

ORDINANCE NO. 2022-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, AMENDING APPENDIX B - ZONING ORDINANCE, OF THE CODE OF ORDINANCES; TO AMEND THE CITY'S DEVELOPMENT AND LAND USE REGULATIONS IN MULTIPLE ZONING DISTRICTS ACROSS THE CITY, INCLUDING BUT NOT LIMITED TO, DEVELOPMENT STANDARDS, SHORT-TERM RENTAL USES AND REGULATIONS, PARKING REQUIREMENTS, LAND USE CHARTS, DEFINITIONS, IMPERVIOUS COVER, AND SET BACK REQUIREMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an application for a text amendments of the Zoning Ordinance, related to development and land use regulations in multiple zoning districts across the City, including but not limited to, development standards, short-term rental use regulations, and parking requirements in the City, has been initiated by motion of the City Council; and

WHEREAS, public hearings before the Planning and Zoning Commission and the City Council of the City of Fredericksburg have been duly noticed and held regarding such application, as required by the City of Fredericksburg Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission has determined that such text amendments are in conformity with the uses established by the Comprehensive Land Use Plan of the City of Fredericksburg and are consistent with the objectives of the City of Fredericksburg Zoning Ordinance, and has recommended to the City Council of the City of Fredericksburg that the text amendments be approved; and

WHEREAS, the City Council has specifically found, following public hearing, that such text amendments are consistent with the objectives of the City of Fredericksburg Zoning Ordinance and Comprehensive Land Use Plan of the City of Fredericksburg, and there has not been a protest against rezoning signed by owners of twenty per cent (20%) or more either of the area of the property included in the zoning text amendment, or of the area of the property immediately adjoining the same and extending two hundred feet (200') therefrom.

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

Section 1. That, Section 2.100 of Appendix B - Zoning Ordinance, of the Code of Ordinances, is hereby amended to read as set forth in Exhibit "A", a copy of which is attached hereto and incorporated herein by reference.

Section 2. That, Section 3.100 of Appendix B - Zoning Ordinance, of the Code of Ordinances,

is hereby amended to read as set forth in Exhibit "B", a copy of which is attached hereto and incorporated herein by reference.

Section 3. That, Section 3.110 of Appendix B - Zoning Ordinance, of the Code of Ordinances, is hereby amended to read as set forth in Exhibit "C", a copy of which is attached hereto and incorporated herein by reference.

Section 4. That, Section 3.120 of Appendix B - Zoning Ordinance, of the Code of Ordinances, is hereby amended to read as set forth in Exhibit "D", a copy of which is attached hereto and incorporated herein by reference.

Section 5. That, Section 3.200 of Appendix B - Zoning Ordinance, of the Code of Ordinances, is hereby amended to read as set forth in Exhibit "E", a copy of which is attached hereto and incorporated herein by reference.

Section 6. That, Section 3.205 of Appendix B - Zoning Ordinance, of the Code of Ordinances, is hereby amended to read as set forth in Exhibit "F", a copy of which is attached hereto and incorporated herein by reference.

Section 7. That, Section 3.210 of Appendix B - Zoning Ordinance, of the Code of Ordinances, is hereby amended to read as set forth in Exhibit "G", a copy of which is attached hereto and incorporated herein by reference.

Section 8. That, Section 3.220 of Appendix B - Zoning Ordinance, of the Code of Ordinances, is hereby amended to read as set forth in Exhibit "H", a copy of which is attached hereto and incorporated herein by reference.

Section 9. That, Section 3.500 of Appendix B - Zoning Ordinance, of the Code of Ordinances, is hereby amended to read as set forth in Exhibit "I", a copy of which is attached hereto and incorporated herein by reference.

Section 10. That, Section 3.510 of Appendix B - Zoning Ordinance, of the Code of Ordinances, is hereby amended to read as set forth in Exhibit "J", a copy of which is attached hereto and incorporated herein by reference.

Section 11. That, Section 3.800 of Appendix B - Zoning Ordinance, of the Code of Ordinances, is hereby amended to read as set forth in Exhibit "K", a copy of which is attached hereto and incorporated herein by reference.

Section 12. That, Section 3.810 of Appendix B - Zoning Ordinance, of the Code of Ordinances, is hereby amended to read as set forth in Exhibit "L", a copy of which is attached hereto and incorporated herein by reference.

Section 13. That, Section 4.400 of Appendix B - Zoning Ordinance, of the Code of Ordinances, is hereby deleted in its entirety.

Section 14. That, Section 5.401 of Appendix B - Zoning Ordinance, of the Code of Ordinances, is amended by deletion of the existing Section 5.401 in its entirety, and the text set forth in Exhibit "M" is substituted therefore, a copy of said Exhibit "M" being attached hereto and incorporated herein by reference.

Section 15. That, Section 6.110 of Appendix B - Zoning Ordinance, of the Code of Ordinances, is hereby amended to read as set forth in Exhibit "N", a copy of which is attached hereto and incorporated herein by reference.

Section 16. That, Section 7.320 of Appendix B - Zoning Ordinance, of the Code of Ordinances, is hereby amended to read as set forth in Exhibit "O", a copy of which is attached hereto and incorporated herein by reference.

Section 17. That, Section 7.330 of Appendix B - Zoning Ordinance, of the Code of Ordinances, is hereby amended to read as set forth in Exhibit "P", a copy of which is attached hereto and incorporated herein by reference.

Section 18. That, Section 7.340 of Appendix B - Zoning Ordinance, of the Code of Ordinances, is hereby amended to read as set forth in Exhibit "Q", a copy of which is attached hereto and incorporated herein by reference.

Section 19. That, Section 7.710 of Appendix B - Zoning Ordinance, of the Code of Ordinances, is hereby amended to read as set forth in Exhibit "R", a copy of which is attached hereto and incorporated herein by reference.

Section 20. That, Section 7.820 of Appendix B - Zoning Ordinance, of the Code of Ordinances, is hereby amended to read as set forth in Exhibit "S", a copy of which is attached hereto and incorporated herein by reference.

Section 21. That, Section 7.825 of Appendix B - Zoning Ordinance, of the Code of Ordinances, is hereby amended to read as set forth in Exhibit "T", a copy of which is attached hereto and incorporated herein by reference.

Section 22. That, Table 7.863 contained in Section 7.860 of Appendix B - Zoning Ordinance, of the Code of Ordinances, is hereby amended to read as set forth in Exhibit "U", a copy of which is attached hereto and incorporated herein by reference.

Section 23. That, Section 7.940 of Appendix B - Zoning Ordinance, of the Code of Ordinances, is hereby amended to read as set forth in Exhibit "V", a copy of which is attached hereto and incorporated herein by reference.

