



## CITY OF FREDERICKSBURG

### REGULAR PLANNING AND ZONING AGENDA

WEDNESDAY, JUNE 5, 2019 ~ 5:30 P.M.

LAW ENFORCEMENT CENTER ~ 1601 EAST MAIN STREET

Janice Menking, Chair  
Jim Jarreau, Member  
Daryl Whitworth, Member  
Brenda Segner, Member

Polly Rickert, Member  
Chris Kaiser, Member  
Tim Dooley, Member  
Steve Thomas, Member

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The Planning and Zoning Commission will meet in a regular session on June 5, 2019 at 5:30 p.m. in the Law Enforcement Center, 1601 East Main Street, Fredericksburg, Texas. This is an open meeting, open to the public, subject to the Open Meetings Law of the State of Texas, and as required by law, notice is hereby posted on May 31, 2019 before 5:00 p.m., providing time, place, date and agenda thereof. The meeting facility is wheelchair accessible and accessible parking spaces are provided. Requests for accommodations or interpretative services must be made to the City Secretary 48 hours prior to this meeting.

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(Please turn off all pagers and phones, except emergency on-call personnel.)

#### 1. CALL TO ORDER

#### 2. ROLL CALL

#### 3. APPROVAL OF MEETING MINUTES

May 8, 2019 Meeting Minutes

#### 4. PUBLIC HEARING

- A. Consider (Z-1909) Request by Daniel J Scully III for a Conditional Use Permit to operate a first floor short term rental units in the Historic Shopping District overlay at 115 E. Austin Street.

#### 5. ACTION ITEMS

- A. Receive recommendation and consider (Z-1909)
- B. Consider action to have staff consider amending section 8.100 Temporary Use Types of the Zoning Ordinance pertaining to prohibition of temporary use structures in the Historic District.

#### 6. MISCELLANEOUS

#### 7. ADJOURN

This is to certify that I, Shelby Collier, posted this Agenda at 11:00 a.m. on May 31, 2019 on the entrance door and bulletin board at the City of Fredericksburg City Hall, 126 W. Main St., Fredericksburg, Texas.

Shelby Collier,  
Development Coordinator



**STATE OF TEXAS  
COUNTY OF GILLESPIE  
CITY OF FREDERICKSBURG**

**PLANNING & ZONING COMMISSION  
MAY 8, 2019  
5:30 P.M.**

On this the 8<sup>TH</sup> day of May, 2019 the PLANNING AND ZONING COMMISSION convened in regular Session at the Law Enforcement Center with the following members present to constitute a quorum:

**PRESENT:**

JANICE MENKING  
TIM DOOLEY  
POLLY RICKERT  
STEVE THOMAS  
JIM JARREAU  
BRENDA SEGNER  
DARYL WHITWORTH

**ABSENT:**

CHRIS KAISER

**ALSO PRESENT:**

BRIAN JORDAN – Director of Development Services  
ANNA HUDSON – Historic Preservation Officer  
DANIEL JONES – City Attorney  
SHELBY COLLIER – Development Coordinator

Janice Menking called the meeting to order at 5:30 P.M.

**PUBLIC HEARING**

**Consider (Z-1904) request by Luke Barnett to change the Zoning from R1, Single Family Residential, to R2, Mixed Residential, on lots 149, 150, 151 and 152 of the Walch Terrace Addition Block T located at 314 W. Park Street**

Motion made to open Public Hearing by Tim Dooley seconded by Daryl Whitworth. All voted in favor and the motion carried.

No applicant present.

Tim withdrew motion to open public hearing seconded by Jim Jarreau. All voted in favor and the motion carried.

**Consider (Z-1908) request by Dale Sultemeier on behalf of Penick Estate Limited Partnership to change the Zoning from R1, Single Family Residential, to R1-A, Single Family Residential Small Lot, on 16.04 across of land located west of Hollmig Lane and south of Friendship Lane.**

Motion made to open public hearing by Tim Dooley. Seconded by Daryl Whitworth. All voted in favor and the motion carried.

