent camping, and parking of vehicles for the dates of April 5, 2024, through April 8, 2024, with an effective date of April 8, 2022.

Our rates were determined using our current rates, adding 20%, and then adding an additional fee to cover the costs we plan to incur during the event in the tent camping and RV park areas. We anticipate our rates will increase by at least 20% in 2024. Additional fees include the rental of portable restrooms, handwash stations, dumpsters, shower trailers, light towers, RVs for staff to stay in overnight, food, overtime, consumables, security, and the increased utility fees (sewer, water, and electricity) the City will incur.

For our additional vehicle fee, we set the rate at the same price as primitive tent camping, to discourage anyone bringing extra vehicles as we do not have large concrete parking areas located near the tent camping area at Lady Bird Johnson Municipal Park. We also would like to keep a large portion of the park open and available as a public viewing area.

We have reached out to other RV parks and have only found one in the area that is currently accepting reservations. They are charging a \$250 non-refundable deposit that will go towards the reservation rate. There is a two-night minimum, and they currently do not know the rate that will be charged for the eclipse.

Background on total solar eclipses from the American Astronomical Society website: The 2017 total solar eclipse was the first to touch the "Lower 48" since 1979 and the first to span the U.S. from coast to coast since 1918. Remarkably, another total solar eclipse is coming to North America on April 8, 2024,

just seven years after the last one. This time the Moon's dark central shadow, about 115 miles wide, will cross Mexico, sweep northeast from Texas to Maine, and then darken the Canadian Maritimes. A partial solar eclipse will be visible to nearly everyone in North America fortunate to have cloud-free skies.

During a total solar eclipse, the Moon blocks the Sun's bright face — the *photosphere* — briefly revealing our star's outer atmosphere: the shimmering *corona*, or "crown." Made of rarefied gas heated to millions of degrees, with its atoms highly ionized (stripped of electrons), the diaphanous corona gets sculpted into streamers and loops by the Sun's powerful magnetic field and shines with a light seen nowhere else. It is hauntingly beautiful and, without doubt, one of the most awesome sights in all of nature.

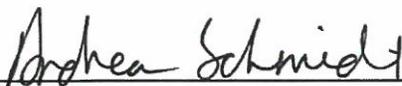
The corona is always there, but we usually cannot see it because the photosphere is about a million times brighter and drowns it out. When the Moon covers the Sun, the corona is the main attraction, but there is so much more to the experience. At the beginning and end of totality, the thin middle layer of the Sun's atmosphere, the *chromosphere*, blazes in an arc of ruby red. The sky darkens to a deep twilight blue, with yellow, orange, and pink sunrise/sunset colors on the horizon in all directions. Bright stars and planets shine forth, and the air temperature drops noticeably. Birds and farm animals, thinking dusk has settled, return to their nests and barns, and bats come out to feed.

Outside the path of totality all of North America will get a partial solar eclipse. But even a 99% partial eclipse pales in comparison to a total one. If you did not know a partial eclipse was happening, you might overlook it, as it gets no darker than a cloudy day. Within the path, though, as the Moon covers the last 1% of the Sun in less than a minute's time, the daylight fades by a factor of nearly 10,000! If you were not expecting that, you might think the world were ending!

With the path stretching from Mexico to Canada, where should you plan to rendezvous with the Moon's shadow? Most eclipse aficionados go where the weather prospects are most favorable. For this eclipse, that's Mexico or southern Texas.

Attachments:

Ordinance



Department Approval



City Manager Approval



City Attorney Approval

The City of Fredericksburg

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ORDINANCE NO. 2022-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, AMENDING ARTICLE 24.000 – RECREATIONAL FEES, OF APPENDIX A – FEE SCHEDULE, OF THE CODE OF ORDINANCES, TO ESTABLISH PRICING FOR OCCUPANCY OF CAMPSITES AT LADY BIRD JOHNSON MUNICIPAL PARK DURING THE 2024 ECLIPSE EVENT; AND REQUIRING A FOUR (4) NIGHT MINIMUM OCCUPANCY FOR SAID CAMPSITES DURING THE 2024 ECLIPSE EVENT; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS:

Section 1. That, Section 24.400 “Fees for use of Lady Bird Johnson Park and campgrounds”, of Appendix A “Fee Schedule”, of the Code of Ordinances, is hereby amended by the creation and addition of Section 24.400(o), to read as follows:

Sec. 24.400 - Fees for use of Lady Bird Johnson Park and campgrounds.

