

ORDINANCE NO. 2010- 030

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS AMENDING CHAPTER 155 (ZONING) OF THE CODE OF ORDINANCES BY ADDING A NEW SECTION AND CREATE A NEW ZONING CLASSIFICATION TO READ AS FOLLOWS: “§ 155.063 RURAL RETREAT 1; RR-1”, IN ORDER TO SPECIFY THE PERMITTED AND CONDITIONAL USES AND DEVELOPMENT STANDARDS RELATED TO SAME; AND PROVIDING FOR THE FOLLOWING: PENALTY; FINDINGS OF FACT; REPEALER; SEVERABILITY; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council of the City of Wimberley (“City Council”) seeks to provide for the orderly arrangement and regulation of compatible uses within its corporate limits; and,

WHEREAS, in the course of reviewing the proposed amendments detailed in this Ordinance, the Planning and Zoning Commission and City Council have solicited public input and given careful consideration to the unique qualities of the City, including the demographics of its inhabitants, the City’s history, geography, natural resources, existing structures, property values, workforce, education levels, commercial base, surrounding communities, public facilities and infrastructure; and,

WHEREAS, further the P&Z and Council have considered, among other things, the character of each zoning district and its peculiar suitability for the particular uses; with a view of conserving property values and encouraging the most appropriate use of land in the City; and,

WHEREAS, the regulations established by this Ordinance are in furtherance of the public interest, for the good government, peace, order, trade and commerce of the City and necessary and proper for carrying out the power granted by law to the City; and,

WHEREAS, the following enactments are a valid exercise of the City’s broad police powers and based upon the City’s statutory regulatory authority, including but not limited to Texas Local Government Code Chapters 51, 52, and 211; and,

WHEREAS, the City Council finds that the provisions of this Ordinance will serve to promote the public health, safety, morals and general welfare; and,

WHEREAS, parties in interest and citizens have had an opportunity to be heard at numerous public hearings conducted by the Planning and Zoning Commission and City Council, notice of which was published in the City’s official newspaper before the 15th day before the first public hearing and agendas for each hearing were posted at City Hall more than seventy-two (72) hours prior to the respective hearing.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WIMBERLEY, COUNTY OF HAYS, STATE OF TEXAS:

I. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Wimberley and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

II. AMENDMENTS

THAT the City of Wimberley Code of Ordinances, Chapter 155 (Zoning) is hereby amended to add section "155.063 RURAL RETREAT 1; RR-1", to read as follows:

"§ 155.063 RURAL RETREAT 1; RR-1.

(A) *General purpose and description.* The Rural Retreat 1 (RR-1) district is intended to accommodate the needs and desires of visitors, tourists and transient guests. It applies to specific areas where public roads and public utilities are available or where suitable alternate private facilities are assured. It is the intent of the district to provide for tourist retreat development, excluding hotels and motels, in the form of cottages, cabins, lodges and RV sites available for short term rental and accessory uses to serve visitors to such facilities.

(B) *Permitted uses.*

- (1) Lodges;
- (2) Detached cabins or cottages;
- (3) Recreational Vehicle (RV) Sites; One (1) RV site is equal to two (2) guest bedrooms
- (4) Accessory uses to the main use including but not limited to retail sales and service, restaurant and recreation facilities;
- (5) Single family residential; and,
- (6) Religious assembly.

(C) *Conditional uses.*

- (1) Sit down eating establishments with the sale of beer, wine and alcohol for on-premise consumption.
- (2) Telecommunications towers, commercial antennas, and broadcast towers, subject to all applicable city regulations.

(D) *Required facilities.*

- (1) All lodges, cabins and cottage units shall have electricity and sanitary facilities to include bathing facilities with running hot water and restroom facilities adequate to accommodate the guests residing in the lodge, cabin or cottage.
- (2) Electric, water, and sewer hook-ups are required for each RV space.
- (3) Permanent secure building space is required for storm refuge for RV tenants.

- (4) A minimum of one (1) bathroom with shower and toilet is required for each ten (10) RV sites or fraction thereof.

