



City of Fredericksburg

Zoning Board of Adjustment Meeting Agenda
Wednesday, August 19, 2026 ~ 5:30 PM
City Hall at East Campus
2818 E. U.S. Hwy. 290
Fredericksburg, Texas 78624

Clay Sears, Chair
Eric Hammersen, Vice Chair
Jennifer Eggleston, Member
Adam Luton, Member

Mike Mahoney, Member
Jim McAfee, Alternate Member
Jimmy Culp, Alternate Member

The City of Fredericksburg Zoning Board of Adjustment will meet in a regular session on Wednesday, August 19, 2026 at 5:30 PM. The meeting will be available within 24 hours to re-watch on the City's website: fredericksburgtx.portal.civicclerk.com.

Written Comments: to be submitted remotely:

1. Must be received by 2 p.m. on Wednesday, August 19, 2026.
2. Complete the Citizen Comment Form online at www.fbgtx.org; or
3. Email your comments to jmusgrove@fbgtx.org

Verbal Comments:

1. Sign up in-person between 5:00 p.m. and 5:30 p.m. at City Hall at East Campus
2818 E. U.S. Hwy. 290, Fredericksburg, Texas 78624

You will be limited to 3 minutes to speak.

1. ROLL CALL

2. CALL TO ORDER

3. APPROVAL OF MINUTES

- A. July 15, 2026, Regular Meeting Minutes

4. PUBLIC HEARING

- A. **DEV-2026-81-ADP:** Request by Richard Beaupre to consider an appeal of the Decision of the Historic Review Board in accordance with Section 23-66 (Appeal), pertaining to the denial of a Certificate of Appropriateness to construct an accessory building Green House at the property commonly known as 110 N. Bowie Street, Fredericksburg, Texas.
- B. **DEV-2026-99-ZVAR:** Request by Jim Brown to request a setback Variance Per Sec. 5.600 – "Variance Procedure" for property located at 1007 E. Hill Street, Fredericksburg, Texas.

The applicant is requesting a five (5) foot street side yard setback to the underlying R-2, Mixed Residential required Fifteen (15) Foot Setback Per Sec. 3.110 of the Zoning Ordinance.

- C. **DEV-2026-103-SE:** Request by Alice's Haus (Laina Howell) to consider a Special Exception Per Sec. 5.500 – Board of Adjustment Subsection A (2) to allow for an increase in occupancy for a STR permit for property located at 611 W. Burbank Street, Fredericksburg, Texas. The current occupancy is 10 and the applicant is requesting an occupancy of 12.
- D. **DEV-2026-104-ADP:** Request by Reeh & Schwing Law Firm (Steve Jones & Dena Largent) to consider an Administrative Appeal of Appendix B, Section 2.100 (Definitions) of the Fredericksburg Code of Ordinances pertaining to the definition of a "Condo" for the property commonly known as 705 E. Highway Street, Unit 104, Fredericksburg, Texas.

5. ACTION ITEMS

- A. Election of New Chair and Vice Chair

6. DISCUSSION ITEMS

- A. Director's Report

7. ADJOURN

CERTIFICATION

This is to certify that I, Jan Musgrove, posted this Agenda before 4:30PM on August 12, 2026, on the bulletin board of the City of Fredericksburg, City Hall at East Campus, 2818 E. U.S. Hwy. 290, Fredericksburg, Texas 78624.

Jan Musgrove

Jan Musgrove
Planner 1

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

**ZONING BOARD OF ADJUSTMENT
JULY 15, 2026
MEETING MINUTES
5:30 P.M.**

On the 15th day of July 2026, the Zoning Board of Adjustment convened in regular session in the City Chambers Room at 2818 E US Highway 290, Fredericksburg, Texas 78624, with the following members present to constitute a quorum.

PRESENT: ERIC HAMMERSEN
 ADAM LUTON
 JIM MCAFEE
 JENNIFER EGGLESTON

ABSENT: MIKE MAHONEY
 CLAY SEARS
 JIMMY CULP

ALSO PRESENT: CLIFF CROSS – Director of Development Services
 MICK MCKAMIE - Legal Counsel - Virtually
 JAN MUSGROVE – Planner 1

The meeting was called to order at 5:29 P.M. by Eric Hammersen.

Minutes:

June 17, 2026, Regular Meeting Minutes were approved. All voted Aye and the motion carried.

Public Hearing: All applicants and Speakers were sworn in prior to their presentations.

Public Hearing items:

Jennifer Eggelston recused herself from the dais.

DEV-2026-81-ADP: Request by Richard Beaupre to consider an appeal of the Decision of the Historic Review Board in accordance with Section 23-66 (Appeal), pertaining to the denial of a Certificate of Appropriateness to construct an accessory building Green House at the property commonly known as 110 N. Bowie Street, Fredericksburg, Texas.

Applicant: Mr. LaPlante was sworn in at 5:38PM.

A quorum was no longer in place as Jennifer Eggelston had recused, the item was tabled for the August meeting.

Dr. Hammersen asked whether anyone in the audience wished to speak on the record regarding the tabled item.

Each member of the public that spoke was sworn in.

Tim Riley and Carol Bolton and Mr. Larry Burson spoke in support of the Greenhouse.

Jennifer Eggelston returned to the Dais.

DEV-2026-63-ZVAR: Request by Mark Olvera to consider a variance per sec. 5.600 "Variance Procedure" for property is located at 309 W. Walch Street for relief from the provisions of section 3.100 for the minimum lot size requirement of 7,500 square feet and minimum lot width requirement of 70 feet within the R1- Single Family Residential District to construct a single-family residence.

Applicant Presentation: Mark Olvera

Mr. Olvera stated that when they bought the property, they had been under the impression that the vacant lot was buildable. They would like to build a single-family residence on the lot.

Public Hearing opened and closed at 5:57 PM

Staff Summary: Cliff Cross

Mr. Cross stated that in evaluating the request the area in general has a distinct pattern of development. It contains various lot sizes and building locations creating a range of existing setbacks and building placements. A determination that unique circumstances exist for the property, and not created by the owner, would need to be identified within the findings of fact for approval.

Board Discussion:

Eric Hammersen mentioned that the property was legally plated before the current zoning requirements were put into practice, Adam Luton stated that the frontage issue was not created by the owner.

Adam Luton made a motion to approve the application.

Jennifer Eggelston seconded the motion. All voted Aye and the motion carried.

DEV-2026-71-ZVAR: Request by Herb Vorauer to consider a variance per sec. 5.600 "Variance Procedure" for properties located at 305 W. Travis Street & 308 W. Schubert Street for relief from the provisions of section 3.110 for the minimum lot size requirements of 5,000 square feet within the R2-Mixed Residential District.

Applicant Presentation: Herb Vorauer

Mr. Vorauer explained that the mature trees and the wellhouse restricted him from building a fence within the correct rear yard setbacks and therefore he needed a variance to build the fence between the two properties.

Public Hearing opened and closed at 6:11PM

Staff Report: Cliff Cross

Mr. Cross explained the unique circumstances of these two properties, which are both owned by Mr. Vorauer.

Board Discussion:

The Board noted that the homes had been built before setbacks were in place and that this was not the fault of the owner.

Adam Luton made a motion to approve the application as presented.

Jennifer Eggelston seconded the motion. All Voted Aye and the motion carried.

DEV-2026-75-ZVAR: Request by Cindy Heifner to consider a variance per sec. 5.600 "Variance Procedure" for property located at 205 E Hackberry Street for relief from the provisions of section 3.100 for the minimum lot size width requirements of 70 feet within the R1- Single Family Residential District to construct a single-family residence.

Applicant: Cindy Heifner

Ms. Hefner wished to sell the second lot but needed it to be a buildable lot and as the frontage did not comply with the current zoning requirement, she was requesting the variance.

Staff Report: Cliff Cross

A variance has been requested pertaining to the minimum lot size requirements of buildable lots within the R1 - Single Family Residential District that requires a minimum lot width of 70 feet. The applicant is requesting the ability to build a new single-family residence on lot "b" that does not meet the minimum 70-foot lot width.

Public Hearing opened at 6:26PM and closed at 6:28PM

Tim Dooley spoke to for the need for R1 – Single family residential infill, he was in favor of the variance to create more buildable lots in R1.

Board Discussion:

As this setback variance request was a formality and no fault of the homeowner, Jennifer Eggelston noted that there had been three (3) approval letters and one (1) protest letter received.

Jim McAfee made a motion to approve the application.

Adam Luton seconded the motion. All vote Aye and the motion passed.

DEV-2026-76-ZVAR: By Lennar Homes to request a setback Variance Per Sec. 5.600 – “Variance Procedure” For property located at 159 Juanita Way, Fredericksburg, Texas. The applicant is requesting a ten (10) foot street side yard setback to the underlying R1-A, Single

Family Residential-Small Lot required Fifteen (15) Foot Setback Per Sec. 3.101 of the Zoning Ordinance.

Applicants: J.T Martinez and Armando Martinez

Mr. J.T. Martinez explained that the house had been placed in the middle of the lot and therefore was encroaching on the Street Side setback. They wanted to have the variance as the home was already built and needed to comply so that the house could sell.

Staff Report: Cliff Cross

The applicant is requesting a ten-foot (10) street side yard setback to the underlying R1-A, Single Family Residential-Small Lot district requiring a fifteen (15) foot setback Per Sec. 3.101 of the Zoning Ordinance. The residence has been constructed, and the owner is requesting the variance based upon the encroachment that was identified during the final review and closing process.

Board Discussion:

Mr. McAfee asked if the street could be narrowed so that the home would then be in compliance. Staff responded that that was something that could be looked into, but it would not be the preferred solution. Adam Luton stressed that the house was complete and that narrowing a street would be an unnecessary expense when granting the variance would be a better option.

Public Hearing opened at 6:41PM

Tom Musselman spoke about the property to the east of Friendship Oaks, The SECO development and that this street would connect to the Seco Development.

Public Hearing was closed at 6:42PM

Adam Luton made a motion to approve the application as presented.

Jim McAfee seconded the motion. All voted Aye and the motion carried.

DEV-2026-77-ZVAR: By Toner Kersting to request a setback Variance Per Sec. 5.600 – “Variance Procedure” For property located at 209 N. Acorn Street, Fredericksburg, Texas. The applicant is requesting a zero (0) foot street side yard setback to the underlying R1, Single Family Residential District and to the Accessory Building's required fifteen (15) foot setback Per Sec. 3.100 and Sec. 8.270 of the Zoning Ordinance.

Applicant: Toner Kersting

Mr. Kersting spoke to the need for a carport to protect his car from weather, that it was a large car and that meant that the poles would need to be placed on the property line.

Staff Report: Cliff Cross

A variance has been requested to construct an accessory carport in front of the current garage facing Schubert Street. The property is located on a double frontage lot and side yard setback for both the current underlying R1 Single Family District and accessory structure provisions require a fifteen (15) foot setback. The applicant would like to construct a carport that consists of black

metal support poles with a gabled cedar shake roof. The applicant has indicated that the carport will not extend past the existing fence line. The subject property is also within the Historic District and the proposed structure would still need review by the Historic Review Board for a Certificate of Appropriateness.

Public Hearing opened and closed at 7:03PM

Board Discussion:

The Board discussed the possibility that increasing the carport overhang could eliminate the need to place support poles on the property lines. Members also discussed having Staff work with the applicant to explore design modifications that would avoid the need for a variance request.

Jim McAfee made a motion to table the item and for the applicant to work with Staff for an administrative decision.

Jennifer Eggelston seconded the motion. All voted Aye and the motion carried.

Director's Report:

Cliff provided the board with updates on the Unified Development Code (UDC) process, and that the subject is scheduled for August 12, 2026, Coffee with the City Manager and the Consultants and the public.

Eric Hammersen suggested adding the meeting information to Utility Billing notices so that more of the public were informed of the event.

ADJOURN

With nothing further to come before the Board. The meeting was adjourned at 7:06PM

PASSED AND APPROVED this on the 19th day of August 2026.

JAN MUSGROVE, PLANNER 1

CLAY SEARS, CHAIRPERSON



ZONING BOARD OF ADJUSTMENT AGENDA MEMO

DEPARTMENT: Development Services

TO: Zoning Board of Adjustment

FROM:

MEETING DATE: August 19, 2026

CATEGORY: PUBLIC HEARING

CAPTION: **DEV-2026-81-ADP:** Request by Richard Beaupre to consider an appeal of the Decision of the Historic Review Board in accordance with Section 23-66 (Appeal), pertaining to the denial of a Certificate of Appropriateness to construct an accessory building Green House at the property commonly known as 110 N. Bowie Street, Fredericksburg, Texas.

SUMMARY: The owners initiated the request for a Certificate of Appropriateness to add an accessory structure (green house). The requested COA was for the addition of the Victorian Inspired Garden Structure (Conservatory) in the Southwest back corner of their lot. The Iron and Glass Structure is a homage of the Victorian era in which the main house was constructed. It corresponds with Alfred Giles Architectural Legacy while honoring the Bierschwale Family in their vision to build an urban estate of its time. The property consists of an approximately 15,530 square foot lot with a 3,114 square foot residential structure built in 1889 with additions in 2022, 2023 and 2024 and is identified as a High Rated structure.

The HRB denied the request to construct the accessory structure (Green House) based upon the following identified criteria:

Design

- (d) Applied architectural ornament or stylistic detailing of any kind is not appropriate for new accessory buildings.

High Priority	Medium Priority	Low Priority
Required	Required	Recommended

- (e) Consistent with historical lot-development patterns, new ADUs should be designed to look like a single, consistent dwelling unit - even if there are multiple units on the interior. The appearance of multiple ADUs on a single property is not consistent with historical development patterns in the district..

High Priority	Medium Priority	Low Priority
Required if visible from the public ROW	Required if visible from the public ROW	Recommended

- (f) Exterior walls, roof features, and window or door openings must authentically communicate the structural system of the new construction. Application of false structural elements is prohibited. The size and placement of window and door openings must accurately correspond to the bays of the structural system. Lintels should reflect the structural system.

High Priority	Medium Priority	Low Priority
Recommended	Recommended	Recommended

Materials

- (k) The exterior color palette for new accessory buildings must generally be in the same range as the primary building on the property.

High Priority	Medium Priority	Low Priority
Required	Required	Recommended

FINDINGS: Fredericksburg Historic District Design Guidelines and Standards

3.4.3. Accessory Buildings

Accessory Building Types

An accessory building is any building other than the primary building on a property. It almost always is smaller than the primary building and located behind the primary building. Accessory buildings may be residential (commonly referred to as “Accessory Dwelling Units” or ADUs), or utilitarian – such as garages, carports, and sheds.

Understanding historic accessory building types can help inform and inspire design and construction of new accessory buildings. For definitions and descriptions of historic accessory building types in Fredericksburg, refer to *Section 2.2.6*.

Priority Rankings and Lot Coverage

If a property includes an existing historic building, lot coverage standards are affected by the property’s priority ranking. For the purposes of lot coverage standards, **previously empty lots are treated as Low Priority-properties**.

Preservation

Avoid impacting significant historic resources or site features when constructing new accessory buildings.

High Priority	Medium Priority	Low Priority
Required	Required	Required

Setbacks and Lot Coverage

Follow lot coverage standards as required in *Section 3.4.1*.

High Priority	Medium Priority	Low Priority
Required	Required	Required

Height and Massing

Design new buildings to be subordinate and not visually overpower the surrounding historic buildings; The maximum height for an accessory building on a historically designated parcel relates to the preservation priority assigned to the primary building on the parcel. (Note that previously empty lots are considered Low-Priority properties.)

Required; maximum of one story, 18 feet in height	Required; maximum of two stories, 28 feet in height	Required; maximum of two stories, 28 feet in height
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Design

Applied architectural ornament or stylistic detailing of any kind is not appropriate for new accessory buildings.

High Priority	Medium Priority	Low Priority
Required	Required	Recommended

Consistent with historical lot-development patterns, new ADUs should be designed to look like a single, consistent dwelling unit – even if there are multiple units on the interior. The appearance of multiple ADUs on a single property is not consistent with historical development patterns in the district.

High Priority	Medium Priority	Low Priority
Required if visible from the public ROW	Required if visible from the public ROW	Recommended

Exterior walls, roof features, and window or door openings must authentically communicate the structural system of the new construction. Application of false structural elements is prohibited. The size and placement of window and door openings must accurately correspond to the bays of the structural system. Lintels should reflect the structural system.

High Priority	Medium Priority	Low Priority
Recommended	Recommended	Recommended

Revealing structural elements—like true load-bearing posts and beams—is encouraged.

High Priority	Medium Priority	Low Priority
Recommended	Recommended	Recommended

Materials

If a wood-frame structural system is used, wood siding or fiber-cement siding is encouraged. Use of true load-bearing masonry walls with stone, brick, or stucco also is encouraged.

High Priority	Medium Priority	Low Priority
Recommended	Recommended	Recommended

The palette of exterior materials for new accessory buildings should not use more than two different primary siding materials; a third material may be added if used for trim only. At least one exterior material on the accessory building must match the primary building on the property.

High Priority	Medium Priority	Low Priority
Required	Required	Recommended

Modern materials, such as fiber-cement siding and corrugated metal, may be appropriate for new accessory buildings.

High Priority	Medium Priority	Low Priority
Appropriate	Appropriate	Appropriate

The exterior color palette for new accessory buildings must generally be in the same range as the primary building on the property.

High Priority	Medium Priority	Low Priority
Required	Required	Recommended

Sec. 23-66. Appeal.

(a) An applicant or owner may appeal any decision of the Board to the City's Board of Adjustment under the following conditions:

(1) That a written notice of appeal by the applicant or owner be received by the Historic Preservation Officer within ten days following the decision to be appealed. The application shall follow the form required for a variance request under the City's Zoning Ordinance.

(2) The Board of Adjustment may overturn the Board's decision or requirement if it makes affirmative findings of fact on each of the following criteria:

- a. The historic review regulations set forth herein, or findings of the Board do not allow for a reasonable use.
- b. The action of the Board was not based upon the preponderance of the evidence presented to the Board.
- c. The plight of the owner of the property is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the zoning district in which the property is located.
- d. The reversal of the Board's decision or requirement will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property and will not impair the purposes of this article or regulations to the Zoning District in which the property is located.
- e. In addition, or alternately, other legal precedent or established law or is challenging or requesting a change to a rating.
- f. The Board of Adjustment may apply conditions to its decision or modification of the Board's decision or requirement.

(3) The Board of Adjustment shall schedule a hearing on such appeal within 30 days after the receipt of the notice of appeal, or as soon thereafter as is reasonably practicable. Notice of such hearing shall be published in the City's official newspaper not less than the tenth day before the date of the hearing. At the hearing, the applicant, owner and all interested parties, including local preservation groups, will have the opportunity to be heard. The Board of Adjustment shall uphold, reverse or modify the decision or requirement of the Historic Review Board or the Historic Preservation Officer within 30 days of the appeal hearing unless a continuance is agreed to by the owner. The Board of Adjustment will consider the same criteria and standard of review considered by the Historic Review Board or the Historic Preservation Officer.

(b) Only one appeal shall be allowed.

(c) Prior to an appeal to judicial authorities or institution of suit, and as a mandatory prerequisite thereof, the applicant must file a written notice of appeal with the City secretary within ten days following the adverse Board of Adjustment decision, as applicable, stating specifically grounds for such appeal, and the resultant appeal or suit shall be had on that ground or those grounds.

STAFF RECOMMENDATION:

In reviewing the accessory structure addition, and analyzing its compatibility to the historic district and property, staff identified that the construction appears to be consistent with traditional 19th Century European architecture. When evaluating the establishment of an accessory building, a primary goal is to determine that the accessory structure does not overpower the primary structure. The applicant indicated that the location, and proximity of the structure and incorporated landscape elements, place it in a strategic location that does not overpower the primary high-rated structure. It was further indicated that the square footage of the accessory structure appears to be less than 26% of the primary structure's square footage and has incorporated architectural material and design elements consistent with other accessory structures on the site. Based on the submitted material and application, staff indicated that the addition of this accessory structure appeared to be consistent with accessory structures reflecting traditional 19th Century European architecture.

In evaluating this request, the subject property has a contributing structure with a High rating. A determination that unique circumstances exist on the property and not created by the property owner; and that the reversal of the Board's decision will not alter the character of the area adjacent to the property or impair the purposes of the Historic Design Guidelines and Standards, would need to be identified within the findings of fact for approval.