(o) During the dates of April 5, 2024 through April 8, 2024, the following fees are applicable, and shall supersede all other conflicting fees set forth in Section 24.400, for the date range listed in this subsection:

- (1) Fees for all recreational vehicle campsites:
 - a. Daily rate is \$125.00, requiring a four (4) night minimum occupancy.
 - b. Weekly rate is not available.
- (2) Daily fee for each tent campsite is \$25.00, requiring a four (4) night minimum occupancy (fee includes one 10' x 15' vehicle parking space).
- (3) Daily parking fee for each additional vehicle (one 10' x 15' vehicle parking space) is \$25.00.

{End of code text}

Section 2. Severability or Invalidity. If any provision of this ordinance or the application hereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without defeating the purpose or objective of the provisions, and to this end, the provisions of this ordinance are declared to be severable.

Section 3. Repealer. All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 4. Effective Date. This ordinance shall be effective on and after the date of adoption.

PASSED AND APPROVED on this the ____ day of _____, 20_____.

Charlie Kiehne, Mayor
City of Fredericksburg, Texas

ATTEST:

Shelley Goodwin, TRMC, City Secretary

APPROVED AS TO FORM:

Daniel Jones, City Attorney



CITY COUNCIL MEMO

DATE: March 7, 2022

TO: Mayor and City Council

FROM: Anna Hudson, Historic Preservation Officer

SUBJECT: Resolution for Landmark designation of 208 Woodcrest

Summary:

The custom-built house of Norbert and Alene Fritz at 208 Woodcrest is one of the best examples of mid-century architecture in Fredericksburg and is one of only a few of residences in the city limits designed by well-known local architect John Arthur "Jack" Stehling. Landmark designation by the City protects structures from demolition and requires approval by the Historic Review Board for major exterior changes and additions

Recommendation

The Historic Preservation Officer and the Historic Review Board support landmark designation of 208 Woodcrest. Staff recommends approval of the resolution as presented.

Background / Analysis:

Since the 2018 Historic Resource Survey and subsequent expansion of the Historic District, staff and the Historic Review Board have begun identifying mid-century properties both inside and outside of the district. Jack Stehling is probably the most successful architect from Fredericksburg working during this time frame. Mid-century architecture is experiencing a renewal in popularity across the country. By identifying and protecting the best examples of this time period and style the City can ensure that future generations will be able to enjoy the distinctive architectural features and forms for years to come

Attachments:

Landmark Application – staff initiated-owner supports

The City of Fredericksburg

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Historic Review Board recommendation for nomination

Photos of house

History of owners Norbert & Alene Fritz, information on mid-century architecture and architect Jack Stehling, AIA

Resolution of Landmark Designation



Department Approval



City Manager Approval



City Attorney Approval

The City of Fredericksburg

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Historic Landmark Designation Application

For creation of HL overlay and designation as local historic landmark.

City of Fredericksburg

126 W Main St. Fredericksburg, TX 78264

Subject Property Address 208 Woodcrest Date Submitted 1/11/2022

Legal Description: G E CO #586 .75, -HOMESITE-

Proposed landmark/common name: Norbert & Alene Fritz Home

Owner name: Jayson Fritz Phone # 830-2520728

Owner Address: P.O. Box 311 Fredericksburg, TX 78624

Applicant Name (if different than owner) : City of Fredericksburg, HPO Phone # 830-990-2026

Applicant E-mail: ahudson@fbgtx.org

Provide a description of the architecture of the structure/building, property history, including any people or events associated with the property if applicable, references/sources for your research .The Historic Review Board recommends landmark status to City Council on the basis of historical, architectural, and cultural significance as described in Sec. 23-58. - Designation of historic districts, historic landmarks, and preservation priority rating. Please provide a Statement of Significance for why the property meets the criteria as outlined in the Historic Preservation Ordinance, as indicated above

The house was designed by architect and Fredericksburg native, Jack Stehling in 1963 for local pioneers, Norbert and Alene Fritz The house is an outstanding example of mid-century modern style. The 2750 sf house sits in the middle of an oversized lot of 0.75 acres on the western edge of the City limits. The design includes an extra wide chimney that protrudes through a floating middle gable roof. The fossil limestone walls, laid in a combination of stack & running bond, form a formidable front facade that is recessed with three large panels opaque glass block and a hidden front door. The limestone bricks are used in the double-sided fireplace/chimney as well as on some interior walls. The floating gable extends to the back of the house and allows ample light into the common areas of the house. The sides of the house have flat roofs over the solid limestone walls. The exposed ceiling beams extend outside creating an extra deep soffit. (continued)

Attach supporting documentation including: color photographs architectural drawings
 newspaper articles other relevant research

