

ORDINANCE NO. 2012- 028

**AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS AMENDING CHAPTER 155 (ZONING) OF THE CODE OF ORDINANCES AS FOLLOWS:**

**(1) AMENDING SUBSECTION (B) OF THE FOLLOWING SECTION: § 155.035 (RESIDENTIAL ACREAGE; RA), TO ADD “ONE SECONDARY SINGLE-FAMILY RESIDENTIAL BUILDING BUILT ONSITE, PROVIDED THE SECONDARY RESIDENCE IS NOT USED FOR SHORT-OR LONG TERM RENTAL” AS A PERMITTED USE; AND**

**(2) AMENDING SUBSECTION (C) OF THE FOLLOWING SECTION: § 155.035 (RESIDENTIAL ACREAGE; RA), TO DELETE “ONE SECONDARY SINGLE-FAMILY RESIDENTIAL BUILDING BUILT ONSITE” AS A CONDITIONAL USE; 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 15<sup>th</sup> 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 subsection (B) of section § 155.035 (Residential Acreage; RA), of the City of Wimberley Code of Ordinances, Chapter 155 (Zoning), is hereby amended to add “One secondary single-family residential building built onsite, provided the secondary residence is not used as a short-or long term rental” as a permitted use.

B. THAT subsection (C) of section § 155.035 (Residential Acreage; RA), of the City of Wimberley Code of Ordinances, Chapter 155 (Zoning), is hereby amended to delete “One secondary single-family residential building built onsite” as a conditional use.

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 9<sup>th</sup> day of July, 2012, by a 4 (Ayes) 1 (Nays) 0 (Abstain) vote of the City Council of the City of Wimberley, Texas.

**PASSED AND APPROVED ON SECOND READING** this 2<sup>nd</sup> day of August, 2012, by a 3 (Ayes) 2 (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

**APPROVED AS TO FORM:**

Catherine B. Fryer  
Catherine B. Fryer, City Attorney

