



City of Fredericksburg

Zoning Board of Adjustment Meeting Agenda
Wednesday, September 16, 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, September 16, 2026, at 5:30PM. 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 September 16, 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. 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. August 19, 2026, Regular Meeting Minutes

4. PUBLIC HEARING

- A. **DEV-2026-104-ADP:** 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 LOCATED AT 705 E. HIGHWAY STREET, UNIT 104, FREDERICKSBURG, TEXAS.

- B. **DEV-2026-119-SE:** BY REEH & SCHWING LAW FORM (CURT & MISTY HARLAN) TO CONSIDER A SPECIAL EXCEPTION PER SEC. 5.500 – BOARD OF ADJUSTMENT SUBSECTION A (1) TO ALLOW FOR A STR-UNOCCUPIED PERMIT FOR PROPERTY LOCATED AT 205 W. CREEK STREET, FREDERICKSBURG, TEXAS.
- C. **DEV-2026-124-ZVAR:** BY HOMINICK HOMES (AARON HOMINICK) TO CONSIDER 3 VARIANCES PER SEC. 5.600 “VARIANCE PROCEDURE” FOR PROPERTY LOCATED AT 601 N LLANO STREET, FREDERICKSBURG, TEXAS.

THE APPLICANT IS REQUESTING A TWENTY (20) FOOT STREET SIDE YARD SETBACK TO THE UNDERLYING C-1, NEIGHBORHOOD COMMERCIAL REQUIRED TWENTY-FIVE (25) FOOT SETBACK PER SECTION 3.200 OF THE ZONING ORDINANCE.

THE APPLICANT IS REQUESTING RELIEF FROM THE PROVISIONS OF SECTION 3.200, OF THE ZONING ORDINANCE, REQUIRING MINIMUM LOT SIZE REQUIREMENTS OF 7,500 SQUARE FEET WITHIN THE C-1, NEIGHBORHOOD COMMERCIAL DISTRICT.

THE APPLICANT IS REQUESTING RELIEF FROM THE PROVISIONS OF SECTION 7.860, OF THE ZONING ORDINANCE, PROHIBITING THE ESTABLISHMENT OF MORE THAN ONE ACCESS POINT WITHIN 200 FEET OF LINEAL FRONTAGE.

5. ACTION ITEMS

6. DISCUSSION ITEMS

- A. Director's Report:
 - 1. Unified Development Code Update

7. ADJOURN

CERTIFICATION

This is to certify that I, Jan Musgrove, posted this Agenda before 4:30PM on September 9, 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
Planner 1

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

**ZONING BOARD OF ADJUSTMENT
AUGUST 19, 2026
MEETING MINUTES
5:30 P.M.**

On the 19th day of August 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
 MIKE MAHONEY
 CLAY SEARS
 JIMMY CULP

ABSENT:

ALSO PRESENT: CLIFF CROSS – Director of Development Services
 BARBARA QUIRK - Legal Counsel
 JAN MUSGROVE – Planner 1

The meeting was called to order at 5:30 P.M. by Clay Sears.

Minutes:

July 15, 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 Presentation: Richard Beaupre and Jordan Muraglia
Mr. Beaupre presented detailed responses to the HRB's cited criteria, arguing that the conservatory lacked applied ornamentation, was not a dwelling unit, had structurally functional elements, and matched the color palette of the main house; they also clarified the conservatory's intended use and compliance with setback requirements.

Staff Summary: Cliff Cross

Cliff Cross explained that the Historic Review Board (HRB) denied the certificate of appropriateness (COA) for the greenhouse conservatory based on criteria from Section 3.4.3. Accessory Buildings, D, E, F, and K from the Historic design guidelines, focusing on architectural ornamentation, lot development patterns, structural authenticity, and color palette consistency.

Public Hearing opened at 6:02PM and closed at 6:30PM

Several members of the public spoke in favor of the Greenhouse Conservatory to include: Dan Roddy, Bill Brandt, Tim Riley, Adam Currie, Happy Feller and Anna Wynn-Smith. Citing historical context linking the greenhouse design to German heritage and the original homeowner's status and emphasized the structure's consistency with historic architecture and its positive impact on the neighborhood.

Board Discussion:

Board members discussed the subjectivity of the HRB's criteria, and the overwhelming neighborhood support and that several of the items that were cited for denial seemed reasonable, the building was not a dwelling unit, it was in the same color palate as the main house and ornamentation was appropriate.

Adam Luton made a motion to grant the overturning of the Historic Review Board denial.

Eric Hammersen seconded the motion. A roll call vote ensued. Jim McAfee did not vote.

Clay Sears – Aye Eric Hammersen – Aye Adam Luton – Aye

Mike Mahoney – Nay Jimmy Culp - Nay

Motion was not approved.

Jennifer Eggelston returned to the Dais.

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

Applicant Presentation: Jim Brown

Mr. Brown requested a 5-foot setback variance to rebuild a structure on the footprint of a previously demolished garage, citing the unique double frontage lot and prior non-conforming placement.

Public Hearing opened and closed at 7:27PM

Staff Summary: Cliff Cross

Staff explained the zoning requirements, the double frontage lot's unusual configuration, and the lack of administrative authority to approve replacement of a voluntarily removed non-conforming structure, recommending the variance be considered due to unique circumstances.

Board Discussion:

Board members discussed the footprint, setback measurements, and clarified that the variance would apply only to the specific request, not the entire property line. They discussed that this was no fault of the property owner and it would not adversely affect the neighborhood.

Mike Mahoney made a motion to approve the application for a 5Ft Side Setback.

Jennifer Eggleston seconded the motion. All voted Aye and the motion carried unanimously.

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.

Applicant Presentation: Laina Howell

The applicant explained that the property could comfortably accommodate 12 occupants, described the typical guest profile, and detailed the existing parking arrangements, emphasizing responsible management and community respect.

Public Hearing opened at 7:43PM and closed at 7:44PM

Tim Dooley asked if there had been any noise complaints on this property.

The Applicant responded with no complaints.

Staff Report: Cliff Cross

Staff reviewed the lot size, bedroom count, parking requirements, and neighborhood STR density, noting that the increase would not significantly affect average occupancy in the area and that no complaints or citations had been received.

Board Discussion:

Board members discussed potential impacts on parking and neighborhood quiet, clarified occupancy calculations, and debated the appropriateness of the increase and noted that the occupancy was already set at 10.

Mike Mahoney made a motion to deny the request as it would disrupt neighbors.

There was not second. The motion failed.

Adam Luton made a motion to approve the application.

Eric Hammersen seconded the motion. A roll call vote was called.

Clay Sears – Nay Eric Hammersen – Aye Jennifer Eggelston – Aye
Adam Luton – Aye Mike Mahoney – Nay

Motion Failed. The application was denied.

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.

Applicant: Wesley Reeh and Dena Largent

Mrs. Reeh represented the estate of Steve Jones and Dena Largent, appealed to the prior director's classification of 705 East Highway Street, Unit 104 as a condominium, which prevented STR permit renewal or re-instatement as STR-Condominiums were not allowed. She claimed that the property should be classified as a townhome rather than a condominium, citing definitions in the zoning ordinance and the presence of abutting walls, which would allow eligibility for a special exception STR permit.

Staff Report: Cliff Cross

Staff discussed the legal distinctions between condos and townhomes, focusing on ownership of land versus units, common area interests, and the recorded plat.

Public Hearing opened and closed at 8:15PM.

Board Discussion:

The Board members spoke length about the definition of a Condo and asked the applicant to provide more proof of the property's status.

Mike Mahoney made a motion to table the item for September's meeting so the applicant could provide definitive proof that the structure was not a Condominium.

Eric Hammersen seconded the motion. All voted Aye and the motion passed unanimously.

Action Item:

Election of New Chair and Vice Chair.

Mike Mahoney made a motion for Clay Sears to continue as the Chair of the Zoning Board of Adjustment.

Adam Luton seconded the motion. All Voted Aye and the motion passed unanimously.

Clay Sears made a motion for Eric Hammersen to continue as Vice chair of the board.

Mike Mahoney seconded the motion. All voted Aye and the motion carried unanimously.

Director's Report:

Cliff provided the board with updates on the Unified Development Code (UDC) stating that the first Technical Committee meeting (Jimmy Culp was their representative on the board) would take place on August 20, 2026, at 5:30PM. He asked board members to forward any suggested changes or items for consideration regarding the Unified Development Code (UDC) to staff for compilation and review by the technical advisory committee. (All board members)

ADJOURN

With nothing further to come before the Board. The meeting was adjourned at 8:41PM

PASSED AND APPROVED this on the 16th day of September 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: September 16, 2026

CATEGORY: PUBLIC HEARING

CAPTION: **DEV-2026-104-ADP:** 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 LOCATED AT 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. The item was considered and tabled during the August 19, 2026 meeting to allow the applicant to provide additional documentation.

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 (1)
2. DEV-2026-104-ADP-ZBA Appeal - 705 E Highway, Unit 104 - Without S Agreement
3. insurance
4. ZBA Appeal Hearing Presentation

APPROVAL/REVIEW:

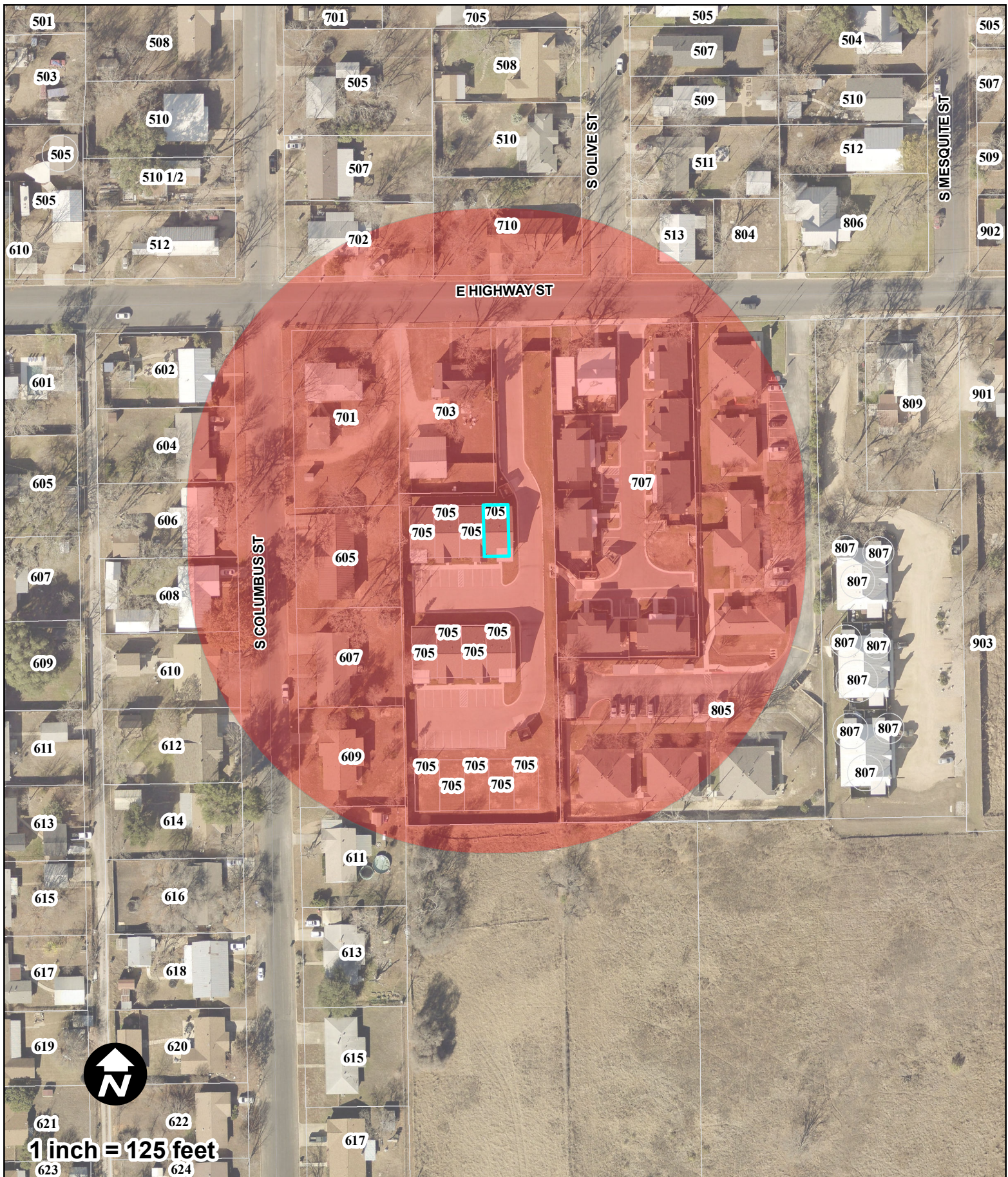


Cliff Cross, Director of Development Services

Barbara Quirk, City Attorney

Date: September 10, 2026

Date:



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

LEGEND

- 300' Notification Buffer
- GCAD Parcels



WELSLEY K. REEH
Attorney at Law
wreeh@reehandschwinglaw.com
Reeh & Schwing Law Firm, PLLC

ROBERT "BRITT" SCHWING
Attorney at Law
rschwing@reehandschwinglaw.com
Reeh & Schwing Law Firm, PLLC

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



Welsley 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

Fredericksburg 000209

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.

Fredericksburg 000210

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.

Fredericksburg 000212

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.

Fredericksburg 000213

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.

Fredericksburg 000214

- 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.

Fredericksburg 000215

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.

Fredericksburg 000216

- 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

Fredericksburg 000217

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.**

Fredericksburg 000218

- (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;

Fredericksburg 000219

- (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.

Fredericksburg 000220

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.

Fredericksburg 000221

- (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.

Fredericksburg 000222

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.

Fredericksburg 000223

- (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.

Fredericksburg 000224

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."

Fredericksburg 000225

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);**

Fredericksburg 000226

- (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.

Fredericksburg 000227

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:

Fredericksburg 000228

"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:

Fredericksburg 000229

"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."