Staff to complete

Application # 22-007

Owner in support of designation Yes No

Historic Review Board Meeting Date 2/15/2022

City Council Meeting Date 3/7/2022

Year Built: 1963

Zoning: R1

HRB Action approval (unanimous)

City Council Action _____

(Continued from landmark application)

Mid-century architecture:

At its height in the 1950's and 1960's, the time period marked a new way of designing houses, many attributes are still found in today's houses and floorplans including- open plan living spaces, indoor/outdoor living, and integrated kitchens. Post World War II, the design world was able to use advances in engineering and improved technologies to use glass, concrete and steel in new ways. Prefabrication also allowed the building process to be comes streamlined and faster. The formality of the Victorian house and compartmentalized rooms in bungalows changed to free-flowing floor plans with the kitchen as an integral part of the house used for entertaining and full of new technology.

The Fritz home at 208 Woodcrest is nearly in original condition with only one alteration, a carport to the back right of the house was enclosed to create a game room. This alteration is not visible from the street. The house has many of the hallmarks of mid-century modern contemporary residential design and distinctive characteristics for the time period and style, including: a prominent middle gable roof with an extra wide chimney protruding even higher reaching above flat roofs on both sides, an open floor plan for the common areas and secluded bedrooms off a central hall, post and beam construction with exaggerated eaves, clerestory windows over a "private" front façade of glass block and fossil limestone, the juxtaposition of a large double-sided limestone fireplace with large panes of glass, clerestory windows over sliding glass doors to the backyard that makes the outside feel inside, the kitchen is screened from the large family space with cabinetry and a passthrough. The use of wood on the ceiling and wood beams creates a warm interior. The house is an excellent example of an architect-designed mid-century home in Fredericksburg. Jack Stehling's personal residence at 701 N. Milam has a similar look at 208 Woodcrest in that it has a towering center gable flanked by flat roofs on either side. The difference is the location of the extra wide chimney, on Milam it is on the front façade, not in the middle of the house like the Fritz house.

As Michael Boyd says in Mid-Century Modern Design: A Complete Sourcebook, "...so if Victorian and Federal architectural works are protected by preservation laws, then modern architecture should also be guarded by local and national codes and by a responsible caretaker. The informed custodian must also know the limits of what can be added or extended, and most importantly – what cannot."

The Fritzes:

Norbert and Alene Fritz were prominent members of the Fredericksburg community and were best known as the owners of KNAF radio station.

The first studios were in the Security State Bank building, of which Jack Stehling's father, Arthur, was the president. Norbert bought KNAF radio from Arthur Stehling in 1952 after working for the station as manager since the late 1940's. The studios occupied a substantial portion of the second floor of the bank building giving it large window access in two directions to Main Street. This was a real advantage for parade coverage and downtown activity.

In the late 1960's Norbert and Alene brought the first high powered FM radio station to the Hill Country. It was a 100-Kilowatt FM radio station, the largest allowed by the FCC. Norbert was also co-founder of the Fredericksburg Cable Corporation and along with his son Jayson operated one of the few cascade microwave stations needed to bring TV station to Fredericksburg. He bought out his partners several

years before and in 1985 sold the Fredericksburg Cable Company to Lady Bird Johnson when she decided Fredericksburg was a worthwhile investment for her Karnack cable company.

The home designed by Jack Stehling was built in 1963 before the radio station. Then in 1969 the same builders constructed the radio station and the cable company next door at 210 Woodcrest. It was built specifically for a radio studio with concrete blocks filled in with concrete so it would be as soundproof as possible.

Alene (nee Wendel) Fritz is considered a female pioneer in radio broadcasting. She was one of the first true female disc jockeys, one of the first female morning personalities, one of the first female program directors, one of the first female news directors, and one of the first female music directors. She was named the Polka Queen of Texas by the Texas Polka Association and was interviewed by German Television for her work in Fredericksburg. She was the reporter for the Gillespie Ladies for Lyndon, served on the Easter Fires committee and the LBJ Homecoming committee.

Norbert Fritz was born in Tivydale in 1921. As was common for the time, Norbert left school after 7th grade to work with his father. He joined the Army in 1941 at Fort Sam Houston. The Army sent him to the University of Texas where he earned the equivalent to a 4-year engineering degree in just months. Then Norbert was reassigned to the Army Air Forces and served in the Pacific where he earned seven bronze stars. It was his service during the war that Norbert got his start in radio as a radar engineer.

