

RESOLUTION NO. R-05-2009

A RESOLUTION OF THE CITY OF WIMBERLEY, TEXAS ESTABLISHING A TEMPORARY POLICY ON THE INITIAL ZONING OF UNZONED REAL PROPERTY WITHIN THE CITY LIMITS; AND REPEALING ALL COUNCIL ACTION RELATETED TO SAME TAKEN ON MARCH 5, 2009.

WHEREAS, shortly after incorporation, the City of Wimberley (“City”) adopted its first Comprehensive Plan, and the City began the process of zoning the real property located within the city limits in accordance with the Plan; and,

WHEREAS, the City only zoned property for agricultural and residential uses leaving much of the property in the city unzoned; and,

WHEREAS, in January 2008, the City Council identified as one of its critical priorities the need to proceed with a City initiated commercial zoning project and complete the zoning of the real property in Wimberley; and, in July 2008, the Comprehensive Plan was updated to further direct future growth of the City; and,

WHEREAS, the City Council wishes to adopt guidelines and provide direction to the P&Z and staff on how to complete the zoning process initiated in the City; and solicit public input on the proposed zoning classifications; and,

WHEREAS, the City Council finds that having all property zoned in the City is essential to establishing a development pattern which complies with the Comprehensive Plan, and that a waiver of application fees for a limited period time is in the public interest in further accomplishing this and other municipal goals regarding development and regulation of land use within the City.

NOW THEREFORE, BE IT RESOLVED 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 Resolution as if copied in their entirety.

II. REPEAL

THAT the City Council action related to the zoning and rezoning of real property be repealed in all respects and this Resolution shall supersede the Resolution and action of March 5, 2009.

III. RESOLUTION

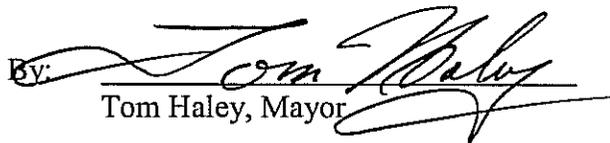
THAT the following is the desire and wish of the City Council regarding the City initiated City wide zoning project and that the Planning and Zoning Commission and City staff are hereby

directed to take the necessary steps to comply with the Council's direction and return to Council for final action in accordance with the Code of Ordinances and Comprehensive Plan:

1. Planning and Zoning Commission shall recommend a zoning classification for all remaining unzoned real property in the City of Wimberley to reflect the current use of the property. If the current legal use does not conform to the City's Comprehensive Plan and zoning regulations, the existing use shall be considered a legal non-conforming use in accordance with the Code, and the least intense allowable zoning classification shall be recommended for the subject property. If there is no current land use, the least intense allowable zoning classification shall be recommended. The subject property owners shall be notified of the recommended zoning classification for their property and be given forty-five (45) days, from the date of notice, to request a different allowable zoning classification, if they so desire; however, understanding there is no guarantee of the requested zoning. At the conclusion of the forty-five (45) day period, the Planning and Zoning Commission shall proceed with the process of zoning the subject properties in accordance with the law and present a final recommendation to City Council.
2. Planning and Zoning Commission shall review the City's current zoning regulations, and other applicable Code requirements, regarding the entry corridors (RR 12, FM 3237, FM 2325) to the City to include, but not limited to, permitted and conditional uses, creation or amendment of overlay and zoning districts and development standards regarding height, setback, construction materials, design standards, parking, lighting, landscaping and signage and present recommended changes, if any, to City Council to ensure the regulations conform with the current City of Wimberley Comprehensive Plan. The above mentioned review shall be completed by the Commission and any recommended changes, if any, shall be considered by City Council prior to the zoning of the above referenced unzoned properties.

PASSED AND APPROVED this 19th day of March, 2009, by a 5 (Ayes) 0 (Nays) 0 (Abstain) vote of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY

By: 
Tom Haley, Mayor

ATTEST:


Cara McPartland, City Secretary

