



CITY OF FREDERICKSBURG

REGULAR PLANNING AND ZONING AGENDA WEDNESDAY, OCTOBER 6, 2021, ~ 5:30 P.M. LAW ENFORCEMENT CENTER – 1601 E. MAIN STREET

Janice Menking, Chair
Jim Jarreau, Member
Daryl Whitworth, Member
Jeff Lawrence, Member
Polly Rickert, Member

Emily Kirchner, Member
Jill Tabor, Member
Tim Dooley, Vice Chair
Steve Thomas, Member

The City of Fredericksburg Planning and Zoning will meet in a regular session on **Wednesday, October 6, 2021, at 5:30 p.m. The meeting will be in person at the Law Enforcement Center 1601 E. Main Street.** This meeting will be held in person and live stream on our YouTube Channel.

Link to City of Fredericksburg YouTube Channel Fredericksburg, Texas USA - YouTube
<https://www.youtube.com/channel/UCrhnIFjVfDS1SPBJD2pYKcQ/featured>

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF MEETING MINUTES

September 2021 regular meeting minutes

4. PUBLIC COMMENTS

NOTE: The Texas Open Meetings Act permits a member of the public or a member of the governmental body to raise a subject that has not been included in the notice for the meeting. However, any discussion of the subject must be limited to a proposal to place the subject on the agenda for a future meeting and any response to a question posed to the City Council is limited to either a statement of specific information or recitation of existing policy. TEX. GOV'T CODE § 551.042.

Written Comments: to be submitted remotely:

1. Must be received by 2 p.m. on October 6, 2021.
2. Complete the Citizen Comment Form online at www.fbgtx.org; or
3. Email your comments to scollier@fbgtx.org

Verbal Comments:

1. Sign up in-person between 5:00 p.m. and 5:30 p.m. at the Law Enforcement Center in order to comment.

You will be limited to 3 minutes to speak.

The Planning and Zoning Commission (P&Z) welcomes public comments concerning items on this agenda. Each member of the public who desires to address the P&Z regarding an item on this agenda is required to sign up to speak, prior to the start of the meeting. All public comments shall be limited to discussion of items on this agenda and shall be limited to 3-minutes in duration. At the discretion of the P&Z Chair, or upon an affirmative vote of the P&Z, the public comment time limit applicable to all speakers may be lengthened or shortened as required to allow the P&Z to complete its legislative agenda. Persons addressing the P&Z are prohibited from trading time with other speakers or reserving of time.

5. PUBLIC HEARINGS

- A Request Z-2116 – by Stuart Barron, Owner, To Consider a Requested Zoning Change from C1, Neighborhood Commercial, To C1.5, Medium Commercial for Approximately 0.647 Acres of Land Located on the North Side of Friendship Lane, Approximately 700 Feet West of the Intersection of Friendship Lane and South Washington Street.
- B Request Z-2116 - by Stuart Barron, Owner, To Consider a Conditional Use Permit Per Section 3.205 to Allow a “Drive Through or Drive-In Facilities” For Approximately 0.647 Acres of Land Located on the North Side of Friendship Lane, Approximately 700 Feet West of the Intersection of Friendship Lane and South Washington Street.
- C Request Z-2117 – by John Needham of Seco Enterprises LLC, to Consider an Amendment to the PUD, Planned Unit Development Zoning to Allow Building Heights to Exceed the Maximum Height of 38 Feet for Approximately 32.53 Acres of Land Located at the Southwest Intersection of Friendship Lane and South Eagle Street.
- D Request Z-2119 – to Consider Proposed Amendments to Section 8.100 – Temporary Use Types, to Add a Definition for “Event Center”, to Allow Temporary Structures (Tents) for “Event Centers” and Establish Regulations Regarding the Proposed Use.

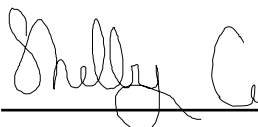
6. ACTION ITEMS

- A Discussion, Consideration, and Recommendation Regarding Request Z-2116-A.
- B Discussion, Consideration, and Recommendation Regarding Request Z-2116-B.
- C Discussion, Consideration, and Recommendation Regarding Request Z-2117.
- D Discussion, Consideration, and Recommendation Regarding Request Z-2119.

7. DISCUSSION ITEMS

8. ADJOURN

This is to certify that I, Shelby Collier, posted this Agenda before 5:00 PM. on October 1, 2021, on the entrance door and bulletin board at the City of Fredericksburg City Hall, 126 W. Main St., Fredericksburg, Texas.



Shelby Collier,
Associate Planner

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

**PLANNING & ZONING COMMISSION
SEPTEMBER 8, 2021
5:30 P.M.**

On this the 8th day of SEPTEMBER 2021 the PLANNING AND ZONING COMMISSION convened in regular Session at the Law Enforcement Center located at 1601 E. Main Street with the following members present to constitute a quorum:

PRESENT:

JANICE MENKING
DARYL WHITWORTH
EMILY KIRCHNER
TIM DOOLEY
JIM JARREAU
STEVE THOMAS
POLLY RICKERT
JEFF LAWRENCE
JILL TABOR

ABSENT:

ALSO, PRESENT:

JASON LUTZ – Director of Development Services
DANIEL JONES – City Attorney
SHELBY COLLIER – Associate Planner

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

PUBLIC COMMENTS

Milton Buckelew, City Resident, spoke regarding his involvement with the STR Alliance and their opposition to the proposed Short Term Rental Ordinance amendments.

Judith Rost, City Resident, spoke regarding her opinion that Short Term Rentals should not be allowed in the R1 Zoned areas.

Eric Hammersen, City Resident, spoke regarding his concern that neighborhoods will continue to be lost if City Council does not restrict Short Term Rentals from R1 zoned areas.

MINUTES

Emily Kirchner pointed out a correction needed regarding the motion for adjournment. Jim Jarreau moved to approve the minutes of the September 2021 meeting and Emily Kirchner seconded the motion. All voted in favor and the motion carried.

ACTION ITEMS

Request Z-2102 an Involuntary Annexation and Proposed Zoning of R1, Single Family Residential and C2, Commercial for Approximately 82.36 Acres of Land Generally Located on the West and East Sides of Post Oak Road, From West Live Oak to 2,800 Feet North of South Bowie Street. This Involuntary Annexation Will Not Increase or Extend the City's (ETJ) Extraterritorial Jurisdiction.

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

Jason Lutz, Director of Development Services, stated the proposed annexation includes all properties that have frontage on Post Oak Road between Live Oak Street and Bowie Street, and those properties fronting on the Cherry Street extension to the North of Bowie Street. Area 6A includes approximately 40.71 acres and area 6B approximately 42.62 acres. The property is characterized by residences, vacant land, and some commercial businesses.

Once the property is annexed into the City Limits, a Zoning classification for each property must be established, based on the Future Land Use Plan. The Future Land Use for this area show a mix of Rural Residential, Commercial, and Low Density Residential.

Recommendation:

Currently the City does not have a Zoning classification for Rural. For the Rural and Low-Density Residential Land Use, Staff recommends a Zoning category of R1. For the areas called out as Commercial staff recommends C2 to allow the continuation of existing businesses. P&Z and City Council could reduce the C2 Zoning to C1.5 or C1, but Staff would recommend C2 or C1.5 so as not to create any non-conforming uses.

Mrs. Petragon spoke regarding the proposed annexation area. Jason Lutz was able to confirm that her property is already located within the City Limits.

Tim Dooley made a motion to close the Public Hearing. Seconded by Jim Jarreau. All voted in favor and the motion carried.

Jim Jarreau discussed R2 Zoning on West Side of Post Oak.

Polly Rickert discussed C1.5 Zoning on the West Side of Post Oak.

Tim Dooley made a motion to recommend a Zoning to reflect what the current Land Use is in the area and directed Staff to provide each parcels use. Polly Rickert seconded the motion. All voted in favor and the motion carried.

Request Z-2112 by Jacob Grant, Owner, to Consider a Request for Voluntary Annexation and requested Zoning of R1-A, Single Family Residential – Small Lot, for Approximately 6.32 acres of Land out of Outlot 97, Outlot 96 an Unnumbered Outlot and Block V of the German Emigration Company Environs Map, Located at 651 Post Oak Rd.

Jim Jarreau made a motion to open the Public Hearing. Seconded by Tim Dooley. All voted in favor and the motion carried.

Mark Cornett, Engineer for the project, presented the application. He stated it was the owners desire to Annex into the City Limits with a Zoning of R1-A. He intends to develop a 40-lot subdivision.

Tim Dooley made a motion to close the Public Hearing. Seconded by Jim Jarreau. All voted in favor and the motion carried.

Jason Lutz, Director of Development, stated the **4** property owner has requested voluntary annexation of

approximately 6 acres of land to construct a single-family subdivision. This Annexation Agreement was approved by City Council on September 8, 2021. The requested zoning of the property is R1A. The Future Land Use Plan calls this area as Low Density Residential and the requested zoning of R1A meets the requirements of the Future Land Use Plan.

The property is located at 651 Post Oak Rd, located approximately 575 ft north of the intersection of Post Oak Rd. and W. Live Oak St. This property is currently located in the City's Annexation Plan (Area 6A). The remaining properties of annexation area 6A have been notified of the annexation process and will be considered for annexation at a later date.

The property would be required to extend utilities to serve their property and then be required to extend utilities to adjacent landowners as part of the platting/subdivision process.

Recommendation:

Staff recommends approval of the requested annexation and proposed zoning of R1A.

Jim Jarreau made a motion to recommend Approval of Application Z-2112 per Staff Recommendation. Tim Dooley seconded the motion. All voted in favor and the motion carried.

Consider P-2127 – Request by Jacob Grant with 10-8 Properties for a Preliminary Plat of the Proposed Post Oak Subdivision for property located at 651 Post Oak Road.

Mark Cornett, Engineer for the project, presented the application. He stated it was the applicants desire To develop a 40-lot subdivision.

Recommendation:

Shelby Collier, Associate Planner, stated Staff recommends Approval of the proposed Preliminary Plat conditioned upon Approval of the Final Construction Plans.