Section 24. That, Section 8.220 of Appendix B - Zoning Ordinance, of the Code of Ordinances, is hereby amended to read as set forth in Exhibit "W", a copy of which is attached hereto and incorporated herein by reference.

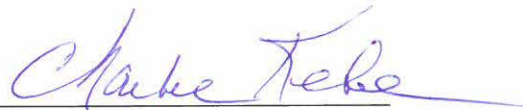
Section 25. That Article V – Short Term Rentals, of Chapter 23 – Planning, of the Code of Ordinances, is hereby repealed and deleted in its entirety.

Section 26. That all references in City of Fredericksburg Code of Ordinances to the Zoning Ordinance shall henceforth refer to such as is amended hereby.

Section 27. Severability or Invalidity. If any provision of this ordinance or the application hereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without defeating the purpose or objective of the provisions, and to this end, the provisions of this ordinance are declared to be severable.

Section 28. Repealer. All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 29. Effective Date. This Ordinance shall take effect on April 1, 2022, and shall be published in a newspaper of general circulation of the City of Fredericksburg.
PASSED AND APPROVED on this the 21st day of March, 2022.



Charlie Kiehne, Mayor
City of Fredericksburg, Texas

ATTEST:



Shelley Goodwin, City Secretary, TRMC

APPROVED AS TO FORM:



Daniel Jones, City Attorney

Sec. 2.100. - DEFINITIONS.

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

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

ABUTTING

Having lot lines or district boundaries in common.

ACCESS

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

ACCESSORY STRUCTURE/USES

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

ADDITION

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

ADMINISTRATIVE AND BUSINESS OFFICES

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

ADMINISTRATIVE SERVICES

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

AGENT OF OWNER

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

AGRICULTURAL SALES AND SERVICES

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

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

ALTERATION

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

APARTMENT

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

ARTS AND CRAFTS

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

ATTACHED

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

AUTOMOTIVE RENTALS

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

AUTOMOTIVE REPAIR SERVICES

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

AUTOMOTIVE SALES

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

AUTOMOTIVE WASHING

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

AVIATION FACILITIES

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

BASE DISTRICT

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

BASIC INDUSTRY

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

BED AND BREAKFAST

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

BEGINNING OF CONSTRUCTION

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

BUILDING

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

BUILDING PAD

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

BUFFER ZONE

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

BUILDING MAINTENANCE SERVICES

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

BUSINESS SCHOOL

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

BUSINESS OR TRADE SCHOOL

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

BUSINESS SUPPORT SERVICES

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

CAMPGROUND

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

CARPORT

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

CEMETERY

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

CHANGE OF USE

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

CHURCH

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

CITY COUNCIL

The governing or legislative authority of the City of Fredericksburg.

CLUB OR LODGE

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

CLUSTER HOUSING

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

COCKTAIL LOUNGE

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

COLLEGE AND UNIVERSITY FACILITIES

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

COMMERCIAL OFF-STREET PARKING

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

COMMON AREA

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

COMMUNICATIONS SERVICES

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

COMMUNITY RECREATION

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

COMPREHENSIVE PLAN

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

CONDOMINIUM RESIDENTIAL

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

CONSTRUCTION SALES AND SERVICES

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

CONSUMER CONVENIENCE SERVICES

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

CONSUMER REPAIR SERVICES

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

CONVALESCENT SERVICES

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

CONVENIENCE STORAGE

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

CONVENIENCE STORE/SELF SERVICE GASOLINE

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

CO-OWNERSHIP/FRACTIONAL OWNERSHIP, RESIDENTIAL

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

CORPORATE HOUSING

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

CULTURAL SERVICES

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

CUSTOM MANUFACTURING

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

DAY CARE SERVICES

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

DENSITY

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

DETACHED

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

DETENTION FACILITIES

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

DIRECTOR OF PLANNING AND BUILDING

The designated officer responsible for enforcement of this Ordinance.

DISCONTINUANCE OF USE

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

DRIP LINE

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

DRIVE-IN SERVICE

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

DRIVE THROUGH FACILITIES

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

DRIVE WAY

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

DUPLEX RESIDENTIAL

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

DWELLING UNIT

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

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

EASEMENT

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

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

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

ENCLOSED

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

EQUIPMENT REPAIR SERVICES

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

EQUIPMENT SALES

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

EXTERMINATING SERVICES

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

FACILITIES AND SERVICE LINES

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

FAMILY

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

FINANCIAL SERVICES

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

FOOD SALES

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

FUNERAL SERVICES

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

GENERAL RETAIL SALES

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

GUEST

Any Occupants, who are eighteen (18) years of age or older, renting temporary transient lodging for a specified period of time, and any persons visiting the Occupants at the location of the temporary transient lodging.

GROSS FLOOR AREA

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

GRADE

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

GROUP RESIDENTIAL

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

GUEST HOUSE

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

GUIDANCE SERVICES

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

GUIDELINE

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

HEIGHT

The vertical distance from "grade" to the highest point of coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest gable on a pitched, or hipped roof, or if none of the preceding, then to the highest point of a structure. As applied to a building, the height shall be measured from an elevation derived from the average of the highest and lowest grade adjacent to the building. See Section 7.510.

HISTORIC DISTRICT

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

HISTORIC LANDMARK

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

HOME OCCUPATION

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

HORTICULTURE

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

HOSPITAL SERVICES (GENERAL)

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

HOSPITAL SERVICES (LIMITED)

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

HOTEL-MOTEL

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

INDOOR ENTERTAINMENT

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

INDOOR SPORTS AND RECREATION

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

[IMPERVIOUS COVER](#)

[Any type of surface that prevents the infiltration of water into the ground. Surfaces such as stone, rooftops, patios, driveways, sidewalks, roadways, parking lots, and decomposed or crushed granite gravel \(when utilized for parking areas and paths from ADA parking spaces to the entrance of buildings or](#)

structures) shall be considered as impervious cover. Uncovered wooden decks shall be considered as 50% impervious cover. Impervious cover does not include sidewalks or paving in the public right-of-way, or water features such as ponds, fountains, pools, and water detention basins.

INTERNAL STREET

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

KENNELS

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

KIOSK

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

LAUNDRY SERVICES

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

LANDSCAPED AREA

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

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

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

LIGHT MANUFACTURING

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

LIMITED RETAIL SALES

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

LIQUOR SALES

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

LOCAL STREET

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

LOADING SPACE

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

LOCAL CONTACT PERSON

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

LOCAL UTILITY SERVICES

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

LODGING UNIT

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

LOT

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

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

Interior Lot. A lot other than a corner lot.