Fredericksburg 000230

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

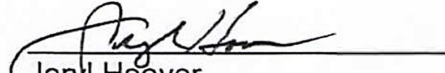
The City Secretary is hereby directed to publish the caption and penalty clause of this Ordinance in the official newspaper of the City as required by Section 3.12 of Article III of the Charter of the City of Fredericksburg.

Fredericksburg 000231

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.

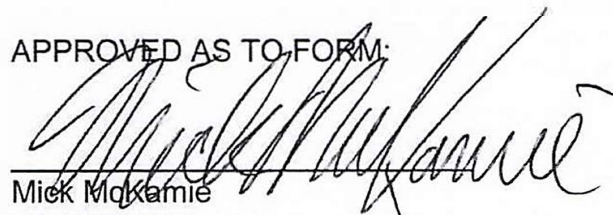
PRESENTED AND PASSED this 7th day of November, 2023, at a regular meeting of the City Council of the City of Fredericksburg, Texas.


Jeryl Hoover
Mayor

ATTEST


Shelley Goodwin
City Secretary, TRMC/CMC

APPROVED AS TO FORM:


Mick McKamie
City Attorney

Published in the Fredericksburg Standard on Wednesday, November 15, 2023.

Fredericksburg 000232



GERMANIA FARM MUTUAL

DECLARATIONS PAGE



Grissom Insurance Group, LLC
715 Discovery Blvd Ste 413
Cedar Park, TX 78613-2292

INSURED: 48947740 **PH:** (512) 897-4453
DENA LARGENT
THOMAS STEVEN JONES
2 Wedgewood Blvd
Conroe, TX 77304-1326

POLICY NUMBER
7-600-13136610

POLICY PERIOD 12:01AM STANDARD TIME
08/25/2025 TO 08/25/2026

GERMANIA FARM MUTUAL INSURANCE ASSOCIATION
PO BOX 645
BRENNHAM TX 77834-0645

AGENT: 0412 PH: (512) 260-7000
Grissom Insurance Group, LLC
715 Discovery Blvd Ste 413
Cedar Park TX 78613-2292

Policy Premium	\$1,542.00
Total Fees	\$0.00
Total Policy Premium	\$1,542.00

THE PREMIUM FOR THIS POLICY WAS BILLED TO - Freedom Mortgage Corporation
THIS IS NOT A BILL. Invoices are mailed separately.

COVERAGE A (DWELLING)

UNIT	OCCUPANCY	BRIEF DESCRIPTION	DEDUCTIBLE	ENDORSEMENT	LIMIT OF LIABILITY	PREMIUM
1	Tenant	Year Of Construction 2019, Frame with Stone Condo 1 Story, 1200 LA,		GFM 020 GFM 603 GFM 810 GFM DED GFM DRC	\$230,000.00	\$1,710.00
1		Roof Payment Schedule		GFM RPS GFM RPT		Included
1		Partial Cosmetic Damage Coverage		GFM 146		\$0.00
1		Other Structures Total Liability Limit DEDUCTIBLE CLAUSE 1 WIND AND HAIL DEDUCTIBLE CLAUSE 2 OTHER INSURED PERILS DEDUCTIBLE CLAUSE 3 NAMED STORM	 \$4,600.00 \$2,300.00 \$2,300.00		\$23,000.00	

COVERAGE B (UNSCHEDULED PERSONAL PROPERTY) - UNLESS NOTED DED 1 OR 2 APPLY

UNIT	OCCUPANCY	BRIEF DESCRIPTION	DEDUCTIBLE	ENDORSEMENT	LIMIT OF LIABILITY	PREMIUM
1	Tenant	Unscheduled Personal Property - Standard		GFM 365 GFM 603 GFM146	\$20,000.00	

SEE CONTINUATION FOR ADDITIONAL DATA

COVERAGE B (UNSCHEDULED PERSONAL PROPERTY) - UNLESS NOTED DED 1 OR 2 APPLY

UNIT	OCCUPANCY	BRIEF DESCRIPTION	DEDUCTIBLE	ENDORSEMENT	LIMIT OF LIABILITY	PREMIUM
		DEDUCTIBLE CLAUSE 1 WIND AND HAIL	\$4,600.00			
		DEDUCTIBLE CLAUSE 2 OTHER INSURED PERILS	\$2,300.00			
		DEDUCTIBLE CLAUSE 3 NAMED STORM	\$2,300.00			

OTHER COVERAGES / DISCOUNTS

UNIT	OCCUPANCY	BRIEF DESCRIPTION	DEDUCTIBLE	ENDORSEMENT	LIMIT OF LIABILITY	PREMIUM
1	Tenant	New Home Discount				-\$136.00
1	Tenant	Loyalty Discount				-\$32.00

PROPERTY LOCATION

705 E Highway St Unit 104, Fredericksburg, TX-78624-5397, Gillespie County
Territory 013

MORTGAGEE

UNIT	
1	LOAN 2009510690 Freedom Mortgage Corporation Its Successors and/or Assigns As Their Interest May Appear PO Box 5050 Troy, MI 48007-5050

FORMS AND ENDORSEMENTS

Forms and Endorsements applying to this policy and made part of this policy at time of issue:
GFM900, GFMAMD

DATE OF ISSUE 07/11/2025

OTHER COVERAGES, LIMITS, CONDITIONS AND EXCLUSIONS MAY APPLY - REFER TO YOUR POLICY.

Why are we here?

- To appeal the classification of 705 E Highway Street, Unit 104 as a 'condominium' rather than a 'townhouse', or in the alternative 'other real estate improvement'

VERSION: AUG 5, 2026 (CURRENT)

Chapter 44 - TRAFFIC AND MOTOR VEHICLES

Chapters 45, 46 - RESERVED

Chapter 47 - UTILITIES

Chapters 48, 49 - RESERVED

Chapter 50 - VEHICLES FOR HIRE

APPENDIX A - FEE SCHEDULE

APPENDIX B - ZONING ORDINANCE

PURPOSE, AUTHORITY AND SCOPE OF ZONING ORDINANCE

ENACTING CLAUSE

Sec. 1.200. - STATUTORY AUTHORITY.

Sec. 1.300. - PURPOSE.

Sec. 1.400. - SCOPE.

Sec. 1.500. - SEVERABILITY.

Sec. 1.600. - INTERPRETATION.

Sec. 1.700. - COMPLIANCE REQUIRED.

Sec. 1.800. - ESTABLISHMENT OF OFFICIAL ZONING DISTRICTS, BOUNDARIES AND MAP.

Sec. 2.100. - DEFINITIONS. modified

TOWNHOUSE GROUP

Two or more contiguous townhouses having common or abutting walls.

TOWNHOUSE LOT

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

TOWNHOUSE RESIDENTIAL

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

TRANSPORTATION TERMINAL

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

TRAVEL TRAILER

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

USE

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

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

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

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

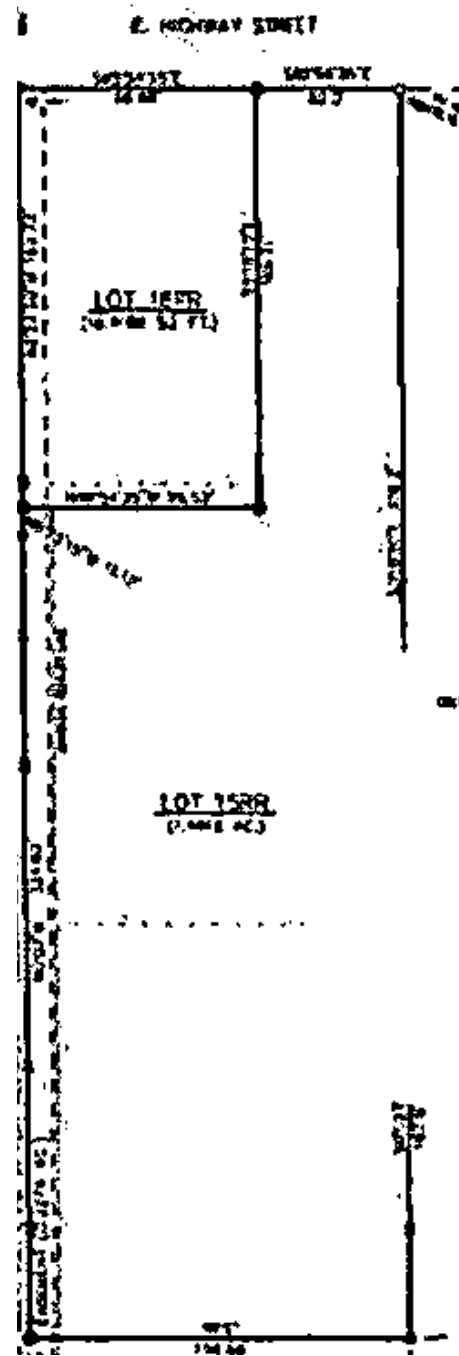
VALUE AND VALUATION

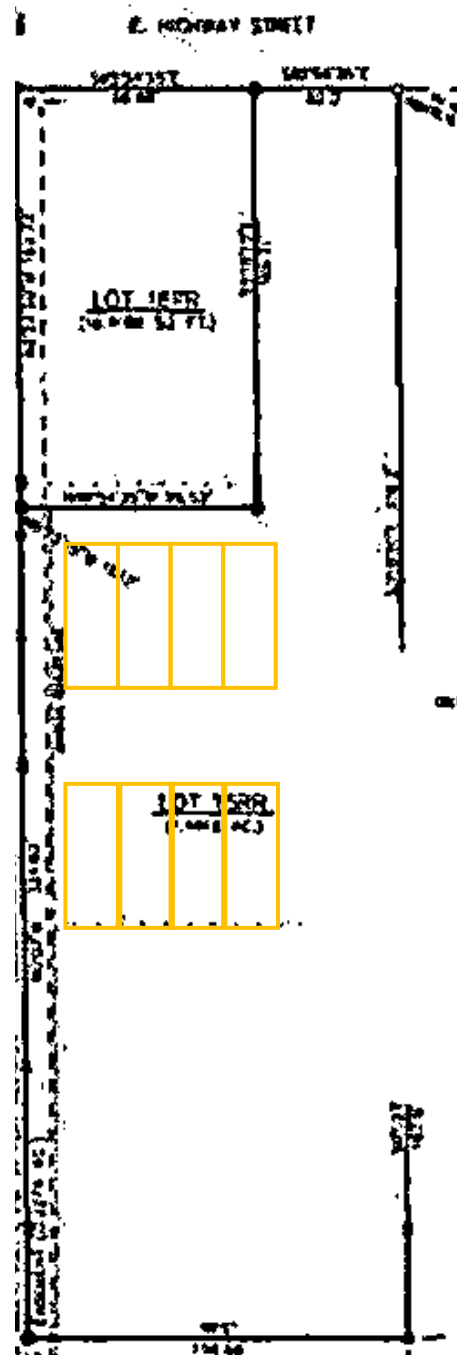
The value of a structure shall be the estimated cost to replace the structure in kind, based on current replacement costs.

VAPE SHOP

Sec. 2.100 - Definition of a Townhouse

- **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 common area serving all dwelling units.**







VERSION: FEB 7, 2024 (ARCHIVE)

PURPOSE, AUTHORITY AND SCOPE OF
ZONING ORDINANCE

ENACTING CLAUSE

Sec. 1.200. - STATUTORY AUTHORITY.

Sec. 1.300. - PURPOSE.

Sec. 1.400. - SCOPE.

Sec. 1.500. - SEVERABILITY.

Sec. 1.600. - INTERPRETATION.

Sec. 1.700. - COMPLIANCE REQUIRED.

Sec. 1.800. - ESTABLISHMENT OF
OFFICIAL ZONING DISTRICTS,
BOUNDARIES AND MAP.

Sec. 2.100. - DEFINITIONS.

Sec. 3.000. - PURPOSE.

Sec. 3.100. - R-1: SINGLE FAMILY
RESIDENTIAL.Sec. 3.101. - R-1-A: SINGLE FAMILY
RESIDENTIAL-SMALL LOT.

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

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

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

COMMUNICATIONS SERVICES

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

COMMUNITY RECREATION

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

COMPREHENSIVE PLAN

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

CONDOMINIUM RESIDENTIAL

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

CONSTRUCTION SALES AND SERVICES

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

CONSUMER CONVENIENCE SERVICES

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

CONSUMER REPAIR SERVICES

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

CONVALESCENT SERVICES

A use providing bed care and in-patient services for persons requiring regular medical attention, such as nursing homes, but excluding facilities providing surgical or emergency medical services, facilities