Dale Sultemeier presented the application. He explained the request for R1-A lots verses R1 lots is the smaller size allows for more lots and also provides the potential property owner with a more affordable product.

Citizen Clint Beiker spoke regarding the development. He would like more information regarding the type of homes that will be in this development. Dale Sultemeier stated the average home would be 1500 sq. ft and all homes will meet City requirements.

Motion made to close public hearing by Tim Dooley seconded by Jim Jarreau. All voted in favor and the motion carried.

Brian Jordan, Director of Development, stated The property is located on the west side of Hollmig Lane, south of Friendship Lane. Adjacent zoning is C-1, Neighborhood Commercial to the north, and R-1, Single family residential to the west and east. Property to the south is outside the city limits.

Given the description provided in the Comprehensive Plan of providing a range of lot sizes and housing types in order to promote increased housing diversity and affordability, we believe the proposed R1-A category is appropriate.

Brian did not receive formal response letters, however, he met with several individuals that were concerned about traffic on Hollmig Ln and drainage as well as utilities and access to the development.

Jim Jarreau voiced a concern about the amount of R1-A lots approved recently. Tim Dooley stated by his calculations there were 52 lots in the Beginning, 58 lots in Crabapple Grove, Heather Glen proposes 70 lots in phase 1 with a total 480 lots and 106 lots in the current application. He stated that all lots mentioned are R1-A.

Brian stated we do not control absorption and went on to say that the community needs properties.

Tim Dooley asked if City Staff would be responsible for determining capacity for utilities for all of these properties. Brian stated that is correct and spoke to the developer paying for the extension of utilities.

Motion to approve Application Z-1908 as presented by Tim Dooley. Seconded by Jim Jarreau. All voted in favor and the motion carried.

**Request (P-1910) by Dale Sultemeier for a Preliminary Plat for 16.04 acres of land located west of Hollmig Lane and south of Friendship Lane, known as Dove Crossing.**

Dale Sultemeier presented the application. He explained the flow of drainage for this development and commented on the detention pond he also stated he would continue to work with engineering staff for utilities and drainage. Dale also commented on the lift station and that the size will possibly be upgraded.

Brian stated this development consists of 106 residential lots. All lots exceed the minimum width of 45', and exceed the minimum size requirement of 4,500 sf for the R-1A zoning district. The commercial lots range in size from 0.63 acres to 1.56 acres.

Two drives are proposed on Friendship Lane and a single drive on Hollmig Lane. The westernmost drive on Friendship lane will serve both the commercial development and the residential neighborhood.

Friendship Lane is an arterial street and is built with two lanes in each direction. No additional street improvements are required for Friendship Lane. The project also adjoins Hollmig Lane. A portion of Hollmig Lane is in the City Limits and a portion is outside the City Limits. Section 6.12 of the Subdivision Ordinance states a developer is responsible for their proportional share of an abutting street such as Hollmig Lane. The Developer's proportional share of the street construction shall be determined by the Developer's engineer and approved by the Director of Public Works and Utilities.

The extension of utilities will be the sole responsibility of the developer of the project. Lines will be required to be extended to the adjoining properties to allow for future connection to the adjoining properties.

Staff recommends approval conditioned upon approval of the final Construction Plans prior to the start of construction, approval of the proportional share of the cost of Hollmig Lane by the Director of Public Works and Utilities, approval of a screening plan along Hollmig Lane prior to the Final Plat approval with installation to occur with subdivision improvements and approval of a Traffic Impact Analysis prior to Final Plat approval.

Polly Rickert commented on a trend of 50 – 100 lot requests. She commented on the lack of green space for the neighborhood and her disappointment in the marketability of this property and lack of vision for the neighborhood. She encourages that prior to the final plat being reviewed by the commission that her comments are addressed.

Daryl Whitworth commented on the screening for Hollmig Ln. He asked staff if there would be screening requirements along the south property line. Brian stated no because that property is not in the City Limits.