(E) *Development regulations.*

- (1) Minimum lot size: Twenty (20) acres;
- (2) Maximum guest bedrooms (all forms) per individual acre: No more than ten (10) guest bedrooms may be located within the boundaries of any single acre;
- (3) Maximum guest bedrooms (all forms) per total development: Two hundred (200);
- (4) Maximum RV sites per total development site: Ten (10);
- (5) Maximum building height (as defined in § 155.005);
- (6) Primary buildings: not more than two (2) stories and not more than twenty-eight (28) feet with flat roof (see definition) or thirty-five (35) feet with pitched roof;
- (7) Accessory buildings: not more than eighteen (18) feet and not more than one (1) story; and
- (8) Minimum floor area per cottage or cabin: Four hundred (400) square feet;
- (9) Minimum floor area per a lodge: Two thousand five hundred (2,500) square feet;
- (10) Maximum building footprint per lodge: Fifteen thousand (15,000) square feet;
- (11) Maximum floor area of the lodging/service building: Thirty thousand (30,000) square feet;
- (12) For minimum required setbacks, no construction, including buildings, parking areas, and driveways, except entry driveways, and no placement or display of commercial material and equipment shall be allowed in the setbacks.
 - (a) Dominant street: Fifty (50) feet;
 - (b) Secondary street: Thirty (30) feet;
 - (c) Interior side yard: Twenty (20) feet, thirty (30) feet when adjacent to a residential district or residential use, fifty (50) feet if the building is more than one (1) story;
 - (d) Rear yard: Fifty (50) feet, seventy-five (75) feet when adjacent to a residential district or residential use, one hundred (100) feet if the building is more than one (1) story.
- (13) Maximum impervious coverage: Twenty percent (20%). Impervious coverage shall be calculated as a percentage of the net site area. The maximum impervious cover limits may be increased five (5) percentage points, if more than one-half of roof runoff from combined structures on-site is isolated, treated and used for irrigation.
- (14) Maximum building coverage: Twenty percent (20%). Building coverage shall be calculated as a percentage of the net site area.

(F) *Special requirements.*

- (1) Open storage is prohibited.
- (2) For site plan and development standards requirements, see §155.077 and §155.075.
- (3) Recreational vehicles, travel trailers, or motor homes may not be used for on-site dwelling for a period greater than thirty (30) consecutive days or for non-residential purposes.
- (4) Outdoor camping, including tents and pop-up trailers, is prohibited.
- (5) No property shall be zoned RR-1, if any portion of the property lies within the Protected Waterway Overlay District (PW), as defined in section 155.092, or as may be amended from time to time.

(G) *Other regulations.*

- (1) All site utility installations on the property shall be underground.
- (2) No dumpsters or other trash collection containers shall be visible from any adjacent property or roadway and shall be screened in accordance with provisions in the City code.
- (3) The desired architectural design shall be consistent with the traditional Hill Country style. Designs should acknowledge the traditional Hill Country scale, colors and materials appropriate for the natural beauty of the area and should preserve views and use scale, colors and materials compatible with the nature of the area.
- (4) When a natural vegetative buffer does not already exist, a landscape buffer shall be required and maintained along all lodging property lines abutting property zoned or used for residential purposes so as to visually screen the retreat lodging uses. If required by this section, the buffer shall be installed prior to the issuance of any certificates of occupancy or as required in accordance with this section. Any buffer may be included as part of the required setbacks.
- (5) No lodge, cottage, cabin or RV site shall be located within one hundred (100) feet of Cypress Creek and one-hundred fifty (150) feet of the Blanco River, whichever is greater, or within the floodplain.

(H) *Parking regulations.* As required by § 155.075, off-street parking and loading requirements.”

Except as expressly amended herein, the Wimberley Code of Ordinances shall remain in full force and effect.

III. REPEALER

All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of any such conflict.

IV. SEVERABILITY

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, and the remainder of this Ordinance shall be enforced as written.

V. EFFECTIVE DATE

This Ordinance shall take effect immediately upon its passage and publication as may be required by governing law.

VI. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED ON FIRST READING this 19th day of August, 2010, by a 4 (Ayes) 0 (Nays) 0 (Abstain) vote of the City Council of the City of Wimberley, Texas.

PASSED AND APPROVED ON SECOND READING this 2nd day of September, 2010, by a 3 (Ayes) 0 (Nays) 0 (Abstain) vote of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY

By:

Bob Floche

Bob Floche, Mayor

ATTEST:

Cara McPartland
Cara McPartland, City Secretary

(SEAL)

APPROVED AS TO FORM:

Carolyn J. Crosby
Carolyn J. Crosby, City Attorney

