

ORDINANCE NO. 2011- 001

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS AMENDING CHAPTER 155 (ZONING) OF THE CODE OF ORDINANCES, CERTAIN SUBSECTIONS OF SECTION 155.023 (DISTRICTS ESTABLISHED; DESIGNATION AND REVIEW) IN ORDER TO ADD "VILLAGE INN (VI)" AS A BASE ZONING DISTRICT, REVISE THE PLANNING AREAS ACCORDINGLY; AND ADD SECTION 155.063 VILLAGE INN DISTRICT AND ACCOMPANYING DEVELOPMENT REGULATIONS; AND PROVIDING FOR THE FOLLOWING: 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 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, 211 and 213; 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

A. THAT the City of Wimberley Code of Ordinances, Chapter 155 (Zoning), that portions of the following subsections (A), (H) and (I) of Section 155.023 (Districts Established; Designation and Review) are hereby amended in their entirety to read as follows:

“§ 155.023 DISTRICTS ESTABLISHED; DESIGNATION AND REVIEW

(A) *Districts authorized.* The districts authorized herein shall be known as (abbreviated designation, zoning district name):

(a) Base districts:

1. RA, residential acreage;
2. R-1, rural residential 1;
3. R-2, single-family residential 2;
4. R-3, single-family residential 3;
5. R-4, single-family residential 4;
6. R-5, 2-family residential 5;
7. NS, neighborhood services;
8. MH, mobile home;
9. MF-1, multi-family residential 1;
10. MF-2, multi-family residential 2;
11. O-1, office - low impact;
12. O-2, office - high impact;
13. L-1, lodging;
14. L-2, lodging;

15. VI, village inn;
16. SC, scenic corridor;
17. C-1, commercial - low impact;
18. C-2, commercial - moderate impact;
19. C-3, commercial - high impact;
20. I-1, industrial - low impact;
21. I-2, industrial - high impact;
22. HC, highway commercial;
23. IP, industrial park;
24. AS/S, animal sales/services;
25. PPU, public protection/utility;
26. PR-1, participant recreation - low impact;
27. PR-2, participant recreation - high impact;
28. PF, public facilities; and
29. WPDD, planned development district.

(H) *Land use policies and planning area uses.*

(1) *Land use policies.* The goal of these land use policies is to protect and improve the city as it exists today and to prevent degradation of the traditional character of the city. As a major policy, the Planning and Zoning Commission and the City Council will not support any suburbanization of land uses, strip commercial development, dominant single-use districts, or developments that are out of character or scale with the historic development pattern of the city.

(e) *Lodging districts (L-1, L-2, VI).* Larger scale facilities (31 or more units) shall be limited to highway commercial (HC) districts.

(H)(2) *Planning area uses.* The Comprehensive Plan of the city notes that it is the responsibility of the City Council, with the assistance of the Planning and Zoning Commission, to develop a system for the general application of zoning districts to the Comprehensive Plan Map planning areas. The boundaries of each planning area are shown in the Comprehensive Plan adopted by Council, and on file with the City. The following is a listing of the planning areas with the zoning districts that are appropriate for the areas. The full district names are as found in division (A)(1) of this section.

<i>Area</i>	Zoning Districts Allowed
I	RA, R-1, R-2, R-3, PPU, PF, WPDD, NS
II	RA, R-1, R-2, R-3, R-4, R-5, MF-1, PPU, PF, WPDD, NS
III	RA, R-1, R-2, R-3, R-4, R-5, MF-1, MH, O-1, C-1, L-1, VI, PR-1, PPU, PF, WPDD
IV	RA, R-1, R-2, R-3, R-4, R-5, MF-1, MF-2, MH, O-1, O-2, C-1, C-2, L-1, VI, PR-1, PR-2, PPU, PF, WPDD
V	RA, R-1, R-2, R-3, R-4, R-5, MF-1, MF-2, O-1, O-2, C-1, C-2, C-3, L-1, L-2, VI, AS/S, PR-1, PR-2, PPU, PF, WPDD
VI	O-1, O-2, C-1, C-2, C-3, L-1, L-2, VI, I-1, I-2, HC, IP, PPU, PF, WPDD
VII	RA, R-1, R-2, NS, O-1, L-1, VI, PPU, PR-1, PF, SC, WPDD

(I) *Specific review criteria.*

(1) *Land use intensity gradations.* Land use intensity gradation is an expression of external effects on the environment. In reviewing zoning requests, the Planning and Zoning Commission and the City Council shall consider the intensity of the proposed zoning district in relation to the intensities of adjoining or nearby districts. The land use intensity gradation rankings (from lowest to highest) adopted by the city are as follows:

- (a) RA, R-1, R-2, R-3, R-4, NS;
- (b) R-5, MH, MF-1, MF-2, PPU, NS;
- (c) VI; C-1, SC, O-1, L-1, PR-1;
- (d) C-2, O-2, L-2;
- (e) C-3, PR-2, PF;
- (f) I-1, AS/S; and
- (g) HC, I-2, IP.

(2) In order to promote reasonable transitions between districts within the city and ensure the compatibility of neighboring uses, zoning district boundaries may not be approved if the difference between the intensity of the requested district and an adjoining district is greater than 2, except as recommended by the Planning and Zoning Commission, and as may be approved by the City Council. For example, a permitted use in intensity grade d may be adjacent to a permitted use in intensity grade b.