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

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

LOT AREA

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

LOT COVERAGE OR BUILDING COVERAGE

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

LOT DEPTH

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

LOT LINE

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

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

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

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

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

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

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

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

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

LOT WIDTH

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

MAJOR UTILITY FACILITIES

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

MAINTENANCE AND SERVICE FACILITIES

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

MANUFACTURED HOME PARK

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

MANUFACTURED HOME RESIDENTIAL

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

MANUFACTURED HOME SUBDIVISION

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

MANUFACTURED HOME SPACE

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

MANUFACTURED HOME STAND

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

MEDICAL OFFICES

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

MILITARY INSTALLATIONS

Military facilities of the federal and state governments.

MULTIPLE FAMILY RESIDENTIAL

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

NONCONFORMING STRUCTURE OR BUILDING

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

NONCONFORMING USE

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

NON-COMPLYING

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

[OCCUPANT](#)

[Any person, who is eighteen \(18\) years of age or older, renting temporary transient lodging for a specified period of occupancy.](#)

[OPERATOR](#)

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

OUTDOOR ENTERTAINMENT

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

OUTDOOR SPORTS AND RECREATION

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

[OWNER](#)

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

PARK AND RECREATION SERVICES

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

PARKING FACILITY

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

PARKING SPACE

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

PAWN SHOP SERVICES

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

PERSONAL IMPROVEMENT SERVICES

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

PERSONAL SERVICES

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

PET SERVICES

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

PLANNED UNIT DEVELOPMENT (PUD)

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

PLANNING AND ZONING COMMISSION

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

POSTAL FACILITIES

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

PRIVATE GARAGE

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

PRIVATE PRIMARY EDUCATIONAL FACILITIES

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

PROFESSIONAL OFFICE

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

PUBLIC PRIMARY EDUCATIONAL FACILITIES

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

PUBLIC SECONDARY EDUCATIONAL FACILITIES

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

PRIVATE SECONDARY EDUCATIONAL FACILITIES

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

PRIVATE PRIMARY EDUCATIONAL FACILITIES

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

QUEUE LINE

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

RAILROAD FACILITIES

Railroad yards, equipment servicing facilities and terminal facilities.

RECREATIONAL VEHICLE

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

REGISTERED FAMILY HOME

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

RELIGIOUS ASSEMBLY

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

RESOURCE EXTRACTION

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

RESEARCH SERVICES

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

RESTAURANT

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

RESTAURANT - DRIVE-IN/FAST FOOD

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

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

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

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

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

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

RESTAURANTS - LIMITED

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

REQUIREMENT

A specific condition or development regulation which must be followed.

RESIDENTIAL CONVENIENCE SERVICE

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

RESIDENCE

A building occupied as the abiding place of one or more persons in which the use and management of sleeping quarters, and all appliances for cooling, ventilating, heating, or lighting are under one control, including but not limited to one-family and two-family dwellings, duplexes, townhouses, condominiums,

apartment houses and boarding houses, and which shall be the principal building or use on any lot in R-1, R-2, R-3, R-4 or R-5 residence districts.

SAFETY SERVICES

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

SCRAP AND SALVAGE SERVICES

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

SCREENED

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

SEPARATE LODGING UNIT

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

SERVICE BUILDING

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

SERVICE STATION

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

SETBACK LINE

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

SHOPPING CENTER OR MALL

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

SHORT-TERM RENTAL (STR)

Any structure used for transient or guest lodging accommodations, rented for compensation of a dwelling unit, 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 thirty (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 property owner's principal residence (as evidenced by a current residence homestead exemption filed with the Gillespie Central Appraisal District). The guest house shall not exceed the size of the primary structure.

SHORT-TERM RENTAL, B&B

A short-term rental providing transient or guest lodging accommodations for compensation within the rooms of the property owner's principal residence (as evidenced by a current residence homestead

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

SHORT-TERM RENTAL, BEDROOM

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

SHORT-TERM RENTAL, CONDOMINIUM

Short-term 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 8 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.

SIDEWALK

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

SIGN

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

SINGLE FAMILY RESIDENTIAL

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

SINGLE FAMILY RESIDENTIAL (ATTACHED)

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

SINGLE-FAMILY (DETACHED)

The use of a site for only one dwelling unit, other than a manufactured home. This use also includes Short-term Rental, Accessory and Short-term Rental, B&B.

SITE

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

SITE AREA

The calculated area within the site.

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

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

SITE PLAN

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

STREET

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

STRUCTURE

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

STRUCTURAL ALTERATION

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

STABLES

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

STANDARD LOT

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

STOCKYARDS

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

TIMESHARE

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

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

TOWNHOUSE GROUP

Two or more contiguous townhouses having common or abutting walls.

TOWNHOUSE LOT

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

TOWNHOUSE RESIDENTIAL

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

TRANSPORTATION TERMINAL

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

TRAVEL TRAILER

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

USE

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

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

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

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

VALUE AND VALUATION

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

VEHICLE STORAGE

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

VETERINARY SERVICES

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

WAREHOUSING AND DISTRIBUTION

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

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

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

YARD

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

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

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

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

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

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

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

Intent

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

Principal Permitted Uses

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

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

Uses Permitted Subject to Conditional Use Permit

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

Community Recreation	Private Primary Education
Day Care Services	Private Secondary Education
Guidance Services	Religious Assembly
<u>Short-term Rental, Unoccupied (With a STR permit and adherence to Section 5.401)</u> <ul style="list-style-type: none"> <u>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</u> <u>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).</u> 	

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

~~Bed and Breakfast~~

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

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

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

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

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

Property Development Standards

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

Site Development Regulations

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

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

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

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

Intent

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

Principal Permitted Uses

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

Community Recreation	Local Utility Service
Duplex Residential	Multiple Family Residential
Townhouses (Section 7.610)	Condominiums (Section 7.610)
Group Residential	Single Family Residential (Detached)
Single Family Small Lot (Section 3.101 R-1-A)	
Short-term Rental, Accessory: (With a STR permit and adherence to Section 5.401)	Short-term Rental, B & B: (With a STR permit and adherence to Section 5.401)
Short-term Rental, Unoccupied – not located within the Historic Overlay District: (With a STR permit, adherence to Section 5.401)	

Uses Permitted Subject To Conditional Use Permit

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

Private Primary Educational Facilities	Private Secondary Educational Facilities
Day Care Services	

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

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

~~Bed and Breakfast~~

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

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

~~-Any structure which exists as of September 1, 2013 may be used as a Bed and Breakfast whether or not owner-occupied, and~~

~~-Additions or new construction, taking into consideration any existing structures, shall comply with other requirements of R-2~~

