



THE CITY OF  
**Fredericksburg, Texas**

## **Press Release**

**For More Information Contact:**

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### **Council Initiates Zoning Change to Comply with Court Ruling**

Residents Receive Notices of December Meetings

Fredericksburg, TX -

A recent Fifth Circuit Court of Appeals decision on Short Term Rentals has prompted the need for the City of Fredericksburg to revise a specific component of the current zoning ordinance to ensure constitutionality and compliance.

The issue stems from the city's current definition of STRs (Short-Term Rentals) that operate as a STR- B&B or as a STR-Accessory and require residency. The city's STR ordinance rewrite that became effective on April 1, 2022, stipulates that the main home of a STR - B&B or a STR-accessory must be the principal residence of the owner of the home. A decision made by the Fifth Circuit Court of Appeals, which has jurisdiction over Fredericksburg, held that a similar STR owner -residence requirement in the New Orleans ordinance is unconstitutional (Hignell-Stark v. City of New Orleans, 46 F. 4th 317 - Court of Appeals, 5th Circuit 2022).

City Council has requested a focused approach to remedy the issue to swiftly ensure that the ordinance is more closely aligned with the previous council's intent. Last week, notices were mailed to city property owners, alerting them of public hearings at upcoming Planning and Zoning and then City Council meetings. They will discuss an amendment of the definitions of SHORT-TERM RENTAL, ACCESSORY and SHORT-TERM RENTAL, B&B, and related definitions as necessary, to establish an alternative to the existing requirement that the property be the property owner's principal residence.

The Planning and Zoning Commission will discuss this change at their meeting on Wednesday, December 7th at 5:30pm, and the City Council will review the recommendation on Tuesday, December 20th at 9:00am. Both meetings will be held at the Law Enforcement Center located at 1601 East Main Street.

Mayor Jeryl Hoover has formed an STR Task Force that has met regularly since November 1, 2022. This group of varied stakeholders is working to provide separate recommendations to City Council on enforcement, ordinance changes, software enhancements, and related items to ensure the continued thriving of Fredericksburg neighborhoods. The Task Force has not made

any formal recommendations at this time. The proposed definition amendments up for consideration at this point are not part of the STR Task Force recommendation which will come in early 2023.

Residents and property owners who would like to share their opinion on STRs are encouraged to email [neighbors@fbgtx.org](mailto:neighbors@fbgtx.org) and [citycouncil@fbgtx.org](mailto:citycouncil@fbgtx.org). Council reviews submitted comments and welcomes the opportunity to learn more about the experience of residents and ways the city can improve.

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## The City of Fredericksburg

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