Tim Dooley asked about access to the development. Kris commented that the TIA would help determine if this development would need to place a traffic light and went on to say that the developer would be responsible for the cost.

Citizen Amy Pomykal commented on the increase in traffic and the need to dedicate ROW for sidewalk on Hollmig Ln.

Brian commented that Hollmig Ln is not on the sidewalk plan and Brian has had this conversation with the developer. There is ROW dedication currently on Hollmig Ln but does not foresee additional ROW added.

Tim Dooley asked if they could require sidewalks. Brian stated it is not part of the Subdivision Ordinance so he does not think so.

Daryl Whitworth asked if the TIA would address foot traffic. Kris commented that this request could be considered.

Janice asked if the commercial lots would come back to P&Z. Brian commented yes, this is the preliminary plat but the application would return in the form of a final plat and site plan.

Motion made to approve Application P-1910 as presented by Tim Dooley. Seconded by Jim Jarreau. All voted in favor and the motion carried.

**Consider (Z-1904) request by Luke Barnett to change the Zoning from R1, Single Family Residential, to R2, Mixed Residential, on lots 149, 150, 151 and 152 of the Walch Terrace Addition Block T located at 314 W. Park Street**

Motion made to open the public hearing by Daryl Whitworth. Seconded by Tim Dooley. All voted in favor and the motion carried.

Luke Barnett presented the application. He explained that the zoning on the north side of W. Park street is all R2 and would like to request this zoning prior to development of these lots.

Motion made to close public hear by Tim Dooley. Seconded by Jim Jarreau. All voted in favor and the motion carried.

Brian stated the property is located at 314 W. Park Street, and consists for 4 lots of the Walch Terrace Addition. A Single family residence is located on one of the lots, the remaining lots are currently vacant. The existing R-1 zoning was established on the subject property when it was annexed into the City in 1999. For some reason, the properties fronting and on the north side of Park Street between the subject property and S. Adams Street are zoned R-2, Mixed Residential. Staff does not know the history on this zoning and it does not appear to represent the land uses in these blocks. The applicant has not indicated an intended use of the property if the zoning is approved. We do not object to the zoning and would see this as an extension of the R-2 zoning rather than spot zoning.

Based on the Land Use Plan designation, this property falls within the Low Density Residential. While the proposed R-2 Mixed Residential District allows greater density, the size of the subject property and surrounding properties will restrict the number of units. Given the fact that the adjoining property is R-2, we would see this as a reasonable extension of that zoning. Approval is recommended.

Jim Jarreau asked for clarification from Brian's brief regarding density. Brian explained the size of the lots are limited for development so while a duplex would be allowed the size would be restricting.

Tim Dooley asked if thought was given to include the additional properties on that street. Luke commented that he had reached out to the owners but had no comment from them. Brian stated if the commission wanted to request that change they had the ability to do so.

Tim stated he believes the commission should extend the R2 to South Milam. Polly Rickert and Jim Jarreau agreed.

Motion made to recommend approval of Z-1904 with request of City Staff to extend the R2 zoning to S. Milam. Jim Jarreau seconded the motion. All voted in favor and the motion carried.

**Consider (Z-1910) request by City of Fredericksburg to expand the local Historic District by creating "H" Zoning overly, no change to base zoning.**

Polly Rickert and Jim Jarreau recused themselves.

Motion made to open the public hearing by Daryl Whitworth. Seconded by Tim Dooley. All voted in favor and the motion carried.

Anna Hudson presented a PowerPoint that explained the following:

Landmarks are protected as a property but greater protection is given to a district. Through the survey process a few properties were identified as having potential state significance.

A survey is a snapshot in time. Through the survey process the consultants provided a new database so the information may be updated as needed. The period that was represented is from 1890 to 1968. Significance and integrity are required to have a historic property. She further explained the tiered evaluation of high, medium and low ratings.

Anna went on to explain the Historic Review Board process and that this district expansion has been underway since 2016.