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

~~-Lots may not be combined to permit more than eight separate lodging units on contiguous property regardless of density regulations~~

~~-Compliance with other R-2 regulations~~

Property Development Standards

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

Site Development Regulations

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

Feature	Regulation
Lot Size	Minimum Lot Area, 5,000 Square feet
Lot Width	Minimum Lot Width, 50 feet
Height	2½ Stories, 28 feet
Front Yard	Minimum Required Setback, 15 feet (20 feet for garage)
Street Side Yard	Minimum Required Setback, 15 feet
Interior Side Yard	Minimum Required Setback, 5 feet for single family detached structures ; or 10 feet, for multi-family developments, when abutting residential zoning districts ; or 15 feet for 2 story multi-family developments when abutting residential zoning districts.
Rear Yard	Minimum Required Setback, 10 feet; or

	15 feet, for multi-family developments, when abutting a residential zoning district; or 25 feet, for multi-family developments, for 2 or more stories when abutting residential zoning districts.
Residential Density	Minimum Site Area per Dwelling Units,
	Efficiency: 2,500 Square feet
	1 Bedroom: 3,000 Square feet
	2 Bedroom: 3,500 Square feet
	3 Bedroom: 4,000 Square Feet Each additional bedroom (over 3 bedrooms) shall provide -an additional 500 square feet interval to the required density area
Maximum Impervious Coverage	65%
Maximum Building Coverage	Percent of Lot Area, 55%
Nonconforming Uses	Section 6.100
Site Development Regulations	Section 7.000
Special Yard Regulations	Section 7.300
Fences, Walls and Visibility	Section 7.530
Parking	Section 7.800
Landscaping and Screening Regulations	Section 7.900
Temporary/Accessory Building	Section 8.000

Home Occupations	Section 8.300
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Note— In an R-2 Zone the R-1-A Site Development Regulations may apply to the development of ~~single-family~~single-family dwellings at the option of the Owner.

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

Intent

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

Principal Permitted Uses

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

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

Uses Permitted Subject to Conditional Use Permit

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

Club or Lodge	Guidance Services
Condominiums (Section 7.610)	

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

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

~~Bed and Breakfast~~

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

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

~~-Any structure which exists as of September 1, 2013 may be used as a Bed and Breakfast whether or not owner-occupied, and~~

~~-Additions or new construction, taking into consideration any existing structures, shall comply with other requirements of R-3~~

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

~~-Lots may not be combined to permit more than eight separate lodging units on contiguous property regardless of density regulations~~

~~-Compliance with other R-3 regulations.~~

Property Development Standards

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

Site Development Regulations

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

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

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

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

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

Intent

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

Principal Permitted Uses

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

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

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

Uses Permitted Subject to Conditional Use Permit

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

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

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

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

~~Bed and Breakfast~~

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

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

Property Development Standards

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

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

Site Development Regulations

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

Feature	Regulation
Lot Size	Minimum Lot Area, 7500 Square feet
Lot Width	Minimum Lot Width, 70 feet
Height	Maximum Building Height, 3 stories, 38 feet
Front Yard	Minimum Required Setback, 25 feet
Street Side Yard	Minimum Required Setback, 25 feet
Interior Side Yard	Minimum Required Setback, 5 feet; 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 Section 3.120
Nonconforming Uses	Section 6.100
Site Development Regulations	Section 7.000

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

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

Intent

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

Principal Permitted Uses

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

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

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

Uses Permitted Subject to Conditional Use Permit

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

Automobile Washing
Building Maintenance Services

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

Property Development Standards

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

Site Development Regulations

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

Feature	Regulation
Lot Size	Minimum Lot Area, 7,500 Square feet
Lot Width	Minimum Lot Width, 70 feet
Height	Maximum Building Height, 3 stories, 38 feet
Front Yard	Minimum Required Setback, 20 feet
Street Side Yard	Minimum Required Setback, 20 feet
Interior Side Yard	Minimum Required Setback, 5 feet; or 10 feet when abutting residential zoning districts; or 15 feet for 2 story structures, when abutting residential zoning districts. ²
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. ²
Maximum Impervious Coverage	75%
Maximum Building Coverage	Percent of Lot Area, 60%

Residential Density	Section 3.110 Section 3.120
Nonconforming Uses	Section 6.100
Site Development Regulations	Sections 7.000 and 7.100
Yard Regulations	Section 7.300
Height Regulations	Section 7.510
Fences, Walls and Visibility	Section 7.530
Parking	Section 7.800
Landscaping and Screening Regulations	Section 7.900
Temporary/Accessory Building	Section 8.100
Signs	Sign Ordinance
Outdoor Amplified Sound	Prohibited when abutting adjacent to R-1, R-1-A, and R-5

Sec. 3.210. - C-2: COMMERCIAL.

Intent

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

Principal Permitted Uses

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

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

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

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

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

Uses Permitted Subject to Conditional Use Permit

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

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

Single Family Residential (Detached)
Townhouse Residential (section 7.610)
Transportation Terminals
Short-term Rental, Condominium: (With a STR permit and adherence to Section 5.401)

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

~~Bed and Breakfast~~

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

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

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

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

Property Development Regulations

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

Site Development Regulations

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

Feature	Regulation
Lot Size	Minimum Lot Area, 5000 Square feet
Lot Width	Minimum Lot Width, 50 feet
Height	Maximum Building Height, 3 stories, 38 feet

Front Yard	Minimum Required Setback, 15 feet
Street Side Yard	Minimum Required Setback, 15 feet
Interior Side Yard	Minimum Required Setback, 0 feet; or 10 feet when abutting residential zoning districts; or 15 feet for 2 story structures, when abutting residential zoning districts. *
Rear Yard	Minimum Required Setback, 0 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	80%
Maximum Building Coverage	Percent of Lot Area, 75%
Residential Density	Section 3.120
Nonconforming Uses	Section 6.100
Site Development Regulations	Section 7.000
Special Yard Regulations	Section 7.300
Fences, Walls and Visibility	Section 7.530
Parking	Section 7.800
Landscaping and Screening Regulations	Section 7.900
Temporary/Accessory Building	Section 8.100
Signs	Sign Ordinance

Outdoor Amplified Sound	Prohibited when abutting R-1, R-1-A, or R5
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~~* 10 feet when adjacent to R-1 or R-5~~

Sec. 3.220. - CBD: CENTRAL BUSINESS DISTRICT.