Norbert and Alene were both involved in the 125th Anniversary Celebration of Fredericksburg. Alene narrated the historic pageant, provided the special music and sound effects while Norbert served as sound director. They were both known as sharpshooters, a skill they passed on to their son, Jayson. Norbert and Jayson both were President of the Texas Hills Sporting Range and three generations of Fritzes have now been inducted into the Gillespie County Schuetzen Bund Hall of Fame, Norbert's father Emil, Norbert, and Jayson Fritz.

The Fritzes remained in the house at 208 Woodcrest until Alene passed away. Alene and Norbert's son, Jayson, has owned the house since 1998.

Architect

John Arthur "Jack" Stehling, AIA (March 2, 1930 – December 22, 1996)

Mr. Stehling graduated from the University of Texas in 1956 with a BA in Architecture and became a registered architect in 1962 after working for the US State Department. He practiced mostly in Fredericksburg in the early 1960s. In 1967 founded Stehling Interests with offices in both Fredericksburg and Houston. On his business card he listed himself as a Consultant and Specialist in Banks, Hospitals, Resort Centers, Schools and Fine Residences. Some of his best-known local works include his personal residence at 701 N. Milam, St. Barnabas Sanctuary (1964 – cornerstone laid by Lady Bird Johnson), the National Guard Armory Building, Dr. J. Hardin Perry's residence (1966) on West Creek Street, the Fritz home at 208 Woodcrest, and Inn of the Hills in Kerrville. In Fredericksburg he officed out of Security State Bank, of which his father was the president. In Houston Mr. Stehling designed homes for prominent families in the Memorial and Buffalo Bayou neighborhoods. Jack also had an office in Mexico City. He designed the US Embassy in Mexico City along with several beach resorts.

Fredericksburg Historic Review Board

Notice of Action

Application Number: 22-007
Date: February 15, 2022
Address: 208 Woodcrest
Zoning: R1
Owner: Jayson Fritz
Applicant: City of Fredericksburg
Rating: not previously surveyed
Proposal: Recommendation for historic landmark designation

Request:

The applicant is requesting a recommendation from the Historic Review Board to City Council to designate the property at 208 Woodcrest as an individual landmark.

Sections of Historic Preservation Ordinance:

Article III - Historic Preservation - Chapter 23

(1) High rating. The most significant Resources identified in a Fredericksburg Historic Resource Survey. These properties are considered to be outstanding, unique, or good examples of architecture, engineering, or design. Some are unique to the Fredericksburg area and are indicative of German-Texan vernacular forms and/or building techniques. Others are noteworthy examples of 19th and early 20th century architectural types, styles, and forms, erected using local building materials and construction technologies. Properties designated with a high rating are to be the most protected from alteration and demolition.

Historic landmark. A Resource which is an individual property (including its component parts as are regulated for properties in the Historic District) designated by the City council under subsection 23-58(b) of this article, as having outstanding historical and cultural significance in the nation, region, or community. The designation "historic landmark" recognizes that the historic place, or the building(s), structure(s), accessory building(s), fences, or other appurtenances at the place are of basic and vital importance for the preservation of culture and neighborhoods and economic development and promotion of tourism.

Sec. 23-58. -Designation of historic districts, historic landmarks, and preservation priority rating. (e) (2) Landmarks. The designation of new historic landmarks or the removal of the designation may be initiated by any person by request submitted to the Historic Review Board which will forward its recommendation to the City Council. The Historic Review Board shall consider the request at a meeting held in accordance with the procedures set forth in subsection 23-61(f) below. The City Council shall consider the

request within 40 days following the meeting of the Historic Review Board at which the request was heard. Applications for designation of or changes to historic landmarks shall be on forms and shall contain the information required thereon as determined by the Historic Preservation Officer and shall be accompanied by the fee set forth in subsection 23-61(c) unless initiated by the Historic Review Board or City staff.

(3) Owner consent and supermajority. The designation of a property as a local historic landmark, or the inclusion of a property within the boundaries of a local historic district, shall be subject to the requirements set forth in Section 211.0165, Texas Local Government Code. The Historic Review Board is designated as the entity with exclusive authority to approve the designations of properties as local historic landmarks and the inclusion of properties in a local historic district under Section 211.0165(a)(2)(B), Texas Local Government Code.

Staff Recommendation/Findings:

The custom house, built for the Norbert Fritz family in 1963, at 208 Woodcrest was designed by locally and internationally known architect, John Arthur "Jack" Stehling. It is one of the best local examples of Midcentury residential architecture. The house embodies many of quintessential design feature of mid-century modern homes and retains a high level of integrity as it remains virtually been unchanged. Staff recommends the property be given a survey rating of "high" and landmark designation. The house is owned by Jayson Fritz, son of the original owners, and is currently for sale.