Sec. 2.100 - Definition of a Condominium

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

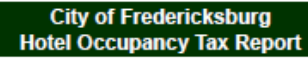


Sec. 2.100 - Definition of a Townhouse

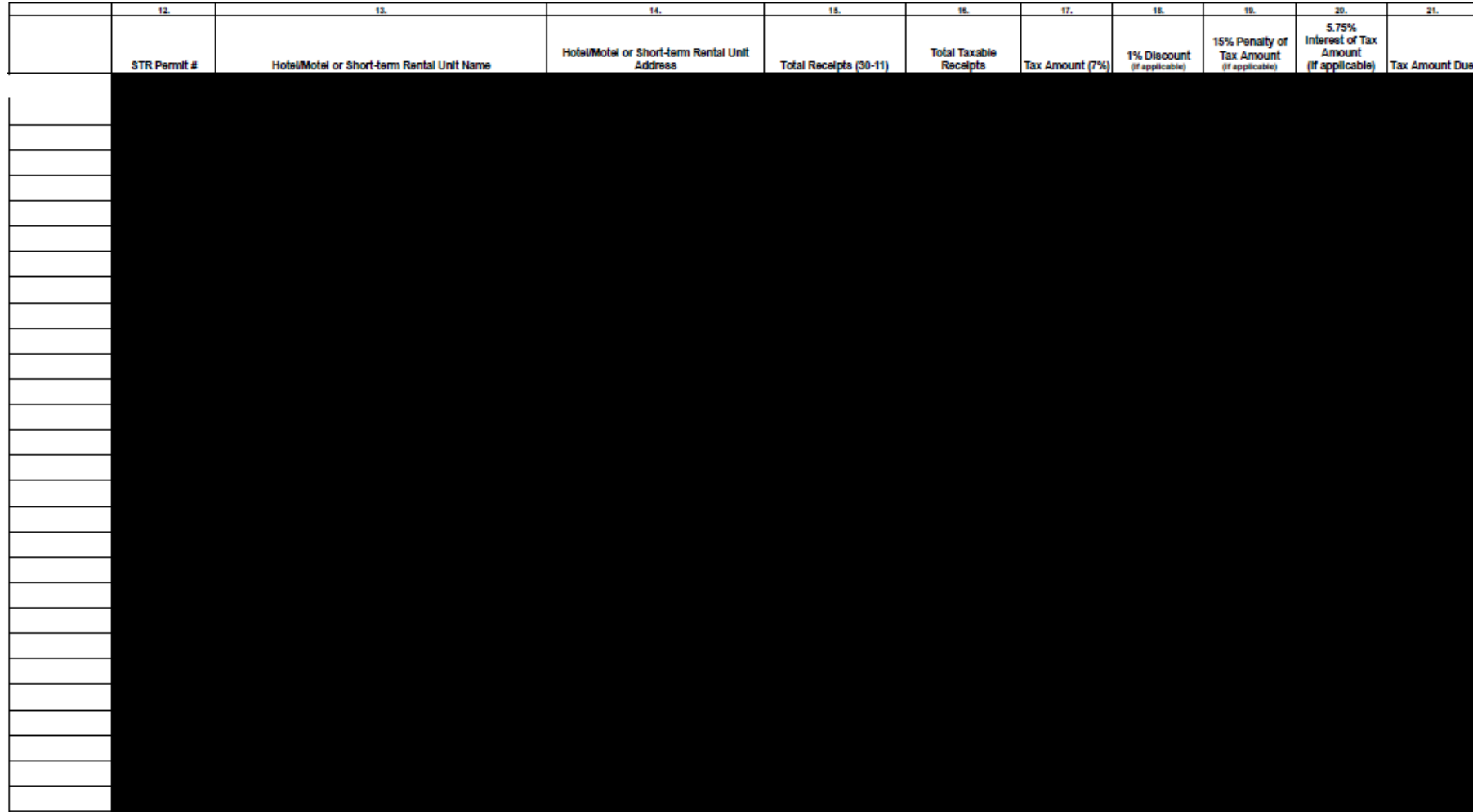
- The use of a site for two or more townhouse dwelling units, **constructed with common or abutting walls** and each located on a separate ground parcel within the total development site, together common area serving all dwelling units.

History of the Property as a Short-Term Rental

- Owners timely paid HOT



4th quarter - Oct. 1 thru Dec. 31



History of the Property as a Short-Term Rental

- Owners timely paid HOT
- Owners managed their STR responsibly, receiving zero complaints

History of the Property as a Short-Term Rental

- Owners timely paid HOT
- Owners managed their STR responsibly, receiving zero complaints
- Owners left guests with a positive impression of Fredericksburg receiving only glowing reviews

Reviews



Sean H.

★ Review Score: 5

Mar 18, 2023 05:12:45 AM

Summary: Clean property, close to everything

DanDee T.

★ Review Score: 5

Feb 7, 2023 01:00:07 PM

Summary: Very clean and roomy little spot. Easy to get to. Enough space for 6 people. A very short drive to downtown Fredericksburg. My family and I were very impressed with this unit and will definitely stay again in the future.

Ida E.

★ Review Score: 5

Dec 26, 2022 01:00:39 PM

Summary: Was great... place was nice, clean and festive. Loved that it was in town. Will hopefully return soon! 🍷

Judy G.

★ Review Score: 5

Dec 7, 2022 01:05:10 PM

Summary: Our stay was in December, and to our absolute delight there





Zeb V.

★ Review Score: 5

Nov 5, 2022 05:18:43 AM

Summary: This was a great spot just a couple minutes from main street. Super quiet area, felt very safe and the actual place was really nice and clean. Great beds and nice big bathrooms. Would stay here again and again!

Jason C.

★ Review Score: 5

Oct 21, 2022 11:09:21 AM

Summary: This met our needs Very nice Thank you

Kay O.

★ Review Score: 5

Oct 19, 2022 11:09:08 AM

Summary: Clean, nicely furnished, quite and felt very safe. We always search for a 2 bedroom / 2 FULL baths with SHOWERS. First time I thing a washer dryer is furnished but we didn't have reason to use them. Maybe a longer trip next time. Would certainly stay here again when staying in town. Thanks for a comfy place to stay!

Brandon G.

★ Review Score: 5

Oct 6, 2022 11:38:42 PM



Hailey M.

★ **Review Score:** 5

Nov 27, 2022 06:47:45 AM

Summary: We enjoyed our getaway with our friends!! The rental was very clean and super cute!! They had everything we needed and then some. The ONLY issue we had were the thin walls and noisy neighboring unit. The listing DOES say that you share a common wall, however if you're a light sleeper, bring a noise machine. We were woken up by the group next door coming back around 3am and they talked and laughed very loudly until around 4:30am. I am ALL about a good time, so cheers to them! I just wish the sound was blocked a little more so we hadn't been woken up. Other than that, it is an amazing little place!!

melissa A.

★ **Review Score:** 5

Nov 16, 2022 12:36:45 AM

Summary: We had a great stay in Fredericksburg! The property was clean, decorated very cute, and comfortable. It had all the amenities that we could possibly need. Plus, it was close enough to Main Street.

Sec. 5.500. - BOARD OF ADJUSTMENT.

The Board of Adjustment shall have the following powers:

Variances. To authorize upon appeal in specific cases such variance from the terms of the Zoning Property Development Regulations and Sign Ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provision of the Zoning Regulations will result in unnecessary hardship and so that the spirit of the Zoning Regulations shall be observed and substantial justice done See Section 5.600.

Administrative Appeals. To hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of the Zoning Regulations. See Section 5.700.

12 A. It would be very difficult to sell. I mean,
13 that's -- they were built to be STRs. There's no yard.
14 There's no garage. So, you know, a young family moving
15 to the area is not going to want to purchase that kind
16 of unit. It's not its highest and best use, and it
17 would be very difficult to sell, as evidenced by the
18 fact I had it on the market for 230 some days, for less
19 than I paid for it, and we couldn't get one showing or
20 one offer. Every call, text, or email I got, the first
21 question was, Do you have a permit, even though I had it
22 listed in the listing we did not. As soon as I said we
23 didn't have a permit, it was, Thanks. Bye. We're not
24 interested, at any price.

BROKER'S PRICE OPINION

(This represents an estimated sale price for this property.

*It is not the same as the opinion of value in an appraisal developed by a licensed appraiser under the
Uniform Standards of Professional Appraisal Practice)*

** DISCLAIMER **

Broker is an actively licensed Real Estate Broker, practicing in the State of Texas as Broker, and actively engaged in selling real estate in the town of Fredericksburg, Texas, Gillespie County. Broker is knowledgeable in the subject matter in question & is providing a BPO/ CMA as a professional service using a professional opinion based on the Broker's relevant knowledge of the subject matter in question. Broker is competent to provide an opinion of value on the subject property. Sold data is protected in the State of Texas, and this information provided herein is private & confidential, to be used solely by the person to whom this form was delivered, and may be only shared for use by the person to whom the Pricing Opinion was provided & his/her consultants as needed.

DATE OF PRICING OPINION PERFORMED: 08/17/25

SUBJECT PROPERTY: 705 E. HIGHWAY STREET #104, FREDERICKSBURG TX

PROPERTY STYLE: RESIDENTIAL CONDO UNIT (NO short term rental permit allowable)

BEDROOMS: 2

BATHROOMS: 2

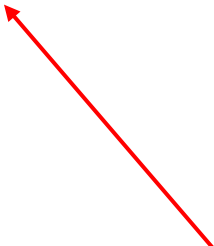
SQUARE FOOTAGE: 1,200 sf

LAWN: (N/A) none

BROKER'S OPINION OF VALUE: \$215-225K

** Broker is considering a 'additional devaluation' of the subject property due to all other units
in the complex being STRs currently, and this one is NOT, therefore less desirable
for an owner occupant condo buyer **

COMPARABLE PROPERTY #1: 705 E. HIGHWAY STREET #103, FREDERICKSBURG TX
PROPERTY STYLE: RESIDENTIAL CONDO UNIT (WITH short term rental permit allowed)
BEDROOMS: 2
BATHROOMS: 2
SQUARE FOOTAGE: 1,200 sf
LAWN: (N/A) none
ACTUAL SOLD PRICE: \$445k
SOLD DATE: March 2025



**That's' over a \$200,000
difference!**

7 that. We did not feel we were at risk in losing our
8 permit. We did not feel we were at risk in our property
9 dropping \$200,000, and yes, looking back on it, we had
10 no idea that that would be passed eight months later,
11 and I would be in this position, and my husband would
12 have been obsessed with this over the last several
13 months and wind up dead in my backyard, so no, I'm
14 sorry, I would not -- I guess surprise is simply off my
15 list at this point. We weren't there at meetings. We
16 did not feel we were at risk. We never once thought
17 something like that could be done or passed, based on
18 where we were and the circumstances of our purchase and
19 our investment, so, no.