ATTACHMENTS:

1. 110 N Bowie Notification Map
2. 110 Bowie Aerial
3. 110 N Zoning Map
4. Corresponding improvement
5. COA - Proposed Structure 2
6. Adopted-2021-Historic-District-Design-Guidelines-and-Standards
7. DEV-2026-81-ZVAR-letters of support
8. Feller Support Letter
9. Support - Roddy

APPROVAL/REVIEW:

Cliff Cross, Director of Development Services

Date: July 31, 2026

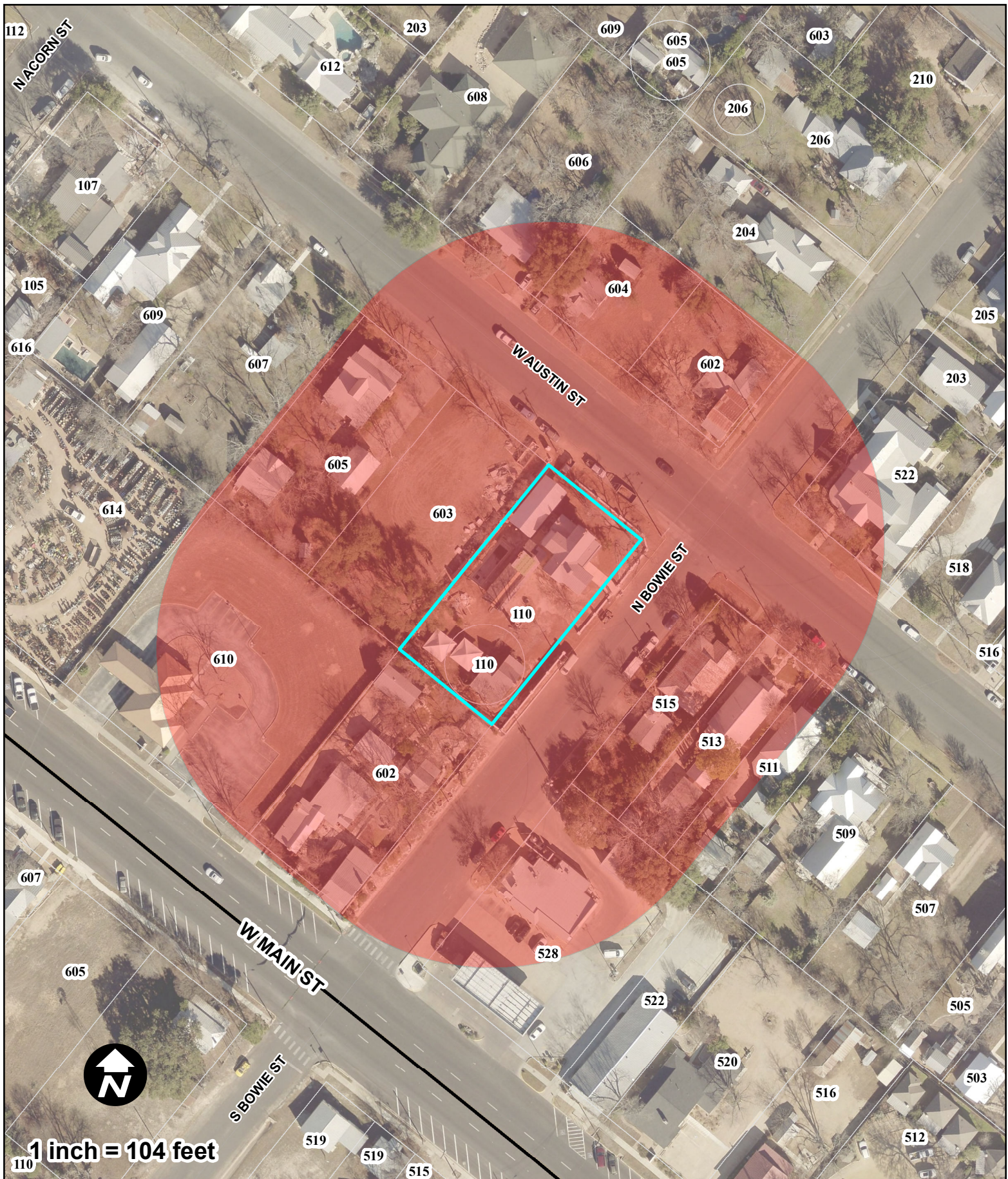


FIGURE 1

City of Fredericksburg
DEV-2026-81-ADP - 110 N. Bowie St.

LEGEND

- 200' Notification Buffer
- GCAD Parcels





LEGEND

GCAD Parcels

Zoning

ZONED

- C1 - Neighborhood Commercial
- C1.5 - Medium Commercial
- C2 - Commercial
- CBD - Central Business District
- M1 - Light Manufacturing
- M2 - Medium Manufacturing
- M3 - Industrial Park
- OS - Open Space

- PF - Public Facilities
- PUD - Planned Unit Development
- R1 - Single Family Residential
- R1A - Single Family Residential - Small Lot
- R2 - Mixed Residential
- R3 - Multi-Family Residential
- R4 - Manufactured Home Residential
- R5 - Patio Home Residential



City of Fredericksburg
DEV-2026-81-ADP -110 N. Bowie St.

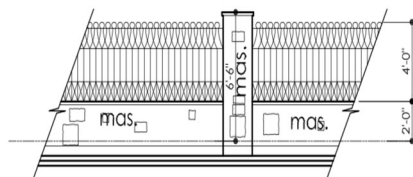
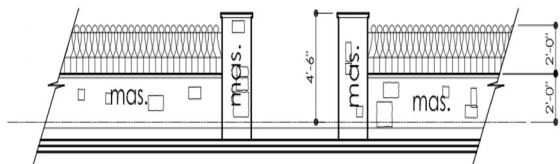
Corresponding Approved Iron Fence



N. BOWIE ELEVATION
SCALE: 1/8" = 1'-0"



W. AUSTIN ELEVATION
SCALE: 1/8" = 1'-0"



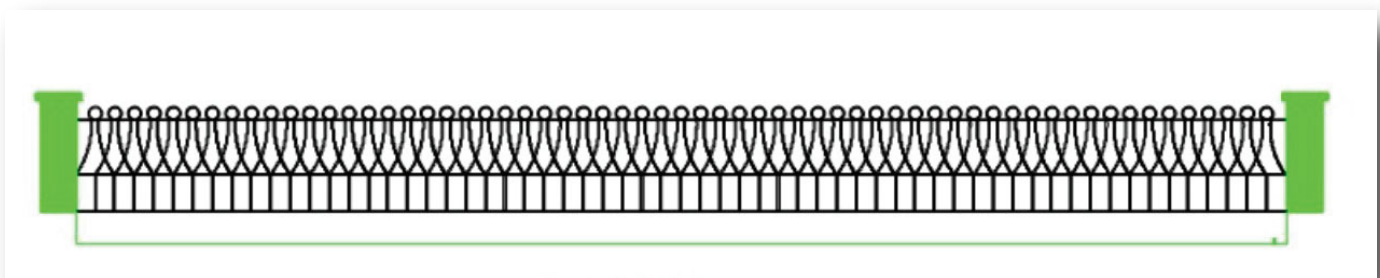
Corresponding Approved Iron Fence

Progress on the Iron Fence approved by HRB replacing an unsalvageable wired fence.

Due to the historic relevance of the previous fence we design the iron work to mimic its Original and Historically identifiable pattern .

The iron work is planned to surround the property on 3 sides where the previous wire fence stood.

Bowie Street, Austin Street and between the adjacent property on Austin.



Improvement to Date - Tank House



December 2023



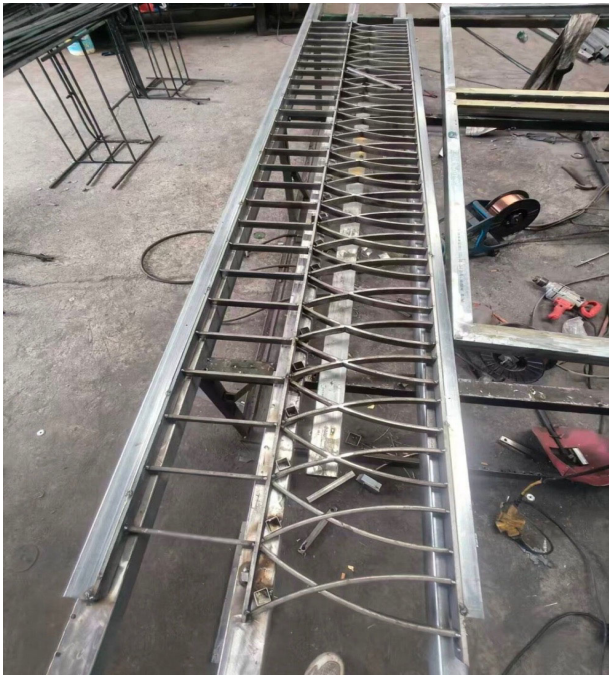
April 2025

Improvement to Date - Windmill Replacement



April 2025

Corresponding Approved Iron Fence



Improvement to Date - Facade Bowie Street

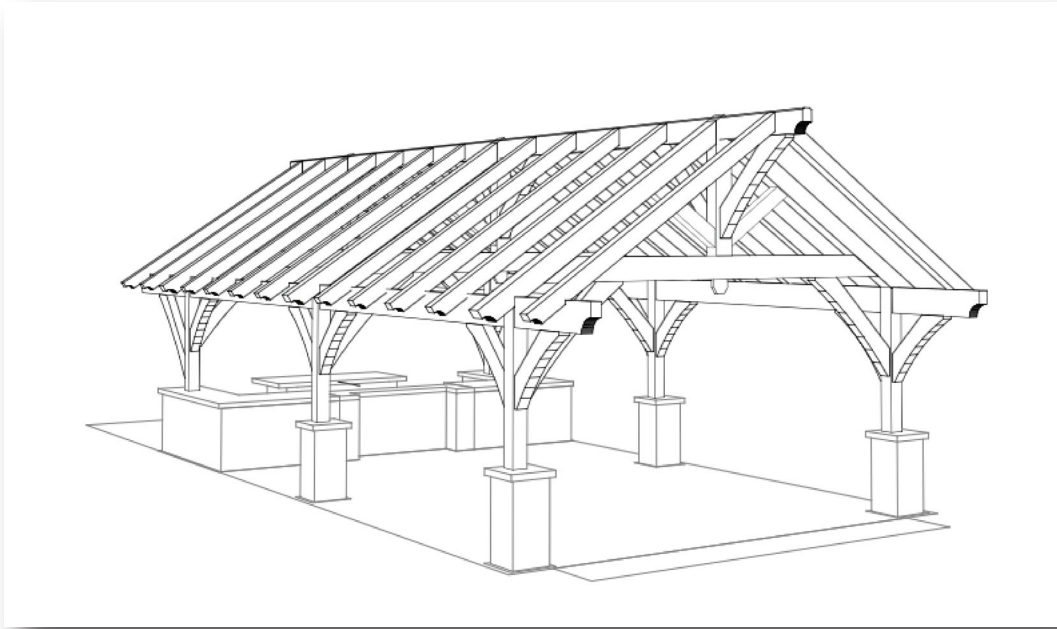


August 2018

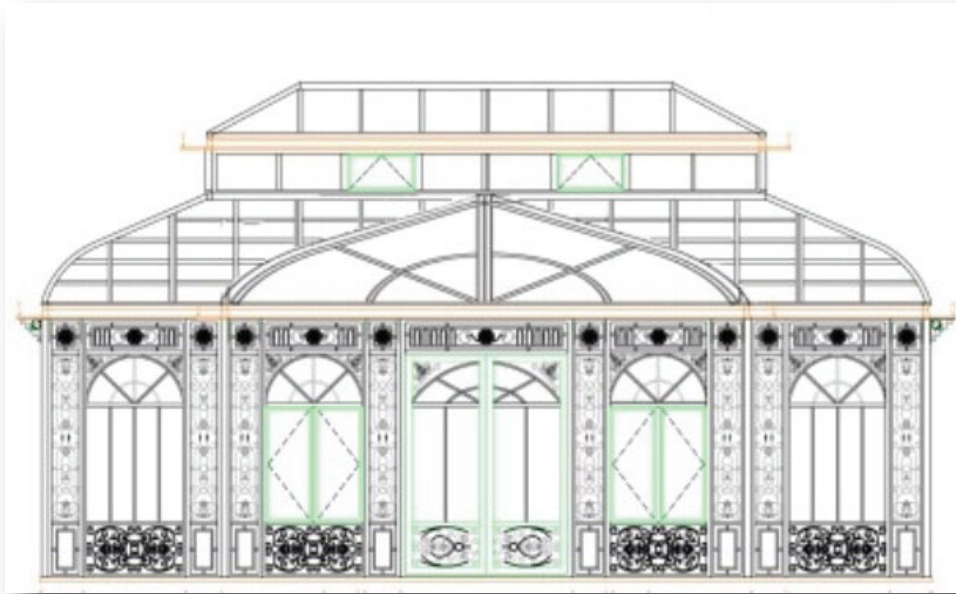


April 2026

Improvement to Date - Carport Austin Street



Proposed Structure



Our garden conservatory draws its inspiration from those constructed in the late 19th century during the Victorian era.

Similar structures were prevalent throughout Europe and the Americas at that time. In Germany, they were known as *Gewächshäuser*, while in England—the homeland of the architect Alfred Giles—they were often referred to as “winter gardens.”

The original founders of the homestead, the Bierschwale family, together with architect Alfred Giles, incorporated many ornate Victorian details into the property. These ranged from finely executed carpentry to some of the most elaborate masonry work of the period in this region.

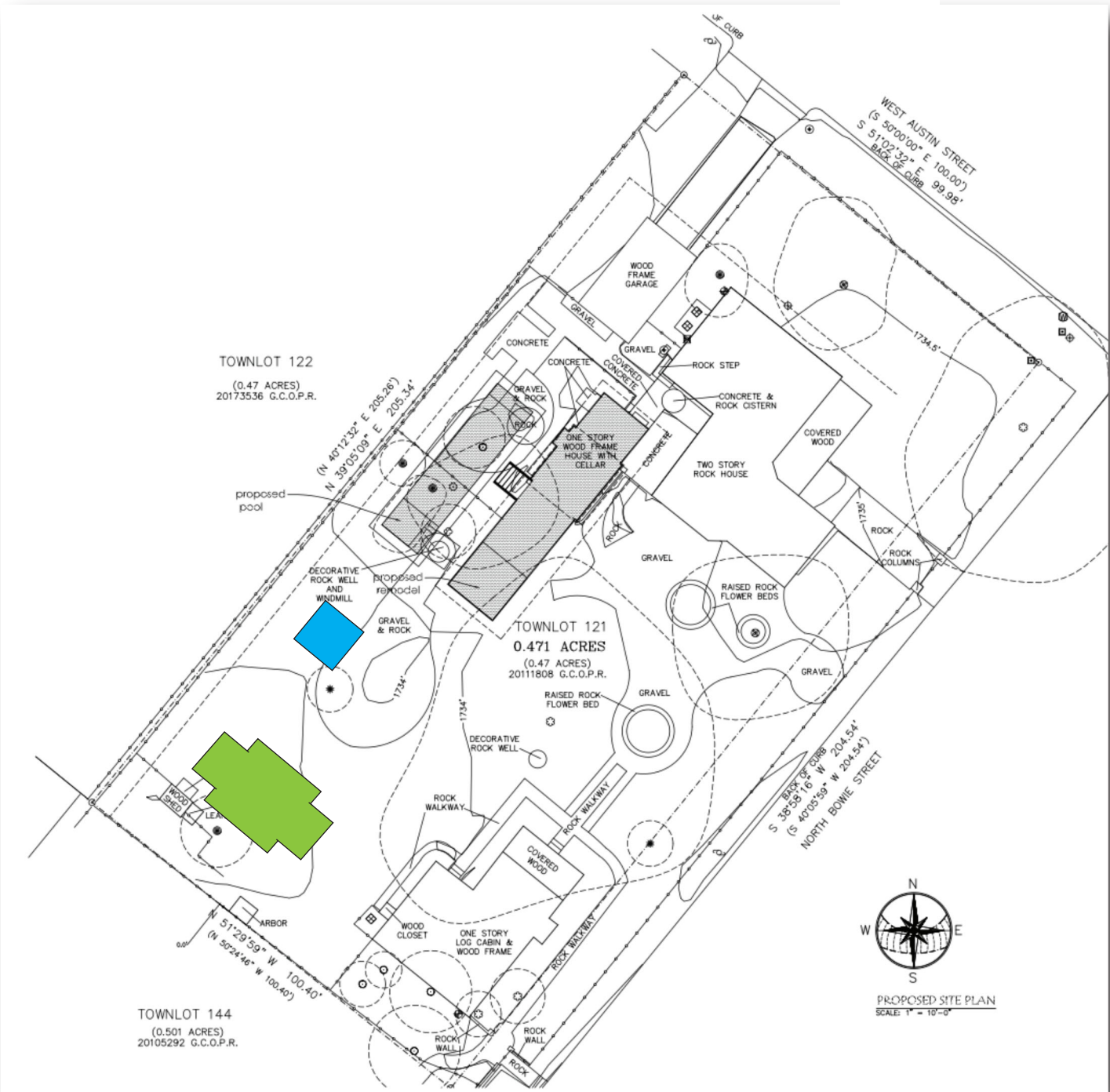
Ornamental ironwork is also a defining feature of Alfred Giles’ architectural legacy. A notable example can be seen in our own courthouse, where the detailing found in the balconies, rooflines, and widow’s peak closely echoes the character of the ironwork in our garden conservatory.

Alfred Giles designed numerous structures distinguished by their richness of detail, making our addition, by comparison, more restrained while remaining true to the architect’s language of the period.”

It is our belief that this conservatory represents a thoughtful continuation of Victorian design—one that honors the vision of Alfred Giles and the Bierschwale family with clarity and respect.

Location and Measurements

Location : Southwest Coner of the Lot
Set Back : Respected
Dimension : 741 Sq F
Height : 18'



Set Back

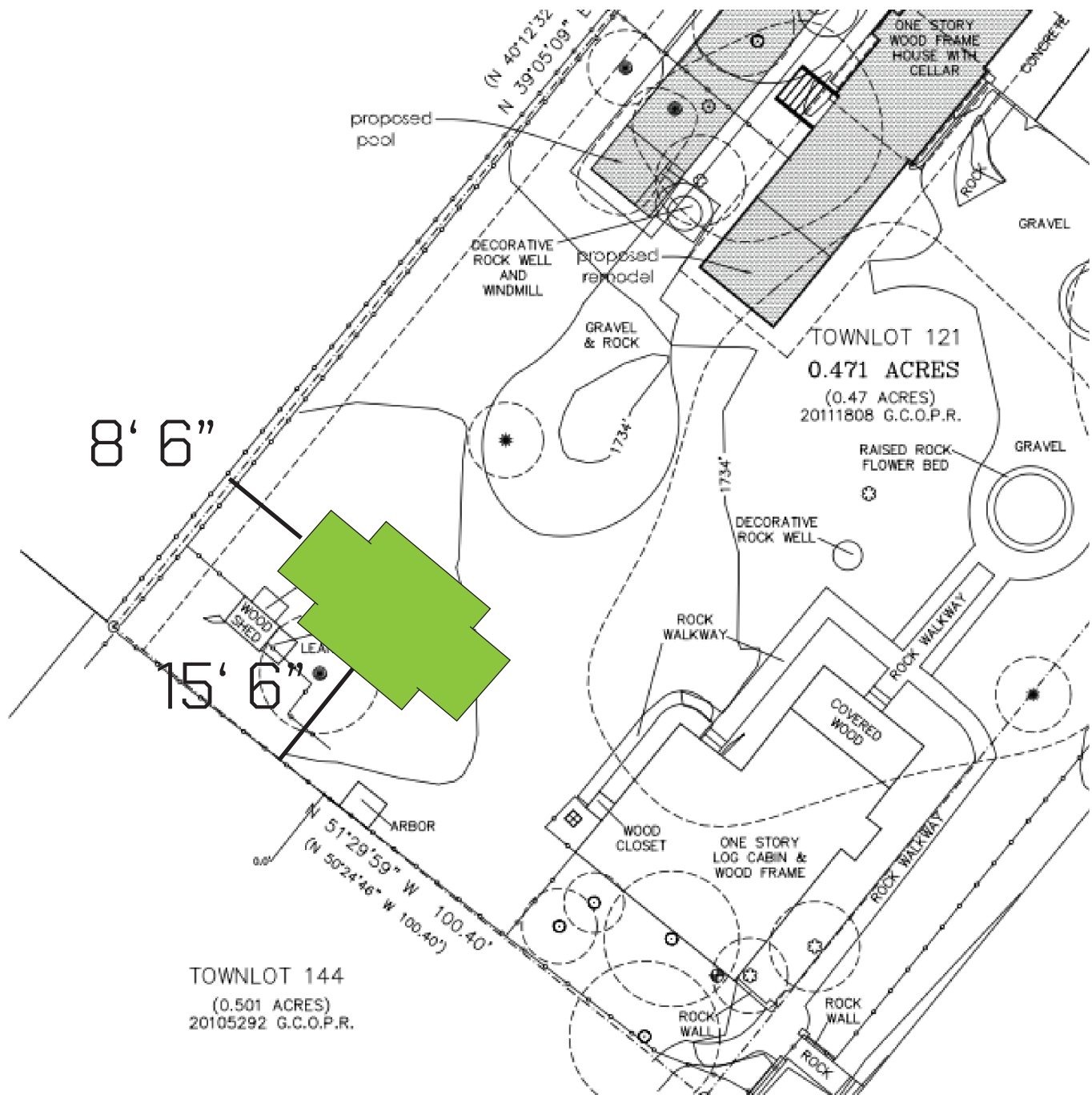
Location : South West Coner of the Lot

Set Back : 15' 6" from Neighboring back lot

8' 6" From Adjacent Lot

Dimension : 741 Sq F

Height : 18'