Staff finds the property meets 6 of the 8 criteria used to evaluate historic significance and has importance for design and construction and association with persons significant in our past:

- a. **Character, interest, or value as a part of the development, heritage, or cultural characteristics of the city;** post war residential development by a WWII veteran
- c. **Embodiment of distinctive characteristics of an architectural type or specimen;** mid-century modern contemporary residence with numerous distinctive characteristics for the time period and style including: both the prominent middle gable roof with an extra wide chimney protruding beyond the roof, reaching above flat roofs on both sides, an open floor plan for the common areas and secluded bedrooms off a central hall, post and beam construction with exaggerated eaves, clerestory windows over a "private" front façade, stone veneer, juxtaposition of large stone fireplace with large panes of glass, sliding glass doors to the backyard that makes the outside feel inside, a screened kitchen with access to the large family space with cabinetry and a passthrough.
- d. **Relationship to other distinctive buildings, sites, districts, or structures which are historically significant;** relationship to 210 Woodcrest, KNAF Radio station owned and built by Fritz family, relation 702 N Milam Street- designed by same architect, Jack Stehling, AIA.
- e. **Unique location of singular physical characteristics representing an established and familiar visual feature of a neighborhood, community or the city;** orientation on large lot on the western edge of the city limits, designed around large live oak

trees. The neighborhood was developed in the mid-century, but this house stands out from the rest of the neighborhood.

- g. Identification with a person or persons who significantly contributed to the development or culture of the city, the state or the nation;** Norbert Fritz was a WWII veteran that returned home becoming a successful businessman and important member of local society. Alene Fritz, who oversaw the design of the residence with the architect, was a female pioneer in radio and broadcasting.
- h. Value as protective of a historical resource.** a one-of-a-kind, custom house built for a broadcast industry pioneering family.

Board Action:

Historic Review Board voted unanimously to recommend designation of 208 Woodcrest as a local landmark.



Anna Hudson

Historic Preservation Officer

Front of 208 Woodcrest



(photo from REALTOR.com listing 2021)

- Center Gable roof over living areas with flat roofs on both sides
- Clerestory Windows
- Glass Block (provide privacy while allowing in light)
- Extra wide chimney rising above center gable
- Fossilized limestone veneer
- Exaggerated overhang/soffit with exposed wooden members



- Center Gable roof over living areas with flat roofs on both sides
- Clerestory Windows
- Glass Block (provide privacy while allowing in light)
- Extra wide chimney rising above center gable
- Fossilized limestone veneer
- Exaggerated overhang/soffit with exposed wooden members

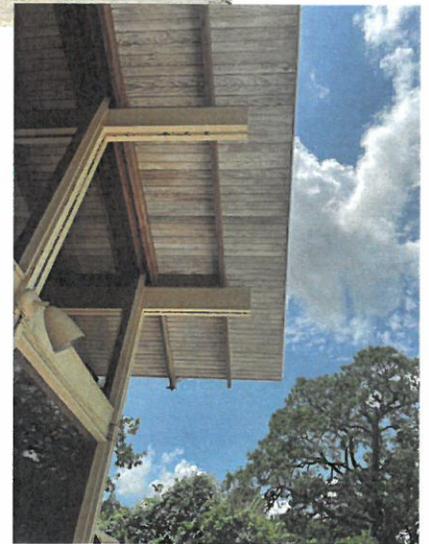
Front of 208 Woodcrest



208 Woodcrest

2021 Photos for Landmark Nomination

City of Fredericksburg



208 Woodcrest

2021 Photos for Landmark Nomination

City of Fredericksburg



- Juxtaposition of large stone fireplace with large panes of glass
- Clerestory Windows

208 Woodcrest



(photo from REALTOR.com listing 2021)

- Post and beam construction with exaggerated eaves Extra wide chimney rising above center gable
- Fossilized limestone veneer used inside and out

2021 Photos for Landmark Nomination

City of Fredericksburg



- sliding glass doors below clerestory windows connects the outside to the inside

- Post and beam construction with exaggerated eaves Extra wide chimney rising above center gable