Citizen Johnny Melvin spoke in protest. She stated the three outbuildings at 618 – 620 E. San Antonio were rated High. The property was under contract by a Hotel and due to the High rating is now likely not to go through. She showed pictures regarding the outbuildings. She believes that the inability to demolish the structures is a burden not a benefit to the neighborhood due to the condition. She spoke regarding the financial burden. She spoke regarding house bill 2496 and would like the commission to wait and see what happens with that bill.

Citizen Mrs. Doralee Soule provided a protest letter which Commission Chair, Janice Menking read aloud. It asked how many on City Council are living in the Historic District. A comment was made that the Mayor lives in a landmark and councilman Bobby Watson lives in the survey area. An additional question was asked, why is the City Council making the decision when only 1 member is living in the district and the comment went on to state she believes it should be given to a vote of the citizens.

Citizen Jeff Brasher, Superintendent for FSD, spoke in protest. He voiced concern of improving safety and quality of facilities. He would like to study financial impact on the district and taxpayers involving the schools. He voiced his concern about the unknown cost of a modification. Janice commented that she understood the concern but while she understood she they would not want to see the middle school knocked down, this process would protect it.

Citizen Johnnie Moldenhauer who owns property 616 E. San Antonio spoke in protest. He commented on the integrity of the building and the multiple additions done to the structure.

Citizen Daryl Moore who owns property at 107 W. Centre spoke in protest. He stated property taxes would increase because realtors will be pushing the importance of properties in the Historical District. He questions repairs and maintenance and stated he thinks it unreasonable that they have to gain permission to replace windows. He commented that some of the properties in his opinion are not valuable historical properties.

Citizen Sarah Washbourne who owns and operates the Hoffman House voiced a concern regarding the ordinance prohibiting tents in the Historic District. The ability to provide temporary tents is important for the business. If the property does become part of the Historic District where does this leave them?

Anna stated she has received 14 letters in protest including the two received at the meeting and 7 in approval not counting numerous phone calls.

Citizen Amy Pomykal who owns 221 W. Centre spoke in protest. She resides and operates a B&B from this location and does not want to be in the Historic District. She gave an example of replacing windows in a high rated property and stated this is unreasonable and these are important things that need to be discussed. Corey Pomykal also commented that this is a financial burden that is not fit for the demographic living in these properties.

Motion made to close public hearing by Tim Dooley. Seconded by Brenda Segner. All voted in favor and the motion carried.

#### Receive Recommendation

Janice questioned if a certified local government is required to do a survey. Anna commented it is recommended to update every 5-10 years.

Tim Dooley asked why this request was brought to them. Anna stated this is a technicality, the Historic Ordinance is written that this is a Zoning Overlay. So its handled as if it's a zoning change. Tim asked what happens if the commission does not approve it. Brian stated it would still go to Council but Daniel Jones, City Attorney stated but it would require a super majority vote to override.

Daryl Whitworth was at a Council meeting where a Historic Landmark was presented, he questioned why they didn't preserve these properties that way. Anna stated that was a good question and explained that a Landmark protects individual property but a district protects the neighborhood.

Daryl asked about the tent issue addressed by Sarah Washburn. Brian stated there is a temporary use section that prohibits a temporary structure in the historical district. The only exception is for museums, churches and marketplatz . Brenda asked if there is a grandfather clause to the ordinance and Brian stated no.

Tim Dooley stated the community has grown and historic preservation has set Fredericksburg apart from other communities. The Historic Review Board is part of the City Government and they have spent a lot of time on this endeavor. While he is not a fan of the cost to obtain a survey and the surveyors themselves as they are not local, we cannot have it both ways. There can be oversight for the betterment of all or none at all and he is not in favor of taking a year and a half's worth of work and bringing it to the commission. This should be presented solely to City Council.

Tim Dooley made a motion to approve as presented. Steve Thomas seconded. Daryl and Brenda opposed all others voted in favor and the motion carried.

Janice Menking thanked Anna Hudson and City Staff for the work of a year and a half regarding the expansion of the Historic District.