Jim Jarreau made a Motion to Approve Application P-2127 Per Staff Recommendation. Seconded by Tim Dooley. All voted in favor and the motion carried.

Consider SP-2114 – Request by Whitney Koch with Mustard Design to Consider a Parking Agreement for the future Sunset Grill located at 405 W. Live Oak Street.

Whitney Koch presented the application. She stated it is her clients desire to make 405 W. Live Oak the future home of Sunset Grill (lot 12). The applicant is part or full owner of the property which consists of 3 lots. Lot 11, 12 and 1-pt. Due to joint ownership for lot 12, the applicant is requesting a parking agreement as opposed to replating the property.

Recommendation:

Jason Lutz, Director of Development, stated Staff does not recommend approval of this request due to the potential conflicts that may arise between ownership as well as the increased development in the area.

Shelby Collier, Associate Planner, stated the proposed Parking Agreement meets the minimum requirements set forth by Section 7.863, Staff has concerns regarding the congestion and activity in the area. With the addition of Sunset Grill to 405 E. Live Oak, this block of East Live Oak would have 3 restaurants. These three restaurants combined provide a total of 41 Parking Spaces, 22 of which are located off-site. The complications that may arise from Off-Site Parking, such as a change in ownership or owner and lessee disputes provide Staff a cause for concern.

Section 7.850 provide Staff and the Commission the ability to review relevant criteria such as potential parking demand created by other uses in the vicinity. Staff believes that the demand created with the addition of Sunset Grill could potentially overwhelm the already congested area.

Staff recommends that this site not be considered for future development of Sunset Grill, but instead provide parking for Woerner Café as well as overflow for Granite. Staff recommends Denial.

Tim Dooley made a motion to Deny SP-2114. Jeff Lawrence seconded the application. All voted in favor and the motion carried.

Consider SP-2113 – Request by Whitney Koch with Mustard Design to Consider a Parking Agreement for the future Woerner Warehouse located at 405 W. Live Oak Street.

Whitney Koch presented the application. She stated due to the denial of Sunset Grill, SP-2114, the current proposal would not work.

Recommendation:

Shelby Collier, Associate Planner, Staff recommends denial.

Tim Dooley made a Motion to Deny Application SP-2113. Emily Kirchner seconded the request. Daryl Whitworth opposed, all others voted in favor and the motion carried.

Consider SP-2115 – Request by Jonathan Bursey with Urbanist USA to Consider a Site Plan for a Multi-Family Development located at 802 & 812 Friendship Lane.

Kevin Spraggins presented the application. He stated due to a timing issue, Staff is recommending denial. He will Address Staff's Comments and return for Approval at the next Planning and Zoning Meeting.

Recommendation:

Jason Lutz, Director of Development Services stated due to the Shock Clock bill, (HB 3167) which requires action within 30 days, Staff recommends denial. He encourages the applicant to respond to Staff's comments and the Commission can consider the application at a future date.

Polly Rickert made a Motion to Deny Application SP-2115. Tim Dooley seconded the motion. All voted in favor and the motion carried.

DISCUSSION ITEMS

Provide Update Regarding Potential Short Term Rental Ordinance Amendment

Jason Lutz informed the Commission that Staff received direction from City Council at the Special City Council Meeting on September 13th. Staff will continue to work towards adoption of the proposed revisions with a target adoption of February 2022.

Provide Update Regarding Staff Changes to Development Services Department

Jason Lutz informed the Commission of changes to Staff within the Development Services Department. Shelby Collier has been promoted to Associate Planner and Karen Hillje has been hired as a Permit Technician for the Building Department. Ted Boyer has been hired as a Code Enforcement Officer and will assist Ray Ortegon in enforcing all Codes, but specifically the Short-Term Rental Ordinance.

ADJOURN

With nothing further to come before the Commission, Jim Jarreau moved to adjourn. Seconded by Jill Tabor. All voted in favor and the meeting was adjourned at 7:41p.m.

PASSED AND APPROVED this 6th day of October 2021.

SHELBY COLLIER, Associate Planner

JANICE MENKING, Chairman



PLANNING & ZONING COMMISSION MEMO

DATE: October 6, 2021

TO: Planning & Zoning Commission

FROM: Jason Lutz

SUBJECT: Z-2116 – Request by Stuart Barron, Owner, To Consider a Requested Zoning Change from C1, Neighborhood Commercial, To C1.5, Medium Commercial for Approximately 0.647 Acres of Land Located on the North Side of Friendship Lane, approximately 700 feet West of the Intersection of Friendship Lane and South Washington Street.

Summary:

The applicant is seeking a zoning change from C1 to C1.5 to construct a commercial center located along Friendship Lane.

Background:

The property owner requested a zoning change from R2 to C2 in 2018, which was denied, but the owner was given a zoning classification of C1. Currently C1 only allows office type uses and prohibits retail or restaurant land uses. The applicant is request C1.5 to allow greater options for land uses to serve the area. The C1.5 was not an available option in 2018 as this district wasn't created until 2019. The C1.5 allows all uses in C1 with several uses allowed in the C2 zoning district such as "Retail – Limited" and "Restaurant – Limited". (See attached C1 & C.1.5 land use charts).

Analysis:

The property is currently vacant undeveloped land located on the north side of Friendship Lane approximately 700' east of S. Washington Street.

Land uses surrounding this property include medical offices and a car wash to the west, commercial uses to the north, undeveloped land owned by the City to the east, and a hotel to the south.

Surrounding zoning is C-2 to the west, north and south, R-1 to the east, and C1.5 to the southeast (see zoning map).

The Land Use Plan identifies the area at the intersection of S. Washington Street and Friendship Lane as a Commercial Center. The designation does include a portion of the subject property. The remaining portion of the property is designated as Medium Density Residential (see the attached Land Use Plan map).

The Commercial Centers are located at the intersection of two-existing or planned major arterials. They are intended to include community and regional serving shopping centers and malls. Some office or service uses may also locate here. Residential or hospitality uses may also be considered if they can be included in a compatible way.

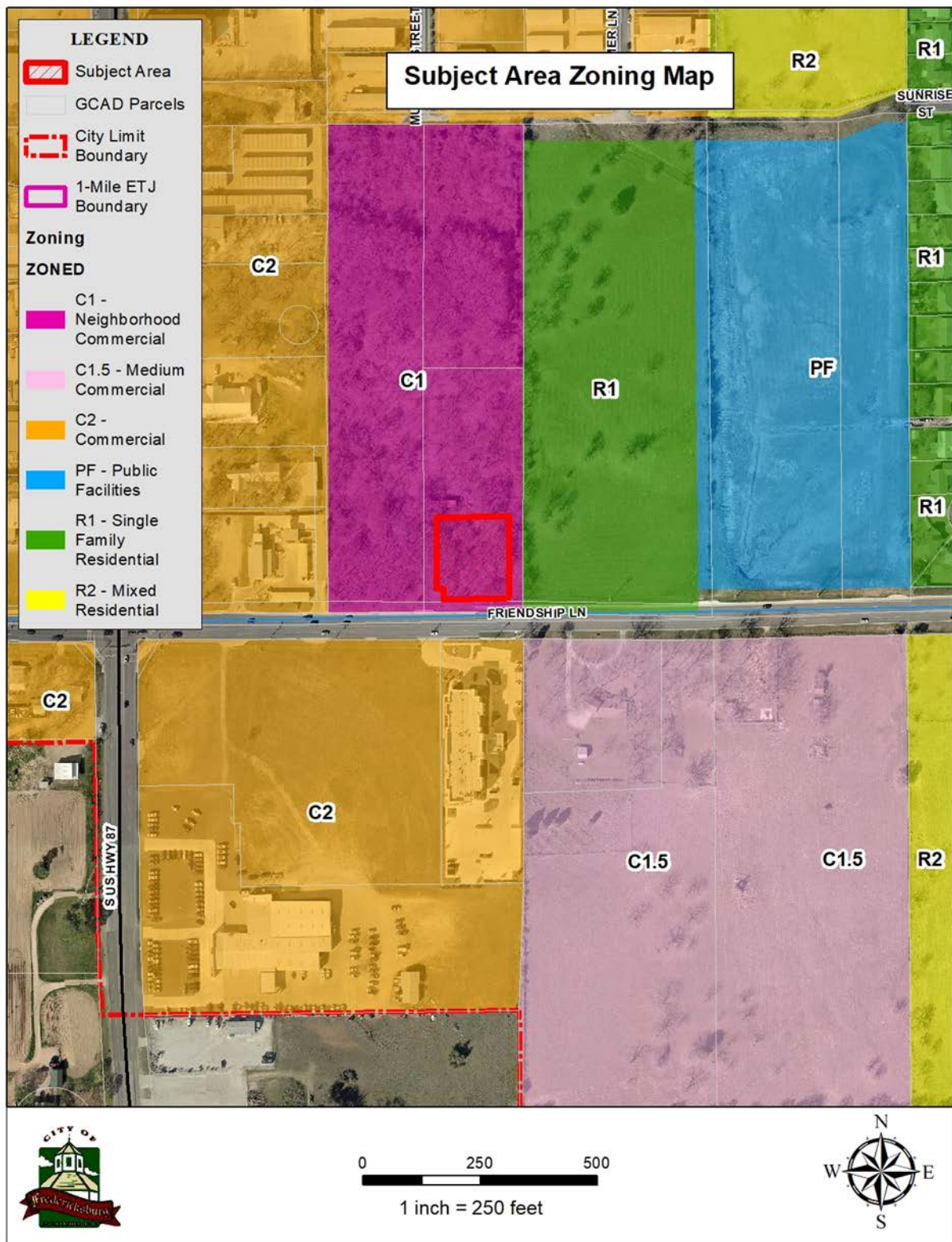
Recommendation:

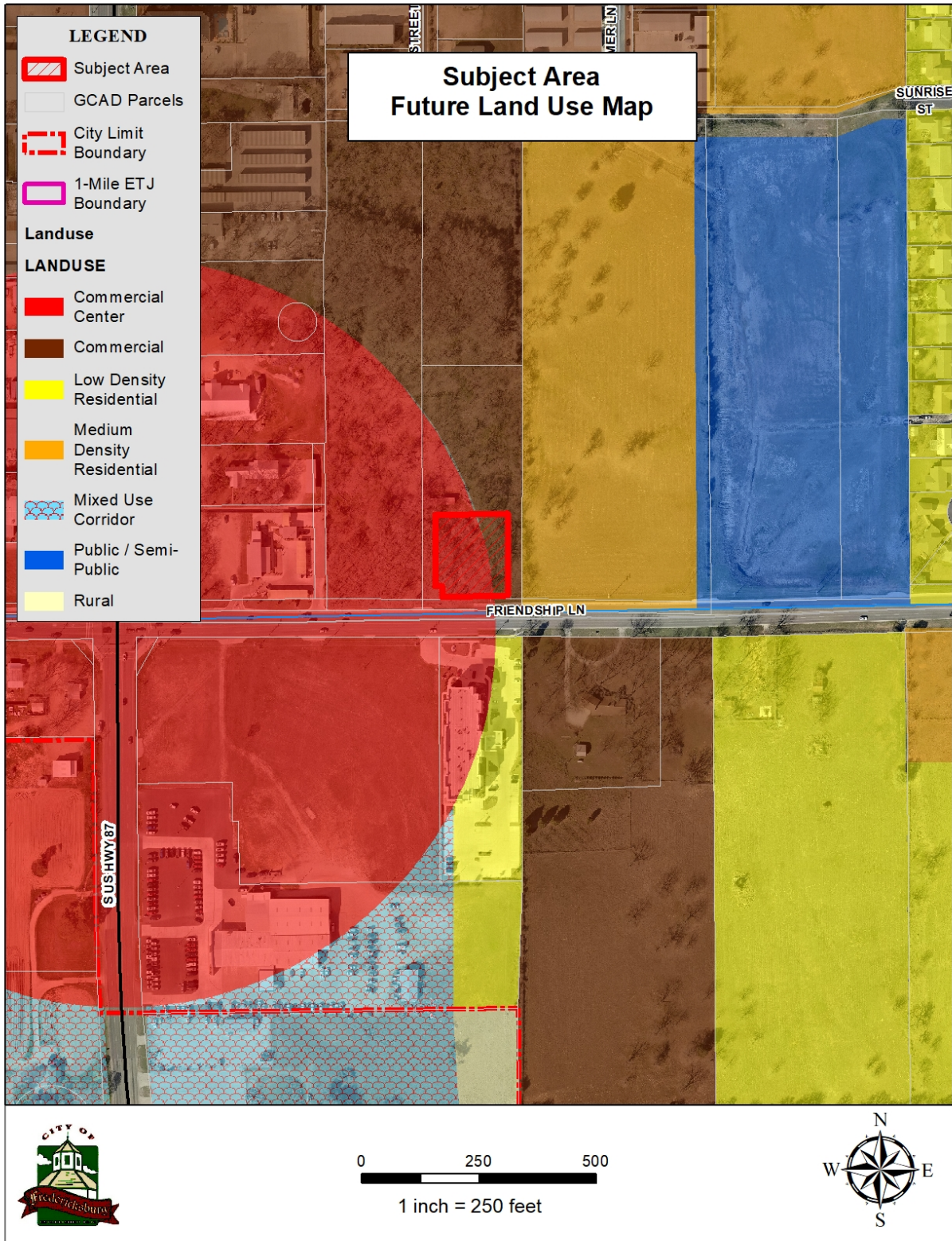
Staff recommends approval of the requested zoning change due to the following factors:

1. The additional single-family residential (Friendship Oaks) and multi-family residential developments (Friendship Oaks & SECO) require additional land uses, than what is allowed under C1, to better serve this area of the community to help reduce the number of trips residents would need to take across town for goods and services.
2. The request is in line with the City's adopted Comprehensive Plan.
3. The Future Land Use plan calls out this area as a Commercial Center and calls for "community and regional serving shopping centers and malls" which are not allowed in the C1 zoning district.

Attachments:

Location/Zoning Map & Future Land Use Map







PLANNING & ZONING COMMISSION MEMO

DATE: October 6, 2021

TO: Planning & Zoning Commission

FROM: Jason Lutz

SUBJECT: Z-2116 – Request by Stuart Barron, Owner, To Consider a Conditional Use Permit Per Section 3.205 to Allow a “Drive Through or Drive-In Facilities” For Approximately 0.647 Acres of Land Located on the North Side of Friendship Lane, approximately 700 Feet West of the Intersection of Friendship Lane and South Washington Street.

Summary:

The applicant is seeking a conditional use permit (CUP) for a proposed a commercial to allow 2 drive through or drive-in facilities for property located approximately 700 Feet West of the Intersection of Friendship Lane and South Washington Street.

Background:

The City’s zoning code only allows drive through or drive-in facilities with a CUP in any zoning district in the city. Should the City approve the requested zoning of C1.5 for the property (previous agenda item), the applicant is seeking 2 drive throughs on the site to accommodate a small coffee shop or donut shop (restaurant – limited) and for a dry-cleaning business or other similar use. Given the increase in residential units in the area (Friendship Oaks & SECO) their will be a need for more land uses to better serve this area of the community.

Analysis:

The CUP may be approved, and conditions placed on the use, should P&Z have any other concerns. The CUP will also be approved in conjunction with the proposed site plan. The proposed site plan will allow access to multiple properties via a pre-existing access easement. The subject tract will have access off the easement and not directly off Friendship Lane.

The proposed facility is 4,600 square feet and would have a requested drive through on the east and west side of the property. The proposed uses would require 27 parking spaces and 32 have been provided. Staff has reviewed the proposed site plan and there are several outstanding items that must be addressed before the site plan may be approved.

Site Plan Issues:

1. The 2 drive throughs conflict with a loading area.
 - a. The applicant removed the loading area, which is required by code.
2. The applicant is requesting to utilize pervious concrete to meet the maximum impervious cover percentage of the property.
 - a. Staff has requested additional information and standard specifications to review and consider this request.
 - i. This information has not been provided at this time.

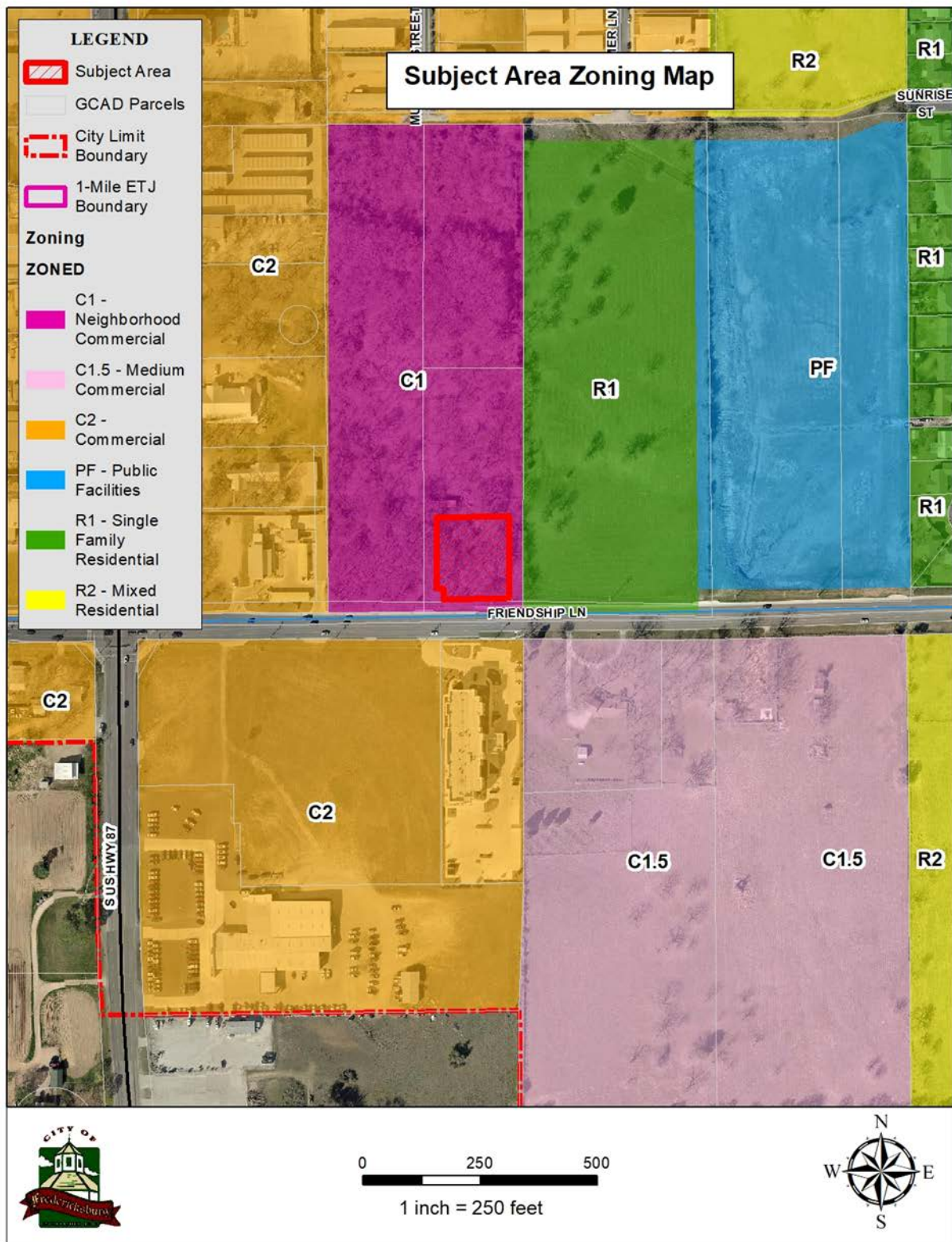
Recommendation:

Staff recommends approval of the requested CUP due to the following factors and with the following conditions.

1. Factors:
 - a. The additional single-family residential (Friendship Oaks) and multi-family residential developments (Friendship Oaks & SECO) require additional land uses, to better serve this area of the community.
 - b. The request is in line with the City's adopted Comprehensive Plan.
2. Conditions:
 - a. That only one of the two requested drive through facilities be approved.
 - b. That the applicant resubmits the site plan, which meets all city regulations, for P&Z approval at a future meeting.

