

City of Wimberley
City Hall, 221 Stillwater
Wimberley, Texas 78676
**Minutes of Joint Special Meeting of the City Council and
Planning and Zoning Commission**
November 15, 2016 at 6:00 p.m.

City Council and Planning and Zoning Commission joint meeting called to order at 6:00 p.m. by Mayor Mac McCullough.

Council Members Present: Mayor Mac McCullough and Councilmembers Craig Fore, Sally Trapp, Gary Barchfeld, and John White. Councilmember Dussler was absent.

Planning & Zoning Commission Members Present: Chair John Urban, Commissioners Austin Weeks, Natalie Meeks, Charles Savino (arrived at 6:20 p.m.), Rebecca McCullough, Gail Pigg (arrived at 6:05 p.m.), and John Espinoza

Staff Present: City Administrator Don Ferguson

Discussion and Possible Action

Discuss and consider possible action regarding proposed modifications to the City of Wimberley's regulations relating to short term rental facilities.

Councilmember Barchfeld read a statement regarding the need to make minor modifications, without being cumbersome, and without intent to eliminate short-term rentals. He outlined key discussion points and procedures for tonight's meeting.

Discussion included:

- Individual members' positions on short-term rental issues and possible regulatory modifications from individual Commission/Council members to better assess consensus on specific topics
- Dealing with complaint reporting and enforcement of Conditional Use Permit (CUP) and/or licensing requirements
- Establishing a uniform maximum occupancy limit that applies 24 hours per day
- Importance of notification of neighbors of short-term rentals due to possible problems with shared roads and infrastructure
- Creation of a database to track all short-term rentals within city limits, including contact information for complaint reporting
- Possible expansion of the notification area
- Councilmember Barchfeld's reading of a statement from Councilmember Dussler reiterating his previously expressed personal position on short-term rentals

General consensus was reached on the following:

- Licenses/license renewals issued to property owners as an enforcement tool and means to conduct regular reviews that help keep the City informed of issues such as changes in ownership, complaints, etc.
- License fees to cover costs of licensing program and establishing a standard review process for CUPs
- Proceed with drafting of a biannual, non-transferrable, information-based license/review program for future consideration
- To *not* modify the CUP application to include requiring signatures from adjacent owners that they have been informed of the intended short-term rental use
- To require that applicants confirm that they have researched deed restrictions relating to short-term rentals
- Provide tips to applicants of CUP conditions such as checking deed restrictions, off-street only parking, requiring smoke detectors, maximum occupancy (as determined by septic system capacity)
- To *not* increase the current \$400 CUP application fee
- To reimburse all but \$100 of the CUP application fee if the applicant chooses to withdraw his/her application from consideration prior to posting/publishing public notice of the CUP application
- To send 200-foot notification letters via certified mail at least two weeks prior to first public hearing
- To create and maintain an online database of properly authorized short-term rentals within city limits that includes property owner/booking/management agency information, and contacts for complaint reporting
- To send a letter (via regular mail) to notified neighbors that a CUP has been approved (or denied) and explain the process for reporting complaints
- To *not* require a super majority vote of Council to overturn a Planning and Zoning recommendation
- To *not* hold joint Planning and Zoning/City Council public hearings
- To allow Planning and Zoning to make recommendations of denial based on the so-called “Twenty-percent Rule,” with City Council as the final decision-making body that is required to invoke the “Twenty-percent Rule”
- To conduct biannual performance reviews for each short-term rental (with a CUP or grandfathered) as part of licensing agreement
- To establish signage requirements to help guests locate short-term rentals
- To *not* require fencing or vegetative barriers on sides or rear of short-term rental properties and preference for provision of property maps to guests that clearly identify property lines to minimize trespassing issues
- To *not* require minimum lot size requirements for short-term rentals
- To include a prohibition on advertising for more guests than septic systems will accommodate in the list of CUP conditions
- To leave in place the condition that emergency contacts should be able to respond to complaints within 30 minutes
- To establish a system for reporting complaints, whether via email and/or phone answering service

- Enforcement to allow two warnings for verified violations before filing an ordinance violation charge in municipal court
- Council as the governing body to decide on CUP revocation for violation of CUP conditions
- To include information on the “Twenty-percent Rule” in the CUP application to promote communication among applicants and neighbors in order to try and resolve issues before the application is submitted

Councilmember Barchfeld thanked everyone and City Administrator Ferguson highlighted the upcoming Commission/Council public hearing schedule on proposed modifications.

Adjournment: Joint City Council/Planning & Zoning Commission joint meeting adjourned at 8:15 p.m.

Recorded by:


Cara McPartland

These minutes approved on the 1st of December, 2016.

APPROVED:



Mac McCullough, Mayor