## **MISCELLANEOUS**

### **Update on US Highway 290 East Annexation**

Brian informed the Commission that a lawsuit has been filed seeking an injunction preventing the city from proceeding with the annexation. The judge granted an extension to the injunction and no resolution has occurred yet.

### **Revisions to the Standardized Business Ordinance**

Brian stated there was discussion about amending the mentioned ordinance and City Staff will be looking at this regarding expansion of the district to Kay Street and viewing the criteria for the CUP process describing a “chain”.

## **MINUTES**

Jim Jarreau moved to approve the minutes of the April, 2019 meeting and seconded by Polly Rickert. All voted in favor and the motion carried.

## **ADJOURN**

With nothing further to come before the Commission, Polly Rickert moved to adjourn. Jim Jarreau seconded the motion. All voted in favor and the meeting was adjourned at 7:27 p.m.

PASSED AND APPROVED this 5<sup>th</sup> day of June, 2019.

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SHELBY COLLIER, DEVELOPMENT COORDINATOR

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JANICE MENKING, CHAIRMAN



## **CONDITIONAL USE PERMIT BRIEF**

*Request Z-1909*

**Applicant:** Jim Carpenter

**Location:** 115 E. Austin Street

**Existing Zoning:** CBD Central Business District and Historic Shopping District Overlay

**Request:** Conditional Use Permit for Short Term Rentals on the First Floor

### **Site Plan Overview:**

- The applicant is proposing 4 additional short term rental units to the rear of the building located at 115 E. Austin Street.
- The proposed building addition will include 2 units on the first floor and 2 units on the second floor.
- Section 3.510 of the Zoning Ordinance requires a Conditional Use Permit for a Bed & Breakfast (Short Term Rental) unit on the first floor.
- The site is approximately 7,809 square feet (0.18 acres).
- Access to the property is from Austin Street via an existing drive located on the east side of the property.
- Parking spaces are provided on the south side of the proposed buildings.
- The surrounding zoning is CBD in all directions.
- Surrounding land uses include commercial businesses in all directions.

### **Review and Evaluation Criteria:**

#### **A. CONFORMANCE WITH APPLICABLE REGULATIONS:**

- The site complies with applicable regulations.

#### **B. COMPATIBILITY WITH EXISTING OR PERMITTED USES IN ABUTTING SITES:**

- The use of the property for additional Short Term Rental units will support the retail and commercial activities within the area.

#### **C. POTENTIALLY UNFAVORABLE EFFECTS OR IMPACTS ON OTHER EXISTING OR PERMITTED USES ON ABUTTING PROPERTY:**

- We do not anticipate unfavorable effects on adjoining properties from this use.

#### **D. MODIFICATIONS TO THE SITE PLAN WHICH WOULD RESULT IN INCREASED COMPATIBILITY AND WOULD MITIGATE POTENTIALLY UNFAVORABLE IMPACTS:**

- None.

**E. SAFETY AND CONVENIENCE OF VEHICULAR AND PEDESTRIAN CIRCULATION IN THE VICINITY:**

- Drive access into this property will remain on the east side of the property. There is a public sidewalk in front of the building on Austin Street. The building is set back approximately 10' from the sidewalk to provide adequate visibility for pedestrians on the sidewalk.

**F. PROTECTION OF PERSONS AND PROPERTY FROM EROSION, FLOOD OR WATER DAMAGE, FIRE, NOISE, GLARE:**

- NA

**G. LOCATION OF LIGHTING AND TYPE OF SIGNS; THE RELATION OF SIGNS TO TRAFFIC CONTROL AND ADVERSE EFFECTS OF SIGNS ON ADJACENT PROPERTIES:**

- No specific detail provided on exterior lighting. A note is provided on the plan indicating all lighting will be shielded and ordinance compliant.

**H. ADEQUACY AND CONVENIENCE OF OFF STREET PARKING AND LOADING FACILITIES:**

- Sufficient parking is provided based on the code. The parking is located to the rear of the building, and adjoins property to the south. The owner of the subject property also owns the property to the south.