208 Woodcrest

2021 Photos for Landmark Nomination

City of Fredericksburg



Kitchen

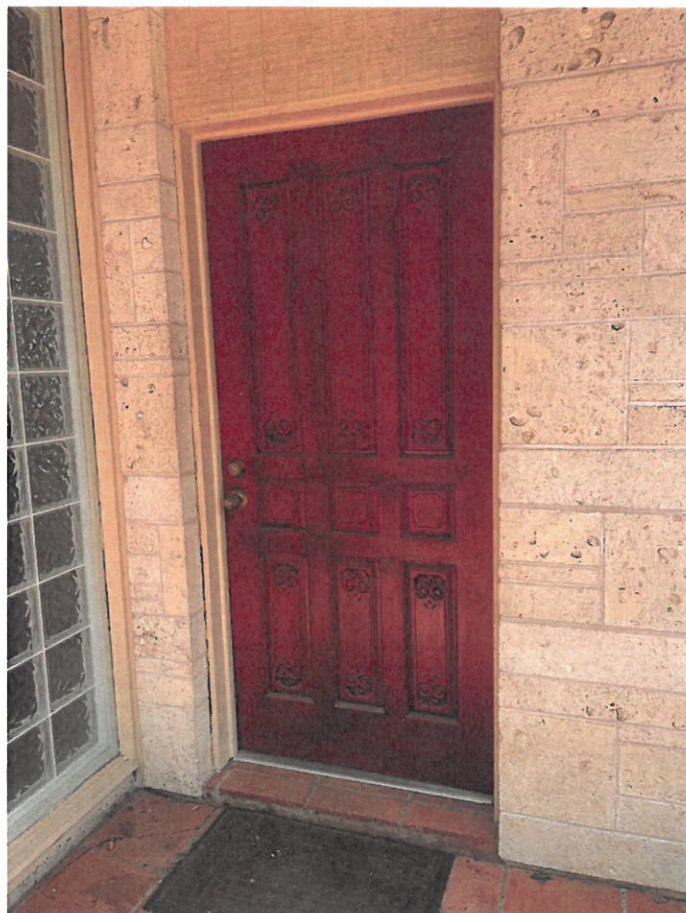
- Kitchen off side of living area with cabinetry to provide separation of space and pass through



208 Woodcrest

2021 Photos for Landmark Nomination

City of Fredericksburg



- Glass block (interior view) and clerestory windows
- Solid wood front door, not visible on front face
- Fossilized limestone block

208 Woodcrest

2021 Photos for Landmark Nomination

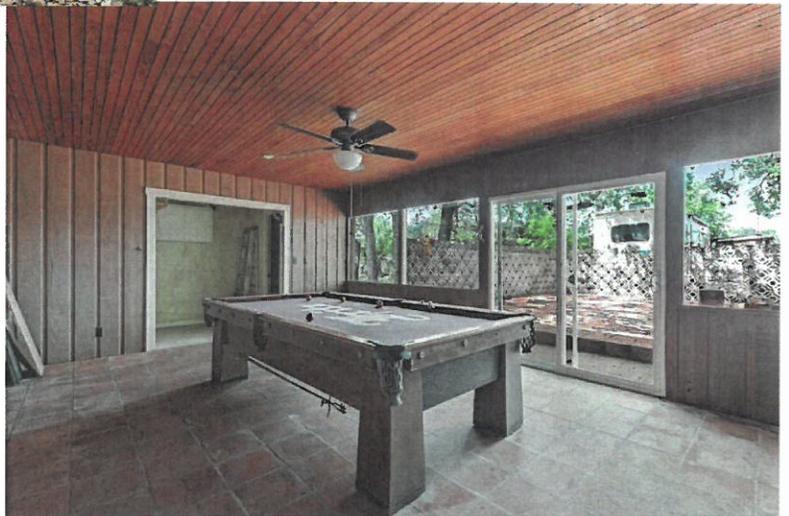
City of Fredericksburg



- South elevation—bedroom windows



- Game room (enclosed carport on northwest corner of house, not visible from street)