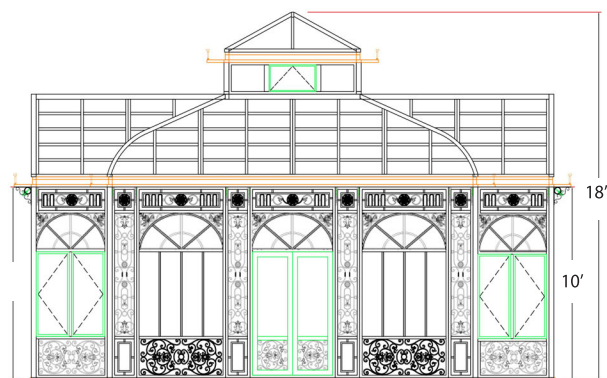
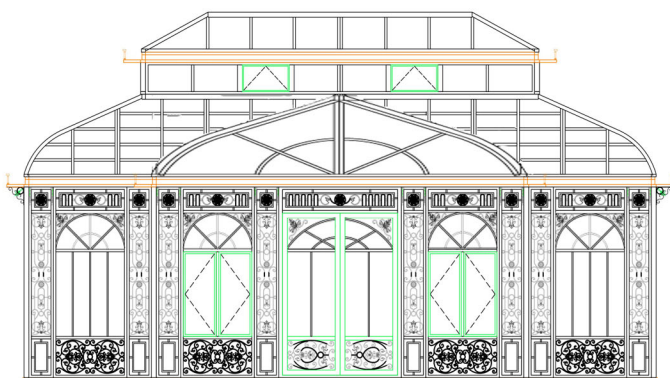
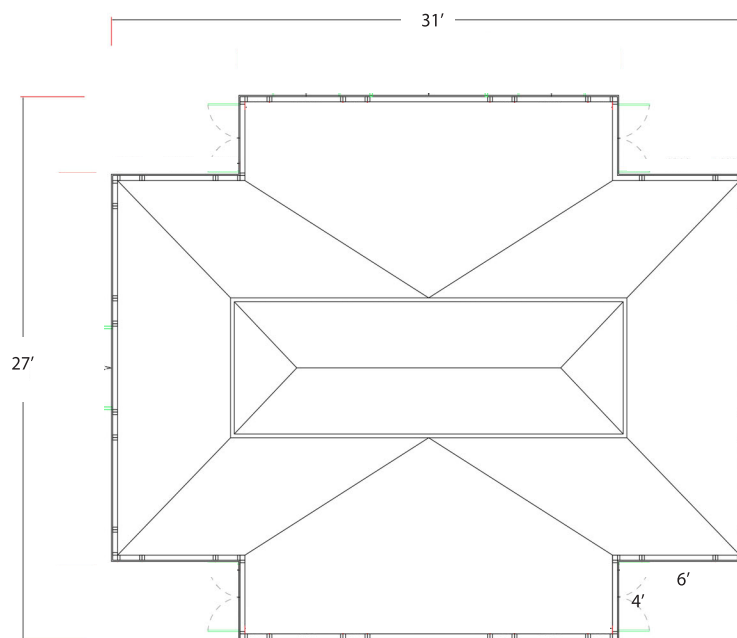
Location and Measurements

Location : Southwest Coner of the Lot

Set Back : Respected

Dimension : 741 Sq F

Height : 18'



Location and Measurements

Location : South West Coner of the Lot
Set Back : Respected
Dimension : 741 Sq F
Height : 18’



View from corner of Bowie Street & Austin

3.4.3. Accessory Buildings

Accessory Building Types

An accessory building is any building other than the primary building on a property. It almost always is smaller than the primary building and located behind the primary building. Accessory buildings may be residential (commonly referred to as "Accessory Dwelling Units" or ADUs), or utilitarian – such as garages, carports, and sheds.

Understanding historic accessory building types can help inform and inspire design and construction of new accessory buildings. For definitions and descriptions of historic accessory building types in Fredericksburg, refer to *Section 2.2.6*.

Priority Rankings and Lot Coverage

If a property includes an existing historic building, lot coverage standards are affected by the property's priority ranking. For the purposes of lot coverage standards, **previously empty lots are treated as Low Priority-properties**.

Preservation

- (a) Avoid impacting significant historic resources or site features when constructing new accessory buildings.

High Priority Required	Medium Priority Required	Low Priority Required
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Setbacks and Lot Coverage

- (b) Follow lot coverage standards as required in *Section 3.4.1*.

High Priority Required	Medium Priority Required	Low Priority Required
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Height and Massing

- (c) Design new buildings to be subordinate and not visually overpower the surrounding historic buildings; The maximum height for an accessory building on a historically designated parcel relates to the preservation priority assigned to the primary building on the parcel. (Note that previously empty lots are considered Low-Priority properties.)

High Priority	Medium Priority	Low Priority
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Design

- (d) Applied architectural ornament or stylistic detailing of any kind is not appropriate for new accessory buildings.

High Priority Required	Medium Priority Required	Low Priority Recommended
------------------------	--------------------------	--------------------------

- (e) Consistent with historical lot-development patterns, new ADUs should be designed to look like a single, consistent dwelling unit – even if there are multiple units on the interior. The appearance of multiple ADUs on a single property is not consistent with historical development patterns in the district.

High Priority Required if visible from the public ROW	Medium Priority Required if visible from the public ROW	Low Priority Recommended
---	---	--------------------------

- (f) Exterior walls, roof features, and window or door openings must authentically communicate the structural system of the new construction. Application of false structural elements is prohibited. The size and placement of window and door openings must accurately correspond to the bays of the structural system. Lintels should reflect the structural system.

High Priority Recommended	Medium Priority Recommended	Low Priority Recommended
---------------------------	-----------------------------	--------------------------

- (g) Revealing structural elements—like true load-bearing posts and beams—is encouraged.

High Priority Recommended	Medium Priority Recommended	Low Priority Recommended
---------------------------	-----------------------------	--------------------------

Materials

- (h) If a wood-frame structural system is used, wood siding or fiber-cement siding is encouraged. Use of true load-bearing masonry walls with stone, brick, or stucco also is encouraged.

High Priority Recommended	Medium Priority Recommended	Low Priority Recommended
---------------------------	-----------------------------	--------------------------

(i) The palette of exterior materials for new accessory buildings should not use more than two different primary siding materials; a third material may be added if used for trim only. At least one exterior material on the accessory building must match the primary building on the property.

High Priority	Medium Priority	Low Priority
Required	Required	Recommended

(j) Modern materials, such as fiber-cement siding and corrugated metal, may be appropriate for new accessory buildings.

High Priority	Medium Priority	Low Priority
Appropriate	Appropriate	Appropriate

(k) The exterior color palette for new accessory buildings must generally be in the same range as the primary building on the property.

High Priority	Medium Priority	Low Priority
Required	Required	Recommended



Figure 3-66. Example of an **appropriate** new accessory building—a garage apartment—with no applied ornament and minimal stylistic detailing, taking a visually subordinate role compared to the adjacent historic buildings (not shown). Since this building meets the definition of an ADU, it may be the only ADU on the lot. Source: HHM, 2020.



Figure 3-67. Rendering of an **inappropriate** site plan with insufficient setbacks between the historic primary building and the new ADUs to the right. The design of the ADUs also is inappropriate, with one of the ADUs designed to look like multiple cottages rather than a single building, plus inappropriate false structural detailing and applied ornament. Source: City of Fredericksburg Historic Preservation Office.

Fredericksburg Realtor

TO WHOM IT MAY CONCERN

April 23rd, 2026

SUBJECT : 110 N BOWIE - Glass Conservatory/Greenhouse

I am writing as a local real estate professional with over a decade of experience in the Fredericksburg market, including extensive work with historic properties. I have also worked closely with clients navigating approvals, remodels, and restorations within the historic district, giving me a practical understanding of both the guidelines and how they are applied.

I have followed the restoration at 110 N Bowie and would like to offer a professional perspective on the glass conservatory/greenhouse. The addition replaces a previously existing outbuilding and remains within the setback requirements for R1 zoning, reflecting a clear effort by the owners to work within established guidelines while investing in the long-term stewardship of the property.

In light of the concerns that the structure is overly ornate or may overpower the primary residence, I would respectfully offer a different perspective. The conservatory's transparency and lightness distinguish it from a traditional solid outbuilding. Rather than presenting as visually heavy or dominant, it is clearly a secondary, subordinate feature that allows the original home to remain identifiable as the primary structure. From a streetscape standpoint, its placement and composition ensure that it does not compete with the historic façade, but instead minimizes visual impact in a manner consistent with the intent of preservation guidelines.

It is also important to recognize that this project is not being undertaken for short-term financial gain. The owners are creating a long-term home, and their decisions reflect a personal investment in livability and character rather than resale. Additionally, the structure is not a permanent, fixed addition in the traditional sense, placing it in a different category from more substantial alterations and warranting consideration within that context.

Fredericksburg's historic fabric reflects a range of architectural expressions. While this conservatory/greenhouse may be more refined than a typical accessory structure, that refinement does not inherently equate to incompatibility. Instead, it balances preservation with thoughtful, well-executed updates.

From both a market and preservation standpoint, this project demonstrates a high level of respect for the property and its surroundings. Investments of this nature support property values, encourage responsible restoration, and contribute to the continued relevance and desirability of Fredericksburg's historic neighborhoods.

Sincerely,



Anna Wynne-Smith

Portfolio Real Estate - Keller Williams

annaws@kw.com ; 830-499-9910

Direct Neighbor

110 North Bowie

To whom it may concern

The home on the above address is in my opinion one of the nicest homes and if not the nicest home in Fredericksburg. Definitely a show stopper for the many visitors cruising the streets of our great community. The glass structure that sits in the back southwest corner is **very unique and properly done and in my opinion it's fits very well within the property.** I give the structure two thumbs up !!

Sincerely,
Bow Carpenter
522 W Austin St. |

Direct Neighbor

In Regards to The Property at
110 North Bowie
April 24, 2026

To Whom It May Concern,

My name is Carl Newton and I am the adjacent neighbor to the property located at 110 North Bowie. I write to express my full support of the recently erected glass garden structure situated at the rear of that property, behind my own....

From my vantage point, the addition is both aesthetically pleasing and thoughtfully executed. The Victorian-inspired garden structure pairs beautifully with the historic character of the home, creating a harmonious and well-suited composition.

In my opinion, it is a positive contribution to the neighborhood and reflects a careful sensitivity to design and context. I fully endorse this addition and consider it a meaningful enhancement to the surrounding properties.

Sincerely,
Carl Newton
602 W Main St.

Fredericksburg Resident / Neighbor / W_ealth Manager

27 April 2026

RE: 110 North Bowie – Bierschwale Estate (Estate)

To Whom it May Concern,

I have long admired the elegance of the Bierschwale Estate at 110 N. Bowie and most recently relish the investment by the current owners to revive the historic richness of its architecture and gardens, including the recently erected conservatory.

There are numerous reasons for my interest and views. My family owned a property only a block away on 108 North Acorn for almost 50 years. The neighborhood with its rich history and continued conservation and growth of estate properties illustrates proper stewardship of this valued area of the city. The tasteful continuation of this is well demonstrated in the beautiful, cultivated gardens and elegant iron-and-glass winter garden at the Estate.

My interest is not limited to the historic district either, I am a sixth-generation Gillispie County resident. Fredrick William Lange of Lange's Mill in Doss is my direct relative; my mother is Grace Lange Wallace. In addition, I am a student of history. Iron-and-glass garden structures of this nature have a well-established lineage in late 19th-century Europe, particularly in Germany, where advances in iron construction allowed for refined, light-filled conservatories that were both functional and ornamental.

Lastly, as a local Banker I am an ardent supporter of Texas property rights and the free market system. I recognize that if a property owner improves his property with care, respect and appreciation he adds value not only to his property but, by extension the community.

I consider this continuation of our heritage in the form of a conservatory at the Bierschwale Estate to be thoughtful, tasteful and historically appropriate.

Respectfully,

JOHN M. WALLACE


John Wallace

Fredericksburg Interior Designer

April 26th 2026

110 North Bowie Conservatory

Members of the board and Chair,
My name is Jackie Currie, and I am an interior designer who has worked extensively within this historic district. I am writing to express my full support of the Victorian glass garden structure recently constructed at the rear of the property located at 110 North Bowie.

From a design perspective, the structure is well conceived and thoughtfully proportioned. It reflects a clear understanding of historical continuity, echoing the character of traditional garden conservatories of the era, while remaining entirely in harmony with the existing 1890's home.

In my professional opinion, this addition is both appropriate and beneficial to the neighborhood. I fully support and endorse it as a meaningful enhancement.

Sincerely,



Jackie Currie

2148 stone meadow

Fredericksburg Resident

April 23, 2026

To Whom it May Concern:

I'm writing in full support of the glass garden house located at 110 North Bowie in Fredericksburg.

As a long time Fredericksburg resident, I pass by this home on my way to the Post Office most days and have admired the owners' beautiful renovations to the home over the last couple of years.

When I drove by recently and saw the glass garden house I actually exclaimed out loud with joy! What a terrific addition to the property! This structure exudes refined elegance that enhances the property significantly while adding to its historical relevance. Early settlers in Fredericksburg built structures to stand the test of time and some had ornate iron work. These structures were extremely popular during the late 1800's but unfortunately most have been lost due to neglect or damage over time. Now, the two structures on this property, the home and the glass house, are in cohesive architectural dialogue with one another and are truly complimentary in size, materials and aesthetics. Quite the perfect match.

Additionally, I believe this structure improves not only the property but our community as a whole. We should feel so lucky that the owners in this case not only have the desire, but the time, exquisite taste and financial means required to renovate this property to the level that it demands. We are lucky indeed to have them as contributing members of our community and should THANK THEM for this addition!!

Sincerely,



Susan and Bill Brandt
78 Rancho Palo Alto Rd.
Fredericksburg, TX 78624
susanbrandt777@gmail.com

July 3, 2026

To the Zoning Board of Adjustment:

My name is James "Happy" Feller, and I am a fifth-generation resident of Fredericksburg. My father, Dr. Lorence Feller, served this community as a physician and surgeon for 53 years. Throughout the generations, my family has been proud to support and advocate for the City of Fredericksburg and its continued success.

I respectfully ask the Zoning Board of Adjustment to approve the improvements Richard Beaupre has made to his property. While some procedural requirements were overlooked during the process, those issues have since been brought to his attention. I am confident he is fully aware of those requirements now and he will comply with them going forward.

Although the Historic Review Board denied approval of the improvements, I have personally spoken with several highly respected City employees who are familiar with the project. Their general consensus is that there are no significant violations that should prevent these improvements from being approved.

Fredericksburg has long been recognized as a model for other small communities. Richard's business, located in our historic downtown, attracts visitors from across the region and contributes significantly to our local economy and community character. His commitment to quality, beautification, and investment in Fredericksburg enhances the charm, appeal, and vitality that make our city so special.

As a community, we should encourage responsible property improvements and recognize citizens who invest in preserving and enhancing Fredericksburg's unique character. Allowing procedural oversights to outweigh the overall benefit of quality improvements does not serve the long-term interests of our city.

For these reasons, I respectfully urge the Zoning Board of Adjustment to approve this request. Doing so would be in the best interests of Fredericksburg and would reinforce our community's commitment to thoughtful growth, beautification, and preservation.

Thank you for your time and consideration.

Respectfully,


James "Happy" Feller

July 15, 2026

Zoning Board of Adjustment - Green House on the property 110 North Bowie Street

To whom it may concern,

My husband and I are full time home owners who live on North Bowie Street.

We are 100% in full support of the Green House structure on the property owned by Richard Beaupre.

The amount of thoughtful time and resources Richard has put into his beautiful home to restore it has been incredible to say the least. Not only financially but in painstaking time, we know, we see it every day!

This home in question is a unique historic landmark and we are very proud that it's on our street. We are grateful that Richard is passionate with making his home a significant example of Fredericksburg's history.

We love that Richard's house is prominently located on our street, we are grateful he cares so much to restore every square foot of his property, he is a devoted homeowner who cares about the neighborhood.

North Bowie and Austin Street are the major beneficiaries of such a gorgeous home.

The Green House under review is tastefully done and consistent with the other improvements Richard has made to his property.

We encourage and respectfully ask the Board to approve Richard's appeal.

Dan & Connie Roddy
302 North Bowie Street



ZONING BOARD OF ADJUSTMENT AGENDA MEMO

DEPARTMENT: Development Services

TO: Zoning Board of Adjustment

FROM:

MEETING DATE: August 19, 2026

CATEGORY: PUBLIC HEARING

CAPTION: **DEV-2026-99-ZVAR:** Request by Jim Brown to request a setback Variance Per Sec. 5.600 – “Variance Procedure” for property located at 1007 E. Hill Street, Fredericksburg, Texas. The applicant is requesting a five (5) foot street side yard setback to the underlying R-2, Mixed Residential required Fifteen (15) Foot Setback Per Sec. 3.110 of the Zoning Ordinance.

SUMMARY:

The applicant is requesting a five-foot (5) street side yard setback within the underlying R-2, Mixed Residential district which requires a fifteen (15) foot setback Per Sec. 3.110 of the Zoning Ordinance. The applicant is requesting to construct an accessory pavilion within the prior accessory structure's footprint.

FINDINGS:

A variance has been requested pertaining to the required street side yard setback of 15 feet per section 3.110 of the zoning ordinance. Section 5.600 sets the variance procedure to make an application and appear before the ZBA for consideration and determination of findings per section 5.650.

Sec. 3.110. - R-2: Mixed Residential.

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 for single family detached structures; or 10 feet, for multi-family developments, when abutting residential zoning districts; or 15 feet for 2 story multi-family developments when abutting residential zoning districts
Rear Yard	Minimum Required Setback, 10 feet; or 15 feet, for multi-family developments, when abutting a residential zoning district; or 25 feet, for multi-family developments, for 2 or more stories when abutting residential zoning districts
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
	3 Bedroom: 4,000 Square Feet 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

Sec. 8.270. Yards and Accessory Buildings.

All accessory buildings shall be subject to the following setback provisions:

Front Yard. Accessory buildings shall have a front yard not less than the main building.

Side Yard. There shall be a side yard not less than five (5) feet from any side lot line, or easement line, except that adjacent to a side street, the side yard shall never be less than fifteen (15) feet.

Rear Yard. There shall be a rear yard not less than three (3) feet from any lot line, alley line or easement line, except that if no alley exists, the rear yard shall not be less than ten (10) feet as measured from rear lot line.

Sec. 5.650. - Findings.

Basic Criteria. The Board of Adjustment may grant a Variance if it makes affirmative findings of fact on each of the following criteria:

The Zoning Regulations applicable to the property do not allow for a reasonable use.

The plight of the owner of the property is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the zoning district in which the property is located.

The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property and will not impair the purposes or regulations to the Zoning District in which the property is located.

STAFF RECOMMENDATION:

In evaluating the request the area in general has a distinct pattern of development. It contains various lot sizes and building locations creating a range of existing setbacks and building placements. This particular site is unique in that a portion of the side yard is located along a public Right-of-Way. A determination that unique circumstances exist for the property, and not created by the owner, would need to be identified within the findings of fact for approval.