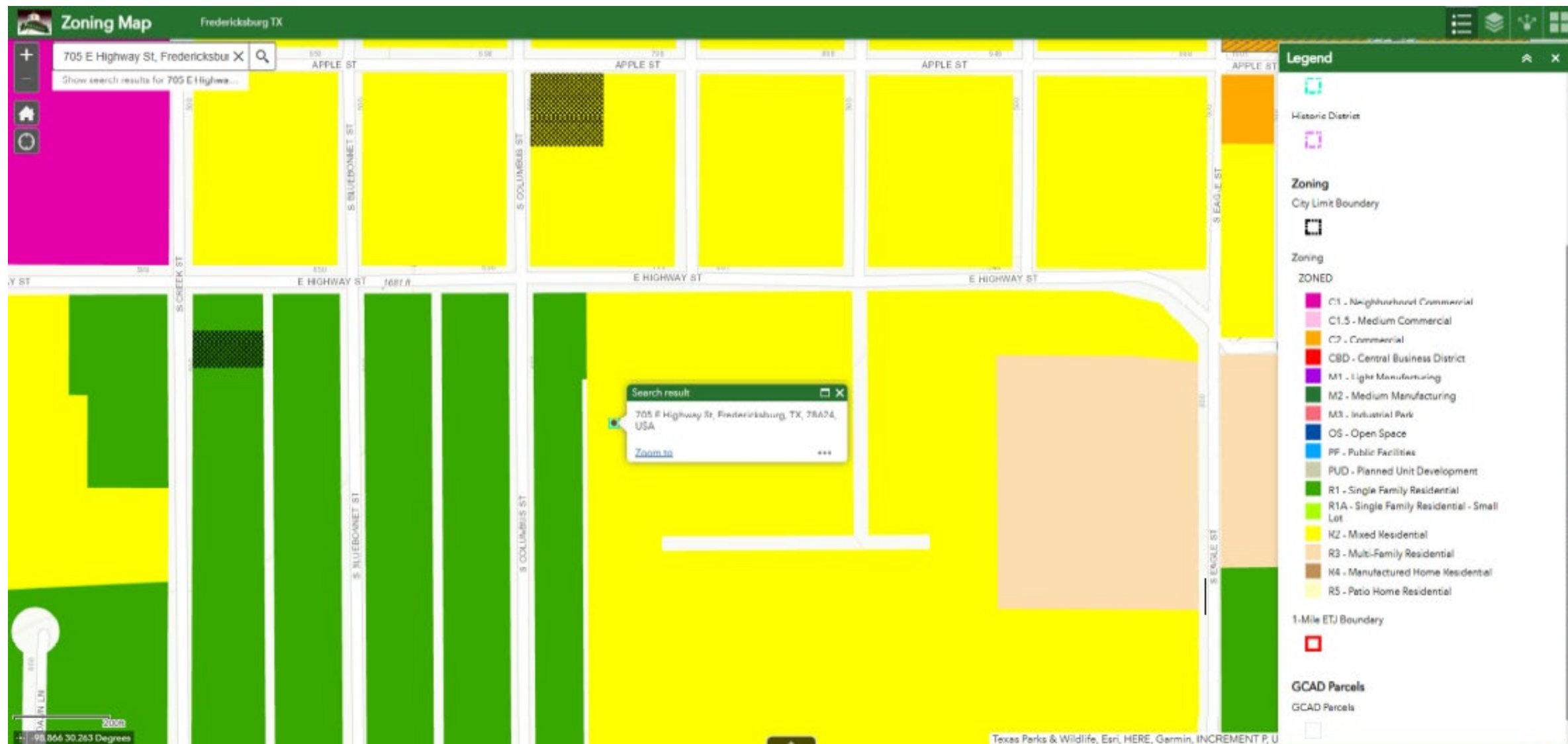


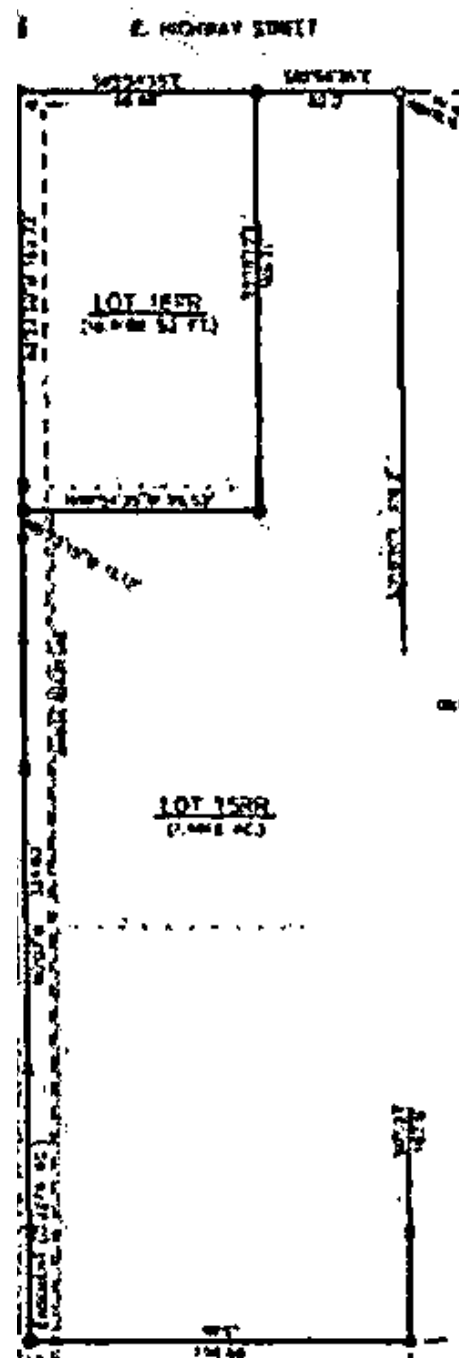


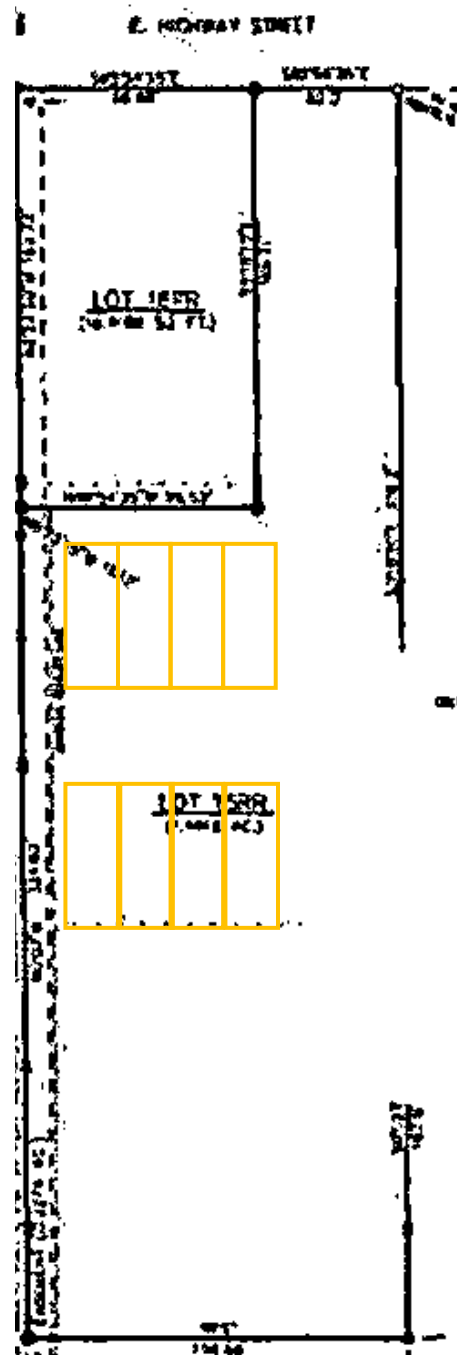
Sec. 20-223. – Special exceptions available.

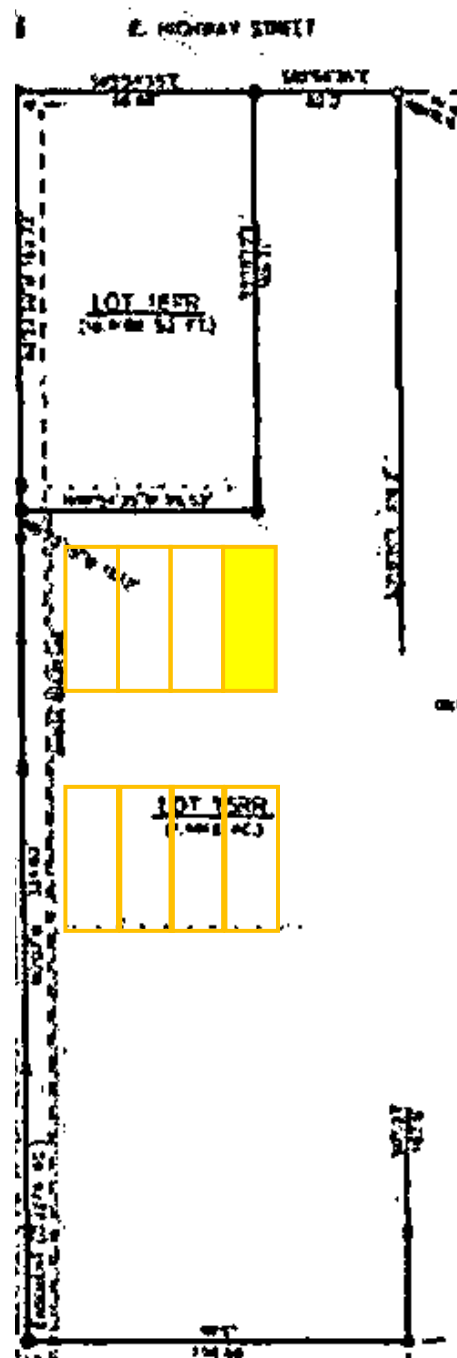
An owner and/or operator seeking to operate a short-term rental may apply for a special exception in the following circumstances, subject to the regulations outlined in section 5.500 of the city zoning ordinance:

- (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).

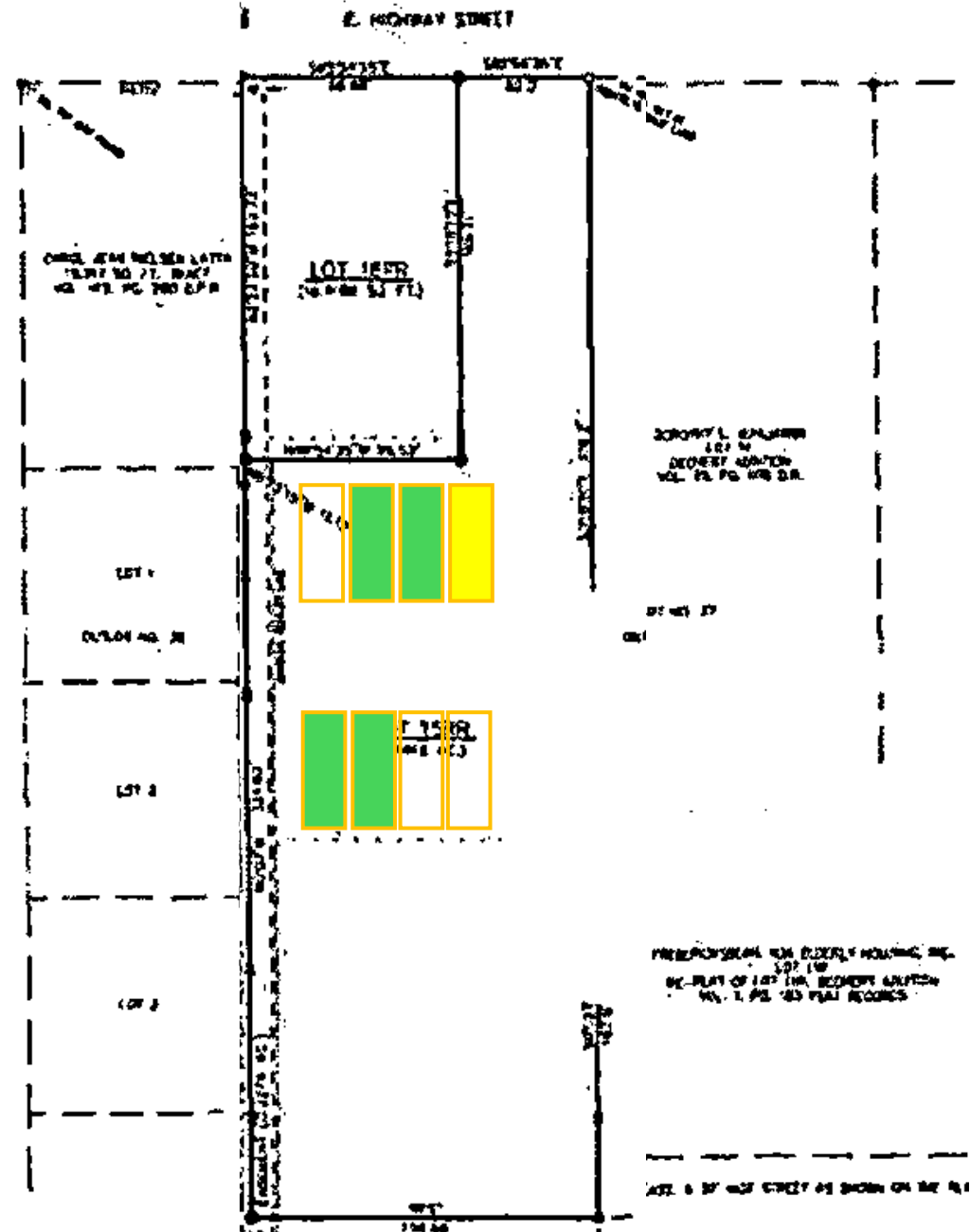


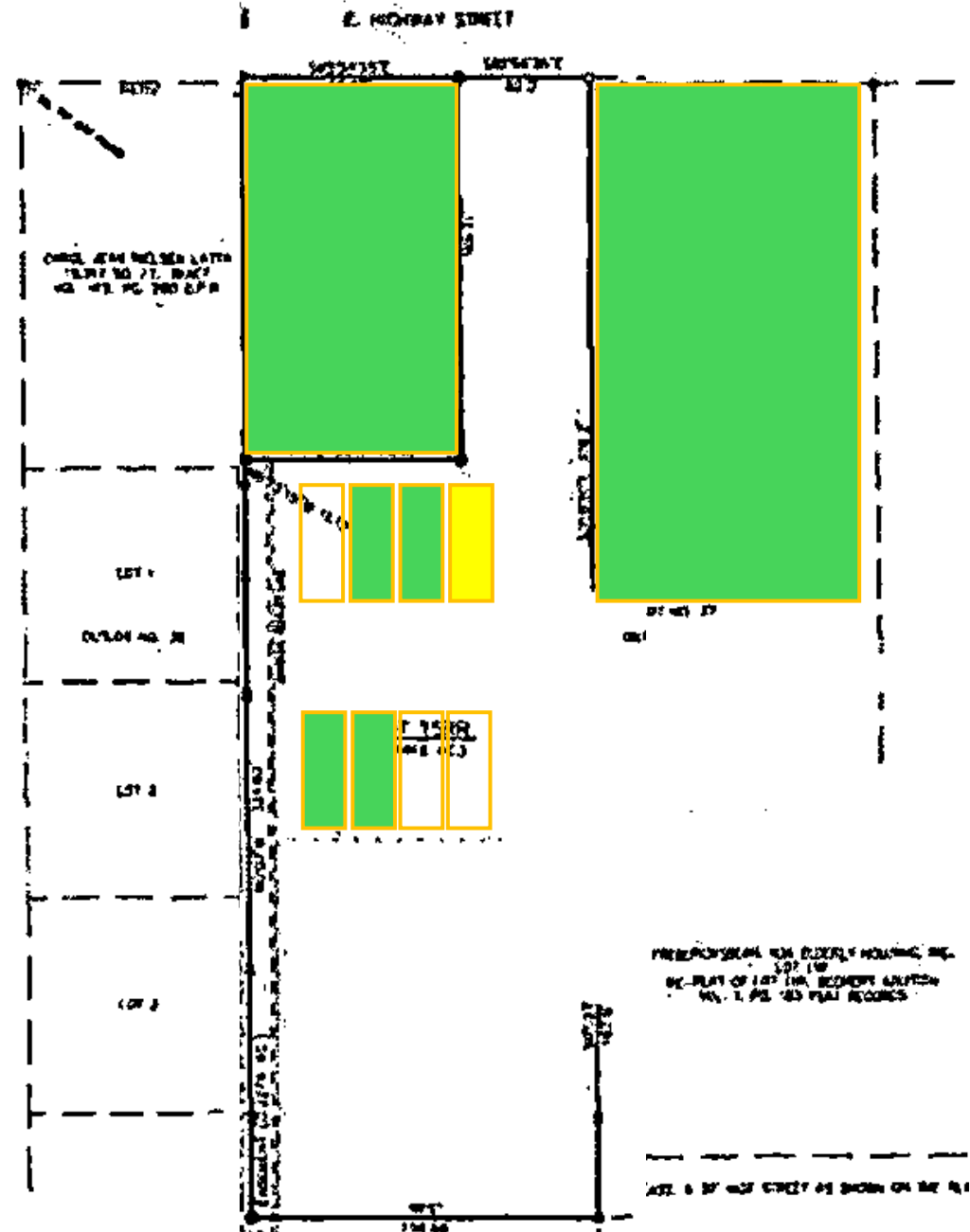














ZONING BOARD OF ADJUSTMENT AGENDA MEMO

DEPARTMENT: Development Services

TO: Zoning Board of Adjustment

FROM:

MEETING DATE: September 16, 2026

CATEGORY: PUBLIC HEARING

CAPTION: **DEV-2026-119-SE:** BY REEH & SCHWING LAW FORM (CURT & MISTY HARLAN) TO CONSIDER A SPECIAL EXCEPTION PER SEC. 5.500 – BOARD OF ADJUSTMENT SUBSECTION A (1) TO ALLOW FOR A STR-UNOCCUPIED PERMIT FOR PROPERTY LOCATED AT 205 W. CREEK STREET, FREDERICKSBURG, TEXAS.

SUMMARY:

The applicant is requesting a Special Exception for property located at 209 North Elk Street to allow for an STR-Unoccupied permit. The property has historically been used as a primary residence and is located in an area that consists of a mix of Single-Family Residential and STR properties.

FINDINGS:

The subject property is 1,198 sq ft lot consisting of a 5,737 sq ft, 3-bedroom single family residential dwelling.

Application Number: 2026-119-SE

Address: 205 W.Creek St.