**I. DETERMINATION THAT THE PROPOSED USE IS IN ACCORDANCE WITH THE OBJECTIVES OF THESE ZONING REGULATIONS AND PURPOSES OF THE ZONE IN WHICH THE SITE IS LOCATED:**

- The intent of the Central Business District is 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 visitor as well as the residents of the City. While this would be considered a hospitality business, it would seem appropriate to support downtown.

**J. DETERMINATION THAT THE PROPOSED USE WILL COMPLY WITH EACH OF THE APPLICABLE PROVISIONS OF THE ZONING ORDINANCE:**

- Affirmative.

**K. 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:**

- Affirmative.

**L. 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:**

- No additional changes are recommended.

**M. DETERMINATION THAT THE PROPOSED USE TOGETHER WITH THE CONDITIONS APPLICABLE THERETO, WILL NOT BE DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY, OR WELFARE OR MATERALLY INJURIOUS TO PROPERTIES OR IMPROVEMENTS IN THE VICINITY:**

- No additional changes are recommended.

**OPPOSITION/SUPPORT OF REQUEST:** One comment in support, none in opposition.

**STAFF RECOMMENDATION:** Approval is recommended. The use of this space for first floor retail does not seem reasonable, and we do not think the proposed use as additional short term rentals jeopardizes the intent of the ordinance.

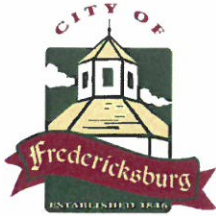








| <b>Letter</b>                 | <b>Owner</b>                        | <b>Address</b>                                         |
|-------------------------------|-------------------------------------|--------------------------------------------------------|
| <b>1</b>                      | MAX ROY BECKMANN                    | 106 E. AUSTIN FREDERICKSBURG, TX 78624                 |
| <b>2</b>                      | WILLIAM & MOLLY NANCE               | 103 INDUSTRIAL LOOP STE 1000 FREDERICKSBURG, TX 78624  |
| <b>3</b>                      | ALBERT & SHIRLEY KEYSER             | 423 KEYSER RD MASON, TX                                |
| <b>4</b>                      | DTB INVESTMENTS LP                  | 28615 IH 10 WEST BOERNE, TX                            |
| <b>5</b>                      | AUSTIN STREET LLC                   | P.O. BOX 836 AUSTIN , TX                               |
| <b>6</b>                      | DENNIS KUSENBERGER                  | 116 E. AUSTIN FREDERICKSBURG, TX 78624                 |
| <b>7</b>                      | POARCH REALTY INVESTMETNS LP        | 1041 CONRAD SAUER HOUSTON, TX                          |
| <b>8</b>                      | D & E SCULLY FAMILY TRUST           | 1701 PACIFIC AVE OXNARD, CA                            |
| <b>9</b>                      | D & E SCULLY FAMILY TRUST           | 1701 PACIFIC AVE OXNARD, CA                            |
| <b>10</b>                     | OLD PAINT LLC                       | 138 E. MAIN ST FREDERICKSBURG, TX 78624                |
| <b>11</b>                     | ONE THIRTY TWO MAIN TRUST           | P.O. BOX 1275 FREDERICKSBURG, TX 78624                 |
| <b>12</b>                     | TRACE D LP                          | 2805 CLAYERA COVE AUSTIN, TX                           |
| <b>13</b>                     | SUZAN TYNG RIVERA                   | 1119 PEACEMAKER SAN ANTONIO, TX                        |
| <b>14</b>                     | KOWERT FAMILY PROPERTIES LLC        | 122 E. MAIN ST FREDERICKSBURG, TX 78624                |
| <b>15</b>                     | KOWERT FAMILY PROPERTIES LLC        | 122 E. MAIN ST FREDERICKSBURG, TX 78624                |
| <b>16</b>                     | KOWERT FAMILY PROPERTIES LLC        | 122 E. MAIN ST FREDERICKSBURG, TX 78624                |
| <b>17</b>                     | FREDBG BIBLE CHURCH INC             | 107 E. AUSTIN FREDERICKSBURG, TX 78624                 |
| <b>18</b>                     | GILLESPIE COUNTY HISTORICAL SOCIETY | 312 W. SAN ANTONIO ST STE 100 FREDERICKSBURG, TX 78624 |
| <b>19</b>                     | ONE THIRTY TWO MAIN TRUST           | P.O. BOX 1275 FREDERICKSBURG, TX 78624                 |
|                               |                                     |                                                        |
| <b>Z-1909 - 115 E. Austin</b> |                                     |                                                        |