ATTACHMENTS:

1. 1007 E Hill St Notification Map
2. 1007 Hill Aerial
3. 1007 E Hill Zoning Map
4. DEV-2026-99-SVAR-tatsch
5. DEV-2026-99-SVAR-img_0238
6. DEV-2026-99-SVAR-img_0240
7. DEV-2026-99-SVAR-brown pavilion 6.24.26

APPROVAL/REVIEW:

Date: July 31, 2026

Cliff Cross, Director of Development Services

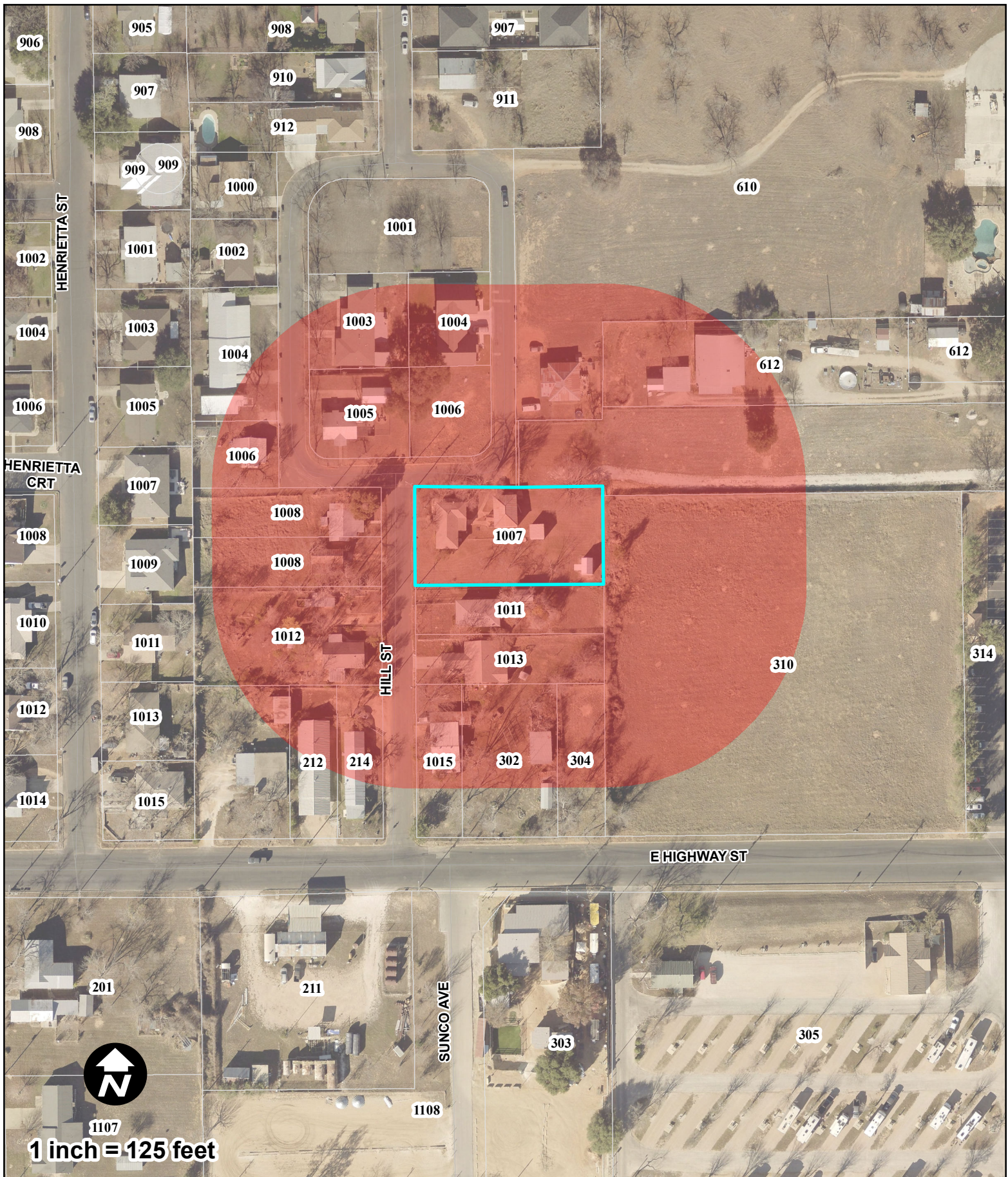
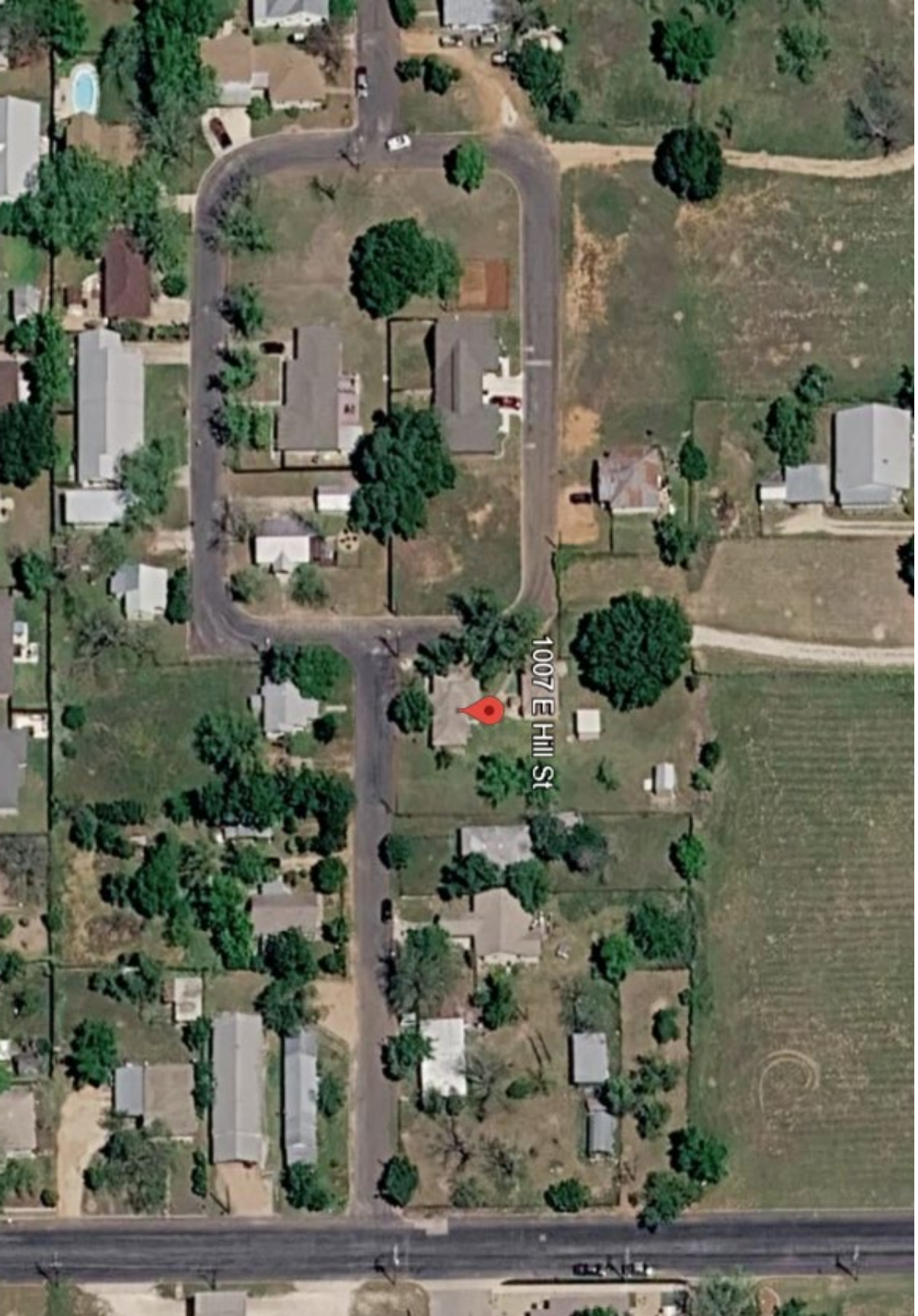


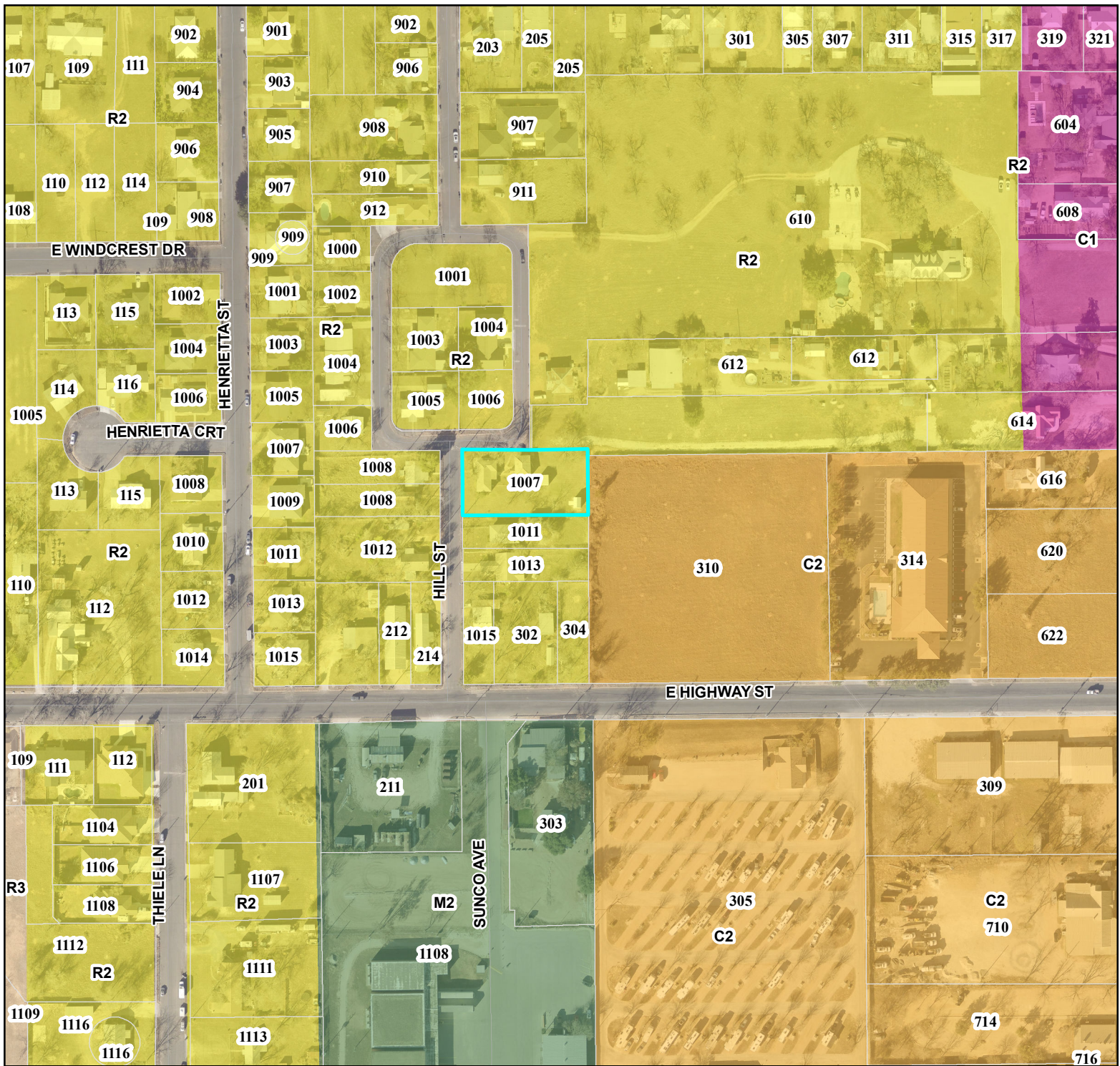
FIGURE 1

City of Fredericksburg
DEV-2026-99-ZVAR 1007 E. Hill St.

LEGEND

- 200' Notification Buffer
- GCAD Parcels





LEGEND

GCAD Parcels

Zoning

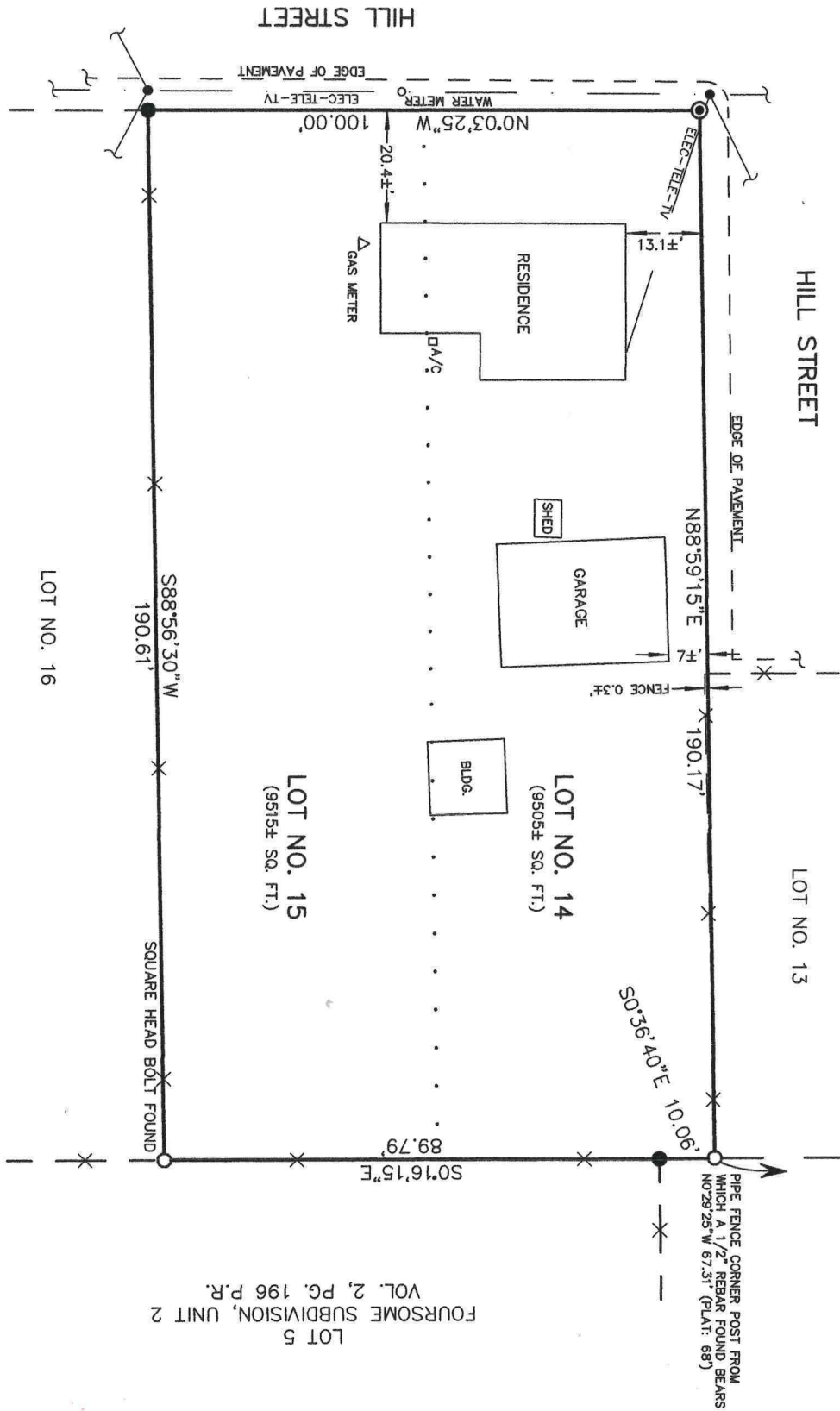
ZONED

- C1 - Neighborhood Commercial
- C1.5 - Medium Commercial
- C2 - Commercial
- CBD - Central Business District
- M1 - Light Manufacturing
- M2 - Medium Manufacturing
- M3 - Industrial Park
- OS - Open Space

- PF - Public Facilities
- PUD - Planned Unit Development
- R1 - Single Family Residential
- R1A - Single Family Residential - Small Lot
- R2 - Mixed Residential
- R3 - Multi-Family Residential
- R4 - Manufactured Home Residential
- R5 - Patio Home Residential



City of Fredericksburg
DEV-2026-99-ZVAR -1007 E. Hill St.