208 Woodcrest

2021 Photos for Landmark Nomination

City of Fredericksburg



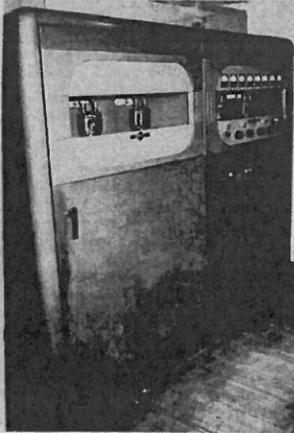
208 Woodcrest

2021 Photos for Landmark Nomination

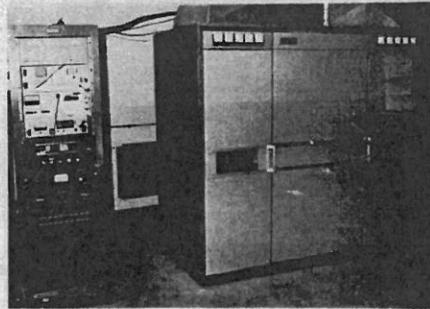
City of Fredericksburg

KNAF

AM & FM - FM STEREO
Is proud to be the
VOICE
of the
TEXAS HILL COUNTRY



AM TRANSMITTER
1,000 WATTS
910 KC



FM - FM STEREO TRANSMITTER
100,100 WATTS
101.1 MC



DORM HITZFELD
ANNOUNCER



OWNERS AND OPERATORS—President and General Manager of KNAF, Norbert A. Fritz, is shown with members of his family associated with the station. Shown left to right are Billy Jung, Announcer and Salesman; Sharon, Mrs. Billy Jung, Secretary-Treasurer and Announcer; Mr. Fritz, who is also the Chief Engineer; Alene, Mrs. Norbert A. Fritz, Vice President, Program Director and Announcer; and Jayson Fritz, Remote Broadcast Assistant.



FRANCIS J. WALCH
COMMERCIAL MANAGER
FARM and RANCH EDITOR



GARY KEMPER
ANNOUNCER



MRS. FELIX KLEIN
RECEPTIONIST
AND
BOOKKEEPER

KNAF . . . prides itself on the Communication Progress that has been made since Fredericksburg was founded

May 8, 1846

. . . We have some milestones we are proud of, too. . . .

KNAF AM

Founded 1947. On the air November 26, 1947 with 250 Watts at 1340 KC.

Increased power January 23, 1959 to 1,000 Watts and Frequency Change from 1340 KC to 910 KC.

KNAF FM/FM STEREO

(One of America's most powerful FM Broadcast Stations)

On air February 18, 1971 at 101.1 MC with power of 100,100 Watts and Antenna Height of 2,646 feet above sea level.

STUDIOS IN
SECURITY STATE BANK AND TRUST BUILDING
FREDERICKSBURG

GILLESPIE BROADCASTING CO., INC.

LOCALLY OWNED AND OPERATED

Local FM Station Now On The Air

Norbert Fritz, president of Gillespie Broadcasting Company, announced the beginning of their new stereo broadcast station KNAF-FM on 101.1 mc with studios located in the Security State Bank and Trust Building, along with KNAF-AM.

The new station has the maximum power allotted in the United States for FM broadcast, a radiated power of 100,000 watts from a vertical antenna and 100,000 watts from a horizontal antenna located 6.6 miles northwest of the Gillespie County courthouse on a 500-foot tower located on the Levy Ketron Ranch at the Cherry Mountain Community.

Fritz stated that this gave KNAF-FM one of the highest above-sea level FM antenna in all of Central Texas.

The transmitter equipment at the tower is all remote control by electronic equipment from their Fredericksburg studio. To assure the best audio stereo quality the signal from their stereo control is sent out to the transmitter by microwave.

All new equipment has been installed in the KNAF studios, including stereo console, turntables and monitoring equipment.

Reports of reception and stereo quality of the new station from listeners have proven excellent results, even better

than anticipated.

According to Mr. Fritz, good reception has been reported from Eden, Austin, San Antonio, Brownwood and of course in all the surrounding areas of Gillespie County.

The new KNAF-FM, along with KNAF-AM, will feature "Town and Country" music from 6 a. m. until the "Sunset Edition of the News", along with all of KNAF's local service programs.

Following the evening "Public Affairs" program, KNAF-FM will feature easy listening stereo music until midnight along with news on the hour and half hour with weather information every quarter hour.

Another "Public Affairs" program will be presented at 8:45 p. m. and a quarter hour Hill Country and Local News program at 10:30 p. m. will give KNAF-FM listeners 18 hours a day of music and news along with live broadcasts of special events.

It is planned to have Hill Country football broadcasts in the fall along with other sports programs in evenings.

THANK

We wish to extend appreciation to all of you for attending, donating and participating in the annual event on Sunday, Feb. 21, and making it the most successful ever.

A special thank you to the band members and...

Your response was...

Fredericksburg

SCISSORS SHA

FRIDAY, FEBRUARY

RESOLUTION 2022-05R

A RESOLUTION OF THE CITY COUNCIL OF FREDERICKSBURG, TEXAS, DESIGNATING PROPERTY LOCATED AT 208 WOODCREST, IN THE CITY OF FREDERICKSBURG, AS A LOCAL HISTORIC LANDMARK.