Attachments:

Location/Zoning Map & Proposed Site Plan



PROPERTY DEVELOPMENT DATA LOT NO. 1
TOWN PARK SUBDIVISION

PROJECT DESCRIPTION:

REQUEST FOR ZONING CHANGE IS FROM C-1 TO C1.5 TO ALLOW FOR THE CONSTRUCTION OF A SMALL STRIP CENTER. THE PROPOSED NEW SMALL STRIP CENTER IS A 1 STORY 4600 SF BUILDING CONSTRUCTED OF WOOD AND/OR METAL FRAME WITH STUCCO AND STONE EXTERIOR. THERE ARE CURRENTLY 3 INTERESTED TENANTS: COFFEE / BAKE SHOP, LOCAL DRY CLEANER AND A PHARMACY. THE DRIVE THRU ON THE EAST SIDE WOULD SERVE THE DRY CLEANER OR PHARMACY AND THE DRIVE THRU ON THE WEST WOULD SERVE THE COFFEE / BAKE SHOP PROVIDING A GREATER VEHICLE STACK SPACE.

ADDRESS: FRIENDSHIP LANE

ZONED: C1: NEIGHBORHOOD COMMERCIAL

ZONING CHANGE REQUEST: C1.5: MEDIUM COMMERCIAL

LOT SIZE: 28,183.32 SQUARE FEET (.647 ACRES)

MAX IMPERVIOUS COVERAGE ALLOWED: 75% (21,137 sf)

MAX BUILDING COVERAGE ALLOWED: 60% (16,910 sf)

PROPOSED IMPERVIOUS COVERAGE: 70% (19,762.32 sf)

PROPOSED BUILDING COVERAGE: 16% (4,600 sf)

PROPOSED PERVIOUS COVERAGE: 30% (8,400 sf)
(2,700 SF LANDSCAPE + 5,700 SF PERVIOUS CONCRETE)

PARKING REQUIREMENTS:

RETAIL / PERSONAL SERVICES $\frac{2,800 \text{ SF}}{300} = 10 \text{ SPACES}$
1 SPACE PER 300SF:

RESTAURANT-LIMITED (1800 SF)

KITCHEN = 600 SF/100 = 6 OCCUPANTS

DINING = 900 SF/15 = 60 OCCUPANTS

STORAGE, RESTROOMS 300 SF

1 SPACE per 4 SEATS = 66/4 = 17 SPACES

TOTAL SPACES PROVIDED ON SITE: 32 SPACES

EXTERIOR LIGHTING

EXTERIOR LIGHTING WILL BE SELECTED FROM APPROVED IDA LIST AND LOCATION OF LIGHT FIXTURES WILL BE PROVIDED WITH CONSTRUCTION DOCUMENTS.

LANDSCAPING

THERE IS A POST OAK THICKET ON THE PROPERTY AND SEVERAL TREES WILL NEED TO BE REMOVED. NEW TREES WILL BE PLANTED AT LOCATIONS SHOWN ON THE SITE PLAN.

FLOOD PLAIN

THE PROPERTY DOES NOT FALL WITHIN A SPECIAL FLOOD HAZARD AREA INUNDATED BY 100-YEAR FLOOD SHOWN AS ZONE "X" BY FEMA MAP NO. 48171C0288C DATED OCTOBER 19,2001, CITY OF FREDERICKSBURG, TEXAS.

DRIVEWAY AND PARKING

THE INTENT IS TO USE CONCRETE FOR DRIVEWAYS AND PARKING AREAS. ENTRANCE DRIVEWAY IS ASPHALT.

DRAINAGE IMPROVEMENTS

SITE AND STORM WATER DRAINAGE WILL BE DIRECTED TO FRIENDSHIP LANE AND DETAILS WILL DEVELOPED ON CONSTRUCTION DOCUMENTS.



PLANNING & ZONING COMMISSION MEMO

DATE: October 6, 2021

TO: Planning & Zoning Commission

FROM: Jason Lutz

SUBJECT: Z-2117 – Request by John Needham of Seco Enterprises LLC, to Consider an Amendment to the PUD, Planned Unit Development Zoning to Allow Building Heights to Exceed the Maximum Height of 38 Feet for approximately 32.53 Acres of Land Located at the Southwest Intersection of Friendship Lane and South Eagle Street.

Summary:

The applicant is requesting to amend the PUD for the subject property to allow a building height to exceed the maximum height of 38'. The applicant is seeking to construct several multi-family structures with a maximum height of 44'. The applicant is wanting to utilize a hip roof design due to aesthetic reasons which would require the top of the hip roof to exceed the maximum height of the PUD.

Background / Analysis:

City Council approved annexation and zoning of PUD April 19, 2021. The PUD established a base zoning of MU-2 for development standards, excluded several land uses, limited buildings adjacent to Friendship Lane to two stories.

The MU-2 zoning regulations limit height to a maximum of 38', which is the maximum height allowed in any zoning district.

The applicant is requesting to allow a building height of 44', while buildings adjacent to Friendship Lane would still be limited to 2 stories.

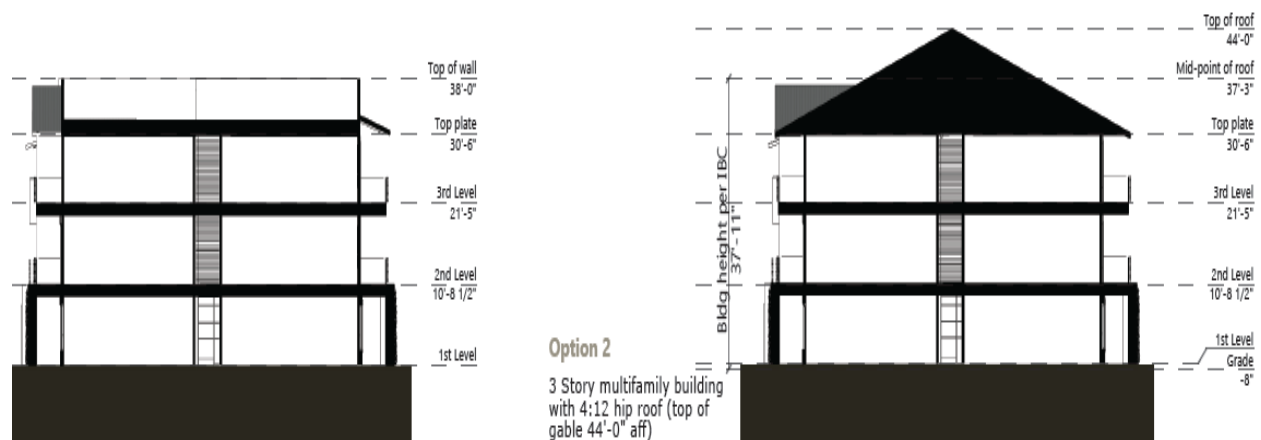
The elevation along Friendship Lane averages 1,656' above sea level, while the locations of the multi-family structures (in the middle and rear of the property) ranges from 1,640' to 1,656' above sea level.

Sec. 2.100. – DEFINITIONS defines height as “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”.

Sec. 7.510. - Measurements of Height requires that the height of a building shall be measured from the average of the highest and lowest grade adjacent to the building, to the highest point of the coping of a flat roof, deck line of a mansard roof, or to the height of the highest gable on a pitched or hipped roof.

Please notice that there is a discrepancy between the definition of height and measurement of height. Staff has been utilizing the height definition when approving building permits and if staff maintains this interpretation, then no amendment to the PUD would be required as the proposed hip roof design would meet the regulations of the code.

By amending the PUD the applicant and City staff would have a clear and concise parameters on how to determine the maximum height.



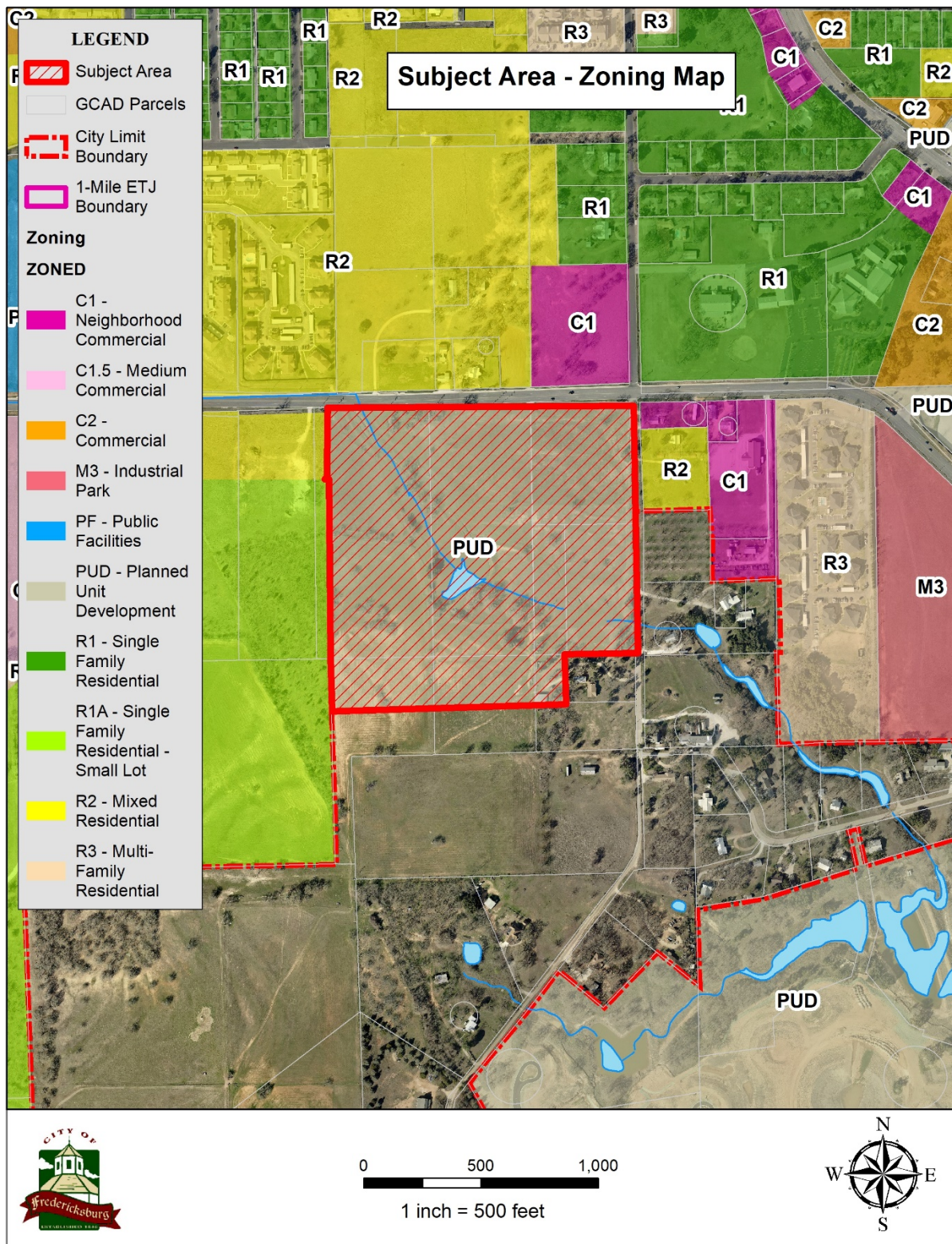
Recommendation:

Staff recommends approval of the requested amendment to height due to the following factors:

1. Staff has consistently applied the “Height Definition” when determining max height, and under this definition the proposed hip roof design would meet the City’s Code.
2. The proposed hip roof is more of a residential design given the development patterns in the area and creates more of a residential atmosphere than a commercial design.

Attachments:

Application, Supporting Documents, and Elevation exhibits.



A. Project Information (Please complete all items)Project Name: Friendship Lane Mixed-UseProject Address: Friendship Lane & S. Eagle St.Tax ID Number (s): GCAD Property IDs: 15730, 87188, 15726 (partial), 15727 (partial) 15728, 15729, 15732 (partial)**Application Type** (Check all items that apply)**PDF COPIES ARE REQUIRED FOR ALL SUBMISSIONS**

- | | | |
|--|--|--|
| ☐ Conditional Use Permit | ☐ Minor Plat* | ☐ Plat Vacation |
| ☐ Site Plan | ☐ Replat* | ☐ Annexation* |
| ☒ Zoning Change - <u>PUD Amendment</u> | ☐ Amending Plat* | ☐ Final Plat* |
| ☐ Land Use Plan Change | ☐ Preliminary Plat* | |

Revision of Approved Plan / Plat? ☐ Yes ☐ No Name: PUD AmendmentJurisdiction: ☒ City Limits ☐ ETJ Total Acres: 32.535 AC No. of Lots: See surveys attachedOriginal Survey & Abstract No: see attachedLegal Description: see attached

Current Land Use Plan:

Proposed Land Use Plan:

Current Zoning: PUDProposed Zoning: PUD AmendmentLocation: The SW corner of Friendship Lane and South eagle Street.Proposed Use(s): Multifamily and single-family residential (for-rent), retail, office**Applicant's Signature**Applicant's Role: ☐ Owner ☒ Developer ☐ Other (note role):

I hereby certify that the information supplied with this application is true and correct, and that the paper and electronic copies of the materials submitted are consistent with each other, to the best of my knowledge. I also certify I have authorization from the owner to act on his / her behalf.

Signature:

John L. NeedhamPrinted Name: John NeedhamDate: 9/3/2021**Staff Use Only**

Application No.: _____ Date: _____

*Copy of current Title Search required with application.

B. Contact Information (Please complete all items. Attach additional pages as necessary.)

I. Property Owner(s) 1 of 2

Firm Name (if applicable): Needham Trust

Owner Name: John Needham

Address: 2204 Lake Austin Blvd, Austin, TX 78703

Phone: 512.200.3480

Fax:

Email: john@secoventures.com

II. Owner's Agent/Engineer/Surveyor (Main contact person responsible for application)

Role: ☒ Agent ☐ Engineer ☐ Surveyor ☐ Other (note role):

Firm Name (if applicable): Seco Enterprises LLC dba Seco Ventures

Address: 2204 Lake Austin Blvd, Austin, TX 78703

Primary Contact Name: John Needham

Phone: 512.200.3480

Fax:

Email: john@secoventures.com

Secondary Contact Jordan Needham

Phone: 512.200.3480

Fax:

Email: jordan@secoventures.com

III. Applicant

Firm Name (if applicable): Seco Enterprises LLC dba Seco Ventures

Applicant Name (s): John, Joshua, Jordan Needham

Address: 2204 Lake Austin Blvd, Austin, TX 78703

Phone: 512.200.3480

Fax:

Email: info@secoventures.com

IV. Applicant's Agent/Engineer/Surveyor (Main contact person responsible for application)

Role: ☒ Agent ☐ Engineer ☐ Surveyor ☐ Other (note role):

Firm Name (if applicable):

Address:

Primary Contact Name: John Needham

Phone: 512.200.3480
Fax: 512.200.3480
Email: john@secoventures.com

B. Contact Information (Please complete all items. Attach additional pages as necessary.)

I. Property Owner(s) 2 of 2

Firm Name (if applicable): SV Friendship Lane MU, LP

Owner Name: John Needham

Address: 2204 Lake Austin Blvd, Austin, TX 78703

Phone: 512.200.3480

Fax:

Email: john@secoventures.com

II. Owner's Agent/Engineer/Surveyor (Main contact person responsible for application)

Role: ☒ Agent ☐ Engineer ☐ Surveyor ☐ Other (note role):

Firm Name (if applicable): Seco Enterprises LLC dba Seco Ventures

Address: 2204 Lake Austin Blvd, Austin, TX 78703

Primary Contact Name: John Needham

Phone: 512.200.3480

Fax:

Email: john@secoventures.com

Secondary Contact Jordan Needham

Phone: 512.200.3480

Fax:

Email: jordan@secoventures.com

III. Applicant

Firm Name (if applicable): Seco Enterprises LLC dba Seco Ventures

Applicant Name (s): John, Joshua, Jordan Needham

Address: 2204 Lake Austin Blvd, Austin, TX 78703

Phone: 512.200.3480

Fax:

Email: info@secoventures.com

IV. Applicant's Agent/Engineer/Surveyor (Main contact person responsible for application)

Role: ☐ X Agent ☐ Engineer ☐ Surveyor ☐ Other (note role):

Firm Name (if applicable):

Address:

Primary Contact Name: John Needham

Phone: Fax: Email:

512.200.3480

john@secoventures.com

C. Fee Schedule (Please attach appropriate fee to application.)

- ☐ Conditional Use Permit Application - \$400
- ☐ Site Plan Application Admin - \$300
- ☐ Site Plan Application P&Z - \$400
- ☒ Application for Zoning Change - \$400
- ☐ Application for Land Use Change - \$300
- ☐ Minor Plat - \$300
- ☐ Amending Plat - \$300
- ☐ Replat - \$300 plus \$20 per lot
- ☐ Preliminary Plat - \$400 plus \$20 per lot
- ☐ Final Plat - \$500 plus \$10 per lot

D. Recording Fee Schedule

For plats, a recording fee will be collected when mylars are presented. The check should be made payable to Gillespie County Clerk and the recording fees are \$121.00 for a single lot plat. Each additional lot will increase the recording fee by \$10.00.

Exhibit "B"

32.54 Acre Tract

County: Gillespie

Description: Tract of Land

Acreage: 32.54

Legal Description:

Being a 32.54 acre tract of land, more or less situated in the city of Fredericksburg, Gillespie County, Texas, being part of the following Outlots; Outlot No. 9, Outlot No. 8, Outlot No. 7, Outlot No. 2, Outlot No. 1, and an unnumbered Outlot lying east of Outlot No. 1, said Outlots are shown on the map of Fredericksburg, Texas, and Envisions, by the German Emigration Company, and being a portion of a 5.001 acre tract of land described in a conveyance to Robert L. Eckhardt by Lee Harry Eckhardt, et ux, dated June 3, 2004, found of record in Volume 555, pages 206-211 of the Official Public Records of Gillespie County, Texas (O.P.R.G.C.TX), also being a portion of a 44.435 acre tract of land described in a gift deed to Keven W. Eckhardt, dated June 3, 2004, found of record in Volume 555, pages 187 (O.P.R.G.C.TX), and being more particularly described by metes and bounds as follows:

Beginning at a found 1/2-inch iron rod with cap stamped "BONN 4447" having a grid coordinate value of Northing: 10,059,417.00 and a Easting: 2,762,342.805, located at the southeast corner of said 5.001 acre tract of land, also being the northeast corner of a 5.13 acre tract of land described in a deed to Brenda L. Senger, et al, dated June 3, 2004, found of record in Volume 555, Page 212 (O.P.R.G.C.TX) acre tract of land, also being in the westerly right-of-way line of the South Eagle Street (County Road);

- 1.) **THENCE: South 88 Degrees 55 Minutes 51 Seconds West, 295.63 feet** with the north line of said 5.13 acre tract and south line of said 5.001 acre tract to a 1/2-inch iron rod with cap stamped "BONN 4447" found for the northwest corner of the said 5.13 acre tract;
- 2.) **THENCE: South 01 Degrees 04 Minutes 08 Seconds East, 756.24 feet** with the west line of the said 5.13 acre tract to a point at a pipe fence corner post, for the southwest corner of the said 5.13 acre tract, also being the southeast corner of the herein described tract;
- 3.) **THENCE: South 87 Degrees 50 Minutes 25 Seconds West, 999.36 feet** over and across said 44.435 acre tract to a point in the west line of said 44.435 acre tract, also being in the east line of a called 111.40 acre tract of land described in a deed to HK Fredericksburg, LLC., recorded in Document Number 20193419 (O.P.R.G.C.TX);

