

ORDINANCE NO. 2021-26

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, AMENDING SEC. 8.100. - TEMPORARY USE TYPES, OF APPENDIX B - ZONING ORDINANCE, OF THE CODE OF ORDINANCES; TO AMEND THE PERMITTED TEMPORARY USES OF TENTS FOR THE HISTORIC OVERLAY (HO) ZONING DISTRICT IN THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an application for a text amendment of the Zoning Ordinance, related to the creation of an additional commercial zoning district 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 amendment is in conformity with the uses established by the Comprehensive Land Use Plan of the City of Fredericksburg and is consistent with the objectives of the City of Fredericksburg Zoning Ordinance, and has recommended to the City Council of the City of Fredericksburg, based upon positive findings under the review and evaluation criteria established by such ordinance, that the text amendment be DENIED; and

WHEREAS, the City Council has specifically found, following public hearing, that such text amendment is 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, Subsection 8.100(M) of Appendix B - Zoning Ordinance, of the Code of Ordinances, is hereby amended to read as follows:

Sec. 8.100. – TEMPORARY USE TYPES.

- M. No temporary type structures shall be placed in the Historic Overlay District (HO). Temporary structures shall include mobile trailer units, portable structures, sun shades of whatever material, tents, tarps, or umbrellas. Notwithstanding the foregoing sentence, the use of tents by Event Centers, and the use of umbrellas or similar detached (portable), non-structural sun shading devices by a

restaurant for that restaurant's outdoor eating and serving areas, shall be permitted in the HO in conformance with the following conditions:

- (1) The covered area at a restaurant, for that restaurant's outdoor eating and serving areas, shall be specifically defined with impervious surface in place.
- (2) No advertising, logos, or words which would violate the City's sign ordinance or any other law or statute shall appear on the Cover, and any advertising which does meet the City's sign ordinance shall be included in the overall allowable signage for the business.
- (3) The color of the Cover shall be an approved color under the City of Fredericksburg's Historic Design Guidelines and Standards, and any Cover displaying pictures, stripes, floral or other designs, if any, shall be approved by the Historic Review Board of the City of Fredericksburg, which shall approve or disapprove the Cover pursuant to the City's Historic Design Guidelines and Standards. Traditional white, beige, cream, or similar colors may be approved administratively by the Historic Preservation Officer. The Historic Preservation Officer may choose to send review of any proposed Cover to the Historic Review Board, should City staff determine that the proposed Cover requires additional approval.
- (4) If the Cover to be used by a restaurant for that restaurant's outdoor eating and serving areas is not an umbrella that is commonly used in outdoor dining as defined below, all aspects of the particular shading device shall be subject to review and approval by the Historic Review Board of the City of Fredericksburg, pursuant to the City's Historic Design Guidelines and Standards.
- (5) Umbrella, for the purposes of this Subsection 8.100(M), is defined as a light, portable cover for protection from rain or sun consisting of fabric held on a collapsible frame of any shape having a diameter or cross-measurement in any direction of no more than 13 feet. Both tents and umbrellas are referred to collectively as "Cover".
- (6) Tent, for the purposes of this Subsection 8.100(M), is defined as a light, portable cover for protection from rain or sun consisting of fabric held on a collapsible frame of any shape having a diameter or cross-measurement in any direction. Both tents and umbrellas are referred to collectively as "Cover". Tents used by an Event Center shall not be installed more than 48 hours prior to the start time of an event, and shall be removed within 48 hours following the end time of the event. Upon a showing of good cause, the 48 hour time period allowed for installation or removal of a Tent under this subsection may be extended by administrative approval of the Historic Preservation Officer.
- (7) For the purpose of this Subsection 8.100(M), "Event Center" shall be defined as a service commercial establishment used for the gathering of groups of persons for specific functions including social, recreation, amusement or dining activities, and where food and beverages may be served on the premises. Such facilities are frequently rented out for public or private activities that are not repeated on a weekly basis, and which are not open to the public on a daily basis at times other than when an event is scheduled. Other establishments such as restaurants, tasting rooms, or other commercial venues, which may on occasion hold events within their facility, but which events are not part of the day-to-day operations of the business, are not considered an Event Center under this definition.

{End of code text}

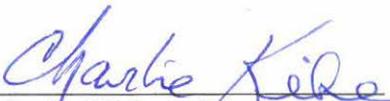
Section 2. That all references in City of Fredericksburg Code of Ordinances to the Zoning Ordinance shall henceforth refer to such as is amended hereby.

Section 3. 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 4. Repealer. All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 5. Effective Date. This Ordinance shall take effect upon the date of its passage.

PASSED AND APPROVED on this the 1st day of November, 2021.


Charlie Kiehne, Mayor
City of Fredericksburg, Texas

ATTEST:


Shelley Goodwin, City Secretary, TRMC

APPROVED AS TO FORM:


Daniel Jones, City Attorney