Size of Lot: 5,737 sq ft

Size of House: 1,198 sq ft

Bedrooms: 3

Parking Spaces: 6 (Staff Estimate)

Zoning: R1, Single-Family Residential

Response to Public Hearing: It is required that a notice of the Public Hearing be sent to property owners who own property within 200 ft of the subject property, notifying them of the Hearing and inviting them to provide feedback. As of September 10, 2026, 2 protest have been received.

When reviewing properties within 200 ft, Staff identified that 9 properties were operating as STR's with an average occupancy of 6 and these properties have been identified on the accompanying 200 ft map. Furthermore, The details of those properties are as follows:

203 W. Creek Street (2-bedroom unit) consists of a 5,233 sq. ft lot / 1,368sq. ft. unit with 1 parking spaces and an occupancy of 4.

208 W. Creek Street (2-bedroom unit) consists of a 1,400 sq. ft lot / 1,400 sq. ft. unit with 2 parking spaces and an occupancy of 5.

206 W. Peach Street (3-bedroom unit) consists of a 7,840 sq. ft lot / 1,344 sq. ft. unit with 4 parking spaces and an occupancy of 6.

212 W. Peach Street (3-bedroom unit) consists of a 7,840 sq. ft lot / 1,400 sq. ft. unit with 3 parking spaces and an occupancy of 6.

208 S. Crockett Street (3-bedroom unit) consists of a 10,528 sq. ft lot / 2,183 sq. ft. unit with 1 parking spaces and an occupancy of 8.

211 S. Crockett Street (3-bedroom unit) consists of a 10,528 sq. ft lot / 2,183 sq. ft. unit with 1 parking spaces and an occupancy of 8.

212 S. Crockett Street (3-bedroom unit) consists of a 10,528 sq. ft lot / 2,183 sq. ft. unit with 1 parking spaces and an occupancy of 8.

214 S. Crockett Street (2-bedroom unit) consists of a 5,000 sq. ft lot / 1,112 sq. ft. unit with 2 parking spaces and an occupancy of 4.

305 S. Crockett Street (3-bedroom unit) consists of a 7,500 sq. ft lot / 1,050 sq. ft. unit with 2 parking spaces and an occupancy of 5.

Sec. 5.500 - Board of Adjustment

in hearing an application for a Special Exception for Short-Term Rental operations, the Board may consider factors such as the following: Staff's response of the considering factors are in **RED**.

1. Whether such operations 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 size of 5,737 sq ft, which is less than the minimum lot size for this zoning district.

2. Whether operations as a Short-Term Rental in the property's zoning district is compatible with the quality of the surrounding area;

Of the 21 properties within 200 ft, 9 are operating as STRs with 12 operating as residences.

3. Whether such operation will substantially impact nearby streets, including whether the property provides only limited off-street parking;

The property provides off-street parking with one driveway off of W. Creek Street. The driveway is approximately 12 ft wide and 36 ft long and has access to a 1-car garage. TThe property appears to have the ability to accommodate 2-3 off-street parking spaces.

4. Which type of Short-Term Rental, as defined in Section 20-220, the applicant seeks to operate;

The applicant is requesting an STR-Unoccupied permit for the 3-bedroom unit with an occupancy of 8.

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;

Staff found no record of violations for the property.

6. Whether operation with the terms of the Special Exception will adversely impact the residential quality of the surrounding neighborhood;

Staff evaluated the surrounding properties that consisted of multiple STR properties and single-family residences. In evaluating the map, the 200-foot range shows 21 properties that could be considered in the evaluation of the property. In evaluating the properties, it appears that 20 properties could potentially be impacted. The 20 properties consist of 12 residential and 9 STR unoccupied.

7. Whether any properties located within a 200-foot radius of the property are operating with public or private primary or secondary educational facility uses; and

No properties within 200 ft are operating as an education facility.

8. Specific property characteristics of the Short-Term Rental, like lot size or large square footage of the structure.

The neighborhood consists of a wide variety of lot and residence sizes with the subject property itself placed on a interior lot with a lot size of 5,737 sq ft and the residence is 1,198 sq ft.

STAFF RECOMMENDATION:

The property is located within a location that has several STR properties. Of the 9 STRS located in the neighborhood, 2 have an occupancy of 4, 2 an occupancy of 5, 2 an occupancy of 6 and 3 an occupancy of 8, creating an average occupancy of 6. The property consists of a 1,198 sq ft house that consists of 3 bedrooms. The property provides 2-3 parking spaces on a 5,737 sq ft lot.

ATTACHMENTS:

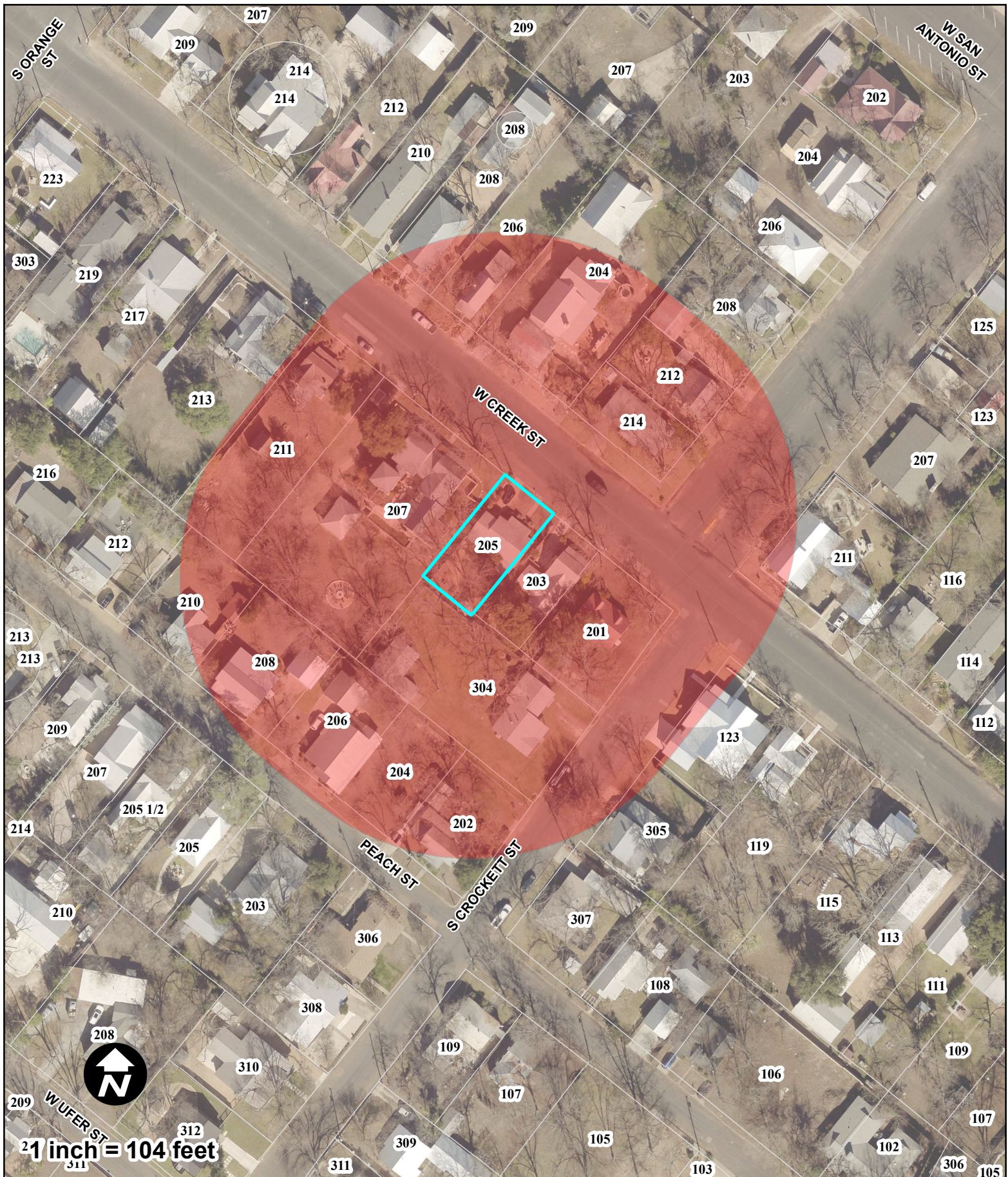
1. 205 W Creek St Notification Map
2. 205 W Creek Zoning Map
3. GIS map with occupancy limits
4. 205 W Creek - Application For Packet
5. PROTEST - STENBERG - 205 W CREEK_Redacted
6. PROTEST - O'NEILL - 205 W CREEK_Redacted

APPROVAL/REVIEW:



Cliff Cross, Director of Development Services

Date: September 10, 2026



City of Fredericksburg
DEV-2026-119-SE - 205 W. Creek St.

LEGEND

- 200' Notification Buffer
- GCAD Parcels



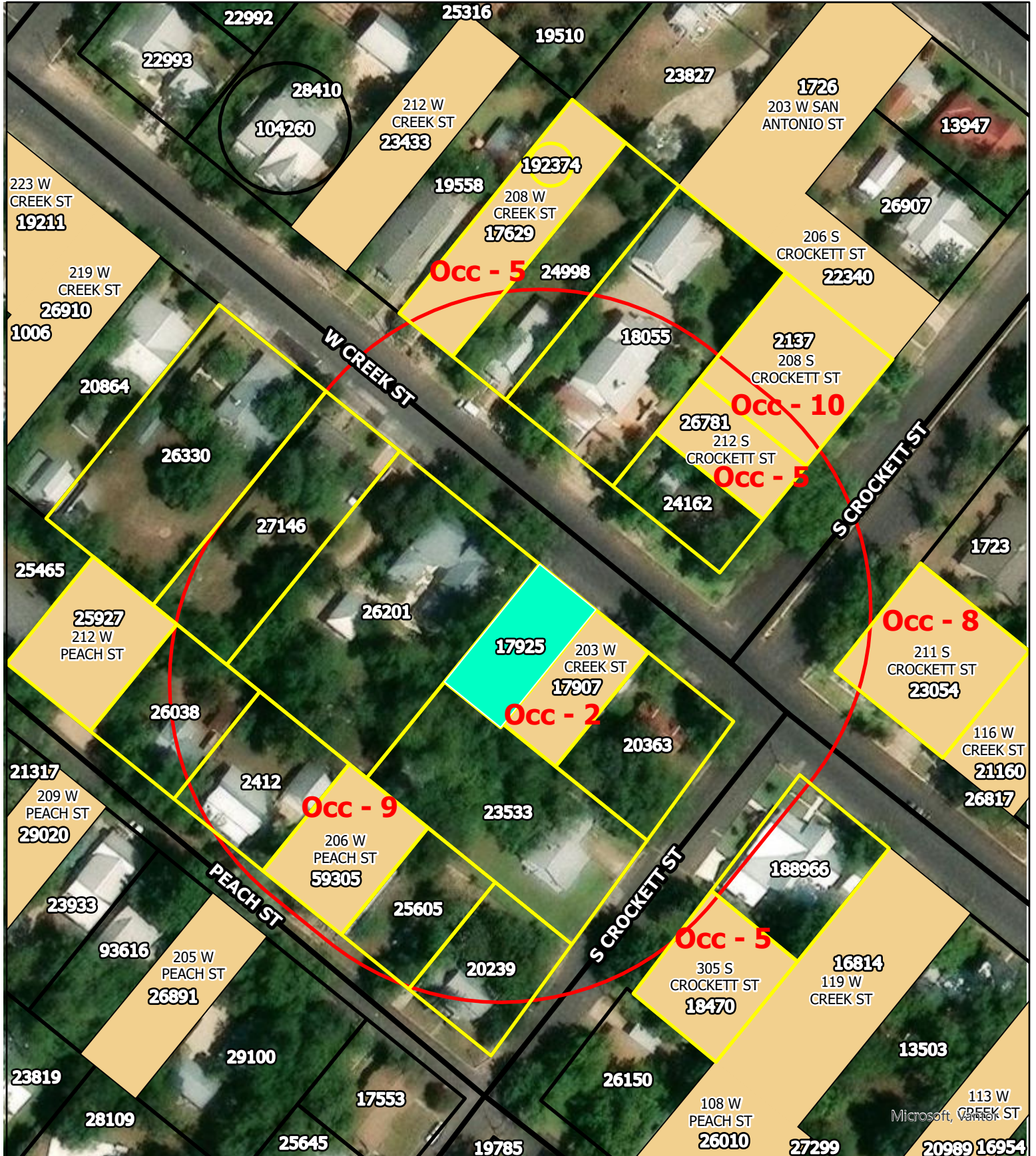
LEGEND

	GCAD Parcels		PF - Public Facilities
Zoning			PUD - Planned Unit Development
ZONED			R1 - Single Family Residential
	C1 - Neighborhood Commercial		R1A - Single Family Residential - Small Lot
	C1.5 - Medium Commercial		R2 - Mixed Residential
	C2 - Commercial		R3 - Multi-Family Residential
	CBD - Central Business District		R4 - Manufactured Home Residential
	M1 - Light Manufacturing		R5 - Patio Home Residential
	M2 - Medium Manufacturing		
	M3 - Industrial Park		
	OS - Open Space		



City of Fredericksburg
DEV-2026-119 - SE
205 W. Creek St.

Short Term Rental Parcel Report



- GCAD Parcel
- GCAD Road
- STR Parcel
- Buffer Zone
- Parcels within 200 feet
- Target STR Parcel



WELSLEY K. REEH
Attorney at Law
wreeh@reehandschwinglaw.com
Reeh & Schwing Law Firm, PLLC

ROBERT "BRITT" SCHWING
Attorney at Law
rschwing@reehandschwinglaw.com
Reeh & Schwing Law Firm, PLLC

June 30, 2026

Received 8/6/26
JHM

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

Clinton Bailey, City Manager
Cliff Cross, Director of Development Services
Zoning Board of Adjustment
126 West Main Street
Fredericksburg, TX 78624

Re: Application for a Special Exception for 205 W. Creek Street, Fredericksburg, TX 78624

To Whom it May Concern:

This office represents Curt and Misty Harlan, as the property owners of the property located at 205 W. Creek Street, Fredericksburg, Texas 78624 (the "Property") and is filing this Application for Special Exception.