Intent

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

Principal Permitted Uses

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

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

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

Uses Permitted Subject to Conditional Use Permit

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

Business or Trade School
Business Support Services

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

Short-term Rental, Condominium (Section 5.401)

Uses permitted with a Bed and Breakfast Compliance Use Permit:

Bed and Breakfast

Conditions under which a permit will be issued:

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

Property Development Standards

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

Site Development Regulations

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

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

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

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

Sec. 3.500. - HO: HISTORIC OVERLAY.

Intent

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

1. the underlying zoning district land use designations and development standards, and
2. the historic characteristics of the district, including that all exterior construction, restoration, alteration or demolition within the district is subject to the provisions of the Historic Preservation Ordinance.

~~Principal Permitted Uses~~

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

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

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

Uses Permitted Subject to Conditional Use Permit

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

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

Property Development Standards

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

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

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

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

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

Height Regulations - Section 7.500.

Fences, Walls and Visibility - Section 7.530.

Parking - Section 7.800.

Temporary/Accessory Building Regulations - Section 8.000.

Historic Preservation Ordinance

Signs - Sign Ordinance

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

Intent.

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

Principal Permitted Uses

See uses listed in the underlying district.

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

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

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

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

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

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

Property Development Standards

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

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

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

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

Intent

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

Principal Permitted Uses

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

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

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

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

Uses Permitted Subject to Conditional Use Permit

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

Automobile Rentals
Business or Trade School

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

Property Development Standards

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

Site Development Regulations

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

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

Front Yard	Minimum Required Setback, 15 feet
Street Side Yard	Minimum Required Setback, 15 feet
Interior Side Yard	Minimum Required Setback, 0 feet; 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, 0 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	80%
Maximum Building Coverage	Percent of Lot Area, 75%
Residential Density	Section 3.120
Nonconforming Uses	Section 6.100
Site Development Regulations	Section 7.000 and 7.100
Yard Regulations	Section 7.300
Height Regulations	Section 7.510
Fences, Walls and Visibility	Section 7.530
Parking	Section 7.800
Landscaping and Screening Regulations	Section 7.900
Temporary/Accessory Building	Section 8.100

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

Additional Special Site and Development Regulations:

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

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

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

Intent

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

Principal Permitted Uses

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

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

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

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

Uses Permitted Subject to Conditional Use Permit

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

Automobile Rentals

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

Property Development Standards

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

Site Development Regulations

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

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

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

Temporary/Accessory Building	Section 8.100
Signs	Sign Ordinance

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

Additional Special Site and Development Regulations:

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

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

Sec. 5.401. - Additional requirements for short-term rental uses.

General Requirements: All short-term rental uses shall be subject to the following requirements, in addition to those set forth otherwise in the City of Fredericksburg Code of Ordinances:

1. Food Service:
 - a. Only overnight guests may be served meals except in zones permitting restaurant use.
 - b. Such meals shall be limited to continental-type breakfast consisting of pastries prepared by a licensed provider, milk, cereal, fruit, fruit juice and coffee unless the facility meets the State of Texas and Gillespie County Health Division requirements for commercial food service.
2. Signs:
 - a. All signs must comply with the City of Fredericksburg Sign Ordinance, as applicable, set forth in Chapter 29 of the Code of Ordinances. 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 of Ordinances, provided that such sign is not more than two (2) square feet in area and is attached to the structure.
3. Americans with Disabilities Act (ADA) and the 2012 Texas Accessibility Standards (TAS):
 - a. All short-term rental facilities must comply with all applicable Federal, State, and City of Fredericksburg building codes for existing or new construction, including ADA and TAS standards when required.
4. Short-term rental uses shall comply with the regulations for Fire Protection set forth in the appropriate NFPA 101 Life Safety Code and the International Construction Codes, the latest versions adopted by the City at the time of construction or conversion to short-term rental use using the "Lodging and Rooming Houses" regulations.
 - a. Exceptions:
 - i. Short-term Rental-Unoccupied, Short-term Rental-Accessory, and Short-term Rental-B&B shall not be required to install automatic fire suppression sprinkler systems.
5. External lighting:
 - a. All external lighting shall comply with the City's Outdoor Lighting ordinance set forth in Article XV of Chapter 5 (Buildings and Building Regulations) of the City Code of Ordinances.
6. Occupancy: Maximum occupancy for a short term rental shall be limited to two (2) Occupants per bedroom, plus two (2) additional Occupants, but in no case shall maximum occupancy exceed a combined total of twelve (12) Occupants. Maximum occupancy under this subsection is only applicable to the number of persons eighteen (18) years of age or older that are renting the temporary transient lodging for a specified period of occupancy, and excludes any other persons visiting the Occupants at the location of the temporary transient lodging.
 - i. Additional guest beds may be placed in bedrooms that sleep two (2) occupants, provided that the bedroom has at least fifty (50) square feet of bedroom area for each occupant, and the maximum occupancy limit is not exceeded.
 - ii. Commercially zoned properties in the Historic Overlay District shall be developed in accordance with the base zoning district and all other City regulations and ordinances.
7. Utilities
 - a. Short-term, Accessory and Short-term Rental, B&B uses shall be served by a single water and electrical meter.

- b. Short-term Rental, Condominium and Short-term Rental, Facilities shall be served by a master meter, and may be sub-metered by the property owner.
- 8. Trash & Solid Waste
 - a. Each STR shall provide a minimum of one (1) ninety-six gallon (96 gal) bulk garbage container capacity, or equivalent, for every six (6) Occupants, based on the maximum permitted occupancy for the STR.
 - i. This subsection shall apply to all new and existing STRs.
 - ii. This requirement does not apply to those properties that utilize commercial trash pickup or dumpsters.
- 9. Quiet Hours
 - a. Each STR use shall have one or more signs posted in prominent locations in the rear yard, near pools, hot tubs, and fire pits, and near other common gathering areas, providing the occupants and guests with notice of the Nighttime Hours, as set forth in Section 20-207 of the City's Noise and Sound Level Regulation ordinance. All signs posted under this subsection must comply with the City of Fredericksburg Sign Ordinance, as applicable, set forth in Chapter 29 of the Code of Ordinances.
- 10. Permitting: It shall be unlawful for any person or entity to rent, or offer to rent, any Short-term Rental without a valid Short-term Rental Permit issued under this Section 5.401.
 - a. A separate Short-term Rental Permit application and application fee must be submitted for each individual Short-term Rental dwelling unit.
 - i. An applicant shall apply for a Short-term Rental Permit using a format and method promulgated by the City Manager or his/her designee.
 - ii. An applicant for a Short-Term Rental Permit shall pay to the City the permit fees as set forth in Sec. 5.450 of Appendix A - Fee Schedule, of this Code of Ordinances.
 - b. Each individual Short-term Rental dwelling unit shall be assigned a unique permit number upon permit issuance by the City. This permit number will remain the same and will remain with the dwelling unit.
 - i. Upon issuance of the Short-term Rental Permit, the Owner will be issued a unique identification number and sticker for the City's Business Emergency Contact (BECA) program. The BECA sticker shall be placed in a visible location, no greater than three (3) feet from the front entrance of the structure, to assist in notifying any City officials or law enforcement of the Owner and Local Contact Person information.
 - c. Prior to issuance of a Short-Term Rental Permit, the Operator shall allow an on-site inspection of the Short-Term Rental Unit by City staff, to ensure compliance with City's ordinances and regulations.
 - i. Inspections shall also be required when an STR permit is transferred to another owner, upon complaints regarding violations of the City's zoning code, or when additions or modifications are performed to the property which requires a City building permit and that enlarge or change the existing layout of the structure.
 - ii. This subsection 5.401(10)(c) shall apply to all new and existing STRs.
 - d. A new owner of an STR shall notify the City in writing, within ten (10) business days after the change in ownership, notifying of any changes in ownership, contact information, management company information, and local contact person. A new owner of an STR shall submit a transfer of permit application to the City within ten (10) business days after the change in ownership.