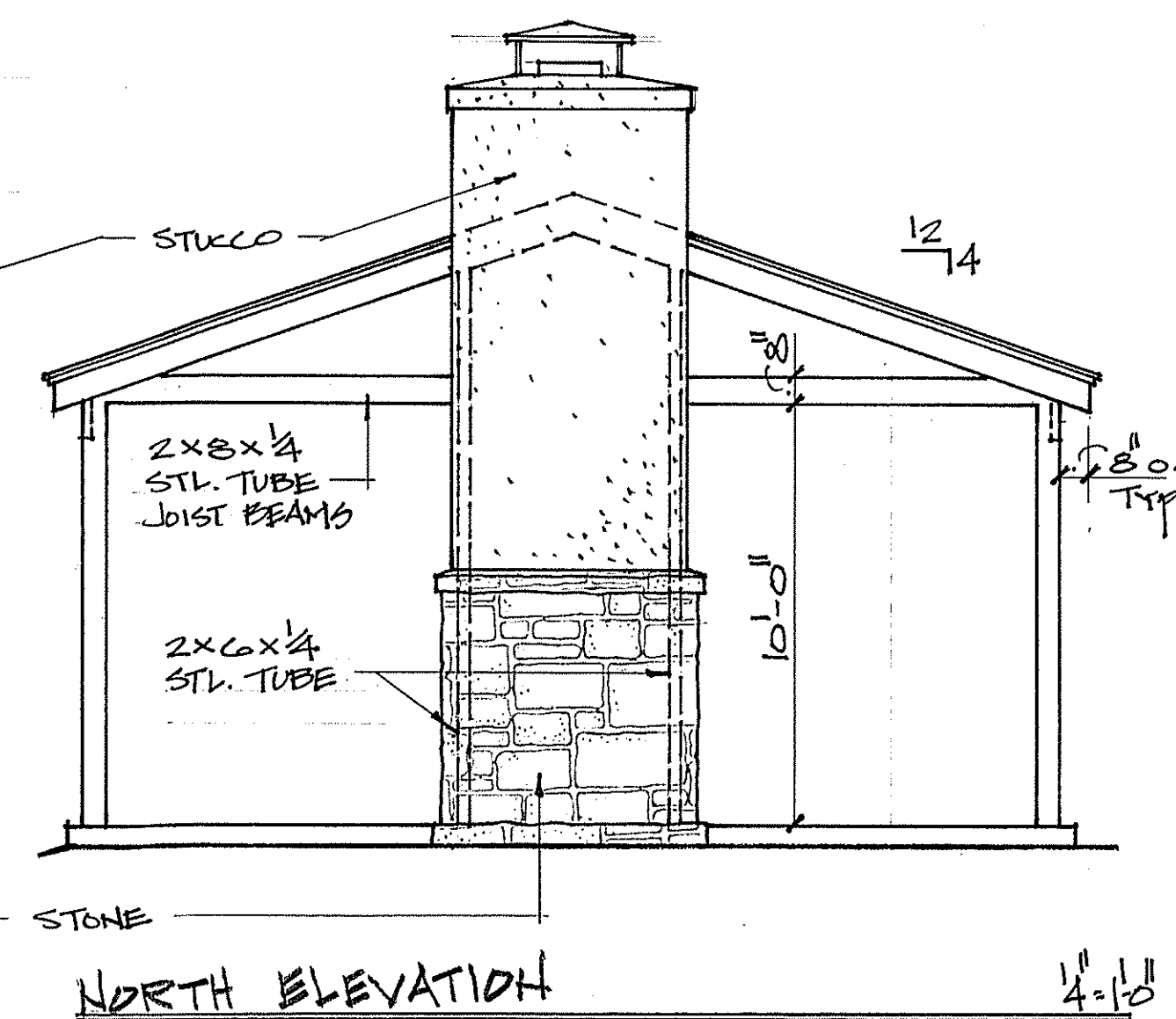
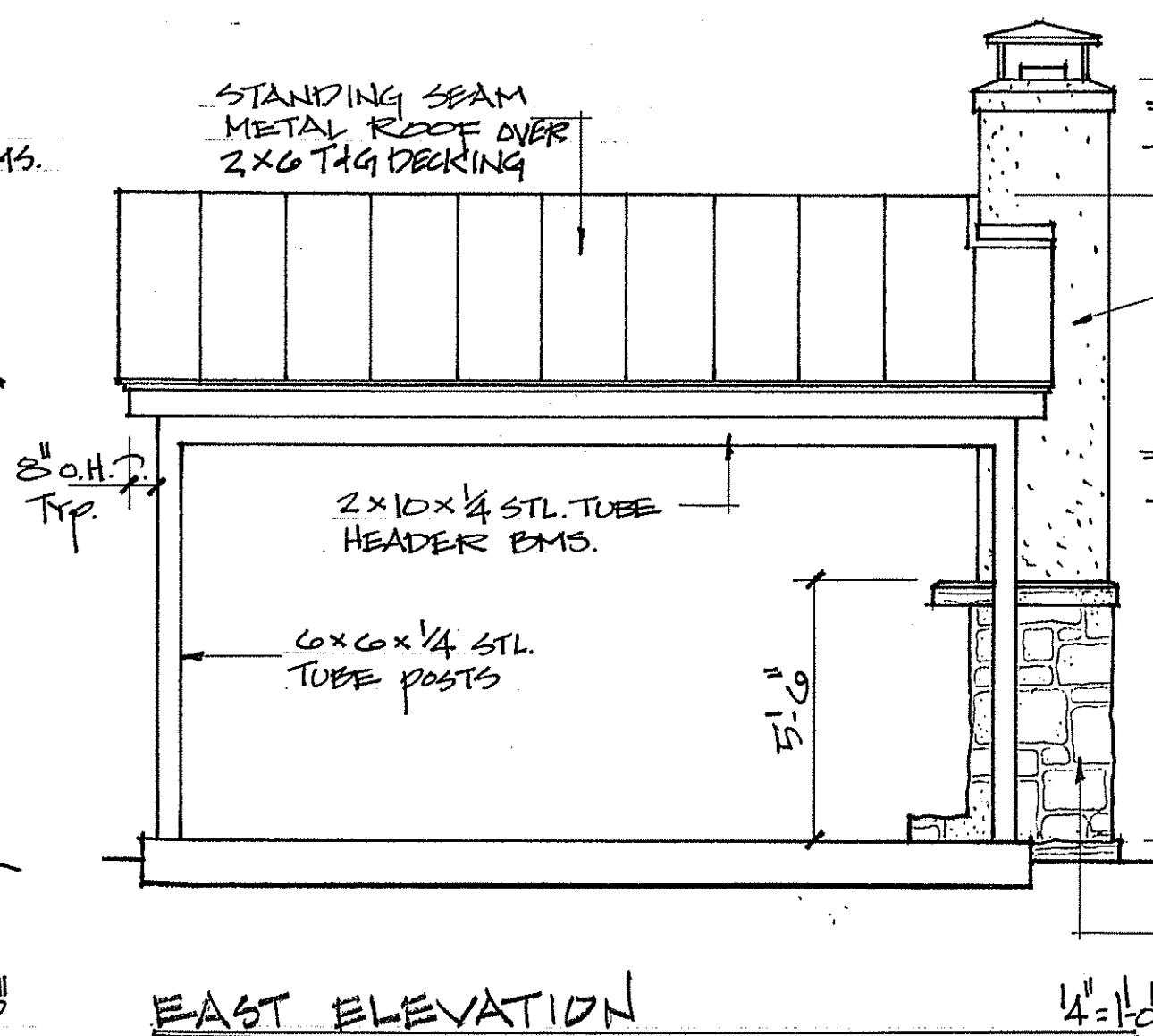
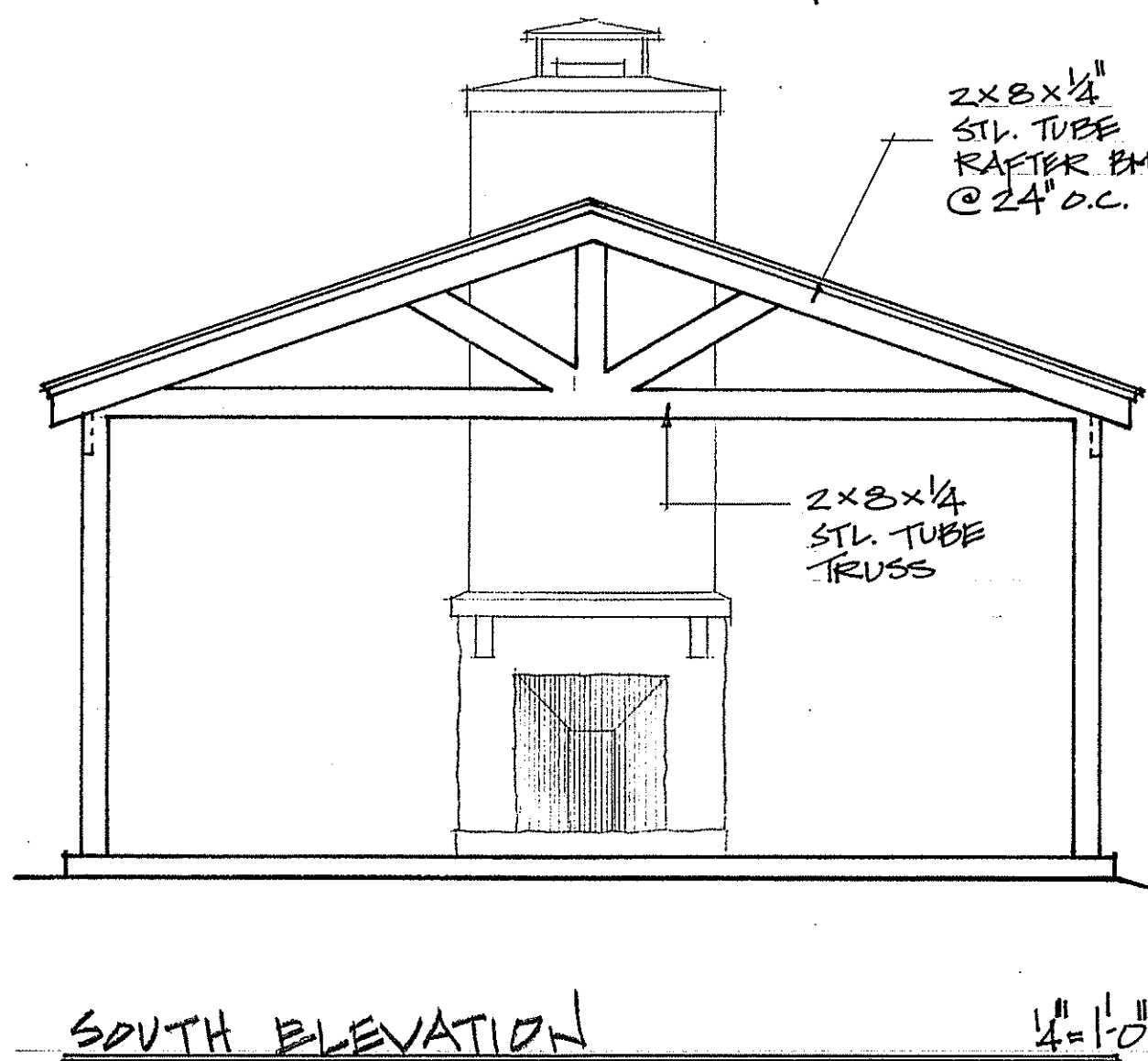
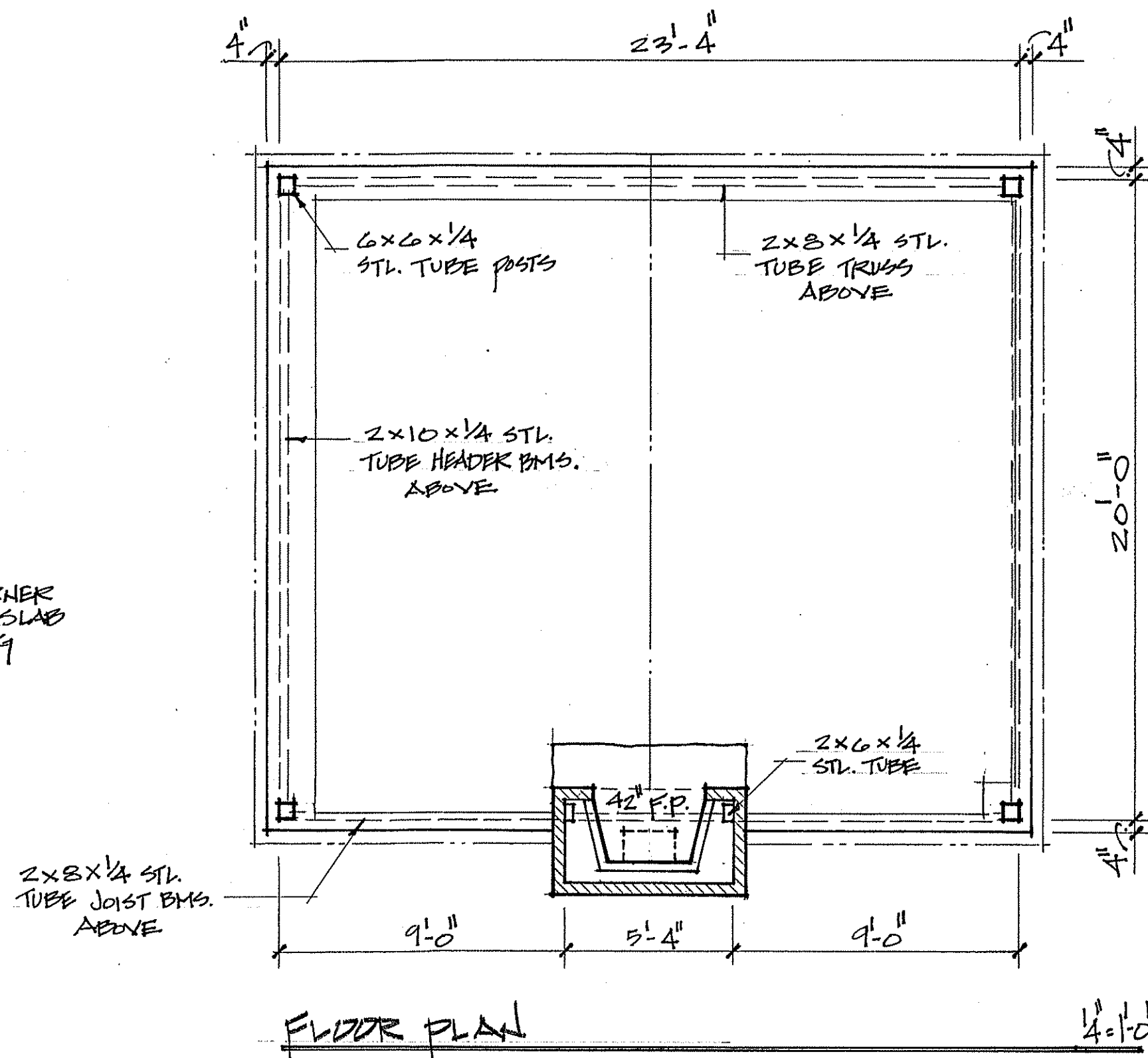
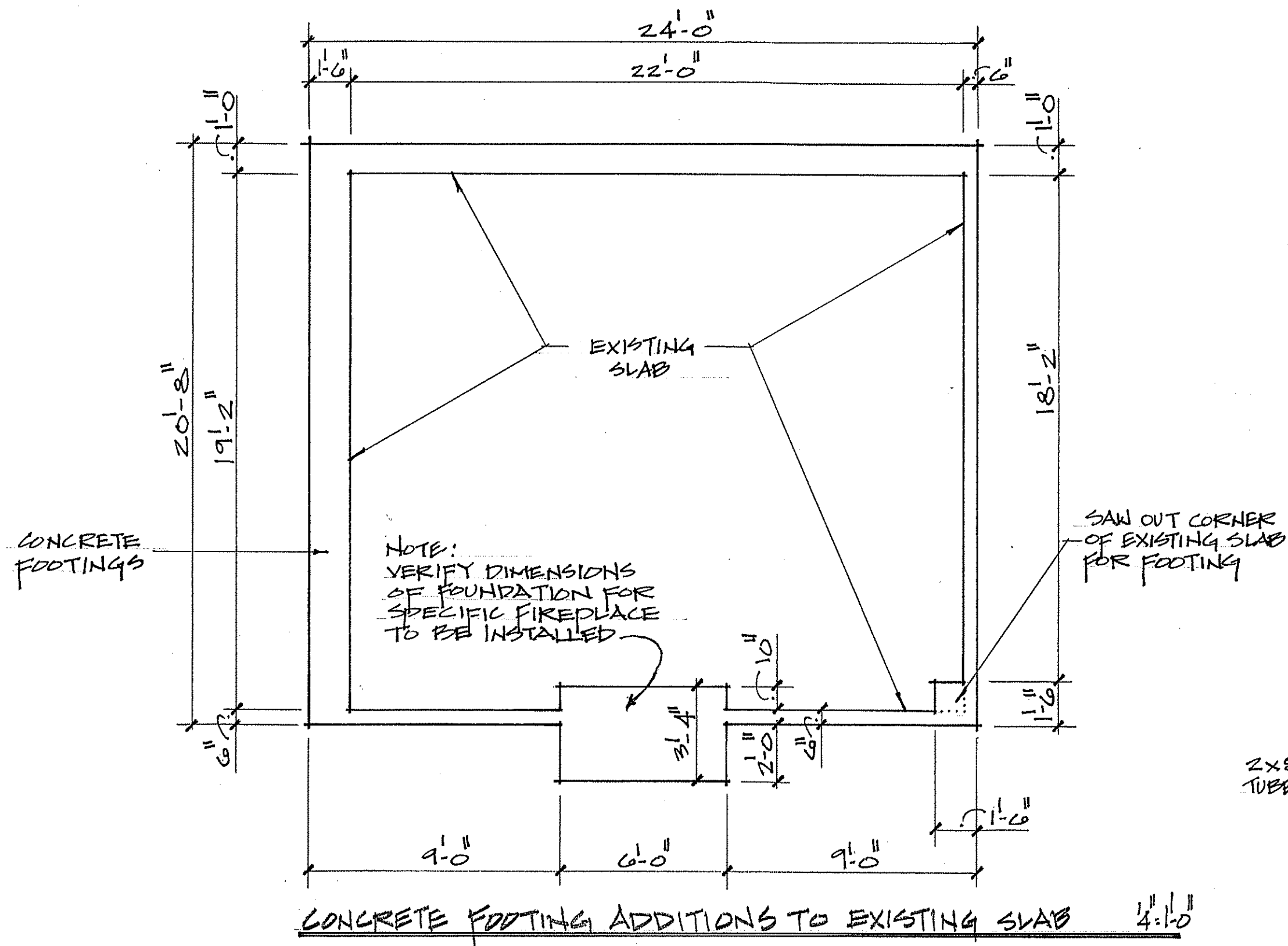




6-24-2026

PAVILION AT 1007 HILL STREET FOR
JIM & VICTORIA BROWN

1 of 1





ZONING BOARD OF ADJUSTMENT AGENDA MEMO

DEPARTMENT: Development Services

TO: Zoning Board of Adjustment

FROM:

MEETING DATE: August 19, 2026

CATEGORY: PUBLIC HEARING

CAPTION: **DEV-2026-103-SE:** Request by Alice's Haus (Laina Howell) to consider a Special Exception Per Sec. 5.500 – Board of Adjustment Subsection A (2) to allow for an increase in occupancy for a STR permit for property located at 611 W. Burbank Street, Fredericksburg, Texas. The current occupancy is 10 and the applicant is requesting an occupancy of 12.

SUMMARY:

The applicant is requesting a Special Exception to increase the occupancy for property located at 611 W. Burbank Street. The current occupancy is 10 and the requested occupancy is 12.

FINDINGS:

Sec. 20-223 - Special Exceptions Available To permit short-term rental operations with an expanded occupancy maximum or exception to parking requirements. The subject property has 22 properties within 200 ft. 2 of those properties are permitted Short-Term Rentals with an average occupancy of 2.

Application Number: DEV-2026-103-SE

Address: 611 W. Burbank St.

Size of Lot: 19,166 sq ft

Size of House: 2,136 sq ft

Bedrooms: 5 bedrooms

Parking Spaces: 5 Spaces

Zoning: R1, Single Family Residential

Response to Public Hearing: No responses received

Sec. 5.500 of the Zoning Ordinance: In hearing an application for a Special Exception for Short-Term Rental operations, the board may consider factors such as the following:

Whether such an operation is likely to disrupt adjacent owners' right to the quiet enjoyment of their property (for example, by considering whether lot sizes are small enough that noise is likely to affect neighboring property owners); **The subject property has a lot of size of 19,166 sq. ft. which is consistent with the lot sizes in this area.**

Whether operation as a short-term rental in the property's zoning district is compatible with the quality of the surrounding area; **Of the 22 properties, within 200 feet, 1 has been identified and operating as a Vested STR-Unoccupied, 1 as a vested STR-ADU and 21 operating as residences meaning that approximately 95% of the properties in the neighborhood are homes.**

Whether such an operation will substantially impact nearby streets, including whether the property provides only limited off-street parking; **The property provides 5 onsite parking spaces able to accommodate vehicles.**

Which type of short-term rental, as defined in section 20-220, the applicant seeks to operate; STR-Unoccupied For a short-term rental existing prior to the effective date of chapter 20, article VII of the code, the duration of that short-term rental's operations and the number and type of complaints and/or citations related to that short-term rental; **The property obtained an STR-Unoccupied permit on 06/30/21 and has maintained the permit in good standing.**

Whether operation with the terms of the special exception will adversely impact the residential quality of the surrounding neighborhood; **Staff has not identified any negative impacts that the proposed increased occupancy would have on the surrounding properties. Consistency with the surrounding properties cannot be considered due to the lack of comparable STR's throughout the neighborhood.**

Whether any properties located within a two-hundred (200) foot radius of the property are operating with public or private primary or secondary educational facility uses; and Specific property characteristics of the short-term rental like lot size or large square footage of the structure. **NA**

STAFF RECOMMENDATION:

The property is located in a neighborhood that consists mainly of single-family residences. Of the 3 STRS located in the neighborhood, 2 have an occupancy of 2. The current property has an occupancy of 10. The current occupancy average is 4.7 and with the 2 additional occupants the average would become 5.3. The new average would not greatly increase the total occupancy average within the 200-foot radius area.

ATTACHMENTS:

1. 611 W Burbank St Notification Map
2. DEV-2026-103-SE-buffer_200ft_8651
3. DEV-2026-103-SE-Special Exception Request - Summary
4. DEV-2026-103-SE-Floor Plan - 1st floor
5. DEV-2026-103-SE-Floor Plan - 2nd floor
6. DEV-2026-103-SE-Front of House
7. DEV-2026-103-SE-Back Yard
8. DEV-2026-103-SE-Carport - 1 or 2 cars
9. DEV-2026-103-SE-Driveway - 4 spots
10. DEV-2026-103-SE-Curb Parking - Front
11. DEV-2026-103-SE-Curb parking
12. DEV-2026-103-SE-Street parking - Driveway
13. DEV-2026-103-SE-Kitchen - Dining
14. DEV-2026-103-SE-Master bedroom - Downstairs
15. DEV-2026-103-SE-Blue Room - 2nd floor
16. DEV-2026-103-SE-Dolly floor - 2nd floor
17. DEV-2026-103-SE-Plant Room
18. DEV-2026-103-SE-Loft

APPROVAL/REVIEW:

A handwritten signature in dark ink, consisting of a stylized 'C' followed by a horizontal line.

Date: July 31, 2026

Cliff Cross, Director of Development Services

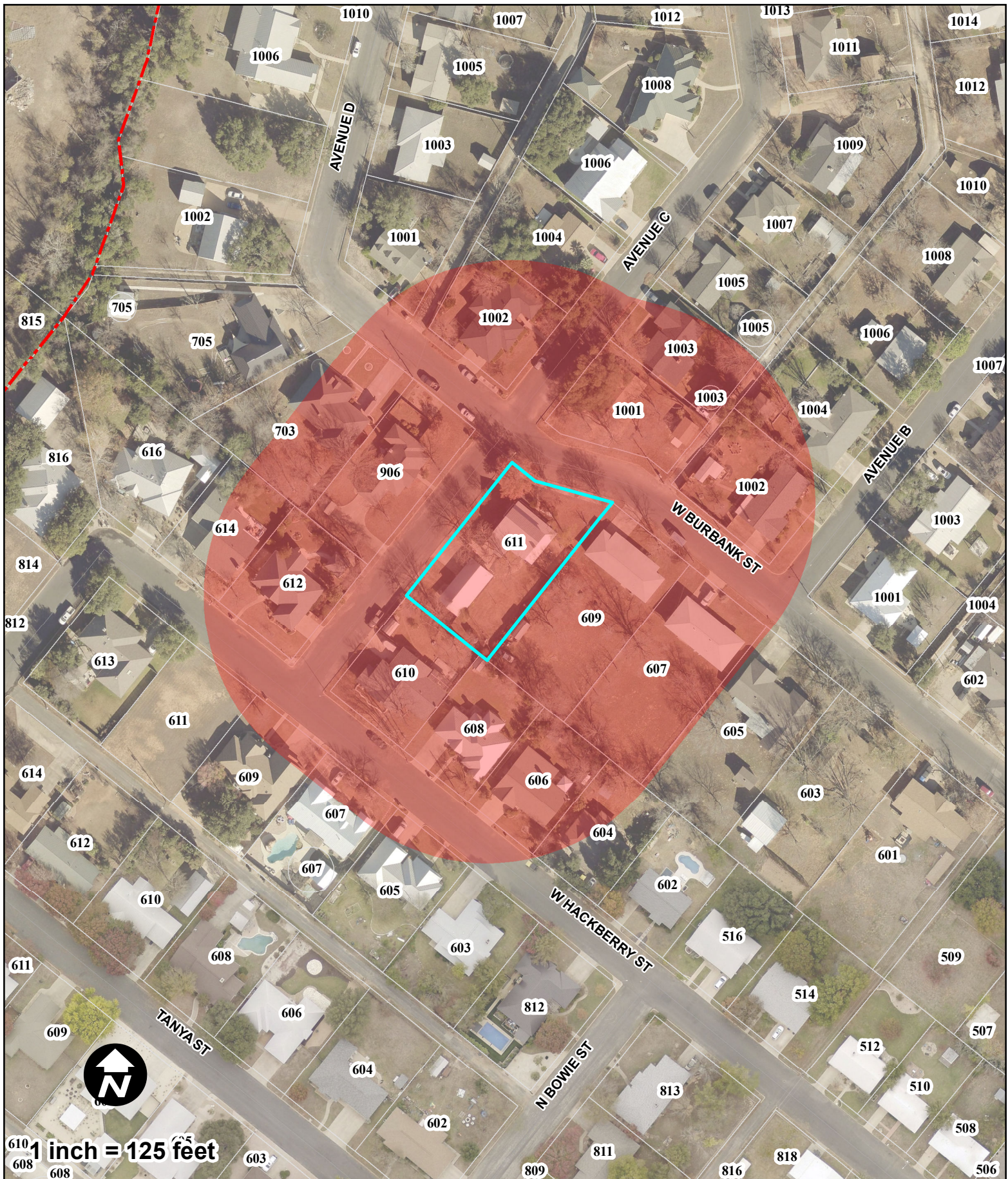


FIGURE 1
City of Fredericksburg
DEV-2026-103-SE - 611 W. Burbank St.