INTENTIONALLY LEFT BLANK

- 4.) **THENCE: North 01 Degrees 06 Minutes 11 Seconds West, 777.33 feet** passing the northeast corner of the said 111.40 acre tract, also being the southeast corner of a tract of land being the Remainder of Tract 1 of Friendship Oaks recorded in Volume 2 Page 148 of the Plat Records of Gillispie County, for a total distance of **1283.59 feet**, to a point in the south right-of-way line of Friendship Lane, also being the northwest corner of said 44.435 acre tract, from which point a found 1/2-inch iron rod with cap stamped "MDS" bears North 74 Degrees 51 Minutes 18 Seconds East, 0.35 feet;
- 5.) **THENCE: South 88 Degrees 51 Minutes 28 Seconds East, 226.66 feet**, with the south line of said Friendship Lane to a 1/2-inch iron rod with cap stamped "LJA SURVEYING" to an angle point;
- 6.) **THENCE: North 88 Degrees 32 Minutes 01 Seconds East, 645.72 feet** with the south right-of-way line of Friendship Lane to a point on the west line of said 5.001 acre tract and for the southwest corner of a 3,735 square foot tract of land described in a deed to the city of Fredericksburg in Document Number 20065959 (O.P.R.G.C.TX);
- 7.) **THENCE: North 88 Degrees 31 Minutes 45 Seconds East, 423.55 feet** with the south line of said 3,735 square foot tract of land to a Pipe Fence Corner Post found for the as-fenced west line of South Eagle Street and the as-fenced south line of Friendship Lane, also being the northeast corner of the herein described tract;
- 8.) **THENCE: South 01 Degrees 03 Minutes 59 Seconds East, 432.35 feet** with the as-fenced west line of South Eagle Street to a Found Mag Nail (called Pipe Post) for angle point;
- 9.) **THENCE: South 00 Degrees 56 Minutes 49 Seconds East, 74.68 feet** with the as-fenced west line of South Eagle Street to the PLACE OF BEGINNING, containing 32.54 acres, more or less.

INTENTIONALLY LEFT BLANK

All bearings and coordinates are based on the Texas State Plane Coordinate System, Grid North, Central Zone (4203), North American Datum of 1983. All distances were adjusted to surface using a combined scale factor of 1.00012.

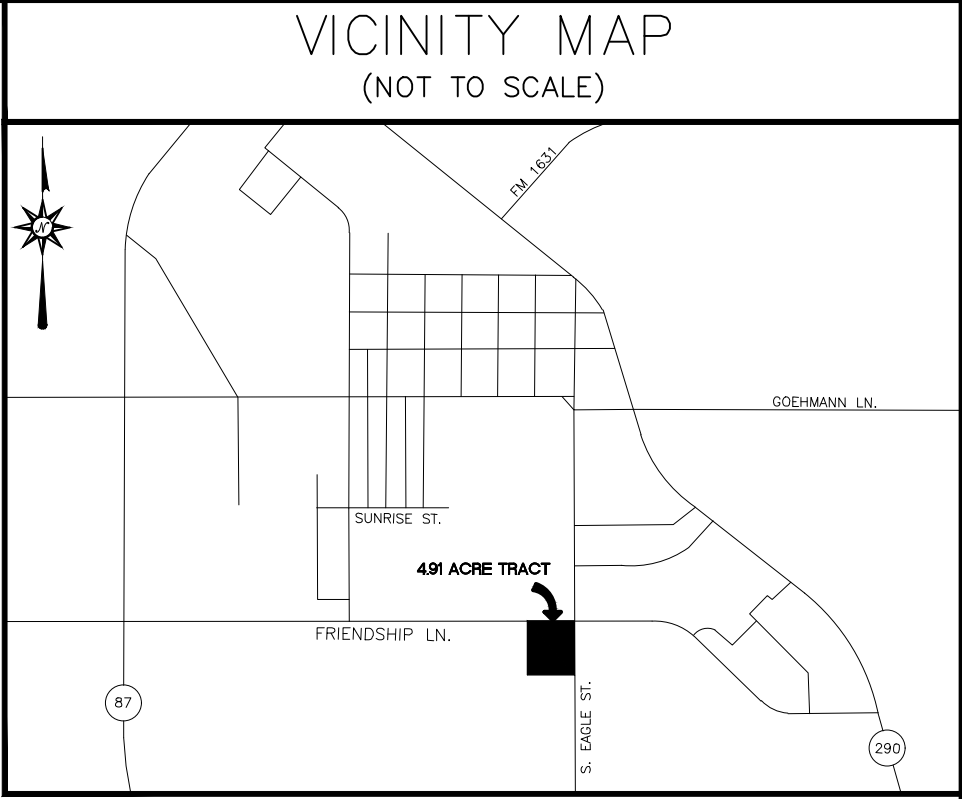
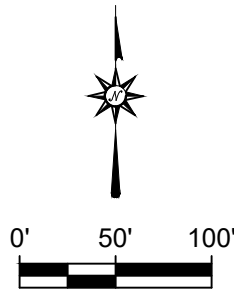
LJA Surveying, Inc.
Texas Surveying Firm Branch Registration No. 10194533
7500 Rialto Blvd, Building II, Suite 100. Austin, Texas 78735
Phone No.: 512.439.4700

By: 

Surveyor's Name: Gordon N. Anderson
Registered Professional Land Surveyor, Texas No. 6617
Date: April 15, 2021



\\jlong.com\shared\sectors\Survey\Projects\LJA\001\4433_Fredericksburg_5 Acres ALTA\09_Submittals\2021-04-14_Topo_LJA001-4433_Fredericksburg_32ac_Topo-04142021.dwg 4/14/2021



Tree Description	Tree Tag Number
15" MESQUITE	827
25" MESQUITE	826
21" MESQUITE	825
12" HACKBERRY	830
15" HACKBERRY	829
43" MESQUITE	828
9" HACKBERRY	834
18" MESQUITE	831
17" HACKBERRY	832
26" MESQUITE	833
16" HACKBERRY	835
17" PECAN	836
42" OAK	821
32" PECAN	822
25" PECAN	1904
25" PECAN	1903
34" PECAN	5655
35" PECAN	5656
31" POST OAK CLUSTER	5684
12" POST OAK	5685
16" POST OAK	5691
17" POST OAK CLUSTER	5689
12" POST OAK	5690
16" POST OAK	5686
18" POST OAK	5688
15" POST OAK	5687
39" LIVE OAK	5694
18" POST OAK	5692
11" LIVE OAK	5693
11" OAK	5698
9" OAK	5697
9" LIVE OAK	5695
7" LIVE OAK	5696
14" LIVE OAK	5699
6" OAK	2501
27" LIVE OAK	5700
15" ELM	2502
30" LIVE OAK	2503
27" LIVE OAK CLUSTER	2504

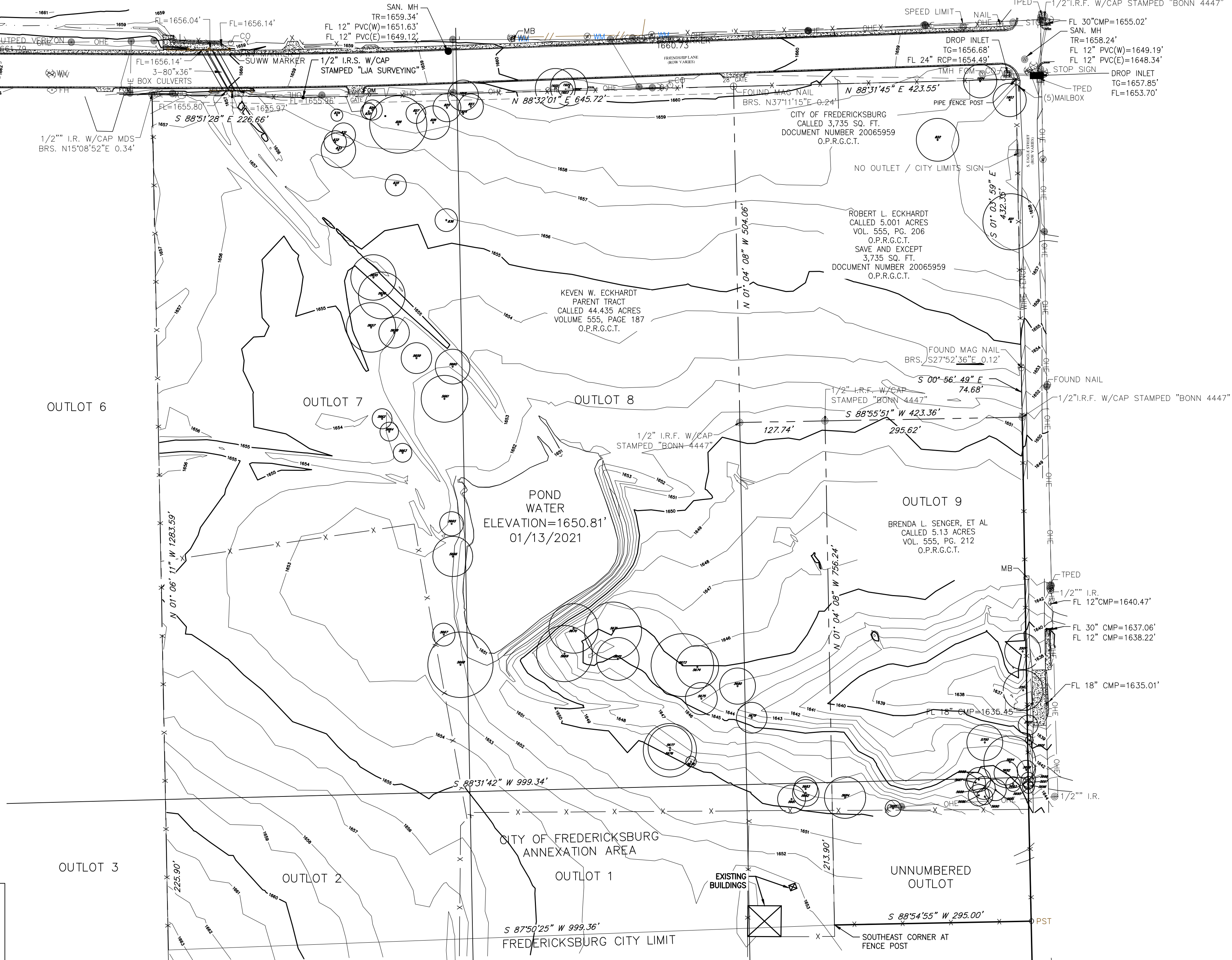
Tree Description	Tree Tag Number
37" PECAN	5657
23" PECAN	5658
23" PECAN	5659
26" PECAN	5660
35" PECAN	5661
15" HACKBERRY	5662
14" HACKBERRY	5664
14" ELM	5663
18" ELM	5665
30" LIVE OAK	5666
17" HACKBERRY	5667
49" MESQUITE CLUSTER	5668
37" POST OAK	5670
42" POST OAK CLUSTER	5669
43" POST OAK CLUSTER	5671
32" POST OAK	5672
32" POST OAK	5674
47" POST OAK CLUSTER	5673
33" POST OAK	5677
40" POST OAK	5676
8" LIVE OAK	5678
24" POST OAK	5675
27" POST OAK	5680
23" POST OAK	5679
18" POST OAK	5683
20" POST OAK	5682
21" LIVE OAK	5681
30" LIVE OAK	1922
11" PECAN	1923
28" LIVE OAK	1924

THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY 6, CONDITION 1 SURVEY.