WHEREAS, as a matter of public policy, the City of Fredericksburg (“City”) desires to preserve resources in the City which have historical, cultural, and/or architectural merit, importance, and significance, thereby promoting the prosperity, education, and general welfare of both residents and visitors of Fredericksburg; and

WHEREAS, the City’s Historic Review Board has considered a request for designation of the property located at 208 Woodcrest (the “Property”) as a historic landmark, and has made a recommendation to the City Council related to said designation; and

WHEREAS, the City Council has duly considered the recommendations of the City’s Historic Preservation Officer and the City’s Historic Review Board, related to said designation of a historic landmark; and

WHEREAS, the City has provided the Property owner a statement that describes the impact that a historic landmark designation may have on the owner and the owner’s Property; and

WHEREAS, the owner of the Property consents to the designation of the Property as a historic landmark.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL of the City of Fredericksburg, Texas, that pursuant to Texas Local Government Code Sec. 211.0165 and Sec. 23-58 of the City Code of Ordinances, the City hereby designates the property located at 208 Woodcrest, in the City of Fredericksburg, as a Historic Landmark.

PASSED AND APPROVED this _____ day of _____, 20____

Mayor

ATTEST:

City Secretary



CITY COUNCIL MEMO

DATE: March 7, 2021

TO: Mayor and City Council

FROM: Andrea Schmidt, Parks & Recreation Director

SUBJECT: Fort Martin Scott report and Former Texas Rangers Foundation Museum update

Summary:

City Council approved the Former Texas Rangers Heritage Center (TRHC) managing Fort Martin Scott on September 7, 2021. City Council requested an update after approximately 6 months on operations from the TRHC. An update on the Former Texas Rangers Foundation Museum will also be presented.

Recommendation:

Receive report on Fort Martin Scott and the Former Texas Rangers Heritage Center Museum.

Background / Analysis:

The management agreement began November 1, 2021, and the term was for two years. At that time, the City and the TRHC will evaluate progress at the Fort and determine if a longer-term agreement would be appropriate.

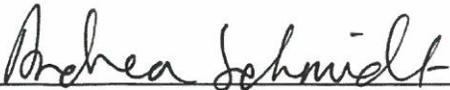
Attachments:

none

The City of Fredericksburg

126 W. Main St. • Fredericksburg, Texas 78624-3708 • (830) 997-7521 • Fax (830) 997-1861

Agenda Packet Page 191



Department Approval



City Manager Approval



City Attorney Approval

The City of Fredericksburg

126 W. Main St. • Fredericksburg, Texas 78624-3708 • (830) 997-7521 • Fax (830) 997-1861

Upcoming City Council Agenda Items

CITY COUNCIL MEETING DATES & FUTURE AGENDA ITEMS		
Monday, March 21, 2022 (Regular Meeting)		
1	Consent - March 7, 2022 Regular Meeting Minutes	Shelley
2	MOU with State for license plate reader	Brian V
3	Approval of annexation agreement, PH, zoning - Live Oak	Jason
4	Bid Award-Broadband Network Improvements	Eric
5	Amendment to the Fee Ordinance regarding taxi cab fees	Shelley
6	Update the Records Management Ordinance and Plan	Shelley
7	Interlocal agreement with Kerrville and Boerne IT Department	Eric
8	Main Street - CUP and PH	Jason
9	ES-City Manager	Kent
10	Agreement with Soccer Association	Clinton/Daniel/Andrea
Monday, April 4, 2022 (Regular Meeting)		
1	Consent - March 21, 2022 Regular Meeting Minutes	Shelley
2	Approval of Consultant Contract for New Comprehensive Plan	Jason
3	Contract award for Small Water Main Replacement Program	Evan
4	Council review HOT applications for qualifications	Shelley/Daniel
5	Cross Mountain Park cross replacement presentation - Rotary Club	Andrea
6	Christmas light bid approval	Andrea
Monday, April 18, 2022 (Regular Meeting)		
1	Consent - April 4, 2022 Regular Meeting Minutes	Shelley
2	Audit presentation (April 18, 2022)	Laura
3	Annual Investment Policy Review (April 18, 2022)	Laura
4	Allocation HOT funding	Shelley
5	Fair Association agreement easment access	Andrea
6		
Monday, May 2, 2022 (Regular Meeting)		
1	Consent - April 18, 2022 Regular Meeting Minutes	Shelley
Monday, May 16, 2022 (Regular Meeting)		
1	Consent - May 2, 2022 Regular Meeting Minutes	Shelley
2	Approval of Market Square Improvement Bids	Andrea
Monday, June 6, 2022 (Regular Meeting)		
1	Consent - May 16, 2022 Regular Meeting Minutes	Shelley
FUTURE AGENDA ITEMS		
1		
2		