

ORDINANCE NO. 2010-029

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, AMENDING TITLE III (ADMINISTRATION), SECTION 35.01 (FEE SCHEDULE) OF THE CODE OF ORDINANCES TO AMEND SUBSECTION (D) (ZONING SCHEDULE OF FEES) TO ADD AN APPLICATION FEE TO AMEND APPROVED WIMBERLEY PLANNED DEVELOPMENT DISTRICT (WPDD) ZONING ORDINANCES; AND PROVIDING FINDINGS OF FACT, A REPEALING CLAUSE, TO PROVIDE A SAVINGS AND SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Wimberley, Texas (the "City") seeks to provide for the health, safety and welfare of its citizens; and,

WHEREAS, the Council has adopted regulations related to the review and processing of Wimberley Planned Development District (WPDD) zoning applications; and once a WPDD ordinance is approved by the City, the development may change requiring the property owner to request for an amendment to the approved WPDD ordinance,

WHEREAS, the fees proposed herein are in amounts to cover the City's actual cost to administer and process such amendment requests; and

WHEREAS, parties in interest and citizens have had an opportunity to be heard at public meetings conducted by the City Council, agendas for each meeting were posted at City Hall more than seventy-two (72) hours prior to the respective meeting.

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

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all

Section 2. Amendment.

THAT the City of Wimberley Code of Ordinances, Title III (Administration), Section 35.01 (Fee Schedule), subsection (D) (Zoning Schedule of Fees) is hereby amended to add subsection (3) to read as follows:

"35.01 (D)(3) Amendment of Wimberley Planned Development District (WPDD) zoning ordinance. A fee of \$500.00 shall be accompanied by every written request to amend an approved Wimberley Planned Development District (WPDD) zoning ordinance. In addition to the fee stated herein, prior to placement of the amendment request on a City Council agenda, the applicant shall pay any costs incurred by the City in the review and processing of the application to include legal and engineering fees. An additional deposit may be required if it is anticipated additional costs will be incurred by the City after placement of the request on a City Council

agenda but prior to adoption or denial of an application by the City Council.”

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

Section 3. All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed, but only to the extent of any such conflict.

Section 4. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinances as a whole.

Section 5. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

Section 6. Open Meetings. That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meeting Act, Capt. 551, Loc. Gov't. Code.

PASSED AND APPROVED First Reading this 5th day of Aug., 2010, by a vote of 5 (Ayes) to 0 (Nays) 0 (Abstain) vote of the City Council of the City of Wimberley, Texas.

PASSED AND APPROVED Second Reading this 19th day of Aug., 2010, by a vote of 5 (Ayes) to 0 (Nays) 0 (Abstain) vote of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY, TEXAS

Bob Floche

Bob Floche, Mayor

ATTEST:

Cara McPartland
Cara McPartland, City Secretary

APPROVED AS TO FORM:

Carolyn J. Crosby
Carolyn J. Crosby, City Attorney