LEGEND

- 200' Notification Buffer
- GCAD Parcels

Short Term Rental Parcel Report



Special Exception Request – Increase Occupancy from 10 to 12 Guests

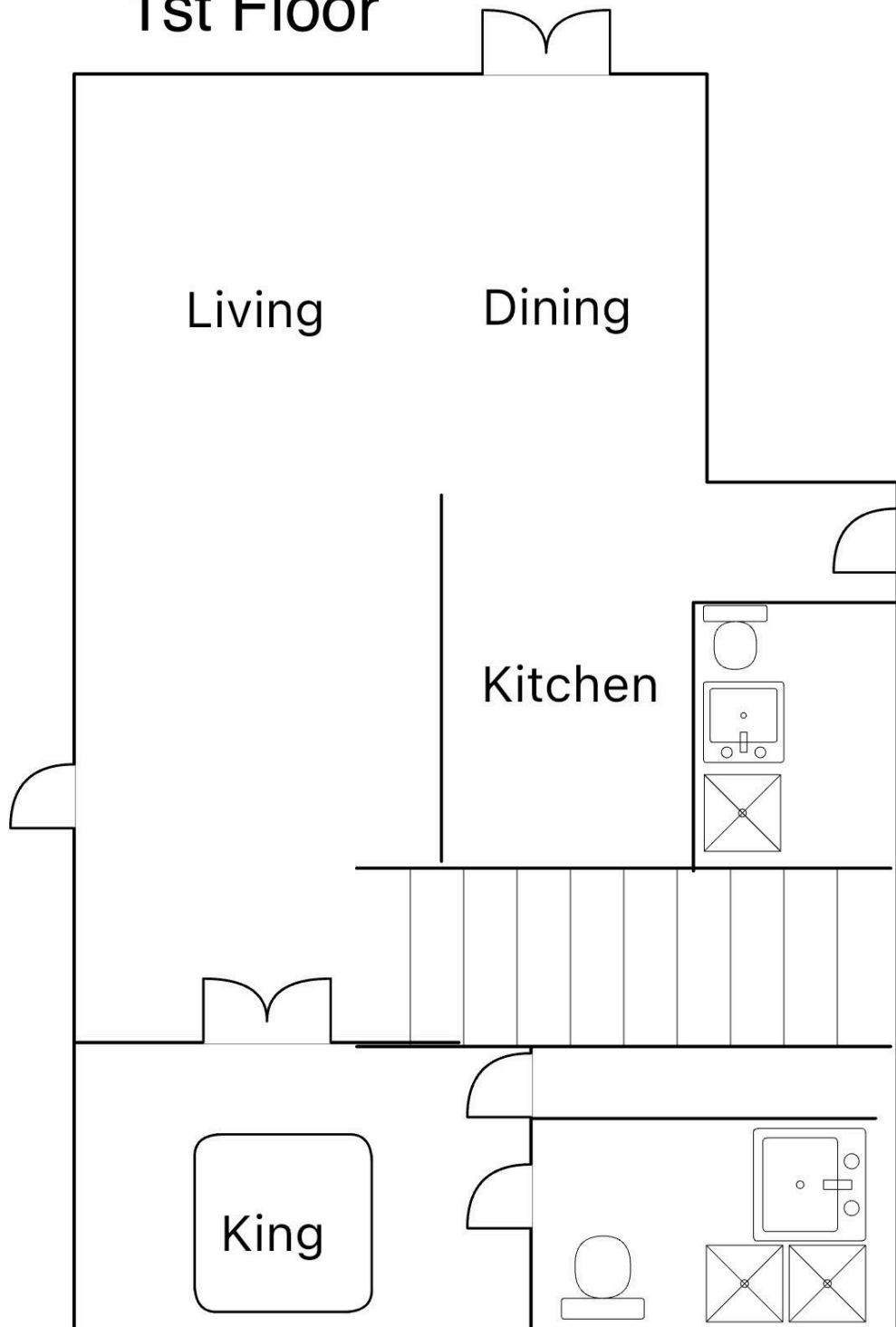
I respectfully request approval of a Special Exception to increase the maximum overnight occupancy of my permitted short-term rental from 10 to 12 guests.

The property is well suited to accommodate two additional guests without increasing impacts to the surrounding neighborhood. The home is 2,136 square feet, with five permitted bedrooms and a furnished upstairs loft, situated on one-half acre. It also provides ample parking with space for five vehicles in the driveway and approximately three additional vehicles in the indented curb parking area directly in front of the property.

Increasing the occupancy to 12 would better accommodate larger families and multi-generational groups while remaining consistent with the property's size, layout, and parking capacity. The increased occupancy is projected to generate additional monthly rental revenue, resulting in an estimated minimum of \$1,680 in additional annual Hotel Occupancy Tax (HOT) revenue for the City. Higher booking rates would also increase business for local cleaners, landscapers, maintenance providers, restaurants, wineries, retail shops, and other Fredericksburg small businesses that benefit directly from tourism.

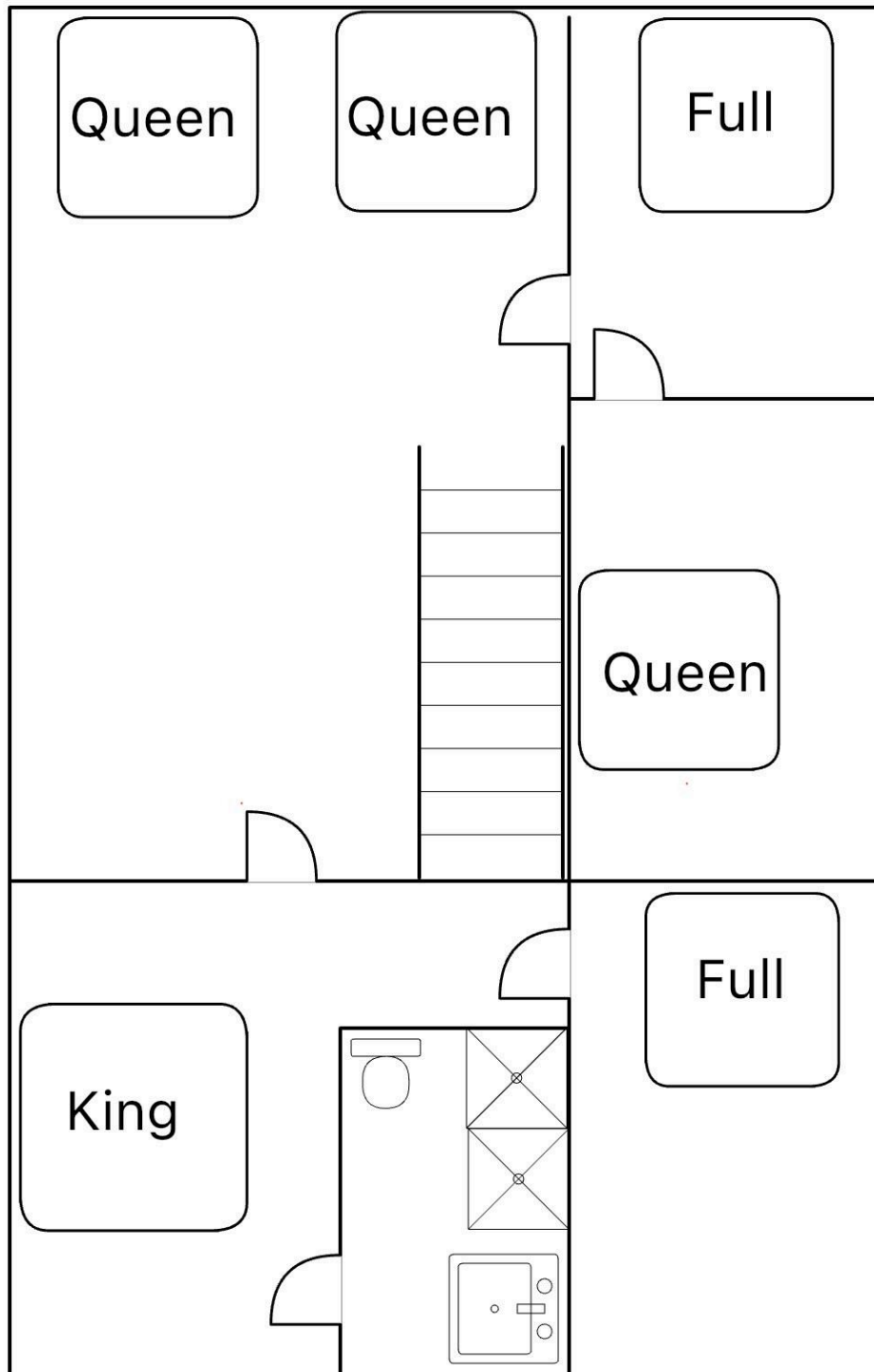
I am committed to operating a responsible short-term rental in full compliance with City regulations and ensuring the property continues to be a respectful neighbor while safely accommodating 12 guests.

1st Floor



* For planning purposes only, not exact

2nd Floor



* for planning purposes only, not exact









Indented curb parking in front of house



Indented curb
parking in front of
house fits 3 to 4
cars



















ZONING BOARD OF ADJUSTMENT AGENDA MEMO

DEPARTMENT: Development Services

TO: Zoning Board of Adjustment

FROM:

MEETING DATE: August 19, 2026

CATEGORY: PUBLIC HEARING

CAPTION: **DEV-2026-104-ADP:** Request by Reeh & Schwing Law Firm (Steve Jones & Dena Largent) to consider an Administrative Appeal of Appendix B, Section 2.100 (Definitions) of the Fredericksburg Code of Ordinances pertaining to the definition of a "Condo" for the property commonly known as 705 E. Highway Street, Unit 104, Fredericksburg, Texas.

SUMMARY:

The applicant is requesting an administrative appeal of staff's interpretation pertaining to the definition of a "Condo" in determining the eligibility for a Special Exception to obtain an Unoccupied-STR permit.

FINDINGS: **Sec. 5.700 - ADMINISTRATIVE APPEALS PROCEDURES.**

This procedure is intended to afford review of administrative actions taken pursuant to the Zoning Regulations where such actions may be in error.

Appeals to the Board of Adjustment may be taken by any person aggrieved, or by any officer, department, or board of the City affected by any administrative decision of the Director of Planning and Building. Such appeal shall be taken within 30 days after the decision, by filing with the Director of Planning and Building, and with the Board of Adjustment a notice of appeal, which shall specify the grounds thereof. The Director of Planning and Building shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

Sec. 2.100 - Definitions.

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.

SHORT-TERM RENTAL or STR.

The rental for compensation of any residence or residential structure, or a portion of a residence or residential structure, for the purpose of transient or guest overnight lodging accommodations for a period of less than 30 consecutive days. Short-term rentals may include but are not limited to single-family residences, townhomes, duplexes, and other residential dwelling units, regardless of whether the dwelling was originally constructed or zoned as a residential dwelling. Short-term rentals shall not include hotels or motels. A short-term rental is further subject to the provisions of chapter 20, article VII of the city code.

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.

STAFF RECOMMENDATION:

Not Applicable / Administrative Appeal

ATTACHMENTS:

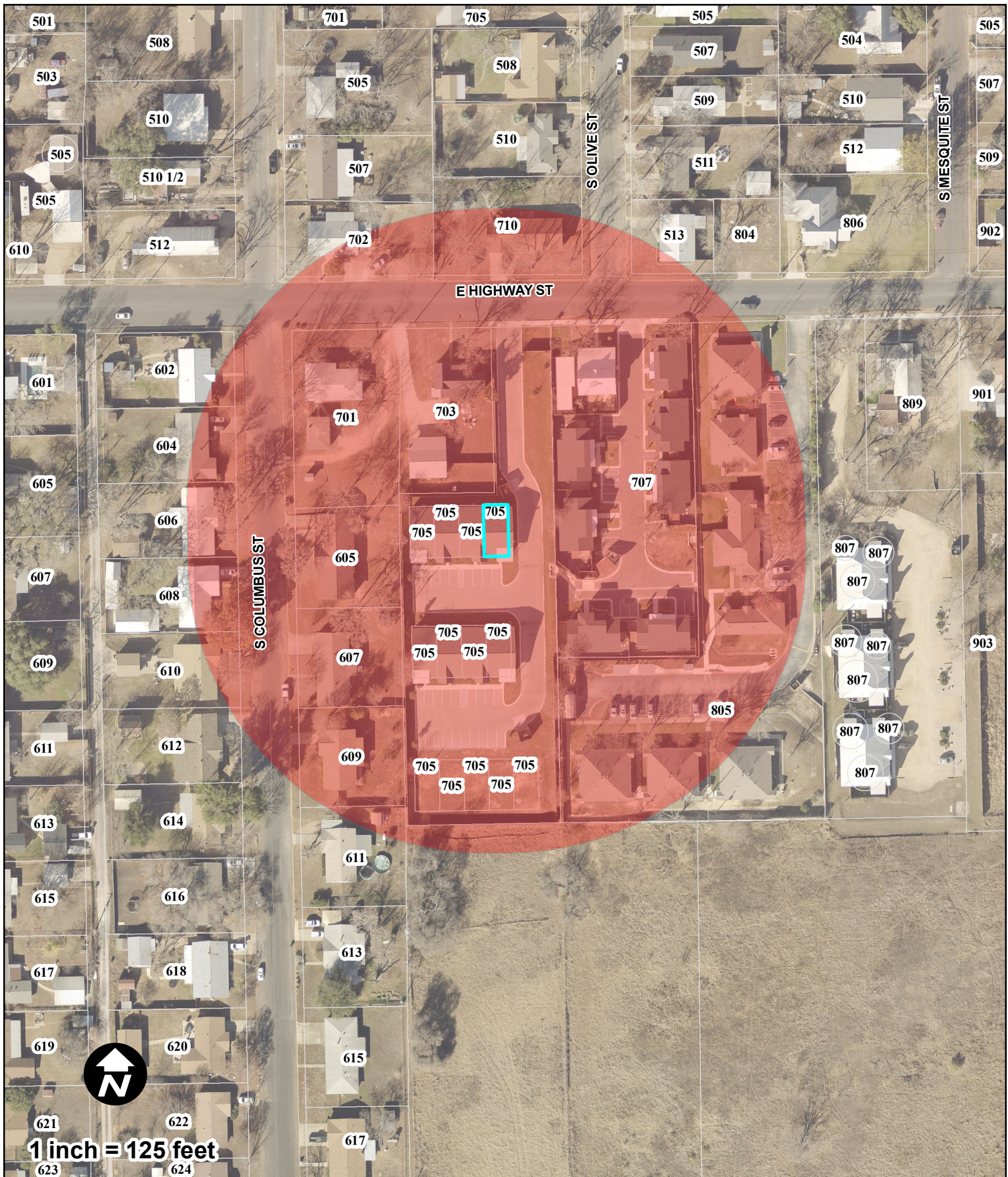
1. 705 E Highway St Notification Map
2. DEV-2026-104-ADP-ZBA Appeal - 705 E Highway, Unit 104 - Without S Agreement

APPROVAL/REVIEW:



Cliff Cross, Director of Development Services

Date: August 03, 2026



City of Fredericksburg
DEV-2026-104-ADP
705 E. Highway St., Unit 104

LEGEND

- 300' Notification Buffer
- GCAD Parcels

June 30, 2026

Via Email: cbailey@fbgtx.org and ccross@fbgtx.org

Denied CC
7/16/24
8056001457

Clinton Bailey, City Manager
Cliff Cross, Director of Planning and Building
Zoning Board of Adjustment
126 West Main Street
Fredericksburg, TX 78624

Re: Notice of Appeal of the Interpretation made by the Director of Development Services

To Whom it May Concern:

This office represents the Estate of Steve Jones and Dena Largent, as the property owners of the property located at 705 E. Highway Street, Unit 104, Fredericksburg, Texas 78624 (the "Property") and is filing this Appeal against the interpretation made by the Director of Development Services, concerning the interpretation of the ordinance definition regarding condos.

I. Brief Background

Pursuant to the Settlement Agreement with the City of Fredericksburg under Civil Action No. AU:24-CV-00701-RP, the City has agreed to administratively reopen the time period to file this appeal.[Exhibit—1]

The facts that give rise to this appeal stem from Steve Jones and Dena Largent, a married couple, who invested in purchasing the Property referenced above to operate as a short-term rental. This couple specifically chose this Property because of its appeal as a short-term rental, and the fact that the majority of the surrounding townhomes were operating as short-term rentals. Shortly after purchasing this Property, an STR permit was obtained where they successfully operated as a STR for two years. During which time they were model hosts and neighbors, following all applicable STR rules and regulations without complaint. This investment represented the couples' retirement plan that they depended on for supplemental income. Regretfully, their permit was lost, with it nearly their retirement plan as they cannot sell the Property for what they paid for it without a permit. Since that time this couple has tirelessly maintained their pursuit of regaining their STR permit, however, pending this couple's efforts, Mr. Jones passed away, leaving his widow, Dena Largent, to carry on protecting their final investment together. In their pursuit to regain their permit, the Jones argued that their Property fell under the definition of a "STR-unoccupied" and therefore qualified for a special exception from the Zoning Board of Adjustment for STR-unoccupied in R-2 district. This argument was denied by the then acting Director of Development, however, upon review of the relevant facts and applicable ordinances it is my legal opinion that this interpretation was incorrect and must be reconsidered.

a. The STR Ordinance Definition of “STR- Unoccupied”

Pursuant to Section 2 of the 2024 STR Ordinance [~~Exhibit—2~~], SHORT-TERM RENTAL, UNOCCUPIED, is defined as:

“A short-term rental providing transient or guest lodging accommodations for compensation within a lawful structure, that is not located on the same lot as the property owner’s principal residence, and which includes, but is not limited to, a single-family residence, townhouses, duplexes, and other residential real estate improvements.”

First and foremost the STR-Unoccupied does not exclude condominium ownership whatsoever. However, in this case, the Property is best described as a townhome (or “other residential real estate improvement”). Townhomes are generally accepted to mean a multi-story, attached home that shares at least one common wall with a neighboring unit, but does not have other homes directly above or below it. Although, this Property is not multi-story, the Property meets most of the characteristics of a townhome, or residential real estate improvements, which in truth can be interpreted to encompass almost anything. Also, as discussed below the character of a majority of the properties surrounding the Property are lawfully permitted STRs. Therefore, reconsideration of the interpretation of the Property being STR-Unoccupied would not affect the character of the neighborhood.

b. A Special Exception is Available for this Property

There are a total number six (6) townhomes located at 705 E. Highway Street, Fredericksburg, Texas 78624, all of which within a 200 ft radius of the other, of those six townhomes, one is the subject Property, and four (4) are lawfully permitted STRs as outlined below:

705 E. Highway Street, Unit 102, has a STR Permit No. 8056001414
705 E. Highway Street, Unit 103, has a STR Permit No. 8056001415
705 E. Highway Street, Unit 201, has a STR Permit No. 8056001570
705 E. Highway Street, Unit 202, has a STR Permit No. 8056001570

In addition to lawfully operating STRs the Property as a whole shares a lot line with two (2) or more lawfully operating STRs, including but not limited to:

703 E. Highway Street, has a STR Permit No. STR22-0159
707 E. Highway Street, has a STR Permit No. 8056000796

In short, the subject Property is effectively surrounded by STRs and meets the standards of Section 20-223 for a Special Exception.