- i. The Owner shall notify the City within ten (10) business days, in writing, of any changes to information submitted as part of a Short-Term Rental Permit application under this Section 5.401.
 - ii. This subsection 5.401(10)(d) shall apply to all new and existing STRs.
- e. Generally, STR permits may be transferred to new owners, provided that, upon inspection, the property remains in compliance with all City regulations. Changes or modifications to the property that result in non-compliance with all City regulations shall void the existing permit.
- f. An application for Short Term Rental Permit may be denied if the Owner has had a Short-Term Rental Permit suspended or revoked during the previous 365 calendar days.
- g. Subdivision Deed Restrictions and Covenants
 - i. This Section 5.401 is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this Section 5.401 and another ordinance, easement, covenant, or deed restriction are in conflict, whichever imposes the more stringent restrictions shall prevail.

11. General Operational Requirements

- a. The Operator shall post the following information in a prominent location within the Short-Term Rental Unit, using a form promulgated by the City:
 - i. The unique Short Term Rental Permit number assigned to the Short-Term Rental Unit;
 - ii. Operator name and number;
 - iii. Local Contact Person name and number;
 - iv. The location of any on-site and off-site parking spaces available for Occupants;
 - 1. The Owner must limit the Occupants' vehicles to the number of off-street parking spaces provided.
 - 2. The number of on-site and off-site parking spaces available for Occupants shall be included in any advertisement of the short-term rental unit. This Subsection 5.401(11)(a)(iv)(2) shall apply to all new and existing STRs.
 - v. The maximum occupancy as prescribed under Subsection 5.401(6) ;
 - vi. Instructions to Guests concerning disposal of garbage and handling of garbage containers;
 - vii. Notification that the Guests are responsible for compliance with all applicable laws, rules and regulations pertaining to the use and occupancy of the Short-Term Rental, and that Guests may be fined by the City for violations of this Section 5.401.
- b. The Operator shall post the following "House Rules" in a prominent location within the Short-Term Rental Unit, and shall include the following "House Rules" in an advertisement or contract for occupancy of the Short Term Rental (this Subsection 5.401(11)(b) shall apply to all new and existing STRs):
 - i. Observe the City of Fredericksburg Quiet Hours (10pm to 7am in residential zones).
 - ii. The City of Fredericksburg is a Dark Sky Community with outdoor lighting restrictions. All outdoor lighting is encouraged to be turned off when no one is present to use the light.
 - iii. Observe the designated on-site and off-site parking spaces.

- iv. Place all trash in designated containers.
- c. The Operator shall operate a Short-Term Rental in compliance with the following:
 - i. Zoning regulations prescribed for the zoning district in which such Short-Term Rental is located, set forth in Appendix B of the Code of Ordinances.
 - ii. City of Fredericksburg Sign Ordinance, as applicable, set forth in Chapter 29 of the Code of Ordinances and as allowed in Subsection 5.401(2)(a) above.
 - iii. Maximum occupancy limits prescribed in Subsection 5.401(6), or by the City Fire Marshal pursuant to the International Fire Code as adopted in Chapter 17 of this Code of Ordinances, whichever is lower.
 - iv. City of Fredericksburg Hotel Occupancy Tax Ordinance, set forth in Chapter 41 of this Code of Ordinances.
 - v. City of Fredericksburg Noise and Sound Level Regulation Ordinance, set forth in Chapter 20 of this Code of Ordinances.
 - vi. City of Fredericksburg Garbage Collection Ordinance, set forth in Chapter 32 of this Code of Ordinances and as prescribed in Subsection 5.401(8) above.
 - vii. During any period when a Short-Term Rental is occupied or intended to be occupied by Guests, the Local Contact Person shall be available 24 hours per day for the purpose of responding to concerns or requests for assistance related to the condition, operation, or conduct of Guests of the Short-Term Rental.
 - 1. The Local Contact Person shall respond within 30 minutes of being notified of concerns or requests for assistance regarding the condition, operation, or conduct of Guests of the Short-Term Rental, and shall take immediate remedial action as needed to resolve such concerns or requests for assistance.
 - 2. Failure to respond in the required timeframe shall be a violation of this Ordinance.
- d. Any advertisement that promotes the availability of a Short-Term Rental, listed in any medium, including but not limited to newspaper, magazine, brochure, website, or mobile application, shall include the current Short Term Rental Permit number assigned by the City and the number of available parking spaces provided for each rental unit.

12. Compliance and Penalty Provisions

- a. It shall be unlawful for any person or entity to violate any provision of this Section 5.401. Proof that a violation of this Section 5.401 occurred at a Short-Term Rental shall create a rebuttable presumption that the Owner of said Short Term Rental committed the violation.
 - i. Any violation of this Section 5.401 may be:
 - 1. adjudicated under the civil administrative hearing process for violations of ordinances as set forth in Chapter 2, Article VII (Administrative Adjudication of Violations) of this Code of Ordinances, provided said violation is described in Texas Local Government Code Section 54.032; or
 - 2. prosecuted in the Municipal Court under the penalty provisions set forth in Section 6.301 of this Zoning Ordinance.
 - ii. Penalties provided for in this Subsection 5.401(12) are not exclusive and are in addition to any other available criminal or civil remedies that the City may pursue under federal, state, or local law.

- iii. Any property operating as a Short-Term Rental, without a permit, shall be prohibited from receiving a Short-Term Rental permit for a minimum of one (1) year.