(3) Note that WPDDs, overlays and CUPs are not subject to the land use intensity gradation rankings. Their external effects on the environment are evaluated on a case-by-case basis. These districts may include specific provisions for mitigation and screening.”

B. THAT the City of Wimberley Code of Ordinances, Chapter 155 (Zoning) is hereby amended to create the following section 155.063 Village Inn; VI, in its entirety to read as follows:

“§ 155.063 VILLAGE INN; VI.

(A) *General purpose and description.* The VI, Village Inn district is intended to allow for a less intense commercial lodging alternative limiting congestion, facilitating traffic flow, and providing for the safety of motorists, cyclists, pedestrians, businesses, residents, and landowners.

(B) *Permitted uses.*

(1) Single-Family residence

(2) Lodging Facility

(3) Religious assembly;

(4) Eating establishments: sit-down, not including the sale of beer, wine, or alcohol for on-premise consumption;

(5) Accessory uses to the main use; and

(C) *Conditional uses.*

(1) Telecommunications towers, commercial antennas, and broadcast towers, subject to all applicable city regulations;

(2) Eating establishments: sit-down, including the sale of beer, wine, and alcohol for on-premise consumption.”

(D) *Setbacks.* Except for entry driveways, septic tank system complying with state law, landscaping (including irrigation), fences utilities, and drainage, no construction, including

buildings, parking areas, and driveways, and no placement or display of commercial material and equipment shall be allowed in the setbacks.

(1) Minimum setbacks. The front yard setback measured from the front property line of any property zoned VI shall be thirty (30) feet;

(2) Secondary street: thirty (30) feet; and

(3) Interior side: ten (10) feet, thirty (30) feet when adjacent to a residential district and 50 feet when building is more than 1 story.

(4) Rear yard: twenty (20) feet, forty (40) feet when adjacent to a residential district and sixty (60) feet when building is more than one (1) story.

(E) Maximum impervious coverage: sixty (60) percent; Impervious cover shall be calculated as a percentage of the net site area

(F) Maximum building coverage: fifty (50) percent; Building coverage shall be calculated as a percentage of the net site area.

(G) Maximum building footprint: 2,500 square feet.

(H) Maximum floor area: 5,000 square feet.

(I) Minimum lot size: One half acre.

(J) Maximum building height (as defined in § 155.005):

(1) Primary residential building: 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;

(2) Accessory buildings: not more than eighteen (18) feet and not more than one (1) story; and

(3) Decks: not more than twelve (12) feet including a railing only or eighteen (18) feet including the roof.

(K) Room requirements: Not more than one (1) sleeping room for five hundred (500) square feet of floor area, with a maximum of ten (10) sleeping rooms.

(L) Maximum occupancy: thirty (30).

(M) Required facilities: A minimum of one (1) bathroom, with shower and toilet, is required for each sleeping room.

(N) Food Service: Optional; Such service shall involve pre-packaged food or come from a licensed kitchen.

(O) Fire safety: One (1) smoke alarm in each guest bedroom along with a fire extinguisher visible and accessible to guests; a fire escape plan shall be developed and graphically displayed in each guest room; a second exit from the lodging facility shall be provided.

(P) Water Access: Only renters may access the water from the subject property and such access shall be from a point at least twenty (20) feet from any adjacent property lines and occur during daylight hours only.

(Q) Inspection. Property subject to inspection at any time by designated City representatives, if compliance is in question, with proper notice provided.

(R) Parking. All parking shall be off-street. One (1) parking space per room rented shall be provided. The required setbacks shall not be used for parking. All parking shall be located behind buffered landscaping. Parking structures or multi-car garages of more than two spaces shall be prohibited.

(S) Signs. Signage shall be limited to one (1) non-illuminated sign not to exceed sixteen (16) square feet in area and shall be of traditional hill country color and design. No pole signs shall be permitted.

(T) Not more than one (1) sleeping room for five hundred (500) square feet of floor area, with a maximum of ten (10) sleeping rooms;

(U) *Special requirements.*

(1) For site plan requirements, see § 155.077.

(2) Open storage is prohibited; however, periodic display of seasonal items (such as Christmas trees, pumpkins, and the like is allowed during the appropriate time periods.

(3) Recreational vehicles, travel trailers, or motor homes may not be used for on-site dwelling or non-residential purposes.

(4) Other regulations. As established in §§ 155.075 et seq., development standards.”

Except as amended herein, the Code of Ordinances of the City of Wimberley 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

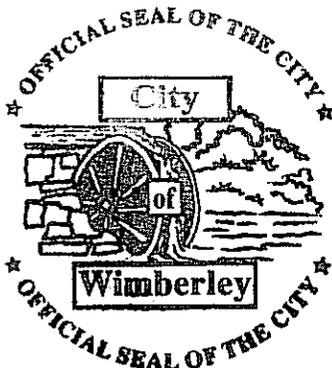
This Ordinance shall take effect immediately upon its passage and publication as may be required by governing law.

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 16th day of December, 2010, by a 5 (Ayes) 0 (Nays) 0 (Abstain) vote of the City Council of the City of Wimberley, Texas.

PASSED AND APPROVED ON SECOND READING this 6th day of January, 2011, by a 5 (Ayes) 0 (Nays) 0 (Abstain) vote of the City Council of the City of Wimberley, Texas.



CITY OF WIMBERLEY

By: Bob Flocke
Bob Flocke, Mayor

ATTEST:

Cara McPartland

Cara McPartland, City Secretary

(SEAL)

APPROVED AS TO FORM:

C. Crosby

C. Crosby, City Attorney