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 Application for Special Exception.[**Exhibit—1**]

The facts that give rise to this application for special exception stem from Curt and Misty Harlan, 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 properties were operating as short-term rentals. Shortly after purchasing this Property, an STR permit was obtained where they successfully operated as a STR many years as 'Better Than Therapy' short-term rental. 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, and to that end it is my opinion that this Property falls squarely within the special exception from the Zoning Board of Adjustment for STR-unoccupied in R-2 district.

a. A Special Exception is Available for this Property

There are a total number six (6) properties surrounding 205 W. Creek Street, Fredericksburg, Texas 78624, all of which within a 200 ft radius of the other, of those two (2) of them directly touch the lot line of the Property, as outlined below:

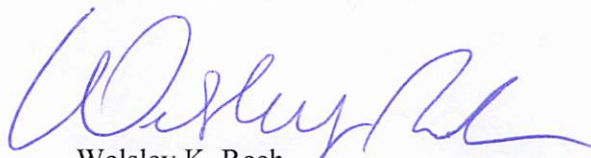
203 W. Creek Street, has a STR Permit No. 8056001428
210 W. Creek Street (unconfirmed)
206 W Peach Street, has a STR Permit No. 8056001565
214 S. Crockett Street (unconfirmed), STR Permit No. 8052200069
211 S. Crockett Street, has a STR Permit No. 8056001409
311 W. Creek Street, has a STR Permit No. 8056002076

In short, the subject Property is effectively surrounded by STRs and meets the standards of Section 20-223 and 5.500 (a)(1) for a Special Exception.

In conclusion, this Property should be qualified for a special exception from the Zoning Board of Adjustment for STR-unoccupied in R-2 district, as allowed by the 2023 and 2024 STR ordinance, in order to regain their investment and retirement plan together.

Sincerely,

REEH & SCHWING LAW FIRM



Welsley K. Reeh
TX Bar 24107960

EXHIBIT 2

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

Fredericksburg 000209

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.

Fredericksburg 000210

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.

Fredericksburg 000212

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.

Fredericksburg 000213

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.

Fredericksburg 000214

- 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.**

Fredericksburg 000215

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.

Fredericksburg 000216

- 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

Fredericksburg 000217

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.**

Fredericksburg 000218

- (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;

Fredericksburg 000219

- (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.

Fredericksburg 000220

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.

Fredericksburg 000221

- (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.

Fredericksburg 000222

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.

Fredericksburg 000223

- (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.

Fredericksburg 000224

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."

Fredericksburg 000225

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);**

Fredericksburg 000226

- (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.

Fredericksburg 000227

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:

Fredericksburg 000228

"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:

Fredericksburg 000229

"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."

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

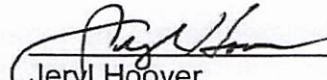
The City Secretary is hereby directed to publish the caption and penalty clause of this Ordinance in the official newspaper of the City as required by Section 3.12 of Article III of the Charter of the City of Fredericksburg.

Fredericksburg 000231

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.

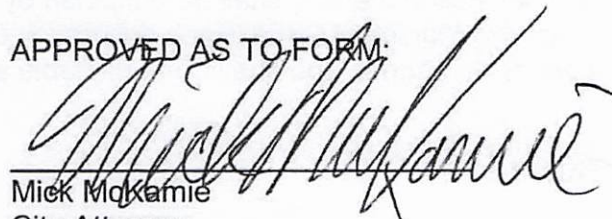
PRESENTED AND PASSED this 7th day of November, 2023, at a regular meeting of the City Council of the City of Fredericksburg, Texas.


Jeryl Hoover
Mayor

ATTEST


Shelley Goodwin
City Secretary, TRMC/CMC

APPROVED AS TO FORM:


Mick McKemie
City Attorney

Published in the Fredericksburg Standard on Wednesday, November 15, 2023.

Fredericksburg 000232

Citizen Comments for September 16, 2026 Zoning Board of Adjustment Meeting

From Mike Stenberg [REDACTED]
Date Wed 9/9/2026 6:52 PM
To Jan Musgrove <jmusgrove@fbgtx.org>

Hi, Jan -

I am writing to provide comments for the September 16, 2026 Zoning Board of Adjustment meeting. Specifically, my comments relate to the request for an STR-Unoccupied permit for 205 West Creek Street (DEV-2026-119-SE).

I live next door to the subject property and was surprised to hear that the STR permit for this property expired in 2024 since it continues to operate as an STR to this day.

The city ordinance is clear on what happens when a non-conforming use is voluntarily discontinued: "any future use of such land or portion thereof shall be in conformity with the regulations of the district in which such land or portion thereof is located". An owner failing to renew a permit meets the definition of "voluntarily discontinued"; their permit expired and they did not act to renew it by the deadline.

By choosing to operate a business in the city limits, owners agree to abide by city ordinances. An STR is a business. Failing to abide by ordinances means owners face the consequences of non-compliance, in this case an STR losing their permit.

The City Council has already denied the applicant's request for a new permit. I urge the Zoning Board of Adjustment to do the same: if the ZBA doesn't enforce the ordinance as written, I question both the legitimacy of the ordinance and the value of the ZBA. If "I forgot..." or "I didn't realize..." are considered valid reasons for exceptions, what's to stop other owners from claiming ignorance every time they disregard an ordinance?

Special Exception request for 205 West Creek

From Kathleen O'Neill [REDACTED]

Date Thu 9/10/2026 1:27 PM

To Jan Musgrove <jmusgrove@fbgtx.org>

To the Zoning Board of Adjustment:

This letter is sent to protest the issuance of a permit to operate the property at 205 West Creek as a Short Term Rental (STR). In late 2024, the owners Curt and Misty Harlan, failed to renew their STR permit. In February 2025, they appealed the loss of permit to the City Council which denied their request. Mayor Hoover stated in effect that this STR was a business and the owners were responsible for ensuring they met all the requirements regarding their permit, including timely renewal.

The Harlans may argue that there was a glitch in the City's permit renewal system and that they had a hard time getting the renewal through. If this argument is found to have merit, then any one can use it to operate an STR without a permit, and there was no evidence presented to the Council that other STR owners, who might have been renewing at that time, did not get their permit because of a glitch. As business owners, the Harlans dropped the ball and lost their STR permit.

Regardless, the Harlans have been operating this STR without a permit for nearly two years, and over 1 and 1/2 years since denial by the City Council. 205 West Creek, as of this date, still can be found on the Airbnb site advertising the property as a short term rental open for business. I believe this to be a knowing violation of the City STR ordinance and clear violation of the City's denial of their permit.

As an aside, any permit on this property is illegal in that it violates the requirement that the STR owner provide off street parking for every bedroom in the house. 205 West Creek contains three (3) bedrooms, requiring 3 off street parking spaces. It has only two (2) such parking spaces.

In light of all these violations of City ordinances which were designed to protect both the business owner and the neighbors, I request that you find the owners lack eligibility to operate an STR at 205 West Creek, and deny their request for an exception.

Thank you,
Kathy O'Neill
211 West Creek
Fredericksburg, TX



ZONING BOARD OF ADJUSTMENT AGENDA MEMO

DEPARTMENT: Development Services

TO: Zoning Board of Adjustment

FROM:

MEETING DATE: September 16, 2026

CATEGORY: PUBLIC HEARING

CAPTION: **DEV-2026-124-ZVAR:** BY HOMINICK HOMES (AARON HOMINICK) TO CONSIDER 3 VARIANCES PER SEC. 5.600 "VARIANCE PROCEDURE" FOR PROPERTY LOCATED AT 601 N LLANO STREET, FREDERICKSBURG, TEXAS.

THE APPLICANT IS REQUESTING A TWENTY (20) FOOT STREET SIDE YARD SETBACK TO THE UNDERLYING C-1, NEIGHBORHOOD COMMERCIAL REQUIRED TWENTY-FIVE (25) FOOT SETBACK PER SECTION 3.200 OF THE ZONING ORDINANCE.

THE APPLICANT IS REQUESTING RELIEF FROM THE PROVISIONS OF SECTION 3.200, OF THE ZONING ORDINANCE, REQUIRING MINIMUM LOT SIZE REQUIREMENTS OF 7,500 SQUARE FEET WITHIN THE C-1, NEIGHBORHOOD COMMERCIAL DISTRICT.

THE APPLICANT IS REQUESTING RELIEF FROM THE PROVISIONS OF SECTION 7.860, OF THE ZONING ORDINANCE, PROHIBITING THE ESTABLISHMENT OF MORE THAN ONE ACCESS POINT WITHIN 200 FEET OF LINEAL FRONTAGE.

SUMMARY:

The applicant is requesting 3 separate considerations pertaining to variance requests for the property commonly known as 601 N Llano Street. Specifically, the applicant is requesting a variance to minimum lot building standards, side yard setback requirements and access point requirements to accommodate the construction of an approximate 836 square foot accessory structure in the rear yard of the property. The variance requests are as follows:

- 1) Reduction of the required 25' side yard setback to 20'
- 2) Ability to construct an accessory building on a non-buildable lot less than 2,500 square feet
- 3) Relief to construct a secondary access point on College Street for the property

FINDINGS:

Sec. 3.200. C-1: NEIGHBORHOOD COMMERCIAL

Site Development Regulations

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

Feature	Regulation

Lot Size	Minimum Lot Area, 7500 Square feet
Lot Width	Minimum Lot Width, 70 feet
Height	Maximum Building Height, 3 stories, 38 feet
Front Yard	Minimum Required Setback, 25 feet
Street Side Yard	Minimum Required Setback, 25 feet
Interior Side Yard	Minimum Required Setback, 5 feet; or 10 feet when abutting residential zoning districts; or 15 feet for 2 story structures, when abutting residential zoning districts
Rear Yard	Minimum Required Setback, 10 feet; or 15 feet when abutting residential zoning districts; or 25 feet for 2 or more stories, when abutting residential zoning districts
Maximum Impervious Coverage	70%
Maximum Building Coverage	Percent of Lot Area, 50%
Residential Density	Section 3.110
Nonconforming Uses	Section 6.100
Site Development Regulations	Section 7.000
Special Yard Regulations	Section 7.300
Fences, Walls and Visibility	Section 7.530

Parking	Section 7.800
Landscaping and Screening Regulations	Section 7.900
Temporary/Accessory Building	Section 8.000
Signs	Sign Ordinance
Outdoor Amplified Sound	Prohibited when abutting R-1, R-1-A, or R5

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

Sec. 7.860. Design Standards.

Access Standards.

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

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

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

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

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

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

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

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.

Response to Public Hearing: It is required that a notice of the Public Hearing be sent to property owners who own property within 200 ft of the subject property, notifying them of the Hearing and inviting them to provide feedback. As of September 10, 2026, 1 protest has been received.

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. 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.

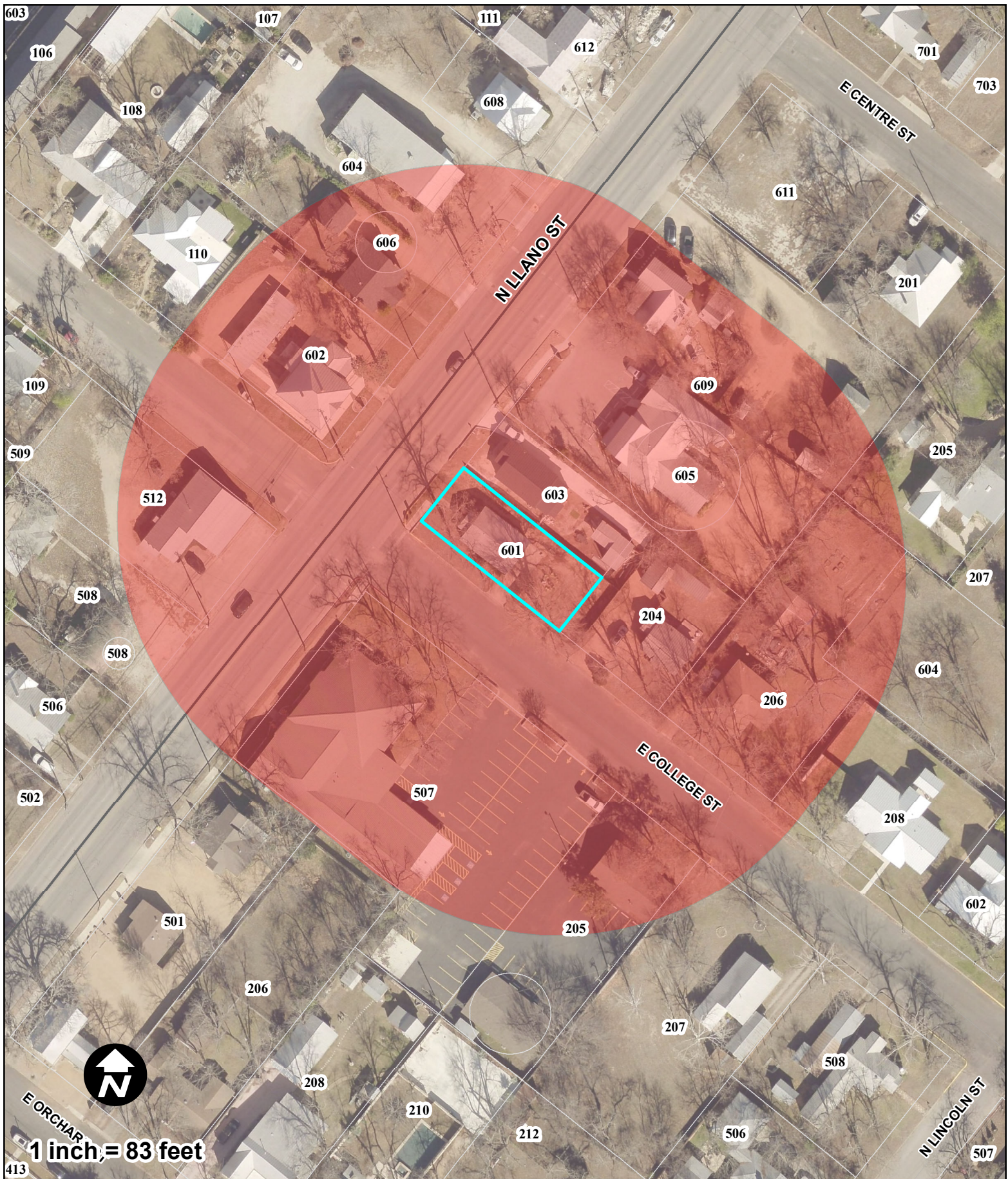
ATTACHMENTS:

1. 601 N Llano Notification Map
2. 601 N Llano Zoning Map
3. DEV-2026-124-SVAR-601 N Llano - screen shot add to application
4. DEV-2026-124-SVAR-601 n llano survey
5. DEV-2026-124-SVAR-6650-00-model8
6. DEV-2026-124-SVAR-6650-00-model12
7. PROTEST - NEVELS - 601 N LLANO_Redacted

APPROVAL/REVIEW:

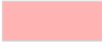
Cliff Cross, Director of Development Services

Date: September 10, 2026

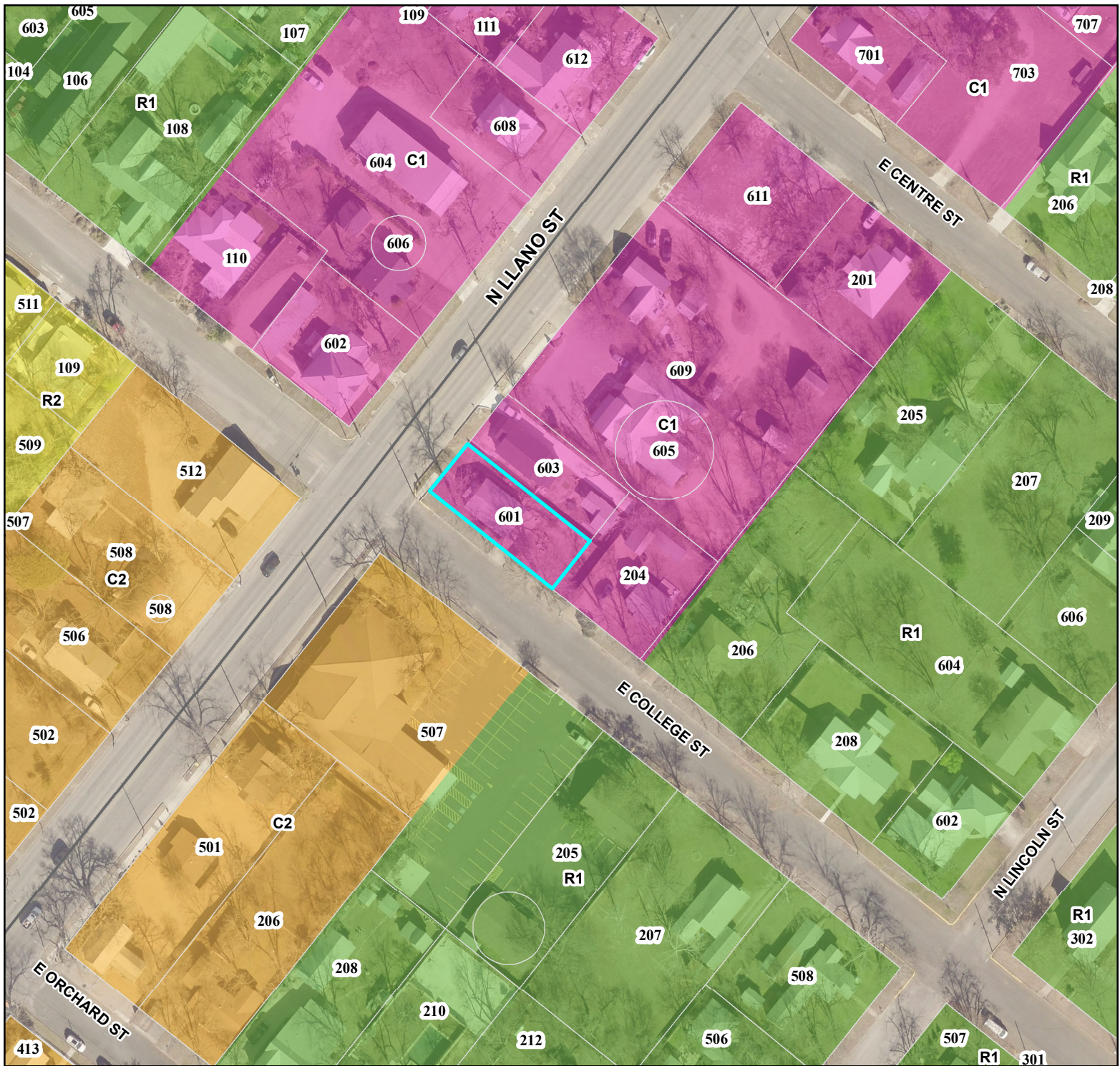


1 inch = 83 feet

LEGEND

- | | |
|--|--------------------------|
|  | 200' Notification Buffer |
|  | GCAD Parcels |

City of Fredericksburg
DEV-2026-124-ZVAR - 601 N. Llano St.



LEGEND

GCAD Parcels

Zoning

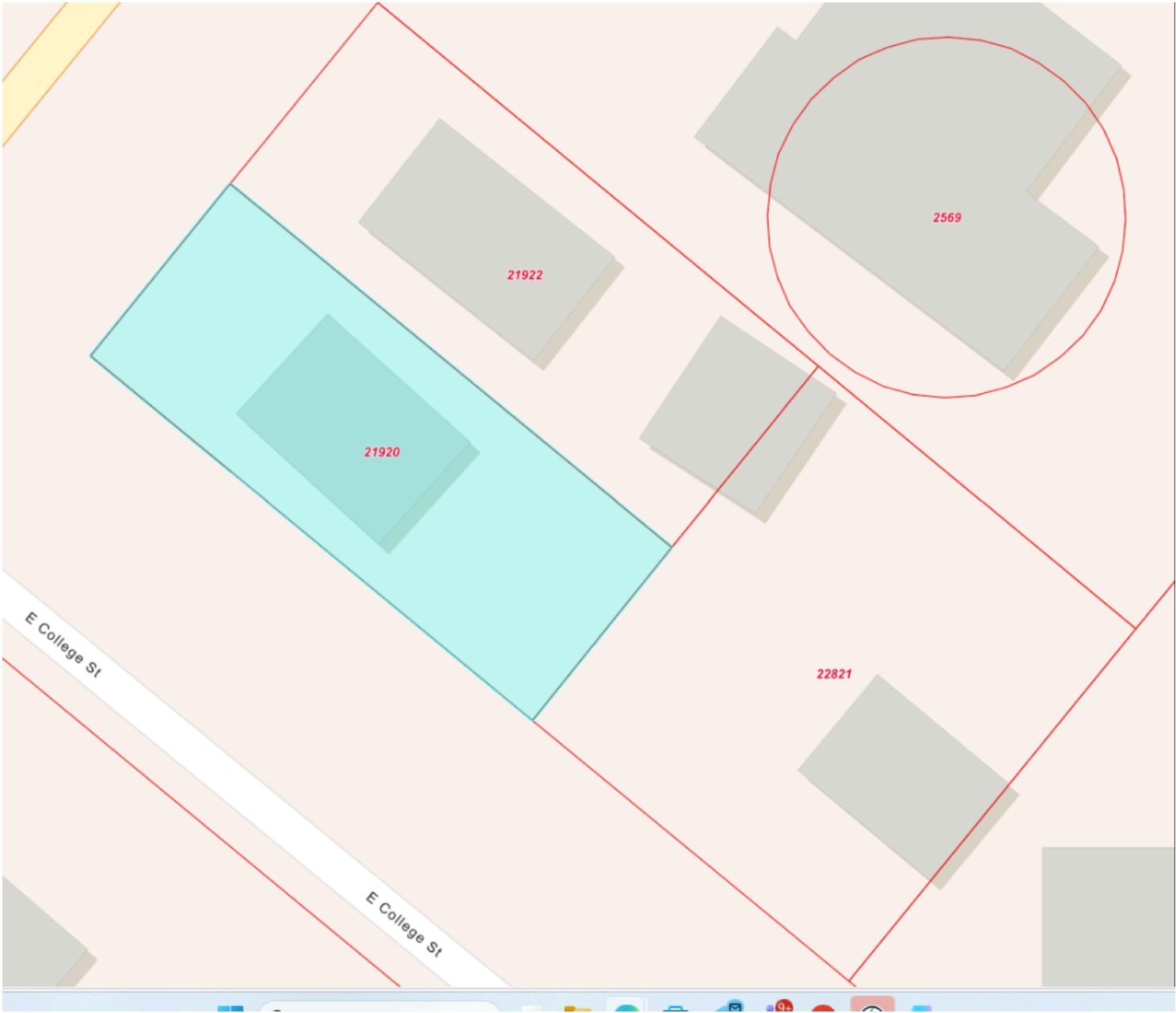
ZONED

- 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-2026-124 - ZVAR
601 N Llano St.



SURVEY MAP SHOWING
A 6710 SQUARE FOOT TRACT OF LAND SITUATED IN
THE CITY OF FREDERICKSBURG, GILLESPIE COUNTY, TEXAS,
BEING PART OF LOT NO. 1, BLOCK B, AUGUST J. HAHNE
ADDITION, PLAT FOUND OF RECORD IN VOLUME 15, PAGE 627
OF THE DEED RECORDS OF GILLESPIE COUNTY, TEXAS.

SURVEY MADE AT THE REQUEST OF
JAMES P. BRICE

BEING THAT 8710 SQUARE FOOT TRACT OF LAND DESCRIBED IN A
CONVEYANCE TO JAMES P. BRICE BY RONNIE G. REEH, DATED
SEPTEMBER 6, 2006, FOUND OF RECORD IN INSTRUMENT #20065402
OF THE OFFICIAL PUBLIC RECORDS OF GILLESPIE COUNTY, TEXAS.

BORROWER/PROPERTY ADDRESS
JAMES P. BRICE
601 N. LLANO STREET
FREDERICKSBURG, TEXAS 78624

DEFINED EASEMENTS AS LISTED IN HILL COUNTRY
TITLES, INC., COMMITMENT FOR TITLE INSURANCE,
G.F. NO. 207-1136, ISSUED DECEMBER 5, 2007,
ARE SHOWN HEREON.

I HEREBY CERTIFY THAT THIS PLAT AND ACCOMPANYING FIELD
NOTES REPRESENT A SURVEY MADE ON THE GROUND UNDER
MY SUPERVISION AND THAT THERE ARE NO INTRUSIONS OR
PROTRUSIONS OF IMPROVEMENTS ACROSS BOUNDARY LINES,
VISIBLE OR APPARENT ON THE GROUND, EXCEPT AS SHOWN
HEREON.

SURVEYED AUGUST 28, 2005
UPDATED DECEMBER 14, 2007

CAREY BONN
REG. PROF. LAND SURVEYOR NO. 4447



SURVEY REVIEWED AND ACCEPTED BY

James P. Brice

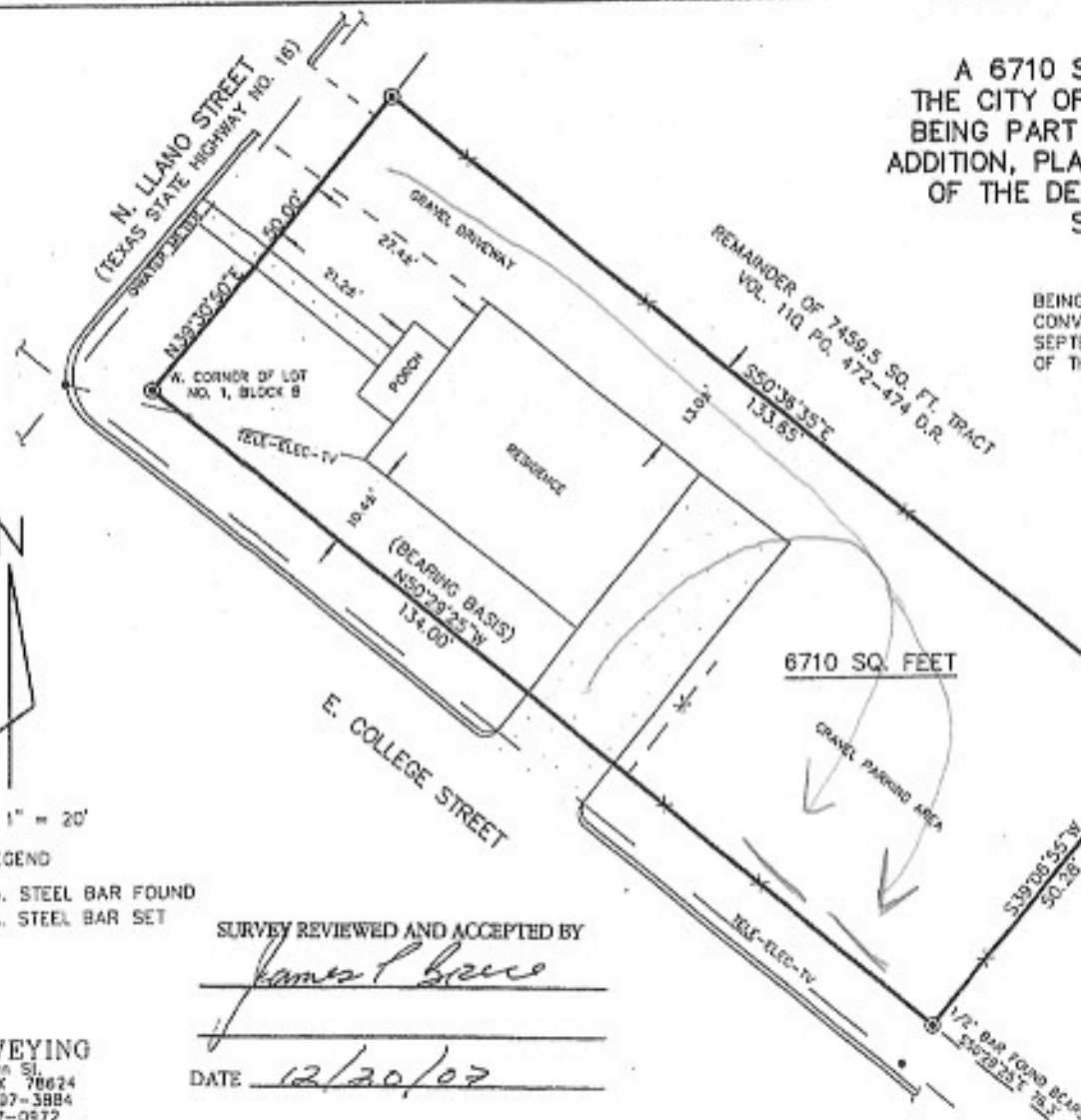
DATE 12/20/07

BONN SURVEYING
503 Longhorn St.
Fredericksburg, TX 78624
Phone : 830-997-3984
Fax : 830-997-0972