THE FIELD WORK WAS COMPLETED ON FEBRUARY 21, 2021.

Gordon N. Anderson

GORDON ANDERSON
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6617
LJA SURVEYING
7500 RIALTO BLVD., BUILDING II,
SUITE 100
AUSTIN, TEXAS 78735



LEGEND

- △ CONTROL POINT
- ⊕ WATER VALVE
- ⊕ WATER METER
- ⊕ FIRE HYDRANT
- ⊕ POWER POLE
- ⊕ GUY-WIRE
- ⊕ TELEPHONE PEDESTAL
- ⊕ SINGLE SUPPORT SIGN
- ⊕ SANITARY SEWER MANHOLE
- ⊕ CLEAN OUT
- ⊕ TELEPHONE MANHOLE
- ⊕ NAIL
- ⊕ IRON ROD FOUND (I.R.F.)
- ⊕ PIPE FENCE POST
- ⊕ MAILBOX
- (O.P.R.G.C.T.) OFFICIAL PUBLIC RECORDS OF GILLESPIE COUNTY, TEXAS
- OP—OP—OP— OVERHEAD ELECTRIC LINE
- X— WIRE FENCE
- · — · — RIGHT OF WAY
- OUTLOT BOUNDARY
- — — — — EXISTING PROPERTY LINE

BEARING BASIS:
ALL BEARING BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, GRID NORTH,
CENTRAL ZONE (4203), NAD83. ALL DISTANCES WERE ADJUSTED TO SURFACE USING A
COMBINED SCALE FACTOR OF 1.00012.

OBSERVATIONS WERE COLLECTED USING ALTEA VRS NETWORK

UTILITY NOTE:
THE SURVEYOR MAKES NO GUARANTEES THAT THE UTILITIES SHOWN COMPRISE ALL
SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR
FURTHER DOES NOT WARRANT THAT THE UTILITIES SHOWN ARE IN THE EXACT LOCATION
INDICATED. (UTILITIES SHOWN HEREON MAY BE EXAGGERATED FOR GRAPHIC
REPRESENTATION ONLY) ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS
ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE, THE SURVEYOR HAS NOT
PHYSICALLY LOCATED THE UNDERGROUND UTILITIES ONLY THE VISIBLE ABOVE GROUND
UTILITY STRUCTURES.

FLOODPLAIN NOTE:
THE PROPERTY SHOWN HEREON IS WITHIN ZONE "X", AREAS DETERMINED TO BE OUTSIDE
OF A 0.2% ANNUAL CHANCE OF FLOOD, AS RECORDED IN GILLESPIE COUNTY "FIRM" MAP
NO. 4817100286 C, DATED OCTOBER 19, 2001.

GENERAL NOTES:
1) THIS SURVEY WAS PREPARED FROM INFORMATION PROVIDED BY FIDELITY NATIONAL
TITLE INSURANCE COMPANY, OF NO. 2020625, HAVING AN EFFECTIVE DATE OF
DECEMBER 14, 2020, AND AN ISSUED DATE DECEMBER 14, 2020. THE SURVEYOR DID
NOT ABSTRACT THE SUBJECT TRACT.
2) MINERAL INTERESTS WERE NOT INVESTIGATED AS A PART OF THIS SURVEY.
3) THIS SURVEY DOES NOT DETERMINE THE LOCATION OF WETLANDS, FAULT LINES, OR
OTHER ENVIRONMENTAL ISSUES SHOULD THEY EXIST.
4) ALL MAJOR EARTHWORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS ARE
SHOWN ON THIS PLAT, SHOULD THEY EXIST AT THE TIME OF SURVEY.

LEGAL DESCRIPTION:
BEING 5.0001 ACRES OF LAND, MORE OR LESS, SITUATED IN THE CITY OF
FREDERICKSBURG, GILLESPIE COUNTY, TEXAS, BEING PART OF OUTLOT NO. 9 AS
SHOWN ON THE MAP OF FREDERICKSBURG, TEXAS, AND ENVIRONS, BY THE
GERMAN EMIGRATION COMPANY, AND BEING PART OF THAT 44.435 ACRE TRACT
OF LAND DESCRIBED IN A CONVEYANCE TO LEE HARRY ECKHARDT BY HARRY F.
ECKHARDT, ET UX, DATED JULY 20, 1972, FOUND OF RECORD IN VOLUME 103,
PAGES 361-362 OF THE DEED RECORDS OF GILLESPIE COUNTY, TEXAS.

TOPOGRAPHIC SURVEY OF A 44.435 ACRES
AND A 4.915 ACRES OF LAND LOCATED
IN THE CITY OF FREDERICKSBURG,
GILLESPIE COUNTY, TEXAS

LJA Surveying, Inc.
7500 Rialto Blvd, Building II Suite 100
Austin, Texas 78735
Phone 512.439.4700
T.B.P.L.S. Firm No. 10194533

DRWN BY:	CHKD BY:	SCALE	DATE	PROJ. NO.	SHEET
PM	GA	1"=100'	02/25/21	A443-0401	1 OF 1
DATE OF LAST REVISION		DESCRIPTION OF LAST REVISION			
04/14/2021		ADD TREES IN R.O.W.			

FRIENDSHIP LANE

FRIENDSHIP LANE
(ROW VARIES)

OESTREICH, E DWIGHT

RAMIREZ, JOSE & ALMA P

LORYS, JAMES F & GERRY ANNE

CALVARY PENTECOSTAL CHURCH

WHITE, MATTHEW BAIN

ZEV, JOHN ERIC & DELLA M.

BRENDA L. SENGGER, ET AL
5.13-AC
(VOL. 555, PG. 212
O.P.R.G.C.T.)

OUTLOT 2

.....

WHITE DENISE E. & PATRICIA

100

COUNTY OF GILLESPIE

SEAGLE ST

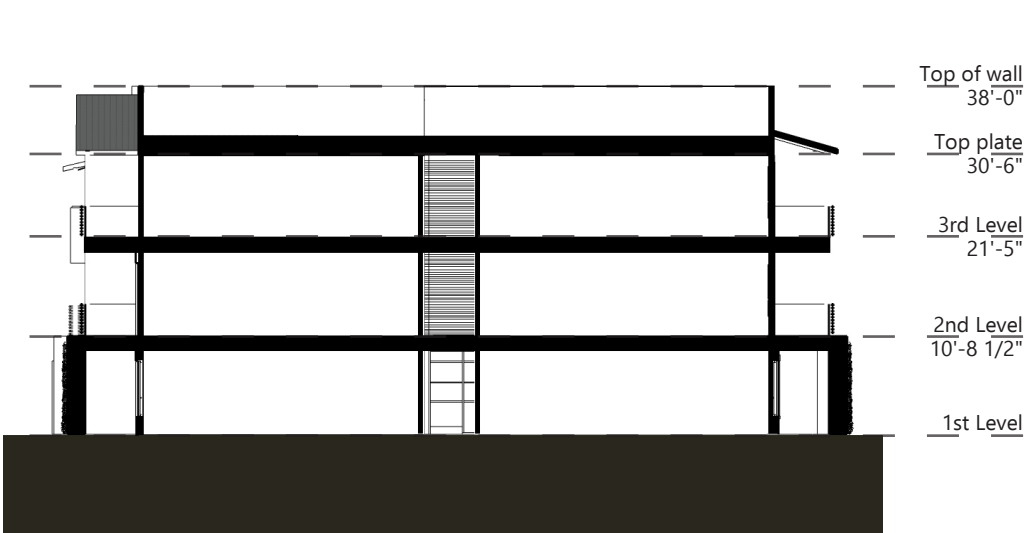
LJA Engineering, Inc. 