13. Permit suspension or revocation; appeal

- a. Upon conviction for a violation of this Section 5.401, the City Manager may suspend or revoke any Short Term Rental Permit issued for the same Short Term Rental where the violation occurred. Notwithstanding the foregoing sentence, the City Manager may not suspend or revoke any Short Term Rental Permit for convictions related to the City Noise and Sound Level Regulation Ordinances (Article VI of Chapter 20), the City Sign ordinances (Chapter 29), the City Garbage Collection ordinances (Chapter 32), the City Outdoor Lighting ordinances (Article XV of Chapter 5), or the City Water Conservation ordinances (Article II of Chapter 47).
- b. The City Manager shall notify an Owner of a suspension or revocation under this Subsection 5.401(13) in writing, delivered by Certified Mail, Return Receipt Requested, and mailed to the address of the Owner as set forth on the most recent Short Term Rental Permit application submitted to the City. A suspension or revocation under this Subsection 5.401(13) shall become effective on the 11th business day following the date said notice of a suspension or revocation was deposited in the U.S. Mail. An Owner may appeal a notice of suspension or revocation under this Subsection by filing a written appeal with the City Manager within ten business days following the date said notice was deposited in the U.S. Mail. Following a timely filing of a written appeal hereunder, the Owner is entitled to a stay of the suspension or revocation, pending exhaustion of appeals under this Subsection. The Owner may present evidence to the City Manager related to the suspension or revocation under this Subsection. Following the City Manager's final decision on an appeal, the Owner may appeal an adverse decision of the City Manager to the City Council, by filing a written appeal with the City Secretary within five business days following the date of receipt of the City Manager's final decision on an appeal.

Sec. 6.110. Continuance of a Nonconforming Use.

Residential Districts

Enlargement. A non-conforming use may be enlarged, expanded, extended or changed within the boundary of the lot in which the non-conforming use has legally operated, upon approval of a Conditional Use Permit (section 5.400). Any enlargement or extension, whether requiring a Conditional Use Permit or not, shall be required to come into in compliance with all city ordinances, codes, or policies and development regulations which may apply to the property (examples without limitation: landscape, parking, curb cuts, setbacks).

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

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

Termination.

If a non-conforming use or any portion thereof is voluntarily discontinued for a period of 90 days, any future use of such land or portion thereof shall be in conformity with the regulations of the district in which such land or portion thereof is located. A non-conforming short-term rental use shall not be considered voluntarily discontinued if

~~Short term rental uses shall not terminate under the following conditions :~~

~~The use is suspended for repairs, modifications, additions, or remodels, or other similar situations; or if~~

~~The owner of the property home utilizes the property as their personal residence, for a period not to exceeding more than one 365 consecutive days (1) year; or.~~

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

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

Other Districts

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

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

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

Conversions. A non-conforming use may be continued as the same classification, or may be changed to a use of a more restricted classification upon approval of a conditional use permit. If it is changed to a use in a more restricted classification or to a conforming use, it cannot be changed back to its original non-conforming use. For purpose of this paragraph, the phrase "same classification" means: uses permitted in the

same district; a "more restricted classification" means: use in a district having more restricted use (i.e., C-2 vs. C-1); and provided that:

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

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

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

Upon a change in use other than as provided herein.

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

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

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

Sec. 7.320. - Special Front Yard Regulations.

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

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

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

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

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

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

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

Sec. 7.330. - Special Side Yard Regulations.

- A. Every part of a required side yard shall be open and unobstructed, except for the ordinary projections of window sills, air conditioning units, pool equipment, belt courses, cornices and roof overhangs and other architectural features projecting not to exceed three (3) feet into the required side yard, and root caves projecting not to exceed thirty-six (36) inches into the required side yard.
- B. Swimming pools shall have side yard setbacks of ten (10) feet from the lot line to the water's edge.
- C. Hot tubs, spas, and fire pits shall have side yard setbacks of fifteen (15) feet.
 - 1. Fire pits shall also conform to the City of Fredericksburg Fire Protection Ordinance, as applicable, set forth in Chapter 17 of the Code of Ordinances.
- D. Accessory Structures shall adhere to the setbacks of the base zoning district.

Sec. 7.340. - Special Rear Yard Regulations.

- A. Every part of a required rear yard shall be open and unobstructed to the sky from a point thirty (30) inches above the general ground level of the graded lot, except for accessory buildings as permitted in Section 8.270, and the ordinary projections of window sills, [air conditioning units](#), [pool equipment](#), belt courses, cornices, and roof overhangs and other architectural features projecting not to exceed three (3) feet into the required rear yard.
- B. Swimming pools shall have rear yard setbacks of ten (10) feet from the lot line to the water's edge.
- C. Hot tubs, spas, and fire pits shall have rear yard setbacks of fifteen (15) feet.
 - 1. Fire pits shall also conform to the City of Fredericksburg Fire Protection Ordinance, as applicable, set forth in Chapter 17 of the Code of Ordinances.
- D. Accessory Structures shall adhere to the setbacks as permitted in Section 8.270.

Sec. 7.710. - Measurement.

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

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

Decomposed or crushed granite gravel shall be considered as impervious cover when utilized for parking areas, or for paths from ADA parking spaces to the entrance of buildings or structures.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Based on site constraints, parking requirements may be reduced for medium and high rated structures designated as Historic Landmarks or located within the Historic District, with the consent of the Historic Review Board.

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

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

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

TABLE: 7.863
 OFF-STREET PARKING

All requirements based on gross square feet.

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

	<u>the number of required off-street parking spaces be reduced below two (2) spaces. Tandem parking is allowed.</u>
Patio Home Residential	<p><u>2 spaces per dwelling unit (plus 2 spaces per unit if insufficient R.O.W. exists to allow on-street parking)</u></p> <p><u>Tandem parking is allowed.</u></p>
Duplex Residential	<u>2 1 spaces per dwelling unit (plus 2 spaces per unit if insufficient R.O.W. exists to allow on-street parking)</u>
Townhouse Residential	<p><u>2 spaces per dwelling unit (plus 2 spaces per unit if insufficient R.O.W. exists to allow on-street parking).</u></p> <p><u>Tandem parking is allowed.</u></p>
Condominium Residential	<u>12 spaces per dwelling-bedroom unit plus 1 space per unit for guest parking.</u>
<u>Short-term Rental, Condominium</u>	<p><u>Parking spaces shall be provided at a ratio of 60% of the permitted occupancy.</u></p> <p><u>On-street parking may be allowed and applied to the required off street parking requirements at 1 space per every 22' of lot frontage, not including driveway openings or street side yards or unlawful parking areas, provided sufficient R.O.W. and street width allow for on-street parking.</u></p>
Multiple Family Residential and Group Residential	<p><u>Efficiency and One Bedroom: 1.5 spaces per dwelling unit</u></p> <p><u>One Bedroom: 1.5 spaces per dwelling unit Two-bedrooms: 2 spaces per dwelling unit or more.</u></p> <p><u>Three-bedrooms: 2.5 spaces per dwelling unit</u></p> <p><u>Four or more bedrooms: 3 spaces per unit</u></p> <p><u>Guest parking shall be added at a ratio of ten (10) percent of the total required spaces for the development.</u></p>
<u>Short-term Rental, Facility</u>	<p><u>Parking spaces shall be provided at a ratio of 60% of the permitted occupancy.</u></p> <p><u>On-street parking may be allowed and applied to the required off street parking requirements at 1 space per every 22' of lot frontage, not including</u></p>