In conclusion, the Property meets the definition of a "STR-Unoccupied" and the determination by the then-acting Director of Development must be reconsidered. In reconsidering this mistaken interpretation, it is Ms. Largent's intent to be qualified for a special exception from the Zoning Board of Adjustment for STR-unoccupied in R-2 district, as allowed by the 2024 STR ordinance, in order to regain her and her late husband's last investment and retirement plan together.

Additional Supporting Documents that shall be incorporated and may be referenced during the appeal hearing for this matter may be found at the following dropbox hyperlink:

<https://www.dropbox.com/scl/fo/y4jyk61572n0ian63r10s/AGPYe2rOEJ9aU6BXhYlhlaM?rlkey=ld609t5fdguqj7rz04pbb02o9&st=1q7fycep&dl=0>

Sincerely,

REEH & SCHWING LAW FIRM



Wesley K. Reeh
TX Bar 24107960

ORDINANCE NO. 2023-18

AN ORDINANCE OF THE CITY OF FREDERICKSBURG, TEXAS, REPEALING SECTION 5.401, "ADDITIONAL REQUIREMENTS FOR SHORT-TERM RENTAL USES," OF APPENDIX B, "ZONING ORDINANCE," OF THE FREDERICKSBURG MUNICIPAL CODE; AMENDING SECTION 2.100, "DEFINITIONS," OF APPENDIX B, "ZONING ORDINANCE," BY REVISING DEFINITIONS RELATED TO SHORT-TERM RENTALS; ADDING A NEW ARTICLE VII, "SHORT-TERM RENTALS," TO CHAPTER 20, "OFFENSES AND MISCELLANEOUS PROVISIONS," TO PROVIDE FOR THE REGULATION AND PERMITTING OF SHORT-TERM RENTALS; CREATING A NEW SECTION 4.400, "GENERAL REGULATIONS FOR SHORT-TERM RENTALS," IN APPENDIX B, "ZONING ORDINANCE," TO PROVIDE FOR ZONING REGULATIONS RELATED TO SHORT-TERM RENTALS; AMENDING SECTION 5.500, "BOARD OF ADJUSTMENT," OF APPENDIX B, "ZONING ORDINANCE," TO AUTHORIZE THE BOARD OF ADJUSTMENT TO GRANT SPECIAL EXCEPTIONS RELATED TO SHORT-TERM RENTALS; AMENDING MISCELLANEOUS PROVISIONS IN APPENDIX B, "ZONING ORDINANCE," TO ENSURE CONSISTENCY WITH THE AMENDMENTS HEREIN; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Fredericksburg, Texas (the "City"), is a home rule city acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution, and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council of the City ("City Council") recognizes the City's desirability as a premier tourist destination, as well as the importance of maintaining affordable housing for long-term residents of the City and its essential duty to protect residential areas as neighborhoods defined as districts that form a community with relation to its inhabitants or interests, and has therefore determined that the regulation of short-term rental properties is in the best interest of the public; and

WHEREAS, the City Council has previously adopted regulations governing short-term rentals and appointed a Short-Term Rental Task Force in Fall 2022 to analyze the particular issues faced by the City and to provide recommendations on approaches to improve the previously adopted regulations; and

WHEREAS, the City Council and Planning & Zoning Commission of the City have held multiple joint work sessions to evaluate the recommendations of the Task Force, recommendations of City staff, and data on short-term rental issues within the City; and

WHEREAS, the City Council and Planning & Zoning Commission have heard and reviewed extensive comments by members of the public, including citizens of the City expressing complaints as to noise, density, parking, and other adverse effects related to

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the operation of short-term rentals in residential areas, as well as non-resident owners of short-term rental properties within the City expressing their commitment to supporting the City's tourism industry; and

WHEREAS, in consideration of the information, recommendations, and public comments provided, the City Council now seeks to amend the City's short-term rental regulations; and

WHEREAS, the purpose of the regulations set forth herein is to provide a procedure to allow the rental of private residences to visitors on a short-term basis, while ensuring that such rental use does not cause adverse impacts to residential neighborhoods due to the intensive nature of the use creating excessive traffic, noise, density, and other adverse effects, and additionally to ensure that the number of occupants within such rental units do not exceed the design capacity of the structure causing health and safety concerns, and that minimum health and safety standards are maintained in such units to protect visitors from unsafe or unsanitary conditions; and

WHEREAS, the City Council has determined that the enforcement of such regulations will promote the public health, safety and welfare of its citizens and the general public; ensure consistency in land uses and development; and protect the rights of property owners, residents, and visitors in the City of Fredericksburg.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS;

SECTION 1

Section 5.401, "Additional requirements for short-term rental uses," of Appendix B, "Zoning Ordinance," of the Fredericksburg Municipal Code is hereby repealed.

SECTION 2

Section 2.100, "Definitions," of Appendix B, "Zoning Ordinance," of the Fredericksburg Municipal Code is amended by deleting the following definitions:

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.

OPERATOR.

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

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SHORT-TERM RENTAL (STR).

Any structure used for transient or guest lodging accommodations, rented for compensation of a dwelling unit, which includes but is not limited to a single-family residence, townhouses, and other residential use real estate improvements, in which the public may obtain sleeping accommodations for a period less than 30 consecutive days. This 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 and the various types of STRs are further defined in this Section 2.100.

SHORT-TERM RENTAL, ACCESSORY.

A short-term rental providing transient or guest lodging accommodations for compensation within a lawful Guest House on the same lot as the primary structure which is the principal residence of the Owner (as evidenced by a current residence homestead exemption filed with the Gillespie Central Appraisal District) or the Local Contact Person (as evidenced by a sworn affidavit of principal residency). The Guest House shall not exceed the size of the primary structure. For purposes of this definition, the term "principal residence" refers to a person's primary or chief residence that the person actually occupies on a regular basis.

SHORT-TERM RENTAL, B&B.

A short-term rental providing transient or guest lodging accommodations for compensation within the rooms of the primary structure which is the principal residence of the Owner (as evidenced by a current residence homestead exemption filed with the Gillespie Central Appraisal District) or the Local Contact Person (as evidenced by a sworn affidavit of principal residency). Separate short-term rental permits shall be required for each separate bedroom unit within a Short-Term Rental, B&B which may be rented. For purposes of this definition, the term "principal residence" refers to a person's primary or chief residence that the person actually occupies on a regular basis.

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 rental located in a complex or housing group that is part of a declared and recorded condominium regime.

SHORT-TERM RENTAL, DWELLING UNIT.

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 eight units) on a single lot, for transient or guest lodging where sleeping accommodations are provided for compensation. Any facility or complex, located in a commercial zoning district, containing multiple short-term rental dwelling units on a single lot, 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.

A short-term rental providing transient or guest lodging accommodations for compensation within a lawful structure, that is not located on the same lot as the property owner's principal residence, and which includes, but is not limited to, a single-family residence, townhouses, duplexes, and other residential real estate improvements."

SECTION 3

Chapter 20, "Offenses and Miscellaneous Provisions," of the Fredericksburg Municipal Code is hereby amended by adding a new Article VII to read as follows:

"ARTICLE VII. – SHORT-TERM RENTALS

Sec. 20-220. – Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

24-hour contact. The local responsible party who can be contacted regarding emergencies, immediate concerns, and complaints from the public. Said individual must be available in person or by phone at all times during any occupant's rental term for the short-term rental. If called, the 24-hour contact must respond to such call within thirty (30) minutes, and shall either resolve the issue or be present at the premises within one (1) hour of receiving a call from the director, the police department, code enforcement, or other city staff requesting the 24-hour contact's presence. A 24-hour contact must be authorized to make decisions regarding the premises and its occupants.

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Bathroom. An enclosed space containing one or more bathtubs, showers, or both, as well as one or more toilets, lavatories or fixtures serving similar purposes.

Bedroom. A room used or intended to be used for sleeping purposes and not as a kitchen, bathroom, living room, closet, hallway, utility space, reading nook, alcove, entry way, garage, patio or breezeway.

Block. A tract of land bounded by streets, or a combination of streets, public parks, railroad rights-of-way, shorelines of waterways or corporate limits.

Code or city code. The Fredericksburg Municipal Code.

Department. The development services department of the city.

Director. The director of development services of the city or their designee.

Listing. An advertisement containing information on a short-term rental through which a potential occupant may book a short-term rental premises for a specific period of time. A listing may be, but is not necessarily, an electronic advertisement, and it may be, but is not necessarily, posted on a platform like AirBNB, VRBO, or another website.

Long-term rental. The rental of any residence or residential structure, or portion of a residence or residential structure, to a residential tenant for a period of thirty (30) or more consecutive days.

Occupant. The person(s) who has/have lawfully obtained the exclusive use and possession of a short-term rental from the owner and/or operator, as well as any invitee(s) of such person(s).

Operator. The owner or local responsible party tasked with managing a property operating as a short-term rental on behalf of the owner.

Owner. The individual or entity who owns a property operating as a short-term rental.

Permit. The permit issued pursuant to the terms of this article authorizing the operation of a short-term rental.

Short-term rental or STR. The rental for compensation of any residence or residential structure, or a portion of a residence or residential structure, for the purpose of transient or guest overnight lodging accommodations for a period of less than thirty (30) consecutive days. Short-term rentals may include but are not limited to single-family residences, townhomes, duplexes, and other residential dwelling units, regardless of whether the dwelling was originally constructed or zoned as a residential dwelling. Short-term rentals shall not include hotels or motels. A short-term rental is further subject to the provisions of this article.

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Short-term rental accessory or STR-ADU. A short-term rental operating within a lawful accessory dwelling unit on the same lot as the primary structure, in which the primary structure is (a) the owner's homestead as evidenced by a current homestead exemption filed with the Gillespie Central Appraisal District or (b) the primary residence of the 24-hour contact, as evidenced by a sworn affidavit to be provided with the short-term rental permit application. The accessory dwelling unit shall comply with section 8.220 of the city zoning ordinance.

Short-term rental B&B or STR-B&B. A short-term rental that operates on a residential property in which the owner, operator, or 24-hour contact resides as their principal residence (as evidenced by a current residence homestead exemption filed with the Gillespie Central Appraisal District or a sworn affidavit). Separate short-term rental permits, with a maximum of four units, shall be required for each separate bedroom unit operating as a short-term rental within a short-term rental B&B.

Short-term rental facility or STR-facility. A facility or complex, owned or operated by a single owner or operator, containing multiple short-term rental units (up to eight units) operated for short-term rental purposes on a single lot. Each unit within an STR-facility shall require a separate short-term rental permit.

Short-term rental unoccupied or STR-unoccupied. A short-term rental within a lawful residential dwelling that is not operating as an STR-ADU or STR-B&B.

Sec. 20-221. – Short-term rental permitting and inspections.

It shall be unlawful for any owner, operator, or other person to advertise, offer to rent or rent, lease, sublease, license or sublicense a residential property within the city as a short-term rental for which a permit application has not been properly made and filed with the department, and a permit issued.

(1) Permit application; fees.

- a. A separate permit application must be submitted for each individual short-term rental.
- b. A permit application shall be made upon forms furnished by the city for such purpose and shall be accompanied by the nonrefundable application fee identified in the city fee schedule.

(2) Permit term; renewals; conditions.

- a. Each individual short-term rental shall be assigned a unique permit number by the city to remain assigned to the short-term rental through any property ownership transfers.
- b. An owner and/or operator shall obtain a unique permit for each short-term rental unit operating within an STR-facility or STR-B&B.

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- c. Permits shall be valid for a term of one (1) year.
- d. A permit holder shall apply for renewal prior to permit expiration on a form furnished by the city for such purpose. The permit holder shall either update the information required on the initial application form or provide a certification affirming that the information previously submitted is still accurate. A complete application for renewal received after the expiration of a current permit shall be treated as an application for a new permit in accordance with section 20-221(1). Notwithstanding the foregoing, the permit holder of a short-term rental located in a zoning district where the short-term rental use is no longer permitted by right may transfer said permit pursuant to section 20-221(3).
- e. Upon issuance, each short-term rental shall receive a physical permit, indicating the permit number, property address, maximum occupancy, the name and phone number of the 24-hour contact, and expiration date, that shall be posted within the short-term rental, such that it may be easily viewed by any occupant.

(3) Transfers of ownership.

- a. For properties located in zoning districts where short-term rental uses are permitted by right, a short-term rental permit may be transferred to a new property owner upon submission of a complete short-term rental permit application prior to commencing short-term rental operations under new ownership. A permit transfer shall be required upon transfer of more than fifty percent (50%) of the ownership interest in any short-term rental, including any such transfer of interest in a legal entity owning a short-term rental.
- b. For properties located in zoning districts where short-term rental uses are no longer permitted by right, a short-term rental permit may be transferred subject to the following regulations.
 - 1. A permit transfer shall be required upon transfer of more than fifty percent (50%) of the ownership interest in any short-term rental, including any such transfer of interest in a legal entity owning a short-term rental.
 - 2. The new owner must submit a new permit application in accordance with this section 20-220 within the time period for voluntary discontinuance of a nonconforming use identified in section 6.110, "Continuance of a Nonconforming Use," of the city zoning ordinance, beginning on the date of closing on the property or, in the absence of a closing date, other effective date of the transfer of interest.

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3. In the event the new owner fails to submit a short-term rental permit application within the time period identified in section 6.110, the short-term rental use must be discontinued, and the short-term rental permit shall not be transferred or issued, pursuant to section 6.110 of the city zoning ordinance governing the abandonment of nonconforming uses.
4. Notwithstanding the foregoing, the owner of any short-term rental located in a zoning district where the short-term rental use is no longer permitted by right who, on the effective date of this article, has timely filed an appeal of a short-term rental permit application denial with the city manager, may obtain a vesting determination from the city manager allowing said owner to obtain a short-term rental permit without regard to such zoning prohibition but subject to all other regulations herein. The city manager may issue a formal vesting determination based on a short-term rental's prior lawful operations, relevant application dates, and any other mitigating factors.

(4) Inspections.

- a. Prior to permit issuance, the director shall perform an initial inspection of the short-term rental premises to determine compliance with all applicable codes, laws, and regulations. No permit shall be issued until the premises successfully passes such inspection.
- b. Prior to permit renewal, the director shall perform a renewal inspection of the short-term rental premises to determine compliance with all applicable codes, laws, and regulations.
- c. Additional inspections shall be conducted in the following circumstances:
 1. Upon transfer of ownership;
 2. When an owner or operator makes modifications to the short-term rental property that would alter the property's maximum occupancy, alter the property's evacuation plan, or otherwise affect the health and safety of any occupant; and
 3. When complaints are filed regarding property conditions related to health and safety concerns.

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- d. Upon receiving notification from the director that a short-term rental permit application has proceeded to the inspection phase of the application review process, the owner and/or operator must schedule such inspection within thirty (30) days of receiving such notification. Failure to comply with this provision may result in permit denial.
 - e. An owner and/or operator may refuse to consent to an inspection. In the event the owner or operator does not authorize the director to enter and inspect the premises, the director is authorized to seek a warrant pursuant to article 18.05 of the Texas Code of Criminal Procedure, as amended. Any warrants issued will constitute authority for the director to enter upon and inspect the rental unit described therein.
 - f. If, upon completion of any inspection, the premises are found to be in violation of one or more provisions of this section, the director shall provide written notice of such violation and shall set a re-inspection date. Failure to pass the re-inspection shall result in permit denial. Re-inspection fees will be charged in accordance with the city fee schedule. A property cannot be occupied as a short-term rental while its status is noted as being in violation.
- (5) Public information. All permits issued under this article constitute public information, subject to the terms of the Public Information Act.

Sec. 20-222. –Regulations.

- (a) Duration of rental period. An owner and/or operator shall not rent or lease a short-term rental unit for a period of less than one (1) night. If an owner and/or operator seeks to operate a short-term rental property as a long-term rental for a rental term of thirty (30) or more consecutive days, the owner and/or operator shall notify staff in accordance with section 20-226(d) in order to preserve the property's short-term rental permit.
- (b) Occupancy. The maximum number of persons permitted to stay in a short-term rental is limited to two (2) persons per bedroom as defined herein, plus two (2) additional persons; however, no short-term rental shall permit the cumulative total number of occupants to exceed twelve (12) persons. An owner or operator may indicate a reduced occupancy maximum on a short-term rental permit application or an advertisement for a short-term rental. Notwithstanding the foregoing, an owner or operator may apply for a special exception in accordance with this article and section 5.500 of the city zoning ordinance in order to increase the occupancy maximum for a short-term rental.
- (c) Parking restrictions. A short-term rental owner and/or operator must provide one on-site parking spot per bedroom operating as a short-term rental. Additionally, it shall be unlawful for an occupant to park a motor vehicle on an unimproved

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surface, or for an owner and/or operator to permit such parking. All motor vehicles are further subject to the parking requirements of chapter 44, article VI of the code. Tandem parking is permitted for multiple vehicles, so long as no part of any parked vehicle obstructs a public right-of-way.

(d) Life safety.

(1) The short-term rental must be equipped with the following life safety measures:

- 1. Working smoke alarms, meeting the requirements of Section 92.254 and 92.255 of the Texas Property Code, with a minimum of one on each floor or level; one in each room used as a bedroom; and, if multiple bedrooms are served by the same corridor, one in the corridor in the immediate vicinity of the bedrooms; and**
- 2. A minimum of one working carbon monoxide detector on each floor or level if the premises are equipped with natural gas, propane, and/or an attached garage; and**
- 3. A minimum of one 2A:10B:C type fire extinguisher (a standard five-pound extinguisher) available on each floor, inspected annually in accordance with the International Fire Code and tagged by a third-party inspector.**

- (2) All gas appliances shall be properly ventilated outside the home.**
- (3) Each room used as a bedroom must have at least one means of egress opening directly to the outdoors.**
- (4) All pool and spa facilities must comply with the International Property Maintenance Code as adopted in article IX, chapter 5 of the city code.**
- (5) All properties must comply with sections 7.330 and 7.340 of the city zoning code governing setback requirements, in addition to all applicable provisions contained in the city zoning code.**
- (6) Any room that does not comply with this subsection (d) shall not be used as a bedroom, and where equipped with a door, shall remain locked at all times when the dwelling is being used as a short-term rental. Any non-compliant bedroom shall not be included in the maximum occupancy calculation for the short-term rental, nor be advertised as a bedroom.**

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- (e) Signage. All signs must comply with the city sign ordinance, as applicable, set forth in chapter 29 of the code. Short-term rental uses may erect a nameplate sign, which shall be considered a sign exempted from certain regulations under section 29-5(3) of the code, provided that such sign is not more than two square feet in area and is attached to the structure.
- (f) Food service. Only overnight guests may be served meals except in zones permitting restaurant use. Such meals shall be limited to a continental-type breakfast consisting of, for example, 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.
- (g) 24-hour contact. The owner and/or operator must designate the name and contact information of a 24-hour contact who shall be the local responsible party who can be contacted regarding emergencies, immediate concerns, and complaints from the public. Said individual must be available in person or by phone at all times during any occupant's rental term for the short-term rental. If called, the 24-hour contact must respond to such call within thirty (30) minutes, and shall either resolve the issue or be present at the premises within one (1) hour of receiving a call from the director, the police department, code enforcement, or other city staff requesting the 24-hour contact's presence. A 24-hour contact must be authorized to make decisions regarding the premises and its occupants.
- (h) Advertising. The owner and/or operator shall not advertise or promote, or allow another to advertise or promote, the short-term rental without including the following information on the listing: City permit number, occupancy maximum, maximum parking capacity, host rules, and a street-view image of the front of the property.
- (i) Conduct on premises. Each short-term rental owner, operator, and occupant shall comply with all requirements of the city code. Owners and/or operators shall be responsible for informing occupants that occupants must comply with all relevant city codes and may be liable for violations of same, including but not limited to the following specific provisions:
 - (1) Conduct that would violate the city noise ordinance contained in chapter 20, article VI of the code, in residential zoning districts or planned unit developments with residential uses, including, but not limited to, the following outside areas: decks, portals, porches, balconies, patios, hot tubs, pools, saunas or spas;
 - (2) Conduct that would violate the city trash ordinance contained in chapter 32 of the code;
 - (3) Conduct that would violate the city's outdoor fire regulations contained in chapter 17, article V of the code;

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- (4) Operating exterior string and flood lights in violation of chapter 5, article XV ("Outdoor Lighting," or the City's Dark Sky regulations) of the code; and
 - (5) Using or permitting the use of the short-term rental for the purpose of selling illegal drugs; selling alcohol or another activity that requires a permit or license under the Alcoholic Beverage Code; or operating as a sexually oriented business.
- (j) **Host Rules.** The owner and/or operator shall post in a conspicuous location of the short-term rental premises a packet containing, at a minimum, host rules with the following information:
- (1) Maximum number of occupants;
 - (2) Location of required off-street parking and prohibition of parking on unimproved areas;
 - (3) Applicable quiet hours (10:00 p.m. to 7:00 a.m. in residential zones);
 - (4) Waste pick-up requirements, including location of waste and recycling receptacles;
 - (5) Exterior lighting requirements due to Dark Sky regulations;
 - (6) 24-hour contact name and phone number;
 - (7) Operator contact name and phone number;
 - (8) If relevant, emergency evacuation procedures;
 - (9) Emergency and non-emergency dispatch numbers; and
 - (10) Notice that failure to conform to city ordinances constitutes a violation of the code for which an occupant may be cited.
- (k) **Hotel occupancy taxes.** In accordance with chapter 41, article IV of the city code, the owner and/or operator of the short-term rental property shall contact the city finance department prior to the date that the short-term rental permit application is submitted, and the owner and/or operator must remit all applicable hotel occupancy taxes in a timely manner pursuant to applicable laws.
- (l) **Application information to be updated.** Within ten (10) business days of any change to information provided on the permit application form, other than a change of ownership, the owner or operator of a short-term rental shall notify the city of such change by providing an amended application form.