7500 Rialto Boulevard Phone 512.439.4700
Building II, Suite 100 Fax 512.439.4716
Austin, Texas 78735 FRN-F-1386

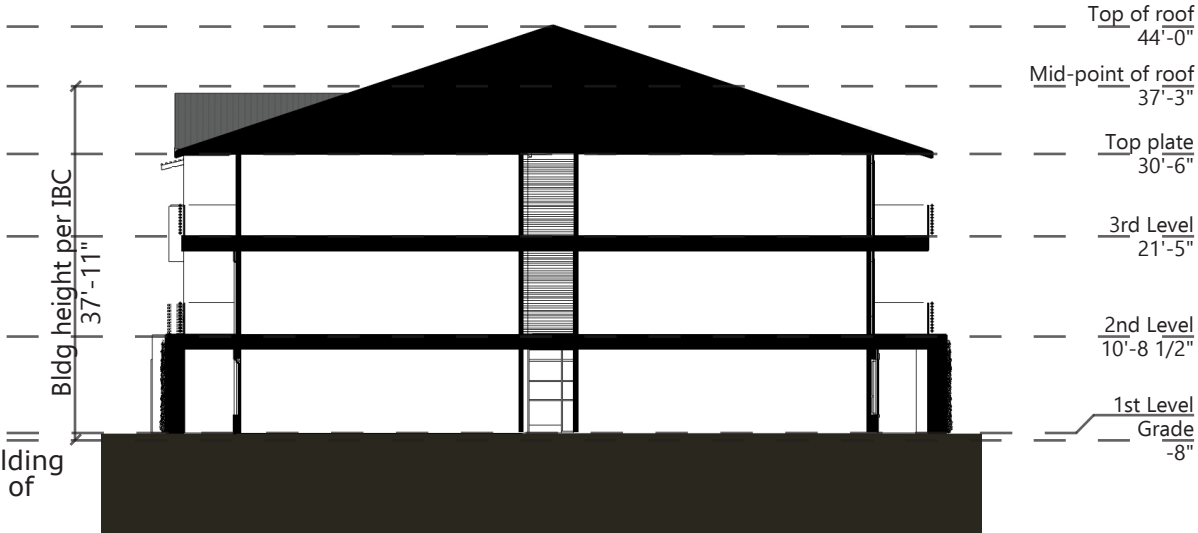


FREDERICKSBURG
32-AC MIXED USE
SITE PLAN EXHIBIT
AUGUST 18, 2021

Option 1
3 Story multifamily building
with flat roof and parapet
(Top of wall height 38' aff)



Option 2
3 Story multifamily building
with 4:12 hip roof (top of
gable 44'-0" aff)





PLANNING & ZONING COMMISSION MEMO

DATE: October 6, 2021

TO: Planning & Zoning Commission

FROM: Jason Lutz

SUBJECT: Request Z-2119 – to Consider Proposed Amendments to Section 8.100 – Temporary Use Types, to Add a Definition for “Event Center”, to Allow Temporary Structures (Tents) for “Event Centers” and Establish Regulations Regarding the Proposed Use.

Summary:

Staff is proposing the following amendments to the City’s zoning code to allow “Event Centers” to utilize tents (temporary structures) within the City’s Historic Overlay District (HO).

The proposed amendments are as follows (see attached redline section of code):

1. Defines “Event Center”.
 - a. A service commercial establishment used for the gathering of groups of persons for specific functions including social, recreation, amusement, or dining activities and where food and beverages may be served on the premises. Such facilities are frequently rented out for public or private activities that are not repeated on a weekly basis, and which are not open to the public on a daily basis at times other than when an event is scheduled.
2. Prohibits restaurants or other businesses that may host events in special or private rooms from being defined as an “Event Center”.
 - a. Other establishments such as restaurants, tasting rooms, or other commercial venues which, may on occasion, hold events within their facility, but which events are not part of the day-to-day operations of the business are not considered an Event Center under this definition.
3. Defines “Tents” and sets installation & removal timelines.
 - a. Tents, 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. Tents utilized as part of an “Event

Center” shall not be installed more than 48 hours prior to the event and must be removed within 48 hours after the event.

4. Allows the Historic Preservation Officer administrative approval of Tents that meet certain criteria for color.
 - a. Traditional white, beige, cream, or similar colors may be approved by the Historic Preservation Officer. The Historic Preservation Officer may choose to send review of a proposed tent to the Historic Review Board, should City staff determine that the proposed tent requires additional approval.

Background:

The current code, amended in 2015, states “No temporary type structures shall be placed in the Historic Overlay District (HO). Temporary structures shall include mobile trailer units, portable structures, sunshades of whatever material, tents, tarps, or umbrellas. EXCEPT: The use of umbrellas or similar detached (portable), nonstructural sun shading devices ("Cover") by a restaurant for that restaurant's outdoor eating and serving areas shall be permitted under the following circumstances:”.

The code only allows this type of structure for restaurants and for “Public, religious, patriotic, or historic assemblies, displays or exhibits, including festivals, benefits, fund-raising events or similar uses which typically attract a mass audience shall require any use district other than residential. (Exception: religious assembly in residential districts) and shall not be subject to the provisions of Subsection M”.

Recently a business owner approached the City to get approval for this type of structure and was denied since the business was an “Event Center” but did not qualify for the exemption for restaurants. The property owner was able to utilize the exemption for religious assembly since the event was a wedding. However, this exemption would not be allowed for similar event if the wedding were held at a church and the wedding reception were to be held at the facility.

The City’s Historic Review Board discussed the request to allow tents in the Historic District. They had several concerns about making amendments that could allow more businesses to utilize them. While they did agree that an “Event Center” may need an exception, like restaurant umbrellas, they did not want to make this available to all business types. They also stated that maybe a CUP process could be established but did not make any concrete decisions on the process moving forward.

City Council directed staff to move forward with these proposed amendments on May 3, 2021.

Recommendation:

Staff recommends approval of the proposed amendments.

Attachments:

Redline of Zoning Code Section ([Additions in Blue](#)).

Department Approval

City Manager Approval

City Attorney Approval

Sec. 8.100. TEMPORARY USE TYPES.

The following types of temporary uses may be authorized, subject to specific limitations herein and such additional conditions as may be established by the Director of Development Services for the City of Fredericksburg or his or her designee "Director."

- A. Model homes or apartments and related real estate sales and display activities located within the subdivision or residential development to which they pertain.
- B. New subdivisions or apartments and related real estate sales and display activities located within the subdivision or residential development to which they pertain.
- C. A temporary sales office for use in development of a new subdivision may be established and operated within the subdivision for a period not to exceed four (4) years from the date of the first construction permit issued in the subdivision or until ninety-five percent (95%) of the lots therein are sold, whichever occurs first; provided that extension of time may be granted by the Board of Adjustment on application duly made for a special exception or temporary permit to continue such temporary use.
- D. Public, religious, patriotic, or historic assemblies, displays or exhibits, including festivals, benefits, fund-raising events or similar uses which typically attract a mass audience shall require any use district other than residential. (Exception: religious assembly in residential districts) and shall not be subject to the provisions of Subsection M below.
- E. Circuses, carnivals, rodeos, fairs, or similar transient amusement or recreational activities not closer than two hundred (200) feet to an existing dwelling shall require any use district classification other than residential and shall be subject to the provisions of Subsection M below.
- F. Outdoor art and craft shows and exhibitors shall require any use district classification other than residential, and shall be subject to the provisions of Subsection M below.
- G. Christmas tree sales lots shall require any use district classification other than residential and other than Historic Overlay District (HO).
- H. One house trailer or mobile home to serve as a dwelling may be permitted on a construction site during construction, upon application to the Director setting out the need therefor, to provide security against theft or vandalism of materials or equipment or other property left on the site during night time. This permit shall allow no more than one such dwelling per construction site, shall be effective for no more than six months, and shall be renewable, upon application, for no more than one additional six month period. Denial of such a permit may be appealed to the Board of Adjustment.
- I. Seasonal retail sale of agricultural or horticultural products raised or produced on or off the premises. To be limited to 120 days per calendar year and shall be subject to the provisions of Subsection M below.
- J. Additional Temporary uses determined to be similar to the foregoing by the Building Official which may be subject to the provisions of Subsection M below.
- K. Outdoor special sales, including swap meets, flea markets, parking lot sales or similar activities, limited to locations in commercial or industrial districts, and when operated not more than three days in the same week or more than five days in the same month or more than two weekends in the same month per location, and shall be subject to the provisions of Subsection M below.
- L. Temporary use of mobile trailer units or similar portable structures including tents and like structures for non-residential uses, located in districts other than the Historic Overlay District (HO) where the use is a permitted use, and limited to a maximum period of six months. Exception: KIOSK located in the Historic Overlay District (HO) where the use is a permitted use. (KIOSK as used herein is meant as an

informational, non-manned structure). Permitted Mobile Food establishments are governed by Chapter 8 Article V. of this Code of Ordinances and are therefore not Temporary Use Types for the purposes of this section.

- 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 tents for "Event Centers" only and 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. Traditional white, beige, cream, or similar colors may be approved by the Historic Preservation Officer. The Historic Preservation Officer may choose to send review of a proposed tent to the Historic Review Board, should City staff determine that the proposed tent requires additional approval.
 - (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.
 - (6) Tents, 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. Tents utilized as part of an "Event Center" shall not be installed more than 48 hours prior to the event and must be removed within 48 hours after the event.
 - (7) For the purpose of this section, "Event Centers" shall be defined as a service commercial establishment used for the gathering of groups of persons for specific functions including social, recreation, amusement or dining activities and where food and beverages may be served on the premises. Such facilities are frequently rented out for public or private activities that are not repeated on a weekly basis, and which are not open to the public on a daily basis at times other than when an event is scheduled.
 - i. Other establishments such as restaurants, tasting rooms, or other commercial venues which, may on occasion, hold events within their facility, but which events are not part of the day-to-day operations of the business are not considered an Event Center under this definition.
- N. Small sales carts that are man-powered only, and not larger than five feet by six feet fully extended, that are colored and styled in keeping with the Historic District in the determination of the Director shall be permitted in the Historic Overlay District (HO). Regulation of small sales carts shall be by the

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Director who shall also determine that those using the same abide by the laws and regulations that are relevant. The Director shall be permitted to place other reasonable restrictions and requirements upon the use of such sales carts. The use of sales carts shall be limited to the time periods set forth in Section K. above.

- O. Uses permitted under sections E, F, J, K, L and N above shall require issuance of a permit for each location by the Director prior to setting up or commencement of sales. Such permit shall ensure compliance with the terms of this ordinance and other ordinances and health regulations. The Director shall not issue a permit unless each applicant or vendor provides proof of sales tax permits and permission of the owner of the location for which the permit is issued for the intended use. The Director may establish procedural rules and application forms requiring relevant information to implement this permit process and may place limits on changes to permits, set-up and take-down times and the like. The initial permit fee will be \$25.00 per month. Permits shall not be issued less than five days nor more than three months in advance of the time period for which they will be used.

(Ord. No. 14-001, § 8.100, 1-19-2004; Ord. No. 19-011, § 8.100, 9-21-2009; Ord. No. 25-004, 5-4-2015)