## PLANNING & ZONING COMMISSION

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**DATE:** May 30, 2019

**TO:** Planning and Zoning Commission

**FROM:** Brian Jordan, AICP

**SUBJECT:** Action to have staff consider amending Section 8.100 Temporary Use Types of the Zoning Ordinance pertaining to prohibition of temporary use structures in the historic district.

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### **Summary:**

The Temporary Use Ordinance currently restricts certain uses in the Historic Overlay District (HO). The expansion of the historic district created an unintended consequence of expanding the limitation of use of tents. The Temporary Use Ordinance was created to restrict certain uses in the historic shopping district and having the restrictions tied to the larger (mostly residential) historic district is not the most efficient way of controlling the shopping district (see existing ordinance provisions).

### **Recommendation:**

Motion and approval to direct staff to consider and make a recommendation on amending Section 8.100 of the Zoning Ordinance pertaining to Temporary Use Types limiting temporary use structures in the historic overlay district to be changed to the historic shopping district instead.

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### **Background / Analysis:**

During public hearings for the expansion of the historic overlay district it was brought to staff's attention that the expansion of the district would preclude a business from hosting outdoor tented events as it has for year.

M. No temporary type structures shall be placed in the Historic Overlay District (HO). Temporary structures shall include mobile trailer units, portable structures, sun shades of whatever material, tents, tarps, or umbrellas. EXCEPT: The use of umbrellas or similar detached (portable), non structural sun shading devices ("Cover") by a restaurant for that restaurant's outdoor eating and serving areas shall be permitted under the following circumstances:

- (1) The covered area shall be specifically defined with impervious surface in place, and
- (2) No advertising, logos, or words which would violate the City's sign ordinance or any other law or statute shall appear on the Cover, and any advertising which does meet the City's sign ordinance shall be included in the overall allowable signage for the business, and
- (3) The color shall be an approved color under the City of Fredericksburg's Historic Preservation Ordinance, and pictures, stripes, floral or other designs, if any, shall be approved by the Historic Review Board of the City of Fredericksburg, which shall approve or disapprove the Cover based on whether or not it is in keeping with the historic nature of the District, and whether or not it detracts from the building it serves or the surrounding buildings or uses.
- (4) If the Cover is not an umbrella that is commonly used in outdoor dining as defined below, all aspects of the particular shading device shall be subject to review and approval by the Historic Review Board of the City of Fredericksburg, which shall approve or disapprove the Cover based on whether or not it is in keeping with the historic nature of the District, and whether or not it detracts from the building it serves or the surrounding buildings or uses.

- (5) Umbrella, for the purposes of this section, is defined as a light, portable cover for protection from rain or sun consisting of fabric held on a collapsible frame of any shape having a diameter or cross-measurement in any direction of no more than 13 feet.







**Staff Recommended Historic District Boundary Expansion**  
June 3, 2019

**Legend**

**Rating**

- High / Rec. Landmark
- Medium
- Low
- Not Historic-Age
- Vacant

**Recommendation**

- Staff\_Recommendation
- Surveyed\_Parcels
- Existing\_Historic\_District
- Historic Landmark

- High / Rec. Landmark
- Medium
- Low
- Not Historic-Age
- Vacant

-  Staff\_Recommendation
-  Surveyed\_Parcels
-  Existing\_Historic\_District
-  Historic Landmark