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Sec. 20-223. – Special exceptions available.

An owner and/or operator seeking to operate a short-term rental may apply for a special exception in the following circumstances, subject to the regulations outlined in section 5.500 of the city zoning ordinance:

- (1) To permit short-term rental unoccupied operations in the R-1 and R-2 zoning districts if the following conditions are satisfied:
 - a. The property shares two (2) or more lot lines, or one (1) or more lot lines for a corner lot, with a property either (i) lawfully operating as a short-term rental unoccupied use or (ii) zoned CBD, C-2, or PF (excluding properties zoned PF with public primary educational facility uses and/or public secondary educational facility uses); and
 - b. More than fifty (50) percent of the properties within a two hundred (200) foot radius are either (i) lawfully operating as a short-term rental unoccupied use or (ii) zoned CBD, C-2, or PF (excluding properties zoned PF with public primary educational facility uses and/or public secondary educational facility uses).
- (2) To permit short-term rental operations with an expanded occupancy maximum or exception to parking requirements.
- (3) To permit short-term rental operations in the historic shopping district overlay involving the operation of a short-term rental use on the first floor of any new construction or converted existing structure.

Sec. 20-224 - Enforcement; repeat offenses; suspension; revocation.**(a) Enforcement.**

- (1) If the owner, operator, or any occupant of the short-term rental property fails or refuses to comply with the standards and requirements contained herein, the city may initiate enforcement action against the owner, operator, or any occupant, including, but not limited to, the immediate issuance of a citation.
- (2) Failure to timely remit applicable hotel occupancy tax is a violation under this article and shall result in a 90-day permit suspension upon notice by the director if all applicable tax is not paid in accordance with a delinquency notice issued by the finance department. The city retains the right to pursue all available remedies prescribed under chapter 351 of the Local Government Code.
- (3) Any advertisement, whether it be online or in print, promoting the availability of a property within the city for rent for a period of less than thirty (30) days shall constitute prima facie evidence of the property's use as a short-term rental.

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- (4) For citations issued to the owner and/or operator of a short-term rental, the address information provided for each owner and/or operator on the permit application shall be presumed valid for the purposes of serving such citations.

(b) Repeat offenses; suspension; revocation.

- (1) Violations of this article shall be classified as follows:
 - c. Minor violations shall include any violations of section 20-222 not presenting a threat to health and safety or otherwise enumerated in subsection 20-224(b)(1)(b).
 - d. Major violations shall include violations related to health and safety, occupancy, noise, a failure to update application information, an unresponsive 24-hour contact, non-remittance of hotel occupancy tax, unlawful advertisements, and operations without a permit. Three (3) citations for minor violations within a twelve (12) month period shall constitute one major violation.
- (2) If the director finds that the owner, operator, or any occupant of a short-term rental accumulates three (3) major violations within a 12-month period, the director shall refer the short-term rental permit to city council for review. Upon consideration of evidence presented by staff, city council may suspend the permit for up to ninety (90) days.
- (3) If the director finds that a property is the subject of five (5) or more violations of federal law, state law, or the other provisions of the city code outside of this article within the previous 24-month period, the director shall refer the short-term rental permit to city council for review. Upon consideration of evidence presented by staff, the city council may suspend the permit for ninety (90) days. City council may consider factors including (1) the frequency of any repeated violations; (2) whether a violation was committed intentionally or knowingly; and (3) any other information that demonstrates the degree to which the owner or occupant has endangered public health, safety, or welfare.
- (4) If a permit is referred to city council for review more than two (2) times within a 24-month period and the property ownership has not changed, city council may revoke the permit or suspend the permit for a period between ninety (90) and one hundred eighty (180) days, based on factors including (1) the frequency and severity of any repeated violations; (2) whether a violation was committed intentionally or knowingly; and (3) any other information that demonstrates the degree to which the owner or occupant has endangered public health, safety, or welfare.

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Sec. 20-225. – Appeal.

- (a) The director's denial of an application for a permit to operate a short-term rental, whether an initial application or a renewal application, may be appealed to the city council in accordance with the provisions of this section. Enforcement of this article shall be stayed during the pendency of any appeal pursuant to this section.
- (b) An appeal filed under this section must be filed with the director no later than the 20th day following the date on which the permit was denied. The appeal must be sworn and must identify each alleged point of error, facts and evidence supporting the appeal, and reasons why the action of the director should be modified or reversed.
- (c) The city council shall, at the next regularly scheduled city council meeting following the expiration of fourteen (14) calendar days following the perfection of the appeal, hear the appeal, and may affirm, modify, or reverse an application denial. The city council shall give written notice of a decision on an appeal to the appellant.
- (d) An appellant who seeks judicial review of the city council's review on appeal, or of the city council's decision to revoke or suspend a permit, must file a petition with a court of competent jurisdiction located in Gillespie County, Texas. Such judicial review shall be governed by the procedural rules contained in section 211.011 of the Texas Local Government Code as if the board of adjustment had conducted the review on appeal.

Sec. 20-226. – Applicability to existing operations; nonconforming uses; discontinuance of operations.

- (a) The regulations identified herein pertaining to life safety, 24-hour contact, signage, food service, host rules, conduct on premises, duration of rental, hotel occupancy tax, application information, and advertising shall apply uniformly to existing and new short-term rentals. Existing short-term rentals operating pursuant to a lawful permit on the effective date of this article shall come into compliance with all applicable regulations upon renewal of the existing short-term rental permit. Regulations governing the occupancy maximum and parking shall not apply to short-term rentals holding a lawful permit on the effective date of this article.
- (b) The owner and/or operator of a property used as a short-term rental who held a valid short-term rental permit prior to the effective date of this article, and who is unable, fails, or refuses to obtain a permit renewal due to noncompliance with the regulations herein following the effective date of this article shall discontinue the short-term rental use within sixty (60) days of the notice of permit denial.
- (c) All legal nonconforming short-term rental uses located in zoning districts where short-term rental uses are no longer permitted by right shall be subject to the abandonment of nonconforming use provisions contained in section 6.110 of the city zoning ordinance.

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- (d) It shall be a defense to any permit denial based on the abandonment of a nonconforming use that the short-term rental use was suspended, for a period of ninety (90) or more days, for repair or renovation, for the property owner's use as a primary residence, or for use as long-term rental housing, and the property owner (1) notified the department of such suspension of use before the expiration of the voluntary discontinuance period described by subsection 20-226(c); (2) files a zero-dollar hotel occupancy tax report on a quarterly basis as required by chapter 41, article IV of the code; and (3) renews the short-term rental permit in accordance with section 20-221 of the code."

SECTION 4

Section 2.100, "Definitions," of Appendix B, "Zoning Ordinance," of the Fredericksburg Municipal Code is amended by adding the following definitions, inserted alphabetically to read as follows:

"SHORT-TERM RENTAL or STR.

The rental for compensation of any residence or residential structure, or a portion of a residence or residential structure, for the purpose of transient or guest overnight lodging accommodations for a period of less than thirty (30) consecutive days. Short-term rentals may include but are not limited to single-family residences, townhomes, duplexes, and other residential dwelling units, regardless of whether the dwelling was originally constructed or zoned as a residential dwelling. Short-term rentals shall not include hotels or motels. A short-term rental is further subject to the provisions of chapter 20, article VII of the city code.

SHORT-TERM RENTAL ACCESSORY or STR-ADU.

A short-term rental operating within a lawful accessory dwelling unit on the same lot as the primary structure, in which the primary structure is (a) the owner's homestead as evidenced by a current homestead exemption filed with the Gillespie Central Appraisal District or (b) the primary residence of the 24-hour contact, as evidenced by a sworn affidavit to be provided with the short-term rental permit application. The accessory dwelling unit shall comply with section 8.220 of the city zoning ordinance.

SHORT-TERM RENTAL B&B or STR-B&B.

A short-term rental that operates on a residential property in which the owner, operator, or 24-hour contact resides as their principal residence (as evidenced by a current residence homestead exemption filed with the Gillespie Central Appraisal District or a sworn affidavit). Separate short-term rental permits, with a maximum of four units, shall be required for each separate bedroom unit operating as a short-term rental within a short-term rental B&B.

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SHORT-TERM RENTAL FACILITY or STR-FACILITY.

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

SHORT-TERM RENTAL UNOCCUPIED or STR-UNOCCUPIED.

A short-term rental within a lawful residential dwelling that is not an STR-ADU or STR-B&B."

SECTION 5

Section 4.400 of Appendix B, "Zoning Ordinance," of the Fredericksburg Municipal Code is hereby added to read as follows:

"Sec. 4.400. – GENERAL REGULATIONS FOR SHORT-TERM RENTAL USES.

- (a) Short-term rentals shall be subject to the permitting requirements and regulations contained in chapter 20, article VII of the code. Such uses shall be permitted ("P") in only specific zoning districts as follows, as well as planned unit developments where short-term rental use is identified as a permitted use, and shall otherwise comply with all regulations identified in chapter 20, article VII:

STR USE	ZONING DISTRICT																		
	R-1	R-1-A	R-2	R-3	R-4	R-5	RURAL RESIDENTIAL	C-1	C-1.5	C-2	C B D	INDUSTRIAL	M-1	M-2	M-3	OS	PF	MU-1	MU-2
STR-ADU	P		P					P	P	P	P							P	P
STR-B&B	P		P					P	P	P	P							P	P
STR-FACILITY								P	P	P	P							P	P
STR-UNOCCUPIED	P (by special exception only)		P (by special exception only)					P	P	P	P							P	P

- (b) The zoning board of adjustment is authorized to hear applications for special exceptions in order to allow short-term rental operations in accordance with section 5.500 of this ordinance, subject to this section and in conjunction with section 20-223 of the code."

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SECTION 6

Section 5.500 of Appendix B, "Zoning Ordinance," of the Fredericksburg Municipal Code is hereby amended to add a special exception provision as follows:

"Special Exceptions. To hear and decide, upon application, special exceptions to the terms of the zoning ordinance. The term "special exception" shall mean a deviation from the requirements of the zoning regulations herein established. Special exceptions shall be granted only when the board finds that such special exceptions will not adversely affect the value and use of adjacent or neighboring property or be contrary to the public interest. The procedural guidelines for variances outlined in sections 5.610, 5.620, 5.630, 5.640, 5.660, 5.670, 5.671, 5.680, and 5.690 of the city zoning code shall be utilized for special exceptions to the extent applicable.

- (a) Special exceptions may be granted only in the following circumstances:**
 - (1) To permit short-term rental unoccupied operations in the R-1 and R-2 zoning districts if the following conditions are satisfied:**
 - a. The property shares two (2) or more lot lines, or one (1) or more lot lines for a corner lot, with a property either (i) lawfully operating as a short-term rental unoccupied use or (ii) zoned CBD, C-2, or PF (excluding properties zoned PF with public primary educational facility uses and/or public secondary educational facility uses); and**
 - b. More than fifty (50) percent of the properties within a two hundred (200) foot radius are either (i) lawfully operating as a short-term rental unoccupied use or (ii) zoned CBD, C-2, or PF (excluding properties zoned PF with public primary educational facility uses and/or public secondary educational facility uses).**
 - (2) To permit short-term rental operations with an expanded occupancy maximum or exception to parking requirements.**
 - (3) To permit short-term rental operations in the Historic Shopping District Overlay involving the operation of a short-term rental use on the first floor of any new construction or converted existing structure.**
- (b) In hearing an application for a special exception for short-term rental operations, the board may consider factors such as the following:**
 - (1) Whether such operation is likely to disrupt adjacent owners' right to the quiet enjoyment of their property (for example, by considering whether lot sizes are small enough that noise is likely to affect neighboring property owners);**

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- (2) Whether operation as a short-term rental in the property's zoning district is compatible with the quality of the surrounding area;
- (3) Whether such operation will substantially impact nearby streets, including whether the property provides only limited off-street parking;
- (4) Which type of short-term rental, as defined in section 20-220, the applicant seeks to operate;
- (5) For a short-term rental existing prior to the effective date of chapter 20, article VII of the code, the duration of that short-term rental's operations and the number and type of complaints and/or citations related to that short-term rental;
- (6) Whether operation with the terms of the special exception will adversely impact the residential quality of the surrounding neighborhood;
- (7) Whether any properties located within a two hundred (200) foot radius of the property are operating with public or private primary or secondary educational facility uses; and
- (8) Specific property characteristics of the short-term rental like lot size or large square footage of the structure."

SECTION 7

Table 7.863 "Off-Street Parking" of Section 7.860 "Design Standards" of Appendix B, "Zoning Ordinance," of the Fredericksburg Municipal Code is hereby amended by deleting the use classification and minimum off-street parking requirements for the short-term rental, condominium use classification and by amending the use classifications and minimum off-street parking requirements for the following use classifications: short-term rental, unoccupied; short-term rental, accessory; short-term rental, B&B; and short-term rental, facility.

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USE CLASSIFICATION	MINIMUM OFF-STREET PARKING REQUIREMENTS

Short-term Rental Unoccupied	Parking spaces shall be provided at a ratio of one (1) space per bedroom. In no case shall the number of required off-street parking spaces be reduced below two (2) spaces per parcel. Tandem parking is allowed for multiple vehicles, so long as no part of any parked vehicle obstructs a public right-of-way.
Short-term Rental Accessory	Two (2) spaces for the primary structure, plus one (1) space per each bedroom in the accessory structure used for short-term rental operations. In no case shall the number of required off-street parking spaces be reduced below two (2) spaces per parcel. Tandem parking is allowed for multiple vehicles, so long as no part of any parked vehicle obstructs a public right-of-way.
Short-term Rental B&B	Two (2) spaces for the primary structure, plus one (1) space per each bedroom within the primary structure used for short-term rental operations. Tandem parking is allowed for multiple vehicles, so long as no part of any parked vehicle obstructs a public right-of-way.

Short-term Rental Facility	Parking spaces shall be provided at a ratio of 60% of the permitted occupancy. Tandem parking is allowed for multiple vehicles, so long as no part of any parked vehicle obstructs a public right-of-way.

SECTION 8

The following sections of Appendix B, "Zoning Ordinance," of the Fredericksburg Municipal Code are hereby amended as follows:

- A. Section 3.100, "R-1: Single Family Residential," is hereby amended by replacing the references to "Section 5.401" with references to "Chapter 20, Article VII of the Code" and by deleting the provision that reads as follows:

"Short-term Rental, Unoccupied (With a STR permit and adherence to Section 5.401)

- If 2 or more lot lines (only 1 or more lot lines required for a corner lot) are abutting a lawfully permitted "STR Unoccupied" use (STR B&B and STR Accessory uses are not included in this calculation); and
- If 75% or more of the properties on the same side of the street, between intersecting streets, are a lawfully permitted "STR Unoccupied" use (STR B&B and STR Accessory uses are not included in this calculation)."

- B. Section 3.110, "R-2: Mixed Residential," is hereby amended by replacing the references to "Section 5.401" with "Chapter 20, Article VII of the Code" and by deleting the provisions that read as follows:

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"Short-term Rental, Unoccupied—not located within the Historic Overlay District: (With a STR permit, adherence to Section 5.401)."

"Short-term Rental, Unoccupied - located within the Historic Overlay District: (With a STR permit, adherence to Section 5.401)."

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

- If the property is immediately abutting a Non-Residential Zoning District (Open Space not included), or a PUD that allows commercial uses.
- When located within the Historic Overlay District, use is limited to a maximum of one structure per 5,000 square feet of land."

"Short-term Rental, Facility: (With a STR permit and adherence to Section 5.401)

- If the property is immediately abutting a Non-Residential Zoning District (Open Space not included), or a PUD that allows commercial uses.
- When located within the Historic Overlay District, use is limited to a maximum of one structure per 5,000 square feet of land."

C. Section 3.120, "R-3: Multi-Family Residential," is hereby amended by deleting the provisions that read as follows:

"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)."

"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, Condominium (With a STR permit and adherence to Section 5.401)."

D. Section 3.200, "C-1: Neighborhood Commercial," is hereby amended by replacing the references to "Section 5.401" with "Chapter 20, Article VII of the Code" and by deleting the provision that reads as follows:

"Short-term Rental, Condominium (Section 5.401)."

E. Section 3.205: "C-1.5: Medium Commercial," is hereby amended by replacing the references to "Section 5.401" with "Chapter 20, Article VII of the Code" and by deleting the provision that reads as follows:

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"Short-term Rental, Condominium (With a STR permit and adherence to Section 5.401)."

- F. Section 3.210, "C-2: Commercial," is hereby amended by replacing the references to "Section 5.401" with "Chapter 20, Article VII of the Code" and by deleting the provision that reads as follows:

"Short-term Rental, Condominium (With a STR permit and adherence to Section 5.401)."

- G. Section 3.220, "CBD: Central Business District," is hereby amended by replacing the references to "Section 5.401" with "Chapter 20, Article VII of the Code" and by deleting the provision that reads as follows:

"Short-term Rental, Condominium (Section 5.401)."

- H. Section 3.510, "HSD: Historic Shopping District Overlay," of Appendix B, "Zoning Ordinance," of the Fredericksburg Municipal Code is hereby amended by deleting the following provision:

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

- I. Section 3.800, "MU-1: Mixed Use – Infill," is hereby amended by replacing the references to "Section 5.401" with "Chapter 20, Article VII of the Code" and by deleting the provision that reads as follows:

"Short-term Rental, Condominium (With a STR permit and adherence to Section 5.401)."

- J. Section 3.810, "MU-2: Mixed Use – Corridor," is hereby amended by replacing the references to "Section 5.401" with "Chapter 20, Article VII of the Code" and by deleting the provision that reads as follows:

"Short-term Rental, Condominium (With a STR permit and adherence to Section 5.401)."

- K. Section 6.110, "Continuance of a Nonconforming Use," is hereby amended by deleting the following provision:

"A non-conforming short-term rental use shall not be considered voluntarily discontinued if the use is suspended for repairs, modifications, additions, or remodels, or if the owner of the property utilizes the property as their personal residence, for a period not to exceed 365 consecutive days."

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SECTION 9

This Ordinance shall be cumulative of all provisions of ordinances and of the Fredericksburg Municipal Code, as amended, except when the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such code are hereby repealed.

SECTION 10

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, or phrase of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional section, paragraph, sentence, clause or phrase.

SECTION 11

Any person, firm, or corporation who violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine as provided in Section 1-6 of the Fredericksburg Municipal Code. Each day any such violation or violations exist shall constitute a separate offense and shall be punishable as such.

SECTION 12

All rights and remedies of the City of Fredericksburg are expressly saved as to any and all violations of the provisions of the Fredericksburg Municipal Code, as amended or revised herein, or any other ordinances affecting the matters regulated herein which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance, but may be prosecuted until final disposition by the courts.

SECTION 13

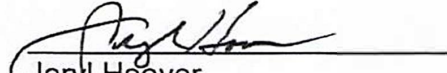
The City Secretary is hereby directed to publish the caption and penalty clause of this Ordinance in the official newspaper of the City as required by Section 3.12 of Article III of the Charter of the City of Fredericksburg.

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SECTION 14

This Ordinance shall be in full force and effect from and after January 1, 2024, as provided by the Fredericksburg City Charter and the laws of the State of Texas.

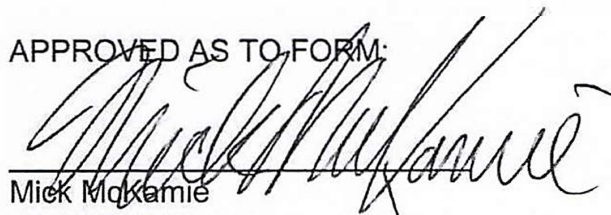
PRESENTED AND PASSED this 7th day of November, 2023, at a regular meeting of the City Council of the City of Fredericksburg, Texas.


Jeryl Hoover
Mayor

ATTEST


Shelley Goodwin
City Secretary, TRMC/CMC

APPROVED AS TO FORM:


Mick McKamie
City Attorney

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