

**ORDINANCE NO. 2007-010**

**AN ORDINANCE OF THE VILLAGE OF WIMBERLEY, TEXAS AMENDING CHAPTER 155 ZONING, SECTION 155.048 COMMERCIAL – MODERATE IMPACT; C2, OF THE CODE OF WIMBERLEY, TO ADD LOW IMPACT INSTITUTIONAL: RESIDENTIAL ORIENTED, AS A PERMITTED USE AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; REPEALER; SEVERABILITY; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.**

**WHEREAS**, the City Council of the Village of Wimberley (“City Council”) seeks to provide for the orderly development of land within its corporate limits and its extraterritorial jurisdiction; and

**WHEREAS**, the City Council is authorized by the Texas Local Government Code, Chapter 211, to adopt zoning regulations; and

**WHEREAS**, the Code can be amended to change the property to uses in accordance with the approved Comprehensive Plan (“Plan”) under Section 155.109 of the Code; and

**WHEREAS**, Section IX(C) of the Plan authorizes the City Council, with the assistance of the Planning and Zoning Commission, to create zoning districts, define their allowed uses and assign intensity rankings to each district; and

**WHEREAS**, the Planning and Zoning Commission conducted a public hearing on April 12, 2007 in accordance with Section 155.109(D) of the Code; and

**WHEREAS**, the Planning and Zoning Commission has delivered a final report to the City Council regarding the amendments contained herein in accordance with Section 155.109(F) of the Code; and

**WHEREAS**, the City Council held a public hearing on April 19, 2007 regarding the amendments contained herein and in accordance with Section 155.109 of the Code.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE VILLAGE 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 Village of Wimberley and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

## II. AMENDMENTS

Title XV (Land Usage), Chapter 155 (Zoning), Section 155.048 Commercial – Moderate Impact of the Code of Wimberley, is hereby amended to read as follows:

Add §155.048(B)(21) Low Impact Institutional: Residential Oriented

## 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effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of any such conflict.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.

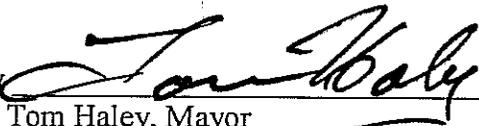
## VI. PROPER NOTICE AND MEETING

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.

**READ AND APPROVED** on its First Reading this 19th day of April, 2007, by a vote of 5 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of the Village of Wimberley, Texas.

**PASSED AND APPROVED** on its Second Reading this 22nd day of May, 2007 by a vote of 4 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of the Village of Wimberley, Texas.

## VILLAGE OF WIMBERLEY

By   
Tom Haley, Mayor

**ATTEST:**

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Brenda Millender, City Secretary

**APPROVED AS TO FORM:**

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Patty L. Akers, City Attorney