	driveway openings or street side yards or unlawful parking areas, provided sufficient R.O.W. and street width allow for on-street parking.
Manufactured Home Residential	2 spaces per Manufactured Home Space or lot. Tandem parking is allowed.
COMMERCIAL USE TYPES	
Administrative and Business Offices	1 space per 400 square feet
Agricultural Sales and Services	See Schedule A
Automotive Rentals	See Schedule A
Automotive Repair Services	2 spaces per mechanic or repair stall whichever is greater
Automotive Sales	See Schedule A
Automotive Washing	Queue Line space equivalent to 1 times the service capacity of the use
Building Maintenance Services	See Schedule A
Business Support Services	See Schedule A
Business or Trade School	1 space per 5 person capacity
Campground	1 space per camping unit
Cocktail Lounge	1 space per 3 persons capacity
Commercial Off-Street Parking Facility	No requirement

Communications Services	1 space per 500 square feet
Construction Sales and Services	See Schedule A
Consumer Convenience Services	See Schedule B
Consumer Repair Services	1 space per 400 square feet
Convenience Storage	1 space per 2000 square feet
Convenience Store/Self Serve Gasoline	1 space per 300 square feet and 1 space per gasoline pump
Dance Halls/Meeting Halls	1 per 40 square feet or 2 per 6 seats for patron use
Dance Halls (Liquor Sales)	1 per 4 patron seating
Drive through facility, as an ancillary use	May be adjusted through the Site Plan Review or Conditional Use procedure
Equipment Repair Services	See Schedule A
Equipment Sales	See Schedule A
Exterminating Services	1.5 spaces per 1000 square feet
Financial Services	1 space per 400 square feet
Food Sales	1 space per 300 square feet
Funeral Services	1 space per 4 person capacity

General Retail Services	1 per 400 square feet
Hotel/Motel	First 50 Rooms: 1.10 spaces per room Each additional room over 50 rooms: 1.0 space per room Other use activities within hotel/motel: 100% of Table 7.863 requirements
Indoor Entertainment	1 per 100 square feet or 1 space per 4 seats
Indoor Sports and Recreation	1 per 400 square feet
Kennels	1 space per 750 square feet of kennel space
Laundry Services	1 space per 200 square feet or 4 customer spaces and 1 space per employee, whichever is greater
Liquor Sales	1 space per 400 square feet
Medical Offices	1 space per 300 square feet of exam, testing, waiting rooms & offices
Outdoor Entertainment	See Schedule B
Outdoor Sports and Recreation	See Schedule B
Pawn Shop Services	1 space per 400 square feet
Personal Improvement	1 space per 300 square feet
Personal Services	1 space per 300 square feet
Pet Services	1 space per 400 square feet
Professional Offices	1 space per 400 square feet
Research Services	1 space per 400 square feet
Restaurant	1 space per 4 seats, plus cocktail lounge requirements

Restaurant, Drive-In/Fast Food	3 spaces per each 100 square feet within the customer service and dining area
Scrap and Salvage Services	See Schedule A
Service Station	1 space per 2 gas pumps plus 1 space per service person
Shopping Center	1 space per 200 square feet
Stables	See Schedule B
Vehicle Storage	No requirement
Veterinary Services	1 space per 500 square feet
INDUSTRIAL USE TYPES (See Section 7.820)	
Basic Industry	See Schedule A
Custom Manufacturing	See Schedule A
General Warehousing	See Schedule A
Light Manufacturing	See Schedule A
Limited Warehousing	See Schedule A
Resource Extraction	1 per employee based on the largest shift plus 25% to cover shift change
Stockyards	1 per employee based on the largest shift
CIVIC USE TYPES	
Administrative Services	1 space per 400 square feet

Aviation Facilities	See Schedule B
Cemetery	See Schedule B
Club or Lodge	1 space per 5 persons capacity
College and University Facilities	See Schedule B
Community Recreation	1 space per 5 persons capacity
Convalescent Services	1 space per 4 beds patient capacity, plus 1 space per 2 employees (Maximum shift)
Cultural Services	1 per 400 square feet
Day Care Services	1½ space per teacher, administrator, or day care provider
Detention Facilities	See Schedule B
Guidance Services	1 per 400 square feet
Hospital Services (General)	1 space per bed
Hospital Services (Limited)	1 space per 200 square feet of examination, treating, waiting rooms and offices
Local Utility Services	See Schedule B
Maintenance and Service Facilities	See Schedule A
Major Utility Facilities	See Schedule A
Military Installations	See Schedule B
Park and Recreation Services	See Schedule B

Postal Facilities	See Schedule B
Public and Private Primary Educational Facilities	2 spaces per classroom plus public assembly requirement for auditorium or assembly hall
Public and Private Secondary Educational Facilities	1½ off-street parking space per classroom and one space for each three students anticipated to be enrolled in the 11th and 12th grades
Public Assembly	1 space per 5 persons capacity
Railroad Facilities	See Schedule B
Religious Assembly (Church)	1 space per 4 seats in sanctuary
Safety Services	See Schedule B
Transportation Terminals	See Schedule B
AGRICULTURAL USE TYPES	
Horticulture	1 per 1000 square feet

Sec. 7.940. - Screening Requirements and Standards.

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

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

Commercial Use along property lines abutting any Residential District.

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

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

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

Short-term rental (STR) uses abutting single-family uses, and Short-term rental (STR) uses in or abutting R1 districts, in or abutting R1A districts, in or abutting R2 districts, and in or abutting R5 zoning districts. Screening requirements in the Historic District must be approved by the Historic Review Board. The Historic Review Board may waive the screening requirement.

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

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

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

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

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

Private garages and parking for the principal use.

Recreational activities and facilities for use by residents.

Religious study meetings.

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

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

Solar collectors.

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

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

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

Home Occupations in compliance with Section 8.300.

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

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

Registered Family Homes.

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