SCALE 1" = 20'

LEGEND

- 1/2" DIA. STEEL BAR FOUND
- ⊙ 1/2" DIA. STEEL BAR SET
- × FENCE



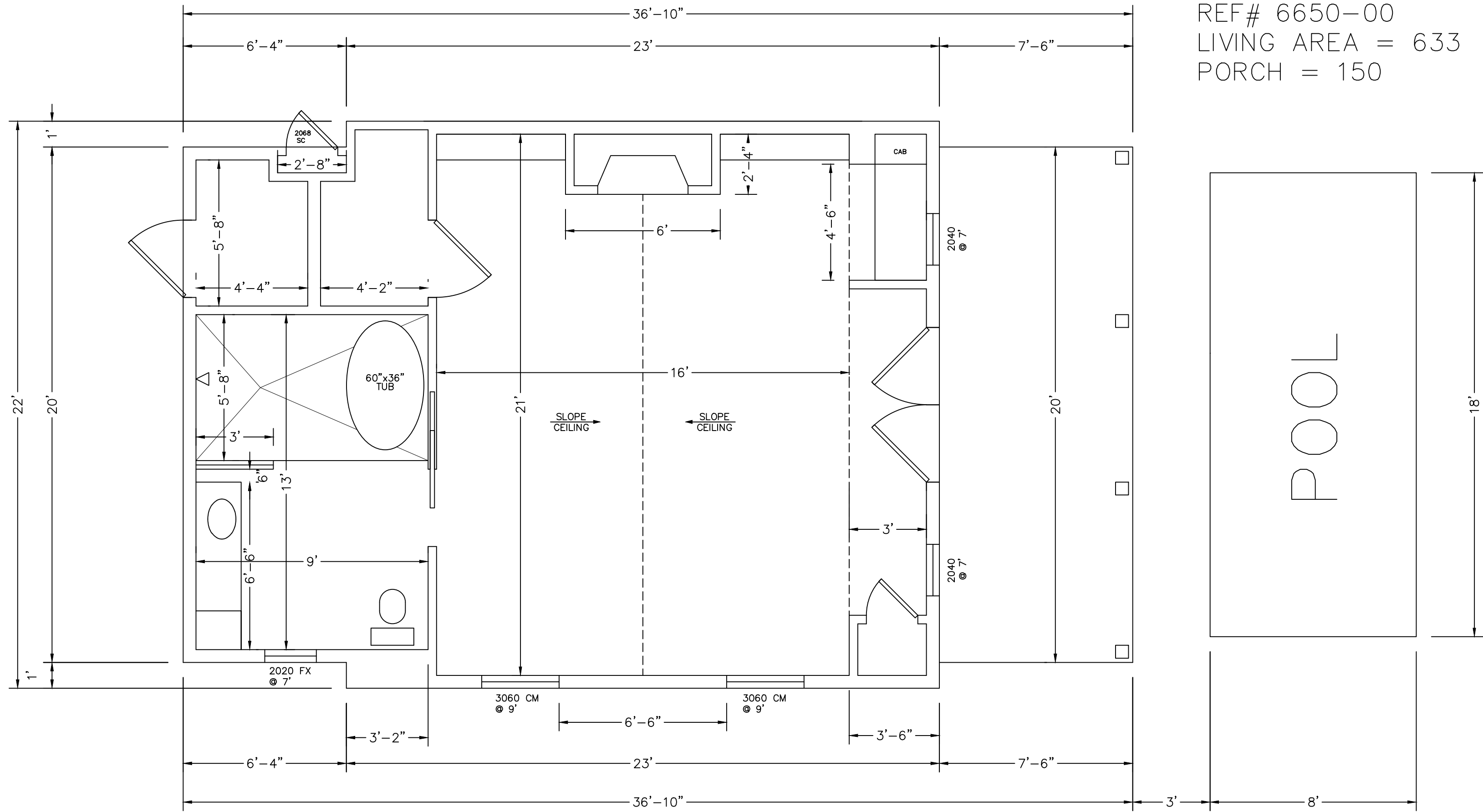


(210)658-9726
REF. #6650-00

COPYRIGHT 19 BRIAN SMITH DESIGNERS

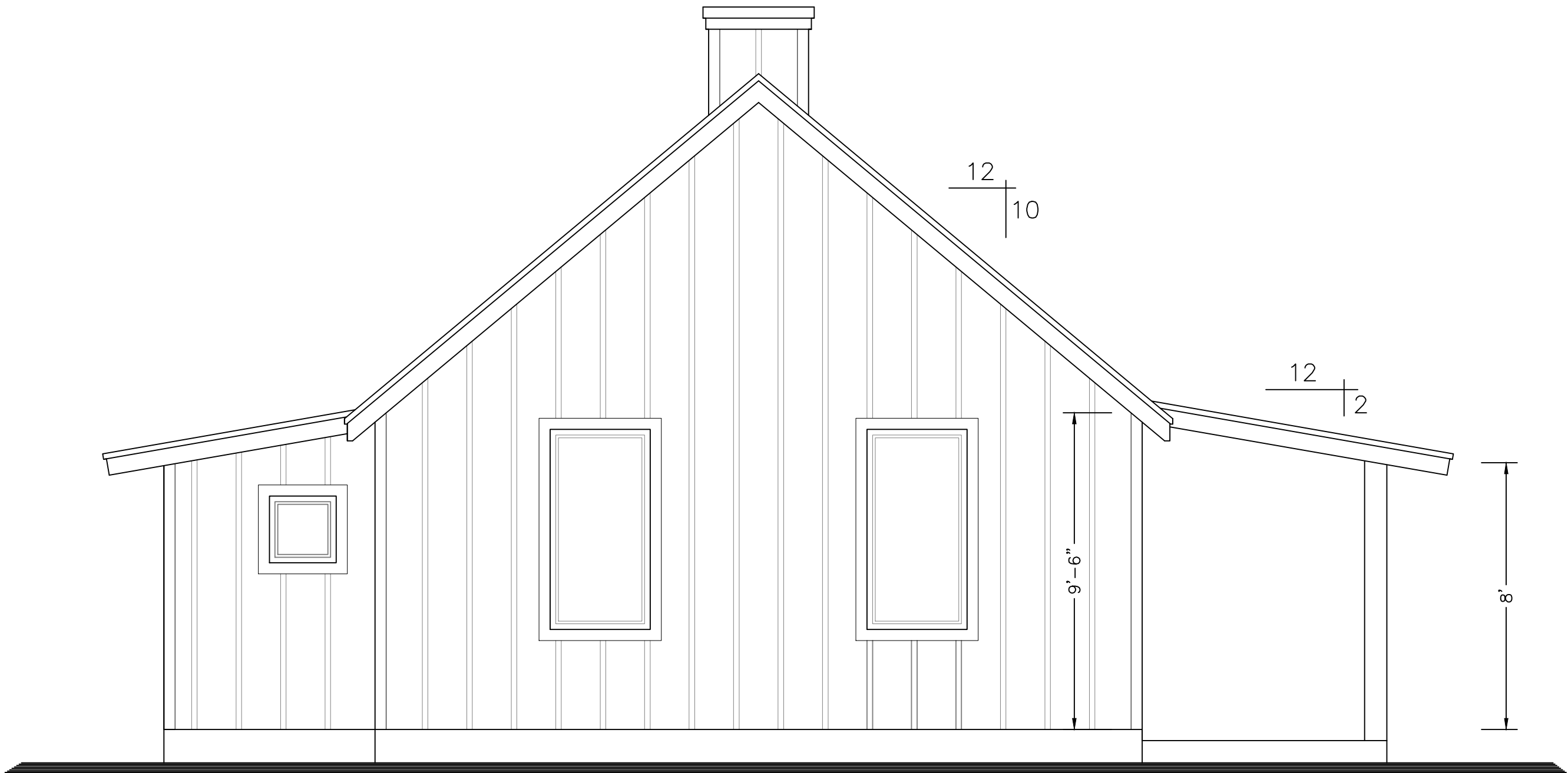
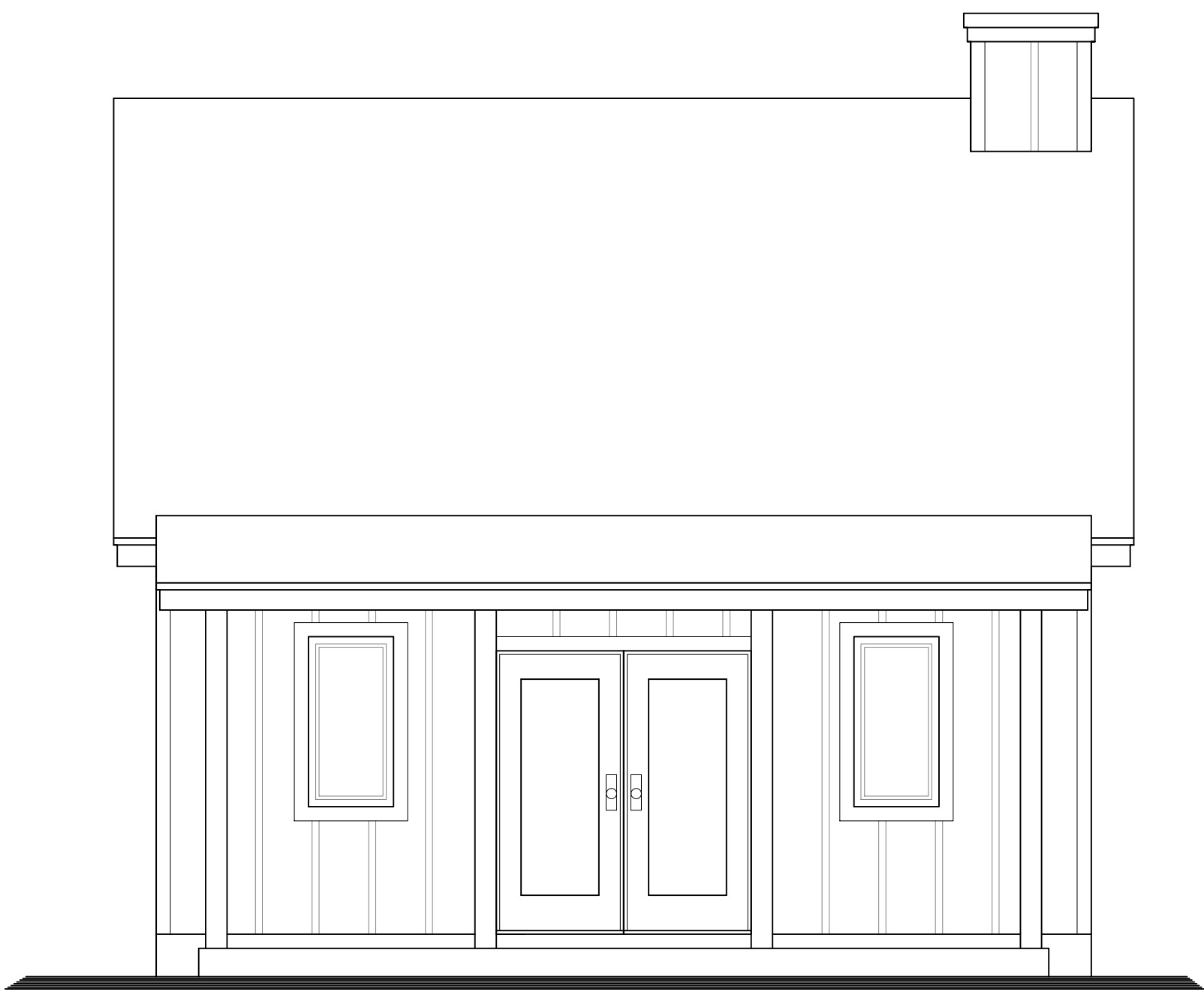
DRAWINGS, PLANS AND SKETCHES ARE THE PROPERTY OF BRIAN SMITH DESIGNERS. PURCHASER'S RIGHT IS CONDITIONAL AND LIMITED TO A ONE TIME USE TO CONSTRUCT A SINGLE PROJECT. PRELIMINARY SKETCHES ARE PROHIBITED AS CONSTRUCTION DRAWINGS. UNAUTHORIZED USE OR REPRODUCTION OF THESE PLANS AND SKETCHES ARE STRICTLY PROHIBITED. VIOLATORS WILL BE PROSECUTED.

HOMINICK CUSTOM HOMES
REF# 6650-00
LIVING AREA = 633
PORCH = 150



FLOOR PLAN

1/4" = 1'-0"



If you wish to comment on the request, please detach the response form below and return it to the City of Fredericksburg, 2818 East U.S. Highway 290, Fredericksburg, TX 78624. All protests must be submitted in writing or email jmusgrove@fbgtx.org before 2PM on September 16th, 2026.

VARIANCE NO: DEV-2026-124-ZVAR (601 N. LLANO STREET)

As an interested property owner, I ☒ (Protest) ☐ (Approve) the requested Variance represented by the above file number because:

Decreasing the current setback would decrease the visibility of traffic from College Street trying to safely enter the Llano Highway.
The intersection is already difficult to navigate with the increasing traffic on both streets.

Signature

Date

Printed Name

Address